



**Agenda Item No. 13
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

TO: Mountain Village Town Council

FROM: John Miller, Senior Planner

FOR: Meeting of November 21, 2019

DATE: November 4, 2019

RE: First Reading of an Ordinance considering a Major Planned Unit Development (PUD) Amendment to Lots 126R and 152R Planned Unit Development (formerly referred to as the Rosewood PUD and now known as La Montage) including but not limited to, a density transfer and rezone in accordance with CDC Sections 17.3.8 and 17.4.12

APPLICATION OVERVIEW:

PROJECT GEOGRAPHY

Legal Description: Lot 126R, Lot 152R, Tract OSP-126, Tract OSP-118, Telluride Mountain Village, Filing 1 at Reception Number 397455

Address: 200, 208, 221, 223 & 225 Country Club Drive

Applicant/Agent: Alpine Planning, LLC / Chris Hawkins, AICP

Owner: MV Holdings, a WY LLC.

Zoning: Multi-Family / Open Space

Existing Use: Vacant

Lands

Proposed Use: Multi-Family

Lot Size: 5.49 Acres

Adjacent Land Uses:

- **North:** Passive OS
- **South:** Active OS
- **East:** Active OS/ Single-Family
- **West:** Single-Family

Attachments:

- Exhibit A: Narrative
- Exhibit B: Plan Set
- Exhibit C: Public and Staff Comments



Proposed Application and Case Summary:

Alpine Planning, Drewett Works, and SALT Architecture (Applicants) working on behalf of MV Holdings, LLC (Owner) of Lot 126R, Lot 152R, Tract OSP-126 and Tract-118 (Properties) are requesting a Major Planned Unit Development Amendment and a concurrent Rezone and Density Transfer. The applicants have held work sessions with both the DRB and the Town Council, initially with a proposal to revoke or rescind the existing site-specific PUD allowing Lot 126R and 152R to revert to the multi-family zoning designations that existing prior to the PUD approval. Town Council felt that the PUD amendment process afforded the town more opportunity for an open public process, allowances for public benefits and creative design; thus, Town Council gave direction to the applicant that the preferred option would be for the applicant to resubmit a proposal to amend the existing PUD. Based on the substantial changes of this application in comparison with the existing Rosewood PUD, this requires a Major PUD amendment per the Community Development Code (CDC).

The applicants have revised their proposal based on feedback provided at the Town Council Work Session as well as a series of neighborhood meetings and based on that feedback are now proposing to amend the existing Lot 126R and 152R PUD to allow for the development of 49 Condominium Units and 4 Employee Apartments. In order to process this request, staff determined that two (2) separate applications are required as follows: (1) a Major PUD Amendment application and concurrent Density Transfer and Rezone application; and, (2) Design Review to ensure any final phased development plans conform with any PUD requirements established by Town Council. Each of these requests will be discussed in detail within the Project Discussion section of this memo below. For this PUD amendment, it is important to note that per the CDC the Town Council “shall focus its review on the other issues associated with [the PUD], such as mass and scale, public benefits, density, and general conformance with the Comprehensive Plan”. This provision will guide the formatting of this memo with a focus placed on the above criteria.

Project Discussion: *This portion of the memo will discuss the individual applications that are being requested along with the merits of each application. Staff notes will be provided in BLUE.*

1. Major PUD Amendment

The purpose and intent of the PUD Regulations are to allow for variations in certain standards of the CDC to allow for flexibility, creativity, and innovation in land use planning and project design. This flexibility is based on the premise that in return for the allowance of certain variations, the developer will provide better design and certain community benefits that would otherwise not be required as part of a development.

In 2007, the town approved the Rosewood PUD that established the current density on the properties as shown in the table below. This approval resulted in an increase in total density units from 310 units to 345 units and provided for a total of 38,666 square feet of commercial space.

2007 Rosewood PUD	units	total density
Current Zoning		
Hotel	56	84
Hotel Efficiency	19	38
Condominium	67	201
Employee Apt/Dorms	22	22
Commercial	38,666 sq ft	
	164	345

The 2007 Rosewood PUD approval also granted several site-specific design variations tied to the proposed public benefits which were to be constructed by the developers. These variations included:

1. Increasing maximum height for Lot 126R, Building A to increase height by 15 ft.
2. Increasing the maximum average height for Lot 126R and 152R by an average increase of 6.66 ft. on Bldg. A and 5.33 ft. on Bldg. B.
3. Variation to allow 51 tandem parking spaces.
4. Variation to Section 4-305 of the LUO to allow single-family designation on former Lot 118 to be rezoned to hotel efficiency designation.
5. A variation on Lot 126 to allow a portion of the building to be seen from San Miguel Canyon to be developed with a condominium zoning designation provided such units have an opportunity to be included in the rental pool.

Currently, as proposed – the La Montagne PUD is requesting three design variations. The following variations should be discussed in order to determine that any proposed public benefits linked to these variations and the PUD are adequate.

1.a - Proposed La Montagne Design Variations: *The proposed variations are solely design requests that could otherwise be allowable by DRB approval. In this case, the applicants are requesting the Council weigh the requested design variations in relation to the proposed public benefits described below in Section 1.b and determine if they are appropriate requests.*

1. Road and Driveway Standards: design variation to allow for retaining walls associated with the driveway and parking area to be over 5 feet in height.

Staff Note: Lot 152R is very narrow and in order to accommodate access to the project's parking garage, the applicants are proposing to utilize retaining walls over 5 feet in height. This is necessitated by the need to provide an access ramp that maintains visual site distances to Country Club Drive for ingress and egress. There are currently two access ramps that would require these walls exceeding the CDC requirement.

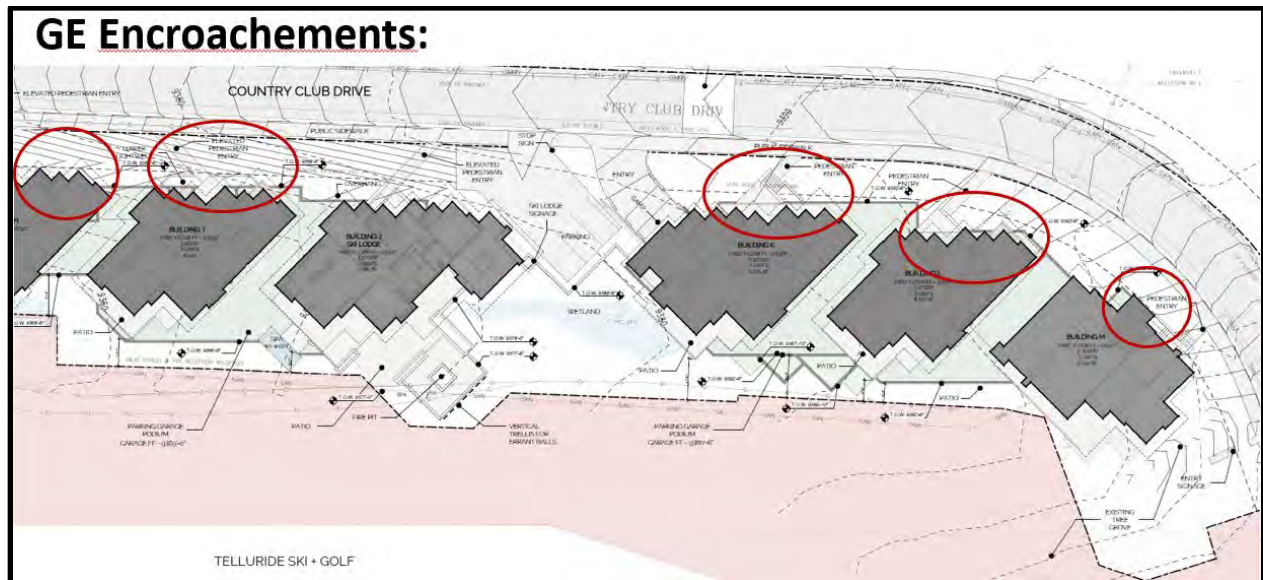
2. Design Variation to allow for more than one curb cut for both Lot 126R and 152R.

Staff Note: The proposed PUD Amendment would require at least five curb cuts as shown below. Per the CDC, the public works director must grant specific approval of any project that requires more than one curb cut from the main road. Staff referred this application to the Public Works Department with no concerns related to access.



3. Roof Dripline encroachments into the northern General Easement (GE) on Lot 152R.

Staff Note: the applicant is requesting a portion of the roof overhang shown below be located within a vertical encroachment of the General Easement. This is due to the limited depth of the lot and geographical wetland constraints that will be discussed in more detail below. Given the height of the encroachment and the overall limited impacts to the GE, staff does not believe this to be problematic.



1.b - Proposed Public Benefits:

1. Conveyance of OSP-118 and OSP-126 to the Town.
2. Re-routing of the Stegosaurus Trail.
3. Employee Housing (Noted by the applicant, see staff comment below)
4. Road and Pedestrian Improvements to Country Club Drive.

Staff Note: Staff would recommend that the applicants provide figures associated with the values of the proposed improvements listed above. This could include assessed values of the open space tracts, costs of road and pedestrian improvements including the Stegosaurus Trail re-route. The provision of Employee Housing is not considered a public benefit in relation to the intent of the PUD regulations. The employee housing is assigned and platted and proposed to be reduced. To be considered a public benefit the applicant would need to demonstrate an excess above the platted and unbuilt employee housing density. The property was originally platted with 5 units of employee apartment density and 16 units of employee dorm density. Although staff recognizes that the overall density of the site has been reduced dramatically which may warrant the reduction of employee units associated with the Hotel and Commercial uses, there is no associated public benefit with the reduction of employee units.

It should also be noted that through the reiterative design process based on feedback from the neighbors, there has been a trend to downzone the property by removing not only density but the public commercial elements of the project. Staff believes that the town could consider additional opportunities to develop public amenities within the project, whether that be commercial or outdoor recreation amenities. PUD's inherently allow for public benefit negotiation in exchange for variations. It's evidenced through other PUDs in analogous resort communities, that the provision of public benefits adds to the overall success of the project which benefits the town through vitality and year-round community vibrancy. Ultimately, the Town Council will need to

determine if the above-proposed public benefits are adequate in relation to the requested design variations or if additional benefits must be considered.

1.c - Massing:

Architect Fellow Sam Jacoby, University College London, details massing as “an important design consideration as it has a direct effect on the visual perception and impact of a building, influencing the sense of enclosure and definition of interior and exterior spaces”¹. The massing of a structure is critical as it has a direct impact on the overall visual impact a building makes. In relation to the La Montagne Project, the designers have intentionally proposed the project to have a long-low horizontal massing. Based on conversations with neighboring properties, the applicants have revised their overall building massing to provide additional view corridors and setbacks that allow for an overall reduced visual mass of the structures. The applicants have intentionally chosen to utilize shed forms in their building mass which has the result of lowering the overall heights of the buildings in comparison with a gabled roof mass. Typically, the PUD process results in taller maximum height allowances and the associated mass of those buildings. In this case, the applicants are meeting the height requirements for the Multi-Family Zone and are not proposing buildings with excessive heights or massing. Massing is otherwise dictated by site coverage and building height, both proposed within what is otherwise required by the underlying zone district of Multi-Family.

1.d - Scale:

Although not defined by the CDC, “Building Scale” is “the perceived relative height and bulk of a building relative that to neighboring buildings”. “Massing and scale of structures should remain in harmony with the immediate natural setting”. “For example, buildings in grand mountain settings should be overscaled with large building materials such as boulders, timbers, and larger than-typical doors and windows”².

Staff Note: The La Montagne design concept could best be described architecturally as a mountain modern vernacular with elements that are reminiscent of existing styles and buildings within the town. Given the high alpine setting of the Mountain Village and the dramatic relief of the surrounding mountains, it would be appropriate to utilize materials provided for above such as natural stone, oversized exposed timbers, and large windows. The proposed design is largely framed by flat/shed roof forms with minor slope variations. Although we don't traditionally see many flat or low sloping roofs, they are becoming more prevalent in the mountain modern vernacular seen in the Mountain Village and surrounding communities. The relatively low pitch of the roof allows for the elements of the architecture to appear as a natural outgrowth of the rolling landscape surrounding the golf course – blending elements of the ground, the hillside, and the mountains in the distance.

The applicants have aimed to denote compliance with things such as the unique site sensitive building location, access, views, solar gain, landscape screening, building materials, and colors. The design team has worked to emulate the “indigenous architecture” which is described as “tectonic [in] nature with its exposed beams, purlins, and wood ceilings”. Within the provided documentation, the applicants have provided massing details for not just the proposed La Montagne project, but also the surrounding single and multi-family structures. From the provided 3D renderings, it appears that the project works well to transition the larger massed structures within and adjacent to the Village Center, with the single-family homes further to the west of the project.

¹ Jacoby, Sam (2016). *Drawing Architecture and the Urban*. Chichester, West Sussex: Wiley. p. 52. ISBN 9781118879405.

² United States Forest Service (2010) FS 710 *The Built Environment Image Guide for the National Forest and Grasslands*.

1.e - Conformance with Comprehensive Plan:

The applicants have provided documentation related to conformance with the Comprehensive (Comp) Plan within the attached narrative. This includes the Comp Plan Future Land Use Map which identifies the properties as Multi-Unit and states that multiunit classifications “provide higher density condominium development for deed-restricted housing, hotbeds, second homes, and similar uses”. In addition to general criteria within the Comp Plan, the applicants have addressed the required criteria provided for PUDs within Section 17.4.12 (H) of the CDC.

Staff Note: The 2011 Comprehensive Plan identifies the properties as areas for multi-family development and specifically identifies Lot 126R as a lot to allow for Mixed-Use Commercial Development in Multi-Unit Projects. Generally speaking, the Mountain Village promotes a land-use pattern envisioned by the Comprehensive Plan and requires that any discretionary land use application is in general conformance with the Land Use Plan, the Subarea Plans, and their associated principles and policies, and the applicable policies of the Comprehensive Plan. Because the subject project is not within a subarea planning area, the general principles and policies of the Comprehensive Plan govern the overall development of the site.

2. Density Transfer and Rezone

Given that the Rosewood PUD increased the densities of the properties, the owner is obligated to work with the town in order to finalize the proposed density on the lots that will be in place once the PUD has been amended. In addition to transferring any excess density into the density bank, the CDC requires that any PUD application request a concurrent rezoning to PUD Zone District. If this application is approved, the zoning map will be modified to reflect the PUD District for the associated properties.

According to the applicant’s narrative, “the proposed Rezoning and Density Transfer result in the elimination of 56 hotel units, 19 hotel efficiency units; 18 condominium units; 1 employee apartment; and 17 employee dorms units”, along with 38,656 square feet of commercial space. All of this density will be required to be transferred to the density bank per the CDC as applicable. The applicant has requested that the remaining employee dorm and apartment density be excluded from this requirement.

Staff Note: Staff does not believe this request can be accommodated as the CDC requires that all excess density be transferred into the density bank. It should be emphasized that the CDC prohibits the transfer of workforce housing density to the density bank or to another lot unless the Town Council determines at its sole discretion that the workforce housing density cannot be built on-site due to a practical hardship. This criterion must be demonstrated by the applicants prior to any density transfer and rezone approval by the Town. The majority of the workforce housing density currently on the site is classified as employee dorm units, and town staff is supportive of a conversion of this density from dorm to condo or apartment. It should also be noted that the applicant has revised the proposal since the work sessions to include 4 employee apartments for a total employee person equivalent of 12. Staff believes the applicants have demonstrated a justification to reduce the workforce housing density by proportionality for the purpose of this hearing.

The reduction in Hotel and Hotel Efficiency Density from the site has allowed for the development to be presented with overall reduced massing and heights different than iterations seen in past projects. The applicants have provided some high-level massing models for Lot 126R within their application materials and have also provided a viewshed analysis for neighboring homes within the immediate vicinity in order to begin to address concerns related to viewshed impacts. From the provided documentation, it would appear that the reduction in density and related reduction in mass may be better suited for the surrounding community rather than the approved site-specific development that currently exists on the properties in the form of the Rosewood PUD.

There are a number of land-uses that occur within the immediate vicinity of the La Montagne development including Open Space, Single-Family, Multi-Family, and Village Center. Given the large masses of neighboring multi-family structures (Peaks, See Forever), this development may serve to buffer adjacent residential single-family uses along Country Club Drive from further development of large multi-family buildings within the Village Center. By creating condominiumized townhomes, a visual and spatial transition is established as you travel west towards the terminus of the roadway.

3. Design Review

On November 7, 2019, the Design Review Board (DRB) held a public hearing to discuss Initial Architectural and Site review for La Montagne Lot 152R. At that meeting, they continued the hearing to December 5 and requested additional information to be provided by the applicant in regard to the architectural design of the project. Any final project design reviewed by the DRB will ultimately need to conform with the relevant site-specific design portions of the amended PUD. The Town Council may determine a need to continue the request for a PUD Amendment until December if it determines that the amendment request cannot proceed based on the mass and scale of the project in relation to the design review. Although the overall design of the project is largely correlated to the density, mass, and scale of the project, it should be noted that the request does not include any variations based on heights or coverage requirements and therefore any reduction in density may result in a similar size and massed development.

This portion of the memo will focus on general design questions that were discussed during the previous Town Council work session for the project.

3.a - Building Siting and Design:

The CDC requires that any proposed development blend into the existing landforms and vegetation. Because Lot 152 is very linear in shape and has delineated wetlands on the site, there are limited areas that can be developed on the site. The site slopes to the south from Country Club Drive and the applicant is proposing to utilize this slope to build the proposed structures into the hillside. This allows for the parking areas to be mostly sub-grade and limits the overall height of the structure. By incorporating linear townhouses along the frontage of Country Club Drive, the project appears to have maximized golf course frontage and view corridors from the site, while minimizing access points and turning movements along the road. Although the project site is relatively flat, there are some sloped portions – particularly along the road frontage as it slopes towards the golf course. The project design proposes to build into this hillside in order to minimize cuts and fills post-development. By incorporating the building's foundations into the sloping hillside of Lot 152R, the project appears to minimize viewshed impacts as seen from Country Club Drive and adjacent homes within the vicinity.

3.b - Parking:

The CDC requires 1.5 parking spaces per unit for a total requirement of 22.5 spaces for lot 152R. The applicant is proposing a total of 25 spaces for Lot 152R including 2 service spaces. This meets the parking requirements for Lot 152R. Lot 126R will be required to provide parking for any future development within its lot boundaries and based on the density requested will be required to provide a total of 54 spaces plus additional service parking. The access to the parking area has been addressed by the applicant by revising the entrance grades to the garage to 5% slope which aids in sight distances for ingress and egress.

3.c - Steep Slopes:

The majority of the steep slopes are located on Lot 126R and the development of Lot 152R will not have impacts on these slopes. The conceptual design for Lot 126R appears to focus on the developable areas of the site with slopes less than 30%.

3.d - Wetlands:

The applicant has provided a wetland delineation report from a wetland specialist that has been approved by the Army Corps of Engineers. The plan proposes to supplement existing low-quality wetlands with storm-water from impervious areas within the development in a way that has the potential to increase the quality of the wetlands and wetland vegetation on the site. There are no proposed disturbances to the delineated wetlands per the submitted application. Although the requirements for wetland restoration and rehabilitation vary, most require some level of authorization under local, state or federal wetland protection regulations. The applicants will be required to comply with any required permitting associated with wetland rehabilitation.

4. Phasing.

The applicant is proposing developing the PUD in two distinct phases with the Lot 152R phase being pursued first. The Lot 152R portion of the PUD is seeking design review approval concurrently with the PUD approval and if approved would be eligible for application or a building permit. The Lot 126R portion is only seeking approval through the PUD amendment of rezoning, density, massing, site coverage, but not design review approval which would be sought at a later date:

Staff believes that the phasing is appropriate for this PUD as the Lot 126R portion and the Lot 152R portion are capable of being standalone projects. The PUD will lock in the density, massing, scale, site coverage, height limits and other elements of the Lot 126R portion of the PUD and will leave only the design review component for future consideration. Any major modifications to these elements would require a PUD amendment by the owner at a future date. The only caveat to this assessment is the provisions of the employee housing units, which are platted on Lot 126R which is proposed to be the second phase of development. Council should consider if it is appropriate for there to be security or assurances in the timing of the development of the employee housing units on Lot 126R associated with the development of the first phase of the PUD which would be the Lot 152R portion of the development. Staff will present options to Town Council related to employee housing and phasing at the hearing.

Criteria for Decision and Staff Findings:

Major PUD Amendment Criteria:

The following criteria shall be met for the review authority to approve a rezoning to the PUD Zone District, along with the associated PUD development agreement:

1. The proposed PUD is in general conformity with the policies, principles, and standards set forth in the Comprehensive Plan;

Staff has provided conclusionary statements within this memo, Section 1.e, detailing the general conformity of the proposal with the 2011 Mountain Village Comprehensive Plan's policies, principles, and standards. In addition to the specific Multi-unit land-use policies that are referenced in this report, the plan also provides general guidance including statements such as "Better sustainability can be achieved by...Concentrating development in high-density areas to achieve economic sustainability", and by "maintaining the original planned density of 8,027-person equivalent density". In addition, economic modeling within the Plan provides that "Mountain Village's economy is vulnerable. This is due to a combination of factors: a dispersed, inadequate hotbed base; annual occupancies that are lower than comparable ski resort communities; and a seasonal economy that has its high point centered on a relatively small number of days in the ski season and festival weekends."

The plan discusses alpine character preservation on page 34 and provides that "much of the land area in Mountain Village is very stable and not expected to change in the future, particularly single-family neighborhoods. Alpine character preservation areas are largely comprised of low density, single-family homes that are nestled into Mountain Village's landscape, integral to creating the open, tranquil alpine ambiance that it is known for". As shown per the Land Use Plan, "these areas may include higher density development such as multiunit buildings and tourism-related amenities as long as their aesthetic is secondary to the surrounding landscape". Criterion Met.

2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;
The proposed PUD Amendment is consistent with the underlying multi-family zone district. If the PUD Amendment is approved, then the properties will be required to be rezoned to PUD. There are no other variations related to the proposed zoning. Criterion Met.
3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
The proposed PUD Amendment would allow for the development of the properties in accordance with the Comprehensive Plan in a way that would be much less intensive than the originally approved Rosewood PUD. By incorporating pedestrian improvements, the PUD Amendment will provide amenities to not just the residents of the PUD but also the general public. Criterion Met.
4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
The purpose and intent of the PUD Regulations are to allow for variations in certain standards of the CDC to allow for flexibility, creativity, and innovation in land use planning and project design. Staff believes this application has accomplished this. Criterion Met.
5. The PUD meets the PUD general standards;
Criterion Met.
6. The PUD provides adequate community benefits;
Town Council must determine if the proposed public benefits are adequate in relation to the requested design variations, and if so, should make an affirmative finding that the proposed community benefits are adequate. If the Council determines that the community benefits are not adequate, then the proposal would need to be modified and resubmitted to include additional benefits.
7. Adequate public facilities and services are or will be available to serve the intended land uses;
There are currently adequate public facilities and services available to serve the proposed PUD. All required utilities are currently located within the road right of way adjacent to the project. Based on public concern related to road safety, it may be beneficial for Council to require improvements to Country Club Drive and its associated pedestrian and bike facilities. Based on preliminary submittals, the applicants are proposing improvements based on a provided traffic study and preliminary engineering. There will be a minimal effect on fire and police service as the result of this project. Criterion Met.

8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
The proposed PUD addressed vehicular and pedestrian circulation, along with parking, trash, and service delivery congestion within their application. As part of the proposed public benefit, the applicants have proposed roadway safety improvements for both vehicular and pedestrian traffic including sidewalks and road improvements. Criterion Met. As with the criteria above Town Council should evaluate whether the improvements proposed and required with the PUD are sufficient for the increase in density and traffic generated.
9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.
With the exception of the proposed variations, the PUD meets all town regulations and standards. Criterion Met.

Staff Finding: The requested PUD amendment is in general conformity with the 2011 Mountain Village Comprehensive Plan's policies, principles, and standards; and the underlying zoning. The development as proposed provides for a creative approach to the development of the project in a way that will produce a better development plan than the previously approved PUD and achieves this primarily by reducing the density on the property. The property functions as a transition lot from Village Center zoning to single-family residential.

Rezoning Criteria:

The following criteria shall be met for the review authority to approve a rezoning development application:

- a. The proposed rezoning is in general conformance with the goals, policies, and provisions of the Comprehensive Plan;
Addressed above. Criterion Met.
- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
Rezoning is required per the CDC for any PUD or PUD Amendment. Criterion Met.
- c. The proposed rezoning meets the Comprehensive Plan project standards;
Addressed above. Criterion Met.
- 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;
The proposed rezoning presents no public health, safety or welfare issues and is an efficient use of a multiunit parcel that has been zoned for multi-family development for several years and which is in close proximity to the Village Center. Criterion Met.
- 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;
The proposed rezoning is justified due to changes within the vicinity of the project which justifies the downzoning of the property. Criterion Met.

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

There are currently adequate public facilities and services available to serve the proposed PUD. All required utilities are currently located within the road right of way adjacent to the project. Based on public concern related to road safety, it may be beneficial for Council to require improvements to Country Club Drive and its associated pedestrian and bike facilities. Based on preliminary submittals, the applicants are proposing improvements based on a provided traffic study and preliminary engineering improvements. There will be a minimal effect on fire and police service as the result of this project. Criterion Met.

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

The proposed PUD addressed vehicular and pedestrian circulation, along with parking, trash, and service delivery congestion within their application. As part of the proposed public benefit, the applicants have proposed roadway safety improvements for both vehicular and pedestrian traffic including sidewalks and road improvements. Criterion Met. As with the criteria above Town Council should evaluate whether the improvements proposed and required with the PUD are sufficient for the increase in density and traffic generated.

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

The application is compliant with all applicable town regulations and standards. Criterion Met.

Density Transfer Criteria:

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

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

Affirmed. See the criteria for rezoning.

Design Review Board Recommendation: The Design Review Board reviewed the application to amend the existing Rosewood PUD as well as the rezone and density transfer at their November 7, 2019, Regular Meeting and voted 7-0 to recommend approval to Town Council.

At the November 7, 2019 meeting, the Initial Architectural and Site Review was continued to the December 5, 2019, regular meeting of the DRB.

Staff Recommendation: If the council determines that the proposed mass and scale, public benefits, and overall project density align with the criteria for approval including conformance with the comprehensive plan, the staff recommends approval with the following suggested motion.

I move to approve, the first reading of an Ordinance for a Major PUD Amendment, Density Transfer and Rezone amending the Lot 126R and 152R PUD, and request the town clerk to set

a public hearing, based on the evidence provided within the Staff Report of record dated November 4, 2019, and with the following conditions:

- 1) The applicant shall submit the Final Draft of the proposed PUD Development agreement to the public hearing for the PUD amendment and Density Transfer / Rezone.
- 2) The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC and any amended PUD.
- 3) The applicant shall provide documentation from the Army Corps of Engineers that any wetland rehabilitation project is exempt from Wetland Permitting Requirements or shall provide documentation of an approved rehabilitation plan and permit for the requested wetland improvements.
- 4) Prior to issuance of a CO, the property owner will enter into a General Easement Encroachment Agreement with the Town of Mountain Village for the roofline vertical encroachments.
- 5) A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height.
- 6) A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no additional encroachments into the GE.
- 7) Consistent with town building codes, unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products.

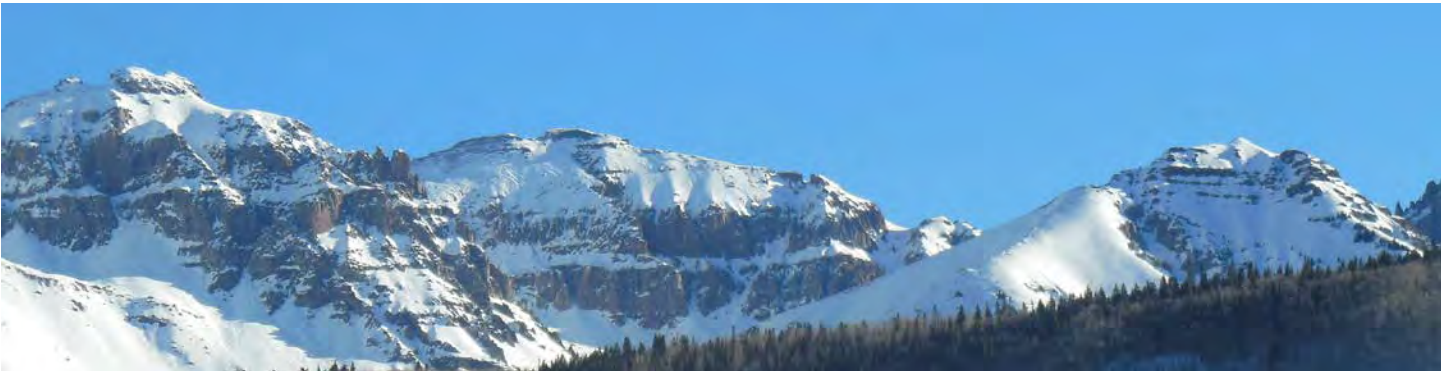
If Town Council is unable to determine that the project meets the criteria for approval documented throughout this memo, then staff recommends one of the following options:

1. Continue the first reading of the proposed PUD Amendment and Density Transfer / Rezone until a time that the Initial Architecture and Site Review has been completed by the DRB.
2. Request modifications to the proposed PUD Amendment as shown based on mass, scale, density, or public benefits.

/
JJM



La Montagne



Major PUD Amendment, Rezoning and Density Transfer

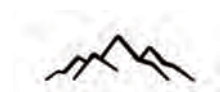
Updated October 29, 2019

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Uncompahgre
Engineering, LLC



SECTION 1. CONSULTANT TEAM

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SECTION 2 PROJECT OVERVIEW

MV Holdings, LLC (“Owner”) is the owner of Lot 126R (“North Site”), Lot 152R (“South Site”), Tract OSP-126; and Tract OSP-118, Telluride Mountain Village Filing 1 as recorded in the office of the San Miguel County Clerk and Recorder at Reception Number 397455 (“Property”) as shown in Figure 1. The Owner bought the Property in 2018 with the goal of revisiting the previously approved development plans for the Rosewood Hotel (“Rosewood PUD Plan”) to create an entirely new plan that is based on the land uses envisioned in the Mountain Village Comprehensive Plan (“Comprehensive Plan”); town input, community input and neighbor comments based on several individual meetings and a neighbor meeting.

The new concept being pursued by the Owner under the name “La Montagne” (“La Montagne Project”) that effectively replaces and supersedes the Rosewood PUD Plan in its entirety. The La Montagne Project contemplates a significant reduction in the previously assigned and approved density for the Property; focuses on transitional residential development; and greatly reduced building mass/scale on a “use by right” order, without the need for seeking PUD waivers/variances for building size or height. The goal of the La Montagne Project is to create a premier modern townhome development that provides the perfect retreat for golf, trail, mountain and ski enthusiasts. The La Montagne Project includes the following objectives:

1. Design and plan for a transitional multi-family project based on the underlying Multi-family Zone District that fits within the development pattern of the area, with higher density at See Forever, The Peaks, Lots 122 and 123 and the La Montagne Project transitioning to single-family properties in the area.
2. Participate in the planning and design for safety improvements to Country Club Drive working with the Town and property owners with new sidewalk that could include an uphill bike lane, speed humps, cross-walk, and lower speed limits as allowed by the right-of-way and general easement site condition.
3. Create a “by right” development with height, scale and mass per the Multi-family Zone District, PUD Zone District, and Community Development Code (“CDC”) requirements and allowances as approved and shaped by the PUD Amendment, Rezoning, Density Transfer and Design Review processes.
4. Work and participate with stakeholders to improve the trail system, pedestrian walkways and connectivity to the Mountain Village Center from the site.
5. Cooperate with neighbors to identify and attempt to mitigate visual and other impacts.
6. Keep the current subdivision platting and Property easements generally in place or modify as needed.
7. Facilitate a significant downzoning of the Property and create a new transitional plan by the removal of 75 hotel units, 18 condominium units, 17 employee dorms units, one employee apartment, and elimination of all commercial uses:
 - Decrease the actual unit density from 164 to 53 units (68% reduction)
 - Eliminate commercial density by 38,656 sq. ft. (100% reduction)
 - Reduce the number of employees by approximately 203 employees (92% reduction)
 - Reduce gross square footage and above grade floor area (scale and mass) by over 50%
 - Reduce vehicle trip generation
 - Eliminate all of the Rosewood PUD Plan PUD waivers/variations from the Property



The La Montagne Project is planned with a maximum of 49 condominium units as two distinct phases with the North Site and South Site designed and developed separately, although careful attention will be given with respect to the design of both lots to allow for the orderly coordination between both projects for things like pedestrian flow, through access, utility distributions and the like. The Owner has no immediate plans to develop the North Site.

The South Site is programmed for the development of 15 condominium units, indoor amenity space for a ski and golf lounge, and an outdoor amenity area with deck, fire pit and hot tub. The North Site is planned for 34 condominium units and an amenity building that includes a lobby with concierge, small spa and gym and an outdoor pool area. The Owner contemplates a rental management and operation structure for both the North Site and the South Site that will allow property owners to place their units in a centrally managed and marketed rental pool. The North Site is also required by the Town zoning rules to provide for some work-force housing with four (4) employee apartments planned as discussed in Sections 7 and 8. Table 1 shows the current and proposed density on the Property while Table 2 shows the Property geography and zoning requirements.

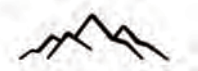
The La Montagne Project plans for an integrated trails and sidewalk plan with a new Village Center Trail connecting the Big Billies Trail to the Village Center with a sidewalk along Country Club Drive all the way to the Mountain Village Boulevard crosswalk to the Village Center east of The Peaks. Trail connectivity will be provided to Boomerang Trail, Jurassic Trail and the proposed Stegosaurus Trail. The project will also provide a new alignment of the proposed Stegosaurus Trail onto TSG Ski and Golf, LLC (“TSG”) land that currently trespasses onto Lot 126R provided the Town successfully negotiates an easement for the Stegosaurus Trail with TSG.

The Owner, in pursuing the La Montagne Project, is proposing to submit applications with the Town, seeking to secure Town approvals for this development proposal, which would be reviewed by the Town in the manner prescribed in the CDC, which actions would occur in the context of various noticed public meetings, open



Table 1. Current and Proposed Land Use and Density

Lot	Acreeage	Zone District	Zoning Designation	Actual Units	Density Per Unit	Equiv. Units
Current PUD Density						
126R	3.11	Multi-family	Condominium Units	44	3	132
			Hotel Units	56	1.5	84
			Hotel Efficiency Units	19	2	38
			Employee Dorm Units	17	1	17
			Employee Apartments	5	3	15
			Commercial Area	34,001 sq. ft.		
152R	1.47	Multi-family	Condominium Units	23	3	69
			Commercial Area	4,655 sq. ft.		355
OSP-118	0.65	Active OS	Open Space			
OSP-126	0.26	Passive OS	Open Space			
Total Current Density for the Property			Condominium Units	67	3	201
			Hotel Units	56	1.5	84
			Hotel Efficiency Units	19	2	38
			Employee Dorm Units	17	1	17
			Employee Apartments	5	3	15
			Commercial Area	38,656 sq. ft.		
			Total Person Equivalent Density			355
Proposed Amended PUD Density						
126R	3.11	Multi-family	Condominium Units	34	3	102
			Employee Apartments	4	3	12
152R	1.47	Multi-family	Condominium Units	15	3	45
OSP-118	0.65	Active OS	Open Space			
OSP-126	0.26	Passive OS	Open Space			
Total Proposed Density for the Property			Condominium Units	49	3	147
			Employee Apartments	4	3	12
			Total Person Equivalent Density			159
PUD Amendment Density Reduction						
			Condominium	18	3	54
			Hotel	56	1.5	84
			Hotel Efficiency	19	2	38
			Employee Dorm	17	1	17
			Employee Apartment	1	3	3
			Commercial Area	38,656 sq. ft.		
			Total Person Equivalent Density			196



to the further public for comments.

The development applications for the La Montagne Project include:

- A. PUD Amendment application to eliminate the Rosewood PUD Plan and establish the La Montagne Project;
- B. Rezoning Process and Density Transfer Process development applications to change and reduce the uses and densities allowed on Lot 126R and Lot 152R under the Rosewood PUD Approvals, and to rezone to the PUD Zone District; and
- C. Concurrent Design Review Process for the South Site with the Initial Architecture and Site Review (“**Initial Review**”) evaluated with the PUD Amendment, Rezoning Process applications.

CDC Section 17.4.12(I)(5) states:

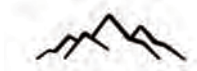
“Rezoning Ordinance Required. Any PUD application shall be required to request rezoning to the PUD Zone District as a part of the PUD Process. The PUD development review process is a Rezoning Process, and a concurrent rezoning development application shall not be required. Because a PUD results in a rezoning to the PUD Zone District, any PUD approval shall be by ordinance.”

The La Montagne Project proposes to rezone Lot 126R and Lot 152R to the PUD Zone District consistent with PUD Regulation policies. CDC Section 17.4.12(N) classifies the PUD Amendment as a “major PUD Amendment” with such applications processed as a class 4 development application per Section 17.4.12(O). While the PUD Regulations state a Rezoning Process development application shall not be required, the development team is erring on the side of caution to request a concurrent rezoning and density transfer to ensure due process.

The Property is located in the Multi-family and open space zone districts and contains 5.49 acres broken out as follows:

Lot 126R:	3.11 acres
Lot 152R:	1.47 acres
OSP-126:	0.26 acres
OSP-118:	0.65 acres
Total	5.49 acres

The lot configuration for Lot 126R and Lot 152R as depicted on the Lot 126R/152R Subdivision Plat (Exhibit A) is not currently contemplated by the Owner as needing to be changed to accommodate the La Montagne Project, therefore, the Lot 126R/152R Subdivision Plat would not be modified, nor is the Owner proposing to modify or terminate the Lot 126R/152R Beneficial Easements at this time, although, some of these easements could be modified or terminated. The development team will be working closely with TSG staff in the planning and design of the La Montagne Project per the Lot 126R/152R Beneficial Easements. The La Montagne Project is designed to leave Boomerang Trail in its current location on Lot 126R and provide an easement for the trail to the Town since no easement is currently provided. The PUD Agreement contemplated the eventual conveyance of tracts OSP-118 and OSP-126 to the Town, which has not yet occurred. The Owner will convey title to Tracts OSP-118 and OSP-126 to the Town concurrent with the recording of a new La Montagne Project PUD agreement.



SECTION 3 PROPERTY HISTORY

Prior owners of the Property secured certain land use approvals from the Town concerning various uses, densities, buildings and other improvements that could be developed on the property, which approvals were reflected in various documents, including, without limitation, the following (“**Town Approval Documents**”):

1. Resolution of the Town Council of the Town of Mountain Village, Colorado Approval of Final Planned Unit Development Application as recorded at Reception Number 391879 (“**PUD Approving Resolution**”).
2. Development Agreement Lot 126R and Lot 152R Town of Mountain Village Planned Unit Development recorded a Reception No 397458 (“**PUD Agreement**”), as amended.
3. The subdivision of the Property that is tied to the PUD Agreement and PUD Approving Resolution as recorded at Reception Number 397455 (“**Lot 126R/152R Subdivision Plat**”).
4. Various easements reflected on the Subdivision Plat granted by the Town of Mountain Village (“**Town**”) and TSG (collectively, the “**Lot 126R/152R Beneficial Easements**”).

The PUD Agreement establishes the land uses and density as well as the siting and mass/scale of buildings and other improvements allowed to be developed on the Property. The uses and densities approved by the Town and reflected in the PUD Agreement allow for the development 67 condominium units; 56 hotel units; 19 hotel efficiency units; 17 employee dorms; 5 employee apartments; and 38,656 sq. ft. of commercial area as detailed in Table 1, which shows the respective uses and densities allowed on Lot 126R and 152R and the proposed density for the La Montagne Project. The PUD Agreement is tied to a detailed site specific development plan for the Property that was created for the Rosewood PUD Plan.

Prior to the Town’s approval of the Rosewood PUD Plan, the Property had been assigned the following land uses and densities: 1 single-family unit, 57 condominium units, 70 hotel units, 2 employee apartments, 16 dorm units and an unspecified amount of commercial area. The PUD Agreement added approximately 48 person equivalents to the Property consisting of 10 condominium units, 5 hotel-type units, 1 employee dorm, 3 employee apartments, and also established the amount of permitted commercial area.

It is important to note that the original zoning on Lot 126 at the time of the Town’s incorporation in 1995 permitted 200 hotel units, 26 condominium units and an unspecified amount of commercial area per the Official Land Use and Density Allocation List at the (“**First Lot List**”). The First Lot List also permitted Lot 130 with 10 condominium units, Lot 118 with 1 single-family unit; and Lots 152A, Lot 152B and Lot 152C with 22 condominium units. Thus, the Property has been permitted to have high density, commercial land uses since the Town’s incorporation. The Comprehensive Plan continues to envision and the Property with multi-family and commercial land uses as discussed in this narrative.



Table 2. Project Summary

Geography and Zoning Requirements		
	Existing/Requirement	Proposed
Lot Size	North Site: 3.11 acres South Site: 1.47 acres	No Change
Zone District	Multi-family Zone District	No Change
Existing + Proposed Density	67 Condominium Units 56 Hotel Units 19 Hotel Efficiency Units 17 Employee Dorm Units 5 Employee Apartments 38,656 sq. ft. Commercial Space	49 Condominium Units 4 Employee Apartments
Maximum Building Height	53 feet for gabled roofs 68’ Maximum Height for Building A	48 feet
Average Building Height	48 feet + 5 feet for gabled roofs	48 feet
Lot Coverage	65%	North Site: 40% South Site: <54.8%
Setbacks North Site		
Front - South	16 feet (General Easement)	16 feet
Rear - North	None Per PUD Development Plan	Approx. 1’ to 9’-3”
Side - East	None Per PUD Development Plan	Approx. 70 feet
Side - West	16 feet (General Easement)	19’-4” to 32’
Setbacks South Site		
Front - North	16 feet (General Easement)	16’ for buildings; <16 feet for limited roof overhangs as PUD variation
Rear - South	None Per PUD Development Plan	0’
Side - East	None Per PUD Development Plan	> 16’
Side - West	None Per PUD Development Plan	10’-8”
Parking North Site		
Zoning Designation	Parking Requirement	Provided Parking
Condominium	32 x 1.5 = 48 spaces	48 spaces
Employee Apts.	4 x 1.5 = 6 spaces	6 spaces
Service Parking	1-5 spaces	4 spaces
Total Parking	58 spaces	58 spaces
Parking South Site		
Zoning Designation	Parking Requirement	Provided Parking
Condominium	15 x 1.5 = 23 spaces	23 spaces
Service Parking	1-5 spaces	2 spaces
Total Parking	28 spaces	25 spaces total



SECTION 4 SITE CONTEXT

Lot 126R is a vacant, open hillside property that is located at the confluence of Boomerang Trail, the Jurassic Trail and an unauthorized social trail on the lot. The Town Trails Master Plan is proposing to remove this unauthorized trail from Lot 126R and create a new Stegosaurus Trail on TSG open space to the north of Lot 126R that can also utilize part of OSP-126 for switchbacks down the hillside to the Jurassic Trail. Lot 126R has a high USGS elevation of 9462 on the north side and a low elevation of 9370 on the southwest side for an overall change of 92 feet over 312 feet and a slope grade of approximately 29.5%. Lot 126R contains slopes that are 30% or greater as shown in Figure 2.

Lot 152R is a very open and vacant site located north of Hole 1 of the Telluride Golf Course. Lot 152R does not have any trails or other improvements except for some natural gas infrastructure as shown on the existing conditions survey. Lot 152R contains modest slopes with a high USGS elevation of 9408 and a low elevation of 9350 for an overall change of 58 feet over a distance of 613 feet and a slope grade of approximately 9.5%. The Lot 152 grade has been shaped by the grading for Country Club Drive and the golf course.

Lot 152R has two wetlands areas that were not identified with the creation of the Rosewood PUD Plan. These wetland areas have been delineated by a qualified wetland consultant as shown on the existing conditions survey. The wetland delineation has been reviewed and approved by the United States Army Corps of Engineers as shown in Exhibit B (please refer to wetland section).

A portion of a gas regulator station is located on both Lot 126R and Lot 152R. The project team will work with Black Hills Energy on a plan for potentially combining and screening the regulator station. It appears that a portion of the gas line infrastructure may be located outside easements shown on the existing condition survey.

SECTION 5 DEVELOPMENT PLAN CHANGES

Work sessions for the La Montagne Project were held with the Mountain Village Town Council and DRB in July that provided great input to help shape the project. The development team has also conducted additional meeting with area neighbors and key stakeholders. All of this input has been very helpful for the project team to revise the La Montagne Project, with the following key changes:

1. Detailed safety improvement plans have been developed for Country Club Drive from Big Billies Trail to Mountain Village Boulevard with improved markings and signage, a six (6) foot sidewalk along the road, an uphill four (4) foot bike lane, crosswalk to Boomerang Road and Jurassic Trail, and speed humps if desired.
2. The condominium density has been reduced by 18 units to reduce scale and mass and provide a better transitional development.
3. All commercial uses have been eliminated from the Property to create a better transitional development, with the 3,000 sq. ft. of planned commercial area eliminated from the project.

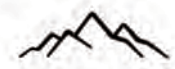
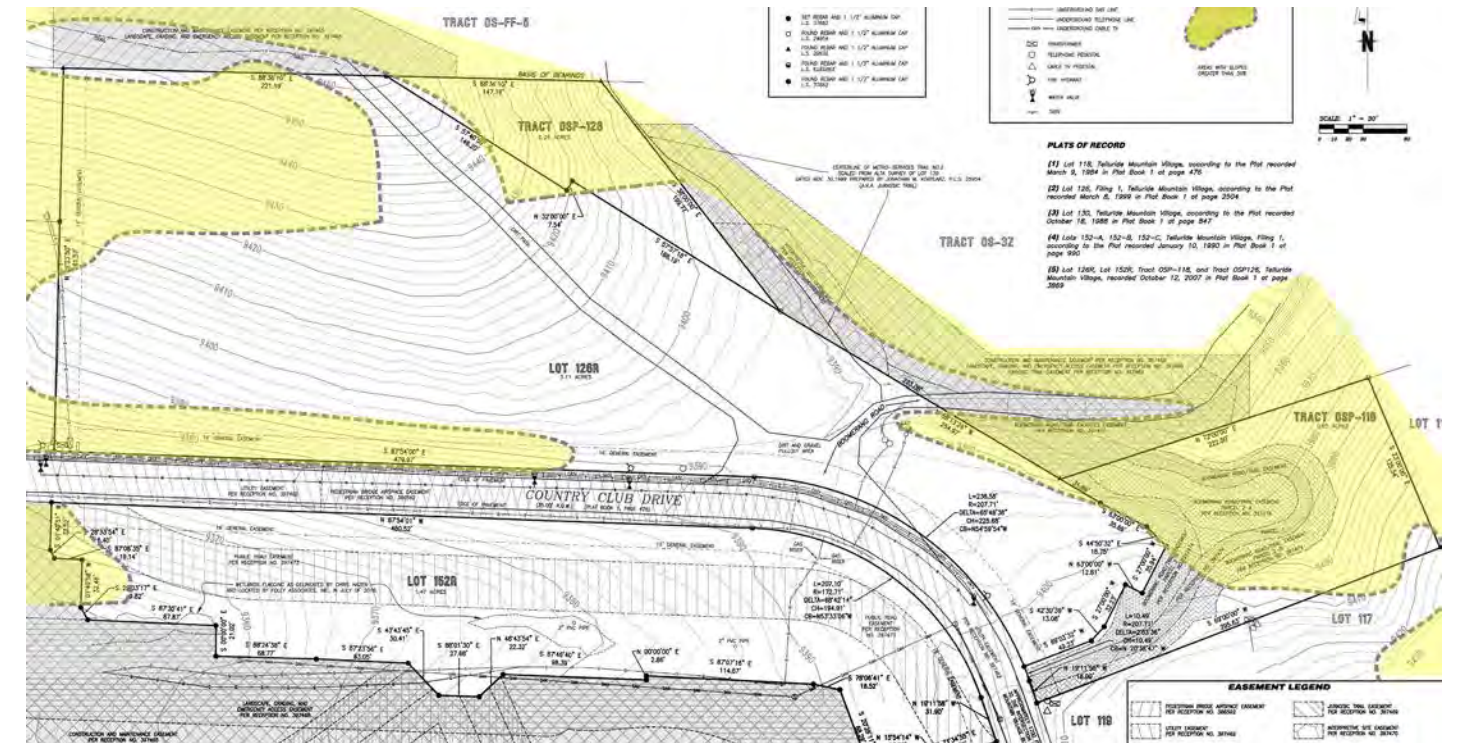


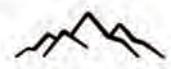
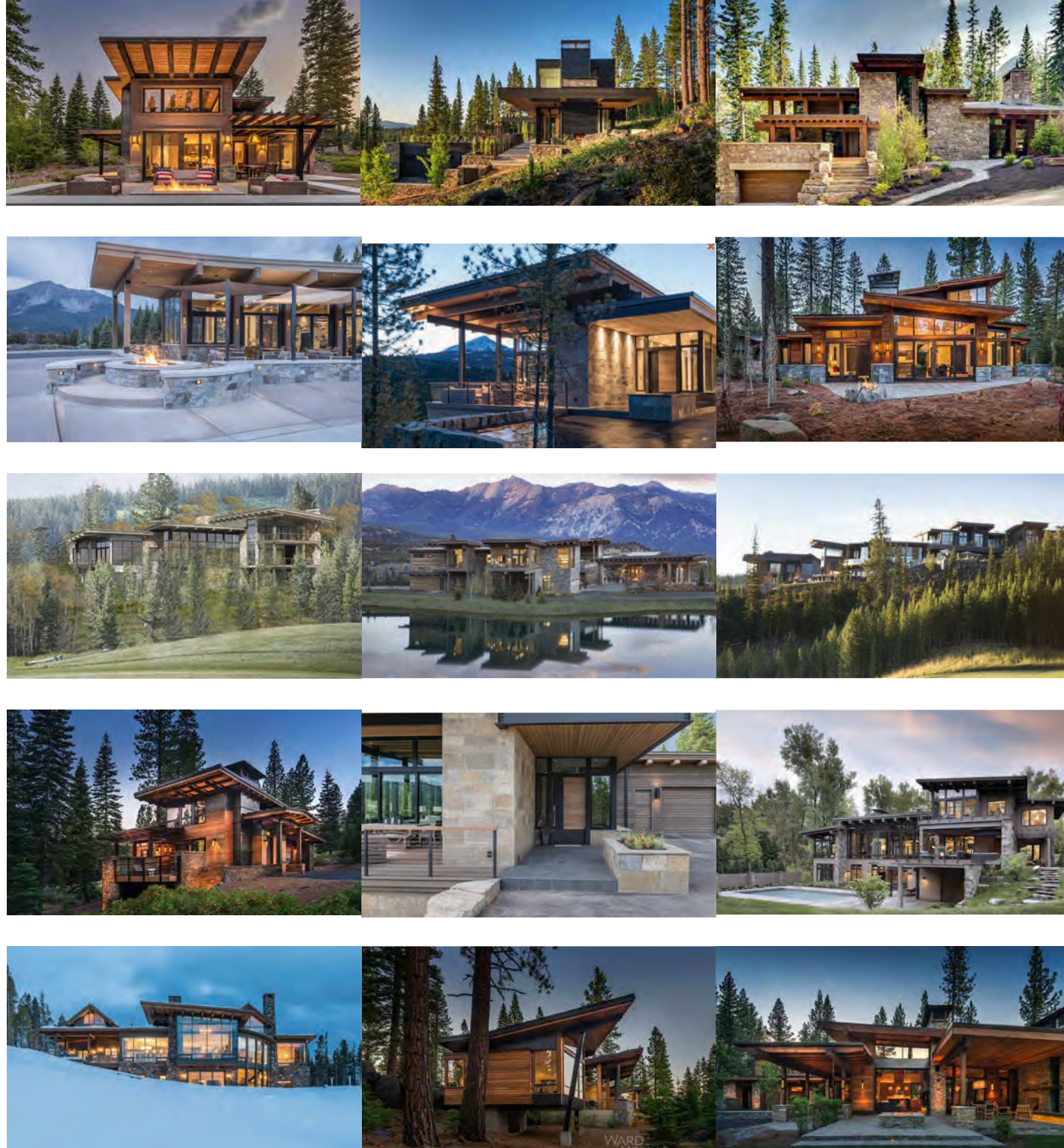
Figure 2. Steep Slopes Map



4. The North Site conceptual plan has been amended to reduce the number of condominium units from 46 to 34 units (26 percent reduction), reduce the floor area from 109,400 to 88,340 sq. ft. for a reduction of 21,060 sq. ft. (19 percent reduction). The North Site lot coverage has been slightly increased from approximately 36 percent to 40 percent.
5. The South Site conceptual plan has been amended to reduce the number of condominium units from 21 to 15 units (29 percent reduction); and to reduce the floor area from 58,200 sq. ft. to sq. ft. by 43,500 sq. ft. for a reduction of 14,700 sq. ft. (25 percent reduction). The South Site lot coverage has by reduced from approximately 65 percent to less than 54.8 percent (>16 percent reduction).
6. A significant building setback has been added to the east side of the South Site to preserve desired views for the Lot 119 property owner, and to provide a much better setback and buffer to the Hole 1 tees with more open space and the aspen trees preserved in this area.
7. Buildings A and B on the North Site have been moved away from the western general easement and the homes on Lots 143A and 143D with the setback increased from 16'-4" to 19'-1" for Building A, and the setback for Building B increased from 16'-5" to 32'.



Design Inspiration



SECTION 6 BUILDING SITING + DESIGN

La Montagne buildings have been carefully sited and designed based on several considerations, including adjacent property owner views, surrounding land use and density, site topography, project views, golf course design, and existing and planned trail connections. Drewett Works Architecture completed detailed visual evaluations for Lot 143A (Hintermeister), Lot 177 (Safdi), and Lot 119 (Krister) to ensure that proposed buildings are sensitively sited to protect views to the extent possible. The Comprehensive Plan and the CDC Comprehensive Plan Project Standards recognizes that visual impacts will occur with development, with the goal to minimize and mitigate visual impacts.

The project is designed to maximize open space on the North Site with only 40% lot coverage when 65% lot coverage is allowed which is a 38% percent reduction in allowed lot coverage. Development on the North Site has been clustered with six (6) buildings in the center of the lot with open space areas in between the buildings, around the main Boomerang and Jurassic trail corridors through the lot and on the edges of the buildings. Development on the North Site steps down towards the east with over a 90 foot setback to the home on Lot 119.

Development on the South Site has also been designed to provide additional open space with the lot coverage of less than 54.8% when 65% is allowed. The gently sloping topography of the South Site allows for the buildings to step up the site following the natural grade. The proposed buildings on the North Site are also designed to step up with the topography of the site and to use the uphill wall of the buildings to retain grades that allows for development to fit into the topography with grading and exterior retaining walls minimized. The South Site has been designed to provide for a landscaped buffer and errant golf ball protection to Hole 1 with landscaping on-site and within a landscaping easement that is granted for Lot 152R.

Organic mountain modern architecture is expressed through stone-veneered foundation elements, vertical wood siding, mill-scale steel porcelain panels, and low reflective standing seam metal roofing. The indigenous architecture additionally has a tectonic nature with its exposed beams, purlins, and wood ceilings. The sloping shed roof forms afford remarkable shade, shadow, and visual layering.

The ample overhangs bolstered with large timbers provide for glass protection and an iconic mountain vernacular design. The overall composition is intended to provide a mountain modern aesthetic with a horizontal nature. This allows the composition to blend harmoniously into the existing fabric of Mountain Village, thus allowing a low visual impact to neighboring properties.

Landscaping has been carefully designed to provide six distinct zones including the golf course buffer planting zone, the high interest pedestrian zone, highly organized drift planting zone, the transitional planting zone, low impact zone and the wildfire mitigation zone. Each zone has specific design and landscaping goals as outlined on the PUD landscaping plan.

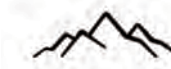
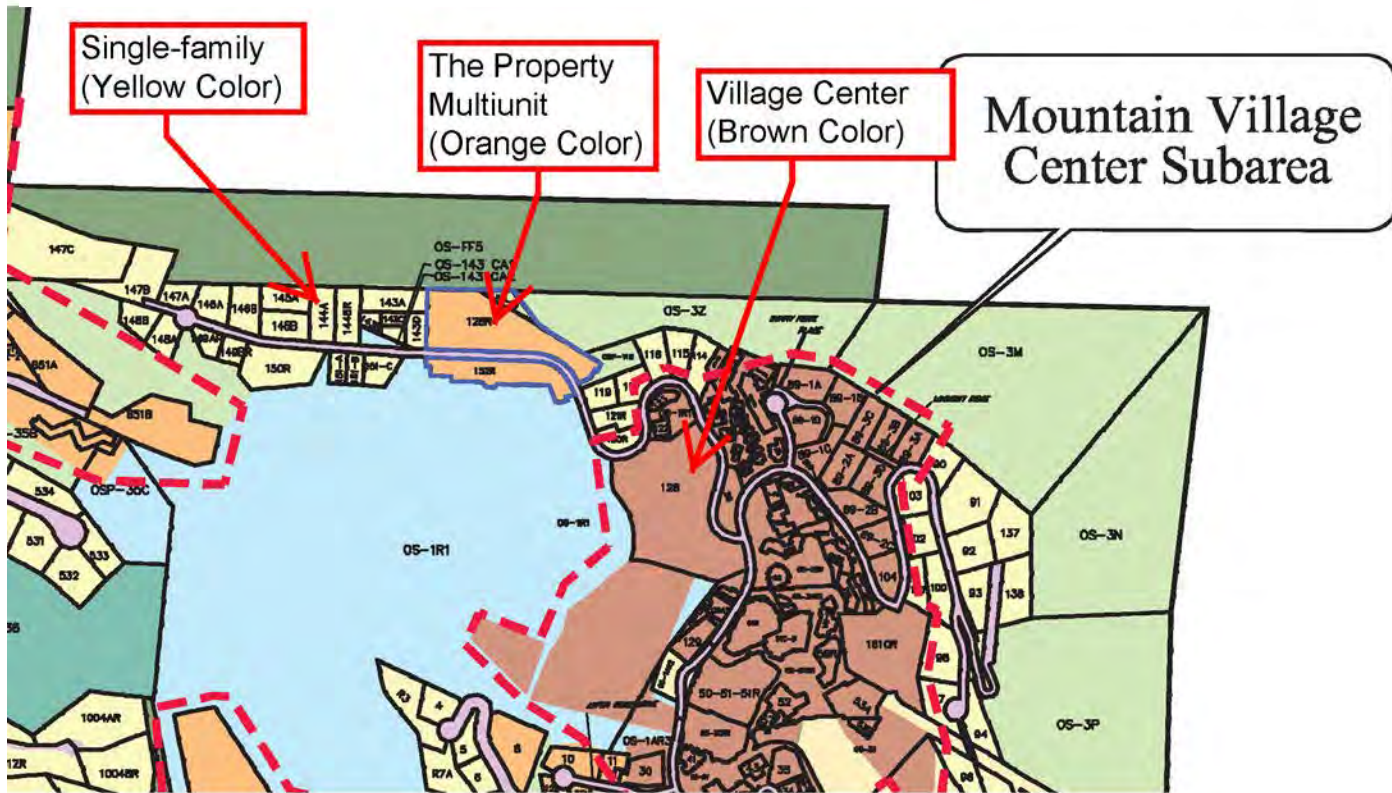


Figure 3. Future Land Use Plan for the Property



Section 7 PUD Amendment

PUD Amendment Criteria for Decision

The proposed rezoning complies with the Rezoning Process Criteria for Decision set forth in CDC Section 17.4.12(E) as outlined in the following sections:

General Conformance with the Mountain Village Comprehensive Plan

CDC Section 17.4.12(E)(1) requires that the proposed PUD Amendment be "...in general conformity with the policies, principles and standards set forth in the Comprehensive Plan". The proposed rezoning and density transfer are in general conformance with the Comprehensive Plan's Future Land Use Plan as shown in Figure 3 that clearly envisions Lot 126R and Lot 152R as "Multiunit" with the area east of Lot 126R a small single-family area that is surrounded by high density development at The Peaks and See Forever and the Village Center Subarea located just to the east. The Future Land Use Plan envisions single-family development to the west of the Property along Country Club Blvd. Tracts OS-118 and OS-126 are shown as Passive Open Space on the Future Land Use Plan consistent with the La Montagne Project.

The Comprehensive Plan states the following regarding the multiunit classification:

"Multiunit: Provide higher density condominium development for deed restricted housing, hotbeds, second homes and similar uses."

Land Use Principle I, Policy B.2.a states:

"Allow mixed-use commercial development in multiunit projects in appropriate locations in Meadows, the Ridge, Lot 126, Mountainside Lodge and other locations where Town Council determines, in its sole discretion, that commercial development is appropriate and necessary to serve the project or the neighborhood."

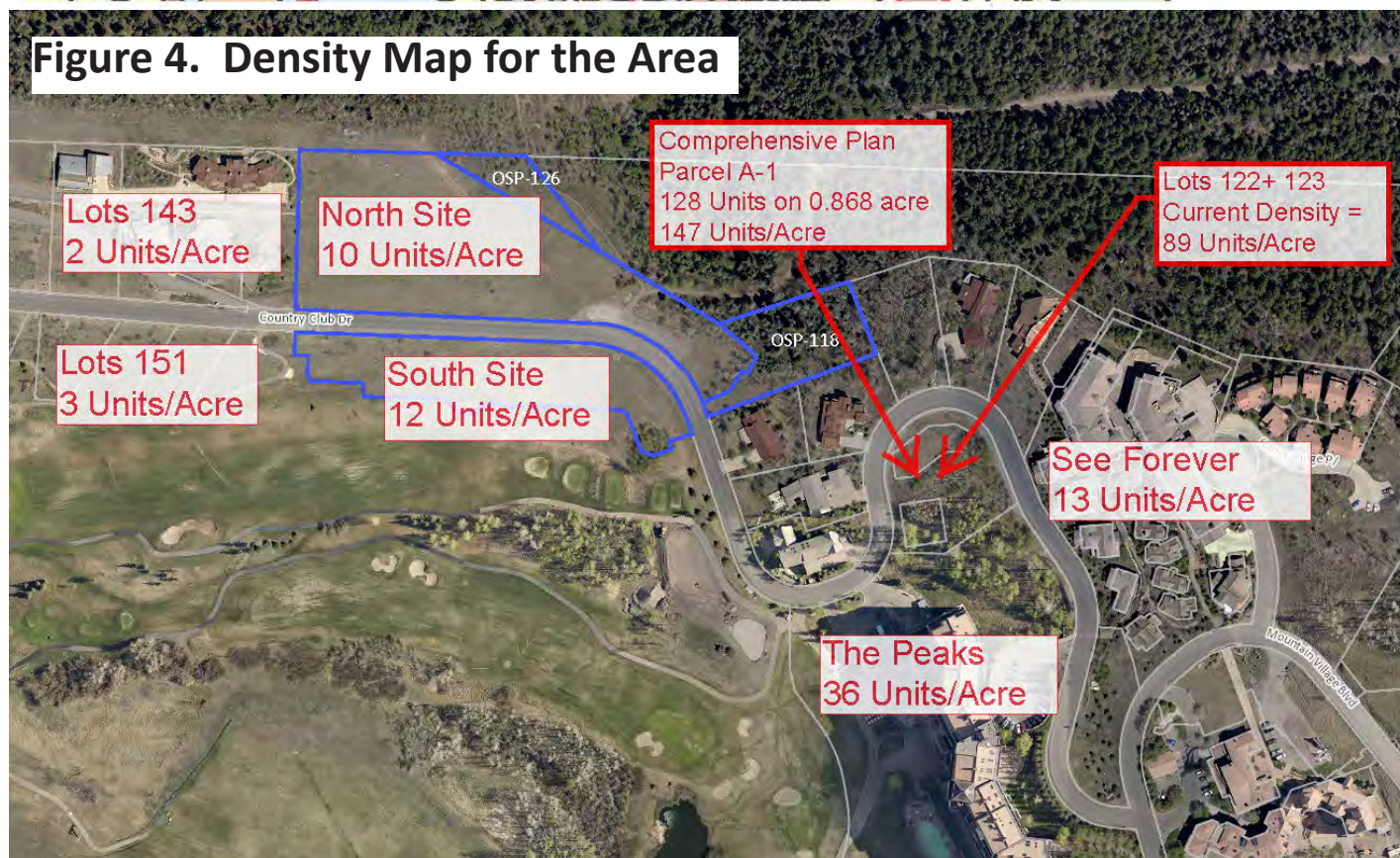
There are several Comprehensive Plan policies under the Multiunit section that directed changes to the Town's land use regulations which were incorporated into the CDC in 2013, with the Multi-family Zone District created and based on the Multiunit policies. The Comprehensive Plan's Multiunit policies were also incorporated into the CDC's Subdivision Regulations, Design Regulations and Supplementary Regulations to ensure appropriate uses, design considerations and infrastructure.

Land Use Principle I, Policy B.2.c states:

"Consider minimizing environmental impacts and ensure development fits into and blends with the existing environment and character of the area."

The La Montagne Project has been designed and planned with a transitional density that fits into the area consistent with the envisioned Comprehensive Plan land uses. The single-family area to the east is an island of lower density development that is surrounded by existing and planned higher density development. Figure 4 shows the density of surrounding development with the La Montagne Project providing a transitional density of approximately 9.7 units per acre.

Figure 4. Density Map for the Area



The Peaks density is approximately 36 units per acre and the See Forever density is approximately 14 units per acre. The Comprehensive Plan envisions high density infill development in the area of Lots 122 and Lot 123 with 89 units per acre allowed today and over 100 units per acre envisioned on Parcel A-1 per the Comprehensive Plan's Village Center Subarea Plan. Sensitive siting and building design for the La Montagne Project combined with landscape buffering further ensures this low, transitional density development fits into the Country Club Drive neighborhood.

The La Montagne Project also conforms to the following policies because multi-family development is envisioned by the Future Land Use Plan.

Land Use Principles, Policies and Actions

I. "Mountain Village promotes a land use pattern, as envisioned by the Comprehensive Plan, that provides economic and social vibrancy, maintains a minimum of 60% open space, and better protects and preserves open space areas as shown on the Land Use Plan..."

1.A "Implement the Comprehensive Plan's principles, policies and actions."

1.B "Require rezoning, Planned Unit Developments (PUD), subdivisions, special use permits, density transfers, and other discretionary land use applications to be in general conformance with the Land Use Plan, the Subarea Plans and their associated principles and policies, and the applicable policies of the Comprehensive Plan."

1.C "Permit development applications in general conformance with the Comprehensive Plan per the applicable criteria for decisionmaking."

The Property is located outside of all of the Comprehensive Plan's subarea plans and just outside the Village Center Subarea so there are no specific Comprehensive Plan targeted densities, building heights, hotbed mix requirements and no recommended public benefits for the Property.

Deed Restricted Housing

The La Montagne Project will provide four (4) deed restricted employee apartments on the Property. The significant downzoning and elimination of approximately 203 employees from the Property represents a 92 percent decrease in the employment generation. This significant decrease in the number of employees generated for the Property warrants a reduction in the current 17 employee dorm units and five employee apartments that are required by the PUD Agreement. The PUD Agreement added one (1) employee dorm and three (3) employee apartments to the Property as one of the public benefits that justified the numerous variations under the Rosewood Hotel. The base employee housing requirement for the Property is therefore 16 employee dorms and two (2) employee apartments for a total of 22 person equivalents of density ("**Base Employee Housing Requirement**"). The reduction in employee housing for the La Montagne Project should be evaluated on the Base Employee Housing Requirement. A 92 percent reduction in employment applied to the 22 person equivalents leaves approximately two (2) person equivalents on the Property which roughly equates to one employee apartment. The La Montagne Project is proposing four (4) employee apartments to provide deed restricted housing as envisioned in the Comprehensive Plan, and to continue to provide a community benefit as required by the PUD Regulations.



Natural Environment

The La Montagne Project avoids disturbance to wetland areas consistent with Comprehensive Plan Policy I.A of the Natural Environment section. The La Montagne Project is also consistent with the CDC Wetland Regulations as discussed in this narrative. Water quality will be protected and stormwater detention is provided consistent with Comprehensive Plan Policy I.D. Forest areas on Tract OSP-118 and a small aspen area on Lot 126R will be protected and preserved consistent with Comprehensive Plan policies. Development constraints on the Property include wetland areas and steep slopes that are 30 percent or greater that are being avoided, minimized and mitigated as outlined in this narrative.

Open Space and Recreation

The La Montagne Project is consistent with the Comprehensive Plan's Open Space and Recreation principles, policies and actions for several reasons. The La Montagne Project will reroute the unauthorized social trail from Lot 126R to Tract OS-FF-5 for the Stegosaurus Trail as envisioned in the Potential Recreation Projects Plan Map ("**Recreation Plan**") and the Town Trails Master Plan. This reroute assumes that the Town obtains and easement from TSG for the Stegosaurus Trail prior to the development of the North Site.

The La Montagne Project will also facilitate the planing and provision of a new six (6) foot sidewalk from the Big Billies Trail-Country Club Drive intersection to The Village Center crosswalk east of The Peaks with the sidewalk running on the south side of the road. The La Montagne Project will also facilitate the construction of a new four (4) foot wide uphill bike lane along Country Club Drive to Mountain Village Blvd.

Tracts OSP-126 and OSP-118 are included in the overall design and planning for the La Montagne Project. These open space parcels will be dedicated to the Town as one of the PUD community benefits, with the dedication occurring concurrent with the recording of a new PUD development agreement for the Property.

Consistency with the Underlying Zoning and Zoning Designations

CDC Section 17.4.12(E)(2) requires that the proposed PUD Amendment "...be consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards." The La Montagne Project is consistent with the proposed PUD Zone District and the current Multi-family Zone District. The new PUD agreement for the Property will include dimensional limitations that are based on the current Multi-family Zone District, including maximum height, maximum average height, and lot coverage. The PUD Amendment is also consistent with the PUD Zone District that has the following description and land uses as set forth in CDC Section 17.3.2(B)(9):

"PUD Zone District. The Planned Unit Development ("PUD") Zone District is intended to provide for a development to achieve the new land uses envisioned in the Comprehensive Plan and/or the PUD purposes set forth in the PUD Regulations, with a variety of land uses as envisioned in the Comprehensive Plan."

The PUD Zone District will allow for the Owner to achieve the PUD purposes as provided for herein, with multi-family land uses as envisioned by the Comprehensive Plan.



CDC Section 17.3.4(I) establishes the specific zone district requirements for the PUD Zone District. Permitted uses include all of the land uses envisioned in the Comprehensive Plan including the proposed multi-family condominiums. The PUD Zone District also allows for accessory buildings and structures such as hot tubs, saunas, swimming pools and similar uses. The La Montagne Project provides for these types of accessory structures. Accessory uses in the PUD Zone District include home occupations and similar uses. No plaza areas are planned for this development as allowed for the PUD Zone District. All land uses will be kept primarily in buildings except for uses that are typically outside, such as a swimming pool, hot tubs, fire pits and deck areas. Required public improvements include the new sidewalk, uphill bike lane, relocated Stegosaurus Trail, and other road and safety improvements that will be based on the proportional cost of the La Montagne Project relative to other users.

Creative Approach for a Better Development Plan

CDC Section 17.4.12(E)(3) requires that “the development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general”. The La Montagne Project provides a creative approach that will produce a better development that would be otherwise possible under the Multi-family Zone District, and will provide for private and public amenities. The La Montagne Project clusters development onto Lot 152R, the central portion of Lot 126R which allows for large areas of both public and private open space with less lot coverage than allowed under the Multi-family Zone District. The PUD Amendment also allows for the current platting and certain community benefits to be retained while allowing for reasonable use of the Property. The PUD Amendment process also allows the community to have more control over the development due to the application of the PUD Regulations. The PUD Amendment allows for the Owner to: provide for the dedication of Tracts OSP-118 and OSP-126; re-route the Stegosaurus Trail as envisioned in the Recreation Plan; provide an easement for Boomerang Road; facilitate the planning and design of major safety improvements for Country Club Drive including a new sidewalk, uphill bike lane, speed humps and speed control; and provide additional employee housing than would otherwise be required for a 54 unit condominium project in Mountain Village. The PUD Amendment also allows for the creation of a transitional development plan as described in this narrative.

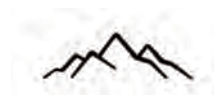
The La Montagne Project is only seeking a variation to allow for roof setbacks in the South Site to occur in the front 16 foot general easement as shown on the conceptual site plan. The conceptual plans show limited roof eaves encroaching into the front general easement for Buildings H, I, K, L and M with the largest encroachment setback approximately 13’ for Buildings . The roof eaves are over 25 feet in the air and will not interfere with the surface or underground use of the general easement. These variations allow for the project to better fit the narrow Lot 152R width with the desired roof form design than would be allowed if the general easement encroachments were not permitted. While the roof eaves could be designed to avoid the general easement, we believe the roof plans as submitted provide for a much better design. The CDC PUD Regulations allow for the Town to approve variations to the general easement “in order to allow flexibility, creativity and innovation in land use planning and project design”.

Consistency with PUD Purposes and Intent

CDC Section 17.4.12(E)(4) requires that the PUD Amendment be “...consistent with and furthers the PUD purposes and intent”. The La Montagne Project is consistent with the PUD Regulations Purpose and Intent as outlined in CDC Section 17.4.12(A), with project team comments on consistency shown in *italics*:



1. Permit variations from the strict application of certain standards of the CDC in order to allow for flexibility, creativity and innovation in land use planning and project design. *The PUD Amendment allows for flexibility, creativity and innovation in land use planning and design with clustered development, public open space, less lot coverage, private open space, retention of the current platting, and the provision of significant public benefits. The only variations sought at this time are the roof dripline encroachments into the general easement on Lot 152R as discussed above.*
2. Allow for a creative planning approach to the development and use of land and related physical facilities to produce a better development. *The PUD Amendment allows for the current platting for the Property to be retained while significantly reducing the impacts to the Country Club Drive neighborhood, with reduced mass and scale; reduced building heights; significantly reduced activity levels and traffic; and a new development plan that has been designed to better fit into the neighborhood as a use by right plan, with the only variation sought for limited roof encroachments into the 16 foot General Easement for the South Site. The PUD Amendment allows for the creation of a transitional development with higher density at The Peaks, See Forever, and Lots 122 and 123 transition to low density multi-family development on the Property and single family development to the west. The PUD allows for clustering development on the center area of Lot 126R and the provision of both public and private open space on the edges to buffer surrounding development.*
3. Provide for community benefits. *The PUD Amendment provides for significant public benefits with the rerouting of the Stegosaurus Trail; more employee housing than would be required for a similar project in the town; and facilitating and participating in major safety improvements for Country Club Drive such as a new sidewalk to the Village Center, a new uphill bike lane, and speed humps, if desired.*
4. Promote and implement the Comprehensive Plan. *The PUD Amendment promotes and implements the Comprehensive Plan as outlined in this narrative.*
5. Promote more efficient use of land, public facilities and governmental services. *The PUD Amendment promotes the efficient use of land because it allows for the Owner to realize reasonable use of the Property while providing a transitional development that fits the site with approximately 9.7 units per acre. The average density for built projects in the Multi-family Zone District is approximately 20 units per acre, with the La Montagne Project transitioning from high density built and envisioned development to the east. The Owner has been paying property taxes on the current Property density as provided for in the PUD Agreement, and is willing to significantly downzone the Property via the PUD Amendment, rezoning and density transfer processes to provide for an efficient and transitional development that still provides for reasonable use of the Property. This represents a great planning compromise for the efficient development of the Property.*
6. Encourage integrated planning in order to achieve the above purposes. *The PUD Amendment provides for integrated planning between the North Site and South Site to ensure safe vehicular and pedestrian access and coordinated utility planning. The La Montagne Project also plans for integrated trails; a new sidewalk along Country Club Drive and other safety improvements. The La Montagne Project provides for an integrated land use plan with a transitional density of 9.7 units per acre with higher density projects building and planned to the east that range from 14 to over 100 units per acre.*



PUD General Standards Compliance

CDC Section 17.4.12(E)(5) requires that “The PUD meets the PUD general standards”. The PUD Amendment complies with the applicable General Standards in CDC Section 17.4.12(I). The Owner of the Property has the authority to initiate a PUD Amendment consistent with CDC Section 17.4.12(I)(1). The PUD Amendment, Rezoning Process and Density Transfer Process will require an ordinance per CDC Section 17.4.12(I)(5). The PUD Agreement remains valid and the Owner may propose a PUD Amendment per CDC Section 17.4.12(I)(6). The Density Transfer request is evaluated under Section 8 below and is consistent with the Density Limitation per CDC Section 17.4.12(I)(7). The PUD Amendment provides for landscape buffering to minimize adverse impacts and create attractive public spaces consistent with the surrounding area as required by CDC Section 17.4.12(I)(8). The PUD Amendment provides for adequate public services as required by CDC Section 17.4.12(I)(9) as presented in this narrative. Each phase of the PUD will be self-sufficient and not dependent upon latter phases as required by CDC Section 17.4.12(i)(10).

Adequacy of Community Benefits

CDC Section 17.4.12(E)(6) requires that “The PUD provides adequate community benefits”. The PUD provides for the following community benefits:

1. Twice as much public open space than existed prior to the adoption of the PUD Agreement. This community benefit will continue under the amended PUD for the Property and is due to the creation and future dedication of Tracts OS-126 and OSP-118.
2. Provision of four (4) employee apartments with the development of Lot 126R. This is one more apartment than existed prior to the adoption of the current PUD Agreement and is three more than warranted based on a 92 percent reduction in the number of employees generated on the Property due to the downzoning.
3. Rerouting of the unauthorized social trail on Lot 126R to the Stegosaurus Trail as envisioned in the Town Trails Master Plan if the Town obtains an easement for this trail from TSG.
4. Facilitation, planning and participation in significant Country Club Drive improvements including new sidewalk from Big Billies Trail to the Village Center crosswalk east of The Peaks, an uphill bike lane, and speed humps/speed limits based on the design of the road. The Owner will construct and improve all of the improvements through the Property. The Owner has paid for a survey of Country Club Drive and the adjoining general easement,s and is paying for the safety improvement engineering. The Town is budgeting for major improvements to Country Club Drive as a part of the 2020 budget process in coordination with the La Montange Project.

Public Facilities and Services

CDC Section 17.4.12(E)(7) requires “Adequate public facilities and services are or will be available to serve the intended land uses”. Water and sewer services, police protection and broadband are available from the Town. The Telluride Fire Protection District will provide emergency and fire services. Black Hills Energy natural gas infrastructure is located on the Property. San Miguel Power Association will provide electric service. Telecommunications is also available from Century Link.

The development team heard very clearly that the number one issue for the La Montagne Project to address



is public safety associated with the vehicular, pedestrian and bike use of Country Club Drive. To this end the team has prepared a survey of the Country Club Drive Right-of-Way and the general easement along the road. This survey information is the foundation to the proposed civil plan improvements for Country Club Drive that were created to significantly improve public safety. LSC Transportation Consultants, Inc., Uncompahgre Engineering and the development team have created a new plan for Country Club drive to improve safety that includes:

1. Required travel lanes for vehicular traffic;
2. A new four (4) foot wide uphill bike lane
3. A grade separated six (6) foot wide sidewalk on the south side of the road from Big Billies Trail to the Village Center-Mountain Village Boulevard crosswalk east of The Peaks
4. Speed humps at designed locations to slow traffic if desired by the community
5. Speed limits based on the design of the road (or as desired by the community);
6. New crosswalks to provide trail and La Montagne Project connectivity;
7. Downhill traffic share the road program for bicycle traffic;
8. An overall sign plan to improve safety; and
9. Traffic calming as needed to slow down traffic as needed as it enters and passes through the project.

It is important to note that Country Club Drive as designed meets the Town’s Road and Bridge Standards including but not limited to travel lane width, shoulders, grade and centerline curvature. Even though Country Club Drive complies with the Town Road Standards it is critically important to provide a grade-separated sidewalk, and other safety improvements. A cross section of the proposed road design is shown in Figure 5 and the civil plans are in the PUD Amendment plan set. Some of the safety improvements may require an easement from TSG if such cannot be located in the Country Club Right-of-Way and no general easement exists on TSG property.

Intermodal Circulation and Public Safety

CDC Section 17.4.12(E)(8) requires that “The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion. Vehicular, pedestrian and bicycle safety improvements to Country Club Drive are discussed above. Access to the North Site and South Site have been coordinated and minimized to limit vehicular and pedestrian/bicycle interactions. Access ramp driveways have grades of approximately 5 percent at the road intersections which allow for great visibility and meet the required CDC sight distance. Parking areas are designed within garages that are accessed from the proposed driveways. Short-term, service and delivery parking is planned for both the North Site and South Site. Trash and recycling facilities will be provided on the North Site and South Site.

Compliance with Applicable Town Regulations and Standards

CDC Section 17.4.12(E)(9) requires the PUD Amendment to meet “...all applicable Town regulations and standards unless a PUD is proposing a variation to such standards”. Other Town regulations and standards are discussed in Section 8.



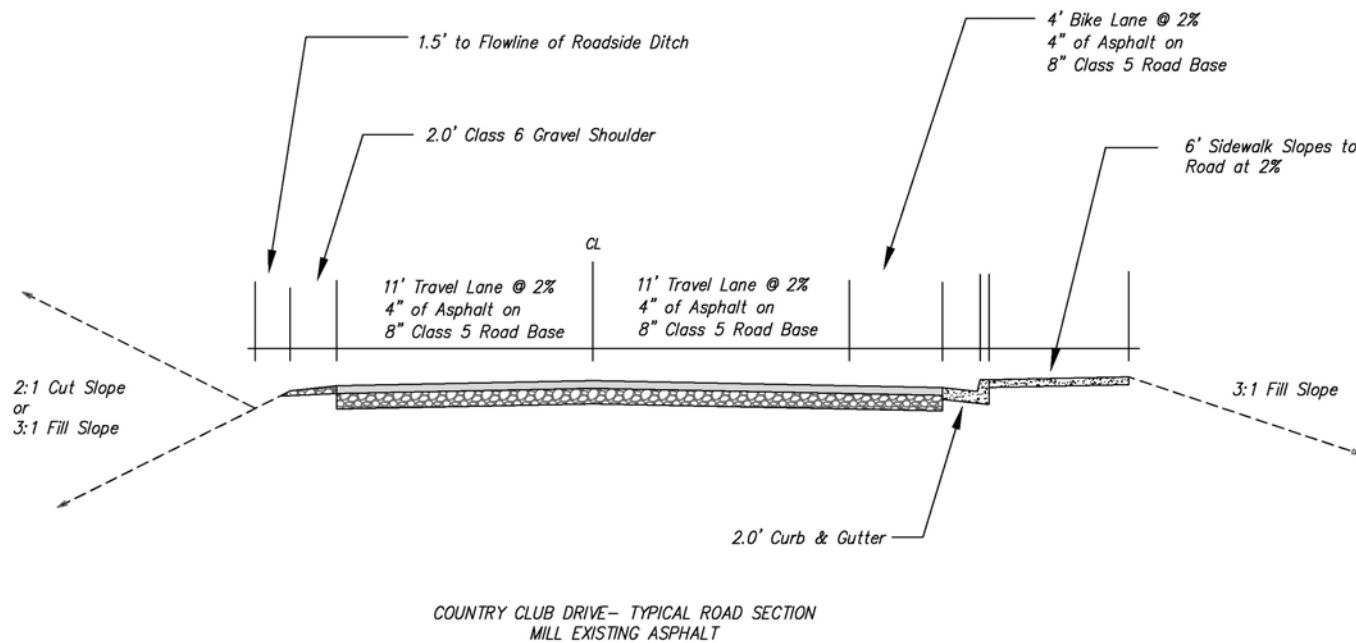


Figure 5. Proposed Country Club Drive Cross Section

Comprehensive Plan Project Standards

CDC Section 17.4.12(H) states establishes the Comprehensive Plan Project Standards as follows with the project teams comments shown in *italics*:

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. *Visual impacts have been minimized and mitigated. Building massing has been significantly pulled back from the eastern property line of Lot 152R to open up desired views for the Lot 119 owner and reduce the building massing on the Hole 1 tees. Building heights could be up to five (5) feet taller if gable roof forms were used, with the shed roof design reducing visual impacts. Significant landscape buffering will be provided as shown on the landscaping plan for development to the west and east of the Property. Building massing on the North Site has been designed to reduce visual impacts to Lots 143A and 143D to the west. Building roof forms on the west side of the North Site have been designed to be very low profile to mitigate visual impacts to Lot 143A.*
2. Appropriate scale and mass that fits the site(s) under review shall be provided. *The La Montagne Project provides appropriate scale and mass that fits the Property with a very low multi-family density of approximately 11 units per acre. The planning and design for the La Montagne Project provides a transitional land use plan as shown in Figure 4 with high density in the Village Center Subarea that is located to east and the single-family development to the west. The density transitions from approximately 36 units per acre at The Peaks, 13 units per acre at See Forever and over 80 units per acre on Lots 122 and 123 and as envisioned on Parcel A-1 of the Village Center Subarea Plan to 9.7 units per acre at La Montagne. The*



single-family area to the east of the Property in Lots 114 through 121R is an island of single-family density surrounded by high density multi-family resort development. The single-family development to the west of the La Montagne Project has been planned and designed to be located next to high density development with the original County PUD and Town incorporation showing high density development on the Property next to single-family development. There are lots of areas in Mountain Village where high density development is planned and built next to single-family development, with all property owners aware of this planning and zoning when they bought the Property. This development pattern with high density scale and mass next to low density single-family development is also envisioned by the Comprehensive Plan Future Land Use Map.

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. *Wetlands will be avoided and enhanced with routing of drainage into wetland areas and wetland plantings to provide higher functional values. The La Montagne Project meets the CDC Steep Slope Regulations as discussed in this narrative. Geotechnical analyses prepared by a qualified Colorado Professional Engineer will be provided to the Town as a part of the building permit process. The Property is not located in a Comprehensive Plan subarea so there are no target densities for the North Site or South Site.*
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. *The Design Review Process development applications will address site specific issues such as trash and recycling, wetlands and grading and drainage, golf course integration, and similar topics. A concurrent Design Review Process application has been submitted for the South Site so these site specific issues for Lot 152R will be addressed with the PUD Amendment, rezoning and density transfer. The PUD agreement for the Property will require a Design Review Process application for the North Site that will address site specific issues.*
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 currently no ski runs available adjacent to the Property. The Owner is working with TSG to determine if ski-in/ski-out access and snow making can be provided to Lot 152R and the La Montagne Project. The ski-in/ ski out access is proposed within the existing ski easement to Lot 152R. A future Design Review Process application will be required for this ski access and any snow-making improvements if the Owner successfully negotiates a new easement with TSG.*

Section 8 REZONING + DENSITY TRANSFER

The Owner is requesting a Rezoning Process for the Property from the current Multi-family Zone District to the PUD Zone District as required by the PUD Regulations in Section 17.4.12(I)(5). The rezoning is also needed to transfer density to the Town Density Bank per CDC Section 17.3.8(B):

“Density may be transferred from one lot to another lot or to the density bank provided the density transfer is approved pursuant to the density transfer and rezoning processes as concurrent development applications...”



The PUD Agreement density, the La Montagne Project density and the net effect of the proposed Density Transfer are shown in Table 1. The proposed Rezoning and Density Transfer result in the elimination of 56 hotel units, 19 hotel efficiency units; 18 condominium units; 1 employee apartment; and 17 employee dorms units. The Owner is requesting that all of this density be transferred to the Density Bank except for the employee dorms and employee apartment because the Town can create this density and not violate the Density Limitation. Thus, there is no need to preserve the employee housing density in the Density Bank.

Employee Housing Rezoning Change

The zoning history concerning the Property has consistently contemplated the development of a sizable amount of hotel and commercial development as outlined in the Section 3. The Base Employee Housing Requirement is directly related to and offset/mitigate the 70 units of hotel density and the commercial density that have been historically zoned on the Property.

CDC Section 17.3.9(C) states:

“Certain lots are required to construct and provide workforce housing units concurrent with the free-market development allowed on a lot. Such lots with workforce housing are designated on the official land use and density allocation list.

1. Workforce housing density assigned to a lot on the official land use and density allocation list or by an effective resolution shall be built concurrent with any free-market units on that lot, and workforce housing density cannot be transferred to the density bank or to another lot unless the Town Council determines, in its sole discretion, that the workforce housing density cannot be built on a site due to a practical hardship.
 - a. If the Town Council determines a practical hardship exists, the applicant shall be required to transfer the unbuilt workforce housing density to the density bank pursuant to the rezoning and density transfer processes.”

The Owner is aware of the issues and concerns of the neighbors to the Property who have appeared before the Town in recent years and expressed their considerable concern with the mass/scale and zoning and density assigned to the site, and resulting impacts associated with visual impacts, traffic, noise, etc. when prior owners of the property were endeavoring to develop the property in line with these land use allocations. In response to these concerns and changes in market conditions and land use development patterns in the Mountain Village since the Rosewood PUD was approved, the Owner is proposing a significant reduction in the overall land use mix, density and mass and scale being pursued (including the elimination of the hotel density/uses and sizable reduction in commercial density/uses).

As discussed in the application, the proposed rezoning and density transfer and overall reduction in mass/scale will eliminate 75 hotel units, 18 condominium units and 38,656 sq. ft. of commercial area that reduces the free market actual unit density from 142 units to 49 units (66% density reduction). The free market commercial density is reduced by 38,656 sq. ft. (100% reduction). The estimated number of employees being generated from the development is also being reduced by approximately 203 employees (92% reduction).

To make the project viable in light of these changes and to maintain the goal of reducing the overall mass/scale and density for the site, the Owner must likewise modify the Base Employee Housing Requirement; the amount of zoning and density for the Property; and related mass/scale assigned to the site, which would result in a reduction from 16 dorm units and two employee apartments to four (4) employee apartments. The



applicant believes this reduction in the number of employee housing units in the Property from 22 person to 12 person equivalents (4 employee apartments) is proportionate to and is in balance with the reduced free market zoning and density proposed for the La Montagne Project.

The Applicant’s efforts to reduce the overall mass/scale and zoning/density from the Property in response to neighbor concerns and evolving land use patterns would be significantly frustrated if the Town mandated the placement and development of the full extent of the Base Employee Requirement. In order to sustain a functional and viable project, it would not be practical for the applicant to pursue an overall downzoning of the site without a corresponding reduction in the employee housing zoning.

Rezoning and Density Transfer Criteria for Decision

The proposed rezoning complies with the Rezoning Process Criteria for Decision set forth in CDC Section 17.4.9(C)(3) as outlined in the following sections:

General Conformance with the Mountain Village Comprehensive Plan

The proposed rezoning generally conforms to the Comprehensive Plan as set forth in the PUD Amendment section.

Consistency with Zoning and Land Use Regulations

The proposed rezoning and density transfer applications are consistent with the Zoning and Land Use Regulations contained in CDC Section 17.3. Multi-family condominium dwellings and employee apartments are permitted uses in the Multi-family Zone District and the proposed PUD Zone District. The La Montagne Project complies with the maximum height, maximum average height, and lot coverage for the Multi-family Zone District as shown in Table 2. There are no dimensional limitations for the PUD Zone District so the La Montagne Project contemplates the new PUD agreement for the Property will establish dimensional limitations based on the Multi-family Zone District.

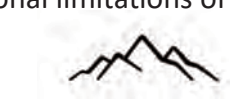
The La Montagne Project complies with the Density Limitation since no density is being transferred to the Property and all unused density will be transferred to the Density Bank, except for the employee housing which the Town can freely create and is not subject to the Density Limitation. The Owner intends to transfer 18 condominium units; 56 hotel units; and 19 hotel efficiency units to the Density Bank as provided for in this narrative. Four (4) workforce housing units are proposed that will meet the CDC requirements set forth in Section 17.3.9. The project will meet the CDC Platted Open Space requirements in Section 17.3.10 since Tracts OSP-118 and OSP-126 will be maintained and dedicated to the Town concurrent with the recording of a new PUD agreement for the Property.

Comprehensive Plan Project Standards

The proposed rezoning complies with the Comprehensive Plan Project Standards in CDC Section 17.4.12 (H) as presented in Section 7 of this narrative.

Consistency with Public Health, Safety and Welfare + Efficiency and Economy of Land and its Resources

The proposed rezoning is consistent with the public health, safety and welfare. The proposed development is designed in accordance with the dimensional limitations of the underlying Multi-family Zone District.



Adequate infrastructure and public services are available to the Property as outlined in this narrative. The multi-family land uses in the La Montagne Development are envisioned by the Comprehensive Plan. The La Montagne Project will facilitate needed safety improvements to Country Club Drive, including a new grade separated sidewalk, uphill bike lane, crosswalk and other safety improvements.

Rezoning Justification

The proposed rezoning is justified by specific policies in the Comprehensive Plan with multi-family condominium development envisioned on Lot 126R and Lot 152R. The rezoning to the PUD Zone District is also justified because it is required by the PUD Regulations in Section 17.4.12(1)(5). The rezoning is also justified by changes in the conditions in the Town and vicinity. A hotel and large commercial areas are no longer viable on the Property, and area neighbors desire to significantly downzone the Property with a reduced scale and mass and less intensive land uses. The Town's CDC rezoning and density transfer policies also recognize the ability to transfer density to the Density Bank or convert density on a development site.

Adequate Public Facilities and Services

The Telluride Fire Protection District will provide fire protection and emergency response services. The Mountain Village Police Department will provide police services. Water and sewer are available from the Town of Mountain Village. Gas and electric services will be provided by Black Hills Energy and SMPA, respectively. Broadband and telecommunications are available from the Town, Century Link and area cellular providers. Driveways within La Montagne will be privately maintained, including snow plowing and snow removal. The Big Billies Trail, Jurassic Trail, Boomerang Trail, the Village Center Trail and the planned Stegosaurus Trail provide unparalleled trail and pedestrian access. The La Montagne Project will provide a shuttle to transport owners and guests to key areas in Mountain Village (Village Center, Town Hall, etc.)

Project Circulation, Parking, Trash and Deliveries

Vehicular, pedestrian and bicycle safety improvements to Country Club Drive are discussed above. Access to the North Site and South Site has been coordinated and minimized to limit vehicular and pedestrian/bicycle interactions. Access ramp and driveways have grades of approximately five (5) percent at the road intersections which allow for great visibility and meet the required CDC sight distance. Parking areas are designed within garages that are accessed from the three proposed driveways. Short-term, service and delivery parking is planned for both the North Site and South Site. Trash and recycling areas will be provided on the North Site and South Site.

Compliance with Other Town Regulations

The proposed development will comply with the requirements of the CDC and any applicable requirements of the Municipal Code.

Wetland Regulations

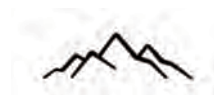
There are two wetland areas on the South Site that were not identified for the Rosewood PUD Plans. A review of the Rosewood PUD Plans shows that buildings were located on top of the newly identified wetland areas.

CDC Section 17.6.1(B) establishes the Wetland Regulations that are applicable to the Property. Section



17.6.1(B)(2) establishes the following standards with project team comments are shown in *italics*:

- a. Avoid disturbance to wetland areas to the extent practicable, and minimize and mitigate impacts where site conditions preclude the ability to avoid wetland impacts. *The development of the South Site will avoid any disturbance to the wetland areas. The wetland areas will be protected by sturdy fencing, matting or boards during construction. All building walls are setback from the wetland areas with no wetland fill. A few cantilevered decks are proposed over the wetland areas that are elevated 10 feet above the wetland area. The wetland areas are low quality wetlands with low functional values. The project team will provide a detailed wetland enhancement plan to add wetland plants and improve the functional values of the wetlands on the South Site as a part of the required Design Review Process Final Review. The Terra Firm has provided a letter on the South Site wetland areas as shown in Exhibit C.*
- b. Provide appropriate setbacks to wetland areas to the extent practicable. There will be situations where wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs. *It is not practicable to provide setbacks to the wetland areas given the narrow width of Lot 152R and the underlying zoning that allows for up to 23 condominium units. Lot 152R is only 80 to 100 feet in depth which is very shallow for a multi-family lot in Mountain Village. The front 16 foot general easement reduces the functional width to approximately 65 to 84 feet at the narrowest points. The development is avoiding the wetland areas which further limits the developable areas of the South Site. Lot 152R has been replatted approximately three times without any general easement on the golf course which the project team believes is due, in part, to the narrow width. This narrow width combined with the underlying density necessitate that development be located as close as possible to the wetland areas to allow for reasonable use of Lot 152R, with the decks of Buildings H and K proposed to slightly cantilever over the wetland areas with approximately ten feet of clearance. Detailed construction mitigation plans will be provided with the required Final Review to ensure the wetland areas will not have any soil disturbance.*
- c. If a developer proposes to cause disturbance or fill to a wetland area, the CDC required development application shall include a thorough, written evaluation of practical alternatives to avoiding any fill, excavation or disturbance of any wetland. *This standard is not applicable since no wetland disturbance is proposed.*
- d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that there is not a practicable alternative to avoiding such activities and if the following criteria are met. *This standard is not applicable since no wetland disturbance is proposed.*
- e. The review authority should allow for the reconfiguration of a lot with surrounding lots by the Subdivision Process to avoid wetland impacts if practicable. *It is not practicable to reconfigure the lot due to the golf course design and layout with TSG owning all of the land on the east, west and south sides of Lot 152R.*
- f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands delineation performed by a USACE qualified consultant. *The wetland delineation for the South Site has been approved by the United States Army Corps of Engineers as shown in Exhibit B.*



Steep Slope Regulations

The Property contains steep slopes that are 30 percent or greater as shown in Figure 4. Section 17.6.1(C)(2) (a) of the CDC states that:

“Building and development shall be located off slopes that are thirty percent (30%) or greater to the extent practical.

i. In evaluating practicable alternatives, the Town recognizes that it may be necessary to permit disturbance of slopes that are 30% or greater on a lot to allow access to key viewsheds, avoid other environmental issues, buffer development and similar site-specific design considerations.”

It is not practicable to avoid all steep slope areas because the Property contains large areas of slopes that are 30 percent or greater. Lot 126R and Lot 152R were platted and zoned for high density development with full knowledge of the steeper slopes that existed on the Property. Avoiding the steep slope areas on Lot 126R and Lot 152R would not allow for the historic or current density assigned to the Property, and would deny the owner reasonable use. The development of steep slopes allows for clustering in the central location of Lot 126R while also providing accesses to key viewsheds. Lot 126R is located immediately next to an extensive open space buffer for all of Mountain Village that leads down to the Valley Floor. It should also be noted that Lot 143A to the west is entirely located in a steep slope area that leads into the North Site with development already approved higher on the hillside in this area of the town.

The purpose of the Steep Slope Regulations “...is to prevent the development of steep slopes that are thirty percent (30%) or greater to the extent practicable in order to protect water quality, visual resources and slope stability.” Plans for the North Site and South Site will include a thorough engineered plan that will protect water quality and slope stability. The Town zoning has always contemplated development on the south facing hillside of Lot 126R with extensive open space located to the North of the Property. Development has been designed to fit the topography of the North Site and South Site with extensive landscaping, and natural colors and materials to mitigate visual impacts. Large areas of private open space will further mitigate visual impacts.

CDC Section 17.6.1(C)(2)(c) states the review authority will only allow for steep slope disturbance if the following criteria are met, with the project team comments shown in *italics*:

i. The proposed steep slope disturbance is in general conformance with the Comprehensive Plan. *The proposed steep slope disturbance is envisioned by the Comprehensive Plan’s Future Land Use Map that shows multi-family development on the North Site and South Site.*

ii. The proposed disturbance is minimized to the extent practical. *Soil disturbance in undisturbed areas will be minimized to the extent practical.*

iii. A Colorado professional engineer or geologist has provided:

(a) A soils report or, for a subdivision, a geologic report; or

(b) An engineered civil plan for the lot, including grading and drainage plans.

And the proposal provides mitigation for the steep slope development in accordance with the engineered plans. *A geotechnical soils report will be provided with the building permits for the North Site and South Site.*



A Colorado PE has prepared engineered civil plan for the Property.

General Easement and Setbacks

CDC Section 17.3.14 establishes the provisions related to general easements and setbacks. The only platted general easements are located on the north side of Lot 152R along Country Club Drive; on the south side of Lot 126R along Country Club Drive; and along the west side of Lot 126R adjacent to the single-family development to the west.

La Montagne avoids locating any buildings in the platted general easements except for some limited roof eaves as shown on the Lot 152R site plan. These roof eaves are located over 25 feet above the ground surface of the General Easement that will not interfere with the surface or underground use of the easement. We are seeking the use of the General Easement for roof eaves as the only PUD variation as discussed above.

Grading work in the general easement will be needed for project grading (including retaining walls), sidewalks, trail connectivity, landscaping and similar site improvements. Project signage and address monuments will also be proposed in the front general easements.

There are no general easement along the western, eastern and southern lot lines of Lot 152R or along the northern and eastern side of Lot 126R. CDC Section 17.3.14(B) states:

“For lots outside the Village Center Zone District where a general easement does not exist and lots where the general easement has been vacated, the review authority may require the establishment of a building setback as determined by the DRB at the time of review of a development application.”

We are seeking to obtain the Design Review Board’s approval of the following setbacks for areas that do not have a general easement as shown on the PUD Site Plan on Sheet:

Lot 126R

Building B: Approximately 14’-4” to northern property line

Building C: Approximately 3’ - 3” to northern property line

Building D: Approximately 7’ - 2” to northern property line

Building E: Approximately 1’ to northern property line

Building F: Approximately 7’-11” to northern property line

One the main purposes of the 16 foot general easement is to provide a buffer area that is free from development when lots are in close proximity to one another outside the Village Center (Village Center lots do not have general easements or setbacks in most instances). The proposed northern setbacks for the North Site are justified by the fact that a large open space tract exists to the north of Lot 126R (Tract OS-FF-5). Buildings heights on the northern side of Lot 126R will be minimized to the extent practical. Buildings C, D and E are located on the downhill side of a geographic ridge to the north of the development area. The project team does not believe that Buildings C, D, E or G will be visible from the Valley Floor and will erect story poles of the northern facades for the formal rezoning and density transfer public hearings.



Lot 152R

Building G: Approximately 10'-8" to western property line and 0' to southern property line

Building H: Approximately 11' - 4" to southern property line

Building I: Approximately 0' for spa pool and amenity deck to southern property line

Building J: Approximately 17' - 9" to southern property line

Building K: Approximately 3'-3" to southern property line

Building L: Approximately 0' to southern property line

The setbacks on Lot 152R are warranted due to the narrow lot width and the front general easement of 16' that leaves approximately 65 feet to 84 feet for the development of a multi-family townhouse project. The wetland areas on Lot 152R further constrain development from the central area of the Property which necessitates the setbacks as shown in order to allow for reasonable use. The setbacks on Lot 152R are also justified by the large open space tract to the south (Tract OS-1R-1) with the closest development at The Peaks located over 450 feet away.

The Town has never required a the platting of a 16 foot general easement or setback on the western, southern or eastern lot lines of the South Site. This allows for zero lot line development which is needed in order to achieve the permitted density. The Rosewood PUD Plan reflects this zero lot line development. The TSG landscape easement and other Lot 152 beneficial easements further support the intended zero lot line development with easements for construction, maintenance, drainage, utilities and landscaping needed in order to successfully achieve the envisioned density on the South Site. These easements provide room to construct and maintain the project, and to provide a good transitional landscape buffer to Hole 1 and the associated tee boxes.

Ridgeline Lots

Lot 126R is a Ridgeline Lot per CDC Section 17.5.6 subject to the following regulations, with our comments shown in *italics*:

1. All structures shall have varied facades to reduce the apparent mass. *The building mass on the North Site will be broken up by the use of several smaller buildings instead of one large building. Each building on the North Site will have varied facades.*
2. To the extent practical, foundations shall be stepped down the hillsides to minimize cut, fill and vegetation removal. *The North Site development will be designed with individual buildings with foundations that step down the hillside.*
3. Building and roofing materials and colors shall blend with the hillside. *The color of the building and roofing materials on the North Site will blend with the surrounding hillside and mountainside colors.*
4. Colors and textures shall be used that are found naturally in the hillside. *North Site buildings will be designed with colors and textures that are found naturally in the hillside and mountainside areas.*
5. Reflective materials, such as mirrored glass or polished metals, shall not be used. *Reflective materials will not be used.*
6. To the extent practical, no exterior lights shall be installed on the east side of buildings. Any required exterior lighting shall be shielded, recessed, or reflected so that no lighting is oriented towards the east side of the building. *Any required lighting on the east and north sides of the buildings will be minimized, shielded or recessed.*





La Montagne



La Montagne

TELLURIDE, COLORADO

DREWETT WORKS // ARCHITECTURE
DESIGN ARCHITECT

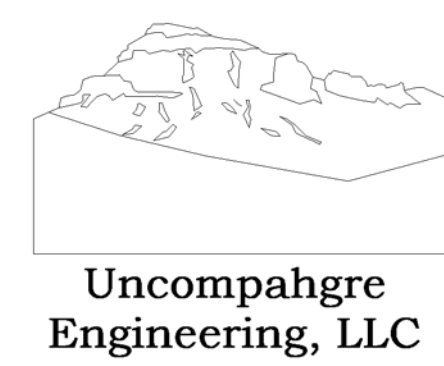
LOCAL ARCHITECT

LANDSCAPE ARCHITECT

PLANNING



DEVELOPMENT GROUP



CIVIL ENGINEERING



GENERAL CONTRACTOR

LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

LOT 126R

UNIT COUNTS		NOTES	
UNIT COUNT		LOT 126R = 175,559 SF	
BUILDING A (7)	17,800 SF	HEIGHTS = MAX HEIGHT 48' - MAX AVERAGE HEIGHT 48'	
BUILDING B (6)	15,500 SF	ZONE DISTRICT = MULTIFAMILY OUTSIDE VILLAGE CORE	
BUILDING C (7)	17,540 SF	ALLOWABLE SITE COVERAGE = 65% = 114,113 SF	
BUILDING D (7)	19,950 SF		
BUILDING E (6)	14,500 SF		
BUILDING F (1)	4,500 SF		
(34) UNITS =	88,430 SF	CURRENT LOT COVERAGE = 70,408 SF = 40%	
CLUBHOUSE	2,500 SF	PARKING REGULATIONS (1.5 PER UNIT MIN.) 56 REQUIRED	
AMENITY SPACE (SPA - GYM)	2,000 SF	EMPLOYEE HOUSING 4 UNITS (1.5 PER UNIT)	4
EMPLOYEE HOUSING APARTMENTS (4)	2,500 SF	SERVICE PARKING	
		TOTAL = 66 PARKING SPOTS	32,000 SF

LOT 152R SUMMARY

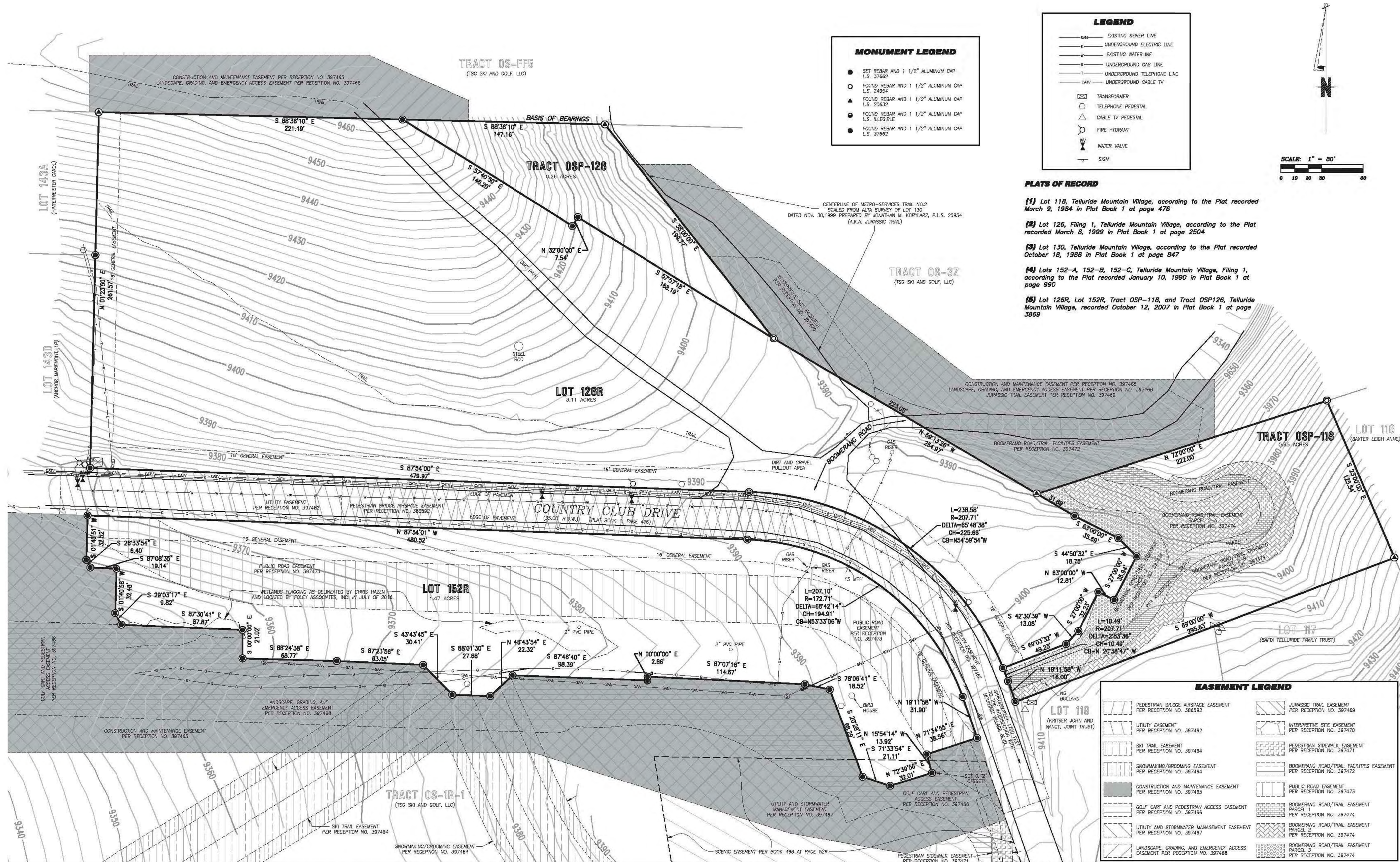
UNIT COUNTS		NOTES	
ROOM COUNT		LOT SIZE = 64,152 SF	
BUILDING H (2)	6,040 SF	HEIGHTS = MAX HEIGHT 48' - MAX AVERAGE HEIGHT 48'	
BUILDING I (3)	8,360 SF	ZONE DISTRICT = MULTIFAMILY OUTSIDE VILLAGE CORE	
BUILDING J (2)	5,500 SF	ALLOWABLE SITE COVERAGE = 65% = 41,698 SF	
BUILDING K (2)	6,040 SF		
BUILDING L (3)	8,360 SF		
BUILDING M (3)	9,290 SF		
(15) UNITS =	43,590 SF	PROPOSED LOT COVERAGE = 35,165 SF = 54.8%	
SKI LOUNGE	4,200 SF	PARKING REGULATIONS (1.5 PER UNIT MIN.) 22.5 REQUIRED	
		(SURFACE PARKING) - 3 PARKING SPOTS	
		(WEST GARAGE) - 14 PARKING SPOTS	12,800 SF
		(EAST GARAGE) - 19 PARKING SPOTS	11,900 SF
		TOTAL = 33 PARKING SPOTS	23,000 SF

SHEET INDEX

PUD1.0 PUD LOT 152R-126R	PUD4.8 CONCEPTUAL VIEW - NORTH @ CLUB
PUD1.1 SURVEY	PUD4.9 CONCEPTUAL VIEW - CC ROAD VIEW WEST
PUD1.2 SLOPE ANALYSIS	PUD4.10 CONCEPTUAL VIEW - CLUB VIEW NORTH
PUD1.3 SITE PLAN	PUD4.11 CONCEPTUAL VIEW - NORTH PROPERTY
PUD1.3.1 OVERHANG EXHIBIT	PUD4.12 CONCEPTUAL VIEW - WESTERN PROPERTY
PUD1.3.2 SITE COVERAGE DIAGRAM	PUD4.13 CONCEPTUAL VIEW - AERIAL @ CORE
PUD1.4 CIVIL - OVERALL SITE PLAN	PUD4.14 CONCEPTUAL VIEW - AERIAL
PUD1.4.1 CIVIL C2.1 COUNTRY CLUB DR IMPROVEMENTS	PUD4.15 CONCEPTUAL VIEW - AERIAL
PUD1.4.2 CIVIL C2.2 COUNTRY CLUB DR IMPROVEMENTS	
PUD1.5 CONCEPTUAL LANDSCAPING PLAN	
PUD1.6 HEIGHT ANALYSIS - ROOF PLAN	
PUD1.7 CONCEPTUAL SITE SECTIONS	
PUD1.8 CONCEPTUAL SITE SECTIONS	
PUD4.1 CONCEPTUAL VIEW - GOLF COURSE	
PUD4.2 CONCEPTUAL VIEW - GOLF COURSE	
PUD4.3 CONCEPTUAL VIEW - GOLF COURSE	
PUD4.4 CONCEPTUAL VIEW - CC ROAD ENTRY	
PUD4.5 CONCEPTUAL VIEW - VIEW NORTH	
PUD4.6 CONCEPTUAL VIEW - CC ROAD VIEW EAST	
PUD4.7 CONCEPTUAL VIEW - SOUTH @ CLUB	

PUD LOT 152R-126R

PUDI.0



ALTA/NSPS Land Title Survey
Lots 126R and 152R and Tracts OSP-118 and OSP-126, Town of Mountain Village

Project Mgr:	DB
Technician:	MC
Checked by:	
Start date:	02/07/2018



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

Drawing path: dwp\ALTA 02-2018\91026 ALTA 02-18.dwg Sheet 2 of 3 Project #: 91026

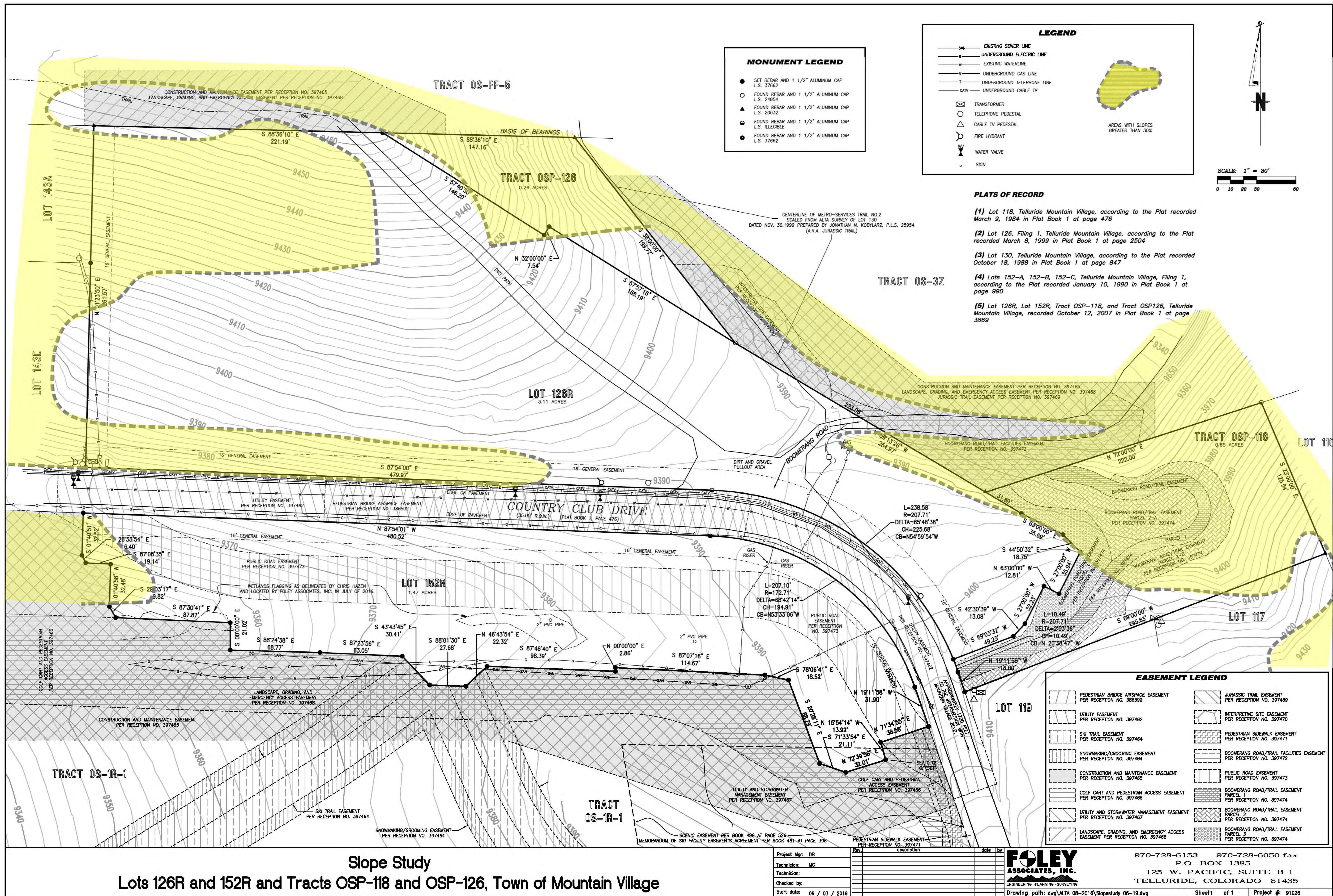
EXISTING CONDITIONS
 1" = 30'-0"

LA MONTAGNE CONDOMINIUMS

DATE: 10-28-2019
 PROJECT: 18-32

SURVEY

PUDI.I



LA MONTAGNE CONDOMINIUMS

DATE: 10-28-2019
 PROJECT: 18-32

SLOPE ANALYSIS

PUDI.2



TELLURIDE SKI + GOLF

*REFER TO PUD1.5 FOR LANDSCAPE PLAN



LA MONTAGNE CONDOMINIUMS

SITE PLAN

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

SITE COLOR LEGEND

- OPEN SPACE
- 16' EASEMENT/SETBACK
- ADJACENT EASEMENTS
- PROPOSED BUILDING OUTLINES

LOT 152R SUMMARY

ROOM COUNT	UNIT COUNTS
BUILDING H (2)	6,040 SF
BUILDING I (3)	8,360 SF
BUILDING J (2)	5,500 SF
BUILDING K (2)	6,040 SF
BUILDING L (3)	8,360 SF
BUILDING M (3)	9,200 SF
(15) UNITS	43,500 SF
SKI LOUNGE	4,200 SF

NOTES

LOT SIZE = 64,152 SF
HEIGHTS = MAX HEIGHT 48' - MAX AVERAGE HEIGHT 48'
ZONE DISTRICT = MULTI-FAMILY OUTSIDE VILLAGE CORE
ALLOWABLE SITE COVERAGE = 65% 65% = 41,698 SF

PROPOSED LOT COVERAGE = 35,165 SF = 54.8%

PARKING REGULATIONS (1.5 PER UNIT MIN.) 22.5 REQUIRED
(SURFACE PARKING) - 3 PARKING SPOTS 12,800 SF
(WEST GARAGE) - 14 PARKING SPOTS 12,800 SF
(EAST GARAGE) - 19 PARKING SPOTS 11,900 SF
TOTAL = 33 PARKING SPOTS 23,000 SF

LOT 126R SUMMARY

UNIT COUNTS	NOTES
BUILDING A (7)	17,800 SF
BUILDING B (6)	15,500 SF
BUILDING C (7)	17,540 SF
BUILDING D (7)	19,950 SF
BUILDING E (6)	14,500 SF
BUILDING F (1)	4,500 SF
(34) UNITS	88,430 SF
CLUBHOUSE	2,500 SF
AMENITY SPACE (SPA - GYM)	2,000 SF
EMPLOYEE HOUSING APARTMENTS (4)	2,500 SF

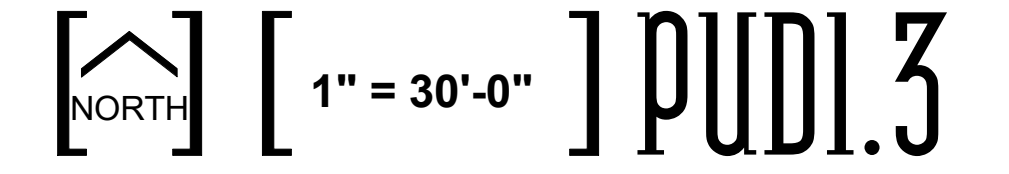
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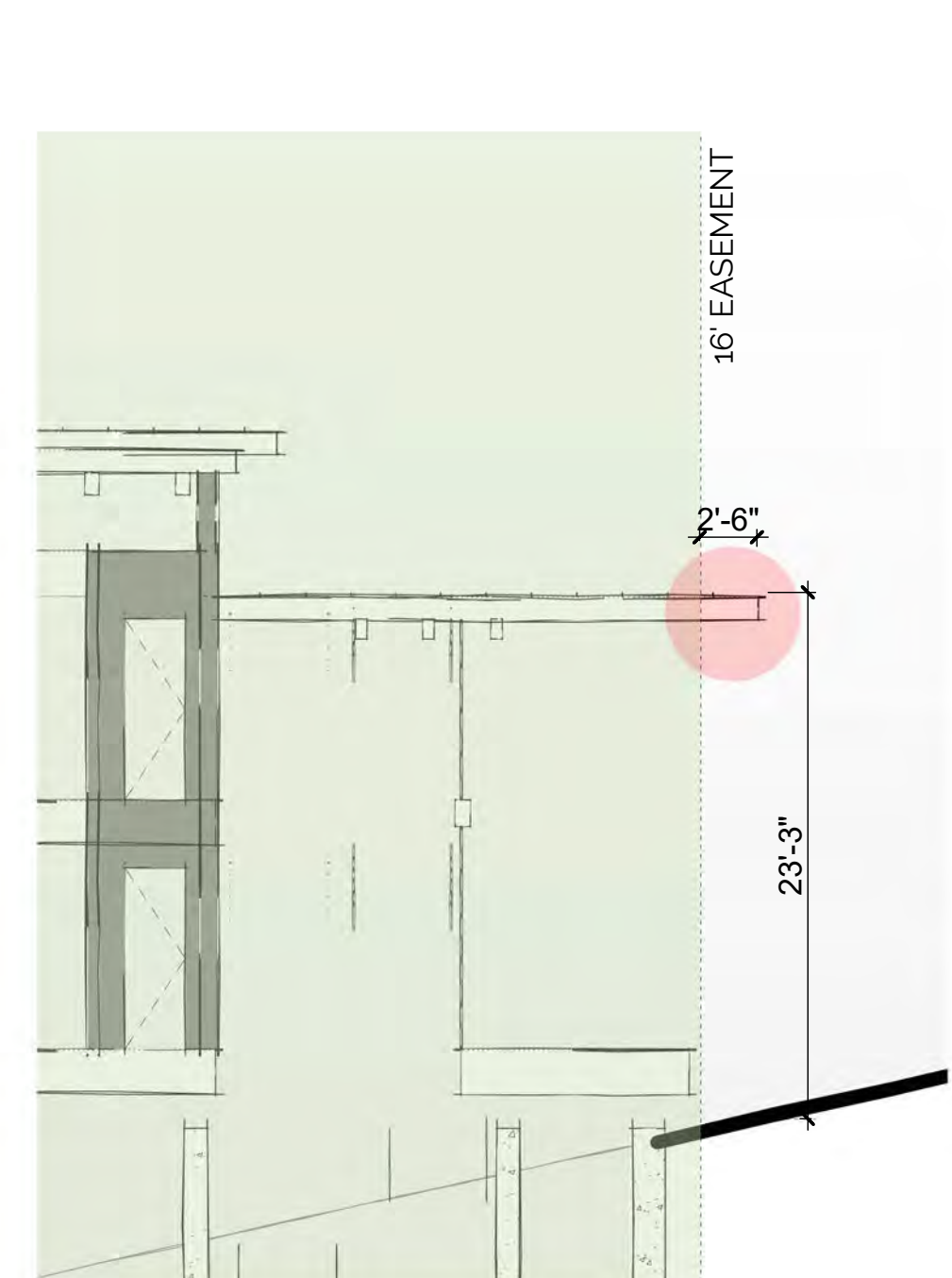
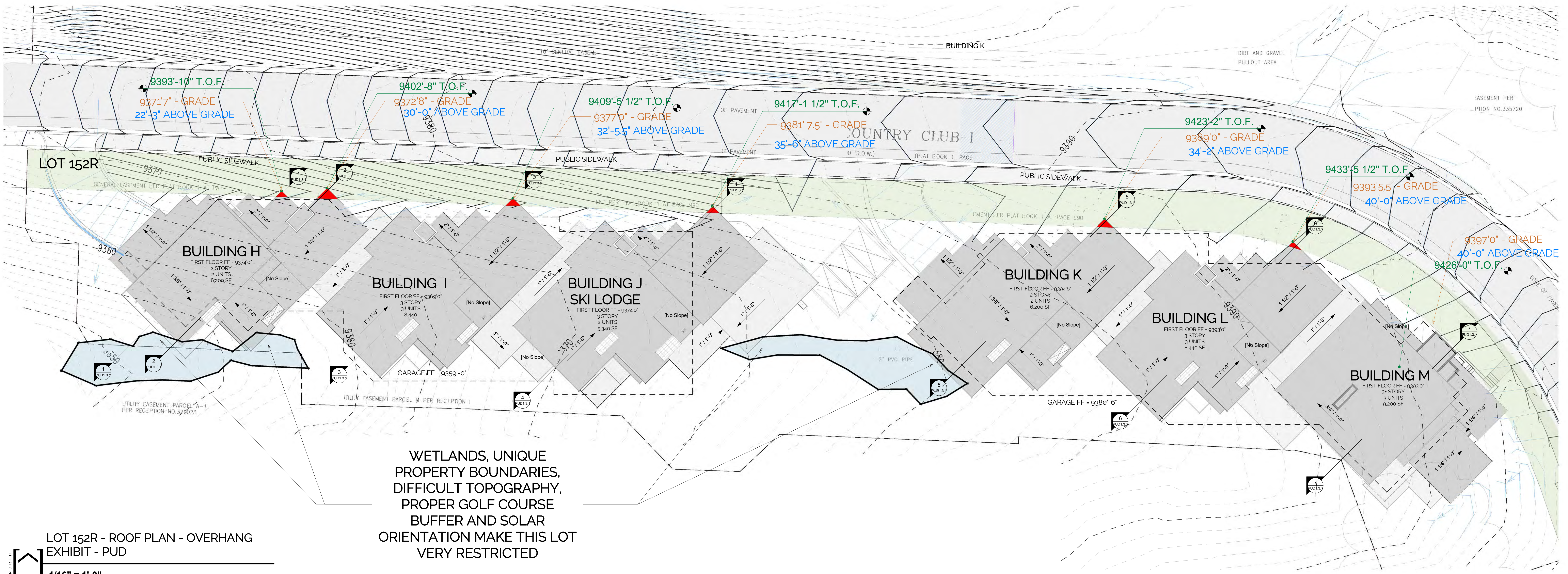
LOT 126R = 175,559 SF
HEIGHTS = MAX HEIGHT 48' - MAX AVERAGE HEIGHT 48'
ZONE DISTRICT = MULTI-FAMILY OUTSIDE VILLAGE CORE
ALLOWABLE SITE COVERAGE = 65% 65% = 114,113 SF

CURRENT LOT COVERAGE = 70,408 SF = 40%

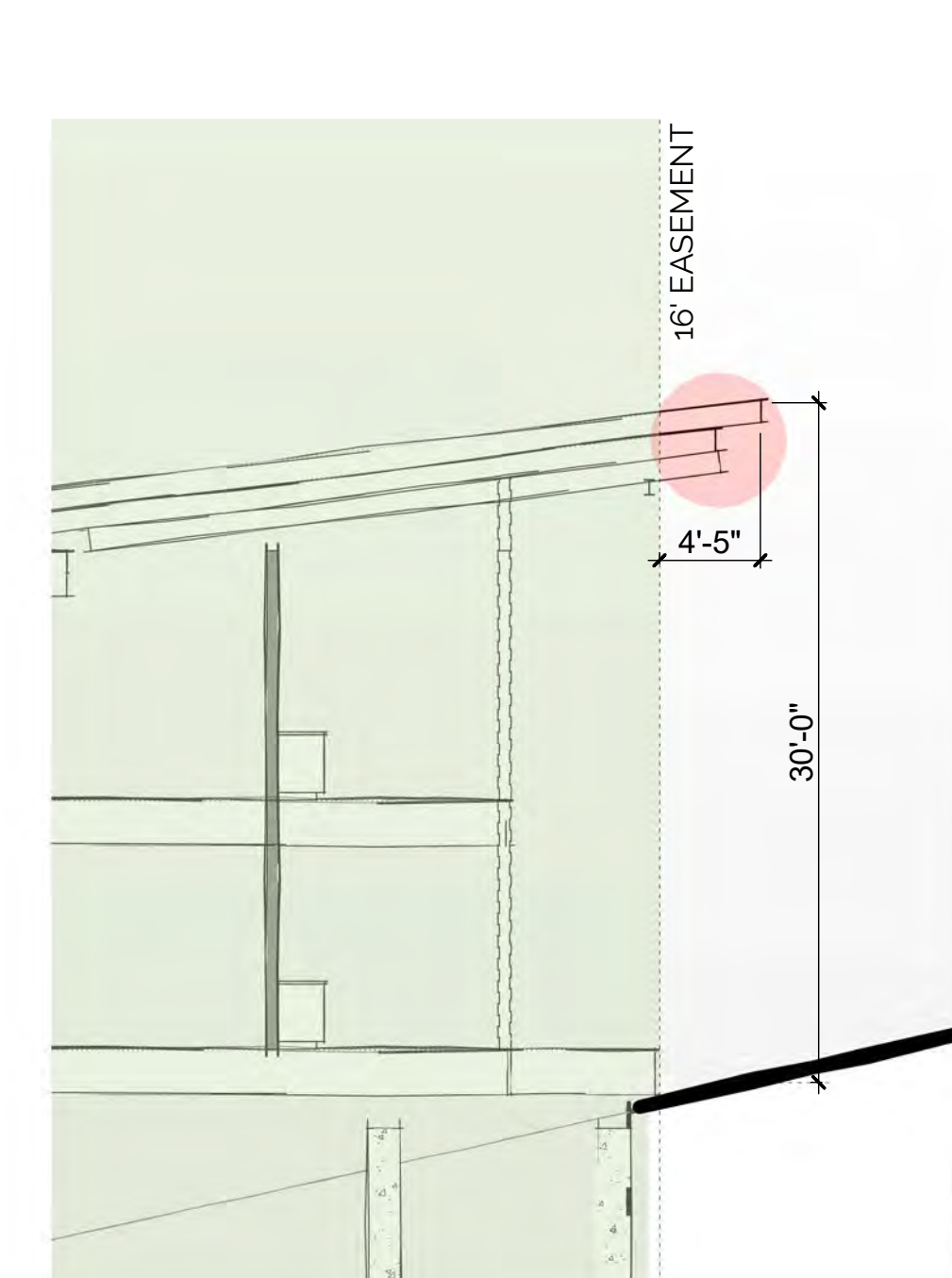
PARKING REGULATIONS (1.5 PER UNIT MIN.) 56 REQUIRED
EMPLOYEE HOUSING 4 UNITS (1.5 PER UNIT) 6
SERVICE PARKING (1-5) 4

TOTAL = 66 PARKING SPOTS 32,000 SF

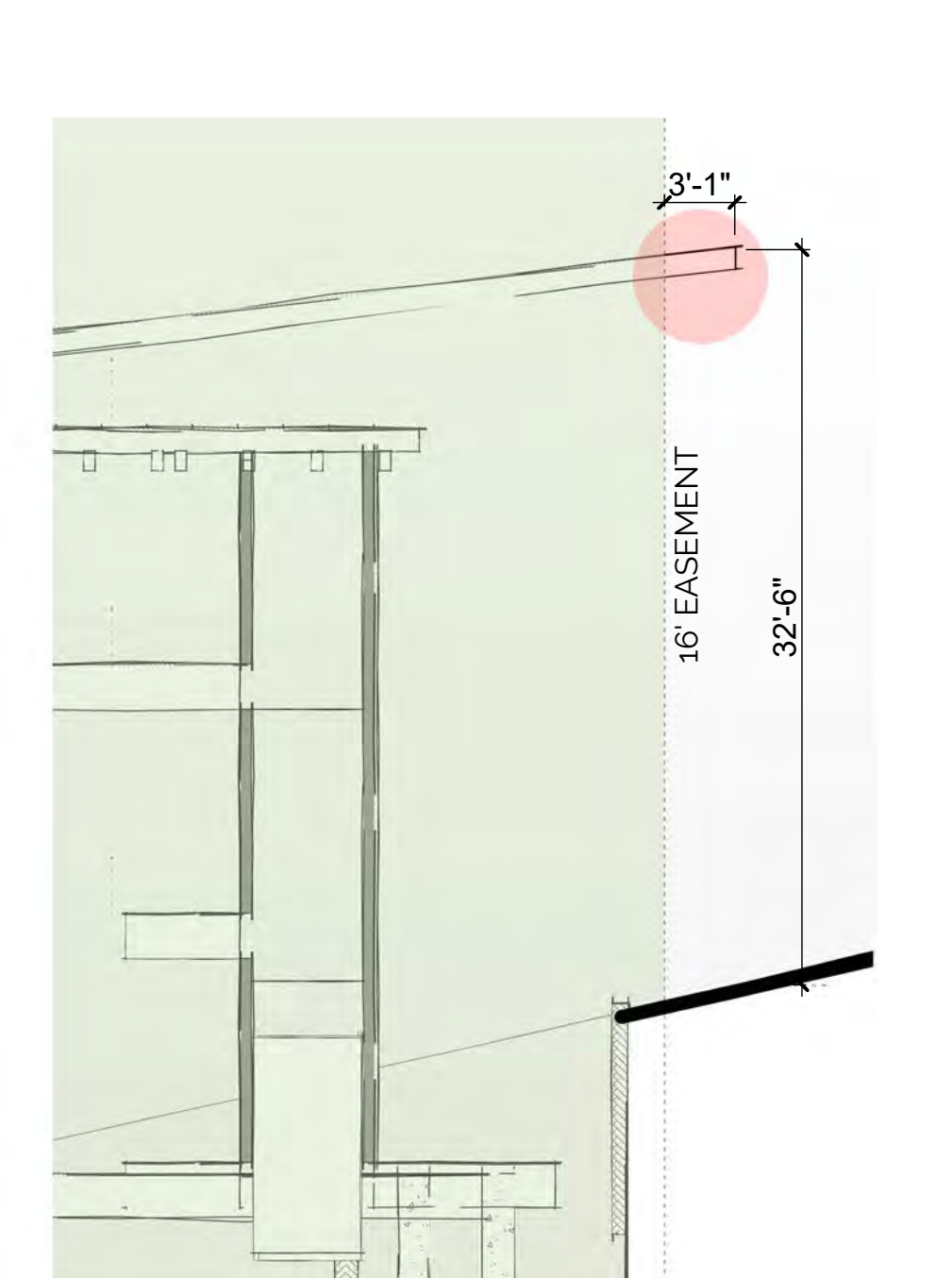




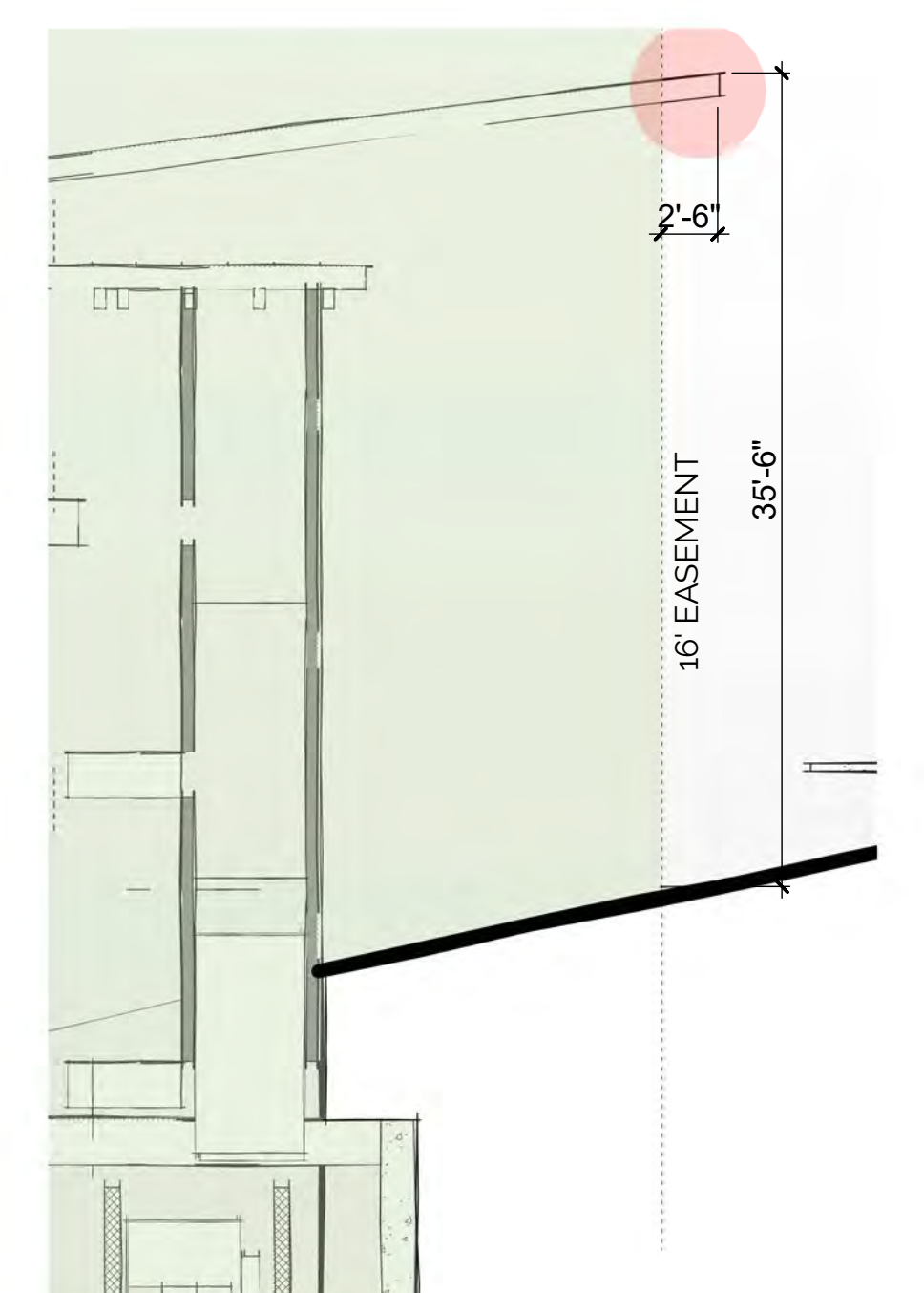
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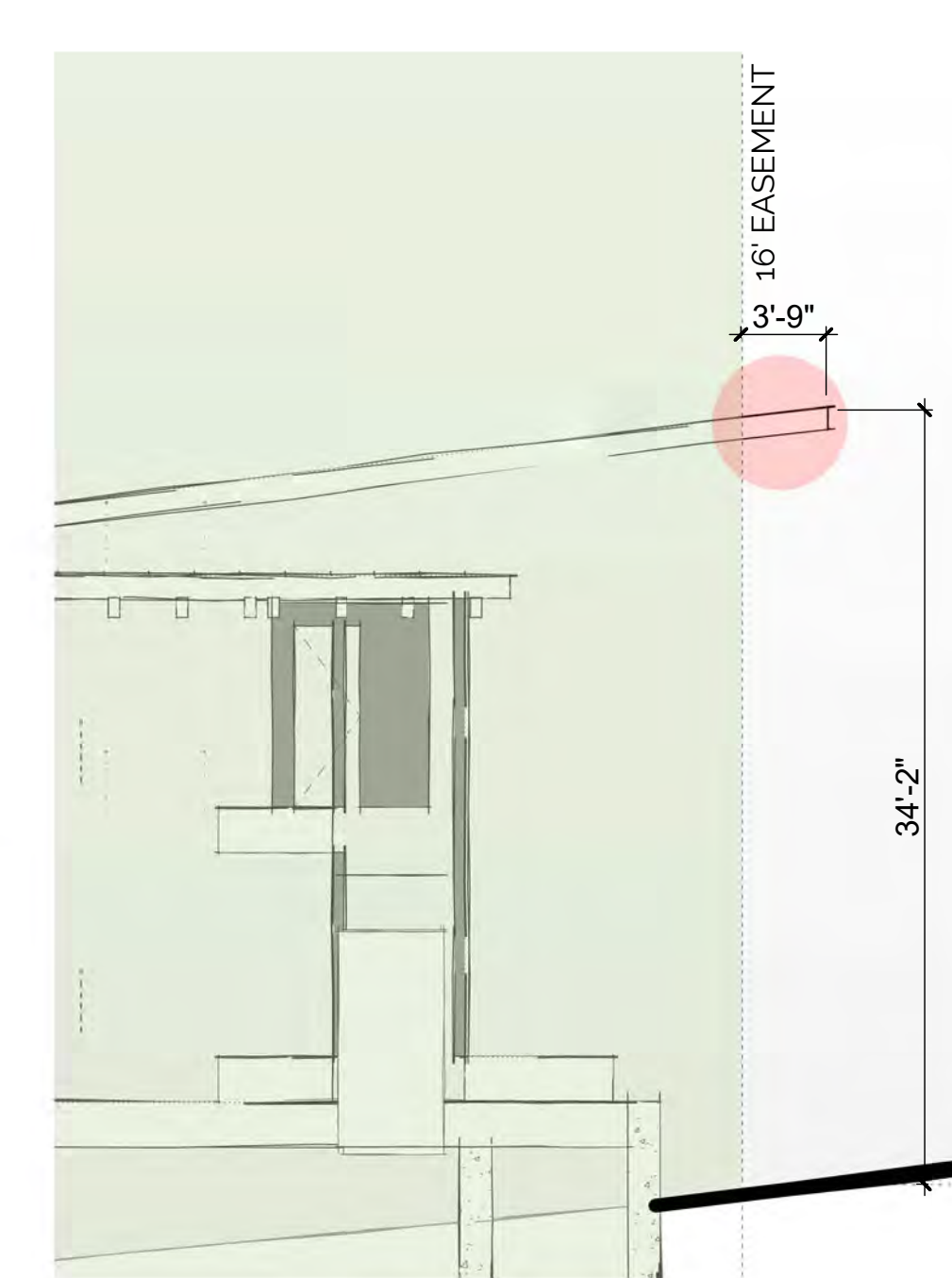
[2] OVERHANG STUDY 2
1/8" = 1'-0"



[3] OVERHANG STUDY 3
1/8" = 1'-0"



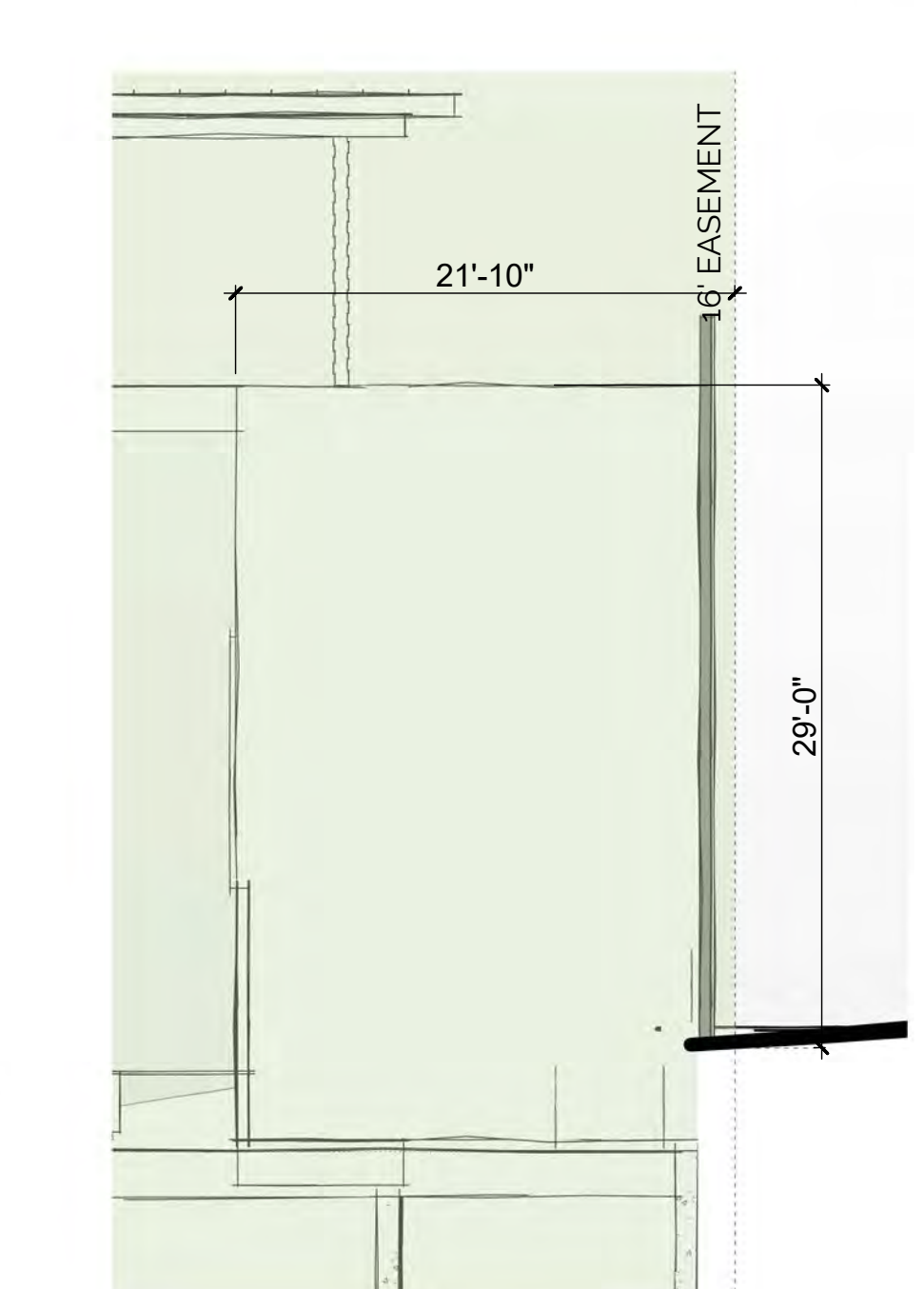
[4] OVERHANG STUDY 4
1/8" = 1'-0"



[5] OVERHANG STUDY 5
1/8" = 1'-0"



[6] OVERHANG STUDY 6
1/8" = 1'-0"



[7] OVERHANG STUDY 7
1/8" = 1'-0"



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

OVERHANG EXHIBIT

PUDI.3.1



LA MONTAGNE CONDOMINIUMS

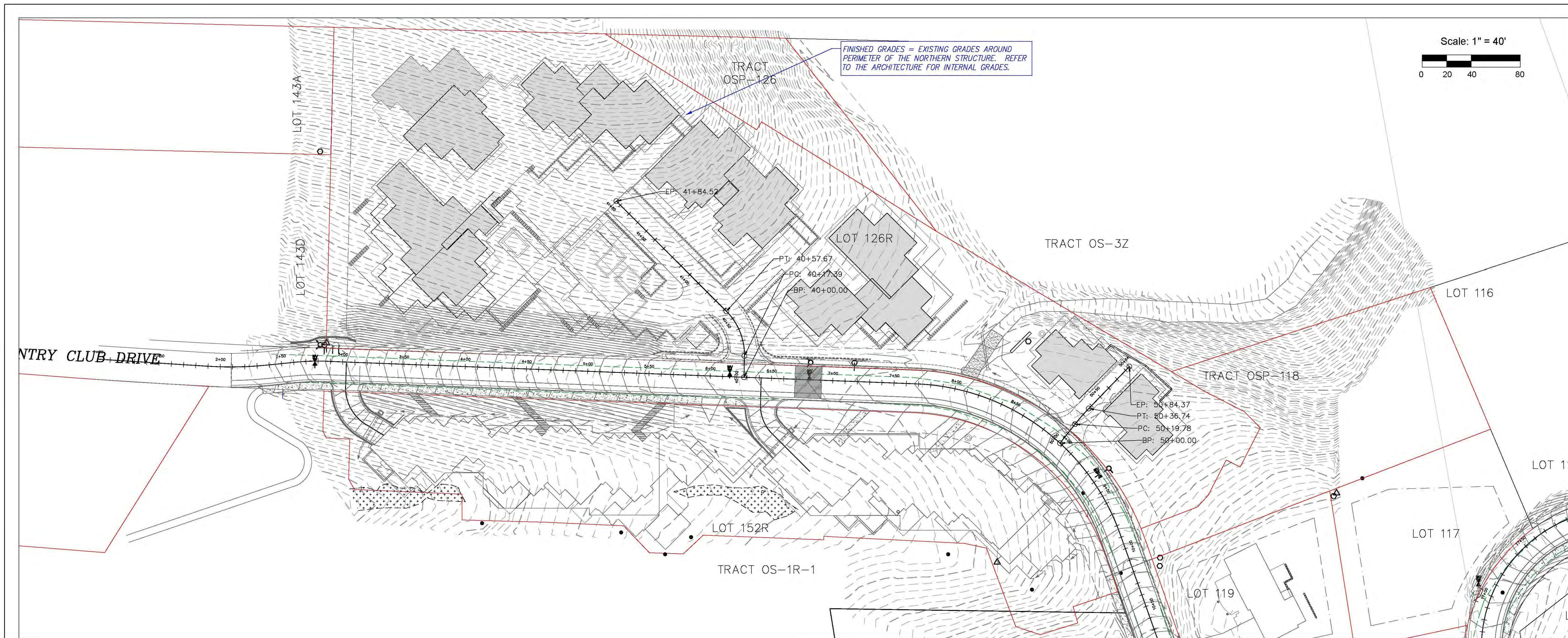
SITE COVERAGE DIAGRAM

PROJECT: 18-32
 DATE: 10-28-2019
 REVISION DATE: 11-14-2019

UNIT COUNTS		NOTES	
UNIT COUNT		LOT 126R = 175,559 SF	
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BUILDING C (7)	17,540 SF	ALLOWABLE SITE COVERAGE = 65% 65% = 114,113 SF	
BUILDING D (7)	19,950 SF		
BUILDING E (6)	14,500 SF	CURRENT LOT COVERAGE = 70,408 SF = 40%	
BUILDING F (1)	4,500 SF	PARKING REGULATIONS (1.5 PER UNIT MIN.) 56 REQUIRED	
(34) UNITS	88,430 SF	EMPLOYEE HOUSING 4 UNITS (1.5 PER UNIT)	6
CLUBHOUSE	2,500 SF	SERVICE PARKING (1-5)	4
AMENITY SPACE (SPA - GYM)	2,000 SF		
EMPLOYEE HOUSING APARTMENTS (4)	2,500 SF		
		TOTAL = 66 PARKING SPOTS	32,000 SF

UNIT COUNTS		NOTES	
ROOM COUNT		LOT 152R = 64,152 SF	
BUILDING H (2)	6,040 SF	HEIGHTS = MAX HEIGHT 48' - MAX AVERAGE HEIGHT 48'	
BUILDING I (3)	8,360 SF	ZONE DISTRICT = MULTI-FAMILY OUTSIDE VILLAGE CORE	
BUILDING J (2)	6,500 SF	ALLOWABLE SITE COVERAGE = 65% 65% = 41,698 SF	
BUILDING K (2)	6,040 SF		
BUILDING L (3)	8,360 SF	PROPOSED LOT COVERAGE = 35,165 SF = 54.8%	
BUILDING M (3)	9,220 SF		
(15) UNITS	43,500 SF		
SKI LOUNGE	4,200 SF		
		PARKING REGULATIONS (1.5 PER UNIT MIN.) 22.5 REQUIRED	
		(SURFACE PARKING) - 3 PARKING SPOTS	
		(WEST GARAGE) - 14 PARKING SPOTS	12,800 SF
		(EAST GARAGE) - 19 PARKING SPOTS	11,900 SF
		TOTAL = 33 PARKING SPOTS	23,000 SF

PUDI.3.2

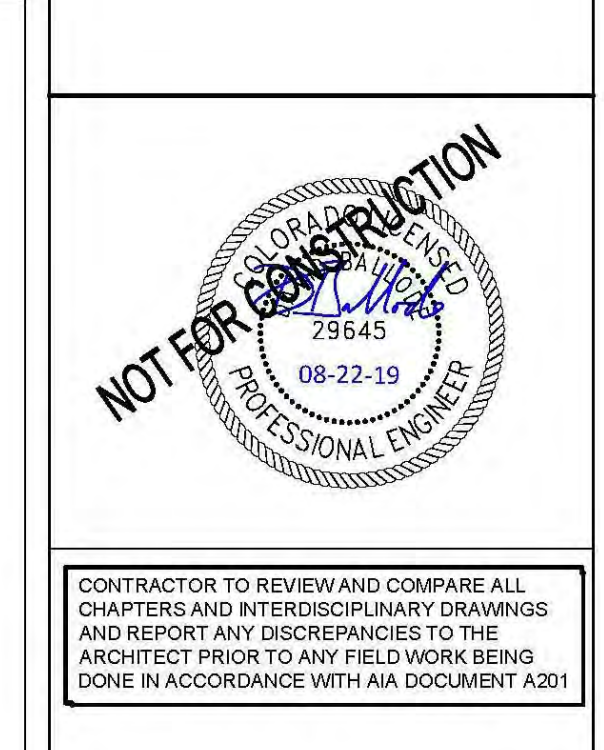


Uncompahgre Engineering, LLC

P.O. Box 3945
 Telluride, CO 81435
 970-729-0683

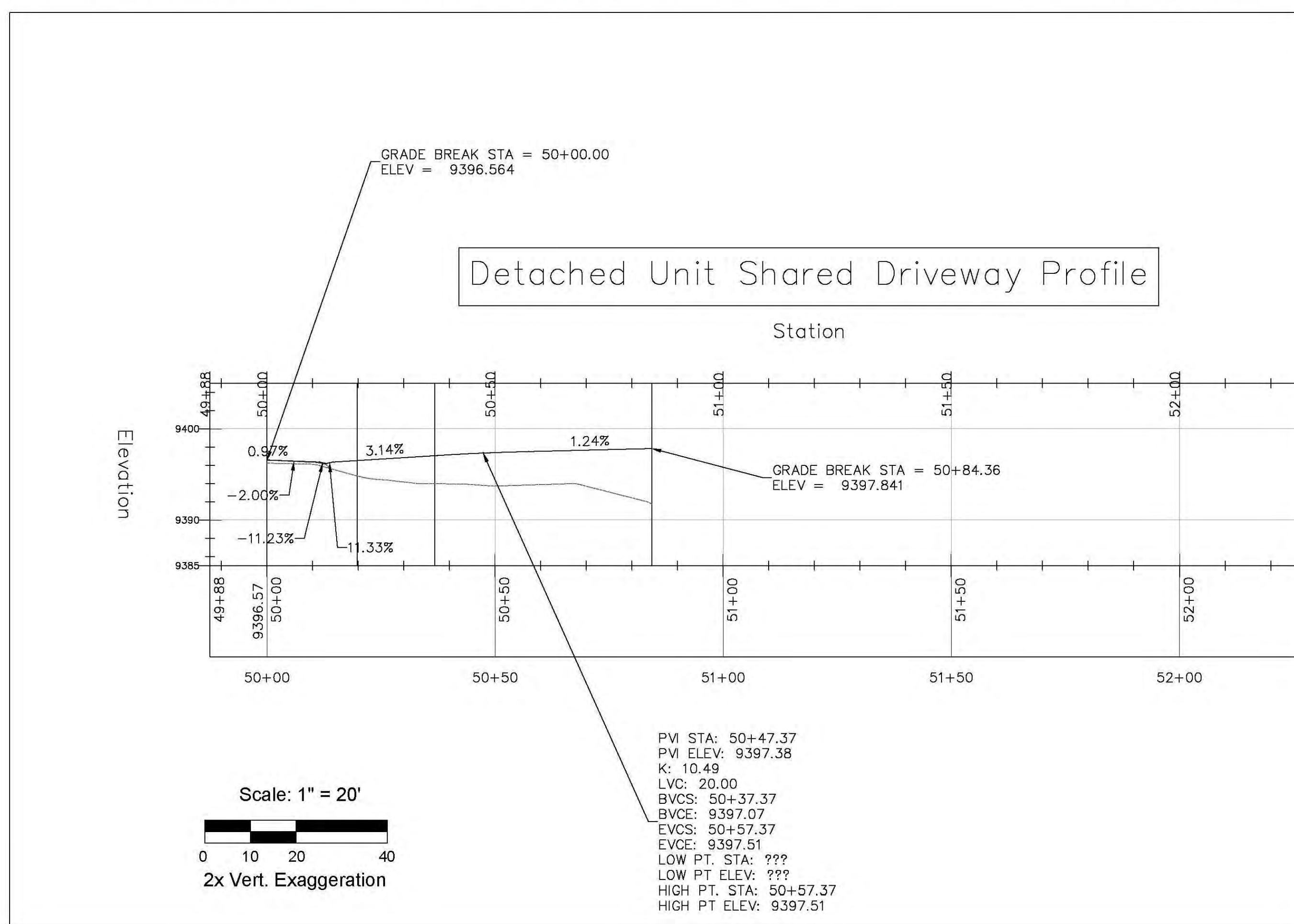
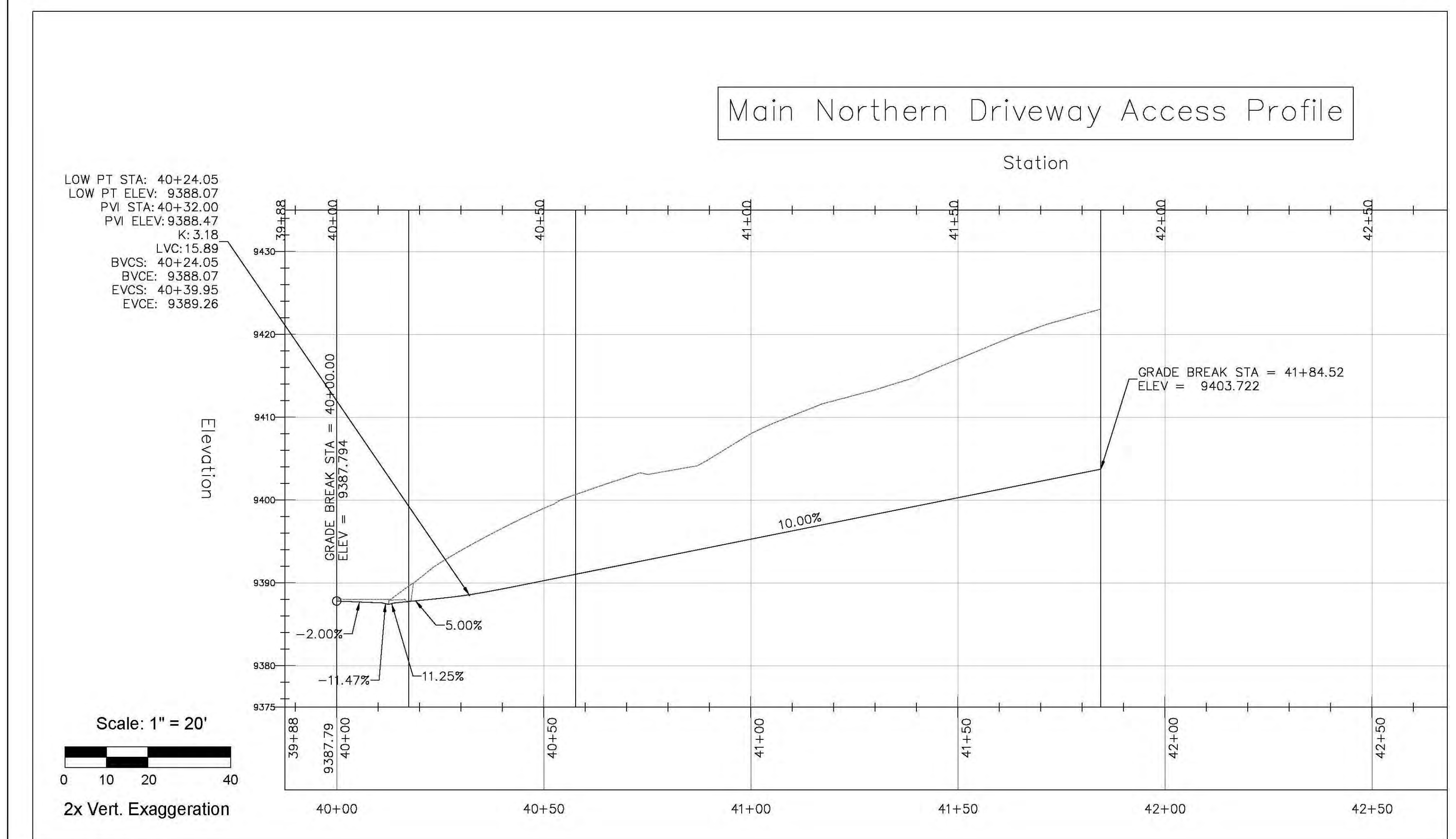
SUBMISSIONS:
 PUD SUBMITTAL 2019-08-22

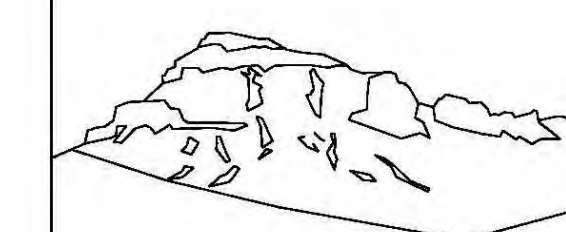
La Montagne
 Lot 152R and 126R
 Country Club Dr.
 Mtn. Village, CO



Over-All Site Plan
 for
 PUD

C1.0





Uncompahgre Engineering, LLC

P.O. Box 3945
Telluride, CO 81435
970-729-0683

SUBMISSIONS:
SUBMITAL 2019-08-22

Le Montant
Lot 152
Country Club Dr.
Mtn. Village, CO

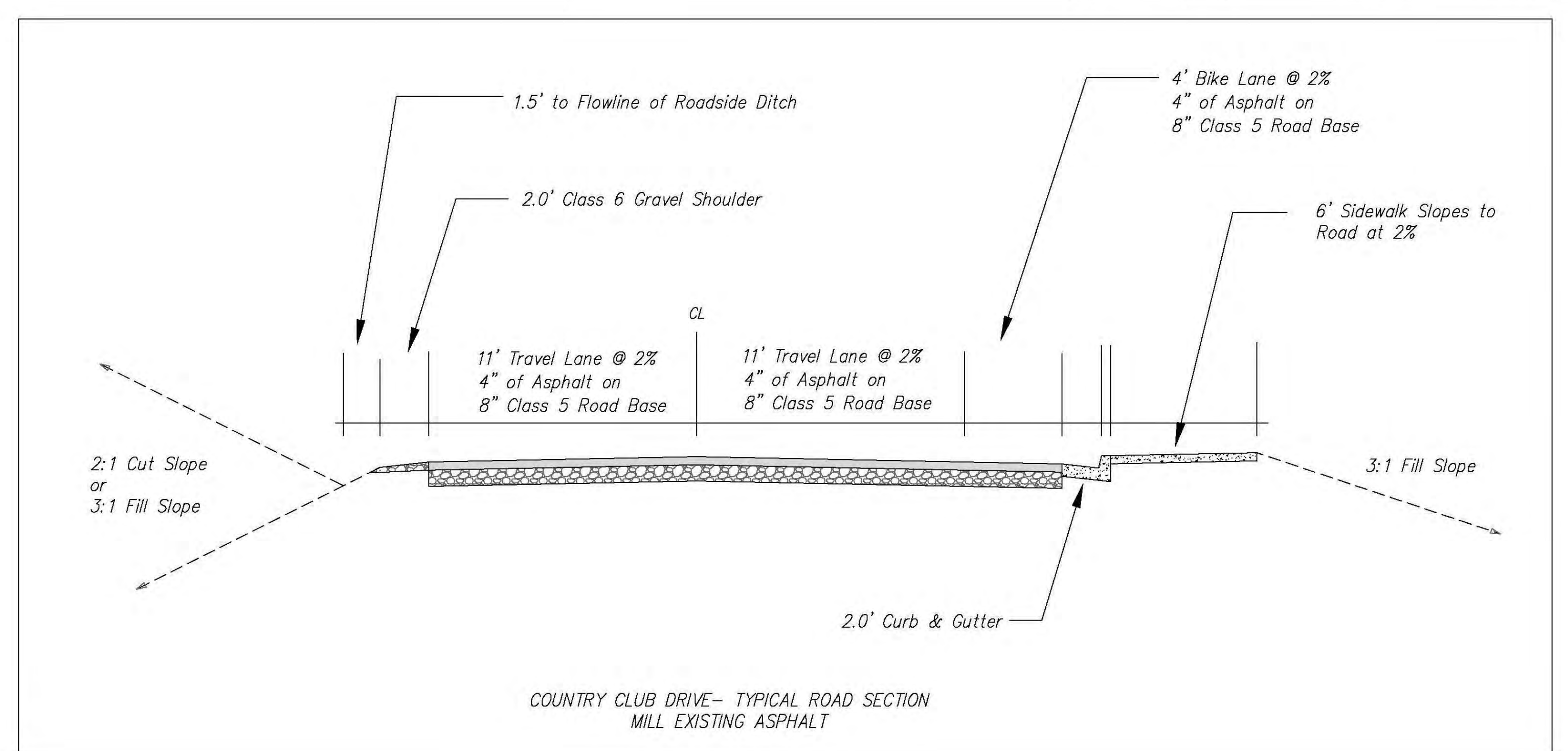
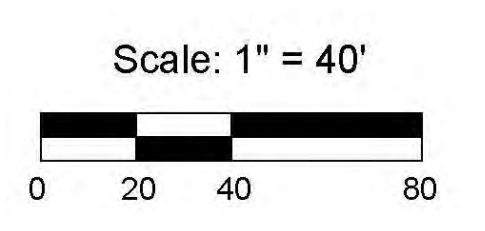
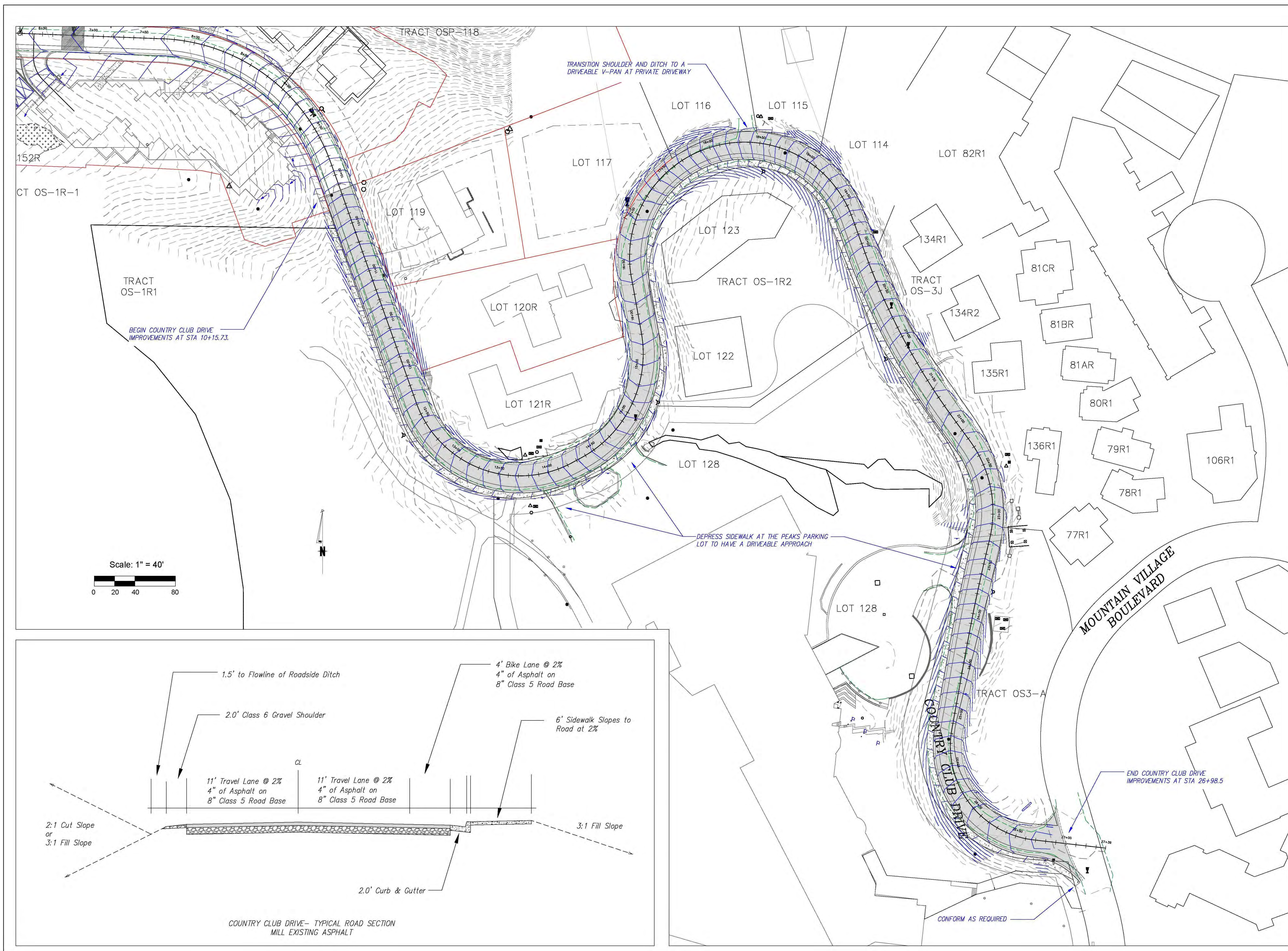


CONTRACTOR TO REVIEW AND COMPARE ALL CHAPTERS AND INTERDISCIPLINARY DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO ANY FIELD WORK BEING DONE IN ACCORDANCE WITH AIA DOCUMENT A201

Conceptual
Country Club Dr.
Improvements

Plan View

C2.1

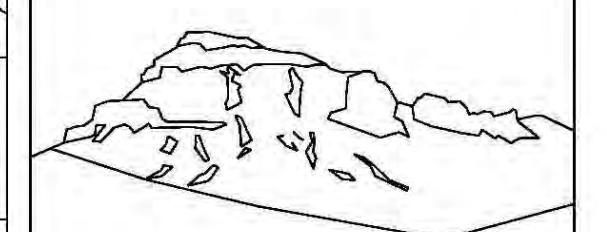
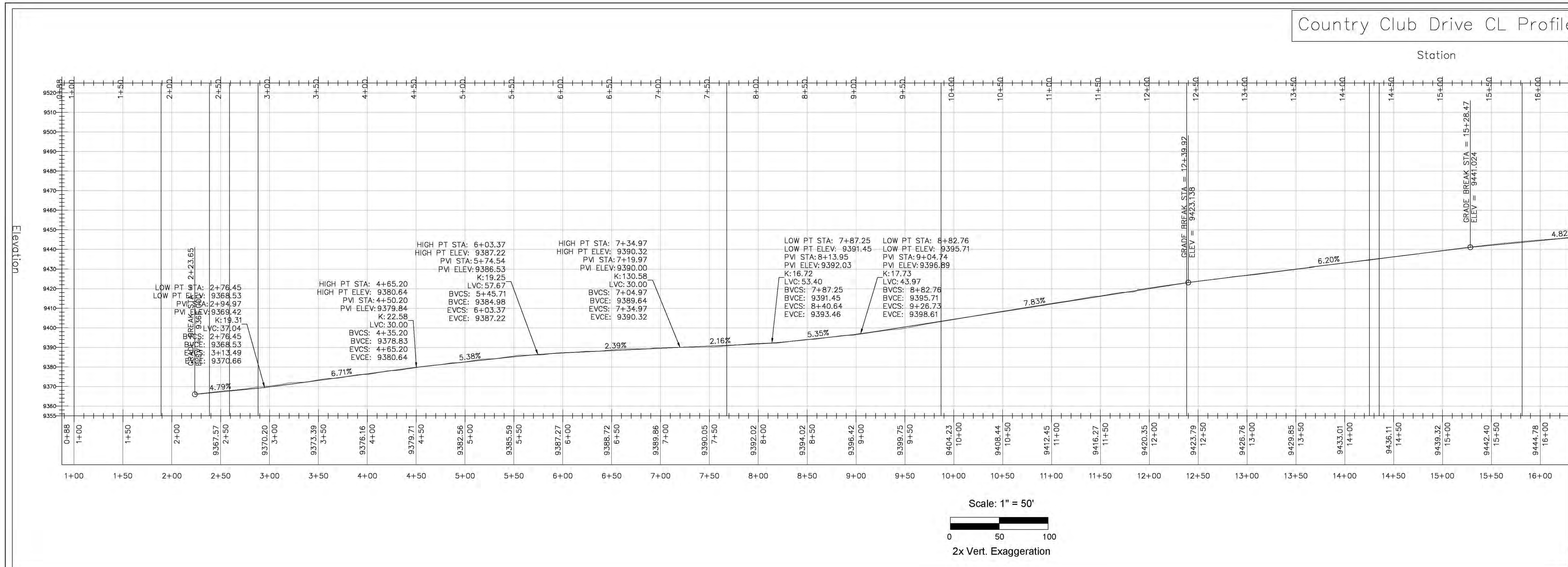


LA MONTAGNE CONDOMINIUMS

CIVIL C2.1 COUNTRY CLUB DR. IMPROVEMENTS

DATE: 10-28-2019
PROJECT: 18-32

PUDI.4.1



Uncompahgre Engineering, LLC

P.O. Box 3945
Telluride, CO 81435
970-729-0683

SUBMISSIONS:
SUBMITTAL 2019-08-22

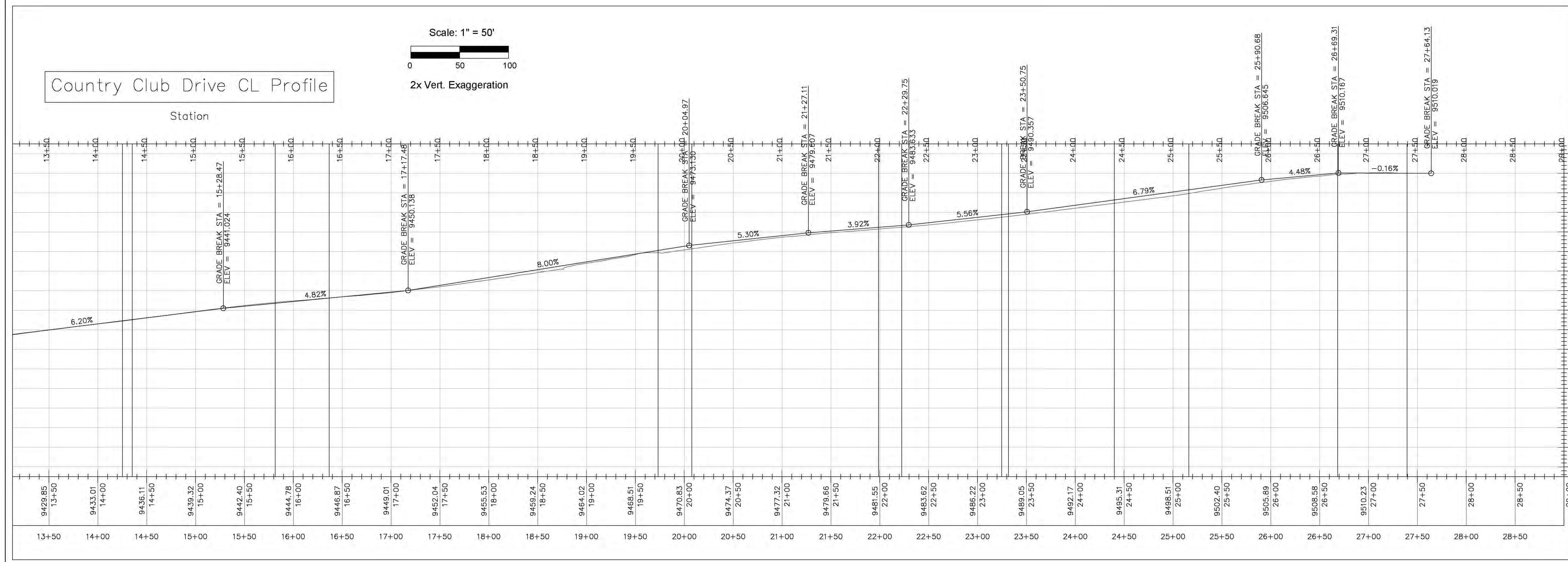
Le Montant
Lot 152
Country Club Dr.
Mtn. Village, CO



CONTRACTOR TO REVIEW AND COMPARE ALL CHAPTERS AND INTERDISCIPLINARY DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO ANY FIELD WORK BEING DONE IN ACCORDANCE WITH AIA DOCUMENT A201

Conceptual
Country Club Dr.
Improvements
Profile

C2.2





PLANT SYMBOLS

- LARGE EVERGREEN TREE
- SINGLE STEM DECIDUOUS TREE
- ORNAMENTAL TREE
- LARGE SHRUB
- MEDIUM SHRUB
- ORNAMENTAL GRASS
- PERENNIALS
- EXISTING TREES TO REMAIN

1 LANDSCAPE PLAN
L1.01 SCALE: 1" = 30'-0"

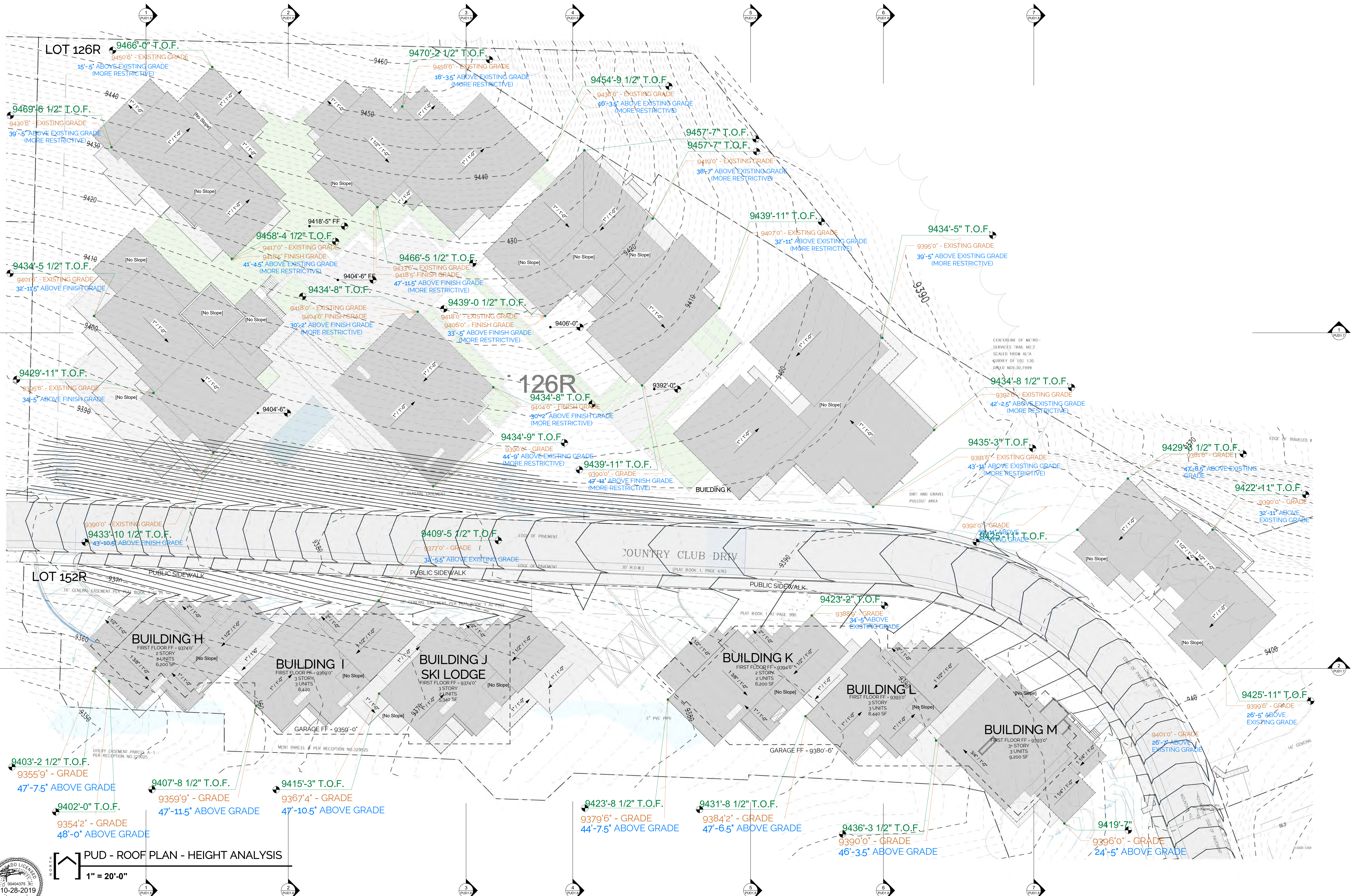
0 15' 30' 60'
SCALE: 1" = 30'

LA MONTAGNE CONDOMINIUMS

DATE: 10-28-2019
PROJECT: 18-32

CONCEPTUAL LANDSCAPING PLAN

PUDI.5



PUD - ROOF PLAN - HEIGHT ANALYSIS

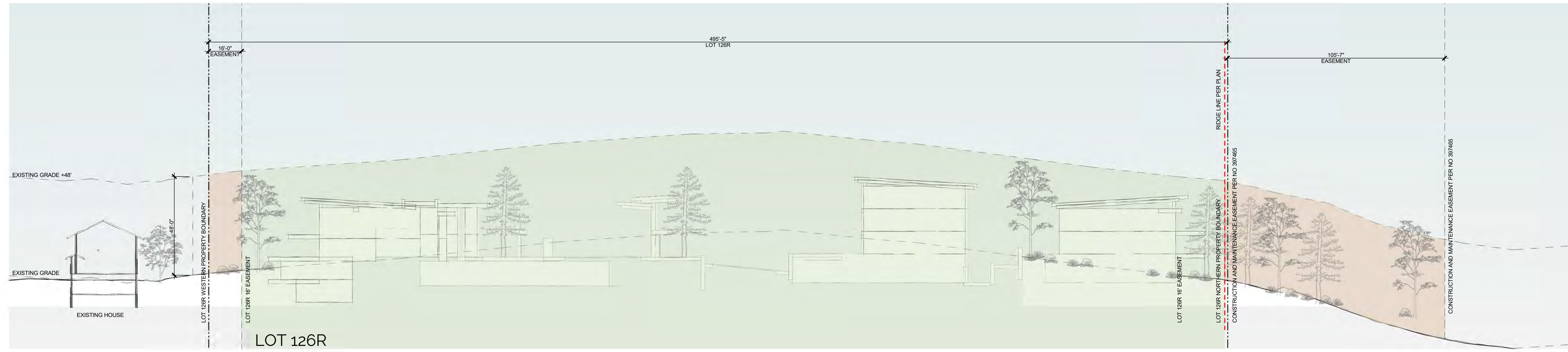
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LA MONTAGNE CONDOMINIUMS

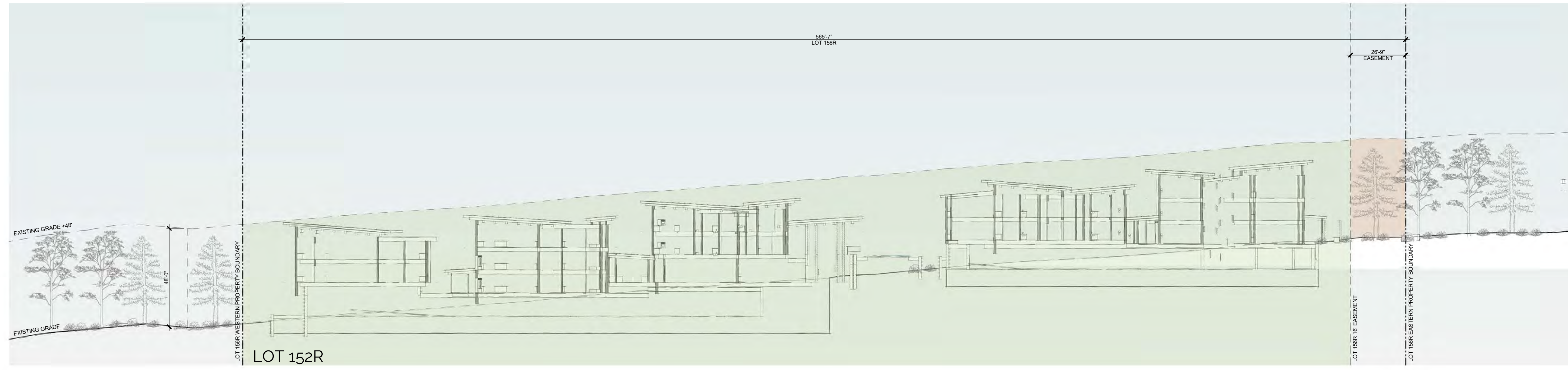
HEIGHT ANALYSIS - ROOF PLAN

PROJECT: 18-32
 DATE: 10-28-2019
 REVISION DATE: 11-14-2019

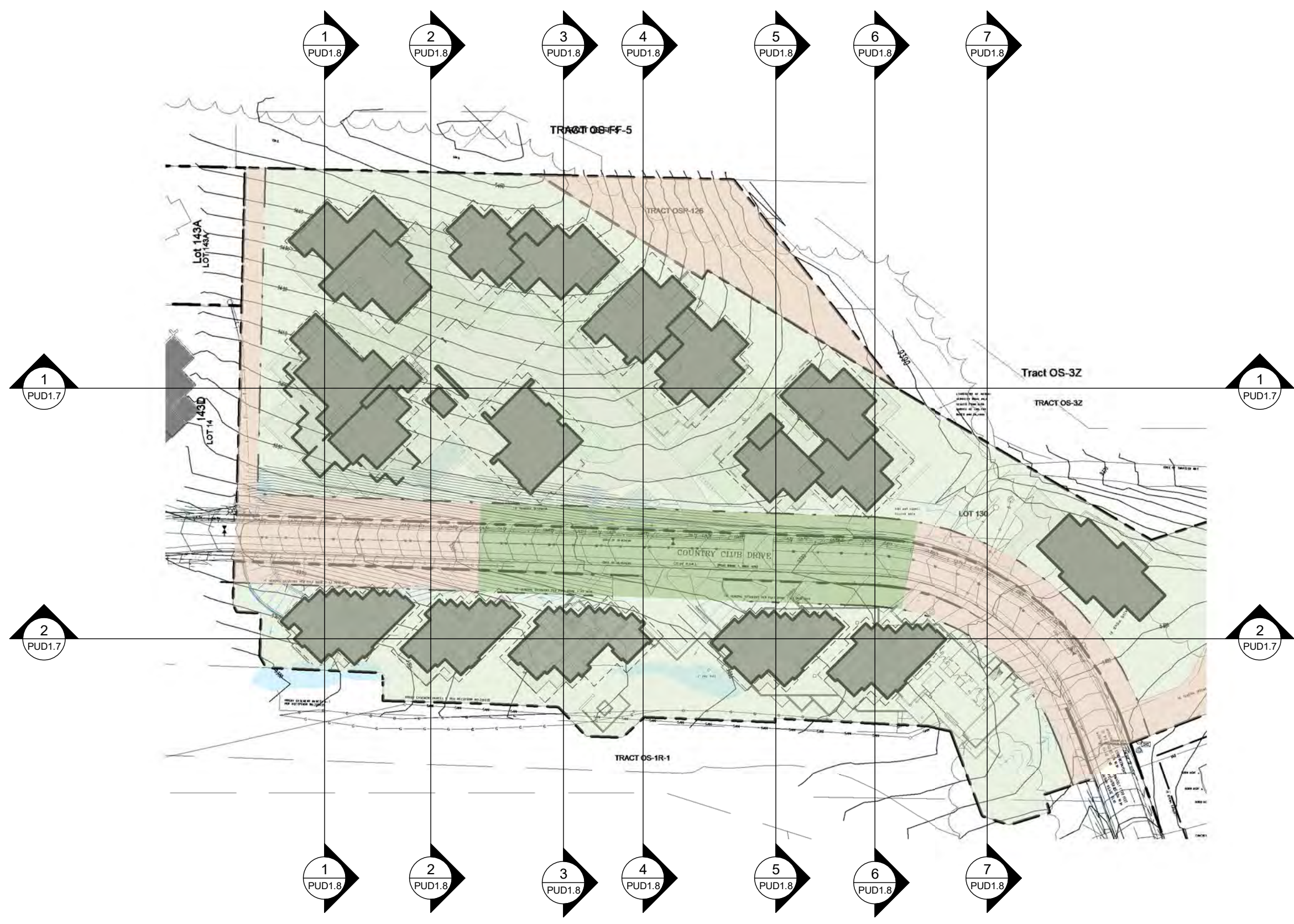
PUDI.6



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[2] Section 9
1" = 30'-0"



[3] SITE SECTION KEY
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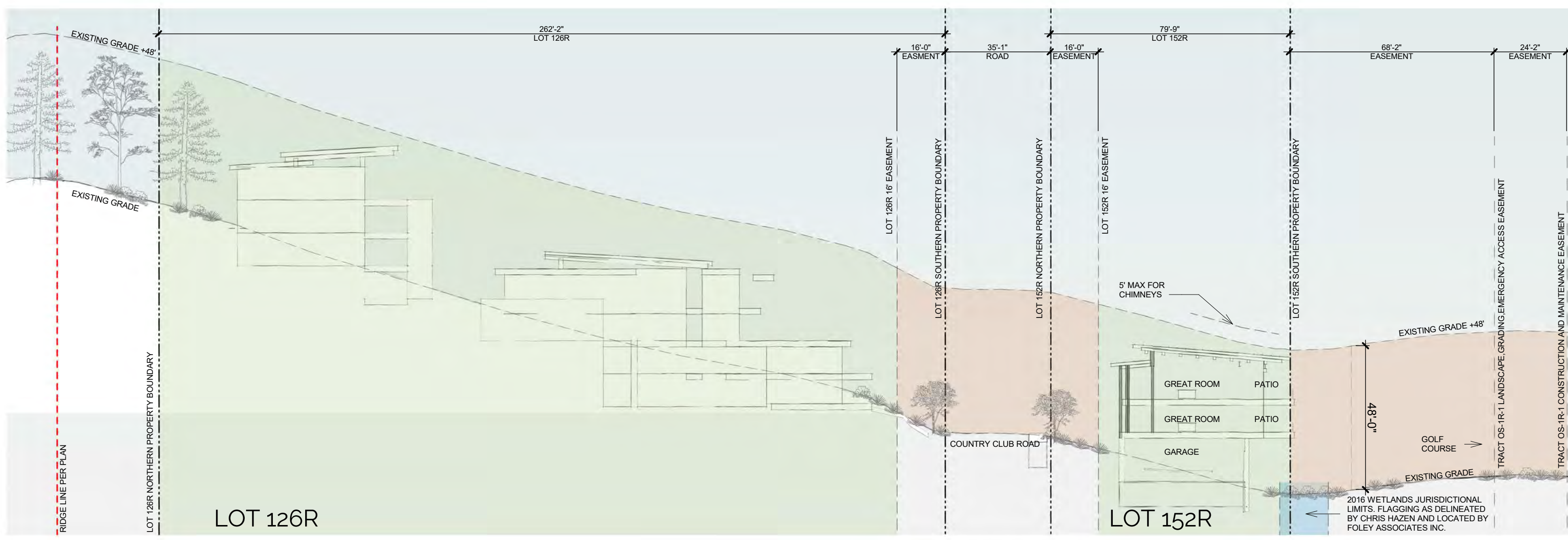


LA MONTAGNE CONDOMINIUMS

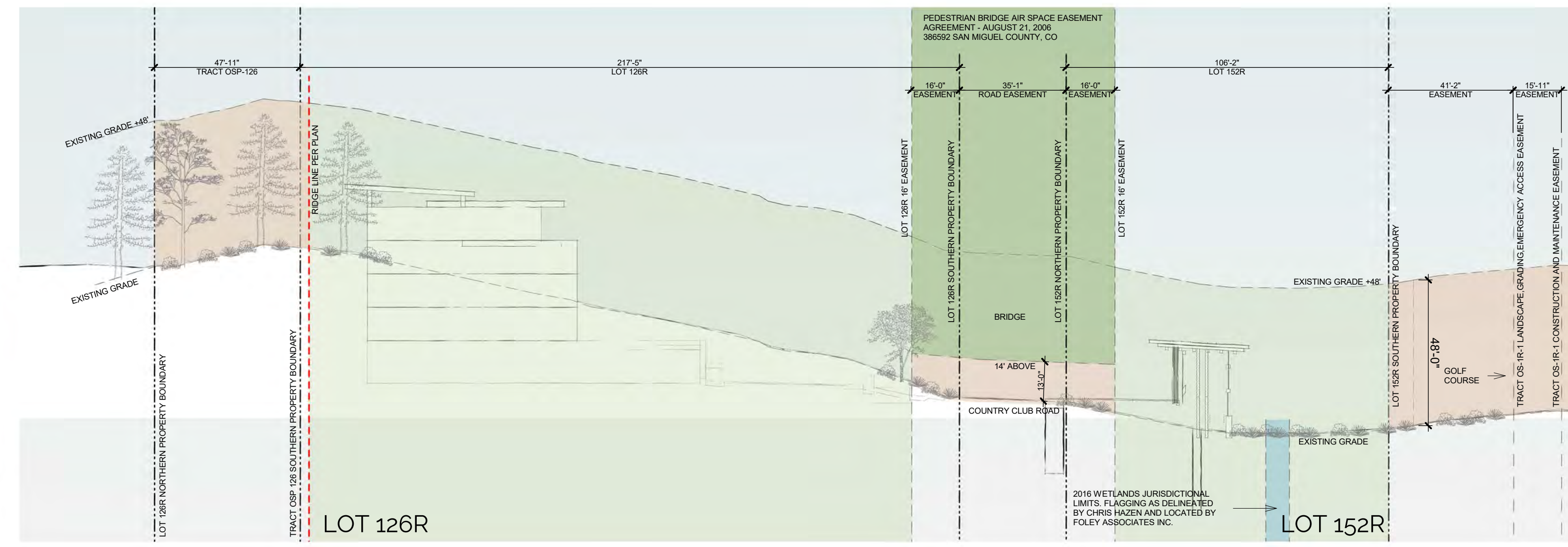
CONCEPTUAL SITE SECTIONS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

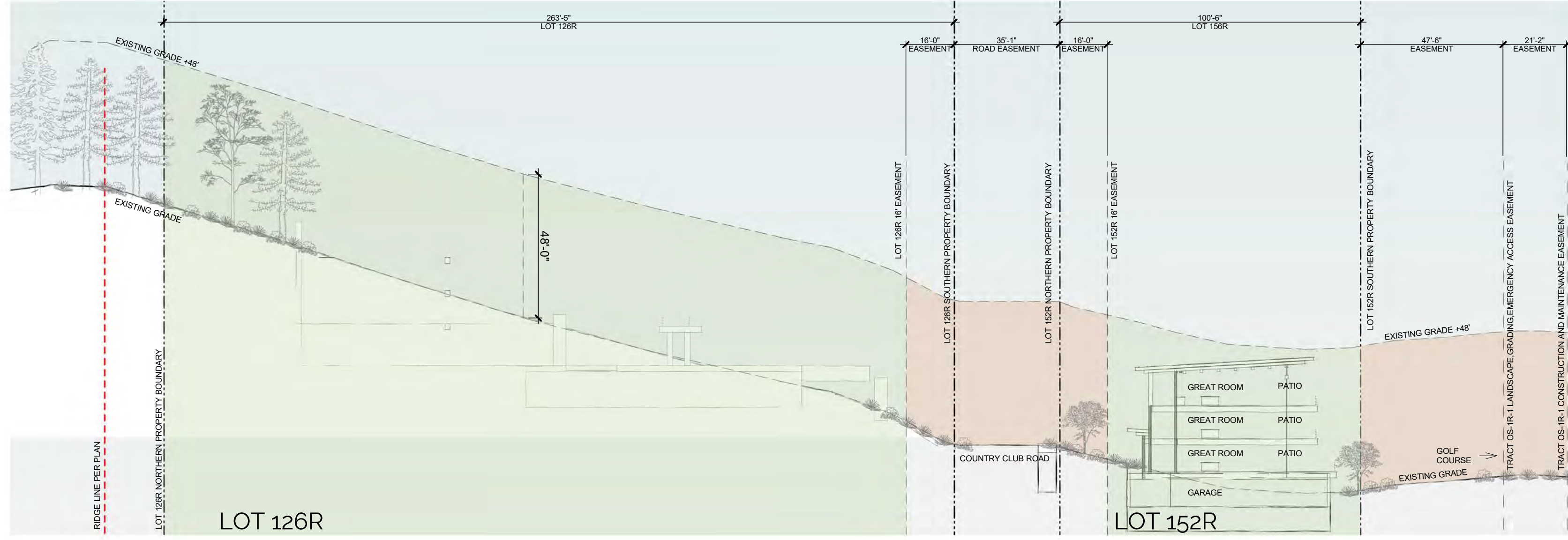
PUDI.7



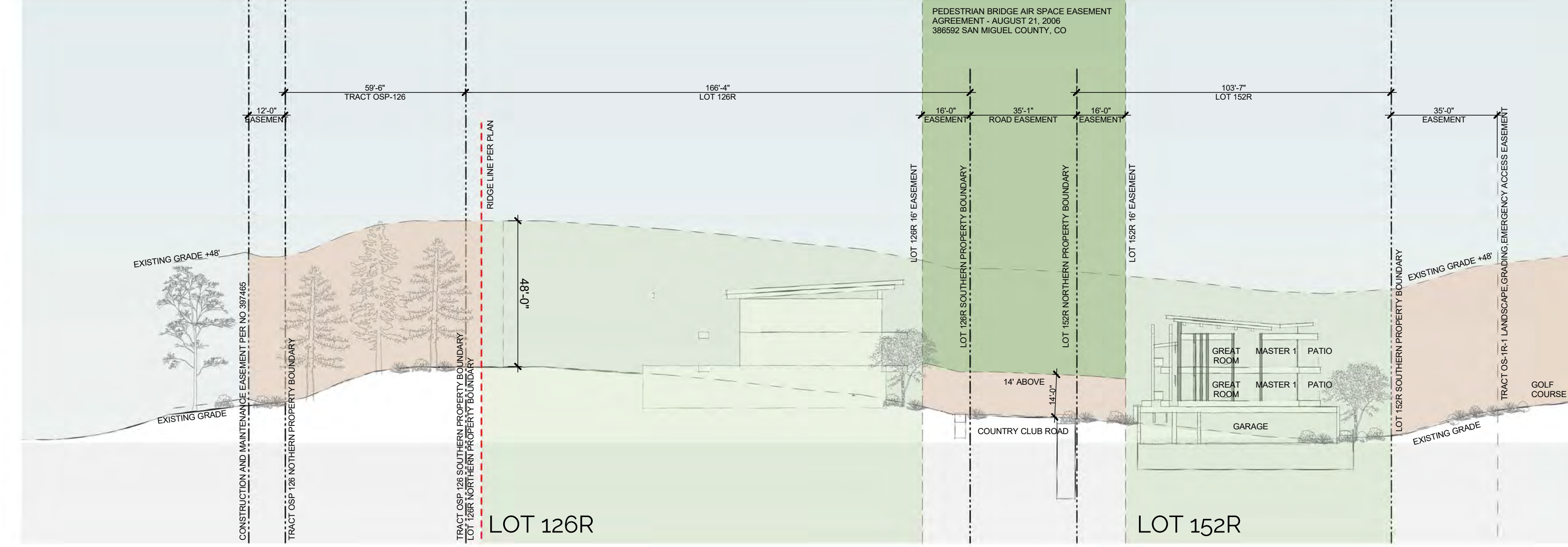
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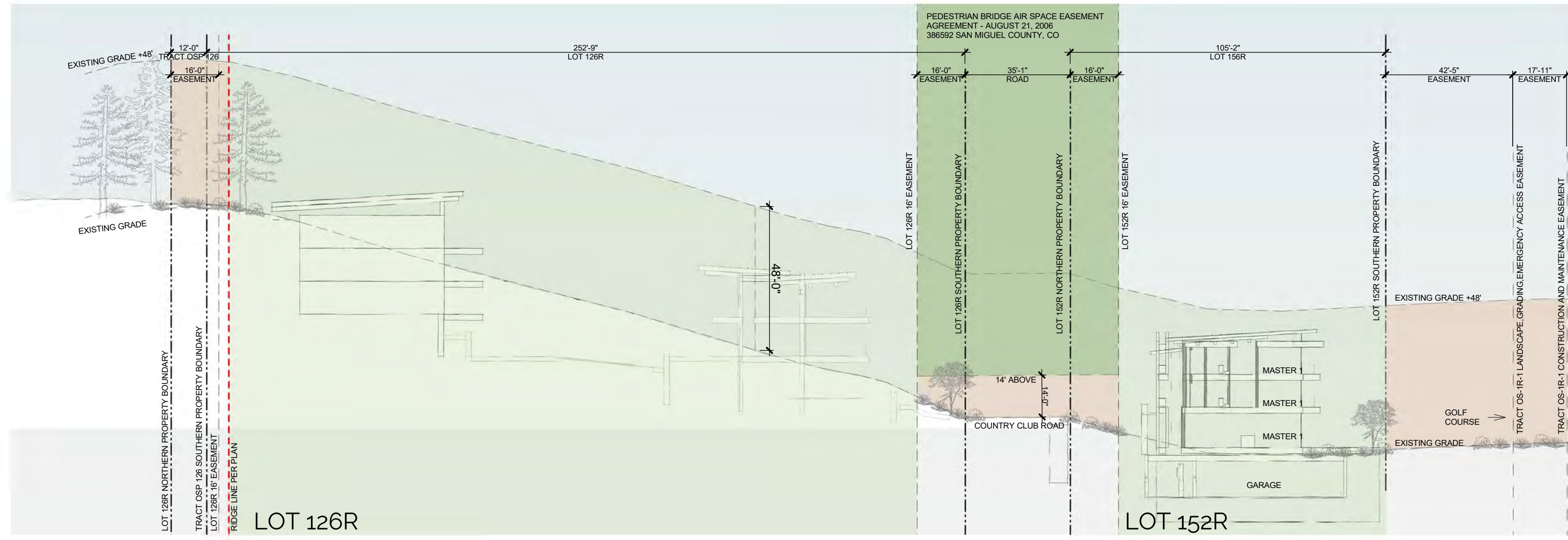
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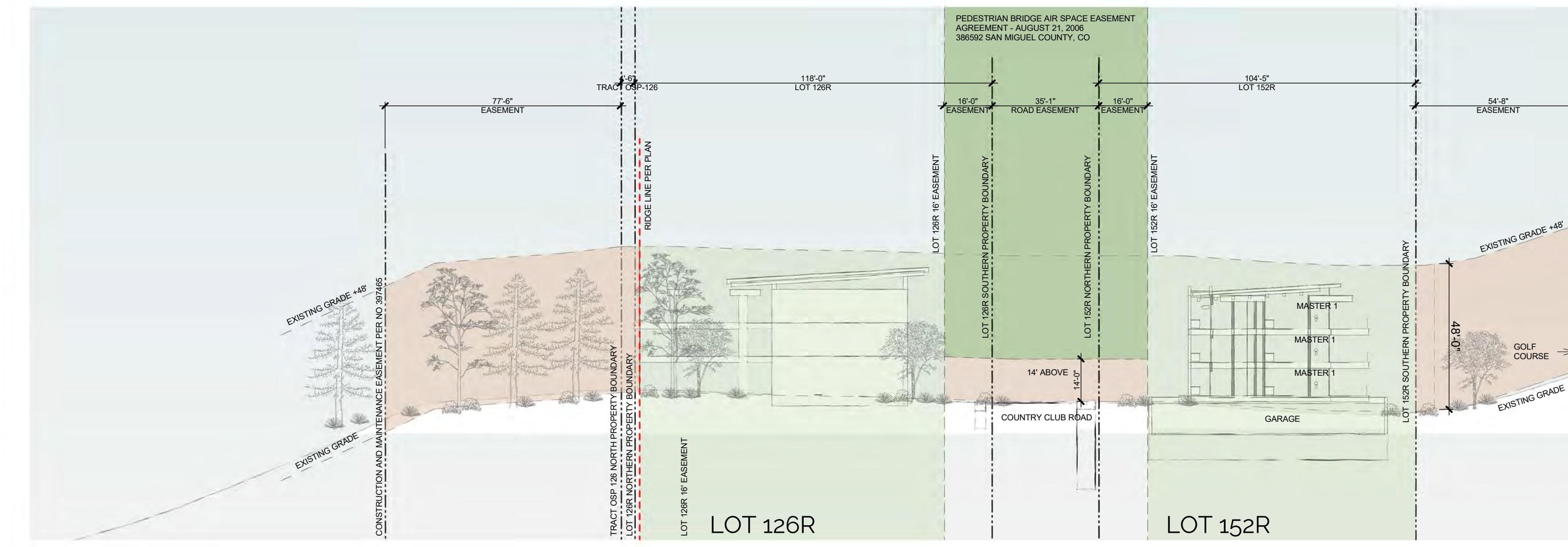
[2] Section 2
1" = 30'-0"



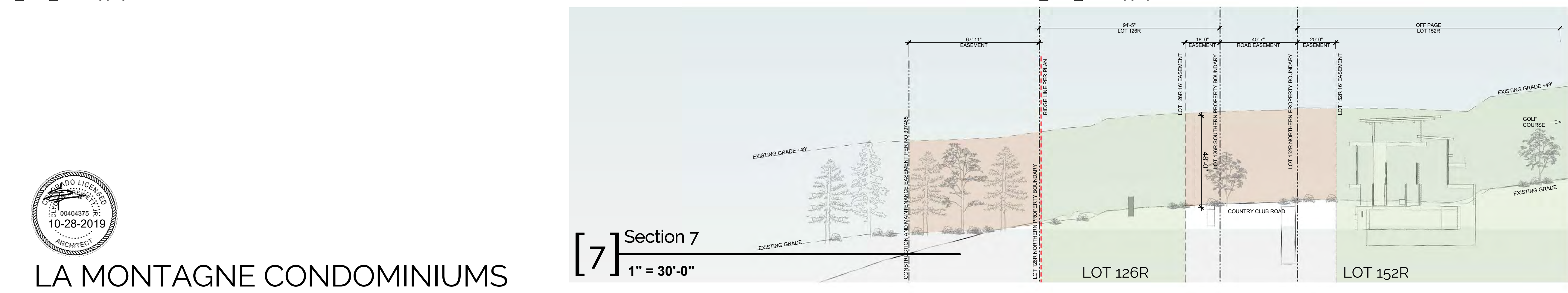
[5] Section 5
1" = 30'-0"



[3] Section 3
1" = 30'-0"



[6] Section 6
1" = 30'-0"



[7] Section 7
1" = 30'-0"



LA MONTAGNE CONDOMINIUMS

CONCEPTUAL SITE SECTIONS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

PUDI.8



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - GOLF COURSE

PUD4.1



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - GOLF COURSE

PUD4.2



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - GOLF COURSE

PUD4.3



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - CC ROAD ENTRY

PUD4.4



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - VIEW NORTH

PUD4.5



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - CC ROAD VIEW EAST

PUD4.6



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - SOUTH @ CLUB

PUD4.7



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - NORTH @ CLUB

PUD4.8



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - CC ROAD VIEW WEST

PUD4.9



LA MONTAGNE CONDOMINIUMS

CONCEPTUAL VIEW - CLUB VIEW NORTH

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

PUD4.10



LA MONTAGNE CONDOMINIUMS

CONCEPTUAL VIEW - NORTH PROPERTY

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

PUD4.11



LA MONTAGNE CONDOMINIUMS

CONCEPTUAL VIEW - WESTERN PROPERTY

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

PUD4.12



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - AERIAL @ CORE

PUD4.13



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - AERIAL

PUD4.14



LA MONTAGNE CONDOMINIUMS

PROJECT: 18-32
DATE: 10-28-2019
REVISION DATE: 11-14-2019

CONCEPTUAL VIEW - AERIAL

PUD4.15

March 23, 2018

Regulatory Division (SPK-2005-75621)

Northside Trust I
Attn: Mr. Dave Gertner
64 Wall Street, STE 212
Norwalk, CT 06850

Dear Mr. Gertner:

We are responding to your request for a preliminary jurisdictional determination (JD) for the Mountain Village Lot 152R project site. The approximately 1.5-acre project site is located along the south side of Country Club Drive, approximately 0.4 mile east of Prospect Creek, at Latitude 37.940375°, Longitude -107.850703°, Town of Mountain Village, San Miguel County, Colorado.

Based on available information, we concur with your aquatic resources delineation for the site as depicted on the enclosed January 19, 2018, Wetland Delineation Lot 152R, Mountain Village, CO, map prepared by Foley Associates, Incorporated (enclosure 1). The approximately 0.06 acre (~2,600 square feet) of palustrine emergent wetlands present within the survey area represents the extent of aquatic resources ("waters of the United States") that may potentially be considered jurisdictional under Section 404 of the Clean Water Act.

Per your request, we have completed a preliminary JD for the site. Enclosed find a copy of the *Preliminary Jurisdictional Determination Form* (enclosure 2). Please sign and return the completed form to this office, at the address listed below, within 30 days of the date of this letter. If you do not return the signed form within 30 days, we will presume concurrence and finalize the preliminary JD. If you believe that certain of the aquatic resources are not within the Corps' jurisdiction, you may request an approved JD for this site at any time prior to starting work within aquatic resources, including after a permit decision is made. We recommend you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This preliminary JD has been conducted to identify the potential limits of wetlands and other aquatic resources at the project site which may be subject to U.S. Army Corps of Engineers regulation under Section 404 of the Clean Water Act. A *Notification of Appeal Process and Request for Appeal Form* is enclosed to notify you of your options with this determination (enclosure 3).

Please refer to identification number SPK-2005-75621 in any correspondence concerning this project. If you have any questions, please contact me at the Colorado West Regulatory Section, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Benjamin.R.Wilson@usace.army.mil, or telephone at 970-243-1199 ext. 1012.

Sincerely,

Benjamin R. Wilson
Project Manager
Colorado West Section

Enclosures (3)

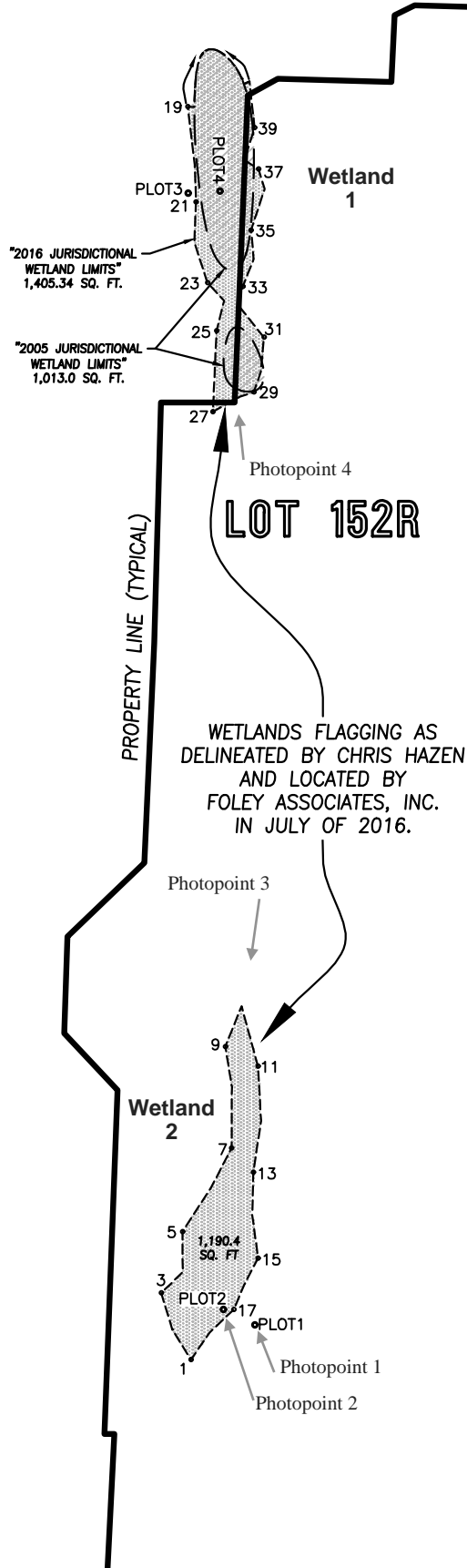
cc:

Mr. Chris Hazen, The Terra Firm, Incorporated, chrishazen@gmail.com

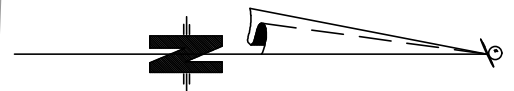
Ms. Michelle Haynes, Planning and Development Services Director, Town of Mountain Village, mhaynes@mtnvillage.org

LOT 143D

TRACT
OS-1R-1



LOT 126R



SCALE: 1"=50'

No.	Description	Date	By
1	Wetland Delineation	07/19/2018	Chris Hazen

WETLAND DELINEATION
LOT 152R,
MOUNTAIN VILLAGE, CO
January 19, 2018

FOLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

PO Box 1385 125 W. Pacific Ave. Suite B1
Telluride, Colorado 81452
phone 970-726-1131 fax 970-726-4050
email to us at foleyassoc.com

Area of exhibit represents extents of survey area.

Client:

Contact:
THE TERRA FIRMA, INC.
P.O. BOX 362
TELLURIDE, CO 81435

PRELIMINARY JURISDICTIONAL DETERMINATION FORM
Sacramento District

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Regulatory Branch: **Colorado West** File/ORM #: **SPK-2005-75621** PJD Date: **March 23, 2018**

State: CO City/County: Mountain Village, San Miguel County Nearest Waterbody: Prospect Creek Location (Lat/Long): 37.940556°, -107.85° Size of Review Area: 1.5 acres	Name/Address Of Property: Northside Trust I Attn: Mr. Dave Gertner 64 Wall Street, STE 212 Norwalk, CT 06850 Owner/Potential Applicant
---	--

Identify (Estimate) Amount of Waters in the Review Area Non-Wetland Waters: linear feet ft wide acre(s) Stream Flow: N/A Wetlands: 0.06 acre(s) Cowardin Class: Palustrine, emergent	Name of any Water Bodies Tidal: on the site identified as Section 10 Waters: Non-Tidal: <input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: Date(s) of Site Visit(s):
--	---

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply – checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Data sheets prepared by the Corps.
- Corps navigable waters' study.
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; Telluride**
- USDA Natural Resources Conservation Service Soil Survey.
- National wetlands inventory map(s).
- State/Local wetland inventory map(s).
- FEMA/FIRM maps.
- 100-year Floodplain Elevation (if known):
- Photographs: Aerial
 Other
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 Signature and Date of Regulatory Project Manager
 (REQUIRED)

 Signature and Date of Person Requesting Preliminary JD
 (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Dave Gertner	File No.: SPK-2005-75621	Date: March 23, 2018
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
→	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Ben Wilson
Project Manager, Colorado West Branch, Regulatory Division
U.S. Army Corps of Engineers
Colorado West Regulatory Section
400 Rood Avenue, Room 224
Grand Junction, Colorado 81501
Phone: 970-243-1199 X1012, FAX 970-241-2358
Email: Benjamin.R.Wilson@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: 415-503-6574, FAX 415-503-6646)
Email: Thomas.J.Cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

August 22, 2019

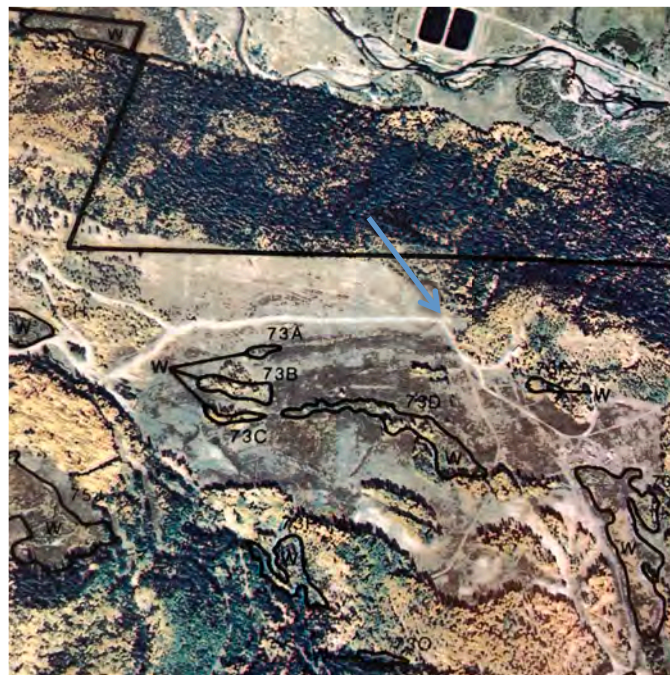
Michael R. Kettell
Strategic Real Estate Partners

RE: Wetlands/Lot 152R

Mike I wanted to provide additional information to you concerning the wetlands at Lot 152R, their origins, and how they have evolved over the past 20 years – hopefully the supporting facts contained here-in help to establish a common narrative going forward concerning the wetlands and their history at Lot 152R.

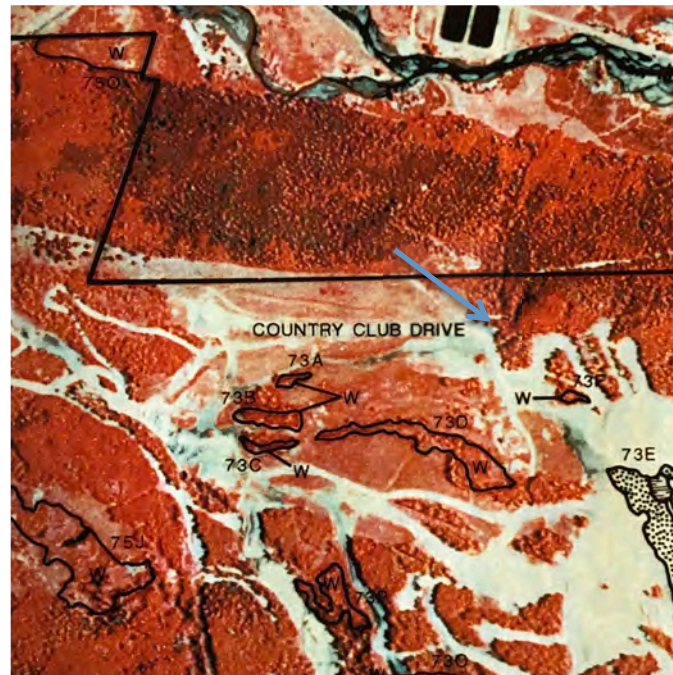
In October of 1990, the Environmental Protection Agency (EPA) published a report titled Aerial Photographic Analysis of Wetland Conversion Activity, Telluride Mountain Village, Colorado. This report (commonly referred to as the “Finkbeiner Report”) cataloged the wetlands of the Mountain Village using aerial photography collected between 1979-1989, and quantified impacts resulting from ski run/golf course/roadway construction and development of ponds. The report’s comprehensive index identified 65 individual wetlands within the greater study area of the Mountain Village.

Photo analysis from October 1, 1979 (the oldest photos used in the Finkbeiner Report) does not identify any wetland areas adjacent to, or on the location of Lot 152R. Similarly, the photos from July 27th, 1986; September 24th, 1988; and, November 7th, 1989 did not have any identified wetlands near present day Lot 152R.



1979 - blue arrow to top of Boomerang Road.

In the 1979 imagery, Boomerang Road and the service road, which became Country Club Drive, can be seen clearly, and wetlands were identified in the Gorrone Creek drainage and other downslope locations, west of the top of Boomerang Road. Wetland areas are identified with polygons drawn around their perimeter and by a naming system developed by the report's author.

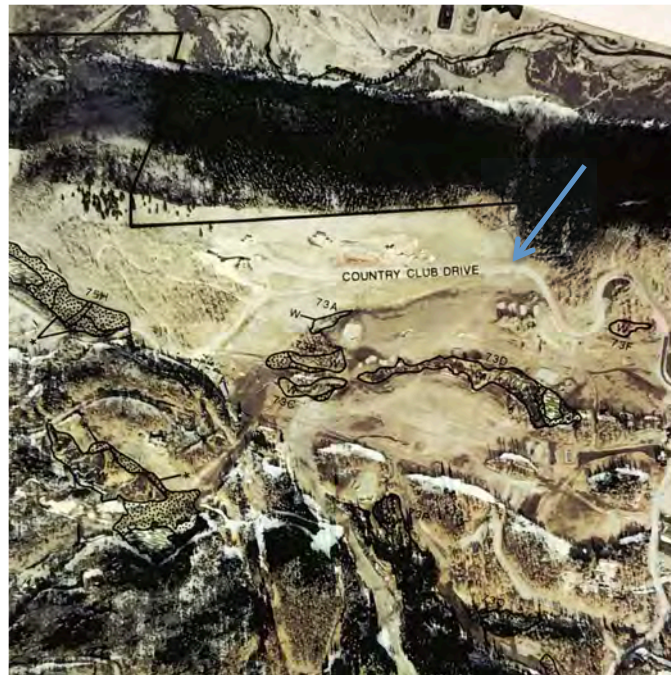


1986 - Infrared photography.

Photography used from 1986 relied on color-infrared film, where healthy vegetation is depicted as red because of its high levels of reflectivity in the near-infrared portion of the light spectrum. Disturbed ground appears as white, and significant disturbance can be seen near the top of Boomerang Road. Additionally, Country Club Drive has been identified on the 1986 photography. No disturbance to identified wetlands is shown in 1986.



1988



1989

The 1988 and 1989 photoset show the golf course hole 1 tee boxes, and significant disturbance in the vicinity of Lot 152R. Other wetlands areas identified on the 1979 photograph can be seen and those that were impacted prior to 1988/89 are identified with fill patterns inside the wetland polygons.

The wetlands that exist on Lot 152R presently, were not historic wetlands that predate construction activities in Mountain Village. The wetlands on Lot 152R have evolved since the development of the Mountain Village, and it is likely that the source water seen on Lot 152R is groundwater that has been brought to the surface due to grading activities, or it is water that is following pipes/trench backfill downslope and emerging on Lot 152R.

As such, the wetland area on Lot 152R will benefit from additional hydrologic input, and the functions and values of the wetland habitat can be improved through direct measures such as: 1. Routing water from hardscape elements to improve saturated conditions in the wetlands (provided run-off is not potentially polluted by hydrocarbons); 2. Diversifying the plant community to include a broader range of plant types; and, 3. Improve down slope water quality by routing waters through improved wetlands where natural infiltration minimizes overland flow and sediment transport/erosion.

Feel free to contact me with questions concerning my findings or my suggestions for improving the wetland habitat at Lot 152R.

Respectfully,

Chris Hazen (*via email*)
Principal



LSC TRANSPORTATION CONSULTANTS, INC.
545 East Pikes Peak Avenue, Suite 210
Colorado Springs, CO 80903
(719) 633-2868
FAX (719) 633-5430
E-mail: lsc@lsctrans.com
Website: <http://www.lsctrans.com>

November 5, 2019

Chris Hawkins, AICP
Alpine Planning, LLC
565 Sherman Street, Ste. 11
P.O. Box 654
Ridgway, CO 81432-0654

RE: Lot 126R and Lot 152R
Mountain Village, CO
Technical Memo #1
Existing Conditions/Safety Analysis
LSC #194610

Dear Mr. Hawkins,

LSC Transportation Consultants, Inc. has prepared this Technical Memorandum #1 of our traffic analysis work for the development of Lot 126R and Lot 152R (the "Property") in the Town of Mountain Village, Colorado. This initial Technical Memo presents a summary of existing roadway and traffic conditions and the results of a roadway safety analysis for Country Club Drive, which provides access to the Property. The goal of the memo is to provide our recommendations to improve the combined use of Country Club Drive by motorists, pedestrians, and bicyclists for the purpose of enhancing safety and efficiency of these varied uses in this existing corridor.

Prior development approvals for the property allowed for the development of 67 condos, 75 hotel units, 17 employee dorm units, 5 employee apartments, and 38,656 square feet (sq. ft.) of commercial space ("Permitted Density"). The current development plan proposes a much reduced plan in terms of density and scale, consisting of 49 condominium units and 4 employee apartments ("Proposed Density").

REPORT CONTENTS

The preparation of this report included the following:

- An inventory of existing roadway and traffic conditions for motorists, pedestrians, and bicyclists on the adjacent and nearby roadway system, including surface conditions, functional classification, widths, pavement markings, traffic control signs, posted speed limits, intersection and access spacing, roadway and intersection alignments, roadway grades, and auxiliary turn lanes

- Weekday peak-hour turning movement traffic counts at the Mountain Village Boulevard/Country Club Drive intersection
- Weekday and weekend daily traffic volumes on Country Club Drive and Mountain Village Boulevard
- Analysis of the proposed roadway typical section
- Analysis of the crash history reports for Country Club Drive and the intersection with Mountain Village Boulevard
- Recommended safety improvements considering its combined use by vehicles, pedestrians, and bicyclists
- Findings and recommendations

LAND USE AND ACCESS

Figure 1 shows the site location relative to the adjacent and nearby streets and roadways. The development is proposed to contain 54 condos and 4 employee apartments. Figure 2 provides the site plan for the development. As shown, access would be provided via multiple driveways to Country Club Drive.

ROAD AND TRAFFIC CONDITIONS

Figure 1 shows the streets adjacent to and in the vicinity of the site. Adjacent streets serving the site are identified below followed by a brief description of each:

Mountain Village Boulevard is a two-lane roadway that runs generally east/west from State Highway (SH) 145 through the town of Mountain Village. The posted speed limit is 25 miles per hour (mph) adjacent to the site.

Country Club Drive is an approximately 3,400-foot local road that provides access to Mountain Village Boulevard. The posted speed limit is 15 mph. The intersection of Mountain Village Boulevard/Country Club Drive is two-way stop-sign controlled. Across Mountain Village Boulevard from Country Club Drive is a driveway that provides access to Shirana and Palmyra condominiums and the Village Center waste management building.

Existing Traffic Volumes

Figure 3 shows the results of peak-hour traffic volume counts conducted on a Thursday in August 2019 at the intersection of Mountain Village Boulevard/Country Club Drive. Pedestrians were also counted at the intersection. Three time periods were counted to get the AM, midday, and PM peak hours: 7:00 a.m. – 9:00 a.m., 9:00 a.m. – 11:00 a.m., and 3:00 p.m. – 6:00 p.m. Weekday and weekend daily traffic counts were also collected at three locations along Country Club Drive, as shown in Figure 3. Counts were collected immediately west of Mountain Village Boulevard, north of The Peaks Resort and Spa, and adjacent to the property. Figure 3 also shows daily traffic on Mountain Village Boulevard north and south of Country Club Drive (estimates based on the

available data). Laneage and traffic control at the study area intersections following site buildout are also shown in this figure. The traffic count sheets are attached.

The Town provided a year’s worth of hourly vehicle counts for vehicles entering Mountain Village off of SH 145. Table 1 provides a summary of the count data. As shown, Thursdays in February and August have the highest average daily volumes. The first Thursday in August was counted for this traffic analysis. In the previous year, this day represented the 15th highest daily volume entering Mountain Village.

Table 1: Average Daily Traffic Entering Mountain Village by Month/Day of Week

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Average
January	1690	2262	2356	2364	2445	2492	2229	2253
February	-	-	-	2748	2756	2172	2510	2547
March	1879	2410	2502	2219	2462	2385	2297	2288
April	811	1718	1671	1607	1678	1448	871	1420
May	926	1634	1933	1900	1974	1811	1012	1627
June	1642	2472	2534	2812	2896	2636	1800	2354
July	1316	1979	2063	1850	2313	2310	1701	1919
August	1683	2515	2615	2774	2807	2689	1900	2458
September	1683	2273	2504	2553	2761	2691	1940	2308
October	1013	2045	2095	2026	2130	2033	1294	1829
November	985	1930	2004	2083	1820	1786	1063	1676
December	2056	2447	1675	2791	2401	2944	1657	2242
Average	1414	2122	2188	2239	2324	2241	1616	2016

Source: Town of Mountain Village, Traffic Count Data July 208 – June 2019

Within Mountain Village, there would be differences between hourly traffic and traffic patterns between the summer and winter traffic, because the destination of visitors during daily activities, time of day, and transportation mode would all vary based on season. Therefore, the summer turning movement intersection counts and street link volumes likely vary somewhat between summer and winter peaks. Although it was not possible to collect actual winter peak hour traffic counts during the past few months of LSC’s work on this project (work began in Spring 2019), the available data suggests that the counts conducted in August represent the peak hours of traffic on one of the highest volume days of the year. Therefore, the traffic volumes used in this analysis can reasonably be considered “design volumes” for use as a basis for traffic impact assessment, including intersection levels of service, and roadway improvement recommendations.

LEVEL OF SERVICE ANALYSIS

The intersection of Mountain Village Boulevard/Country Club Drive has been analyzed to determine the projected intersection level of service for the existing and short-term traffic scenarios for the morning and evening peak-hour periods:

Level of service (LOS) is a quantitative measure of the level of congestion or delay at an intersection and is indicated on a scale from “A” to “F.” LOS A is indicative of little congestion or delay. LOS F indicates a high level of congestion or delay. Table 2 shows the level of service delay ranges for signalized and unsignalized intersections.

Table 2: Intersection Levels of Service Delay Ranges

Level of Service	Signalized Intersections	Unsignalized Intersections
	Average Control Delay (seconds per vehicle)	Average Control Delay (seconds per vehicle) ⁽¹⁾
A	10.0 sec or less	10.0 sec or less
B	10.1-20.0 sec	10.1-15.0 sec
C	20.1-35.0 sec	15.1-25.0 sec
D	35.1-55.0 sec	25.1-35.0 sec
E	55.1-80.0 sec	35.1-50.0 sec
F	80.1 sec or more	50.1 sec or more

(1) For unsignalized intersections if V/C ratio is greater than 1.0 the level of service is LOS F regardless of the projected average control delay

LOS values have been included in Figure 3 for each turning movement during the weekday morning, midday, and evening peak hours for the intersection of Mountain Village Boulevard/Country Club Drive. As shown, all turning movements at the unsignalized intersection of Mountain Village Boulevard/Country Club Drive currently operate at LOS B or better during all peak periods. Detailed Synchro reports are attached.

TOWN DESIGN CRITERIA

The proposed typical section for Country Club Drive includes a sidewalk on the south side with curb and gutter, a one-and-a-half-foot gutter pan, a four-foot bike lane (in the uphill/eastbound direction), two 11-foot lanes, and a two-foot gravel shoulder. This typical section meets the Town’s road standard in the town code. The westbound (downhill) travel lane would be marked for shared bicycle and motor vehicle use.

SAFETY ANALYSIS

Five years of crash data were provided by the Town of Mountain Village for Country Club Drive and the intersection of Mountain Village Boulevard/Country Club Drive. During that time there were two crashes at the intersection and an additional parked car that was damaged (possibly by a passing bicycle). Two crashes over a period of five years does not indicate a correctable crash pattern at this location.

Although no correctable crash patterns were identified, the existing roadway was still reviewed in depth to look for possible safety issues and to identify potential vehicular, bicycle, and pedestrian safety improvements. Figure 4 shows the recommended safety improvements for Country Club Drive, which include the following:

- Install curve warning signs (W1-11) on both approaches of each of the hairpin curves.
- Install chevrons (W1-8) on both hairpin curves.
- Install a speed table with a crosswalk east of the driveways with appropriate warning signs per the MUTCD.
- Install a “Driveway Ahead” sign on the eastbound approach to the western hairpin curve with a 15-mph advisory speed. The driveway on this curve lacks adequate site distance.
- Trim any bushes and low branches on the northern side of the western hairpin curve to increase sight distance for the driveway.
- Install a dynamic speed monitoring display (DSMD) for westbound traffic after the last hairpin curve. This will discourage vehicles from increasing their speed on the downgrade prior to hitting another curve. See Figure 5 for an example of a DSMD.
- Install MUTCD-standard (Figure 9C-9 in MUTCD) roadway centerline, bike lane and edge pavement markings and Shared Lane Markings (“Sharrow” markings) in the westbound travel lane only. The centers of the Shared Lane Markings should be at least 4 feet from the edge of the pavement in the westbound direction (generally the north edge of pavement).
- Construct a sidewalk that is physically separated from the roadway.

CONCLUSIONS

- All turning movements at the unsignalized intersection of Mountain Village Boulevard/Country Club Drive currently operate at LOS B or better during all peak hours.
- Please refer to the “Safety Analysis” and Figure 4 section for more details. Curve warning signs are recommended for the hairpin curves, along with a driveway warning sign and DSMD. Additionally, a speed table with crosswalk is recommended adjacent to the site.
- LSC recommends that the Town of Mountain Village conduct a speed study and engineering evaluation once Country Club Drive has been improved to determine the most appropriate speed limit.

* * * * *

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Please contact me if you have any questions regarding this report.

Respectfully Submitted,

LSC TRANSPORTATION CONSULTANTS, INC.



By: Jeffrey C. Hodsdon, P.E.
Principal

CRG:JCH:jas

Enclosures: Figure 1 - Figure 5
Traffic Count Reports
Synchro LOS Reports





Figure 1
Vicinity Map
 Mountain Village (LSC #194610)




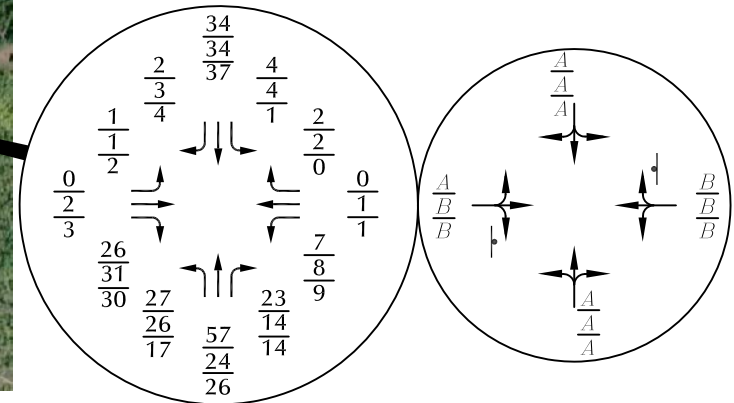
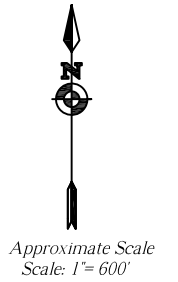
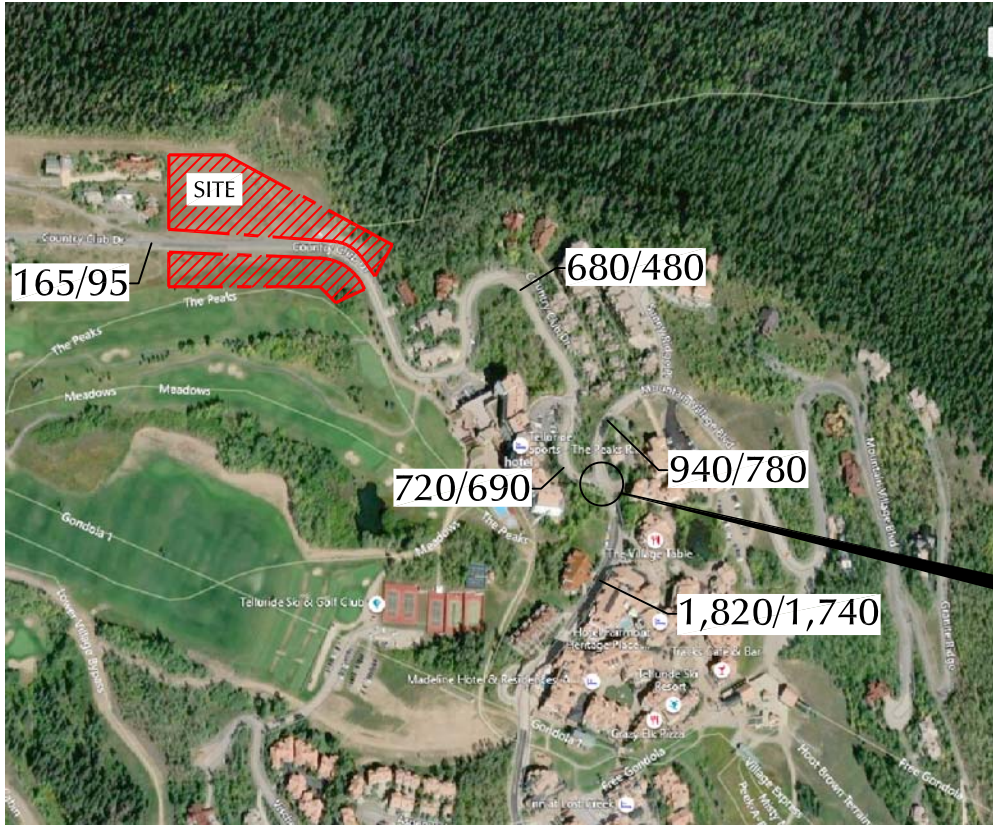

 Approximate Scale
 Scale: NTS

Figure 2
Site Plan

Mountain Village (LSC #194610)



LEGEND:

⊥ = Stop Sign

$\frac{XX}{XX}$ = AM Weekday Peak-Hour Traffic (vehicles per hour)
 $\frac{XX}{XX}$ = Midday Weekday Peak-Hour Traffic (vehicles per hour)
 $\frac{XX}{XX}$ = PM Weekday Peak-Hour Traffic (vehicles per hour)

$\frac{A}{B}$ = AM Individual Movement Peak-Hour Level of Service
 $\frac{B}{B}$ = Midday Individual Movement Peak-Hour Level of Service
 $\frac{C}{C}$ = PM Individual Movement Peak-Hour Level of Service

XXX/XXX = Average Weekday Traffic / Average Weekend Traffic (estimate by LSC)

Figure 3

Existing Traffic, Lane Geometry, Traffic Control and Level of Service

Mountain Village (LSC #194610)

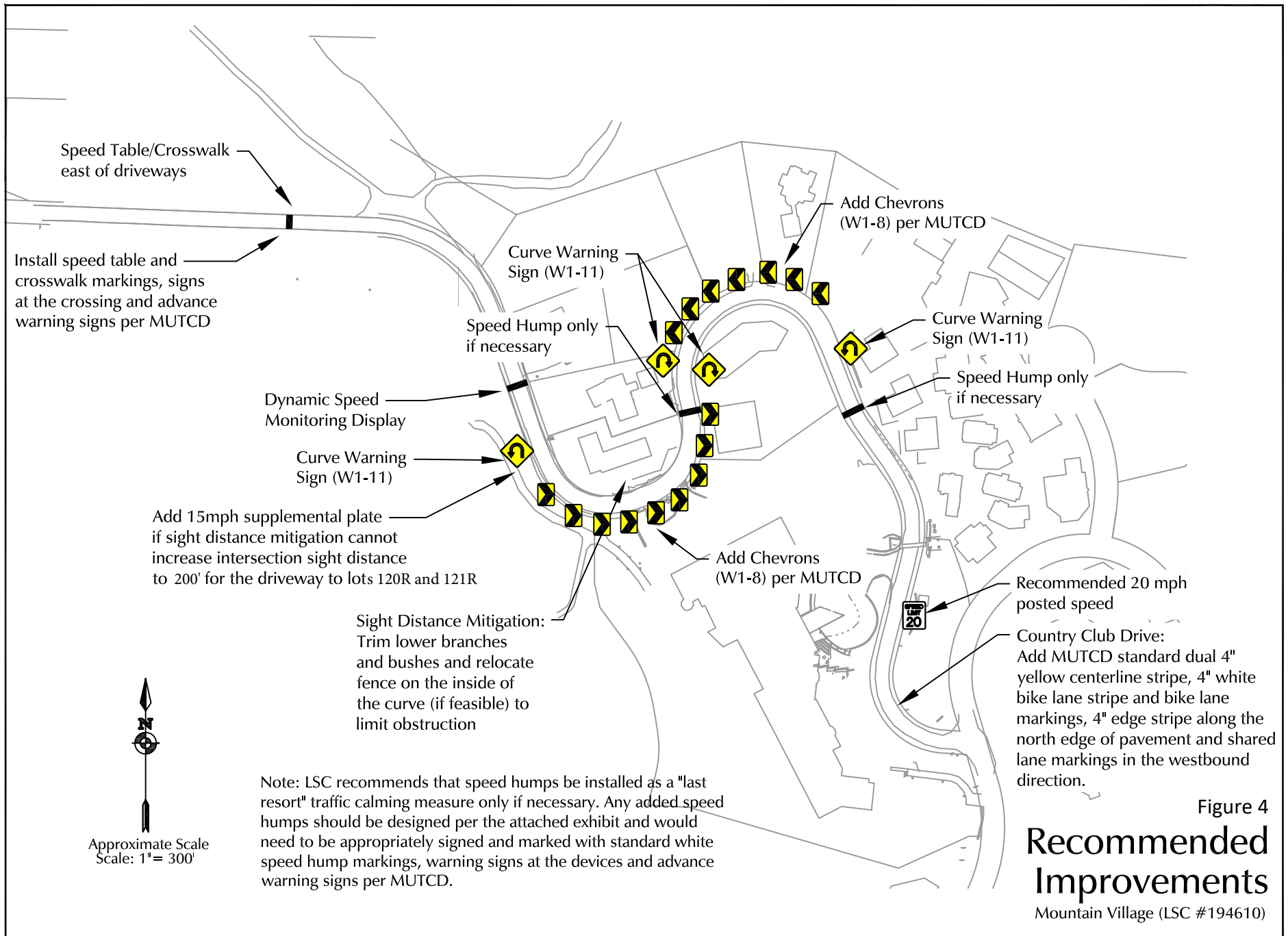


Figure 4
Recommended Improvements
 Mountain Village (LSC #194610)



Figure 5
Example
DSMD

Mountain Village (LSC #194610)



COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: MOUNTAIN VILLAGE BLVD
E/W STREET: COUNTRY CLUB DR
CITY: TELLURIDE
COUNTY: SAN MIGUEL

File Name : MOUNVILLCOCL
Site Code : 00000026
Start Date : 8/1/2019
Page No : 1

Groups Printed- VEHICLES

Start Time	MOUNTAIN VILLAGE BLVD. Southbound				COUNTRY CLUB DR Westbound				MOUNTAIN VILLAGE BLVD. Northbound				COUNTRY CLUB DR Eastbound				Int. Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
07:00 AM	0	0	2	0	0	0	0	1	4	0	0	1	0	0	1	3	12
07:15 AM	0	0	0	0	0	0	0	4	5	1	0	1	0	0	2	9	22
07:30 AM	0	4	0	0	2	0	0	0	4	6	3	2	0	0	2	7	30
07:45 AM	0	3	1	0	1	0	0	0	5	5	3	1	0	0	0	34	53
Total	0	7	3	0	3	0	0	5	18	12	6	5	0	0	5	53	117
08:00 AM	0	5	0	0	2	0	0	0	6	9	1	3	0	0	2	9	37
08:15 AM	1	11	1	1	1	0	0	0	7	23	7	1	1	0	2	13	69
08:30 AM	1	11	1	0	2	0	1	0	6	13	5	1	0	0	10	22	73
08:45 AM	2	4	0	1	1	0	1	2	7	14	4	4	0	0	7	22	69
Total	4	31	2	2	6	0	2	2	26	59	17	9	1	0	21	66	248
09:00 AM	0	8	0	0	3	0	0	1	7	7	7	1	0	0	7	33	74
09:15 AM	1	3	1	0	1	0	0	0	5	8	1	2	0	1	5	2	30
09:30 AM	1	5	0	1	2	0	0	1	2	6	5	2	1	1	12	18	57
09:45 AM	0	14	0	4	2	0	1	3	10	4	4	14	0	2	12	32	102
Total	2	30	1	5	8	0	1	5	24	25	17	19	1	4	36	85	263
10:00 AM	2	5	1	3	3	0	0	2	8	8	6	7	0	0	6	25	76
10:15 AM	2	9	2	1	3	0	1	1	7	8	1	9	0	0	8	20	72
10:30 AM	0	3	0	2	0	1	0	1	1	4	3	1	1	0	5	50	72
10:45 AM	2	8	0	3	2	0	0	6	3	2	11	13	1	1	3	29	84
Total	6	25	3	9	8	1	1	10	19	22	21	30	2	1	22	124	304
03:00 PM	0	0	0	0	0	1	1	0	0	0	0	0	1	1	0	0	4
03:15 PM	0	8	1	1	0	2	0	2	3	2	5	4	0	0	9	15	52
03:30 PM	0	6	0	2	4	0	0	0	9	4	5	3	1	1	2	26	63
03:45 PM	0	5	0	0	0	0	1	1	9	11	4	2	1	0	5	30	69
Total	0	19	1	3	4	3	2	3	21	17	14	9	3	2	16	71	188
04:00 PM	0	17	1	0	4	0	0	1	9	11	2	1	2	0	9	18	75
04:15 PM	0	5	1	0	1	1	0	0	11	4	8	2	0	1	5	13	52
04:30 PM	1	10	0	0	2	0	1	0	5	5	6	2	0	0	7	16	55
04:45 PM	1	8	4	0	1	1	0	1	7	8	3	1	1	2	9	31	78
Total	2	40	6	0	8	2	1	2	32	28	19	6	3	3	30	78	260
05:00 PM	0	16	0	0	4	0	0	3	3	9	3	3	1	1	11	35	89
05:15 PM	0	6	0	0	1	0	0	4	5	2	3	5	0	0	4	36	66
05:30 PM	0	7	0	1	3	0	0	1	2	7	5	7	0	0	6	50	89
05:45 PM	0	7	0	0	0	1	0	0	4	5	2	2	0	0	2	50	73
Total	0	36	0	1	8	1	0	8	14	23	13	17	1	1	23	171	317
Grand Total	14	188	16	20	45	7	7	35	154	186	107	95	11	11	153	648	1697
Apprch %	5.9	79.0	6.7	8.4	47.9	7.4	7.4	37.2	28.4	34.3	19.7	17.5	1.3	1.3	18.6	78.7	
Total %	0.8	11.1	0.9	1.2	2.7	0.4	0.4	2.1	9.1	11.0	6.3	5.6	0.6	0.6	9.0	38.2	

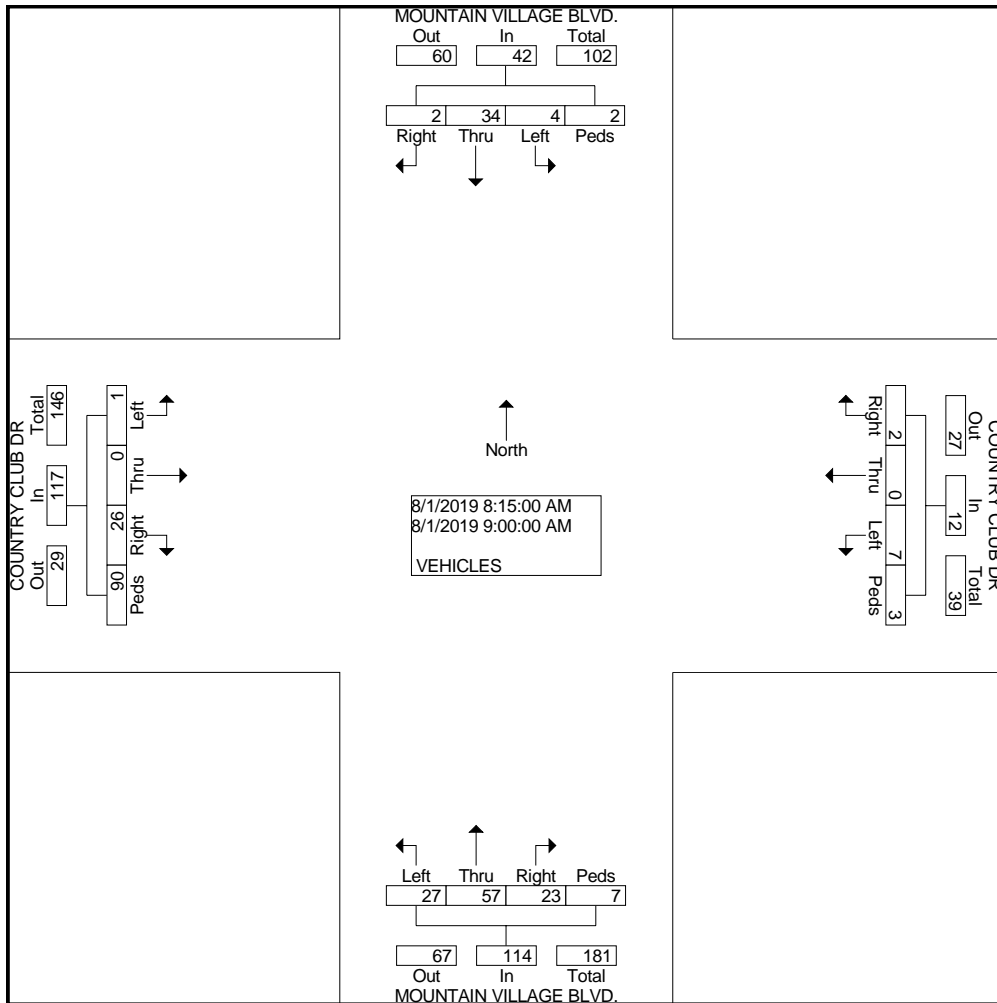
COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: MOUNTAIN VILLAGE BLVD
E/W STREET: COUNTRY CLUB DR
CITY: TELLURIDE
COUNTY: SAN MIGUEL

File Name : MOUNVILLCOCL
Site Code : 00000026
Start Date : 8/1/2019
Page No : 2

Start Time	MOUNTAIN VILLAGE BLVD. Southbound					COUNTRY CLUB DR Westbound					MOUNTAIN VILLAGE BLVD. Northbound					COUNTRY CLUB DR Eastbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour From 07:00 AM to 09:00 AM - Peak 1 of 1																					
Intersection	08:15 AM																				
Volume	4	34	2	2	42	7	0	2	3	12	27	57	23	7	114	1	0	26	90	117	285
Percent	9.5	81.0	4.8	4.8		58.3	0.0	16.7	25.0		23.7	50.0	20.2	6.1		0.9	0.0	22.2	76.9		
09:00 Volume	0	8	0	0	8	3	0	0	1	4	7	7	7	1	22	0	0	7	33	40	74
Peak Factor	0.963																				
High Int. Volume	08:15 AM					08:45 AM					08:15 AM					09:00 AM					
Peak Factor	1	11	1	1	14	1	0	1	2	4	7	23	7	1	38	0	0	7	33	40	0.73
	0.75					0.75					0.75					1					



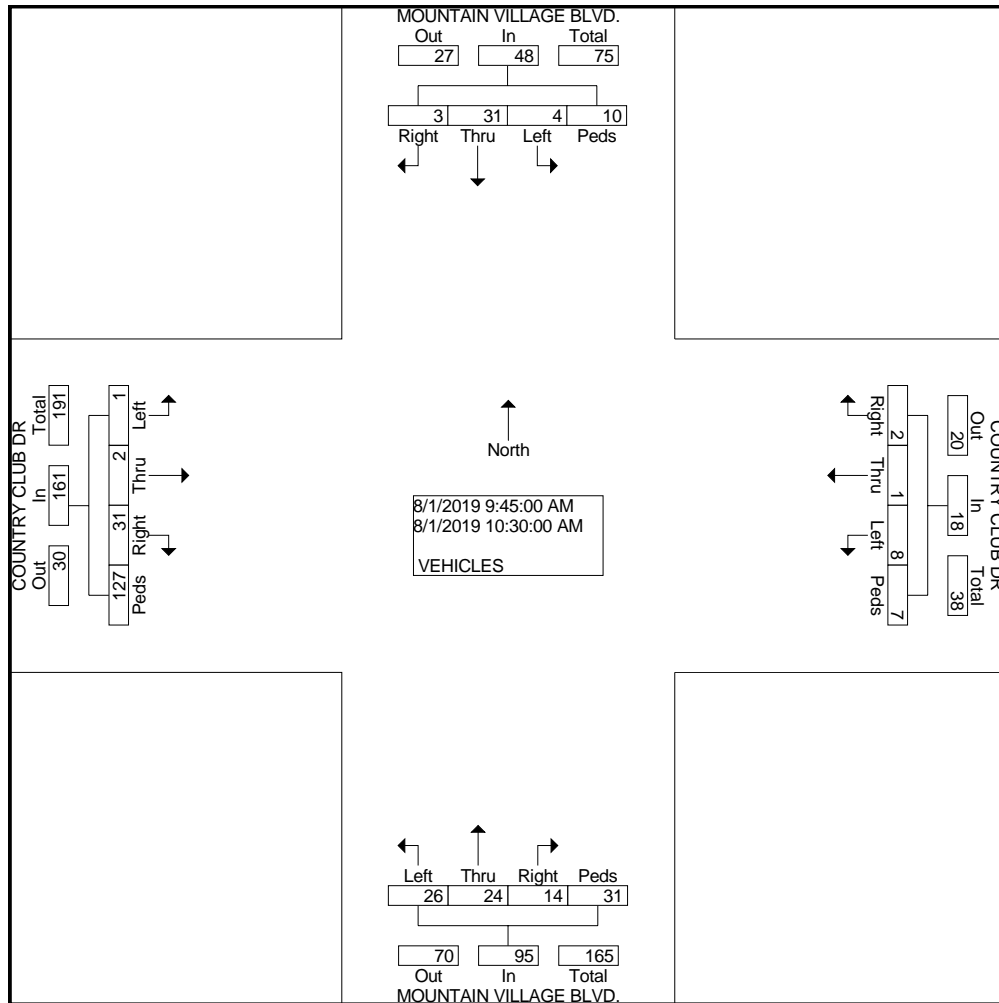
COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: MOUNTAIN VILLAGE BLVD
E/W STREET: COUNTRY CLUB DR
CITY: TELLURIDE
COUNTY: SAN MIGUEL

File Name : MOUNVILLCOCL
Site Code : 0000026
Start Date : 8/1/2019
Page No : 2

Start Time	MOUNTAIN VILLAGE BLVD. Southbound					COUNTRY CLUB DR Westbound					MOUNTAIN VILLAGE BLVD. Northbound					COUNTRY CLUB DR Eastbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour From 09:00 AM to 11:00 AM - Peak 1 of 1																					
Intersection	09:45 AM																				
Volume	4	31	3	10	48	8	1	2	7	18	26	24	14	31	95	1	2	31	127	161	322
Percent	8.3	64.6	6.3	20.8		44.4	5.6	11.1	38.9		27.4	25.3	14.7	32.6		0.6	1.2	19.3	78.9		
09:45 Volume	0	14	0	4	18	2	0	1	3	6	10	4	4	14	32	0	2	12	32	46	102
Peak Factor																					
High Int. Volume	09:45 AM					09:45 AM					09:45 AM					10:30 AM					
Peak Factor	0.66					0.75					0.74					0.71					9



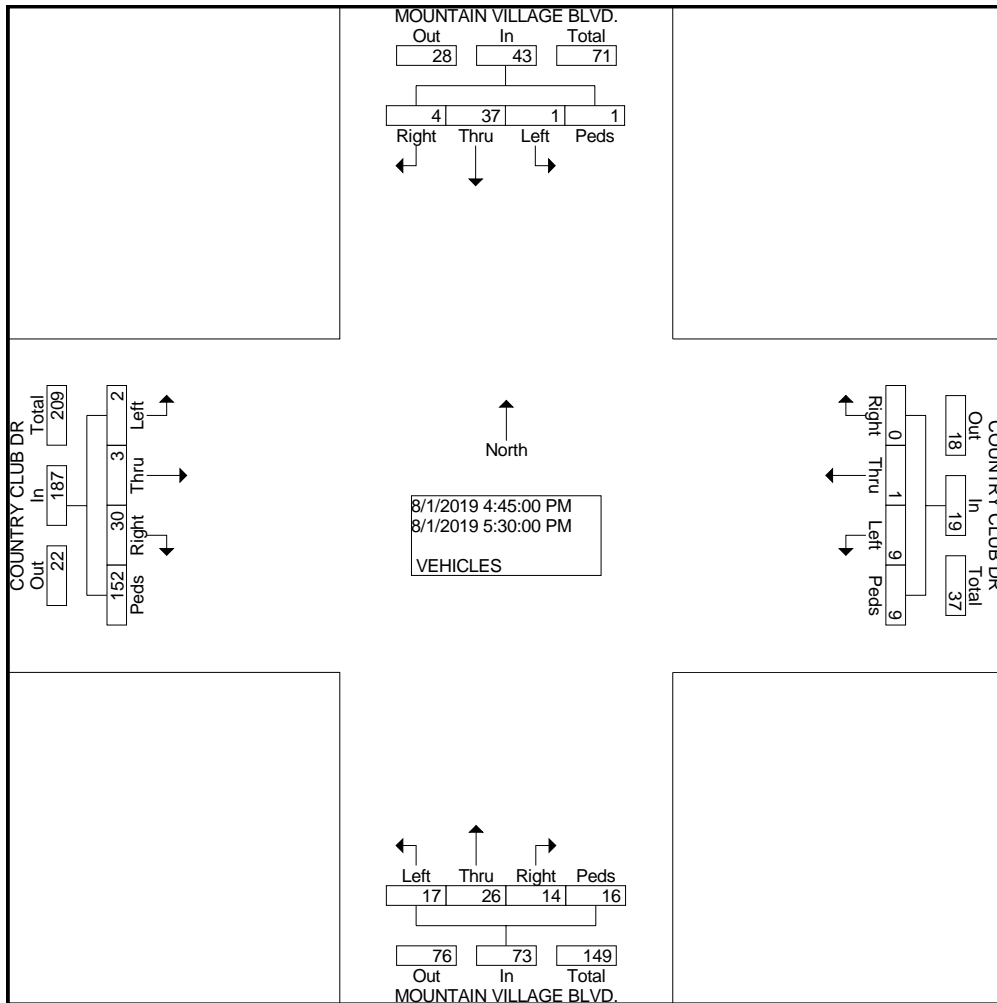
COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: MOUNTAIN VILLAGE BLVD
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CITY: TELLURIDE
COUNTY: SAN MIGUEL

File Name : MOUNVILLCOCL
Site Code : 0000026
Start Date : 8/1/2019
Page No : 2

Start Time	MOUNTAIN VILLAGE BLVD. Southbound					COUNTRY CLUB DR Westbound					MOUNTAIN VILLAGE BLVD. Northbound					COUNTRY CLUB DR Eastbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour From 03:00 PM to 05:45 PM - Peak 1 of 1																					
Intersection	04:45 PM																				
Volume	1	37	4	1	43	9	1	0	9	19	17	26	14	16	73	2	3	30	152	187	322
Percent	2.3	86.0	9.3	2.3		47.4	5.3	0.0	47.4		23.3	35.6	19.2	21.9		1.1	1.6	16.0	81.3		
05:30 Peak Factor																					
High Int. Volume	0	7	0	1	8	3	0	0	1	4	2	7	5	7	21	0	0	6	50	56	89
Peak Factor																					
High Int. Volume	05:00 PM																				
Peak Factor	05:30 PM																				
Factor	0	16	0	0	16	4	0	0	3	7	2	7	5	7	21	0	0	6	50	56	89
	0.67					0.67					0.86					0.83					5



COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
07:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
08:00	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
09:00	0	50	0	0	0	0	0	0	0	0	0	0	0	0	50
10:00	1	50	0	0	0	0	0	0	0	0	0	0	0	0	51
11:00	0	50	0	0	0	0	0	0	0	0	0	0	0	0	50
12 PM	0	36	0	0	0	0	0	0	0	0	0	0	0	0	36
13:00	0	56	0	0	0	0	0	0	0	0	0	0	0	0	56
14:00	0	36	3	0	1	0	0	0	0	0	0	0	0	0	40
15:00	0	39	0	0	1	1	0	0	0	0	0	0	0	0	41
16:00	0	61	0	0	0	0	0	0	0	0	0	0	0	0	61
17:00	0	39	0	0	1	0	0	0	0	0	0	0	0	0	40
18:00	0	21	0	0	1	0	0	0	0	0	0	0	0	0	22
19:00	0	15	0	0	0	0	0	0	0	0	0	0	0	0	15
20:00	0	15	0	0	0	0	0	0	0	0	0	0	0	0	15
21:00	0	12	0	1	0	0	0	0	0	0	0	0	0	0	13
22:00	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
23:00	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
Total	1	513	3	1	4	1	0	0	0	0	0	0	0	0	523
Percent	0.2%	98.1%	0.6%	0.2%	0.8%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	10:00	09:00													
Vol.	1	50													
PM Peak		16:00	14:00	21:00	14:00	15:00									
Vol.		61	3	1	1	1									

COUNTER MEASURES INC.
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DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
01:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
05:00	0	4	0	1	0	0	0	0	0	0	0	0	0	0	5
06:00	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
07:00	0	16	0	0	0	0	0	0	0	0	0	0	0	0	16
08:00	0	36	0	1	1	0	0	0	0	0	0	0	0	0	38
09:00	0	44	0	0	0	0	0	0	0	0	0	0	0	0	44
10:00	0	53	1	0	0	0	0	0	0	0	0	0	0	0	54
11:00	0	43	0	0	0	0	0	0	0	0	0	0	0	0	43
12 PM	0	50	0	0	0	0	0	0	0	0	0	0	0	0	50
13:00	0	42	0	0	0	0	0	0	0	0	0	0	0	0	42
14:00	0	58	0	0	0	0	0	0	0	0	0	0	0	0	58
15:00	0	63	0	0	0	0	0	0	0	0	0	0	0	0	63
16:00	0	36	2	0	1	0	0	0	0	0	0	0	0	0	39
17:00	1	37	1	0	2	0	0	0	0	0	0	0	0	0	41
18:00	0	35	1	0	0	0	0	0	0	0	0	0	0	0	36
19:00	0	18	0	0	0	0	0	0	0	0	0	0	0	0	18
20:00	0	17	0	0	1	0	0	0	0	0	0	0	0	0	18
21:00	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
22:00	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
23:00	0	4	0	0	1	0	0	0	0	0	0	0	0	0	5
Total	1	591	5	2	6	0	0	0	0	0	0	0	0	0	605
Percent	0.2%	97.7%	0.8%	0.3%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		10:00	10:00	05:00	08:00										
Vol.		53	1	1	1										
PM Peak	17:00	15:00	16:00		17:00										
Vol.	1	63	2		2										

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
06:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
07:00	0	20	0	0	0	0	0	0	0	0	0	0	0	0	20
08:00	0	42	1	0	0	0	0	0	0	0	0	0	0	0	43
09:00	0	34	0	0	0	0	0	0	0	0	0	0	0	0	34
10:00	0	36	1	0	1	0	0	0	0	0	0	0	0	0	38
11:00	1	29	4	0	2	0	0	0	0	0	0	0	0	0	36
12 PM	0	25	1	0	0	0	0	0	0	0	0	0	0	0	26
13:00	0	16	7	0	0	0	0	0	0	0	0	0	0	0	23
14:00	0	12	7	0	3	0	0	0	0	0	0	0	0	0	22
15:00	0	17	3	0	10	0	0	0	0	0	0	0	0	0	30
16:00	0	28	4	0	6	0	0	0	0	0	0	0	0	0	38
17:00	0	15	1	0	3	0	0	0	0	0	0	0	0	0	19
18:00	0	12	2	0	0	0	0	0	0	0	0	0	0	0	14
19:00	0	4	1	0	2	0	0	0	0	0	0	0	0	0	7
20:00	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
21:00	0	24	0	0	0	0	0	0	0	0	0	0	0	0	24
22:00	0	18	0	0	1	0	0	0	0	0	0	0	0	0	19
23:00	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
Total	1	373	33	0	28	0	0	0	0	0	0	0	0	0	435
Percent	0.2%	85.7%	7.6%	0.0%	6.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	11:00	08:00	11:00		11:00										
Vol.	1	42	4		2										
PM Peak		16:00	13:00		15:00										
Vol.		28	7		10										

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
03:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
06:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
07:00	0	17	3	0	0	0	0	0	0	0	0	0	0	0	20
08:00	0	25	5	0	1	0	0	0	0	0	0	0	0	0	31
09:00	0	31	4	0	1	0	0	0	0	0	0	0	0	0	36
10:00	0	16	6	0	3	0	0	0	0	0	0	0	0	0	25
11:00	0	26	5	0	1	0	0	0	0	0	0	0	0	0	32
12 PM	0	24	4	0	2	0	0	0	0	0	0	0	0	0	30
13:00	1	19	8	0	1	0	0	0	0	0	0	0	0	0	29
14:00	0	16	5	0	8	0	0	0	0	0	0	0	0	0	29
15:00	2	12	5	0	2	0	0	0	0	0	0	0	0	0	21
16:00	0	16	3	0	2	0	0	0	0	0	0	0	0	0	21
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	221	48	0	21	0	0	0	0	0	0	0	0	0	293
Percent	1.0%	75.4%	16.4%	0.0%	7.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	10:00		10:00										
Vol.		31	6		3										
PM Peak	15:00	12:00	13:00		14:00										
Vol.	2	24	8		8										
Grand Total	6	1698	89	3	59	1	0	0	0	0	0	0	0	0	1856
Percent	0.3%	91.5%	4.8%	0.2%	3.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	1	1	0	1	0	0	0	0	0	0	0	0	0	3
08:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
09:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
10:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
11:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
12 PM	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
13:00	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
14:00	0	20	1	0	1	0	0	1	0	0	0	0	0	0	23
15:00	0	9	1	0	1	1	0	0	0	0	0	0	0	0	12
16:00	0	10	0	1	0	0	0	0	0	0	0	0	0	0	11
17:00	0	7	1	0	0	0	0	0	0	0	0	0	0	0	8
18:00	0	3	2	0	0	0	0	0	0	0	0	0	0	0	5
19:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
20:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
21:00	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2
22:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
23:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	0	93	8	2	3	1	0	1	0	0	0	0	0	0	108
Percent	0.0%	86.1%	7.4%	1.9%	2.8%	0.9%	0.0%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		08:00	07:00		07:00										
Vol.		7	1		1										
PM Peak		14:00	18:00	16:00	14:00	15:00		14:00							
Vol.		20	2	1	1	1		1							

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
06:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
07:00	0	3	0	0	1	0	0	0	0	0	0	0	0	0	4
08:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
09:00	0	13	0	0	0	0	0	0	0	0	0	0	0	0	13
10:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
11:00	0	9	1	0	0	0	0	0	0	0	0	0	0	0	10
12 PM	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
16:00	0	7	2	0	0	0	0	0	0	0	0	0	0	0	9
17:00	1	12	0	0	0	0	0	0	0	0	0	0	0	0	13
18:00	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
19:00	0	7	1	0	0	0	0	0	0	0	0	0	0	0	8
20:00	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
21:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
22:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	107	7	0	1	0	0	0	0	0	0	0	0	0	116
Percent	0.9%	92.2%	6.0%	0.0%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	06:00		07:00										
Vol.		13	1		1										
PM Peak	17:00	17:00	16:00												
Vol.	1	12	2												

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	2	0	0	1	0	0	0	0	0	0	0	0	0	3
06:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
07:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
08:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
09:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
10:00	0	11	1	0	0	0	0	0	0	0	0	0	0	0	12
11:00	0	11	1	0	0	0	0	0	0	0	0	0	0	0	12
12 PM	1	8	0	0	0	0	0	0	0	0	0	0	0	0	9
13:00	0	26	3	0	0	0	0	0	0	0	0	0	0	0	29
14:00	1	26	7	0	0	0	0	0	0	0	0	0	0	0	34
15:00	0	27	6	0	0	0	0	0	0	0	0	0	0	0	33
16:00	2	31	4	1	0	0	0	0	0	0	0	0	0	0	38
17:00	0	16	1	0	0	0	0	0	0	0	0	0	0	0	17
18:00	0	15	0	0	0	0	0	0	0	0	0	0	0	0	15
19:00	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
20:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
21:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
22:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	4	221	25	1	1	0	0	0	0	0	0	0	0	0	252
Percent	1.6%	87.7%	9.9%	0.4%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		10:00	06:00		05:00										
Vol.		11	1		1										
PM Peak	16:00	16:00	14:00	16:00											
Vol.	2	31	7	1											

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR S/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193116
 Station ID: 193116

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
01:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2
06:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
07:00	0	10	2	0	0	0	0	0	0	0	0	0	0	0	12
08:00	0	11	1	0	0	0	0	0	0	0	0	0	0	0	12
09:00	0	12	1	0	0	0	0	0	0	0	0	0	0	0	13
10:00	0	8	1	0	0	0	0	0	0	0	0	0	0	0	9
11:00	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
12 PM	0	8	1	0	0	0	0	0	0	0	0	0	0	0	9
13:00	1	15	4	0	0	0	0	0	0	0	0	0	0	0	20
14:00	0	41	6	0	0	0	0	0	0	0	0	0	0	0	47
15:00	0	20	1	0	0	0	0	0	0	0	0	0	0	0	21
16:00	0	19	1	0	0	0	0	0	0	0	0	0	0	0	20
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	158	19	0	1	0	0	0	0	0	0	0	0	0	179
Percent	0.6%	88.3%	10.6%	0.0%	0.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	07:00		05:00										
Vol.		12	2		1										
PM Peak	13:00	14:00	14:00												
Vol.	1	41	6												
Grand Total	6	579	59	3	6	1	0	1	0	0	0	0	0	0	655
Percent	0.9%	88.4%	9.0%	0.5%	0.9%	0.2%	0.0%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
07:00	0	11	2	0	1	0	0	0	0	0	0	0	0	0	14
08:00	0	20	6	0	0	1	0	0	1	0	0	0	0	0	28
09:00	1	27	6	0	1	0	0	0	0	0	0	0	0	0	35
10:00	0	18	6	0	0	2	0	0	0	0	0	0	0	0	26
11:00	0	16	5	0	1	0	0	0	0	0	0	0	0	0	22
12 PM	1	14	4	0	1	0	0	0	0	0	0	0	0	0	20
13:00	0	14	6	0	0	0	0	0	0	0	0	0	0	0	20
14:00	0	18	5	0	3	0	0	1	0	0	0	0	0	0	27
15:00	0	20	4	0	3	1	0	0	0	0	0	0	0	0	28
16:00	0	13	1	0	0	1	0	0	0	0	0	0	0	0	15
17:00	0	17	2	0	0	0	0	0	0	0	0	0	0	0	19
18:00	0	7	1	0	0	0	0	0	0	0	0	0	0	0	8
19:00	1	11	3	0	0	0	0	0	0	0	0	0	0	0	15
20:00	0	8	1	0	0	0	0	0	0	0	0	0	0	0	9
21:00	0	10	1	1	0	0	0	0	0	0	0	0	0	0	12
22:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
23:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	3	237	53	1	10	5	0	1	1	0	0	0	0	0	311
Percent	1.0%	76.2%	17.0%	0.3%	3.2%	1.6%	0.0%	0.3%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	09:00	09:00	08:00		07:00	10:00			08:00						
Vol.	1	27	6		1	2			1						
PM Peak	12:00	15:00	13:00	21:00	14:00	15:00		14:00							
Vol.	1	20	6	1	3	1		1							

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
06:00	1	4	0	0	0	0	0	0	0	0	0	0	0	0	5
07:00	0	5	2	1	0	0	0	0	1	0	0	0	0	0	9
08:00	1	14	5	0	0	0	0	0	0	0	0	0	0	0	20
09:00	0	13	6	0	0	0	0	0	0	0	0	0	0	0	19
10:00	0	24	3	1	1	0	0	1	0	0	0	0	0	0	30
11:00	1	27	6	0	0	0	0	0	0	0	0	0	0	0	34
12 PM	2	19	8	0	0	0	0	0	0	0	0	0	0	0	29
13:00	9	22	0	0	0	1	0	0	0	0	0	0	0	0	32
14:00	4	37	4	1	3	0	0	0	0	0	0	0	0	0	49
15:00	6	30	3	1	0	1	0	0	0	0	0	0	0	0	41
16:00	8	35	1	0	2	0	0	0	0	0	0	0	0	0	46
17:00	6	35	3	0	0	0	0	0	0	0	0	0	0	0	44
18:00	0	20	1	0	0	0	0	0	0	0	0	0	0	0	21
19:00	1	7	2	0	0	0	0	0	0	0	0	0	0	0	10
20:00	1	17	3	0	0	0	0	0	0	0	0	0	0	0	21
21:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
22:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
23:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	40	323	49	5	6	2	0	1	1	0	0	0	0	0	427
Percent	9.4%	75.6%	11.5%	1.2%	1.4%	0.5%	0.0%	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	06:00	11:00	09:00	05:00	10:00			10:00	07:00						
Vol.	1	27	6	1	1			1	1						
PM Peak	13:00	14:00	12:00	14:00	14:00	13:00									
Vol.	9	37	8	1	3	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	1	1	1	0	0	0	0	0	0	0	0	0	3
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	1	11	2	0	0	0	0	0	0	0	0	0	0	0	14
08:00	0	11	1	0	0	0	0	0	0	0	0	0	0	0	12
09:00	1	7	2	0	0	0	0	0	1	0	0	0	0	0	11
10:00	0	24	2	0	0	0	0	0	0	0	0	0	0	0	26
11:00	2	14	2	0	0	0	0	0	0	0	0	0	0	0	18
12 PM	7	14	0	0	0	0	0	0	0	0	0	0	0	0	21
13:00	3	30	3	0	0	0	0	0	0	0	0	0	0	0	36
14:00	0	27	5	0	1	0	0	0	0	0	0	0	0	0	33
15:00	0	28	2	0	1	0	0	0	0	0	0	0	0	0	31
16:00	0	21	3	0	0	0	0	0	0	0	0	0	0	0	24
17:00	0	15	1	0	0	0	0	0	0	0	0	0	0	0	16
18:00	0	12	1	0	0	0	0	0	0	0	0	0	0	0	13
19:00	0	18	3	0	0	0	0	0	0	0	0	0	0	0	21
20:00	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
21:00	0	8	1	0	0	0	0	0	0	0	0	0	0	0	9
22:00	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
23:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	14	260	29	1	3	0	0	0	1	0	0	0	0	0	308
Percent	4.5%	84.4%	9.4%	0.3%	1.0%	0.0%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	11:00	10:00	07:00	05:00	05:00				09:00						
Vol.	2	24	2	1	1				1						
PM Peak	12:00	13:00	14:00		14:00										
Vol.	7	30	5		1										

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

SB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
07:00	0	9	3	0	0	0	0	0	0	0	0	0	0	0	12
08:00	0	7	3	0	0	0	0	0	0	0	0	0	0	0	10
09:00	0	16	1	0	0	0	0	0	0	0	0	0	0	0	17
10:00	0	24	0	0	0	0	0	0	0	0	0	0	0	0	24
11:00	1	28	0	0	1	0	0	0	0	0	0	0	0	0	30
12 PM	3	20	2	0	0	0	0	0	0	0	0	0	0	0	25
13:00	6	21	4	0	0	0	0	0	0	0	0	0	0	0	31
14:00	1	24	5	0	0	0	0	0	0	0	0	0	0	0	30
15:00	0	24	2	0	0	0	0	0	0	0	0	0	0	0	26
16:00	0	9	1	0	0	0	0	0	0	0	0	0	0	0	10
17:00	0	8	1	0	0	0	0	0	0	0	0	0	0	0	9
18:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
19:00	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
20:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
21:00	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
22:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
23:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	11	223	26	1	1	0	0	0	0	0	0	0	0	0	262
Percent	4.2%	85.1%	9.9%	0.4%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	11:00	11:00	07:00	05:00	11:00										
Vol.	1	28	3	1	1										
PM Peak	13:00	14:00	14:00												
Vol.	6	24	5												

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
07:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
08:00	4	13	1	0	1	0	0	0	0	0	0	0	0	0	19
09:00	2	14	4	0	0	1	0	0	0	0	0	0	0	0	21
10:00	0	10	5	0	0	1	0	0	0	0	0	0	0	0	16
11:00	1	13	5	0	1	0	1	0	0	0	0	0	0	0	21
12 PM	2	10	4	0	0	0	0	0	0	0	0	0	0	0	16
13:00	1	9	3	0	0	0	0	0	0	0	0	0	0	0	13
14:00	2	14	6	0	0	1	0	0	0	0	0	0	0	0	23
15:00	0	14	4	0	4	1	0	0	0	0	0	0	0	0	23
16:00	2	15	3	0	0	0	1	0	0	0	0	0	0	0	21
17:00	1	14	3	0	0	0	0	0	0	0	0	0	0	0	18
18:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
19:00	1	4	2	0	0	0	0	0	0	0	0	0	0	0	7
20:00	0	5	2	0	0	0	0	0	0	0	0	0	0	0	7
21:00	0	4	1	1	0	0	0	0	0	0	0	0	0	0	6
22:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
23:00	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
Total	16	154	48	1	6	4	2	0	0	0	0	0	0	0	231
Percent	6.9%	66.7%	20.8%	0.4%	2.6%	1.7%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	08:00	09:00	10:00		08:00	09:00	11:00								
Vol.	4	14	5		1	1	1								
PM Peak	12:00	16:00	14:00	21:00	15:00	14:00	16:00								
Vol.	2	15	6	1	4	1	1								

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
07:00	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
08:00	0	7	4	1	0	0	0	0	0	0	0	0	1	0	13
09:00	0	12	5	0	1	0	0	0	0	0	0	0	0	0	18
10:00	1	27	5	0	0	0	0	0	1	0	0	0	0	0	34
11:00	1	12	3	0	0	0	0	0	0	0	0	0	0	0	16
12 PM	3	13	7	0	0	1	0	0	0	0	0	0	0	0	24
13:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
14:00	1	16	4	0	1	1	0	0	0	0	0	0	0	0	23
15:00	2	22	5	1	1	0	0	0	0	0	0	0	0	0	31
16:00	1	17	3	0	2	0	0	0	0	0	0	0	0	0	23
17:00	4	14	5	0	0	0	0	0	0	0	0	0	0	0	23
18:00	1	6	1	0	0	1	0	0	0	0	0	0	0	0	9
19:00	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
20:00	0	5	3	0	0	0	0	0	0	0	0	0	0	0	8
21:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
22:00	0	2	0	1	0	0	0	0	0	0	0	0	0	0	3
23:00	1	4	0	0	0	1	0	0	0	0	0	0	0	0	6
Total	15	175	48	4	5	4	0	0	1	0	0	0	1	0	253
Percent	5.9%	69.2%	19.0%	1.6%	2.0%	1.6%	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	0.4%	0.0%	
AM Peak	10:00	10:00	09:00	05:00	09:00				10:00				08:00		
Vol.	1	27	5	1	1				1				1		
PM Peak	17:00	15:00	12:00	15:00	16:00	12:00									
Vol.	4	22	7	1	2	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
08:00	0	8	3	0	0	0	0	0	0	0	0	0	0	0	11
09:00	2	19	1	0	0	0	0	0	0	0	0	0	0	0	22
10:00	0	13	0	0	0	1	0	0	0	0	0	0	0	0	14
11:00	1	13	3	0	0	0	0	0	0	0	0	0	0	0	17
12 PM	3	10	1	0	0	1	0	0	0	0	0	0	0	0	15
13:00	0	6	0	0	0	1	0	0	0	0	0	0	0	0	7
14:00	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
15:00	1	10	2	0	0	0	0	0	0	0	0	0	0	0	13
16:00	0	11	4	0	0	0	0	0	0	0	0	0	0	0	15
17:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
18:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
19:00	0	3	2	0	0	1	0	0	0	0	0	0	0	0	6
20:00	0	6	1	0	0	0	0	0	0	0	0	0	0	0	7
21:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
22:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
23:00	2	2	0	0	1	1	0	0	0	0	0	0	0	0	6
Total	10	133	18	1	2	5	0	0	0	0	0	0	0	0	169
Percent	5.9%	78.7%	10.7%	0.6%	1.2%	3.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	09:00	09:00	08:00	05:00	05:00	10:00									
Vol.	2	19	3	1	1	1									
PM Peak	12:00	14:00	16:00		23:00	12:00									
Vol.	3	12	4		1	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR N/O THE PEAKS RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: SOUTHBOUND-NORTHBOUND

Site Code: 193119
 Station ID: 193119

NB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	3	0	1	0	0	0	0	0	0	0	0	0	0	4
07:00	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
08:00	1	10	0	0	0	1	0	0	0	0	0	0	0	0	12
09:00	2	22	1	0	0	1	0	0	0	0	0	0	0	0	26
10:00	1	17	3	0	0	0	0	0	0	0	0	0	0	0	21
11:00	2	11	0	0	1	0	0	0	0	0	0	0	0	0	14
12 PM	2	9	0	0	0	0	0	0	0	0	0	0	0	0	11
13:00	3	7	2	0	0	0	0	0	0	0	0	0	0	0	12
14:00	2	7	3	0	0	0	0	0	0	0	0	0	0	0	12
15:00	1	7	2	0	0	0	0	0	0	0	0	0	0	0	10
16:00	0	12	2	0	0	0	0	0	0	0	0	0	0	0	14
17:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
18:00	1	2	1	0	0	0	0	0	0	0	0	0	0	0	4
19:00	2	7	1	0	0	0	0	0	0	0	0	0	0	0	10
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
22:00	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
23:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
Total	17	142	20	1	1	2	0	0	0	0	0	0	0	0	183
Percent	9.3%	77.6%	10.9%	0.5%	0.5%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	09:00	09:00	10:00	06:00	11:00	08:00									
Vol.	2	22	3	1	1	1									
PM Peak	13:00	16:00	14:00												
Vol.	3	12	3												

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

EB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
07:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
08:00	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
09:00	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
10:00	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4
11:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
12 PM	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4
13:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
14:00	0	4	5	0	0	1	0	0	0	0	0	0	0	0	10
15:00	0	8	2	0	1	0	1	0	0	0	0	0	0	0	12
16:00	0	10	1	0	0	0	0	0	0	0	0	0	0	0	11
17:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
18:00	1	1	1	0	0	0	0	0	0	0	0	0	0	0	3
19:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
20:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	56	20	0	1	1	1	0	0	0	0	0	0	0	80
Percent	1.3%	70.0%	25.0%	0.0%	1.3%	1.3%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		06:00	09:00												
Vol.		6	2												
PM Peak	18:00	16:00	14:00		15:00	14:00	15:00								
Vol.	1	10	5		1	1	1								

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

EB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
09:00	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
10:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
11:00	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4
12 PM	1	2	5	0	0	0	0	0	0	0	0	0	0	0	8
13:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
14:00	1	7	0	0	0	1	0	0	0	0	0	0	0	0	9
15:00	1	6	1	0	0	0	0	0	0	0	0	0	0	0	8
16:00	0	4	0	0	1	0	0	0	0	0	0	0	0	0	5
17:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
18:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
19:00	1	3	1	0	0	0	0	0	0	0	0	0	0	0	5
20:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
21:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
22:00	1	2	0	1	0	0	0	0	0	0	0	0	0	0	4
23:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	5	53	14	1	1	1	0	0	0	0	0	0	0	0	75
Percent	6.7%	70.7%	18.7%	1.3%	1.3%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	10:00												
Vol.		6	2												
PM Peak	12:00	14:00	12:00	22:00	16:00	14:00									
Vol.	1	7	5	1	1	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

EB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
02:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
09:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
11:00	1	9	1	0	0	0	0	0	0	0	0	0	0	0	11
12 PM	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
13:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
14:00	0	6	0	0	1	0	0	0	0	0	0	0	0	0	7
15:00	1	4	0	0	0	0	0	0	0	0	0	0	0	0	5
16:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
17:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
18:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
19:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
20:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
21:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
22:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	4	40	4	0	1	0	0	0	0	0	0	0	0	0	49
Percent	8.2%	81.6%	8.2%	0.0%	2.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	01:00	11:00	08:00												
Vol.	1	9	1												
PM Peak	15:00	14:00	19:00		14:00										
Vol.	1	6	1		1										

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

EB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
09:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
10:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
11:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
12 PM	1	5	0	0	0	0	0	0	0	0	0	0	0	0	6
13:00	0	4	3	0	0	0	0	0	0	0	0	0	0	0	7
14:00	0	3	2	0	0	0	0	0	0	0	0	0	0	0	5
15:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
16:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
17:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
18:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
19:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
22:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
23:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	2	38	9	0	0	0	0	0	0	0	0	0	0	0	49
Percent	4.1%	77.6%	18.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		08:00	08:00												
Vol.		3	1												
PM Peak	12:00	12:00	13:00												
Vol.	1	5	3												

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

WB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/01/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	1	5	0	0	0	0	0	0	0	0	0	0	0	0	6
07:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
08:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
09:00	0	3	3	0	0	0	0	0	0	0	0	0	0	0	6
10:00	0	4	3	0	0	0	0	0	0	0	0	0	0	0	7
11:00	1	3	1	0	0	0	0	0	0	0	0	0	0	0	5
12 PM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
13:00	0	4	4	0	0	0	0	0	0	0	0	0	0	0	8
14:00	1	4	3	0	2	0	0	0	0	0	0	0	0	0	10
15:00	0	5	2	0	1	1	0	0	0	0	0	0	0	0	9
16:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
17:00	0	7	1	0	0	0	0	0	0	0	0	0	0	0	8
18:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
19:00	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4
20:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
21:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
22:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	52	21	0	3	1	0	0	0	0	0	0	0	0	80
Percent	3.8%	65.0%	26.3%	0.0%	3.8%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	06:00	06:00	09:00												
Vol.	1	5	3												
PM Peak	14:00	17:00	13:00		14:00	15:00									
Vol.	1	7	4		2	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

WB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/02/19	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
07:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
08:00	0	4	2	0	0	0	0	0	0	0	0	0	0	0	6
09:00	0	6	2	0	0	0	0	0	0	0	0	0	0	0	8
10:00	0	3	0	1	0	0	0	0	0	0	0	0	0	0	4
11:00	0	3	4	0	0	0	0	0	0	0	0	0	0	0	7
12 PM	1	3	4	0	0	0	0	0	0	0	0	0	0	0	8
13:00	0	3	0	0	0	1	0	0	0	0	0	0	0	0	4
14:00	1	8	1	0	1	0	0	0	0	0	0	0	0	0	11
15:00	2	5	0	0	0	0	0	0	0	0	0	0	0	0	7
16:00	1	6	0	0	2	0	0	0	0	0	0	0	0	0	9
17:00	3	4	0	0	0	0	0	0	0	0	0	0	0	0	7
18:00	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6
19:00	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
20:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
21:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
22:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
23:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	8	60	16	1	3	1	0	0	0	0	0	0	0	0	89
Percent	9.0%	67.4%	18.0%	1.1%	3.4%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	11:00	10:00											
Vol.		6	4	1											
PM Peak	17:00	14:00	12:00		16:00	13:00									
Vol.	3	8	4		2	1									

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

WB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/03/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	1	1	1	0	0	0	0	0	0	0	0	0	0	0	3
09:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	7	1	0	0	0	0	0	0	0	0	0	0	0	8
11:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
12 PM	1	5	0	0	0	0	0	0	0	0	0	0	0	0	6
13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	7	0	0	1	0	0	0	0	0	0	0	0	0	8
15:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
16:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
17:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
18:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
19:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
22:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	2	37	5	0	1	0	0	0	0	0	0	0	0	0	45
Percent	4.4%	82.2%	11.1%	0.0%	2.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak	08:00	10:00	08:00												
Vol.	1	7	1												
PM Peak	12:00	14:00	16:00		14:00										
Vol.	1	7	1		1										

COUNTER MEASURES INC.
1889 YORK STREET
DENVER, COLORADO 80206
303-333-7409

Location: COUNTRY CLUB DR E/O MOUNTAINS EDGE RESORT
 City: MOUNTAIN VILLAGE TELLURIDE
 County: SAN MIGUEL
 Direction: EASTBOUND-WESTBOUND

Site Code: 193117
 Station ID: 193117

WB

Start Time	Bikes	Cars & Trailers	2 Axle Long	Buses	2 Axle 6 Tire	3 Axle Single	4 Axle Single	<5 Axl Double	5 Axle Double	>6 Axl Double	<6 Axl Multi	6 Axle Multi	>6 Axl Multi	Not Classed	Total
08/04/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
09:00	0	3	1	0	0	0	0	0	0	0	0	0	0	0	4
10:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
11:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
12 PM	1	6	1	0	0	0	0	0	0	0	0	0	0	0	8
13:00	1	3	2	0	0	0	0	0	0	0	0	0	0	0	6
14:00	1	6	1	0	0	0	0	0	0	0	0	0	0	0	8
15:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
16:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
17:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
18:00	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
19:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
20:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
21:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
22:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	37	9	0	0	0	0	0	0	0	0	0	0	0	49
Percent	6.1%	75.5%	18.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
AM Peak		09:00	08:00												
Vol.		3	1												
PM Peak	12:00	12:00	13:00												
Vol.	1	6	2												



3:

Intersection													
Int Delay, s/veh 2.9													
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Traffic Vol, veh/h	1	0	26	7	0	2	27	57	23	4	34	2	
Future Vol, veh/h	1	0	26	7	0	2	27	57	23	4	34	2	
Conflicting Peds, #/hr	3	0	90	90	0	3	2	0	7	7	0	2	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None	
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-	
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-	
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	
Peak Hour Factor	100	100	100	100	100	100	72	72	72	77	77	77	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	1	0	26	7	0	2	38	79	32	5	44	3	

Major/Minor	Minor2	Minor1	Major1	Major2
Conflicting Flow All	233	252	138	337
Stage 1	58	58	-	178
Stage 2	175	194	-	159
Critical Hdwy	7.12	6.52	6.22	7.12
Critical Hdwy Stg 1	6.12	5.52	-	6.12
Critical Hdwy Stg 2	6.12	5.52	-	6.12
Follow-up Hdwy	3.518	4.018	3.318	3.518
Pot Cap-1 Maneuver	722	651	910	617
Stage 1	954	847	-	824
Stage 2	827	740	-	843
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	700	626	830	531
Mov Cap-2 Maneuver	700	626	-	531
Stage 1	927	842	-	798
Stage 2	801	716	-	744

Approach	EB	WB	NB	SB				
HCM Control Delay, s	9.5	11.2	1.9	0.7				
HCM LOS	A	B						
Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1555	-	-	824	588	1460	-	-
HCM Lane V/C Ratio	0.024	-	-	0.033	0.015	0.004	-	-
HCM Control Delay (s)	7.4	0	-	9.5	11.2	7.5	0	-
HCM Lane LOS	A	A	-	A	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0	0	-	-

3:

Intersection													
Int Delay, s/veh													5
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Traffic Vol, veh/h	1	2	31	8	1	2	26	24	14	4	31	3	
Future Vol, veh/h	1	2	31	8	1	2	26	24	14	4	31	3	
Conflicting Peds, #/hr	7	0	127	127	0	7	10	0	31	31	0	10	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None	-
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	-
Peak Hour Factor	61	61	61	92	92	92	89	89	89	68	68	68	68
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	3	51	9	1	2	29	27	16	6	46	4	
Major/Minor													
	Minor2			Minor1			Major1			Major2			
Conflicting Flow All	172	202	185	338	196	73	60	0	0	74	0	0	
Stage 1	70	70	-	124	124	-	-	-	-	-	-	-	
Stage 2	102	132	-	214	72	-	-	-	-	-	-	-	
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-	
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-	
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-	
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-	
Pot Cap-1 Maneuver	791	694	857	616	699	989	1544	-	-	1526	-	-	
Stage 1	940	837	-	880	793	-	-	-	-	-	-	-	
Stage 2	904	787	-	788	835	-	-	-	-	-	-	-	
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-	
Mov Cap-1 Maneuver	762	651	746	479	656	953	1529	-	-	1481	-	-	
Mov Cap-2 Maneuver	762	651	-	479	656	-	-	-	-	-	-	-	
Stage 1	914	825	-	838	755	-	-	-	-	-	-	-	
Stage 2	878	749	-	640	823	-	-	-	-	-	-	-	
Approach													
	EB	WB	WB	NB	NB	SB	SB						
HCM Control Delay, s	10.3	11.8	11.8	3	3	0.8	0.8						
HCM LOS	B	B	B	B	B	B	B						
Minor Lane/Major Mvmt													
	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR					
Capacity (veh/h)	1529	-	-	740	541	1481	-	-					
HCM Lane V/C Ratio	0.019	-	-	0.075	0.022	0.004	-	-					
HCM Control Delay (s)	7.4	0	-	10.3	11.8	7.4	0	-					
HCM Lane LOS	A	A	-	B	B	A	A	-					
HCM 95th %tile Q(veh)	0.1	-	-	0.2	0.1	0	-	-					

3:

Intersection													
Int Delay, s/veh 4.6													
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	SBR
Lane Configurations													
Traffic Vol, veh/h	2	3	30	9	1	0	17	26	14	1	37	4	4
Future Vol, veh/h	2	3	30	9	1	0	17	26	14	1	37	4	4
Conflicting Peds, #/hr	9	0	152	152	0	9	1	0	16	16	0	1	1
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	-
Peak Hour Factor	67	67	67	63	63	63	95	95	95	66	66	66	66
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	3	4	45	14	2	0	18	27	15	2	56	6	6
Major/Minor	Minor2	Minor1	Minor1	Minor1	Major1	Major1	Major2	Major2	Major2	Major2	Major2	Major2	Major2
Conflicting Flow All	145	158	212	327	154	60	63	0	0	58	0	0	0
Stage 1	64	64	-	87	87	-	-	-	-	-	-	-	-
Stage 2	81	94	-	240	67	-	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-	-
Pot Cap-1 Maneuver	824	734	828	626	738	1005	1540	-	-	1546	-	-	-
Stage 1	947	842	-	921	823	-	-	-	-	-	-	-	-
Stage 2	927	817	-	763	839	-	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	807	713	707	486	717	981	1539	-	-	1522	-	-	-
Mov Cap-2 Maneuver	807	713	-	486	717	-	-	-	-	-	-	-	-
Stage 1	935	840	-	896	801	-	-	-	-	-	-	-	-
Stage 2	906	795	-	607	837	-	-	-	-	-	-	-	-
Approach	EB	WB	WB	NB	NB	SB	SB	SB	SB	SB	SB	SB	SB
HCM Control Delay, s	10.4	12.4	12.4	2.2	2.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
HCM LOS	B	B	B	B	B	B	B	B	B	B	B	B	B
Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR	SBL	SBT	SBR	SBL	SBR
Capacity (veh/h)	1539	-	-	713	502	1522	-	-	-	-	-	-	-
HCM Lane V/C Ratio	0.012	-	-	0.073	0.032	0.001	-	-	-	-	-	-	-
HCM Control Delay (s)	7.4	0	-	10.4	12.4	7.4	0	-	-	-	-	-	-
HCM Lane LOS	A	A	-	B	B	A	A	A	-	-	-	-	-
HCM 95th %tile Q(veh)	0	-	-	0.2	0.1	0	-	-	-	-	-	-	-

John A. Miller

From: Finn KJome
Sent: Thursday, October 10, 2019 11:17 AM
To: John A. Miller
Subject: RE: Referrals for La Montagne (Lots 126R and 152R)

Hi John,
Here are the Public Works comments:

No issues with the road realignment. All road-right-away widths and 16ft General Easements along the road must remain. It is expected that the G E will be used for snow storage. Landscaping should consider this.

No issues with the sewer realignment. Public Works will need the proper easements and access to maintain the sewer. There is no sewer main in Country Club Drive to serve the north side of the road. This must be installed with the road realignment. Please provide a plan.

All water taps needed for this project should be stubbed out from under Country Club Drive while the road is being realigned. Please provide a plan.

More detail is needed to show how the drainage is being handled along Country Club Drive. Please provide more detail. Sidewalk maintenance responsibility will need to be defined.

No issues with the retaining wall. Retaining walls should be clearly called out that it will be the responsibility of the HOA to keep them maintained.

A cross walk at Boomerang should be explored for the trail system.

Irrigation water calculations will need to be provided.

Finn

Finn KJome
Public Works Director
Town of Mountain Village

From: John A. Miller <JohnMiller@mtnvillage.org>
Sent: Thursday, September 12, 2019 4:00 PM
To: John A. Miller <JohnMiller@mtnvillage.org>
Cc: Finn KJome <FKJome@mtnvillage.org>; Steven LeHane <SLeHane@mtnvillage.org>; Jim Loebe <JLoebe@mtnvillage.org>; Chris Broady <CBroady@mtnvillage.org>; jim.telfire@montrose.net; jeremy@smpa.com; brien.gardner@blackhillscorp.com; kirby.bryant@centurylink.com; Forward jim.telluridefire.com <jim@telluridefire.com>
Subject: Referrals for La Montagne (Lots 126R and 152R)

Afternoon all,

The following links will take you to the plans for the proposed La Montagne project at the former Rosewood PUD site. The proposal includes the following:

1. PUD Amendment and Density Transfer / Rezone <https://townofmountainvillage.com/media/10.3.19-DRB-Lots-126R-and-152R-PUD-Amendment-Density-Transfer-and-Rezone-Formally-Rosewood-PUD.pdf>
2. Design Review for Lot 152R ONLY. <https://townofmountainvillage.com/media/10.3.19-DRB-Lot-152R-Initial-Architecture-and-Site-Review.pdf>

John A. Miller

From: Jim Boeckel <jim@telluridefire.com>
Sent: Tuesday, September 17, 2019 3:02 PM
To: John A. Miller
Subject: Re: Referrals for La Montagne (Lots 126R and 152R)

John,

Don't have any problem with the PUD amendment and density transfer. For Lot 1252R I have the following comments and questions

1. Buildings shall have fire sprinkler system installed. System shall be NFPA 13 due to accessibility issues. Fire department connection shall be freestanding type accessible from Country Club Dr.
2. Buildings shall have fire alarm systems installed and system shall be monitored.
3. Standpipes shall be installed in the buildings
4. A dry horizontal standpipe shall be installed accessible with 2 -2-1/2 inch hose valve connections at front and rear of each building. Fire Department Connection for the Dry Horizontal standpipe shall be a freestanding type accessible from Country Club Dr.

Questions

1. Distance from edge of Country Club Dr. to balcony's/ windows for rescue purposes?
2. Are decks/walkways snow melted?

Locations for hose valves, Fire Department Connections, shall be coordinated with the Fire District prior to bidding of project(s).

If you have any questions please contact me.

On Thu, Sep 12, 2019 at 3:59 PM John A. Miller <JohnMiller@mtnvillage.org> wrote:

Afternoon all,

The following links will take you to the plans for the proposed La Montagne project at the former Rosewood PUD site. The proposal includes the following:

1. PUD Amendment and Density Transfer / Rezone <https://townofmountainvillage.com/media/10.3.19-DRB-Lots-126R-and-152R-PUD-Amendment-Density-Transfer-and-Rezone-Formally-Rosewood-PUD.pdf>
2. Design Review for Lot 152R ONLY. <https://townofmountainvillage.com/media/10.3.19-DRB-Lot-152R-Initial-Architecture-and-Site-Review.pdf>

ORDINANCE NO. 2019-XXXX-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING 1.) A MAJOR PUD AMENDMENT TO MODIFY THE SITE-SPECIFIC DEVELOPMENT PLANS AND ASSOCIATED VESTED PROPERTY RIGHTS ON LOTS 126R AND LOT 152R; AND 2.) REZONE OF LOT 126R AND 152R; AND, 3.) DENSITY TRANSFER TO TRANSFER REMAINING DENSITY FROM THE LOTS TO THE DENSITY BANK PER THE MAJOR PUD AMENDMENT

Section 1. PUD Amendment

WHEREAS, the Town of Mountain Village (the “**Town**”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “**Constitution**”) and the Home Rule Charter of the Town (the “**Charter**”); and,

WHEREAS, pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof; and,

WHEREAS, MV Holdings, LLC (the “**Applicant**”) is the owner of record of real property described as Lots 126R and 152R, Town of Mountain Village as further described on the plat recorded on October 12, 2007 in Plat Book 1 at Page 3869 at Reception Number 397455 (the “**Property**”); and,

WHEREAS, the Town Council approved a PUD development on the Property by Resolution Number 2007-0315-05 on March 15, 2007 as recorded at Reception Number 391879; and,

WHEREAS, a development agreement between the Town and the previous property owner was entered into on September 21, 2007 as recorded at Reception Number 397458 (the “**PUD Agreement**”); and,

WHEREAS, the PUD Agreement created a vested property right for a period of three (3) years that was valid until April 11, 2010 (the “**Vested Property Right**”); and,

WHEREAS, the Vested Property Right was extended by the Town Council to March 18, 2013 by the First Amendment to the Development Agreement, Lot 126R and Lot 152R, Town of Mountain Village Planned Unit Development as recorded at Reception Number 412188 (the “**First Amendment**”); and,

WHEREAS, the previous PUD owner submitted a major PUD amendment development application on March 15, 2013 seeking a further extension of the Vested Property Right which Vested Property Right was automatically extended by the virtue of the PUD amendment application, pending action thereon by the Town Council (the “**PUD Extension Application**”); and,

WHEREAS, the Applicant submitted a Major PUD amendment development application on August 22, 2019 seeking to amend the existing PUD and Vested Property Right (the “**Third Amendment**”); and,

WHEREAS, the Second Amendment has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “**CDC**”); and,

WHEREAS, the Design Review Board conducted a public hearing on the PUD amendment in accordance with the Community Development Code on November 7, 2019, with public notice of such application as required by the public hearing noticing requirements of the CDC; and,

WHEREAS, the Town Council finds the proposed PUD amendment meets the PUD criteria for decision contained in CDC Section 17.4.12.E as set forth in the record and as follows:

1. The proposed PUD is in general conformity with the policies, principles, and standards set forth in the Comprehensive Plan;
Staff has provided conclusionary statements within the staff memo of record, Section 1.e, detailing the general conformity of the proposal with the 2011 Mountain Village Comprehensive Plan's policies, principles, and standards. In addition to the specific Multi-unit land-use policies that are referenced in this report, the plan also provides general guidance including statements such as "Better sustainability can be achieved by...Concentrating development in high-density areas to achieve economic sustainability", and by "maintaining the original planned density of 8,027-person equivalent density". In addition, economic modeling within the Plan provides that "Mountain Village's economy is vulnerable. This is due to a combination of factors: a dispersed, inadequate hotbed base; annual occupancies that are lower than comparable ski resort communities; and a seasonal economy that has its high point centered on a relatively small number of days in the ski season and festival weekends."

The plan discusses alpine character preservation on page 34 and provides that "much of the land area in Mountain Village is very stable and not expected to change in the future, particularly single-family neighborhoods. Alpine character preservation areas are largely comprised of low density, single-family homes that are nestled into Mountain Village's landscape, integral to creating the open, tranquil alpine ambiance that it is known for. As shown per the Land Use Plan, these areas may include higher density development such as multiunit buildings and tourism-related amenities as long as their aesthetic is secondary to the surrounding landscape. Criterion Met.

2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards; The proposed PUD Amendment is consistent with the underlying multi-family zone district. If the PUD Amendment is approved, then the properties will be required to be rezoned to PUD. There are no other variations related to the proposed zoning. Criterion Met.
3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general; The proposed PUD Amendment would allow for the development of the properties in accordance with the Comprehensive Plan in a way that would be much less intensive than the originally approved Rosewood PUD. By incorporating pedestrian improvements, the PUD Amendment will provide amenities to not just the Residents of the PUD but also the general public. Criterion Met.
4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
The purpose and intent of the PUD Regulations are to allow for variations in certain standards of the CDC to allow for flexibility, creativity, and innovation in land use planning and project design. Criterion Met.
5. The PUD meets the PUD general standards;

Criterion Met.

6. The PUD provides adequate community benefits; Town Council has determined the proposed public benefits are adequate in relation to the requested design variations. Criterion Met.
7. Adequate public facilities and services are or will be available to serve the intended land uses; There are currently adequate public facilities and services available to serve the proposed PUD. All required utilities are currently located within the road right of way adjacent to the project. Based on public concern related to road safety, it may be beneficial for Council to require improvements to Country Club Drive and its associated pedestrian and bike facilities. Based on preliminary submittals, the applicants are proposing improvements based on a provided traffic study and preliminary engineering for improvements. There will be a minimal effect on fire and police service as the result of this project. Criterion Met.
8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and The proposed PUD addressed vehicular and pedestrian circulation, along with parking, trash, and service delivery congestion within their application. As part of the proposed public benefit, the applicants have proposed roadway safety improvements for both vehicular and pedestrian traffic including sidewalks and road improvements. Criterion Met.
9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards. With the exception of the proposed variations, the PUD meets all town regulations and standards. Criterion Met.

The requested PUD amendment is in general conformity with the 2011 Mountain Village Comprehensive Plan's policies, principles, and standards; and the underlying zoning. The development as proposed provides for a creative approach to the development of the project in a way that will produce a better development plan than the previously approved PUD and achieves this primarily by reducing the density on the property. The property functions as a transition lot from Village Center zoning to single-family residential.

Section 2. Density Transfer and Rezone

- A. MV Holdings ("**Owner**") has submitted to the Town: (1) a concurrent rezoning development application for a rezoning of Lots 126R and 152R to zone the subject lots the PUD Zone District along with transferring the remaining unplatted density to the Town Density Bank ("**Applications**") pursuant to the requirements of the Community Development Code ("**CDC**").
- B. The owner proposed to amend the existing PUD on Lots 126R and 152R and as such is required to rezone the property to the PUD Zone District and transfer any remaining density to the Town's Density Bank.

- C. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
126R	3.11	Multi-Family	Condo	44	3	132
			Hotel	56	1.5	84
			Hotel Efficiency	19	2	38
			Employee Dorm	17	1	17
			Employee	5	3	15
			Apartment	34,001SF		
152R	1.47	Multi-Family	Condo	23	3	69
			Commerical	4,655 SF		
OSP-118	0.65	AOS				0
OSP-126	0.26	POS				0
Total Zoned Density:				164		355
Unbuilt Density				164		355

- D. At a duly noticed public hearing held on November 7, 2019, the DRB considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC.
- E. At its regularly scheduled meeting held on _____, 2019, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.
- F. This Ordinance rezones trhe property as follows.

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
126R	3.11	Multi-Family	Condo	34	3	102
			Hotel	0	1.5	0
			Hotel Efficiency	0	2	0
			Employee Dorm	0	1	0

			Employee Apartment Commerical	4 0 SF	3	12
152R	1.47	Multi- Family	Condo Commerical	15 0 SF	3	45
OSP- 118	0.65	AOS				0
OSP- 126	0.26	POS				0
Total Zoned Density:				53		159
Unbuilt Density				53		159

- G. The meeting held on _____, 2019 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- H. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan; Addressed above. Criterion Met.
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations; Rezoning is required per the CDC for any PUD or PUD Amendment. Criterion Met.
3. The proposed rezoning meets the Comprehensive Plan project standards; Addressed above. Criterion Met.
4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources; The proposed rezoning presents no public health, safety or welfare issues and is an efficient use of a multiunit parcel that has been zoned for multi-family development for several years and which is in close proximity to the Village Center. Criterion Met.
5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning; The proposed rezoning is justified due to changes within the vicinity of the project which justifies the downzoning of the property. Criterion Met.
6. Adequate public facilities and services are available to serve the intended land uses; There are currently adequate public facilities and services available to serve the proposed PUD. All required utilities are currently located within the road right of way adjacent to the project. Based on public concern related to road safety, it may be beneficial for Council to require improvements to Country Club Drive and its associated pedestrian and bike facilities. Based on preliminary submittals, the applicants are proposing

improvements based on a provided traffic study and preliminary engineering improvements. There will be a minimal effect on fire and police service as the result of this project. Criterion Met.

7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; The proposed PUD addressed vehicular and pedestrian circulation, along with parking, trash, and service delivery congestion within their application. As part of the proposed public benefit, the applicants have proposed roadway safety improvements for both vehicular and pedestrian traffic including sideways and road improvements. Criterion Met. As with the criteria above Town Council should evaluate whether the improvements proposed and required with the PUD are sufficient for the increase in density and traffic generated.
8. The proposed rezoning meets all applicable Town regulations and standards; The application is compliant with all applicable town regulations and standards. Criterion Met.

I. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

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

Affirmed. See the criteria for rezoning.

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

Section 3. PUD Amendment

The Amended PUD and associated Vested Right is hereby established for a period of 5 years until _____ xx, 20XX with the following conditions:

Add conditions from memo

Section 4. Effect on Zoning Designations

This Resolution changes the zoning designations on the Properties from the Multi-Family Zone District to PUD Zone District.

Section 5. Ordinance Effect

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

Section 6. Authorization for Mayor to Sign Development Agreement

The Mayor is hereby authorized to sign the second amendment to the PUD Agreement that extends the PUD approval and associated vested property rights until _____.

Section 7. Severability

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

Section 8. Effective Date

This Ordinance shall become effective on ____XX, 20XX (the “Effective Date”) as herein referenced throughout this Ordinance.

Section 9. Public Hearing

A public hearing on this Ordinance was held on the XXth day of ____, 20xx in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435, with public notice of such application as required by the public hearing noticing requirements of the CDC.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21ST day of November, 2019.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this XXth day of ____, 20XX.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

J. David Reed, Town Attorney

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

1. The attached copy of Ordinance No. 2019-XXXX-____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on ____ XX, 20XX, by the affirmative vote of a quorum of the Town Council as follows:

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

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 20XX in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 20XX.

Jackie Kennefick, Town Clerk

(SEAL)

AMENDED AND RESTATED DEVELOPMENT AGREEMENT
Lot 126R and Lot 152R, Town of Mountain Village
Planned Unit Development

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT (“Agreement”), dated and made effective as of _____, 2019 (“**Effective Date**”), is entered into by and between the Town of Mountain Village, a Colorado Home Rule Municipality and Political Subdivision of the State of Colorado (“**Town**”) and MV Holdings, LLC, a Wyoming limited liability company (“**Owner**”).

RECITALS

A. Owner is the current, fee simple owner of certain unimproved real property (collectively, the “**Property**”), namely Lot 126R (“**Lot 126R**” or “**North Site**”), Lot 152R (“**Lot 152R**” or “**South Site**”), Tract OSP-126, and Tract OSP-118, Telluride Mountain Village per the Plat recorded at Reception Number 397455 (“**Replat**”).

B. In 2007, a prior owner of the Property submitted an application to the Town for review and approval of a Planned Unit Development (“**PUD**”) on the Property pursuant to Section 3-5 of the Town of Mountain Village Land Use Ordinance (“**LUO**”), which was then in effect. The Application proposed the development of a certain mixed-use hotel, residential condominium and commercial project on the Property (“**Project**”).

C. The Town, through the Town of Mountain Village Design Review Board (“**DRB**”) recommended to the Town of Mountain Village Town Council (“**Town Council**”), reviewed and approved the application (“**Prior Town Approvals**”), allowing for the development of a certain mixed-use development project on the Property (“**Rosewood Project**”), inclusive of certain land uses and densities described in Table 1 below.

D. The Prior Town Approvals were reflected and evidenced by certain documents of record, including, without limitation:

- (i) Development Agreement recorded October 12, 2007 in Reception No. 397458, as amended (“**Prior Development Agreement**”);
- (ii) Town Resolution recorded April 11, 2007 in Reception No. 391879 (“**Prior Town Council Resolution**”);
- (iii) The Replat
- (iv) Certain Easements granted by the Town for the use and benefit of the Property (“**Town Easements**”).

E. The Prior Town Approvals also included “**Vested Rights**” which expired on March 18, 2018.

F. At a duly noticed and conducted public worksession meeting held on _____, 2019, the Town Council, weighed in that in light of the expiration of the Vested Rights and information provided by Owner about its plan to proceed with a development of the Property under the name of the La Montagne Project (“**New Project**”) that varied from the Prior Town Approvals for the Rosewood Project, the Owner should consider proceeding with a process calling for an amendment to the Prior Town Approvals (“**New Project Application**”), which would be reviewed and acted upon by the Town pursuant to the current requirements of the Town of Mountain Village Community Code (“**CDC**”).

G. The development applications for the New Project include:

- (i) Major Planned Unit Development (PUD) Amendment to amend and replace the Prior Town Approvals for the Rosewood Project with necessary and appropriate approvals for the New Project (“**PUD Amendment**”);
- (ii) Rezoning Process and Density Transfer Process development applications to change and reduce the uses and densities allowed on Lot 126R and Lot 152R under the Prior Town Approvals, and to rezone Lot 126R and Lot 152R to the PUD Zone District (“**Rezoning and Density Transfer**”); and
- (iii) Initial Architectural Design Review and Final Architectural Design Review for the South Site (“**South Site Design Review**”).
- (iv) Establishment of mass/scale, building siting and setbacks as well as other dimensional requirements and limitations and uses and densities for future development occurring on the North Site, which would be reviewed and acted upon by the DRB through the Design Review process of the CDC in future noticed public hearing (“**North Site Design Review Parameters**”).

H. At a duly noticed and conducted public hearing held on _____, 2019, the DRB voted to recommend that the Town Council, that it approve the PUD Amendment, the Rezoning and Density Transfer and the North Site Design Review Parameters. The DRB also continued its review of the Initial Architectural Design Review to _____, 2019, at which time it granted Initial Architectural Design Review. At a duly noticed and conducted public hearing held on _____, 20____, the DRB approved the Final Architectural Design Review.

I. At a duly noticed and conducted public hearing held on _____, 2019 and after conducting the respective public hearings, receiving evidence and taking testimony and comment thereon, the DRB and the Town Council respectively found and determined that proposed development of the Property for the New Project as requested by the Owner and reflected in the applications for the PUD Amendment, the Rezoning and Density Transfer and the North Site Design Review Parameters complied with all applicable provisions of the CDC, including Sections 17.3.8 and 17.4.12.

J. The Town Council adopted a certain Ordinance No. _____ (“**Town Council Approval Ordinance**”) reflecting the Town Council approvals of the application for the New Project (“**New Project Approvals**”), which was recorded on _____ at Reception No. _____, the terms and conditions of which are incorporated herein by this reference. The Town Council Approval Ordinance is intended to extinguish and replace the Prior Town Council Resolution for the Rosewood Project in its entirety.

K. This Development Agreement is intended to amend, restate, modify and replace the Prior Development Agreement for the Rosewood Project in its entirety.

L. The Replat is not intended to be altered, amended, changed or its status otherwise affected by the Town Council Approval Ordinance.

M. The Town Easements, as reflected on the Replat and established by separate easement grants are not intended to be altered, amended, changed or its status otherwise affected by the Town Council Approval Ordinance, except as provided for herein.

N. The owner has now met all requirements for final PUD approval and has addressed all conditions of final PUD approval as set forth by the DRB and Town Council in the Town Council Approval Ordinance excepting those specific conditions which are set forth herein to be completed at a future date.

AGREEMENTS AND CONSIDERATION

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated into this Agreement and the mutual agreements, obligations and promises set forth below and in further consideration of the New Project Approvals upon all terms and conditions contained herein, the obligations and expenditures of development undertaken by Owner and the mutual obligations and promises set forth below, the receipt and sufficiency of which consideration is hereby acknowledged, the Owner and the Town covenant and agree as follows:

1. **General.** The Town Council Approval Ordinance and this Agreement establishes the land uses and density that shall be permitted within the Property, a general development plan, development standards and conditions that must be adhered to by Owner. This Agreement also specifies improvements that must be made, and conditions, which must be fulfilled in conjunction with the development of the Property. Where this Agreement does not address a specific development standard or requirement of the Town, the provisions of the CDC, Municipal Code, or Charter shall apply. Where this Agreement addresses a specific development standard or requirement, the provisions of this Agreement shall supersede the provisions of the CDC. In all cases the provisions of the Charter shall supersede the provisions of the Agreement.

2. **Town Approval.**

2.1. **General.** Subject to the conditions herein, Town does hereby approve this Agreement, the PUD Amendment, the Rezoning and Density Transfer, the North Site Design Review Parameters, the extended vesting and the Final PUD Plans. These instruments shall constitute the complete approval of the Application for the Project. This Agreement shall be recorded, at the Owner's expense, in the records of the San Miguel County Clerk and Recorder and shall run with the Property. For purposes of this Agreement, the term "**Town Approvals**" shall mean those certain land use entitlement approvals concerning the Property and the Project that have been granted by the Town, including, without limitation, approvals for the Applications, the Final PUD Plans and any other plans or permits granted by the Town for the Property and the Project. The Town Approvals are further reflected in the Town Council Approval Resolution, the Replat, and this Agreement.

2.2. **Phasing.** The New Project is anticipated to be developed in Phases, with the construction of the South Site occurring in advance of the development on the North Site. The Owner must submit and obtain the required building permit for the construction of all improvements and buildings on the South Site or North Site respectively and shall not submit or be permitted to obtain building permits for a portion of the improvements and/or buildings on either the South Site or North Site. The Town shall only issue certificates of occupancy for the South Site or North Site respectively once all improvements and buildings on the site for which a building permit has been issued qualify for a certificate of occupancy pursuant to Town Building Codes.

2.3. **Findings and Determinations.** In granting the Town Approvals, the Town finds and determines the following:

2.3.1. The DRB and Town Council have determined that the New Project is in general conformance with the Town of Mountain Village Comprehensive Plan as set forth in the Town

Council Approval Ordinance and the findings of the Town Approvals.

2.3.2. The DRB and Town Council have determined that the New Project is consistent with the proposed PUD Zone District and the current Multi-family Zone District as set forth in the Town Council Approval Ordinance and the findings of the Town Approvals.

2.3.3. The DRB and Town Council have determined that the New Project, with respect to the Major Planned Unit Development (PUD) Amendment, is consistent with the PUD review criteria set forth in the CDC as set forth in the Town Council Approval Ordinance and the findings of the Town Approvals.

2.3.4. The DRB and Town Council have determined that the New Project, with respect to the Rezoning of the Property to the PUD Zone, is consistent with the review criteria set forth in the CDC as set forth in the Town Council Approval Ordinance and the findings of the Town Approvals.

2.3.5. The DRB and Town Council have determined that the New Project, with respect to the Density Transfer, is consistent with the review criteria set forth in the CDC as set forth in the Town Council Approval Ordinance and the findings of the Town Approvals.

2.3.6. The Owner has proposed and the DRB and Town Council have determined that any future development of the North Site must substantially conform with the North Site Design Review Parameters, attached as Exhibit ____, which establishes the maximum mass/scale, building siting and setbacks as well as other dimensional requirements and limitations and uses and densities that can occur on the North Site. Exhibit ____ also indicates the building siting areas and setbacks for the North Site. Development of improvements (other than infrastructure, landscaping hardscaping, shoring, and similar limited improvements) shall not be allowed in the setbacks. Any modifications other than minor modifications as determined by the Town, from the North Site Design Review Parameters shall require an amendment to the PUD through the Major PUD Amendment process as set forth in the CDC. Minor modifications shall require an amendment to the PUD through the Minor PUD Amendment process as set forth in the CDC. Design Review Process applications for development on the North Site shall be reviewed by the Town in the manner required by the CDC and shall conform to the North Site Design Review Parameters and this Agreement.

2.3.7. Should the Owner elect to develop the South Site in a manner that differs from the Town Approvals or South Site Design Review, the Owner shall be required to submit a PUD amendment Application. Any modifications other than minor modifications as determined by the Town, from the Town Approvals and/or South Site Design Review shall require an amendment to the PUD through the Major PUD Amendment process as set forth in the CDC. Minor modifications shall require an amendment to the PUD through the Minor PUD Amendment process as set forth in the CDC.

2.4. **Approval of Final Plans.** The DRB and Town Council have approved the plans, drawings and specifications for the New Project, as reflected in the Town Council Approval Ordinance, which plans, drawings and specifications consist of each of the documents (“**Final PUD Plans**”) as listed and described on attached **Exhibit “A”** that shall be filed of record with the Town of Mountain Village Planning and Development Services Department and shall constitute a site-specific development plan.

3. **STATUS OF REPLAT AND TOWN EASEMENTS.**

3.1. The Parties acknowledge and agree that Replat, including the easements designated thereon, shall remain in full force and effect and is not being modified, amended or otherwise changed by the Town Council Approval Resolution, except to the extent that Replat reflects terms and

conditions provided for in the Prior Town Approvals, including allowable land uses and densities, which are being modified by New Town Approvals, in which case the New Town Approvals shall control. .

3.2. The Parties acknowledge and agree that Town Easements, which are listed as follows, shall be retained, modified or extinguished as indicated below:

- Utility Easement recorded October 12, 2007 in Reception No. 397462 (Retained)
- Public Road Easement (CC Widening) recorded October 12, 2007 in Reception No. 397463 (Retained)
- Public Road Easement (CC Relocation) recorded October 12, 2007 in Reception No. 397473 (Retained)

4. **APPROVAL OF REZONING**

4.1. The Property is currently zoned and platted as follows:

Table 1 - DESIGNATED LAND USES AND DENSITIES FOR THE PROPERTY UNDER PRIOR TOWN APPROVALS:

Lot	Acreage	Zone District	Zoning Designation	Units	Density Per Unit	Total Person Equivalent Density	Rezone/Density Transfer Request
126R	3.11 acres	Multi-Unit	Condominium	44	3	132	Transfer of 27 Units of Condo Density
			Hotel	56	1.5	84	
			Hotel Efficiency	19	2	38	Transfer of 13 Units of Condo Density and Rezone to Hotel Efficiency
			Employee Dorm	17	1	17	Creation and Transfer of 1 Unit of Dorm Density
			Employee Apartment	5	3	15	Creation and Transfer of 9 Units of Employee Apartment Density
			Commercial	34,001 34 Units			
152R	1.46 acres	Multi-Unit	Condominium	23	3	69	Transfer of 3 Units of Condo Density
			Commercial	4,665 4.66 Units			
OS-1R-1	91.96 acres	Active Open Space	Open Space				
OS-118	.65 acres	Active/Passive Open Space	Open Space				
OSP-126	.26 acres	Passive Open Space	Open Space				
Total Units/ Density				164 202.6 with Commercial Units		355	

**Table 2 - DESIGNATED LAND USES AND DENSITIES FOR THE PROPERTY
UNDER TOWN COUNCIL APPROVAL RESOLUTIONS:**

4.2. The zoning, land uses, and densities allocated to the Property under the Town Council Approval Resolutions is as follows:

Lot	Acreage	Zone District	Zoning Designation	Units	Density Per Unit	Total Person Equivalent Density
126R	3.11 acres	Multi-Unit	Condominium	34	3	102
			Employee Apartments	4	3	12
152R	1.46 acres	Multi-Unit	Condominium	15	3	45
OS-1R-1	91.96 acres	Active Open Space	Open Space			
OS-118	.65 acres	Active/Passive Open Space	Open Space			
OSP-126	.26 acres	Passive Open Space	Open Space			
Total Units/ Density				53		159

5. **APPROVAL OF DENSITY TRANSFER.** The zoning designations and appurtenant density currently approved for the Property (prior to the approval of the Replat) is the same as is set forth in Table 2 of Section 4.2 above, which reflects a reduction in the overall land uses and densities provided for in the Prior Town Approvals. The Town approves the following Density Transfers from the Property to the Density Bank:

- 13 Condominium Units (Total Person Equivalent Density Transferred: 39 units)
- 56 Hotel Units (Total Density Units transferred: 84 units)
- 19 Hotel Efficiency Units (Total Person Equivalent Density Transferred: 38 units)
- 17 Employee dorm units
- 1 Employee apartment units
- Total Person Equivalent Density Transferred 181

Upon approval of and recordation of this Agreement and the Town Approval Resolution, the Zoning, Zoning Designations and appurtenant Person Equivalent Density for the same shall be as set forth in Table 2 of Section 4.2 above.

6. **Approval of Waivers and Variations.**

6.1. At the request of the Owner, in the course of the consideration of the Final PUD, the DRB and Town Council have approved certain waivers and variations to the CDC and the Design Regulations for the Project, as appropriately granted by the Town through the authority arising generally from the CDC, as the same are reflected in the Town Council Approval Ordinance, including, the following:

6.1.1. Roof overhangs into the General Easement on the South Site as shown in the Final PUD Plans.

6.1.2. Road and Driveway Standards, allowing for a design variation o allow

for retaining walls associated with the driveway and parking area to be over five (5) feet in height.

6.1.3. A Design Variation to allow for more than one curb cut for both Lot 126R and 152R.

7. **Public Benefits/Community Purposes.**

7.1. **Findings Relating to Community Purposes.** The DRB and Town Council have determined that the Project achieves one or more community purposes in accordance with CDC by providing certain public benefits as found and determined by the DRB and Town Council and stated in the Town Council Approval Ordinance.

7.2. **Provision of Certain Public Benefits.** The Owner agrees to provide and/or undertake each of the following public benefits at its sole cost and expense, proffered by Owner and accepted by the Town, which establish that the Project would meet the requirements for the PUD as required by the CDC: Any elimination, cessation, or change to any of these enumerated public benefits shall require a major amendment to the Final PUD Plans in accordance with the CDC.

7.2.1. **Open Space Dedication.** The Owner agrees to dedicate Tract OSP-126 and Tract OSP-128 to the Town concurrent with the recordation of this Agreement. The dedication of this open space is a public benefit because Rosewood Project created twice as much open space than existed before, and this remains a community purpose through this dedication and maintaining Tracts OSP-126 and OSP-128 as open space.

7.2.2. **Re-routing of the Stegosaurus Trail.** The Owner shall, at its sole cost and expense re-route the Stegosaurus Trail from the North Site to Tract OS-FF5, provided the Town obtains an easement or license agreement for such trail from Telluride Ski Golf, LLC (“TSG”). If the Town does not obtain an easement or license agreement from TSG by within one year of the date of this Agreement, the Owner reserves the right to block the trail from entering onto the North Site. The Stegosaurus Trail shall be relocated by the Owner as quickly as practicable after the Town obtains the easement from TSG.

7.2.3. **Country Club Drive Improvements.** The Owner will provide AutoCAD files to the Town for survey work and civil engineering work in the Country Club Drive Right-of-Way and associated General Easement that were completed for the preparation of the PUD plans. The Owner expended significant funds to prepare a survey and civil engineering work for Country Club Drive improvements that are not located in the project site which will count as a public benefit. The Owner further agrees to design and construct the following public improvements through the Property in the Country Club Drive Right-of-Way concurrent with the development of the South Site which must be completed prior to the issuance of any certificate of occupancy for the South Site:

7.2.3.1. A six (6) foot wide sidewalk from the Big Billies Trail to the eastern edge of the South Site along Country Club Drive as shown in the Final PUD Plans.

7.2.3.2. Bike Lanes for uphill bike traffic and, if provided by the Town to the east of the Property, downhill bike lanes that are separated from the vehicle travel lanes.

7.2.3.3. A crosswalk linking the Boomerang Road, Jurassic Trail and Stegosaurus Trails to the sidewalk on the south side of Country Club Drive with signage and lighting as required by the Town.

7.2.4. **Boomerang Road Improvements.** Owner agrees to improve the current Boomerang Road and trail access with the development of the South Site by the creation of a new curb cut and gravel or crusher fine trail surface through the North Site with new wayfinding sign in a design as set forth by the Town.

7.2.5. **Relocation and Screening for the Gas Regulator Station.** Owner agrees to relocate the gas regulator station in cooperation with Black Hills Energy as shown in the Final PUD Plans with easements for the station and line as needed. The Owner will provide screening for the regulator station as shown on the Final PUD Plans by fencing and landscaping. The Owner shall relocate and screen the gas regulator station concurrent with the development of the South Site.

8. **Public Improvements**

8.1. **Construction of Public Improvements.** The Owner agrees to complete, at Owner's sole cost and expense, the construction of those certain public improvements or infrastructure improvements set forth on attached **Exhibit " "** and as shown on the Final PUD Plans ("**Public Improvements**"). **The** Public Improvements are separated to show the Public Improvements associated with the North Site and the South Site. The Owner agrees to enter into a Site Plan Improvements Agreement ("**SPIA**") that outlines the actual costs of the Public Improvements at the time a building permits application is submitted respectively for the North Site and the South Site. The Owner shall construct those Public Improvements associated with the South Site when constructing the Improvements on the South Site and, likewise, the Owner shall construct those Public Improvements associated with the North Site when constructing the Improvements on the North Site. The respective SPIA will include a clause that states that the cost of the Public Improvements are estimates only, and if the actual cost of the materials or labor exceeds such estimate, the Owner shall nevertheless be responsible therefore. Such agreement shall be substantially based on the terms of this Section of the Agreement and be in a form or manner acceptable to the Town.

8.2. **Owner's Construction Obligation and Standards.** The Owner shall timely construct and complete all required Public Improvements for the respective phases in accordance with the Final PUD Plans, the provisions of this Agreement and in compliance with all laws, regulations, standards, specifications and requirements of the United States, the State of Colorado, the Town of Mountain Village, and all their pertinent agencies.

8.3. **Completion of Public Improvements.** All of the Public Improvements shall be fully completed and result in Final Acceptance as outlined herein, prior to and shall be a condition of the issuance of the final Certificate of Occupancy for the non-public improvement portions of the respective phases of the Project.

8.4. **Collateral.** To secure and guarantee performance of its obligations as set forth herein with respect to each phase, Owner, prior to the issuance of a building permit for each respective phase, shall provide the Town with collateral in the sum that is equal to 125% of the cost of the public improvements in the SPIA ("**Collateral**") which may be posted for the sole benefit and protection of the Town in the form of either: (i) a certified check, (ii) an irrevocable letter of credit from a lending or financial institution in good standing in the state of Colorado and in a form satisfactory to the Town Manager and Town Attorney; (iii) cash or some acceptable combination of the foregoing; (iv) a certificate of deposit in the name of the Town that is deposited with a local bank; or (iv) a performance bond, provided that the Town Manager and Town Attorney, have satisfied themselves that the bonding company and form of the performance bond will satisfactorily protect the interest of the Town consistent with this Agreement. If cash is provided as the Collateral, it shall be deposited by the Town in a separate interest-bearing account with any interest accruing to the benefit of Owner. The Collateral shall be posted

as a condition of and shall be due upon issuance of an initial building permit for the physical improvements associated with the Project.

8.5. **Use of Collateral By Town.** If the Town Manager determines that reasonable grounds exist to believe that the Owner is failing or will fail to construct or install the Public Improvements for the respective phases as required by this Agreement, the Town Manager shall notify the Owner in writing that: (i) the Town intends to draw on the Collateral for the purpose of completing the Public Improvements; (ii) the specific reasons therefore; and (iii) Owner may request a hearing before the Town Council on the matter, such request to be made no less than fifteen (15) days from the date of the notice. Should a hearing not be requested within (15) fifteen days, or should the Town Council conduct a hearing and thereafter determine that the Owner is failing or has failed to satisfactorily install the required Public Improvements, the Town may thereafter draw on the Collateral as necessary to construct the Public Improvements. In such event the Town shall be entitled to recover such costs as are reasonable to administer the construction of the Public Improvements. In no event shall the Owner take any action which shall impair the ability of the Town to draw on the Collateral during the term of this agreement, including after receipt of notice of intent to draw on Collateral by the Town.

8.6. **Acceptance and Release of Collateral.**

8.6.1. Final acceptance of the Public Improvements or any portion or phase thereof shall only be made by the Town (“**Final Acceptance**”).

8.6.2. Upon issuance of final Certificate of Occupancy for the Public Improvements, a Town representative shall, within 15 days, inspect all such Public Improvements for Final Acceptance. If based on such inspection the Public Improvements are not acceptable to the Town, the reasons for non-acceptance shall be prompted, reduced to writing and a notice shall be sent to Owner stating the defects and the required corrective measures necessary to come into compliance with the Final PUD Plans, and the SPIA specifications (the “**Punch List**”) at which time the Owner shall have 30 days to complete the corrective measures necessary for Final Acceptance as set forth in the Punch List. The Town shall not be required to make inspections during any period when climatic conditions make thorough inspections impractical.

8.6.3. Upon final inspection by the Town correction of any Punch List items which results in Final Acceptance by the Town, the Town shall promptly release all Collateral and shall assume normal maintenance responsibilities, excepting warranty work and maintenance as required under the terms of this Agreement, for the Public Improvements.

8.7. Owner shall warrant to the Town the quality, workmanship and function of all the Public Improvements for a period of two (2) years after Final Acceptance by the Town, or until July 1 of the year during which the winter terminates after Final Acceptance by the Town, whichever is greater.

8.8. Owner agrees at its sole cost and expense to repair or restore any existing improvements or facilities damaged during construction of the Project to its pre-existing conditions.

8.9. Prior to the issuance of a building permit for the occupiable space in the Project, Owner and the Town shall enter into an agreement allocating the obligations to undertake ongoing repair and maintenance of the Public Improvements. Any obligations of the Town to repair or maintain Public Improvement shall be subject to the Town budget process and annual appropriations by the Town for such maintenance and repair.

9. **Further Requirements by Owner**

9.1. **Owner to Comply With Conditions of Approval.** Owner agrees to comply with the terms, conditions, requirements and obligations placed upon Owner in the Town Approvals, including, without limitation, the payment of funds, dedication of lands, creation of easements, construction of improvements and the like as the same are set forth herein and in the Town Council Approval Resolution. The corresponding terms, conditions, requirements and obligations established in the Town Approvals are hereby incorporated into this Agreement by this reference. All representations of the Owner concerning the Project, whether within the submittal or at the DRB hearing and/or the Town Council hearing for the Project, are deemed to be specific obligations of the Owner under this Agreement.

9.2. **Other Requirements and Undertakings.** In addition to the foregoing, the Owner shall also comply with the following additional requirements:

9.2.1. **Construction Mitigation Plan.** Prior to the issuance of any building permits, Owner shall submit detailed construction mitigation plan with the Design Review Process Applications' Final Review for DRB review and approval. Key considerations of the construction mitigation plan shall include, but are not limited to: (1) limiting parking on Country Club Drive; (2) limiting traffic to the west of the Property with turnarounds provided in the Property, if possible; (3) the location of the crane(s); (3) construction parking; (4) truck ingress and egress from the job site; (5) ensuring minimal power or other utility interruptions; (6) protection of air and water quality; (7) maintaining traffic and pedestrian flows around the project in a safe manner; (8) wetland protection for the South Site; (9) Stormwater Mitigation; and, (10) constructing the project as quickly as possible to minimize construction impacts.

10. **Vested Rights.**

10.1. **Intent.** Development of the Property in accordance with the terms and conditions of this Development Agreement will provide for orderly and well planned growth, promote economic development and stability within the Town, ensure reasonable certainty, stability and fairness in the land use planning process, secure the reasonable investment-backed expectations of the Owner, foster cooperation between the public and private sectors in the area of land use planning, and otherwise achieve the goals and purposes of the Vested Property Rights Statute, C.R.S. §24-68-101, et. seq. and the CDC. In exchange for these benefits and the other benefits to the Town contemplated by the Development Agreement, together with the public benefits served by the orderly and well-planned development of the Property, the Owner desires to receive the assurance that development of the Property may proceed pursuant to the terms and conditions of the Development Agreement

10.2. **Site Specific Development Plan.** The Replat, Final PUD Plans and this Agreement constitute a "Site Specific Development Plan", pursuant to the CDC.

10.3. **Vested Real Property Right.** Accordingly, this final approval has created for Owner's benefit a "vested real property right" as defined by C.R.S. § 24-68-101 et seq.

10.4. **Duration.** For purposes of this Agreement, the above-referenced vested real property right shall remain vested for five (5) years after _____ (the date of the Town Council Approval Resolution approving the Project), which vesting period may be reasonably extended by the Town Council from time to time for good cause shown.

10.5. **Publication.** A notation of such vested real property right has been made on the Final PUD Plans and a notice has been published in a newspaper of general circulation within the Town

on _____.

10.6. **Reliance.** The Owner has relied upon the creation of such vested real property right in entering into this Agreement.

10.7. **Future Legislation.** During the five (5) year period in which the vested real property right shall remain vested (and any extensions thereto), the Town shall not impose by legislation or otherwise any zoning or land use requirement or obligations upon Owner or their successors or assigns which would alter, impair or diminish the development or uses of the Property as set forth in this Agreement, except:

- i. With the consent of the Owner; or
- ii. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the Property, which could not reasonably have been discovered at the time of vested rights approval, and which, if not corrected, would pose a serious threat to the public health, safety and welfare; or
- iii. To the extent that compensation is paid, as provided in Title 24, Article 68, CRS.

The establishment of such vested real property right shall not preclude the application of ordinances or regulations which are general in nature and applicable to all property subject to land use regulation by the Town, including, but not limited to, fee assessments and building, fire, plumbing, electrical, mechanical, water and sewer codes and ordinances.

11. **Miscellaneous.**

11.1. **Recording.** This Agreement will be recorded in the Official Records.

11.2. **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party (“**Claiming Party**”) claims that any other Party (“**Responding Party**”) has violated or breached any of the terms, conditions or provisions of this Agreement (“**Default**”), the Claiming Party shall promptly prepare and deliver to the Responding Party a written notice (“**Notice of Default**”) claiming or asserting that the Claiming Party is in default under a term or provision of this Agreement, which notice shall clearly state and describe: (a) each section(s) of the Agreement which the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps (“**Cure Events**”) that must be undertaken to come into compliance with the Governing Documents, and (d) the reasonable timeframe, not less than ten days for a monetary default and not less than thirty days for a non-monetary default (unless emergency circumstances require a shorter response time), within which time the alleged violation should be cured (“**Cure Completion Date**”).

11.3. **Remedies For Breach Or Default.** In the event Owner should fail to perform or adhere to its obligations as set forth herein, or fail to meet specified performance timelines, the Town shall have the following remedies against the Owner, or its successors and assigns, which remedies are cumulative and non-exclusive and which may be exercised after the provision of written notice stating that Owner is in breach, the specific steps required to cure the breach and a reasonable timeframe within which to cure the breach:

- A. Specific performance;

- B. Injunctive relief, both mandatory and or prohibitory;
- C. Withdrawal or cancellation of PUD approval;
- D. Injunction prohibiting the transfer or sale of any lot or unit created under the PUD approval;
- E. Denial, withholding, or cancellation of any building permit, certificate of occupancy or any other authorization authorizing or implementing the development of the Property and/or any structure or improvement to be constructed on the Property; or

F. The Town shall have enforcement powers for violations of this Agreement as if they are violations of the CDC including the power to assess fines and penalties as set forth in the CDC.

11.4. **Governing Law. Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in San Miguel County, Colorado. In addition to the remedies of the Town pursuant to Section 12.4, a Party may pursue any and all available remedies under applicable law, including, without limitation, injunctive relief and specific performance. All of the rights and remedies of the Parties under this Agreement shall be cumulative. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys' fees and expert witness fees, costs and expenses.

11.5. **Indemnity.** Except as otherwise set forth herein, the Owner shall defend and hold the Town harmless from and against any and all claims, demands, liabilities, actions, costs, damages, and attorney's fees that may arise out of or result directly or indirectly from the Owner's actions or omissions in connection with this Agreement, including but not limited to Owner's improper design or construction of the Public Improvements required thereunder, or Owner's failure to construct or complete the same. After inspection and acceptance by the Town of the Public Improvements, and after expiration of any applicable warranty period, this agreement of indemnity shall expire and be of no future force or effect.

11.6. **Binding Effect.** This Agreement shall extend to, inure to the benefit of, and be binding upon the Town and its successors and assigns and upon the Owner, its successors (including subsequent owners of the Property, or any part thereof), legal representatives and assigns. This Agreement shall constitute an agreement running with the Property until: (a) modification or release by mutual agreement of the Town and the Owner (subsequent transferee owners' consent to modification(s) or release(s) shall not be required unless the modification(s) directly limit or restrict the zoning or development rights awarded to a subsequent transferee owner's specific lot); or (b) expiration of the term hereof. This Agreement may be amended or supplemented by the Town and Owner without any requirement for Owner to obtain the approval of any unit owners or the association of the New Project, except that notice of any amendment shall be duly noticed in accordance with the CDC and each unit owner and the association shall be entitled to attend any hearing and comment on any proposed amendment to this Agreement.

11.7. **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree and represent and warrant to each other as follows: (a) that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by each other Party; (b) that parties will promptly provide a response to a notice when

required, the response will be provided within the timeframe established and if no timeframe is stated, it shall be deemed to be 30 days and the failure to timely provide a response shall be deemed to be an approval; (c) that the Party is a duly qualified and existing entity, capable of doing business in the state of Colorado; and (d) that the Party has actual and express authority to execute this Agreement, has taken all actions necessary to obtain such authorization, the Agreement constitutes a binding obligation of the Party and the person signing below is duly authorized and empowered to execute this Agreement.

11.8. **Severability and Further Assurances.** If any term or provision or Article of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the applications or such term or provision or Article to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Each Party shall execute and deliver such documents or instruments and take such action as may be reasonably requested by the other Party to confirm or clarify the intent of the provisions hereof and to effectuate the agreements herein contained and the intent hereof.

11.9. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements or understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by all Parties hereto and dated after the date hereof.

11.10. **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the date hereof and signed by each of the Parties hereto. No waiver of any breach, term or condition of this Agreement by any party shall constitute a subsequent waiver of the same or any other breach, term or condition.

11.11. **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Scanned/mailed or facsimile copies of any party's signature hereon shall be deemed an original for all purposes of this Agreement.

11.12. **Exhibits And Attachments.** All exhibits and attachments to this Agreement shall be incorporated herein and deemed a part of this Agreement.

11.13. **Rights of Lenders.** The Town is aware that financing for acquisition, development and/or construction of the Project ("**Owner Loan**") may be provided in whole or in part, from time to time, by one or more lenders. In the event of an event of default by the Owner under this Agreement, the Town shall provide notice of such event of default, at the same time notice is provided to Owner, to any lender previously identified in writing to the Town ("**Registered Lender**") pursuant to this Paragraph 12.14. If a Registered Lender is permitted under the terms of any agreements with Owner to cure the event of default and/or to assume Owner's position with respect to this Agreement, the Town agrees to recognize the right of such Registered Lender and to otherwise permit such Registered Lender to assume all of the rights and obligations of Owner under this Agreement, provided that nothing contained in this Agreement shall not create any duty, obligation or other requirement on the part of the Registered Lender to assume any of the duties and obligations of Owner under this Agreement unless the Registered Lender takes fee simple title to the Project through foreclosure, deed in lieu or other legal instrument in which case the lender shall be bound by the terms and conditions of this Agreement. For so long as the Owner Loan remains outstanding, Owner and Town recognize and agree that this Agreement may only be modified or amended with the prior written approval of each Registered Lender.

11.14. **No Further Rights; No Third-Party Rights.** Nothing contained herein shall be construed as creating any rights in any third persons or parties other than the parties specifically intended to be benefited or burdened by this Agreement.

11.15. **Term of Agreement.** This Agreement and the Town Approvals as they relate to the Applications shall remain in effect and shall not expire, except as indicated below. Owner shall obtain a building permit and commence construction of the New Project prior to the expiration of the Vesting Period (as may be extended). If construction has not timely commenced or an extension not obtained prior to the expiration of the Vesting Period (as may be extended), the Town, following a duly noticed public hearing, may take an action to revoke this Agreement and the Town Approvals as they relate to the Applications. In the event of such revocation, the Replat and the zoning and density assigned to the Property shall remain in place, but prior to any use and development of the Property, the Owner of the Property must reapply for and obtain necessary approvals for the PUD and design review requirements to come into compliance with the CDC then in effect to the extent that the dimensional requirements (mass/scale, height, setbacks), design review criteria or allowable land uses set forth in the CDC have changed since the granting of the Town Approvals. Alternatively, if construction of the New Project has not commenced prior to the expiration of the Vesting Period (as may be extended) and the Town has not acted to revoke this Agreement and the Town Approvals, such approvals shall remain in place, but prior to obtaining a building permit to construct the New Project, the Owner must submit an application to amend the PUD and design review requirements for proposed development to come into compliance with the CDC then in effect to the extent that the dimensional requirements (mass/scale, height, setbacks), design review criteria or allowable land uses set forth in the CDC have changed since the granting of the Town Approvals.

11.16. **Industry Standards and Norms.** Customary industry practices, standards and norms shall be relied upon if and when necessary for purposes of interpreting, applying and enforcing the terms and conditions established in this Agreement.

11.17. **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and delivered either by Fax, Email or United States Mail (certified, return receipt requests and postage pre-paid), and addressed to the party, at the below stated mailing address, email address or fax number. The mailing address, email address or fax number to which any notice, demand or writing may be changed by sending written notice to each party notifying the party of the change.

<p><u>Town:</u> Town of Mountain Village Attention: Town Manager 455 Mountain Village Blvd., Suite A Mountain Village, CO 81435</p>	<p><u>Owner:</u></p>
<p><u>With a Copy to:</u> James Mahoney, Esquire PO Box 196 Montrose, CO 81402</p>	<p><u>With copy to:</u> Thomas G. Kennedy, Esquire P.O. Box 3081 Telluride, CO 81435 Fax: (970)728-9439</p>

DRAFT



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

TO: Mountain Village Town Council
FROM: John Miller, Senior Planner
FOR: Town Council Meeting, November 21, 2019
DATE: November 13, 2019
RE: Public Comments

The public comments within this packet relate to the applicant's request for a Major PUD Amendment. It should be noted that prior to this application, there were several comments provided to staff pertaining to the previous two work sessions and the requested PUD Revocation. Although staff maintains a record of these comments, this application specifically pertains to the Major PUD Amendment request and the public comments included have been received by staff subsequent to the application and public notice for the PUD Amendment.

The town received a total of 13 comments from the public opposing the project from the following members of the public:

1. Greg and Milly Martin; September 11, 2019
2. Curtis Laub; September 23, 2019
3. Herman Klemick; September 27, 2019
4. Alan Safdi; September 27, 2019
5. Nancy Orr; October 29, 2019
6. Kristen Lange; November 8, 2019
7. Sandy Lange; November 8
8. Sandy Lange; November 12
9. James McMorran; November 12
10. Cindy McMorran; November 12
11. David Koitz; November 12, 2019
12. Casey Rosen; November 13, 2019
13. John Horn, et al; November 13, 2019

John A. Miller

From: Molly Martin <molly.mollymartin.martin@gmail.com>
Sent: Wednesday, September 11, 2019 7:35 AM
To: John A. Miller
Subject: La Montagne Project

Dear Mr. Miller,

The project proposed on Country Club Drive is concerning to say the least. The density proposed in an already built-out neighborhood will forever impact the livability for this currently well-balanced neighborhood. The traffic on Country Club Drive will be unacceptable and out of character for what is now a quiet setting.

Another concern is the noise and staging of materials during construction. Many, including Peaks and See Forever owners and guests will be impacted for the entire, lengthy process. I would hope the council will reconsider the density of such a project.

Gregg and Molly Martin
Peaks owners

Sent from my iPad

John A. Miller

From: curtlaub@gmail.com
Sent: Monday, September 23, 2019 2:42 PM
To: John A. Miller
Subject: RE: PPS

Hello!

I have a few thoughts about this proposed development.

As a long-time owner in the Terraces neighborhood, I am not thrilled about the idea of developing this parcel, but I guess it had to happen sometime.

Assuming that development is inevitable, is it possible to design it so it fits in with the existing buildings along Country Club Drive? This is a relatively huge development and will dominate the visuals of this area. The flat roofs and modern, non-rustic, materials are completely different than, and foreign to, anything presently extant.

The See Forever development is also huge and visually dominating, but the peaked roofs and rustic materials allow it to blend in very appealingly.

The current visuals of La Montagne, by comparison, look like the cheap dormitories quickly thrown up by the mid-western college my son attended.

We are turning a potential asset into a distinct liability here.

As an aside, in recent years I have been totally mystified by the trend in new construction in the Village. New homes have been approved that completely fly in the face of the existing styles. Flat, oddly-shaped roofs and weirdly angular buildings are joltingly unpleasant to behold.

I just realized that what I wrote above is not totally accurate. There are a couple of these modern monstrosities on the hillside way above my condo, but I don't have to look at them if I don't want to....and I don't. My opinion of the dormitory-esque appearance of the development on offer stands.

Thanks for your attention!

Curtis H. Laub, MD
Terraces 302

From: John A. Miller <JohnMiller@mtnvillage.org>
Sent: Monday, September 23, 2019 3:02 PM
To: curtlaub@gmail.com
Subject: RE: PPS

Curt,

Thanks for your comments. I would be happy to add them to the record and forward to the DRB and Town Council. Would you like to resubmit a single comment or would you like me to use the two that I currently have?

Thanks,
J

John A Miller III, CFM
Senior Planner
Planning & Development Services
Town of Mountain Village
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435
O :: 970.369.8203
C :: 970.417.1789



From: curtlaub@gmail.com <curtlaub@gmail.com>
Sent: Friday, September 20, 2019 3:24 PM
To: John A. Miller <JohnMiller@mtnvillage.org>
Subject: PPS

John,

I guess my very recent email is not totally accurate. There are a couple of these modern monstrosities on the hillside way above my condo, but I don't have to look at them if I don't want to....and I don't. My opinion of the dormitory-esque appearance of the development on offer stands.

Curt



Virus-free. www.avast.com

John A. Miller

From: John A. Miller
Sent: Friday, September 27, 2019 2:12 PM
To: Herman KLEMICK
Subject: RE: Rosewood and other large developments in or past the core.

Thanks Mr. and Mrs. Klemick,
I will ensure a copy of this email is included in the packet for DRB.

Thanks,
J

John A Miller III, CFM
Senior Planner
Planning & Development Services
Town of Mountain Village
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435
O :: 970.369.8203
C :: 970.417.1789

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

From: Herman KLEMICK <hklemick@hotmail.com>
Sent: Friday, September 27, 2019 1:59 PM
To: John A. Miller <JohnMiller@mtnvillage.org>
Subject: Rosewood and other large developments in or past the core.

Mr. Miller, My name is Herman Klemick. My wife, Diane, and I own #23 in Aspen Ridge and once built and owned a home on Pole Cat. We have been coming to the Village for over 25 years. The new Rosewood development and lot 161 or any other projects will be a huge nightmare to all businesses and property owners on Mountain Village Blvd. because of the construction traffic for years. The Opra project had hundreds of concrete trucks every day going up and down the road starting at 7 AM. This disturbed the homeowners day in and day out for over a year. MV Blvd. was not constructed or designed for heavy construction over several years which these proposed projects will take. Think of the disruption of the businesses in the Village. Think of the noise, dirt, damage to the road itself and the huge inconvenience to the homeowners. These projects should not be approved. I am a friend of Tim, Kunda, Jim Royer, Lela and her husband Antón. I have told them of my feelings that we do not need any more major projects in the core.! Thank you for reading this and please read it at the DRB meeting. Herman and Diane

Sent from my iPhone

John A. Miller

From: John A. Miller
Sent: Tuesday, October 29, 2019 10:25 AM
To: John A. Miller
Subject: RE: REVISED Public notice of proposed La Montagne hearings

Yes. Nancy Orr

Sent from my iPad

From: John A. Miller
Sent: Friday, September 27, 2019 5:06 PM
To: Nancy Orr <nancy.b.orr@gmail.com>
Subject: RE: REVISED Public notice of proposed La Montagne hearings

I appreciate the comment, Ms. Orr. Would you like me to add it to the public record and provide to DRB and Town Council?

Thanks,
J

John A Miller III, CFM
Senior Planner
Planning & Development Services
Town of Mountain Village
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435
O :: 970.369.8203
C :: 970.417.1789



From: Nancy Orr <nancy.b.orr@gmail.com>
Sent: Friday, September 27, 2019 12:42 PM
To: John A. Miller <JohnMiller@mtnvillage.org>
Subject: Re: REVISED Public notice of proposed La Montagne hearings

Just when everyone leaves!!! Nancy Orr

Sent from my iPad

On Sep 27, 2019, at 10:18 AM, Town of Mountain Village Planning Department <JohnMiller@mtnvillage.org> wrote:

John A. Miller

From: Kristen Lange <klange892@gmail.com>
Sent: Friday, November 8, 2019 4:21 PM
To: Michelle Haynes; John A. Miller; mahoney@jdreedlaw.com
Subject: Mountain Village Town Council

Michelle, John, and Jim,

Please pass this email on to the Mountain Village Town Council and cause it to be included in the public record for November 21 Council meeting on this matter.

Thanks,
Kristen Lange

--

Dear Mountain Village Town Council,

Telluride, specifically the town of Mountain Village, has been a special place for me growing up, and until recent years, I didn't realize how unique of a town it is. Growing up in the 90s, I have such fond memories of coming to Telluride and staying at my grandparents' home in Ski Ranches, and I can remember how exciting it was when my parents decided to buy a home in Mountain Village on Country Club Drive in 2000.

My sister and I spent countless summers attending Telluride camps, going to the 4th of July parade, mountain biking all over town, and skiing/snowboarding in the winter. These days, I look forward to visiting Telluride on several trips every ski season to get away from the craziness of San Francisco (where I currently reside) and share the special place with close friends.

From personal experience and conversations with friends who frequent other mountain towns / ski resorts, I've come to realize that Mountain Village is unlike any other ski town in the United States development-wise...and we have to preserve that. Tahoe, Vail, Aspen, the list goes on...all beautiful areas, but they have been over-developed which causes everyone's most-dreaded things...long lift / gondola lines, overcrowded runs, restaurant waits, parking challenges, etc...these are things you go to Mountain Village to escape. Mountain Village has had plenty of development since our family became homeowners nearly 20 years ago, and in the past 4-5 years, it's become undeniable that the town is changing and unfortunately becoming more crowded. Let's make sure this doesn't get out of control causing Mountain Village to become just another ski town. Please don't let the La Montagne project go through and impede on the beauty, tranquility, and safety of Country Club Drive and the overall Mountain Village town that we all want to enjoy as it is now in decades to come.

Thank you for your consideration.

Best,
Kristen Lange
248 Country Club Dr.

--

Cell: [\(317\) 752-2204](tel:3177522204)
Email: klange892@gmail.com

John A. Miller

From: Sandy Lange <sandy@lange.us>
Sent: Friday, November 8, 2019 6:42 PM
To: Michelle Haynes; John A. Miller; Jim Mahoney
Cc: Horn John (jhorn@rmi.net)
Subject: Lots 126R and 152R

Michelle, John, and Jim

Please pass this email on to the Mountain Village Town Council and cause it to be included in the public record for November 21 Council meeting on this matter.

Thanks, Sandy Lange

To: Mountain Village Town Council,

You will undoubtedly be receiving numerous emails on this one...

In the mid-70's, I lived in Aspen for a couple years. In 1978 my parents and I visited Telluride for the first time. By 1984 my parents had built a second home in Ski Ranches. As you know the history, at that time Mountain Village didn't exist. Looking back, it's remarkable to see how the area has developed since then. And, it's even more impressive that for the most part that development has been done in an appropriate and thoughtful manner.

In 2000, when my parents moved to Cortez, we purchased our home in Mountain Village - 248 Country Club Dr. Until this current project consideration, development along CCD past The Peaks has also been appropriate and thoughtful. We now run the risk of reversing that positive direction.

With but a few exceptions, development in Mountain Village and Telluride has managed to escape the urban sprawl and densely packed multi-story hotels and condos that stand out during a visit to Aspen or Vail. We have done, and can continue to do, better in Mountain Village.

Any objective view of the proposed La Montagne project should clearly see it is not appropriate to the surrounding area. Regardless of the planning done decades ago, once you get past the S-curves on Country Club Drive the rest of the neighborhood is clearly single family residential. No amount of rationalizing can deny this basic fact.

Further, it doesn't take a PhD in Transportation and Highway Engineering to know that the traffic increase that would come from the proposed development would create a serious safety risk. Absent eliminating those S-curves, good old common sense dictates that there is no practical way to make the road safe. Greatly increased traffic + sharp, blind corners = accidents waiting to happen. And by the way, where will the Peaks park all their overflow cars that many nights now line the road to the first corner? Apparently there's a sidewalk in the developer's proposal, maybe that will double as parking; or maybe there's also an underground garage for all those cars?

Finally, when is enough enough? We were in town in both July and September. During both visits MV and Telluride were downright crowded. It was difficult to get into restaurants, find parking, and even walk the

sidewalks in town. We, collectively, have a good thing going in Telluride and MV, but it can be ruined with over development. With growth as achieved now, businesses should be successful, and if that growth begins to taper the quality of life will still be maintained. Developing single family homes on these lots can still be profitable for the developer; although I don't believe it's Council's responsibility to ensure any developer's success, particularly one with no long standing connection to the area...from what I understand, this appears to be just another business deal for them and when done they would most likely become scarce.

Please put a stop to this now, and let's all enjoy the coming ski season.

We appreciate your thoughtful consideration.

Best regards,
Sandy and Cindy Lange
248 Country Club Dr.

PS. Council could hardly have chosen a more inconvenient date for this meeting; almost no chance that part time residents will be in town that week.

Alexander (Sandy) Lange
317-973-5160

John A. Miller

From: Sandy Lange <sandy@lange.us>
Sent: Tuesday, November 12, 2019 11:54 AM
To: Michelle Haynes; John A. Miller; Jim Mahoney
Cc: Horn John (jhorn@rmi.net)
Subject: RE: La Montagne - 2

Michelle, John, and Jim

Please pass this email on to the Mountain Village Town Council and cause it to be included in the public record for November 21 Council meeting on this matter.

Thanks, Sandy Lange

To: Mountain Village Town Council,

While I've tried as best possible from a distance to keep up with all the details of this La Montagne project, and my prior emails on the subject stand, I've now also had time to do a deep dive into the nitty gritty of this one.

To start, I fully endorse and agree with everything John Horn has provided on the project. The details overwhelmingly point to La Montagne being inappropriate for Mountain Village and Country Club Dr. While all details are important, three stand out to me. In brief...

1. The developers promote this as a transition between high density and the existing single family residences on CCD. Problem with that is we already have the transition in place, it's called The Peaks and Sea Forever. Past those 2, lots 114 - 121 and beyond are already single family...the transition has been made and works just fine. Done.
2. Unless Town want to take OS-118 and straighten Country Club Dr., no amount of developer mitigation is going to make CCD safe for such increased traffic...cars, walkers, bikers and the Telluride dogs. Mr. Horn documents this clearly.
3. What do you know about the developers? I question their level of commitment to the quality of life in MV and Telluride. "The Owner has no immediate plans to develop the North Site." What? They want us to just take it on faith that they'll develop the North Site as "anticipated" (because "anticipated" is apparently the best we get at this stage). Either commit to all, or none; and "none" is the only correct response. How can you approve a half-project? This alone should shut this one down.

From their submission: "...and other road and safety improvements that will be based on the proportional cost of La Montagne Project relative to other users...". I bet they were laughing out loud when they wrote that one...I was when I read it. Translation: "We're not gonna do a darn thing to the road [SL: not that they even can - see above] since this will be debated and drag on long after we're gone."

I've run lots of businesses, but admittedly never a hospitality business like this. Interesting though - apparently Rosewood decided (and apparently MV Council agreed) that for roughly 3X the number of units they'd need 203 employees. Yet the developers seem to think they can get by with 92% few employees, and still have a spa, gym and the other amenities a development like this must need. Maybe they'll use robots...or maybe they don't view it as an issue because by then they'll have moved on.

Council owes it to us who have invested in the greater Telluride community - many of us since before MV even existed - to appropriately ask "who are these developers and what's their long term commitment to the health of OUR community?" It's not unreasonable to ask the question with whom are you dealing. Let's not let an opportunistic development group leave us all high and dry after they've made their money and moved on.

I know TSG want hot beds. Fine, fill the ones that exist...this is not the place to add more.

Please...put this one out if its misery now.

With a cheerful disposition towards all,

Sandy Lange
248 Country Club Dr.

John A. Miller

From: James McMorran <jdmcmorran57@gmail.com>
Sent: Tuesday, November 12, 2019 4:54 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Cc: jhorn@rmi.net; hjh2839@aol.com; barutha@msn.com; mcm3333@sbcglobal.net; wcval@aol.com; tleiser@banderaventures.com; ross@rossimage.com; pgmitchell@cox.net; mgardner267@gmail.com; lisaandboyce@yahoo.com; jonathan@jmh4.com; John A. Miller; jmahoney@jdreedlaw.com; jgardner267@gmail.com; dhynden@anchor-prop.com; caseycrosen@yahoo.com; carlotta482@mindspring.com; bingo.eaton@cox.net; alansafdi@gmail.com; Sandy@lange.us; Michelle Haynes
Subject: Comments on Proposed La Montagne Development

I have the following comments on the proposed La Montagne development, request these be made available to the Town Council and included in the record of the November 21st meeting.

Previously, I have made the Town Council and Design Review Board aware, verbally and in writing, that I do not support the development principally on the grounds of 7 - 10 X higher density to that of the immediately adjacent properties and the resulting negative impact on the community, neighborhood, safety (pedestrian and automotive) and timely evacuation in the event of a wildfire.

I have read the developers most recent proposal. Contrary to the implication in their proposal, my prior concerns and requests remain with respect to the current proposal.

Comments are as follows:

1. Much is made of this being a less dense proposal or the lots having been zoned as multi-family since 1995; I.e. Country Club residents knew what they were buying into. However, in 25 years, much has changed in Mountain Village and we believed good decisions would be made through the more rigorous current approval process; decisions consistent with the how Mountain Village has developed during that period and consistent with post 1995 Comprehensive Plan, "It recognizes the importance of space, tranquility....that make Mountain Village unique....it seeks to protect them by suggesting more restrictive zoning....and provides for a true sense of community". I hope the Town Council will make a good decision based on current MV development and planning requirements versus a 1995 document or the very weak rationale of, "its less dense than the last proposal".

2. Figure 3 of the developer's own proposal shows how anomalous the proposed density and design is; 23 unique residences to the west, 7

unique buildings to the east and 58 cookie cutter units jammed in between. Note that Figure 3 shows the developer's proposal in the best light by omitting to label the 7 residences to the east and omitting to draw in the outline of the 58 units — presumably because it would highlight the anomalous density. At one of the meetings, the developer described these 7 single family residences to the east as “an anomaly”. \$30 million of real estate value is more more than an anomaly — we see it as the beginning of the Country Club Drive neighborhood and community!

3. Safety & Environment

- Where is the independent traffic study referenced at the last Town Council meeting?

- The developer's proposed sidewalk to Mountain Village Boulevard is contingent upon TSG granting easements. Resolving this must be a condition precedent to approval otherwise the developer's statements have no meaning.

-In the proposal it states the wetland setbacks can't be provided — because of the proposed density, footprint and a narrow lot. Of course the developer controls the footprint of the proposal and with a smaller footprint (and lower density) the wetlands setback could be achieved. I find the developer's rationale disrespectful of the planning process and the authority of the Town. This precedent should not be allowed.

-Evacuation is again completely unaddressed and satisfactory resolution must also be a condition precedent.

- The developer's proposal on sidewalks raises a new, unaddressed issue of snow clearance; where will the snow go between the north and south development other than on the proposed sidewalks? This underlines the need to progress through the rigors of a planning process and allow time to identify, understand and resolve issues before granting approval.

In summary, I believe many, if not all, of the issues can be resolved by reducing the density to conform with the existing structures on Country Club Drive to the immediate east and west. I do support the development of the lots as multi-family units; we have some magnificent duplex units on Country Club drive that could be used as a guide.

James McMorran

John A. Miller

From: Cindy <mcm3333@sbcglobal.net>
Sent: Tuesday, November 12, 2019 8:34 AM
To: Michelle Haynes; John A. Miller
Cc: jmahoney@jdreedlaw.com; jhorn@rmi.net; hjh2839@aol.com; barutha@msn.com; wcval@aol.com; tleiser@banderaventures.com; ross@rossimage.com; pgmitchell@cox.net; mgardner267@gmail.com; lisaandboyce@yahoo.com; jonathan@jmh4.com; jgardner267@gmail.com; dhynden@anchor-prop.com; caseycrosen@yahoo.com; carlotta482@mindspring.com; bingo.eaton@cox.net; alansafdi@gmail.com; Sandy@lange.us; James McMorran
Subject: Comments on Proposed La Montagne Development

In my earlier letter, I had previously made the Town Council aware of my opposition to the proposed La Montagne development. I have read the developer's latest proposal and my earlier concerns remain, namely:

- The density is far too high relative to the other existing residences on Country Club Drive
- Pedestrian safety as a result of the increased density remains unresolved. With the increased density, walking on Country Club Drive to Mountain Village Boulevard will be very dangerous, especially in winter.
- The proposed dense block of architecturally identical units between existing unique residences to the east and west will destroy the sense of community and neighborhood that currently exists on Country Club Drive. This would also be at odds with the overall character of Mountain Village and spirit of the Comprehensive Development Plan.

I have heard repeatedly, prospective buyers should have known of the possibility of this development. Well, as newcomers to Mountain Village, we didn't. There was nothing that would have raised that alarm. I didn't look at the charming hill and think, oh, they may house a couple of hundred people here - I better check!! Multi-family development was known but an ultra high density development didn't even seem like a remote possibility, it would be so inconsistent with the existing neighborhood.

Like a puzzle, "Don't force pieces that don't fit."

I request the Town Council give guidance to the developer to revert with a proposal which better conforms with the character of Mountain Village, Country Club Drive and its own Comprehensive Development Plan.

Cindy McMorran

John A. Miller

From: David Koitz <dkoitz@gmail.com>
Sent: Tuesday, November 12, 2019 12:34 PM
To: John A. Miller
Cc: Community Telluride; Virginia Howard (vrhtelluride@gmail.com); Gretchen Koitz
Subject: Opposition to La Montagne Proposal

Dear John Miller and Mountain Village Council members...

We are writing to add our voices in opposition to the La Montagne development proposal. As residents of Mountain Village, we are not immediately adjacent to the proposed development sites, but like those families who are, we will be negatively affected by it. The traffic, the noise and the high population density, the obstructed views from the core and the golf course, and the damage done to the character of the town will very much affect us. It will impact everyone in Mountain Village and especially those living in or near the core. Although the land it would fill was zoned initially for high density, there was no residential community in the vicinity at that time... it was open space as it has been for the decades to follow while the Village developed. In those years, a residential enclave of 30 or more single family homes emerged nearby and created a beautiful and unique residential neighborhood that fit well with the vast spacial area facing the west side of the Village and the Colorado landscape it sat on. Simply put, while high-density zoning for the land in question may have been a reasonable design concept in the layout of the Village at the start, much has happened in the ensuing decades that makes a project of this nature no longer fit. Put simply, it is way out of character and would represent sloppy and somewhat haphazard community development prompted more by developer interests than those of the community at large. Site lines will change for the immediately affected homes, and for the the golf course, too. The views from the condos and hotel above and the adjacent core will lose their wonderful allure of the immense beauty looking to the west, south and north. The project would simply impose on, not embellish what we have.

We do not want our town to become another Aspen, Vail, Breckenridge... another Silverthorne, Dillon, or Frisco, swarming with cars and people. This project is a harbinger of such... if the line is crossed, there will be no turning back. It is a red flag for those who love what the Village has finally blossomed into.

Having attended the Design Board review meeting on the La Montagne proposal last June, we had hoped the immediately affected community would rise up. And the crowds visiting Telluride over the last July 4th weekend was a wake up call to all residents to what has already developed... the potential emergence of a vast change that will forever alter the amazing uniqueness of both the Telluride and Mountain Village communities and how they have carefully accommodated development in what is one of the most beautiful places in this country.

As someone once opined, "it is sacred space." Let's do our best to keep it.

Sincerely,

David and Gretchen Koitz

John A. Miller

From: Casey Rosen <caseycrosen@yahoo.com>
Sent: Wednesday, November 13, 2019 6:10 AM
To: Michelle Haynes; John A. Miller; James Mahoney
Cc: Hank Hintermeister; Doug Hynden; Alan Safdi; Bingo Eaton; Pete Mitchell; Cynthia McMorran; James McMorran; George and Cynthia Barutha; Lisa Boyce; 1Carlotta Horn; Tom Leiser; Johnathon and Kristen Harris; Ross Meridith; Michael Gardner; Jackie Gardner; Sandy Lange; Bill & Karen Valaika; John Horn
Subject: Re: Lots 126R and 152R

Dear Mountain Village Town Council

I am writing in advance of the November 21st public hearing at which you are planning to discuss the La Montagne project. Unfortunately, the meeting falls before the ski season begins and during a time when most people, including me, are out of town so I am sharing my thoughts via email.

Since my email below from early in the summer, I have attended a public workshop with the project developer and communicated with him directly. My initial objections and concerns about the project remain despite the minor changes and reduced unit count.

It is still too dense.

It is not consistent with the single family Country Club Drive neighborhood.

It will still be hazardous & endanger people.

It has no benefit to the public and the overall community - only the developer.

Others have focused on this so I will not, but there still remain significant procedural issues in how this project is being handled by Town Council.

In addition to these factors, several new concerns have come up or become clearer.

Snow will be a major problem. Last winter, Country Club Drive had a 5 to 6 foot high wall of snow on either side. This is where the project is envisioning a sidewalk but during the winter, there won't be one. Existing and now all of the new residents and guests at the additional 52 units will be forced to use Country Club Drive without sidewalks. I cannot imagine that this will work well.

Secondly, during the public workshop, the developer Mike Kettell assured me and other neighbors that construction staging and traffic would not extend west beyond the project. This commitment needs to be included in any approval for construction here. The project has plenty of land and is envisioned to occur in phases so it would be completely unfair if further burdens are placed on residents to the west by construction traffic staging, parking and using the balance of Country Club Drive.

Finally, I had a long debate with the developer about the economic viability of the project. As I am sure you are all well aware, there has never been an economically successful townhome or condominium project in the history of Mountain Village. I'm not sure why this case would be different but one of the challenges that developers have faced in the past is that their projects have simply been too big for the shallow Telluride market. Based on historical residential sales velocity in Mountain Village, it is likely to take a number of years to sell all of the units or even the first phase. A large capital intensive project in a small and shallow second home market starting at the peak of the economic cycle with rapidly rising construction costs has proven to be highly problematic in our market. Having a failed project in Mountain

Village does not help anyone and will detract from property values broadly. The project as high-end home sites should still be very profitable but will not have the magnified risk and extended timeline of a full town home development. This seems very wise give the true depth of Telluride's residential market and where we are in the economic cycle. Timing is everything.

It would be highly appreciated if this and my earlier email below could be placed into the public record and shared with the mayor and balance of Town Council.

Casey Rosen
2968 Natoma Street
Miami, Florida 33133
305-582-5731

On Jul 16, 2019, at 12:23 AM, Casey Rosen <caseycrosen@yahoo.com> wrote:

Dear Mountain Village Town Council

My wife Lisa Boyce and I own 253 Country Club Drive in Mountain Village. We are writing to share our thoughts in advance of the work session this Thursday at which you are scheduled to discuss plans for Lots 126R and 152R and ask that this be included in the record for the work session.

Last week we attended a DRB meeting where details of the La Montagne project were presented by DRB staff and representatives of the owner. Based on this, our conclusions are:

- The project is way too dense. Development of only the 152R parcel as planned would more than double the number of residential units on Country Club Drive. Together with lot 126R, this project is completely out of scale with the existing low density single family neighborhood.
- Because it is too dense, the project is not an appropriate transition between the Mountain Village core and the Country Club Drive single family neighborhood.
- Safety will be a major problem. The project will be located at the confluence of a narrow two lane road with no sidewalks and three heavily used trails (Boomerang, Big Billies & Jurassic). Due to its "S" configuration with blind corners, Country Club Drive is already dangerous and massively increasing traffic here with the combination of hikers, bikers, dogs, skiers, delivery people, snow plows, garbage trucks, existing residents and visitors is a scenario for disaster.
- The design of ingress and egress with underground parking for the 152R parcel is a particularly problematic safety issue with cars entering Country Club Drive from a steep, below grade, low visibility angle through very few access points.
- Benchmarking the La Montagne plan against the Rosewood PUD to argue that La Montagne is not too dense is wrong. The Rosewood PUD was wildly out of scale and should never have been approved. Using it to help support a less dense but still totally inappropriate project is a mistake.
- Similar to the point above, arguing that the site was planned for high density use in the past so the La Montagne plan is OK is also wrong and misses the point. Town Council gets to decide now how this site should be developed and high density here is simply not compatible with the neighborhood or needed. Poor ideas and planning in the past should not be the road map for decisions now.

Mountain Village Town Council is the ultimate authority in deciding what to do with these parcels and the decision will have profound effects on the safety, quality of life and home values for Mountain Village residents - in particular, those who live on Country Club Drive. You were elected to make the right decisions in cases like this and have significant guidance in the form of the Mountain Village Community Development Code and Comprehensive Plan. Among many other things, the Comprehensive Plan makes serving the public interest and the overall community a PRIMARY goal and gives you responsibility to protect the public interest, vision, health safety and welfare of the community.

Based on this, it is your obligation to require the La Montagne project to be:

- Dramatically less dense than currently contemplated.
- Consistent with the single family Country Club Drive neighborhood.
- Developed in a way that does not endanger people.
- Beneficial to the public and the overall community - not just the developer.

In this case, we suggest the PUD amendment process as this will give the community maximum certainty. The history of planning for these parcels has been terrible and we are counting on you not to let previous mistakes support new ones.

Sincerely,

Casey Rosen

John A. Miller

From: John Horn <jhorn@rmi.net>
Sent: Wednesday, November 13, 2019 6:11 PM
To: Pete Duprey; Marti Prohaska; Jack Gilbride; Natalie Binder; Dan Caton; Laila Benitez; Patrick Berry
Cc: Jim Mahoney; John A. Miller; Michelle Haynes
Subject: November 21, 2019 - Council Meeting - La Montagne PUD - Written Comments
Attachments: NTC-1 Process Part 2 Who Is Driving The Bus.docx; NTC-2 Process Part 3 An Inadequate Process.docx; NTC-3 Substantive Review Criteria.docx; NTC-4 Conformity With The Comprehensive Plan.docx

Dear Town Council

This email is in regard to the pending application involving the proposed La Montagne PUD on Lots 126R and 152R. This application will impact the daily lives of our families and every member of the Mountain Village community for the rest of their lives, some families dramatically more than others. The decisions you will be making on this application will be felt for not just years, but for generations to come. Yes, this is a very, very big deal!

At the July 18th public hearing on this matter, Councilperson Caton advised the citizens of this community to “*do written comments*” because “*we do read them*”. Twelve days later in the July 30, 2019 KOTO radio show, Off The Record, Councilperson Caton further advised the citizens that “*it’s important that we encourage everyone to make their views known, and make sure it’s not just an emotional issue.*” We agree with Councilperson Caton and have taken his advice to heart; and pursuant to his advice we have prepared the following four attached memorandums which are endorsed by myself and four other community members:

1. Exhibit NTC-1: Lots 126R and 152R -Getting the Procedure Right . . . Part 2: Who Is Driving The Bus
2. Exhibit NTC-2: Lots 126R and 152R -Getting the Procedure Right . . . Part 3: An Inadequate Process
3. Exhibit NTC-3: Lots 126R and 152R - Substantive Review Criteria
4. Exhibit NTC-4: Lots 126R and 152R - Conformity With The Comprehensive Plan

We request that these four memorandums be included in the record of the upcoming November 21, 2019 Council public hearing on this application.

As you will see, taken together the four memorandums total 64 pages, yes, an enormous body of work. One reaction could be that it might be unreasonable and unrealistic to expect the Council to read that many pages from one group of community members because if everyone did it then it would be nearly impossible to process all the information. However, for the following reasons it appears such a concern is insupportable:

1. The extensiveness of the memorandums is mainly caused by the fact that the Town has not yet given clear guidance on the density, mass and scale of the project. Lacking that guidance, we had no choice but to address all the relevant provisions in the Community Development Code and Comp Plan.
2. As members of this community we did not make the rules (i.e. the CDC and Comp Plan), previous Council’s did, but we all have to live by these rules. The simple fact is the previous Councils have made a “whole lotta rules” (i.e. criteria) that apply to Council’s decisions on this application; and responding to those rules/criteria requires quite an effort, please bear with us and read them, we think you may find it quite informative.

3. Few people possess the background, expertise and time necessary to perform this type of analysis and, therefore, it is highly unlikely “everyone”, let alone anyone, else will be submitting such extensive information.

4. The two applications and two accompanying narratives filed by the applicant total 137 pages; that is an awful lot of information and data to address.

5. Please be assured that we would rather be doing just about anything other than writing these memorandums, but, as you know, the decisions you, the Town Council, will be making will have such a tremendous impact on the lives of our families that we feel we had no choice but to spend the tremendous amount of time necessary to prepare these memorandums, we only request that you do us the courtesy of carefully reading them in their entirety.

The simple reality is that making the tough decisions that will preserve cherished ideals that make Mountain Village such an outstanding community lies solely with you as our elected leaders. The decisions you must make will not be easy, if they were easy then they would already have been made. Fortunately, as the memorandums explain, the facts and the regulatory criteria appear to make it pretty clear, the proposed development is much too big for the site and neighborhood, and must be reduced to a size that is compatible with the surrounding single-family neighborhood.

If you make the tough decisions today, some people will not be happy today, but this community will thank you for generations to come. We stand ready to assist you in making the tough decisions.

Sincerely,
John Horn

1 To: Town Council
2 Town of Mountain Village
3 Via email
4 Cc: Michelle Haynes (MHaynes@mtnvillage.org), John Miller (JohnMiller@mtnvillage.org)
5 and Jim Mahoney (jmahoney@jdreedlaw.com)
6 From: John Horn, Doug Hynden, James McMorrان, Casey Rosen and Sandy Lange
7 Date: November 14, 2019
8 Re: Lots 126R and 152R
9 -Getting the Procedure Right . . . Part 2: Who Is Driving The Bus

10

11 **SUMMARY**

12

13 It appears the Council members are faced with a decision, are they going to drive and control this
14 PUD amendment process or are they going to let the developer drive and control it? If Council
15 elects to take control of this process then it appears it will be necessary for Council to be crystal
16 clear as to what steps it will require to be taken to ensure a thorough, open and transparent
17 process is followed. If the Council is not crystal clear then it is likely be relegated to a reactionary
18 capacity in which it is driven to react to a process driven by the developer, the road the application
19 currently appears to be on. For a discussion on a suggested PUD amendment process please see
20 accompanying Exhibit NTC-2, Re: Lots 126R and 152R-Getting the Procedure Right . . . Part 3: PUD
21 Amendment Process.

22

23 An anxious and very concerned group of citizens are watching and waiting to see if their Town
24 Council will provide the leadership they hope for from their elected officials; knowing the persons
25 on the Council we are confident the Council will take control of the process.

26

27 **DISCUSSION**

28

29 To address this issue, it appears the following bit of chronological history may be of assistance.

30

31 1. **July 18, 2019**: The following is an excerpt from the recording of the July 18, 2019 Town Council
32 meeting:

33

34 *"So, I think we have some clear direction on the PUD question, was there a second part?"*
35 *(Mayor Benitez, starting at time stamp 4:18:02)*

36

37 *"I think at this point it would be best to let the applicant re-circle back and understand what*
38 *the PUD amendment would mean to their project."* (John Miller, Planner)

39

40 *"I would agree with John now that you've got that process direction I think they heard*
41 *comments from the public on the density though, and so if they are going to make an*
42 *application on that, if you guys wanted to comment, you know too much density, too little,*
43 *where are they at density-wise it might help the applicant as well I would assume."* (Jim
44 Mahoney, Town Attorney)

45

46 *"I guess it is kind of hard because if we look at current conditions we would say absolutely*
47 *too much but, I mean, if we have a better understanding of what mitigation might be in*
48 *place and how it could be improved I think then we can have more realistic bit of feedback,*
49 *am I . . . (indiscernible agreement). (Mayor Benitez)*

50
51 *. . . like an open house, where the public came . . . but I think if a lot of the neighbors came,*
52 *you know, I'm assuming they'd have a lot of feedback from that and maybe what they*
53 *thought would be appropriate and take into consideration as well" (Councilperson Binder,*
54 *ending at time stamp 4:19:18)*

55
56 2. **July 30, 2019:** The following is an excerpt from the July 30, 2019 KOTO radio show, Off The
57 Record:

58
59 *"The developers were very quick the next day to ask to meet and to say you know we heard*
60 *you, we heard the people in the community and we want, we want something that is a*
61 *better fit in the community as well so we'd like to work with the Town and the community to*
62 *see where there's maybe some middle ground; and so they are already talking about*
63 *reducing the density even further; looking at different ways that they can add some public*
64 *benefit to that street and that little neighborhood to make this more of win-win for everyone*
65 *involved; but there is still a long road to go with this; it would be an amendment to their*
66 *Planned Use Development application. So it's still a pretty long road but one of the things I*
67 *thought was important is when, you know, they were asked to maybe consider putting*
68 *together some public outreach events they jumped on it and said they would be doing a*
69 *number of those and not just with that portion of the neighborhood but community-wide to*
70 *make sure their getting input from everyone about, you know, this is a small area, what is*
71 *going to fit best." (Mayor Benitez starting at time stamp*

72
73 3. **August 20 (+/-), 2019:** On or about August 20, 2019, Alpine Planning, LLC, on behalf of the
74 developer, MV Holdings, LLC, submitted a document labeled on the first page as "Major PUD
75 Amendment Application".

76
77 4. **August 27, 2019:** On August 27, 2019 the application for the Lot 126R and 152R PUD Amendment
78 along with the application for initial architecture and site review on Lot 152R were deemed
79 complete by Town staff. On August 30th, staff notified the applicant verbally (via telephone) of the
80 application having been deemed complete and discussed the next steps to be required for public
81 noticing including adjacent property mailings and property postings. Assuming Town staff took the
82 full seven-day application completeness review period set forth in CDC Section 17.4.3.C.1, it
83 appears the developer filed its application a speedy 33+/- days after the July 18, 2019 Council
84 meeting.

85
86 5. **August 30, 2019:** By written notice, dated August 30, 2019, the public was notified that public
87 hearings regarding the PUD amendment and initial architecture and site review applications were
88 scheduled for October 3, 2019 (DRB) and November 21, 2019 (Town Council).

89

90 6. **September 27, 2019:** By written notice, dated September 27, 2019, only six days before the
91 scheduled DRB meeting, *“the public hearings for the Lot 126R and 152R PUD Amendment are to be*
92 *continued to the regularly scheduled November 7, 2019 meeting of the DRB.”*
93

94 7. **October 3, 2019:** On October 3, 2019 (44 days after the application was filed on approximately
95 August 20, 2019), the developer held a public “informal meeting with the development team”.
96

97 8. Let us take a moment to look at the significance of this chronology of events.
98

99 8.1 Despite the fact that the issue of density was **the key substantive issue** being addressed
100 at the July 21st Council meeting, and after being prompted by the Town Attorney, the
101 Council declined the opportunity to give guidance on the issue of density because, as Mayor
102 Benitez stated in paragraph 1 above, a *“better understanding of what mitigation might be in*
103 *place and how it could be improved”* was necessary before the Council could give realistic
104 feedback. Four items appear to be clear from the Mayor’s statement:
105

106 8.1.1 Additional analysis needs to be performed and given to Council in order for it
107 to obtain a *“better understanding of what mitigation might be in place and how it*
108 *could be improved”*. Earlier in the July 18, 2019 Council meeting, a majority (if not
109 all) of the Council, endorsed Mayor Benitez’s statement that a *“very comprehensive”*
110 traffic study and traffic analysis was necessary to ensure that what the Council is
111 studying is indicative of what the community is really experiencing—*“don't want to*
112 *look at that street in October”* (see recorded July 18, 2019 Council meeting starting
113 at time stamp 4:13:05). We agree with the Mayor.
114

115 8.1.2 Upon completion the additional analysis will have to be discussed by Council in
116 a meeting involving public input, and only then will the Council be able to provide
117 realistic feedback.
118

119 8.1.3 Before proceeding with an application it seems it would have been prudent for
120 the developer to obtain realistic feedback from the Council and, because the
121 developer failed to do so, it is proceeding at its own peril. It should be pointed out
122 that when Town Attorney, Jim Mahoney, asked the Council *“if you guys [i.e. Council]*
123 *wanted to comment, you know too much density, too little, where are they at*
124 *density-wise it might help the applicant as well I would assume”*, he turned and
125 looked directly at the developer’s representatives and gave them the opportunity to
126 press the Council for guidance on the issue of density, the representatives remained
127 silent and passed on the opportunity to seek clarity on this critical issue; by
128 remaining silent the developer assumed the risks of incurring extensive design and
129 architectural fees without first receiving Council’s guidance on the issue of density.
130

131 8.1.4 Clearly the analysis identified by Council has neither been performed nor
132 discussed in a public meeting. Consequently, unless a Town representative has
133 provided the developer with differing guidance outside of a public meeting, it
134 appears the developer has chosen to proceed at its peril with its application despite
135 unequivocal guidance from the Council that additional information was needed.

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8.2 There appear to be three significant items contained in Mayor Benitez’s July 30, 2019 Off The Record comments:

8.2.1 *“The developers were very quick the next day to ask to meet”*. It is not clear (i) who at the Town (staff or Council members) the developers met with or (ii) what was discussed and what sort of guidance the developers received from the Town representatives. But one has cause to wonder what was discussed because a short time later the developer felt confident enough to submit an application for a 58-unit project at a density dramatically higher than the density of the surrounding single-family neighborhood. In the July 18, 2019 Council meeting the Council discussed the need for an open and transparent process, accordingly, in an effort to get everyone on the same page, it may be helpful for all Town representatives who met with the developer between the July 18th meeting and the date the developer filed the current application to disclose, in detail, what was discussed with the developer and any guidance given to the developer.

8.2.2 *“[T]hey were asked to maybe consider putting together some public outreach events they jumped on it and said they would be doing a number of those”*. Based on this statement it appears that the logical conclusion would be that the developer would first hold the public outreach events and then, based on the input from the events, submit their application. Contrary to this logic, only after the developer filed its applications around August 20, 2019 did the developer initiate efforts to hold public outreach events (notice for an October 3, 2019 outreach event was dated September 26, 2019—approximately one month after the application was filed).

Actions speak louder than words, and despite the Mayor’s July 30th statement that the developer wants *“something that is a better fit in the community as well so we’d like to work with the Town and the community to see where there’s maybe some middle ground”*, the developer appears to have totally disregarded public input when it submitted its application for a 58 unit project at a density dramatically higher than the density of the surrounding single family neighborhood.

8.2.3 *“So **it’s still a pretty long road** but one of the things I thought was important is when, you know, they were asked to maybe consider putting together some public outreach events they jumped on it”*. It appears the Mayor and the developer may be on different roads, one long and one short. While it is unclear what is the Mayor’s definition of a *“long road”*, the developer’s short road is clearly defined by the fact that it filed its application approximately one month after the July 18, 2019 Council meeting, ostensibly with the goal of receiving final approval at the November 21, 2019 Council meeting (nothing in the application indicates a different goal). And it is probably safe to say the public is very interested in knowing both the length and the route of the road this application is on. We agree with the Mayor on the length of the road, it appears it is necessary to get the developer on the same road.

181 8.3 Off season is a well-known phenomenon in Mountain Village, no one is here. There were
182 very few people in Town to attend the informal meeting with the development team on
183 October 3rd, and there will be even **less** people in Town to attend the DRB meeting on
184 November 7th and the Town Council meeting on November 21st. If limiting public
185 participation is the goal, then this schedule could not be better planned.
186

187 9. While we are reviewing past occurrences that are relevant to this process, we would like to point
188 out one additional item that may work to highlight the need for Council to drive this process. Every
189 Mountain Village land use process starts with the same thing, an application. As will be discussed in
190 greater detail the memorandums that accompany this memorandum, it appears this application
191 may be so incomplete such that the November 21, 2019 Council public hearing should be canceled
192 or continued. Items that appear incomplete include the following:
193

194 9.1 Although page 1 of the written application (copy attached as Exhibit NTC-1.1) is labeled
195 Major PUD Amendment Application, subsequent pages “5 of 9” and “7 of 9” are labeled
196 Conceptual Worksession Submittal Application. Hmm, which is it?
197

198 9.2 Although the following items are not delineated in the Major PUD Amendment form, it
199 appears to be pretty clear they are required by the CDC:
200

201 9.2.1 Section 17.12.4.B.1.a states:
202

203 *“B. Overview of the PUD Process*

204 *1. A PUD may be created in either of two ways: the Site-specific PUD Process*
205 *(“SPUD”) or the Master PUD Process (“MPUD”).*

206 *a. The SPUD results in approval of rezoning to a PUD district **and a***
207 ***detailed set of design plans, a PUD development agreement, a***
208 *subdivision (if needed), a density transfer (if needed), **a site-specific***
209 ***development plan** and a vested property right.”*
210

211 While it may have been submitted, on the Town’s website we were not able to find
212 (i) a detailed set of design plans for the North Site, or (ii) a PUD development
213 agreement or (iii) a site-specific development plan are contained in any of the
214 documents available to the public on the Town’s website.
215

216 The CDC definition of a Site-Specific Development Plan provides guidance as to the
217 required level of the “*detailed set of design plans*” where the definition states “*a*
218 *development permit has been issued and no further development approvals are*
219 *required except for a building permit as required by the Building Codes”*. A
220 development permit can only be issued if the design plans have received Final
221 Review approval from the DRB pursuant to Section 17.4.11.C.3.b. So, what does this
222 all mean? It means that **in order to receive final approval of its PUD amendment**
223 **the developer must receive DRB Final Review approval for both the South Site and**
224 **the North Site**. When you step back and think about this it makes all the sense in the
225 world. The PUD is being presented and processed as a single integrated project and,
226 therefore, its “*detailed set of design plans*” should be processed as a single set of

227 plans to ensure they in fact work and, as the developer states in its narrative,
228 *“ensure safe vehicular and pedestrian access and coordinated utility planning.”*
229 Granted this requires that more upfront time and money must be expended by the
230 developer, but the CDC requires it and the members of the community deserve the
231 assurance that the project is completely thought through before it is approved. It
232 appears the developer is only seeking DRB Final Review approval for the South Site,
233 the CDC appears to require the developer to do the work and submit the *“detailed*
234 *set of design plans”* for both the North Site and the South Site, not only the South
235 Site as currently proposed. In its leadership role we request the Council to require a
236 *“detailed set of design plans”* for the North Site.

237
238 Regardless of the fact that they are not referenced in the Major PUD Amendment
239 application form, the detailed plans for the North Site, the PUD development
240 agreement and the site-specific development plan are keystone components of the
241 CDC requirements and must be made available to the Town and the public, and the
242 sooner the better for everyone involved. Lacking these keystone components it
243 appears either tabling or a continuance may be necessary at the November 21st
244 meeting.

245
246 10. It appears the Council members are faced with a decision; are they going to drive and control
247 the process or are they going to let the developer drive and control it? If Council elects to take
248 control of this process then it appears it will be necessary for Council to be crystal clear as to what
249 steps it will require to be taken to ensure a thorough, open and transparent process is followed. If
250 the Council is not crystal clear then it will be relegated to a reactionary role in which it is driven to
251 react to a process driven by the developer, the road the application currently appears to be on. For
252 a discussion on a suggested PUD amendment process please see accompanying Exhibit NTC-2, Re:
253 Lots 126R and 152R-Getting the Procedure Right . . . Part 3: PUD Amendment Process.

254
255 As noted above, an anxious and very concerned group of citizens are watching and waiting to see if
256 their Town Council will provide the leadership they hope for from their elected officials; knowing
257 the persons on the Council we are confident the Council will take control of the process.

258
259 END OF MEMORANDUM

1 To: Town Council
2 Town of Mountain Village
3 Via email
4 Cc: Michelle Haynes (MHaynes@mtnvillage.org), John Miller (JohnMiller@mtnvillage.org) and
5 Jim Mahoney (jmahoney@jdreedlaw.com)
6 From: John Horn, Doug Hynden, James McMorrان, Casey Rosen and Sandy Lange
7 Date: November 14, 2019
8 Re: Lots 126R and 152R
9 -Getting the Procedure Right . . . Part 3: An Inadequate Process

10
11 **SUMMARY**

12
13 Section 17.4.12.O.3. states *“The criteria for decision for a PUD amendment are the same as for the*
14 *creation of a PUD.”* Although the criteria *“for a PUD amendment are the same as for the creation of a*
15 *PUD”*, the process for a PUD amendment only takes two steps while a new PUD takes five steps; does
16 that make sense to you? The current PUD amendment application is, in actuality, a new PUD because
17 the current Rosewood approval is being totally abandoned and replaced with a completely new design.
18 Consequently, does it not make sense to follow a process that resembles a five-step new PUD process?
19

20 The PUD amendment process is a class 4 application which only entails a short two-step process, first
21 DRB reviews the application and makes a recommendation to Council and second Council makes the
22 final decision. On the other hand, an application for a new PUD involves a five-step process, conceptual,
23 sketch and final; the conceptual and final steps each involve two steps and so a new PUD review process
24 effectively has five steps.
25

26 The strength of the five-step process lies in the fact that it prevents an application from proceeding from
27 one step to the next (i.e. conceptual to sketch, and then from sketch to final) until all the issues of the
28 current step are identified and resolved. In doing so it eliminates the possibility of everyone, including
29 the developer, from wasting time, resources and money in designing and reviewing an application that is
30 too dense and too large in terms of mass and scale.
31

32 In this memorandum you will see the problems the current, ambiguous and inadequate two-step PUD
33 amendment process is causing for everyone involved, the developer, concerned citizens, Town staff,
34 DRB and Council. You will also learn about the Community Development Code’s (“CDC”) sound five-step
35 new PUD process, the logical way it builds on the previous step and how it eliminates the current
36 problems. **Finally, you will learn how the CDC provides Council with the tools to require and**
37 **implement virtually the same five-step process used for a new PUD.**
38

39 If you would like to view an example of the confusion being caused by the ambiguous and inadequate
40 two-step PUD amendment process, then simply go to the Town website and watch the end of the DRB’s
41 deliberations regarding this item at their November 7th meeting. By utilizing the five-step process an
42 open, thorough and transparent process, controlled by the Town Council, can be assured; and at the end
43 of the day, an open, thorough and transparent process is in the best interest of everyone involved.
44

45 **DISCUSSION**
46

47 1. Let us be clear from the beginning, as we believe you will see from the below discussion, the PUD
48 amendment process of the Town’s CDC appears to be wholly inadequate in terms providing a logical,
49 coherent, open, thorough and transparent process controlled by the Town Council. This observation
50 should not be taken as a knock on the CDC drafters; despite all the best efforts and intentions of anyone
51 drafting a land use code as sizeable as the Town’s CDC, the soundness of any group of land use
52 regulations can only be ascertained when they are subjected to the bright lights of an actual real-world
53 application. However, do not despair, those same drafters have provided a method and roadmap to
54 overcome the inadequacy. Please allow us to explain.

55
56 2. In an effort to (i) afford the Town Council maximum control over the process, (ii) provide the greatest
57 amount of transparency and (iii) achieve a result that will provide the greatest level of project detail and,
58 consequently, the greatest level of project certainty, at the July 21, 2019 Council meeting, the Council
59 unanimously agreed that the developer of Lots 126R and 152R must follow the PUD amendment process
60 set forth in Sections 17.4.12.N and O of the CDC. So far so good, but what does the PUD amendment
61 process involve? The first step in answering that question is found in the following sections of the CDC:

62
63 2.1 “17.4.12.O. b. Major Amendments. Major PUD amendment development applications shall
64 be processed as class 4 development applications.”

65
66 A “class 4 development application” is defined as follows:

67
68 “17.4.2 OVERVIEW OF DEVELOPMENT REVIEW PROCESSES
69 A. There are five (5) development review processes that are used for evaluating land use
70 development applications governed by the CDC:
71 4. Class 4 application: DRB-Town Council development application review process; and”

72
73 A class 4 application is a simple two-step process, first DRB reviews the application and makes a
74 recommendation to Council and second Council makes the final decision.

75
76 So, what is the inadequacy in a class 4 development application process? It appears the best way to
77 understand the inadequacy is to start by identifying a sound process and then compare and contrast it
78 to the inadequate class 4-only process; to understand the sound process let us move on to paragraph 3.

79
80 3. Fortunately, for a sound process we have to look no further than Section 17.4.12.D of the PUD
81 regulations which sets forth the **review process for a new PUD**. In a nutshell, Section 17.4.12.D sets
82 forth a five-step review process for a new PUD. The soundness in this process is in the logical way it
83 builds on the previous step.

84
85 3.1 Stage one in this process is set forth in Section 17.4.12.D.1.a which states:

86
87 “a. Step 1, **Conceptual SPUD. The conceptual SPUD is processed as a class 4**
88 **application.**
89 **i. The purpose of the conceptual SPUD is to provide the DRB, the Town**
90 **Council, the applicant and the public an opportunity to engage in an**
91 **exploratory discussion of the SPUD development proposal (including**
92 **proposed uses, density, maximum building height and floor area and**
93 **community benefits), to raise issues and concerns and to examine**

- 94 alternative approaches to development.
- 95 (a) **The DRB shall focus its review and comments on design-related**
- 96 **issues pursuant to the Design Regulations.**
- 97 (b) **The Town Council shall focus its review on the other issues**
- 98 **associated with a SPUD, such as mass and scale, public benefits,**
- 99 **density, and general conformance with the Comprehensive Plan.**
- 100 ii. **Conceptual SPUD approval authorizes the applicant to submit a sketch**
- 101 **PUD development application.**
- 102 iii. *Conceptual SPUD approval is effective for a period of twelve (12)*
- 103 *months from the date of approval, unless the Town Council, upon*
- 104 *request of the applicant, grants an extension of the approval.”*

105

106 The key aspects of conceptual stage one are the following:

107

108 3.1.1 It gets everyone on the same page in terms of the “*proposed uses, density,*

109 *maximum building height and floor area and community benefits*”. Failure to

110 achieve absolute clarity on these issues is detrimental to everyone involved, the

111 applicant, the public, Town staff and the Council. Without absolute clarity the

112 applicant is injured because it is left guessing what the design parameters are

113 and is forced to spend potentially enormous amounts of time and money

114 designing a project that is well above what is allowed under the land use code

115 and acceptable to the Council and the public. The public is injured because they

116 are subjected to the stress and uncertainty resulting from not knowing the

117 parameters of the impact on the community and their neighborhoods resulting

118 from the project. Town staff is injured because they may be required to spend

119 time reviewing a project that is well above what is allowed under the land use

120 code and acceptable to the Council. The Council is injured because they are

121 prevented from practicing good governance. Unfortunately, this appears to be

122 exactly the situation currently occurring with this application as we review an

123 application for 58 units despite little, if any, guidance from Council with respect

124 to density, mass and scale.

125

126 3.1.2 Stage one clearly defines the items that DRB must focus on and the items

127 Council must focus on and thereby avoid duplication and conflicting results.

128 Requiring Council to be the sole arbiter on the issues of “*mass and scale, public*

129 *benefits, density, and general conformance with the Comprehensive Plan*”

130 makes logical sense because as elected officials directly accountable to the

131 voters, the Council alone should be deciding these cornerstone issues that will

132 control the development. Unfortunately, with the current application two

133 problems exist because this five-step process is not currently being followed:

134

135 3.1.2.1 Extensive overlap exists between what has been submitted to

136 DRB for its review and to Council for its review. As a result, without

137 better guidance DRB is likely to end up wasting its time discussing issues

138 outside of its scope of authority.

139

140 3.1.2.2 The time and resources of everyone (i.e. applicant, public, Town
141 staff and DRB) involved may be wasted because they are being asked to
142 review “*design-related Issues*” for a project that may ultimately be
143 determined to be too dense and too large in terms of mass and scale.
144 This appears to be a classic example of putting the cart before the
145 horse, a problem that can be avoided if a sound five-step process is
146 followed.

147
148 3.1.3 Because stage one prevents the applicant from going to stage two, sketch
149 plan, before it receives stage one conceptual plan approval, it eliminates the
150 possibility of the developer wasting time and money designing a project that
151 exceeds the allowed density, mass and scale, it eliminates the need for the
152 Town staff, DRB and the public to waste time and resources reviewing a project
153 that exceeds the allowed density, mass and scale, and it eliminates a whole lot
154 of stress and uncertainty for everyone involved. Unfortunately, with the current
155 application it appears three problems exist because a five-step process is not
156 currently being followed:

157
158 3.1.3.1 The developer appears to have spent considerable time and
159 money developing a plan for 58 units for which it is not clear as to
160 whether or not it exceeds acceptable density, mass and scale.

161
162 3.1.3.2 The public may be being forced to waste time, resources and
163 money reviewing a project that appears to exceed acceptable density,
164 mass and scale.

165
166 3.1.3.3 Town staff and DRB may be reviewing a project that exceeds the
167 acceptable density, mass and scale.

168
169 3.2 Stage two is set forth in Section 17.4.12.D.1.b which states:

170
171 *b. Step 2, **Sketch SPUD**. The sketch SPUD is processed as a [1-step] class 3*
172 *application.*

173 *i. The purpose of the sketch SPUD is for the applicant to present its*
174 *development application to the DRB with Design Review Process plans*
175 *that are **designed/engineered solutions to the issues and concerns***
176 ***identified during the conceptual SPUD stage and to address the criteria***
177 ***for decision**.*

178
179 *ii. **Sketch SPUD approval authorizes the applicant to submit a final PUD***
180 ***application**.*

181
182 *iii. Sketch SPUD approval shall be effective for a period of twelve (12)*
183 *months from the date of approval, unless the DRB, upon request of the*
184 *applicant, grants an extension of the approval.*

185
186 The key aspects of sketch stage two are the following:

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3.2.1 Based on the clear direction that would be given in the stage one conceptual approval, the developer is able to devote its time and money designing a project that complies with the density, mass and scale parameters identified in stage one.

3.2.2 Because the developer has received clear direction in stage one, the code requires the developer to provide “*designed/engineered solutions to the issues and concerns identified during the conceptual SPUD stage and to address the criteria for decision.*” This requirement is logical, fair and necessary. It is logical and fair because the developer has clear guidance and will be spending its time and money designing a project that is within the parameters set by the Council. It is necessary for two reasons, (i) it is in everyone’s best interest to identify and ensure acceptable solutions exist as early in the process as possible and (ii) ensure an open, thorough and transparent process. Unfortunately, because this process is not being followed neither the “*issues and concerns*” nor the “*designed/engineered solutions*” have been identified, clearly contrary to everyone’s best interest.

3.2.3 Because it prevents the applicant from going on to stage three, final plan, before it receives stage two sketch plan approval, it eliminates the possibility of developer wasting time and money in the third step design phase for a project that cannot solve issues identified at the conceptual step and it ensures the public that only viable projects are allowed to proceed. Unfortunately, because this process is not being followed it appears the developer may have wasted time and money in the preparation of the current application and the public is at risk that critical “*concerns and issues*” may not be capable of being solved (e.g. the dangers associated with the Country Club Dr. roadway).

3.3 Stage three is set forth in Sections 17.4.12.D.1.c, e and f which state:

*c. Step 3, **Final SPUD.** The final SPUD is processed as a [2-step] class 4 application.*

*i. **The purpose** of the final SPUD **is** for the applicant **to address** to the DRB and Town Council, **in a detailed manner, all issues and concerns raised during the sketch PUD stage** and to present the Final SPUD plans and associated documents for consideration.*

*(a) **The DRB shall focus its review and comments on design-related issues pursuant to the Design Regulations.***

*(b) **The Town Council shall consider all issues associated with the SPUD, such as mass and scale, public benefits, density, and general conformance with the Comprehensive Plan.***

232 ii. Final SPUD approval shall include approval of an ordinance rezoning
233 the property to a SPUD and approving the SPUD development
234 agreement.

235
236 iii. Final SPUD approval shall remain in effect for three (3) years
237 following the date of the Town Council ordinance approving the PUD,
238 unless the time frame is extended by Town Council. The Town Council
239 may approve a longer vesting period for a final SPUD based on unique
240 circumstances or development objectives.

241
242 e. Rezoning. A SPUD application shall concurrently request to rezone to the PUD
243 Zone District.

244
245 f. Final SPUD Development Agreement.

246 i. **The final SPUD development application shall be accompanied by a**
247 **proposed development agreement** for consideration by Town Council.

248 The SPUD development agreement shall include:

- 249 (a) Proposed, permitted and accessory uses;
- 250 (b) Density and zoning designations;
- 251 (c) Maximum and average building heights;
- 252 (d) Floor area;
- 253 (e) Permitted variations to the CDC;
- 254 (f) Massing as reflected in associated design review plans;
- 255 (g) Required hotbed mix (if any per the Comprehensive Plan);
- 256 (h) Maximum building height and floor area;
- 257 (i) Any project phasing; and,
- 258 (g) A list of community benefits for the entire SPUD agreement,
259 which specifies which dedications, conditions, contributions etc.
260 are to be made and the triggers of such benefits in connection
261 with any phasing of the project. The development agreement
262 must specify the individual trigger for the required conveyance
263 or payment of the listed community benefit. The final SPUD
264 development agreement shall also address providing the needed
265 requirements for security and completion and warranty of
266 improvements as for any development.”

267
268 The key aspects of the final stage are the following:

269
270 3.3.1 By this point in the process all the concerns and issues, and corresponding
271 solutions, have been identified and so the purpose of stage three is to ensure
272 what has been agreed to has in fact been implemented. Great detail is expected
273 and, in fact, required at this final step because if an issue is identified after final
274 approval is granted, then there may be no recourse to require the developer to
275 correct it. Unfortunately, because this process is not being followed there is no
276 way to ensure that what has been agreed to has been implemented because
277 neither the “concerns and issues” nor the corresponding “designed/engineered
278 solutions” have been identified.

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325

3.3.2 Once again, stage three, final plan, clearly defines the items that DRB must focus on (i.e. “*design-related issues pursuant to the Design Regulations*”) and the items Council must focus on (i.e. “*such as mass and scale, public benefits, density, and general conformance with the Comprehensive Plan*”) and thereby avoid duplication and conflicting results.

3.3.3 Stage three, final plan, requires a “*SPUD application shall concurrently request to rezone to the PUD Zone District*”. This is necessary to avoid any confusion as to what is the underlying zoning of the property, confusion that currently exists on this property.

3.3.4 “*The final SPUD development application shall be accompanied by a proposed development agreement*”. A development agreement is one of the **cornerstone components** of any PUD approval, without it there simply can be no approval because of the numerous critical issues that it must address. Unfortunately, with the current application two problems exist because the five-step process is not currently being followed:

3.3.4.1 A development agreement exists for the current Rosewood PUD that is being amended by the application, a cursory reading of the Rosewood agreement immediately shows that it is totally inapplicable and must be replaced in its entirety.

3.3.4.2 Although the current application ostensibly has the goal of receiving final approval at the November 21, 2019 Council meeting (nothing in the application indicates a different goal), it fails to include a draft development agreement. It is difficult to conceive how Council can even begin to consider approving this application in the absence of such a cornerstone component of any PUD; and the public is left totally in the dark.

4. Now that we have identified a sound process, let us review the inadequate process that currently controls PUD amendments. As noted above, the PUD amendment process is set forth in Section 17.4.12.O.b. which states:

*“17.4.12.O.b. Major Amendments. **Major PUD amendment** development applications shall be processed as **class 4 development** applications.”*

A “*class 4 development application*” is defined as follows:

“17.4.2 OVERVIEW OF DEVELOPMENT REVIEW PROCESSES

A. There are five (5) development review processes that are used for evaluating land use development applications governed by the CDC:

*4. **Class 4 application: DRB-Town Council development application review process; and**”*

326 A class 4 application is a simple two-step process, first DRB reviews the application and makes a
327 recommendation to Council and second Council makes the final decision. Unfortunately, this
328 process is totally silent as to what is the scope of DRB's review and recommendation.

329
330 It is important to note that stage one conceptual approval and stage three final approval of the
331 PUD process are both, in and of themselves, class 4 processes. Unfortunately, for the reasons
332 identified in paragraph 3 above, subjecting this PUD amendment application to only a two-step
333 class 4 process results in an inadequate process fraught with problems that do harm and a
334 disservice to everyone involved, rather than the sound and logical three step conceptual, sketch
335 and final Section 17.4.12.D process.

336
337 5. At this point we have identified both the inadequate two-step process and a sound five-step process
338 which, if implemented, will resolve the inadequacy. So, the question now appears to be whether the
339 Council has the ability to require the five-step process, or a reasonable facsimile of it, to be followed?
340 Fortunately, thanks again to the CDC drafters, the answer appears to be a resounding "yes" and the
341 basis for this "yes" answer can be found in the following sections of the CDC.

342
343 5.1 Sections 17.4.2.K.3.c.i and ii state:

344
345 *"c. Continuance.*

346 *i. The public hearing may identify additional issues that relate to applicable*
347 *requirements or criteria for decisions set forth in this CDC, and the*
348 *applicant may be required by the review authority to address such new*
349 *issues prior to taking formal action on a development application. Where*
350 *development application revisions are required by the review authority,*
351 *the review authority shall determine, at its public hearing or meeting, the*
352 *timeline for submitting such revisions or new information to the Planning*
353 *Division and continue the public hearing or meeting to a date certain,*
354 *which will allow sufficient time for proper analysis and preparation of a*
355 *supplemental staff report by the Planning Division.*

356
357 *ii. If a hearing is continued, the applicant shall submit, at least 14 calendars*
358 *days prior to the continued hearing (unless otherwise specified by the*
359 *review authority provided there is enough time to review the revised*
360 *plans and prepare a staff report), any additional required submittal*
361 *documents or new information to address the review authority's concerns*
362 *per the applicable requirements and criteria for decision set forth in this*
363 *CDC. Failure to address such requirements in the required timeframe*
364 *shall result in a further continuance of the application." (Emphasis added)*

365
366 Section 17.4.4.J. states:

367
368 *"17.4.4.J. Submittal Requirements*

369 *1. The Planning Division shall publish submittal requirements for each type of*
370 *development review process as provided for by this CDC. Submittal requirements shall be*
371 *based on the requirements of this CDC and criteria for decision.*

373 a. The Planning Division may amend the submittal requirements from time to
374 time by publishing new submittal requirements.
375

376 2. Situations will occur when all of the listed submittal requirements will not be needed
377 and **situations when items not listed as submittal requirements will be needed in order**
378 **for the Town to have sufficient information to fully evaluate the impacts of a**
379 **development application. The Planning Division is therefore authorized to determine,**
380 **based on the nature of a development application, whether to** waive submittal
381 requirements or **require additional submittal requirements that are not addressed in**
382 **the published submittal requirements.**
383

384 5.2 So now the question becomes how do these provisions of the CDC sections cited in
385 paragraph 5.1 give the Council the authority to require the developer to follow a process
386 virtually identical to the five-step conceptual/sketch/final PUD approval process set forth in
387 Section 17.4.12.D? Please allow us to explain.
388

389 5.2.1 Section 17.4.2.K.3.c.i provides that the **“public hearing may identify additional**
390 **issues that relate to applicable requirements or criteria for decisions set forth in this**
391 **CDC, and the applicant may be required by the review authority to address such new**
392 **issues prior to taking formal action on a development application.**” As noted in the
393 cover email that delivered this memorandum to you, we have requested that this
394 Exhibit NTC-2 and Exhibits NCT-1, NCT-3 and NCT-4 be included in the record for the
395 November 21, 2019 hearing. Consequently, with these four exhibits plus all the other
396 written input and in-person comments you will receive from other members of the
397 public in the record, it appears that **“additional issues”** have been or will be identified
398 **“that relate to applicable requirements or criteria for decisions”** such that **“the applicant**
399 **may be required by the [Council] to address such new issues prior to taking formal**
400 **action”**. The Council’s ability to require additional information is buttressed by the
401 provisions of Section 17.4.4.J.2 noted above.
402

403 5.2.2 With the need for and the ability to require additional information established,
404 Section 17.4.2.K.3.c.i authorizes the Council to **“determine, at its public hearing or**
405 **meeting, the timeline for submitting such revisions or new information to the Planning**
406 **Division and continue the public hearing or meeting to a date certain”**. Pursuant to this
407 provision it appears quite clear that Council can impose and require the developer to
408 follow a process identical to the five-step conceptual/sketch/final PUD approval process
409 set forth in Section 17.4.12.D.
410

411 **CONCLUSION**

412
413 Well, there you have it, an inadequate two-step process and a solution that provides a sound
414 five-step process to overcome the inadequacy. At the July 18, 2019 Council meeting the Council
415 members were unanimous in stating their intention to maintain maximum Town control over
416 this PUD amendment application (why would the Council choose any other process that gives
417 them less control) because it will result in the most transparent process and the greatest level of
418 project detail and, consequently, the greatest level of project certainty. It appears one can only
419 conclude that following a five-step Section 17.4.12.D-type process is in the best interest of the

420 Mountain Village community in general, the Country Club Drive neighborhood in particular and,
421 at the end of the day, it is in the best interest of the developer of Lots 126R and 152R.

422

423 As the saying, "if there is a will then there is a way." Through a five-step Section 17.4.12.D-type process
424 the Council has been given the keys to the bus, the only question is whether the Council will use the
425 keys to take control of the steering wheel and drive the bus? Once again, an anxious and very
426 concerned group of citizens are watching and waiting to see if their Town Council will provide the
427 leadership they hope for from their elected officials; knowing the persons on the Council we are
428 confident the Council will provide that leadership.

429

430 END OF MEMORANDUM

1 To: Town Council
2 Town of Mountain Village
3 Via email
4 Cc: Michelle Haynes (MHaynes@mtnvillage.org), John Miller (JohnMiller@mtnvillage.org) and
5 Jim Mahoney (jmahoney@jdreedlaw.com)
6 From: John Horn, Doug Hynden, James McMorrان, Casey Rosen and Sandy Lange
7 Date: November 14, 2019
8 Re: Lots 126R and 152R
9 - Substantive Review Criteria

10
11 **SUMMARY**

12
13 Section 17.4.12.O.3 states that “**The criteria for decision for a PUD amendment are the same as for the**
14 **creation of a PUD**”, and those criteria are numerous. In the July 30, 2019 KOTO radio show, Off The
15 Record, Councilperson Caton advised the citizens of this community that “*it’s important that we*
16 *encourage everyone to make their views known, and make sure it’s not just an emotional issue.*” In this
17 memorandum, together with Exhibit NTC-4, we have taken Councilperson Caton’s sound advice to heart
18 and are making our views known to Council regarding what we hope is an unemotional assessment of
19 how the criteria for decision apply to the current application.

20
21 Whether knowingly or not, the developer bought into the existing Rosewood PUD Plan’s substantive and
22 procedural provisions when it purchased Lots 126R and 152R. The existing PUD Plan cuts two ways, on
23 the one hand it assures the developer it has the right to develop the lots pursuant to the Rosewood PUD
24 Plan, but on the other hand the developer’s only “by-right use” is the full-blown 164 unit Rosewood PUD
25 Plan, not 163 units, not 100 units, not 55 units, not even 1 unit. If the developer wishes to develop a
26 new project that is different from the current Rosewood PUD Plan, then it has the burden of showing
27 that the new project complies with all the CDC criteria for a new PUD.

28
29 And so, after you finish reading this memorandum, we feel it is likely to be apparent that the current
30 proposal fails, dramatically, to comply with the criteria in the Community Development Code (“CDC”),
31 and the root cause of the failure is that the proposal is too large in terms of density, mass and scale.
32 Nearly every problem with the proposal, including but not limited to issues such as impacts on wetlands,
33 lack of affordable housing, adding to a dangerous road situation and incompatibility with the adjacent
34 single-family neighborhood all stem from the same root cause, the proposal is simply too big.

35
36 When you boil the substantive and political issues down to their most basic, basic level, the controlling
37 issue is pretty simple, Council must balance the health, safety, welfare and quality of life of all members
38 of the Mountain Village community against the level of profit the developer of the property may
39 achieve. Harsh? Yes, but it is just that simple. The Town must be fair to the developer, because if it isn’t
40 fair then it will have a chilling effect on future investment in the Town. But the need to be fair must be
41 balanced against what is in the long-term best interest of the entire Mountain Village community. The
42 Town does not have a responsibility to ensure the developer maximizes its profit, the Fifth Amendment
43 to the United States Constitution requires only that the Town allows the developer a **reasonable use** of
44 its property. Based on the analysis set forth in this memorandum, it appears the long-term best interest
45 of the Mountain Village community requires this proposal to be dramatically reduced in terms of
46 density, mass and scale. Yes, on a relative scale, the developer’s profit will be reduced, but, on an

47 absolute scale (which is the only scale that matters) it will nevertheless be a sizable and Constitutionally
48 acceptable “reasonable” level.

49
50 While (i) what the families in the neighborhood knew or did not know when they purchased their
51 property and (ii) what zoning and density existed in 1984, or exists today on November 21, 2019, **may**
52 **help to provide context, both are essentially TOTALLY IRRELEVANT**, red herrings, **when it comes to**
53 **determining whether the current application complies with the criteria in the 2019 CDC**. The reason it
54 is totally irrelevant is that, as you will see further on in this memorandum, what a neighbor knew when
55 they purchased their property or what Lots 126R and 152R historical zoning and density were are not
56 relevant to determining whether the application complies with the 2019 CDC substantive criteria that
57 control the Council’s decision. If you are made aware of a provision in the CDC that refers to a
58 neighbor’s knowledge or the properties’ zoning history, then please let us know because we looked and
59 have yet to find anything.

60
61 The citizens of this community did not make the rules (i.e. the CDC and Comp Plan), previous Councils
62 did, but the citizens have to live by the rules, and so do the developer of Lots 126R and 152R and Town
63 Council. Previous Councils have made a “whole lotta rules” (i.e. criteria) that control this application and
64 so this is going to take a while, please bear with us and read on, we think you may find it quite
65 informative.

66
67 **DISCUSSION**

68
69 1. Regardless of whatever process the Town Council chooses to follow, the **substantive** review criteria
70 are controlled by the same sections of the CDC. The starting point for identifying the applicable
71 substantive review criteria is set forth in Section 17.4.12.O.3 which states:

72
73 *“O.3 Criteria for Decision. **The criteria for decision for a PUD amendment are the same as for***
74 ***the creation of a PUD.**”*

75
76 So far so good, but what are the criteria for decision “for the creation of a PUD”? For the answer to this
77 question we must look the following subsections of Section 17.4.12 of the CDC.

78
79 *“B. Overview of the PUD Process*

- 80 *1. A PUD may be created in either of two ways: the Site-specific PUD Process (“SPUD”)*
81 *or the Master PUD Process (“MPUD”).*
82 *a. The SPUD **results** in approval of rezoning to a PUD district and a **detailed set***
83 ***of design plans, a PUD development agreement, a subdivision (if needed), a***
84 ***density transfer (if needed), a site-specific development plan and a vested***
85 ***property right.***

86
87 *E. Criteria for Decision*

88 *The **following criteria shall be met** for the review authority **to approve a rezoning to the PUD***
89 ***Zone District**, along with the associated PUD development agreement:*

- 90 *1. The proposed **PUD is in general conformity with the** policies, principles and standards*
91 *set forth in the **Comprehensive Plan**;*
92 *2. The proposed PUD is consistent with the underlying zone district and zoning*
93 *designations on the site or to be applied to the site unless the PUD is proposing a*

- 94 variation to such standards;
- 95 3. The development proposed for the PUD represents a creative approach to the
- 96 development, use of land and related facilities to produce a better development than
- 97 would otherwise be possible and will provide amenities for residents of the PUD and the
- 98 public in general;
- 99 4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
- 100 5. The PUD meets the PUD general standards;
- 101 6. The PUD provides adequate community benefits;
- 102 7. Adequate public facilities and services are or will be available to serve the intended
- 103 land uses;
- 104 8. The proposed **PUD shall not create vehicular or pedestrian circulation hazards** or
- 105 cause parking, trash or service **delivery congestion**; and
- 106 9. The proposed PUD meets all applicable Town regulations and standards unless a PUD
- 107 is proposing a variation to such standards.
- 108

109 G. PUD Community Benefits

- 110 1. **One or more of the following community benefits shall be provided** in determining
- 111 whether any of the CDC requirements should be varied or if the rezoning to the PUD
- 112 Zone District and concurrent (for SPUD) or subsequent (for MPUD) rezoning,
- 113 subdivision, or density transfer request should be granted for a PUD:
- 114 a. Development of, or a contribution to, the development of public benefits or
- 115 public improvements, or the attainment of principles, policies or actions
- 116 envisioned in the Comprehensive Plan (unless prohibited under number 2 below),
- 117 such as benefits identified in the public benefit table.
- 118 2. The provision of hotbeds, commercial area, **workforce housing** or the attainment of
- 119 other subarea plan principles, policies and actions on development parcels identified in a
- 120 subarea plan development table **shall not be considered community benefits** as
- 121 required by this section, **and are instead required in order to achieve general**
- 122 **conformance with the Comprehensive Plan.**
- 123

124 H. Comprehensive Plan Project Standards

125 **Each final SPUD** or MPUD plan **shall** include specific criteria and requirements to **satisfy the**

126 **following Comprehensive Plan project standards:**

- 127 1. **Visual impacts** shall be minimized and mitigated to the extent practical, while also
- 128 providing the targeted density identified in each subarea plan development table. It is
- 129 understood that visual impacts will occur with development.
- 130 2. **Appropriate scale and mass** that fits the site(s) under review shall be provided.
- 131 3. **Environmental** and geotechnical **impacts** shall be avoided, minimized and mitigated,
- 132 to the extent practical, consistent with the Comprehensive Plan, while also providing the
- 133 target density identified in each subarea plan development table.
- 134 4. Site-specific issues such as, but not limited to the location of trash facilities, grease
- 135 trap cleanouts, restaurant vents and access points shall be addressed to the satisfaction
- 136 of the Town.
- 137 5. The skier experience shall not be adversely affected, and any ski run width reductions
- 138 or grade changes shall be within industry standards.
- 139

140 I. General Standards

141 1. Authority to Initiate. A development application for a PUD may be filed only by the
142 owner(s) of fee title to all land to be included within such PUD or other person holding
143 written consent thereto from the owner(s) of all land to be included in such PUD, or any
144 combination thereof. No PUD may be approved without the written consent of the
145 landowner(s) whose property is included in the PUD.

146
147 2. Eligible Property.

148 a. **SPUD.** A development application for a SPUD may be made for a single parcel
149 of land or **contiguous parcels of land controlled by a single landowner** or by a
150 group of landowners to be developed as a unified plan pursuant to the PUD
151 Regulations.

152
153 3. Minimum PUD Size. There is **no minimum land area** or property size to be included in
154 a SPUD or MPUD application.

155
156 4. Minimum Density.

157 a. SPUD. The **minimum density** to be included in a SPUD is **ten (10) dwelling**
158 **units**. Commercial, public and other non-residential projects may also be
159 proposed as part of an SPUD.

160
161 5. Rezoning Ordinance Required. Any PUD application **shall be required to request**
162 **rezoning to the PUD Zone District** as a part of the PUD Process. The PUD development
163 review process is a Rezoning Process, and a concurrent rezoning development
164 application shall not be required. Because a PUD results in a rezoning to the PUD Zone
165 District, any PUD approval shall be by ordinance.

166 a. All ordinances for rezonings that change the zone district to PUD shall be
167 accompanied by a map that shows the new zoning and the boundaries of such
168 district.

169 b. **A PUD development agreement** shall not become effective or be recorded
170 until thirty (30) days after the date of the ordinance approving the same.

171
172 6. **Prior-Approved PUDs.**

173 a. PUDs approved prior to the effective date of the CDC are valid and
174 enforceable under the terms and conditions of the approved development
175 agreements. **Modifications to such PUDs may be proposed pursuant to the PUD**
176 **amendment process.**

177 b. A developer of a PUD approved prior to the effective date of the CDC may
178 propose to create a new PUD pursuant to the PUD Regulations following the
179 process and requirements set forth herein.

180
181 7. Density Transfer. An increase in density shall require the transfer of density to the
182 property from the density bank or other lot(s) within the town boundaries, except for the
183 creation of additional workforce housing, subject to the workforce housing restriction.

184 a. For SPUD, a separate density transfer development application is not required.

185 c. All density transfer requests shall conform to the Density Limitation and the
186 CDC.
187

188 8. *Landscaping and Buffering.* The landscaping and public spaces proposed for the PUD
189 shall provide buffering of uses from one another to minimize adverse impacts and shall
190 create attractive public spaces consistent with the character of the surrounding
191 environment, neighborhood and area.

192
193 9. *Infrastructure.* The **development proposed for the PUD shall include sufficient**
194 **infrastructure**, including but not limited to **vehicular and pedestrian access**, mass transit
195 connections, parking, **traffic circulation**, fire access, water, sewer and other utilities.

196 10. *Phasing.* Each phase (if any) of the development proposed for the PUD shall be self-
197 sufficient and not dependent upon later phases. Phases shall be structured so that the
198 failure to develop subsequent phases shall not have any adverse impacts on the PUD, the
199 surrounding environment, neighborhood and area.

200
201 *K. Guarantee of Public Improvements*

202 A PUD developer shall be responsible for the construction of all infrastructure, public facilities
203 and improvements that are necessary for the development of the PUD or that are required as a
204 condition of approval of the PUD or by the CDC. The developer shall also be responsible for
205 **entering into an improvements agreement** for the construction of public improvements in a
206 form and amount satisfactory to the Town. The guarantee of public improvements shall be
207 contained in the PUD development agreement and be in general conformance with the public
208 improvements policy set forth in the Subdivision Regulations.”

209
210 Now that we have identified the criteria “for the creation of a PUD”, in the following paragraphs we will
211 attempt to apply the criteria to the current application by going through each criterion, one-by-one. As
212 noted in our cover email, please be assured that we would rather be doing just about anything other
213 than writing these memorandums, but because the decisions you, the Town Council, will be making on
214 this application will impact the daily lives of our families and every member of the Mountain Village
215 community for the rest of their lives, some families (i.e. the families of the Country Club Dr.
216 neighborhood) dramatically more than others, these efforts are crucial. This is a **VERY, VERY BIG DEAL!**

217
218 As mentioned earlier, when you boil the substantive issues down to their most basic, basic level, the
219 controlling issue is pretty simple, Council must balance the health, safety, welfare and quality of life of
220 all members of the Mountain Village community against the level of profit the developer of the property
221 may achieve; yes it is just that simple. The Town does not have a responsibility to ensure the developer
222 maximizes its profit, the Fifth Amendment to the United States Constitution requires only that the Town
223 allows the developer a reasonable use of its property and, by extension, a reasonable profit. By the
224 developer’s own calculations, it anticipates making between \$200 and \$475 per saleable square foot.
225 The current application appears to contain 140,070 saleable square feet which translates to between
226 \$28,014,000 and \$66,533,250 of profit, not bad. But at what cost to the Mountain Village community?
227 The developer will sell out the project over a few years and then, in all likelihood, will be long gone, but
228 the members of our entire community will live with any negative impacts from the development for the
229 rest of their lives, and for generations to come. It is imperative that the Council ensures its substantive
230 decisions do not result in long-term negative impacts to the community and when balancing the
231 interests of the community against the potentially enormous profits to the developer, the Council must
232 err on the side of protecting the interests of the community.

234 At the July 18, 2019 Council meeting the developer's consultant was quick to point out that Lot 126 was
235 zoned for a hotel since the beginning of the Mountain Village when the first plat was recorded in 1984.
236 Based on this fact the consultant implicitly asserted two things, (i) all the relevant planning issues were
237 identified, addressed and adequately resolved in 1984 and subsequent approvals and (ii) because the
238 planning issues were adequately resolved in 1984 the project does not need to address those issues
239 today, 35 years later. However, this is 2019 and the simple reality is that while what zoning and density
240 existed in 1984, or exists today on November 21, 2019, helps to provide context, they do not vest any
241 rights in the developer and are essentially TOTALLY IRRELEVANT, a red herring, when it comes to
242 determining whether the current application complies with the criteria in the 2019 CDC and Comp Plan.
243 The reason it is totally relevant is that, as you will see further on in this memorandum, the lots' past or
244 current zoning and density are not relevant to any of the substantive criteria that control the Council's
245 decision. It could be argued the developer's reference to the lots' past or current zoning and density
246 appears to be a backdoor effort to justify the high density, mass and scale (i.e. maximize its' profit); but
247 as we know the United States Constitution requires only that the Town allow the developer a
248 reasonable use of its property (and a reasonable profit).

249
250 For anyone who has lingering questions about the irrelevance of the lots' past or current zoning and
251 density, they should ask the developer to show them the analysis that occurred in prior years and prove
252 that it was thorough, sound and addresses all the 2019 criteria set forth in the CDC and Comp Plan. The
253 reality is that an analysis addressing the 2019 criteria was never done and so it would seem to be an
254 error for the Council to assume all the relevant planning issues were identified, addressed and
255 adequately resolved in the prior years and, therefore, the project does not need to address those issues
256 today.

257
258 It is not the duty of either Town government or its concerned citizens to prove that adequate analysis
259 was **not** performed throughout the history of these lots. Instead, as the proponent, the developer bears
260 the burden of proving compliance with all current 2019 criteria. Because the developer is implicitly
261 asserting current 2019 criteria have somehow been adequately addressed in past historical analysis, the
262 developer must clearly produce proof of that analysis; lacking such proof the developer must start all
263 over from scratch, zip, zero. Two wrongs do not make a right, today in 2019 do not fail to do the
264 analysis that was not done in 1984 and subsequent years.

265
266 Whether knowingly or not, the developer bought into the PUD Plan's substantive and procedural
267 provisions when it purchased Lots 126R and 152R. The PUD Plan cuts two ways, on the one hand it
268 assures the developer it has the right to develop the lots pursuant to the PUD Plan, but on the other
269 hand the developer's only "by-right use" is the full-blown 164 unit PUD Plan, not 163 units, not 100
270 units, not 55 units, not even 1 unit. The CDC that imposes this land use regime on the lots was adopted
271 in 2013, the developer recorded its acquisition deed on July 30, 2018 and so based on constructive
272 notice the developer is deemed to have had a full and complete understanding of the effects of the
273 Town's land use regime on its property when it acquired it in July, 2018. When a developer buys a
274 development property it does so with the intent of making a substantial profit, but in doing so the
275 developer knows that with the potential for great profit comes a corresponding potential for great risk.
276 When this developer purchased this property, it did so with all the risks inherent in the Rosewood PUD
277 Plan and the CDC's PUD processes.

278
279 Also, it has been asserted (with words to the effect) "a hotel has been planned on Lot 126 since the
280 beginning of the Mountain Village and so the families who make up the single-family neighborhood that

281 surrounds Lots 126R and 152R knew a high density project was planned for Lots 126R and 152R and,
282 therefore, it is not fair for them to oppose a high density project on these lots”. Similar to historical
283 zoning, the simple reality is that while what the families in the neighborhood knew or did not know
284 when they purchased their property may help to provide context, although even that is questionable,
285 what they knew is essentially TOTALLY IRRELEVANT, a red herring, when it comes to determining
286 whether the current application complies with the criteria in the 2019 CDC and Comp Plan. The reason it
287 is totally relevant is that, as you will see further on in this memorandum, what a neighbor knew when
288 they purchased their property is not relevant to any of the 2019 substantive criteria that control the
289 Council’s decision. Similar to above, it could be argued the developer’s reference to the neighbors’
290 knowledge appears to be a backdoor effort to justify the high density, mass and scale (i.e. maximize its’
291 profit).

292
293 The duty of local government (i.e. including both San Miguel County and the Town of Mountain Village)
294 was and is to promote and protect the health, safety and general welfare of its citizens. A careful review
295 of the history of the zoning, platting and density allocations for Lots 126R and 152R will show that
296 neither the County nor the Town have addressed the 2019 criteria set forth in the Town’s current CDC,
297 they couldn’t because they did not exist! The families on Country Club Drive do not make the rules (i.e.
298 the CDC and Comp Plan), but they have to live by the rules and criteria of the CDC, and so do the
299 developer of Lots 126R and 152R and Town Council. Regardless of whatever zoning and density may
300 have existed on Lots 126R and 152R when each family invested their hearts, souls and financial
301 resources in their home on Country Club Drive, the fact is that the substantive criteria in the CDC and
302 Comp Plan require the developer of the lots to either develop the lots in precise conformity with the
303 existing Rosewood PUD Plan or start all over from scratch, zip, zero. The real-world effect of the 2019
304 criteria is that they render moot and totally irrelevant whatever (i) Lots 126R and 152R’s zoning history
305 and (ii) the zoning and density that may have existed on Lots 126R and 152R when each family invested
306 hearts, souls and finances in Country Club Drive.

307
308 With that background we will now proceed with the exhaustive (some will say painfully exhausting)
309 review of the applicable substantive criteria that this project must comply with.

310
311 2. Section 17.12.4.E.1 states:

312
313 *“1. The proposed PUD is in **general conformity** with the policies, principles and standards set*
314 *forth in the **Comprehensive Plan**.”*

315
316 Yikes, talk about starting with a tough criterion! Nineteen little words that trigger the analysis of what is
317 likely the most critical factor in the review of the application. In fact, we believe the Comp Plan analysis
318 is so critical that it makes most sense to dedicate an entirely separate memorandum to address this
319 criterion, and so we ask you to please review Exhibit NTC-4 regarding Conformity With The
320 Comprehensive Plan to address this criterion.

321
322 3. Section 17.12.4.E.2 states:

323
324 *“2. The proposed PUD is consistent with the underlying zone district and zoning designations on*
325 *the site or to be applied to the site unless the PUD is proposing a variation to such standards;”*
326

327 Currently the underlying zoning on the lots is Multi-family Zone District. The Multi-Family Zone District
328 allows for as few as two units (possibly even one unit) up to the 164 units currently on the lots and even
329 beyond. Consequently, the Multi-family Zone District allows for the 58 units in the application, just as it
330 allows for 8 to 12 Detached Single-family Condominiums which would be compatible with the 1.78
331 residences per one-acre density of the neighborhood.

332
333 4. Section 17.12.4.E.3 states:

334
335 *“3. The development proposed for the PUD represents a creative approach to the development,*
336 *use of land and related facilities to produce a better development than would otherwise be*
337 *possible and will provide amenities for residents of the PUD and the public in general;”*

338
339 Huh? Talk about a nebulous criterion, what in the world does this mean? This criterion is going to be a
340 stretch to meet for a developer who is attempting to build so many condominiums. Attempting to
341 squeeze as many condominiums units as possible on the property does not appear to represent *“a*
342 *creative approach to the development”*. To the contrary, a design that (i) presents a jammed in
343 appearance relative to the openness of the surrounding golf course and single-family homes, (ii) pushes
344 the buildings as close to the lot lines as possible, creating a 48’ tall corridor-effect along hole 1 and a 30-
345 35’ tall corridor-effect along Country Club Dr. (just look closely at the developer’s drawings) (iii) presses
346 up against the wetlands, (iv) is likely to choke off the subsurface wetland water source and (v) is totally
347 out of character with the single-family lots that surround it, appears to be anything but creative in a
348 manner that will *“produce a better development than would otherwise be possible”*. On the other hand,
349 if maximizing profit is the goal, then perhaps this is a very *“creative approach”*.

350
351 Regarding *“amenities for residents of the PUD and the public in general”*, consider the following:

352
353 4.1 Regarding *“amenities for residents of the PUD”*, the developer’s narrative states:

354
355 *“The North Site is planned for 36 condominium units and an amenity building that*
356 *includes a lobby with concierge, small spa and gym and an outdoor pool area.”*

357
358 But the narrative also states:

359
360 *“The Owner has no immediate plans to develop the North Site.”*

361
362 There is nothing in the application that assures the amenities will ever be built, nothing; in the
363 future the current developer or a subsequent landowner could come in with a whole new
364 development plan for Lot 126 that eliminates these amenities. Furthermore, if this project
365 experiences the level of success that most condominium development projects have
366 experienced in Mountain Village (i.e. foreclose and/or bankruptcy), then one must question the
367 likelihood that these amenities will ever be built unless the Town requires a cash bond to ensure
368 their construction.

369
370 4.2 Regarding amenities for *“the public in general”*, the developer’s narrative states:

371
372 *“The La Montagne Project provides for an integrated trails and sidewalk plan with a new*
373 *Village Center Trail connecting the Big Billies Trail to the Village Center with a sidewalk*

374 along Country Club Drive all the way to the Mountain Village Boulevard crosswalk to the
375 Village Center east of The Peaks. Trail connectivity will be provided to Boomerang Trail,
376 Jurassic Trail and the proposed Stegosaurus Trail. The project will also provide a new
377 alignment of the proposed Stegosaurus Trail onto TSG land that currently trespasses
378 onto Lot 126R provided the Town successfully negotiates an easement for the
379 Stegosaurus Trail with TSG.”
380

381 Hmm, at first glance it sounds pretty good, but upon a closer look it appears that in fact it
382 amounts to very little; let us take a closer look.
383

384 4.2.1 A “new Village Center Trail connecting the Big Billies Trail to the Village Center with
385 **a sidewalk along Country Club Drive** all the way to the Mountain Village Boulevard
386 crosswalk to the Village Center east of The Peaks”. The value of this “amenity” is
387 questionable when you consider the following:
388

389 4.2.1.1 Anyone who has spent any meaningful amount of time on Country Club
390 Dr. knows that because of the wind tunnel effect created by the Boomerang
391 Road saddle, the portion of Country Club Dr. extending from the easterly 35% of
392 Lot 152R to the south end of the putting green by the first tee experiences a
393 tremendous amount of drifting snow. There have been many, many winters in
394 which the plowed snowbanks on the south side of the road stand six to eight
395 feet tall for a good part of the winter. Unfortunately, as shown by these two
396 photo segments from the developer’s narrative, those snowbanks happen to be
397 located in the exact same place as the sidewalk proposed by the developer;
398 consequently, for three to five months of every year it appears the sidewalk will
399 be impassable.
400



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In his October 10, 2019 email to John Miller, the Town’s Public Works Director, Finn Kjome, stated:

*“All road-right-away widths and 16 ft General Easements along the road must remain. **It is expected that the GE will be used for snow storage.** Landscaping should consider this . . . **Sidewalk maintenance responsibility will need to be defined.**”*

Mr. Kjome’s comments appear pretty clear, the area where the developer is proposing to locate the sidewalk is expected to “*be used for snow storage*”. Nothing in the developer’s application addresses “*Sidewalk maintenance responsibility*”. It seems like these issues might be somethings that would be addressed in the missing PUD development agreement.

4.2.1.2 Later on in the narrative the developer states “*Required public improvements include the new sidewalk, uphill bike lane, relocated Stegosaurus Trail, and other road and safety improvements **that will be based on the proportional cost of the La Montagne Project relative to other users**” and even further on the narrative states “**Some of the safety improvements may require an easement from TSG if such cannot be located in the Country Club Right-of-Way and no general easement exists on TSG property.** The project team will be working with the Town to schedule stakeholder meetings on the safety improvements and **modify the plans as needed based on Town, and property owner input.**” Whoa, now that is some mighty fine wiggle-off-the-hook language, let us explain.*

a. As shown in the quote in paragraph 4.2 above, the developer unequivocally claimed the “*La Montagne Project provides for an integrated trails and sidewalk plan*”, but now we see that all the safety improvements are conditioned on reaching a sharing agreement with “*other users*” for payment of a “**proportional cost of**” the safety improvements. Good luck with that, why will the other landowners,

437 with absolutely nothing to gain, agree to pay for improvements needed
438 by this developer; sounds like herding cats. Bottom line, the developer
439 is **not** unconditionally committing to provide and pay for **any** safety
440 improvements.

441
442 b. Even if the developer was willing to unconditionally commit to pay for
443 all the safety improvements, the narrative is crystal clear that sufficient
444 property rights are not currently in the control of the developer to allow
445 for their construction, "**Some of the safety improvements may require**
446 **an easement from TSG if such cannot be located in the Country Club**
447 **Right-of-Way and no general easement exists on TSG property.**" If the
448 rights are not obtained then does that mean the safety improvements
449 will not be provided?

450
451 c. Any sidewalk that is a sufficient distance away from the asphalt road
452 to ensure it is not impassable for 3 to 5 months per year due to snow
453 drifts will have to be located on top of or southwest of the berm next to
454 the golf cart path leading to the first tee. Now, how well will that work
455 for golfers when (i) a steady stream of chatty pedestrians passing close
456 by the first tee and putting green invades the beginning of their golf
457 experience and (ii) the line of evergreen trees that currently buffer
458 them from the road disappear to accommodate the construction of the
459 safety improvements, chances are it will not have a happy ending.

460

461 5. Section 17.12.4.E.4 states:

462
463 *"4. The proposed PUD is consistent with and furthers the PUD purposes and intent;"*
464

465 Of course, this begs the question, what are the "PUD purposes and intent"? Section 17.4.12.A provides
466 us with the answer:

467
468 *"17.4.12 PLANNED UNIT DEVELOPMENT REGULATIONS*

469 *A. Purpose and Intent*
470 *The purpose and intent of the Planned Unit Development ("PUD") Regulations is to:*

- 471 *1. Permit variations from the strict application of certain standards of the CDC in order to*
- 472 *allow for flexibility, creativity and innovation in land use planning and project design;*
- 473 *2. Allow for a creative planning approach to the development and use of land and*
- 474 *related physical facilities to produce a better development;*
- 475 *3. Provide for community benefits;*
- 476 *4. Promote and implement the Comprehensive Plan;*
- 477 *5. Promote more efficient use of land, public facilities and governmental services; and*
- 478 *6. Encourage integrated planning in order to achieve the above purposes."*

479
480 Ok, this looks like a good time to go through these six items. we have to warn you though, things are
481 going to start to get repetitive because the substantive criteria set forth in the CDC are repetitive.

482

483 5.1 “1. Permit variations from the strict application of certain standards of the CDC in order to
484 allow for flexibility, creativity and innovation in land use planning and project design”. In
485 addressing a similarly nebulous issue in paragraph 4 above, we stated that this criterion is going
486 to be a stretch to meet for this developer who is attempting to build as many condominiums as
487 possible. Attempting to squeeze as many condominiums units as possible on the property does
488 not appear to represent “creativity and innovation in land use planning and project design”. To
489 the contrary, this design that (i) presents a jammed in appearance relative to the openness of
490 the surrounding golf course and single-family homes, (ii) pushes the buildings as close to the lot
491 lines as possible, creating a 48’ tall corridor-effect along hole 1 and a 30-35’ tall corridor-effect
492 along Country Club Dr. (just look closely at the developer’s drawings) (iii) presses up against the
493 wetlands, (iv) is likely to choke off the subsurface wetland water source and (v) is totally out of
494 character with the single-family lots that surround it, appears to be anything but creative in a
495 manner that justify “variations from the strict application of certain standards of the CDC”.

496
497 5.2 “2. Allow for a creative planning approach to the development and use of land and related
498 physical facilities to produce a better development”. **REPETITION ALERT**, same as 5.1 above.

499
500 5.3 “3. Provide for community benefits”. **REPETITION ALERT**, same as 4.2, and its subparagraphs,
501 above.

502
503 5.4 “4. Promote and implement the Comprehensive Plan.”, **REPETITION ALERT**, as mentioned in
504 paragraph 2 above, because the Comp Plan analysis is so huge, we have dedicated an entirely
505 separate memorandum to address these criteria, and so we ask you to please review Exhibit
506 NTC-4 regarding Conformity With The Comprehensive Plan.

507
508 5.5. “5. Promote more efficient use of land, public facilities and governmental services”. Huh?
509 Another nebulous criterion, what in the world does this mean? To respond to this criterion the
510 only idea that comes to mind is to comment on the developer’s response to this item contained
511 in its narrative which states:

512
513 **“The PUD Amendment promotes the efficient use of land because it allows for**
514 **the Owner to realize reasonable use of the Property while providing a**
515 **transitional development that fits the site with approximately 11 units per acre.**
516 **The average density for built projects in the Multi-family Zone District is**
517 **approximately 20 units per acre, with the La Montagne Project transitioning**
518 **from high density built and envisioned development to the east. The Owner has**
519 **been paying property taxes on the current Property density as provided for in**
520 **the PUD Agreement, and is willing to significantly downzone the Property via**
521 **the PUD Amendment, rezoning and density transfer processes to provide for an**
522 **efficient and transitional development that still provides for reasonable use of**
523 **the Property. This represents a great planning compromise for the efficient**
524 **development of the Property.”**

525
526 5.5.1 Allow “**for the Owner to realize reasonable use of the Property**”, yes, and as they
527 say, “beauty lies in the eyes of the beholder”. Let us be honest with ourselves on this
528 point, this developer’s goal, the goal of all developers for that matter, is to maximize
529 their profit. There is nothing wrong with maximizing profit on a development, just as

530 long as the quality of life of the community in which it is located is not damaged. Once
531 again, this is the crux of Council’s decision on this application, balancing the level of the
532 developer’s profit against the negative impacts of an oversized development on the
533 Mountain Village community for generations to come. As discussed earlier, by the
534 developer’s own calculations, it anticipates making between \$200 and \$475 per saleable
535 square foot. The current application appears to contain 140,070 saleable square feet
536 which translates to between \$28,014,000 and \$66,533,250 of profit. If the 54-unit
537 project is reduced by 60% to 22 units it still translates into between \$11,205,600 and
538 \$26,613,300, We’d submit that these sort of 8-figure returns is a “reasonable use of the
539 Property”. On page 18 of the Comp Plan it states “Mountain Village is a
540 multigenerational community”, those of us here today have a solemn duty to preserve
541 the quality of life of Mountain Village for generations to come and not sacrifice it for the
542 transitory profit of a developer who is likely to be gone just as soon as the ink dries on
543 the last set of closing documents.

544
545 5.5.2 Developer’s statement that its proposal represents “a transitional development
546 that fits the site with approximately 11 units per acre” reflects some creative (i.e.
547 distorted) math. The density of the single-family Country Club Drive neighborhood that
548 surrounds this property is 1.78 residences per one acre, this density is calculated by
549 totaling up the acreage of the developable lots (i.e. none of the adjacent open space is
550 included in the acreage calculation), and then dividing the total acreage by the number
551 of units allowed on the acreage. The density of the application’s developable Lots 126R
552 and 152R (i.e. not including Tracts OSP-118 and OSP-126) is 12.66 residences per one
553 acre (i.e. $1.47 + 3.11 = 4.58$ acres; 58 units divided by 4.58 acres = 12.66 units/acre); **in**
554 **other words, the density of the proposed project is 7.11 (12.66 divided by 1.78 = 7.11)**
555 **times greater than the density of the existing Country Club Drive single-family**
556 **neighborhood.**

557
558 With 7.11 times more density it would be disingenuous to try to argue the proposed
559 project is “a transitional development that fits” in the existing Country Club Drive single-
560 family neighborhood. To put this in context, think about how your own personal quality
561 of life would be affected if a project 7.11 times bigger than your neighborhood was built
562 on the lot next door to you? At this point you are probably experiencing a sigh of relief
563 as you think “well that will never happen to my family”, unfortunately that is exactly
564 what is happening to the families on Country Club Dr. What would have happened to
565 the level of safety and quality of life of the Meadows neighborhood if the Council had
566 allowed the developer to build the 130-unit project it proposed on Lot 640A instead of
567 TSG’s current 30-unit apartments?

568
569 If a 5-foot tall person weighs 475 pounds (i.e. 164 units) they are dangerously
570 overweight, and if that persons reduces their weight to 200 pounds (i.e. 58 units) on a
571 relative basis they are better off but still dangerously overweight. At 164 units the
572 current Rosewood PUD Plan imperils the health, safety and general welfare of all the
573 citizens of Mountain Village, and while the 58 units in the proposed plan is better on a
574 relative basis, they still imperil the health, safety and general welfare of the citizens of
575 Mountain Village. The Council must be careful to not be lulled into believing that
576 because the project has been reduced from 164 units to 58 units that somehow it is

577 acceptable, because clearly it is not acceptable based on the CDC and Comp Plan criteria
578 the Council must judge this project on.

579
580 Someone may argue that “what constitutes a ‘good transition’ lies in the eyes of the
581 beholder”, however, every conclusion must have a sound factual basis. It is hard to
582 comprehend, impossible some might say, how anyone can conclude that a
583 condominium project with 7.11 times the density of the 7 single-family homes on the
584 east of it and the 24 single-family homesites on the west of it qualifies as a “good
585 transition”. On a relative scale 58 units are clearly better than 164 units, but on an
586 absolute scale (and the absolute scale is the scale by which this proposal must be
587 measured) 58 units and the negative impacts they will wreak on this community are
588 extremely incompatible with the neighborhood and in conflict with the CDC criteria by
589 which this project must be judged. On an absolute scale it appears the density of the
590 project should be reduced to the range of 1.78 residences per one acre in order to be
591 truly compatible with the neighborhood.

592
593 5.5.3 **“The Owner has been paying property taxes on the current Property density”**. We
594 all pay property taxes, it is a cost that goes with the privilege of property ownership.
595 When a developer buys a development property it does so with the intent of making a
596 substantial profit, but in doing so the developer knows that with the potential for great
597 profit comes a corresponding potential for great risk. When this developer purchased
598 this property, it did so with all the risks inherent in property ownership, including the
599 payment of property taxes. Totally irrelevant, another red herring.

600
601 5.5.4 Finally, the developer states it **“is willing to significantly downzone the Property”**.
602 In each of the narratives the developer submitted with its three applications for work
603 sessions, DRB PUD amendment and Council PUD amendment, the developer stated *“The*
604 *Owner bought the Property in 2018 with the goal of revisiting the previously approved*
605 *development plans for the Property (“Rosewood PUD Plan”) and working with the Town,*
606 *while taking into account the input from the neighbors, **to create an entirely new plan***
607 ***for the Property, which effectively replaces and supersedes the Rosewood PUD Plan in***
608 ***its entirety.”** So, let us be clear on this, even before the developer closed on its purchase
609 of the property it knew the Rosewood PUD Plan was both physically and economically
610 unworkable. From the beginning the developer knew it was incurring all the risks that
611 would be associated with changing the property’s density, mass and scale and that a
612 reduced development would have to be designed and approved in conformance with
613 the CDC, the only question was how big would the reduction be? Consequently, let us
614 not be lulled into thinking that the in the course of this process the developer has
615 “found religion” and magnanimously become willing to do anything other than what has
616 been the developer’s intention from the start.*

617
618 5.6 *“6. Encourage integrated planning in order to achieve the above purposes.”* Once again, huh?
619 More nebulous criteria. Just as above, to respond to this criterion the only idea that comes to
620 mind is to comment on the developer’s response to this item contained in its narrative which
621 states:
622

623 “The PUD Amendment provides for integrated planning between the North Site and
624 South Site to ensure safe vehicular and pedestrian access and coordinated utility
625 planning. The La Montagne Project also plans for integrated trails; a new sidewalk along
626 Country Club Drive and other safety improvements. The La Montagne Project provides
627 for an integrated land use plan with a transitional density of 11 units per acre with
628 higher density projects building and planned to the east that range from 14 to over 100
629 units per acre.”

630
631 5.6.1 “The PUD Amendment provides for **integrated planning between the North Site**
632 **and South Site** to ensure safe vehicular and pedestrian access and coordinated utility
633 planning.” Planning the North Site and South Site together makes very good sense.
634 Unfortunately, the developer is only presenting a detailed planning of the South Site
635 which is contrary to the requirements of the Section 17.4.12.B.1.a which states:

636
637 **“B. Overview of the PUD Process**

638 **1. A PUD may be created in either of two ways: the Site-specific PUD**
639 **Process (“SPUD”) or the Master PUD Process (“MPUD”).**

640 **a. The SPUD results in approval of rezoning to a PUD district and**
641 **a detailed set of design plans, a PUD development agreement,**
642 **a subdivision (if needed), a density transfer (if needed), a site-**
643 **specific development plan and a vested property right.”**

644
645 Chapter 17.8, Definitions, defines “site-specific development plan” as follows:

646
647 **“Site-Specific Development Plan: The final approved development application**
648 **plans for a development where (a) a development permit has been issued and**
649 **no further development approvals are required except for a building permit as**
650 **required by the Building Codes; and (b) an applicant has also concurrently**
651 **sought and obtained a vested property right pursuant to the vested property**
652 **rights process as set forth in Chapter 4.”**

653
654 Section 17.4.12.B.1.a is crystal clear that three things are necessary for final approval of
655 a SPUD, **“detailed set of design plans, a PUD development agreement . . . a site-specific**
656 **development plan”**; and the definition of a Site-Specific Development Plan provides
657 similarly crystal clear guidance as to the required level of the **“detailed set of design**
658 **plans”** where it states **“a development permit has been issued and no further**
659 **development approvals are required except for a building permit as required by the**
660 **Building Codes”**. A development permit can only be issued if the design plans have
661 received Final Review approval from the DRB pursuant to Section 17.4.11.C.3.b. So,
662 what does this all mean? It means that **in order to receive final approval of its PUD**
663 **amendment the developer must receive DRB Final Review approval for both the South**
664 **Site and the North Site.** When you step back and think about this it makes all the sense
665 in the world. The PUD is being presented and processed as a single integrated project
666 and, therefore, its **“detailed set of design plans”** should be processed as a single set of
667 plans to ensure they in fact work and, as the developer states, **“ensure safe vehicular**
668 **and pedestrian access and coordinated utility planning.”** Granted this requires that more
669 upfront time and money be expended by the developer, but the CDC requires it and the

670 members of the community deserve the assurance that the project is completely
671 thought through before it is approved. The developer is only seeking DRB Final Review
672 approval for the South Site, it must be required to do the work and submit the “*detailed*
673 *set of design plans*” for both the North Site and the South Site, not only the South Site as
674 currently proposed.

675
676 5.6.2 “*The La Montagne Project also plans for integrated trails; a new sidewalk along*
677 *Country Club Drive and other safety improvements.” **REPETITION ALERT**, same*
678 *problems as 4.2, and its subparagraphs, above.*

679
680 5.6.3 “*The La Montagne Project provides for an integrated land use plan with a*
681 *transitional density of 11 units per acre”.* **REPETITION ALERT**, same problems as 5.5.2
682 above.

683
684 6. Section 17.12.4.E.5 states:

685
686 “5. *The PUD meets the PUD general standards;*”
687

688 Of course, this begs the question, what are the “PUD general standards”? Section 17.4.12.I provides us
689 with the answer; for the purposes of this discussion, only the applicable portions of Section 17.4.12.I are
690 addressed in the following:

691
692 “4. *Minimum Density.*
693 *a. SPUD. The minimum density to be included in a SPUD is ten (10) dwelling*
694 *units. Commercial, public and other non-residential projects may also be*
695 *proposed as part of an SPUD.*

696
697 5. *Rezoning Ordinance Required. Any PUD application shall be required to request*
698 *rezoning to the PUD Zone District as a part of the PUD Process. The PUD development*
699 *review process is a Rezoning Process, and a concurrent rezoning development*
700 *application shall not be required. Because a PUD results in a rezoning to the PUD Zone*
701 *District, any PUD approval shall be by ordinance.*

702
703 8. *Landscaping and Buffering. The landscaping and public spaces proposed for the PUD*
704 *shall provide buffering of uses from one another to minimize adverse impacts and shall*
705 *create attractive public spaces consistent with the character of the surrounding*
706 *environment, neighborhood and area.*

707
708 9. *Infrastructure. The development proposed for the PUD shall include sufficient*
709 *infrastructure, including but not limited to vehicular and pedestrian access, mass*
710 *transit connections, parking, traffic circulation, fire access, water, sewer and other*
711 *utilities.*

712
713 10. *Phasing. Each phase (if any) of the development proposed for the PUD shall be self*
714 *sufficient and not dependent upon later phases. Phases shall be structured so that the*
715 *failure to develop subsequent phases shall not have any adverse impacts on the PUD, the*
716 *surrounding environment, neighborhood and area.”*

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6.1 In accordance with Section 17.4.12.I.4.a, the application proposes a density greater than “ten (10) dwelling units.” The big question is how much greater? Ten dwelling units would be compatible with the neighborhood.

6.2 As the Council determines what process it will follow for this application it should keep in mind Section 17.4.12.I.5’s requirement that any “PUD application shall be required to request **rezoning to the PUD Zone District** as a part of the PUD Process.”

6.3 Regarding Section 17.4.12.I.8, it is hard to comprehend how the proposed design complies with the requirement that “**The landscaping and public spaces proposed for the PUD . . . shall create attractive public spaces consistent with the character of the surrounding environment, neighborhood and area.**” Because it is located in a low-density single-family neighborhood and golf course, unlike the surrounding area, the application proposes a very dense development whose landscaping and public areas are inconsistent with the surrounding area.

The Telluride Golf Course is one of the premier amenities to both Mountain Village residents and guests and so it is hard to understand how the 48’ tall corridor-like effect (yikes-yes 48’) created along hole 1 by the virtually solid row of buildings (due to building overlapping) on Lot 152R can be viewed as consistent with the neighborhood. Similarly, the northern edge of the Lot 152R buildings will create a 30’ to 35’ tall corridor-like effect along Country Club Dr., once again it is hard to understand how that can be viewed as consistent with the neighborhood. Chances are this development will be known as the “La Canyon Corridor Condominiums” if it is allowed to go forward. If you would like to get a true sense of what these condominium corridors will look and feel like, then just take the below photos to the Village Center and see for yourself. Amazing, if it was not so disturbing . . . should someone be saying “Fore” for reasons other than flying golf balls!

Plaza Building Viewed From Heritage Plaza



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Klammer Building Viewed From Mountain Village Blvd.



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6.4 Regarding Section 17.4.12.I.9, “The development proposed for the PUD shall include **sufficient** infrastructure, including but not limited to **vehicular and pedestrian access**, mass transit connections, parking, **traffic circulation**”. Everyone involved in this process, including the developer, recognize the issues and potential dangers related to “vehicular and pedestrian access, mass transit connections, parking, traffic circulation”, unfortunately, although the current application ostensibly has the goal of receiving final approval at the November 21, 2019 Council meeting (nothing in the application indicates a different goal), **NOTHING** has been done at this point to measure and quantify the issues and potential dangers; and as we all know, you cannot fix a problem until you clearly define the problem. We agree with Councilperson Caton’s advice from July 30, 2019 in KOTO’s Off The Record Program when he stated “Once we can figure out how to make that [i.e. road] safer, then we think it is appropriate for us to consider whether it’s a significant increase in residents down that road or a small increase in residents down that road. One way or another this has all got to be taken as a package” (time stamp 17:20).

6.5 Additionally in regard to Section 17.4.12.I.9, later on in the July 30, 2019 in KOTO’s Off The Record Program Councilperson Caton stated the Town should not allow the development of “things that are out of character or that put too much of a strain, or where we haven’t provided the infrastructure as we talked about earlier, especially housing for the people who will support whatever development we do.” We agree Dan. Clearly, we currently have a shortage of affordable housing and new high-density developments such as La Montagne will only add to the problem if they do not fully and completely mitigate the impacts they create. In the developer’s narrative it states “The estimated number of employees being generated from the development is also being reduced by approximately 203 employees (92% reduction).” If you do the math you learn the following:

Employees Eliminated	203.00
----------------------	--------

Percentage Eliminated	92%
Total Employees Before Elimination	220.65
Total Employees Before Elimination	220.65
Employees Eliminated	(203.00)
Employees Remaining	17.65
Employee Apts Proposed	4
Employees per Emp. Apt	3
Employees Accommodated	12
Employees Remaining	17.65
Employees Accommodated	(12.00)
Employee Accommodation Shortfall	5.65
Employee Apt. Unit Shortfall	2

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And so, by the developer’s own calculation, the application is two Employee Apartments short of accommodating the number of employees generated by the current application. At this point we do not have an opinion as to whether the developer’s estimate of 220.65 employees is a correct estimate, but it seems the Council should carefully analyze this estimate to ensure it was arrived at correctly because it is an issue that should be addressed in this and all future high-density projects. As the saying goes, *“if you have a problem and you have dug yourself into a deep hole, the first thing you should do is stop digging”*. Do not make our community’s affordable housing problem worse by not requiring this development to fully mitigate its affordable housing impact, and this may require less free-market units and more affordable housing units.

6.6 Regarding Section 17.4.12.I.10, because so much information is currently missing from the application it seems it is impossible to determine at this time whether *“Each phase (if any) of the development proposed for the PUD shall be self sufficient and not dependent upon later phases”*, it appears that determination will have to wait for another day.

7. Section 17.12.4.E.6 states:

“6. The PUD provides adequate community benefits”

Related to this section is Section 17.12.4.G which states:

“G. PUD Community Benefits

1. One or more of the following community benefits shall be provided in determining whether any of the CDC requirements should be varied or if the rezoning to the PUD Zone District and concurrent (for SPUD) or subsequent (for MPUD) rezoning, subdivision, or density transfer request should be granted for a PUD:

806 a. Development of, or a contribution to, the development of public benefits or
807 public improvements, or the attainment of principles, policies or actions
808 envisioned in the Comprehensive Plan (unless prohibited under number 2 below),
809 such as benefits identified in the public benefit table.

810 2. **The provision of** hotbeds, commercial area, **workforce housing** or the attainment of
811 other subarea plan principles, policies and actions on development parcels identified in a
812 subarea plan development table **shall not be considered community benefits as**
813 **required by this section**, and are instead required in order to achieve general
814 conformance with the Comprehensive Plan.”

815
816 I will address both sections here.

817
818 Developer’s narrative states:

819
820 “CDC Section 17.4.12(E)(6) requires that “The PUD provides adequate community
821 benefits”. The PUD provides for the following community benefits:
822 1. Twice as much public open space than existed prior to the adoption of the
823 PUD Agreement. This community benefit will continue under the amended PUD
824 for the Property and is due to the creation and future dedication of Tracts OS-
825 126 and OSP-118.
826 2. Provision of four (4) employee apartments with the development of Lot 126R.
827 This is one more apartment than existed prior to the adoption of the current
828 PUD Agreement and is three more than warranted based on a 92 percent
829 reduction in the number of employees generated on the Property due to the
830 downzoning.
831 3. Rerouting of the unauthorized social trail on Lot 126R to the Stegosaurus Trail
832 as envisioned in the Town Trails Master Plan if the Town obtains an easement
833 for this trail from TSG.
834 4. Facilitation and participation in significant Country Club Drive improvements
835 including new sidewalk from Big Billies Trail to the Village Center crosswalk east
836 of The Peaks, an uphill bike lane, and speed humps/ speed limits based on the
837 design of the road. The Owner will construct and improve all of the
838 improvements through the Property. The Owner has paid for a survey of Country
839 Club Drive and the adjoining general easements and is paying for the safety
840 improvement engineering.”

841
842 7.1 Developer asserts that “Twice as much public open space than existed prior to the adoption
843 of the PUD Agreement. This community benefit will continue under the amended PUD for the
844 Property and is due to the creation and future dedication of Tracts OS-126 and OSP-118.” If we
845 are not mistaken, Tracts OS-126 and OSP-118 have existed for twelve (12) years and so it is hard
846 to comprehend how their continued existence rises to the level of a community benefit that
847 results from this application; are you also having a hard time following that logic or is it just us?
848 It should also be noted that paragraphs 2 and 36 of the Council Resolution that approved the
849 Rosewood PUD, recorded at Reception #391879, state:

850
851 “2. The Applicant shall convey fee title ownership of the proposed Open Space Lots OS-
852 126 and OS-118 to the Town of Mountain Village.

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36. Tract OS-118 will be transferred to the Town following the completion of the relocation of the Boomerang Road/Trail onto Tract OS-118, but in any event, the transfer of Tract OS-118 shall occur prior to the issuance of a certificate of occupancy for occupiable space in the Project."

This resolution is currently in effect and so regardless of who is the owner of Tracts OS-126 and 118, it appears the practical effect of these paragraphs is that the property owner is already obligated to convey these tracts to the Town. Consequently, it appears the developer is trying to claim a public benefit for something it is already obligated to do.

Additionally, the beneficial value of the *"future dedication of Tracts OS-126 and OSP-118"* is questionable. Other than the fact that the tracts will be left in their natural state, there is no utilitarian use to the Town or the members of the community. As the costly and somewhat unpleasant ownership history of the open space such as in the See Forever project exhibits, owning random parcels of open space is not always in the Town's best interest; analyze carefully and proceed cautiously before accepting title to open space.

7.2 Due to over 18 years of open and continuous use, a public prescriptive easement already exists for access to the Boomerang Road and Jurassic trails and so the granting of a pedestrian trail easement merely avoids any litigation that would otherwise be necessary to confirm the public's existing prescriptive easement property rights. Clearly, the Town has not and should not be in the business of threatening litigation, but it would seem to be an error if the Council ignored the value and relevance of this prescriptive easement in this PUD process. If you look carefully on the ALTA/NSPS Land Title Survey of Lots 126R and 152R provided by the developer, you will see that the alignment of the prescriptive easement is located about 25' to 30' feet from developer's proposed Buildings E and F1, it is in the developer's best interest to relocate the trail to eliminate a constant flow of the public through the middle of its development.

7.3 Contrary to the developer's narrative about the benefit of providing four employee apartments, pursuant to Section 17.12.4.G.2, workforce housing *"shall not be considered community benefits as required by this section"*.

7.4 *"3. Rerouting of the unauthorized social trail on Lot 126R to the Stegosaurus Trail as envisioned in the Town Trails Master Plan if the Town obtains an easement for this trail from TSG."* Just as with the Boomerang Road prescriptive easement, a prescriptive easement exists over Lot 126R along the alignment referred to in the developer's narrative as the *"unauthorized social trail"*. Once again, if you look carefully on the ALTA/NSPS Land Title Survey of Lots 126R and 152R provided by the developer, you will see that the alignment of this prescriptive easement goes directly through Buildings C, D and E and, therefore, it is in the developer's best interest to relocate the trail to eliminate this conflict with a major portion of its project.

The developer also recognizes that the Stegosaurus Trail may never be built unless *"the Town obtains an easement for this trail from TSG"* and so the reality is that any rerouting may prove to be valueless to the Town.

899 7.5 “4. Facilitation and participation in significant Country Club Drive improvements including
900 new sidewalk from Big Billies Trail to the Village Center crosswalk east of The Peaks, an uphill
901 bike lane, and speed humps/ speed limits based on the design of the road. The Owner will
902 construct and improve all of the improvements through the Property. The Owner has paid for a
903 survey of Country Club Drive and the adjoining general easements and is paying for the safety
904 improvement engineering.” This all sounds pretty good, but as discussed in paragraph 4.2.1.2
905 above, elsewhere in the narrative the developer states “Required public improvements include
906 the new sidewalk, uphill bike lane, relocated Stegosaurus Trail, and other road and safety
907 improvements **that will be based on the proportional cost of the La Montagne Project relative**
908 **to other users**” and even further on the narrative states “**Some of the safety improvements may**
909 **require an easement from TSG if such cannot be located in the Country Club Right-of-Way and**
910 **no general easement exists on TSG property.** The project team will be working with the Town to
911 schedule stakeholder meetings on the safety improvements and **modify the plans as needed**
912 **based on Town, and property owner input.**” As noted above that is some mighty fine wiggle-off-
913 the-hook language because in effect the developer is saying it is willing to participate if all the
914 other “stakeholder” (an undefined group) participate, and if the other stakeholders don’t
915 participate then it won’t either.

916
917 One key group of stakeholders that make up part of the group of “other users” referred to by
918 the developers is comprised of **all** the individual hotel and condominium unit owners in the
919 Peaks. Why each owner and not simply The Peaks Owners Association, Inc.? The answer to that
920 question is found in the Peaks condominium declaration which vests ownership of all the
921 common elements in the Peaks in each owner as a tenant in common with all other Peaks
922 owners; Lot 128, is the lot upon which the Peaks is built and it is over Lot 128 that a significant
923 portion of the developer’s proposed “significant Country Club Drive improvements” must be
924 built. The practical legal effect of this is that in order to obtain an easement to construct the
925 “significant Country Club Drive improvements” over Lot 128, it appears **each and every** owner in
926 the Peaks must approve and actually sign a document granting the easement. Good luck on
927 accomplishing that!

928
929 8. Section 17.12.4.E.7 states:

930
931 “7. Adequate public facilities and services are or will be available to serve the intended land
932 uses;”
933

934 This application marks the first application for a high-density project in the Mountain Village since the
935 “Great Recession”. As such it appears to be an ideal time for the Town to reassess and determine the
936 physical capacities (and therefore the level of new development those capacities can serve) of all the
937 “public facilities and services” the Town owns and manages (e.g. roads, water, sewer, CATV, gondola,
938 etc.). This assessment and determination appear necessary in view of such things (i) the need to
939 upgrade the regional wastewater treatment plant and the associated costs, (ii) the shortage of
940 affordable housing as highlighted in the Trust For Community Housing’s July, 2019 report entitled “The
941 Impacts of Affordable Housing on the Telluride Area Economy and Community”, (iii) the persistent and
942 projected extreme drought conditions experienced by Mountain Village and its effects on the quantity
943 of water the Town is able to supply, (iv) traffic congestion and safety and (v) the fact that the gondola
944 has reached its maximum capacity and the resulting poor user experience that is already being felt many
945 days of the year.

946
947 Similar to the discussion in paragraph 6.5 above, with respect to ALL Town “public facilities and services”
948 we agree with Councilperson Caton’s advice that the Town should not allow the development of “things
949 that are out of character or that put too much of a strain, or where we haven’t provided the
950 infrastructure as we talked about earlier, especially housing for the people who will support whatever
951 development we do.”

952
953 9. Section 17.12.4.E.8 states:

954
955 *“8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause*
956 *parking, trash or service delivery congestion;”*

957
958 As discussed in paragraph 6.4 above, you cannot fix a problem until you clearly define the problem and
959 at this point there appears to be unanimous Councilmember agreement that the problem has not been
960 defined; as Mayor Benitez stated, “there is still a long road to go with this”. **A safe Country Club Dr. is**
961 **but one of many elements that make up the quality of life of our community, once the road problems**
962 **and solutions are identified we must not be fooled into thinking that the issue of a safe road**
963 **ultimately controls the amount if density allowed on Lots 126R and 152R because, instead,**
964 **compatibility with the neighborhood is and must be the issue that ultimately controls the amount if**
965 **density allowed on the lots.**

966
967 10. Section 17.12.4.E.9 states:

968
969 *“9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is*
970 *proposing a variation to such standards.”*

971
972 In the narrative submitted with its July 18, 2019 work session application, the developer stated “The use
973 of shed roof forms means that no shed roof peak will exceed 48 feet above pre or post construction
974 gable roof forms were used the building heights could be five feet higher for both maximum and
975 average building heights.” At first blush this lack of a request for a variation seems to be a concession by
976 the developer for which the developer seems to imply the community should be appreciative, but if you
977 look closer it appears that is not the case, please let us explain. By using a shed roof, the developer is
978 able to dramatically increase the square footage (i.e. density, mass and scale) of its project over what it
979 could achieve using a gable roof form. The reason for this increase is that on the top floor a shed roof
980 facilitates a tall ceiling which a gable roof would not facilitate and, therefore, allows a fully functional
981 top floor which a gable roof will not.

982
983 Because Council has not yet been able to provide clear guidance on what density will be allowed on the
984 property, DRB and the community members are being asked to review design-related issues (e.g. roof
985 forms, building heights and setbacks, angles and grades of driveways, roof overhangs, etc.) for a project
986 that may ultimately be determined to be too dense and too large in terms of mass and scale.
987 Consequently, in an effort to avoid wasting time commenting on a design that may be totally discarded,
988 we will postpone commenting until the Council has provided clear guidance on what density will be
989 allowed.

990
991 11. Section 17.12.4.K states:

992

993 *“K. Guarantee of Public Improvements*
994 *A PUD developer shall be responsible for the construction of all infrastructure, public facilities*
995 *and improvements that are necessary for the development of the PUD or that are required as a*
996 *condition of approval of the PUD or by the CDC. The developer shall also be responsible for*
997 ***entering into an improvements agreement** for the construction of public improvements in a*
998 *form and amount satisfactory to the Town. The guarantee of public improvements shall be*
999 *contained in the PUD development agreement and be in general conformance with the public*
1000 *improvements policy set forth in the Subdivision Regulations.”*

1001
1002 At this point in the process it appears the *“infrastructure, public facilities and improvements that are*
1003 *necessary for the development of the PUD or that are required as a condition of approval of the PUD or*
1004 *by the CDC”* cannot be clearly defined and, therefore, drafting the required improvements agreement is
1005 premature. Nevertheless, because the current application ostensibly has the goal of receiving final
1006 approval at the November 21, 2019 Council meeting, the failure to provide a draft improvements
1007 agreement is another example of the applications incompleteness that places the Council, Town staff
1008 and concerned citizens at a disadvantage because critical issues that should be addressed in the
1009 improvements agreement have not been identified and properly addressed.

1010
1011 **END OF MEMORANDUM**

1 To: Town Council
 2 Town of Mountain Village
 3 Via email
 4 Cc: Michelle Haynes (MHaynes@mtnvillage.org), John Miller (JohnMiller@mtnvillage.org) and
 5 Jim Mahoney (jmahoney@jdreedlaw.com)
 6 From: John Horn, Doug Hynden, James McMorrان, Casey Rosen and Sandy Lange
 7 Date: November 14, 2019
 8 Re: Lots 126R and 152R
 9 - Conformity With The Comprehensive Plan

10 **SUMMARY**

11
 12 Section 17.12.4.E.1 of the Community Development Code (“CDC”) requires that “*The proposed PUD is in*
 13 *general conformity with the policies, principles and standards set forth in the Comprehensive Plan*”. The
 14 Comp Plan is 99 pages long, now that is a lot of “*policies, principles and standards*”. We have combed
 15 through the Comp Plan in an effort to identify all “*policies, principles and standards*” that are relevant to
 16 this application; as a result of this search we have identified 50 different items, a nice even, and quite
 17 large, number.

18
 19 “[G]eneral conformity with the policies, principles and standards” appears to be best summed up by the
 20 ten Comp Plan excerpts that appear below in Table 1:

21
 22 Table 1

5.8 Page 7	<i>The Comprehensive Plan is the adopted advisory document that sets forth the Mountain Village Vision and the way to achieve the vision through principles, policies and actions. <u>The Comprehensive Plan is intended to direct – the present and future – physical, social and economic development that occurs within the town. In short, the Comprehensive Plan defines the public interest and the public policy base for making good decisions.</u></i>
5.6 Page	<i>8. APPROPRIATENESS AND FIT OF LAND USES: <u>Land uses envisioned by the Comprehensive Plan are designed to “fit” into the surrounding neighborhood to ensure appropriate scale and context to their surrounding natural and built environments.</u> Through detailed analysis of environmental constraints, topography, access and existing conditions, the town will achieve the delicate balance between preserving its existing strengths while providing new amenities necessary to improve year-round economic vibrancy.</i>
5.7 Page 5	<i><u>But the Comprehensive Plan is not just about economics and money. It clearly recognizes the importance of Mountain Village’s exceptional residential neighborhoods and their interconnections with ski runs and golf fairways. It recognizes the importance of the space, tranquility and extraordinary views that make Mountain Village unique among alpine resort communities, and it seeks to protect them</u> by suggesting more restrictive zoning on the vast majority of land in the town. <u>The Comprehensive Plan also provides the framework for the creation of a true sense of community.</u></i>
5.27 Page	<i><u>D. Respect the integrity of single family and duplex areas.</u> 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.</i>
5.4 Page 34	<i>3. ALPINE CHARACTER PRESERVATION: <u>Much of the land area in Mountain Village is very stable and not expected to change in the future, particularly single-family</u></i>

	<u>neighborhoods.</u> <i>Alpine character preservation areas are largely comprised of low density, single-family homes that are nestled into Mountain Village’s landscape, integral to creating the open, tranquil alpine ambiance that it is known for.</i>
5.5 Page 35	7. GATEWAYS: <u>Living in and visiting Mountain Village is all about a lifestyle and experience that can be found nowhere else,</u> <i>from the time one arrives until the time ones leaves.</i>
5.25 Page 38	<i>e. <u>Consider revisiting all uses allowed in multiunit areas to ensure such uses are appropriate</u> and provide additional design considerations as needed.</i>
5.11 Page 9	<u>9. Better sustainability can be achieved by:</u> <ul style="list-style-type: none"> • <u>Concentrating development in high density areas</u> <i>to achieve economic sustainability and vibrancy;</i> • <u>Protecting residential neighborhoods;</u> • <u>Maintaining the pristine and quiet character of the community.</u>
5.16 Page 18	<u>3. Mountain Village is a community where small-town values are important and people can make social and emotional connections.</u> <i>The community character of Mountain Village complements Telluride; it recognizes and embraces its distinctions and similarities.</i>
5.30 Page 50	<u>Focus high density, mixed-use development in Mountain Village Center</u> <i>by significantly increasing the hotbed inventory to improve the overall economic viability and activity in Mountain Village Center and the town as a whole.</i>

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Based on the above ten items two things appear to be beyond question:

- A. **“Protecting residential neighborhoods”** is one of the, if not the, paramount goal of the Comp Plan.
- B. High density development belongs in the Mountain Village Center Subarea.

If protecting residential neighborhoods is the paramount goal of the Comp Plan, then defining the Country Club Dr. neighborhood appears to be of paramount importance. Fortunately, the Comp Plan appears to do an excellent job of defining the neighborhood in which Lots 126R and 152R are located. Based on the Comp Plan’s Mountain Village Center Subarea Plan Map it is clear that (i) all the Country Club Dr. single-family home lots and Lots 126R and 152R **lie outside of the Village Center Subarea** and (ii) the Peaks, See Forever Village and Lots 122 and 123 all **lie within the Village Center Subarea**; in other words, these groups (i) and (ii) lie in different neighborhoods. This conclusion is bolstered by the dictionary definitions of “neighborhood” and “community” discussed below.

The bottom line is that the Comp Plan makes clear that Lots 126R and 152R lie within a single-family neighborhood and that the character and tranquility of that single-family neighborhood must be respected and preserved by ensuring that development on Lots 126R and 152R is compatible with the single-family neighborhood.

DISCUSSION

1. Section 17.12.4.E.1 of the Community Development Code (“CDC”) requires:

49 *“1. The proposed PUD is in general conformity with the policies, principles and standards set*
50 *forth in the Comprehensive Plan;”*

51
52 As noted in Exhibit NTC-3, the analysis of this criterion is likely the most critical factor in the review of
53 the application. In fact, we believe that the analysis is so critical that it makes most sense to dedicate
54 this entirely separate memorandum to address this criterion.

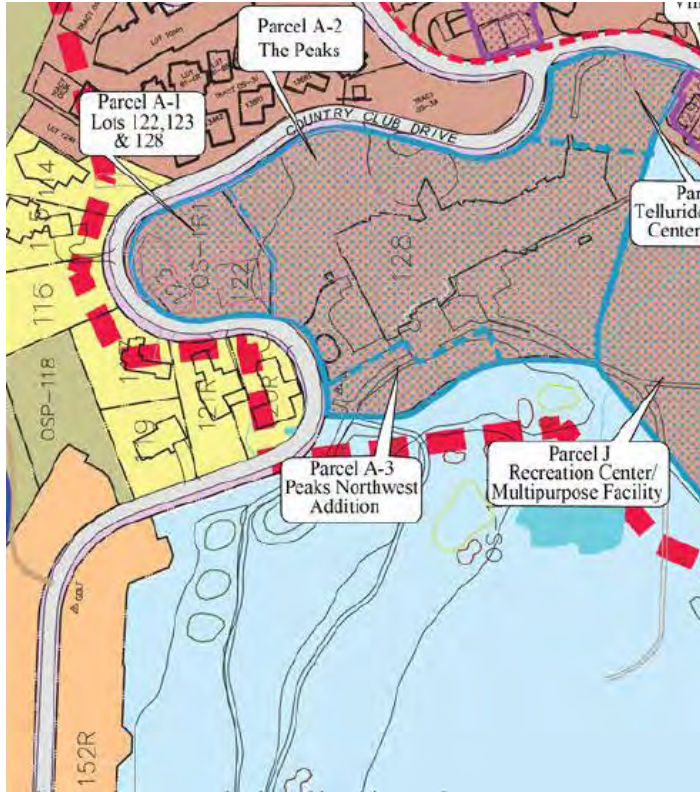
55
56 2. In the Executive Summary portion of the Town’s “Mountain Village Comprehensive Plan” (“Comp
57 Plan”) it states:

58
59 *“But the Comprehensive Plan is not just about economics and money. It clearly recognizes the*
60 *importance of Mountain Village’s exceptional residential neighborhoods and their*
61 *interconnections with ski runs and golf fairways.”*

62
63 In Table 2 below you will find 50 excerpts from the Comp Plan that are relevant to this application, 50
64 excerpts that appear to clearly establish the paramount importance of the fact that any future
65 development in the Mountain Village must be compatible with the surrounding neighborhood. After you
66 finish reading this memorandum, we hope you will agree that a 207,570 square foot 58-unit
67 condominium project on Lots 126R and 152R is simply not compatible with the surrounding single-family
68 neighborhood and that its density must be reduced to a level that is compatible with the 1.78 units per
69 acre of the neighborhood.

70
71 3. In order for a development to be compatible with its surrounding neighborhood, it would seem we
72 must first define what constitutes the neighborhood. Fortunately, the Comp Plan appears to do an
73 excellent job of defining the neighborhood in which Lots 126R and 152R are located. In the following
74 drawing please find the portion of the Comp Plan’s Mountain Village Center Subarea Plan Map that is
75 relevant to this application:

76



A review of this portion of the map shows that in this area (i) Country Club Dr. forms the norther boundary of the Mountain Village Center and (ii) a line starting just below where the golf course cart path intersects Country Club Dr. forms the western boundary of the Mountain Village Center. Clearly, (i) all the Country Club Dr. single-family home lots and Lots 126R and 152R lie **outside of the Village Center Subarea** and (ii) the Peaks, See Forever Village and Lots 122 and 123 all **lie within the Village Center Subarea**. The Comp Plan states (at page 36) *“As testing progressed, various parcels were placed into logical geographic groupings, — subareas — so that they could be considered more holistically.”* The Comp Plan is clear, the Peaks, See Forever Village and Lots 122 and 123 all lie within one *“logical geographic grouping -- subareas”* and the Country Club Dr. single-family homes lie in another.

99

Based on this line and this quote, it is hard

100 to comprehend how anyone could argue the Peaks, See Forever Village and Lots 122 and 123 on the one
 101 hand and the Country Club Dr. single-family home lots and Lots 126R and 152R on the other hand are
 102 part of the same neighborhood.
 103

104 As further support for this conclusion, please note that there is no definition of “neighborhood” in either
 105 the Comp Plan or the CDC, accordingly we must look elsewhere for a definition. The online Merriam-
 106 Webster defines “neighborhood” as follows:
 107

Definition:	Applicability To This Matter
<i>“neighborhood</i>	
<i>noun</i>	
<i>neigh·bor·hood</i> \ 'nā-bər-,hūd \	
<i>Definition of neighborhood</i>	
<i>1 : neighborly relationship ... a closer feeling of brotherhood, a more efficient sense of neighborhood ... — Nathaniel Hawthorne</i>	As expressed in emails and testified to on July 18 th by persons with homes on Country Club Dr., they and their families have developed personal relationships with most of the other families who live in the single-family homes on the street; <i>“neighborly relationships”</i> if you will. No one spoke of similar relationships being

	developed with owners in either the Peaks or See Forever.
<i>2 : the quality or state of being neighbors : PROXIMITY "... refugees from the country, driven by fear or the neighborhood of armies."— F. L. Paxson</i>	These families describe how they walk their dogs together in the morning, hike, ski and golf together, and share dinner and cocktails with the other single-family homeowners. No one speaks of similar interactions with owners in either the Peaks or See Forever.
<i>3</i>	
<i>a : a place or region near : VICINITY . . . "traveled to a place somewhere in the neighborhood of that city"</i>	This portion of the definition does not appear to be relevant.
<i>b: an approximate amount, extent, or degree cost . . . "in the neighborhood of \$100</i>	This portion of the definition does not appear to be relevant.
<i>4</i>	
<i>a : the people living near one another . . . "The whole neighborhood heard about it.</i>	From a practical perspective, there is no physical interaction, commonality or relationship between the families that live in the single-family homes and the people who live in the Peaks and See Forever.
<i>b: a section lived in by neighbors and usually having distinguishing characteristics . . . "lived in a quiet neighborhood"</i>	The day-to-day rhythms of life (i.e. "distinguishing characteristics") in the single-family homes on Country Club Dr. and life in the Peaks and See Forever could not be more different. In one you know the names of your neighbors, and their dog, and in the other you rarely see and hardly know your neighbor; and certainly, the two groups have little if any interaction.

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Microsoft WORD's Smart Lookup function defines neighborhood as follows:

<i>"1. a district, especially one forming a community within a town or city . . . "she lived in a wealthy neighborhood of Boston"</i>	If you ask any owner in the Peaks or See Forever whether they consider themselves to be a member of the Country Club Dr. single-family neighborhood, then it appears that any intellectually honest answer would be a resounding no. Similarly, if you ask any owner of a Country Club Dr. single-family home whether they consider the Peaks or See Forever to be a part of their
---	--

	neighborhood, then the answer would also be a resounding no. These apparently immutable facts should strongly considered by Council.
--	--

111
 112 In view of the significance of the word “community” in defining “neighborhood”, it would appear that it
 113 is important to understand how WORD’s Smart Lookup function defines “community”:
 114

<p><i>“1. a group of people living in the same place or having a particular characteristic in common. “the scientific community”</i></p> <p><i>Synonyms: group, section, body, company, set, circle, clique, coterie, ring, band, faction, gang, bunch</i></p>	<p>As discussed above, the families in the Country Club Dr. single-family homes have much in common with each other, and very little, if anything, in common with condominium owners in the Peaks or See Forever relative to the issue of defining the “neighborhood”.</p>
<p><i>2. a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals. “the sense of community that organized religion can provide”</i></p>	<p>As discussed above, “a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals” clearly exists among the families in the Country Club Dr. single-family homes, a feeling and sharing that does not extend to the owners in the Peaks or See Forever.</p>

115
 116 Based on these definitions it is hard to comprehend how anyone could argue the Peaks, See Forever
 117 Village and Lots 122 and 123 on the one hand and the Country Club Dr. single-family home lots and Lot
 118 126R and 152R on the other hand are part of the same neighborhood.

119
 120 4. Several times in its narrative the developer asserts the concept that its proposal constitutes a
 121 **“transitional** multi-family project based on the underlying Multi-family Zone District that fits within the
 122 development pattern of the area, with higher density at See Forever, The Peaks, Lots 122 and 123 and
 123 the La Montagne Project **transitioning** to single-family properties in the area.” The implication is that
 124 providing a **“transitional** multi-family project” is relevant or significant under either the CDC or the
 125 Comp Plan, or both. A word search for “transitional” in the CDC results in 14 hits, none of which even
 126 remotely relate to this concept, instead the term is only used in reference to design issues such as
 127 plantings, road grades and window openings. A word search for “transitional” in the Comp Plan results
 128 in 3 hits, none of which even remotely relate to this issue. The bottom line appears to be that any
 129 discussion of the transitional value of the proposed development is irrelevant in terms of the CDC and
 130 Comp Plan criteria.

131
 132 Despite the irrelevance of transitioning, it is probably helpful to point out that members of the
 133 neighborhood were mystified by the assertion that the project provided a “good transition” from
 134 Country Club Drive’s single-family neighborhood to the high-density Peaks and See Forever projects.
 135 There is a saying that “beauty lies in the eyes of the beholder”. While to an extent it can be argued that
 136 “what constitutes a ‘good transition’ lies in the eyes of the beholder”, ultimately every position must
 137 have a sound factual basis and there appears to be no basis for the claim that this project provides a
 138 good transition. It is hard to comprehend, impossible some might say, how anyone can conclude that a

139 condominium project with 7.15 times the density of the single-family homes on the east and west of it
 140 qualifies as a “good transition”. On a relative scale 58 units is clearly better than 164 units, but **on an**
 141 **absolute scale (and that is the scale by which this proposal must be measured)** 58 units is still vastly
 142 incompatible with the neighborhood. On an absolute scale the density of the project must be reduced to
 143 the range of 1.78 residences per one acre in order to be compatible with the neighborhood.
 144

145 5. With the above foundation, let us now address the application’s “*general conformity with the policies,*
 146 *principles and standards set forth in the Comprehensive Plan*”. To accomplish this, we have attempted to
 147 identify what appear to be the portions of the Comp Plan that are relevant to this application, we have
 148 identified 50 items. It may be determined that other portions of the Comp Plan are relevant and, if that
 149 is the case, then we request the opportunity to address them. So here we go.
 150

151 Table 2

Item & Page #	Comp Plan	Comments
5.1 Page 18	<p>3. <u>Development strikes the appropriate balance</u> between the needs of Mountain Village and the resort so that neither dominates nor has an adverse impact on the other. <u>Maintaining this balance is central to retaining and preserving</u> the essential attributes of Mountain Village as an <u>appropriately-scaled, attractive alpine community.</u></p>	<p>5.1.1 When you boil the substantive issues down to their most basic, basic level, the controlling issue is pretty simple, Council must “<i>strike the appropriate balance</i>” between the health, safety, welfare and quality of life of all members of the Mountain Village community for generations to come against the level of profit the developer of the property may achieve; yes it is just that simple. In doing so the Comp Plan requires the Council to preserve “<i>the essential attributes of Mountain Village as an appropriately-scaled, attractive alpine community</i>”. As discussed elsewhere in the Comp Plan, preserving single-family neighborhoods is one of the “<i>the essential attributes of Mountain Village</i>” and a 207,570 square foot project with 58 units is not “<i>appropriately-scaled</i>” for the Country Club Dr. single-family neighborhood in which it is proposed to be located.</p>
5.2 Page 22	<p>6. <u>Locating development near transportation nodes is a key consideration</u> in preserving the environment and Mountain Village’s quality of life.</p>	<p>5.2.1 In its narrative the developer states “<i>The La Montagne Project will provide a shuttle to transport owners and guests to key areas in Mountain Village (Village Center, Town Hall, etc.)</i>”. If “<i>a shuttle to transport owners and guests to key areas in Mountain Village</i>” is necessary, then it seems hard to claim the proposed</p>

		development is “near transportation nodes” as required by the Comp Plan.														
5.3 Page 22	1. Mountain Village promotes actions that preserve and protect the environment and natural resources, locally and globally.	5.3.1 As a community Mountain Village is either going to put its proverbial “money where its mouth is” or it is not. The proposed design presses up against the wetlands and is likely to choke off the subsurface wetland water source which does not seem to “preserve and protect the environment and natural resources” and, therefore, is contrary to the Comp Plan.														
5.4 Page 34	<p>3. ALPINE CHARACTER PRESERVATION: <u>Much of the land area in Mountain Village is very stable and not expected to change in the future, particularly single-family neighborhoods.</u> Alpine character preservation areas are largely comprised of low density, single-family homes that are nestled into Mountain Village’s landscape, integral to creating the open, tranquil alpine ambiance that it is known for.</p> <p>As shown per the Land Use Plan, <u>these areas may include higher density development such as multiunit buildings and tourism-related amenities as long as their aesthetic is secondary to the surrounding landscape.</u></p>	<p>5.4.1 This provision could not be any clearer and the single-family homeowners on Country Club Dr. are simply asking that its “very stable” single-family neighborhood not be changed by a Council decision. Contrary to this provision, a 207,570 square foot project with 58 units will dramatically and forever change the character of this neighborhood in a very negative manner.</p> <p>5.4.2 Yes multiunit buildings are contemplated in this area, but only “as long as their aesthetic is secondary to the surrounding landscape.” The narrative shows the following square footage:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Saleable Condos North SF</td> <td>92,490</td> </tr> <tr> <td>Saleable Condos South SF</td> <td>47,580</td> </tr> <tr> <td>4 Employee. Apt.</td> <td>10,000</td> </tr> <tr> <td>80 North Parking Spaces</td> <td>32,000</td> </tr> <tr> <td>38 South Parking Spaces</td> <td>23,000</td> </tr> <tr> <td>Clubhouse</td> <td>2,500</td> </tr> <tr> <td>Total SF</td> <td>207,570</td> </tr> </table> <p>It is hard to comprehend how the aesthetic of a 207,570 square foot development with 58 units “is secondary to the surrounding landscape”; based on the renderings contained in the developer’s narrative, the development certainly does not appear to be secondary.</p> <p>5.4.3 And let us not forget that “multiunit” only means greater than one, and how</p>	Saleable Condos North SF	92,490	Saleable Condos South SF	47,580	4 Employee. Apt.	10,000	80 North Parking Spaces	32,000	38 South Parking Spaces	23,000	Clubhouse	2,500	Total SF	207,570
Saleable Condos North SF	92,490															
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80 North Parking Spaces	32,000															
38 South Parking Spaces	23,000															
Clubhouse	2,500															
Total SF	207,570															

		much greater than one is limited by the requirement that it is compatible with the surrounding single-family neighborhood.
5.5 Page 35	7. GATEWAYS: <u>Living in and visiting Mountain Village is all about a lifestyle and experience that can be found nowhere else, from the time one arrives until the time ones leaves.</u>	5.5.1 Ask any family in the Country Club Dr. single-family neighborhood and they will tell you loudly and clearly that for them “Living in and visiting Mountain Village is all about a lifestyle and experience that can be found nowhere else”. And in their next breath they will implore you to help them preserve the “lifestyle and experience” of the neighborhood they cherish so dearly and not ruin it by allowing an incompatible development.
5.6 Page	8. APPROPRIATENESS AND FIT OF LAND USES: <u>Land uses envisioned by the Comprehensive Plan are designed to “fit” into the surrounding neighborhood to ensure appropriate scale and context to their surrounding natural and built environments.</u> Through detailed analysis of environmental constraints, topography, access and existing conditions, the town will achieve the delicate balance between preserving its existing strengths while providing new amenities necessary to improve year-round economic vibrancy.	5.6.1 At 207,570 square feet with 58 units the proposal neither fits “into the surrounding neighborhood” nor ensures an “appropriate scale and context to their surrounding natural and built environments.” This mandate cannot be any clearer, we only ask Council to follow it.
5.7 Page 5	<u>But the Comprehensive Plan is not just about economics and money. It clearly recognizes the importance of Mountain Village’s exceptional residential neighborhoods and their interconnections with ski runs and golf fairways. It recognizes the importance of the space, tranquility and extraordinary views that make Mountain Village unique among alpine resort communities, and it seeks to protect them by suggesting more restrictive zoning on the vast majority of land in the town. The Comprehensive Plan also provides the framework for the creation of a true sense of community.</u>	5.7.1 As discussed above, when you boil the substantive issues down to their most basic, basic level, the controlling issue is pretty simple, Council must “strike the appropriate balance” between the health, safety, welfare and quality of life of all members of the Mountain Village community against the level of profit the developer of the property may achieve. This excerpt of the Comp Plan is crystal clear, this community and the “the Comprehensive Plan is not just about economics and money.” Instead, this community and the Comp Plan recognize “the importance of Mountain Village’s exceptional residential neighborhoods and . . . [the] tranquility and extraordinary views that make Mountain Village unique . . . and it seeks to protect them”. Once again, this mandate cannot be any clearer, we only ask to Council to follow it.

<p>5.8 Page 7</p>	<p><i>The Comprehensive Plan is the adopted advisory document that sets forth the Mountain Village Vision and the way to achieve the vision through principles, policies and actions. <u>The Comprehensive Plan is intended to direct – the present and future – physical, social and economic development that occurs within the town. In short, the Comprehensive Plan defines the public interest and the public policy base for making good decisions.</u></i></p>	<p>5.8.1 When the Comp Plan was adopted in 2011 it was only advisory, but with the adoption of the CDC in 2013 it became mandatory pursuant to Section 17.12.4.E.1 which states:</p> <p style="padding-left: 40px;"><i>“1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;”</i></p> <p>Based on the discussion throughout this and the other “Exhibit NTC” memorandums it appears <i>“the public interest and the public policy”</i> defined by the Comp Plan requires the development to be scaled down from 58 units to a size and density compatible with the 1.78 units per acre density of the single-family neighborhood that surrounds it.</p>
<p>5.9 Page 7</p>	<p><i>The Comprehensive Plan does not regulate zoning on a property; it is advisory and does not have the force and effect of law. <u>The Comprehensive Plan can become a part of the town’s laws by amending the LUO to require “general conformance” with the Comprehensive Plan for certain development applications, such as subdivisions, rezonings, density transfers, Planned Unit Developments (PUD) or other discretionary development review applications. When a development application is evaluated regarding its general conformance with the Comprehensive Plan, the Town Council and Design Review Board (DRB) should evaluate the application against the entirety of the goals, polices and actions contained in the Comprehensive Plan and need not require with every provision contained therein. Nonetheless, the Town Council and DRB may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance.</u></i></p>	<p>5.9.1 As discussed in 5.8.1 above, the Comp Plan became part of the Town’s mandatory laws with the adoption of the CDC in 2013 and, consequently, <i>“general conformance’ with the Comprehensive Plan”</i> is required for <i>“Planned Unit Developments (PUD)”</i> and <i>“the Town Council and Design Review Board (DRB) should evaluate the application against the entirety of the goals, polices and actions contained in the Comprehensive Plan”</i>. Based on the discussion throughout this and the other “Exhibit NTC” memorandums it appears that requiring this development to be compatible with the surrounding single-family neighborhood is required by the Comp Plan when viewed in the context of <i>“the entirety of the goals, polices and actions contained in the Comprehensive Plan”</i>.</p>
<p>5.10 Page 9</p>	<p><i>Sustainability is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</i></p>	<p>5.10.1 In their joint campaign letter Mayor Benitez and Councilmember Caton pointed out:</p>

	<p><u>Simply put, sustainable planning seeks outcomes that provide improved environmental health, economic health and social health.</u> These three pillars of sustainability, as they are often called, are especially relevant at the community planning level, where decisions regarding protection of the environment and environmental initiatives can have far-reaching impacts on economic and social health and vice versa. It is the intention and objective of Mountain Village to uphold the highest level of environmental, social and economic sustainability in guiding the next 30 years, so that the town can:</p> <ol style="list-style-type: none"> 1. <u>Promote a rich social fabric</u> within the community; 2. Create a vibrant year-round economy; and 3. Enhance protection while reducing negative impacts on the town’s natural environment. 	<p>“One measure of increased vitality is the 40.7% increase in our hotels, restaurants, and retail revenues. Those revenues went from \$69.9 million in 2014 to \$98.4 million in 2019, marking a sharp increase in our local economy! <u>This increase in vitality must also be managed so as not to overshadow the livability of our town.</u> We continue to commit to that balance.”</p> <p>Clearly the Town’s economy is growing and doing well. Jamming 207,570 square feet with 58 units development into the Country Club Dr. single-family neighborhood will negatively impact the “livability of our town” in a dramatic manner and so it is incumbent on the Council to scale back the size of this project to ensure it is compatible with the single-family neighborhood and, thereby, preserve the “rich social fabric” and “livability of our town”.</p>
<p>5.11 Page 9</p>	<p><u>9. Better sustainability can be achieved by:</u></p> <ul style="list-style-type: none"> • <u>Concentrating development in high density areas</u> to achieve economic sustainability and vibrancy; • <u>Protecting residential neighborhoods;</u> • <u>Maintaining the pristine and quiet character of the community.</u> 	<p>5.11.1 High density is and should be concentrated in the Village Center Subarea because the synergy created by concentrating development results in a vibrancy that can never be achieved by scattering high density 58-unit projects such as La Montagne outside the Village Center Subarea.</p> <p>5.11.2 Once again, the “Protecting residential neighborhoods” and “Maintaining the pristine and quiet character of the community” excerpts could not be more crystal clear and controlling, and the single-family homeowners on Country Club Dr. are simply asking that these provisions be applied to their neighborhood.</p>
<p>5.12 Page 15</p>	<p><u>Residents and visitors of Mountain Village have high expectations for the future,</u> and the town must continue to make great strides to keep pace with such expectations.</p>	<p>5.12.1 Yes, the residents of the Country Club Dr. single-family neighborhood “have high expectations for the future” of their community and their neighborhood and they are asking their Town Council follow</p>

		the dictates of the Comp Plan and assist them in meeting their expectations.
5.13 Page 16	<p><i>UNIVERSAL VISION STATEMENT</i></p> <p><i>Mountain Village</i> is a vibrant, healthy town that <i>provides a high quality of life and experiences for full-time and part-time residents</i> and visitors. This is achieved through a sustainable year-round economy, a diversity of housing choices, world-class recreation, environmental stewardship, excellent community services, and well-built and well-designed infrastructure.</p>	<p>5.13.1 On page 15 the Comp Plan states “the <i>Vision Statements convey the community’s priorities for preserving what makes Mountain Village unique and desirable while improving and evolving in order to remain a top resort destination and outstanding place to live.</i>” That being the case, then it appears that providing a “high quality of life and experiences for full-time and part-time residents” should be a priority for the Council. Ask any person who calls the Country Club Dr. single-family neighborhood home and they will readily tell you Mountain Village currently provides them with a “high quality of life”, and in the next breath they will confirm that a 207,570 square foot development with 58 units will go a long way towards ruining their quality of life.</p>
5.14 Page 18	<p><i>1. Mountain Village is a walkable, pedestrian friendly community</i> where diverse, interconnected neighborhoods and a vibrant commercial center are bordered by open space, outdoor recreation amenities, and other land uses that support a sustainable community.</p>	<p>5.14.1 The existing dangerous vehicle/bicycle/pedestrian situation that engulfs Country Club Dr. from the Mountain Village Blvd. intersection down to Lots 126R and 152R is well documented. The road design of Country Club Drive is fundamentally and permanently limited and will never be able to handle the increased impacts resulting from the excessive amount of density proposed in La Montagne, and no amount of calming measures (e.g. flashing speed signs, bicycle lanes, pedestrian sidewalks that are covered by snow 4-5 months a year, etc.) will sufficiently mitigate the road’s limitations; accidents have already happened on this section of roadway and so please do not make a bad situation worse.</p> <p>5.14.2 Adding any level of development that is not compatible with the existing single-family neighborhood will only serve to needlessly exacerbate the already dangerous situation. If the proposed excessive density is approved then, unfortunately, it is likely only a matter of</p>

		time before disaster strikes. It appears the only rational and responsible action Council can take is to limit any development on the property to a level that is compatible with the existing single-family neighborhood.
5.15 Page 18	<i>1. The relationship between <u>Mountain Village’s natural and built environments creates a sense of place and authentic small-town charm</u> unique to the region.</i>	5.15.1 It is hard to imagine how plunking down a 207,570 square foot development with 58 units in the middle of the Country Club Dr. single-family neighborhood will do anything but ruin any “ <i>sense of place and authentic small-town charm</i> ” that currently exists in the Country Club Dr. single-family neighborhood.
5.16 Page 18	<i>3. <u>Mountain Village is a community where small-town values are important and people can make social and emotional connections.</u> The community character of Mountain Village complements Telluride; it recognizes and embraces its distinctions and similarities.</i>	5.16.1 As noted earlier, in emails from and testimony on July 18 th by persons with homes on Country Club Dr., they and their families have developed close personal relationships with most of the other families who live in the single-family homes on the street; “ <i>social and emotional connections</i> ” reflecting “ <i>small-town values</i> ” if you will. If approved, the proposed development will tear apart the very fabric of these “ <i>small-town values</i> ”.
5.17 Page 22	<i>1. <u>Mountain Village</u> has a low-impact, environmentally friendly transportation system that <u>provides safe, convenient travel options for pedestrians, cyclists and motorists</u> to the ski area facilities, parking facilities, commercial centers, and throughout Mountain Village and the region. The gondola remains an important transportation link to Telluride.</i>	5.17.1 As discussed in paragraph 5.14.2 above, adding any level of development that is not compatible with the existing single-family neighborhood will only serve to needlessly exacerbate the already dangerous “ <i>pedestrians, cyclists and motorists</i> ” situation which is contrary to the requirement to provide “ <i>safe, convenient travel options for pedestrians, cyclists and motorists</i> ”. Nothing will be safe if 58 units are added to Country Club Dr.
5.18 Page 22	<i>3. <u>Pedestrian and bike routes provide safe, nonvehicular connections</u> between neighborhoods and activity and community centers.</i>	5.18.1 Same as paragraph 5.17.1 above.
5.19 Page 25	<i>1. The Mountain Village town government is responsive, accountable and accessible. It acts with honesty, integrity, respect and professionalism.</i>	5.19.1 We all look forward to continue working with a “ <i>responsive, accountable and accessible</i> ” Council and Town staff who act with “ <i>honesty, integrity, respect and professionalism</i> ” in a thorough, open and transparent process.

<p>5.20 Page 27</p>	<p><u>The principles, policies and actions for each element are the most important part of the Comprehensive Plan because they represent how the community wants to move forward in order to implement the Mountain Village Vision.</u> <i>The Comprehensive Plan Elements provide a policy base by which decisions can be made and recommendations provided. More so, each element is multifaceted, with the main intent to guide Mountain Village toward achieving a desired future state and provide specific guidance on the economic, physical, social, recreational and cultural development of the town. The Comprehensive Plan Elements also intend to:</i></p>	<p>5.20.1 This excerpt highlights the importance of the Comp Plan to the Council’s decision-making criteria” <i>because they represent how the community wants to move forward in order to implement the Mountain Village Vision.</i>” By this point in your review it is likely to be clear that preserving the quality of life of the Town’s residents is the paramount criteria in the Council’s review of this application. Accordingly, it would appear that preserving the Country Club Dr. single-family neighborhood is the paramount criteria for the Council to address.</p>
<p>5.21 Page 27</p>	<p>1. Provide a policy guide for the Town Council, DRB and staff in evaluating certain development proposals.</p>	<p>5.21.1 Further confirmation of the importance of the Comp Plan in guiding the DRB’s and Council’s decision-making criteria in their review of this application.</p>
<p>5.22 Page 27</p>	<p>3. <u>Provided information</u> to citizens, visitors, regional communities and developers <u>on how Mountain Village will reach the Mountain Village Vision.</u></p>	<p>5.22.1 Puts the developer and the residents of the Town on notice as to the importance of the Comp Plan to the Council’s decision-making criteria in Council’s review of this application.</p>
<p>5.23 Page 38</p>	<p>B. The following land use classification policies shall be applied to the Land Use Plan. <u>1. Single-Family and Duplex</u> <u>b. Minimize environmental impacts and ensure development fits into and blends with the existing environment and character of the area.</u> e. Create new subdivision regulations to <u>ensure that all development provides adequate infrastructure, fits into the natural conditions of a site, and avoids land with development constraints.</u> <u>f. Respect the integrity of single family and duplex areas.</u> Any proposed rezoning of single-family and duplex-zoned lots must be considered exceptional and must meet specific conditions, such as separation and buffering from other single-family and duplex lots.</p>	<p>5.23.1 This excerpt appears to remove any doubt as to the requirement to preserve the Country Club Dr. single-family neighborhood by ensuring the proposed development “<i>fits into and blends with the existing environment and character of the area</i>”. It is hard to fathom how the Comp Plan could be any clearer; the directive to “<i>Respect the integrity of single family and duplex areas</i>” bolsters this requirement.</p> <p>5.23.2 As Councilperson Caton pointed out on KOTO’s July 30, 2019 Off The Record Program, affordable housing must be viewed as part of our community’s infrastructure. Clearly, we currently have a shortage of affordable housing and new high-density developments such as La Montagne will only add to the problem if they do not fully and completely mitigate the impacts they create. In the developer’s narrative it states “<i>The estimated number of employees being generated from the</i></p>

		<p><i>development is also being reduced by approximately 203 employees (92% reduction)."</i> If you do the math it appears that at a minimum the developer is short two employee apartments under the current proposal.</p> <p>Furthermore, as mentioned elsewhere, now may be an ideal time for the Town to reassess and determine the physical capacities (and therefore the level of new development those capacities can serve) of all the <i>"public facilities and services"</i> it owns and manages (e.g. roads, water, sewer, CATV, gondola, etc.).</p>
<p>5.24 Page 38</p>	<p>2. Multiunit a. <u>Allow mixed-use commercial development in multiunit projects in appropriate locations in Meadows, the Ridge, Lot 126, Mountainside Lodge and other locations where Town Council determines, in its sole discretion, that commercial development is appropriate and necessary to serve the project or the neighborhood.</u></p>	<p>5.24.1 This excerpt is the ONLY result from a word search of the Comp Plan for the terms "126", "152" and "Rosewood".</p> <p>5.24.2 Clearly a "multiunit" project is contemplated on Lot 126, but remember, as little as a duplex or two detached single-family condominium dwellings constitute a "multiunit" project. The point is that nothing in this excerpt suggests that the "multiunit" project on this site should be as massive as 207,570 square feet with 58 units and commercial uses. Instead, as overwhelmingly required by the numerous other provisions of the Comp Plan cited in this memorandum, the "multiunit" project on this site must be compatible with the existing single-family neighborhood and it is up to the Council to determine what is appropriate.</p>
<p>5.25 Page 38</p>	<p>c. <u>Consider minimizing environmental impacts and ensure development fits into and blends with the existing environment and character of the area.</u></p> <p>e. <u>Consider revisiting all uses allowed in multiunit areas to ensure such uses are appropriate and provide additional design considerations as needed.</u></p> <p>f. <u>Create new subdivision regulations to ensure that all development provides adequate infrastructure, fits into the natural conditions</u></p>	<p>5.25.1 Just as with the excerpt cited in 5.24 above, these three excerpts appear in the "Multiunit" section of the Land Use Plan Polices portion of the Comp Plan. As such they are the provisions that are most focused on multiunit projects such as this.</p> <p>5.25.2 In its narrative the developer states:</p> <p><i>"It is not practicable to provide setbacks to the wetland areas given the narrow width of Lot 152R and the underlying zoning that</i></p>

	<p><i>of a site, and avoids land with development constraints.</i></p>	<p><i>allows for up to 23 condominium units. Lot 152R is only 80 to 100 feet in depth which is very shallow for a multi-family lot in Mountain Village. The front 16 foot general easement reduces the functional width to approximately 65 to 84 feet at the narrowest points. The development is avoiding the wetland areas which further limits the developable areas of the South Site. Lot 152R has been replatted approximately three times without any general easement on the golf course which the project team believes is due, in part, to the narrow width. This narrow width combined with the underlying density necessitate that development be located as close as possible to the wetland areas to allow for reasonable use of Lot 152R, with the decks of Buildings H and K proposed to slightly cantilever over the wetland areas with approximately ten feet of clearance.”</i></p> <p>The reality is that there is a simple solution to all these problems identified by the developer, in fact it is a solution that is required by these three excerpts, reduce the density of the project. Reducing the density will “ensure development fits into and blends with the existing environment and character of the area” and ensure the development “fits into the natural conditions of a site, and avoids land with development constraints.” The Council must ask itself, with respect to protecting the environment is this Town going follow the dictates of the Comp Plan or merely pay lip service to them?</p> <p>5.25.3 This multiunit site is currently zoned for 164 units; this excerpt requires the Town to revisit the uses on this site to “ensure such uses are appropriate and</p>
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		<i>provide additional design considerations as needed.” Everyone, including the developer, agrees the existing 164-unit project is not appropriate. Similarly, everyone, except the developer, agrees the proposed 207,570 square feet with 58 units are not appropriate either.</i>
5.26 Page 40	<i>B. Require rezoning, Planned Unit Developments (PUD), subdivisions, special use permits, density transfers, and other discretionary land use applications to be in general conformance with the Land Use Plan, the Subarea Plans and their associated principles and policies, and the applicable policies of the Comprehensive Plan.</i>	5.26.1 Same as 5.9.1 above.
5.27 Page	<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.</i>	5.27.1 This excerpt could not be any clearer and the single-family homeowners on Country Club Dr. are simply asking that this provision be applied to their neighborhood. It is hard to imagine how a 207,570 square foot development with 58 units respect the integrity of the exiting Country Club Dr. single-family area.
5.28 Page 40	<i>G. Require a rezoning, PUD, subdivision or density transfer to meet the following criteria:</i> <i>6. The proposal will meet the following or equivalent standards:</i> <i>b. Ensure appropriate scale and mass that fits the site(s) under review.</i> <i>c. Avoid, minimize and mitigate environmental and geotechnical impacts, to the extent practical, consistent with the Comprehensive Plan while also providing the target density identified in each Subarea Plan Development Table.</i> <i>d. Address all site-specific issues to the satisfaction of the town such as, but not limited to, the location of trash facilities, grease trap cleanouts, restaurant vents, and access points.</i>	5.28.1 While a 207,570 square foot development with 58 units may physically fit on the site (barely-see paragraph 5.25.2), it certainly does not fit with the character of the neighborhood. 5.28.2 As discussed in 5.25.2 above, with respect to wetlands this proposal does not “Avoid, minimize and mitigate environmental and geotechnical impacts, to the extent practical”. 5.28.3 It should be noted there is no target density for Lots 126R and 152R, they are merely labeled “multiunit”; and as we know, as little as a duplex or two detached single-family condominium dwellings constitute a “multiunit” project. 5.28.4 Due to the flaw in the current process, at this point in time it is impossible to identify “all site-specific issues” making it impossible to address them “to the satisfaction of the town”.

<p>5.29 Page 41</p>	<p><i>I. Mountain Village promotes a land use pattern, as envisioned by the Comprehensive Plan, that provides economic and social vibrancy, maintains a minimum of 60% open space, and better protects and preserves open space areas as shown on the Land Use Plan. The following policies and actions should be considered by Town Council:</i></p> <p><i>I. Create two separate processes for creating a PUD: (i.) a site specific PUD process that evaluates detailed engineered and architectural plans; and (ii.) a master phased PUD (MPPUD) process that considers large phased PUDs which implement the policies of the Comprehensive Plan with detailed architectural and engineered plans provided in phases over time with the assurance the criteria outlined in G above will be met at a future date.</i></p>	<p>5.29.1 This application involves a SPUD and, therefore, requires the developer to provide “detailed engineered and architectural plans” for evaluation in order to create a “site-specific development plan” as required by CDC Section 17.4.12.B.1.a. However, contrary to this requirement, the developer is not providing “detailed engineered and architectural plans” for the North Site. Consequently, the developer should be required to provide “detailed engineered and architectural plans” for the North Site before this process can proceed any further.</p>
<p>5.30 Page 50</p>	<p><u>Focus high density, mixed-use development in Mountain Village Center</u> by significantly increasing the hotbed inventory to improve the overall economic viability and activity in Mountain Village Center and the town as a whole.</p>	<p>5.30.1 This excerpt could not be any clearer, “Focus high density” in the Mountain Village Center, not in the middle of low-density single-family neighborhoods such as Country Club Dr. At a density of 12.66 units/acre the proposed 207,570 square foot development with 58 units and commercial space certainly qualifies as a “high density, mixed-use development” that belongs in the Mountain Village Center, not in the Country Club Dr. single-family neighborhood.</p>
<p>5.31 Page 50</p>	<p><i>Improved traffic circulation with a roundabout at the intersection of Mountain Village Boulevard and Country Club Drive.</i></p>	<p>5.31.1 This is evidence of the fact that the Town has been aware of the existing dangerous vehicle/bicycle/pedestrian situation that engulfs Country Club Dr. since the time the Comp Plan was adopted; please do not make it worse by approving a high-density project.</p>
<p>5.32 Page 50</p>	<p><i>Prioritize pedestrian circulation to and within Mountain Village Center.</i></p>	<p>5.32.1 Please do not make it worse by approving a high-density project.</p>
<p>5.33 Page 72</p>	<p><u>There is an emphasis throughout the Comprehensive Plan to protect the natural landscape that is found within and around Mountain Village.</u> The visitor experience that draws so many people to Mountain Village would not be possible without the town’s spectacular setting. <u>But</u></p>	<p>5.33.1 The Telluride Golf Course is one of the premier amenities to both Mountain Village residents and guests and so it is hard to understand how the 48’ foot high corridor-like effect (yikes-yes 48’) created by the virtually solid row of buildings (due to building overlapping) on Lot 152R can</p>

	<p><u>it is not only the aesthetic appeal of the area’s natural resources that make their protection so important, it’s their role in maintaining regional ecological health that make conservation policies so significant to Mountain Village’s future.</u> <i>The natural areas found throughout Mountain Village provide important wildlife habitat for a myriad of alpine-dwelling species; <u>the wetlands ensure that the hydrology of the area is protected</u>; and the riparian corridors provide important habitat linkages to the national forest that surrounds Mountain Village. <u>Wetlands and riparian areas provide several key functions and values</u> including wildlife habitat, water quality protection, floodwater attenuation, and maintenance of surface water flow. The following principles, policies and actions provide a foundation to <u>protect natural resources within and around Mountain Village</u> and recognize the role that the town plays in sharing this responsibility with neighboring communities, public agencies, nongovernmental organizations and other regional partners.</i></p>	<p>be viewed as protecting “<i>the natural landscape that is found within and around Mountain Village.</i>” Similarly, the northern edge of the Lot 152R buildings create a 30’ to 35’ corridor-like effect along Country Club Dr., once again it is hard to understand how that can be viewed as protecting “<i>the natural landscape that is found within and around Mountain Village.</i>”</p> <p>5.33.2 , A design that (i) pushes the buildings as close to the lot lines as possible, (ii) presses up against the wetlands, (ii) is likely to choke off the subsurface wetland water source and (iv) is totally out of character with the single-family lots that surround it, appears to show little regard for preserving “<i>the area’s natural resources</i>” despite the fact they are necessary for providing “<i>several key functions and values including wildlife habitat, water quality protection, floodwater attenuation, and maintenance of surface water flow.</i>”</p>
<p>5.34 Page 72</p>	<p><u>I. Mountain Village is committed to the protection of its sensitive natural resources from incompatible development and activities.</u> <i>Town Council should consider the creation of regulations in the LUO and the Design Regulations that include the following policies and actions and also ensure ongoing town monitoring for compliance and protection of sensitive resources.</i></p>	<p>5.34.1 Are we? Is this Town going follow these dictates of the Comp Plan or merely pay lip service to them? The CDC regulations are in place, it only takes leadership and political courage to follow them. The citizens of this community are looking to Council for this leadership and political courage.</p>
<p>5.35 Page 72</p>	<p>WETLANDS AND WATER QUALITY <u>A. Avoid disturbance to wetland areas to the maximum extent possible,</u> and minimize and mitigate impacts where site conditions preclude the ability to avoid wetland impacts. <u>B. Create and adopt wetland regulations based on current planning practices and the Wetlands Management Plan for the Telluride Mountain Village, dated October 1996, that is shown as Exhibit 5 of the EPA Consent Decree under United States District Court for the District of</u></p>	<p>5.35.1 As discussed in paragraph 5.25.2, in its narrative the developer states “<i>It is not practicable to provide setbacks to the wetland areas given the narrow width of Lot 152R and the underlying zoning that allows for up to 23 condominium units. Lot 152R is only 80 to 100 feet in depth which is very shallow for a multi-family lot in Mountain Village.</i>” The reality is that there is a simple solution to these problems identified by the</p>

	<p>Colorado, Civil Action No. 93-k- 2181 (Management Plan). At a minimum, the wetland regulations should require the following</p> <ol style="list-style-type: none"> 1. <u>Avoid further impacts to wetlands</u> and other waters be avoided, if possible (Section 5.0 of the Management Plan). 2. <u>Avoid of wetland impacts where possible.</u> If avoidance is not possible, minimize and mitigate wetland impacts (Section 5.0 of the Management Plan). 3. Provide a thorough, written evaluation of practical alternatives to any fill, excavation or disturbance of any wetland (Section 5.1.A of the Management Plan). 4. Allow for the reconfiguration of a lot with surrounding lots to avoid wetland impacts if possible (Section 5.1.B of the Management Plan). 5. <u>Design</u> proposed roads, utilities, ski runs and <u>parking facilities to avoid</u>, minimize or mitigate <u>wetland impacts</u> (Section 5.1.C of the Management Plan). 	<p>developer, in fact it is a solution that is required by this excerpt, <u>reduce the density of the project and limit the underground parking on Lot 152R so it does not dry up the wetland’s water source.</u></p> <p>5.35.2 Once again, is this Town going follow these dictates of the Comp Plan to avoid “<u>wetland impacts where possible</u>” or merely pay lip service to them?</p>
<p>5.36 Page 73</p>	<p><u>C. Provide appropriate setbacks to wetland areas where possible.</u></p>	<p>5.36.1 This is easily accomplished, reduce the density of the project. Yet again, is this Town going follow these dictates of the Comp Plan or merely pay lip service to them?</p>
<p>5.37 Page 78</p>	<p><i>Build summer trailhead parking on Country Club Drive at Boomerang and Jurassic Trailheads.</i></p>	<p>5.37.1 Whoa, wait a second, is this a good idea? Do we really want to encourage more traffic on Country Club Dr.? Do we really want to build a parking lot on Tract OS-118, is there even room on the tract once the realigned trail is built? What do the owner of Lot 117 and the developer think of having a parking lot next door?</p>
<p>5.38 Page 83</p>	<p>4. <u>Require</u> all new hotbed site developments, or <u>hotbed site developments that seek a PUD modification or a modification to a development agreement, to provide (i) van, bus or limousine service</u> to pick up guests from the Telluride and Montrose airports; (ii) van or bus service for employees living in surrounding communities outside the Telluride Region; or (iii) provide equitable funds to the town, a transit district, or a cooperative of hotbed developments to the operate a regional transit services.</p>	<p>5.38.1 The nature and scope of this service can only be determined once the density of the project is established. In view of the existing dangerous vehicle/bicycle/pedestrian situation, does the Council really want to approve a 58-unit project that will add more than twice the amount of “<i>van, bus or limousine</i>” traffic that currently exists?</p> <p>5.38.2 This is another reason that this application should be tabled or continued</p>

		until a complete application, including an amended development agreement is provided by the developer.
5.39 Page 83	4. Strive to <u>minimize on-street parking</u> to the maximum extent practical.	5.39.1 Problems with on-street parking on Country Club Dr. already exist at the Peaks, please be sure provisions are in place for this development to ensure <u>zero</u> on-street parking occurs because it will only exacerbate an already very dangerous situation.
5.40 Page 84	<p>E. <u>Ensure</u> the road, <u>sidewalk</u> and trail systems in Mountain Village <u>are maintained</u> and improved, <u>as needed</u>.</p> <p>1. Periodically <u>evaluate</u> road intersection safety and capacity, road maintenance needs, and associated <u>sidewalks</u> and trails installation and maintenance <u>to ensure safe levels of service</u>, overall safety, and the provision of well-maintained roads, sidewalks and trail systems.</p>	<p>5.40.1 This issue has been beaten to death by everyone. The Comp Plan requires the analysis and a solution.</p> <p>5.40.2 There have been many, many winters in which the plowed snowbanks on the north side of Lot 152R stand six to seven feet tall for a good part of the winter. Unfortunately, those snowbanks happen to be located in the exact same place as the sidewalk proposed by the developer; consequently, for three to five months of every year it appears the sidewalk will be impassable and unable <u>“to ensure safe levels of service”</u>.</p> <p>5.40.3 In his October 10, 2019 email to John Miller, the Town’s Public Works Director, Finn Kjome, stated:</p> <p style="padding-left: 40px;"><i>“All road-right-away widths and 16 ft General Easements along the road must remain. It is expected that the GE will <u>be used for snow storage</u>. Landscaping should consider this . . . Sidewalk maintenance responsibility will need to be defined.”</i></p> <p>Mr. Kjome’s comments appear pretty clear, the area where the developer is proposing to locate the sidewalk is expected to <u>“be used for snow storage”</u>. Nothing in the developer’s application addresses <u>“Sidewalk maintenance responsibility”</u>, it seems like that issue is something that would be addressed in the missing PUD development agreement.</p>

<p>5.41 Page 84</p>	<p><u>2. Promote the pedestrian nature of Mountain Village by providing sidewalks along roads where needed in high density areas and provide trails in lower density areas consistent with the Potential Recreation Projects Plan.</u></p> <p><i>a. Maintain plowed sidewalks only in high density areas during the winter months. Sidewalks in low density areas should not be plowed during the winter months.</i></p>	<p>5.41.1 The existing dangerous vehicle/bicycle/pedestrian situation persists year around. The issue presented by the enormous snowdrifts must be addressed.</p> <p>5.41.2 The developer’s narrative acknowledges it does not have either the legal right or the commitment of other “stakeholder” to pay for the sidewalk and, therefore, it may never be built. That is a problem!</p>
<p>5.42 Page 85</p>	<p><u>Local governance is the primary means for a community to realize and protect its vision, express opinions, and protect the public interest, health, safety and welfare.</u></p> <p><u>Responsive governance is creating and maintaining a government that is responsive to the community’s needs and desires.</u> <i>In the end, good, responsive governance makes great communities.</i></p> <p><i>1. Mountain Village Town Council, boards and employees fully embrace and recognize the importance of being an excellent civil servant, with the primary goal of serving the public interest and the overall community.</i></p>	<p>5.42.1 Pretty heady stuff, and VERY, VERY important. This is where the rubber meets the road. The decisions Council makes on this application will have effects for not just years but for generations to come, this is a VERY BIG DEAL. The decisions will not be easy, if they were easy then they would already have been made. No one envies the difficult decision each councilmember is faced with, but the reality is that is what each of you signed up for when you ran for Council. However, the facts and the regulatory criteria appear to make it pretty clear, the proposed development is much too big for the site.</p> <p>If you make the tough decisions today, some people may not be happy with you today, but this community will thank you for generations to come.</p> <p>5.42.2 As members of this community we do not make the rules, Town government makes the rules; and as evidenced by the lengthy memorandums we have submitted, the rules applicable to this project are extensive. We would rather not have to draft such lengthy submittals, but the Town’s lengthy rules leave us no choice. It is likely you would rather not have to review our lengthy submittals, but being a responsive government requires your review, and we deeply appreciate your efforts and commitment.</p>

<p>5.43 Page 86</p>	<p><i>III. All town employees and representatives act with honesty, integrity, respect and professionalism.</i></p> <p><i>A. Maintain high ethical standards and respect in the conduct of all business.</i></p>	<p>5.43.1 Once again, pretty heady stuff and we feel our current Council, DRB and staff reflect these ideals. If the Council provides a thorough, open and transparent process then the dictates of this excerpt will be accomplished. A key to accomplishing this will be ensuring all material discussions on this application will occur in open meetings and not in executive sessions.</p>
<p>5.44 Page 90</p>	<p><i>By-right Development: <u>development</u> that is permitted by the underlying zoning and Design Regulations <u>that does not require</u> subdivision, <u>rezoning, density transfer or other discretionary development review applications.</u></i></p>	<p>5.44.1 Without question, a PUD amendment is an “other discretionary development review applications” and, by this definition, does not qualify as a “By-right Development”. Therefore, despite the three “by right” references in the developer’s narrative, no aspect of its application should be viewed as a “By-right Development”.</p>
<p>45</p>	<p><u>General Conformance: a suggested review criteria of the Comprehensive Plan that is intended to be applied to certain development review applications such as rezoning, density transfers and subdivisions. When a development application is evaluated regarding its general conformance with the Comprehensive Plan, the Town Council and Design Review Board (DRB) should evaluate the application against the entirety of the goals, polices and actions contained in the Comprehensive Plan and need not require compliance with every provision contained therein. Nonetheless, the Town Council and DRB may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance.</u></p>	<p>5.45.1 Section 17.12.4.E.1 requires that “The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan”, this excerpt defines what is required to achieve “general conformity”. In this memorandum we have attempted to set forth “the entirety of the goals, polices and actions contained in the Comprehensive Plan” that are applicable to this application. When viewed in its entirety, there appears to be little question that the proposed 207,570 square foot development with 58 units must be dramatically reduced in density, mass and scale to ensure it protects and is compatible with the existing single-family neighborhood.</p>
<p>5.46 Page 91</p>	<p><i>Planned Unit Development (PUD): a development review process that allows for variations to the LUO and Design Regulations pursuant to criteria, such as provision of a public benefit, which results in a detailed development agreement.</i></p>	<p>5.46.1 The extent to which this proposal is allowed to exceed the density, mass and scale of the existing single-family neighborhood is dependent in part on the nature and size of the “public benefits” provided by the development. Mitigating impacts created by the development (e.g. traffic calming measures (e.g. flashing speed signs, bicycle lanes, pedestrian sidewalks that are covered by snow 4-5 months a year, etc.) and affordable</p>

		<p>housing clearly do not constitute “<i>public benefits</i>”.</p> <p>5.46.2 Tracts OS-126 and OSP-118 have existed for 12 years and so it is hard to comprehend how their continued existence rises to the level of a community benefit. It should also be noted that paragraphs 2 and 36 of the Council Resolution that approved the Rosewood PUD, recorded at Reception #391879, state:</p> <p style="padding-left: 40px;"><i>“2. The Applicant shall convey fee title ownership of the proposed Open Space Lots OS-126 and OS-118 to the Town of Mountain Village.</i></p> <p style="padding-left: 40px;"><i>36. Tract OS-118 will be transferred to the Town following the completion of the relocation of the Boomerang Road/Trail onto Tract OS-118, but in any event, the transfer of Tract OS-118 shall occur prior to the issuance of a certificate of occupancy for occupiable space in the Project.”</i></p> <p>Regardless of who is owner of Tracts OS-126 and 118, it appears the practical effect of these paragraphs is that the property owner is already obligated to convey these tracts to the Town. Consequently, it appears the developer is trying to claim a public benefit for something it is already obligated to do.</p>
<p>5.47 Page 42</p>	<p><u>E. Conduct neighborhood meetings to develop a list of improvements that promote a better sense of community and distinct identity for each neighborhood and subarea within Mountain Village.</u></p>	<p>5.47.1 Developer’s narrative states the current plan “<i>is based on the land uses envisioned in the Mountain Village Comprehensive Plan (“Comprehensive Plan”); town input, community input and neighbor comments based on several individual meetings.</i>” While we may not have spoken to everyone who participated in the “<i>several individual meetings</i>” we feel we have spoken with most of the individuals; and based on our discussions</p>

		<p>the meetings can best be characterized as one-way conversations in which the developer’s representatives told the participants what the development was going to be and why. The participants indicated that their suggested substantive changes to density, mass and scale were completely ignored and only suggestions that merely rose to the level of “rearranging deck chairs on the sinking Titanic” were considered by the developer. The only public meeting was held at the beginning of the fall off season on October 3, 2019. Bottom line, the developer has failed to secure any of the meaningful input contemplated by this excerpt.</p>
<p>5.48 Page 21</p>	<p>21 1. <u>Mountain Village offers an exceptional setting in which to live, work, invest and visit. Residential neighborhoods are surrounded by scenic alpine landscapes, forested mountain open space, alpine vistas, and wildlife habitat.</u> <i>A system of open space creates attractive buffers between the built and natural environments and gives context to the built environment. Together, open space conservation and recreation contribute to the quality of life and a robust economy in Mountain Village.</i></p>	<p>5.48.1 Sounds pretty idyllic, in fact it sounds like the description you will currently get from most families who live in the Country Club Dr. single-family neighborhood. Those families are asking the Council to preserve “exceptional setting in which” they live and work by requiring this development to be compatible with their single-family neighborhood.</p>
<p>5.49 Page 83</p>	<p>C. <i>Provide a world class, intra-town gondola and bus mass transportation system that connects all neighborhoods in Mountain Village in order to <u>significantly reduce vehicular trips,</u> improve sustainability, and offer convenient, efficient transportation for residents and guests.</i></p>	<p>5.49.1 In its narrative the developer states “The La Montagne Project will provide a shuttle to transport owners and guests to key areas in Mountain Village (Village Center, Town Hall, etc.)”. If “a shuttle to transport owners and guests to key areas in Mountain Village” then it seems hard to see how this proposal will “significantly reduce vehicular trips”.</p>
<p>5.50 Page 86</p>	<p>V. <u>Mountain Village creates and instills a culture of community</u> and community service that encourages more volunteerism and citizen participation in Mountain Village’s town government. A. <u>Create a better sense of community and civic vitality by improving the quality of the town’s social infrastructure that consists of networks of organizations and institutions, community gathering places, bonds of friendship and neighborliness,</u> civility, access to</p>	<p>5.50.1 As expressed in emails and testified to on July 18th by persons with single-family homes on Country Club Dr., they and their families have developed personal relationships with most of the other families who live in the single-family homes on the street; a “sense of community” based on “bonds of friendship and neighborliness” if you will. Clearly, the families in the Country Club Dr. single-family neighborhood have established “all</p>

	<p><i>information, opportunities for civic and electoral engagement and opportunities for philanthropic giving. Together, all of these elements create a welcoming, engaging, informed, and inclusive community where residents identify Mountain Village as their home and a place where they belong, feeling connected to friends and the community.</i></p>	<p><i>of these elements [to]create a welcoming, engaging, informed, and inclusive community where [they]identify Mountain Village as their home and a place where they belong, feeling connected to friends [in their neighborhood] community.”</i> <i>Allowing a 207,570 square foot development with 58 units will go a long way towards ruining any “sense of community” and “social infrastructure”.</i></p>
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END OF MEMORANDUM

ANCHOR MARIEMONT LIMITED PARTNERSHIP
128 East 2nd Street
Covington, KY 41011
Phone: (859) 578-2626

November 15, 2019

Mountain Village Town Council
411 Mountain Village Blvd.
Mountain Village, CO 81435

VIA E-MAIL: johnmiller@mtnvillage.org

Re: *LaMontagne*; Lots 126R and 152R

Dear Members of the Mountain Village Town Council:

We have owned the home at 230 Country Club Drive (Lot 143D) for almost 20 years. This is the single family residence most impacted by the former "Rosewood Project", now known as *LaMontagne*. I recently attended the DRB hearing where they approved the "major amendment" to the Rosewood PUD. Due to the importance of this project and its impact on the Country Club neighborhood and the entire Mountain Village, I ask that Town Council subject this application to the same scrutiny that a new PUD application would receive.

The "Rosewood" PUD was granted at a time when the Village was enamored with having a project that provided additional "hot beds" run by an operator of premier hotels. Over the objection of many, this plan was approved. The Rosewood PUD has since been extended three times, yet no one believes that the Rosewood Project PUD fits the character of the Village or is in keeping with the single family neighborhood on Country Club Drive. To consider the *LaMontagne* request without **first addressing the serious infrastructure and safety concerns of Country Club Drive is irresponsible**. This proposed project would drastically increase the number of residences served by Country Club, and the road is already inadequate for the automobile traffic, bikes and pedestrians that currently use this as a major transportation corridor to access the multitude of residences in the lower Mountain Village.

The applicant stated at the Design Review Board hearing that they were addressing the physical problems with Country Club Drive (with signage, chevrons and a sidewalk!), but they were limited by the fact that the right of way of Country Club Drive is only 50' in width. There is no reason that the applicant shouldn't be required to dedicate such additional right of way to enable the road to properly function for the Village residents. Although such a dedication would likely result in fewer units being developable on Lot 152R, it would be the right thing to do.

It is tempting to view this application as a significant reduction in the number of units approved in the Rosewood PUD. However, the Council needs to **consider anew** this application and apply the provisions of the Land Use Ordinance, which requires that the *LaMontagne* development "be compatible with the surrounding environment, neighborhood and area relative to ... scale, bulk, building height, buffer zones, character and orientation and shall not unreasonably affect existing land uses ... of the surrounding neighborhood." No where in the core of Mountain Village are there single family homes as close to such a massive project. The health and safety of the residents of Country Club Drive (and the entire Mountain Village) would be jeopardized by such a large scale development on County Club Drive.

LaMontagne plans for Lot 152R (the south lot) clearly show the developer planning too many units on a lot that is challenged by wetlands to the south and a too-narrow right of way to the north. The plan as submitted would result in a continuous wall of buildings adjacent to County Club Drive which is

Mountain Village Town Council
Re: LaMontagne; Lots 126R and 152R
November 15, 2019
Page 2

totally incompatible with the existing single family and multi-family buildings. There are no meaningful gaps between the proposed buildings to provide any views resulting in a “canyon-like” effect only seen in the Mountain Village core. Just because the underlying zoning allows a specific number of units does not mean a developer is entitled to develop such a number of units. The developer’s own application acknowledges the physical constraints of this lot.

The plans for Lot 126R (the North lot) are presented for conceptual purposes. However, these plans need to be fully vetted at the same time the plans for the southern lot are reviewed. It is clear that the mass of the buildings will overwhelm the single family residences on either side, but particularly on the west. To propose a building setback on the west of the minimum of 16’ is ridiculous. I challenge anyone on Council to find a single family residence in the core that is so close to such an imposing structure. Further, the number of units proposed on this lot is simply not appropriate for a lot outside the Mountain Village Core.

*** **

We bought our home knowing there was multi-family zoning adjacent to us. However, we also believed our rights would be adequately protected during the approval process. We ask the Council to subject this application to the same scrutiny as a new PUD and to carefully take into account:

- The safety of Country Club Drive.
- The compatibility of any such massive development so close to an established single family neighborhood.

Sincerely,

ANCHOR MARIEMONT LTD. PARTNERSHIP

By: 
Douglas S. Hynden

John A. Miller

From: William C. Valaika <wcvai@aol.com>
Sent: Friday, November 15, 2019 4:44 PM
To: Michelle Haynes; John A. Miller
Cc: jmahoney@jdreedlaw.com; hjh2839@aol.com; alansafdi@gmail.com; bingo.eaton@cox.net; pgmitchell@cox.net; mcm3333@sbcglobal.net; jdmcmorran57@gmail.com; jonathan@jmh4.com; barutha@msn.com; lisaandboyce@yahoo.com; carlotta482@mindspring.com; tleiser@banderaventures.com; ross@rossimage.com; mgardner267@gmail.com; jgardner267@gmail.com; Sandy@lange.us; jhorn@rmi.net; caseycrosen@yahoo.com; DHynden@ANCHOR-PROP.COM; kristin@4magnolias.com; khval@aol.com
Subject: Re: Proposed Amendment to the Rosewood PUD, La Montagne
Attachments: Letter town Council 11-15-19.docx

Attention Mountain Village Town Council,

I am attaching a brief letter prior to the scheduled Nov. 21, 2019 public hearing on the above referenced matter. My letter outlines our position on the proposed PUD Amendment which along with my prior comments should be a part of the public record related to this proposed development. Scheduling such an important meeting at a time that most home homeowners will not be in town is a dreadful way to hear all stakeholders positions in a public forum. My wife and I stayed in town an extra couple weeks to be sure to attend and speak at the prior scheduled meeting which was then moved to this Nov. 21st date.

Our attached letter outlines our problems with what we feel is an ill conceived proposed development for all stake holders. Please review all our neighbors comments as several have unique points of view but all have solid points of contention. My wife and I concur with the other residents comments that have been submitted that refer to the safety and quiet enjoyment of our investments in the Mountain Village. It is our hope that our council represents the interests of all stake holders in approving something that is compatible with the existing developments in and around our neighborhood. Modifications today to development entitlements done decades ago should meet today's realities both for safety and economic viability to what a project will do to existing values of today, not just the willingness of a developer to fund a speculative development to our collective detriment. Everyone will lose if this is allowed to move forward as is currently proposed.

Thank you for your consideration.

William & Karen Valaika
245 Countryclub Dr., D
Mountain Village, CO

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

From: Jonathan Harris <jonathan@jmh4.com>
To: MHaynes@mtnvillage.org <MHaynes@mtnvillage.org>; JohnMiller@mtnvillage.org <JohnMiller@mtnvillage.org>
Cc: James Mahoney <jmahoney@jdreedlaw.com>; Hank Hintermeister <hjh2839@aol.com>; Alan Safdi <alansafdi@gmail.com>; Bingo Eaton <bingo.eaton@cox.net>; Pete Mitchell <pgmitchell@cox.net>; Cynthia McMorran <mcm3333@sbcglobal.net>; James McMorran <jdmcmorran57@gmail.com>; George and Cynthia Barutha <barutha@msn.com>; Lisa Boyce <lisaandboyce@yahoo.com>; 1Carlotta Horn <carlotta482@mindspring.com>; Tom Leiser <tleiser@banderaventures.com>; Ross Meridith <ross@rossimage.com>; Michael Gardner <mgardner267@gmail.com>; Jackie Gardner <jgardner267@gmail.com>; Sandy Lange <Sandy@lange.us>; Bill & Karen Valaika <wcvai@aol.com>; John Horn <jhorn@rmi.net>; Casey Rosen <caseycrosen@yahoo.com>; Doug Hynden <DHynden@ANCHOR-PROP.COM>; Kristin Harris <kristin@4magnolias.com>
Sent: Fri, Nov 15, 2019 12:47 pm
Subject: Re: Lots 126R and 152R

Dear Mountain Village Town Council

I am writing in advance of the November 21, 2019 public hearing, which I nor most of my neighbors cannot attend due timing over shoulder season, regarding La Montagne project.

I believe my previous comments should be a matter of public record, and I would hope they will be shared with all of you. Since the last hearing I have met with the developer and attended a public workshop, and I would like to continue to share my comments concerning the size, scale and scope of this proposal.

Size: Based upon the drawings and renderings I have seen; this project will create a canyon down Country Club drive with street side heights to 30' and golf course of over 40'. This scale so close the street itself will feel much more like the Village core and does not reflect the neighborhood of single-family homes and two townhomes. Additionally, the almost continuous run of buildings will let little light, if any, onto the proposed sidewalk (think of the ice buildup in the winter) and street itself and completely block all views to the East and West.

Scale: Although this is a reduction from "Rosewood" project, this is a massive undertaking for the Village. You have heard from many of my neighbors who have lived in MV longer than I, how many of these larger projects have failed in the past. I see no reason this too will have extreme challenges. Our neighborhood is just that, neighbors. This project, in my opinion, is being developed for a short-term rental market, and we're all seeing the tragic effects of AirBnB throughout the towns and cities of their rentals.

Scope: As stated above, this is a massive undertaking affecting the entire village. Roads will need to be adjusted, sidewalks developed, wetlands will be changed forever and traffic throughout the building phase into, assumption, full capacity, will certainly more than double. I would like to see a much reduced, phased project which could ensure success through economically good times and bad, especially for the second home market. I believe I can speak for the entire town, the last thing anyone would want is to see a concrete bunker(s) or shrink-wrapped buildings for months or even years.

In closing, my wife and I chose to live in Mountain Village, and on Country Club Drive for the neighbors, the vistas and a thoughtful community thinking of the long-term viability for *our* town. I urge the council to listen to our neighbors (their constituents) and understand the legacy you are responsible for to the Town of Mountain Village.

Thank you,
Jonathan & Kristin Harris
JHK Trust

On Nov 15, 2019, at 8:47 AM, Doug Hynden <DHynden@ANCHOR-PROP.COM> wrote:

I have attached a letter addressed to the Town Council in advance of the November 21st hearing. Unfortunately due to the timing of the meeting, I am unable to attend.

John A. Miller

From: Carlotta Horn <carlotta482@mindspring.com>
Sent: Friday, November 15, 2019 5:08 PM
To: John A. Miller
Subject: Lots 126R and 152R

John,

Please include this email in the record for the public hearing on Nov. 21, 2019

Dear Council Members,

Lots 126R and 152R are beautiful, unique pieces of property with stunning views, a great location, and deserving of a development that is both aesthetically pleasing and proportional to its surroundings. Fortunately, the original Rosewood project, originally conceived in 2007 never became a reality.

Now this property is once again under scrutiny of its development. You have been made aware of many of the concerns of the residents of Country Club Drive. At this time I would urge you to please consider applying the current 2019 regulations in regards to the density of this project. Much has changed since it was platted in 1984 and the Rosewood PUD was approved in 2007. There has to be a favorable solution that works for the community.

Thank you for being available to take input and for all of the hard work it will take to make this truly a project deserving of such a lovely hillside.

Sincerely,

Carlotta Horn

John A. Miller

From: Doug Hynden <DHynden@ANCHOR-PROP.COM>
Sent: Friday, November 15, 2019 9:48 AM
To: Michelle Haynes; John A. Miller; James Mahoney
Cc: Hank Hintermeister; Alan Safdi; Bingo Eaton; Pete Mitchell; Cynthia McMorrان; James McMorrان; George and Cynthia Barutha; Lisa Boyce; 1Carlotta Horn; Tom Leiser; Johnathon and Kristen Harris; Ross Meridith; Michael Gardner; Jackie Gardner; Sandy Lange; Bill & Karen Valaika; John Horn; Casey Rosen
Subject: RE: Lots 126R and 152R
Attachments: Ltr Council 11-15-2019.pdf

I have attached a letter addressed to the Town Council in advance of the November 21st hearing. Unfortunately due to the timing of the meeting, I am unable to attend.

In summary, we believe this project should be given the same scrutiny as a new PUD application, even though it is being considered as a Major Amendment to the Rosewood PUD. In addition, I concur with all of the points submitted by Casey Rosen below.

Thanks for your consideration.

Doug Hynden
230 Country Club

Doug Hynden
Anchor Properties, Inc.
128 East 2nd Street
Covington, KY 41011
Office (859) 578-2626
Cell (513) 608-6040

From: Casey Rosen [mailto:caseycrosen@yahoo.com]
Sent: Wednesday, November 13, 2019 8:10 AM
To: MHaynes@mtnvillage.org; JohnMiller@mtnvillage.org; James Mahoney
Cc: Hank Hintermeister; Doug Hynden; Alan Safdi; Bingo Eaton; Pete Mitchell; Cynthia McMorrان; James McMorrان; George and Cynthia Barutha; Lisa Boyce; 1Carlotta Horn; Tom Leiser; Johnathon and Kristen Harris; Ross Meridith; Michael Gardner; Jackie Gardner; Sandy Lange; Bill & Karen Valaika; John Horn
Subject: Re: Lots 126R and 152R

Dear Mountain Village Town Council

I am writing in advance of the November 21st public hearing at which you are planning to discuss the La Montagne project. Unfortunately, the meeting falls before the ski season begins and during a time when most people, including me, are out of town so I am sharing my thoughts via email.

Since my email below from early in the summer, I have attended a public workshop with the project developer and communicated with him directly. My initial objections and concerns about the project remain despite the minor changes and reduced unit count.

ANCHOR MARIEMONT LIMITED PARTNERSHIP
128 East 2nd Street
Covington, KY 41011
Phone: (859) 578-2626

November 15, 2019

Mountain Village Town Council
411 Mountain Village Blvd.
Mountain Village, CO 81435

VIA E-MAIL: johnmiller@mtnvillage.org

Re: *LaMontagne*; Lots 126R and 152R

Dear Members of the Mountain Village Town Council:

We have owned the home at 230 Country Club Drive (Lot 143D) for almost 20 years. This is the single family residence most impacted by the former "Rosewood Project", now known as *LaMontagne*. I recently attended the DRB hearing where they approved the "major amendment" to the Rosewood PUD. Due to the importance of this project and its impact on the Country Club neighborhood and the entire Mountain Village, I ask that Town Council subject this application to the same scrutiny that a new PUD application would receive.

The "Rosewood" PUD was granted at a time when the Village was enamored with having a project that provided additional "hot beds" run by an operator of premier hotels. Over the objection of many, this plan was approved. The Rosewood PUD has since been extended three times, yet no one believes that the Rosewood Project PUD fits the character of the Village or is in keeping with the single family neighborhood on Country Club Drive. To consider the *LaMontagne* request without **first addressing the serious infrastructure and safety concerns of Country Club Drive is irresponsible**. This proposed project would drastically increase the number of residences served by Country Club, and the road is already inadequate for the automobile traffic, bikes and pedestrians that currently use this as a major transportation corridor to access the multitude of residences in the lower Mountain Village.

The applicant stated at the Design Review Board hearing that they were addressing the physical problems with Country Club Drive (with signage, chevrons and a sidewalk!), but they were limited by the fact that the right of way of Country Club Drive is only 50' in width. There is no reason that the applicant shouldn't be required to dedicate such additional right of way to enable the road to properly function for the Village residents. Although such a dedication would likely result in fewer units being developable on Lot 152R, it would be the right thing to do.

It is tempting to view this application as a significant reduction in the number of units approved in the Rosewood PUD. However, the Council needs to **consider anew** this application and apply the provisions of the Land Use Ordinance, which requires that the *LaMontagne* development "be compatible with the surrounding environment, neighborhood and area relative to ... scale, bulk, building height, buffer zones, character and orientation and shall not unreasonably affect existing land uses ... of the surrounding neighborhood." No where in the core of Mountain Village are there single family homes as close to such a massive project. The health and safety of the residents of Country Club Drive (and the entire Mountain Village) would be jeopardized by such a large scale development on County Club Drive.

LaMontagne plans for Lot 152R (the south lot) clearly show the developer planning too many units on a lot that is challenged by wetlands to the south and a too-narrow right of way to the north. The plan as submitted would result in a continuous wall of buildings adjacent to County Club Drive which is

Mountain Village Town Council
Re: LaMontagne; Lots 126R and 152R
November 15, 2019
Page 2

totally incompatible with the existing single family and multi-family buildings. There are no meaningful gaps between the proposed buildings to provide any views resulting in a “canyon-like” effect only seen in the Mountain Village core. Just because the underlying zoning allows a specific number of units does not mean a developer is entitled to develop such a number of units. The developer’s own application acknowledges the physical constraints of this lot.

The plans for Lot 126R (the North lot) are presented for conceptual purposes. However, these plans need to be fully vetted at the same time the plans for the southern lot are reviewed. It is clear that the mass of the buildings will overwhelm the single family residences on either side, but particularly on the west. To propose a building setback on the west of the minimum of 16’ is ridiculous. I challenge anyone on Council to find a single family residence in the core that is so close to such an imposing structure. Further, the number of units proposed on this lot is simply not appropriate for a lot outside the Mountain Village Core.

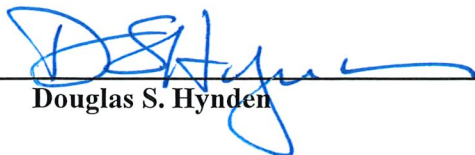
*** **

We bought our home knowing there was multi-family zoning adjacent to us. However, we also believed our rights would be adequately protected during the approval process. We ask the Council to subject this application to the same scrutiny as a new PUD and to carefully take into account:

- The safety of Country Club Drive.
- The compatibility of any such massive development so close to an established single family neighborhood.

Sincerely,

ANCHOR MARIEMONT LTD. PARTNERSHIP

By:  _____
Douglas S. Hynden

John A. Miller

From: Jackie Gardner <jgardner267@gmail.com>
Sent: Friday, November 15, 2019 5:08 PM
To: William C. Valaika; Michelle Haynes; John A. Miller
Cc: jmahoney@jdreedlaw.com; hjh2839@aol.com; alansafdi@gmail.com; bingo.eaton@cox.net; pgmitchell@cox.net; mcm3333@sbcglobal.net; jdmcmorran57@gmail.com; jonathan@jmh4.com; barutha@msn.com; lisaandboyce@yahoo.com; carlotta482@mindspring.com; tleiser@banderaventures.com; ross@rossimage.com; mgardner267@gmail.com; Sandy@lange.us; jhorn@rmi.net; caseycrosen@yahoo.com; DHynden@ANCHOR-PROP.COM; kristin@4magnolias.com; khval@aol.com
Subject: Re: Proposed Amendment to the Rosewood PUD, La Montagne

Dear Mountain Village Town Council,

As residents of Country Club Drive for 31 years, (full time residents for 21 of those years), we would like to support the thoughtful and eloquent comments of our neighbors on Country Club Drive, as well as emphasize three issues that are high on our list of concerns.

1. The road between the Peaks and the Las Montagne property is already a significant hazard. The vehicular traffic on these blind “s” curves, which includes the Peaks valet traffic, shares the road with bikers, pedestrians, skateboarders, dogs and strollers, whose numbers are far in excess of what you would expect from a small residential road like Country Club Drive. By adding the Big Billie’s trail, Mountain Village transformed Country Club Drive into the primary pedestrian link between the Meadows area and the Mountain Village core and gondola. Additionally, hikers coming up the Boomerang trail regularly walk up Country Club Drive to the gondola. Bikers in the opposite direction, zip down the “s” curves on their way to Boomerang, or to Jurassic, the bike route to the Meadows and Lawson Hill.

Given the current volume and mix of traffic sharing the road, it is hard to imagine the addition of significant vehicular traffic brought on by a high-density development, without provisions for a dedicated pedestrian path between the entrance to the Peaks and Las Montagne, accessible in all seasons. If this cannot be accomplished, we question how a project of this size can be justified.

2. During construction, a turnaround facility should be provided on the La Montagne site to allow large vehicles go back up Country Club Drive without having to use the cul-de-sac at the west end of the road. This one item will greatly reduce the disturbance to the residents during what will, undoubtedly, be an extended construction period. I believe this was a concern that was addressed by Rosewood during their approval process.

3. The building envelopes and setbacks on the south side of Country Club Drive should preserve as much of the visual corridor as possible over the golf course. In addition, the Mountain Village trail system is an important part of the Mountain Village experience, and Boomerang is one of the well-travelled Mountain Village trails. We do hope the design of the structures does not impede the “wow” factor of the Wilson Peak view as you reach the top of Boomerang. That would be quite a loss for both the residents and visitors using the trail. Structures with open space in between, as is compatible with the neighborhood, could ensure this view at the top is not eliminated.

Thank you for your consideration and the tremendous amount of time you dedicate to serve on council.

Michael & Jackie Gardner
267 Country Club Drive
Telluride CO 81435

From: "William C. Valaika" <wcvla@aol.com>
Date: Friday, November 15, 2019 at 4:44 PM
To: "MHaynes@mtnvillage.org" <MHaynes@mtnvillage.org>, "JohnMiller@mtnvillage.org" <JohnMiller@mtnvillage.org>
Cc: "jmahoney@jdreedlaw.com" <jmahoney@jdreedlaw.com>, "hjh2839@aol.com" <hjh2839@aol.com>, "alansafdi@gmail.com" <alansafdi@gmail.com>, "bingo.eaton@cox.net" <bingo.eaton@cox.net>, "pgmitchell@cox.net" <pgmitchell@cox.net>, "mcm3333@sbcglobal.net" <mcm3333@sbcglobal.net>, "jdmcmorran57@gmail.com" <jdmcmorran57@gmail.com>, "jonathan@jmh4.com" <jonathan@jmh4.com>, "barutha@msn.com" <barutha@msn.com>, "lisaandboyce@yahoo.com" <lisaandboyce@yahoo.com>, Carlotta Horn <carlotta482@mindspring.com>, "tleiser@banderaventures.com" <tleiser@banderaventures.com>, "ross@rossimage.com" <ross@rossimage.com>, Michael Gardner <mgardner267@gmail.com>, Jackie Gardner <jgardner267@gmail.com>, "Sandy@lange.us" <Sandy@lange.us>, John Horn <jhorn@rmi.net>, "caseycrosen@yahoo.com" <caseycrosen@yahoo.com>, "DHynden@ANCHOR-PROP.COM" <DHynden@ANCHOR-PROP.COM>, "kristin@4magnolias.com" <kristin@4magnolias.com>, "khval@aol.com" <khval@aol.com>
Subject: Re: Proposed Amendment to the Rosewood PUD, La Montagne

Attention Mountain Village Town Council,

I am attaching a brief letter prior to the scheduled Nov. 21, 2019 public hearing on the above referenced matter. My letter outlines our position on the proposed PUD Amendment which along with my prior comments should be a part of the public record related to this proposed development. Scheduling such an important meeting at a time that most home homeowners will not be in town is a dreadful way to hear all stakeholders positions in a public forum. My wife and I stayed in town an extra couple weeks to be sure to attend and speak at the prior scheduled meeting which was then moved to this Nov. 21st date.

Our attached letter outlines our problems with what we feel is an ill conceived proposed development for all stake holders. Please review all our neighbors comments as several have unique points of view but all have solid points of contention. My wife and I concur with the other residents comments that have been submitted that refer to the safety and quiet enjoyment of our investments in the Mountain Village. It is our hope that our council represents the interests of all stake holders in approving something that is compatible with the existing developments in and around our neighborhood. Modifications today to development entitlements done decades ago should meet today's realities both for safety and economic viability to what a project will do to existing values of today, not just the willingness of a developer to fund a speculative development to our collective detriment. Everyone will lose if this is allowed to move forward as is currently proposed.

Thank you for your consideration.

William & Karen Valaika
245 Countryclub Dr., D
Mountain Village, CO

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 2:54 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development.

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Barb Martell

John A. Miller

From: Michelle Haynes
Sent: Sunday, November 17, 2019 9:32 PM
To: John A. Miller; Jim Mahoney
Subject: Fwd: Lots 126R, 152R

Sent from my iPhone

Begin forwarded message:

From: Brian Eaton <bingo.eaton@cox.net>
Date: November 17, 2019 at 5:35:23 PM MST
To: Michelle Haynes <MHaynes@mtnvillage.org>
Cc: Jackie Kennefick <JKennefick@mtnvillage.org>
Subject: **Lots 126R, 152R**

Michelle,
Please forward this letter to the Town Council for next weeks meeting.

Dear Council Members;

I am opposed the development plans for lots 126R and 152R for the following reasons:

1. The building are two high at 48 feet, and in order to protect the entire areas views, should not exceed two stories or 24 feet.
2. The project is too dense. The Comprehensive Plan recommends areas of high density should be located in the Core Sub Area. After all, we have at least five large, empty lots zoned for either hotels or large condominiums in the Core area that need developing. That is where 58 condos should be approved as would greatly help the North end of the Core where there is little development.
3. This project does not "blend" in with the other existing homes, and cannot be considered a "transition" development between the Peaks and the existing homes because there are already 3 homes between these lots and the Peaks hotel.
4. This project will violate the Ridge Ordinance of San Miguel County.
5. This project will destroy and damage existing wetlands.
6. This project will increase traffic and cause many more collisions between vehicles, bicycles, and pedestrians.
7. This project is so immense that it will take years and years of construction nightmare for the entire Village's residents, homeowners and visitors!
7. This project should not be considered until a traffic study, and Environmental Impact Study are completed by outside, independent companies.

I am a 27 year resident of the Mt Village, and am disappointed that the Town Government continues to approve projects that are too large, too intrusive on other residents, and do nothing besides diminishing beauty of our small Village. Remember, all but one of similar projects the past 15 have failed resulting into stagnation of all of our property values for years following. This project would be highly successful if changed into a comparative number of single family or duplexes which currently exist in this area. This land is the largest and most visible residential piece of property remaining in our Village and needs the most scrutiny as well as Mt Village homeowner approval! Remember, WE all live here and have to look at this area every day!! We want a beautiful, successful project that actually compliments our surroundings, the main reason we all settled here years ago.

Thanks for your consideration.

Brian and Lisa Eaton
104 Gold Hill Ct

Sent from my iPad

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 2:57 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development.

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with, rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Cheryl Nordstrom

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 3:19 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development

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We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Duke Edwards
Lorian 4

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 3:15 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development.

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We ask that Town Council tell the developers to revisit the space with a design that will blend in with, rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Julie Edwards
Lorian 4

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 3:05 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Mark Wilson
Lorian #9

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 3:01 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development.

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Nancy Wilson
Lorian #9

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Sunday, November 17, 2019 2:45 PM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development, LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development.

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with, rather than violate the nature and spirit of Mountain Village.

Concerned Citizen

Rock Martell

Analysis of the current La Montagne's proposal

Dear Mountain Village Town Council,

We bought our first property in Mountain Village about 30 years ago and our land on Country Club Drive around 25 years ago or longer. This was well before Rosewood was even contemplated. The Rosewood PUD was wildly out of scale and should never have been approved and in fact nobody on the street at that time was ever notified of the public meetings. Using it to help support a less dense but still totally inappropriate project is a mistake. The Village has grown and Country Club Drive has gone from a little sleepy lane to a very busy and dangerous area with commercial vehicles from the Peaks, parking from the Peaks, numerous and ever increasing bicycle traffic, and pedestrian traffic from our street, hikers, and the significant developments below our street. The street is a major pedestrian path for a large number of residents in the Meadows area. It is predominately a single family neighborhood. The current proposal is not consistent with the neighborhood of today. It will impinge on the golf course and endanger pedestrians and bicyclists. There is also a possibility it will impact areas that may be wetlands.

Some more points are listed below:

1. The CDC was enacted to safeguard the "health, safety and welfare of citizens and visitors," to "[p]reserve open space and protect the environment," to "protect property values within the town," and to safeguard the "natural beauty of the town's surrounding." CDC § 17.1.3. The huge current scope of the La Montagne's current proposal is entirely at odds with these goals.
2. No adequate traffic and pedestrian study was ever performed. The developer had an individual sit at the very top of the street to try and count pedestrian traffic but she left after several hours and was not placed below the Peaks entrance so missed most of the traffic. She also left prior to the weekend and the days of the traffic study were intentionally or by chance chosen to be about the least busy of the summer season.
3. How can a project of this scope that affects almost everyone in the town of Mtn. Village be adequately evaluated when no property lines or building envelope areas are demarcated along with story poles? This project will affect everyone that uses the golf course for golf or winter sports. It will be visible from a large portion of the town.
4. The street is a single family neighborhood that is already dangerous for vehicles, pedestrians and bicyclists. The street was never designed to support the tremendous traffic including ever increasing traffic from the Peaks. Even if the pedestrian path is built prior to construction the street is already dangerous demonstrated by car accidents with vehicles hitting my neighbor's wall and my trees high up on the berm several times. It is not a street that can support an additional 52 units especially since they will often be rented. We will increase the number of houses from around 23 to about 75 total residences on this street. These condo units will be squeezed into about a tenth of an acre while all the houses average about a half-acre per current home. There will be an exponential increase in traffic because about 60 percent of these units will be in a rental pool. These condos will have a constant turnover with such a dramatic increase in traffic to an already dangerous street the town should have some liability in the event of accidents. If approved with this immense density the inherent dangers for all concerned are immense.

5. If this is approved it contravenes the purposes of the Mountain Village Community Development Code (CDC), which safeguard neighbors' rights to participate in shaping their community and protecting their interests. And it contravenes the purposes of that Code and values of this community by jeopardizing the health, safety and welfare of area residents and visitors as well as the integrity of the built and natural environments.
6. The council should only consider the project as a whole. We need to evaluate the potential density not only for the lower lot next to the golf course but the upper lots also. (126R and 152R). When one looks at these as a whole we can easily see this will destroy a very vibrant single family neighborhood and a beautiful pedestrian walkway.
7. This single roadway cannot support the increased traffic flow that the La Montagne's development would bring. The road has several severe curves, including a 300 degree turn at its midpoint, which already create line-of-sight problems for drivers and risks for pedestrians. The extensive bike traffic to and from the two historic trails already creates tremendous risks for walkers. The Peaks overflow parking on a frequent basis along the road is also a huge problem. Even if that is ever rectified we still have to contend with a significant increase in the Peaks commercial and vehicular traffic. The PUD for La Montagne's current proposal is located too far from the Mountain Village Core to be conducive to regular pedestrian access for this project. As a consequence, this dense multi-family development would contribute potentially hundreds of daily vehicular trips, rendering Country Club Drive essentially an accident waiting to happen and creating unreasonable liability for the Village. Not only would these impacts jeopardize area livability, safety, property values, and access to the trail system, but they would impede the region's greenhouse gas reduction objectives and the Town's efforts to limit daily vehicular trips and vehicle miles traveled.
8. From the CDC: **APPROPRIATENESS AND FIT OF LAND USES: *Land uses envisioned by the Comprehensive Plan are designed to "fit" into the surrounding neighborhood to ensure appropriate scale and context to their surrounding natural and built environments. But the Comprehensive Plan is not just about economics and money. It clearly recognizes the importance of Mountain Village's exceptional residential neighborhoods and their interconnections with ski runs and golf fairways. It recognizes the importance of the space, tranquility and extraordinary views that make Mountain Village unique among alpine resort communities, and it seeks to protect them by suggesting more restrictive zoning on the vast majority of land in the town. The Comprehensive Plan also provides the framework for the creation of a true sense of community.*** ALPINE CHARACTER PRESERVATION: **Much of the land area in Mountain Village is very stable and not expected to change in the future, particularly single-family neighborhoods.** Alpine character preservation areas are largely comprised of low density, single-family homes that are nestled into Mountain Village's landscape, integral to creating the open, tranquil alpine ambiance that it is known for.

Multi-family development on Country Club Drive is completely at odds with the winding, rural road and surrounding single-family lots.

Analysis of the current La Montagne's proposal

Alan V. Safdi

Anne S. Safdi

Country Club Drive

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:55 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen
Dave Aldrich
117 Vischer Dr.

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:51 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

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Concerned Citizen
Ellen Greubel

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:56 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

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We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen
Greg Parr

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:57 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

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We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen
Henry Haizlip

John A. Miller

From: Henry Hintermeister <hjh2839@aol.com>
Sent: Monday, November 18, 2019 11:04 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: LaMontagne

To Mountain Village Town Council

Safety is the first concern of everyone.

Today Country Club Drive is unsafe for all who use it.

Pedestrians are sharing the road with bikers as well as residential and commercial traffic.

With the advent of the bike park, the number of bikers speeding to the trailheads of two of our most popular trails, Jurassic and Boomerang, has increased exponentially.

There is only one way to get to those trailheads: County Club Drive

Importantly, Country Club also serves as the only pedestrian access to the Village Core from the Meadows, via Big Billies Trail. This is the route many of our workforce use on a daily basis.

With its downhill approach and sharp turns, Country Club Drive is a natural for bikers to speed on.

The blinking speed sign the village placed there last summer only encouraged more speed. Pedestrians jump out of the way, vehicular traffic veers into the opposing lane and pets are dragged to the road shoulders by their owners. It is downright frightening.

The bike park is very dangerous, but only for the bikers. Country Club Drive is dangerous for everyone.

Council, for the safety of all, please address and make the necessary safety improvements before considering any development on Country Club Drive.

Thank You

Hank and Carol Hintermeister

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:53 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

To Mountain Village Town Council

As Concerned Citizens of Mountain Village, we have been informed of the proposed latest development LaMontagne along Country Club Drive and the first hole of our beautiful and unique golf course.

We strongly oppose this development

A project of this size and density does not belong in a community of single family homes and two duplexes.

We ask that Town Council tell the developers to revisit the space with a design that will blend in with rather than violate the nature and spirit of Mountain Village.

Concerned Citizen
Marilyn Aldrich
117 Visher Drive

John A. Miller

From: Concerned Mountain Village Residents <telluride814@gmail.com>
Sent: Monday, November 18, 2019 7:49 AM
To: Michelle Haynes; John A. Miller; jmahoney@jdreedlaw.com
Subject: Proposed Development LaMontagne

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Rick Greubel