

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PORTION OF  
DRIVEWAY AND DRIVEWAY ACCESS BENEFITTING LOT 716 AND OVER A PORTION  
OF OSP 20 CONSISTENT WITH THE USE TABLE 3-1 AS FOUND IN THE COMMUNITY  
DEVELOPMENT CODE**

**Resolution No. 2020-1119-17**

- A. Justin Kilbane (“Owner”) is the owner of record of real property described as Lot 716 (“Property”).
- B. The Owner applied for a conditional use permit for a portion of Lot 716’s driveway to be located on OSP 20 property (“Application”).
- C. The owner of OSP 20, Telluride Ski and Golf consented to the Conditional Use Permit Application.
- D. The proposed development complies with the provisions of sections 17.4.14 of the Community Development Code (“CDC”).
- E. The Design Review Board (“DRB”) considered the Application, along with evidence and testimony, at a public meeting held on November 5, 2020. Upon concluding their review, the DRB recommended approval of the Application by a unanimous vote of 7 to 0 to the Town Council subject to certain conditions.
- F. The Town Council considered the Application, along with evidence and testimony, at a public meeting held on November 19, 2020.
- G. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates on the Town website, and by mailing of public notice to property owners within four hundred feet (400') of the Property, as required by the public hearing noticing requirements of the CDC.
- H. After the public hearings referred to above, the DRB and the Town Council each individually considered the Application’s submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- I. The Owner has, agreed to address, all conditions of approval of the Application imposed by Town Council.
- J. The Town Council finds the Applications meets the conditional use permit criteria for decision contained in CDC Section 17.4.14(D) as follows:

Conditional Use Permit Criteria:

1. The proposed conditional use is in general conformity with the principles, policies and actions set forth in the Comprehensive Plan;
2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;
3. The design, development and operation of the proposed conditional use will not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;

4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;
5. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town;
6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use;
7. The design, development and operation of the proposed conditional use shall provide adequate infrastructure,;
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and
9. The proposed conditional use permit meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A CONDITIONAL USE PERMIT FOR A PORTION OF DRIVEWAY AND DRIVEWAY ACCESS TO BE LOCATED ON OSP 20 FOR THE BENEFIT OF LOT 716 AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:**

**Section 1. Conditions of Approval**

1. The Resolution and Easement Agreement will be recorded concurrently and before a building permit is issued for the property.
2. Any disturbance or grading within the OSP 20 property for the purposes of home construction will require TSG approval.
3. The CUP remain valid so long as the driveway use remain and consistent with the easement agreement terms.
4. The driveway and access can only be constructed consistent with an approved design review plan.

**Section 2. Resolution Effect**

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

**Section 3. Severability**

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

**Section 4. Effective Date**

This Resolution shall become effective on November 19, 2020 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 5. Public Hearing**

A public meeting on this Resolution was held on the 19th Day of November 2020 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public hearing held on November 19, 2020

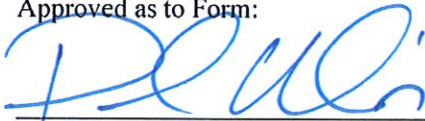
**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Susan Johnston, Town Clerk

Approved as to Form:

  
Paul Wisor, Town Attorney