



PLANNING & DEVELOPMENT SERVICES

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

TO: Mountain Village Town Council

FROM: Claire Perez, Planner II

FOR: Town Council Public Hearing, April 24, 2025

DATE: April 4, 2025

RE: Vested Property Rights Extension for Lot 137A, TBD Granite Ridge

Project Geography

Legal Description:

LOT 137 TELLURIDE MOUNTAIN VILLAGE FIL 1 ACC TO PLAT REC 03 09 1984 AT 233115
AND REPLAT REC 04 17 2024 AT 484588 SMC CO

Address: TBD Granite Ridge

Applicant/Agent: Narcis Tudor

Owner: Epic Ridge Properties, LLC

Zone District: Single-family

Existing Use: Vacant

Proposed Use: Single-family home

Adjacent Uses:

- **North:** Active Open Space
- **South:** Single-family
- **East:** Active Open Space
- **West:** Single-family

Attachments

Exhibit A: Applicant Narrative

Full Application (including approved plan set) can be found at the link below: <https://mtnvillage.files.com/f/a4a748e94c54cb5e>

Current Entitlements

Lot 137 was approved for a new single-family home by the DRB on July 6, 2023. The applicant has applied for a three-year Vested Property Rights Extension for this property.

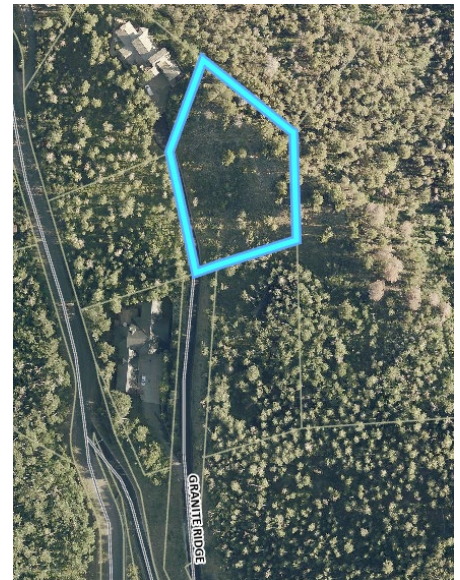


Figure 1: Vicinity Map

The approval includes a single-family development with 13,336 livable square feet, including a 748 square foot guest suite, and a 1,227 square foot garage. Lot 137 is a difficult lot for development. The entire lot contains slopes that are 30 percent or greater. There is also a large rock slab on the site, which slopes upwards from the west to the east. The site is heavily forested and will require the removal of a significant amount of landscape. Due to the challenging site constraints, the lot was granted a height variance and a minor subdivision to vacate a portion of the general easement at the June 15, 2023, Town Council meeting. Additionally, the application has been granted a 6-month renewal extending the existing approval to May 19, 2025. The applicant is requesting a three-year extension of the issued approval to move forward with the construction of the single-family home. They cite construction difficulties and a short building season as the primary deterrent to being able to commence construction immediately.



Vested Property Rights

A vested property rights extension allows a developer to extend their existing approvals through a Class 4 development application process for a period longer than the initial 18-month period. Town Council can elect to approve an extended vested period that is specific to their site-specific development plan (approved design drawings), typically for an additional three-year period. This is one way for a developer to request additional time to get through due diligence and prepare full building plan sets prior to building permit submittal without losing their current entitlements.

Section 17.4.17 of the CDC lists the following criteria for the Town Council to approve a vested property right application. The DRB is a recommending body to Town Council.

Please note staff comments in blue:

a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;

Staff: Due to the complexity of the site, the project involves several engineers along with an experienced general contractor. There are a limited number of experienced contractors due to the volume of ongoing development in the area. The applicant is requesting additional time to complete their due diligence, including hiring a contractor and engineers. It is the staff's understanding that the applicant intends to construct within the three years and would not require an extension beyond the three-year period.

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

Staff: The design review received DRB and Town Council approval, and staff feels that the final approval represents site-specific development that meets these criteria.

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

Staff: Staff feels that the final approval represents site-specific development that meets these criteria.

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

Staff: Staff finds this condition met. There are no concurrent development applications, as the site-specific plans have been approved.

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

Staff: Staff finds this condition met.

General Comments:

The criteria listed under subsection (a) are the most pertinent to the discussion. If Town Council finds that the claimed site-specific circumstances, such as size and phasing of development, and economic circumstances, such as economic cycles and market conditions, to be valid obstacles for initiating construction currently, then a vested property right extension seems reasonable. Council should also discuss the length of vesting, whether they would recommend the typical three-year period requested by the applicant or a different length. Vested property rights are typically granted for large scale development of mixed uses with complex development issues.

Design Review Board Recommendation: The Design Review Board reviewed the application to extend Vested Property Rights for Lot 137, TBD Granite Ridge at the April 3, 2025, Design Review Board meeting and voted unanimously to recommend to Town Council approval of a Vested Property Rights Extension for Lot 137, TBD Granite Ridge for a period of 3 years.

Staff Recommendation: Staff recommends that Town Council approves this application and if Town Council moves to approve, staff suggests the following motion:

Proposed Motion:

I move to approve, the first reading of an Ordinance regarding the extension of a Vested Property Right at Lot 137, TBD Granite Ridge, from January 6, 2025, to January 6, 2028, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated April 3, 2025, and to ask the Town Clerk to set a public hearing for May 15, 2025.

With the following findings:

- 1) The proposal to extend the Lot 137 vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1)

And, with the following conditions:

- 1) *Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: "Approval of this site-specific development plan may create a vested*

property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village's Community Development Code."

- 2) The Town shall publish a notice in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)*
- 3) Prior to the issuance of a building permit, the landscape and fire mitigation plan shall be revised to meet current standards.*
- 4) Per CDC 17.3.9 Housing Impact Mitigation Requirements for this development application are set at 100% since the application was submitted and deemed complete in 2025.*
- 5) All previous conditions of approval from the original 2023 Design Review approval remain applicable for any future development.*

January 29, 2025

RE: LOT 137 TELLURIDE MOUNTAIN VILLAGE – VESTED PROPERTY RIGHTS MEMO

To: Mountain Village Design Review Staff + Board
Mountain Village Town Council

Thank you for taking the time to review our Vested Property Rights request for Lot 137 Granite Ridge which is based on a number of factors outlined below.

PROJECT LOCATION | SITE ACCESS

The project is situated on a steep lot, accessible via a narrow, single-lane road. Due to these constraints, construction mobilization is limited to a short timeframe between June and November, when weather conditions are stable.

ENGINEERING COORDINATION | TIMEFRAME

The project involves a number of engineers approaching it in a coordinated effort. Due to the complexity of the site conditions and construction, the Geotechnical, Shoring, Rock Anchoring, Micropiling, Excavation and Structural engineers all need to work in sequential order to prepare the site for construction. The availability of the involved players has been extended due to the current construction climate and local construction industry.

CONTRACTOR AVAILABILITY | SCHEDULE

The nature of this project necessitates a highly qualified team. An experienced General Contractor is of utmost importance, yet their availability—along with that of subcontractors—is affected by the prolonged timelines of ongoing construction projects in the area.

As we all recognize, the limited local pool of subcontractors has led to significantly longer construction durations. Projects that once took 18–24 months to complete are now requiring 36–48 months.

Given the unique complexity of Lot 137 Granite Ridge, the availability of skilled professionals is critical to its successful execution.

EXTENSION | VESTED PROPERTY RIGHTS REQUEST

Based on the reasons stated above we ask that you will consider a 36 month Extension | Vested Property Rights for Lot 137 Granite Ridge.

Thank you for taking the time to review our application and should you have any questions please do not hesitate to contact me directly.

Narcis Tudor
ARCHITECT # 00402820



DEVELOPMENT REFERRAL FORM

COMMUNITY DEVELOPMENT DEPARTMENT
455 Mountain Village Blvd. Ste. A
Mountain Village, CO 81435
(970) 728-1392

Referral Agency Comments Lot 137, 102 Granite Ridge

Public Works: No issues

ORDINANCE NO. 2025-__

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR LOT
137, TDB GRANITE RIDGE**

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

WHEREAS, Pursuant to 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, Epic Ridge Properties LLC (“the Applicant”) is the owner of record of real property described as Lot 137A Town of Mountain Village, as depicted on the document recorded on April 17, 2024, in the real property records of San Miguel County, Colorado at reception number 484588 (the “Property”); and

WHEREAS, The Design Review Board approved an application in July 2023 for a single-family home; and

WHEREAS, The Applicant submitted a Vested Property Right Extension development application on January 29, 2025, seeking a further extension of the Vested Property Right to January 6, 2028 (the “Vested Property Rights Extension Application”); and

WHEREAS, The Vested Property Rights Extension Application 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 Vested Property Rights Extension Application in accordance with the CDC on April 3, 2025, and with public notice of such application as required by the public hearing noticing requirements of the CDC. The DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Vested Property Rights Extension Application be approved with conditions pursuant to the requirement of the CDC; and

WHEREAS, The meeting held on April 3, 2025, 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; and

WHEREAS, The Town Council desires to approve an extended vested property right.

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

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Notice. The Town shall publish a notice in the newspaper of record within 14 days of approval describing that a vested property right has been created extended consistent with CDC Section 17.4.17 (E)(4).

Section 3. Incorporation of 2023 DRB Conditions of Approval. All previous conditions of approval from the original 2023 Design Review approval remain applicable for any future development.

Section 4. Approvals. The Town Council finds the proposed Vested Property Rights Extension Application meets the Vested Property Rights criteria for decision contained in CDC Section 17.4.17 as follows:

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

Section 5. Vested Property Right Extension. The Vested Property Right is hereby extended for a period of three (3) additional years until January 6, 2028.

Section 6. Ordinance Effect. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 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 fourteen days after final publication pursuant to section 5.9 of the Town Charter.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 24th day of April 2025.

TOWN OF MOUNTAIN VILLAGE

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

By: _____

Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15th day of May 2025

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as To Form:

David McConaughy, Town Attorney

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

1. The attached copy of Ordinance No. _____ ("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 _____, 2025, by the affirmative vote of a quorum of the Town Council as follows:

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

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2025 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2025.

Susan Johnston, Town Clerk

(SEAL)