

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE,  
MOUNTAIN VILLAGE, COLORADO  
APPROVING A CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A PUBLIC  
ART INSTALLTION ON ACTIVE OPEN SPACE, OSP-49R**

**Resolution No. 2019-1121-21**

1. Telluride Ski and Golf, LLC (Owner) is the owner of record of real property described as Tract OSP-49R; and
2. The Owner has consented to Ah-Haa School for the Arts (Applicant) pursuing the approval of a Conditional Use Permit to allow for the installation of public art installation on Tract OSP-49R, Town of Mountain Village and the Applicant has submitted such application requesting approval of the Conditional Use Permit; and
3. The proposed development is in compliance with the provisions of Section 14.4.14 of the Community Development Code (CDC); and
4. The Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on November 7, 2019. Upon concluding their review, the DRB voted in favor of the Conditional Use Permit and recommended approval to the Town Council with conditions to be considered by the Town Council; and
5. The Town Council considered and approved this application subject to certain conditions as set forth in this resolution, along with evidence and testimony, at a public meeting held on November 21, 2019; and
6. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates and/or dates from which such hearings were continued by mailing of public notice to property owners within four hundred feet (400') of the Property and posting the Property, as required by the CDC; and
7. The Applicant has addressed, or agreed to address and/or abide by, all conditions of approval of the Application imposed by Town Council based upon a recommendation for approval by the DRB; and
8. The Town Council finds the Application meets the Conditional Use Permit requirements contained in CDC Section 17.4.14 as follows:
  1. The proposed conditional use is in general conformity with the policies of 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 shall 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 TO ALLOW FOR THE INSTALLATION OF A PUBLIC ART INSTALLATION ON LOT OSP-49R AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:**

1. Prior to installation, the applicant shall receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.
2. Per the request of the Public Works Director, the applicant shall submit a revised cutsheet prior to the December 12, 2019 Town Council meeting indicating overlaying the We are in this together installation with existing utilities to determine there will not be any damage to the infrastructure nearby.
3. Per the request of the Transit Director, the applicant shall work with gondola management during construction and removal phases to ensure there are no impacts to gondola infrastructure or operations.
4. The art installation shall only be visible and lit during the gondola hours of operation.
5. The art installation shall be in full working order and a maintenance and/or repair expectation determined so that all lighting is operational or repaired within a short period of time.
6. The Conditional Use Permit shall be valid for a period of 18 months with a quarterly review by the Planning Division Staff, with the applicant responding to any valid issues as they arise during the operation or quarterly review. Should, in the Planning Division Staff's sole discretion, significant issues arise concerning the Conditional Use Permit and the activities permitted thereunder arise, the quarterly review may be elevated to the Town Council. The applicant shall in writing inform Planning Division Staff of any minor operational changes which shall be processed by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.
7. Staff has the authority to suspend operations if it is determined that the applicant or operator has failed to meet the conditions of approval.
8. The applicant shall, as needed, revegetate the site of the art display to a natural pre-disturbed state. This includes revegetating after the lattice structures have been removed at the end of the conditional use permit term.
9. The applicant shall post a cash deposit of one hundred twenty-five percent (125%) of the costs to complete the art installation. This bond shall be held to guarantee that the installation will be deconstructed at the end of this 18-month period. Should the art installation be taken down in a timely and satisfactory manner, the town will release the bond.


**Be It Further Resolved** that OSP-49R may be developed as submitted in accordance with Resolution No. 2019-1121-21

**Approved** by the Town Council at a public meeting November 21, 2019.

**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

Approved as to Form:

  
James Mahoney, Assistant Town Attorney