

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE,
MOUNTAIN VILLAGE, COLORADO
APPROVING A CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A
TEMPORARY PANNING SLUICE AMUSEMENT ON ACTIVE OPEN SPACE, OS-3X**

Resolution No. 2016-0316-03

1. The Town of Mountain Village (Owner) is the owner of record of real property described as Tract OS-3X, commonly referred to as Heritage Plaza; and
2. The Owner has consented to Scott Butler (Applicant) pursuing the approval of a Conditional Use Permit to allow for the installation of a temporary panning sluice attraction on Tract OS-3X, 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 March 3, 2016. 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 March 16, 2016; 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 TEMPORARY PANNING SLUICE AMUSEMENT ON OS-3X AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

1. The Applicant shall enter into a Plaza License Agreement ("PLA") with the Town before beginning operation of the business;
2. The Applicant shall abide by the laws of the state of Colorado and the Town of Mountain Village in the operation of the business and shall have a valid Mountain Village Business license before operating the business.
3. The Applicant shall be required to place and operate the use as stated in their application;
4. The Applicant shall be required to obtain an agreement releasing, indemnifying and holding the Town harmless from any liability that may arise from the use, installation, repair and/or maintenance of the business;
5. The Business shall be allowed to operate generally from June 11th to August 14th between the hours of 10 am to 6 pm; Sunday through Saturday with the exception of Wednesday when operating hours shall be between the hours of 11 am to 6 pm and a Town approved sign indicating the operational hours shall be posted on site;
6. The Town shall have the right to temporarily relocate the Business to an alternate location within Heritage Plaza (OS-3X) if there are conflicts with festivals, special events or other uses of the plaza;
7. The Business must be operated in compliance with an Operation Plan submitted to and approved by the Town that described the operating, repair, maintenance and safety procedures;
8. The Business shall be allowed to operate under this approval for one (1) year; thereafter the use shall be reviewed and may be renewed by staff on an annual basis; and
9. The Applicant shall incorporate local mining history into the educational display case and work to promote the Telluride Historical Museum with the collaboration of their staff.
10. Apply treatment to the wood (such as Eco Wood Treatment) to provide a weathered, muted tone. Staff shall review and approve.
11. Staff shall review and approve signage for the amusement.
12. If staff finds that security of the structure after hours is a concern the applicant shall wrap the base and the sluice with a canvas cover, or other method to reduce trespass.
13. Staff shall report back to the Board in one year on the appropriateness of the location prior to renewal.


Be It Further Resolved that OS-3X may be developed as submitted in accordance with Resolution No. 2016-0316-03

Approved by the Town Council at a public meeting March 16, 2016.

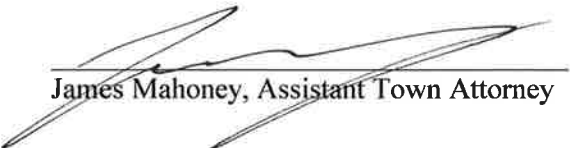
Town of Mountain Village, Town Council

By: 
Dan Jansen, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney