

**RESOLUTION APPROVING AMENDMENTS TO A CONDITIONAL USE PERMIT TO
ALLOW FOR A RED BEACON TO BE INSTALLED PER FAA ON A NEW 100' TALL
TELECOMMUNICATIONS TOWER LOCATED NEXT TO THE EXISTING TOWER ON OSP-
49R AS ORIGINALLY APPROVED BY RESOLUTION 2015-0423-08**

Resolution No. 2017-0216-04

- A. TSG Ski & Golf, LLC (“Owner”) is the owner of record of real property described as OSP-49R (“Property”).
- B. The Owner has authorized Crown Castle and its agent, Marken Telecom Services, to submit applications for an amendment to the original conditional use permit for the installation of a new 100 foot tall freestanding telecommunications tower on the Property to allow a red beacon light as required by the Federal Aviation Administration (FAA) (“Application”).
- C. The proposed development is in compliance with the provisions of sections 17.4.14 and 17.4.16 of the Community Development Code (“CDC”).
- D. Staff referred the Application to the San Miguel County Community Development Department and the Town of Telluride Community Development Department for comment on December 28, 2016 per the stipulations of the Ridge Covenant recorded at Reception No. 329093 which limits the height and lighting of structures on Coonskin Ridge.
- E. The Board of County Commissioners discussed the application at their January 25, 2017 regular meeting and directed staff to prepare a letter acknowledging the proposed light is in conflict with the provisions of the Ridge Covenant however would not enforce the covenant subject to certain conditions.
- F. The Commissioners ratified the letter outlining their referral comments at their February 1, 2017 meeting which included the recommended conditions that there be an agreement with the San Miguel County Sheriff, State of Colorado and the San Miguel Emergency Telephone Service Authority Board to include their equipment on the tower; the Town of Mountain Village would turn off the upper level lights of the San Sophia Gondola Station; and the application utilize an Aircraft Detection Lighting System.
- G. The Town of Telluride’s referral comments to Mountain Village dated February 1, 2017 expressed the importance of balancing the provisions of the Ridgeline Covenant with the public benefits that will be provided by the new tower. Telluride also requested the Aircraft Detection System be utilized and that Mountain Village reduce light from the gondola station as conditions of their support.
- H. The Design Review Board (“DRB”) considered the Application, along with evidence and testimony, at a public meeting held on February 2, 2017. 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.
- I. The Town Council considered and approved the Application, along with evidence and testimony, at a public meeting held on February 16, 2017.
- J. 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 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.

- K. 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.
- L. The Owner and Crown Castle have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- M. 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 because adequate cellular communication is critical to the town's economic development and for maintaining a world class resort destination;
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, and visual mitigation will minimize visual impacts;
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, with the antenna users providing crucially needed community service and public safety functions;
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 MODIFICATION TO THE CONDITIONAL USE PERMIT FOR A NEW 100' TALL TELECOMMUNICATIONS TOWER LOCATED ON LOT 0SP-49R AS ORIGINALLY APPROVED BY RESOLUTION 2015-0423-08 AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

Be It Further Resolved that OSP-49R may be developed as submitted in accordance with Resolution NO. 2017-0216-04.

Section 1. Conditions of Approval

1. The tower may include a light beacon as required by the Federal Aviation Administration ("FAA") subject to the use of an aircraft detection lighting system as approved by the

FAA. The Owner shall notify the Town of any planned or unplanned temporary stoppage of the aircraft detection lighting system causing the red beacon to be lit steadily from dusk till dawn. The Owner will make any repairs to the lighting system within fifteen (15) days of occurrence. Any repairs to the aircraft detection system that impact the lighting and that require certified radar technicians to diagnose and/or repair shall be made within forty-five (45) days.

2. The proposed towers and antennas shall be painted to match the surrounding tree color below the tree line and a blue gray above the tree line to mitigate visual impacts. The applicant shall provide color samples to the Town and San Miguel County for review and approval prior to or concurrent with submitting for a building permit.
3. New antennas or equipment placed on the existing tower shall be painted to match the surrounding tree color below the tree line and a blue gray above the tree line to mitigate visual impacts, with the color reviewed and approved by the Town and San Miguel County.
4. The new tower shall be designed to co-locate the number of antennas shown on the Proposed Site Elevations plan, Sheet C-3.1 dated 4/15/15.
5. The current and proposed towers shall be made available for colocation of new telecommunication equipment so long as: (A) there is enough room on the tower for the new equipment (given the vertical & horizontal separation requirements of the current users), (B) there is enough structural capacity for the new equipment, and (C) the new equipment will not cause interference to the current users.
6. Prior to issuing a building permit, the applicant shall submit long-term easements from The Ridge and/or TSG and any other intervening property owner's land is necessary for access, for (1) the access road to the tower site; (2) the tower site; and (3) utility routes for existing and new utilities to the site. Prior to executing such easements, the Town shall review and approve the easements to ensure long-term vehicular and utility access across intervening land and long term tower siting.
7. Prior to issuing a building permit, the applicant shall submit a composite utility plan to show the planned routes for power, fiber and any other necessary utilities to the site.
8. The approved conditional use permit application is for the benefit of the existing tower that is owned by Telluride Ski and Golf, LLC ("TSG") and the proposed new tower on TSG owned land. Therefore the conditional use permit is hereby granted to TSG and any successors or assigns.
9. The conditional use permit shall be valid for a period of twenty (20) years from the Effective Date subject to meeting the conditions specified herein.
10. The applicant, Crown Castle, enters into a legally binding written commitment with San Miguel County to allow the relocation of the State of Colorado's DTRS 800 radio system equipment located on the existing 90 foot communication tower in a manner and at locations acceptable to the San Miguel County Sheriff, the Colorado Office of Information Technology, and San Miguel Emergency Telephone Service Authority Board. The applicant shall provide a new site plan depicting the DTRS 800 radio system equipment and the proposed AT&T antennas together with future co-locator antenna array and microwave dishes on a drawing to replace the proposed site elevations, Sheet C-3.1 prepared by Black and Veatch.

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

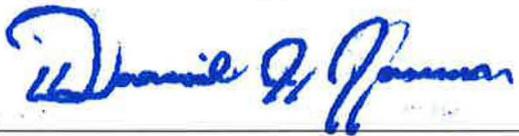
This Resolution shall become effective on February 16, 2017 (the "Effective Date") as herein referenced throughout this Resolution.

Section 5. Public Hearing

A public meeting on this Resolution was held on the 16th day of February, 2017 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 February 16, 2017.

Town of Mountain Village, Town Council

By: 

Dan Jansen, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


Jim Mahoney, Assistant Town Attorney