

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR MEDICAL CENTER
HELIPORT TO BE LOCATED ON LOT 1003R-1**

Resolution No. 2015-0423-07

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as Lot 1003R-1 (“Lot 1003R-1”).
- B. The Town and the Telluride Hospital District (“District”) have entered into a certain Land Acquisition and Land Conveyance Agreement dated January 23, 2015, as amended (“Land Conveyance Agreement”) concerning the District’s acquisition of a portion of Lot 1003R-1 (“Property”) covered by the Land Conveyance Agreement.
- C. Consistent with the Land Conveyance Agreement, the Town has authorized the District to apply for a conditional use permit for a medical center heliport on Lot 1003R-1 (“Application”).
- D. The Town’s review of the Application is governed by the applicable provisions of the Community Development Code (“CDC”), including Section 17.4.14 which governs the consideration of a Conditional Use Permit.
- E. The Design Review Board (“DRB”) and Town Council considered the Application, along with evidence and testimony, at a public hearing held on April 23, 2015. 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.
- F. After closing the public hearings referred to above, the DRB carefully considered the Application and supporting submittal materials submitted by the District, and all other relevant materials, public letters and public testimony placed into the record. Thereupon, the DRB determined that the Application and the uses and activities proposed by the District complied with the controlling provisions of the CDC and, therefore voted to recommend approval of the Application by a vote of 6 to 0 and recommended that the Town Council approve the Application, subject to certain conditions as set forth in this Resolution.
- G. After closing the public hearings referred to above, the Town Council carefully considered the Application and supporting submittal materials submitted by the District, and all other relevant materials, public letters and public testimony placed into the record. Thereupon, the Town Council determined that the Application and the uses and activities proposed by the District complied with the controlling provisions of the CDC and, therefore voted to approve the Application by a vote of 5 to 0, subject to certain conditions as set forth in this Resolution.
- H. The District has addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- I. In approving the Application, the Town Council finds and determines the Application specifically meet the conditional use permit criteria for decision contained in CDC Section 17.4.14(D) as follows:

1. The proposed conditional use is in general conformity with the principles, policies and actions set forth in the Mountain Village Comprehensive Plan (“Comprehensive Plan”) because, without limitation:
 - 1.1. The Comprehensive Plan’s Town Hall Center Subarea Plan envisions a medical center and associated heliport;
 - 1.2. The medical center and associated heliport will allow for the Town to promote the medical center as envisioned in the Comprehensive Plan as set forth in Land Use Principle, Policy and Action I; and
 - 1.3. The medical center will generate activity, vitality and economic development as envisioned 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 because without limitation:
 - 2.1. The Comprehensive Plan envisions the medical facility and heliport;
 - 2.2. The siting of the heliport provides for reasonable separation from surrounding land uses;
 - 2.3. Visual impacts of the heliport are minimized by locating it behind Town Hall;
 - 2.4. The number of critical patients transported by helicopter air ambulance is estimated to be very low on an annual basis;
 - 2.5. Helitrax currently operates a heliport in the Village Center with numerous flights during the ski season so helicopter flights and noise are already experienced within the town;
 - 2.6. Noise impacts are mitigated by the location of the helipad behind Town Hall and the required FAA flight path as shown in the approved plans;
 - 2.7. Noise impacts will be further minimized by the helicopter pilots being trained and practicing the Fly Neighborly Program that emphasizes flight techniques to minimize noise and flight impacts, such as quick landings and shut downs of helicopter motors; and
 - 2.8. A sound study completed by the District and the Town showed that the impact of normal medical flight resulted in sound levels similar to human speech, a lawn mower, and snowplows at roughly the same decibel level of a helicopter.
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 because, without limitation:
 - 3.1. Heliports are commonly located at hospitals and medical centers that are there to ensure public health and are designed with public safety protections;
 - 3.2. The heliport has been designed to meet FAA regulatory standards;
 - 3.3. The heliport will be designed to meet the CDC Building Regulations;
 - 3.4. Medical helicopter pilots are highly trained and competent professionals;
 - 3.5. The heliport will not be used when weather conditions do not allow for landing;
 - 3.6. Heliports are commonly located in high density population centers;
 - 3.7. Helicopters commonly fly at high altitudes with adjustments made as needed based on weather conditions;
 - 3.8. The FAA, helicopter operators and the medical community promote a positive safety culture that ensures the safety of passengers, flight crews, medical professionals and the public;
 - 3.9. In February of 2014, the FAA issued new regulations requiring air ambulances to have stricter flight rules and procedures, improved communications, training and on-board safety equipment to reduce the risk of accidents; and
 - 3.10. Medical center heliports have a very low accident rate.

4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses because, without limitation:
 - 4.1. The siting of the heliport provides for reasonable separation from surrounding land uses;
 - 4.2. Visual impacts of the heliport are minimized by locating it behind Town Hall.
 - 4.3. The number of critical patients transported by helicopter is estimated to be very low on an annual basis;
 - 4.4. Helitrax currently operates a heliport in the Village Center with numerous flights during the ski season so helicopter flights and noise are already experienced within the town;
 - 4.5. Noise impacts will be mitigated by the location of the helipad behind Town Hall and the required FAA flight path as shown in the approved plans;
 - 4.6. Noise impacts will be further minimized by the helicopter pilots being trained and practicing the Fly Neighborly Program that emphasizes flight techniques to minimize noise and flight impacts, such as quick landings and shut downs of helicopter motors; and
 - 4.7. The sound generated by a helicopter landing will be about the same as noise from snowplowing, a lawn mower or people speaking.
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 because, without limitation:
 - 5.1. There will be no net loss of parking due to the heliport;
 - 5.2. The operation of the heliport will not impact Town Hall or the surrounding public rights-of-way;
 - 5.3. The heliport is being designed and will be operated with safety as the number one priority; and
 - 5.4. The gondola will not be impacted by flight operations, with helicopters flying over and landing by transit systems on a very common basis.
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 for the reasons outlined under criteria number 2, number 3 and number 4 above.
7. The design, development and operation of the proposed conditional use shall provide adequate infrastructure because, without limitation:
 - 7.1. Access to the heliport to the medical center will be provided by an elevated walkway and elevator systems;
 - 7.2. Drainage will be designed to fit into the existing Gondola Parking Garage drainage system; and
 - 7.3. Fire protection will have to meet the requirements of the adopted Building Regulations and applicable NFPA Codes.
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source because no refueling is proposed and drainage will be accommodated within the existing garage drainage system; and
9. The proposed conditional use permit meets all applicable Town regulations and standards.

J. The Town finds that it is critically important for the medical center to have a heliport in close proximity because it will save lives and improve medical outcomes by providing safe, direct and quicker access to regional tertiary hospitals.

- K. The Town finds that it is critically important to rapidly transport critical patients to a tertiary hospital, with an adjacent heliport reducing travel times to the Telluride Airport by approximately 30 to 60 minutes depending upon patient needs and weather conditions.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A CONDITIONAL USE PERMIT FOR A MEDICAL CENTER HELIPORT ON LOT 1003R-1 AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

Be It Further Resolved that Lot 1003R-1 may be developed as submitted in accordance with Resolution No. 2015-0423-07.

Section 1. Conditions of Approval

1. The District shall submit an application to the Federal Aviation Administration (“FAA”) for the heliport for review and action in accordance with FAA Guidelines prior to the operation of the heliport.
2. The proposed lighting for the heliport is required by the FAA to ensure air ambulance safety during night flights, therefore these Federal regulations supersede over the Town’s Lighting Regulations in the CDC and are hereby permitted to ensure safety.
3. A building permit is required to construct the heliport facility when it will be evaluated against the applicable CDC Building Regulations.
4. This conditional use permit approval is valid for five (5) years from the Effective Date and will be valid for the life of the medical center once the heliport is constructed.
5. If the Gondola Parking Garage adds one or two floors as allowed by the current vested property rights, the heliport shall be allowed to locate on the garage roof along with the installation of an elevator and connection to the medical facility as needed.
6. The design of the heliport may be altered from the approved plans through a Minor Revisions Process or by the Design Review Process, as applicable, per the requirements of the CDC. An amendment to the conditional use permit is not required for design alterations, including movement from the existing garage level to an upper level with the expansion of the garage.
7. An easement for the heliport and associated access to the District shall be provided prior to the issuance of any building permits.
8. Prior to issuing a building permit, the applicant shall submit final drainage plans for the snowmelted heliport and associated walkway, including drainage and ice from dripping snow melting off the required netting to ensure that vehicles traveling or parked below are not damaged by falling ice or icicles.
9. The heliport is exempt from the need to submit a Design Review Process development application as provided for in CDC Section 17.4.11(B)(2)(a)(iv) since the conditional use permit application same level of detail as required for a design review process application.
10. The use of the heliport is limited to flights for critical care patients as determined solely by the attending physicians.
11. Helicopter pilots landing at the helipad shall be trained and practice the Fly Neighborly Guide produced by the Helicopter Association International.
12. The District shall close on the Property consistent with the Land Conveyance Agreement.
13. The owner of the helipad shall obtain, prior to allowing any use being made of the heliport under this permit, and shall maintain in effect during the continuance of this permit, one or more policies of liability insurance covering all helicopter flights to and from the helipad as required by the Town in the heliport easement.

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 April 23, 2015 (the "Effective Date") as herein referenced throughout this Resolution.

Section 5. Public Hearing

A public meeting on this Resolution was held on the 23rd day of April, 2015 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 April 23, 2015.



Town of Mountain Village, Town Council

By: *Daniel J Jansen*
Dan Jansen, Mayor

Attest:

By: *Jackie Kenefick*
Jackie Kenefick, Town Clerk

Approved as to Form:

Jim Mahoney
Jim Mahoney, Assistant Town Attorney