

**TOWN OF MOUNTAIN VILLAGE  
 JOINT TOWN COUNCIL AND DESIGN REVIEW BOARD MEETING  
 THURSDAY OCTOBER 5, 2017 9:00 AM  
 2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL  
 455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO  
 AGENDA**

|    | Time  | Min. | Presenter | Type  |  |
|----|-------|------|-----------|---|--|
| 1. | 9:00  |      | Chair     |   | Call to Order  |
| 2. | 9:00  | 1.30 | Haynes    | Public Hearing,<br>Quasi-Judicial<br>Action | 1. The DRB to Provide a Recommendation on a Second Amendment to a Previously Approved Conditional Use Permit for a 100 foot Communication Tower to be Located in Tract OSP 49-R (Resolution No. 2015-0423-08 & Amended by Resolution No. 2017-0216-04) to Amend Condition #1 to Allow for a Red Light Beacon as Required by the Federal Aviation Administration.<br><br>2. Town Council Consideration of a Resolution Approving a Second Amendment to a Previously Approved Conditional Use Permit for a 100 foot Communication Tower to be Located in Tract OSP 49-R (Resolution No. 2015-0423-08 & Amended by Resolution No. 2017-0216-04) to Amend Condition #1 to Allow for a Red Light Beacon as Required by the Federal Aviation Administration. |
| 3. | 10:30 |      |           |   | Town Council Adjourn   |
| 4. | 10:30 | 5    | Haynes    | Action                                      | Reading and Approval of Summary of Motions of the August 31, 2017 Special Design Review Board Meeting and Reading and Approval of Summary of Motions of the September 7, 2017 Regular Design Review Board Meeting.   |
| 5. | 10:35 | 30   | Bangert   | Public Hearing,<br>Quasi-Judicial<br>Action | Consideration of a Design Review application for driveway improvements with General Easement encroachments on Lot 254B, 115 Polecat  |
| 6. | 11:05 | 30   | Starr     | Public Hearing,<br>Quasi-Judicial<br>Action | Consideration of a Class 1 Design Review application, raised to a Class 3 application, for exterior changes to Lot 18, 124 Yellow Brick Road   |
| 7. | 11:35 | 45   | Starr     | Initial<br>Architecture and<br>Site Review  | Consideration of a Design Review Process Application for new construction of a single family home on Lot 628D, 109 Double Eagle Way  |
| 8. | 12:20 | 10   | Haynes    | Discussion                                  | Other Business   |
| 9. | 12:30 |      |           |   | Adjourn  |

Please note that this Agenda is subject to change. (Times are approximate and subject to change)  
 455 Mountain Village Blvd., Suite A, Mountain Village, Colorado 81435  
 Phone: (970) 369-8242 Fax: (970) 728-4342

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at the above numbers or email: [cd@mtnvillage.org](mailto:cd@mtnvillage.org). We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate requested auxiliary aid(s).



**PLANNING AND DEVELOPMENT SERVICES  
DEPARTMENT**

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

Agenda Item #2

**TO:** Design Review Board and Mountain Village Town Council  
**FROM:** Michelle Haynes, Planning and Development Services Director  
**FOR:** October 5, 2017 Joint DRB and Town Council meeting  
**DATE:** September 28, 2017

**RE:**

- 1) The DRB to Provide a Recommendation on a Second Amendment to a Previously Approved Conditional Use Permit for a 100 foot Communication Tower to be Located in Tract OSP 49-R (Resolution No. 2015-0423-08 & Amended at Resolution No. 2017-0216-04) to Amend Condition #1 to Allow for a Red Light Beacon as Required by the Federal Aviation Administration (FAA).
- 2) Town Council Consideration of a Resolution Approving a Second Amendment to a Previously Approved Conditional Use Permit for a 100 foot Communication Tower to be Located in Tract OSP 49-R (Resolution No. 2015-0423-08 & Amended at No. 2017-0216-04) to Amend Condition #1 to Allow for a Red Light Beacon as Required by the Federal Aviation Administration (FAA).

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**PROJECT GEOGRAPHY**

**Legal Description:** OSP-49R  
**Address:** No Address Assigned  
**Applicant/Agent:** Jeff Proteau, TSG  
**Owner:** Telluride Ski and Golf, LLC (TSG)  
**Zoning:** Full Use Active Open Space Zone District  
**Existing Use:** Existing 90 foot Tower (Approved but not Constructed 100 foot Tower)  
**Proposed Use:** Addition of Red Beacon to Approved 100 foot Tower  
**Adjacent Land Uses:**

- o **North:** USFS
- o **South:** The Ridge Development
- o **East:** The Ridge Development
- o **West:** USFS/Full Use Active Open Space

**ATTACHMENTS**

Exhibit A: Proposed Resolution  
Exhibit A: Applicant Narrative dated August 31, 2017  
Exhibit B: Approved Communication Tower Plans dated February 23, 2015  
Exhibit C: Crown Castle letter dated August 17, 2017

- Exhibit D: Resolution No. 2017-0216-04 - Amended Tower Resolution
- Exhibit E: Resolution No. 2015-0423-08 - Tower Resolution
- Exhibit F: Referral Letter from San Miguel County Board of County Commissioners (BOCC) dated September 29, 2017
- Exhibit G: Public Comment Letters
  - a. T-Mobile letter dated September 8, 2017
  - b. Jim Boeckel email dated August 31, 2017
  - c. Town of Telluride dated September 28, 2017
- Exhibit H: Revised Red Light Beacon Specifications
- Exhibit I: Chronology of Communications Tower Approval

**UPDATE**

On February 16, 2017 the Town Council approved an amendment to a Conditional Use Permit (CUP) for a new 100 foot communications tower located on parcel OSP-49R owned by Telluride Ski and Golf Company (TSG). The amendment requested installation of a red light beacon consistent with FAA requirements. What was finally approved was installation of an aircraft detection lighting system (ADLS), a technology that would reduce the time a red light would be illuminated along with additional conditions. (Exhibit D, Resolution No. 2017-0216-04)

After receiving the initial tower approval in 2015, and the amended related to the ADLS approval in 2017, Crown Castle submitted for a building permit which was issued by the Town of Mountain Village (TMV) on June 27, 2017. On August 17, 2017 the Town Manager received written correspondence from Crown Castle (Exhibit C) that stated among other things,

This letter is to inform you that Crown Castle has determined the aircraft detection lighting system condition of approval in the Town of Mountain Village Resolution No. 2017-0216-04 is a condition that cannot be met due to limited technology, as well as a limited amount of manufacturing companies available to allow the management of the new tower and facility.

TSG and the TMV sought to better understand the abrupt halt to an application that had been in the approval process for over two years and whether the project could continue to move forward. Understanding that the tower as approved would not move forward with construction, TSG has submitted the application before you for consideration, specifically to amend condition #1 from the aircraft detection lighting system, to a red light beacon.

**SITE ORIENTATION AND BACKGROUND**

The proposed site includes the existing 90 foot tower constructed around 1988, that was approved by San Miguel County prior to the Town’s incorporation. The existing tower is owned and managed by TSG. The existing tower provides vital community service and public safety functions, with KOTO radio; and shared facilities that provide emergency dispatch functions for the San Miguel County Sheriff, Telluride Marshal’s Office, Mountain Village Police Department, Telluride Fire Protection District and the Colorado State Patrol. In addition, the FAA has an antenna on the tower to assist with flight safety for the area. The proposed site is a passive open space (POS) parcel with limited uses as defined by Table 3-1 in the Community Development Code (CDC). The reason why there is a new communications tower approval in place is because the existing tower is structurally over-capacity.

**STATEMENT OF REASON FOR THE SECOND AMENDMENT**

The reasons for a second amendment request to the CUP are outlined in the applicant's narrative (Exhibit A) and include the following information. Absent a red light beacon approval, a requirement pursuant to the FAA, a new tower will not be constructed, cellular service will remain inadequate per capacity and need, and our emergency communications equipment will not have a new tower home given the existing tower is over capacity. In addition, pursuant to TSG communications with Crown Castle they understand the following:

- The cost to install and maintain the ADLS system is prohibitive.
- The ADLS technology is an emerging technology with possible additional tower requirements and no demonstrated installation on a communications tower.
- Difficulty and no demonstrated experience to maintain an ADLS system at this elevation and on the tower height indicated in a remote site location.
- The ADLS system is still in the research and development stage.

**REFERRAL FROM THE SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONS AND THE RIDGELINE COVENANT**

The site of the proposed tower is subject to the First Amended and Restated Development Covenant for Lots 161A, 161A-1, 161B, 161D and Adjacent Active Open Space, Town of Mountain Village, Colorado, simply referred to here as the covenant. These requirements are also echoed in the CDC Ridge Regulations. The covenant sets appropriate heights for structures and lights within the prescribed area. The covenant also requires the referral of any design review application to San Miguel County and the Town of Telluride. If the County believes any development violates the covenant they may take direct court proceedings within 60 days after final approval.

Staff referred the application to the San Miguel County Planning Department and Town of Telluride Planning Department as prescribed by the covenant on August 31, 2017. The San Miguel Board of County Commissioners (BOCC) met on September 27, 2107 to provided direction to the County Planning Director, Mike Rozycki, regarding the counties referral comments and enforcement of the Ridgeline Covenant as it pertains to this CUP amendment request (Exhibit F).

The referral letter is attached and in summary the BOCC agreed to not enforce the covenant and allow the FAA required red beacon subject to two conditions:

1. The applicant, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
2. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

Condition #1 is a restatement of the existing condition #10. Staff recommends condition #10 is replaced with the above condition #1, and we add an additional condition of approval stated as #2 above. These recommended changes are reflected in the recommended motions below.

## **CRITERIA FOR DECISION**

In addition to the County's referral comments regarding the Ridgeline Covenant, decisions regarding the use permit amendment, must meet the criteria contained in Section 17.4.14 (D). The findings approved for the original tower still apply and are listed as follows:

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.

An approval, as amended, also meets the standards of the CDC regarding telecommunication antenna regulations:

### **Antenna Design Requirements from Telecommunication Antenna Regulations, CDC Section 17.6.5 (D) General Standards for Review:**

1. Freestanding Antenna Design Standards. Freestanding antennas not mounted to a building or structure shall meet the following requirements.
  - a. Visual impacts shall be mitigated to the extent practical;
    - i. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable.
    - ii. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual

- features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual areas.
- iii. Implementation of a visual mitigation plan shall be included as a condition of any conditional use permit approval.
  - b. Antenna height shall be minimized to the extent practical with the acceptable height permitted determined by the review authority. In no event shall an antenna exceed the maximum height permitted in the underlying zone district unless approved by a variance or PUD development review process;
  - c. The antenna shall be made available for the collocation of other telecommunication providers as a condition of approval with the goal to reduce the number of antennas in the town to the extent practical; and
  - d. There are no other alternative antenna sites currently in existence in the Telluride/town region that provide for collocation and the desired telecommunication service, service area and telecommunication service provider's technical needs.
3. Consideration of Radio Frequency Emissions. The environmental effects of radio frequency emissions shall not be considered an appropriate concern of an adjacent lot owner provided the antenna complies with the regulations of the Federal Communications Commission regarding such concern.
  4. No Signal Interference. Evidence shall be submitted to demonstrate that a proposed communication antenna complies with all specifications of the Federal Communications Commission with respect to preventing signal interference with other systems, facilities, towers or antennas in the area. After operation of the antenna commences, the antenna operator shall be required to investigate any electrical disturbances affecting operation of equipment beyond the boundaries of the antenna site and to resolve such disturbances if the disturbances are attributable to the use of the antenna.
  5. Federal and State Regulations. Communication antennas shall comply with all applicable federal and state regulations. At the time application is made for a conditional use permit, site-plan or final plat approval, the applicant shall submit evidence showing he has obtained any required approvals or permits for commercial communication antennas from these agencies.
  6. Reclamation and Abandonment. Notwithstanding the foregoing, any communication antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the lot where such antenna is located shall remove the same within ninety (90) calendar days of the issue date of the notice to remove the antenna.

#### **STAFF RECOMMENDATION**

The proposed amendment is balancing the intent of the covenant with the safety requirements of the flying public, the safety of our residents and visitors along with consolidating both required and necessary telecommunication services. The tower has been approved in this location at the 100 foot height. The proposed amendment is to modify condition #1 to allow the mandated red light beacon. Consistent with the BOCC referral comments staff recommends replacing condition #10 and add a new condition #11. All other conditions remain unchanged from the last amended approval. Staff will show in redline below the amended recommended conditions of approval.

## **DESIGN REVIEW BOARD PROPOSED MOTION**

*"I move to recommend approval to the Town Council of a second amendment to the conditional use permit recorded as Resolution No. 2015-0423-08 & amended at 2017- 0216-04 to amend condition #1 to allow a red light beacon as required by the Federal Aviation Administration with the findings contained in the staff memo and the following amended conditions:*

- ~~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.~~
1. The tower may include a red light beacon if required by the Federal Aviation Administration ("FAA").
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. I dated 4/15/1 5.
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 TSO 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, TSG, 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.~~
10. The applicant, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
11. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the Town of Mountain Village and the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

## **PROPOSED TOWN COUNCIL MOTION**

*I move to approve a resolution approving a second amendment to the conditional use permit recorded as Resolution No. 2015-0423-08 & amended at 2017- 0216-04 to amend condition #1 to allow a red light beacon as required by the Federal Aviation Administration with the findings contained in the staff memo and the following amended condition:*

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.~~
1. The tower may include a red light beacon if required by the Federal Aviation Administration ("FAA").

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. I 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 TSO 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, TSG, 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.~~
10. The applicant, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMC, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90'

communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.

11. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the Town of Mountain Village and the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

/mbh

**RESOLUTION APPROVING A SECOND AMENDMENT 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 AND AMENDED BY  
RESOLUTION 2017-0216-04**

**Resolution No. 2017-1005-\_\_**

- A. TSG Ski & Golf, LLC (“Owner”) is the owner of record of real property described as OSP-49R (“Property”).
- B. The Owner submitted an applications for a second 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 Planning Department and the Town of Telluride Planning and Building Department for comment on August 31, 2017 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 September 27, 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 dated September 29, 2017 outlining the referral comments which included the following two conditions:
  - 1. The applicant, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
  - 2. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the County Board of Commissioners to address possible lighting mitigation of the red light beacon.
- G. The Town of Telluride’s referral comments to Mountain Village dated September 28, 2017 expressed the importance of balancing the provisions of the Ridgeline Covenant with the public benefits that will be provided by the new tower.
- H. The Design Review Board (“DRB”) considered the Application, along with evidence and testimony, at a joint public meeting with the Town Council held on October 5, 2017.

Upon concluding their review, the DRB recommended approval of the Application by a vote of \_\_\_ to \_\_\_ 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 October 5, 2017.
- J. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates 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 has, 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 08 AND AMENDED BY RESOLUTION 2017-0216-04 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. 2017-1005-\_\_\_\_ .

### **Section 1. Conditions of Approval**

1. The tower may include a light beacon as required by the Federal Aviation Administration (“FAA”).
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, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
11. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the Town of Mountain Village and the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

### **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 October 5, 2017 (the “Effective Date”) as herein referenced throughout this Resolution.

**Section 5. Public Hearing**

A public meeting on this Resolution was held on the 5<sup>th</sup> day of October, 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 October 5, 2017.

**Town of Mountain Village, Town Council**

By: \_\_\_\_\_  
Laila Benitez, Mayor

**Attest:**

By: \_\_\_\_\_  
Jackie Kennefick, Town Clerk

Approved as to Form:

\_\_\_\_\_  
David Reed, Town Attorney

**NARRATIVE IN SUPPORT OF APPLICATION TO AMEND EXISTING CUP**

**CUP Approved:** Resolution No. 2017-0216-04  
**Owner/Applicant:** TSG SKI & GOLF, LLC ("Applicant")  
**Property:** A portion of OSP-49R / Coonskin Tower, adjacent to San Sophia Ridge Mountain Village, San Miguel County, Colorado

**Application to Amend**  
**CUP Submitted to Town:** 8/24/17  
**Narrative Submitted:** 8/31/17

**BACKGROUND:** TSG owns Lot OSP-49R, the site of an existing telecommunications tower ("Property"). In 2016, Crown Castle (as TSG's authorized agent) submitted an Application and received approval for a new 100 foot tall freestanding telecommunications tower ("Tower") on the Property ("Crown Castle Application"). The Crown Castle Application requested permission to install a red beacon light, as required by the Federal Aviation Administration ("FAA"). The Town approved Crown Castle's Application via Resolution No. 2017-0216-04, recorded on March 28, 2017, at Reception No. 447804 filed in the Office of the Clerk and Recorder of San Miguel County ("CUP Approval"). The CUP Approval contained ten (10) Conditions of Approval. TSG is seeking only to amend Condition of Approval #1. The remaining Conditions of Approval will remain unchanged.

Specifically, Condition of Approval #1 states, "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 (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 days." TSG is seeking to delete this Condition of Approval in its entirety and replace it with the following Condition: "The Tower may include a red beacon light as required by the FAA."

TSG is not seeking any other changes to the CUP Approval. The Tower will remain exactly as approved in the CUP Approval, i.e., same height and same location. The specifications and plans for the red beacon light were previously submitted as part of the Crown Castle Application, and those remain unchanged as well. The Town has a copy of this Plan Set. The position of the red beacon light on the Tower will remain as shown on the Plan Set.

**THE AMENDMENT TO THE CUP CONFORMS TO CUP CRITERIA:** The Town, in its 2017 Resolution, has already determined all of the CUP criteria from the CDC have been met [p.2 of Resolution], subject to certain Conditions of Approval, all of which TSG agrees to comply with under its Application for an Amendment to the CUP (except Condition #1, as stated above). In sum, the Town determined the new Tower is necessary. It is in general conformity with the principles, policies and actions set forth in the CDC and Comprehensive Plan because adequate cellular communication is critical to the Town's economic development, sustainability and for maintaining a world class resort destination.

**WHY A RED BEACON LIGHT IS NOW NEEDED:** The FAA has always maintained a red light beacon is required on the new Tower. Crown Castle introduced the concept of an aircraft detection lighting system ("ADLS"), prior to final Town approval. At that time, Crown Castle believed and represented to the Town and TSG that the ADLS was feasible and ready for implementation. In August, 2017, Crown

Castle informed TSG that they were pulling out of the project because the ADLS was not possible at the current time.

To the best of TSG's current knowledge, and based on our due diligence to date, there are a variety of reasons the ADLS is not technologically or financially possible for use on a telecommunications tower at this time. The main reasons include:

1. The cost to install is estimated at approximately \$345,000;
2. No company currently installs ADLS on telecommunication towers. At this time, TSG has found only one company in the U.S. which manufactures and installs commercial ADLS. This company has manufactured and installed less than a handful of systems in the United States. They have installed all of these systems in windmill farms, not on telecommunication towers. In fact, we understand this company does not advise the use of ADLS on telecommunication towers at this time. The current ADLS installations are installed on separate towers adjacent to the wind farms, and in this instance would require an additional tower (i.e., a third tower) at the subject location.
3. The ADLS require constant management and maintenance, which is easily accomplished in wind farms which are typically on lower elevation, flat, large parcels of land, easily accessed by a maintenance manager. In contrast, the current Tower site is located at high elevation on top of a mountain on a remote site which is difficult to access.
4. The system's weight and increased surface area (compared to a red beacon light), adds wind loads, thus necessitating a separate tower to house the ADLS;
5. The new technology for ADLS requires an estimated \$20,000/year in maintenance costs.
6. The technology to manufacture an ADLS for use on a telecommunications tower is in the research and development stage. The timing is uncertain. At this point, TSG has been unable to find an ADLS developed for telecommunications tower usage.

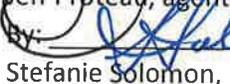
Based on the above, the most prudent course of action is to seek approval for a red beacon light.

#### CONCLUSION

Based on TSG's current knowledge, the ADLS is not yet technologically developed for use on a telecommunications tower to the point where we are confident it's not a risk. Extraordinary costs make an ADLS economically unfeasible and undesirable for a tower company to want to build a tower on the Property. Without the red beacon light approval, no new tower will be built, cellular service will continue to suffer in our community, and we are in jeopardy of losing our emergency communication equipment as well because of capacity issues with the existing tower. TSG will continue to gather information, and will provide further updates at the hearing.

TSG SKJ & GOLF, LLC

By:  8/31/17  
Jeff Proteau, agent

By:  8/31/17  
Stefanie Solomon, agent

# FAR COONSKIN COL06244 10139834



## LTE - 1ST CARRIER & MW UPGRADE GUYED TOWER

### ENGINEERING

2009 INTERNATIONAL BLDG. CODE OR LATEST ADOPTED EDITION  
OF THE IBC AND 2009 INTERNATIONAL WIRELESS BROADCASTING  
TV/EH-222-G OR LATEST EDITION

### PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF  
ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS FOR THE AT&T  
WIRELESS TELECOMMUNICATIONS NETWORK.

### SITE INFORMATION

PROPERTY OWNER: TSS SKI & GOLF LLC  
ADDRESS: 569 MOUNTAIN VILLAGE BLVD.  
TELLURIDE, CO 81435

TOWER OWNER: TSS SKI & GOLF LLC

SITE CONTACT: 970-728-6900

COUNTY: SAN MIGUEL

LATITUDE (NAD 83): 37° 56' 1.71" N (EXISTING TOWER)

LONGITUDE (NAD 83): 107° 30' 5.64" W

JURISDICTION: UNITED STATES FOREST SERVICE

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: V-8

POWER COMPANY: SAN MIGUEL POWER

TELEPHONE COMPANY: CENTURLINK

SITE ACQUISITION MANAGER: DENN MORRIS  
(303) 284-0512

SITE ACQUISITION CONTACT: MIKE MCBREEDY  
(303) 332-1212

CONSTRUCTION MANAGER: PATRICK DOYLE  
(720) 834-4260

RF ENGINEER: ERICSON FELICIANO  
(469) 450-7910

### CONTACT INFORMATION

ENGINEER: BLACK & VEATCH CORPORATION  
188 INVERNESS DRIVE WEST, SUITE 400  
ENGLEWOOD, CO 80112

CONTACT: JEREMY MIRONAS  
PHONE: (720) 834-4388

## C.U.P. & VARIANCE SUBMITTAL SET

### GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE  
FOR THE INSTALLATION OF THE FACILITY. THE FACILITY WILL BE MAINTAINED AND OPERATED BY  
THE FACILITY OWNER. THE FACILITY OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE  
ENVIRONMENT AND THE FACILITY. THE FACILITY OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION  
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RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND THE FACILITY. THE FACILITY  
OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND THE FACILITY.

### DRAWING INDEX

| SHEET NO. | SHEET TITLE                             |
|-----------|---|
| T-1       | TITLE SHEET                             |
| LS 1      | LAND SURVEY                             |
| LS 2      | LAND SURVEY                             |
| C-1       | EXISTING SITE PLAN                      |
| C-2       | PROPOSED AND PROPOSED EQUIPMENT LAYOUTS |
| C-3       | EXISTING SITE ELEVATIONS                |
| C-4       | PROPOSED SITE ELEVATIONS                |
| C-5       | ANTENNA LAYOUTS                         |

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS, AND CONDITIONS ON  
THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES  
BEFORE PROCEEDING WITH THE WORK.



UNDERGROUND SERVICE ALERT  
UTILITY NOTIFICATION CENTER OF COLORADO  
(800) 922-1987  
WWW.UCC.ORG

3 working days utility notification prior to construction



|                   |             |
|-------------------|-------------|
| PROJECT/PHASE NO: | 122061/8623 |
| DRAWN BY:         | BTS         |
| CHECKED BY:       | DDM         |
| T.D.              | 1.86        |

| REV | DATE     | DESCRIPTION              |
|-----|----------|--------------------------|
| 0   | 02/23/15 | ISSUED FOR ZONING C.U.P. |



FAR COONSKIN  
COL06244  
GRANITE RIDGE DRIVE  
TELLURIDE, CO 81435  
LTE - 1ST CARRIER AND MW UPGRADE

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
T-1







188 INVERNESS DRIVE WEST  
ENGLEWOOD, CO 80112



**BLACK & VEATCH**

304 INVERNESS WAY SOUTH  
ENGLEWOOD, COLORADO 80112

PROJECT/PHASE NO: 122061/8623  
DRAWN BY: BJS  
CHECKED BY: DDM  
T.I.D.: 1.86

| REV | DATE     | DESCRIPTION              |
|-----|----------|--------------------------|
| 0   | 02/23/15 | ISSUED FOR ZONING C.U.P. |

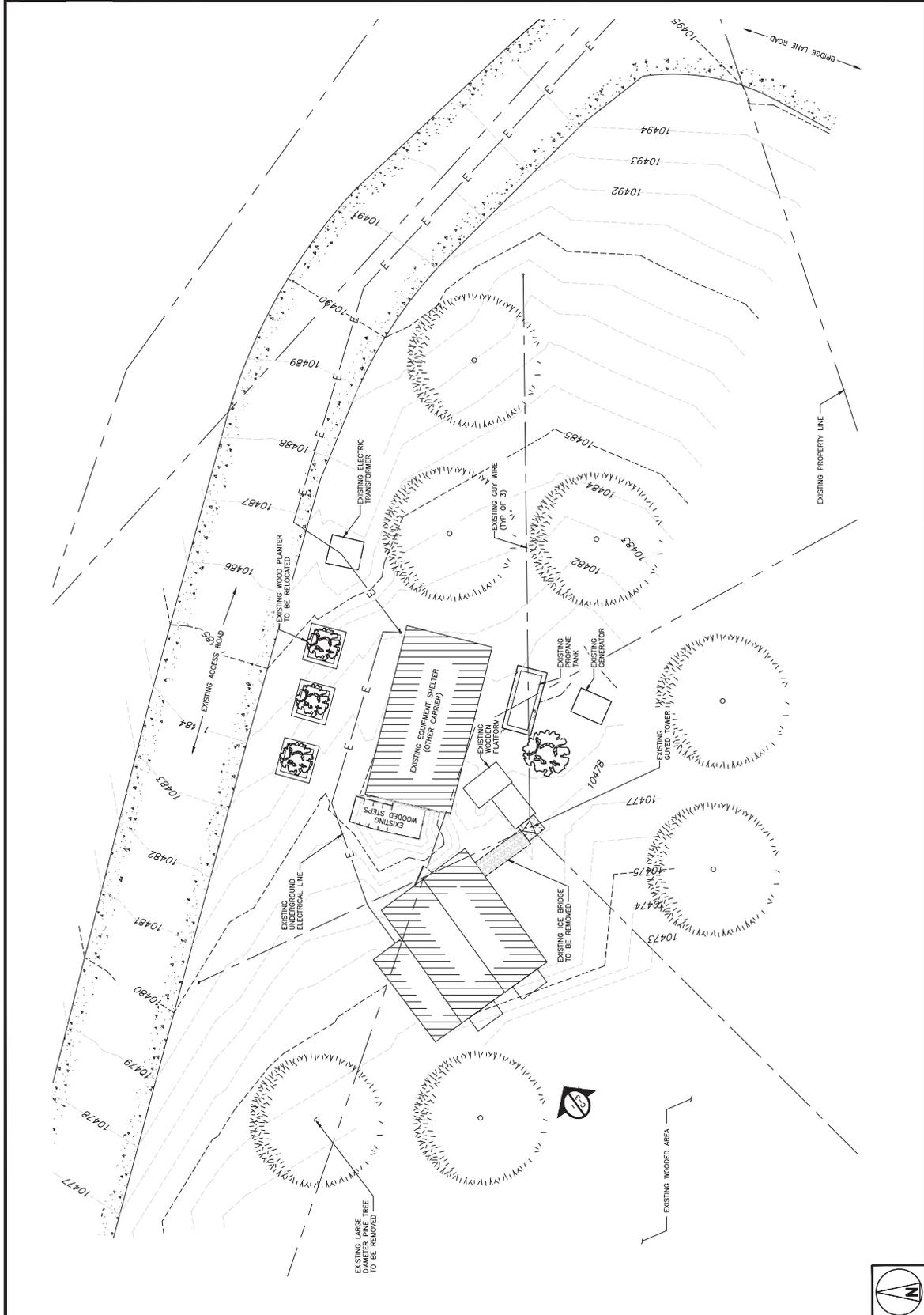


UNLESS INDICATED OTHERWISE, ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
TO AVOID THIS DOCUMENT.

FAR COONSKIN  
COLO6244  
GRANITE RIDGE DRIVE  
TELLURIDE, CO 81435  
LIE - 1ST CARRIER AND MW UPGRADE

SHEET TITLE  
**EXISTING SITE PLAN**

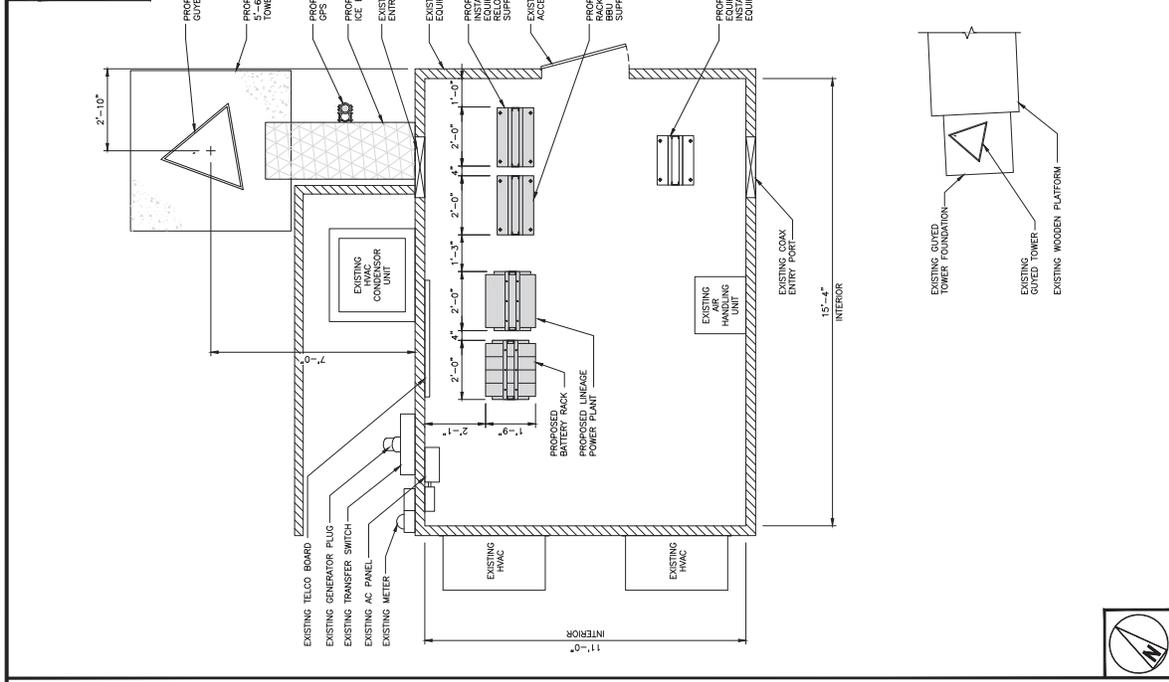
SHEET NUMBER  
**C-1**



EXISTING SITE PLAN 1



- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
  2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN PROPOSED LIE EQUIPMENT RACK AND TRANSMITTING ANTENNA.
  3. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.



EXISTING EQUIPMENT LAYOUT

PROPOSED EQUIPMENT LAYOUT

188 INVERNESS DRIVE WEST  
ENGLEWOOD, CO 80112

304 INVERNESS WAY SOUTH  
ENGLEWOOD, COLORADO 80112

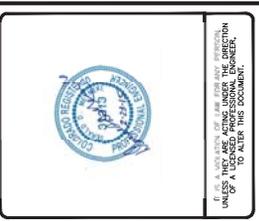
PROJECT/PHASE NO: 122061/8623

DRAWN BY: BITS

CHECKED BY: DDM

T.A.D. 1.861

| REV | DATE     | DESCRIPTION              |
|-----|----------|--------------------------|
| 0   | 02/23/15 | ISSUED FOR ZONING C.U.P. |



FAR COONSKIN  
COLO6244  
GRANITE RIDGE DRIVE  
TELLURIDE, CO 81435  
LIE - 1ST CARRIER AND MW UPGRADE

EXISTING AND PROPOSED EQUIPMENT LAYOUTS

SHEET NUMBER  
**C-2**

12" = 0' 1" 2" 3" 4" 5"  
1/2" = 1'-0"

1

2



188 INVERNESS DRIVE WEST  
ENGLEWOOD, CO 80112



**BLACK & VEATCH**

304 INVERNESS WAY SOUTH  
ENGLEWOOD, COLORADO 80112

PROJECT/PHASE NO: 122061/8623  
DRAWN BY: BITS  
CHECKED BY: DDM  
T.I.D.: 1.86

| REV | DATE     | DESCRIPTION             |
|-----|----------|-------------------------|
| 0   | 02/23/15 | ISSUED FOR ZONING CLIP. |



UNLESS THEY ARE NOTED OTHERWISE, ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

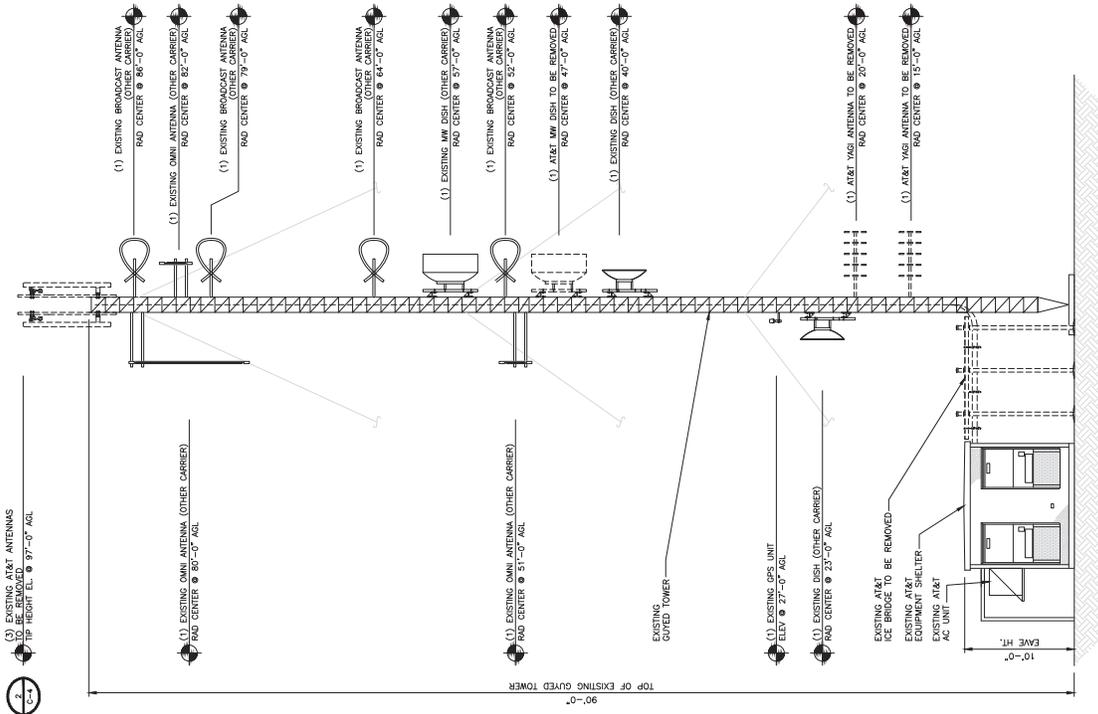
FAR COONSKIN  
COLO6244  
GRANITE RIDGE DRIVE  
TELLURIDE, CO 81435  
LIE - 1ST CARRIER AND MW UPGRADE

SHEET TITLE  
**EXISTING  
SITE ELEVATIONS**

SHEET NUMBER  
**C-3**

**NOTE**

CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.



EXISTING\_SOUTHWEST\_ELEVATION

1





188 INVERNESS DRIVE WEST  
ENGLEWOOD, CO 80112



304 INVERNESS WAY SOUTH  
ENGLEWOOD, COLORADO 80112

PROJECT/PHASE NO: 122061/8623  
DRAWN BY: BTS  
CHECKED BY: DDM  
I.L.D. 1.86

| REV | DATE     | DESCRIPTION              |
|-----|----------|--------------------------|
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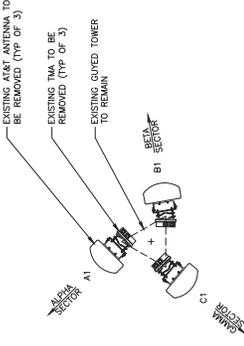
THE SEAL AND SIGNATURE OF AN ENGINEER ARE REQUIRED UNLESS THE WORK IS DONE UNDER THE DIRECTION OF A REGISTERED PROFESSIONAL ENGINEER TO ADD TO THIS DOCUMENT.

FAR COONSKIN  
COLO6244  
GRANITE RIDGE DRIVE  
TELLURIDE, CO 81435  
LTE - 1ST CARRIER AND MW UPGRADE

SHEET TITLE  
ANTENNA LAYOUTS

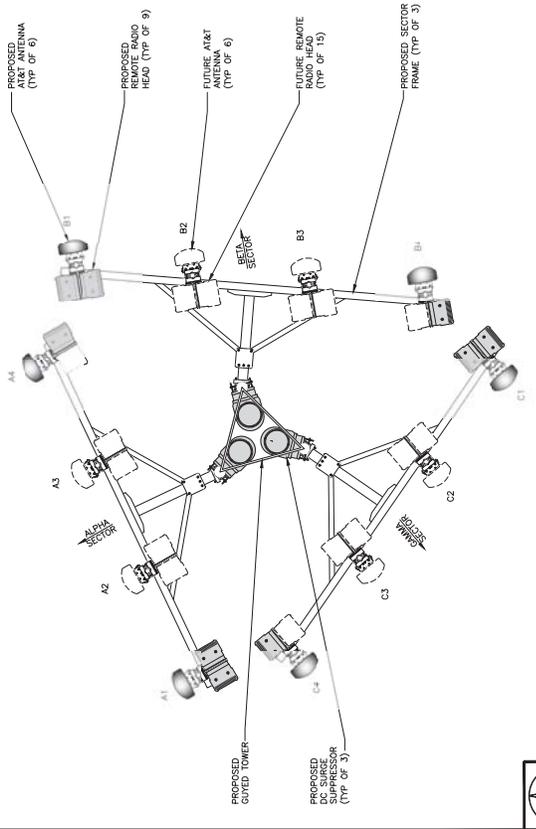
SHEET NUMBER  
C-4

NOTES  
CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDs FOR ALL RF DETAILS.



NO SCALE 2

EXISTING ANTENNA LAYOUT



NO SCALE 4

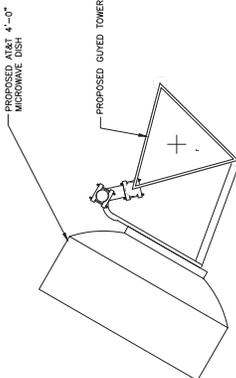
PROPOSED ANTENNA LAYOUT

| SECTOR | ANTENNA TYPE     | TECHNOLOGY | TRANSMISSION CABLE QTY. | TRANSMISSION CABLE TYPE | DC JUMPERS NEEDED | FIBER JUMPERS NEEDED |
|--------|------------------|------------|-------------------------|-------------------------|-------------------|----------------------|
| A1     | PROPOSED ANTENNA | UMTS       | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| A2     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| A3     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| A4     | PROPOSED ANTENNA | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| B1     | PROPOSED ANTENNA | UMTS       | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| B2     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| B3     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| B4     | PROPOSED ANTENNA | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| C1     | PROPOSED ANTENNA | UMTS       | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| C2     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| C3     | FUTURE ANTENNA   | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| C4     | PROPOSED ANTENNA | LTE        | -                       | SEE CHANGES BELOW*      | YES               | YES                  |
| MW     | PROPOSED ANTENNA | MICROWAVE  | 1                       | EW96-105                | -                 | -                    |

\* (6) PROPOSED DC POWER TRUNKS AND (3) PROPOSED FIBER TRUNKS SUPPLY ALL LTE AND UMTS ANTENNAS

NO SCALE 1

PROPOSED ANTENNA AND TRANSMISSION CABLE REQUIREMENT



NO SCALE 3

PROPOSED ANTENNA LAYOUT



Crown Castle  
2055 S. Stearman Drive  
Chandler, AZ 85286

August 17, 2017

Ms. Kim Montgomery  
Town Manager  
Town of Mountain Village  
455 Mountain Village, Suite A  
Mountain Village, CO 81435

Dear Ms. Montgomery,

This letter is to inform you that Crown Castle has determined the aircraft detection lighting system condition of approval in the Town of Mountain Village Resolution No. 2017-0216-04 is a condition that cannot be met due to limited technology, as well as a limited amount of manufacturing companies available to allow the management of the new tower and facility.

Crown Castle will be instructing our general contractor to close the building permit. If you have any questions, please do not hesitate to call me at 602-845-1757.

Sincerely,

A handwritten signature in blue ink that reads 'Gina Childers'.

Gina Childers

Program Manager

Crown Castle  
Tower Development & Redevelopment

**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 OSP-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 16<sup>th</sup> 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

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A NEW 100' TALL TELECOMMUNICATIONS TOWER LOCATED NEXT TO THE EXISTING TOWER AND A VARIANCE TO ALLOW FOR THE PROPOSED 100' TOWER STRUCTURE HEIGHT ON OSP-49R**

**Resolution No. 2015-0423-08**

- A. TSG Ski & Golf, LLC ("Owner") is the owner of record of real property described as OSP-49R ("Property").
- B. The Owner has authorized AT&T and its agent, Black and Veatch, to submit applications for (1) a conditional use permit for the installation of a new 100 foot tall freestanding telecommunications tower on the Property located by the existing tower; and (2) a height variance to allow for the proposed 100 foot tower ("Applications").
- 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. The Design Review Board ("DRB") considered the Application, along with evidence and testimony, at a public meeting held on April 2, 2015. Upon concluding their review, the DRB recommended approval of the Applications by a unanimous vote of 7 to 0 to the Town Council subject to certain conditions.
- E. The Town Council considered and approved the Applications, along with evidence and testimony, at a public meeting held on April 23, 2015.
- F. 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.
- G. After the public hearings referred to above, the DRB and the Town Council each individually considered the Applications' submittal materials, and all other relevant materials, public letters and public testimony, and approved the Applications with conditions as set forth in this Resolution.
- H. The Owner and AT&T have addressed, or agreed to address, all conditions of approval of the Applications imposed by Town Council.
- I. The Town Council finds the Applications meets the conditional use permit criteria for decision contained in CDC Section 17.4.14(D) and the variance criteria for decision contained in CDC Section 17.4.16(D) as follows:

Variance Findings:

- 1. The strict application of the CDC building height regulations would result in exceptional and undue hardship upon the property owner in the development of the property because an antenna must have adequate height to clear surrounding trees, provide adequate cellular coverage and meet the Town's colocation requirement;
- 2. The variance can be granted without substantial detriment to the public health, safety and welfare due to visual mitigation, and will actually will help protect the public health, safety and welfare by ensuring the provision of critically needed cellular infrastructure;

3. The variance can be granted without substantial impairment of the intent of the CDC, with the proposed use meeting the Telecommunication Antenna Regulations;
4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district;
5. Reasonable use of the property for a telecommunications antenna is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
7. The variance is not solely based on economic hardship alone; and
8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

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 CONDITIONAL USE PERMIT FOR A NEW 100' TALL TELECOMMUNICATIONS TOWER LOCATED NEXT TO THE EXISTING TOWER AND A VARIANCE TO ALLOW FOR THE PROPOSED 100' TOWER STRUCTURE HEIGHT ON OSP-49R AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:**

**Be It Further Resolved** that OS-3U may be developed as submitted in accordance with Resolution No. 2015-0423-08

**Section 1. Conditions of Approval**

1. The tower shall not include a light beacon or be brightly painted to stand out to aircraft. If the Federal Aviation Administration ("FAA") requires either a light beacon or bright

- paint for the tower to stand out, the antenna shall be lowered to a height where these FAA requirements do not apply.
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, TSG and any other intervening property owner 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.

## **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 23<sup>rd</sup> 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**

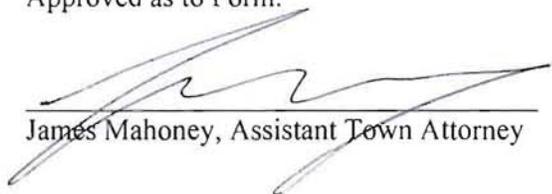


By: \_\_\_\_\_  
Dan Jansen, Mayor

**Attest:**

By: \_\_\_\_\_  
Jackie Kennefick, Town Clerk

Approved as to Form:



James Mahoney, Assistant Town Attorney

# SAN MIGUEL COUNTY

## BOARD OF COMMISSIONERS

HILARY COOPER

KRIS HOLSTROM

JOAN MAY

September 29, 2017

Honorable Mayor Laila Benitez and Town Council Members  
Banks Brown, Chair and members of the TMV Design Review Board

Re: Referral of the Application to Amend the Previously Approved Conditional Use Permit  
for a 100-foot Communication Tower to be located on Tract OSP 49-R proposed by  
Telluride Ski and Golf (TSG).

Dear Mayor Benitez, Council Members & Members of the Design Review Board

Thank you for the referral of this application from your Planning & Development Services Department. This referral is consistent with and in compliance with the referral provisions of the "Ridgeline Covenant" contained in the Stipulated Settlement Order between the TMV, TSG and San Miguel County that was entered into and recorded in September 1999.

The Board of County Commissioners (BOCC) at its regular public meeting held on Wednesday, September 27, 2017 considered making comments on the referral of this application to the Town of Mountain Village. The referred application seeks to amend the previously approved Conditional Use Permit (CUP) issued by the Town of Mountain Village in 2017. TSG desires to amend the CUP to allow a red light beacon on the new 100' telecommunications tower. In reviewing this application the BOCC determined that the proposed 100' foot guyed communication tower with a red beacon on top will be visible from and extend into the Coonskin View Plan as described within the Ridgeline Covenant, in apparent violation of the visibility restrictions specified in section 2 of the 1999 recorded covenant.

The BOCC is very concerned with the visual impacts of development and lights on the Coonskin Ridge and with maintaining the integrity and intent of the Ridge Covenant. The BOCC has been advised of the January 16, 2017 letter from Bill Jensen, TSG CEO, to Sheriff Masters advising him of the November 2014 expiration of the 1988 KOTO Coonskin Tower Agreement and that based on structural capacity reports for the existing tower it will need to be vacated by the Sheriff's Department and associated parties, including the removal and of all equipment and cables. The BOCC has also considered input from Jennifer Dinsmore, County Sheriff Administrative Officer regarding the importance of a new communications to the various emergency services organization including the San Miguel Emergency Services Authority (SMETSA), Fire and Police Departments, and members of the public, stating the importance and need for the new tower to maintain and improve Emergency Radio Communications and provide for the community's public safety. Having considered this matter, the BOCC is prepared to not initiate legal action to enforce the Ridgeline Covenant should the Town of Mountain Village approve this application to amend the CUP to allow this proposed communication tower with the

FAA required red beacon subject to the following conditions being imposed on and required of the applicant and/or committed to by the Town of Mountain Village:

1. The applicant, TSG, as the site owner/lessor, and the tower owner/operator, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
2. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the County Board of Commissioners to address what the applicant has done concerning lighting mitigation to reduce the visual impacts of the red light beacon.

The Board would like to thank the applicant, Jeff Proteau, Telluride Ski and Golf Planning and Operations Director, and Neil Wisner, Fidelity Towers, who provided information at the BOCC meeting regarding the proposed tower, red light beacon, and possible future lighting mitigation of red light beacon. It should be noted and understood that in making this decision we do not consider this to establish a precedent or be a routine action when it comes to compliance with and enforcement of the Coonskin Ridgeline Covenant in the future.

Sincerely,

BOARD OF COUNTY COMMISSIONERS



Joan May, Chair

cc: Michelle Haynes, TMV Planning and Development Services  
Sheriff Bill Masters  
Ann Morgenthaler, Telluride Interim Building and Planning Director  
Bill Jensen, TSG, CEO  
Jeff Proteau, TSG  
Neil Wisner, Fidelity Towers

[text/word/TSG.Fidelity.coonskin.tower.referral.BOCC]



September 8, 2017

Via Electronic Mail

Michelle Haynes  
Planning and Development Services Director  
Town of Mountain Village  
455 Mountain Village Blvd. Suite A  
Mountain Village, CO 81435

RE: Proposed Telecommunication Permit at Coonskin Ridge, Town Resolution N. 2017-0216-04

Dear Michelle,

I write on behalf of T-Mobile USA, Inc. ("T-Mobile") to support the Conditional Use Permit amendment recently submitted by TSG Ski & Golf, LLC for the telecommunication tower at Coonskin Ridge currently under the Town of Mountain Village's ("Village's") consideration.

Like the Village, we are constantly striving to provide the services our customers, and your constituents, expect while also responding to the ever-changing demands and expectations placed on wireless infrastructure in the 21st century. Should this tower be approved, it is T-Mobile's intention to collocate on this location to improve services for residents and guests of the Town of Mountain Village and the Telluride Ski Resort.

In closing, T-Mobile appreciates your willingness to consider this proposal. We are available to discuss and answer any questions you or the Village's Staff may have as part of your evaluation of this proposal. If you have any questions, please feel free to contact me at [John.Wabiszczewicz@T-Mobile.com](mailto:John.Wabiszczewicz@T-Mobile.com)

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Wabiszczewicz', written over a faint, larger version of the same signature.

John Wabiszczewicz  
T-Mobile – Manager, Engineering Development  
18400 E. 22nd Ave.  
Aurora, CO 80011

CC: via Electronic Mail – Jeff Proteau – [jproteau@telski.com](mailto:jproteau@telski.com)  
Sam Starr – [SStarr@mtnvillage.org](mailto:SStarr@mtnvillage.org)  
Kim Montgomery - [KMontgomery@mtnvillage.org](mailto:KMontgomery@mtnvillage.org)  
James Mahoney – [jmahoney@jdreedlaw.com](mailto:jmahoney@jdreedlaw.com)

**Michelle Haynes**

---

**From:** Jim Boeckel <jim@telluridefire.com>  
**Sent:** Thursday, August 31, 2017 4:50 PM  
**To:** Michelle Haynes  
**Subject:** Re: Agency Referral Conditional Use Permit Amendment to Tower Approval

Michelle,

No objections to the light on the tower.

Thanks

On Thu, Aug 31, 2017 at 4:39 PM, Michelle Haynes <[MHaynes@mtnvillage.org](mailto:MHaynes@mtnvillage.org)> wrote:

Dear Referral Agencies and Entities:

Please see the attached agency referral for an amendment to the Conditional Use Permit for the 100' Tower consisting of amendment to Condition #1 to allow for a red light beacon. This application was deemed complete on 8/31/2017.

The public hearing is set for October 5, 2017 at 9:00 am. It will be a joint Design Review Board and Mountain Village Town Council hearing.

The Packets will be sent out on September 28<sup>th</sup>. Please provide comment prior to the packet deadline.

Comments will be distributed if received after this date.

Do not hesitate to contact me should you have any additional questions.

If you need a hard copy of this application, please let me know.

With regard,



Office of the Mayor  
Sean Murphy, Mayor

September 28, 2017

Ms. Michelle Haynes  
Planning & Development Services Director, Town of Mountain Village

Submitted electronically via email to [mhaynes@mtnvillage.org](mailto:mhaynes@mtnvillage.org)

Dear Ms. Haynes,

This letter is in response to your request for input on the amendment to the Conditional Use Permit application that was approved by the Town of Mountain Village Town Council pursuant to Resolution 2015-0423-08 and amended by Resolution 2017-0216-04 for a telecommunications tower to include a light beacon with an aircraft detection lighting system. We understand that Telluride Ski and Golf (Telski) and Crown Castle Communications have determined that the aircraft detection lighting system is cost prohibitive at the current time, and that Telski seeks to amend the Conditional Use Permit to allow a red light beacon on the previously approved 100' tall telecommunications tower.

The Town of Telluride is not a party to the 1999 Development Covenant ("Ridgeline Covenant") between Telski, San Miguel County, and St. Sophia Partners, LLC. However, the Ridgeline Covenant specifies that all applications for development on land that is subject to the Ridgeline Covenant shall be referred to the Town of Telluride for comments regarding compliance with the provisions of the Ridgeline Covenant. The Town of Telluride, and views of the night sky from the Town of Telluride, are impacted by development on the ridgeline. The Town was clearly intended to benefit from provisions of the Ridgeline Covenant, and the comments in this letter are meant to be advisory to the Town of Mountain Village regarding this specific application, as allowed by the Ridgeline Covenant.

It appears that the Federal Aviation Administration (FAA) requires that a red light be located on the approved tower, contrary to the requirements of the initial Town of Mountain Village Conditional Use Application approval. The simulation of installing a red light near the proposed location of the new tower in January of 2017 verified that the red light will be visible from the Town of Telluride, in violation of the Ridgeline Covenant requirement that "all structures, improvements, and lighting on the Ridgeline Properties shall be constructed, operated, and maintained so that they shall not be visible from or extend into the View Plane..."

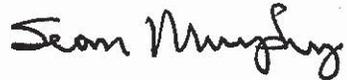
We understand that the proposed lighting system with this amended application is different than the test light that was viewed in January of 2017, and that two red lights will be installed, instead of one. We have not seen a demonstration of this lighting system, but estimate that the visual impacts as seen from the Town of Telluride will likely be similar or increased. The impacts from the proposed constantly illuminated red lights will be more obtrusive than the previously proposed intermittent light that would have been controlled by an aircraft detection system, and lit only when aircraft were nearby. The Town has significant concerns with the requested amendment to the Conditional Use Permit to allow two constantly illuminated red lights on the tower, which will be clearly visible from the Town of Telluride and seemingly in direct violation of the Ridgeline Covenant.

The proposed tower has the potential to offer increased communications access for the region, in the form of additional space for telecommunications equipment. The new tower may also serve as a location for emergency services and law enforcement communications equipment, which is currently located on a tower that cannot structurally support the equipment. These potential benefits of the tower

must be balanced with the clear language of the Ridgeline Covenant that prohibits additional illuminated structures on the Ridgeline. A balance could perhaps be reached if the proposed benefits of the tower – guaranteed communication co-location, and future maintenance and upgrade potential for all emergency service and law enforcement providers – are documented and formally agreed upon by the future tower constructor as conditions of approval for the proposed red light on the tower.

This is a difficult decision, and one that we hope you will make in a manner that balances the public needs for enhanced communication infrastructure with the important considerations outlined in the Ridgeline Covenant, which were meant to protect the unique viewshed in Telluride and our region.

Sincerely,



Sean Murphy  
Mayor, Town of Telluride

Cc: Steven Zwick, San Miguel County Attorney  
Mike Rozycki, San Miguel County Planning Director

# OL2VLED



Used For: Telecom

Categories: Red Lighting

## **COMMUNICATIONS TOWER APPROVAL CHRONOLOGY**

February 16, 2017: The Town Council approved an amendment to the Conditional Use Permit for a new 100 foot high communications tower located approximately 20 feet from the existing tower. The tower was required to have a light beacon by the FAA yet the approval included the aircraft motion detection system that used Doppler radar and would reduce the light from being on after 9:00 pm (as an alternative to a red light beacon)

The approval carried the condition that:

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.

February 2, 2017: The DRB provided a recommendation on the CUP amendment to the Town Council.

January 17, 2017: Mountain Village hosted a demonstration of possible light reduction actions that could be taken at the San Sophia gondola station to reduce lights that are visible on the ridge from Telluride. This was prompted by feedback received at the above intergovernmental meeting regarding light emanating from the station.

January 16, 2017: The owner of the existing tower, Telluride Ski and Golf (TSG), notified the San Miguel Sheriff's office that their lease for communication equipment on the existing tower has expired and that the structural carrying capacity of the tower is compromised. Therefore, TSG advised the Sheriff's Department to remove all equipment and cables from the existing tower.

November 14, 2016: The applicant presented the proposed change for discussion at the Intergovernmental Work Session that includes elected officials from San Miguel County, Town of Telluride and Mountain Village.

October 27 to November 7, 2016: The applicant erected a 100 foot high "story pole" on the ridge with the required red beacon which was lit from dusk to dawn. Mountain Village promoted the demonstration and solicited feedback (Exhibit E).

In May of 2016 the FAA notified the applicant that a red beacon would be required atop the new tower. The aforementioned steps were taken to increase awareness of the proposed change.

In April of 2015 the Town Council approved a variance and conditional use permit for a new 100 foot high communication tower located approximately 20 feet from the existing tower. This application was referred to San Miguel County and Town of Telluride because it is located on Coonskin Ridge and subject to a covenant that regulates height and visibility of structures. The approval carried the condition that:

1. The tower shall not include a light beacon or be brightly painted to stand out to aircraft. If the Federal Aviation Administration (FAA) requires either a light beacon or bright paint for the tower to stand out, the antenna shall be lowered to a height where these FAA requirements do not apply.”

February 19, 2015: The Town Council held a worksession to discuss a Conditional Use Permit for a new freestanding antenna on OSP-49R.

**SUMMARY OF MOTIONS  
TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD MEETING  
THURSDAY, AUGUST 31, 2017**

Agenda Item 4

**Call to Order**

Chairman Banks Brown called the meeting of the Design Review Board of the Town of Mountain Village to order at 10:05 a.m. on Thursday, August 31, 2017 in the Conference Room at 455 Mountain Village Boulevard Mountain Village, CO 81435.

**Attendance**

**The following Board/Alternate members were present and acting:**

Banks Brown  
Luke Trujillo  
Phil Evans  
Greer Garner  
Jean Vatter (Alternate)  
Liz Caton (Alternate)

**The following Board members were absent:**

David Craige  
David Eckman  
Keith Brown

**Town Staff in attendance:**

Michelle Haynes, Planning & Development Services Director  
Dave Bangert, Senior Planner/Forester  
Sam Starr, Planner  
James Mahoney, Town Attorney  
Finn Kjome, Public Works Director  
Jim Loebe, Transit Director

**Public in attendance:**

There was no public in attendance.

**Discussion of General Easements in the Town of Mountain Village**

Michelle Haynes provided a powerpoint overview of General Easements covering originating plat language, relevant town codes, DRB reviewing authority, staff review authority, and other considerations that are all related to General Easements (GE). Town Attorney James Mahoney then provided an overview of the seven (7) criteria that DRB use to evaluate an encroachment into General Easements.

After discussions between the DRB, staff and the Attorney the DRB determined that the review criteria is adequate. The DRB agreed that providing the criteria in the staff memos moving forward is helpful. The DRB requests a more detailed site plan that clearly shows the General Easement area, the encroachment request and that the encroachment can be scaled and understood. The board also requested that applicants include information on how their development meets any/all of the criteria for encroachment into the General Easement. Photos of the existing General Easement area or existing encroachments, should the request be to increase the encroachment, is also helpful when brought to the hearing.

**Adjourn**

On a **Motion** made by Banks Brown and seconded by Phil Evans, DRB voted 7-0 to adjourn the August 3, 2017 meeting of the Mountain Village Design Review Board at 11:28 a.m.

Respectfully Submitted,

Michelle Haynes  
Planning and Development Services Director

DRAFT

**SUMMARY OF MOTIONS  
TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD MEETING  
THURSDAY, SEPTEMBER 7, 2017**

**Call to Order**

Chairman Banks Brown called the meeting of the Design Review Board of the Town of Mountain Village to order at 10:00 a.m. on Thursday, September 7, 2017 in the Conference Room at 455 Mountain Village Boulevard Mountain Village, CO 81435.

**Attendance**

**The following Board/Alternate members were present and acting:**

Banks Brown  
Keith Brown  
Phil Evans  
Greer Garner  
David Craige  
Dave Eckman  
Jean Vatter (Alternate)  
Liz Caton (Alternate)

**The following Board members were absent:**

Luke Trujillo

**Town Staff in attendance:**

Michelle Haynes, Planning & Development Services Director  
Dave Bangert, Senior Planner/Forester  
Sam Starr, Planner

**Public in attendance:**

Beth Bailis [cariboudesign@gmail.com](mailto:cariboudesign@gmail.com)  
Garrett Brafford [Gbrafford1@gmail.com](mailto:Gbrafford1@gmail.com)  
Stacy Lake [Stacy@tommyhein.com](mailto:Stacy@tommyhein.com)

**Reading and Approval of Summary of Motions of the August 3, 2017 Design Review Board Meeting**

On a **Motion** made by Phil Evans and seconded by Greer Garner, the DRB voted 7-0 to approve the Summary of Motions from the August 3, 2017 Design Review Board Meeting.

**Consideration of a Design Review application for expansion of an existing patio into the General Easement on Lot 1151, 132 High Country Road.**

Dave Bangert presented the Design Review Application for a General Easement encroachment on Lot 1151, 132 High Country Road for review. Beth Bailis of Caribou Design Associates, presented on behalf of the owner.

There was no public comment

On a **Motion** made by Phil Evans and seconded by Keith Brown, the DRB voted 7-0 to approve a Design Review Application for a General Easement encroachment, 132 High Country Drive with the following conditions:

1. The capstone on the address monument exceeds 2 inches to shield the strip light beneath the ledge.

2. The outer limits of the General Easement be fenced during the construction project, and include all incursion in the fencing.
3. The General Easement encroachment agreement reflects that sod is part of the hardscaping planned for this project.

**Consideration of a Design Review application for extension of an existing walking path into the southern General Easement and a patio area with retaining walls into the eastern General Easement on Lot 407R, 134 Hood Park.**

Dave Bangert presented the Consideration of a Class 1 design review application extension of an existing walking path into the southern General Easement and a patio area with retaining walls into the eastern General Easement on Lot 407R. Stacy Lake of Tommy Hein Architects presented on behalf of the owner.

There was no public comment

On a **Motion** made by Greer Garner and seconded by David Eckman, the DRB voted 7-0 to approve the application for extension of an existing walking path into the southern General Easement and a patio area with retaining walls into the eastern General Easement on Lot 407R, 134 Hood Park, with the following conditions:

1. General Easement encroachment agreement shall include an improvement location certificate between the Town of Mountain Village and the owner of Lot 407R.

**Other Business**

Planning and Development Services Director Michelle Haynes announced that there would be an open house reception to discuss the Meadows Improvement Plan, and will take place on September 28<sup>th</sup> from 4pm to 6pm in the meadows parking lot. Michelle also noted to the board that the October 5<sup>th</sup> DRB meeting will be a joint session with the Town Council that will begin at 9:00 am.

**Adjourn**

On a **Motion** made by Banks Brown and seconded by Greer Garner, DRB voted 7-0 to adjourn the September 7, 2017 meeting of the Mountain Village Design Review Board at 11:37 a.m.

Respectfully Submitted,

Michelle Haynes  
Director of Planning and Development Services



**PLANNING & DEVELOPMENT SERVICES**

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

---

**TO:** Design Review Board  
**FROM:** Dave Bangert, Senior Planner/Town Forester  
**FOR:** DRB Meeting on October 5, 2017  
**DATE:** September 12, 2017  
**RE:** Consideration of a Design Review Application for the replacement and extension of an existing retaining wall into the southern General Easement on Lot 254B.

---

**APPLICATION OVERVIEW:**

The purpose and intent of this memo is to have the Design Review Board review and evaluate the proposed new retaining wall to replace the existing retaining wall that extends into the General Easement (GE) on Lot 254B.

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 254B, Telluride Mountain Village  
**Address:** 119 Polecat  
**Applicant/Agent:** Mathew Porter, caretaker  
**Owner:** Jim Singleton  
**Zoning:** Single Family  
**Existing Use:** Single Family  
**Lot Area:** 0.566 acres

**Adjacent Land Uses:**

- **North:** Open Space
- **South:** Single Family
- **East:** Single Family
- **West:** Single Family

**ATTACHMENTS**

- Exhibit A: Application
- Exhibit B: Topographic survey
- Exhibit C: Proposed driveway plan
- Exhibit D: Prior General Easement agreements

**BACKGROUND**

The owner's representative, Mathew Porter, has submitted a Design Review application in accordance with the Community Development Code (CDC). The applicant is proposing the replacement of an asphalt drive surface with paver stones and replacement of an existing rock retaining wall along the driveway with a new concrete wall with stone veneer and a paver v-pan that extend into the southern General Easement. There are two existing General Easement encroachments agreements for Lot 254B. These agreements allow for second story deck overhanging the GE, driveway section with retaining wall and a stone walk way. Staff concludes

that the proposed new encroachments are an extension of the previous approvals in the General Easements and will not adversely affect any surrounding properties. The Public Works Department has no issues with the additional encroachments into the GE and has no future plans to use these GE's.

**ANALYSIS OF RELEVANT CODE SECTIONS**

**17.3.14 General Easement Setbacks**

C. All general easement setbacks or other setbacks shall be maintained in a natural, undisturbed state to provide buffering to surrounding land uses and to maintain the ability to conduct any of the general easement allowed uses.

D. All above- and below-grade structures or structural components (soil nailing, etc.), earth disturbance, or ground level site development such as walks, hardscape, terraces and patios shall be located outside of the general easement setback or other setbacks on each lot within the allowable building area of a lot.

E. The following development activities are permitted in the general easement setback or other setbacks subject to the applicable review process and Design Regulations:

1. Review authority approved accessways for direct access, including driveways, walkways, and ski trails and ski lifts for ski area access.
  - a. Accessway impacts to the general easement shall be minimized to the extent practical, such as a perpendicular crossing of the easement setback area.
  - b. Accessways shall not exceed the minimum Town standards for construction, such as the minimum width.
2. Utilities;
  - a. To the extent practical, all utilities shall follow a driveway alignment.
3. Address monuments;
4. Natural landscaping without any man-made materials or hardscape;
5. Fire mitigation and forestry management without substantial earthwork;
6. Construction staging provided:
  - a. The area proposed for such staging is devoid of naturally occurring trees or other naturally occurring vegetation; or
  - b. The DRB is approving disturbance in the general easement for another proposed improvement such as a driveway, utility cut, or skier access, and the area can be used for staging until the approved improvement is constructed; and
7. Other uses as provided for in the definition of general easement.

F. The DRB may waive the general easement setback or other setbacks and allow for prohibited activities provided:

1. The applicant has demonstrated that avoiding grading and disturbance in the general easement setback would create a hardship, and there is not a practicable alternative that allows for reasonable use of the lot;
2. The disturbance in the general easement setback is due to natural features of the site, such as steep slopes, wetlands and streams;
3. No unreasonable negative impacts result to the surrounding properties;
4. The general easement setback or other setback will be revegetated and landscaped in a natural state;
5. The Public Works Department has approved the permanent above-grade and below-grade improvements;
6. The applicant will enter into an encroachment agreement with the Town with the form and substance prescribed by the Town; and

7. Encroachments into the general easement setback or other setbacks are mitigated by appropriate landscaping, buffering and other measures directly related to mitigating the encroachment impacts.

**STAFF ANALYSIS**

The applicant is proposing to upgrade the existing driveway, retaining wall and walking path that are covered by an existing General Easement encroachment agreement. Extending and upgrading the existing encroachments will not cause any negative impacts to surrounding properties. The Public Works Department found no issue with the proposed GE encroachment.

**STAFF RECOMMENDATION**

Staff recommends approval the General Easement encroachment proposed by the applicant, Mathew Porter, on Lot 254B with the following motion:

*“I move to approve the application by Mathew Porter to replace and extend an existing retaining wall into the southern GE with a new General Easement encroachment agreement, with a new Improvement Location Certificate, between the owner of Lot 254B and the Town of Mountain Village”.*



# DESIGN REVIEW PROCESS APPLICATION

Planning & Development Services  
Planning Division  
455 Mountain Village Blvd. Ste. A  
Mountain Village, CO 81435  
(970) 728-1392

| DESIGN REVIEW PROCESS APPLICATION  |  |                                      |
|--|--|--------------------------------------|
| APPLICANT INFORMATION  |  |                                      |
| Name: Matthew Porter   | E-mail Address: Mattiep11@yahoo.com    |                                      |
| Mailing Address: 115 polecat   | Phone: 419-356-4332                    |                                      |
| City: Mtn. Village   | State: CO                              | Zip Code: 81435                      |
| Mountain Village Business License Number: Caretaker  |  |                                      |
| PROPERTY INFORMATION   |  |                                      |
| Physical Address: 119 Polecat  |  | Acreage:                             |
| Zone District:   | Zoning Designations:                   | Density Assigned to the Lot or Site: |
| Legal Description: Lot 254B  |  |                                      |
| Existing Land Uses: residential single family  |  |                                      |
| Proposed Land Uses:  |  |                                      |
| OWNER INFORMATION  |  |                                      |
| Property Owner: Jim Singleton  | E-mail Address: judy.singleton@mac.com |                                      |
| Mailing Address:   | Phone: 317-797-2002                    |                                      |
| City:  | State: IN                              | Zip Code:                            |
| DESCRIPTION OF REQUEST   |  |                                      |
| <p>replace existing drive with pavers, extend existing retainer wall to provide a new parking space, redo drainage from drive runoff, widen the drive way on the way down to the home.</p> |  |                                      |



# DESIGN REVIEW PROCESS APPLICATION

Planning & Development Services  
Planning Division  
455 Mountain Village Blvd. Ste. A  
Mountain Village, CO 81435  
(970) 728-1392

**OWNER/APPLICANT  
ACKNOWLEDGEMENT  
OF RESPONSIBILITIES**

*owner*  
J. Singleton, the owner of Lot 254B (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB and Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

Judy H. Singleton June 1, 2017  
Signature of Owner Date

MP  
Signature of Applicant/Agent Date

**OFFICE USE ONLY**

|                  |                 |
|------------------|-----------------|
| <b>Fee Paid:</b> | <b>By:</b>      |
|                  | <b>Planner:</b> |



# DESIGN REVIEW PROCESS APPLICATION

Planning & Development Services  
Planning Division  
455 Mountain Village Blvd. Ste. A  
Mountain Village, CO 81435  
(970) 728-1392

## OWNER AGENT AUTHORIZATION FORM

I have reviewed the application and hereby authorize (agent name) Matthew Porter caretaker  
of (agent's business name) n/a to be and to act as my designated  
representative and represent the development application through all aspects of the development review  
process with the Town of Mountain Village.

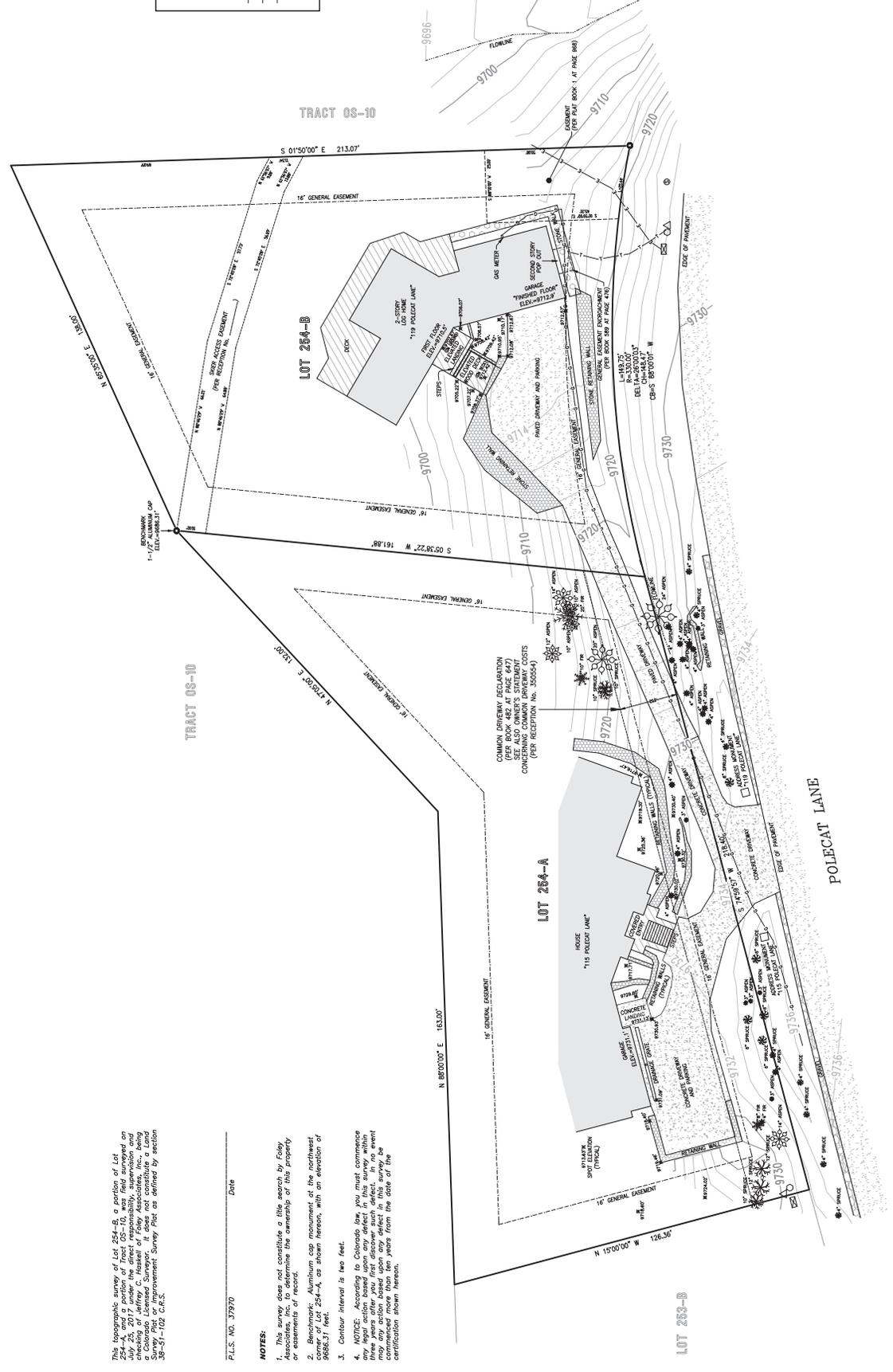
Judy H. Singleton  
(Signature)

June 1, 2017  
(Date)

Judy H. Singleton  
(Printed name)



| LEGEND |  |
|--------|--|
|        | TRANSFORMER  |
|        | TELEPHONE PEDIESTAL  |
|        | CABLE-TV PEDIESTAL   |
|        | SEWER MANHOLE  |
|        | UNDERGROUND GAS LINE                                       |
|        | UNDERGROUND ELECTRIC LINE                                  |
|        | UNDERGROUND TELEPHONE LINE                                 |
|        | PERMANENT SURVEY MONUMENT<br>ON N.W. 5 RECORDED IN S. 2032 |



This topographic survey of Lot 254-A, a portion of Lot 254-B, and a portion of Tract OS-10, and a portion of Polecat Lane, was conducted on July 25, 2017, under the direct supervision, supervision and control of the Surveyor. The Surveyor is a duly Licensed Professional Surveyor in the State of Colorado. The Surveyor is a duly Licensed Professional Surveyor in the State of Colorado. The Surveyor is a duly Licensed Professional Surveyor in the State of Colorado.

- P.L.S. NO. 37920 \_\_\_\_\_ Date \_\_\_\_\_
- NOTES:**
- This survey does not constitute a title search by Foley & Associates, Inc. and the user assumes the responsibility for any errors or omissions of record.
  - Benchmarks: Aluminum cap monument at the northeast corner of Lot 254-A, as shown hereon, with an elevation of 8665.1 feet.
  - Contour interval is two feet.
  - NOTICE: According to Colorado law you must commence construction within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than three years from the date of the certification shown hereon.

COMMON DRIVEWAY DECLARATION  
(PER BOOK 482 AT PAGE 447)  
CONCERNING COMMON DRIVEWAY COSTS  
(PER RECEIPTION NO. 305554)

**Foley Associates, Inc.**  
125 W. PACIFIC, SUITE B-1  
TELLURIDE, COLORADO 81455  
970-728-6153 970-728-6050 FAX  
Drawing path: 07/14/2017 09:07:17am

Project No. 37920  
Scale: 1"=16'  
Date: 07/14/2017

**Topographic Survey**  
Lot 254-B, a portion of Lot 254-A, and a portion of Tract OS-10, Town of Mountain Village, San Miguel County, Colorado.

Sheet 1 of 1



# 115 AND 119 POLECAT LANE CONCEPTUAL DRIVEWAY PLAN (NOT FOR CONSTRUCTION)

## NOTES:

1. THEN MAIN DESIGN INTENT IS TO ROUGHEN UP THE DRIVEWAYS AND IMPROVE ACCESS SAFETY TO 115 POLECAT LANE.
2. THIS PLAN IS CONCEPTUAL ONLY FOR OWNER REVIEW ONLY AND NOT TO BE USED FOR SUBMITTAL OR CONSTRUCTION.
3. ALL PAVER STONES TO BE WHITE BLEND COLOR FROM PAVEMENTONE.
4. DRIVEWAY TO BE LARGER PAVER STONES WITH V-PANS TO BE SMALLER PAVER STONES BUT ALL FROM SAME COMPANY PAVEMENTONE.
5. ONE BOULDER RETAINING WALL TO BE REMOVED AND REPLACED WITH A STONE CLAD CONCRETE SIDE WALL.
6. ENTRANCE AT ROAD TO REMAIN SAME SIZE BUT EASTERLY RADIIUS TO BE ENLARGED.
7. TREES AND PLANTINGS TO BE REPLACED AT ENTRANCE WITH 4 TREES (CONFORM TYPE OF TREES AND PLANTINGS WITH TOWN) FOR SCREENING OF DRIVEWAY.



ALPINE LAND  
CONSULTING, LLC  
P.O. BOX 274  
115 POLECAT LANE  
TELLURIDE, CO 81495  
970-728-3801  
WWW.ALPINELANDCONSULTING.COM

115 & 119 POLECAT  
LANE  
DRIVEWAY  
IMPROVEMENTS  
CONCEPTUAL PLAN

CLIENT:

INDIVIDUAL LOT OWNERS

DATE: AUGUST 18, 2021

PROJECT #: 202021

PROJECT MANAGER: GEA

DRAWN BY: GEA

SHEET #: 1

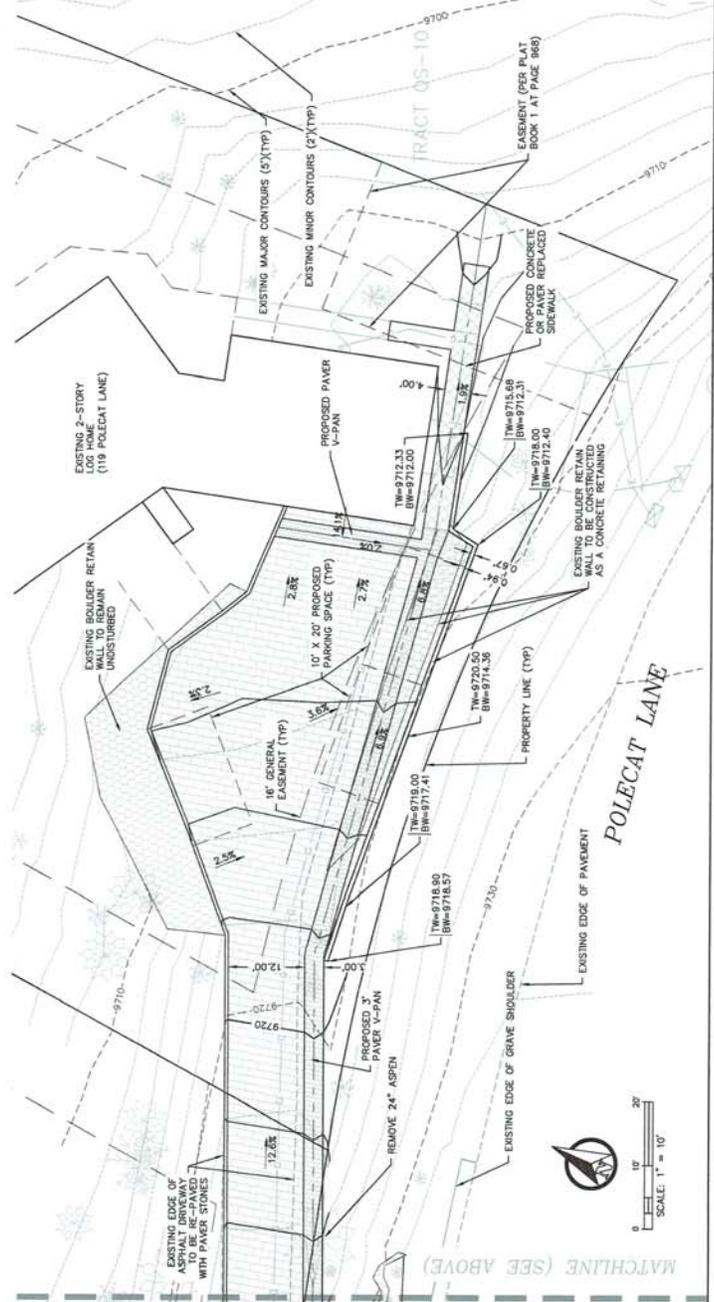
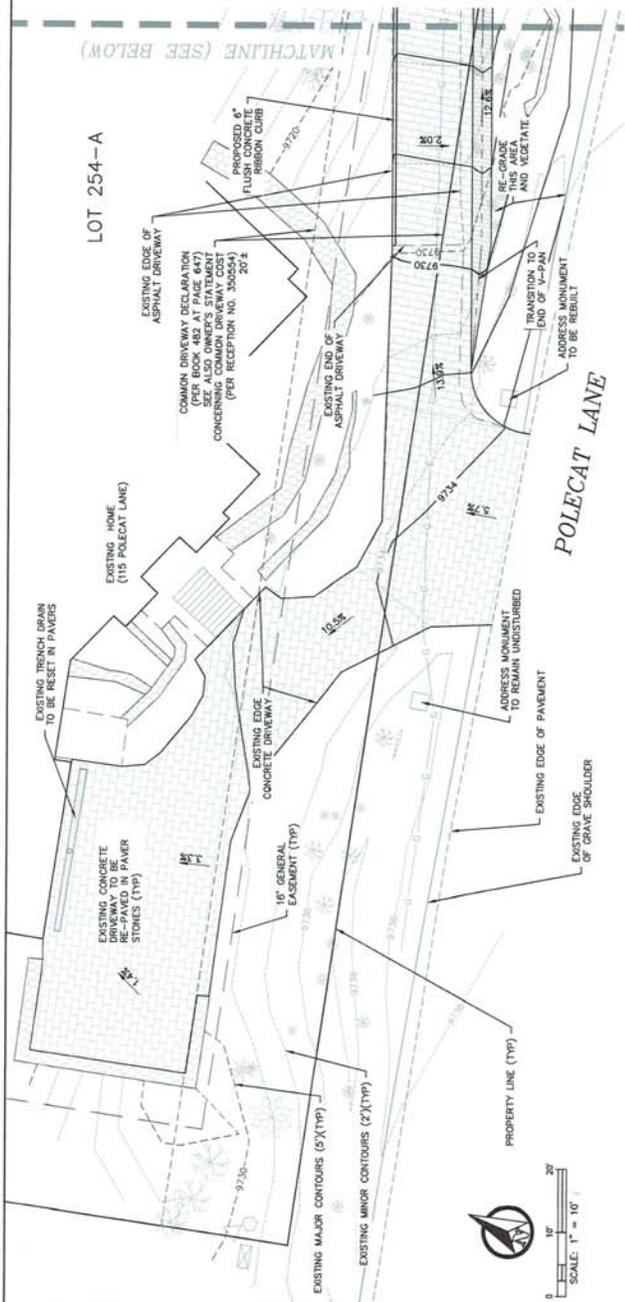
TELLURIDE FIRE PROTECTION LAG, TRACT  
PO BOX 1645  
TELLURIDE, CO 81495  
(970) 728-3801

*Accepted as drawn  
Aug 28, 17  
JF Jankel*

CALL WITH INFORMATION  
1-800-922-1987  
811  
CALL 2-STARRED LANS IN ADVANCE  
OF ANY EMERGENCY TO REPORT  
DAMAGE TO THE STATE OF  
UNDERGROUND UTILITY UTILITIES.

THIS PLAN HAS  
BEEN REDUCED TO  
APPROXIMATELY  
HALF SCALE  
(11"X17")

| NO. | REVISIONS | DATE |
|-----|-----------|------|
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MATCHLINE (SEE ABOVE)



**Town of Mountain Village  
Mountain Village Metropolitan District**

**General Easement Encroachment**

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner (s) Frank Wallace permission for encroachment within the 16-foot general easement along the Southeast Boundary of Lot 254B Town of Mountain Village, that allows for the development of a portion of the deck (deck encroachment within the air space as shown on Exhibit A attached hereto.

Development within the easement shall be performed at the owner's sole risk and expense. Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owner's use of the easement. Any costs associated with reestablishing owner's use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

Executed on this 14 th day of October, 1997

Town of Mountain Village

By: William A. Hanley III.  
William A. Hanley III., Mayor

Mountain Village Metropolitan District

By: Kathy Mahoney  
Kathy Mahoney, General Manager

By: \_\_\_\_\_  
Owner Signature

Attest:

Linda D. Check  
Linda Check, Town Clerk

TMT-97100026

**Town of Mountain Village  
Mountain Village Metropolitan District**

**General Easement Encroachment**

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner (s) Frank Wallace permission for encroachment within the 16-foot general easement along the Southeast Boundary of Lot 254B Town of Mountain Village, that allows for the development of a portion of the deck (deck encroachment within the air space as shown on Exhibit A attached hereto.

Development within the easement shall be performed at the owner's sole risk and expense. Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owner's use of the easement. Any costs associated with reestablishing owner's use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

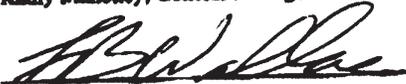
Executed on this 14 th day of October, 1997

Town of Mountain Village

By: \_\_\_\_\_  
William A. Hanley III, Mayor

Mountain Village Metropolitan District

By: \_\_\_\_\_  
Kathy Mahoney, General Manager

By:   
Owner Signature

Attest:

\_\_\_\_\_  
Linda Check, Town Clerk



## MOUNTAIN VILLAGE METROPOLITAN DISTRICT

## General Easement Encroachment

As an authorized representative of the Mountain Village Metropolitan District, I have reviewed the Site Plan dated 10/16/95, and have determined we do not currently use nor do we, at this time, have plans to use the affected portion of the 16-foot general easement depicted in Exhibit A and hereby grant the Owner (s) permission for encroachment within the 16-foot general easement, as shown, that allows for the development of a deck (deck encroachment within the air space) associated with the single family home on said lot.

Approved by: \_\_\_\_\_

*Bill Mahoney*  
Bill Mahoney, Field Manager  
Mountain Village Metropolitan District

Date: \_\_\_\_\_

10-14-95

(SUBMIT TO THE DEPARTMENT OF PLANNING AND DESIGN REVIEW)

P.O. BOX 11064 113 LOST CREEK LANE TELLURIDE, COLORADO 81435  
PHONE: 970-728-8000 FAX: 970-728-4342



**Town of Mountain Village  
Mountain Village Metropolitan District**

**General Easement Encroachment Agreement**

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner (s) Fedric and Stephanie Harman and/or assigns permission for encroachment within the 16-foot general easement along the Southeast boundary of Lot 254B AND 254A Town of Mountain Village, that allows for the development of a portion of the deck /deck SECOND FLOOR\*\* ~~encroachment within the air space~~ shown on Exhibit A attached hereto.

\*\*ENCROACHMENT WITHIN THE AIR SPACE OF THE GENERAL EASEMENT, THE STONE WALK, THE RETAINING AND PORTIONS OF THE DRIVEWAY SITE ENCROACHMENT WITHIN THE GENERAL EASEMENT

Development within the easement shall be performed at the owner's sole risk and expense. Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owner's use of the easement. Any costs associated with reestablishing owner's use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

Executed on this 13 day of June, 2000

Town of Mountain Village

By:

William A. Hanley III.  
William A. Hanley III., Mayor

Mountain Village Metropolitan District

By:

Kathy Mahoney  
Kathy Mahoney, General Manager

Attest:

Linda S. Check  
Linda Check, Town Clerk

By: \_\_\_\_\_

Owner Signature

Town of Mountain Village  
Mountain Village Metropolitan District

General Easement Encroachment Agreement

The Town of Mountain Village (Town) and the Mountain Village Metropolitan District (District) hereby grant the Owner (s) Fedric and Stephanie Harman and/or assigns permission for encroachment within the 16-foot general easement along the Southeast boundary of Lot 754B254A & 254B, Town of Mountain Village, that allows for the development of a portion of the Deck/Deck\*\*

~~encroachment within the air space~~ shown on Exhibit A attached hereto.

**\*\*SECOND FLOOR ENCROACHMENT WITHIN THE AIR SPACE OF THE GENERAL EASEMENT, THE STONE WALK, THE RETAINING WALL AND PORTIONS OF THE DRIVEWAY SITE ENCROACHMENT WITH THE GENERAL EASEMENT**  
Development within the easement shall be performed at the owner's sole risk and expense.

Should the Town, and/or the District, require the easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in the Land Use Ordinance, the Town, and/or the District reserves the right to interrupt owner's use of the easement. Any costs associated with reestablishing owner's use of the easement shall be the sole responsibility of the owner.

Owner hereby agrees to indemnify and hold harmless the Town and the District from any and all liability for loss, injury, damage or otherwise (including reasonable fees) arising out of or in any way either directly or indirectly resulting from the allowed encroachment and the use associated therewith.

Executed on this \_\_\_\_ day of \_\_\_\_\_, 2000

Town of Mountain Village

By: \_\_\_\_\_  
William A. Hanley III., Mayor

Mountain Village Metropolitan District

By: \_\_\_\_\_  
Kathy Mahoney, General Manager

Attest:

\_\_\_\_\_  
Linda Check, Town Clerk

BY: \_\_\_\_\_  
OWNER SIGNATURE

By: Stephanie Harman  
Owner Signature

### General Easement Encroachment

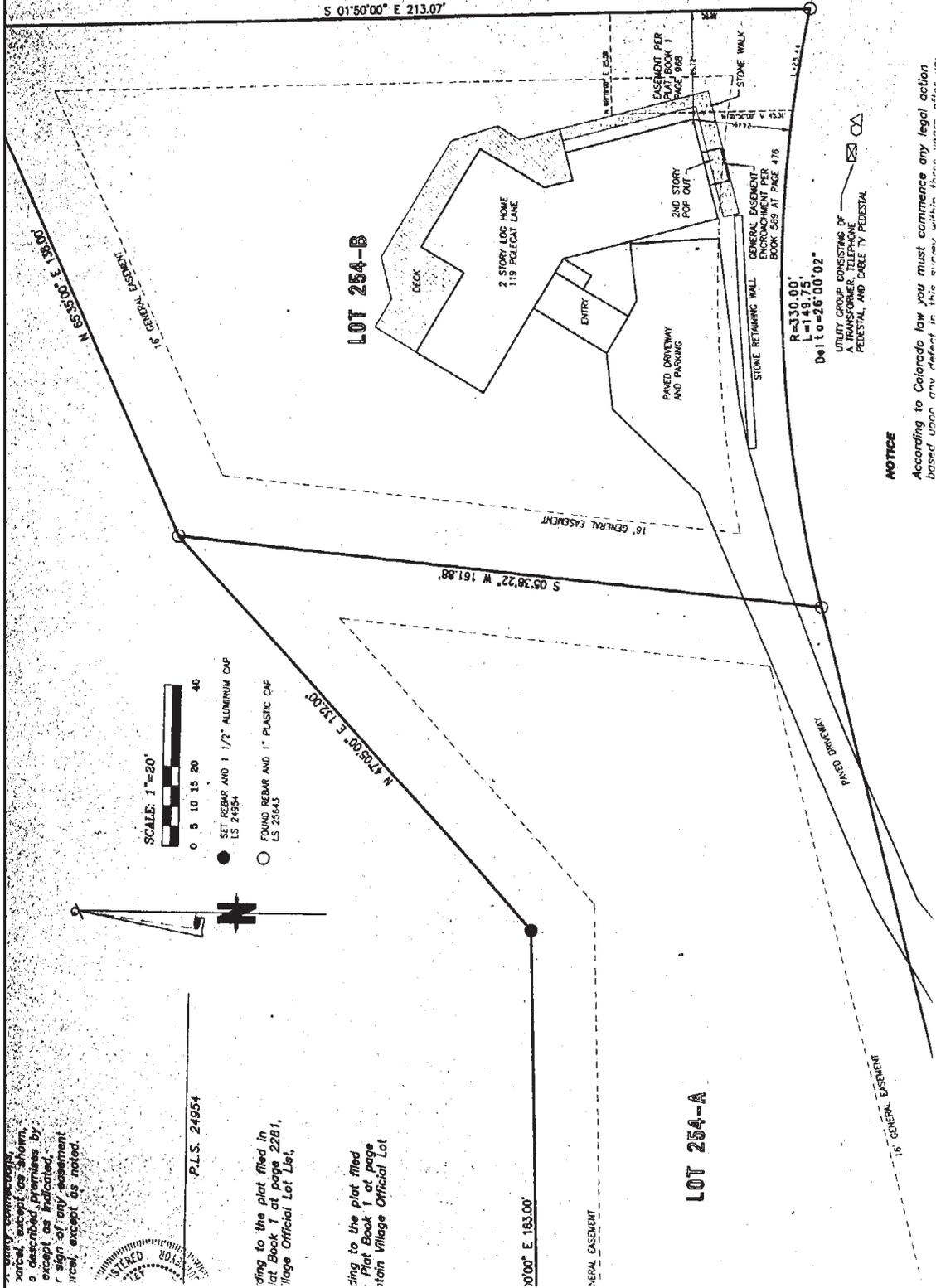
As an authorized representative of the Mountain Village Metropolitan District, I have reviewed the Site Plan for Lot(s) 254A and 254B and have determined we do not currently use nor do we, at this time, have plans to use the affected portion of the 16-foot general easement depicted in Exhibit A and Exhibit B and have no objection ( from a District standpoint with regards to Utilities) to granting the Owner (s) and/or assigns permission for encroachment within the 16-foot general easement, as shown, that allows for the development of the stone walk, the retaining wall and a portion of the driveway in the general easements and a portion of the second floor encroachment within the air space of the general easement associated with the single family home on said lot.

Approved by: Bill Mahoney  
Bill Mahoney, Field Manager  
Mountain Village Metropolitan District

Date: 6/13/00

(SUBMIT TO THE DEPARTMENT OF PLANNING AND DESIGN REVIEW)

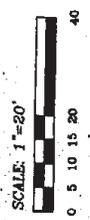
S 01°50'00" E 213.07'



any easement, right, or interest in land, whether or not shown, is hereby acknowledged, and the same is hereby approved, except as hereinafter indicated, and no other claim or interest in the land, except as noted.



P.L.S. 24954



- SET REBAR AND 1 1/2" ALUMINUM CAP  
LS 24954
- FOUND REBAR AND 1" PLASTIC CAP  
LS 25543

ing to the plat filed in  
at Book 1 at page 2281,  
ilage Official Lot List,

ing to the plat filed  
at Book 1 at page  
tain Village Official Lot

30'00" E 163.00'

GENERAL EASEMENT

LOT 254-A

R=330.00'  
L=149.75'  
Delta=26°00'02"

UTILITY GROUP CONSISTS OF  
A TRANSFORMER TELEPHONE  
PEDESTAL AND CABLE TV PEDESTAL

**NOTICE**

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after the



**PLANNING & DEVELOPMENT SERVICE  
PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

---

**DATE:** September 27, 2017  
**TO:** Design Review Board  
**FROM:** Sam Starr, Planner  
**FOR:** DRB Public Hearing on October 5, 2017  
**RE:** Consideration of a Class 3 design review application for a change in roof materials from cedar shake to copper requiring specific approval from the DRB on Lot 18, 124 Yellow Brick Road pursuant to Community Development Code (CDC) Section 17.5.6.C.3.e.

---

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 18  
**Address:** 124 Yellow Brick Road  
**Applicant/Agent:** Pro Services Co. LLC  
**Owner:** John and Stacy Dickerson  
**Zoning:** Single Family  
**Existing Use:** Single Family

**ATTACHMENTS**

- Exhibit A: Narrative and Existing Conditions Photos (copper roof example to be provided at the meeting).

**BACKGROUND**

The existing roofing on 124 Yellow Brick Road is cedar shake which is no longer allowed in Mountain Village. The applicant is proposing to replace the existing cedar shake with copper roofing that requires DRB review and approval. Accordingly, staff has elevated the request to the Board to consider a specific approval per CDC Section 17.5.6.C.3.e.

**CDC Section 17.5.6.C.3.e Section Language**

- e. The following roofing materials may be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:
- i. Copper;
    - (a) Copper shall only be considered when it is proposed with a brown or verde patina finish where visible except for the Village Center where a verde patina finish is required.
    - (b) The copper finish shall be completed prior to issuing a certificate of occupancy.

The application must be found to be consistent with the criteria listed at CDC Section 17.5.4 Town Design Themes. The criteria are listed below:

**17.5.4 TOWN DESIGN THEME**

- A. The town design theme is directed at establishing a strong image and sense of place for the community within its mountain setting.
- B. Mountain Village is located in a fragile, high-alpine environment that contains forests, streams, wetlands and mountainous topography. The natural physical features and setting of the town shall inform the design of our buildings to promote harmony between people and nature that respects and blends with its surroundings and is integrated into the landscape.
- C. Architecture and landscaping within the town shall be respectful and responsive to the tradition of alpine design and shall reflect sturdy building forms common to alpine regions.
- D. Architectural expression shall be a blend of influences that visually tie the town to mountain buildings typically found in high alpine environments.
- E. Architecture within the town will continue to evolve and create a unique mountain vernacular architecture that is influenced by international and regional historical alpine precedents. The Town encourages new compatible design interpretations that embrace nature, recall the past, interpret our current time, and move us into the future while respecting the design context of the neighborhood surrounding a site.
- F. The key characteristics of the town design theme are:
  - 1. Building siting that is sensitive to the building location, access, views, solar gain, tree preservation, and visual impacts to the existing design context of surrounding neighborhood development.
  - 2. Massing that is simple in form and steps with the natural topography.
  - 3. Grounded bases that are designed to withstand alpine snow conditions.
  - 4. Structure that is expressive of its function to shelter from high snow loads.
  - 5. Materials that are natural and sustainable in stone, wood, and metal.
  - 6. Colors that blend with nature.

The Design Regulations set forth herein are intended to achieve these defining characteristics.

**STAFF ANALYSIS**

Staff believes approving the copper roof is appropriate. Cedar shake is no longer allowed and copper is a roofing material found on two adjacent homes fitting in well with the neighborhood context.

**STAFF RECOMMENDATION**

Staff recommends that the DRB approve the specific approval for a copper roof at 124 Rocky Road, Lot 18, as proposed with the following motion:

*I move to approve the application by John and Stacy Dickerson for the use of copper roofing, with the findings contained in the staff memo presented at the October 5, 2017 DRB meeting and the following condition:*

- 1. *The copper finish of brown or verde patina, shall be completed prior to issuance of a Certificate of Occupancy.*

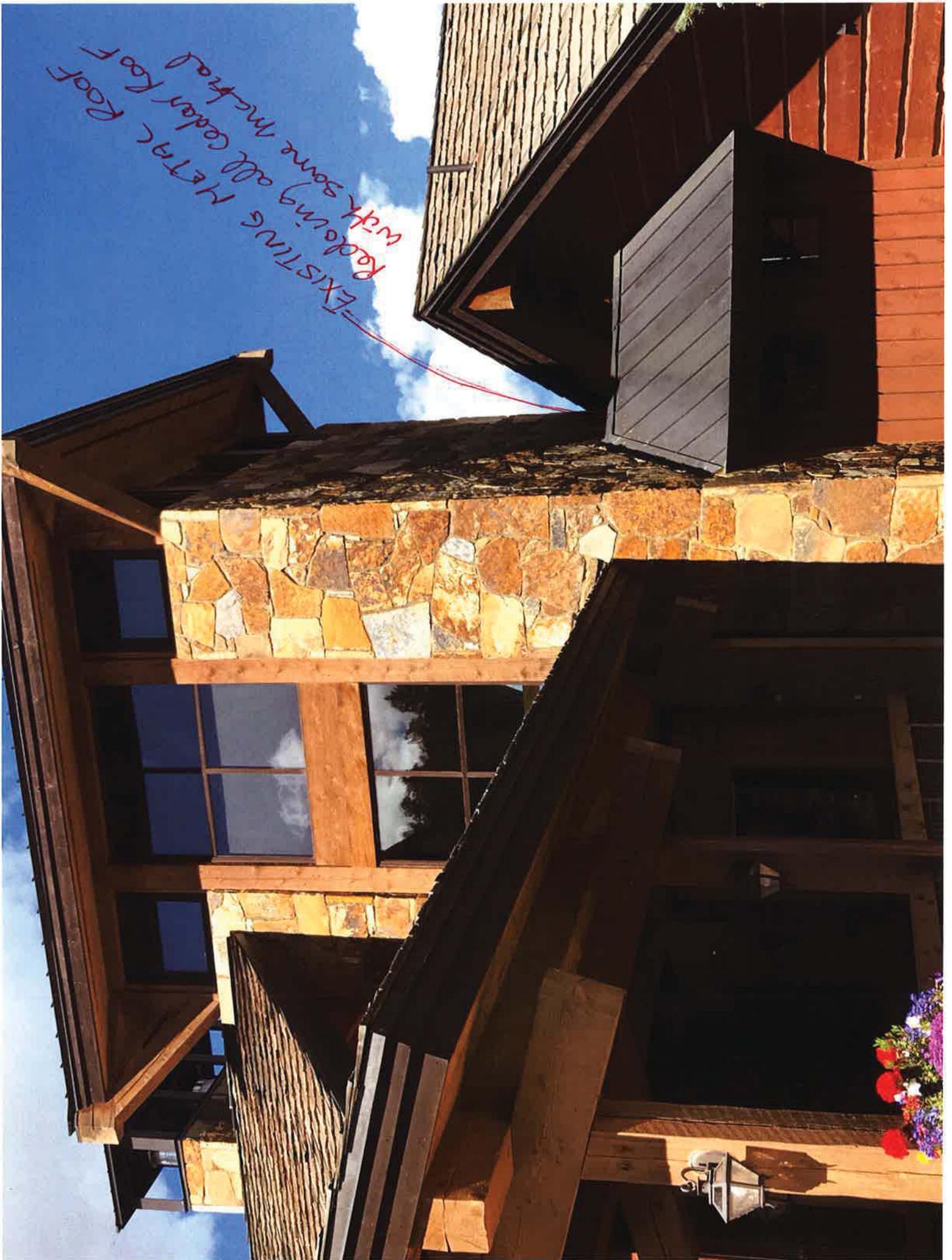


# DESIGN REVIEW PROCESS APPLICATION

Planning & Development Services  
Department  
Planning Division  
455 Mountain Village Blvd. Ste. A  
Mountain Village, CO 81435

| DESIGN REVIEW PROCESS APPLICATION   |  |   |  |
|---|--|---|--|
| APPLICANT INFORMATION   |  |   |  |
| Name: <i>Pro Services Co. LLC</i>   | E-mail Address: <i>2013ProServices@gmail.com</i> |   |  |
| Mailing Address: <i>1269 Spring Creek Rd</i>  | Phone: <i>970 209 2224</i>                       |   |  |
| City: <i>Montrose</i>   | State: <i>CO</i>                                 | Zip Code: <i>81403</i>                        |  |
| Mountain Village Business License Number: <i>01980</i>  |  |   |  |
| PROPERTY INFORMATION  |  |   |  |
| Physical Address: <i>124 Yellow Brick Rd</i>  |  | Acreage: <i>.59 Ac</i>                        |  |
| Zone District:  | Zoning Designations:                             | Density Assigned to the Lot or Site:          |  |
| Legal Description: <i>Lot 18 Telluride Mountain Village Filing 1 Acc to plat BK1 Pg 810 and 811 Cont. .59 AC</i>  |  |   |  |
| Existing Land Uses: <i>Residence</i>  |  |   |  |
| Proposed Land Uses: <i>Residence</i>  |  |   |  |
| OWNER INFORMATION   |  |   |  |
| Property Owner: <i>John + Stacy Dickerson YBR Investments LLC A CO LLC</i>  |  | E-mail Address: <i>dickersonent@gmail.com</i> |  |
| Mailing Address: <i>8928 Crestwood Ct</i>   |  | Phone: <i>316-706 9293</i>                    |  |
| City: <i>Wichita</i>  | State: <i>KS</i>                                 | Zip Code: <i>67206</i>                        |  |
| <div style="text-align: center; font-weight: bold; margin-bottom: 10px;">DESCRIPTION OF REQUEST</div> <p style="font-size: 1.2em;">Replace <sup>Finishing</sup> Cedar Roof for copper standing seam matching existing (see picture)</p> |  |   |  |

EXISTING METAC ROOF  
Redoing all cedar roof  
with some metal









**PLANNING & DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

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

**TO:** Design Review Board  
**FROM:** Sam Starr, Planner  
**FOR:** Meeting of October 5, 2017  
**DATE:** September 28, 2017  
**RE:** Design Review application for a new single-family dwelling on Lot 628D

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 628D  
**Address:** 109 Double Eagle Way  
**Applicant/Agent:** Michael Barker  
**Owner:** Steven and Jodie Konold  
**Zoning:** Single-Family Zone District  
**Existing Use:** Vacant Lot  
**Proposed Use:** Single-Family  
**Lot Size:** 0.34 acres  
**Adjacent Land Uses:**

- **North:** Open Space
- **South:** Single-Family
- **East:** Single-Family
- **West:** Single-Family

**ATTACHMENTS**

- Exhibit A: Narrative
- Exhibit B: Plan Set

**PROJECT SUMMARY**

| <b>CDC Provision</b>             | <b>Requirement</b>                  | <b>Proposed</b> |
|----------------------------------|-------------------------------------|-----------------|
| Maximum Building Height          | 40' maximum (35'+5' for gable roof) | 33.5'           |
| Maximum Avg Building Height      | 35' maximum (30'+5' for gable roof) | 24.6'           |
| Maximum Lot Coverage             | 40% maximum                         | 23.4%           |
| <b>General Easement Setbacks</b> |                                     |                 |
| North                            | 16' setback from lot line           | 1' to GE        |
| South                            | 16' setback from lot line           | 0' to GE        |
| East                             | 16' setback from lot line           | 0' to GE        |
| West                             | 16' setback from lot line           | 2' to GE        |
| <b>Roof Pitch</b>                |                                     |                 |
| Primary                          |                                     | 9:12            |

|                   |                             |                           |
|-------------------|-----------------------------|---------------------------|
| Secondary         |                             | 3:12                      |
| Exterior Material |                             |                           |
| Stone             | 35%                         | 36.1%                     |
| Wood              | 25% (No requirement)        | 43.0%                     |
| Windows/Doors     | 40% maximum for windows     | 20.9%                     |
| Metal Accents     | Specific Approval           | N/A                       |
| Parking           | 2 enclosed and 2 non-tandem | 2 enclosed and 2 exterior |

**BACKGROUND**

In accordance with 17.4.3 of the Community Development Code (CDC), the applicant has applied for a Class 3 Design Review for the development of a single-family residence. The proposed project consists of a 4,560 total square foot (with 3,910 square foot livable) single-family home located on lot 628D.

**17.3.12.C BUILDING HEIGHT LIMITS**

The proposed maximum building height for the building will be 33'-6", and the average building height is 24'-7". When a proposed development is approved that is five (5) feet or less from the maximum building height or maximum average building height, the review authority approval shall include a condition that a monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height. This shall be done prior to the Building Division conducting the required framing inspection.

**17.5.5 BUILDING SITING DESIGN**

Lot 628D is a small (.34 acre) lot that slopes gently from the southeast portion downward to the northwest corner. As demonstrated on the submitted plans, the driveway and exterior parking spaces do encroach into the southern and eastern portions of the General Easements (GE). The patio on the northern part of the lot and the foundation wall on the western side of the home are close enough to the GE to warrant a footer survey prior to pouring concrete to ensure no additional encroachments in to the General Easement area. There are no proposed impacts to wetlands, and applicant has worked with the town forester to establish optimal placement of the driveway and residence for forest health and preservation of existing aspen, spruce, and pine trees on the site.

**17.5.6 BUILDING DESIGN**

**Building Form and Exterior Wall Form**

In accordance with the Community Development Code, the proposed building form and exterior wall form portray a mass that is thick and strong, with a heavy, thick grounded foundation.

**Roof Forms, Design and Materials**

The CDC states that the roof shall be a composition of multiple forms that emphasize sloped planes, varied ridgelines and vertical offsets. The roof forms for the residence are a gable with a pitch of 9:12, and a secondary roof form with a pitch of 3:12. The roof of the garage will be a gable with a 9:12 pitch. The proposed material for all roofs, soffits, and chimneys will is a dark grey standing seam.

**Exterior Wall Materials**

The exterior walls consist of 36.1% stone veneer; 43 % wood siding with 8" horizontal siding; steal deck handrails and 20.9% fenestration (metal clad, color not specified).

**17.5.12 LIGHTING REGULATIONS**

The proposed lighting plan includes 12 10” black sconces. Locations include egress, deck, garage and patio areas. Lighting is permitted in all proposed locations but the DRB should determine if the exterior lighting is excessive for the design. Additionally, the applicant has not submitted a complete lighting plan and town staff recommend that the applicant provide full lighting detail in advance of final review.

**17.6.6.B. DRIVEWAY STANDARDS**

The driveway plan is preliminary and may need to be revised to meet fire protection and emergency standards, pending referral comments from Telluride Fire Protection District (TFPD). The proposed driveway has a maximum grade of 2.43%, and is 16’ wide with 2’ v-pan shoulders on each side. Staff recommends the applicants integrate pending TFPD comments into their final DRB plan submittal.

**17.6.8 SOLID FUEL BURNING DEVICE REGULATIONS**

The applicant has not indicated if the fireplace will be a gas or solid fuel-burning. Staff would note that in order to install a solid fuel-burning device (i.e., interior fireplace, wood burner or fireplace insert) in any structure in the Town, the Owner must have or obtain a Mountain Village fireplace permit..

**17.7.19 CONSTRUCTION MITIGATION**

All construction staging is with the lot boundaries but the construction staging plan shows construction parking and disturbance in the General Easements. This disturbance is minimal and will not adversely affect the surrounding properties.

**PROPOSED VARIATIONS AND SPECIFIC APPROVALS**

- Driveway and auto court encroaching into the eastern and southern General Easements

**RECOMMENDATION**

Staff recommends the DRB approve the Initial Architecture Site Review application with the stated variations and specific approvals for Lot 163RC with the following conditions which shall be addressed before Final Review hearing unless otherwise noted:

1. A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height. This condition shall be carried over to any Final Review Approval as it is a construction condition.
2. A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no additional encroachments into the GE. This condition shall be carried over to any Final Review Approval as it is a construction condition.
3. Applicant shall submit detailed lighting plans within 14 days of approval.
4. Make all revisions to driveway per TFPD referral comments, if necessary.
5. The owners will enter in to a revocable General Easement encroachment agreement for the driveway and auto court prior to issuance of a Certificate of Occupancy.
6. Indicate the location and design of the address monument with the final DRB submittal.

# Development Narrative

## **Konold Residence**

109 Double Eagle Way,  
Mountain Village, CO

Inspired by the age-old barn vernacular of the surrounding area, the proposed Konold residence borrows from the simple forms and inherent function of the "bank barn".

The bank barn derives its name from being built into the hillside, or bank, thus permitting direct entry on two levels. The upper level constructed of wood and the lower level of masonry.

The proposed project incorporates two "bank barn" structures, one housing the main living spaces and the other the utility spaces of garage, mud, laundry and mechanical, joined together by a stone entry element of smaller proportion. Each structure nestles into the existing slope to allow a shared main level, southern deck and entry walkway/courtyard, all without steps. The lower level again shares while adding direct access to covered and uncovered patio areas.

Orientation of the main house & garage doors take advantage of the southern solar gain, while the northern elevations enjoy view corridors from the airport to Dallas Peak.

Driveway access is located to allow gentle re-grading of the slope, thus excluding the need for retaining walls, while also preserving the mature trees near Double Eagle Way.

Natural stone base and entry of Colorado sandstone provides a well grounded structure, as well as protection from the alpine elements. Windows and doors within the stone are recessed to convey heavy, thick massing.

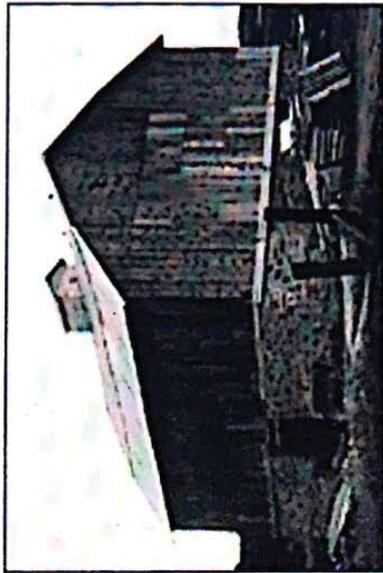
8" wide vertical wood siding re-calls the past interpreting old weathered wood in tones to blend with the bark of the abundant aspens.

Black TDL windows and doors add accent to the stone & siding. As does the dark gray standing seam metal roofing with matching flat metal fascia, soffit and chimney cupolas.

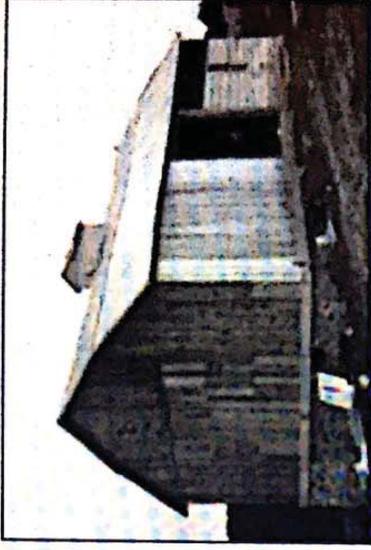
Landscape is intended to be as natural as possible with re-graded areas re-seeded to natural. Decorative plantings limited to the planter beds at entry area.

# Bank Barn

The Bank Barn derives its name from being built into the side of hill, thus permitting direct entry on two levels. The lower level houses animals, while the upper level serves as storage and a threshing area. The upper hillside entrance provides easy access to wagons carrying hay or wheat. The fodder can be dropped through floor openings to the stables below.



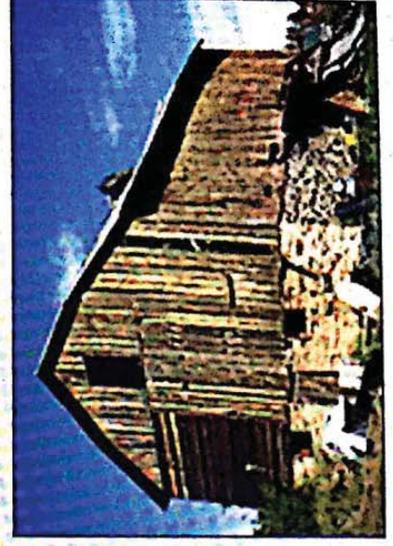
Bank barns were usually constructed with their long side (axis) perpendicular to the slope of the hill, if possible on a south-facing slope. This siting provided livestock with a sunny spot to gather during the winter. The second floor extends or cantilevers on some barns to provide an over-hanging livestock shelter in bad weather. Barns with this extended forebay were popular with German immigrants.



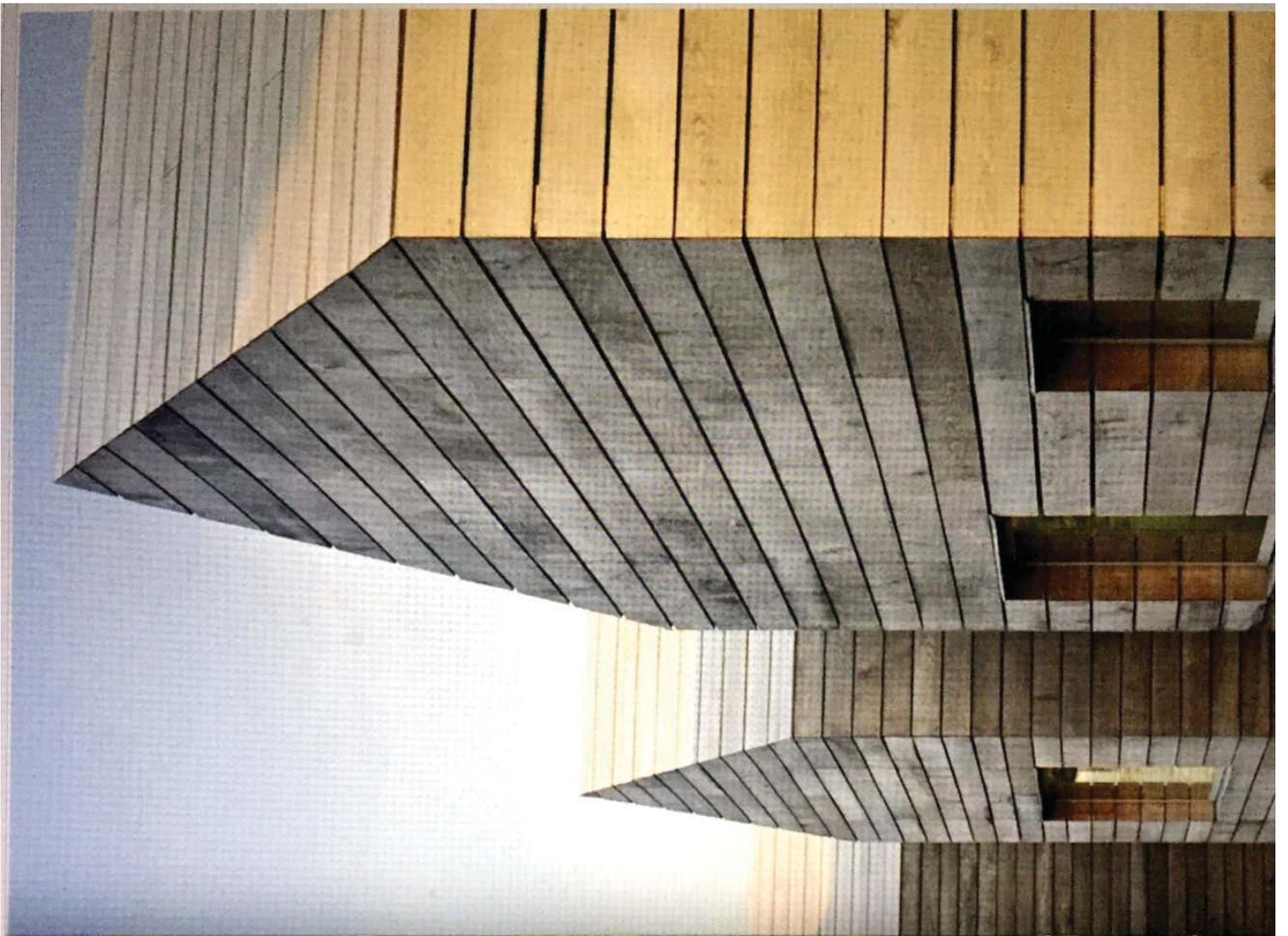
The lower level of Bank Barns is constructed of masonry, older barns using stone or brick and newer versions employing concrete. Vertical slits or other gaps are sometimes found in the side walls for ventilation as well as decoration. Rooftop ventilators are also common as is gapped vertical siding. Curing hay can generate enough heat to spur spontaneous combustion. Poorly ventilated barns full of hay occasionally burst into flames.

## Common elements:

1. built into hillside
2. two level entry
3. masonry lower level

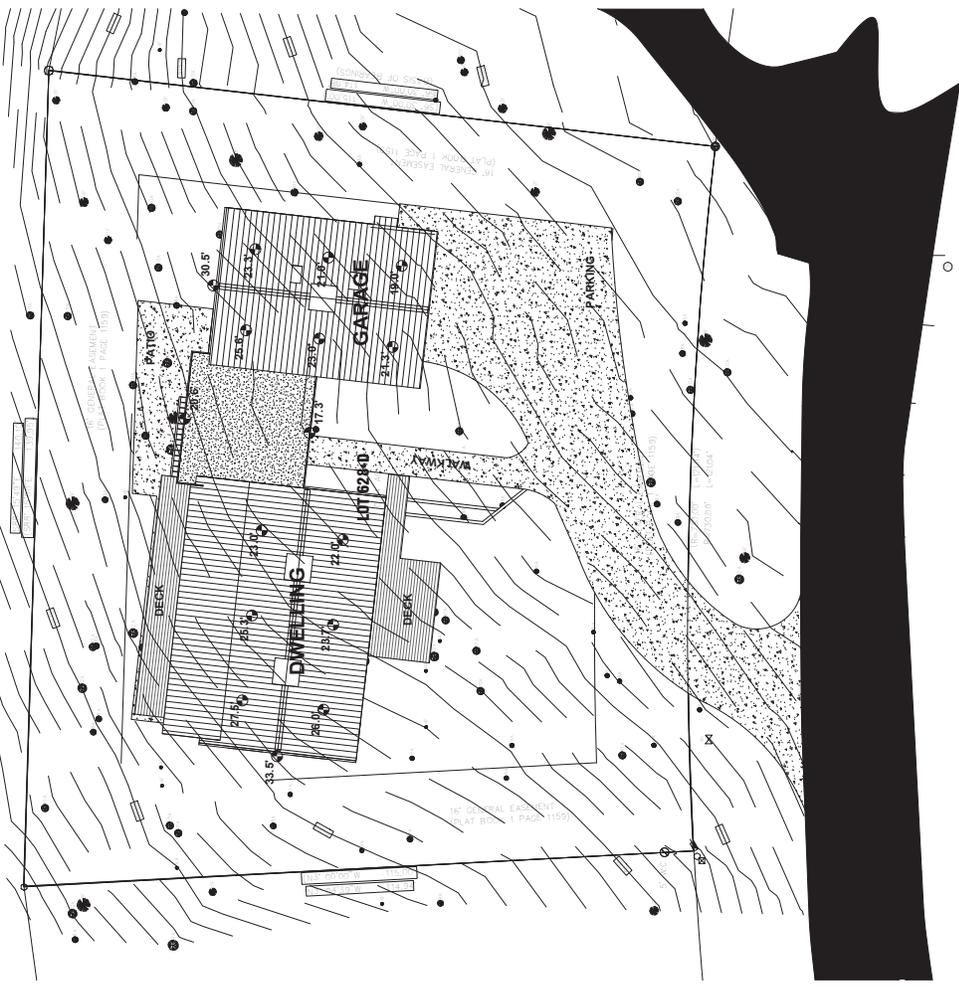


<< All architectural styles





VICINITY MAP



SITE PLAN  
T = 10'-0"



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A/C 00404986  
CURTIS MICHAEL BARKER  
COLORADO LICENSED ARCHITECT

KONOLD RESIDENCE  
109 DOUBLE EAGLE WAY  
MOUNTAIN VILLAGE, CO 81435  
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AIA  
P.O. BOX 2702  
KETCHUM, ID 83340  
208-720-3690  
cmbarrier@aia.net

SITE PLAN

|          |          |
|----------|----------|
| DATE     | 01.11.17 |
| JOB NO.  | 2017118  |
| SCALE    | AS SHOWN |
| CHECK BY |          |

PROPERTY & BUILDING INFORMATION

LEGAL ADDRESS: LOT 6267, TOWN OF MOUNTAIN VILLAGE  
ZONING DISTRICT: SINGLE FAMILY  
LOT SIZE: 0.34 ACRES  
BLANK AREA FOOTAGES: 1720 SF  
MAIN FLOOR: 1530 SF  
LOWER FLOOR: 600 SF  
GARAGE/MECHANICAL: 600 SF  
TOTAL: 4850 TOTAL SF  
MAXIMUM LOT COVERAGE: 40%  
LOT COVERAGE: BUILDING FOOTPRINT = 3468 SF = 72.4% COVERAGE  
MAXIMUM BUILDING HEIGHT: 33'-0" MAXIMUM BUILDING HEIGHT: 30'-0" GABLE  
MAXIMUM BUILDING HEIGHT: 24'-0" MAXIMUM BUILDING HEIGHT: 24'-0"  
MAXIMUM AVERAGE GARAGE HEIGHT: 22'-0" MAXIMUM AVERAGE GARAGE HEIGHT: 22'-0"  
REQUIRED PARKING: (2) ENCLOSED SPACES IN GARAGE, (2) SURFACE OFF-STREET

PROJECT CONTACTS

OWNER: STEVEN TODD & JOE WARRICK KONOLD  
ADDRESS: 1281 WOODMERE DR., WINTER PARK, FL 32789  
ARCHITECT: C. MICHAEL BARKER, AIA  
PHONE: 208.720.3690  
EMAIL: cmbarrier@aia.net  
GENERAL CONTRACTOR: JAMES W. HARRIS, INC.  
ADDRESS: 110 COUNTY HIGHWAY 44E, TELLURIDE, CO 81435  
PHONE: 970.726.9549  
EMAIL: james@jwharris.com  
CIVIL ENGINEER: LINCOMB ENGINEERING, LLC  
ADDRESS: P.O. BOX 3945, TELLURIDE, CO 81435  
PHONE: 970.726.9549  
LANDSCAPE ARCHITECT: SCAM ON DESIGN  
ADDRESS: P.O. BOX 3729, TELLURIDE, CO 81435  
PHONE: 970.726.1128  
SURVEYOR: SAN JUAN SURVEYING - CHRIS KENNEDY  
ADDRESS: 101 S. SOCIETY DR., TELLURIDE, CO 81435  
PHONE: 970.726.1128  
EMAIL: cskennedy@sjsurvey.com

DRAWING INDEX

- CS ARCH. SITE PLAN & GENERAL NOTES
- EGP EXISTING CONDITIONS
- EGP EXISTING CONDITIONS - LAYOUT
- CZ UTILITY PLAN
- A1 LOWER LEVEL FLOOR PLAN
- A2 ELEVATION NORTH & SOUTH
- A3 3D RENDERING - EXTERIOR FINISHES
- CM CONSTRUCTION
- CM CONSTRUCTION INVESTIGATION PLAN



Uncompahgre  
Engineering, LLC

P.O. Box 3945  
Telluride, CO 81435  
970-729-0683

SUBMISSIONS:  
DRG SUBMITAL 2017-09-08

Konold Residence  
Lot 628D  
Double Eagle Way  
Mtn. Village, CO



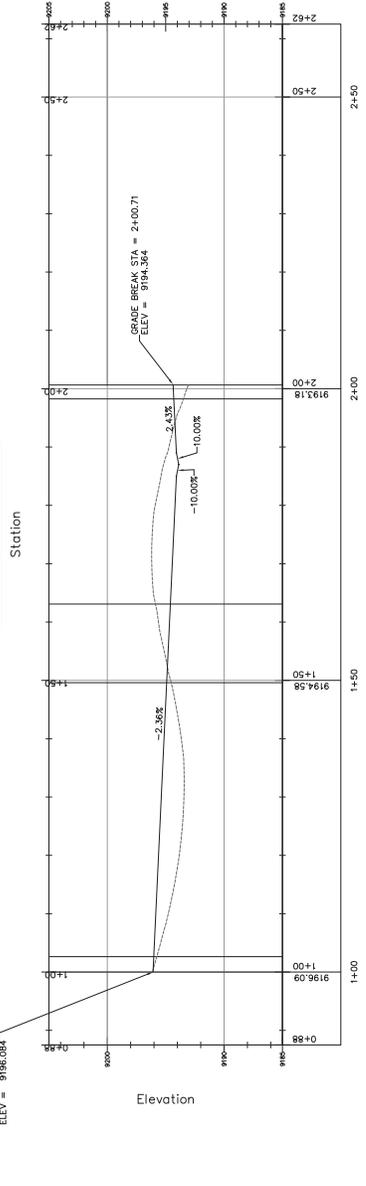
CONTRACTED TO BY THE HOME OWNER AND  
OWNER'S REPRESENTATIVE AND TO THE BEST  
OF HIS KNOWLEDGE AND BELIEF THE  
WORK IS IN ACCORDANCE WITH THE REQUIREMENTS

Grading  
and  
Drainage  
Plan

C1



Driveway Profile





# Landscape Plan



### General Notes

1. All trees and shrubs are to be located by the project Landscape Architect.
2. Provide positive drainage throughout the site.
3. Revegetation of all disturbed areas to be Mountain Village seed mix.

LOT 028-C

### Plant Schedule

| Botanical Name                              | Common Name                                     | Size           | Qty                               |
|---|---|----------------|-----------------------------------|
| <i>Picea pungens</i>                        | Colorado spruce                                 | 10'            | 1                                 |
| <i>Populus tremuloides</i>                  | Quaking aspen                                   | 2-3' cal.      | 2                                 |
| <i>Pinus aristata</i>                       | Bristlecone Pine                                | 6'             | 1                                 |
| Native shrubs<br>Perennials<br>Revegetation | Assorted native<br>Misc. Beds<br>Seed and mulch | 4'<br>4' (3-1) | 4<br>550 sq. ft.<br>5,000 sq. ft. |

### Revegetation Notes

1. Subsoil surface shall be tilled to a minimum depth of 4" on all non-fill areas.
2. Topsoil shall be spread at a minimum depth of 2" on all areas to be seeded pending existing soil condition.
3. Broomcasting of Mtn. Village approved seed mix shall be done immediately following seeded preparation to minimize erosion and seed germination.
4. Straw mulch will be applied over all seeded areas at a rate of two tons per acre.
5. Net all slopes greater than 2:1 with biodegradable netting placed 6" on center. Netting shall be trenched in along the top edge at a minimum depth of ten inches. Always apply fabric vertically to the slope.

LOT 028-E

### irrigation Notes:

All new plantings to be hand watered to ensure survival and establishment.



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 CURTIS MICHAEL BARKER  
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KONOLD RESIDENCE  
 109 DOUBLE EAGLE WAY  
 MOUNTAIN VILLAGE, CO 81435

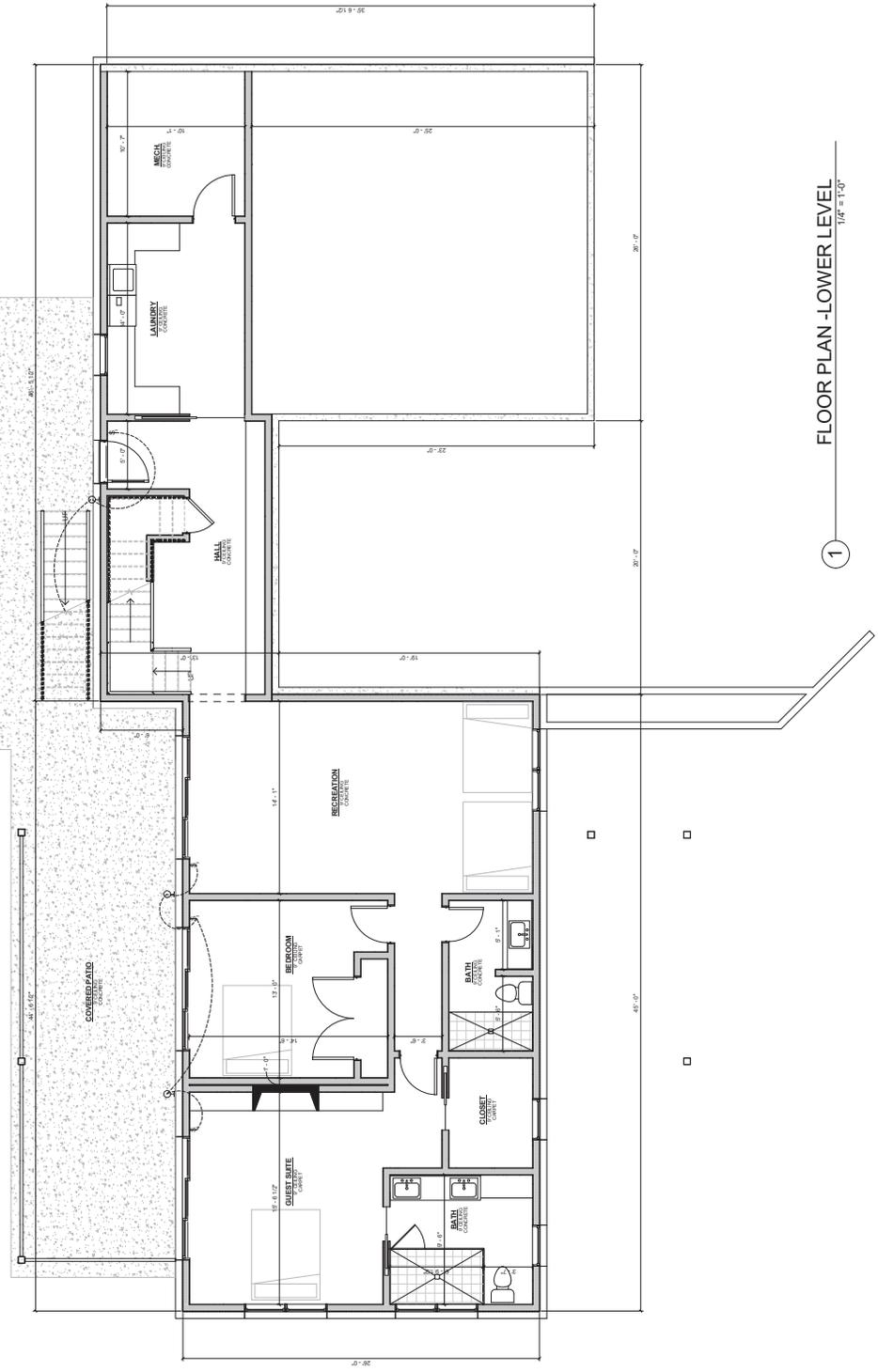
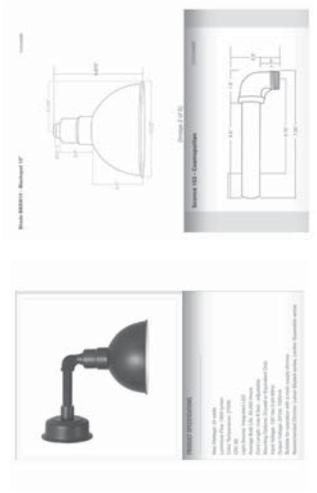
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 cmbarrier@aia.net

LOWER LEVEL

|          |          |
|----------|----------|
| DATE     | 03.17.17 |
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| 30. IN.  | 03.17.17 |
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| 98. IN.  | 03.17.17 |
| 100. IN. | 03.17.17 |

FLOOR PLAN - LOWER LEVEL  
 1/4" = 1'-0"



1

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KONOLD RESIDENCE  
 109 DOUBLE EAGLE WAY  
 MOUNTAIN VILLAGE, CO 81435

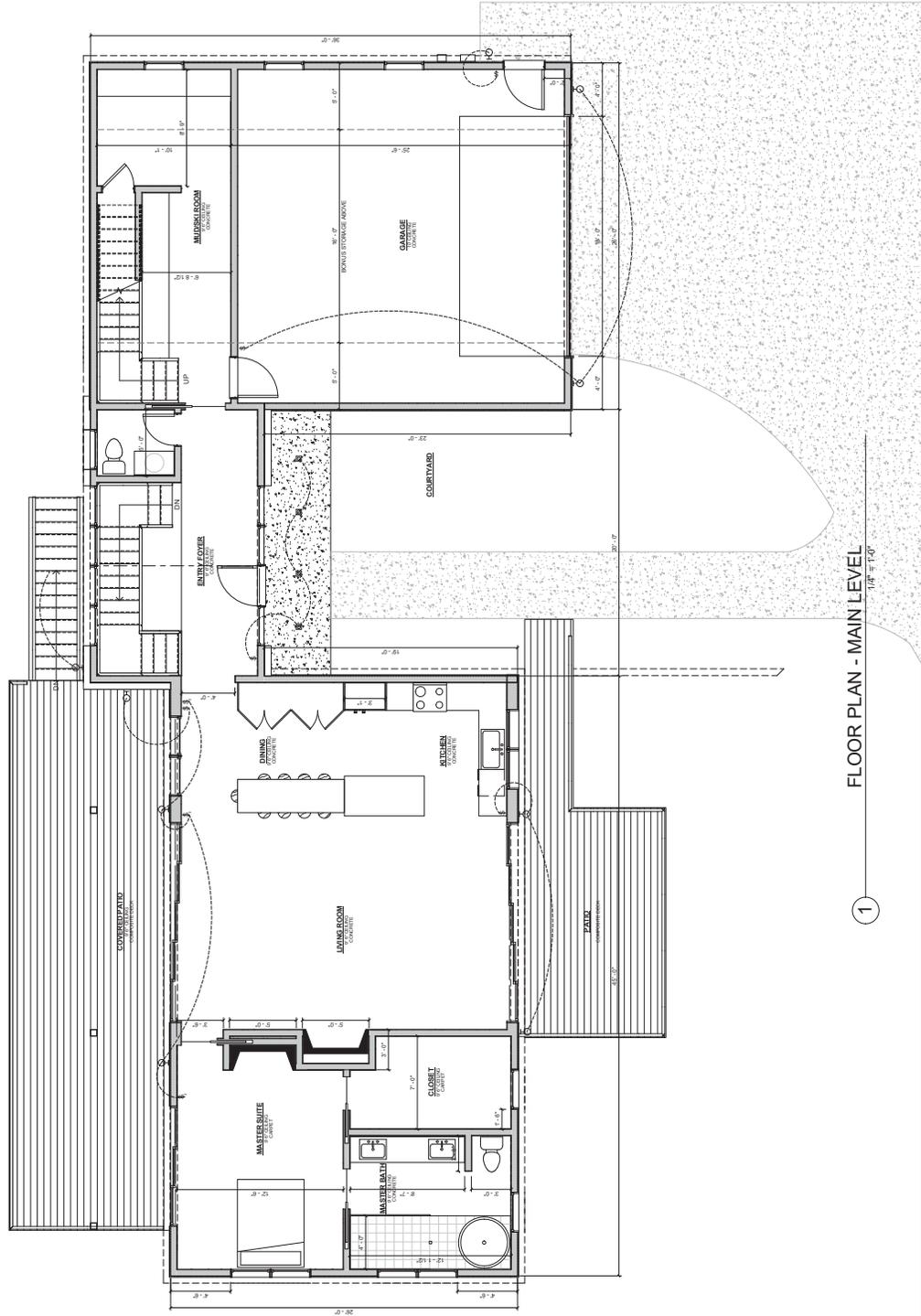
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MAIN LEVEL

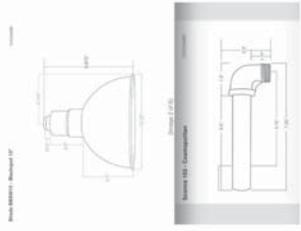
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| CHECK BY |        |

A2



FLOOR PLAN - MAIN LEVEL  
 1/8" = 1'-0"

1



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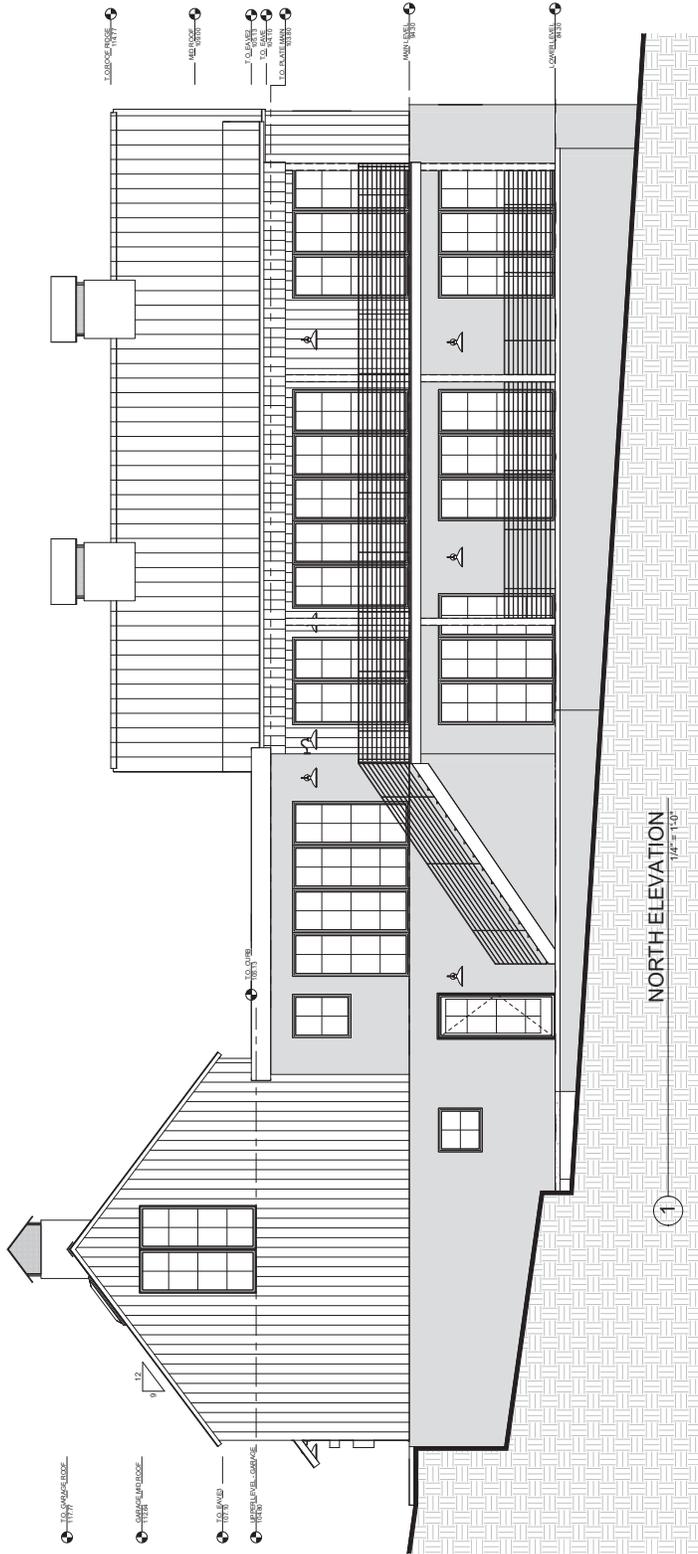
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ELEVATIONS

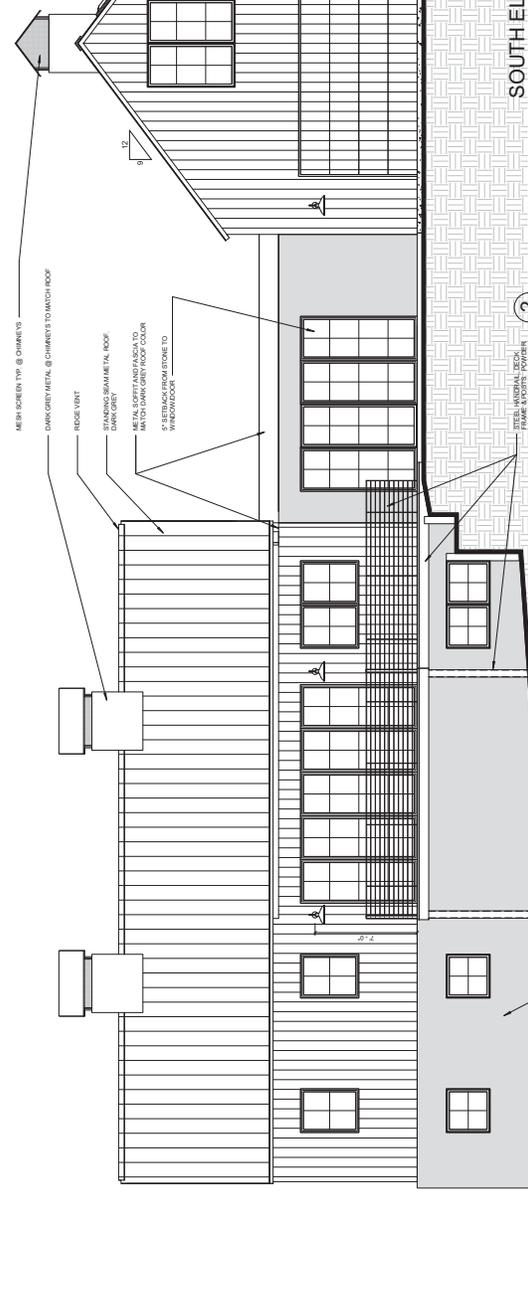
|         |                  |
|---------|------------------|
| DATE    | 10.11.17         |
| JOB NO. | 2017118          |
| PROJECT | KONOLD RESIDENCE |
| CLIENT  | CMCB BY          |

A3



NORTH ELEVATION  
1/4" = 1'-0"

STONE CALCULATIONS:  
TOTAL WINDOW AREA = 1280 SF  
STONE SF REQUIRED @ 35% = 2124 SF  
TOTAL STONE = 2190 SF  
MAX WINDOW ALLOWANCE:  
TOTAL WINDOW AREA = 1280 SF = 20.9%



SOUTH ELEVATION  
1/4" = 1'-0"





COLORADO SANDSTONE



SIDING-VERTICAL WOOD 8" WIDE



ROOFING - STANDING SEAM DARK GREY.  
FASCIA, SOFFIT CHIMNEY TO MATCH



WINDOWS & DOORS - BLACK IN/OUT. TDL



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COLORADO SANDSTONE



SIDING-VERTICAL WOOD 8" WIDE



ROOFING - STANDING SEAM DARK GREY.  
FASCIA, SOFFIT CHIMNEY TO MATCH



WINDOWS & DOORS - BLACK IN/OUT. TDL



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**DESIGN REVIEW BOARD PROPOSED MOTION**

*"I move to recommend approval to the Town Council of a second amendment to the conditional use permit recorded as Resolution No. 2015-0423-08 & amended at 2017- 0216-04 to amend condition #1 to allow a red light beacon as required by the Federal Aviation Administration with the findings contained in the staff memo, to amend the draft resolution accordingly, and with the following amended conditions:*

- ~~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.~~
1. The tower may include a red light beacon if required by the Federal Aviation Administration ("FAA").
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. I dated 4/15/1 5.
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 TSO 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, TSG, 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.~~
10. The applicant, TSG, as the site owner/lessor, and/or the tower owner/operator/lessee who TSG enters into an agreement with to own/operate the Tower, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.
11. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the Town of Mountain Village and the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

## **PROPOSED TOWN COUNCIL MOTION**

## **REVISED MOTION**

*I move to approve a resolution approving a second amendment to the conditional use permit recorded as Resolution No. 2015-0423-08 & amended at 2017- 0216-04 to amend condition #1 to allow a red light beacon as required by the Federal Aviation Administration with the findings contained in the staff memo, to amend the draft resolution accordingly, and with the following amended conditions:*

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.~~
1. The tower may include a red light beacon if required by the Federal Aviation Administration ("FAA").

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.
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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 TSO 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, TSG, 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.~~
10. The applicant, TSG, as the site owner/lessor, and/or the tower owner/operator/lessee who TSG enters into an agreement with to own/operate the Tower, enter into a legally binding written commitment with SMCo, both the BOCC and Sheriff, as well as with SMETSA, and the State of Colorado OIT, to allow the relocation of the State of Colorado's DTRS 800 Radio System equipment located on the existing 90' communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.

communication tower (KOTO tower) onto the proposed new 100' communication tower in a manner and at locations acceptable to the SMCoSO, SMETSA, and the Colorado Office of Information Technology.

11. The applicant, TSG, and or its Tower Company shall commit to a one-year review after construction of the Tower is completed to provide an update to the Town of Mountain Village and the County Board of Commissioners to address possible lighting mitigation of the red light beacon.

/mbh

October 4, 2017

Telluride Mountain Village Town Council  
Telluride Mountain Village Design Review Board

Re: Communication Tower, and specifically: The proposed Resolution Approving a Second Amendment to a Previously Approved Conditional Use Permit for a 100 foot Communication Tower to be Located in Tract OSP 49-R (Resolution No. 2015-0423-08 & Amended by Resolution No. 2017-0216-04)

I have followed this discussion and actions by the county, the DRB and town council for several years.

The Resolution adopted February 16, 2017 and subsequently recorded March 28, 2017 was the result of an extended community, inter governmental, and applicant discussion. The aircraft detection lighting system proposed by Crown Castle to mitigate the duration and overall effect of the tower beacon on the community was a critical addition to allow the various approvals to move forward..

The DRB Memo from Michelle Haynes includes statements from the applicant (TSG) that Crown Castle now assert:

The cost to install and maintain the ADLS system is prohibitive.

The ADLS technology is an emerging technology with possible additional tower requirements and no demonstrated installation on a communications tower.

Difficulty and no demonstrated experience to maintain an ADLS system at this elevation and on the tower height indicated in a remote site location.

The ADLS system is still in the research and development stage.

These assertions are in complete contradiction to assertions and representations at the meeting when the February 16, 2017 resolution was adopted. As a specific example of these contradictions, at the February 16 meeting, I personally pointed out the challenge to maintain such a ADLS, and the this was verbally rebutted by the applicant. It was at my strong suggestion to the council that the wording related to ongoing maintenance and repair was added to the approved resolution terms. It therefore appears there was never any intention to comply with the ADLS terms in the resolution and that Crown Castle and others did not act in good faith with respect to these element of this resolution

The Narrative in support from TSG, Exhibit A, is should be re-read carefully:

They assert ADLS is a risk, but nowhere else do they refer to risk other than the cost, that is to say a commercial risk;

They assert that installation of an ADLS adds weight and wind load, and that this would require a separate tower, without supporting evidence that the proposed tower could be built with sufficient increased strength. Additionally, they cite that ADLS units are used to control lighting remotely, indicating that they are installed on separate towers within the wind farm where the controlled lights are located. If ADLS systems may be mounted remote to the lights controlled, that option is not considered for the subject tower, where the ADLS system could be installed at a location such as the top of Lift 7 or 9, or at the airport, where maintenance and wind load issues would not apply.

They discuss various maintenance issues and costs, which the applicant had previously asserted were of no substantive challenge.

The proposed resolution is a capitulation to a commercial venture that appears to have intentionally misrepresented their ability and interest to abide by terms in the initial resolution. The memo from Michelle Haynes uses prominently "improved cellular service" as a justification, but fails to indicate this is a

commercial, for profit activity, not a community service. Additionally, the same memo does not at any point even refer to the prior extensive community input and discussion of the impact of the proposed Beacon. All of the community input and concerns with respect to the beacon are now being 'swept under the rug' by piling on weakly justified 'community safety' impacts for what is, in the end, a commercial venture by the applicant that appears simply unwilling to now invest the money and time to implement the mitigation agreed to in the February 16 Resolution.

Therefore:

I ask you not approve the resolution and let stand in place the original resolution from February 16, 2017. I suggest that this will be adequate motivation for parties involved to find means to address the cost and technology issues they currently raise.

I suspect that the DRB and Town council may lack the resolve to hold the applicant to the original commitment to mitigate the beacon as originally agreed. Lacking such resolve, an alternative action is to modify the proposed resolution, Item 11 to read substantially as follows:

*The applicant, TSG, and or its Tower Company shall commit to the following after the Tower is completed:*

*Every year after the construction of the tower is completed until this CUP expires or the lighting beacon is mitigated to the satisfaction of Mountain Village, they shall report to the Town of Mountain Village and the County Board of Commissioners on the status of lighting mitigation. This report shall contain at a minimum:*

*A list of all ADLS systems installed in the United States, including at a minimum the following information on each installation:*

*The location of the system*

*If system is installed on the same tower containing the lights to be controlled*

*If the system controls beacon lights or any other lights on a tower that is used either in part or exclusively to support antennae, except for the antennae which are inherent parts of the ADLS system*

*Additionally the report shall contain:*

*A summary of all public actions taken by the FAA as recorded in the Federal Register in the proceeding year that is in any way with respect to any control of aircraft warning lighting based on aircraft detection.*

*If the Town determines that mitigation of red light beacons on antennae towers is a demonstrated practice in the United States they shall so notify the applicant and the applicant shall install such a system to mitigate the tower red light beacon within 180 days of such notice.*

This modification to the proposed section 11 will at least assure the community that the beacon will be mitigated when technology to do so is commonly available.

Thank you for your consideration of my comments.

Harper Meek

102 Cabins Lane

October 2, 2017

Design Review Board  
Sam Starr, Planner  
[ssarr@mtnvillage.org](mailto:ssarr@mtnvillage.org)

RE: Proposed Development, Lot 628D, 109 Double Eagle Way

Gentlemen:

I represent Total Planning, LLC the owner of 107 Double Eagle Way (Lot 628C) and in addition 105 Double Eagle Way (Lot 628B).

I would like to compliment Mr. and Mrs. Konold on presenting a well designed and thought out development plan for their proposed home. However, there are two significant issues that I am opposed to. The General Easements were implemented to protect the privacy, safety and quality of life for all owners of the Mountain Village. They should be followed as written unless the building site is deemed to be extremely difficult to build a home on. This is not one of those sites.

The auto court and driveway encroach into the General Easement in the southern and eastern portions. The driveway should be revised to avoid encroachment. This modification can be made by slightly adjusting the specification of the auto court driveway.

None of the neighboring lots with developed homes have encroached in the General Easement. This unwarranted and unnecessary approval would set a precedent for future development in the Mountain Village.

In addition, after viewing the plans and elevations, I believe that the mass of scale of the chimney caps is oversized for the size of the house. There size should be reduced to conform to the rest of the immediate neighborhood.

Thank you for your consideration in reviewing the above comments and making the appropriate recommendations to the applicant.

Sincerely,

Donald J. Perrotta  
Total Planning, LLC

