

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE, MOUNTAIN VILLAGE, COLORADO  
APPROVING A CONDITIONAL USE PERMIT FOR A CANOPY TOUR ON LOT OSP-48**

**RESOLUTION NO. 2019 -0613-11**

- A. Telluride Ski and Golf, LLC (Owner) is the owner of record of real property described as Lot OSP-48;
- B. The Owner is pursuing the approval of a Conditional Use Permit to allow for the operation of Aerial Canopy Tours on Lot OSP-48, and the owner has submitted such application requesting approval of the Conditional Use Permit (Application);
- C. The Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on June 6, 2019. Upon concluding their review, the DRB voted in favor of the Conditional Use Permit and recommended approval to the Town Council with conditions to be considered by the Town Council;
- D. The Town Council considered and approved this application subject to certain conditions as set forth in this resolution, along with evidence and testimony, at a public meeting held on June 13, 2019;
- E. The Town Council approved the Conditional Use Permit for Aerial Canopy Tours for Lot OSP-48, along with evidence and testimony, at a public meeting held on June 13, 2019;
- F. The public hearings referred to above were preceded by publication of public notice of such hearings held on such dates and/or dates from which such hearings were continued by mailing of public notice to property owners within four hundred feet (400') of the Properties and posting the property, as required by the CDC;
- G. The Owners have addressed, or agreed to address and/or abide by, all conditions of approval of the Application imposed by Town Council based upon a recommendation for approval by the DRB; and,
- H. The Town Council finds the application meets the Conditional Use Permit requirements contained in CDC Section 17.4.14 as follows:
  - 1. The proposed conditional use is in general conformity with the goals, policies and provisions of the Comprehensive Plan;
  - 2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;
  - 3. The design, development and operation of the proposed conditional use shall not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;
  - 4. The design, development and operation of the proposed conditional use shall not have a significant adverse effect to the surrounding property owners and uses;
  - 5. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town;

6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use;
7. The design, development and operation of the proposed conditional use shall provide adequate infrastructure;
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and,
9. The proposed conditional use permit meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE CONDITIONAL USE PERMIT AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant and operator shall abide by the laws of the state of Colorado and the Town of Mountain Village in the operation of business and shall have a valid Mountain Village business license before operating the business.
2. The applicant shall provide to the town verification that 3rd party inspections of the zip line apparatus and any other associated structures have occurred prior to a final inspection and prior to the aerial canopy tour opening to the public.
3. The applicant shall maintain adequate commercial liability insurance policies for the zip line apparatus and operations including but not limited to the actual apparatus and any associated structures.
4. The owner shall be responsible for the prompt and proper disposal of trash or the like in such a manner that minimizes and mitigates odor, unsightliness or other damage to the environment.
5. The applicant shall secure from trespass the tower, zipline, or other operational elements that may attract the public during hours of inactivity.
6. The business shall be allowed to operate generally within the hours of summer chairlift operations of 10AM to 6PM. Any proposed changes specific to hours of operation or yearly schedules shall be handled by Planning Staff as a Class 2 permit, with the option for Planning Staff to elevate the application to Class 4 application.
7. The Conditional Use Permit shall be valid for a period of twenty-five (25) years to coincide with the approved United States Forest Service Special Use Permit, with an annual staff review by the Planning Division Staff whereas the applicant may respond to any issues as they arise during the operation or annual review. In the event Planning Division Staff determines issues have arisen which warrant the annual review to be elevated to Town Council Planning Division Staff may elevate such annual review to Town Council which shall evaluate the issues and may either allow continued operation without changes, impose additional conditions to the continued operation or terminate the conditional use permit.
8. The applicant is required to secure all tree removal permits required for the installation of the canopy tour and is also required to address any required revegetation of disturbed areas created during the construction of the canopy tour.
9. Staff has the authority to suspend operations if its determined that the applicant or operator has failed to meet the conditions of approval.
10. By commencing operation pursuant to this approval, the Applicant agrees to indemnify and hold harmless the Town from any and all liability associated with the approval and operations of the zip line and related apparatus.

**Be It Further Resolved** that Lot OSP-48 may be developed and submitted in accordance with Resolution No. 2019-0613-11.

**Section 1. 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 2. 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 3. Effective Date**

This Resolution shall become effective on June 13, 2019 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 4. Public Meeting**

A public meeting on this Resolution was held on the 13th day of June 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public meeting held on June 13, 2019.

**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

Approved as to Form:

  
James Mahoney, Assistant Town Attorney