



PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

TO: Town Council
FROM: Sam Starr
FOR: Meeting of November 21, 2019
DATE: November 10, 2019
RE: Consideration of a resolution regarding a Conditional Use Permit for a Public Art Installation on Lot OSP 49R.

PROJECT GEOGRAPHY

Legal Description: Tract OSP 49R, According to Mountain Village Plat Book 1, Page 2758 recorded July 14, 200.
Address: N/A
Applicant/Agent: Ah Haa School for the Arts/Telluride Foundation.
Owner: Telluride Ski and Golf, LLC
Zoning: Active Open Space
Existing Use: Ski Resort Uses
Proposed Use: Public Art Display
Lot Size: 98 Acres
Adjacent Land Uses:

- **North:** Open Space
- **South:** USFS Land
- **East:** Open Space
- **West:** Open Space

ATTACHMENTS

- Applicant’s narrative
- Location Map
- Installation Detail
- Lighting Study
- Wetlands Study

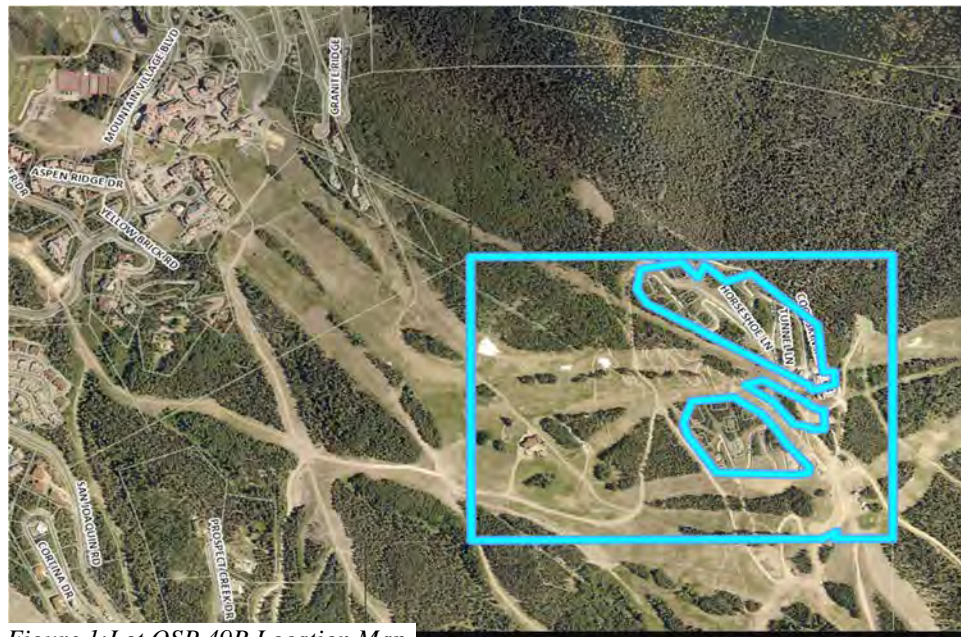


Figure 1: Lot OSP 49R Location Map

CASE SUMMARY

The Ah-Haa School for the Arts, in conjunction with internationally renowned artist Tavares Strachan seek approval from Town Council for a conditional use permit to allow for a public art installation on Lot OSP-49R. This art piece will be visible by the Gondola and will consist of 5 separate pieces that, when viewed in its entirety, will read “We are in this together”. The 5 separate pieces will consist of 20 fluorescent lights and will be anchored by a lattice structure with concrete footers. Each lattice structure will sit on top of 6-8 small concrete footers. Each structure will rise between 10 - 20 feet off the ground. The proposed installation will be visible starting in early May 2020, and is proposed to remain for up to 18 months, until November 2021. The applicant has stated that this project will only be visibly lit during gondola operating hours and the lights will not be on during off-season or after gondola hours of operation.

The zoning designation for Lot OSP-49R is Class 3 Full Use Active Open Space. While this specific lot is owned by TSG, the installation, maintenance, and removal of the art display will be contracted out to a third party. No grading will be necessary for installation; however, a mini excavator and auger will be required for the construction of concrete footers and the lattice structure. During the deconstruction of the installation, all footer holes will be backfilled and revegetated to its natural state. The Ah-Haa school received the necessary consent by TSG to submit the application to the Town.

RELEVANT CODE SECTIONS

The applicable requirements cited may not be exhaustive or all inclusive. The applicant is required to follow all requirements even if an applicable section of the CDC is not cited. Please note that staff findings will be indicated by **boldened text**.

13.3.3(D) Uses Not Listed in Use Table

1. No development permit or building permit shall be issued for a use not listed in the Use Schedule unless the Director of Community Development determines that the proposed use either:
 - a. Similar to, or is closely related to, a land use classification set forth above and does not have greater impacts; or
 - b. The proposed use falls within the zone district descriptions and general uses section set forth above or the specific zone district requirements sets forth below.

2. For uses that are clearly not listed as a permitted, accessory, or conditional use by the Zoning and Land Use Regulations, the Director of Community Development shall make determination of whether the use is allowed as a code interpretation.

Staff Note: Although public art is allowed as a use by right according to the Land Use Schedule found in Community Development Code Section 17.3.3, there are other elements of this art installation that would constitute above ground infrastructure which requires a conditional use permit for class 3 Active Open Space. Moreover the visibility, community-wide impact, and limited duration make this proposal difficult to fit into any one definition of uses from the CDC. Accordingly, staff have determined that the best way forward for this project is a class 4 Conditional Use Permit Application. Findings have been included in proposed motions that *the applicant’s submittal requires Review of the Town Council for Conditional Use Permit approval.*

17.4.14.D Criteria for Decision

1. The following criteria shall be met for the review authority to approve a conditional use permit:

- a. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan;

The section of the Mountain Village Comprehensive Plan titled “Cultural Enhancement” recommends that the town create outdoor spaces and display spaces for public art. The plan also recognizes that partnerships with local organizations that bolster improvements such as public art, are integral to forming a successful mountain community. This display, and the associated programming that Ah-Haa will provide appear to meet those plans and principles.

- b. 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;

The public art display will not create a substantial adverse impact on the services or infrastructure associated with this lot. The applicant has worked diligently with Transit Director and Director of Parks and Recreation Jim Loebe to ensure that there are no concerns from a gondola operations standpoint, and that all tram board easements are respected. There are a few homes located at the planned community of the Ridge at Telluride, and the owners on the northern portion of this development may have minimal impacts due to the lighting.

- c. 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;

The installation of the art project will be subject to Building Department inspections and there is no inherent hazard created by the presence of fluorescent lighting. Staff finds that with a limited duration and restricted hours of viewing, this condition is met by the applicant’s proposal.

- d. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;

As mentioned in criteria 1.b, there are a few homes located at The Ridge at Telluride, and some owners may receive a faint glow from the lighting. The Town Council will need to weigh in on the appropriateness of the lumens output and impact to neighboring property owners.

- e. 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;

There will not be a significant adverse effect on open space or the purposes of the facilities owned by the town.

- f. 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;

The applicant has provided a lighting cutsheet and lumens study which demonstrates the extent to which this public art display will have a visual impact. The Town Council will need to weigh in on the appropriateness of the brightness. The applicant does propose having the lights on only during the hours of gondola operation, which cuts back substantially on any visual impact.

- g. The design, development and operation of the proposed conditional use shall provide adequate infrastructure;

Affirmed. To further guarantee the quality of infrastructure, a condition of approval has been added that requires the applicant to receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.

- h. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and

This installation will not impact water supplies in any way. The applicant has also received confirmation from Chris Hazen of Terra Firma that jurisdictional wetlands are not impacted by or located near the lattice structures.

- i. The proposed conditional use permit meets all applicable Town regulations and standards.

This application constituted a complete Conditional Use Permit Application submittal. The applicant needs to demonstrate that the submittal material and proposed use substantially comply with the criteria listed above at section 1a-l in order to meet the applicable standards.

- 2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the conditional use permit review criteria.

REFERRAL COMMENT

Public Works

Public Works Director Finn Kjome stated in his referral comment that he would need to see the art installation superimposed with existing utilities to ensure that no damage to infrastructure would occur with this project. A condition of approval has been added to address this prior to Town Council Review.

Transit, Parks and Recreation

Transit Director and Director of Parks and Recreation Jim Loebe has been in communication with the applicant and is generally supportive of the application, and indicated in his referral comment that there would not be interference with gondola operations during the display period. Mr. Loebe has requested that the applicant have continued coordination with gondola management during construction. Staff have made this a condition of approval.

Building Official

The Town of Mountain Village Building Official, Drew Harrington has indicated that the structural aspects of the lattices will need to be engineered and stamped by a licensed Colorado professional engineer. Mr. Harrington also expressed concern about neon lights being exposed to the colder temperatures and the high amperage they operate at. A condition of approval has been added that requires the applicant to submit for a building permit should they receive approval of the conditional use permit.

DESIGN REVIEW BOARD RECOMMENDATION

On a Motion made by Board Member Dave Eckman and seconded by Greer Garner, the DRB voted 5-2, with members Brown and Craige opposing, to recommend approval of the conditional use permit to Town Council, subject to the conditions below:

1. *Prior to installation, the applicant shall receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.*
2. *Per the request of the Public Works Director, the applicant shall submit a revised cutsheet prior to the December 12, 2019 Town Council meeting indicating overlaying the We are in this together installation with existing utilities to determine there will not be any damage to the infrastructure nearby.*
3. *Per the request of the Transit Director, the applicant shall work with gondola management during construction and removal phases to ensure there are no impacts to gondola infrastructure or operations.*
4. *The art installation shall only be visible and lit during the gondola hours of operation.*
5. *The art installation shall be in full working order and a maintenance and/or repair expectation determined so that all lighting is operational or repaired within a short period of time.*
6. *The Conditional Use Permit shall be valid for a period of 18 months with a quarterly review by the Planning Division Staff, with the applicant responding to any valid issues as they arise during the operation or annual review. Should, in the Planning Division Staff's sole discretion, significant issues arise concerning the Conditional Use Permit and the activities permitted thereunder arise, the bi-annual review may be elevated to the DRB and Town Council. The applicant shall in writing inform Planning Division Staff of any minor operational changes which shall be processed by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.*
7. *Staff has the authority to suspend operations if it is determined that the applicant or operator has failed to meet the conditions of approval.*
8. *The applicant shall, as needed, revegetate the site of the art display to a natural pre-disturbed state. This includes revegetating after the lattice structures have been removed at the end of the conditional use permit term.*
9. *The applicant shall post a cash deposit of one hundred twenty-five percent (125%) of the estimated costs to remove the art installation. This bond shall be held to*

guarantee that the installation will be deconstructed at the end of this 18-month period. Should the art installation be taken down in a timely and satisfactory manner, the town will release the bond.

ANALYSIS AND STAFF RECOMMENDATION

The application submitted by Ah Haa School for the Arts to obtain a conditional use permit on Lot OSP-49R does conform with the policies of the principles, policies and actions set forth in the Comprehensive Plan by adding to the cultural enhancement of the Town of Mountain Village. The limited hours of operation and proposed 18 month viewing window will limit any impacts to the surrounding properties. However, the Town Council will need to determine if proposal *substantially complies* with the conditional use permit review criteria.. If the Town Council deems this application to be appropriate for approval of a conditional use permit, Staff request said recommendation condition the items listed below in the suggested motion and the findings contained above within the Staff Memo.

PROPOSED MOTIONS

Motion for Approval:

*"I move to **approve** by Resolution an application by Ah Haa School for the Arts for a Conditional Use Permit to allow a public art display Lot OSP-49R with the following Findings and Conditions:*

Findings:

- 1) *The Town Council finds that the applicants submittal requires Review of the Design Review Board for Conditional Use Permit approval*
- 2) *The Town Council finds that the proposed application meets the nine (9) criteria for Conditional Use Permit approval as outlined in CDC Section 17.4.14(D) Conditional Use Permits Criteria for Decision.*

Conditions:

1. *Prior to installation, the applicant shall receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.*
2. *Per the request of the Public Works Director, the applicant shall submit a revised cutsheet prior to the December 12, 2019 Town Council meeting indicating overlaying the We are in this together installation with existing utilities to determine there will not be any damage to the infrastructure nearby.*
3. *Per the request of the Transit Director, the applicant shall work with gondola management during construction and removal phases to ensure there are no impacts to gondola infrastructure or operations.*
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6. *The Conditional Use Permit shall be valid for a period of 18 months with a quarterly review by the Planning Division Staff, with the applicant responding to any valid issues as the arise during the operation or annual review. Should, in the Planning Division Staff's sole discretion, significant issues arise concerning the Conditional Use Permit and the activities permitted thereunder arise, the bi-annual review may*

be elevated to the Town Council. The applicant shall in writing inform Planning Division Staff of any minor operational changes which shall be processed by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.

- 7. Staff has the authority to suspend operations if its determined that the applicant or operator has failed to meet the conditions of approval.*
- 8. The applicant shall, as needed, revegetate the site of the art display to a natural pre-disturbed state. This includes revegetating after the lattice structures have been removed at the end of the conditional use permit term.*
- 9. The applicant shall post a cash deposit of one hundred twenty-five percent (125%) of the estimated costs to remove the art installation. This bond shall be held to guarantee that the installation will be deconstructed at the end of this 18-month period. Should the art installation be taken down in a timely and satisfactory manner, the town will release the bond.*

#7 Development Narrative:

Summary: The Ah Haa School for the Arts is requesting a Conditional Use permit to install a contemporary landscape art installation underneath the gondola. The installation will fall entirely within the boundary of Lot OSP-49R (lot map attached) which is owned by the Telluride Ski and Golf Company, "TSG". TSG is in support of this project and has given permission for the Ah Haa School to proceed with this application (see signed Owner Agent Authorization form included with this application).

The location of the proposed installation is toward the top of the gondola line just below Station San Sophia (on the Mountain Village side) between Towers 8 + 10 and is meant to be viewed as you ride the gondola from the Mountain Village station up to Station San Sophia.

The Artist: Tavares Strachan is a conceptual artist whose multi-media installation and performative practice investigates a wide range of themes including history, science, technology, mythology, climatology and exploration.

Strachan was born in 1979 in Nassau, Bahamas and currently lives and works between New York City and Nassau, Bahamas. He received a BFA in Glass from the Rhode Island School of Design in 2003 and an MFA in Sculpture from Yale University in 2006. Strachan's work has been featured in numerous solo exhibitions. He has also been the recipient of numerous awards including the 2018 Inaugural Allen Institute Artist in Residency Recipient, 2018 Frontier Art Prize, 2014 LACMA Art + Technology Lab Artist Grant, 2008 Tiffany Foundation Grant, 2007 Grand Arts Residency Fellowship and 2006 Alice B. Kimball Fellowship.

Mr. Strachan is committed to creating art that is catalyst for positive social change. His works' purpose is to shine a light on many of today's most pressing issues including climate change, income equality, food insecurity, population density and social justice.

Please visit the Artist's studio <https://isolatedlabs.com/> to learn more about Mr. Strachan.

Why Here? Mr. Strachan has been an Artist in Residence in the region for the past 5 years. During his time here he has met with many business owners, non-profit leaders and community members. He has developed a number of personal connections with many of us in the community and after riding the gondola numerous times, an idea began to form around an installation that everyone riding the gondola would experience; an inspiring and unifying message to be viewed and contemplated, not only by all of us that call the region home, but by the millions of visitors who ride the gondola every year as well as thousands of contemporary art enthusiasts who will travel to the region for the sole purpose of experiencing this unique place-based art.

The Art: The Installation consists of 5 lattice structures, each displaying one neon word on top (5 words total): **we are in this together** "WAITT". Each lattice structure will sit on top of 6-8 small concrete footers. Each structure will rise between 10 - 20 feet off the ground. The infrastructure is being engineered to withstand the high alpine environment in which it will live. The installation does not create a substantial adverse impact, nor does it pose a physical hazard to any adjacent property. Please see the attached Artist Rendering for more details on the installation and visit this box link to view a computerized massing model <https://isolatedlabsinc.box.com/s/mkenxe3xh85ygpp45axrj709t9mj2s37>

Timeline: If approved, the installation of WAITT will commence in early May 2020, as soon as the ground has thawed and is free of snow. Construction will take between 3 and 4 weeks to complete. We hope to “light” the neon by the end of June. The installation will remain for 18 months and will be removed prior to the 2022 ski season.

Installation Equipment: A small bobcat and excavator with a mini auger will be used to dig 4-ft holes in the earth to house small diameter sonotubes that will ultimately be filled with concrete to create the foundation for each lattice structure. The remainder of the supplies (concrete, lumber & neon tubes) will be driven by pickup truck as close as possible to the site then carried in by hand.

Grading for the Installation: The installation requires no grading.

Access for Installation: Access to the site will be via the tunnel above and the maintenance road below (see attached site plan for exact locations).

Hours of Operation: WAITT will be lit only during standard gondola operating hours.

Neon Lighting/Lumens: Please see attached detailed lighting study conducted by SENSE Lighting.

Electricity: The electricity to power the installation will be accessed from an existing power junction box located above tower 9 just to the north of the installation (see diagram). A meter will be installed at this junction box to monitor the electricity used and the cost of the power will be paid for from the installation budget. The town of MV will not incur any power costs associated with this installation. It is our goal to power the installation with 100% renewable power from SMPA (through the purchase of green blocks). Appropriate conduit will be laid from the junction box to each of the 5 lattice structures to power each word (see attached site plan – conduit lines are noted in blue). We will hire a local electric contractor to do all electrical work.

Safety: The installation area (beneath the gondola) is already restricted to the public, and any attempts to approach or interfere with the installation would place individuals in violation of MV rules. In the winter months, it is “out of bounds” of ski area terrain and not near any summer mountain bike trails.

The materials utilized in the installation are designed to withstand a variety of weather conditions and natural elements. With this in mind, damaging the structure would require significant effort, both in terms of outright force coupled with malicious intent. We believe that these are relatively low risk issues.

Wildlife: The installation is tucked underneath the gondola between two significant groves of trees so will be shielded from the flight of birds. There is nothing on the ground that would interfere with Deer or Elk crossing its path. Past neon installations of similar size have not had any adverse wildlife interaction.

Wetlands: The installation does not disrupt any existing wetlands areas (see Wetlands statement from THE TERRA FIRM).

Maintenance: Each individual neon word consists of a maximum of 20 individual pieces of neon tubing that are stitched together. Should any piece of the neon fail (or be damaged) during the 18-month installation, the entire piece (all 5 words) will be turned off until that one piece can be replaced. The

repair of a faulty or damaged piece of neon takes approximately 3 days to repair. To expedite the process, a local maintenance firm will be contracted to perform this maintenance.

Snow: The installation has been designed to ensure that nature will take its course and snow accumulation on the piece itself will not be an issue.

De-Construction/Revegetation: The construction of WAITT will have minimal environmental impact. When removed, all traces of the installation (30-40 small 4ft holes in the earth to house the concrete footers) will be revegetated and the area returned to its original, natural state.

Programming: In addition to the installation of WAITT, in-depth programming to allow all of those that experience WAITT the opportunity to study the message, will occur both locally and throughout the region. Many non-profits and educational institutions have already expressed interest in collaborating with us on a number of creative programming ideas. Below is a list of ideas discussed thus far.

- Educational material will be available at both entrances of the gondola to provide information about the installation and help promote connections and conversations among gondola riders.
- Podcasts: The gondola will provide the stage for “strike up a conversation with someone you don’t know,” the results of which will be produced into multiple podcasts.
- Lectures, Artist Talks and Community Conversations on a variety of topics from: “What is Art” to “What does it mean to be a ‘local’”, to “Who is the ‘We’”, and “What is the ‘this’” in the installation?
- An original Theater production
- Poetry workshops
- Original Dance piece
- Master Classes and other educational opportunities at the Ah Haa School for both students and adults
- Curriculum guides will be created for regional school groups and teachers.
- Native American communities will be hosted throughout the life of the project to participate in a number of the programs specifically created to honor their heritage and historical stewardship of the land.

Economic Development: No art installation of this magnitude has happened in our region, ever! In addition to the positive social impact we feel WAITT will have on our local community, it will also attract thousands of contemporary art enthusiasts from around the globe as well as garner both national and international press—which will drive increased tourism to our region.

Since the programming surrounding the installation is set to cover a variety of time periods, the economic impact of the installation should be substantial in both total dollars brought to Mountain Village as well as its ability to increase economic activity during what has traditionally been slower seasons. Our planning team will work closely with the town to host events that complement, rather than compete with the town’s existing special event schedule. As such, the added benefits of the installation on businesses comes at very little cost or disruption.

Marketing: Once approved, a comprehensive marketing and public relations plan will be developed to help promote the installation and drive new visitors to the area to experience it. In addition to our own

marketing efforts, it is our goal to also tap into the strengths of existing regional marketing efforts through collaboration with the Telluride Ski & Golf Company, Visit Telluride, the Town of Mountain Village and the Mountain Village Homeowners Association.

WE ARE IN THIS TOGETHER
MOUNTAIN VILLAGE & TELLURIDE, CO

SITE PLAN 10.01.19

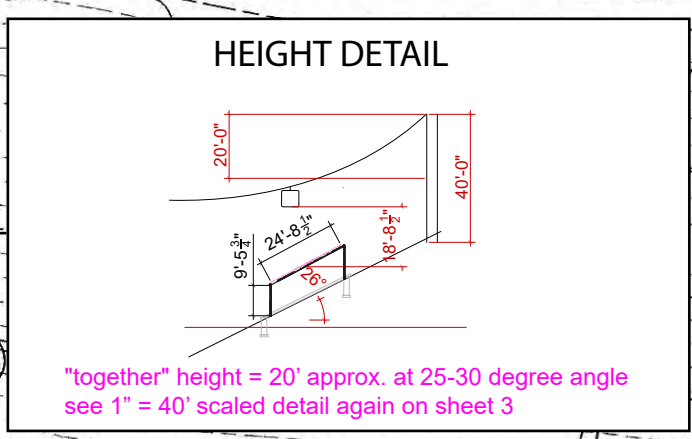
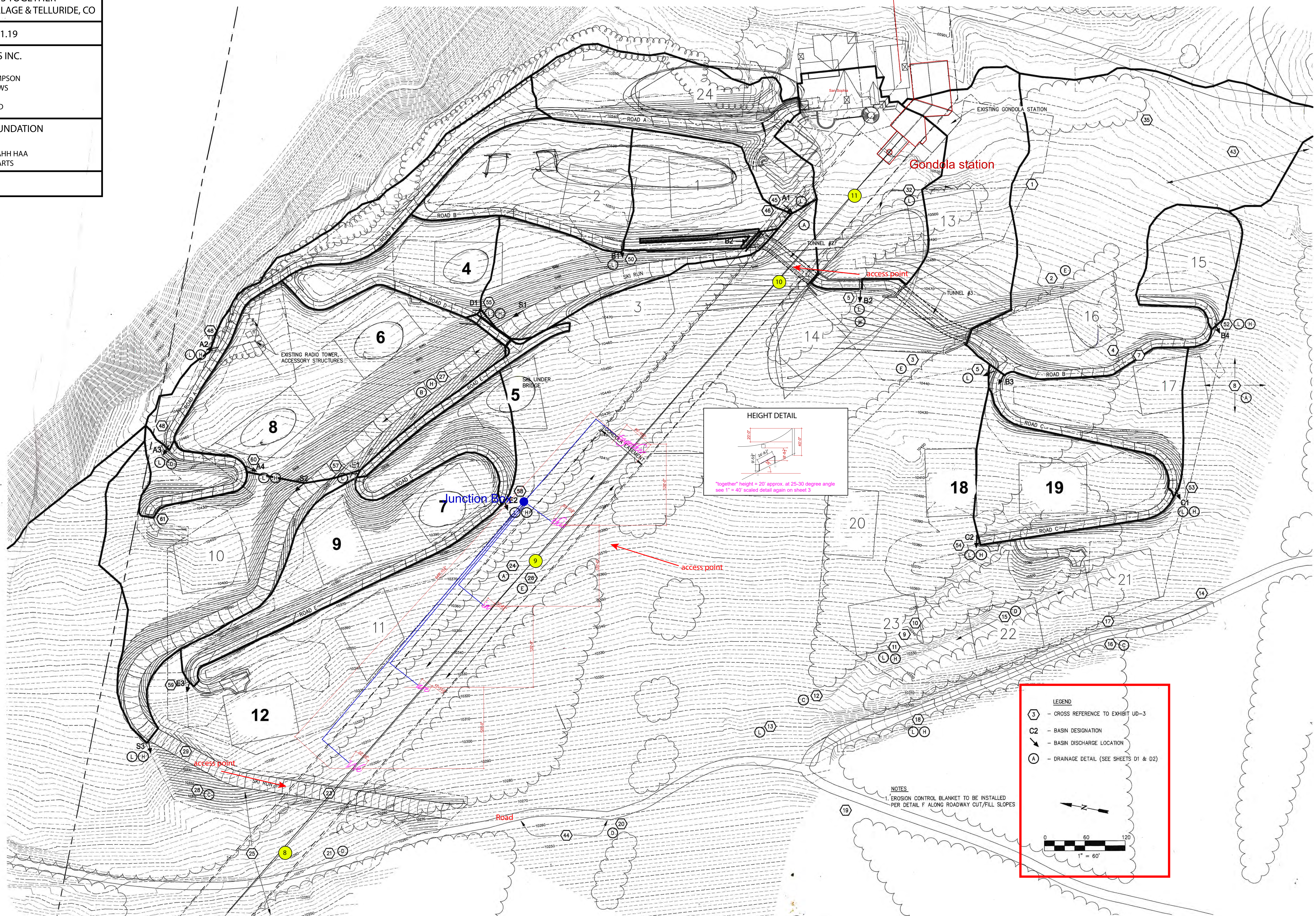
ISOLATED LABS INC.

CHRISTOPHE THOMPSON
ARISTOTLE BURROWS
ERICA SELLERS
NEVILLE WAKEFIELD

TELLURIDE FOUNDATION

JUDY KOHIN/THE AHH HAA
SCHOOL FOR THE ARTS

SCALE: 1" = 60'



LEGEND

- ③ - CROSS REFERENCE TO EXHIBIT UD-3
- C2 - BASIN DESIGNATION
- ↙ - BASIN DISCHARGE LOCATION
- Ⓐ - DRAINAGE DETAIL (SEE SHEETS D1 & D2)

NOTES

1. EROSION CONTROL BLANKET TO BE INSTALLED PER DETAIL F ALONG ROADWAY CUT/FILL SLOPES

0 60 120
1" = 60'

WE ARE IN THIS TOGETHER
MOUNTAIN VILLAGE & TELLURIDE, CO

TOGETHER PLAN 10.01.19

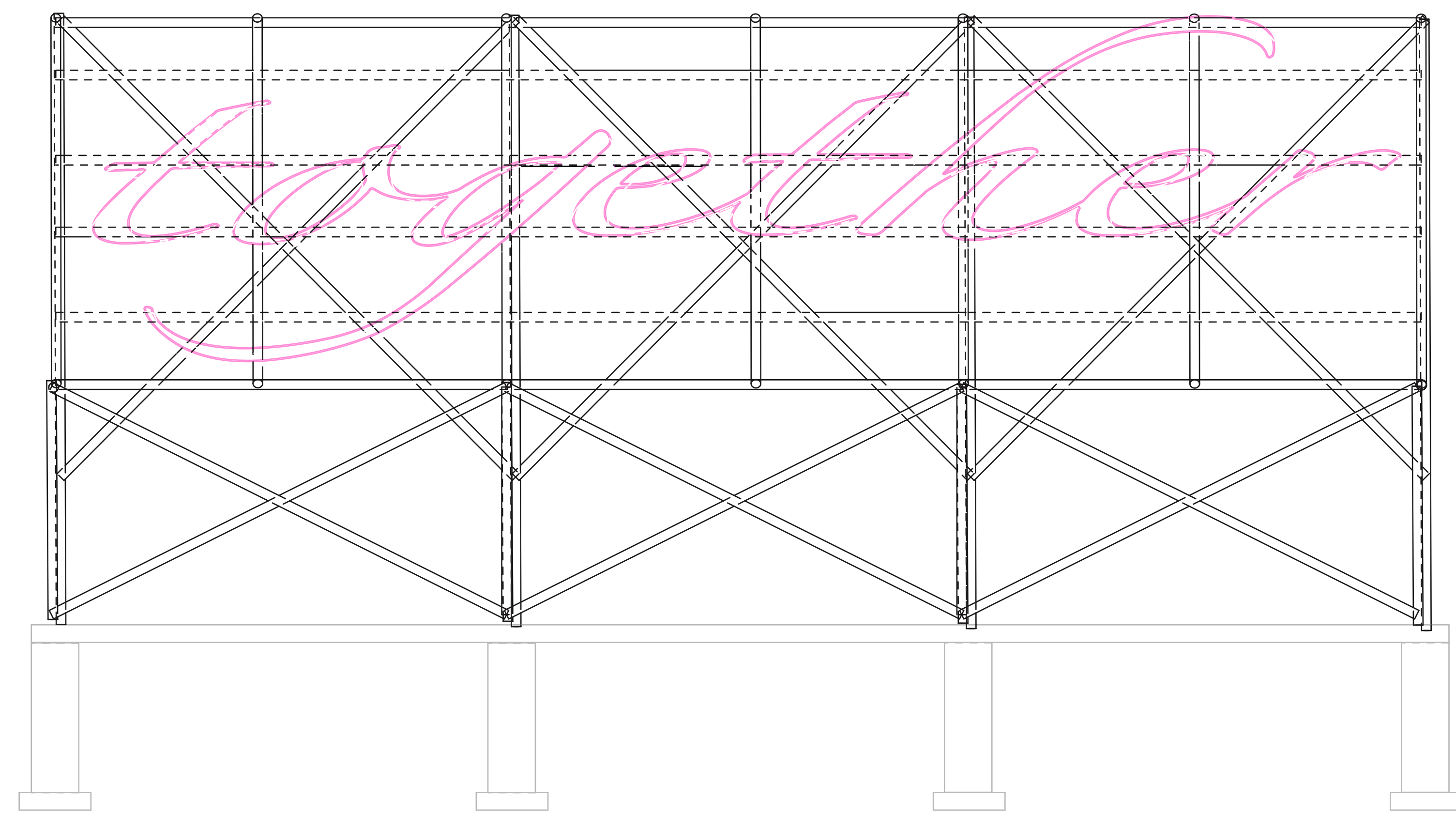
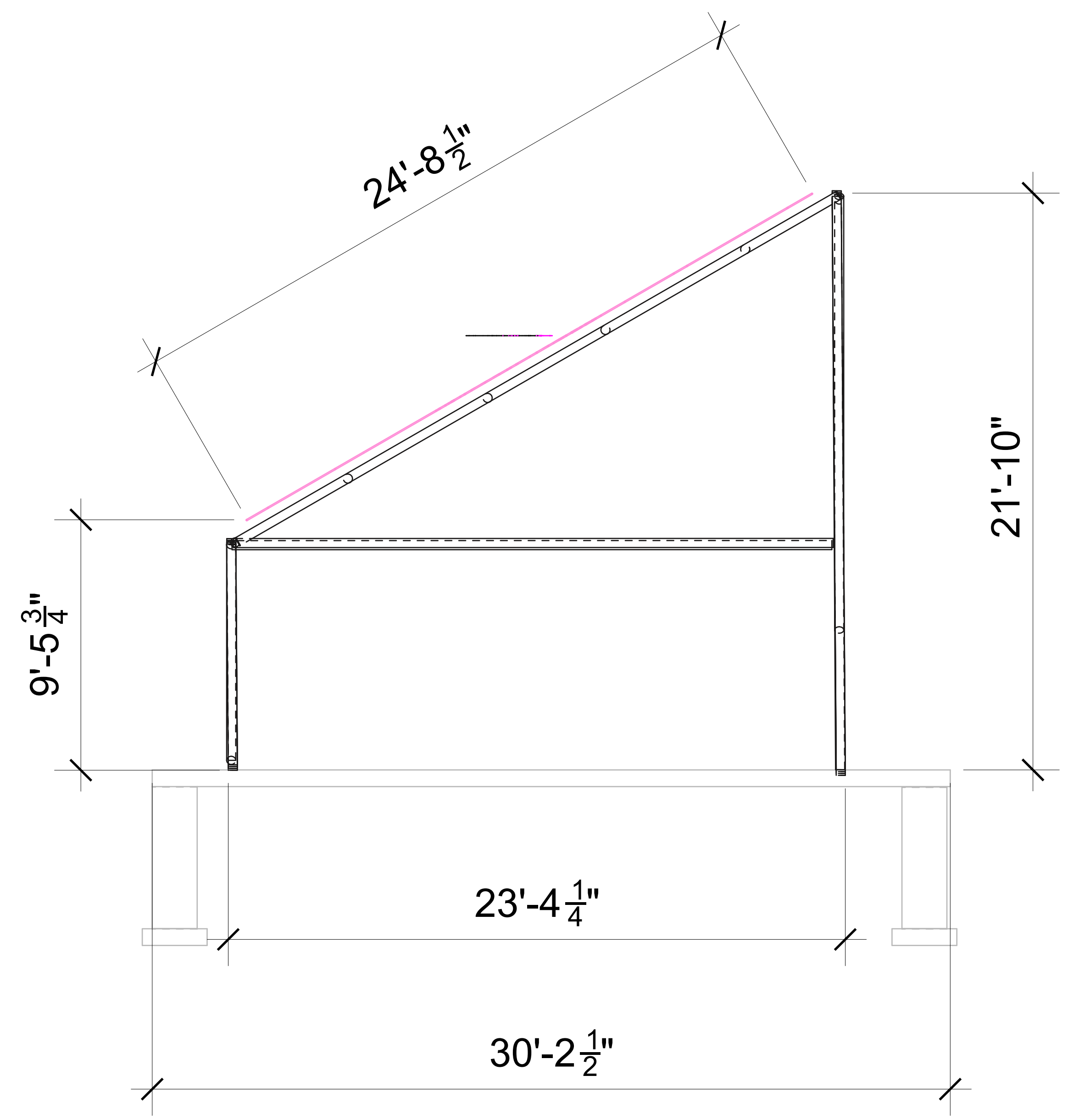
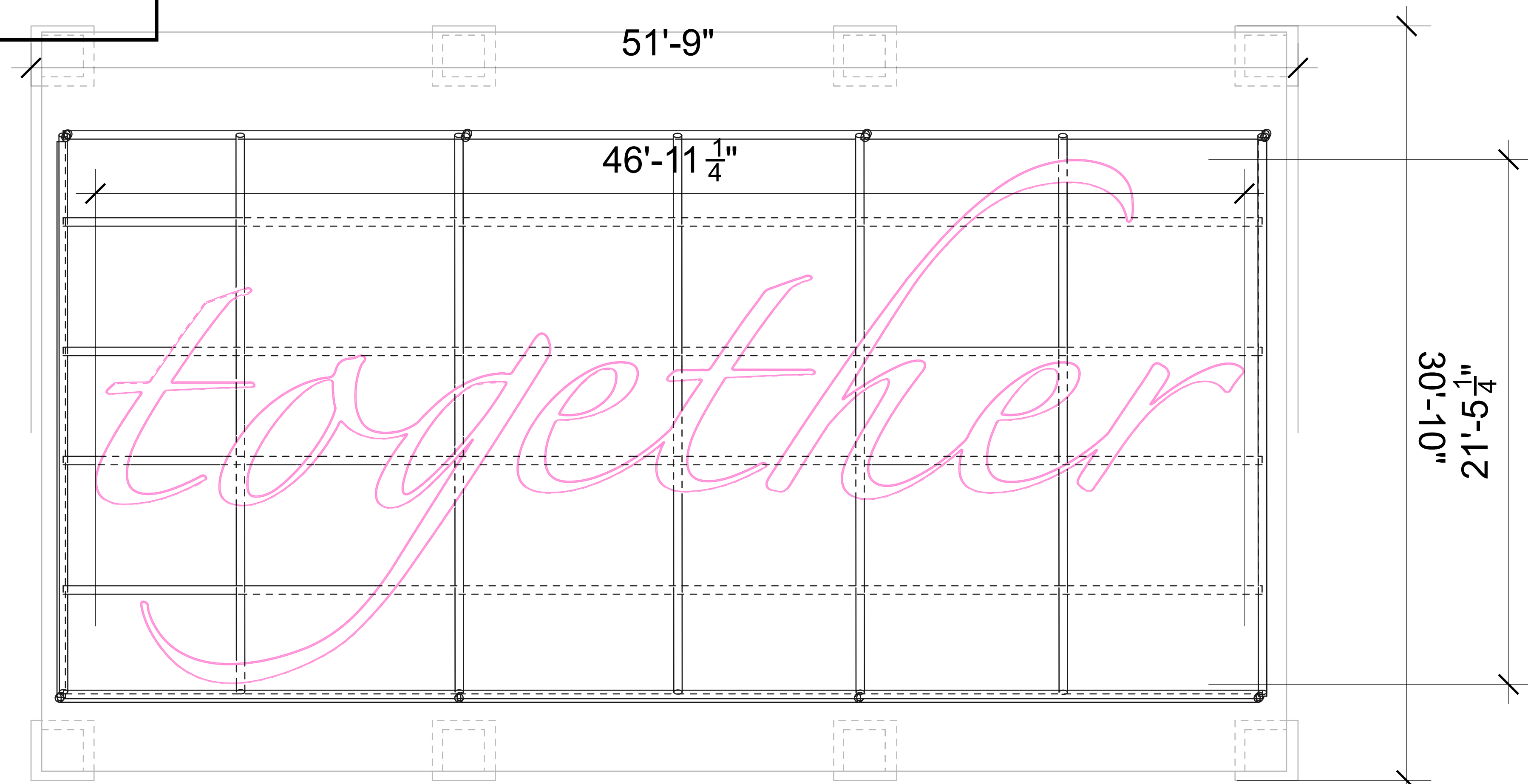
ISOLATED LABS INC.

CHRISTOPHE THOMPSON
ARISTOTLE BURROWS
ERICA SELLERS
NEVILLE WAKEFIELD

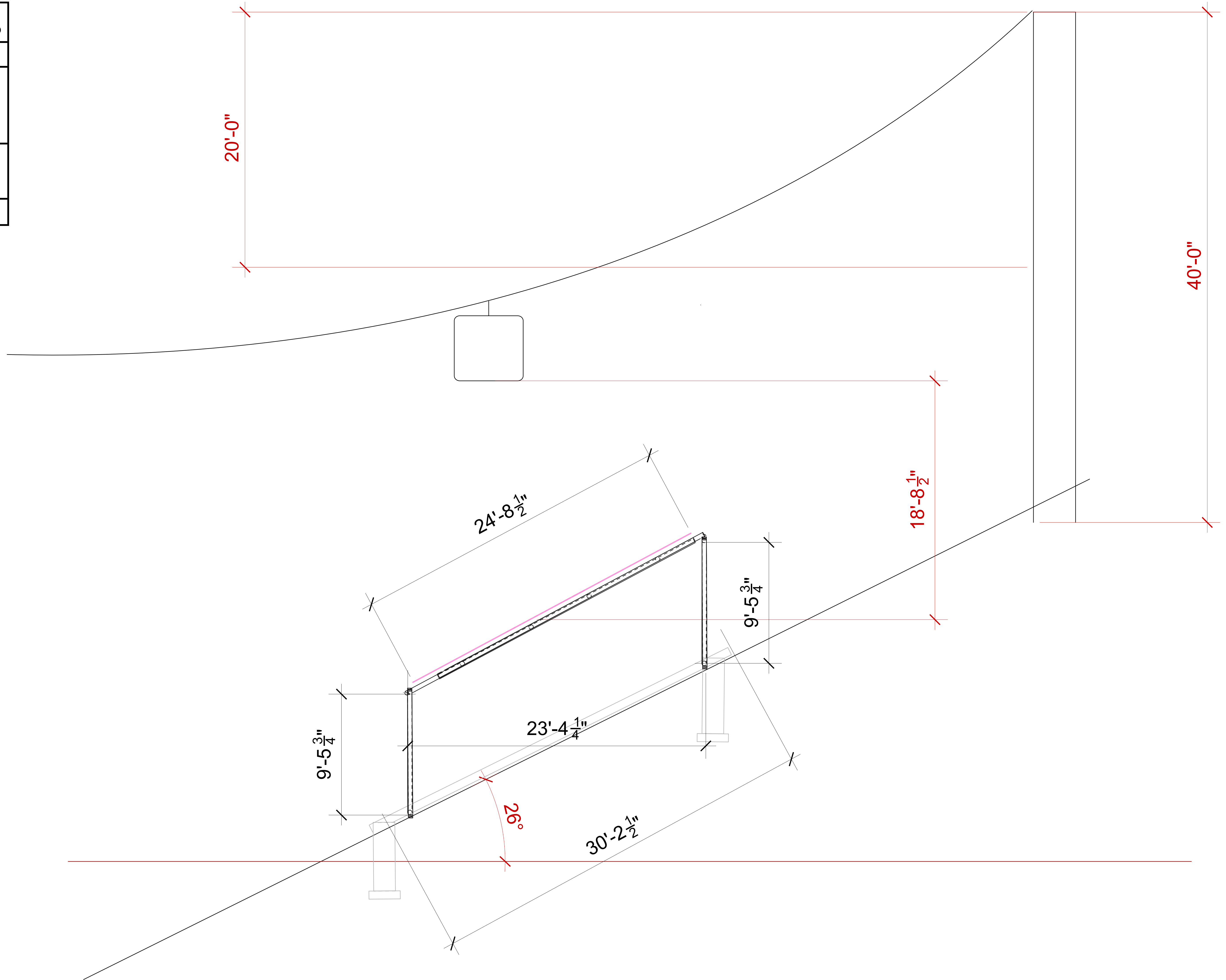
TELLURIDE FOUNDATION

JUDY KOHIN/THE AHH HAA
SCHOOL FOR THE ARTS

SCALE: 1" = 3'

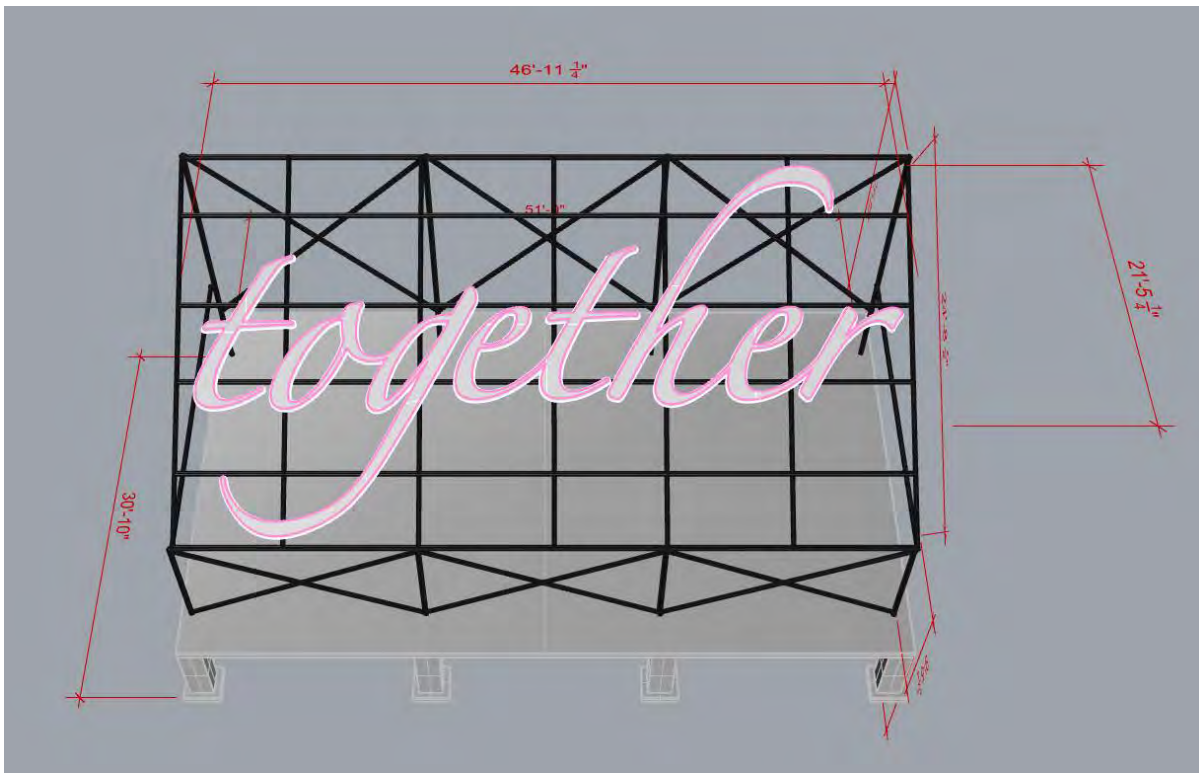
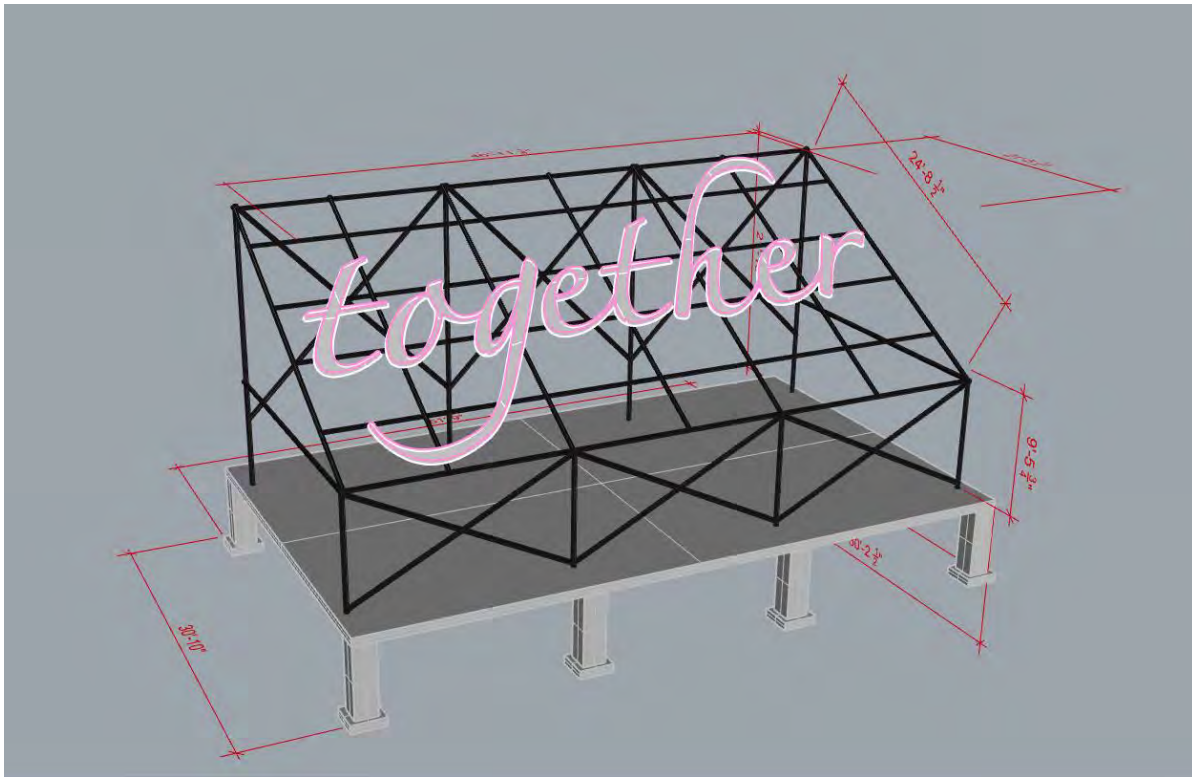


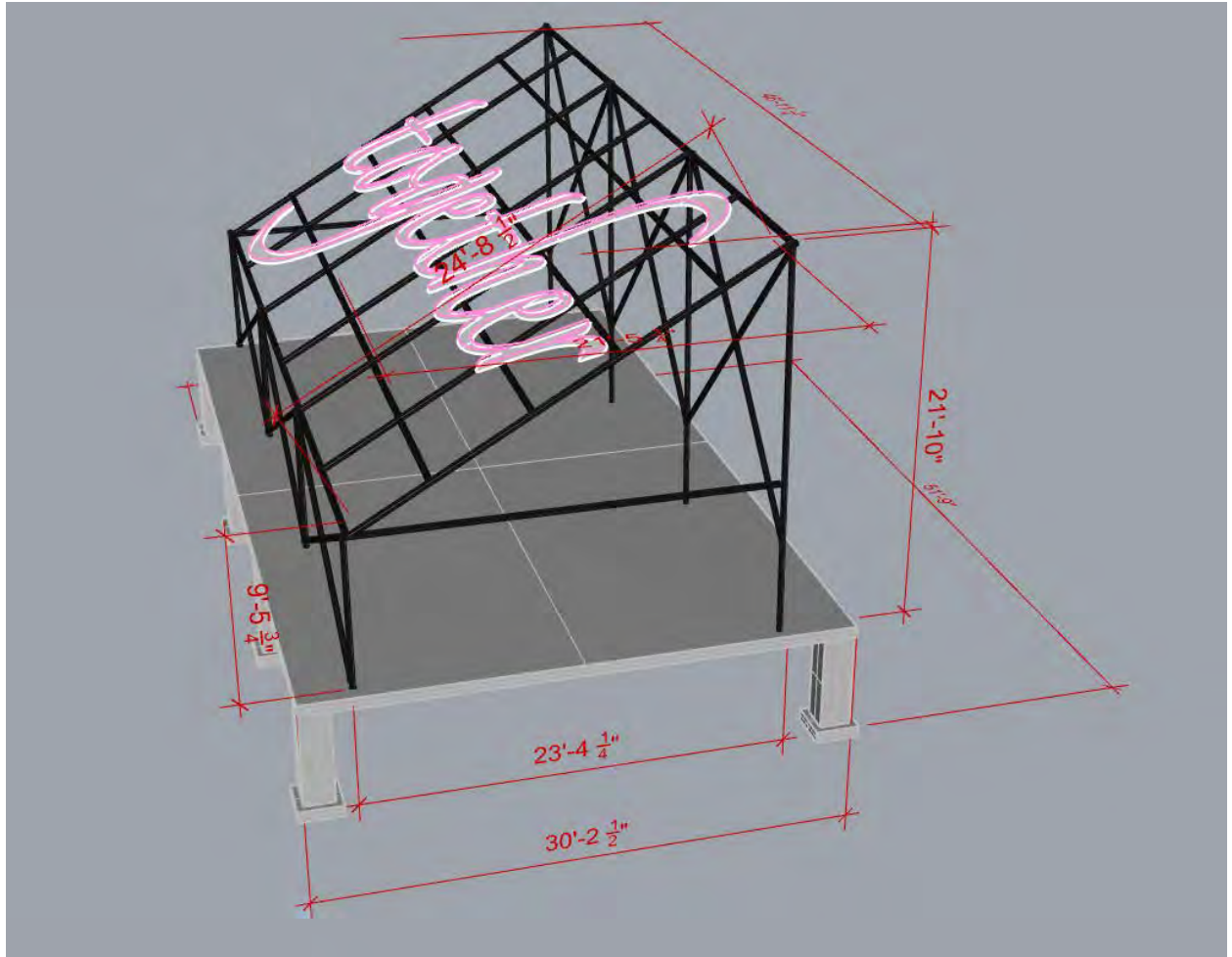
WE ARE IN THIS TOGETHER MOUNTAIN VILLAGE & TELLURIDE, CO
HEIGHT DETAIL 10.01.19
ISOLATED LABS INC. CHRISTOPHE THOMPSON ARISTOTLE BURROWS ERICA SELLERS NEVILLE WAKEFIELD
TELLURIDE FOUNDATION JUDY KOHIN/THE AHH HAA SCHOOL FOR THE ARTS
SCALE: 1" = 3'



Together

The Largest word of the 5 in the Installation





“WE ARE IN THIS TOGETHER”, MOUNTAIN VILLAGE, CO
LIGHTING INFORMATION AND BRIGHTNESS METER



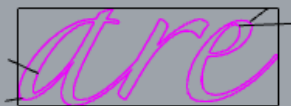
369ft linear footage of neon for "together"
39,852 lm @ 100% brightness
= 1/5x 250W HPS streetlamp



164ft linear footage of neon for "together"
17,712 lm @ 100% brightness
= 2/3 brightness of 250W HPS streetlamp



77ft linear footage of neon for "together"
8,316 lm @ 100% brightness
= 1/3 brightness of 250W HPS streetlamp



115ft linear footage of neon for "together"
12,420 lm @ 100% brightness
= 1/3 brightness of 250W HPS streetlamp



157ft linear footage of neon for "together"
16,956 lm @ 100% brightness
= 2/3 brightness of 250W HPS streetlamp

882ft linear footage of neon overall

Based on the 15-20mm warm Fuchsia color that has been selected for this installation, the following projected brightness levels have been estimated for each word in the installation. Carl Everett, a lighting expert from Sense lighting <https://www.senselighting.com>, determined these estimates.

Word	Lumens emitted	As compared to 60W household bulb	As compared to 250W HPS streetlamp
Together	39,852	25x as bright	1.5 x 250W
this	17,712	12x as bright	2/3 as bright
in	8,316	5x as bright	1/3 as bright
are	12,420	8x as bright	1/2 as bright
We	16,956	10x as bright	2/3 as bright

As the data shows, each word in the installation is brighter than a normal household lamp, but when compared to a commercial reference, most of the words in the installation (except for 'together') are much dimmer than a standard streetlamp.

As a point of reference, in the attached photo of the Madeline Hotel, please notice the streetlights near the porte cochere. Although it is not possible to know from the photo exactly what light bulbs are being used in these lamps, our estimate is that each light fixture (there are two per lamp post) uses a standard 250W high-pressure sodium lamp.

Imagine this streetlamp, on the hill far away from the context of the Madeline to illustrate that fewer lumens would be created by the neon from each word in the installation, as would be from the street post.

Another important aspect of this installation is that the lumens emitted from this installation do not project from a "point source" like in the case of a streetlamp, but rather from a diffused area spread over hundreds of feet. The distances involved inherently reduce the apparent brightness of the neon light source.

Conclusion:

Because most words in the installation will be no brighter than a standard streetlight and since the lumens emitted are diffused over a large service area, this neon installation will not create unwanted residual lighting effects on the surrounding area. This installation is designed to be viewed specifically while riding the gondola.

A series of dimmers will further control the lumen output by managing the desired light for daylight viewing vs. night viewing as well as summer viewing vs. winter viewing (snow present).

An on/off switch will align with the gondola operating hours but can manually turn the installation off and on when desired.



September 30, 2019

Elaine Demas
Vice President Initiatives
Telluride Foundation

RE: OSP-49R Wetland review

Lanie,

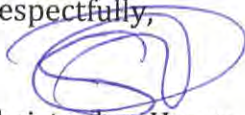
Thank you for taking the time with me on September 27 to review the portion of OSP-49R where the conceptual art installation is proposed.

Based on my observations in the field, I do not believe that there are any wetland areas or other hydrologic resources that will be directly or indirectly impacted by the proposed installation. The locations for the footer/foundation bases of the proposed scaffolding are all located under the gondola line – a corridor that has seen somewhat heavy disturbance in the past. Presently, the corridor between Gondola towers 8 and 10 is dominated by a mix of herbaceous species and grasses that are typical of revegetation completed with a seed blend called “mountain mix” which was used for many years on the ski area. It is dominated by grasses (brome, fescue, and redtop) and herbs (clover and yarrow) which are all considered upland species. These species of grass and herbs do not typically occur in wetland environments, and are not considered indicators of wetland habitat.

Additionally, we looked at the location where the electrical utility will be accessed – this location is north of the gondola line where an electrical transformer presently exists. The corridor between the existing transformer and gondola line does not contain any wetland areas either, and trenching for the buried electrical line should not have an impact on groundwater in the vicinity of the proposed art installation.

If you have any questions concerning my observations or the opinions I have shared with you in this memo, please feel free to contact me via email at chazenz@gmail.com or via telephone at 970.708.1221.

Respectfully,



Christopher Hazen
Principal, The Terra Firm, Inc.

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE,
MOUNTAIN VILLAGE, COLORADO
APPROVING A CONDITIONAL USE PERMIT FOR THE INSTALLATION OF PUBLIC ART
ON TRACT OSP-49R**

Resolution No. 2019-- __

1. Telluride Ski and Golf, LLC (Owner) is the owner of record of real property described as Tract OSP-49R; and
2. The Owner has consented to Ah-Haa School for the Arts (Applicant) pursuing the approval of a Conditional Use Permit to allow for the installation of public art installation on Tract OSP-49R, Town of Mountain Village and the Applicant has submitted such application requesting approval of the Conditional Use Permit; and
3. The proposed development is in compliance with the provisions of Section 17.4.14 of the Community Development Code (CDC); and
4. The Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on November 7, 2019. Upon concluding their review, the DRB voted 5-2, K. Brown and Craige dissenting, in favor of the Conditional Use Permit and recommended approval to the Town Council with conditions to be considered by the Town Council; and
5. The Town Council considered and approved this application subject to certain conditions as set forth in this resolution, along with evidence and testimony, at a public meeting held on November 21, 2019; and
6. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates and/or dates from which such hearings were continued by mailing of public notice to property owners within four hundred feet (400') of the Property and posting the Property, as required by the CDC; and
7. The Applicant has addressed, or agreed to address and/or abide by, all conditions of approval of the Application imposed by Town Council based upon a recommendation for approval by the DRB; and
8. The Town Council finds the Application meets the Conditional Use Permit requirements contained in CDC Section 17.4.14 as follows:
 1. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan;
 2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;
 3. The design, development and operation of the proposed conditional use shall not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;
 4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;

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

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A TEMPORARY PANNING SLUICE AMUSEMENT ON OS-3X AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

1. Prior to installation, the applicant shall receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.
2. Per the request of the Public Works Director, the applicant shall submit a revised cutsheet prior to the December 12, 2019 Town Council meeting indicating overlaying the We are in this together installation with existing utilities to determine there will not be any damage to the infrastructure nearby.
3. Per the request of the Transit Director, the applicant shall work with gondola management during construction and removal phases to ensure there are no impacts to gondola infrastructure or operations.
4. The art installation shall only be visible and lit during the gondola hours of operation.
5. The art installation shall be in full working order and a maintenance and/or repair expectation determined so that all lighting is operational or repaired within a short period of time.
6. The Conditional Use Permit shall be valid for a period of 18 months with a quarterly review by the Planning Division Staff, with the applicant responding to any valid issues as they arise during the operation or annual review. Should, in the Planning Division Staff's sole discretion, significant issues arise concerning the Conditional Use Permit and the activities permitted thereunder arise, the bi-annual review may be elevated to the Town Council. The applicant shall in writing inform Planning Division Staff of any minor operational changes which shall be processed by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.
7. Staff has the authority to suspend operations if it is determined that the applicant or operator has failed to meet the conditions of approval.
8. The applicant shall, as needed, revegetate the site of the art display to a natural pre-disturbed state. This includes revegetating after the lattice structures have been removed at the end of the conditional use permit term.
9. The applicant shall post a cash deposit of one hundred twenty-five percent (125%) of the estimated costs to remove the art installation. This bond shall be held to guarantee that the installation will be deconstructed at the end of this 18-month period. Should the art installation be taken down in a timely and satisfactory manner, the town will release the bond.

Be It Further Resolved that OSP-49R may be developed as submitted in accordance with Resolution

No. 2019-1121-__

Approved by the Town Council at a public meeting November 21, 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