

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE, MOUNTAIN VILLAGE, COLORADO  
APPROVING A CONDITIONAL USE PERMIT FOR EQUESTRIAN USES ON LOTS 128, OS-1-  
R-1, OS-1C, OS-R7, AND OS-36**

**RESOLUTION NO. 2018 -1213-30**

- A. Telluride Ski and Golf, LLC (Owner) is the owner of record of real property described as Lots 128, OS-1-R-1, OS-1C, OS-R7, and OS-36;
- B. The Owner is pursuing the approval of a Conditional Use Permit to allow for the operation of Winter Sleigh rides as well as boarding of horses on Lots 128, OS-1-R-1, OS-1C, OS-R7, and OS-36, 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 December 6, 2018. 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 December 13, 2018;
- E. The Town Council approved the Conditional Use Permit for equestrian uses for Lots 128, OS-1-R-1, OS-1C, OS-R7, and OS-36, along with evidence and testimony, at a public meeting December 13, 2018;
- 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 shall enter into a License Agreement with Telluride Wranglers before beginning operation of the business which requires Telluride Wranglers to abide by the conditions of this Resolution and all other Town laws, rules and regulations. The applicant shall, shall provide this License Agreement to the Town Attorney prior to commencing operations in order to allow for review to ensure this condition is met.
2. 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.
3. The riding or walking of horses is allowed only on approved, developed equestrian trails on active open space or on USFS land, with the open space owner's written permission.
4. The boarding of horses on any lot shall neither threaten the health, safety and welfare of any individual, any horse or any wildlife within the town nor adversely affect the environment.
5. The owner shall be responsible for the prompt and proper disposal of excrement in such a manner that minimizes and mitigates odor, unsightliness and infiltration or other damage to the environment.
6. No structure, including a fence, related to the boarding, riding or maintenance of horses or the development of any horse path, equestrian trail or training area can occur within fifty (50) feet of a lot line that adjoins active open space or USFS land or within one hundred (100) feet of any other lot line. All development shall meet the requirements of the Design Regulations.

7. The applicant shall ensure that any snowmobiles associated with delivery of hay mitigate conflicts with skiers by limiting deliveries to before or after the opening and closing of the ski area daily.
8. The applicant shall secure the corral, horses, or other operational elements that may attract the public.
9. The business shall be allowed to operate generally from December to April seven (7) days a week. The applicant is limited to one 50' x 50' corral, two (2) sleighs and four (4) horses. The property owner and/or operator shall limit sleigh rides to times between 4:25PM and 8:30PM.
10. The applicant shall restrict all artificial noise at the site of the corral (e.g. radios, Bluetooth speakers or similar devices, and audible two-way radios).
11. The Conditional Use Permit shall be valid for a period of five (5) years with an annual 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 annual review may be elevated to the Town Council. By no later than October 1<sup>st</sup> of each calendar year, 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.
12. Staff has the authority to suspend operations if it is determined that the applicant or operator has failed to meet the conditions of approval.
13. Applicant shall solely utilize the alternate corral location as presented at the December 6, 2018 Design Review Board Meeting.
14. The applicant shall, as needed, annually revegetate the site of the corral and any associated equestrian use areas to a natural pre-disturbed state.

**Be It Further Resolved** that Lots as Lots 128, OS-1-R-1, OS-1C, OS-R7, and OS-36 may be developed and submitted in accordance with Resolution No. 2018-1213-XX.

#### **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 December 13, 2018 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 4. Public Meeting**

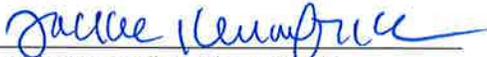
A public meeting on this Resolution was held on the 13th day of December 2018 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public meeting held on December 13, 2018.

**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