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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL  
RESOLUTION NO. 32  
SERIES OF 2021**

**A RESOLUTION REGARDING APPROVAL OF AN ANNUAL TEMPORARY USE PERMIT FOR  
A SINGLE VIEWING PLATFORMS ON LOT 7 OF THE BASE VILLAGE PUD**

**WHEREAS**, East West Partners, Applicant is requesting an Annual Temporary Use Permit to construct a single viewing platform with stairs plus a sign variance addendum on Parcel 7, Base Village PUD;

**WHEREAS**, Section 16A-5-260 of the Town of Snowmass Village Municipal Code (“Municipal Code”) provides a mechanism for the Town to consider activities of a temporary or short-term nature that provide or facilitate an overall benefit to the community or further an official policy or objective of the Town, such as temporary activities of a civic, educational or cultural nature or entertainment-oriented activities;

**WHEREAS**, Section 16A-5-260(a)(3) states, “An annual temporary use permit may be issued to any short-term use not allowed as a use by right, or as an accessory use or special review use in the particular zone district where the use is proposed, or that involves the construction of any structure, provided that the described use lasts for a period of time in excess of ten (10) days, but not to exceed one (1) year”;

**WHEREAS**, Municipal Code Section 16A-5-260(b) establishes a Review Procedure for Annual or Administrative Temporary Use Permits;

**WHEREAS**, Municipal Code Section 16A-5-260(c) Application Contents sets forth the minimum contents for temporary use applications;

**WHEREAS**, Municipal Code Section 16A-5-260(d) establishes the Review Standards for temporary use permits;

**WHEREAS**, a public meeting was held by the Planning Commission on July 21, 2021 to review the Application. A recommendation of approval was forwarded to the Town Council pursuant to PC Resolution No. 3 Series of 2021.

**WHEREAS**, a public hearing was printed in the Aspen Times on July 28, 2021 for a scheduled Town Council meeting on August 16, 2021;

41           **WHEREAS**, at the August 16, 2021 public hearing, the Town Council reviewed the  
42 application, the staff report and considered public comments regarding the Temporary Use Permit  
43 proposed herein;

44  
45           **NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Snowmass Village,  
46 as follows:

47  
48           **Section One: Findings.** The Town Council finds that:

- 49  
50           1. The application for the annual temporary use permit and the supplemental sign variance  
51 have been submitted in accordance with the requirements of Municipal Code Section 16A-  
52 5-260(b)(4)(b), Annual Temporary uses and Section 16A-4-580, Sign variances.  
53  
54           2. The renewal does not conflict with the Municipal Code Section 16A-5-260(a), Purpose and  
55 Authority.  
56  
57           3. The renewal adequately addresses the topics outlined in Municipal Code Section 16A-5-  
58 260(b), Review Procedure.  
59  
60           4. Lot 7 is approximately 2.215 acres and is approved for mixed-use development pursuant  
61 to Ordinance 1, Series of 2018, regarding the approval of the Base Village Final PUD  
62 Amendment.  
63

64           **Section Two: Action.** In accordance with the findings stated in Section One of this Resolution,  
65 the Town Council hereby approves the Application for an Annual Temporary Use Permit accepting  
66 the recommendations of the Planning Commission in PC Resolution No. 3, Series of 2021, and  
67 subject to the following Conditions:  
68

69           **A. CONTACT, LOCATION, LIMITATIONS, HOURS OF OPERATION, and DURATION**  
70

- 71           1. The Applicant, East West Partners, received approval for an Annual Temporary Use  
72 Permit on Lot 7, Base Village PUD (future site of Building 12).  
73  
74           2. Approval for a single viewing platform with stairs approximately 17 feet in height to top of  
75 railing located at the southeast corner of the current Viceroy “wedding lawn”.  
76  
77           3. Approval to locate no more than two (2) for sale’ ‘for-sale’ signs placed on the viewing  
78 platform so long as the total square footage does not exceed thirty-two (32) square feet  
79  
80           4. Hours of operations shall be during the daylight hours with visitations by appointment.  
81  
82           5. The viewing platforms shall be secured by a locked gate on the stair entries as a safeguard  
83 with posted “No Trespassing” signs.  
84

- 85 6. The platform will be removed by August 31, 2022 unless extended by request and  
86 approved by the Community Development Director.  
87

88 **B. AUTHORIZATION**  
89

- 90 1. Use of any privately owned property, including the location of any vehicles, equipment or  
91 materials within said property, is not authorized without the express written approval of the  
92 landowner. A copy of said approval shall be forwarded to the Town Planning Department  
93 prior to the commencement of this temporary use permit.  
94  
95 2. Future renewal of this Annual Temporary Use Permit may be approved administratively  
96 when the Planning Director determines that the site conditions and/or operations remain  
97 unchanged or when any proposed changes or circumstances are determined to be  
98 insubstantial in nature and generally consistent with this approval.  
99

100 **C. GENERAL**  
101

- 102 1. Applicant shall be responsible for supervising all aspects of this activity to ensure  
103 conformance with the terms and conditions of this annual temporary use permit.  
104  
105 2. Applicant is responsible for full and complete compliance with all applicable Federal, State  
106 and Local laws and regulations in the management and operation of this annual temporary  
107 use.  
108  
109 3. Applicant shall promptly notify the Town Planning Department of any additions,  
110 modifications or amendments to the Operations Plan. Any such changes should not be in  
111 conflict with the findings and review standards relative to this Annual Temporary Use  
112 Permit and are not permitted without written approval of the Town Manager or designee.  
113  
114 4. Applicant acknowledges that due to the nature of this type of use, certain impacts  
115 associated with the operation that may affect surrounding properties may not have been  
116 apparent at the time this application was made. In the event the Applicant or Town  
117 receives any complaint arising from this annual temporary use, Applicant shall exhibit due  
118 diligence in attempting to resolve the problem. Failure by the Applicant to demonstrate  
119 that reasonable efforts were made to resolve a significant majority of any such complaints  
120 shall be cause for modification or revocation of this permit.  
121  
122 7. The temporary use and/or events shall not generate debris, excessive noise, traffic or  
123 congestion that will adversely or unreasonably affect the surrounding lodging operations,  
124 private residences and other special events or activities.  
125  
126 8. Activities on the viewing platforms shall occur during daylight hours.  
127

128 **D. CONSTRUCTION**  
129

- 130 1. At the time of building permit application, the viewing platforms will be required to meet  
131 the minimum provisions of the 2015 International Building Code for deck and stair

132 construction. This will include foundation details, structural loading requirements, stair  
133 construction & geometry, guard provisions, and hand railing details.

- 134  
135 2. Town Police is not providing security for this annual temporary use.  
136  
137 3. Should the temporary use or special event involve major disruptions in normal traffic  
138 flow, the applicant shall mitigate for traffic disruption.  
139

140 **F. INSURANCE and LIABILITY**

- 141  
142 1. Applicant agrees to indemnify and hold the Town harmless from all cost, loss, damage,  
143 expenses, (including attorney and expert fees), and claim of liability of any and every kind  
144 (collectively "Claims") which may arise as a direct result of activities in which Applicant is  
145 engaged or over which the Town has control with respect to the use of the above described  
146 property pursuant to this permit. The forgoing shall obligate Applicant to defend any claims,  
147 suits or other proceedings naming the Town of Snowmass Village as a defendant on any  
148 claim that may arise as a direct result of Applicant's use of the above described property  
149 pursuant to this permit.
- 150 2. Attorney Fees. In the event litigation is necessary to enforce the rights of the Town under  
151 this Agreement, the Town shall be entitled to reimbursements of its reasonable attorney fees  
152 and costs of suit, actually incurred in the litigation, as part of its judgment or award.  
153

154 **Section Four. Severability.** If any provision of this Resolution or application hereof to any  
155 person or circumstance is held invalid, the invalidity will not affect any other provision or  
156 application of this Resolution which can be given effect without the invalid provision or application,  
157 and, to this end, the provisions of this Resolution are severable.

158 **INTRODUCED, READ AND APPROVED WITH CONDITIONS** by the Town Council of the  
159 Town of Snowmass Village on August 16, 2021, upon a motion by Town Council  
160 Member \_\_\_\_\_, and the second by Town Council member \_\_\_\_\_, and upon a vote  
161 of \_\_\_\_ in favor and \_\_\_\_ against.

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163 TOWN OF SNOWMASS VILLAGE

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168 Bill Madsen, Mayor

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170 ATTEST:

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172  
173 \_\_\_\_\_

174 Rhonda B. Coxon, Town Clerk

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177 APPROVED AS TO FORM:

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180 \_\_\_\_\_  
John C. Dresser, Jr., Town Attorney

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