

SMA NEWS

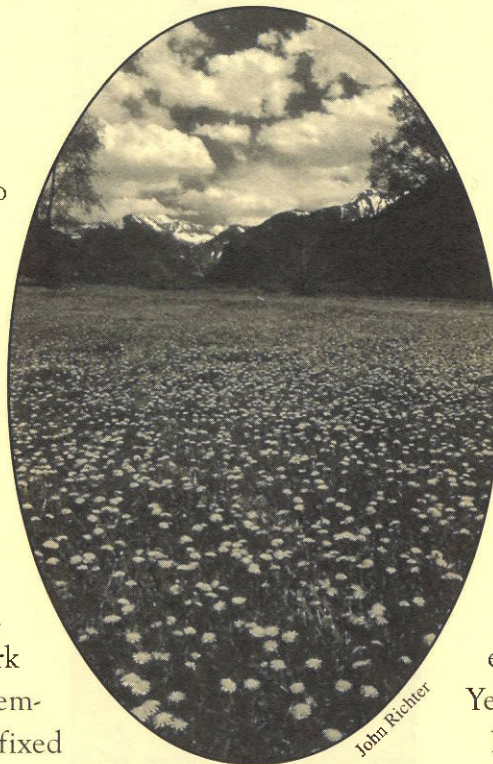
SHEEP MOUNTAIN ALLIANCE · SPRING 2002

A grassroots citizens' group protecting the natural environment of Telluride, Colorado and beyond...

VALLEY FLOOR THE TIME IS NOW

Telluride voters are being asked to decide the fate of the beloved and passionately debated Telluride Valley Floor.

On June 25, 2002, Telluride voters will have an opportunity to give the Town of Telluride the green light to exercise its constitutional right of eminent domain for acquisition of the 570 acre Valley Floor. Once the ordinance is passed, the town will then begin the hard work of completing the steps toward condemnation, always with an eye firmly fixed



John Richter

upon the ultimate goal of preservation for open space and restoration of the land.

This edition of SMA news is dedicated to the Valley Floor. Inside you will find answers to questions, discussion of the most frequently debated issues surrounding the topic, the ordinance itself and most of what you need to know to understand the issue. SMA encourages Telluride voters to Vote Yes for the Valley Floor on June 25th.

It's now or never!

When I first began working for Sheep Mountain Alliance, almost four years ago, the number of members who rated Valley Floor preservation as their number one environmental issue in our region, struck me. Those members instinctively knew what scientists, historians and open space experts have since stated:



The Valley Floor demands protection.

It brings me great joy to embrace the dream of Valley Floor preservation with Sheep Mountain Alliance members and most citizens of our region. I believe that fate is now perfectly aligned for success in this mutually held goal. We have momentum, we have the will of the people, we have the law behind us, we have open space funding and we have generous donors, waiting in the wings.

The energy among the community is palpable. It's our best chance ever to make it real; to acquire the land, immediately turn it over to a conservation easement as was done with the Bear

Creek Preserve, and to restore the ecology of the land, using abundant federal funding that is available.

The words of condemnation attorney, Pat Tisdale, who spoke at SMA's Rally for the Valley II on March 4, 2002, were sobering:

"Condemnation is not for the faint of heart." But, as she reaffirmed for us, it is legal, it is doable and it has been done, more often successfully than not, by a margin of more than nine to one. Yes, we have a very good chance of succeeding.

The many people working passionately on achieving Valley Floor preservation each have their own motivation for doing so. Mine is the dream of linking arms again to walk across the Valley Floor, on the day the land is turned over to its rightful stewards: the people of this region.

If there's one thing Telluride citizens are not, it is faint of heart.

Together we can free the Valley Floor!

Journ May
SMA Executive Director

Sheep Mountain Alliance Mission Statement

Sheep Mountain Alliance is a grassroots citizens organization dedicated to the preservation and protection of the natural environment and unique quality of life in the greater Telluride region.



The Ordinance in a Nutshell

SMA drafted an ordinance to space protection.

condemn the Valley Floor with the help of SMA members including attorneys Bob Korn and Gordon McPhee. Adoption of this ordinance will be voted upon, in a special Town of Telluride election on June 25, 2002.

The Valley Floor ordinance is based upon the goals and objectives of both the Town Master Plan and Land Use Code, and the priorities of the Town's Open Space Commission.

It was initiated by Telluride residents, and received more than enough certified signatures to get onto the ballot for a special election on June 25, 2002 for Town of Telluride electors.

This partial condemnation initiative replaces an ordinance for full condemnation drafted by the Telluride Town Council, which died for lack of consensus more than a year ago. The SMA ordinance takes many of the concepts and much of the language from the previous ordinance, but outlines a condemnation that brings the number of acres down from 840 to 560 and focuses solely on open

SMA's ordinance, if passed with authorization to condemn only the south side of the Valley Floor and stipulates that the land will only be used for recreational with no building of structures and restoration of the land.

SMA's ordinance stipulates that the land will be used only for recreational uses including:

- Nature walks, trails and areas for hiking, bicycling, running, cross-country skiing,
- Hangglider and paraglider landing,
- Parking and camping for festivals,
- Temporary associated uses such as public sanitation facilities, and other public park purposes not requiring improvement of the land or placement of structures.

The ordinance authorizes the Town to immediately place conservation easements on the land and to turn the land over to a land conservation organization.

It allows for ecological restoration of the land using available funding sources.

We encourage electors of the town of Telluride, and others interested in the issue, to read the citizen's Valley Floor initiative, printed in full in this newsletter, and available at Town Hall, the Wilkinson Library and at Sheep Mountain Alliance's office.

Won't Town just develop the land?
Definitely not. The condemnation ordinance states that the purpose of purchasing the Valley Floor is as open space and ecological restoration, with no development allowed. A conservation easement will be immediately placed on the property to ensure that. Similar language has successfully protected the Bear Creek Preserve.

Isn't the land already trashed? Who will pay to restore it?
While the land has some significant mining and ranching impacts, it remains an important and unique ecological habitat, as scientific surveys performed by Sustainable Ecosystems Institute have shown. Several state and federal funding sources are available for wetland restoration, including the Army Corp., the Dept. of the Interior, Environmental Protection Agency, Great Outdoors Colorado, North Atlantic Wetlands Conservation Act, the National Fish and Wildlife Foundation, Natural Resource Conservation Service and others.

Can't we save the south side using other development tools?
No. Not without the landowner's cooperation. There are a number of tools available to the Valley Floor, but SMVC has not expressed a willingness to use them for complete south side preservation.

CONDEMNATION IS NOT EVIL

Why are we using condemnation instead of negotiating an agreement?

The Valley Floor owner does not want to sell the land. Condemnation is a means of purchasing property for fair market value from an unwilling seller, as SMVC is here. It is a right noted in the 5th Amendment of the US Constitution and a technique that was used to acquire Central Park in New York City, over 900 acres of open space around Boulder, Colorado, the Texas Rangers ballpark in Arlington (for George W. Bush), and many of the utility lines, roads, schools, and hospitals in this country.

Won't condemnation bankrupt the town?

No. If the appraisals come back and the Town determines that it cannot pursue condemnation, it will only have spent money (from the Open Space fund) on appraisal costs for the two sides and the cost of the Town's condemnation attorney (no more than \$550,000 for the two appraisals and less than \$200,000 for the Town's attorney (remembering that there will be no court costs to that point).

There are those who like to paint condemnation as some kind of evil endeavor. Even the word itself has a pejorative connotation. And if you also use the word "taking" interchangeably, then certainly you have put a spin to a completely legitimate governmental activity that it does not warrant.

However, the right to own property itself comes from the government. It is not found in the bible; its only source is the law. The grant of the extraordinary privilege of owning the earth remains subject to the sovereign's paramount right to recover property when necessary. If the government did not reserve unto itself the right to repurchase private property at fair value, then it would be at the mercy of a select group of its citizens. Keep in mind that condemnation is only needed when the property owner seeks to thwart a legitimate governmental purpose.

Most schools, roads, hospitals, police and fire-stations, housing projects, parks and other public facilities are built on condemned property, or property conveyed back to the state under threat of condemnation. Everyone knows that his or her property may be acquired for a public purpose. It's in the Constitution and provided for under Colorado law. San Miguel Valley Corp. knew all along that its prop-

erty could be condemned. Indeed, it is hard to imagine that SMVC has not itself availed itself of the use of condemned property when it needed a nuclear waste disposal site.

The grant of the extraordinary privilege of owning the earth remains subject to the sovereign's paramount right to recover property when necessary.

To those who say that it is wrong to condemn property, I say if it is wrong to condemn property then it is a greater wrong to allow an individual to own a portion of the earth's surface that is needed for the general welfare of the community. So let's take the rightness and wrongness out of this discussion and deal with the real issue here: is this community willing to protect for all times its core values by the purchase of the south side of the valley floor for fair value?

John Steel

CHUCK KROGER • KATHY GREEN
970-728-3596

BONUS

CONSTRUCTION

Supports Valley Floor preservation.
Box 303 • TELLURIDE, CO 81435

San Miguel Electric

Supports the effort to Save the Valley Floor

970-728-3204

ACQUISITION WON'T INCREASE TAXES

In 1993, Telluride voters approved a unique and progressive system that enforces the Open Space and environmental values so strongly held by our community. The twenty percent solution mandates that twenty percent of all town revenues be used for open space. 'All town revenues' includes sales taxes, business license fees, real estate transfer taxes and property taxes.

This funding source is already in place. Funding for the Valley Floor will NOT be a new tax or increase an existing tax. The open space funds can only be used for open space and associated costs. They can't be used for parking lots, streetscapes, river restoration or anything else. Open Space funds are earmarked for open space acquisition.

Money for open space has been accruing, at a slightly higher rate each year, ever since that progressive Telluride law was put into place. Last year 1.2 million dollars accrued in the fund, bringing the fund balance to over five million dollars, projected by the end of this year. The town already has pre-approved bonding capacity for another five million. If needed, and it probably will be, voters will have to approve additional funds via a bond to be paid back by dedicated open space funding. It will not be a tax increase. It will also be possible to use some of the future funds for future open space purchases, while simultaneously paying back the bonds. This will not affect other potential town bonds. The town's most recent appraisal found the south

One thing is for sure, if we don't do it now, it will surely get more expensive in the future and we'll regret not having acted while we could



Gus Gusciora

side of the Valley Floor to be valued at about \$15 million. In Colorado condemnation cases, the final value of the land usually comes in within twenty percent of the condemning entity's appraisal, according to land use attorney, Pat Tisdale.

Sheep Mountain Alliance has already raised over 5.5 million dollars toward Valley Floor preservation, to be used should the town's assets fall short of the money needed to purchase the land (including attorney and appraisal fees.)

If you think the Valley Floor is too expensive, consider that the town's budget is \$23 million a year, the new library cost over \$9 million and the high school cost about \$11 million. For 570 acres of environmentally important land, for which we already have the money, and the open space funds can only be used for Open Space acquisition, we can't afford not to go forward with condemnation.

One thing is for sure, if we don't do it now, it will surely get more expensive in the future and we'll regret not having acted while we could to secure what the Telluride Open Space Commission has rated its number one priority since 1996.

Telluride has been setting itself up perfectly for this moment of opportunity to arise. We have the funding and the will of the people in place to acquire our number one open space priority. Now is the time for Valley Floor acquisition.

Joan May

How Condemnation of the Valley Floor Will Work

Legal fees and appraisal fees (to the point at which we know whether we have sufficient funds to proceed with condemnation) should not exceed \$1.5 million. This figure is a high estimate based on information from Leslie Fields, the Town's condemnation attorney, Pat Tisdale, an outside condemnation attorney, and previous expenditures from the town.

Town will not be liable for SMVC's attorney fees unless SMVC can establish that Town acted in bad faith, which is further defined as a "vexatious claim; conduct which is arbitrary, abusive, or stubbornly litigious; groundless or frivolous." A town with a reasonable belief that it has a right to condemn and the funds available to do so based on its information is not acting in bad faith. Further, according to Colorado law, claims that present novel questions for which no determinative authority exists, cannot be frivolous. Because the Town is going into a potential condemnation with the expectation of successfully making an offer to pay fair market value to acquire the south side of the Valley Floor for open space, it is acting in good faith. Also, what is good for the goose is good for the gander — if SMVC is found to be vexatious or stubbornly litigious, it could be responsible for the Town's legal fees.

No attorney's fees can be assessed against the Town if it withdraws from condemnation proceedings after the exchange of appraisals. Therefore the Town can reach

the point at which it knows the outside range of values and thus whether it has enough money to proceed with condemnation before it expends funds on lawyers. As established through case law, Town may discontinue condemnation proceedings at any time until the owner's right to compensation has become complete.

The Town's initial appraisal cost nearly \$250,000; a new appraisal by the same appraiser or even by a different one should be able to draw on that one, thus lowering the costs. SMVC's appraisal cost should also fall within (generously) 20% of that. The Town's legal fees to date are approximately \$73,000. Legal fees up to the exchange of appraisals should not exceed \$200,000 on either side. Thus we are looking at both sides, together, spending a total of less than \$1.1 million to the point at which the appraisal figures are known.

(See Denver and Rio Grande Railroad v Mills, 1915, and 22P 3d 960 City of Holyoke v Schlachter Farms, 2001, for legal precedent information)

People have raised the specter of SMVC's attorneys outmaneuvering those of the Town. The Town can and will hire legal counsel specializing in condemnation. SMVC's current counsel specializes in land use and development law, not specifically in condemnation. The Town's attorneys have a proven record; indeed they are the best in the state.

Anna Zivian

Save the Valley Floor!

115 W. Colorado Ave.
970-728-8789



Bob Korn
Attorney at Law

Supporting the effort to
preserve the Valley Floor.

970-728-4512
100 W. Colorado Ave.

Endorsements for Preservation

Organizations and individuals line up in support of Valley Floor preservation.

- At their 2002 general assembly, the San Miguel County Democrats voted to unanimously support condemnation of the Valley Floor.
- The National Trust for Historic Preservation has highlighted the Valley Floor as one of the eleven most endangered places in the country.

ANGELS STEP FORWARD

SMA Raises \$5,580,530 Toward Valley Floor Acquisition.

Sheep Mountain Alliance extends our deepest and most sincere gratitude to those individuals and families who have pledged to the Valley Floor Fund. To date we have raised \$5,580,530. If you would like to contribute to the Valley Floor fund, we would be happy to discuss the project with you. Pledges will be used only if Town of Telluride funds fall short of what is needed for the acquisition. All donations to Sheep Mountain Alliance and to the Town of Telluride for this purpose are tax deductible under federal law.

MARLA F. CROKE
ARCHITECTURE, INC.
122 1/2 North Oak Street
P.O. Box 2678
Telluride, Colorado
970-728-1811 tel

Supports the movement to free the Valley Floor.

What if we don't have enough money for condemnation?

If we don't have enough money, we simply do not get to buy the land. We will have spent money on appraisals, Town attorney fees, and associated court costs. These funds will come from the Open Space fund.

I've heard the land might be worth \$45 million, and we can't afford that.

The Town already has had an independent appraiser value the property at \$15 million, or \$1 million per lot, less than two years ago. People who suggest the lots would be listed at \$3 million each (as high as the highest-priced, best quality lots in the region) are neglecting to take into consideration a number of costs and devaluing factors, including infrastructure costs, real estate commissions, market absorption and carrying costs, tailings cleanup, wetlands protection, possible habitat protection, lack of sunshine, former wastewater settling ponds, and Telluride Valley air quality (which is ranked worse by the EPA than that of any other ski town in the state).

Never doubt that a small group of committed individuals can change the world.

Indeed it's the only thing that ever has.

Margaret Mead

GRASSROOTS ACTIVISM: HOLDING TIGHT TO A VISION AND ACTING UPON IT

Sheep Mountain Alliance is a grassroots organization dedicated to the preservation and protection of the natural environment and the unique quality of life in the greater Telluride region.

Why are we working so hard to acquire and preserve the Valley Floor? Because it's a mission all of us at Sheep Mountain Alliance stand behind a hundred percent.

Before I became a Sheep Mountain Alliance board member, I didn't know what one person could do in the environmental realm to make a difference. I mean, I recycle and shop with my own grocery bag, and try, though I often fail, not to buy coffee in to-go cups. I once read that if you buy one to-go cup every day for a year, it's like taking the life of a whole tree. But the desire to do more—to make less of an impact—always left me feeling that I wasn't doing enough. Joining SMA board was a great step to increase both my environmental education and my level of activism. I think it

boils down to the old tenet: Think Globally Act Locally. What else can you do without making yourself crazy with despair?

On a large scale, I believe that our intimacy with land and with nature is disappearing before our eyes—disappearing so fast we don't see it happening and we don't feel the damage—the damage of a diminished experience with the raw and the untouched. All over this country, we've sacrificed our relationship with the natural world. For what? In essence, engineered convenience. Life can be so easy now if you want it to be. So faasst. So full of junk. I don't know about you, but I don't want to live in a place where an elk and I can't share a morning together. Telluride is undeniably a unique place to live, and more importantly, is full of passionate people who live pretty consciously. Personally, I believe in land preservation as an ethic in and of itself—the more the better. The Valley Floor deserves to be preserved as open space, because it is open right now and should stay that way. Among a hundred other reasons I can list, I'll name one: air quality. The Valley Floor is known for its bad air quality. In fact,

poised in an article on air quality this past February in Newsweek, was a stunning picture of the Telluride Valley with the caption: "Ain't No Mountain Clean Enough."

Add more backhoes, more cement mixers, more gravel trucks, and more traffic, and what have we just sacrificed? Our health. For whom? For more second homeowners who don't consider the resources they consume and really don't contribute to the quality of this community (there are obviously exceptions). I walked the Valley Floor the other day (so, arrest me) and I was stunned at not only how beautiful it was, but how rugged and remote it felt, just a few miles from town. I want to be able to take my kids out there and show them the beavers and watch my friends' kids grow up out there, amidst nature, as much of it as possible.

The SMA board has sat together in hours and hours of conversation, attended by a significant number of community members. Slowly, we've chipped our way through the fallacies and truths of condemnation. We've looked at it from all angles—legal, ethical, environmental, and as much as possible, through the eyes of our opposition. Would it be our number one choice to attain preservation? Of course not. But it's our only choice at this point. We have the legal right to condemn. We have great case. We have money (and we've just begun to fundraise). We have the support of most of the community. And we will persevere. And that's what grassroots activism is: holding tight to a vision and acting on it. And it feels really good.

Corinne Platt

THIS MOUNTAIN TOWN AIN'T SELLIN' OUT!

When my parents found the Telluride Valley, in the mid 70's, it was like we discovered a rare exquisite jewel- and even though the town has changed SO much (every empty square inch developed), I'm sure for many people seeing it for the first time now, it somehow still holds that same allure.

My Father, Jerry Wexler, was a very successful developer from Chicago. When he fell in love with Telluride he had the opportunity to purchase and develop hundreds of thousands of acres. It would have meant many millions of dollars to him but he chose not to. To him, as to me, Telluride was a refuge, a natural paradise, and he wanted to enjoy it that way. He didn't want to be responsible for undoing the very

thing that made it so beautiful and special. It's a haven for wildlife, a respite from fast food chains and corner malls. A place where you can imagine stepping back in time and letting the fresh air and open spaces carry your anxieties away.

But those open spaces are becoming endangered. It would be an irreversible mistake to develop the Valley Floor. The Valley Floor is our entrance, it sets the tone. At this point it is what keeps us from being like those other ski towns: "A mall with a mountain."

When I was young I was never worried that Telluride would change so heartbreakingly because I was always told it was a "historic landmark", so it couldn't be destroyed- but we've all seen what greed and money can do and have done.

Please, please, please let's not forget why we all love this precious place so much.

Let's not allow our piece of heaven be pillaged by those who will only take their money and move on to annihilate the next undiscovered paradise.

Let's not be short sighted, this may very well be our last chance. Please vote to acquire and protect the Valley Floor and send a clear message...

"This mountain town ain't sellin' out!"
Daryl Hannah

ENVIRONMENT AND COMMUNITY ARE INSEPARABLE

The lovely thing about off-season, getting out of the valley and seeing other places, is the gained perspectives. On our recent road trip we camped in half a dozen national parks and, as always, I was struck by the foresight of those early "tree huggers" who set aside these lands to be public lands for future generations. These visionaries had the courage to fight for the preservation of wild lands, ecosystems, landforms and habitats for future generations of all species. I am grateful. Grateful, and I admit moved beyond words.

Environment and community, these are not separate choices. We do not decide between one and the other. Man and his natural surroundings are interdependent, not only for meeting his basic needs but also for meeting his spiritual needs.

For example, in the early 1880s when people discovered the magnificence of Yosemite and the Mariposa Grove of Big Trees they declared, "the premises shall be held for public use, resort, and recreation" and that they "shall be inalienable for all time." To lead in the preservation of the Valley they chose Frederick Law Olmstead, a landscape architect. Olmstead, along with Calvert Vaux had been responsible for the creation of Central Park in New York. Central Park, whose creation depended upon the use of eminent domain,

the condemnation process guaranteed by the Constitution. Their persistence to create a refuge and a haven in the midst of the emerging capital of trade and commerce demonstrated a deep understanding of human nature.

Olmsted was guided by his perception of the land as "a museum of science and the danger, indeed the certainty, that without care many of the species of plants now flourishing upon it will be lost."

The Valley Floor is not Yosemite. It is not pristine and it is not ecologically unique. It is a land that has been degraded by early mining, when expediency forced the San Miguel River into a channel so a railroad could be constructed to transport the wealth of the mountains out of the Valley as directly as possible. It is open-space that will need to be returned to a riparian state. As Colorado enters into its fourth drought year what better response than to put back in place a natural system that functions as a sponge and filter, a recharge mechanism and a regulator of the waters that serve every living thing in the watershed.

For us it is an opportunity to practice what David Brower calls CPR for the planet, Conservation, Preservation and Restoration. Think of the acquisition and restoration of the Valley Floor as a gift to ourselves and to our downstream neighbors. A community endeavor that will create a monument, not of stones and mortar, but of wetlands, which are considered among the most productive ecosystems in the world.

Also Hilary White is forming a committee to work on water conservation strategies for the Town. Any great ideas are welcome.

Linda Miller

SOUTH SIDE OF THE VALLEY FLOOR - KEEP IT FREE!

As one of the Telluride residents who initiated the Valley Floor Ordinance that Telluride residents will vote on, this June 25th, I ask you to vote "yes" on this pivotal regional issue. Fellow Sheep Mountain Alliance members Honga Im-Hopgood, Elisabeth Gick, Carlisle Connick, Anna Zivian, Jeremy Baron, David Callicott and I put forth this ordinance because we are convinced that the only way to acquire the Valley Floor is to go forward with condemnation.

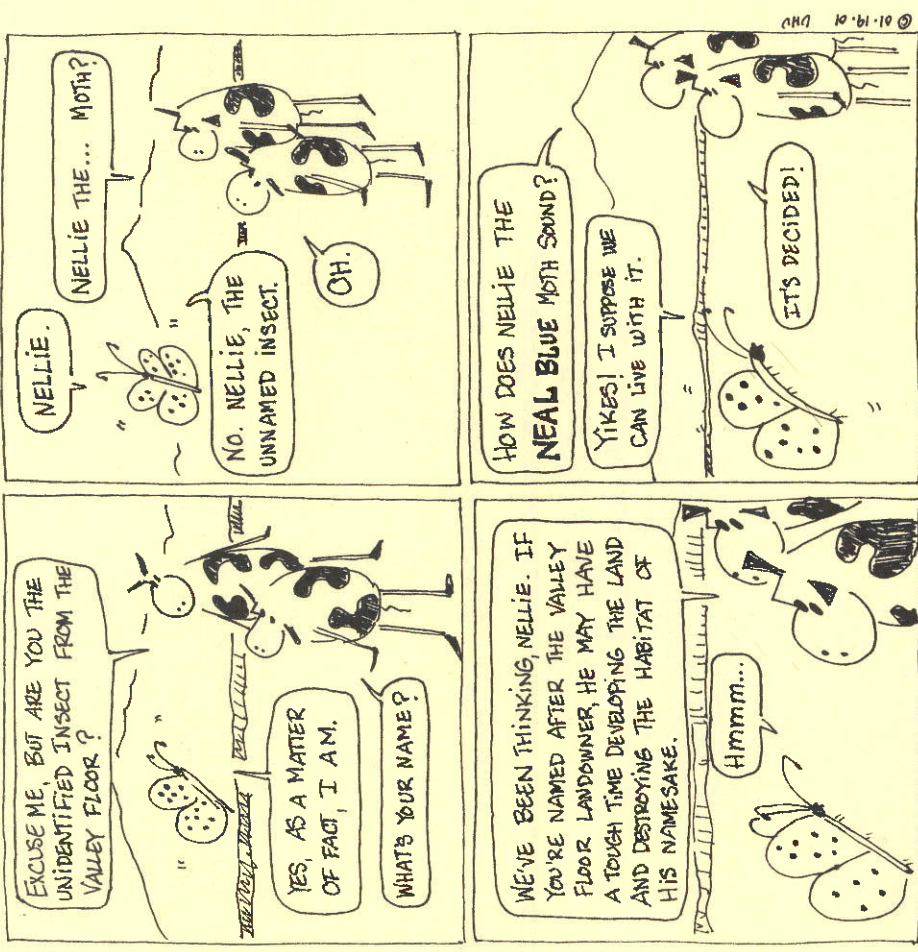
I grew up in Vail and watched as the town exploded with buildings in the 70's and 80's without a clear plan for open space preservation (no, the I-70 corridor does not count). Now Vail is trying to gather the bits and pieces of what is left for open space, but it is a like accepting the consolation prize. I truly believe that now is the time to have foresight for the Telluride region, (not just the town) to preserve the valley floor.

Because we have Vail, Aspen, Silverthorne, and other sprawling



"Saving this piece of land is crucial. I stand with the Telluride community to preserve and restore the Valley Floor."

Tom Cruise



How long will condemnation take?
Between two and four years.

Will condemnation increase my taxes?
No. Funds for the Valley Floor acquisition will come from existing Open Space Funds (over \$5 million), bonding already authorized by the voters (\$5.5 million), and, if passed by the voters in November, additional bonding backed by Open Space revenues of another \$5-6 million. Additionally, Sheep Mountain Alliance has raised pledges of over \$5.5 million to date, to cover any shortfall in Town funding.

How does an appraisal work?

To determine value, the appraiser looks at a number of factors. Ideally, there are similar properties that have sold, giving the appraiser a valid comparable property, or "comp." In cases like that of the Valley Floor, where no exact comp exists, the appraiser will look at properties with some relationship to potential parcels on the Valley Floor—undeveloped 3.5 acre parcels in the Telluride Region, other undeveloped land in the Telluride Region. Then the appraiser will add or deduct value for factors such as views, proximity to town, proximity to the highway noise and traffic, sun, wetlands, tailings, habitat protection issues, infrastructure costs, real estate commissions, market absorption and carrying costs, among others. By applying these factors to the property, the appraiser is better able to compare it to other, not completely similar, properties in the region and thus to determine a value.

resorts to learn from, it is my hope that we can understand as a region the critical importance of preserving the South Side of the Valley Floor as open space in perpetuity.

If this special piece of land stays natural it will provide so many great things for all of us who live in and visit the Telluride Region. Most importantly it will be there for our children, grandchildren and future generations. An incredible place to ski, hike,

The landowner of the valley floor has not publicly come forth to date with good faith intent to preserve the South Side of the Valley Floor as open space in perpetuity, but has clearly stated that the land is not for sale. We must go forward with condemnation.

Marla Croke

not to develop the South Side of the Valley Floor. It is a simple and beautiful goal.

If preserved this special piece will become a common link for the Telluride region that everyone will appreciate.

I look at passing this ordinance as a steppingstone toward doing the right thing for the environment and for our community. It is important for all of us to step back and view this piece of land in the context of the future and know that 20 years down the road it may no longer look like a vast piece of land but a smaller piece of cherished open space.

Marla Croke

MY TOP TEN REASONS to Support Valley Floor Condemnation

1. Protection of the wetlands which support the San Miguel river.
2. The traffic congestion which would result on the Spur for decades if the Floor is developed.
3. The Floor is a better economic benefit to the region if it is left undeveloped.
4. It is the will of the people who live here to leave it without development.
5. Large hotels, more luxury homes,

The SMA board has sat together in hours and hours of conversation, attended by a significant number of community members. Slowly we've chipped our way through the fallacies and truths of condemnation. We've looked at it from all angles—legal, ethical, environmental, and as much as possible, through the eyes of our opposition. Would it be our number one choice to attain preservation? Of course not. But it's our only choice...

Corinne Platt

machines, dishwashers, bathtubs and toilets, which means more waste water, more sewage, more garbage, more plastic shopping bags stuck in trees. More more. Pesticides from the golf course will run off into the river, polluting downstream and killing fish. More diesel trucks will be driving in from out of town, meaning more noise and stench and traffic. Resort buildings on the Valley Floor may well be Disneyesque (see the owner's "Key Largo" development plan) and architecturally inconsistent with Telluride's historic look. Sprawl.... Light pollution....

I know I'm painting a drastic picture, but we've seen it happen. It's a future of diminishing returns, where more is actually less. In June, the people of Telluride have an historic opportunity to take a stand to protect their quality of life and resources. Sheep Mountain Alliance's ordinance to buy the Valley Floor through a government's right of eminent domain and to preserve it in perpetuity will be on the ballot. By voting yes, Telluriders commit to a healthy and beautiful valley—a unique tourist destination, yes, but also a home for the people who live here and love it. I echo the opinion put forth by those who support that vision: "We've gotta try."

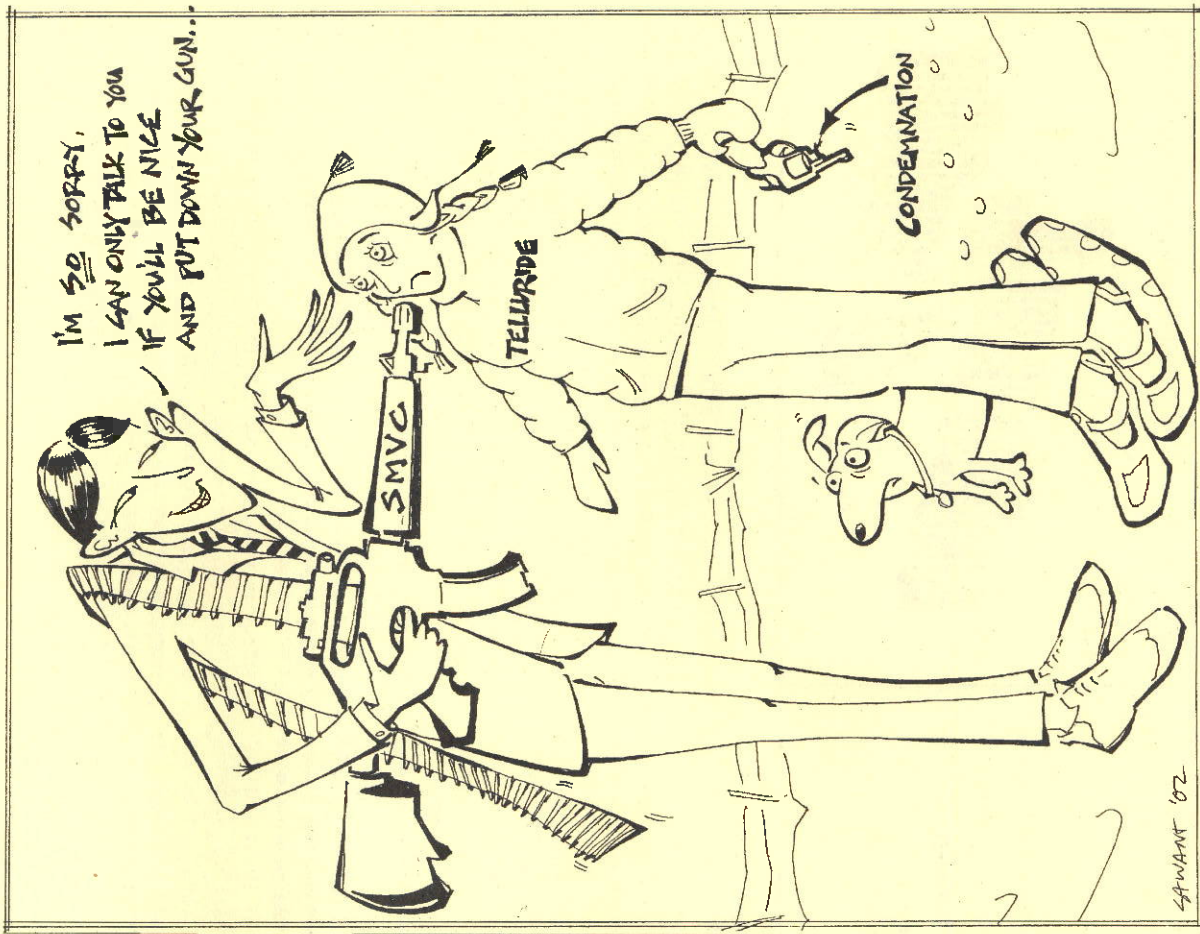
Rhonda Claridge
continued page 12

ON SAVING THE VALLEY FLOOR

It's not just the sensual, natural beauty, although that's the thing I love most: the moon reflecting on snow at night, all that whiteness a lunar landscape itself; those cottonwood trees about halfway before town, skeletal in winter, that create such a delicate hoarfrost contrast to the vast space and mountains behind them; dandelions in June, rainbows in July, pure cheer; deer raising their heads from the grass on the western end, timeless. From there, just the white cap of the clock tower speaks of town.

Nor is it only about recreation, as inspiring as it is to witness the elegance of skate-skiers, their motions hypnotic on a crisp afternoon, or the bright shapes of hanggliders and paragliders coming closer out of a Colorado blue sky. I have had the privilege of running the river trail in the footsteps of the Utes, people of the Shining Mountains, who sported their prowess here; of seeing the Valley Floor come up fast to meet me, as a hangglider passenger, then skimming through cow pies on my stomach; of hanging up on roots and spinning out in mud while learning to mountain bike. When my mother came to visit, she walked the river trail each morning and returned cheeks glowing. Nothing like it exists where she lives.

No, it's also pragmatic reasons with pragmatic terms like "quality of life" and "resources." If bulldozers rip into the Valley Floor, trucks will bear dirt onto the highway; cadmium, arsenic and lead churned up by moving tires into particulate matter that we who live here will have to breathe. The Telluride Valley's air quality is already ranked by the Environmental Protection Agency as worse than any other ski town's in the state. The San Miguel River, one of two remaining tributaries to the Colorado River unfettered by dams, already taxed by Telluride's growth, will be further depleted to water lawns and golf courses, fill hot tubs and swimming pools, washing



CHECK THE DETAILS

Telluride Valley Floor Condemnation Ordinance in Full

Following is the text of SMA's citizen initiated ordinance to condemn the Valley Floor, to be voted on by Town of Telluride electors on June 25th, 2002. Legal Descriptions of the Land are available with the ordinance at Town Hall, the Wilkinson Library and at the SMA office.

AN INITIATED ORDINANCE OF REGISTERED ELECTORS OF THE TOWN OF TELLURIDE, COLORADO, AUTHORIZING THE TOWN OF TELLURIDE TO ACQUIRE THE SOUTH SIDE OF THE VALLEY FLOOR WHICH IS WEST AND ADJACENT TO THE TOWN OF TELLURIDE, FOR OPEN SPACE PARK PURPOSES THROUGH

EDITORIALS from page 11

BULLETIN: MAGIC HAPPENING HERE

After thirty years in this land of triple rainbows, sunshowers, bears cruising the autumn dumpsters at three a.m., pelicans taking off from the Beaver Pond at dawn and flying down Colorado Avenue in a perfect V, and the world's only Free Box, I guess I shouldn't be surprised at magic anymore.

But when I picked up a recent Daily Planet to find that anonymous angels have already ponied up five and a half million dollars to help is save our Valley Floor, well, I'd say that trumps even the finest instances of the Unreal Real I've seen since moving here oh so many years ago.

Let's face the facts: amazing things have a way of happening here. The cynics and graspies may try and ignore it, or mock it, or deny it, but even their tired old minds are going to have trouble dealing with this one. Yes, there actually ARE people out there who are willing to contribute their own hard-earned money to try and save Paradise for the sake of the rest of us. "Men (and women) to match our mountains," to paraphrase the old saying. Spirits as grand and freewheeling as the mountains and valleys we call home.

BAKED TELLURIDE

The Finer Brewery
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Supporting the effort to preserve the Valley Floor.

ORDINANCE IN FULL

Ordinance form page 12

WHEREAS, the Town Council of the Town of Telluride, and/or if submitted to the qualified electors of the Town, a majority of the registered electors voting in an election, have determined that the acquisition in fee simple absolute, of the South Side of the Valley Floor, described in Exhibit A, together with all water and mineral rights associated with said real property is necessary and required for public purpose and use as open space park land, including: perpetual maintenance of an open space scenic view corridor at the foot of the Town of Telluride; maintained recreational uses such as nature walks, trails and areas for hiking, bicycling, running, cross country skiing, hang/para glider landing; temporary associated uses, such as public sanitation facilities, parking and camping; and other public park purposes not requiring improvement of the land or placement of structures; and

WHEREAS, acquisition of the South Side of the Valley Floor is consistent with the goals and objectives of both the Town's Master Plan and Land Use Plan, and the Town of Telluride Open Space Commission has determined that such acquisition is of the highest priority of the Town of Telluride; and

WHEREAS, the National Trust for Historic Preservation, Washington D.C., has designated the (South Side) Valley Floor as one of America's Eleven Most Endangered Historic Places, recognizing the public interest in preserving and restoring parts of the unique ecological sub-structure of the South Side of the Valley Floor; and

WHEREAS, there has been sustained support from the citizens of the Town of Telluride for the acquisition of the South Side of the Valley Floor to serve the public as open space park land, the purpose for which this acquisition is being Ordained; and

WHEREAS, in 1993, the citizens of the Town approved the issuance of revenue bonds for the acquisition of open space, and the Town council may in its discretion make funds or funding available for the foregoing acquisition from the

Open Space Fund, the Municipal Land Reserve Account in the Capital Improvement Fund and such other revenues which may become available from the budgeting process; and

WHEREAS, the Town Open Lands Plan identifies the South Side of the Valley Floor as a priority for open space acquisition; and

WHEREAS, acquisition of the South Side of the Valley Floor through eminent domain is consistent with the goals and objectives of all the foregoing: maintaining open space, protecting and restoring environmentally sensitive areas, riparian and wildlife habitats and the San Miguel River, and maximizing and preserving scenic vistas, view planes, and particularly preserving and enhancing the scenic corridor areas adjacent to the south side of Highway 145 to the San Miguel River while maintaining public recreational uses adjacent to the Town and indigenous to the region such as hiking, bicycling, running and cross country ski trails; and

WHEREAS, the Town of Telluride, a Home Rule Municipality within the State of Colorado, has the legal authority to exercise the power of eminent domain to acquire the South Side of the Valley Floor for the public purposes identified, pursuant to Article XIV, Section 14.1 of its Home Rule Charter, and Article XX, Section 1, and Article XX, Section 6, of the Colorado Constitution; and

WHEREAS, the acquisition of the South Side of the Valley Floor is necessary and beneficial for the health, safety and welfare of the citizens of the Town, will enhance, preserve and protect the Town's primary asset, its natural setting, irrevocable loss resulting in subdivision development; and

WHEREAS, the Town Clerk has performed her compliance check and has certified the sufficiency of the Initiation Petition to Town Council regarding submission of the required number of signatures of registered electors of the Town of Telluride and compliance with the dictates of Article VI, et seq., of the Home Rule Charter of the Town of Telluride, Colorado; and

WHEREAS, The Town Council pursuant to

Section 6.6, of said Charter, has either adopted this Initiated Ordinance, or submitted this ordinance to a vote of the qualified electors of the Town of Telluride.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE:


1. The Town Council and, if appropriate, the electors of the Town of Telluride, hereby find and determine that the acquisition in fee simple of the property and property interests identified herein and described on Exhibit A attached hereto, is in the best interest of the Town, is necessary and in furtherance of the general goals, objectives and policies of the Town, and also is necessary for the health, safety and welfare of the citizens of the Town.

2. The Town Council and, if appropriate, the electors of the Town of Telluride, hereby find and determine that the specific public open space park use or uses to be made of the various parcels that make up the South Side of the Valley Floor are consistent with the public uses noted above and, in any case, will be conducted in accord with restoration and maintenance of the indigenous ecological qualities of the land and San Miguel River, and as open space park land, including: perpetual maintenance of an open space scenic view corridor adjacent to the foot of the Town of Telluride, maintained recreational uses such as nature walks, trails and areas for hiking, bicycling, running, cross country skiing, hang/para glider landing; temporary associated uses, such as public sanitation facilities, parking and camping; and other public park purposes not requiring improvement of the land or placement of structures.

3. It is the intent of the Town Council and electors that all portions of the South Side of the Valley Floor described in Exhibit A, shall be designated as preserved for open space in accord with the foregoing public purposes and uses, and shall be protected as such in perpetuity. Following acquisition the Town shall prepare a Report identifying degraded areas of the Valley Floor which may be the proper subject of restoration and/or remediation. Such areas may include, but

continued page 14

PHYSICAL THERAPY



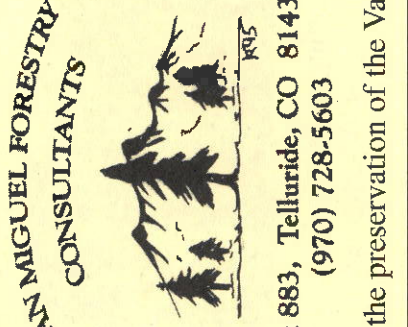
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ORDINANCE IN FULL

Ordinance form page 13

shall not be limited to the San Miguel River, wetlands, wildlife habitat, vegetation, and sites of abandoned public and private use. The Report shall also include implementation strategies. The South Side of the Valley Floor shall then be protected in perpetuity through a conservation easement(s) consistent with the foregoing by way of an appropriate land conservation entity or person(s).

4. Following the effective date of this Ordinance, the Town Council is hereby authorized and directed to expeditiously initiate the process of acquisition through its powers of eminent domain as provided by the Town Home Rule Charter and Colorado Statute, beginning with retention of attorney(s), surveyor(s) and other experts and consultants necessary to prepare an update to existing Town appraisal(s) and certification of the legal description of the subject property; providing for any necessary financial appropriations, and then tender of the Town's required good faith offer for acquisition of the South Side of the Valley Floor to the land owners and, if necessary, to then continue expeditiously by filing a Petition in the District Court of San Miguel County condemning the property described in Exhibit A, for the foregoing public purposes and uses.

5. In pursuit of the foregoing process outlined in paragraph 4. above, the particular portion of the real property described in Exhibit A, known as the Denver Placer and specifically described in Exhibit B., incorporated, is to be acquired through eminent domain, subject to the Federal primacy of the action titled: State of Colorado v. Idarado Mining Company, et al., case No. 83-C-2385, Federal District Court for Colorado, and the obligations and burdens, of the defendants and other responsible parties named and referenced in that certain Consent Decree filed in such action, 83-C-2385, July 6, 1992, respecting the land described in Exhibit B.

6. Further, the Town Council is authorized to contract with and to pay all reasonable fees and expenses of such attorney(s), surveyor(s), appraiser(s), consultants and expert witness(es)

for services rendered, and to pay any other costs associated with the condemnation action, including all fees and other costs that must be borne by the Town pursuant to Statute all of which shall be duly appropriated in the Town budget.

7. The acquisition of the South Side of the Valley Floor shall be funded by revenue bonds approved by the voters in 1993 for open space acquisition, together with current and future funds which the Town Council, within its discretion may make available for this purpose from the Open Space Fund and the Municipal Land Reserve Account in the Capital Improvement Fund, and such other revenues which may become available from the budgeting process. Such available funding does not require new taxes for the foregoing acquisition because it is consistent with the valuation of the South Side of the Valley Floor contained in part of the Town's previously commissioned appraisal including any updates thereof.

8. Following an Order of the District Court determining valuation of the South Side of the Valley Floor, if any further funds in excess of those provided in paragraph 6. above are necessary to acquire the land described in Exhibit A., they shall be generated from private contributions or other sources outside the Town. In the event private contributions are not forthcoming and the Town Council determines the need for funds in excess of those that may be provided in paragraph 6. above, any consequential increase in taxation or debt shall be submitted to the Telluride electorate for approval.

9. This Ordinance shall become effective after the date of publication of notice of its adoption and passage by the Town Council of the Town of Telluride in a newspaper of general circulation within the Town of Telluride; and if submitted to the electorate by Town Council pursuant to Section 6.6. A. 3., of the Telluride Home Rule Charter, upon publication of notice that a majority vote of registered electors of the Town have voted in an election in favor of the foregoing Initiated Ordinance.

How does condemnation work?

After the June election gives authority to council to begin condemnation proceedings, and a November election to authorize additional bondings, Town will have sufficient funds to make a good faith offer to SMVC for purchase of the south side of the Valley Floor. If SMVC does not accept or respond to the offer within 30 days, Town will bring a condemnation action in court. At this point, SMVC and the Town will have opportunities to reach a negotiated settlement before the court case is complete.

Why is it just the Town of Telluride spending money?

It's not. The Town of Telluride has a dedicated revenue source for Open Space acquisition; the Valley Floor is the Town's top open space priority. The main revenue stream for the Town's Open Space Fund comes from sales tax, which is paid by out-of-town residents and visitors as well as by people who live within the Town limits. That said, we have already received over 5.5 million dollars in pledges and donations from a number of people, including those who do not live within Town limits, and would certainly welcome more donations by other governmental and private entities.

PROSPECT
REALTY INC

Supporting Valley Floor preservation.
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SHEEP MOUNTAIN ALLIANCE

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Sheep Mountain Alliance is a non-profit 501(c)(3) organization. SMA News is printed on recycled paper. Sheep Mountain Alliance welcomes submission to SMA News. Articles should be well-researched and timely.

Please send submissions to SMA at PO Box 389, Telluride, CO, 81435, or to sma@rmi.net.

Call Joan at 728-3729 if you'd like to discuss contributing to the newsletter. Advertisers are also welcome! Call for details.

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Enclosed please find my tax deductible donation for \$ _____

I will pledge a donation of \$ _____

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For more information about contributing to the Valley Floor, please contact SMA at 970.728.3729 or sma@rmi.net

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YES! I want to preserve the Telluride region for my children and future generations.
I have enclosed my tax-deductible donation to Sheep Mountain Alliance.

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- Individual \$40 Family \$60 Friend/Business \$100 Patron \$500
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