

Historical Overview & Executive Summary

Destiny is not a matter of chance, but a matter of choice. It is not a thing to be waited for, it is a thing to be achieved.” - William Jennings Bryan

This overview serves as a background introduction regarding the historical and planning considerations that provide the context for the present County master plans, and provides a summary of significant elements of this Countywide Comprehensive Plan and the policy directives provided therein. This Executive Summary does not and shall not serve as a goal or policy/action in its own right, or the basis for any determination as to applicable master plan policies, and is for illustration and guidance only.

Master Planning Landscape

Summit County is a place that has been bestowed with many gifts. Its remarkable high mountain setting makes it one of the truly spectacular environments in Colorado and the country as a whole. Its recreational opportunities in winter and summer are unsurpassed. Whether one’s recreational passion is skiing down a mountainside, hiking to the top of a 14,000-foot peak, fly fishing a clear stream, biking through an aspen-lined meadow, or sailing a high mountain lake, Summit County provides the opportunity.

These types of attractions have made the County an extremely popular destination for visitors. One example of this popularity is the following statistic: the County’s four ski areas draw more annual skiers than the entire state of Utah. Tourism has resulted in a strong economy, providing jobs for thousands of people who are fortunate enough to call Summit County “home”. The County’s popularity has not been without its downsides: traffic during some peak tourist times, the visual spread of development across our open spaces, and escalating housing prices that make it difficult for locals to afford to live here. As these problems become more evident, County residents are increasingly expressing their concern about the effects of new development. The million-dollar question we are faced with is how do we keep the County a vibrant place to live and work without loving to death the resources that attracted us all here in the first place?

The reality is that our location along a major interstate highway only an hour from a major metropolitan area ensures that we will continue to be a popular attraction, with even more visitors as the Denver area grows. We cannot put up gates on I-70 and pretend that we can get by without the outside world. What we can do is plan for the future in a way that strives to protect the area’s character. This Countywide Comprehensive Plan is intended to provide the vision and guidance for how we will grow and respond to a future that is likely to be more lively and populous than our past.

One way a community can provide vision and guidance to shape growth is through comprehensive master planning. Throughout the twentieth century, planning has been used widely by elected officials and citizens when making decisions that will affect a community’s future and quality of life. Sound planning ensures that responsible decision-making will benefit the community as a whole. This occurs when residents study their community and determine what they want it to be like in the future. Accordingly, they set goals to achieve this and incorporate these goals into a comprehensive master plan. This master plan then becomes a coordinated, long range, overall guide for the future development of the community.

Important Milestones in County Master Planning Efforts

Summit County has a long-standing history of master planning to guide growth. Since the early 1960s

considerable time, effort and money has been spent in developing and implementing master plans, and utilizing them in a wide range of initiatives, programs, decisions, land use proposals or development applications. Some of the critical junctures in County master planning efforts are described below.

1963 – Summit County, Colorado THE MASTER PLAN (aka the Huddleston Plan): This was a study, report and “blue print for action”. As stated in an excerpt from a cover letter accompanying The Master Plan:

This study was done at a time when Summit County is preparing to reap either the reward or the disaster of the greatest growth period in her history. More than County citizens realize, the filling of the Dillon Reservoir and the completion of Interstate 70, drawing the Denver metropolitan area and thousands of tourists into easy orbit, will generate a sort of economic whirlwind. If controlled by sound planning and proper building and zoning regulations, this inevitable growth period can result in development of an outstanding region for tourists and seasonal residents. If abandoned to uncontrolled, hit-or-miss development by get-rich-quick artists, this same “whirlwind” will prove a tornado, leaving a wreckage of ruined scenery and frustrated dreams.

1971 – Report On Planning Program As A Step Toward A Comprehensive Plan: This was prepared for the County’s Regional Planning Commission and intended to provide the basis for certain determinations necessary to assure more orderly growth and development in the urbanizing portions of the County. The report included four sections: goals and objectives, guide plans for areas of rapid development, long range planning program design, and report on current planning and implementation services.

1975 – Summit County Interim Land Use Guide: These were guidelines developed to be used in the Regional Planning Commission’s decision making process until a comprehensive plan could be developed.

1975 - Snake River Valley Guidelines: As the Keystone Ski Area developed and Keystone Village became a destination area, development pressure increased for the rezoning of properties in the Base II area for resort uses such as condos and commercial space. As a result, the County’s Regional Planning Commission adopted the Snake River Valley Guidelines in 1975, which “acknowledged Base II as an area of potential growth”. These Guidelines served as the first attempt to assign potential uses and actual unit densities to properties in Base II in order to direct future development. Additionally, the Guidelines represent what can probably be called the County’s first official basin or subbasin master plan.

1981 – Summit County Master Plan: This plan was developed to provide public information concerning the future plans of the County. The stated intent was to “promote and protect the interest of the general public with an emphasis toward promoting the health, safety and welfare of the present and future populations of the county”. The document prioritized countywide goals and policies, and was used as a guide in making recommendations and decisions about development in the County.

1994 – Summit County Countywide Comprehensive Plan: In 1994, the County adopted the Countywide Comprehensive Plan. That document, along with basin and subbasin master plans, served as important policy guidance during the 1990s, directing decisions that affected the physical and socio-economic development of the County.

1988 – 1999 (Basin and Subbasin Master Plans): In the years prior to and after 1994 basin and subbasin plans were regularly developed. For example: the Heeney Community Plan and Upper Blue Master Plan were adopted in 1988, the Snake River Master Plan was adopted in 1994, the Joint Upper Blue Master Plan was adopted in 1997, and the Copper Mountain Subbasin Plan was adopted in 1999. These plans included a mix of goals, policies, actions, guidelines and strategies, some of which were

broad or countywide in scope and some of which were very specific to that area of focus. Nevertheless, as a result of developing more specific master plans at the basin or subbasin level, themes, issues and content were invariably starting to be duplicated and overlap between different plans.

1996 - Conder v. Larimer County: One of the most significant cases under Colorado law regarding the application of master plan policies to land use applications is *Conder v. BOCC of Larimer County*. The Colorado Supreme Court decision essentially provides counties with the ability to make master plan compliance a criteria for subdivision approval. Conder has accordingly been widely interpreted to allow for master plan policies to be utilized as mandatory documents.

There is historic significance of the Conder case to the evolution of the County's master plans. First was that it spurred the public impetus to more formally bolster the role of master plans in the community and to have a more binding effect. In reflection of such public sentiment, the Board of County Commissioners ("BOCC") agreed to additional staffing and special project funding in order to more fully implement community master plans (i.e. creation of the Long Range Planning Department). Second, it significantly influenced how master plans were developed and the frequency in which they were revised/updated from that point on. Lastly, it enabled the County to decide it would continue to use master plans in an advisory manner, instead of mandatory. However, in consideration of the mandatory role master plans could play, the Land Use and Development Code ("Development Code") was amended to expand the scope of the types of development applications that would be required to be generally consistent with master plan provisions.

2003 - Countywide Comprehensive Plan: In 2002 the BOCC directed planning staff and the Countywide Planning Commission to initiate a major update to the 1994 Countywide Comprehensive Plan. The Countywide Planning Commission, a body of appointed County citizens, worked for a year and a half with the Summit County Planning Department staff and the public to update the Countywide Comprehensive Plan. The Plan was adopted November 3, 2003, and in 2005, the Colorado Chapter of the American Planning Association recognized the Plan as one of three "Outstanding Projects" at their annual conference.

Overall Effort to Consolidate and Harmonize Master Plans

By 2002 the County had adopted 12 separate master plans and subbasin plans. When combined, the master plans contained approximately 373 pages, 52 Sections, 194 Goals and 1,328 policies/actions, strategies or guidelines. Much of this content was redundant. For example, there were a large number of actions/policies that promoted intergovernmental/regional cooperation. In addition to the breath of goals and policies, understanding the plans interrelationship could be confusing. It was apparent that a significant update of the Countywide Comprehensive Plan could streamline much of the information from the other master plans to make master plans easier for landowners, developers, towns and County government to use. Thus a primary goal of the update was to consolidate and harmonize basin and subbasin master plans in the Countywide Comprehensive Plan.

As a result of the apparent overlap between master plans, one of the first steps in developing the 2003 Countywide Comprehensive Plan was to identify and analyze consistencies, inconsistencies and redundancy between the plans. In conducting that exercise the following was accomplished:

- The content and composition of each master plan was evaluated and a concise diagram of the hierarchy of master plans was created.
- Goals that were comparable to each other between master plans were compiled, categorized and assessed.
- The number of policies, actions and/or strategies associated with each goal were assessed, and

inconsistencies between policies, actions, strategies, guidelines and recommendations were identified.

In addition to confirming the amount of redundancy between County master plans, the analysis proved to be helpful in shedding light on some of the other deficiencies in the master plans, such as: disheveled implementation strategies that had unclear priority levels; inadequate definitions or glossaries; and lack of specific tasking/responsibility for action and implementation. In the end, the analysis fortified the notion that a number of improvements were needed to strengthen County master planning. The primary improvements being to: further clarify the purpose, function, hierarchy and interrelationship of master plans, reduce overlap between master plans, and re-focus the importance of the Countywide Comprehensive Plan as the umbrella document intended to promote a broader countywide perspective and overall strategy (instead of basin or subbasin master plans).

The utilization of this Plan as an umbrella document was not intended to constrict or restrain the ability of the various basin master plans to provide specific, or even more restrictive, goals/policies and actions in consideration of issues particular to that basin. Rather, it was to set forth the various planning principals that would be common to all basins in the County, as a starting point for all planning analysis. Accordingly, the fact that the efforts to consolidate within the Countywide Comprehensive Plan and eliminate redundancies throughout all plans conscientiously allowed many significant basin policies to remain, despite their more specific or restrictive nature, serves as guidance to the fact that this Plan has thus endorsed the continuation of such policies.

Other Significant Goals and Themes

Other themes and goals of the 2003 edition of the Countywide Comprehensive Plan included: taking a more comprehensive approach towards the subject matter (e.g., providing more narrative, background information and analysis); including performance measures to gauge the Plan's success; and further defining or focusing on the implementation that would be necessary to carry forth the Plan's vision.

A key theme that became evident as work on the Plan progressed was “**sustainability**”. The County had matured to a point where a focus on growth (from a land use or economic perspective) as an isolated concern was not so much the emphasis compared to the need to sustain the attributes and characteristics of the County that make this community a special location for its residents and visitors. Such sustainability relates to our economy, environment, land use, housing opportunities, provision of public services and facilities, and essentially all the different issues that are addressed in the Countywide Comprehensive Plan.

2008 – Update to Address Local Resident / Affordable Workforce Housing: In response to the gravity of the issue of affordable housing in the County (i.e. attainable housing for the local workforce), in September 2008 the BOCC directed each basin planning commission and the Countywide Planning Commission to update their respective master plan. Updates to the respective basin master plans (Lower Blue, Ten Mile, Snake River and Upper Blue basins) focused on locating potential sites for affordable workforce housing.

The update to the Countywide Comprehensive Plan focused on updating and strengthening narrative, goals and policies/actions to provide guidance to more thoroughly address housing for our local residents and employees. As a result, an entirely new Housing Element was developed for the March 2009 edition of the Plan. However, as part of this update effort, the narrative, goals and policies/actions of the other elements of the Plan (i.e. land use, environments, transportation, etc.) were not addressed.

2009 – Update to Address Applicability and Interrelationship of Master Plans: In August 2009 the BOCC reprioritized the Planning Department's work program to amend the County's master plans and

Development Code to more thoroughly address issues related to the balance and interaction between the various master plan policies. Additionally, the manner in which the Countywide Comprehensive Plan is intended to support rather than override the specific policies that remain in the basin master plans. This direction was squarely based on the implications of a decision at the Colorado District Court level which appeared to suggest that the Countywide Comprehensive Plan worked to establish an absolute mandate that zoned density be allowed, and that any basin plans that served to abrogate such zoned density were invalid because they were in conflict with the Countywide Comprehensive Plan.

The BOCC feels that this is not the express or implicit intent of the County's master planning efforts, and that such an interpretation could erroneously serve to undermine precisely the key goals that the Countywide Comprehensive Plan sets out to accomplish. Therefore, the BOCC instructed staff to propose modifications to the Countywide Comprehensive Plan, as well as the Development Code, that served to expressly override, in a legislative fashion, the decision rendered by the Court. These amendments addressed local land use authority; the general and limited nature of the Countywide Comprehensive Plan, its function and purpose; relationship and hierarchy of master plan documents; and the ability to impose more restrictive conditions regarding density than zoning. The amendments to the Countywide Comprehensive plan were adopted October 5, 2009.

Guiding Tenets of Countywide Comprehensive Plan (Function and Purpose)

Umbrella Document: The 2003 edition of the Countywide Comprehensive Plan was and is intended to provide general policy guidance for decisions related to land use, growth, and a number of related issues in the County. Since 2003 the Countywide Comprehensive Plan has served as the umbrella document under which the other County basin and subbasin master plans fall, and establishes the general policy foundation upon which other master plans elaborate or provide even more specific or restrictive guidance. Accordingly, basin or subbasin master plans serve as the primary documents for particular guidance envisioned for a respective basin or area, and are presumed to be in harmony with the Countywide Comprehensive Plan unless irreparably in conflict.

Consistency Between Policies: In this regard, it is important to note that the policies/actions articulated in the Countywide Comprehensive Plan, or basin or subbasin master plans are primarily intended to carry out the vision and goals of that particular master plan. Nevertheless, the vision, goals and policies/actions in these respective master plans are intended to conform with each other.

While a significant effort has been made to eliminate redundancies, the fact remains that under all circumstances the goals and policies/actions between the different plans are all intended to be adopted, interpreted, and applied in a harmonious fashion. Furthermore, no conflicts, direct or indirect, within such plans or between such plans, or the goals and policies therein, shall be considered to exist if there exists any reasonable interpretation that would allow all the provisions of such plans at issue to remain in effect. To this extent, it is expressly intended that the Countywide Comprehensive Plan addresses broader issues and defers specific goals and policies/actions to basin and subbasin master plans that speak to specific issues of that basin or subbasin. For example, there is no land use map in the Countywide Comprehensive Plan. Specific land uses and land use designations are contained and expanded on in basin or subbasin master plans and accompanying land use maps.

Advisory Nature: The County's master plans are advisory documents and contain recommendations of the most desirable use of land. The Countywide Comprehensive Plan, basin or subbasin master plan policies are not in and of themselves mandatory, and are not law. Nevertheless, the Development Code makes "*general conformance*" with the provisions of master plans a requirement for certain development applications. Thus the BOCC has the authority to consider, and even require, compliance with particular master plans or master plan policies in certain applications (i.e. zoning, rezonings, PUDs, subdivisions,

Conditional Use Permits and regulatory revisions), provided that such policies remain sufficiently specific to ensure due process to the applicant.

Review Authority: When using and applying a master plan, a Review Authority (i.e. BOCC, planning commission or staff) is entitled to evaluate whether there has been “*general conformity*” and compliance with the County’s master plans. In other words—it is up to the sound discretion of the Review Authority to assign weight to particular policies in a master on a case-by-case basis, and determine their scope and relevance to the facts of the application, and determine if such considerations warrant a finding of general conformity or not.

The Plan Vision

The Plan contains ten elements, each addressing a separate subject area, but collectively addressing our community’s overall needs and desires. These elements include Land Use, Environment, Transportation, Housing, Community and Public Facilities, Design and Visual Resources, Historic and Cultural Resources, Open Space, Recreation and Trails, and Economic Sustainability. Each of the elements makes a special contribution to the overall Plan, just as different instruments in an orchestra add their sounds to the music, resulting in a sound greater than the sum of its parts. Despite the individual emphasis of each element, the elements are intended to work together to achieve the Plan’s overall vision, which is:

Preserve and enhance our vibrant, attractive, and prosperous mountain community where people choose to live, work, recreate, and visit.

Each plan element contains its own vision statement, along with goals, and policies/actions that are intended to carry forth the vision. Other important sections of each element include narrative and background information, sustainability measures (benchmarks to measure progress of the element) and implementation strategies (work tasks that must be undertaken to further the suggested policies/actions of the Plan). The following discussion highlights key provisions in the Plan’s elements.

The Plan Elements

The heart of the Plan is the **Land Use Element**. The Land Use Element recommends the general location of where new growth will occur in the County and how that growth will occur. The element contains recommended future actions, including suggestions on amendments to the Development Code to further such countywide land use goals or policies. However, these suggested future actions do not abrogate the force and application of the policies as valid and effective master plan policies prior to such adoptions, and by no means is the scope or application of any such policy limited until such action takes place. It is expressly acknowledged and anticipated that these suggestions for regulatory enactment may not take place promptly, if at all, and if the only purpose of such goal or policy was regulatory enactment, it would not be articulated in the master plans. Some of the key policies/actions in the element include:

- Focus new development within existing urban areas and maintain the character of rural areas.
- Maintain the current level of density in the County (i.e. no more density beyond that allowed today), with some minor exceptions as called out in the Plan.
- Recommend new subdivisions and rezoning proposals be sensitively designed to avoid important environmental and visual resources.
- Encourage the use of Transferable Development Rights (TDRs) and allow for TDRs to be used between basins.
- Coordinate land use issues with the towns and other agencies to further Plan goals on issues such as urban growth boundaries, land supply, and a generally consistent land use pattern between uses within respective town, national forest, and County jurisdictions.

- Defer specific land use issues and designations to basin or subbasin master plans.

The **Environment Element** focuses on one of the County’s primary attributes - its natural environment. The element emphasizes protection of environmentally sensitive lands and preservation of our air and water resources. Some of the key policies/actions in the element include:

- Recommendations that new development avoid environmentally sensitive areas such as wetlands, wildlife habitat areas, and floodplains to the maximum extent feasible, and where avoidance cannot be attained that any impacts are limited and appropriately mitigated.
- Recommendations on amendments to the Development Code to further protect wetland areas.
- Strategies to protect and enhance air and water quality.
- Promotion of energy and resource conservation.

The **Transportation Element** provides policy direction on enhancing the County’s transportation system. The element places special emphasis on the need to coordinate different transportation components (e.g., roads, trails, transit, pedestrian paths) in the County and focuses on the need to promote alternatives to automobile use. Some of the key policies/actions in the element include:

- The need for a comprehensive transportation plan to address transportation needs on a countywide basis.
- The promotion of mass transit programs and facilitation of development that more readily accommodates pedestrian and bike use.

The **Housing Element** is divided into two main sections: market rate housing and local resident / affordable workforce housing. However, the Element focuses primarily on providing a framework to address the supply of housing for local residents on a countywide basis. Some of the key tenets or policies/actions in the element include:

- Established “occupancy targets” to maintain, as well as increase, the County’s permanent resident population base.
- Creation of “numerical targets” to help guide and measure the county’s progress towards meeting the adopted housing goals and policies/actions of the Housing Element. Specifically, targets pertinent to: affordable workforce housing, rental, accessory apartments and commuting patterns.
- Prioritize the need to refine a “housing demand analysis” for the County on a periodic basis (every 2-3 years).
- Conduct a thorough evaluation of rental housing, and needs for rental housing serving a wide range of income levels and household types.
- Preserve the existing stock of affordable workforce housing in the County by maintaining its affordability, improving its condition, and preventing future deterioration and resident displacement.
- Identify and create reasonable strategies to preserve units that are now occupied by local residents or employees for continued occupancy as local resident housing into the future (e.g., acquisition and resale/rental, buying the right to impose deed restrictions or other methods that might be identified).
- Development of incentive programs to promote the provision of affordable housing. An example being to continue to allow deed-restricted affordable housing units, created in conjunction with an upzoning, to be exempted from the need to transfer in development rights. Revise development standards, procedures or fee structures that are unnecessary inhibitors to the free market development of local resident housing.

In order to ensure that adequate infrastructure and public services are provided as growth occurs, the **Community and Public Facilities Element** was created as part of the 2003 edition of the Plan. Some of the key policies/actions in the element include:

- Focus on coordinated planning for provision of governmental services and infrastructure in a cost-efficient manner.
- Promotion of recycling programs to extend the life of the County landfill and to emphasize environmentally friendly solutions to waste management.

As a means to maintain an attractive appearance in the County, the **Design and Visual Resources Element** is included. The element sets broad goals aimed at preserving the visual appearance of our existing landscapes. Some of the key policies/actions in the element include:

- Identification and prioritization of visually important lands in the County and the use of techniques to protect those areas.
- Recommendations new development be designed in a visually sensitive manner that complements rather than impacts the environment and landscapes.
- Promotion of building design techniques that are environmentally friendly.

Recognizing that our cultural heritage is part of the fabric that constitutes the County, the Plan includes a **Historic and Cultural Resources Element**. The element emphasizes recognition and protection of important historic resources in the County, such as old mining buildings, community buildings, and prehistoric sites. Some of the key policies/actions in the element include:

- The need to inventory important historic and cultural resources in the County and strategies to protect those resources.

The **Open Space Element** highlights one of the County's primary resources - its open lands. Preservation of important open space areas is emphasized. Some of the key policies/actions in the element include:

- A focus on protecting open space, particularly around existing urban areas to maintain each community's individual identity.
- A focus on techniques to acquire or otherwise protect open space lands in a cost-effective manner.

The **Recreation and Trails Element** focuses on the need to preserve and enhance recreational opportunities in the County. Some of the key policies/actions in the element include:

- A need for the County to better define its role in providing developed recreational facilities.
- Guidelines for trails that address trail design, trail character, securing of public access, and an emphasis on providing an interconnected network of trails.
- Guidelines for the future recpath network and winter trail use.

As a means of sustaining the County's relatively strong economy, the **Economic Sustainability Element** exists. The element promotes exploring opportunities that will help the County's economy diversify and prosper. Some of the key policies/actions in the element include:

- Continued promotion of the tourism and recreation industry.
- The need to develop an overall countywide Economic Strategy/Plan that identifies the types of economic opportunities the County needs to target and pursue in the future.

Prioritization and Implementation of Actions

As mentioned, the policies/actions articulated in the Countywide Comprehensive Plan, basin or subbasin master plans are intended to carry out the vision and goals of a master plan. Many of the policies in the Countywide Comprehensive Plan elements are intended to be used directly as part of the review process for development proposals submitted to the County (e.g., zoning, rezonings, PUDs, subdivision, conditional use permits, TDRs and regulatory revisions).

However, the Countywide Comprehensive Plan's elements also contain numerous actions that identify some type of future work that must be undertaken to implement the Plan's vision and goals. Each Plan element contains an implementation strategies section that outlines these actions, expands on how they will be accomplished, identifies appropriate agencies responsible for the actions, and prioritizes the strategies. The prioritization of implementation strategies is important, because the list of highest priority projects represents those that will be contemplated for action first by the County. The priorities were established after extensive discussions by the Countywide Planning Commission, with public input, on those actions that appeared to be most important in carrying out the Plan's goals and furthering the community's vision.

Informational Tools

Summit County government provides a wide array of services that can be accessed by residents and visitors. These services include typical County departments (e.g., Building, Planning, Human Services) and other facilities such as a series of County libraries. A wealth of information on a variety of topic areas can also be accessed on the County's web site (www.co.summit.co.us). The web site provides further information on many of the planning issues that are addressed in this Plan, as well as listed contacts for obtaining additional information.

Into the Future

The Plan attempts to set the stage for the County's future. It is not the answer to every problem or issue that may arise. However, it is a guide that will assist in the decision-making processes as we encounter issues that accompany growth. The County faces an exciting and challenging future. The Plan is one tool that we can use to embrace that future, while still remembering our past and respecting the attributes that make this County the magnificent place that it is.

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