

# Land Use Element

*“The trouble with land is that they’re not making it anymore.”  
- Will Rogers*

**Vision: Guide future land use decisions to ensure that growth occurs in appropriate locations and that our rural mountain character is maintained.**

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## Background & Existing Conditions

**The following serves as a narrative explaining some of the background and important considerations in developing County master plans and provides a summary of significant policy direction provided in the Countywide Comprehensive Plan Land Use Element. The Land Use Element narrative does not serve as a goal or policy/action in its own right and is for illustration and guidance only.**

Imagine Summit County 200 years ago. Large valleys with running streams, forests, and meadows, flanked by high snow-covered peaks. Herds of deer and buffalo roaming the valley floors and grazing on the area’s plant life. In the summer, small groups of Ute Indians making their way through the valley to hunt the area’s wildlife. In short, a high mountain paradise.

Times have changed. Yet, in many ways today’s Summit County maintains much of this appealing character. The mountain environment is, after all, the primary reason thousand of visitors come to our County and why so many of us have made this place our home. But over 150 years of settlement has also altered some of the landscape. Mining, ranching, trans-mountain water diversions/reservoirs, ski resort development, and accompanying residential and commercial construction have all left their marks on the landscape. Land use will continue to shape our County’s character in the future.

In Summit County, about 70 percent of our zoned land is already built (see the build-out analysis discussion later in this section). That leaves approximately 30 percent still to be built, and a significant amount of additional growth pressures could reasonably be anticipated in the coming years. Thus, our landscape will continue to change. The manner, in which it changes, however, in terms of quality, location, and the nature of such development, is something that the community can to a certain extent control, and master planning is a vital tool in such efforts. Our land use polices and regulations can shape the appearance and location of development. They can also affect the functionality of development, shaping livable communities. This Land Use Element was developed with these goals in mind.

A key theme heard from the community is the need to retain the character of our rural valleys, ranchlands, river corridors, backcountry areas and mountainsides. In order to limit impacts of development in those rural or environmentally sensitive areas, the Plan attempts to focus new development within or adjacent to existing urban areas. Infill development (i.e. development on vacant in-town parcels) and redevelopment (i.e. demolition and reconstruction) in existing urban areas are two focuses that need to be emphasized. Infill ensures that we are most efficiently using our urban landscapes, where a full range of facilities and services are already in place to serve development. Redevelopment occurs as real estate values reach a point where it economically works to remove old structures and replace them with higher value structures (those that generate greater revenues). Some redevelopment has already occurred in the County. As the availability of vacant land continues to decline, it is anticipated that redevelopment will occur at an increasing rate.

There are currently six major locations of urban growth in the County: Breckenridge, Frisco, Dillon, Silverthorne, Keystone, and Copper Mountain. This Plan anticipates that future higher density and higher

intensity development will continue to be focused in these locations.

Because of the County's limited land supply in relation to build-out, there are concerns that some uses may not be adequately accommodated in the County. Examples of such uses are affordable workforce housing and possibly some types of light industrial uses (e.g., equipment storage areas). Although the Plan in itself does not resolve these potential deficiencies, it does set up mechanisms to initiate intergovernmental discussions for the purpose of ensuring that land uses required by the community are adequately accommodated.

### Land Use Authority (Density and Zoning)

The Countywide Comprehensive Plan (serving as an advisory guidance document) does not mandate a strict or direct application of zoning standards (i.e. solely units per acre) to land area to determine density. Therefore the Countywide Comprehensive Plan does not mandate that maximum zoned density limits be preserved or maintained. The zoned density sets the initial ceiling for the theoretical maximum allowable density on any parcel in light of parcel size and zoning.

A wide array of considerations under federal, state, and local law allow or enable the County to impose more restrictive development standards or otherwise create a higher degree of restriction on the development of property including the density related thereto. It is expressly intended that the application of master plan provisions during subdivision review, as well as subdivision regulations, development standards and other provisions in the Land Use and Development Code ("Development Code"), may limit and affect the type and density of land uses that may be located on the property below the maximum density set by zoning.

It is important to recognize the concept that maximum density, as identified in the zoning code, may not be able to be achieved in consideration of certain master plan goals and policies, development standards or other provisions in the Development Code. The following are examples or instances where maximum density, as identified in the zoning code, might not be achieved:

- Application of development standards such as: setbacks, parking, snow storage, maximum impervious coverage, and height restrictions or requirements.
- Development constraints exist on the property that cannot effectively be mitigated (i.e. presence of steep slopes, high quality wetlands or sensitive wildlife species).
- Easements or encumbrances exist on the property (e.g., utility easement or rights-of-way).
- Inability to provide adequate infrastructure and services (i.e. water rights, access, level of service of collector roads, emergency services or sewer capacity to serve the property).

Accordingly, the County's master plans go well beyond the simple linear or direct contemplation of density afforded by zoning and establish goals and policies that attempt to shape the actual physical development of the community, basin or subbasin. Thus, master plans may have the effect of limiting the potential development or theoretical maximum density allowed by zoning on the property. In this regard, this Plan looks and defers to the basin and subbasin plans to determine the proper considerations that affect that particular basin that may have a significant impact on the manner in which development and density are determined in such basin, regardless of the maximum zoned density. In essence, in considering and weighing overall impacts to the community, basin or subbasin master plans might impose more restrictive density conditions than the theoretical maximum that may be achieved in any given zoning district or any geographic basin. The Plan, in light of its purpose as a general, umbrella document, refrains from such specific density considerations.

Land use is an issue that the County cannot deal with in isolation. Land use decisions on National Forest System lands and within town limits can have a direct impact on County land use and vice versa. Impacts

can include increased traffic, more demands for public infrastructure such as sewer and water service, wildlife habitat fragmentation, and disruption of wilderness resources. In order to avoid these impacts this Plan encourages cooperative planning with the towns and the U.S. Forest Service to minimize land use conflicts and to promote a coordinated approach to land use planning throughout the County.

### Transferable Development Rights (“TDRs”)

TDRs are a program or planning tool that has been used successfully by many jurisdictions as a means of redirecting growth and development to protect valued resources. Examples of resources that can potentially be protected through a TDR program include: farmland, ranches, rural backcountry areas, view corridors, hillsides, community separation and open space buffers, and environmentally sensitive areas. TDRs provide a mechanism to help preserve these types of resources by providing an incentive for landowners who might otherwise develop their properties to seek compensation through the program, or seek to develop in more appropriate locations.

The County has made extensive use of TDRs and has adopted a separate TDR program for each planning basin. The Snake River, Ten Mile and Upper Blue basins TDR programs are markedly similar and focus on protecting backcountry resources. The Lower Blue Basin TDR program focuses on protecting rural areas/preservation of ranchlands. Overall, the County’s TDR programs provides a vehicle where the rights to develop in a rural “sending area” (i.e. primarily backcountry properties) can be transferred to an urban “receiving area”, an area that can more appropriately accommodate the development. As part of the Countywide TDR Program Regulations “Official Transfer of Development Rights Sending and Receiving Areas Maps” for each of the four basins have been adopted and codified. The maps were codified as part of developing respective basin TDR regulations and designate neutral, receiving, sending and optional areas.

As of October 2009, a total of 1,501 acres have been protected in the County and all four basins through the utilization of TDRs:

- The Snake River Basin has had a TDR program in place since 1998, and has had nine (9) separate TDR transactions protecting approximately 300 acres.
- Since it was initiated in 2000 the Upper Blue TDR Program has protected approximately 988 acres in the Upper Blue Basin.
- The Ten Mile Basin TDR regulations were adopted in July 2006 and have protected 193 acres.
- The Lower Blue Basin TDR regulations were adopted in September 2007, and the basin has had one (1) transaction protecting 20 acres.

The County is optimistic about continued growth, success and more coordinated approach to utilization of TDRs in the future.

TDRs were originally envisioned for use in conjunction with rezoning or upzoning applications, and as such remain a mandatory requirement to in an upzoning approval. However, in August 2008, the Development Code was amended to expressly allow the use of TDRs in “other” types of development applications or for additional uses (e.g., subdivision or conditional use permits) outside of rezonings/upzonings. The concept of using TDRs was broadened to expressly allow such use to mitigate other issues that may arise in various development review applications, including subdivisions. Essentially, TDRs have evolved and are a tool that can be used as an effective means to offset impacts in a variety of land use processes or for various purposes if the circumstances of a particular application warrant.

## Extractive Natural Resources

Extractive natural resource uses, such as mining, are often viewed by the general public as an issue because of noise, dust, truck traffic, etc., associated with the activities. Despite these potential impacts, some of these activities are essential to the continued economic health of the County. For example, gravel pits and often-associated concrete/asphalt batch plants provide needed materials to build roads and to construct buildings. The economies of such types of uses require relatively close proximity between the source material and the market (i.e. construction location). This element recognizes that some level of extractive natural resource uses will need to continue in order to sustain the well being of the County. At the same time, such uses should be undertaken only when care is taken to protect the environment and the character of our neighborhoods.

## Build-Out Analysis

How much development has occurred in Summit County? How much development remains to be built? These are the questions that an analysis of build-out attempts to answer. The summary of the build-out analysis below is broken out into two categories: “absolute” build-out and “realistic” build-out.

**Absolute Build-Out:** Absolute build-out represents an evaluation of the existing zoning on every parcel of private land in unincorporated portions of the County and determines the maximum or theoretical potential residential development allowed by that zoning. By subtracting the number of existing units built, it has been determined approximately what remains to be built. This is referred to as absolute build-out, because it represents the absolute, theoretical or ultimate build-out potential that is permitted by existing zoning.

**Realistic Build-Out:** Realistic build-out represents a more likely picture of the build-out that may occur in the County. Realistic build-out accounts for the fact that it is unlikely absolute build-out, as described above, will be realized or achieved (i.e. the maximum number of units allowed per the zoning will not be built). Thus realistic build-out in the County is less than absolute build-out. Realistic build-out factors in constraints that could preclude realization of the full development potential allowed under the existing zoning code. The factors that need to be considered and contribute to this assumption include, but are not limited to the following:

- On-site and off-site constraints to remaining development (e.g., backcountry parcels that are not readily accessible, parcels that are constrained by wetlands and steep slopes or lack water rights).
- Application of development standards such as: setbacks, parking, snow storage, maximum impervious coverage, and height restrictions or requirements.
- Private property owners electing not to develop their property to its full potential or electing to keep large tracts of land intact because of a desire to maintain a large undisturbed land area.
- Development of some properties may be restricted by conservation easements in the future.
- Private properties acquired for open space preservation (e.g., open space tax dollars or voter approved funding mechanisms to purchase properties to protect open space).

**Commercial Build-Out:** Commercial build-out for the County has not been included in the build-out analysis below. Overall, there is not a significant amount of commercially zoned land within the unincorporated areas of the County, as most commercial activity is located within the incorporated towns. Furthermore, commercial build-out is somewhat difficult to estimate, as permitted commercial development varies based on a ratio of floor area to land area. Nevertheless, as of June 2009, it is estimated that commercial build-out in unincorporated portions of the County is approximately 62%. Generally, there is a significant amount of property zoned for commercial uses that could still be developed.

**Table 1. Residential Build-Out Analysis of Properties in Summit County, Colorado**  
**Updated as of July 1, 2009**

	Total Units Built to Date	Remaining Units to be Built <sup>1</sup>	Additional Subdivision Potential (In Units) <sup>2</sup>	Absolute Build-Out (In Units) <sup>3</sup>	Absolute Build-Out %	Realistic Build-Out (In Units) <sup>4</sup>	Realistic Build-Out %
<b>Lower Blue Basin</b>							
Unincorporated Area	3,542	1,878	1,012	6,432	55.1%	4,933	71.8%
Town of Silverthorne	1,813	1,131		2,944	61.6%	2,648	68.5%
<b>Total</b>	<b>5,355</b>	<b>3,009</b>	<b>1,012</b>	<b>9,376</b>	<b>57.1%</b>	<b>7,581</b>	<b>70.6%</b>
<b>Snake River Basin</b>							
Unincorporated Area	6,041	2,223	73	8,334	72.5%	8,334	72.5%
Town of Dillon	1,244	23	488	1,755	70.9%	1,755	70.9%
Town of Montezuma	45	36	0	81	55.6%	81	55.6%
<b>Total</b>	<b>7,330</b>	<b>2,282</b>	<b>561</b>	<b>10,170</b>	<b>72.07%</b>	<b>10,170</b>	<b>72.1%</b>
<b>Ten Mile Basin</b>							
Unincorporated Area	1,921	624	104	2,649	72.5%	2,527	76.0%
Town of Frisco	2,982	354		3,336	89.4%	3,336	89.4%
<b>Total</b>	<b>4,903</b>	<b>978</b>	<b>104</b>	<b>5,985</b>	<b>81.92%</b>	<b>5,863</b>	<b>83.6%</b>
<b>Upper Blue Basin</b>							
Unincorporated Area	3,428	1,528	912	5,868	58.4%	4,885	70.2%
Town of Blue River	660	178	0	838	78.8%	838	78.8%
Town of Breckenridge	6,455	2,091	0	8,546	75.5%	8,321	77.6%
<b>Total</b>	<b>10,543</b>	<b>3,797</b>	<b>912</b>	<b>15,252</b>	<b>69.1%</b>	<b>14,044</b>	<b>75.1%</b>
<b>Countywide Totals</b>							
Unincorporated Areas	14,932	6,253	2,101	23,283	64.13%	20,679	72.2%
Incorporated Areas	13,199	3,813	488	17,500	75.42%	16,979	77.8%
<b>Total</b>	<b>28,131</b>	<b>10,066</b>	<b>2,589</b>	<b>40,783</b>	<b>69.0%</b>	<b>37,658</b>	<b>74.7%</b>

<sup>1</sup> “Remaining Units to be Built” includes vacant single family residential lots or multi-family units, which are permitted by zoning, but not yet built.

<sup>2</sup> “Additional Subdivision Potential in Units” refers to additional units that could be created by further subdivision under existing zoning classifications.

<sup>3</sup> “Absolute Build-Out” is the sum of total units built to date, remaining units to be built, and additional units that could be created through subdivision.

<sup>4</sup> Affordable workforce housing and accessory apartments are likely to be constructed in the upcoming years and subsequently would impact “Realistic Build-Out”. However, the Realistic Build-Out does not account for affordable workforce housing or accessory apartments that could be constructed in the future. A goal contained in the Housing Element is to increase the stock of affordable workforce housing throughout the County by at least 2,500 units, and accessory apartments by at least 100 units.

**Summary of County Residential Build-Out:** As displayed in the summary of the residential build-out analysis, as of July 2009, approximately 28,131 units of the 40,783 allowed per zoning have been built in the County. This represents an “absolute” residential build-out of 69% (including both the unincorporated areas and the incorporated towns). County Planning Staff estimates that the “realistic” build-out for the County is approximately 37,658 units, which means that according to realistic build-out the County is approximately 75% built-out (including both the unincorporated areas and the incorporated towns).

A number of observations can be made from the build-out analysis. In general, the data indicates that the incorporated towns are more built-out than the unincorporated portions of the County. Among the incorporated towns, the Town of Frisco is the most built-out at approximately 89%, followed by the towns of Blue River and Breckenridge, which are respectively approximately 79% and 76% built-out.

When looking at the respective planning basins (including both unincorporated areas and incorporated towns), in the context of “absolute” build-out, the Ten Mile Basin is the most built-out of the four basins, with an absolute build-out of approximately 82%, followed by the Snake River Basin, which is approximately 72% built-out. In terms of realistic build-out, all basins are roughly 70 - 80% built-out.

Interestingly, the build-out analysis also reveals that there are significantly more residential units built in the Upper Blue Basin than any other basin (including both unincorporated areas and incorporated towns). There are approximately 10,543 units built in the Upper Blue Basin, which is more than twice the number of units built in the Lower Blue or Ten Mile basins, and over 3,000 units more than exist in the Snake River Basin. Furthermore, the Upper Blue Basin also has the most remaining development potential among the four basins, with an “absolute” build-out potential of approximately 15,250 residential units (nearly 40% of the units permitted within the entire County).

There are approximately 14,932 units built in unincorporated portions of the County, of which approximately 9,030 (61%) of those are multifamily units. Additionally, the County build-out analysis indicates there are approximately 6,253 units remaining to be built on unincorporated lands, of which approximately 2,700 units (43%) have the potential to be multifamily. Therefore, nearly half of the remaining units to be built in unincorporated portions of the County are permitted for multifamily.

An analysis of growth rates from 2003-2008 reveals that, on average, the number of residential housing units built in the County has increased approximately 1.4% per year, with an average of 380 new housing units constructed each year. At the same rate of growth, there would be approximately 28,794 residential units in the County by the year 2010, 32,594 units by 2020, and 36,394 units by 2030. These represent respective relative build-out percentages of 77% in 2010, 87% in 2020, and 97% in 2030.

In summary, it is difficult to project when realistic build-out in the County will be achieved (as invariably it is influenced by a wide-range of factors). In the last couple years, development activity throughout the County has slowed down. This slowdown has been largely tied to an overall nationwide economic downturn. If these trends continue or overall the economy stays stagnant, the timeframe until realistic build-out is reached will be prolonged. However, even under a slower growth scenario it is very likely that build-out could be reached within the next 20 years. With that said, there are some factors that may act to increase build-out in the County. These factors include potential annexations and upzonings by towns of lands that are currently unincorporated or affordable workforce housing projects.

### Density Considerations

Unlimited growth in the County could have unacceptable impacts on its character. The build-out analysis indicates that more growth will occur in the County based on existing zoning. In addition, other factors (i.e. retirees permanently occupying second homes) may act to further increase the County’s population. Collectively, these factors would have the potential to dramatically alter the character of the County, increasing traffic congestion, over-extending our ability to provide public infrastructure and services, and generally detracting from the rural small-town atmosphere many areas of the County still possess.

This Land Use Element includes several policies aimed at managing growth to acceptable levels, consistent with maintaining the County’s character and sustaining our resources. One such policy is directed at the issue of creating new density in the County. This policy direction on new density does not alter the existing or underlying zoning, but is primarily focused toward upzonings/rezonings. This policy is intended to curtail rezonings that would increase the amount of density allowed by today’s zoning unless the impacts of such upzonings are addressed and properly offset. One exception to such a restriction on rezonings is when TDRs are provided and used, as a TDR typically does not increase density, but instead allows density to be moved from one location to another. Other exceptions for new

density are provided for: deed-restricted affordable workforce housing projects, community facilities and institutional uses, and other possible programs or situations where public benefits are associated with the application.

It is also recognized that the County needs to retain the ability to enact certain programs that promote development practices consistent with important goals and policies of the Plan, and that some of these programs may include some type of density bonus as an incentive for landowners to participate. An existing example of such programs is the Rural Land Use Subdivision regulations, which provide a density bonus for projects in rural areas that cluster and sensitively locate development sites in subdivisions. The policies in this Element addressing the creation of new density provide an exception for such programs. To ensure that the additional density allowed by these programs does not adversely affect the County's character, a policy recommends that potential impacts of any new density created through such programs are thoroughly analyzed before such programs are implemented.

These considerations, and the goals and policies contained herein relating to a restriction on rezoning, do not in any manner prohibit the use of TDRs for other types of applications, as an important tool to mitigate impacts. Moreover, this policy shall not be interpreted as a requirement to any degree that maximum zoned density be recognized, honored, or adhered to for development purposes, other than as a mere starting point to the analysis. As discussed herein, it is acknowledged and expressly intended that the application of goals, policies/actions and other provisions contained in an applicable master plan during a subdivision application, as well as the application of subdivision regulations and any other provisions of the Development Code as well, can affect and limit the type and density of land uses that may be located on the property. Application of such provisions will likely result in a reduction in density beyond the maximum allowable density set by zoning.

## **Goals, Policies/Actions**

### Urban Land Use

#### **Goal A. Focus development within existing urban areas.**

Policy/Action 1. Urban areas shall be identified in basin master plans.

1.1 When determining the location of urban areas, the basin planning commission shall consider the following factors:

1.1.1 Areas with existing or planned public sewer and water facilities.

1.1.2 Areas zoned for higher density uses.

1.1.3 To the greatest extent possible, urban areas should be located in areas that avoid the following:

- Environmentally sensitive areas
- Productive agricultural lands

1.1.4 Community input and support

Policy/Action 2. Future urban development should be focused within existing urban areas.

Policy/Action 3. Expansions of urban areas into rural landscapes should be avoided.

- Policy/Action 4. Urban areas should have densities high enough to support the provision of urban services and facilities in a cost-efficient manner and to promote a pedestrian-friendly environment.
- Policy/Action 5. Encourage infill, redevelopment and adaptive reuse in urban areas.
- 5.1 Develop appropriate incentives (e.g., density increases, variances from certain development standards) that encourage infill and redevelopment.
- Policy/Action 6. Lead an initiative to develop intergovernmental agreements with the towns, identifying appropriate areas for future urban development and annexation.
- Policy/Action 7. A mix of commercial and residential uses should be promoted in new urban development to facilitate pedestrian movement and access to services.
- 7.1 Commercial uses in mixed use developments should be focused on providing for the service or employment needs of residents.
- Policy/Action 8. Public spaces, open space, and environmentally sensitive areas should be maintained within urban areas to provide connection to the outdoor environment.
- Policy/Action 9. Encourage mixed residential densities to create a diversity of housing types and sizes.

#### Rural Land Use

**Goal B. Future land use decisions in rural areas should be consistent and harmonious with the rural character of the land.**

- Policy/Action 1. Rural areas shall be identified in basin master plans.
- 1.1 When determining the location of rural areas, the basin planning commission shall consider the following factors:
- Areas not provided with public sewer and water facilities
  - Existing zoning and associated densities
  - Areas with agricultural lands, visually important lands, and environmentally sensitive areas
  - Backcountry areas
- Policy/Action 2. Urban services (e.g., public sewer and water) should generally not be extended into rural areas.
- 2.1 In some circumstances, extension of certain urban services may be appropriate in rural areas (i.e. provision of public sewer in areas where septic systems could cause environmental degradation).
- Policy/Action 3. Rural areas should have low residential densities that serve to minimize conflicts with traditional uses (e.g., ranching, recreation, resource extraction) and maintain compatibility with existing uses.



- Policy/Action 4. Encourage the clustering of housing in rural areas to maintain the areas' character and to protect sensitive lands (e.g., environmentally sensitive areas).
- Policy/Action 5. Land uses in rural areas should be low-density residential development, resource-related uses (e.g., agriculture, lumbering), and recreation-oriented uses.
- Policy/Action 6. Recognize the need for mineral extractive uses in the County to continue to supply needed materials for local construction and road building.
- Policy/Action 7. Preserve the undeveloped character of rural backcountry areas.

General Land Use

**Goal C. Maintain the current level of density in Summit County.**

- Policy/Action 1. Rezoning, PUDs, or PUD modifications that would result in higher residential densities or increased intensity of uses (e.g., increased vehicle trips, increased square footage) compared to that allowed by existing zoning is not allowed in the County, except as allowed by the Development Code and when one of the following is proposed:
  - 1.1 Transferable Development Rights (TDRs) are used to move density to the site proposed for rezoning.
  - 1.2 The higher density is allocated to deed-restricted affordable workforce housing units.
  - 1.3 Development applications or portions of applications where proposed land uses are restricted to community facilities and institutional uses.
  - 1.4 Other programs developed under and in conformance with Policy/Action 2 below.
- Policy/Action 2. When in the interest of implementing other important goals and policies of this Plan, the County may adopt regulations, programs, or master plan policies that provide some type of density bonus as an incentive for participation in the program.
  - 2.1 When such density bonus programs are proposed, the potential impacts of additional density created should be disclosed and evaluated as part of the review process (e.g., Development Code amendment) adopting the new program.
- Policy/Action 3. Work with the towns to maintain the current levels of densities within incorporated areas of the County, with particular emphasis on establishing such requirements for all annexations.

**Goal D. Guide the appropriate development of land through the County's master plans and development regulations.**

- Policy/Action 1. Basin plans shall provide specific guidance for the development and use of land.

- 1.1 Each basin plan shall contain a future land use map, indicating appropriate land uses within the different locations in the basin.
- 1.2 Designate, at a minimum, types of appropriate land uses and general intensities of use in basin plans.
  - 1.2.1 When designating appropriate land uses, ensure that a balanced range of land uses is represented to meet the divergent needs of the community.

Policy/Action 2. Initiate rezonings of lands where existing zoning is significantly inconsistent with master plans.

Policy/Action 3. Rezonings and subdivisions should, to the extent practicable, be designed to avoid the following:

- Environmentally sensitive areas
- Agricultural lands
- Visually prominent landscapes

3.1 To the extent practicable, retain healthy trees and forested areas while providing protection of the resources listed above and while allowing for forest management practices necessary for forest health and wildfire prevention.

Policy/Action 5. Emphasize separation between existing communities through uses of buffers and open space, to maintain an individual identity for each community.

6.1 Restrict Rural Land Use Subdivision bonus densities to deed-restricted affordable housing units only in the Upper Blue Basin.

Policy/Action 7. Amend the Development Code to modify the uses permitted in the A-1 zone district to ensure that the uses are appropriate and compatible with rural agricultural lands, and to ensure that adequate conditions are imposed where needed to address impacts of uses. As part of this amendment, an evaluation should occur to determine uses appropriate to be allowed outright, uses that should be allowed only through conditional use permits, and uses that are inappropriate for the A-1 zoning district. Examples of uses that should be re-evaluated include: certain commercial lumbering activities, elementary and middle schools, motor vehicle storage yards, athletic facilities, fish farms and hatcheries, and small scale hydro facilities.

Policy/Action 8. Establish new rural zoning district classifications to apply to lands currently zoned A-1 which are not suitable for agricultural purposes.

8.1 The new zoning districts should allow uses and densities consistent with the Rural Area and policies established in basin master plans.

8.2 Initiate a rezoning of A-1 zoned lands not used for agricultural purposes to the new rural zoning districts or to other appropriate existing zoning districts.

## Transferable Development Rights (TDRs)

**Goal E. Encourage the use of TDRs as a means of protecting sensitive lands, directing growth to areas appropriate for accommodating growth or to mitigate other issues that may arise in development review applications.**

Policy/Action 1. Support the continued growth and coordinated approach to the utilization of TDRs in the future. As such, monitor and modify respective basin TDR program regulations as necessary.

Policy/Action 2. Encourage the continued use of TDRs as a tool that can be utilized as an effective means to offset or mitigate impacts in a variety of land use processes or for various purposes if the circumstances of a particular application warrant (e.g., subdivision, conditional use permits, etc.).

## Joint Planning

**Goal F. Coordinate land use issues so that planning between different jurisdictions and agencies is consistent.**

Policy/Action 1. Enter into intergovernmental agreements with the towns regarding coordination of land use planning.

Policy/Action 2. Wherever possible, attempt to develop jointly adopted comprehensive plans with the towns to further the goal of coordinating land use issues.

Policy/Action 3. Maintain consistency between town three-mile plans and basin master plans.

Policy/Action 4. Work with each of the towns to identify areas that are appropriate for future urban growth and annexation, as well as those areas that should remain in a rural character and unincorporated.

Policy/Action 5. Work with the towns to inventory land supply for various land uses needed in the County and develop countywide strategies to adequately accommodate any deficiencies in land use identified.

5.1 Advise the towns and basin planning commissions of any land use needs that should be incorporated into town and basin master plans.

5.2 Incorporate information provided by the State Demographer on relationships between economic growth and growth in various land use sectors.

Policy/Action 6. Work with adjacent counties to ensure that development patterns are generally consistent across county boundaries and that potential impacts of land use decisions are minimized and mitigated.

Policy/Action 7. Work with the towns to implement policies managing the impacts of growth and the creation of new density on a countywide basis.

Policy/Action 8. Cooperatively work with the towns to explore the use of town lands as receiving areas for TDRs.

Policy/Action 9. Where appropriate, establish intergovernmental agreements with the towns regarding TDRs.

Policy/Action 10. Work cooperatively with the U.S. Forest Service and other federal and state agencies to accomplish the following:

10.1 Use basin master plans as a guide for federal and state permitting and planning decisions.

10.2 Ensure that basin planning commissions are consulted, with adequate notice, on all significant use permits and plan decisions on federal and state lands, including land trades and adjustments to the Land Ownership Adjustment Analysis (LOAA) boundary.

10.3 Focus Forest Service land use decisions in areas within and adjacent to designated wilderness areas on preserving the area's wilderness values.

## Sustainability Measures

### Build-Out

Build-out numbers provide an indication of the level of growth that has occurred in our community over time. Completion of a build-out analysis is a resource-intensive and time-consuming process. As such, it cannot be performed on a constant basis. However, it is expected that with the required five-year update to this plan that the build-out numbers will be updated. Because the rate of build-out could potentially differ between unincorporated areas and areas within municipalities, the data has been separated for future reference. The data below will help identify not only units built, but also will help gauge whether ultimate build-out has changed or been kept steady in different areas.

<b>Area/Basin</b>	<b>Year 2002<sup>1</sup> (Units)</b>	<b>Residential Build-Out<sup>2</sup></b>	<b>2002 % Built-Out</b>	<b>Year 2009 (Units)<sup>3</sup></b>	<b>Realistic Residential Build-Out<sup>4</sup></b>	<b>2009 % Build-Out</b>
Lower Blue Unincorporated	3,419	4,987	68.6%	3,542	4,933	71.8%
Town of Silverthorne	1,597	3,252	49.1%	1,813	2,648	68.5%
<b>Lower Blue Total</b>	<b>5,016</b>	<b>8,239</b>	<b>60.9%</b>	<b>5,355</b>	<b>7,581</b>	<b>70.6%</b>
Snake River Unincorporated	5,836	8,838	66.0%	6,041	8,334	72.5%
Town of Dillon	1,523	1,623	93.8%	1,244	1,755	70.9%
Town of Montezuma	37	74	50.0%	45	81	55.6%
<b>Snake River Total</b>	<b>7,396</b>	<b>10,535</b>	<b>70.2%</b>	<b>7,330</b>	<b>10,170</b>	<b>72.1%</b>
Ten Mile Unincorporated	1,769	2,613	67.7%	1,921	2,527	76%
Town of Frisco	2,594	2,888	89.8%	2,982	3,336	89.4%
<b>Ten Mile Total</b>	<b>4,363</b>	<b>5,511</b>	<b>79.2%</b>	<b>4,903</b>	<b>5,863</b>	<b>83.6%</b>
Upper Blue Unincorporated	2,978	5,385	55.3%	3,428	4,885	70.2%
Town of Breckenridge	6,320	8,300	76.1%	660	838	78.8%
Town of Blue River	593	841	70.5%	6,455	8,321	77.5%

<b>Area/Basin</b>	<b>Year 2002<sup>1</sup> (Units)</b>	<b>Residential Build-Out<sup>2</sup></b>	<b>2002 % Built-Out</b>	<b>Year 2009 (Units)<sup>3</sup></b>	<b>Realistic Residential Build-Out<sup>4</sup></b>	<b>2009 % Build-Out</b>
<b>Upper Blue Total</b>	<b>9,891</b>	<b>14,526</b>	<b>64.1%</b>	<b>10,543</b>	<b>14,044</b>	<b>75.1%</b>
Unincorporated Areas				14,932	20,679	72.2%
Incorporated Areas				13,199	16,979	77.7%
<b>Countywide Totals</b>	<b>26,666</b>	<b>38,811</b>	<b>68.7%</b>	<b>28,131</b>	<b>37,658</b>	<b>74.7%</b>

<sup>1</sup> Source: Summit County Planning Department, towns of Breckenridge, Frisco, Silverthorne and Dillon.

<sup>2</sup> The build-out conducted in 2002 primarily focused on absolute build-out allowed per the underlying zoning.

<sup>3</sup> The build-out conducted in 2002 was not as detailed or accurate as the build-out conducted in 2009. Thus, discrepancies in actual units between 2002 and 2009 are a result of a more accurate analysis and utilization of a more thorough methodology.

<sup>4</sup> Realistic Build-Out represents COs issued as of July 1, 2009.

Population

<b>Year</b>	<b>Population</b>	<b>Percent Increase</b>
1970	2,665	
1980	8,848	232%
1990	12,881	45.6%
2000	23,548	99.5%
2009	29,280	24.3%

Source: U.S. Census Bureau, State Demographer's Office, and Summit County Planning Department 2009.

New Residential Development Activity - Urban vs. Rural Areas

One of the goals of this element is to focus growth within designated urban areas. A good way to gauge success at such a goal is to track the location of development in upcoming years. The following table outlines the locations of new residential units throughout the unincorporated County and documents whether they are located in urban or rural land use master plan designations.

<b>Year</b>	<b>Urban Units<sup>2</sup></b>	<b>Rural Units<sup>2</sup></b>
2002	224	47
2003	168	8
2004	182	5
2005	107	15
2006	124	12
2007	131	7
2008	140	9
2009 <sup>3</sup>	47	3
<b>Totals</b>	<b>1,123</b>	<b>106</b>

<sup>1</sup> Based on issuance of Certificates of Occupancy (COs) for new residential units in unincorporated portions of Summit County.

<sup>2</sup> Differentiation between urban and rural units is based on basin master plan designations.

<sup>3</sup> Represents COs issued through July 1, 2009.

Transferable of Development Rights (TDRs)

The Land Use Element promotes the use of TDRs as a means of protecting valuable or sensitive resources (e.g., backcountry lands) in the County while directing density to more urban areas. The following table outlines TDR transactions that have occurred in the County. The table should be updated, as new TDR transactions occur in order to monitor progress in the use of TDRs by basin.

<b>Table 5. Summary of Transferable Development Right Transactions &amp; Acreage Protected</b>			
<b>TDR Transaction</b>	<b>Year</b>	<b>Acreage Protected</b>	<b>Comments</b>
<b>Lower Blue Basin</b>			
1. Kruger/Penfield	2006	20	
<b>Totals:</b>		20	
<b>Snake River Basin</b>			
1. Antler's Gulch	1999	0	Urban to urban transfer in Keystone.
2. North Fork Acquisition	2000	18.19	
3. Autumn Brook Acquisition	2000	19.37	
4. Blight Placer PUD	2001	60.39	Thirty-three TDRs deposited into TDR Bank.
5. Keystone PUD: Ski Tip Parcel A	2002	8.0	Urban to urban transfer.
6. River Run Parcel A	2002	0	Transfer of commercial density.
7. Ski Tip West Acquisition	2004	10.32	
8. Summerwood PUD Acquisition	2006	15.63	
			All of the above represent "private party transactions".
TDR Regulations for Snake River Basin significantly amended.	2006		Snake River TDR program amended to be modeled after Ten Mile and Upper Blue TDR program regulations.
Backcountry Zoning ("BC") adopted for Snake River Basin.	2006		Approximately 275 properties rezoned to BC to complement TDR program.
9. Transpacific Tourism – TPT	2008	168.53	
<b>Totals</b>		<b>300.43</b>	<b>Total approximate density transferred: 37.3 EQs, 22 SFRs, 23 Employee Units.</b>
<b>Ten Mile Basin</b>			
1. Copper Mountain Resort PUD	2008	193.93	Created TDR Bank with 6.04 TDRs deposited.
<b>Totals</b>		<b>193.93</b>	
<b>Upper Blue Basin</b>			
1. Whatley Ranch PUD	1996	45.79	TDR transactions enacted that preceded adopted Upper Blue TDR Program.
2. Fuller/Berlin Placer PUD	1996	Unknown	
3. Blocks 12 & 13, Woodmoor to the Lodge @ Breckenridge PUD	1996	1.66	
4. Alonso/Theobald Annexations (1 – 3)	2004	200	Properties used to transfer density associated with Alonso/Theobald Annexations.
5. Properties Used to Seed Upper Blue TDR Bank	2004 - 2006	546.57	
6. Baldy Ridge Estates	2004	39.39	Private party transaction.

<b>Table 5. Summary of Transferable Development Right Transactions &amp; Acreage Protected</b>			
<b>TDR Transaction</b>	<b>Year</b>	<b>Acreage Protected</b>	<b>Comments</b>
7. Blue River Corkscrew	2004	153.73	Private party transaction.
<b>Totals</b>		<b>987.14</b>	
<b>Summit County Totals (All Basins)</b>			
		<b>1,501.5</b>	

Source: Summit County Planning Department, Long Range Planning, 2009.

## Implementation Strategies

Many of the policies and actions identified in this element propose some future work, such as an amendment to the Development Code, in order to see their successful implementation. The table below identifies specific strategies recommended to fully implement the Land Use Element. Priorities are identified to give an indication of the current relative importance of a particular implementation strategy. These priorities are provided as guidelines only.

<b>Goal, Policy/Action</b>	<b>Project/Description</b>	<b>Timeframe</b>	<b>Priority</b>
A.6, F.1-F.4	Undertake efforts to provide for heightened levels of communication with all of the towns regarding land use issues. A goal should be to establish intergovernmental agreements with each of the towns regarding coordination of land use planning, particularly within the unincorporated Three Mile Plan areas of each town. Joint efforts between the County and towns should establish the extent of urban growth boundaries, the location where towns are expected to annex within the next 20 years. Areas that are intended to remain rural should also be identified in this process. Where possible, the towns and County should attempt to develop joint plans for these areas.	1-2 years	High
F.5	Initiate a coordinated work program between the County and the towns to evaluate the land supply available for different land uses in the County. As part of the analysis, information from the State Demographer should be incorporated regarding relationships between the economy and growth in different land use sectors. The result of the analysis should include recommendations on strategies that can be incorporated by the towns and the County to address any deficiencies in land supply.	1 year	High
A.5.1	Establish a work group to review and develop a list of incentives that encourage infill and redevelopment in existing urban areas. Examples of incentives that could be utilized include density bonuses and variances from certain standards (e.g., building setbacks from roads).	6 months	Medium
D.2	The County should initiate rezoning applications for parcels of land that have zoning that is significantly inconsistent with land use designations for the land identified in adopted basin master plans. The intent of these efforts will be to increase the consistency between zoning and adopted master plans.	Ongoing	Medium
D.7	Amend the Development Code to require conditional use permits for certain uses in the A-1 zone district that are currently allowed outright. As part of the amendment, a list of uses currently allowed in the A-1 zone would be reviewed to determine which uses need a conditional use permit to mitigate potential impacts of the use. Examples of uses that should become conditional uses include commercial mining and certain types of commercial timber harvesting. Examples of other uses that should be evaluated include elementary and middle schools, motor vehicles storage yards, athletic facilities, fish farms and hatcheries, and small scale hydro facilities.	4-6 months	Medium
D.8-D.8.2	Prepare an analysis of A-1 zoned parcels and identify parcels that are not (or cannot be) used for agricultural purposes (i.e., the intent of A-1 zoning). Examples of such parcels include small mining claims, large parcels in valley floors of the Upper Blue Basin, and small 20 acre residential properties.	6 months	Medium



**Table 7. Land Use Element Implementation Strategies**

<b>Goal, Policy/Action</b>	<b>Project/Description</b>	<b>Timeframe</b>	<b>Priority</b>
	Develop alternative zoning classifications that could apply to these lands, with the intent of maintaining consistency in uses and densities applied to rural areas. Amend the Development Code to include these new zoning district classifications. Initiate rezonings of lands that meet the above descriptions to the new zoning classifications.		

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