

SUMMIT COUNTY OPEN SPACE PROTECTION PLAN

A Plan For The Protection of Open Space Resources That Contribute
To The County's Rural Mountain Character

APPROVED
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SUMMIT COUNTY OPEN SPACE PROTECTION PLAN

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Adopted by

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The Summit County Open Space Advisory Council would like to express its sincere appreciation to the citizens of Summit County who devoted their time and effort to giving the Advisory Council insight and direction during the preparation of this Open Space Plan.

TABLE OF CONTENTS

1	Introduction	1
2	Background	3
3	Public Input	5
4	Existing Open Space in Summit County	7
5	Identification of Open Space Areas	10
6	Protection Methodologies	17
7	Land Acquisition Process	22
8	Open Space Management	24

Tables

1. Open Space Tax Fund Allocation Schedule	5
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Appendices

1. Resolution Accepting Interim Open Space Committee Report
2. Open Space Advisory Council Bylaws
3. List of Local Government Open Space Resources
4. Summary of Outside Information Sources
5. General Menu of Open Space Protection Tools

Maps

1. Open Space Resource Inventory Map
2. Denver Water Board Property Map

1. Introduction

An Open Space Vision.

Summit County's Open Space Program is dedicated to utilizing creative protection techniques to preserve and protect the County's significant and threatened open space resources. The Program will focus on lands that most contribute to the County's quality of life and rural mountain character, including:

- Buffers between communities
- Prominent view corridors
- Significant agricultural lands
- Undeveloped shorelines and riparian corridors
- Trail and recreation access points
- Lands of unique ecological value

Purpose of the Plan

The purpose of this Summit County Open Space Protection Plan ("the Plan") is to serve as an advisory guide to the Board of County Commissioners and the Summit County Open Space Advisory Council regarding the protection and/or acquisition of the County's open space resources. The Plan articulates an integrated strategy for preserving important open space resources, informs citizens and landowners of the criteria used for the identification and selection of lands to be protected, identifies how citizens will be involved in determining how the open space funds will be spent, outlines techniques and tools to protect open space lands, and establishes management guidelines for open space properties.

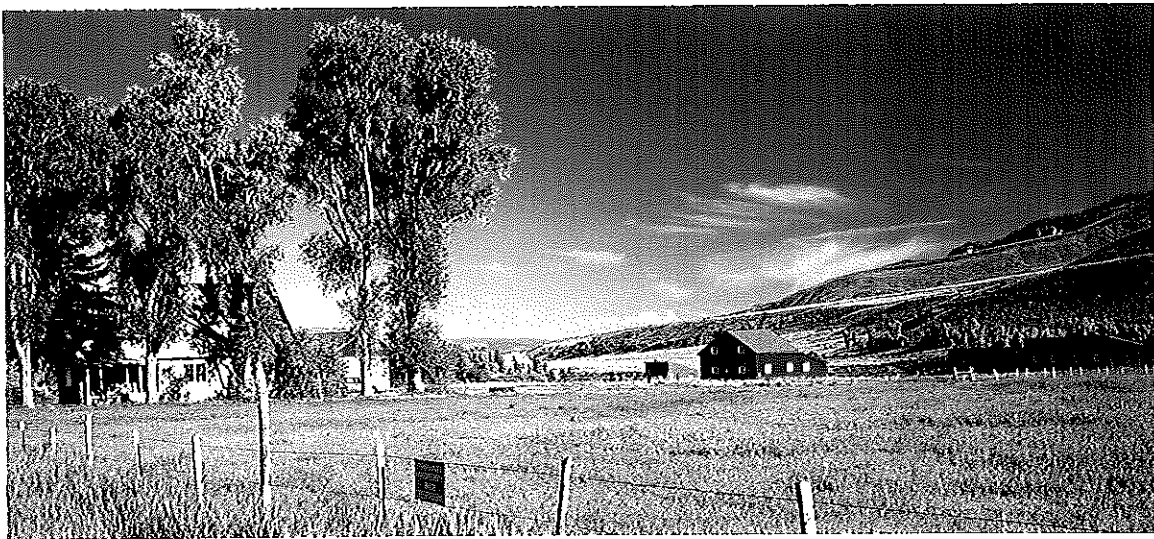
The Plan is not intended to identify specific properties for open space acquisition. It is intended to outline important open space resource values and identify general areas within the County that contain these values. The Plan does not direct which properties will be acquired as open space, nor is it binding on the future open space decisions made by the Board of County Commissioners.

The Plan must be used in conjunction with the Countywide Comprehensive Plan and Basin Master Plans which provide the guidance and direction for the physical development of the County. This Plan attempts to refine the vision for the protection of open space within the County as outlined in these plans.

Use and Organization of the Plan

This Plan is intended to be used in concert with the County's Comprehensive Plan, the Basin Master Plans, and other planning documents that reflect land use desires within the County. The Plan is organized and presented in the following sections:

1. **INTRODUCTION:** Presents basic information on the purpose and use of the Plan.
2. **BACKGROUND:** Provides a context for the operation of the Plan.
3. **EXISTING OPEN SPACE IN SUMMIT COUNTY:** Contains an overview of the various open space resources that already exist within Summit County.
4. **PUBLIC INPUT:** Describes the various forms of public input that went into the formation of the Plan, and outlines the processes for ensuring effective avenues for obtaining future input into the Open Space Program.
5. **IDENTIFICATION OF LANDS TO BE PROTECTED:** Defines the process of determining lands that have open space values, outlines goals for the protection of open space areas within each planning basin, and outlines a strategy using protection mechanisms that are most appropriate to preserve open space qualities.
6. **PROTECTION METHODOLOGIES:** Sets forth the tools and protection strategies that will be used to accomplish the protection/acquisition goals of the Plan.
7. **LAND ACQUISITION PROCESS:** Describes the specific steps that will be utilized in connection with land acquisitions.
8. **OPEN SPACE MANAGEMENT:** Sets forth policies with respect to the management and stewardship of lands acquired by the Open Space Program.



Tonn Ranch
Conservation Easement Held by Summit County

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2. Background

A View of Summit County.

Summit County, with a full time residential population of 17,000, and a peak seasonal population of 98,900, has a rich cultural history and is endowed with tremendous natural resources including spectacular vistas, excellent air and water quality, and diverse wildlife and ecosystems. Included within the County are six municipalities, four major ski resorts, significant National Forest lands and two Congressionally-designated Wilderness areas.

The County has the reputation as a national and international center for winter sports and outdoor recreation. In 1993-94, the ski areas in the County accounted for 31% of Colorado's annual skier visits, significantly more than any other county in Colorado. The expansion of the ski industry, along with the County's renowned recreational opportunities and overall natural beauty has attracted significant residential growth. During the 1970's, Summit County was the fastest growing county in the United States, with a growth rate in excess of 20% per year. Today, the County is not growing as rapidly as in the 1970's, nonetheless it continues to experience a 4.5% rate of growth.

Summit County encompasses about 600 square miles. Only 150 square miles of the County are privately-owned, the remainder is in federal ownership. The majority of this 150 square miles is found in narrow bands along the valley bottoms and adjacent to the major road corridors. It is along these major roadways that the bulk of the existing and approved development occurs, along with the majority of the most environmentally important and sensitive lands. Without a strategic approach by the County, most of these environmentally sensitive and visually prominent areas could be lost.

The County's Comprehensive Plan notes that if existing demographic trends continue, the County could eventually reach a build out population of 200,000, *11 times* its current population. Unless mitigated, this development pattern will result in a loss of open spaces that define communities, impact internal open space areas within communities, eliminate important trail corridors, jeopardize visually prominent lands and view corridors, and cause the loss of environmentally-sensitive lands and resources that exemplify the rural mountain character of the County.

In order to avoid such consequences, the Comprehensive Plan sets forth an ambitious program to preserve and enhance the County's unique qualities. Protection and/or acquisition of open space is part of that program, and the subject of this Plan.

Approval of Funding To Protect Open Space in the County.

In the fall of 1993 the County placed a proposal on the ballot to continue a real estate property tax for an additional ten years that was otherwise slated to expire. Slightly over half of the tax proceeds are to be dedicated to the protection/acquisition of Summit County's open space resources. In the November 1993 election the voters approved this open space initiative by a 56%

margin, and dedicated funding for open space protection (the "Open Space Fund") was established. The Open Space Fund began accruing monies in January of 1995, and is expected to produce average revenues of approximately \$740,000 per year, each year from 1995 to 2004, for an anticipated total amount of approximately \$7,400,000. The projected tax allocation schedule for open space funds is shown on Table 1.

Following the election, the Summit County Board of County Commissioners (the "BOCC") recognized the need to establish an open space program to implement the vision of the citizens and to guide the use of the Open Space Funds. The BOCC created an interim citizens committee (the Interim Committee) and charged it with developing recommendations for establishing and administering an open space protection program (the "Open Space Program"). After several month's work, the Interim Committee presented its recommendations to the BOCC, and the BOCC accepted the recommendations by Resolution 94-100, a copy is attached as Appendix 1.

The overriding philosophy for the Open Space Program is to develop an integrated approach within the Summit County community to identify special and unique open space areas, and to determine the most appropriate ways to preserve these areas. In following this strategy the County has identified a need to coordinate efforts within the Planning and Engineering Departments, Countywide and Basin Planning Commissions, other County departments, towns, U.S. Forest Service, other agencies, and most importantly private land owners.

In December, 1994 the BOCC created the Summit County Open Space Advisory Council (the "OSAC"). The OSAC is composed of eleven members selected by the BOCC. Each of the County's four planning basins has two representatives on the OSAC, and the remaining three representatives are appointed as at-large members. The OSAC is charged with making recommendations to the BOCC for the expenditures of the Open Space Fund, and the establishment of policies for the acquisition and management of open space properties. The OSAC bylaws were established February 1, 1995 and are attached as Appendix 2. In order to facilitate the county's open space protection efforts, the BOCC established an Open Space and Trails Department, and provided funding beyond the open space acquisition mill levy for the staffing and operation of the department.

OSAC members agreed that in order to best utilize the limited funds generated by the mill levy, an open space plan should be developed outlining strategies for protection and acquisition of open space properties. With County funds and a grant from the Great Outdoors Colorado Trust Fund (GOCO), the County retained a consulting team to assist in the creation of this *Summit County Open Space Protection Plan*.

This Plan would not have been possible without the dedicated efforts of various officials and citizens, particularly those who have served on the Interim Committee and the OSAC. The success of this Plan is dependent upon continued support by concerned citizens and local officials. It is expected that the same resolve that motivated the citizens of Summit County to create the Open Space Fund will translate into a concerted effort to fully implement the Plan.

TABLE 1
PROJECTED OPEN SPACE TAX FUNDS

Year	Amount	Overall Total		Year	Amount	Overall Total
1995	\$1,000,000	\$1,000,000		2000	\$ 705,861	\$3,638,537
1996	\$ 415,657	\$1,415,657		2001	\$ 818,089	\$4,456,626
1997	\$ 425,500	\$1,841,157		2002	\$ 916,654	\$5,373,280
1998	\$ 493,710	\$2,334,867		2003	\$ 993,290	\$6,366,570
1999	\$ 597,809	\$2,932,676		2004	\$1,081,706	\$7,448,276

note: The County property tax mill levy is also being used to fund construction of new facility buildings and library improvements. The financing of these improvements involve the sale of government bonds. The fluctuation of the bond payment schedule accounts for the variation in the annual appropriations of open space acquisition funds.

3. Public Input

Public Input Into the Formation of the Plan.

The public input process for this plan was divided into two parts. The first portion was not, strictly speaking, directed at the public. Rather, it was directed at the town governments within the County, and at assuring that each of them had appropriate input into the process. During the Summer of 1995, members of the OSAC and County staff made presentations and received comments from the town councils of Silverthorne, Dillon, Frisco, Breckenridge, Montezuma and Blue River. These sessions provided an opportunity to promote coordination of activities.

The second part of the process involved direct input from the public and other non-governmental entities. The OSAC scheduled a series of public meetings, one in each of the four planning basin. At each meeting, a brief summary of the Open Space Program was presented. Then, the meeting was opened for comments regarding criteria for selection of open space. The participants were asked to attempt to attach a degree of importance to each of the criteria, so that relative preferences could be determined. Finally, the participants were asked to discuss any specific parcels of land that they thought would be attractive open space candidates.

The public input process achieved three major objectives. First, it allowed the public an opportunity to provide general input into the formation of the Plan. Second, it helped the OSAC to refine the open space selection criteria into a final form. Finally, the information received allowed the OSAC to formulate and articulate a focus/strategy to be considered in addition to the selection criteria when making land acquisition decisions.

Future Input Into the Implementation of the Plan

Public input is important not only in formulating this Plan, but also in implementing the Plan and administering the Open Space Program. To ensure the opportunity for continuing public input, the following steps will be taken:

- (i) Brochures and other information about the Open Space Program will be disseminated by the Open Space and Trails Department which include a phone number and address where concerned individuals may make suggestions, including suggestions relating to candidates for open space protection.
- (ii) County staff and OSAC representatives will, at least once a year, meet with each basin planning commission and town councils at a public meeting to provide information about the open space activities, and an opportunity for input regarding future open space protection efforts.
- (iii) At least once a year, OSAC will hold a meeting at an appropriate public venue at which general public attendance and input will be encouraged.
- (iv) A slide presentation will be produced describing the open space program, OSAC, and ways open space areas can be preserved within Summit County.



Roberts Tunnel Peninsula
Dillon Open Space Park
Conservation Easement Held By Summit County

Todd Parker

4. Existing Open Space In Summit County

Existing Designated Open Space

Even before the approval of the open space mill levy Summit County, its municipalities and citizens have taken steps to protect open space and related resources. Properties have been preserved in several ways including: park/open space dedications from developers of subdivisions (these parcels include properties deeded to the County or where deed restrictions are placed on the properties which establish open space parcels); establishment of common open space areas within developments; conservation easements voluntarily placed on land by property owners; and the fee simple purchase of open space properties. To date the protected open space land elements include the following:

A. Open Space Parcels Held by Summit County

Since 1975, the County has accepted the dedication of open space and park lands in connection with the development and subdivision of land. Examples of open space areas dedicated to the County include the 40-acre Soda Creek Greenbelt, and the wetland parcels on Meadow Wood Subdivision and Buffalo Ridge Condominiums. Open space has also been dedicated to the public by developers of subdivisions who continue to manage and maintain these areas. The three-mile-long Snake River corridor which includes approximately 36 acres through Keystone Resort, is a good example of this type of open space dedication.

Summit County, in cooperation with the Town of Breckenridge, jointly purchased the 10.5-acre Tatum Tracts Open Space parcel in 1994. This parcel preserves the Highway 9 view corridor north of the four-mile bridge, and provides access to 1,790' of the Blue River for fishing. The first acquisition using the Open Space Fund was the seven acre McCullough Gulch Trailhead property purchased in the fall of 1995. This open space acquisition provides land for a trailhead, and maintains an important public access to the National Forest from State Highway 9 which follows along McCullough Gulch and connects to the Quandary Peak Trail and the Wheeler National Recreation Trail. These County-owned open space resources are listed in Appendix 3.

B. Open Space Parcels Held by Towns

The towns of Breckenridge, Silverthorne, Frisco, and Blue River have a combined total of 240 acres set aside as open space. Approximately 140 acres (58%) of town owned open space includes the two reservoirs that provide water for the Town of Breckenridge. The reservoirs are Goose Pasture Tarn within the Town of Blue River and the Town Reservoir within the Town of Breckenridge.

The towns have also accepted the dedication of open space in connection with the annexation or the subdivision of land. These parcels range in size from .5 to 20 acres. Many of these parcels

include trails, scenic backdrops, or environmentally sensitive lands. Examples of open space areas dedicated to towns include the 3.6 acre Ford Hill Scenic Backdrop within the Town of Breckenridge and the 17.7 acre Meadow Creek Wetlands within the Town of Frisco. These open space resources are listed in Appendix 3.

C. Open Space Held in Common Ownership

Some developments within the County contain deed-restricted open space areas that are part of subdivisions or condominium developments. These open space areas are privately-owned, typically held in common ownership by members of homeowner or condominium associations. The access is normally limited to the members of the association and guests. In most cases these properties are not available for public use. The property remains as taxable land with an open space classification. Through this mechanism significant amounts of valuable open space have been protected. The County is currently working to identify and map all of the privately-owned common open space within Summit County. It is anticipated that such information will be included in a future addendum to this Plan.

D. Lands Placed Under Conservation Easements

The use of conservation easements to protect significant open space values within Summit County has been utilized in the Lower Blue River Basin. Currently conservation easements totalling 4,620 acres (4.5% of the private land within the county) have been placed on four agricultural properties. One of these conservation easements, granted to Summit County in December, 1995, was placed on the 300-acre Tonn Ranch. Map 1 shows the properties that have been placed under the protection of conservation easements. The conservation easements, held by the American Farmland Trust and Summit County, limit future development on these lands. The protections afforded by these easements constitute an important element of the Open Space Program strategy contained within this Plan.

Other Publicly Owned Lands That Serve Open Space Purposes

A. National Forest Land

Approximately 73% of the County's land base is owned by the federal government and is part of the Arapaho National Forest, Dillon Ranger District. These 278,924 acres of National Forest lands are shown on Map 1. National Forest land tends to be located at higher elevations, and away from the valley floors. The National Forest lands within the County include all of the Ptarmigan Peak Wilderness Area and portions of the Eagles Nest Wilderness Area. Human activities and development are restricted in these Wilderness areas to preserve their natural character.

The configuration of National Forest land, while beneficial to the County as a whole, has the effect of concentrating development along several corridors of private land, thus threatening the open, undeveloped character along these well traveled, highly visible corridors.

B. Parks

Summit County and its municipalities have constructed a number of parks which focus on active recreational needs for residents and visitors to the county. The park facilities include state-of-the-art recreation centers and outdoor recreation facilities including softball and soccer fields, playgrounds, picnic areas, skateboard areas, and tennis courts. The Town of Breckenridge has developed a Riverwalk Park by reestablishing the channel for the Blue River through the western edge of the downtown and developing a park setting. The Riverwalk includes an indoor event center, benches and picnic areas, and a pathway system that connects these areas along a landscaped river corridor. A trails plan was also adopted by the Town of Breckenridge in 1996. The Town of Silverthorne is in the process of developing a river corridor park along the Blue River through town below the dam for Dillon Reservoir. The Town of Frisco has developed community parks along Tenmile Creek and Meadow Creek. Recently Frisco acquired a portion of the Frisco Peninsula in a land exchange from the federal government and is developing an athletic complex including baseball\softball fields and soccer fields.

These park areas provide areas free from development where citizens can recreate, picnic, and enjoy the outdoors. While the use of Open Space Funds are not earmarked for establishment of developed park and recreation areas, open space areas are often secured as extensions to developed park areas or as greenbelts which provide linear linkages to developed park areas. The inventory of existing County and municipal parks are listed in Appendix 3.

C. Trails

Summit County has an extensive network of bikepaths, natural surface roads, and trails. Many of these routes date back to the County's mining era. The trails network often provides critical access to and across important open space areas within the County. Additionally, the trails network has itself become a destination recreational resource valued by residents and visitors alike.

Many of the existing trails in Summit County have been created informally by continued use, and are thus not officially designated by easements. Other trails are located entirely on public lands or easements, and are officially designated. Continued development within the County threatens to cut off access to many of these formal and informal trails.

D. Tax Default Properties

Summit County presently owns approximately 2,000 acres of land that was acquired in connection with tax default sales (the "Tax Default Lands"). These lands are largely undeveloped, and are frequently abandoned mining claims that are isolated inholdings within the National Forest. Tax Default Lands may constitute valuable open spaces in their current state, or may be offered in land exchanges with the U.S. Forest Service to acquire more desirable open space properties.

E. Denver Water Board, BLM, State Land Board Properties

Portions of Summit County are owned by other public entities, the most significant of which is the Denver Water Board ("DWB"). The DWB was responsible for the construction of Dillon Reservoir. In doing so, the DWB acquired the land underlying the current Reservoir, as well as land adjacent to the Reservoir. Today, the DWB owns approximately 1,000 acres of land within the County (not including land underlying the Reservoir). The locations of these lands are shown on Map 2.

The DWB has allowed its lands adjacent to Dillon Reservoir to be used for recreational purposes in accordance with the Dillon Reservoir Recreation Area Master Plan. A number of DWB properties have traditionally been regarded and used as open space by County residents and visitors. It is currently unclear the extent to which these DWB lands will continue to serve such purposes in the future.

In addition to the DWB, the Bureau of Land Management owns approximately 3,200 acres of land at the northern end of the County, as shown on Map 1. The State Land Board also owns 300 acres within the County, also as shown on Map 1.

5. Identification Of Open Space Areas

Summit County's open space goal is to actively protect and preserve lands that maintain the County's rural mountain character for present and future generations. The development of lands along stream corridors and significant agricultural areas within the valley bottoms, and within historic mining districts continues to threaten the unique character of the County. Some of the rural, undeveloped character valued by our citizens is at risk of being lost forever.

As identified in the Summit County Comprehensive Plan the preservation of open space needs to be incorporated in an overall community planning effort and strategy. Rather than undertaking open space protection efforts that are separated from larger community development issues, such as where development occurs and how it occurs, Summit County has chosen an integrated approach to open space preservation. This approach includes incorporating recommendations from the general public, the County's planning basin master plans, town master plans and the U.S. Forest Service into the open space identification process. Inventories identifying areas within the County containing important ecological, historical, cultural, or geological values will also be used in the identification process. Summit County is in the process of completing an ecological inventory of private lands within the County through the Natural Heritage Program at Colorado State University. The ecological inventory is being funded in part through a grant from Great Outdoors Colorado. These factors are used in conjunction with open space selection criteria to identify the areas to be considered for open space protection.

Identification Process

The identification process to determine which areas should be recommended for open space protection includes five steps (the first two steps have been completed as part of this Plan):

- Establishment of open space criteria used to evaluate an area's open space values;
- Determining specific areas of focus for open space protection within each planning basin;
- Identifying undeveloped land within the areas of focus that are in a natural or agricultural state, and also encouraging citizens, OSAC members, BOCC, town representatives, and planning commissioners to recommend parcels for open space protection (these could be included within a focus area or an area not previously identified in a focus area);
- Reviewing these properties taking into account their open space values as they apply to the open space criteria, recommendations of land use master plans, areas identified in ecological, historical, cultural and geological assessments, and recommendations from the U.S. Forest Service and towns;
- Making final determinations regarding which areas will be recommended for open space protection.



Dyersville Historic Town Site

Todd Parker

These steps are reviewed in more detail as follows:

A. Selection Criteria

Establishing general selection criteria is the first step toward identifying lands for protection. These values, when taken as a whole, will preserve the County's rural mountain character. In October of 1994 the Interim Committee recommended a list of open space criteria. Based on the Interim Committee's recommendations, and information obtained through public meetings, a set of open space criteria has been developed that articulates the primary open space values to be protected in Summit County. The recommended criteria are stated as follows:

OPEN SPACE SELECTION CRITERIA

Access. Lands that provide trailheads or public access to recreation areas on National Forest and other significant properties.

Agricultural/Cultural. Lands that contribute significantly to Summit County's past, including agricultural lands with irrigated meadows or open cropland, ranching areas and historic sites. The historic, cultural or social significance of these types of properties should contribute to the community's identity and well being.

Buffers. Natural and undeveloped lands which separate and buffer the impacts of development, define the boundaries of urbanized areas, prevent urban sprawl and strip development, and contribute to the rural mountain quality of the local landscape.

Extensions. Land adjacent to publicly held property which meets open space criteria guidelines and which can combine with other open space properties to enlarge and/or connect existing open space parcels.

Recreational. Lands with significant recreational value, particularly non-motorized passive uses not requiring intensive maintenance or management.

Unique Lands. Lands possessing unique values such as outstanding (but not necessarily generally visible) scenic quality, rare flora, riparian quality, wetlands, critical wildlife habitat, fragile alpine areas, or unusual geologic or topographical formations.

View Corridors. Lands with high aesthetic appeal and variety within major view sheds, which lands are generally visible, apparent, and appreciated by residents and visitors and through preservation will maintain the rural mountain appearance of Summit County.

These criteria, not stated in any order of priority, describe the values of lands that are important to be preserved as open space and enhance the rural mountain character of the County. Given the overall high aesthetic and biological quality of land in Summit County, far more parcels of land will satisfy one or more of the criteria than the County has resources to protect. Therefore, further steps are necessary to evaluate undeveloped lands in order to decide which areas should be recommended to be protected as open space.

B. Identification of Areas of Emphasis Within Planning Basins.

The second step in the land identification process is determining areas of emphasis within each Planning Basin. This allows the Program to focus its attention on manageable segments of the overall pool of available lands. In selecting the areas of emphasis the Program took account of the Criteria, as well as the comments received during the public input process. Additionally, the Program considered various information provided by other pre-existing plans and sources. A summary of these outside information sources is contained in Appendix 4. Based upon these considerations, for each of the Planning Basins the Program identified principal issues, as well as areas of emphasis, as follows:

1. Lower Blue River Basin

The primary open space issues identified in this basin include preservation of agricultural/cultural lands, preserving buffers that form the boundary of urban development, improving fishing access and access from residential developments to National Forest lands, and protecting view corridors along major highway, roadways, and reservoirs.

The main areas to focus on in the Lower Blue Basin include:

- Work in conjunction with property owners, land trusts, and the Colorado Division of Wildlife to preserve agricultural lands in the Lower Blue Basin via the donation and/or acquisition of conservation easements.
- Work in conjunction with the Town of Silverthorne and property owners to preserve an open space buffer adjacent to the edge of development within the Town of Silverthorne.
- Acquire property interests to protect the view corridor north of Silverthorne when zoning and development regulations are not a viable alternative.
- Acquire additional public access, in conjunction with the U.S. Forest Service and Colorado Division of Wildlife, to the Blue River within the basin for fishing and other appropriate recreational uses.
- Acquire property rights in conjunction with the U.S. Forest Service to guarantee access and appropriate parking for public trailheads providing passage into the National Forest on existing trails.

2. Snake River Basin

The primary open space issues identified in this basin include preserving the shoreline areas of Dillon Reservoir, preserving buffers that form the boundary of urban development, and protecting view corridors along highways and major arterials.

The main areas to focus on in the Snake River Basin include:

- Work in conjunction with the Denver Water Board and the Town of Dillon to preserve the shoreline areas bordering Dillon Reservoir as open space and where appropriate allow passive recreation uses.
- Work in conjunction with the Town of Dillon and property owners to preserve an open space buffer between the Town of Dillon and Keystone.
- Protect areas along the Highway 6 corridor and along Montezuma road identified in the Snake River Master Plan Visual Analysis as "most beautiful" and "beautiful".
- Acquire property interests to preserve the open space character and trail access in the upper portions of the basin's drainages.

3. Tenmile Basin

The primary open space issues identified in this basin include acquiring or solidifying access points to National Forest lands, protecting the undeveloped character through Tenmile Canyon and along the county bikepath system, protecting view corridors along major highways, preserving buffers that form the boundary of urban development, and preserving the shoreline areas of Dillon Reservoir.

The main areas to focus on in the Tenmile Basin include:

- Acquire property interests to protect the view corridor along Highway 91 and through Tenmile Canyon when zoning and development regulations are not a viable alternative.
- Secure access and preserve the backcountry character within the North Tenmile Creek, Humbug, Mayflower and Clinton Gulch areas, Searle Pass, and Kokomo Pass areas.
- Work in conjunction with the Town of Frisco, U.S. Forest Service, and Denver Water Board to maintain and protect an undeveloped buffer around Frisco including lands north and west of I-70, south and west of the Frisco-Farmer's Korner Recreational Pathway, and lands east along State Highway 9.
- Work in conjunction with the Denver Water Board and the Town of Frisco to preserve Dillon Reservoir shoreline areas within the basin as open space and where appropriate allow passive recreation uses.

- Protect the recreational experience and view corridors along the Frisco-Farmer's Korner and Tenmile Canyon pathways.

4. Upper Blue Basin

The primary open space issues identified in this basin include preserving recreational trail access, preserving backdrop hillsides and preserving ridge tops from development, protecting view corridors along highways and major arterials, and preserving buffers that form the boundary of urban development.

The main areas to focus on in the Upper Blue River Basin include:

- Identify specific properties and acquire property interests, when zoning and development regulations are not a viable alternative, to protect the recreational trails in the Golden Horseshoe area northeast of the Town of Breckenridge bordered by the French and Swan drainages on the north and south and Farncomb/Humbug Hills on the east.
- Work in conjunction with the Town of Breckenridge and property owners to preserve an open space buffer between the Town of Breckenridge and Dillon Reservoir.
- Work in conjunction with the Denver Water Board and private property owners to preserve the shoreline areas bordering Dillon Reservoir as open space and where appropriate allow passive recreation uses.
- Acquire property interests to protect the Blue River corridor and the scenic backdrop visible along Highway 9 between Dillon Reservoir and Breckenridge, and south of Breckenridge to Hoosier Pass when zoning and development regulations are not a viable alternative.
- Acquire additional public access, in conjunction with the U.S. Forest Service and Colorado Division of Wildlife, to the Blue River and Swan River for fishing and other appropriate recreational uses.
- Acquire property interests to preserve the backcountry character in the upper portions of the basin's drainages.

C. Identification of Potential Open Space Parcels

The third step is to identify undeveloped lands in a natural or agricultural state that are located within the areas of focus for each planning basin, and lands that are recommended for protection by citizens, OSAC members, BOCC, town representatives, and planning commissioners. Open space protection strategy reports will be prepared for each of the areas of focus by the Open Space and Trails Department. The purpose of these reports are to identify a specific series of strategies to be implemented to protect the open space qualities of these areas. The protection strategies will be completed in cooperation with the County Planning Department and other county departments.

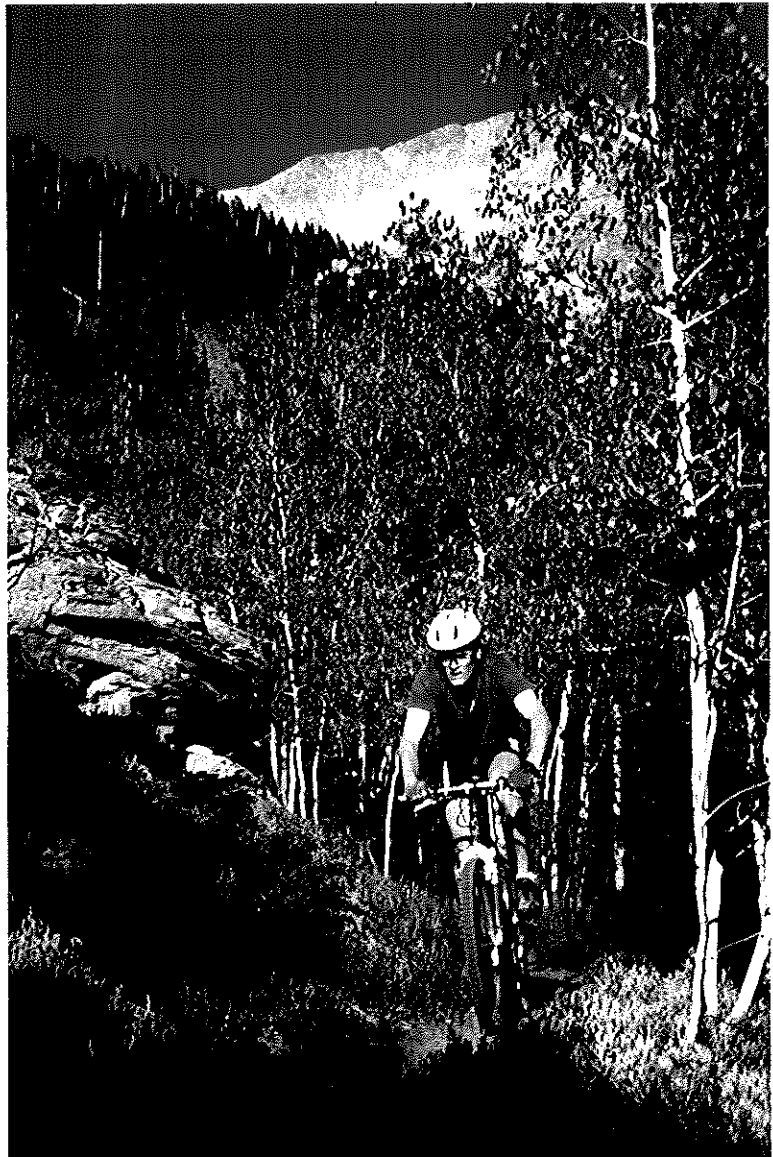
When areas of emphasis are adjacent to towns or National Forest lands those agencies will be consulted as part of the evaluation process. The protection strategy reports will be reviewed and endorsed by both the OSAC and BOCC. A list of potential areas and strategies for protection of these areas will be established through this step in the process.

D. Evaluation of Potential Open Space Parcels

The fourth step in the land identification process is to evaluate the open space values of the lands identified as potential open space parcels. The potential open space parcels will be reviewed to determine the open space values as they apply to the open space criteria, recommendations contained within county basin and town master plans. In addition potential open space parcels that are identified in ecological, historical, cultural and geological assessments, and the U.S. Forest Service Land Ownership Adjustment Analysis will be included as part of the evaluation.

E. Recommendation of Specific Parcels For Open Space Protection

The final step is to determine which lands should be recommended for open space protection. In making these recommendations, the use of a flexible, rather than regimented approach will be used by the OSAC and the open space staff. The parcels that are potential open space properties will not be systematically rated, and the County will not the publicly identify specific parcels for protective actions in order to not impact negotiations.



Todd Parker

Boreas Pass Historic Rail Grade

Rather, the OSAC and BOCC will make case-by-case determinations as to the need for protective measures based on the factors described in this process.

In determining recommendations these factors, as well as practical considerations including the following will be considered:

- (i) The availability and cost (both acquisition and management) of the property involved.
- (ii) The degree and immediacy of threat to the property involved.
- (iii) The consistency of the protection activity with other existing County and municipal plans.
- (iv) The ability to jointly fund the conservation effort with another entity, or find ways to reduce the County's acquisition costs.
- (v) Accepting the donation of land that does not have any obvious conservation values, but could be resold or traded for land that does contain open space values.

This process does not however, preclude the OSAC from recommending and BOCC from acting to protect open space areas which have not been identified for protection whenever and wherever they may arise. Open space protection efforts will emphasize being opportunistic, and providing the freedom to act on prospective open space areas.

6. Protection Methodologies

One of the challenges in the protection of open space areas is the utilization of the most appropriate protection mechanism that satisfies both the citizens open space interests and the property owners desires for their property. Due to the limited financial resources available for the direct purchase of open space land and the current market value of undeveloped property within the county, it is critical that a variety of protection mechanisms be utilized that allow open space funds to be expended in the most cost effective manner.

In conjunction with the integrated strategy used to identify potential open space parcels, this strategy is expanded to determine which protection method is most appropriate to preserve a parcels open space values. In some cases protection measures may already be in place through zoning or other regulations. In other situations the open space values may be preserved while allowing limited development to occur that does not significantly impact these values. In situations where these open space values are not adequately protected the acquisition of property will be considered. The property interest acquired may consist of full fee simple ownership, or of partial rights, such as conservation or access easements, development rights, subsurface mineral rights and water rights.

Protection Strategy

The process to determine the most appropriate mechanism to preserve areas as open space includes the following strategies:

- Determine in cooperation with the county planning staff, and when appropriate town planning staffs whether current zoning, other land use controls, or if appropriate revisions of applicable master plans and/or development standards will be sufficient to protect the open space values of the property, if not;
- Determine in cooperation with the county planning staff, and when appropriate town planning staffs if new overlay zones or conservation zones can be implemented that would provide interim protection of the open space values, if not;
- Determine if limited development, appropriate siting of structures, structural design limitations or other tools could be utilized in conjunction with the creation of open space areas through deed restrictions or public dedications that sufficiently protect the open space values of the property, if not;
- Contact the property owner or respond to a property owners inquiry to determine their interest in protecting the open space values. Determine if there is a possibility of placing a conservation easement on the property or if a limited development in conjunction with a conservation easement is acceptable to the owner and will sufficiently protect the open space values of the property, if not;
- If the open space values cannot be protected through the strategies described above, determine if a partial interest in the property or a conservation easement could be purchased (ie. development rights, water rights, access rights, mineral rights) that will sufficiently protect the open space values of the property, if not;
- Determine in conjunction with the property owner the best mechanism to use and the most advantageous terms for the fee simple purchase of the property.

The General Menu of Tools

In recent years significant advances have been made with respect to open space protection methodologies. In the past, outright (fee simple) purchase was often viewed as the exclusive means for the permanent protection of open space. Today, the menu of tools is extensive and growing. Rather than enumerate and discuss all of these tools in this Plan, reference will merely be made to Appendix 5, which contains a succinct presentation of these tools.

The Open Space Program is committed to innovative utilization of the full range of preservation tools in order to achieve its open space preservation goals. To keep informed about such tools, the OSAC and County staff intend to maintain close contacts with other open space programs and

organizations. In appropriate circumstances, the Program will consider the use of outside consultants to structure and negotiate complicated preservation projects. Because of high land values in Summit County, the Program will not be able to accomplish its goals simply by acquiring property. Accordingly, the Program expects to frequently operate in a manner similar to that of a land trust, and to achieve protection of open space without reliance on the limited Open Space Fund.

Unique Preservation Opportunities and Areas of Focus

In addition to general preservation methodologies applicable to all open space programs, Summit County has some unique opportunities to apply additional preservation tools, such as the use of the Tax Default Lands and other public lands, to achieve open space goals. Additionally, the Open Space Program will emphasize the use of certain principles, such as partnerships and governmental integration, in manners discussed below.

A. Coordination with the United States Forest Service

More than most communities, the character of Summit County is defined by its public lands. As noted above, 73% of the County is composed of National Forest land, and other critically important areas of the County are owned by the Denver Water Board. A central function of the Open Space Program will be to attempt to ensure that these lands are managed or bought/sold/exchanged in a manner consistent with the Plan.

The U.S. Forest Service has adopted a Land Ownership Adjustment Analysis (LOAA) for the portions of the Arapaho National Forest located within the County. Some of the lands designated by the LOAA for Forest Service acquisition are also desirable candidates for open space protection. The Open Space Program will work closely with the U.S. Forest Service to ensure that their respective activities related to the acquisition of these lands are complimentary.

The fact that lands are currently in public ownership does not guarantee their permanent protection, or even that they will remain public lands. Since 1985, in Summit County the U.S. Forest Service has traded into private ownership approximately 2,000 acres of National Forest lands. Moreover, the current LOAA designates a large number of additional parcels (mostly isolated National Forest land surrounded by private land) for transfer. Virtually all of these lands are currently undeveloped and serving as functional open space. The privatization/development of these lands could have significant impacts on the goals of the Open Space Program. The Open Space Program will attempt to ensure that any such disposals occur only in a manner mutually beneficial to the U.S. Forest Service and the goals of the Program. Additionally, the Program will pursue creative approaches for working in partnership with the U.S. Forest Service in utilizing land ownership adjustments to further open space goals.

B. Utilization of Tax Default Lands

As discussed above, the County currently owns approximately 2,000 acres of Tax Default Lands. Some of the Tax Default Lands, in their current state and location, may constitute desirable open

space for inclusion in the Opens Space Program. Any lands that are identified as serving such purposes will be recommended for retention by the County and administered as part of the Program. Other Tax Default Lands may not constitute desirable open space for continued ownership by the County, but may nevertheless be land that the U.S. Forest Service wishes to acquire, and that can serve as open space as part of the National Forest. In these instances, the lands may be offered for exchange to the U.S. Forest Service in trade for open space parcels that will be owned by the County and administered by the Open Space Program.

Assurance of Permanent Protection

In accomplishing open space protection the County will be expending public funds. Additionally, it is anticipated that citizens will make commitments, such as donating land or conservation easements. All of these actions will be predicated upon an expectation that the land involved will be permanently protected, and that the protective measures taken now will not simply be set aside in the future. The County intends, to the maximum extent possible, to uphold these expectations of future protection. Therefore, the County will implement measures to ensure that this balance is reasonably maintained.

Each acquisition of a real property interest by the County will be accompanied by a requirement that any future efforts to dispose of or materially alter the property acquired will be subjected to appropriate scrutiny above and beyond that otherwise applicable to the disposition of County property. These requirements may include, but are not limited to:

- (i) Providing that any conservation easements involved will run for the benefit of another appropriate party in addition to the County (e.g. a municipality, a land trust) who's consent will be required for any future modifications of the easement.
- (ii) Providing that there will be a deed restriction against the property involved that will run for the benefit of another appropriate party (e.g. the previous owner of the property being acquired by the County, the owner of adjacent property) who's consent will be required for any future sale, dispositions, or material changes in use of the property.
- (iii) Providing, through appropriate means, that future dispositions or material changes in the use of the property may only be accomplished after a public vote approving the transaction.

Notwithstanding the above, it is acknowledged that, in some situations, property interests may be acquired by the County for reasons other than protection of the entire interest. For example, a large tract of land may be offered for sale as a whole, but may be purchased to protect only a sensitive portion of the land. In such situations, the land not intended for permanent protection will be specifically identified as such at the time of acquisition. Thereafter, these non-permanently protected property interests may be sold or exchanged without regard to the limitations discussed above.

Integration of the Open Space Plan With Existing Municipal and County Plans

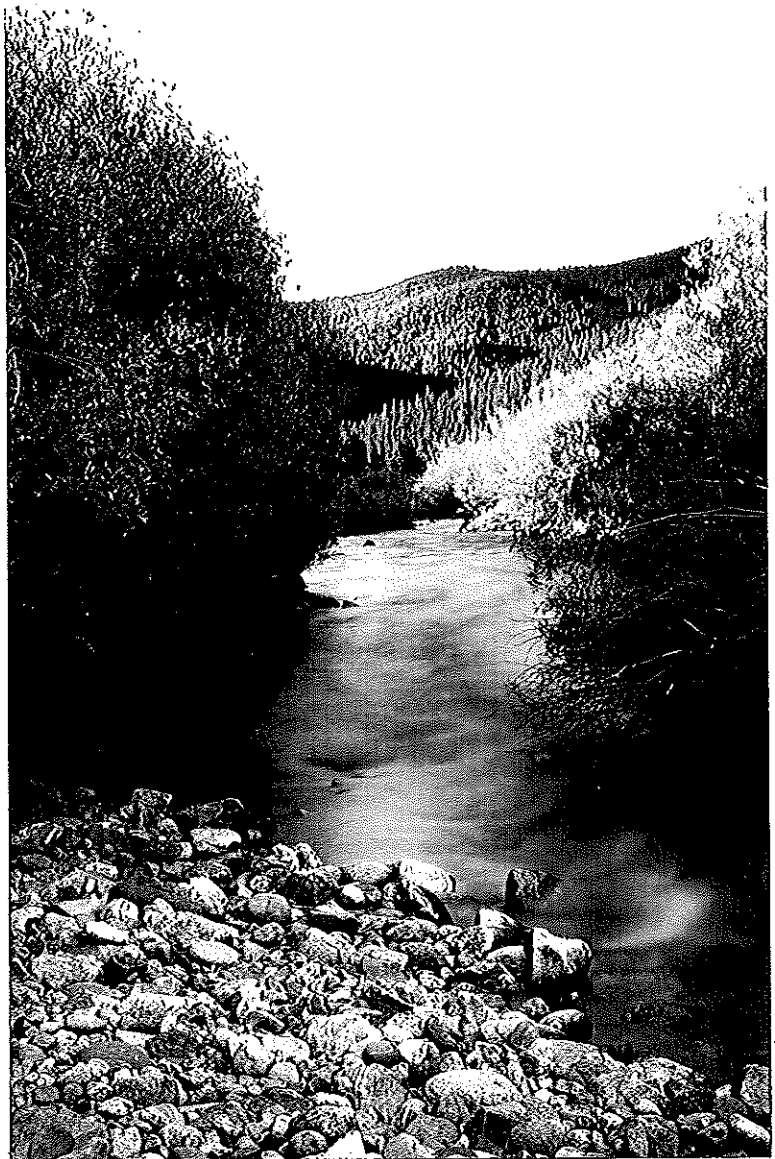
There are a number of existing land use plans affecting open space within Summit County. The County-wide Comprehensive Plan has a section on open space preservation. Among other things, the Comprehensive Plan directs each of the County's four planning basins to address open space issues in their updated basin master plans. To date, only the Snake River Basin has completed its updated basin plan. The Snake River Basin Plan, among other things, designates certain specific areas as "Beautiful" and "Most Beautiful", and recommends their protection as undeveloped open space. It is anticipated that the other planning basins will include in their updated basin plans recommendations regarding specific lands in need of protection. Additionally, four of the County's incorporated areas, Dillon, Frisco, Breckenridge and Silverthorne, have their own comprehensive or master plans, all of which contain information relevant to open space protection. That information will be continually considered by and integrated in the open space program.

Partnerships With Governmental and Non-Governmental Entities

Effective partnerships with entities that have similar objectives are always important to open space protection efforts. In Summit County, because of the high land values, partnerships are particularly crucial. Moreover, the creation of partnerships makes it more likely that the County will receive grants, from GOCO or otherwise, so as to further leverage the use of the Open Space Funds.

The Open Space Program will seek to work in a close partnership with the U.S. Forest Service with respect both to existing National Forest

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Tatum Tracts
Jointly Owned By Summit County and Breckenridge

land, and future adjustments affecting that land. The Open Space Program will also seek partnerships with land trusts that are focused upon Summit County, or that have areas of expertise relevant to the Program's goals. For example, the assistance of the American Farmland Trust or the Colorado Cattleman's Agricultural Land Trust, or the Continental Divide Land Trust may be utilized in situations where the preservation of agricultural activities on certain lands are desired. The County will consider funding endowment and other costs associated with conservation easements acquired by land trusts on properties within the County. Finally, the Program will be open to opportunities to form partnerships with homeowners associations, members of the business community, and other entities or agencies that have interests complementary to those of the Program.

Regulatory Coordination

Open space can be protected through the utilization of land use codes and other similar regulatory means. Although these regulatory measures are not permanent protection tools, the County and its municipalities already have in effect a number of regulations that pursue these results, including height and bulk restrictions, setbacks from wetland or riparian areas, and wildlife habitat overlay districts. Frequently, when an open space resource is carefully defined (e.g. as protection of a view shed or wildlife corridor, rather than as protection of the overall property), it turns out that the resource can be adequately protected by existing regulations.

The Open Space Program is not directly responsible for regulatory matters. At the same time, it is important for the Staff to work closely with other County and municipal land use officials to ensure that their respective actions are consistent and complimentary. The OSAC and County staff will remain informed about existing and future land use controls that compliment the County's open space acquisition activities. At the same time the OSAC and County staff will exercise care so as not to allow the express or implied prospect of regulatory control to interfere with fair, free market negotiations for the acquisition of open space properties.

7. Land Acquisition Process

In situations where protection of open space is to be accomplished by acquisition by the County of real property interests, the following general procedure will be followed:

- A. The OSAC will recommend to the BOCC that the acquisition of a specific parcel be examined by County staff including preliminary title work, determination of property boundaries, appraisal or other estimates of value, environmental review of the property, and when appropriate contact with the property owners to determine their interest in selling or gifting the property, and the terms that the owners may be willing to accept.
- B. The BOCC will consider the OSAC's recommendation during a work session. If the BOCC is supportive of the acquisition, County staff will be instructed to initiate acquisition work. Negotiating parameters will be determined by the BOCC in executive session, and kept confidential.

C. County staff will review the price and terms of proposed agreements to purchase property with the OSAC. County staff will forward OSAC recommendations regarding the advisability of the acquisition to the BOCC.

D. The BOCC will have final approval of all open space acquisitions, and will authorize the County Manager to sign a contract authorizing the purchase the property.

It is understood that the OSAC and its members do not have legal authority to bind the County or to engage in acquisition negotiations. In appropriate circumstances, and with the approval of the BOCC, members of the OSAC may be asked to take part in discussions regarding the acquisition or donation of lands or conservation easements.



Gore Range Trail
Wetland
Eagles Nest Wilderness Area

Todd Parker

8. Open Space Management

It is of central importance that property obtained by the County as open space be managed in a thoughtful and responsible manner. At the same time, it is difficult to determine all of the appropriate management policies at the inception of an open space program, prior to actively acquiring property and experiencing the management issues involved with these properties.

For those reasons specific management policies will not be included at this time as part of this Plan, although all property that is acquired must have a Open Space Management Statement prepared by County staff, for initial approval by the OSAC within three months following acquisition of the property.

Due to the variations in open space values contained on properties and the different mechanisms that will be used to protect the open space values, stewardship plans will vary for each individual property. It is anticipated that the County will adopt some specific management policies that will apply to the majority of open space properties. These policies will address authorized uses of open space properties, public access policies, conservation policies, and open space identification/information sign policies.

Management statements will be prepared for all open space acquisitions. The following describes the general information to be included within the management statements and monitoring plans:

A. Fee Simple Acquisitions

The draft management statement will be reviewed at a public meeting by the Planning Commission for the basin in which the open space property is located. The Planning Commission will provide the opportunity for the general public to comment on management policies for the property. Following this review, the planning commission shall provide comments regarding the management of the open space parcel to the OSAC.

Following any revisions by county staff and OSAC based on the planning commission and general public comments, the management statement will be presented to the BOCC for approval.

The Open Space Management Statement for fee simple acquisitions will address at minimum the following types of issues and activities:

1. Purpose of acquisition and anticipated use of the property.
2. Conservation values found on the property.
3. Expected improvements or maintenance required for the property.

4. Public safety issues associated with the property.
5. Guidelines for management of the property including:
 - Restrictions necessary for the protection of the property or wildlife/natural resources associated with the property.
 - Educational and interpretive opportunities associated with the property.
 - Parking, sanitation, and allowed uses on the property.
 - A budget for anticipated costs associated with the property.
 - Management statement amendment process.

B. Conservation Easements

The monitoring of properties protected by conservation easements will include at minimum the following activities:

1. Completion of a baseline inventory documenting the conservation values and relevant features of the property. The inventory should consist of a report, maps, photographs, and other documentation that accurately represents the character of the property at the time the easement is granted.
2. At minimum an annual review and site visit to the property in order to determine the following:
 - Compliance with the purpose for which the conservation easement was granted.
 - Compliance with the prohibited uses which could include prohibitions from the construction of buildings and other structures, fencing, subdivision of the property, timber harvesting, mining, road construction and paving of existing roads, trash, retention of existing water rights, and commercial or industrial activities.
 - Compliance with the reserved rights that allow the owner to conduct activities and further improvements to the property, if any.
 - Determination of enforcement options if any violations of the conservation easement provisions have occurred.

APPENDIX 1
RESOLUTION NO. 94- 100

Before the
Board of County Commissioners
of the
County of Summit
State of Colorado

APPROVING A RESOLUTION ACCEPTING THE SUMMIT COUNTY OPEN SPACE PROGRAM OPERATION AND MANAGEMENT REPORT (Applicant: Summit County Interim Open Space Advisory Committee)

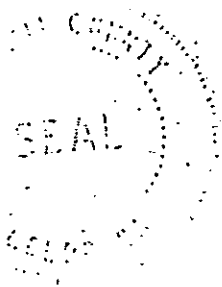
WHEREAS, on November 5, 1993, the electors of Summit County approved the extension of an existing mill levy to acquire and protect open space, construct and upgrade library facilities and County office facilities, and for the payment of costs to finance the library and County facility improvements.

WHEREAS, on January 8, 1994, the Board of County Commissioners authorized the formation of the Summit County Interim Open Space Advisory Committee for the purpose of preparing recommendations for the operation and management of an Open Space Program.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO That;

1. The Summit County Board of County Commissioners hereby acknowledge the time and efforts of the Summit County Interim Open Space Committee for the research and preparation of the Open Space Operation and Management report.
2. The Summit County Board of County Commissioners hereby accept the Summit County Open Space Operation and Management report and will use its recommendations as guidelines for the organization of the Open Space Program and the development of Program policies.

ADOPTED this 11th day of October, 1994.



BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: *[Signature]*
Rick Hum, Chairman

Approved as
to form

[Signature]
Legal

ATTEST:

Doris L. Brill
Doris L. Brill, Clerk and Recorder

DORIS L. BRILL

SUMMIT COUNTY RECORDER