

# **REGIONAL LAND USE PLANNING IN THE WEST**

**Case Studies and Lessons Learned**

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# ABOUT THE INSTITUTE

The Rocky Mountain Land Use Institute at the University of Denver College of Law engages in a variety of educational and research activities related to public interest aspects of land use and development. In addition to providing educational opportunities for students at the College of Law through internships and research projects, the Institute sponsors conferences, workshops and symposia for land use practitioners and citizen groups on specific land use topics. The Institute, working closely with both the public and private sectors, also undertakes and supports research and service projects on selected issues and topics related to land use and development in the Rocky Mountain region. The Institute operates in affiliation with both regional and national advisory boards, the members of which are among the leading practitioners and academics in the field. The Rocky Mountain Land Use Institute is supported by revenues generated by the Institute's own activities, sale of publications, grants and gifts.

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**“We must all hang together or assuredly  
we shall all hang separately.”**

**-- Benjamin Franklin, 1776**



## ***INTRODUCTION***

One of the Achilles Heels of land use planning in the West is the lack of effective multi-jurisdictional, regional planning efforts. There are success stories here and there where local governments have successfully joined together in tackling regional planning efforts – community separators, regional park and open space planning, multi-jurisdictional transportation planning – but they are neither well known nor understood.

Without effective regional approaches to land use policy and environmental issues, local growth management programs in isolation will not cope with the development pressures facing the West. This book is designed as a “how-to” textbook for local governments that will assist communities in initiating and implementing innovative policies and workable multi-jurisdictional growth management efforts. The chosen case studies highlight potential stumbling blocks that face multi-jurisdictional planning efforts in the Western United States, and how best to overcome them.

The Intermountain West – stretching from Denver to California – is witnessing the greatest development boom since the gold rush days of the 1800s. Local governments have responded with a myriad of innovative growth management approaches, yet the West is being reshaped in a way that is slowly eroding the distinctive character of this part of the country. One of the culprits is the lack of effective regional planning models. While one community employs a building cap to slow down growth and plan thoughtfully, development pops out to its rural neighbors who are ill-prepared to handle it. In other instances, antiquated local government revenue structures foster ill-conceived competition for new growth, with the lowest common denominator winning the race.

The obstacles to regionalism are many. Not only do neighboring jurisdictions often disagree on values and policies, they also jealously guard their autonomy and view other jurisdictions with suspicion. This suspicious eye, cast toward neighboring jurisdictions and agencies, results in competition and conflict rather than cooperation and consultation. The absence of or resistance to collaboration ensures continuing waste of both public and private investment.

The growing awareness that state and local governments are limited in their ability to manage the complex problems associated with land use and development has led to an increase in regional approaches to problem solving. Planners are faced with problems related to road and transportation planning, water and sewer line extensions, greenway and park conservation, and environmental quality issues, such as water and air pollution, that fail to respect jurisdictional boundaries.

Regional planning sounds great in theory, and soon may be a necessity in the Intermountain West where growth pressures and the externalities associated with rapid urbanization have no respect for jurisdictional boundaries, but the question remains – how do we do it?






The Rocky Mountain Land Use Institute has selected these case studies because they form a spectrum of regional governance development and operation. The Portneuf River Valley and Verde Valley case studies explore the birth of regional organizations. The Truckee Meadows case study from Nevada offers insight into how best to retool an existing Regional Planning Agency. The Upper Blue Basin / Town of Frisco study investigates the design and implementation of a Transferable Development Rights (TDR) program, working in coordination with the National Forest Service. The Mesa County / Fruita case study details the efforts of jurisdictions on the Western Slope of Colorado to agree on open-space "buffers" between and around their communities. The Northern Colorado Regional Highway Corridor Plan addresses mutual strategies and opportunities for a resource serving multiple jurisdictions; in this case, an interstate corridor. The Bow Valley case study from Alberta, Canada investigates the Town of Canmore's effort to manage growth through the development of wildlife corridor restrictions. Finally, while some of the case studies focus on rapidly growing rural areas, the North Interstate-25 Intergovernmental Agreement case study focuses on the strategies involved in developing a revenue sharing program for an urbanized portion of the Denver metropolitan area.

Considerable differences are evident in the West between those areas which could be called the "haves" and the "have-nots." In each case, regional cooperation is essential. Whether the issues to be faced are those of impacts of relentless growth pressure, or the need to retain and expand the local economic base, these problems are best addressed through regional strategies.

Until now, little has been available to help educate and guide local governments in the West, despite an increasing recognition that local planning efforts are doomed to failure unless there is cooperation among neighboring jurisdictions. This book, the third in The Rocky Mountain Land Use Institute's research monograph series, takes a methodical, practical look at the difficult issues involved in successful regional land use planning: the public involvement, political, legal, and fiscal implications. Taken together, these case studies offer valuable lessons, including political pitfalls to avoid and how best to maintain consensus and momentum throughout the process of forming and continuing a regional organization.



# Map 2 Community Boundaries

-  Reno City Limit
-  Sparks City Limit
-  City Spheres of Influence  
Areas of potential city expansion during the planning period (2016).
-  Suburban Communities  
Areas, generally at one to three units per acre, with distinct community identities; not subject to annexation.
-  Rural Communities  
Areas, generally at one to ten acre lot sizes, with distinct community identities; not subject to annexation.

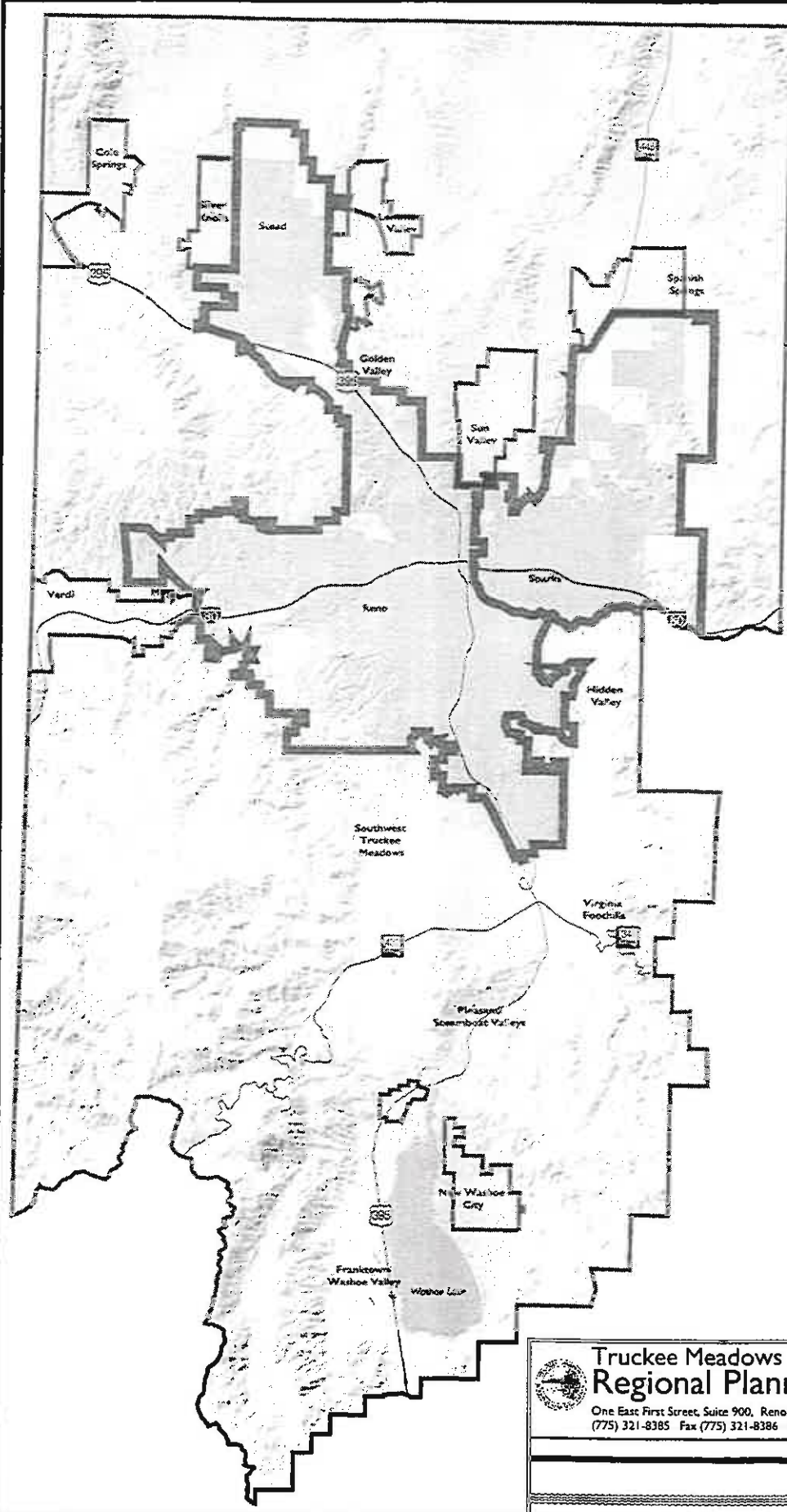



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Source: Truckee Meadows Regional Plan, the City of Reno (August 4, 1999), and the City of Sparks (July 15, 1999).

Adopted by the Truckee Meadows Regional Planning Governing Board: April 13, 2000

Note: The scale and configuration of all information shown hereon are approximate only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from the Truckee Meadows Regional Planning Agency.





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## ***CASE STUDY ONE***

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### **TRUCKEE MEADOWS REGIONAL PLANNING AGENCY CITY OF RENO, CITY OF SPARKS, WASHOE COUNTY NEVADA**

**Emily Braswell  
Director, Truckee Meadows Regional Planning Agency**

#### ***Introduction***

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The Truckee Meadows Regional Planning Agency was created in 1989 by the Nevada State Legislature to foster coordination among three local governments: The Cities of Reno and Sparks and Washoe County. The first regional plan was adopted in June 1991 and updated for the first time as required by law in June 1996.

At the beginning of its second legislatively mandated five-year update, the 10 year old agency faces an identity crisis. The choices made by the three local governments during this update will determine whether the agency becomes a regional resource for this rich and rare alpine desert area on the eastern slope of the Sierras.

#### ***Factual Background***

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The area covered by the Regional Plan includes all of Washoe County except the portions within the drainage basin of Lake Tahoe [see *Nevada Revised Statutes* § 278.0288] and the lands of the Pyramid Lake Paiute Tribe, but the effective planning area is the developed area in the southern 5% of the county.

Creating and carrying out the Truckee Meadows Regional Plan is a cooperative effort involving a large number of agencies, organizations and individuals. Reno, Sparks, Washoe County and others implement the Regional Plan through their planning and regulatory efforts, capital improvement programs and other programs.

Nevada law grants the authority and provides the direction for the regional planning process in the Truckee Meadows. The Regional Planning Agency, organized under Chapter 278 of Nevada Revised Statutes, was formed to develop and maintain a comprehensive regional plan for the jurisdictions of Reno, Sparks and Washoe County.

Washoe County was established in 1861 and is a political subdivision of the State of Nevada operating under the provisions of the general laws of the State. It has a manager-

commission form of government. The County covers an area of 6,600 square miles in the northwest section of the State bordering California and Oregon. The incorporated cities in Washoe County are Reno and Sparks. Washoe County's population is 311,350.

Reno is the largest city in Northern Nevada, covering 56 square miles. It is located in the southern part of Washoe County. Reno was incorporated in 1903 and uses a council-manager form of government. Reno's population is 165,940. Sparks borders the City of Reno and was incorporated in 1905. It, too, operates with a council-manager form of government. Sparks covers an area of 22 square miles and has a population of 61,660.

As set forth in the *Nevada Revised Statutes*, the Regional Planning Commission (RPC) develops the plan and determines whether other plans and projects are in conformance with it. The Regional Planning Governing Board (RPGB) oversees the planning process and adopts the plan.

Units of local government maintain separate master plans and development codes, in conformance with the Regional Plan. The cities of Reno and Sparks carry out annexation programs, also in conformance with the plan. The statutorily defined affected entities, affected State agencies and public utilities are responsible for maintaining their separate master plans and facility plans in conformance with the Regional Plan.

The Regional Plan is a cooperative effort of the local and regional units of government, the major service providers and the citizens of the Truckee Meadows. It is intended to represent a regional consensus reached through a process of public dialog and decision-making to provide a unifying framework for local and regional policies and services.

State law directs the RPC to update the Regional Plan not less than every five years [*Nevada Revised Statutes* § 278.0272]. The 1996 five-year revision constituted the first comprehensive revision of the 1991 Regional Plan developed by Robert Freilich and was primarily cosmetic in nature. The current plan has 35 goals and over 300 policies. Unfortunately, the implementation processes for the plan have never been fully developed. The number of goals and policies and the lack of agreed upon processes and enforcement mechanisms makes the current plan less than effective. The 2001 Plan update has already begun and represents a sweeping change in philosophy and scope.

## ***Stakeholders Involved***

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### **Regional Planning Commission**

The RPC has nine members, including three each from the Reno, Sparks and Washoe County local planning commissions, appointed by their respective governing bodies. The members serve three-year terms and may be reappointed. The RPC elects a chairperson from among its members to a one-year term, which rotates annually among the three jurisdictions.

The RPC is responsible for most of the regional planning process. The State statute directs it to develop a comprehensive regional plan for physical development and orderly management of growth in the region for the next 20 years, hold public hearings and approve the plan. The statute also directs the RPC to review the plan annually, update it not less than every five years and forward its recommendations to the RPGB for adoption.

One of the functions of the RPC is to review land use proposals submitted by the cities and the County as Projects of Regional Significance (PRS). It adopts guidelines for determining whether a particular project is a PRS and, before a city or the County gives final approval to a PRS, must find it in conformance with the Regional Plan. It is important to note that State law limits the RPC's review to the substance and content of the comprehensive Regional Plan, not the merits of the project.

The RPC also reviews master plans, facility plans and other similar plans of local governments and affected entities to determine whether they conform to the Regional Plan. In addition, it reviews plans and plan amendments of State agencies and of public utilities regulated by the Public Service Commission of Nevada and offers suggestions regarding their conformance with the Regional Plan. The RPC also reviews for conformance the water plan prepared by the Regional Water Planning Commission. Finally, by interlocal agreement, the RPC serves as the annexation commission for annexation proposals in the region.

#### Regional Planning Governing Board

The RPGB has 10 members. The Washoe County Commission appoints three members two of whom must reside in or represent the unincorporated area; the Reno City Council appoints four members; and the Sparks City Council appoints three members. The members serve three-year terms and may be reappointed. The Reno, Sparks and Washoe County governing bodies may appoint members from among their own members and traditionally have done so. The RPGB elects a chairperson from among its members to a one-year term; the chair rotates among the three jurisdictions.

The RPGB may hire employees, including an Executive Director, enter into contracts, establish and collect reasonable fees for its services, appoint advisory committees, and sue or be sued. The RPGB prepares and adopts an annual budget and transmits it as a recommendation to each local government.

Upon the recommendation of the RPC, the RPGB adopts the Regional Plan with amendments it deems necessary, after holding required public hearings. Another important function of the RPGB is to hear appeals of RPC actions on proposed plan amendments, Projects of Regional Significance, local government actions within spheres of influence, master plan conformance, and other matters.

## Local Governments

Reno, Sparks and Washoe County provide the necessary facilities and money to enable the RPA to carry out its functions. To do this, they enter into an agreement to share the costs of regional planning, according to how many members each unit of government has on the RPGB. Under the *Nevada Revised Statutes*, local governments shall amend their master plans, facility plans and other similar plans to conform to the provisions of the Regional Plan and submit them to the RPC for a finding of conformance. They also submit amendments to these plans for conformance findings.

The law also provides that each local government shall review and amend, if necessary, its existing ordinances to ensure their conformance with the provisions of a master plan that conforms to the Regional Plan. To carry out this self-certification requirement, the local government makes a specific finding that any ordinance or regulation relating to zoning, development, subdivision of land, or capital improvement conforms to its master plan. The local governments also prepare and submit annual comprehensive reports to the RPC.

With the involvement and cooperation of the County, Reno and Sparks also adopt master plans for areas within their spheres of influence designated in the Regional Plan and carry out annexation programs, which must conform with the Regional Plan.

## Affected Entities

The *Nevada Revised Statutes* define an affected entity as a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to solid waste, air quality, transportation, public education, energy generation and transmission, and conventions and the promotion of tourism. However, the term does not include a State agency or a public utility subject to regulation by the Public Service Commission.

Thus, the list of affected entities includes (but is not limited to) Disposal Services, the airport authority, the Washoe County School District, the Desert Research Institute, the Regional Transportation Commission, the Washoe County District Health Department, the Reno and Sparks redevelopment agencies, and the Reno-Sparks Convention and Visitors Authority.

Affected entities are responsible for amending their master plans, facility plans and other similar plans to conform to the provisions of the Regional Plan. Before adopting or amending a master plan or similar plan, they must submit it to the RPC for a finding of conformance. They also submit annual reports to the RPC.

## ***Planned Implementation***

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The current regional plan has 35 goals and 300 policies ranging from land use to health and human services. The goal of the 2001 regional plan update is to narrow the focus of the plan to the legislative mandate of the agency and to streamline and simplify the processes to more effectively manage growth in the region.

In December 1989, the Regional Planning Governing Board adopted a vision statement, which it included in the 1991 Regional Plan:

*Our vision of the Truckee Meadows Region is of an inter-connected community where the Truckee River and clear views of the mountains from the two cities symbolize the vitality of our unique urban centers surrounded by accessible natural areas and open spaces that support our active outdoor lifestyle.*

The following mission statement was adopted by the Regional Planning Governing Board in March 1999 and reaffirmed for the Regional Planning Agency in March of 2000.

*The Truckee Meadows Regional Planning Agency (TMRPA) implements the regional vision through coordinating master plans that reflect community values for addressing & solving regional issues. As mandated by state law, TMRPA will interpret & enforce the regional plan while recognizing the role and responsibility of existing governmental entities.*

While the vision and the mission statement set a broad context, the plan itself has not been fully effective in focusing the local governments and affected entities on constructive innovative solutions to ongoing conflicts. The 2001 regional plan update is an opportunity to refocus the agency and the plan on a more constructive interaction with the local governments, the affected entities and the public at large.

## ***Ultimate Outcome***

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The Truckee Meadows Regional Plan and the Planning Agency are works in progress. The current plan has guided and in some cases fostered coordination in the region but more can be done more effectively.

The current five-year plan update is the opportunity to put into place a resource for the region with a service focus and a collaborative structure that will serve the Truckee Meadows well into the new millennium.

The desired outcome for the 2001 regional plan update process is to create a streamlined, simplified plan with seven or fewer goals. Each of the goals will be stated in the form of an agreement and adopted by each of the local governments and the affected entities. The goals will focus on the coordination of master planning in the valleys of the Truckee Meadows as it relates to land use planning, infrastructure provision, fiscal integrity, and resource management. Each goal will specify an outcome and measurements for success.

The plan will include an agreed upon feedback loop that includes annual monitoring and reporting. The reporting process will feed into the annual amendment cycle, local master plans, TMRPA's technical work program and budget, and the five-year update. The five-year update will be a continuous improvement process.

### ***Lessons to be Learned and Shared***

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Since the mid-1960s and the early 1970s when the first federal requirements for coordinating and tracking federal funds were established (e.g. Metropolitan Planning Organizations, OMB Circular A-95), many models of regional government have emerged. Regional agency roles include regulation, coordination/collaboration and clearinghouse functions, as well as direct service provision to member organizations.

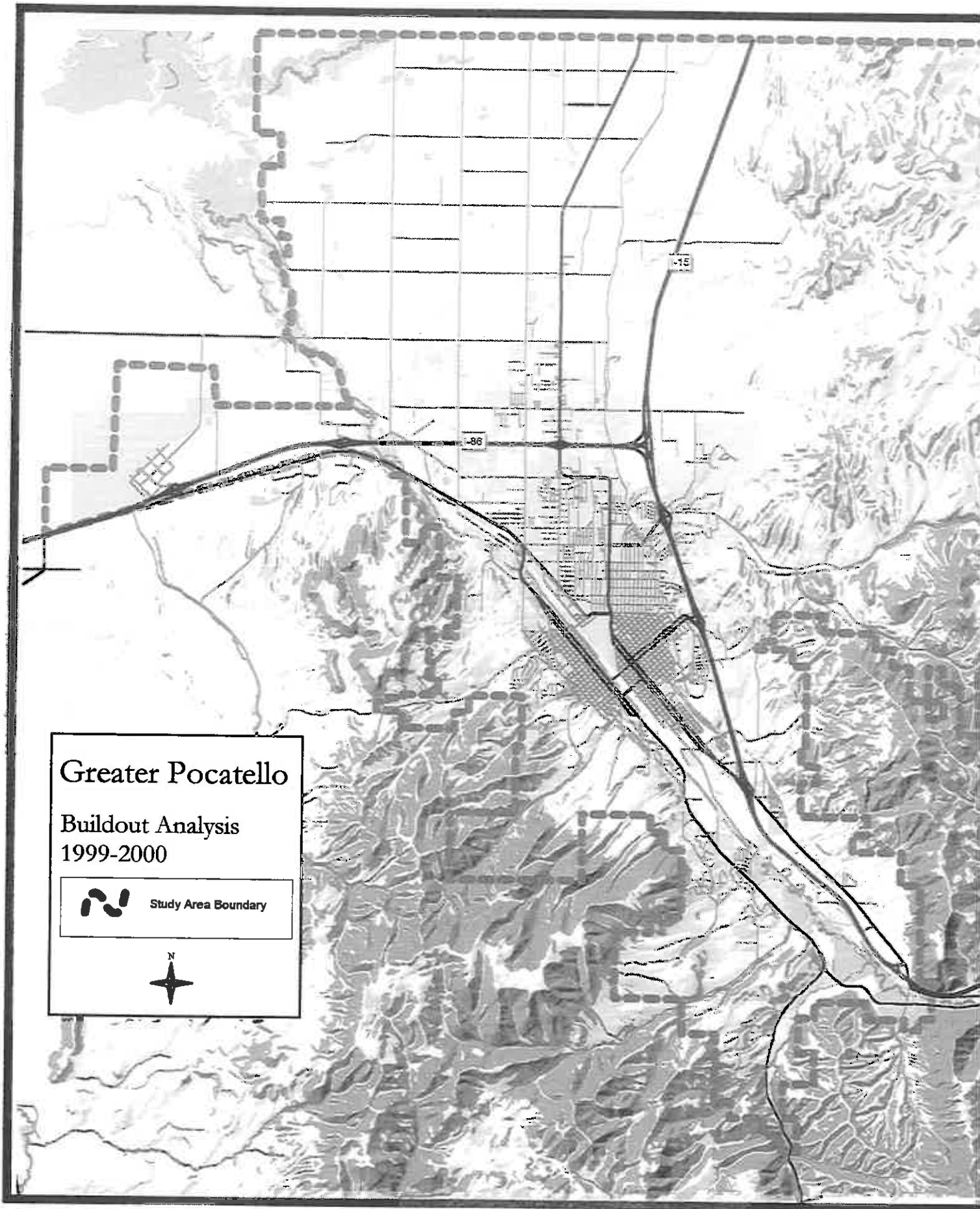
Regional agencies may be in the form of governmental or quasi-governmental agencies with powers that may include taxing or bonding authority, law enforcement, funding and information management, provision of programs and services such as worker compensation, infrastructure management, Geographic Information Systems and other forms of technical collaboration, and training. Some of these agencies have elected boards. Some have appointed boards. Almost all have committees and subcommittees to oversee or conduct the work of planning the region.

The variety and scope of regional planning agencies ranges from the most regulatory special function agencies such as Portland Metro in Oregon and the Tahoe Regional Planning Agency that spans two states to the more loosely structured forms of regional coalitions such as the Southern Nevada Regional Planning Coalition (SNRPC) in Las Vegas.

With more than 450 regional councils in the United States, the most prevalent form of regional agency is the more collaborative Council of Governments (COG) model. Examples include the North Central Texas COG (NCTCOG) in the Dallas-Fort Worth area, San Diego Area Governments (SANDAG), and the Association of Bay Area Governments (ABAG). The most successful of these regional agencies have three things in common:

1. A clear mandate(s) whether regulatory, collaborative, coordinating, service provision, or a combination;
2. One or more autonomous funding source(s) tied to these mandates;
3. A clearly defined region that is not coterminous with any one member agency.

The Truckee Meadows Regional Planning Agency (TMRPA) in northern Nevada is a hybrid between the loosely collaborative structure of SNRPC and the more highly structured COGs. At this time, TMRPA does not enjoy any of the three above-mentioned success factors. The goal for the legislatively mandated five-year update is to try to achieve at least the first goal – a clear mandate for the region, the agency and the regional plan.



# Greater Pocatello

Buildout Analysis  
1999-2000



Study Area Boundary





## ***CASE STUDY TWO***

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### **OUR VALLEY, OUR VISION PEOPLE, PLACES, PROSPECTS OF THE PORTNEUF RIVER VALLEY IDAHO**

**Robert E. Chambers  
Interim Director of Public Works**

#### ***Introduction***

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In June of 1998, community and county leaders in the Portneuf River Valley of Idaho came together to embark upon an aggressive and cooperative planning effort referred to as "Our Valley, Our Vision." The purpose of this effort was to create a common vision for the area and plan for the management of growth well into the future. It is hoped this vision will serve to unify, excite and communicate to people what the future may have to offer. The planning effort will result in a vision statement, a graphic mapped display of the vision, and an updated comprehensive plan and implementation ordinances for the participating jurisdictions.

#### ***Factual Background***

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The Portneuf River Valley is located in Southeastern Idaho and includes the cities of Pocatello (pop. 52,649) and Chubbuck (pop. 9,257), as well as Bannock County (pop. 74,881, including the aforementioned cities). These jurisdictions each have comprehensive plans and implementation ordinances executing those plans. In the spring of 1997, the question arose, "What if we could create a common vision for the valley and share common implementation ordinances?" Intrigued by the concept, planning staff approached the legislative bodies and received permission and funding to pursue a regional planning effort.

As a result of a competitive "Request for Qualifications" process, the consulting firm of Shapiro and Associates from Portland, Oregon, was selected to facilitate the planning effort. The initial approach was to model full build-out of the valley utilizing existing trends and land use ordinances. This build-out would become the base model from which our planning would begin. Residents would then be assembled to discuss the question "Is this what you want your community to look like?" The answer would launch the search for an acceptable alternative that would become the vision for the valley. A common comprehensive plan and implementation ordinances would then be created and adopted by the governing jurisdictions to move us forward into implementation of the desired alternative. We referred to this planning technique as "capacity planning."

The consultants began mapping the valley looking at areas already built-out, and areas constrained to development (e.g. waterways, floodways, steep slopes, sensitive wildlife areas, etc.). The remaining land was determined to be developable land for our modeling purposes. From this exercise, we learned that capacity planning, in the manner described above, would not work for our valley. We have land supply that, at current growth rates, could take as long as 80 to 100 years to occupy. The planning horizon was too far out and therefore predictability became more difficult to achieve. We then shifted our approach from one of capacity planning to one referred to as “accommodative planning”.

Accommodative planning assumes a planning horizon, in our case 20 years, and projects population growth into that horizon, asking the question, “How do we accommodate that growth and at what cost?” The base year in this process became the sprawl-like pattern that is already occurring. Alternatives discussed included variations to the concepts of low versus high density, and scattered versus compact development.

### ***Stakeholders Involved***

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Initial thought was given to which stakeholders ought to be involved in steering this effort and in providing financial support. It made sense that the principal governing agencies be involved as well as other governing agencies whose cooperation in planning for a common vision would prove advantageous. Achieving a common vision with shared implementation ordinances would eliminate working at cross-purposes and avoid duplicative efforts. The stakeholders involved include:

CITY OF POCATELLO  
CITY OF CHUBBUCK  
BANNOCK COUNTY  
IDAHO STATE UNIVERSITY  
SCHOOL DISTRICT #25  
IDAHO TRANSPORTATION DEPARTMENT, REGION 5 OFFICE  
BANNOCK PLANNING ORGANIZATION (METROPOLITAN TRANSPORTATION PLANNING ENTITY)  
BANNOCK DEVELOPMENT CORPORATION (ECONOMIC DEVELOPMENT ENTITY FOR CITIES AND COUNTY)

Multiple meetings of these stakeholders were held to discuss direction, purpose and financial support. These meetings included one-on-one time with agency staff and numerous policy board meetings where discussion was often lively and always productive. Ultimately, commitments were obtained to move forward with funding totaling approximately \$370,000. Those agencies more reluctant to the effort joined as they saw the coalition grow in strength and as the public’s support grew.

A resolution of intent to implement the vision created by the residents was adopted by each of the cities and the county at the beginning of the project. This was an attempt to encourage involvement by communicating to the residents that their input would matter and would be acted upon. It also demonstrated a commitment to this regional planning effort.

### ***Planned Implementation***

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After numerous public forums, including resident interviews, six public meetings, nine focus group meetings, two surveys (one of which was a scientific survey), video production, public service announcements, paid newspaper ads, billboards, and use of the internet, a vision was established and direction charted for implementation. It is estimated that these public input strategies gave voice to over 3,500 different people during the planning process. During this process, residents voiced support for a growth pattern that is more dense and compact in nature. They are supportive of growth occurring in neighborhood units focusing on the following design features:

- Streets that connect to each other,
- Walkable distances (no greater than quarter mile from edge to center),
- Edges and definable boundaries,
- Sidewalks that are safe, convenient and interesting,
- Some daily needs within walking distance,
- Parks and institutions close by,
- Mix of choices in housing, both intergenerational and multi-cultural,
- Transit services,
- Compatible building types thereby promoting mixed use.

This project is scheduled for completion in early spring, 2001. The comprehensive plan and implementation ordinances are now in the process of revision. It is likely that they will include provisions for both regulatory control and incentive based action.

### ***Lessons to be Learned and Shared***

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When considering the option of each jurisdiction and each entity continuing to plan for their own purposes with no coordination of effort, no consideration of how the direction established for one may affect the other, and no recognition that the actions of one affect the whole, the regional concept of the "Our Valley, Our Vision" planning effort is not only reasonable, but responsible action on the part of the stakeholders. The *status quo* became increasingly difficult to defend, as some attempted, because the momentum of right action prevailed.

Therefore, the “Our Valley Our Vision” planning process has been and continues to be a worthwhile effort. Even though this process continues, a review of where we started and where we have been suggests the following lessons:


















- Accept mistakes and failure as unavoidable yet invaluable parts of the experience.
- Make sure the budget has room for the unexpected and the cost of mistakes. We recommend at least 10% of total project amount be reserved for such contingencies.
- Be prepared to “buck” the trends. Some examples are worth mentioning here. The current land use pattern in our area seems to be driven by the market philosophy of people wanting to “live” rural, but not “be” rural. They want their large lot and their farm animals, but they do not want the inconvenience of unpaved roads, long travel time to school and shopping, or the burden of city taxes. This market trend is now challenged by the vision of more compact, dense development, while at the same time preserving natural open space.
- Another notable example that has driven development in our area is the perception that water is plentiful and cheap. Currently, our valley residents are some of the highest consumers of water in the nation with an average per capita, per day consumption rate of 325 gallons. In addition, current data shows that our sole source aquifer is at 85 to 90% of recharge capacity. Within 10 years, we could be “mining” our aquifer. This planning effort has revealed that it may be time to dispel the myth that water is plentiful by encouraging conservation. The best way to encourage conservation may be to dispel the myth that water is cheap.
- Planning processes such as this attract the extremes in opinions. Very strong “no growth” and very strong “unregulated, unfettered growth” groups quickly formed. Our response has been to give neither side credence, but to try to communicate that the answer is likely somewhere in the middle.
- Best efforts at public participation will net marginal results at best. At some point, democratic decision-making must be supplemented by representative decision-making. If we had to do this over, we would have better prepared our legislative bodies for the reality of a non-super majority recommendation.
- Strong partnerships must be formed in the beginning. Those economic interests likely to be impacted by the process should be involved early and often in the process.
- Build in time to “pause and reflect” where current process and direction can be tested, expectations can be clarified, and changes can be made without jeopardizing the entire planning effort.

- **Terminology matters.** Be clear on intent and meaning of words. For example, one implementation tool that is being discussed is that of an urban service boundary where growth may be allowed, but without the extension of urban sewer and water services. Contrast this with an urban growth boundary, a line beyond which no growth is allowed and one can see potential for conflict if the two terms are used interchangeably.
- **People matter.** We are in the people business where our role is to help people feel good about how and where they live. Our relationships should not be sacrificed for the sake of process or product.
- **More people relate to a visual representation of the vision than they do a verbal one.** Mapping became a very important and beneficial tool of this effort. The mapped vision for the valley brought understanding and often acceptance to the verbal vision.
- **Do not underestimate the amount of staff time an effort such as this will consume even when there is a consultant on board.** Staff time must be provided in amounts equal to the task. For best results, we suggest that staff should be allowed (time freed from other projects/tasks) up to 50% of the amount of time allocated to the consultant.
- **Planning boundaries are better determined by nature than by man.** This, of course, is an argument for regional planning as the impacts of development are usually regional in nature.

For further information, we certainly invite your calls to Robert Chambers, Interim Public Works Director, City of Pocatello, (208) 234-6583, or Matthew Lewis, Planning Division Manager, City of Pocatello, (208) 234-6190.

# Verde Valley Region

## Land Ownership

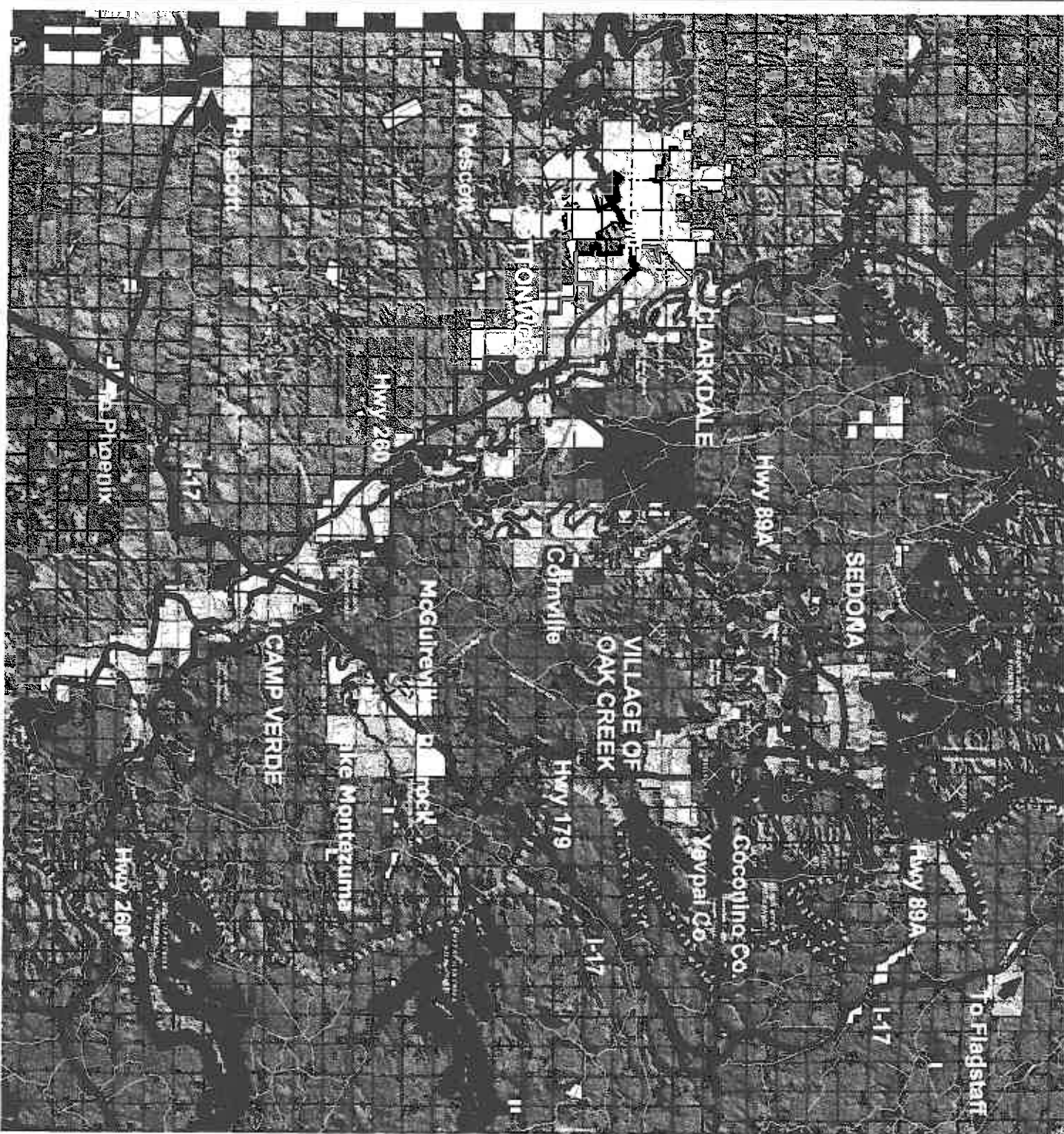
-  Land Ownership
-  Private Lands
-  Coconino N.F.
-  Prescott N.F.
-  County Boundary
-  Regional Area
-  Interstate
-  State highways
-  Major Roads
-  Local Roads
-  Streams
-  Major
-  Minor
-  Perennial
-  Intermittent
-  Wilderness
-  Boundaries



This map has been provided for informational purposes only and is not necessarily engineering accuracy. Every effort has been made to ensure this map is as accurate as possible. The City of Sedona shall assume no liability for the information contained on this map.

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[eseele@city.sedona.net](mailto:eseele@city.sedona.net)  
[arcview@city.sedona.net](mailto:arcview@city.sedona.net) 12/1/2000

NOTE: Original Land ownership data, Streams and Wilderness Areas are from Arizona State Land Information System (ALRIS). Street information is from Yavapai County and Sedona Fire District. Every attempt was made to verify the information.



## ***CASE STUDY THREE***

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### **VERDE VALLEY REGIONAL PLANNING ARIZONA**

**Michael Raber<sup>1</sup>  
Long Range Planner**

#### ***Introduction***

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The Verde Valley region of central Arizona covers over 700 square miles immediately to the north of the geographic center of the state and about 90 miles north of Phoenix. The region is very well defined with natural boundaries of mountains and dramatic cliffs. The Valley's elevations range from 3,000 to 5,000 feet creating a semidesert transition zone between the lower and hotter Sonoran Desert to the south and the higher and colder Colorado Plateau to the north and east. The ideal climate of the area attracts many visitors and new residents alike, but it is the area's incredible beauty that is the real draw. Approximately 4 million visitors come to see the famous red rock country around Sedona each year.

National Forest lands make up approximately 80% of the land area; private lands, about 17%; and State Trust lands, about 3%. Most of the developed portion of the Valley straddles the Verde River and the tributary streams of Oak and Beaver Creeks. Nearly all of the region lies within Yavapai County, the fastest-growing rural county in the United States. A very small portion of the northeast valley lies within Coconino County, the nation's second largest in area. There are five incorporated municipalities within the Valley. Three of these have populations of 8,000 to 10,000 year-round residents. One has approximately 3,000 and the other, about 600. There are also four major unincorporated communities with year-round populations ranging from 2,500 to 9,000. Between 50,000 and 55,000 people live in the Verde Valley. Over 90% of this population lies within these nine communities.

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<sup>1</sup> Mr. Raber wishes to thank the following key staff members, who assisted with the Verde Valley Regional Planning case study:

- Jerry Owen, Community Development Director, City of Cottonwood
- Enalo Lockard, Assistant Planning Director, Yavapai County
- John O'Brien, Community Development Director, City of Sedona
- Garret Hicks, Planning Director, Town of Clarkdale
- Nancy Buckle, Principal Planner, Town of Camp Verde

Interstate 17 provides primary access to the Verde Valley for travelers from Flagstaff and Phoenix. The Interstate bisects the Valley from southwest to northeast and the Town of Camp Verde in the southern part of the Valley. State Route 89A parallels I-17 10 to 13 miles to the north, connecting the Towns of Jerome and Clarkdale and the Cities of Cottonwood and Sedona within the Valley and the Cities of Prescott and Flagstaff southwest and north of the Valley. State Route 260 connects Cottonwood and Camp Verde and exits the Valley to the south. State Route 179 links Sedona and I-17 over a 13 mile total distance.

The area's economy is primarily visitor-based with the majority of the jobs in the retail and services sectors. The Valley also has a large number of retired residents and unemployment is generally low. Land and housing costs, however, are high and the majority of the retail and service jobs are among the lowest-paying.

Over the past five years, concerns about growth and growth management have moved to the forefront in response to growing pressures on the small town, rural environments that Verde Valley residents hold so dear. These pressures are reflected in traffic congestion, groundwater depletion, loss of open space, rising housing costs, and many other areas as well. The Verde Valley communities, once characterized by one resident as "Balkanized", are now coming together to address these concerns. The many jurisdictions of the Valley have come to realize that the region's growth issues are shared by all and cannot be addressed if each community operates in a vacuum. In Sedona, an advisory committee selected by the City Council to specifically study and make recommendations regarding growth in Sedona, came to the conclusion that growth issues affecting the community did not stop at the City limits. The need for regional planning and coordination was and is considered the most important general growth management recommendation from that committee.

### ***Factual Background***

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The state of Arizona is in the midst of unprecedented growth and is now the second fastest growing state in the nation. The Verde Valley is not isolated from this growth with a population increase of between 35 and 40% over the last 10 years. Tourism has also increased significantly in the region during this period. Where and how the area grows, how the influx of visitors is accommodated and how the quality of life for the Valley's residents will be preserved, presents a special challenge to the region. The following are some of the key "Problem Areas" facing the Verde Valley:

- Decisions made in one Verde Valley jurisdiction will impact other communities, other jurisdictions and the region as a whole. Moreover, land use decisions made without regional perspective and outlook will tend to create unintended and undesirable consequences.
- The lack of adopted specific area land use plans for portions of the unincorporated areas in the Verde Valley make it difficult for policy makers and the general public to respond



to specific rezoning or development proposals.

The planned widening of the State highways within the Verde Valley will result in more development pressure along these corridors.

The disposition of the approximately 16 square miles of Arizona State Trust Lands for private development will have a major impact on the Verde Valley.

The imbalance between jobs and housing in the Verde Valley communities presents major social and economic ramifications.

The maintenance of National Forest lands as open space is also of great importance to the citizens of the Verde Valley. Verde Valley community plans and surveys demonstrate that people are concerned about losing these lands through exchanges for private development. The Verde Valley is a very special place with the last free-flowing river in Arizona and five additional free-flowing perennial streams. It has special value to the entire state and Southwest Region and must be recognized in that context. It is important that National Forest lands within the Valley do not become a "land bank" for acquisition of private lands elsewhere in the state. The full development potential of the existing private land base will result in an estimated fourfold population increase, creating major growth management challenges in the years ahead.

In 1996, the Planning and Zoning Commissions and staff representatives of the various Verde Valley jurisdictions began meeting on a quarterly basis to share information and discuss topics of regional importance. By mid 1998, this cooperative effort had evolved into a full-fledged, although somewhat informal commitment to pursue a regional plan. Recognizing that there were numerous hurdles and many unknowns relative to resources available to facilitate this monumental task, staff representatives collaborated on the preparation of an interim resolution titled: "*Common Bonds and Principles for Regional Cooperation and Coordination in Land Use Planning and Development Decisions*". By the end of 1998, four of the five Verde Valley Municipalities and Yavapai and Coconino Counties had all adopted similar versions of the original resolution. Staff later consolidated these resolutions into a common vision statement, goals and objectives.

In February 1999, the Action Coalition of Transportation Solutions (ACTS), a Sedona-area citizens group, presented a report on transit feasibility for the greater Sedona area prepared by Community Transportation Association of America (CTAA). ACTS was instrumental in the award of a short-term technical assistance grant from CTAA to conduct the study. The report proposed a solution that could address part of the traffic congestion issues affecting the Sedona area and surrounding National Forest by providing a transportation alternative targeted primarily for visitors to the area. In April 1999, a joint resolution was signed between the City of Sedona, the US Forest Service and the two counties to work together toward a public-private partnership to design a privately-run transit system and determine the economic, planning and jurisdictional responsibilities required for successful implementation.

In July 1999, a Verde Valley Transportation Study was completed for Yavapai County through participation from the other Verde Valley communities. As an outgrowth of this effort, a Verde Valley Transit Study was also prepared to address public transit needs in the Valley. This report, completed in April 2000, identified a Sedona-area shuttle system as an integral link in a Valley-wide transit system. An effort is now underway to commit local, county, state, and federal funds toward additional detailed study of the system in conjunction with the Arizona Department of Transportation and potential transit providers.

In June 1999, the first Verde Valley Forum was conducted. Produced by the Sedona Academy of Public Affairs, a local non-profit group and Northern Arizona University, the Forum included 112 participants from all geographic areas of the Valley, spending three days on the philosophical foundations, issues, visions, and solutions involved in planning the future of the Verde Valley. Forum participants were divided into four discussion panels, each a diverse cross-section of concerned citizens, elected officials, city and county staff, US Forest Service personnel and students. Guest speakers included Chris Duerksen with The Rocky Mountain Land Use Institute, Paul Zykofsky with the Center for Livable Communities and representatives from the Arizona State Land Department.

Following the Forum in December 1999, another meeting of the area Planning Commissions, staff and other stakeholders was conducted. Key issues discussed in this meeting and other related staff meetings included:

- Preparation of a formal *Memorandum of Understanding* between the jurisdictions of the Valley to pursue a Regional Plan.
- Preparation of a general *Scope of Work* to conduct the planning effort.
- Evaluation of a process to pursue alternative land use scenarios or a vision for the development pattern in the Valley.
- Implementation of an Open Space planning effort.

The *Memorandum of Understanding* has now been signed by the counties and all of the Valley's municipalities. Development of an open space plan is currently underway.

From 1998 through early 2000, the State Legislature passed a series of changes to State laws governing general plans and growth management for Arizona municipalities and counties. Some of these changes include requirements for regional coordination and cooperation in preparing some general plan elements. In a meeting with State Representatives, staff members from the Verde Valley were instrumental in facilitating changes to State law that now allow cities, towns and counties to form rural planning zones to develop coordinated regional plans.

## ***Stakeholders Involved***

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For its size, the Verde Valley has a large number of separate jurisdictions that regulate planning and development. There are also a large number of active organizations, planning groups and advisory bodies, all committed to representing a specific area or to the evaluation of a specific issue. The regional mailing list, consisting of well over 100 individuals representing these entities, continues to grow. All of the regional meetings of the Planning and Zoning Commissions are open to the general public and are preceded by press releases in addition to posted agendas. These meetings and the Verde Valley Forum have received extensive media coverage. The following stakeholders are listed on the *Memorandum of Understanding* to pursue a Regional Plan:

YAVAPAI COUNTY	COCONINO COUNTY	CITY OF COTTONWOOD
CITY OF SEDONA	TOWN OF CAMP VERDE	TOWN OF CLARKDALE
TOWN OF JEROME	PRESCOTT NATIONAL FOREST	COCONINO NATIONAL FOREST
YAVAPAI-APACHE NATION	VERDE NATURAL RESOURCE CONSERVATION DISTRICT	
ARIZONA STATE LAND DEPARTMENT		

Some of the other stakeholders on the regional planning mailing list include:

ARIZONA DEPARTMENT OF TRANSPORTATION  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ARIZONA DEPARTMENT OF WATER RESOURCES  
ARIZONA STATE PARKS  
NORTHERN ARIZONA COUNCIL OF GOVERNMENTS  
REPRESENTATIVES FROM THE UNINCORPORATED COMMUNITIES: VERDE VILLAGE, CORNVILLE/PAGE SPRINGS, RIMROCK/LAKE MONTEZUMA, BIG PARK (BIG PARK COORDINATING COUNCIL)

## ***Planned Implementation***

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There have been two approaches presented thus far as potential first steps in the actual planning process. The first approach focuses on alternative development scenarios based on the general vision and goals of the "Regional Resolutions" and Verde Valley Forum. A resulting "Desired Future Condition" would constitute a detailed vision for future growth in the Valley and ultimately lay the groundwork for open space, land use, circulation, and other planning elements. Three scenarios have been discussed that could be presented to Verde Valley citizens, both to educate and to solicit input:

- **Basic Buildout** – Assumes that the Valley would build out mostly according to existing zoning with roughly the same land ownership configuration as today.
- **Utilize Existing Urban Centers** – Would confine future growth primarily to the existing communities and urbanized areas with some limited expansion adjacent to these centers in exchange for acquisition of a very limited amount of the most critical private lands with greater open space value elsewhere in the Valley.
- **Provide Additional Urban Centers** – Would allow growth to occur in new strategically-placed urban centers in exchange for acquisition of large areas of private lands for open space elsewhere in the Valley.

The resulting “Desired Future Condition” would not necessarily be confined to one of these scenarios, but could include combinations of each. Presenting these alternatives to the public and to the Valley’s decision-making bodies could entail a significant amount of preliminary work and would probably require consulting assistance to facilitate public input and discussion.

The second approach focuses on the development of an open space plan as the first step, setting the stage for preparing the other plan elements. The planning staffs of the Valley have decided to move forward with this second approach partly due to the uncertainty in the time and resources needed to prepare and present the growth scenarios, the fact that State law now requires open space elements in general plans that are developed in a regional context and also due to a couple of recent developments:

- A proposed US Forest Service land exchange that will result in the loss of approximately nine square miles of National Forest lands and consequent additional development in the Valley.
- An access control plan is now underway for the State Route 260 corridor between Cottonwood and Camp Verde with potential intersection/interchange locations on National Forest and State Trust lands.

There is a growing consensus among planners and citizens, particularly in the west Valley, that the open space issue must be immediately addressed. Development of an open space plan, while complex enough, is more straightforward than trying to present and get feedback on alternative development scenarios in a timely manner. The current effort to develop an open space plan has so far involved the Valley planning staffs and the US Forest Service. A draft concept will be presented to the stakeholders and the general public in February or March of 2001. It is anticipated that the open space plan will go through several revisions and many public meetings prior to completion. The second Verde Valley Forum, planned for 2002, will tentatively focus on open space preservation, acquisition and management and implementation techniques.

State statutes now require that the counties and municipalities prepare several new elements for their general plans in addition to the land use and circulation elements previously required. In addition to an “Open Space” element developed specifically to address regional

needs, two other elements, "Environmental" and "Water Resources", also have regional implications. Counties have until the end of 2001 and cities until the end of 2002 to incorporate these elements into their general plans. Following the preparation of an open space element, the regional planning effort will probably focus next on these other two required elements. The Valley's jurisdictions could consider adoption of those portions of each element that apply to each jurisdiction as soon as it is completed rather than waiting for the entire Plan to be developed. Each jurisdiction would then be responsible for implementation of its portion.

The adopted Regional Resolutions are also currently being used in the review of development proposals and in the pursuit of new planning projects until a regional plan is prepared.

### *Ultimate Outcome*

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The 1999 Verde Valley Forum suggested that a regional plan could be completed within five years. A citizen's action committee comprised of Forum participants could formulate strategies to gain public understanding and support for a regional plan. There is consensus that strong public input and participation are essential for a regional plan to succeed. This could be accomplished by creating a citizen focus group to evaluate current regional efforts; a regional council to review progress and identify short-term implementation actions in existing plans and ordinances. The Forum also recommended that a regional Verde Valley planning advisory council having a working relationship with local, state and federal agencies could best facilitate completion and ongoing implementation of a regional plan. This council could involve citizens through community meetings and open forums and retain consultants as necessary to meet needs where existing resources are lacking.

Funding will also be required to sustain a productive regional planning process. While volunteers may help get the process started, ongoing funding commitments will be necessary both to develop and implement the Plan. Although the Verde Valley jurisdictions have committed existing staff resources to this planning effort, at the present time, funding commitments are limited and have been most successfully used in joint transportation planning efforts. As the Verde Valley planning staffs begin taking draft elements of the Plan to the public and to their respective decision-making bodies, additional needs and resources will become more apparent. Consequently, the Valley jurisdictions may be in a better position to appropriate or seek funding for this effort.

The recent passage of legislation allowing for the voluntary formation of planning zones to facilitate regional planning, now provides opportunities for interjurisdictional agreements regarding land use and growth management issues to be formed between multiple governments.

## ***Lessons to be Learned and Shared***

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Since the first steps toward regional planning in the Verde Valley were undertaken in the summer of 1998, there have been many accomplishments, including adoption of regional resolutions to guide current and future development; the signing of the *Memorandum of Understanding*, solidifying a commitment to regional planning; and the Verde Valley Forum that, for the first time, opened a Valley-wide dialogue on the need for regional planning and the regional issues to be addressed. Most important, however, was the formation of relationships on a person to person level among major stakeholders and a focused commitment between the planning staffs to make progress in this planning effort. Although the ability to coordinate efforts and the willingness to cooperate are now greatly improved as a result of these accomplishments, the real planning work has just begun and many challenges lay ahead.

### **Alternative Methods:**

Although it is a little early in the planning process to make a lot of assumptions regarding other alternatives that could have been tried, there are probably a couple of different directions this project could have taken. If, for example, all of the jurisdictions had pooled their resources and retained a consultant to facilitate this effort in the beginning, it may have taken less time to accomplish what has thus far taken approximately two years to complete. There is, however, no guarantee that using a consultant in the initial stages of the process would have been much more efficient. A substantial amount of staff time would have been required to bring a consultant up to speed in the project's initial stages. The Verde Valley communities did pool their funding resources for outside assistance in putting together the Verde Valley Forum. This effort, while valuable, was still time-consuming for all involved. Future contract assistance will probably be most useful in providing/facilitating other public forums, assembling technical data and finalizing reports and plans.

### **Major Stumbling Blocks:**

- **Conflicting Priorities** – Although the Verde Valley jurisdictions are committed to the regional planning effort, each one of these entities has its own internal priorities. With the Valley planning staffs essentially carrying the ball, the individual priorities of each jurisdiction tend to dictate the progress on the regional planning effort. The Regional Plan is not the top priority among all of the different jurisdictions.
- **Conflicting Jurisdictional Purposes and Interests** - While the Verde Valley municipalities and counties usually have a similar perspective on development issues that may impact the Valley as a whole, other agencies, such as the US Forest Service, have management purposes and priorities that cover a much broader geographic area and work to meet goals that are sometimes in conflict with the local vision. In a US Forest Service land trade, for example, the Forest Service may work to gain valuable riparian areas

elsewhere in Arizona at the expense of National Forest land in the Valley that is less important to the purposes of the agency and more difficult to manage.

- **Loss of Momentum** – In late 1999, soon after the Verde Valley Forum, a citizen’s advisory council was formed, based on the Forum’s recommendations, that was intended to educate, coordinate and facilitate advocacy on various topics and issues for the region and to help keep the process on track. This large group of volunteers met for several months but eventually disbanded (at least temporarily) partly because they did not want to conflict with the work that the planning staffs had undertaken, and partly due to slow progress on the planning effort in general. This loss of momentum may make it more difficult to engage these same volunteers later on.
- **Lack of Centralization** – In a city or town, a city council can designate an advisory committee to tackle a specific issue. This becomes more problematic with multiple jurisdictions. Which jurisdiction takes a leadership role and who decides? Volunteer efforts become difficult to channel and there is no central repository for information. As volunteers lose interest, there is no leading entity to solicit additional help or provide needed organization.
- **Level of Detail** – It is easy to spend too much time on “visioning” or on getting the process “right” when there is much more important work to be done. With all of the past planning efforts that have been done in the Verde Valley, it is not too difficult to find common threads at the “vision” level. Interpreting the vision relative to things like land use and traffic circulation recommendations is much more difficult. It is finding and resolving the differences in perspective at a “nuts and bolts” level that presents the biggest challenge. It is important to keep the planning effort as simple as possible, while at the same time understanding when it is appropriate to get into the details.

One of the more positive lessons learned from the regional planning experience has been the power of ongoing communication and dialogue. Even though progress on the plan has gone through its slow periods, everyone is so much more aware of what is going on Valley-wide. New development projects are now discussed in a regional context using the adopted regional resolutions for guidance. One of the negative lessons learned has been the effect that conflicting priorities have had on the progress of this planning effort. It becomes very difficult to stay focused when working on something completely unrelated.

While this regional planning effort faces many challenges in the months and years ahead, there is very clear consensus on the need for regional planning and cooperation. Understanding the importance of coming together as a region to tackle difficult growth and planning issues will ultimately see this planning effort through to completion.

Following is a copy of the “Common Vision, Goals and Objectives” based on adopted resolutions by Yavapai County, City of Cottonwood, Town of Camp Verde, City of Sedona, and the Town of Clarkdale.

**Common Vision, Goals and Objectives  
Based on adopted resolutions by:**

**Yavapai County  
City of Cottonwood  
City of Sedona  
Town of Camp Verde  
Town of Clarkdale**

**Vision:**

*The Verde Valley is unique in its natural beauty. Scenic vistas and corridors, wildlife habitat, air and water resources and special cultural and historic places must be preserved to ensure the beauty of this area for our children. Appropriately accommodating tourism in the Verde Valley communities and on the National Forest lands is also critical to preserving the quality of life in this region.*

*The various jurisdictions of the Verde Valley desire that their respective communities maintain their unique characteristics and distinct gateways to surrounding rural and open space lands, and further desire to prevent those communities from growing together in a manner that would detract from individual community and regional identity.*

**Goals and Objectives (*Italicized indicates minority jurisdiction additions/deletions.*):**

**Goal #1:** Maintain significant open spaces between communities and along highway corridors throughout the Verde Valley. [*Yavapai County did not include*]

**Objective 1.1:** Develop and Open Space Plan Element to the Verde Valley Regional Plan with criteria that can be used to prioritize critical open space needs and locations.

**Objective 1.2:** Support USFS land trade and management policies that are sensitive to the preservation of National Forest lands as identified in the Open Space Plan [*Clarkdale did not address*].



Objective 1.3: Do not support USFS land trades for commercial, industrial and residential purposes that are in conflict with the recommendations of the Open Space Plan. [Clarkdale did not address].

Objective 1.4: Support legislation through the Arizona Preserve Initiative and other Growing Smarter proposals that will make critical State Trust Lands, as identified in an Open Space Plan, eligible for open space funding and/or preservation/conservation. [Clarkdale did not address].

Objective 1.5: Coordinate with the Arizona State Land Department to find the best ways to ensure the preservation of open space on State Trust Lands as identified in the Open Space Plan. [Clarkdale did not address].

Goal #2: The urban environment should have a distinct boundary or “edge”. Support a development pattern that limits urban densities and other urban land uses to within or immediately adjacent to corporate limits and unincorporated urban centers.

Objective 2.1: Coordinate efforts and recommendations between the preparation of the Verde Valley Regional Plan Land Use Element and the community planning efforts of Yavapai County to meet and conform to planning elements of the Growing Smarter Act similar to those required for cities and towns.

Objective 2.2: Prepare a Verde Valley Regional Plan Land Use Element to determine urban development patterns and growth limits based on community planning recommendations and where infrastructure and services are in place or can be reasonably accommodated. [Yavapai County. Yavapai County also adds that each municipality should develop specific policies regarding annexations.] [Camp Verde also retains language that equates urban boundary to corporate limits]

Objective 2.3: Define Rural Development as agriculture, ranching or one unit per two or more acre residential development. [Clarkdale did not address].

Objective 2.4: Limit rural development to that outside of identified urban growth areas. [Yavapai County also includes “what current zoning would permit”] [Clarkdale further defines a “well-defined edge” to include open space permanently protected from development].

Goal #3: Support a multimodal transportation system that is complimentary to the desired development pattern and open space needs.

Objective 3.1: Prepare a Circulation Element to the Verde Valley Regional Plan that addresses:

- Existing highway corridor improvements and access control
- New Roads
- Pedestrian and bicycle corridors
- Regional transit

Objective 3.2: Support the modification of existing transportation studies and plans where they are in conflict with regional open space and land use recommendations.

Goal #4: Provide more affordable housing opportunities within the urban areas of the Verde Valley.

Objective 4.1: Prepare an affordable housing plan as part of the Verde Valley Regional Plan Land Use/Economic Development Element.

Goal #5: Preserve and enhance the quality and quantity of surface water flows and groundwater supplies.

Objective 5.1: Support the efforts of the Verde Watershed Association in the preparation of water studies for the Verde Valley and maintain a library of information on pertinent findings. [*Yavapai County adds that Verde Valley communities should all share in the cost of these studies*]

Objective 5.2: Prepare an Environmental Planning Element of the Verde Valley Regional Plan that utilizes water study findings in the preparation of recommendations regarding this resource, including the determination of a realistic carrying capacity. [*Cottonwood adds that each community shall make every effort to reduce and encourage reduction in groundwater use*]

Goal #6: Preserve and enhance air quality in the Verde Valley region.

Objective 6.1: Pursue recommendations regarding air quality in the Environmental Planning Element of the Verde Valley Regional Plan.

Goal #7: Preserve the dark night time skies over the Verde Valley

Objective 7.1: *Prepare recommendations regarding lighting standards in the Environmental Planning Element of the Regional Plan. [Sedona, Camp Verde]*

Goal #8: *Ensure adequate affordable housing, social and employment opportunities for all citizens in the Verde Valley. [Clarkdale]*

Objective 8.1: *Prepare a coordinated economic development strategy in the Economic Development Element of the Regional Plan.[Clarkdale, Sedona]*

Objective 8.2: *Carefully consider the balance between jobs and housing with any large new development as it could present major social and economic impacts to the area [Yavapai County].*

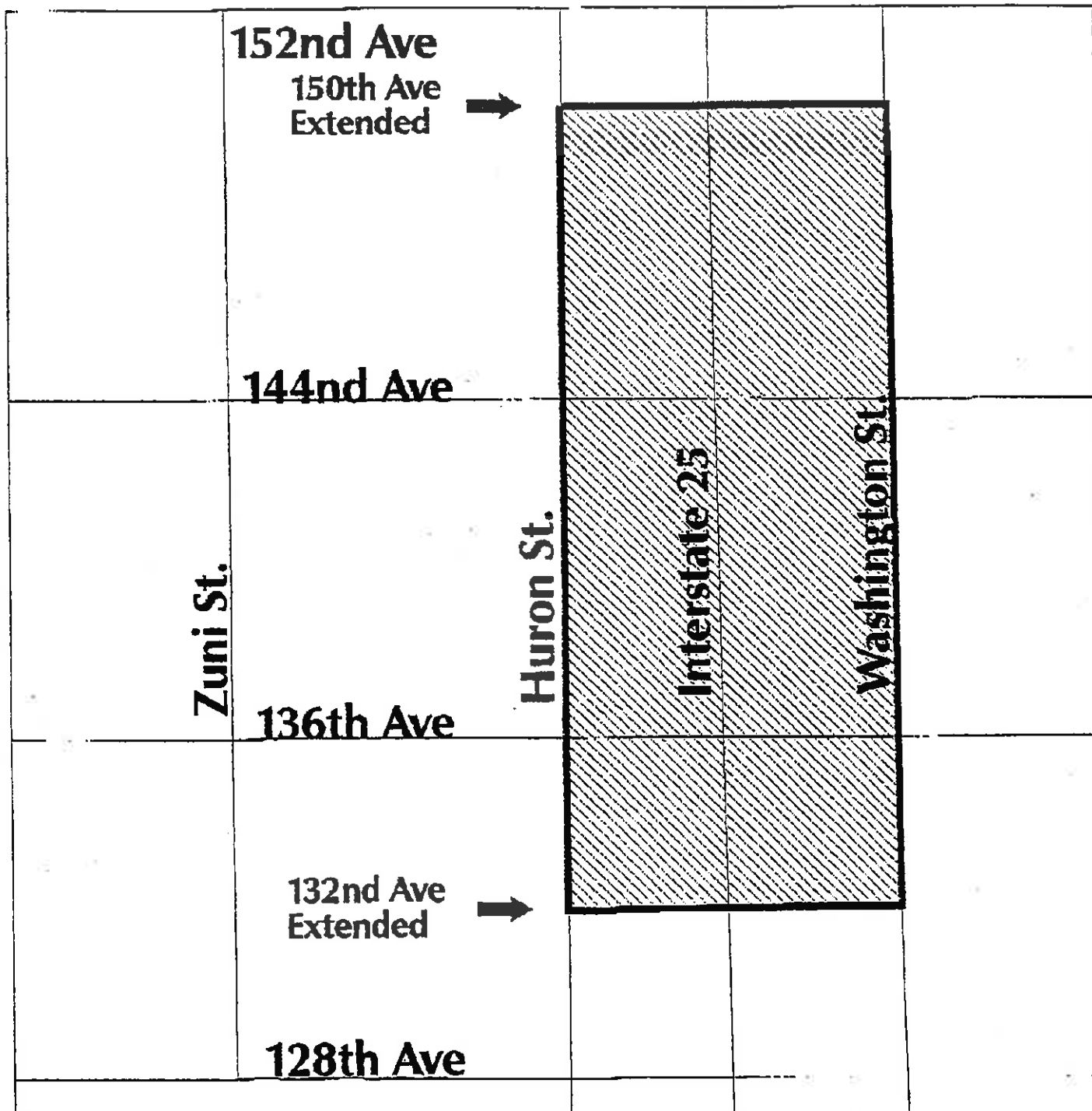
Goal #9: Encourage all Verde Valley jurisdictions to consider the impacts of their decisions on neighboring communities, other jurisdictions and the Verde Valley as a whole.

Objective 9.1: Maintain open communication and seek input from other jurisdictions on new development proposals, as applicable.

Objective 9.2: Maintain regular Regional Planning meetings between both staffs and recommending and decision-making bodies to share information and provide updates on regional planning efforts.

# I-25 Corridor Growth Area

Thornton - Westminster IGA



CITY OF THORNTON, COLORADO  
 9500 CIVIC CENTER DRIVE  
 P.O. BOX 291220  
 THORNTON, COLORADO 80229-1220  
 (303) 538-7295



PROPRIETARY INFORMATION -- NOT FOR RESALE  
 Digital Data Produced by the City of Thornton GIS Project. This map is  
 representational only, and does not determine exact locations or bound-  
 aries of any districts or properties. It is not intended to be relied  
 upon for any legal descriptions or other land use documents.

May 24, 2000

**Boundaries of Corridor Area**  
 East: Centerline of Washington St.  
 North: Centerline of 150th Ave Extended  
 West: Centerline of Huron St.  
 South: Centerline of 132nd Ave.

## ***CASE STUDY FOUR***

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### **NORTH I-25 INTERGOVERNMENTAL AGREEMENT CITIES OF THORNTON AND WESTMINSTER COLORADO**

**John F. Carpenter  
Director of Community Development**

#### ***Introduction***

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On July 10, 2000, the cities of Thornton and Westminster signed an innovative intergovernmental agreement dealing with revenue sharing, annexation and joint planning of the I-25 corridor between 134<sup>th</sup> Avenue and 150<sup>th</sup> Avenue. The agreement, signed in 2000, was actually a major updating amendment of the original agreement with many of the same general provisions executed on January 13, 1986. The key provisions of the amended agreement are as follows:

- I-25 is established as the joint north-south boundary between the two cities.
- A revenue sharing and joint planning area is established bounded by Huron Street on the west, 150<sup>th</sup> Avenue on the north, Washington Street on the east and 134<sup>th</sup> Avenue on the south. Washington Street and Huron Street are each ½ mile from I-25. There are approximately two square miles of land in the revenue sharing area; 50% in Westminster and 50% in Thornton.
- Sales tax and property tax revenues are shared between the two cities with roughly ⅓ of the revenues collected in Thornton provided to Westminster and *vice versa*.
- The cities also commit to the preparation of a joint master plan and design guidelines that will help to create a high quality business park, commercial and retail environment along the corridor.
- The cities are to cooperate in the planning and construction of interchanges along I-25 to serve future development.

#### ***Factual Background***

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In 1988, the cities of Thornton and Westminster embarked on separate (and sometimes emotionally charged) strategies to annex lands north of 136<sup>th</sup> Avenue along the I-25 corridor. At

the time, there was no prohibition or barrier keeping the respective cities from “jumping” I-25 to annex lands on the opposite side of the highway. The “annexation war” started with Thornton officials threatening to annex west of the interstate highway into land which Westminster’s George Horvoka called “Westminster’s destiny”. Thornton was interested in extending its service area west of I-25 because it had excess water capacity and this area had substantial future economic development potential. Westminster officials countered with threats to head east of I-25 and annex land earmarked by Thornton. After much rhetoric, political and emotional, the two respective City Managers sent out feelers to explore a cooperative agreement rather than fight.

The perception by both cities was that the lands along I-25 had the potential to support financially lucrative and otherwise desirable development. Therefore, there was an incentive to annex as much of the corridor land as possible to best position each city for future economic gain. However, rather than being drawn into an “annexation war” along I-25, the two cities opted for a different future. Through the leadership of the two City Managers (Jack Ethredge in Thornton, Bill Christopher in Westminster), the City Councils decided to negotiate an intergovernmental agreement (IGA) to logically define annexation boundaries and provide for cooperative planning and infrastructure development along the corridor.

The idea of revenue sharing was especially important as a way to avoid having prospective developers play one city off the other or “sell” its development to the highest city bidder. Rather, the revenue sharing provision greatly reduced the advantage of having the development on one side of I-25 or the other. In 1988, there were no other municipal revenue sharing agreements in Colorado and few nationally. One example studied by the cities was in use in the Minneapolis/St. Paul, Minnesota area.

Following several months of “on again/off again” negotiations, the IGA was formally adopted by the two respective City Councils. The following were the major provisions of the 1988 agreement.

- I-25 was established as the annexation boundary between the two cities. Thornton would remain on the side east of I-25, north of 136<sup>th</sup> Avenue and Westminster would remain on the west side.
- A revenue sharing and joint planning area was established bounded by 134<sup>th</sup> Avenue west of I-25 and 136<sup>th</sup> Avenue east of I-25, 168<sup>th</sup> Avenue on the north, Huron Street on the west, and Washington Street on the east.
- The revenue sharing provisions were as follows:
  - All property tax revenues collected by both cities are pooled and then distributed proportionate to each city’s mill levy (by adding the two mill levies together and determining what percent each mill levy is to the whole).
  - Accommodations/lodging taxes are shared by sharing 1/3 of the revenues with the remaining city.

- All sales tax, use tax and admissions tax are shared as follows:  $\frac{1}{3}$  of revenues are retained by the city collecting the tax and  $\frac{2}{3}$  are shared between the two cities using a formula that takes into account the differing tax rates of Thornton and Westminster.
- The cities agreed to prepare a joint land use plan for the area and cooperate in the construction of new interchanges along I-25.

The agreement was executed in 1988, perhaps the worst year of the “dark days” of the Denver area economy in the late 1980s. While the economy improved dramatically in the 1990s, no development occurred along the I-25 corridor during this time in part because most of the land was zoned for non-residential uses. Most of the non-residential business park development activity in the north suburban area occurred along 120<sup>th</sup> Avenue as well as the U.S. 36 corridor. The north I-25 corridor was perceived to be “too green.” Clearly, there were too few “rooftops.” The lack of residential density resulted in business park development occurring elsewhere in the Denver Metropolitan area.

In 1999, the two cities met to discuss possible modifications to the agreement. In 1988, Westminster anticipated annexing north to 168<sup>th</sup> Avenue. However, a subsequent annexation war between the cities of Broomfield and Westminster effectively blocked Westminster from annexing north of 150<sup>th</sup> Avenue. During this time period, Thornton had annexed north to 168<sup>th</sup> Avenue. Thus the boundaries of the revenue sharing area needed to be reduced in size to reflect the actual area annexed by the City of Westminster.

Since no development had yet occurred along I-25, no revenue had yet been shared. However, staffs from both cities believed that the revenue sharing provisions required revision to make the agreement easier to understand and administer. Modifications were also needed to accommodate the TABOR Constitutional Amendment which was approved by Colorado voters subsequent to 1988.

On July 10, 2000, the City Councils of Thornton and Westminster approved a revised intergovernmental agreement for the north I-25 corridor. The following were the modifications made to the original agreement by the amended agreement:

- The corridor area boundary has been changed to 150<sup>th</sup> Avenue (extended) on the north and 132<sup>nd</sup> Avenue (extended) on the south. Previously, the boundary extended north to 168<sup>th</sup> Avenue including an area subsequently annexed to the City of Broomfield. The other boundaries are Huron Street and Washington Street.
- Auto use tax and “earmarked” sales/use taxes created by a vote of the people have been eliminated from revenue sharing.
- Property tax levies for special, metropolitan and/or general improvement districts have been eliminated from revenue sharing.
- Tax receipts that are to be shared will be distributed by March 31<sup>st</sup> of each year.

- A maximum of 50% of the sales, use and property tax revenues from new businesses with development incentives may be excluded from revenue sharing for a period not to exceed five years.
- Development fees and/or infrastructure fees are not subject to revenue sharing.
- Each city may reduce the taxes subject to revenue sharing by a proportionate amount if taxes must be rebated under TABOR.

The revised agreement also contained a commitment by both cities to prepare and adopt a joint development plan for the corridor with the following provisions:

- The location, size, nature, phasing, and other limitations on the uses of land
- Location of interchanges, overpasses and arterial streets
- Mass transportation facilities
- A master drainage plan
- A parks, recreation, open space, and trail plan
- Landscaping and maintenance of the I-25 right-of-way

Since the adoption of the revised IGA, the cities have jointly hired the design firm of Downing, Thorpe and James from Boulder, Colorado to prepare the corridor land use plans, as well as detailed design guidelines to be used for the entire corridor. The plan and guidelines are scheduled for completion in the spring of 2001. The cities will incorporate this plan into their respective comprehensive plans and set the stage for future quality development.

### ***Lessons to be Learned and Shared***

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- Don't assume your city's "destiny" is to be honored by others.
- It is always better to cooperate as opposed to fighting and making excessive concessions to property owners and developers.
- Revenue sharing is a major consideration in establishing annexing boundaries.
- Revenue sharing is a key consideration in establishing mutual boundaries in areas that have significant economic development potential.
- It is critical to have leaders who can develop creative solutions that provide a "win-win" for both communities.
- Neither community benefits from an environment that allows developers to pit one community against the other.



## ***CASE STUDY FIVE***

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### **COMMUNITY SEPARATORS: A COOPERATIVE PLANNING APPROACH MESA COUNTY AND THE CITIES OF FRUITA, GRAND JUNCTION, AND PALISADE, COLORADO**

**Bennett Boeschstein  
Community Development Director**

**Keith Fife  
Long Range Planning Director**

#### ***Introduction***

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The Cooperative Planning Agreements between Mesa County, Fruita, Grand Junction, and Palisade establish “community separators” or “buffer strips” between these rapidly growing municipalities on the Western Slope. These agreements, enacted by the Fruita City Council, the Grand Junction City Council, the Palisade Town Council and the Mesa County Commissioners, provide that: (1) the municipalities are prohibited from annexing into the separators, (2) sewer service will not be extended into these areas, and (3) the county will not change zones in these areas that are inconsistent with the Countywide Land Use Plan. Amendments to the agreement can only be approved by a vote of the elected boards of all the affected parties.

The cooperative agreements won the Governor’s Smart Growth and Development award in 1996 as an outstanding example of regional partnerships.

#### ***Factual Background***

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The separators encompass 12,000 acres of private land with a wide range of landscapes: highway corridors, the Colorado River and its flood plain, important agricultural lands, wildlife habitat, scenic bluffs and canyons, and a patchwork of rural residential development. Bureau of Land Management and National Park Service (Colorado National Monument) lands abut the community separators.

The establishment of the separators was due, in part, to the community uproar that accompanied the City of Grand Junction’s rapid annexations of rural areas in the county. County residents felt disenfranchised because: (1) they were not being consulted about the annexations, and (2) feared that the “land-grab” by the City of Grand Junction would lead to urban sprawl throughout the Grand Valley. The well-organized grassroots effort was thus focused on preserving the “rural character” that, for the most part, exists in the interstitial areas between the existing municipalities in Grand Valley.

The establishment of the community separators achieved a number of goals as stated in the Mesa County-wide Plan:

- To respect the historic and existing private property rights, customs and culture of Mesa County while ensuring prompt recognition and appropriate response to changing conditions related to factors such as shifting demographics, altered public attitudes and values, different economic conditions, and/or other pertinent factors.
- To recognize that urban and rural sprawl are neither desirable nor cost-effective.
- To encourage future growth to locate in and around existing urban and rural communities. Mesa County will provide a variety of policies, programs and incentives to private property owners.
- To encourage cost-effective and efficient infrastructure when development is approved in outlying, non-adjacent agricultural lands, development shall pay its fair and equitable cost of providing all related utilities, services and facilities.

### ***Stakeholders Involved***

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Multiple jurisdictions and organizations are partners in this project, including:

- Mesa County and the municipalities of Grand Junction, Palisade and Fruita
- Mesa County Land Conservancy
- Bureau of Land Management
- Colorado National Monument (National Park Service)
- Colorado Division of Wildlife

Other partners with an interest in this project include: the Grand Junction/Mesa County Riverfront Commission, Colorado Outdoor Parks and Recreation Division, and the U.S. Fish and Wildlife Service.

### ***Planned Implementation***

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Mesa County prides itself on voluntary, innovative partnership approaches to land use planning and implementation. A **strategic approach** to land conservation in Mesa County is a political necessity. The county has made a commitment to minimize regulatory approaches and specifically to avoid down-zoning properties without the direct consent of individual landowners as a means of containing sprawl. As a result, the county has emphasized a strategy of providing incentives for conservation (the carrot versus the stick approach). County initiatives towards this end include:

- The Mesa County Land Use Incentives Report, a project funded in part by a 1996 grant from the Office of Energy Conservation, which identifies voluntary techniques for implementing the Mesa Countywide Land Use Plan. This project will better define and spread the good news about the options available for conservation of properties with a variety of important attributes worthy of preservation.
- A detailed agricultural land survey and inventory by the Mesa County Land Conservancy and Palisade for properties in and around Palisade.
- An inventory by the City of Fruita of Colorado riverfront properties in and around Fruita.

The Mesa County Community Separator Inventory and Demonstration Project promotes voluntary conservation actions by willing landowners through a series of public informational meetings on potential conservation techniques. The Mesa County Land Conservancy conducted these educational sessions for the general public with a focus on landowners in the community separator areas. Following the completion of the inventory phase of the project, identified landowners were approached to further discuss options for land preservation.

Mesa County is recognized throughout Colorado as a leader in our application of Geographic Information System software. Our system includes multiple layers of data necessary to conduct the inventory and analysis from tax parcel information to flood plains, topography, air photos, soil types, vegetation and more. The results of the project and methodologies are easily transferable to other counties, municipalities and organizations. We utilize ArcView software, one of the most common packages used throughout the state.

### ***Lessons to be Learned and Shared***

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The Mesa County Community Separator project is the culmination of over five years of effort beginning when parallel land use plans were prepared and completed by Fruita, Grand Junction and Mesa County in 1994-96.

The plans, adopted in 1994 and 1996, provide for maintaining rural areas between the communities of Fruita and Grand Junction and Grand Junction and Palisade to provide a visual transition between cities, protect community identity, and allow agriculture to continue. This provision was formalized through Smart Growth award winning Intergovernmental Agreements between Mesa County and the three municipalities on Feb. 9, 1998, as a demonstration of commitment to implementing the Mesa Countywide Land Use Plan and its goals.

The agreements led to completion of an analysis for the two Community Separator areas (10,255 acres) with the final report, titled "Community Separator Inventory and Demonstration Project," completed in May 1999.

Mesa County has committed to minimizing regulatory approaches to land conservation. As a result, the County has emphasized a strategy of providing incentives for conservation (the carrot versus the stick approach). Following Mesa County's Resolution No. MCM 99-68 supporting voluntary land conservation techniques for the Community Separator project, Mesa County moved ahead to implement a citizen advisory committee called the Technical Resource Advisory Committee (TRAC) to advise agricultural landowners on voluntary open land incentives, land protection options, and right-to-farm provisions. The TRAC has held education sessions for landowners within the target area and is planning more. We are moving ahead to implement the two community separators.

## ***CASE STUDY SIX***

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### **NORTHERN COLORADO REGIONAL COMMUNITIES INTERSTATE-25 CORRIDOR PLAN FORT COLLINS COLORADO**

**Joe Frank  
Director of Advance Planning**

#### ***Introduction***

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Northern Colorado's main transportation corridor is starting to take on an economic life of its own, and communities along I-25 are vying for the hottest interchanges. Most have come to see the 30-mile corridor from the Berthoud exit to the northernmost Fort Collins exit as Northern Colorado's "main street" and believe that commercial and residential development along its edge is inevitable.

To promote the best possible future, eight jurisdictions (two counties and six municipalities) have joined together to prepare a vision for the 30-mile long, 1-mile wide, Northern Colorado segment of the interstate corridor.

City and county officials hope that the I-25 Plan will result in a unified design theme, a framework for a supportive multi-modal transportation network, and recognition of significant natural areas and open lands along the corridor.

#### ***Factual Background***

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I-25 is "hot" according to numerous business and retail trade magazines. The 96 miles of Interstate 25 frontage from Wellington to Brighton is lined with dozens of new and existing commercial and residential developments. And many more projects are in the "paper" planning stage. The northernmost segment of the interstate, from Berthoud to Fort Collins is considered by many to be the future "epicenter" for much of this real estate activity.

And, the emerging "hot" interchanges are getting "hotter". The junction of I-25 and Highway 34 is already the center of the corridor's most ambitious development – the Rocky Mountain Village Outlet Center/Centauro project spanning 3,000 acres on both northern quadrants. And the Town of Johnstown has planning underway on the southeast quadrant of the intersection, including over 4.5 million square feet of regional retail space and a golf course/executive home development.

Just a few hundred feet north, Larimer County voters approved funding for a new countywide Events Center, which will bring activities and thousands of visitors each year to its doors. Other hot spots include I-25's junction with Colorado Highway 392 in west Windsor, where several business parks are planned or under construction, hosting retail shops, offices, banks, hotels, and multi-family units.

Further north, Fort Collins offers examples of how the I-25 corridor has developed over the past decades, and how it will develop in the future. And finally, Berthoud, which appears on the surface as a quaint, bedroom community, is in the process of seeking out the services of a Master Developer, to guide the development of six square miles of land at their I-25 gateway at Highway 56.

Concerns emerged, however, that the corridor could grow into a solid wall of poorly designed commercial buildings, blurring the line between communities and obscuring the mountain views that attract visitors and residents. Community leaders don't want to see poorly designed development like storage units and storage yards lining their "main street," nor do they want to lose the "openness" that currently characterizes most of the corridor. And while no one really has an accurate forecast of how much activity is going to occur in the corridor, conservative growth estimates indicate that the transportation facilities will be inadequate and that I-25 will become a "parking lot" with little or no alternative to travel except by car.

Community leaders do not have to look far from their own jurisdictions to see what would happen if current development patterns and growth trends continue. The good news is that this is not the future that the residents of Northern Colorado want. And, community leaders have responded by commissioning the preparation of the I-25 Corridor Plan. When the plan is finished in Spring 2001, the jurisdictions will have a better idea of where residential, commercial, industrial, and agricultural development should go, and look and be like. But even more important, they will have a plan for easing traffic in the corridor.

### ***Stakeholders Involved***

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The preparation of the I-25 Corridor Plan has been an unprecedented collaboration of public and private stakeholders. The idea for the corridor plan originated as far back as 1995, when a group of communities in the region came together to prepare and adopt the *Regional Planning Study*. This Plan contained a vision for the region that served as the foundation for the current planning effort, expressed as follows:

*Communities as neighbors that work together while remaining physically separate; retain their individual characteristics and identities; and, carefully consider and plan the areas between them that are appropriate for development.*

This Plan recognized that more than any other element in the region, the built and natural environment along Interstate 25 was going to determine how effectively this vision was going to be realized.

The initial support to begin the corridor planning effort resulted from informal discussions among a few key planners and city managers in the region. At the same time, a few key leaders from the real estate and development industry stepped forward and publicly expressed their concern that the communities needed to come together, in partnership with the private sector, to talk about design guidelines to ensure quality development and to do some long range planning for transportation related infrastructure and funding. Eventually, the strong interest, support and participation by these private sector stakeholders would prove to be instrumental in gaining support for the project by the elected officials from the various jurisdictions.

In 1999, eight jurisdictions agreed to participate in the project. Seven of the jurisdictions agreed to provide funding for the project, proportional to the population levels in the respective jurisdictions. This funding model had been used in earlier, smaller scale regional efforts and thus it was easy to gain wide acceptance of this funding mechanism. Weld County declined to fund the project but did agree to participate. Fort Collins volunteered to serve as Project Manager. The eight participating jurisdictions are:

- City of Fort Collins
- Town of Timnath
- City of Loveland
- Town of Windsor
- Town of Berthoud
- Town of Johnstown
- Larimer County
- Weld County

Additional participants included the Colorado Department of Transportation (CDOT) and the North Front Range Transportation and Air Quality Planning Council. The consulting firms of Clarion Associates and LSA Associates were retained to provide planning and transportation advice.

The policy direction for the preparation of the plan comes from a committee consisting of one elected official representative from each of the eight participating jurisdictions plus the Regional Director of CDOT. The responsibilities of the Policy Committee include meeting with the Staff Technical Team and maintaining liaison with elected and appointed officials and other affected interests from their jurisdictions.

The Policy Committee has been meeting on a bimonthly basis and is supported by a Technical Team consisting of key staff from each of the participating jurisdictions and

agencies, and the consultant team. The Staff Technical Team meets monthly or more and is responsible for producing the plan and citizen participation.

Key stakeholders also include representatives from the real estate industry including developers, land brokers, business owners, and design professionals; city/county staff, particularly managers; elected officials, particularly town councils and county commissioners; appointed officials, particularly planning boards; environmental groups; and property owners.

The planning process has included a vigorous outreach effort to stakeholders including numerous public and private meetings, public open houses, newsletters, mailings, focus group meetings, document production and distribution, and preparation of a project website (i25corridor.com). And finally, the planning process has included involving current representatives and candidates for local and state offices.

### ***Planned Implementation***

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The biggest challenge for this project is that there is no single group or agency in the region to which the plan can be turned over for implementation. Rather, implementation will depend upon continuing the cooperative spirit among the participating jurisdictions that was established by this project. There are, however, a few actions that are anticipated to be implemented as part of the project over the next four to six months; while others will be addressed after completion of the plan.

#### **Expected and Immediate Implementation Actions:**

1. **Adoption of the Plan.** Each of the communities will be expected to adopt the plan, and for some as an element of their respective comprehensive plans.
2. **Adopt the Design Standards.** The project will deliver a polished, readily adoptable, and mutually agreed upon set of design and land use location standards for new development in the corridor. The design standards will be adopted and implemented by the communities as part of their zoning codes.
3. **Adopt the Street Network Recommendations.** The project will deliver a recommended transportation network, including general locations of major streets, right-of-way standards, and street design. The recommendations will be adopted by the jurisdictions and included in their master street plans. As new development occurs, the jurisdictions will be expected to secure the alignment and the necessary right-of-way to implement the network recommendations.
4. **Intergovernmental Agreement (IGA).** The project will produce an IGA which will be signed by the participating jurisdictions wherein they agree to adopt and apply the recommendations of the plan, design standards, street network standards and agree to cooperate on future implementation steps.



## Other Implementation Actions Being Considered

5. **Organizing for Implementation.** There are several organizational structures which are being considered by which the ongoing implementation of the plan could be accomplished:
  - A new, formal, regional (“COG-like”) agency funded by the participating jurisdictions, which would be responsible to coordinate implementation among the various jurisdictions, or
  - A new private/public partnership funded by the private sector and the participating jurisdictions, which would coordinate implementation of the plan, or
  - A new, informal “committee” composed of elected officials and staff from the participating jurisdictions, which would coordinate implementation among the various jurisdictions.
6. **Planning and Technical Assistance.** Several of the smaller jurisdictions lack the expertise and resources to effectively implement the plan. One of the ideas being considered is to create a technical assistance program for these communities, funded by the larger jurisdictions and/or from outside grants.
7. **Transportation Funding.** The costs to implement the recommended transportation network (outside the interstate) will exceed \$250 million. A regional approach to transportation funding is needed and requires further study and discussion.
8. **Open Lands Preservation.** There will need to be future discussions on how to implement the open lands policies contained in the plan, including but not limited to, transfer of development rights, natural area and wildlife habitat standards, density transfer and clustering, acquisition, and agricultural land preservation.

## *Lessons to be Learned and Shared*

Many of the important problems that growth has created in the West will require regional, multi-jurisdictional solutions, particularly transportation, affordable housing, air quality, and open lands preservation. At first, it may seem an impossible task, but it will be worth the effort. A few lessons learned from the I-25 planning effort include:

1. **Being “multilingual” is critical** before undertaking multi-jurisdictional projects. There are at least eight “languages” spoken in the Northern Colorado I-25 corridor. Each of these languages comes with its own set of values, needs and priorities. The success of any multi-jurisdictional effort depends upon understanding and honoring these differences. A project is doomed to failure or frustration if these differences are discounted or dismissed. The various “languages” include:

- Small town
- Big town
- Rural
- County
- City
- Regional
- State
- Federal

2. **Resources.** There is a tremendous disparity among jurisdictions in regard to having resources available to do good planning. And generally, the lack of resources is the main reason that many jurisdictions, particularly smaller ones, don't plan at all, or lack the expertise to implement the plans they do have. The I-25 experience is that the larger jurisdictions picked up most of the expense for the smaller communities. For example, Fort Collins picked up nearly 50% of the cost of the project. In addition, Fort Collins absorbed the costs of providing all of the project and contract management. The smallest jurisdiction paid \$250. It is likely that without this cost sharing, the smaller communities would not have been able to participate. Finally, a stumbling block for the project was maintaining adequate staff representation throughout the project. It is important in multi-jurisdictional projects to gain commitments from the communities early on.
3. **Timing.** The project schedule was 18 months, which is not an unusual length for a large and complex project. However, over time, some key staff and elected officials resigned and/or ended their terms of office. This has been a stumbling block in maintaining project continuity. Also, it is hard to keep the attention of the elected officials and the public over long periods of time. Multi-jurisdictional projects need to be as efficient as possible and be sensitive to timing and resource issues.
4. **Informed decision-makers.** It is critical to keep the key decision-makers in the jurisdictions informed and current on the project. For the I-25 project, this has meant meeting with over 30 different town councils, planning boards, and advisory groups. Websites and newsletters are good too, but don't replace face to face meetings. The contract with the consultants had to be expanded during the preparation of the plan to compensate them for attendance at these additional meetings.
5. **Decide early on what is really important!** The Staff Technical Team, consultants and the development industry wasted time and resources on discussing issues that weren't important from a corridor perspective, for instance, landscaping of parking lots and building colors. Regional projects should focus on being sure the project gets the "forest" right; and leave determining what "trees" to use to the individual communities.

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Following are copies of the proposed I-25 Corridor Plan design standards.

## Project Overview

### Goal

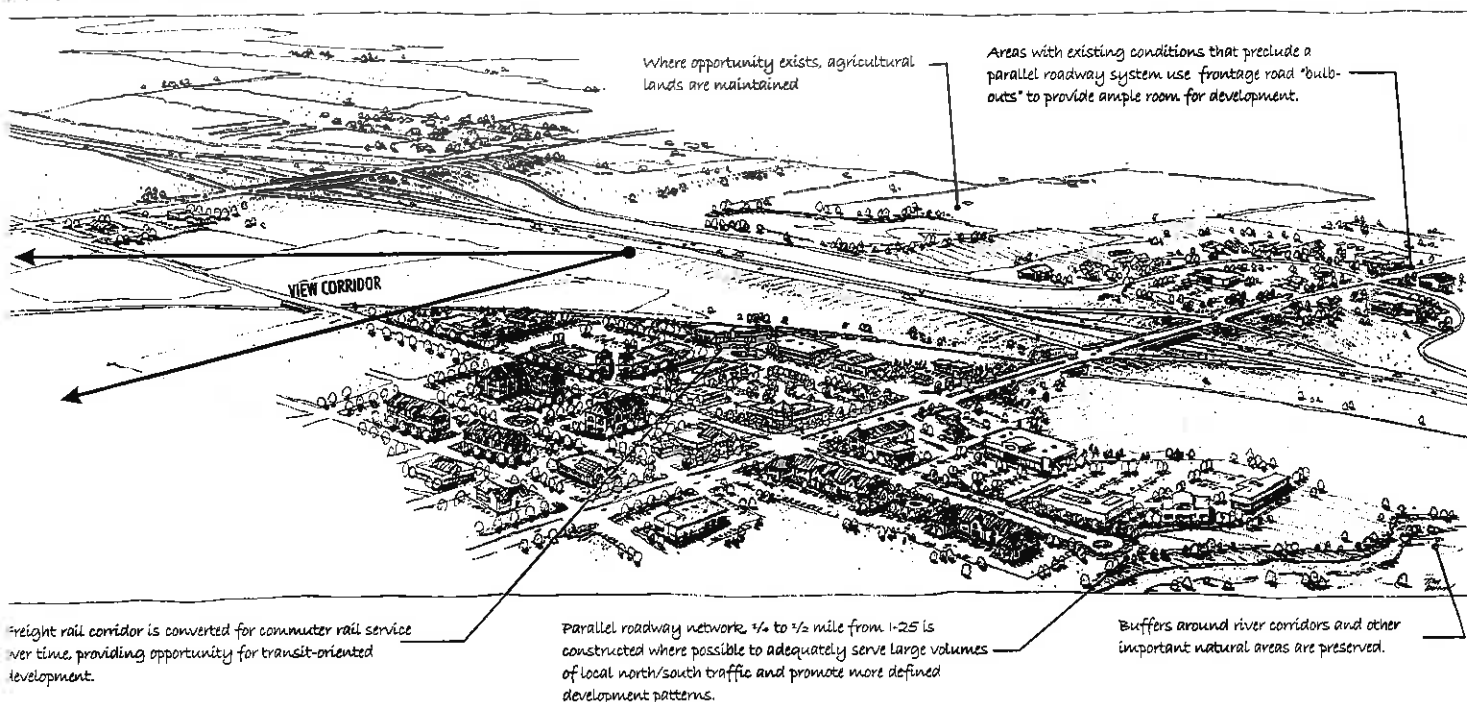
The general goal of the I-25 Corridor Plan and design standards is to set a framework for the Corridor that focuses on improving the quality, environmental sensitivity, and long-term sustainability of development and redevelopment within the Corridor. To help gain a better understanding of how this goal translates to future land use and transportation patterns for the Corridor, a Preferred Vision was developed through a process of public and private input.

The "visioning" process sought to identify the "How?" and "Where?" of future development in the Corridor. Asking questions like: If current development patterns aren't desirable,

then where should development occur? If inexpensive, tilt-up structures aren't desirable, what characteristics should new construction have? Would agriculture remain a viable use in the Corridor in the long-term? What type of transportation system would best serve future development patterns? Each of these questions, among others, was thoroughly evaluated during the input process.

At this point in the process, we would like your feedback on the design standards, transportation concepts, and open lands and natural areas policies. Let us know what you think!

### Preferred Vision



### Corridor Design Principles

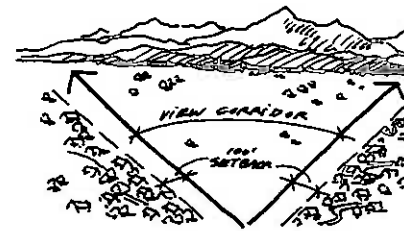
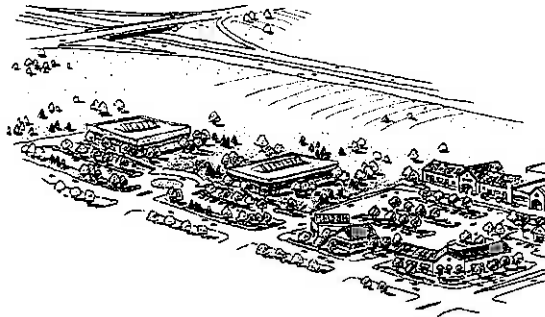
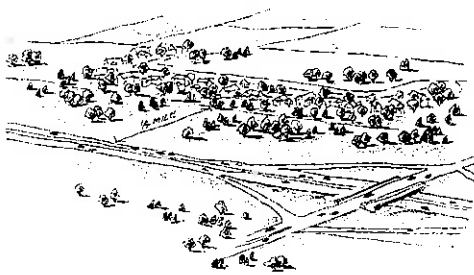
Following is a list of the five Corridor Design Principles developed from the visioning process. Each principle represents a broad goal to be addressed by the plan and the design standards in order to achieve the Preferred Vision.

1. Coordinate local and regional transportation investments to increase future mobility and mode choices within the Corridor.
2. Preserve natural areas, open lands, and view corridors that contribute to the open character of the Corridor.
3. Establish a range of development types and intensities within the Corridor to maximize infrastructure investments, accommodate a range of uses, and preserve the rural character of outlying areas.
4. Maximize long-term property values and community benefits within the Corridor by improving the overall quality and functionality of development.
5. Promote steady economic development in the I-25 Corridor.

### Where should different types of development be located in the Corridor?

These Locational Standards are intended to direct specific land uses to appropriate locations within the Corridor. While future commercial, industrial, and multi-family residential development will be directed towards compact activity centers near interchanges or other transportation hubs, residential uses will be directed in between these centers and away from I-25. These standards will help prevent future development from occurring along existing frontage roads outside of these established centers, helping to maintain views of mountains and open lands for motorists and to preserve targeted agricultural or open lands and natural areas. The application of these standards will help maintain the attractiveness and distinct character of the Corridor and help make efficient use of local and regional transportation investments.

### Sample Standards...



#### Preferred Location of Residential Uses Locational Standards

Single-family residential uses shall not be located within ¼ mile of the I-25 right-of-way where noise levels and impacts on views and the Corridor's rural character are high.

#### Implementation Options

- Single-family subdivisions located between ¼ and ½ mile from the I-25 right-of-way shall utilize clustering techniques illustrated below (Illustration) to concentrate densities away from the I-25 right-of-way, maximize views, and preserve landscape features.
- All residential uses shall be set back a minimum of 100 feet from edge of identified riparian habitats and view corridors as specified in Section VII.C. Resource Protection.

#### Preferred Location of Non-Residential Uses Locational Standard

Large employers and industrial uses shall locate within a coordinated, campus or office park setting directly adjacent to activity centers. This location avoids the development of new, linear projects along shallow frontage road lots, provides the critical mass needed for transit investments, such as commuter rail or high frequency bus service, and provides a solid customer base for nearby activity center services.

#### Implementation Options

- Current land use and transportation plans shall be evaluated and shall identify appropriate locations for office park or campus settings.
- Areas identified within land use and transportation plans shall be evaluated and rezoned as necessary to facilitate these uses.

#### View and Character Protection Areas Locational Standards

All residential or non-residential development occurring adjacent to identified view or character protection areas shall be designed in a way that minimizes its impact upon the scenic quality of the Corridor. All view or character protection areas and the purposes of these standards are identified in the accompanying Open Lands and Natural Areas Inventory.

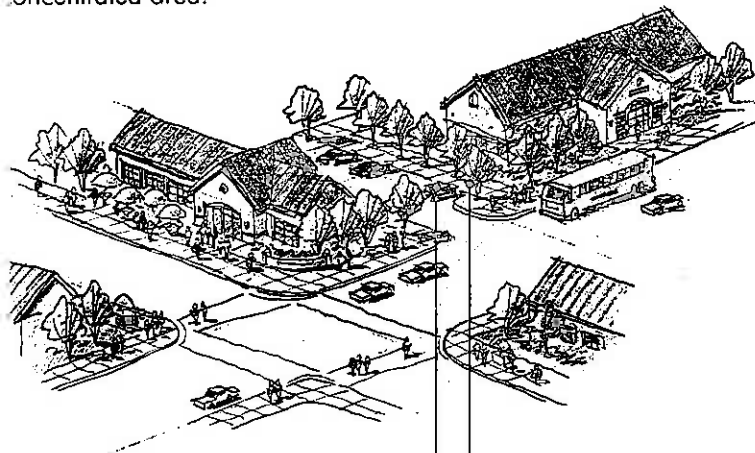
#### Implementation Options

- All development shall be setback a minimum of one hundred feet from the edge of a designated view corridor.
- Any development occurring on either side of a view corridor shall be buffered from the view corridor riparian, or wetland edge with naturalized clusters of trees and vegetation to soften the development edge.
  - For the purposes of this standard, a landscape buffer shall consist of informal plantings of deciduous and evergreen trees.
- Dense, linear plantings of trees that create a visual barrier shall be avoided.

## Mixed-Use Activity Centers

### What design techniques can be used to help transform typical highway development into transit-oriented areas?

The intent of these standards is to provide the design tools necessary for the creation of transit-oriented mixed-use activity centers in selected areas of the Corridor. These areas have been identified based on their strong likelihood of having significant development potential served by future multi-modal facilities and are therefore limited within the Corridor. Development in these areas should occur with a specified mix of uses and at significantly higher densities than other more auto-oriented activity centers. These supplemental design standards are intended to provide the building blocks for more urban, "village-type" developments with a focus on creating a unified character, developing vacant or redevelopment parcels at the highest intensity and quality to support transit investments, establishing pedestrian and bicycle accessibility, and providing a variety of uses and amenities within a concentrated area.



### Sample Standards...

#### Building Setback/Parking

##### Design Standards

Off-street parking provided for all uses within a mixed-use activity center shall not be located between the primary building and the primary abutting street.

##### Implementation Options

To encourage higher-density, mixed-use development, shared or joint-use parking space requirements shall be reviewed on a case-by-case basis within mixed-use areas for adjacent uses that may have staggered peak periods of demand. For example, retail, office and entertainment uses would share parking areas and quantities to minimize total parking area and to encourage use of transit.

A reduction of one off-street parking space shall be allowed for every two on-street parking spaces located within a two-block radius of the development site.

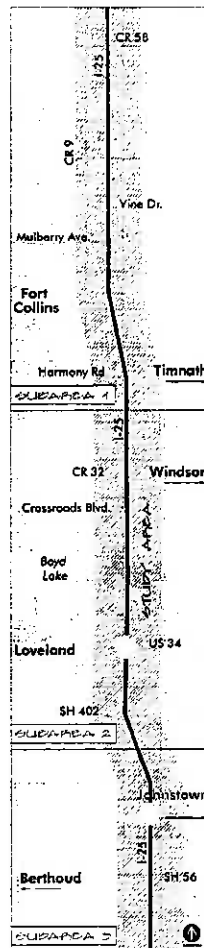
#### Building Orientation/Setback

##### Design Standard

Buildings shall be oriented to frame adjacent streets through the use of narrow, consistent setbacks.

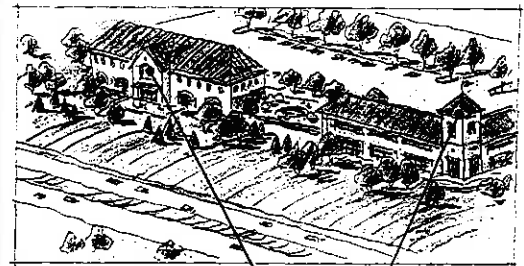
##### Implementation Options

- Build-to lines shall be established for each arterial or collector street within a mixed-use activity center to help account for changes in road widths and cross sections, as well as changes in development character that may warrant variations in setbacks.
- Buildings shall be located no more than 15 feet from the right-of-way of the adjoining local or collector street.



### Where would these mixed-use centers be?

- At future commuter rail station locations (NFRTAFS)
- Near other high frequency transit service (regional/local bus service)
- In centers that choose to adopt a higher standard for development



#### Building Design/Character

##### Design Standard

Large commercial and industrial buildings shall incorporate variations in height, massing, and architectural elements to break up the appearance of large walls.

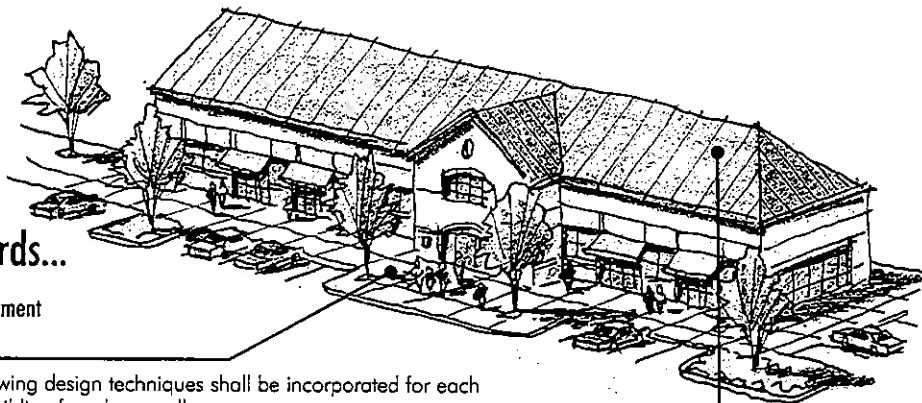
##### Implementation Options

- Horizontal building masses that exceed a height:width ratio of 1:3 without substantial variation in massing shall be prohibited. Variations may include a change in height and projecting or recessed element(s).
- Changes in building mass shall be related to entrances, the structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.
- Ground floor facades that face public streets or open spaces shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

## Activity Center

### How can we improve the appearance and function of highway-oriented development?

Recognizing that not all "Activity Centers" within the Corridor will be served by commuter rail or other transit in the near term, these standards focus on creating an attractive and integrated appearance for the more typical highway-oriented commercial and retail use existing today. Each standard focuses on a specific design component that will improve either the appearance or function of development. Basic requirements for vehicle, pedestrian and bicycle circulation provide a framework on which to build the desired building design characteristics, parking lot design and location, service area screening, and landscaping.



### Sample Standards...

#### Building Form/Façade Treatment

##### Design Standards

One or more of the following design techniques shall be incorporated for each 50 horizontal feet of a building façade or wall:

##### Implementation Options

- Changes in color, texture, or materials;
- Projections, recesses, and reveals, expressing structural bays, entrances, or other aspects of the architecture with a minimum change of plane of 12 inches;
- Grouping of windows and fenestration; Arcades and pergolas providing pedestrian interest.

#### Pedestrian Connections

##### Design Standards

A continuous on-site system of walkways shall be provided between buildings, parking, and other site amenities to support higher levels of safe pedestrian activity.

##### Implementation Options

- On-site walkways shall be a minimum of 5 feet in width.
- On-site walkways shall provide connections to:
  - The primary entrance or entrances to each building, including pad site buildings;
  - Adjacent arterial streets where potential transit stops exist or are planned;
  - Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development;
  - Any public sidewalk system along the perimeter streets adjacent to the development;
  - Adjacent land uses and developments; and
  - Any greenway or other public use.

##### Design Standard

Flat rooflines shall not be permitted on any structure within an activity center.

##### Implementation Options

- Roofs on primary structures with a floor plate less than 10,000 sq.ft. shall be pitched with a minimum slope of at least 5:12.
- Roofs on primary structures with a floor plate exceeding 10,000 sq.ft. shall have a minimum roof pitch of 4:12
- Mansard roofs shall not be permitted.

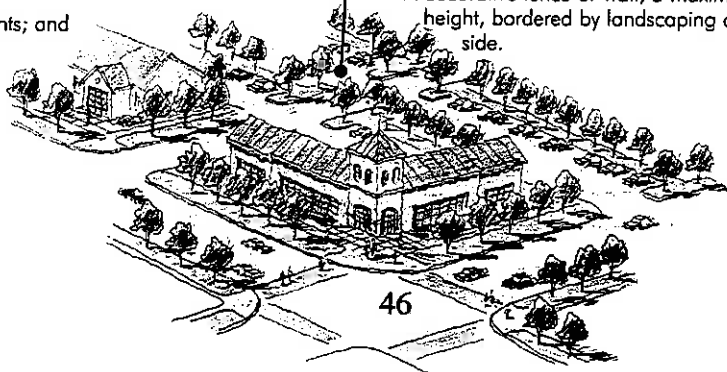
#### Parking Location and Amount

##### Design Standard

The number of contiguous parking spaces shall be limited to 20 and each block of 20 shall be buffered from adjacent parking blocks by at least one of the following methods:

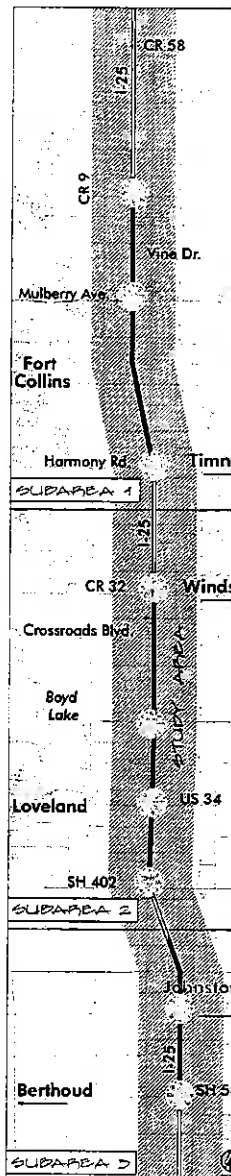
##### Implementation Options

- A landscaped median or berm that is at least 10 feet wide;
- A pedestrian walkway or sidewalk within a landscaped median that is at least 10 feet wide; or
- A decorative fence or wall, a maximum of 3 feet in height, bordered by landscaping on at least one side.



### Where would the activity centers be located?

- Near interchange
- Along east/west corridors
- Concentrated development areas



## Areas Outside of Activity Centers

### How can the scenic, open character of the Corridor be protected in developing outlying areas?

These standards are intended to ensure that development outside established activity centers is sensitive to and protects the rural character and significant natural features of the Corridor. To protect these features, such as riparian corridors and sweeping mountain and farmland views, a much more open character of development needs to be established in these areas. Informal landscape buffers should be provided at the development edge adjacent to I-25, building heights and densities should be reduced, and larger setbacks should be established between development and I-25. Each of these elements will help create a transition between the higher densities of an activity center and the surrounding open lands.

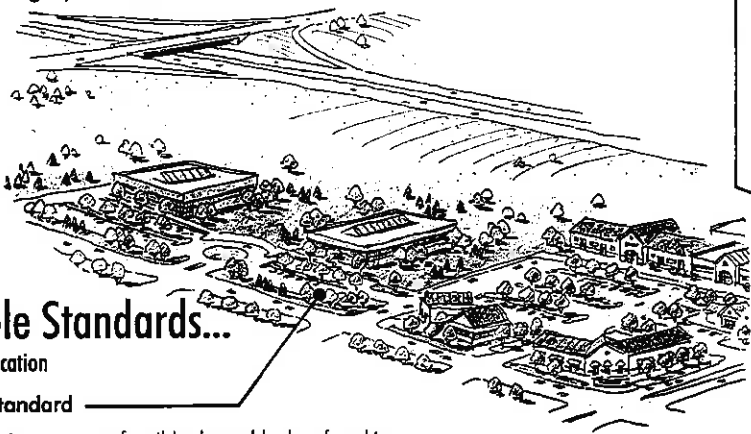
#### Development/Open Lands Transitions

##### Design Standards

Residential subdivisions within ½ mile of I-25 shall incorporate one or more of the following techniques to create a visual transition between development and surrounding agricultural or open lands.

##### Implementation Options

- Residential subdivisions within ½ mile of I-25 shall, to the maximum extent feasible, stagger building setbacks to create a softer development edge. (Illustration)
- Residential development visible to motorists on I-25 shall plant a landscape buffer along the rear and/or visible edge(s) of the property to create a soft visual edge to the development. For the purposes of this standard, a landscape buffer shall consist of informal plantings of deciduous trees and evergreen trees.
- Development parcels with existing stands of significant trees or vegetation shall locate structures, to the maximum extent practicable, so that the cluster of vegetation provides a buffer between the development and views from I-25.



### Sample Standards...

#### Parking Location

##### Design Standard

To the maximum extent feasible, large blocks of parking shall be distributed between the front or back, whichever is least visible from I-25, and the sides of a building, with not more than 30% of the parking for the entire property remaining between the principal building and I-25. Parking between the principal building and I-25 shall be separated from I-25 by a 25-foot naturalized landscape buffer.

##### Implementation Options

- If the percentage of site parking located between the primary building and I-25 is reduced to 15%, the associated landscape buffer shall be reduced to 15 feet.

#### Building Materials and Color

Colors with a high reflectance, such as light or white shades, are highly visible in rural areas of the Corridor when used as a primary roof or wall color. This is particularly true in areas of concentrated development, such as a residential subdivision.

##### Design Standards

Muted colors with a low reflectance shall be used for broad building surfaces, such as roofs or walls.

##### Implementation Options

- White or other light colors with a high reflectance shall not be permitted as a primary color for either the roof or walls of a residence located in a subdivision, a clustered setting, or for a non-residential structure.
- High-intensity, metallic, black, or fluorescent colors shall also be prohibited.
- The use of brighter colors on architectural trim shall be allowed.



#### Ridgeline Protection

##### Design Standard

No building footprint or other structure shall intrude into any ridgeline protection area identified within the Open Lands and Natural Areas Inventory.

##### Implementation Options

- A ridgeline protection area, for the purposes of this standard shall include the crest of any hill or slope designated, as well as the land located within 100 horizontal feet on either side of the crest of the hill or slope.
- No building shall be located where the apex of its roofline appears to be higher than or otherwise interrupts the smooth lines of a ridge when viewed from I-25.

### Riparian Corridors

- Provide important wildlife habitat with their unique ecosystems
- Provide visual contrast and interest to the landscape of the Corridor
- Provide open space linkages between communities and other development nodes
- Contribute to regional storm water management
- Designated as Regional Resource Corridors



#### Poudre River Corridor

- Extensive riparian forest provides a haven for many plant and wildlife species
- Resource for extensive gravel mining operations
- Provides recreational corridor for region
- Contributes significantly to scenic quality of Corridor with its sprawling groves of Cottonwoods and numerous ponds



#### Big Thompson River Corridor

- Significant natural asset, harboring groves of Cottonwoods and Willows as well as a wide variety of grasses and wildlife
- Portions of river corridor provide recreational uses for Loveland and the surrounding area
- Dense vegetation and tall trees along the river corridor provide a dramatic contrast from surrounding agricultural lands



#### Little Thompson River Corridor

- More compact, well-defined corridor
- Dramatically steep banks lined by groups of Cottonwoods, Willows and other riparian species

### Secondary Riparian Corridors

- Defined by perennial stream corridors and irrigation canals
- More compact in character than primary river corridors
- Less intensive stands of vegetation as primary river corridors, often distinguishable by presence of clumps and clusters of riparian vegetation



### View Corridors

- Views along much of Corridor have already been impacted by so level of development
- More intense levels of development are planned in many areas of these areas
- Treatment of development in these areas is a critical component preserving the Corridor's rural character



#### 4 Crossroads/Loveland Corridor

- Area from County Rd 30 south to Big Thompson River
- Significant amounts of development under consideration in this area, such as Larimer County Fairgrounds, Millennium Project and others...
- Prominent views of mountains to west, though grade changes along interstate views periodically, particularly near County Rd 26



#### 5 Fossil Creek/Windsor Corridor

- Area from County Rd 30 north to Poudre River
- Previously defined as desirable Community Separator
- Prominent views of mountains and reservoir to west
- Currently part of Larimer County TDU Program as test site for sending/receiving development rights

### Agricultural Lands

- Primary component of the Corridor's historically rural character
- Provide visual separation and perceived sense of open space between communities
- Important part of the Region's heritage
- Serve as north and south gateways



#### Northern Gateway

- Area north of County Rd 54 on both sides of I-25 and on the east side of I-25 between County Rd 50 and 54
- Provides dramatic views to mountains framed by scenic agricultural lands dotted with farmsteads and tree-lined fence rows
- Outside current Urban Growth Area



#### Southern Gateway

- Area 1-2 miles south of State Hwy 56 on both sides of I-25, forms southern boundary for Corridor
- Provides dramatic view of Long's Peak and surrounding mountain range emphasized by rolling agricultural lands in foreground
- Ridgeline east of I-25 provides long-range views for southbound traffic and foreground views for northbound traffic



#### Berthoud/Johnstown Corridor

- Area defined by Hwy 60 on the north and Hwy 56 on the south
- Primary land use remains agriculture
- Characterized by gently rolling hills speckled with rural farmsteads and attractive views to mountains-limited foreground development
- Experiencing increased development pressure from Weld Co., Johnstown and Ber



## Growth in the Corridor

### How much growth can we expect in the I-25 corridor?

Continued growth and development in the Northern Colorado region means economic prosperity, as well as the potential for increased congestion. The amount and location of new growth will have a significant impact on the existing and planned transportation system. The figures below illustrate the current distribution of households and jobs, as well as a 2020 projection

prepared in 1995, and a more recent analysis of "Anticipated" growth based on new development proposals and local and regional land use plans. As these projections illustrate, significant growth is projected in the corridor for both employment and residential use.

#### 1998 Base

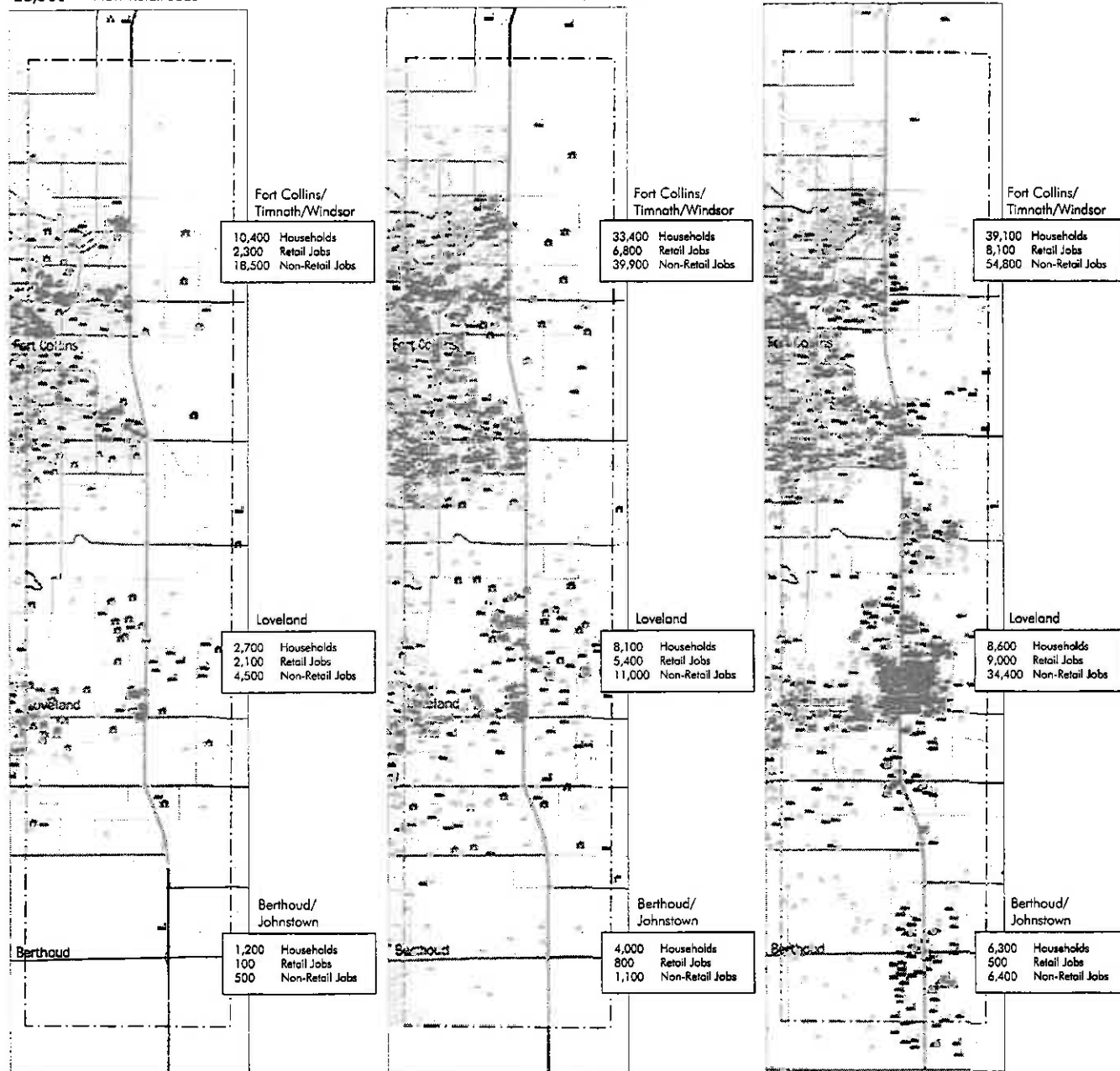
17,300 Households  
4,500 Retail Jobs  
23,500 Non-Retail Jobs

#### 2020 Projection

45,500 Households (+263%)  
13,000 Retail Jobs (+288%)  
51,100 Non-Retail Jobs (+217%)

#### "Anticipated" Projection

54,000 Households (+312%)  
17,600 Retail Jobs (+391%)  
95,600 Non-Retail Jobs (+406%)



■ = 100 Jobs  
■ = 100 Households

### Are there transportation improvements already planned for the corridor?

There are currently plans for widening and other improvements to a number of the major roadways in the corridor. Most of the cities in the corridor also have Master Street Plans that identify the improvements they would like to see in the future. However, funding for these improvements varies between the cities and counties in the corridor.

The Metropolitan Planning Organization for the region has prepared a "fiscally constrained" Regional Transportation Plan for 2020 that defines and prioritizes the most critical regional transportation improvements that could be made with currently available funding. These improvements are illustrated in the figure to the right.

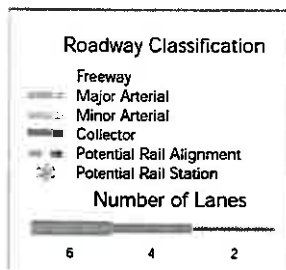
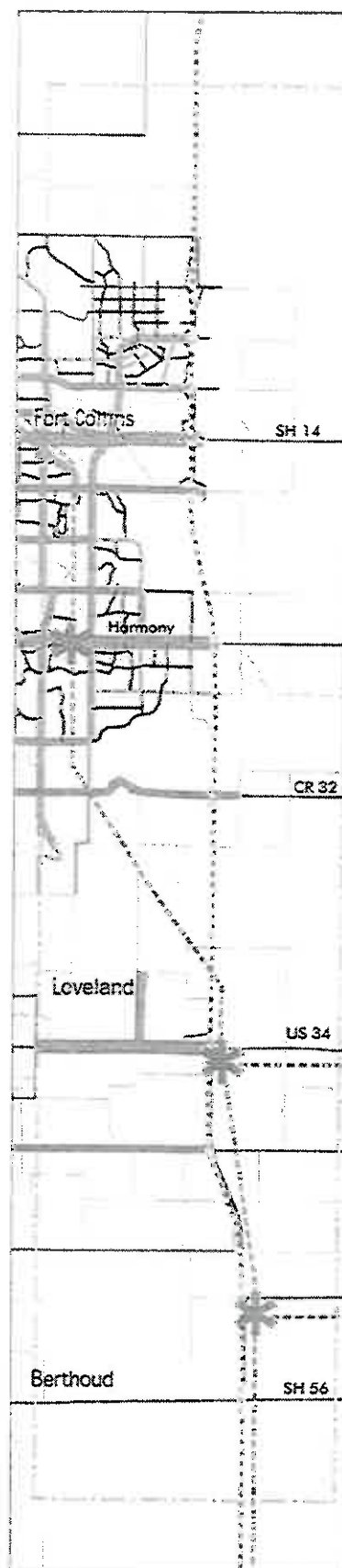
There are also plans for alternative transportation improvements in the corridor. The North Front Range Transportation Alternatives Feasibility Study (NFRTAFS) recommended a regional commuter rail system with stops in Fort Collins, Loveland, and Johnstown that would connect this region to Denver along the I-25 corridor. Improved feeder bus service along the major east-west roadways was also planned to support access to the rail corridor.

### Major Funded Roadway Improvements

- SH 402 Widened to 4 lanes
- Prospect widened to 4 lanes
- Timberline widened to 4 lanes
- Vine widened to 4 lanes
- Harmony widened to 6 lanes
- US 34 widened to 6 lanes
- CR 7/Rocky Mountain Avenue - construction of 4 lanes

### Planned NFRTAFS Improvements

- Continuous commuter rail connection to Denver
- Rail stops at Fort Collins, Loveland, and Johnstown
- Increased feeder bus service to the corridor



## Congestion Impacts

### How much growth can the transportation system accommodate?

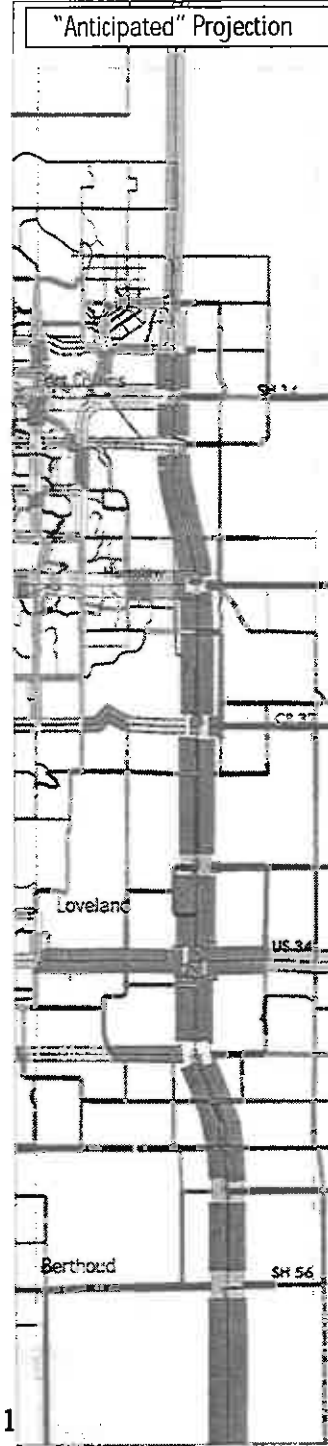
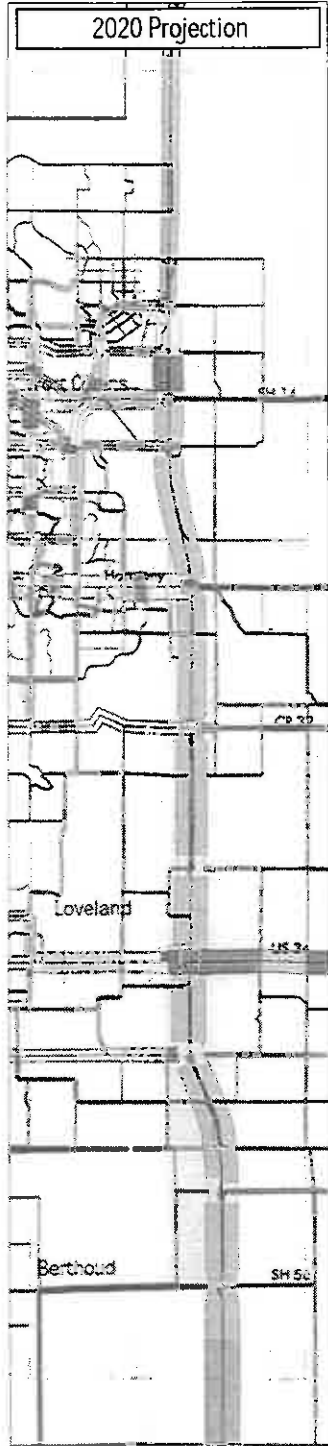
To answer this question, a transportation model\* for the region has been developed to test the effects of the projected growth. A number of growth assumptions and transportation improvements have been analyzed to examine the likely future conditions. The preliminary results show both good news and bad news. The bad news is that even with conservative growth estimates, the improvements that are planned and funded for the next 20 years

in the I-25 corridor will not be sufficient to address the traffic that is expected. The good news is that with some significant improvements to the transportation system, such as north-south parallel routes and improved connections to local communities, the corridor can accommodate even relatively optimistic growth assumptions.

### What if we only built the currently funded regional improvements?

Since funding is limited and improvements in the I-25 corridor are only part of the 2020 Regional Transportation Plan, it is not surprising that the corridor will likely become congested without additional improvements.

Under each of the growth projections analyzed congestion is likely to increase from today's conditions. As the figures on the right illustrate, the actual amount of growth in the corridor will have a dramatic impact on the future level of congestion.



### What does Level of Service mean?

Level of Service is a transportation term that measures the level of congestion on a roadway. Like a letter grade, an A indicates good operating conditions with extra capacity for more traffic, while an F indicates congested conditions with little or no capacity for additional traffic.



\* The transportation model is based on a modified TransCAD version of the North Front Range model which includes Phase 1 enhancements for the City of Fort Collins.

## Additional Improvement

### What improvements would be needed to accommodate the projected growth?

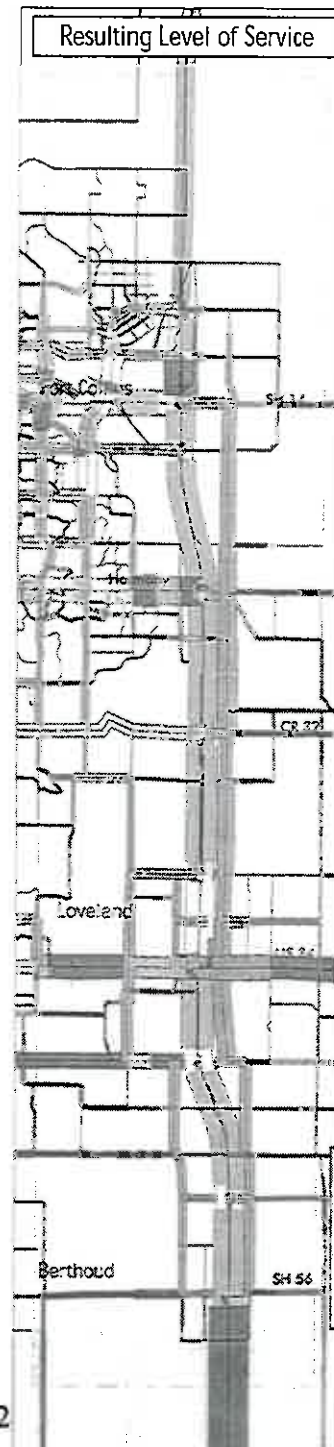
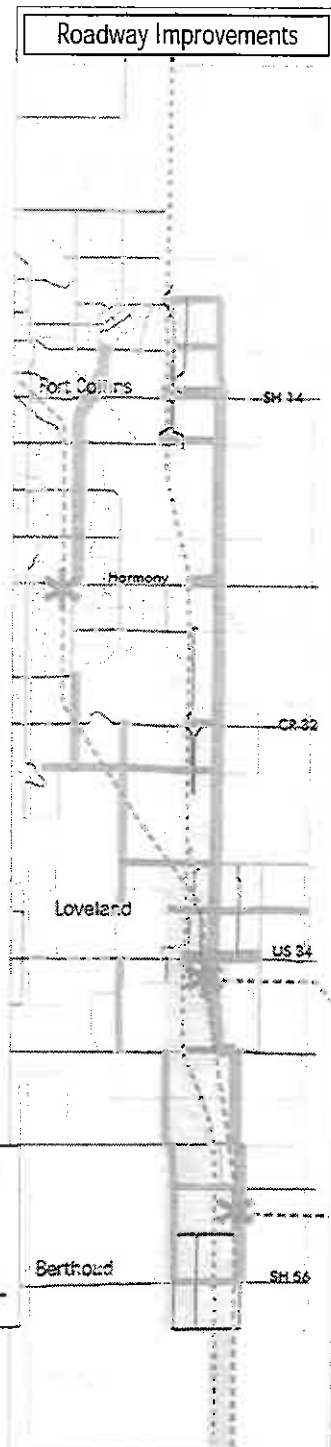
The transportation model was used to test various additional roadway improvements that might alleviate the congestion problems associated with the "anticipated" growth projection. Some of the key improvements include additional north-south roadway capacity to provide alternate routes to I-25, and

additional east-west improvements to allow for better access to and from I-25 and the surrounding communities. While there are still a few congested "hot spots," the corridor is much less congested overall.

### Additional Improvements

The additional improvements include both the Regional Transportation Plan improvements and the TAFS recommendations, as well as the following:

- 6 lane parallel roadway, generally following CR 5
- Major arterials extended to CR 5 at 4 to 6 lanes
- Timberline widened to 6 lanes from Mountain Vista to Harmony and 4 lanes extended south to CR 32
- Boyd Lake Ave widened to 4 lanes and extended from CR 32 to SH 402
- CR 7 widened to 4 lanes from SH 402 to SH 56
- Additional arterials and collectors in the Crossroads area and SH 56 area



### Improvement Challenges

While it is easy to add lanes to a traffic model, it is much more challenging to actually define the alignment and location of system improvements and determine funding sources. The following specific challenges will be addressed as the study continues:

- Timnath and a bypass alternative
- Windsor and potential residential conflicts
- Funding sources and allocation
- Potential conflicts with Land Use Plans and other local policies

## ***CASE STUDY SEVEN***

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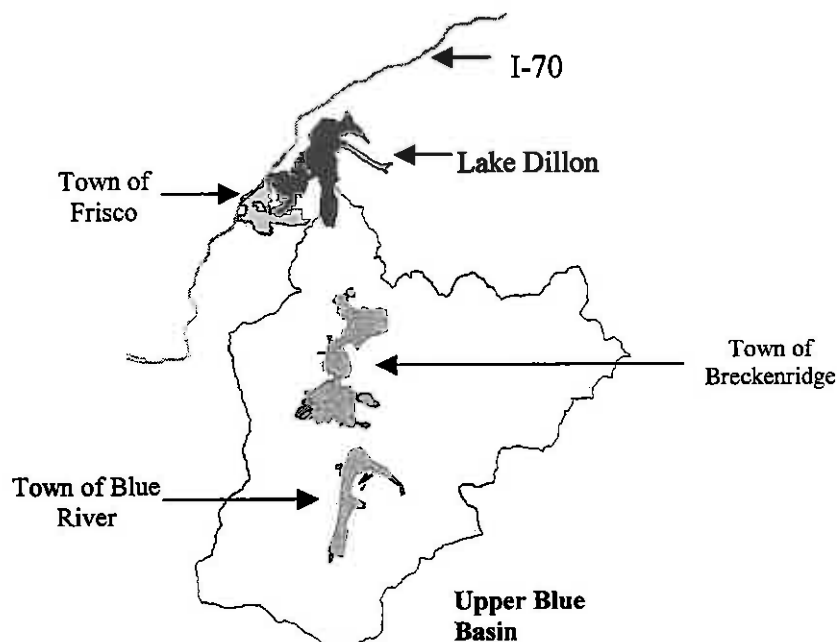
### **THE UPPER BLUE BASIN TRANSFER OF DEVELOPMENT RIGHTS PROGRAM SUMMIT COUNTY COLORADO**

**Mark Truckey  
Long Range Planning Manager**

#### ***Introduction***

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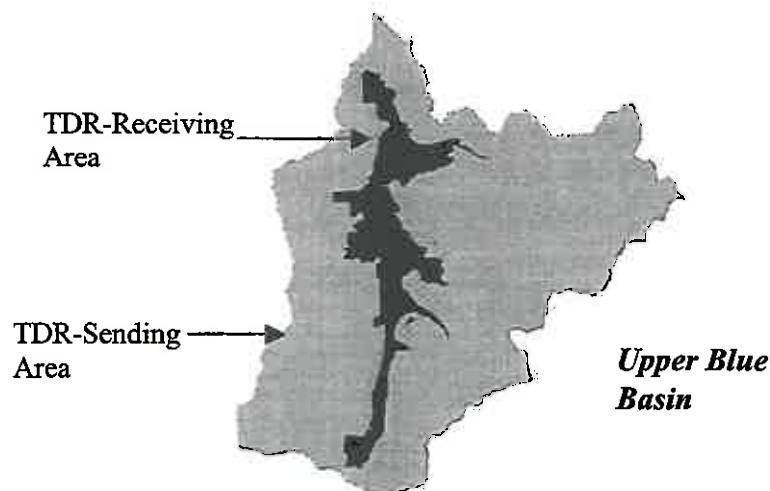
The Upper Blue Basin, an area of approximately 80,400 acres, begins near the southern shores of Lake Dillon, in the Farmers Korner area, and extends southward through the towns of Breckenridge and Blue River to the summit of Hoosier Pass. The easternmost portions of the basin extend to the crest of the Continental Divide and the westernmost portions reach the crest of the Ten Mile Range. Approximately 76% of the basin is national forest land, the majority of which comprises undeveloped mountainsides. The primary areas of development are within and adjacent to the towns of Blue River and Breckenridge, in close proximity to the valley floor of the Blue River. The basin is home to the Breckenridge Ski Area, the nation's most popular ski area the last two years. Elevations in the basin range from 9,014 feet at Lake Dillon to 14,265 feet at the summit of Quandary Peak.



The amazing natural assets, recreational opportunities and tourist accommodations that the Upper Blue Basin provides not only enhance the area's quality of life but are also the source of the basin's economic prosperity. However, local leaders recognize that the growth resulting from the basin's popularity may lead to a degradation of the basin's character and attractiveness to both its residents and visitors. As a result, in 1993, Summit County and the towns of Blue River and Breckenridge embarked on a joint master plan that would address issues of common concern and create a vision for the future of the basin. In 1997, the Joint Upper Blue Master Plan was adopted by all three jurisdictions. The master plan addressed a number of important issues such as eventual build-out potential, transportation, rural backcountry areas, and the environment.

One of the most important policies in the Joint Upper Blue Master Plan focuses on protecting the character of backcountry areas. The community recognizes that further development should be directed toward the valley floors, including the urbanized area of Breckenridge. At the same time, the community supports making every effort to avoid development of the surrounding rural mountainsides which are scattered with private mining claims. The development of large homes on mountainsides visible from town would dramatically alter the existing scenic backdrops, and would also impact recreation experiences and natural resources that are highly valued by the community.

Of the many actions and implementation strategies suggested in the Joint Upper Blue Master Plan, the highest priority was given to establishing a Transfer of Development Rights (TDR) program. The TDR program would transfer development potential away from rural backcountry "sending areas", generally not appropriate for development, and would instead move that development potential to "receiving areas" in the valley floor that have adequate infrastructure and services to accommodate development.



## ***Factual Background***

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The ownership pattern of the rural “backcountry areas” of the Upper Blue Basin is comprised of White River National Forest lands interspersed with private patented mining claims. Over 500 patented mining claims are located in the basin. Each of these mining claims is a potentially developable property for residential purposes, provided property owners can overcome access and other environmental constraints.

As previously mentioned, the Joint Upper Blue Master Plan recognizes the importance of preserving and protecting the character of these backcountry areas. A major concern expressed by the public in development of the plan was that large trophy homes would be developed on exposed ridgelines and above-timberline backcountry locations. The public was not only concerned about the potential visual impacts of such developments, but also concerned about the environmental impacts from access roads on the mountainsides and restrictions on recreational access due to private development.

Numerous TDR programs have been established across the United States as a way of transferring development away from important resources (e.g., prime agricultural lands, important wetland and habitat areas). Most of these programs have been ineffective because they were created with unrealistic expectations or they lacked incentives for the program’s use. However, a number of jurisdictions have established successful TDR programs. Montgomery County, Maryland, one of the most widely acclaimed programs, has permanently preserved over 70,000 acres of agricultural land through its TDR program. In Colorado, Boulder County has preserved over 2,000 acres of land through its TDR program (note: figure includes some TDRs awaiting final approval). [sources: Judy Daniel, Maryland-National Capital Park and Planning Commission; Peter Fogg, Long Range Planning Division Manager, Boulder County, Colorado]

Recognizing the need to create a market for TDRs, the towns and the County agreed to a master plan policy that generates a need for TDRs and also caps the ultimate growth potential in the basin (another major master plan issue):

*No new density (beyond that currently zoned) shall be approved or allocated to any parcel within the basin unless such density is transferred to the proposed development site in accordance with the guidelines established pursuant to this master plan. Vacant land annexations should restrict development levels to the County zoning density or the Town of Breckenridge Land Use Guideline recommended density, whichever is less, unless additional density is transferred to the site from the sending areas established by policies to this plan. Rezoning or other actions which increase density beyond the level currently zoned should also require a transfer of development rights in accordance with this plan and subsequent policies established pursuant to this plan. Exceptions to the*

*transfer requirements should be allowed for affordable housing projects which are targeted to low and moderate income levels.*

The effect of the above policy is that undeveloped properties within urban areas, such as the Town of Breckenridge, are not allowed an upzoning without a transfer of density to the property. Some of these parcels have zoning which allows very few units to be built, even though the master plan identifies the parcels for higher densities. Thus, the only way a developer can achieve the higher densities on such properties is to acquire development rights from other parcels and transfer those development rights to the subject property. Thus, the master plan set the framework for moving development rights from the backcountry to the valley floor and urban areas.

From early in the TDR program's formation, the Town of Breckenridge recognized that in order to preserve its scenic mountain backdrops, the Town would need to accept some additional growth within its boundaries. A consequence of such a policy is that the Town of Breckenridge must be willing to accept additional growth as a tradeoff for preserving its scenic mountain backdrops. The Town has accepted this role in allowing additional density.

### ***Stakeholders Involved***

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In early 1998, an Upper Blue TDR Committee was formed to develop an overall approach for the TDR program. The TDR Committee was made up of three members of the Breckenridge Town Council, a representative from the Town of Blue River, two members of Summit County's Upper Blue Planning Commission, and a Summit County Commissioner. The TDR Committee met on a monthly or twice-monthly basis over a period of 16 months until it formulated its final recommendations to the towns and County. The committee's recommendations were extensive, but can be summarized in two points:

- TDR regulations should be adopted designating "sending areas" located in backcountry areas and designating "receiving areas" focused in the valley floor areas and within the towns. An intergovernmental agreement should be established to allow densities to be transferred from unincorporated areas of the County to the incorporated areas within the Town of Breckenridge and to allow establishment of a TDR Bank (see later discussion). Note: the Town of Blue River was not recommended to be part of the TDR program because it did not have viable receiving sites.
- The TDR program should be accompanied by a rezoning of properties in backcountry areas, with the rezoning limiting the size of structures in the backcountry and including other requirements designed to minimize environmental impacts of development.

The Backcountry Zone was adopted by the Board of Summit County Commissioners in August 2000 and the accompanying rezoning of properties in the Upper Blue Basin is currently going through its final adoption process. This paper will



not discuss the Backcountry Zone in any more detail. However, the establishment of the Backcountry Zone, with its limitations on development, provides an incentive for some property owners in backcountry areas to consider selling their development rights.

In September of 1999, the County initiated hearings on proposed TDR regulations. After 12 months of meetings before two planning commissions and the Board of County Commissioners, the regulations were finally adopted.

In the autumn of 1999, planning staffs from the Town of Breckenridge and the County began work to establish an Intergovernmental Agreement (IGA) between the Town and County on TDRs. The purpose of the IGA is primarily two-fold: 1) to legally allow density to be transferred from unincorporated areas in the County to incorporated areas in the Town; and 2) to establish a TDR Bank—a known location where sending site property owners can go to sell development rights and where receiving site property owners can go to purchase development rights.

### ***TDR Bank***

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Very few jurisdictions in the country have attempted to establish a TDR Bank, and no other TDR Banks are known to exist in Colorado. However, the Upper Blue TDR Committee felt that in order to establish a successful TDR program, there needed to be a place where willing sellers and buyers could go to dispose of or acquire development rights. Without a bank, TDRs are dependent on buyers and sellers contacting each other and arranging sales. The Upper Blue program allows for these private transactions, but also establishes the TDR Bank as a way to facilitate transfers.

In addition to the efforts of the Upper Blue TDR Committee, a number of joint meetings were held between the Breckenridge Town Council, the Upper Blue Planning Commission, and the County Commissioners to work through major policy decisions related to the TDR Bank. Issues identified in these joint meeting formats included:

- Concerns that development rights should be purchased and sold on a first-come, first-served basis so no bias was shown for or against certain parties involved in the transactions.
- Concerns that the TDR Bank should not be an appointed commission, but rather a straightforward administrative entity that avoids discretionary and potentially arbitrary decisions.
- A limited amount of development rights should be available for sale from the TDR Bank at any given time to keep a closer relationship between purchase and sales prices.

Based on these issues, the IGA was ultimately modified to incorporate these concerns. The final wording of the IGA limits the number of development rights for sale at one time to 15 development rights. No commission is appointed to run the TDR Bank – it is administered by County staff. Staff makes development rights available on a first-come, first-served basis.

## How the TDR Bank Operates

In order to make development rights available for sale, the TDR Bank must first hold development rights. As part of joint discussions, both the Town of Breckenridge and the County agreed that acquisitions of backcountry land, through Town and County open space funds, would provide the “seed” for the bank. The County has a voter-approved property tax and the Town has a voter-approved sales tax that provide revenues on an annual basis for purchase of open space. As noted earlier, the bank is authorized to make 15 development rights for sale at one time. Thus, the Town and the County each are required to supply 7.5 units of density in order to seed the initial 15 development rights in the TDR Bank. The Town and County also agreed that a sending development right would be equal to 20 acres because the predominant zoning in the sending areas allows densities of one unit per 20 acres. The County and Town thus needed to supply 150 acres each of sending area property to the TDR Bank to fully seed the bank (7.5 units at a density of 1 unit per 20 acres = 150 acres). Recent open space acquisitions by both jurisdictions have resulted in a total of 300 acres being acquired for these purposes.

The County and the Town are now in the process of transferring the development rights to the 300 acres of open space parcels to the TDR Bank. Once in the TDR Bank, development rights are available for sale to interested property owners in the receiving area seeking additional density. Once those rights are sold, the Bank takes the money received for their sale and purchases additional land in the backcountry “sending areas”. The Bank then offers the development rights to those sending areas for sale. Thus, a rotating fund is established for sale and purchase of development rights.

One of the issues related to the TDR Bank that the Town and County wrestled with was determining an appropriate price for sale of TDRs. From early on, it was recommended that the price received for sale of a TDR should roughly match the price that had to be paid to acquire a sending area TDR. The goal was thus to recoup costs from development right sales, not to generate surplus income. However, the fair market value of sending areas varies dramatically, based on proximity to improved roads, urban areas, access, and other factors. Eventually, it was decided that the sale price of TDRs be based on the median sale price of real estate transactions in the TDR sending area in the last three years. A potential problem with this approach was that there would only be enough money generated by sales to accommodate purchases of sending site properties that were at or below the median sale price. In order to supplement these dollars, the County and Town open space councils were brought into discussions. The open space committees agreed to consider adding open space dollars to supplement the TDR Bank dollars for properties that exhibited good open space values. This determination is to be made on a case-by-case basis.

After all the above research and discussions occurred, staff from the County researched median sale prices of properties in sending areas. The median sale price was determined based on County Assessors information. The final sale price of the TDRs included a ten percent surcharge that financially supported the founding and continued

administration of the TDR Bank. In August of 2000, the County Commissioners and Town Council adopted a joint resolution that established the sale price of those TDRs held in the TDR Bank at \$30,000 per development right. The resolution was worded to allow adjustments to the price on a periodic basis. The purchase price of a TDR between private parties (instead of using the Bank) is allowed and prices are left up to the market.

### ***Other Issues of Intergovernmental Coordination***

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Because of the foundation set in the Joint Upper Blue Master Plan, there was little disagreement regarding overall philosophy between the Town and the County over the need for a TDR program. However, there were a number of relatively minor aspects of the program that had to be worked out prior to adoption of the IGA. Examples of these include:

- A concern that the program should allow a sending site property owner to retain ownership of the property as opposed to deeding it to the County and Town. Unlike most TDR programs, the proposed Upper Blue TDR program requires sending site properties to be deeded jointly to the County and Town. Reasons for the deed requirement were to avoid enforcement of activities on private lands and to gain full ownership so that properties could potentially be traded to the national forest to consolidate its ownership pattern. However, it was argued by some that the requirement to deed the property might be a deterrent to some property owners who would otherwise give up their development rights but for various reasons desire to retain ownership. In the final IGA, the requirement to transfer title on sending area properties was retained.
- Issues with a provision that allowed a sending site property owner to retain ownership of subsurface mineral rights. The County generally felt that a landowner may have reasons for retaining subsurface mineral rights while transferring the surface rights. The Town felt that subsurface rights should accompany the surface rights when the property owner held both. Also, some of the lands may eventually be traded to the national forest and the US Forest Service prefers all rights be included in any transfer of property to their jurisdiction. The final IGA was written to require transfer of subsurface rights unless a property owner could demonstrate that he or she had an alternate surface easement from adjacent properties for accessing the mineral rights and if the surface rights were valuable enough from an open space perspective to acquire without the subsurface rights.

Both of the above issues were resolved, with the Town deferring to the County position, primarily because rules regarding sending sites affected properties in the unincorporated County. However, a number of earlier issues regarding the operations of the TDR Bank were eventually resolved based on the Town's input. In the end, both parties made significant contributions and concessions to the final product, both in terms of staff time as well as public meetings of elected and appointed commissions. Key participants in the process included:

- Planning and Open Space and Trails departments staff from Summit County
- Planning department staff from the Town of Breckenridge
- Upper Blue TDR Committee
- Summit County Board of Commissioners
- Breckenridge Town Council
- Upper Blue Planning Commission
- Countywide Planning Commission
- Summit County Open Space Advisory Council
- Breckenridge Open Space Advisory Council
- Scores of property owners and interested community residents

In July 2000, the Breckenridge Town Council adopted the IGA for the TDR program. The Summit County Board of Commissioners followed this with adoption of the IGA in August 2000. As a result, a framework has been established for facilitating the use of TDRs in the Upper Blue Basin.

The process was not easy or short. It took over two years of regular coordination and meetings to implement the TDR program—and that does not include the several years of policy development prior to formulating the Joint Upper Blue Master Plan. Nevertheless, the protection of the backcountry character of the Upper Blue Basin is now a much more attainable goal.

None of the efforts would have been accomplished without dedicated commissioners and committee members who gave up many hours of their personal time to assist in the effort. Finally, the support that residents of the community provided was essential in making the program a reality. There were numerous public “champions” of backcountry protection who followed the process from start to finish and made sure that the elected officials understood its importance.

### ***Planned Implementation***

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In August 2000, Summit County adopted permanent regulations for TDRs in the Upper Blue Basin that incorporate the direction provided in the IGA between the County and the Town. In September 2000, the Town of Breckenridge Council amended the Town’s land use regulations to clarify the use of TDRs, consistent with the IGA. As a result, development rights can now be transferred from unincorporated areas to the Town.

Summit County is currently finalizing the components of the TDR Bank and plans to have development rights for sale in early 2001. A recent open space purchase of 389 acres in the backcountry completes the inventory of development rights needed to seed the TDR Bank.

Interest in the use of TDRs by developers is strong. In 2000, the Town approved two development proposals and the County approved one development proposal that required development rights to be transferred in order to approve the rezoning for the

property. A total of 15 units, or about 300 acres of land in the sending area are preserved as part of these approvals.

### ***Lessons to be Learned and Shared***

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A TDR program is a worthy goal for jurisdictions interested in preserving specific resources, whether the resources are agricultural lands or mountain backcountry areas. However, jurisdictions interested in pursuing such a strategy should recognize that successful TDR programs need community support and that the following factors must be considered:

- Developing a successful program requires a major commitment in terms of staff resources and time commitments from elected and appointed commissioners. Up-front time is needed to reach consensus on policies that will encourage the use of TDRs. Much additional work is needed to develop the program. If a TDR Bank is involved, many more hours will be required.
- The appropriate incentives need to be put in place to entice developers to use TDRs. The incentives may need to be more than bonus density—especially if there are other ways that bonus density can be achieved (i.e., open space set-asides, historic preservation). Most of the successful programs in the country have been accompanied by some type of rezoning effort that further limits development potential in the sending area. In addition, the community should consider adopting policies that create a demand for TDRs. In Summit County’s case, the only way to upzone properties in the Upper Blue Basin is by using TDRs. This requirement increases the cost of development, as backcountry development rights must be purchased in addition to the raw receiving site land. However, the demand for additional density in Breckenridge is significant enough to make those costs worthwhile to developers. In contrast, other communities without high real estate demands may find that this approach does not work.
- Focus on one resource to protect. Agricultural lands, wetlands, wildlife habitat areas, and backcountry mountain areas are all worthy resources for protection, but if a TDR program includes all of them as sending areas, it is doubtful program goals will be achieved. Although sending sites are legion, there is a limited supply of receiving sites. The focus of the TDR program in the Upper Blue Basin is entirely on backcountry areas. Be careful about diluting the TDR program with too many different protection goals.
- There must be a jurisdiction willing to serve as the receiving area. This is often difficult because of community concerns with increased density. The Town of Breckenridge was willing to accept the “receiving area” role because it was in the best position to accept the additional density, and the Town recognized a duty to protect the surrounding rural landscape.

- Inventory sending and receiving areas and analyze their relationship. It is important to know if there are enough potential receiving areas to make the program work. In the case of the Upper Blue, it was determined that there were about twice as many sending sites (i.e., 400) as receiving sites (i.e., 200). However, this was considered an acceptable ratio because 1) not all sending sites could be expected to participate in the program; and 2) the TDR program was not the only tool being used to preserve the backcountry. Each jurisdiction must determine an acceptable ratio between sending and receiving areas.
- Community support is critical in creating the momentum necessary to enact a successful TDR program. This is especially critical if the program is accompanied by rezonings or master plan policies that restrict development potential in sending and receiving areas without TDRs. In Summit County's case, the momentum for the TDR program began with development of the Joint Upper Blue Master Plan and carried over into implementation of the TDR program. Several community residents helped champion the cause, as did planning commission members. As a result, community support was such that elected officials could adopt the needed code amendments and IGAs to enact the TDR program with limited controversy.

The Upper Blue TDR program is just beginning to operate, and it is too early to determine its ultimate success. Many questions remain regarding whether certain components of the program will work. Will the requirement for sending area property owners to deed their lands dissuade some property owners from participating in the TDR program who otherwise might have if they could retain land ownership? Will the TDR Bank work effectively and will it accurately be able to gauge prices that will need to be paid to acquire TDRs? These are just a couple of many questions that remain to be answered. However, TDRs have already been utilized in the Upper Blue Basin and they are rapidly becoming part of the basin's nomenclature.

As this paper illustrates, there are obviously major commitments needed to enact a sophisticated TDR program. A hundred pages would not be sufficient to adequately document all the issues that arose through Summit County's TDR process. Despite the effort and commitment, Summit County and the Town of Breckenridge feel that every hour spent was worth it if it means that the slopes of Baldy, Mount Guyot, Quandary Peak, and other famous backdrops can be preserved for future generations to enjoy.

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Following are copies of: (1) the TDR Intergovernmental agreement between Summit County and the Town of Breckenridge, and (2) the resolution passed which fixed the "price" at which TDRs were to be sold and/or transferred.

## PART I

### INTERGOVERNMENTAL AGREEMENT BETWEEN COUNTY OF SUMMIT AND THE TOWN OF BRECKENRIDGE CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

This Agreement ("Agreement") is entered into by and between the County of Summit ("County"), a body politic, and the Town of Breckenridge ("Town"), a home rule municipal corporation of the State of Colorado organized and existing pursuant to Article XX of the Colorado Constitution, to be effective as of the \_\_\_ day of \_\_\_\_\_, 2000, ("Effective Date")

#### RECITALS

A. Local governments are encouraged and authorized to cooperate with other units of government, pursuant to § 29-20-105, C.R.S., for the purpose of planning or regulating the development of land; and

B. § 29-1-201, et seq., C.R.S., as amended, authorizes the County and Town to cooperate and contract with one another with respect to functions lawfully authorized to each other, and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2)(a); and

C. Both the County and the Town are authorized by applicable law to regulate the use of land within their respective jurisdictions. Such authorization is derived from one or more of the following sources: (i) Article 28 of Title 30, C.R.S. (county planning, zoning and subdivision powers); (ii) Article 65.1 of Title 24, C.R.S. (areas of state interest); Article 67 of Title 24, C.R.S. (planned unit developments); Article 20 of Title 29, C.R.S. (Local Government Land Use Control Enabling Act); Article 11 of Title 30, C.R.S. (general county powers); Article 23 of Title 31, C.R.S. (municipal planning, zoning and subdivision powers); and Article XX of the Colorado Constitution (municipal home rule authority); and

D. Pursuant to § 30-28-101, et seq., C.R.S., the Board of County Commissioners, Summit County, Colorado adopted the Summit County Land Use and Development Code, including any subsequently adopted backcountry zoning district, which provides goals and policies to plan for the orderly growth and development of the unincorporated areas of Summit County, Colorado; and

E. Pursuant to Article XX of the Colorado Constitution and the Breckenridge Town Charter and § 31-23-202, C.R.S., the Town Council of the Town of Breckenridge has adopted the Town of Breckenridge Land Use Guidelines, the Town of Breckenridge Development Code and Town of Breckenridge Subdivision Ordinance which together provide for the orderly growth and development of the Town; and

F. By Resolution No. \_\_\_\_\_ the County adopted the Joint Upper Blue Master Plan as the plan for the future development of the Upper Blue Basin; and

G. By Resolution No. 1997-28, the Town adopted the Joint Upper Blue Master Plan as the plan for the future development of the Upper Blue Basin; and

H. One of the specific recommended actions and implementation strategies contained in the Joint Upper Blue Master Plan is the execution of an Intergovernmental Agreement between the County and the Town establishing a voluntary transfer of development rights mechanism that allows for development rights to be moved from "sending areas" in the County to "receiving areas" in the Town; and

I. The Joint Upper Blue Master Plan further recommends that the rural/backcountry areas of the unincorporated portions of Summit County be established as designated sending areas for the transfer of development rights into the Town; and

J. This Agreement implements the Joint Upper Blue Master Plan. The increase in Development Rights on the Receiving Sites (as hereafter defined) meets the objectives of the Joint Upper Blue Master Plan because any reduction in Development Rights on the Sending Sites resulting from a transfer of Development Rights to a Receiving Site will result in no net increase in the total Development Rights for the Upper Blue River Basin; and

K. One of the goals of both County and the Town is the protection of the backcountry areas of the County. This Agreement augments the County's pending backcountry zoning district and Section 3202.03, Transferable Development Rights, of the Summit County Land Use and Development Code; and

L. Providing for sending and receiving sites for transferred development rights is reasonable and necessary to protect, enhance, and preserve the public health, safety and welfare of the citizens of Summit County and the Town of Breckenridge; and

M. The original allocation of TDRs to the Sending Sites (as hereafter defined) is equitable; and

N. The County and Town have held hearings, after proper public notice, to consider entering into this Agreement.

THEREFORE, IN CONSIDERATION of the objectives and policies expressed above and the mutual promises contained in this Agreement the County and Town agree as follows:



## **1. PURPOSE**

The purpose of this Agreement is to implement the recommendation of the Joint Upper Blue Master Plan that the Town and the County establish by Intergovernmental Agreement a purely voluntary transfer of development rights mechanism that allows for development rights to be moved from “sending areas” in the County to “receiving areas” in the Town. This Agreement is intended to complement the County’s existing land use regulations which allow for the transfer of development rights between lots or parcels located in the unincorporated portion of Summit County and the Town’s current land use regulations which allow for the transfer of development rights (density) between lots or parcels located within the incorporated boundaries of the Town. The transfer of any Development Right shall be in accordance with all applicable regulations of each Party, as amended from time to time. The Parties agree that third parties involved with the transfer of Development Rights shall be required to comply with the provisions of this Agreement. The TDR Program established by this Agreement shall always be interpreted as a voluntary program; and participation in the TDR Program shall not be required by either the Town or the County in connection with a site-specific quasi-judicial land use approval process.

## **2. DEFINITIONS**

As used in this Agreement, the following terms shall have the meanings stated below:

2.1 “Certificate of Development Right” shall mean a negotiable certificate issued by the County evidencing the legal right of the holder thereof to use such certificate to obtain additional Development Rights on a TDR Receiving Site, subject to and in accordance with the applicable development policies of the Town of Breckenridge.

2.2 “County” shall mean the County of Summit, Colorado.

2.3 “Development” shall have the meaning provided in the applicable County or Town land use regulations.

2.4 “Development Right” shall mean (i) with respect to real property located in the County, one (1) development right for each twenty (20) acres of land; and (ii) with respect to real property located in the Town, one development right per Single Family Equivalent as defined from time to time throughout the term of this Agreement in the Breckenridge Development Code, Chapter 1 of Title 9 of the Breckenridge Town Code.

2.5 “Parties” shall mean Summit County and the Town of Breckenridge collectively; and “Party” shall mean either Summit County or the Town of Breckenridge.

2.6 “TDR” or “Transferable Development Right” shall mean a Development Right that may be transferred from a TDR Sending Site to a TDR Receiving Site pursuant to this Agreement.

2.7 “TDR Area” shall mean all real property designated as a TDR Sending Site or a TDR Receiving Site in Exhibit A.

2.8 “TDR Program” shall mean the transfer of development rights transferred from TDR Sending Sites to TDR Receiving Sites pursuant to this Agreement.

2.9 “TDR Receiving Sites” shall mean those sites identified as “TDR Receiving Sites” on Exhibit A that are specifically designated as such at a later time, and any other receiving site located within the Town and approved by the Town subsequent to the date of this Agreement.

2.10 “TDR Sending Sites” shall mean those sites identified as “TDR Sending Sites” on Exhibit A, and any other sending site located within unincorporated Summit County jointly approved by the Parties subsequent to the date of this Agreement.

### **3. CONTROLLING REGULATIONS**

3.1 The County and the Town shall approve and authorize the voluntary transfer of Development Rights between TDR Sending Sites and TDR Receiving Sites if done pursuant to the terms and conditions of this Agreement and the applicable implementing land use regulations of the County, the Town and this Agreement.

3.2 Within one year of the Effective Date of this Agreement, the County and Town agree to adopt their own procedures, plans, policies, ordinances, or other regulations necessary to implement and enforce the provisions of this Agreement, and to give the other party adequate notice to comment on the same prior to final adoption.

3.3 This Agreement shall not restrict the County’s ability under its regulations to approve receiving sites located in unincorporated areas of Summit County, and to approve Development on receiving sites located outside of the Town boundaries.

3.4 This Agreement shall not restrict the Town’s ability under its regulations to approve transfer of development rights (density) from sending sites located wholly within the Town boundaries to receiving sites located wholly within the Town boundaries, and to approve Development on such receiving sites within the Town boundaries.

3.5 This Agreement shall not restrict the Town’s authority to annex property, or to regulate the use and Development of any annexed property, or other property within its boundaries, according to Colorado law, the Breckenridge Town Charter, and the Town of Breckenridge Town Code, as amended from time to time.

3.6 Except as provided herein, neither the County nor the Town shall allow Development on a TDR Sending Site or a TDR Receiving Site which does not comply with this Agreement, except that no provision in this Agreement shall prevent the

County or Town from granting Development approval on a TDR Sending Site or a TDR Receiving Site under the Site's current land use regulations, which does not require any additional TDRs to be transferred to or from the Site. The County agrees that approval of any proposed Development on the TDR Receiving Sites within the Town boundaries shall be subject solely to review and approval of the Town in accordance with the Town's applicable rules and regulations as the same may be adopted or amended from time to time.

#### **4. TDR SENDING SITES**

4.1 TDRs may be transferred from a Sending Site only pursuant to and in compliance with this Agreement and any implementing regulations adopted by the Parties.

4.2 The Sending Sites described on the attached Exhibit "A" are approved, and the Parties agree that all land within the TDR Sending Sites shall be eligible to participate in the TDR Program.

4.3 The owner of the Sending Site involved in the sale or transfer of a Development Right must register such transaction with the County Community Development Department.

4.4 A Development Right from a Sending Site may be transferred to the Parties or to others. A Certificate of Development Rights shall be issued by the Parties to the purchaser for such transactions.

4.5 Concurrently with the transfer of a Development Right from a Sending Site, the owner of such Sending Site shall convey to the Parties the unencumbered fee simple absolute title to such Sending Site, together with mineral rights, if any, owned by the owner of the Sending Site, without payment of compensation. An owner may retain the subsurface mineral rights to a Sending Site if the owner demonstrates the ability to access such rights from other lands, by a lease, or adjacent ownership or other methods approved by the County; and if the Board of County Commissioners makes findings that the open space values of the property are important enough to accept the property without subsurface mineral rights. In making such findings, the Board of County Commissioners shall use the Selection Criteria in the Summit County Open Space Protection Plan. In such instances, the owner will record an agreement acknowledging that access to the subsurface mineral rights shall not be allowed from the surface of the Sending Site.

4.6 Unless otherwise agreed to by the Parties, a Sending Site acquired by the Parties pursuant to this Agreement shall be owned equally by the Parties, and shall be used only for open space and related uses per the Summit County Open Space Protection Plan., or exchanged with the United States Forest Service. Any management plan adopted for an acquired Sending Site shall be adopted and administered jointly by the Parties.

## **5. TDR RECEIVING SITES**

5.1 TDRs may be transferred to a Receiving Site only pursuant to and in compliance with this Agreement, except for transfers pursuant to Section 3.4.

5.2 The Parties agree that the Receiving Sites described on the attached Exhibit "A" shall be eligible to participate in the TDR Program, subject to applicable regulations. Other Receiving Sites may be designated by the Town, including future Town annexations.

5.3 Each person acquiring a Development Right pursuant to this Agreement which is to be used on a Receiving Site must register such transaction with the County Community Development Department, in order for the transaction to be valid. The County shall inform the Town of all such transactions.

5.4 The use of a Development Right on a Receiving Site must be approved by the Party (either the County or the Town) with land use jurisdiction over the Receiving Site.

5.5 After registration with the County and the issuance of the Certificate of Development Right according to this Agreement, the Party (either the County or the Town) with land use jurisdiction over the Receiving Site shall have the sole authority to review and approve any future Development on the TDR Receiving Site.

## **6. TDR PROGRAM**

6.1 The TDR Program is hereby established. The administration of the TDR Program shall be controlled by the rules and regulations as described in this Agreement. The County shall administer the TDR Program on behalf of the Parties, with assistance from the Town.

6.2 The owner of a Certificate of Development Right may convey the Certificate and the rights represented by such Certificate to the Parties or to others, which shall thereafter have the ability to convey the Certificate and the rights represented by such Certificate. All such conveyances shall be registered with the County Community Development Division. Certificates of Development Rights may not be purchased from the Parties on an option. All terms of purchase for Certificates of Development Rights from the Parties must be fulfilled within 60 days of the initial purchase agreement made with the Parties.

6.3 Initially, in order to provide an ability for the TDR Program to sell TDRs during the start up phase of the TDR Program, the TDR Program shall have available 15 TDRs which shall subsequently be advanced to the TDR Program equally by the Parties from parcels with existing Development Rights and that are eligible to be Sending Sites. Such parcels shall be exempt from the provisions of Section 4.6.

6.4 The Parties may sell more Certificate of Development Rights than are held in the TDR Program, only if approved by both the Board of County Commissioners of Summit County and Town Council of the Town of Breckenridge prior to any proposed sale. If at the termination of this Agreement, a fewer number of TDRs have been acquired by the TDR Program than the number of TDRs sold by the TDR Program, the Parties shall equally extinguish a sufficient number of Development Rights to make up the deficit.

6.5 At the termination of this Agreement, all Development Rights in the TDR Program that are owned by either of the Parties shall expire.

6.6 In recognition of the fact that TDRs will be acquired by the Parties throughout the term of this Agreement at various and differing costs, TDRs may be sold by the Parties at different prices than were paid for such Development Rights when they were acquired.

6.7 In administering the TDR Program, the Parties shall be enabled to do the following:

- A. To generally administer and monitor the TDR Program established by this Agreement.
- B. To purchase Development Rights from owners of Sending Sites subject to prices and available funding.
- C. To purchase Certificates of Development Rights from the owners of such Certificates, at the Parties discretion.
- D. To register with the County Community Development Department transfers of Development Rights made pursuant to this Agreement.
- E. To issue Certificates of Development Rights pursuant to this Agreement.
- F. To sell Certificate of Development Rights issued pursuant to this Agreement.
- G. To assist with the conveyance of Development Rights or Certificates of Development Rights by or between private persons.
- H. To generally perform all acts necessary or proper for the implementation of this Agreement.

6.8 In addition to the requirements of this Agreement, the Parties may adopt rules and regulations governing its operation and the administration of the TDR Program; provided, however, that no such rule or regulation, or any amendment thereto, shall become effective until such rule, regulation or amendment thereto has been approved by both the County and the Town. In formulating and implementing its rules and regulations the Parties shall adhere to the following principles:

- A. The Parties should use their best efforts to facilitate the transfer of Development Rights and to minimize the complexity, confusion and costs associated with the acquisition, transfer and use of Development Rights.

- B. The Parties shall establish a sale price for those TDRs that are sold by the Parties. The establishment of the sale price shall be made by an annual resolution adopted jointly by both parties.
- C. Administration costs to the Parties may be added to the sales price established for a Certificate of Development Rights.
- D. The Parties shall only sell Development Rights at the current sales price established by the Parties.
- E. Potential use of a Development Right on a Receiving Site shall not enter into either the decision of the Parties to purchase the Development Rights nor shall it have any bearing on the sale price of the Development Right.
- F. The Parties are under no obligation to purchase any Development Right. The decision by the Parties to purchase any Development Right may be made on a case by case basis, taking into consideration the circumstances involving each particular sale. The County Board of Commissioners may review any staff decision to not purchase a Development Right, if requested by the owner of such Development Right.
- G. A combination of funds may be used to purchase parcels that contain both Development Rights and other values. While other funding sources will be eligible to participate in acquisitions, there will be no obligation to do so. Participation of other funding sources in the TDR Program will be determined on a case by case basis. However, it is the intent of this Agreement that the Parties jointly use open space funds in combination with other funding to purchase parcels that contain both Development Rights and open space values. Participation of other funding sources does not exempt the Sending Site parcel from the provisions of this Agreement, including Section 4.6.

6.9 A Certificate of Development Right issued by the Parties shall be perpetual in nature and shall not have an expiration date, except as provided for in Section 6.5.

6.10 Revenues from the sale of any Development Rights within the TDR Program shall be used to replenish the funding of the TDR Program, with the intent being the purchase of additional Development Rights.

6.11 The County and Town staff shall coordinate and generally work together regarding the administration of the TDR program. A member of the County's staff shall maintain a registry regarding TDR Program funds, the established sales price for a Development Right, all transfers of Development Rights and Certificates of Development Rights, and the use of Development Rights on any Receiving Sites. The County staff shall assure the acquisition of title to Sending Sites by the Parties; and assure that all the provisions of this Agreement have been complied with prior to the use of a Development Right on a Receiving Site within the County's land use jurisdiction. A member of the Town staff shall assure that all the provisions of this Agreement have been complied with prior to the use of a Development Right on a Receiving Site within the Town's land use jurisdiction; and shall maintain records of such use.

**7. PRIVATE PARTY TRANSFER OF DEVELOPMENT RIGHTS**

Transfer of Development Rights between private persons shall be subject to all provisions of this Agreement, including without limitation the following:

- A. Notwithstanding anything in this Agreement to the contrary, nothing shall preclude the sale of a Development Right(s) between private entities so long as the sale is registered with the County and a Certificate of Development Rights is issued as provided herein.
- B. A Certificate of Development Right shall not be issued unless the title to the Sending Site has been conveyed to the Parties as required by this Agreement.

**8. CONDITION PRECEDENT TO CHALLENGE TO TDR PROGRAM**

It shall be a condition precedent to any legal challenge to the TDR Program, or the application of the TDR Program to any specific landowner or parcel of land, that the person initiating such challenge shall have first given the Parties written notice of intent to challenge the TDR Program not less than ninety (90) days before filing any legal proceeding. Such notice shall be sent to the Board of County Commissioners of Summit County and to the Town Council of the Town of Breckenridge by certified mail, return receipt requested, in the manner provided in Section 12 of this Agreement, and shall set forth: (i) the name and address of the claimant and the claimant's attorney, if any; and (ii) a concise statement of the factual and legal basis for the claimant's challenge to the TDR Program. To the extent that the provisions of this Section 8 conflict with the notification requirements of Section 24-10-109, C.R.S., the provisions of such statute shall control.

**9. AGREEMENT TERM**

9.1 The term of this Agreement shall commence on the Effective Date, and continue for 15 (fifteen) years thereafter unless renewed or extended by mutual consent of the Parties. However, either party may terminate this Agreement, at any time and for any reason, upon one year's prior written notice to the other party. This Agreement may also be terminated for cause as provided in Section 10 of this Agreement. Upon termination of this Agreement for any reason, the TDR Program established by Section 6 of this Agreement shall cease to exist and to act. The County and Town agree that termination shall not affect the validity of property jointly acquired hereunder by the Parties, nor Development approvals that may occur during the term of this Agreement.

9.2 The termination or natural expiration of this Agreement shall not have any effect upon any unexpired Certificates of Development Right then existing, except as provided in Section 6.5. Notwithstanding the termination or expiration of this Agreement, such unexpired Certificates of Development Right may be used in connection with the development of property in either the County or the Town in accordance with the then-current development policies of the County and the Town.

## **10. DEFAULT**

10.1 In the event either Party materially defaults in the performance of any of the material covenants or agreements to be kept, done or performed by it under the terms of this Agreement, the non-defaulting party may notify the defaulting party in writing of the nature of such default. Within thirty (30) days following receipt of such notice the defaulting party shall correct such default; or, in the event of a default not capable of being corrected within thirty (30) days, the defaulting party shall commence correcting the default within thirty (30) days of receipt of notification thereof and thereafter correct the default with due diligence. If the defaulting party fails to correct the default as provided above, the non-defaulting party, without further notice, shall have the right to declare that this Agreement is terminated effective upon such date as the non-defaulting party shall designate. There shall be no damage or other legal or equitable remedy available against the defaulting party, it being agreed in advance that the sole remedy for a breach of this Agreement is termination by the non-defaulting party.

10.2 The Parties shall attempt in good faith to resolve any dispute arising out of or relating to this Agreement promptly by negotiations between persons who have authority to settle the controversy ("Executives"). Any party may give another party written notice of any dispute not resolved in the normal course of business. Upon the giving of such notice, the provisions of Section 10.1 of this Agreement shall be temporarily suspended pending the conclusion of the Parties efforts to reach a negotiated settlement of the dispute. Within twenty (20) days after receipt of said notice, Executives of the parties to the dispute shall meet at a mutually acceptable time and place, and thereafter as often as they reasonably deem necessary, to exchange relevant information and to attempt to resolve the dispute. If the matter has not been resolved within sixty (60) days of the notice of dispute, or if the parties fail to meet within twenty (20) days, the Parties shall have the rights and remedies provided in Section 9.1.

## **11. DEFENSE OF CLAIMS**

11.1 If any person, other than the Parties, allegedly aggrieved by any provision of this Agreement should sue the County or the Town concerning this Agreement, the County shall, and the Town may, defend such claim upon receiving timely and appropriate notice of pendency of such claim. Defense costs shall be paid by the party providing such defense, except that if the Town decides not to defend a claim it shall reimburse the County for half of its defense costs.

11.2 Nothing contained in this Agreement shall constitute any waiver by the County or Town of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defenses afforded to one or both of the Parties. This provision shall survive termination of this Agreement, and be enforceable until all claims are precluded by statutes of limitation.



## 12. NOTICE

Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it shall be effective immediately upon such delivery or service. If given by mail, it shall be effective upon receipt, and addressed as follows:

Summit County

Attn: Board of County Commissioners

P.O. Box 68

Breckenridge, CO 80424

Town of Breckenridge

Attn: Town Council

P.O. Box 168

Breckenridge, CO 80424

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## 13. MISCELLANEOUS PROVISIONS

13.1 Amendments. This Agreement may be amended only by mutual agreement of the Parties and shall be evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

13.2 Headings for Convenience. All headings, captions and titles are for convenience and reference only and are of no meaning in the interpretation or effect of this Agreement.

13.3 Governing Law and Venue. This Agreement, and the rights and obligations of the Parties hereto, shall be interpreted and construed according to the laws of the State of Colorado, and venue shall be in the County of Summit, Colorado.

13.4 Alternative Dispute Resolution. If a dispute arises between Parties as to the interpretation or implementation of any part of this Agreement, Parties may agree to mediate or enter non-binding arbitration to attempt to resolve such dispute, so long as Parties agree to the location, rules and mediator/arbitrator.

13.5 Severability. In case one or more of the provisions contained in this Agreement, or any application hereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement and the application hereof shall not in any way be affected or impaired thereby.

13.6 Provisions Construed as to Fair Meaning. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any party based upon any language attributed to such party or the source of the language in question.

13.7 Compliance with Ordinances and Regulations. This Agreement shall be administered consistent with all current and future laws, rules, regulations, charters and ordinances of the State of Colorado, the County and the Town.

13.8 No Implied Representation. No representations, warranties or certifications, express or implied, between the Parties exist except as specifically stated in this Agreement.

13.9 No Third Party Beneficiaries. No term, condition or covenant herein shall give or allow any claim, benefit, or right of action by any person not a party hereto. Any person other than the County or Town receiving services or benefits under this Agreement shall only be an incidental beneficiary.

13.10 Integrated Agreement and Amendments. This Agreement is an integration of the entire understanding of the Parties with respect to the matters stated herein.

13.11 Financial Obligations. This Agreement shall not be deemed a pledge of credit of the County or Town. Nothing herein shall be construed to create a multiple-fiscal year direct or indirect debt, or financial obligation.

13.12 Waiver. No waiver or any breach or default under this Agreement shall be a waiver of any other or subsequent breach or default.

13.13 Incorporation of Exhibits. Exhibits A and B, which are attached hereto, are incorporated herein by reference.

13.14 Approval By Governing Boards or Other Authority. In accordance with § 29-1-203(1), C.R.S., this Agreement shall not become effective unless and until it has been approved by the governing body of the County and the governing body of the Town, or such person as shall have the power to approve this Agreement on behalf thereof.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the Effective Date first written above.

SUMMIT COUNTY

**BY:** \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
County Clerk and Recorder

Approved as to form:

\_\_\_\_\_  
County Attorney

TOWN OF BRECKENRIDGE

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney

January 25, 2000

**PART II**

**A RESOLUTION**

**SERIES 2000**

A JOINT RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO ESTABLISHING THE PRICE OF A "TRANSFERABLE DEVELOPMENT RIGHT" TO BE SOLD BY THE TOWN AND THE COUNTY PURSUANT TO THE "INTERGOVERNMENTAL AGREEMENT CONCERNING TRANSFERRED DEVELOPMENT RIGHTS"

WHEREAS, the Town of Breckenridge ("Town") and Summit County ("County") recently entered into an "Intergovernmental Agreement Between County of Summit and the Town of Breckenridge Concerning Transferred Development Rights" ("IGA"); and

WHEREAS, Section 6.8 of the IGA provides that the Town and the "County" shall annually establish by joint Resolution a sale price for those Transferable Development Rights (as defined in the IGA) that are to be sold by the Town and the County pursuant to the IGA; and

WHEREAS, the Town and the County desire to establish the sale price of a Transferable Development Right to be sold by the parties pursuant to the IGA.

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, as follows:

Section 1. Pursuant to Section 6.8 of the IGA, the sale price of a "Transferable Development Right" is hereby fixed at Thirty Thousand Dollars (\$30,000.00). Fractions of a TDR may be sold at a proportional fraction of this price.

Section 2. The price of a Transferable Development Right established in Section 1 of this Resolution shall remain in effect until a new price is established by the Town and County in accordance with the requirements of the IGA.

Section 3. This Resolution shall become effective upon its approval and adoption by both the Town Council of the Town of Breckenridge and the Board of County Commissioners of Summit County.

RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of August, 2000.

TOWN OF BRECKENRIDGE

ATTEST:

By \_\_\_\_\_  
Sam Mamula, Mayor

\_\_\_\_\_  
Mary Jean Loufek,  
CMC, Town Clerk

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                          Date

RESOLUTION APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_,  
2000.

BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO

By \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Clerk and Recorder, Summit County  
Colorado; ex-officio Clerk of  
said Board

APPROVED IN FORM

\_\_\_\_\_  
County Attorney                          Date



## ***CASE STUDY EIGHT***

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### **COMMUNITY CONSENSUS BUILDING: A BASE FOR MULTILATERAL LIAISON TOWN OF CANMORE, ALBERTA, CANADA**

**Bert Dyck  
Chief Administrative Officer**

#### ***Introduction***

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The Town of Canmore's struggle to gain some community consensus on managing its growth in the early 1990s, and to gain the support of senior levels of government for their growth management strategy is a remarkable exercise in community and interjurisdictional consensus building that was widely recognized as being successful. Canmore is a small, dynamic town in Canada's Rocky Mountains on the edge of Banff National Park. A historic coal mining town, it has latterly been seen as an ideal small Rocky Mountain community close to the booming city of Calgary. With widespread citizen opposition to the intensive growth pressures, the town council of the day undertook two major consensus-building exercises that had the management of growth as their focus. Both exercises managed to achieve sufficient consensus to establish some level of agreement on how to approach growth and what social, economic and environmental targets to set. The resultant Growth Management Strategy and the multilateral Bow Corridor Eco System Advisory Board have been key tools in maintaining stability and balance on the controversial subject of managing community growth pressures through much of the 1990s.

#### ***Factual Background***

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As the venue for the 1988 winter Olympics, Canmore a small town of about 4,500 people, found itself thrust into the limelight with growing numbers of people moving into the community. As growth levels began to approach and even exceed 10% per annum, the town council in the early 1990s found itself under mounting pressure to do something about containing or managing growth. Problems arising from the growth pressures included:

- The Town's growth was quickly plugging up the narrow Bow Valley and pinching off critical wildlife movement corridors and habitat patches which were vital connectors between summer and winter habitats for elk, deer and the carnivores that follow them.

- As an old coal mining town, Canmore is flanked on one side by large tracts of undermined land. Growth pressures were moving onto that undermined land and the Town faced significant liability in allowing development on that hazardous terrain.
- The price of housing was soaring. Long term residents felt themselves pressured out of the community and young families found it difficult to afford housing.
- The social fallout of the high growth rate was making itself felt in the schools, the neighborhoods and main street. Social problems were rising significantly.
- The senior level of government, the Province of Alberta, was a strong advocate of growth; consequently it was often called on by the development community to “persuade” the Town to adopt this growth agenda.

As pressure continued to mount, the newly elected Town Council found itself in 1993 faced with a widely supported petition to stop resort development in the community. While the petition was not a legally binding document, it did send a strong message of community concern on growth. Council knew that something had to be done; they had to show leadership on this issue and win community support in the process.

At the same time, it was becoming quite clear that the Town needed to re-establish some harmony with the provincial government. The Town’s sensitivity to the environment and its insistence that wildlife movement corridors be protected as development free zones was not part of any provincial policy, yet a junior government was beginning to make this move into provincial jurisdiction.

Concurrently, the Town’s “angst” at the liability it assumed with respect to permitting development in the vicinity of undermining hazards demanded some provincial leadership. Coal was after all a provincial resource for which the Province had received royalties over the past hundred years.

A major hearing on the question of development in the undermined area held by the provincial Natural Resources Conservation Board (NRCB) examined the undermining issue as well as the wildlife movement and social issues. The hearing produced a report that had among its recommendations the establishment of a Senior Policy Advisory Group consisting of senior representatives of key provincial departments as well as key local representation (elected as well as administrative).

Pressured by the petition and armed with the NRCB recommendations, the Town assumed a bifurcated strategy. It proceeded with the Growth Management Consultation and determined to aggressively lobby for the implementation of the NRCB recommendation for the Senior Policy Advisory Group.



## ***Stakeholders Involved***

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### Growth Management Consultation

The Growth Management Consultation was launched in early 1994. It involved some 42 individuals representing 25 local groups and claiming most of the community in its collective membership in facilitated dialogue on the question of Canmore's growth. Community Associations, developers, women's groups, seniors associations, the chamber of commerce, and environmental organizations are examples of the diversity that was represented in this consensus dialogue. The Mayor was present when the consensus dialogue was launched and committed to implementing the consensus recommendations as long as they were fiscally manageable and permitted by the laws of the land.

It truly was a consensus exercise that essentially gave any one group the power of veto. While there was much stress and disagreement along the way, the veto was never exercised by any one group and they finally, after ten months, produced a document, "The Canmore Growth Management Strategy". The Strategy produced some 50 growth related recommendations in four broad areas (social, environmental, economic, and monitoring/control). The recommendations were augmented by a land use map produced by the dialogue which made remarkably precise recommendations on where growth would be supported, and where environmental considerations should not permit growth.

The Growth Management Strategy was formally accepted by the council which then used it as its blueprint for planning and policy development in the growth/land use areas. In the following four years, steps were taken to implement a large percentage of the recommendations contained within the report.

### Senior Policy Advisory Group

Shortly after the release of the NRCB report, the Town of Canmore urged the Provincial government to establish the Senior Policy Advisory Group as recommended by the report. The Province appeared reluctant to establish a body specifically for the upper bow Valley, suggesting that one of their already existing management committees could easily undertake the communication/liaison functions envisioned in the NRCB report for that committee. It was further evident that the lack of uniform direction coming from the Town in terms of its position on a number of growth related items made it possible to "go slow" on that particular NRCB recommendation.

The Town consequently began to proceed on its own with respect to putting in place policies to protect wildlife movement corridors, a responsibility which all agreed should ultimately rest with the provincial Department of Environment. While provincial officials would meet with the Town to discuss issues surrounding our work on protecting wildlife movement corridors, they were not ready (at the middle management level) to take a decisive position.

With the emerging consensus on growth management that was developing, however, a consensus supported by the development community and its supporters, the province began to take a more positive posture on the question of the establishment of a senior intergovernmental policy advisory group. Accordingly, they agreed to the establishment of the Bow Corridor Ecosystem Advisory Group (BCEAG) early in 1995. This group had senior management representation from all the major government departments involved with the land surrounding the town, as well as representation from the Town, the neighboring Municipal District of Bighorn and Banff National Park. Among its first tasks, it took on the responsibility of plotting the wildlife movement corridors and habitat patches in the Bow Valley.

## *Planned Implementation*

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### Growth Management Strategy

As indicated earlier, the Growth Management Strategy that was produced by the Stakeholders was used by the Town as a blueprint for future policy direction in areas affecting growth of the town. The map that was produced by the stakeholders clearly depicted areas where growth could be considered, a targeted upper growth limit of 6% per annum was articulated and economic growth targets were set.

Faced with such a sweeping consensus in such important areas the Council found it easy to formally endorse the Growth Management Strategy as the blueprint for growth management for the future. With municipal elections in 1995 the Mayor made the strategy the centerpiece of his campaign and easily recaptured his seat.

Through the course of his second term of office, he led the council in implementing the recommendations. Given the widespread consensus that was achieved, it would have been folly to do otherwise.

### Bow Corridor Ecosystem Advisory Group (BCEAG)

As its first task, the newly established BCEAG developed a terms of reference which dwelt extensively on developing interjurisdictional liaison and cooperation in matters affecting all three levels of government. Specifically, they assumed responsibility for delineating the wildlife movement corridors and habitat patches. This was critical for the Town as it was the Province's first move toward accepting responsibility for protecting movement corridors. As wildlife was a matter of provincial jurisdiction, it was critical for the Town that the Province take some leadership in this area.

In addition to dealing with wildlife issues, BCEAG has also taken responsibility for other environmental priorities of its members. It responded to concerns that the Bow River Aquifer was under stress from golf course and other urban development by initiating a groundwater study to better understand the Bow River aquifer and issues

related to that. It has also undertaken a study of air quality in the area. Bow River industries combined with the major transportation corridors have created widespread concern about the quality of our air. BCEAG has also taken leadership in the area of regional transportation. It has recently launched a transportation study to work toward interjurisdictional cooperation in this important area.

## ***Ultimate Outcome***

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### **Growth Management Strategy**

Many of the recommendations of the Growth Management Strategy were implemented by the council of the day. Included in the outcomes of this report are:

- The proposed land use map (as contained in the report) has been adopted by council, and the recommended zoning is for the most part in place.
- A Thresholds and Monitoring Committee has been established by the council which has as its task to gather data on growth related issues in order to gain an understanding of the level of compliance with the growth management recommendations.
- The Biosphere Institute of the Bow Valley has been established which has as its mandate the accumulation of all environmental research in the Bow Valley and the stimulation of further research where gaps exist.
- The target of reducing growth to 6% annually was achieved on schedule, although some argue that forces other than the Growth Management Strategy contributed greatly to this.
- The Town has launched a housing initiative to deal with some of the social ramifications of the high cost of housing.
- Finally, the council has found a tool for dealing with controversy; community consensus building can work if the process has integrity.

### **Bow Corridor Ecosystem Advisory Group**

BCEAG has over the past five years contributed greatly to interjurisdictional cooperation in the upper Bow Valley. Specifically:

- The province now accepts a much larger role in dealing with provincial jurisdictional matters related to land and the environment. The most specific example of that is their acceptance of responsibility for the protection of wildlife movement corridors.

- A wildfire urban rural interface plan has been developed, which will guide provincial and local officials in dealing with wildfire risk in the urban fringe.
- The research on groundwater, air and transportation is now well underway with reports expected within a year.
- BCEAG is now recognized as an effective vehicle for communication/liaison between local, provincial and federal agencies on matters related to land and the environment.
- BCEAG received the Premier's award for excellence in 1999 for its pioneering work in the delineation and protection of wildlife corridors.

### ***Lessons to be Learned and Shared***

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The early 1990s were characterized by controversy and polarization within the community on matters related to the growth of Canmore and the environment. The absence of any level of consensus at the community level made it difficult for the Province to deal effectively with the Town in these controversial areas, with the consequence that the Province would often intervene in local decision making on behalf of the development interests. The community consensus that was developed through the growth management consultation enabled us to deal from a position of greater strength, and made it easier for the Province to support the establishment of BCEAG.

The processes outlined in this paper were developed in response to specific stresses. It is difficult to say whether other responses would have worked better. Alternative measures that might have been tried early on in the polarized community environment would have centred around adversarial approaches that carry a high amount of risk, and seemed from the local political level to be decidedly unattractive (setting direction without consultation, engaging in a media campaign, etc). The council of the day chose to surrender control of defining the growth strategy for the Town to a consensus building process. Turning this control over to the community had the effect, ironically, of empowering council with a mandate that had the full community behind it, "the power of surrender".

Some of the lessons learned through this process were:

- A well designed process that puts direction back into the hands of the community empowers both the community and the local council.
- A well designed consensus process will come up with the "right" solution.
- Senior governments will respond positively to a request from the local government if they can see that the community as a whole has been engaged on an issue and is in support.

- Do not allow lack of jurisdiction to equate to total and complete inaction of the part of your jurisdiction. Act to the limits of your jurisdiction and those agencies with jurisdiction will be more likely to come on board, as support in the community grows.
- There is a greater value in establishing an interjurisdictional body to deal with all manner of interjurisdictional issues than in attempting to negotiate issues on a problem by problem basis without the benefit of a standing interjurisdictional body.
- Interjurisdictional relations are fluid and changing. Yesterday's resistance may well be tomorrow's enthusiastic cooperation.

BCEAG is symbolic of the importance of maintaining an ongoing positive relationship among the local, provincial and federal agencies that have jurisdiction in the Bow Valley. Launched with some reluctance and trepidation in 1995, it has clearly demonstrated a vital function in harmonizing the actions and policies of all jurisdictions in areas of shared concern. We now have a body that will function as a vessel for dealing with most interjurisdictional issues; if BCEAG does its job well, it will be a major force in ensuring communication and cooperation on all major joint issues. Strong community consensus is a powerful tool in stimulating all levels of government to work together on behalf of that consensus.

