

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
SEPTEMBER 12, 2022 PLANNING AND ZONING COMMISSION SPECIAL MEETING**

DATE: September 9, 2022

AGENDA ITEM NUMBER: 9

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 07-22, Series of 2022.

**A RESOLUTION RECOMMENDING THE ADOPTION OF AN
AMENDED THREE-MILE PLAN FOR THE TOWN OF DILLON**

BACKGROUND / TIME FRAME:

- July 20, 2021: Town Council Adoption of the Three-Mile Plan
- September 12, 2022: Planning and Zoning Commission review of the Three-Mile Plan

SUMMARY:

The purpose of the Three-Mile plan is to address the specific statutory requirements of Colorado Revised Statutes (C.R.S.) § 31-12-105, which requires that a municipality adopt an annexation plan prior to the annexation of any land into the municipality, and that it provide direction to the municipality and land owners concerning land use issues and infrastructure improvements needed upon annexation into the Town of Dillon. The statutes stipulate that the Three-Mile Plan be reviewed annually.

Proposed amendments to the Three-Mile Plan relate to the identified parcels off of County Road 51. With the increasingly dire need for workforce housing and the potential for parcels in this area to be considered for workforce housing, the amendments provide increased flexibility to land development.

See *Exhibit 'A'* of this Staff Summary for the redline edit version of the 2022 Three-Mile Plan.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Town staff recommends approval of Resolution PZ 07-22, Series of 2022

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 07-22, Series of 2022.

ACTION REQUESTED:

Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

DEPARTMENT HEAD RESPONSIBLE:

Ned West, AICP, Sr. Town Planner

Exhibit 'A'
Redline Edit Version
of the 2022 Three-Mile Plan

TOWN OF DILLON

2022 THREE MILE PLAN

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A. INTRODUCTION

I. Purpose.

The purpose of this plan is to address the specific statutory requirements of Colorado Revised Statutes (C.R.S.) 31-12-105, which requires that a municipality adopt an annexation plan prior to the annexation of any land into the municipality, and that it provide direction to the municipality and land owners concerning land use issues and infrastructure improvements needed upon annexation into the Town of Dillon. This plan is also referred to on occasion as the Three Mile Plan for Annexation due to the statutory limit which does not allow a municipality to annex further than 3 miles from the existing municipal limit in any one calendar year.

II. Methodology.

This plan was prepared by evaluating various areas, both within the three mile distance from the existing Dillon Town boundaries, and outside of that distance to determine which areas were suitable for annexation and inclusion within the Town of Dillon for possible future development or preservation. For purposes of this plan, it is assumed that land designated for annexation is necessary to fulfill community needs. These include providing additional developable land to meet specific needs of the community such as economic growth, combining or reducing service requirements, providing efficient services and/or providing for recreational and open space areas for citizens of the community.

The areas designated for annexation and included within this plan are lands that have one or more of the following characteristics. They all may:

- be necessary and suitable for future urban uses.
- be served by urban services and facilities, or appropriate alternatives.
- be desirable and necessary for expansion of the urban area.
- improve the economic stability of the Town.
- be annexed to help preserve open space or recreational opportunities critical to the Town of Dillon.

Through the identification of land appropriate to include in the Town's annexation plan, consideration was given to the future needs of the community. These included several considerations including:

- the need for future additional residential and resort development
- the need to improve the economic well-being of the Town
- the need to protect critical open space areas for wildlife habitat and recreational opportunities
- the desire to maintain and preserve the unique landscape and habitat in and surrounding the Town.

Consideration was also given to the existing infrastructure of the Town, including services such as sewer and water, police and fire protection, and the location of trails, bike paths, and other public facilities in relation to the candidate properties. Steep slopes, existing road systems (both improved and primitive), the location of National Forest Service parcels, and the existence of neighborhoods already served by adequate public services and facilities were all major factors in establishing the annexation plan boundary in a logical manner.

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The basic criteria used to assess the viability of annexation were as follows:

1. Include those areas which broaden the Town's ability to provide a diverse selection of housing choices for the community and accommodate population growth in the Town and the County;
2. Include enough developable land so all desired uses can be accommodated without creating a limited market;
3. Include those areas close enough to be served by the Town with urban services, including police protection, and adequate sewer and water facilities.
4. Include those areas which can provide opportunities for the Town's economic growth.
5. Establish the boundary in a logical manner, utilizing property boundaries where possible, and natural or manmade features where they dominate or create a logical boundary;
6. Do not include subdivisions or areas that cannot be reasonably served due to steep slopes, poor road systems or drainage problems. Areas already served by other political subdivision, including metropolitan service districts (Dillon Valley, Piney Acres, Summerwood, and Summit Cove, among others) will not be considered without a full and complete evaluation of their potential impacts on the community. Existing subdivisions may be considered on a case by case basis, as each may add to the character and diversity of the Town.
7. Include those areas that provide for the recreational and open space needs for the community.

B. ANNEXATION PLAN BOUNDARY

I. Areas and parcels included within the annexation plan boundary.

Based on the criteria previously established in this document, the Town has determined that the boundary for annexations should be as shown on Exhibit "A". This boundary provides some land for limited residential expansion adjacent to the community.

The areas that are included in the annexation plan boundary for the Town of Dillon at this time are:

Area 1: Denver Water Board Property between Tenderfoot Addition and County Rd. 51.

Area 2: Forest Service parcels adjacent to the Corinthian Hill Subdivision.

Area 3: Miscellaneous parcels near the Dillon water treatment plant.

Area 1 (Parcel A): Denver Water Board Property (Tenderfoot Addition to County Road 51).

Description.

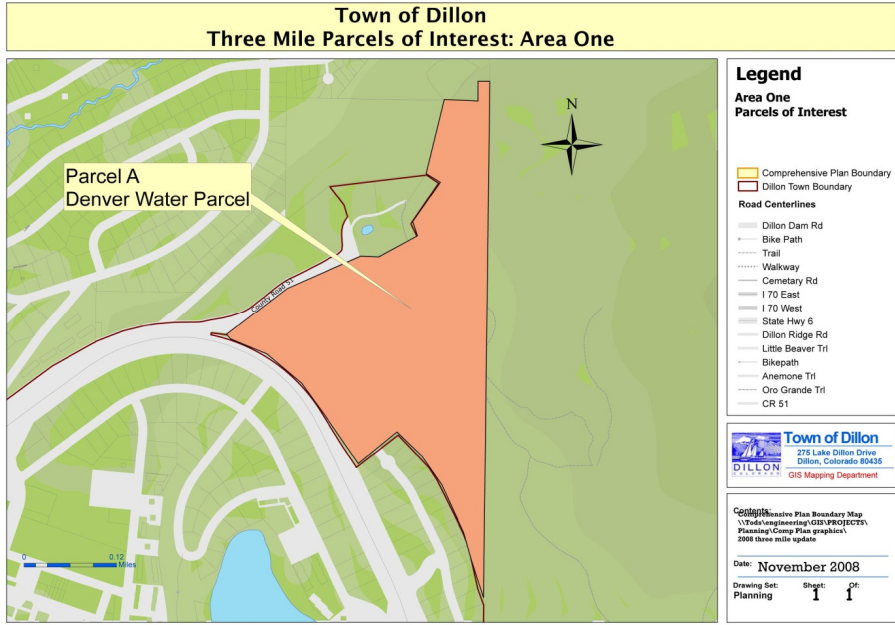
This area is located in the northeast corner of the existing community where Highway 6 bends from the east to the southeast. The area is surrounded by Highway 6, the Tenderfoot Addition subdivision to the south, County Road 51 to the north and the Oro Grande Trail to the east.

Parcel A is characterized by vacant land which slopes upward from Highway 6 to the Oro Grande Trail. The site is very open and is dominated by native grasses and a number of smaller tree stands throughout the site. This area is bisected by water and sewer easements, and has the Denver Water Board Straight Creek Diversion running through it which makes it a difficult site to develop. The site may also present geologic challenges hindering potential development. While this site is included within the annexation plan boundary, it is highly unlikely that this site will be annexed and developed in the near future.

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Land Use.

If the area is ever made available for development the proposed land use for this area should be for lower density residential development in character with existing residential uses to the south in the Tenderfoot Addition subdivision. All new development should be assessed through the Town's zoning process and should be based on the following criteria:

- Any development should provide appropriate setbacks to accommodate an ample buffer zone. This buffer will help maintain the rural character along the highway as well as mitigate noise from Highway 6.

Development should work with the existing contours of the land and not be designed in a manner that would require extensive cut or fill slopes.

- Development should be concentrated on those portions of the site that are under 20% in slope as required by the Dillon Municipal Code. Cluster development is preferred to maintain the critical natural features of the site.
- Development should not be placed in a manner that would significantly impact the existing residential uses in the Tenderfoot Addition Subdivision.

This area should be placed in the Town's RE zoning classification upon annexation in order to protect the site's natural amenities and produce coordinated neighborhood infrastructure.

Transportation.

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County Road 51 borders the site to the north. Oro Grande Street dead ends at the southern boundary of the site, but the area is not currently serviced by public roads. Proper access with minimized cut and fill shall be required. It appears from the existing plat for the Tenderfoot Addition Subdivision that access into this site was contemplated through an extension of Oro Grande Street where the right of way is contiguous to this parcel. Secondary access should be considered from CR 51, as coordinated with fire department approval, to potentially lessen any impacts to the existing residents of the Tenderfoot Addition Subdivision.

A direct access to Highway 6 could be an alternative solution. This option should be examined, but steep grades and highway access control requirements on the highway may make it unfeasible.

Utility Provisions.

This site would be served by the joint sewer authority sewer lines located in easements that bisect the parcel and by the Dillon water system which is also located within the parcel. Water lines include a 10" main line through the parcel, plus an additional 12" water line in County Road 51.

Community Services.

The property now lies within the Summit School District and Lake Dillon Fire Rescue district. These governmental agencies would continue to serve the property upon annexation. Police protection would change from the Summit County Sheriff's Office to the Dillon Police Department.

Open Space, Parks, Recreation.

There are no specific needs for the preservation of open space or parks or recreational facilities that have been identified at the present time that relate to the annexation of this parcel. These issues should be evaluated in greater detail prior to annexation of the parcel. Development should be accomplished in a manner that preserves open space parcels and provides appropriate recreational facilities.

Trails should be provided that tie this parcel into existing and proposed trails systems located in the Tenderfoot Mountain area above the site.

Area 2: Forest Service parcels adjacent to Corinthian Hill and the Oro Grande Trail.

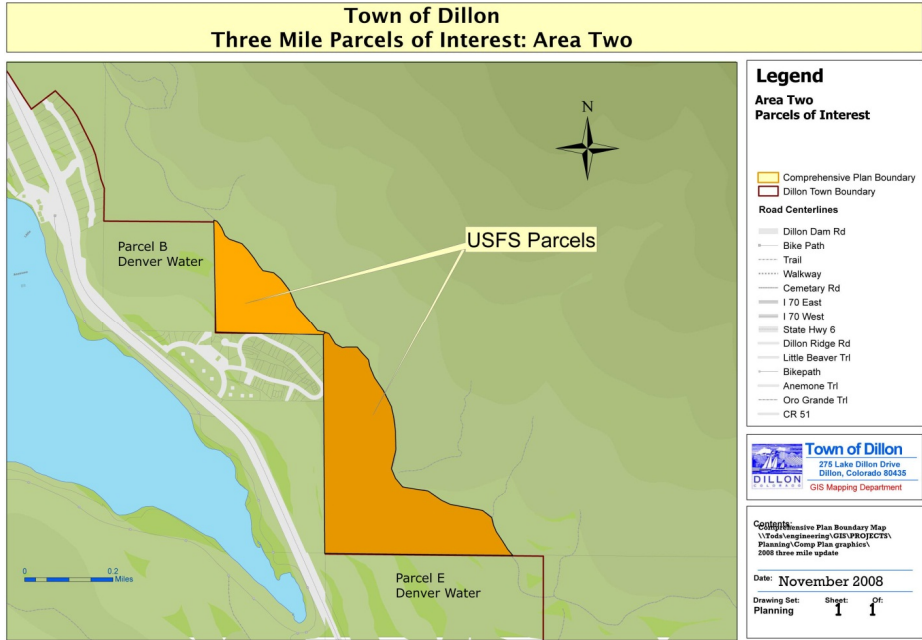
Description:

There are two parcels included in this area, both owned by the U.S. Forest Service. One is located to the northwest of the Corinthian Hill Subdivision, between the subdivision and the Oro Grande Trail. The second is located to the southeast, and also lies below the Oro Grande Trail.

The first site is triangular in shape and is characterized by gently sloping terrain running upward from Corinthian Hill to the Oro Grande Trail. Existing vegetation includes native grasses and aspen trees. The second site is also a triangular shaped parcel of land that lies between Corinthian Hill and the Dillon Cemetery. This site is gently sloping at the bottom, but slope increases steeply near the Oro Grande Trail. Vegetation on this site is characterized by native grasses and sages, as well as a critical fen wetland.

Both sites represent a portion of a larger parcel of Forest Service land that runs throughout the Tenderfoot Mountain area. The Forest Service land on the north side of the Oro Grande Trail has been left out of the annexation plan, but these two sites (south side of the Oro Grande Trail) are included in the plan to allow acquisition if the Forest Service opts to dispose of the parcels. Inclusion of the parcels allows the Town to respond to any future requests for development. It also ensures that the parcels, if acquired by a private developer, will not be developed in a manner that has the potential for adverse impacts on the community.

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Land Use:

Several considerations must be made concerning whether the parcels should be considered for development, and the form any development might take. There has not been a definitive decision by the community as to the best and most appropriate use of these parcels. Many people believe that these areas, along with all remaining Forest Service parcels in the Dillon area, should be retained by the Forest Service and used to provide recreational and visual amenities for the community. Others believe that the Forest Service parcels that lie below the Oro Grande Trail should be made available for acquisition and be privately developed for lower density residential uses. A 2000 slope analysis undertaken by Design Workshop for the Denver Water Board indicated that relatively small portions of both parcels were under 20% slope. The future of these parcels depends on the actions of the Forest Service, and the Town needs to consider the possibilities presented by possible federal government decisions.

If the sites are retained by the Forest Service, they should continue to be used for passive recreational uses and the area should remain undeveloped. This is the primary goal of the community at the present time.

In the event the Forest Service disposes of the property, the Town and other local governmental agencies could request the lands to be deeded for public use. These public uses could include future recreational uses, resident housing, open space, or other needs identified by the Town.

If the parcels are disposed of to private parties and considered for development, they should be developed in a manner that is consistent with good planning practices, including meeting the following criteria:

- Development should be accomplished in a manner that provides a buffer between Corinthian Hill and development within these sites;
- Development should be accomplished in a manner that preserves the character of the large stand of trees on the upper portion of the northwest parcel;

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- Development should be accomplished in a manner where excessive cut or fill slopes are not necessary for the development of the site;
- Development should be accomplished in a manner where the size of buildings do not overwhelm the surrounding neighborhood, or the existing landscape;
- Development should be clustered in a manner where it will have the least impact on the visual characteristics of the site. Large lot development, spread out over the entire site, is not appropriate in this location. Clustered development near existing subdivisions is more appropriate in this situation;
- No development should be allowed on any slope over 20%; No development should be allowed to encroach in any manner on the fen wetland in this area because of its ecological fragility and value to the community;
- Pedestrian ties should be established between these parcels and existing adjacent neighborhoods.

To accomplish these goals, and upon acquisition by a private party, the parcels should be zoned RE (Residential Estate) zoning classification.

Transportation:

The northwestern site presently has access only to the Oro Grande Trail, which is not an acceptable access for any future development. If this property is to be developed access will need to be acquired. The two possible access points are through the Corinthian Hill street system or through the Denver Water Board property that lies between this site and Highway 6.

The site southeast of Corinthian Hill also requires access through adjacent properties as the site has no acceptable access to a public street. Access would need to be acquired through the adjacent Denver Water Board property to Highway 6.

Development of either site will not be allowed without adequate access being provided at the expense of the developer.

Utility Provisions:

Sewer and water service can be provided through an extension of the joint sewer authority lines and the Town's water systems that serve Corinthian Hills. The adequacy of these lines and future capacities would need to be confirmed prior to annexation and development. Any upgrades or extensions of the systems to serve new development would be the financial responsibility of the developers.

Community Services.

The property now lies within the Summit School District and Lake Dillon Fire Rescue District. These governmental agencies would continue to serve the property upon annexation. Police protection would change from the Summit County Sheriff's Department to the Dillon Police Department.

Open Space, Parks, Recreation.

Until a development proposal is approved, both parcels should be utilized for open space or recreational uses, whether in the ownership of the National Forest Service or others.

Area 3: Dillon Water Treatment Plant Area, adjacent to County Road 51.

Description. This area is located in the northeast corner of the existing community in close proximity to the Town's water treatment plant. The area is characterized by a combination of uses including the treatment plant, the U.S. Forest Service Dillon Ranger District Administration Site, the Town maintenance shops, the Town owned residential structure, and vacant land owned by Denver Water. While the neighborhood is characterized by light industrial and governmental uses, the nearby neighborhood located on the south side of US 6 (within Town limits) is zoned RL. There are also single-family and high-density multi-family residential uses in close proximity located within

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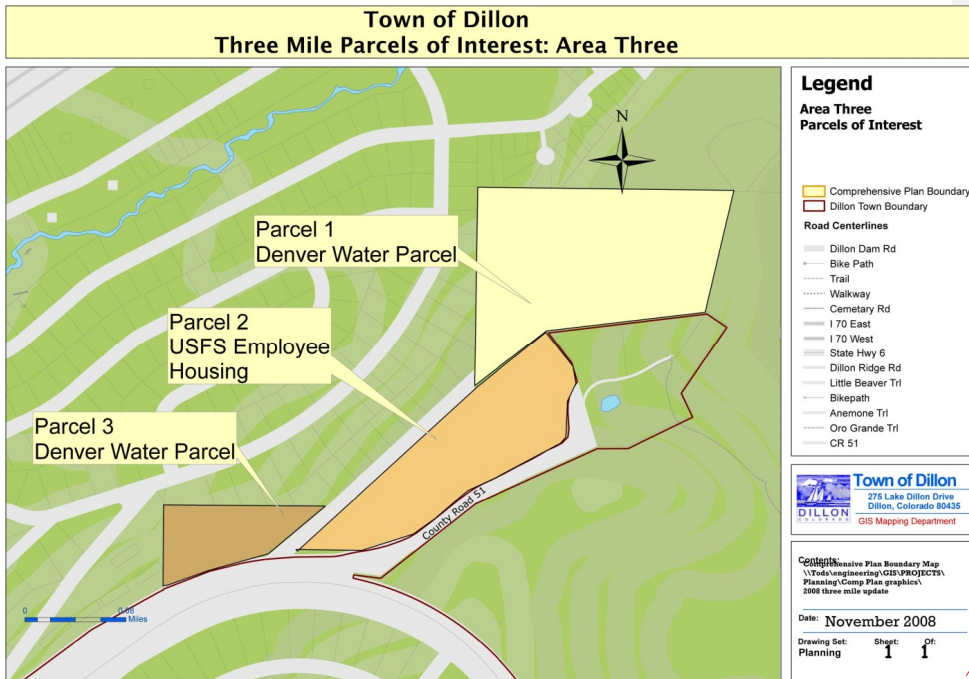
unincorporated Summit County. The water plant and maintenance facility are zoned Public Facility. The Town maintains a transitional employee housing structure with two (2) dwelling units adjacent to the water plant. There are three parcels in this area that should be considered for Town-coordinated development and potential annexation into the Town.

Parcel 1 is a site north of the Town maintenance building that is owned by the Denver Water Board. This site has slopes of nearly 20 percent and is located to the northeast of the cul-de-sac at the east end of Forest Canyon Road to the north. The Dillon water plant raw water inflow and return flow pass through this parcel. As a response to the pine beetle infestation, Denver Water has generally implemented a clear cut or heavy thinning forest management approach for Parcel 1, like with the majority of their vacant properties. An estimated 50 percent of the parcel has been cleared of the infested Lodgepole Pine forest.

Parcel 2 contains the U. S. Forest Service Dillon Ranger District Administration Site located between the north side of County Road 51 and Forest Canyon Road. This parcel is characterized by a thinned and dispersed forest of Aspen trees and the remaining Lodgepole Pine trees. It contains a number of buildings and open areas used by the U.S. Forest Service to house some of their employees and provide storage and operations facilities for U.S. Forest Service uses. The slopes of this site are relatively gentle as compared with the other two parcels in this area, averaging around 5 percent.

Parcel 3 is Denver Water Board land that lies on the north side of County Road 51, west of the intersection of County Road 51 and Forest Canyon Road. This parcel is located downhill from the road, is characterized by a north-facing slope with Lodgepole pines, and slopes of nearly 20 percent. Like Parcel 1, this site has been substantially cleared of

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the Lodgepole Pine forest and has dispersed and thinned remaining stands of evergreen and Aspen trees.

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Land Use.

Appropriate uses for Parcel 1 and Parcel 3 include low to medium density residential development. Residential uses could provide housing for either citizens of the community and/or employees of the Town and other public entities. An alternative use for the buildable portion of Parcel 1 could be to expand Town or County maintenance facilities or provide additional new facilities, though a portion of the site is constrained by the existing gravity controlled raw water inflow and water plant return flow. The potential Town or County facilities may include shops, storage, water tanks, or other similar uses. Parcel 2 has been identified as being well suited for workforce housing supporting the needs of the community and the U.S. Forest Service. Given the gentler slopes and relative open nature of the site, Parcel 2 is well suited for higher density residential development. But, the added density and perceived increase in traffic volume resulting from a high-density development on Parcel 2 is desirable to the Town only if it meets the workforce housing needs of the Town, the U.S. Forest Service, and Summit County. Otherwise the site should only be considered for low or medium density residential development. Any development should maintain existing vegetation where practical and provide landscaping that is fitting with the natural character of the area.

Characteristics of development for these sites should include:

- Development should work with the existing contours of the land and not be placed in a manner that would require extensive cut or fill slopes, where practical.
- Development should be concentrated on those portions of the sites that are under 20% in slope and clustered, if necessary, to maintain the natural features of the sites, where practical.
- Development should not be placed in a manner that would significantly impact the existing natural character of the site.

Any proposed development should consider the Town's Zoning Codes. If the parcels are annexed into the Town, the appropriate zoning district should be assigned during the annexation proceeding, but must be assigned no later 90 days from the effective date of the annexation ordinance. The density allowed for residential uses should be determined prior to annexation and contained within an annexation agreement. Each site should be evaluated on its own merits at a density that will be fitting with the area. Zoning and densities should be compatible with the goals of the Comprehensive Plan, and only projects providing dedicated workforce housing should be considered for high density development.

Transportation.

The area is served by County Road 51, which borders all three parcels and provides access to the water treatment plant, maintenance shops, U.S. Forest Service Dillon Ranger District Administration Site, and the forest, trail accesses, and Dillon's Straight Creek water diversion structure further to the east. County Road 51 is paved to the entrance to the water treatment plant, and within the Town of Dillon municipal limits. The road's entire length is maintained by the Town of Dillon. County Road 51 could accommodate some additional traffic from these parcels; however, the access to U. S. Highway 6 has limited site lines for turning onto Evergreen Road located at the west end of the road. The intersections at County Road 51 and Evergreen Road and Evergreen Road and U.S. Highway 6, are being studied for potential traffic improvements to improve vehicle movements in the area generally, and to accommodate potential development of the parcels in Area 3.

Utility Provisions.

The parcels in Area 3 would most likely be served by Town of Dillon or Joint Sewer Authority sewer lines, and by Town of Dillon water lines that are located within, adjacent to, or nearby the three parcels. The adequacy of these lines and future capacities would need to be reconfirmed prior to potential annexation and development. Any required upgrades or extensions of the systems necessary to serve the sites will be the financial responsibility of the developers, unless otherwise agreed upon by the Town.

Community Services.

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The plan doesn't need to state the 90-day requirement, however (the statutes speak for themselves). It could simply state "If the parcels are annexed into the Town, the appropriate zoning district should be assigned during the annexation proceeding."

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The parcels in Area 3 are within the Summit School District and the jurisdiction of the Summit Fire & Emergency Medical Services Authority. These agencies would continue to serve the parcels ~~if annexed into the Town~~. Police protection would change from the Summit County Sheriff's Department to the Dillon Police Department ~~if annexed~~.

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Open Space, Parks, Recreation.

There are no specific needs for the preservation of open space or parks or recreational facilities that have been identified for the parcels in Area 3, though nearby trailhead access remains a community priority. Recreational needs and improvements should be evaluated in greater detail prior to the ~~potential~~ annexation of any of these parcels. Development should be planned to preserve open space parcels and provide improved recreational facilities.

II. Areas excluded from the Annexation Plan Boundary:

There are only three areas currently under consideration for the Town's annexation plans. However, there were a number of areas located within three miles of the Town that were considered for inclusion but are not practical to include in the plan at this time. These are shown on Exhibit "A", and represent a number of existing subdivisions and other parcels that are excluded due to difficulty in providing services or other critical factors. Various areas within three miles of the Town that relate to other communities or are difficult to provide services to have also been left out of the three mile plan for Dillon, and include Ptarmigan Subdivision, Wildernest, Mesa Cortina and other similar areas. The areas excluded, and the reasons why they have been excluded are as follows:

Area E1. Dillon Reservoir. The Dillon Peninsula and several other lands along the shore already are within the Town limits. It is not planned to annex any additional lands from the Dillon Reservoir. The reservoir is owned and operated by the Denver Water Board and offers little or no potential for future development.

Area E2. Dillon Valley. Dillon Valley, north of the Dillon Town Core between Highway 6 and Interstate 70, is an existing residential community presently served by all necessary urban services and represented by a homeowners association. Dillon Valley has not been included in the three mile plan for annexations primarily because it is already developed at urban levels, and is served by urban services.

Area E3. Piney Acres: This area is located immediately north of the Town of Dillon and accessed from County Road 739. This area is dominated by 1/2 acre lots with single family residential development occurring on most parcels. Piney Acres is adjacent to and relates closely to Dillon Valley as it is accessed from the same major intersection and has similar types of urban services. This area has been excluded from consideration for annexation because it is an existing neighborhood which contains adequate public services in relationship to the area's needs.

Area E4. Town of Silverthorne: The Town of Silverthorne is located to the west and northwest of Dillon, and has been left out of the area designated for future annexation because municipalities cannot annex land within another municipality.

Area E5. Dam Road (Dillon to Frisco): The area west of the Dillon Dam, along the Dillon Dam Road to the Town of Frisco, is characterized by forest service lands that serve the recreational needs of the county and state as a whole. This area would be difficult for the Town to serve, and should be preserved for recreational purposes. It will not be included in those areas designated for future annexation.

Area E6. Summerwood: Summerwood is an existing residential subdivision southeast of the Town of Dillon that contains some multifamily units, but is dominated primarily by single family residential development. Summerwood contains private paved streets, and is served by a public water and sewer system. Summerwood has not been included in those areas appropriate for annexation because the Town does not anticipate annexing any existing subdivisions that have adequate public facilities already in place.

Area E7. Summit Cove/Swan Meadow: The Summit Cove/Swan Meadow areas are existing subdivisions located south of the intersection of Swan Mountain Road and Highway 6 approximately one and one half miles east of the existing Town boundaries. The Summit Cove/Swan Meadow area is characterized by urban levels of development

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and includes single family, modular housing and multifamily housing in a concentrated area. This area has not been included in the Town of Dillon's potential annexation plan because it represents an existing neighborhood that has all necessary public facilities already in place.

Area E8. Keystone: The Keystone area is a concentrated resort development located approximately three miles from the existing Dillon municipal limits. Keystone is a combination of multifamily housing, single family housing, and commercial development concentrated at the base of the Keystone Ski area. A number of recreational facilities exist at Keystone including the ski area, two golf courses, a tennis facility, and an ice skating pond. Keystone is an existing Summit County PUD and has all necessary urban services and facilities in place. Even though the future development of Keystone will have a major effect on the Town of Dillon, it has not been included in the areas to be considered for future annexation because Keystone does not require any additional public facilities be provided by the Town of Dillon. An extension of the Town's jurisdiction and facilities is not currently warranted. While it has been determined that the Keystone area should not be included in the annexation plan at the present time, there are a number of community benefits and goals that could be achieved by either annexing Keystone into the Town of Dillon, or consolidation of the two communities. The potential for annexation should continue to be evaluated, and the annexation of this area kept open for future boards and commissions to consider.

Area E9. Blue River Park Area: The Blue River Park area contains an existing park at the base of Dillon Dam, the Blue River, the Summit County Fairgrounds, and some vacant parcels on the west side of the Blue River. This area would be better served by public infrastructure and access by the Town of Silverthorne. This area has been excluded from the plan as it offers no great benefit through annexation to the Town of Dillon.

Area E10. Forest Service land (northeast): The forest service land above the Oro Grande Trail has been left out of the annexation plan because the Town believes this area should be retained by the Forest Service for recreational purposes. Providing public facilities to the area above the Oro Grande Trail would be difficult. A new water system would have to be constructed with a new water tank to serve this area because it is above the top of the existing water tanks. This area represents an asset for the county and would only be considered for annexation if the federal government decided to dispose of the land, and the Town would consider annexation as a means of controlling land use in this area.

C. AMENDMENTS AND ANNUAL UPDATE:

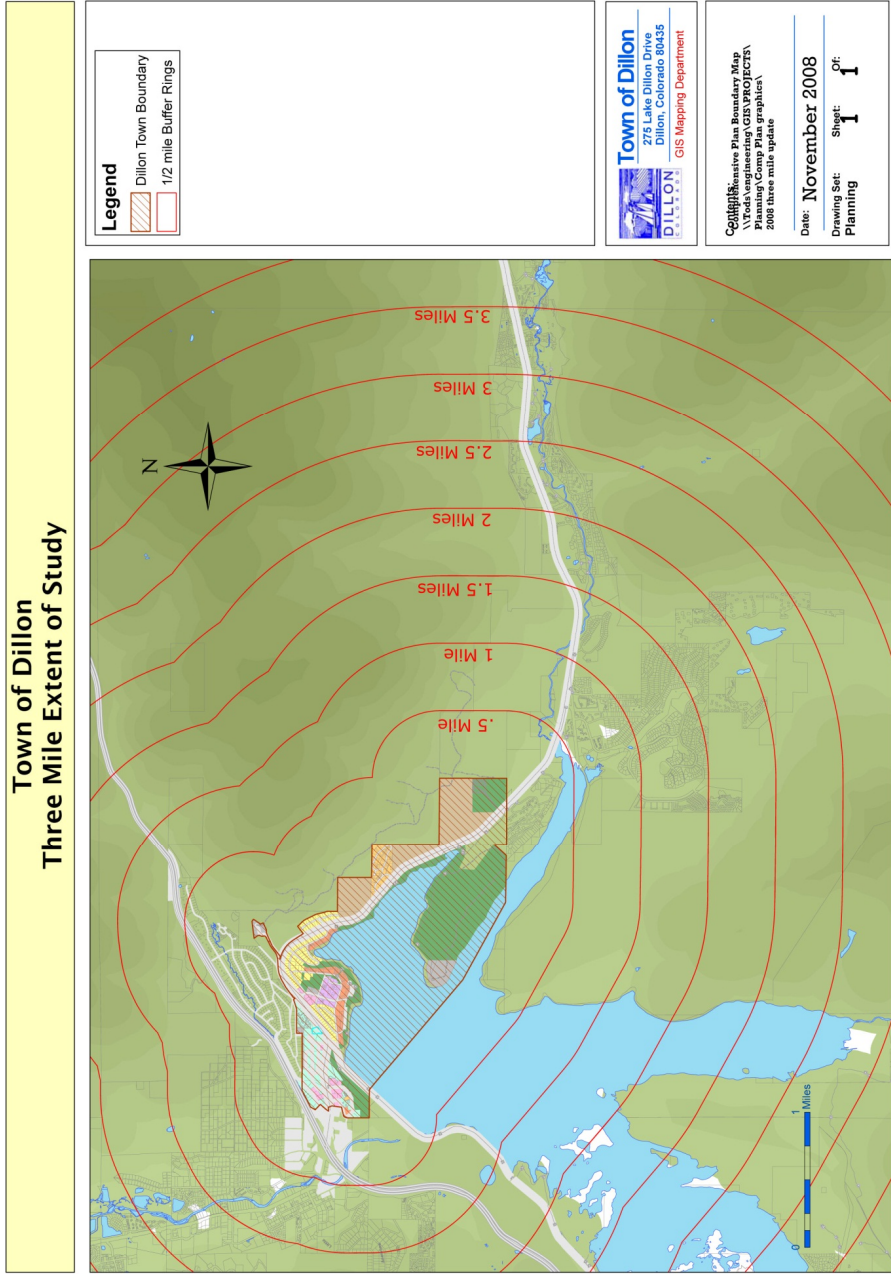
Colorado Revised Statute requires that the Town's plan for annexation be updated on an annual basis. It should be the responsibility of the Town to evaluate this plan in January of each year, and to either make necessary updates or to readopt this plan in February or March following their evaluation.

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Exhibit A



Town of Dillon
Three Mile Extent of Study

Legend
 Dillon Town Boundary
 1/2 mile Buffer Rings

Town of Dillon
 275 Lake Dillon Drive
 Dillon, Colorado 80435
 GIS Mapping Department

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 Planning: Comp Plan graphics
 2008 three mile update

Date: **November 2008**

Drawing Set: **Planning** Sheet: **1** of **1**

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