TOWN OF BRECKENRIDGE

Open Space Plan

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TOWN OF BRECKENRIDGE OPEN SPACE PLAN

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TABLE OF CONTENTS

CHAPTER 1. INTRODUCTION 1
Mission Statement 1
Background 1
Inventory of Existing Open Space, Recreation and Historic Properties 2

CHAPTER 2. LAND CONSERVATION VALUES 3
Natural Resources 3
Recreational Land 4
Other Lands 5

CHAPTER 3. STEWARDSHIP 7
Natural Resources 7
Recreation 8
Other Stewardship Activities 10
Administrative Functions 10
Financial Support to Other Organizations 11
Programs Associated with Particular Property Aquisitions 11

CHAPTER 4. LAND PROTECTION APPROACH 12
Mission 12
Role of The BOSAC 12
Role of Town Council 13
Public Involvement 13
Program Boundaries 13
Cost-Effectiveness 13
Price of Protection 13
Annual Work Program 14
Term of Protection 14
Cooperation with Land Owners and Other Agencies 14
Coordination with Other Plans 15

CHAPTER 5. METHODS OF PROTECTION 17
Partnership with Another Organization 17
Conservation Easements 17
Regulatory Techniques 18
Transfer of Development Rights 18
Access Easements 18
Land Trade 18
Fee Simple Ownership 19

CHAPTER 6. IMPLEMENTATION STRATEGIES 20
Golden Horseshoe Area 20
Cucumber Gulch Preserve 20
Highway 9 Scenic Corridor 21
Bald Mountain Area 21
Little Mountain 21
Improve River and Stream Habitat 21
Neighborhood Open Space 22
Trails Plan 22
Partnership with the USFS, Ski Area and County 22

CHAPTER 7. CONCLUSION 23

APPENDICES
A. Open Space Acquisitions & Dedications 24
B. Tools for Protecting Open Space 29

1 — INTRODUCTION

Established in 1859, during the Colorado mining boom, the Town of Breckenridge evolved from a rough mining camp to a commercial center for the Upper Blue River valley, serving its many mining communities. Today, Breckenridge is a thriving resort town with an economic base of tourism and skiing. Due to Breckenridge's prime location and history, Town residents enjoy many open space amenities: trails that were once historic roads, undeveloped parcels in the historic downtown, and open hillsides surrounding the Town core. However, as population growth has escalated in the past few years, public use has become limited and lands in and around the town are being rapidly developed. We can no longer take access to these open space amenities for granted.

In addition to population growth, the number of visitors to Breckenridge has been increasing. Residents, accustomed to thinking of their community as a small town of 2,000 people, are increasingly reminded that in reality the Town's peak population can climb as high as 36,500 people. This increase, both in permanent residents and in seasonal visitors, is expected to continue and directly threatens Breckenridge's treasured open spaces. In response, the Breckenridge Open Space Advisory Commission (BOSAC) and the Town Council of Breckenridge have drawn up this Open Space Plan, designed to protect as much open space as possible with the resources available and provide for the needs of the community today, and into the future.

This Open Space Plan provides a strategic framework for the Town's Open Space Program, and reflects the needs and desires of the community. The BOSAC and the Town Council have set out a Mission Statement (above) to guide planning efforts. In order to reach the goal of defining, maintaining and protecting Breckenridge's open spaces, as well as those in the Upper Blue River valley, this Open Space Plan:

1. Defines priority conservation values for land to be protected,
2. Outlines stewardship principles and the process through which stewardship actions are selected, and
3. Summarizes the Open Space Program and accomplishments to date.

The F&D Placer owned by the Town

MISSION STATEMENT:

The purpose of the Breckenridge Open Space Program is to preserve lands that define and enhance the unique mountain character of the Town of Breckenridge, with the objective of maintaining our community's quality of life for present and future generations.

BACKGROUND

In 1996, the Citizens for Open Space proposed an open space tax initiative that led to the development of this Open Space Plan, and on June 1, 1997, an additional 0.5% was added to the Town's sales tax. This tax will be used exclusively for open space and raised $510,163 in its first year. Since that time, annual open space tax revenues have averaged $1,226,722 per year. In all, $9,097,221 has been raised for the Town of Breckenridge Open Space Program through the 0.5% sales tax.

In early 1997, the Town Council established the Breckenridge Open Space Advisory Commission (BOSAC), which advises the Council on the appropriate goals and objectives of the Town's Open Space Program, such as the acquisition, stewardship and preservation of open space. The BOSAC helps define the types of open space to be protected, the criteria used to select parcels for acquisition, and the priorities for stewardship practices. The BOSAC is also the public forum for discussion on open space issues.

The Breckenridge community is often defined as including the entire Upper Blue River valley, even though much of the valley is outside the Town's corporate boundaries. The Town, Summit County, and the Town of Blue River work together jointly when planning the valley's land use, through the Joint Upper

Blue Master Plan. Research for this Plan has found that considerable future development is planned for the Valley. Currently, the Valley is approximately 65% built-out in residential units, and 58% built-out in commercial square footage. Much of the Valley, including open space and trails currently used by the public, is privately owned. Because of this, people expressed concern during the public review process for the Joint Upper Blue Plan that as development continues, much of the Valley's land currently used for open space and trails will diminish in quality and quantity

Due in part to this development, the population of Breckenridge and the Valley will increase significantly as time goes on. The current growth rate is approximately 6.5% per year, generally considered a high rate of growth. It is projected that in 25-40 years the Upper Blue River Valley could grow from the current estimate of 9548 housing units to between 10,500 and 13,762 units. The peak population of the Valley could go from the current high of 50,525 (estimated in 2002) to 83,442 by the year 2021. Compare these numbers to the current Town permanent resident population (3,253) and Upper Blue River Valley population (8,821). If the Town and Valley grow at the anticipated rate, this area will become more of a small city than a rural area and small town. Furthermore, as the population grows, the need for open space and accompanying recreation opportunities will increase, even as those spaces are developed.

The Town of Breckenridge is committed to working with a number of other organizations to protect open space. This is discussed in more detail in Chapter 4. There are two very important players in open space protection, which the Town is already working with, and they are Summit County and the U.S. Forest Service (USFS). Over the past ten years, the Town has worked with Summit County to protect open space, and since Summit County developed its Open Space Plan in 1996, the Town has been even more involved since much of Breckenridge's scenic backdrop is under County jurisdiction. The Town has also had a relationship with the USFS for years due to the ski area permitting here, but also because their land management policies affect the Town's planning.

THE VALLEY – PROJECTED GROWTH

Current Units	In 25 Years
9,548	13,762
Current Peak population	**In 25 Years (Peak Population)**
50,525	83,442

INVENTORY OF EXISTING OPEN SPACE, RECREATION AND HISTORIC PROPERTIES

The Upper Blue River Valley contains 80,500 acres of land. Of these 80,500 acres, 75% percent is USFS land, 3.7% is in the Town of Breckenridge, and the remaining 21.3% is under private ownership within the Town of Blue River or unincorporated Summit County. Prior to the current Open Space Program, the Town established a legacy of open space land acquisition, as the Council had recognized that Town residents needed open space for parks and recreation, for protection of scenic areas, and for relief from development. Breckenridge consists of 3,520 total acres, of which approximately 19% (680 acres) is open space and recreation land, some of which was dedicated through the subdivision process, other of which was acquired through Town purchases. Additionally, Breckenridge owns (either completely or in joint ownership with Summit County) an additional 3,529 acres of open space outside the Town borders.

Some lands in the Town, mostly privately owned, have been defined by the Town Master Plan as lands that should remain open space. These lands are in steep slopes, environmentally sensitive, or along Highway 9. They have been designated Land Use District 1 or 4 by the Town, and should not be developed: rather, development should be clustered on more suitable land within the site. Therefore, these lands are expected to remain open space, even though they are not available for entry and use like public open space. They will provide scenic buffers and edges, relief from development, and, to some degree, habitat for plants and wildlife.

Hillsides and river provide a scenic corridor along Highway 9

2 — LAND CONSERVATION VALUES

There are many lands within and surrounding the Town that deserve consideration for open space protection. This section explains the values used to assess and select land for Open Space protection. Any land acquired for the Town's inventory of open space should exhibit some of these conservation values.

Natural Resources

Breckenridge has numerous valuable natural resources that should be considered for protection. These resources include creeks, such as Sawmill, Cucumber and Illinois, and rivers, such as the Blue and Swan. Small pockets of wetland areas should be considered, as well as larger riparian (river and creek) corridors. In addition, much of Breckenridge is surrounded by hillsides, which are characterized by steep slopes and unique geological landforms (e.g., Little Mountain, on the southeast side of Town). A Natural Heritage Program Inventory has been completed for Summit County, including the Upper Blue River Basin. This project has inventoried the unique biological attributes of the basin and should be used to give more information on environmental values. Wetland mapping has also been done by Summit County and this information is also available for review and use in decision-making.

1. Environmentally Sensitive Areas.

The environmentally sensitive lands in this section make up the fragile natural systems unique to Breckenridge, the high mountain areas of Colorado, and the headwaters of the Upper Colorado River, and should be maintained to protect the Town's environmental quality. Environmentally sensitive areas are those areas that are significantly important to the healthy functioning of natural ecosystems, whether they be clean water and air, survival of native plant and animal species, or preservation of cliffs and steep slopes. The following are the specific attributes that indicate environmental sensitivity:

- wetlands
- perennial water-ways, streams and drainages
- riparian (river and creek) zones
- alpine (mountain) zones
- view corridors or backdrops
- steep slopes (grade above 15%)
- buffers to the above-described environmentally sensitive areas
- unique landforms which if developed would create adverse environmental impacts
- threatened or unique plant communities

Riparian corridor on the Blue River

2. Wildlife Habitat.

One of the joys of living in Breckenridge and its environs is the diverse wildlife, first documented by Edwin G. Carter in his studies of the late 1800's. Since then, local residents have delighted in spotting many species both in town and in surrounding areas. As the Town's population has increased, the wildlife habitat has been reduced and adversely impacted by human residency, especially in urban town areas, and sightings have become more rare. This Open Space Plan aims to preserve undeveloped lands in order to provide a better balance between human habitation and wildlife habitat.

The natural lands in and around Breckenridge support a variety of wildlife, from small birds and mammals to large animals such as elk, moose and fox. The wildlife habitat consists of natural features and biological characteristics (including vegetation) needed to provide food and shelter, range and migration areas, breeding and rearing areas, and summer and winter habitat areas. Specific wildlife habitat protection values considered important are:

- protection of important habitat, for example, that which enhances the health of the animal community and promotes biodiversity
- enlargement of important habitat areas through preservation of adjacent tracts
- preservation of wetland and riparian corridors essential as wildlife habitat

- protection of rare and unique landscape elements (cliffs, old growth trees, native vegetation, and riparian zones)
- connections between wildlife habitat parcels, including corridors for movement
- maintenance of significant ecological processes (flooding, fires, wind throw)
- contributions to the regional survival of rare species through local habitat protection
- balance of public recreation with wildlife habitat needs
- identification of more critical wildlife habitat areas, and development of preservation goals to preserve the more critical areas (may require identification of important species and their habitats)
- maintenance of large, intact patches of native vegetation by preventing fragmentation.

Recreational Land

Another benefit of living in or visiting Breckenridge is the many recreational opportunities in town and close by. All Town residents can, in just a few minutes, ride bikes or walk to trails and open spaces that extend directly into the backcountry surrounding the Town. Residents are concerned about the effect of growth and development on trails and access to public lands and waterways, such as the Swan and Blue Rivers, currently used for hiking, biking, fishing, and just enjoying the magnificent scenery. Much of the land currently used by residents for recreation is, in fact, privately owned, and the owners of this land expect to develop it privately in the future. Defined in conjunction with the Town Council's 1996 Trails Plan (which defines priorities for trail preservation and development), this Open Space Plan reflects residents' desire to maintain public access to land in and around Breckenridge for recreation. Here are the four main priorities for recreational open space acquisition.

Preserving riparian corridors is important for many reasons

1. Access Points.

A large amount of land in and near Town is used for recreation, and much of this land is public and managed by the USFS. It is important to conserve these recreational properties, which include the following:

- property that provides access to public lands and enhances the recreational experience
- property that enhances the public's opportunity to access waterways.

The Blue River is popular with anglers

2. Trails.

This Open Space Plan follows the Breckenridge Trails Plan's many community goals related to trails and trail implementation priorities. The Trails Plan details many trails, both current and future, which should be improved or developed, and seeks guarantees of public right-of-use. Summit County also has an open space and trails program designed to acquire and protect land for trails and public enjoyment. Acquisition and enhancement priorities are the following:

- land or easements providing for public use of existing trails (a priority in the Trails Plan)
- land or easements providing for proposed trails listed as a priority in the Trails Plan
- land out of Town for trails deemed important to Town residents
- property providing access and linkage to both existing and proposed trails
- property providing scenic buffers, corridors and view points for trail systems.

3. Trailheads

Acquisition of property or easements for trailheads is important, especially where listed as a priority in the Trails Plan.

Securing trails for public use is high priority

Other Lands

1. Gateway (Highway 9 and Blue River Bikeway)

The area from the Dillon Reservoir south to the core of Town, and from the south of Breckenridge to the Town of Blue River, provides an introduction to Breckenridge, and conveys the scenic character of the area. This scenic land should be preserved, and includes:

- open lands adjacent to the highway corridor that create buffers from development as well as boundaries separating communities
- hillsides and ridge lines highly visible from the highway and bike path
- land that permits views from the highway and recpath of unique or scenic features, such as mountain views and views of the ski area
- land deemed significant for its scenic quality, such as views of rivers and unique geologic formations
- entry parcels that can be landscaped and otherwise improved to enhance the entrance to Town.

2. Scenic

This is land providing character-defining qualities to Breckenridge. If developed or altered, major changes to the landscape and unique high alpine environment would lower the quality of the environment, and life in Breckenridge. This land includes any of the following characteristics:

- highly visible hillsides, ridgelines, and valley floors providing definition to the valley
- unique geologic features
- outstanding and exemplary native vegetation
- mining remnants and related landforms
- lands allowing dramatic views of a higher mountain backdrop
- overlook parcels providing views of scenic land and communities.

3. Backcountry

The backcountry areas that surround Breckenridge, including those not in view of Town, are valued because they tend to represent the natural environment of the Upper Blue Basin and provide contrast to the more developed or urban areas. Acquisition of lands in backcountry areas is deemed valuable to help preserve its natural and cultural history, to provide recreational opportunities, to preserve scenic vistas and to curb potential backcountry development.

4. Historical Lands That Meet Other Priority Land Values

Properties with historic structures, and vacant land contributing to the sense of open space, enhance the unique character of the Town of Breckenridge and the

A restored section of the Blue River and the Riverwalk

surrounding backcountry areas. Lands with historic values or resources may be candidates for open space acquisition, but only if they meet other priority land conservation values listed above. It is expected that expenditures to protect properties with historical features may be in partnership with another funding entity. This may include grants from foundations or the State of Colorado, or through a partnership with the Town Council providing funds from the General Fund of the Town.

5. Urban Buffer

Recreation Parcels

Many parcels in and around Breckenridge are infill properties functioning as interstitial open space. Often these spaces serve as breaks from development and are well suited for small parks used for informal family play, or "passive recreation." Passive recreation includes hiking, picnicking, use for children's playgrounds and other activities that do not require major recreational facilities. It is important that these parks serve the community in the immediate area, and are not too limited in their usefulness. The management of the property should also be carefully considered in deciding whether Town acquisition or management is appropriate. Properties considered for this type of acquisition include:

- Parcels located within or near development providing relief from development, which are both scenic and have potential to become small parks
- Parcels that contain unique vegetation or scenery
- Parcels that provide destination, passive recreation areas close to homes or businesses
- Parcels adjacent to other open space or recreation parcels that enlarge and improve the existing values
- Development buffers.

In the event it is determined that a property in this category does not serve enough of the community, the BOSAC may attempt to help the neighboring property owners obtain the property as public or private open space, either through private means, or through partial public funding. In some cases, the Town acquires these parcels through development exactions, public benefit dedications, or as ways to earn positive points through the development review process.

Highway 9 scenic corridor

3 — STEWARDSHIP

While open space acquisition has been the primary focus of the Town's Open Space Program since its inception, proper stewardship of open space has become recognized as a critical program responsibility. Without a clear stewardship directive, many of the resources that make these open space parcels valuable to the community may become degraded, thereby compromising the qualities for which the property was originally acquired. As a result, the following stewardship principles are offered to direct the operations of the program.

Specific stewardship actions will be prioritized by the BOSAC through an annual work plan and budgeting process. It is imperative that all stewardship efforts improve, rather than detract from, the land conservation values of a given parcel.

Freeride Park

NATURAL RESOURCES

1. Protection

The primary stewardship goal for all protected open space properties is to protect the open space qualities for which the parcel was acquired. The preservation measures should be tailored to each specific property and should be designed into perpetuity.

2. Ecological Restoration

Some open space properties may be strong candidates for ecological restoration efforts. An example could be restoring dredged valley bottoms to more productive wetland systems.

3. Environmental Enhancement Projects

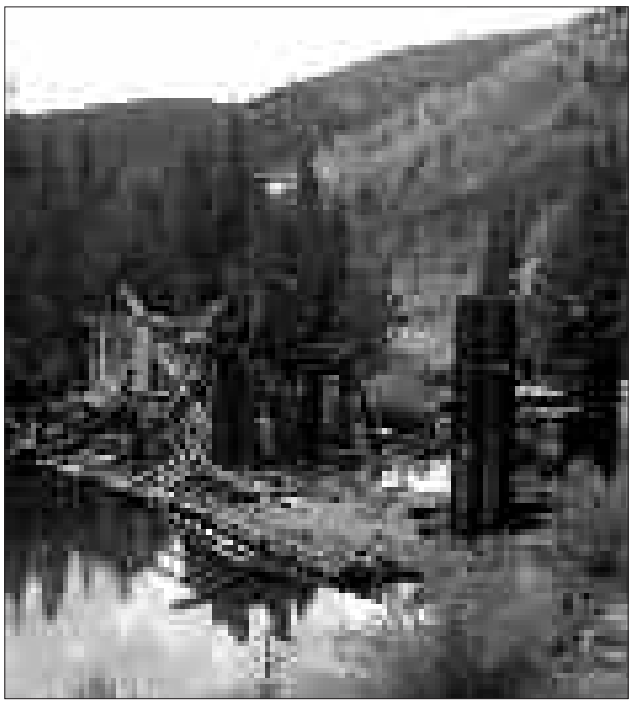
Some open space parcels may be eligible for environmental enhancement projects. In contrast to ecological restoration efforts, environmental enhancement projects target lands that have not been severely altered or degraded by human activities. Rather, enhancement projects are an attempt to improve an area that has not already been degraded. An example could be improving water flows to an existing wetland in an effort to expand the wetland network or to help ensure the long-term functionality of the wetland complex.

4. Education and Interpretation

Informing open space visitors through education and interpretation efforts is a beneficial endeavor on open space properties. Such efforts help foster an environmental ethic and ultimately benefit the overall Open Space Program through the encouragement of an educated and supportive citizen base. It is anticipated that expenditures for interpretive efforts will not fall solely on the Open Space Division, but will also be borne by the Recreation and other Departments.

5. Forest Health Management

Given the extensive forested backdrop for the Upper Blue Basin and the increasingly challenging issues such as insect infestation and wildfire considerations, appropriately managing the forests on open space properties is an important responsibility for the Town and its Open Space



The Reiling Dredge

Connecting Town trails to USFS trails is high priority

Division. The optimal forest management approach must be tailored to individual properties, based on the forest stand, composition, and structure, among various other considerations. Examples of forest health management actions may include selective thinning, patch cuts, spraying, prescribed burns or simply monitoring a forest to track changes. Although forest health management activities on open space may be necessary to improve forest health, and, any timber that is removed may be sold, open space properties are not intended to be used primarily for timber production.

7. Monitoring

An effective open space monitoring program would establish a baseline and ongoing monitoring program to assess changes and patterns to the natural processes on specific open space properties. The focus of monitoring efforts would likely include the evaluation of water quality, wildlife populations, recreational impacts or others.

8. Research

Some of the Town's open space properties may be ideal locations for academic research. Such research efforts are permissible on a case-by-case basis as long as it benefits the Open Space Program in improved knowledge.

RECREATION

1. Trails

a. Maintenance

Proper maintenance of the Town-managed trails, whether located on open space properties or on public trail easements crossing private property, is an important stewardship element for the BOSAC and the Town open space staff. Trail maintenance, reconstruction or realignment is critical to ensuring the long-term sustainability and use of the Town's trail assets. Such maintenance is appropriate on trails and roads and specifically excludes golf course maintenance, which is the responsibility of Golf Course operations, and mechanized grooming of Nordic trails, which is the responsibility of Nordic center operations.

b. Construction

New trail construction is also an important element of the Town's Open Space Program. New trails should be designed and constructed to the highest professional standards to be sustainable and easily maintained over the long term.

A Breckenridge town trail

2. *Infrastructure*

a. Trailheads

The establishment and maintenance of well-designed trailhead parking areas is critical to addressing many of the recreational use demands on the Town's open space properties. Trailhead design can help direct use, limit the amount of use, and help address a wide variety of demands on a given area.

The Reiling Dredge bridge

b. Structures

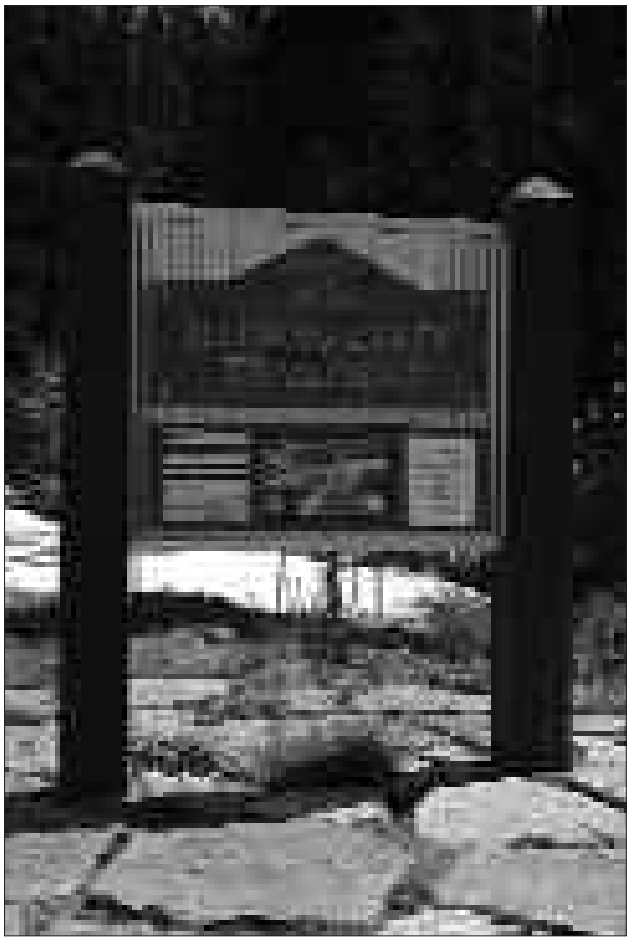
Small structures such as restrooms, bridges, platforms, kiosks and huts/cabins are appropriate on Town open space properties if the structures are intended to support non-motorized, trail-based recreation. To the greatest extent possible within sound engineering guidelines, the structures should fit in with the rustic, backcountry character of open space properties and should be carefully designed, located and constructed so that the natural and scenic elements of the open space properties are not compromised.

c. Signage

Trail and open space signage can educate and inform open space visitors, assist with wayfinding, interpret historical resources, and help with Town open space "branding". Establishing and maintaining trail and trailhead-related signage, and educational or interpretive signage is within the purview of the Open Space Program.

d. Other

Other facilities and programs beyond those listed above may be deemed appropriate on given open space properties on a case-by-case basis. Currently, the freeride and whitewater parks are located on open space properties. Additional facilities such as campgrounds, access roads and Nordic facilities have been proposed on open space. Such suggested amenities should be considered on a case-by-case basis, but should not detract from the open space and conservation elements of a given property. Also, facilities such as those listed above should generally be maintained by an entity other than the Open Space Program (e.g. the Recreation Department or Public Works), especially if the primary intended purpose of the facilities is not to support trail-based recreation. Programs such as the Nature Series or other educational or guiding-based programs, may be appropriate on open space properties, but should be managed and funded by an entity other than the Open Space Program.



Trail head sign for Illinois Creek

OTHER STEWARDSHIP ACTIVITIES

Various additional stewardship efforts may be necessary on open space properties to ensure the long-term protection of the land conservation or open space values for which the property was acquired. Those additional stewardship activities are addressed below.

1. Invasive species control
The spread of exotic or invasive species is an increasingly complex and challenging local issue that should be addressed as needed on Town open space properties.

2. Scenic backdrop maintenance
Open Space properties acquired for their scenic values should be managed, to the extent practical, to preserve the visual elements that make them valuable as scenic backdrops.

French Creek Trail

3. Detention/storm water facilities
Urban buffer open space parcels may be an appropriate location for detention ponds, storm water facilities, or other similar infrastructure, as long as these facilities are funded, constructed and maintained by an entity other than the Open Space Division.

4. Developed recreation facilities
Open space parcels within Town limits may be ideal locations for developed recreation facilities (e.g. playgrounds, skate parks, etc.), but the construction and maintenance of such facilities is outside the purview of the open space fund.

5. Historic resource protection
As more properties containing historical features are acquired as open space, the stewardship of such features will (and has) become a more pressing issue. The primary effort in any management of historical resources should be to address any safety concerns associated with the features in order to limit the Town's liability exposure.

a. Stabilization
In some cases, it may be necessary to stabilize historical features. This has been deemed an appropriate use of open space funds so long as the primary goal of such stabilization efforts is to address salient safety concerns, limit the Town's liability exposure, and prevent further, extensive deterioration of the feature on an emergency basis

b. Restoration
Restoration of historical features on open space parcels may be warranted, but is considered a lower priority than other management activities. Preferably, any historic site restoration will be accomplished with substantial cooperation and funding from other agencies and organizations.

ADMINISTRATIVE FUNCTIONS

In order to effectively manage open space properties, a number of administrative functions need to be undertaken by the Town. Most of these functions are ongoing tasks that are not intended to be included in the annual work program. Below is a list of some of the critical administrative duties for the Town in its open space stewardship role.

1. Staff salaries, wages and responsibilities
The Open space staff salaries, whether part or full time, year round or seasonal, are reasonable expenditures for open space funds because staff serve as stewards for the open space properties, and manage and develop the Town's trail network. Part of staff's function is to provide support to the BOSAC and Town Council and help develop public policy. Staff is expected to foster mutually beneficial working relationships with other agencies (e.g. Summit County, U.S. Forest Service) and provide project support to other departments or organizations (e.g. Recreation Department, Nordic Center operations, Current Planning Division).

2. Mapping
Generating maps for public distribution is an important effort for visitor wayfinding. Maps also offer a useful medium through which community support for the Open Space Program can be fostered. Map generation and manipulation is also an important internal task to help analyze open space distribution, properties and features.

3. Equipment and materials
To serve as exemplary stewards for open space properties, staff will need various forms of equipment and materials (e.g. hand tools, rocks, fill material, etc.). The purchase and use of such equipment and materials is a necessary expenditure for the Open Space Program.

4. Surveys
Commissioning land surveys is imperative to analyzing and completing some open space purchases. Expenditures for survey work are inherent costs for the Town's Open Space Program.

5. Appraisals
As with survey work, land appraisals may be necessary to analyze and complete open space acquisitions or grants. Open space funds may be used for appraisal expenditures related to open space acquisitions.

6. Transaction fees
The transaction fees, including but not limited to closing costs and title insurance, are appropriate expenditures for the open space funds if they are related to an open space acquisition.

7. Legal fees
When deemed necessary by staff and the BOSAC, attorney fees from counsel other than the Town Attorney are an appropriate expenditure for the open space fund.

8. Management plans
The creation of management plans is necessary for some properties or groups of properties (e.g. the Golden Horseshoe). Such management plans are appropriate expenditures of open space funds.

9. Miscellaneous administration costs
Miscellaneous administrative costs for office supplies, postage, and other necessary office-related expenditures may be drawn from the open space fund.

10. Environmental reports
Environmental reports may be necessary to assess the qualities of a property to be acquired, or to gauge the need for stewardship efforts on an existing open space property. The costs of such necessary environmental reports may be borne by the open space fund, with the approval of staff and the BOSAC.

11. Enforcement
As stewardship efforts get implemented, a more consistent management and enforcement presence may be necessary. The costs of such an enforcement presence, including staffing and equipment, are appropriate expenditures for the open space fund, but should be offset through partnership with another entity (e.g. the Town Police Department or County Sheriff's Office)

Volunteer trail crew construction efforts

FINANCIAL SUPPORT TO OTHER ORGANIZATIONS

If recommended by the BOSAC and approved by Town Council, financial support may be provided to other organizations or agencies (e.g. Continental Divide Land Trust, Summit County) to further open space efforts that will benefit the Town's goals. The donation of open space funds should occur only after all other in-kind donation opportunities (e.g. staff time) have been exhausted and financial participation is deemed to be the most beneficial approach.

PROGRAMS ASSOCIATED WITH PARTICULAR PROPERTY ACQUISITIONS

During the course of a property acquisition, it may be necessary to establish a conservation easement endowment, clean-up regimen or other program associated with a given property acquisition or agreement (e.g. mining remediation and reclamation). When approved by the BOSAC and Town Council, such programs may be funded with open space funds.

4 — LAND PROTECTION APPROACH

Baldy Mountain views are important from Town

The BOSAC and the Town Council each have a role in protecting lands for Breckenridge's open space purposes. It is the responsibility of Town staff and the BOSAC to identify parcels for protection, evaluate them, and make recommendations to the Town Council. The Town Council then determines whether or not a property should be protected. After acquisition, appropriate stewardship and management actions must be determined. These responsibilities and processes combine to form the Land Protection Approach, described in this section.

MISSION

The Mission Statement (found on page 1) is the heart of the Open Space Program. The program is geared primarily to protect land in its natural state for non-motorized, trail-based recreation and other open space values as identified in the previous chapters. The character of Breckenridge is indelibly tied to the natural valleys and hillsides of the high mountain environment, and while facility-based recreation is important, the natural environment is even more integral to the Town and quality of life of its residents. Despite this focus on trail-based recreation, there are limited instances in which the BOSAC and Town Council may approve the expenditure of Open Space funds to acquire lands to be used for more active recreation to be managed by an entity other than the Open Space and Trails Division.

In summary, the mission is to protect and maintain land in its natural state and provide for passive, trail-based, or undeveloped recreational opportunities. This land provides a respite for the Town's inhabitants from the urban character of Town and supports such important activities as hiking, biking, fishing, skiing, snowshoeing and meditating on scenic views.

ROLE OF THE BOSAC

The BOSAC's primary role is to advise the Town Council on what lands should be protected as open space: it will evaluate priority conservation values and related additional selection criteria when identifying a parcel for protection under the Open Space Program. There are many methods available for protection and the BOSAC will weigh these methods when determining how best to integrate a property and its open space values, aiming for the most cost-effective approach. When deemed appropriate and necessary, it is also the BOSAC's and the staff's job to draw up stewardship plans for acquired properties. When evaluating a property for acquisition through the Open Space Program, the following method is suggested:

1. *Parcels are identified by the BOSAC, the staff , or the public for possible inclusion in the program.*

2. *The BOSAC reviews the property, including a discussion of the property's conservation values.*

3. *Staff examines property in detail, possibly including preliminary title work, determination of property boundaries, appraisal or other estimate of property value, environmental review, contact with property owner to clarify interest in selling or gifting the property, the terms that the owners may be willing to accept, and the potential property management costs after the purchase.*

4. *Staff reviews the price and terms of proposed acquisition with the BOSAC; the BOSAC provides a referral of advisability of acquisition to Council; final decision is made by Council regarding authorization of Town Manager to enter into a contract or agreement on the property.*

If the land development process has been initiated through a formal development application to the Town, it is not appropriate for the BOSAC to enter into negotiations with the developer for an open space transaction. If the developer decides to withdraw the application from consideration, the BOSAC can then discuss protection measures with the developer for the property. Protection negotiations are expected to be handled primarily by the Town staff, with assistance provided by outside professionals as necessary.

It is understood that the BOSAC and its members do not have legal authority to bind the Town or to engage in acquisition negotiations. In appropriate circumstances, and with the approval of the Council, members of the BOSAC may be asked to take part in discussions with property owners during the acquisition process.

An important consideration in open space acquisitions is the balance between planned acquisitions (i.e. being proactive) and mobilizing to take advantage of unanticipated opportunities (i.e. being opportunistic). There are many properties which community members and the BOSAC feel are important to protect, and therefore a proactive approach should be taken. It is also likely that opportunities will arise that the BOSAC will want to pursue because the properties meet the land conservation values outlined in this plan. It is expected that the Open Space Program will strike a balance between opportunistic and proactive efforts.

A high priority is providing access to water courses

ROLE OF THE TOWN COUNCIL

As the governing body of Breckenridge, the Town Council has the primary responsibility for decision-making. As mentioned above, the BOSAC's job is to provide the Council with good information and recommendations. The Council will then either ask for more information or make a decision. There will most likely be considerable communication between the Town Council and the BOSAC, due to the Town's annual budgeting process, wherein the Council looks at projects that may pertain to open space issues and the Town's Open Space Program. The conservation values included in this plan have been reviewed by the Council and meet their priorities for the Open Space Program.

PUBLIC INVOLVEMENT

Crucial to the success of Breckenridge's Open Space Program is the involvement of its citizens. This plan has already been reviewed by the public at the BOSAC and Town Council meetings, and the ideas, desires and values of the public will guide the BOSAC in its recommendations to the Town Council. The BOSAC has regular meeting times and will make every effort to publicize its meeting agendas, and the public should always be informed of the times and dates of the BOSAC meetings. The Town will also strive to publicize the Open Space Program and its activities as much as possible.

An excellent way to get the public involved in the Open Space Program is to develop volunteer projects with them. These projects could be oriented to such things as trail maintenance, trail construction or habitat restoration, as with the Friends of Breckenridge Trails program. Volunteer projects give the community an opportunity to "give back" time and energy to a program about which they feel strongly.

PROGRAM BOUNDARIES

The Open Space Program will include properties within the Town boundary, and within the Upper Blue Basin. Special attention should be paid to land visible from Breckenridge, which, if developed, would adversely affect the scenic nature of Town.

COST-EFFECTIVENESS

The Open Space Program budget is limited, and cost effectiveness is key. Therefore, protection measures need to be creative and varied. The evaluation process assessing the benefits of protecting a property will include review of many factors in land selection, including the cost of acquiring or protecting a property, liabilities to the Town or owner in protecting that property, and the need for or cost of the property's development or management. Cost-effective techniques for land protection can be found in the section "Methods of Protection" and in the attached Appendix B. It is clear that the more land the Town actually owns, the more it will cost to maintain and improve it. Therefore, wherever possible, the Town should pursue partnerships in order to share the burden of acquiring and caring for the land. To this end, grants should be pursued whenever deemed appropriate.

PRICE OF PROTECTION

It is the the BOSAC's philosophy for land acquisition to not pay more than fair market value, and to negotiate accordingly.

ANNUAL WORK PROGRAM

Program funds are to be used primarily for land acquisition or protection and related activities (surveying, title work, environmental analysis), and evaluation of properties for the program. Program funds are also to be spent on stewardship activities as outlined in Chapter 3. It is anticipated that the BOSAC will review a work program annually to determine project and funding priorities. An open space budget will be submitted for Town Council approval annually.

TERM OF PROTECTION

A property should typically be used for open space when open space funds are expended for its protection. It is important to clarify how the property is to be used at the time of acquisition, and whether the property should be restricted to open space perpetually. It is expected that when the initial protection occurs, and if a management plan is adopted for the property, the allowed uses, management and protection terms will be clarified. It is understood that there are times when property will be acquired which is suitable for mixed uses, such as open space, as well as development of recreational facilities or perhaps even residential or commercial development. In these cases, it should be clear at the outset which portion of the property should be protected as open space for the future, and which portion is designated for potential development. If private development is allowed, the proceeds from sales shall be dedicated to the open space fund.

It is recognized that at some date after the initial acquisition of open space property, it may become appropriate in the public interest to use the property for something other than open space, or to sell the property. For these reasons, open space property acquired by the Town pursuant to this Plan will not be perpetually restricted to use as open space. However, in recognition of the fact that open space property is a valuable community asset and that the potential loss of open space is a matter of public concern, if, at some future date, it is proposed that a Town open space parcel be sold or its use changed to a use that is inconsistent with the conservation values enumerated in this Plan, such action may be authorized only by a non-emergency ordinance adopted by the Town Council. The Town Council shall obtain a recommendation from the BOSAC prior to final adoption of the ordinance. In addition to the normal newspaper notice required by the Town Charter, a special notice of the public hearing on such ordinance shall be published four times in a newspaper of general circulation prior to the public hearing. The first publication shall occur a minimum of twelve days prior to the hearing. The special notice shall be not less than five and one-half inches in height by four inches in width when published, and shall contain the date, time and location of the public hearing, as well as a description of the proposed action to be taken with respect to the open space parcel. This ordinance requirement shall not apply to federal land exchanges initiated by the Town.

COOPERATION WITH LAND OWNERS AND OTHER AGENCIES

Breckenridge places great value on working cooperatively with landowners to identify and protect land. While in some cases land purchase may be the best way to proceed, there are many other ways that the Town can encourage preservation of open space, including: clustering development, planning private open space, working out land exchanges, and facilitating conservation easement donations. It is in everyone's best interests to have the Town on a friendly basis with property owners, using its municipal powers to foster good relations and to meet the goals of this program.

Wildlife are Town residents too

Breckenridge has developed strong partnerships with the many organizations responsible for setting aside and protecting trails and open space within the Upper Blue River Basin. These organizations include the U.S. Forest Service, Summit County and the Towns of Blue River and Frisco. There are several other governmental organizations that have an open space interest in this area which have been involved in Town open space activities: Great Outdoors Colorado, the Colorado Division of Wildlife, the Environmental Protection Agency, the Army Corps of Engineers and the Colorado Department of Public Health and the Environment. There are also

numerous private organizations working in the region, such as the Continental Divide Land Trust, Summit Huts Association, the Summit Fat Tire Society, the Backcountry Snowsports Alliance, the Elk Foundation, Trout Unlimited and Ducks Unlimited, to name a few. The Town will work in conjunction with these entities as often as possible.

Due to the large acreage of National Forest in the Upper Blue Basin, it is especially important to develop a working relationship with the USFS in their planning and management efforts in the basin. The Town should actively review the USFS goals outlined in the Forest Plan for the White River National Forest and its Travel Management Plan to ensure they are compatible with Town goals. Another important consideration is the USFS desire to trade or sell lands that are close to and interspersed with private properties. The Town should carefully review the USFS lands designated for conveyance and provide input to the USFS on the benefits of keeping some of these USFS lands under public ownership. It may also be a good strategy in some cases to argue for a change to the Land Ownership Adjustment Analysis Line that has been established by the USFS, which designates the areas where land can be considered for disposal. The partnership with the USFS can result in protection of much of the land considered backcountry by the residents of Breckenridge.

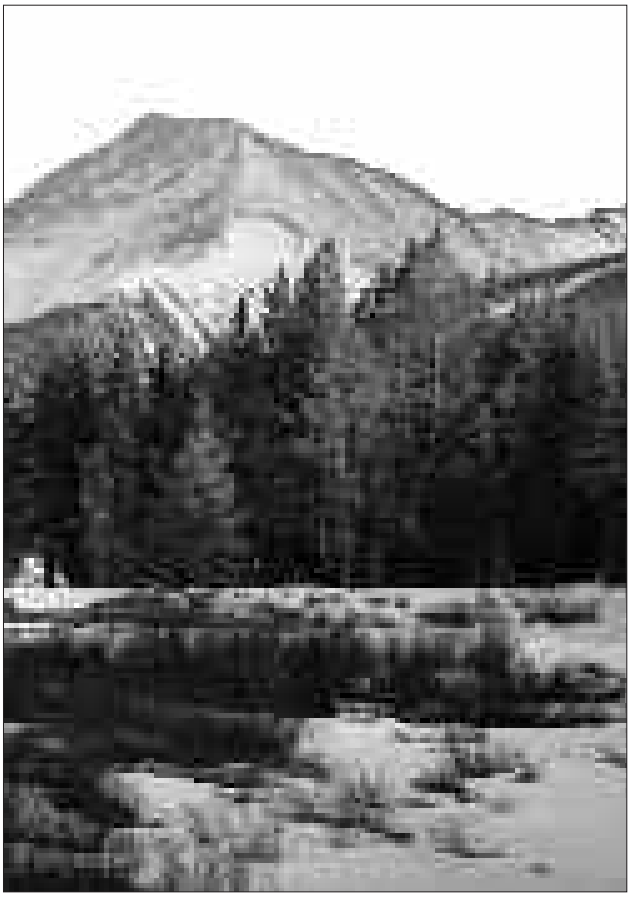
As of June 2006, the Town and Summit County have jointly acquired over 2500 acres in the Upper Blue Basin. Given this large amount of land in joint Town/Summit County ownership, Summit County is a critical partner to the Town Open Space Program. The BOSAC and Town staff should work to foster a positive relationship with Summit County's Open Space Advisory Council and County staff. Stewardship and management efforts on joint properties should also be addressed cooperatively. The Town should continue to work jointly with the County on open space acquisition efforts and to promote and administer the Upper Blue TDR Bank, which provides an important revenue source for open space acquisitions in the backcountry.

COORDINATION WITH OTHER PLANS

The Town of Breckenridge and Summit County have numerous other planning documents that relate to the goal of preserving open space. These documents are listed below, with a brief description of each. The Open Space Program will coordinate with these plans in order to effectively and legitimately plan for open space protection.

- *Town of Breckenridge Master Plan*
  The Town's Master Plan was adopted in 1983 and makes numerous general recommendations about open space.

Cucumber Gulch


View of Mt. Guyot from Lincoln Park

- *The Town Development Code*
  The Town's Development Code gives specific requirements for development within the Town, and has several policies that relate to recreation and open space. The Development Code process also produces master plans for private property of major significance to the Town. These plans often contain recommendations regarding provision of open space, preservation of environmentally sensitive lands and non-motorized vehicular and pedestrian circulation. Wherever possible, these master plans should be drafted to complement the public plans and ordinances that govern open space in the community.

- *The Town Subdivision Regulations*
  The Town's Subdivision Regulations require that any new subdivision dedicate 10% of its land as public open space, or provide fees in lieu of land dedication. There are also policies regarding the design of subdivisions and the need to provide for pedestrian and non-motorized vehicular circulation within subdivisions.

- *Upper Blue Nordic Master Plan*
  This Master Plan was adopted in 2001 and outlines a vision for Nordic skiing in and around Town

- *Breckenridge Trails Plan*
  This plan identifies important trails for the community and prioritizes trail needs. It also provides for coordination with out-of-town trails.

- *Joint Upper Blue Master Plan*
  This Master Plan was adopted August 20, 1997 and has sections that give general recommendations regarding public trails and open space.
  This Master Plan has been considered a "joint" master plan between the Town of Breckenridge, the Town of Blue River, and Summit County.

- *Intergovernmental Agreement for Transfer of Development Rights*
  The Intergovernmental Agreement establishes a formal mechanism allowing development density to be transferred from backcountry areas to areas in or near Town that are more appropriate for accommodating development. The program results in protecting open space in the backcountry.

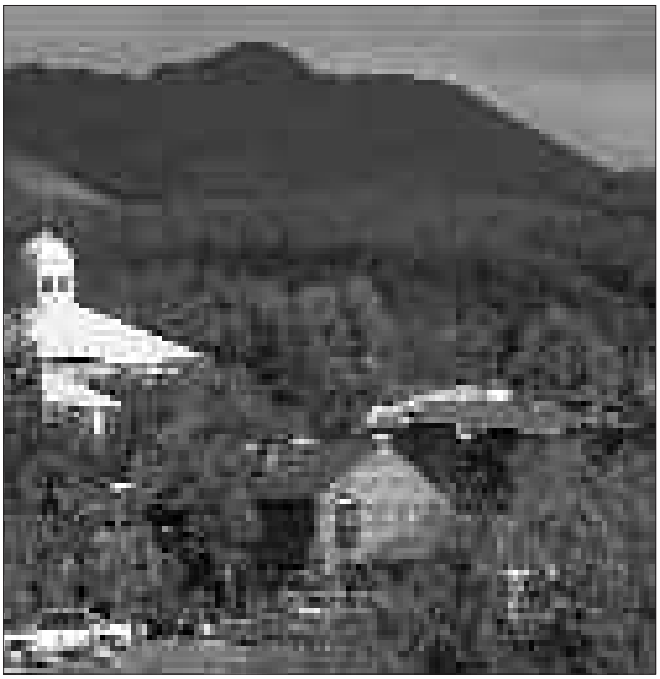
- *Upper Blue Basin Master Plan and Summit County Development Code*
  These documents provide guidance for the future use of unincorporated lands surrounding the Town of Breckenridge.

- *Summit County Open Space Plan*
  This plan was adopted in December 1996 and provides direction for the Summit County Open Space program. It has identified and provided the basis for numerous open space acquisitions by the County in the Upper Blue River Valley. It is especially important to work with the County to provide a network of open space for both the Town and County residents, and to combine efforts in order to leverage funds.

- *White River National Forest Plan*
  This is the Master Plan for the U.S. Forest Service management of lands they govern and was completed in 2002. The Forest Plan and its Travel Management Plan explains all USFS prescriptions and policies regarding land use around Breckenridge, such as which lands should be managed by the USFS and which lands should be sold or traded.

5 — METHODS OF PROTECTION

One of the challenges when protecting open space is finding the most appropriate method of protection. It is important to satisfy both the community's desire to protect land as open space, and landowners' desires for their properties. Due to the limited financial resources available for the direct purchase of open space land, and the current market value of undeveloped property within Breckenridge, it is not feasible for the Town to purchase every desirable open space property. It is therefore critical to use a variety of protection mechanisms, and allow open space funds to be spent in the most cost-effective manner.


Land Use District 1 is often applied to hillside backdrops

In recent years, significant advances have been made with respect to open space protection methodologies. In the past, outright (fee simple) purchase was often viewed as the exclusive means for the permanent protection of open space. Today, the menu of tools is extensive and growing. The attached appendix was developed by The Trust for Public Lands, and lists the type of methods available for open space protection, along with the pros and cons of each. Several of these methods are appropriate for the Breckenridge area, and these are described as follows.

PARTNERSHIP WITH ANOTHER ORGANIZATION

One cost-effective approach to land protection is to partner with other organizations. Breckenridge has previously partnered with Summit County on numerous open space projects, and the County is willing to work with the Town on others. Another likely partner, especially for trail development, is the U.S. Forest Service. Great Outdoor Colorado's grant program has been a useful resource of funding. Other grant opportunities are available and should be pursued whenever possible.

CONSERVATION EASEMENTS

A cost-effective way to protect land without purchasing it outright is through conservation easements. A conservation easement is a voluntary and permanent restriction limiting development of a property in order to protect conservation values. Conservation easements are usually granted to a qualified non-profit land trust or government entity that has the responsibility of monitoring and enforcing the terms of the easement. An easement can be donated or purchased, and is a recorded restriction in the county land records, applying to all subsequent owners. It is a flexible instrument that can limit development as much as desired by the landowner and organization accepting the easement. The Continental Divide Land Trust is a local trust that can accept conservation easements in the Upper Blue River Valley, and has already done so at McCullough Gulch and the Cobb and Ebert Placer. There are other entities such as the Trust for Public Lands and The Nature Conservancy that can assist in developing and accepting conservation easements.

Landowners benefit from conservation easements because they continue to own, use and manage their property within the allowances of the conservation easement. Depending on the owner's tax situation, this type of easement allows a variety of beneficial tax treatments. Because it generally reduces the value of the land, a donation in the form of a conservation easement can reduce property and income taxes, as well as offset estate taxes. Every landowner's situation is different, so details of tax benefits must be reviewed with a tax consultant and the conservation easement subsequently structured to each specific situation. Conservation easements are often used for agricultural properties where a rancher wishes to continue ranching, but does not want the property developed for other purposes.

Conservation easements have not been the standard land protection tool in the Upper Blue Basin due to the size and character of the lands that have been available. Conservation easements are often used on larger properties where a portion of the land can be developed and the rest of the property can continue being used for strictly agricultural or other passive uses. Because the Upper Blue Basin has little agricultural property, the relative size of properties being purchased for open space is small, and recreational access for the public is important, conservation easements have been used only in limited instances in which they have been required.

REGULATORY TECHNIQUES

The Town has numerous regulations that restrict development: some of these regulations influence how and where open spaces are designated. One major land use tool is the Town's Land Use Guidelines, which designate Districts and appropriate land use. Particularly important are Land Use Districts 1 and 4: Land Use District 1 applies to sensitive lands, and allows limited development; Land Use District 4 applies to lands along the highway corridor, and recommends a 150-foot open space buffer along the highway. These regulations are good examples of techniques to appropriately guide development—they are applied to private land to preserve its character. Other Town regulations can provide potential open space, such as dedicating open space in new subdivisions, providing trails and trail easements to complete the Town's pedestrian circulation system, and awarding positive points for providing public amenities (such as trails). These regulatory techniques provide an opportunity to guide how open space is provided in new development.

Enjoying trails and the mountains is a way of life

TRANSFER OF DEVELOPMENT RIGHTS

The Upper Blue Transfer of Development Rights (TDR) program allows a landowner to voluntarily move existing development rights from a designated "Sending Area" to a different property in a designated "Receiving Area" that is more appropriate for development. The original property with the extinguished density goes into joint ownership with the Town and Summit County. This program applies primarily to land in the basin's backcountry. The TDR program, in place since 2000, has protected over 900 acres of backcountry in the basin. This program has further leveraged the resources available to the Town and County for open space acquisition. The Town and County have both adopted regulations that only allow upzonings (density increases) on properties when TDRs are utilized. Developers looking to increase their density on in-town properties must purchase the density from the Upper Blue TDR Bank. The monies received by the Bank are used to acquire additional open space properties.

ACCESS EASEMENTS

Property owners can donate or sell access easements to the Town that allow certain public access rights across their land. The Town would assume the responsibility for maintenance, safety and liability. It is also possible that access easements will be necessary to access lands acquired as public open space. To date, landowners have dedicated trail easements with no cost to the Town.

LAND TRADE

Land trades are becoming common between the U.S. Forest Service and public or private entities, and the Town may want to use trades to acquire desirable USFS land. The typical process would be for the Town to acquire land that the USFS wants, and then follow the formal land trade process to effect a trade for lands which meets the Town's conservation values. Land trades could be used with non-USFS property as well—there are advantages to trading rather than paying cash for land. Land trades are voluntarily entered into, and can be made when properties appraise at or near the same value. Unfortunately, the land trade process can be lengthy and cumbersome.

FEE SIMPLE OWNERSHIP

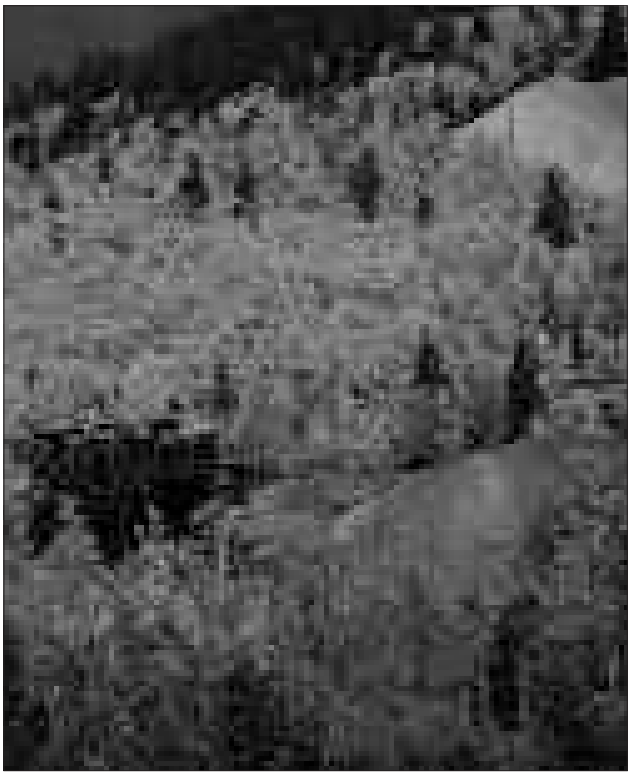
One of the simplest ways to protect open space is to own property outright. This could occur through a number of means such as donation, purchase at a discount, acquisition by eminent domain, or at fair market value. Landowners generally prefer purchase at fair market value, since it gives them the greatest return. However, other options exist, depending on landowners' needs relating to taxation and charitable donation goals.

It is sometimes possible to consider a bargain sale, installment purchase, lease/option, gift, trade, rolling option and charitable donation. All of these creative mechanisms may result in fee simple ownership, but with a different approach than a standard purchase. Once a fee acquisition is accomplished, the Town must become a proper land steward, with the sole responsibility and financial obligation to maintain and improve the property. For more information on the management of fee-simple owned properties, see Chapter 3 of this document, "Stewardship."

The River Trail bridge

Linclon Park

6 — IMPLEMENTATION STRATEGIES



Golden Horseshoe area

The Town has identified a number of geographic areas and resource types that are priorities for the Open Space Program. The following section outlines desired implementation for these important areas:

GOLDEN HORSESHOE AREA

The Golden Horseshoe area lies up the Swan River Valley and French Gulch, and includes the hillsides in between. This area is important due to its trail-based recreational opportunities and rich mining heritage. It is within a few minutes of the Town boundary, and other heavily used recreation areas such as French Gulch, and provides a unique hiking, biking and four-wheel drive experience in Breckenridge's "backyard". The Town and County have acquired over 2500 acres in the Golden Horseshoe in the past several years and are now working to develop a management plan to address important issues including recreation access, natural resource protection and historical preservation. The Golden Horseshoe Management Plan will be developed with public input, but should ensure the retention of the open space and backcountry character that define the area.

The Land Ownership Adjustment Analysis Line is a line used by the U.S. Forest Service to delineate which lands the agency will try to purchase and which they would like to sell. The purpose of doing this is to consolidate federal lands while disposing of properties that are difficult to manage or better suited for other purposes. In the Upper Blue Basin, those U.S. Forest Service lands closer to the valley bottom and development are usually the ones slated for conveyance. The properties that the agency is typically interested in obtaining are inholdings within existing National Forest lands. The USFS Land Ownership Adjustment Analysis line should be reviewed in an attempt to move the line further west than currently designated, to keep more land in USFS ownership.

- *Action item:* Complete a plan to preserve Golden Horseshoe resources, including pushing the USFS land ownership adjustment analysis line to the west.

- *Action item:* Once the plan is completed, ensure the long term protection and stewardship of key properties.

CUCUMBER GULCH PRESERVE

This drainage and surrounding area, including Shock Hill, contributes important environmental values and is the location of the Breckenridge Nordic Center. The Boreal Toad, an endangered species (on the Colorado List), inhabits this drainage. The many trails in Cucumber Gulch are used by the Nordic Center in the winter, and by mountain bikers and hikers in summer. The Town has acquired most of the properties that encompass Cucumber Gulch and manages the entire area as a preserve. This overall Cucumber area is

Cucumber Gulch wetlands

intensively studied and monitored, with protective measures taken to ensure that both the environmental quality and the recreational values continue to be maintained.

- *Action item:* Devise measures to protect environmental quality and recreation.

- *Action item:* Strive to acquire additional parcels in the Cucumber Gulch area to further protect the sensitive wetland area.

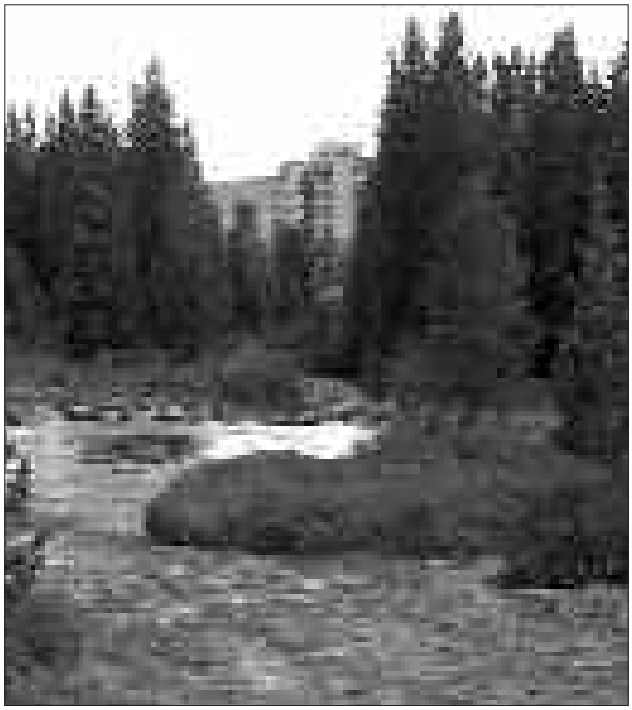
HIGHWAY 9 SCENIC CORRIDOR

Most visitors enter Breckenridge from Highway 9, either from the north or the south, and it is important to ensure that the beauty of the valley is not overshadowed by the man-made environment along the way. The Highway 9 corridor should be kept as scenic as possible, with open space and view corridors to the mountains beyond, and the especially important view of the Breckenridge Ski Area. Another important part of the view from the highway is the Blue River, which in many places has been restored to a more natural condition after dredging occurred. Last, the dredge boat tailings should be maintained somewhere along the corridor to preserve a sample of the historical devastation they caused. The implementation plan should include exploring different approaches to protecting highway corridor properties for their scenic historic and riparian values, and as interesting and scenic aspects of this high mountain valley.

- *Action item:* Keep the Highway 9 corridor as scenic as possible and continue to improve the river corridor.

BALD MOUNTAIN AREA

This is a large area of land east of the Town which provides a backdrop of hillside and views of the 13,684 foot Bald Mountain (often called Baldy Mountain). Bald Mountain is a tremendous resource for its scenic backdrop, natural qualities, wildlife habitat, recreational access, watershed, and proximity to Town. Of particular concern is Boreas Pass Road, which accesses Boreas Pass. The road is an historic railroad right-of-way and is a popular scenic drive (accommodating two-wheel drive vehicles) in the summer, and a cross-country skiing route in the winter. It also accesses The Section House, which is an historic building renovated by the Summit Historical Society, Town of Breckenridge, Summit Huts Association, Park County and the U.S. Forest Service. These recreational attributes, as well as the scenic qualities, make this a prime area to preserve in as natural a character as possible.



The Blue River on the south end of Town

- *Action item:* Opportunities to protect Bald Mountain, including the purchase of private lands, conservation easements and management efforts, should be a high priority

- *Action item:* Protect and enhance the recreational uses on Bald Mountain that match the Town of Breckenridge's recreational philosophy.

LITTLE MOUNTAIN

Little Mountain is located on the southeast side of Breckenridge, and consists of a significant "little mountain" visible from most parts of the Town's core. It is currently under several different ownerships and could be developed in the future. Protecting the scenic views as well as the trails in the Little Mountain area is an important priority of the Open Space Program.

- *Action item:* Limit development of Little Mountain.

IMPROVE RIVER AND STREAM HABITAT

Numerous streams and rivers in and around Breckenridge provide riparian habitats, scenic areas and great recreation, and the Open Space Program should provide the stimulus to protect and restore river and stream corridor ecology wherever possible. The Town has already restored the Blue River for part of its length. Public access to rivers and streams for recreation is also important. The Town should pursue acquisition of land

and easements, or private commitment, to continue this restoration.

- *Action item:* Acquire land or easements to continue Blue River restoration and allow recreational use.

NEIGHBORHOOD OPEN SPACE

As the Town grows, neighborhood vacant lots and open lands decrease. The Town should review areas within Breckenridge that have significant populations, and could benefit from small, passive recreation parcels and parks that provide relief from development. Included is the goal to provide more small play areas for families and their young children, and grassy park areas that provide a respite from the constructed environment within the Town's core.

- *Action item:* Find and acquire areas for small passive recreation parcels and parks close to or in Town.

TRAILS PLAN

The residents of the Town have often stressed the importance of trails to the community, for recreation and transportation. The Town Trails Plan lists many different types of trails, both existing and to be developed, including the more urban paved trails and the less developed natural ones. In the interest of creating a network of highly usable trails, and creating appropriate connections with County and USFS trails, the Town will actively pursue trail easements and properties that implement the Trails Plan through the Open Space Program.

- *Action item:* Acquire property for new trails and access to existing ones; provide improvements where necessary.

- *Action item:* Revise the Trails Plan as necessary.

PARTNERSHIPS WITH THE USFS, SKI AREA AND COUNTY

The United States Forest Service, Breckenridge Ski Area, and Summit County are very influential in the Upper Blue Valley's open space protection process. The Town must continue to foster mutually beneficial relationships with these organizations in order to maintain a productive program. The White River National Forest Plan has been recently revised, but when an additional revision proves necessary, the Town should take an active part in its review to ensure that the USFS goals for the Upper Blue Basin are compatible with Town goals. Also, the USFS has been known to trade or sell lands that are close to and interspersed with private land. The Town should carefully review the USFS lands designated for disposal and, if it is felt to be in the Town's best interest to keep the lands under USFS management, provide persuasive input to the USFS on the benefits of keeping those lands. The Town should also review Forest Service proposals (e.g. management policies and plans, special use permits) and advocate for decisions that best benefit its open space resources.

The Town should continue to work collaboratively with Summit County on joint open space purchases, both in the backcountry and on other high priority open space parcels in the Upper Blue Basin. The Town should also continue to work with the County on the promotion and administration of the Upper Blue TDR Bank, thereby increasing opportunities for preservation of open space through TDRs. The Town and County should also work cooperatively to manage jointly owned open space properties so that the open space resources on the properties are sustained.

- *Action item:* Maintain strong partnerships with the USFS, county, and ski area.

- *Action item:* Monitor USFS land slated for disposal, review Forest Service management plans and policies and special use permits, and advocate for USFS decisions that ensure community open space objectives are protected.

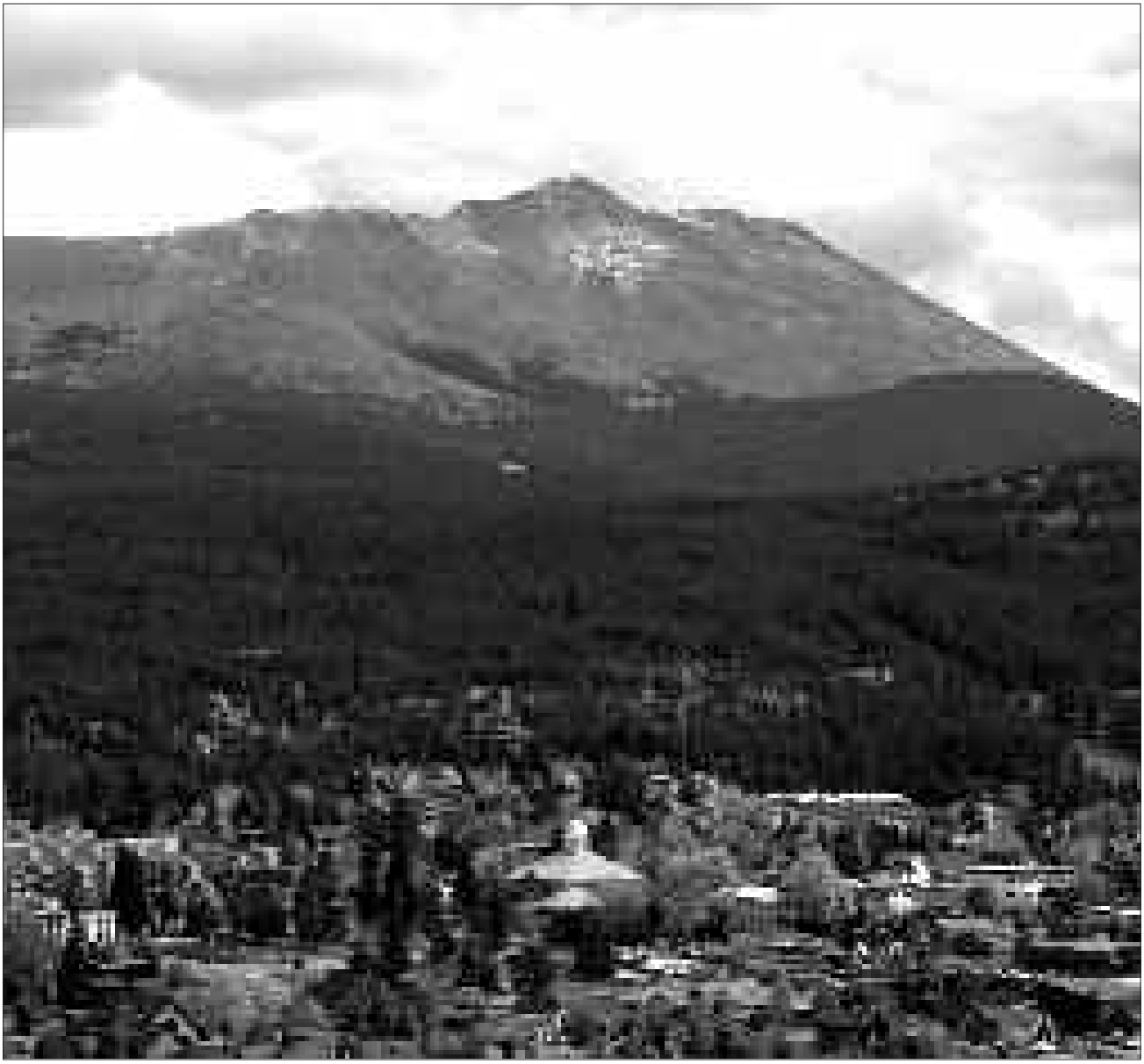
- *Action item:* Continue to pursue joint open space acquisitions with the County, implement the Upper Blue TDR program, and cooperatively manage jointly owned properties.

Baby Moose

7 — CONCLUSION

The Town Council and the Breckenridge Open Space Advisory Commission (BOSAC) are committed to making the Breckenridge Open Space Program a vital and creative process, to maintain and even enhance the unique mountain character of the Town. The BOSAC will strive to achieve the mission stated in this Open Space Plan, the preservation of open space that will maintain our community's quality of life for present and future generations. It is hoped that the interest and imagination of the citizens of the Breckenridge will be engaged in the Open Space Program, and help make it succeed.

The Blue River at the Tatum Tracts



An overlook view of the Town of Breckenridge

APPENDIX A

Below is a list of properties owned by the Town of Breckenridge and managed as public open space as of the date of publication. The list is divided into two categories:

OPEN SPACE ACQUISITIONS are properties that were purchased with open space funds — the Town's self-imposed .05% sales tax used for open space purposes.

OPEN SPACE DEDICATIONS are properties acquired through dedications, donations, extractions or means other than direct purchase.

Jointly owned Town of Breckenridge/Summit County properties (TOB/SC) and Town owned properties (Town) are also identified.

OPEN SPACE ACQUISITIONS

AREA	PROPERTY NAME	ACREAGE	OWNERSHIP
Cucumber Gulch	Cucumber—Christie Heights	23.33	Town
	Cucumber—Groll	8.95	Town
	Cucumber—Harold Placer	6.02	Town
	Cucumber—Iron Mask Claim	1.38	Town
Golden Horseshoe	B&B Mines Properties	1854.75	TOB/SC
	Barney Ford Woods East	16.30	TOB/SC
	Barney Ford Woods	47.20	TOB/SC
	Carpenter Placer	153.69	TOB/SC
	Claims West of Lincoln Park	32.96	TOB/SC
	Cleopatra Summit Gulch Claims	35.02	TOB/SC
	Dash Warren John Shock Claims	4.65	TOB/SC
	Detroit Placer	80.81	TOB/SC
	East of Gold Run Gulch Claims	12.89	TOB/SC
	East of Gibson Gulch—Mission Enterprises	10.70	TOB/SC
	Galena Claims	15.65	TOB/SC
	Galena Claims—Frandsen/Richards	38.04	TOB/SC
	Golden Gate Placer	148.13	TOB/SC
	Key West Claim (50% Interest)	5.16	TOB/SC
	Parkville Subdivison #1	7.35	TOB/SC
	Parkville Subdivision—Southern 21 Lots	19.77	TOB/SC
	Parkville Subdivision—Northern 20 Lots	17.91	TOB/SC
	Pelican Lode	11.19	Town
	Sanitation District Parcel	36.16	Town
	Slide Lode & Lou P Lode—Fellah	10.33	TOB/SC
	Summit Gulch Claims	56.20	TOB/SC
Backcountry	Black Gulch Claims	19.74	TOB/SC
	Georgia Pass Claims	4.41	TOB/SC
	Georgia Pass Mining Claim (TDR)	13.42	TOB/SC
	Middle Fork of Swan & Quandary Peak Claims	25.58	TOB/SC
	MJ Lode Claim	4.07	TOB/SC
	Mount Guyot Claims	25.82	TOB/SC
	North & Middle Fork of Swan Claims	389.90	TOB/SC
	Ridge #1 Claim	4.74	TOB/SC
	West Side of Baldy Claims	28.81	TOB/SC
	White Top Lode Claim	41.95	TOB/SC
	White Top Lode Claim #2	5.16	TOB/SC

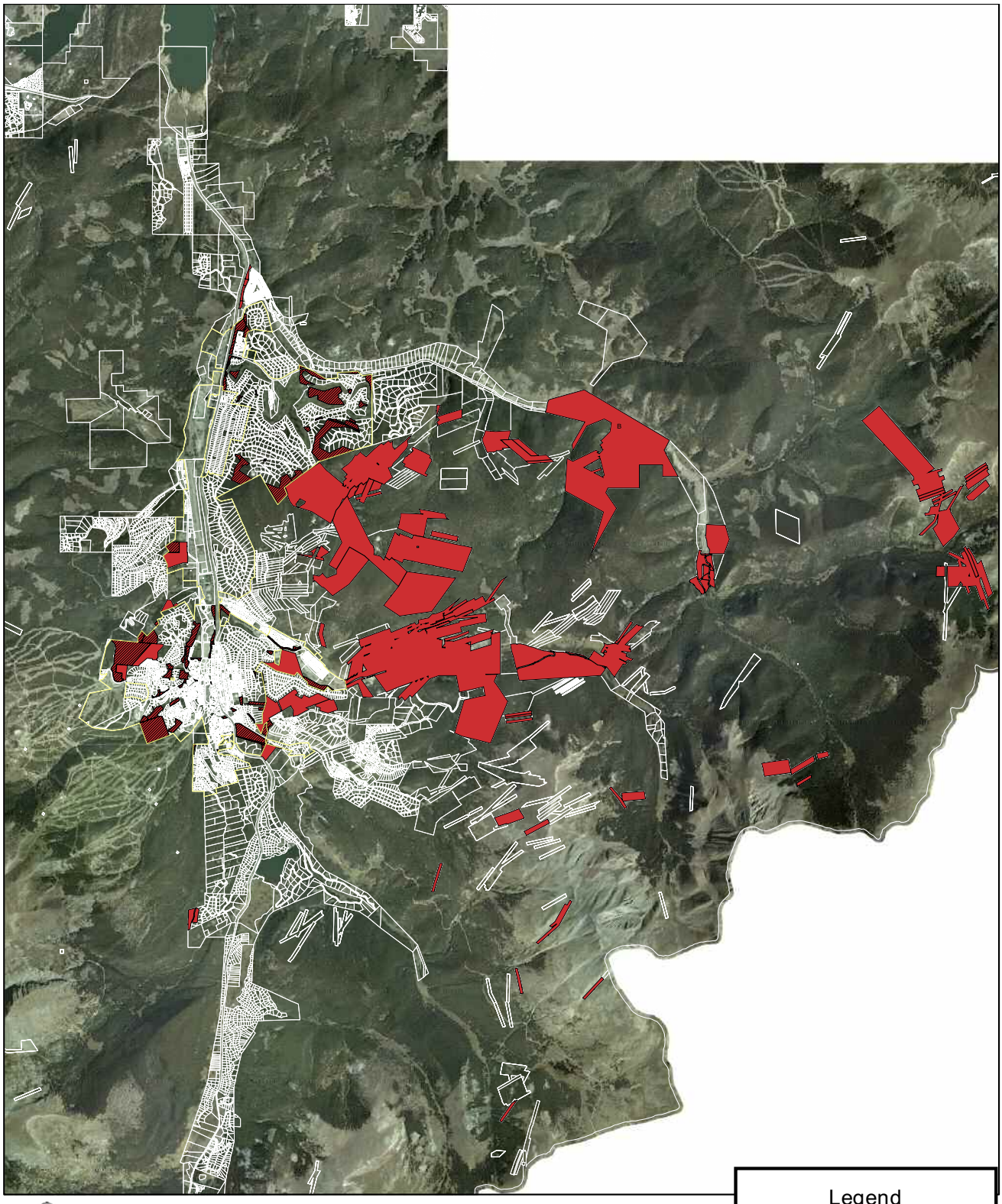
Other	Braddock Placer	0.95	Town
	Iowa Hill—Lot 1	26.74	Town
	Iowa Hill—Tract A	9.01	Town
	Little Mountain	10.20	Town
	Loma Verde	10.75	TOB/SC
	Rodeo Grounds—Ice Rink	23.22	Town
	Stilson	38.87	Town
	Tatum Tracts—Lot 1	1.76	TOB/SC
	Tatum Tracts—Lots 2-5	5.18	TOB/SC
	Tatum Tracts—Lots 6-7	2.62	TOB/SC
	Tatum Tracts—North End	4.02	TOB/SC
	West Moonstone	25.34	Town

TOTAL ACQUISTIONS ACRES: **3376.80**

OPEN SPACE DEDICATIONS

AREA	PROPERTY NAME	ACREAGE	OWNERSHIP
Cucumber Gulch	Cucumber—Shock Hill Tract K	10.78	Town
	Cucumber—Shock Hill Tract R	3.16	Town
	Cucumber—Vail Resorts Dev. Co.	55.79	Town
	Cucumber Gulch Overlook (donation)	1.04	TOB/SC
Other	Blue River Corridor—Tract A	1.60	Town
	Blue River Corridor—Tract B	0.25	Town
	Carter Park—Moonstone	3.65	Town
	Christie Heights—Tracts A, B & C	7.64	Town
	Corkscrew	4.36	Town
	Eagle Ridge	0.24	Town
	Grandview—Freeride	1.23	Town
	Highland Greens—Tracts A & B	15.41	Town
	Highlands—Multiple Tracts	165.99	Town
	Highlands—Braddock Hill	2.05	Town
	Hermit Placer—Carter Park	5.74	Town
	F&D Placer—BOEC Reservoir	38.43	Town
	Iowa Hill	9.01	Town
	Justice Center	2.84	Town
	Main Street Station	0.52	Town
	Mountain Thunder	1.23	Town
	New York—Harum Claims (TDR)	164.72	TOB/SC
	Ski Hill Road	0.38	Town
	Park Forest Estates	3.30	Town
	Pines at 4 O'Clock	0.92	Town
	Powder Ridge	0.68	Town
	Revette's Landing—Reliance Dredge	1.16	Town
	Rodeo Grounds—Parcel A	2.57	Town
	Rounds—Blue River Corridor	0.04	Town
	Sawmill Creek	0.15	Town
	Sawmill Patch Placer	5.15	Town
	Shock Hill—Tract P (Pence Miller)	9.58	Town
	Skyway Ridge	1.22	Town
	Snider Main Street	0.06	Town
	Snowflake—Lift Line	2.36	Town

Snowflake—Open Space	5.26	Town
Southside Estates	1.10	Town
Sunbeam Estates—Parcel A	0.88	Town
Sunbeam Estates—Parcel B	3.62	Town
Sunbeam Estates—Rabbeneck	1.04	Town
Sunbeam—Ford Hill	1.56	Town
Sunrise Point	0.73	Town
Trapper's Glen	7.45	Town
Vista Point—Tracts H&I	5.16	Town
Wellington—Tract F	7.53	Town
TOTAL DEDICATION ACRES:	**557.58**	



BRECKENRIDGE OPEN SPACE MAP I

0 0.4 0.8 1.6 2.4 3.2 Miles

1:85,000

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does not comply with the National Mapping Accuracy Standards
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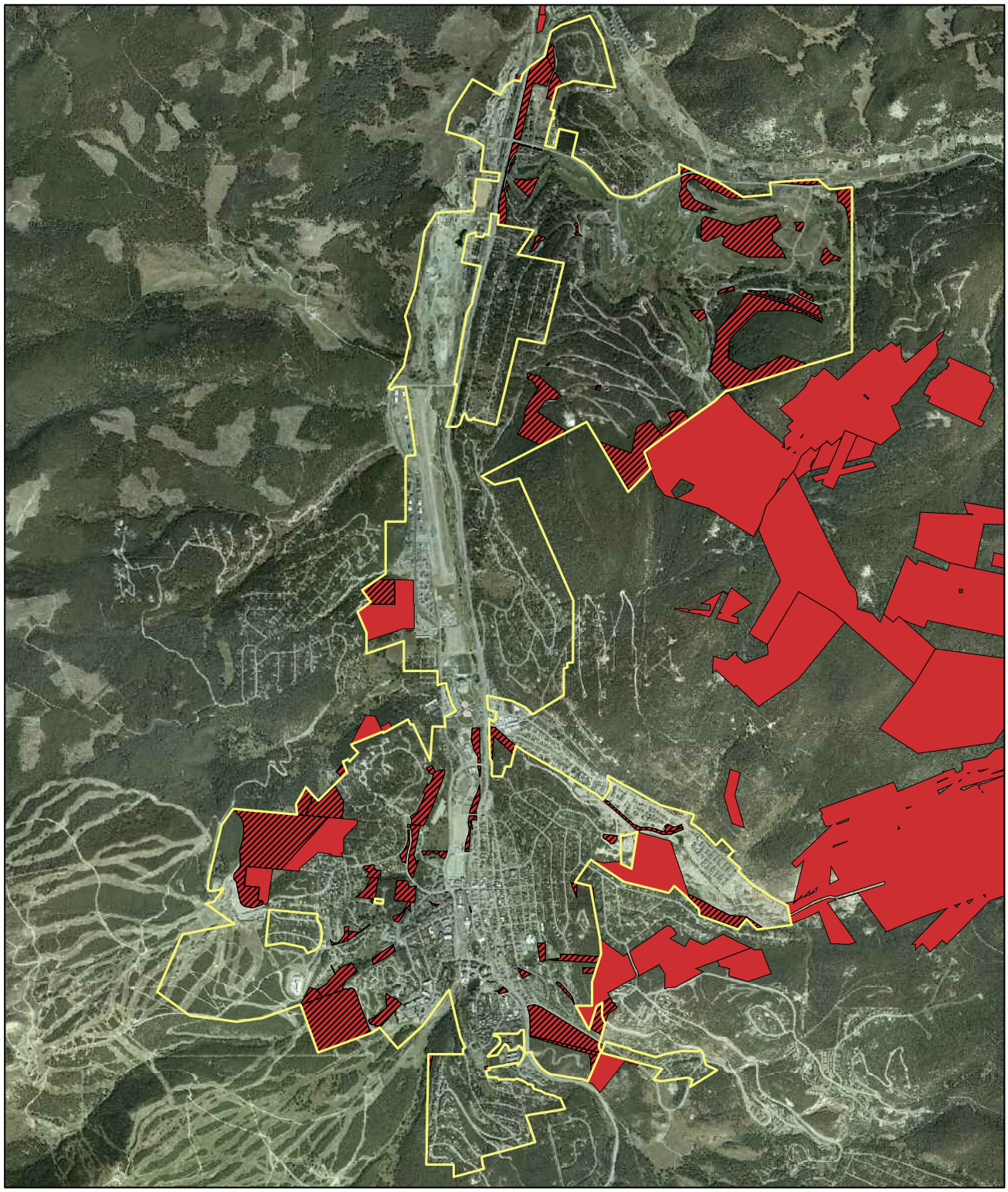

BRECKENRIDGE OPEN SPACE MAP II
with Town Boundary Focus

0 0.15 0.3 0.6 0.9 1.2 Miles

1:36,000

Legend
- Open Space Parcels
- Open Space Dedications
- Breckenridge Town Boundaries

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APPENDIX B

Appendix B — from *"Tools and Strategies–Protecting the Landscape and Shaping Growth".* Regional Plan Association. The Trust for Public Land National Park Service.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION

GOVERNMENT OWNERSHIP ENTITY OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
FEDERAL	Acquisition by National Park Service, Forest Service, U.S. Fish and Wildlife Service or Bureau of Land Management.	Acquisition is at federal level, eliminating financial obligation for locality.	Acquisitions are limited due to agencies' specific criteria for acquisition. Needs congressional authorization.
STATE	NY: Office of Parks, Recreation & Historic Preservation, Dept. of Environmental Conservation. NJ: Dept. of Environmental Protection. CT: Dept. of Environmental Protection.	Statewide bond acts can provide significant funding resources for important open space acquisitions throughout a state. Provides revolving loan funds to leverage nonprofit activity.	Government may miss acquisition opportunities due to long time-frame for acquisition approvals.
LOCAL	Acquisition by county or municipality.	Local government can be more flexible about the type of open space it acquires.	Limited local funds and expertise limit the number of acquisitions.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION

NONPROFIT PURCHASE & OWNERSHIP ENTITY OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
NONPROFIT ACQUISITION/ CONVEYANCE TO PUBLIC AGENCY	A nonprofit can help to implement government programs by acquiring and holding land until a public agency is able to purchase.	A nonprofit can enter the realestate market more easily than government, and can often sell to government at under fair market value if property was acquired through a bargain sale.	Must have a public agency willing and able to buy within a reasonable time frame.
NONPROFIT ACQUISITION/ CONVEYANCE TO LAND TRUST	A national or regional nonprofit can acquire and hold land until a local land trust has been established or is able to finance acquisition.	A nonprofit can finance an immediate acquisition and hold property until a land trust has been established or has acquired funds.	If a land trust does not exist, a community must establish one. A land trust needs solid support, funding and the ability to manage land.
NONPROFIT ACQUISITION/ MANAGEMENT	A national/regional nonprofit or local land trust retains ownership and assumes management responsibilities.	Local land trusts allow for ownership within the community; local citizens can provide responsible care and management of site.	Land must fit criteria of acquiring organization. It must be prepared to assume long-term management responsibilities and costs.
NONPROFIT ACQUISITION/ SALEBACK OR LEASEBACK	A nonprofit can purchase property, limit future development through restrictive easements or covenants, and resell or lease back part or all of property. May involve subdivision of property.	Acquisition is financed by resale or leaseback. Resale at less than fair market value (because of restrictions) make land affordable for buyer. Sale can finance preservation of part of site.	Complex negotiations. A leaseback means the nonprofit retains responsibility for land.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION
TYPE OF OWNERSHIP OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
FEE SIMPLE	Outright purchase of full title to land and all rights associated with land.	Owner has full control of land. Allows for permanent protection and public access.	Acquisition can be costly. Removes land from tax base. Ownership responsibility includes liability and maintenance.
CONSERVATION EASEMENT/ DEVELOPMENT RIGHTS	A partial interest in property transferred to an appropriate nonprofit or governmental entity either by gift or purchase. As ownership changes, the land remains subject to the easement restrictions.	Less expensive for purchasers than fee simple. Landowner retains ownership and property remains on tax rolls, often at a lower rate because of restricted use. Easement may allow for some development. Potential income and estate tax benefits from donation.	Public access allowed only upon landowner approval. Easement must be enforced. Restricted use may lower resale value.
FEE SIMPLE/ LEASEBACK	Purchase of full title and leaseback to previous owner or other, subject to restrictions.	Allows for comprehensive preservation program of land banking. Income through lease-back. Liability and management responsibilities assigned to lessee.	Leaseback would not necessarily provide public access. Land must be appropriate for lease-back (e.g. agricultural land).
LEASE	Short or long-term rental of land.	Low cost for use of land. Landowner receives income and retains control of property.	Lease does not provide equity and affords only limited control of property. Temporary nature of lease does not assure permanent protection.
UNDIVIDED INTEREST	Ownership is split between different owners, with each fractional interest extending over the whole parcel. Each owner has equal rights to entire property.	Prevents one owner from acting without the consent of the other(s).	Several landowners can compli-cate property management issues, especially payment of taxes.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION
TRANSFER OF TITLE OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
FAIR MARKET VALUE SALE	Land is sold at a price equivalent to its value at highest and best use.	Highest sale income (cash inflow) to seller.	Can be expensive to acquire.
BARGAIN SALE	Part donation/part sale–property is sold at less than fair market value.	Tax benefits to seller since difference between fair market value and sale price is considered a charitable contribution. Smaller capital gains tax.	Seller must be willing to sell at less than fair market value. Bargain sale price may be high.
OUTRIGHT DONATION	A donation by landowner of all or partial interest in property.	Allows for permanent protection without direct public expenditure. Tax benefits to seller since property's fair market value is considered a charitable contribution.	A receiving agency of donation must be willing to accept donation, and capable of management responsibilities.
OTHER DONATION	By Devise: Landowner retains ownership until death. Reserved Life Estate: Landowner donates during lifetime but has lifetime use.	Management responsibility for acquiring entity often deferred until donor's death. (*Reserved Life Estate*: Landowner retains use but receives tax benefits from donation.)	Date of acquisition is uncertain with either option. (By *Devise*: Donor does not benefit from income tax deductions.)
LAND EXCHANGE	Public agencies or nonprofits can exchange developable land for land with high conservation value.	Relatively cost-free technique if trade parcel is donated. Reduces capital gains tax for original owner of protected land.	Property owner must be willing to accept exchange. Property must be of comparable value. Complicated and time-consuming transaction.
EMINENT DOMAIN (GOVT.)	The right of government to take private property for public purpose upon payment of just compensation.	Provides govt. with a tool to acquire desired properties if other acquisition techniques are not workable.	High acquisition costs. Can result in speculation on target properties. Potentially expensive and time-consuming litigation.
TAX FORECLOSURE (GOVT.)	Government acquires land by tax payment default.	Limited government expenditure.	Land acquired from tax foreclosure might not be appropriate for public open space, but can be sold to provide funds for open space acquisition. Cumbersome process.
AGENCY TRANSFER (GOVT.)	Certain government agencies may have surplus property inappropriate for their needs which could be transferred to a parks agency for park use.	Agency transfer eliminates the need for any expenditure on park land acquisition.	Surplus property available may not be appropriate for park use or the owning agency may want to sell to a private party to generate revenues.
RESTRICTED AUCTION (NONPROFIT)	Government can restrict the future use of their sale property to open space.	Property still sold to highest bidder but restriction lowers price and competition.	It may be difficult for a nonprofit to convince government that a restriction will serve to benefit the general public. Purchase price may still be expensive.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION

NONPROFIT FINANCING OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
INSTITUTIONAL LENDER	Conventional loan from bank or savings and loan.	Less time-consuming process than fundraising.	Long-term financial commitment for nonprofit. Higher interest costs than owner financing. Mortgage lien.
INSTALLMENT SALE	Allows buyer to pay for property over time.	If seller-financed, can lower taxes for seller. Buyer can negotiate better sale terms (lower interest rates).	Long-term financial commitment for nonprofit. Mortgage lien.
FUNDRAISING	Through foundations, corporations and local community. Program-related investments (foundations), non-standard investments (corporations) or charitable creditors (community) can provide no- or low-interest loans for acquisition.	Fundraising creates publicity and support through community.	Obtaining grants and contributions is a long, uncertain and time-consuming process.
REVOLVING FUND/LOANS OR GRANTS	A public or private organization makes grants to localities or nonprofits for land acquisition based on a project's revenue-generating potential.	Encourages projects with revenue-generating potential.	Projects with low revenue-generating potential have lower priority.
PARTIAL DEVELOPMENT/ SALEBACK OR LEASE	A nonprofit can purchase property, limit future development through restrictive covenants, and resell or lease back part or all of property.	Acquisition is financed by resale or leaseback. Resale at less than fair market value (because of restrictions) makes land affordable for buyer. Sale can finance preservation of part of site.	Complex negotiations. If leaseback, nonprofit retains responsibility for land. Finding a buyer for restricted property may be difficult.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION
GOVERNMENT FINANCING OPTIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
GENERAL FUND APPROPRIATION	Appropriation from general state or local government fund.	Avoids interest and debt service cost.	Unpredictability of budget allocations. Might not provide sufficient funds and competes with other programs.
BOND ACT	Borrowing money through issuance of bonds is a common way to provide for open space. Usually approved through referendum on a local or statewide basis.	Availability of funds allows for immediate purchase of open space. Distributes cost of acquisition.	Requires approval of general public. Can be expensive -- interest charges are tacked on to cost of project.
LAND AND WATER CONSERVATION FUND	Federal funds are provided to local governments on a 50-50 matching basis for acquisition and development of outdoor recreation areas.	Cost of acquisition for local government is lowered by subsidy.	Receipt of funds is dependent on federal approval. Limited funds available. Only $2.8 million awarded to NY/NJ/CT in FY 1988.
STATE GRANT/LOW INTEREST LOANS	States can provide matching grants or low interest loans for municipalities to acquire open space.	State funding encourages localities to preserve important open space by leveraging limited local funds. Donated lands may be used as a match.	Localities must compete for limited funds and be able to match state funds.
REAL ESTATE TRANSFER TAX	Acquisition funds obtained from a tax on property transfers, which is a small percentage of purchase price. Percentage and amount exempted varies with locality.	Growth creates a substantial fund for open space acquisition. Enables local communities to generate their own funds for open space protection, reducing reliance on scarce state funds.	Discriminates between new and existing residents. Can inflate real estate values. Works effectively only in growth situations.
LAND GAINS TAX	Capital gains tax on sale or exchange of undeveloped land held for a short period of time. Tax rate varies depending on holding period.	Discourages speculative development. Has a regulatory and revenue impact.	Can inflate real estate values and slow market.
PAYMENT IN LIEU OF DEDICATION	Local government requires developers to pay an impact fee to a municipal trust fund for open space acquisitions.	New construction pays for its impact on open space.	Acquisition funds dependent on development. May be lack of accountability for funds. Legality of method depends on relationship of open space to new development.
SPECIAL ASSESSMENT DISTRICT	Special tax district for area benefited by an open space project.	Users finance acquisition and management.	Increases taxes. Timely and costly to implement.
TAX RETURN CHECK OFF	On state income tax forms, a filer may appropriate a small amount of taxes owed toward revenues for natural lands acquisitions.	Convenient and successful means of generating sufficient financial resources.	Vulnerable to competition from other worthwhile programs.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION
GOVERNMENT FINANCING OPTIONS (Cont.)

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
OTHER FUNDS/ TAXES	Taxes on cigarettes, sales, gasoline and natural resource exploitation as well as revenue from fees and licenses can be used toward park acquisitions.	With income from fees and licenses for boat, off-road vehicle and snowmobile use, park entry, and hunting, users pay for resources they use.	Revenues from taxes can be easily diverted for other uses unless firmly dedicated to park and recreation purposes. Fees create pressures for money to be spent on special interest uses.
SALE OR TRANSFER OF TAX DEFAULT PROPERTY	Sale of tax default property can provide a fund for open space acquisition. Also, if site meets criteria, it can be transferred to appropriate agency for park use.	Funds for acquisition are acquired with little cost to taxpayers.	Need to assure that sale proceeds are specifically allocated to open space acquisition. Might not provide a significant income. Very political process.

GOVERNMENT AND NONPROFIT OPEN SPACE ACQUISITION
ZONING/SUBDIVISION PROVISIONS

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
LARGE LOT ZONING	Large minimum-lot sizes restrict the density of development.	An established land use control used as part of a comprehensive plan. Effective at maintaining low densities and protecting water resources, particularly in rural areas.	Since zoning is subject to change, not an effective device for permanent preservation. Can increase real estate values and infrastructure costs and can foster urban sprawl.
PERFORMANCE ZONING	A zone is defined by a list of permitted impacts (based on natural resource data and design guidelines) as opposed to permitted uses.	Direct development in appropriate places based on a comprehensive, environmentally-based plan. Can be implemented through cluster development.	Difficulties in implementation since environmental impacts can be hard to measure and criteria are hard to establish. Plan can be expensive to prepare.
CARRYING CAPACITY ZONING	Based on the ability of an area to accommodate growth and development within the limits defined by existing infrastructure and natural resource capabilities. Often called Current Planning Capacity.	Zoning is based on an area's physical capacity to accommodate development. Can be implemented through cluster development	Requires a comprehensive environmental inventory for implementation. Determining carrying capacity can be a difficult process, subject to differing opinions, quality-of-life assumptions and changing technologies.
CLUSTER ZONING/PLANNED UNIT DEVELOPMENT (PUD)	Maintains regular zoning's ration of housing units to acreage but permits clustered development through undersized lots, thus allowing for open space preservation. A PUD provision allows clustering for a large mixed-use development.	Flexibility in siting allows preservation of open space areas within development site. Can reduce construction and infrastructure costs.	Open space often preserved in small separate pieces, not necessarily linked to a comprehensive open space system. May increase processing time for development approval. Lack of infrastructure can inhibit use of technique.
PRESERVATION OVERLAY ZONING	At discretion of municipality, overlay zones with development restrictions can be established to protect agricultural and natural areas, scenic views and historic neighborhoods.	Special zones have regulations specific to the needs of a unique area and may be subject to mandatory clustering, performance standards, special permits and site plan and architectural review.	Language in special district ordinance must be specific enough to avoid varying interpretations.
EXACTION	As a condition of obtaining subdivision approval, local government requires developers to pay a fee or dedicate land to a municipal trust fund for open space. Also, states can require open space set-asides as part of environmental review.	New construction pays for its impact on open space.	Acquisition funds dependent on residential development. Commercial development often not subject to exaction fees. Difficult to calculate developers' fair share of costs.
CONSERVATION DENSITY SUBDIVISIONS	Permits developers the option of building roads to less expensive specifications in exchange for permanent restrictions in number of units built. Roads can be public or private.	Increases open space and reduces traffic. Discourages height densities to pay for the higher cost of road building.	Requires enforcement of easements. Private roads limit public access and require homeowner association maintenance.

DEVELOPMENT REGULATORY TECHNIQUES
GROWTH CONTROL

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
PHASED GROWTH	Phased growth permits a limited amount of growth each year.	Phased growth is effective as a comprehensive planning strategy.	Under phased growth, there must be an equitable system to approve development. Future development pressures may be difficult to predict.
MORATORIUM	A moratorium is a legal postponement or delay imposed upon land development.	Moratoria are often useful as an interim measure during the formulation of a master development plan.	A moratorium provides only a temporary solution and can create a rush on land development prior to its taking effect.
TRANSFER OF DEVELOPMENT RIGHTS (TDR)	Under an established program, an owner of publicly-designated land can sell development rights to other landowners whose property can support increased density.	Cost of preservation absorbed by property owner who purchases development rights.	Difficult to implement. Preservation and receiving areas must be identified.

DEVELOPMENT REGULATORY TECHNIQUES
FINANCIAL INCENTIVES

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
PREFERENTIAL ASSESSMENT	Under state laws, agricultural and forest districts can be established to assess land as farmland or forest land rather than at its highest and best use.	Promotes resource conservation and management. Especially benefits landowners in areas with development pressure. Tax base loss can be partially reclaimed through penalty tax on landowners who terminate enrollment.	Voluntary participation. Does not provide long-term protection. Minimum acreage for entry. Strength of program depends on penalty from withdrawals. Local government bears burden of reduced tax base.
PURCHASE OF DEVELOPMENT RIGHTS (PDR)	Local or state government purchases development rights to maintain land in farm use.	Under PDR program, landowner can derive income from selling development rights and continue to own land. Lower property value should reduce property taxes.	Acquisition of development rights can be costly, particularly in a community with high real estate values.
LAND CONSERVATION GRANTS	State programs pay or otherwise enable landowners to preserve land, enhance wildlife and provide public access.	Landowners derive revenues from preserving land without selling interests in land.	Preservation of land or provision of public access requires public expenditures.

DEVELOPMENT REGULATORY TECHNIQUES
ENVIRONMENTAL REVIEW

TECHNIQUES	EXPLANATION	ADVANTAGES	DISADVANTAGES
FEDERAL/STATE REVIEW	Through legislation, government agencies can require public Environmental Impact Statements (EIS) and mitigation measures to reduce impacts of specific developments or can restrict development through permit review.	Encourages preservation of significant natural areas and allows for objectivity and creative solutions to development conflicts.	Environmental impact review can be a time-consuming and complicated process which can stall development, adding to project costs.
CRITICAL ENVIRONMENTAL AREA DESIGNATION (CEA)	Any development proposed in a state or locally-designated CEA requires an environmental assessment or EIS.	An effective tool for preventing or mitigating the impact of development on sensitive natural areas.	Does not assure preservation since determination of environmental impact is discretionary.
LOCAL ENVIRONMENTAL ORDINANCES	Often, under mandate of federal or state legislation, localities must regulate development in sensitive areas. Includes flood plain, wetland, watershed and tree removal ordinances.	Development in protection areas requires permit. Permit issued only if proposed development is within ordinance guidelines.	Ordinances do not always prohibit development (e/.g., in flood plains). Regulatory guidelines are often broad enough to allow subjectivity in permit application approval.
CONSERVATION COUNCIL/BOARD	Commission members are appointed to oversee the community's natural resources and advise the planning board on development applications.	The Commission can advise the planning board on ways of mitigating development's impact on natural resources.	Usually advisory capacity only. Strength of board depends on ability of volunteer members and influence on governing body. Technical expertise sometimes lacking.