

**BOARD OF COUNTY COMMISSIONERS  
FEBRUARY 28, 2023**

**PLANNING CASE #PLN21-128: COPPER MOUNTAIN MINOR PUD AMENDMENT  
TO REMOVE THE RESTRICTION ON PAID PARKING IN THE ALPINE LOT**

**PUBLIC HEARING**

**PLANNING CASE #21-128:** Class 6 – A Request for a Class 6 Minor PUD Modification to the Copper Mountain PUD to remove the restriction on paid parking in the Alpine Lot, Parcel 30, Copper Mountain PUD

**PROJECT INFORMATION:**

Location: Copper Mountain - Copper Mountain PUD  
Project/Request: A Request for a Class 6 Minor PUD Modification to the Copper Mountain PUD to remove the restriction on paid parking in the Alpine Lot, Parcel 30, Copper Mountain PUD, and other modifications to accomplish the foregoing.

**TEN MILE BASIN PLANNING COMMISSION RECOMMENDATION:**

The Ten Mile Planning Commission does not review Minor PUD Amendments

**RESOLUTION STATUS**

Draft Resolution attached

**STAFF RECOMMENDATION:**

Approval with seven findings.

**ATTACHMENTS:**

Attachment A: Current Copper Mountain PUD  
Attachment B: Revised Draft Copper PUD – Chapter 2  
Attachment C: Revised Draft Copper PUD – Chapter 4  
Attachment D: Draft Resolution



**STAFF REPORT**

**TO:** The Board of County Commissioners (“BOCC”)

**FROM:** Dylan Graves, Planner II

**FOR:** Meeting of February 28, 2023

**SUBJECT:** PLN21-128: A Request for a Class 6 Minor PUD Modification to the Copper Mountain PUD to remove the restriction on paid parking in the Alpine Lot, Parcel 30, Copper Mountain PUD

**APPLICANT:** Norris Design, Elena Scott

**REQUEST:** Class 6: A Request for a Class 6 Minor PUD Modification to the Copper Mountain PUD to remove the restriction on paid parking in the Alpine Lot, Parcel 30, Copper Mountain PUD, and other modifications to accomplish the foregoing.

**PROJECT DESCRIPTION:**

**Location:** Parcel 30, Copper Mountain PUD

**Legal Description:** See PUD – Attachment A

**Existing Zoning:** Copper Mountain PUD

**BACKGROUND:**

The Copper Mountain Planned Unit Development (“PUD”) was originally approved on October 18, 1971 and has subsequently been amended eighteen times. The PUD that is currently in place was approved on August 23, 2022 and recorded under reception #1301251. The resolution number for this case is 2022-56 and was approved via PLN21-103.

Powdr-Copper (“Copper”) has submitted the subject application to allow for the implementation of paid parking in the Alpine Lot, which the PUD currently explicitly prohibits. The purpose of the proposed PUD modification is to modify Table 1, footnote u. in Chapter 2 of the PUD, as well as to add Section 4.1.C (v) to Chapter 4 of the PUD. The outcome of the PUD modification would be to remove footnote u. from Table 1 of the PUD, which current prohibits paid parking and requires a minor PUD modification to allow for paid parking to be implemented in the lot. The Alpine Lot is the only lot in the PUD that is specifically mentioned in the PUD as being prohibited from charging for parking.

The Alpine Lot is a large day-use parking lot within the Copper Mountain Resort, located on Parcel 30. The Alpine Lot is one of Copper’s largest parking reserves with nearly 1,700 existing spaces. The Alpine Lot takes access from Highway 91 for the public, and Copper Road for employees and transit operations. Copper is analyzing a variety of transportation and parking management opportunities to improve operations and guest experience, with one such opportunity being to incorporate paid parking in the Alpine Lot. Copper has stated in project narratives that this is intended to encourage resort guests to consider carpooling and public mass transit options. The resort has applied for this modification as one part of a multi-part approach to management of day skier parking and traffic to and within the resort.

Table 1, footnote u. in Chapter 2 of the PUD states the following:

*“Commercial added to Parcel 30 to facilitate food and beverage sales at the transportation center; other commercial may include uses that support the transportation center and associated skier services. Paid parking in the Alpine Lot was not contemplated as part of this PUD Amendment. If paid parking is requested, it shall be reviewed through a Minor PUD Amendment”* (PUD amendment redlines are included as Exhibit A).

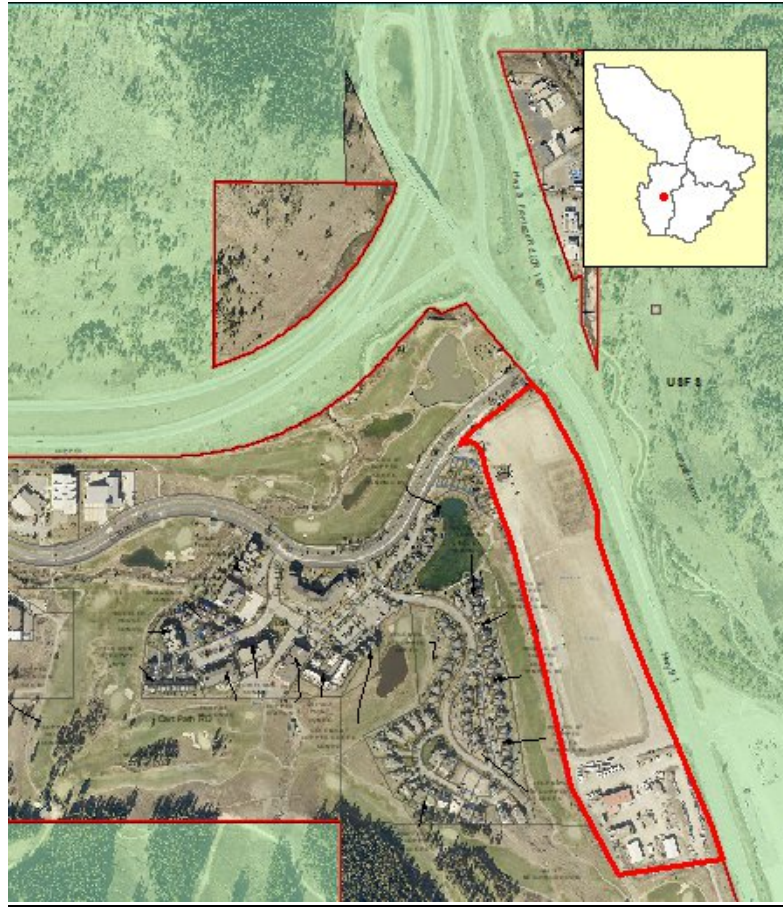
This section was added to the PUD as part of PLN19-145 and was approved by the BOCC in 2020 via resolution number 2020-09, recorded at reception number 1221989. At the time, Staff did not review a request for paid parking in the lot when commercial uses were added to Parcel 30 to facilitate the sale of food and beverages within the parcel. Copper is requesting to remove the section underlined above to allow paid parking to be implemented in the Alpine Lot, in line with most other day parking options in the resort.

In conjunction with the above change, Copper also proposes a change to Chapter 4, Section C to add clause (v). Section 4.1.C (v) is proposed to state: *“A fee schedule for Day Use parking may be adopted by the Owner as deemed necessary to properly manage Resort Operations. Said fee schedule may be implemented at variable rates and times to ensure availability of parking opportunities for all facets of Day Use Parking as defined in Chapter 1 of this PUD Designation.”*

Paid parking is a mechanism in place throughout the resort to manage day skier parking and it is intended that paid parking in the Alpine Lot will function similarly to those operated elsewhere in the resort. The applicant has stated that the purpose of implementing paid parking in the Alpine Lot is to ensure that the supply of parking can continue to meet demand on busy days.

The location of the Alpine Lot is shown below.

Alpine Lot Location:



As the attached draft PUD chapters indicate (Attachment B and Attachment C), this request will impact operations on Parcel 30, where the Alpine Lot is located, with no direct impacts to other parcels within the resort. Free parking will still be available in the Far East Lot. The proposed PUD changes would not require paid parking to be implemented but would give the resort the option to do so as part of resort operations.

**Criteria for Decision:**

Section 12203.02 of the County's Land Use and Development Code ("Code") states that the BOCC may approve a minor PUD amendment, only if the application meets all relevant County regulations and standards and provided the BOCC makes the following findings:

- A. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD.
- B. The proposed PUD modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest.
- C. The proposed PUD modification is not granted solely to confer a special benefit upon any person.
- D. The proposed PUD modification is in general conformance with the goals, polices/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies.

- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

**The Proposed PUD Modification is Consistent with the Efficient Development and Preservation of the Entire PUD**

The modification is consistent with the efficient development and preservation of the entire PUD in that no additional density is being proposed beyond that what is already allowed. The goals and objectives of the PUD will continue to be met as efficient parking management fits within Chapter 4 of the PUD. Part of the reason behind removing the PUD prohibition on implementing paid parking in the Alpine Lot is to allow Copper to better manage parking demand in the lot, the largest in Copper. The intent is to reduce demand for parking in the Alpine Lot, encourage carpooling or the use of public transport, and give Copper more options to manage vehicles coming to the resort.

The PUD allows overflow parking from residential areas to use existing parking lots within the resort, and the Alpine Lot is often used for this purpose. Footnote #5 of Table 10 states that “Day Use Parking shall include non-residential and overflow lodging parking.” Table 9 of the PUD has residential parking requirements, which list the requirement that single-family detached and duplex developments must have a minimum of two parking spaces per unit, with multi-family and hotel/lodge and Hotel/Condo developments required a minimum of one space per unit. Often, overnight guests bring more vehicles than the unit has been required to provide, leading to the need for overnight parking in existing day use parking lots. Copper has stated that part of the reason for this PUD modification would be to charge overnight guests who use the Alpine Lot for overflow parking. There is concern that guests parking overnight in the lot reduces available day skier parking spaces, exacerbating parking demand within the resort. The intended result of implementing fees for overnight parking would be to better manage demand for overflow parking and encourage overnight guests to carpool or take alternative methods of transportation to access the resort to avoid paying parking fees.

This is consistent with the efficient development and preservation of the PUD because it encourages a more efficient use of existing parking in the resort and encourages alternative methods of access to the resort. The allowance for a fee schedule to be established will allow the resort to more efficiently and effectively enforce parking regulations and manage parking supply and demand within the resort.

**The Proposed PUD Modification does not affect, in a Substantially Adverse Manner, Either the Enjoyment of Land Abutting Upon or Across a Street from the PUD or the Public Interest**

The modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest because no new density is proposed under this amendment and no operational changes are anticipated or planned with respect to how the lot is parked.

The requested change to remove the prohibition on paid parking in the Alpine Lot is not anticipated to have a substantially adverse effect on lands abutting upon or across the street from the PUD or the public interest. Copper has worked with the Colorado Department of Transportation (“CDOT”) to ensure that ingress/egress into the Alpine Lot and Far East Lot from Highway 91 does not cause issues by backing up additional traffic into that right-of-way and their proposed management plan is meant to mitigate concerns about slowing down the process of getting cars into the lot. Copper proposes to install payment kiosks rather than putting attendants in the lot to take payments, allowing visitors to drive into

the lot, park, and then pay for parking, so entry into the Alpine Lot is not anticipated to be impacted by this proposal. Because the PUD modification is currently proposed, parking management plans have not been reviewed and no requirements on how parking should be managed are proposed, as Staff understands that parking management may evolve over time as new technologies, demands, and capacity within the resort change. Staff has no issues with providing the resort flexibility to institute parking management plans that work with their operations, rather than requiring a certain plan that may become less efficient over time.

**The Proposed PUD Modification is not Granted Solely to Confer a Special Benefit Upon any Person**

The modification is not granted solely to confer a special benefit upon any person.

**The Proposed PUD Modification is in General Conformance with the Goals, Policies/Actions and Provisions of the Summit County Countywide Comprehensive Plan and any Applicable Basin or Subbasin Master Plans**

The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Ten Mile Master Plan and the Copper Mountain Subbasin Plan. The vision of the Countywide Comprehensive Plan's ("comprehensive plan") transportation element states the following: *"Maintain and develop a comprehensive, safe, and efficient transportation system, with an emphasis on promoting viable alternatives to the automobile."* The implementation of paid parking in the Alpine Lot is intended to promote alternatives to the automobile, whether that be carpooling, public transport, or other methods to reduce overall parking demand in the resort. The comprehensive plan's transportation element also states that the resorts *"must continue to work on programs that help alleviate parking congestion problems, such as more efficiently using existing parking spaces, and increasing the use of mass transit and carpooling."* The comprehensive plan does not specify that if Copper Mountain decided to charge a fee for all parking in the resort, it would increase the number of people who park in Frisco and take the bus to Copper, increasing the parking demand in Frisco. That was considered as part of this PUD modification and Staff received input from Don Reimer, Town of Frisco Community Development Director, who expressed some concern during the referral process about parking impacts being shifted to the Town of Frisco. Copper met with the Town of Frisco as part of this process to address potential impacts and Frisco has since showed support for the proposal.

Overall, the proposal furthers the transportation goals mentioned in the comprehensive plan by encouraging day skiers and overnight guests to consider alternative options.

The Copper Subbasin Plan ("Subbasin Plan") within the Ten Mile Master Plan further explores transportation and parking. The subbasin plan recognizes that access to the resort and parking within the resort are one of the key challenges in the subbasin. It notes that providing effective alternative means of transportation will be necessary, as well as ensuring that additional parking be developed to maintain adequate parking facilities. The subbasin plan sets a goal of assuring that adequate parking is provided in the subbasin to meet the demands of Copper Mountain Resort over time, through several policy/action items:

- **Goal K. Assure adequate parking is provided in the Copper Mountain Subbasin to meet the demands of Copper Mountain Resort over time.**
  - Policy/Action 1. Accommodate new parking facilities in the subbasin consistent with the Land Use Plan in a manner that meets increasing parking demands and maintains visual

attractiveness, while promoting alternatives to constructing new parking facilities.

- o Policy/Action 2 Alternative strategies that reduce parking demand and that successfully accommodate resident and visitor transportation needs should be encouraged.

The proposed PUD modification helps address this policy aim by instituting parking fees within one of the major parking areas in the resort in an effort to reduce parking demand and encourage visitors to use alternative means to access the resort.

One thing to note is that Copper does have approval from the U.S. Forest Service (“Forest Service”) to increase the total amount of parking within the resort in the Far East Lot. The development of this lot should continue to be in Copper’s long-term plans if parking demand continues to be an issue. In 2019 when the subbasin plan was updated, it noted that on busy days, the resort’s existing parking lots reach capacity, which Staff has seen during recent ski seasons. While paid parking and other mechanisms to encourage a reduction in automobile access to the resort may be effective, if parking capacity continues to be an issue, increasing the amount of parking available is encouraged. Copper has noted that plans to build out the Far East Lot are ongoing with hopes that this development could occur as soon as this summer. This is encouraged, as it would increase parking capacity within the resort and go a long way towards reducing parking capacity issues going forward.

### **The Proposed PUD Modification is Consistent with the Purpose and Intent of the County's Zoning Regulations and Rezoning Policies**

The proposed PUD modification is consistent with the County’s Zoning Policies because, without limitation; a.) the PUD modification does not affect established setbacks, permitted uses, density, landscaping, open space, parking capacity, or other development standards; b.) the PUD modification will continue to ensure the compatibility of land uses, efficient and economical use of land and adequate light and air in development projects; c.) areas of environmental hazards will continue to be avoided; and d.) development projects will continue to be functional, exhibit good design and aesthetics and protect the County’s natural resources and scenic beauty.

The PUD Modification is consistent with the County’s rezoning policies because no new density is proposed and the modifications will not affect the PUD provisions in place which ensure that land with development constraints are avoided, that new development is compatible with existing development, that there is adequate infrastructure, and that wildfire hazards are mitigated. The PUD’s parking requirements will continue to be met, and the number of parking spaces as required per the PUD will not be changed because of this proposed modification.

Regarding parking capacity and PUD compliance, parking along Copper Road has become an important topic of discussion within the resort. The PUD states in Section 4.1.C (iv) that parking along Copper Road is prohibited without approval of a Class 4 Temporary Use Permit and it requires the resort to meet parking demand consistently and provide Staff with notice any time the approved day skier parking is at capacity. The County has granted an allowance for parking on Copper Road for several dates during the 2023 season outside of the Class 4 Temporary Use Permit process. An application for a PUD modification to address overflow parking and parking on Copper Road has been submitted. This is discussed in greater depth in the “Other Issues” section below.

### **The Proposed PUD Modification is Consistent with Public Health, Safety and Welfare, as Well as Efficiency and Economy in the Use of Land and its Resources**

Based on referral comments, the proposed PUD amendment is consistent with the public health, safety,

and welfare. There will be no substantive impacts to the public health, safety and welfare associated with this minor PUD amendment.

**The Proposed PUD Modification Amendment is not Substantial and Conforms to the Intent and Integrity of the Original PUD and the PUD Modification has been Determined to be a Minor Amendment in Accordance with Section 12202.04**

Section 12202.04 of the Development Code states that the Planning Director shall determine whether the proposed zoning amendment to modify a PUD is considered major or minor in nature. A proposed amendment is considered minor if it meets the following criteria for decision:

- A. The PUD modification is not substantial and maintains the intent and integrity of the original PUD.
- B. The PUD modification does not increase in the total number of units or floor area.
- C. No new uses are requested, except for converting one (1) type of permitted use to another similar type of permitted use.
- D. There is no significant decrease in the amount of open space.

It has been determined that the proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04 because, without limitation, a) the PUD modification is not substantial and maintains the intent and integrity of the original PUD; b) the PUD modification does not increase in the total number of units or floor area; c) no new uses are requested; and d) there is no significant decrease in the amount of open space.

When the PUD was modified via Reso. 2020-09, the language added specifically stated that a modification to the PUD to allow for paid parking in the Alpine Lot would be reviewed as a minor PUD modification.

**Other Items:**

Parking, Copper Road Parking, and Maintenance Agreements:

The resort is not permitted to use Copper Road for parking without the approval of a Temporary Use Permit (TUP) per the PUD. This Class 4 TUP is only available for parking in conjunction with Special Events, per the PUD. Additionally, Copper is required to inform the County when the resort is not able to accommodate day skier parking, relevant sections from the PUD are copied below.

*(iv) Copper Road Parking*

*Parking is prohibited on Copper Road (except for Special Events when parking on Copper Road may be approved by the County as a part of a Class 4 Temporary Use Permit) for a specific Special Event. Summit County may deny a temporary use permit for parking on Copper Road at certain times of the year.*

*(a) Overflow Parking Enforcement*

*The Owner agrees to consistently meet the demand for parking for the operations on the Property and at the Resort. For the purposes of this overriding obligation, a failure to consistently meet such obligations shall be deemed to exist if, within the period of one winter operating season, the Owner fails to meet resort parking demands as evidenced by guests being turned away from the Resort or using non-approved parking (i.e., County roads, State Highways, etc.) from the Resort for four (4) or more days within the operating season. The Owner is required to notify County staff within 48 hours that potential guests had been turned away because of a lack of parking. If determined by*



*County staff that the number of days in violation were due to business volume and not due to variables outside of the operator's control (such as road closures due to weather), then the Owner must, upon notification by the County, within ninety (90) days provide to Summit County plans to adequately address the defined parking violation. Failure to adhere to this procedure shall be considered a violation of the PUD and subject the Owner to any enforcement actions as provided for herein.*

Copper came to the County as part of this PUD modification application to request the existing Class 4 TUP process change to a Class 2 site plan review process, to be able to submit for a request closer to events when parking demand for a given Resort Special Event is better understood. This was ultimately removed from the proposed PUD modifications after discussions between County and Copper staff and as such, is not considered as part of this application. At no time was the request expanded to include day skier parking – the request was only to change the process from a Class 4 TUP to a Class 2 site plan review.

Copper has submitted a request for a PUD modification to address the above concern and this will be reviewed and considered by all relevant referral agencies and departments. Copper has also applied to modify the PUD to address issues related to Integrated Housing Units (“IHUs”) in the resort, as was required as a condition of approval for PLN21-143.

**Staff Recommendation**

Staff recommends that the BOCC approve PLN 21-128, A Request for a Class 6 Minor PUD Modification to the Copper Mountain PUD to remove the restriction on paid parking in the Alpine Lot, and other modifications to accomplish the foregoing with the findings contained in the attached resolution of approval.

**Attachments:**

- Attachment A: Current Copper Mountain PUD
- Attachment B: Revised Draft Copper PUD – Chapter 2
- Attachment C: Revised Draft Copper PUD – Chapter 4
- Attachment D: Draft Resolution