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Date: August 16, 2023

To: Town of Frisco
Tom Fisher, Town Manager TomF@townoffrisco.com
Katie Kent, Community Development Director
Jeff Goble, Public Works Director

From: Summit County
Phillip Gonshak, County Manager
Jeff Huntley, County Attorney
Jason Dietz, Housing Director
Brandon Howes, Housing Planner

RE: Summit County Application for Extra-Territorial Water Taps for the Lake Hill Development

Mr. Fisher:

The County has received via email on July 31, 2023 comments from Town staff on Summit County's Application for Extra-Territorial Water Taps for the Lake Hill Development. Below in blue are the County's responses to Town staff's comments and questions.

- **Evidence of ownership of at least 111.8 shares of Class A, Series 1, common stock of the Clinton Ditch and Reservoir Company (emphasis on the .8, as that is the total amount our initial analysis shows will be required to serve the 436 units); and**

[Please see the attached Clinton Share Certificate.](#)

- **All impact studies that have been completed in relation to the currently applied for 436 units and that would show impacts of up to 825 units.**

[Please see the September 23, 2021 Lake Hill Impact Study that examined the impacts of 436 units and the January 17, 2023 Impact study update that examined the impacts of developing up to 900 units. A traffic impact study for 436 units was completed June 14, 2019. A follow up traffic impact study for the Lake Hill Impact study update for 900 units was completed September 26, 2022. Finally, a third traffic impact study was completed May 31, 2023 which included 60 of the 900 units reserved for a Senior facility, a 10,000 sf child care facility, and 2,000 sf coffee shop/community center.](#)

Water Rights

- **The Town would prefer that the language in reference to the water rights is not an "up to" statement, since we will be calculating an exact number of rights needed to serve the applied**

for development. As noted above, our initial calculations for service to 436 units is that it will require dedication of 111.8 shares of the Clinton Ditch and Reservoir Company to the Town.

The County is willing to remove the “up to” language so long as the Town is willing to allow the County to use any *excess* water provided under the 111.8 Clinton Ditch and Reservoir Company shares for additional units at Lake Hill or other projects as determined by mutual agreement. If less water than what the Town has initially calculated is needed to serve the 436 units planned for Phase I at Lake Hill, the County should be able to utilize the excess water.

- **The Town will determine if “such other water held by Summit County” is sufficient. If there is a proposal for this, we would like the information concerning the water rights presented now, and along with the evidence of ownership. Otherwise, the Town would prefer that unidentified sources of water be removed from the application.**

The “such other water held by Summit County” is intended to account for a backup water source in the event the Town determines that there is another, better option to get water to Lake Hill. County is willing to revise the language to state “or such other water held by Summit County deemed sufficient *by the Town* to serve the proposed development and dedicated pursuant to an agreement to be negotiated with the Town.” If the Town is not interested in securing the option to have a backup water source as part of this application, the County is willing to remove that language.

- **As discussed during our recent meetings, and as a sign of good faith, the Town would like the County to propose dedication to the Town’s ownership the shares of the Clinton Ditch and Reservoir Company that are the subject of the 2001 IGA between the Town and the County (concerning the provision of water to the County Commons).**

The County is willing to dedicate the Clinton Ditch shares that are the subject of the 2001 IGA to the Town as a sign of good faith, provided the Town is willing to reconvey back to the County any shares that go unused as part of the Lake Hill development. The County would also note that under the 2001 IGA, the County has been paying the assessments due to the Clinton Ditch and Reservoir Company for the shares reserved to the Town pursuant to the IGA. The Town would not be entitled to any new shares issued by the Clinton Ditch & Reservoir Company in the future. If those shares are conveyed to the Town, the Town will become responsible for paying all assessments due thereon.

Other parts of the application

- **There is no indication on the graphic with the application or in the narrative concerning Dam Road improvements that would be required in order to guaranty continued traffic flow on the road and to maintain access into the development. Further on this point, we are not aware of a current traffic study associated with this project that accounts for the proposed design of the I70, Exit 203 upcoming improvements and designs your project Dam Road ingress and egress issues. That should be provided with this application.**

Summit County hired Fox Tuttle Hernandez to conduct a Traffic Impact Study as part of the Lake Hill Impact Study for 436 units. This original Traffic Impact Study was completed June 14, 2019 and is being submitted with this response. The June 14, 2019 Traffic Impact study found that even modeling out to 2040, all of the Dam Rd. intersections operate overall at acceptable levels-of-service and perform similarly to the existing conditions, except for the Dillon Dam Road at N. Ten Mile Road intersection. (see p.14). At the Dillon Dam Road and N. Ten Mile Road intersection the traffic study found that this intersection should be monitored in the future to determine if a signal or roundabout is needed to reduce delays on the side-street or if traffic is able to reroute to other intersections that lead to SH 9. See page 23 for development triggers that would cause a signal to be installed at this intersection.

Summit County then requested Fox Tuttle Hernandez to conduct a supplemental traffic impact study to review the traffic impact of 900 units which was completed September 26, 2022. In response to community concerns about the timing of the traffic counts in the June 14, 2019 traffic impact study, the County ensured that the supplemental traffic counts included in the September 26, 2022 study were taken in July 2022, which is considered a peak traffic month for the Dam Rd. This traffic study also took into account CDOT's Exit 203 redesign and CDOT's SH 9 interchange study.

Finally, a third traffic impact study completed May 31, 2023 included 60 units reserved for a Senior facility, a 10,000 sf child care facility, and 2,000 sf coffee shop/community center.

The May 31, 2023 Traffic Impact study found that even modeling out to 2042, the only intersection that needed a traffic signal was Dillon Dam Road at the N. Ten Mile Road intersection. (see pgs 10-11). The signal warrants were also evaluated for Year 2042 with the Exit 203 interchange redesign that will change the traffic volumes through the intersection of N. Ten Mile Road and Dillon Dam Road. Hourly traffic was redirected to the appropriate route to and from State Highway 9 with the planned restricted movements and new Frontage Road underpass. It was determined that the intersection of N. Ten Mile Road and Dillon Dam Road will continue to meet both the 4-hour and 8-hour signal warrants in Year 2042 background. (see page 11).

- **It is likely that the Frisco Police Department would be the closest responding agency to a development of this size. What mitigation will be offered to the Town or provided by the Sheriff's Office in order to properly service this development.**

In the Site Impact study completed September 23, 2021 for 436 units, EPS found that the Town police responses from Lake Hill residents are estimated at 35 calls per year at a cost of \$10,170 to the Department. (see p. 32) Compared to the annual sales tax generation of \$117,600 from the new Lake Hill residents, the Town would have an annual net positive fiscal impact of over \$100,000 per year.

In the Site Impact study updated completed January 17, 2023 for 900 units, EPS found that it is estimated that the Town police responses from Lake Hill residents are

estimated at 70.8 calls per year at a cost of \$29,208 (see p.5) to the Department. (see p. 32) EPS found that the new population is estimated to generate \$372,000 from the new Lake Hill residents, the Town would have an annual net positive fiscal impact of over \$340,000 per year.

- **Parks and Recreation Programs will be impacted by a development of this size. What mitigation will be offered in order to keep levels of service for Frisco residents intact, once this development is occupied.**

The Lake Hill Development will include 6.05 acres of dedicated open space in Phase 1 and 10.79 acres of total dedicated open space if phase 2 is completed. A trail as depicted on the Updated Phase 1 graphic will also be constructed within the Lake Hill property which will offset some of the use of the Town of Frisco trails. It has yet to be determined whether a portion of the open space at Lake Hill will be programmed for recreational activities. There may also be an option to operate recreation programs at a future Lake Hill community center.

Summit County is unclear precisely which Town recreation program would be impacted but is happy to further discuss any park and recreation program impacts.

- **The graphic provided with the application indicates closure of recreation parking adjacent to the Dam Road. We would prefer that this be accommodated or mitigated somewhere within the plan in order to preserve this or more parking for recreation on the south side of the Dam Road.**

In the event of future roundabout construction in the area where the existing recreation parking is located, Summit County will coordinate with the USFS to relocate this parking, as needed.

- **Please provide specifics as to the pedestrian/bicycle trail that will be built along the Dam Road to help residents of this development to access the retail areas in Frisco. Also please describe the level of commitment to funding this facility, whether the County will take responsibility for its construction, whether the County will have responsibility for ongoing maintenance of the trail, whether it will be maintained as a year-round facility and at what stage in the development it will be constructed.**

Because of the unknowns regarding CDOT timing of the funding and construction of the Exit 203 project the County is unable to plan for recreation path improvements in that area at this time. After additional consultation with the County Open Space and Trails department the County will utilize the existing recreation path that goes from Lake Hill to the Towers at Lakepoint Condos, then turns left onto 9000 Divide Rd, then turns right onto Lakepoint Dr and then utilizes a small paved path to intersect with Dillon Dam Rd. and Hwy 9 (see the attached image of the route). The County will commit to funding improvements on 9000 Divide Rd, and Lakepoint Dr. to handle an increase in pedestrian/bicycle traffic and will further consider additional recreation

paths in consultation with the Town. Currently, the County does not maintain any portion of the recreation path as a year-round facility in unincorporated County. Due to a lack of staff and equipment the County does not expect to be able to maintain this recreation path route as a year-round facility, but the County is willing to discuss options to support maintaining the rec path as a year-round facility.

- **Please provide specifics as to the grade separated pedestrian/bicycle crossing of the Dam Road to help residents of this development to access the recreational trail system around the Dillon Reservoir. Also please describe the level of commitment to funding this facility, whether the County will take responsibility for its construction, whether the County will have responsibility for ongoing maintenance of the facility, whether it will be maintained as a year-round facility and at what stage in the development it will be constructed?**

Due to the costs associated with building a grade separated pedestrian/bicycle crossing over the Dam Rd. the County does not expect to be able to fund this grade separated crossing until a future Phase 2 of Lake Hill. However, currently the County feels it will be more cost effective to build a bridge over the Dam Rd. than a tunnel underneath it. The County would take responsibility for its construction and would maintain it going forward. The County would also expect that this facility would be maintained year-round. During Phase 1, the County will explore building a lit crosswalk with traffic calming measures.

- **A better description of the commitment of the applicant as to when and how transit service will be available to the development.**

Due to the high number of local workers that rely on public transit the County feels it is essential to create a new Summit Stage route along the Dam Rd. to serve Lake Hill. Due to this high priority, the County's Housing Department has already held several meetings with Summit Stage on the topic and it is expected once the rezoning for the property is complete additional conversations will take place with Summit Stage. The County's goal is in advance of the project hitting fitting 50% occupancy for Phase 1 of Lake Hill the new transit route will be in place.

- **Within the first 436-unit phase, please indicate the timing of construction and occupation of each building and use.**

The Lake Hill project is currently in the conceptual planning phase. As such it is extremely difficult to identify a schedule without a better understanding of when entitlements will be complete and obtaining a general contractor for the project. However, County staff have created a very rough estimate of when the construction and occupation of each building will take place.

- **A description of the number of floors and square feet that each building will be.**

Please see the Updated Phase 1 graphic identifying the number of floors and square feet that each building will be.

- **It would be helpful to understand (i) the difference in the physical infrastructure that would be required for the proposed upsizing as compared to what would be required for 436 units; and (ii) the cost differential between the two pipe sizes.**

The County is currently at the conceptual design phase which makes it preliminary to answer some of these questions. However, as the design for the project advances, a hydraulic model will be set up for the overall Lake Hill property (including Phase 1 and Phase 2) to design the overall water infrastructure to serve the potential future development of the property. Typically, water system planning includes review of potential future development so that initial infrastructure construction can be sized appropriately and constructed once. After rezoning the property, more detailed design information including building sizes, construction types, building heights, water demands, and fire flow requirements will be evaluated and used to develop a hydraulic water model for the development to confirm final sizing of piping and requirements for the water system.

The water system design is anticipated to include a new 10" water main running through Phase 1 of the development that will provide looped service for the Lake Hill property. Three connections to the existing water system are anticipated:

1. East connection to the existing 12" main in the Dam Road.
2. Central connection to the existing 12" main in the Dam Road at the westerly access point.
3. West connection to the existing water system at Lake Forest Condominiums.

The backbone of the water system described above will provide looped service for redundancy, and to promote water flow throughout. Additional 8" water main loops off the backbone will provide service to the Phase 1 development.

- **Finally, with respect to water infrastructure, please clarify which parts (mains) of the water system that the County proposes dedicating to the ownership and maintenance of the Town, and which parts are proposed for ownership and maintenance by the County.**

Subsection 171-2 of the Town Code states "At the Town's request, the developer or user shall deed to the Town the water system and rights-of-way, and any easement associated therewith, after completion." The County assumes that the Town would like to own the water mains and the taps to the property would be the property owner's responsibility.

As for other water infrastructure items, it would be beneficial to have a meeting in the future to discuss which entity will own and maintain them.

Sincerely,



Philip Gonshak, County Manager