

Ordinance No. 2020-04

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR SEVEN (7) TRACTS OF LAND ZONED RESIDENTIAL DEVELOPMENT, ESTATE, HISTORIC RESIDENTIAL-LOW DENSITY, AND RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY TO RECREATION AND OPEN SPACE (ROS) INCLUDING BUREAU OF LAND MANAGEMENT PARCEL 17 TRACTS 1, 2, 4 AND PARCEL 18 TRACTS 1, 2, 6 AND 7, PARK CITY, UTAH.

WHEREAS, all Tracts of Land are owned by the Bureau of Land Management (BLM) who is expected at some point in the future to dispose of these sites under a competitive bidding procedure; and

WHEREAS, the properties were properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on November 26, 2019 the properties were posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on November 23, 2019 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 11, 2019 to receive input on the Zoning Map Amendment; and

WHEREAS, the Planning Commission, on December 11, 2019, forwarded positive recommendation to the City Council; and,

WHEREAS, on January 9, 2020 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Amendment of the Zoning Map.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** Zoning Map Amendment from Residential Development (RD), Estate (E), Residential Development-Medium Density (RM) and Historic Residential-Low Density (HRL) to Recreation Open Space (ROS) for BLM Parcel 17 Tracts 1, 2, 4 and BLM Parcel 18 Tracts 1, 2, 6 and 7 as shown in Attachment 1 is approved subject to the following Findings of Facts and Conclusions of Law.

Findings of Fact:

1. The properties are identified as BLM Parcel 17 Tracts 1, 2, 4 and BLM Parcel 18 Tracts 1, 2, 6 and 7.
2. The properties are currently zoned Residential Development (RD), Estate (E), Residential Development-Medium Density (RM) and Historic Residential-Low Density (HRL).
3. These tracts of land are former mining claims and contain no buildings and have historically been used for recreation and passive open space (conservation) purposes including serving as wildlife habitat.

4. These tracts of land are located off of Mellow Mountain Road, Rossie Hill Drive/Deer Valley Loop, and Marsac Avenue.
5. The City is proposing to rezone the land to Recreation Open Space (ROS) in order to maintain these sites as Recreation Open Space resources.
6. There is limited vehicular access to many of these sites and the City has not expressed an intent to develop any of these sites therefore the long term plan would be to manage these sites as passive recreation use with wildlife and conservation benefits.
7. It is expected that at some point in the future the BLM will dispose of these sites under a competitive bidding procedure although the timing of the disposal remains unclear.
8. The ROS District lists Conservation Activity as an allowed use.
9. The Residential Development District allows for up to three Residential Units per acre so Parcel 17 Tract 1 could support residential development containing one (1) unit. However, this lot is currently land locked with no access to a road.
10. Parcel 17 Tract 2 is in the RD District but is too small to support residential development.
11. Parcel 17 Tract 4 is in the Estate District is too small to support residential development as the minimum lot size is three acres per dwelling unit.
12. Parcel 18 Tract 1 is located in the Historic Residential-Low Density (HRL) District where the minimum Lot Area is only 3,750 square feet therefore this track could support up to two dwelling Units.
13. Parcel 18 Tract 2 is zoned Residential –Medium Density (RM) and could support two Single Family Dwellings, a Duplex or a Triplex by-right, or a Multi-Unit Dwelling by Conditional Use Permit. Due to the number of significant Mining Era Cottages in this immediate area preserving these remaining mining claim tracts from development will help maintain the historic context of this neighborhood.
14. Parcel 18 Tracts 6 and 7 are both small parcels but together almost create a large enough parcel for one residential unit. However these two tracts, together with Tract 2 and Tract 4 (already zoned ROS) create a view corridor up Rossie Hill Drive and past Coalition View Court worth preserving.
15. The Zoning Map Amendment to ROS is appropriate in that the zone change will meet City Council's goals of protecting undeveloped lands, conserving a connected, healthy network of open space for continued access to and respect for the Natural Setting, to conserve natural resources and to preserve community character consistent with the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment as the amendment will preserve existing open space that serves as trails, wildlife and view corridors.
2. The Zoning Map Amendment is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City Attorney.

PASSED AND ADOPTED this 9<sup>th</sup> day of January, 2020.

PARK CITY MUNICIPAL CORPORATION

  
Andy Beerman, MAYOR



ATTEST:

  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
Mark Harrington, City Attorney

Attachment 1 –Rezoning Identification Map

