

**PARK COUNTY PLANNING COMMISSION  
PLANNING DEPARTMENT STAFF REPORT**

Planning Commission Hearing Date: November 8, 2016

To: Planning Commissioners

Date: October 31, 2016

Prepared by: John Deagan, AICP, Planner

Case Number: 16ZON-13

Subject: Partial rezoning of metes-and-bounds parcel at south end of the Red Hill Forest subdivision.

Request: Applicant is requesting to rezone the lot from the Agricultural, Residential and Commercial zone districts to the Commercial and Residential zone districts and to move the Commercial boundaries.

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**Application Summary:**

Applicant:	Park County Planning
Owner:	Red Hill Forest Property Owners Mutual Water and Cattle Association (RHFPOMWACA)
Location:	Part of Section 5 Township 11 Range 76, addressed as 16 Redhill Road.
Current Zone District:	Commercial, Residential, and Agricultural
Surrounding Zoning:	Agricultural, Residential, and Commercial - a zoning map is included as Attachment 1.
Lot Size:	16 acres
Proposed Zoning:	Residential and Commercial – the Commercial portion to be moved east of the Red Hill ridgeline

**Background:**

The subject property is located at the southern end of the Red Hill Forest subdivision, southeast of Fairplay. A Vicinity Map is included as Attachment 2. It consists of one metes-and-bounds parcel zoned Commercial, Residential, and Agricultural. Since the lot is over 10 acres it can contain more than one zone district. According to the Red Hill Forest preliminary plan and Filing 3 plat, this lot was intended to be placed entirely within the commercial zone district. Due to the limitations of the zoning map system in use between 1975 and 1998, the lot is only partially zoned Commercial.

As a result of the new camping regulations, RHFPOMWACA would like to use the lot for a Vehicle Storage Area (a permitted use in that zone district). They would like this use to occur on the east side of Red Hill, in a part of the lot currently within the Agricultural zone district. Rezoning the entire lot to Commercial is a desirable course of action so the proposal is to move the Commercially zoned portion to the east side of the Red Hill ridgeline and to rezone the portions of the lot in the Agricultural zone district to the Residential zone district. The proposed new zone districts in the lot can be seen as Attachment 3.

### **Land Use Regulations and Strategic Master Plan:**

Each of the standards for approval of a Zoning Map Amendment (LUR Section 5-202, page 9) is addressed, as summarized below.

**A. In considering any petition for amendment of the Official Zoning Map, the following standard shall govern. The applicant for the proposed amendment shall bear the burden of proof and the resolution approving the zoning map amendment shall be approved and adopted only if it is demonstrated by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:**

- 1. The property possesses the geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district; and**

The property's geological, physical, and other environmental conditions are compatible with the potential permitted uses in the Commercial Zone District.

- 2. The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare; and**

The property has extensive frontage along Redhill Road.

- 3. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and**

Access will have to meet relevant requirements prior to issuance of a building permit.

- 4. The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and**

Moving the Commercially zoned portion of the lot to the east side of the ridge will prevent it from being viewed by highway travelers, lots on the west side of the highway, and most of the traffic entering the Red

Hill Forest subdivision. It will, however, be visible from the valley between Red Hill and Reinecker Ridge. The lot density in that valley is very low and much of the land is owned by the Bureau of Land Management. See Attachment 4. Staff views this as an improvement over the current situation, and compatible with surrounding land uses.

**5. At least one of the following:**

**a. The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or**

The subject property's rezoning is not inconsistent with the advisory provisions of the 2016 Park County Strategic Master Plan.

**b. The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or**

Not Applicable.

**c. The rezoning, as proposed, is to a Planned Unit Development**

Not Applicable.

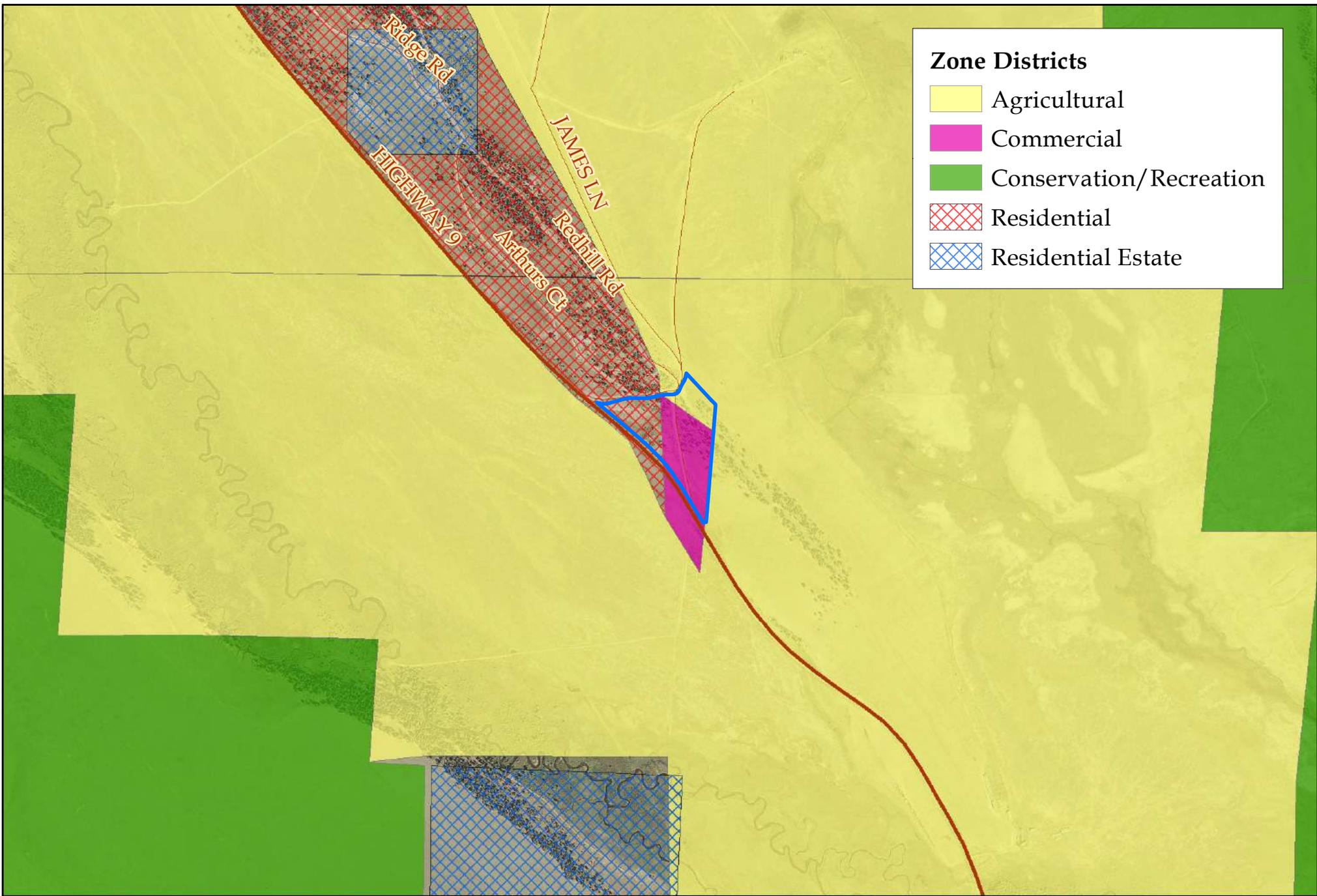
**Impact Analysis:**

Anticipated impacts are visual to the valley between Red Hill and Reinecker Ridge. Additionally, the proposed development is very close to the north lot line and will involve over an acre of earth disturbance.

**Recommendation:**

Based on the foregoing, staff recommends that the Rezoning be approved with the following conditions:

1. Prior to application for any development permits, a drainage, erosion, and sedimentation plan meeting the requirements of Land Use Regulations Section 7-602 is approved by the Environmental Health Department; and
2. Prior to submission of a drainage, erosion, and sedimentation control plan, the north lot line is surveyed to ensure that the lot to the north is not encroached upon.



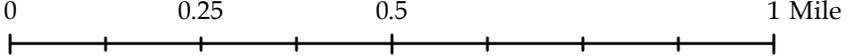
**Zone Districts**

- Agricultural
- Commercial
- Conservation/Recreation
- Residential
- Residential Estate



# Att. 1 - Surrounding Zone Districts

*Aerially Photographed in 2013*



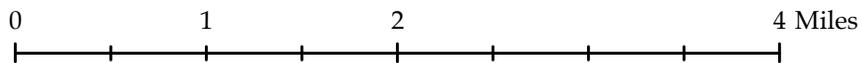
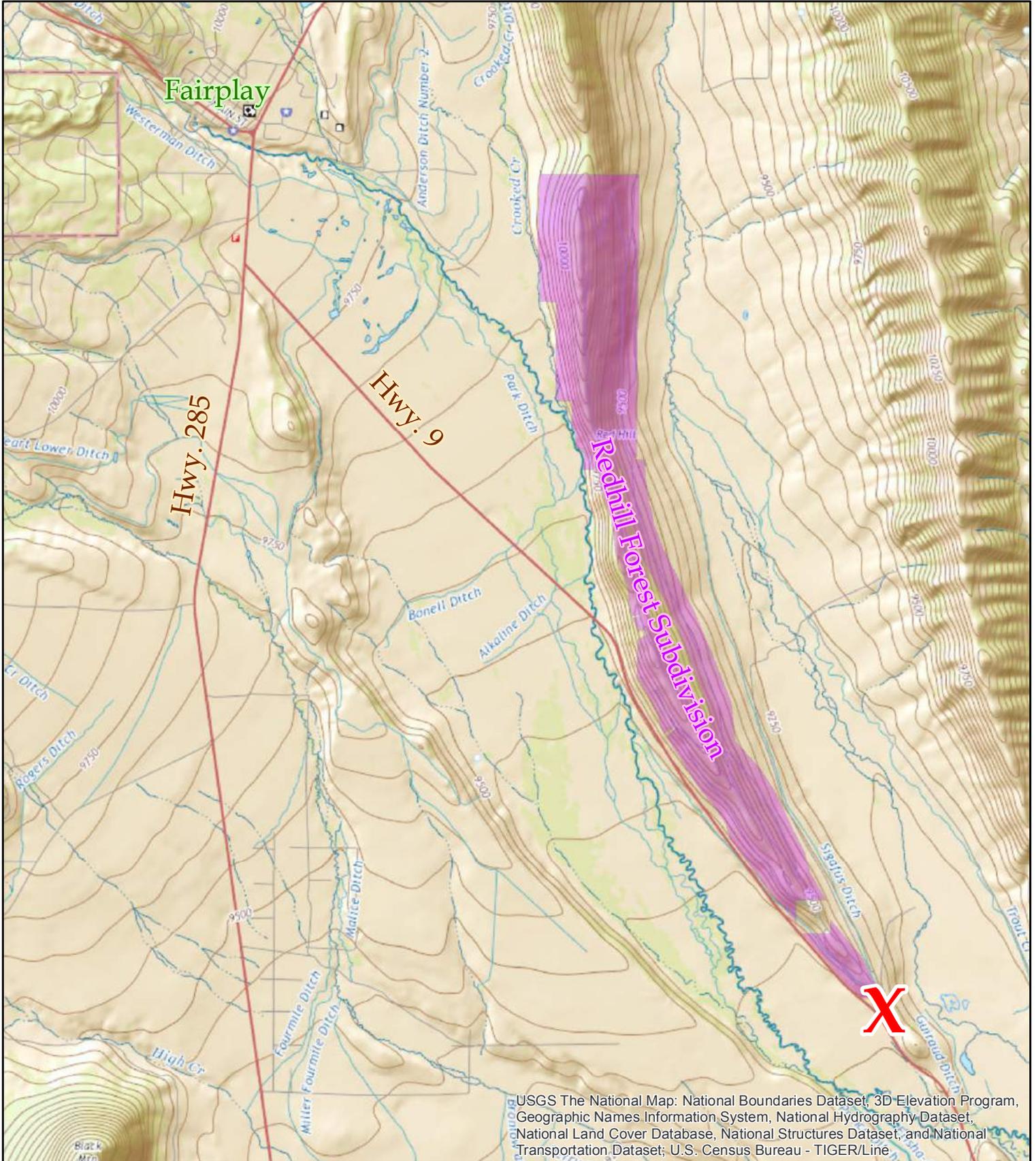
Park County Planning Department

*This map is not a survey.*

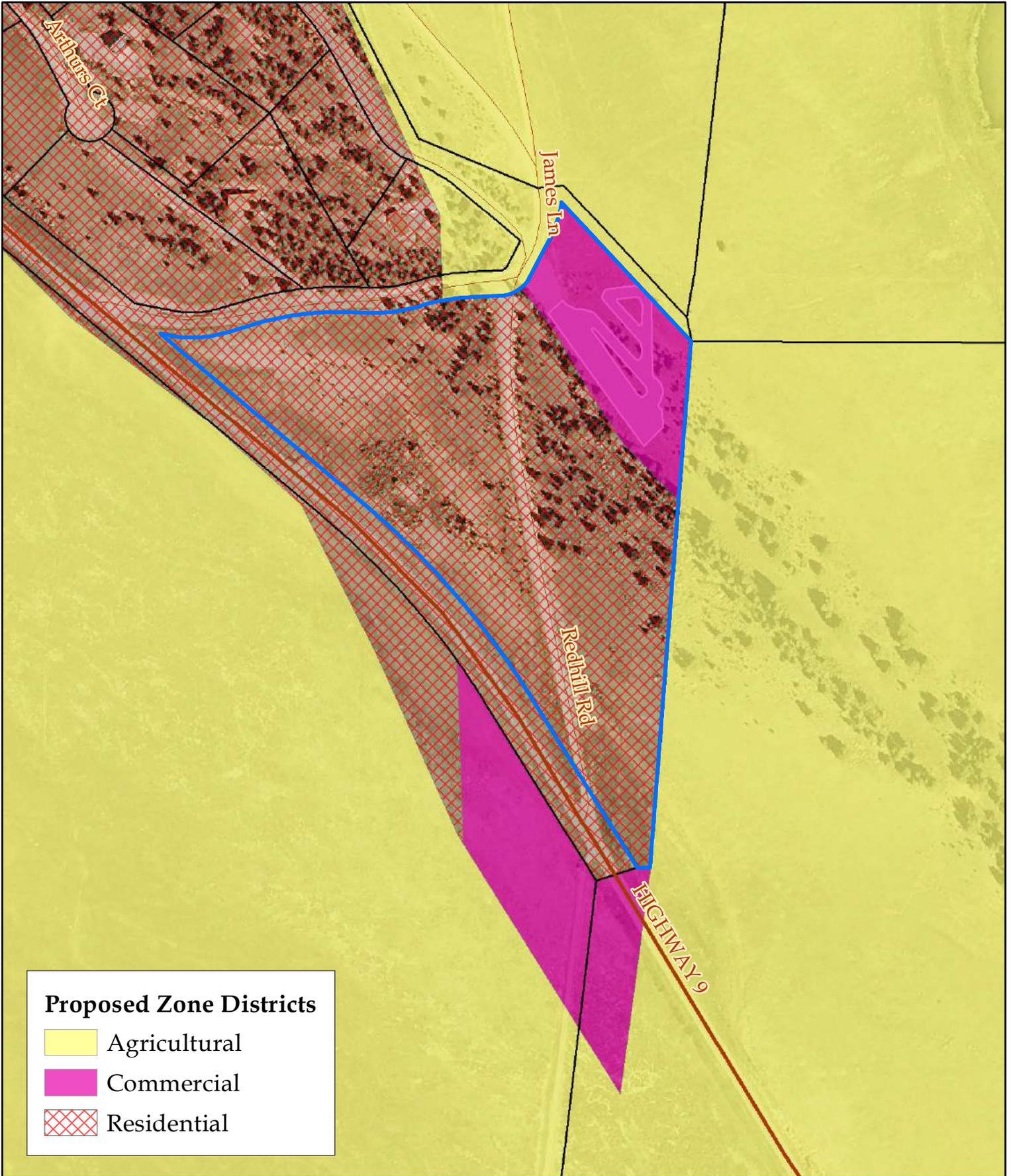
# Vicinity Map

Att. 2

Contour Interval is Fifty Feet



Park County Planning Department

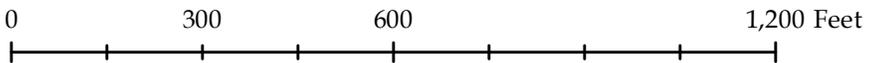


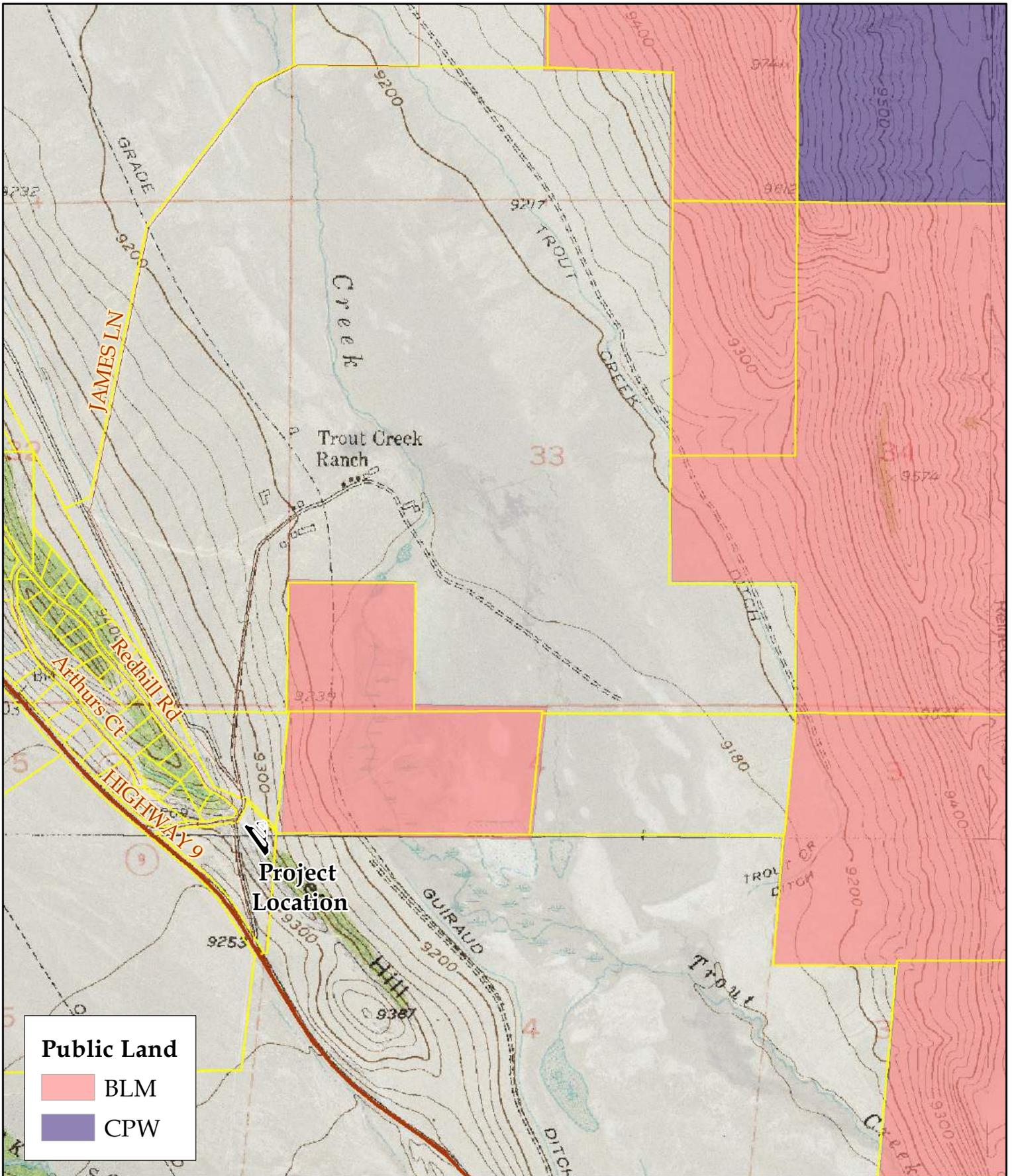
**Proposed Zone Districts**

-  Agricultural
-  Commercial
-  Residential



Park County Planning Department  
*This map is not a survey.*





**Public Land**

-  BLM
-  CPW



Park County Planning Department

*This map is not a survey.*

