

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

Planning Commission Hearing Date: August 27, 2019

To: Planning Commissioners

Date: August 14, 2019

Prepared by: John Deagan, AICP; Planner

Case Number: 19ZON-08

Subject: Stephens Lode Rezoning

Request: The applicant is requesting a rezoning from Mining to Residential.

Application Summary:

Applicant:	Michael Florio
Owner:	John Ireland
Location:	Part of the SW ¼ Section 9 Township 9 Range 78, addressed as 4455 C.R. 12, Alma.
Current Zone District:	Mining
Surrounding Zoning:	Conservation/Recreation, Mining, and Residential - a zoning map is included as Attachment 1.
Lot Size:	10.33 acres
Proposed Zoning:	Residential

Background:

The subject property is proposed for residential development. According to the applicant's geologist, the property does not contain potentially valuable mineral deposits and residential development will not impede nearby mining efforts. Therefore, the applicant is applying for a rezoning to Residential instead of a Conditional Use Permit for a residence unrelated to mining activity.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Zoning Map Amendment (LUR Section 5-202) is addressed 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 Residential Zone District. It does not contain any mapped geologic hazards or hazards due to past mining activity. Environmental constraints exist in the form of steep slopes and wetlands, but these are north and south of the proposed development area. The active avalanche chutes mentioned in the geotechnical review are a thousand feet away from the lot.

- 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 frontage along County Road 12, a public right-of-way.

- 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**

Built access to the lot will have to meet County driveway standards.

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

Adjacent land uses by tax assessment category are vacant (Forest Service) and mining. The site visit indicated that the lot assessed as being used for mining is actually being used for camping and vehicle storage.

- 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 rezoning is not inconsistent with the advisory provisions of the 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:

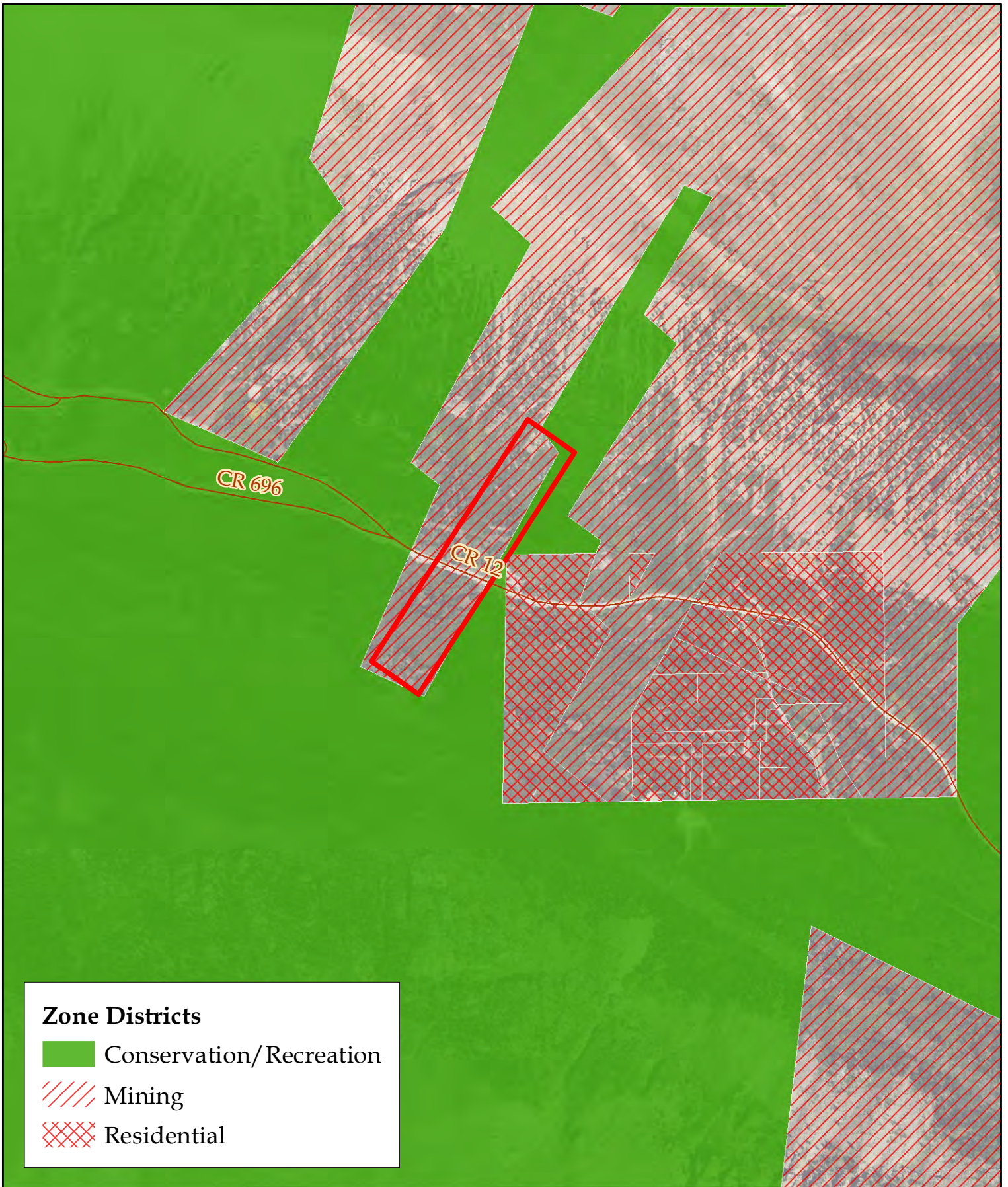
No substantial adverse impacts are anticipated.

Recommendation:

Based on the foregoing, staff recommends that the Rezoning be approved with no conditions.

Zoning Map

Att. 1



Zone Districts

- Conservation/Recreation
- Mining
- Residential

