

Ordinance No. 2025-03

AN ORDINANCE APPROVING AN AMENDMENT TO AND EXTENSION OF ORDINANCE NO. 2023-03, A ZONING MAP AMENDMENT TO REZONE A SIX (6) ACRE POD FROM RECREATION AND OPEN SPACE (ROS) TO ESTATE (E) FROM A PORTION OF PCA-S-79-C (THE BRANSFORD PROPERTY, ALSO KNOWN AS THE LOGAN PARCEL), PARK CITY, UTAH, SUBJECT TO SUBDIVISION PLAT APPROVAL PRIOR TO APRIL 27, 2027

WHEREAS, Parcel PCA-S-79-C, a 19.8-acre parcel, and Parcel PCA-S-79-B, and 19.8-acre parcel, are owned by the Bransford Land Company;

WHEREAS, the Bransford Land Company petitioned the City Council to rezone six acres of Parcel PCA-S-79-C from Recreation and Open Space to Estate, to create two three-acre pods for the future construction of two Single-Family Dwellings, with each Single-Family Dwelling located on one three-acre pod;

WHEREAS, on April 13, 2022, June 15, 2022, and August 10, 2022, the Planning Commission conducted duly noticed work sessions to review the proposed rezone;

WHEREAS, on November 9, 2022, and December 14, 2022, the Planning Commission held a duly noticed public hearing;

WHEREAS, on December 14, 2022, the Planning Commission forwarded a positive recommendation to the City Council;

WHEREAS, on January 24, 2023, and April 27, 2023, the City Council held public hearings and on April 27, 2023, the City Council adopted Ordinance No. 2023-03 approving the rezone;

WHEREAS, on October 10, 2024, the Applicant requested to modify the sunset clause to allow for an additional two years to receive approval of and record a Subdivision Plat for the six-acre pod,

WHEREAS, the Applicant proposes amendments to Conditions of Approval to allow for approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C (a tipping site),

WHEREAS, on February 12, 2025, the Planning Commission held a duly noticed public hearing and unanimously forwarded a positive recommendation to the City Council to approve the two-year extension of the sunset clause and amend the Conditions of Approval to allow for a tipping site,

WHEREAS, the City Council held a public hearing on February 27, 2025 to consider the Ordinance approving the two-year extension of the sunset clause and the modification to Conditions of Approval 3, 4, 7, 8 and to allow a tipping site,

WHEREAS, the proposed zoning map amendment is consistent with the purposes of the Utah Municipal Land Use, Development, and Management Act, Utah Code Section 10-9a-102:

The purposes of this chapter are to:

- a. provide for the health, safety, and welfare;
- b. promote the prosperity;
- c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
- d. protect the tax base;
- e. secure economy in government expenditures;
- f. foster the state's agricultural and other industries;
- g. protect both urban and nonurban development;
- h. protect and ensure access to sunlight for solar energy devices;
- i. provide fundamental fairness in land use regulation;
- j. facilitate orderly growth and allow growth in a variety of housing types; and
- k. protect property values.

WHEREAS, it is in the best interest of Park City, Utah to rezone a six-acre pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C in Park City, Utah, as conditioned;

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

SECTION 1. APPROVAL. The Conceptual Zoning Map Amendment to rezone a six-acre pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two (2) three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay Zone and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.

5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.
6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwellings.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. The maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued (except for any approved tipping sites) to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been approved by City Council and recorded.
3. Consistent with the permitted Uses of the ROS zone, this approval, and the potential approval of new tipping sites and potential development of new Ski Runs (proposed by The Empire Pass Master Owners Association that are consistent the relevant portions of the recorded Flagstaff Annexation Agreement), the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six Estate zoned acres prior to Subdivision recordation; such Conservation Easement may permit relocating soil pursuant to Tipping and/or Grading permits issued by the City or may exclude the property intended for such soil relocation (the "Tipping Sites"). Limits of any other Disturbance are limited to the 6-acres and the Tipping Sites and shall include the driveway area. Minor adjustments to the Conservation Easement and Zoning Map shall conform to the final Subdivision Approval. Lot lines on the attached map shall be eliminated.
4. The Applicant shall submit a Tree Preservation and Replacement Plan from a licensed Arborist to the Planning Director with the subdivision plat application that identifies Significant Vegetation in the Estate zoned portion of the lot and any Significant Vegetation to be removed for development, and the Engineered plans

for the proposed Tipping Sites and the associated construction mitigation requirements, including for access and driveway areas.

5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep and Very Steep Slopes.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance. Driveway width shall be the minimum required by the Park City Fire District.
7. The Applicant shall maintain and grant easements for existing bike and ski trails located on the property as well as any potential new ski trails that may be proposed at the time of plat recording. Existing and/or new bike and ski trails shall not be impacted by development or access. If any bike trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager and must be approved with the Subdivision Plat.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD) as well as any proposed Tipping Sites.
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet of Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on any future subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.
13. The approval of this Zone Change is subject to a two-year Sunset Clause. If the Applicant has not received an extension of the Sunset Clause and/or an approval

for a Subdivision Plat by Planning Commission by April 27, 2027, the Zoning will revert back to Recreation and Open Space (ROS).

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of February 2025.

PARK CITY MUNICIPAL CORPORATION

Signed by:

Nann Worel

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Nann Worel, Mayor

ATTEST:



DocuSigned by:

Michelle Kellogg

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City Recorder

APPROVED AS TO FORM:

Signed by:

Mark Harrington

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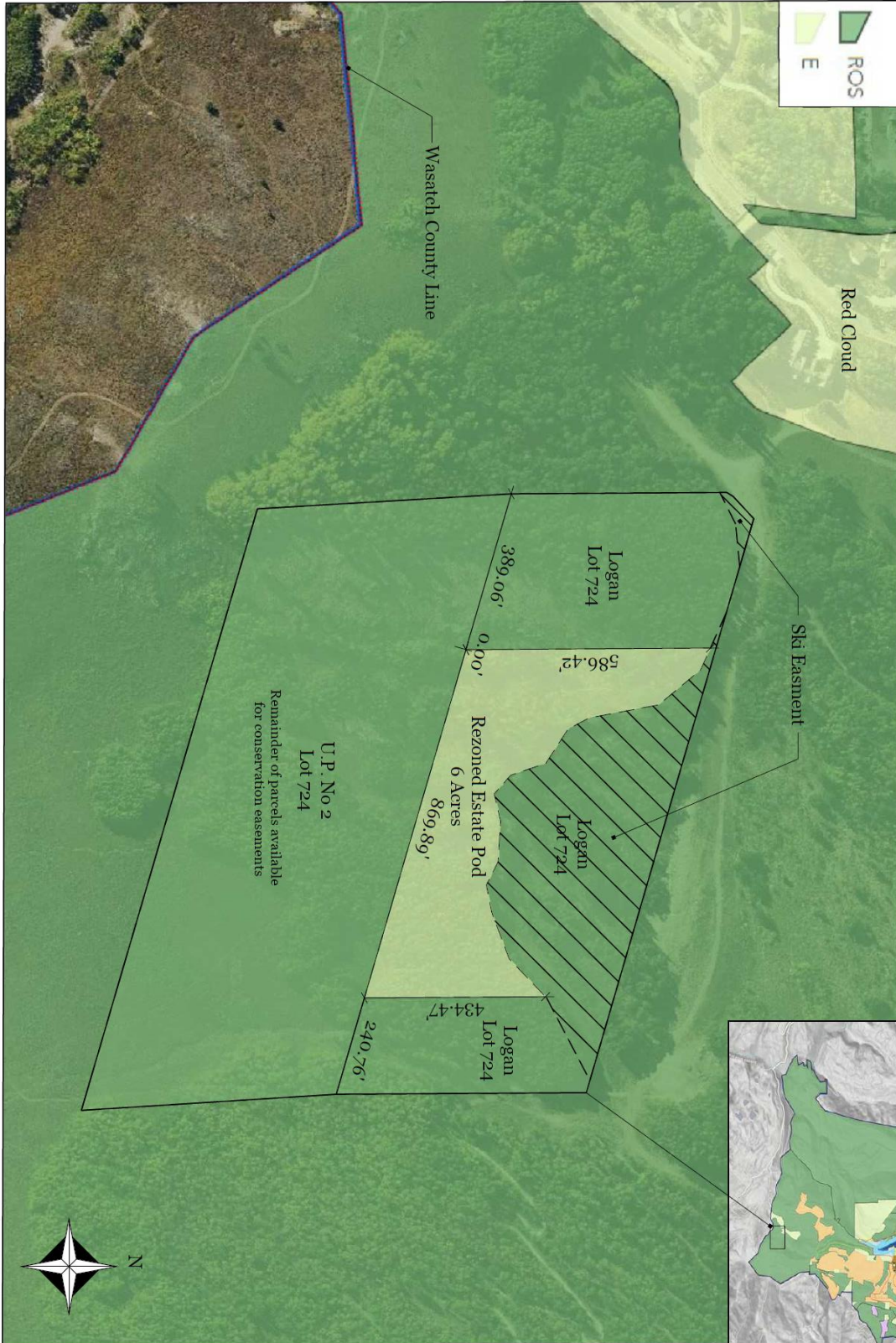
City Attorney

Attachment 1: Conceptual Zoning Map Amendment

Legal Description

The Logan Patented Lode Mining Claim, Lot No. 724, as the same is more particularly described in that certain Patent recorded November 30, 1892, in Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-C



Rezone Map

Bransford Land Company
Logan/U.P. No 2

REVISIONS	
MM/DD/YY	REMARKS
1 08/25/22	...
2 01/18/23	...
3	...
4	...
5	...