



**PARK CITY ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
October 26, 2023**

The Planning Department of Park City, Utah will hold a Public Hearing with an anchor location for public participation at the Marsac Municipal Building, Planning Department Conference Room, 445 Marsac Avenue, Park City, Utah. Meetings will also be available online with options to listen, watch, or participate virtually.

1. REGULAR AGENDA - 12:00PM

- 1.A. **1665 Bonanza Drive - Administrative Conditional Use Permit** - The Applicant Proposes to Reconstruct a Vault and Switch-Gear Mechanical Unit in the Frontage Protection Zone. PL-23-05795
(A) Public Hearing; (B) Action
- 1.B. **1800 Park Avenue – Administrative Conditional Use Permit** – The Applicant Proposes Installing a Temporary Bus Shelter in the General Commercial Zoning District and Frontage Protection Zone to Provide Shelter for Transit Riders While the Permanent Bus Shelters are Completed. PL-23-05889
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report

Subject: 1665 Bonanza Drive
Application: PL-23-05795
Author: Jack Niedermeyer
Date: October 26, 2023
Type of Item: Administrative Conditional Use Permit



Recommendation

(I) Review the proposed reconstruction of a vault and switchgear mechanical unit in the Frontage Protection Zone (FPZ), (II) conduct a public hearing, and (III) consider approving an Administrative Conditional Use Permit subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Rocky Mountain Power – Brian Bridge
Location: 1665 Bonanza Drive
Zoning District: General Commercial
Frontage Protection Zone
Adjacent Land Uses: Commercial
Reason for Review: The Planning, Building, and Engineering Departments review Administrative Permits for minor remodels in the Frontage Protection Zone¹

CUP Conditional Use Permit
FPZ Frontage Protection Zone
GC General Commercial
LMC Land Management Code
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

On August 11, 2023, the Applicant, Rocky Mountain Power (RMP), submitted an Administrative Conditional Use Permit (ACUP) to construct an underground vault and an above-ground switchgear mechanical unit at 1665 Bonanza Drive, Lot 46-B of the

¹ LMC [§ 15-2.2-4\(C\)](#)

Resubdivision of Lot 46 Prospector Square Subdivision (Exhibit C). The Subdivision plat, recorded in 1985, establishes a buffer zone for Lot 46-B along Kearns Boulevard and a 20-foot-wide non-exclusive utility easement along Kearns Boulevard. The Applicant proposes updates to utilities partially within this non-exclusive utility easement.

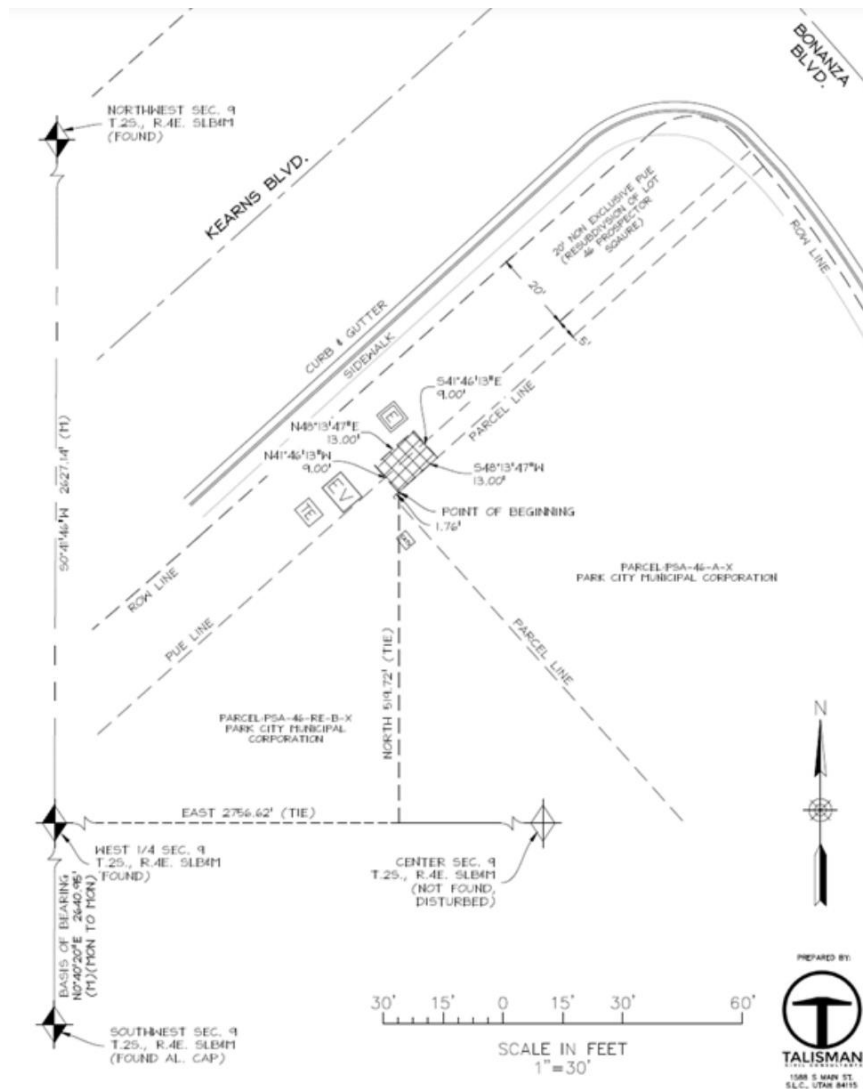
Google Street View of the existing Vault and Switch Gear



There are several existing utilities that require the location of the vault to shift to the south onto property owned by Park City Municipal Corporation. While the vault will be located below ground, there will be a switch gear within a green utility box that will reside on top of the vault, similar to what is existing in the surrounding area. The vault is proposed to be located entirely within the Underground Right of Way Easement that was approved by the City Council on October 5, 2023 (Exhibit D). The Easement has a width of nine feet and a length of 13 feet. The area around the vault will be restored to its preconstruction condition once work is completed. Staff recommends Condition of Approval 2:

The vault and switch-gear mechanical unit shall be located entirely within the recorded limits of the Underground Right-of-Way Easement, approved by the City Council on October 5, 2023.

The image taken from the Applicant's survey below outlines the 20-foot non-exclusive utility easement shown on the Subdivision plat, and the 2023 City Council easement approval for the upgraded utility installations:



RMP's proposal is part of an overall effort to help mitigate wildfire concerns. The new vault and switch gear will replace an existing vault and switchgear that was installed in 2006. The new vault and switchgear are proposed to be slightly larger than the existing equipment, for the purpose of handling additional power connections at a higher capacity to allow RMP to splice or terminate existing underground distribution wires.

Per the Applicant, the existing switchgear is 60 inches tall, 62 inches wide, and 67 inches long, and is only set back from Kearns Boulevard 9 feet. The existing switchgear does not have a vault below. The new switchgear will be 44 inches tall, 75-inches wide, and 75-inches long, with a vault below. Additionally, the new switchgear will be set back sixteen feet from Kearns Boulevard.

Analysis

(I) The proposal complies with the General Commercial Zoning District Requirements.

The General Commercial Zoning District requires the following Setbacks outlined in LMC [§ 15-2.18-3](#):

Front Setback Minimum of 20'	Non-Complying Structure The existing equipment is 9 feet from Kearns Boulevard. The new vault is proposed to be located 16 feet from Kearns Boulevard, and more compliant with front setback regulations. As noted above, the 20-foot utility easement was established as part of the 1985 Subdivision plat for this property. Pursuant to LMC § 15-9-6(A), the switchgear mechanical unit is a Non-Complying Structure and may be repaired, maintained, or altered, provided that such repair, maintenance, or alteration does not increase the degree of the existing non-compliance of all or any part of such structure. According to the Applicant, the existing switchgear is 60 inches tall, 62 inches wide, and 67 inches long. The existing switchgear does not have a vault below. The new switchgear will be 44 inches tall, 75-inches wide, and 75-inches long. The new switchgear will be lower in height and will be set back further from Kearns Boulevard.
Rear Setback Minimum of 10'	Non-Complying Structure As noted above, the 20-foot utility easement was established as part of the 1985 Subdivision plat for this property.

	Pursuant to LMC § 15-9-6(A), the switchgear is a Non-Complying Structure and may be repaired, maintained, or altered, provided that such repair, maintenance, or alteration does not increase the degree of the existing non-compliance of all or any part of such structure. The city-owned five-acre parcel has not yet been combined into one lot and the current parcels create a rear setback of zero feet. However, once the five-acre parcel is platted, the Non-Complying Structure will comply with rear setback requirements.
Side Setback Minimum of 10'	Complies The vault is proposed to be located over 100' from side property lines.

(II) The proposed Construction Activity triggers an Administrative Conditional Use Permit because the site is located within the Frontage Protection Zone

The purpose of the Frontage Protection Zone (FPZ) is to:

- Preserve Park City's scenic view corridors
- Preserve and enhance the rural resort character of Park City's entry corridor
- Provide a significant landscaped buffer between development and highway uses
- Minimize curb cuts, driveways, and access points to highways
- Allow for future pedestrian and vehicular improvements along the highway corridors²

LMC [§ 15-2.20-4\(D\)](#) requires an ACUP for utility installations within the FPZ:

"Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an Administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments".

Per the proposed site plan (Exhibit B), the new vault and switchgear will be located 16' from the front property line that abuts Kearns Boulevard (SR-248) within the platted utility easement and the 2023 easement approved by City Council, will be located on

² LMC [§ 15-2.20-1](#)

the rear property line shared with Lot 46-A, and will be over 100' from the side property lines. The proposed construction will not modify the existing structures on Lot 46-B.

(III) The proposal complies with Administrative Conditional Use Permit Requirements outlined in LMC Section 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department evaluates all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	No Unmitigated Impacts: The Applicant proposes to excavate a portion of the Lot to construct a vault which will allow for the splicing, or termination of RMP's existing underground distribution lines. Once the upgrades are completed, the RMP infrastructure will be less visually obstructive to the surrounding area.
Traffic	No Unmitigated Impacts: The proposed construction will not impede traffic.
Utility Capacity	No Unmitigated Impacts: <i>See Condition of Approval 2</i>
Emergency Vehicle Access	No Unmitigated Impacts: The proposed construction will not impede Emergency Vehicles.
Parking ²	No Unmitigated Impacts: The proposed construction will not increase parking.
Internal Vehicular and Pedestrian Circulation System ²	No Unmitigated Impacts: The proposed construction will not impact circulation.

Fencing, Screening, and Landscaping	LMC Section 15-5-5(L) requires all electrical service equipment, except those owned and maintained by public utility companies, to be screened to blend with the surrounding natural terrain. Condition of Approval 6 requires protection of significant vegetation.
Building Mass, Bulk, and Orientation	No Unmitigated Impacts: The proposed vault and switch gear unit will be slightly larger in mass than the existing vault and switchgear vault but will be reduced in overall height. The new switchgear will be similar in size to the units located in the surrounding area. The existing switchgear is 30 square feet. The proposed switchgear is 39 square feet. The proposed switchgear will be reduced in height and further set back from Kearns Boulevard, reducing visual impacts.
Useable Open Space	Not Applicable
Signs and Lighting ²	No Unmitigated Impacts: This application does not include proposals for Signs or Lighting.
Physical Design and Compatibility with Surrounding Structures	No Unmitigated Impacts: The proposed vault and switchgear unit will be similar in size to vaults and units located in the surrounding area.
Noise, Vibration, Odors, Stream, or Other Mechanical ² Factors	No Unmitigated Impacts: The proposal to underground existing distribution lines will reduce the visual impact of the existing mechanical equipment on site.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Not Applicable
Expected Ownership and Management	No Unmitigated Impacts: 1665 Bonanza Drive is a property that is owned and maintained by Park City Municipal Corporation. On October 5, 2023, the City Council approved an easement for the switch gear box to be located on City Property recorded as 1665 Bonanza Drive.

Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Condition of Approval 1665 Bonanza Drive is located within the Soils Ordinance Boundary. Condition of Approval 7 requires the Applicant to obtain approval from the City's Environmental Regulatory Program Manager prior to building permit issuance.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Goal 6 of the General Plan is to implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. Objective 6A is to prepare for probable scenarios that could threaten health, welfare, and safety of residents. Implementation of climate adaptation strategies is necessary to become more resilient to wildfire. The proposal will eliminate the existing above-ground distribution lines and help mitigate wildfire.

Department Review

The Planning, Building, and Engineering Departments reviewed this application.

Notice

Staff published notice on the City's website and posted notice to the property on October 10, 2023. Staff mailed courtesy notices to adjacent property owners October 10, 2023.³

Public Input

Staff did not receive any public input prior to the publication of this staff report.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Site Plan

Exhibit C: Resubdivision of Lot 46 Prospector Square Subdivision

Exhibit D: Approved Easement

³ LMC [§ 15-1-21](#)



Planning Department

October 26, 2023

Rocky Mountain Power – Brian Bridge

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address: 1665 Bonanza Drive

Zoning District: General Commercial (GC) and Frontage Protection Zone (FPZ)

Application: Administrative Conditional Use Permit

Project Number: PL-23-05795

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 26, 2023

Project Summary: The Applicant Proposes to install mechanical equipment on a site within the Frontage Protection Zone.

Action Taken

On October 26, 2023, the Planning Director Designee conducted a public hearing and approved the proposal for a vault and switch gear unit at 1665 Bonanza Drive according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Site is located at 1665 Bonanza Drive.
2. The Site is Lot 46-B of the Resubdivision of Lot 46 Prospector Square.
3. The Site is located within the General Commercial (GC) Zoning District and Frontage Protection Zone (FPZ).
4. The Applicant proposes to construct a vault and switch gear unit in Northwest portion of Lot 46-B to underground existing distribution lines.
5. On August 11, 2023, the Applicant submitted an Administrative Conditional Use Permit application for 1665 Bonanza Drive.



Planning Department

6. On October 5, 2023 the City Council Approved an Underground Right-of-Way Easement for the proposed vault.
7. On October 23, 2023 the Application was considered complete.
8. Staff published notice on the City's website and posted notice to the property on October 11, 2023.
9. Staff mailed courtesy to property owners within 300 feet on October 11, 2023.
10. The analysis section of the staff report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.18 *General Commercial Zoning District*.
2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.20 *Frontage Protection Zone Zoning District*.
3. The proposal complies with the Land Management Code Requirements pursuant to Section 15-1-10, *Conditional Use Review Process*.
4. The Use is compatible with surrounding Structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated July 31, 2023, and approved by the Planning Department on October 26, 2023. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments.
2. The vault and switch-gear mechanical unit shall be located entirely within the recorded limits of the Underground Right-of-Way Easement, approved by the City Council on October 5, 2023.
3. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
4. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
5. All areas disturbed during construction surrounding the construction within the scope of this permit shall be restored and revegetated.
6. Significant vegetation shall be protected during construction.



Planning Department

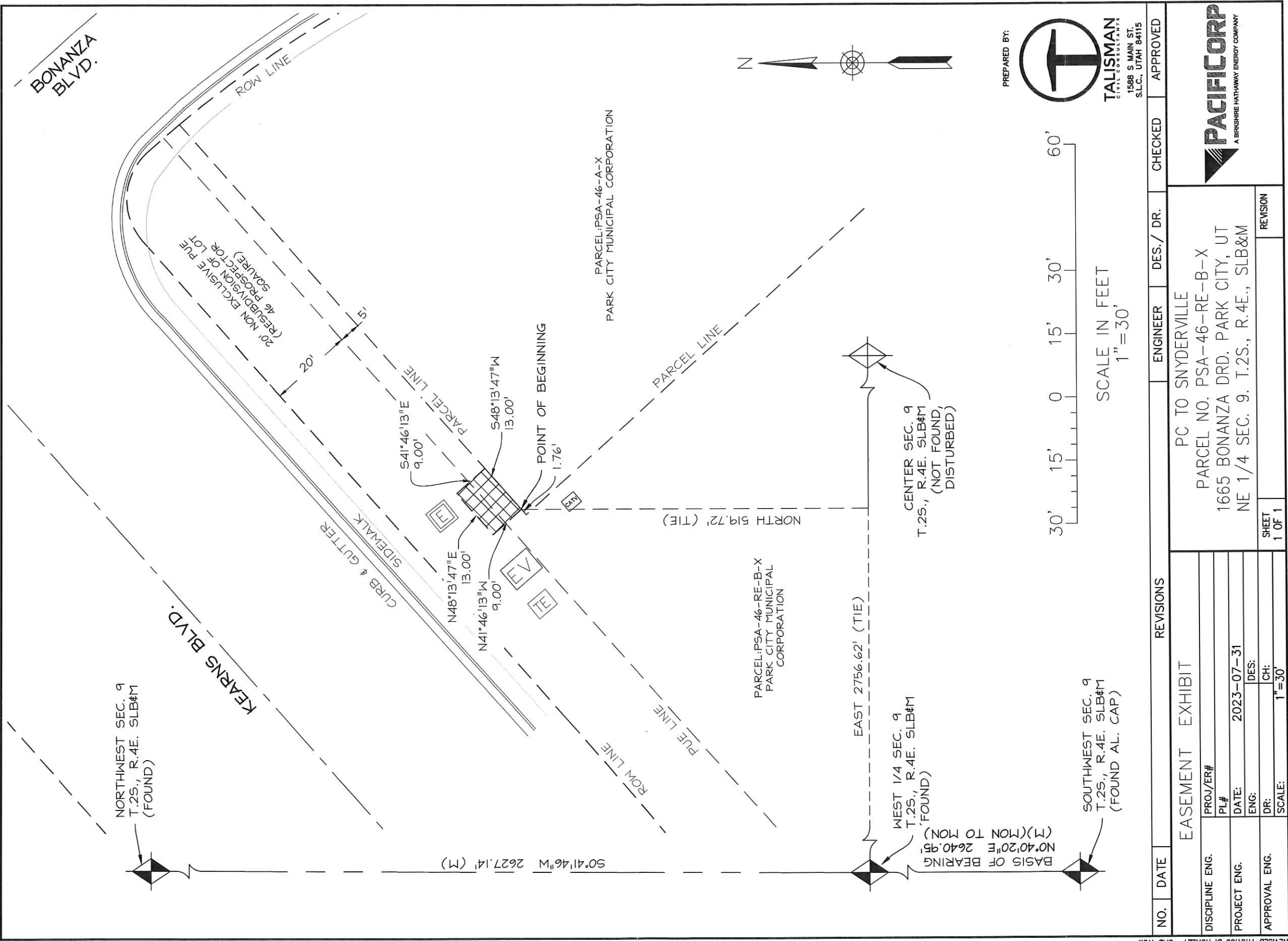
7. This site is within the Park City Soils Ordinance Boundary. The Applicant shall obtain approval from the City's Environmental Regulatory Program Manager prior to building permit issuance.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5064 or email jack.niedermeyer@parkcity.org.

Sincerely,

Rebecca Ward,
Planning Director Designee

CC: Jack Niedermeyer



REVISED 11.01.06 D. HURLEY CAD NO.:

PREPARED BY:

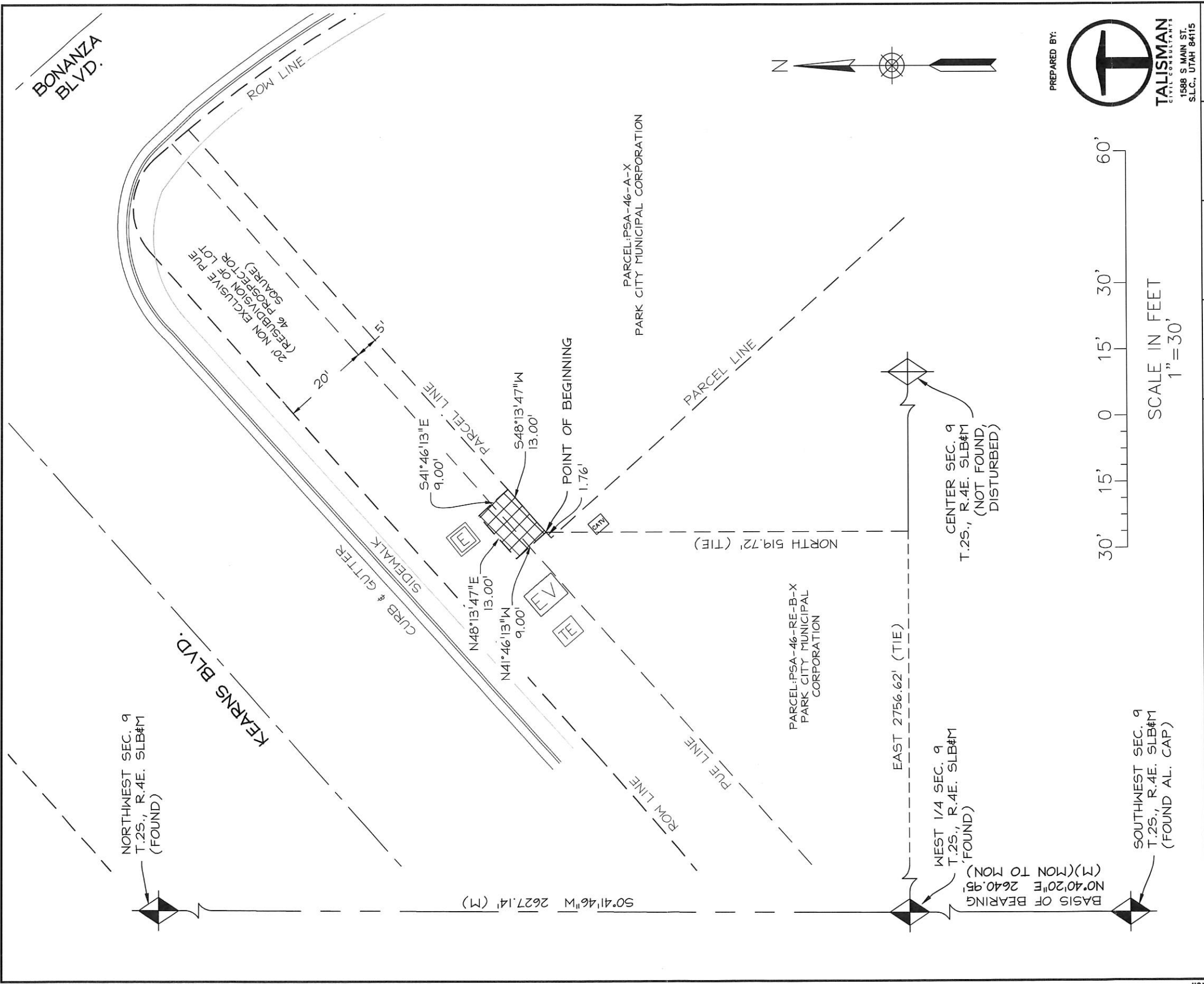


TALISMAN
CIVIL CONSULTANTS
1588 S. MAIN ST.
SLC., UTAH 84115

NO.		DATE	REVISIONS			ENGINEER	DES./ DR.	CHECKED	APPROVED
DISCIPLINE ENG.			EASEMENT EXHIBIT			PC TO SNYDERVILLE			
PROJECT ENG.			PROJ/ER#	PARCEL NO. PSA-46-RE-B-X		1665 BONANZA DRD. PARK CITY, UT			
APPROVAL ENG.			PL#	NE 1/4 SEC. 9. T.2S., R.4E., SLB&M					
			DATE: 2023-07-31						
			ENG: DES:						
			DR: CH:						
			SCALE: 1"=30'						
			SHEET 1 OF 1						
			REVISION						



PACIFICORP
A BIRKSHIRE HATHAWAY ENERGY COMPANY



NO.		DATE	REVISIONS				ENGINEER	DES./ DR.	CHECKED	APPROVED
DISCIPLINE ENG.			EASEMENT EXHIBIT				PC TO SNYDERVILLE			
PROJECT ENG.			PROJ/ER#	PL#	DATE	2023-07-31	PARCEL NO. PSA-46-RE-B-X			
APPROVAL ENG.			ENG:	DES:	DR:	CH:	1665 BONANZA DRD. PARK CITY, UT			
			SCALE:	1"=30'	SHEET 1 OF 1		REVISION			



A BIRKSHIRE HATHAWAY ENERGY COMPANY

REVISED 11.01.06 D. HURLEY CAD NO.:

OWNER'S DEDICATION AND CONSENT TO RECORD

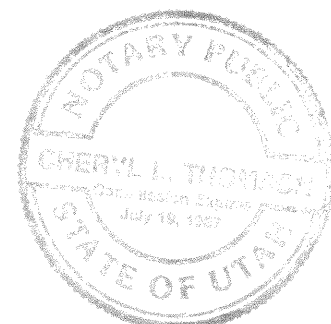
Know all by these presents that First Security Financial, formerly known as Murray First Thrift & Loan Company, the undersigned owner of this described tract of land having caused the same to be subdivided into lots to hereafter be known as Lot 46 Prospector Square Resubdivision, do hereby dedicate for perpetual use of the public the easements as shown on this plat, and do warrant, defend and save Park City Municipal Corporation and the Snyderville Basin Sewer Improvement District harmless against easements or other encumbrances on these public easements.

Don C. Reeves
First Security Financial

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On this 31st day of January, A.D., 1985, personally appeared before me the undersigned notary public in and for the State and County, Don C. Reeves, who after being duly sworn, acknowledged to me that on behalf of First Security Financial, formerly known as Murray First Thrift & Loan Company, signed the Owner's Dedication freely and voluntarily for and in behalf of First Security Financial for the purpose therein mentioned.



Cheryl L. Thomson
Notary Public
Residing at Summit County
My Commission expires 7/19/87

LENDERS' CONSENT

The undersigned lenders hereby consent to this corrected first supplemental map.
DATED this 6th day of March, 1985.

AMERICAN SAVINGS & LOAN ASSOCIATION

By: *Donald R. Miller*

BOUNDARY DESCRIPTION

A Resubdivision of part of Lot 46, Prospector Square Subdivision, and a part of platted Bonanza Drive, which is recorded as Entry No. 125443 dated December 26, 1974 in the office of the Recorder of Summit County, Utah, more particularly described as follows:
Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence North 0° 13' 40" East along the west line of the Northeast Quarter of Section 9, 502.73 feet to the southeasterly right-of-way line of Kearns Boulevard, aka State Highway No. 248, said point also being on a 1482.26 foot radius curve to the left (center bears North 40° 22' 32" West); thence northeasterly along the arc of said curve, through a central angle of 2° 15' 28" and along the southeasterly right-of-way line of Kearns Boulevard 58.41 feet to a point of tangency; thence North 47° 22' 00" East along the southeasterly line of Kearns Boulevard 152.00 feet to the point of curvature of a 15.00 foot radius curve to the right (center bears South 42° 38' 00" East); thence easterly along said curve, through a central angle of 90° 00' 00" 23.56 feet to a point of compound curvature on a 267.00 foot radius curve to the right (center bears South 47° 22' 00" West), said point also being on the westerly right-of-way line of Bonanza Drive; thence southeasterly along the arc of said curve, through a central angle of 2° 08' 47" and along the westerly right-of-way line of Bonanza Drive 10.00 feet; thence South 47° 22' 00" West 124.29 feet; thence South 42° 38' 00" East 215.77 feet to a point on a 267.00 foot radius curve to the right (center bears North 74° 53' 48" West); thence southerly along said curve through a central angle of 23° 53' 48" and along the westerly line of Bonanza Drive 111.36 feet to a point of reverse curvature on a 898.68 foot radius curve to the left (center bears South 51° 00' 00" East); thence southwesterly along the arc of said curve through a central angle of 18° 39' 35" and along the westerly line of Bonanza Drive 292.67 feet to a point of tangency; thence South 20° 20' 25" West along the westerly line of Bonanza Drive 44.36 feet to the south line of the Northeast Quarter of said Section 9; thence North 89° 44' 14" West along said south line 30.17 feet to the Point of Beginning.

Contains 1.8043 acres

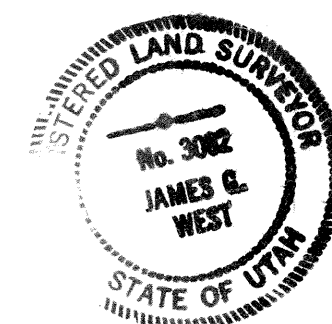
CERTIFICATE OF SURVEY

I, James G. West, Salt Lake City, Utah, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 3082 as prescribed under the laws of the State of Utah and I have made a survey of the following described property:

I further certify that by authority of the owners I have made a survey of the tract of land as described and shown on this plat and have subdivided said tract of land into three lots.

November 26, 1984
Date

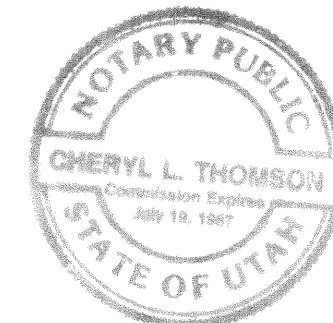
James G. West
James G. West - License No. 3082
J.J. JOHNSON & ASSOCIATES



ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On this 22nd day of January, A.D., 1985, personally appeared before me, the undersigned notary public, in and for the State and County, Zane J. Lubin and Jack J. Johnson who after being duly sworn, acknowledged to me that on behalf of Lost Prospector Associates, a Utah Limited Partnership, signed the Owner's Dedication freely and voluntarily for and in behalf of the partnership for the purpose therein mentioned.



Cheryl L. Thomson
Notary public
Residing at Summit County
My Commission expires 7/19/87

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all by these present that we, the undersigned owners of this described tract of land, on behalf of Lost Prospector Associates, a Utah Limited Partnership, having caused the same to be subdivided into lots to hereafter be known as Lot 46 Prospector Square Resubdivision, do hereby dedicate for perpetual use of the public the easements as shown on this plat, and do warrant, defend and save Park City Municipal Corporation and the Snyderville Basin Sewer Improvement District harmless against easements or other encumbrances on these public easements.

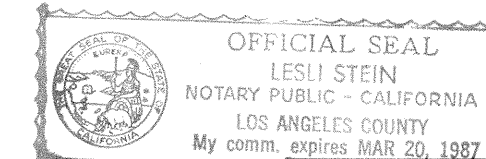
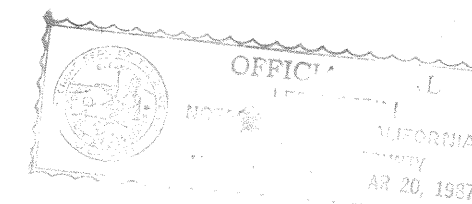
Henry Winkler
Henry Winkler
Zane J. Lubin
Zane J. Lubin
Jack J. Johnson
Jack J. Johnson

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

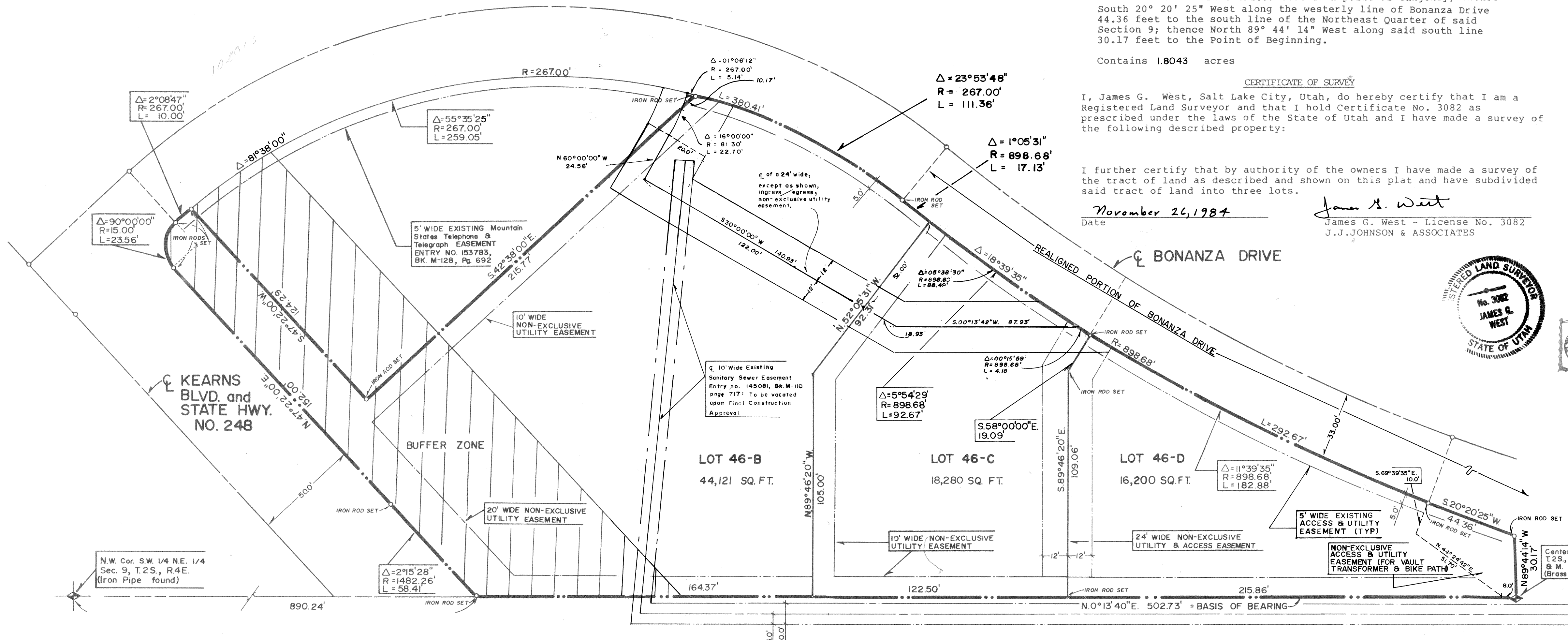
On this 8 day of January, A.D., 1986, personally appeared before me, the undersigned notary public, in and for the State and County, Henry Winkler, who after being duly sworn, acknowledged to me that on behalf of Lost Prospector Associates, a Utah Limited Partnership, signed the Owner's Dedication freely and voluntarily for and in behalf of the partnership for the purpose therein mentioned.

Lesli Stein
Notary public
Residing at Los Angeles, CA
My Commission expires 3/20/87



RESUBDIVISION OF LOT 46 PROSPECTOR SQUARE

LOCATED IN PART OF THE SOUTHWEST QUARTER NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B. & M. IN PARK CITY, SUMMIT COUNTY, UTAH.



CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF Park City CITY COUNCIL THIS 14th DAY OF March, A.D. 1985, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

William H. Hoffman
CITY CLERK
MAYOR *Rob Tompkins*

CITY ENGINEER

APPROVED AND ACCEPTED BY THE Park City CITY ENGINEERING DEPARTMENT ON THIS 25th DAY OF JANUARY, A.D. 1985.

Eric W. DeHaven, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE Park City CITY PLANNING COMMISSION ON THIS 13th DAY OF March, A.D. 1985.

Brookly A. Orr
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 14th DAY OF March, A.D. 1985.

Asst. City Attorney

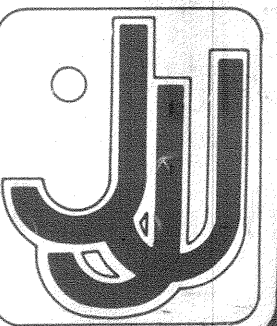
RECORDED

No. 231818 recorded: 3-15-85 at: 3:15
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Summit County Title
16.00 FEES
Alan Sprague
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811



REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Brian Bridge

1407 West North Temple Suite 110

Salt Lake City, UT 84116

Project Name: Snyderville - Park City 138kV FHCA

WO#: 10072183

RW#: 2021LBB010

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Park City Municipal Corporation (“**Grantor**”) hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp, its successors, and assigns (“**Grantee**”), a non-exclusive easement for a right of way 9 feet in width and 13 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, and removal of underground electric power transmission, distribution, and communication lines, including wires, fibers, cables, conductors, and conduits (collectively “**Facilities**”) on, across, or under the surface of the real property of Grantor in **Summit** County, State of **Utah**, more particularly described as follows and as more particularly described and/or shown on Exhibit “**A**” attached hereto (the “**Easement Area**”) and by this reference made a part hereof:

Legal Description:

THE BASIS OF BEARING FOR THIS EASEMENT IS NORTH 0°40’20” EAST 2640.95 FEET MEASURED BETWEEN THE FOUND MONUMENTS AT THE SOUTHWEST CORNER AND NORTHWEST OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. THIS BEARING WAS MEASURED IN UTM 12 NORTH, NAD83 ZONE, U.S. SURVEY FEET.

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY PARCEL LINE OF THE GRANTORS LAND, SAID POINT BEING EAST 2756.62 FEET, AND NORTH 519.72 FEET, FROM THE FOUND MONUMENT AT THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 41°46’13” WEST 9.00 FEET; THENCE NORTH 48°13’47” EAST 13.00 FEET; THENCE SOUTH 41°46’13” EAST 9.00 FEET, TO THE SAID SOUTHERLY PARCEL LINE; THENCE ALONG SAID PARCEL LINE SOUTH 48°13’47” WEST 13.00 FEET, TO THE POINT OF BEGINNING.

LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 9

CONTAINING 117 S.F OR 0.0027 ACRES

Assessor Parcel No.

PSA-46-RE-B-X

The easement includes the right of access to the Easement Area from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and the right to keep the Easement Area clear of all brush, trees, timber, structures, buildings, and other hazards which might endanger Grantee's facilities or impede Grantee's use of this easement.

At no time shall Grantor place or store any flammable material (other than agricultural crops), or light any fires, on or within the Easement Area. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted. The easement is granted subject to the following terms and conditions:

1. Non-Exclusive Easement. The rights granted herein are non-exclusive and Grantor may grant additional easements and permit use of the Easement Area for utilities or other purposes that do not interfere with this easement. Grantee shall not disturb any existing sewer, water, or other utility lines within the boundaries of the Easement Area without written approval from the owner of the disturbed utility.
2. Restoration Obligation. Grantee will, at its sole expense, restore the surface of any land and landscaping disturbed by Grantee within the Easement Area and on the Grantor's property as nearly as possible to its original condition, after construction, reconstruction, operation, maintenance, repair, replacement, and removal activities. If damage is not properly repaired or restored to as near as practical original condition and Grantee fails to effect said restoration within a reasonable period of time after receipt of written notice from Grantor, Grantor may restore or have the surface and/or damage repaired, or require removal of Facilities, at Grantee's entire expense.
3. Indemnity. No supervision or advisory control, if any, exercised by Grantor or on its behalf, will relieve Grantee of any duty or responsibility to the general public nor relieve Grantee from any liability for loss, damage, or injury to persons or property sustained by reason of Grantee's use of this easement nor the Grantee's liability for damage to Grantor's property, including the Easement Area.
4. Removal; Relocation. Grantor shall have the right at such times and in such a manner as it deems necessary to carry out other purposes over, across, under, and through the Easement Area and when Grantee's use interferes with any Grantor's use of Grantor's Property, upon receipt of written notice from Grantor, Grantee will, if requested, remove, relocate, or adjust Grantee's Facilities in the Easement Area within a reasonable time after such notice at Grantor's expense and provided

Grantor and Grantee have agreed upon a location for Grantee's facilities that is acceptable to Grantee. Any such removal, relocation, or adjustment of the Facilities made on Grantee's own initiative and without Grantor's request, shall be done at Grantee's sole expense.

5. Termination. In the event Grantee ceases to use any of this easement for the purpose herein described for a period of more than 12 calendar months, then this easement will automatically cease and terminate, and Grantee shall remove the Facilities upon written request from Grantor.

6. Assignment. The rights and obligations of the parties to this easement agreement will be binding upon and will benefit their respective heirs, successors, and assigns; provided, however, Grantee shall not assign any of its rights hereunder, except to an affiliate, without the prior written consent of the Grantor.

7. Improvements. The Facilities shall be installed and maintained at Grantee's sole cost and expense, unless otherwise agreed to in writing by Grantor.

8. Notices. All notices, requests, demands, and other communications hereunder must be in writing and must be given by: (a) established express delivery service which maintains delivery records; (b) hand delivery; or (c) certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as a party may designate by written notice in the above manner:

If to Grantee:	Rocky Mountain Power Right of Way Manager 1407 West North Temple, Suite 110 Salt Lake City, Utah 84116
----------------	---

If to the Grantor:	Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, Utah 84060
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9. Severability. Any provision of this agreement determined to be in violation of any law will be void but will not affect the validity and enforceability and all other provisions hereof.

10. Governing Law. This agreement will be construed according to and governed by the laws of the State of Utah.

Dated this _____ day of _____, 20____.

Park City Municipal Corporation - GRANTOR

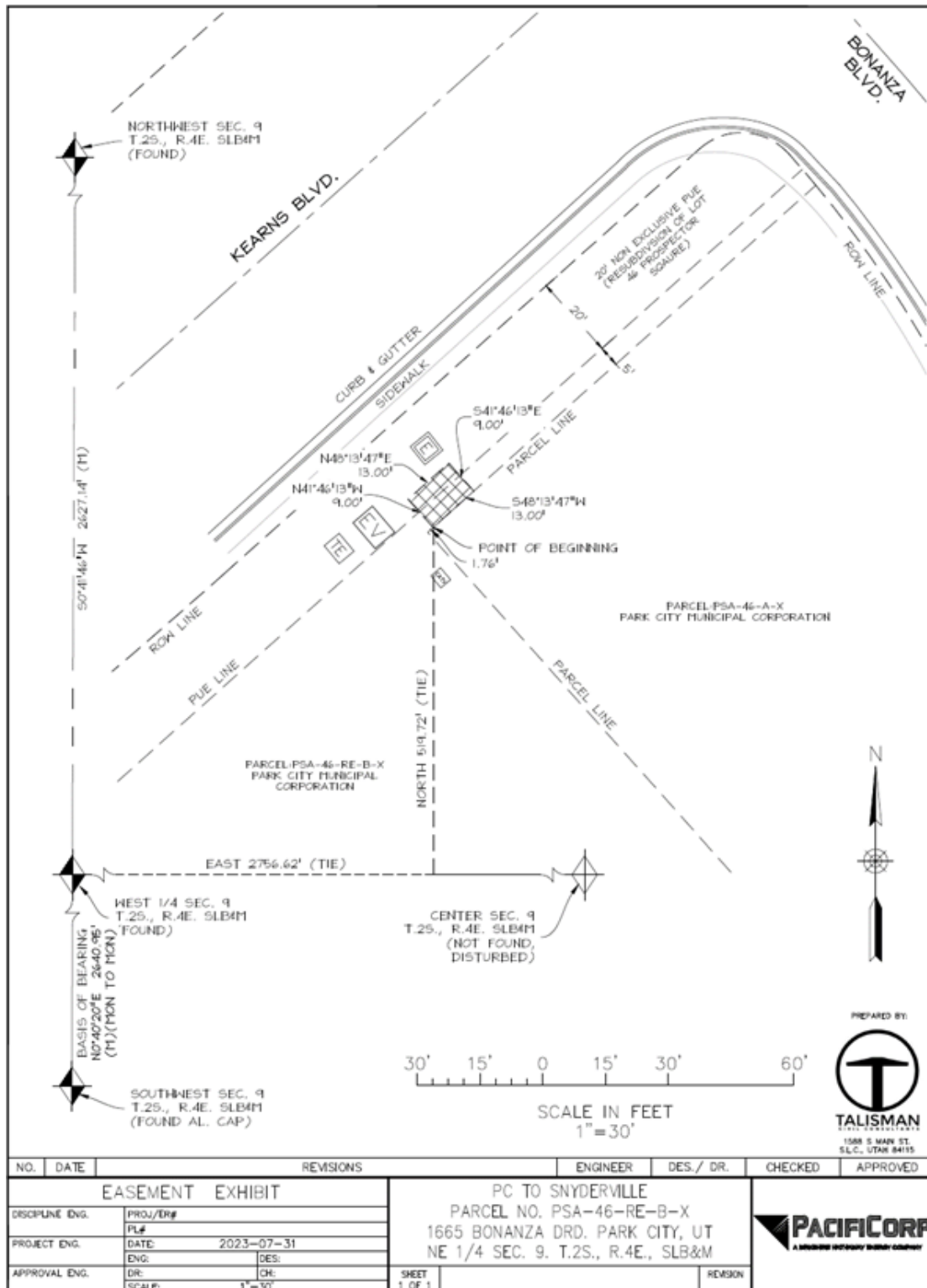
STATE OF UTAH)
) ss.
County of Summit)

On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of PARK CITY MUNICIPAL CORPORATION and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)

Exhibit A



Planning Commission Staff Report



Subject: Temporary Improvement – Bus Shelter Tent
Application: PL-23-05889
Author: Jason Berntson, Planning Technician
Date: October 26, 2023
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed Administrative Conditional Use Permit (ACUP) to install a temporary bus shelter while the permanent bus shelter is constructed, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Transit

Location: 1800 Park Avenue

Zoning District: General Commercial and Frontage Protection Zone

Adjacent Land Uses: DoubleTree by Hilton Hotel

Reason for Review: The Planning Department reviews ACUPs, conducts a public hearing, and takes Final Action pursuant to LMC [§ 15-1-8](#).

ACUP	Administrative Conditional Use Permit
FPZ	Frontage Protection Zone
GC	General Commercial
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Applicant seeks an ACUP to install a temporary bus shelter in the General Commercial Zoning District and Frontage Protection Zone (FPZ). This temporary bus shelter will serve as a temporary bus stop in front of the DoubleTree by Hilton Hotel at 1800 Park Avenue until construction of a permanent bus stop is completed. Construction of the permanent bus shelter is anticipated to be completed by the end of the year. The Applicant proposes to install a 10' x 15' temporary bus shelter with clear walls to ensure that the buses are visible to the passengers. Two benches are proposed to be installed inside for passengers while they wait. The temporary bus stop is

conditioned to be removed once the permanent bus stop in front of Fresh Market is completed, sometime around December 1, 2023, but no later than December 31, 2023. Condition of Approval 4 requires the temporary bus shelter to be removed prior to December 31, 2023, unless the Applicant submits a written request to the Planning Department requesting an extension prior to the expiration of the ACUP.

Background

On August 24, 2023, the Planning Department approved an ACUP for new bus shelters to be constructed at 1755 and 1760 Park Avenue. As outlined in the Applicant's Narrative, due to ongoing construction of the bus shelters, the Applicant has determined there is a need for a temporary bus shelter to ensure the comfort of passengers while waiting for the bus.

The Applicant has engaged in discussions with DoubleTree by Hilton Hotel regarding the temporary bus shelter, and Condition of Approval 2 requires the Applicant to submit documentation of property owner permission prior to submitting a building permit application.

Analysis

(I) The proposal to install a temporary bus shelter at 1800 Park Avenue complies with the General Commercial Zoning District requirements.

In the General Commercial Zoning District, Temporary Improvements require an ACUP.¹ Land Management Code (LMC) [§ 15-15-1](#) defines a Temporary Improvement as:

TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. . . .

Pursuant to LMC [§ 15.2.18-1](#), one of the purposes of the General Commercial Zoning District is to allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas. The temporary bus shelters support convenient transit.

(II) The proposal to install a temporary bus shelter complies with the Frontage Protection Zone.

Pursuant to LMC [§ 15-2.20-4](#), the purpose of the Frontage Protection Zone (FPZ) is to preserve Park City's scenic view corridors, preserve and enhance the rural resort character of Park City's entry corridor, provide a significant landscaped buffer between Development and highway Uses, minimize curb cuts, driveways and Access points to highways, and allow for future pedestrian and vehicular improvements along the highway corridors.

¹ LMC [§ 15-2.18-2\(B\)\(26\)](#), footnote 7

LMC [§ 15-2.20-4\(D\)](#) allows for essential public facilities such as bus shelters to be installed within the FPZ pursuant to an ACUP approval and review by the Planning, Engineering, and Building Departments. The Engineering Department reviewed the proposed temporary bus shelter on October 17, 2023, and did not require Conditions of Approval. The Applicant will be required to submit a permit with the Building Department for review and approval prior to installation.

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the site	Complies: The temporary bus shelter is 150 square feet in size and is proposed to be installed proximate to the new permanent bus shelter under construction. The temporary bus shelter will provide convenience for transit riders during the construction of the new permanent bus shelters.
Traffic considerations	Complies: The temporary bus shelter is to support transit passengers and therefore will not generate additional traffic.
Utility capacity	No Mitigation Required
Emergency vehicle access	No Mitigation Required
Parking	No Mitigation Required
Internal circulation	Condition of Approval Recommended The temporary bus shelter is proposed to be constructed on the DoubleTree by Hilton Hotel property and will slightly encroach into the

	sidewalk along the eastern side of Park Avenue, illustrated in the image below. Condition of Approval 3 requires the temporary bus shelter to be installed in a location that maintains sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
Location 	
Fencing, screening, and landscaping	No Mitigation Required
Building mass, bulk, and orientation	No Mitigation Required
Usable open space	No Mitigation Required
Signs and lighting	No Mitigation Required Pursuant to Municipal Code of Park City Section 12-8-1(A), signs erected by or at the direction of Park City Municipal Corporation are exempt from the requirements of the Sign Code. Signs related to transit services are therefore allowed. All other signage is prohibited.

	Outdoor lighting must comply with the requirements of the Dark Sky Code outlined in LMC Section 15-5-5(J) and must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
Compatibility with surrounding structures	No Mitigation Required
Noise and mechanical factors	No Mitigation Required
Control of delivery and service vehicles	No Mitigation Required
Ownership	Condition of Approval Required Condition of Approval 2 requires the Applicant to submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.
Appropriateness of the structure to existing topography	No Mitigation Required No changes to topography are proposed.
Consistency with the General Plan	Complies: Goal 3 of the Park City General Plan is to encourage alternative modes of transportation on a regional and local scale to maintain small town character. The temporary bus shelter improves the experience for transit riders while permanent bus shelters are installed.

(IV) The Development Review Committee met on October 17, 2023 and finds the proposal meets development standards.²

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on October 11, 2023. Staff mailed courtesy notice to

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

property owners within 300 feet on October 10, 2023.³

Public Input

No public input was received at the time of this staff report publication.

Alternatives

- The Interim Planning Director may approve the Administrative Conditional Use Permit;
- The Interim Planning Director may deny the Administrative Conditional Use Permit and direct staff to make Findings for the denial; or
- The Interim Planning Director may request additional information and continue the discussion to date uncertain.

Exhibits

Exhibit A: Final Action Letter

Exhibit B: Applicant's Narrative

³ LMC [§ 15-1-21](#)



Planning Department

October 26, 2023

Park City Transit
1053 Iron Horse Drive
Park City, Utah 84060
435-699-4845

CC: Juan Cardona

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	1800 Park Avenue
Zoning District:	General Commercial Frontage Protection Zone
Application:	Administrative Conditional Use Permit
Project Number:	PL-23-05889
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	October 26, 2023
Project Summary:	The Applicant proposes installing a temporary bus shelter while a new permanent bus shelter is installed.

Action Taken

On October 26, 2023, the Planning Department conducted a public hearing and approved the temporary bus shelter according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Applicant seeks an Administrative Conditional Use Permit (ACUP) to install a temporary bus shelter in the General Commercial Zoning District and Frontage Protection Zone (FPZ).



Planning Department

2. This temporary bus shelter will serve as a temporary bus stop in front of the DoubleTree by Hilton Hotel at 1800 Park Avenue until construction of a permanent bus stop is completed.
3. Construction of the permanent bus shelter is anticipated to be completed by the end of the year.
4. The Applicant proposes to install a 10' x 15' temporary bus shelter with clear walls to ensure that the buses are visible to the passengers.
5. Two benches are proposed to be installed inside for passengers while they wait.
6. The temporary bus stop is conditioned to be removed once the permanent bus stop in front of Fresh Market is completed, sometime around December 1, 2023, but no later than December 31, 2023.
7. The temporary bus shelter is proposed to be installed at 1800 Park Avenue in the General Commercial Zoning District.
8. In the General Commercial Zoning District, Temporary Improvements require an Administrative Conditional Use Permit (ACUP).
9. Land Management Code (LMC) § 15-15-1 defines a Temporary Improvement as a Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. . . .
10. Pursuant to LMC § 15.2.18-1, one of the purposes of the General Commercial Zoning District is to allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas.
11. The temporary bus shelter is proposed to be installed in the Frontage Protection Zone (FPZ).
12. Pursuant to LMC § 15-2.20-4, the purpose of the Frontage Protection Zone (FPZ) is to preserve Park City's scenic view corridors, preserve and enhance the rural resort character of Park City's entry corridor, provide a significant landscaped buffer between Development and highway Uses, minimize curb cuts, driveways and Access points to highways, and allow for future pedestrian and vehicular improvements along the highway corridors.
13. LMC § 15-2.20-4(D) allows for essential public facilities such as bus shelters to be installed within the FPZ pursuant to an ACUP approval and review by the Planning, Engineering, and Building Departments. The Engineering Department reviewed the proposed temporary bus shelter on October 17, 2023, and did not



Planning Department

require Conditions of Approval. The Applicant will be required to submit a permit with the Building Department for review and approval prior to installation.

14. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
15. The Planning Department shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

CUP Review Criteria	Analysis of Proposal
Size and location of the site	Complies: The temporary bus shelter is 150 square feet in size and is proposed to be installed proximate to the new permanent bus shelter under construction. The temporary bus shelter will provide convenience for transit riders during the construction of the new permanent bus shelters.
Traffic considerations	Complies: The temporary bus shelter is to support transit passengers and therefore will not generate additional traffic.
Utility capacity	No Mitigation Required
Emergency vehicle access	No Mitigation Required
Parking	No Mitigation Required
Internal circulation	Condition of Approval Recommended



Planning Department

	The temporary bus shelter is proposed to be constructed on the DoubleTree by Hilton Hotel property and will slightly encroach into the sidewalk along the eastern side of Park Avenue, illustrated in the image below. Condition of Approval 3 requires the temporary bus shelter to be installed in a location that maintains sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
Location 	
Fencing, screening, and landscaping	No Mitigation Required



Planning Department

Building mass, bulk, and orientation	No Mitigation Required
Usable open space	No Mitigation Required
Signs and lighting	No Mitigation Required Pursuant to Municipal Code of Park City Section 12-8-1(A), signs erected by or at the direction of Park City Municipal Corporation are exempt from the requirements of the Sign Code. Signs related to transit services are therefore allowed. All other signage is prohibited. Outdoor lighting must comply with the requirements of the Dark Sky Code outlined in LMC Section 15-5-5(J) and must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
Compatibility with surrounding structures	No Mitigation Required
Noise and mechanical factors	No Mitigation Required
Control of delivery and service vehicles	No Mitigation Required
Ownership	Condition of Approval Required The Applicant shall submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.
Appropriateness of the structure to existing topography	No Mitigation Required No changes to topography are proposed.



Planning Department

Consistency with the General Plan	Complies: Goal 3 of the Park City General Plan is to encourage alternative modes of transportation on a regional and local scale to maintain small town character. The temporary bus shelter improves the experience for transit riders while permanent bus shelters are installed.

16. The Development Review Committee met on October 17, 2023 and finds the proposal meets development standards.
17. Staff posted public notice to the property, mailed notice to adjacent property owners, and posted notice to the City's website on October 11, 2023.

Conclusions of Law

1. The proposal to install a temporary bus shelter complies with the Land Management Code requirements pursuant to Section 15-1-10(E) *Conditional Use Permit Criteria*, Chapter 15-2.18 *General Commercial District*, and Chapter 15-2.20 *Frontage Protection Zone*.
2. The Use is compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department prior to making any changes to this approval.
2. The Applicant shall submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.
3. The temporary bus shelter shall be installed in a location that maintains sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
4. The temporary bus shelter shall be removed by December 31, 2023, unless the Applicant submits a written request to the Planning Department requesting an extension prior to the expiration of this approval.

If you have questions or concerns regarding this Final Action Letter, please call Jason Berntson or email jason.berntson@parkcity.org.



Planning Department

Sincerely,

Interim Planning Director
Rebecca Ward

CC: Jason Berntson



Request for Temporary Bus Stop

We hereby submit a formal request for the conversion of the proposed project to establish a temporary bus stop in front of the DoubleTree Hotel. The need for this conversion arises due to the recent remodeling of the bus stop at Fresh Market, which has rendered it temporarily unavailable for use.. The proposed tent structure with clear walls will ensure that passengers can easily identify their buses and maintain visibility, provide shelter and comfortable seating.

Previous Discussions and Support:

We would like to note that we have previously engaged in discussions with the DoubleTree Hotel regarding this project. In accordance with our commitment to safety and compliance, we have provided the hotel with the required Certificate of Liability.

Project Details:

Location: 1800 Park Ave, Park City, UT 84060 The temporary bus stop will be situated in front of the DoubleTree Hotel.

Structure: We propose the installation of a tent measuring 10 feet by 15 feet.

Visibility: To ensure passenger safety and visibility, two of the tent's walls will be made of clear material, allowing for unobstructed views in and out of the shelter.

Seating: Inside the tent, we plan to install two benches to provide comfortable seating for waiting passengers.

Duration: This conversion is expected to be temporary, lasting until the completion of the remodeling work at Fresh Market. We anticipate the need for this temporary bus stop to be in effect for approximately December 1st 2023.

Installation and Removal: We want to highlight that Diamond Event & Tent will be responsible for both the installation and removal of the tent. This arrangement ensures that the setup and dismantling of the tent will be handled by professionals, guaranteeing safety and efficiency.

Double Tree Hotel



Current Temporary Bus Stop



Location



Description:

Canopy 10XEXPANDABLE Keder Frame
Cement Weight 350 Lbs 20" X 20" X 12" Cube
8x15 Clear Walls



Photos are only for reference