



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 5, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 5, 2001.

AGENDA

Closed Session

2:30 p.m. Property acquisition/disposition
4:15 p.m. Break

Work Session

4:30 p.m. Council questions/comments
5:00 p.m. National League of Cities presentation
5:15 p.m. Youth Advisory Committee public service contracts
5:30 p.m. Review of regular meeting
 Trails master plan
 Lease of a portion of the Racquet Club for the Olympics
 Other meeting questions/comments

Regular Meeting

6:00 p.m.

- I ROLL CALL**
- II PUBLIC INPUT**
- III COMMUNICATIONS FROM COUNCIL AND STAFF**
- IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 22, 2001**
- V PUBLIC HEARING**

Ordinance approving the extension of a plat amendment request 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44, Block 18, Snyders Addition to the Park City Survey into one lot for 1212 Empire Avenue, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the extension of a plat amendment request 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44, Block 18, Snyders Addition to the Park City Survey into one lot for 1212 Empire Avenue, Park City, Utah
2. Resolution adopting an interim policy for use in planning and developing trails in Park City, Utah
3. Professional services contract with Stantec in the amount of \$33,800 for consulting services to analyze and develop a five-year the Pavement Management Plan

VII NEW BUSINESS

1. Lease of portions of the Racquet Club to the German Olympic Team for use during the 2002 Winter Olympic Games
2. Appeal of denial by the Planning Commission of a conditional use permit to allow use of City street light poles - Metricom, Inc.

VIII ADJOURNMENT

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 12, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, April 12, 2001.

Posted: 04/02/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 5, 2001**

Present: Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Tom Bakaly, Assistant City Manager; Matt Twombly, Project Manager; and Frank Bell, Director of Olympic Planning

1. Council questions and comments. Peg Bodell reported on the on-going process for awarding the Historic District grants and is pleased with the dynamic of the newly appointed members on the board. She reminded the Council that the Main Street RDA funds expire in July 2004. She requested that the Ten O'Clock Whistle be reset. She pointed out that once a week trash pick-up is not adequate for many condominium projects and understood that Jerry Gibbs will monitor this issue with BFI. Roger Harlan stated that the School District's subsidy for operating the Ecker Hill pool is about \$113,000, although the facility is being well used. He commented on the interagency breakfast hosted by the School District and suggested that it be held three times a year and that the City host the next meeting. There was discussion about the new developer for the Park City Golf Course Hotel.

The Mayor reported that the Snyderville Basin Sewer Improvement District is considering a name change, including the *Park City Water Reclamation District*, which is favored by the Board. Candace Erickson pointed out that the City may receive calls about sewer service as the *Park City* designation may be misleading to patrons. Fred Jones agreed that the name change could prompt confusion and the District services the entire Basin.

Jeff Mann thanked Deer Valley for the luncheon meeting it hosted last week. The Cinco de Mayo celebration is going well. He and the Mayor met with The Experience Music Project from Seattle who is interested in bringing an exhibit in conjunction with the Olympics.

2. National League of Cities presentation. Council member Peg Bodell updated the City Council on her recent NLC conference in Washington, D.C. She reported on the two leadership institutes she attended and found networking with other communities insightful. There were many productive round table sessions in team-building and clearly defining community issues. There were presentations from prominent speakers from Capitol Hill and discussions on NLC policies, including her participation on water conservation. She encouraged the Council to continue a presence with NLC since Park City is a paying member and to actively partner with the ULCT. The next NLC conference will be in Atlanta and then Salt Lake City.

3. Youth Advisory Committee public service contracts. Tom Bakaly explained that the Council grants sub-committee met and supports the Parks and Recreation's Youth Advisory Committee's recommendations. Of the \$28,000 available for youth grants, about \$21,000 is being recommended for disbursement with the balance carried over to next year. Peg Bodell added that she attended the Board meeting and members are very diligent about the process. Roger Harlan felt the Board did an excellent job on presenting the information.

4. Review of regular meeting:

Trails Master Plan. Matt Twombly stated that the Parks and Recreation Board is recommending adoption of a resolution outlining an interim policy for the planning and design of trails for this year which is scheduled for action on the agenda. The interim policy is prompted by staff's involvement in pre-Olympic planning.

Lease of a portion of the Racquet Club for the Olympics. Olympic Planning Director Frank Bell clarified that the lease is proposed for February 2002 for the western portion of the Racquet Club, including the Broken Thumb Restaurant, the TV lounge below the restaurant, and the decks and balconies along the west side of the building. The lease also proposes ten parking spaces on the west side of the lot and some space for storage facilities. The German National Team is interested in renting this facility for the purposes of hospitality for its athletes and also as a media center. This should not disrupt the normal activities of the Club with respect to public programs, unless there are other parties interested in renting other portions of the building. The Germans are proposing a \$150,000 payment; there are some deductions that need to be considered including reimbursing the Broken Thumb for lost profits during the month and moving expenses. The Germans have asked that the restaurant be empty and the bar and furniture need to be moved in storage; they are intending to paint the area and replace the carpet. There is an Olympic *out-clause* in the Broken Thumb lease and it was pointed out that the Germans are not interested in hiring the Broken Thumb for hospitality services. Mr. Bell explained that the formula for reimbursement to the Broken Thumb will be based on an average profit for the months of January and February 2001 and he sensed that the City will net somewhere between \$130,000 to \$135,000. There may be some plexi-glass installed on the balconies to make them more comfortable for broadcasting. It is anticipated that the German House will close about mid-night and there may be a 24 hour security component.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 5, 2001**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 5, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Alison Kuhlow, Planner; Frank Bell, Olympic Planning Director; and Tim Twardowski, Assistant City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 22, 2001

Hearing no additions, omissions or corrections, the Mayor requested a motion to approve. Roger Harlan, "I so move". Jeff Mann seconded. Motion unanimously carried.

V PUBLIC HEARING

Ordinance approving the extension of a plat amendment request 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44, Block 18, Snyders Addition to the Park City Survey into one lot for 1212 Empire Avenue, Park City, Utah - See staff report. Planner Alison Kuhlow explained that the applicants are requesting an extension because of the project's proximity to one of the Olympic venues. They are prevented to construct this fall and winter and funding is contingent on a building schedule. With no questions or comments from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move approval of the three items on the Consent Agenda". Roger Harlan seconded. Motion carried unanimously.

1. Ordinance approving the extension of a plat amendment request 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44, Block 18, Snyders Addition to the Park City Survey into one lot for 1212 Empire Avenue, Park City, Utah - See staff report and public hearing.
2. Resolution adopting an interim policy for use in planning and developing trails in Park City, Utah - See work session commentary and staff report.
3. Professional services contract with Stantec in the amount of \$33,800 for consulting services to analyze and develop a five-year the Pavement Management Plan - See staff report.

VII NEW BUSINESS

1. Lease of portions of the Racquet Club to the German Olympic Team for use during the 2002 Winter Olympic Games - See staff report and work session notes. With no further questions or comments, the Mayor requested a motion to approve. Fred Jones, "I so move". Roger Harlan seconded. Motion carried unanimously.
2. Appeal of denial by the Planning Commission of a conditional use permit to allow use of City street light poles - Metricom, Inc. - Planner Alison Kuhlow explained that the Planning Commission denied a conditional use permit to allow six antennas on the City light standards along SR224 and SR248 and one located on Deer Valley Drive by Rossi Hill Drive. The antennas on the light poles act as an overall system for Metricom's wireless Internet. She clarified how these antennas interact with lap tops and approval of this application would expand the service area. She also reviewed the history of Metricom's application and the meetings at the Planning Commission level. The Commission focused on the visual impacts of the antenna in relationship to the frontage protection zone and found the application to be contrary to the General Plan's policy on the open space element. On February 28, 2001, there was a denial of the application based on the findings of fact submitted by staff. Metricom appealed the decision to the City Council, because it found that the conclusions of law were not supported by adequate and reasonable evidence of finding of fact. She continued that staff disagrees with this as the findings and conclusions refer to the negative visual impacts, the location in the frontage protection zone, and the General Plan's policies on open space and entry corridors. The second reason for the appeal was that the matter was never properly presented to the Planning Commission and that the zoning ordinance which requires conditional use permits for these radios is inadequate. Ms. Kuhlow added that staff also disagrees with this. Metricom stated in its appeal letter that it does not meet the definition of telecommunications, however staff feels it meets the definition of telecommunications facilities, which is required for a conditional use permit. The LMC states that telecommunications facilities consist of antenna, equipment shelters and related structures used for transmitting and or receiving telecommunications and/or radio signals. Metricom's promotion materials refers to its radio network. Staff is

recommending upholding the Planning Commission's denial of the conditional use permit. Hearing no questions from the City Council, the Mayor invited the appellant to address the Council.

Janet Rinaldi, local market manager for Metricom, displayed the antenna in question. She explained that wireless access to Internet services is marketed under the name of Richochet. This allows the subscriber to log onto the Internet without plugging into a telephone line. Metricom is anxious to provide this service to constituents in Park City as well as to visitors at the Olympic Games. She described how the subscriber device interacts with the antenna mounted on the cobra head style street lights, which is similar to a cellular PCS facility for which Metricom has already received approval.

Dave Brown, attorney for Metricom, explained that he is filling in for Alan Donnelly but will be representing Metricom in the future in the Park City area. With regard to the portion of the appeal dealing with Metricom not fitting the definition of telecommunications facility is being dropped. Mr. Donnelly has discussed this issue with City Attorney Mark Harrington and it has been resolved. He distributed renderings of the radio installed on cobra head light standards and noted that the visual impact is very minute and since it is installed the top of the standard, it will be extremely difficult to detect. With regard to the finding that they are incompatible with the surroundings, he pointed out that the radios are smaller than most transformer boxes. Metricom is asking for six radios to offer wireless data service to Park City residents and visitors, but may require additional installations as the network is built-out in the future. If the appeal is resolved, Metricom can move ahead with a franchise agreement with the City. The 128 kilobits per second speed was again referred to and Mr. Brown pointed out that he is unsure how prominent broadband services are in Park City. There are many cities where broadband services are not available and this is a good alternative; higher DSL broadband speeds were discussed. Ms. Rinaldi interjected that one advantage Richochet has over DSL is that it is a mobile service and many law enforcement agencies and public works departments use this technology in the field from their vehicles.

Ms. Kuhlman added that the radio model also has an 18" antenna and there are three wired access points approved in town, which provide service. She understood that these additional locations will make the system *seamless*. Mr. Brown emphasized that the six antennas are a necessity for the system as it will not work on just the wired access points, which provides very limited coverage. The radios are needed to cover the entire area. Mr. Harlan asked if the radios are located in any remote resort communities and Ms. Rinaldi responded that they are not at this time. Mr. Harlan asked for the appellants to elaborate on the issues where they feel the Planning Commission erred.

Attorney Dave Brown responded that they disagree that the radios constitute a visual impact on the street. This is the smallest device possible and part of the network needed to supply coverage. Metricom does not believe that the application is inconsistent with the General Plan because the views are not compromised. The only way someone can see a radio is by looking

directly up the light standard, and Mr. Brown feels this application meets General Plan requirements, and expressed that the benefits of the radios will far outweigh any concerns. Fred Jones noted the importance of the entry corridor and the frontage protection zone, and asked why other locations weren't considered. Ms. Rinaldi stated that they are pursuing alternative locations; these particular locations were selected because they need to be mounted on cobra head light standards with photo cells. Mr. Erickson pointed out that there are few other similar opportunities in town. Ms. Rinaldi agreed and explained that Metricom's engineers are exploring connecting to structures. This would entail negotiating separate agreements with individual property owners to place the radios on their buildings. Metricom has every intention of complying with City regulation; this is a much more expensive solution. Dave Brown emphasized that it is also a very time consuming effort and may take up to a year. Metricom would like to provide service to Park City at the earliest time possible. In response to a comment from Council member Bodell about the Olympics being the catalyst, Ms. Rinaldi expressed that the Olympics is a good opportunity, but there are a lot of vacationing professionals who bring their lap tops with them to Park City. There was discussion about Metricom's service in Denver and Salt Lake City.

Fred Jones asked about the precedent set for future applications from other vendors. City Attorney Mark Harrington explained that there are two regulatory components. Through the planning process, the Code requires equal protection and due process and in the context of the location of the poles in the City's right-of-way, there is a franchise approval. The industry changes so quickly and there could be another level of exemptions next year subject to the federal telecommunications law. Tim Twardowski, Assistant City Attorney, explained that the Telecommunications Act of 1996, Section 704, limits the authority of local zoning agencies with regard to wireless service providers. It has been agreed by all parties that Metricom does not meet the definition of telecommunications, therefore it is not covered by Section 704 of the federal legislation. If the reverse was true, the City would have to provide equal treatment to all applicants, and Mr. Twardowski concluded that the City is not bound by the constraints in Section 704. There was discussion about the consistency and diligence of the Planning Commission in requiring equipment to be shielded. With regard to comments made about installations on buildings, Ms. Kuhlow explained that the LMC allows them in appropriate zones. Fred Jones stated that the focus of the Council should be whether or not the Planning Commission erred in its findings, and Mr. Harrington referred members to the findings in the staff report and reviewed options for various actions.

Jeff Mann, "I move to deny this appeal and affirm the Planning Commission's February 28, 2001 decision, denying Metricom's conditional use permit application". Roger Harlan seconded. Fred Jones stated that he supports the motion; it is important that Park City have state-of-the-art communication systems in Park, but there is no evidence that the Planning Commission erred. The Mayor believed this is great technology, but Metricom needs to find more appropriate locations. Council member Bodell encouraged the appellant to pursue solutions. Mark Harrington encouraged reference to the findings of fact and conclusions of law as a part of the motion, as the basis for the

denial. Jeff Mann agreed. Roger Harlan also mentioned that he could not find error in the Planning Commission's proceedings. Motion carried unanimously.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Tom Bakaly, Assistant City Manager. Candace Erickson, "I move to close the meeting to discuss property". Roger Harlan seconded. Motion carried unanimously.

The meeting opened at approximately 4:30 p.m.

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The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



COUNCIL AGENDA REPORT

DATE: April 5, 2001
DEPARTMENT: Leisure Services
AUTHOR: Youth Advisory Council, Denise Payne, and PRBB
TITLE: Youth Program Money Allocation
TYPE OF ITEM: Public Service Contract Disbursement

SUMMARY RECOMMENDATION: City Council should allocate funds for various youth programs as recommended by the Park City Youth Advisory Council, Parks, Recreation and Beautification Advisory Board, and City Council Public Service Contract Subcommittee.

DESCRIPTION:

A. Topic: Public Service Contract Disbursement

B. Background: The Youth Advisory Council (YAC), subcommittee of the Parks, Recreation, and Beautification Board, was called to action in January 2001, to distribute and review applications for fiscal year 2001-02 City public service contract funding of youth programs. Applications were made available throughout the City during the months of January, February, and March 2001, with a deadline for submission of March 6, 2001. Advertisements were placed in the Park Record and announcements on KPCW with information regarding location of applications. There is currently \$28,357 available in YAC public service contract funding. Monies not used during this application process will be carried over to FY 2001-2002.

The YAC convened March 7, 2001, to review the public service contract applications based on City Council's policy and criteria, particularly in regard to the Council's intention that public service contracts be used for "*specific services rendered, special projects, or organizational 'seed' money,*" and not for ongoing funding of programs.

The YAC received 19 applications during this period. After carefully considering each application, the YAC's recommendations for FY 2001 youth grant funding are outlined in the following attachments:

- Attachment 1. Summary of applicants' requests for funding, age groups served, dates of activity, and YAC recommendations for funding.
- Attachment 2. More detailed description of each applicant's request and the YAC's rationale behind funding recommendations.

At the PRBB March 21, 2001, meeting, Scott Dansie and Kris Beer reviewed the process the YAC went through in ranking the applications. Scott asked if there were any Board questions. General discussion followed regarding the criteria for grants and getting the appropriate information to the applicants. The Board members present (Dave Staley abstained) recommended that the YAC requests be forwarded to City Council with a positive recommendation from the PRBB.

The City Council subcommittee consisting of Roger Harlan and Candace Erickson and staff representative Tom Bakaly will review YAC's recommendations prior to April 5, 2001 and be available at the Council meeting to answer any questions.

STAFF: Leisure Services staff has also examined those requests regarding staff and budget impacts. At this time there were no impacts on city staff or budget, other than the public service contract amount. The office of OCM&B has also reviewed this report. The recommended amount from YAC is \$21,220, leaving \$7,000.

ALTERNATIVES:

- A. Approve the Request** Authorize grant money recommendations.
- B. Continue Action** Council could continue action until further review has been completed.
- C. Deny Request**

RECOMMENDATION: Approve the YAC public service contract distribution amounts recommended by YAC and the PRBB. A summary from YAC is attached.

Attachment 1 - Summary of Funding Request Applications for FY 2001 Youth Grants

APPLICANT	TOTAL # SERVED	AGE GROUP SERVED	DATES OF ACTIVITY /PROGRAM	\$ AMOUNT REQUESTED	PREVIOUS CITY FUNDING RECEIVED?	YAC RECOMMENDATION FOR FUNDING
1. PCHS Y.E.S.	Based on interest	14-18 high school	Summer/Fall 2001	\$1400	No	\$1400
2. People's Health Center	100-120	Range including YAC range	Year Round	\$2500	Yes	\$2500
3. PC Film Series	250?	14-23 high school/ college	June 2001	\$5000	No	Decline app., encourage to reapply next year
4. Summit Institute	1000	3-18	July 2001	\$6000	No	\$1000
5. Natural Helpers	20	14-18 high school	May 2001 +	\$1000	Yes	\$1000
6. Mountain Mentors	20-75	6-15	Year Round	\$5000	Yes	\$5000
7. PC, Summit Co. Arts Council	60	12-21	Summer 2001	\$1500	No	\$1500
8. Young Riders	100+	13-18	Year Round	\$3500	Yes	Decline
9. PCHS Graduation	390	High school seniors	June 2001	\$2000	Yes	\$2000
10. National Ability Center	?	?	Summer 2001	\$4500	Yes	Decline
11. Jump In!	30	15-18 high school sophomores-seniors	April 2001	\$420	Yes	Application withdrawn. would fund up to \$250 of new application
12. PCHS Fine Arts Dept.	210	13-18	June, 2001	\$2000	No	\$2000
13. PC Lacrosse Org	580	11-14	School Year	\$2600	No	Decline, part of school curriculum
14. PC Lacrosse Org	100	6-12	School Year	\$2100	No	\$2100
15. PC Historical Society & Museum	?	Grades 2,4,7	School Year	\$7500	No	Decline, part of school curriculum
16. International Club	200+	14-18 high school	March 2001	\$470	No	\$470
17. Coalition for Quality Children's Media	900	12-18	March 2001	\$5000	No	Decline, past date
18. PC Christian Center	100-200	Middle school/ High school?	Year round	\$10000	No	Decline, funding for operational costs
19. Utah Opera	500+	K-12	Nov 27-Dec 1	\$2000	Yes	\$2000
TOTAL				\$64490		\$21220

Attachment 2 - Description of Applicants and Recommendations for FY 2001 Funding

1. Park City High School Y.E.S. (Youth Engaged in Service) This application requested funds to support a "Legacy Project" in relation to the 2002 Olympics. The project has been approved by the Salt Lake Organizing Committee and would be constructed by high school students. The goal is to promote service learning and to leave a lasting reminder of the Games. The project is to improve an area in front of the high school with landscaping, a bench, and brickwork. YAC funds would be used to purchase materials; work would be performed by student volunteers; and upkeep would be the responsibility of students and the high school administration.
Recommendation: Approve \$1,400 request.
Rationale: The project would provide an opportunity for Park City High School students to leave a legacy on the school grounds of the 2002 Olympic Games. It would provide an opportunity for a positive Olympic related activity for students and provide community benefits of a visually-pleasing legacy and promote pride in school grounds.
2. People's Health Center: A community-focused diabetes screening and education program directed at Hispanic children and young adults at growing risk of developing the disease. The goal of the program is to provide early detection opportunities for children and youth, education on the prevention and management of diabetes.
Recommendation: Approve \$2,500.
Rationale: The early detection of diabetes in young residents will allow them to participate fully in community recreational opportunities. The PHC is requesting YAC to fund \$2,500 (or 4%) of a total project cost of \$62,330. The YAC considers this to be a good investment to assist a high risk population.
3. Park City Film Series: Park City Film series would operate a film/video competition for high school students and college students who graduated from Park City High School. The goal is to promote film/video making by students and offer recognition for achievement.
Recommendation: Decline. Encourage development of a more complete application next funding cycle.
Rationale: The YAC considers the application and the ideas behind it to have merit, but did not feel the concept was sufficiently developed for funding. The YAC encourages the applicant to more fully develop the concept and to coordinate with the Park City High School media and communications program (Chris Maddox, teacher) to better integrate PCHS students in the proposal. The YAC would encourage submission of a more complete application during the next funding cycle.
4. Summit Institute for the Arts and Humanities: The Summit Institute's Westbound Festival will host a children's "Art Corral," which will include interactive activities and displays for youth with such organizations as the Children's Museum of Utah, Tracy Aviary, Arts Kids, the Utah Arts

Council artist bank. Native American dance instructors, and individuals. The goal is to fulfill the family/youth component of Westbound Festival.

Recommendation: Approve \$1,000 of the \$6,000 request.

Rationale: The types of activities described in the proposal did not appear to serve, to a large extent, the target age group of the grant program. The age group identified in the proposal is 3-18, and most of the activities appeared to target the youngest of that range. There was some concern about funding some of the groups identified in the proposal, such as the Children's Museum and the Tracy Aviary with PCMC funds. The YAC considered it appropriate to provide some funding to support the activity, and considered \$1,000 to be an appropriate amount.

5. Natural Helpers: Natural Helpers is a peer counseling program at Park City High School., whose goal is to promote a safe school environment and mental health of students. The funding requested would help pay for a retreat to train Natural Helpers.

Recommendation: Approve \$1,000 funding request contingent upon detailed budget information.

Rationale: The YAC considers the Natural Helpers program to fill an important role at the high school. By providing a comfortable avenue for students to seek assistance, they add to the safety and health of the high school. Proper training of Natural Helpers will help ensure that students receive appropriate assistance.

6. Mountain Mentors of Park City: The Mountain Mentors program serves at-risk children in the Park City School District who have been referred by school counselors through one-on-one mentoring with group activities. The funds requested would be used for recreation and cultural events participation.

Recommendation: Approve \$5,000 requested.

Rationale: The Mountain Mentors program provides enrichment and recreational opportunities to at-risk youth that they would not have access to otherwise. All of the students participating need academic and social support, and Mountain Mentors provides both of these. The \$5,000 requested represents 15% of the funds needed to run the program. The YAC considers the program to have large community benefits for a low-cost.

7. Park City, Summit County Arts Council: This project seeks to organize youth volunteers ages 12-21 to paint murals on large wooden panels to be installed at the City Park Restroom building. The goal is to give local youth an opportunity to contribute to Olympic decorations and provide a unique educational summertime activity. The theme of the mural work is to celebrate our local youth and the importance of Outdoor Sport and Play to the health of the community.

Recommendation: Approve \$1,500 requested.

Rationale: This project is expected to serve 80-100 youth in the target age group. It will provide a fun, productive activity that produces a visible public art product. Youth who may not otherwise be involved with Olympic related activities will have the opportunity to participate.

8. Young Riders Mountain Bike Race Program: The Young Riders Mountain Bike Program is seeking funding to purchase equipment utilized to help facilitate maximum conditioning of athletes.
Recommendation: Decline.
Rationale: The equipment the Program intends to purchase appears to be focused toward high-performing athletes, rather than the general population. As such, it would benefit a relatively low number of individuals. The YAC did not consider this to be a high priority for PCMC funds.
9. Park City High School Graduation Committee: The Park City High School Graduation Committee, PTSO, is requesting funds to support the senior graduation party. The goal of the project is to provide a memorable and entertaining evening for seniors and their guests in a safe, alcohol-free environment.
Recommendation: Approve \$2000 requested.
Rationale: This event has a proven history of providing a safe, positive graduation experience. It will serve over 300 students in the target age group. The committee is seeking about 20% of the cash cost of the event from the YAC. The YAC considers the project to have wide community support and to produce very high community benefit.
10. National Ability Center: The National Ability Center is requesting funds to support the NAC's summer programs for youth. Specific uses of funds were not identified.
Recommendation: Decline. Suggest the NAC submit a more complete application with specific program needs and budget in the next funding cycle.
Rationale: The application received from the NAC did not identify the project the funds would support. There was no budget submitted. The YAC was unable to determine whether the funds would be used for a new project or operational support for an on-going program. It is suggested that the NAC review its specific needs and submit an application during the next funding cycle.
11. Jump In!: This high school leadership program withdrew its application due to a change in project plans. The funding they may request for their new project would be approximately \$250. YAC will advise they may be funded up to \$250 pending receipt and approval of a new application.
12. Park City High School Fine Arts Dept.: The Park City High School Fine Arts Department is requesting funds to support a Dinner Theatre that involves over 200 students. The goals of the project are to provide musical and theatrical training to interested youth, to enhance students' self-confidence through performing, and to provide an entertaining evening for the community.
Recommendation: Approve \$2,000 requested.

Rationale: The project would involve over 200 students from the target age group and provide the community an unusual entertainment opportunity. Students will have opportunities to develop skills in a variety of areas, promotion and publicity, set design, costumes, performance. The request funds approximately 30% of the cash costs of the project.

13. Park City Lacrosse Organization: This request seeks funding to implement a Lacrosse program to be taught as part of the middle school physical education curriculum to all students. The program would serve approximately 580 students.

Recommendation: Decline.

Rationale: The activities funded by this project would be conducted as part of the middle school curriculum. The YAC has not funded curricular activities. It is recommended that the applicants approach the Park City Education Foundation or the Parent Teacher Organizations in the middle schools for possible support.

14. Park City Lacrosse Organization: This application requests funding to provide an ongoing lacrosse program in the Park City area for boys grades

5-12 The goal is to make lacrosse available to all boys who want to participate whether or not they have financial resources to pay fees and purchase necessary equipment. The program serves approximately 100 youth (including one girl) in the target age group.

Recommendation: Approve \$2,100 requested.

Rationale: The funds requested will be used to purchase equipment necessary to expand the program (to meet demand). The YAC notes that equipment should last and be available to pass on to new participants over time. The funding will allow the program to involve more youth in a healthful activity

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2. Park City Historical Society and Museum: The project seeks funds to create a children's multilevel activity book that will engage children from second through seventh grade in activities that reflect Park City's rich heritage. The book would be provided free to Park City School District children in grades 2,4 and 7 in conjunction with visits to the museum. The funds requested would pay the publication cost for 3000 books.

Recommendation: Decline.

Rationale: It appears from the application that the request funds a curriculum activity for students in the 2nd, 4th, and 7th grades. The YAC has not funded curriculum development or activity. It is recommended that applicants approach the Park City Education Foundation or the Parent Teacher Organizations for potential support.

3. International Club: The Park City High School International Club is requesting funds to support a Mardi Gras dance that will educate students more about the holiday and unite them in a fund-raiser for the club in the future. The goal is to unify and educate students about different cultures

Recommendation: Approve \$470 request.

Rationale: This project would provide a positive experience for both students involved in planning and implementing it, as well as students who attend the event. The amount requested falls within the approval authority of the YAC; project is approved pending determination that funding is not too late to implement the project.

4. Coalition for Quality Children's Media - Utah Chapter: This application seeks funding for the KIDS FIRST! Film Festival to be held March 9. The funding cycle for YAC grants cannot meet this date.

Recommendation: Decline.

Rationale: Due to timing of the project and the funding cycle, funds could not be conveyed in time for the festival.

5. Christian Center of Park City: This application seeks funding to establish computer training and literacy classes for underprivileged students. Goals are to teach a marketable skill, equip kids to learn/use computer skills to compete for jobs, and to help underprivileged students gain access to computers.

Recommendation: Decline.

Rationale: It is not clear from the application how funds requested from the YAC (\$10,000) would be utilized. It appears they may be used for either of two purposes: to lease a facility, or to provide scholarship funds for students to attend computer training. The lease is considered an administrative cost (YAC funds cannot be used for administrative costs), and YAC does not provide scholarship funds. While the YAC considered the concept to have some merit, sufficient information wasn't provided to fund the activity. It was also not clear to the YAC as to why other community resources (such as computer labs in schools) couldn't be made available at much lower cost to meet the need. It is suggested that a more complete plan be prepared if YAC funds are sought in the future that demonstrates need and a clear budget.

6. Utah Opera: This application requests funds to support the touring production of Rossini's opera, *Cinderella* at The Eccles Center on December 1. From November 27 - 30, Utah Opera will conduct outreach programs at various Park City schools. The schools participating in the residency program will be determined by the school district. A new program, "Opera Up Close", will be offered to the high school this year.

Recommendation: Approve \$2,000 requested.

Rationale: A large number of students will be served by this program. The "Opera Up Close" program targets high school music and performing arts students. These students will interact with young professional artists to gain insight about performance careers and the working world.

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: April 5, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP AK
TITLE: 1212 Empire Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a Public Hearing, consider public input and Staff's recommendation to extend the approval for the Plat Amendment to combine Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the Park City Survey, into one (1) lot for development.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Hank Louis, General Partner, Foghorn Leghorn LTD.
Marty Volla
Location: 1212 Empire Avenue
Zoning: Recreation Commercial District - RC
Adjacent Land Uses: Residential
Date of Application: February 24, 1999
Project Planner: Alison Kuhlow

B. Background.

On March 30, 2000, the City Council approved, with conditions, the plat amendment to combine Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the Park City Survey, into one (1) lot for development. The approval expires on March 30, 2001. The applicant has submitted a request to extend the expiration date for another year. The applicant was unable to record the document within the first year based upon construction timelines, and the proximity of the project to an Official Venue for the 2002 Winter Olympic Games.

ALTERNATIVES

A. Approve the request for an extension, until April 5, 2002, for the Plat Amendment to combine Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the

Park City Survey, into one (1) lot for development.

- B. Deny the request for an extension for the Plat Amendment and prevent the construction of the twelve (12) unit residential structure. The applicant would then need to re-submit a Plat Amendment application for review and approval by the Planning Commission prior to the issuance of a building permit.
- C. The Planning Commission may continue the item for more information and discussion and direct the applicant and Staff as to desired changes.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, consider public input and approve the Record of Survey for 1212 Empire Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

Findings of Fact

- 1. The property is located in the Recreation Commercial (RC) District.
- 2. The proposed Plat Amendment will combine twelve (12) lots into one (1) parcel in order to allow for the development of an twelve (12) unit residential structure.
- 3. The parcel is located on a steep infill parcel in a built out area. Snow storage opportunities are limited in this area.
- 4. Dedication of a ten (10) foot non-exclusive snow storage easement along Norfolk and Empire Avenues is necessary to provide adequate snow removal services.
- 5. The applicant has requested an extension due to the difficulty in constructing the project prior to the commencement of the Olympics.
- 6. The project is in proximity to an Official Venue of the 2002 Winter Olympics.
- 7. Traffic surrounding the venue during the Olympics will be restricted and at times this property will be highly impacted.
- 8. The Plat Amendment expired on March 30, 2001.
- 9. The applicant stipulates to the conditions of approval

Conclusions of Law:

- 1. There is good cause for the amendment.
- 2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Norfolk Avenue and Empire Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A Building Permit for 1212 Empire Avenue may not be issued until the Plat Amendment is recorded.

F. Exhibit

Exhibit A - Location Map

Exhibit B - Plat Amendment

Exhibit C - Standard Project Conditions

Exhibit D - March 30, 2000 City Council Report

Ordinance No. 01-

**AN ORDINANCE APPROVING THE EXTENSION OF A PLAT AMENDMENT REQUEST
1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 AND 44, BLOCK 18, SNYDERS ADDITION TO THE
PARK CITY SURVEY INTO ONE (1) LOT FOR 1212 EMPIRE AVENUE, PARK CITY,
UTAH.**

WHEREAS, the owners of Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the Park City Survey located at 1212 Empire Avenue have petitioned the City Council for approval of a final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 23, 2000, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on February 23, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The property is located in the Recreation Commercial (RC) District.
2. The proposed Plat Amendment will combine twelve (12) lots into one (1) parcel in order to allow for the development of an twelve (12) unit residential structure.
3. The parcel is located on a steep infill parcel in a built out area. Snow storage opportunities are limited in this area.
4. Dedication of a ten (10) foot non-exclusive snow storage easement along Norfolk and Empire Avenues is necessary to provide adequate snow removal services.
5. The applicant has requested an extension due to the difficulty in constructing the project prior to the commencement of the Olympics.

6. The project is in proximity to an Official Venue of the 2002 Winter Olympics.
7. Traffic surrounding the venue during the Olympics will be restricted and at times this property will be highly impacted.
8. The Plat Amendment expired on March 30, 2001.
9. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the Park City Survey also known as the 1212 Empire Avenue, is approved as shown on Exhibit A
, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Norfolk Avenue and Empire Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A Building Permit for 1212 Empire Avenue may not be issued until the Plat Amendment is recorded.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of April, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

1212 Empire Avenue



Exhibit A - Location Map

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

December 1, 1999

PARK CITY

1884

DATE: March 30, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: 1212 Empire Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a Public Hearing, consider public input and approve the Plat Amendment to combine Lots 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43 and 44, Block 18, Snyders Addition to the Park City Survey, into one (1) lot for development.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Hank Louis, General Partner, Foghorn Leghorn LTD.
Marty Volla
Location: 1212 Empire Avenue
Zoning: Recreation Commercial District - RC
Adjacent Land Uses: Residential
Date of Application: February 24, 1999
Project Planner: Alison Kuhlow

B. Background.

On February 23, 2000, the Planning Commission reviewed and approved a Master Planned Development for twelve (12) units at 1212 Empire Avenue. At that meeting the Commission conducted a public hearing and forward a positive recommendation for the Plat Amendment to combine twelve (12) lots into one to accommodate the proposed project.

The project site is located at 1212 Empire Avenue in the Recreation Commercial District (RC) west of the Carl Winters School. The project involves a request for a Small Scale MPD and a Plat Amendment. A Plat Amendment is necessary to combine twelve (12) lots to create one 22,500 square foot development parcel. If the Plat Amendment is approved, the applicant proposes to construct nine (9) 1,944 square foot units and three (3) 1,494 square foot units with an enclosed, partially underground parking garage for twenty four (24) automobiles, mechanical equipment and

garbage dumpster. The applicant has discussed condominiumizing the structure once construction has begun. Dividing the units into separate ownerships will require approval of a condominium plat.

At the July 20, 1999, Board of Adjustment Meeting the variance was approved stating that they found the situation was unique because the property had frontage on three streets and the side for which they were requesting the variance was not, and would not become a fully developed City street.

The Historic District Commission, at the June 19, 1999 meeting issued an approval for the Certificate of Appropriateness for Demolition for the duplex structure located at 1204 Empire Avenue. A Certificate of Appropriateness for Demolition was issued for the Innsbrook Chalets on October 1, 1997.

B. Analysis

The proposed project site is located in the Recreational Commercial District. The purpose of the RC District, as stated in the Land Management Code, is to allow for the development of hotel and convention accommodations in close proximity to the major recreation facilities. This district allows a relatively high density of transient housing with appropriate support commercial and service activities. The Park City General Plan states that the Resort Base Area, that area zoned RC, be reviewed and examined to ensure that new structures to the east of Empire Avenue provide skier bed base, while allowing for a transition of scale to Park Avenue. The proposed structure includes twelve (12) units within a common structure with shared amenities such as parking, hot tubs and decks.

The Land Management Code's section on Residential Commercial District (RC) specifies that a multi-dwelling structure with more than eight (8) dwelling units and greater than eight development credits be processed as a Master Planned Development (MPD), subject to the provisions of Chapter 10. Chapter 10 Master Planned Developments states in Section 10.15 that Master Planned Developments in the RC District are based on a gross density of one unit equivalent for each 2,000 square feet of land area on the site.

The development parameters for a one bedroom unit would be as follows:

<u>Configuration</u>	<u>Unit Equivalent</u>
One Bedroom Apartment, not exceeding 1,500 Square Feet	.75
One Bedroom Apartment, not exceeding 2,000 Square Feet	1.0

The following calculations show how Staff and the developer arrived at the allowed density for the site:

Parcel size (22,500) / 2,000 = 11.25 unit equivalents allowed (maximum)

Proposed Units 3 units <1,500 square feet/.75 unit equivalents = 2.25 unit equivalents

 9 units <2,000 square feet/1.0 unit equivalents = 9.0 unit equivalents

Total Unit Equivalents Used = 11.25 u.e.

	Code Requirements	Proposed
Setbacks	RC Zone and MPD	
• Front	20 feet	20 feet, 10 feet variance approved along 12 th Street
• Sides	10 feet	10 feet
• Rear	10 feet	N/A
Parking	24 parking spaces	24 parking spaces
Height	40 feet*	43 feet**
Open Space	60% = 13,500 square feet	>60% = 14,108 square feet
Lot Size	22,000 square feet ¹	22,500 square feet

*height compliance is determined at the time of building permit issuance

** subject to the Planning Commission height variation approval for section 10.9(f)

The proposed development meets all the criteria for the RC District except for the height. The applicant has requested an additional height of three feet (3') as part of the MPD application.

E. Department Review.

The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 2, 1999, where representatives from local utilities and City Staff were in attendance. Discussion focused on fire access, ADA requirements and snow shed. The Planning Department has been working with the applicant on resolving the issues.

ALTERNATIVES

- A. Conduct a Public Hearing, consider public input and approve the Plat Amendment to allow for the development of the parcel for a twelve (12) unit residential structure at 1212 Empire Avenue.
- B. Conduct a Public Hearing, consider input and deny the request for a plat amendment at 1212 Empire Avenue.
- C. The City Council may continue the hearing for more information and discussion and direct the applicant and Staff as to desired changes.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, consider public input and approve the Record of Survey for 1212 Empire Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

¹ 22,000 square feet are necessary to develop nine (9) units less than 2,000 square feet and three (3) units less than 1,500 square feet in the RC District.

Findings of Fact

1. The property is located in the Recreation Commercial (RC) District.
2. The proposed Plat Amendment will combine twelve (12) lots into one (1) parcel in order to allow for the development of an twelve (12) unit residential structure.
3. The parcel is located on a steep infill parcel in a built out area. Snow storage opportunities are limited in this area.
4. The applicant stipulates to the conditions of approval

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Norfolk Avenue and Empire Avenue shall be dedicated to the City on the plat.
3. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
4. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
5. A Building Permit for 1212 Empire Avenue may not be issued until the Plat Amendment is recorded.

F. Exhibit

- A. Location Map
- B. Plat Amendment
- C. Site Plan
- D. Elevations
- E. Standard Project Conditions



DATE: April 5, 2001
DEPARTMENT: Executive - Office of Capital Management and Budget
AUTHORS: Matt Twombly/Gary Hill *MAT/TDL*
TITLE: Resolution adopting an interim policy for the Trails Master Plan
TYPE OF ITEM: Policy Declaration

SUMMARY RECOMMENDATIONS: The Parks, Recreation, and Beautification Advisory Board (PRBB) has, through staff, presented to Council several general principals and specific initiatives pertaining to the Trails Master Plan. Staff recommends that Council adopt a resolution implementing these principles into the Trails Master Plan as an interim policy.

DESCRIPTION:

A. Background: On January 4, 2001, staff presented recommendations to City Council from the Trails Sub-Committee of the PRBB concerning the Trails Master Plan. The Sub-Committee worked in conjunction with City staff and representatives from Mountain Trails and the Snyderville Basin Recreation District to come up with some specific guidelines and initiatives to augment the more general principals of the Trails Master Plan. The guidelines dealt specifically with:

- Trailheads,
- Easements,
- Access,
- Safe Crossings,
- Signing,
- Trail Connections, and
- Regional Cooperation

Because staff had been directed to concentrate efforts this year on pre-Olympic or existing projects, the recommendations were presented as an interim policy change to the Trails Master Plan rather than a time-consuming revision of the document.

At the time of the presentation, City Council approved the recommendations and directed staff to return with a resolution incorporating the principles detailed in the report into the Trails Master Plan.

B. Analysis: This is intended as a first step in revising the Trails Master Plan and Trails Map in 2002. Staff agrees with the recommendations prepared by the PRBB and Trails Sub-Committee and supports the general principles outlined in the report.

C. Department Review: Office of Capital Management and Budget
City Attorney

ALTERNATIVES:

A. Approve the Request: Council could adopt the resolution implementing an interim trails policy and thereby instruct staff to incorporate its principles into the Trails Master Plan. This revision of the Trails Master Plan is unlikely to commence until after the Olympics in 2002 (Please see the "Significant Impacts" section below).

B. Deny the Request: Council could refuse to adopt the resolution and instruct staff to continue implementation of Park City's trails system based on the current Trails Master Plan.

C. Continue the Item: Council could instruct staff to modify some of the recommendations and return with another resolution reflecting the changes.

SIGNIFICANT IMPACTS: Staffing impacts weigh heavily in this discussion. Staff has already identified five major projects slated for completion this year including the total Skate Park project, the City Park Trail Lighting and Widening project, two sets of stair retreads, new stairs at 12th Street, and some alternatives for the Rail Trail Project from Wyatt Earp east. Assuming we continue to supplement these projects with the trails initiatives already in progress, staff will have exceeded capacity to entertain more until summer of 2002.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Because staff time this year will be devoted to pre-Olympic and existing projects, these recommendations will not be permanently incorporated into the Trails Master Plan until 2002. It is unlikely, therefore, that there will be any immediate consequence of not taking the recommended action unless Council wishes to take some immediate action in the context of Olympic planning time constraints or the pending CIP Budget.

RECOMMENDATION: Staff recommends adopting the resolution to incorporate the trails recommendations into the Trails Master Plan on an interim basis. As policy, the recommendations will be a basis for a formal revision of the Trails Master Plan, likely to coincide with CIP planning in the second year of the City Budget.

Resolution No.



A RESOLUTION ADOPTING AN INTERIM POLICY FOR USE IN PLANNING AND DEVELOPING TRAILS.

WHEREAS, City Council has included pedestrian and bicycle improvements as a High Priority in its goals for 2000-2001; and

WHEREAS, the Park City General Plan and Land Management Code state that bicycles and pedestrians are "vital to Park City's economy and sense of community;" and

WHEREAS, the General Plan and Land Management Code require that all trail improvements be constructed in a manner consistent with the Trails Master Plan; and

WHEREAS, the Trails Master Plan as adopted in 1992 has served as a general philosophical guide to a comprehensive trails system but does not identify specific elements necessary for such a comprehensive multi-use system; and

WHEREAS, the Trails Sub-Committee of the Parks, Recreation, and Beautification Advisory Board has proposed some general and specific guidelines for inclusion in the Trails Master Plan; and

WHEREAS, the City Council has directed staff to focus on projects in preparation for the Olympic Winter Games in February 2002, thereby precluding staff from incorporating major projects into the Trails Master Plan this year:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that:

SECTION 1. INTERIM POLICY FOR PLANNING AND DEVELOPING TRAILS.

The following interim policy as recommended by the Parks, Recreation, and Beautification Advisory Board for use in planning and developing trails is hereby adopted as follows:

1. Trailheads: Secure trailheads to include adequate space for parking.
2. Access: Create new access to trails, especially through developing neighborhoods, projects, and to outlying and interconnecting trails.
3. Safe Crossings: Ensure safe road/trail crossings with signs, striping, and traffic-calming measures.
4. Signing: Provide clear signing for routes through residential and commercial areas (both access and on-trail signs and symbols).
5. Contiguous/Continuous Connections: Complete a system of "loop" and/or other perimeter trails for transportation in and around the Park City area.
6. Regional Alliance: Combine the resources of Summit and Wasatch Counties, Snyderville Basin Recreation District, Jordanelle Special District, Mountain Trails Foundation, Park City, the resorts, and other area communities in an effort to facilitate trail construction and garner funds.

SECTION 2. CONSIDERATION OF ADDITIONAL TRAIL-RELATED INITIATIVES.

The City Council resolves to consider implementing the following specific initiatives:

1. Inventory existing trails, easements, and trailheads.
2. Cooperate with the Utah Department of Transportation (UDOT) to determine the feasibility of a trailhead along State Road 224 to serve McLeod Creek.
3. Maintain and sign the SR 224 pedestrian underpass near McPollin Farm to encourage its use for safe crossing.
4. Grade and utilize the former sewer treatment location as temporary off-street trailhead parking.
5. Identify bike lanes on surface streets with clear and consistent striping.
6. Augment the existing trail marking system using inexpensive and convenient Forest Service-standard markers.
7. Implement pilot trail crossing/traffic-calming methods such as portable planters and striping.
8. Initiate dialogue with ski resorts to cooperatively use resort parking and place directory signing and maps to area-wide trail resources.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 5th day of April, 2001.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

DATE: March 29, 2001
DEPARTMENT: Public Works
AUTHOR: John Lind
TITLE: Pavement Management Update
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Authorize staff to enter into a contract with Stantec Consulting Inc. in the amount of \$33,800 to provide technical services evaluating and prioritizing Park City's pavement management program for the next five years.

DESCRIPTION:

A. Topic.

Contract for analysis, prioritization, and recommended treatments for required maintenance and costs for approximately 104 miles of city streets.

B. Background:

In the early 1980's Park City began utilizing pavement management consultants to analyze and evaluate the structural integrity of the street network and to make recommendations for best maintenance practices for city streets. The pavement management process includes planning, budgeting, funding, designing, constructing, monitoring, evaluating, maintaining, and rehabilitating the pavement network to provide maximum benefits with available funds. Without an adequate routine pavement maintenance program, streets require reconstruction more frequently and cost significantly more. The review analysis will provide a strategy for repairing and maintaining pavement in a serviceable condition over a given period of time. The pavement analysis scientifically answers questions about our streets network. Some questions to be answered are:

- What is the current condition of the street network?
- How much money is required to maintain the same level in three to five years?
- What will the condition be if present funding levels are maintained?
(Current funding from the CIP is \$600,000 per year.)
- What is the most cost effective way to spend street repair money?
- What types of repairs should be carried out?

The overall condition of Park City's pavement network is in the range of 76 to 78 on a scale to 100. Pavement rated at 100 is in "good condition" while pavement rated at 58 or lower is in "poor condition." It is our goal not to have this current rating deteriorate from the overall 76-78 rating. An example of a Park City street rated at 100 is Main Street; and an example of 76-78 is Lower Deer Valley. Park City's entire street network is rated in fair condition. If a road deteriorates to a poor condition or a rating of 58, the repair costs escalate by a factor of five. The technical analysis and reporting will also provide compliance information to the Government Accounting Standards Board Statement No. 34 (GASB 34) which requires us to report asset value, based on road condition, and report on multi-year treatment strategies.

The scope of work for this project entails the following:

1. Streets evaluation for structural adequacy and deflection, surface distress, raveling, alligator cracking, cracking, depression, upheaval, shoving, edge cracking, rutting, and settlement.
2. Evaluation of streets for pavement section thickness, traffic mix, seasonal factors, construction traffic in developing areas, and classification and traffic arteries within the City as part of prioritization.
3. Prioritization and evaluation of all public city streets. Streets are analyzed using varied analyses on overlapping 200' intervals.
4. Compilation of the evaluation based upon a rating scale that utilizes dynaflect testing. This test measures the deflection of the asphalt. A calculation can be completed to determine the structural integrity.
5. Citywide prioritization and prioritization within the four residential areas (see below) to ensure pro rata efforts are made throughout the City. The areas are Old Town and Aerie; Thaynes/Aspen Springs/Prospector; Park Meadows; and Deer Valley/Solamere.
6. Dollar prioritization levels to include recommended maintenance, incorporating the above requirements.
7. A prioritized description of street name, length, width, year required, rehabilitation cost projections, and maintenance cost projections for identified streets.
8. Various maintenance strategies for funding levels up to \$400,000 per year.
9. Recommendations for required funding to increase our street rating from a 76-78 to 80-86 in the next 10 to 15 years.

C. Analysis:

A request for proposals was sent out on January 31, 2001 to ten companies specializing in pavement management services. The closing date for proposals was March 5, 2001. We received three responses.

Stantec Consulting Inc.	\$33,800
Infrastructure Mgmt. Services	\$48,910
ERES Consultant	\$67,309 \$28,083 additional work \$95,392 total contract amount

Stantec is a multi-disciplinary consulting and technology company capable of performing the requirements in a timely and professional manner. Their staff is recognized as experts in the field of infrastructure management. On this project, they will dedicate three engineering personnel and technical personnel for field collection and analysis. Stantec has been in this type of business of data pavement condition collection and data conversion since 1978. Staff recommends this company.

D. Department Review:

The City Manager, Office of Capital Management & Budget, Public Works, and Legal departments have reviewed this recommendation. Funds for this project have been designated in the CIP fund account number 31-44018-4520.

ALTERNATIVES:

- A. **Authorize staff to enter into a contract with Stantec Consulting Inc. in the amount of \$33,800.** (This is the staff recommended alternative.)
- B. Authorize another contractor.
- C. Reject all bids and solicit a new RFP.
- D. Delay implementation.
- E. Do nothing.

SIGNIFICANT IMPACTS:

Alternative A: Stantec Consulting Inc. is able to handle this assignment. Their timeline to perform the required work can be accomplished this summer and will enable us to schedule pavement maintenance to begin in the summer of 2002. They submitted the low qualified bid, fulfilled the requirements, and are within the anticipated and budgeted amount.

Alternative B: Council could authorize one of the other contractors that also specializes in infrastructure analysis. However, Stantec is comparable in background and expertise and can provide the requested project information at a lower cost.

Alternative C: This alternative will result in increased staff time, extend project completion time, and possibly delay the ability to have contractors lined up to perform work for the 2002 construction season.

Alternatives D & E: Either of these alternatives would have the same result as Alternative C. In order to plan effectively for the street maintenance work needed in 2002 and beyond, information and strategies need to be developed so the designated streets can be appropriately repaired in advance of planned work. Additionally, pavement contractors and other support contractors need to prepare bids which is extremely time consuming.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The pavement management program is an integral component of the City and allows Park City to best use the available dollars to obtain the most cost effective maintenance programs. Delays in maintenance can drive the cost of maintenance significantly higher. Timely and scheduled maintenance is a critical factor in obtaining the most effective use of available dollars.

RECOMMENDATION:

Authorize staff to award the contract to Stantec Consulting Inc. in the amount of \$33,800 for pavement management consulting.



DATE: March 29, 2001
DEPARTMENT: Olympics Services
AUTHOR: Frank Bell
TITLE: Lease Approval for Olympic Use of a Portion of the Racquet Club
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Approve a 30 day lease during the 2002 Winter Olympics for portions of the Racquet Club to Deutsche Sport Marketing Group of Frankfurt, Germany for use as "The Germany House".

DESCRIPTION

A. Topic:

Lease agreement between Deutsche Sport Marketing and the City for Olympic use of portions of the Racquet Club to include the space currently leased by the Broken Thumb Restaurant.

B. Background:

Staff has been working with Deutsche Sport Marketing Group for some time in consideration of the participation of the German Olympic Team and German media in the 2002 Olympics. The goal has been to locate a place in Park City that affords privacy, views of the mountains, easy accessibility, and is away from areas where Olympic activities were already scheduled. The space would be used by the German delegation to host athletes and the German media for a period of about 30 days. After considerable deliberation, the site that best meets their needs is the west side of the Park City Racquet Club to include space currently under lease to the Broken Thumb Restaurant (there is an Olympic out clause in their lease, and they have been provided written notice of the City's intent to use the property), the television lounge immediately below the restaurant, the attached decks and balconies, and the pool area immediately west of the television lounge to include the pool maintenance buildings. Also needed are 10 parking places in the west lot, and sufficient space to store one or two large shipping containers for media equipment.

The agreed upon price is \$150,000 (US) for the period February 1, 2002 through March 2, 2002, payable in two equal installments, the first due upon execution of the lease, and the second prior to occupancy. There is also a \$10,000 damage deposit due prior to occupancy.

C. Analysis:

This lease is quite similar to that provided to the Norwegian delegation for portions of the Library and Education Center, though the use of the Racquet Club by the Germans should be considerably less intense. It is a much smaller delegation, and there is no particular interest in doing celebratory things. The space will be used as a base for German television and as a private reception area for German athletes. Unless the City chooses otherwise, the remainder of the Racquet Club can remain open for public recreational activities or other Olympic interests. There should be no conflict between the activities of Germany House and the operation of the Racquet Club. No City employees or recreational programs will be displaced. The only operational change will be the closure of the west doors that provide the most direct access to the tennis bubble. Access to the bubble will be re-routed north through the doors to the large pool.

The City's lease with the Broken Thumb includes an Olympic out clause which has been noticed to the tenant. Our lease requires that we pay the Broken Thumb for normal lost profits calculated by averaging profits in January and February of 2001, pay moving expenses required by the City, if any, and waive their rent and utility payments for the time of displacement. Those costs will be paid from the \$150,000 lease. The Racquet Club will be reimbursed for the lost rent. The remainder of the lease price will go to the General Fund to offset Olympic expenses in accordance with current Olympic budget policy.

Representatives from Germany will be present during the Council meeting of April 5th.

D. Department Review:

The Olympic Services Department, Legal Department, and Leisure Services Department have been involved in this project.

ALTERNATIVES

- A. Approve the Lease:** The Council may approve the lease as written.
- B. Not Approve the Lease:** The Council may decide against the lease.
- C. Modify the Terms and Conditions:** The Council could decide to re-negotiate terms and conditions as necessary.
- D. Do Nothing:** The delegation requests an answer as soon as possible.

SIGNIFICANT IMPACTS:

The impacts have been discussed to some degree in the analysis section. Staff believes the negative impacts to be relatively insignificant. We have long anticipated that the Racquet Club would serve some Olympic purpose. While this lease does not preclude the Council from renting additional portions of the building, the lease to the Germans seems to be a good way to generate

revenue for the City without adversely affecting public services and local programs, City staff, or creating impacts that we would have to mitigate through other city services.

The publicity generated by the German media may be beneficial to the City over the long term. Many of our events will be broadcast to Europe in prime time from the Racquet Club.

The major impact will be to the Broken Thumb. However, the tenant has known for some time that displacement may occur during the Games. Most of the potential financial impacts are mitigated in the tenant's lease with the City. The Germans have indicated an interest in talking with the Lamphiers about providing hospitality services during the Games. Since the term of the lease with the Germans is 30 days (maybe less depending on move in/out time), and many people in Park City will be pre-occupied with Olympic activities, it seems unlikely that any long term business impacts will be felt.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Germans will not lease the space in question.

RECOMMENDATION:

Staff recommends approval of the lease and the terms and conditions negotiated therein.

CITY COUNCIL STAFF REPORT

DATE: March 29, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP ✓
TITLE: Ricochet Wireless - Citywide
Telecommunication facilities to be located on City street light poles
TYPE OF ITEM: Appeal/Quasi-Judicial

SUMMARY RECOMMENDATIONS:

Staff requests the City Council review and discuss the appeal of the Planning Commission denial of a Conditional Use Permit for the installation of six (6) Telecommunications Facilities on City street light poles within Park City.

A. TOPIC

Appeal of the Planning Commission's denial of a Conditional Use Permit for the installation of six (6) Telecommunications Facilities on City street light poles within Park City.

B. BACKGROUND

Metricom submitted a Conditional Use Permit application for the installation of Telecommunications Facilities on City street light poles on January 25, 2000. Though the application did not define the precise number of antennas proposed to be located on City street light poles, Metricom subsequently specified six (6) locations within Park City. Please refer to Exhibit A for the location of these light standards. The application was processed under the Temporary Zoning Ordinance 99-51 ("TZO") in effect at the time of application, which specifies any telecommunication facility must comply with the Conditional Use criteria in Land Management Code Section 1.13, in addition to the criteria provided in the TZO.

The item was first scheduled before the Planning Commission on April 16, 2000. At that meeting the Commissioners continued the item because application for the light pole antennas represented only one component of a complete Metricom system. The light pole antennas require signals from wired access point (WAP) radios, an application for which had not been submitted or reviewed by the Planning Commission at that time. At present, the Commission has approved three (3) WAP sites for Metricom, thereby enabling the use of the light pole antennas as part of a complete system.

Staff returned with the item on the January 10, 2001, meeting to receive comments regarding Metricom's light pole antenna application. At the January 10th meeting the Commissioners discussed the application and directed Staff to return with Findings of Fact, Conclusions of Law and Conditions for Approval. Staff returned to the Planning Commission with Findings of Fact,

Conclusions of Law, and conditions for approval on January 24, 2001. At that meeting the Commissioners continued to discuss the application and its impacts to Park City's entry corridors. Discussion focused on the placement of the antennas within the Frontage Protection Zone, the General Plan's discussion on potential adverse visual impacts from the preservation of Park City's entry corridors, and the compatibility of the antenna with the light fixtures. As a result of the Commissioner's discussion a motion was made by the Commission directing Staff to prepare findings for denial of the application.

Following the January 24th meeting, Staff met with two members of the Planning Commission to discuss findings for denial. At that meeting the sub-committee discussed several issues as possible basis for denial, including Frontage Protection Zone impacts, the General Plan, and visual clutter. At the close of the meeting, the Commissioners and Staff were unable to agree on findings for denial based on Section 1.13 of the Land Management Code. Staff then returned to the full Commission on February 14, 2001, with findings for approval.

At the February 14, 2001 Planning Commission meeting, discussion again focused on the light pole antennas' negative visual impacts on the Frontage Protection Zone. In addition, Commissioners noted that the application stood contrary to the General Plan's open space element (demanding special attention to entryway areas and declaring that "view corridors into the City need to be supported by green belts along thoroughfares, with open space that creates buffers between landscape and development"). A motion to approve the Metricom application failed, and the Commission again directed staff to prepare findings for denial.

Following the Commission's direction, Staff returned to the Planning Commission on February 28, 2001 with the Findings of Fact and Conclusions of Law for denial of Metricom's Conditional Use Permit. Following a brief recap of the application, a motion to deny the Conditional Use Permit passed unanimously, with no additional discussion.

On March 7, 2001, the City Recorder received a letter appealing the Planning Commission's denial of the Conditional Use Permit for the installation of antennas on six (6) City street light poles. The letter was submitted by Allan Donnelly, Lead Council, Western Region for Metricom. Metricom's appeal is brought pursuant to Section 15-1-17 of the Municipal Code and states two reasons for the appeal. First, Metricom asserts that the Planning Commission's "conclusions of law are not supported by adequate and reasonable evidence and findings of fact." The petitioner further alleges that:

1. The proposed use is compatible with the surrounding structures in use, scale, and mass.
2. The use is not inconsistent with the Park City General Plan.
3. Any differences in use of scale have been mitigated.
4. The proposal is consistent with the least visual impact requirement of the TZO 99-51.

Metricom's second reason for appeal alleges that "the process of submitting this matter was never properly before the Planning Commission, and that the zoning ordinance portions which require a Conditional Use Permit for these radios is inapplicable." Please refer to Exhibit B for Metricom's petition.

Pursuant to Municipal Code Section 15-1-17(H)(3), it is the responsibility of the Council to affirm, reverse, affirm in part and reverse in part any properly appealed decision of the Planning Commission. The appeal shall be limited to consideration of only those matters raised by the petition, unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

C. ANALYSIS

Metricom appeals the Planning Commission's February 28, 2001 decision denying Metricom's Conditional Use Permit application for the installation of telecommunications facilities on six (6) City street light poles. As expressed in Metricom's formal petition (refer to Exhibit B), Metricom objects to the denial by alleging that the Planning Commission's conclusions of law are not supported by adequate and reasonable evidence and findings of fact, and that the process of submitting this matter was never properly before the Planning Commission.

Staff's Response

I. The Planning Commission's February 28, 2001 denial of Metricom's Conditional Use Permit application for the installation of telecommunications facilities on six (6) City street light poles is supported by adequate and reasonable evidence and findings of fact.

Metricom's appeal essentially attacks the Planning Commission's Conclusions of Law in two manners. First, Metricom alleges that the Conclusions of Law are not supported by adequate and reasonable evidence and findings of fact. Next, by rewriting each of the four Conclusions of Law in favor of the Metricom application, Metricom impliedly alleges that the Planning Commission's Conclusions of Law are erroneous.

The entirety of the Planning Commission's Findings of Fact and Conclusions of Law upon which rests the denial of Metricom's Conditional Use Permit application is attached to this report at Exhibit E. Staff requests that the Council review these Findings of Fact and Conclusions of Law in their entirety, and offers that such documentation speaks for itself in demonstrating that the Findings of Fact reasonably and adequately support the Planning Commission's Conclusions of Law. Moreover, in their appeal, Metricom has offered no argument or evidence in support of those allegations attacking the Planning Commission's Conclusions of Law.

II. Metricom's Conditional Use Permit application was properly before the Planning Commission as the "radios" for which the application was submitted are within the parameters of Temporary Zoning Ordinance No. 99-51.

Metricom's second reason for appeal alleges that "the process of submitting this matter was never properly before the Planning Commission, and that the zoning ordinance portions which require a Conditional Use Permit for these radios is inapplicable." Metricom bases this allegation on the following factors: (1) "Section 8.30(b) defines telecommunications with the same definition as the definition found in the federal Telecommunications Act of 1996;" (2) "Section 8.30(a) is the operative section which mandates that all 'telecommunication facilities' shall require a conditional use permit;" and (3) Metricom's Washington general counsel has concluded that Metricom's Ricochet® network does not fit the definition of "telecommunications" [as provided in the federal Telecommunications Act of 1996]. Based on these factors, Metricom alleges that their network (i.e., their system of street light pole antennas) does not require a Conditional Use Permit. For the reasons

outlined below, Staff disagrees with Metricom's reasoning and conclusion.

1. Although Land Management Code (LMC) Section 8.30(b)(11) does define the term "telecommunications" the same as the federal Telecommunications Act of 1996, that term is not the key for the code's Conditional Use Permit requirement. More specifically, the need for a Conditional Use Permit under LMC Section 8.30 is triggered by a "telecommunications facility,"¹ which is separately defined at Section 8.30(b)(12).
2. LMC Section 8.30(a) declares that "The installation of telecommunications facilities . . . shall be deemed at conditional use." Accordingly, whether Metricom's network requires a Conditional Use Permit under LMC Section 8.30 is determined by the definition of "telecommunications facility."
3. LMC Section 8.30(b)(12) defines "telecommunications facility" as follows: "A Telecommunications Facility consists of Antenna, Equipment Shelters, and related structures used for transmitting and/or receiving Telecommunications and/or radio signals." (Emphasis added.) A plain reading of this definition reveals that whether Metricom's network fits the definition of "telecommunications" is irrelevant, since by admission of Metricom's petition, their network consists of radios. At page 2, paragraph B of Metricom's petition, Metricom's counsel states "the zoning ordinance portions which require a Conditional Use Permit for these radios is inapplicable." (Emphasis added.)

Furthermore, promotional items submitted by Metricom to the City clearly reflect the fact that Metricom's network consists of radios that transmit and/or receive radio signals. In describing Metricom's technology, an abridged article from the *U.S. News & World Report*, April 6, 1998 states: "It bounces radio signals to a series of small transceivers hung from utility poles." (Emphasis added.) In addition, Metricom's own promotional brochure titled *Ricochet® Mobile Digital Network by Metricom®: In the Public Right of Way*, offers the following quotes: "For efficient transfer over radio waves, the Ricochet network transmits data" and "A higher density network ensures safe, efficient transmission of data, and better indoor penetration of the radio signals." (Emphasis added.) Both promotional items are attached to this report at Exhibit F. In sum, because Metricom's antennas transmit and/or receive radio signals, they fit the definition of Telecommunication Facility and therefore require a conditional use permit pursuant to LMC Section 8.30(a).

4. The memorandum prepared by Metricom's Washington legal counsel which concludes that Metricom's network does not fit the definition of "telecommunications" was prepared to determine the "Federal Regulatory Status of Metricom's Ricochet Service," not with regards to Park City's LMC Section 8.30.
5. LMC Section 8.30(b)(11), which defines the term "telecommunications," is not present in TZO 99-51, the ordinance under which Metricom's application was reviewed. The definition of "telecommunications," therefore, does not limit the applicability of TZO 99-52 to Metricom's technology or other technology analogous thereto.

¹ LMC Section 8.30(a) provides that "The installation of telecommunications facilities, unless otherwise addressed in this Code, shall be deemed a conditional use." (Emphasis added.)

In sum, the analysis provided above clearly demonstrates that because Metricom's network consists of radios that transmit and/or receive radio signals, Metricom's Conditional Use Permit was properly before the Planning Commission.

D. ALTERNATIVES

1. Deny this appeal and affirm the Planning Commission's February 28, 2001, decision denying Metricom's Conditional Use Permit application.
2. Grant the appeal and reverse the Planning Commission's February 28, 2001, decision denying Metricom's Conditional Use Permit application. Direct Staff to prepare Findings of Fact and Conclusions of Law pursuant to Council's decision.
3. Remand the matter to the Planning Commission with directions for specific areas of review or clarification.

E. RECOMMENDATION

Staff requests the City Council conduct a public hearing and consider Staff's recommendation to deny the appeal pursuant to the following Findings of Fact and Conclusions of Law.

Finding of Fact

1. The findings discussed in the Analysis section of this report are incorporated herein.
2. Metricom's Conditional Use Permit application for the installation of telecommunications facilities on six (6) City street light poles was submitted on January 25, 2000, at which time TZO 99-51 was in effect.
3. On February 28, 2001, the Planning Commission denied Metricom's Conditional Use Permit application for the installation of telecommunications facilities on six (6) City light poles.
4. Mr. Donnelly, representing Metricom, submitted information regarding RF emission to the Planning Commission at their December 13, 2000, meeting.

Conclusions of Law

1. The Planning Commission's February 28, 2001 denial of Metricom's Conditional Use Permit application for the installation of telecommunications facilities on six (6) City street light poles is supported by adequate and reasonable evidence and findings of fact.
2. Metricom's Conditional Use Permit application was properly before the Planning Commission as the "radios" for which the application was submitted are within the parameters of Temporary Zoning Ordinance No. 99-51.
3. The Planning Commission did not err in adopting the Findings of Fact and Conclusions of Law dated February 28, 2001.
4. The provisions of the Land Management Code have not been violated.

F. EXHIBITS

Exhibit A - Location Map

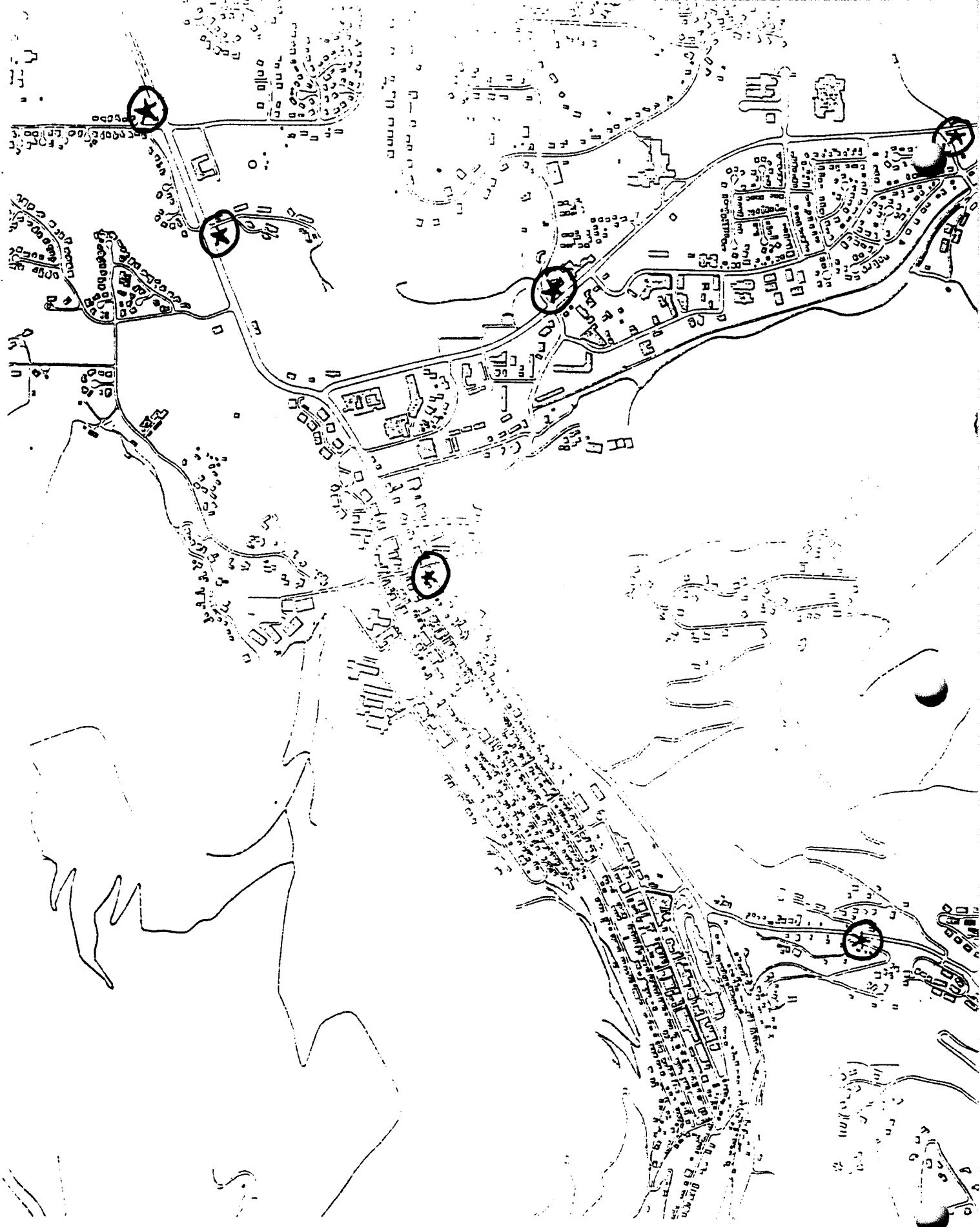
Exhibit B - Formal appeal petition from Mr. Donnelly, representing Metricom

Exhibit C - Elevations of antenna on light standard

Exhibit D - Minutes from the January 24, 2001, February 14, 2001, and February 28, 2001 Planning Commission Meetings

Exhibit E - February 28, 2001, Staff Report

Exhibit F - Metricom Promotional Literature



Locations of Light Poles to be Used

Exhibit A - Location Map

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Park City Proposed Metricom Poles

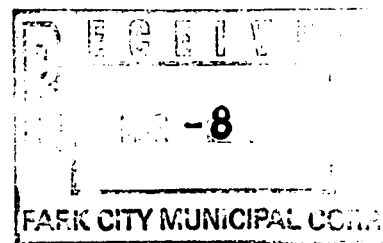
623 Rossie Hill Drive
Kearns Blvd and Buffalo Bill Drive
Kearns Blvd and Monitor Drive
Park Avenue and Snow Creek Drive
Highway 224 and Payday Drive
1492 Park Ave

Exhibit A - Locations



March 7, 2001

City Recorder
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060-1480



Dear Recorder:

This letter constitutes an appeal by the applicant, Metricom, Inc., of an application for a Conditional Use Permit to allow use of city street light poles. The hearing denying the permit was held February 28, 2001. This appeal is brought pursuant to Section 15-1-17 of the Municipal Code.

Petitioner: Metricom, Inc.
Network Real Estate
333 West Julian Street
San Jose, California 95110

Petitioner's Contact: Allan P. Donnelly, Lead Counsel, Western Region
333 West Julian Street
Mail Station 5294
San Jose, California 95110
Telephone: (408) 282-3114
FAX: (408) 282-3037
Email: adonnelly@metricom.com

Local Representative: Liberty Wirestar
Maureen Bachman
424 East 500 South
Suite 109
Salt Lake City, Utah 84111
Telephone: (801) 364-0707
Email: mbachman@libertywireslc.com

Petitioner's Relationship to Project or Property: Petitioner is Applicant.

Exhibit B - Appeal

Statement of Reasons for the Appeal:

- A. Petitioner alleges that the Planning Commission's conclusions of law are not supported by adequate and reasonable evidence and findings of fact, and petitioner further alleges that:
1. The proposed use is compatible with the surrounding structures in use, scale, and mass.
 2. The use is not inconsistent with the Park City General Plan.
 3. Any differences in use or scale have been mitigated.
 4. The proposal is consistent with the least visual impact requirement of the TZO 99-51.
- B. Petitioner further alleges that the process of submitting this matter was never properly before the City Planning Commission, and that the zoning ordinance portions which require a Conditional Use Permit for these radios is inapplicable, as discussed below.

Section 8.30 (a) is the operative section which mandates that all "telecommunications facilities" shall require a conditional use permit.¹ Section 8.30 (b) defines telecommunications with the same definition as the definition found in the federal Telecommunications Act of 1996.²

The Ricochet® network does not fit the definition of "telecommunications" and accordingly Section 8.30 does not apply. Attached is a memorandum from our Washington legal counsel setting forth the reasons for this conclusion. This memorandum has been given to the City Attorney's office.

¹ (a) Permit Required. The installation of telecommunication facilities, unless otherwise addressed in this Code, shall be deemed a conditional use and subject to the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a Conditional Use Permit and Building Permit from the City.

² The ordinance definition states "11. Telecommunications. The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received." The federal definition at 47 USC 153 states: "Telecommunications: The term 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."

City Recorder
Page 3
March 7, 2001

Since the ordinance does not apply to our network, no Conditional Use Permit is required at all.

C. Conclusion: For the reasons stated above, Petitioner requests a finding be made that no Conditional Use Permit is required to install elements of the Ricochet® network or, in the alternative, that the action of the Planning Commission be overturned and the permits granted.

Sincerely,

Allan P. Donnelly

Allan P. Donnelly
Lead Counsel, Western Region
Metricom, Inc.
333 West Julian Street
Mail Station 5294
San Jose, California 95110
Voice: (408) 282-3114
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LONDON
ZURICH
GENEVA
MELBOURNE
BUENOS AIRES

MEMORANDUM

TO: Metricom, Inc.
c/o Dale Marquart, Esquire
Vice President and General Counsel

FROM: Shook, Hardy & Bacon LLP
Henry M. Rivera
Larry S. Solomon
J. Thomas Nolan

DATE: December 7, 1999

RE: Federal Regulatory Status of Metricom's Ricochet Service

Metricom, Inc.'s ("Metricom's") Ricochet® wireless data communications service is an interstate information service subject exclusively to federal regulation. It is not a telecommunications service under federal law, nor is it a commercial mobile radio service ("CMRS"). Our conclusions are based, in part, upon the background information you provided, which is attached.

ANALYSIS

A. Ricochet is an Information Service.

Ricochet is an information service, not a telecommunications service, under federal law.¹ A telecommunications service offers the paying subscriber a pure conduit for the transmission of information, while an information service provides the subscriber with something more – for example, the ability to interact with data stored on a computer system.²

Ricochet is primarily a wireless Internet access service. The FCC has held repeatedly that Internet access service is an information service.³ The Internet access service Metricom provides is functionally identical to the service provided by Mindspring, Earthlink, or any one of thousands of local Internet service providers ("ISPs").

Metricom's Internet access service is provided to the end user over telecommunications facilities owned by Metricom. However, this does not make Metricom a

telecommunications carrier. For example, many ISPs offer dedicated Internet access service to high-volume customers by bundling a dedicated line, such as a T1 line, with their Internet access service. Moreover, ISPs increasingly are marketing high-speed Internet access via digital subscriber line ("DSL") technology directly to end users.⁴ An ISP's provision of Internet access via dedicated line or DSL to subscribers is analogous to Metricom's provision of Internet access via Ricochet wireless facilities to subscribers. Just as the ISP is an information service provider notwithstanding its furnishing of a direct connection to the user, so is Metricom.⁵

Ricochet can also be used to gain access to corporate intranets or data networks other than the Internet. When used in this manner, Ricochet remains an information service. It is an information service because, in network access applications, Ricochet performs an end-to-end protocol conversion, and the FCC has ruled that a service that provides an end-to-end protocol conversion is an information service, not a telecommunications service.⁶

Even when a Ricochet subscriber uses the telephone modem access ("TMA") capability to communicate with a data network through the public switched telephone network ("PSTN"), Ricochet is an information service by virtue of the protocol conversion that accompanies such use.⁷

Since Ricochet is not a telecommunications service, it also is not a CMRS. The FCC has stated on several occasions that any CMRS must be a telecommunications service.⁸ In addition, the Commission has held that the unlicensed radio transmission devices such as those over which Ricochet is provided are not CMRS, either.⁹

The FCC has long held that enhanced services should be free of regulation at both the federal and state levels.¹⁰ As an information service under federal law, Ricochet falls within this category of services that are not subject to regulation.¹¹

B. Ricochet is an Interstate Service.

Ricochet is an interstate service, and as an interstate service it is subject to the exclusive jurisdiction of the FCC. The jurisdictional nature of a service is determined not by the location of the facilities, but rather by the endpoints of the communication.¹² The FCC recently applied this test to Internet access service and found that calls over a local telephone line to an ISP are interstate calls.¹³ They are interstate calls because communications between an end user and an ISP do not terminate at the ISP's local server, but continue instead to the ultimate destination or destinations on the Internet. Those destination most often are distant Internet websites.¹⁴

The Commission has acknowledged that some Internet communications may remain within a state.¹⁵ However, under FCC precedent, when a facility is used to carry both intrastate and interstate communications, the facility is jurisdictionally interstate if at least 10 percent of the communications carried over the facility are interstate.¹⁶ Applying this test to Internet access lines, the FCC has found that Internet traffic easily meets the 10 percent threshold to be considered interstate.¹⁷

The "10 percent" rule also applies to the use of the Ricochet network to access in-state networks such as corporate intranets. Communications from a Ricochet subscriber to an in-state network are carried over the same facilities that are used by the vast majority of Ricochet subscribers to access the Internet. Since the amount of interstate communications carried over the Ricochet network is likely to be more than 10 percent of the total communications traffic carried on the network, Ricochet is an interstate service.

Moreover, as an information service carrying inseparable jurisdictionally mixed communications, Ricochet likely falls within a field which has been preempted from state regulation by federal law. The FCC has previously found that state regulation of an interstate enhanced service which would "thwart or impede" a valid federal objective is preempted.¹⁸ The FCC has a congressional mandate to ensure the development of a robust market in advanced services free of regulation.¹⁹

ENDNOTES

1. Under the definitions in the Communications Act of 1934, as amended, a telecommunications service is "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. § 153(46). "Telecommunications," in turn, is defined as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." 47 U.S.C. § 153(43). An information service, on the other hand, is "the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications" 47 U.S.C. § 153(20).
2. Before the passage of the Telecommunications Act of 1996 (the "1996 Act"), these two categories were termed "basic" and "enhanced" services. The FCC has held that the categories of "telecommunications service" and "information service" introduced by the 1996 Act comprise the same services as did "basic" service and "enhanced" service under pre-1996 law. Federal-State Joint Board on Universal Service, Report to Congress, 13 FCC Rcd 11501, 11516-26 (1998); GTE Tel Oper. Cos., GTOC Tariff No. 1 ("Report to Congress"); GTOC Transmittal No. 1148, *Memo. Opinion and Order*, 13 FCC Rcd 22466, 22469 n. 14 (1998) ("GTE ADSL Order").
3. See, e.g., Deployment of Wireline Services Offering Advanced Telecommunications Capability, *Memo. Op. and Order and Notice of Prop. Rulemaking*, 13 FCC Rcd 24011, 24030; *Report to Congress*, 13 FCC Rcd at 11540; *GTE ADSL Order*, 13 FCC Rcd at 22469 n.14.
4. See Deployment of Wireline Services Offering Advanced Telecommunications Capability, *Second Report and Order*, FCC 99-330, at ¶ 7 (rel. Nov. 9, 1999)
5. In the examples given, the connection to the user (i.e., a dedicated line or a DSL line) is likely to be a telecommunications service furnished to the ISP by a telecommunications carrier. In Metricom's case, the connection to the user is self-supplied, not purchased from a telecommunications carrier. However, a company that self-supplies (for its own internal use) a telecommunications capability that, if purchased from a carrier would be a telecommunications service, does not thereby become a telecommunications carrier. *Report to Congress*, 13 FCC Rcd at 11532-55. Instead, the company is merely a user of telecommunications. Since the telecommunications capability is not offered to the public for a fee, it is not a telecommunications service. See Federal-State Joint Board on Universal

Service, *Report and Order*, 12 FCC Rcd 8776, 9182-83 (1997).

6. As described more fully in the background information prepared by Metricom, the user's data undergoes an end-to-end asynchronous-to-Ethernet protocol conversion within the Ricochet network. The FCC has held that an end-to-end asynchronous-to-packet protocol conversion such as this causes the overall offering to be an information service. Independent Data Communications Manufacturers Assoc., Inc., *Memo. Op. and Order*, 10 FCC Rcd 13717, 13718, 13723 (1995).
7. The conversion of data from a serial asynchronous form to a telephone line transmission protocol is an end-to-end protocol conversion. *See* Applied Spectrum Technologies, Inc., Pet. for Decl. Ruling, *Memo. Op. and Order*, 58 Rad. Reg. 2d 881 (1985) (conversion of FSK ASCII to spread spectrum on telephone line renders the communication service an enhanced service).
8. Petition of Pittencrief Communications, Inc. for Decl. Ruling Regarding Preemption of the Texas Pub. Util. Reg. Act of 1995, *Memo. Op and Order*, 13 FCC Rcd 1735, 1743 (1997); Telephone Number Portability, *First Report and Order and Further Notice of Prop. Rulemaking*, 11 FCC Rcd 8352, 8357 (1996); Implementation of the Local Comp. Provisions of the Telecom. Act of 1996, *Notice of Prop. Rulemaking*, 11 FCC Rcd 14171, 14228 (1996).
9. Implementation of Sections 3(n) and 332 of the Commun. Act – Regulatory Treatment of Mobile Services, *Second Report and Order*, 9 FCC Rcd 1411, 1424 (1994).
10. Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 F.C.C.2d 384 ("*Computer II*"), *aff'd sub nom. Computer and Communications Industry Ass'n v. FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 461 U.S. 938 (1983).
11. The radio transmitters used to provide Ricochet service are regulated by the FCC. Transmitters and receivers must meet technical performance standards, and must be in compliance with national environmental policies concerning exposure to radio frequency emissions. *See, e.g.*, 47 U.S.C. §§ 2.901 *et seq.* (Equipment Authorization Procedures), and 1.1301 *et seq.* (Procedures Implementing the National Environment Policy Act of 1969).
12. *See NARUC v. FCC*, 746 F.2d 1492 (D.C. Cir. 1984) (physically intrastate facility used to terminate end-to-end interstate communication is jurisdictionally interstate).
13. Implementation of the Local Comp. Provisions of the Communications Act; Inter-Carrier Compensation for ISP-Bound Traffic; *Declaratory Ruling*, 14 FCC Rcd 3689, 3697-3702

- (1999); *GTE ADSL Order*, 13 FCC Rcd at 22476.
14. *GTE ADSL Order*, 13 FCC Rcd at 22476.
 15. *Id.* at 22479.
 16. *MTS/WATS Market Structure Order*, 4 FCC Rcd 5660, 5660-61 (1989) (special access facility is interstate if more than a de minimis amount of traffic carried over the facility is interstate).
 17. *GTE ADSL Order*, 13 FCC Rcd at 22480.
 18. Petition for Emergency Relief and Declaratory Ruling filed by BellSouth Corp., *Memo. Op. and Order*, 7 FCC Rcd 1619 (1992), *aff'd sub nom. Georgia Pub. Serv. Comm. v. FCC*, No. 92-8257 (11th Cir, Sept. 22, 1993) (*per curiam*).
 19. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, § 706 (1996). *See generally* Jason Oxman, *The FCC and the Unregulation of the Internet*, FCC OPP Working Paper No. 31 (July 1999).

RICOCHET SYSTEM ARCHITECTURE AND TECHNOLOGY

Metricom, Inc. is the leading provider of wide area, mobile Internet access and data communications services that provide subscribers with a portable, high-performance alternative to existing wireline and wireless network access services. Metricom's first-generation Ricochet® service provides users of portable and desktop computers and hand-held computing devices (such as PalmPilot) with fast, reliable, secure, mobile access to the Internet, private intranets and extranets, local area networks ("LANs") and on-line services at a speed comparable to that of a 28.8 kbps telephone modem. Ricochet subscribers are provided with always-on, unlimited access for a flat, monthly fee regardless of usage. Ricochet is currently available in the San Francisco Bay Area and the Seattle and Washington, D.C. metropolitan areas. Metricom plans to offer this service in a number of other major metropolitan areas across the United States.

Metricom is currently in the final stages of developing and testing Ricochet², an upgrade to its existing Ricochet network, which is designed to provide downstream data transmission speeds of approximately 128 kbps. Metricom believes Ricochet², when commercially launched, will be the fastest portable wide-area data communications service available.

The Ricochet network consists of shoe box-sized radio transceivers, also called Microcell Radios, which are typically mounted to street light arms or utility poles. These radios require only a small amount of power from the street light itself, connected via a special adapter, and are otherwise self-contained units - no other wiring or connections are necessary. In order to launch Ricochet service within a metropolitan area, Metricom obtains right-of-way and pole attachment agreements with municipalities where its radios are deployed. Metricom also obtains pole attachment agreements to mount its Microcell Radios on street lights owned by entities that provide power to the street lights.

Microcell Radios are strategically placed every quarter to half mile in a checkerboard pattern. Within a 20-square mile radius, containing about 100 Microcell Radios, Metricom installs a Wired Access Point, or WAP, which collects and converts the RF packets into a format for transmission to Metricom's nationwide wired backbone. The wired backbone is based on conventional IP technology and routes traffic throughout a metropolitan service area or through Ricochet's Network Interconnect Facilities, or NIFs, if the packet has to travel across country. Radio packets are routed from Microcell Radio to Microcell Radio through the Ricochet network in the most efficient manner possible. Each WAP and the Microcell Radios that report to it can support thousands of subscribers.

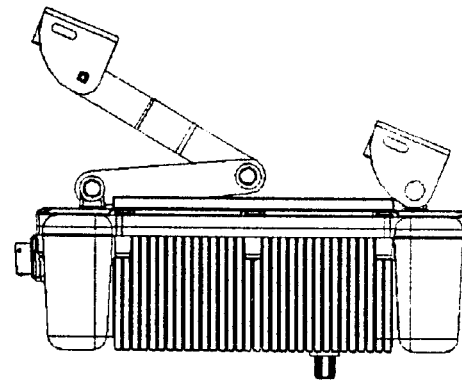
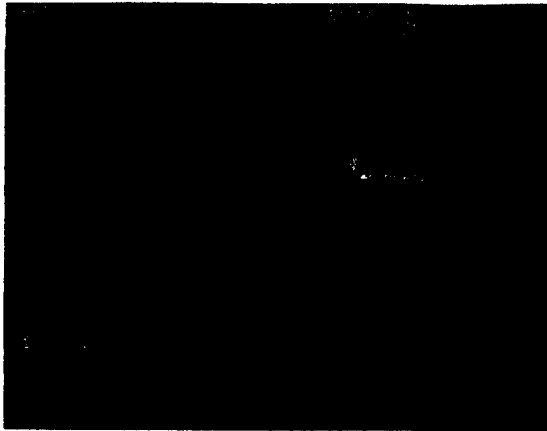
Metricom's network transmits digital data packets at a frequency of 902-928 MHz and 2.4 GHz. FCC Part 15 regulations permit transmission in these frequency ranges without a

license, subject to certain operating rules. In addition, Metricom will utilize the 2.3 GHz frequency for which Metricom holds a license from the FCC. Each radio -- including the user modem connection -- "spreads" its transmissions over 162 channels, each of which is 160 kHz wide, that are randomly selected using unique sequences; sequential data transfers never occur on the same channel, and each channel is normally occupied for only about 100 milliseconds. Called frequency hopping spread spectrum, this architecture inherently provides for rugged and secure communications.

Data packets between a Ricochet modem and Microcell Radio may take different routes during transmission. They can be routed to another Ricochet modem or to one of the gateways which allows subscribers to access other services. Currently, Ricochet supports gateways to the Internet, to the telephone system or to corporate Intranets or LANs.

A Ricochet subscriber modem is about the size of a television remote control, and plugs directly into a desktop, laptop or PDA standard serial port or universal serial bus. The communications protocol used to make this connection is an asynchronous protocol. Upon entering the Ricochet wireless network, the user's information is encapsulated within a stream of packets for transmission over the network. When the destination is a corporate intranet or other network, the packetized information is routed to the WAP that serves as a gateway to the destination network. The WAP converts the packetized information to the protocol used internally on the destination network, which is most often Ethernet protocol. The protocol used at one end of the communication -- asynchronous serial line protocol -- is different from the protocol used at the other end of the communication within the Ricochet network -- one of the standard telephone modem protocols. Because of this end to end protocol conversion, Metricom is deemed to be an information service provider under applicable federal law.

Subscribers to the Ricochet service can connect to the service anywhere within a coverage area. The modem is compatible with both Macintosh and Intel-based hardware platforms; Macintosh, Windows 3.1 and Windows 95 operating systems; and most communications software.



Size	12.0 L x 7.2 W x 4.0 H
Weight	10.0 lb. – Radio 01.0 lb. – Bracket 0.34 lb. – Power Adapter
Wind Load	1/3 sq. ft.
Prime Power	Between 85 to 288 VAC, single phase. Average power consumption is 26.3 watts.

Exhibit C - Elevations

foundations, utilities, landscaping, and access shall be included in the CMP.

3. All utilities for the new structure shall be accessed from Sampson Avenue unless otherwise approved by the City Engineer.
4. Access to the proposed structure shall be from a common driveway partially within the Norfolk Avenue right-of-way.
5. City Engineer review and approval of all appropriate grading, utility installation, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A preliminary landscape plan showing grading and developed landscaping around the houses as well as grading and re-vegetation proposed for all disturbed areas including the driveway area and the Norfolk Avenue right-of-way shall be submitted as part of the Historic District review for the houses and driveway design. A final landscape plan consistent with the preliminary plan shall be submitted for review and approval by the Planning Department at the time of building permit issuance.
7. No accessory apartments or lock-out units as defined in the Land Management Code are allowed on the lot.
8. All subdivision plat conditions shall apply to this project as stated in the analysis section of this report.

VI. OLD BUSINESS

1. Metricom - City Light Standards

Planner Alison Kuhlow noted that this item was last reviewed by the Planning Commission on January 10. At that time a public hearing was conducted, and Staff was directed to return with findings for approval. The Staff has received specific locations from Metricom for six antennae in Park City set approximately .4 mile from one another. The Staff has drafted findings of fact, conclusions of law, and conditions of approval to reflect the six locations. Planner Kuhlow requested that Exhibit D be amended to replace 131 Woodside with 1492 Park Avenue.

Commissioner Hier stated that he had given the application considerable thought since the last meeting, and he did not see this request as a

required public utility. Allowing the antennae on light standards in the public right-of-way and Frontage Protection Zone was not consistent with the General Plan or Land Management Code. The first goal of the General Plan is to preserve the mountain resort and historic character of Park City, and he did not see these antennas as having a mountain resort character. He believed they were more urban. The first purpose in the FPZ is to preserve Park City's scenic view corridors, and these antennas would clutter the view. They also would not preserve or enhance the rural resort character of Park City's entry corridor. He stated that he could not support placing antennas on the cobra heads.

MOTION: Commissioner Larson moved to approve the telecommunications antennas to be located on the City street light poles with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the modification to Exhibit D.

The motion died for lack of a second.

Commissioner Volkman recalled a previous discussion about crafting language to contain proliferation of such antennas beyond the scope of Metriscom. Planner Kuhlow replied that in order to set the stage for future applications, minimum distances between antennas are specified in Finding of Fact 2. Finding of Fact 4 discusses mechanical equipment size, and Finding of Fact 5 addresses proliferation.

Chair O'Hara recalled that proliferation could also be addressed through the franchise agreement with the City.

Planner Kuhlow clarified that once this application is approved, Metriscom must go to the City Council for approval of the franchise agreement.

MOTION: Commissioner Hier moved to recommend denial for the CUP for the installation of antennas on City street light poles along Highways 224 and 248 within Park City. Commissioner Zimney seconded the motion.

Commissioner Erickson asked about the findings to support denial. Planner Kuhlow stated that the Staff would like direction from the Planning Commission if this motion passes.

VOTE: The motion passed by a vote of 3 to 2 with Commissioners Hier, Volkman, and Zimney voting in favor of the motion and Commissioners Larson and Erickson voting against the motion and Commissioner Powers abstaining from the vote.

Commissioner Erickson stated the he opposed the motion on the basis that it did not include provision for time to prepare conclusions of law and findings of fact.

Commissioner Hier withdrew his motion.

MOTION: Commissioner Hier moved to CONTINUE this matter with direction to Staff to prepare findings for denial. Commissioner Zimney seconded the motion.

VOTE: The motion passed by a vote of 5 to 1, with Commissioners Erickson, Hier, Powers, Volkman, and Zimney voting in favor of the motion and Commissioner Larson voting against the motion.

2. 2300 Deer Valley Drive East, Rosewood Hotel at Deer Crest -
Conditional Use Permit

Due to a conflict of interest, Commissioner Zimney abstained from discussing and voting on this matter.

Planner Kirsten Whetstone reviewed the application for a CUP for the Rosewood Hotel located at 2300 Deer Valley Drive East and Roosevelt Gap in the Deer Crest annexation to the City for 130 unit equivalents with associated hotel commercial and support uses, structured parking, and a funicular to connect two development parcels, one at Snow Park Lodge and one at Roosevelt Gap. The total site is 96 acres. The objective this evening is to conduct a public hearing and discuss the CUP. The staff report contains an analysis of the proposal based on the standards for review for CUP's contained in Section 10 of the Land Management Code. At the last meeting the Planning Commission requested additional information on issues such as a site grading and cross section analysis, massing at Roosevelt Gap based on the visual analysis, a mitigation plan which is included in the staff report, and traffic and circulation concerns related to the request for additional overnight parking spaces at Roosevelt Gap. The applicants are prepared to further discuss these issues this evening.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Volkman asked how the applicant could provide the needed coverage if the number of antennas is reduced from 12 to 2. The applicant's representative explained that 12 antennas were proposed for capacity reasons, and they will now have to operate with less capacity. They will still reach the coverage area, but the number of calls will be reduced.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Chair O'Hara commented on the amount of clutter existing on the roof and worried that this reasoning may be an excuse to proliferate clutter. He suggested crafting language to address this issue and stop additional clutter with the objective of roof clutter not being an excuse for additional roof clutter.

Commissioner Hier stated that the look of an exhaust flume is no worse or better than the look of an antenna, and calling this a stealth antenna was a real stretch. Unlike the original approval, this modification adds to the clutter and, therefore, is not stealth. He did not believe this modification fit the CUP which was originally approved.

Commissioner Volkman agreed. He stated that he would rather see a flush-mount antenna painted to match the building than 25% more exhaust flumes on the roof.

MOTION: Commissioner Hier moved to CONTINUE this matter with direction to the Staff to prepare findings for denial of this modification.

Planner Kuhlow clarified with the Commissioners that the denial was based on the fact that what the applicant is stealthing the antenna to look like is not appropriate and adds more clutter to the roof.

Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

3. Metricom - Light Standards

Planner Kuhlow reported that at the January 24 Planning Commission meeting the Staff was directed to draft findings of fact and conclusions

of law for denial. Since then, she had met with Commissioners Volkman and Hier to discuss how to draft those findings and conclusions. Based on the CUP criteria in the Land Management Code, they were unable to make findings and conclusions for denial. The Staff is returning for approval of the project based on the findings of fact, conclusions of law, and conditions of approval presented in the staff report.

Chair O'Hara noted that a public hearing was held at the last meeting and closed.

Commissioner Hier remarked that his original objection was based on this request being in contradiction to the General Plan. In the Frontage Protection Zone the comments regarding the General Plan are repeated in that they are to preserve the mountain rural character of the community. In his opinion, the site was inappropriate. Although some light poles are not within the FPZ, he did not believe they complied in context with the General Plan, even though the Legal Department did not think this was a strong enough case to draft a motion for denial. He still believed this request was inconsistent with the General Plan, and whether they are in the FPZ or not, hanging antennas on light poles would add clutter in the community, and he opposed them.

Commissioner Zimney expressed her opposition to the antennas, particularly in the view corridors. She did not understand why they could not draft findings for denial. She felt there were already too many antennas that were too visible, and once they come in, they cannot be stopped.

Commissioner Larson stated that he did not disagree with the concerns expressed, but he did not think this request was a big deal. If a way is found to deny the request, he believed a clear message would be sent to Metricom to find a more stealth approach to their antennas, which he believed was consistent with what every other telecommunication provider had come up against.

Chair O'Hara clarified that even though the Legal Department could not sanction findings for denial, the Planning Commission is not required to approve this request this evening.

MOTION: Commissioner Larson moved to APPROVE the telecommunications antennas on City street light poles with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion failed 2 to 3, with Commissioners Powers and Larson voting in favor of the motion and Commissioners Zimney, Hier, and Volkman voting against the motion.

The representative for Metricom, Planner Kuhlow, and Mr. Harrington discussed the best way to handle the situation.

Maureen Bachman, representing Metricom, stated that she would prefer to move forward, even if the motion is to deny, so they can exercise their appeal process through the City Council.

Mr. Harrington recommended that the Planning Commission continue this matter to allow him an opportunity to draft findings and conclusions for denial based on the comments this evening.

MOTION: Commissioner Hier moved to CONTINUE this matter with direction to the Staff to prepare findings of fact for denial. Commissioner Powers seconded the motion.

VOTE: The motion passed 4 to 1, with Commissioners Hier, Powers, Volkman, and Zimney voting in favor of the motion and Commissioner Larson voting against the motion.

4. 2300 Deer Valley Drive East, Rosewood Hotel at Deer Crest -
Conditional Use Permit

Due to a conflict of interest, Commissioner Zimney abstained from discussing and voting on this matter.

Planner Kirsten Whetstone reviewed the request for a CUP for 130 unit equivalents for a condo/hotel at 2300 Deer Valley Drive East and Roosevelt Gap. The public hearing was closed January 24, and previous public hearings were held on November 22, December 13, January 10. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the project as described and discussed by the Planning Commission. The Commissioners received copies of an approval packet submitted by the applicant containing project details. Planner Whetstone noted that the blueprints have not changed since the last meeting. The written description is new as is the second colored drawing of the Roosevelt Gap proposal. Also included in the packet are computer drawings, models, and colored photos of other grand hotels. The Staff is comfortable with the architectural specifications of this project on which review of any building permit for this project will be based, regardless of ownership. Planner Whetstone noted that the conditions of

as a Consent Item prior to issuance of any footing and foundation building permit for the Rosewood CUP.

VI. OLD BUSINESS

1. McPolin Farm Use

The Staff requested that this item be continued to March 14, 2001.

MOTION: Commissioner Erickson moved to CONTINUE this item to March 14, 2001. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

2. Metricom - Light Standards

Planner Alison Kuhlow reported that at the last meeting the Planning Commission directed the Staff to prepare findings of fact and conclusions of law for denial. The analysis section in the staff report discussing the General Plan outlines the basis for these findings. The antennas are proposed to be located along Highways 224 and 248, which are entry corridors, and the General Plan contains policies regarding preserving open space in those corridors. These two policies have been added to the report and are referred to within the findings. The Staff requested that the Planning Commission review the findings of fact and conclusions of law and take action this evening.

Chair O'Hara noted that a public hearing was previously held and closed.

MOTION: Commissioner Hier moved to DENY the Conditional Use Permit for the installation of antennas based on the findings of fact and conclusions of law for denial as outlined in the staff report. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Metricom Antennas

1. The antennas will be located on light standards owned by either UP&L or the City. A City franchise agreement is an additional condition precedent to project installation.

2. The light fixtures to which the antennas will be installed are a minimum distance of four tenths of a mile from other light fixtures with antennas.
3. Antennas will be mounted on four (4) existing light standards located within the Frontage Protection Zone, a zoning overlay district established to preserve Park City's scenic views and enhance the character of the entry corridor.
4. As of this date, there are no light standards in Park City hosting the same or similar antennas.
5. The findings in the analysis section above, and photo exhibits of prior staff reports, are incorporated herein.

Conclusions of Law - Metricom Antennas

1. The proposed use is not compatible with the surrounding structures in use, scale, and mass.
2. The use is not consistent with the Park City General Plan.
3. Any differences in use or scale have not been mitigated.
4. The proposal is not consistent with the least visual impact requirements of the TZO 99-51.

VII. NEW BUSINESS

1. 1310 Lowell Avenue, Park City Mountain Resort - Conditional Use Permit for directional signs

Due to a conflict of interest, Commissioner Erickson abstained from voting on this matter.

The Staff requested that this item be continued to a date uncertain.

MOTION: Commissioner Larson moved to CONTINUE this item to a date uncertain. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously, with Commissioner Erickson abstaining from the vote.

PLANNING COMMISSION REPORT

DATE: February 28, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow
TITLE: Ricochet Wireless - Citywide
Telecommunication antennae to be located on City street light poles
TYPE OF ITEM: Conditional Use Permit

SUMMARY RECOMMENDATIONS: The Commission directed staff to prepare Findings and Conclusions consistent with Commission comments on 1/25/01 and 2/14/01 to deny the Conditional Use Permit for the installation of antennas on City street light poles along Highway 224 and 248, within Park City. The Commission should review the proposed Findings and Conclusions and take action.

DESCRIPTION:**A. Topic.****PROJECT STATISTICS**

Project Name: Conditional Use Permit to allow telecommunication antennas on City street light poles
Applicant: Metricom, Inc.
Representative: Liberty Wirestar, Maureen Bachman
Owner of Property: Park City Municipal Corporation
Location: Citywide

B. Background.

Metricom, a wireless internet company, submitted an application for the installation of antennas on City street light poles along Highway 224 and 248 on January 25, 2000. The application is being processed under the Temporary Zoning Ordinance 99-51 ("TZO") in effect at that time, which specifies any telecommunication facility must comply with the Conditional Use criteria in Land Management Code Section 1.13, in addition to the criteria in the TZO. The application was put on hold pending concurrent application for the system's land-based system (wired access points or "WAPs"). The Planning Commission reviewed the application on numerous occasions this winter and closed the public hearing regarding the matter on January 10, 2001. The Planning Commission directed Staff to return with Findings of Fact and Conclusions of Law to approve the installation of

the antennas. Staff presented the Findings of Fact and Conclusions of Law on January 24, 2001. At the meeting the Commissioners continued to discuss the application and its impacts to Park City's entry corridors. Discussion focused on the placement of the antennas within the Frontage Protection Zone, the General Plan's discussion on potential adverse visual impacts from the preservation of Park City's entry corridors, and the compatibility of the antennas with the light fixtures. As a result of the Commissioner's discussion a motion was made by the Commission to direct Staff to prepare findings for denial of the application.

After the January 24th meeting, Staff met with two representatives from the Planning Commission to discuss findings for denial. At that meeting the sub-committee discussed several issues as possible basis for denial. At the close of the meeting, the Commissioners and Staff were unable to agree on findings for denial based on Section 1.13 of the Land Management Code. Staff returned to the full Commission on February 14, 2001, with findings for approval, and a motion to approve failed. The Commission again directed staff to prepare findings for denial.

C. Analysis

Listed below is a revised analysis of the Conditional Use Permit Standards for Review, Section 1.13(f) of the Land Management Code which incorporates the Planning Commission's findings regarding this matter.

1. Size and location of the site: The applicant is proposing to locate six (6) antennas on cobra head light standards along Highways 224 and 248. The light poles are located on City Property and approval of a franchise agreement by the City Council will be required prior to the installation of the antennas.
2. Traffic considerations: The installation of telecommunications equipment will not increase traffic to the areas. Installation and maintenance will result in temporary work in the right of way but not substantially different from existing utility work.
3. Utility capacity: Power needed for the equipment can be taken from the photocell on the light pole. No additional support equipment located beneath the pole is needed for the antennas.
4. Emergency vehicle access: The project will not restrict existing emergency access to the adjacent to the light poles.
5. Location and amount of off-street parking: The location of telecommunications antennas will not require a parking space, nor will any existing parking spaces be removed or compromised as a result of this application.
6. Internal circulation system: There will be no restrictions to the internal circulation to any adjacent buildings from this proposal.
7. Fencing, screening and landscaping to separate uses: The antennas are comprised of the equipment, approximately the size of a shoebox, along with an antenna which is a foot and a half long (1 1/2') which would be located on the arm of the light pole. The applicant has agreed to paint the equipment and antennas to match the light pole on which the facility is placed. Due to the reception requirements of the equipment, it will be exposed and visible to travelers within the right of way. Any screening or fencing particularly adjacent to the

Osguthorpe property would only create additional visual clutter. It has not been shown to the Commission that an antenna could achieve its reception requirements and be hidden from view from the right of way.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots: One set of equipment and antenna will be placed on each of the six (6) light poles. Due to the size of the equipment and length of the arm on the light pole, less than 25% of the arm will be covered with equipment. No other modifications, other than the placement of the antenna will be made to the light poles. The applicant has proposed a maximum of four (4) antennas along Highways 224 and 228, with two (2) elsewhere. The minimum separation between antennas is four tenths of a mile.
9. Usable open space: This standard is not applicable to the proposal.
10. Signs and lighting: The antennas and associated equipment will not interfere with the operation of the light poles.
11. Physical design and compatibility with surrounding structures in mass, scale and style: The antennas will be placed, with the mechanical equipment on the arms of cobra head light poles. The applicant has requested a maximum number of six (6) light poles. The antenna measures a length of one and a half (1½) feet. The mechanical equipment are the size of a shoebox, measuring approximately, 12" L x 7.2" W x 4" H.

Due to the size of the equipment compared to the length of the cobra head arm, as well as the height of the arm on the light pole, the antennas will appear from the ground to be smaller than the light fixture attached to the arm but will be highly visible. The mechanical equipment will be painted to match the color of the arm to aid in its camouflaging. However, the TZO also requires antennas to be placed in a location to "provide the least visual impacts from the street." The Commission finds that the location directly adjoining and facing the rights of way, and the massing, scale and style is not the least visually obtrusive location for these antennas. The Commission further finds that this application will set a new precedent as all prior telecommunication applications were required to maximize the antennas' stealth character and render the antennas virtually undetectable. Allowing these, albeit small, antennas to be within plain view would jeopardize the City's attempts to treat all providers equally and with similar standards. The City is making significant efforts to underground utilities in the entry corridors, as demonstrated by its negotiations with UDOT to underground the utilities on SR248 just east of where this proposal includes antennas. To now allow additional visual clutter on light standards is incompatible with the surrounding structures which have now been moved underground.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people: The applicant has submitted documentation, upon Staff's requests to assist in the review of possible health impacts from the sites. A study was submitted from Hammett & Edison, Inc, Consulting Engineers, confirming the safety of the antennas. Please refer to Exhibit C in the January 24th packet.

13. Control of delivery and service vehicles, loading and unloading zones, and screening; The standard is not applicable to the proposal.
14. Expected ownership and management of the property; The light poles are owned by the City or by UP&L.
15. Architectural and Uniform Building Code review; The applicant will need to submit a Building Permit application to install the antennas and equipment.
16. Sensitive Lands Review; The structure is located outside of the Sensitive Lands Overlay Zone.

General Plan: The following policies are applicable from the General Plan Open Space Element:

Natural features of the landscape present a spectacular view when entering Park City from the primary entry corridors. Thoughtful and diligent planning will be necessary to maintain the views along these entrances. The view corridors into the City need to be supported by green belts along thoroughfares, with open space that creates buffers between landscape and development.

(Pg.22)

Demand special attention to the entryway areas, including Highways 40, 224, and 248, with site planning parameters that create open space corridors.

(Pg.24)

The Planning Commission finds that allowing additional attachments to light standards adjoining these sensitive open space areas, within the Frontage Protection Zone, and within entry corridor rights of way to be inconsistent with the above policy statements. While health and safety concerns may override these aesthetic planning policies for necessary public facilities within the rights of way, no such finding is applicable in this proposal.

D. Department Review.

The Planning Department Staff continues to discuss the proposed application with the Public Works Department. The main concern of the Public Works Department is the compatibility of the equipment with the light poles.

E. RECOMMENDATION:

Staff recommends that the Commission deny the Conditional Use Permit for the installation of antennas on light standards, based on the following:

Findings of Fact:

1. The antennas will be located on light standards owned by either UP&L or the City. A City franchise agreement is an additional condition precedent to project installation.

2. The light fixtures, to which the antenna will be installed, are a minimum distance of four tenths of a mile from other light fixtures with antennas.
3. Antennas will be mounted on four (4) existing light standards located within the Frontage Protection Zone, a zoning overlay district established to preserve Park City's scenic views and enhance the character of the entry corridor.
4. As of this date, there are no light standards in Park City hosting the same or similar antennas.
5. The findings in the Analysis section above, and photo exhibits of prior staff reports, are incorporated herein.

Conclusions of Law:

1. The proposed use is not compatible with the surrounding structures in use, scale, and mass.
2. The use is not consistent with the Park City General Plan.
3. Any differences in use or scale have not been mitigated.
4. The proposal is not consistent with the least visual impact requirement of the TZO 99-51.

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Visual Study

Exhibit C - Antenna Location

U.S. News & WORLD REPORT

NEWS YOU CAN USE

A new sense of what modems could be

In a wired age, the plugged in will be wireless

BY JAMES FALLOWS

Personal technology is charming in its "nearly right" stage. This is when the product is advanced enough to hint at its ultimate potential but not yet so mature as to be truly practical. The Compaq computers of the early 1980s, "portables" the size and weight of sewing machines, were nightmares to lug

PERSONAL TECH

around—but exciting because they implied the laptops someday to come. The pioneer E-mail network, MCI Mail, was also nearly right. Cumbersome to operate and lacking connections with any other system, it still suggested how electronic communication could revolutionize life.

The latest nearly right product is the Ricochet wireless modem system, from publicly traded Metricom of Los Gatos, Calif. The right part is its demonstration of what truly wireless connections will mean. A proprietary Ricochet modem, slightly larger than a pack of cards and weighing 8 ounces, attaches to your computer's serial port. It bounces radio signals to a series of small transceivers hung from utility poles and street lamps around town; these, in turn, pass signals to an Internet server. The result is to let you make reliable wireless connections to the Internet at nearly 40 kbps, or send E-mail (or

do banking or other online functions) through any standard dial-up network.

The modem itself costs \$349, plus a \$45 activation fee. After that the service, including unlimited Internet connection time and an E-mail account, costs \$29.95 a month. The modem works with Macintosh or Windows machines. One battery

charge supports three hours of active data transmission or 12 hours on the Internet.

Now, the "nearly" part: The Ricochet network is established in only three cities—Seattle, San Francisco, and Washington, D.C., with extensive suburban coverage in each area. (For a full-service map, plus technical details, see www.ricochet.net.) The system also works at 11 major airports, including LaGuardia, Minneapolis-St. Paul, and Los Angeles, but not Chicago's O'Hare or Atlanta, the world's

two most visited airports. Expansion is planned to Southern California next year; after that, who knows? The company's hopes depend on one-by-one contracts with cities and utility companies to hang its transceivers, each the size of a bread loaf, at ¼-to-½-mile intervals. (Metricom's main investor is Paul Allen, America's third-richest man, so in theory it can afford the expansion.)

Habit-altering. If you live in one of the favored cities or frequent the right airports, is the system worth it? To me, it made enough sense to buy. The Internet connections are slower than on an ISDN line but faster than via the phone line modems most people use. Three or four seconds after clicking the Ricochet icon, you're on the World Wide Web.

Dial-up E-mail services take slightly longer to connect than they would on a phone line. But the freedom to connect without a wire is as habit-altering as cellular phones have been. I now count on being able to send and receive E-mail

during the dead time of travel, standing in a line or riding in a cab. Just to be obnoxious, I once did so at a football game. To my surprise, I find I use the modem daily at both home and office; it frees up a telephone line. As with the first ungainly Compaq, I feel I've seen a rough sketch of something big.

Ricochet costs less to use than a cellular modem.

Exhibit F - Metricom Literature

RICOCHET TECHNOLOGY: A NETWORK OVERVIEW

Building on over twelve years of research and direct experience in the wireless telecommunications industry, Metricom has developed the best solution in its class for accessing remote information. With FCC authorization, using patented technology and license-free radio frequencies (RF), the Ricochet network and services provide mobile data access that is efficient, reliable, and compatible with existing hardware, software, and industry protocols.

Metricom combines the advantages of its high-speed wired network with the convenience and flexibility of RF technology to deliver high throughput and maximum reliability. The result of this unique combination of technology is Ricochet mobile data access.

A wide-area digital solution, the Ricochet system consists of a packet-switched radio network that uses spread-spectrum data technology and Metricom's patented frequency-hopping mesh architecture. The network allows for efficient, secure transfer of data, and fast access to a variety of individual, enterprise, national, and international networks.

This brochure contains a detailed overview of the Ricochet technology, and is designed for use by technically-oriented personnel considering the Ricochet system for their community's right-of-way, and for others interested in the behind-the-scenes technicalities of the Ricochet network.

Exhibit F - Metricom Literature

"Being able to utilize key technology while retaining a sense of community is San Jose's key to success. Our police and fire teams, finance department, libraries, and International Airport management use Metricom's wireless data network to access information and communicate in real time from off-site locations."

MAYOR SUSAN HAMMER
CITY OF SAN JOSE

"Secure access to our network is vital to our success. With Ricochet, I can tap into our servers, communicate via e-mail, and obtain critical files, internal demonstrations, and presentations wherever I am within a Ricochet coverage area."

BRIAN REEVES, CEO
BEYOND SOFTWARE



THE RICOCHET NETWORK

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WHY IT'S UNIQUE: THE MICROCELLULAR DATA NETWORK™ (MCDN™)

Metricom's patented MicroCellular Data Network (MCDN) is the foundation of the architecture used by the Ricochet system. MCDN consists of these primary technology elements:

- wireless, packet-switched, networking,
- geographic deployment (or “mesh” architecture),
- spread-spectrum, frequency hopping for data integrity and security,
- the 900 MHz and 2.4 GHz license-free frequency bands,
- licensed frequencies utilizing private telecommunication facilities, and
- sophisticated network authorization to ensure privacy.

The Ricochet network is designed to keep data transmissions small, brief, and secure. Minimal power and transmitter duty cycles are used in the network to maintain high throughput and “neighbor friendly” operation.

PACKET-SWITCHED NETWORKING

For efficient transfer over radio waves, the Ricochet network transmits data by segmenting and routing information in discrete data units called “packets,” each with its own control information for routing, sequencing, and error checking. Packet-switching allows a communication channel to be shared by multiple users, each using the channel only for the time required to transmit a single packet — typically less than 20 ms.

MESH ARCHITECTURE

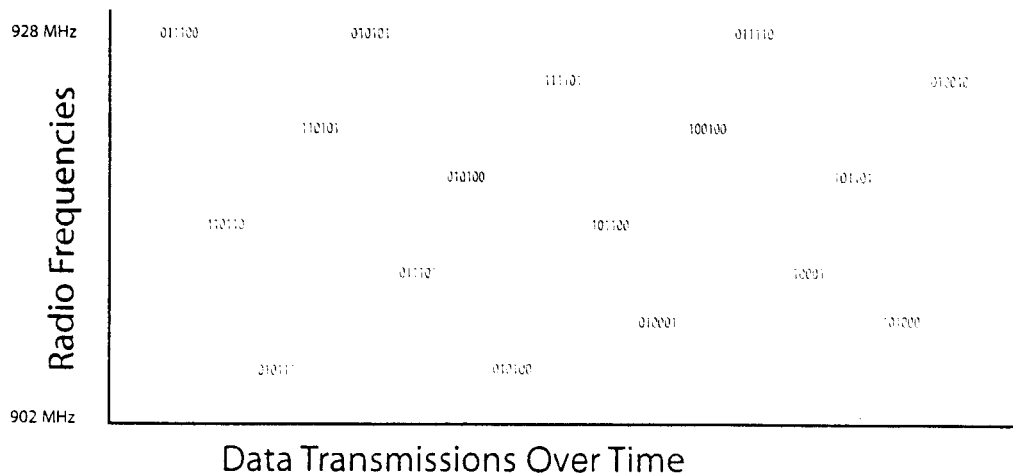
Microcell radios are strategically placed every quarter- to half-mile in a checkerboard pattern, the basic structure of the Ricochet network. The "mesh" architecture handles both the data traffic and the maintenance backhaul. A higher density network ensures safe, efficient transmission of data, and better indoor penetration of the radio signals. Ricochet wireless modems communicate with the MicroCellular Data Network, giving users mobile access to data.

FREQUENCY-HOPPING, SPREAD-SPECTRUM TECHNOLOGY

Each microcell radio employs many frequency-hopping channels in the 900 MHz and 2.4 GHz band, and uses a randomly selected hopping sequence, enabling multiple subscribers to use the network simultaneously. The network breaks up information and spreads data across the license-free radio spectrum in small, optimized packets.

NETWORK AUTHORIZATION

Metricom's sophisticated database, the "Name Server," acts as a gatekeeper to the Ricochet network. It monitors all microcell radios and wireless modems accessing the network, ensuring that each device is authorized for specific areas of access. The name server adds another level of security for all individuals and organizations using the Ricochet network.



END USER DATA TRANSMISSION USING FREQUENCY-HOPPING, SPREAD-SPECTRUM TECHNOLOGY

Exhibit F - Metricom Literature

AK: BEHIND THE SCENES