



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 25, 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, January 25, 2001.

AGENDA

Work Session

- 3:30 p.m. Council questions/comments
- 4:00 p.m. Legislative update
- 4:10 p.m. Trails master plan
- 4:30 p.m. Summit County Olympic Parkway entry corridor master plan committee
- 5:00 p.m. Review of regular meeting:
 - Sign Code
 - Olympic entry sign
 - Telecommunications ordinance
 - Corridor preservation agreement
 - Other meeting questions/comments
- 5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Recycle Utah - update

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING JANUARY 11, 2001

V CONSENT AGENDA

Acceptance of Mayor and City Council disclosure statements into the Official Minute Book

VI RESIGNATIONS AND APPOINTMENTS

Reappointment of Joram Lichtenstein to the Parks, Recreation and Beautification Board for a term expiring January 2004

VII OLD BUSINESS

Corridor preservation agreement with UDOT relating to the Snow Creek Drive traffic signal

VIII PUBLIC HEARING

Ordinance amending Section 8.30 of the Land Management Code regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games

IX NEW BUSINESS

1. Ordinance amending and reorganizing the Sign Code, Title 12, of the Municipal Code of Park City, Utah
2. Appeal of Planning Commission approval of December 13, 2000 of a conditional use permit for a telecommunications facility located at 1375 Deer Valley Drive South, Deer Valley Plaza

X ADJOURNMENT

Posted: 01/22/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 25, 2001**

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Kent Cashel, Transportation Director; Lloyd Evans, Chief of Police; Myles Rademan, Public Affairs Director; Tom Bakaly, Assistant City Manager; Linda Cook, Special Projects Manager; Ray Milliner, Planner; and Pat Putt, Planning and Zoning Administrator

Dean Schulman, Parks and Recreation Board Chairman; Troy Duffin, Mountain Trails Foundation; Jan Wilking, Blaise Carrig, Donna Van Buren and Robbie Beck, Summit County Olympic Parkway entry corridor master plan committee

1. **Council questions/comments.** Jeff Mann stated that the retreat was very productive and thanked staff for facilitating the sessions. In response to a comment made by Peg Bodell about the success of the Sundance kiosks, the City Manager further clarified that there are City crews out every day which has had a marked effect on diminishing property damage and litter and has been a good investment from our standpoint. Ms. Bodell asked if Council would consider a year-round kiosk for community announcements and information. The Mayor pointed out the need for maintenance and determining a location and questioned the need for one. It works well for special events like Sundance, but he would not support a permanent kiosk. Ms. Erickson commented that kiosks seem to work well in the mall in downtown Boulder which eliminated clutter, but would have to think about this proposal for Park City. Peg Bodell discussed the process for posting at the University of Utah and urged Council to consider this for a future discussion. Jeff Mann interjected that determining an appropriate location may be difficult. The Mayor pointed out that regulating news racks is an effort to reduce clutter and in consideration of the narrowness of Main Street, is not in favor of kiosks except for special events. Jeff Man feared that it may quickly become a mechanism for advertising rather than community events. Peg Bodell added that time did not allow some topics to be covered at the retreat and there was discussion about holding a *mini-retreat* some time in April. She continued that she is interested in attending the NLC conference in Washington, D.C. in March and asked for Council input on her request, as she attended the annual conference in December. Roger Harlan stated that he was uncertain if he could support a Council member attending two conferences in one year and felt that many of the NLC sessions are geared for larger cities and not pertinent to smaller resort oriented communities. Ms. Bodell pointed out that it would be more beneficial for her to acquire, for instance, leadership skills early in her term rather than later. There was discussion about sending another member in March, but no one else was available or interested; the Mayor suggested that this be again discussed next week when there is more

information about the conference. Candace Erickson disclosed that she met with Sean Nichols of Broadcast Base 2002 about services for a non-credentialed media center. Roger Harlan thanked the parks staff for maintaining the small sledding hill on the Library campus. Kent Cashel reported on the contracted bus services for Sundance and Chief Evans noted that parking on SR224 has not presented a serious problem during the Festival.

In relation to the comments made by the City Manager, Fred Jones stated that he is impressed at the clean appearance of Main Street to the credit of staff and Sundance. Myles reminded Council of several upcoming events, including the Olympic countdown celebration on February 7. He discussed the Council's schedule for radio shows and participation in a speakers program, which the Council endorsed. Tom Bakaly announced that the grand opening for the transit center has been moved back to sometime in March.

2. Legislative update. Tom Bakaly explained that Senate Joint Resolution No. 3 proposes that cities pay property tax to the state. Staff is very interested as Park City owns more property than most municipalities and it is anticipated that ULCT will also oppose it. If this was passed by the Senate and the House, there would be a vote of the people. He believes that the focus is to provide some equity for private and publicly owned utility companies who do not pay property taxes. However, the legislature often takes a broad approach to issues and may later scale down the proposal to utilities. The state is also taking a proactive look at Internet sales tax and simplifying the tax rate and the City is always interested the status of the Resort Cities Sales Tax, transient sales tax, RAP tax, and restaurant tax. The City receives \$3.5 million in Resort Cities Sales Tax revenues and is concerned about any change to the sales tax law. Senate Bill 63 is back this year which would provide a tax exemption to second homes for the first \$100,000 as long as the property is not on a municipal water system. This was not supported by Park City last year because of the negative impacts on various counties. Mr. Bakaly felt that there is a focus on property and sales tax which is the largest source of revenue for the City. Removing sales tax on food is another reoccurring proposal which would negatively impact Park City. Roger Harlan pointed out that SB107 relating to the distribution of transient room tax would be of interest to the Chamber.

3. Trails master plan. Dean Schulman welcomed Peg Bodell as the newly appointed liaison and thanked Roger Harlan for his years of service on the Parks and Recreation Board. Ms. Cook explained the efforts of members of the Board, Mountain Trails Foundation and Snyderville Basin Recreation District regarding future activities for trails and trail amenities. This subcommittee outlined recommendations in the staff report to adopt an interim policy for the trails master plan in the future as there is general support a comprehensive trail system.

Troy Duffin, Mountain Trails Foundation, stated that although significant strides have been made on being a more trails friendly community, there are major issues that need to be addressed, including providing trail heads and crossings. There is more substantially more attention given to Park City in various biking publications. There was discussion about obtaining trail

easements and maintaining current inventories. Mr. Harlan expressed his hope that Council adopt the recommendations, but pointed out the difficulties for staff to implement these projects while working on the Olympics this year. Fred Jones agreed with Mr. Harlan and that trail head parking is an issue. He suggested that if parking for the Spiro trail is the Park City Mountain Resort, that there be a trail connection from there to the trail head and signs for parking is critical. Ms. Bodell acknowledged that implementing the recommendations will be a challenge and felt it important that signs direct people to our trails and that trails are planned to be connected. The focus shouldn't be new trails as much as a trail system. Mr. Schulman explained that there is recognition on the part of the Board on limitations on staff and funding prior to the Olympics. This discussion relates to an interim policy about our future rather than short term initiatives. There is a recognition on the part of the Board that major additional projects are not likely which doesn't inhibit Council affirmatively supporting staff's report and the underlying subcommittee's report as a step to ultimately modifying the trails master plan. The Mayor urged Ms. Cook to return to Council with more information on priorities and funding impacts.

4. Summit County Olympic Parkway entry corridor master plan committee. Jan Wilking explained that Kimball Junction is perceived as the entry to Park City by guests. The group came together when UDOT decided to improve the intersection and pedestrian way and The Canyons' interest in improving its entrance to the Blue Roof Market. He explained the composition of the stakeholders group. Aesthetics and the safety and traffic flow should be protected. The committee is creating a master plan and a budget for funding, and seeking cooperation with Park City for implementation of its recommendations. Through illustration of a slide presentation, Mr. Wilking explained the six defined segments of SR248 and a concept plan. There is a proposal for two roundabouts. The guiding policies for improved aesthetics include sense of arrival, visual enhancements, visual access to mountains and landscape enhancements.

Blaise Carrig of The Canyons pointed out that Park City's involvement early in the process is important. He explained that the concept resulted from the design workshop which is in the design phase and there is still an opportunity for input for how the plan will be implemented. The plan is also very ambitious and funding is a challenge. Through illustration of slides, he explained the proposed enhancements from the ramp off I-80, Kimball Junction, sections of SR224 and the new approach for The Canyons. The portion of the highway entering Park City would continue with the landscaping concept. The total cost for the three segments around Kimball Junction is about \$2.6 million with \$843,000 committed from developments in the area. A part of the plan includes improved traffic flow and the design workshop has worked with various groups to reduce proposed traffic lights, include roundabouts where possible, and to change some of the patterns of circulation around Kimball Junction. The plan includes transit centers and bus stops moving toward a regional transit system. He continued that in order to calm traffic, there is a recommendation for two roundabouts and UDOT indicated that it would review this request. It is recommended to have a consistent sign plan and an information center in the Kimball Junction area. Mr. Carrig noted that the concept embraces breaking up patterns with a buttress feature and the

inclusion of public art. It is the intention of the committee to recruit members from the art community. The hospitality center by the new library will require acquisition of property from Summit County and a major public information sign was discussed. Businesses will be involved in a consolidated sign plan to eliminate visual clutter. Although the plan is very expensive, Mr. Carrig stated that *we can't afford not to do it* as a resort community; this is important to all three ski areas. Screening and landscape improvements is the key to enhancing open space. He identified funding options including the assessment of development fees by Summit County and fund-raising which could be accomplished in part by the three resorts. There is also an Olympic banner project for various sponsors to generate funds for a long-term beautification legacy. There are a number agencies whose input and direct involvement are necessary to coordinate the planning and the need is widely recognized. Mr. Carrig concluded that the group will continue to share information with the community, develop a comprehensive agreement between all stakeholders, fine tune plans, and prioritize phasing and sections before and after the Olympics.

In response to a question from Toby Ross regarding the consolidated sign plan, member Donna Van Buren explained that new development is being addressed and it is proposed to offer incentives to existing businesses to participate in the program. Mr. Jones asked how the County's preservation corridor agreement with UDOT affects the program. Ms. Van Buren responded that their agreement with UDOT specifies that the signals are temporary so that other options like round-abouts can be considered in the future. She understands that UDOT intends to install a light at the Winter Sports Park now and even though the signal is *temporary*, it is a permanent installment. Ms. Erickson stated that the plan represents a great improvement in the look of the corridor and urged Council to seriously consider participation in the project. Jan Wilking added that the City probably controls one-third of the entrance corridor. In response to a question from Council member Mann about the Olympic banners, committee member Robbie Beck explained that the banners would be temporary. Since SR224 is a nationally designated road overseen by the federal government, under UDOT's maintenance and safety auspices, the MOU clearly provides that the banners would be a one-time request. Displaying those banners would extend from December 2001 to March 2002. Mr. Mann pointed out the effort of the committee to eliminate business sign clutter, and questioned if the businesses would object to these large banners. Ms. Van Buren explained the potential of sponsors funding the buttresses and emphasized that the signage is temporary and only for the Olympics. This will add to the pageantry of the Olympics and leave the community with something afterwards. Ms. Beck continued that the Olympic banners are 5' x 16'. The Mayor referred to a slide of the off-ramp feature integrating the Olympic rings, which he supported and using the Olympic marks was discussed. He encouraged promoting legacy projects in the Kimball Junction area. There was discussion about the ski jump at the Winter Sports Park including the controversy of the lighting and showcasing this venue.

Ms. Bodell agreed that this project will need to be phased and it is a regional issue. Park City needs to actively participate and appreciated Ms. Erickson's membership on the committee. She continued that trail heads are not addressed and suggested pursuing funding through

the Forest Service and the state's department of mines. She hoped that UDOT would approach this proposal in the context of a concept sensitive solution. Ms. Van Buren announced the presentation schedule for various agencies and organizations.

5. Review of regular meeting:

Sign Code. Ray Milliner explained that the addition of historic sign language and the illumination section has been modified and ties into the night sky ordinance. Electronic display terminals and electronic message signs are conditional uses and handbills were addressed last December by Council. Electronic message signs are limited to the round-about, and entry corridors on SR224 and SR248. Temporary signs include construction mitigation type signs and murals have been removed from the Code and are now under the purview of the Arts Council.

He explained that Council remanded the free-standing welcome sign to the Planning Commission who unanimously recommended that this sign be a conditional use, although opinions on the location and design were mixed. Myles Rademan pointed out that this project was set in motion by the Council about two years ago and it is his experience over the years that signs seem to be a contentious issue in Park City. There is \$100,000 budgeted in the capital improvements budget and the City hired a consultant, David Banhael of Land Works, who objectively looked at the

community and designed a sign plan, which was modified further after review by the Planning Commission. The plan integrates the signs already in place and incorporates the Olympic logo and an historic feel. It is important to accommodate tourists who are looking for the resorts in town and Main Street. The Historic District signs incorporate mine timbers and steel brackets. Previous councils supported installing an entry sign but funding has been a concern. Mr. Redeman stated that

affirmed his support of an entry sign and urged Council to reach consensus on the first question. Candace Erickson felt that Park City already has three entry signs, SR249 and across the street from

the Radisson and questioned the merit of installing another one 1/10th of a mile away. The Mayor interjected that these signs are subtle but not legible or effective and are inadequate as entry signs. Jeff Mann stated that he is not in support of an additional entry sign. Peg Bodell felt that Park City already has an entry sign and agreed with Ms. Erickson that the community doesn't need another sign. The City is trying to cut down on expenses and this may be a redundant project; she questioned if the City needs to mark its boundaries. Fred Jones believed the City needs an entry statement and invited discussion on upgrades to the existing sign on SR224. He is more supportive of a sign at the Richards property than the barn and is not convinced that two signs are needed, but there is a need to mark our boundaries for visitors. Ms. Erickson stated that she agrees with several of Mr. Jones' comments and acknowledged that the current signs are not legible. She emphasized that the City is attempting to cut down on sign clutter and if the entry corridor committee contemplates buttress type directional signage, perhaps Park City's sign should incorporate that look. The Mayor brought up the timing of the Olympics and Jeff Mann acknowledged that although the City has been working on this for years, he is not convinced that this is a project that needs to proceed at this time. Fred Jones also believed that the sign should tie in with the regional sign concept and didn't believe that it is Olympic sensitive. Peg Bodell agreed that the coordination with the County is very important and doesn't have a problem with a buttress element at the City limits.

Jan Wilking, representing the Chamber/Bureau, stated that the existing signs are not adequate for visitors and most people assume that Park City begins at Kimball Junction. The sign is also trying to identify Park City as an Olympic venue which is of great value in the future. In response to a question from Mr. Jones about the timing of the buttress features, Mr. Wilking

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these details and provide Council with information on the feasibility of improving the existing site and signage. Fred Jones believed that it will probably involve a new sign rather than improving the existing sign, but that is an option. Council concurred on this direction and Ms. Bodell added that the other consideration is tying into the buttress concept.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 25, 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, January 25, 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; Eric DeHaan, City Engineer; Alison Kuhlow, Planner; and Ray Milliner, Planner.

II PUBLIC INPUT

1. Proposed entry way sign - See work session notes and staff report. Sandra Morrisson, Director of the Park City Historical Society and Museum, stated that the Board is not very interested in the design of the sign but rather preserving the history of Park City, including historic open space on the Richard's property. She explained that land is considered an *historic* ranch as it was homesteaded in the 1860s and has remained a ranch. She felt the parking and extensive landscaping would diminish the visual perspective of the public. It was purchased with open space dollars and should be preserved and the Historical Society is inclined to support the improvements to the existing sign.

Diane Mellen referred to her letter to the City Council clearly stating her opposition to the size and location of the sign. She is opposed to locating it at the barn or the Richards property.

2. Recycle Utah - update - Insa Riepen, Director of Recycle Utah, thanked Council for funding the tenant improvements enabling the recycling of plastics in the community. The County-wide program is very successful and popular. She emphasized that the additional bay was necessary for the storage required for the program. She will address the Summit County Commission to request a levy of an additional \$1 on tipping fees at the landfill for additional recycling funding.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Eric DeHaan reminded Council of an open house on Tuesday regarding the Park Avenue improvements. For the benefit of Jeff Mann, it was explained that the Council has committed to all of the funding and a determination of the project's schedule will be confirmed during the budget process. Additionally, sewer and utilities need to be coordinated. Tom Bakaly announced that the ribbon-cutting for the transit center has been moved to sometime in March.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING JANUARY 11, 2001

Peg Bodell, "I have reviewed the Minutes and find them to be correct and recommend approval". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA

The Mayor requested a motion to approve. Roger Harlan, "I so move". Fred Jones seconded. Motion unanimously carried.

Acceptance of Mayor and City Council disclosure statements into the Official Minute Book - Staff recommends approval.

VI RESIGNATIONS AND APPOINTMENTS

Reappointment of Joram Lichtenstein to the Parks, Recreation and Beautification Board for a term expiring January 2004 - Peg Bodell and Roger Harlan thanked Joram Lichtenstein for his service and contributions to the Board. The Mayor requested a motion to approve. Peg Bodell, "I so move". Jeff Mann seconded. Motion carried unanimously.

VII OLD BUSINESS

Corridor preservation agreement with UDOT relating to the Snow Creek Drive traffic signal - The City Engineer explained that Council continued this matter two weeks ago; the agreement addresses the preservation of the volume of traffic capacity. UDOT does not feel that a signal is warranted at this time, but acknowledges the projects that will come on line warranting a light at this intersection. There is a design contract which is funded in the capital improvement budget. The post office contributed \$75,000 for the installation of the signal. In consideration of the concerns expressed by Council for opportunities to install roundabouts at signaled intersections in the future, Mr. DeHaan emphasized that modifying the agreement may delay the installation of the signal. Another option is to let the County's planning project run its course before this signal is pursued further. This could be postponed or Council could approve the agreement as written, allowing UDOT to warrant the signal and proceed with the contract. The City Manager suggested approval of the agreement with direction to staff to draft a cover letter which explains the City's interest in alternative designs in the future to protect the visual quality of the corridor. He emphasized that if Council expects something other than a traffic signal at that intersection, it shouldn't approve the agreement in any form. This is a corridor protection agreement which protects the capacity of streets and highways; it doesn't relate to aesthetics and UDOT will not include such language. He continued that the issue is a little different in the County where there is no current project for a signal at the location of the proposed roundabout. A roundabout at Snow Creek Drive would require 90 meters in diameter which would include the Top Stop property and a portion of the golf course.

Jeff Mann stated that it's difficult to envision a round-about being built there and supports a signal being installed as soon as possible. The post office will be open in a week or so and there are going to be significant traffic impacts and Mr. Mann voiced his support of the existing agreement. Roger Harlan expressed concerns about the potential of a number of signals on SR248 and Eric DeHaan reminded Council that the City has initiated installing lights at certain locations and UDOT has the authority to install lights on its roadways, regardless of an agreement. Fred Jones explained that he would like to avoid committing to a signal if there are options in the future and he wants his position to be on record. Fred Jones, "I move approval of the agreement with the understanding that we broaden the language relative to signals to provide other alternatives as appropriate". Candace Erickson seconded. Motion unanimously carried.

VIII PUBLIC HEARING

Ordinance amending Section 8.30 of the Land Management Code regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games - Planner Alison Kuhlow explained that this has been reviewed by the Planning Commission. She pointed out the difficulty during the Sundance Festival for cell phone access and this ordinance provides a way to approve temporary facilities with more ease than permanent facilities. It proposes an administrative conditional use process by the planning staff in the RD, GC, LI, RDM, RCO and RC zones. Property owners within 300 feet will be notified to comment and there is provision for revegetation when the facility is removed. If there are objections to the decision, the application reverts to the Planning Commission and is handled as an appeal of a staff determination. In response to a concern expressed by Fred Jones about companies digging in October, Ms. Kuhlow explained that the conditional use permit is one step and an infrastructure permit is required through the Building Department so that installation is monitored. She emphasized that the ordinance is effective for six months from the date of adoption. Peg Bodell suggested that there be provision for site mitigation at the time of installation and at the time of removal. In response to a concern from Roger Harlan about the removal of the letter of credit in the process, Ms. Kuhlow explained that she feels confident that placing a lien on the property will be effective. The City Attorney continued that the lien is a last resort and Ms. Kuhlow added that requiring a bond for each application would be more staff intensive than placing a lien on properties in instances of non-compliance. With no further questions or comments from the Council, the Mayor requested the public to comment.

Kevin Dyse, consultant for VoiceStream, thanked staff for their effort. In terms of site disturbance, Mr. Dyse stated that VoiceStream immediately repairs the area. Digging trenches is generally avoided as VoiceStream typically does borings. VoiceStream intends to have a presence here during the Olympics and agrees with 95% of the ordinance. There is some concern dealing with how some of the inside-the-fence sponsors will be treated and that other companies will be held to a different standard. There is preferential treatment given to sponsors regardless of FCC regulations. He explained their GSM system which is the predominant technology used throughout the world. He relayed that at Sydney's opening ceremonies, there were over a half million calls during that

period which overwhelmed the system. VoiceStream has the capacity to handle that number of calls where other companies do not. He discussed upgrading their facility at the Treasure Mountain Inn on Main Street and installing a facility at the base of the Park City Mountain Resort which will be constructed after the ski season. Mr. Dyse expressed their concern that there is enough capacity at City Park because that is where the Olympic Village will be located and they are prohibited from locating there. He suggested that Council consider providing a strip along Sullivan Lane in the HRM zone to allow companies to install facilities which would have to meet screening and revegetation requirements. He explained that cows are about 19 feet long and have three antennas attached; an alternative is installing a pole with a flush mounted antenna. Ms. Kuhlow explained that each vendor has different equipment and dimensions vary.

In response to questions from resident Diane Mellen, Ms. Kuhlow explained that the City will be accepting applications for administrative approvals in certain zones. Someone requesting a facility in a residential zone like the Aerie, would have to go through the normal Planning Commission conditional use process. The ordinance is enacted for six months and applications can only be accepted from February 1 to July 1. Applications received after July 1 will have to go through the Planning Commission process which is lengthy and takes a minimum of two months to schedule.

With no further comments from the Council or the public, the public hearing was closed.

IX NEW BUSINESS

1. Ordinance amending and reorganizing the Sign Code, Title 12, of the Municipal Code of Park City, Utah - See staff report and work session notes. Ray Milliner explained that staff is recommending approval of the ordinance. He referred to a minor language change and recommended that the welcome sign language be removed and perhaps considered as an amendment at a later date. Ms. Bodell suggested removing the electronic message sign as it is no longer of interest to the Chamber because of the information center proposal at Kimball Junction. Jeff Mann agreed that it should be removed as it can be considered again at another time. In response to a question from Ms. Erickson, Mr. Milliner explained that it is currently a conditional use which would require Planning Commission review. The Mayor felt it may be wiser to leave it in the Code as there is a required process. Peg Bodell did not feel that this type of sign is appropriate within the City limits at any location and Council concurred to remove electronic message signs from the Sign Code.

Roger Harlan pointed out that the allowable size of a real estate sign has increased from three square feet to six square feet. Mr. Milliner explained that most real estate signs are six square feet and the Legal Department suggested that the ordinance be consistent. The size and content of political or campaign signs were discussed and Mr. Harrington explained that the intent

is to keep the same standards regardless of content because the City can regulate the size but not the message. The amendment wasn't requested by the real estate community but prompted by Council to standardize campaign signs. Ms. Erickson pointed out a typographical error with regard to on-site signs and suggested that a list of essential services signs be included. She expressed concern about the City's interpretation of a sign's *compatibility* with the building and Mr. Milliner explained that design guidelines will be used and if there is no agreement, the application will go before the appropriate board. Ms. Erickson pointed out that signs are prohibited at home occupied businesses and Mr. Milliner explained that the ordinance could be changed to prohibit signs in residential zones and/or list allowable zones. Pat Putt explained that there is provision for a limited amount of sign area under the conditional use process for conversions in the HR-1 zone. Standard home occupations do not allow signs. Ms. Erickson felt that banners should be distinguished from those over a street and those installed on light poles. There was discussion about the number of flags allowed on a building which is currently limited to eight. Mr. Putt explained that the limit was three in the past but there was a feeling that with the Olympics arriving, that more flags should be allowed. Ms. Bodell recommended that a formula, based on the square footage of a building, be considered to determine an appropriate number of flags for a structure. Mr. Putt suggested that this could be addressed when there is a future amendment. Jeff Mann referred to the section of the code regulating animated signs and asked if Council members would consider allowing the Egyptian Theater to rotate their marquee, which is currently prohibited. Mr. Putt explained that there was no discussion when that sign was replicated that it would rotate and the mechanism was placed on the marquee by the owner who did so at his own risk. Mr. Mann added that he doesn't feel strongly about this but there was an historic marquee that rotated on the Egyptian and perhaps the historic consideration would make the situation unique. Mr. Jones strongly suggested that the Code be kept simple to administer. He found it hard to believe that real estate signs measure six square feet and there was discussion about keeping campaign and real estate signs consistent sizes. Mr. Milliner stated that he has noted the revisions and feels comfortable with a motion to approve the amendment with those changes. The Mayor requested a motion subject to all of the changes made. Peg Bodell, "I so move". Candace Erickson seconded. Mr. Milliner stated that Council will receive a revised version and the welcome sign matter will return at a later date. Although out of order, the Mayor recognized a speaker in the audience.

Kurt Hoffmaker, Utah Heritage Foundation, stated that he supports the Historical Society's position on the location of the entry sign. He encouraged the Council to work with staff to determine an appropriate location and if that can not be reconciled, that the sign be scaled back in size to minimize the encroachment on the Richards Ranch or the McPolin Farm.

Motion carried unanimously.

2. Appeal of Planning Commission approval of December 13, 2000 of a conditional use permit for a telecommunications facility located at 1375 Deer Valley Drive South, Deer Valley Plaza
- Mark Harrington stated that Council may accept other evidence or testimony or limit the appeal

hearing to the information submitted in the meeting packet. Alison Kuhlow explained that the project is located at the Deer Valley Lodging Building and a conditional use permit was submitted to the Planning Department to install 16 antennas which would be screened with two new dormers. The Planning Commission reviewed this at its August 23 meeting along with other applications from Metrocom. On August 27 a public hearing was held and comments were received by Gardiner Gould regarding insufficient notice resulting in the application being noticed again. Because Metrocom does not fall under the 1996 Federal Telecommunications Act, the Planning Commission was able to look at health impacts; Metrocom is regulated under the FCC. As requested, at the December 13 meeting, the Commission was presented with information regarding radio frequency emissions and Mr. Gould expressed concern during the public hearing that the engineers study was not objective since it was conducted by Metrocom. He also distributed health information and at that meeting, the Planning Commission approved findings of fact, conclusions of law, and conditions of approval for the application. Two commissioners opposed the vote because of the proximity of the project to adjacent residences. Since the approval, staff received a letter from Mr. Gould, representing the Fawngrove Home Owners Association, appealing the decision. The letter of appeal focuses on the noticing issue and the information presented on health concerns.

Gardiner Gould, appellant, distributed a packet of information to the City Council. He explained that he is not here *to take on* the telecommunications industry, but his concern and the surrounding condominiums, is that their product is yet to be proven. On behalf of the Fawngrove HOA, he stated that members strongly oppose the installation of the 16 cell phone antennas in the Deer Valley Plaza located in the center of a residential area. Most of the surrounding condominium owners share the same concern. When he met with the Planning Commission in September, he asked that the application be postponed to seek independent research. In the December meeting, he learned that the research was conducted by Metrocom and it is difficult to make a decision regarding health impacts without independent research. He referred to the eventual disclosure of the dangers of cigarette smoking, exposure to asbestos or lead paint and this is much the same. There are also concerns about the effects on real estate values. He read an excerpt from the Planning Commission minutes where Chris Larson relayed that the screening requirements should protect aesthetics and property values and prospective buyers in Fawngrove wouldn't be aware that they exist. There are a number of businesses in the Deer Valley Plaza opposed to this installation and may relocate if the approval is upheld. He is not aware of anyone in favor of the antennas in the residential area, and he urged Council to uphold his appeal. The Mayor opened the floor to the audience.

Kim McClelland, Deer Valley Lodging, stated that tenants understand the demands of the Olympics and Sundance, and there wouldn't be a problem if it were just one or two antennas. The issue is that the technology is fairly new and there is inconclusive evidence of health risks. As an employer, he feels an obligation to provide a safe working environment and it is a significant issue for some of his employees. Peg Bodell asked what number he would feel comfortable with; Mr. McClelland stated that he does not have the expertise to respond.

In response to a question from the Mayor, Ms. Kuhlow indicated that the Deer Valley Plaza parking lot could be used as a temporary site during the Olympics. She emphasized that the antennas are not for cell phone use but for wireless computer service. Mr. Gould interjected that he requested that the antennas be temporary at the Planning Commission meeting.

Chris Moroski, employee in the area, stated that this is a new technology and there are many examples, as Mr. Gould pointed out, where people weren't aware of potential dangers. The antennas present a long-term exposure and depending upon research funded by the telecommunications companies is not good science. There is no information on the long-term effects from telecommunication facilities and some of the information from independent research is frightening. There is some evidence of DNA breakdown and cancer in mice. Cell phone and Internet access are great things, but he urged the Council to make it a top priority to do no harm.

Steve Distad, market manager for Metrocom, appreciated the health concerns raised but felt it is premature to link the wireless industry with health risks as that hasn't been proven. With regard to the concern about independent studies, he remarked that the liability issues and their implications are horrific, and as a result, it is in the best interest of Metrocom to provide a safe product. Metrocom paid for the study but there are many other studies. As the governing agency, the FCC has performed a great deal of study and have established guidelines for public and occupational safety. Public safety is roughly five times more restrictive in the amount of exposure that are considered safe than for standards for people working in the industry. Also the National Standards Institute's findings, which is another independent governing body, are very similar in the thresholds deemed to be safe and the concerns raised may be based on unfounded fears. He understands that, but the issue today is not what we may or may not know.

For the record, the Mayor noted that the Council received a letter from Ron Krieger expressing his opposition of the installation of antennas at this location.

Bev Sincock, tenant of Deer Valley Plaza, agreed with Mr. McClelland's comments. She reminded Council of concerns raised about nuclear power plants 20 years ago. Many people will be working in that building every day and questioned why the antennas need to be placed on this building.

Kim McClelland pointed out that this was an economic decision for the owner of the building and he does not want this to be the overriding factor when there are health issues. The Mayor invited the Council to comment.

Candace Erickson stated that Council's major concern is the health and welfare of our citizens and is inclined to grant the appeal because of the lack of evidence. For the benefit of Peg Bodell, Ms. Kuhlow explained the differences in fiber optic and wireless technologies. Ms. Bodell asked if the gazebo in the area was considered as a possible site for the antennas. Ms.

Kuhlow explained that the building is the only site that the applicant has identified for the antennas and pointed out that antennas can be placed on existing buildings in the ROS zone. Mr. Gould stated that he wasn't sure if that would be acceptable to residents but added that the applicant approached his board and Lakeside and both turned down Metrocom's offer. Ms. Bodell relayed her disappointment in Metrocom not presenting other options which is key in the process. The Mayor appreciated her comment, but pointed out that Council's deliberations should be specific to the appeal. Other options should have been addressed early in the process and apparently according to Mr. Gould, Metrocom considered other sites. The City Attorney continued that Council is required to tie its decision to the Code as it is not a subjective policy decision. The health and safety rationale should be linked to the criteria of where the Planning Commission erred or correctly applied the Code to this application.

In response to question from Roger Harlan about municipalities denying antenna applications because of health and safety reasons, Mr. Distad responded that he is not aware of any and there is no precedence set to his knowledge. Mr. Jones asked how the LMC addresses health issues. Mark Harrington advised that the general review section for conditional uses would apply not the telecommunications section. The City has the ability to discuss this topic because the use being contemplated is for Internet service not cell phones, but the technology is the same. The federal government has preempted municipalities from considering health effects for this technology as it applies to cell phones. Because this service does not fall under the auspices of the Telecommunications Act of 1996, the Council is free to consider the health and safety impacts. However, the criteria addresses compatibility and mitigating impacts of the conditional use and the appellant's argument is that the applicant can not show that he can mitigate the impacts or the impacts that are not known. Fred Jones emphasized the difficulty of mitigating impacts that are unknown and nothing has been submitted that substantiates the potential health implications. The City Attorney stated that is what Council is being asked to determine. Mr. Jones felt that the studies don't identify potential dangers and added that it appears that the noticing has been remedied and expressed that he needs assistance in finding substantiation of potential risks. Ms. Kuhlow responded that the Planning Commission reached the same conclusion and a finding of fact for approval stated *the health related impacts associated with this type of antenna system are unknown at this time and an additional study may be necessary*. The conditions of approval also indicate that the Commission could not find any studies that verify risk and Metrocom must provide an annual statement of compliance with existing state and federal health and safety regulations.

The Mayor asked the City Attorney if it would be appropriate for the Council to convene in closed session and was advised that in its judicial capacity it may with a majority affirmative vote of the Council. The Mayor requested a motion to convene in executive session to discuss the appeal. Jeff Mann, "I so move". Fred Jones seconded. Motion carried unanimously. The City Council met in closed session for approximately 20 minutes. The Mayor requested a motion to open. Peg Bodell, "I so move". Fred Jones seconded. Motion unanimously carried. The Mayor suggested that a motion be made to continue the appeal to February 8, 2001, recognizing that

Council did not have an opportunity to adequately review the information received from Mr. Gould this evening. Peg Bodell, "I so move". Fred Jones seconded. Motion carried unanimously.

X ADJOURNMENT

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

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 7:30 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; and Mark Harrington, City Attorney. See motions and discussion above.

* * * * *

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


Janet M. Scott, City Recorder







DATE: January 2, 2001
DEPARTMENT: Executive - Office of Capital Management and Budget
AUTHOR: Linda Cook
TITLE: Trails Master Plan Policy Recommendations
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: The Parks, Recreation and Beautification Advisory Board (PRBB), through staff, is proposing recommendations pertinent to the goal of completing the comprehensive trail system. Staff requests that Council review and discuss these recommendations for future endorsement as an interim policy to help guide trail planning and development until they can be included in the Trails Master Plan.

DESCRIPTION:

A. Background: Throughout the past year, several planning documents have undergone major revisions, specifically the Park City General Plan, Land Management Code (LMC) and the Recreation Facilities Master Plan. For many years, the General Plan and LMC have contained strong general references to the goal of a "comprehensive" trail system for the community. The Recreation Facilities Master Plan, as adopted in 2000, adds some substance to the other planning documents by identifying action items:

- 1) Consolidate administration of trails development activities into a single department;
- 2) Identify and concentrate on trail segments that will complete off-road loops;
- 3) Coordinate trail priorities and planning with the Snyderville Basin Special Recreation District (SBSRD) to maximize the potential for a broad system so that connecting linkages are developed concurrently; and
- 4) Develop a critical path schedule to implement 2002 trail priorities.

Item number one has been accomplished since the trails program has been assigned to the Office of Capital Management and Budget. Progress has been consistent on each of the remaining action items.

The *Trails Master Plan* was adopted in 1992 and has guided the development of several major trail segments since that time. It has been useful to support the philosophy, widely held, that

Park City's trail system should be planned comprehensively, but, while the document is specific about certain construction methods, it fails to identify certain objectives or elements necessary for a comprehensive system. The *Trails Master Plan Map* was adopted in 1993 and has been a very useful guide for project priority planning, budgeting and for trail construction associated with new development.

In 2000, the Trails Subcommittee of the PRBB summarized the major elements of a "Trail-Friendly Town" and fine-tuned them to Park City and the surrounding area. Each of the subcommittee members has been a long-standing trails advocate within the community and has gained valuable knowledge regarding trail systems in other communities, often by way the annual Summer Tour. The subcommittee, in conjunction with City staff, Senta Beyer of SBSRD, and Troy Duffin of the Mountain Trails Foundation, met to discuss these elements. The group generally agreed that the objectives listed in the attached report are important to completing a comprehensive trail system in the context of Park City; that each should be pursued recognizing that many objectives are already in progress though they may not have been written or specifically articulated; and that a parochial viewpoint of trails, recreation and tourism must, of necessity, now give way to a coordinated regional focus. Staff considers these objectives to provide an additional level of detail or depth most appropriate to the Trails Master Plan, therefore, the PRBB is promoting and unanimously supports the following trail policy recommendations for inclusion in a future revision of the Trails Master Plan.

B. Analysis: Staff supports using the Trails Subcommittee Report in conjunction with the *Trails Master Plan* and *Map* to guide the planning and development of trails. In 2002, staff would begin the process revising the *Trails Master Plan and Map* including incorporating the content of the Trails Subcommittee Report. Please see the complete text of the Trails Subcommittee Report attached. Staff resources are fully committed between now and the Olympics; any additional trails projects would require deferring already committed projects or identifying additional resources.

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

ALTERNATIVES:

A. Approve the Recommendations: This staff report, for informational purposes, is intended to gauge the Council's support of the expanded trail system philosophy. Staff is requesting that Council review the individual elements proposed, understanding that individual projects within these recommendations or a formal revision of the Trails Master Plan are unlikely to commence until after the Olympics in 2002 (Please see the "Significant Impacts" section below). Staff would return to the Council in a few weeks with a resolution that would endorse the Trails Subcommittee Report as interim policy for use in planning and developing trails.

B. Modify the Recommendations: Council may wish to identify elements within these recommendations for future modification and further review and discussion. Should Council identify any of these recommendations requiring immediate attention, staff will need to re-prioritize staff and budget resources within an increasingly focused scope for 2001. Staff would

return to the Council in a few weeks with a resolution that would endorse a revised Trails Subcommittee Report as interim policy for use in planning and developing trails.

C. Continue the Item: Staff will schedule a future discussion regarding these proposed recommendations or specifically identified projects for the Council agenda as requested.

D. Defer the Item: The Council could defer consideration of any action on this item until Staff begins revising the *Trails Master Plan* and *Map* after the Olympics.

SIGNIFICANT IMPACTS: Staff anticipates a variety of budgetary impacts associated with the trail system elements identified here. While it's true that several elements could be grouped into one project, it is also true that several will need to be treated as distinct projects, because of factors such as geographic area or simply controversy requiring greater public debate and decision. Several items are already underway, either through prior planning, engineering or well into implementation.

The Trails Master Plan account is the major source of revenue for trails-related projects. This account has received the majority of its funds from the Lower Park Avenue Redevelopment Authority for the past several years. Since these funds must be spent in the defined Redevelopment area, staff will undoubtedly need to identify other unrestricted CIP funds for many of these projects, outside the RDA, in the course of a future budget cycle (after the Olympics).

Staffing impacts weigh heavily in this discussion. Assuming the City maintains the philosophy of relying heavily on internal staff for Olympic preparation and Games assignments, it is highly unlikely that any of the recommendations outlined here will receive attention until after the Games, or the second year of the City Budget and CIP Plan. Staff has already identified alternatives for five current major projects for Council review including the total Skate Park project, some variation of the City Park Trail Lighting and Widening project, two sets of stair retreads, new stairs at 12th Street, an imprinted crosswalk between City Park and the Library/Education Center and some alternatives for the Rail Trail Connection Project from Bonanza Dr. east (These projects appeared on the list of re-prioritized CIP projects that Council reviewed on December 14, 2000.). Assuming we continue to supplement with the trails initiatives already in progress, staff will have exceeded capacity to entertain more until spring of 2002.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Once again, this is coming before Council for proposed policy review and direction for future trails activities. There is likely to be no immediate consequence of the information unless Council wishes to take some immediate action in the context of Olympic planning time constraints or the pending CIP Budget.

RECOMMENDATION: The Parks, Recreation and Beautification Advisory Board (PRBB), through staff, is proposing recommendations pertinent to the goal of completing the comprehensive trail system. Staff requests that Council review and discuss these recommendations for future endorsement as an interim policy to help guide trail planning and development until they can be in the Trails Master Plan. Staff recommends reviewing the proposed policy recommendations in anticipation of a revised Trails Master Plan, likely to

coincide with CIP planning in the second year of the City Budget.

Park City Parks, Recreation, and Beautification Advisory Board

Date: October 18, 2000

Authors: Kris Beer, Peter Tomai, Brigitta Wray

Title: Report of the Trails Sub-Committee of the Parks, Recreation, and Beautification
Advisory Board

Type of Item: Information and Policy Recommendations

Statement of Purpose: The Park City Parks, Recreation, and Beautification Advisory Board recognizes the importance of trails to the residents and visitors of Park City and Summit County. In an effort to achieve the objectives of both the Trails Master Plan and the Recreation Facilities Master Plan, we submit this report, which addresses issues and concerns and outlines possible solutions for developing a more Trail-Friendly Town.

Summary Recommendations: The Park City Parks, Recreation, and Beautification Advisory Board commends the City Council for their continual commitment to the importance of trails to the Park City community as evidenced in the Trails Master Plan (1992) and the Recreation Facilities Master Plan (2000). The proposed recommendations offer another opportunity to demonstrate and fulfill this commitment. Competitive resort communities have recognized that comprehensive, area wide trail systems are both a vital community asset and a viable benefit to tourism. As such, trails initiatives warrant the support and cooperation of all applicable departments, commissions and boards.

This report includes the following recommendations:

- Secure trailheads to include adequate space for parking.
- Inventory and preserve existing trail easements.
- Create new access to trails, especially through developing neighborhoods and projects and to outlying and interconnecting trails.
- Ensure safe trail crossings with signage, striping, and traffic calming measures.
- Provide clear signage for routes through residential and commercial areas including consistent trail markers and way-finding informational signage (both access and on-trail signs and symbols).
- Complete a system of "loop" and/or perimeter trails for transportation in and around the Park City area.
- Identify and/or acquire additional trail segments necessary or desirable to connect to existing trails.
- Combine the resources of Park City, Snyderville Basin Recreation, Summit and Wasatch counties, the resorts, and Mountain Trails Foundation, where appropriate for trail advocacy, planning, building, maintenance, and grant funding.

Background

The survey data that provides the basis for the findings and recommendations of the Recreation Facilities Master Plan focused on trails and open space, placing them at the top of the respondents' priorities for recreation in the community. Not only important for local use, trails also offer tourists recreation and transportation options in an unfamiliar area. The popularity and growth of trail use throughout the area clearly indicates the value placed on trails.

Statistics from the Chamber's Visitor Centers, resorts, shops, and lodging point toward the conclusion that as a community, we must take action to ensure that we continue to provide positive, fun, and interesting trail experiences for our growing community and tourist base. Over 70% of the visitors to the tourist information center inquire about hiking and biking trails. The majority of customers at local bike and sport shops also request trail information and recommendations, especially if they are renting equipment. Feedback from visitors at both the information centers and local shops is for the most part, positive. However, comments indicate that people have trouble finding trails, trailheads, and parking. Many visitor families also request low or intermediate level trails that are easy to find, scenic, and either loop or connect to other similar level trails.

The Findings/Conclusions section of the Parks, Recreation, and Beautification Board Customer Survey, which was conducted in 1998 and which provided data for the 2000 Park City Recreation Facilities Master Plan states that Park City residents are heavy users of trails for hiking, mountain biking, cross country, and equestrian purposes. It also states that residents want to see more resources devoted to providing additional trails, in fact over 27% of the total dollar allocation, an amount that exceeds even open space funding. The findings state clearly that the "PRBB should intensify its efforts at coordinating trails systems with Summit Country and to fast-track efforts to provide trails on the farm property. . ."

The **Action Plan of Park City's Recreation Facilities Master Plan** refers to the strong interest in trails with the following action items:

- Continue to implement the existing Trails Master Plan and complete the currently approved trail projects in Park City.
- Continue to coordinate with the Basin's trail development efforts.

Specifically, the **Recommendations** section includes the following:

- Maintain strong, positive relationships with the Snyderville Basin Recreation District and the Park City School District.
- Take a regional approach to the development of large-scale recreational amenities, such as ice skating facilities or golf courses, and share costs with other agencies.

Based on the above general support, these **Recommendations** of the **Parks, Recreation, and Beautification Board** focus on the following:

1. Trailheads: Secure trailheads to include adequate space for parking.

This recommendation places high priority on the construction of trailheads with amenities such as parking with proper drainage, directional signage, vehicle barriers, and restrooms. The Trails Subcommittee has determined that three primary parking options include onsite onstreet, onsite offstreet, and remote parking with nearby access to trailheads. A policy decision by the City Council (with approval by the Park City Planning Commission and other entities as deemed appropriate) will determine which of three options for parking is advisable for each trailhead.

In addition, trailhead decisions may require coordination between neighborhoods, integrating the needs of property owners, existing easements, local and state regulations, and the impacts of design and safety on accessibility.

The PRBB recommends that specific trailheads within the city be given priority. These include

1. East side of Highway 224 past Meadows Drive near the lean-to and north to the McLeod Creek Trail. An adequate onsite offstreet parking area is already available and is currently being used for parking although it is not an official trailhead. We recommend that the city and UDOT consider making it official by posting Trailhead Parking and No Parking signs where deemed appropriate. With minimal improvements, this area could be a temporary solution providing maximum benefits to trail users.
2. Round Valley access from Hwy 248. The increasing use of this trailhead to safely access the Round Valley trails and the underpass to the Rail Trail require both graded offstreet parking and signage that designates direction to available trails.
3. Other trailheads to evaluate for improvements include Iron Canyon, the Rail Trail at the

Chatham Crossing access, and Deer Valley area.

2. Easements: Inventory and preserve existing trail easements.

The Trails Master Plan, 1992, is a source of information about easements, existing trails, and future planning. However, some of the details are outdated and do not address the development of new neighborhoods, particularly in Park Meadows, Thaynes and Iron Canyons, Aspen Springs, and parts of Deer Valley. To ensure future trail connectivity, it is important to note that without continual vigilance and maintenance, we may lose essential trail easements. Neighbors, developers, and fences can quietly obliterate a trail if no one is paying attention.

The PRBB requests that the City Council authorize the appropriate city offices to investigate if encroachment has occurred on any planned trails and to take corrective action.

3. Access: Create new access to trails, especially through developing neighborhoods and projects and to outlying and interconnecting trails.

The Trails Master Plan addresses trails within the city limits, and in those areas, protecting or creating access should continue to be a critical course of action. However, with the current focus on regional planning and the efforts to develop a system of trails throughout the area, we need to turn our attention to how the City Council and the Parks and Recreation Board should position themselves with regard to these efforts.

Because area trails are bound not by jurisdictional but by geographical limitations, the Trails Subcommittee supports the creation of a regional trails advisory group, which could help to plan and coordinate trail efforts by each specific jurisdiction.

4. Safe Crossings: Ensure safe trail crossings with signage, striping, and traffic-calming measures.

Integral to trail access are safe trail crossings. With the number of trail projects under construction or proposed, comprehensive plans must include a design for safe crossings. The completion of the trail should coincide with the completion of the crossing. For example, if a new trail starts or ends on a busy street or intersection, but no safe crossing is constructed at the same time, the trail should not be available for use until the crossing is also completed.

Safe crossings could include any or all of the following: on street and on trail signage, street or shoulder striping (with or without symbols), traffic-calming devices such as speed bumps, planters, or warning lights.

5. Signage: Provide clear signage for routes through residential and commercial areas (both access and on-trail signs and symbols).

Signs are currently being constructed and installed throughout the city in accordance with the Trails Sign Plan. In the past, signage has represented one of the major criticisms from both local and tourist trail users. For maximum benefit, clear signage must be strategically located at trailheads and on the trails themselves. Also helpful are signs that are consistent in form and appearance.

The city and local trails organizations have worked to place and maintain good signage. Where extra attention could provide more assistance, particularly to visitors, is route signage through the city that shows connections to county and regional trails. Whether onstreet striping and symbols or signs designating trail pathways, clear directions are essential to encourage the use of trails for recreation and for transportation to and through residential and commercial neighborhoods.

Signs should be large enough to be seen from a reasonable distance. They should be consistent in design to foster quick recognition. They should include text and symbols indicating trail name, approved use or restrictions, links with directions to other trails, and any special information about the trail relevant to users' safety and/or enjoyment. Signs should correspond in both text and symbol to area trail maps that are available through the Visitor Information Center, sporting goods shops, lodging, the Chamber of Commerce, etc.

6. Contiguous/Continuous Connections: Complete a system of "loop" and/or perimeter trails for transportation in and around the Park City area.

Identify and acquire additional trail segments necessary or desirable to connect to existing trails. The Park City Trails Master Plan as well as the Mountain Trails Foundation and Snyderville Basin Trails plans focus on the interconnectivity of area trails and trail systems. Many existing trails do not "go" anywhere, or are not useful as transportation links.

Although we are a mountain resort community, many of our visitors prefer road biking to mountain biking and roller blading/roller skiing to hiking. We do not provide a trail system that is conducive to either transportation or road riding conditions.

The highly visible corridor trails, such as Hwy 224, appear to be *real* alternative transportation, but they may end abruptly. Because the cause for some of the broken links lies with area development projects, we need to continue to encourage developers to complete their trail commitment in a timely manner.

Another connectivity issue deals with trails that begin as paved surface and turn into composite or dirt surface. The Rail Trail, for example, is highly used for walking, running, biking, and cross country skiing. Although the Trail is easily accessible to many residential neighborhoods and therefore is also a common transportation option, the section from Bonanza Avenue to the trailhead kiosk remains unpaved.

7. Regional Alliance: Combine the resources of Summit and Wasatch counties, Snyderville Basin Recreation District, Jordanelle Special Services District, Mountain Trails Foundation, Park City, the resorts and other area communities.

Trail advocates from the entire Wasatch Back area would be able to initiate a more systematic strategy for what will someday become a system of interconnected trails that does not follow city or county lines. This regional alliance of resources, with the support and cooperation of all applicable departments, commissions and boards, could carry out recommended trails initiatives more effectively with available funds throughout the region.

A regional alliance might also provide a public forum to communicate trails issues, answer questions, and provide updates on trail development. Along with the ongoing communication strategies implemented by City Council and other area organizations, this type of proactive discussion could foster greater community understanding and support of trails initiatives. One example of where public understanding may currently be inadequate is with the whole funding process. Knowledge of how funding works could perhaps mitigate much of the impatience and frustration about the progress of trail building and improvement.

The PRBB recognizes the benefits to be gained from a regional trails organization and offers its assistance to organize and create such an alliance.

Suggested specific initiatives warranting immediate attention:

- Inventory existing trails, trail easements, and trailheads to provide an up-to-date baseline from which to determine priorities. As an additional benefit, an inventory would furnish current trail information to the Mountain Trails Foundation for the publication of the 2001 regional trail map.
- Interface with UDOT to determine the feasibility of using the east side of Hwy 224 for temporary trailhead parking to serve the McLeod Creek and Millennium Farm trails.
- Open the Hwy 224 underpass using signage to encourage its use for the safe crossing of 224 and access through the McPolin farm to the Millennium Farm trail.
- Grade and utilize the former sewer treatment location as temporary off-street trailhead parking.
- Identify bike lanes with clear and consistent striping, and, as the streets are repaved or striped, with additional pavement on surface streets paying particular attention to safe direction of travel.
- Continue to augment existing trail marking using inexpensive, readily available, and easily installed/modified Forest Service standard markers.
- Implement pilot trail crossing/traffic-calming methods possibly using portable planters

and striping.

- Initiate dialogue with the ski resorts to cooperate on use of resort parking and placement of directory signage and maps to area-wide trail resources.

Conclusion

The above short term actions, none of which require significant capital outlays, would significantly benefit the use, safety, and accessibility of existing Park City trails. Longer term, we would encourage the Council to consider the implications of all council and city actions on trails and to consider the ongoing resource needs of a comprehensive trail system. At some point, discussion may address the possibility of producing a revised Trails Master Plan, or an addendum to the existing plan, which would build on and incorporate recent changes in growth and development.

Support for the regional trails task force will facilitate the identification and prioritization of specific new trails projects along with recommendations for the appropriation of specific resources. With additional focus and attention on trails and trails issues, Park City can further differentiate itself as a trail-friendly community and create a community asset that further improves the quality of life and livability of our area.



COUNCIL AGENDA REPORT

DATE: January 25, 2001
DEPARTMENT: Leisure Services
AUTHOR: Denise Payne, Leisure Services Administration
TITLE: Parks, Recreation, Beautification Advisory Board
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Reappointment of existing Parks, Recreation, Beautification Board member.

DESCRIPTION:

A. Topic: Parks, Recreation, Beautification Advisory Board Vacancies

B. Background: The Parks, Recreation Beautification Advisory Board (PRBB) is an eleven member board. As of January, 2001, three (3) Board member positions expired, Holly Carlin, Gail Meakins and Joram Lichtenstein. The vacancies were published in the Park Record in five (5) issues during December 2000 and advertised on KPCW for the month. No new applications were received, Joram Lichtenstein asked for reappointment to the Board (attached). Holly Carlin and Gail Meakins have declined reappointment. The PRBB met at on January 17, 2001 and discussed the reappointment and the number of Board members. At this time the Board would like to move forward with a nine (9) member Board and one (1) City Council liason. The PRBB will be accepting applications again in November 2001, to fill vacancies for a three year term The recommendation for reappointment as follows:

<u>Name</u>	<u>Term</u>	<u>Appointment</u>
Joram Lichtenstein	2001-2004	Reappointment
Vacant	2001-2004	
Vacant	2001-2004	

C. Analysis: We will have a working nine (9) member Parks, Recreation, Beautification Advisory Board.

D. Department Review: na

ALTERNATIVES:

1. Accept recommendations rendered by the PRBB and make reappointment.
2. Interview candidate and decide on appointment.
3. Continue advertising for additional applicants and continue the process.

CONSEQUENCES OF NOT TAKING ACTION:

The PRBB will exist as an eight (8) member Board.

RECOMMENDATION:

The Parks, Recreation, Beautification Advisory Board recommend reappointment of the Board member and term.



CITY COUNCIL REPORT

DATE: January 25, 2001
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer *Eric DeHaan*
TITLE: Corridor Preservation Agreement with UDOT
TYPE OF ITEM: Administrative Approval of Agreement

SUMMARY RECOMMENDATIONS: Approval of the Cooperative Corridor Preservation Agreement between the Utah Department of Transportation and Park City.

DESCRIPTION:

The Council continued this item from the January 11th meeting. Please refer back to your January 11th packet for the staff report describing the agreement, a copy of which is attached.

The Council wanted specific information on two issues related to S.R. 224 prior to further consideration. Staff was asked to research UDOT's commitment to "Context Sensitive Solutions" as promised by UDOT Director Tom Warne, and staff was asked to research Summit County's corridor preservation agreement for 224 as to the reversibility of any signalization project.

Staff contacted Amanda Covington, UDOT's Director of Community Relations, with regard to UDOT's implementation of their "Context Sensitive Solutions" program here in Region 2. This is an effort by UDOT to consider local site-specific issues while projects are developed using appropriate engineering standards. The example given by Ms. Covington was a pedestrian crosswalk in Grantsville where UDOT's school zone needed to be lengthened to include an additional crosswalk used by children on the way to school. Ms. Covington stated that the Context Sensitive Solutions program successfully coordinated a modification to the Grantsville school zone. Ms. Covington went on to explain that the program was not intended to substantively modify design standards. She states the program could not bypass UDOT's policy on roundabouts, and thereby justify a roundabout in a location on S.R. 224 where engineering analysis would not warrant a roundabout.

Ms. Covington was unable to locate any written policy regarding Context Sensitive Solutions but Staff is hopeful that we may be able to produce a written UDOT policy for the Council meeting. In that regard, Staff has attempted to contact Randy Lamoreaux, UDOT's Director of Program Development for Region 2, who is apparently helping to implement the Context Sensitive Solutions Program. At press time, Mr. Lamoreaux had not returned staff's calls.

Staff contacted Summit County Engineer Derek Radke, P.E., to enquire about Summit County's Corridor Preservation Agreement with UDOT. Mr. Radke made a presentation to the Snyderville Basin Planning Commission regarding Summit County's portion of 224. Summit County's Corridor Preservation Agreement was directed to the subcommittee on the 224 corridor, and Mr. Radke has not heard back with further direction as of the date this report was written. He has not seen or developed any specific language as to the reversibility of any signalization project, and Mr. Radke has not pursued any revised language with UDOT. Further, UDOT has apparently not yet indicated any acceptance of highway-design aspects of the County's corridor subcommittee's recommendations. Lengthy negotiations are possible.

ALTERNATIVES:

At this time, UDOT has presented us with the Corridor Preservation Agreement as a means of getting the Snow Creek Drive signal warranted. The agreement does not prohibit future discussions about improvements to 224. Staff anticipates numerous coordination efforts with UDOT regarding landscaping, driveways, control of signs, and other items of mutual interest. No signalization inside Park City would occur without a discussion of financing and the "reversibility" of the proposed signal.

By agreeing to the Corridor Preservation Agreement we can still get UDOT's approval of the Snow Creek Drive signal in time to design it, bid it, and install it prior to the winter of 2001-2002. Given the expense of construction and UDOT's policy on roundabouts, a signal at Snow Creek Drive should be considered a permanent obstacle to a roundabout at this particular intersection.

Another alternative would be to further coordinate with Summit County's corridor study prior to further consideration of our Corridor Preservation Agreement. However, this alternative would effectively postpone the installation of the Snow Creek Drive signal.

RECOMMENDATION: Staff recommends the Council approve the UDOT Corridor Preservation Agreement.

Corridor Preservation on SR-248 and SR-224
in Summit County
UTAH DEPARTMENT OF TRANSPORTATION,
PARK CITY CORPORATION

COOPERATIVE
CORRIDOR PRESERVATION AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ Day of _____, 2000, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**", and **PARK CITY CORPORATION**, a Municipal Corporation of the State of Utah, hereinafter referred to as "**City**",

WITNESSETH:

WHEREAS, to facilitate traffic flow along the SR-248 corridor between the Junction of SR-224 to the Junction SR-40, and the SR-224 corridor between Meadow Drive and Bonanza Drive in Park City, the parties hereto desire to identify locations for existing or future traffic signal installation; and

WHEREAS, the **UDOT** has determined by formal finding that regulation of intersection points for future highway improvements is not in violation of the laws of the State of Utah or any legal contract with the **City**.

THIS COOPERATIVE AGREEMENT is made to set out the terms and conditions whereunder said rights of way shall be preserved.

Corridor Preservation on SR-248 and SR-224
in Summit County
UTAH DEPARTMENT OF TRANSPORTATION,
PARK CITY CORPORATION

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

(1). To facilitate traffic flow along the SR-248 (Kearns Blvd.) corridor between the Junction of SR-224 to the Junction of SR-40, the following locations are identified as locations for existing or future traffic signal installation:

Junction SR-224	(existing signal)
Bonanza Drive	(existing signal)
High School West Parking Lot/West Villa Drive	(proposed)
Comstock Drive	(proposed)
Wyatt Earp Drive	(proposed)

(2). To facilitate traffic flow along the SR-224 corridor between Meadow Drive and Bonanza Drive, the following locations are identified as locations for existing or future traffic signal installation:

Meadow Drive	(proposed)
Holliday Ranch Loop	(existing signal)
Snow Creek Drive/Thaynes Canyon	(proposed)
SR-248	(existing signal)
Deer Valley Drive	(existing signal)
Bonanza Drive	(existing signal)

(3). The parties hereto agree that traffic signals will only be installed at the intersections in the herein described SR-248 and SR-224 corridors and only as they become warranted. It is further agreed that it may be necessary to restrict certain types of movements in the future in order to maintain traffic flow and improve safety through the highway corridor. The City shall develop any master plans in this area around this concept and the parties hereto shall work towards the common goal identified in this agreement.

Corridor Preservation on SR-248 and SR-224
in Summit County
UTAH DEPARTMENT OF TRANSPORTATION,
PARK CITY CORPORATION

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed
by their duly authorized officers as of the day and year first above written.

ATTEST:

PARK CITY, a Municipal
Corporation of the State of Utah

Title _____
Date: _____

By _____

Title _____
Date: _____

(IMPRESS SEAL)

RECOMMENDED FOR APPROVAL:
TRANSPORTATION

UTAH DEPARTMENT OF

By _____
Region Utilities and Railroads
Engineering Coordinator
Date: _____

By _____
Region Director
Date: _____

APPROVED AS TO FORM:
JANET C. GRAHAM, ATTORNEY GENERAL

By _____
"UDOT Comptroller Office
Contract Administrator"

By: _____
Title: Assistant Attorney General
Date: _____

Date: _____

CITY COUNCIL REPORT

DATE: January 25, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlrow, AICP AK
TITLE: Temporary Telecommunications Ordinance for the Olympics
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing and consider approving the ordinance regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games based upon the Findings of Fact and Conclusions of Law found herein.

DESCRIPTION:**A. Topic.**

The intent of this policy is to allow for the administrative review of temporary telecommunications facilities needed for increased capacity during the time of the Olympics.

B. Background.

During the rewrite of the Telecommunications Ordinance this Spring, the Planning Department and Planning Commission determined that temporary regulations needed to be written and adopted in order to address the need for temporary telecommunications facilities during the Olympics. Since the adoption of the rewrite, Staff has contacted and received input from the telecommunication companies to better understand their needs and has drafted the attached regulations.

With the increase in the number of people in Park City prior to the games for setup of venues as well as increased media presence, the telecommunication companies will need to increase their capacity. Capacity can be increased by adding more equipment and antennas to an existing approved site, or by installing temporary antennas. Each company anticipates the need for three additional sites within Park City's limits to handle the increased number of calls. Two of the companies are Olympic sponsors, AT&T and US West, and are able to locate within the venues. Temporary Telecommunications Facilities within the venue sites "inside the fence" are to be regulated by the

City's Olympic Services Agreement.

The companies anticipate installation of the infrastructure for the sites to begin April 15, 2001. The installation of infrastructure would include pulling the electrical and phone lines to the facility site. The installation of the mechanical equipment and antennas could happen as soon as October 1, 2001. Depending on the location of the site and environmental constraints, most facilities will be removed by April 2002.

In order to facilitate an increased number of locations within the next eight months, Staff has drafted regulations to allow for the administrative approval of the applications. The applications would need to meet a list of requirements approved by the Planning Commission to be considered under Administrative Review. If an application does not meet the criteria for Administrative Review, the applicant has the ability to be reviewed by the Planning Commission under the current code.

The Ordinance has been drafted to facilitate an increased number of telecommunications facilities within the next eight months. The draft regulations allow for administrative review of these applications. The applications would need to meet a list of criteria approved by the Planning Commission to be considered under Administrative Review. If an application does not meet the criteria for Administrative Review, the applicant has the ability to be reviewed by the Planning Commission under the current Telecommunications Ordinance.

C. Analysis

When drafting the ordinance Staff started with the following concerns in mind.

- there shall be no lasting impacts to the access for the site or on the site where the temporary facility is located, such as removal or disturbance of vegetation and grading;
- the location of the temporary facility shall not be in a parking stall;
- the temporary facility cannot be located in streets, or impede traffic in any way;
- the mechanical equipment associated with the facility shall be secure and screened to prevent tampering;
- no signs shall be placed on the temporary facility;
- permission from the landowner will be required for the temporary site;
- no temporary facilities shall be located in HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, POS, and RM zones;
- no temporary facilities shall be located within the Frontage Protection Zone (FPZ); i.e., within 100' feet of Hwy. 224 and 248 right-of-ways;
- temporary facilities are prohibited on ROS; and,
- location selected must minimize visibility of the facility.

Taking these criteria into consideration, Staff has drafted the Ordinance allowing for administrative approval of the applications. The zones which allow temporary Olympic facilities have been limited to the RDM, GC, LI, RCO, RD and RC zones. The facilities need to conform with the setback and height criteria as stated in the telecommunications regulations, except that one additional exception for additional height is provided for freestanding antenna that satisfy screening criteria.

If the applicant is unable to comply with the criteria set forth in the ordinance for Temporary Antenna for the Olympics, the opportunity is available for the application to be reviewed under the current code. If approved by the Commission, a condition could then be placed on the project setting a removal date.

Height Increase

The draft allows for a 30% height increase for freestanding antennas when a majority of the facility and support structure is screened from the right-of-way by either existing vegetation or by surrounding structures. The height increase was written due to the primary use of cells-on-wheels (COWs) for temporary sites. The companies have requested allowable heights between 30 and 60 feet. A COW is a facility which is located on a trailer so that it can be easily installed and removed from a site. The height increase will allow the applicant to place the COW behind an existing building, and still clear the height of the existing structure. The height increase is essentially the same as installing a ten (10) foot antenna on the roof of a building.

Public Notice

Due to the constant interest and concern regarding telecommunications facilities in Park City, Staff added language noticing the properties within 300 feet of the proposed temporary facility. The process begins once an application is deemed complete. Staff would send notice to the property owners and place notice on the property and request a response within fourteen (14) days. If no response is received Staff will issue the permit at the end of the 14 day period provided that the application meets all other requirements as stated within the ordinance.

Installation and Removal

All applications for temporary Olympic antennas approved by the Planning Department or the Planning Commission will be conditioned with a removal date. Staff anticipates all temporary facilities to be removed by April 15, 2002. All installation permits will be issued in two parts. The first part will be for the installation of the infrastructure for the site. The companies anticipate pulling infrastructure permits in April 2001. The second permit will be for the installation of the mechanical equipment and antennas. Staff has set October 1, 2001, as the first date a company can begin to install a temporary facility.

Landscaping/Revegetation

There have been concerns stated regarding the revegetation of disturbed areas once the temporary facilities are removed. Staff has added language to the ordinance requiring, as a condition of approval, a revegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The revegetation plan shall be approved by Community Development Department staff. A revegetation plan, specific to each site was chosen over a generic tree size and type and grass seed mixture due to the uniqueness of the various areas of Park City.

Removal of Facility

As a result of comments at the October 11, 2000, meeting staff researched the process for requiring a letter of credit or escrow from the applicant to ensure the removal and restoration of the site after the time period for the facility expires. Staff returned to the Commission at the November 8th

meeting with proposed language. Since the November meeting Staff has removed the requirement of a letter of credit or escrow from the ordinance. Staff believes the administrative burden of developing and administering the letter of credit requirement for numerous applications outweighs any advantage gained over a reservation of remedial rights. The ordinance still includes language for the facility removal, and revegetation. If not completed, the City reserves the right to apply all remedies available at law to address the situation.

Expiration of Ordinance

The ordinance will be in effect as of the date of City Council adoption. Temporary Zoning Ordinances can only be in effect for a maximum of six (6) months. Any permit application submitted during the six (6) month effective period can be reviewed under these provisions. Once the ordinance expires any additional applications submitted will be reviewed under the Land Management Code Section 8.30, Telecommunications Ordinance.

D. RECOMMENDATION:

The Planning Department requests that the City Council review the proposed ordinance, consider public input and approve the attached Ordinance.

EXHIBITS:

Exhibit A - Proposed Olympic Telecommunication Facility TZO

AN ORDINANCE AMENDING, SECTION 8.30 OF THE LAND MANAGEMENT CODE, REGULATING TEMPORARY TELECOMMUNICATIONS FACILITIES ASSOCIATED WITH THE 2002 OLYMPIC WINTER GAMES

WHEREAS, On June 1, 2000, the City Council adopted an amendment to the Land Management Code which requires the Planning Commission to review all Telecommunications Facility applications; and

WHEREAS, Park City is a venue City for the 2002 Winter Olympics; and

WHEREAS, prior to and during the 2002 Winter Olympics the area will see an increase in cellular phone users, including organizers, sponsors, competitors, and visitors; and

WHEREAS, Telecommunications carriers desire to locate additional Telecommunications Facilities within boundaries of Park City Municipal Corporation in order to increase their capacity during the 2002 Winter Olympics; and

WHEREAS, the City Council desires to establish an expedited process for permitting such temporary Telecommunications Facilities within Park City while providing for public participation in such process via notice; and

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

SECTION 1. FINDINGS: The Council finds that:

1. The number of Telecommunications Facility applications anticipated by carriers to meet their cellular capacity needs during the 2002 Winter Olympics could over-burden the Planning Commission process;
2. The current Section 8.30 of the Land Management Code permits prohibits administrative review and approval of Telecommunications Facilities;
3. Prior applications for Telecommunications Facilities in Park City have aroused significant public interest and attracted considerable, valid public input that may not have otherwise been considered under the current ordinance;
4. It is in the best interest of Park City and for the protection of the general welfare of its citizens to allow public participation in the Telecommunications Facility permitting process;

SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8.30 is hereby amended by adding Subsection 8.30(q) attached hereto as Exhibit A.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

Exhibit A - Ordinance

PASSED AND ADOPTED this ____ day of January, 2001.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

(q) **Olympic Telecommunications Facilities.** The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by Subsection 8.30(o).

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.
2. **Definitions.** As used in this section, the following terms shall be defined as follows:
 - a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
 - b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002 Olympic Winter Games.
3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:
 - a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
 - b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility where it will be most visible.
4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below.

At the applicant's option, any application that is denied for noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code, Subsections 8.30(a-n).

- a. Noticing. Notice of applications will be sent too all property owners within three-hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

5. **Administrative Review Criteria.** The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

- a. Rights of Way. No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.
- b. Setbacks. Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
- c. Height. Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.
 - i. Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
 - ii. Roof Mounted Antenna, placed on a pitched roof, may extend up to five (5) feet above the existing structure.
 - iii. Freestanding Antenna may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.
- d. Design.

- i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.
 - ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the surrounding area.
- e. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.
- f. Site Disturbance. The Olympic Telecommunications Facility shall leave no lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant Vegetation" means trees six inches (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a revegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The revegetation plan for the site shall be approved by Community Development Department Staff.

- g. Zoning Restrictions.
 - i. Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, ROS, FPZ, and POS zones are required to be reviewed pursuant to Section 8.30(f) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Subsections 8.30(a-n) of the Land Management Code.
 - ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Subsection 8.30(q) within the RDM, GC, LI, RCO, RD and RC zones.
- h. Signs. No signs may be attached to or associated with any Olympic

Telecommunications Facility except those relating to the health and safety of the general public.

- i. Noise. The Olympic Telecommunications Facility must comply with any noise regulations applicable to the zone in which the facility is located.
6. **Exemptions.** Those Olympic Telecommunications Facilities located within the Olympic Sports Venues or Use Areas, which are reviewed and approved by the City as part of a an approved Master Festival License and/or City Services Agreement, are exempt.
7. **Permits.** Approved Olympic Telecommunications Facilities will receive three permits from the Community Development Department
 - a. Conditional Use Permit.
 - b. Infrastructure Permit. The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility
 - c. Antenna Installation Permit. No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.
8. **Olympic Telecommunications Facility Removal.** All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include reasonably returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the revegetation plan by the applicant, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

CITY COUNCIL STAFF REPORT

DATE: January 25, 2001
DEPARTMENT: Planning Department
TITLE: Revisions to Title 12, Signs, of the Park City Municipal Code
TYPE OF ITEM: Public Hearing, Possible Action
PLANNER: Ray Milliner

SUMMARY RECOMMENDATIONS:

Staff requests that the City Council discuss the Planning Commission's recommended changes to the current Park City sign code, conduct a public hearing concerning these changes and consider adopting the proposed changes to the Sign Code.

A. TOPIC:

Proposed amendments to Chapter 12 of the Municipal Sign Code.

B. BACKGROUND:

In April of 1998, the City Council gave final approval to a major revision of the Park City Sign Code. By January of 2000, staff had encountered issues that had been either unaddressed or not covered sufficiently in that revision. Therefore, in January of 2000, an amendment process for the Sign Code was initiated. On March 22, and again on May 10, 2000 drafts of these changes were presented to the Planning Commission as work session items. The Planning Commission provided staff with direction concerning proposed changes to the document and those changes were incorporated into the Sign Code draft. On June 6, 2000 the Planning Commission forwarded a positive recommendation to the City Council for the changes made to the Sign Code. The Code was taken to the City Council for direction and a public hearing on October 26, 2000. At that meeting, three items were included into the presentation that the Planning Commission had not had an opportunity to address. They were:

- Welcome sign along the Highway 224 entry corridor
- Elimination of all Content sections in the Sign Code
- Way-Finding signs at large scale MPD sites

To provide the Planning Commission with an opportunity to review these items, the Council remanded the draft Sign Code back to the Planning Commission for comment. The Planning Commission provided staff with comments and recommendations which are explained in further detail in the analysis section.

C. ANALYSIS:**Objective:**

The purpose of the Sign Code is:

- 1) To set forth explicit parameters which will enhance the appearance of the community

- by allowing businesses to clearly identify themselves;
- 2) to encourage aesthetically pleasing signs that complement building architecture;
- 3) to give the business community very clear direction on what is permitted; and,
- 4) to improve the health, safety and welfare of the citizens of Park City by minimizing visual clutter and clearly identifying traffic and directional signs.

All proposed amendments have been written with these parameters in mind. Many changes not mentioned in the staff report are of a grammatical nature, intended to make the Code easier to understand and interpret. Definitions have been clarified, grammatical errors corrected, and inconsistencies between the Sign Code and the Land Management Code have been remedied. Those changes have not been specifically outlined in this report. The purpose of these changes is not to modify or change the intent of the Sign Code, rather to make it easier to read and enhance its usefulness. However, based upon input from the Planning Commission and staff experiences, several substantial changes have been made. Outlined below is a summary of those changes.

(1) 12-9 Permitted Signs

At the October 26, 2000 City Council meeting, staff presented a proposed exception to the Freestanding sign section of the permitted signs chapter. The proposal involves a Freestanding sign which would be allowed along the Highway 224 entry corridor. Because the Planning Commission had not reviewed the exception, the Council requested that the Planning Commission review the proposal and provide them with input. The Planning Commission reviewed the sign at its January 10, 2001 meeting and provided the following recommendation (A copy of the sign proposal is attached as Exhibit C).

Though divided on the appropriateness of the location, the size and the details of the sign, the Planning Commission recommended that the sign be written into the Code not as a special exception, rather as a Conditional Use Permit. They instructed staff to draft proposed language defining size, height limit, number of signs, setback, location, design, and illumination. Below is the language:

FREESTANDING WELCOME SIGN. An exception to this regulation will be allowed for one (1) Freestanding sign to be located in the Frontage Protection Zone on the entry corridor along Highway 224. The applicant for this sign must be Park City Municipal, and it shall be reviewed as a conditional use by the Planning Commission according to the following criteria.

1. **SIZE.** The Welcome Sign shall be limited to a maximum of seventy five square feet (75 sq. ft.) in area with a maximum height of twelve feet (12') and a maximum width of eighteen feet (18').
2. **NUMBER OF SIGNS.** No more than one (1) welcome sign is permitted.
3. **SETBACK AND ORIENTATION.** If the Welcome sign is proposed to be placed within the Frontage Protection Zone, it must receive a Conditional Use Permit for construction within the Frontage Protection Zone and must maintain a thirty foot (30') setback from the UDOT right-of-way. The Welcome Sign must be aligned toward the right-of-way so as to be viewed by individuals in passing automobiles and must be finished on both sides (only one side is required to have text).
4. **LOCATION.** The Welcome Sign is allowed only along the Highway 224 entry corridor.
5. **DESIGN.** The Welcome Sign must comply with the applicable Park City Sign Code guidelines established in Title 12-4.
6. **LANDSCAPING.** A landscaping plan may be required as part of the Conditional Use approval. The nature of the plan will be determined by the Planning Commission based upon the location

of the sign.

7. **ILLUMINATION.** Lighting of the Welcome Sign is appropriate provided the lighting meets the standards and criteria established in the Park City Night Sky Ordinance.

Alternatives:

- Adopt language in Sign Code making Welcome Sign a Conditional Use (Planning Commission and Planning Staff recommendation).
- Adopt Language in Sign Code exempting Welcome Sign in Sign Code (Public Affairs Department recommendation).
- Take no action on Welcome Sign in Sign Code.

Planning staff recommends that the City Council adopt the recommendation of the Planning Commission by making the Welcome Sign a Conditional Use permit. This will provide the Planning Commission with the flexibility to review the location, size and design details of the sign in such a way as to compliment the surrounding landscape of the sign in which ever location it ultimately is placed.

The Public Affairs Department has attached a summary of this issue. In particular, Public Affairs staff would like the City Council to consider and provide input regarding the following questions:

1. Do we want an entry sign? (previous Council expressed support)
2. Where should it be located?
3. Who should design it? (It was given to the staff and consultants to design as part of a coordinated sign plan for the city)
4. Who should approve and or review it? (Council? Planning Commission? Park City/Summit County Arts Council (As one letter writer has suggested)? Community Referendum?
5. Should it be coordinated with the County entryway plan on S.R. 224?

In addition, as stated on page 2 of the Public Affairs memo, the Chamber Bureau is considering not pursuing the sign discussed in this report and is looking for a sign location outside the City limits, closer to Kimball Junction.

(2) 12-13 Historic Signs

To compliment the historic preservation requirements, staff has included historic sign criteria. This item defines a Historic Sign and provides criteria for preservation and removal.

(3) 12-4-10 Illumination

The amendments propose to eliminate the requirement that applicants use either high pressure sodium or flourescent lighting for signs and that the maximum wattage per sign requirement be eliminated, with a reference to the Park City Night Sky Ordinance inserted. The primary objective for this action is to eliminate redundancy, as these requirements are addressed in the Night Sky Ordinance. The Night Sky Ordinance allows additional light sources that may be more appropriate for signs which were otherwise prohibited under the Current Sign Code.

(4) 12-7 Prohibited Signs

There are three items in this section for which staff seeks direction from the City Council: (A) Electronic Display Terminals; (B) Signs in Public Places; and (C) Electronic Message Signs.

A. Electronic Display Terminals: The Planning Commission discussed language addressing two options for electronic display terminals: (1), prohibiting them and (2), making them a conditional use permit. Though the Planning Commission did not come to a unanimous decision regarding the issue, they did vote to make them a conditional use. Final direction from the Planning Commission was to create language in the Code limiting them to commercial zones and subject to review by the Historic District Commission if proposed within the Historic District.

B. Signs in Public Places: Due to the increased number of promotional handbills posted during festivals and special events language has been added in the current draft prohibiting the placement of said items on public property. Additionally, language has been added to Chapter 16, Violation of Title stating that those persons responsible for posting handbills will be fined triple the equivalent monetary amount incurred by the City when removing the handbills.

C. Electronic Message Signs: The Park City Chamber Bureau has requested a special exception allowing them to construct either an Electronic Message Sign or Changeable Copy Sign within the Frontage Protection Zone. Given changes in technology, it may be a possibility that the Park City Chamber Bureau considers an electronic message sign to replace the existing changeable copy sign near the just completed round about and along the City entry corridors on Highway 224 and Highway 248 (first priority is given to the location on Highway 224). Such message boards are used in Vail and some European communities such as Chamonix. In order to keep the size of the signs reasonable, language has been inserted into the Code allowing them as a Conditional Use within the Frontage Protection Zone. The maximum square footage for each sign will be 36 square feet. The language specifically mentions three locations for the signs including: near the city limits on Highway 224; near the city limits on Highway 248 (just south of the Catholic church); and near the recently completed round about at the intersection of Heber Avenue, Deer Valley Drive and Marsac Avenue.

The purpose of these signs would be to welcome people to Park City, and notify them of events, festivals, and other city related business. No flashing or blinking lights would be allowed. The Planning Commission directed staff to insert language making the excepted Electronic Message Signs Conditional Uses to be approved by the Planning Commission (the City will act as the applicant). As with electronic display terminals, the Planning Commission was divided on the appropriateness of this item.

(5) 12-10 Temporary Signs

Changes to this chapter primarily address the issue of Project Marketing signs, and Construction signs. Originally, these signs were written as one type of sign. However, several circumstances have shown that they need to be defined separately. The current draft allows applicants to apply for either a Project Marketing sign, a Construction sign or a Project Marketing/Construction sign, and provides criteria for each.

Changes to the size of Real Estate Signs and Campaign Signs were also inserted into the Code. The maximum size of both types was increased from 3 square feet to 6 square feet, while the limitation of one campaign sign per property was eliminated.

(6) 12-14 Murals

Based upon direction from the Planning Commission, murals have been removed as a reviewable item in the Sign Code. The Commission feels that murals are not signs, rather they are public art and should be reviewed as such. The definition for a mural, however remains in the code.

(7) No Parking Signs in Public Right-of-Way. The City Council has expressed concern over the regulation of non-city owned parking signs in Old Town. Particularly, on the legality of signs that designate parking in the city right-of-way or on city property as specific to private persons or addresses. Due to past experiences, it is anticipated that any language in the Code will result in concern from residents who utilize these signs, as this action may limit their ability to park at or near their home or business.

Therefore, the Planning Commission instructed staff to leave language restricting these signs out of the Sign Code, preferring to mitigate the problem with the much publicized, ongoing parking program initiated by the City Council over the past few years. Staff will continue to work with the Public Works Department to find a viable and comprehensive solution to the problem.

(8) Content:

Concerns regarding the Sign Code's regulation of sign content have been raised. To remedy this problem, all references to content have been removed from the code.

(9) Way-Finding Signs:

Staff has received public inquiries concerning the issue of way-finding signs within their project. It seems that upon arriving at the site, visitors to the larger scale projects are having problems finding major centers within the MPD. These signs would direct persons to central areas, such as ticket windows, parking lots, shopping centers, etc.. Way-Finding signs would primarily be designed for visitors who are unfamiliar with the MPD.

The Planning Commission directed staff to including this type of sign in the Sign Code, and insert it as a conditional use subject to Planning Commission review according to the following criteria:

1. **Size:** Way-Finding signs shall be limited to a maximum of ten (10) square feet.
2. **Height Limit:** Way-Finding signs shall be no higher than five feet (5') above existing grade at the top of the sign.
3. **Number of Signs:** One (1) Way-Finding sign is allowed for each 100,000 square feet of building space in the MPD.
4. **Setback and Orientation:** Way-Finding signs shall be setback at least 10 feet from the platted property line, unless it is within the Frontage Protection Zone in which case it must meet the requirements of the Frontage Protection Zone.
5. **Zoning Restrictions:** Way-Finding signs are permitted only in the RC, ROS, and RD zones.
6. **Design:** Way-Finding signs shall be simple in form and compatible with the architectural details of the MPD project. Utilization of the project logo on the sign is permitted but shall not be the primary focus of the sign.
7. **Illumination:** Illumination of Way-Finding signs is prohibited.

M:cdd/aek/97/cc/sign.rev

D. DEPARTMENT REVIEW

The Community Development Department and Legal Department have reviewed the proposed amendments.

E. PUBLIC INPUT

To date, staff has received 1 verbal and 5 written comments concerning the proposed welcome sign along the Highway 224 entry corridor. Please refer to exhibit B to review the written comments.

F. RECOMMENDATION

The Planning Department requests that the City Council review the proposed changes to the Sign Code and hold a public hearing and adopt the attached ordinance according to the findings of fact and conclusions of law listed in the staff report.

G. FINDINGS OF FACT:

1. A uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and
2. It is in the best interest of the community to develop standards so that there is consistent criteria for review of sign applications and the community has clear notice of the Sign Code standards; and
3. The City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying business locations, to facilitate traffic regulation, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and
4. The Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code;

H. CONCLUSIONS OF LAW:

1. The proposed ordinance is consistent with the Park City Land Management Code, the General Plan and State and Federal law.

EXHIBITS

- Exhibit A - Memorandum From Community Affairs Office
- Exhibit B - Proposed Welcome Sign
- Exhibit C - Written Public Comments
- Exhibit D - Proposed Sign Code Ordinance



Park City Municipal Corporation

P.O. Box 1480, Park City, UT 84060
(435) 615-5200 Fax (435) 658-8998
myles@parkcity2002.com

Office of Public Affairs

Myles C. Rademan, Director



January 2001

Entryway Signs

Background & Rationale

1. Two years ago city staff began rethinking 'wayfinding' & signing in light of the Olympics. The last time the city did a major signing plan and overhaul was in 1987-8, and the current signs were beginning to show their age.
2. Approximately \$100,000 was allocated in its capital improvement budget to plan and implement an updated sign plan, and the Public Affairs office was charged with implementing a plan.
3. The city hired David Raphael of Landworks Design (a Vermont design firm) to take a comprehensive look at the city's signing needs and make recommendations.
4. Landworks did an on-site inventory, met with many groups, and produced a visual report. They then held several public informational meetings to present their findings and recommendations.
5. A number of specific ideas emerged from their work:
 - a. Design a sign template expressing local history and materials that could be used as a guide to construct all future city signing;
 - b. Design an entryway sign welcoming visitors to Park City;
 - c. Design a changeable copy sign to replace a portion of the signing at Payday Drive to be used by the Chamber/Bureau to inform visitors and locals of upcoming events. (It might be remembered that the city council promised the Chamber/Bureau and community groups some type of changeable copy sign to replace the banners that were removed across Park Avenue several years ago).
6. The city began working with local sign company, Park City Signs, to implement ideas contained in the Landworks Design report. Collaboratively a template was designed that echoes the city's former sign designs, but makes the lettering style and background bolder, and is constructed using mine timbers and 'Korten' rusting steel brackets. The city has now replaced six existing highway signs with signs of the new design. We are also in the process of assessing additional sign needs for parking purposes, the transit center, and additional wayfinding opportunities.
7. **Entryway Signs**
 - a. There is a potential to place two signs in the entry corridor
 - i. A static (non-changeable copy) sign at the site of the former Chamber informational kiosk (this site was chosen in conjunction with the planning staff) which states: **Welcome to Park City, Olympic Venue City, Alpine Heart of 2002.**
 - (1) The copy portion of this sign measures 12' X 6' (a total of 72 square feet). The Park City letters are 12" high, the others are 8"
 - (2) It will be illuminated by remote spotlights
 - (3) It sits 80' from the paved travel lanes of highway 224, and is surrounded by boulders, flowers and trees



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Office of Public Affairs

Myles C. Rademan, Director

- (4) It is anchored to and supported by 10" mining timbers
 - (5) An Olympic torch will be included at this site
 - (6) We might consider including design elements around the sign reflecting the County's entry corridor plan in order to create a more harmonious entryway corridor from Kimball Junction into Park City
- ii. Changeable Copy Sign replacing portions of the sign now at the corner of Payday Drive and 224. **(The Chamber/Bureau is now considering not pursuing this sign location and is looking for a location closer to Kimball Junction)**
 - (1) The basic design of this sign has been approved by the planning commission, but more research is being done on the changeable copy alternatives, including electronic devices. Any final plans will go back before the planning commission
 - (2) This sign helps replace the informational banners which once flew over Park Avenue
 - (3) The sign is being partially paid for by the Chamber/Bureau using their budget and Restaurant Tax monies
 - (a) The Chamber is exploring the feasibility of constructing a larger changeable copy sign near Kimball Junction, which might diminish the need for this sign
- b. **Purpose & Design Objectives for Entryway Signs**
 - i. As a resort community which depends for over 2/3 of its economic activity on tourism, it seems appropriate to officially welcome guests to Park City
 - ii. Due to the sensitive nature of the city's entryway corridor, the sign must have a size and scale which does not over power the site, but at the same time is clearly readable and serves its purpose of welcoming visitors
 - iii. As a legacy of the city's Olympic involvement, the entryway sign should be a permanent reminder of the 2002 Olympic Winter Games and should embody a dramatic and dynamic visual element like an Olympic Torch
 - iv. Due to the width and speeds on highway 224, the sign must be clearly readable by motorists traveling at 55 MPH
 - v. The sign should adhere to the design template already established by the city to provide a continuity of look and feel for all city signs
 - vi. The landscaping should provide a natural look and not distract from the open space feel of the area (the Citizens Open Space Committee has reviewed this sign plan and feels that such a use will not detract from the open space values of the community)
 - vii. Tourists will want to stop and take pictures of the sign with the mountains as a backdrop and so safe and adequate pull off areas and parking should be provided
 - viii. The kiosk site at the Richards property fulfills these needs, including parking, electrical hookups, mature trees and a nice mountain backdrop. It's drawback is that it is not at the city's northern boundary which is close to St. Mary's Catholic Church, and so it will not be evident that the city farm and



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Office of Public Affairs

Myles C. Rademan, Director

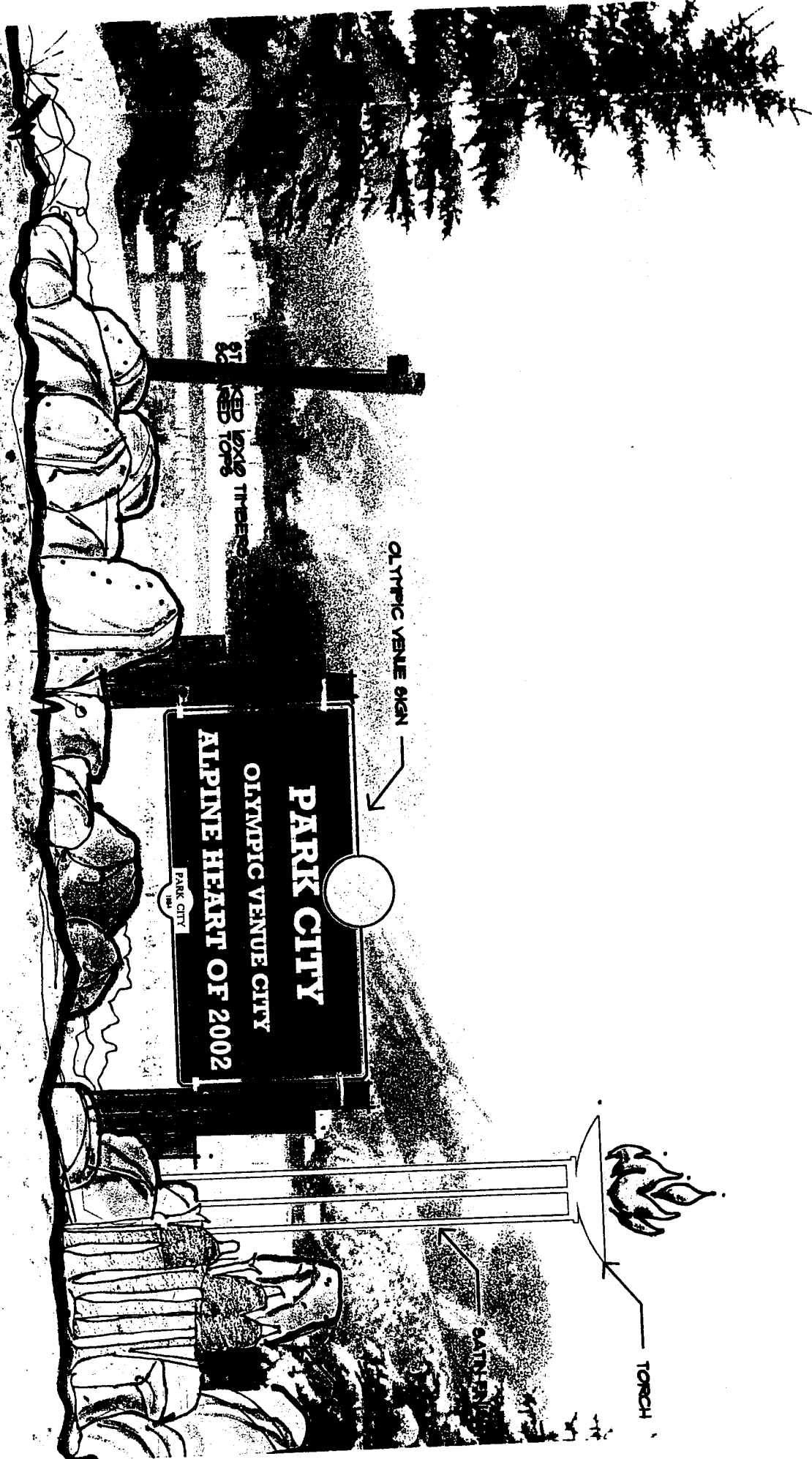
barn are within the city limits. Is this an important policy consideration?

Process

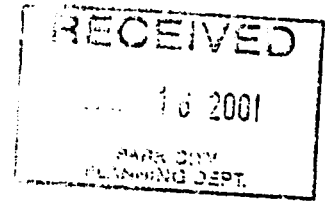
1. The sign plan is part of the city's capital improvement budget and is being coordinated by the Public Affairs office
2. The previous city council expressed support for the wayfinding signs based on the work of Landworks Design
3. The Public Affairs office requested that the planning staff include language in the sign code revisions that would permit construction of entryway signs
4. The city council recently expressed support for an entryway sign and asked for input from the planning commission
5. The Citizens Open Space Advisory Commission expressed support for the entryway sign (there is nothing in the open space bond language which precludes such a public purpose sign)
6. Planning staff submitted the entryway sign language to the planning commission and it was unanimously rejected
7. The Public Affairs Director spoke individually with each member of the planning commission showing them exactly what was being proposed so that they could better understand the project
8. The planning commission at its last meeting gave the Public Affairs Director a wide variety of contradictory input (some liked an entryway sign, other were opposed; some liked the proposed location, others didn't; some liked the design, others didn't); they did agree however that any entryway sign should be a CUP and should come back to the planning commission for review and approval.
9. The entryway sign is now before the council as part of amendments to the Park City Sign Code which would permit such a sign, because it was the city council that requested an entryway sign and then asked for planning commission input, which the council has now received.

Threshold Questions for the Council

1. Do we want an entry sign? (previous council expressed support)
2. Where should it be located?
3. Who should design it? (It was given to the staff and consultants to design as part of a coordinated sign plan for the city)
4. Who should approve and/or review it? (Council? Planning Commission? Park City/Summit County Arts Council (as one letter writer has suggested)? Community referendum?
5. Should it be coordinated with the County entryway plan on S.R. 224?



Diane Mellen
P. O. Box 682124
Park City, Utah 84068-2124



January 12, 2001

✓

Mr. Rick Lewis, Community Development Director & Planning Commission Members
City Hall
Park City, Utah 84060

Dear Mr. Lewis & Planning Commission Members:

I attended the Planning Meeting Wednesday, January 10, to listen to Miles Raderman extol the virtues of a Welcome Sign for the 2002 Olympics (in my opinion a billboard) for the entry corridor of Park City.

I am opposed to the signage for a variety of reasons:

1. The entry corridor represents to me an historical area, with the old barn, as well as property that was purchased by Park City for open space.
2. This sign is really not a sign, but an imposing billboard, that is not in artistic harmony with the mountains and rustic scenery, that is adjacent to the entry corridor.
3. The parking lot Rademan has proposed that is adjacent to the billboard is not an appropriate use for open space.
4. This land was purchased for open space, not for signage and a parking lot.
5. The color of the billboard, electric blue, with the foot high lettering, is not artistic, and has no place in this community.
6. The size 12 feet x 8 feet with one-foot high letters and the tall posts that raise it off the ground by 4 feet or more is signage appropriate for I-15, not Route 224.

A little further down the road (.2 miles, Route 224) there is a lovely sign welcoming visitors to Park City, as well as a variety of flags. If it were deemed necessary to enhance this sign I would not have a problem with creating a more artistic embellishment to it. Perhaps adding some soft lighting, or a rock engraving, which would be everlasting, is subtle and more appropriate.

In my opinion, the placement and sign and artistic merits of both should be in an appropriate department such as Planning and/or Transportation. During the Planning meeting he spoke disparagingly of the artistic people in Park City, since he felt there were no resident artists that could do the job and he had to bring in a consultant to draw up the recommendations for signage. There are many exceptionally talented artists of renown in Park City.

One of Raderman's missions in his current position is to bring the community of Park City together, and this he has ceased to do. I believe Rademan's bypassing the Park City/Summit County Arts Council in this process creates discord with the entire community. They could have handled such a mission. The Arts Council could have enjoined the Park City Professional Artists Association to draw up several sign designs. These designs could have been voted on by the residents of Park City and inclusion would have been created instead of exclusion.

Now that Rademan sees he is not getting his way, he has all types of manufactured excuses why this eyesore has to go up. He even has the audacity to conduct a Public Relations campaign on KPCW on behalf of the City, even though it appears he is only speaking for himself. Mr. Lewis, as the Director of Community Planning, I believe that you should be aware there is very little community consensus for this sign (billboard) and that the sign appears to be in the interest of one man, Myles Rademan.

It's time to reign in this un-elected city administrator. He does not speak for the residents/voters of this city.

Very truly yours,

Diane Mellen
Diane Mellen, a Concerned Citizen

cc: Peg Bodell
Candy Erickson
Roger Harlan
Fred Jones
Jeff Mann
Brad Olch



December 21, 2000

Rick Lewis
Community Development Director
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

PARK CITY
HISTORICAL
SOCIETY AND
MUSEUM
P.O. BOX 555
PARK CITY
UTAH 84060
435-649-7457
FAX 649-7384

Dear Mr. Lewis,

The Park City Historical Society & Museum is concerned with the recent discussions by both the Park City Council and Park City Planning Commission regarding the installation of a 6ft x12ft sign at the entrance to Park City. Upon reviewing the current plan, we assume you have determined the need for such a large facility, including the billboard-like sign, parking area and substantial landscaping. The Historical Society is, however, concerned with the proposed location. Our organization recognizes the old Richard's ranch as an important historic open space. The city's current sign ordinance was created to protect our town's historic properties, both buildings and open space. We urge you to consider the appropriateness of this property carefully before encroaching on this cherished open space and compromising its historic integrity. Mr. Rademan mentioned the old visitor information booth that stood on the property for fifteen years. At the time of its installation, the property was privately owned. Since its removal, residents have stepped forward, allowing the city to preserve this open landscape. We ask that you consider another site more congruent with the traffic, congestion and parking issues this facility will create.

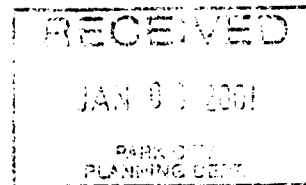
Thank you for taking the time to hear our concerns. Please do not hesitate to call if you have any questions or to discuss this matter further.

Sincerely,

Sandra Morrison

Sandra Morrison, Executive Director
Park City Historical Society & Museum

Cc: Mayor Olch
Park City Council
Park City Planning Commission
Utah Heritage Foundation





DEER VALLEY

January 9, 2001

Park City Planning Commission
Michael O'Hara - Chairman
P. O. Box 1480
Park City, Utah 84060

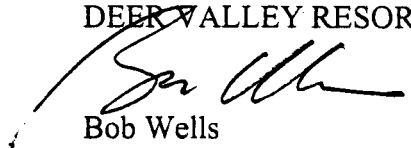
Re: Park City Entry Sign - SR 224

Dear Michael and Planning Commission Members:

Deer Valley Resort supports the Park City Olympic Venue entrance sign proposed for location at the former Park City information turnout on SR224. Identification and informational signage is very important to the Park City visitor and the new public information sign program (with respect to which the proposed entry sign is consistent) being instituted by Park City is excellent.

Very truly yours,

DEER VALLEY RESORT COMPANY



Bob Wells



Vernon A. Greco
President - General Manager

January 10, 2001

Park City Municipal Corp.
Planning Department
P.O. Box 1480
Park City, UT 84060

Attention: Planning Commission

Planning Commission Members,

This letter is in reference to your planned discussion of the proposed Olympic themed welcome sign on SR 224. Park City Mountain Resort feels that a welcome sign in the proposed area is an appropriate icon for a resort community that has achieved world-class stature and will soon join the prestigious ranks of Olympic Venue cities.

I recognize the need for careful review and balance between what appear to be competing objectives, however, as a community we would be remiss to forget that the resort industry is at the heart of our economy and our culture. A tastefully designed and well-placed welcome sign is not only appropriate, but indicative of community pride and achievement.

I am a strong advocate of open space, sign ordinances and enhancement of the entry corridor. I am equally as strong in my support of this project and am confident your review can result in a good solution and positive recommendation to the City Council.

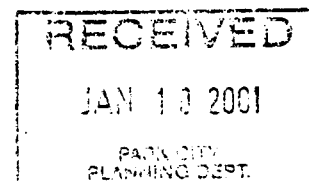
Respectfully,

A handwritten signature in dark ink, appearing to read "V. A. Greco".

Vernon A. Greco
President - General Manager



SALT LAKE 2002
Park City Mountain Resort
Venue for the
2002 Olympic Winter Games





PARK CITY AREA LODGING ASSOCIATION

PO BOX 4256
PARK CITY UT 84060
435-649-6400

January 10, 2001

FAX TO: Members of the Park City Planning Commission

FAX FROM: Teri Whitney

It has come to my attention that a proposal for a city entrance sign will be presented at tonight's meeting. I had the opportunity to see a rendition of this proposal and felt that it was a well thought out design and an excellent location.

Some of the reasons for the support are:

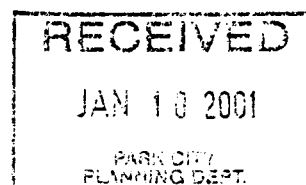
- Integrates well with existing city signage
- Attractive enhancement to our resort entrance statement
- Reinforces the Olympic venue site
- Good size which is clearly visible from the roadway

I wish I could attend the meeting to express the Park City Area Lodging Association's support on this issue. We strongly support the need to have a "welcome" entrance statement for our city. With the Park City Mountain Resort's ski runs in the background, it gives our visitors a great photo opportunity to memorialize their visit to our Olympic Venue City.

If I, or any one of the Park City Area Lodging Association members can be of assistance, we would be glad to talk with you in detail. Thank you for your consideration on this matter.

Sincerely,

Teri L. A. Whitney
Park City Area Lodging Assn



January 10, 2001

Park City Planning Commission
Park City Municipal Corporation
Park City, UT 84060

Dear Planning Commission Members:

After reviewing a recent presentation by Myles Rademan on the idea of an entrance sign to Park City, our Executive Committee was of unanimous opinion to endorse this concept. While we respect the need to reduce visual clutter and allow our guests to admire the scenery, upon their arrival, we see this attractive "welcome sign" as a positive addition to the community.

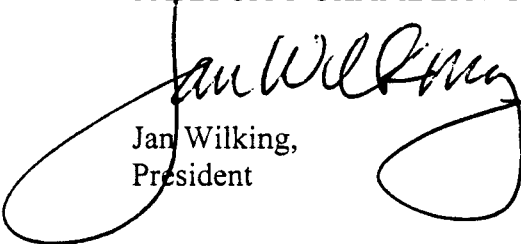
The coordination of directional signage taking place over the past few months with its distinctive color and Olympic Venue City logo ties directly to this sign as you enter Park City.

After seeing design presentations by Myles, we hope you will see, as we did, that this sign can find a place as you enter the community on Route 224.

Thank you for your consideration of this project.

Sincerely,

PARK CITY CHAMBER/BUREAU



Jan Wilking,
President

64



January 10, 2001

Dear Park City Council and Planning Commission

The Canyons resort would like to let you know we support the addition of a sign along Rt 224 marking the entry to Park City. It is important that tourist coming into our area know when they have arrived. The proposed location would make a positive impression with the mountains in the background and a sense of grandeur.

Sincerely


Chip Carey
VP Marketing

CITY COUNCIL STAFF REPORT

DATE: January 25, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlman, AICP
TITLE: 1375 Deer Valley Drive - Telecommunications Facility - Appeal
TYPE OF ITEM: Appeal/Quasi-Judicial

SUMMARY RECOMMENDATIONS:

Staff requests the City Council review and discuss the appeal of the Planning Commission approval of a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive.

A. TOPIC

Appeal of the Planning Commission's approval of a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive.

B. BACKGROUND

Metricom submitted a Conditional Use Permit application for a Telecommunications Facility at 1375 Deer Valley Drive on July 21, 2000. The application requested the location of sixteen (16) antennas on the Deer Valley Plaza Building. The antennas would be placed within four new dormers constructed on the existing roof.

The item was scheduled before the Planning Commission to be heard as a work session item on August 23, 2000. At that time the Commission discussed five separate applications for Ricochet Wireless/Metricom, including the 1375 Deer Valley Drive application, and provided Staff with direction for the project. A public hearing for the 1375 Deer Valley Drive application was subsequently scheduled for the September 27, 2000, Planning Commission Meeting.

On September 13, 2000, notice of public hearing was sent to adjoining property owners, for the September 27, 2000, Planning Commission Meeting by the Park City Planning Department. Notice was also posted on the property stating the meeting date.

The public hearing was conducted at the September 27, 2000, Planning Commission Meeting. Gardner Gould, a resident at 1482 Deer Valley Drive and current president of the Fawn Grove Condominium Association expressed concerns regarding the notification of the project. More specifically, Mr. Gould alleged that the courtesy notices failed in part to be delivered to residents of Fawngrove Condominiums. Mr. Gould also commented on his concern regarding health impacts from this type of antenna installation. Mr. Gould stated his concern that Fawn Grove residents had not had adequate time to respond to this request, and with proper noticing, he believed the residents

would have a great deal to say on the matter. He requested the Planning Commission defer its decision to allow Fawn Grove residents to respond.

Mr. Gould's comments at the September 27, 2000, meeting prompted the Commissioner's request for further information regarding the health impacts of Metricom's antenna. The Planning Commission has heard public input on other telecommunications facility applications regarding health impacts of antennas, but Metricom's application was the Commission's first instance where the Commission could discuss the health concerns.

All previous telecommunication applications submitted have been by companies who are licensed to use the frequency range regulated by the 1996 Federal Telecommunications Act. The 1996 Federal Act prohibits municipalities from discussing health concerns when reviewing applications for telecommunications facilities. Metricom uses a frequency spectrum which is regulated by the FCC, but does not fall under the regulations set forth in the 1996 Federal Act. Metricom uses the ISM frequency, which stands for Industrial, Scientific and Medical.

To address Mr. Gould's concerns from the September 27, 2000, meeting the applicant resubmitted the addresses and envelopes for all property owners within three hundred (300) feet of the proposal. At that time Staff confirmed the accuracy of the notification list and confirmed the notification to the property owners within three hundred (300) feet which included residents not only in Fawn Grove Condominiums, but also Stonebridge, Aspenwood, Lakeside and the Pinnacle.

On October 11, 2000, the Planning Department re-sent courtesy notice of public hearing to adjoining property owners, for the October 25, 2000, Planning Commission Meeting.

At the October 25, 2000, Planning Commission meeting Staff requested that the item be continued to a date uncertain. The item was continued, at Staff's request, due to the lack of sufficient information submitted by the applicant regarding the health impacts of the proposed antenna.

The Planning Commission conducted a public hearing on December 13, 2000, for the Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive. Staff returned to the Commission with the following items to address the Planning Commission's questions regarding health impacts. The following information is included within Exhibit D.

- Letter from Jeff Taxson regarding RF Emissions Information
- Letter from Jeff Taxson regarding the comparisons between the San Francisco ISM sites and the Park City ISM sites
- Memo from City and County of San Francisco Department of Public Health
- Memo from Hammett & Edison, Inc, Consulting Engineers

At that December 13, 2000, meeting, the Planning Commission took public comment. Mr. Gould commented at the meeting and distributed health impact information regarding cellular antenna. (please refer to Exhibit C) Mr. Gould also expressed concern that the engineer's study submitted by the applicant was a study that the applicant commissioned. Mr. Gould questioned the validity of the study. At that time the Commissioners added a finding to the approval that the health related impacts associated with this type of antenna system are unknown at this time and additional study may be necessary. A condition to the approval was added stating, the applicant will submit to the Planning Department an annual letter of compliance with the FCC regulations.

On December 22, 2000, the City Recorder received a letter of appealing the Planning Commission's

approval of the Conditional Use Permit for a telecommunications facility at 1375 Deer Valley Drive. The letter was submitted by Mr. Gould on behalf of the Fawngrove Condominium Association and requests the appeal based upon the fact that the names and mailing addresses for the adjacent property owners were provided by the applicant, as well as the research submitted regarding the health concerns over the antenna was a study by an engineering firm, paid for by the consultant.

It is the responsibility of the Council to review the appeal and 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

Mr. Gould on behalf of the Fawngrove Condominium Association, requests to appeal the decision of the Planning Commission that approved the conditional use permit to allow a telecommunications facility at 1375 Deer Valley Drive, the Deer Valley Plaza. As expressed in his formal petition (refer to Exhibit B), Mr. Gould on behalf of the Fawngrove Condominium Association objects to the approval due to improper noticing as well as the consideration of an engineer's study regarding the health impact submitted and paid for by the applicant.

Staff's Response

Noticing of Conditional Use Permit

Section 15-1-12 of the Land Management Code sets forth the requirements for notice of a public hearing before the Planning Commission.

Section 15-1-12(A) Posted Notices. The Community Development Department must post notice on the property affected by the application.

Notice was posted on the property on September 13, 2000, giving notice of the September 27, 2000, Planning Commission Public Hearing.

Section 15-1-12(B) Published Notice. Published notice shall be given by a publication in a newspaper having general circulation in Park City.

The Community Development Department posted notice of the public hearing in the Park Record. Please refer to the table below for the associated posting dates.

Posting Date	Planning Commission Public Hearing
September 9, 2000	September 27, 2000
October 7, 2000	October 25, 2000
November 25, 2000	December 13, 2000

Section 15-1-12(C) Courtesy Notice. As a courtesy to adjacent property owners, the applicant must provide the Community Development Department with stamped pre-addressed envelopes for each owner of record of each parcel located entirely or partly within three hundred feet (300) from all property lines of the subject property, together with a mailing list of those owners. The addresses for adjacent owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action of the City Council or any board or Commission.

Section 15-1-12(D) Effect of Notice. Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given.

Notice was posted on the property per the requirements of subsection A, and notice was published in the Park Record per the requirements of subsection B. The requirements stated in subsections (A) and (B) were properly completed, therefore notice cannot be defective.

Engineering Consultant Submittal

At the September 27, 2000, Planning Commission meeting Staff was directed to provide information regarding the health impacts of RF emission with regards to Metricom's proposed site. Staff returned to the Planning Commission on December 13, 2000, with four (4) documents submitted from Metricom, Inc. to Staff addressing the health concerns. The following information is included within Exhibit D.

- Letter from Jeff Taxson regarding RF Emissions Information
- Letter from Jeff Taxson regarding the comparisons between the San Francisco ISM sites and the Park City ISM sites
- Memo from City and County of San Francisco Department of Public Health
- Memo from Hammett & Edison, Inc, Consulting Engineers

As part of the Conditional Use Permit criteria, the Planning Commission is required to address noise, vibration, odors, steam, or other mechanical factors that might affect people. The Planning Commission found that the applicant submitted four pieces of documentation, upon Staff's requests to assist in the review of possible health impacts from the site. One of the submitted documents was from the City of San Francisco, addressing Metricom's ISM site. The City of San Francisco requires an evaluation of all telecommunication facilities to ensure compliance with FCC regulations and to review the access to and surrounding area of the antenna. The evaluation is done by their Department of Public Health and it was determined that Metricom's ISM antenna will not exceed the FCC public exposure limits at the antenna face, when it is run under normal operation. Further documentation has been submitted stating that all of Metricom's ISM antenna run at the same frequency and same power levels.

During the public hearing at the December 13, 2000, meeting Mr. Gould submitted information regarding RF emissions to each Commissioner. Please refer to Exhibit C to view the information submitted.

The Planning Commission requested the addition of a Finding of Fact for the approval stating the health related impacts associated with this type of antenna system are unknown at this time and additional study may be necessary. A Condition of approval was also added to address the FCC compliance. The condition states the applicant shall submit to the Planning Department an annual letter of compliance with the FCC regulations.

D. ALTERNATIVES

1. Deny the appeal of the Conditional Use Permit and allow a telecommunications facility at 1375 Deer Valley Drive.
2. Grant the appeal and direct Staff to prepare Findings of Fact and Conclusions of Law pursuant to Council's decision.
3. Remand the matter to the Planning Commission for further consideration. The Council should specify the further review it deems necessary.

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. The Planning Commission approved a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive on December 13, 2000.
3. The applicant for the Conditional Use Permit is Metricom, a company not regulated under the 1996 Federal Telecommunications Act.
4. Metricom and its facilities are reviewed and regulated by the FCC.
5. Notice was published in the Park Record for the item on September 9, 2000, October 7, 2000, and November 25, 2000.
6. A posted notice was placed on the property on September 13, 2000. The notice contained information regarding the project type and public hearing date.
7. Courtesy notice was sent to adjacent property owners within three hundred (300) feet of the proposal on September 13, 2000 and again on October 11, 2000.
8. Mr. Gould submitted information regarding RF emission to the Planning Commission at their December 13, 2000, meeting.
9. A report by Hammett and Edison, Consulting Engineers regarding Metricom Inc.'s compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields.
10. Hammett and Edison were retained by Metricom, Inc. to evaluate the ISM facility.
11. The report submitted by Hammett and Edison, is signed and certified by William F. Hammett, a registered professional engineer.
12. The Hammett and Edison report found the RF emissions to be so low as to be considered intrinsically compliant with the prevailing safety standards limiting RF exposure to RF energy.
13. The FCC has adopted human exposure limits for field strength and power density of RF emissions.
14. The Planning Commission included a condition that the applicant shall submit to the Planning Department an annual letter of compliance with the FCC regulations.

Conclusions of Law

1. The Planning Commission and Staff did not err in adopting the Findings of Fact and Conclusions of Law dated December 13, 2000.
2. The provisions of the Land Management Code have not been violated.

F. EXHIBITS

Exhibit A - Location Map

Exhibit B - Formal appeal petition from Mr. Gould

Exhibit C - Submittals from Mr. Gould regarding RF emissions

Exhibit D - Submittals regarding health concerns

Exhibit E - Minutes from the December 13, 2000, Planning Commission Meeting

Exhibit F - December 13, 2000, Staff Report

1375 Deer Valley Drive

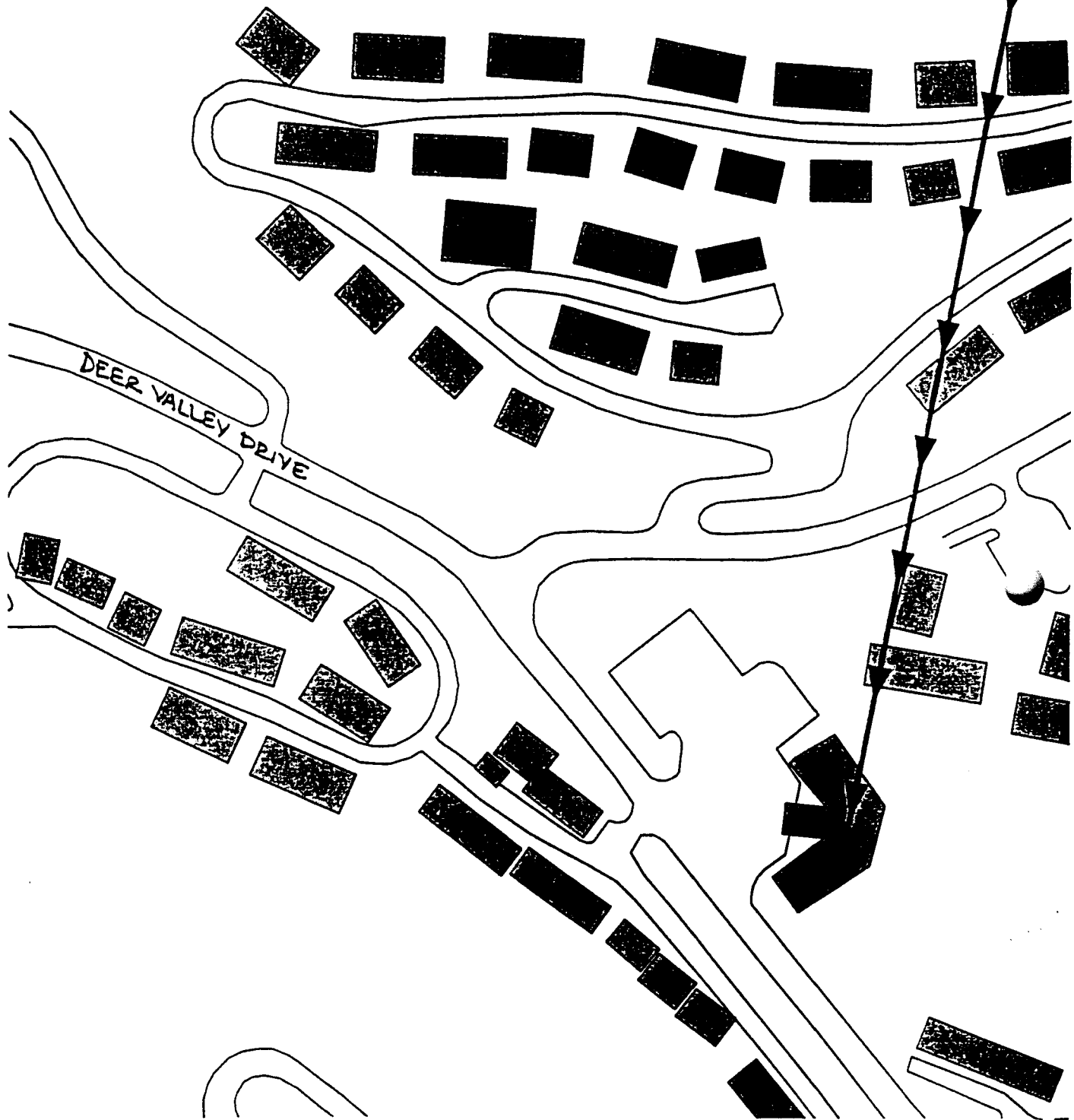


Exhibit A - Location Map

To: Jan Scott
City Recorder, Park City, Utah
Fax: 435-615-4906

From: Gardner Gould, President Fawngrove Condominium Association
Telephone: 727-360-5290/ Fax 727-363-4201

Re: antennas placed in Deer Valley Plaza

Date: 12/22/2000

1 page to follow

I am presenting an appeal to the City Council pursuant to the land management code, Section 15 1-7

As president of the Fawngrove Condominium Association, I represent the Board of Directors of Fawngrove and the sixty-one owners. By unanimous consent of our Board of Directors, I was directed to present our cause in opposition to Metrecom's application for a conditional use permit to install sixteen antennas, located within three hundred feet of our condominium, at 1375 Deer Valley Drive, Deer Valley Plaza.

Twice I have spoken to the Planning Commission at meetings in September and December. Critical to this issue are the fact that notices to the Planning Commission meeting were mailed to addresses of Fawngrove residences provided to the Planning Commission by Metrecom. Fewer than a dozen Fawngrove owners received this notice as I brought to the attention of the Planning Commission at the September meeting.

Metrecom has presented an engineering study that was hired and paid for by Metrecom. This study is not independent or supported by independent research from a qualified university. It would be reasonable and prudent for the Planning Commission to order independent research in lieu of the applicant's ordered engineering study. Independent engineering studies through the US and Canada mostly advised to proceed with caution in placing antennas in or near residential or school-related areas.

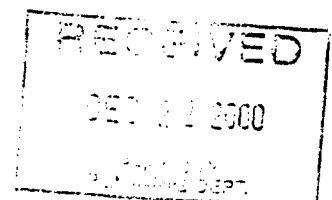
Suggestions to the Planning Commission at the December meeting were:

Antennas placed so close to residential areas, and in a high public traffic area as Deer Valley Plaza could have an effect on property values, as is currently a reality in Park City where values of lots under power lines sell for less due in part to environmental fears.

Investigate sites far removed from residential areas, or consider use of temporary antennas to be removed at a later date. Metrecom's lease with Deer Valley Plaza is a 5 year lease; however, the intention of Metrecom as presented to the Planning Commission is that the antennas would be in use as long as Metrecom was a viable company. If, in fact, five or ten years from now independent research reveals that there are harmful effects from the long term proximity of the antennas, how will they be removed?

The Planning Commission was presented with information from independent research which we believe was not thoroughly reviewed and taken into consideration prior to the 3-2 vote of the Commission to proceed with the acceptance of the conditional use permit.

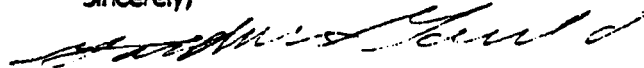
Exhibit B - Formal Appeal Petition



Time has not permitted the voice of all condominium owners in the surrounding areas to be heard. However, if City Council will accept the request for appeal, I feel confident many surrounding condo associations will express the opposition expressed by the Fawngrove Condominium Association.

Furthermore, it is my intention to present Council with a list prior to the first of the year of the interest of all surrounding condominium associations. However, time does not permit this information to be forthcoming within the time frame of the appeal process.

Sincerely,



Gardner Gould
President Fawngrove Condominium Association

cc: Tom Billings, Esq.

P.S. As of 2 p.m., December 22, 2000

Condominium Associations expressing opposition to antennas placed in Deer Valley Plaza to date are as follows:

Fawngrove	61 units
Pinnacle	81 units
Glenfiddish	12 units
Comstock Lodge	21 units
Chapparal	16 units
Bristelcone	
Wildflower	14 units

All other Lower Deer Valley Condo presidents will be contacted and their opposition to or agreement with placement of antennas at Deer Valley Plaza will be forwarded.

16 ANTENNAS PROPOSED FOR DEER VALLEY PLAZA!

LETTER TO THE EDITOR, THE PARK RECORD, OCT. 14, 2000
From Rita Slaght Gould, PhD, Park City and St. Pete Beach, FL
(Fawngrove Unit 1482 Condo Owner)

Editor:

At the Park City Planning Department meeting on September 27, the members considered permitting telecommunications companies to place antennas on various properties. Metricom, one telecommunications company, asked to construct four dormers on the roof of the Deer Valley Plaza building, 1375 Deer Valley Drive South, and in them place 16 communications antennas.

Fawngrove unit owners were notified about the Deer Valley Plaza proposal because Fawngrove property is located within 300 feet of the Plaza. Other property owners nearby were also noticed. About a year ago, a telecommunications company, offering a substantial annual rental fee, approached Fawngrove about locating antennas on our property, but we turned them down.

At the meeting of the planning commission, similar proposals for placement of antennas in other locations were approved. However, because concerns were voiced by the Fawngrove Homeowner's President, consideration of approval for placement at Deer Valley Plaza was postponed until the Oct. 25 meeting of the commission.

Antennas placed near property may seriously affect property values. As an owner at Fawngrove, I am concerned about the value of my property, not because I want to sell. I don't. In fact, I plan to spend considerable time in Park City with my children and grandchildren, but I hope to do this without fear that I might be compromising their safety.

Various studies have been conducted on possible health effects of exposure to radio-frequency (RF) radiation produced by cellular technology. One group that met in Belfast May 11, 2000, The Independent Expert Group on Mobile Phones, conducted a comprehensive study based on evidence to date. Their report states, "There is now some preliminary scientific evidenced that exposures to RF radiation may cause subtle effects on biological functions, including those of the brain." However, they caution, "This does not necessarily mean that health is affected (but) it is not possible to say that exposure to RF radiation even at levels below national guidelines is totally without potential adverse health effects."

According to a World Health Organization report, dated June 2000, "Mobile phone handsets and base stations present quite different exposure situations. RF exposure to a user of a mobile phone is far higher than to a person living near a cellular base station. However. . . the handset transmits RF energy only when a call is being made, whereas base stations are continuously transmitting signals." Furthermore, the Expert Group states, "For base station emissions, exposures of the general population will be to the whole body."

A segment titled "Code of Silence," produced by the Canadian Broadcasting Corporation's Fifth Estate program, February 9, 1999, questions in-house testing that accentuates the positive, when the industry by 1998 was worth more than \$29 billion with 67 million customers. Health Canada has become concerned enough about health ramifications of cellular technology to have hired an independent researcher, Professor William Leiss, to investigate the technology's safety. When asked about research conducted by the cell phone industry, he replied, "Where you have a technology with massive uncertainties in our knowledge of the risk factors, what you want is the

Exhibit C - Submittals from Mr. Gould
regarding RF Emissions

CONE OF SILENCE

The Canadian Broadcasting Corporation's Fifth Estate Program, from the February 9, 1999 segment entitled "Cone of Silence."

[Note: numbers in square brackets correlate with actions described at the end of the document.]

[1.] VICTOR MALAREK (commentator for The Fifth Estate): Welcome to the Fifth Estate. A lot of the inventions of the late 20th century, things we use every day, like cell phones, for example, are so handy, so useful, we sometimes wonder how we ever lived without them. Cell phones in particular have become so much a part of modern life that we just assume that somebody's made sure that they're safe. But in the case of cell phones, that assumption is dead wrong. There's still a lot we don't know about how cell phones held close to the head for long periods might affect us - after all they are powerful electronic transmitters - and they've been linked in some studies with possible DNA damage and other problems. Health Canada recently announced that it was going to investigate cell-phone safety, but for the most part, there's been a kind of cone of silence over the issue, and that's just the way the industry likes it. In fact, the cell-phone industry has conducted a sophisticated and, so far, very successful campaign to accentuate the positive and silence anyone who raises the possibility that their product might have a problem.

[2.] They're everywhere, lots of them. Cell-phone transmitters are sprouting up all across North America and you'll find them almost anywhere you look, from brick walls to rooftops to storefronts. No one even knows for sure where they all are. If you want to install one, there's no better place than a tall building sitting on a hilltop.

[3.] And in Vancouver's Fraserview neighborhood this building looked perfect to one cell company. Two years ago it got permission to put a microwave transmitter right on the roof. The problem: it was a school.

[4.] The bigger problem was this man, Milt Bowling, who has a son in that school. And as far as he was concerned they would put up that antenna over his dead body.

MILT BOWLING (opposed cell-phone transmitter): The cellular company approached the school board and what they made an arrangement to do was to put transmitters and receivers on top of this 85-year-old school in exchange for annual rent.

MALAREK: How much money are we talking here?

BOWLING: Well, I'm not sure exactly - they keep that confidential - but I believe it's around \$9,000 or \$10,000 a year.

MALAREK: Milt wanted to know if the darn things were safe or not, and to his surprise, he couldn't get a straight answer from anyone.

BOWLING: My concern I guess is worst-case. If the best scientists in the world can't agree that it's safe, who is

- continued:

[26.] LAI: We are not supposed to publish the data until the final report is approved by WTR.

MALAREK: What's the hold-up with your study?

LAI: WTR wants us to change and delete some conclusions that we put into the original versions. And right now we don't quite agree with what they want us to do.

MALAREK: Why would WTR want you to change the content?

LAI: Well that's According to the contract, I cannot tell you what data we got, but my impression is that they want to make the data look more preferable for them.

MALAREK: Less damning?

LAI: You can say that.

[27.] MALAREK: WTR seemed to be winning the scientific fight, but the battle against David Reynard's lawsuit was proving more difficult. For a time, Reynard was everywhere in the media, reminding people the industry had turned them all into human guinea pigs.

[28.] MALAREK: Did you ever feel like David going up against Goliath?

REYNARD: Yes I did. I just felt that something had to be done here. And as we got into it more and more, we found that there were a lot more people who supported the issues that we should not be putting microwave devices against our brain without the proper research.

MALAREK: When we come back, Milt Bowling takes on a bigger target.

[29.] BOWLING: I was under the impression when this whole issue started that if you had a Radiation Protection Branch, that it exists to protect Canadians from radiation. But what it really does is it exists to protect the radiation industry from Canadians.

COMMERCIAL BREAK

VOICE-OVER ANNOUNCER: And now we return to the Fifth Estate.

[30.] MALAREK: Despite the cell phone industry's attempts to control the science, worrisome results were leaking out. In Sweden a publicly funded study of more than 11,000 cell phone users found that the phones contributed to headaches and fatigue. And in the fall of 1998 a team of independent scientists concluded without a doubt that cell phones had a "biological effect." Still there simply isn't enough evidence to conclude with certainty that cell phones are harmful to human health, and critics say that's just the way the industry wants it.

[31.] Ironically it was an industry-funded report that caused the biggest stir. In Australia scientists at this hospital discovered cancer rates had doubled in mice exposed to radiation similar to that in cell phones. But the results were kept quiet for two years. When it did come out, the industry

anybody else to say that it is?

MALAREK: So Milt mobilized the neighborhood and eventually got the school board on side. There would be no antenna on this school.

(to Mr. Bowling) So you won.

[5.] BOWLING: Well, that's what we thought. I mean, the towers are gone and, you know, we won; everything is great. But then we get this: the church across the street is approached by another cellular provider, and they donated this cross to the church, and hidden inside the cross is microwave transmitters and receivers.

MALAREK: You've got to be kidding.

BOWLING: No.

MALAREK: They put a microwave transmitter in the cross.

BOWLING: In the cross, yeah.

MALAREK: Taking on the school board was one thing, but the Almighty? Milt didn't hesitate.

MALAREK: You must have been popular with the church board.

BOWLING: I would doubt that.

[6.] MALAREK: But finally this: a beaming Milt watched as a giant crane took the microwave antenna out of the cross. He had taken on church and state - and won. But the fears about the towers are quite small. The real concern is what's at the other end of those towers - the cell phone itself and the invisible microwaves ... [7.] ... that hover around the small antenna stuck right next to your head. The cell companies will tell you the device is perfectly safe. The booming industry has a lot riding on those claims: today more than 4.9 million Canadians use a cell phone.

[8.] Jo-Anne Basile represents the global cell phone industry. (to Ms. Basile) How large is the cell phone industry? How big is it? What is it worth?

JO-ANNE BASILE (global cell phone industry representative): The industry in United States last year was estimated to be over \$29 billion. There are about 67 million customers.

MALAREK: This is big time.

BASILE: This is a large industry that has grown in a very short period of time.

[9.] MALAREK: And David Reynard dared to take it on. He is a St. Petersburg, Florida, businessman whose wife, Susan, died of brain cancer. She had been a chronic user of this type of phone, and Reynard believed the cancer developed right where all those microwaves hit her head.

[10.] DAVID REYNARD (opposed cell phone industry): Her tumor was left-peridial; basically she was right-handed. Now, if you use a cellular phone, you usually put it in the other hand so that you can write. And it was right here, right in line with the antenna, in this part of the brain right here.

MALAREK: And so Reynard launched a lawsuit against the cell-phone industry. Could cell phones really cause cancer? The U.S. media were all over the story after CNN's Larry King Live gave him a national audience.

[11.] LARRY KING (clip from show): Welcome back to Larry King Live. When did you start to think this has something to

campaign against it was enormous.

[32.] FIST: Every effort was made to play it down. I mean, it was just incredible the effort that they all went to to more or less say, Don't worry about this, it's only to do with mice. And of course it's not, it's to do with DNA, and DNA is DNA whether it's in mice or humans. So they tried everything they could to play down the results, but it still is now treated around the world as one of the most significant findings that anyone has made. And with very good reason.

[33.] MALAREK: Professor Ross Adey thought he was onto something as well. While doing research for Motorola, one of the world's largest cell phone companies, he discovered microwave radiation had an effect on the brains of rats. It was actually a good effect, but for Motorola any effect at all was bad news. Adey's contract with Motorola was not renewed.

MALAREK: So why did they terminate the support?

ADEY: My colleagues say because we were too inquisitive. We were of a scientific turn of mind, and we'd turn over the rocks to find out what was underneath.

MALAREK: But that's the job of a scientist, to be inquisitive.

ADEY: Of course it's the job of a scientist.

MALAREK: And you're tough as a scientist.

ADEY: Yes, I think I'm tough - too tough some people say.

MALAREK: As a result, you and your team lost your contract.

ADEY: That's correct.

[34.] MALAREK: Motorola claims it had nothing to do with his results, they simply found a better deal somewhere else. That better deal was with Battelle, a private research group well known for keeping its mouth shut. In one celebrated case from the 1960s, Battelle conducted studies showing how nicotine affected the brain, but never talked about it. Technology writer Stewart Fist says it's quite possible industry already has a lot of research it isn't talking about.

[35.] FIST: You have no idea how much. ...how many effects are being found but never published. That's the other thing, you see, is we don't know what isn't published. That's the real big worry there, because it's quite likely that a lot of these problem findings have been replicated, but the replication has never been published.

[36.] MALAREK: And without all, the studies, it's difficult to prove anything about the safety of cell phones. In 1995 David Reynard lost his lawsuit. The judge said he couldn't prove cell phones had caused his wife's cancer. Reynard says leaving research in the hands of the companies that make the products has never been a good idea.

[37.] REYNARD: Are they carrying the how-to tobacco handbook in their back pocket? Yeah. It's almost directly in line with the tobacco industry and all the things that they did to try to keep information from the public, to try to suppress science, to try to only allow us to have the information that they want us to have. When the director of the cellular telephone industry made his statement, he said, We're going to spend this money to prove that we're right. I would have preferred that he said, We're looking to find the truth.

[38.] MALAREK: The organization set up in the wake of the cell phone scare is winding down. But \$25 million and five years later, a lot of people are wondering where all that money went and what WTR actually accomplished. Some

do with the cellular phone?

REYNARD: I think when I saw the first MRI and saw the location of the tumour....

MALAREK: You created quite a stir: front-page news, even stock market prices were affected.

REYNARD: That's true, that's true, but that wasn't my intent. And Susie would say that if she was here. What we really wanted to do was to make the public aware of what was going on and what they were actually doing. Nowhere on this device does it say that this is a microwave device and that microwaves have been proven to have harmful effects.

[12.] MALAREK: The cell-phone industry admits it was paying close attention to the David Reynard lawsuit.

[13.] (to Ms. Basile) But was there serious anxiety within the cell-phone industry? I mean, when you hear cancer, brain cancer, you've got to think, Oh, my God, this is the last thing we need to hear.

BASILE: Well, I think there was anxiety - I think perhaps it was more concern on the part of the industry.

MALAREK: Do you believe that cell phones are safe?

BASILE: Of course I do. I would say that the mainstream research suggests that there is not a problem with respect to cell phones.

[14.] STEWART FIST (technology writer, Australia): Well, it's just complete balderdash.

MALAREK: Stewart Fist is a technology writer in Australia who has spent years studying the industry. He says a lot of the research raises serious concerns and that the jury is still out on just how safe cell phones really are.

FIST: You've got to remember this is the first time in history we've ever put a transmitter right up against the side of anyone's head, and switched it on.

[15.] MALAREK: And that's what bothers Dr. Ross Adey. He's a prominent research scientist in California who says we have to know more about the possible harm to our health.

ROSS ADEY (research scientist, California): If it's against my head, then about 40 percent of the energy will go into my head and into my hand.

MALAREK: So the problem really is in the antenna pressed up against the head.

ADEY: Right.

MALAREK: ...and the radiation coming from that.

ADEY: Yeah. In using the phone like this, you are in what is called the near field, which means that the oscillations, 800 million times a second, 16 hundred million times a second, are magnetically coupled into your head.

MALAREK: And it's in this near field with this oscillating in your head that we have to be concerned about?

ADEY: Yes. I really believe that.

[16.] MALAREK: Were the concerns raised by the Reynard lawsuit a real danger or a false alarm? The truth was no one knew for sure. The industry had been telling the public that cell phones were proven to be safe, but then had to admit that the science was at best incomplete. The cell phone

argue that not only was the science it promoted one-sided, but it actually prevented more independent research from taking place.

[39.] FIST: There's no doubt that the functions of the WTR have been to delay legitimate research in other areas, because you know, when an industry is supposedly funding the research itself, then the government withdraws its own funding from the independents that would have been doing the work in the first place.

[40.] MALAREK: WTR may be leaving the scene, but the industry has invented a new entity to promote good news about the cell-phone industry. It's confidently called WIN -Wireless Information Network - and represents the global industry. Jo-Anne Basile is its public face.

[41.] (to Ms. Basile) When critics say that research is funded by industry... industry has a vested interest, therefore the research must be suspect, how do you respond?

BASILE: I think it's unfortunate that we have gone to such kind of shorthanded ways of trying to explain a very complex issue.

MALAREK: When you hear critics compare the way the cell-phone industry is handling the issue to the tobacco industry's handling

BASILE: Oh, I'm so glad you asked me that question. Nothing could be farther from the truth. Again, I'd like to repeat: this industry has never shied away from an issue. This industry has always been up-front. This industry has always been open.

[42.] MALAREK: Ultimately the people with the final say in whether cell phones are safe work for government, and for a long time the Canadian government had been telling us not to worry. The science was well known and cell phones were safe. But that was before a Vancouver parent stirred things up.

[43.] Remember Milt Bowling, the fellow who got rid of those microwave transmitters? Milt would now poke his nose into Ottawa's Radiation Protection Branch. And he did most of the talking.

BOWLING: I was mentioning certain studies, and they'd say, well, where did you get that? Well, where did you get that? Can I get a copy of that? So I mean ...

MALAREK: What did that do to your confidence in health officials?

BOWLING: Well, I was under the impression when this whole issue started that if you had a Radiation Protection Branch, that it exists to protect Canadians from radiation. But what it really does is it exists to protect the radiation industry from Canadians.

[44.] MALAREK: But in this David and Goliath struggle, David won. Faced with an irrepressible Milt Bowling, the government did an about-face. Now, according to internal documents, Health Canada seems as concerned as Milt. Last year they hired Prof. William Leiss to assess the scientific evidence. His first piece of advice to the government: Don't tell the public cell phones are safe if you don't know.

[45.] WILLIAM LEISS (professor hired by Health Canada to review cell-phone studies): We have this latest document which says, geez, we really want to do all this research on all these really interesting and provocative questions about the effects on the brain and things like that, and you're saying, Well, my God, why you seem to have been telling

that the science was at best incomplete. The cell phone industry needed to find a way to reassure their customers everything was fine, so they came up with a strategy that would be a textbook case for crisis management.

[17.] The headquarters for the campaign were these quaint offices in Washington, DC, that housed the industry's own private research institute - Wireless Technology Research. They would spend \$25 million and five years to get to the bottom of the science, and they made sure that message got out.

[18.] DR. GEORGE CARLO (Wireless Technology Research head): I know that every day we are working our tails off doing science that we believe needs to be done to lay the appropriate foundation.

MALAREK: Dr. George Carlo was in charge, and he was "the right man for the job," according to writer Stewart Fist.

[19.] FIST: WTR was set up under Dr. Carlo, who was fairly well known as a scientist who worked for various industry associations, like the chlorine industry. He was consultant to them on the dioxin problems, and before that he worked on nuclear power, and since then he's worked on breast implants. I mean, Dr. Carlo is the sort of epidemiologist who runs an organization that will produce science for certain industry associations.

[20.] MALAREK: Soon enough the industry had another crisis on its hands. At the University of Washington, Dr. Henry Lai had already been conducting his own research into cell phones. In 1994 he and his partner reported they had evidence that microwaves could cause DNA to destruct. Normal rat DNA looks like this, but when zapped with microwaves, Lai found it could break up. DNA destruction has been linked to memory loss, cancer, and diseases like Parkinson's and Alzheimer's.

[21.] DR. HENRY LAI (researcher, University of Washington): The data is still preliminary. We still have to do a lot more research to find out exactly what cell-phone radiation will do to people.

MALAREK: It may be preliminary, but it's scary.

LAI: Yes. I think it's alarming that cell-phone radiation can cause DNA damage.

[22.] MALAREK: It also appeared quite alarming to the people who funded WTR. A campaign was launched against Lai's study. They prepared a media strategy, publicly denounced the findings, then brought in their own researcher who said he could not reproduce Lai's results. One internal memo announced victory. Using the vernacular of a military exercise, it said the industry has successfully "war-gamed" the Lai study.

[23.] MALAREK: That must have shocked you.

LAI: Yes. Yes, that is very shocking. We are scientists and we are not going out to do politics, and suddenly we are involved in this... all this war-gaming, so-called.

[24.] MALAREK (to Ms. Basile): One of the memos that came out regarding Dr. Lai's study by Motorola was to war-game him, and a lot of critics are saying that immediately when research comes out that may show a problem, boy, you slam-dunk the researcher.

BASILE: Oh, I don't think you would find that to be the case in general. This industry, as I said before, has been very open, and I believe very responsible in looking at

MALAREK: Is the industry acting responsibly when they say,

saying, even, my God, why you appear to have been telling us that it was no problem all along.

[46.] MALAREK: Professor Leiss's review is due out this spring. There's little doubt he'll call for studies that should have been started years ago, and he'll be very clear on one point: keep the research public.

[47.] (to Prof. Leiss): In the United States, the cell phone industry is funding a lot of the research. Is there not a vested interest here?

LEISS: Well, of course there is. This is my main concern. Where you have a technology with massive uncertainties in our knowledge of the risk factors, what you want is the most credible research, and that is always independent research. I think it should always be done in university-based centres, and everything should be out in the open.

[48.] MALAREK: David Reynard's lawsuit is behind him now. He thinks of his wife Susan often and says he's content knowing he helped put the debate on the public agenda.

[49.] (to Mr. Reynard) Do you ever think that the time will come where you will be vindicated, where what you say was a fact, is a fact?

REYNARD: I don't know the answer to that question. I think there's entirely too much money involved here. I think there are a lot of people who want to protect this industry more than they want to find out if there's a serious problem. I think we've allowed the foxes to keep an eye on the hen house a little too long. I think they bought themselves five or six very good years. I think they have it in their budget to buy five, six, ten, 20, 30 more years, until something really comes up and lays claim.

[50.] MALAREK: Stay with us. When the fifth estate returns, ...

[Malarek closes this section of the Fifth Estate.]

"Cone of Silence" - Brief Descriptions of Actions

1. Victor Malarek introduces the program
2. Various shots of antennae - on roofs, walls, poles, etc.
3. A school in Vancouver
4. 2 men walking toward school (Malarek and Bowling)
5. Bowling points to church across the street
6. Shows cross being dismantled
7. Shows various citizens using cell phones, indoors and out
8. Jo-Anne Basile with Malarek
9. Old still picture of David Reynard and his wife, Susie
10. Reynard now, being interviewed by Malarek
11. Clip showing Reynard watching himself on Larry King Live show
12. Shot of hand dialing a cell phone
13. Basile with Malarek
14. Stewart Fist on camera
15. Ross Adey on camera
16. Malarek with overview, commenting
17. We see WTR headquarters in Washington, DC
18. Shows George Carlo with Malarek
19. Fist again
20. Scene moves to Henry Lai in laboratory (various lab shots)
21. Lai on camera with Malarek
22. Various shots of cell phones, memos, etc.
23. Back to Lai
24. Switch to Basile

Let's war-game the guy? Is that the way to be going after researchers?

BASILE: That is not the way that we go after - we don't go after researchers.

[25.] MALAREK: In fact, after "war-gaming" him, the industry turned around and decided to hire him. They gave him money to do further research into potential DNA damage. But there was a catch: he could not publish his results without WTR's approval. And so far it looks like they're not any happier with the results of this study than they were with the first one. WTR's Dr. Carlo has told the media that Lai's research was "amateurish" and "unprofessional." And for now they won't let him publish his results.

continued top of next column --

25. Back to Lai's lab (various activities shown)
26. Lai with Malarek
27. Other still shots of David Reynard with his wife and child
28. Reynard being interviewed by Malarek
29. Malarek interviews Bowling
30. Malarek overview
31. Shots of memos, Royal Adelaide Hospital in Australia
32. Fist on camera
33. Adey comes on camera (working in office)
34. A shot of the Motorola logo and scenes of buildings, cell phones, etc.
35. Fist on camera again
36. Old still photos of Reynard and his wife, Susie, again
37. Malarek interviews Reynard
38. Background scenes of cell phones, WTR headquarters
39. Malarek with Fist, again
40. A background shot of the WTN logo changing to WIN
41. Basile appears again
42. Malarek holding a cell phone (at arm's length) commenting
43. Change to Malarek with Bowling in Vancouver
44. Fade to view of cell phone, memos, etc., then to William Leiss
45. Leiss on camera
46. Various documents shown
47. Interview continues with Leiss
48. Scene showing Reynard leafing through diaries, albums, etc.
49. Malarek interviews Reynard
50. Malarek then closes this "Cone of Silence" section of the Fifth Estate

Source: Sun, 21 Feb 1999 [message](#) from Roy Beavers EMF-L mailing list.

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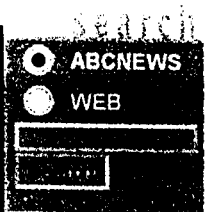
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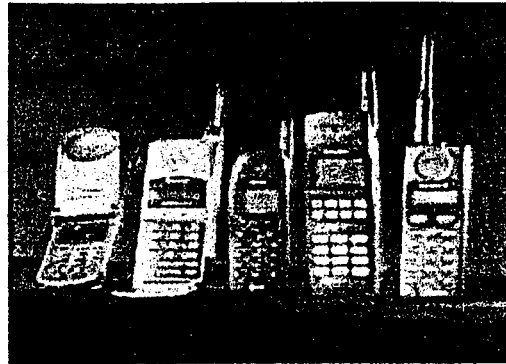
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Wireless Worries?



New Studies Call for More Research, Some Scientists Say

20/20 examines the possible link between cell phone use and health risks. (ABCNEWS)

By Brian Ross

abc .com

Oct. 20 — While the cell phone industry has assured consumers for years that cellular phones are completely safe, the industry's former research director has now come forward to say this can no longer be presumed.



video
ABCNEWS' Brian Ross reports about new questions on cell phone risks.
[RealVideo](#)
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"The industry had come out and said that there were thousands of studies that proved that wireless phones are safe, and the fact was that there were no studies that were directly relevant," says Dr. George Carlo.

For the past six years, Carlo ran the cell phone industry's \$25 million research program, which has studied the effects of microwave radiation from cell phones.

"We've moved into an area where we now have some direct evidence of possible harm from cellular phones," Carlo says in an interview with ABCNEWS' 20/20.

Although Carlo does not say that cell phones are unsafe, he does say that more research is needed.

The \$200-billion-a-year cell phone industry maintains the devices are safe.

"There is a preponderance of evidence that there is

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There is a preponderance of evidence that there is not a linkage between the use of wireless phones and health effects," says Thomas Wheeler, president of the Cellular Telecommunications Industry Association, the industry's trade group.

The industry has announced that it supports and will sponsor follow-up research.

Electromagnetic Waves Sent Into Brain

What many of the country's 80 million cell phone users may not know is that cell phones send electromagnetic waves into users' brains. In fact, every cell phone model sold in the United States has a specific measurement of how much microwave energy from the phone can penetrate the brain.

Depending on how close the cell phone antenna is to the head, as much as 60 percent of the microwave radiation is absorbed by and actually penetrates the area around the head, some reaching an inch to an inch-and-a-half into the brain.

"This is the first generation that has put relatively high-powered transmitters against the head, day after day," says Dr. Ross Adey, who has worked for industry and government for decades studying microwave radiation, and is one of the most respected scientists in the field.

Position Matters

The cell phone industry says every phone it sells is safe and meets government radiation safety limits. But tests conducted by 20/20 and being made public on tonight's program have found that some of the country's most popular cell phones can — depending on how they're held — exceed the radiation limit.

20/20 reports that government testing guidelines are so vague that a phone can pass the Federal Communications Commission's requirements when tested in one position and exceed those maximum levels when held in another position.

The cell phone industry says every phone sold in the United States meets the federal safety standard, and that there is a huge margin of safety built into the standard.

"There isn't data to show that what is happening has a health effect," Wheeler says, adding that there is no need for Americans to cut back on their cell phone use.

Along with the test results, the 20/20 story shows how users can significantly reduce their exposure to

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microwave radiation from cell phones.

Richard Allyn and Brenda Breslauer contributed to this report.

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▲UP

From J. VUS

Public health

Research intensifies as the public grows wary of one of its favorite communications tools

Are mobile phones safe?

A MOTORIST USING A wireless telephone might be worried about having an accident, even while being reassured that if one were to happen, he or she could call for help. Recently some scientists and lay people have expressed alarm at another possible danger—that the use of mobile phones itself may harm the user's health, perhaps even causing cancer.

There is good reason to be concerned. The widespread use of hand-held mobile phones means that many people routinely place radio frequency (RF) transmitters against their heads—in some European and Asian countries, a majority of the adult population does so. That fact alone would warrant examination of the safety of this form of radiant energy.

Concern about the possibility of mobile phone's ill effects on health took shape in mid-1992 in a U.S. court. A lawsuit filed in Florida by David Reynard alleged that the use of a cell phone had caused his wife's fatal brain cancer. The suit was dismissed by a Federal court in 1995 for lack of valid scientific evidence, and similar suits since have been no more successful. But they have raised questions for which no entirely satisfactory answers existed at the time they were filed.

PHOTOGRAPH: ROBERT LEVINS

KENNETH R. FOSTER
University of Pennsylvania
&
JOHN E. MOULDER
Medical College of Wisconsin

Driven in part by these disturbing allegations, a new wave of research in the United States and elsewhere is exploring possible links between cell phone radiation and cancer. Brain cancer, the topic of this article, is not the only health concern, but it dominates public discussion. Now, nearly eight years after the Reynard suit, a substantial body exists of pertinent scientific evidence.

FIELDS AND FREQUENCY

Wireless communication systems operate at several frequencies in the electromagnetic spectrum. In the United States, cell phones operate in two main frequency ranges—the older systems near 850 MHz, and the newer personal communications services, or PCS, near 1900 MHz. European mobile phones use the Global System for Mobile Communications (GSM), a different technology than most U.S. phones, and operate at slightly different frequencies, near 900 MHz and 1800 MHz. Many other applications transmit energy in nearby frequency bands [Fig. 1].

Energy in this frequency range is called non-ionizing because the photon energy is insufficient to knock electrons from atoms in living tissue, a source of serious biological damage from radiation such as X-rays. The most apparent biological effects of RF energy at cell phone frequencies are due to heating. Many mechanisms not due to heating have been demonstrated, too, but those well enough understood to be analyzed quantitatively are found to produce observable effects only at very high exposure levels.

Exposure standards in the United States and most Western countries are designed to give protection against all identified hazards of RF energy. At present, these are associated only with excessive tissue heating, which is hardly a likely problem with low-powered mobile phones. Analog hand-held phones radiate 600 mW or less of time aver-

aged power, and many digital models produce 125 mW. However, most modern phones' output is adaptively controlled by the base station: the handset constantly adjusts its power to provide the minimum signal needed to communicate reliably with the base station.

RESEARCH, OLD AND NEW

Since World War II, there has been a massive amount of research on the biological effects of RF energy, nearly all of it funded by governments. Most of this research has involved fields at 915 and 2450 MHz, close to the frequencies used by mobile phones.

But, despite early claims by cell phone makers, little of this research proves that mobile phones are safe. Few of the studies on whether RF exposure is dangerous to animal tissue have involved standard toxicology work—the sort that a chemical or a pharmaceutical company would do to gain regulatory approval for a new product. In addition, little of the research deals specifically with the kinds of pulse-modulated energy transmitted by newer generations of digital phones or with the exposure conditions typical of those produced by cell phones.

The body of research is controversial in several respects. It includes many reports of biological effects of RF fields on cells and animals, sometimes at low exposure levels, which are poorly understood and often not reproducible. It also includes a scattering of reports of human health effects from low-level exposure to RF fields. Standards-setting commit-

tees, while acknowledging this research, have concluded that it provides insufficient basis for exposure guidelines [see "Setting limits for exposure to mobile phone energy," p. 28].

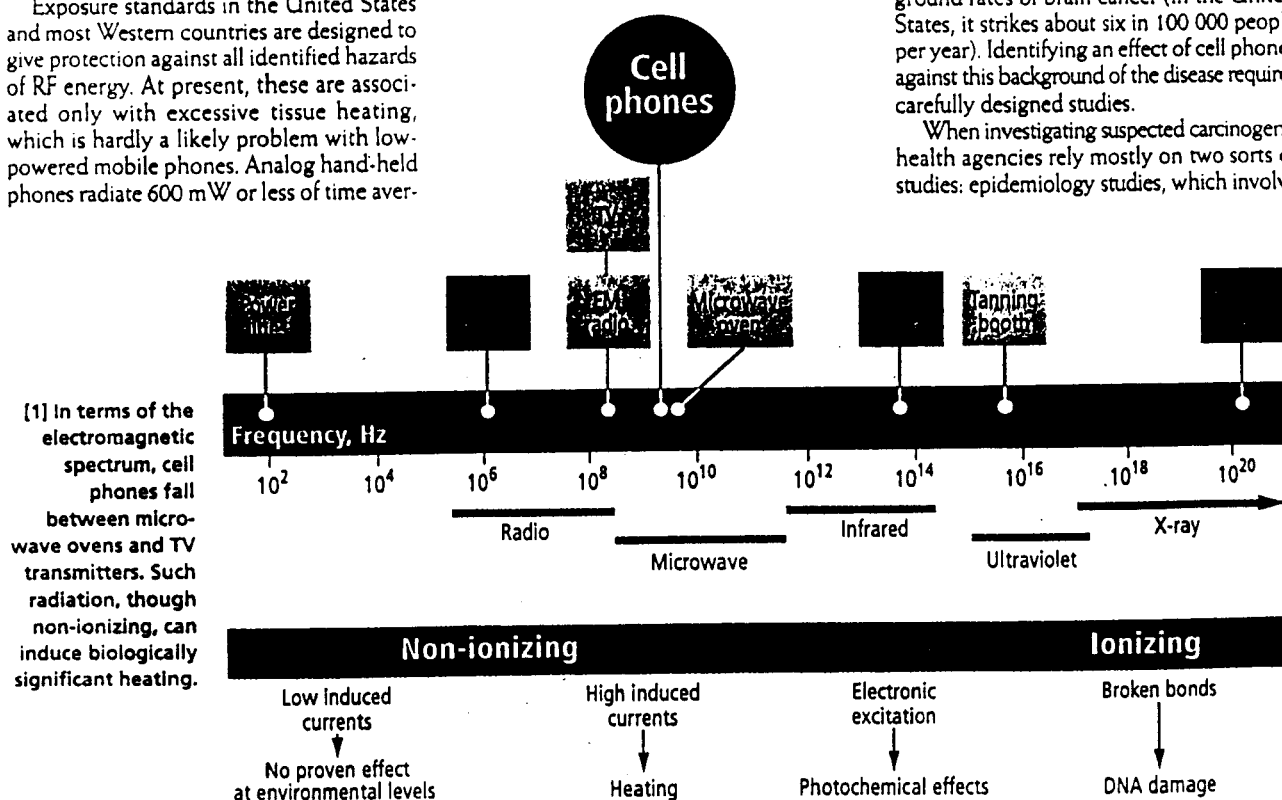
Spurred by the Reynard lawsuit and its attendant publicity, a new round of studies began in the mid-'90s, largely funded by mobile phone makers and mainly focused on carcinogenesis and mobile phones. One notable effort was the US \$27 million Wireless Technology Research (WTR) program based in Washington, D.C. It was funded mostly by U.S. phone manufacturers but operated at arm's length from industry. That effort came to an end in December 1999 with no official pronouncement and only a handful of published studies, some of which are discussed below.

Many other research programs in other countries are under way, sponsored by either industry or government. One review of the issue, presented at a meeting in Erice, Sicily in November 1999, identified more than 200 ongoing and recently completed studies related to possible health hazards of RF energy.

LOOKING FOR A LINK

Identifying links between cancer and environmental exposure of any kind is surprisingly difficult because of the absence of a single cause of cancer and for a variety of other reasons. Even if mobile phones had no connection to cancer, thousands of users would develop brain cancer every year, given the hundreds of millions of mobile phone users around the world and given so-called background rates of brain cancer (in the United States, it strikes about six in 100 000 people per year). Identifying an effect of cell phones against this background of the disease requires carefully designed studies.

When investigating suspected carcinogens, health agencies rely mostly on two sorts of studies: epidemiology studies, which involve



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Will people believe mobile phones are safe?

statistical analyses of health records, and standardized tests, made on animals. On neither front does recent evidence support links between mobile phones and brain cancer.

In 1996, in the first follow-up study to Reynard's brain cancer allegations, the health records of more than 250 000 mobile phone users were reviewed by Kenneth Rothman, a senior epidemiologist at Epidemiology Research Institute, in Newton Lower Falls, Mass. This industry-sponsored WTR study reported no difference in mortality between the users of hand-held portable phones, where the antenna is placed close to the head, and mobile cellular phones, where the antenna is mounted on the vehicle, resulting in lower RF exposure. In a later, follow-up study, the same investigators examined the causes of death among nearly 300 000 mobile phone users (including some from the previous study) in several U.S. cities. "The only category of cause of death for which there was an indication of increasing risk with increasing minutes of use," the investigators reported in a November 1999 letter in the *Journal of the American Medical Association*, "was motor vehicle collisions."

Other epidemiology studies have been mostly or entirely negative. In a study that received extensive press coverage even before it was published, Lennart Hardell and his colleagues at the Örebro Medical Centre

in Örebro, Sweden, assessed mobile phone use by 209 Swedish brain tumor patients in comparison to 425 healthy controls. The study, funded by the Swedish Medical Research Council, was negative in virtually all respects.

In reporting the study, the lay media focused on one finding: users of mobile phones who had developed certain types of brain tumors were more likely to report having used the phone on the side of the head with the tumor than on the other side. But the association was weak. It was not statistically significant and might easily have been a result of recall bias—a well-established tendency of subjects to remember exposures to something more readily if they developed a disease. The brain cancer patients in Hardell's study knew their diagnosis before they were asked about their use of mobile phones.

Brain cancer takes years or decades to develop, and these studies say nothing about future risks. Detecting small or long-term cancer risks is not an easy task. Detecting small increases in risk would require large studies that are hard to control and usually are controversial in their interpretation. Any valid study would also have to assess an individual's use of mobile phones over a decade or more, an assessment complicated by the rapid technological developments in this industry.

ANSWERS FROM ANIMAL STUDIES

Animal studies, the other main source of information used in cancer risk assessment, also have not supported a link between mobile phones and cancer [Table 1].

Exposing rats to pulse-modulated 837 MHz RF energy, similar to that emitted by some digital cell phones, does not cause or promote brain cancer. That was the finding of a Motorola-funded study designed specifically to look for brain cancer and reported in a 1999 paper by W. R. "Ross" Adey, now at the University of California at Riverside. More recently, in April 2000, Adey reported the same finding for continuous wave RF, such as that emitted by analog cell phones. And in a 1999 meeting report, Bernard Zook of George Washington University in Washington, D.C., confirmed all of Adey's findings. The other studies in the table were not focused on brain cancer, but they evaluated the animals for the disease and would have noted a pronounced increase in this disease had it occurred.

Animal studies, while easier to control than epidemiology studies, have uncertain relevance to human health. For example, former WTR chief George Carlo pointed out to *IEEE Spectrum* that none of the animal studies done to date has adequately mimicked the head-only exposure of a user of a mobile telephone; rather, the animals are exposed to whole-body radiation. A countervailing argu-

ment is that whole-body exposures are more likely to produce toxic effects than partial body exposures. Issues of this nature involve professional judgment about which experts routinely disagree.

EXCEEDING THE LIMITS

The focus on mobile phones' health effects has intensified the scrutiny of exposure to RF energy in the United States. The FCC limits peak exposure to 1.6 W/kg of tissue averaged over any single gram of tissue (or 1.6 mW/g). European limits are less restrictive, specifying 1.6 W/kg averaged over 10 grams.

Mobile telephone handsets operate at low power levels, but the antenna, which radiates about 600 mW for an analog mobile phone and 125 mW for a digital unit, is placed very close to the head, which can push exposure lev-

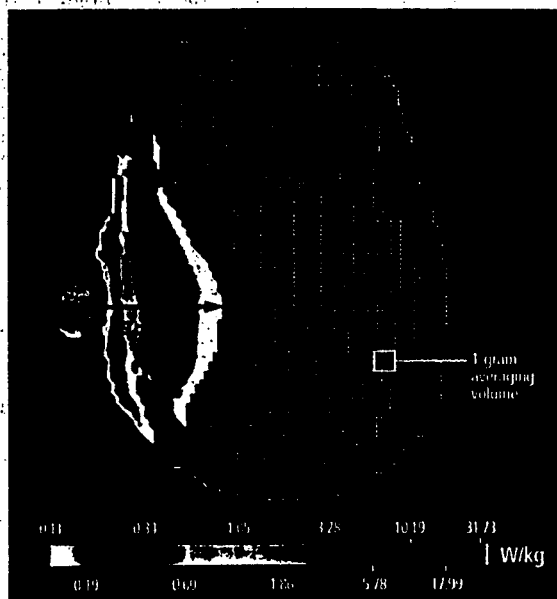
els close to the regulatory limits. A complicating factor is that the exposure depends greatly on the exact position of the handset with respect to the head and on the exact shape and electrical characteristics of the head—all variable quantities. Moreover, the exposure cannot be measured directly in the head of the user, but has to be estimated by computer models or measurements in tanks of liquids in the shape of the head [Fig. 2].

Manufacturers can reduce exposure by tweaking handset design, up to a point. Significant reductions in power create the need

for more closely spaced base stations, which are unpopular with residents in many areas. Moving antennas and other circuit elements farther from the user's head might enlarge the handset, which would work against consumer demands for small phones.

Industry and academic investigators have reported data showing that mobile phones on the market meet regulatory limits, by and large. There have been some exceptions, though. In 1998, the FCC announced that Sony Electronics Inc. would recall 60 000 cell phones that exceeded FCC exposure limits.

[2] This computer model of a human head in cross section shows the distribution of the energy absorbed from a cellular telephone handset radiating 600 mW at 835 MHz. Most of the energy is absorbed within the first 1–2 cm beneath the surface of the skull. The 9 cm scale bar at left is shown for reference.



CONTROVERSY CONTINUES

Many areas of contention remain. For instance, in a 1995 study that received wide media attention, Henry Lai and colleagues at the University of Washington in Seattle reported exposing rats to RF radiation at an average whole-body exposure of 1 W/kg of body weight. The result: breaks in their brain cells' DNA—an indicator of potential cancer causing effects.

But more recent studies have cast doubts on this finding. Attempts to confirm Lai's results, by a Motorola-funded group led by Joseph Roti Roti at Washington University in St. Louis, were unsuccessful. A Belgian government-funded group led by Luc Verschaeve has reported that similar RF exposure to rats does not cause DNA strand breaks in other types of cells. Moreover, the Washington University group has identified an experimental artifact that might have

1. Brain cancer in rats after RF radiation exposure

Researcher	Frequency (MHz)	SAR (W/kg)	Duration (months)	RF exposure (W/kg)	Unexposed (W/kg)	Brain tumor generation
C.K. Chou et al., 1992	2450 PM	0.15–0.4	25	100	100	None
J.C. Toler et al., 1997	435 PM	0.32	21	200	200	No significant difference between groups
M.R. Frei et al., 1998	2450 FM	0.3	18	100	100	None
M.R. Frei et al., 1998	2450 FM	1.0				None
Brain tumor generation PLUS promotion of chemically induced tumors						
Researcher	Frequency (MHz)	SAR (W/kg)	Duration (months)	RF exposure (W/kg)	Unexposed (W/kg)	Brain tumor generation PLUS promotion
W.R. Adey et al., 1999	837 PM	0.3–2.3	25	60	60	Insignificant decrease in RF-exposed rats
W.R. Adey et al., 2000	837 FM	0.3–2.3	26	90	90	No sig. diff.
B.C. Zook et al., 1999	860 FM					None
B.C. Zook et al., 1999	860 PM		22	60	60	

FM = frequency modulated

PM = pulse modulated

SAR = the body's specific absorption rate

Abstracts of these researchers' papers are to be found on the Web at <http://infoventures.com/emf/spectrum.htm>.

Different sets of rats were used in the tumor generation and tumor promotion experiments. The same number of rats were used in both parts of the study, except in the case of W.R. Adey et al., 1999. In that study, only 56 rats were RF exposed in the tumor promotion experiment.

accounted for Lai's positive results. Lai continues to defend his original studies.

Scientific data can spark public controversies even before they are published, let alone digested by health agencies. Take the recent epidemiological study by Joshua Muscat, a research scientist at the American Health Foundation in New York City. Results of this WTR funded study were presented at a scientific meeting in June 1999 but so far they have not been published in any detail.

In a Canadian TV interview four months later, former WTR chief Carlo, referring to the Muscat study, said that "those who use wireless phones have a higher chance of dying from brain cancer" and pointed to "statistically significant" increases in some rare subtypes of the disease.

Muscat's own conclusions, though, were more guarded. In his conference paper abstract, he wrote that his study "did not find evidence that cell phone use increases the risk of brain cancer," though "there remains some ambiguity" in how to interpret an apparent increase in one kind of brain cancer. Muscat told *IEEE Spectrum* that his research has been submitted for publication. Until it has been published, his results cannot be independently evaluated.

ARE MOBILE PHONES SAFE?

The epidemiological results, so far, are certainly inconsistent with any large increase in risk (a doubling or more) of brain cancer from use of cell phones—the implication of the original Reynard lawsuit. Nor do the animal studies show clear-cut carcinogenic effects. However, the epidemiological studies lack the sensitivity to detect small increases in risk, and the relevance of animal studies to human health is uncertain—both familiar problems with carcinogen risk assessment.

In a document posted on the Web in February 2000, the U.S. Food and Drug Administration noted that "[T]here is currently insufficient scientific basis for concluding either that wireless communication technologies are safe or that they pose a health risk to millions of users."

The term "safe" brims with legal, regulatory, and ethical implications. Health agencies on the whole shy away from pronouncing technologies safe, but instead evaluate evidence for possible hazards. For example, the International Agency for Research on Cancer (IARC), in Lyon, France, has received about 8 million euros from the European Commission for a large epidemiological study of cell phone use in relation to head and neck cancers. Ten countries will participate in the study, which is foreseen as including 1500 cases and 1500 healthy controls. The research is in its pilot phase and is expected to be completed within three years. But even with extensive data, IARC virtually never pronounces an agent to be a "noncar-

cinogen," and therefore is unlikely to do so with RF energy.

In contrast, mobile phone manufacturers must prove, not that their products are safe, but that they meet exposure limits—a different matter entirely. The standards that set limits on exposure to energy from phones were developed largely on the basis of whole-body exposure data and engineering considerations.

More research is clearly needed on the biological and biophysical effects of near-field exposure. A better-defined threshold for hazard might even lead to relaxed exposure limits for handsets. Most current research is going on outside the United States. Michael Repacholi, director of a project on health effects of electromagnetic

fields at the World Health Organization in Geneva, estimates that there is about \$100 million in ongoing research on possible health effects of mobile telephones, very little of which is being done within the United States.

But U.S. industry and government have not given up. In June 2000, the Cellular Telephone Industry Association (CTIA) and the U. S. Food and Drug Administration announced an agreement, under which the CTIA would fund a \$1 million research program, with FDA input, on mobile phones and health. This funding is dwarfed by the huge costs of toxicology and epidemiology studies; it will pay for limited follow-up studies to address issues raised by the WTR program.

Whatever the outcome of the latest gen-

A precautionary RF report

The World Health Organization (WHO) has released a report that states that there is insufficient evidence to conclude that mobile phone use is safe or unsafe. The report, titled "Non-ionizing radiation, electromagnetic fields and health," is the first in a series of reports on the health effects of electromagnetic fields (EMF). The report states that while there is no conclusive evidence of harm from mobile phone use, there is also no conclusive evidence of safety. It calls for further research and a precautionary approach to the use of mobile phones. The report also notes that the WHO is currently conducting a large-scale study on the health effects of mobile phone use, which is expected to be completed within three years. The study will involve 10 countries and will include 1,500 cases and 1,500 healthy controls. The report is a significant development in the ongoing debate about the health effects of mobile phones, and it highlights the need for more research in this area.

Setting limits for exposure to mobile phone energy

...the health effects of mobile phones will continue. Mobile phones will join other forms of electrical technology, such as police radar sets, computer display terminals, and power lines, that have triggered public fears because of their electromagnetic fields. Such issues are very difficult and time-consuming to resolve. How to respond appropriately to public fears, identifying any real hazard while avoiding unproductive controversy, is not a purely scientific matter but a question with deep social aspects (see "Will people believe mobile phones are safe?" p. 25, and "A precautionary RF report," p. 27).

Meanwhile, a mobile phone user with health concerns has simple remedies: use an external earpiece that keeps the phone away from the head, decrease phone use, or avoid using the phones in areas where the signal is poor—a weak signal from the base station causes modern handsets to increase their broadcast power. Neither of us would recommend such measures on health grounds, but people can decide for themselves whether to take such precautions.

For a more technical review of the subject, read "Cell Phones and Cancer: What Is the Evidence for a Connection?" by John E. Moulder et al. in *Radiation Research*, Vol. 151, no. 5, pp. 513-31, May 1999, http://www.radres.org/rare_151_05_0513.pdf, and an Internet FAQ sheet by Moulder at www.mcw.edu/gcr/cop/cell-phone-health-FAQ/toc.html.

Abstracts of the reports cited in this article are available at <http://infoventures.com/emf/spectrum.htm>.

For a discussion of the interference model and a survey of lay people's attitudes to electromagnetic fields, see D.G. MacGregor, P. Slovic, and M.G. Morgan's "Perception of risks from electromagnetic fields: A psychometric evaluation of a risk-communication approach," *Risk Analysis*, Vol. 14, no. 5, pp. 815-28, 1994.

The Federal Communications Commission (FCC) posts information on RF exposure compliance at www.fcc.gov/oet/rfsafety.

The World Health Organization (WHO) has a Web site with educational and other material about RF fields and health. See www.who.int/peh-emf.

ABOUT THE AUTHORS

Kenneth R. Foster is professor of bioengineering at the University of Pennsylvania in Philadelphia, immediate past president of the IEEE Society on Social Implications of Technology, and immediate past chair of the IEEE's Engineering in Medicine and Biology Committee on Man and Radiation.

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TO PROBE FURTHER

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Spectrum editor: Samuel K. Moore

IEEE SPECTRUM AUGUST 2000

**Metricom, Inc. • Wireless Data System
ISM Base Station Antennas**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Metricom, Inc., a wireless telecommunications carrier, to evaluate the ISM Base Station facilities for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress has required of the Federal Communications Commission ("FCC") that it evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the National Council on Radiation Protection and Measurements ("NCRP"). A summary of the exposure limits contained in NCRP-86 is shown in Figure 1. Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent American National Standards Institute ("ANSI") Standard C95.1-1992, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes nearly identical exposure limits.

The most restrictive thresholds for exposures of unlimited duration to radio frequency ("RF") energy for several personal wireless services are as follows:

<u>Wireless Communications Service</u>	<u>Operating Frequency</u>	<u>Occupational Limit</u>	<u>Public Limit</u>
Metricom "Ricochet" (upper band)	2,400 MHz	5.0 mW/cm ²	1.0 mW/cm ²
Personal Communication ("PCS")	1,900	5.0	1.0
Metricom "Ricochet" (lower band)	902-928	3.0	0.60
Cellular Telephone	870	2.9	0.58
[most restrictive frequency range]	30-300	1.0	0.20

General Facility Requirements

Because of the short wavelength of the frequencies assigned for personal wireless services, the antennas require line-of-sight paths for their signals to propagate. Antennas for base station use are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the limits without being physically very near the antennas.

Metricom, Inc. • Wireless Data System
ISM Base Station Antennas

Background

The Metricom ISM system transmits at both 900 MHz and 2.4 GHz for the purposes of wireless data communications. A Metricom proprietary transmitter (Metricom Part Number 108227-100) outputs signals to a 3-foot panel antenna designed and manufactured for Metricom by Larsen Antenna Technologies (Metricom Part Number 108069-000). The reported antenna gain is 12.85 dB at 2.4 GHz and 3.85 dB at 900 MHz. Metricom also uses 3-foot Hirshman panel antennas for ISM Base Station sites. The Hirshman antenna is Model No. E-5930 and reportedly has the same gain as the Larsen antenna. The transmitters are co-mounted with the antennas; therefore, transmission line runs and associated line losses are minimal. The maximum effective radiated power at the antenna for the combined 900 MHz and 2.4 GHz operation is 10 watts (this is the "ERP" value, which is equivalent to 16 watts "EIRP").

This report covers only these antennas operating at only this power level.

An ISM Base Station antenna system was evaluated relative to the extent of fields in excess of the applicable occupational and public limits under standard operating configurations, under "worst-case" maximum duty-cycle operating conditions, and under a forced 100% duty-cycle operating condition. The system tested is installed on the roof of the Metricom headquarters in Los Gatos, California. The Base Station consisted of two sectors of four antennas per sector and is considered to be a typical Metricom ISM installation.

For testing under normal operating conditions and under the condition of maximum duty-cycle, the ISM facility was used as installed. For the purposes of the 100% duty-cycle testing, the installed transmitter was replaced with a second unit to facilitate modifying the operating mode of the system. A power meter was used to confirm the output of the transmitter at both frequencies prior to the 100% duty-cycle test. Power levels were confirmed to be in accordance with the operating parameters of the ISM system.

Measurements were performed by Mark D. Neumann, a qualified engineer employed by Hammett & Edison, Inc., on both the Larsen and Hirshman antennas on February 1, 2000, using a Wandel & Goltermann Type EMR-300 Radiation Meter (Serial No. P0008, last calibrated by the manufacturer on January 20, 1999) with a Type 25 Isotropic Electric Field Probe.

Measurement Procedure and Results

Measurements were made first at one of the antennas on the roof of the Metricom headquarters with the antennas in normal operating mode. These measurements were conducted with the measurement probe touching the face of the antenna, as exposure levels to the back and sides of the antennas were found to be negligible (less than 1% of the public limit). As the antennas

Metricom, Inc. • Wireless Data System
ISM Base Station Antennas

operate with variable power output due to the transmission of data "packets," continuous measurements were made at a single antenna over a period of 10 minutes. At no time was the public limit exceeded with the probe touching the antenna. The maximum ambient RF level recorded was 55% of the applicable public exposure limit. The Wandel & Goltermann Type 25 Probe is shaped to take into account the variance of the exposure standard with frequency and, therefore, the operation of the facility at both 900 MHz and 2.4 GHz is taken into account.

Measurements were then made with ISM Base Station forced to operate continually under its maximum duty-cycle. Under this condition, the three-dimensional perimeter of fields equal to the public exposure limit was measured to extend out 2 inches in front of the face of the antenna. This condition only occurs immediately in front of the 900 MHz patch, from approximately 3 to 9 inches below the top of the antenna. All other areas on the face of the antenna measured below the public limit under this condition, even with the probe touching the face of the antenna.

Lastly, measurements were made under the condition of 100% duty-cycle. While a transmitter failure would be required for this condition to occur in the field, these measurements were made in order to completely characterize RF exposure conditions relative to the ISM Base Station. Under this condition, the three-dimensional perimeter of fields equal to the public exposure limit was measured to extend out 12 inches in front of the face of the antenna. This condition only occurs immediately in front of the 900 MHz patch, from the top of the antenna to approximately 1 foot below the top. All other areas on the face of the antenna measured below the public limit, with the probe touching the face of the antenna.

Measurements were made on the Hirshman antenna only in 100% duty-cycle mode. In all cases, for equivalent distances from the antennas, fields measured below those measured on the Larsen antenna. This is presumably due to the greater size and, therefore, lower power density of the Hirshman antenna. Measurements made under normal operating conditions and under maximum duty-cycle conditions are also expected to be less than those recorded for the Larsen antenna.

Conclusion

The radiated RF emissions from the Metricom Wireless ISM data system are measured to be so low as to be considered intrinsically compliant with the prevailing safety standards limiting human exposure to RF energy. The maximum ambient RF levels do not exceed the public exposure limit at any point, even touching the antennas, under normal operating conditions. Under worst-case operating conditions, which are highly unlikely to be realized in the field, the maximum ambient RF levels extend only two inches to the front of the antenna over a 36-square-inch area at the top of the antenna. Even under 100% duty-cycle operation, which is not realizable with the Metricom ISM system, the radiated RF emissions from the extend only 1 foot to the front of the antennas



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

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Page 3 of 4

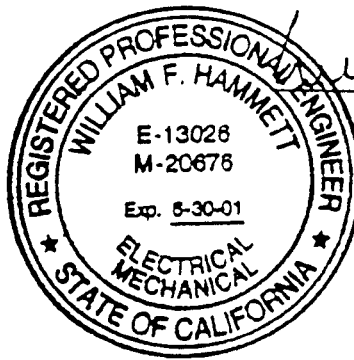
Metricom, Inc. • Wireless Data System
ISM Base Station Antennas

over a 1-square-foot area at the top of the antenna. Furthermore, the level of fields within ten feet of the antennas are estimated to be less than 1% of the public exposure limit and therefore are so low as not to be considered a significant contributing factor at collocation sites, regardless of Metricom antenna placement.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2001. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

March 7, 2000



William F. Hammett
William F. Hammett, P.E.



GENERAL DYNAMICS

Worldwide Telecommunication Systems

November 20, 2000

Ms. Alison Kuhlman, Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

VIA FACSIMILE: 435-615-4906

This is Page 1 of 2 pages.

Re: Metricom, Inc. Conditional Use Permit Applications

Dear Ms. Kuhlman:

This is in response to your letter dated November 2, 2000 that requests further information about Metricom's antenna safety.

Item 4 of your letter requests information about RF emissions from the WCS and ISM antennas of Metricom as well as a comparison with emissions from other sources. Since there are clear distinctions between the emissions from these systems, I wish to provide the following as our response.

The RF emissions from a radio system such as Metricom's could, if powerful enough, cause bodily harm by creating a heating effect within the body's tissues. This is essentially what happens inside your microwave oven. Microwave ovens emit power levels of 1,000 watts or so, thus providing the high power needed to accomplish that task.

The Federal government has established safety limits for humans for the purpose of avoiding bodily harm by microwave radiation. For Metricom's upper frequency the limit is 1.0 mW/cm². For Metricom's lower frequency the limit is 0.58 mW/cm².

Metricom's ISM antennas have been field measured by Hammett & Edison, Inc. and the results of that field measurement have been documented in the Engineer's Statement dated March 7, 2000. As noted in that report, the power emanating from Metricom's ISM antennas is so low as to be intrinsically compliant with the Federal standards, even to the point of touching the antennas. This, then, gives reassurance that Metricom's system cannot produce sufficient heat within human tissue to cause any damage.

9192 South 300 West, Suite 2, Sandy, UT 84070

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with concerns / 20 2000

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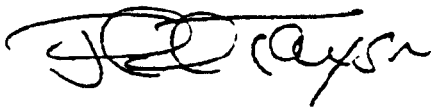
Ms. Alison Kuhlow
November 20, 2000
Page Two

You ask about a comparison with X-rays. X-rays operate at a much higher frequency than wireless communication systems, 1,000,000 MHz compared to 2,400 MHz for Metricom (and 1,850 MHz for PCS such as VoiceStream). At the extremely high frequency of X-rays, the electromagnetic particles have sufficient energy to break the chemical bonds within the cells and are thus classified as "ionizing" radiation. At the lower frequencies of Metricom and PCS, the radiation is non-ionizing, that is, they lack the power to break the chemical bonds and ionize the molecules within the body. As a form of non-ionizing radiation, Metricom's system cannot produce the chemical impacts associated with X-ray technology.

You further ask about power lines. Electric power lines do not emit radio frequency waves, but do emit electromagnetic fields. The study of the impacts of the electromagnetic fields produced by high-tension transmission lines has so far been inconclusive, but it is clear that this is radiation of an entirely different nature than that produced by wireless telecommunications and no comparison would be appropriate. The Federal government does have standards for magnetic emanations from common point sources such as televisions, electric appliances and other common devices. However, Metricom's ISM antennas do not emit electromagnetic radiation that could impact any person in close proximity and no comparison of these devices would be appropriate.

I trust this will serve as an appropriate response to your questions. The reports I drew my information from include EMF Standards, published by the National Institute of Health, and Cellular Phone Antennas and Human Health, by John E. Moulder, Ph.D., Medical College of Wisconsin. I will gladly make copies available to you upon your request.

Sincerely,
GENERAL DYNAMICS-Worldwide Telecommunication Systems



Jeffrey Taxson
Regional Manager
801-601-3179

cc: Bill Drake, Metricom, Inc.

FAXED
10/18/00
JAN



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
POPULATION HEALTH AND PREVENTION
ENVIRONMENTAL HEALTH SECTION

Wills L. Brown, Jr., Mayor
Mitchell Katz, M.D.
Director of Health

MEMORANDUM

February 24, 2000

To: Kenneth Chin, Planning Department
From: Richard Lee, Sr. Industrial Hygienist
Subj: Metricom Wireless ISM Data System

As requested by you, I have reviewed the February 2 report from Mark Neumann of Hammett & Edison, Inc. on the Metricom Wireless ISM Data System. This system will be utilized for wireless data communications and will transmit at both 900 MHz and 2.4 GHz. The February 2 report superseded the January 19th report by Mr. Neumann.

The Metricom transmitter will output a signal to the 3-foot panel antenna manufactured by Larsen Antenna Technologies. Metricom may also use a 3-foot Hirschman panel antenna for this system. Both antennas are reported to have the same gain. The effective radiated power at the antenna is 10 watts. This is much less than typical cellular phone base stations which operate at 400-2000 watts.

Mr. Neumann reported that he conducted measurements of this system at the Metricom Headquarters in Los Gatos on February 1. He measured the radio frequency levels from the Larsen antennas under three conditions: 1) normal operation; 2) maximum duty cycle; and 3) 100% duty cycle. Under normal conditions, radio frequency levels will not exceed the Federal Communications Commission (FCC) public exposure limit at the antenna face. Under the maximum duty cycle, radio frequency levels will exceed the FCC limits only in a small area two inches in front of the antenna. Under the 100% duty cycle, which cannot occur in the field, the radio frequency levels will exceed the FCC limits only in a small area 12 inches in front of the antenna.

Measurements taken with the Hirschman antenna indicated levels lower than the Larsen antenna.

Based on this information, the proposed siting of the antennas for the Metricom Wireless ISM Data System should not require individual radio frequency ambient reports. These antennas should not pose a health hazard to the general public or others who may make close approaches to the antennas. This opinion reflects only on this system with the reported power levels and specific antennas. Any changes in the antennas and increases in power should initiate a new review.

Community Toxics Program

1390 Market Street, Suite 210
San Francisco, CA 94102

Phone (415) 252-3800
Fax (415) 252-3900

-- Submittal regarding health concerns

Please note that the Metricom is also proposing to site other wireless telecommunications base stations throughout San Francisco using antennas that have an approximate effective radiated power of 600 watts. Those sites will need individual radio frequency ambient reports.

Please call me at 252-3992 if you have any questions on this letter.

cc: Rajiv Bhatia



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November 7, 2000

VIA FACSIMILE: 435-615-4906

This is Page 1 of 2 Pages.

Ms. Alison Kuhlowl, Planner
Park City Municipal Corporation
Department of Community Development
445 Marsac Avenue
Park City, Utah 84060

Re: Metricom, Inc.

Dear Ms. Kuhlowl:

This is in response to your letter dated November 2, 2000.

You ask if the ISM sites Metricom proposes in Park City operate at the same frequency and power levels of the ISM sites proposed in San Francisco and referenced in Kenneth Chan's memo. Yes. All Metricom ISM sites use the same model radio transmitter and all operate at the same frequency and the same power levels. As noted in Mr. Chan's memo, and as supported by the Statement of Hammett & Edison, Inc., Consulting Engineers, dated March 7, 2000:

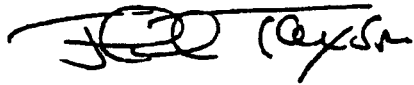
The radiated RF emissions from the Metricom Wireless ISM data system are measured to be so low as to be considered intrinsically compliant with the prevailing safety standards limiting human exposure to RF energy. The maximum ambient RF levels do not exceed the public exposure limit at any point, even touching the antennas, under normal operating conditions.

We believe the report by Hammett & Edison as well as the memo from Mr. Chan may be relied upon as expert testimony on the health and safety issues surrounding the proposed Metricom ISM sites in Park City.

Ms. Alison Kuhlrow
November 7, 2000
Page Two

Please contact me if I may be of any further assistance.

Sincerely,
GENERAL DYNAMICS

A handwritten signature in black ink, appearing to read "J. Taxson", written over a horizontal line.

Jeffrey Taxson
GSA Manager-Salt Lake City
801-601-3179

cc: Bill Drake, Metricom, Inc.

4. The structure shall be constructed as shown on the approved plans dated November 27, 2000.
5. This approval shall expire on December 13, 2001, unless the applicant has received a building permit for a project.
6. All Standard Project Conditions shall apply (Please refer to Exhibit F).

VI. OLD BUSINESS

1. 1375 Deer Valley Drive South, Deer Valley Plaza - Conditional Use Permit for telecommunications facility

Planner Alison Kuhlow reviewed the application from the Metricom Company and noted that the Planning Commission has previously reviewed this matter. The applicant would like to install antennas on the Stew Pot building at the Deer Valley Plaza and enclose them in four new dormers. At the last meeting, health concerns were discussed. Metricom is not governed by the 1996 Telecommunications Act; therefore, the Planning Commission can look into those health concerns. Planner Kuhlow reported on comments received from a homeowner in Fawn Grove and a homeowner in Aspenwood. She explained that she compiled information for the Staff report to address the Commissioners' previous comments, including an analysis of the ISM antenna by an engineering firm hired by Metricom. Also included are letters from Jeff Taxon, the Metricom representative, indicating the RF emissions and comparing the ISM to microwaves, X-rays, and power lines. Power lines do not have RF emissions but deal with wattage and power. A memo from the City of San Francisco Health

Department was also included in the Staff report. When they receive a telecommunications application which is not covered by the 1996 Telecommunications Act, that department reviews the engineers' data to see if it complies with the FCC and to determine health risks from the antenna. The Staff recommended that the Planning Commission re-open the public hearing and approve the CUP as conditioned in the Staff report.

Chair O'Hara re-opened the public hearing.

Gardner Gould, president of the Fawngrove Condominium Association, distributed copies of a handout prepared for the Commissioners to read at a later time. He stated that the unit owners at Fawngrove are very concerned, and many expressed their objections at the last meeting. He had reviewed the study prepared by the consulting engineer and noted that the firm of Hammet and Edison, consulting engineers, was retained on behalf of Metricom. He did not believe that was independent research because the consulting firm was hired and paid for by Metricom, and he asked the Planning Commission to remember that it is a skewed engineering report. He stated that he had a number of studies indicating the damage which can be done to property values and the health and welfare of residents in the area. It has not been determined that health is definitely affected, but it is not possible to say that exposure to RF radiation, even at levels below national guidelines, is without potential adverse health affects. Mr. Gould stated that he lives in Park City three months in the summer and three months in the winter and plans to spend a lot of time here with his family, but he did not want to live under antennas. On behalf of 61 Fawngrove residents, he requested that the Planning Commission consider alternative sites. Commissioner Larson commented on Mr. Gould's reference to property values and felt that,

given the stealth approach to these antennas, the property values should not be affected. Once they are installed, prospective buyers in Fawngrove have no way of finding out that the antennas exist. Mr. Gould disagreed and cited examples to support his theory. He believed antennas that could not be seen would be more dangerous because people would not be aware of them.

In response to a question regarding noticing, Planner Kuhlow responded that property owners at Lakeside, the Pinnacle, Aspenwood, and Stonebridge received notice in conformance with the Code requirement of mailing notices to properties within 300 feet.

The Commissioners discussed the health and safety issue and agreed that there was no conclusive determination of whether there are health hazards. Based on that, Chair O'Hara suggested a condition of approval stating that, if a body of scientific information comes out which conclusively addresses this issue, the City may have to re-visit CUPs in residential zones.

Jeff Taxon, representing Metricom, commented on the property value issues and noted that it is not clear whether they are referring to monopoles or towers versus stealth sites. He stated that he is in the real estate business and has no argument with defending a reduction of property values if a tower is adjacent to a property, but that is not the case with this application. A stealth approach was deliberately chosen to gain approval and minimize detrimental economic impacts on the owners of Deer Valley Plaza and the surrounding community. He noted that this is the only property in the Deer Valley meadow which has a physical structure that can accommodate Metricom's antenna design. They could not

meet any type of architectural standard using other condominium projects. Regarding the health issue, he stated that Metricom is not covered by the Telecommunications Act and operates on an unlicensed frequency, but it is regulated. If there is a change in the federal health and safety regulations, they apply retroactively to all wireless communication carriers. The condition suggested by Chair O'Hara would not be a problem for Metricom because they are already required to adopt any new federal regulation immediately. He explained that Hammet and Emerson were retained by Metricom to conduct an objective study to physically measure the emissions from the antennas. This is not a traffic count or parking study to determine a number of parking spaces but rather an objective study of power emanating from the antennas. The engineer who signed the report put his license on the line when he said the antennas were so safe they could be touched without causing any health risks. Nothing has determined that the antennas are unsafe, and he has documented information from an engineer pertaining to this installation which says they are safe. He believed it was irrelevant that Metricom paid for the study. He noted that the antennas will not be installed for the Olympics but will be permanently installed with a five-year lease and an option to extend. He explained that a five-year lease is an accounting practice to categorize it as an operating lease rather than a capital lease.

Chair O'Hara closed the public hearing.

Commissioner Larson felt the applicant had done a good job on the stealth architectural treatment of the antennas and commented that the added dormers fit the existing architecture. He stated that health, safety, and welfare was difficult to address because there is no evidence of any health impacts. He believed the engineering study demonstrated no

significant health, safety, and welfare issues, and since there was no evidence to the contrary, he felt they should move forward with the application.

Commissioner Powers referred to the General Dynamics report which indicates that frequencies are so low they must be considered intrinsically compliant with human safety. It appeared from this report that the antennas could do no harm to an individual who did not have his head against the antenna and agreed they should move forward.

Commissioner Hier verified with the applicant that this is a permanent installation for wireless internet access and is not solely Olympics driven. He was concerned with the health and safety issue, and because there is public concern and the location is within a residential area, he did not think they could or should ignore it.

Commissioner Volkman felt this was a difficult decision. He was unsure how to approve the application without knowing the real health factors, but he did not see how they could preclude Metricom from doing business without concrete information that the installation would be unsafe.

Mr. Taxon commented that the San Francisco Public Health Department was asked to evaluate the health issues for wireless communications applications presented to the San Francisco Planning Commission, and they determined that for ISM applications, the potential of exposure is so low it is not worth considering.

MOTION: Commissioner Larson moved to APPROVE the Conditional Use Permit for a telecommunications facility at 1375 Deer Valley Drive with the

findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

Commissioner Larson stated that he fully understood the concerns expressed by the residents and did not take this matter lightly, but he could not find a significant public health issue to warrant denial.

Commissioner Powers seconded the motion.

Commissioner Volkman requested a provision that, if health risks are determined at a future date, the lease can be terminated within a reasonable period of time.

Mr. Taxon suggested adding a condition of approval requiring Metricom to submit an annual statement of compliance with existing State and federal health and safety regulations.

Planning and Zoning Administrator Patrick Putt requested that the condition of approval be linked with a finding that the health-related impacts associated with this type of antenna system are unknown at this time, and additional study may be necessary.

AMENDED MOTION: Commissioner Larson amended his motion to include the condition of approval suggested by Mr. Taxon and the finding stated by Administrator Putt. Commissioner Powers accepted the amendment in his second.

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

Findings of Fact - 1375 Deer Valley Drive

1. The project is located in the RD zone.
2. The proposed antennas will be located within four (4) new dormers.
3. The height of the proposed dormers is 32 feet.
4. The antenna will provide internet service to the surrounding area.
5. The findings in the Analysis section are incorporated herein.
6. The applicant stipulates to all Conditions of Approval.
7. The health-related impacts associated with this type of antenna system are unknown at this time, and additional study may be necessary.

Conclusions of Law - 1375 Deer Valley Drive

1. The application complies with all requirements of Section 15-1-10(e) and Section 8.3 f-i of the Land Management Code.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan.
4. Any differences in use or scale have been mitigated by the Conditions of Approval.

Conditions of Approval - 1375 Deer Valley Drive

1. All standard conditions of project approval shall apply to this project (See Exhibit G).
2. The dormers shall match the color, materials, and windows on the structure.
3. Mechanical equipment totaling no more than sixteen (16) square feet will be added to the rear of the structure.
4. The exterior mechanical equipment shall be painted to match the existing structure.
5. The applicant shall submit an application for a building permit for the construction details for the dormers, antenna, and the mechanical equipment.
6. The Telecommunications Facility shall be constructed as shown on the approved plans dated August 31, 2000.

7. This approval shall be null and void as of December 13, 2001 unless the applicant has received a building permit for the project.
8. Metricom shall be required to submit an annual statement of compliance with existing State and federal health and safety regulations.
2. 1910 Prospector Avenue - Conditional Use Permit for telecommunications facility

Planner Kuhlow reviewed the Metricom application to install roof-mounted antennas and mechanical equipment on the roof of the Chamber of Commerce building located at 1910 Prospector Avenue. At the last meeting the Commissioners discussed a screen wall to be placed on the roof. The applicant has constructed an unpainted plywood screen wall, and pictures are included in the staff report. The actual screen will be different, and the Staff has required that it be painted the same color as the roof material to minimize impacts. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the CUP based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the additional finding of fact and condition of approval included in the previous item.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

PARK CITY

PLANNING COMMISSION REPORT

DATE: December 13, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP AK
TITLE: Conditional Use Permit - Telecommunications Facility at 1375 Deer Valley Drive
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Continue conducting a Public Hearing and consider approving the Conditional Use Permit, as conditioned, to allow a telecommunications facility at 1375 Deer Valley Drive, Deer Valley Plaza.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Project Name: Conditional Use Permit to allow telecommunications facility
Applicant: Metricom
Representative: Laurel Mitchell, Maguire Brothers
Location: 1375 Deer Valley Drive
Zoning: Residential Development, RD
Adjacent Land Uses: Commercial, Residential and Recreation

B. Background.

The Planning Commission initially reviewed Metricom's proposal to locate a telecommunications facility at 1375 Deer Valley Drive, Deer Valley Plaza at their August 23, 2000 meeting. At that meeting the Planning Commission expressed no concerns regarding the application. The Planning Commission again reviewed this request at their September 27, 2000, meeting. The Commission received concerns regarding the notice for the meeting, which the individual felt did not meet the requirements of the Land Management Code. The Commission at that time continued the item in order for the project to be re-noticed. The second notice for the project was mailed on October 11, 2000, noticing the public hearing on October 25, 2000. Staff confirmed the addresses submitted met the noticing requirements. The public hearing was continued on October 25, 2000, to a date uncertain. The reason for the continuation was to allow time for Staff to review information submitted regarding possible health impacts of the antenna.

Exhibit F - December 13, 2000
Staff Report

The applicant requests to locate sixteen (16) antennas on the Deer Valley Plaza Building. The proposal shows the construction of four dormers to the existing roof, and the placement of four antennas, within each dormer. The ridge of the dormers would not exceed the height of the main ridge of the building. The mechanical equipment would be located to the rear, outside of the building. All equipment would be enclosed within a cabinet.

The site at Deer Valley Plaza, once installed, would provide a signal in the surrounding area for Metricom's wireless internet service.

C. Analysis

The proposal meets the zoning requirements for the Residential Development (RD) District, that is, enclosed antenna are permitted under Consent Agenda Review in the RD District. The application includes a proposal to construct four (4) dormers on the building to facilitate the antenna. The construction of the dormers requires the Planning Commission to conduct a public hearing since there is an exterior wall modification to the existing structure.

Public input has been received by the Planning Commission in regards to the safety of the antenna in the surrounding area. Four (4) documents have been submitted to Staff addressing the health concerns. The following information is included within Exhibit E.

- Letter from Jeff Taxson regarding RF Emissions Information
- Letter from Jeff Taxson regarding the comparisons between the San Francisco ISM sites and the Park City ISM sites
- Memo from City and County of San Francisco Department of Public Health
- Memo from Hammett & Edison, Inc, Consulting Engineers

Listed below is Staff's analysis of the Conditional Use Permit Standards for Review, Section 15-1-10(e) of the Land Management Code.

1. Size and location of the site: The applicant is proposing to locate sixteen (16) enclosed antenna within four (4) new dormers within the RD District on an existing building. The application also requests the construction of a mechanical shelter to the rear of the building, which will comply with the side and rear yard setbacks of the RD District.
2. Traffic considerations: The installation of telecommunications equipment will not increase traffic to the site.
3. Utility capacity: The structure has existing utility service. No additional services will be needed.
4. Emergency vehicle access: The project will not restrict existing emergency access to the structure.
5. Location and amount of off-street parking: The location of telecommunications facility 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: The mechanical cabinet, ten (10) square feet, and a six (6) square foot mechanical box will be placed adjacent to the structure in the rear. The placement of the

shelter will not compromise circulation around the site. There will be no restrictions to the internal circulation of the building from this proposal.

7. Fencing, screening and landscaping to separate uses: The antenna will be mounted within the new dormers on the building. The applicant is constructing the dormers to screen the antenna, which would otherwise create a concern for the antennas' visual impact on the building. However, Staff has determined that screening the antenna with the construction of dormers, which are proportional to the existing gable element on the structure, would create less of a visual impact than the antennas themselves.
8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots: The dormers will be twenty (20) feet long and nine (9) feet tall and will extend to meet the main ridgeline of the building. The dormers are smaller, but proportional to the existing gable element on the building. The dormers will contain windows matching the style and shape as those seen on the gable element, as well as siding material to match.

The mechanical equipment will be painted the same color as the building and is comprised of a ten (10) square foot mechanical cabinet and a six (6) square foot mechanical box. The mechanical equipment complies with the setbacks of the zone.
9. Usable open space: The addition of the mechanical equipment to the rear of the structure will have a minimal effect on the usable open space for the site.
10. Signs and lighting: No lights or signs will be installed on this project.
11. Physical design and compatibility with surrounding structures in mass, scale and style: Sixteen (16) antenna will be enclosed within four (4) new dormers on the building. The height of the dormers meet the main ridgeline for the structure, which is at 32 feet. The size of the dormers are proportional to the existing gable element to the structure and will not overpower the front and rear facades of the structure. The windows and wall materials on the dormers will match those found on the building.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people: The applicant has submitted four pieces of documentation, upon Staff's requests to assist in the review of possible health impacts from the site. One of the submitted documents was from the City of San Francisco, addressing Metricom's ISM site. The City of San Francisco requires an evaluation of all telecommunication facilities to ensure compliance with FCC regulations and to review the access to and surrounding area of the antenna. The evaluation is done by their Department of Public Health and it was determined that Metricom's ISM antenna will not exceed the FCC public exposure limits at the antenna face, when it is run under normal operation. Further documentation has been submitted stating that all of Metricom's ISM antenna run at the same frequency and same power levels.
13. Control of delivery and service vehicles, loading and unloading zones, and screening: The applicant proposes to construct four (4) dormers on the building. The antennas will be placed within the dormers and will not be visible from the rights-of-way.

14. Expected ownership and management of the property: The property is owned by Deer Valley Resort Company.
15. Architectural and Uniform Building Code review: The applicant will need to submit a Building Permit application to install the dormers, antennas and mechanical equipment.
16. Sensitive Lands Review: The structure is located outside of the Sensitive Lands Overlay Zone.

D. Notice.

Notice of the public hearing was given on September 9, 2000 for the September 27, 2000 Planning Commission. The public hearing was re-noticed on October 7, 2000, for the October 25, 2000, Planning Commission meeting. At that meeting the Commission continued the item to a date uncertain.

E. Department Review.

The Community Development Department and City Attorney's Office have reviewed this request. The request was discussed at a Staff Review Meeting, where representatives from local utilities and City Staff were in attendance. There were no concerns mentioned at the meeting.

F. Public Input.

During the September 27, 2000, public hearing the Commissioners heard concerns regarding noticing of the project as well as health and safety concerns regarding the antenna. Since the meeting Staff has received a letter from a neighbor concerning the health issues. Please refer to Exhibit F for the letter.

ALTERNATIVES

- A. Approve the Conditional Use Permit, as conditioned by staff, to allow telecommunications facility to be located at 1375 Deer Valley Drive, Deer Valley Plaza.
- B. Deny the Conditional Use Permit, thereby preventing the telecommunications facility at 1375 Deer Valley Plaza.
- C. The Planning Commission may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit to allow a telecommunications facility to be located at 1375 Deer Valley Drive, Deer Valley Plaza:

Findings of Fact:

1. The project is located in the RD Zone.
2. The proposed antennas will be located within four (4) new dormers.
3. The height of the proposed dormers is 32 feet.

4. The antenna will provide internet service to the surrounding area.
5. The findings in the Analysis section are incorporated herein.
6. The applicant stipulates to all Conditions of Approval.

Conclusions of Law:

1. The application complies with all requirements of Section 15-1-10(e) and Section 8.30f - i of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. Any differences in use or scale have been mitigated by the Conditions of Approval.

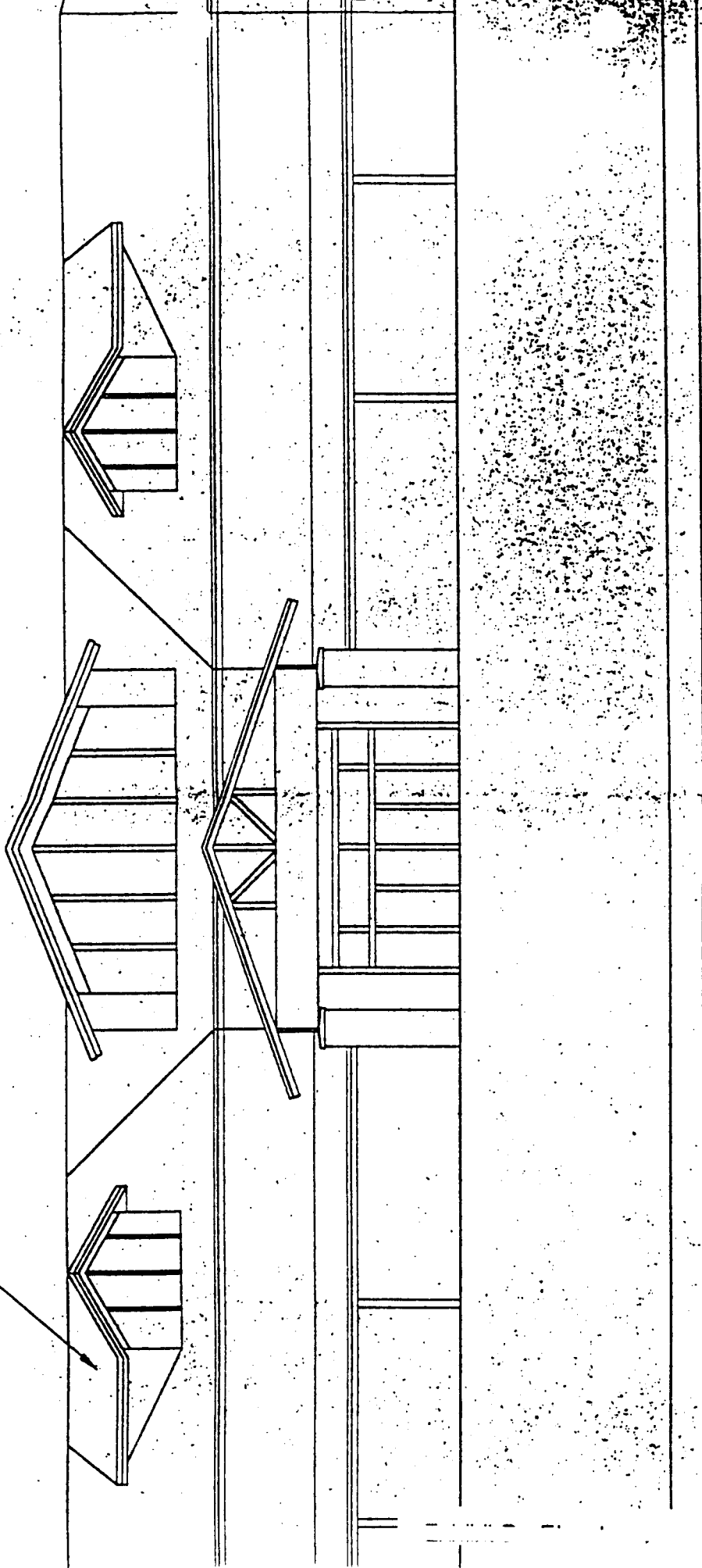
Conditions of Approval:

1. All standard conditions of project approval shall apply to this project (see Exhibit G).
2. The dormers shall match the color, materials and windows on the structure.
3. Mechanical equipment totaling no more than sixteen (16) square feet will be added to the rear of the structure.
4. The exterior mechanical equipment shall be painted to match the existing structure.
5. The applicant shall submit an application for a building permit for the construction details for the dormers, antenna and the mechanical equipment.
6. The Telecommunications Facility shall be constructed as shown on the approved plans dated August 31, 2000.
7. This approval shall be null and void as of December 13, 2001 unless the applicant has received a building permit for the project.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Area of Coverage
Exhibit C - Site Plan
Exhibit D - Elevations
Exhibit E - Submittals regarding health concerns
Exhibit F - Letter from Public
Exhibit G - Standard Conditions of Project Approval

(N) RF TRANSPARENT ANTENNA
ENCLOSURE W/ (4) ISM PANEL
ANTENNAS MOUNTED WITHIN



(N) RF TRANSPARENT
ENCLOSURE (MA
FINISHES)

(N) RE TRANSPARENT ANTENNA
ENCLOSURE (MATCH EXISTING
FINISHES)

TOP OF EXISTING BUILDING
ELEV +37.3' (Approx.)

TOP OF NEW ENCLOSURE
ELEV +37.3' (Approx.)



RECEIVED

EAST ELEVATION

EAST ELEVATION

