



PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
April 28, 2022

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Council of Park City, Utah, will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on April 28, 2022. Council members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

CLOSED SESSION - 2:45 p.m.

To Discuss Property, Personnel, Litigation, and Advice of Counsel

WORK SESSION

4:30 p.m. - Special Service Contracts Overview and Discussion

[Special Service Contract Staff Report](#)

[Exhibit A: Current Special Service Contracts](#)

5:00 p.m. - Homestake Drive Housing Project Presentation and Discussion

[Homestake Housing Project Staff Report](#)

[Exhibit A: Executed Homestake MOU](#)

[Exhibit B: J Fisher Homestake RFQ Response](#)

[Exhibit C: Electric Magnetic Field \(EMF\) Health Risk Information Links](#)

[Exhibit D: Draft Homestake Tenant Selection Plan](#)

5:45 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. PRESENTATION

1. White Pine Touring 2022 Season Report - Presented by Jack Walzer, General Manager of White Pine Touring

[Whitepine Touring Season Staff Report](#)

[Exhibit A: 2020 White Pine Concessionaire Agreement](#)

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from March 29 and 31, 2022

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute Three (3) Professional Service Provider Agreements for Noxious Weed Abatement, in a Form Approved by the City Attorney, with Ecology Bridge LLC - \$30,000; Jesus Rea Landscaping - \$175,000; Ground Solutions LLC - \$25,000, for a Total Amount Not to Exceed \$235,000
[2022 Noxious Weeds Control Contracts Staff Report](#)
2. Request to Adopt Resolution 05-2022, a Proclamation Recognizing Child Care Provider Appreciation Day on May 6, 2022
[Child Care Provider Appreciation Day Staff Report](#)
[Exhibit A: Child Care Provider Appreciation Day Proclamation](#)
3. Request to Adopt Resolution 06-2022, a Proclamation Recognizing April 2022 as Child Abuse Prevention Month
[Child Abuse Prevention Month Staff Report](#)
[Exhibit A: Child Abuse Prevention Month Proclamation](#)
4. Request to Adopt Resolution 07-2022, a Proclamation Recognizing May 2022 as Mental Health Awareness Month
[Mental Health Awareness Month Staff Report](#)
[Exhibit A: Mental Health Awareness Month Proclamation](#)
5. Request to Authorize a Contract with Alpine Forestry, in a Form Approved by the City Attorney, for the Community Wildfire Risk Assessment Plan in the Amount of \$250,000
[Community Wildfire Risk Assessment Contract Staff Report](#)
[Exhibit A: PCMC Wildfire Risk Assessment Project - Scope of Work](#)

VII. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2022-08, an Ordinance Approving Amendments to Land Management Code § 15-2.1-2, § 15-2.2-2, § 15-2.3-2, § 15-2.4-2, § 15-2.5-2, § 15-2.6-2, § 15-2.7-2, § 15-2.9-2, § 15-2.10-2, § 15-2.11-2, § 15-2.12-2, § 15-2.13-2, § 15-2.14-2, § 15-2.15-2, § 15-2.16-2, § 15-2.17-2, § 15-2.18-2, § 15-2.19-2, § 15-2.23-2, For Zoning District Use Tables, § 15-15-1 Definitions, and Enacting a New §15-4-22, Outdoor Pickleball Courts in Residential Areas
(A) Public Hearing (B) Action
[Pickleball Code Amendments Staff Report](#)
[Exhibit A: Draft Ordinance No. 2022-08](#)
[Exhibit B: Background Information](#)
[Exhibit C: Survey Results](#)
[Exhibit D: Public Comments](#)
[Exhibit E: Post Card Proof](#)
[Exhibit F: Abrego South Green Valley, AZ Pickleball Noise Survey](#)
[Exhibit G: City of Ojai, CA Pickleball Sound Mitigation Options](#)
[Exhibit H: Noise Study for Pickleball Courts in Surprise, AZ](#)
[Exhibit I: Pickleball Environmental Noise Assessment Pacific Grove, CA](#)
[Exhibit J: Scottsdale, AZ Development Review Board Pickleball and Bocce Courts Report](#)
[Exhibit K: Spendiarian and Willis Noise Survey for Pickleball Courts in Sun Lakes, AZ](#)

[Exhibit L: Spendiarian and Willis Pickleball Acoustics and Noise Control](#)

[Exhibit M: Spendiarian & Willis Acoustics & Noise Control LLC Letter](#)

2. Consideration to Approve Resolution No. 08-2022, a Resolution of Park City Municipal Corporation Appointing the "Deed Restriction Advisory Committee" to Negotiate and Make Recommendations Regarding the Acquisition of Deed Restrictions in the City and Authorizing the City Manager to Approve and Execute all Necessary Documents in Accordance with Adopted Budget Policies
(A) Public Hearing (B) Action
[Live Local Park City Staff Report](#)
[Exhibit A: Vail Economic Impact Study](#)
[Exhibit B: Deed Restriction Language](#)
[Exhibit C: Live Park City Process Outline](#)
[Exhibit D: Application](#)
[Exhibit E: Advisory Committee Resolution](#)
[Exhibit F: Budget Ordinance](#)
[Exhibit G: Budget Policy Chapter 6 Edits](#)
3. Discuss Park Silly Sunday Market Contract Negotiations
(A) Public Input
[Park Silly Sunday Market Staff Report](#)
[Exhibit A: PSSM Contract Request & Community and Economic Data](#)

VIII. NEW BUSINESS

1. Discuss City Programming at the Arts District
(A) Public Input
[Art District City Use Staff Report](#)
2. Consideration to Adopt Ordinance No. 2022-09, an Ordinance Approving the Kings Crown Re-Subdivision Third Amended Lot Combination Plat, Located at 1281 Rothwell Road, Park City, Utah
(A) Public Hearing (B) Action
[Kings Crown Re-Subdivision Staff Report](#)
[Exhibit A: Draft Ordinance No. 2022-09](#)
[Exhibit B: Aerial View](#)
[Exhibit C: Topographic Survey of Existing Conditions](#)
[Exhibit D: Applicant Statement](#)
3. Consideration to Approve Ordinance 2022-10, an Ordinance Approving 1304 Park Avenue Plat Amendment, Located at 1304 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action
[1304 Park Avenue Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Ordinance No. 2018-40](#)
4. National Community Survey Overview
[National Community Survey Staff Report](#)

IX. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

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

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

4:30 p.m. - Special Service Contracts Overview and Discussion

Suggested Action:

Attachments:

[Special Service Contract Staff Report](#)

[Exhibit A: Current Special Service Contracts](#)



City Council Staff Report

Subject: Special Service Contracts Overview and Discussion
Author: Kirsten Darrington
Department: Budget
Date: April 28, 2022
Type of Item: Work Session

Recommendation

Review and consider any changes to the existing Special Service Contracts process (recently revised in 2021) and discuss mental health funding under the types of services funded.

Background

Special Service Contracts Background

Special Service Contracts (SSCs) provide unique and valuable services to the community through partnerships between the City and local nonprofits. Many different types of activities and programs that the municipality lacks the expertise to provide are funded through these contracts, ranging from cultural activities to emergency services. All contracts are awarded through a competitive RFP process and applications are evaluated by the Special Service Contracts Committee. The Committee is comprised of two Council Liaisons (currently Council Members Gerber and Toly) and volunteer community members, with support from city staff (Budget Director, Jedd Briggs and Grants and Contacts Coordinator, Kirsten Darrington).

Special Service Contracts are awarded on a one-to-four-year cycle and administered under the City's Policies and Objectives (Chapter 5, Part I, Section D). In FY21, Council approved a revamp of the application process, splitting it into two categories:

1) Regular Service Contracts

- Defined as services considered to be essential to PCMC's overarching goals that the City anticipates funding for the foreseeable future
- Approved in FY21 for a four-year contract
- Awarded to 7 organizations
- Up to \$250,000 budgeted for each year (FY21-24)

2) Diversity, Equity, and Inclusion (DEI) Service Contracts

- Defined as services with a demonstrated focus on Diversity, Equity, and Inclusion that provide a direct benefit to the community
- Approved in FY22 for a two-year contract
- Awarded to 13 organizations
- Up to \$250,000 budgeted for each year (FY22-23)

Current types of services funded under Special Services Contracts include:

- a) Childhood Care & Education
- b) Community Art & Culture
- c) Emergency Assistance
- d) Food Assistance
- e) Healthcare/Medical Treatment
- f) Housing Outreach & Education
- g) Legal Mediation Services
- h) Social Equity and Inclusion Programs
- i) Waste/Recycling Management

A complete list of organizations funded in both the Regular and DEI Service categories is attached as Exhibit A.

Mental Health Services Background

In 2017, Park City, Summit County, local school districts, Park City Community Foundation, and the Health Department formed the Summit County Mental Health Alliance, recognizing the need to address mental health and substance abuse and increase support services in the community. As priorities were further defined, [Communities That Care](#) was brought on as an integral component to assess community needs and provide targeted services. CTC's services are specifically designed to address youth substance abuse risk factors through [prevention-based strategies](#).

Summit County and Park City initially put funds towards mental health through an MOU with Summit County supporting the Alliance. With the shift to CTC, the City and County continue to provide support through annual donations to CTC. The City has contributed \$60,000 annually to CTC through the Park City Community Foundation over the last three years. In addition to the City and County support, CTC was awarded a competitive multi-year matching Federal grant from the Center for Disease Control (CDC). Our annual allocations are used to match the Federal funding and continue the grant award

In December 2021, as part of the approval for the FY22 donation to CTC, Council discussed a desire the need to revisit the process and also to have a deeper discussion regarding the annual disbursement of funding for mental health support services and programming.

Options for Council Consideration

1. Continue to award a one-time donation to selected community organizations to provide mental health services

Considerations:

- Set collaborative precedent with partners to support Communities That Care
- Other mental health services could be supported
- Limited to committing only 1 year of funding at a time

2. Award funding for mental health services through the Regular Special Services Contract process.

Considerations:

- This option would require an RFP with recommendations from the Special Service Contracts Committee
- Ensures consistency with other nonprofits/service providers
- Allows City to contract for multi-year funding (4 yrs.)
- Other mental health service providers could be explored and obtained
- Funding is competitive

Next Steps

The next steps for each proposed option are outlined below:

Option #1: Continue to award a one-time donation for mental health services:

1. Council reviews and approves annual donation (August 2022)
2. Donation is awarded to selected recipient(s) (October 2022)

Option #2: Award funding for mental health services through the Regular Special Services Contract process*:

1. Open RFP for mental health services (May 2022)
2. SSC committee meets to evaluate applications (June 2022)
3. SSC recommendations are brought to Council (July 2022)
4. Award is made to selected applicant(s) (July 2022)

*Note: The timing of this RFP would be out of sync with the other Regular Service Contracts cycle (ending in FY24), so the first contract(s) awarded would be for two (2) years for FY23 and FY24. and then follow the typical Regular Services Contracts cycle starting in FY25.

Funding Sources

Special Service Contracts has a dedicated budget under the general fund. Council has budgeted \$60,000 from the general fund for mental health services for the last three years to also be paid out of the general fund.

Exhibits

Exhibit A: Current List of Special Services Contracts

EXHIBIT A: Current List of Special Service Contracts

DEI Service Contracts (Awarded in FY22 for 1-2 year contract)		
Organization	Annual Amount	Category
Arts Council of Park City & Summit County	\$ 22,400.00	Social Equity and Inclusion Programs
Big Brothers Big Sisters of Utah	\$ 2,500.00	Social Equity and Inclusion Programs
Christian Center of Park City*	\$ 15,000.00	Social Equity and Inclusion Programs
Jewish Family Service*	\$ 20,000.00	Social Equity and Inclusion Programs
KPCW*	\$ 5,000.00	Social Equity and Inclusion Programs
Mountain Mediation	\$ 20,000.00	Social Equity and Inclusion Programs
Mountainlands Community Housing Trust	\$ 50,000.00	Social Equity and Inclusion Programs
Park City Community Foundation*	\$ 50,000.00	Social Equity and Inclusion Programs
Park City Film	\$ 15,000.00	Social Equity and Inclusion Programs
Park City Seniors	\$ 25,000.00	Social Equity and Inclusion Programs
Park City Tots, Inc.	\$ 25,000.00	Social Equity and Inclusion Programs
SOS Outreach*	\$ 20,000.00	Social Equity and Inclusion Programs
Youth Sports Alliance	\$ 10,000.00	Social Equity and Inclusion Programs

**Denotes organizations that only recieved funding for one year instead of two*

Regular Service Contacts (Awarded in FY21 for a four-year contract)		
Organization	Annual Amount	Category
Christian Center	\$ 40,000.00	Food Pantry & Emergency Assistance
Holy Cross Ministries	\$ 10,000.00	Emergency Assistance
Jewish Family Service	\$ 20,000.00	Emergency Assistance & Medical Treatment
PC Education Foundation	\$ 50,000.00	Education
PC Tots	\$ 50,000.00	Childcare & Development
Peace House, Inc.	\$ 40,000.00	Safe Haven/Emergency Assistance
People's Health Clinic	\$ 40,000.00	Medical Treatment

Note: Organizations may awarded more than one Special Service Contract to support different projects and programs

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

5:00 p.m. - Homestake Drive Housing Project Presentation and Discussion

Suggested Action:

Attachments:

[Homestake Housing Project Staff Report](#)

[Exhibit A: Executed Homestake MOU](#)

[Exhibit B: J Fisher Homestake RFQ Response](#)

[Exhibit C: Electric Magnetic Field \(EMF\) Health Risk Information Links](#)

[Exhibit D: Draft Homestake Tenant Selection Plan](#)

City Council Staff Report

Subject: Homestake Housing Project
Author: Jason Glidden
Department: Housing
Date: April 28, 2022
Type of Item: Administrative



Recommendation

Receive a progress update on the public/private affordable housing project located on Homestake Drive and provide the Housing Team with policy direction regarding potential project design and terms of a long-term land lease.

Executive Summary

Park City continues to aggressively push toward the goal to create 800 affordable housing units by 2026. Time is clearly running out – land remains scarce, construction is more expensive than ever, and affordable housing projects are often met with strong neighborhood opposition and long land use entitlement processes.

In 2019, City Council identified public/private partnerships as a key strategy to help accelerate progress toward the 800 unit goal. Specifically, the Homestake parcel at 1875 Homestake Road was identified as a favorable location because of alignment with several other community priorities (in-town location, proximity to other services, located on transit, trails, etc.). As a result, an RFP was advertised to solicit private sector partners with considerable expertise in affordable housing and construction development. A committee of local stakeholders selected JF Development, and an MOU (Exhibit A) was negotiated to outline the potential project's scope, timeline, and a myriad of other necessary terms and conditions. The MOU is being used to guide negotiation of a development agreement and project scope (design, unit types, etc.).

In addition, the City Council also obtained Owners Representative Services with Specific Performance Inc. (SPI) to assist in negotiating an MOU, advancing site due diligence, and progressing from initial scoping through design and entitlement, to the final construction. SPI has considerable experience with local and national mixed-use development, public-private partnerships, and sustainable design. SPI's advisory board includes successful developers, owners, and operators of publicly and privately funded affordable housing projects.

Finally, the architectural firm WOW Inc. was also retained by the City to provide conceptual design studies to help inform Council and the community as to what the final project might look like and how it would fit into the surrounding neighborhood.

The Housing Team, SPI, Wow Architects, and JF Development have prepared initial design concepts for Council review and feedback. Importantly, the concept includes estimates of the number and type of units, orientation on the parcel, and the potential project massing and heights. In addition, the team will provide answers to questions asked by the City Council in the last work session.

Background

Homestake Property

Located in the General Commercial Zoning District, the Homestake property is 1.86 acres and near PCMR, Historic Main Street, surrounded by transit, and abuts the Prospector Square and proposed Art & Cultural District. The parcel is currently a surface-level parking lot with no structures, triangular in shape, and bordered on two sides by private properties (Wintzer-Wolf and RMP power station). The third side borders Homestake Road. Council purchased the property on May 12, 2016 ([Staff Report](#), [Minute](#)), to forward the City's affordable housing and transportation goals.



Housing Goal & Code Amendments

The goal to create 800 affordable units by 2026 was expected to be met through a mixture of City development, private development obligations, and public-private partnerships. To that end, staff began by updating the Land Management Code (LMC) to incentivize construction of affordable housing.

On February 25, 2021 ([Staff Report](#), [Minutes](#)), Council approved Ordinance No. 2021-10, designed to incentivize developers proposing 50% or more affordable housing. The new code:

- Permits AMPDs in non-Historic Zoning Districts that allow Multi-Unit Dwellings;
- Separates the AMPD review and approval process from the MPD process;

- Requires at least 50% of the Residential Unit Equivalents to be Affordable Units;
- Reduces Open Space requirements and Setbacks;
- Allows Building Height up to 45 feet;
- Reduces parking when impacts are mitigated, and
- Allows for mixed-use development.

Private-Public Partnerships

On February 11, 2021 ([Staff Report](#), [Audio](#)), Council sought exploration of public-private partnership (PPP) to better leverage public funds. A PPP Task Force was convened consisting of local housing experts, non-profits, and development and financial professionals. The Task Force provided input on PPP's and identified the land cost and development constraints as the main obstacles to creating affordable housing in Park City. While only one tool in the City's housing toolbox, the PPP structure was identified as the most expeditious means for the City to advance affordable housing development, allowing the City to utilize its financial and human resources most efficiently.

The Council directed an RFQ advertising the Homestake parcel to identify a qualified private-sector entity with the knowledge and expertise to develop affordable housing in partnership with the City through a PPP structure. The RFQ stated that the City was looking for a developer that could design and construct a mixed-income, multi-family housing project with a goal to develop a primarily residential rental development that contains 80% or more affordable units. Nine responses were received, and a selection committee evaluated and scored proposals. Three firms were selected for second-round interviews, and, after reference checks, the committee recommended JF Development (Developer) to negotiate a Development Agreement (JF Proposal – Exhibit B).

Background on JF Development

JF Development is a vertically integrated real estate company from Utah. They have grown from a land entitlement group and homebuilder into a prominent commercial and multi-family affordable housing developer. The company philosophy is centered around building and holding units for the long term.

In 2014, JF Development committed to focusing on affordable housing as a significant part of the company's future. This commitment has taken many forms and includes traditional low-income housing tax credit ("LIHTC") financed apartments, public-private partnerships, creative finance sources, mixed-income, and mixed-use strategies. JF has structured over \$300M in affordable housing projects and closed over \$55M in LIHTC equity syndications, with an additional \$45M currently committed. Additionally, JF has in-house construction capabilities through its general contractor – Strategic Builders – and in-house property management through its management company – Olive West.

Analysis

Project Design

Scenario A - strictly complies with the LMC and AMPD (setbacks, height, and provides 50% more open space). Massing is toward rear of the site and away from adjacent

lower density neighbors. Scenario A produces 120 units (80% affordable, 20% market). The market-rate units are dispersed throughout the building, creating a true mixed-income community. Materials and finishes for both the market rate and affordable units are the same. In addition, scenario A proposes a mix of unit types, including larger two-bedroom units. Scenario A does not depend upon any exceptions. Exemptions would result in more affordable units but have not been deployed in this scenario.

Proposed rental rates average 60% AMI. J. Fisher is open to deeper affordability, but additional sources of capital are likely required. The rental rate of the market-rate units is based on market demand. Below is a draft rental chart based on current AMI levels and financial projections.

Unit Mix & Rent Matrix				
Unit Type	Unit Count	Unit Size	Rent	AMI %
1 Bed (60% AMI)	37	600	\$ 1,344	60%
1 Bed (Market)	9	600	\$ 2,800*	125%
2 Bed (60% AMI)	57	900	\$ 1,614	60%
2 Bed (Market)	14	900	\$ 3,400*	126%
3 Bed (60% AMI)	2	1,200	\$ 1,864	60%
3 Bed (Market)	1	1,200	\$ 3,900*	126%
Total	120	95,100		

*Market rates rents are currently estimated at 125% of AMI, but will be determined by a professional market survey.

Scenario A parking meets LMC requirements, complying with the AMPD reduction of up to one-half space per unit with Planning Commission approval. There is an option to add more parking than required to provide public parking. J. Fisher is responsible for code-required parking, but any additional parking is City responsibility. No cost estimates have been calculated. A chart below:

HOMESTAKE PROPOSED PARKING PLAN	
UNDERGROUND RESIDENTIAL	75
SURFACE COMMERCIAL	5
UNDERGROUND COMMERCIAL	10
UNDERGROUND PUBLIC	30
TOTAL	120

Scenario A includes 5,000 sqft. of commercial space. Use has not been determined, although J. Fisher has been in discussions with several community-based businesses.

Financial

Final design parameters are necessary to accurately estimate project construction costs. Soil remediation and relocation, sustainability measures, inflation in general, and the request to consider some public parking will all add to cost projections. This will be incorporated into a master long term land lease. General estimates will be determined once the project is further along in design.

J. Fisher is responsible for managing and maintaining the property for the duration of the land lease, including capital repairs. No additional HOA fees can be charged on top of rental rates. It is standard to build in a capital repair reserve account, which is escrowed with the lender, and available to conduct capital improvements. In addition, the property manager will maintain a capital improvement plan consistent with commercial industry standards.

Sub-station & EMF Health Risks

Concerns about proximity to the substation prompted the team to conduct additional research. The Team reached out to both county and state health officials. All contacts replied that they rely on the current information provided by both national and international organizations that have studied the topic deeply. The contacts provided informational links. These links (Exhibit C), which includes information from the state, federal, and world health organizations, shows no relation between EMFs and potential health risks. In addition, J. Fisher is procuring an environmental consultant to perform on-site testing and provide additional mitigation measures if desired.

Tenant Selection Process

J. Fisher is preparing a selection criteria program (Exhibit D) that meets City current [Housing Resolution](#) and Federal guidelines. Two separate waitlists are proposed once units are leased. The first will include applicants that meet the employment requirements and given priority for future units. The second are for those that do not meet employment requirements and only used when the first waitlist is exhausted.

Land Lease

The ground lease is expected to be longer than 75 years and structured to include extensions. The annual lease rate has not been negotiated. In the event that the project is sold, Park City will still control considerable property rights memorialized in the ground lease agreement (minimum Operation & Maintenance requirements, defined waitlist process, etc.). Typically, this includes improvements to the property (buildings, etc.) and are returned to the landholder at the end of the lease period.

Policy Questions:

- Feedback on project design and unit mix?
- Does Council seek deeper affordability beyond 60% AMI? If so, does Council prefer to change the percentage of market-rate units or use additional City funds to alter the project's affordability?
- Does Council want to include more parking than required? If so, how does Council want to fund this project amendment?
- Is Council comfortable with the applicant selection process proposed by J. Fisher?

Master Planning of Bonanza Park

Based upon Council direction at your Annual Retreat, the Planning Department has requested funding in the FY23 budget and plans to initiate a general plan RFP this

spring. We estimate it will take approximately 8-10 months to complete the General Plan, not including the adoption process.

Small Area or Neighborhood plans can be a component of a General Plan and are intended to address the specific planning needs and policy goals of residents, businesses, and stakeholders in a particular area. Neighborhood and small area planning on a comprehensive level help to identify community priorities and ensure consistency of neighborhood goals with those of the General Plan. The Planning Team has reviewed the plan for the cultural district plans and believes that we can expand upon those with a complimentary small area plan, if Council desires.

The City's Engineering Department has also conducted extensive planning work to improve the road networks in the Bonanza area. For example Homestake Road, Munchkin Road, and Woodbine are planned for complete renovations and expansions.



Funding

Pursuant to the MOU, the City is contributing the land and related environmental remediation costs to the project to create an affordable housing project on the Homestake property. Additional City requests, parking/sustainability/etc, will require additional resources or other concessions.

The Housing Fund is the primary source of any potential need for additional funding. Pursuant to the MOU, the developer is responsible for securing all necessary debt and equity financing, including delivery, leasing, and project operations on terms acceptable to the City.

Attachments

- Exhibit A: Memorandum of Understanding – Homestake Lot
- Exhibit B: JF Development – Homestake Proposal
- Exhibit C: EMF Research
- Exhibit D: Proposed Selection Plan

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU" or "Memorandum"), is entered into on the day of December 20, 2021 (the "Effective Date"), by and between **JF Development Group, LLC**, a Utah limited liability company ("J Fisher" or "Developer"), located at 1216 W Legacy Crossing Blvd, Centerville, Utah 84014, and **Park City Municipal Corporation**, a Utah municipal corporation, located at P.O. Box 1480, Park City, Utah 84060 ("City"). Developer and City may be referred to individually as (the "Party", or collectively, the "Parties").

1. PURPOSE AND SCOPE

The Parties hereby enter into this Memorandum to summarize their mutual agreements relating to the proposed development of a mixed-use, mixed income affordable housing development (the "Project") on the 1.86-acre property owned by the City located at 1875 Homestake Road, Park City, Utah (the "Land"). A legal description of the Land is attached hereto as "Exhibit A" and incorporated herein. This MOU reflects the Parties' negotiations and is intended to outline the terms of a potential development agreement and/or ground lease (the "Agreements"). The Agreements will include additional terms and conditions which are not set forth herein. Until the Agreements are signed by both Parties, either Party may decide not to proceed with the proposed Agreements for any reason or no reason and may terminate this Memorandum by delivering at least sixty (60) days advance written notice to the other, subject to the provisions in this Memorandum.

2. SHARED GOALS OF THE PARTIES

Developer and City desire to create high-quality housing options for the community. The Parties desire to maximize the number of units attaining average affordability of 60% of AMI. A mix of unit types is envisioned to include 2-bedroom units to accommodate some families. The Parties desire the Project to be a model of responsible design attaining high levels of resource efficiency which align with the City's sustainability and net-zero energy goals, as well as high levels of integration into the City's trails and transit plans.

3. RESPONSIBILITIES AND OBLIGATIONS OF DEVELOPER

Developer agrees that the Project would be developed under the following terms, conditions, and constraints:

- a. There would be at least 80% or more affordable units that meet the standards of the City's Housing Resolution 05-2021, which affordable units would include a range of mixed-income units at various area median income or market rate targets;
- b. Affordable units will have a minimum affordability period of (i) fifty (50) years from the certificate of occupancy, or (ii) the length of the ground lease, whichever is greater;
- c. Developer will oversee thorough assessments of the environmental, physical, and geologic conditions of the Land. All work performed pursuant to this MOU shall require City's prior written approval and City shall bear the cost of all such work.

- d. Project will comply with all local and state building codes, and will be consistent with the pillars of the Park City 2020 Vision;
- e. The project will be designed to meet PCMC Design Code and optimize allowable density on the site, and produces a high-quality, enduring living environment that promotes sustainable and environmentally friendly practices;
- f. Developer will deliver a construction plan that helps to meet the energy goals of the City and will work in good faith with the City to achieve the City's Net-Zero energy requirements as described in "Exhibit B" attached hereto and made a part hereof, including elimination of on-site combustion if reasonably achievable;
- g. Developer will present conceptual design, schematic design, design development, and final construction documents for review and approval by the City at each stage of design prior to advancing to next stage;
- h. Developer will initially provide predevelopment funding and all necessary financing to develop the Project that will not require any additional funding from the City (outside of the agreed upon ground lease for the Land), unless otherwise agreed upon between the Parties to achieve additional affordability, sustainability, or other stretch goals as determined by the City;
- i. Developer will work with the City's Transportation Planning department to design a parking plan and accessibility that includes walkability features, secured bike parking, alternative modes of transportation, and reduces residents' reliance on personal vehicle use;
- j. Developer will seek neighborhood input through community meetings and/or outreach;
- k. Developer will coordinate monthly progress meetings with a Project Management Group consisting of the Developer, Architect, General Contractor, along with the City's Housing Development Manager, and other City's designees;
- l. Developer will provide long-term operations and maintenance of the Project, including resident services programming;
- m. Developer will provide the City with quarterly operating reports including occupancy, rents, collections, maintenance activities and resident communications/complaint resolutions throughout the life of the Project;
- n. Developer anticipates commencing development activities, as further illustrated in the milestone schedule reflected on "Exhibit C" attached hereto and incorporated herein, no later than one (1) year after the execution of the Agreements (or such other feasible date that may be agreed to by the Parties after execution of this Memorandum), subject to the satisfactory and commercially reasonable response, approval and cooperation from the City and associated approval authorities; and
- o. Developer will work in good faith with the City to provide the City with a right of first refusal to purchase the entire Project or part thereof, the agreed upon terms and conditions of which would be set forth in the Agreements.

4. RESPONSIBILITIES AND OBLIGATIONS OF CITY

City agrees that the Project shall be developed under the following terms, conditions and constraints:

- a. City retains ownership of the Land;
- b. City will allow Developer access to Land for surveying and/or testing, as required for planning and due diligence prior to the execution of Agreements;
- c. City will negotiate in good faith a ground lease that has terms and pricing which are contingent upon the securing of all financing for the development and operation of the Project;
- d. City will provide administrative support to successfully work through the required reviews and approvals through issuance of certificate of occupancy for the Project;
- e. City will assist in engaging with the neighborhood for community meetings and/or outreach;
- f. City will use good faith, diligent efforts to cooperate with Developer in seeking its applicable entitlements, approvals, and permits for the Project; and
- g. City will work in good faith with Developer to achieve acceptable Project feasibility through appropriate support and consideration of environmental remediation, affordability, design, sustainability, transportation, and other Project requirements and preferences.

5. TERMS OF UNDERSTANDING

Subject to Section 1, the term of this Memorandum shall be for a period of two (2) years from the Effective Date and may be extended upon written mutual agreement of both Parties. Upon execution hereof, the Parties will use diligent, good faith efforts to finalize and execute the Agreements. The Agreements will supersede and terminate this Memorandum.

6. LEGAL COMPLIANCE

The Parties acknowledge and understand that they must be able to fulfill their responsibilities under this Memorandum in accordance with the terms and conditions hereof and the provisions of the law and regulations that govern their activities. Nothing in the Memorandum is intended to negate or otherwise render ineffective any such provisions or operating procedures. The Parties assume full responsibility for their performance under the terms of this Memorandum and acknowledge time is of the essence.

If at any time either Party is unable to perform their duties or responsibilities under this Memorandum as required hereunder, the affected Party shall immediately provide written notice to the other Party to establish a date for resolution of the matter.

7. LIMITATION OF LIABILITY

No rights or limitation of rights shall arise or be assumed between the Parties as a result of the terms of this Memorandum.

8. NOTICES

Any notice or communication required or permitted under this Memorandum shall be sufficiently given if delivered in person, by email, or by certified mail, return receipt requested, to the address set forth below or to such address that has been furnished to the other in writing.

Park City Municipal Corporation
Jason Glidden
Housing Development Manager
jglidden@parkcity.org
445 Marsac Ave
Park City, Utah 84060

J Fisher
Ryan Davis
Partner
ryan.davis@jfisherco.com
1216 W Legacy Crossing Blvd, Ste 300
Centerville, UT 84014

9. GOVERNING LAW

This Memorandum shall be governed by and construed in accordance with the laws of the State of Utah.

10. COST REIMBURSEMENT

As part of its due diligence to deliver the Project, Developer may incur additional future environmental, geotechnical, civil engineering, architectural, and other predevelopment costs ("Predevelopment Costs"). In the event the City, through no fault of the Developer, elects to terminate this Memorandum pursuant to Section 1 or does not enter into the Agreements with Developer within one (1) year of the Effective Date, the City shall, within sixty (60) calendar days of written notice from Developer, reimburse Developer the actual Predevelopment Costs incurred, not to exceed FIFTY THOUSAND DOLLARS (\$50,000.00). Developer will provide invoices and documentation to support the Predevelopment Costs with written request for reimbursement.

11. CONFIDENTIALITY

To the maximum extent permitted by law, this Memorandum is strictly confidential and is submitted on the basis that this MOU, including its existence, or any of its terms and contents, together with any other confidential information disclosed by either Party to the other, may not be disclosed to anyone other than the receiving Party's directors, officers, employees and advisers on a need-to-know basis, without first obtaining the prior written consent of the disclosing Party or otherwise required by law. This provision shall survive for twelve (12) months after any termination of this Memorandum, except to the extent caused by the execution of the Agreements.

The City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code, 1953, as amended and Park City Municipal Code Title 5

(“GRAMA”). All materials submitted by Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure rests solely with Developer. Any materials for which Developer claims a privilege from disclosure based on business confidentiality shall be submitted marked as “confidential - business confidentiality” and accompanied by a concise statement from Developer of reasons supporting its claim of business confidentiality. Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. The City will make reasonable efforts to notify Developer of any requests made for disclosure of documents submitted under a claim of confidentiality. Developer specifically waives any claims against the City related to any disclosure of materials pursuant to GRAMA.

12. EXCLUSIVITY

The City agrees that, from the date of this Memorandum until the date that is two (2) years after the date on which the Agreements are fully executed by the parties, City will not enter into any binding or non-binding agreements concerning any financing, investment, operational, or business arrangements on the Land, or otherwise enter into any agreement that would preclude or materially impair the Developer from performing the responsibilities or accomplishing its obligations herein; provided that, if, in the City’s reasonable discretion, Developer is not actively prosecuting the Project contemplated herein, and the parties are unable to resolve any differences regarding that issue, using their good faith efforts, within sixty (60) days of written notice from City to Developer identifying Developer’s perceived deficiencies, then City may enter into such third party agreements and take such actions as City deems reasonably necessary to further its development goals related to the Project. The Parties agree to negotiate in good faith the terms and provisions of the Agreements and to use reasonable, diligent efforts to finalize and execute such Agreements.

13. AUTHORIZATION AND EXECUTION

The purpose of this Memorandum is to set forth the general description of a proposed transaction and to indicate the willingness of the Parties to continue negotiations with respect to such transaction, using good faith and to the best of their abilities, the goals and objectives stated in this MOU. The signing of this Memorandum shall not constitute a legally binding agreement between the Parties or place a legally enforceable obligation upon the Parties, except with respect to the Cost Reimbursement, Confidentiality, and Exclusivity provisions contained herein, which provisions shall survive the termination of this Memorandum.

14. ASSIGNABILITY

This Memorandum shall not be assignable by either Party without the express written consent of other Party; provided; however, that Developer may assign its interest in this Memorandum, and its rights and obligations hereunder, to an entity that controls, is controlled by, or under common control with the Developer upon written notice to the City, which notice shall include the assignee’s written confirmation that it has assumed Developer’s interest and rights and obligations under this Memorandum.

15. COUNTERPARTS

This Memorandum may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

16. ELECTRONIC SIGNATURES

Each party agrees that the signatures of the parties included in this Memorandum, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

[SIGNATURE PAGE FOLLOWS]

This MOU shall be signed by Park City Municipal Corporation and JF Development Group, LLC, and shall be effective as of the date first written above.

CITY:

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: 
Name/Title: Andy Beerman, Mayor

DEVELOPER:

JF DEVELOPMENT GROUP, LLC,
a Utah limited liability company

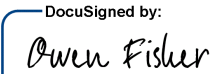
By: J. FISHER COMPANIES, LLC,
a Utah limited liability company
Its: Manager
By: 
Name/Title: Owen Fisher, its Manager

EXHIBIT A

Property Address: 1875 Homestake Road, Park City, Utah

Parcel Number: YARD-B-1AM-X

Total Acreage: 1.86

Zoning: General Commercial Zoning District

Legal Description: LOT B THE YARD SUBDIVISION FIRST AMENDED; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE. CONT 1.86 AC. 2408-4



EXHIBIT B
PARK CITY MUNICIPAL NET-ZERO POLICY

EXHIBIT C MILESTONE SCHEDULE

The dates provided herein are explicitly targets and not contractual obligations.

December 2021

- Architecture: Yield Study
- Architecture: Preliminary Concept Sketch
- Architecture: Site Analysis
- Contract: Sign MOU
- Community Engagement: Neighborhood Meetings & Public Input
- Community Engagement: Media Strategy

January 2022

- Architecture: Conceptual Design
- Planning: Initial Council Work Session

February 2022

- Architecture: Schematic Design
- Planning: Preliminary MPD & CUP Submission to Park City
- Contract: Option to Ground Lease Executed
- Contract: Begin Ground Lease Drafting

March 2022

- Planning: Planning Staff Review

April 2022

- Planning: Planning Staff Review

May 2022

- Planning: Planning Commission Work Session

June 2022

- Planning: First Planning Commission Hearing
- Architecture: Design Documents
- Contract: Ground Lease Executed

July 2022

- Planning: Second Planning Commission Hearing

August 2022

- Planning: Planning Commission Approval
- Financing: Private Activity Bond and UHC Application Deadline

September 2022

- Architecture: Construction Drawings

October 2022

- Financing: Private Activity Bond Board Meeting and Award
- Construction: Construction Bids

November 2022

- Permitting: Footing & Foundation and Building Permit
- Construction: Groundbreaking

Q1-Q2 2023

- Financing: Financial Close

Q3-Q4 2024

- Construction: Certificate of Occupancy



RORY MURPHY

1875 Homestake, Park City, Utah



JFRM

Thank you for the opportunity to submit our statement of qualifications on the 1875 Homestake Rd site in Park City ("Homestake"). This response to the RFQ proposes a joint venture between J. Fisher Companies ("JF") and Rory Murphy ("Murphy"), collectively referred to herein as **JFRM**. We are excited to pursue this project in partnership with Park City Municipal Corporation ("PCMC").

There is no litigation or bankruptcy by the developer or affiliates within the past five years that could have a materially adverse effect on the development entity's financial condition. Further, JFRM certifies that no conflict of interest exists that would prohibit compliance with Section 3 of the Park City Municipal Code.

The principals of JFRM have read and understand this Request for Qualification and accept the written instructions contained herein.



Ryan Davis (Primary Contact)

Partner | J. Fisher Companies

(801) 671-2042

ryan.davis@jfisherco.com

1216 W. Legacy Crossing Blvd, Ste 300

Centerville, UT 84014



Jake Wood

Partner | J. Fisher Companies

(919) 619-3451

jake@jfisherco.com

1216 W. Legacy Crossing Blvd, Ste 300

Centerville, UT 84014



Rory Murphy

Partner

(435) 640-5068

paladinparkcity@aol.com

2590 Sidewinder Drive

Park City, UT 84060

TABLE OF CONTENTS

Introduction: Partnership Delivering Proven Development Model

Development Interest and Approach

Our Interest	4
Our Approach	4
Project Vision	5
Project Complexities	8

Qualifications & Experience

Legal Entity	11
Team & Resumes	11
Indicative Projects	16
Financing Mechanisms & Experience	23
Developer Capacity	24
Financial Qualifications	24
Sustainable Building	25

Closing Statement

Appendices

Appendix A: Letters of Support	
Zions Bank	29
Citi Community Capital	30
National Equity Fund	31
Brad Olch, Former Mayor of Park City (1990-2002)	32
Dana Williams, Former Mayor of Park City (2002-2013)	33
Jack Thomas, Former Mayor of Park City (2013-2017)	34
Appendix B: Portfolio & Pipeline	35
Appendix C: Strategic Builders	37
Appendix D: Olive West	52

Our team is passionate and committed to delivering high-quality housing that is affordable for the people that are the backbone of the community. We have worked, played, and raised our families in the cities where we focus, and want to ensure that future generations have the same opportunities. Our team members are dedicated, both professionally and personally, to bringing positive and constructive outcomes for housing affordability. We know Park City, we know affordable housing, and we know we can achieve exceptional results.



PARTNERSHIP DELIVERING PROVEN DEVELOPMENT MODEL

JF is a vertically integrated real estate company that is homegrown here in Utah. Started by managing partners Owen Fisher and Chad Bessinger in 2007, JF has grown from a land entitlement group and homebuilder into a large commercial and multifamily developer. The company philosophy has always centered around building and holding for the long-term. We believe in creating lasting projects that will stand the test of time. In 2014, JF made a commitment to provide high-quality affordable housing as a major part of the company's overall platform. This commitment has taken many forms and is constantly evolving from traditional low-income housing tax credit ("LIHTC") financed apartments, public-private partnerships, creative finance sources, mixed-income and mixed-use strategies, and more. **To date, JF has structured over \$300MM in affordable housing projects and has closed over \$55MM in LIHTC equity syndications, with an additional \$45MM currently committed.** JF additionally has in-house construction capabilities through its general contractor Strategic Builders and in-house property management capabilities through its management company Olive West.

Murphy is a well-known and highly respected developer in Park City, and has a multi-decade proven track record in Park City focused on building collaborative and lasting relationships with key stakeholders and community members. He most recently developed Kings Crown, a \$132MM mixed-income community adjacent to the base of Park City Mountain Resort. Prior to Kings Crown, he delivered the 820 Park Ave building, which was recognized for its historic preservation and urban infill qualities and was awarded Project-of-the-Year by Utah Construction and Design Association. But he is perhaps best known for his Silver Star at Park City project, a \$140MM high-end resort that included mixed-use and mixed-income components and integrated into the Park City Mountain Resort. Silver Star is the largest historic renovation project in Park City to date and included significant environmental remediation from the former mining operation on the site. The project won numerous awards including Project-of-the-Year awards from the Utah Housing Coalition, the Utah Heritage Foundation, and the American Society of Civil Engineers.

Through our aligned interests and philosophies, JF and Murphy have formed a strategic venture to pursue this public-private opportunity to partner with Park City on Homestake. Our team has built large and iconic projects within Park City and the broader Utah community for many years, including both exclusively affordable communities and high-end resort projects with affordable housing components. JFRM believes that the combined team represents an exceptional wealth of knowledge of the Park City community and dynamics, as well as the ability to navigate the complexities of affordable housing structures and financing. Further, the team has a proven track record of delivering complex, mixed-use and mixed-income, urban infill communities across the Wasatch Front.

We see Homestake as a complex project with many intricate details that will require the attention and creativity of a large, experienced team with a proven track record of working successfully with multiple stakeholders and delivering authentic and high-quality affordable communities.

SILVER STAR, BUILT BY RORY MURPHY



DEVELOPMENT INTEREST AND APPROACH



OUR INTEREST

The need for affordable and workforce housing in Park City is acute and has an almost bottomless demand. Market forces have contributed to making affordable housing development by private-sector developers a near impossibility from an economic perspective. Land basis cost, rising construction costs, and development complexity hinder any serious attempt to develop a conventionally affordable project in Park City. Further, Park City is now 75% second-homeowners. While this has changed some during the past year's challenges, the long-term trend will likely continue as home supply and value simply become unattainable to the community at large. It is critical to our group that we develop and build projects that produce real and lasting benefits for the communities they serve. Homestake provides an opportunity to build a landmark project that will become a beacon for future affordable development in Park City.

OUR APPROACH

One of the keys to the success of the Homestake project will be our principals' hands-on, highly collaborative approach. We maintain attentive focus on meeting the needs of the city and community, while keeping all stakeholders fully informed during each step of the process. The cornerstone of our methodology is open communication. We strive to ensure that all possible ideas are considered, and all reasonable alternatives are explored. Our most successful projects are those that emerge from decisions built around all stakeholders of our projects. These contributions are essential in making each project a unique success.

Through established alignments with highly experienced contractors, architects, financial partners, and consultants, JFRM will effectively leverage the collective expertise of our teams early in the development process to ensure cost, strategy, scope, and schedule are clearly defined and feasible. We then apply our “tool kit” of financial instruments to structure the appropriate capital approach in order to most effectively finance toward our goals.

Our proven development model results in high-quality, well-designed, and cost-effective projects delivered on time and on budget.



PROJECT VISION

We believe that the site at Homestake presents a unique opportunity to contribute something special to the Park City community fabric. As local developers, JFRM has been keenly aware of this site since PCMC first indicated interest in redevelopment. We intend to create a landmark mixed-income and mixed-use property that emphasizes Park City's iconic mountain town aesthetics and design principles. With the political will of the community and in a manner compatible with neighboring properties, we will pursue maximum allowable density on the site to optimize the project's housing affordability and public benefit.

JFRM is philosophically aligned with PCMC's goal of building to promote enduring, healthy, and energy-efficient buildings that utilize sustainable and environmentally friendly materials and methods, as well as designing to foster the pillars of the Park City 2020 Vision. We are planning to build three- to four-story buildings, as per the Park City Affordable Housing MPD LMC guidelines. We believe our local and embedded partners bring best-in-class experience and community empathy

to the project while maintaining perspective to the design, materials, functionality, and financing of what will prove to be one of Park City's most significant community development projects in recent memory.

Our goal for the project is to provide 80-90% of the unit count rented at affordable rates that meet the standards of Park City Housing Resolution 05-2021. The remainder of units will be rented at market rate. Our starting point for affordability is 60% of area median income ("AMI"). Historically, we have successfully achieved deeper affordability (e.g. dedicated units at 40-50% AMI) within our projects by deploying our "tool kit" capital strategy. We recommend utilizing a non-competitive 4% LIHTC strategy to allow the project to move forward with fewer time constraints and less volatility than a financing plan that relies on a competitive 9% LIHTC. And with additional PCMC public-private partnership strategies, we believe we can achieve even deeper affordability targets at Homestake. JFRM will structure the affordability to a minimum of 50 years through a Land Use Restriction Agreement but is also open to having the affordability commitment run longer to coincide with the length of the long-term ground lease.



We also envision a variety of commercial uses on the ground floor, estimated at 5,000-10,000 sq ft. JFRM would program the project in a way that incorporates the local community and creates a sense of place. For example, we would be excited to re-home the recently displaced Anaya's Market or facilitate the creation of a new Hispanic market in the commercial component of the project. JFRM would further seek to include resident programming or work with local businesses and non-profits to include services such as daycare, after-school activities, community events, and other socially-oriented programming. JF has accomplished this recently with Boise City by partnering with JANNUS, a non-profit specializing in economic development through business start-up support primarily for immigrant and refugee populations. JFRM would seek to explore similar partnerships as part of our programming and community integration. We believe community engagement and stakeholder feedback will be vital prior to finalizing the best local partnerships and collaborations. Additionally, we understand there may be employee housing needs from some of the larger employers in the area, including Deer

Valley and Vail, but we would also look to provide support to local small businesses and the Main Street businesses.

JFRM, through previous projects and in-house property management, has a range of floorplans and amenity options that can be custom-tailored to our resident profile. Our goal at every project is to provide the highest quality experience for the residents we are serving. At Homestake, we will design floorplans to accommodate a diverse range of lifestyles and familial needs. We envision an amenity set that includes in-unit laundry, fitness center, club and game rooms, coworking space, bike storage and repair shop, individual/gear storage options, pet grooming facilities, and more. We will work closely with PCMC to ensure that the program and amenity set is designed to exceed stakeholder expectations.

We wholeheartedly believe this project has the opportunity not only to provide the much-needed affordable and workforce housing but also to create a sense of place, fellowship, and gathering for the local Park City community.



As with any project, parking will be an integral component of the development. We see the potential to explore the soil removal from environmental remediation as an opportunity to offset the cost of underground parking which would allow us to maximize the above grade use for commercial and residential. We would additionally implement alternatives such as unbundled parking, car-share, and alternative transportation options that further discourage the ownership and use of individual cars. Pedestrian access to schools, supermarkets, resorts, trails, and public transportation allows connectivity and walkability without the reliance of a car. It is very easy to imagine a live-work-play project that does not require an automobile on this site.

Further, JFRM would seek to enhance the connectivity to the Arts & Culture District, especially considering the planned Munchkin Rd expansion. JFRM would explore all

options with the Park City Transit, Planning, and Transportation to achieve the most productive and efficient parking and public transit outcome for Homestake.

PCMC has indicated it may provide grants or loans and could have the capability to provide municipal funding. We believe this project can be structured such that these sources are not required. However, through the partnership with PCMC and utilization of additional funding, the project could achieve deeper affordability, more sustainable building practices, improved design aesthetics, and other improvements that may be considered. We believe the partnership with PCMC will provide tremendous flexibility, allowing for our group to make collective decisions toward the best project and community outcomes.



PROJECT COMPLEXITIES

Complexities are expected in all projects. We know that Homestake has environmental, infrastructure, and zoning challenges. Our team has direct experience with similar complexities, including with projects in Park City, and the proven ability to navigate problems known and unknown.

Our group has an enormous amount of experience in environmental remediation. As Vice-President of United Park City Mines Company (the predecessor-in-interest to Talisker and then Redus), Murphy has years of experience in dealing with all types of contaminated waste material and its impacts on development projects. Experience is a key component to understanding the options available and finding the most cost-effective and pragmatic way to mitigate this difficult issue. Our team has contacted Kerry Gee with Blue Ledge Consulting and is prepared to engage his services as soon as necessary. There are always creative ways to deal with contaminated soils and, in partnership with PCMC, we are confident we can successfully manage the expected environmental remediation challenges.

Infrastructure deficiencies are a matter of planning, working with the service providers, and executing. As is common, some aspects of the existing infrastructure and utility will likely require upgrades. The experience that this team brings to the table is invaluable in working through the technical issues involved with large-scale development and understanding the process and procedures necessary to find the solutions.

The zoning for the property is General Commercial (GC), which allows for flexibility and creativity with the project, particularly in pursuit of an Affordable Master Plan Development. It is the best zone for mixed-use development and is adaptable to the uses being contemplated at Homestake. However, the General Plan and Land Management Code ("LMC") must be strictly adhered to.



We know through experience that the LMC process can be robust and demanding. This process, coupled with an alert citizenry, active media, and various special interest groups, prevents most developers from finding the necessary tools to proceed in the Park City environment. Knowing and understanding these various groups is critical for any major project in Park City. Successful developers must be prepared to work with them, answer their concerns, and approach meaningful consensus. In addition to the broader public, it will also be important to engage with neighboring property owners (e.g. with the Wintzer family, who owns all the property to the south of the project, and with the Arts & Culture District redevelopment) to ensure integration and connectivity within the immediate neighborhood.

Our team has extensive experience with complex, infill development within Park City limits, including Silver Star, Kings Crown, and 820 Park Avenue. In each circumstance, proactive community communication and negotiation ultimately led to broad support for these projects.

*With the partnership of PCMC
and our team's reputation,
credibility, and track record, we
believe we can deliver exceptional
quality product and the desired
public benefit.*

QUALIFICATIONS AND EXPERIENCE





LEGAL ENTITY

JFRM will form a newly created special purpose entity (“SPE”) for the development of the parcel. The entity will be structured such that it can utilize limited partners as LIHTC equity participants and leverage project-level debt. The SPE is expected to be a Utah limited liability company.

TEAM & RESUMES

The primary working team will consist of Rory Murphy, Jake Wood, and Ryan Davis. This team will lead the development agreement negotiations with PCMC and entitlement, development, and capitalization of the project. Murphy and Davis have previously partnered together on mountain resort developments, including over \$120MM in projects at Powder Mountain in Eden, Utah. Each principal brings a unique and diverse range of experience in the areas of mixed-use and mixed-income communities, affordable housing, urban infill, mountain resort, public-private partnerships, and complex transactions. The working team will be supported by the

JF managing partners, Owen Fisher and Chad Bessinger, and the broader JF shared services capabilities (marketing, accounting, legal, etc.).

JF also has in-house construction and property management capabilities through Strategic Builders and Olive West, respectively. More information on these companies is available in the Appendix. Having these collaborative in-house partners involved early in the process will alleviate many of the traps that developers fall into around construction and operational underwriting. Further, having these partners working in direct alignment with the ownership group is instrumental in navigating a highly dynamic construction cost market, managing subcontracts, providing high-quality resident programming, and delivering thoughtful community experience.

JFRM has deep experience and strong relationships with high-caliber architects, including Think, SAR, WOW Atelier, Humphreys, and many others. After selection from PCMC, we will quickly identify the best architecture partners and refine our vision for the site.

KEY INDIVIDUALS

QUALIFICATIONS AND EXPERIENCE





RORY MURPHY Partner

Rory Murphy is a 27-year resident of Park City, Utah and has been involved in many of the largest development projects in the greater Park City area during that time. He first came to Park City in 1992 after accepting a position with United Park City Mines Company as their Vice-President of Real Estate Development. He has extensive mountain resort development experience. Projects that he has worked on where he was either the Director or a Principal include Kings Crown, Empire Pass at Deer Valley, Hidden Meadows, Bonanza Mountain

Resort, Star Harbour, Foxbay, Silver Star at Park City, 820 Park Avenue, King Road Estate, the Park City Silver Mine Adventure, Deer Crest (two projects), and Prospect Avenue subdivision. He has also worked as the primary consultant to the Estate of Florence Gillmor, the Huntsman Family, the Bonanza Park East project and Hideout Canyon.

He has served on the Park City Planning Commission and was appointed to the Summit County Judicial Selection Commission in 2008. He has served on the Park City Soils Committee, the Wasatch County Road Commission and was Chairman of the Park City School District Planning Commission. He is the past Chairman of the Sundance Institute Utah Advisory Board and served on the Board for 10 years. He was the Vice President of the Park City Historical Society and the President of five different Homeowner's Associations. He currently serves on the Board of the Summit County Land Trust and is a long standing member of the Rotary Foundation.

A former US Army Paratrooper with the 82nd Airborne Division, he has an MBA from the University of Utah, a BS from the University of Vermont and an AS from Champlain College.

Letters of support for Murphy can be found in Appendix A, including Brad Olch (former Park City Mayor, 1990-2002), Dana Williams (former Park City Mayor 2002-2013), and Jack Thomas (former Park City Mayor, 2013-2017).





JAKE WOOD Partner | J. Fisher Companies

Jake has over 15 years of experience in real estate investment, brokerage, finance, and development. He currently manages affordable housing acquisitions, development, and financing for J. Fisher Companies' multi-family development division. As a part of his duties, Jake has spearheaded the community projects and affordable housing initiative. Within this capacity, Jake and the JF team have partnered with the industry's best lenders, investors, property managers, and builders to assemble, entitle, finance, and

build active projects with a combined count of approximately 1,300 affordable units and development budgets totaling nearly \$300MM.

Prior to joining J. Fisher Companies, Jake served as the managing partner of Nicholas Wood, a specialty real estate services company with headquarters in Durham, NC.

He holds a B.A. in Political Science from the University of North Carolina and a Masters degree in Real Estate Development from the Eccles School of Business at the University of Utah.



RYAN DAVIS Partner | J. Fisher Companies

Ryan is a Partner at J. Fisher Companies and oversees the Company's affordable housing preservation strategy, where he focuses on deal sourcing, transaction management, capital origination, and community partnerships. Ryan is also focused on expanding public-private partnerships for both ground-up development and acquisition-rehab preservations. Ryan has 15 years of experience in real estate specializing in private equity, institutional investments, and public-private partnerships, holding prior roles at DiNapoli Capital Partners, Lendlease,

Jones Lang LaSalle, and Bank of America. He has transacted over \$1.0B nationally, where his experiences have encompassed full investment lifecycle responsibilities including acquisitions, development, repositions and renovations, asset management, capital restructuring, and dispositions. Prior portfolios under his investment management include 6,000+ multifamily units and 12,000+ family housing dwellings.

Ryan is an Adjunct Professor with the Master of Real Estate Development and Master of Finance programs at the University of Utah. He currently teaches a class dedicated to researching and providing industry solutions to the housing affordability crisis. He holds a B.S. in Business Administration from the University of North Carolina at Chapel Hill and a Master of Real Estate Development from the University of Utah.



OWEN FISHER Managing Partner | J. Fisher Companies

Owen Fisher is a founder and CEO of the J. Fisher Companies. Owen's current responsibilities focus on the day-to-day management of the Companies and specifically the leadership and vision relative to its growth.

Owen has over 25 years of experience in the management of different private equity/ investment groups and specifically the J. Fisher Companies' structuring of over \$1 billion in real estate projects to-date. The J. Fisher Companies Full Integration Model has set the stage for its companies to exceed expectations in the communities they have the opportunity to work in. These companies consist of MODA Multi-Family, Henry Walker Homes, Strategic Builders, Olive West and Well Quest Living.

Owen received a B.S. in Sales and Marketing from Weber State University and received a CFP designation from the American College. Owen also attended and achieved a Masters level achievement with the Strategic Coach in Chicago, a prestigious consulting and coaching program for Entrepreneurs. In 2014, Owen received Utah's 40 under 40 award for his active involvement in the different J. Fisher companies.



CHAD BESSINGER Managing Partner | J. Fisher Companies

Chad is a Managing Partner at J. Fisher Companies. He leads the Company's land acquisition and development entity. His team excels in the entitlement and development process of land pursuits in various asset classes including residential, commercial and multi-family deals. He actively pursues land projects throughout Utah and the surrounding states.

Chad has 20+ years of experience in the real estate industry in the areas of acquisition, underwriting, entitlement and development. During the latest real estate downturn, Chad led his team in purchasing 50+ loans collateralized by real estate throughout the intermountain west.

Chad graduated from the University of Utah with a Bachelors of Science in business finance.



J. FISHER CO. HEADQUARTERS, CENTERVILLE UT

JF FIRM EXPERIENCE

JF has been actively developing multifamily housing for over a decade and has delivered over 2,000 multifamily units, including 900 deed-restricted affordable housing units. We have completed projects with 100% affordable units at 60% AMI, projects with tiered rents at 40-50-60% AMI, mixed-income projects with affordable and market-rate, and mixed-use with ground-floor commercial space. All this to say, we are very comfortable custom tailoring the programming of the building to meet the specific needs of the site, the project, the public partner, and the community. We do not have a pre-packaged program, rather a “tool-kit” of available financial instruments and project partners that we deploy as needed to optimize the project.

It is this approach that has led us to have successful public-private partnerships with Salt Lake City RDA, Salt Lake City HAND, Boise City, and Ogden City RDA, to name a few.

INDICATIVE PROJECTS

Every JF and Murphy project is developed with an emphasis on excellent design and high-quality construction to create lasting value. Consistent and watchful management practices maintain the quality of our projects and drive lasting value. Below is a sampling of indicative projects that illustrate our team’s proven qualifications and experience necessary to successfully deliver on the Homestake site.

INDICATIVE PROJECTS



MEADOWBROOK

Millcreek, Utah

DEVELOPMENT PROGRAM:

145 units residential transit-oriented development

Two six-story buildings, freestanding parking structure, mixed-use 8,000 SF commercial, urban infill

BREAKDOWN OF RESIDENTIAL AFFORDABILITY MIX:

100% affordable at 60%, 50%, and 40% AMI levels

MEMBERS OF DEVELOPMENT TEAM:

Jake Wood, Owen Fisher, Chad Bessinger

TOTAL DEVELOPMENT COST:

\$31 Million

FINANCING STRUCTURE:

4% LIHTC Tax-Exempt Bond

Direct Purchase Construction and Perm with Citi Bank American Express Tax Credit Investor

Olene Walker Housing Loan Fund (OWHLF)

Salt Lake County Housing Trust Fund (HOME Funds Grant)

PROJECT SCHEDULE:

Completed Fall 2019

ROLE OF PUBLIC SECTOR:

Worked with the city on a small area plan

Established new zoning for a redevelopment area

Federal Tax Credit, State of Utah Tax Credit, HOME Funds, OWHLF

CHALLENGES FACED:

Site challenges included irrigation canal, high water table, site orientation, complicated financial structure to create rent tiering

SILVER STAR

Park City, Utah

DEVELOPMENT PROGRAM:

119 resort-residential condominiums

24,000 SF of mixed-use commercial (office, restaurant, retail, and resort facilities)

Included a ski lift, extensive historic renovation, significant environmental clean-up, trail development, dedicated city employee parking, and trailhead parking

BREAKDOWN OF RESIDENTIAL AFFORDABILITY MIX:

98 market + 21 affordable units

MEMBERS OF DEVELOPMENT TEAM:

Rory Murphy (managing partner), George Bryan, Chris Conabee

TOTAL DEVELOPMENT COST:

\$96 Million

FINANCING STRUCTURE:

Privately financed with debt and equity

PROJECT SCHEDULE:

Completed 2009

ROLE OF PUBLIC SECTOR:

City-supported lease to place Sundance Institute

Delivered dedicated employee parking

CHALLENGES FACED:

Environmental clean-up, neighborhood relations, mine tunnels, water delivery, City entitlement, massive unstable soils, and overall complexity

MODA UNION

Midvale, Utah

DEVELOPMENT PROGRAM:

206 Units in a 4-story building over 1 level parking podium - Urban Infill - TOD Oriented site

BREAKDOWN OF RESIDENTIAL AFFORDABILITY MIX:

100% of units restricted at 60% AMI

MEMBERS OF DEVELOPMENT TEAM:

Jake Wood, Owen Fisher, Chad Bessinger

TOTAL DEVELOPMENT COST:

\$44 Million

FINANCING STRUCTURE:

4% LIHTC Tax-Exempt Bond

Direct Purchase Construction and Perm with Zions Bank / Morgan Stanley Tax Credit Investor

OWHLF - Gap Loan

PROJECT SCHEDULE:

Completed Spring 2021

ROLE OF PUBLIC SECTOR:

Worked with Midvale City on Small Area Plan, coordinated complex lot adjustments and dedications for new street alignments

CHALLENGES FACED:

Complicated infill site with dedications back to the city, existing and former environmental conditions

820 PARK AVE

Park City, Utah

DEVELOPMENT PROGRAM:

Urban infill on one of the busiest corners in Park City

10 residential condominiums

10,000 SF of ground-floor retail, historic rehabilitation (Harvest Cafe), underground parking, rooftop amenities

BREAKDOWN OF RESIDENTIAL AFFORDABILITY MIX:

N/A

MEMBERS OF DEVELOPMENT TEAM:

Rory Murphy (managing partner), Jana Porter, Chip Garner, Hans Fuegi

TOTAL DEVELOPMENT COST:

\$14 Million

FINANCING STRUCTURE:

Privately financed debt and equity

PROJECT SCHEDULE:

Completed 2016

ROLE OF PUBLIC SECTOR:

Worked with Park City to complete parcel assemblage of city-owned land

CHALLENGES FACED:

Cross-easement with neighboring property to facilitate ski-in/ski-out access to Old Town Ski Lift, environmental remediation, neighbor relations, challenging building envelope and heavily trafficked infill site

FRANKLIN

Boise, Idaho

DEVELOPMENT PROGRAM:

Multi building medium density mixed-use 8,000 SF commercial
205 units residential

BREAKDOWN OF RESIDENTIAL AFFORDABILITY MIX:

80% affordable at 60%, 50%, and 40% AMI levels
20% Market Rate

MEMBERS OF DEVELOPMENT TEAM:

Jake Wood, Ryan Davis, Owen Fisher, Chad Bessinger

TOTAL DEVELOPMENT COST:

\$46 Million

FINANCING STRUCTURE:

4% LIHTC Tax-Exempt Bond
Direct Purchase Construction and Perm with Citi Bank / Morgan Stanley Tax Credit Investor

PROJECT SCHEDULE:

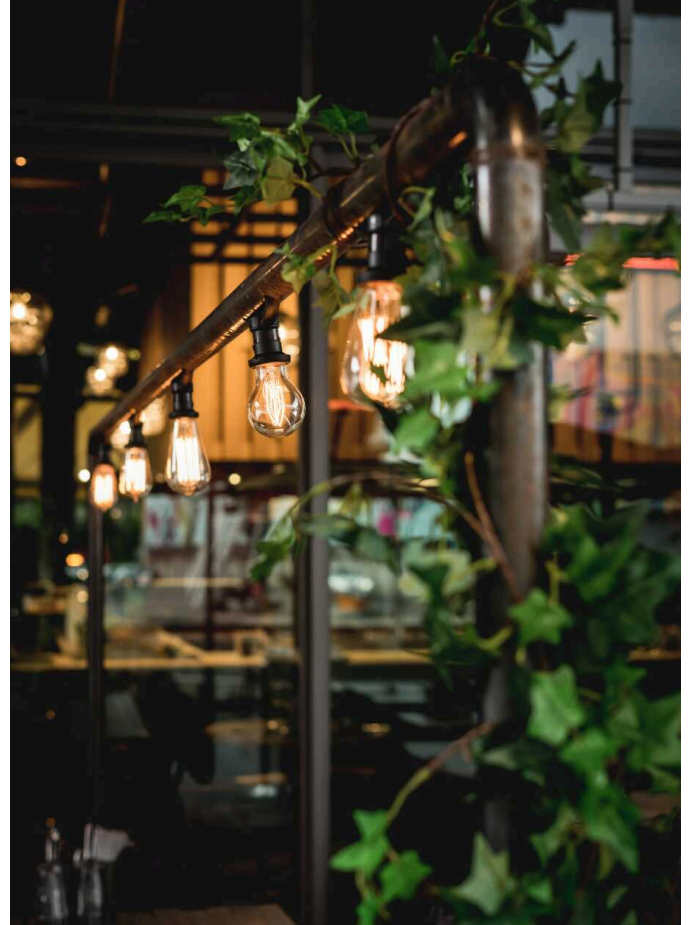
Expected Completion 2023

ROLE OF PUBLIC SECTOR:

Partnership with Boise City for long-term ground lease

CHALLENGES FACED:

Complicated navigation of existing neighborhood sentiment which required much outreach and collaboration to design a highly functional site that serves the community at a high level



FINANCING MECHANISMS & EXPERIENCE

Individually, JF and Murphy have both demonstrated tremendous versatility and competency in financing large-scale, complex capital structures. Through its JF Capital platform, JF has extensive experience within Utah and the Intermountain West in structuring complex market-rate and affordable housing projects. Murphy has direct and recent experience financing mixed-use, mixed-income, urban infill, and environmentally challenged projects in Park City. Within a JV structure, the combination of options will prove to be more than capable of navigating the requirements of the project at Homestake. JF has demonstrated the ability to attract the capital required for large and small-scale projects alike. **Since 2007, we have closed more than \$1B in debt and equity financings and \$500MM in guaranteed capital.** Recent sources of debt and equity include Citi Community Capital, Zions Bank, Morgan Stanley, American Express, National Equity Fund,

Enterprise Community Capital, and the FHA HUD 221d4 and 223f programs.

In addition to traditional and conventional funding sources, JF has demonstrated creative financing ability in numerous public-private partnerships. Our team is experienced in LIHTC, tax-exempt bond finance, City and County housing trust funds, OWHLF, TIF arrangements with municipalities, Utah TOD funds, creative partnerships with city and government agencies, and numerous additional specific debt and equity arrangements used to capitalize complex, non-traditional finance structures. JF also has access to social impact capital that could compliment our existing financial partnerships. Further evidence of our capital partnerships is reflected in our letters of support from Zions Bank, Citi Community Capital, and National Equity Fund, which are attached in Appendix A.



MODA MEADOWBROOK | J. FISHER COMPANIES

DEVELOPER CAPACITY

Murphy is wrapping up his Kings Crown project and will have the capacity to dedicate full attention to the successful execution of this project. The JF method is to be very selective and strategic about when and how we take on new affordable developments. JF has over 90 employees and has recently grown its affordable housing team. If selected, the human resource and financial capacity is reserved to allocate to Homestake.

Details of the JFRM portfolio and pipeline can be found in Appendix B.



MODA MEADOWBROOK | J. FISHER COMPANIES

FINANCIAL QUALIFICATIONS

As noted above, JFRM intends to form a newly created SPE to pursue the development. The JFRM partnership is well capitalized for the Homestake project, having both liquidity and balance sheet to fund pre-development expenses and guarantee a project this size and larger. The proposed guarantor for the project will be a partner or partners of JFRM. The aggregate net worth of the JFRM partners is in excess of \$100MM. JFRM intends to establish an operating account to fund all pre-development expenses. JFRM holds corporate accounts in excess of \$5MM and working capital accounts in excess of \$3MM, as well as lines of credit to fund ongoing expenses. Evidence of net worth and liquidity can be provided upon request by PCMC.

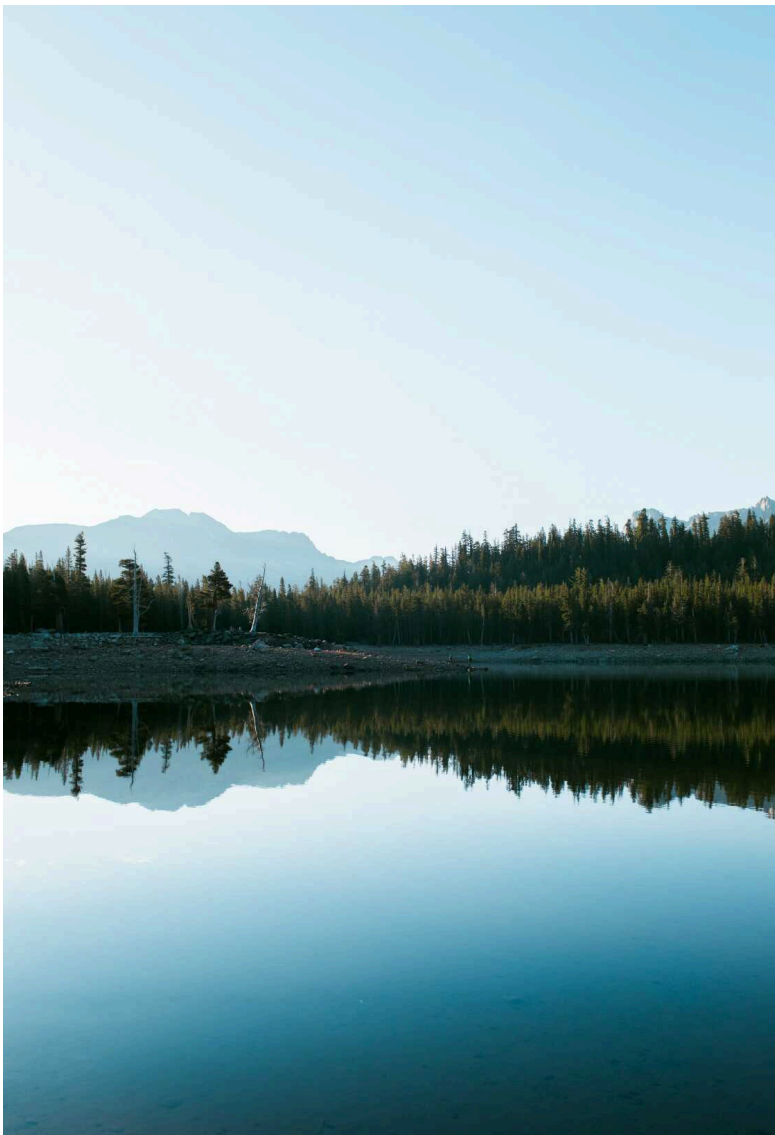
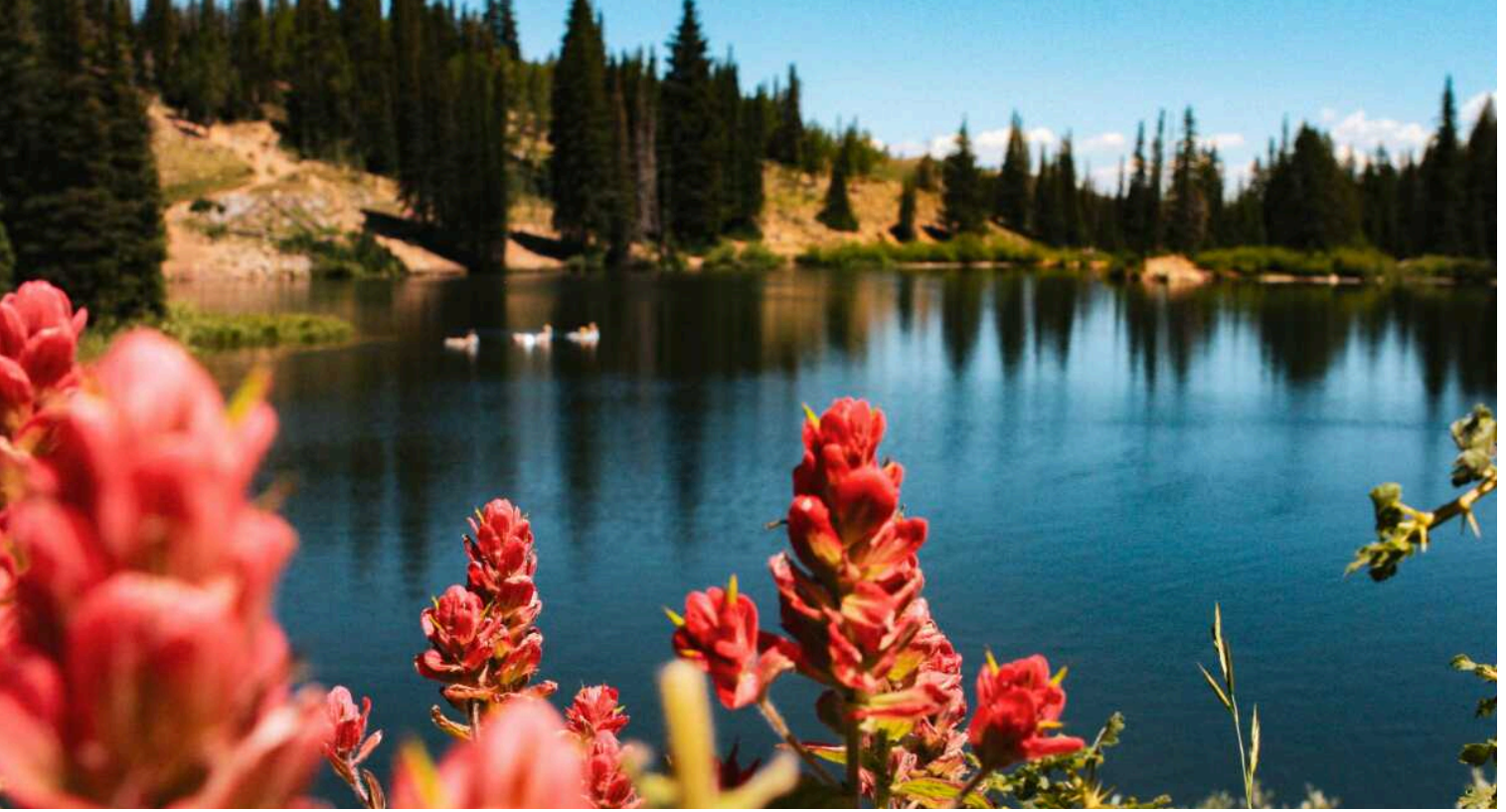


SUSTAINABLE BUILDING

As long-term owners, JFRM has been consistently proactive in pursuing new and innovative ways to build our projects to the highest available standards in Green/Sustainable/Energy Efficiency. All our projects meet and exceed Energy Star and Enterprise Green Communities standards. We are currently pursuing certifications in LEED and IGCC Green. We take each project and individually analyze and design a program specifically for that project. Homestake will receive the same careful individual attention to design the program most appropriate to meet the Green goals of the project partners, including the goal of meeting the City's Net-Zero energy requirement.

Our team has direct experience in the following areas of environmental and sustainable practices:

- **Passive solar design.** Orienting windows and open areas towards the southern arc of the sun will provide significant heat capture during the winter months.
- **Solar panels/renewables.** The team has installed solar panels in many of their projects, including Kings Crown, 820 Park Avenue, and others. Solar panel installation produces clean, sustainable power. Solar panels significantly reduce the carbon impact and can substantially reduce the energy necessary to operate the project long-term.
- **Extensive mine tailings clean-up.** The team has remediated tens of millions of dollars in environmental clean-up that was the result of Park City's mining legacy. There are few environmental challenges that this group has not seen and overcome. This may be one of the most significant environmentally sustainable practices that this group brings to the table. Remediating environmental waste is difficult and expensive. Creative solutions are required but the outcome is a clean site that no longer poses any environmental concerns.
- **Green building materials and finishes.** Use recycled material from environmentally responsible manufacturers.



- **Active design and high-efficiency MEP and HVAC systems.** There are rapidly expanding sources for implementing these types of solutions and they are incredibly impactful in reducing energy and water use.
- **Native landscaping.** Orient landscaping to reduce heat impacts, such as conifers on the west side to reduce the impact of the late afternoon sun. Native landscaping reduces water use considerably.
- **Stormwater management.** Hardscaping with previous pavement practices to reduce runoff and reduce impact to stormwater control systems.
- **Accessibility and transportation efficiency.** Building a high-density community that is accessible to virtually all needs will help to take cars off the road and encourage public transportation use.

All members of our team would like to thank PCMC for the opportunity to participate in this RFQ process. We are excited and dedicated to this cause. Park City is a leader in Utah and the Intermountain West in prioritizing housing affordability and community building for its constituents. We would be honored to be part of that process.

We believe our team, in partnership with PCMC, has the passion, experience, local knowledge, commitment, and skills to deliver a landmark community development at Homestake that achieves affordability, authenticity, and public benefit.

We look forward to hearing feedback from the selection committee and are available to answer any questions or provide clarification to our responses. Please do not hesitate to contact us.

JFRM



APPENDIX A



ZIONS FIRST NATIONAL BANK

REAL ESTATE BANKING DEPARTMENT

Wendy Leonelli
One South Main | Suite 400
Salt Lake City UT 84133-1109
direct: (801) 844-7502
fax: (801) 524-2187
wendy.leonelli@zionsbank.com

Tuesday, May 25, 2021

J. Fisher Companies
1216 W. Legacy Crossing Blvd., Suite 300
Centerville, UT 84014

Re: JF Capital, LLC

To whom it may concern:

Zions Bank has enjoyed the opportunity to work with the J. Fisher Companies entities for several years. Most recently, we have had the pleasure of working with JF Capital and Strategic Builders on the Moda Union Apartment project in Midvale, Utah. This large development has performed above and beyond expectations and is much needed in the underserved affordable housing market.

The J. Fisher Companies entities have performed beyond expectations on all facilities with which we have been involved, and we look forward to future opportunities to work with this group.

Regards,

ZIONS FIRST NATIONAL BANK



Wendy Leonelli
Senior Vice President
Real Estate Banking Group

Community Capital



May 19, 2021

Jake Wood
J Fisher Companies
1216 W Legacy Crossing Blvd, Suite 300
Centerville, UT 84014

Re: 1875 Homestake

Dear Mr. Wood:

Citi Community Capital ("CCC") is the most active affordable housing lender in the Country and is committed to reinvesting in the communities where we work and live. We offer the industry's most comprehensive affordable housing and community development financial products. From single-project transactions to portfolio-wide solutions, CCC combines unparalleled community development expertise with industry leading capital markets capabilities to offer financial solutions to preserve and build stronger communities. For the past 11 years CCC has been recognized as a nationwide leader and has been ranked the #1 lender by Affordable Housing Finance magazine.

As you know, we are actively conducting business with J Fisher Companies. Our experience has been great and we specifically have been impressed with the creative structures you have come up with to solve difficult situations. I have reviewed the initial due diligence on 1875 Homestake Development in Park City, and CCC is very interested in providing the necessary financing needed.

Please feel free to call me for a reference should you desire additional information at (805) 557-0933.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Hemmens". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mike Hemmens
Managing Director

May 19, 2021

Jake Wood
JF Capital, LLC
1148 W Legacy Crossing Blvd, Suite 400
Centerville, UT 84014

RE : 1875 Homestake Road

Dear Mr. Wood,

This letter is in support of JF Capital, a long-time developer and operator of affordable and permanent housing.

The National Equity Fund is a national tax credit syndicator with a LIHTC portfolio that touches 48 states. Since our inception in 1987, national investments total more than \$16.75 billion in 2,687 LIHTC developments, which created 176,804 affordable homes for low-income families and individuals. NEF has partnered with JF Capital previously to build high quality affordable housing for low income families. My experience as a partner with JF Capital has been highly positive and continues to be. JF Capital proposes highly practicable projects that are comprehensively structured. In marrying the needs of the community with the funding constraints of a project, JF Capital projects are highly viable and thoughtfully designed.

I support JF Capital in the strongest terms as it continues to pursue potential projects and support the housing needs of families.

If you have any additional questions, please do not hesitate to contact me. Thank you.

Sincerely,

Sincerely,



Todd Fabian
Vice President, Regional Manager
213-240-3144

May 21, 2021

RE: Rory Murphy

To Whom It Concerns:

I am a former three-term Mayor of Park City and am writing this letter to recommend Rory Murphy for the Affordable Housing project that the City is planning to develop in the Prospector area. I have known Rory for 25+ years and he is capable and experienced in this sort of development. He consistently produces large-scale projects that are on time and on-budget. He also is well integrated into the community and will be able to keep the project on track and work out the environmental issues on the site. He has built large in-fill projects in Park City for many years and has the trust of the community. He will be sensitive to taxpayer dollars and expectations.

Sincerely,

A handwritten signature in red ink, appearing to read "Brad A. Olch", with a long, sweeping horizontal line extending to the right.

Brad Olch

May 24,2021

To whom it may concern,

I am writing you today on behalf of my friend, Rory Murphy. We have known each other for more than thirty years and worked together on several projects. I have always found him to be honest, dedicated and reliable. We worked together on the Silver Star development and while he was not required to do so, he built the affordable components first, completed the project on time and under budget!

As I have watched him grow into one of the finest members of the Park City community, he lives by a standard the is rarely heard of these days, and that is honor. He is guided by a set of principals and work ethic that are commendable. I think anyone would be fortunate to have him as a partner on any project!

Thank you,
Dana Williams

To Whom It May Concern:

I've had the pleasure of knowing Rory Murphy for twenty years here in Park City, from his early years with United Park City Mines, to when he served on the Planning Commission and in the building and development industry. He has been a person of genuine character, always looking out for the greater good of the community. His passion for the historic character and core values of Park City is unparalleled. His work ethic and integrity are absolute.

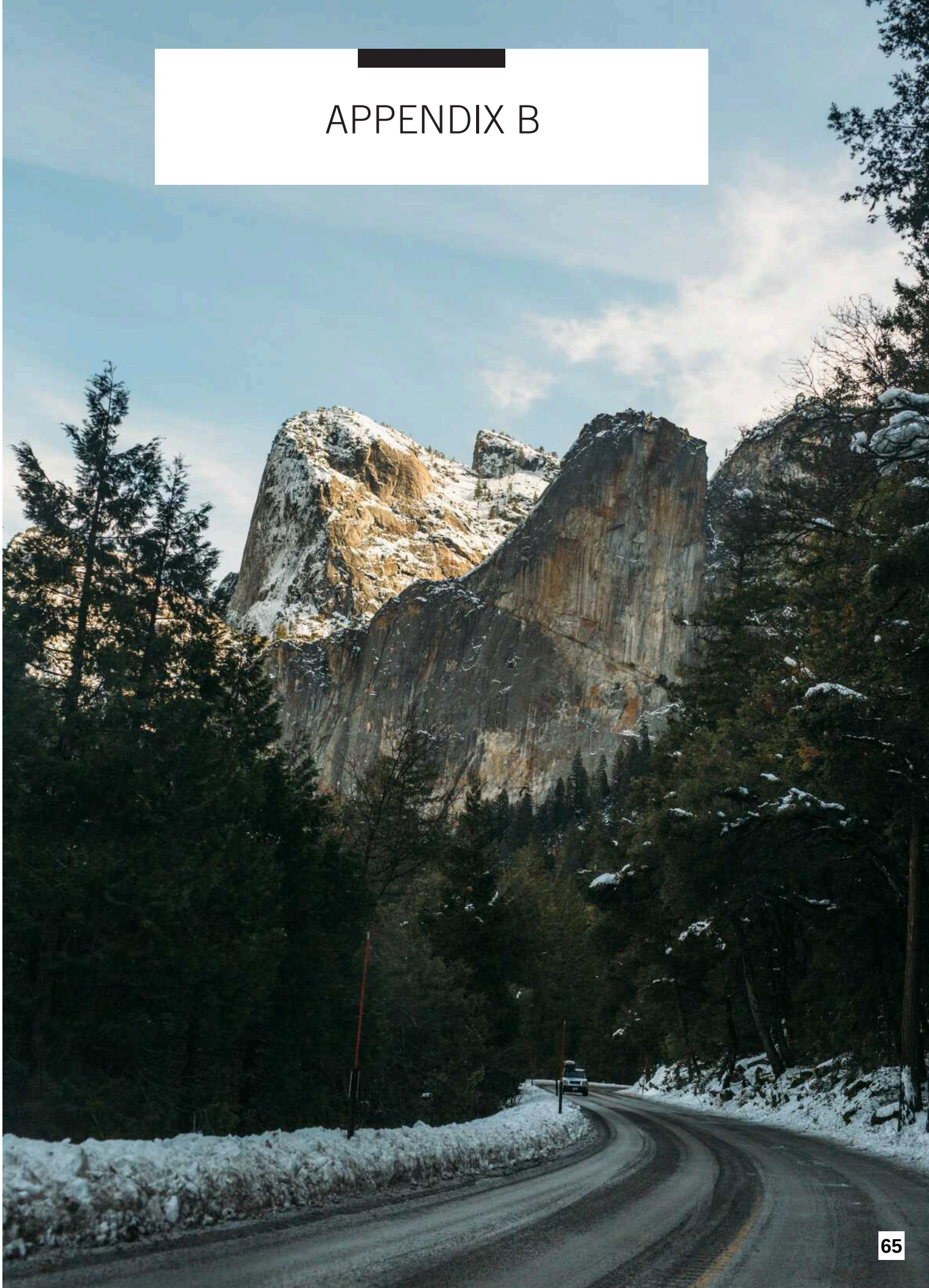
I have very much enjoyed his upbeat personality, his sense of humor as well as his professional mentoring.

He puts his whole heart and intellect into every task put before him.

Sincerely,

Jack Thomas AIA

APPENDIX B



JFRM PORTFOLIO & PIPELINE

Multifamily Housing ¹

PROJECT	CITY	UNITS	PRODUCT	STATUS	EST. VALUE
JF MARKET RATE					
City Scape	SLC	123	Midrise Apts.	Completed	30,500,000
Fireclay	Murray	400	Garden Apts.	Completed	67,250,000
Boulevard	Orem	110	Midrise Apts.	Completed	28,750,000
MODA Newhouse	SLC	61	Midrise Apts.	Completed	16,000,000
MODA Sego	SLC	28	Townhome Apts.	Completed	12,000,000
MODA Main	SLC	11	Townhome Apts.	Completed	4,510,000
MODA Highland	SLC	40	Townhome Apts.	Completed	18,100,000
Eaglewood Lofts II	North Salt Lake	196	Garden Apts.	Completed	53,600,000
MODA Bonneville	SLC	158	Midrise Apts.	Completed	48,500,000
MODA Vista	Ogden	79	Townhome Apts.	Completed	25,000,000
MODA Peak	Draper	24	Townhome Apts.	Completed	13,000,000
MODA S-Line	South Salt Lake	32	Townhome Apts.	Completed	12,600,000
MODA Spring Run	Murray	48	Townhome Apts.	Completed	19,600,000
MODA Windsor	SLC	18	Garden Apts.	Completed	3,400,000
MODA Luxe	SLC	217	Highrise Apts.	In Development	108,200,000
MODA Layton	Layton	248	Garden Apts.	In Development	63,400,000
MODA 4500 S	Murray	100	Townhome Apts.	In Development	37,000,000
Wentworth	SLC	315	Midrise Apts.	In Development	108,300,000
Wonderblock	Ogden	298	Midrise Apts.	In Development	65,000,000
		2,506		Subtotal	\$734,710,000
JF AFFORDABLE					
MODA Shoreline	North Salt Lake	240	Garden Apts. 4% LIHTC	Completed	58,000,000
MODA Granary	SLC	134	Midrise Apts. 4% LIHTC	Completed	23,175,000
MODA Meadowbrook	Millcreek	145	Midrise Apts. 4% LIHTC	Completed	31,000,000
MODA Union	Midvale	206	Midrise Apts. 4% LIHTC	Completed	44,200,000
MODA Glenwood ²	Millcreek	176	Midrise Apts. 4% LIHTC	Under Construction	39,600,000
MODA Franklin ³	Boise	205	Midrise Apts. 4% LIHTC	In Development	46,200,000
Riteaid ⁴	Ogden	189	Midrise Apts. 4% LIHTC	In Development	45,380,000
		1,295		Subtotal	\$287,555,000
MURPHY					
Silver Star	Park City	119	Resort Condominium	Completed	140,000,000
820 Park Ave	Park City	10	Resort Condominium	Completed	24,000,000
Kings Crown	Park City	76	Resort SFR, Townhome & Condo	Completed	132,000,000
		205		Subtotal	\$296,000,000
TOTAL JFRM		4,006			\$1,318,265,000

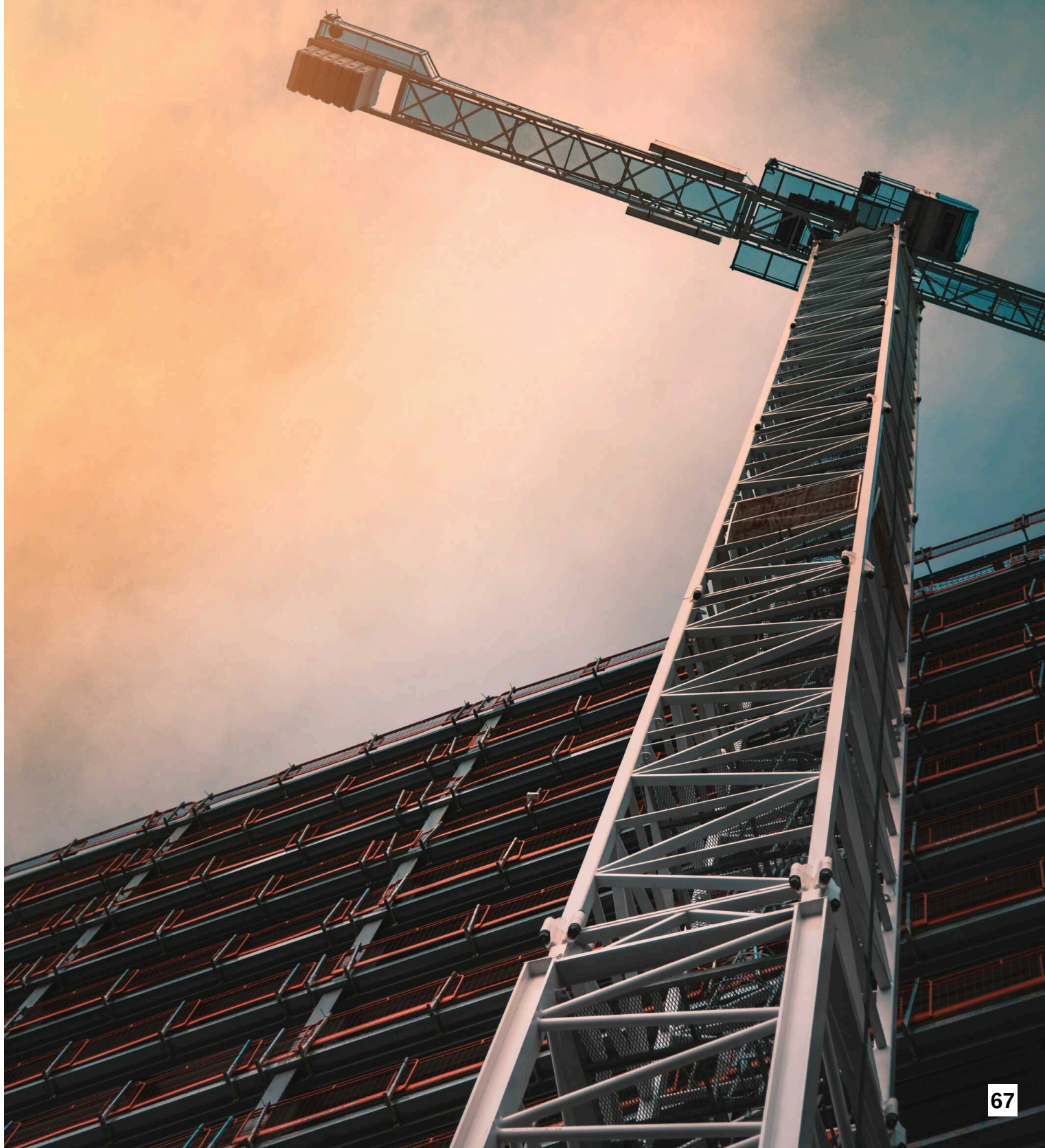
1) JF portfolio and pipeline reflects only multifamily and does not include commercial, senior housing, or homebuilder projects.

2) MODA Glenwood construction started in Q3 2020 and is expected to be completed in Q2 2022.

3) MODA Franklin will begin construction in Q3 2021 and is expected to be completed in Q2 2023.

4) Riteaid will begin construction in Q1 2022 and is expected to be completed in Q4 2023.

APPENDIX C





STRATEGIC
BUILDERS



WHO ARE WE?

Strategic Builders is a licensed General Contractor established in 2012 to construct its apartment and office pipeline.

The Strategic Builders' team members have directly managed over \$1 billion worth of development and construction

UNDER CONSTRUCTION: 382-Unit LIHTC Project
79,000 sq. ft. Flex Warehouse Space
61,000 sq. ft. Hangar Space

SCHEDULED STARTS - 2021: 248-Unit Apartment Project
59,000 sq. ft. Flex/Retail Space
205-Unit LIHTC Project
253,000 sq. ft. Parking Garage

COMBINED CONSTRUCTION VALUE: \$124.9 Million

OUR EXECUTIVE TEAM

CHRISTIAN TRAUDEN

Managing Director

Christian Traeden is the Managing Director of Strategic Builders. As a partner he has helped build the company over the past 6 years into one of the leading multi-family and commercial general contracting companies in Utah. He oversees all facets of the company's organization, structures, processes and construction projects.

Christian has 17+ years experience in the construction industry as project manager, COO, division president, and executive vice president, overseeing and building projects from custom homes, office, retail, restaurant, multi-family, industrial, warehouse, auto dealership, mixed use, and self-storage. His leadership roles have helped Strategic Builders continue to grow and add value to the construction market.

Christian received both his undergraduate and his Masters of Real Estate Development from the University of Utah. Christian and his family enjoy the Utah outdoors and all this state has to offer.

JOE VASHAW

Director of Operations

Joe Vashaw is the Director of Operations for Strategic Builders. His work includes overseeing the construction projects from start to finish, establishing relationships with ownership groups, and working with the management team to develop the people and processes that are vital to successful project delivery.

Joe has worked for 20+ years in the construction industry in Virginia, Washington DC and Utah. In the last 10 years he estimated and managed more than 4,000 multi-family units as well as offices, sports facilities and retail space with combined contracts of nearly \$600 million.

Joe studied business management at Mary Washington University and lives in Davis County with his wife and six children.

ALEX SHIRLEY

Director of Pre-Construction

Alex Shirley is the Director of Pre-Construction for Strategic Builders. His work entails overseeing the creation of ideas that lead to future project reality by working with Owners, Developers and Architects. Guiding design, construction means and methods and budgets to create project success for all parties involved.

Alex has worked for the past 14 years in the construction industry in Northern Utah. Beginning as a finish carpenter in his teenage years, he developed a passion for hard work and an attention to detail. He's been in the commercial construction world for the last 10 years with direct involvement in assisted living, retail and office totaling over \$150 million.

Alex studied in the Architecture program at the University of Utah before completing his BA degree in Urban Planning. He resides in Davis County where he enjoys his free time at home with his wife and two young children.

WONDERBLOCK

MIXED USE

25th Street, Ogden, UT



UNITS

330+ APARTMENTS
75,000 SF OFFICE
12,000 SF RETAIL

SITE SIZE

5.5 ACRES

PROJECT BUDGET

\$105 MILLION

CONSTRUCTION PERIOD

30 MONTHS

COMPLETION DATE

WINTER 2023

UNION

LIHTC 60% AMHI AFFORDABLE APARTMENTS

7304 South 300 West, Midvale, UT

UNITS

206

STORIES

4 RESIDENTIAL OVER 1 PARKING

SITE SIZE

3.2 ACRES

TOTAL BUILDING SQ FT

320,000

TOTAL BUILD COST PER SQ FT

\$102

PROJECT BUDGET

\$44 MILLION

CONSTRUCTION PERIOD

20 MONTHS

COMPLETION DATE

APRIL 2021



MEADOWBROOK

LIHTC 60% AMHI AFFORDABLE APARTMENTS

3900 S Main Street, Salt Lake City, UT



UNITS

145

STORIES

6 RESIDENTIAL

SITE SIZE

2.4 ACRES

PROJECT BUDGET

\$29 MILLION

CONSTRUCTION PERIOD

20 MONTHS

COMPLETION DATE

SUMMER 2019

GRANARY PLACE

LIHTC 60% AMHI AFFORDABLE APARTMENTS

256 W 700 S, SALT LAKE CITY, UT

UNITS

134

STORIES

4 RESIDENTIAL OVER 1 PARKING

SITE SIZE

1.6 ACRES

TOTAL BUILDING SQ FT

APPROX. 199,000

TOTAL BUILD COST PER SQ FT

APPROX. \$118.09

PROJECT BUDGET

\$22 MILLION

CONSTRUCTION PERIOD

15 MONTHS

COMPLETION DATE

JUNE 2018



THE BONNEVILLE

UNITS

158

STORIES

5 RESIDENTIAL OVER 2 PARKING

SITE SIZE

1.34 ACRES

PROJECT BUDGET

\$28 MILLION

CONSTRUCTION PERIOD

14 MONTHS

COMPLETION DATE

JULY 2017

CLASS "A" LUXURY APARTMENT BUILDING

260 S 500 E, SALT LAKE CITY, UT



NEWHOUSE

CLASS “A” LUXURY APARTMENTS

540 E 500 S, SALT LAKE CITY, UT



UNITS

61

STORIES

4 RESIDENTIAL OVER 1 PARKING

SITE SIZE

.96 ACRES

TOTAL BUILDING SQ FT

74,110

TOTAL BUILD COST PER SQ FT

\$116.04

PROJECT BUDGET

\$8.6 MILLION

CONSTRUCTION PERIOD

12 MONTHS

COMPLETION DATE

FALL 2014

THE BOULEVARD

CLASS "A" GARDEN STYLE APARTMENTS

40 N OREM BOULEVARD, OREM, UT

UNITS

110

STORIES

4 RESIDENTIAL

SITE SIZE

3.46 ACRES

TOTAL BUILDING SQ FT

107,593

TOTAL BUILD COST PER SQ FT

\$123.61

PROJECT BUDGET

\$13.3 MILLION

CONSTRUCTION PERIOD

11 MONTHS

COMPLETION DATE

SUMMER 2015



GLENWOOD

LIHTC 60% AMHI AFFORDABLE APARTMENTS

3993 S. Main Street, Millcreek, UT



UNITS

176

STORIES

4 RESIDENTIAL OVER 2 PARKING

SITE SIZE

2.92 ACRES

TOTAL BUILDING SQ FT

218,023

AVG BUILD COST PER SQ FT

\$84.85

PROJECT BUDGET

\$27.4 MILLION

CONSTRUCTION PERIOD

20 MONTHS

COMPLETION DATE

SPRING 2022

LAYTON PARKWAY

CLASS "A" LUXURY APARTMENT BUILDING

50 West 400 South Layton, UT

UNITS

248

SITE SIZE

7.11 ACRES

TOTAL BUILDING SQ FT

284,668

TOTAL BUILD COST PER SQ FT

\$147.81

PROJECT BUDGET

\$41.3 MILLION

CONSTRUCTION PERIOD

25 MONTHS

COMPLETION DATE

WINTER 2023



FRANKLIN

LIHTC 60% AMHI AFFORDABLE APARTMENTS

5007 W Franklin, Boise ID

STORIES

4

UNITS

205

SITE SIZE

4.7 ACRES

TOTAL BUILDING SQ FT

266,776

TOTAL BUILD COST PER SQ FT

\$131.00

PROJECT BUDGET

\$34.6 MILLION

CONSTRUCTION PERIOD

23 MONTHS

COMPLETION DATE

SUMMER 2023





POWERED BY  JF CAPITAL

[STRATEGICBUILDERS.COM](https://strategicbuilders.com)

APPENDIX D





SUMMARY OF CAPABILITIES

OLIVE WEST MANAGEMENT COMPANY



OUR SERVICE

With over 45 years of property management experience, we take pride in our innovative business model that is owner focused and customer driven. Every community is operated by the very best real estate professionals who are trained to think like an owner and take pride in resident satisfaction.



Owner Focused

We work with each owner to better understand their investment strategy for each asset and tailor our services to best meet the owner's objectives.



Operational Excellence

Through a highly disciplined, process-driven approach based on best practices, policies, and procedures, we drive operational consistency, mitigate risk and achieve operational excellence.



Cutting Edge Technology

From the application process, to leasing, management, rental payments and maintenance, our properties are run entirely paperless. This creates efficiencies for residents, the management team, and owners through expedited reporting and access to real-time information. Our residential units also use "smart" technology to control entry, lighting and thermostats through their smart phone or intelligent personal assistant such as Alexa.



Resident Satisfaction

Ours is a service industry and we believe that happy residents will make happy owners. We focus heavily on creating memorable experiences for each resident through unmatched service and a steadfast focus on the resident.



PROPERTY MANAGEMENT

Our priority is your property—improving your market share, revenue and profitability.

Property Level Services: All property-level services have a focus toward the bottom line. We critically review all operating decisions to determine whether or not they meet current budget constraints while enhancing the long-term value of the asset. Our focus is on the small details. We constantly plan, review and inspect to get what you expect: enhanced value through diligent operations and oversight.

Marketing Services: We help guide sales and marketing teams to establish realistic objectives, evaluate the competition, determine the best marketing and sales mix strategies, and continuously monitor our target audience.

Our property-level sales and marketing services include:

- Sales and Marketing Assessments
- Competitive Analysis
- Revenue Management Enhancement
- Apartment Positioning and Business Planning
- Sales Prospecting
- Contract Negotiations
- Account Management Training
- Reputation Management
- Construction Project Management
- Customized Reporting

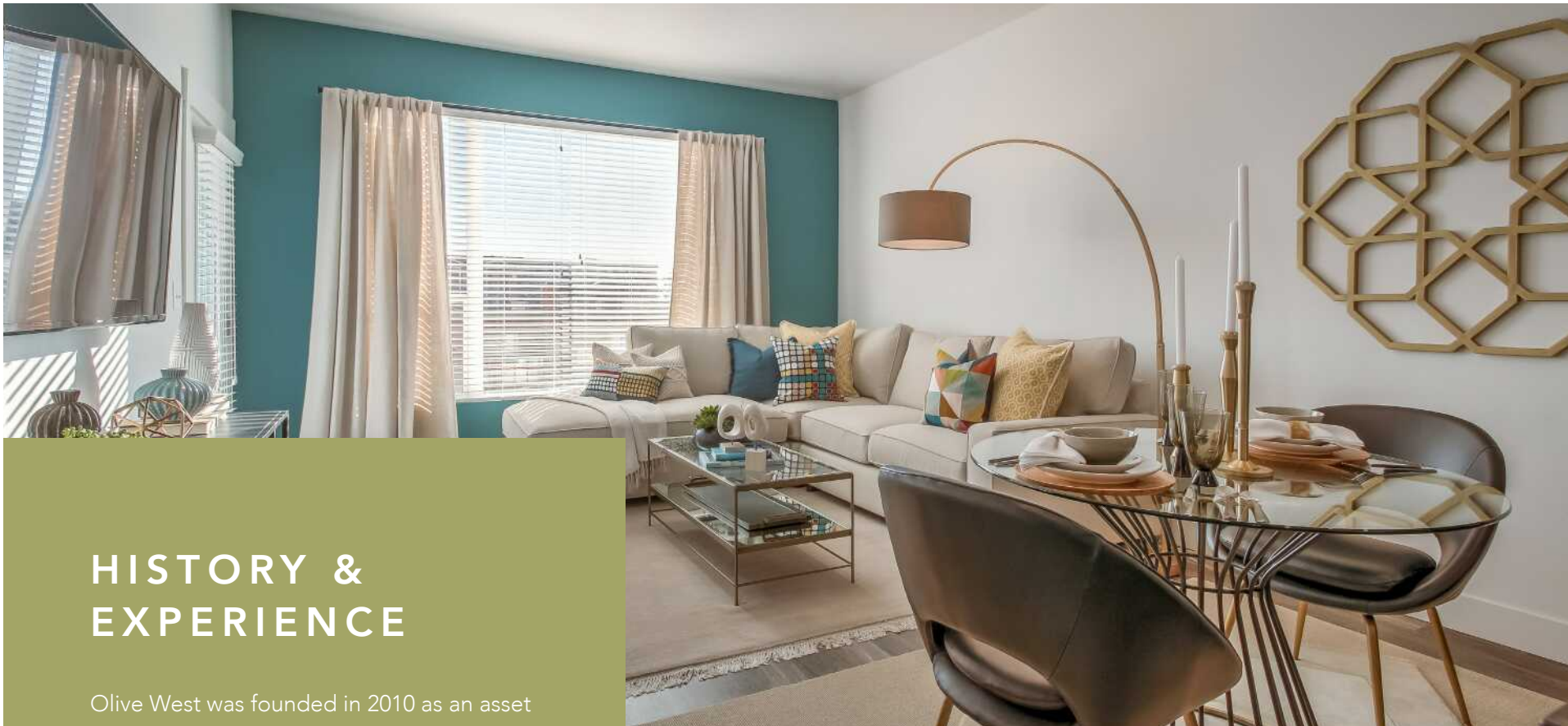


ASSET MANAGEMENT

We want to be your one-stop shop for property and asset management services. With our broad institutional investment management experience, we can provide services not typically offered by your traditional property management company.

We offer expertise in the following services:

- Property Planning and Design Services
- Financial and Deal Sourcing
- Pre-Acquisition Due Diligence
- Transition Planning & Execution
- Value-Add Redevelopment
- Asset Repositioning
- Capital Expense Management
- Discounted Cash Flow Analysis & Valuation



HISTORY & EXPERIENCE

Olive West was founded in 2010 as an asset management arm to our parent company who was building quality office and multi-family properties. We initially hired third party managers to help manage these properties but soon recognized the need for experienced, professional managers who operate assets with an “owner’s mentality” and attention to detail. In the process of managing our properties, we began attracting, training and organizing what has become an exceptional property management group.

Multi-family Properties

- New development lease-up
- Takeover
- Mid-rise
- Garden style
- Mixed use
- Specialty
 - Live / Work
 - Affordable
- Value-add / renovations

Office Properties

- Existing & new development lease-up
- Suburban

Industrial Properties

- New development lease-up

COMPANY PRINCIPALS & LEADERSHIP



Glenn Girsberger, Partner

- 30 years' experience in commercial and multi-family real estate
- Former portfolio manager for several institutional investment advisory firms
- Extensive acquisition, disposition and asset management experience
- IREM Certified Property Manager
- Licensed Real Estate Broker
- Graduated from Brigham Young University



Spencer Tibbitts, Director of Operations

- 16 years' experience in commercial and multi-family real estate management.
- Former Sr. Regional Manager for a national multi-family management company.
- IREM Certified Property Manager
- NAA Certified Apartment Manager
- Graduated with an MBA from the University of Phoenix



Chandie Van Sickle, Regional Manager

- 10 years' experience in multi-family management
- Former Operations Manager for a national multi-family management company
- Dale Carnegie Sales Achievement Training
- LIHTC Management Experience



Stephanie Tueller, Regional Manager

- 10 years' experience in multi-family management
- 3 Years' experience as a Regional Manager
- Former Management Software Trainer
- Studied at Ohio State University

OWNER-DRIVEN PERSPECTIVE

As owners, we know the importance of property performance and return on investment. As managers, we believe service sets a company apart from its competitors.

In today's business environment, conventional management and operations planning is not enough—that's why we focus on providing services that simplify living and free up resident's most valuable commodity: Time.

As a vertically-integrated management, ownership, and development company, we are able to optimize property operations, provide a focused strategy for resident retention, and professionally staff assets with highly-trained individuals.

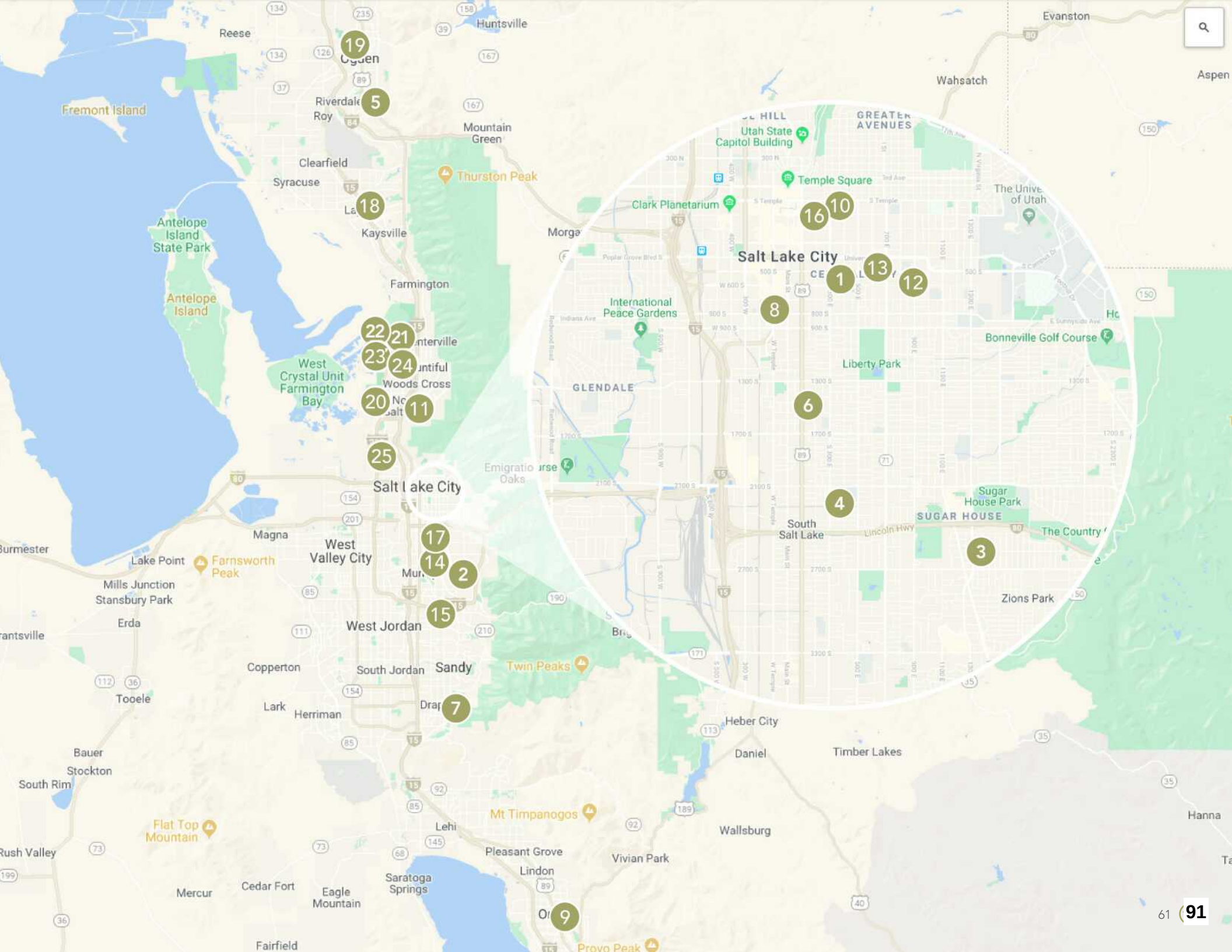
The depth of our market knowledge allows us to make informed decisions that directly impact return on investment.



MANAGEMENT PORTFOLIO

- Under Construction
- Asset Management Only

	Townhomes	Address	Units
1	Sego 28	425 East 700 South, SLC	28
2	Spring Run	965 East Murray Holladay Road, SLC	48
3	Highland Park	1315 East Crandall Avenue, SLC	40
4	S-Line	2250 South 400 East, South SLC	32
5	Vista	5030 Harrison Boulevard, Ogden	79
6	Main	1566 South Main Street, SLC	11
7	Peak	12553 South Fort Street, Draper	24
	Apartments		
8	Granary Place	248 West 700 South, SLC	134
9	Boulevard	40 North Orem Boulevard, Orem	110
10	Bonneville	260 South 500 East, SLC	158
11	Eaglewood Lofts	325 South Orchard Drive, North Salt Lake	196
12	Windsor	841 East 700 South, SLC	18
13	Newhouse	540 East 500 South, SLC	61
14	Meadowbrook	3910 South Main Street, SLC	145
15	Union	7304 South 300 West, Midvale	206
16	Luxe	242 South 200 East, SLC	208
17	Glenwood	3999 South Main Street, Millcreek	165
18	Parkway	Layton Parkway, Layton	248
19	Wonder Block	2557 Grant Avenue, Ogden	296
20	Foxboro Terrace	882 West Foxboro Drive, North Salt Lake	240
	Office	Address	Units
21	Legacy Office Building	1148 W Legacy Crossing Blvd, Centerville	68,000 Sq. Ft
22	Parrish Crossing	1216 W Legacy Crossing Blvd, Centerville	45,000 Sq. Ft
23	Legacy Commons	1000 W Legacy Crossing Blvd, Centerville	61,000 Sq. Ft
	Industrial		
24	Legacy Commons	1000 W Legacy Crossing Blvd, Centerville	32,200 Sq. Ft
25	Sky Landing	2425 S 1800 W, Woods Cross	79,200 Sq. Ft



AFFORDABLE HOUSING EXPERIENCE

Olive West has managed numerous Housing and Urban Development (HUD), bond-financed and Low-Income Housing Tax Credit (LIHTC) properties over the past 10 years. Most of this experience has been in an asset management capacity, but we have now positioned our company to take on the property management roll and administer the necessary day-to-day activities in affordable housing projects. Olive West has experience managing affordable components such as income-limit requirements (including very-low, low and moderate), as well as Section 8 and below-market rate programs.

To date, all Olive West managed income-restricted properties have been meticulously maintained in accordance with compliance guidelines. To ensure compliance, communities are staffed with Regional Managers and on-site personnel trained in bond and Section 42 regulations, who have experience with: federal bond financing under tax regulatory

agreements, income and asset calculation with regard to rent limits and Fair Housing requirements. We are also well-versed in resident file income documentation and reporting requirements, in which, communities are required to verify the annual incomes of applicants prior to move-in and keep the following documents in the resident's file:

- Basic overview of income-eligible housing program
- Maximum income and rent-limit guidelines (as established by the Department of Housing and Urban Development)
- Documentation determining likely income level for conventional-to-affordable conversion
- Income eligibility application and calculation forms
- Household composition form
- Tenant Income Certification form

- No-income certification form (if applicable)
- Employment verification form
- Asset declaration or no-assets certification form
- If applicable, student status verification form and student financial aid verification form
- Release and consent form
- Supporting documents for income, asset and student status verification forms
- Affordable housing lease addendum

Each year, residents must re-certify their eligibility, and updated version of all certification forms and supporting documents—including the lease addendum—must be added to the resident's file. (Note: A change in household composition form may be needed if the resident has added a new member to the household, and all new household members would be required to complete all documentation listed above.)

SERVICES

1.

Full property audits every
12 to 18 months

2.

Comprehensive
training and use of
third-party providers
for tax-credit
education/certification

3.

Annual in-
depth reviews
of all move-in
and recertified
files.

4.

Extensive support to
owners regarding due
diligence, transition, staff/
management changes,
lease-ups with affordable
restrictions and compliance
training.

5.

Monthly on-site compliance reports, which are
reviewed by a compliance consultant prior to
submitting to the housing commission.

AFFORDABLE HOUSING PORTFOLIO

Currently, the following assets within our portfolio are categorized as income-restricted due to tax-exempt bond financing or tax-credit allocation requirements.

1. Eaglewood Lofts

325 South Orchard Drive, North Salt Lake
196 units

2. Granary Place

248 West 700 South, Salt Lake City
134 units

3. Meadowbrook

3910 South Main Street, Salt Lake City
145 units

4. Glenwood*

3999 South Main Street, Millcreek
165 units

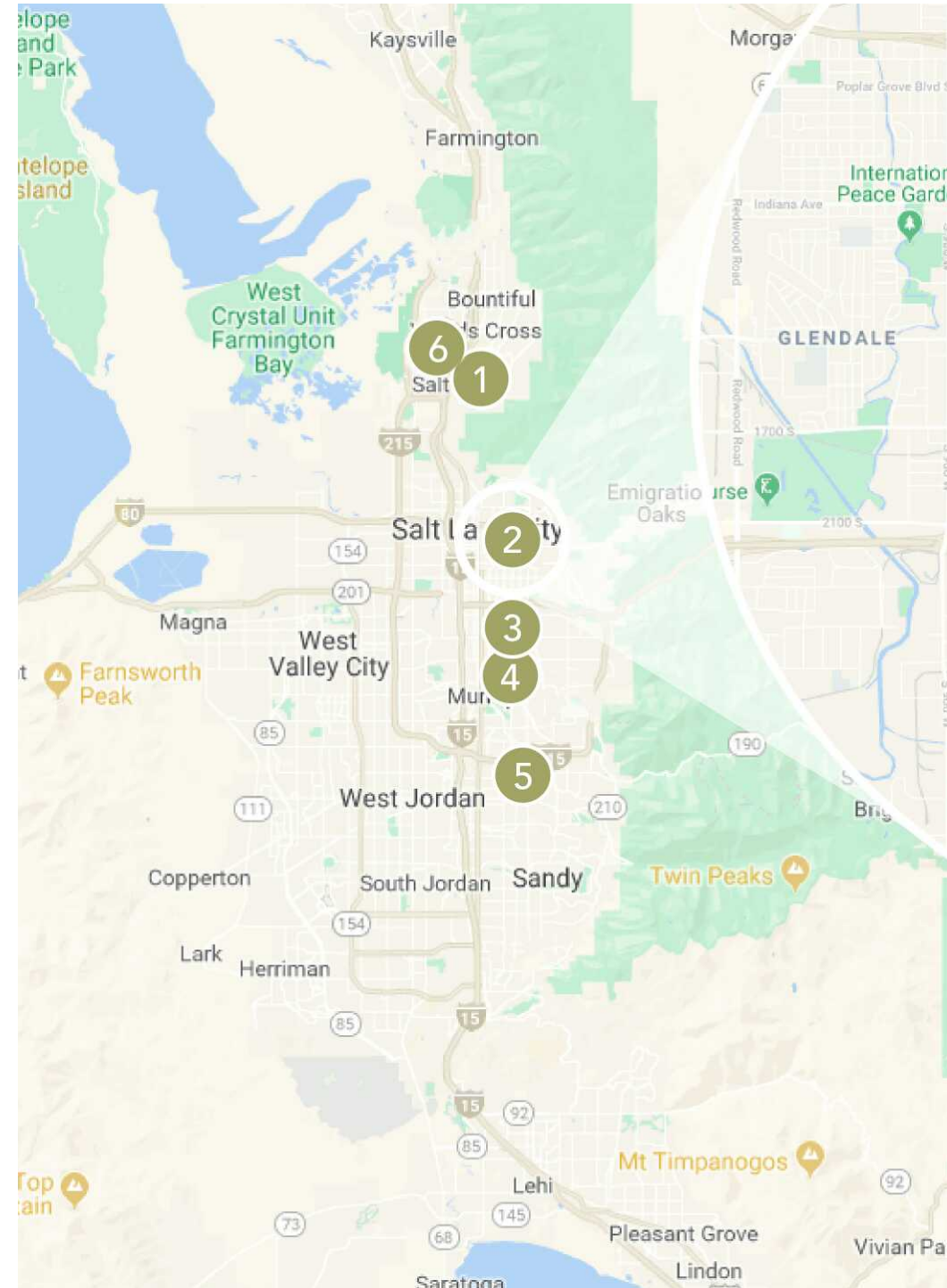
5. Union*

7304 South 300 West, Midvale
206 units

6. Foxboro Terrace

882 West Foxboro Drive, North Salt Lake
240 units

*under development / construction



Electric Magnetic Field Information Links

[Non-ionizing Radiation - Utah Department of Environmental Quality](#) – State of Utah site

[Electromagnetic Fields and Cancer - National Cancer Institute](#)[Electric & Magnetic Fields \(nih.gov\)](#) – National Cancer Institute

[Non-ionizing Radiation, Part 1: Static and Extremely Low-frequency \(ELF\) Electric and Magnetic Fields \(who.int\)](#) – World Health Organization

[Electric & Magnetic Fields \(nih.gov\)](#) – National Institute of Environmental Health Sciences

[Electric and Magnetic Fields from Power Lines | US EPA](#) – US Environmental Protection Agency

DRAFT HOMESTAKE TENANT SELECTION PLAN

Pre-Leasing & Lease-Up

- In anticipation of the Certificate of Occupancy (“CofO”), the Owner will open pre-leasing to future residents as follows:
 - Owner will begin marketing the Project at least 180 days in advance of the anticipated CofO
 - Interested applicants will be able to provide contact information to be kept informed of the pre-leasing process
 - 90-days in advance of CofO, pre-leasing will be opened to applicants that meet Employment Requirements as defined below (“Employment Qualified Applicants”);
 - Employment Qualified Applicants will be evaluated on a first-come, first-served basis
 - After 30-days, or 60-days in advance of CofO, if any units have not been pre-leased, pre-leasing will be opened to all other eligible applicants (“General Applicants”)
 - General Applicants will be evaluated on a first-come, first-served basis

Waitlist

- Once the Project requires a waitlist, Owner will maintain a waitlist for future available units.
 - Employment Qualified Applicants will be given a preference on the waitlist and will be evaluated on a first-come, first-serve basis
 - If there are no Employment Qualified Applicants on the waitlist, units will be made available to General Applicants on a first-come, first-serve basis.

Definitions

Employment Requirements

- Employment Qualified Applicant households must include a minimum of one adult in his or her household who meets one of the following criteria:
 - A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within the Park City School District Boundaries; or
 - An owner of a business or entity with a primary place of business within the Park City School District Boundaries; or

- A full-time (aggregate of 30 hours of employment per week) worker who is self-employed or works out of their home and can provide proof that a minimum of 75% of their clients are based within the Park City School District Boundaries.
- Those who have been determined to be Qualified Senior or Qualified Disabled prior to application for ownership or rental, as well as Immediate Family of an Employment Qualified Applicant are exempt from the required employment hours.

Seniors & Disabled

- Qualified Disabled is a person who is unable to work or does not have a work history required due to a disability as defined by the Americans with Disabilities Act.
- Qualified Senior is a person who is 62 years or older.

Other Conditions

- All pre-leasing and waitlist requirements will need to maintain compliance with the Fair Housing Act. Any conflicting requirements will default to the Fair Housing Act.
- All pre-leasing and waitlist requirements will need to maintain compliance with the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs or the most recent equivalent. Any conflicting requirements will default to the HUD Guidelines.
 - Per Sections 4-4.B., 4-6.B.3., and 4-6.C. of the HUD Guidelines, Owners may be required to secure written approval from the local HUD Field Office in order to apply certain tenant selection preferences.
- In the event PCMC makes changes to its affordable housing resolution guidelines, Owner will work in good faith to accommodate any commercially reasonable changes in the tenant selection plan through an amendment to the Ground Lease. Any tenant selection plan changes will be applied to new applicants. Any existing waitlist applicants will be grandfathered into the existing tenant selection plan. In the event the Owner cannot accommodate new changes to the resolution guideline, the existing tenant selection plan will remain in place.

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: PRESENTATION

Subject:

White Pine Touring 2022 Season Report - Presented by Jack Walzer, General Manager of White Pine Touring

Suggested Action:

Attachments:

[Whitepine Touring Season Staff Report](#)

[Exhibit A: 2020 White Pine Concessionaire Agreement](#)

City Council Staff Report



Subject: White Pine Touring End of Season Update
Author: Heinrich Deters
Department: Sustainability
Date: April 28, 2022
Type of Item: Administrative

City Council requested White Pine Touring, the City's longtime winter Nordic skiing concessionaire at the municipal golf course, provide an end of season summary to discuss operations and associated neighborhood relations. Accordingly, Jack Walzer, General Manager of White Pine Touring, will attend the meeting and provide a seasonal update and discussion, as well as the Trails and Open Space, Golf, Engineering, and Planning Teams.

Background

Since 1981, Park City Municipal Corporation (PCMC) has worked with a local vendor to provide a world-class cross-country skiing venue on the PCMC Golf Course and some of its other open spaces. White Pine Touring has been the sole vendor, winning various RFPs over time. PCMC owns and operates the golf pro shop and golf course but defers to a private concessionaire to operate the winter cross-country concession. Typically, the concession is open from about November 15 to April 1, depending upon snowpack and weather, and the 'Nordic Center' operates from the hours of 9am to 6pm, seven days per week.

Recently, the City Council approved a new five (5) year concessionaire agreement on [April 16, 2020](#). The agreement provides a general scope of operations for providing cross country services, rental spaces and costs. Additionally, the current agreement allows for a five-year extension, if approved by City Council. (Exhibit A)

Sustainability, Parks and Golf contributed to reviewing and drafting the concessionaire agreement so as to cover costs and protect municipal property and facilities, including:

- Covering the City's monthly HOA fee;
- Covering the city's snow removal fee;
- Covering the City's utility costs;
- Partial payment for scheduled carpet replacement;
- Covering costs associated with city staff opening and closing the pro shop;
- Annual rent payment to cover usage of retail, yurt, and office space; and
- Yearly maintenance of the golf course due to grooming operational impacts.

Analysis

Jack Walzer, White Pine Touring General Manager, will provide a seasonal summary of concession operations and programming, which may include:

- Season and daily track pass numbers, in addition to discount programs for Military, Seniors, Non-Profits, and Ski Teams/Universities, including the 2022 National Champions, University of Utah;
- Lessons and Guided Trip programs;
- Youth Development and Race Nordic ski programs, including Youth Sports Alliance's 'Get out and Play Program', in which White Pine Touring subsidizes rental equipment;
- Wasatch Citizens Series race venue, including the - 3 person 'family relay' and the 25K race at the Farm;
- Updates from neighborhood concerns and mitigations; and
- Annual Local's Day where free lessons and rentals are provided for locals.

This year, staff was contacted several times with regard to noise and operational concerns by a neighboring property owner. Accordingly, PCMC worked with White Pine in an attempt to mitigate various concerns with regard to amending programming and tweaking operational impacts, including:

- Relocation of a new snowshoe trail due to proximity to adjacent houses;
- Relocation of the Nordic ski lesson meeting-area due to a noise complaint;
- Relocation of the groomer storage location to near the new Golf Maintenance facility;
- Balancing the need to groom the Nordic track early in the morning due to weather and snow conditions due to lights and noise; and
- Customer and staff parking, idling, shuttle operations, and overall traffic impacts along Thaynes Canyon Drive.

The Trails and Open Space Team continues to believe the Nordic concession can proactively balance impacts to the golf course and residential areas, while also providing a world class experience to locals, local sport clubs, youth teams, and visitors. As a result, we plan to prioritize and focus upon the following next year:

- Noise mitigation strategies;
- Equipment storage relocation; and
- Enhanced directed and public safety and parking patrols, accountability and management, and enforcement.
- Special Event Permitting

Parking along Thaynes Canyon Drive

Separate from the responsibility's of the White Pine Concession, the overflow parking issue remains unresolved and likely requires additional Council policy direction and public input. For example:

- The overflow parking area along Thaynes Canyon Drive and the driving range has been in use for decades;

- Over time, the demand for overflow parking has increased and become more prevalent;
- In response to increasing parking demand, the overflow area is now intermittently groomed by snow machines for safety and access purposes;
- The overflow parking area is used by the hotel, golf, restaurant, and Nordic patrons;
- The overflow area was moved further up the street (further east) to reduce conflict with a neighboring driveway and nearby intersection; and
- PCMC parking enforcement signs were installed to prohibit overnight parking and vehicle storage.

Trails and Open Space, Golf, Planning, and Engineering conducted a brief analysis of the overflow parking location, its historical use, and related planning documents and covenants. The overflow parking area is critical to the operations of the Municipal Golf Course and has served as overflow parking for approximately 20 years. Conversely, the parking area is not expressly permitted in the property's development agreement.

As a result, there are a few likely scenarios for City Council consideration and staff implementation:

- Prohibit the overflow parking area along the driving range location on Thaynes Canyon Drive; or
- Direct staff to propose amendments to the development agreement to accommodate additional overflow parking demand, either onsite or offsite.

CONCESSION AGREEMENT

CROSS COUNTRY SKIING AT THE PARK CITY GOLF CLUB AND MCPOLIN FARM OPEN SPACE

This CONCESSION AGREEMENT ("Agreement") is made by and **between PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation ("City") and **JANS LTD**, a Utah corporation, dba WHITE PINE TOURING ("Concessionaire"), collectively, the City and the Concessionaire are referred to as (the "Parties"), to set forth the terms and conditions under which Concessionaire will operate a cross country skiing operation on certain property owned by the City in Park City, Utah.

The Parties agree as follows:

1. **PROPERTY.**

The property subject to this Agreement is the Park City Golf Club Shop located at 1541 Thaynes Canyon Dr., Park City, Utah, the Armstrong Snow Ranch Pastures and the McPolin Farm Open Space, described on **Exhibit "A"** attached hereto and made a part hereof.

2. **TERM.**

The term is to begin on **November 15, 2020**, and terminate on **April 1, 2025**, unless terminated earlier as provided herein. Upon termination, this Agreement may be extended by mutual written agreement for an additional five (5) year term subject to approval as required by the City Council. City may terminate this Agreement upon thirty (30) days prior written notice to Concessionaire if the space is required for municipal or other purposes. Upon termination by City, City will refund the rent to Concessionaire on a pro rata basis.

3. **RENT/FEES**

A. Monthly Fees

- i. The Parties agree the monthly fees due the City shall be Four Thousand Nine Hundred and Seventy Four Dollars (\$4,974.00) per month (hereinafter called "Monthly Fees"). This will be due by the last day of each month during the term of the Agreement. November and April will be prorated to equal amount of days in shop. This space will be the golf pro shop and office space located in the Hotel Park City building (approximately 1,778 square feet), and the yurt (706 square feet) located on the Hotel Park City property.

ii. All checks shall be sent to the below address, no later than the last day of every month that rent is due:

1. Park City Municipal Golf Course
P.O. Box 1480, Park City, UT, 84060

B. Yearly Fees

i. The Parties agree the one time yearly fees due annually to the City shall consist of two parts:

1. Fees associated with closing and opening the golf pro shop shall be Three Thousand One Hundred Fifty Dollars (\$3,150.00) per year.
2. Fees associated with track pass sales shall be five percent (5%) of gross track sales.

a. Percentage fee. Gross track sales shall be calculated by the Parties and payment remitted by June 15 of each annual rental period. Pre-season track pass sales, including season passes and 10 punches passes, etc., shall be included in the calculation of the percentage and shall be remitted to the City as part of the gross track sales records and financial statements. A sales report breakdown of pass types and quantities shall be provided with the fee. Additionally, where applicable, zip code data associated with pass sales shall be provided.

b. "Gross Track Sales" as used herein is hereby defined to mean the total amount in dollars of all track passes and season pass sales, whether for cash or credit. Gross Track Sales shall not include any sum collected for any sales, use or gross receipts tax imposed by any federal, state, municipal or other governmental authority directly on sales to customers and paid by Concessionaire to such governmental authorities.

3. All checks for yearly fees shall be sent to the below address no later than June 15 of each annual rental period:

- a. Park City Municipal Golf Course
P.O. Box 1480, Park City, UT, 84060

C. Financial Statements.

- i. No later than June 15 of each annual rental period, Concessionaire shall furnish City a written income statement certified by the Concessionaire's CPA of annual gross receipts.

4. SCOPE OF SERVICES

A. Retail and Rental Operations of Services:

- i. Dates of Cross Country Operation shall be from approximately November 15 to April 1 each year during the term of this Agreement (conditions/weather allowing).
- ii. Hours of Operation shall be no less than 9:00 a.m. to 4:00 p.m. seven (7) days a week.
- iii. Services shall include equipment rentals, equipment maintenance, track pass sales, retail sales, lessons, tours and track maintenance (including snowshoe trails).

B. Rented Space:

- i. Operations and maintenance of the golf course retail space plus office space: Approximately 1,778 square feet.
- ii. The operations and maintenance of yurt space: Approximately 706 square feet.
 1. Concessionaire shall maintain stairs, decks, ramps, railings, footers, etc., associated with the yurt space. Maintenance shall include maintaining a coat of stain on all outside surfaces.
 2. Concessionaire is responsible for any repairs, maintenance and/or replacement of the yurt and associated parts/materials.
 3. If requested, Concessionaire shall be responsible for the removal/storage of the yurt. Additionally, Concessionaire shall be responsible for the installation of the yurt in approved location.

C. Grooming Operations

- i. Grooming course and trails includes a minimum of twenty five (25) kilometers of professionally groomed trails, with a minimum 10 foot wide skate lane in addition to classic tracks when snow depth allows. The areas are more specifically defined as:

1. Three (3) kilometers on holes one, two, three, four, seven, eight and nine
 2. Three (3) kilometers on holes five, six and the Armstrong Snow Ranch Pastures Open Space
 3. Five (5) kilometers on holes 10 through 18
 4. Fourteen (14) kilometers on the McPolin Farm and other surrounding open spaces.
 5. A snowshoe trail must also be marked and maintained.
- ii. The City requires a minimum snow cover before any snow grooming or packing may commence. They are as follows:
1. Four inches on the three (3) kilometer track on holes one, two, three, four, seven, eight and nine
 2. Four inches on the three (3) kilometer track on holes five, six and the Armstrong Snow Ranch Pastures Open Space
 3. Four inches on the five (5) kilometer track on holes 10 through 18.
 4. Twelve inches on the 14 kilometer track on the McPolin Farm and other surrounding open spaces.
- iii. The golf course property has limits on where the cross track can be set.
1. Three kilometer track on holes one, two, three, four, seven, eight and nine - The track must be set in the rough with a maximum of 3 fairway crossings. The location of each fairway crossing must be approved by City staff.
 2. Five kilometer track - The track must be set in the rough and only 1 fairway crossing is allowed.
 3. Fourteen kilometer track - Has no routing restrictions.
- The City will approve the track layout prior to season opening and before track packing or setting can begin.
- iv. Services provided by the City are as follows:
1. Final approval of track staking of full 25K track.
 2. Roping off of all greens and tees.
- v. Concessionaire shall be responsible for any damage to golf course and associated infrastructure.
- vi. The Concessionaire has no authority to cut any branches or limbs from trees on the golf course or farm property without prior written permission of the City.

5. USE OF THE PREMISES.

The premises shall be used only for the purpose of cross country skiing and associated retail and rentals.

6. RECORDS AND INSPECTIONS.

The Concessionaire shall maintain books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement, including (but not limited to) that which is necessary to sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement, and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement.

- A. The Concessionaire shall retain all such books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement for six (6) years after expiration of the Agreement.
- B. The Concessionaire shall, at such times and in such form as the City may require, make available for examination by the City, its authorized representatives, the State Auditor, or other governmental officials authorized by law to monitor this Agreement, all such books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement. The Concessionaire shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Concessionaire's activities, which relate directly or indirectly to this Agreement.
- C. The City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code, 1953, as amended and Park City Municipal Code Title 5 ("GRAMA"). All materials submitted by Concessionaire pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure rests solely with Concessionaire. Any materials for which Concessionaire claims a privilege from disclosure based on business confidentiality shall be submitted marked as "confidential - business confidentiality" and accompanied by a concise statement from Concessionaire of reasons supporting its claim of business confidentiality. Generally,

GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. The City will make reasonable efforts to notify Concessionaire of any requests made for disclosure of documents submitted under a claim of confidentiality. Concessionaire specifically waives any claims against the City related to any disclosure of materials pursuant to GRAMA.

7. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The parties intend that an independent Concessionaire/City relationship will be created by this Agreement. No agent, employee, or representative of the Concessionaire shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Concessionaire are not entitled to any of the benefits the City provides for its employees. The Concessionaire will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.
- B. In the performance of the services herein contemplated the Concessionaire is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

8. CONCESSIONAIRE EMPLOYEE/AGENTS.

- A. The City may at its sole discretion require the Concessionaire to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Concessionaire may, however, employ that (those) individuals(s) on other non-City related projects.

9. HOLD HARMLESS INDEMNIFICATION.

- A. The Concessionaire shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Concessionaire's negligent performance or failure to perform any aspect of this Agreement; provided, however, that if

such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Concessionaire; and provided further, that nothing herein shall require the Concessionaire to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Concessionaire expressly agrees that the indemnification provided herein constitutes the Concessionaire's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Concessionaire claims or recovers compensation from the City for a loss or injury that Concessionaire would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the Parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

- B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

10. **INSURANCE**

The Concessionaire shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Concessionaire, their agents, representatives, employees, or subcontractors. The Concessionaire shall provide a Certificate of Insurance evidencing:

- A. General Liability insurance written on an occurrence basis with limits no less than One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate for personal injury, bodily injury and property damage.

The Concessionaire shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63G-7-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

- B. Automobile Liability insurance with a combined single limit of not less than Two Million Dollars (\$2,000,000) each accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance, and use of owned, hired, and non-owned

motor vehicles. This policy must not contain any exclusion or limitation with respect to loading or unloading of a covered vehicle.

- C. Professional Liability (Errors and Omissions) insurance (if applicable) with annual limits no less than One Million Dollars (\$1,000,000) per occurrence. Concessionaire agrees to continue to procure and maintain professional liability insurance coverage meeting these requirements for the applicable period of statutory limitation of claims (or statute of repose, if applicable) after the project completion or termination of this Agreement.

If written on a claims-made basis, the Concessionaire warrants that the retroactive date applicable to coverage precedes the effective date of this agreement; and that continuous coverage will be maintained for an extended reporting period endorsement (tail coverage) will be purchased for a period of at least three (3) years beginning from the time that work under this agreement is complete.

- D. Workers Compensation insurance and Employers Liability coverage with Workers Compensation limits complying with statutory requirements, and Employer's Liability Insurance limits of at least One Million Dollars (\$1,000,000) each accident, One Million Dollars (\$1,000,000) for bodily injury by accident, and One Million Dollars (\$1,000,000) each employee for injury by disease.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of Park City Municipal Corporation for all work performed by the Concessionaire, its employees, agents and subcontractors.

- E. Park City Municipal Corporation, its officers, officials, employees, and volunteers are to be covered as additional insureds on general liability and auto liability insurance policies, with respect to work performed by or on behalf of the Concessionaire including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Concessionaire and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance.
- F. Should any of the above described policies be cancelled before the expiration date thereof, Concessionaire shall deliver notice to the City within thirty (30) days of cancellation. The City reserves the right to request certified copies of any required policies.

- G. The Concessionaire's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- H. For any claims related to this Agreement, the Concessionaire's insurance coverage shall be primary insurance coverage with respect to Park City Municipal Corporation, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by Park City Municipal Corporation, its officers, officials, employees, or volunteers shall be excess of the Concessionaire's insurance and shall not contribute with it.

11. TREATMENT OF ASSETS.

- A. Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Concessionaire pursuant to this Agreement (contingent on City's performance hereunder).

12. COMPLIANCE WITH LAWS AND WARRANTIES.

- A. The Concessionaire, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.
- B. Unless otherwise exempt, the Concessionaire is required to have a valid Park City business license.
- C. The Concessionaire specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.
- D. If this Agreement is entered into for the physical performance of services within Utah, the Concessionaire shall register and participate in E-Verify or an equivalent program. The Concessionaire agrees to verify employment eligibility through E-Verify, or an equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code § 63G-12-302.
- E. Concessionaire shall be solely responsible to the City for the quality of all services performed by its employees or sub-

contractors under this Agreement. Concessionaire hereby warrants that the services performed by its employees or sub-contractors will be performed substantially in conformance with the standard of care observed by similarly situated companies providing services under similar conditions.

13. NONDISCRIMINATION.

- A. The City is an equal opportunity employer.
- B. In the performance of this Agreement, Concessionaire will not discriminate against any qualified person in matters of compensation and other terms, privileges, and conditions of employment because of: race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or protected expressions. Concessionaire shall take such action with respect to this Agreement as may be required to ensure full compliance with local, State and federal laws prohibiting discrimination in employment.
- C. Concessionaire will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or protected expressions.
- D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Concessionaire shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

14. ASSIGNMENTS/SUBCONTRACTING.

- A. The Concessionaire shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Concessionaire not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment. Any assignment made without the prior express written consent of

the City, as required by this paragraph, shall be deemed null and void.

- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.
- D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Concessionaire stating that the subcontractor has used E-Verify, or an equivalent program, to verify the employment status of each new employee, unless exempted by Utah Code § 63G-12-302.

15. **CHANGES.**

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both Parties. Such amendments shall be attached to and made part of this Agreement.

16. **POLITICAL ACTIVITY PROHIBITED.**

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

17. **PROHIBITED INTEREST, NO THIRD PARTY RIGHTS AND NO GRATUITY TO CITY EMPLOYEES.**

- A. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- B. Nothing herein is intended to confer rights of any kind in any third party.
- C. No City employee who has procurement decision making authority and is engaged in the procurement process, or the process of administering a contract, may knowingly receive anything of value

including but not limited to gifts, meals, lodging or travel from anyone that is seeking or has a contract with the City.

18. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Concessionaire is based on current government ordinances and fees in effect as of the date of this Agreement.
- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 15, or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary, for performing the services herein.

19. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days' written notice to the other party. The Concessionaire shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Concessionaire shall promptly submit a termination claim to the City. If the Concessionaire has any property in its possession belonging to the City, the Concessionaire will account for the same, and dispose of it in a manner directed by the City.
- B. If the Concessionaire fails to perform in the manner called for in this Agreement, or if the Concessionaire fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days' written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Concessionaire setting forth the manner in which the Concessionaire is in default. The Concessionaire will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

20. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the Parties below. Notice is effective upon the date it was sent, except that a notice of termination pursuant to Paragraph

19 is effective upon receipt. All reference to "days" in this Agreement shall mean calendar days.

21. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in connection with that action or proceeding.

22. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered within the State of Utah and it is agreed by each party hereto that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

23. SEVERABILITY AND NON-WAIVER.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.
- C. It is agreed by the Parties that the forgiveness of the non-performance of any provision of this Agreement does not constitute a subsequent waiver of the provisions of this Agreement. No waiver shall be effective unless it is in writing and signed by an authorized representative of the waiving party.

24. **ENTIRE AGREEMENT.**

- A. The Parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both Parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both Parties recognize time is of the essence in the performance of the provisions of this Agreement.

25. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

26. **ELECTRONIC SIGNATURES.** Each party agrees that the signatures of the parties included in this Agreement, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

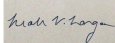
IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION, a
Utah municipal corporation
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

DocuSigned by:

D5D7822E86E240E
Matt Dias, City Manager

Attest:

DocuSigned by:

1862234DAB4P4C8
City Recorder's Office

Approved as to form:

DocuSigned by:

1B74781T734C7489
City Attorney's Office

CONCESSIONAIRE:

JANS LTD, a Utah corporation, dba WHITE
PINE TOURING
1800 Park Avenue
P.O. Box 280
Park City, UT 84060

Tax ID#: 97-0363244
PC Business License#: B-007325

DocuSigned by:

679F8BF0C5D04B5...
Signature

Russ Coburn

Printed name

President/CEO

Title

THE CITY REQUIRES THE CONCESSIONAIRE TO COMPLETE EITHER THE NOTARY BLOCK OR THE UNSWORN DECLARATION, WHICH ARE BELOW.

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2020, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the _____ (title or office) of Jans Ltd, a Utah corporation, dba WHITE PINE TOURING, by authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (title) for Jans Ltd, a Utah corporation. dba WHITE PINE TOURING.

Notary Public

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the ^{6th} day of August, 2020, at Utah Summit County _____ (insert State and County here).

Printed name Russ Coburn _____

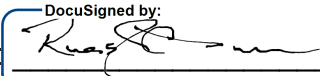
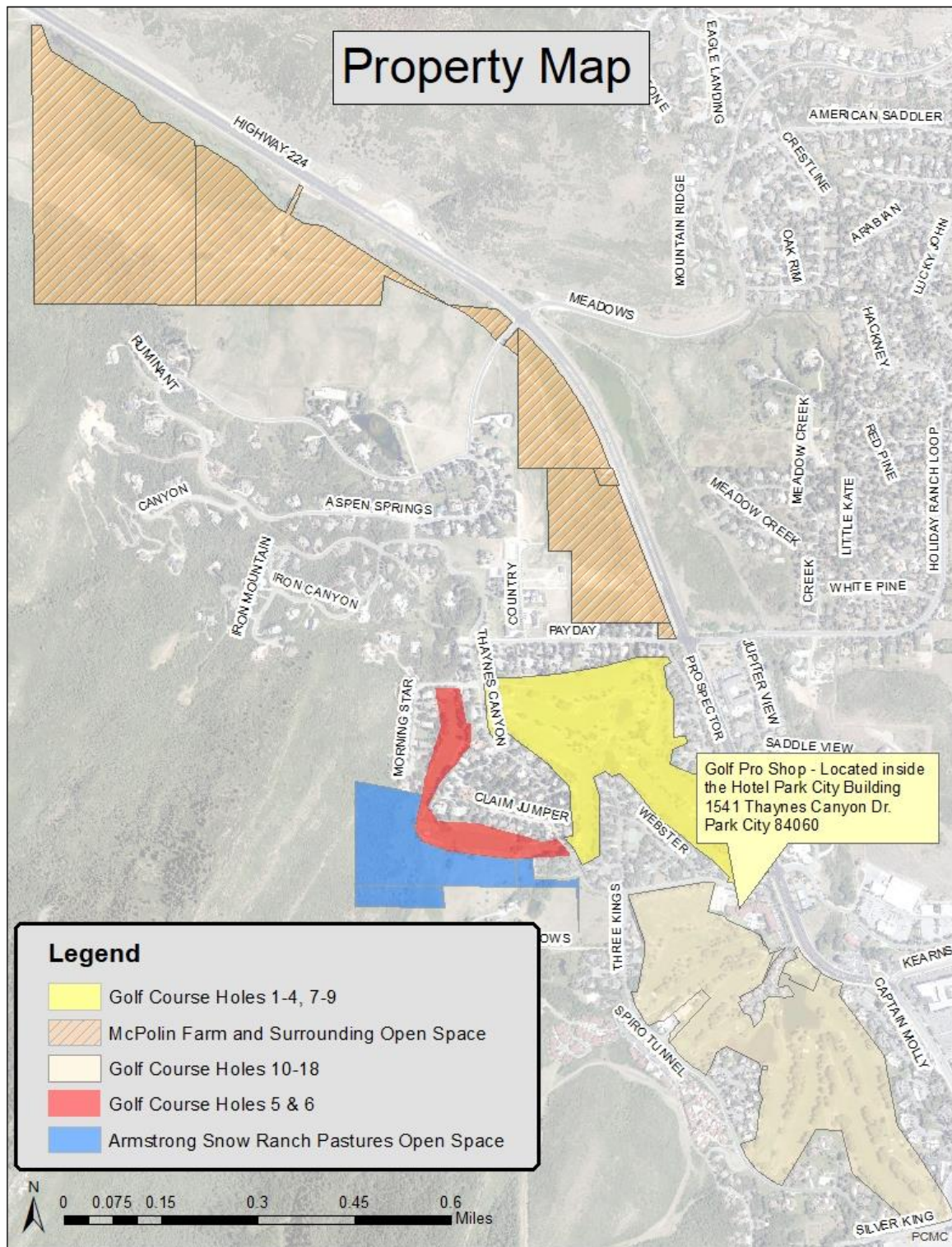
Signature:  _____
DocuSigned by:
57BFD3F8CED04B5...

Exhibit "A"





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/3/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Horizon Agency, Inc.
6500 City West Parkway, Suite 100
Eden Prairie MN 55344

CONTACT NAME: Linda Bregel
PHONE (A/C, No, Ext): 952-914-7133 **FAX (A/C, No):** 952-914-3311
E-MAIL ADDRESS: linda@horizonagency.com

APPROVED

INSURED
Jans Ltd
PO Box 280
Park City UT 84060

JANSLTD-01

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Continental Casualty Company	20443
INSURER B : Valley Forge Insurance Company	20508
INSURER C : American Casualty Company of R	20427
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 1445253658

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		1055240175	7/1/2020	7/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY	Y		1055240189	7/1/2020	7/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			1055240192	7/1/2020	7/1/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	5088157680	7/1/2020	7/1/2021	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured (applies to general liability only and auto liability - when required by written contract - umbrella is follow form): Park City Municipal Corporation, its officers, officials, employees and volunteers
Solely as respects the negligence of the named insured with regard to Concession Agreement for cross country skiing at the Park City Golf Club and McPolin Farm open space.

CERTIFICATE HOLDER

Park City Municipal Corporation
PO Box 1480
Park City UT 84060

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Daniel Scott Mueller

© 1988-2015 ACORD CORPORATION. All rights reserved.



**BLANKET ADDITIONAL INSURED
AND
LIABILITY EXTENSION ENDORSEMENT**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS LIABILITY COVERAGE FORM
BUSINESSOWNERS COMMON POLICY CONDITIONS

<u>TABLE OF CONTENTS</u>
<u>I. Blanket Additional Insured Provisions</u>
<u>A. Additional Insured – Blanket Vendors</u>
<u>B. Miscellaneous Additional Insureds</u>
<u>C. Additional Provisions Pertinent to Additional Insured Coverage</u>
<u>1. Primary – Noncontributory provision</u>
<u>2. Definition of "written contract."</u>
<u>II. Liability Extension Coverages</u>
<u>A. Bodily Injury – Expanded Definition</u>
<u>B. Broad Knowledge of Occurrence</u>
<u>C. Estates, Legal Representatives and Spouses</u>
<u>D. Legal Liability – Damage to Premises</u>
<u>E. Personal and Advertising Injury – Discrimination or Humiliation</u>
<u>F. Personal and Advertising Injury – Broadened Eviction</u>
<u>G. Waiver of Subrogation - Blanket</u>

I. BLANKET ADDITIONAL INSURED PROVISIONS

A. ADDITIONAL INSURED – BLANKET VENDORS

Who Is An Insured is amended to include as an additional insured any person or organization (referred to below as vendor) with whom you agreed under a "written contract" to provide insurance, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:

1. The insurance afforded the vendor does not apply to:
 - a. "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
 - b. Any express warranty unauthorized by you;
 - c. Any physical or chemical change in the product made intentionally by the vendor;
 - d. Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;





- e. Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
 - f. Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
 - g. Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or
 - h. "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:
 - (1) The exceptions contained in Subparagraphs **d.** or **f.**; or
 - (2) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.
- 2. This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.
 - 3. This provision **2.** does not apply to any vendor included as an insured by an endorsement issued by us and made a part of this Policy.
 - 4. This provision **2.** does not apply if "bodily injury" or "property damage" included within the "products-completed operations hazard" is excluded either by the provisions of the Policy or by endorsement.

B. MISCELLANEOUS ADDITIONAL INSURED

- 1. **Who Is An Insured** is amended to include as an insured any person or organization (called additional insured) described in paragraphs **3.a.** through **3.j.** below whom you are required to add as an additional insured on this policy under a "written contract".
- 2. However, subject always to the terms and conditions of this policy, including the limits of insurance, we will not provide the additional insured with:
 - a. A higher limit of insurance than required by such "written contract";
 - b. Coverage broader than required by such "written contract" and in no event greater than that described by the applicable paragraph a. through k. below; or
 - c. Coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard." But this paragraph **c.** does not apply to the extent coverage for such liability is provided by paragraph **3.j.** below.

Any coverage granted by this endorsement shall apply only to the extent permitted by law.

- 3. Only the following persons or organizations can qualify as additional insureds under this endorsement:

a. Controlling Interest

Any persons or organizations with a controlling interest in you but only with respect to their liability arising out of:

- (1) such person or organization's financial control of you; or
- (2) Premises such person or organization owns, maintains or controls while you lease or occupy these premises;

provided that the coverage granted to such additional insureds does not apply to structural alterations, new construction or demolition operations performed by or for such additional insured.

**b. Co-owner of Insured Premises**

A co-owner of a premises co-owned by you and covered under this insurance but only with respect to the co-owners liability for "bodily injury", "property damage" or "personal and advertising injury" as co-owner of such premises.

c. Grantor of Franchise

Any person or organization that has granted a franchise to you, but only with respect to such person or organization's liability for "bodily injury", "property damage", or "personal and advertising injury" as grantor of a franchise to you.

d. Lessor of Equipment

Any person or organization from whom you lease equipment, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused in whole or in part by your maintenance, operation or use of such equipment, provided that the "occurrence" giving rise to such "bodily injury" or "property damage" or the offense giving rise to such "personal and advertising injury" takes place prior to the termination of such lease.

e. Lessor of Land

Any person or organization from whom you lease land, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" arising out of the ownership, maintenance or use of that specific part of the land leased to you, provided that the "occurrence" giving rise to such "bodily injury" or "property damage" or the offense giving rise to such "personal and advertising injury", takes place prior to the termination of such lease. The insurance hereby afforded to the additional insured does not apply to structural alterations, new construction or demolition operations performed by, on behalf of or for such additional insured.

f. Lessor of Premises

An owner or lessor of premises leased to you, or such owner or lessor's real estate manager, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" arising out of the ownership, maintenance or use of such part of the premises leased to you, and provided that the "occurrence" giving rise to such "bodily injury" or "property damage" or the offense giving rise to such "personal and advertising injury", takes place prior to the termination of such lease. The insurance hereby afforded to the additional insured does not apply to structural alterations, new construction or demolition operations performed by, on behalf of or for such additional insured.

g. Mortgagee, Assignee or Receiver

A mortgagee, assignee or receiver of premises but only with respect to such mortgagee, assignee, or receiver's liability for "bodily injury", "property damage" or "personal and advertising injury" arising out of the ownership, maintenance, or use of a premises by you.

This insurance does not apply to structural alterations, new construction or demolition operations performed by, on behalf of or for such additional insured.

h. State or Political Subdivisions

A state or government agency or subdivision or political subdivision that has issued a permit or authorization, but only with respect to such government agency or subdivision or political subdivision's liability for "bodily injury", "property damage" or "personal and advertising injury" arising out of:

- (1) The following hazards in connection with premises you own, rent, or control and to which this insurance applies:
 - (a) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistaway openings, sidewalk vaults, street banners, or decorations and similar exposures; or
 - (b) The construction, erection, or removal of elevators; or
 - (c) The ownership, maintenance or use of any elevators covered by this insurance; or





(2) The permitted or authorized operations performed by you or on your behalf. But the coverage granted by this paragraph does not apply to:

- (a) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or government agency or subdivision or political subdivision; or
- (b) "Bodily injury" or "property damage" included within the "products-completed operations hazard."

With respect to this provision's requirement that additional insured status must be requested under a "written contract", we will treat as a "written contract" any governmental permit that requires you to add the governmental entity as an additional insured.

i. Trade Show Event Lessor

With respect to your participation in a trade show event as an exhibitor, presenter or displayer, any person or organization whom you are required to include as an additional insured, but only with respect to such person or organization's liability for "bodily injury", "property damage", or "personal and advertising injury" cause by:

- a. Your acts or omissions; or
- b. Acts or omissions of those acting on your behalf;

in the performance of your ongoing operations at the trade show premises during the trade show event.

j. Other Person or Organization

Any person or organization who is not an additional insured under paragraphs a. through i. above. Such additional insured is an insured solely for "bodily injury", "property damage" or "personal and advertising injury" for which such additional insured is liable because of your acts or omissions.

The coverage granted by this paragraph does not apply to any person or organization:

- (1) For "bodily injury", "property damage", or "personal and advertising injury" arising out of the rendering or failure to render any professional services;
- (2) For "bodily injury" or "property damage" included in the "products-completed operations hazard." But this provision (2) does not apply to such "bodily injury" or "property damage" if:
 - (a) It is entirely due to your negligence and specifically results from your work for the additional insured which is the subject to the "written contract"; and
 - (b) The "written contract" requires you to make the person or organization an additional insured for such "bodily injury" or "property damage"; or
- (3) Who is afforded additional insured coverage under another endorsement attached to this policy.

C. ADDITIONAL PROVISIONS PERTINENT TO ADDITIONAL INSURED COVERAGE

With respect only to additional insured coverage provided under paragraphs A. and B. above:

- 1. The **BUSINESSOWNERS COMMON POLICY CONDITIONS** are amended to add the following to the Condition entitled **Other Insurance**:

This insurance is excess of all other insurance available to an additional insured whether primary, excess, contingent or on any other basis. However, if a "written contract" requires that this insurance be either primary or primary and noncontributing, then this insurance will be primary and non-contributory relative solely to insurance on which the additional insured is a named insured.

- 2. Under **Liability and Medical Expense Definitions**, the following definition is added:

"Written contract" means a written contract or agreement that requires you to make a person or organization an additional insured on this policy, provided the contract or agreement:

- a. Is currently in effect or becomes effective during the term of this policy; and
- b. Was executed prior to:



- (1) The "bodily injury" or "property damage"; or
 - (2) The offense that caused the "personal and advertising injury";
- for which the additional insured seeks coverage.

II. LIABILITY EXTENSION COVERAGES

It is understood and agreed that this endorsement amends the **Businessowners Liability Coverage Form**. If any other endorsement attached to this policy amends any provision also amended by this endorsement, then that other endorsement controls with respect to such provision, and the changes made by this endorsement to such provision do not apply.

A. Bodily Injury – Expanded Definition

Under **Liability and Medical Expenses Definitions**, the definition of "Bodily injury" is deleted and replaced by the following:

"Bodily injury" means physical injury, sickness or disease sustained by a person, including death, humiliation, shock, mental anguish or mental injury by that person at any time which results as a consequence of the physical injury, sickness or disease.

B. Broad Knowledge of Occurrence

Under Businessowners Liability Conditions, the Condition entitled Duties In The Event of Occurrence, Offense, Claim or Suit is amended to add the following:

Paragraphs **a.** and **b.** above apply to you or to any additional insured only when such "occurrence," offense, claim or "suit" is known to:

- (1) You or any additional insured that is an individual;
- (2) Any partner, if you or an additional insured is a partnership;
- (3) Any manager, if you or an additional insured is a limited liability company;
- (4) Any "executive officer" or insurance manager, if you or an additional insured is a corporation;
- (5) Any trustee, if you or an additional insured is a trust; or
- (6) Any elected or appointed official, if you or an additional insured is a political subdivision or public entity.

This paragraph applies separately to you and any additional insured.

C. Estates, Legal Representatives and Spouses

The estates, heirs, legal representatives and spouses of any natural person insured shall also be insured under this policy; provided, however, coverage is afforded to such estates, heirs, legal representatives and spouses only for claims arising solely out of their capacity as such and, in the case of a spouse, where such claim seeks damages from marital common property, jointly held property, or property transferred from such natural person insured to such spouse. No coverage is provided for any act, error or omission of an estate, heir, legal representative or spouse outside the scope of such person's capacity as such, provided however that the spouse of a natural person Named Insured and the spouses of members or partners of joint venture or partnership Named Insureds are insureds with respect to such spouses' acts, errors or omissions in the conduct of the Named Insured's business.

D. Legal Liability – Damage To Premises

1. Under **B. Exclusions, 1. Applicable to Business Liability Coverage**, Exclusion **k. Damage To Property**, is replaced by the following:

k. Damage To Property

"Property damage" to:

1. Property you own, rent or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of





such property for any reason, including prevention of injury to a person or damage to another's property;

2. Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;
3. Property loaned to you;
4. Personal property in the care, custody or control of the insured;
5. That particular part of any real property on which you or any contractors or subcontractors working directly or indirectly in your behalf are performing operations, if the "property damage" arises out of those operations; or
6. That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraph 2 of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs 1, 3, and 4, of this exclusion do not apply to "property damage" (other than damage by fire or explosion) to premises:

- (1) rented to you;
- (2) temporarily occupied by you with the permission of the owner, or
- (3) to the contents of premises rented to you for a period of 7 or fewer consecutive days.

A separate limit of insurance applies to Damage To Premises Rented To You as described in Section D – Liability and Medical Expenses Limits of Insurance.

Paragraphs 3, 4, 5, and 6 of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraph 6 of this exclusion does not apply to "property damage" included in the "products-completed operations hazard."

2. Under **B. Exclusions, 1. Applicable to Business Liability Coverage**, the following paragraph is added, and replaces the similar paragraph, if any, beneath paragraph (14) of the exclusion entitled **Personal and Advertising injury**:

Exclusions **c, d, e, f, g, h, i, k, l, m, n, and o**, do not apply to damage by fire to premises while rented to you or temporarily occupied by you with permission of the owner or to the contents of premises rented to you for a period of 7 or fewer consecutive days. A separate limit of insurance applies to this coverage as described in **Section D. Liability And Medical Expenses Limits Of Insurance**.

3. The first Paragraph under item **5. Damage To Premises Rented To You Limit** of the section entitled **Liability And Medical Expenses Limits Of Insurance** is replaced by the following:

The most we will pay under Business Liability for damages because of "property damage" to any one premises, while rented to you or temporarily occupied by you with the permission of the owner, including contents of such premises rented to you for a period of 7 or fewer consecutive days, is the Damage to Premises Rented to You limit shown in the Declaration.

E. Personal and Advertising Injury – Discrimination or Humiliation

1. Under **Liability and Medical Expenses Definitions**, the definition of "personal and advertising injury" is amended to add the following:
 - h. Discrimination or humiliation that results in injury to the feelings or reputation of a natural person, but only if such discrimination or humiliation is:
 - (1) Not done intentionally by or at the direction of:
 - (a) The insured; or



- (b) Any "executive officer," director, stockholder, partner, member or manager (if you are a limited liability company) of the insured; and
 - (2) Not directly or indirectly related to the employment, prospective employment, past employment or termination of employment of any person or person by any insured.
- 2. Under **B. Exclusions, 1. Applicable to Business Liability Coverage**, the exclusion entitled **Personal and Advertising injury** is amended to add the following additional exclusions:
 - (15) **Discrimination Relating to Room, Dwelling or Premises**
 Caused by discrimination directly or indirectly related to the sale, rental, lease or sub-lease or prospective sale, rental, lease or sub-lease of any room, dwelling or premises by or at the direction of any insured.
 - (16) **Employment Related Discrimination**
 Discrimination or humiliation directly or indirectly related to the employment, prospective employment, past employment or termination of employment of any person by any insured.
 - (17) **Fines or Penalties**
 Fines or penalties levied or imposed by a governmental entity because of discrimination.
- 3. This provision (**Personal and Advertising Injury – Discrimination or Humiliation**) does not apply if **Personal and Advertising Injury Liability** is excluded either by the provisions of the Policy or by endorsement.

F. **Personal and Advertising Injury - Broadened Eviction**

Under **Liability and Medical Expenses Definitions**, the definition of "Personal and advertising injury" is amended to delete Paragraph c. and replace it with the following:

- c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room dwelling or premises that a person or organization occupies committed by or on behalf of its owner, landlord or lessor.

G. **Waiver of Subrogation – Blanket**

We waive any right of recovery we may have against:

- a. Any person or organization with whom you have a written contract that requires such a waiver.

All other terms and conditions of the Policy remain unchanged.

00020007510552401759575




DESIGNATED INSURED FOR COVERED AUTOS LIABILITY COVERAGE
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM

BUSINESS AUTO COVERAGE FORM

MOTOR CARRIER COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "**insureds**" for Covered Autos Liability Coverage under the Who Is An Insured provision of the Coverage Form. This endorsement does not alter coverage provided in the Coverage Form.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Named Insured: JANS LTD.

Endorsement Effective Date: 07/01/2020

SCHEDULE

Name Of Person(s) Or Organization(s):

PARK CITY MUNICIPAL CORPORATION

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Each person or organization shown in the Schedule is an "**insured**" for Covered Autos Liability Coverage, but only to the extent that person or organization qualifies as an "**insured**" under the Who Is An Insured provision contained in Paragraph **A.1.** of Section **II** - Covered Autos Liability Coverage in the Business Auto and Motor Carrier Coverage Forms and Paragraph **D.2.** of Section **I** - Covered Autos Coverages of the Auto Dealers Coverage Form.

Form No: CA 20 48 10 13

Endorsement Effective Date:

Endorsement No: 5; Page: 1 of 1

Underwriting Company: Valley Forge Insurance Company, 151 N Franklin St, Chicago, IL 60606

Endorsement Expiration Date:

Policy No: BUA 1055240189

Policy Effective Date: 07/01/2020

Policy Page: 43 of 119



Workers Compensation And Employers Liability Insurance Policy Endorsement

UTAH WAIVER OF SUBROGATION ENDORSEMENT

This endorsement applies only to the insurance provided by the policy because Utah is shown in Item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule. Our waiver of rights does not release your employees' rights against third parties and does not release our authority as trustee of claims against third parties.

Schedule

PARK CITY MUNICIPAL CORPORATION

All other terms and conditions of the policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the policy issued by the designated Insurers, takes effect on the Policy Effective Date of said policy at the hour stated in said policy, unless another effective date (the Endorsement Effective Date) is shown below, and expires concurrently with said policy unless another expiration date is shown below.

Form No: WC 43 03 05 (07-2000)

Endorsement Effective Date: 07/20/2020

Endorsement No: 18; Page: 1 of 1

Underwriting Company: American Casualty Company of Reading, Pennsylvania, 151 N Franklin St,
Chicago, IL 60606

Endorsement Expiration Date:

Policy No: WC 5 88157680

Policy Effective Date: 07/01/2020

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: CONSIDERATION OF MINUTES

Subject:

Consideration to Approve the City Council Meeting Minutes from March 29 and 31, 2022

Suggested Action:

Attachments:

[March 29, 2022 Minutes](#)

[March 31, 2022 Minutes](#)



PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

March 29, 2022

The Park City and Summit County Councils of Summit County, Utah, met in open meeting on March 29, 2022, at 8:30 a.m.

JOINT PARK CITY AND SUMMIT COUNTY COUNCIL MEETING

I. ROLL CALL

Park City Council Attendee Name	Status
Mayor Nann Worel Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
Council Member Ryan Dickey	Absent

Summit County Council Attendee Name	Status
Chair Chris Robinson Vice Chair Roger Armstrong Council Member Doug Clyde Council Member Malena Stevens Council Member Glenn Wright Tom Fisher, County Manager Margaret Olson, County Attorney Eve Furse, County Clerk	Present
None	Absent

II) WELCOME AND INTRODUCTIONS

Chair Robinson and Mayor Worel introduced their respective members. Mayor Worel indicated this meeting was to update each entity on current and future projects.

III) REGIONALLY SIGNIFICANT PROJECT STATUS UPDATES

Sustainable Tourism Plan – Park City Chamber:

Jennifer Wesselhoff, Executive Director of the Chamber, reviewed the progress being made in sustainable tourism. She indicated the Global Sustainable Tourism Council performed an assessment and the results helped the Chamber as it started a long-term sustainable tourism plan. The Chamber hired a consultant and a plan was created. Months ago, a survey was distributed to learn the priorities of the community. Seven themes were addressed in the plan: The Board and staff were engaged, excited and prepared to take on the challenges ahead, degradation of Summit County's key natural assets were a looming threat, Park City residents had tourism fatigue and were approaching a breaking point, the community was about to lose itself to the destination, the destination needed more stewardship and not necessarily more promotion, the current and future tourism levels on top of the area growth were testing the community's infrastructure, and there was a shared vision across the County and City and a desire to achieve a more sustainable future for the community.

Wesselhoff indicated the Destination Stewardship Committee was reviewing the report. This committee was made up of 22 people, including representation from the City and County governments, resorts, restaurants, the Historic Park City Alliance (HPCA), Olympic Legacy Foundation, Recycle Utah, Mountain Trails, Basin Rec and at-large members. They hoped to have a final plan to present to the Chamber Board and both Councils and she requested a resolution be passed in support of the plan. The public would have opportunities to hear about the results of the analysis and the strategies the committee was thinking about on April 11th and 27th. The Chamber would also be going through a long-range strategic plan to make sure they were prepared to take on the sustainability plan.

Council Member Doilney stated it was a big step for the Chamber to get the assessment when it didn't know what the outcome would be. The theme and commitment that marketing should be reevaluated in order to take care of Summit County and Park City was impressive and he appreciated the Chamber for embracing that. Chair Robinson thought it would require a lot of courage as the Chamber began its transformation. Council Member Armstrong asserted Wesselhoff saw the need and stepped up to move the community forward.

Mayor Worel asked if any of the marketing strategies would be altered during this time. Wesselhoff indicated they were trying to educate visitors on the sustainability initiatives through their media while strategies and tactics were formalized. She realized the Chamber was behind since the City, County, and resorts had been working on sustainability for a while. Council Member Toly discussed the natural assets of small business, and noted if they were pushed out, the big businesses would come in. She thought it was essential to keep the small businesses in town.

1 Council Member Doilney was impressed with the committee members and thought they
2 represented the community well. Council Member Wright stated it was a good study. He
3 thought Park City would remain the tourist area of the County, but he thought tourism
4 would change due to the climate - from a winter destination to a summer destination. He
5 noted thought should be given to how the City and County would transition.

6
7 **Silver Summit Campus Subdivision - Summit County:**

8 Derek Radke, County Engineer, reviewed a County project in the Silver Summit area,
9 referred to as the FJ Gilmor properties. The County acquired this parcel for future growth,
10 development, and the preservation of part of the area. The County worked with the
11 Environmental Protection Agency (EPA) for the past two years and noted the large
12 amount of metals in the soils. The upper part of the parcel was not in the soils overlay
13 zone. They planned a new High Valley Transit facility for bus storage and maintenance.
14 Mountain Regional Water requested one of the parcels. Radke noted the parcel was
15 being planned for public works uses. One issue identified was traffic in the Silver Summit
16 area. By creating a spine corridor through the parcel, it would allow some of the traffic to
17 bypass the existing roundabout. He indicated the roundabout would also need to be
18 expanded or changed to handle the future traffic load. To create the spine, the County
19 worked out a land swap to accommodate the plan. The road system was scheduled to
20 begin construction this summer and he anticipated it would take two summers to
21 complete.

22
23 Council Member Gerber clarified there was 10 acres of the parcel that belonged to Park
24 City Municipal to which Radke affirmed. Council Member Gerber asked what restrictions
25 were tied to the land. Chair Robinson stated the parcel was still zoned rural residential
26 and that needed to change. Council Member Rubell asked if the City and County were
27 working together to plan some of the uses, such as the High Valley Transit (HVT) facility,
28 to build something that would benefit everyone. Chair Robinson stated there might be a
29 way to combine uses in the future, but HVT was new and they were just trying to get
30 established. Council Member Armstrong stated it would primarily be a storage facility and
31 an administrative office. Summit and Wasatch Counties were in discussions right now
32 since this was a regional service.

33
34 **SR224 Bus Rapid Transit - High Valley Transit District:**

35 Caroline Rodriguez, Summit County Transportation Manager, reviewed the City and
36 County partnered to fund and implement a bus rapid transit (BRT). In 2016, a Transit
37 sales tax was passed by the voters. This revenue source provided for Electric Xpress,
38 Kimball Junction Circulator, and the Summit Bike Share. She noted the grants received in
39 recent years for Transit purposes. The BRT lanes were planned to end at the SR248 and
40 SR224 intersection. She anticipated construction for BRT would begin in 2024. Chair
41 Robinson asked if the construction was dependent on grants, to which Rodriguez stated it
42 was not, since there were many sources of funding.

Council Member Gerber stated BRT was the preferred alternative and asked Rodriguez to review all the alternatives. Rodriguez stated it was a twostep screening process to determine the locally preferred alternative. They looked at local bus, heavy rail, maglev trains, a gondola for the entire way, etc. It looked at the return on investment, cost of the capital improvements, cost of ridership, flexibility, and scalability as well. Screening Level Two looked at the qualitative analysis around cost per mile, environmental impact, and public sentiment. The BRT was the best option.

Council Member Toly asked what would happen to the shoulder when BRT was implemented. Rodriguez stated it was a dedicated lane next to the shoulder. Council Member Toly asked if the private property would need to be acquired, to which Rodriguez affirmed. She also stated there would be four stations along the route and noted the stations would be more than a shelter, but it was not finalized. Council Member Armstrong thought this should be a bus stop that was enclosed to protect riders from the elements. Council Member Toly asked if microtransit would be able to use the stations, to which Rodriguez indicated the stations could be used by all public transit. Rodriguez indicated BRT was not the solution but it was part of the solution, along with microtransit, bike share, and other options. She stated each element would do its part to be a living network.

Quinn's Junction Park and Ride – Park City Municipal:

John Robertson, Park City Engineer, reviewed the park and ride was part of the City's Transit goals. The City would capture the number of vehicle trips since it was located off of SR248. It would have 465 parking stalls, electric vehicle charging and bus charging stations, bus shelters, and restrooms. Council Member Wright saw big problems with traffic if this park and ride was built. Council Member Armstrong thought there would be a total of 900 spaces between the Ecker Park and Ride and Quinn's Park and Ride and he hoped outreach could be made with businesses to utilize the parking lots. He gave an example of the resorts offering shuttles from the park and rides.

Council Member Gerber stated over 8,000 commuters came from outside Summit County per day and this lot would provide a great opportunity to get vehicles off the road. Council Member Stevens thought this would be well used because it was in a convenient location. Chair Robinson thought it would be hard to get into the parking lot. It was a good attempt and he hoped it would dovetail when UDOT began its project. Council Member Clyde didn't think the project design made sense. Council Member Toly agreed it would be difficult to turn left onto the frontage road. Chair Robinson thought it could provide some relief. Council Member Clyde asked if a traffic study was performed. Robertson stated it was performed and it worked, but it would be a challenge during peak times.

Chair Robinson was excused at 10:00 a.m.

1 Council Member Clyde asked why Richardson Flat was not considered for this project.
2 Chair Robinson stated there were conflicts with that area. He stated this plan was not a
3 perfect step but it would be beneficial. Council Member Clyde thought drivers would go to
4 Richardson Flat and he felt the issues could be worked out. Council Member Rubell
5 asked to discuss the utilization of Richardson Flat for Thursday's City Council meeting.
6 Council Member Gerber reviewed Richardson Flat was considered and there were flaws
7 with that option, and there was no easy solution.

8 9 **IV) OLYMPICS PLANNING DISCUSSION**

10
11 Mayor Worel asked what could be done to open the Olympics conversation with the
12 community. Council Member Stevens reviewed she met with local facilitators, and they
13 stated this should be an unbiased process with the residents. The bid would be sent in
14 the summer and she thought outreach should be in May and June, both in person and via
15 Zoom. She suggested having weekly meetings with facilitators and having a panel to give
16 information. She wanted feedback across the spectrum with regard to support or
17 opposition to having the games here. Council Member Armstrong stated the school year
18 was wrapping up in May and he wanted to get the word out now about the dates for these
19 outreach initiatives. Council Member Toly suggested working out the costs for the County
20 and City for facilitators and other outreach measures so it could be approved as soon as
21 possible.

22
23 Council Member Rubell asked what the outreach would determine. Mayor Worel stated it
24 would determine at what level Park City would participate in the games. Council Member
25 Stevens expounded it would determine help with traffic mitigation, if housing should be
26 built, shutting everything down on Main Street, etc. She knew the City and County had a
27 voice, but with momentum at this point, she wasn't sure they could expect this level of
28 help. Council Member Armstrong stated he was surprised to hear at the Olympic meeting
29 that nothing new would be built. The City and County expectations might not be the same
30 as the Olympic Committee's expectations. He thought some of the sustainability goals
31 could be covered. He wanted more clarification on Frazier Bullock's "no build" comments
32 so there was no miscommunication.

33
34 Council Member Clyde stated an explanation needed to be given to the public on what
35 was going to happen, and one thing that needed to be communicated to the public was
36 that the businesses would do 25% less business during those 18 days of games. At the
37 last Olympics, businesses got reimbursed for lost revenue. Council Member Doilney
38 reviewed the Olympic presentation by Myles Rademan and that he stressed we needed
39 to have a seat at the table. He stated it was true they might not build anything for the
40 community, but there was an opportunity to work with the Legislature and good
41 relationships could be built with the Olympic Committee, UDOT, and members of the
42 Legislature. The City and County could be part of how the games happened instead of

1 just reacting to the plans. He thought there were great opportunities for sustainability. He
2 enjoyed the Olympics and he wanted a voice in what would happen to the community.
3

4 Council Member Rubell agreed the narrative should be created by Park City and Summit
5 County. He wanted the discussion to move away from asking if we should have the
6 Olympics to managing our role in the Olympics.
7

8 **V) REGIONAL PLANNING DISCUSSION**

9

10 Mayor Worel asked that the group meet again to have a deep dive discussion into
11 affordable housing and the possibility of creating a regional housing authority. Council
12 Member Clyde stated in the interim, staff could get together to frame the issues. Council
13 Member Stevens also noted Wasatch County had a housing authority and she thought
14 collaboration could include them to have a Wasatch Back Housing Authority.
15

16 Mayor Worel thanked Matt Dias, City Manager, and Tom Fisher, County Manager, for
17 their work and asked them to plan a future meeting.
18

19 **VI) CITY TOUR**

20

21 Matt Dias, City Manager, stated City Tour would be the third week in May and he hoped
22 some City and County officials and staff could come to Boise, Idaho. He would send
23 additional information out.
24

25 **VII) ADJOURNMENT**

26

27 With no further business, the meeting was adjourned.
28
29
30

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

March 31, 2022

The Council of Park City, Summit County, Utah, met in open meeting on March 31, 2022, at 2:00 p.m. in the City Council Chambers.

Council Member Doilney moved to close the meeting to discuss property, litigation, and advice of counsel at 2:00 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Doilney moved to adjourn from Closed Meeting at 3:10 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

WORK SESSION

Discuss Park City's Transportation Critical Priority:

Sarah Pearce, Deputy City Manager, announced the new Transportation Director, Matt Neeley, was hired and would start May 2nd. Erik Daenitz, Assistant Budget Manager, stated he and Franklin Williams, Transit, looked at data to see the traffic pain points in town. He indicated the problem wasn't the total cars in town per day, but rather the times that they came into town and left town. Data showed vehicles came in the early morning and they left in the evening. Peak traffic times had an effect on the Transit system because the traffic caused bus delays. Council Member Rubell asked if the data showed other factors, such as weather events, that would slow traffic, to which Daenitz stated no other factors were analyzed. Daenitz indicated cell phones were tracked to see where out-of-town visitors were from.

Pearce reviewed goals for traffic mitigation, which included protecting residential neighborhoods by reducing cut-through traffic, Transit efficiency, and vehicle traffic flow, in that order. Council Member Doilney favored the goals and indicated the quality of life for the residents would be improved by reducing cut-through traffic. Council Member

1 Rubell added it wasn't just quality of life that would improve for the residents, but safety
2 as well. Council Member Dickey agreed the goals were interconnected and he
3 supported them. Council Member Toly asked to define Transit efficiency. Pearce stated
4 Transit would be on time with their routes. Council Member Toly didn't think there was
5 good signage and people didn't know where to park since parking areas weren't
6 consistent. She asserted it was important to look at the plan from a visitor perspective.
7 Also, she thought neighborhoods should be looked at as complete streets. Streets
8 should be safe and efficient for residents and visitors.

9
10 Council Member Gerber agreed with the goals, but worried about the residential
11 neighborhoods. It wasn't just about cut-through traffic, but also ensuring residents had
12 the services they needed so they could function in their community. Jon Weidenhamer,
13 Economic Development Manager, discussed traffic programs that could be explored in
14 the next few months. He reviewed a "No Left Turn" sign was posted on Hillside Avenue
15 a couple years ago and that was very beneficial. He displayed a list of potential
16 programs that weren't expensive and that could be implemented quickly: Neighborhood
17 Traffic Management Program (NTMP) re-visioning, a resident access pass program,
18 permanent regulatory signs in neighborhoods, temporary pedestrian enhancements,
19 intersection improvements, a "No Left Turn" sign on Chambers from Marsac Avenue,
20 and creating a dedicated Traffic Division in the Police Department. John Robertson, City
21 Engineer, stated in the last year there were more resident requests to the NTMP
22 regarding streets. He thought it was a good tool that could be used in some
23 neighborhoods to improve traffic. Council Member Toly asked what the NTMP covered.
24 Robertson explained it was a program for the entire City and was based on neighbor
25 concerns. He indicated staff wanted to make this program more available for residents
26 to access. Council Member Rubell noted several improvements to the NTMP program
27 had been made and the public feedback had been very positive.

28
29 Diersen stated 13 City departments were working to adjust travel patterns for holidays
30 and weekends. As staff planned for next year, she presented three options for Council
31 to consider: Option One cost \$75,000 for medium mitigation for Presidents' Week,
32 Option Two was to maintain the mitigation all winter with a cost of \$900,000; and Option
33 Three would create a traffic division in the Police Department who would enhance
34 enforcement in residential areas and other areas in town, as well as perform other
35 duties such as changing variable message sign (VMS) messaging with a cost of
36 \$3,000,000. She hoped to hear from Council and the community if staff met
37 expectations or if another option was preferred. Lt. Rob McKinney recommended the
38 enhanced traffic division because currently the patrol division was spread thin. It was
39 responsible for responding to all traffic calls in addition to service calls. The proposed
40 traffic division would separate these officers from the patrol officers and they could
41 respond in real time to traffic incidents. Council Member Doilney asked if there were any
42 other communities with traffic divisions. Lt. McKinney noted all the larger areas had
43 traffic divisions and indicated other cities weren't faced with the same challenges as

1 Park City. Council Member Doilney asked if there was feedback from Cottonwood
2 Heights on their traffic mitigation. Lt. McKinney stated he talked to Salt Lake City
3 officers and they explained they wouldn't be able to manage the traffic without the
4 dedicated division. Council Member Gerber wondered what role the resorts could play
5 in helping with the \$3,000,000 cost to maintain the highest level of service. She thought
6 the Police Department was called into these situations and they didn't have the
7 manpower to operate, so a traffic division would make sense. She supported a traffic
8 division, but thought the City should receive additional support from the resorts.

9
10 Council Member Toly asked if the City could hire eight officers in this hiring
11 environment. Lt. McKinney indicated the hiring would be phased. Council Member Toly
12 asked what entities or groups in town should help with the costs of the division, both in
13 the winter and summer. Diersen stated there was major planning for October through
14 April and then in the summer too, so there was little down time. Council Member Toly
15 suggested this division could help with construction traffic mitigation as well as the
16 Prospector neighborhood.

17
18 Council Member Rubell stated the \$3,000,000 was for year-round employees who
19 would perform other duties in addition to traffic and it couldn't compare exactly with the
20 other two options. He noted usually officers didn't want to do traffic control all the time
21 and there could be morale issues. Lt. McKinney indicated traffic was a skillset that some
22 did better than others and that would be considered in the hiring process. Council
23 Member Rubell also noted it was a competitive hiring pool and he asked if it would help
24 to make sure officers worked at what they liked to do. Lt. McKinney didn't think traffic
25 would hurt morale.

26
27 Council Member Doilney was in favor of exploring a traffic division and he thought there
28 were ways to address the costs. Matt Dias stated the City implemented a temporary
29 new level of service in response to residents' feedback. Staff was asking if service
30 should fall back to the standard or continue at the higher level. Council Member Dickey
31 preferred Option Three and wanted to look at the costs and the benefits at a future
32 meeting. Council Member Rubell favored Option Three and stated it was important to
33 look at context and set a baseline for costs. Council Member Gerber supported Option
34 Three although she was unsure of the need during some parts of the year. Council
35 Member Toly favored Option Three and wanted to see how other businesses in the
36 community would take part in the cost.

37
38 Regarding parking enforcement, Council Member Toly wanted to see a higher level of
39 enforcement, including tickets and felt Police should give tickets as well as warnings.
40 Rules made to mitigate traffic should be enforced. Council Member Doilney agreed with
41 increasing enforcement on the streets and around the neighborhoods and thought it
42 could be used to discourage nightly renters. He liked the vibe of a ski town, but
43 indicated it wasn't serving its purpose. Council Member Dickey liked the proposed

1 parking enforcement philosophy. Council Member Gerber asked how many
2 enforcement officers there were, to which Wasden stated there were six enforcement
3 officers. Council Member Gerber asked where the most enforcement occurred, and
4 Wasden stated in Old Town. He noted they also patrolled residential zones and used a
5 license plate recognition system to find violators. Council Member Gerber supported
6 ticketing violators but wanted to maintain education in town. She thought so much effort
7 was around the resort bases and it seemed like the resorts needed to help support the
8 City's team.

9
10 Council Member Rubell agreed enforcement needed to be stepped up. It was important
11 to step up with regard to complaints outside Old Town if possible. He thought
12 enforcement needed a boost in the neighborhoods. Resorts drove problems but other
13 things such as events contributed as well. He hoped to come back to this topic in the
14 future. He thought enforcement could be dialed back when compliance increased.
15 Regarding idling, he wanted to make some fun messaging instead of increasing idling
16 tickets. He hoped things could be categorized and looked at based on their impact.
17 Mayor Worel agreed with the previous comments. She asked staff to focus on the
18 repeat offenders, which appeared to be the workforce, and come up with creative
19 solutions. Council Member Toly wanted staff to be aware of the workforce and not
20 enforce to the point that nobody wanted to work here. She noted if the City started to
21 issue tickets, solutions needed to be found for lack of parking. Wasden explained he
22 wanted to increase the price of tickets and noted they were relatively low. He proposed
23 charging for construction parking and wanted to promote the park and rides to get
24 construction workers in and out of town.

25
26 Matt Dias clarified the request from Council was to increase enforcement. He noted
27 oftentimes enforcement was a lower paid job and employees were yelled at as they
28 issued tickets. Staff was willing to increase enforcement, but it would come with effects.
29 Council Member Doilney stated residents were feeling the impacts of traffic with
30 vehicles coming and going all the time. He thought enforcement might encourage transit
31 use. Sarah Pearce stated this could be an opportunity to have fun messaging about
32 enforcement changes and other options for getting around town. Lt. McKinney stated
33 law enforcement wasn't allowed to have quotas in issuing tickets. The way Park City
34 officers looked at issuing tickets was to issue them to repeat offenders in order to
35 change behavior. Council Member Rubell stated Council gave direction to step it up, not
36 just turn up the drip. He thought there were more bad actors than people realized.
37 Council Member Gerber disagreed and stated it was one thing to get a parking ticket,
38 but if a driver was pulled over, there was engagement and an opportunity for education
39 unless it was a repeat offender. She supported stepping up enforcement in residential
40 areas. She wanted to be a community where people had a relationship with the police
41 officers. Council Member Rubell clarified he was not opposed to community policing.

1 Lt. Vai Lealaitafea stated the Police administration had to be careful in the direction they
2 gave the officers. He was glad the human discretion discussion took place. He noted
3 officers brought in from other jurisdictions to help with peak traffic and events had
4 agreements with their cities that they would not issue tickets for minor violations. They
5 were there to conduct traffic control.

6
7 Pearce discussed the proposed microtransit pilot program and stated there would be a
8 bigger discussion on April 28th that would address goals and measures of success.
9 Mayor Worel stated there was a microtransit discussion a couple years ago and local
10 transportation companies expressed interest in being part of the process. She asked if
11 staff had reached out to them. Pearce indicated that would happen through an RFP
12 process. The current proposal was for the pilot to go through High Valley Transit (HVT).

13
14 Council Member Toly suggested a pilot program be implemented in Park City Heights
15 and an RFP issued for transportation companies for another area of town. She asked if
16 HVT had the capacity to help the City with the pilot, to which Pearce affirmed. Alex Roy
17 clarified HVT operated microtransit through Via and that was who would perform the
18 service. Council Member Gerber asked that a HVT representative come to a Council
19 meeting to talk with Council about the pros and cons of the service. She was interested
20 in issuing an RFP if Via couldn't meet the City's needs. She asked how long it would
21 take to launch an RFP. Pearce indicated the City could not have the pilot program this
22 summer if Council wanted to pursue issuing an RFP. Julia Collins, Transportation
23 Planning Manager, indicated staff had not fully looked at microtransit strategies, and
24 that would need to be studied before issuing an RFP. Council Member Gerber
25 remembered the last RFP required the drivers to have their own vehicles.

26
27 Council Member Dickey stated Via would be the company providing the service and
28 they were set up to start soon. It made sense to take the fast and simple approach at
29 this point. He asserted the City could learn a lot more by servicing two areas instead of
30 one, such as Park City Heights and Park Meadows and he suggested staff look at that
31 option. Pearce stated she would get a quote on that and bring it to the April 28th
32 meeting.

33
34 Kim Fjeldsted, Transit Manager, explained microtransit was not a door-to-door service,
35 but was meant to take riders to the regular transit system. It would provide transit to
36 neighborhoods where a bus was not feasible. Council Member Toly indicated this
37 service was mostly for locals and she wanted to see data on who used the HVT
38 microtransit service. Pearce noted microtransit would be publicized as a City service, so
39 visitors could use it as well as residents. Council Member Doilney agreed with Council
40 Member Dickey's comments. Council Member Rubell was interested in serving areas
41 that weren't served by Transit now, but he wasn't anxious to say microtransit was the
42 solution to the problem. He asked if the Transportation Taskforce weighed in on this and
43 who from the local community was on the taskforce. Pearce stated the Transportation

1 Taskforce had not discussed this. Roy indicated the Short-Range Transportation Plan
2 (SRTP) stakeholders and HVT stakeholders weighed in on microtransit. Council
3 Member Rubell asked that the taskforce review microtransit. He thought \$400,000 was
4 a lot of money and he wanted to hear feedback from the County on service levels and
5 performance first. He would like to see the avoided cost of other options to see where
6 this fit in. He supported issuing an RFP.

7
8 Fjeldsted stated some Transit goals were to get back to pre-pandemic ridership levels,
9 have on time performance at 85%, zero missed trips due to operator availability, and
10 less than 15 avoidable accidents per year. Mayor Worel asked if Park City's ability to
11 attract seasonal drivers had increased. Fjeldsted stated it was difficult to attract
12 seasonal and fulltime drivers. Council Member Gerber asked if there was an industry
13 standard for the number of avoidable accidents to target per year. Fjeldsted stated there
14 was no standard, but she wanted to set the bar high. Council Member Toly asked if
15 missed trips was due to COVID, to which Fjeldsted stated it was a staffing issue.
16 Fjeldsted reviewed some challenges, including the need for a comfortable work
17 environment, the need to increase salaries, the need to increase the number of drivers
18 to provide break opportunities, the need for training opportunities, and the need for
19 celebration and recognition programs. Fjeldsted asked the following: who should be
20 served by Transit, by priority - transit dependent people or employees, residents, or
21 visitors; how should we base service decisions - ridership, traffic travel patterns,
22 frequency needed, cost, community feedback, or all of the above; and how do we get
23 community to embrace change when SRTP was rolled out.

24
25 Council Member Gerber thought employees and residents should be prioritized over
26 visitors. Transit knew best on service decisions, but she favored ridership. Council
27 Member Rubell agreed employees and residents were the priority. Regarding service,
28 the goal was to serve neighborhoods and that wasn't necessarily based on ridership. He
29 expressed the focus should be on level of service that was provided. He suggested
30 looking at pre-COVID numbers and project those to make decisions. Regarding
31 frequency, he heard more people would ride the bus if it was more frequent.

32
33 Council Member Dickey wanted to think about Transit with regard to the resorts and
34 parking around Old Town. The key was to have broad service so everyone had access.
35 Council Member Doilney stated more coverage and more frequent service would cost
36 more and Council should get ready to pay for this move. Council Member Toly asserted
37 staff should look at mitigating traffic and parking issues when service decisions were
38 made by focusing on locations that didn't have a lot of parking. She also wanted to
39 make Transit available to serve youth and it should go where they wanted to go.

40
41 Roy discussed the Long-Range Transportation Plan and indicated it looked at all modes
42 of transportation. He indicated the plan was flexible and could slowly evolve. Staff would
43 discuss this more when it was finalized in May. Collins indicated the current plan was

1 looking at alternative transportation modes to accommodate mobility, but the strategy
2 didn't satisfy everyone. One alternative would be to widen SR248 to accommodate
3 increased traffic, but there were consequences such as not all roads could be widened
4 and there would be more roads to maintain. Council Member Rubell liked the current
5 plan and felt road expansion should only be considered in critical situations, but not only
6 to support transit. He also wanted to promote the benefits of using Transit to residents
7 and visitors. Council Member Dickey agreed with Council Member Rubell. Council
8 Member Toly liked the current plan if other ideas were considered as well. She didn't
9 think having a bus lane for 1.5 miles that merged back into traffic would promote more
10 ridership. Collins clarified staff was looking for direction on whether to widen SR248 or
11 invest in Transit for SR248. Council Member Toly noted she favored fixing intersections.
12 Council Members Doilney and Gerber agreed with Council Members Rubell and Dickey.

13
14 Collins stated another current strategy was to provide new parking areas outside the
15 City limits to reduce the number of vehicles driving into town and noted other resort
16 communities had similar strategies. Alternatives included providing more parking within
17 City limits or bringing all cars into downtown to park. Council Member Toly liked the
18 current plan and having parking lots within City limits. Council Member Doilney stated
19 the current strategy was best. He didn't want to build parking areas in town. Council
20 Member Gerber agreed and thought the City could manage parking in town better. She
21 noted addressing housing in town would reduce commuter traffic. She clarified parking
22 areas should be outside the gateway corridors. Council Member Rubell thought the
23 current strategy was best and he would also consider parking within City limits. Council
24 Member Dickey stated the goal was to capture trips outside the bottlenecks but the
25 current strategy was good too.

26
27 Pearce displayed some big ideas for the future of Transit and stated many of the ideas
28 would take regional collaboration:

- 29 1. SR248 jurisdiction transfer, reversible lanes, widening
- 30 2. New/additional in-town parking garage
- 31 3. Pedestrianize Main Street
- 32 4. Gordo as a park & ride
- 33 5. Use of alternative access points – Guardsman's Pass and Deer Crest
- 34 6. One-way streets – Bonanza, SR248, Park Avenue, Deer Valley Drive
- 35 7. Staggered start times for work, school and play
- 36 8. Required parking reservations for event and resort visitors
- 37 9. Paid parking as a transportation demand management (TDM) tool for events and
38 resorts
- 39 10. Rail Trail expansion for Transit or aerial
- 40 11. Airport lounge partnership with business community – transportation to Park City
- 41 12. Tesla tunnel and autonomous vehicle to aerial
- 42 13. More regional public transportation solutions between Wasatch Front and Park
43 City

14. Drone deliveries

15. Construction vehicle and delivery restrictions

16. Congestion pricing – toll roads at peak times

Council Member Gerber did not support 14. Council Member Doilney did not support 12. Council Member Toly disagreed and stated in Vegas, riders didn't have to own a Tesla, but they bought a ticket to ride in a Tesla. Council Member Doilney indicated drilling a tunnel in the midst of mine tunnels and an aquafer was not wise and would be very cost intensive. Council Member Toly asked for more information on each of the ideas. Pearce offered to have a summer workshop for the public to expand on these ideas.

Matt Dias stated it came down to staff time on these. He asked which ideas were most interesting at first look and staff could look at those more deeply in the short term. Council Member Gerber stated some of the ideas were lower cost and some were out of the City's control. She asked for information on the ideas that were within the City's control. Council Member Doilney preferred 3, 4, 7, 8, 9, 10, 11, 13, 15, and 16. Council Member Rubell liked all but the drone deliveries. His top choices were 1, 3, 8, 11, and 15. Council Member Dickey stated these were big ideas, but many were not feasible. He didn't want to rule any out without looking at them. There were a few that were counter to the City goals. He would like to hear bigger descriptions of these and then score the ideas to make a list by prioritization. Council Member Rubell thought if it didn't cost anything to look into it, then that idea should move in the priority list. He didn't want the alternatives limited to his top five. Council Member Toly added that she would like to look closer at regional transportation opportunities with the Wasatch Front. She thought 15 could be looked at immediately. Council Member Gerber stated the resorts could be connected with a rope drop and that would be another idea. Council Member Toly also suggested adding more trolleys. Pearce stated staff would come back with basic descriptions and recommendations for the top priorities along with their pros and cons.

Mayor Worel opened the item for public input.

Steve Pettise wanted to see a document of the presenters' names and contact information.

Craig Weakley commented on parking and traffic enforcement. He indicated he tried to obey traffic rules and there was nothing more irritating than those disregarding the rules and nothing was enforced. He supported increasing enforcement and thought it would enhance the community dynamic.

Rich Ford stated he commuted into town every day. He didn't hear discussions on the proposed park and ride. He was on the Park City Lodging Association and at the last meeting he learned there were 5,000 short term rentals within the City limits. He thought 60%-70% of these visitors brought their own cars. He suggested having a direct bus

from Heber or Kamas to the resorts. The parking lot at Richardson Flat was empty because there was no bus service. He thought the SR248 exit was so congested that the proposed park and ride would be a disaster. There was a sunshine act that would delay the opening of resorts to 10:00 am. He also thought drivers going to the high school contributed to the congestion.

John Greenfield stated he owned a delivery service and drove around town all day. He thought out of town visitors were the cause of congestion. He thought parking and ticketing was geared to residents and he didn't understand how ticketing visitors would solve traffic problems. He requested there be a comprehensive plan with regard to the big transportation ideas.

Fred Fox e-Comment: "Thank you Mayor and Council members for your efforts in curbing the flow of traffic in the Thaynes Canyon neighborhood and the recent speed sign control gadget on Payday Drive. I'm certain that the data you gather on traffic exceeding the posted 25 mph limit on Payday should warrant a permanent flashing sign(s) similar to the one across the way on Holiday Ranch Loop Road. I have witnessed the success of this temporary flashing speed sign every day; it works in slowing down those who are not the chronic speeders. For those who ignore this sign and continue to ignore the speed limit, we need more focused enforcement. I witness an exceptional number of drivers not stopping at the intersection of lower Payday and Thaynes Canyon Drive near the Rotary Park while walking my dog daily. Even City vehicles don't completely stop at this intersection and the very busy intersection on Three Kings and Thaynes Canyon Drive. Drivers only completely stop when in the presence of a police vehicle. This makes me believe more enforcement is the answer to those breaking the law."

Mayor Worel closed the public input portion of this item.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey – via Zoom Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present

None	Absent
------	--------

II) PROCLAMATION

1. Consideration to Adopt Resolution 04-2022, a Proclamation Declaring April 2022 Parkinson's Awareness Month:

Michelle Downard, Resident Advocate, presented this item and stated at least one million people had Parkinson's Disease and two percent of those over 80 years old would get it. Insa Riepen indicated this proclamation would raise awareness of the disease and inform people who might not know they had it. Some symptoms included tremors, stiffness, and loss of balance. Walking and other forms of exercise helped manage the disease.

Dixie Stagnoletti related her husband's experience with Parkinson's which resulted in his death. Dr. Hamilton Easter, a Rotarian and retired orthopedic surgeon who volunteered at People's Health Clinic, indicated he was diagnosed with Parkinson's in 2015. Council Member Toly asked if there was a local fundraiser for Parkinson's. Riepen indicated they didn't have local fundraisers, but there were several organizations including the Michael J. Fox Foundation, the Davis Finney Foundation, and Parkinson's Foundation that received donations.

Mayor Worel opened the item for public input. No comments were given. Mayor Worel closed the item for public input.

Council Member Gerber moved to adopt Resolution 04-2022, a proclamation declaring April 2022 Parkinson's Awareness Month. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

III) APPOINTMENTS

1. Appoint a Liaison to the Summit County Open Space Advisory Board:

Mayor Worel stated this board covered North Summit, South Summit, and Western Summit County. Council Member Dickey volunteered to be the liaison and the Council members agreed.

IV) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Dickey stated a frustration for Zoom attendees was not being able to see the people in the room and who else attended via Zoom and he requested those names be made public if possible.

Council Member Toly reminded everyone of the Youth Sports Alliance (YSA) parade and street dance tomorrow and encouraged people to come support the Olympians. She requested to see more options for summer day camps. She indicated the town was at the end of the busiest season ever and she thanked the workforce for their tireless efforts and asked the public to be civil and respectful to employees.

Council Member Doilney attended the joint meeting with the County Council and noted it was very productive. He announced there would be another joint meeting in June. He indicated many issues dealt with traffic and congestion this winter and now summer events would be coming. He encouraged people to research information and to not jump to conclusions.

Council Member Gerber stated she heard from people regarding trash and dog waste. She encouraged everyone to clean up the town.

Council Member Rubell indicated the joint meeting with the County was great and he looked forward to more. He asked to discuss setting up the Soils Commission as soon as possible. He also asked to discuss options for the power substation in the Prospector area. Council Member Gerber stated the Iron Horse residents didn't want the substation moved. Council agreed to look at that discussion. Council Member Rubell asked if a structure could be set up so residents could see what items would be addressed by Council and when. Mayor Worel noted the soils commission was on hold until an Environmental Manager was hired. Matt Dias stated Ryan Blair was hired as the new Environmental Manager and he would start the end of April.

Mayor Worel went to the Senior Citizens Center with City Manager Dias and Council Member Toly and signed a memorandum of understanding between the City, the County and the Senior Citizens Center to outline the responsibilities of each entity. She noted she and Council Member Toly would also be meeting with a committee to look at senior housing on the Woodside parcel. She listed the staff communications reports in the packet.

Staff Communications Reports:

1. Peak Day Traffic Management Program Overview:

Council Member Rubell stated the traffic management program was defined around holidays and he asked how peak days would be defined moving forward. Dias indicated that would be discussed in future transportation discussions.

2. Summer 2022 Transportation Construction Projects:

Council Member Rubell found the report confusing, noting the bus shelters would have a procurement activity and asked what the procurement was for compared to what was approved a month ago. John Robertson, City Engineer, stated a couple months ago a contract was approved to build the shelter. The current contract was to make site improvements so the shelter could be built.

3. Spring Transit Service- Quarterly Transit Update:

4. February 2022 Budget Monitoring and Sales Tax Report:

Council Member Rubell stated there was new data to give new insights into the revenues and expenses and how they trended over time. He encouraged all to look at it.

V) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Marianne Cone, Park City Mine Adventure, distributed a handout with a proposal and a synopsis on what the group had talked about (see attachments to these minutes.)

Mayor Worel closed the public input portion of the meeting.

VI) CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from March 15, 2022:

Council Member Gerber referred to Page Four, Line Two and requested the word MPD be replaced with fractional ownership.

Council Member Doilney moved to approve the City Council meeting minutes from March 15, 2022 as amended. Council Member Toly seconded the motion.

RESULT: APPROVED AS AMENDED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VII) CONSENT AGENDA

1. Consideration to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with AECOM Inc., in an Amount Not to Exceed \$60,000 to Prepare a Federally Mandated Zero-Emissions Fleet Transition Plan:

2. Consideration to Authorize the City Manager to Enter into a Contract with Zion's Public Finance, Inc., in a Form Approved by the City Attorney's Office, for a Three (3) Year Term with an Option of Two (2) One-Year Extensions for Financial Advisory Services for Municipal Bond Related Issues:

Council Member Rubell moved to remove Item One from the Consent Agenda for discussion. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Council Member Doilney moved to approve Item Two of the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

1. Consideration to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with AECOM Inc., in an Amount Not to Exceed \$60,000 to Prepare a Federally Mandated Zero-Emissions Fleet Transition Plan:

Council Member Rubell summarized this was Phase One to meet a federal requirement. Phase Two wasn't scoped and the City didn't know if they would move forward with it. He stated the vendor was chosen from the preferred vendors' list that went out to RFP. He also indicated the scope of the study was to focus on electrification and not on other fuels and asked what it would take not to limit options in the future. He asked if looking at other options as part of the study would double the price. Council Member Gerber thought the City had City-owned solar fields so it wouldn't make sense to consider other alternatives.

Luke Cartin, Environmental Sustainability Manager, stated the solar fields project would cover the current City electric load, but the plan for meeting the 2030 Citywide net zero goal would focus on renewables. Council Member Rubell asked if the study could be expanded to look at other options. Kim Fjeldsted, Transit Manager, stated the plan could be amended and it could be something to be considered in Phase Two. She didn't think it would prohibit the City from looking into other alternatives. Council Member Rubell indicated he would be interested in their response.

Council Member Rubell moved to authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with AECOM Inc., in an amount not to exceed \$60,000 to prepare a federally mandated Zero-Emissions Fleet Transition Plan. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VIII) OLD BUSINESS

1. Consideration to Approve Ordinance No. 2022-05, an Ordinance Denying the Mountain Ridge Subdivision, Lot 13, Plat Amendment, Located at 3099 Mountain Ridge Court, Park City, Utah:

Spence Cawley, Planner, reviewed this item was brought to Council last month for approval and it was denied. This denial ordinance would allow the applicant to reapply with the Planning Department.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Gerber moved to approve Ordinance No. 2022-05, an ordinance denying the Mountain Ridge Subdivision, Lot 13, Plat Amendment, located at 3099 Mountain Ridge Court, Park City, Utah. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

IX) NEW BUSINESS

1. Consideration to Authorize the City Manager to Execute a Contract for a Minor Professional Services Agreement with SWCA Environmental Consulting for Historic Preservation Consulting Services in the Amount of \$30,000.00 Annually for a Three Year Term:

Gretchen Milliken and Aiden Lillie, Planning Department, presented this item. Milliken stated SWCA was the City's consultant since 2013. They participated in weekly meetings and provided reports when needed. Council Member Rubell asked why Planning didn't go with the lowest qualified bidder since both companies were qualified. Milliken stated SWCA was a larger firm with more resources. Planning was a young department and SWCA had institutional knowledge. It was important to have that background and experience. Council Member Rubell asked to understand the procurement process. Dias stated that would be on the May 5th agenda. Council Member Dickey indicated it would be helpful to write in the staff report a comparison of the bidders.

Mayor Worel opened the item for public input. No comments were given. Mayor Worel closed the item for public input.

Council Member Toly moved to authorize the City Manager to execute a contract for a minor professional services agreement with SWCA Environmental Consulting for historic preservation consulting services in the amount of \$30,000.00 annually for a three-year term. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

2. Consideration to Authorize the City Manager to Execute a Professional Services Agreement in a Form Approved by the City Attorney's Office with Momentum Recycling, LLC, for the Operations and Engagement Project Management Services for the Main Street Business Improvement District (BID) in an Amount Not to Exceed \$54,000 Annually for a Two-Year Term:

Matt Twombly, Senior Project Manager, and Jason Utgaard, Momentum Recycling, were present for this item. Twombly reviewed the timeline for issuing a waste diversion RFP. The contract was awarded to Republic Services for trash pickup and now a contract was being awarded to Momentum for waste diversion, glass recycling and project management for Main Street businesses. The project would include an analysis on where waste would be stored for pickup since space behind the businesses was limited. Luke Cartin reviewed the City conducted a waste characterization study for the Historic Park City Alliance (HPCA) and 81% of waste was divertible on Main Street. In 2018, Summit County discovered the landfill had less than 30 years of life left. When the waste contract was up for renewal, staff looked for ways to make it better and this was a great start.

Council Member Toly asked if one location would be found to put food waste. Cartin stated a public location would be looked for since businesses didn't have a lot of space. Council Member Toly asked if other recycling companies would be phased out since Momentum was collecting the waste. Weidenhamer stated that was a decision for HPCA. There was an expectation from Republic and Momentum that they would be the providers.

Council Member Gerber stated the contract was for two years with the ability to renew, but Momentum's contract stated it was a six-year contract. Weidenhamer indicated the City didn't want to ask for a contract longer than two years and he thought the project management part would be completed by then.

Council Member Rubell asked why this cost wasn't built into the service fees for Main Street businesses. Weidenhamer explained there were some individual accounts and some shared accounts. The shared account fees were based on the size of the business. Cartin stated the project manager would help the City and HPCA figure out the system in a more robust way. Council Member Rubell asked if the City required HPCA to participate. Cartin stated HPCA was involved since 2020 and they were part of

1 the selection committee. The City had the contract because it had the public space and
2 the project would help the City meet its goals. HPCA would be responsible for paying for
3 the improved system going forward.

4
5 Council Member Toly explained the history of Main Street businesses with regard to
6 trash pickup. Council Member Rubell stated the baseline was five sites and asked if
7 there were penalties if businesses didn't comply. Cartin indicated measurements would
8 be taken. The goal was to make sure the multipliers were correct from the waste
9 characterization study, relook at the balancing of cost sharing across HPCA, and the
10 sites that collections were focused on was a good representation of all the shared sites.
11 Data would be collected on what businesses were generating what waste and who was
12 responsible for overflow, etc.

13
14 Mayor Worel opened the meeting for public input.

15
16 John Greenfield indicated this contract might affect local contracts. If that was the case,
17 some people would lose their livelihoods. It was important not to disenfranchise small
18 businesses. Weidenhamer stated this wasn't the time to decide whether the City would
19 have exclusivity with Momentum or another service provider. The next step was to enter
20 a contract for this service for Main Street, but if and when there was a conversation for
21 Citywide diversion, other providers would be notified. Council Member Doilney looked
22 forward to seeing waste diversion on Main Street.

23
24 Anna Robertson stated there was a lot of interest in composting and waste diversion
25 from residents. Park City High School was on board and she supported this. She noted
26 California mandated composting.

27
28 Mayor Worel closed the public input portion of the item.

29
30 Council Member Toly disclosed she was part of the executive committee on HPCA
31 when this was discussed, and she would recuse herself from the vote. Margaret Plane,
32 City Attorney, noted if Council members recused themselves, they should also refrain
33 from discussing the item.

34
35 Council Member Rubell didn't want the City to be responsible for waste management
36 across the whole community, but he thought it was valuable to set up the structure to
37 see what it looked like.

38
39 Council Member Rubell moved to authorize the City Manager to execute a professional
40 services agreement in a form approved by the City Attorney's Office with Momentum
41 Recycling, LLC, for the operations and engagement project management services for
42 the Main Street Business Improvement District (BID) in an amount not to exceed
43 \$54,000 annually for a two-year term. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, and Rubell

RECUSED: Council Member Toly

3. Consideration to Authorize the City Manager to Execute the Construction Agreement in a Form Approved by the City Attorney's Office with Vancon Inc., for the Construction of the Rossie Hill Stairs in an Amount Not to Exceed \$298,000.00:

Matt Twombly, Senior Project Manager, reviewed neighbors requested the developer install a stairway connecting Rossie Hill and Deer Valley Loop Road five years ago during the Lilac Hill Subdivision process. This stairway would benefit all the residents living above it. The developer negotiated with staff and the Planning Commission and donated his cost for constructing the stairway, which was \$75,000. At that time, the land was owned by the Bureau of Land Management (BLM). The City worked with the BLM to get the property dedicated to the City. An RFP was put out and the bid was awarded to Vancon. Council Member Rubell asked how many people would be served by the stairs. Twombly explained the general area and estimated 100 people would use it.

Mayor Worel opened the item for public input. No comments were given. Mayor Worel closed the item for public input.

Council Member Gerber clarified the City did not pay for the BLM land and \$75,000 from the developer would go towards the cost.

Council Member Gerber moved to authorize the City Manager to execute the construction agreement in a form approved by the City Attorney's Office with Vancon Inc., for the construction of the Rossie Hill Stairs in an amount not to exceed \$298,000.00. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

4. Consideration to Authorize the City Manager to Execute a Construction Agreement with Wardell Brothers Construction to Construct the Quinn's Junction Park and Ride Project, in a Form Approved by the City Attorney, in an Amount Not to Exceed \$3,452,472.30:

John Robertson, City Engineer, and Gabe Shields, Traffic Management Engineer, presented this item. Robertson reviewed the history of the project and stated the traffic study identified the existing intersection had challenges during peak traffic times. It noted the addition of the park and ride would not change the level of service because the amount of trips coming to the area wouldn't change. A sensitivity analysis was also performed. They looked at the volume of traffic at peak times and concluded the traffic

1 would back up, but the County confirmed they were in the process of moving that
2 intersection 250 feet to the east and that would alleviate the backup. Robertson
3 indicated in looking for a site, staff wanted to find a low-cost area where the project
4 could be built quickly. It also had to accommodate frequent transit service, and Transit
5 added a budget request to expand service to the park and ride for FY2023. The park
6 and ride would be a tool as plans were set to accommodate a future inbound bus-only
7 lane on SR248 to Comstock Drive. Three locations were considered, including
8 Richardson Flat and a parcel to the south of the preferred location, and it was
9 determined that the proposed location had the easiest access. If Richardson Flat was
10 chosen, land would have to be purchased from United Park City Mines and a road
11 would need to be built to reduce the distance to the park and ride.

12
13 Robertson reviewed the City entered into a 40-year lease agreement with a 10-year
14 automatic renewal with UDOT for construction and maintenance of the site. There was
15 a provision in the agreement that if there was an emergency or substantial safety
16 hazard to traffic on Highway 40, UDOT would give notice to Park City to correct the
17 hazard. Robertson also noted the funding for the project and stated the FTA awarded
18 the City a \$3.9 million grant for a park and ride and \$350,000 in Transit sales tax
19 revenue was allocated by the City to fund the project.

20
21 Robertston indicated the bus rapid transit (BRT), microtransit, and the park and ride
22 were all solutions to mitigate traffic. They would not solve all the traffic problems, but
23 they would all help with the problem. If the project was not awarded, it would be three to
24 five years before the City was able to receive another award.

25
26 Council Member Rubell asked what the City's total cost, including maintenance, would
27 be for the first three to five years of operation. Robertson noted there would be
28 additional costs such as lighting and snow removal. Council Member Rubell stated there
29 was a Phase Two to the project, where the City would be matching grants. Robertson
30 stated Phase Two had not been developed yet, but it would include bus shelters and
31 restrooms. There would be temporary facilities there before the permanent structures
32 were constructed. Julia Collins stated the strategy was to get the pavement down and
33 the park and ride open and then work with the County as they moved the road. When
34 the road was moved, it could allow more parking spaces and a different location for the
35 facilities. She noted Summit County would award \$1.8 million with a 20% match this
36 next fiscal year and those funds would go to Phase Two.

37
38 Council Member Rubell asked if the project was presented to the Planning Commission
39 or to the County. Collins indicated staff worked closely with the County since this was in
40 their jurisdiction. Council Member Rubell referred to Exhibit E, Page Three, regarding
41 what made park and rides work. He asked if the same efforts that would be put on
42 Quinn's Park and Ride were evaluated against Richardson Flat to see if that location
43 would have worked. He noted as he looked at the fatal flaw analysis, Richardson Flat

1 was scored lower for not having wayfinding signs and that there wasn't Transit service
2 and asked if the scoring would be higher by adding signs and service to that location.
3 Robertson stated the problem with Richardson Flat was the location because vehicles
4 would have to drive toward town and then turn left and go 1.5 miles out of the way. A
5 road would have to be built to access the Richardson Flat site quicker to make it more
6 convenient.

7
8 Council Member Gerber asked who staff worked with in Summit County through this
9 process and asked if they had concerns. Collins indicated staff worked with Pat Putt,
10 Peter Barnes, Caroline Rodriguez and others. Collectively, they looked at the issues for
11 the three different parcels. Council Member Gerber stated the Richardson Flat area was
12 being annexed and asked if any of that overlaid with the parking area. Margaret Plane
13 stated the City had a 99-year lease on the Richardson Flat Park and Ride parcel and
14 the lease would transfer to the new owner when the land sold.

15
16 Council Member Dickey asked what the restrictions were for the park and ride grant.
17 Collins explained the City applied for specific projects with the FTA, and Quinn's Park
18 and Ride was one of those projects. UDOT was the administrator and they stated the
19 longer the City sat on funds the less likely it would be that they would award future
20 grants to the City. Council Member Dickey clarified there was not a use it or lose it date.
21 Collins stated the money was awarded in 2017 or 2018 so the City had it for a while.
22 Council Member Dickey asked if Transit would stop at the park and ride every 15
23 minutes. Collins stated 15 minutes was the goal for servicing that lot. It would also be on
24 the express route to the resorts. Service might not start out at every 15 minutes though.
25 Council Member Dickey asked if the City could send Council the traffic study and
26 sensitivity analysis to review.

27
28 Council Member Toly asked what months the traffic study was performed and noted
29 traffic during COVID could alter the results. Robertson indicated data had been
30 collected from previous years. Council Member Toly indicated the analysts didn't study
31 all the new developments. Robertson stated traffic counts were also used. Council
32 Member Toly asked why Transit had never been tried from Richardson Flat. Robertson
33 stated there was a concern of not being able to get to the park and ride. Collins
34 indicated some concerns were that Richardson Flat was leased and not owned and
35 there were soils issues so the City couldn't put a sign in the ground or add restrooms.
36 This site was used in the past for parking for events such as the Sundance First
37 Amendment March. The Quinn's site was more accessible, but staff did not intend to
38 disregard the Richardson Flat site. Council Member Toly asked what the estimated cost
39 of bus service was if it ran every 15 minutes. Dias indicated Transit was building this
40 into the level of service for next year with the dedicated bus lane. Council Member Toly
41 asked why installing a stop light at the Quinn's Park and Ride intersection wasn't in the
42 plan. Robertson stated UDOT would not allow the stop light so close to the other stop
43 light, but when the road was moved a stop light could be installed.

Mayor Worel opened the item for public input.

Bill Ciraco stated there was an existing park and ride with 750 spaces. The cost for the new lot would be \$3.5 million. He was not in favor of letting Richardson Flat sit unused while the City spent more to build another lot that was unproven as to its effectiveness. The City couldn't make Richardson Flat work and he asked what made the City think it could make Quinn's work. He suggested spending a lesser amount to make Richardson Flat work.

Eric Moxam thanked staff for the presentation. He stated the City may or may not lose future federal funding if this project didn't proceed and he thought having federal funding didn't make the project the best solution for the community, especially with all the growth in the surrounding areas. He didn't think there was any cooperation with the County since some of the officials were opposed to the location. He asked why Wasatch County wasn't involved with the project and stated projects should include surrounding entities. The Jordanelle development, Heber, and Midway were growing and were being driven by the proximity and attractions of Park City, including the resorts. He suggested the resorts should be asked to contribute to traffic solutions since they contributed to the congestion. He also thought traffic solutions could not be properly evaluated until the City knew how the resorts would limit day visits. He related problems with the ski resorts. Council Member Rubell indicated both resorts had offered to work with the City on traffic solutions. Moxam stated actions were louder than words.

John Greenfield agreed with Moxam and suggested giving the resorts options on how to participate with the City. With regard to the Richardson Flat lot, he indicated there were many drivers going down the road and there was back up at the stop light onto SR248. If the park and ride was there, backup would be so much worse and that was the reason the City needed to construct an additional road. He suggested using the southern lot and the northern lot. He also suggested more frequent bus stops such as five- or 10-minute wait times during peak traffic hours.

Rich Ford read part of Exhibit D from the packet and stated relations were strained between UDOT and Summit County. He thought Summit County wasn't included in this process and a lot of problems arose from lack of communication. He expressed concern with the lack of a traffic light at that location and urged Council to pause on the project and do another traffic study.

Deb Rentfrow agreed with the comments and concerns for why the park and ride was not a good idea. She didn't think the traffic study was accurate because of COVID and new development. She added the study reviewed 15 minutes of peak traffic and stated peak traffic was more than 15 minutes. There was reference to the express bus lane, but that was only 1.5 miles and then the bus had to merge with the rest of traffic. She thought moving the intersection needed to be studied and didn't think it would be safe.

1 She suggested having pilot projects to run Transit at Richardson Flat. She didn't think
2 the Quinn's Park and Ride would solve the traffic problem.

3
4 Clive Bush eComment: "Based on the evaluation by Mr. Benson there is much more
5 required than simply building the parking lot to make this a successful project - what has
6 been done or reported on regarding these additional requisites of dedicated bus lanes
7 both in and out, movement of people around town and favorable surroundings rather
8 than a cement factory. Why wouldn't the City promote Richardson Flats with the new
9 traffic light as a viable pilot to study. This seems to be another wing and a prayer rather
10 than a complete solution that will garner some use like Ecker Hill PnR, but ultimately
11 without the coordination with other partners as well as other improvements mentioned
12 by Mr. Benson, and UDOT'S ability to rescind the lease at any time for the land use a
13 rather speculative venture that is only viable because the City is spending someone
14 else's (federal) dollars...Much better to build on land the City owns, controls and is in a
15 better location? The staff work session on transportation mentions Gordo - which may
16 offer a better location on city owned property on the inbound side of this intersection
17 from all directions that would capture more people?"

18
19 Mayor Worel closed the item for public input.

20
21 Council Member Doilney disagreed with the public input and stated Council did a lot of
22 research before making this decision. There was collaboration with the County and he
23 noted two of the County Council members supported the Quinn's Park and Ride. He
24 stated Richardson Flat had been used for many things and it never worked because it
25 was inconvenient. Park and rides in other states were right off the highway. He agreed
26 the left hand turns to get to the lot was a problem. He thought the lot would be full in the
27 future and the assumption was that every car was going into Park City, but he noted
28 many cars would be there when people were going in other directions too. He thought
29 the resorts should run shuttles to and from the park and rides to the resorts. He
30 supported moving forward with the project.

31
32 Council Member Toly didn't know if Quinn's would promote behavior change and didn't
33 think it would make a dent in the traffic. She felt SR248 was already dangerous in that
34 area and more traffic would make it worse. The language from UDOT regarding liability
35 for potential hazards was concerning. She requested another traffic study and for staff
36 to give Richardson Flat another try.

37
38 Council Member Gerber stated the goal was to take cars off the road. Building the lot
39 itself would not be enough. There needed to be incentives, such as paid parking at the
40 resorts. Those initiatives would help promote the benefits of the park and ride. She
41 reviewed the costs and issues with Richardson Flat. The Quinn's lot would help many.
42 Having restrooms there was key and additional amenities could be there as well, such
43 as a lift ticket office. She asserted the City worked hand in hand with Summit County

1 Council and there was a lot of collaboration on the studies with Summit County staff and
2 the officials. This was an opportunity and there was funding for it. She supported
3 moving forward with this project.
4

5 Council Member Rubell didn't think the fatal flaws report for Richardson Flat was strong
6 and he didn't have enough information to support the project. There also wasn't a solid
7 financial picture for the project. Robertson estimated an annual budget of \$115,000 for
8 maintenance and operations for the lot. Collins stated the out-of-pocket cost for the City
9 for Phases One and Two was \$800,000. Another benefit was end of line facilities for
10 bus drivers, which was important for employee retention. Council Member Rubell stated
11 those figures made him uncomfortable and the mixed reviews from the County Council
12 concerned him. He wanted to see the traffic study and wanted to hear from the City and
13 County Planning Commissions. He also asked for a commitment from Summit County
14 to move the intersection and a commitment from the resorts on traffic mitigation efforts.
15 He wanted to resolve some of his concerns before he could support the project. Council
16 Member Doilney asked if having park and rides outside of town was problematic.
17 Council Member Rubell stated that wasn't the only concern but noted the City could
18 negotiate with resorts to pay the operating and maintenance costs. He thought there
19 were too many unknowns right now. The biggest issue was the mixed reviews from
20 some members of the Summit County Council.
21

22 Council Member Toly stated it came down to only having 1.5 mile of express route. She
23 asked who this lot was for and felt it should be a general purpose lot for anyone and not
24 just for skiers.
25

26 Council Member Dickey stated it came down to trip capture and if it justified the cost.
27 Staff did a lot of analyses and there was no analysis that stated the lot would capture a
28 lot of trips. He thought a lot of traffic could be managed at the resorts. The workforce
29 went in many directions and they would have to make a connection to another bus line.
30 Park and Rides worked for events because everyone was going to the same
31 destination. He thought the resorts would have a harder time getting employees if they
32 were required to park at the park and ride. He also wanted better support from Summit
33 County and there needed to be more conversations with them. With regard to
34 Richardson Flat, he noted it was not the perfect site either. He requested a pilot there to
35 see the potential. He requested to see more data.
36

37 Council Member Gerber moved to continue to a date uncertain the authorization of the
38 City Manager to execute a construction agreement with Wardell Brothers Construction
39 to construct the Quinn's Junction Park and Ride Project, in a form approved by the City
40 Attorney, in an amount not to exceed \$3,452,472.30 until the traffic study could be
41 reviewed, until conversations with Vail and Deer Valley could be scheduled, and
42 additional information could be received about moving the road. Council Member Rubell
43 seconded the motion.

1 Matt Dias stated Robertson worked hard for the past 2.5 years on this project. UDOT
2 was a great partner on this project and a federal grant was in the balance. He thought it
3 would take time for staff to get the requested information. He requested a hard pause
4 on the project, which meant there wouldn't be a park and ride for the next skier season
5 for the inbound express lane. Staff needed to have an answer and he needed to take
6 pressure off the Engineering Department, who worked hard to meet this deadline. He
7 asked Mayor Worel to help with interactions with UDOT since their perception was that
8 they were trying to help Park City and were repeatedly rejected. He couldn't commit to
9 providing the parking lot by next season. This pause would take the heat out of the
10 situation and would give staff time to work with stakeholders and to deploy a liaison to
11 work with the resorts. Council Member Toly asked if Richardson Flat could be a pilot
12 program for next year. Dias stated there were some things that could be looked at but
13 he couldn't commit to that request and indicated he didn't want to disappoint people in
14 the community.

15
16 Council Member Rubell asked if the requests needed to be listed. Dias stated the City
17 Recorder would listen and give a list to the City Manager. Robertson clarified the RFP
18 would need to be reissued since the bid was only good for 45 days and would expire
19 April 17. Council Member Gerber asked if some Council members requested a new
20 traffic study or to review the current traffic study. It was indicated Council requested to
21 review the current traffic study.
22

23 **RESULT: CONTINUED TO A DATE UNCERTAIN**

24 **AYES:** Council Members Dickey, Gerber, Rubell, and Toly

25 **NAY:** Council Member Doilney

26
27 Council Member Dickey was excused at 9:10 p.m.
28

29 **5. Consideration to Authorize the City Manager to Execute a Professional**
30 **Services Agreement, in a Form Approved by the City Attorney with Parametrix,**
31 **Inc. for an Amount Not to Exceed \$30,072.68 for the Design of Bus Stop Site**
32 **Improvements at Meadows Drive and McPolin Farm:**

33 John Robertson, City Engineer, stated this contract was for design work for a bus stop
34 that would connect the stops to the trail system. The funds would come from the
35 Transportation Fund. The project would come to Council for approval next spring. This
36 contract would be for the pads for the shelters. Gabe Shields, Transportation Engineer,
37 stated he rode the bus from Salt Lake City to Park City and indicated the current bus
38 stop was a sign and was not an incentive for riders.
39

40 Council Member Gerber asked about the stops in Aspen Springs and thought a pad
41 should be put there to attract more people. Julia Collins, Transportation Planning
42 Manager, stated staff looked at upgrading all the bus stops in the City. Staff applied for

1 a grant for this location and one requirement was that it be adjacent to a UDOT-owned
2 facility. Staff also applied for additional FTA and other grants for the top 10 bus stops in
3 the City limits. They did a full evaluation and these stops were prioritized, but staff also
4 considered which locations would get the most consideration for grants.

5
6 Mayor Worel opened the item for public input. No comments were given. Mayor Worel
7 closed the item for public input.

8
9 Council Member Rubell moved to authorize the City Manager to execute a professional
10 services agreement, in a form approved by the City Attorney with Parametrix, Inc. for an
11 amount not to exceed \$30,072.68 for the design of bus stop site improvements at
12 Meadows Drive and McPolin Farm. Council Member Doilney seconded the motion.

13 **RESULT: APPROVED**

14 **AYES:** Council Members Doilney, Gerber, Rubell, and Toly

15 **EXCUSED:** Council Member Dickey

16
17 **6. Consideration to Authorize the City Manager to Execute Two Professional**
18 **Services Agreements, in Forms Approved by the City Attorney for Construction**
19 **Management with Wall Consultant Group, Inc. 1) for an Amount Not to Exceed**
20 **\$175,771.19 for Quinn's Junction Park & Ride; and 2) for an Amount Not to**
21 **Exceed \$100,720.63 for the Park Avenue Bus Stop Site Improvements:**

22 Council Member Gerber asked if the motion needed to be split. Robertson requested
23 that this item be postponed to a future date and he would bring back the Park Avenue
24 Bus Stop Site Improvements for approval.

25
26 After some discussion regarding the park and ride contract, Rubell stated if the
27 contractor was willing to extend the bid, he would be willing to look at information
28 requested regarding the park and ride in a timely manner.

29
30 Mayor Worel opened the item for public input.

31
32 John Greenfield stated it was frustrating to work on projects and then not have them
33 come to fruition. He thanked staff for all their work.

34
35 Mayor Worel closed the item for public input.

36
37 Council Member Gerber moved to continue to date uncertain the authorization of the
38 City Manager to execute two professional services agreements, in forms approved by
39 the City Attorney for construction management with Wall Consultant Group, Inc. 1) for
40 an amount not to exceed \$175,771.19 for Quinn's Junction Park & Ride; and 2) for an
41 amount not to exceed \$100,720.63 for the Park Avenue Bus Stop Site Improvements.
42 Council Member Toly seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

X) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute Three (3) Professional Service Provider Agreements for Noxious Weed Abatement, in a Form Approved by the City Attorney, with Ecology Bridge LLC - \$30,000; Jesus Rea Landscaping - \$175,000; Ground Solutions LLC - \$25,000, for a Total Amount Not to Exceed \$235,000

Suggested Action:

Attachments:

[2022 Noxious Weeds Control Contracts Staff Report](#)

City Council Staff Report

Subject: 2022 Noxious Weed Control Contracts
Author: Heinrich Deters & Hannah Halsted
Department: Sustainability
Date: April 28, 2022
Type of Item: Administrative - Contract Award

Recommendation

Authorize the City Manager to sign three (3) Professional Service Provider Agreements, totaling \$235,000 for noxious weed abatement, in a form approved by the City Attorney. The Contractors and specific contract amounts are as follows:

- Management/Monitoring/Mechanical: Ecology Bridge LLC
 - Contract Amount: \$30,000
- Mechanical: Jesus Rea Landscaping
 - Contract Amount: \$175,000
- Herbicide: Ground Solutions LLC
 - Contract Amount: \$25,000

Background

Park City Municipal Corporation (PCMC) currently manages over 5,500 acres of open space. Control of invasive species represents a significant maintenance aspect of owning open space as they propose a threat to our native environment and can increase wildfire danger. To that point, for decades, Park City has worked to control the spread of noxious weeds and mitigate their impacts on wildlife, natural resources, and recreational assets consistent with City, County, and State regulations. Given the recent open space purchases, staff continues to work diligently to increase the program's efficiency so budgets can remain close to current levels.

Analysis

With the exception of grant related work, during the 2021 summer season, staff was able to perform needed control work "herbicide free". Staff plans to continue to pursue herbicide free mitigation efforts in 2022 but have procured one Herbicide contractor in order to allow the option if special circumstances warrant it (i.e. a new species discovered with limited spread in PCMC, etc.). This work is primarily provided as 'mechanical' or removal by hand.

On March 25, 2022, staff advertised a Request for Proposals (RFP) to manage the spread of noxious weeds via mechanical control and complete re-vegetation/restoration projects of native plant species. Six proposals were received, and a selection committee met to review and identified the following as the most qualified organizations for the identified contract:

- Management/Monitoring/Mechanical: Ecology Bridge LLC
- Mechanical: Jesus Rea Landscaping
- Herbicide: Ground Solutions LLC

PCMC staff continues to explore mitigation options with various consultants that are best practices, cost-efficient and sustainable while reducing use of herbicides. The Recent examples of these efforts include the following:

- Expanded grazing on the McPolin Farm Open Space;
- Virginia Mining Claim Revegetation Project;
- Round Valley Way Revegetation and Biological (control through insects) Project; and
- SR 248 Pastures Revegetation Project.

Funding

Funding associated with noxious weed control comes from two sources:

1. Open Space Maintenance Budget; and
2. Invasive Species Mitigation (ISM) Grants.

Grant Funding

This year, in partnership with the Summit County Weed Management Area Group, we received \$307,433 in grants for invasive weed control in Park City and neighboring areas. Working as a team, grant partners prioritize invasive weed issues throughout their properties and control invasive weeds with the help of grant-funded contractors.

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject:

Request to Adopt Resolution 05-2022, a Proclamation Recognizing Child Care Provider Appreciation Day on May 6, 2022

Suggested Action:

Attachments:

[Child Care Provider Appreciation Day Staff Report](#)

[Exhibit A: Child Care Provider Appreciation Day Proclamation](#)



City Council Staff Report

Subject: Proclamation Recognizing May 6, 2022 as
Child Care Provider Appreciation Day
Author: Michelle Downard
Department: Executive
Date: April 28, 2022
Type of Item: Administrative

Summary Recommendation

Consider a proclamation to recognize May 6, 2022 as Child Care Provider Appreciation Day.

Background

Over half the children under the age of six nationwide are estimated to spend some time in a nonparental care arrangement on a weekly basis. Those child care providers offer critical enrichment opportunities and nurture development for children of all backgrounds. Child care providers are a vital building block of our economy as they support working parents.

Our future depends on the quality of the early childhood experiences provided to young children today and support for high-quality child care represents a worthy commitment to our children's and our community's future.

Analysis

There are eleven (11) state-licensed child care facilities in Park City including Alpine Adventures, Alpine Adventures II, Deer Valley Child Care, McPolin Elementary After School Program, McPolin Elementary Preschool, PC Tots, PC Tots Too, Park City Cooperative Preschool, Park City Kids Camp, Park City Recreation Summer Day Camp, and Park City School District Child Care Center. A Proclamation demonstrates Park City's appreciation for those child care providers.

Department Review

The Legal and Executive Department have reviewed this report.

Exhibit

A Proclamation to Declare May 6, 2022 as Child Care Provide Appreciation Day

**PROCLAMATION TO RECOGNIZE MAY 6, 2022 AS
CHILD CARE PROVIDER APPRECIATION DAY**

WHEREAS, Child Care Aware® of America, the Early Childhood Alliance, and other organizations nationwide are recognizing Child Care Providers on this day;

WHEREAS, over half the children under the age of six nationwide are estimated to spend some time in a nonparental care arrangement on a weekly basis, which provides critical enrichment opportunities and nurtures development for children of all backgrounds and is a vital building block of our economy;

WHEREAS, the COVID-19 pandemic has created tremendous hardship for child care providers and the families of Park City who depend on them, who have continued to meet the needs of families while risking their health and financial stability to remain open;

WHEREAS, Park City Municipal Corporation recognizes these hardships and values and appreciates this essential workforce in our community;

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; and

WHEREAS, support for high-quality child care represents a worthy commitment to our children's and community's future.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby deem it appropriate to recognize May 6, 2022 as Child Care Provider Appreciation Day.

PASSED AND ADOPTED this 28th day of April, 2022.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

Attest:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Margaret Plane, City Attorney

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject:

Request to Adopt Resolution 06-2022, a Proclamation Recognizing April 2022 as Child Abuse Prevention Month

Suggested Action:

Attachments:

[Child Abuse Prevention Month Staff Report](#)

[Exhibit A: Child Abuse Prevention Month Proclamation](#)

City Council Staff Report



Subject: Proclamation Recognizing April 2022 as Child Abuse Prevention Month
Author: Michelle Downard
Department: Executive
Date: April 28, 2022
Type of Item: Administrative

Summary Recommendation

Consider a proclamation to recognize April 2022 as Child Abuse Prevention Month.

Analysis

Unfortunately, child abuse is a worldwide reality and includes physical, emotional, sexual, and psychological abuse.

Communities are stronger when citizens are aware of child maltreatment prevention, are able to recognize child abuse, and become involved in supporting parents to raise their children in a safe and nurturing environment.

A Proclamation demonstrates Park City's support for Child Abuse Prevention Month.

Department Review

The Legal and Executive Department have reviewed this report.

Exhibit

A Proclamation to Declare April 2022 as Child Abuse Prevention Month

Resolution 06-2022

A Resolution Proclaiming April 2022 as Child Abuse Prevention Month in Park City

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Park City;

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect;

WHEREAS, it is the responsibility of every adult who comes in contact with a child to protect that child's inalienable right to a safe and nurturing childhood;

WHEREAS, Park City has dedicated individuals and organizations who work daily to counter the problem of child maltreatment and to help parents obtain the assistance they need;

WHEREAS, our communities are stronger when all citizens become aware of child maltreatment prevention and become involved in supporting parents to raise their children in a safe and nurturing environment;

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and

WHEREAS, all citizens, community agencies, faith organizations and businesses will work to increase their efforts to support families.

NOW, THEREFORE, be it resolved by the Park City Council that April 2022 is recognized as Child Abuse Prevention Month in Park City.

PASSED AND ADOPTED this 28th day of April, 2022.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

ATTEST:

Michelle Kellogg, City Recorder

APPROVED TO FORM:

City Attorney's Office

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject:

Request to Adopt Resolution 07-2022, a Proclamation Recognizing May 2022 as Mental Health Awareness Month

Suggested Action:

Attachments:

[Mental Health Awareness Month Staff Report](#)

[Exhibit A: Mental Health Awareness Month Proclamation](#)



City Council Staff Report

Subject: Mental Health Awareness Month
Author: Michelle Downard, Resident Advocate
Department: Executive
Date: April 28, 2022
Type of Item: Administrative

Summary Recommendation

Consider a resolution proclaiming May 2022 as Mental Health Awareness Month in Park City.

Analysis

Mental health awareness and support requires community partnership. Supporting Mental Health Awareness Month further reinforces the City's support for our community's mental health and an interest in normalizing the conversation surrounding mental illness. Additionally, a resolution increases awareness of existing behavioral health services and community programming.

While May was first declared Mental Health Awareness Month in the United States in 1949, the COVID-19 pandemic illuminates the impact that mental health has on everyone and the continued need to drive awareness. In these extraordinary circumstances, dissolving the stigma associated with mental illness is critical because that stigma often prevents individuals from seeking help.

A proclamation demonstrates Park City's support for mental health awareness.

Department Review

Legal and Executive Departments

Exhibit

Exhibit A- Resolution Proclaiming May 2022 as Mental Health Awareness Month

Resolution 07-2022

**A Resolution Proclaiming May 2022 as Mental Health Awareness Month
in Park City**

WHEREAS, the COVID-19 pandemic caused unprecedented levels of stress, anxiety, and grief for Park City residents, and mental health resources are critically important to support our community;

WHEREAS, one out of every five American adults experiences a mental health disorder during their lifetime;

WHEREAS, one out of every ten American children has a mental illness serious enough to impair how they function at home, at school, and with peers;

WHEREAS, the impact of mental illness reaches families, neighborhoods, schools, and the workplace;

WHEREAS, May has been recognized as National Mental Health Awareness Month since 1949; and

NOW, THEREFORE, be it resolved by the Park City Council that May 2022 is recognized as Mental Health Awareness Month in Park City.

PASSED AND ADOPTED this 28th day of April, 2022.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

ATTEST:

Michelle Kellogg, City Recorder

APPROVED TO FORM:

City Attorney's Office

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize a Contract with Alpine Forestry, in a Form Approved by the City Attorney, for the Community Wildfire Risk Assessment Plan in the Amount of \$250,000

Suggested Action:

Attachments:

[Community Wildfire Risk Assessment Contract Staff Report](#)

[Exhibit A: PCMC Wildfire Risk Assessment Project - Scope of Work](#)



City Council Staff Report

Subject: Professional Service Agreement- Alpine Forestry- Community Wildfire Risk Assessment
Author: Heinrich Deters- Trails & Open Space Manager
Department: Sustainability
Date: April 28, 2022
Type of Item: Consent- Award of Contract

Recommendation

Request to Authorize a contract with Alpine Forestry LLC. in a form approved by the City Attorney, to implement the Community Wildfire Risk Assessment Plan, in the amount of \$250,000.

Background

In May of 2021, Park City adopted the Community Wildfire Preparedness Plan, which serves as the baseline wildfire planning instrument for the Park City Community and identifies 'next steps' in planning and implementing wildfire mitigation efforts. The Community Wildfire Risk Assessment provides the 'action plan' in which the Park City Community can identify and prioritize mitigation projects. The assessment further provides an essential basis for future grant opportunities.

Staff presented the Community Wildfire Risk Assessment Plan to Council and the community at both the September 2021 and February 2022 Council Retreats.

On November 17th, 2021, staff advertised a Non-Bid Request for Proposals (RFP) to provide a 'Community Wildfire Risk Assessment'. Proposals were due on December 15th, 2021, and seven organizations submitted proposals.

On January 11th, 2022, a selection committee, which included staff from the Park City Fire District, Deer Valley Resort, Summit County and Park City Municipal, reviewed the proposals and recommended a second interview with two organizations. (Park City Mountain and Utah State Fire & Forestry were invited but unable to attend.)

On January 20th, 2022, the selection committee held a second interview session and ultimately recommended Alpine Forestry LLC as most qualified for the project, with the inclusion of support from the Ember Alliance.

Staff from Park City Municipal has worked with Alpine Forestry LLC for several weeks refining a scope of services that provides the best possible product for the community. (Exhibit A)

Analysis

The Community Wildfire Preparedness Plan ([CWPP](#)), adopted in 2021, provides a baseline for Park City's wildfire 'Preparedness, Planning and Mitigation' efforts. Planning and mitigation action items contemplated in the CWPP, identify the need to complete a comprehensive analysis of community resources and locations at an elevated risk of a wildfire.

The 'Community Wildfire Risk Assessment' provides the 'Plan' in which the following goals may be achieved:

- **Resource Identification:** Significant data collection, ground proofing and mapping environmental, economic, and social resources.
- **Prioritized Mitigation Efforts:** Fire behavior analysis and identification of high-risk locations. Areas will be prioritized in an effort to plan mitigation and funding accordingly. The Plan will allow a baseline in which ordinances may incentivize property owners to address high risk areas in a proactive timeframe.
- **Federal and State Grant Support:** The Plan will be conducted within the framework of the National Cohesive Wildland Fire Management Strategy (NCWFMS), which is applicable for future State or Federal grant applications.
- **Community Engagement and Information:** The Plan provides information and best practices for HOAs and residents.

If awarded, staff anticipates data collection and community outreach to start immediately and build off existing information. Development and analysis of the information will continue throughout the Fall and Winter, with an anticipated adoption of the Plan in spring of 2023.

Prioritized planned fuels reduction projects on Treasure Hill, Rossi Hill and in Daly Canyon will continue in 2022 as contemplated by the Trails and Open Space Department and in conjunction with the City's Emergency Manager.

We will continue our robust use of community engagement tools to ensure the public is aware of the project and our activities in those areas.



Department Review

This report has been reviewed by City Manager, Sustainability and Legal.

Funding Source

Funding specific to the project has been budgeted and is recommended for funding this item.

Park City Municipal Corporation

Wildfire Risk Assessment Project

Scope of Work

Overview

Alpine Forestry proposes to coordinate a comprehensive wildfire risk assessment for the City of Park City, to include the area of the City limits, Bonanza Flats in Wasatch County, plus 1 mile around all. This assessment area covers roughly 33,000 acres and falls primarily in western Summit County and within the Park City Fire District.

The project is proposed to be a collaborative effort between 4 companies, involving up to 20 highly skilled individuals based out of either Colorado or Utah. Alpine Forestry would be the contract holder, with the other companies being subcontractors and considered as project partners. This model has significant potential to benefit PCMC in providing additional and varied perspectives, increasing overall project capacity, introducing modeling and analysis techniques, and providing robust review and cross check of each party's work. Several challenges have been identified, the most prominent being the increased time and cost of collaboration.

The goal of this team is to provide PCMC with a comprehensive report that becomes a snapshot in time of conditions and assessments that will enable regulators, responders, stakeholders, and the community at large to adapt and respond to a changing environment. Our subject matter experts will approach this project with the intent to provide substantive recommendations proven to preserve life, property, and our natural resources for many years to come.

To facilitate effective use of this large team, we have set up the project with a proven operational structure (Incident Command System, or ICS) that clearly defines roles, areas of focus, and reporting standard . We have also created workflow and tasks in project management software (Asana) and shared file collaboration and document storage (Dropbox).

To accompany this document, please also reference both Alpine Forestry's and The Ember Alliance's initial project proposals for more details.

Key Personnel / Names and Project Specialty

Alpine Forestry:

David Telian - Will serve as the contract representative and will assist with project management
Matt Castellon - Project management, fuel treatment planning, and suppression evaluation
Brad Washa - Fire behavior modeling, fuels assessment and suppression evaluation
Reba Broyles - Logistical aspects and administrations
Robby Young - GIS, aerial mapping, technical field work, avalanche terrain specialist
Alan Spadafora - GIS specialist, data collection and organization, technical field work
Katharine Napier - Professional forester, fuels specialist, and communications assistance
Kylie Trunnell - Communications, design and organization, technical field work

The Ember Alliance

Corrina Marshall - Project management

Daniel Godwin - Wildfire risk assessment, fuel treatment analysis, suppression analysis

Megan Metonis - Fire and forest ecologist, modeling and spatial analysis

Kenzie Hart - GIS specialist

Stacey Armbuster - Project management assistance

Blue Mountain Environmental

Matt Tobler - Natural resource and watershed specialist, project plans and document generation

Leslie Broadhead - Internal and external project facilitation and communications

Brett Haberstick - Wildfire planning and response specialist

Sageland Collaborative

Janice Gardner - Conservation ecologist providing expertise in wildlife, wetlands, and grants

Rose Smith - Stream ecologist providing watershed hydrology and riparian assessment

Project Process

Phased Approach:

We propose to approach a project of this scale and complexity in measured phases. This methodology provides for short term specific goals, periods of review and feedback, adjustments to scope, and the opportunity to let project priorities dictate future trajectory. The phases start with a very high level view, and continuously focus to be more ground specific; relevant to issues uncovered, and applicable to the community. Reference the proposed timeline below.

National Cohesive Wildland Fire Strategy:

The project would be conducted within the framework of the National Cohesive Wildland Fire Management Strategy. The strategy has three main components: Fire Adapted Communities, Resilient Landscapes, and Safe and Effective Suppression Response. This approach ensures the City that all assessment and evaluation is completed with adherence to proven methodology and best practices, but also localized to represent and address the unique needs of the Park City area.

Fire Adapted Communities Team

Managed by: The Ember Alliance

Support from: Alpine Forestry, Blue Mountain Environmental Consulting

Work Synopsis:

Values at Risk Assessment

The following section takes a quantitative approach to evaluating risk to identified values in the district informed by fire behavior modeling and burn probability. Values used for this risk assessment will be identified through multiple spatial datasets, such as the Homeland Infrastructure Foundation-Level Data, for communication equipment, emergency services locations, schools, etc. These will be further refined by stakeholder input regarding the locations of important and unique community

infrastructure, including utilities, historical landmarks, and vulnerable populations. Homes will not be considered in this portion of the assessment; they will be captured in the Neighborhood Risk Ratings.

Values will be grouped by the FEMA community lifelines framework. This framework classifies community components necessary for the continuous operation of critical government and business functions. Community lifelines include:

1. Safety and Security
2. Food, Water, Shelter
3. Health and Medical
4. Energy
5. Communications
6. Transportation
7. Hazardous Material

The Fire Adapted Communities Team will consult with the Resilient Landscapes Team during this task to incorporate fire behavior modeling into the values at risk assessment. The goal is to identify community lifelines with greater exposure to extreme fire behavior and greater likelihood of exposure.

The team will also complete a qualitative assessment of similar communities that have lost tourism resources and summarize findings from similar events to help build understanding around the full costs of wildfires.

Report: Values at Risk Report and Map of Values at Risk, Qualitative Risk Assessment Report, Map of Values at Risk Exposure, Table of Values at Risk with Flame Length Categorization, and Figure of Values at Risk by Community Lifeline Category

Human Health Risks

This assessment will be a review of local air quality standards, smoke permitting, and a review of existing EPA standards. The intent will be to provide numbers and communication information to the public about wildfire smoke versus prescribed fire smoke, supporting fuel treatments and controlled burns.

Report: Smoke Impacts from Wildfire and Prescribed Fire.

Sediment Delivery

This assessment will identify locations that could experience destructive erosion following a wildfire, identify watersheds with high risk of fire and erosion, and contribute to recommendations for proactive fuels treatments to mitigate impacts. We will use the Water Erosion Prediction Project (WEPP) following the approach of Miller et al. (2011) and Elliot et al. (2016). WEPP is a process-based model that predicts runoff and sediment yields from hillslopes and small, unchannelized watersheds. WEPP requires the following inputs: weather scenarios, hillslope topographic units, soil texture, slope profiles, burn severity, and vegetation type/cover.

WEPP outputs sediment delivery in tons/acre/year for each topographic unit. We will also determine relative likelihood of sediment delivery and opportunities to mitigate fuels to reduce potential burn severity, and therefore erosion potential.

The Fire Adapted Communities Team will consult with the Resilient Landscapes Team for fire behavior modeling, which will inform predictions of burn severity and post-fire vegetation cover.

Report: Post Fire Sediment Delivery Report and Figure of Predicted Probability of sediment delivery, Map of Predicted post-fire sediment delivery, maps of values at risk adjacent to extreme sediment delivery, and other figures depicting sediment delivery under different conditions.

Community Survey

We will conduct an online survey to gather perspectives from individual community members regarding their values, needs, and concerns related to wildfire risk and community preparedness. The survey will elucidate residents' knowledge of wildfires, barriers to mitigation activities, and local resources for community coordination and mitigation work.

The Steering Committee will provide one round of review on the survey questions prior to distributing the survey. We will assist the communications branch to advertise the survey through local newsletters, social media channels, flyers, and other communication avenues utilized by residents in the Park City area.

The Fire Adapted Communities Team will review and synthesize survey responses and prepare a community preparedness report. The report will include stakeholder input on (1) barriers and opportunities for mitigating hazards in the home ignition zone and reducing structural ignitability, (2) resident preparedness to evacuate, and (3) identify knowledge gaps in wildfire preparedness or risk mitigation among residents. Based on survey findings, recommendations will suggest educational materials to educate residents about wildfire risk and mitigation activities, including a suggestion of events, education materials, and/or timing of outreach. This work will be in coordination with the Communications team.

Report: Community Preparedness Report and figures representing results from the Community Survey.

Neighborhood Relative Risk Ratings

The Fire Adapted Communities Team will work with existing information about defined communities and community analysis conducted by PCFD and the Park City Building Department.

The Fire Adapted Communities Team will consult with the Resilient Landscapes Team for fire behavior modeling which will be utilized as a benchmark to the risk ratings.

Report: No report, just link existing reports to the risk assessment.

Resilient Landscapes Team

Managed by: Alpine Forestry

Support from: Sageland Collaborative, Blue Mountain Environmental Consulting

Work Synopsis:

Fire Behavior Analysis

The Resilient Landscapes Team will provide the baseline fire behavior modeling to be used for the project. This will be accomplished using the Landfire data set and The Interagency Fuels Treatment Decision Support System (IFTDSS), along with both expert and local knowledge to fine tune the data and modeling. The advantage of this resource is that it is public domain and can be replicated and compared years down the road by anyone with knowledge of its use.

Report: The model will produce maps highlighting areas of increased risk. Associated summaries would provide explanation and documentation of any changes made to the data set.

Quantitative Wildfire Risk Assessment

QWRA represents both losses and benefits resulting from fire and takes into account:

- How often fire occurs (Likelihood)
- The anticipated severity when a fire occurs (Intensity)
- The effects of fire on Highly Valued Resource or Asset (HVRA) (Susceptibility) & their importance (Importance)

The forests around Park City have suffered recent and significant forest health decline, moving the fire regimes into condition class 2 and 3. Presence of recent dead and dying trees caused largely from drought stress and insect infestations are not captured in the aforementioned models and data layers as updates have not occurred since the recent die-off. To fine tune the models, aerial and ground truthing is required to adjust and train the models to account for recent fluctuations.

In developing the Quantitative Wildfire Risk Assessment, the following elements will be incorporated into the analysis including burn probability, HVRA, and exposure. A workshop of stakeholders will occur to identify HVRAs, with exposure data brought in to develop the final risk assessment. The QWRA will then be used to inform local, regional, and national subject matter experts in wildland fire, fuels management, and risk analysis. Their expert knowledge will be used to develop a science-based strategy building upon shared responsibility, strengths, sentiments, and place-based relationships for PCMC, which will align with the National Cohesive Wildland Fire Management Strategy.

Report: The QWRA process will produce maps of areas with the highest probability of reducing risk post fuel treatment. Associated treatment details would accompany the maps.

Interacting Natural Hazard Assessment

Natural hazards are an ever-present reality for residents residing in mountain communities, and many of these natural hazards' behaviors are symbiotically interwoven. Wildfire and avalanche path behavior are related, and often cyclical in nature with forest-snowpack interactions existing in a state of constant balance within the mountainous terrain in and around the Park City community. As part of the Wildfire Risk Assessment, the identification of areas of avalanche hazard is integral, and furthermore, an evaluation of forest-snowpack interactions is important prior to the initiation of any fuels-reduction or forest health treatment activities.

An initial assessment of avalanche terrain will be performed over the entirety of the project area. This includes the identification of 'major' and behaviorally active avalanche paths, as well as areas of lower frequency, but possible, avalanche hazard. The avalanche hazard areas can be initially identified based on desktop visualization methods utilizing geospatial datasets including high-resolution aerial imagery and digital terrain models (DTM). GIS techniques for estimating snow-avalanche runout distances can provide low-resolution identification of avalanche hazard areas to aid in the initial planning of forest health and fuels reduction treatment project areas.

In addition to the avalanche hazard assessment providing key guiding datasets for decision making in forest health and fuels reduction treatment specifications, avalanche hazard area maps will be created and provided as part of the Wildfire Risk Assessment project. These can aid in future land use planning.

Comprehensive avalanche assessments include a variety of available techniques including ground truthing avalanche trim lines (paths of forest destruction), the identification of key forest structural parameters, dendrochronological (tree ring) studies to establish maximum path extent, and dynamic modeling utilizing Rapid Mass Movements software (slf.ch/en/ramms). Which techniques are utilized will be based on geographic locations of avalanche terrain, types of assets or infrastructure impacted, and/or the presence or absence of forest structure within the identified potential release areas (PRAs).

Report: Maps of any avalanche terrain in the project areas with associated management considerations.

Natural Resource Conservation Assessment

Sageland Collaborative will compile spatial datasets compatible with ESRI software that are related to wetlands and water resources (National Wetlands Inventory, National Hydrography Dataset), Endangered Species (i.e., Ute ladies'-tresses), habitat for other species of conservation concern (e.g., boreal toads, Bonneville Cutthroat trout), areas where invasive species may be concern, and resources of high ecological value. Based on these layers, we will identify areas of concern or "Highly Valued Resources and Assets". At this time, Highly Valued Resources and Assets are expected to include:

- Wetlands and water resources
- Habitat for species of conservation concern (e.g., Bonneville cutthroat trout)
- Priority vegetation (e.g., aspen, sensitive plants)
- Municipal watersheds

Alpine Forestry will use the spatial datasets to compile the final maps and figures for the Risk Assessment. Based on these results, we will work to understand how protection of HVRAs should be considered in the Risk Assessment. Using data layers, we will score HVRAs based on how they may be impacted from wildfire (a scale of negatively impacted to potential positively impacted). This will include how wildfire mitigation activities may impact wildlife populations and watershed health.

Report: Maps, summaries, and compilation of natural resource HVRA findings. Recommendations for field work and conservation or restoration activities.

Project Development and Implementation Planning

After the initial phase of data collection, analysis, and mapping occurs, priorities will be established utilizing our team of experts to outline a multi year treatment plan. These priority projects will require a more detailed analysis to determine treatment prescriptions based on site specific characteristics such as terrain, fuel type and loading, wildlife habitat, watershed, and avalanche concerns. Where priority projects intersect with identified avalanche terrain or potential wildlife habitat, a thorough ground assessment will be completed prior to recommendations being made and specifications determined.

Report: Organization of data collected from field work and priority implementation recommendations based off of work completed by all working teams.

Suppression Response Team

Managed by: Alpine Forestry and The Ember Alliance
Support from: Blue Mountain Environmental Consulting

Work Synopsis:

Evacuation Capacity and Roadway Hazards

The team will review existing evacuation assessments and documents and build takeaways from existing plans into this risk assessment. Recommendations will be highlighted from existing planning documents.

Report: No report, will connect to existing reports and evacuation documentation

District Capacity Assessment

The team will review existing documentation about district capacity and link those documents to this risk assessment.

Report: No report, will connect existing documentation to the WRA overall.

Additional Work Items:

Community Engagement

Managed by: Alpine Forestry

Support from: The Ember Alliance, Blue Mountain Environmental Consulting

As the risk assessment project progresses, Alpine Forestry is committed to keeping the best interests of the PCMC, local residents, tourism industry, and natural resources at the forefront. Our team would be prepared to present and explain our process, findings, and recommendations to the PCMC and community in the form of private and public meetings, open houses, and work sessions with managers, stakeholders, and partners. We have dedicated team members to assist PCMC with aspects of communications and engagement, including providing subject matter expertise to responses on engageparkcity.org.

Peer Community Study

Managed by: Alpine Forestry

Support from: The Ember Alliance

This was cut due to budget constraints. Some funds may be used to pursue learning opportunities in Idaho from this year's Leadership PC City Tour trip to Boise and Ketchum.

Grant Opportunities Summary

Managed by: Blue Mountain Environmental Consulting

Support from: Sageland Collaborative, Alpine Forestry, The Ember Alliance

This will just include coordination with PCMC staff to review grant opportunities and align treatment priorities and field work to capitalize on those opportunities.

Implementation Guidelines

Managed by: Alpine Forestry

Support from: The Ember Alliance, Sageland Collaborative

Fuel reduction work in forests and the Wildland Urban Interface (WUI) can be complicated to say the least. Our team has extensive experience designing, coordinating, implementing, and monitoring large scale projects, and can break down aspects of the process into best practice guidelines. This includes addressing regulatory compliance, resource protection considerations, seasonality constraints, and identifying the pros/cons of different fuel treatment types. We will also included notes on evaluating forestry work vendors (manual, mechanical, specialty), as certain contractors are better suited and accustomed to this work than others

Educational Resources

Managed by: Alpine Forestry

Support from: The Ember Alliance, Blue Mountain Environmental Consulting

Utilization of a StoryMap to make the risk assessment project findings available and digestible to the community is recommended. A StoryMap is a custom built web based resource that is an interactive and engaging way to provide education and information. It can be expanded, contracted, updated, and continuously improved as needed.

Proposed Project Timeline:

This proposed timeline assumes a contract award by 4/30/2022.

Phase 1, May-July 2022:

Actions: Initial risk assessment, Data collection and Modeling, Values at risk assessment, Infrastructure and natural resource HVRA identification and stakeholder workshop, Community Survey,

Deliverables: Fire behavior report, Values at risk and risk exposure report, Natural resource HVRA report (flora and fauna), Community Survey report.

Phase 2, August-December 2022

Actions: Ground truthing, Technical field work, Community engagement, Avalanche terrain assessment, Hydrological and watershed HVRA work, Treatment planning.

Deliverables: QWRA maps and summary, Sediment delivery report, Avalanche hazard report, Natural resource HVRA report (aquatics, wetlands, watershed).

Phase 3, January-May 2023:

Actions: Technical review, Implementation planning, Final report compilation, Educational resources.

Deliverables: Summary of relevant field data, Implementation plans, Story Map, Implementation guide, Final compiled packet of all reports.

Upon satisfactory progress and completion of deliverable content we highly recommend evaluating the potential to award for a 4th phase in early 2023 to prepare to act on implementation plans for the upcoming field season.

Project Cost:

Phase 1: \$99,530	Phase 2: \$84,400	Phase 3: \$66,070
		<u>Total: \$250,000</u>

Project Terms:

We are requesting an up front payment of 20% of the project cost be delivered on contract award as earnest money. This will help the small business fund the high costs of consultants and travel through the initial project phase. This payment would be deducted from each project phase invoice.

We are requesting a commitment from the PCMC and the PCFD to be successful project partners with Alpine Forestry and all subcontractors associated with this project. This includes providing clear communication and feedback, collaboration between staff on local assessment items, ability to work through amendments or change orders when necessary, and timely processing of invoices.

*Additional language and terms submitted separately in the PSA template.

City Council Staff Report



Subject: Outdoor Pickleball Courts in Residential Areas
Application: PL-21-05062
Author: Browne Sebright, Planner II
Date: April 28, 2022
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review the proposed amendments to enact a new Land Management Code Section to regulate outdoor pickleball courts in residential areas, to amend Zoning District use tables to require a Conditional Use Permit for these outdoor courts, and to clarify definitions; (II) conduct a public hearing; and (III) consider adopting Ordinance No. 2022-08 (Exhibit A).

Background

Please see Exhibit B for information on the Planning Commission public hearings regarding outdoor pickleball courts in residential areas. Please see also the February 23, 2022, Planning Commission [Staff Report \(Meeting Minutes\)](#), p. 16), and the March 23, 2022 Planning Commission [Staff Report \(Meeting Minutes\)](#), p. 29) for additional background information. See also the April 7, 2022 City Council [Staff Report \(Meeting Audio\)](#).

Summary

As the results of the survey indicate, many community members play pickleball and would like to see more pickleball courts in the Park City area. The proposed amendments allow for commercial and public pickleball courts through the Conditional Use Permit process, while mitigating impacts of outdoor pickleball courts in residential areas.

The proposed code enacts the following:

1. Requiring a Conditional Use Permit
2. Requiring a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation
3. Allowing for reduced setbacks that are no less than 150 feet from adjacent residential property lines when a property owner demonstrates the outdoor pickleball court will comply with the noise ordinance

4. Requiring Homeowner Association notification for properties that are part of a Homeowner Association registered with the City
5. Establishing baseline hours of play of 8 AM - 8 PM
6. Prohibiting outdoor lighting of residential courts
7. Requiring guest parking to be provided on-site
8. Requiring additional landscaping for noise and visual mitigation measures

On April 7, 2022, the City Council conducted a public hearing and requested staff incorporate the following changes to the proposed code:

- Clarification that the Pre-Application Conference is optional (Ordinance No. 2022-08 line 1515)
- Removal of the maximum cap on the number of guests, but retaining the requirement that parking be accommodated on-site (Ordinance No. 2022-08 line 1578)
- Clarification of the notification requirements to Property Owners (Analysis I)
- Removal of the minimum lot size requirement (Analysis II)
- Clarification that notices are sent to registered Owner Associations, pursuant to LMC § [15-1-12 \(F\)](#), *Owner Association Registration and Notification* (Ordinance No. 2022-08 line 1581, Analysis III)

The City Council also raised additional questions and suggestions about language in the draft ordinance. For these items, staff has included additional analysis to clarify why these provisions have been included and what purpose they serve in the proposed ordinance.

- Establishing minimum required setbacks (Analysis II)
- Limiting the number of courts per neighborhood (Analysis II)
- Establishing standard hours of operations for outdoor pickleball courts in residential areas (Analysis IV)
- Adding a permit revocation provision when violations are found (line 1588, Analysis VI)
- Mitigation of the construction process (Analysis VII)

Analysis

(I) The Proposed Amendments Require a Conditional Use Permit for Outdoor Pickleball Courts in Residential Areas, which Triggers Public Notice to Property Owners Within 300 Feet of the Property Lines of an Applicant's Lot.

Under Land Management Code § [15-1-21](#), a Conditional Use Permit application triggers public notice to property owners within 300 feet of the proposed outdoor pickleball

court.¹ The 300 feet is measured from the property lines of a lot, which will include all adjacent neighbors, neighbors across the street, and neighbors beyond those immediately adjacent to a property.

The draft ordinance establishes the minimum setback distance from residential lot lines for a new outdoor pickleball court to be between 150 feet and 600 feet. Thus, a 300-foot public notice requirement means that residential neighbors within 450 feet to 900 feet of a proposed pickleball court will receive a notice of a Conditional Use Permit application.

In the community survey that was open from January 21st to February 16th, staff asked community members about their preferences for noticing requirements for outdoor pickleball courts in residential areas.

A slight majority of respondents were opposed to requiring noticing for property owners beyond adjoined lot owners (55.4%). 44.6% of respondents were in favor of requiring noticing for property owners beyond adjoined lot owners, and of those, 49.6% said that noticing should go to neighbors within 300 feet, 40.8% said that noticing should go to neighbors beyond 300 feet, and 9.5% said that noticing should go to neighbors within 100 feet.

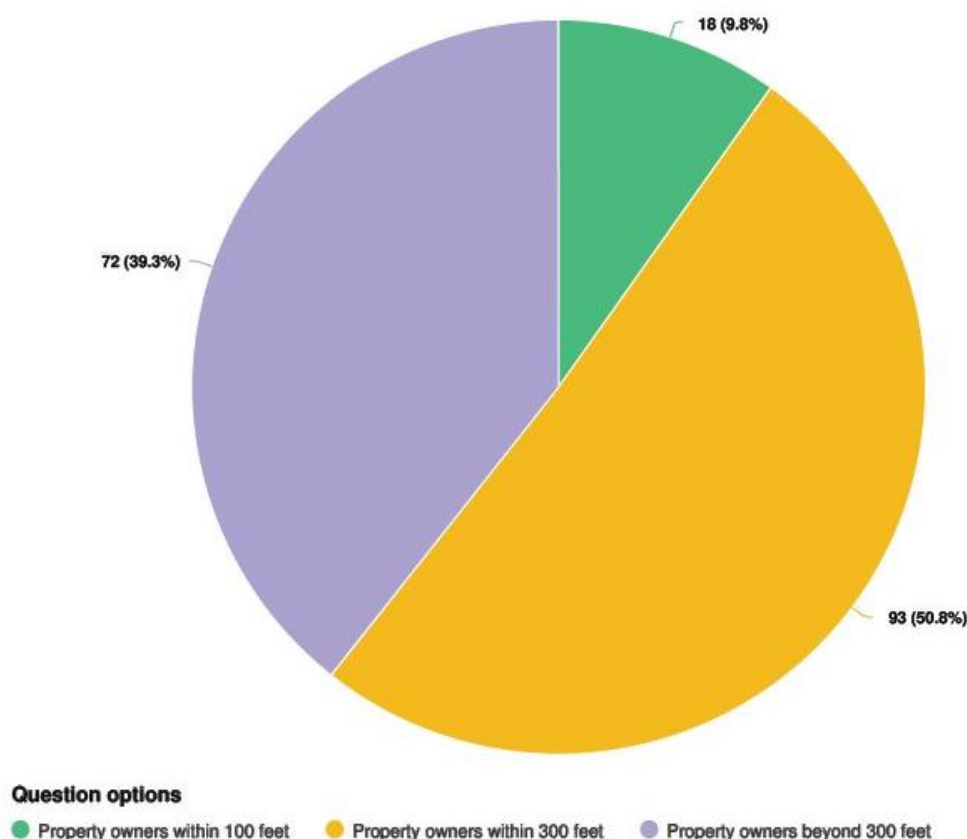


Figure 1. Survey Question 10: “Who should receive public notice for a proposed pickleball court?”

¹ LMC [§ 15-1-21](#).

(II) Staff Recommended a Minimum Lot Size of One Acre (43,560 Square Feet).

In the community survey, staff asked community members about their preferences for minimum lot size requirements. When asked what the minimum lot size for pickleball courts on private residential lots should be, most respondents that were in favor of courts on residential lots chose $\frac{1}{2}$ acre (34.3%). The second most selected option was 1 acre, at 27.7% of responses, followed by $\frac{1}{4}$ acre, which was selected by 25.9% of responses.

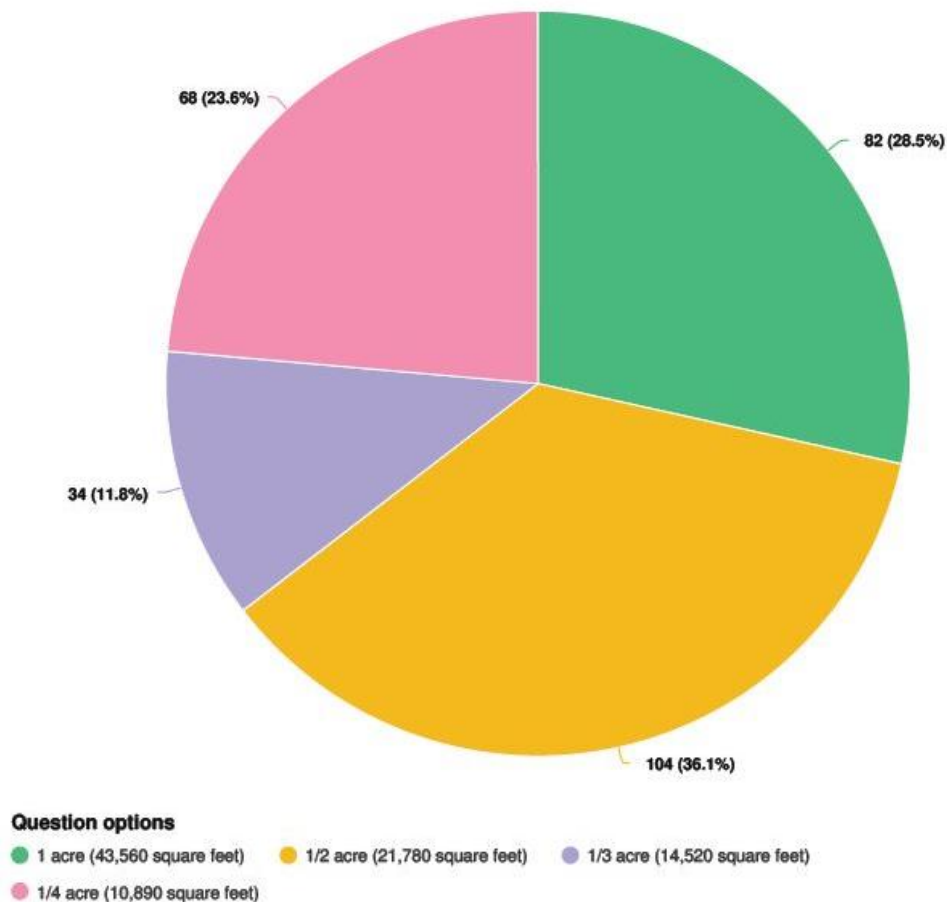


Figure 2. Survey Question 7: “What should the minimum lot size be for pickleball courts on private residential lots?”

However, based on research and review of noise studies and best practices from other communities, the draft ordinance establishes minimum setbacks between 150 feet and 600 feet from residential lot lines. These setbacks may be achieved on larger lots. The purpose of establishing both a minimum lot size and setback distances is threefold:

First, staff found that the minimum 150-foot setbacks will geometrically require a minimum lot size of approximately one acre, and that it is very unlikely that lots less than one acre will be able to meet the minimum setback requirement. Having this

requirement spelled out in the ordinance provides a level of transparency to applicants about how much space is required to mitigate the noise associated with pickleball.

Second, a minimum lot size of one-acre ensures that applicants have sufficient space to work with when considering the placement of outdoor pickleball courts and any reduces the impact of mitigation measures on adjacent properties. With the minimum 150-foot setbacks, applicants will likely need a combination of mitigation measures, include landscaping, barriers, or berms, which require additional space. Establishing a minimum lot size requirement helps give the applicant options for placement of the court and mitigation measures without limiting them only to visually disruptive tools like sound barriers. The Planning Commission discussed the impacts of allowing outdoor pickleball courts on smaller lots: the smaller the lot, the larger the sound mitigation features must be, resulting in the need for taller noise barrier or berms with impacts to adjacent property viewsheds (February 23, 2022, [Meeting Minutes](#), p. 19). The larger the lot, the less impactful the mitigation measures.

The proposed setbacks will not work on all one-acre lots. However, there are many lots adjacent to open space, parks, or non-residential land uses that could accommodate the required setbacks for an outdoor pickleball court with appropriate noise mitigation. In Figure 3 below, staff has illustrated an example 1-acre lot that would meet the minimum setback requirements of the draft ordinance. The darked bold lines would be the lot lines adjacent to other residential properties, and the lighter lines would be lot lines that are adjacent to a non-residential land use.

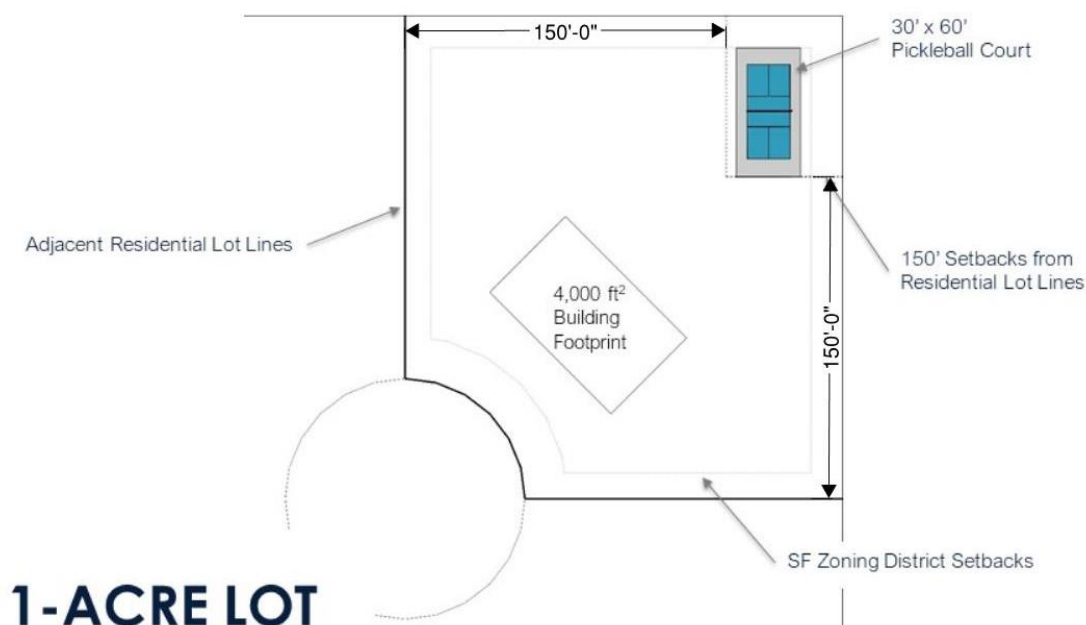


Figure 3. A 1-Acre Lot with a Pickleball Court that Meets 150-Foot Setbacks

Third, a minimum lot size of one-acre ensures that outdoor pickleball courts in residential areas will not be concentrated in certain parts of the city, and that they will be in locations that have less impact on adjacent residential neighborhoods.

Staff found that in Park City, there are approximately 7,389 lots in 18 Zoning Districts that allow for Single Family Dwellings. Of these lots, approximately 10% (714 lots) are one acre or larger, which represent approximately 70% of the land area in Park City that are in residential Zoning Districts. Figure 4, below, illustrates lots that are 1-acre or larger that are located in Zoning Districts that allow for residential land uses.

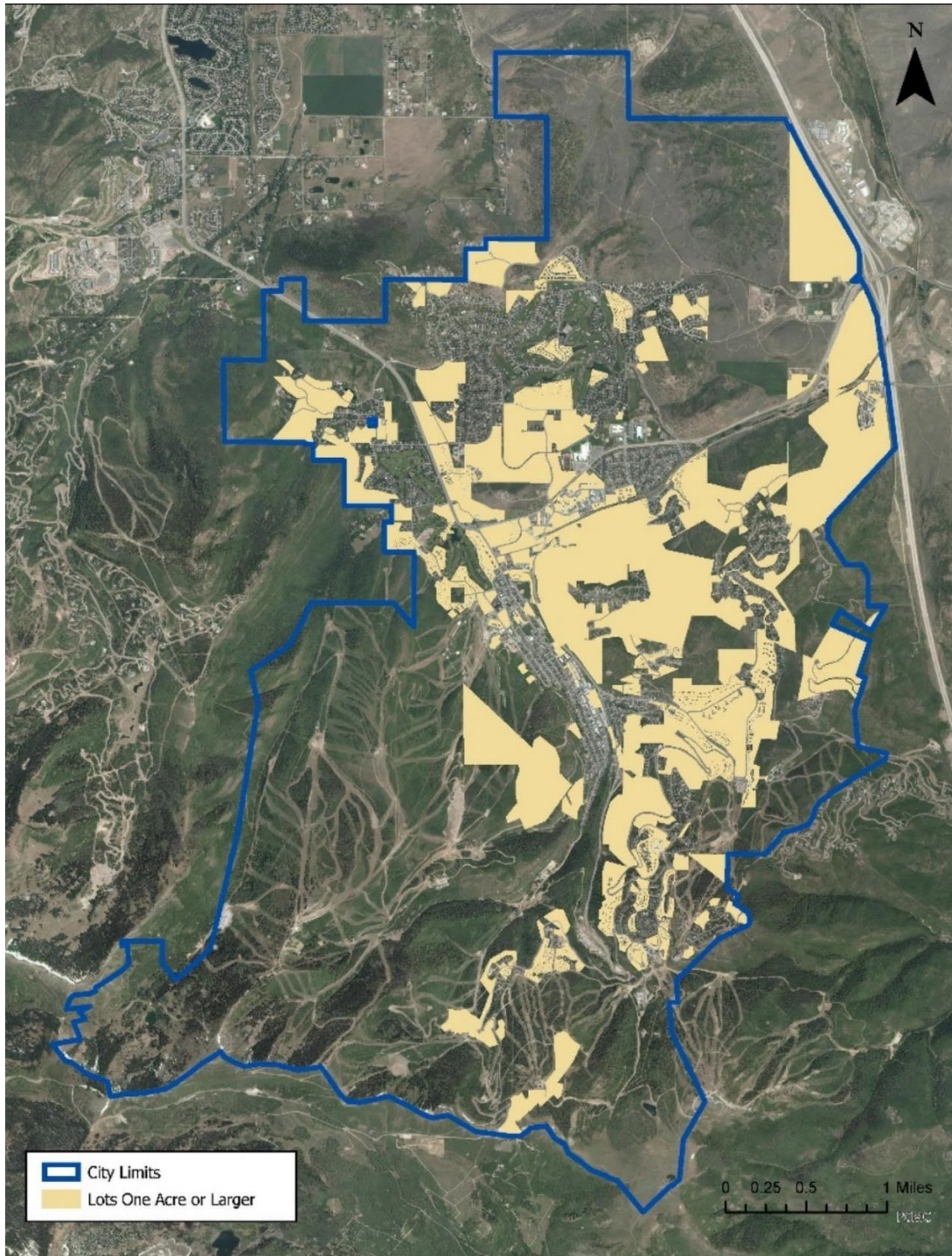


Figure 4. Map of Lots 1-Acre or Larger, in Zoning Districts that Allow for Single-Family Dwellings

(III) The Proposed Amendments Require Homeowner Association Notice for Construction of Outdoor Pickleball Courts within a Registered Homeowner Association

Land Management Code § [15-1-12\(F\)](#) allows Owner Associations to register with the Park City Building Department to be given notice of requests for Building Permits within their HOA boundaries.² This provision means that registered Owners Associations will be noticed for construction of an outdoor pickleball court at the Building Permit stage, *after* the Planning Commission approves a Conditional Use Permit.

Staff recommends notice to relevant Homeowner Associations *prior to* submittal of a Conditional Use Permit application for an outdoor pickleball court on a residential lot so that members of registered Owners Associations can provide comment during the Conditional Use Permit public hearing. If this requirement is removed from the proposed code, members of a registered Homeowner Association will only be provided notice *after* the public hearing, at the Building Permit phase.

In reviewing a reduction in Setbacks, the Planning Commission may consider whether a homeowner association (HOA) registered with the City pursuant to LMC § [15-1-12\(F\)](#) approves or objects to the proposed use and mitigation. However, applicant failure to obtain such approvals may not be the sole basis for Planning Commission denial.

(IV) The Proposed Amendments Establish a Baseline Requirement That Limits Hours of Play To 8:00 AM – 8:00 PM

The proposed amendments state that unless otherwise established by the Planning Commission, the Use of outdoor pickleball courts in residential areas be limited to 8 AM – 8 PM. In addition to ensuring that neighborhoods aren't bothered during hours that are generally considered to be quiet hours, having these hours of operations codified in the Land Management Code will make enforcement of violations easier by having a set standard that pickleball courts in residential areas must comply with.

At a minimum, staff recommends that the baseline hours of operation be no more than 6:00 AM to 10:00 PM, to be consistent with the provisions of the Noise Ordinance.³ The draft ordinance establishes standards by which pickleball will comply with the maximum noise levels for daytime hours and allowing outdoor pickleball court use outside of these hours will likely result in noise ordinance violations.

Furthermore, in the community survey, staff asked community members about their preferences for hours of play. A slight majority of respondents at 56.4% were in favor of allowing pickleball to be played outside of daylight hours (approx. 7 AM to 9 PM). Of those who were in favor of allowing pickleball to be played outside of those hours,

² LMC § [15-1-12\(F\)](#).

³ MCPC [6-3-9](#)

55.4% selected 6 AM – 10 PM as reasonable hours, followed by 30.7% who selected 8 AM to 8 PM as reasonable playing hours.

The Planning Commission may establish more restrictive hours of operations upon findings specific to each site. See lines 1571-1575 of the Draft Ordinance (Exhibit A).

(V) The Proposed Amendments Require Guest Parking to be Provided on Site, and Remove the Provision for Maximum Number of Guests

Staff recommends that the Applicant demonstrate compliance with LMC § [15-3-6](#), *Parking Ratio Requirements For Specific Land Use Categories*. This Section requires two on-site parking spaces for Single-Family Dwellings, and 1 additional on-site parking space per 4 persons maximum rated capacity for Private Recreation Facilities. As a result, the proposed code requires Applicants for outdoor pickleball courts demonstrate a total of at least 3 on-site parking spaces.

Based on Planning Commission feedback, staff also recommends prohibiting owners from charging fees for guest users of approved outdoor Pickleball Courts in residential areas. See lines 1586-1587 of the Draft Ordinance (Exhibit A).

(VI) The Proposed Amendments Enable Conditional Use Permits to be Revoked When the Use of Outdoor Pickleball Courts is Found to be in Violation of the Code and Conditions of Approval

The draft ordinance has been updated to include a provision regarding the revocation of an outdoor pickleball court Conditional Use Permit for non-compliance (lines 1588-1592). The permit can be revoked by the Planning Department for non-compliance with the criteria of LMC § 15-4-22. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(VII) The Proposed Amendments Require Applicants to Mitigate Construction Activity and Post-Development Conditions

The draft ordinance established a pre-application conference where the applicant would meet with Planning and Engineering Department staff to become familiar with the requirements and regulations of outdoor pickleball courts on residential lots. The updated amendments, based on Council input, shifts this pre-application conference to an optional conference.

In the Application, the applicants are required to submit a site plan that includes details on how the proposal will comply with the International Building Code, and that includes a grading and drainage plan with stormwater runoff calculations.

Like all Building Permits, outdoor pickleball courts will be required to produce a Construction Mitigation Plan, pursuant to MCPC § [11-14-4](#). The Construction Mitigation

Plan must address hours and days of construction, parking, deliveries, construction phasing, trash management and recycling, control of dust and mud on streets, noise, grading and excavation, erosion control practices, signage, and limits of disturbance.

Notice

On January 31, 2022, staff mailed 8,984 postcards providing notice of the February 23, 2022 Planning Commission public hearing. Additionally, staff published notice on the City's website and the Utah Public Notice website for the February 23, 2022 Planning Commission public hearing on February 9, 2022. The *Park Record* published notice on February 9, 2022. On February 23, 2022, the Planning Commission continued the public hearing to March 23, 2022. LMC [§ 15-1-21](#).

Public Input

Two additional public comments were submitted prior to this meeting. Please see Exhibit C and Exhibit D for more information.

Alternatives

- The City Council may approve Ordinance No. 2022-08;
- The City Council may deny Ordinance No. 2022-08, and direct staff to make Findings for the negative recommendation; or
- The City Council may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Ordinance No. 2022-08

Exhibit B: Background Information

Exhibit C: Survey Results

Exhibit D: Public Comment

Exhibit E: Post Card Mailing Proof

Exhibit F: Abrego South Green Valley, AZ Pickleball Noise Study

Exhibit G: City of Ojai, CA Pickleball Sound Mitigation Options

Exhibit H: Noise Study for Pickleball Courts in Surprise, AZ

Exhibit I: Pickleball Environmental Noise Assessment Pacific Grove, CA

Exhibit J: Scottsdale, AZ Development Review Board Pickleball & Bocce Court Report

Exhibit K: Spendiarian and Willis Noise Survey for Pickleball Courts in Sun Lakes, AZ

Exhibit L: Spendiarian and Willis Pickleball Acoustics and Noise Control

Exhibit M: Spendiarian & Willis & Noise Control LLC Letter

Ordinance No. 2022-08

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS § 15-2.1-2, § 15-2.2-2, § 15-2.3-2, § 15-2.4-2, § 15-2.5-2, § 15-2.6-2, § 15-2.7-2, § 15-2.9-2, § 15-2.10-2, § 15-2.11-2, § 15-2.12-2, § 15-2.13-2, § 15-2.14-2, § 15-2.15-2, § 15-2.16-2, § 15-2.17-2, § 15-2.18-2, § 15-2.19-2, § 15-2.23-2, FOR ZONING DISTRICT USE TABLES, § 15-15-1 *DEFINITIONS*, AND ENACTING A NEW §15-4-22, *OUTDOOR PICKLEBALL COURTS IN RESIDENTIAL AREAS*

WHEREAS, Goal 1 of the Park City General Plan, is to protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods;

WHEREAS, Objective 1A of the General Plan is to direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity;

WHEREAS, Goal 4 of the Park City General Plan, is to conserve a connected, health network of open space for continued access and respect for the *Natural Setting*;

WHEREAS, Objective 4C of the General Plan is to minimize further land disturbance and conversation of remaining undisturbed land areas to development to minimize the effects of neighborhoods;

WHEREAS, Goal 9 of the General Plan is for Park City to continue to provide unparalleled parks and recreation opportunities for residents and visitors;

WHEREAS, Objective 9B of the General Plan is to locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles driven, and to group facilities within recreational campuses to decrease trips;

WHEREAS, Goal 14 of the General Plan is to live within limits to foster innovated sustainable development, protect the community vision, and prevent negative impacts to the region;

WHEREAS, Objective 14B of the General Plan is to manage growth to protect the quality of life and preserve the unique *Park City Experience* by recognizing limits to growth and adopting responsible policies that are consistent with those limits;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the overall quality of life, to

protect and preserve peace and good order, comfort, convenience, and aesthetics of the city;

WHEREAS, Pickleball Courts are Private Recreation Facilities the proposed amendments are crafted to ensure pickleball courts are appropriately located and integrated into residential neighborhoods;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 23, 2022;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 23, 2022, and voted 5-1 to forward a positive recommendation for City Council's consideration on proposed amendments;

WHEREAS, the City Council conducted a duly noticed public hearing on April 7, 2022.

WHEREAS, the City Council conducted a duly noticed public hearing on April 28, 2022.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code § 15-2.1-2, § 15-2.2-2, § 15-2.3-2, § 15-2.4-2, § 15-2.5-2, § 15-2.6-2, § 15-2.7-2, § 15-2.9-2, § 15-2.10-2, § 15-2.11-2, § 15-2.12-2, § 15-2.13-2, § 15-2.14-2, § 15-2.15-2, § 15-2.16-2, § 15-2.17-2, § 15-2.18-2, § 15-2.19-2, § 15-2.23-2, and § 15-15-1 are hereby amended and § 15-4-22 enacted as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 28th day of April 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

DRAFT

Attachment 1

15-2.1-2 Uses

Uses in the HRL District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling
2. Home Occupation
3. Child Care, In-Home Babysitting
4. Child Care, Family¹
5. Child Care, Family Group¹
6. Accessory Building and Use
7. Conservation Activity
8. Agriculture
9. Residential Parking Area or Structure with four (4) or fewer spaces
10. Internal Accessory Dwelling Unit⁹
11. Accessory Apartment³

B. CONDITIONAL USES.

1. Nightly Rentals²
2. Lockout Unit
3. Child Care Center¹
4. Essential Municipal and Public Utility Use, Facility, Service and Structure
5. Telecommunication Antenna⁴
6. Satellite dish greater than thirty-nine inches (39") in diameter⁵
7. Residential Parking Area or Structure five (5) or more spaces
8. Temporary Improvement⁶

24 9. Passenger Tramway Station and Ski Base Facility⁷

25 10. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶

26 11. Recreation Facility, Private¹⁰

27 12. Fences greater than six feet (6') in height from Final Grade^{5,8}

28 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional
29 Use is a prohibited Use.

30 ¹See Section 15-4-9, Child Care and Child Care Facilities.

31 ²No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood
32 located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road.
33 No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit
34 criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly
35 Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly
36 Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces; (b)
37 all rental agreements shall include language indicating that all-wheel drive vehicles are required during
38 the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding
39 walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit
40 service; and (d) property management contact information shall be displayed in a prominent location
41 inside the Nightly Rental.

42 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

43 ⁴See Section 15-4-14, Telecommunications Facilities.

44 ⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

45 ⁶Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

46 ⁷See Section 15-4-18, Passenger Tramways and Ski-Base Facilities.

47 ⁸See Section 15-4-2, Fences and Retaining Walls.

48 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant
49 or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative
50 Conditional Use Permit.

¹⁰[See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [15-44](#) on 11/5/2015

Amended by Ord. [2020-37](#) on 7/30/2020

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2021-38](#) on 9/23/2021

Amended by Ord. [2021-51](#) on 12/16/2021

....

15-2.2-2 Uses

Uses in the HR-1 District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling

2. Lockout Unit¹

3. Nightly Rental¹

4. Home Occupation

5. Child Care, In-Home Babysitting²

6. Child Care, Family²

7. Child Care, Family Group²

8. Accessory Building and Use

9. Conservation Activity

10. Agriculture

11. Residential Parking Area or Structure, with four (4) or fewer spaces

12. Internal Accessory Dwelling Unit¹⁰

13. Accessory Apartment³

B. CONDITIONAL USES.

1. Duplex Dwelling

2. Guest House on Lots one (1) acre or greater

3. Secondary Living Quarters

4. Group Care Facility

5. Child Care Center

6. Public and Quasi-Public Institution, church and school

7. Essential Municipal and Public Utility Use, Facility, Service, and Structure

8. Telecommunication Antenna⁴

9. Satellite Dish, greater than thirty-nine inches (39") diameter⁵

10. Bed and Breakfast Inn⁶

11. Boarding House, hostel⁶

12. Hotel, Minor, (fewer than sixteen (16) rooms)⁶

13. Residential Parking Area or Structure with five (5) or more spaces.

14. Temporary Improvement⁷

15. Passenger Tramway Station and Ski Base Facility⁸

16. Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸

17. Recreation Facility, Private¹¹

18. Fences greater than six feet (6') in height from Final Grade^{7,9}

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit.

²See Section 15-4-9, Child Care and Childcare Facilities.

³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

⁴See Section 15-4-14, Telecommunication Facilities.

⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

⁶In Historic Buildings and/or Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit.

⁸See Section 15-4-18, Passenger Tramways and Ski-Base Facilities.

⁹See Section 15-4-2, Fences and Retaining Walls.

¹⁰See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative Conditional Use Permit.

¹¹ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 15-35 on 10/12/2015

Amended by Ord. 2020-42 on 9/17/2020

Amended by Ord. 2021-38 on 9/23/2021

Amended by Ord. 2021-51 on 12/16/2021

....

15-2.3-2 Uses

Uses in the HR-2 District are limited to the following:

125 **A. ALLOWED USES.**

- 126 1. Single Family Dwelling
- 127 2. Lockout Unit¹
- 128 3. Nightly Rental²
- 129 4. Home Occupation
- 130 5. Child Care, In-Home Babysitting³
- 131 6. Child Care, Family³
- 132 7. Child Care, Family Group³
- 133 8. Accessory Building and Use
- 134 9. Conservation Activity
- 135 10. Agriculture
- 136 11. Residential Parking Area or Structure with four (4) or fewer spaces
- 137 ~~12. Recreation Facility, Private~~
- 138 13. Internal Accessory Dwelling Unit¹²
- 139 14. Accessory Apartment⁴

140 **B. CONDITIONAL USES.**

- 141 1. Duplex Dwelling
- 142 2. Secondary Living Quarters
- 143 3. Group Care Facility
- 144 4. Child Care Center
- 145 5. Public or Quasi-Public institution, church or school
- 146 6. Essential municipal and public utility Use, facility, service, and Structure
- 147 7. Telecommunication Antenna⁵

- 148 8. Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- 149 9. Bed and Breakfast Inn⁷
- 150 10. Boarding House, Hostel⁷
- 151 11. Hotel, Minor, fewer than sixteen (16) rooms⁷
- 152 12. Office, General⁸
- 153 13. Office, Moderate Intensive⁸
- 154 14. Office and Clinic, Medical⁸
- 155 15. Retail and Service Commercial, Minor⁸
- 156 16. Retail and Service Commercial, personal improvement⁸
- 157 17. Cafe or Deli⁸
- 158 18. Restaurant, General⁸
- 159 19. Restaurant, Outdoor Dining⁸
- 160 20. Outdoor Events
- 161 21. Residential Parking Area or Structure with five (5) or more spaces, associated
- 162 with a residential Building on the same Lot
- 163 22. Temporary Improvement
- 164 23. Passenger Tramway Station and Ski Base Facility¹⁰
- 165 24. Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- 166 25. Recreation Facility, Private¹³
- 167 26. Fences greater than six feet (6') in height from Final Grade¹¹
- 168 27. Limited Commercial expansion necessary for compliance with Building/ Fire
- 169 Code egress and Accessibility requirements and support Uses associated
- 170 with HCB Commercial Use

28. Bar⁸

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of Lockout Units requires a Conditional Use Permit.

²Nightly Rental does not include the use of dwellings for Commercial Uses.

³See Section 15-4-9 Child Care And Child Care Facilities.

⁴Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

⁵See Section 15-4-14, Telecommunication Facilities.

⁶See Section 15-4-13, Placement Of Satellite Receiving Antennas.

⁷In Historic Buildings and/or Structures only.

⁸In Historic Buildings and/or Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰See Section 15-4-18, Passenger Tramways And Ski-Base Facilities.

¹¹See Section 15-4-2, Fences And Retaining Walls.

¹²See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative Conditional Use Permit.

¹³ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 04-08 on 3/4/2004

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 10-14 on 4/15/2010

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 15-35 on 10/12/2015

199 Amended by Ord. 2020-36 on 7/30/2020

200 Amended by Ord. 2020-42 on 9/17/2020

201 Amended by Ord. 2021-38 on 9/23/2021

202 Amended by Ord. 2021-51 on 12/16/2021

203

204 **15-2.4-2 Uses**

205 Uses in the HRM District are limited to the following:

206 **A. ALLOWED USES.**

207 1. Single Family Dwelling

208 2. Duplex Dwelling

209 3. Secondary Living Quarters

210 4. Lockout Unit¹

211 5. Accessory Apartment²

212 6. Nightly Rental³

213 7. Home Occupation

214 8. Child Care, In-Home Babysitting

215 9. Child Care, Family⁴

216 10. Child Care, Family Group⁴

217 11. Accessory Building and Use

218 12. Conservation Activity

219 13. Agriculture

220 14. Parking Area or Structure with four (4) or fewer spaces

221 15. Internal Accessory Dwelling Unit¹¹

222 **B. CONDITIONAL USES.**

223	1. Triplex Dwelling
224	2. Multi-Unit Dwelling
225	3. Group Care Facility
226	4. Child Care Center ⁴
227	5. Public and Quasi-Public Institution, Church, and School
228	6. Essential Municipal and Public Utility Use, Facility Service, and Structure
229	7. Telecommunication Antenna ⁵
230	8. Satellite Dish, greater than thirty-nine inches (39") in diameter ⁶
231	9. Bed and Breakfast Inn ⁷
232	10. Boarding House, Hostel ⁷
233	11. Hotel, Minor ⁷
234	12. Office, General ⁸
235	13. Retail and Service Commercial, Minor ⁸
236	14. Retail and Service Commercial, personal improvement ⁸
237	15. Neighborhood Market, without gasoline sales ⁸
238	16. Cafe, Deli ⁸
239	17. Café, Outdoor Dining ⁹
240	18. Parking Area or Structure with five (5) or more spaces
241	19. Temporary Improvement ¹⁰
242	20. Recreation Facility, Public
243	21. Recreation Facility, Private ¹²
244	22. Outdoor Events ¹⁰
245	23. Fences greater than six feet (6') in height from Final Grade ¹⁰

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit.

²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

⁴See Section 15-4-9 Child Care and Child Care Facilities.

⁵See Section 15-4-14, Telecommunications Facilities.

⁶See Section 15-4-13, Placement of Satellite Receiving Antennas.

⁷Allowed only in Historic Buildings and/or Structures or historically Compatible Structures.

⁸Allowed only in Historic Buildings and/or Structures.

⁹Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli.

¹⁰Requires an Administrative or Administrative Conditional Use permit, see Chapter 15-4.

¹¹See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative Conditional Use Permit.

¹² [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 15-35 on 10/12/2015

Amended by Ord. 2020-42 on 9/17/2020

Amended by Ord. 2021-38 on 9/23/2021

Amended by Ord. 2021-51 on 12/16/2021

....

15-2.5-2 Uses

Uses in the HRC are limited to the following:

- 273 A. **ALLOWED USES.**¹⁰
- 274 1. Single Family Dwelling⁵
- 275 2. Duplex Dwelling⁵
- 276 3. Secondary Living Quarters⁵
- 277 4. Lockout Unit^{1,5}
- 278 5. Accessory Apartment^{2,5}
- 279 6. Nightly Rental⁵
- 280 7. Home Occupation⁵
- 281 8. Child Care, In-Home Babysitting
- 282 9. Child Care, Family³
- 283 10. Child Care, Family Group³
- 284 11. Child Care Center³
- 285 12. Accessory Building and Use
- 286 13. Conservation Activity
- 287 14. Agriculture
- 288 15. Bed and Breakfast Inn^{4,5}
- 289 16. Boarding House, hostel⁵
- 290 17. Hotel, Minor, fewer than sixteen (16) rooms⁵
- 291 18. Office, General⁵
- 292 19. Parking Area or Structure, with four (4) or fewer spaces⁵
- 293 20. Food Truck Location¹¹
- 294 B. **CONDITIONAL USES.**^{9, 10}
- 295 1. Triplex Dwelling⁵

- 296 2. Multi-Unit Dwelling⁵
- 297 3. Guest House, on Lots one (1) acre⁵
- 298 4. Group Care Facility⁵
- 299 5. Public and Quasi-Public institution, church, or school
- 300 6. Essential Municipal public utility Use, facility, service, and Structure
- 301 7. Telecommunication Antenna⁶
- 302 8. Satellite dish, greater than thirty-nine inches (39") in diameter⁷
- 303 9. Plant and Nursery stock products and sales
- 304 10. Hotel, Major⁵
- 305 11. Timeshare Projects and Conversions⁵
- 306 12. Private Residence Club Project and Conversion^{4,5}
- 307 13. Office, Intensive⁵
- 308 14. Office and clinic, Medical⁵
- 309 15. Financial institution, without drive-up window⁸
- 310 16. Commercial Retail and Service, Minor⁸
- 311 17. Commercial Retail and Service, Personal Improvement⁸
- 312 18. Neighborhood Convenience Commercial, without gasoline sales
- 313 19. Café or Deli⁸
- 314 20. Restaurant, General⁸
- 315 21. Restaurant and Café, outdoor dining⁴
- 316 22. Outdoor Events and Uses⁴
- 317 23. Bar
- 318 24. Parking Area or Structure, with five (5) or more spaces⁵

- 319 25. Temporary Improvement⁴
- 320 26. Passenger Tramway station and ski base facility
- 321 27. Ski tow, ski lift, ski run, and ski bridge
- 322 28. Recreation Facility, Commercial, Public, and Private¹²
- 323 29. Entertainment Facility, Indoor
- 324 30. Fences greater than six feet (6') in height from Final Grade⁴
- 325 31. Private Residence Club, Off-Site⁵
- 326 32. Private Event Facility⁵

327 C. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above

328 as an Allowed or Conditional Use is a prohibited Use.

329 ¹Nightly rental of Lockout Units requires a Conditional Use permit.

330 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

331 ³See Section 15-4-9, Child Care And Child Care Facilities.

332 ⁴Requires an Administrative or Administrative Conditional Use permit, see Chapter 15-4.

333 ⁵Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue,
334 excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC
335 Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the
336 plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street,
337 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within
338 Storefront Property; however access, circulation, and lobby areas are permitted within Storefront
339 Property.

340 ⁶See Section 15-4-14, Telecommunication Facilities.

341 ⁷See Section 15-4-13, Placement Of Satellite Receiving Antennas.

342 ⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use.

⁹No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹⁰Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in Storefront Properties.

¹¹The Planning Director, or his or her designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

¹² [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 07-55 on 8/30/2007

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 16-02 on 1/7/2016

Amended by Ord. 2017-45 on 8/17/2017

Amended by Ord. 2018-55 on 10/23/2018

Amended by Ord. 2020-36 on 7/30/2020

Amended by Ord. 2020-42 on 9/17/2020

Amended by Ord. 2021-51 on 12/16/2021

....

15-2.6-2 Uses

Uses in the Historic Commercial Business (HCB) District are limited to the following:

A. **ALLOWED USES**.¹¹

1. Single Family Dwelling¹

2. Multi-Unit Dwelling¹

370	3. Secondary Living Quarters ¹
371	4. Lockout Unit ^{1,2}
372	5. Accessory Apartment ^{1,3}
373	6. Nightly Rental ⁴
374	7. Home Occupation ¹
375	8. Child Care, In-Home Babysitting ¹
376	9. Child Care, Family ^{1,5}
377	10. Child Care, Family Group ^{1,5}
378	11. Child Care Center ^{1,5}
379	12. Accessory Building and Use ¹
380	13. Conservation Activity
381	14. Agriculture
382	15. Bed and Breakfast Inn ^{1, 6}
383	16. Boarding House, hostel ¹
384	17. Hotel, Minor, fewer than 16 rooms ¹
385	18. Office, General ¹
386	19. Office, Moderate Intensive ¹
387	20. Office and clinic, Medical ¹
388	21. Financial institution, without drive-up window
389	22. Commercial Retail and Service, Minor
390	23. Commercial Retail and Service, Personal Improvement
391	24. Commercial Neighborhood Convenience, without gasoline sales
392	25. Restaurant, Cafe or Deli

- 393 26. Restaurant, General
- 394 27. Bar
- 395 28. Parking Lot, Public or Private with four (4) or fewer spaces
- 396 29. Entertainment Facility, Indoor
- 397 30. Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷
- 398 31. Temporary winter Balcony enclosures
- 399 32. Food Truck Location¹²
- 400 B. **CONDITIONAL USES**.^{10, 11}
- 401 1. Group Care Facility¹
- 402 2. Public and Quasi-Public institution, church, or school
- 403 3. Essential municipal public utility Use, facility, service, and Structure
- 404 4. Telecommunication Antenna⁸
- 405 5. Satellite dish, greater than thirty-nine inches (39") in diameter⁹
- 406 6. Plant and Nursery stock products and sales
- 407 7. Hotel, Major¹
- 408 8. Timeshare Projects and Conversions¹
- 409 9. Timeshare Sales Office, Off-Site within an enclosed Building¹
- 410 10. Private Residence Club Project and Conversion^{1,6}
- 411 11. Commercial Retail and Service, Major
- 412 12. Office, Intensive¹
- 413 13. Restaurant, outdoor dining⁶
- 414 14. Outdoor Events and Uses⁶
- 415 15. Hospital, Limited Care Facility¹

- 416 16. Parking Area or Structure for five (5) or more cars¹
- 417 17. Temporary Improvement⁶
- 418 18. Passenger Tramway station and ski base facility
- 419 19. Ski tow, ski lift, ski run, and ski bridge
- 420 20. Recreation Facility, Public [~~or Private~~]
- 421 21. Recreation Facility Private¹³
- 422 22. Recreation Facility, Commercial
- 423 23. Fences greater than six feet (6') in height from Final Grade⁶
- 424 24. Private Residence Club, Off-Site¹
- 425 25. Private Event Facility¹

426 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

427 is a prohibited Use.

428 ¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and

429 Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and

430 lobby areas are permitted within Storefront Property.

431 ²Nightly Rental of Lock Units requires a Conditional Use permit.

432 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

433 ⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses.

434 ⁵See Section 15-4-9, Child Care And Child Care Facilities.

435 ⁶Requires an Administrative or Administrative Conditional Use permit.

436 ⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

437 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

438 on the original Property set forth in the services Agreement and/or Master Festival License. Requires an

439 Administrative Permit.

440 ⁸See Section 15-4-14, Telecommunication Facilities.

441 ⁹See Section 15-4-13, Placement Of Satellite Receiving Antennas.

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are permitted in Storefront Properties.

¹²The Planning Director or his or her designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

¹³ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [02-38](#) on 9/12/2002

Amended by Ord. [04-39](#) on 3/18/2004

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [07-55](#) on 8/30/2007

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [16-02](#) on 1/7/2016

Amended by Ord. [16-01](#) on 1/7/2016

Amended by Ord. [2017-45](#) on 8/17/2017

Amended by Ord. [2018-55](#) on 10/23/2018

Amended by Ord. [2020-36](#) on 7/30/2020

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2021-51](#) on 12/16/2021

. . . .

15-2.7-2 Uses

Uses in the ROS District are limited to the following:

A. ALLOWED USES.

- 469 1. Conservation Activity
- 470 2. Food Truck Locations⁴
- 471 B. **ADMINISTRATIVE CONDITIONAL USES**¹.
- 472 1. Trail and Trailhead Improvement
- 473 2. Outdoor Recreation Equipment
- 474 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq.
- 475 ft.
- 476 4. Accessory Building, less than 600 sq. ft.
- 477 5. Ski-related Accessory Building, less than 600 sq. ft.
- 478 6. Parking Area or Structure with four (4) or fewer spaces
- 479 7. Outdoor Event, Outdoor Music
- 480 8. Temporary Construction Improvement
- 481 9. Raising, grazing of horses
- 482 10. Raising, grazing of livestock
- 483 11. Anemometer and Anemometer Towers
- 484 C. **CONDITIONAL USES.**
- 485 1. Agriculture
- 486 2. Recreational Outdoor and Trail Lighting
- 487 3. Recreation Facility, Private⁵
- 488 4. Recreation Facility, Public
- 489 5. Recreation Facility, Commercial
- 490 6. Golf Course
- 491 7. Passenger Tramway Station and Ski Base Facility

- 492 8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- 493 9. Recreational Sports Field
- 494 10. Skating Rink
- 495 11. Skateboard Park
- 496 12. Public and Quasi-Public Institution, Church, and School, Park, Plaza,
- 497 Structure for Public Assembly, greater than 600 sq. ft.
- 498 13. Essential Municipal Public Utility Use, Facility, Service, and Structure, greater
- 499 than 600 sq. ft.
- 500 14. Accessory Building, greater than 600 sq. ft.
- 501 15. Ski-Related Accessory Building, greater than 600 sq. ft.
- 502 16. Child Care Center
- 503 17. Commercial Stable, Riding Academy
- 504 18. Vehicle Control Gates²
- 505 19. Resort Support, Commercial
- 506 20. Cemetery
- 507 21. Parking Area or Structure with five (5) or more spaces
- 508 22. Telecommunications Antenna³
- 509 23. Mines and Mine Exploration
- 510 24. Plant and Nursery stock products and sales
- 511 25. Fences greater than six feet (6') in height from Final Grade.
- 512 26. Small Wind Energy Systems
- 513 D. **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use
- 514 is a prohibited Use.

515 ¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.
516 Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time
517 frames and shall be removed at the expiration of the Master Festival permit.

518 ²See Section 15-4-19 for specific review criteria for gates

519 ³Subject to LMC Chapter 15-4-14, Telecommunications

520 ⁴The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
521 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

522 ⁵ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

523 HISTORY

524 Adopted by Ord. 00-51 on 9/21/2000

525 Amended by Ord. 04-08 on 3/4/2004

526 Amended by Ord. 09-10 on 3/5/2009

527 Amended by Ord. 2018-55 on 10/23/2018

528

529 **15-2.9-2 Uses**

530 Uses in the E-40 District are limited to the following:

531 **A. ALLOWED USES.**

- 532 1. Single Family Dwelling
- 533 2. Secondary Living Quarters
- 534 3. Lockout Unit¹
- 535 4. Accessory Apartment²
- 536 5. Nightly Rental³
- 537 6. Home Occupation
- 538 7. Child Care, In-Home Babysitting
- 539 8. Child Care, Family⁴
- 540 9. Child Care, Family Group⁴

- 541 10. Accessory Building and Use
- 542 11. Conservation Activity
- 543 12. Agriculture
- 544 13. Raising, grazing of horses
- 545 14. Residential Parking Area or Structure, with four (4) or fewer spaces
- 546 15. Internal Accessory Dwelling Unit⁹
- 547 **B. CONDITIONAL USES.**
- 548 1. Guest House
- 549 2. Group Care Facility
- 550 3. Child Care Center⁴
- 551 4. Public and Quasi-Public Institution, Church and School
- 552 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 553 6. Telecommunication Antenna⁶
- 554 7. Satellite Dish, greater than thirty-nine inches (39") diameter⁶
- 555 8. Plant and Nursery Stock Production and Sales
- 556 9. Raising, grazing of livestock
- 557 10. Cemetery
- 558 11. Bed and Breakfast Inn
- 559 12. Parking Lot or Structure with five (5) or more space
- 560 13. Temporary Improvement⁷
- 561 14. Passenger Tramway Station and Ski Base Facility
- 562 15. Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- 563 16. Outdoor Event⁷

- 564 17. Recreation Facility, Public and Private¹⁰
- 565 18. Recreation Facility, Commercial
- 566 19. Commercial Stables, Riding Academy
- 567 20. Mines and Mine Exploration
- 568 21. Fences greater than six feet (6') in height from Final Grade⁷
- 569 22. Vehicle Control Gates⁸

570 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

571 is a prohibited Use.

572 ¹Nightly Rental of Lockout Units requires a Conditional Use permit

573 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

574 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses

575 ⁴See LMC Chapter 15-4-9 for Child Care Regulations

576 ⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

577 ⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

578 ⁷Requires an Administrative Conditional Use permit.

579 ⁸See Section 15-4-19 for specific review criteria for gates.

580 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units.

581 ¹⁰ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

582 HISTORY

583 Adopted by Ord. 00-51 on 9/21/2000

584 Amended by Ord. 04-08 on 3/4/2004

585 Amended by Ord. 06-69 on 10/19/2006

586 Amended by Ord. 2021-38 on 9/23/2021

587 Amended by Ord. 2021-51 on 12/16/2021

588

589 **15-2.10-2 Uses**

590 Uses in the Estate (E) District are limited to the following:

591 **A. ALLOWED USES.**

- 592 1. Single Family Dwelling
- 593 2. Duplex Dwelling
- 594 3. Secondary Living Quarters
- 595 4. Lockout Unit¹
- 596 5. Accessory Apartment²
- 597 6. Nightly Rental^{1,3}
- 598 7. Home Occupation
- 599 8. Child Care, In-Home Babysitting⁴
- 600 9. Child Care, Family⁴
- 601 10. Child Care, Family Group⁴
- 602 11. Accessory Buildings and Uses
- 603 12. Conservation Activity
- 604 13. Agriculture
- 605 14. Raising, grazing of horses
- 606 15. Parking Area or Structure with four (4) or fewer spaces
- 607 16. Internal Accessory Dwelling Unit¹²

608 **B. CONDITIONAL USES.**

- 609 1. Guest House
- 610 2. Group Care Facility
- 611 3. Child Care Center⁴
- 612 4. Public and Quasi-Public Institution, Church and School

- 613 5. Essential Municipal Public Utility Use, Facility, Services, and Structure
- 614 6. Telecommunication Antenna⁵
- 615 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶
- 616 8. Plant and Nursery stock products and sales
- 617 9. Raising, grazing of livestock
- 618 10. Cemetery
- 619 11. Bed and Breakfast Inn
- 620 12. Hotel, Minor⁷
- 621 13. Hotel, Major⁷
- 622 14. Parking Area or Structure with five (5) or more spaces
- 623 15. Temporary Improvement⁸
- 624 16. Passenger Tramway Station and Base Facility⁹
- 625 17. Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge
- 626 18. Outdoor Event⁷
- 627 19. Recreation Facility, Public and Private¹³
- 628 20. Recreation Facility, Commercial
- 629 21. Commercial Stables, Riding Academy
- 630 22. Mines and Mine Exploration
- 631 23. Vehicle Control Gates¹⁰
- 632 24. Fences greater than six feet (6') in height from Final Grade⁸
- 633 25. Support Retail and Minor Service Commercial¹¹
- 634 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 635 is a prohibited Use.

636 ¹Nightly rental of Lockout Units requires a Conditional Use permit

637 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

638 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

639 ⁴See Section 15-4-9 Child Care and Child Care Facilities

640 ⁵See Section 15-4-14, Telecommunication Facilities

641 ⁶See Section 15-4-13, Placement of Satellite Receiving Antennas

642 ⁷Subject to regulations of Chapter 15-6, Master Planned Developments

643 ⁸Requires an Administrative Conditional Use permit

644 ⁹See Section 15-4-18 Passenger Tramways and Ski Base Facilities

645 ¹⁰See Section 15-4-19 Review Criteria for Vehicle Control Gates

646 ¹¹Subject to a Master Planned Development approval. See Chapter 15-6

647 ¹²See Section 15-4-7.1, Internal Accessory Dwelling Units.

648 ¹³[See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

649 HISTORY

650 Adopted by Ord. 00-51 on 9/21/2000

651 Amended by Ord. 04-08 on 3/4/2004

652 Amended by Ord. 06-69 on 10/19/2006

653 Amended by Ord. 2020-45 on 10/1/2020

654 Amended by Ord. 2021-38 on 9/23/2021

655 Amended by Ord. 2021-51 on 12/16/2021

656

657 **15-2.11-2 Uses**

658 Uses in the SF District are limited to the following:

659 **A. ALLOWED USES.**

660 1. Single Family Dwelling

661 2. Duplex Dwelling¹

662 3. Secondary Living Quarters²

663 4. Accessory Apartment³

- 664 5. Nightly Rental⁴
- 665 6. Home Occupation
- 666 7. Child Care, In-Home Babysitting⁵
- 667 8. Child Care, Family⁵
- 668 9. Child Care, Family Group⁵
- 669 10. Accessory Building and Use
- 670 11. Conservation Activity
- 671 12. Agriculture
- 672 13. Parking Area or Structure with four (4) or fewer spaces
- 673 14. Internal Accessory Dwelling Unit¹⁰
- 674 **B. CONDITIONAL USES.**
- 675 1. Guest House⁶
- 676 2. Group Care Facility
- 677 3. Child Care Center⁵
- 678 4. Public and Quasi-Public Institution, Church, and School
- 679 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 680 6. Telecommunication Antenna⁷
- 681 7. Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- 682 8. Raising, grazing of horses
- 683 9. Bed and Breakfast Inn
- 684 10. Parking Area or Structure with five (5) or more spaces⁹
- 685 11. Temporary Improvements⁹
- 686 12. Outdoor Event⁹

687 13. Recreation Facility, Public or Private¹¹
688 14. Fences greater than six feet (6') in height from Final Grade⁹
689 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
690 is a prohibited Use.

691 ¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

692 ²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or
693 Allowed Use within Holiday Ranchettes Subdivision.

694 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments. Accessory Apartments in
695 detached Structures are not allowed within Holiday Ranchettes Subdivision.

696 ⁴Allowed only within Prospector Village Subdivision. Commercial Uses are not allowed within Nightly
697 Rental units.

698 ⁵See Section 15-4-9 Child Care and Child Care Facilities.

699 ⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or
700 Allowed Use within Holiday Ranchettes Subdivision.

701 ⁷See Section 15-4-14, Telecommunication Facilities

702 ⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

703 ⁹Requires an Administrative Conditional Use permit.

704 ¹⁰See Section 15-4-7.1, Internal Accessory Dwelling Units.

705 ¹¹ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

706 HISTORY

707 Adopted by Ord. 00-51 on 9/21/2000

708 Amended by Ord. 06-76 on 11/9/2006

709 Amended by Ord. 2020-45 on 10/1/2020

710 Amended by Ord. 2021-38 on 9/23/2021

711 Amended by Ord. 2021-51 on 12/16/2021

712

713 **15-2.12-2 Uses**

714 Uses in the R-1 District are limited to the following:

715 **A. ALLOWED USES.**

- 716 1. Single Family Dwelling
- 717 2. Duplex Dwelling
- 718 3. Secondary Living Quarters
- 719 4. Lockout Unit¹
- 720 5. Accessory Apartment²
- 721 6. Nightly Rental³
- 722 7. Home Occupation
- 723 8. Child Care, In-Home Babysitting⁴
- 724 9. Child Care, Family⁴
- 725 10. Child Care, Family Group⁴
- 726 11. Accessory Building and Use
- 727 12. Conservation Activity
- 728 13. Agriculture
- 729 14. Parking Area or Structure with four (4) or fewer spaces
- 730 15. Internal Accessory Dwelling Unit¹¹

731 **B. CONDITIONAL USES.**

- 732 1. Triplex Dwelling⁵
- 733 2. Guest House, on Lots one (1) acre or larger
- 734 3. Group Care Facility
- 735 4. Child Care Center⁴
- 736 5. Public or Quasi-Public Institution, Church, and School

- 737 6. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 738 7. Telecommunication Antenna⁶
- 739 8. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- 740 9. Bed and Breakfast Inn
- 741 10. Temporary Improvement⁸
- 742 11. Ski tow rope, ski lift, ski run, and ski bridge⁹
- 743 12. Outdoor Event⁸
- 744 13. Recreation Facility, Private¹²
- 745 14. Fences and walls greater than six feet (6') in height from Final Grade⁸
- 746 15. Residential and transient lodging Uses¹⁰
- 747 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 748 is a prohibited Use.

749 ¹Nightly rental of Lockout Units requires a Conditional Use permit

750 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

751 ³Commercial Uses are not allowed within Nightly Rental Units

752 ⁴See Section 15-4-9 Child Care and Child Care Facilities

753 ⁵Must comply with special parking requirements, see Chapter 15-3.

754 ⁶See Section 15-4-14, Telecommunications Facilities

755 ⁷See Section 15-4-13, Placement of Satellite Receiving Antennas

756 ⁸Subject to an Administrative Conditional Use permit.

757 ⁹As part of an approved Ski Area Master Plan. See Section 15-4-18, Passenger Tramways and Ski Base

758 Facilities

759 ¹⁰Subject to Master Planned Development approval. See Chapter 15-6

760 ¹¹See Section 15-4-7.1, Internal Accessory Dwelling Units.

761 ¹² See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

762 HISTORY

763 Adopted by Ord. 00-51 on 9/21/2000
764 Amended by Ord. 06-76 on 11/9/2006
765 Amended by Ord. 2020-45 on 10/1/2020
766 Amended by Ord. 2021-38 on 9/23/2021
767 Amended by Ord. 2021-51 on 12/16/2021
768

769 **15-2.13-2 Uses**

770 Uses in the RD District are limited to the following:

771 A. **ALLOWED USES.**

- 772 1. Single-Family Dwelling
- 773 2. Duplex Dwelling
- 774 3. Secondary Living Quarters
- 775 4. Lockout Unit¹
- 776 5. Accessory Apartment²
- 777 6. Nightly Rental³
- 778 7. Home Occupation
- 779 8. Child Care, In-Home Babysitting⁴
- 780 9. Child Care, Family⁴
- 781 10. Child Care, Family Group⁴
- 782 11. Accessory Building and Use
- 783 12. Conservation Activity Agriculture
- 784 13. Parking Area or Structure with four (4) or fewer spaces
- 785 14. ~~Recreation Facility, Private~~
- 786 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

787	16. Food Truck Location ¹⁶
788	17. Internal Accessory Dwelling Unit ¹⁷
789	B. <u>CONDITIONAL USES.</u>
790	1. Triplex Dwelling ⁶
791	2. Multi-Unit Dwelling ⁶
792	3. Guest House
793	4. Group Care Facility
794	5. Child Care Center ⁴
795	6. Public and Quasi-Public Institution, Church, and School
796	7. Essential Municipal Public Utility Use, Facility, Service, and Structure
797	8. Telecommunication Antenna ⁷
798	9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁸
799	10. Raising, grazing of horses
800	11. Cemetery
801	12. Bed and Breakfast Inn
802	13. Hotel, Minor ⁶
803	14. Hotel, Major ⁶
804	15. Private Residence Club Project and Conversion ¹⁰
805	16. Office, General ^{6,9}
806	17. Office, Moderate Intensive ^{6,9}
807	18. Office, Medical ^{6,9}
808	19. Financial Institution without drive-up window ^{6,9}
809	20. Commercial Retail and Service, Minor ^{6,9}

810	21. Commercial Retail and Service, personal improvement ^{6,9}
811	22. Commercial, Resort Support ^{6,9}
812	23. Café or Deli ^{6,9}
813	24. Restaurant, Standard ^{6,9}
814	25. Restaurant, Outdoor Dining ¹⁰
815	26. Outdoor Event ¹⁰
816	27. Bar ^{6,9}
817	28. Hospital, Limited Care Facility ^{6,9}
818	29. Parking Area or Structure with five (5) or more spaces
819	30. Temporary Improvement ¹⁰
820	31. Passenger Tramway Station and Ski Base Facility ¹¹
821	32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge ¹¹
822	33. Recreation Facility, Public
823	34. Recreation Facility, Commercial ⁶
824	35. <u>Recreation Facility, Private¹⁸</u>
825	36. Entertainment Facility, Indoor ^{6,9}
826	37. Commercial Stables, Riding Academy ¹²
827	38. Heliport ¹²
828	39. Vehicle Control Gate ¹³
829	40. Fences and walls greater than six feet (6') in height from Final Grade ¹⁰
830	41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays ¹⁴
831	42. Amenities Club
832	43. Club, Private Residence Off-Site ¹⁵

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

⁴See Section 15-4-9 Child Care and Child Care Facilities

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See Section 15-4-14, Telecommunications Facilities

⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an Administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See Section 15-4-18 Passenger Tramways and Ski Base Facilities.

¹²Omitted.

¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

858 ¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit.
859 Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more
860 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
861 specific parking requirements.

862 ¹⁶The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
863 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

864 ¹⁷See Section 15-4-7.1, Internal Accessory Dwelling Units.

865 ¹⁸ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

866 HISTORY

867 *Adopted by Ord. [00-51](#) on 9/21/2000*

868 *Amended by Ord. [02-38](#) on 9/12/2002*

869 *Amended by Ord. [04-08](#) on 3/4/2004*

870 *Amended by Ord. [05-39](#) on 6/30/2005*

871 *Amended by Ord. [06-76](#) on 11/9/2006*

872 *Amended by Ord. [11-05](#) on 1/27/2011*

873 *Amended by Ord. [14-35](#) on 6/26/2014*

874 *Amended by Ord. [2018-23](#) on 5/17/2018*

875 *Amended by Ord. [2018-55](#) on 10/23/2018*

876 *Amended by Ord. [2020-38](#) on 7/30/2020*

877 *Amended by Ord. [2020-45](#) on 10/1/2020*

878 *Amended by Ord. [2021-16](#) on 4/15/2021*

879 *Amended by Ord. [2021-38](#) on 9/23/2021*

880 *Amended by Ord. [2021-52](#) on 12/16/2021*

881 *Amended by Ord. [2021-51](#) on 12/16/2021*

882 . . .

883 **15-2.14-2 Uses**

884 Uses in the RDM District are limited to the following:

885 A. **ALLOWED USES.**

- 886 1. Single Family Dwelling
- 887 2. Duplex Dwelling
- 888 3. Triplex Dwelling
- 889 4. Secondary Living Quarters
- 890 5. Lockout Unit¹
- 891 6. Accessory Apartment²
- 892 7. Nightly Rental³
- 893 8. Home Occupation
- 894 9. Child Care, In Home Babysitting⁴
- 895 10. Child Care, Family⁴
- 896 11. Child Care, Family Group⁴
- 897 12. Accessory Building and Use
- 898 13. Conservation Activity
- 899 14. Agriculture
- 900 15. Parking Area or Structure with four (4) or fewer spaces
- 901 16. ~~[Recreation Facility, Private]~~
- 902 17. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 903 18. Food Truck Location¹⁴
- 904 19. Internal Accessory Dwelling Unit¹⁵

905 B. **CONDITIONAL USES.**

- 906 1. Multi Unit Dwelling⁶

907	2. Guest House
908	3. Group Care Facility
909	4. Child Care Center
910	5. Public and Quasi Public Institution, Church, and School
911	6. Essential Municipal Public Utility Use, Facility, Service, and Structure
912	7. Telecommunication Antenna ⁷
913	8. Satellite Dish, greater than thirty nine inches (39") in diameter ⁸
914	9. Raising grazing of horses
915	10. Cemetery
916	11. Bed and Breakfast Inn
917	12. Boarding House, Hotel
918	13. Hotel, Minor ⁶
919	14. Hotel, Major ⁶
920	15. Private Residence Club Project and Conversion ¹¹
921	16. Office, General ⁶
922	17. Office, Moderate Intensive ^{6,9}
923	18. Office and Clinic, Medical ^{6,10}
924	19. Financial Institution, without drive up window ^{6,10}
925	20. Commercial Retail and Service, Minor ^{6,10}
926	21. Commercial Retail and Service, personal improvement ^{6,10}
927	22. Commercial, Resort Support ^{6,10}
928	23. Cafe or Deli ^{6,10}
929	24. Restaurant, Standard ^{6,10}

- 930 25. Restaurant, Outdoor Dining¹¹
- 931 26. Outdoor Event¹¹
- 932 27. Bar^{6,10}
- 933 28. Hospital, Limited Care Facility^{6,9}
- 934 29. Parking Area or Structure with five (5) or fewer spaces
- 935 30. Temporary Improvement¹¹
- 936 31. Passenger Tramway Station and Ski Base Facility¹²
- 937 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- 938 33. Recreation Facility, Public
- 939 34. Recreation Facility, Commercial⁶
- 940 35. Recreation Facility, Private¹⁶
- 941 36. Entertainment Facility, Indoor^{6,9}
- 942 37. Commercial Stables, Riding Academy^{6,10}
- 943 38. Fences greater than six feet (6') in height from Final Grade
- 944 39. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

945 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use

946 is a prohibited Use.

947 ¹Nightly Rental of Lockout Units requires a Conditional Use permit.

948 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

949 ³Nightly Rentals do not include the Use of Dwellings for Commercial Use.

950 ⁴See Section 15-4-9, Child Care and Child Care Facilities

951 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

952 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

953 on the original Property set forth in the services agreement and/or Master Festival License

954 ⁶Subject to Master Planned Development approval. See Chapter 15-6.

955 ⁷See Section 15-4-14, Telecommunication Facilities.

956 ⁸See Section 15-4-13, Placement of Satellite Receiving Antennas.

957 ⁹General Offices are only permitted with an approved Master Planned Development and may only be
958 approved as the redevelopment of an existing Building or Property. In addition to meeting the necessary
959 criteria in the Chapter 15-6 Master Planned Developments, the Planning Commission must find that: a)
960 the redevelopment of an existing Building or Property to a General Office use will substantially advance
961 the objectives of Economic Element of the General Plan or other more specific neighborhood plans; b) it
962 has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential
963 character of the RDM District and the Frontage Protection Zone through careful planning and conditions
964 of approval; c) it will not result in an intensification of use incompatible with neighboring developments;
965 and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

966 ¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a
967 convenience for residents or occupants of adjacent or adjoining residential Development.

968 ¹¹Requires an administrative Conditional Use permit.

969 ¹²As part of an approved Ski Area Master Plan. See Section 15-4-18, Passenger Tramways and Ski Base
970 Facilities

971 ¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
972 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
973 in an Area other than the original location set forth in the services agreement and/or Master Festival
974 License.

975 ¹⁴The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
976 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
977 letter.

978 ¹⁵See Section 15-4-7.1, Internal Accessory Dwelling Units.

979 ¹⁶ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

980 HISTORY

981 *Adopted by Ord. [00-51](#) on 9/21/2000*

982 *Amended by Ord. [02-24](#) on 6/27/2002*

983 *Amended by Ord. [02-38](#) on 9/12/2002*

984 *Amended by Ord. [04-39](#) on 3/18/2004*

985 *Amended by Ord. [06-76](#) on 11/9/2006*

986 *Amended by Ord. [2018-55](#) on 10/23/2018*

987 *Amended by Ord. [2018-55](#) on 10/23/2018*

988 *Amended by Ord. [2020-45](#) on 10/1/2020*

989 *Amended by Ord. [2021-38](#) on 9/23/2021*

990 *Amended by Ord. [2021-51](#) on 12/16/2021*

991 . . .

992 **15-2.15-2 Uses**

993 Uses in the RM District are limited to the following:

994 **A. ALLOWED USES.**

995 1. Single Family Dwelling

996 2. Duplex Dwelling

997 3. Triplex Dwelling

998 4. Secondary Living Quarters

999 5. Lockout Unit¹

1000 6. Accessory Apartment²

1001 7. Nightly Rental³

1002 8. Home Occupation

1003 9. Child Care, In-Home Babysitting⁴

1004 10. Child Care, Family⁴

1005	11. Child Care, Family Group ⁴
1006	12. Accessory Building and Use
1007	13. Conservation Activity
1008	14. Agriculture
1009	15. Bed and Breakfast Inn
1010	16. Parking Area or Structure with four (4) or fewer spaces
1011	17. Internal Accessory Dwelling Unit ⁹
1012	B. <u>CONDITIONAL USES.</u>
1013	1. Multi-Unit Dwelling
1014	2. Guest House, on Lot greater than one (1) acre
1015	3. Group Care Facility
1016	4. Child Care Center ⁴
1017	5. Public and Quasi-Public Institution, Church, and School
1018	6. Essential Municipal Public Utility Use, Facility, Service, and Structure
1019	7. Telecommunication Antenna ⁵
1020	8. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁶
1021	9. Boarding House, Hostel
1022	10. Hotel, Minor ⁷
1023	11. Outdoor Event ⁸
1024	12. Parking Area or Structure with five (5) or more spaces
1025	13. Temporary Improvement ⁸
1026	14. Recreation Facility, Public and Private ¹⁰
1027	15. Fences greater than six feet in Height from Final Grade ⁸

1028 16. Residential and transient lodging Uses⁷
1029 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
1030 is a prohibited Use.

1031 ¹Nightly rental of Lockout Units requires a Conditional Use permit.

1032 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1033 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

1034 ⁴See Section 15-4-9, Child Care and Child Care Facilities.

1035 ⁵See Section 15-4-14, Telecommunications Facilities.

1036 ⁶See Section 15-4-13, Placement of Satellite Receiving Antennas.

1037 ⁷Subject to Master Planned Development approval. See Chapter 15-6.

1038 ⁸Requires an Administrative Conditional Use permit.

1039 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units.

1040 ¹⁰ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

1041 HISTORY

1042 Adopted by Ord. 00-51 on 9/21/2000

1043 Amended by Ord. 2020-45 on 10/1/2020

1044 Amended by Ord. 2021-38 on 9/23/2021

1045 Amended by Ord. 2021-51 on 12/16/2021

1046

1047 **15-2.16-2 Uses**

1048 Uses in the RC District are limited to the following:

1049 A. **ALLOWED USES.**

1050 1. Single Family Dwelling

1051 2. Duplex Dwelling

1052 3. Triplex Dwelling

1053 4. Secondary Living Quarters

- 1054 5. Lockout Unit¹
- 1055 6. Accessory Apartment²
- 1056 7. Nightly Rental³
- 1057 8. Home Occupation
- 1058 9. Child Care, In-Home Babysitting⁴
- 1059 10. Child Care, Family⁴
- 1060 11. Child Care, Family Group⁴
- 1061 12. Child Care Center⁴
- 1062 13. Accessory Building and Use
- 1063 14. Conservation Activity
- 1064 15. Agriculture
- 1065 16. Bed and Breakfast Inn
- 1066 17. Boarding House, Hostel
- 1067 18. Hotel, Minor
- 1068 19. Parking Area or Structure with four (4) or fewer spaces
- 1069 20. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 1070 21. Food Truck Location¹²

1071 **B. CONDITIONAL USES.**

- 1072 1. Multi-Unit Dwelling
- 1073 2. Group Care Facility
- 1074 3. Public and Quasi-Public institution, church, and school
- 1075 4. Essential municipal and public utility Use, facility, service, and Structure
- 1076 5. Telecommunications Antenna⁶

1077	6. Satellite dish Antenna, greater than thirty-nine inches (39") in diameter ⁷
1078	7. Raising, grazing of horses
1079	8. Cemetery
1080	9. Hotel, Major
1081	10. Timeshare Project and Conversion
1082	11. Timeshare Sales Office
1083	12. Private Residence Club Project and Conversion ⁹
1084	13. Office, General ⁸
1085	14. Office, Moderate ⁸
1086	15. Office and clinic, Medical ⁸
1087	16. Financial institution without drive-up window ⁸
1088	17. Minor Retail and Service Commercial ⁸
1089	18. Retail and Service Commercial, Personal Improvement ⁸
1090	19. Transportation Service ⁸
1091	20. Neighborhood Market, without gasoline sales ⁸
1092	21. Café or Deli ⁸
1093	22. Restaurant, General ⁸
1094	23. Restaurant, outdoor dining ^{8,9}
1095	24. Bar ⁸
1096	25. Hospital, Limited Care Facility ⁸
1097	26. Parking Area or Structure with five (5) or more spaces
1098	27. Temporary Improvement ⁹
1099	28. Passenger Tramway station and ski base facility ¹⁰

- 1100 29. Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- 1101 30. Outdoor Events and Uses⁹
- 1102 31. Recreation Facility, Public and Private^{8, 13}
- 1103 32. Recreation Facility, Commercial⁸
- 1104 33. Entertainment Facility, Indoor⁸
- 1105 34. Commercial Riding Stable(s), riding academy⁸
- 1106 35. Heliport⁸
- 1107 36. Amenities Club
- 1108 37. Club, Private Residence Off-Site¹¹
- 1109 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 1110 is a prohibited Use.
- 1111 ¹Nightly Rental of Lockout Units requires a Conditional Use permit
- 1112 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments
- 1113 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses
- 1114 ⁴See Section 15-4-9, Child Care And Child Care Facilities
- 1115 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
- 1116 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
- 1117 on the original Property set forth in the services agreement and/or Master Festival License. Requires an
- 1118 Administrative Permit.
- 1119 ⁶See Section 15-4-14, Telecommunication Facilities
- 1120 ⁷See Section 15-4-13, Placement Of Satellite Receiving Antennas
- 1121 ⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master
- 1122 Planned Developments
- 1123 ⁹Requires an Administrative or Administrative Conditional Use permit, see Chapter 15-4
- 1124 ¹⁰As part of an approved Ski Area Master Plan

1125 ¹¹Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial
1126 spaces or Developments that have ten (10) or more units with approved Support Commercial space. A
1127 Parking Plan shall be submitted to determine site specific parking requirements.

1128 ¹²The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
1129 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
1130 letter.

1131 ¹³[See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

1132 HISTORY

1133 Adopted by Ord. 00-51 on 9/21/2000

1134 Amended by Ord. 02-38 on 9/12/2002

1135 Amended by Ord. 04-39 on 3/18/2004

1136 Amended by Ord. 06-76 on 11/9/2006

1137 Amended by Ord. 09-10 on 3/5/2009

1138 Amended by Ord. 11-05 on 1/27/2011

1139 Amended by Ord. 15-35 on 10/12/2015

1140 Amended by Ord. 2018-23 on 5/17/2018

1141 Amended by Ord. 2018-55 on 10/23/2018

1142 Amended by Ord. 2020-36 on 7/30/2020

1143 Amended by Ord. 2020-45 on 10/1/2020

1144 Amended by Ord. 2021-51 on 12/16/2021

1145

1146 **15-2.17-2 Uses**

1147 Uses in the RCO District are limited to the following:

1148 **A. ALLOWED USES.**

1149 1. Secondary Living Quarters

1150 2. Lockout Unit¹

1151 3. Accessory Apartment²

- 1152 4. Nightly Rental
- 1153 5. Home Occupation
- 1154 6. Child Care, In-Home Babysitting³
- 1155 7. Child Care, Family³
- 1156 8. Child Care, Family Group³
- 1157 9. Accessory Building and Use
- 1158 10. Conservation Activity
- 1159 11. Agriculture
- 1160 12. Parking Area or Structure with four (4) or fewer spaces
- 1161 13. Recreation Facility, Private¹²
- 1162 14. Allowed Uses in the Underlying Zoning District
- 1163 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁴
- 1164 16. Food Truck Location¹¹
- 1165 **B. CONDITIONAL USES.**
- 1166 1. Multi-Unit Dwelling⁵
- 1167 2. Group Care Facility⁵
- 1168 3. Child Care Center^{3,5}
- 1169 4. Public and Quasi-Public Institution, Church and School⁵
- 1170 5. Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- 1171 6. Telecommunication Antenna⁶
- 1172 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- 1173 8. Plant and Nursery stock products and sales⁵
- 1174 9. Bed and Breakfast Inn⁵

1175	10. Boarding House, Hostel ⁵
1176	11. Hotel, Minor ⁵
1177	12. Hotel, Major ⁵
1178	13. Private Residence Club Project and Conversion ⁹
1179	14. Timeshare Sales Office, off-site ⁵
1180	15. Office, General ⁵
1181	16. Office, Moderate Intensive ⁵
1182	17. Office, Intensive ⁵
1183	18. Office and Clinic, Medical ⁵
1184	19. Financial Institution, with and without drive-up window ^{5,8}
1185	20. Retail and Service Commercial, Minor ⁵
1186	21. Retail and Service Commercial, personal improvement ⁵
1187	22. Retail and Service Commercial, Major ⁵
1188	23. Transportation Service ⁵
1189	24. Retail Drive-Up Window ⁸
1190	25. Neighborhood Convenience Commercial ⁵
1191	26. Commercial, Resort Support ⁵
1192	27. Gasoline Service Station ⁵
1193	28. Cafe, Deli ⁵
1194	29. Restaurant, General ⁵
1195	30. Restaurant, Outdoor Dining ⁹
1196	31. Outdoor Event ⁹
1197	32. Restaurant, Drive-up window ⁸

- 1198 33. Bar⁵
- 1199 34. Hospital, Limited Care Facility⁵
- 1200 35. Hospital, General⁵
- 1201 36. Parking Area or Garage with five (5) or more spaces⁸
- 1202 37. Temporary Improvement⁹
- 1203 38. Passenger Tramway Station and Ski Base Facility⁵
- 1204 39. Ski tow rope, ski lift, ski run, and ski bridge⁵
- 1205 40. Recreation Facility, Public⁵
- 1206 41. Recreation Facility, Commercial⁵
- 1207 42. Entertainment, Indoor⁵
- 1208 43. Heliport⁵
- 1209 44. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁰
- 1210 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 1211 is a prohibited Use.
- 1212 ¹Nightly Rental of Lockout Units requires a Conditional Use permit.
- 1213 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.
- 1214 ³See Section 15-4-9, Child Care and Child Care Facilities.
- 1215 ⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
- 1216 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
- 1217 on the original Property set forth in the services agreement and/or Master Festival License.
- 1218 ⁵Subject to Master Planned Development approval. See Chapter 15-6.
- 1219 ⁶See Section 15-4-14, Telecommunication Facilities.
- 1220 ⁷See Section 15-4-13, Placement of Satellite Receiving Antennas.
- 1221 ⁸See Section 15-2.18-5 criteria for drive-up windows.
- 1222 ⁹Requires an administrative Conditional Use permit.

1223 ¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
1224 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
1225 in an Area other than the original location set forth in the services agreement and/or Master Festival
1226 License.

1227 ¹¹The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
1228 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
1229 letter.

1230 ¹² See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

1231 HISTORY

1232 Adopted by Ord. 00-51 on 9/21/2000

1233 Amended by Ord. 02-38 on 9/12/2002

1234 Amended by Ord. 04-39 on 9/23/2004

1235 Amended by Ord. 06-76 on 11/9/2006

1236 Amended by Ord. 2018-55 on 10/23/2018

1237 Amended by Ord. 2018-55 on 10/23/2018

1238 Amended by Ord. 2020-45 on 10/1/2020

1239 Amended by Ord. 2021-51 on 12/16/2021

1240

1241 **15-2.18-2 Uses**

1242 Uses in the GC District are limited to the following:

1243 **A. ALLOWED USES.**

1244 1. Secondary Living Quarters

1245 2. Lockout Unit¹

1246 3. Accessory Apartment²

1247 4. Nightly Rental

1248 5. Home Occupation

1249	6. Child Care, In-Home Babysitting ³
1250	7. Child Care, Family ³
1251	8. Child Care, Family Group ³
1252	9. Child Care Center ³
1253	10. Accessory Building and Use
1254	11. Conservation Activity
1255	12. Agriculture
1256	13. Plant and Nursery Stock production and sales
1257	14. Bed and Breakfast Inn
1258	15. Boarding House, Hostel
1259	16. Hotel, Minor
1260	17. Hotel, Major
1261	18. Office, General
1262	19. Office, Moderate Intensive
1263	20. Office, Intensive
1264	21. Office and Clinic, Medical and Veterinary Clinic
1265	22. Financial Institution without a drive-up window
1266	23. Commercial, Resort Support
1267	24. Retail and Service Commercial, Minor
1268	25. Retail and Service Commercial, Personal Improvement
1269	26. Retail and Service Commercial, Major
1270	27. Cafe or Deli
1271	28. Restaurant, General

- 1272 29. Hospital, Limited Care Facility
- 1273 30. Parking Area or Structure with four (4) or fewer spaces
- 1274 31. Parking Area or Structure with five (5) or more spaces
- 1275 32. ~~Recreation Facility, Private~~
- 1276 33. Food Truck Location¹⁰
- 1277 **B. CONDITIONAL USES.**
- 1278 1. Single Family Dwelling
- 1279 2. Duplex Dwelling
- 1280 3. Triplex Dwelling
- 1281 4. Multi-Unit Dwelling
- 1282 5. Group Care Facility
- 1283 6. Public and Quasi-Public Institution, Church, and School
- 1284 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 1285 8. Telecommunication Antenna⁴
- 1286 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- 1287 10. Timeshare Project and Conversion
- 1288 11. Timeshare Sales Office, off-site within an enclosed Building
- 1289 12. Private Residence Club Project and Conversion⁸
- 1290 13. Financial Institution with a Drive-up Window⁶
- 1291 14. Retail and Service Commercial with Outdoor Storage
- 1292 15. Retail and Service Commercial, Auto Related
- 1293 16. Transportation Service
- 1294 17. Retail Drive-Up Window⁶

1295	18. Gasoline Service Station
1296	19. Restaurant and Cafe, Outdoor Dining ⁷
1297	20. Restaurant, Drive-up Window ⁶
1298	21. Outdoor Event ⁷
1299	22. Bar
1300	23. Sexually Oriented Businesses ⁸
1301	24. Hospital, General
1302	25. Light Industrial Manufacturing and Assembly
1303	26. Temporary Improvement ⁷
1304	27. Passenger Tramway and Ski Base Facility
1305	28. Ski tow rope, ski lift, ski run, and ski bridge
1306	29. Commercial Parking Lot or Structure
1307	30. Recreation Facility, Public
1308	31. Recreation Facility, Commercial
1309	<u>32. Recreation Facility, Private⁹</u>
1310	33. Indoor Entertainment Facility
1311	34. Heliport
1312	35. Temporary Sales Trailer in conjunction with an active Building permit for the
1313	Site. ⁸
1314	36. Fences greater than six feet (6') in height from Final Grade ⁷
1315	37. Household Pet, Boarding ⁷
1316	38. Household Pet, Daycare ⁷
1317	39. Household Pet, Grooming ⁷

1318 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
1319 is a prohibited Use.

1320 ¹Nightly rental of Lockout Units requires Conditional Use permit.

1321 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1322 ³See Section 15-4-9, Child Care and Child Care Facilities.

1323 ⁴See Section 15-4-14, Telecommunication Facilities.

1324 ⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

1325 ⁶See Section 15-2.18-6 for Drive-Up Window review.

1326 ⁷Requires an Administrative Conditional Use permit.

1327 ⁸See Section 15-4-16 for additional criteria.

1328 ⁹ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

1329 ¹⁰The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
1330 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
1331 letter.

1332 HISTORY

1333 Adopted by Ord. 00-51 on 9/21/2000

1334 Amended by Ord. 04-39 on 9/23/2004

1335 Amended by Ord. 06-76 on 11/9/2006

1336 Amended by Ord. 14-57 on 11/20/2014

1337 Amended by Ord. 2018-55 on 10/23/2018

1338 Amended by Ord. 2018-55 on 10/23/2018

1339 Amended by Ord. 2020-45 on 10/1/2020

1340 Amended by Ord. 2021-51 on 12/16/2021

1341

1342 **15-2.19-2 Uses**

1343 Uses in the LI District are limited to the following:

1344 A. **ALLOWED USES.**

- 1345 1. Secondary Living Quarters
- 1346 2. Accessory Apartment¹
- 1347 3. Nightly Rental
- 1348 4. Home Occupation
- 1349 5. Child Care, In-Home Babysitting²
- 1350 6. Child Care, Family²
- 1351 7. Child Care, Family Group²
- 1352 8. Child Care Center²
- 1353 9. Agriculture
- 1354 10. Plant and Nursery Stock
- 1355 11. Office, General
- 1356 12. Office, Moderate Intensive
- 1357 13. Office, Intensive
- 1358 14. Financial Institution without drive-up window
- 1359 15. Retail and Service Commercial, Minor
- 1360 16. Retail and Service Commercial, Personal Improvement
- 1361 17. Retail and Service Commercial, Major
- 1362 18. Commercial, Resort Support
- 1363 19. Hospital, Limited Care
- 1364 20. Parking Area or Structure with four (4) or fewer spaces
- 1365 21. ~~Recreation Facility, Private~~
- 1366 22. Food Truck Location⁸
- 1367 **B. CONDITIONAL USES.**

1368	1. Multi-Unit Dwelling
1369	2. Group Care Facility
1370	3. Child Care Center ²
1371	4. Public and Quasi-Public Institution, Church, and School
1372	5. Essential Municipal Public Utility Use, Facility, Service, and Structure
1373	6. Telecommunication Antenna ³
1374	7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁴
1375	8. Accessory Building and Use
1376	9. Raising, grazing of horses
1377	10. Bed and Breakfast Inn
1378	11. Boarding House, Hostel
1379	12. Hotel, Minor
1380	13. Private Residence Club Project and Conversion ⁶
1381	14. Office and Clinic, Medical and Veterinary Clinic
1382	15. Financial Institutions with Drive-Up Window ⁵
1383	16. Retail and Service Commercial with Outdoor Storage
1384	17. Retail and Service Commercial, Auto-Related
1385	18. Transportation Services
1386	19. Retail Drive-Up Window ⁵
1387	20. Gasoline Service Station
1388	21. Café or Deli
1389	22. Restaurant, General
1390	23. Restaurant, Outdoor Dining

- 1391 24. Restaurant, Drive-Up Window⁵
- 1392 25. Outdoor Event⁶
- 1393 26. Bar
- 1394 27. Hospital, General
- 1395 28. Light Industrial Manufacturing and Assembly Facility
- 1396 29. Parking Area or Structure with five (5) or more spaces
- 1397 30. Temporary Improvement⁶
- 1398 31. Passenger Tramway Station and Ski Base Facility
- 1399 32. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- 1400 33. Recreation Facility, Public
- 1401 34. Recreation Facility, Commercial
- 1402 35. Recreation Facility, Private⁷
- 1403 36. Entertainment Facility, Indoor
- 1404 37. Commercial Stables, Riding Academy
- 1405 38. Heliports
- 1406 39. Commercial Parking Lot or Structure
- 1407 40. Temporary Sales Office, in conjunction with an active Building permit.
- 1408 41. Fences and Walls greater than six feet (6') in height from Final Grade⁶
- 1409 42. Household Pet, Boarding⁶
- 1410 43. Household Pet, Daycare⁶
- 1411 44. Household Pet, Grooming⁶
- 1412 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 1413 is a prohibited Use.

1414 ¹Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1415 ²See Section 15-4-9, Child Care and Child Care Facilities.

1416 ³See Section 15-4-14, Telecommunication Facilities.

1417 ⁴See Section 15-4-13, Placement of Satellite Receiving Antennas.

1418 ⁵See Section 15-2.19-8, Criteria for Drive-Up Windows.

1419 ⁶Subject to an Administrative Conditional Use permit.

1420 ⁷[See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

1421 ⁸The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
1422 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
1423 letter.

1424 HISTORY

1425 Adopted by Ord. 00-51 on 9/21/2000

1426 Amended by Ord. 04-39 on 9/23/2004

1427 Amended by Ord. 06-76 on 11/9/2006

1428 Amended by Ord. 14-57 on 11/20/2014

1429 Amended by Ord. 2018-55 on 10/23/2018

1430 Amended by Ord. 2018-55 on 10/23/2018

1431 Amended by Ord. 2020-45 on 10/1/2020

1432 Amended by Ord. 2021-51 on 12/16/2021

1433

1434 **15-2.23-2 Uses**

1435 Uses in the Community Transition District are limited to the following:

1436 **A. ALLOWED USES.**

1437 1. Conservation Activities

1438 2. Home Occupation

1439 3. In-Home Babysitting

1440 4. Family Child Care

1441 5. Secondary Living Quarters

1442 6. Agriculture

1443 7. Food Truck Location²

1444 8. Accessory Apartments³

1445 **B. ADMINISTRATIVE CONDITIONAL USES.**

1446 1. Trails and trailhead improvements

1447 2. Outdoor Recreation Equipment

1448 3. Essential public utility Use, service, or Structure less than 600 sq. ft.

1449 4. Accessory Buildings less than 600 sq. ft.

1450 5. Parking Areas with four (4) or fewer spaces

1451 6. Outdoor Events and Outdoor Music, see Section 15-4

1452 7. Temporary Improvement

1453 8. Outdoor dining and support retail associated with support Uses with an MPD

1454 9. Fences and walls, see Section 15-4-2

1455 10. Anemometer and Anemometer Towers

1456 **C. CONDITIONAL USES.**

1457 1. Public, Quasi-Public, civic, municipal Uses

1458 2. General acute Hospital

1459 3. Alternative professional health-related services

1460 4. Athletic training and testing Offices and facilities

1461 5. Athletic program administrative Offices

1462 6. Support short-term athlete housing or lodging associated with an approved
1463 Recreation Facility (within an approved MPD)

- 1464 7. Accredited physician Office space
- 1465 8. Accredited Medical and dental clinics
- 1466 9. Medical Heliport
- 1467 10. Group Care Facility
- 1468 11. Ancillary Support Commercial (within an approved MPD)
- 1469 12. Gift shop
- 1470 13. Dispensing pharmacy
- 1471 14. Medical supply
- 1472 15. Restaurant
- 1473 16. Deli
- 1474 17. Outdoor grills/ beverage service stations
- 1475 18. Child Care Center
- 1476 19. Recreation Facility, Public [~~and Private~~]
- 1477 20. Recreation Facility, Private⁴
- 1478 21. Recreation Facility, Commercial
- 1479 22. Park and ride Lot
- 1480 23. Municipal/institutional Accessory Building and Use
- 1481 24. Parking Lot, Public
- 1482 25. Public utility or essential services
- 1483 26. Single Family Dwelling (with an approved MPD1)
- 1484 27. Duplex Dwelling (with an approved MPD1)
- 1485 28. Multi-Unit Dwelling (with an approved MPD1)
- 1486 29. Telecommunication Antenna

- 1487 30. Transit facilities
- 1488 31. Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- 1489 32. Raising, grazing of horses
- 1490 33. Commercial Riding Stable(s)
- 1491 34. Small Energy Wind Systems

1492 D. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

1493 is a prohibited Use.

1494 ¹Residential Uses cannot exceed one (1) unit/acre.

1495 ²The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with

1496 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval

1497 letter.

1498 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

1499 ⁴ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

1500 HISTORY

1501 Adopted by Ord. 06-48 on 6/29/2006

1502 Amended by Ord. 07-25 on 4/19/2007

1503 Amended by Ord. 09-10 on 3/5/2009

1504 Amended by Ord. 2018-55 on 10/23/2018

1505 Amended by Ord. 2020-36 on 7/30/2020

1506 Amended by Ord. 2020-45 on 10/1/2020

1507 Amended by Ord. 2021-51 on 12/16/2021

1508

1509 **15-4-22 Outdoor Pickleball Courts in Residential Areas**

1510 In addition to the criteria outlined in Section 15-1-10 for Conditional Use Permit review,

1511 the Planning Commission shall also consider the criteria of this Section 15-4-22. Prior to

1512 the issuance of a Conditional Use Permit for an outdoor Pickleball Court on a residential

Lot adjacent to residential Lots, the Planning Commission shall make findings and the

Applicant must meet the following requirements:

A. PRE-APPLICATION CONFERENCE. An Applicant may request an optional pre-Application conference with Planning and Engineering Department staff to become acquainted with Pickleball Court regulations on residential Lots.

B. APPLICATION. A complete Application must be submitted to the Planning Department including the following:

1. GENERAL DESCRIPTION. An overview of the proposed outdoor Pickleball Court, including hours of operation, anticipated use, evidence of sufficient required off-street parking, and other applicable information.

2. SITE PLAN. The site plan shall be to scale not to exceed one inch to 100 feet indicating in detail how the proposal will comply with the International Building Code and this Section. The site plan shall indicate the location of the outdoor Pickleball Court on the Property and clearly show distances from all Property Lines and Structures. The site plan shall include elevation contours, adjacent neighboring properties, and neighboring residences. The site plan shall include a grading and drainage plan with stormwater runoff calculations.

3. NOISE STUDY. The noise study shall be prepared by a certified professional and shall simulate through engineering models, field noise level data collection, computer generation, or similar techniques, the impact of the proposed outdoor Pickleball Court. The noise study shall indicate the noise impact from at least five (5) locations around and within 150 feet of the proposed outdoor Pickleball Court, in addition to the noise impact measured

at all property boundaries. The noise study must also show what alternatives have been considered for the mitigation of noise with the pre- and post-development noise levels. The noise study shall demonstrate that the outdoor Pickleball Court will be constructed and used in compliance with Municipal Code Chapter 6-3, Noise.

4. ADDITIONAL STUDIES. The Applicant shall pay for the third-party review of the submitted noise study, as directed by the City Engineer. The Planning Commission may require Applicants to submit and fund additional studies, including a visual analysis of the proposed outdoor Pickleball Court. If the Planning Commission requires the Applicant to submit additional studies, the Planning Department and City Engineer may recommend the scope and method of study.

5. FEES. The Applicant shall pay all fees outlined in the adopted Park City Fee Schedule, including fees for public notice mailings.

6. NOTICE. Staff shall mail courtesy notice pursuant to Sections 15-1-12 and 15-1-21.

C. SETBACKS.

a. The minimum Setback is 600 feet from lot lines of adjacent residential property lines.

b. The Planning Commission may reduce the minimum Setback to no less than 150 feet when:

- i. The Applicant submits a noise study prepared by a certified professional that demonstrates compliance with Municipal Code of Park City Chapter 6-3, Noise.
- ii. The approval is conditioned upon construction and completion of the noise mitigating features included in the noise study.
- iii. The Planning Commission may require additional landscaping for noise mitigating measures.
- c. In the instance of a conflict in Setback requirements, the more restrictive Setback shall apply.
- d. In considering a reduction in Setbacks, the Planning Commission may consider whether a homeowner association (HOA) registered with the City pursuant to Section 15-1-12(F) approves or objects to the proposed use and mitigation. However, applicant failure to obtain such approvals shall not be the sole basis for Planning Commission denial.
- D. HOURS OF OPERATION. Unless otherwise established by Planning Commission, the Use of outdoor Pickleball Courts on residential Lots shall be limited to 8 AM to 8 PM. The Planning Commission may establish [more restrictive](#) hours of operations upon findings that corroborate the appropriateness of alternative times of use.
- E. OUTDOOR LIGHTING PROHIBITED. Artificial lighting of outdoor Pickleball Courts in residential areas is prohibited.

F. PARKING. The Applicant shall demonstrate compliance with Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories. It is required that guest parking shall be provided on site.

G. OWNER ASSOCIATION NOTIFICATION. For properties within a homeowner association, the Applicant must submit with the Conditional Use Permit application evidence of notification to the appropriate Owner association registered with the City, pursuant to Section 15-1-12 (F), Owner Association Registration and Notification.

H. FEES PROHIBITED. No fee may be charged for use of the outdoor pickleball court. Commercial Use of the outdoor pickleball court is prohibited.

I. PERMIT REVOCATION. The Private Recreation Facility permit may be revoked by the Planning Department for non-compliance with the criteria of this Section. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

...

15-15-1 Definitions

....

Recreation Facilities, Private. Recreation facilities operated on private Property and not open to the general public,~~[-]~~ including Recreation Facilities ~~[typically associated with a homeowner or Condominium association,]~~ such as swimming pools, tennis courts, outdoor Pickleball Courts, playgrounds, spas, picnic Areas, and similar facilities for the Use by Owners and guests.

1601 **Pickleball Court.** Recreation Facilities for an indoor or outdoor game that is played on
1602 a level court measuring approximately 20 feet by 44 feet, but no greater than 30 feet by
1603 60 feet, with short-handled paddles and a perforated plastic ball volleyed over a low net
1604 by two single players or two pairs of players (4 players).
1605

DRAFT

Exhibit B – Background Information

On February 23, 2022, the Planning Commission conducted a public hearing and requested staff incorporate the following changes to the proposed code:

- Planning Commission will make findings upon review of a Conditional Use Permit application (Ordinance No. 2022-08, line 1513)
- Applicant to submit site plans that include elevation, neighboring properties, neighboring residences, and neighborhood context (line 1527)
- Clarification that noise impacts should be measured from all property lines (line 1535), requirement that the applicant pay for a third-party review of their noise study (line 1541)
- Additional discretion for setting hours of operations (line 1573)
- Clarification that guest parking is required to be provide on-site (line 1578)
- An additional paragraph that directs staff to reevaluate the adopted requirements one year from adoption of the ordinance
- Clarification on the changes to defined terms

On March 23, 2022, the Planning Commission made the following modifications to the recommended code amendments, Commission voted 5-1 to forward a positive recommendation on proposed Land Management Code Amendments that regulate outdoor pickleball courts in residential areas:

- No fee may be charged for use of any private residential pickleball court (line 1586)
- The definition of “Private Recreation Facilities” was amended to add the term “swimming” before the term “pool” to clarify that only swimming pools and not hot tubs require a Conditional Use Permit (line 1598)
- Removed a provision requiring staff to evaluate the amendments after one year

Work to Date

Pickleball is an increasingly popular sport and public input is clear: more pickleball courts are wanted in Park City to meet the growing demand. On November 18, 2021, the City Council directed the Recreation Department to assess existing recreation facilities and determine new opportunities to construct public indoor and outdoor pickleball courts ([Staff Report](#); [Minutes](#), p. 5).

On January 27, 2022, the Recreation Department presented a plan to City Council to issue a Request for Proposal (RFP) to consider the scope and construction costs of new indoor pickleball courts at the Park City MARC, as well as possible outdoor pickleball courts at the Quinn’s Junction Park City Sports Complex ([Staff Report](#); [Audio](#)). The City Council provided input and directed the Recreation Department to move forward with the RFP.

With the growing demand for public pickleball courts, an interest in constructing outdoor pickleball courts on residential lots has arisen. However, due to the unique noise produced as part of pickleball play, staff recommends the Planning Commission consider enacting specific land use regulations for outdoor pickleball courts in residential areas to address noise and other impacts.

Commercial and public pickleball courts are proposed to remain a Conditional Use requiring Planning Commission review and approval on a case-by-case basis.

Pickleball – A Sport Rising in Popularity

Pickleball, a sport described by USA Pickleball as a combination of tennis, badminton, and ping-pong that is played as doubles or singles, is rising in popularity.¹ According to USA Pickleball, “[p]ickleball grew in 2020 to 4.2 million players in the US, an incredible growth rate of 21.3% from 2019 per the Sports & Fitness Industry Association’s (SFIA) 2021 Topline Participation Report, released in Feb. 2021.”²

The USA Pickleball Association describes the sport as follows:

*A pickleball court is 20’ x 44’ for both singles and doubles. The net is hung at 36” at the ends and hangs 34” in the middle. A non-volley zone extends 7’ back from the net on each side, commonly called “the kitchen.”*³

The image below, taken from Pickleball RUSH, illustrates the size and dimensions of a typical pickleball court:⁴

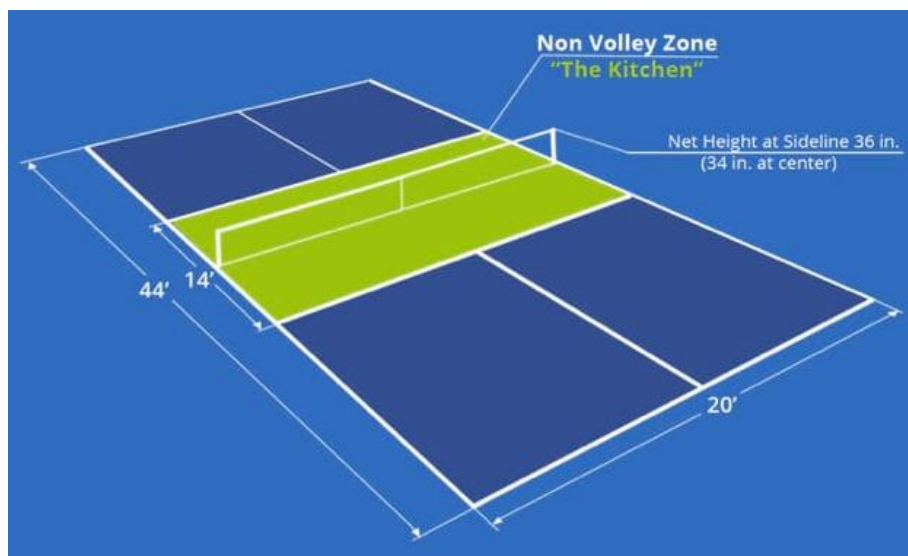


Figure 1. Dimensions of a Regulation Pickleball Court

¹ <https://usapickleball.org/what-is-pickleball/>

² https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1141988/Attachment_A-2021-Pickleball-Fact-and-Media-Sheet-8.2.21-Update.pdf (p. 2)

³ https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1141988/Attachment_A-2021-Pickleball-Fact-and-Media-Sheet-8.2.21-Update.pdf (p. 2)

⁴ <https://www.pickleballrush.com/how-to-play-pickleball/court-specifications/dimensions-measurements>

While the in-play boundaries of a standard court are 20' by 44', the sport requires additional out-of-bounds areas for serving and general play. A single outdoor pickleball court playing area on a residential lot could measure up to 30' by 60' and the proposed amendments cap these dimensions.

Pickleball and Noise

Pickleball is played with wooden or composite paddles and a perforated plastic ball, which creates a unique and repetitive high-pitched sound that has led to noise complaints.⁵ According to Bob Unetich, a USA Pickleball certified referee and professional registered engineer, “[t]he noise problem pickleball causes is due to the fact that humans are more annoyed by higher pitch sounds in general. A beeping sound is more annoying than a rumble sound, even if those two sounds are of the same level. Tennis and some other common sports produce sounds that are usually lower pitch than in pickleball, therefore less annoying.”⁶ As a result of the unique noise impacts of the sport, the LMC amendments for outdoor pickleball courts on residential lots are proposed to require compliance with the Municipal Code of Park City Noise Ordinance.

Pickleball Courts are a Recreation Facility and Private Facilities are an Allowed Use in Seven Zoning Districts; Most Zoning Districts Require a Conditional Use Permit for Private, Commercial, and Public Facilities

Under the current LMC, a pickleball court is defined as a Recreation Facility in LMC [§ 15-15-1 Definitions](#):

Recreation Facilities, Private. Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

Recreation Facilities, Commercial. Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

Recreation Facilities, Public. Recreation facilities operated by a public agency and open to the general public with or without a fee.

Recreation Facilities are currently an Allowed or Conditional Use in all Zoning Districts, except Public Use Transition, outlined in the table below:

Recreation Facilities are an Allowed Use:
--

⁵ King, Mac. [Noise complaints prompt closures of pickleball courts](#). Fox 5 New York. July 28, 2021; Mitchell, Alex. [‘Noise pollution’ of senior citizens playing pickleball has suburb outraged](#). New York Post. July 20, 2021. Dobruck, Jeremiah. [Lawsuit claims pickleball is making Newport park’s tennis courts too noisy](#), LA Times. March 30, 2016.

⁶ [The sound of pickleball – a detailed explanation, and what you need to consider before building courts](#), by Bob Unetich

HR-2 (Private)* RC (Private) RCO (Private) RD (Private) RDM (Private) GC (Private) LI (Private)
Recreation Facilities are a Conditional Use:
HRL (Private) HR-1 (Private) HR-2 (Private)* HRM (Public and Private) HRC (Commercial, Public, and Private) HCB (Commercial, Public, and Private) ROS (Commercial, Public, and Private) POS (Public) E-40 (Commercial, Public, and Private) E (Commercial, Public, and Private) SF (Public and Private) R-1 (Private) RD (Public and Commercial) RDM (Public and Commercial) RM (Public and Private) RC (Commercial and Public) RCO (Public and Commercial) GC (Public and Commercial) LI (Public and Commercial) CT (Commercial, Public, and Private) Urban Park District (Public and Commercial)
Recreation Facilities are prohibited:
PUT

** The HR – 2 Use Table includes Private Recreation Facilities as both Allowed and Conditional Uses. The proposed amendments remove the reference to the Allowed Use and retains Private Recreation Facilities as a Conditional Use.*

The current LMC allows Private Recreation Facilities in seven Zoning Districts, requiring only a building permit and no Planning Commission review. Staff finds this could create issues specific to outdoor pickleball courts, especially because these seven Zoning

Districts contain areas adjacent to residential neighborhoods. The remaining Zoning Districts wherein Recreation Facilities are a Conditional Use requires Planning Commission review and discretion to impose conditions to mitigate the impacts, including mitigations for noise, pursuant to the Conditional Use Permit criteria outlined in LMC [§ 15-1-10](#).

**No Changes are Proposed for Outdoor Commercial or Public Pickleball Courts;
These Require a Conditional Use Permit**

The proposed LMC amendments are specific to pickleball courts in residential areas. No changes are proposed for outdoor commercial or public pickleball courts at this time. Under the current LMC, outdoor commercial and public pickleball courts are defined in LMC [§ 15-15-1](#) as Commercial and Public Recreation Facilities and require a Conditional Use Permit. Staff finds that the Planning Commission can evaluate and mitigate outdoor commercial and public pickleball courts on a case-by-case basis pursuant to the criteria outlined in LMC [§ 15-1-10](#), *Conditional Use Review Process*, which requires the Planning Commission to find that reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the outdoor pickleball court, including mitigation of noise.

Pickleball Survey

On January 21, 2022, staff initiated a community survey to gather input on the proposed pickleball land use regulations. The survey was open through February 16, 2022. Staff collaborated with the communications team to engage the community through social media, the City Brief email, and the Park City Municipal Update email.

In total, 601 surveys were submitted to staff via the Engage Park City webpage. Of the survey respondents, the majority at 75% were in favor of allowing pickleball courts on private residential lots.

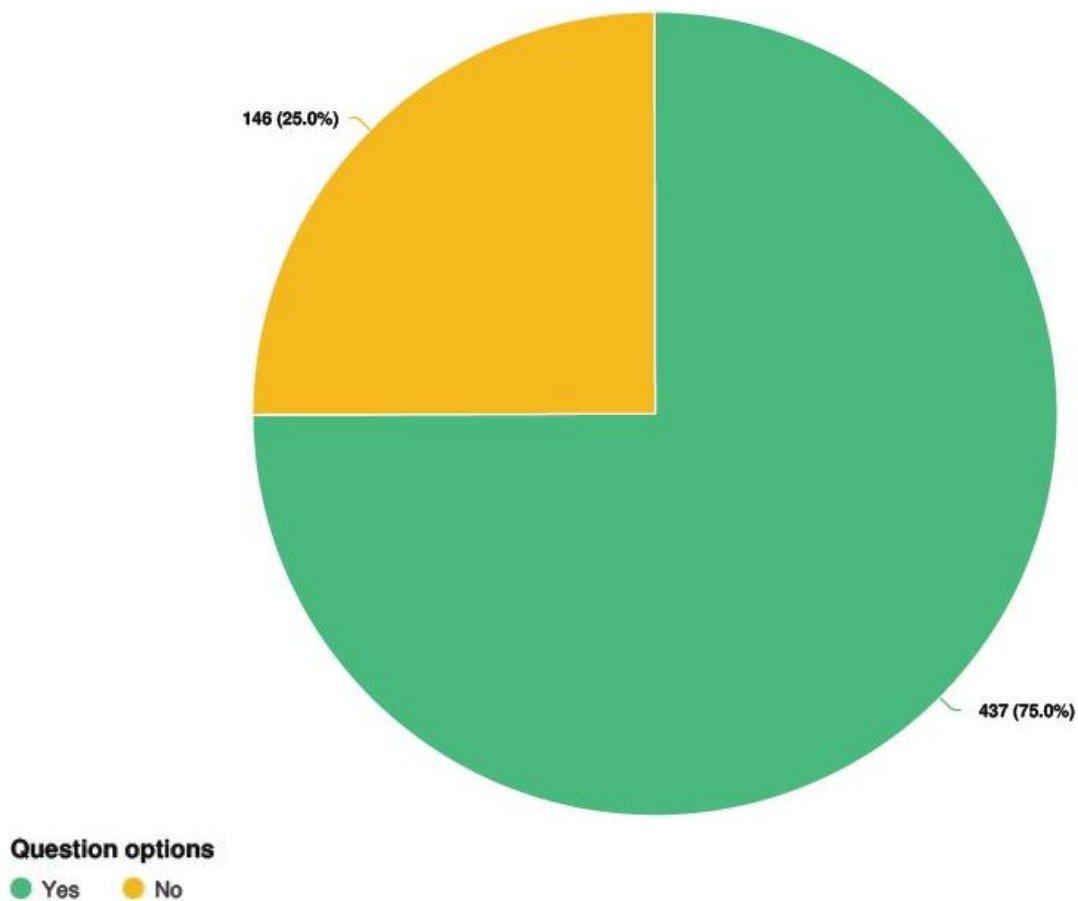


Figure 2. Survey Question 6: “Should pickleball courts be allowed on private residential lots?”

When asked what the minimum lot size for pickleball courts on private residential lots should be, most respondents that were in favor of courts on residential lots chose $\frac{1}{2}$ acre (34.3%). The second most selected option was 1 acre, at 27.7% of responses, followed by $\frac{1}{4}$ acre, which was selected by 25.9% of responses.

Of those who took the survey, most were active players of pickleball (80.7%). Most of those individuals currently play at outdoor public facilities (88.5%), or at indoor public facilities (68.8%). Only 31.1% of active pickleball players reported that they play at private outdoor facilities.

Survey respondents also reported that most prefer to play pickleball outdoors (67.3%), and a slight majority at 56.4% were in favor of allowing pickleball to be played outside of daylight hours (approx. 7 AM to 9 PM). Of those who were in favor of allowing pickleball to be played outside of those hours, 55.4% selected 6 AM – 10 PM as reasonable hours, followed by 30.7% who selected 8 AM to 8 PM as reasonable playing hours.

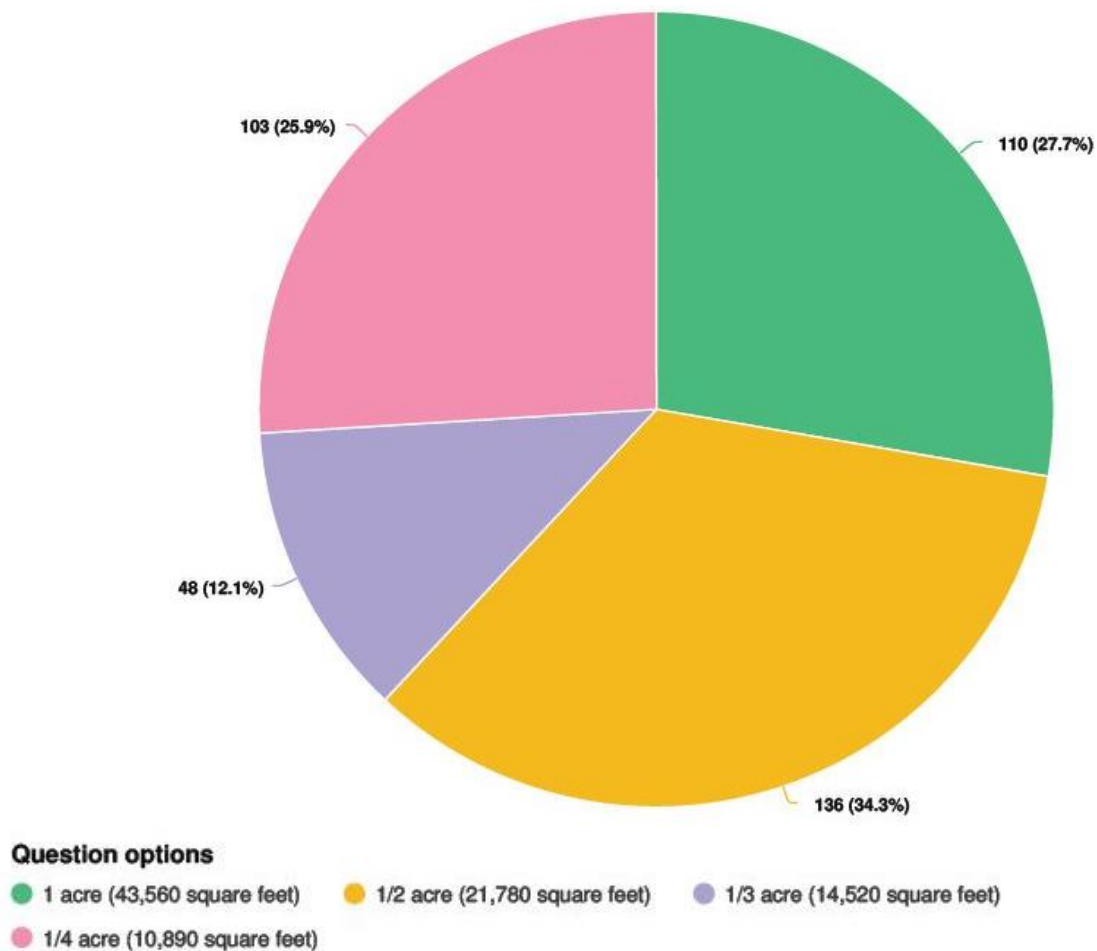


Figure 3. Survey Question 7: “What should the minimum lot size be for pickleball courts on private residential lots?”

Most respondents were in favor of requiring HOA approval for pickleball courts that are located within a Home Owners Association (75%), and a slight majority of respondents were opposed to requiring noticing for property owners beyond adjoined lot owners (55.4%). 44.6% of respondents were in favor of requiring noticing for property owners beyond adjoined lot owners, and of those, 49.6% said that noticing should go to neighbors within 300 feet, 40.8% said that noticing should go to neighbors beyond 300 feet, and 9.5% said that noticing should go to neighbors within 100 feet.

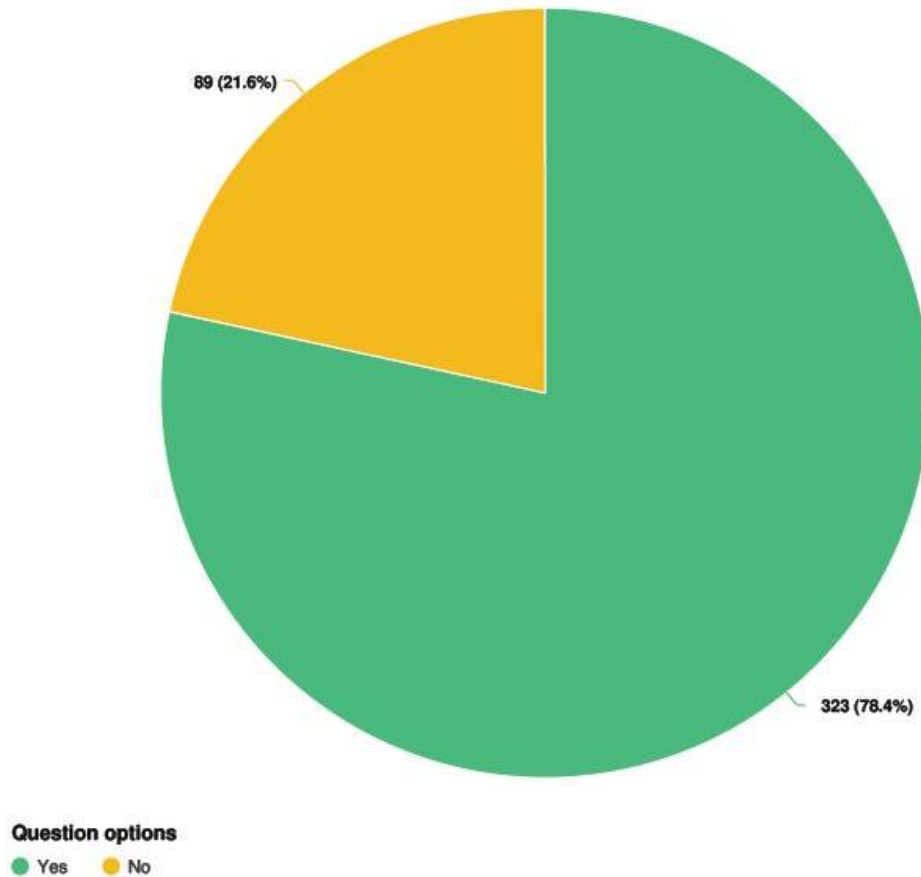


Figure 5. Survey Question 8: “Should properties within a Homeowner Association (HOA) obtain HOA approval before applying for a City permit to construct a pickleball court?”

In the community survey, staff asked community members about their preferences homeowner association involvement in the Conditional Use Permit review process. Most respondents were in favor of requiring HOA approval for pickleball courts that are located within a Home Owners Association (75%). However, staff is recommending notice only; not approval.

Minimum Setback Research

Increasing the distance between outdoor pickleball courts and residences in residential areas mitigates noise. Based on research outlined in *The sound of pickleball – a detailed explanation, and what you need to consider before building courts*,⁷ doubling the distance between a pickleball court and the point of measurements drops the perceived sound levels by 6 decibels in open areas.

⁷ Betsy. (2021, July 13). The sound of pickleball – a detailed explanation, and what you need to consider before building courts. Crazy Pickleball Lady. Retrieved February 7, 2022, from <https://crazypickleballlady.com>

The research from this source states the following about noise levels at setback distances:

- At 100 feet, the sound level will usually be around 70 dBA
- At 200 feet, the level will be about 64 dBA
- At 400 feet it will be about 58 dBA

Pickleball noise can exceed 55 dBA at distances up to 600 feet away from play without any additional sound mitigation measures. The illustration below shows a 30' by 60' pickleball court with the distances and maximum noise levels as stated above to scale:

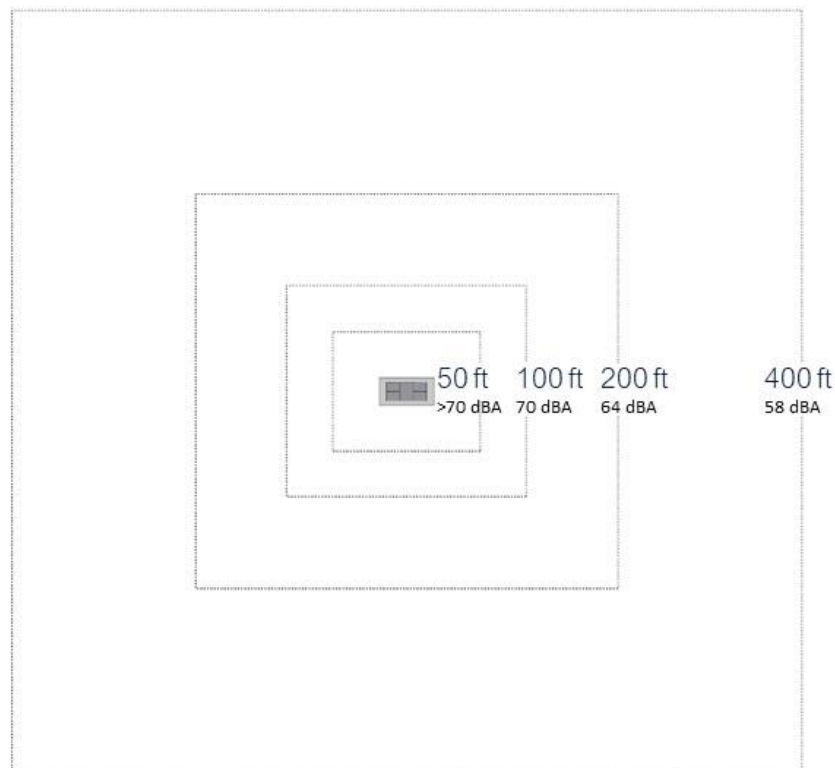


Figure 4. Noise levels at distances from an unmodified pickleball court.

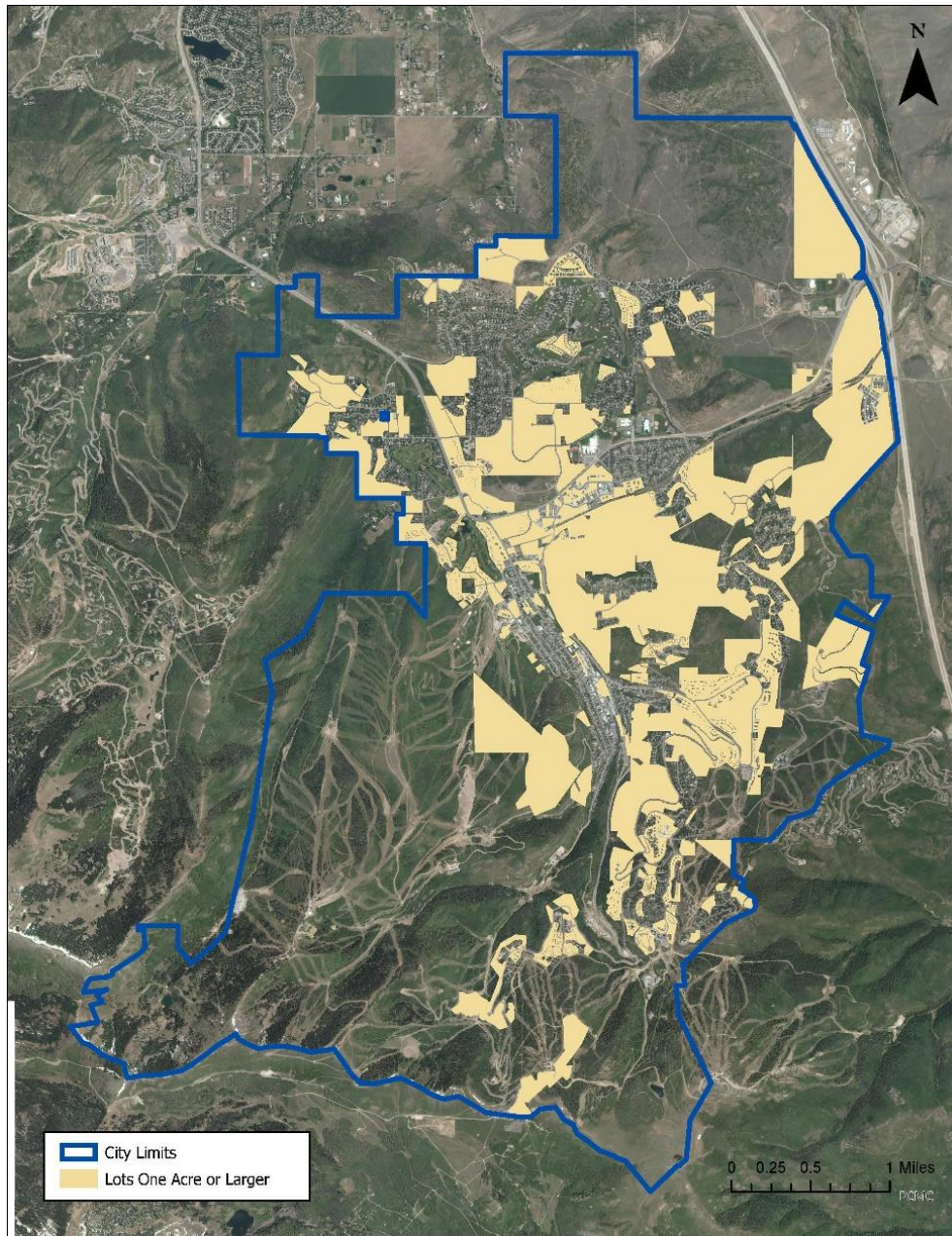


Figure 5. Map of Lots 1-Acre or Larger, in Zoning Districts that Allow for Single-Family Dwellings

Reducing Setbacks for Outdoor Pickleball Courts in Residential Areas that Include Noise-Mitigating Barriers

Studies show that adding a barrier with noise-absorbing material can reduce the maximum sound of a pickleball game by around 13 dBA.⁸ In those studies, researchers installed noise mitigating barriers between 10 ft – 12 ft in height and found that barriers between these heights were effective for reducing the perceived noise at ground level.

⁸ Exhibit G, a noise study prepared for Sun City Gran Community Association in Surprise, AZ

However, barriers are most effective when they block the line-of-sight that noise can travel. In areas with multi-story residential buildings, upper levels of homes that can see over a barrier may still be impacted by increased noise levels. However, sound absorbing barriers can be unsightly.



Figure 6. Illustration of pickleball courts with noise-mitigating fencing around the play area

In combination with increased setback distances, use of pickleball courts with barriers can comply with the noise ordinance. At 150 feet, with consideration for equipment and sound barriers, the level could be about 52 dBa, and may be an acceptable sound level in many neighborhoods.

The following illustration shows to scale 150-foot setback and 600-foot setback distances:

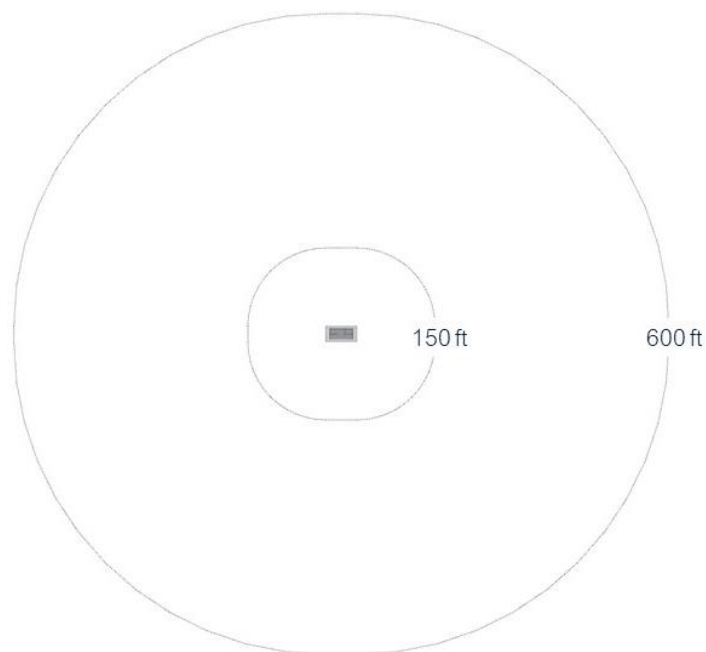


Figure 7. 150-Foot and 600-foot Setbacks

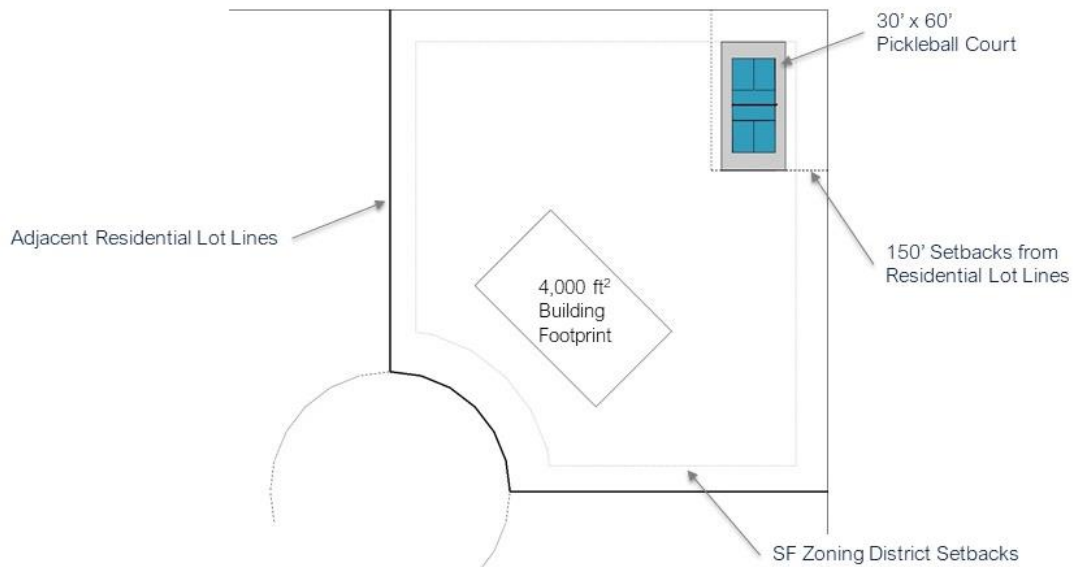


Figure 8. A 1-Acre Lot with a Pickleball Court that Meets 150-Foot Setbacks

Of lots in zoning districts that allow for Single Family Dwellings, staff found that 10% of those lots are 1-acre or larger. The proposed setbacks will not work on all 1-Acre lots, however, there are many lots adjacent to open space, parks, or non-residential land uses that are able to accommodate the required setbacks for a Pickleball Court with noise mitigation.

Staff found that in Park City, there are approximately 7,389 lots in 18 Zoning Districts that allow for Single Family Dwellings. Of these lots, approximately 10% (714 lots) are one acre or larger, which represent approximately 70% of the land area in Park City that are in residential Zoning Districts. See figures 1 and 2 below for an analysis of lot sizes.

A minimum lot size of 1-acre ensures that private residential pickleball courts will not be concentrated in certain parts of the city, and that they will be in locations that have less impact on adjacent residential neighborhoods.

Minimum Lot Size as a Percent of Total Number of Residential Parcels

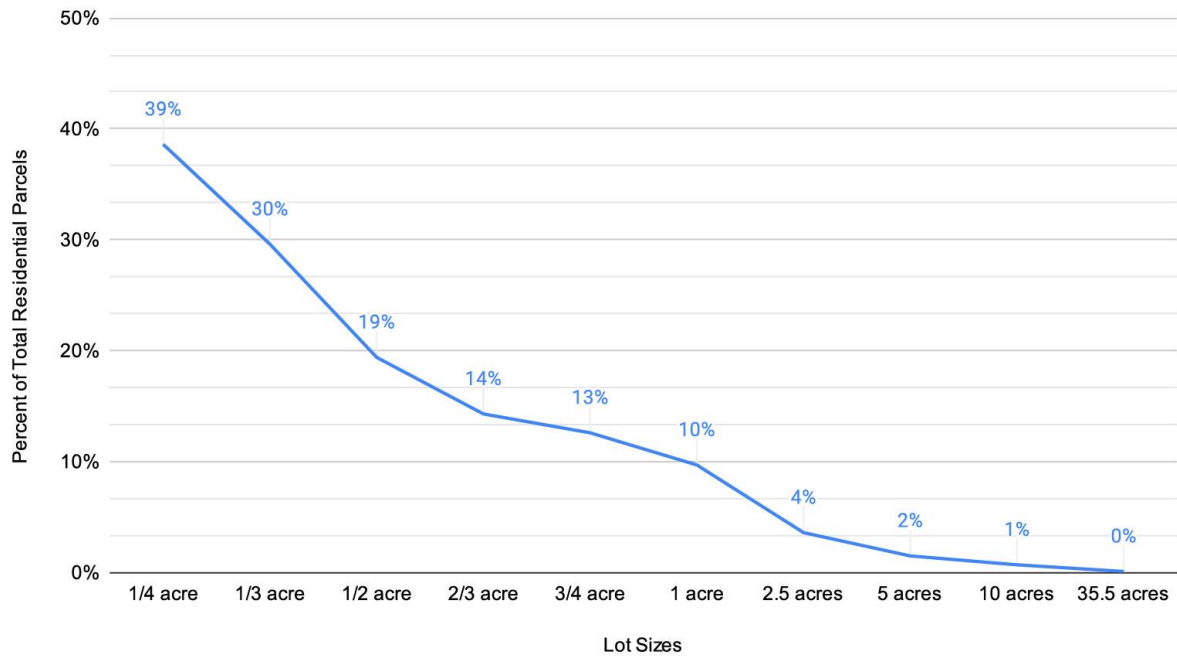


Figure 1. Chart showing the quantity of lots that meet each minimum lot size as a percentage of the total number of residential parcels in Park City.

Minimum Lot Size as a Percent of Total Land Area in Residential Zoning Districts

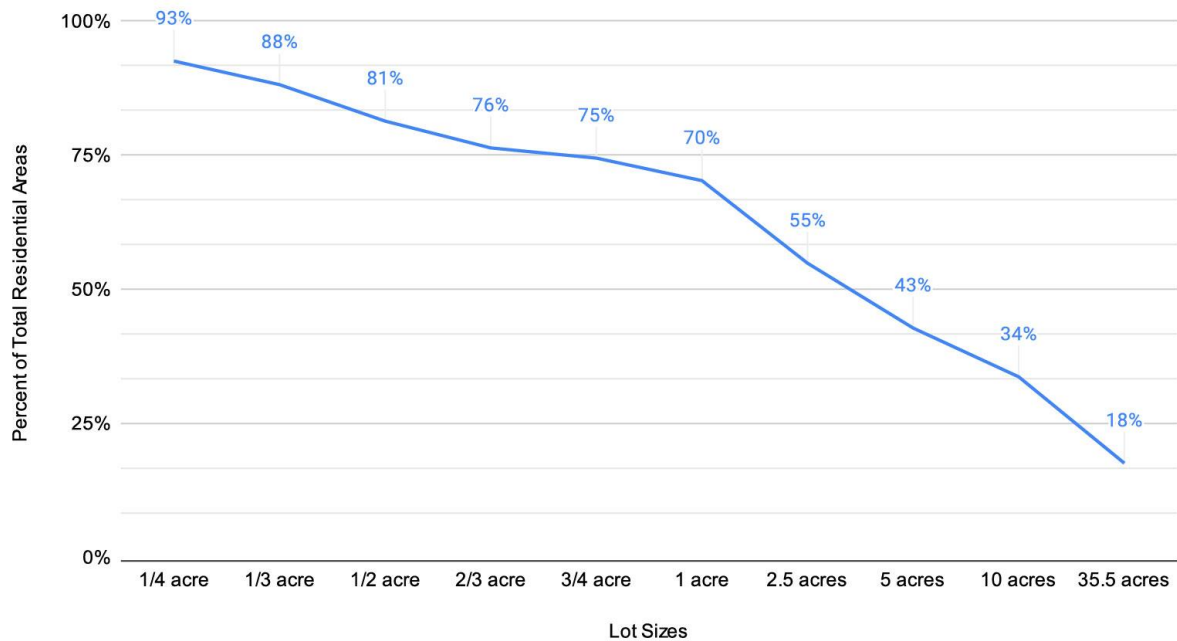


Figure 2. Chart showing the combined area of lots that meet each minimum lot size as a percentage of the total land area in residential zoning districts in Park City.

Pickleball Survey

SURVEY RESPONSE REPORT

17 January 2022 - 16 February 2022

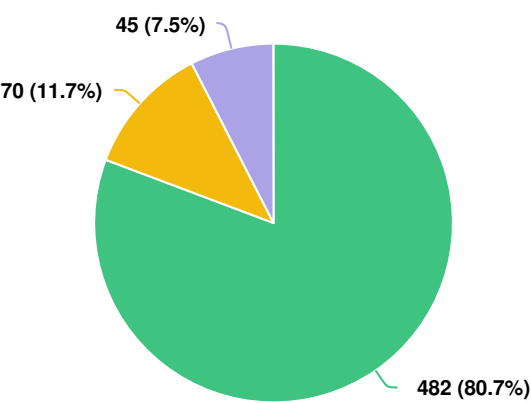
PROJECT NAME:

Pickleball Land Use Regulation Survey



SURVEY QUESTIONS

Q1 Do you play pickleball?

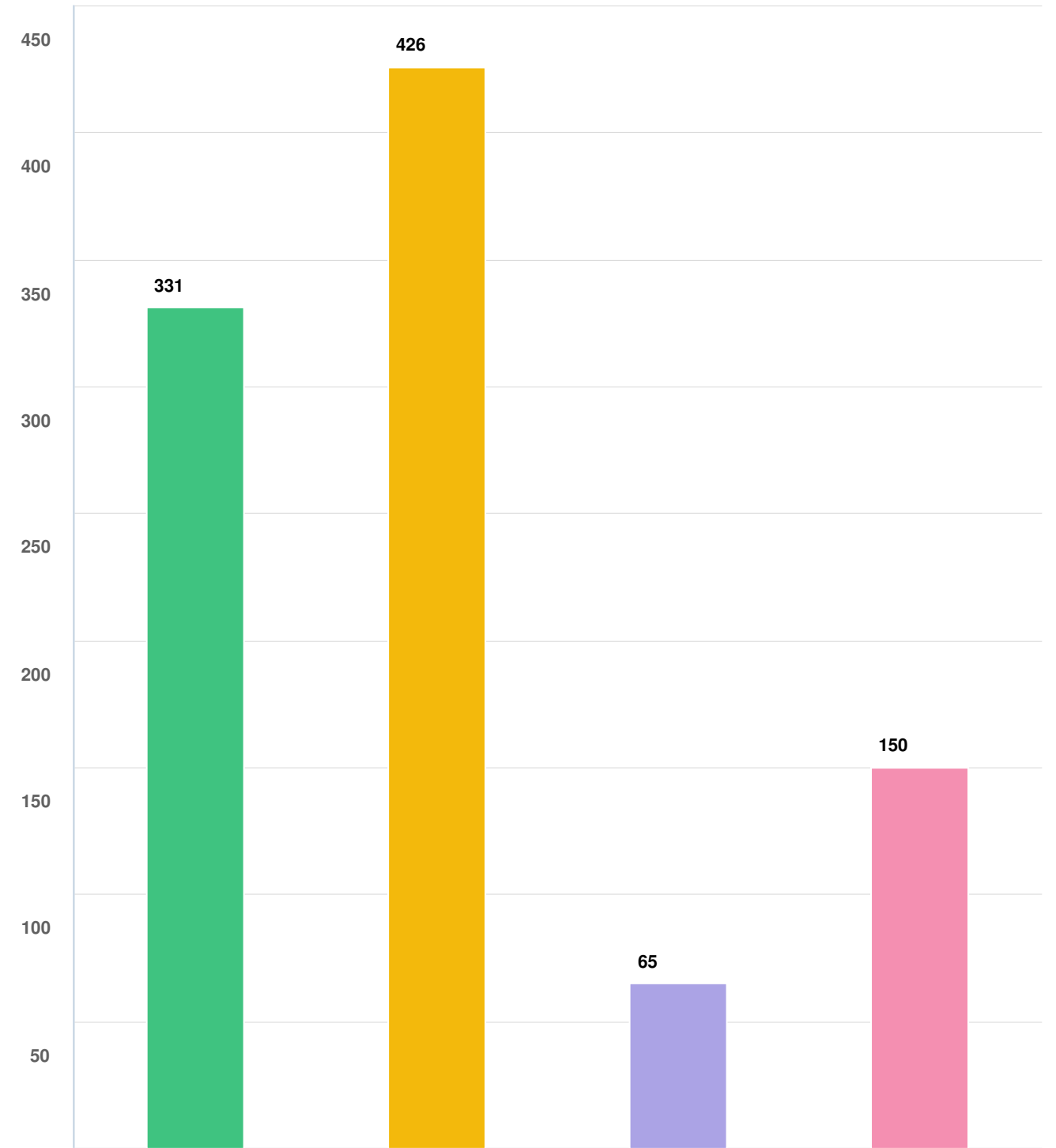


Question options

Yes No No, but I would like to

Optional question (597 response(s), 4 skipped)
Question type: Dropdown Question

Q2 Where do you play pickleball?

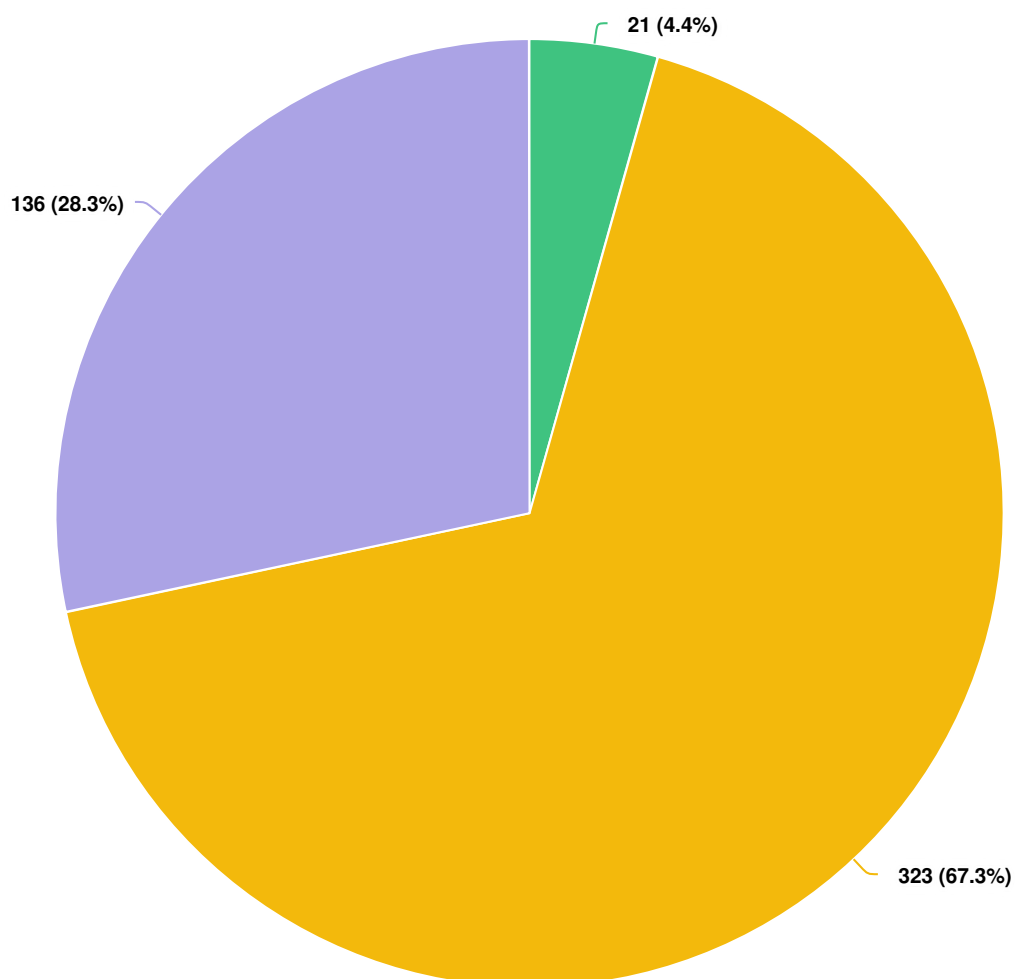


Question options

Public Indoor Facility Public Outdoor Facility Private Indoor Facility Private Outdoor Facility

Optional question (481 response(s), 120 skipped)
Question type: Checkbox Question

Q3 Do you prefer playing pickleball indoor or outdoor?

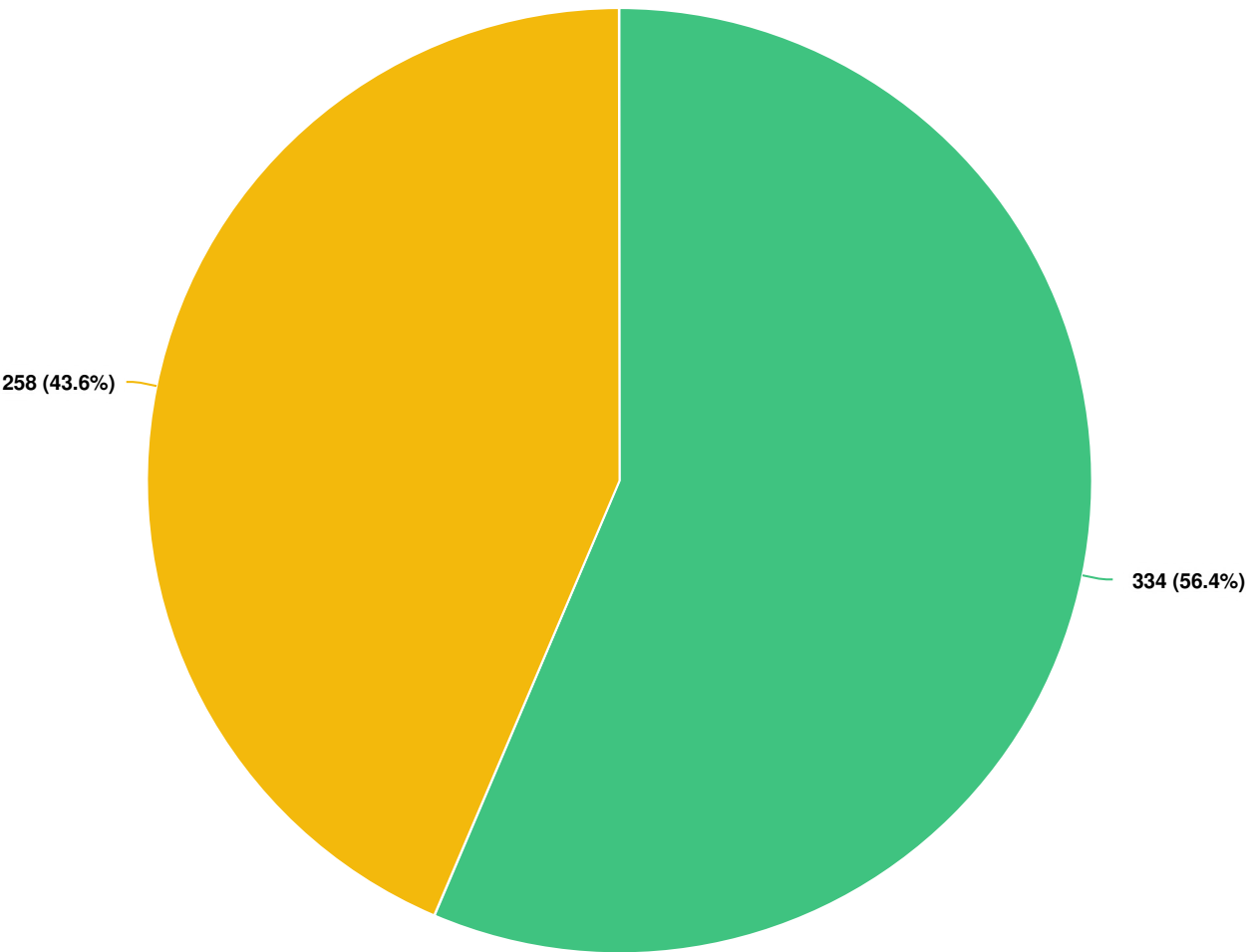


Question options

Indoor Outdoor No Preference

Optional question (480 response(s), 121 skipped)
Question type: Dropdown Question

Q4 Should outdoor pickleball be allowed outside of daylight hours (approx. 7 AM - 9 PM)?

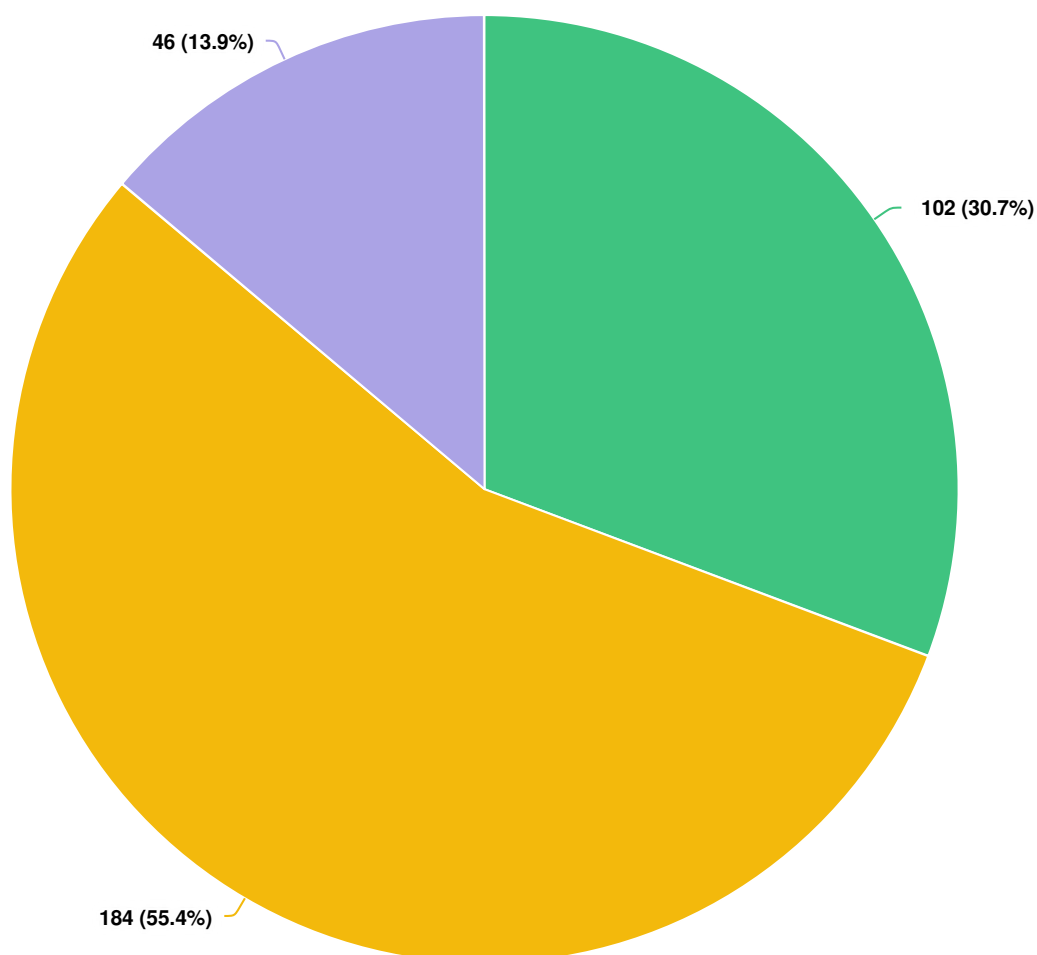


Question options

Yes No

Optional question (592 response(s), 9 skipped)
Question type: Dropdown Question

Q5 What are reasonable hours for outdoor pickleball?



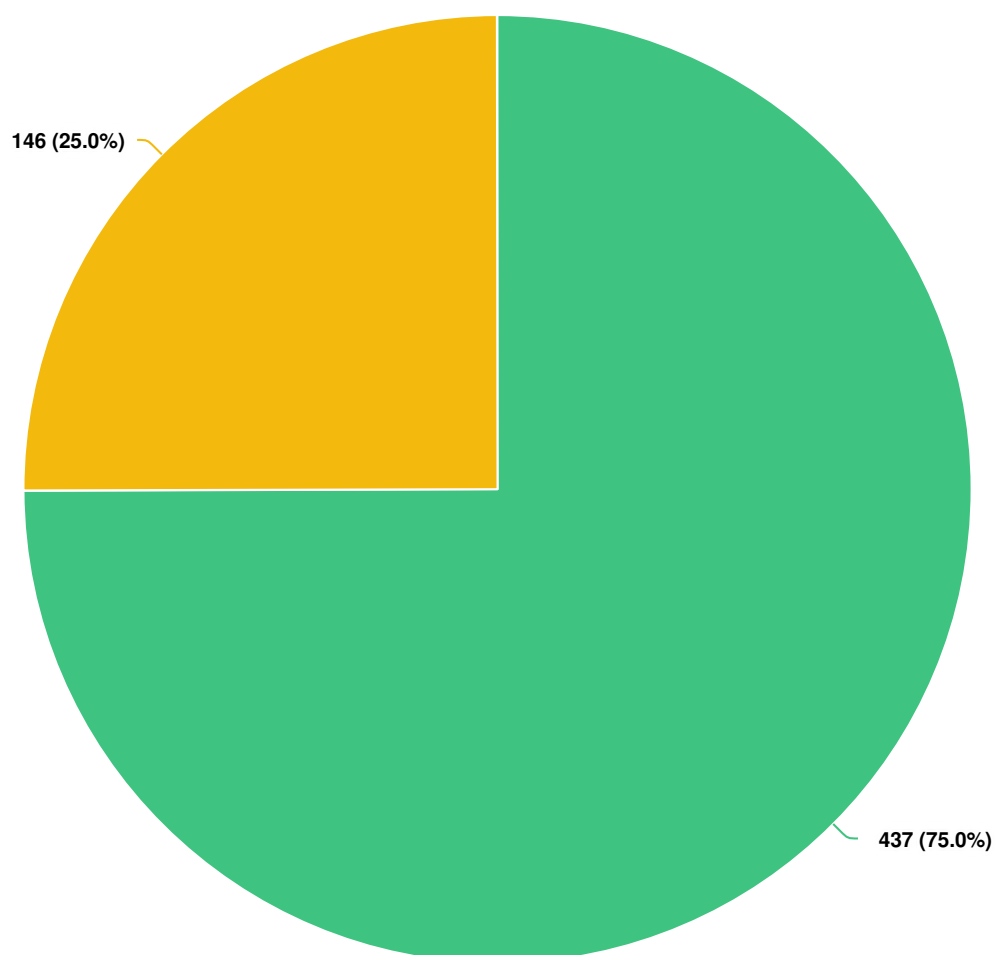
Question options

8 AM - 8 PM 6 AM - 10 PM Other (please specify)

Optional question (332 response(s), 269 skipped)

Question type: Dropdown Question

Q6 Should pickleball courts be allowed on private residential lots?

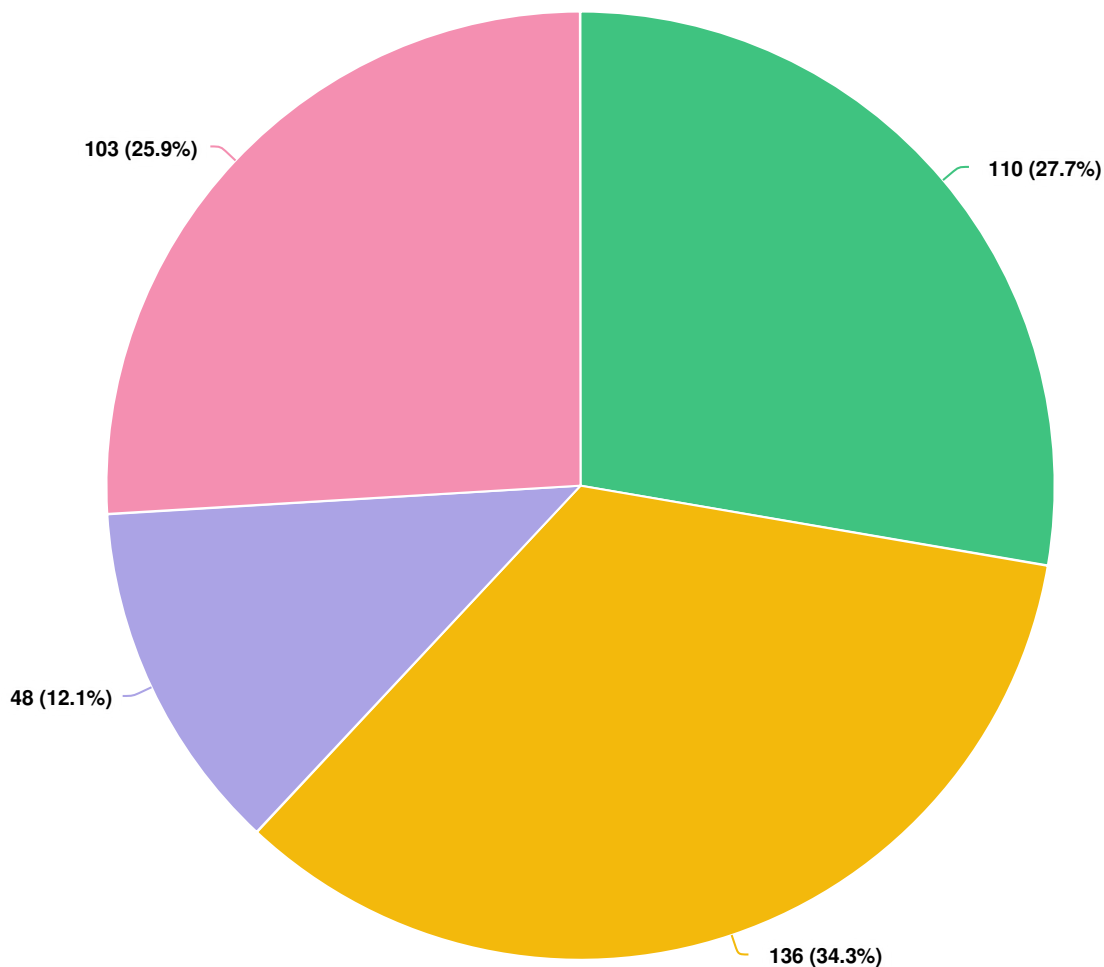


Question options

● Yes ● No

*Optional question (583 response(s), 18 skipped)
Question type: Dropdown Question*

Q7 What should the minimum lot size be for pickleball courts on private residential lots?

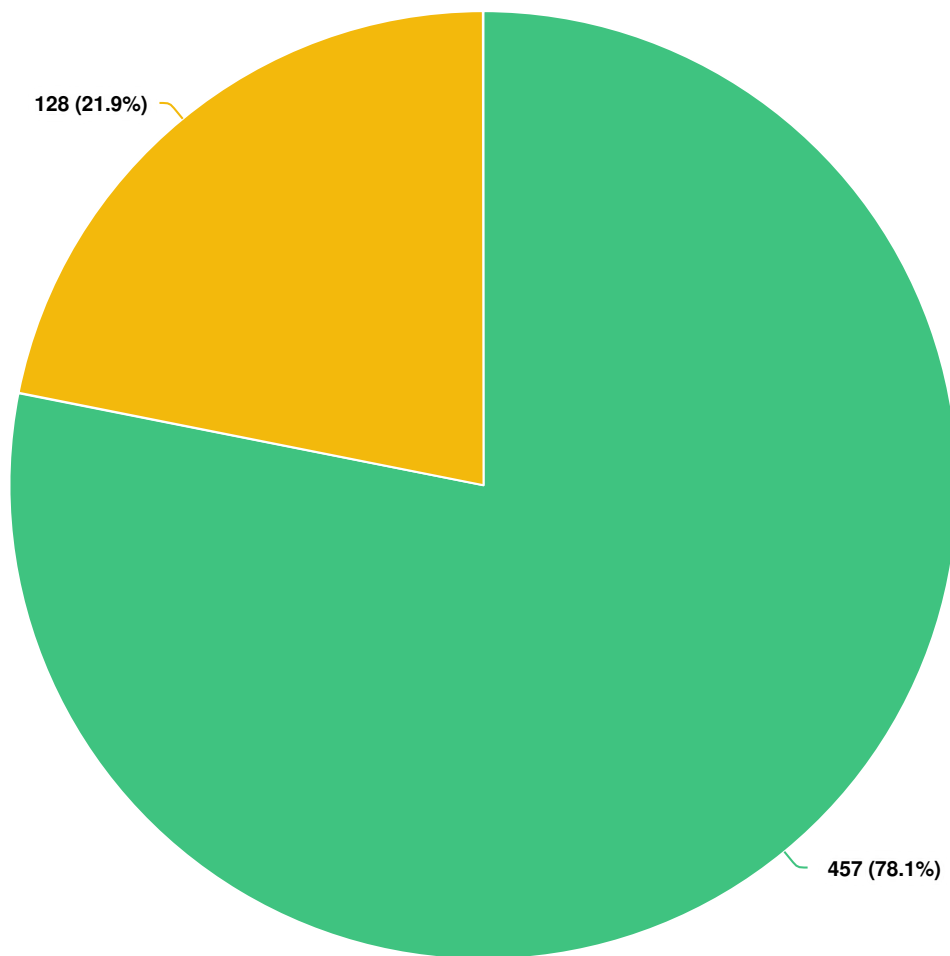


Question options

- 1 acre (43,560 square feet)
- 1/2 acre (21,780 square feet)
- 1/3 acre (14,520 square feet)
- 1/4 acre (10,890 square feet)

Optional question (397 response(s), 204 skipped)
Question type: Dropdown Question

Q8 Should properties within a Homeowner Association (HOA) obtain HOA approval before applying for a City permit to construct a pickleball court?

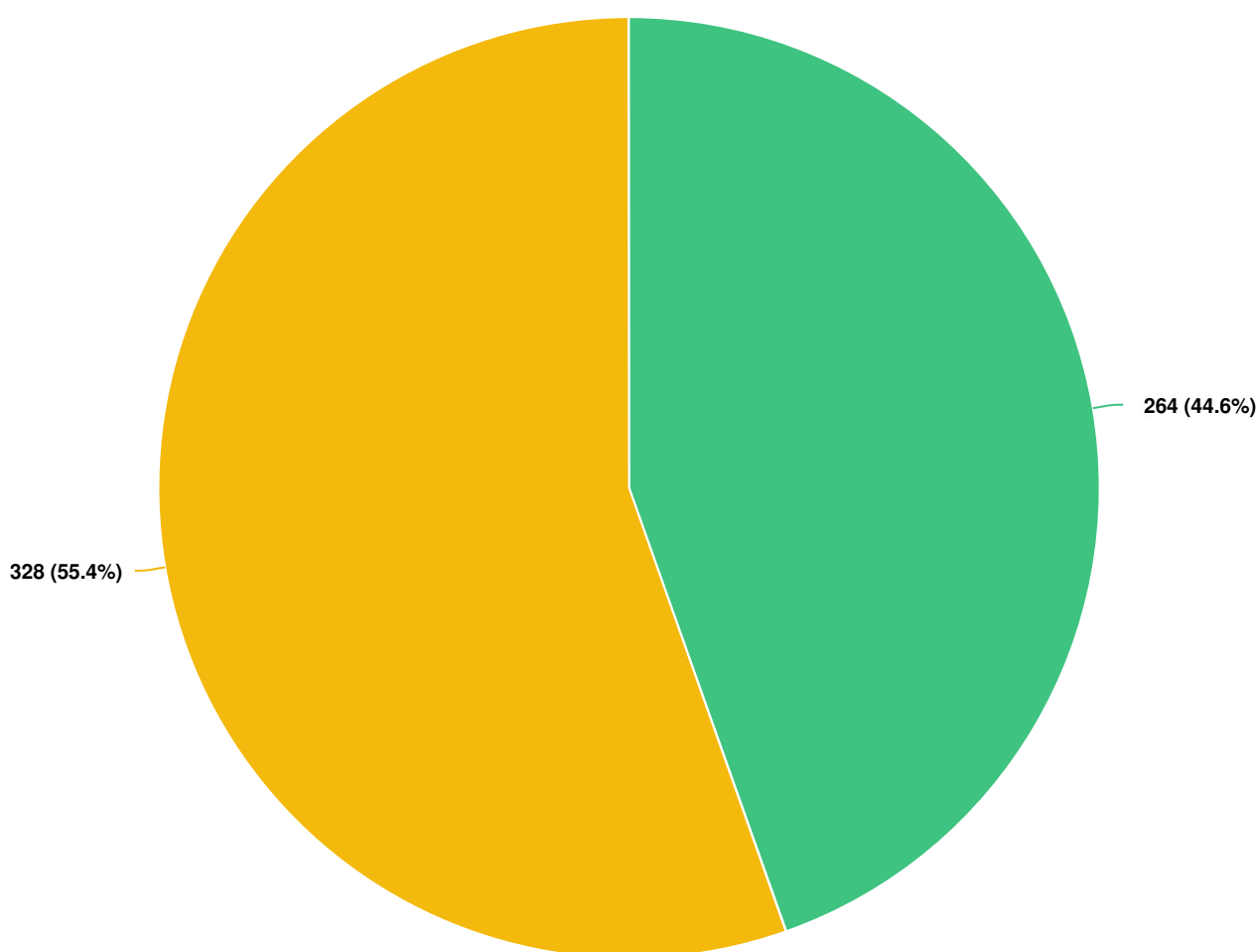


Question options

● Yes ● No

Optional question (585 response(s), 16 skipped)
Question type: Dropdown Question

Q9 The proposed amendments require notice to adjacent property owners when a pickleball court is proposed to be constructed. Should notice be extended beyond adjacent property owners?

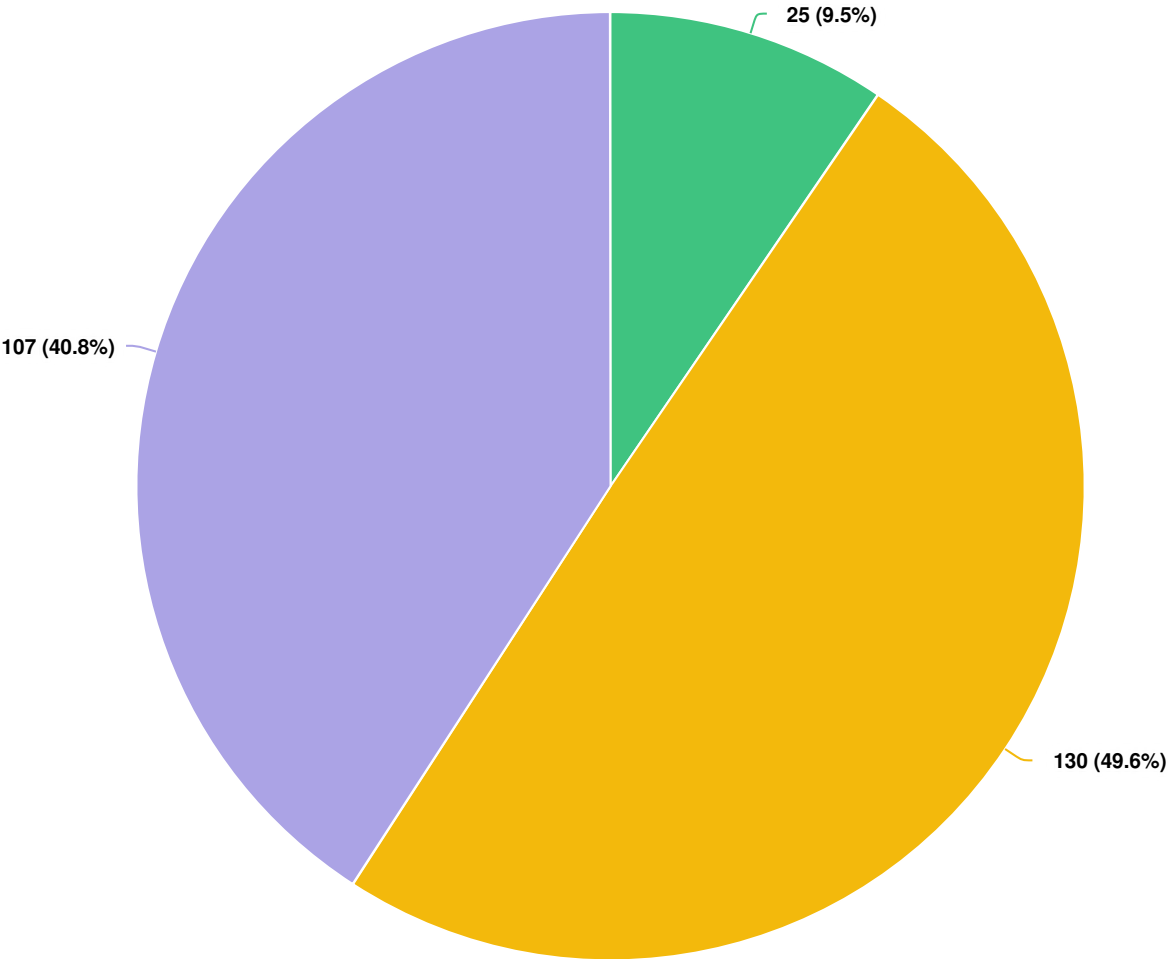


Question options

● Yes ● No

Optional question (592 response(s), 9 skipped)
Question type: Dropdown Question

Q10 Who should receive public notice for a proposed pickleball court?



Question options

- Property owners within 100 feet
- Property owners within 300 feet
- Property owners beyond 300 feet

Optional question (262 response(s), 339 skipped)
Question type: Dropdown Question

Q11 | Any additional comments on pickleball you would like to share?

spencer.cawley
1/21/2022 10:17 AM

N/A

Anonymous
1/22/2022 05:49 AM

Pickleball courts should not be allowed where prohibited by existing setbacks. Setbacks have a reason. Pickleball is very noisy. The City should engage an expert acoustic engineer and obtain a report on noise issues. It should publish the report. Otherwise, the City is just guessing.

Anonymous
1/25/2022 12:32 PM

We really need more indoor pickleball courts. The bubble at the MARC fills up immediately. Any chance that we could bubble some other public courts for the winter?

Anonymous
1/25/2022 04:37 PM

Pickleball courts should not be allowed in a residential neighborhood unless all parcels are at least 1 acre in size.

Anonymous
1/25/2022 06:02 PM

We need more courts! Private residential courts should have same rules as outdoor swimming pools, trampolines, basketball net installations and horseshoes. Stodgy neighbors shouldn't have the power to ruin healthy pastimes.

Anonymous
1/25/2022 07:05 PM

Anyone constructing a pickle ball court without proper permits or approval should be made to remove and be fined.

Anonymous
1/26/2022 07:53 AM

Code should encourage HOA owned courts as a community amenity over private courts. I find that private courts are more disruptive because they are closer to neighbors while HOAs put them in larger recreation areas.

Anonymous
1/26/2022 07:58 AM

Pickleball is great and clearly the PC pickleball community is rapidly growing - let's support it!

Anonymous
1/26/2022 08:23 AM

Park City needs a dedicated indoor pickleball facility!!!

Anonymous

Avoid NIMBY'ism.... There are many basketball and tennis courts

1/26/2022 08:53 AM

within PC and Summit Co., But PBall Courts are more likely to be used by older people who can't do other sports

Anonymous

1/26/2022 09:07 AM

We really need more public courts, both indoor and outdoor. Right now, the pickleball players have no place to play where there are dedicated pickleball courts in the winter. And summer, it has become so packed that wait times are often 10-15 minutes in between games that are also just 10-15 minutes. The private courts might help a bit, but this sport is growing so fast, and it is so lovely to have a sport where several generations can come together and play, and people of all socioeconomic levels can play together.

Anonymous

1/26/2022 06:36 PM

We need more courts in town.

Anonymous

1/26/2022 09:30 PM

This is a ridiculous proposal and is a serious obstruction of freedom, especially on private property. Are police really expected to waste valueable time enforcing pickleball hours? This city needs a serious priveledge/reality check and needs to find issues that actually impact community health to concern itself with.

Anonymous

1/27/2022 03:40 PM

I looove pickle ball!!!

Anonymous

1/27/2022 03:52 PM

Pickleball court facilities should be separate from tennis courts

Anonymous

1/27/2022 03:52 PM

Its noisy, should not be allowed outside before 9 am or after 9 pm

Anonymous

1/27/2022 04:26 PM

Acoustic sound tests should be required in the application subtotal for any proposed court on private property w/ adjacent properties within 200'

Anonymous

1/27/2022 04:50 PM

I play tennis and completely understand the love of racquet/paddle sports and desire for personal courts. However, many people in this area work from home, which makes the prospect of a pickleball court anywhere within earshot a nuisance. It's not only the volume, but the rapid frequency of the strikes that makes it such an issue.

Anonymous

Pickleball is VERY loud. It should be limited to parks. The ball and

1/27/2022 04:50 PM

rackets generate far more noise than tennis.

Anonymous

1/27/2022 04:53 PM

Are you crazy?! Who thought of this lame idea?! Are you ready for a slew of noise/parking complaints? Park City is far from a retirement community. Why don't we just make the basketball and Pickleball court together ... just kidding there are ENOUGH, TONS of outdoor activities to find in Park City. This is as stupid as allowing Tennis Courts next door. Scrap this CRAZY idea or put it out by the hospital or else where AWAY from neighborhoods!! I'm President of 2 HOA's NO WAY will there be ANY approvals in a neighborhood, STUPID IDEA! Who's going to FINE or enforce they are well maintained, garbage, kids hanging out they will go LARGELY unused after a while This is as crazy as trying to put play areas in Prospector Park ... Do you remember HUNDERDS of residents showed up to stop and complain about that project. Let the ski resorts put them in where no one lives! Remember we have winter 7 months of the year so all this crap for 4 months NO NO NO !!!

Anonymous

1/27/2022 05:39 PM

Pickleball is so fun, but at same time do not want to disturb neighbors. The only people I know who have their own courts have a few acres. Would not want in tight suburban neighborhoods. What are rules for outdoor tennis courts?

Anonymous

1/27/2022 06:17 PM

Pickleball courts should not be in residential areas. I play and it is LOUD.

Anonymous

1/27/2022 07:18 PM

Don't use up any more public and/or private tennis courts for pickle ball.

Anonymous

1/27/2022 07:20 PM

Pickleball should not take anymore tennis courts in PC. Not enough tennis courts.

Anonymous

1/27/2022 07:24 PM

Dedicated public indoor and outdoor pickleball courts would be a great asset to the community and alleviate the pressure causing the increase in the number of private courts

Anonymous

1/27/2022 07:47 PM

The Marc needs to split time and courts evenly with pickleball, and not put tennis first.

Anonymous

This is ridiculous. Are basketball hoops in driveways next? Just no

1/27/2022 10:40 PM

lighted courts. No permits or notifications should be necessary.

Anonymous

1/27/2022 11:12 PM

I'm not sure how loud the paddle is but if significant then definitely feel it needs an approval process.

Anonymous

1/28/2022 08:35 AM

It's great for all ages and the Park City community is active and needs alternative sports beyond skiing. All for more options. It takes up little space and played with 4 people most of the time.

Anonymous

1/28/2022 09:14 AM

I attended the Jan 26 2022 planning meeting where new pickleball courts in residential zones were discussed. I agree that recreation is fun and healthy but hold that pickleball is a sport that should be restricted to city or county park facilities to insure adequate adherence to nuisance noise concerns and unsightly block houses surrounding courts in tight residential zones. I beg to differ that neighbors were notified about the plan for a pickleball court. No notices about upcoming construction or what was planned for construction were sent to neighbors. Trucks just appeared in large numbers and rapidly excavated and poured concrete. There is also concern about how pickleball courts in residential zones will impact short and long term rentals in these zones because as a rental unit, existence and use of such facilities could be subject to more use than expected for normal intergenerational family backyard activities. The existing pickleball courts near the PCMARC might require noise mitigation along the boundary with the Raquet Club Condos. The lack of mitigation here in this community recreation site should not be used as a pre existing exemption that would extend to new residential courts. Jeannine seibert 1870 Evening Star Dr.

Anonymous

1/28/2022 10:07 AM

I can understand the noise complaints. I can hear them playing at the racquet club and I am 1/2 a mile away. From our distance it doesn't bother us.

Anonymous

1/28/2022 11:34 AM

While pickleball is a very enjoyable sport, the noises engendered during play are staccato bursts of sound that are loud and can not be adequately muffled in a neighborhood with lot sizes less than 1/2 acre. In reality, even lots larger than this could be an issue depending where the court is located in relation to the neighbors. Property owners within 300 feet should therefore be notified and risk of transmitted noise should be assessed with a formal site assessment as part of the use permit to determine if and how much sound mitigation will be needed. In reality, unless a lot is very large and does not require sound dampening, courts should not be built by

private owners. Maintaining and if needed upgrading the necessary surrounding sound barriers for an outdoor court is best left to public locations and sport clubs. If a court is permitted for a smaller lot, the house can not be considered part of the sound barrier for neighbors backing up to the court site, unless it is covered with sound barrier paneling since the surface is reflective and will not absorb sound well. A 12 foot high wall may also not be adequate to dampen sound for neighbors that have a second story. Small sites with the court within 100 feet of the property line would need a careful survey by a sound engineer before construction and then reassessment by the engineering firm after construction and placement of the required calculated noise mitigation before the site is permitted for play. The proposed regulations allows for noise complaints within one year of the permit issuance. This permit requirement should extend a number of years (if not the life of the facility). If there is continued growth of pickleball in this community there should be additional courts built, including indoor courts to accommodate this need. There should not be additional conversion of tennis courts for pickleball courts.

Anonymous

1/28/2022 01:31 PM

Would like to see more indoor open play at both Basin Recreation and the Marc. Prior to Covid, Basin Recreation designated 2pm-4pm every weekday for 1/2 of their gym to open play. There are now lots of clinics and learn to play sessions, but not alot of open play.

Anonymous

1/28/2022 03:05 PM

lets build more courts. Indoor especially (not on basketball courts)

Anonymous

1/28/2022 03:15 PM

I feel if an HOA prohibits pickle ball courts in private yards they should not be allowed in. But all existing courts must remain. I feel 8-8 pm (during daylight savings time). Winter 9-5.

Anonymous

1/28/2022 03:19 PM

They are very noisy...

Anonymous

1/28/2022 03:28 PM

I love the game, but the sound can be annoying. There has to be some minimum distance from neighbors, or a requirement for sound barrier if neighbor is less than 200' (or some distance) from the court.

Anonymous

1/28/2022 03:43 PM

I live in the Holiday Ranchettes on Lucky John Drive where I have been a primary full time resident since 1978. In the evenings in the summer I can hear the pickle ball from my back deck from The Marc and it is loud. For some reason, this is not the case with tennis, so I assume that this has to do with the type of ball and racquet. If I am

two blocks away and constantly hear it, I cannot imagine living within close proximity or next door to someone. We all love to swim, play tennis and some play pickle ball, but most homes do not have pools, tennis courts and pickle ball courts. I think the hours that you have listed are too broad. I would not want to be awakened at 7:00 am by this sound, and 9:00 seems a bit late, even in the summer. I am not sure why this is needed in neighborhoods when there are courts nearby. I believe that a sound engineering study should be obtained and taken into consideration, prior to allowing these courts on private residences. Hard to imagine the needs of many ruining the quiet for the needs of the few. I am not in favor of pickleball courts being established in private homes in neighborhoods. Thank you very much for your time and consideration.

Anonymous

1/28/2022 03:56 PM

While I play pickleball occasionally, and would like to see more courts, I think that the noise issues are significant. Thus more indoor courts may be a better option, or more courts in recreational areas. Courts in residential areas on private land would be disruptive. I would not want a court near my home.

Anonymous

1/28/2022 04:06 PM

The sport is already a noise nuisance, we can't add lights that extend the playing time and are counter to any dark sky desires on the part of Park City.

Anonymous

1/28/2022 04:17 PM

It's a great sport, let's make Park City the capital of the Pickle World!

Anonymous

1/28/2022 04:24 PM

A wonderful sport, especially for seniors. But, it's noisy. Must not be allowed in residential situations. The answer is public indoor and outdoor facilities.

Anonymous

1/28/2022 04:27 PM

People have a lot more annoying things on their property that are not regulated including pools, playgrounds with loud kids, etc. Let them play Pickleball.

Anonymous

1/28/2022 04:44 PM

There should be no minimum lot size. There should be no required notice. This whole thing is a sick joke.

Anonymous

1/28/2022 05:07 PM

I would not like to hear any pickleball noise from my deck. There are plenty of public facilities available.

Anonymous

1/28/2022 09:03 PM

I play pickleball and I also build/surface pickleball, tennis courts etc for a living. I graduated from park city high school and believe pickleball will continue to grow. With that in mind, I would love the opportunity to earn your business in my home town and build/surface the pickleball courts that get approved by the city. For more information my email is precisepickleballcourts@gmail.com. Thank you!

Anonymous

1/28/2022 09:44 PM

It's a fad.

Anonymous

1/29/2022 04:01 AM

Acoustical analysis required for each permit request. Establish a maximum allowable decibel reading at 50 and 100 ft, not an average. Limit the number of hours a court can be used each day. Consider one or two quiet days per week for each court. This is the problem with the Marc courts. 12hours a day, every day of the week for the outdoor courts is a nuisance for those of us who live with in 200ft of courts at Raquel club village.

Anonymous

1/29/2022 07:32 AM

Prefer indoor in winter, outdoor in summer

Anonymous

1/29/2022 07:53 AM

It's an incredibly noisy and disruptive game. It should be restricted to parks that are removed from residential space by at least 1000 feet. It should similarly be restricted at places like the MARC to protect local residents. You wouldn't allow a gun range or other noise nuisance—the same should apply to pickle ball or other very noisy new sports.

Anonymous

1/29/2022 08:26 AM

The increase interest in pickleball is exactly what our world needs right now. Any exercise that helps with the over burdened health system due to obesity is a win win. It is a sport that all ages can play. Park City has always been known as a healthy place to live and Pickleball is healthy so in my opinion you can't have enough courts. Look at communities that have embraced the sport and you'll find healthier people. Florida has seen a huge increase in the number of players over the age of 65! There aren't many sports available for that generation so it is wholly embraced. This would be a win win for Park City. 😊

Anonymous

1/29/2022 08:31 AM

Park City needs many more courts both indoors and outdoors!!!

Anonymous

The city currently regulates and prohibits some businesses in

1/29/2022 09:29 AM

suburban residential areas for numerous reasons. Many could even be less intrusive than a personal recreational pickleball court squeezed into a homeowner's backyard and touching and/or affecting neighbors and homes adjacent to, immediately surrounding, across the street, around the corner, or well beyond any (arbitrary) proposed 300 ft parameter. At the recent PC planning commission meeting, commissioners and neighbors identified several technical and community issues affecting the proposed Venus Ct personal pickleball court. In addition to the negative effects of noise, neighbor views overlooking the court, acoustics, water, parking, sounds, enforcement, etc, etc, that were identified and mentioned (and I absolutely concur with them), I believe in this specific case, and likely in most other residential city and residential county attempts to install personal pickleball courts (unless on stand alone multi-acre sites) - there is an overriding issue. In Park City and Summit County, there are several places within convenient walking distance or on a bus line, that offer pickleball courts to everyone who wants to play. Citizens and visitors don't lack convenient access or opportunity to this sport. I believe just because a local residential homeowner WANTS a convenient personal backyard pickleball court they should NOT be allowed to have it in their residential neighborhood. Likewise, if a local local residential homeowner WANTS personal backyard access to, or ownership of, a convenient personal backyard drive thru fast food restaurant, they should NOT be allowed it as well in their residential neighborhood. Residential areas are typically clustered residential areas. Business areas are typically clustered business areas. This is not a question of mixed use where passive parks are acceptable and desirable in both residential and business areas. Private residential pickleball courts do not belong in congested neighborhood backyards with numerous lot lines adjacent and touching each other. Sounds don't respect lot lines and player space is not limited to the specific court space painted on the homeowner's cement pad. Additionally other homes surrounding the court have immediate views of 12' sound mitigating fences squeezed into the homeowner's lot that may technically meet city/county residential guidelines while contradicting or ignoring surrounding residential concerns and acoustic surveys. Additionally, these specific Venus Ct (and Equestrian Ct) requests have several pickleball courts located one block (or easy walking distance) from the MARC, where access to this sport is clearly and readily available and open for extended playtime hours. Sure there's a wait on occasion for access. That's life. We wait in lift lines, coffee lines, bank lines, stop lights, stop signs, grocery check out lines, etc. Immediate gratification is not always available - nor necessary. Same goes for homeowners who demand personal backyard pickleball courts when several are available a very short distance away - and are surrounded with appropriate space and sound and parking and view areas and water run off (and other) mitigation aspects. Private pickleball courts are not

appropriate nor acceptable and do not belong in close, crowded, intimate suburban residential neighborhood backyards. Any more than drive thru businesses would be appropriate nor acceptable and adjacent to a city's residential cul de sac or private backyard on that cul de sac or street. That's why communities support, create and enforce zoning restrictions. And in this specific instance, public pickleball courts are specifically available just blocks away and in an appropriate setting. Additionally, more public courts are currently being proposed and are under consideration in appropriate settings with appropriate space, parking, sound and acoustic mitigation. Therefore: mine is a decisive NO from a long time Park Meadows owner and resident since 1978. And this is precisely why I pay taxes so everyone has equal access to city and county supported and located recreational facilities with pickleball courts there - where they belong and are appropriate. Thank you.

Anonymous

1/29/2022 09:40 AM

Unlike Tennis players, Pickleball players like to gather in large numbers at a Pickleball court complex of 10 to 17 courts. Park City is late to need to build a large (17 court) Pickleball Complex.

Anonymous

1/29/2022 10:38 AM

No lights and there should not be a problem if you choose to put a court in on your property. I see lighting as being the main issue. One court with 2 to 4 people on a private lot should not be an issue.

Anonymous

1/29/2022 11:03 AM

There should be a restriction on the number of pickle ball courts allowed in a neighborhood

Anonymous

1/29/2022 11:11 AM

More outdoor courts, please.

Anonymous

1/29/2022 01:25 PM

Make it easier for HOA's to put in a pickleball court.

Anonymous

1/29/2022 03:59 PM

Pickleball nuisance noise is impulsive. Acoustic studies show that the impulsive sounds can range up to the low 80's in decibels or louder than freeway traffic. Impulsive noise is more disruptive to humans than continual noise because impulsive noise stimulates the nervous system with each jolt of sound. Accordingly, private pickleball courts should not be allowed in higher density neighborhoods in Park City with lot sizes that are typically .50 acres or less. Perhaps that prohibition should extend to one acre lots. Acoustic research again indicates that if one can see a pickleball court, from the second level of a home, no sound mitigation is possible even if 12 foot high

acoustic fencing is in place. The only true mitigation within 100 feet is to enclose said pickleball court within a building. A case in point is represented by friends who live about 600 feet south of the MARC pickleball courts. When using their backyard patio, nuisance noise from the MARC pickleball courts is readily heard. Interestingly, no noise is heard from the adjacent tennis courts at the MARC. In each case of requested permission to build a pickleball court regardless of lot size, the applicant at her/his expense should be required to have an acoustic study completed by an independent acoustic engineer who certifies the findings. In addition, a site plan at the expense of the applicant, completed by a licensed surveyor, should be a requirement. All setbacks for purpose built structures must be followed in accordance with distances specified on the original platting documents. All property owners within 300 feet should be so notified of the intent of the applicant and, after all studies are completed, should have the opportunity to participate/comment in a public hearing for consideration of the application. Finally, original documents when neighborhood development begins often reference efforts to build and sustain notions of community. The documents for Park Meadows 5 for example include similar language. It is counterintuitive that private facilities such as pickleball courts build community. The notion of personal private facilities is akin to private gated communities-keep the bourgeoisie out. Private pickleball courts suggest that the public at large can be excluded, near and far neighbors for example, as if they are unworthy of entrance and participation in this rather plebeian sport. Accordingly, please make note of my opposition to private pickleball courts in general and gated communities in our town as well. Recommendation-Build 110 pickleball courts out on half of the parking lot in Richardson Flat. A foundational base exists. Illuminated parking is extant. None but the rats in the nearby dump/landfill will be bothered by the sounds of paddles striking pickleballs, except when the sound of paddle striking ball may be carried by the north winds all the way to Hideout. Please record my opposition to private pickleball courts on lots smaller than .5 acres. .

Anonymous

1/29/2022 04:24 PM

1. I think 0.5 acre lot requirement and the 100 foot minimum distance to any adjacent residential building is an appropriate requirement to establish with regard to private pickle ball courts. 2. I think a 12-foot noise mitigation wall is absolutely ridiculous and the wrong requirement to establish. Imagine these 12-foot noise mitigating walls all over our neighborhoods--a very unpleasant image. That is not what we want our view sheds to look like. If the lot size and minimum distance requirements cannot be met, then no CUP should be granted. 3. I think the proposed CUP requirement that if the city receives 3 noise complaints in a year due to any private pickle ball court, then the planning department or planning commission will

review the CUP and determine if the CUP should continue to be granted is too much and a classic example of government overreach. Just image if the city placed the same requirement on dog owners. If any dog owner received 3 complaints in a given year for noise, bites or other badgering from their dog, then the city would no longer let that dog owner to keep their dog. How would that go over in Park City? Like a lead balloon. I am happy to speak further with any planning commissioner or city councilor about this matter. -Joe Cronley, joeinpc@gmail.com, 435-640-0391

Anonymous

1/29/2022 07:07 PM

I play pickle ball. I've become concerned at the stance PC pickle ball has taken at acquiring more space. There are plenty of MARC times for us to use and stay within the community

Anonymous

1/29/2022 07:52 PM

Pickleball needs its own dedicated facility...

Anonymous

1/29/2022 09:28 PM

As a tennis player I see the passion and enjoyment many have playing the sport. I think neighborhood use at individual homes should be carefully considered just like a sport court or a tennis court. These activities can impact neighbors.

Anonymous

1/30/2022 06:25 AM

Pickleball saved my life!

Anonymous

1/30/2022 07:24 AM

This is a growing sport of all ages It promotes exercise and socializing. Tournaments promotes tourism which makes promotes revenue. Don't really see a difference between Pickleball and any other sport. They all can be annoying to the uninterested. For the young players it gets them away from video games. For the elderly it keeps them motivated/active and being involved in the community. The cost to play as of now is reasonable but I am sure the city officials will see how to change that as they do with everything else 😊

Anonymous

1/30/2022 07:42 AM

Lack of enforcement is a problem in our town. No point in making rules if we don't have budget or manpower to uphold them, specifically with regards to time of play and parking,

Anonymous

1/30/2022 07:52 AM

If you can construct a tennis court, why not a pickleball court? I think this is a bias from certain income level people. Tennis vs Pickleball

Anonymous

1/30/2022 08:01 AM

We need more public courts both indoor and outdoor.

Anonymous

1/30/2022 08:09 AM

Pickleball is a fun, healthy sport and should not be regulated any more than any other sport court or swimming pool, or other outdoor activity I want to do on my property.

Anonymous

1/30/2022 08:11 AM

Pickle ball is a noisy sport. Care must be taken to place courts where it will not disturb neighbors.

Anonymous

1/30/2022 09:13 AM

I live within 200 feet of two (of the four) outdoor PB courts at the MARC. I do not oppose PB in general, but the sound produced by the paddle/ball contact is distinct, clear and carries well beyond my 200 foot distance. Where my unit is located (at Racquet Club Village) there is quite a bit of mature vegetation (spruce, pine, fir) between the courts, so natural vegetation offers limited noise reduction. Additionally, It is NOT the ball against the court surface that produces an unacceptable sound, it is the paddle/ball contact that does, so requesting a "softer" surface will not address the issue. A noise-dampening wall is probably the best option to address potential noise complaints. Therefore, Any private PB court within a residential setting should include the following: 1. A professionally-performed accoustical analysis of the proposed court and sound generation/reverberation out into the surrounding homes and points of reception (e.g., first and second floor decks, windows, bedrooms, etc.) 2. Comparison of this analysis with pre-court, background sound conditions. 3. Establishment of both a "not to exceed" decibel level from the court along with an unacceptable average. 4. An agreement from the homeowner to limit both the time-of-day playing but also the number of hours the court might be used during any course of the day. This is critical since noise from any single game is one thing, but the social nature of the game produces situations where noise can be produced for hours at a time. Any ordinance or agreement needs to limit the number of hours the courts can be used each day (and perhaps the number of days in any given week). Finally, any private court use should be limited to the owner and their guests. The courts should not be allowed to be used by others in the absence of the owner (e.g., the owner is not home but friends have permission to use it). This sets up the possibility of a semi-private/semi-public court condition.

Anonymous

1/30/2022 10:48 AM

If HOA members pay for building and maintaining the proposed pickleball courts, of course there should be a vote.

Anonymous

1/30/2022 11:06 AM

Very noisy!!!!. Limiting tennis courts use for tennis. Keep it in Parks. !
How would you like it outside your bedroom window at 7AM. Lets not forget not everyone likes the noise it produces. Who will regulate the use hours in neighborhoods ? The city does not do a good job of regulating building,(we have seen this in Park Meadows) off street parking in neighborhoods, etc. This could be a nightmare !!!

Anonymous

1/30/2022 01:00 PM

Pickle ball is noisy and can be annoying.... Ordinances should definitely clearly define where is and where is not appropriate space and setbacks.

Anonymous

1/30/2022 01:56 PM

Tennis courts have far less use and some should be converted to Pickleball

Anonymous

1/30/2022 01:59 PM

These recommendations should apply to basketball courts and tennis courts as well.

Anonymous

1/30/2022 03:18 PM

Great sport that has allowed many people to increase their activity level. Good for community.

Anonymous

1/30/2022 03:49 PM

I love pickle ball, but it is very loud! We live about a mile from the MARC and we can hear the pickle ball paddles hitting the ball. Pickle ball is a very social game, where players sub in etc. One pickle ball court will have 6-8 people for play. Get ready for a crowded neighborhood if private residential courts are permitted. I would think you should have well over an acre of land before a private court can go in.

Anonymous

1/30/2022 07:56 PM

I'd rather see more indoor soccer/lacrosse/football/baseball turf fields than pickleball courts. If there are existing tennis courts, make them dual use.

Anonymous

1/30/2022 09:40 PM

Pickle ball is surprisingly, incredibly loud. A small study could be performed by a HSA company to show This.

Anonymous

1/30/2022 09:44 PM

I don't understand the no parking on the street rule. Why should that be any different from other activities that people would park on the street for?

Anonymous

1/30/2022 10:07 PM

Pickleball continues to grow faster than other sport....Park City severely lacks the courts to accommodate all the local players in addition to the tourists. This is such a great activity for people of ALL ages and courts should be built to allow accessibility for all who want to play.

Anonymous

1/31/2022 01:03 AM

I believe private courts should not be allowed in residential zones. The game is very noisy and the ball noise travels. It should be in a park setting. I feel for the many homeowners within blocks of Venus Ct and Equestrian Ct as their lives will be forever disrupted if pickleball is allowed in one or more neighborhoods front or backyards. I don't think they should be allowed on any size lot. Lot size should not matter. Noise travels...

Anonymous

1/31/2022 07:35 AM

Build more courts both outdoor and indoor!

Anonymous

1/31/2022 08:01 AM

It appears pickleball is being singled out with this action. Out of an abundance of fairness I don't believe pickleball should be limited any different than other outdoor activities that creat more than a minimal amount of noise such as tennis, basketball skateboarding, etc. which I believe aren't specifically limited.

Anonymous

1/31/2022 11:19 AM

Lights associated with outdoor courts can be a nuisance if allowed after daylight hours. Also, the sound of pickleball travels further than just the adjacent neighbors. Sound and light mitigation should be required.

Anonymous

1/31/2022 12:42 PM

This has no place in any residential areas and is very noisy to adjacent properties

Anonymous

1/31/2022 03:25 PM

Park City should expand its pickleball facilities, particular for indoors in the winter months--it is virtually impossible to book an indoor court at the MARC or Basin Rec due to strong demand.

Anonymous

1/31/2022 03:33 PM

I think any new pickle ball courts should be out at Quinn's junction away from any homes. The noise from the game is loud and annoying to those not playing.

Anonymous

1/31/2022 03:45 PM

Pickle ball is awesome! And we need more courts. So many pickle ball player's aren't local therefore not paying taxes to build these

courts. This is annoying! Not sure how you handle that but, something to look into. Thanks!

Anonymous

1/31/2022 03:58 PM

I don't think pickleball should be treated differently from other sports court installs, it should be consistent IMO.

Anonymous

1/31/2022 04:13 PM

Pickleball is new, and is gaining popularity. It is not any more or less noisy than any other sport. It simply needs to be accepted as "normal" - once it is, the rules, suspicion and need to overly regulate it may subside. (Or at least I hope it will.). (Imagine if we chose to regulate everyone who wanted to install a basketball hoop due to the sound a ball made and the time of day anyone was allowed to bounce a ball on concrete when it echos against a garage door or elsewhere.)

Anonymous

1/31/2022 06:14 PM

Pickle ball is fun to play but it is a very loud sport. We need to be respectful for homeowners who live nearby the pickle ball courts.

Anonymous

1/31/2022 07:04 PM

I love Pickleball yet living next door to multiple courts is enough noise to drive someone insane! Please be responsible as courts advance in number

Anonymous

1/31/2022 10:27 PM

We have an epidemic of obesity in this country. Please don't regulate into oblivion one of the few competitive sports that appeals to people of all ages and fitness levels.

Anonymous

2/01/2022 10:12 AM

I would love to see the city and county build new courts so homeowners don't have to.

Anonymous

2/03/2022 09:35 AM

Pickleball on private courts should not have lights but lights & play on public courts should be allowed until 10 p.m. on public park courts.

Anonymous

2/03/2022 11:40 AM

Its a great sport and as far as noise is no different than basketball courts and hoops currently occupying every driveway in Park city. Its also a sport that builds community.

Anonymous

2/03/2022 11:55 AM

If someone wants to install a pickleball court within the boundaries of their yard and decrease the amount of landscape requiring water, it is a no brainer! Let them do it! No different than putting in a basketball court! If pickleball courts are going to be micromanaged, then hot

tubs, trampolines, croquet sets, volleyball nets, swing sets, tree houses and skate board ramps should all be added to the list. Let people recreate and enjoy the outdoors. This is a ridiculous first world problem that is getting way too much time, energy and money being thrown at it.

Anonymous

2/03/2022 12:22 PM

This is government over reach at its worst. Government should not be regulating what games can be played in my own backyard.

Anonymous

2/03/2022 12:27 PM

If we had enough public courts, the need for private would diminish.

Anonymous

2/03/2022 01:07 PM

Please build more public courts

Anonymous

2/03/2022 01:32 PM

It is a very noisy sport.

Anonymous

2/03/2022 01:42 PM

Having lived in my neighborhood for 43 years, I definitely am against pickle ball courts on private property. Close proximity with pickleball noise will be disruptive and annoying to all adjacent neighbors. A neighborhood is different than a resident on acreage where the noise will not bother anyone. Complaints about nuisance noise levels should not be limited to one year but the life of the court. What happen's when property owners rent the property? I don't think it's right that the adjacent property owners should be responsible for policing and enforcement of the noise mitigation. I feel strongly that the City needs to enforce the land management codes and appropriate ordinances and policy. This enforcement needs to be consistent and equitable for ALL property owners and residents. I want the City to receive professional plans before the backhoe comes into a property and starts digging, followed by the dump trucks and cement trucks. The City needs to to have sufficient support staff to conduct on-site inspections. Notification to neighbors in a timely manner, not after the fact, is highly critical. I love sports and have played tennis all my life and I have tried pickleball. In the never-ending hustle and bustle of the New Park City with all of the noise that follows, our residential neighborhoods are sanctuaries of much needed quiet and calm. I love my morning coffee on my deck of 43 years, reading in the afternoon on my deck, and sitting down for dinner in the evening on my deck. The sound of pickleball would be more than an unwelcome intrusion. I am a full-time resident and not a tourist for a few days. Thank you for taking the time to read my comments.

Anonymous

2/03/2022 02:46 PM

It's LOUD!!!!

Anonymous

2/03/2022 03:48 PM

Please do not legislate something that is not an issue. Let people do what they want with their land and then wait to see if there is an issue. What will happen to properties that already have courts and lights?

Anonymous

2/03/2022 03:51 PM

You all are trying to Police everything as if your communist. Let people play and have fun wherever and whenever they want to play. Nobodies gonna be playing at 2am on the morning. Don't restrict anything.

Anonymous

2/03/2022 09:00 PM

Keep people active

Anonymous

2/03/2022 09:42 PM

Pickleball on private property should have some restrictions, such as distance from neighbors and minimum lot sizes. However, be cautious to not make the mitigations worse than the original issue. I believe a 12 foot wall/fence (existing year round) would be much worse than the sound generated by an occasional pickle ball game, played only in the summer months. The idea of having residential a pickle ball court allows multi-generational families to spend time together outdoors, encourages exercise, and reduces the amount of grass that needs to be watered on a lot.

Anonymous

2/03/2022 11:10 PM

Pickleball is a great sport but tennis players are being squeezed out by having courts taken over. I supported the building bond to build tennis courts, not pickleball so I do think additional facilities may be needed for the sport. It is loud and disruptive and should be situated far from neighborhoods. I live 2 blocks from the MARC and pickleball noise is loud on my deck.

Anonymous

2/04/2022 08:03 AM

Planning a ban on pickleball courts is ridiculous. If this happens, we must also ban barking dogs and kids jumping on trampolines.

Anonymous

2/04/2022 08:14 AM

If in a neighborhood, parking must not be at the courts, rather at the homeowner who is playing.

Anonymous

People should be allowed to enjoy a fun, healthy activity at their

2/04/2022 08:23 AM

home.

Anonymous

2/04/2022 09:20 AM

It gets people out, it gets people active, and people need that.

Anonymous

2/04/2022 10:28 AM

The answers to your questions should offer the option to chose "it depends on the circumstances". I like to play indoor during the winter and the summer on high UV index days/times. I like to play outdoor during non high UV index days/times. It might be reasonable to play pickleball before 7 am and after 9 pm depending on location and how far the court would be from residential homes. Indoor courts could run any hour similar to an ice rink as the noise is mitigated. Pickleball courts on private residential land should be allowed depending upon the size of the lot, location of residential homes nearby and noise mitigation, lighting, landscaping. Public notice for a proposed pickleball court to property owners would depend upon the size of the lot and the location of the neighbors. For example, if there is a 5 acre lot and the court will not be near any neighbors then notification for a smaller radius seems reasonable. In higher density, smaller lot residential areas, the notification should be broad as sound travels further than one thinks. With respect to courts on private residential lots, traffic and parking should be pre-emptively addressed. Neighbors would be unhappy if there is a tournament at the house every weekend bringing in a large volume of traffic, potential trash, noise, and parking problems for the surrounding neighbors. Slow down, think this through, and try to get it right the first time. Residents want to be physically and socially active without the joint stress that may be found in tennis (elbow, etc.). Let's make it possible for everyone to enjoy exercise without offending the nearby residents. What is the supply and demand for tennis courts? if less people are playing tennis, why not just re-stripe them for pickleball (in a different color pain) and have portable nets and set up an online reservation system? That way those who want to play tennis have the option without creating a tennis vs. pickleball gang war. Thank you for reading.

chuck

2/04/2022 06:15 PM

Any Private sports court is a nuisance to the adjacent neighbors and all should not be approved in the future. Just because your wealthy and have the resources to build a court, doesnt mean on a 1/2 Arce lot its acceptable. Build it inside not outside.

Anonymous

2/04/2022 07:52 PM

Pickleball is no noisier than basketball and involves less people. I don't understand why the scrutiny when there's no issue with private basketball courts.

Anonymous

2/05/2022 07:44 AM

Courts should never be approved in neighborhoods that contain any lots of less than 3 acres. There should be at least a 300 ft distance required between a pickleball court and any residence. These courts cause significant loss in the value of surrounding homes - a major point to consider. The game is very noisy and very obnoxious to any homeowner located within 300 feet. Park City neighborhoods are too dense and the lots are way too small to accommodate pickleball courts, which are very very large. The concrete pad is at least 1800 sq ft - large enough to which to build a 3600 sq ft home. Ridiculous on a lot less than 3 acres in any neighborhood where the backyards are simply too small for something this large and on the same lot that may contain a house whose footprint is either the same size or less than the court. The surrounding fence height for the courts are huge and unsightly to any neighbor forced to look at it. There is no sufficient noise mitigation that can solve the noise issue for homes located closer than 300 feet from a court. Very poor comparison made to a basketball court. The noise generated from those cannot be compared to that of a pickle ball court. Please no courts on lots less than 3 acres.

Anonymous

2/05/2022 11:09 AM

I think residential Pickleball courts should be allowed.

Anonymous

2/05/2022 11:36 AM

Pickleball has already outgrown Park City and our surrounding areas with the current number of public courts. Having an active community that would engage in pickleball at later hours would be ideal as well.

Anonymous

2/07/2022 09:07 AM

This pickleball noise is all so embarrassingly entitled. And silly. Could we please focus on affordable housing for our workforce and seniors first?

Anonymous

2/07/2022 02:23 PM

Question 7,8 and 9 only allow a choice of options the survey maker listed. What are the requirements for adding a basketball court? Is there a minimum lot size? Are there noise requirements? Is play limited to certain times? Is HOA approval needed - I think this depends on the HOA's rules. The survey for questions 7,8 and 9 doesn't allow appropriate response as you can only select what the survey maker listed. Pickleball should be treated like any other sport court installation and should not have separate rules.

Anonymous

2/07/2022 05:26 PM

The db level is a little disingenuous in that the pitch of a Pickleball is different from other sports, thus it's perceived loudness is not the same as a db meter would read. I'm an audio engineer and thus I

understand the A weighted system you're using. But as I mentioned the pitch, EQ, timbre of a pickleball gives it a perceived difference.

Anonymous

2/07/2022 05:40 PM

Most players prefer to play outdoors, but we do need indoor facilities for winter and poor weather conditions.

Anonymous

2/07/2022 06:05 PM

I wish more public courts could be built both indoor and outdoor. In Park City the summers are beautiful and we should be able to play outside and in the winter , because of the weather, we can't play outside, so we need more inside courts.

Anonymous

2/07/2022 06:13 PM

As a member of the Park City Pickleball Club we appreciate the interest in expanding courts by the recreation department and increase of court time for Pickleball at the MARC.

Anonymous

2/07/2022 09:28 PM

We need more courts, indoor and outdoor!

Anonymous

2/07/2022 10:29 PM

This is the dumbest regulation consideration in the history of the world.

Anonymous

2/08/2022 02:04 PM

Keep seniors off the streets and out of trouble—with pickleball. If 5 year olds are getting universal pre-school seniors who have paid taxes for 50 years deserve pickleball

Anonymous

2/08/2022 02:12 PM

The growth of pickleball is overwhelming to the point there are NO courts to play in Park City or Salt Lake City and this sport has only just begun to boom and grow with young people to retired older people. My suggestion is build year round indoor courts with real tennis court surfaces in cinder block building (to be affordable to build) that allow play year-round from 6am - midnight with no noise for the neighborhoods to be concerned about. There is room at every park to build these very basic structure with indoor courts that solves all the negative concerns of not enough courts, noise and no where to play in the winter time ... just go to any pickleball court and it's overwhelming how many people are playing today in it's early stage of popularity ... good luck it's a good move to build more courts!

Anonymous

2/08/2022 02:38 PM

Pickleball courts should be separate from tennis courts; be its own facility.

Anonymous

2/08/2022 02:40 PM

Need more courts

Anonymous

2/08/2022 02:42 PM

Lights on the public courts would be necessary as well if one is to play outside daylight hours.

Anonymous

2/08/2022 02:42 PM

I love pickleball. But, have a park about 1/2 mile away and can still hear them- knock knock knock knock- all day. 8am start time is fine and 8 PM end time ... the noise is undeniable. There is a reason tennis balls are soft. Anyone that says it does not make noise needs a hearing aid.

Anonymous

2/08/2022 02:43 PM

Pickleball on residential lots is fine, no different than pool or basketball court - but if there are lights, then those that could see the lights should be consulted for approval.

Anonymous

2/08/2022 02:44 PM

Pickleball is a social sport, most courts should be public. We also don't need more light pollution.

Anonymous

2/08/2022 02:44 PM

hope we can get more outdoor courts its getting crowded

Anonymous

2/08/2022 02:45 PM

This sport is good for the mind, body and soul! All ages and abilities can laugh and play together, as well as some can practice, set goals and try to achieve them .

Anonymous

2/08/2022 02:48 PM

I love pickleball and want more courts. But, they are noisy. Neighbors should not have to listen to the ball noise all day.

Anonymous

2/08/2022 02:48 PM

Not sure why this would be different then paddle or tennis.

Anonymous

2/08/2022 02:49 PM

Pickleball is out of control in this town and must be stopped.

Anonymous

2/08/2022 02:52 PM

love park city pickle ball

Anonymous

The sport is totally taking off. If there were lots of public court

2/08/2022 02:53 PM

availability, there would probably be less interest in building courts in ones own yard but there will still be interest. Working with neighbors would be best. There are some noise mitigation techniques available but being neighborly would be best.

Anonymous

2/08/2022 02:53 PM

Pickleball is a big reason for spending the summer in Park City

Anonymous

2/08/2022 02:54 PM

If a residential property wants to build a pickleball court, it should be the same approval process as any sport court and not singled out as "pickleball."

Anonymous

2/08/2022 02:56 PM

There is a great need for more PB courts in Park City. The biggest problem is when we need indoor courts in the winter.

Anonymous

2/08/2022 02:57 PM

Pickleball is an inclusive, active sport for all ages. The sport is growing exponentially and additional public courts would be a huge asset for the community. Revenue streams through active leagues, tournament play (tourism revenue as well!), special events, social gatherings would be beneficial to the area!

Anonymous

2/08/2022 03:00 PM

We bought a house 15 minutes south of Park City because we love Park City pickleball so much! We came in 2020 during COVID and have come back and back because of pickleball. We have spent quite a bit of money in Park City - so pickleball is a wonderful thing there!!

Anonymous

2/08/2022 03:01 PM

Build more public courts in PC please!

Anonymous

2/08/2022 03:02 PM

i prefer to play pickle ball indoors during the winter months and outdoors weather permitting

Anonymous

2/08/2022 03:03 PM

Pickeball can be noisy. More public courts are needed but approval should be required by neighbors for private courts

Anonymous

2/08/2022 03:07 PM

Park city is our second home pickelball a great attraction along with all other pc outside activities

Anonymous

2/08/2022 03:11 PM

Pickleball is already very popular and its popularity is growing. We need more courts. Pickleball is not more noisy than other sports like basketball and should not be discriminated against with special rules.

Anonymous

2/08/2022 03:12 PM

We need more courts!!

Anonymous

2/08/2022 03:17 PM

No one seems to have an issue with basketball courts on residential property. They are as loud if not louder. Pickleball should be granted as much court availability as tennis. The MARC is not cutting it with the restricted hours even when courts are available during "tennis time".

Anonymous

2/08/2022 03:19 PM

Courts built on private residential lots would be nice, however noise is a concern. And lighting such courts would encourage perhaps unwanted sound and light pollution.

Anonymous

2/08/2022 03:24 PM

Pickleball has been very important to my mental health - it creates not only physical exercise opportunities but a lot of social opportunities. I know a reasonable balance is required for competing concerns. But pickleball really doesn't seem that different from basketball courts or a lot of other things that don't appear to have heavy regulation.

Anonymous

2/08/2022 03:34 PM

I love to play year round and believe PC needs more indoor AND outdoor public courts. It would be wonderful if some outdoor courts had sun protection for all of us pigment challenged folks as skin cancer is so pervasive in Utah. Thanks!

Anonymous

2/08/2022 03:36 PM

We need a 17 court outdoor complex to include a stadium center court

Anonymous

2/08/2022 03:38 PM

Not only is pickleball beneficial to the health of the elder residents, but it is also beneficial to the tourist appeal of Park City

Anonymous

2/08/2022 03:41 PM

Pickleball is so popular in Park City and will only get more popular! We are struggling NOW to play. It will get worse and worse as time goes on if we don't get more courts.

Anonymous

2/08/2022 03:43 PM

We need more pickleball courts in PC

Anonymous

2/08/2022 03:46 PM

Pickleball is here to stay!

Anonymous

2/08/2022 03:46 PM

I think set backs is a more appropriate measurement than size of lot.

Anonymous

2/08/2022 03:46 PM

I don't believe that daylight/nighttime is the determining factor when to play pickleball. 4 people on a court can be noisy, so it should not interfere with sleep hours. Other than that, the sport is very popular, and keeps the public active. I support building more courts.

Anonymous

2/08/2022 03:50 PM

PB is a great activity for all ages, so it would be nice to extend the availability while still protecting individual homeowners privacy and access

Anonymous

2/08/2022 03:53 PM

pickleball specific courts are very loud to surrounding neighbors. The club and citizens should work towards more public play area rather than disrupting neighborhoods. Sport courts are quite different in surface and noise and should not be restricted but cement courts are loud and disruptive to small close neighborhoods.

Anonymous

2/08/2022 03:57 PM

Pickleball continues to see incredible growth in participation. Its popularity warrants additional courts. These courts will be an asset to Park City for both residents and tourist.

Anonymous

2/08/2022 03:58 PM

Pickleball is a great social activity, great exercise and hugely popular with all age groups and demographics. It's a great way to meet / mix people that would otherwise never interact. Let's do everything possible to promote more pickleball play!

Anonymous

2/08/2022 04:04 PM

The current public indoor pickleball suck. Poor lighting, poor surfaces.

Anonymous

2/08/2022 04:04 PM

We need more courts both indoors and outside.

Anonymous

2/08/2022 04:06 PM

PICKLEBALL should be placed in a central complex for all to enjoy, away from homes. They should not be allowed in neighborhoods with close proximity of housing due to the noise that it makes. If you live on a large lot with multiple acres then I think it is fine or if you have an

indoor court at your home that is fine also.

Anonymous

2/08/2022 04:13 PM

We need more public pickle ball courts in Park City. It is an ever expanding game with so many participants. It is too difficult to get to play indoors at the Park City public courts as too many people sign up too quickly, consequently, no play in the wintertime indoors. I appreciate the City Council and City Staff considering these additional courts at The MARC and Park on 248

Anonymous

2/08/2022 04:17 PM

This is a fast growing sport as evidenced in our own community. Given the aging of our town, more will pick this sport up. If courts r located away from residential areas (ie, Quinn's) then I think the 9 pm curfew shld be extended.

Anonymous

2/08/2022 04:24 PM

We need more indoor courts in PC. They should be limited to PC residents only.

Anonymous

2/08/2022 04:26 PM

Please build more public Pickleball courts, or convert more tennis courts to PB. I'm a tennis and Pickleball player: I often see tennis courts empty, while there are dozens of people waiting for PB courts. Willow Creek Park on Sat or Sun illustrate this fact. Further, the relatively short time of PB games and smaller court enables dramatically higher utilization of courts. Envision 4 doubles PB courts on the size on one tennis court, yielding 16 PB players rather than 2 to 4 tennis players, leading to 4 to 8 times more happy residents! Thank you!

Anonymous

2/08/2022 04:30 PM

We desperately need more Pickleball Courts outside and inside for year long play.

Anonymous

2/08/2022 04:44 PM

We need more public courts in public parks

Anonymous

2/08/2022 04:48 PM

We need more dedicated outdoor pickleball courts

Anonymous

2/08/2022 04:49 PM

I am a summer resident and outdoor court availability in the summer is getting harder to regularly find. More dedicated courts are needed. My experience with tennis/pickleball courts suggests that the tennis population doesn't think they need to follow the rules.

Anonymous

2/08/2022 04:51 PM

Given population growth and corresponding growth of pickleball as a sport, it is a great move to expand pickleball court capacity.

Anonymous

2/08/2022 04:55 PM

I love this game but it is loud. Common courtesy and a willingness to work with the surrounding area is a must. I'd love one in my backyard but realize the sound of the ball and the loud socializing and swearing (me) would be a nuisance to my neighbors.

Anonymous

2/08/2022 05:04 PM

The outside courts should not have lights, my answer to number 4 would have been during daylight hours. Basketballs are just as noisy, if it is the noise you are concerned about, pickleball should fall under the same permitting as basketball courts.

Anonymous

2/08/2022 05:05 PM

The Park City Pickleball community should have a world class facility to play, which would also be an attraction for Tourists who would bring their paddles.. and revenue.. to Park City.

Anonymous

2/08/2022 05:10 PM

Pickleball courts should have the same consideration as tennis courts, basketball ball courts, pools, trampolines etc

Anonymous

2/08/2022 05:15 PM

The sheer numbers of pickleball players are increasing dramatically so the City is going to need to make alternatives available and if there are too many limitations on private courts, the City is going to have to deal with overcrowding at the public courts.

Anonymous

2/08/2022 05:15 PM

The question about hours of play outdoor should be relative to adjoining properties. If it is in a desolate warehouse area or isolated remote location, hours of play shouldn't be restricted. If courts surround homes, they certainly should be.

Anonymous

2/08/2022 05:23 PM

I think you need to do some NOISE Studies. I would not want a pickleball court near my home unless I could not hear it. too much disruptive noise

Anonymous

2/08/2022 05:38 PM

Pickleball is fastest growing sport. Pickle ball courts are crowded. Is only fair to give equal priority to both tennis and pickle ball.

Anonymous

2/08/2022 05:46 PM

As much as I love pickleball, it is a noisy sport and, given its popularity, one that is apt to draw multiple vehicles to court locations.

I think HOAs should have input into whether they want that type of recreation within their property boundaries and that nearby residences which might be impacted by the noise and/or traffic should be properly informed.

Anonymous

2/08/2022 06:02 PM

we need lots more pickelball courts in park city!!!

Anonymous

2/08/2022 06:12 PM

As you know, Pickleball courts are loud. Not only the sound of the ball and paddle, but most players are very enthusiastic and contribute to the sound. So I think that Pickleball can be played early and late so long as the noise is not affecting nearby homes.

Anonymous

2/08/2022 06:22 PM

I love pickleball and play a lot. The regular balls are quite noisy. There is a "Gamma Foam Quite Pickleball" ball that can be used instead of the regular plastic balls. This might be a good solution (requirement?) for homeowners who want to build a pickleball court.

Anonymous

2/08/2022 06:32 PM

Pickleball is already huge and growing every year. We need a outdoor dedicated Pickleball facility with 24 courts.

Anonymous

2/08/2022 06:49 PM

The sport is growing like crazy and should be supported in a big way!!

jphillips

2/08/2022 07:55 PM

Please approve additional indoor and outdoor pickleball courts. It is a great game, with a very impressive participation trajectory. The game does emit noise, however, and I believe it would be best to consolidate the use in public facilities rather than scattered throughout individual residential homes.

Anonymous

2/08/2022 08:39 PM

other consideration should be given for tree screening and other buffering, buildings, hills, etc.

1bilotta1

2/08/2022 08:57 PM

Pickleball is a fun court sport for all ages. It's the fastest growing sport in the USA and that's why more and more and more courts are needed.

Anonymous

2/08/2022 09:29 PM

I think it would be a standard process to have an HOA approved a Sport Court. I don't believe that a pickleball court should be treated any differantly than a "sports court"

Anonymous

2/08/2022 09:34 PM

I play pickleball but would not one in my neighborhood anywhere near without strict guidelines....

Anonymous

2/08/2022 09:38 PM

Lights should only be allowed on public courts.

Anonymous

2/08/2022 09:59 PM

Do homeowners have to notify their neighbors before buying a lawnmower or leaf blower, or installing an outdoor stereo system? Basketballs, skateboards, atvs, motorcycles - they're all vital to activities that people love, and they all make some noise. Pickleball should not be singled out for onerous regulation.

Anonymous

2/08/2022 10:40 PM

It has been extremely difficult to get court time, indoor and outdoor. You have hundreds of people wanting to exercise if there were available courts.

Anonymous

2/09/2022 12:10 AM

It is hard to get courts in the morning. It would be a great thing to have more courts.

Anonymous

2/09/2022 03:35 AM

Pull your heads out!!

Anonymous

2/09/2022 05:10 AM

Insane growth roughly doubling every year in park city (will level off eventually). Available public courts between Basin and Marc already inadequate. Availability at the Marc nowhere near meeting demand

Anonymous

2/09/2022 07:12 AM

It is such a pleasure to belong to the Park City Pickleball community! We've met so many wonderful people of all ages that we would never had the opportunity to get to know! For me it makes Park City even more special. It's a great inclusive, fun, communal sport the perfect fit for our wonderful town! But we do need more dedicated courts.....this sport is just getting more popular!

Anonymous

2/09/2022 08:14 AM

Pickleball should be treated the same as tennis.

Anonymous

2/09/2022 09:20 AM

Open up more indoor courts in the main building at the MARC

Anonymous

2/09/2022 09:23 AM

Interest in Pickleball continues to grow in all age groups. Additional courts can help meet the need and keep people healthier by playing Pickleball.

Anonymous

2/09/2022 09:26 AM

Pickleball courts need to be constructed with common sense in mind and not politicized.

Anonymous

2/09/2022 09:44 AM

More indoor public courts are needed. The MARC and Basin Rec. do not have enough capacity to meet demand in the winter. Thank you for addressing this issue. Pickleball is a fun sport for all ages.

Anonymous

2/09/2022 10:15 AM

We do not need additional light pollution in our city. Pickleball players do not need to play after 9pm in the summer. Neighbors should be notified. We need more public courts.

Anonymous

2/09/2022 10:20 AM

I love pickle balls so much, id love to build a pickle ball court in my backyard

Anonymous

2/09/2022 10:33 AM

its complicated

Anonymous

2/09/2022 10:34 AM

pickle ball 4 life

Anonymous

2/09/2022 10:43 AM

I do not believe these courts should be treated just as basketball nets in driveways or volleyball courts or skateboard ramps in driveways. Pickleball and the people who play are less noisy than skateboard ramps and basketballs bouncing along with profanity and yelling that goes along with it. More often than not, people who have pickleball courts painted in their cul-de-sacs and in their back yards, are not going to be using them that often. The neighbors who are bringing this complaint have other issues and don't even live here full time.

Anonymous

2/09/2022 11:01 AM

pickleball

Anonymous

2/09/2022 11:03 AM

No regulation needed

Anonymous

The city could build picklers their own dedicated indoor facility,

2/09/2022 11:29 AM

perhaps by the NAC. The Marc should be Tennis only.

Anonymous

2/09/2022 11:56 AM

I am a teacher at PCHS but I do not live in Park City. Depending on what information you want, you may want to first ask if the respondent lives in Park City.

Anonymous

2/09/2022 12:36 PM

It appears that there are other types of negative lobbies involved in this, where do these proposed regulations even come from. Pickleball is a fun community game that is not noisy. The only issue is they're not enough pickleball courts, it is rapidly growing and a great game for the entire family. We should not be looking at owners restrictions and anything that limits participation in the sport that is great for community and exercise. My children play with my parents, the whole family is involved, do not do anything to make this sport harder to play.

Anonymous

2/09/2022 01:21 PM

I love the idea of a dedicated indoor pickleball facility to be constructed at the MARC. Minimum 8 courts, but 10 or more even better. You build it, they will come! Parking could be an issue, though, especially with skiers now parking there. Control that!

Anonymous

2/09/2022 01:23 PM

Please build MORE pickleball courts for PC.

Anonymous

2/09/2022 02:15 PM

pickle ball please

Anonymous

2/09/2022 02:19 PM

I agree that is a very fast growing sport and it is popular with all ages. Also, it is a sport that does not require a lot of instruction to learn so it makes it very affordable. One or two courts added to Park City would be great!

Anonymous

2/09/2022 03:17 PM

I can't seem to be able to play Pickleball year round in Park City with the current facilities

Anonymous

2/09/2022 05:07 PM

We bought a condo with a tennis court on property. It was fine. It then changed to pickleball and the noise was so irritating that after 2 years of it we sold and moved out! It would be a shame for neighbors on their own private property to have to listen to the sound coming within the neighborhood. It only belongs indoors or on public property (parks/recreational facilities). Allowed only 9AM to 4PM.

Anonymous

2/09/2022 08:49 PM

No need for noise reducing fencing, flooring or paddles. It is not a noisy sport.

Anonymous

2/09/2022 09:24 PM

Great way to get people together outside safely and multi-generational

Anonymous

2/09/2022 11:25 PM

It isn't right to single out one sport for these requirements. A bouncing basketball has sound of 85-100Db, so why isn't this being regulated the same? You already have to get a special use permit for a court and that should be enough. Also there are only 3 requests at the city, why is the city creating a bureaucracy and wasting taxpayer money for such a small number of requests. Typical government overreach. And I have no plans to ever put a court on my yard.

Anonymous

2/10/2022 08:09 AM

Pickleball is a fantastic sport and this effort to curtail its enjoyment is a clear example of the term "Not in My Backyard". I DO NOT support these proposed changes.

Anonymous

2/10/2022 05:58 PM

I would like to see dedicated pickle ball courts to give back tennis courts for the purpose they were built. Pickle ball does not require extensive fencing and extra space so it would be much cheaper to put them on concrete slabs much like basketball and rec centers have. 11-6 would be better hours for usage unless they are totally away from residents.

Anonymous

2/10/2022 06:30 PM

i do not believe courts should be allowed in residential areas unless it is a new development and the courts can be very far away from homes as the noise is very annoying

Anonymous

2/11/2022 08:25 AM

Let's not over regulate. The game can easily be played in a driveway, preferably flat!!!

Anonymous

2/11/2022 10:38 AM

More outdoor public pickleball courts and indoor public pickleball courts.

Anonymous

2/11/2022 11:14 AM

rules should be same as tennis courts.

Anonymous

2/11/2022 02:37 PM

Our wonderful neighbors FOUR lots down recently put in a pickleball court and play 3 or 4 times a week until 10 pm at night. The LOUD and CONSTANT BANGING of the ball against the racquet is totally nerve-racking. Unfortunately, the incessant noise is unavoidable due to the nature of the game. Pickleball should be played in a public park or at a residence that is at least a quarter-mile away from any other homes. We love our neighbors, but their pickleball games are destroying the calm and peacefulness of the neighborhood. Thank you for conducting this survey.

Anonymous

2/11/2022 03:18 PM

In 2018-2021 pickleball participation grew at over 21%. Over 2021-2022 that increased to over 39%. Municipalities and regional districts should get ahead of this curve, not try to play catch up.

Anonymous

2/11/2022 03:57 PM

Please build more outdoor Pickleball courts!

H

2/11/2022 04:15 PM

I do love to play Pickleball when I am on vacation. However, we live adjacent to a tennis court and members of our HOA have determined that Pickleball should not be allowed at all on the tennis courts because of disturbance to surrounding owners. It is a very different noise to tennis and is a disturbance. When so many owners work from home it's certainly a consideration when homes are in close proximity to shared spaces. Having pickleball courts (for example at Willow Creek Park) is appropriate - where their placement is at considerable distance from homes.

Anonymous

2/11/2022 07:11 PM

The biggest concern with private pickleball courts in residential neighborhoods is the noise factor. Neighbors should not have to be subjected to that.

Anonymous

2/11/2022 08:04 PM

NO pickle ball anywhere. EVER

Anonymous

2/11/2022 08:07 PM

It is ridiculous to regulate a home sports court. There are quiet hours already in the city code. Apply those hours to pickle ball. Can you say government over-reach? How about not allowing contractors to park on both sides of the street for houses under construction that takes YEARS to complete!

Anonymous

2/12/2022 07:05 AM

I would prefer the addition of public courts at the MARC or other locations and keep them out of residential neighborhoods. The sound

is loud and annoying.

Anonymous

2/12/2022 08:07 AM

Pickleball is loud. I can hear the public facility pickleball games from over 3 blocks away. Nothing wrong with listening to it during day (fun game) but I would NOT want a court next door to me especially with lighting!

Anonymous

2/12/2022 08:31 AM

Of all the absurdities that are not addressed in the LMC, how did pickleball come to be a priority in need of code amendment????

Anonymous

2/12/2022 08:39 AM

Pickleball is not loud. We already have noise ordinances and people having parties, blowing leaves, playing music, playing basketball, etc. all make more noise than pickleball.

Anonymous

2/12/2022 10:12 AM

Seriously people?? Get over yourselves. We have bigger concerns to worry about like how in the world are we going to water all of golf courses!

Liz

2/12/2022 11:06 AM

Pickleball is a sport that does not allow for quiet enjoyment of our property. It is not a complementary to our community in any way. I believe our wildlife would suffer as well. I am strongly opposed to pickleball in any residential community in our city. The only place I can envision it working in the community is out by hwy. 80 or 40 where it would get drowned out by the hwy. noise. Thank you for asking.

Anonymous

2/12/2022 01:25 PM

Not in residential area, too noisy

Anonymous

2/12/2022 02:30 PM

HOA approval of these permits is essential to ensure it is consistent with the CCRs. We live within 500 feet of the Park Meadows Country Club. It has a pickle ball court and we hear it. At this distance, it is not a nuisance, but I could see it being one if it were closer.

Anonymous

2/12/2022 03:30 PM

Pickleball is loud. The sound from balls hitting paddles can be heard more than 300 feet away. Parking is an issue, "hanging out" after games is disruptive to a neighborhood. Pickleball is a community recreational activity and should be limited to areas designated as such, NOT quiet neighborhoods. Treat it the same way you would treat a skateboard park or pump track. Anything less is a disservice to the community.

Anonymous

2/12/2022 03:42 PM

There should be a 1/2 acres minimum lot.

Anonymous

2/12/2022 05:20 PM

Pickle ball courts are a water-wise yard option for exercise, and the noise is “happy” noise of people having fun. Many will probably eventually become patios after the craze. I would argue that landscaping services are louder, and outdoor house and street lights are brighter, (there are 2 non-dark skies compliant street lights visible from my house!), but neither are regulated, despite repeated requests. Many city lots are under 0.5 acre, but building setbacks provide adequate space for a court. I think it’s particularly unfair to regulate pickle ball or sport courts when so many that do not fit into your regulations have already been built. If you implement these regulations, I only think it’s fair to also regulate pre-existing sport courts—and additional non-code yard structures (eg, the extremely high fence on the corner of Venus Ct and Evening Star).

Anonymous

2/12/2022 06:30 PM

Get a life and let people have fun

Anonymous

2/12/2022 07:01 PM

We need to preserve the quiet enjoyment of mountain life in residential neighborhoods. Pickleball courts should be limited to our city parks where this type of activity is more appropriate.

Anonymous

2/12/2022 09:06 PM

I believe in personal property rights and enjoyment

Anonymous

2/12/2022 10:05 PM

Great idea to put out for comment with very concise and relevant questions.

Anonymous

2/13/2022 07:32 AM

Park City would be a huge draw for tournaments & an indoor/outdoor facility would get tremendous use.

Anonymous

2/13/2022 10:25 AM

Noise from courts travels well farther than 300 feet. Anyone in range of the sounds needs to be notified. Also, any new court should be required to be built with noise barriers and limit play to only reduced noise paddles and balls.

Anonymous

2/13/2022 11:23 AM

Pickleball paddles and balls are loud! Outdoor use in a neighborhood can be heard all over the neighborhood and should not be allowed.

Anonymous

2/13/2022 12:31 PM

I hope that those who weigh in on this subject and those who make the decision have at least watched a pickleball game, have talked with those who enjoy the sport, or, at best, have played pickleball. Yes, it is noisier than tennis, but for many people it's a lot more fun and very approachable even with borderline ability, which is why it's become so popular. Except for the real professionals, it's not particularly sedate or sophisticated -- and that's why I love it. It's been a while since we've really laughed and had physical and outdoor fun together -- pickleball lets that happen. Please don't nip it in the bud.

Anonymous

2/13/2022 02:41 PM

agree with the proposed changes that pickle ball be allowed with the appropriate setbacks, no lights. The parking is a slightly different issue, because if the presence of a pickle ball court negates street parking, what about people who are having an event in the neighborhood and want to use street parking for that. The presence of a pickle ball court in the neighborhood should not eliminate the ability to park on the street.

Anonymous

2/13/2022 03:41 PM

With time limits/hours of play spelled out, I can't really see why a Pickleball court would be more impactful due to noise than kids on a trampoline, shooting baskets, or playing any game in the backyard. The 12' fence being considered seems more significantly impactful to adjacent neighbors and property values than any noise concern. Thank you!

Anonymous

2/13/2022 04:38 PM

What we really need in Park City is more INDOOR pickleball AND TENNIS courts!

Anonymous

2/13/2022 07:23 PM

Anyone unfamiliar with outdoor pickleball should visit the MARC outdoor courts in summer to see how pickleball sound travels. I play but I wouldn't want a court next to my house.

Anonymous

2/13/2022 09:25 PM

We need more public courts.

Anonymous

2/14/2022 11:47 AM

Agreed about the need for greater mitigation for PB courts.

Anonymous

2/14/2022 12:03 PM

My home is located uphill, overlooking open space and the homes on Ashley. The noise from below carries extremely well up the hill so 300

feet is not far enough away to lessen the noise. Pickleball is a noisy game...the balls are hard and make quite a pop when hitting the wooden rackets, and the game itself makes people cheer and yell.

Anonymous

2/14/2022 12:38 PM

Let's not make it hard for people to exercise and socialize playing pickleball. The klunk of the paddle hitting the ball isn't any worse than loud traffic.

Anonymous

2/14/2022 01:00 PM

its an outdoor activity familiar (similar to known sports like tennis & table tennis) and accessible to people of all ages and fitness levels. access shouldn't be restricted. Lit courts on residential lots should probably be a no-go, but providing public lit courts in a place like city park would be great.

Anonymous

2/14/2022 01:03 PM

Obviously, if a neighbor were to have pickle ball tournaments on a regular basis it could get annoying. However, I would caution against becoming so over regulated that a youth wanting to practice shooting hoops on a daily basis needs to have an approved permit for the basketball standard. We live in a town that encourages an active lifestyle and spending all this time and energy opposing something that supports that philosophy seems counterproductive. It's reminiscent of when people started to complain about hot air balloons landing near their homes. Also, as long as emergency vehicle access is not restricted, I would never regulate when people can park on a public street.

Anonymous

2/14/2022 02:31 PM

Pickleball is NO different than any other sport. It's not any louder and shouldn't be regulated any differently. WE NEED MORE PUBLIC PICKLEBALL COURTS.

Anonymous

2/14/2022 02:32 PM

PB Courts should be allowed for residential use... what about basketball, pingpong, trampoline, putting greens Pools.

Anonymous

2/14/2022 02:54 PM

Do they require permits for basketball badminton others

Anonymous

2/14/2022 03:10 PM

Pickleball is noisy due to hard balls, paddles and courts. The sound carries a long distance. Pickleball courts are not appropriate in neighborhoods with small lots.

Anonymous

This is a very loud sport and neighborhoods should not to deal the

2/14/2022 03:36 PM

courts anywhere in their space. Someone should invent a quieter ball and some of these issues may go away.

Anonymous

2/14/2022 03:50 PM

There is a home in our neighborhood (no longer have an HOA) that meets requirements. However, it is in view of neighbors on high ridge lots. If the large cement rectangle is meant for a pickle ball court, it will be an eye sore.

Anonymous

2/14/2022 04:15 PM

No pickelball courts should be allowed at residences. Too noisy.

Anonymous

2/14/2022 05:29 PM

Need more courts. It is hugely popular and existing courts are overcrowded.

Anonymous

2/14/2022 06:03 PM

Please build more public pickleball courts

Anonymous

2/14/2022 06:09 PM

we need more public courts

Anonymous

2/14/2022 06:50 PM

Our neighborhood is very quiet, but getting noisier. I think we should all be cautious -- especially if there are public/club courts -- about doing anything that increases noise levels.

Anonymous

2/14/2022 06:59 PM

Pickleball is a great way for a family to stay fit. It's fast, action packed and a lot of laughter. There is always a noise problem. Residential areas always complain. A public park facility is perfect..near the skate park would be a perfect spot

Anonymous

2/14/2022 07:19 PM

Not many lots in PC are large enough to accommodate a pickle ball court without infringement on other property owners quiet use and enjoyment.

Anonymous

2/14/2022 08:12 PM

It should be a discretionary permit process, with a noticed public hearing with an appeal right to the Planning Commission and then to the City Council

Anonymous

2/15/2022 02:46 AM

Private courts ok if hours are reasonable and noise kept down. ABSOLUTELY NO PUBLIC LAND COURTS. Our police and snow removal services are overstretched during peak periods. All funds

must be invested in public health and safety! We need basic services. Pickle Ball courts are fun but not necessary. Please apply funds to services for all rather than the desires of special interest groups.

Anonymous

2/15/2022 06:58 AM

Pickleball and outdoor courts draw many cars to the site. Parking becomes an issue and outdoor courts such as pickleball should be kept in public facilities. Also noise is an issue because typically many people are invited over to play the sport, not just the family members are playing.

Anonymous

2/15/2022 09:47 AM

We need more use of the courts at the MARC all winter. Completely unfair that tennis has the vast majority of the time and pickleball gets times that no one wants. !!!!

Anonymous

2/15/2022 10:04 AM

Pickleball is gaining popularity but due to the nature of the ball and paddle being hard plastic and wood the noise level of the game is very irritating. Even the tennis players on adjoining courts find it distracting. Public courts are not usually in the middle of a residential area. Putting any private courts in a neighbourhood is a bad idea. The noise level is just too high. Maybe properties with 5 or more acres would be fine but in Thaynes or park Meadows or Old town they would be incredibly disturbing to the Majority of home owners who do not play.

Anonymous

2/15/2022 11:22 AM

This entire exercise strikes me as extreme overregulation. A solution in search of a problem. Surely the limited town staff resources have more pressing issues to address than this.

Anonymous

2/15/2022 03:29 PM

With already restricted daylight hours you are proposing, the added setback are ridiculous. How many hours can a private pickleball court really take up during the day? There should NOT be added set back rules for a pickleball court. You are comparing public court usage to private court usage and they are NOT the same. If someone has over 1/2 an acre, it would still be difficult to have even a 50 foot setback. The amount of noise coming from a private court is going to be minimal compared to the public courts that have people playing on them all day long. Try and remember that.

Anonymous

2/15/2022 05:50 PM

Is picklball louder than outdoor basketball, kicking soccer balls into nets, tennis? If not then no restrictions.

Anonymous

2/15/2022 06:23 PM

i understand the concern of noise and lights and believe hours of play should be limited for private residences w courts for those reasons. the pc pickleball club has been advocating for additional dedicated public courts beyond those at willow creek, in the development across from quinn's and trailside. there is clearly demand as those courts fill up fast and it is very difficult to get courts at the marc and other indoor facilities. i believe the town has approved exploring a large facility within the quinn's sports complex and that should be given high priority in my opinion.

Anonymous

2/16/2022 10:51 AM

Item 2. is should be the same setback as they allow for house set back or the setback for a driveway that people play Basket Ball on and play Hop Scotch Item 3 to restrictive why does A golf course not have to put up a noise reduction fence when they start mowing at 5 AM in the morning. Item 3 I do not believe there is an ordinance at what time you can take motor cycle out of your garage. Why should a pickle ball court be more restrictive than hot tub or swimming pool they do not time limit or have to put up a noise reduction fence. Take item 7 out everybody in PC complains

Anonymous

2/16/2022 11:15 AM

Let Freedom Ring (Or pong in the case of Pickleball!)

Anonymous

2/16/2022 12:08 PM

Pickle ball is a fun and NOISY sport. There should be limitations on how early it starts in the morning in residential areas.

Anonymous

2/16/2022 03:35 PM

I live about 100 yards, not feet, from 2 pickle ball courts in my neighborhood. They are MUCH LOUDER than the 2 tennis courts. It is quite loud early in the morning (between 6 a.m. & 8 a.m.)

Optional question (299 response(s), 302 skipped)

Question type: Essay Question

Mr. Sebright

Nann Worel
Mayor
nann.worel@parkcity.org

Becca Gerber
Council Member
beca.gerber@parkcity.org

Ryan Dickey
Council Member
ryan.dickey@parkcity.org

Jeremy Rubell
Council Member
jeremy.rubell@parkcity.org

Max Doilney
Council Member
max.doilney@parkcity.org

Tana Toly
Council Member
tana.toly@parkcity.org

cc: PC Planning Department, PC Planning Commission

12 April 2022

Subject: Proposed regulation of private pickleball courts.

Dear Mayor Worel and Members of the Park City Council:

Thank you for reviewing the following comments concerning construction of private pickleball courts in residential areas of Park City. This issue has garnered significant attention of late by residents applying for private pickleball courts and opposing neighbors, and by the Planning Department, by the Park City Planning Commission, and now by the Park City Council. While pickleball is merely a game, it is no small issue, as resolution requires important balancing of property rights and the rights of nearby neighbors to peace and quiet through enforcement of extant noise and land use policies and regulations. Please know that I, and many others, am very appreciative of the effort invested in attempting to address the private pickleball court issue.

Backyard pickleball raises many land use issues, amongst them on street parking, visual impacts, and hours of play, all addressed by the proposed Code Amendments and appropriate for review and consideration by the Council. The most important issue with pickleball courts in densely developed residential areas is **NOISE**. The research developed by the Planning Department and Planning Commission establishes this point. The proposed Code Amendments address these issues rationally and I support their adoption.

Longstanding noise ordinances, implemented long before pickleball became a contentious issue, already exist. Decibel levels above 55 violate existing noise limits in our community and should be prohibited in the case of backyard pickleball. The scientific evidence as provided by acoustical engineering studies is clear and overwhelming that pickleball generates noise levels up to 80 to 85 decibels. These studies clearly demonstrate that noise mitigation for pickleball courts within 150 feet of nearby properties is nigh unto impossible unless the court is contained within a building. Further, these studies suggest that mitigation of such noise levels is challenging at best for distances of up to 600 feet for properties adjacent to and near pickleball courts. The proposed Code Amendments add a prudent process for ensuring, in advance, that a backyard pickleball courts will not violate noise ordinances before a pickleball court is constructed. Once constructed, remediation will be dependent upon effectiveness of complaints from neighbors and potential litigation.

I strongly support adoption of one acre lot size minimums and minimum setbacks of 600 feet and 150 feet with effective sound mitigation technologies (acoustic walls of ten feet and higher). The latter would be subject to acceptable acoustic study and engineering at the expense of the applicant. Such legislation

would preclude construction of pickleball courts in the most densely developed neighborhoods in Park City, protecting the valuable time of the Planning Department, Planning Commission and City Council, and reducing the potential for contentious and damaging litigation amongst neighbors. Other contentious nuisance issues associated with pickleball courts might also be eliminated if courts in these neighborhoods are simply prohibited.

Further, if an applicant persists in proceeding with a backyard pickleball court a required meeting with the Planning Department is a good idea. Such a meeting might be useful to discourage pickleball court applications which violate minimum property size, setback requirements, and acoustic requirements, raise visual impact issues, and have potential to result in litigation.

Following are a couple of other observations of this process for consideration:

-Enforcement is also a problem and a devilish one to address. It is in no one's interest for Council to adopt unenforceable restrictions on backyard pickleball. Clearly, private citizens must play a notable role in enforcement, often by initiating the identification and notification process. Post these initiatory steps, enforcement is and should be under the purview of duly elected officials and actual enforcement should be expected of these same officials and their delegates as part of their fiduciary duties to the public. There is no escape from this responsibility nor should there be. We, the public, should expect that whatever amendments Council adopts can be reasonably enforced.

-While voluntary community surveys are fun and interesting and the results may make some feel good, they generally do not present a valid picture of public opinion, particularly in the times we live in when a broadcast email, to fellow pickleball players, for example, can skew "results" in a totally inaccurate way. If surveying is to be used to measure public opinion, it should be a scientific survey with identified margins of error completed by independent licensed or certified professionals.

-The importance of recognizing and acknowledging the work of professional staff in developing potential legislation should not be understated. It is the role and responsibility of professional staff to conduct the "deep dive" into issues of import. Professional staff must exercise the time and diligence to explore and learn about the assigned issue, including the detail and nuance and, in the end, educate, inform, propose and recommend. Paying insufficient attention to this work may bring risk and can bring problems. I wish to specifically thank the Planning Department for their in depth and thoughtful work on the issue of private pickleball courts.

NOISE is the issue! I conclude by strongly urging the Park City Council to approve the Code Amendments that limit private pickleball courts to properties of one acre or more that can accommodate 600 foot setbacks from neighboring properties or 150 foot setbacks with approved noise mitigation. The proposed legislation balances property rights while reinforcing long existing noise level ordinances in our community that benefit the public at large.

Thank you for your efforts on our behalf and working to keep Park City strong by nurturing community.

Sincerely,

Brian Schiller
P.O. Box 2035
Park City, Utah 84060
801-209-6845
schillerbt@aol.com

**FRODE JENSEN
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060**

April 11, 2022

**VIA EMAIL TO council_mail@parkcity.org
AND**

Nann Worel
Mayor
nann.worel@parkcity.org

Becca Gerber
Council Member
becca.gerber@parkcity.org

Tana Toly
Council Member
tana.toly@parkcity.org

Max Doilney
Council Member
max.doilney@parkcity.org

Jeremy Rubell
Council Member
jeremy.rubell@parkcity.org

Ryan Dickey
Council Member
ryan.dickey@parkcity.org

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts (Code Amendments)

Dear Mayor Worel and Council Members

I thank Council for its thoughtful deliberation of the proposed Code Amendments regarding Outdoor Pickleball Courts in Residential Areas at its meeting on April 7, 2022. I write regarding the changes to the Code Amendments proposed by Council following its discussions.

I believe the Code Amendments proposed by Planning Commission (Commission) and presented to Council generally represent a carefully researched and crafted ordinance which, taken as a whole, balances not only property owners' rights to use their backyards for recreational purposes and neighbors' rights to peace and quiet but also effectively enforces the letter and spirit of our land use

regulations and protects homeowners' property values. I strongly support and urge City Council to adopt the Code Amendments.

Specifically relating to the changes proposed by Council on April 7, I have the following comments and concerns.¹

1. I understand that Council would eliminate the one-acre minimum lot size requirement proposed by the Commission. Early in the process undertaken by the Planning Department (Department) and Commission I expressed a concern regarding lot size to the Department and Commission. I asked why Staff had proposed a one-acre minimum and whether a larger or smaller minimum lot size would be more appropriate. I also asked whether or not pickleball courts in residential neighborhoods are so likely to create a nuisance and lead to complaints and potential litigation that they should simply be prohibited. Several members of the Commission expressed similar concerns.

My conclusion, reached by the end of the Department's and Commission's extensive and careful drafting and deliberative process, and which is reflected in the record and the proposed Code Amendments, is that the one-acre minimum lot size requirement is an appropriate restriction to prevent courts from being built in Park City neighborhoods with predominantly smaller lot sizes where, based on the record compiled by the Department and evidence of innumerable pickleball disputes around the country, successful mitigation is nearly impossible and courts, if built, are likely in any event to draw opposition and potential litigation.

The benefit of this provision is that it would simply eliminate likely disagreements between proponents and opponents during a particular CUP process over whether the noise and other impacts generated by an outdoor pickleball court in a densely developed small-lot residential neighborhood can be effectively mitigated. By so doing, the concerns expressed by the Mayor and several Council Members at your April 7 meeting regarding enforcement of restrictions on guests, parking, and hours can simply be avoided. In this respect, the minimum lot size requirement effectively accomplishes the practical result suggested by Council Members Doilney and Rubell during the meeting: that outdoor pickleball courts should simply be prohibited in densely developed small lot residential neighborhoods. This restriction will also result in administrative economy and cost-savings as the Department and Commission will not have to deal with applications for small lots which are likely to be highly problematic. On the other hand, the lot size restriction permits court construction on larger lots where the record shows that noise impacts can often be reasonably mitigated.

¹ This letter supplements and incorporates my letters to the Department and Commission dated February 17, February 23, March 14, and March 31, 2022 in which I comprehensively address the numerous concerns which many of my neighbors and I have about backyard pickleball in Park City, many (but not all) of which concerns have been addressed in the proposed Code Amendments. These letters are part of the record created by Staff and Planning Commission in proposing the Code Amendments. Because the proposed changes in the Code Amendments impact the proposal by the Commission, I am also copying the Commissioners on this letter.

Accordingly, and based on the strong evidence contained in the record developed by the Department and Commission, I recommend that Council preserve the one-acre minimum lot size requirement in the Code Amendments.

2. While I recommend above that the one-acre minimum lot size requirement be retained, I also believe that the essential integrity and prophylactic benefit of the Code Amendments can be preserved without the minimum lot size requirement *so long as* the 600 feet and 150 feet setback requirements set forth in the proposed Code Amendments are retained. In fact, given the size of a pickleball court and as a matter of simple geometry and arithmetic, it will be virtually impossible for any CUP applicant to comply with the minimum 150 foot setback requirement on a lot size of one acre or less, regardless of how the lot is shaped or the court is positioned.

I do believe the 150 foot setback requirement is critically important to the overall effectiveness of the Code Amendments and, based on the discussion on April 7, I understand Council supports this requirement. There is a fairly voluminous record which was created in the Planning Commission process which describes the very serious noise issues arising from backyard pickleball. Experts agree that noise disturbance is an issue at distances up to 600 feet (and even more depending upon local conditions) and they agree that *at distances of less than 150 feet the noise impacts on neighbors can generally **not** be effectively mitigated*. The reasons for this inability to mitigate include sound reflection, sound leakage from acoustic barriers, landscaping, topographic and atmospheric variables, acoustic barrier height limitations, and proximity of multi-story residences.

If Council has any doubt regarding these realities, I would commend Council's attention to the Staff's review of the issues relating to pickleball sound at pages 304 and 305 of the April 7 agenda packet, including specifically the reference to the article entitled "The sound of pickleball – a detailed explanation, and what you need to consider before building courts" by Bob Unetich², a USA Pickleball official, and the letter of a recognized acoustic expert, R. Lance Willis, PhD, of Spendiarian & Willis, included in the agenda packet at page 522, for his expert opinion on this issue.³

I strongly support the 600 foot and 150 foot setback limitations set forth in the proposed Code Amendments.

² See: <https://crazypickleballlady.com/2021/07/13/the-sound-of-pickleball-a-detailed-explanation-and-what-you-need-to-consider-before-building-courts/>. Mr. Unetich is a USA Pickleball certified referee, a USA Pickleball Ambassador At Large, and a professional registered engineer. For more information, see also his Facebook page called "Pickleball Noise Mitigation" at <https://www.facebook.com/groups/145879006219534>.

³ Dr. Willis' substantial credentials and experience in evaluating pickleball noise issues are well-known to Staff. Staff has relied extensively on his expert opinions in formulating its approaches to pickleball regulation as set forth in the Staff Reports provided to Planning Commission. See, in particular, Dr. Willis' article entitled "Why Are Your Pickleball Courts Receiving Complaints from Neighbors?" at <https://www.acousticalnoise.com/news/>.

3. I understand that Council would eliminate the restriction on numbers of guests who may be present to play pickleball on a private court proposed by the Commission. I agree with the concerns expressed by the Mayor and Members of Council that this restriction would be very hard to enforce as a practical matter and would perhaps unreasonably treat guests invited to a residential property to play pickleball differently than guests invited for dinner or other social purposes. Notwithstanding, use of private pickleball courts should be limited to purely private and noncommercial purposes and the provisions included in the proposed Code Amendments requiring the owner or another resident to be present when the court is being used by guests and prohibiting any kind of fee or payment for use of the court should absolutely be retained.
4. I understand that Council would change the preliminary conference requirement from mandatory to optional. Based on my recent experience opposing two flawed applications for outdoor pickleball courts in Park Meadows, there has been much confusion among applicants about what the requirements are for CUPs for private recreation facilities. Regardless of how they are finalized, the Code Amendments will not eliminate potential misunderstandings over applicable requirements. I do not believe that requiring a preliminary conference with Staff will be particularly burdensome on applicants, but it will have the unquestioned benefit of clarifying the CUP requirements before time and money are spent by applicants and opponents, if any, on ill-considered projects. I recommend that the preliminary conference requirement be made mandatory.
5. Council considered extending the notice requirement beyond neighbors within 300 feet of the applicant's property lines. I am not clear what the tentative resolution of this issue was at the April 7 meeting. However, I agree with the point of view expressed by a Member at the meeting that pickleball noise can affect properties within 600 feet of the applicant's property line and recommend that Council adopt a requirement that the CUP notice be sent to all such property owners.
6. I understand that Council would also not require notice to HOAs of a CUP application. I understand the reluctance of Council to cause the City to insert itself in, or interfere in any way with, private HOA processes. However, I would counter that the main purpose of the proposed Code Amendments is to ensure that reasonable processes are adopted to maximize the likelihood that any courts which are approved by the Commission do not become the subject of post-approval complaints by neighbors or an HOA and do not result in litigation. I recommend the requirement of notice to HOAs of a CUP application be retained.

I look forward to Council addressing these concerns at its next meeting. Thank you in advance for your attention and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frode Jensen".

Frode Jensen

cc:

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

Public Improvements Engineer
Nestor Gallo, P.E.
nestor.gallo@parkcity.org

Park City Manager
Matt Dias
matt.dias@parkcity.org

Park City Attorney's Office
Mark Harrington
mark@parkcity.org

City Recorder
Michelle Kellogg
Michelle.kellogg@parkcity.org

Members of the Planning Commission:

Sarah Hall
sarah.hall@parkcity.org

Bill Johnson
bill.johnson@parkcity.org

John Kenworthy
john.kenworthy@parkcity.org

John Phillips
john.phillips@parkcity.org

Laura Suesser
laura.suesser@parkcity.org

Douglas Thimm
douglas.thimm@parkcity.org

Christin Van Dine
christin.vandine@parkcity.org

planning@parkcity.org

Julie Schultz

From: [REDACTED]
Sent: Saturday, February 12, 2022 1:47 PM
To: Browne Sebright
Subject: [External] Public hearing for pickle ball rezoning

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

Just to let you know that today, Saturday, February 12, this postcard announcement of a public hearing arrived in our mailbox in Park Meadows. Unfortunately, the two meetings on February 7, and February 8, are finished. It would be very nice if these mailings were sent out at an appropriate time so as to be received by Park City residents in time to attend.

Diane Thompson
[REDACTED] Little Kate Rd
Park Meadows

PUBLIC HEARING

PROPERTY ADDRESS: Primarily Residential Zoning Districts

PERMIT #: PL-21-05062

APPLICATION: Land Management Code Amendments - Pickleball Courts

REVIEW AUTHORITY: Planning Commission and City Council

HEARING DATE: Planning Commission 2/23/2022, 5:30 PM; City Council 3/5/2022, 6:00 PM

LOCATION: www.parkcity.org/public-meetings

PROJECT DESCRIPTION: Amendments to Land Management Code Section 15-15-1, and enacting a new section 15-4-22, are proposed for pickleball court land use regulation in residential Zoning Districts to mitigate pickleball court impacts. We want to hear from you! Attend a virtual open house on February 7 at 5:00 PM or February 8 at 12:30 PM and complete our survey on www.surveyparkcity.org by February 16, 2022. For more information, visit www.parkcity.org.

PROJECT PLANNER: Browne Sebright | browne.sebright@parkcity.org | 435-614-4063

For further information, please contact the Project Planner or visit the Planning Department at 400 Main Street, Park City, UT.

Julie Schultz

From: JF Lanvers [REDACTED] >
Sent: Saturday, February 12, 2022 4:15 PM
To: Browne Sebright
Subject: [External] Public hearing Permit # PL-21-05062

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

We just received the mailed notices for the above captioned hearing, today February 12.
We saw that it was scheduled for February 7. Obviously, it's long gone.
Are you rescheduling that hearing?
JF Lanvers, [REDACTED] Arabian Dr, Park City, UT 84060

Julie Schultz

From: ttolpinrud@gmail.com
Sent: Monday, February 14, 2022 11:03 AM
To: Browne Sebright
Cc: Council_Mail; planning
Subject: [External] Public Hearing Pickle Ball Courts

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

Browne,

Thank you for taking my call this morning regarding the public hearing coming up on Pickle Ball Courts.

I would like to follow-up in writing my concern about the postcard notice that I received in my mailbox on Friday afternoon, February 11th. I am very interested in the discussions and after reading the received card, was disappointed to learn that the two virtual open houses scheduled for February 7th and 8th had already taken place. This gave me zero opportunity to participate and hear other ideas and concerns both pro and con or to give feedback or ask questions.

You let me know this morning that the main reason for the postcard notice was to inform citizens about the Planning Commission meeting on the 23rd of February and the council meeting on the 3rd of March and that the virtual open house information was added separately. The information from the virtual meeting is going to be given to the Planning Commission to evaluate how they move forward, along with the online survey. Sadly, I will not be part of those comments but I will complete the survey.

While I appreciate the hard job that everyone has at the City offices, I do not find this an acceptable way to represent the planning department. If the notice is legally required within a specific time frame, or input is actually wanted, then it should be mailed in a timely manner.

Thank you,
Toby Tolpinrud


2 February 2022

Members of the Planning Commission
Park City Municipal Corporation
Park City, Utah 84060

Dear Commissioners:

Following the Planning Commission meeting of 26 January 2022, I have spent several days pondering the issues surrounding possible approvals for private pickleball courts in Park City. I have also spoken with neighbors and other members of the public who reside in Park City. Following please find a compilation of my observations:

-I appreciated the serious review of pickleball courts in the City that conducted by the Planning Commission the evening of January 26. It was evident that commissioners had indeed reviewed the various letters submitted by residents concerning this issue. Clearly the consensus of commentary from neighbors and others indicated strong support for significant additional examination and study of this topic and the formulation of guidelines/policies that may govern possible construction and use of private pickleball courts in the future.

-Please know that I am aware of only one neighbor who received formal notification of the proposed pickleball court and receipt of that letter was two days before the meeting, January 24, 2022. I did not receive any notification as an adjacent property owner. While we receive mail at a post office box, in this day and age with large, integrated databases it is inappropriate to limit mailings to street addresses. The preceding is no longer a tenable excuse for failure to notify.

-Mr. Sebright did not accurately report the timing of the building permit for the requested pickleball court at 1961 Venus Court. The sequence is as follows:

- 29 June 2021-excavation begins at 1961 Venus Ct. Commissioners received dated photos.
- 30 June 2021-excavation and site preparation continues. Construction workers report that they are building a pickleball court for the property owner.
- 1 July 2021-property owner requests building permit for concrete patio construction. See Park City supplied documentation.
- 6 July 2021-half of concrete patio poured after compaction of fill material and rebar installation.
- 8 July 2021-Building permit approved by Crystal Kaufman. See Park City supplied documentation.
- 12-14 July 2021-Final concrete pour with completion to current state of concrete slab. See dated photos.

-Additionally, Mr. Sebright apparently made the suggestion of moving the lines painted on the concrete slab marking the confines of the pickleball court in an effort to abide by legal setback requirements. Several people commented that the game is often played on 5-10 foot margins

-A few commented that allowable decibel levels for private pickleball courts should not be determined by averages but by a fixed limit. Each proposed private pickleball court requires its own site specific acoustic study.

-Finally, the most common comment, and one that I have come to share, is that pickleball courts should be constructed in public common areas with parking, restrooms and other amenities. All of these courts sites should be studied for acoustical impacts and be acceptable to neighbors in proximity. Certainly, private pickleball courts should not be allowed on lots of less than .5 acres.

Please know that I wish the Planning Commission and all commissioners well as you carry a vital responsibility for our community. With the question at hand as well as other huge projects you are currently working on (think two huge parking lot initiatives) your work is daunting to say the least. Your conscientious efforts to engage the public will help share the burden and responsibility as well as provide perspectives that may prove to critical to the future of our little town. Thank you for reading!

Sincerely,
Brian Schiller



Evening Star Drive
Park City, Utah 84060

Julie Schultz

From: planning
Sent: Wednesday, February 9, 2022 8:20 AM
To: Planning_Mail
Subject: FW: [External] Pickleball Court Proposed requirements

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

From: Calvin Regan [REDACTED] >
Sent: Monday, February 7, 2022 4:56 PM
To: planning <planning@parkcity.org>
Subject: [External] Pickleball Court Proposed requirements

[CAUTION] This is an external email.

The proposed requirements for a residential pickleball court are ridiculous. Does Park City have these requirements for a basketball court? The bouncing of a basketball is louder than a pickleball hitting a paddle. A .5 acre lot minimum size is also ridiculous - how many lots in the city limits are even .5 acres - do you have this requirement for a basketball court? The setbacks are also ridiculous - do you require these setbacks for a basketball court? A tennis court? Volleyball court? Prohibiting on street parking - what the heck - this is way out of bounds!! This is unfair treatment of pickleball. Pickleball should not have any requirements that a tennis or basketball court don't already have. This noise issue is really over blown.

Proposed Requirements:

Staff will consider Land Management Code amendments for Planning Commission and City Council review, including:

- Requiring an Administrative Permit, public notice to adjacent properties, and a public hearing for pickleball courts
- Modifying the definition of Private Recreation Facilities to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport
- Adding a new Land Management Code Section specific to mitigation strategies for pickleball courts:
 1. Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts
 2. Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation
 3. Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles
 4. Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court
 5. Prohibiting on-street parking for properties with permitted pickleball courts

6. Requiring Homeowner Association approval for properties that are part of a Homeowner Association
 7. Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance
-

Cal Regan
Thaynes Canyon

Julie Schultz

From: planning
Sent: Monday, January 31, 2022 2:28 PM
To: Gretchen Milliken; Rebecca Ward; Spencer Cawley; Browne Sebright
Subject: FW: [External] Pickleball Courts

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

From: Andrew Morphett <[REDACTED]>
Sent: Monday, January 31, 2022 1:17 PM
To: planning <planning@parkcity.org>
Subject: [External] Pickleball Courts

[CAUTION] This is an external email.

The Planning Department

I read with interest the following proposed amendments in relation to the installation and use of Pickleball courts in residential areas in Park City.

I feel these amendments are well thought out and fully support the them.

Pickleball is a noisy sport and has no place in any residential area without serious planning rules and noise mitigation.

Amendments include: (**see comments**)

- Requiring an Administrative Permit, public notice to adjacent properties, and a public hearing for pickleball courts **I would also include properties up to 150 yards**
- Modifying the definition of Private Recreation Facilities to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport . **I fully agree**
- Adding a new Land Management Code Section specific to mitigation strategies for pickleball courts:

1. Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts **Agree: however due to the noise generated I think this could be extended to 3/4 acre**
2. Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation **Agree**
3. Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles **This is important and I agree with this proposal**
4. Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court **Fully agree**
5. Prohibiting on-street parking for properties with permitted pickleball courts **Agree**
6. Requiring Homeowner Association approval for properties that are part of a Homeowner Association **Agree along with complying with all these amendments.**
7. Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance. **I agree as this is important to curb any abuse of the amendments and their intentions. I would consider expanding this amendment to " if 3 noise complaints are filed in ANY one year period"**

Regards and thanks for your time

- Andrew Morphett
- [REDACTED] Lucky John Dr
- Park City Ut 84060

**FRODE JENSEN
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060**

February 13, 2022

VIA EMAIL

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts

Dear Gretchen and Browne

I write regarding the proposed Land Management Code amendments (Code Amendments) posted on your website and which you have described to the public in two open houses on February 7 and 8. I look forward to discussing the proposed Code Amendments with you at our meeting on February 15.

As you know, I have been concerned about pickleball noise issues since July 6, 2021, the day when I discovered that my neighbor in Park Meadows had commenced construction of a private, backyard pickleball court less than 25 feet from my house and within 100 feet of the homes of several of my neighbors -- without a building permit. Following this discovery, to better understand the noise implications of backyard pickleball I engaged an acoustic expert, R. Lance Willis, PhD, the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. in Tucson, AZ, to evaluate the situation. Dr. Willis has extensive experience in pickleball court siting, noise analysis and mitigation. He provided me with a letter explaining many of the noise issues which pickleball courts in residential neighborhoods present, a copy of which letter was provided to Staff as an attachment to Robert Rosing's letter to you and others dated August 3, 2021. I will refer to his letter in several places below. By separate email to you today I am attaching an additional copy of his letter for your reference.

On January 24, 2022 I submitted a letter in opposition to the Application for a Conditional Use Permit to Build a Pickleball Court at 1961 Venus Court (PL-21-05072) to the Planning Commission on which you were copied. Many of the concerns which I raised in the letter are relevant to your further consideration of the proposed Code Amendments. By separate email to you today I am attaching an additional copy of this letter for your reference.

I have also prepared a PowerPoint presentation describing pickleball noise issues which I delivered to Mayor Worel, City Manager Dias and Senior City Attorney Harrington several weeks ago. By separate email to you today I am attaching an additional copy of this presentation for your reference. I am also cc'ing these three individuals on this letter for informational purposes.

I have the following specific questions, concerns and comments about residential pickleball courts and the proposed Code Amendments.

1. One of Staff's slides presented at the open houses last week describes levels of pickleball noise commonly exceeding 55 decibels and ranging up to 80 decibels or higher. Dr. Willis confirms these noise levels can be reached during pickleball play in his letter. For comparison's sake, it is widely understood that pickleball noise can equal or exceed the noise levels of garbage disposals, alarm clocks, vacuum cleaners and gas lawn mowers, all of which have been measured around 75 to 80 decibels. It is well known that pickleball courts near homes frequently lead to complaints, disputes and litigation. I provide numerous examples of pickleball complaints and litigation around the country in the attached PowerPoint presentation.

I would first ask you if you have considered, as a threshold issue, whether pickleball courts should even be permitted at all in densely developed residential areas in Park City and, if you have, what is the cost-benefit basis for your conclusion? To me, when decibel levels can reach 80 dBA, the costs simply outweigh the benefits. In addition to your minimum lot size proposal, why not simply also prohibit all backyard pickleball courts in residential areas where there are any homes within, say, 150 feet of a proposed court?

Furthermore, we learned in your recent open houses that the City is actively examining the possibility of adding numerous additional municipal courts. If the City can build, for example, sixteen or more new courts in a remote location, in the near future, why permit any private pickleball courts in residential backyards at all? Please explain why the provision of additional municipal courts would not satisfy the demand, obviating the need for private courts in densely developed residential areas.

2. If the Planning Department agrees with me that noise associated with pickleball play is a serious concern, which I presume it does since it is proposing the Code Amendments, exactly what noise levels resulting from pickleball play does the Department consider acceptable? The proposed Code Amendments don't say and the existing provisions of the Code relating to noise levels and noise annoyance may not provide clear answers.

Dr. Willis has reviewed Chapter 6-3 of the Park City Code which both regulates maximum permissible sound levels in Section 6-3-9.A and also provides noise disturbance and annoyance restrictions under Section 6-3-9.C. In particular, Section 6-3-9.C.2 of the Code prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a *noise disturbance*." A noise disturbance is defined in Section 6-3-1 as "[a]ny sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)". Accordingly, "annoyance" is a metric for noise

assessment for impulsive sound in addition to the maximum permissible sound levels described in Section 6-3-9.A.

Dr. Willis advises that current standards for noise assessment in regard to annoyance for impulsive sound are based on adjusted sound exposure levels and include ANSI S12.9 Part 4 and ISO 1996 Part 1 standards. He concludes that the methodology in ANSI S12.9 Part 4 for assessment of noise annoyance caused by pickleball play may well show violations of the requirements in Section 6-3-9.C.2 of the Code where the placement of courts is in close proximity to neighbors.

I have seen no evidence that Staff has considered the existing noise standards under Chapter 6-3 of the Code or done any analysis regarding acceptable levels of noise under the proposed Code Amendments. How are applicants to know when they have provided for sufficient noise mitigation in their permit application? What standards will the Planning Commission apply to determine what a sufficient level of noise mitigation is in considering a CUP? It is hard to imagine that any Code Amendments purporting to provide guidelines for acceptable levels of pickleball noise can be considered or adopted without this analysis.

3. Nearly all of Staff's proposals depend on a clear and coherent understanding of the kinds and levels of noise generated by pickleball play. Please advise me whether the City engaged a competent, expert noise consultant of Dr. Willis' caliber to assist in understanding the noise issue and in drafting the proposed Code Amendments? If not, please explain why the City should not commission a comprehensive and expert pickleball noise analysis now and submit it to the Planning Commission, the City Council, and the public together with the proposed Code Amendments.

Since I have seen no reference to any such engagement or analysis, I would suggest that it is premature to consider any codification of pickleball noise mitigation standards before the City has received the written advice of a qualified noise expert. It should go without saying that it is entirely inappropriate to rely on any noise analysis which may have been done by another municipality or concerned person in another geography under circumstances which may differ significantly from our situation here in Park City.

4. You have stated on your website, in the Staff Report on the Venus Court application, and in the open houses on residential pickleball that a pickleball court is 20' x 44' or 880 square feet.

This statement is simply inaccurate and is grossly misleading. A pickleball court will typically consume 2,100 square feet or nearly *2 ½ times more surface area* than you have represented. It is true the in-bounds area of a court may be 20' x 44' but the *minimum* recommended playing area is typically 30' x 60'. Moreover, pickleball court builders typically recommend a 34' x 64' (or 2,176 square feet) playing area. If perimeter fencing outside the playing area is included, a standard court could easily exceed 34' x 64'. Thus, a common pickleball court may be nearly 2 ½ times larger than you represent. See: <https://pickleballfix.com/pickleball-court-dimensions/>. If you agree with me, please correct these representations in future presentations.

5. Staff has previously proposed that applications for conditional use permits for pickleball courts would require an Administrative Permit, presumably as opposed to a permit granted by the Planning Commission.

Please explain why the Planning Department proposes an Administrative Permit process? Why shouldn't permits for highly controversial residential pickleball courts be CUPs, decided by the Planning Commission, with all of the legally-mandated requirements applicable to conditional uses, as all other Recreation Facilities are?

6. It was suggested by a representative of the Recreation Department in one of the open houses that the Department has only received one complaint from all the residents of the Racquet Club condos regarding pickleball noise. However, the Recreation Department staff report recently provided to City Council expressly acknowledged the problem of pickleball noise, stating (in respect of noise issues already present at the MARC) "Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players". Before moving forward with the Code Amendments, Staff should survey all the residents living within 600 feet of the pickleball courts at the MARC.

7. Staff has suggested modifying the definition of "Private Recreation Facilities" in the Code to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport.

I would agree that pickleball courts raise mitigation issues resulting from their noisiness and that it is appropriate to clarify the treatment of pickleball applications, including noise mitigation, in the Code.

However, it should be made clear in the Code Amendments that, in addition to noise mitigation, the items which the Planning Department and/or Planning Commission must review under subsection E of Section 15-1-10, as amended by the Code Amendments, include, but are not limited to (i) Storm Water run-off; (ii) Fencing, Screening, and landscaping to separate Use from adjoining Uses; (iii) usable Open Space; (iv) lighting; (v) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; (vi) within and adjoining the Site, the appropriateness of the proposed Structure to the existing topography of the Site; and (vii) consistency with the goals and objectives of the Park City General Plan.

In addition, the Code Amendments should be clear that all sports courts (for example, including tennis, basketball, and volleyball courts) require mitigation analysis under subsection E of Section 15-1-10 in connection with noise concerns.

In this vein, the distinction articulated by Staff in a recent open house between *sports courts* and *sports equipment* should be clearly delineated in the Code Amendments.

8. Staff has suggested adding a new Code section specific to mitigation strategies for pickleball courts, including

- (a) Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts.

Please explain how the Planning Department chose 0.5 acres as the minimum required lot size? For example, a square lot of 0.5 acres would be 147' x 147'. As mentioned above pickleball courts are

commonly 34' x 64' and consume approximately 2,000 square feet. Based on typical home and garage sizes, and driveway coverages, in residential areas in Park City why do you conclude that a minimum lot size of 0.5 acres is appropriate? Why shouldn't it be a greater minimum size? How many residential lots in Park City equal or exceed 0.5 acres? In addition, should there be a maximum slope and excavation restriction for courts?

- (b) Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation.

On what basis has Staff concluded that a 100-foot setback is an appropriate setback distance? Please provide your analysis. Why not a greater setback distance? When my neighbor at 2732 Meadow Creek Dr commenced construction of an unpermitted pickleball court last summer, Dr. Willis opined that noise concerns regularly arise whenever courts are located within 500-600 feet of homes. For your reference, a copy of Dr. Willis' letter is attached. Given Dr. Willis' opinion, please explain why you have chosen 100 feet as an appropriate distance beyond which courts may be sited with no mitigation required. Shouldn't courts further than 100 feet away from adjacent property lines which generate noise in excess of Park City noise limits also be required to show mitigation in order to obtain a CUP?

Based on my reading of many complaints which pickleball courts have given rise to across the country, it appears that many (if not all) disputes could have been avoided with careful court siting and noise mitigation steps taken *in advance* of permitting and construction. All applicants should be required to submit a noise study including a noise mitigation analysis prepared by a duly-qualified expert with and at the time of their CUP application. This requirement would, in fact, not be terribly burdensome on applicants. Noise analyses can be prepared for a fraction of the total cost of a pickleball court installation and would be far cheaper than lengthy litigation. The Planning Department, in consultation with a qualified noise expert engaged by the Department, should establish criteria in advance for the contents of this applicant's noise report and incorporate these requirements in the Code Amendments.

Please explain why applicants in Park City should not be specifically required under the Code Amendments to engage a qualified noise consultant at the planning and pre-application stage to work with the applicant and the Planning Department to determine optimal siting and whether appropriate levels of noise mitigation can be achieved. This seems to be a 'best practice' which Dr. Willis recommends. In this regard, the Code Amendments should provide that applicants show sufficient noise mitigation at the time of application and *in advance* of permitting and construction. Staff's draft proposal that noise mitigation be addressed after a permit has been granted and three or more complaints have been received is simply an invitation for disputes and litigation long after mitigation should have been determined. There is also no legal basis for this approach under Section 15-1-10.E. which requires that the Planning Department and/or Planning Commission "**must review**" noise mitigation when considering whether or not the proposed Conditional Use mitigates noise impacts before a CUP is granted.

Furthermore, in respect of the proposed 100-foot setback requirement, the Code Amendments should be clear that any special '100 foot' setback for pickleball courts does not supersede any setbacks (including Code-mandated setbacks, drainage and utility easements and Limits of Disturbance Areas) otherwise required by the Code or specific subdivision Plats.

During 2021 I became aware that the Planning Department had taken the position in several applications before the City that a pickleball court is sufficiently similar to a patio that it may be

approved as an Allowed Use and, specifically, may be built inside the otherwise Code-mandated side and rear setbacks in, for example, the Single Family and Estate districts (the Patio Exception). I was subsequently informed by Senior City Attorney Harrington in August 2021 that use of the Patio Exception for pickleball courts had been an erroneous interpretation of the Code and that a pickleball court is in fact a Recreation Facility and is not eligible for setback relief under the Patio Exception. So I was very surprised recently to read in the Staff report for the proposed pickleball court at 1961 Venus Court that the Planning Department has revived the Patio Exception to justify a pickleball court site which otherwise clearly violates the applicable setback restrictions. The Code Amendments must make it clear that the Patio Exception for setbacks is not available for pickleball courts and other Private Recreation Facilities. If this is not your position, please explain why.

It has also been suggested by speakers at the open houses that a homeowner could avoid the impact of any forthcoming Code Amendments for pickleball by simply setting up a net and drawing lines on his or her driveway. The Code Amendments should be clarified that anytime a property owner sets up a pickleball court with lines and a net on his or her property, whether s/he calls it a pickleball court, or a patio, or a concrete pad, or a driveway, if it is used to play pickleball, then it is a pickleball court and a 'conditional use' subject to all of the Code requirements applicable to this conditional use. If Staff disagrees that this is the correct result, please explain. The Code Amendments also need to clarify explicitly that a pickleball court is in all cases in Park City a Conditional Use and not an Allowed Use. In particular, the Code Amendments should make it clear that the setback exceptions for Accessory Buildings in, for example, the Single Family and Estate districts, will not be available for pickleball courts and other Recreation Facilities.

- (c) Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles

Please advise on what basis Staff has concluded that a 50-foot setback is an appropriate setback where there is a twelve-foot-tall noise reducing fence? Why has Staff concluded that noise can be sufficiently mitigated at distances between 50 and 100 feet from neighbors' property lines with a twelve-foot-tall fence? Why not a ten foot fence or a fourteen foot fence? As Dr. Willis explains in his letter, it may be impossible to successfully mitigate noise at certain distances within 100 feet.

Noise travels in a straight line from the point of paddle/ball impact (and player exclamations) to the noise recipient. For courts located between 50 and 100 feet from a residence, will a twelve-foot-tall fence (no matter how thick) block noise traveling to the second story of a nearby house? Dr. Willis suggests that it may not. Again, please provide your analysis with support from a qualified expert. And again, as mentioned above, the Code Amendments should require that noise mitigation be considered for all courts proposed to be sited within 600 feet of homes.

The proposed noise-reducing fence requirement needs to be further defined. What kinds of fences will be accepted? It would seem likely that the required fence will be at least 180 feet long ($60' + 30' + 60' + 30' = 180'$) with an opaque surface area of 2,160 sq. feet ($180' \times 12' = 2160$ sq. ft.). This would be a very large fence, and apparently larger and more opaque than any kind of fence currently permitted under the Code based on current Code fence requirements. What materials will be used or required? Does the chain link fence exception for tennis court fences apply to noise-reducing fences? Will the twelve-foot-tall noise reducing fence in fact also be a chain link fence? What kind of noise-reducing fences will

withstand our broiling summer afternoon temperatures, frigid winters, deep snows and high winds and also satisfactorily mitigate noise? Will the noise-reducing materials reflect or absorb so much heat that the court will not be useable on hot days? Would this encourage owners to remove fencing materials? How will any requirement to maintain noise reducing fencing be enforced? How will maintenance of the fence be enforced as it deteriorates over time?

In the Staff report for the pickleball application at 1961 Venus Court, staff recommended that the applicant "install a twelve foot (12') tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75." Yet the proposed Code Amendments are silent as to the noise reducing coefficient which will be required. Will Staff propose an NRC of 0.75 or some other NRC? What standard will applicants be required to meet and what is the basis for any such standard? Will any such standard effectively mitigate pickleball noise at varying distances, including more than 50 feet from property lines? Staff has provided no information on this point.

At the Planning Commission hearing on the 1961 Venus Court application in January a next door neighbor stated that he is more concerned about the visual impact of an unscreened 12 foot high, 180 foot long plastic and metal fence facing his backyard than he necessarily is about the noise the court will generate. How does Staff propose to mitigate the visual impacts on neighbors of any required noise reducing fence? Should the Code Amendments also provide for required landscape screening for such a large fence?

Staff also proposes that additional noise mitigation could be accomplished by requiring the use of 'noise reduction floor panels'. Please identify exactly what kind of noise reduction floor panels would be recommended. Please advise how much noise Staff expects 'noise reduction floor panels' to reduce? Has any analysis of noise reduction by use of noise reduction floor panels been done by Staff? If so, please provide. Will noise reduction floor panels reduce the noise impact of balls hitting racquets? Will noise reduction floor panels actually work in Park City, with our broiling summer afternoon temperatures, freezing winters, deep snows and Springtime snowmelts and run off? Will the glare, or heat or light absorption or reflection of floor panels impact play? In any event, all noise mitigation strategies contemplated by an applicant should be covered in a noise expert's opinion submitted with the initial application.

Lastly, Staff's proposed Code Amendments would require the use of 'quiet' paddles. It may be true that quiet(er) paddles reduce noise impacts, but an informal survey of internet sources indicates that players generally disfavor non-regulation equipment and are disinclined to use it. It is hard to imagine players in Park City will be any different. In any event, has Staff studied this issue and/or determined how this mitigation requirement can possibly be enforced as a practical matter?

(d) Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court

The principal problem with this proposal is that given our long days at the western edge of the Mountain Time Zone and hot summer afternoon temperatures in Park City (where temperatures in bright sunlight frequently exceed 90 degrees), court owners will often (always?) want to play after work and later in the afternoon (for example, between 5 pm and 9 pm or later) when temperatures fall. This is exactly the time when nearby neighbors will often want to enjoy peace and quiet in their living rooms with open windows, or on their outdoor patios and decks, or retire early to bed. In mid-Summer twilight in Park City continues until as late as 9:30 pm and play will be possible without lights well past 9 pm. Staff

should consider whether permitting pickleball play between 5 pm and sundown in close proximity to neighbors wishing to enjoy peace and quiet isn't simply an unnecessary recipe for conflict. The same kinds of considerations will apply to weekend play. Owners will often want to play on weekends, at exactly the same time neighbors are off-work and enjoying the peace and quiet of their open windows and backyards. Finally, if the Code Amendments impose restrictions on evening play, who will enforce them?

(e) Prohibiting on-street parking for properties with permitted pickleball courts.

While I agree that prohibiting on-street parking is a good idea, it seems wholly impractical and also impossible to enforce. Anybody who lives in Park Meadows knows that residents already park their cars, and their second and third and fourth cars, and their campers and trucks, and their guests' cars, on the street with impunity. It already takes a virtual military campaign to persuade City Hall to rigorously enforce existing on-street parking restrictions. Who will enforce this restriction? Staff should supply analysis showing why any on-street parking restrictions would be effective.

It was also suggested in one of the open houses that use of a private residential pickleball court should be limited to owners and (presumably) their guests. While this requirement would likely reduce play, it also seems impossible to enforce. Again, Staff should supply analysis showing why this kind of restriction would be effective and who will enforce it?

(f) Requiring Homeowner Association approval for properties that are part of a Homeowner Association

This is another excellent idea which is probably also impractical and unlikely to work. Given the currently proposed 0.5 acre minimum lot size requirement it would seem likely that most qualifying lots will be in Park Meadows and surrounding areas. As Staff may know better than I do many (if not most) HOAs in Park Meadows are inactive or defunct. How will this requirement work for inactive or defunct HOAs? Will the applicant be prevented from making an application because her/his HOA is inactive or defunct? Or will the applicant be permitted to ignore the requirement? Yet, even inactive HOAs may have binding CC&Rs. How can a homeowner who lives in a subdivision with an inactive HOA cause it to enforce its CC&Rs? I am also painfully aware that in some HOAs officers simply ignore the limitations contained in their CC&Rs. Staff should give further study to this requirement and determine whether it can reasonably work as intended.

(g) Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance.

As mentioned above, this proposal, which would permit noise mitigation to be addressed *after* a permit has been granted and three or more complaints have been received, is simply an invitation for disputes and litigation continuing long after appropriate mitigation should have been determined as part of the CUP review process. There is no basis for this approach under Section 15-1-10.E. which requires that sufficient mitigation must be reviewed and determined before a CUP is granted. The noise mitigation analysis should be done before the permit is granted, not after expensive construction is completed and neighbors' complaints start to accumulate. This provision violates the Code and is simply unworkable.

9. In addition to potentially violating noise regulations, persistent pickleball noise can be an unhealthy nuisance which should be subject to mitigation as part of the Conditional Use review process under the Code Amendments. Staff should consider whether persistent pickleball noise in close proximity to homes in a residential neighborhood is an unhealthy nuisance. There is no evidence that this question has even been considered by Staff. Experts have reported that repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety. Experts have also reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine, and other systems, adversely impacting good health. I would urge Staff to inform itself now, carefully and comprehensively, regarding all of these health concerns and consider how they might be successfully mitigated before submitting the Code Amendments for approval by the Planning Commission.

I look forward to discussing these concerns with you at our meeting on Tuesday, February 15 at 4:00 pm.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frode Jensen".

Frode Jensen

cc:

Mayor of Park City
Nann Worel
Nann.worel@parkcity.org

Park City Manager
Matt Dias
matt.dias@parkcity.org

Park City Attorney's Office
Mark Harrington
mark@parkcity.org

Permitting Pickleball
in
Park City

Its All About the Noise

Frode Jensen

January 26, 2022



Background

In the process of opposing several applications to build backyard pickleball courts in Park City I have become very familiar with the various issues that outdoor pickleball raises under land use codes and nuisance ordinances around the country.

In comparison to other common backyard and recreational activities, and in terms of zoning compliance and noise management, the addition of a backyard pickleball court to a densely-settled neighborhood represents a significant challenge to owners, neighbors and planners.

This must be carefully planned for.

Background

Zoning regulations and conditional use criteria must be scrupulously adhered to or time-consuming and costly litigation is inevitable.

It may be that the setback and other requirements in some residential zones will simply prohibit some proposed court sites and applications for such uses must be denied.

It may also be that some court sites in residential areas are simply too close to neighbors' homes to successfully abate pickleball noise and applications for such uses must be denied.

The Planning Department and Planning Commission need to anticipate these issues and be prepared to justify any decisions approving or disapproving use applications on a factual and legal basis with sound analysis.

If they do not, expensive and time-consuming litigation will inevitably result.

Background

Among the issues which have and will inevitably arise here in Park City are

- Whether pickleball is an Allowed Use or a Conditional Use under our Code
- Whether backyard pickleball courts must comply with Code- and plat-mandated Setbacks and Easements as a threshold matter before Conditional Use review
- Whether a plat amendment or variance will be required prior to Conditional Use review if threshold requirements are not satisfied
- Whether the Planning Department or the Planning Commission has the authority to modify Setbacks in connection with a Conditional Use review
- How the Planning Department will deal with the requirements under the Code to mitigate the potential adverse effects of the Conditional Use.

Conditional Use Review: Mitigation Issues

In respect of mitigation of adverse impacts in connection with a Conditional Use review, numerous issues arise under the Code, including

- Fencing, screening and landscaping to separate Uses,
- Usable Open Space,
- Lighting,
- Design and compatibility with surrounding Structures,
- Appropriateness to existing topography,
- Consistency with goals and objectives of the General Plan, and
- **Existence and mitigation of *Noise***

Conditional Use Review: Mitigation Issues

The Conditional Use review process specifically requires the Planning Department and/or Planning Commission to consider whether or not the proposed Conditional Use mitigates impacts of and addresses

“noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site”.

If these issues are not studied carefully in advance of consideration of pickleball applications and fairly resolved when applications are made, disputes and litigation are sure to follow.

Pickleball Noise Impacts

Of all the issues which must be considered and resolved under the Code-mandated review process for Conditional Use applications, perhaps the most difficult is the requirement for conditional use review of Noise issues.

- Pickleball play is an extremely noisy activity which has led to noise violation claims and nuisance disputes across the country.
- The Recreation Department staff report provided late last year to Council stated

Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players.

To say the least.

Pickleball Noise Impacts

Alarming, what the Recreation Department staff report didn't mention is the noise issue which gives rise to the incompatibility of outdoor pickleball play with *anyone* – or, perhaps more accurately, *everyone* -- who lives in close proximity to an outdoor pickleball court.

As part of my effort to understand pickleball noise issues, I have consulted with Dr. Lance Willis, a nationally recognized acoustic engineer who has worked on dozens of pickleball projects across the country and in Canada.

He has been engaged by homeowners, builders, pickleball clubs, site planners and HOAs to assist in precautionary site planning and noise abatement.

Here is what I learned.

Pickleball Play is Noisy and Neighbors Will Complain

There is a common misconception that pickleball is acoustically equivalent to tennis and many other common social and recreational activities.

This is not true. It is much noisier.

The sound produced by the impact of the hard plastic ball on the paddle and the loud enthusiasms of the players cause significant noise impacts on residents and properties near outdoor pickleball courts.

Pickleball Play is Noisy and Neighbors Will Complain

- Numerous anecdotal comments in an online blog about pickleball noise catalog common neighbor complaints.
- Here are some examples on the following pages

Pickleball Play is Noisy and Neighbors Will Complain

- “I live 80 ft. from...a tennis court that was recently resurfaced [for pickleball]. I can hear clacking in my back bedroom with all the windows down and the air conditioner going. I have an appointment with an attorney...I don’t intend to listen to this noise for the rest of my life.”
- “We lived in a quiet neighborhood until the people across the street from us put a pickle ball court in their yard...the court is right by the street. They play for long periods every day and most nights, and they often have friends over who yell and cheer loudly. We can hear it inside our house in all the rooms, not to mention how loud it is in our backyard.”
- “I’m suffering [from] anxiety and depression and the noise is exasperating my system to the point that I need to flee or be a prisoner in my own house.”

Pickleball Play is Noisy and Neighbors Will Complain

- “I am still working and would like to enjoy quiet time on the weekend or evenings and because of the popping of the balls and yelling of the players my quality of life has been affected. I do not want to move but the noise is getting the best of me.”
- “Can you honestly say...YOU know what its like, Waking up to hearing the sound of gunshots/POPS, which never seem to stop, from 8 am every day of the week until dusk *30 feet* away?”
- “*30 FEET* from your supposed peace and Serenity of your home!!!”
- “You cannot escape the sound of the noise...There’s nowhere in or around the house you cannot hear the ball banging against the paddle, again and again???”

Pickleball Play is Noisy and Neighbors Will Complain

- “Or maybe you invited people over for dinner and you want to be outside enjoying the nice ... weather. Well, do you think you will be able to entertain, when all your guests hear is the POP POP POP of pickleballers?”
- “It’s only common decency honestly for everyone to have the right to a peaceful sanctuary called home.”
- “Like the man said, IT’S TORTURE...You tell me what matters more, people playing a game, or the serenity of many many more people in their own home.”

Julie Schultz

From: Gretchen Milliken
Sent: Sunday, January 30, 2022 12:16 PM
To: Donald Seibert
Cc: Browne Sebright; Spencer Cawley
Subject: RE: [External] Pickleball meeting followup

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

Donald,

Thank you for your email and taking the time to express your thoughts and concerns. We will add these to the public record for these two projects and have copied the planners that are processing the applications. The Planning team strives to create an objective platform where differing voices and opinions can be heard so your compliments on the "informative and unbiased" meeting are also much appreciated.

Best,
Gretchen

Gretchen Milliken
Planning Director
Park City Municipal Corporation
<https://www.parkcity.org/departments/planning>
Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5008 | c: 435.659.4591



From: Donald Seibert <[REDACTED]>
Sent: Sunday, January 30, 2022 11:58 AM
To: Gretchen Milliken <gretchen.milliken@parkcity.org>
Subject: [External] Pickleball meeting followup

[CAUTION] This is an external email.

[REDACTED] Evening Star Dr
Park City, Ut 84060
1/29/2022

Gretchen Milliken
Planning Director
Park City Planning Department

Dear Ms. Milliken,

Thank you for running an informative and unbiased planning commission meeting January 26th, regarding the proposed Pickleball Court Land Management Code Amendments and the 2 CUP's for pickleball courts.

One can see immediately from the plats and proposed court location on the 2 CUPs that with guidelines there will also need to be site specific evaluations by an acoustic engineer. The 2089 Equestrian Ct site will reflect much of the sound out onto public space. It is a matter for the school and representatives for the public to decide how much sound is permissible. The area already has a fair amount of ambient intermittent noise because of the gym classes and sport events scheduled there. The 1961 Venus Court location is much more problematic. The court is located in a canyon of 6 homes that back up to it. Sound mitigation would need to be significant and most likely quite unsightly. The concrete site plan lists a distance of 4 foot 4 inches to the closest property fence. Is the fence actually on the property line? The building plan's measurement is marked mid pad to the fence line. The fence and pad are not parallel. Unless the measurement was made at the corner of the pad the distance at the corner of the pad to the fence is less than the stated amount making the proposed set back incorrect.

It is not likely that a court on a lot less than ½ acre in size could be sufficiently mitigated so as to not intrude on the neighbors at the property line. Depending on the court's location, even lots larger than this could be an issue depending where the court is located in relation to the neighbors.. I personally feel, that unless a lot is very large and does not require sound dampening, courts should not be built by private owners. Maintaining and if needed upgrading the necessary surrounding sound barriers for an outdoor court is best left to public facilities and regulated sport clubs.

The proposed regulations have a provision for noise complaints within one year of the permit issuance. This permit requirement should be for the life of the facility. This too would be better regulated with clubs on town courts and registered sport clubs.

If there is continued growth of pickleball in this community there should be additional courts built, including indoor courts to accommodate this need. There also should not be additional conversion of tennis courts for pickleball courts.

Thank you again.
Sincerely,

Donald Seibert M.D.

Pickleball Play Can Violate Noise Ordinances

The Park City Code provides for *both* maximum permissible sound levels and for determination of annoyance as a metric for noise assessment.

Section 6-3-9.A of the Park City Code provides for a limit for stationary sources of sound of 55 dBA (decibels) in residential neighborhoods between the hours of 6:00 a.m. and 10:00 p.m.

- Peak sound pressure levels from pickleball courts have been measured at a distance of approximately *75 feet* exceeding 80 dBA (decibels), which far exceeds standard noise ordinance limitations.

In addition, Section 6-3-9.C.2 of the Park City Code prohibits

"any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance."

Pickleball Play Can Violate Noise Ordinances

- A *noise disturbance* is defined in Section 6-3-1 as

Any sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- The American National Standards Institute has set standards for noise assessment in regard to annoyance for impulsive sounds. Compliance with these standards will be an important element in determining whether a reasonable person is exposed to a noise disturbance.
- As part of any Conditional Use review process the Planning Commission will have to determine whether the placement of a court at various distances in close proximity to homes would satisfy the requirements in Sections 6-3-9.A or 6-3-9.C.2 of the Code.

Pickleball Noise is a Health Concern

In addition to violating noise regulations, persistent pickleball noise can be an unhealthy nuisance.

- Repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety.

I have walked around the neighborhoods close by the courts in the Racquet Club and the Willow Creek courts and spoken to neighbors who have told me they are annoyed and disturbed by pickleball noise and wish the courts were not so close to their homes.

- Experts have reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine and other systems, impacting good health.

In short, the effects of excess noise and stress can take many forms.

I urge the City to carefully and comprehensively inform itself *now* regarding all of these health concerns.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

There are numerous cases around the country where failure to carefully plan for noise abatement or appropriate site selection for pickleball has resulted in difficult disputes and, often, expensive and protracted legal action.

A simple google search reveals numerous news articles describing disputes and litigation over pickleball noise.

Here are some examples:

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Newport Beach, CA, a resident filed a lawsuit against the City claiming that pickleball played *300 feet* from her home is “so raucous and disturbing that she can’t live a normal life”. In her suit she claimed that the pickleball playing at a neighboring City park is “so noisy that she can’t sleep, talk on the phone or ‘simply hold a conversation.’”

The lawsuit was apparently resolved by the ***City agreeing to remove the courts.***

- In Port Moody, B.C. neighbors complained that pickleball noise on nearby converted tennis courts subjected them “to an almost-daily barrage of noise disruption.” The City Manager admitted that the neighbors’ noise complaints “*caught staff off-guard*”.

The Mayor said, “*Sometimes there are unintended consequences.*”

The City Council ultimately removed the courts.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Montecito, CA, a neighbor living next door to a country club sued the club when it installed an extensive sports complex, including two pickleball courts, *without permits*, less than **100 feet** from the neighbor's property.

The neighbor alleged in his lawsuit that the unpermitted complex **exceeded setbacks** and that the constant noise and disturbances have destroyed his ability to peacefully enjoy his home and surroundings, and on multiple occasions have forced him to retreat inside to escape the ongoing nuisance and disturbance.

He claimed that his viewshed has been ruined, and ***the adverse impact of the unpermitted activities on his property value is substantial.***

- In Aiken, SC, residents sued a neighboring club which built pickleball courts about **250 feet** from their home for injunctive relief, as well as damages, costs, expenses and prejudgment interest, claiming that the courts ***disrupted their quality of life.***

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Apple Valley, MN residents, including a resident who lives **20 feet** from the nearest court, complained to the City Council about municipal pickleball courts. One resident was quoted as having sent the city about **90 emails** complaining about the noise.

Another resident said, “I’m in a pickle...I play the game, it’s good for my body and soul.
But it really is an intrusion in our backyards.”

Another resident said about the impending commencement of pickleball season,
“I’m dreading it.”

- In Ahwatuckee, AZ two HOAs clashed over neighboring pickleball courts. The complaining neighbors said that *“most of the houses [near the courts] have their master bedrooms and living rooms closest to the courts, increasing the disturbance.”*

They claimed that the courts will create ‘noise and light’ pollution that
“ultimately will reduce the value of their homes.”

Careful Advance Planning is Critical

The inevitable noise and nuisance issues surrounding outdoor pickleball must be carefully examined and planned for in advance if disputes are to be avoided. With respect to noise concerns, experts advise generally that

- Court sites within **600 feet** of neighbors' homes should be reviewed in the site selection and planning phase of the project by a qualified acoustical engineer familiar with methodologies for assessing highly impulsive sounds.
- Courts located within **350 feet** of residential properties will require careful noise abatement analysis.
- Courts should ideally be located at least **150 feet** distance from residences.
- Courts located within **150 feet** of homes will have a significant impact on neighbors' quality of life and *will require careful and extensive noise abatement measures to avoid complaints.*
- Courts located within **75 feet** of homes will generate noise from play which penetrates the interior of homes and prevents quiet enjoyment of living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, reading and other activities requiring concentration.

Acceptable noise abatement for courts located in close proximity to homes may be impossible.

Abatement Strategies

Mitigation of the sound from pickleball courts is theoretically possible through use of unofficial softer paddles and balls, construction of sound barriers and walls, and construction of court enclosure structures.

- *There are no other commonly used abatement strategies.*

Unofficial Equipment

- In practice players resist using unofficial equipment and enforcement of equipment restrictions is virtually *impossible*. This abatement strategy is generally unworkable.

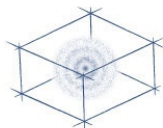
Sound Walls and Acoustic Barriers

- To be effective in attenuating sound, a wall or barrier must be high enough to block the line of sight from the noise recipient to the height of paddle impact.
- Anecdotal reports indicate that even a sound wall does not eliminate all of the noise which may escape through, around and above the sound wall.
- Sound walls are not practical where land use provisions prohibit the design and/or materials necessary to block the sound or the court site is so close to neighbors that the wall cannot be built high enough to block the sound.

Abatement Strategies

Full Enclosures

- If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof of the building should have no penetrations facing the neighbors.
- Full enclosures present applicants and planning authorities with additional code compliance issues.



Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
136 Heber Ave
Suite 205
Park City, Utah 84060

Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

1 of 10

SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; THE PRESERVE AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; ROBSON AT SUN LAKES / IRON OAKS, PHOENIX, AZ; ROBSON AT PEBBLE CREEK, PHOENIX, AZ; TRILOGY AT ENCANTERRA, PHOENIX, AZ; TRILOGY AT VERDE RIVER, PHOENIX, AZ; TRILOGY AT VISTANCIA, PHOENIX, AZ; SUNFLOWER DEVELOPMENT, TUCSON, AZ; YAVAPAI HILLS HOA, PRESCOTT, AZ; OUTDOOR RECREATION PALM SPRINGS, PALM SPRINGS, CA; ELKHORN HOA, SUN VALLEY, ID; PELICAN PRESERVE, FORT MYERS, FL; and PELICAN LANDING, BONITA SPRINGS, FL.

I have also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were ST MICHAEL'S BY-THE-SEA CHURCH, CARLSBAD, CA; COLUMBINE COUNTRY CLUB, LITTLETON, CO; TRILOGY AT POWER RANCH, GILBERT, AZ; private residence in LOUISVILLE, KY; private residence in CARLSBAD, CA; CHESTNUT WAY PARK, PORT MOODY, BRITISH COLUMBIA; and a park on WATERS END DRIVE, CARLSBAD, CA.

In some instances, failure to plan for noise abatement or select an appropriate pickleball site has resulted in legal action. I have been an expert witness in several cases seeking an injunction against pickleball activities in California, Kentucky, and Colorado. These cases involved courts placed with insufficient buffer distance to neighbors and ad hoc mitigation treatments.

Characteristics of Pickleball Sound

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a sudden onset and brief duration, typically on the order of two thousandths of a second for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such as Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

Using a foam ball such as the Foam Quiet Ball made by Gamma can reduce the amount of sound from paddle impacts significantly. Spendiarian & Willis has done a comparative study of this ball and the most common regulation ball, the Dura Fast 40. The foam ball was found to be 8 to 9 dBA quieter. While this will reduce the amount of sound abatement needed, it will not necessarily eliminate the need for it completely. This is especially true where homes are within 75 to 100

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

2 of 10

feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.

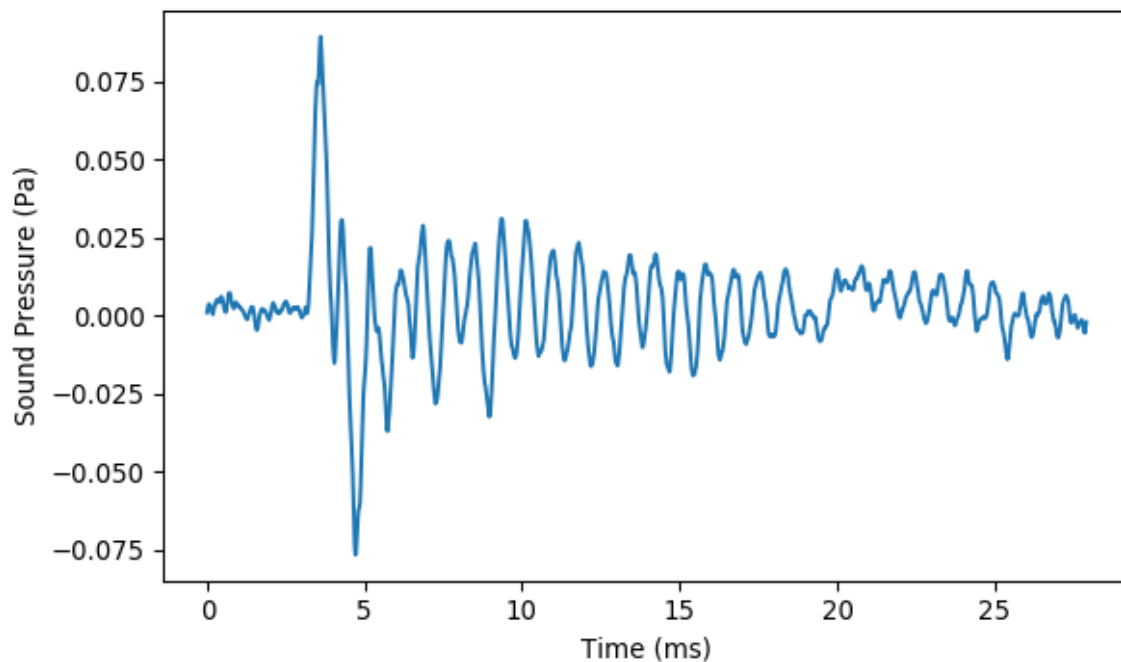


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” *Star Tribune*, Minneapolis, Minnesota. March 27, 2019. <<http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>>

- Bartel, Mario, “Pickleball banished from Port Moody court after neighbours complain of rising stress, anxiety.” The Tri-City News, Coquitlam, British Columbia, Canada. April 24, 2021. <<https://www.tricitynews.com/local-sports/these-games-are-loud-port-moody-pickleball-neighbours-revolt-against-rising-stress-anxiety-3662369>>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017. <https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Assessing the Impulsive Sound of the Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

I have been informed that the planned pickleball court pad at 2732 Meadow Creek Drive is within 20 to 25 feet of the house at 2812 Holiday Ranch Loop Road. Pickleball courts located this close to homes can be expected to produce noise complaints from the adjacent residents and have a significant impact on quality of life. At this distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

Applicable Codes and Regulations

Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. The code specifies fast time weighting for measuring impulsive sound. This is acceptable for speech and some other types of impulses with slower onset rates, but it should be noted that this setting grossly underestimates the noise impact of sounds produced by impact processes such as pickleball paddles.

Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1. The fast time weighting measurement methodology of the Park City Code does not correlate well with community response to impulsive sounds with sudden onset rate and short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

Based on our experience in creating noise abatement plans for pickleball facilities using the methodology in ANSI S12.9 for assessment of the annoyance of pickleball paddles, the placement of this court is much closer to other residential land uses than we would recommend and would not satisfy the requirements in Section 6-3-9.C.2 of the Code over the specified 10 minute period.

Noise Abatement Treatments

Mitigation of the sound from the pickleball court is complicated by the short buffer distance and two story construction of the house at 2812 Holiday Ranch Loop Road. Sound walls are a common abatement treatment used for pickleball courts. In order, however, for a sound wall to be effective in attenuating sound it must be high enough to block the line of sight to the players on the court including paddles. Figure 2 shows the view from the second floor window

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

7 of 10

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

World Health Organization, Night Noise Guidelines for Europe, <http://www.euro.who.int>, 2009.

Browne Sebright

From: J Moira Howard <moira_howard@yahoo.com>
Sent: Thursday, February 17, 2022 3:01 PM
To: Browne Sebright
Subject: [External] Re LMC - pickleball courts

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

Hi

Please be aware that we did not receive the Public Hearing Notice for the above topic until 12 February. This was therefore not in time to attend virtual open houses being held Feb. 7 and 8.

J Moira Howard
2258 Jupiter View Drive
Park City
UT 84060

Bob Theobald
2810 Holiday Ranch Loop
RoadPark City, Utah 84060
435-714-0301

Date: February 17, 2022

To: Planning Staff and Planning Commissioners

RE: Comments to Code Amendment - Pickleball Courts

As currently written, I am in opposition to the proposed LMC amendment. I believe there are two threshold issues which must be considered and they are of equal importance.

First, the Planning Department's preconception in proposing the Code amendment doesn't hold up. The Director and Staff apparently have a notion that the City is obligated to accommodate a property owner's proposed use when **an attempt** is made to mitigate the adverse impacts even though mitigation is not adequate. Perhaps this incorrect notion is promoted by the legal department's concern for the state statutes that give significant deference to a land owner's property rights over many proposed City restrictions. I contend that the statutes do not give deference to one citizen's desire to conduct noisy activities (which constitute a nuisance) over his (or several) neighbor's right of peaceful and quiet enjoyment of property. Not all land uses can meet the requirements to accommodate these competing rights, even with attempted mitigation. I maintain that backyard pickleball in densely developed residential areas is not a sufficiently mitigatable land use and should be prohibited.

Second, Staff seems to be of the opinion that effective land use legislation results from the level of effort put into internal "dream sessions", community surveys, and open houses. In my mind, these activities mostly serve to accumulate "poundage" in an attempt to satisfy decision-makers with oversight, if any (Planning Commission and Council), and to help justify and rationalize the provisions and measures drafted by Staff. Volume of material that is purported to support a Staff Report does not reflect the necessarily quality of material.

A Planning Commission must digest meaningful analysis, find the underlying facts and reach a reasonable conclusion in order to approve and forward a defensible recommendation. I do not believe Staff has met its burden of comprehensive analysis and the proposed Code amendments should be sent back to Staff for further analysis in line with my and others' questions, comments and concerns.

In addition to the foregoing, I have the following additional concerns:

1. Staff's Judgment.

I question Staff's knowledge of pickleball and judgement on how it should be regulated. Based on information presented to date, it is obvious that Staff does not fully understand the most basic characteristic... the size of the court and the facility required.

Staff quotes the USA Pickleball Association describing the court size as follows:

A pickleball court is 20' x 44' for both singles and doubles. The net is hung at 36" at the ends and hangs 34" in the middle. A non-volley zone extends 7' back from the net on each side, commonly called "the kitchen."

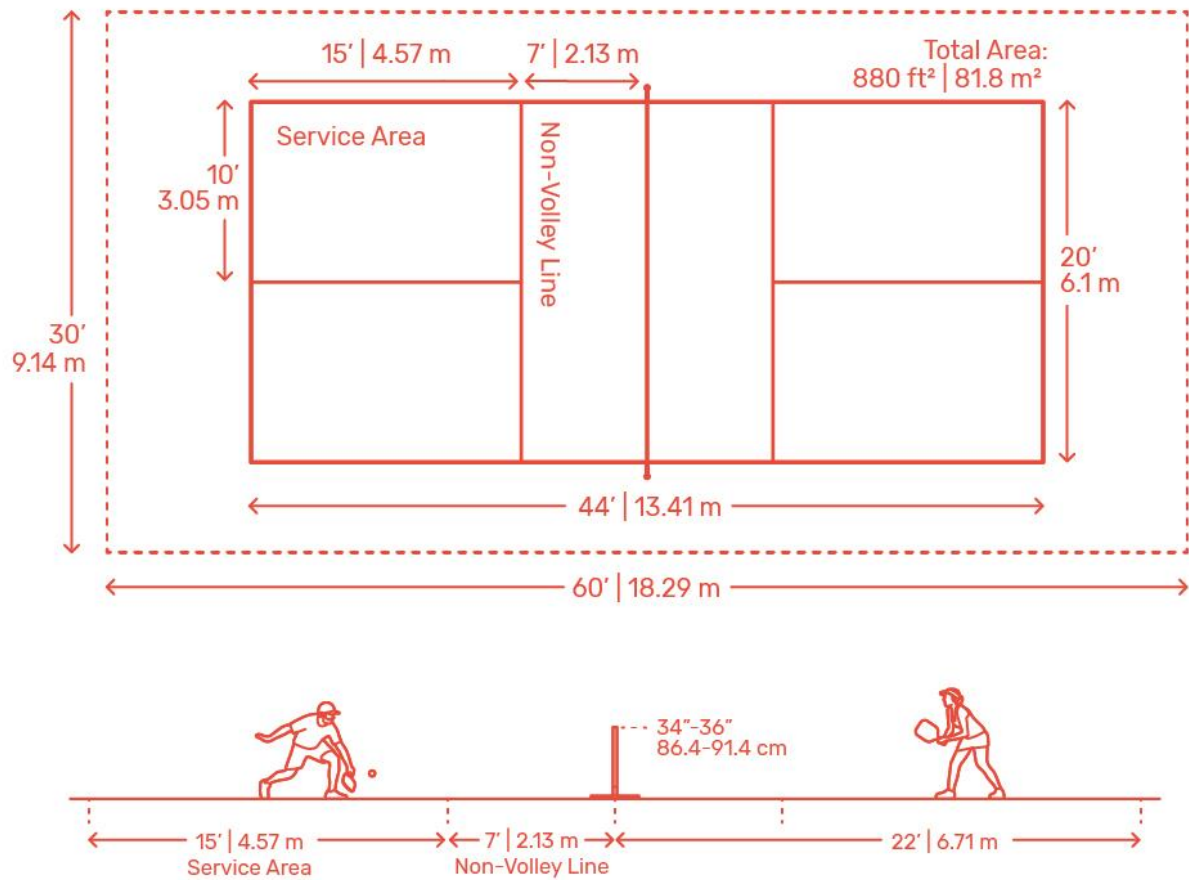
However, Staff fails to acknowledge and disclose that the actual requirement of a regulation, single-court facility requires a concrete pad of at least 30 ft. x 60 ft. which includes the necessary service area, ball-get and safety areas.

The 30' x 60' dimensions do not include the fencing and other incidental elements that may be outside the fenced playing surface that must be disturbed during construction.

This omission of clarification by the planning department is inexcusable.

See images below.

Dimensions.com | Pickleball Court





Furthermore, in connection with the recent Planning Commission CUP hearing on 1961 Venus Court, Staff advised the Applicant to circumvent the current Code by suggesting that the distance relating to a setback be measured from the property boundary lines to the **in-play boundary lines** of 44' x 20' painted on the court. On December 8, 2021, a City planner wrote the Applicant an email, advising:

"First, as you are probably aware, we are requiring Recreation Facilities to adhere to the required 12' side setback...Based on the current configuration of the patio and the dimensions of pickleball courts, it appears that you might be able to paint the sports court on the existing paved surface so that it is at least 12 feet away from the side property line. It would be helpful if you could verify whether that is possible, and potentially submit an additional exhibit showing how the proposed sports court maintains the side setback. "

Apparently, in the planner's mind, this would provide an extra 8 ft. of **effective setback distance** ($60-44=16/2=8$) to achieve "**compliance**". However, I believe the entire area, including that area beyond the in-play boundary lines and any concrete, fencing and ancillary elements should be considered as the "facility".

This notion by the planning department (which I assume is condoned by the Planning Director) is absurd and a prime example of the department's misinterpretation or misapplication of the Code in the pickleball cases which have come before it.

2. Open Houses.

In addition to my concerns about Staff's misunderstanding and/or misrepresentation of the size of a pickleball court, and Staff's improper suggestion to the Applicant regarding Code-avoidance, Staff has conducted on-line open houses to solicit public opinion which I do not believe have been particularly helpful.

As part of the open houses, Staff held breakout sessions with public participation intended to solicit views regarding the proposed Code amendments. One of my neighbors attended two breakout sessions. In the first, another participant used up the entire 10 minute segment (for public input) to question why the City would even regulate residential pickleball. In the second breakout session my neighbor provided his concerns to Staff as he was the only non-city participant. In the one breakout session I attended I listened for most of the 10 minutes to a self-proclaimed sound consultant who modifies shipping containers with various materials to fabricate recording facilities. He suggested that Park City begin a search for products that could be applied to pickleball courts. I responded that the noise issue was such a concern nation-wide, if not world-wide, that major companies had developed the best products on the market and the decibel reductions were widely published. We never discussed the Code amendments.

I believe there were a total of three non-city participants in my breakout session. It's unfortunate that we had to break out because I believe it would be much more informative to hear all those that had beneficial input, if any. It would be interesting to know how many people actually provided input. I have seen nothing to date reflecting the results of the open-house sessions. I would ask Staff to provide the three most significant "suggestions" received.

The Survey

Staff has also made a survey available on the City's website for public input. I believe the survey as worded is of very little use in actually determining public opinion on backyard pickleball. The survey questions are re-stated below in red italic text with my critique and suggested alternate questions that might provide more useful points of view and opinions.

Pickleball Survey

1 - *Do you play pickleball?*

Instead, I would suggest:

- A. Have you ever seen or heard pickleball be played?
- B. If yes, was it from a distance less than 100 feet?
- C. If yes, would you object to hearing a pickleball game played over or through your back yard fence at the whim of your neighbor at any time of day?

2 - *Should outdoor pickleball be allowed outside of daylight hours (approx. 7 AM - 9 PM)?*

Nonsensical, open-ended question... all the specifications must be stated - surrounding neighborhood, lighting, sound mitigation etc.

The better question would be:

Would you object to pickleball being played on a court within 100 feet of your property line during the early morning, late afternoon, and evening or weekend hours?

3 - *Should pickleball courts be allowed on private residential lots?*

To qualify to answer this question, you must have answered **yes** to 1 A, B and C. And, the question must state if the pickleball lot is adjacent or 100 feet or 600 feet from your property.

The better question might be:

Assume pickleball play creates noise impacts in excess of 55dBA within 100 feet (daytime limit for noise in Park City). Are you in favor of permitting pickleball within 100 feet of neighbors' houses? (It is understood that few people know precisely what 55dBA sounds like in comparison to other sound-generating activities.)

4 - *Should properties within a Homeowner Association (HOA) obtain HOA approval before applying for a City permit to construct a pickleball court?*

Yes, but how does this question assist Staff in drafting and adoption of the City's Code amendment?

Some HOAs are disingenuous, do not comply with their own CC&Rs, and disregard City ordinances. I am aware of a subdivision HOA which consists of 6 lot owners. According to the HOA president, all lot owners voted unanimously to **approve a pickleball court** within 5 feet of the owner's property line, outside the platted "Limits of Disturbance Area" within a "Natural Area", on a platted drainage easement without reviewing a site plan or conducting a site visit or maintaining a record of the proceedings. The veracity of the HOA must first be verified before it has any credibility of its reported approvals.

In subdivisions with or without a credible or functioning HOA, the Applicant, after providing a mandatory certified Noise Report to all neighbors, must obtain the written acknowledgement and approval of all neighbors within 300 feet.

5 - The proposed amendments require notice to adjacent property owners when a pickleball court is proposed to be constructed. Should notice be extended beyond adjacent property owners?

Yes. The notice should be extended City-wide so any resident could have the opportunity to review the planning and building department's objectivity, judgement and veracity dealing with each application.

6 Any additional comments on pickleball you would like to share?

Yes, all Planning Staff should be required to enroll in a Critical Thinking class.

To my mind, the City's Code amendment proposal fails to pass the "Critical Thinking" test. In 1987 the National Council for Excellence in Critical Thinking defined "critical thinking" as follows:

Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action.

1 Pinpoint the issue...

- 2 *Collect information...*
- 3 *Examine and scrutinize...*
- 4 *Decide what's relevant. ...*
- 5 *Self-evaluate....*
- 6 *Draw conclusions...*
- 7 *Explain your conclusions.*

Considering the open-house sessions, the questions posed in the survey, and having not engaged an acoustical engineer, it appears that Staff has not completed the second task of collecting meaningful information necessary for critical thinking regarding the real impacts of pickleball and the effective measures necessary to mitigate the noise to a decibel level acceptable to adjoining neighbors. Guestimates now and 3 complaints in a year with no recourse or remedy available is not acceptable code provisions. Otherwise, all subsequent evaluations and conclusions have little credibility.

3. The Noise Factor.

The primary consideration of the impacts of any back yard (or community) pickleball facility is the noise...the physical impact of the sound vibrations against the ear drums of others. In my opinion, hearing and smell are the most sensitive senses. I suppose it's because sound and smell permeate many barriers and travel relatively long distances. Within 100 feet of my home, I think the incessant pop- pop-pop sound of a pickleball court would be favored only slightly more than the smell of a broken main sewer line.

For 7 months, since July 6, I have been unnecessarily forced to view a partially constructed, unpermitted pickleball court. The court is located less than 5 feet from the owner's property line, less than 15 feet from my property line and less than 75 feet from my home. Without a single pop of ball, severe impacts to me have already begun. According to my real estate and appraiser associates, the value of my home has been reduced by 20-30% with the **uncertainty of** what might be built. What if I needed to sell my property or apply for a loan immediately? Why must I suffer the consequences of my neighbor's enjoyment of a nuisance? A home neighboring a pickleball court may have "external obsolescence"... where no one will buy it anywhere near market value! This is not an inconsequential impact! How does the City measure and consider this impact?

It would be wise for the City to engage a real estate appraiser to conduct a forensic appraisal detailing the impacts of a "private recreation facility" in a neighbor's back yard. The "external obsolescence" methodology is similar to that for evaluation of power lines, substations, traffic/street noise and other situations commonly found in eminent domain cases. One appraiser to whom I have spoken ventures an average for these situations of 17 to 25% devaluation of comparable value. He has successfully argued valuations before a State's Supreme Court as well as the U.S. Supreme Court. (Name and appraisal firm provided upon request.) This endeavor could be accomplished in conjunction with an expert noise consultant to determine the expected noise levels.

Based on my experience, my lay-person advice to neighbors of any proposed "Recreation Facility" that includes the **potential** for a pickleball court is to prepare for a potential major adverse economic impact to the value of their home, **and** consult with an attorney regarding filing a complaint immediately upon receiving *constructive or actual notice* that an application has been submitted.

I am aware that Lance Willis, a PhD and acoustical engineer, prepared a report regarding the proposed court in Willow Ranch adjacent to my and my neighbor's back yards. The expected decibel levels cited by Dr. Willis are greater than the studies cited by the City. A 12-foot sound wall has little, or no, noise mitigation to the second floor windows of nearby homes. Dr. Willis' report has been made available to numerous City officials. Hopefully it has been circulated and read by all the planners and decision makers.

In the same vein of considering adverse economic impacts, the City should consult with its insurance carrier or self-insurance "pool" attorneys regarding the likelihood of legal actions that may arise in the event Staff or Planning Commission does not diligently conduct appropriate research and adopt Code amendments that consider the rights of many residents of a neighborhood as opposed to the one pickleball Applicant who may think his rights supersede all others. There are many legal cases raising this issue which can be found and reviewed on the internet.

Noise impacts can be measured very accurately with several variables and nuances... neighbors deserve to know more precisely what to expect. It should be a requirement to know the expected level of compliance of any proposed court with the existing Code noise limits of 55 decibels. Is the current maximum of 55 decibels the correct standard for any Code provision?

Before any Code amendment is adopted regarding pickleball, the City **MUST** engage its own expert noise consultant for all proposed courts. And, as part of the proposed Code amendment for private recreation facilities which include a pickleball court (or has a concrete pad with dimensions of approximating 30 x 60 feet), I suggest language similar to the following:

*Residential "backyard" Pickleball applications shall be accompanied by a certified report by an acoustical engineer (noise expert) detailing the expected noise levels measured in decibels within 300 feet at intervals of 50 feet from the edge of the applicant's property boundary. This **mandatory noise impact analysis** shall be submitted to the City as part of the Applicant's package **and** submitted to all residents within 300 feet of the applicant at least 10 days prior to any public hearing by the Planning Commission and/or City Council. "*

In addition, before any Code amendment is adopted, all staff and decision-makers should be required to read or work 100 feet from a pickleball court with 6 players (2 play-in participants) for an hour. The test is not to determine if one can take the noise for an hour (big gold medal for you), but to assist in determining if any residents should be subjected to this noise at any time of day for potentially 8-12 hours a day, 7 days a week, for the enjoyment of your neighbor, their friends, family, kids, grandkids and more?

Exactly, where is the boundary of the rights of private enjoyment (peace and quiet) in one's own back yard versus a neighbor's noisy recreation? Is one not entitled to meditate, perform yoga, tend to gardens, read a book or just take a late-afternoon nap in the shade in your own back yard deck without the aggravating sounds of POP-POP-POP and the attendant YEA-YEA-YEA of the neighbor's pickleball "recreation facility?"

Is it permissible to setup outdoor speakers or play live mariachis, bongos, heavy metal or soothing "screeching" (beginning violin) music at a level significantly greater than 55 decibels, perhaps all day long and into the early evening? The most popular time for any outdoor back yard activity, especially in the hot summer, is between 8-10 am and 4-9 pm. Why should one resident be able to destroy this most enjoyable time of day for many other neighbors?

4. The Upshot.

Unfortunately, based on all of the foregoing, it would appear that pickleball is one sport that must be confined to indoor facilities or in currently active, noisy or

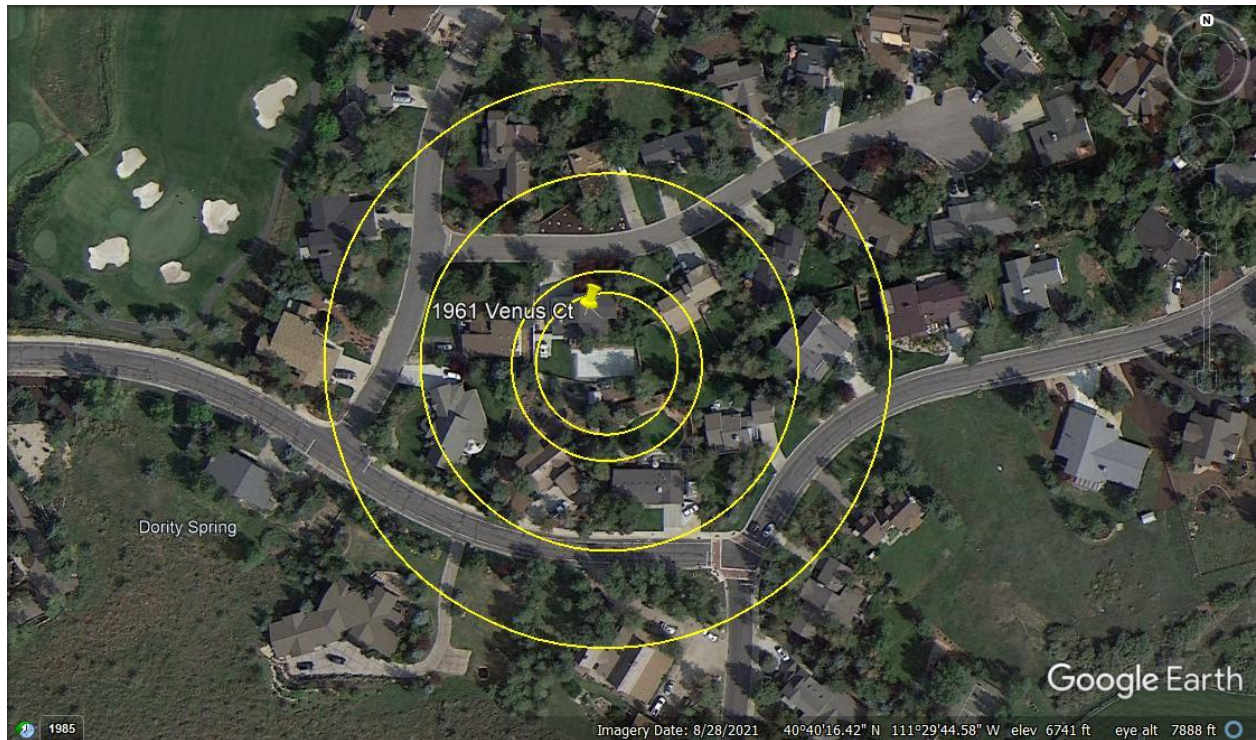
isolated areas. There are local, public and private facilities (perhaps insufficient) that are available for pickleball play. Why not a new complex at Richardson Flat or other City-owned land.

Otherwise, residential pickleball courts --- RIP.

Thank you for your consideration.

Bob Theobald

PS - I would like to see a Staff drawing (retrofit or new site plan) of a 30 ft. x 60 ft. pickleball court on a one-acre lot with 100 ft. side and rear setbacks which includes a 4,000 sq. ft. house with a 28 foot height limit...



Measured from center of court, circles are approximately 75', 100', 200' and 300'.



View of the previously proposed Willow Ranch pickleball court subject to the Willis Noise Report

FRODE JENSEN
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

February 17, 2022

VIA EMAIL TO planning@parkcity.org
AND Michelle.kellogg@parkcity.org

Sarah Hall
Bill Johnson
John Kenworthy
John Phillips
Laura Suesser
Douglas Thimm
Christin Van Dine

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts

Dear Planning Commission Members

I write regarding the proposed Land Management Code amendments (Code Amendments) posted several weeks ago on the City's website. This letter is based on those proposed amendments. I was informed by the Director of the Planning Department on February 15 that the Code Amendments which the Department will propose for your consideration on February 18 differ in several important respects from the proposals which have been posted on the City website for the public to comment on. Nevertheless, I offer the following for your consideration based on the current proposals. I expect to have additional comments on the Code Amendments actually published and proposed to you on February 18.

I would respectfully request that Staff and the City Recorder add this letter to the agenda packet for your February 23, 2022 meeting and to the public record.

Background

I have resided continuously in Park City since 2012. I been concerned about pickleball issues since July 6, 2021, the day I discovered that my neighbor in Park Meadows had commenced construction without a building permit of a private, backyard pickleball court which today stands, partially constructed and unrestored, in violation of the setbacks applicable to his property, less than 5 feet from my property line, less than 25 feet from my house, and within 100 feet of the homes of several of my neighbors.

Following the discovery of this illegal construction, I learned that pickleball play can be very noisy, regularly generating complaints from neighbors and often resulting in time-consuming and expensive litigation. I also learned by consulting with a prominent realtor in Park City that a pickleball court in such close proximity to a home could reduce the market value of the home by up to 20%, a substantial impact in today's market.

To better understand the noise implications of backyard pickleball, I engaged an acoustic expert, R. Lance Willis, PhD, the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. in Tucson, AZ, to evaluate pickleball noise in a location such as mine. Dr. Willis has extensive experience in pickleball court siting, noise analysis and mitigation. He provided me with a letter explaining many of the noise issues which pickleball courts in residential neighborhoods present, a copy of which was provided to Staff on August 3, 2021. I will refer to Dr. Willis' letter in several places below. I am attaching a copy of Dr. Willis' letter to this letter as Exhibit A for your reference.

On January 24, 2022 I submitted a letter to you expressing my opposition to the Application for Conditional Use Permit to Build a Pickleball Court at 1961 Venus Court (PL-21-05072). Many of the concerns which I raised in the letter are relevant to your further consideration of the proposed Code Amendments. I am attaching an additional copy of my January 24 letter to this letter as Exhibit B for your reference.

I have also prepared a PowerPoint presentation dated January 26, 2022 describing in general pickleball noise issues which I delivered to Mayor Worel, City Manager Dias and Senior City Attorney Harrington several weeks ago. You may find it helpful in understanding why pickleball noise issues are not a trivial concern. I am attaching a copy of this presentation to this letter as Exhibit C for your reference.

Specific Questions, Concerns and Comments

I have the following specific questions, concerns and comments about residential pickleball courts and the proposed Code Amendments.

1. One of Staff's slides presented at the open houses last week describes levels of pickleball noise commonly exceeding 55 decibels and ranging up to 80 decibels or higher. Dr. Willis confirms in his letter these noise levels can be reached during pickleball play. For comparison's sake, please consider that pickleball noise can equal or exceed the noise levels of garbage disposals, alarm clocks, vacuum cleaners and gas lawn mowers, all of which have been measured around 75 to 80 decibels. It is well known that pickleball courts near homes frequently lead to neighbors' complaints, disputes and litigation. I provide numerous examples of pickleball complaints and litigation around the country in the PowerPoint presentation referred to above.

I would first ask Commission to consider, as a threshold issue, whether pickleball courts should even be permitted at all in densely developed residential areas in Park City and, if you are inclined to consider this threshold question, what is the cost-benefit basis for permitting residential courts? To me, when decibel levels can reach 80 dBA, the costs simply outweigh the benefits. In addition to the minimum lot size proposal in the proposed Code Amendments, why not simply also prohibit all backyard pickleball courts in residential areas where there are any homes within, for example, 150 feet of a proposed

court? I think you would find ample support for such a prohibition from experts who have considered pickleball noise.

Furthermore, the public learned in the recent open houses that the City is actively examining the possibility of adding numerous additional municipal courts. If the City can build, for example, sixteen or more new courts in a remote location, in the near future, why permit any private pickleball courts in residential backyards at all? I would ask Commission respectfully to consider why the provision of additional municipal courts would not satisfy the local demand, obviating the need for controversial private courts in densely developed residential areas, and for an ordinance specifically covering residential pickleball.

2. In any event, if the Commission determines that noise associated with pickleball play is a serious concern meriting additional regulation, exactly what noise levels resulting from pickleball play should be considered acceptable? The proposed Code Amendments don't specifically say and the existing provisions of the Code relating to noise levels and, *in particular, noise annoyance*, may not provide clear answers.

Dr. Willis has reviewed Chapter 6-3 of the Park City Code which both regulates maximum permissible sound levels in Section 6-3-9.A and also provides noise disturbance and annoyance restrictions under Section 6-3-9.C. In particular, Section 6-3-9.C.2 of the Code prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a *noise disturbance*."

A noise disturbance is defined in Section 6-3-1 as "[a]ny sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)". Accordingly, "annoyance" is a separate metric for noise assessment for impulsive sound in addition to the maximum permissible sound levels described in Section 6-3-9.A.

Dr. Willis advises that current standards for noise assessment in regard to annoyance for impulsive sound are based on adjusted sound exposure levels and include ANSI S12.9 Part 4 and ISO 1996 Part 1 standards. He concludes that the methodology in ANSI S12.9 Part 4 for assessment of noise annoyance caused by pickleball play may well show violations of the requirements in Section 6-3-9.C.2 of the Code where the placement of courts is in close proximity to neighbors.

The proposed Code Amendments do not consider the existing noise standards under Chapter 6-3 of the Code and, to date, I have seen no analysis regarding acceptable levels of noise underlying the proposed Code Amendments. How are applicants to know when they have provided for sufficient noise mitigation in their permit application? What standards will the Planning Commission apply to determine what a sufficient level of noise mitigation is in considering a CUP? It is hard to imagine that any Code Amendments purporting to provide guidelines for acceptable levels of pickleball noise can be considered or adopted without guidance for applicants on this question.

3. Nearly all of the proposed Code Amendments depend on a clear and coherent understanding of the kinds and levels of noise generated by pickleball play. Before moving to adopt the proposed Code Amendments, Commission should direct Staff to engage a competent, expert noise consultant of Dr. Willis' caliber to assist it in understanding the complexity of the noise issue and in drafting the noise compliance provisions of the proposed Code Amendments.

Because Staff has apparently neither sought nor received any advice or guidance from a competent, expert noise consultant, I would suggest that it is premature for Commission to consider any codification of pickleball noise mitigation standards. It should go without saying that it is entirely inappropriate for Staff, in formulating the proposed Code Amendments, to rely on any noise analysis which may have been done by another municipality or concerned person in another geography under circumstances which may differ significantly from our situation here in Park City.

4. Staff has stated on the City website, in the Staff Report on the Venus Court application, and in the open houses on residential pickleball that a pickleball court is 20' x 44' or 880 square feet.

Commission should understand that this statement is simply inaccurate and is grossly misleading. A pickleball court will typically consume 2,100 square feet or nearly *2 ½ times more surface area* than has been represented. It is true the in-bounds area of a court may be 20' x 44' but the *minimum* recommended playing area is typically 30' x 60'. Moreover, pickleball court builders typically recommend a 34' x 64' (or 2,176 square feet) playing area. If perimeter fencing outside the playing area is included, a standard court could easily exceed 34' x 64'. Thus, a common pickleball court may be nearly *2 ½ times larger* than Staff has represented. See: <https://pickleballfix.com/pickleball-court-dimensions/>. These representations should be corrected in future presentations.

5. Staff has proposed that applications for conditional use permits for pickleball courts would require an Administrative Permit as opposed to a permit granted by the Planning Commission.

Staff should explain why an Administrative Permit process would be appropriate. Why shouldn't permits for highly controversial residential pickleball courts be CUPs, decided by Commission, with all of the legally-mandated requirements applicable to conditional uses, as all other Recreation Facilities are?

6. It was suggested by a representative of the Recreation Department in one of the open houses that the Department has only received one complaint from all the residents of the Racquet Club condos regarding pickleball noise. However, the Recreation Department staff report recently provided to City Council expressly acknowledged the problem of pickleball noise, stating (in respect of noise issues already present at the MARC) "Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players". Before moving forward with the Code Amendments, as part of its fact-finding obligations, Commission should direct Staff to survey all the residents living within 600 feet of the pickleball courts at the MARC.

7. Staff has stated that the Code Amendments would modify the definition of "Private Recreation Facilities" to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport.

I agree that pickleball courts raise mitigation issues resulting from their noisiness (among other mitigation issues) and that it is appropriate to clarify the treatment of pickleball applications, including noise mitigation, in the Code.

However, the Code Amendments should make clear that, in addition to noise mitigation, the items which the Planning Department and/or Planning Commission must review under subsection E of Section 15-1-10, as amended by the Code Amendments, include, but are not limited to (i) Storm Water run-off; (ii) Fencing, Screening, and landscaping to separate Use from adjoining Uses; (iii) usable Open Space; (iv) lighting; (v) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; (vi) within and adjoining the Site, the appropriateness of the proposed Structure to the existing topography of the Site; and (vii) consistency with the goals and objectives of the Park City General Plan.

In addition, the Code Amendments should be clear that all sports courts (for example, including tennis, basketball, and volleyball courts) require mitigation analysis under subsection E of Section 15-1-10 in connection with noise concerns.

In this vein, the distinction articulated by Staff in a recent open house between *sports courts* and *sports equipment* should be clearly delineated in the Code Amendments.

8. Staff has suggested in its website summary of the proposed Code Amendments that the amendments will include provisions specifically covering mitigation strategies for pickleball courts, including

- (a) Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts.

Commission should ask the Planning Department how it chose 0.5 acres as the minimum required lot size? For example, a square lot of 0.5 acres would be 147' x 147'. As mentioned above pickleball courts are commonly as large as 34' x 64' and consume approximately 2,000 square feet. Based on typical home and garage sizes, and driveway coverages, in residential areas in Park City why is a minimum lot size of 0.5 acres appropriate or sufficient? Why shouldn't the minimum lot size be greater? How many residential lots in Park City equal or exceed 0.5 acres? In addition, should there be a maximum slope and excavation restriction for courts?

- (b) Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation.

Commission should inquire on what basis Staff has concluded that a 100-foot setback is an appropriate setback distance and direct Staff to provide its analysis to Commission. Why not a greater setback distance? When my neighbor at 2732 Meadow Creek Dr commenced construction of an unpermitted pickleball court last summer, Dr. Willis opined that noise concerns regularly arise whenever courts are located within 500-600 feet of homes. Given Dr. Willis' opinion, Commission should ask Staff to explain why it has chosen 100 feet as an appropriate distance beyond which courts may be sited with no mitigation required. Shouldn't courts further than 100 feet away from adjacent property lines which generate noise in excess of Park City noise limits or the noise limits adopted by the Code Amendments also be required to show mitigation in order to obtain a CUP?

Based on my reading of many complaints which pickleball courts have given rise to across the country, it appears that many (if not all) disputes could have been avoided with careful court siting and noise mitigation steps taken *in advance* of permitting and construction. The Code Amendments should require that all applicants submit a noise study including a noise mitigation analysis prepared by a duly-qualified expert with and at the time of their CUP application. This requirement would, in fact, not be terribly burdensome on applicants. Noise analyses can be prepared for a fraction of the total cost of a pickleball court installation and would be far cheaper than lengthy litigation. The Planning Department, in consultation with a qualified noise expert engaged by the Department, should establish criteria *in advance* for the contents of this applicant's noise report and incorporate these requirements in the Code Amendments.

Commission should ask Staff to explain why the Code Amendments should not require that applicants be specifically required to engage a qualified noise consultant at the planning and pre-application stage to work with the applicant and the Planning Department to determine optimal siting and whether appropriate levels of noise mitigation can be achieved. This is a 'best practice' which Dr. Willis recommends.

In this regard, the Code Amendments should provide that applicants show sufficient noise mitigation at the time of application and *in advance* of permitting and construction. The proposal on the City's website that noise mitigation be addressed after a permit has been granted and three or more complaints have been received is simply an invitation for disputes and litigation long after mitigation should have been determined. There is also no legal basis for this approach under Section 15-1-10.E. which requires that the Planning Department and/or Planning Commission "**must review**" noise mitigation when considering whether or not the proposed Conditional Use mitigates noise impacts before a CUP is granted.

Furthermore, in respect of the proposed 100-foot setback requirement, the Code Amendments should be clear that any special '100 foot' setback for pickleball courts does not supersede any setbacks (including Code- and Plat-mandated setbacks, drainage and utility easements and Limits of Disturbance Areas) otherwise required by the Code or specific subdivision Plats.

During 2021 I became aware that the Planning Department had taken the position in several applications before the City that a pickleball court is sufficiently similar to a "patio" that it may be approved as an Allowed Use and, specifically, may be built inside the otherwise Code-mandated side and rear setbacks in, for example, the Single Family and Estate districts (the Patio Exception). I have been subsequently informed by Senior City Attorney Harrington in August 2021 that use of the Patio Exception for pickleball courts had been an erroneous interpretation of the Code and that a pickleball court is in fact a Recreation Facility and is not eligible for setback relief under the Patio Exception. So I was very surprised recently to read in the Staff report for the proposed pickleball court at 1961 Venus Court that the Planning Department has revived the Patio Exception to justify a pickleball court site which otherwise clearly violates the applicable setback restrictions. The Code Amendments must make it clear that the Patio Exception for setbacks is not available for pickleball courts and other Private Recreation Facilities.

It has also been suggested by speakers at the open houses that a homeowner could avoid the impact of any forthcoming Code Amendments for pickleball by simply setting up a net and drawing lines on his or her existing (or expanded) driveway. The Code Amendments should clearly provide that anytime a property owner sets up a pickleball court with lines and a net on his or her property, whether s/he calls

it a pickleball court, or a patio, or a concrete pad, or a driveway, if it is used to play pickleball, then it is a pickleball court and a 'conditional use' subject to all of the Code requirements applicable to this conditional use. The Code Amendments also need to be clear that a pickleball court is in all cases a Conditional Use and not an Allowed Use. The Code Amendments should also make it clear that the setback exceptions for Accessory Buildings in, for example, the Single Family and Estate districts, are not available for pickleball courts and other Recreation Facilities.

- (c) Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles.

Commission should direct Staff to explain on what basis it has concluded that a 50-foot setback is an appropriate setback, for example, where there is a twelve-foot-tall noise reducing fence. On what basis has Staff concluded that noise can be sufficiently mitigated at distances between 50 and 100 feet from neighbors' property lines with a twelve-foot-tall fence? Why not a ten foot fence or a fourteen foot fence? As Dr. Willis explains in his letter, it may be impossible to successfully mitigate noise at certain distances within 100 feet, with or without a fence.

Commission should take note that noise travels in a straight line from the point of paddle/ball impact (and player exclamations) to the noise recipient. For courts located between 50 and 100 feet from a residence, will a twelve-foot-tall fence (no matter how thick) block noise traveling to the second story of a nearby house? Dr. Willis suggests that it may not. Again, Staff should provide Commission with its analysis with support from a qualified expert. And again, as mentioned above, the Code Amendments should require that noise mitigation be considered for all courts proposed to be sited within 600 feet of any home.

The proposed noise-reducing fence requirement in the summary published on the City's website must be clearly defined in the Code Amendments. What kinds of fences will be accepted? It would seem likely that the required fence surrounding a standard court will be at least 180 feet long ($60' + 30' + 60' + 30' = 180'$) with an opaque surface area of 2,160 sq. feet ($180' \times 12' = 2160$ sq. ft.). This would be a very large fence, and apparently larger and more opaque than any kind of fence currently permitted under the Code based on current Code fence provisions. The Code Amendments should specify what types of materials will be required. If a chain link fence will be permitted, will the chain link fence exception for tennis court fences apply to noise-reducing chain link fences? Will the twelve-foot-tall noise reducing fence in fact also be a chain link fence? Commission should direct Staff to consider and propose the kind of noise-reducing fences which will withstand our broiling summer afternoon temperatures, frigid winters, deep snows and high winds and also satisfactorily mitigate noise? Will the noise-reducing materials reflect or absorb so much heat that the court will not be useable on hot days? Would this encourage owners to remove fencing materials? How will any requirement to maintain noise reducing fencing be enforced? How will maintenance of the fence be enforced as it deteriorates over time?

In the Staff report for the pickleball application at 1961 Venus Court, Staff recommended that the applicant "install a twelve foot (12') tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75." The proposed Code Amendments are silent as to the noise reducing coefficient which will be required. What standard will applicants be required to meet and what is the basis for any such standard? Will any such standard effectively mitigate pickleball noise at varying distances, including more than 50 feet from property lines? Commission should direct

Staff to provide additional information and analysis on this point.

At the Planning Commission hearing on the 1961 Venus Court application in January a next door neighbor stated that he is more concerned about the visual impact of an unscreened 12 foot high, 180 foot long plastic and metal fence facing his backyard than he necessarily is about the noise the court will generate. The Code Amendments should provide standards for mitigation of the visual impacts on neighbors of any required noise reducing fence and for required landscape screening for such fences.

Staff also proposes in the website summary provisions that additional noise mitigation could be accomplished by requiring the use of 'noise reduction floor panels'. Please identify exactly what kind of noise reduction floor panels would be recommended. Please advise how much noise Staff expects 'noise reduction floor panels' to reduce, especially given the fact that most pickleball noise is apparently generated by paddle/ball impacts and players' voices? Has any analysis of noise reduction by use of noise reduction floor panels been done by Staff? If so, Commission should require that it be provided. Will noise reduction floor panels reduce the noise impact of balls hitting racquets? Will noise reduction floor panels actually work in Park City, with our broiling summer afternoon temperatures, freezing winters, deep snows and Springtime snowmelts and run off? Will the glare, or heat or light absorption or reflection of floor panels impact play? In any event, all noise mitigation strategies contemplated by an applicant should be covered in a noise expert's opinion submitted with the initial application.

Lastly, Staff's proposed Code Amendments would require the use of 'quiet' paddles. It may be true that quiet(er) paddles reduce the level of noise impacts, but an informal survey of internet sources indicates that players generally disfavor non-regulation equipment and are disinclined to use it. It is hard to imagine players in Park City will be any different. In any event, Commission should query whether Staff has studied this issue and/or determined how this mitigation requirement can possibly be enforced as a practical matter.

- (d) Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court

The principal problem with this proposal is that given our late sunsets at the western edge of the Mountain Time Zone and hot summer afternoon temperatures in Park City (where temperatures in bright sunlight frequently exceed 90 degrees), court owners will often (always?) want to play after work and later in the afternoon (for example, between 5 pm and 9 pm or later) when temperatures fall. This is exactly the time when nearby neighbors will often want to enjoy peace and quiet in their living rooms with open windows, or on their outdoor patios and decks, or retire early to bed. In mid-Summer twilight in Park City continues until as late as 9:30 pm and play will be possible without lights well past 9 pm. Staff should consider whether permitting pickleball play between 5 pm and sundown in close proximity to neighbors wishing to enjoy peace and quiet isn't simply an unnecessary recipe for conflict. The same kinds of considerations will also apply to weekend play. Owners will often want to play on weekends, at exactly the same time neighbors are off-work and enjoying the peace and quiet of their open windows and backyards. Finally, Commission should inquire if the Code Amendments impose restrictions on evening play, who will enforce them?

- (e) Prohibiting on-street parking for properties with permitted pickleball courts.

While I agree that prohibiting on-street parking is a good idea, it seems wholly impractical and also impossible to enforce. Anybody who lives in Park Meadows knows that residents already park their cars, and their second and third and fourth cars, and their campers and trucks, and their guests' cars, on the street with impunity. It already takes a virtual military campaign to persuade City Hall to rigorously enforce existing on-street parking restrictions. Who will enforce this restriction? Staff should supply Commission with analysis showing why any on-street parking restrictions would be effective.

It was also suggested in one of the open houses that use of a private residential pickleball court should be limited to owners and (presumably) their guests. This is a thoughtful concern. While conducting research on residential pickleball, I learned of a situation (in another locality) where a homeowner built a sports court and established an informal 'club', resulting in continuous 'unhosted' play throughout the day. But, again, how could a restriction requiring owners to be present be enforced? Staff should supply Commission analysis regarding the enforceability of this kind of restriction.

- (f) Requiring Homeowner Association approval for properties that are part of a Homeowner Association

This is another excellent idea which is probably also impractical and unlikely to work. Given the currently proposed 0.5 acre minimum lot size requirement it would seem likely that most qualifying lots will be in Park Meadows and surrounding areas. As Staff may know better than I do many (if not most) HOAs in Park Meadows are inactive or defunct. How will this requirement work for inactive or defunct HOAs? Will the applicant be prevented from making an application because her/his HOA is inactive or defunct? Or will the applicant be permitted to ignore the requirement? Yet, even inactive HOAs may have binding CC&Rs. How can a homeowner who lives in a subdivision with an inactive HOA cause it to enforce its CC&Rs? I am also painfully aware that in some HOAs officers and homeowners simply ignore the limitations contained in their CC&Rs. Commission should direct Staff to give further study to this requirement and determine whether it can reasonably work as intended.

- (g) Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance.

As mentioned above, this proposal, which would permit noise mitigation to be addressed *after* a permit has been granted and three or more complaints have been received, is simply an invitation for disputes and litigation continuing long after appropriate mitigation should have been determined as part of the CUP review process. There is no basis for this approach under existing Section 15-1-10.E. which requires that sufficient mitigation must be reviewed and determined before a CUP is granted. The noise mitigation analysis should be done *before* the permit is granted, not after expensive construction is completed and neighbors' complaints start to accumulate. This provision violates the existing Code and is simply unworkable.

9. In addition to potentially violating noise regulations, persistent pickleball noise can be an unhealthy nuisance which should be subject to mitigation as part of the Conditional Use review process under the Code Amendments. Commission should direct Staff to consider whether persistent pickleball noise in close proximity to homes in a residential neighborhood is an unhealthy nuisance. There is no evidence that this question has been considered by Staff. Experts have reported that repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety. Experts have also reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine, and other systems,

adversely impacting good health. I would urge Commission to inform itself now, carefully and comprehensively, regarding all of these health concerns and consider how they might be successfully mitigated before approving any Code Amendments.

I look forward to Commission addressing these concerns at its meeting on Wednesday, February 23. Thank you in advance for your attention and consideration.

Sincerely,



Frode Jensen

Exhibit A – Copy of Letter of R. Lance Willis, PhD, provided to Staff on August 3, 2021

Exhibit B – Copy of Letter of Frode Jensen to Planning Commission dated January 24, 2022

Exhibit C – Copy of Frode Jensen PowerPoint presentation dated January 26, 2022

cc:

Mayor of Park City
Nann Worel
Nann.worel@parkcity.org

Park City Manager
Matt Dias
matt.dias@parkcity.org

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

Park City Attorney's Office
Mark Harrington
mark@parkcity.org

City Recorder
Michelle Kellogg
Michelle.kellogg@parkcity.org

EXHIBIT A

Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
136 Heber Ave
Suite 205
Park City, Utah 84060

Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

1 of 10

SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; THE PRESERVE AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; ROBSON AT SUN LAKES / IRON OAKS, PHOENIX, AZ; ROBSON AT PEBBLE CREEK, PHOENIX, AZ; TRILOGY AT ENCANTERRA, PHOENIX, AZ; TRILOGY AT VERDE RIVER, PHOENIX, AZ; TRILOGY AT VISTANCIA, PHOENIX, AZ; SUNFLOWER DEVELOPMENT, TUCSON, AZ; YAVAPAI HILLS HOA, PRESCOTT, AZ; OUTDOOR RECREATION PALM SPRINGS, PALM SPRINGS, CA; ELKHORN HOA, SUN VALLEY, ID; PELICAN PRESERVE, FORT MYERS, FL; and PELICAN LANDING, BONITA SPRINGS, FL.

I have also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were ST MICHAEL'S BY-THE-SEA CHURCH, CARLSBAD, CA; COLUMBINE COUNTRY CLUB, LITTLETON, CO; TRILOGY AT POWER RANCH, GILBERT, AZ; private residence in LOUISVILLE, KY; private residence in CARLSBAD, CA; CHESTNUT WAY PARK, PORT MOODY, BRITISH COLUMBIA; and a park on WATERS END DRIVE, CARLSBAD, CA.

In some instances, failure to plan for noise abatement or select an appropriate pickleball site has resulted in legal action. I have been an expert witness in several cases seeking an injunction against pickleball activities in California, Kentucky, and Colorado. These cases involved courts placed with insufficient buffer distance to neighbors and ad hoc mitigation treatments.

Characteristics of Pickleball Sound

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a sudden onset and brief duration, typically on the order of two thousandths of a second for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

Using a foam ball such the Foam Quiet Ball made by Gamma can reduce the amount of sound from paddle impacts significantly. Spendiarian & Willis has done a comparative study of this ball and the most common regulation ball, the Dura Fast 40. The foam ball was found to be 8 to 9 dBA quieter. While this will reduce the amount of sound abatement needed, it will not necessary eliminate the need for it completely. This is especially true where homes are within 75 to 100

feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.

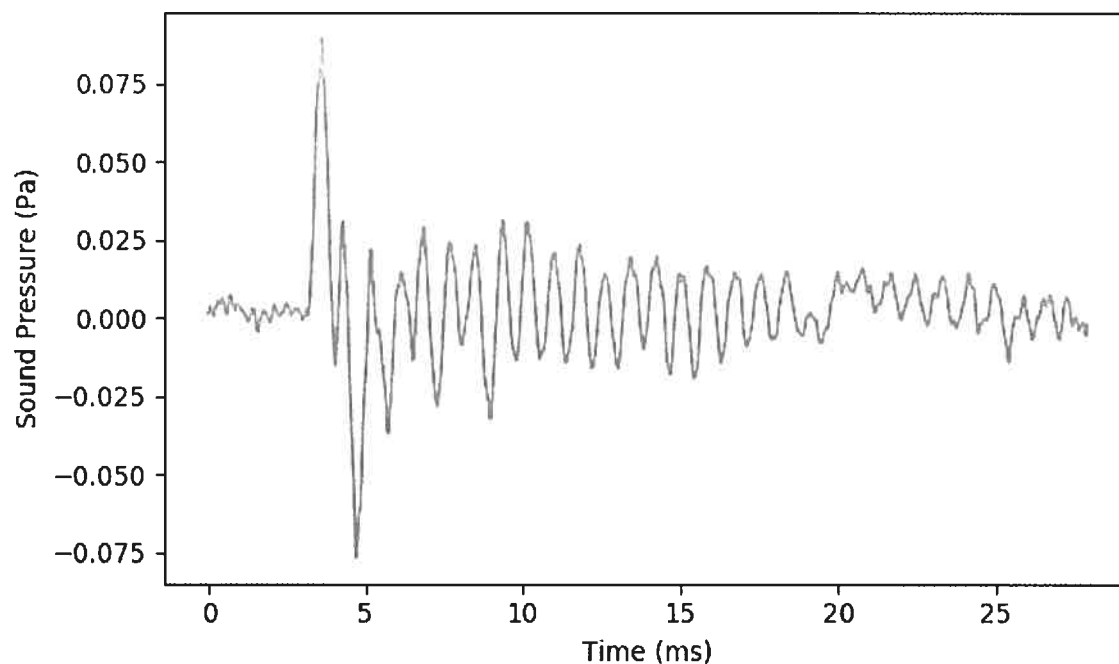


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” Star Tribune, Minneapolis, Minnesota. March 27, 2019. <<http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>>

- Bartel, Mario, “Pickleball banished from Port Moody court after neighbours complain of rising stress, anxiety.” The Tri-City News, Coquitlam, British Columbia, Canada. April 24, 2021. <<https://www.tricitynews.com/local-sports/these-games-are-loud-port-moody-pickleball-neighbours-revolt-against-rising-stress-anxiety-3662369>>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017. <https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Assessing the Impulsive Sound of the Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

I have been informed that the planned pickleball court pad at 2732 Meadow Creek Drive is within 20 to 25 feet of the house at 2812 Holiday Ranch Loop Road. Pickleball courts located this close to homes can be expected to produce noise complaints from the adjacent residents and have a significant impact on quality of life. At this distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

Applicable Codes and Regulations

Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. The code specifies fast time weighting for measuring impulsive sound. This is acceptable for speech and some other types of impulses with slower onset rates, but it should be noted that this setting grossly underestimates the noise impact of sounds produced by impact processes such as pickleball paddles.

Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1. The fast time weighting measurement methodology of the Park City Code does not correlate well with community response to impulsive sounds with sudden onset rate and short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

Based on our experience in creating noise abatement plans for pickleball facilities using the methodology in ANSI S12.9 for assessment of the annoyance of pickleball paddles, the placement of this court is much closer to other residential land uses than we would recommend and would not satisfy the requirements in Section 6-3-9.C.2 of the Code over the specified 10 minute period.

Noise Abatement Treatments

Mitigation of the sound from the pickleball court is complicated by the short buffer distance and two story construction of the house at 2812 Holiday Ranch Loop Road. Sound walls are a common abatement treatment used for pickleball courts. In order, however, for a sound wall to be effective in attenuating sound it must be high enough to block the line of sight to the players on the court including paddles. Figure 2 shows the view from the second floor window

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

World Health Organization, *Night Noise Guidelines for Europe*, <http://www.euro.who.int>, 2009.

EXHIBIT B

19000 JENNETT
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

January 24, 2022

VIA EMAIL

Sarah Hall

sarah.hall@parkcity.org

Bill Johnson

bill.johnson@parkcity.org

John Kenworthy

john.kenworthy@parkcity.org

John Phillips

john.phillips@parkcity.org

Laura Suesser

laura.suesser@parkcity.org

Douglas Thimm

douglas.thimm@parkcity.org

Christin Van Dine

christin.vandine@parkcity.org

**Re: Application for a Conditional Use Permit to Build a Pickleball Court
at 1961 Venus Court (PL-21-05072)**

Dear Planning Commission Members

I write regarding the application of Michelle Denton (Applicant) for a conditional use permit to build a pickleball court at 1961 Venus Court. For the reasons set forth below and based on the record provided, I strongly oppose approval of the application. By copy of this letter to the City Recorder, I ask that this letter be added to the public record.

As the Planning Commission undoubtedly knows, private backyard pickleball courts are increasingly a matter of concern in Park City. I am aware of at least two other courts in Park City which have built (or have been applied for) on residential lots in Park City which may or may not comply with the Park City Land Management Code (LMC or Code) and regarding which the City's correct application of the Code in connection with their approval is uncertain.

Recently, the Planning Department has announced that it will propose amendments to the LMC specifically dealing with backyard pickleball courts in residential neighborhoods.¹ Interestingly, the Applicant's court would fail absolutely under the kinds of regulation the Planning Department is apparently considering. Staff expressly concedes this in the Planning Commission Staff Report (Staff Report) included in the agenda packet.²

While I am a strong proponent of all outdoor recreation, and strongly support the right of property owners to freely enjoy their homes and yards, the Planning Commission must also respect and enforce the duly-enacted laws and codes of the state and of Park City. These laws and codes have been enacted for the benefit of all and must be enforced fairly for the benefit of all, not just individual applicants. If applicable laws are not enforced fairly, trust in government is seriously eroded.

Applications for backyard pickleball courts, including the subject application, which *violate the law* must be denied.

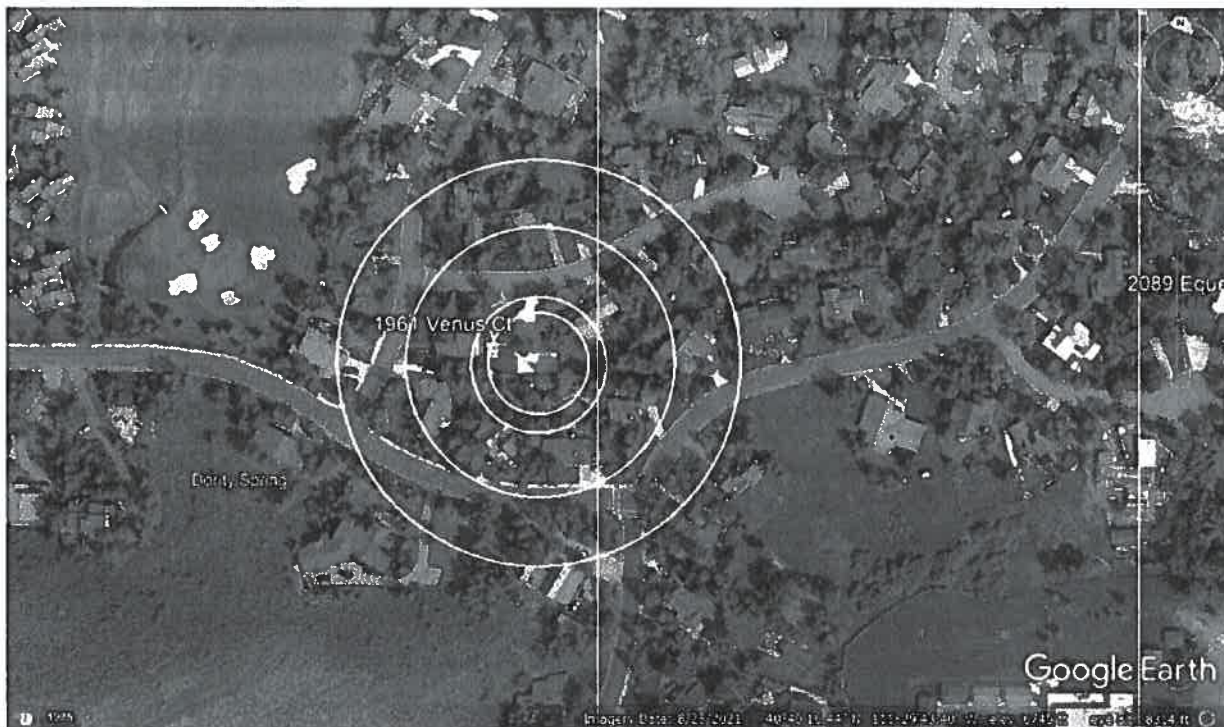
As background, I assume it is agreed by the Applicant, the City and the Planning Commission that

- a. 1961 Venus Court is in the Single Family (SF) District under Section 15-2.11 of the Code.
- b. A Recreation Facility, Private is defined under Section 15-15 of the Code as "Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests."
- c. A pickleball court on a residential lot in the SF District is a Recreation Facility, Private.
- d. A pickleball court is a Structure.
- e. A Recreation Facility is not an Allowed Use in the SF District under Section 15-2.11-2.A. of the Code.
- f. A Recreation Facility in the SF District is a Conditional Use under Section 15-2.11-2.B. of the Code.

¹ <https://www.parkcity.org/departments/planning/code-amendments/pickleball>

² The copy of the Staff Report included in the agenda packet available on the City's website as of January 23, 2022 may have one or more pages missing. It skips from Condition of Approval 1 on the bottom of page 108 to Condition of Approval 6 at the top of page 109. Conditions of Approval 2 through 5 appear to be missing.

Here, below, for your reference, is a google earth image showing the placement of the concrete pad in the Applicant's backyard and the proximity of nearby houses. The yellow concentric circles represent radii of approximately 75', 100', 200' and 300' from the center of Applicant's proposed court. There are approximately 20 lots within 300 feet of Applicant's proposed court.



I respectfully request the Planning Commission consider the following issues and concerns which I have about the Applicant's proposed pickleball court.

- 1. The site of Applicant's proposed court violates the side setback on the east side of Applicant's lot. There is no exception to the setback requirements under the LMC for a Recreation Facility.**

The minimum Rear Setback applicable to 1961 Venus Court in the Single Family (SF) District is fifteen feet (15'). See Section 15-2.11-3.D. of the LMC. The minimum Side Setback applicable to 1961 Venus Court in the Single Family (SF) District is twelve feet (12'). See Section 15-2.11-3.F. of the LMC.

The subject court (which has already been built without a valid Conditional Use permit) currently violates the 12' side setback on the east side of Applicant's lot.

Based upon the Staff Report and the Findings of Fact set forth in the draft Notice of Planning Commission Action included in the agenda packet, the City has come up with an 'ingenious workaround'. It would propose to ignore the setback requirement and/or permit the Applicant to

paint a line on the sports court on the western portion of the concrete pad so that it maintains a twelve-foot (12') setback from the eastern Side Lot Line.³

I do not believe this 'ingenious workaround' complies with the LMC. The area of a pickleball court is not confined to the space inside the court lines. Players use the entire playing area, inside and outside the playing lines, as part of the court. Since the City proposes to require that the Applicant erect a 12' high acoustic fence around the court it seems pretty obvious and undeniable that the court area will consist of the whole area enclosed by the fence. If this area encroaches on the setback it violates the LMC and cannot be approved.

Staff further states in the Staff Report that "Seven (7') feet of concrete flat work would remain outside the sports court as permitted within the side yard setback exception". While the LMC provides for certain exceptions to the side setback requirements in the SF District under Section 15-2.11-3.G., there is *no exception* under the LMC which would authorize a reduction in the setback limits for a Recreation Facility. The exception for setbacks from Side Lot Lines under Section 15-2.11-3. G.6. of the LMC for Structures is limited to "[p]atios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade" (the Patio Exception). The Patio Exception is *not* available for a pickleball court, because a pickleball court is simply not a patio or similar Structure. The Patio Exception is certainly not available for a portion of the concrete pad on which a pickleball court has been constructed which happens to extend into a setback. Staff clearly recognizes that this is a dubious, ingenious workaround since it states in the Staff Report that it "recommends in the pending ordinance revisions that this condition is not allowed in the future." What the ingenious workaround is really saying is that this condition is not allowed for Recreation Facilities under the present Code, but Staff chooses to ignore it.

An improvement which encroaches on the legally-mandated setbacks under the Code is illegal and cannot be approved.

³ Interestingly, the idea for this ingenious workaround apparently did not originate with the Applicant, who acknowledged at the time she filed her application that her court violates the east side setback. On December 8, 2021 Browne Seabright, a City planner, wrote the Applicant an email, advising her

"First, as you are probably aware, we are requiring Recreation Facilities to adhere to the required 12' side setback...Based on the current configuration of the patio and the dimensions of pickleball courts, it appears that you might be able to paint the sports court on the existing paved surface so that it is at least 12 feet away from the side property line. It would be helpful if you could verify whether that is possible, and potentially submit an additional exhibit showing how the proposed sports court maintains the side setback."

It is somewhat amazing and incredible to me that it was a City planner, presumably charged with enforcing the LMC, who suggested to the Applicant how to attempt to avoid the otherwise plain application of the setback rules to the pickleball court.

2. All Development in the SF District, including all Conditional Uses, must comply with the Lot and Site Requirements under Section 15-2.11-3 of the LMC, including the Required Setbacks.

A Recreation Facility, Private (Private Recreation Facility) is a Conditional Use in the SF District under Section 15-2.11-2.B. of the Code. If Applicant wishes to obtain a permit for a Private Recreation Facility, Applicant must comply with all of the requirements for a Conditional Use Permit (CUP). However, even if Applicant were to demonstrate compliance with the requirements for a CUP (for example, if satisfactory mitigation measures are adopted), her application must still be denied as a matter of law.

The reason is that Conditional Uses in the SF district, as with Allowed Uses, are also *absolutely* subject to the threshold setback requirements under the LMC. A Conditional Use in the SF District must comply with the side setback restrictions just as an Allowed Use must comply.

Although the Planning Commission must take into account reasonable conditions which are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of a proposed Conditional Use in accordance with applicable standards under Section 15-1-10 of the Code, it may not ignore or modify legally-mandated threshold requirements of the Code, such as the setback requirements.

3. Under Utah law, an application for a CUP must *first* meet any threshold requirements before there is any consideration of detrimental impacts or reasonable conditions to mitigate those impacts under a CUP review process. If a proposed land use cannot satisfy the standards imposed by the LMC, it *cannot* be approved, *regardless* of whether the use is “allowed” or “conditional”.

Utah law is clear that even though a Use may be a Conditional Use, the Use cannot be approved as a Conditional Use if it does not satisfy a *threshold* legal requirement for the Use. Under Utah law, a Conditional Use is a land use with unique characteristics or impacts that warrants special consideration, and conditions to mitigate the impacts. Designating a use as conditional, however, does not remove it from the City’s underlying land management regulations.

While in this case the Conditional Use review process under the LMC (Section 15-1-10) generally dictates the type of conditions that may be imposed, this section does not supplant or override the specific provisions of the LMC which must be satisfied in order for a Conditional Use to be considered.

An application for a CUP must *first* meet any threshold requirements before there is any consideration of detrimental impacts or reasonable conditions to mitigate those impacts. If a proposed land use cannot satisfy the standards imposed by the LMC and the Plat, it *cannot* be approved, *regardless* of whether the use is permitted or conditional.

4. **Neither the City nor the Planning Commission has the authority to ignore the setback provisions of the LMC or any other provision of applicable law in a CUP process.**

Section 509 of the Utah Land Use, Development, and Management Act (LUDMA) mandates that a **“municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.”** Utah Code Ann. §10-9a-509.

In other words, under LUDMA, which governs the application of the LMC, neither the City nor the Planning Commission may amend, modify or waive the threshold setback rules unilaterally as part of its conditional use analysis (mitigation) process. In this case, the application filed by the Applicant does not satisfy a *threshold* requirement for the Use, i.e., the 12 ft. side setback requirements applicable to 1961 Venus Court under the LMC, and thus as a matter of law the application *cannot* be approved.

This reading of applicable Utah law is conclusively supported by the opinion of the Utah Office of the Property Rights Ombudsman in *Red Hawk Wildlife Preserve Foundation and Summit County* (Advisory Opinion 116 issued September 20, 2012)

See: <https://propertyrights.utah.gov/advisory-opinions/view-all-advisory-opinions/advisory-opinion-116/>.

Because the Applicant cannot meet the threshold requirements for a CUP and because no permit may be legally granted, regardless of any mitigation arguments Applicant may make in favor of approval, the Planning Commission must deny Applicant’s application now and inform the Applicant of these legal requirements so that additional inevitably fruitless expenditures of time and money in furtherance of the application and any opposition can be avoided.

5. **The City shall not issue a Conditional Use permit unless the Planning Commission concludes that the Application meets the Standards of Review applicable to Conditional Uses under Section 15-1-10.D. of the LMC.**

Section 15-1-10.D. of the Code provides that

“The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

1. *the Application complies with all requirements of this LMC;*
2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the effects of any differences in Use or scale have been mitigated through careful planning.”

(emphasis added)

Because the Applicant’s proposal does not comply with the setback requirements under Section 15-2.11-3 of the LMC and thus does not comply “with all requirements of this LMC”, the application fails under Section 15-1-10.D.1. and must be denied.

6. Under the review process for Conditional Use Permits required by Section 15-1-10 of the LMC, the Planning Department and/or Planning Commission must review the specific items enumerated by subsection E of Section 15-1-10 when considering whether or not the proposed Conditional Use mitigates impacts of and addresses such items. Based on the documentation included in the agenda packet, it appears that numerous required items have not been considered or reviewed and no reasonable mitigation has been proposed by Applicant.

The items which the Planning Department and/or Planning Commission must review under subsection E of Section 15-1-10 of the Code in connection with this Conditional Use include, but are not limited to, (i) Storm Water run-off; (ii) Fencing, Screening, and landscaping to separate Use from adjoining Uses; (iii) usable Open Space; (iv) lighting; (v) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; (vi) noise that might affect people and Property Off-Site; (vii) within and adjoining the Site, the appropriateness of the proposed Structure to the existing topography of the Site; and (viii) consistency with the goals and objectives of the Park City General Plan.

This review is not optional. Under subsection E, the Planning Department and/or Planning Commission **must review** these items (and all items under this subsection) and must make a determination whether the Applicant has addressed and sufficiently mitigated the impacts of these items.

Based upon the Staff Report and the Findings of Fact set forth in the draft Notice of Planning Commission Action included in the agenda packet, there appears to be either no or insufficient evidence that the Applicant, Staff or the Planning Commission has found underlying facts, conducted meaningful analysis, or reached reasonable conclusions regarding:

- (i) Storm Water and Spring Snow Melt Run-off. Have Applicant, Staff or the Commission considered where storm water and Spring snow melt run-off will go from an 1800 square foot impervious concrete patio? On to Applicant's property, or on to neighbors' properties? How will this risk be appropriately mitigated? Water tables are extremely high in many parts of Park Meadows and basements already regularly flood during the Spring run-off. Where will the additional water go?
- (ii) The Fence. Neither Applicant nor Staff has apparently prepared (nor has the Planning Commission considered) any fencing *plan* or *design* for the proposed *12-foot-high*, presumably metal and plastic, acoustic barrier fence around the court. This fence must comply with the fencing provisions of the LMC, including in Section 15-4-2, which appears to prohibit fences higher than 6 feet unless approved for good reason as part of a Conditional Use permit. The standard dimensions of a pickleball court are 30' x 60'. Accordingly, it would appear that Staff is proposing that Applicant erect a 12 foot high, 180 feet long plastic and/or metal fence in the middle of a residential neighborhood backyard. Yet neither Applicant nor Staff provides any details or site plan for this fence.

It is unclear precisely what kind of acoustic barrier fence Staff is recommending. What materials will be used, and what will the color be? What is the cost, the durability, or the effectiveness of this fence? Would the acoustic barrier materials survive hot

summer temperatures, frigid winter temperatures, deep snow or high winds in Park City? Would the enclosing materials reflect or absorb so much heat onto the court in the summer that the Applicant would be inclined to remove the materials? Will the fence reflect glare into neighbors' yards? How will enforcement be managed? Who will require the owner to maintain the fence? The Staff Report answers none of these questions.

- (iii) Site and Landscaping Plan. Applicant has not prepared or provided any schematic site or landscaping plan which I have been able to find in the agenda packet. The Planning Department's form of Conditional Use application⁴ requires that Applicant submit:

"Two (2) 24"x36" *professionally prepared* schematic plans drawn to scale containing items below:

- North arrow and name of project
 - Date of drawing
 - Adjoining property lines, owners, and uses within 100' of subject property.
 - Total acreage of the property, dimensions of all lot lines, all landscaped areas, parking areas, snow storage area. Etc.
- Note: Schematic plans may include, by (sic) are not limited to, *site plan, landscaping plan, floor plans, and elevations.*" (emphasis added in italics)

Applicant has not submitted any "professionally prepared" site, landscaping or design plan for the 1800 square foot concrete pickleball court and 12 foot high and 180 foot long metal and/or plastic fence. Accordingly, Applicant has made no showing that the design and appearance of the court and fence is compatible with surrounding uses (which surrounding uses presently are houses, driveways and lawns, gardens and wooded areas; and the surface square footage of the pickleball court will be *larger* than the surface square footage of most houses and garages in Park Meadows), will be appropriately screened from neighbors, or is an appropriate structure given the natural topography of the surrounding area.

A simple conclusory statement that the use is appropriate or compatible with surrounding uses is not an adequate substitute for analysis and reasonable, thoughtful conclusions.

- (iv) Noise. Neither Applicant nor Staff has shown, based on hard acoustical data or expert reports, that the noise generated by pickleball play on the court will not violate Park City noise ordinances or unreasonably impact neighbors or that by construction of a

⁴ <https://www.parkcity.org/home/showdocument?id=65015>

fence the noise will be reasonably mitigated. I discuss this issue in greater detail below.

- (v) General Plan. Neither Applicant nor Staff has shown there is any compelling argument whatsoever that the addition of a 1800 square foot concrete backyard pickleball court surrounded by a 12 foot high 180 foot long metal and plastic fence to an already densely developed residential area is in any way consistent with the goals and objectives of the General Plan for residential areas. I would submit that the court, as proposed, is totally inconsistent with the goals and objectives of the General Plan.

The application must be denied if it is determined that these aspects of the proposed Conditional Use have not been reviewed, considered, addressed and reasonably sufficiently mitigated.

- 7. In particular, under the review process for Conditional Use Permits required by Section 15-1-10.E.6 of the LMC, the Planning Department and/or Planning Commission must review the noise that will affect people and Property Off-Site. Due to the proximity of the Applicant's proposed pickleball court to neighbors, Planning Commission must determine whether the noise created by pickleball play can be mitigated. If not, the Application must be denied.**

The Planning Department and Planning Commission must consider the following noise-related issues which the subject court will inevitably raise and determine whether the proposed noise mitigation in this case is sufficient or even possible given the near proximity of twenty or more houses:

- a. Applicant's court site is approximately 50 feet from the property line of Applicant's neighbors at 1919 Evening Star Drive, who apparently affirmatively oppose the Application.
- b. Applicant's court site is less than approximately 100 feet from the property lines of five additional neighbors of the Applicant at 2003 Venus Court, 1911 Evening Star Dr., 1950 and 1990 Little Kate Rd, and 2030 Lucky John Dr., several of whom apparently affirmatively oppose this application.
- c. It appears that the property lines of a total of up to 20 homes may be within 300 feet of the Applicant's court, many of whom apparently affirmatively oppose the Application.
- d. I am only aware of one neighbor who affirmatively supports the Applicant's proposal and they apparently may not even be full-time residents of Park City.

Pickleball play is an extremely noisy activity. The Staff Report acknowledges this through its discussion of noise mitigation (See pages 112 et. seq. of the agenda packet). A google search today for "pickleball noise" returns 668,000 results, replete with examples of noise disputes and litigation arising over pickleball court siting and play.

However, the Staff Report is silent or incomplete with respect to many aspects of the pickleball noise issue which the Planning Commission should be aware of and should carefully consider before it approves a pickleball court within 300 feet of up to 20 homes in a densely developed residential area in the SF District.

- 1. It is an indisputable matter of record that pickleball play has led to numerous noise violation claims and nuisance disputes by and against municipalities, neighbors and HOAs across the

country.

2. The Park City Recreation Department staff report recently provided to City Council acknowledged the problem of pickleball noise, stating (in respect of noise issues already present at the MARC) "Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players. Alarming, what the Recreation Department staff report didn't mention is that the noise issue which gives rise to the incompatibility of outdoor pickleball play with tennis players applies to *everyone* who lives in close proximity to an outdoor pickleball court.

3. There is a common misconception that pickleball is acoustically equivalent to tennis and many other common social and recreational activities. This is not true. Pickleball is much noisier. The sound produced by the impact of the hard plastic ball on the paddle and the loud enthusiasms of the players cause significant noise impacts on residents and properties near outdoor pickleball courts.

4. Numerous anecdotal comments in an online blog about pickleball noise catalog common neighbor complaints. Here are some examples of neighbor complaints from around the country which Planning Commission should be aware of before it opens the door to backyard pickleball play in quiet residential areas in Park City:
 - "I live 80 ft. from...a tennis court that was recently resurfaced [for pickleball]. I can hear clacking in my back bedroom with all the windows down and the air conditioner going. I have an appointment with an attorney...I don't intend to listen to this noise for the rest of my life."
 - "We lived in a quiet neighborhood until the people across the street from us put a pickle ball court in their yard...the court is right by the street. They play for long periods every day and most nights, and they often have friends over who yell and cheer loudly. We can hear it inside our house in all the rooms, not to mention how loud it is in our backyard."
 - "I'm suffering [from] anxiety and depression and the noise is exasperating my system to the point that I need to flee or be a prisoner in my own house."
 - "I am still working and would like to enjoy quiet time on the weekend or evenings and because of the popping of the balls and yelling of the players my quality of life has been affected. I do not want to move but the noise is getting the best of me."
 - "Can you honestly say...YOU know what its like, Waking up to hearing the sound of gunshots/POPS, which never seem to stop, from 8 am every day of the week until dusk 30 feet away?"
 - "30 FEET from your supposed peace and Serenity of your home!!!"
 - "You cannot escape the sound of the noise...There's nowhere in or around the house you cannot hear the ball banging against the paddle, again and again???"

- “Or maybe you invited people over for dinner and you want to be outside enjoying the nice ...weather. Well, do you think you will be able to entertain, when all your guests hear is the POP POP POP of pickleballers?”
 - “It’s only common decency honestly for everyone to have the right to a peaceful sanctuary called home.”
 - “Like the man said, IT’S TORTURE...You tell me what matters more, people playing a game, or the serenity of many many more people in their own home.”
5. While the Staff Report states that “Staff reviewed eight (8) pickleball noise studies conducted by municipalities to evaluate how pickleball courts compared to adopted noise ordinances and what mitigation measures would be most effective”, Staff does not identify six of these eight studies, nor does it include these studies in the agenda packet, nor does it comprehensively summarize them, nor has it made online links available for neighbors to review.
 6. One study which Staff refers to in the Staff Report is the Terravita Pickleball study (agenda packet p. 113). While Staff does not provide a link to the study, I found it and related documentation online at https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_42_DR_1993_3.pdf

I recommend that Commissioners review this study. The situation at Terravita (in Scottsdale, AZ) bears virtually no resemblance to the situation at 1961 Venus Court. Terravita is a country club and the two pickleball courts at issue are in the middle of the club and are surrounded by other club facilities. The courts are apparently a substantial distance from nearby residences. A homeowner opposing the project wrote in an email (p. 83) that the pickleball courts are “100-200 yards [from] many of our homes”. That is 300-600 feet! In fact, the noise abatement proposed in Terravita seemed to be aimed more at reducing the noise between the country club pickleball courts and tennis courts and pool area. The solution proposed for Terravita was to install a 12 foot noise barrier around the courts, which is exactly the same solution which Staff is proposing for 1961 Venus Court. Yet the two situations could not be more different! In Terravita the closest house was apparently 300 feet from the Courts. At 1961 Venus Court the closest house is a two story house at 1911 Little Kate Rd approximately 50 feet from the western edge of the pickleball court. The 12 foot fence proposed by Staff would be ineffective in blocking *any* noise travelling from the point of racquet impact to the second story of the house at 1911 Little Kate Rd because the fence is not high enough.

Nevertheless, the Terravita project should be instructional to the Commission for a different reason. There, the court proponents hired acoustic engineers and spent months and many thousands of dollars to carefully evaluate the noise potentially generated at the actual pickleball site and propose scientifically justified mitigation. At 1961 Venus Court the Applicant has conducted no noise research whatsoever and Staff has simply borrowed research which may or may not be applicable from a completely different situation in Arizona.

7. The second study which Staff refers to is the Morris Dill Courts Study. While Staff does not

provide an internet link to the study, I found a 30 page “technical memorandum” online assessing pickleball noise at the Morris Dill Courts in Pacific Grove, CA

(<https://files.cityofpacificgrove.org/sites/default/files/recreation-board/2019/8-22-2019/recreation-board-8-22-2019-pacific-grove-pickleball-noise-assessment-20190807.pdf>).

The memorandum shows decibel levels of up to 76 dBA at the Morris Dill site, which far exceeds Park City noise limits (see below). I recommend that Commissioners also review this study. I found it impossible based on this memorandum to reach any conclusions regarding likely pickleball noise levels at 1961 Venus Court, or to draw any sensible conclusions about effective abatement in a totally different location.

8. Before approving the subject application, the Planning Commission should require the Applicant an/or Staff to engage an expert acoustic engineer to determine whether the projected noise levels at 1961 Venus Court would exceed City limits and whether an acoustic fence or some other solution would reduce noise levels for affected neighbors to reasonable levels.
9. I have walked around the neighborhoods close by the pickleball courts in the Racquet Club and the Willow Creek courts and spoken to neighbors who have told me they are annoyed and disturbed by pickleball noise and wish the courts were not so close to their homes. Members of the Planning Commission should do the same (after the snow melts) before voting on this application.
10. Based upon the Staff Report and the Findings of Fact set forth in the draft Notice of Planning Commission Action included in the agenda packet there is no evidence that Staff or the Planning Commission has found facts, or analyzed, or concluded on a reasonable basis, that the Applicant has demonstrated that the noise generated by pickleball play at 1961 Venus Court can be satisfactorily mitigated.

Instead, the draft Findings of Fact are totally silent on noise mitigation except in paragraph 15 where the Applicant has agreed to limit the use of the sport court to daylight hours, which are set as 8:00 a.m. to 8:00 p.m. MT. This finding does not address the noise question raised by backyard residential pickleball. There are no other Findings of Fact which address the question of noise.

11. The draft Conditions of Approval (which are not based on any Findings of Fact or other analysis) provide that

“6. The Applicant shall install a twelve foot (12’) tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75.”

There is no Finding of Fact which would support this Condition of Approval. The Planning Commission must ask how it was determined that a “twelve foot (12’) tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75” will be sufficient to shield the neighbors who live within 100 feet of the court (or closer) from unreasonable noise? Has Applicant, Staff or the Planning Commission consulted a recognized acoustic engineer? Has Applicant or Staff conducted its own noise studies on local courts to determine that the proposed fence will be sufficient to mitigate the noise concern?

12. Based on the conclusions of an expert with whom I have consulted, it seems highly likely that no acoustic fence will actually block pickleball noise from reaching and penetrating the walls of the neighbor at 1911 Little Kate Rd and possibly other immediately proximate neighbors. I discuss this issue further below.

Staff cannot simply make a guess regarding whether a certain height fence with a certain noise reduction coefficient will successfully mitigate the noise created by the proposed court. The reasonable basis for the fence requirement must be supported by credible noise analysis and credible evidence that the proposed noise reduction coefficient is sufficient. There is no evidence in the agenda packet that Applicant or Staff has provided any such information or made such reasonable judgment.

Determinations made by Staff or the Planning Commission which are not supported by factual findings or a reasonable basis are inherently arbitrary and capricious.

13. Furthermore, the draft Conditions of Approval provide that

“4. Within one (1) year of this approval, if the Planning Department receives three (3) noise complaints, then the Applicant will meet with the Planning Commission to review further mitigations.”

This proposed condition fails to meet the standard of review required by Section 15-1-10 of the Code. It is the responsibility of the Planning Commission, based on facts and evidence, to reasonably decide *now* that the noise likely to be generated by the court has been mitigated. It is insufficient for the Commission to say, to the effect that, we don't know how much noise the court will generate, but if it generates a lot of noise and at least three people complain, we will take another look. Then we will do our job. This is especially the case (as facts set forth in this letter demonstrate) where it is widely known that pickleball courts often generate noise in excess of municipal noise ordinance limits, and neighbors often complain. In fact, it appears that more than three neighbors have already complained as part of this Conditional Use review process about the noise that this court will generate.

- 8. Noise from pickleball play at a distance of 75 ft. has been measured by experts at 80 dBA (decibels) and higher, far exceeding noise limits under Park City ordinances. The Planning Commission should not approve a Use with reasonably anticipated noise levels in excess of Code limits as a Conditional Use.**

The Code provides for *both* maximum permissible sound levels and for determination of annoyance as a metric for noise assessment. Section 6-3-9.A of the Code provides for a limit for stationary sources of sound of 55 dBA (decibels) in residential neighborhoods between the hours of 6:00 a.m. and 10:00 p.m. Peak sound pressure levels from pickleball courts have been measured at a distance of approximately 75 feet at 80 dBA (decibels) and higher, which far exceeds Code limitations.

In addition, Section 6-3-9.C.2 of the Code prohibits "any stationary *source of sound* which emits a pure tone, cyclically varying or repetitive impulsive sound *which creates a noise disturbance*."

A *noise disturbance* is defined in Section 6-3-1 of the Code as "Any sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose,

health, hearing, peace, or safety of another person(s)".

The American National Standards Institute has set standards for noise assessment in regard to *annoyance* for impulsive sounds. Compliance with these standards is an important element in determining whether a reasonable person is exposed to a noise disturbance.

As part of any Conditional Use review process the Planning Commission must determine now whether the placement of a court at various distances in close proximity to homes would satisfy the noise requirements in Sections 6-3-9.A or 6-3-9.C.2 of the Code or reasonably create a noise nuisance.

9. In addition to potentially violating noise regulations, persistent pickleball noise can be an unhealthy nuisance which should be subject to mitigation as part of the Conditional Use review process.

The Planning Department and Planning Commission should consider whether persistent pickleball noise in close proximity to homes in the SF District is an unhealthy nuisance. There is no evidence in the agenda packet that this question has even been considered by Staff or the Planning Commission. Experts have reported that repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety. Experts have also reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine and other systems, impacting good health.

I urge the Planning Department and the Planning Commission to carefully and comprehensively inform itself now regarding all of these health concerns and consider how they might be successfully mitigated before approving the Application.

10. Ill-Conceived Pickleball Courts Can Be Nuisances Which Can Lead to Costly Disputes and Litigation

There are numerous cases around the country where failure to carefully plan *in advance* for noise abatement or appropriate site selection for pickleball has resulted in claims of 'nuisance' and zoning violations leading to difficult disputes and, often, expensive and protracted legal action. Simple common sense would teach that these disputes are far more difficult to resolve after a pickleball court has been approved without proper analysis and mitigation. A google search reveals numerous news articles describing disputes and litigation over pickleball noise. Here are some examples:

- In Newport Beach, CA, a resident filed a lawsuit against the City claiming that pickleball played *300 feet* from her home is "so raucous and disturbing that she can't live a normal life". In her suit she claimed that the pickleball playing at a neighboring City park is "so noisy that she can't sleep, talk on the phone or 'simply hold a conversation.'" ***The lawsuit was apparently resolved by the City agreeing to remove the courts.***
- In Port Moody, B.C. neighbors complained that pickleball noise on nearby converted tennis courts subjected them "to an almost-daily barrage of noise disruption." The City Manager admitted that the neighbors' noise complaints "*caught staff off-guard*". The Mayor said,

"Sometimes there are unintended consequences." The City Council ultimately removed the courts.

- In Montecito, CA, a neighbor living next door to a country club sued the club when it installed an extensive sports complex, including two pickleball courts, *without permits*, less than **100 feet** from the neighbor's property. The neighbor alleged in his lawsuit that the unpermitted complex **exceeded setbacks** and that the constant noise and disturbances have destroyed his ability to peacefully enjoy his home and surroundings, and on multiple occasions have forced him to retreat inside to escape the ongoing nuisance and disturbance. He claimed that his viewshed has been ruined, and **the adverse impact of the unpermitted activities on his property value is substantial.**
- In Aiken, SC, residents sued a neighboring club which built pickleball courts about **250 feet** from their home for injunctive relief, as well as damages, costs, expenses and prejudgment interest, claiming that the courts **disrupted their quality of life.**
- In Apple Valley, MN residents complained to the City Council about municipal pickleball courts. One resident was quoted by the news report as having sent the city about 90 emails complaining about the noise. Another resident said, "I'm in a pickle...I play the game, it's good for my body and soul. **But it really is an intrusion in our backyards.**" Another resident said about the impending commencement of pickleball season, **"I'm dreading it."**
- In Ahwatuckee, AZ two HOAs clashed over neighboring pickleball courts. The complaining neighbors said that **"most of the houses [near the courts] have their master bedrooms and living rooms closest to the courts, increasing the disturbance."** They claimed that the courts will create 'noise and light' pollution that **"ultimately will reduce the value of their homes."**

The Planning Commission owes a duty to all of its stakeholders to fully review and mitigate the kinds of circumstances which led to the disputes described above *before* any permit can be approved. The Planning Commission should be certain that the negative impacts of pickleball court siting and play have been optimally mitigated before it approves a use which can materially negatively impact the quiet enjoyment and market value of a neighboring home. I have spoken to several leading realtors in town who estimate that the construction of a loud backyard pickleball court could negatively impact the market value of neighboring homes by up to 20%. Lastly, it should not be forgotten that the site for the court at 1961 Venus Court was chosen and the court was built before any Application was filed, making advance site planning and Conditional Use review in this case extremely problematic.

11. Careful Advance Planning is a Critical Part of the Conditional Use review process.

The inevitable noise and nuisance issues surrounding pickleball courts in residential neighborhoods such as the SF District must be carefully examined and planned for in advance as part of the Conditional Use review process under Section 15-1-10.E.

Lance Willis, PhD, is the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC, in Tucson, AZ. In that capacity, he regularly performs on site acoustical testing,

community noise impact assessment, acoustical site planning, and noise abatement design, often near residential areas. He has worked as a consultant in environmental acoustics and noise control since 2005.

With respect to site planning for pickleball courts and noise concerns, he has advised generally⁵ that

- Court sites within **600 feet** of homes should be reviewed in the site selection and planning phase of the project by a qualified acoustical engineer familiar with methodologies for assessing highly impulsive sounds.
- Courts located within **350 feet** of neighbors' residences will require careful noise abatement analysis.
- Courts should ideally be located **greater than 150 feet** distance from neighbors' residences.
- Courts located **less than 150 feet** of neighbors' residences will have a significant impact on neighbors' quality of life and will require *careful and extensive noise abatement measures* to avoid complaints.
- Courts located within **75 feet** of homes will generate noise from play (even with abatement) which penetrates the interior of homes and prevents quiet enjoyment of living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, reading and other activities requiring concentration.

As shown on the google earth image above, numerous homes are located within 100 feet of Applicant's proposed court. **Acceptable noise abatement for courts located so close to the court may be impossible.** Where abatement is shown to be impossible a Conditional Use application must be denied.

12. The Planning Commission must consider available noise abatement strategies, and whether they are likely to be effective, as part of the Conditional Use review process

Available abatement strategies include numerous alternatives, including the following list, but all strategies do not work in all cases and each potential solution (such as a 12 foot high acoustic fence) must be carefully evaluated under the specific circumstances present at the site.

Mitigation

- Mitigation of the sound from pickleball courts is theoretically possible through use of unofficial softer paddles and balls, construction of sound barriers and walls, and construction of court enclosure structures. The Commission should be aware that there *are no other commonly used abatement strategies*.

Unofficial Equipment

- Certain 'unofficial equipment', such as 'softer' paddles and balls, may be employed to reduce noise impacts. But, in practice, players resist using unofficial equipment. Accordingly,

⁵ See Willis, "Why Are Your Pickleball Courts Receiving Complaints from Neighbors?" (<https://www.acousticalnoise.com/news/>)

enforcement of equipment restrictions is virtually *impossible* and ineffective. Who is going to enforce equipment restrictions on a private, backyard pickleball court?

Sound Walls and Acoustic Barriers

- Sound walls and acoustic barriers may work to reduce noise from reaching neighbors' properties. However, to be effective in attenuating sound, a wall or barrier must be high enough to block the line of sight from the noise recipient to the height of paddle impact. There has been no showing in the agenda packet that the proposed 12 foot acoustic fence will shield pickleball noise, for example, from the second story of the homes of immediate neighbors.
- Reports indicate that sound walls often do not eliminate all of the noise, or even sufficiently mitigate the noise levels, which may escape through, around and above the sound wall. Any proposed sound wall solution must be evaluated by a qualified acoustic engineer.
- Sound walls are not practical solutions where land use provisions prohibit the design and/or materials necessary to block the sound or the court site is so close to neighbors that the wall cannot be built high enough to block the sound. Is a 12' high metal and plastic fence even permitted in the SF District and is it a use compatible with the neighborhood? Has Staff or the Planning Commission considered this as part of its Conditional Use review process under Section 15-1-10?

Conclusions

In comparison to other common backyard and recreational activities, the addition of a backyard pickleball court to a densely-settled neighborhood represents a significant challenge to owners, neighbors and planners in terms of zoning compliance and noise management.

This kind of Conditional Use must be carefully planned for. In the case of the proposed court there was no advance planning and the mitigations proposed by Staff are largely make-weights used to explain away the lack of careful planning after the court has actually been built.

Zoning regulations must be scrupulously adhered to or time-consuming and costly litigation is inevitable.

If the setback and other requirements are not adhered to an application must be denied.

If conditional use criteria are not appropriately considered and appropriate mitigation cannot be determined, an application must be denied.

If the court site in a densely-developed residential area is simply too close to homes to successfully abate pickleball noise the application for such use must be denied.

The Planning Department and Planning Commission need to anticipate these issues with solid and comprehensive fact-finding. They must seek out and consider expert opinion on such technically complex issues such as noise impacts and decibel levels. In order to avoid an arbitrary or capricious

decision-making process the Planning Commission must be prepared to justify any decisions approving or disapproving use applications on a factual basis with sound analysis.

Thank you for the opportunity to have provided this letter. I would be happy to answer any questions which you may have at the hearing on this application on Wednesday, January 26, 2021.

Sincerely,



Frode Jensen

cc:

Mayor Nann Worel

Nann.worel@parkcity.org

Park City Manager

Matt Dias

matt.dias@parkcity.org

Park City Planning Department

Gretchen Milliken

Gretchen.milliken@parkcity.org

Rebecca Ward

rebecca.ward@parkcity.org

Park City Building Department

David Thacker

David.thacker@parkcity.org

Park City Attorney's Office

Mark Harrington

mark@parkcity.org

Michelle Kellogg, City Recorder

(435) 615-5007

Michelle.kellogg@parkcity.org

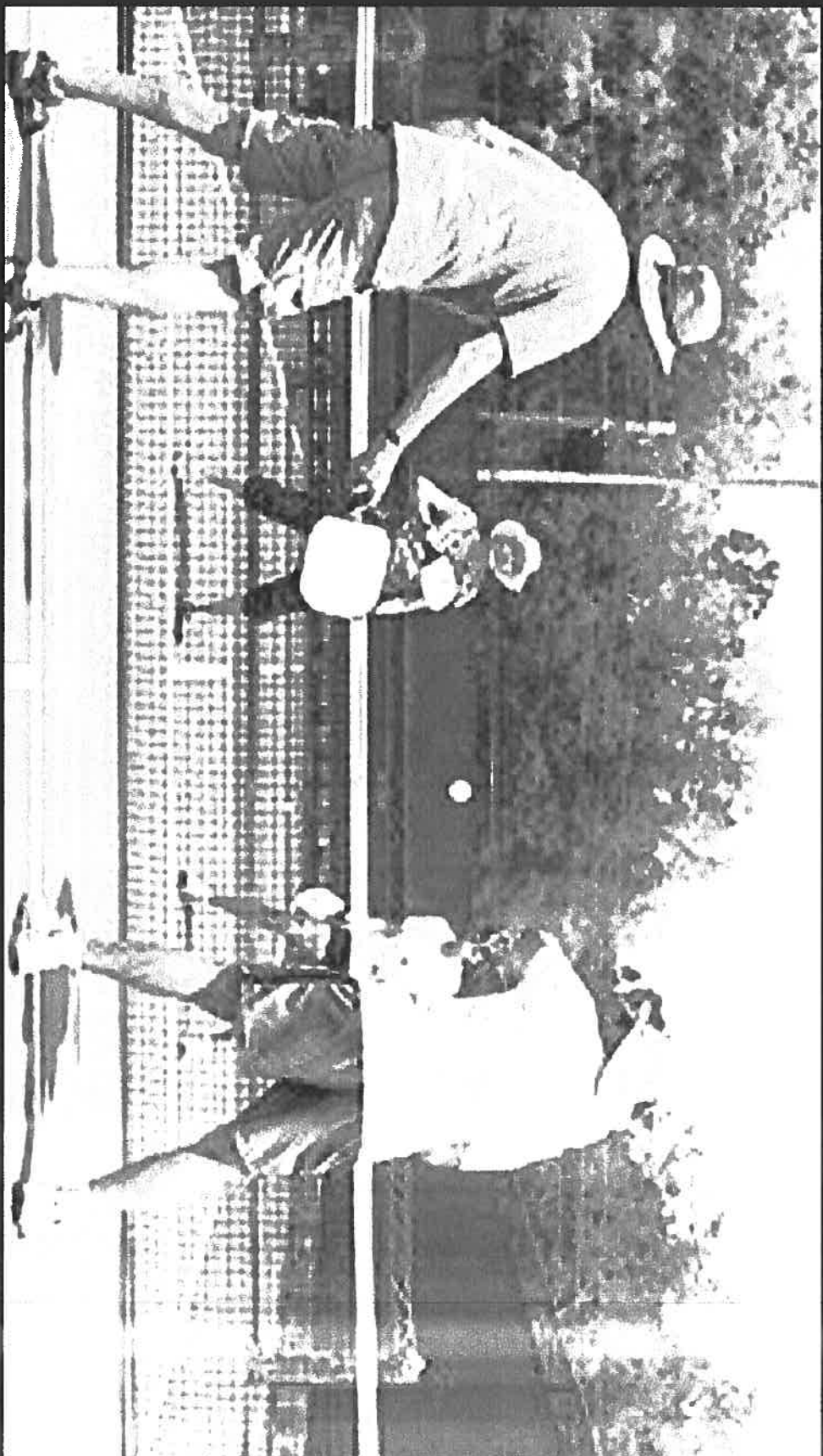
EXHIBIT C

Permitting Pickleball
in
Park City

It's All About the Noise

Frode Jensen

January 26, 2022



Background

In the process of opposing several applications to build backyard pickleball courts in Park City I have become very familiar with the various issues that outdoor pickleball raises under land use codes and nuisance ordinances around the country.

In comparison to other common backyard and recreational activities, and in terms of zoning compliance and noise management, the addition of a backyard pickleball court to a densely-settled neighborhood represents a significant challenge to owners, neighbors and planners.

This must be carefully planned for.

Background

Zoning regulations and conditional use criteria must be scrupulously adhered to or time-consuming and costly litigation is inevitable.

It may be that the setback and other requirements in some residential zones will simply prohibit some proposed court sites and applications for such uses must be denied.

It may also be that some court sites in residential areas are simply too close to neighbors' homes to successfully abate pickleball noise and applications for such uses must be denied.

The Planning Department and Planning Commission need to anticipate these issues and be prepared to justify any decisions approving or disapproving use applications on a factual and legal basis with sound analysis.

If they do not, expensive and time-consuming litigation will inevitably result.

Background

Among the issues which have and will inevitably arise here in Park City are

- Whether pickleball is an Allowed Use or a Conditional Use under our Code
- Whether backyard pickleball courts must comply with Code- and plat-mandated Setbacks and Easements as a threshold matter before Conditional Use review
- Whether a plat amendment or variance will be required prior to Conditional Use review if threshold requirements are not satisfied
- Whether the Planning Department or the Planning Commission has the authority to modify Setbacks in connection with a Conditional Use review
- How the Planning Department will deal with the requirements under the Code to mitigate the potential adverse effects of the Conditional Use.

Conditional Use Review: Mitigation Issues

In respect of mitigation of adverse impacts in connection with a Conditional Use review, numerous issues arise under the Code, including

- Fencing, screening and landscaping to separate Uses,
- Usable Open Space,
- Lighting,
- Design and compatibility with surrounding Structures,
- Appropriateness to existing topography,
- Consistency with goals and objectives of the General Plan, and
- **Existence and mitigation of *Noise***

Conditional Use Review: Mitigation Issues

The Conditional Use review process specifically requires the Planning Department and/or Planning Commission to consider whether or not the proposed Conditional Use mitigates impacts of and addresses

*“noise, vibration, odors, steam, or other mechanical factors
that might affect people and Property Off-Site”.*

If these issues are not studied carefully in advance of consideration of pickleball applications and fairly resolved when applications are made, disputes and litigation are sure to follow.

Pickleball Noise Impacts

Of all the issues which must be considered and resolved under the Code-mandated review process for Conditional Use applications, perhaps the most difficult is the requirement for conditional use review of noise issues.

- Pickleball play is an extremely noisy activity which has led to noise violation claims and nuisance disputes across the country.
- The Recreation Department staff report provided late last year to Council stated

Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players.

To say the least.

Pickleball Noise Impacts

Alarming, what the Recreation Department staff report didn't mention is the noise issue which gives rise to the incompatibility of outdoor pickleball play with *anyone* – or, perhaps more accurately, *everyone* -- who lives in close proximity to an outdoor pickleball court.

As part of my effort to understand pickleball noise issues, I have consulted with Dr. Lance Willis, a nationally recognized acoustic engineer who has worked on dozens of pickleball projects across the country and in Canada.

He has been engaged by homeowners, builders, pickleball clubs, site planners and HOAs to assist in precautionary site planning and noise abatement.

Here is what I learned.

Pickleball Play is Noisy and Neighbors Will Complain

There is a common misconception that pickleball is acoustically equivalent to tennis and many other common social and recreational activities.

This is not true. It is much noisier.

The sound produced by the impact of the hard plastic ball on the paddle and the loud enthusiasms of the players cause significant noise impacts on residents and properties near outdoor pickleball courts.

Pickleball Play is Noisy and Neighbors Will Complain

- Numerous anecdotal comments in an online blog about pickleball noise catalog common neighbor complaints.
- Here are some examples on the following pages

Pickleball Play is Noisy and Neighbors Will Compla

- “I live 80 *ft.* from...a tennis court that was recently resurfaced [for pickleball]. I can hear clacking in my back bedroom with all the windows down and the air conditioner going. I have an appointment with an attorney...I don’t intend to listen to this noise for the rest of my life.”
- “We lived in a quiet neighborhood until the people across the street from us put a pickle ball court in their yard...the court is right by the street. They play for long periods every day and most nights, and they often have friends over who yell and cheer loudly. We can hear it inside our house in all the rooms, not to mention how loud it is in our backyard.”
- “I’m suffering [from] anxiety and depression and the noise is exasperating my system to the point that I need to flee or be a prisoner in my own house.”

Pickleball Play is Noisy and Neighbors Will Compla i

- “I am still working and would like to enjoy quiet time on the weekend or evenings and because of the popping of the balls and yelling of the players my quality of life has been affected. I do not want to move but the noise is getting the best of me.”
- “Can you honestly say...YOU know what its like, Waking up to hearing the sound of gunshots/POPS, which never seem to stop, from 8 am every day of the week until dusk *30 feet* away?”
- “*30 FEET* from your supposed peace and Serenity of your home!!!”
- “You cannot escape the sound of the noise... There’s nowhere in or around the house you cannot hear the ball banging against the paddle, again and again???”

Pickleball Play is Noisy and Neighbors Will Compla

- “Or maybe you invited people over for dinner and you want to be outside enjoying the nice ... weather. Well, do you think you will be able to entertain, when all your guests hear is the POP POP POP of pickleballers?”
- “It’s only common decency honestly for everyone to have the right to a peaceful sanctuary called home.”
- “Like the man said, IT’S TORTURE... You tell me what matters more, people playing a game, or the serenity of many many more people in their own home.”

Pickleball Play Can Violate Noise Ordinances

The Park City Code provides for *both* maximum permissible sound levels and for determination of annoyance as a metric for noise assessment.

Section 6-3-9.A of the Park City Code provides for a limit for stationary sources of sound of 55 dBA (decibels) in residential neighborhoods between the hours of 6:00 a.m. and 10:00 p.m.

- Peak sound pressure levels from pickleball courts have been measured at a distance of approximately 75 feet exceeding 80 dBA (decibels), which far exceeds standard noise ordinance limitations.

In addition, Section 6-3-9.C.2 of the Park City Code prohibits

"any stationary source of sound which emits a pure tone, cyclically varying or repetitive or impulsive sound which creates a noise disturbance."

Pickleball Play Can Violate Noise Ordinances

- A *noise disturbance* is defined in Section 6-3-1 as

Any sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- The American National Standards Institute has set standards for noise assessment in regard to annoyance for impulsive sounds. Compliance with these standards will be an important element in determining whether a reasonable person is exposed to a noise disturbance.
- As part of any Conditional Use review process the Planning Commission will have to determine whether the placement of a court at various distances in close proximity to homes would satisfy the requirements in Sections 6-3-9.A or 6-3-9.C.2 of the Code.

Pickleball Noise is a Health Concern

In addition to violating noise regulations, persistent pickleball noise can be an unhealthy nuisance.

- Repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety.

I have walked around the neighborhoods close by the courts in the Racquet Club and the Willow Creek courts and spoken to neighbors who have told me they are annoyed and disturbed by pickleball noise and wish the courts were not so close to their homes.

- Experts have reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine and other systems, impacting good health.

In short, the effects of excess noise and stress can take many forms.

I urge the City to carefully and comprehensively inform itself *now* regarding all of these health concerns.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

There are numerous cases around the country where failure to carefully plan for noise abatement or appropriate site selection for pickleball has resulted in difficult disputes and, often, expensive and protracted legal action.

A simple google search reveals numerous news articles describing disputes and litigation over pickleball noise.

Here are some examples:

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Newport Beach, CA, a resident filed a lawsuit against the City claiming that pickleball played *300 feet* from her home is “so raucous and disturbing that she can’t live a normal life”. In her suit she claimed that the pickleball playing at a neighboring City park is “so noisy that she can’t sleep, talk on the phone or ‘simply hold a conversation.’”

The lawsuit was apparently resolved by the *City agreeing to remove the courts*.

- In Port Moody, B.C. neighbors complained that pickleball noise on nearby converted tennis courts subjected them “to an almost-daily barrage of noise disruption.” The City Manager admitted that the neighbors’ noise complaints “*caught staff off-guard*”.

The Mayor said, “*Sometimes there are unintended consequences*.”

The City Council ultimately removed the courts.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Montecito, CA, a neighbor living next door to a country club sued the club when it installed an extensive sports complex, including two pickleball courts, *without permits*, less than *100 feet* from the neighbor's property.

The neighbor alleged in his lawsuit that the unpermitted complex *exceeded setbacks* and that the constant noise and disturbances have destroyed his ability to peacefully enjoy his home and surroundings, and that multiple occasions have forced him to retreat inside to escape the ongoing nuisance and disturbance.

He claimed that his viewshed has been ruined, and *the adverse impact of the unpermitted activities on his property value is substantial*.

- In Aiken, SC, residents sued a neighboring club which built pickleball courts about *250 feet* from their home for injunctive relief, as well as damages, costs, expenses and prejudgment interest, claiming that the courts *disrupted their quality of life*.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Apple Valley, MN residents, including a resident who lives *20 feet* from the nearest court, complained to the City Council about municipal pickleball courts. One resident was quoted as having sent the city about **90 emails** complaining about the noise.

Another resident said, “I’m in a pickle...I play the game, it’s good for my body and soul. **But it really is an intrusion in our backyards.**”

Another resident said about the impending commencement of pickleball season, **“I’m dreading it.”**

- In Ahwatuckee, AZ two HOAs clashed over neighboring pickleball courts. The complaining neighbor said that *“most of the houses [near the courts] have their master bedrooms and living rooms closest to the courts, increasing the disturbance.”*

They claimed that the courts will create ‘noise and light’ pollution that *“ultimately will reduce the value of their homes.”*

Careful Advance Planning is Critical

The inevitable noise and nuisance issues surrounding outdoor pickleball must be carefully examined and planned for in advance if disputes are to be avoided. With respect to noise concerns, experts advise generally that

- Court sites within **600 feet** of neighbors' homes should be reviewed in the site selection and planning phase of the project by a qualified acoustical engineer familiar with methodologies for assessing highly impulsive sounds.
- Courts located within **350 feet** of residential properties will require careful noise abatement analysis.
- Courts should ideally be located at least **150 feet** distance from residences.
- Courts located within **150 feet** of homes will have a significant impact on neighbors' quality of life and *will require careful and extensive noise abatement measures to avoid complaints.*
- Courts located within **75 feet** of homes will generate noise from play which penetrates the interior of homes and prevents quiet enjoyment of living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, reading and other activities requiring concentration.

Acceptable noise abatement for courts located in close proximity to homes may be impossible.

Abatement Strategies

Mitigation of the sound from pickleball courts is theoretically possible through use of unofficial softer paddles and balls, construction of sound barriers and walls, and construction of court enclosure structures.

- *There are no other commonly used abatement strategies.*

Unofficial Equipment

- In practice players resist using unofficial equipment and enforcement of equipment restrictions is virtually *impossible*. This abatement strategy is generally unworkable.

Sound Walls and Acoustic Barriers

- To be effective in attenuating sound, a wall or barrier must be high enough to block the line of sight from the noise recipient to the height of paddle impact.
- Anecdotal reports indicate that even a sound wall does not eliminate all of the noise which may escape through the sound barrier.
- Sound walls are not practical where land use provisions prohibit the design and/or materials necessary to block the sound or the court site is so close to neighbors that the wall cannot be built high enough to block the sound.

Abatement Strategies

Full Enclosures

- If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof of the building should have no penetrations facing the neighbors.
- Full enclosures present applicants and planning authorities with additional code compliance issues.

Browne Sebright

From: Alexandra Ananth
Sent: Wednesday, February 16, 2022 4:38 PM
To: Bill Johnson; Christin VanDine; Douglas Thimm; John Kenworthy; John Phillips; Laura Suesser; Mark Harrington; Planning_Mail; Sarah Hall
Subject: FW: [External] Comments on three issues before the Commission

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

From: planning <planning@parkcity.org>
Sent: Wednesday, February 16, 2022 3:35 PM
To: Alexandra Ananth <alexandra.ananth@parkcity.org>
Subject: FW: [External] Comments on three issues before the Commission

From: Brian Schiller <2zayschiller@gmail.com>
Sent: Wednesday, February 16, 2022 3:29 PM
To: planning <planning@parkcity.org>; beandfit@aol.com; schillerbt@aol.com; skipjen@aol.com
Subject: [External] Comments on three issues before the Commission

[CAUTION] This is an external email.

Dear Ms. Milliken and Members of the Commission:

Please accept the following comments regarding issues before you.

1. Pickleball-please accept this comment regarding the conditional use application for the conversion of a concrete “patio” located at 1961 Venus Court, Park Meadows to a pickleball court. The applicant has cited the idea that private pickleball courts contribute to the notion of building community. Access to private pickleball courts is generally limited to family, friends, and invited participants-such courts are rarely open to neighborhood or public use. As such it is not unreasonable to find such private facilities akin to gated communities-only owners and invited others are welcome. All others are purposely excluded. This does not seem to be community building. Community building has been less than evident of late in regard to this particular conditional use application in that one of the adult sons (over 18) of the owner of 1961 Venus Court, has taken to saluting us with his middle finger whenever he may encounter us outside on our property or walking on the public streets and sidewalks in our neighborhood. If this is the kind of community building engendered with private pickleball courts and their many concomitant issues, perhaps such courts should not be approved as evidently they do not build community.
2. Building moratorium-a positive idea in the midst of what some describe as explosive growth in our community. Slowing things down is always a good idea as it provides time for information gathering, study, reflection, input, planning and, finally, decision making. A year or longer moratorium should not be an issue,

particularly as extant approvals granted over 30 or 40 years ago have not been exercised in a timely manner. Perhaps a focus of work during such a moratorium should be on legislating a seven year sunset provision on all growth approvals/permits. If no shovel is in the ground within seven years, a reasonable timeline to secure plans and financial support, a project must start the entire approval process again.

3. PEG proposal for the parking lots at the Resort-see the preceding comment. I have lived in Park City for 40 years. I am aghast at the proposed PEG development. I urge the Planning Commission to visit Sugarhouse in SLC, specifically the southwest corner of Eleventh East and 21st South. This is what 90 feet of high density housing looks and, perhaps more importantly, feels like. Whilst there, take a stroll through the walks- in, around and through these projects. Try to see and feel like residents of Old Town in PC will see and feel, what veteran residents of Park City will see and feel. The proposed PEG project is not a beginning but it may well be the end of the community we know and love.

Thank you for reading.

Sincerely,

Brian Schiller

P.O. Box [REDACTED]

Park City, Utah 84060



Sent from [Mail](#) for Windows

FRODE JENSEN
[REDACTED] HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

March 14, 2022

VIA EMAIL TO planning@parkcity.org AND

Sarah Hall sarah.hall@parkcity.org
Bill Johnson bill.johnson@parkcity.org
John Kenworthy john.kenworthy@parkcity.org
John Phillips john.phillips@parkcity.org
Laura Suesser laura.suesser@parkcity.org
Douglas Thimm douglas.thimm@parkcity.org
Christin Van Dine christin.vandine@parkcity.org

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts

Dear Commissioners

I write regarding the Proposed Land Management Code Amendments to Mitigate Pickleball Impacts (Code Amendments) and the Commission hearing on February 23. I am also copying members of the Planning Department and Nestor Gallo, PE, Public Improvements Engineer, in the City's Engineering Department. I would respectfully request that the City Recorder add this letter to the public record of the Commission's consideration of the proposed Code Amendments.

In my view, the proposed Code Amendments represent a very good start in defining a thoughtful and constructive approach to mitigating the serious noise concern which outdoor pickleball courts in residential areas raises. In many respects the Commissioners' response to the Staff Report was very encouraging (in that they demonstrated a constructive understanding of the sensitive issues presented).

This letter supplements my letters to you dated February 17 and 23, 2022 in which I comprehensively address my numerous concerns about backyard pickleball in Park City and specifically address the recommendations in the Staff Report. Certain of these concerns were left unaddressed at the hearing and I would respectfully request that the Department and the Commission carefully review these concerns. I also fully support the concerns and views expressed by my neighbor, Brian Schiller, in his letter to you dated March 7, 2022, and commend it to your attention.

In this letter I address two specific issues which arose at the February 23 meeting. One Commissioner argued extensively that:

1. There should be no minimum setbacks for backyard pickleball courts; and
2. The only relevant regulatory concern should be whether decibel levels are reduced to existing Code limits.

I am concerned that both of these arguments are not supported by the factual record included in the agenda packet and, if adopted, would lead to a suboptimal ordinance likely resulting in neighbors' complaints and litigation. In support of this concern, I have engaged an acoustic expert with a great deal of experience in pickleball noise issues, R. Lance Willis, PhD, of Spendiarian & Willis, in Tucson, AZ to review the proposed Code Amendments and consider these issues. His letter to me dated March 11, 2022, is attached.

Minimum Setbacks

As you will see, it is Dr. Willis' expert opinion that minimum setbacks are highly advisable and should be adopted in the Code Amendments. He writes that:

The approach of using setbacks as a mitigation measure for pickleball courts as proposed in the code amendment is reasonable. Open air courts located 600 feet or more from residential properties rarely present a noise issue. Courts located more than 150 feet from residential properties can, in most cases, be mitigated with a sound wall system provided the wall is high enough and reflections from other nearby surfaces do not degrade the acoustical performance. Between 100 and 150 feet noise abatement design becomes difficult and usually cost prohibitive. Open air pickleball courts located within 100 feet of residential properties are virtually guaranteed to generate noise complaints regardless of the noise abatement installed.

The argument that there should be no minimum setbacks for backyard pickleball courts might work in a world where pickleball noise can be perfectly mitigated by fencing. We do not live in this world. As Dr. Willis concludes in the attached letter and as the opinions of noise experts included in the agenda packet confirm, pickleball noise is unique and virtually impossible to mitigate successfully in close proximity to neighbors' homes.

Commission should retain the 150 foot minimum setback in the final Code Amendments.

Methodology for Noise Assessment

As you will see, it is also Dr. Willis' expert opinion that, as currently drafted, the Code Amendments do not provide for adequate noise protection for the properties surrounding a pickleball site. A clear methodology for assessing highly impulsive sound is needed and should be provided in the Code Amendments. He writes that:

[A] noise assessment metric must be chosen that does not involve averaging the measured sound. Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. Section 6-3- 9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. ... Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1.

Spendiarian & Willis has used this methodology based on adjustments to the sound exposure level extensively over the last 10 years in planning noise abatement for pickleball courts with very good results for maintaining the tranquility of neighborhood settings and maintaining peaceful relations between pickleball facility owners and their neighbors. In order for the City to evaluate proposed pickleball plans and for acoustical engineers working on the project to design the appropriate amount of mitigation, a methodology such as ANSI S12.9 Part 4 will be needed. This should be a part of the code amendment.

As Dr. Willis notes, the draft Code Amendments simply fail to address annoyance for impulsive sound and will not result in adequate noise mitigation, undoubtedly resulting in on-going disputes and litigation between pickleball court owners and neighbors. This is exactly the result the Code Amendments should be designed to prevent.

A methodology such as ANSI S12.9 Part 4 to address impulsive sound should be a part of the code amendment.

Dr. Willis makes a number of additional valuable suggestions in his letter which I hope Commissioners and Staff will carefully review.

I look forward to Commission and the Planning Department addressing these concerns I would be happy to answer any questions the Commissioners might have regarding this letter and my several submissions. I would also be happy to ask Dr. Willis to appear before you at your next Commission meeting to provide his expert views in person regarding the proposed Code Amendments. Thank you in advance for your attention and consideration.

Sincerely,



Frode Jensen

Attachment A – Copy of Letter of R. Lance Willis, PhD, to Frode Jensen dated March 11, 2022

cc:

Mayor of Park City

Nann Worel

Nann.worel@parkcity.org

Park City Manager

Matt Dias

matt.dias@parkcity.org

Park City Planning Department

Gretchen Milliken

Gretchen.milliken@parkcity.org

Browne Sebright

Browne.sebright@parkcity.org

Park City Attorney's Office

Mark Harrington

mark@parkcity.org

Public Improvements Engineer

Nestor Gallo, P.E.

nestor.gallo@parkcity.org

City Recorder

Michelle Kellogg

Michelle.kellogg@parkcity.org

FRODE JENSEN
[REDACTED] HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

March 21, 2022

VIA EMAIL TO planning@parkcity.org AND

Sarah Hall sarah.hall@parkcity.org
Bill Johnson bill.johnson@parkcity.org
John Kenworthy john.kenworthy@parkcity.org
John Phillips john.phillips@parkcity.org
Laura Suesser laura.suesser@parkcity.org
Douglas Thimm douglas.thimm@parkcity.org
Christin Van Dine christin.vandine@parkcity.org

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts (Code Amendments)

Dear Commissioners

I write regarding the Staff Report regarding Outdoor Pickleball Courts in Residential Areas included in the agenda packet published March 18, 2022 for the Planning Commission Meeting on March 23, 2022. The Staff Report begins at p. 186 of the agenda packet (page references in this letter to the agenda packet are to the packet published on the City's website on March 18). I would respectfully request that the City Recorder add this letter to the public record for the March 23, 2022 meeting.

I thank the Planning Department for its efforts to date in crafting an effective regulation which balances both property owners' rights to use their land and neighbors' rights not only to peace and quiet but also to both effective enforcement of the letter and spirit of our land use regulations and to protection of property values.

This letter supplements my letters to you dated February 17, February 23, and March 14, 2022 in which I comprehensively address the numerous concerns which many of my neighbors and I have about backyard pickleball in Park City. You will see that several important concerns which we have raised in the past have still not been addressed in the draft Code Amendments. I hope Commission will take the time on March 23 to openly address these concerns in the public meeting.

1. The currently proposed Code Amendments still do not provide for adequate noise protection for the properties surrounding a pickleball site. A clear methodology for assessing *highly impulsive sound* and *noise annoyance* is needed and should be set forth in the Code Amendments. I have engaged a respected and experienced acoustic expert, R. Lance Willis, PhD, of Spendiarian & Willis, to review the

proposed Code Amendments and consider this issue.¹ I have previously provided to you a copy of his letter to me dated March 11, 2022. A copy is also provided with this letter for your convenience.

Dr. Willis advises that:

[A] noise assessment metric must be chosen that does not involve averaging the measured sound. Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. Section 6-3- 9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. ... Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1.

Spendiarian & Willis has used this methodology based on adjustments to the sound exposure level extensively over the last 10 years in planning noise abatement for pickleball courts with very good results for maintaining the tranquility of neighborhood settings and maintaining peaceful relations between pickleball facility owners and their neighbors...

In order for the City to evaluate proposed pickleball plans and for acoustical engineers working on the project to design the appropriate amount of mitigation, a methodology such as ANSI S12.9 Part 4 will be needed. This should be a part of the code amendment.

As Dr. Willis notes, the draft Code Amendments *simply fail to address annoyance for impulsive sound* and will not result in adequate noise mitigation, thereby increasing the risk of on-going disputes and litigation between pickleball court owners and neighbors. This is exactly the result the Code Amendments should be designed to prevent.

A methodology such as ANSI S12.9 Part 4 to address *impulsive sound* should be included in the Code Amendments.

2. The draft Code Amendments provide for a minimum setback for any outdoor pickleball court in a residential area of 150 feet from the nearest property. However, there is substantial evidence in the materials included in or attached to the Staff Report that a greater minimum setback should be required. In the comments to the Pickleball Survey included in the Staff Report (pp. 290 to 328)

¹ Dr. Willis' substantial credentials and experience in evaluating pickleball noise issues should be well-known to Staff. Staff has relied extensively on his expert opinions in formulating its approaches to pickleball regulation as set forth in the Staff Report. The Staff Report includes references to three separate documents prepared by his firm in connection with pickleball noise review matters.

numerous residents report that the noise generated by the courts at the MARC and other courts travels far greater than 150 feet from courts and that existing mitigation, if any, is not sufficient.

Commissioners who carefully review the comments will be aware that a large number of respondents absolutely and uncategorically oppose pickleball in Park City backyards. The concern most often expressed is that the noise impact on nearby houses simply cannot be successfully mitigated and that pickleball courts are simply not an appropriate use in densely-developed residential neighborhoods.

Before moving forward with the Code Amendments, as part of its fact-finding obligations under applicable administrative law, Commission should direct Staff to survey all the residents living within 600 feet of the pickleball courts at the MARC and engage a noise expert to conduct its own investigation of existing pickleball noise in Park City.

4. Since many respondents raise the question in their comments on the Pickleball Survey, Commission should ask Staff to clarify that the Code Amendments do not change the existing requirement that *all* sports courts (including, for example, tennis, basketball, and volleyball courts) are Recreation Facilities requiring conditional use permits and, therefore, requiring mitigation analysis under existing subsection E of Section 15-1-10, including noise mitigation.

In this vein, as I have stated previously, the Code Amendments do not address the distinction articulated by Staff in a recent open house between the regulation of *sports courts* and *sports equipment*. This distinction should be clearly delineated in the Code Amendments. This distinction addresses the commenter in one of the open houses who said that if the City adopts restrictions on outdoor pickleball courts he'll just ignore them by setting up a net and drawing lines on his driveway and playing there.

5. Staff describes its recommendations regarding the new proposed Code Amendments beginning at page 187 of the agenda packet. I have the following comments on these recommendations:

(A) Staff recommends requiring a conditional use permit for Outdoor Pickleball Courts in Residential Areas. (See p. 187)

I agree with this recommendation.

(B) Staff recommends establishing a minimum lot size of one acre (See p. 188)

I agree with this recommendation.

(C) Staff recommends requiring a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation (See p. 188)

Dr. Willis has stated that 600 feet is a reasonable distance beyond which noise may not be an issue for neighbors and to this extent I agree with Staff's recommendation.² However, the Staff Report acknowledges that pickleball noise may carry beyond 600 feet when it states,

It may be necessary to consider abatement at buffer distances greater than 500 to 600 feet for sites where sound tends to carry, such as sites that have a water feature or golf course as part of

² See letter of R. Lance Willis, PhD, to Robert Rosing dated July 23, 2021 for a clear discussion of the two applicable noise standards under the Park City Code: one for impulsive sound limits and one for noise annoyance.

the intervening ground between the courts and homes or for sites located in a valley. (See p.189).

Since all residential pickleball courts should be subject to the Code Amendments, I recommend that pickleball courts beyond 600 feet be made expressly subject to the same requirements as all other pickleball courts, including noise mitigation requirements. Perhaps an exception could be made for pickleball courts beyond 600 feet where all property owners within 300 feet of the applicant's property after receipt of notice waive noise compliance requirements.

(D) Staff recommends allowing for reduced setbacks that are no less than 150 feet from adjacent residential property lines when a property owner demonstrates the outdoor pickleball court will comply with the noise ordinance. (See p. 188)

In this section (and subsequent sections), Staff is proposing that (i) property owners be required to submit a site-specific noise study completed by a certified acoustical professional, (ii) that property owners shall pay for a third-party review of the submitted noise study, and (iii) property owners must demonstrate that mitigating features, including noise-mitigating barriers, will be effective.

I agree that outdoor pickleball courts should be *absolutely prohibited within a 150 foot setback* from neighboring properties. However, as a drafting matter, I believe the term 'setback' is inappropriate in this context; see my proposed revisions below.

I agree that outdoor pickleball courts may be permitted at distances greater than 150 feet from neighboring properties when the applicant can demonstrate noise ordinance compliance.

I agree that property owners should be required to submit a site-specific noise study completed by a certified acoustical professional and that the study should be reviewed at applicant's expense by a third-party expert.

However, as stated above, the Code Amendments should provide exactly what the noise mitigation standard is for courts which satisfy the 150 ft. setback standard. As Dr. Willis expressly states, the Code Amendments do not provide sufficient guidance to Commission regarding application of noise mitigation standards, especially in respect of *impulsive noise* and *noise annoyance* under Section 6-3-9.C.2 of the Code. This shortcoming will make any exercise of discretion by the Commission vulnerable to challenge on the grounds of arbitrariness and should be addressed now in the Code Amendments.

(E) Staff recommends that the Code Amendments be revisited in one year to reevaluate the effectiveness of these restrictive baseline requirements. (page 192).

I disagree with this recommendation. Commission has all the time and resources it needs now to complete its comprehensive investigation into the appropriate standards for outdoor residential pickleball court approval. Addition of this clause will just cast an unnecessary cloud on pickleball compliance issues for another year and create uncertainty, especially for property owners and neighbors who wonder whether standards for outdoor pickleball will likely be relaxed or strengthened in the near (one year) future. Rather, if Staff or the Commission or any property owner decides at any time in the future that any aspect of the Code Amendments should be revised there are specific provisions in the Land Management Code which provide for Code amendment. See Section 15-1-7 of the Land Management Code. **Commission should reject this recommendation.**

(F) On page 194 Staff recommends that the Code Amendments also (i) require notice to HOAs, (ii) limit hours of play, (iii) prohibit outdoor lighting, (iv) require guest parking and limit use to owners and guests, and (v) require additional landscaping.

I generally agree with these further proposed additional regulations, with the following caveats:

- (a) I agree that notice should be given to Homeowner Associations prior to submittal of a Conditional Use Permit application for a residential pickleball court. However, because not a small number of HOAs in Park City are apparently dysfunctional (or worse) I recommend expanding the requirement to require individual notice to all residents in the applicable subdivision.
- (b) Hours of operation are proposed to be limited to 8 am to 8 pm. Staff recommends giving Commission discretion to establish different hours of operations upon findings specific to each site. As I stated in my February 17 and 23 letters, it is often too hot to play pickleball in Park City in the summer in the middle of the day. As a result, much play will occur between 5 and 8 pm. This is exactly the time neighbors like to open their windows and sit on their decks. Permitting pickleball play during these hours is a recipe for conflict which the Code Amendments do not address. Neither do the Code Amendments address the obvious problem with enforcement of the ban on play after 8 pm, when twilight continues until 9:30 or later.
- (c) I agree that lighting should be prohibited.
- (d) I agree with the prohibition on on-street parking. However, this prohibition raises the question of who can play on private courts. I am aware of a situation in another town where a private sports court became, in effect, a semi-private club and was used regularly by 'guests' of the owner, whether or not the owner or another resident was on the court or even at home while the guests played. Since a large part of the rationale for private courts here in Park City would appear to be the shortage of community courts, it seems reasonable to be concerned that private courts will often be used by 'guests' and not residents.

The Code Amendments should expressly prohibit use by 'guests' when the owner or another resident is not one of the players, although it is, again, impossible to know how this kind of restriction can be enforced.

- (e) I agree that applicants should be required to provide additional landscaping for sound barriers and other visual impacts. I would ask Commission to direct Staff to determine what standards will apply to the additional landscaping requirement and add them to the Code Amendments.

6. Additional Comments on the Draft Proposed Code Amendments on pages 199 through 267.

(a) The provision in draft Section 15-4-22.A (p. 264, lines 1515-1517) states with respect to PRE-APPLICATION CONFERENCE as follows.

An Applicant may request a pre Application conference with Planning and Engineering Department staff to become acquainted with Pickleball Court regulations on residential Lots.

The use of the word “may” in line 1515 conflicts with the use of the word “must” in line 1514. Because of the importance of the special requirements for pickleball courts, the word “may” in line 1515 should be changed to “shall”. Applicants should be *required* to attend a pre Application conference before submitting an application.

(b) The provision in draft Section 15-4-22.B.2 SITE PLAN (p. 264, lines 1523-1529) provides for submission of a site plan. This provision should be expanded to require that the site plan include the location of and distances from all Code- and Plat-mandated setbacks, and drainage and utility easements and similar restrictions.

(c) The provision for a noise study in draft Section 15-4-22.B.3 (p. 264, lines 1530-1540) states that:

The noise study shall indicate the noise impact from at least five (5) locations around and within 150 feet of the proposed outdoor Pickleball Court.

Respectfully, this requirement does not make sense. The draft Code Amendments absolutely prohibit pickleball courts within the 150 foot setbacks. So, I would have thought that this provision would require noise impact studies from locations beyond 150 feet (and not within 150 feet) up to, for example, 600 feet. If I am wrong, I would appreciate it if Staff would provide an explanation.

(d) The provision relating to SETBACKS in draft subsection a. of Section 15-4-22.D (p. 265, line 1555-1556) states that

The minimum Setback is 600 feet from lot lines of adjacent residential property lines.

Respectfully, this definition of “minimum Setback” is problematic and doesn’t work since it conflicts with the existing definition of Setback in the Code and does not accurately capture the concept of a minimum distance between an outdoor pickleball court and a neighbor’s property line.

As currently defined in Section 15-15 of the Code a Setback is

“A line parallel to a Property Line (or a Right-of-Way, platted Street, existing curb or edge of a Street, whichever line may extend furthest into the lot) at a distance established by the Zoning District. Between this line and the corresponding Property Line, no Structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically allowed by the Zoning District.”

This definition doesn’t work as presumably intended. The heading of Section 15-4-22.D should be changed to “MINIMUM COURT DISTANCE” and a new definition should be added to section 15-15 as follows:

“COURT DISTANCE. The distance from the closest edge of an outdoor Pickleball Court on a residential Lot to any portion of another residential Lot.”

Also, in clause ii. (line 1562) approval by the Commission should be conditioned *not* on the noise mitigating features in the *noise study*, but on the noise mitigating features *approved by the Commission*.

In clause iii. (line 1564) approval by the Commission should be conditioned upon completion of landscaping *required by the Commission*.

Accordingly, Subsections a. and b. of Section 15-4-22.D should be revised to read:

- a. The minimum Court Distance shall be 600 feet.
- b. The Planning Commission may reduce the minimum Court Distance to no less than 150 feet when:
 - i. The Applicant submits a noise study prepared by a certified professional that demonstrates that the outdoor Pickleball Court will comply with Municipal Code of Park City Chapter 6-3, Noise.
 - ii. Approval by the Planning Commission is conditioned upon construction and completion of the outdoor Pickleball Court in compliance with the noise mitigation determination of the Planning Commission.
 - iii. Approval by the Planning Commission is conditioned upon completion of landscaping for the outdoor Pickleball Court, including landscaping of any noise mitigating measures, required by the Planning Commission.

Also, in lines 1566 and 1567, the language in subsection c. should be changed to read as follows, “In instances of conflict between the Minimum Court Distance and any other restrictions under the Code, including Setbacks and drainage and utility easements and similar restrictions, the more restrictive provision shall apply”. In line 1568, in subsection d., the term “Setback” should be changed to “minimum Court Distance”.

(e) Draft Section 15-15-1 defines a Pickleball Court (lines 1601 through 1604) as

Pickleball Court. Recreation Facilities for an indoor or outdoor game that is played on a level court measuring approximately 20 feet by 44 feet, but no greater than 30 feet by 60 feet, with short-handled paddles and a perforated plastic ball volleyed over a low net by two single players or two pairs of players (4 players).

I recommend that this definition be revised to clarify that (i) any hard surface, including driveways with temporary or permanent nets and fences and boundary lines, and used to play pickleball are also “Pickleball Courts”.

Also, I have read that the total area used for a pickleball court, including perimeter fencing, may often exceed 30’ x 60’. I am not sure why a maximum court size in the definition is necessary.

I recommend that the definition be changed as follows:

Pickleball Court. Facilities for an indoor or outdoor game that is played on a hard surface with short-handled pickleball paddles, a perforated plastic pickleball and a net (or similar equipment) by two or four players.

(f) I recommend that the sections of the Code defining setback exceptions for Accessory Buildings and ‘patios’ also be revised to clarify that no setback exception is available for Private Recreation Facilities, including outdoor Pickleball Courts, except as expressly provided in Section 15-4-22. As Commission may know these setback exception provisions have been used by Staff in the past to justify permits for pickleball courts which encroach on otherwise applicable setbacks.

I look forward to Commission addressing these concerns at its meeting on Wednesday, March 23. Thank you in advance for your attention and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frode Jensen".

Frode Jensen

cc:

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

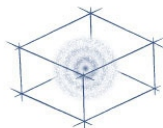
Public Improvements Engineer
Nestor Gallo, P.E.
nestor.gallo@parkcity.org

Mayor of Park City
Nann Worel
Nann.worel@parkcity.org

Park City Manager
Matt Dias
matt.dias@parkcity.org

Park City Attorney's Office
Mark Harrington
mark@parkcity.org

City Recorder
Michelle Kellogg
Michelle.kellogg@parkcity.org



Friday, March 11, 2022

Frode Jensen

██████ Holiday Ranch Loop Road
Park City, Utah

Dear Mr. Jensen,

You have asked me review the proposed amendment to the Park City Land Management Code in regard to sound from outdoor pickleball courts. I understand that you will be providing a copy of this letter to the Park City Planning Department and Planning Commission. The Planning Department staff report dated February 23, 2022 provided to the Planning Commission contains references to several pickleball site planning reports prepared by Spendiarian & Willis as well as a letter commenting on a pickleball court proposed at a residence in Park City. Information on this firm's qualifications and experience in site planning and assessing pickleball sound, basic characteristics of pickleball sound, and the long term effects of impulsive sound on communities is contained in these documents and will not be repeated here.

Mitigation Approach of the Proposed Code Amendment

The approach of using setbacks as a mitigation measure for pickleball courts as proposed in the code amendment is reasonable. Open air courts located 600 feet or more from residential properties rarely present a noise issue. Courts located more than 150 feet from residential properties can, in most cases, be mitigated with a sound wall system provided the wall is high enough and reflections from other nearby surfaces do not degrade the acoustical performance. Between 100 and 150 feet noise abatement design becomes difficult and usually cost prohibitive. Open air pickleball courts located within 100 feet of residential properties are virtually guaranteed to generate noise complaints regardless of the noise abatement installed.

Approving pickleball courts based on a noise abatement plan is also a good approach as long as there is a clear methodology for determining how much abatement is needed. The provisions in Chapter 6-3 of the Park City Noise Code are, however, not adequate for assessing the noise impact of highly impulsive sounds such as those produced by impact processes like hammering or pickleball and paddle impacts. Using fast exponential time weighted level or L_{10} level as prescribed in the Code will significantly underestimate the community noise impact and the amount of abatement needed to keep annoyance to a reasonable level.

Spendiarian & Willis Acoustics & Noise Control LLC

March 11, 2022

1 of 7

Metrics for Assessment of Impulsive Sound

In order to create a noise abatement plan that will provide adequate protection for the properties surrounding a pickleball site, a clear methodology is needed and should be provided in the code amendment that is able to assess highly impulsive sound in a way that correlates well with the community response to that class of sound.

Problems with Exponential Time Weighting

Fast exponential time weighting is often recommended for assessing impulsive sound. For highly impulsive sounds having short durations such as pickleball and paddle impacts this metric does not work well. When the averaging time of the time weighting is longer than the duration of the impulse, the impulse is in the stopband of the time weighting filter. In other words, the time weighting is filtering out the impulsive sound source being measured.

Figure 1 demonstrates the filter response to a burst of sound just long enough to achieve a reasonably accurate reading within 0.5 dB of the true sound pressure level. The red curve represents the envelop of a burst of sound 0.277 seconds in duration. This is the time required for the output of the fast exponential time averaging filter (blue curve) to rise to within 0.5 dB of the actual sound pressure level of the sound burst. When the sound burst ends, the output of the exponential time averaging filter begins to decay. The peak value in the output of the fast exponential time averaging filter, after being converted to sound pressure level, is known as the L_{max} level.

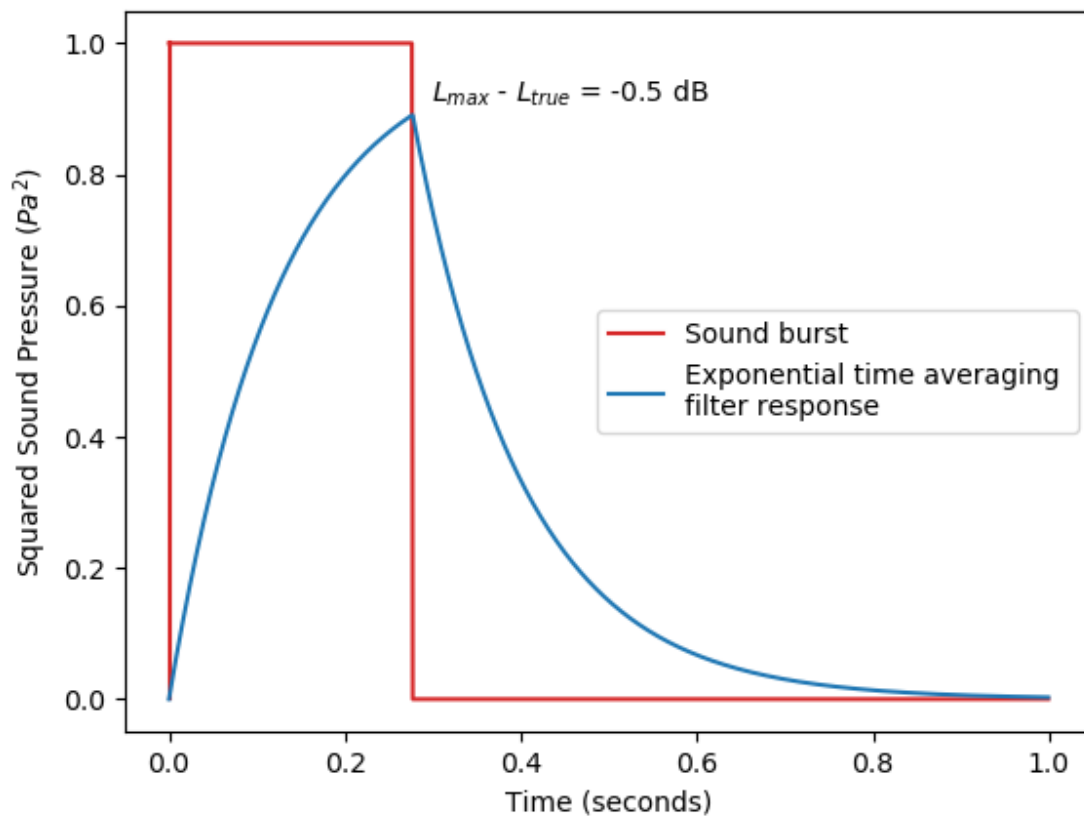


Figure 1. Fast Time Averaging Filter Response to a 0.277 Second Sound Burst

Figure 1 shows the behavior of the fast exponential time averaging filter and Lmax when used properly. Figure 2 illustrates how the fast exponential time averaging filter responds to a typical pickleball paddle impact. Note that the time scale has been reduced for clarity. At the end of the 0.002 second impulse, the fast exponential time averaging filter has only had time to rise to a level that is 18 dB below the true sound pressure level of the impulse. The pickleball paddle impulse is so much shorter than the time constant of the averaging filter that the exponential curvature of the filter response is not even visible. It is clear that maximum fast exponential time weighting, much less slow exponential time weighting, cannot be used to assess the noise impact of pickleball paddle impacts.

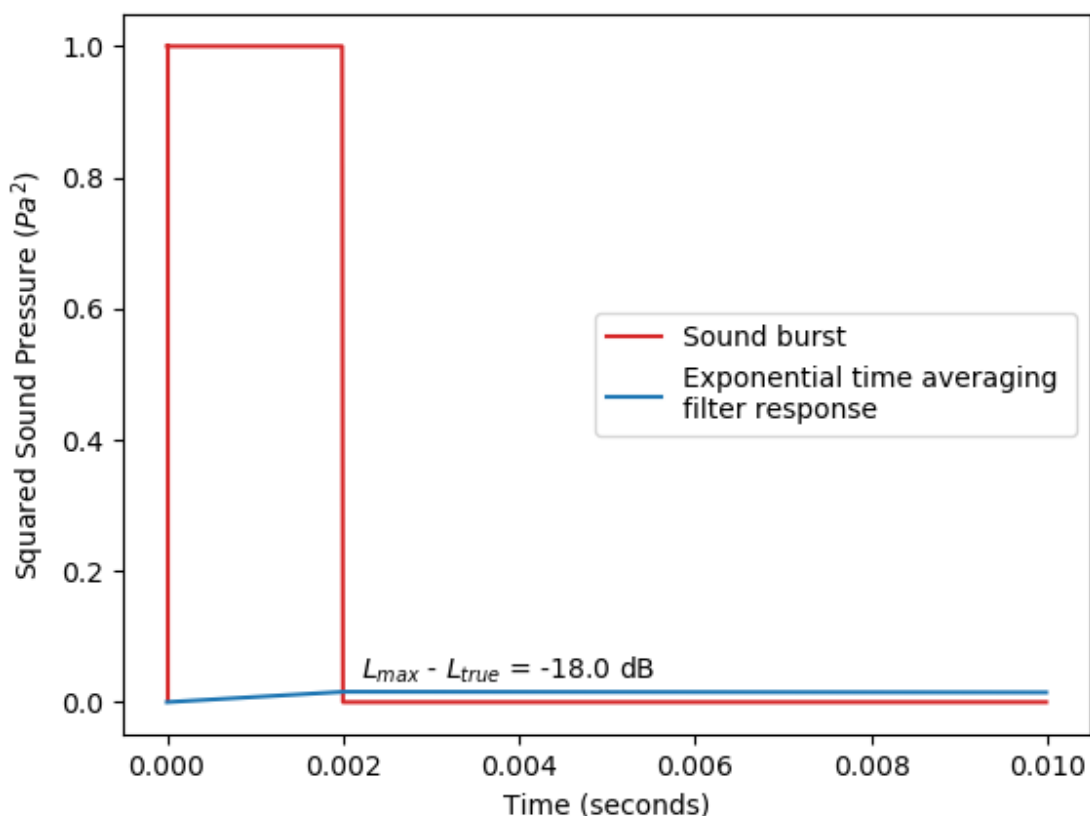


Figure 2. Fast Time Averaging Filter Response to a Typical Pickleball Paddle Impact

Problems with Percentile Exceedance Metrics

The L_{10} level is the sound pressure level exceeded 10% of the time of a measurement. Statistical methods based on percentiles suffer from the same deficiencies as averaging metrics such as exponential time weighting or equivalent-continuous sound pressure level (L_{eq}) when used to assess short duration impulsive sound. They tend to average out the sound being assessed leading to an underestimation of the noise impact and abatement treatments needed.

Modern Methods for Assessing Highly Impulsive Sound

Due to the rapid onset and short duration typical of impact sound sources like pickleball, a noise assessment metric must be chosen that does not involve averaging the measured sound. Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1.

Spendiarian & Willis has used this methodology based on adjustments to the sound exposure level extensively over the last 10 years in planning noise abatement for pickleball courts with very good results for maintaining the tranquility of neighborhood settings and maintaining peaceful relations between pickleball facility owners and their neighbors. In order for the City to evaluate proposed pickleball plans and for acoustical engineers working on the project to design the appropriate amount of mitigation, a methodology such as ANSI S12.9 Part 4 will be needed. This should be a part of the code amendment.

Ineffective Noise Abatement Treatments

Landscaping

A mitigation treatment that is sometimes proposed is landscaping such as trees and shrubbery. While a forest can provide effective attenuation of sound, rows of trees and hedges are not effective noise barriers. They cannot scatter enough sound to make a noticeable difference in level. They are useful for visual privacy, but not for acoustical insulation.

Sound Wall Degradation

Sound walls only work if they block the line of sight. This must be considered if the surrounding properties contain multilevel structures or the topology in the area elevates adjacent properties above the level of the courts.

Parallel walls also degrade sound wall performance. In this situation reflections between the walls build up and go over the wall. This can reduce the insertion loss of a sound wall by 3 to 7 dB typically or more depending on the geometry on the pickleball site and distance to noise sensitive areas. The degradation effect increases with distance making the sound from the courts appear to carry farther. Elimination of the reflections will require installation of sound absorption on the interior surfaces of the walls. This will increase the cost of the sound wall system substantially.

Conclusions

Setbacks can work well as a noise abatement measure; however, they may result in unnecessary restrictions on site usage for pickleball if installation of noise abatement treatments is possible. Reducing setbacks from a distance that does not require acoustical site planning requires a clearly defined methodology for prescribing an adequate amount of noise abatement.

The metrics used in Chapter 6-3 of the Park City Code are not adequate for noise abatement planning where highly impulsive sound such as pickleball paddle impacts are involved. A code provision for allowing reduced setbacks where a noise abatement plan has been prepared by a qualified acoustical engineer is appropriate. In order for this to work in practice, however, a modern noise assessment methodology such as ANSI S12.9 Part 4 will be needed.

Based on over 10 years experience working with pickleball sites we have found that open air pickleball courts more than 150 feet from residential properties can, in most cases, be mitigated provided the conditions for effective sound wall installation can be met as described above. Between 100 and 150 feet noise abatement design becomes difficult and usually cost prohibitive.

Spendiarian & Willis Acoustics & Noise Control LLC

March 11, 2022

6 of 7

Open air pickleball courts located within 100 feet of residential properties are virtually guaranteed to generate noise complaints regardless of the noise abatement installed.

regards,

A handwritten signature in cursive script that reads "R. Lance Willis".

R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

Browne Sebright

From: Lynn Butterfield [REDACTED]
Sent: Wednesday, February 23, 2022 5:45 PM
To: Browne Sebright
Subject: [External] Pickleball

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

I'm not sure why having pickleball court in your backyard is subject to neighbor's complaints. Other than noise, what's the problem? There's already a noise ordinance in place. Some neighbors just have objections because they don't like activities in other's backyards. Do we have ordinances against trampoline, badminton, catch, or cornhole? All equally noisy. Don't let disgruntled neighbors with a grudge dictate policy.

Lynn Butterfield

[Sent from Yahoo Mail on Android](#)

Browne Sebright

From: planning
Sent: Thursday, March 3, 2022 9:11 AM
To: Planning_Mail
Subject: FW: PUBLIC INPUT: Pickleball Comments regarding 2/23 Planning Commission Mtg

Follow Up Flag: Follow up
Flag Status: Flagged

From: Stanton D. Jones [REDACTED]
Sent: Wednesday, March 2, 2022 11:25 PM
To: planning <planning@parkcity.org>
Subject: [External] PUBLIC INPUT: Pickleball Comments regarding 2/23 Planning Commission Mtg

[CAUTION] This is an external email.

Why don't you just say there are no pickle ball courts allowed in Park City versus stating impossible obstacles as stated in your "February 23, 2022, Planning Commission meeting, staff presented updated amendments based on additional research, public input, and survey results for outdoor pickleball courts in residential areas"?

You have made four (4) ridiculous unobtainable requirements that NO PROPERTY in Park City would ever be able to qualify for:

1. "Establishing a minimum lot size of one acre (43,560 square feet)" **HOW MANY PARK CITY LOTS ARE ONE ACRE OR LARGER IN PARK CITY? NOT MANY. IN ADDITION & MORE IMPORTANTLY TO REMEMBER, NO ONE ACRE PROPERTY WOULD HAVE ENOUGH LAND TO MEET REQUIREMENTS #2 & #3. WHAT A DISINGENUOUS REQUIREMENT.**

2. "Requiring a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation " **DO YOU EVEN KNOW HOW FAR 600 FEET IS? YOU WOULD NEED AT LEAST 8-10 ACRES TO HAVE ENOUGH LAND TO HAVE A 600-FOOT SETBACK. WHAT A DISINGENUOUS REQUIREMENT.**

3. "Allowing for reduced setbacks that are no less than 150 feet from adjacent residential property lines when a property owner demonstrates the outdoor pickleball court will comply with the noise ordinance; property owners will be required to submit a site-specific noise study completed by a certified acoustical professional" **DO YOU EVEN KNOW HOW FAR 150 FEET IS? TO HAVE EVEN A 150 FOOT SETBACK YOU WOULD NEED AT LEAST 3-4 ACRES OF LAND. THE PRICE OF A CERTIFIED ACOUSTICAL COURT FENCING MATERIAL IS WELL IN EXCESS OF \$30,000 JUST FOR THE ACOUSTIC FENCE MATERIAL. THIS DOESN'T INCLUDE THE ACTUAL FENCING AND EVERYTHING ELSE. WHAT A DISINGENUOUS REQUIREMENT.**

4. "Requiring guest parking to be provided on site and requiring that outdoor Pickleball Courts are for use of the residents and up to no more than four guests at a time." **WHO IS GOING TO MONITOR IF A 5TH PERSON SHOWS UP? NOW YOU ARE TRYING TO DICTATE HOW MANY PEOPLE CAN BE AT A PERSONS HOUSE? THIS IS GOVERNMENT OVERREACH AGAIN. WHAT A DISINGENUOUS REQUIREMENT.**

Don't waste your time with this open house and act like you are trying to accommodate pickleball courts on private property when you have put un-obtainable requirements to have one. Why should anyone show up when you have already made up your mind on these ridiculous requirements? Even the Rec Center can't meet these requirements for their existing pickle ball courts and they are a public facility with unlimited government funds. Do you actually expect a resident to be able to meet your ridiculous requirements? Your proposed requirements are disingenuous.

Stanton D. Jones
Park Meadows Resident

Date: March 23, 2022

To: Park City Planning Commission

From Bob Theobald

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts (Code Amendments)

I cede my time to Frode Jensen for public comment during the hearing on March 23, 2022. And, I concur with Mr. Jensen's comments submitted under separate letter date March 21, 2022..

I encourage the planning department to adopt Dr. Lance Willis' assessment of the circumstances regarding Park City private, outdoor pickleball noise generation and mitigation.

Furthermore, I do not understand Staff reluctance to engage Dr. Willis to participate in further drafting and finalizing the most defensible provisions to the code amendments as is possible. Has the Staff ever considered consulting directly with Dr. Willis? Perhaps the Planning Commission should direct the Staff to do so.

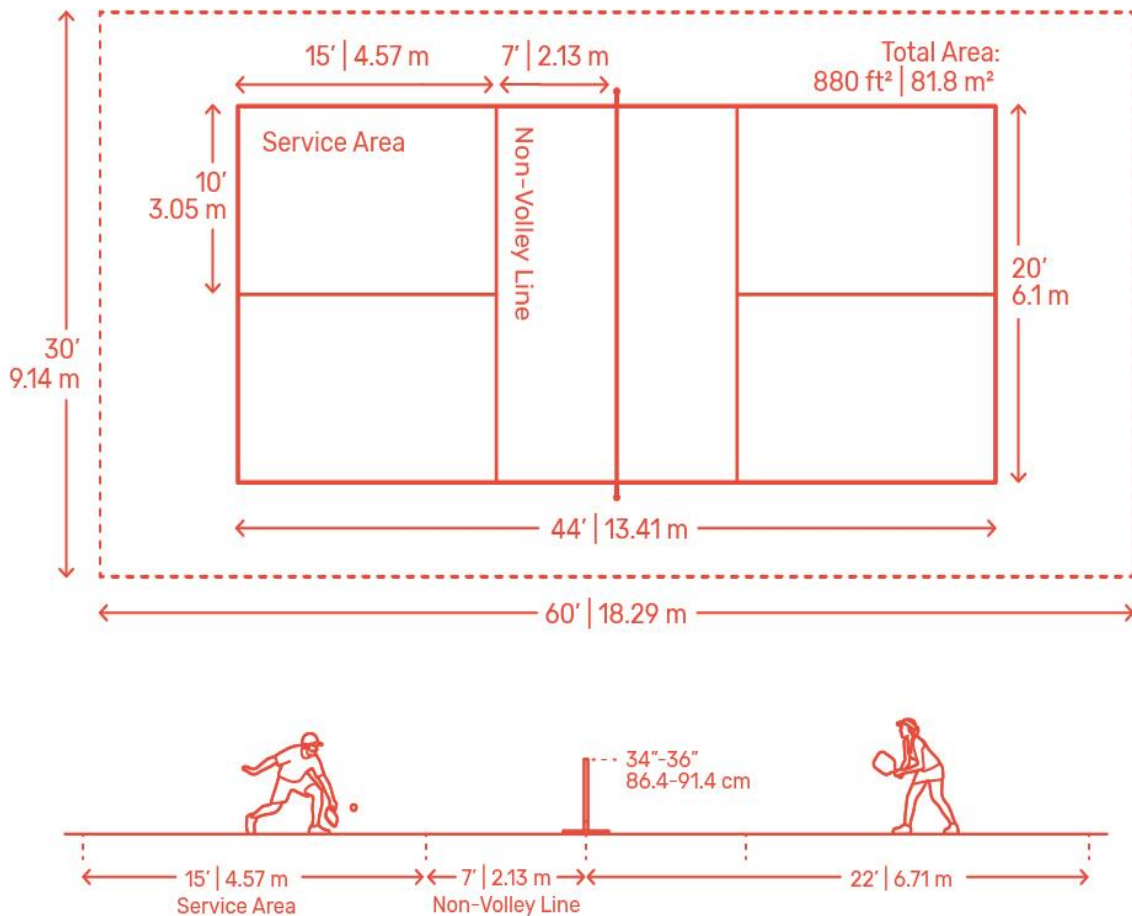
Staff's definition of a pickleball court is confusing if not incorrect.

(e) Draft Section 15-15-1 defines a Pickleball Court (lines 1601 through 1604) as Pickleball Court. Recreation Facilities for an indoor or outdoor game that is played on a level court measuring approximately 20 feet by 44 feet, but no greater than 30 feet by 60 feet, with short-handled paddles and a perforated plastic ball volleyed over a low net by two single players or two pairs of players (4 players).

Staff's definition implies that the size and dimensions of a **playable court** could be **as small as** 20 feet by 44 feet, but no greater than 30 feet by 60 feet. This is not correct or possible. I have brought this error to Staff's attention on numerous occasions, yet for some reason Staff does not acknowledge and correct the mistake.

Has the author not seen a pickleball game being played? See illustration below.

Dimensions.com | Pickleball Court



The **in-play boundary lines** of a regulation pickleball court **must be 20' x 44'**. However, the **playing surface is typically 30' x 60'** which includes the service area behind the baseline and outside areas which would include the posts for the netting, safety area and simply walking around the posts. Staff should speak with pickleball officials to determine the maximum playing surface (width and length) beyond that recommended, if any. Perhaps, Staff should contact the City's recreation department for guidance? Why is this concept so difficult for Staff to understand and define?

And finally, setbacks should be measured from the edge of the entire "recreation facility", not the 20'x44' boundary lines as Staff improperly suggested on a previous CUP application... 1961 Venus Court. Noise may be generated from the attendant spectators as well as the play on the court.

Respectfully submitted

Bob Theobald

PUBLIC HEARING

PROPERTY ADDRESS:	Primarily Residential Zoning Districts
PERMIT #:	PL-21-05062
APPLICATION:	Land Management Code Amendments - Pickleball Courts
REVIEW AUTHORITY:	Planning Commission and City Council
HEARING DATE:	Planning Commission: 2/23/2022, 5:30 PM; City Council: 3/3/2022, 6:00 PM
LOCATION:	www.parkcity.org/public-meetings
PROJECT DESCRIPTION:	Amendments to Land Management Code Section 15-15-1, and enacting a new section 15-4-22, are proposed for pickleball court land use regulation in residential Zoning Districts to mitigate pickleball court impacts. We want to hear from you! Attend a virtual open house on February 7 at 5:00 PM or February 8 at 12:30 PM and complete our survey on www.engageparkcity.org by February 16, 2022. For more information, visit www.parkcity.org
PROJECT PLANNER:	Browne Sebright browne.sebright@parkcity.org 435-615-5063



PLANNING

PUBLIC NOTICE



Auto Presorted
First-Class Mail
U.S. Postage Paid
Amazingmail
Phoenix, AZ

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

1003 NORFOLK LLC
PO BOX 113
PARK CITY, UT 84060



499

87717/126

Please review this PDF document carefully as it is a proof version of your mailing and is not the final product. This document must be approved before the mailing is printed and mailed. What you see on this Proof is a representation of what will be printed. Keep in mind colors may vary slightly from what is seen on screen and the final product.

Your Account Information

Account: Park City Planning
Email: planning@parkcity.org
Home: Not on file.
Business: Not on file.
Fax: Not on file.

Return Address

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

Customer Support

1.888.681.1214 6:30AM-4PM (PST)
CustomerEngagement@amazingmail.com

Details about your mailing

Date/Time PDF generated: January 31st, 2022 at 9:17am MST
Mailing Type: 4.25" x 6" Postcard
Coating: Recyclable Gloss UV on One Side Only
Account Information: 1025-969595
Session Information: 50.206.192.155, 20220131084930367291
Postage: First Class Mail
File used from postcard gallery: None.
Total Postcards to be mailed: 8984
Projected mailing date: February 1st, 2022

Proof below shows 1 out of 8984 cards.

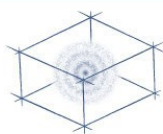
PUBLIC HEARING	
PROPERTY ADDRESS:	Primary Residential Zoning Districts
PERMIT #:	PC-21-00002
APPLICATION:	Land Management Code Amendments - Potentially Courts
REVIEW AUTHORITY:	Planning Commission and City Council
HEARING DATE:	Planning Commission: 2/3/2022 5:30 PM City Council: 3/5/2022 6:00 PM
LOCATION:	www.parkcity.org/public-meetings
PROJECT DESCRIPTION:	Amendments to Land Management Code Section 15-15-1, and creating a new section 15-6-22, are proposed for potential court land-use regulation in residential Zoning Districts to mitigate potential court impacts. We want to hear from you! Attend a virtual open house on February 1 at 1-5:00 PM. Attend a public hearing on February 3 at 5:30 PM and complete our survey on www.parkcity.org by February 15, 2022. For more information, visit www.parkcity.org .
PROJECT PLANNER:	Bryanne Selznick bryanne_selznick@parkcity.org 801.611.5003

For further information, please contact the Project Planner or visit the Planning Department at 445 Main Street, Park City, UT



Customer Support recommendations

Please save this PDF for your records. If you have any questions, please email CustomerEngagement@amazingmail.com or contact a representative at 1.888.681.1214 6:30AM-4PM (PST). You have 55 minutes to cancel your order after submitting.



Noise Survey:

Pickleball Courts at Abrego Drive

Prepared for:

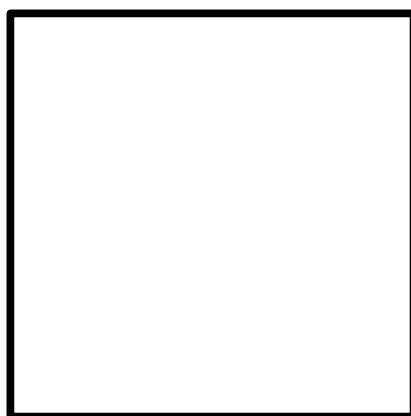
Green Valley Recreation, Inc.

1070 S Calle de Las Casitas

Green Valley, AZ 85614

Project Manager

Guy Sundvik, Facilities Director



Lance Willis, PhD

Thomas Spendiarian, B. Arch, RA

© Spendiarian & Willis Acoustics & Noise Control LLC

R. 0, October 15, 2014

Table of Contents

1. Overview	4
1.1 Summary	4
2. Land Use Compatibility Analysis	5
2.1 Methodology	5
2.2 Abatement Options	5
2.2.1 7 Court Configuration	5
2.2.2 5 Court Configuration	6
2.2.3 3 Court Configuration	6
2.3 Spectral Response of Pickleball and Paddle Impact Noise	6
3. Conclusions and Recommendations	9
3.1 Recommendations for Pickleball Courts Operation	9
3.2 General Recommendations for Sound Wall Configuration	9
3.2.1 Wall Construction	9
3.2.2 Sound Absorbing Panels	9
3.3 Recommended Abatement Treatments	9
3.3.1 7 Court Configuration	9
3.3.2 5 Court Configuration	9
3.3.3 3 Court Configuration	10
3.4 Compliance with Pima County Code	12
Appendix	14
A1. Glossary of Acoustical Terms and Abbreviations	15
A1.1 Abbreviations	15
A1.2 Terms	16
A2. General Acoustics	21
A3. Pima County Noise Code Excerpt	29

Table of Figures

Figure 2.1. Spectral Response of a Sharp Hit.....	7
Figure 2.2. Spectral Response of a Dull Hit.....	8
Figure 3.1. 5 Court Configuration.....	11
Figure 3.2. 3 Court Configuration.....	12
Figure A2.1. Equal Loudness Contours.....	22
Figure A2.2. Frequency Weighting Filter Curves.....	23
Figure A2.3. SPL Produced by Various Sources.....	24
Figure A2.4. Amplitude and Frequency Ranges of Speech and Music.....	25
Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading.....	26
Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output.....	27

Index of Tables

Table A2.1. Decrease of SPL with Distance Due to Spherical Spreading.....	26
---	----

1. Overview

1.1 Summary

The impact of the proposed pickleball courts on neighboring residences on Abrego Drive has been assessed using ANSI S12.9 Parts 4 and 5. Recommendations are made for abatement treatments to minimize the impact on surrounding residences.

Three, five, and seven court options were analyzed. The three and five court options were found to be feasible with appropriate abatement treatments. The seven court option is not recommended for this site.

2. Land Use Compatibility Analysis

2.1 Methodology

Land use compatibility has been analyzed using the methodology in ANSI S12.9 Parts 4 and 5. This procedure isolates the impact sound of the pickleball paddles and applies adjustments to account for the increased community impact of the highly impulsive nature of the sound and the fact that residents are generally home during the times when the activity occurs.

Because the impact sound of the paddles can not be represented accurately with an averaged sound pressure level (LAeq) measurement, the A-weighted sound exposure level (ASEL) is used instead. This quantity includes only the impulsive sound and is a function of both the average acoustic pressure of the impulse and its duration.

Acoustical measurements have not been carried out for this site since it is undeveloped and the final court configuration was not known beforehand. The sound power for the pickleball paddles measured at the existing Canoa Ranch courts has been used instead.

Part 4 of the standard calls for a 12 dB adjustment to the ASEL for highly impulsive sounds such as impacts. In addition, Part 4 includes a 5 dB adjustment for weekend activities that occur when residents are generally home. Due to the characteristic lifestyle of a retirement community, this adjustment has been included as well for a total adjustment of 17 dB.

Part 5 of the standard recommends a maximum 55 dB DNL, or in this case impulse adjusted LAeq since the courts will operate during daytime hours, at adjacent residential property lines during the hours of operation of the pickleball courts.

2.2 Abatement Options

Court layouts with three, five, and seven courts were analyzed. Due to the close proximity of homes, sound walls are recommended for all cases. Since the walls cannot cross the east property line to join the existing wall enclosing the water maintenance yard, sound absorbing panels will need to be installed on the existing water maintenance yard wall at the north and south ends of the pickleball courts screen wall to control reflections from the water maintenance yard wall.

Splaying the proposed screen walls at the north and south ends is recommended to avoid parallel reflecting surfaces in the direction of play where most of the sound goes. By constructing the end walls at oblique angles to each other, the need for absorbing panels on the end walls can be avoided.

Brief summaries of the court layouts analyzed and abatement strategies are given below. Detailed recommendations are listed in the chapter covering recommendations.

2.2.1 7 Court Configuration

This layout is not recommended. The two courts on the north end are too close to the property line for a practical wall system to reduce the sound pressure level to 55 dBA.

2.2.2 5 Court Configuration

A 5 court layout is feasible if the courts are enclosed by a sound wall on the north, west, and south sides. The wall height will need to be 10 feet above the playing surface bordering the two north courts and 8 feet above for the remaining run.

Sound absorbing panels will need to be installed on the existing water maintenance yard wall at the north and south ends of the pickleball courts area to control reflections at the screen wall ends. From the closest point on the existing wall to the end of the screen wall, the absorbing panels should run 30 feet to the interior and 10 feet to the exterior of the courts along the existing wall.

2.2.3 3 Court Configuration

A 3 court layout is also feasible if the courts are enclosed by a sound wall on the north, west, and south sides. The wall height will need to be 8 feet above the playing surface on all sides.

Sound absorbing panels will need to be installed on the existing water maintenance yard wall at the north and south ends of the pickleball courts area to control reflections at the screen wall ends. From the closest point on the existing wall to the end of the screen wall, the absorbing panels should run 20 feet to the interior and 10 feet to the exterior of the courts along the existing wall.

2.3 Spectral Response of Pickleball and Paddle Impact Noise

The sound power spectrum of the pickleball and paddle impact has two basic shapes depending on how the ball is hit. Figure 2.1 and Figure 2.2 show the power spectra of a 'sharp' hit and a 'dull' hit. The curves are not calibrated for absolute level, but can be compared relatively.

The sharp hit spectrum shows a characteristic tonal signature. The frequency of the peak was seen to vary between roughly 1,000 and 2,000 Hz. The energy in the dull hit is more spread out, but still peaks between 1,000 and 2,000 Hz. The most audible frequencies are therefore also in this range. The lower frequency components contribute less to the perception of loudness as the ear is less sensitive to these frequencies.

A sound wall design will require effective attenuation at 1,000 Hz and above.

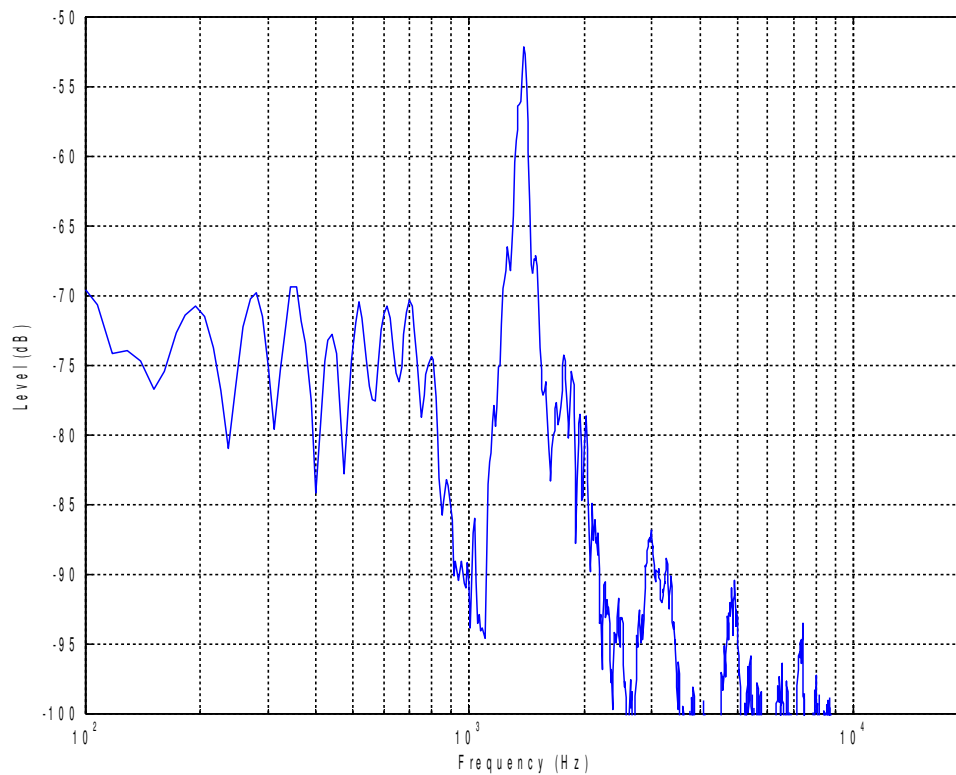


Figure 2.1. Spectral Response of a Sharp Hit

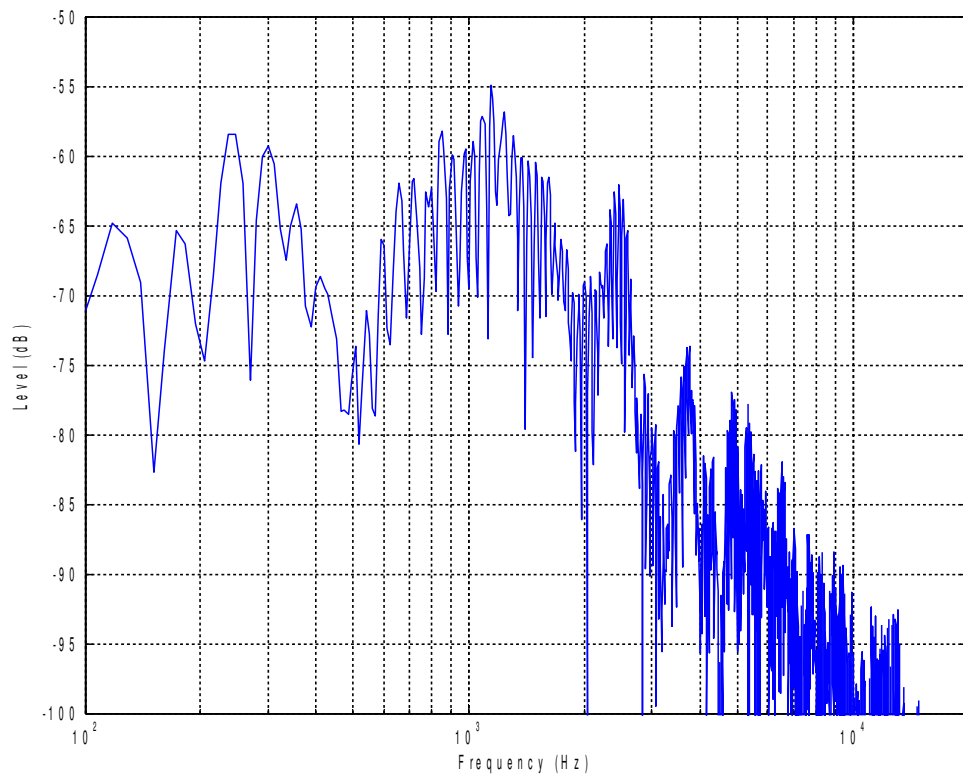


Figure 2.2. Spectral Response of a Dull Hit

3. Conclusions and Recommendations

3.1 Recommendations for Pickleball Courts Operation

Sound radiated from a pickleball paddle is directional with a bipolar directivity pattern, i.e. a figure 8 pattern. The analysis here has been carried out with the direction of play of the proposed courts being parallel to Abrego Drive.

Operation during nighttime hours is not recommended.

3.2 General Recommendations for Sound Wall Configuration

3.2.1 Wall Construction

The surface density of the sound wall should be at least 3.0 lb / ft². Due to the short acoustic wavelengths created by pickleball paddles, a greater density is not required to achieve sufficient transmission loss through the sound wall. Perforation of the wall should be limited to 1%.

3.2.2 Sound Absorbing Panels

Sound absorbing panels should have a minimum absorption coefficient of 0.9 in the 1 and 2 kHz octave bands. NRC 0.90 is also acceptable. Outdoor absorption products such as Rockwool and QuietPerf panels will meet these requirements.

There should be no gaps between panels.

3.3 Recommended Abatement Treatments

The dimensions in the figures below are approximate. The critical dimensions are the height of the sound wall and the locations of the end points. The drawings have been prepared by the project architect, Scott Rumel, RA. Additional drawing notes are indicated by red squares.

3.3.1 7 Court Configuration

This layout is not recommended. The two courts on the north end are too close to the property line for a practical wall system to reduce the sound pressure level to 55 dBA.

3.3.2 5 Court Configuration

A 5 court layout is feasible if the courts are enclosed by a sound wall on the north, west, and south as shown in Figure 3.1, key notes 12, 13, and 15. The wall will need to be 10 feet above

the playing surface bordering the two north courts (key note 13) and 8 feet above for the remaining runs (key notes 12 and 15). Parallel surfaces should be avoided where possible to maintain the performance of the sound wall.

Sound absorbing panels will need to be installed on the existing water maintenance yard wall at the north and south ends of the pickleball courts area to control reflections at the screen wall ends. From the closest point on the existing wall to the end of the screen wall, the absorbing panels should run 30 feet to the interior and 10 feet to the exterior of the courts along the existing wall (see Figure 3.1, key note 14). Since the north end of the screen wall is close to the end of the water maintenance yard, the absorbing panels should run to the end of the existing wall.

Panels are typically available in four foot high sections. These should be hung two feet above the playing surface so that the top of the panel reaches at least six feet above the playing surface.

3.3.3 3 Court Configuration

A 3 court layout is also feasible if the courts are enclosed by a sound wall on the north, west, and south sides as shown in Figure 3.2, key notes 8 and 12. The wall will need to be 8 feet above the playing surface for all runs. Parallel surfaces should be avoided where possible to maintain the performance of the sound wall.

Sound absorbing panels will need to be installed on the existing water maintenance yard wall at the north and south ends of the pickleball courts area to control reflections at the screen wall ends. From the closest point on the existing wall to the end of the screen wall, the absorbing panels should run 20 feet to the interior and 10 feet to the exterior of the courts along the existing wall (see Figure 3.2, key note 13).

Panels are typically available in four foot high sections. These should be hung two feet above the playing surface so that the top of the panel reaches at least six feet above the playing surface.

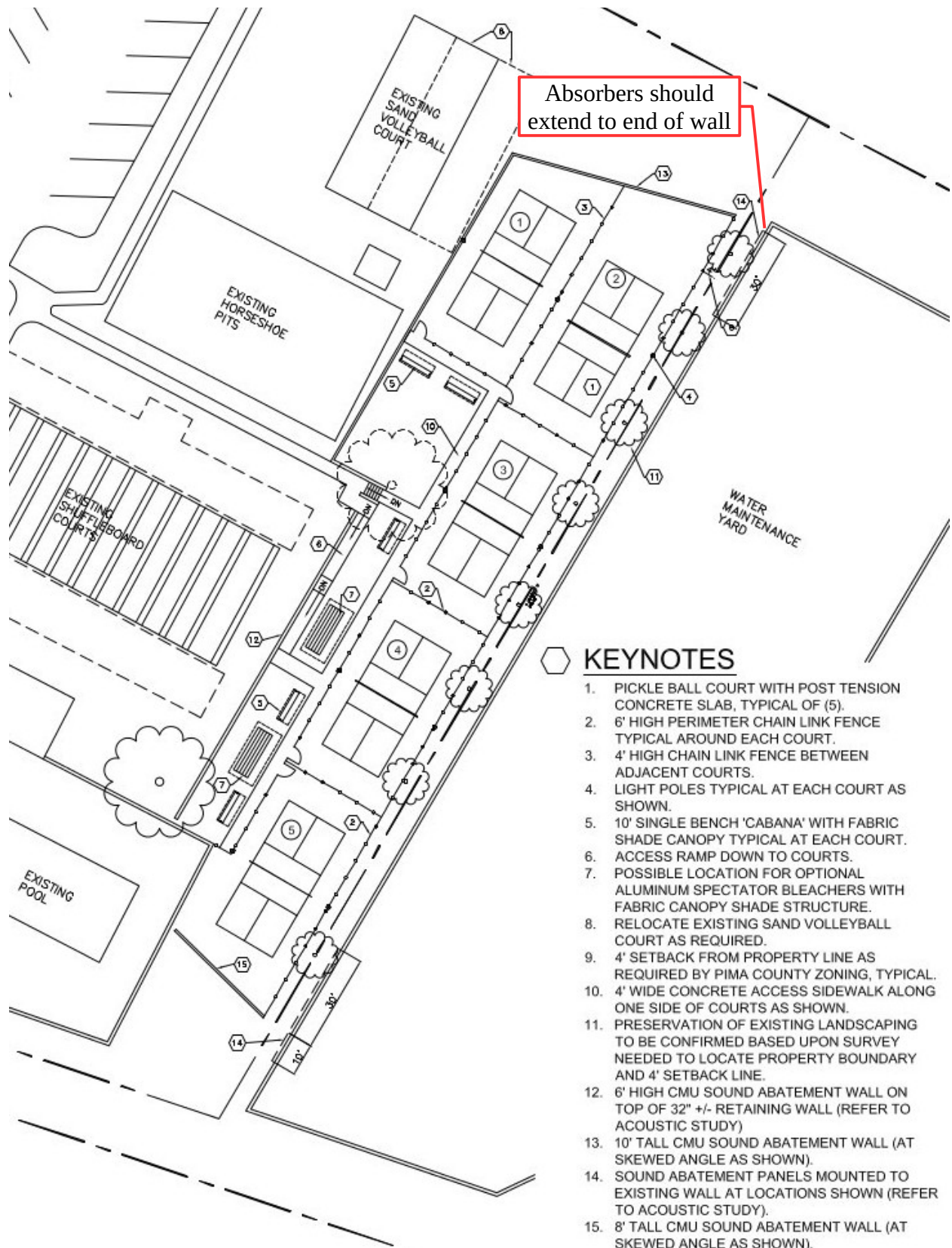


Figure 3.1. 5 Court Configuration

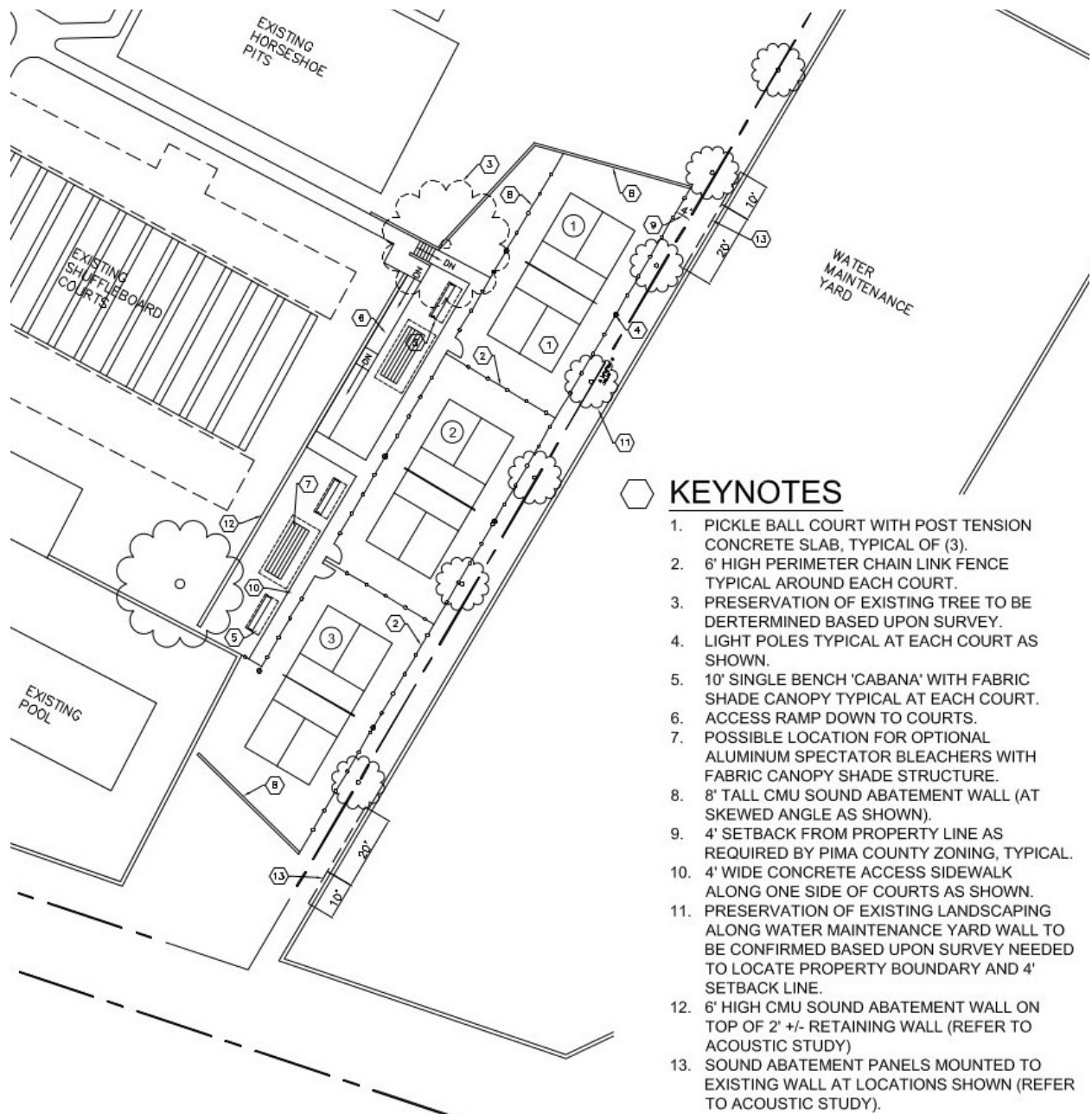


Figure 3.2. 3 Court Configuration

3.4 Compliance with Pima County Code

Pima County does not provide an objective standard for noise compliance. The sound pressure level recommendations presented here are based on ANSI S12.9 "Quantities and Procedures for Description and Measurement of Environmental Sound, Part 5: Sound Level Descriptors for

Determination of Compatible Land Use.” This is a national standard for long term community noise impact and land use compatibility.

Appendix

A1. Glossary of Acoustical Terms and Abbreviations

A1.1 Abbreviations

AI: articulation index

ASEL: A-weighted sound exposure level

ASTC: apparent sound transmission class

dB: decibel

DNL: day - night level

FSTC: field sound transmission class

Hz: Hertz

IIC: impact insulation class

kHz: kilohertz

L_{eq}, LA_{eq}, LC_{eq}: equivalent sound pressure level

NC: noise criteria

NIC: noise isolation class

NIPTS: noise induced permanent threshold shift

NR: noise reduction

Pa: Pascal

POE: probable occupant evaluation (see room criteria)

PTS: permanent threshold shift

PWL: sound power level

QAI: quality assessment index (see room criteria)

RC: room criteria

RT₆₀: reverberation time

SEL: sound exposure level

SII: speech interference index

SIL: speech interference level

SLM: sound level meter

SPI: speech privacy index

SPL: sound pressure level

STI: speech transmission index

TTS: temporary threshold shift

A1.2 Terms

A-weighting: see frequency weighting

absorption coefficient: see sound absorption coefficient

acoustical coupler: a cavity of predetermined shape and volume used for the calibration of earphones or microphones in conjunction with a calibrated microphone adapted to measure the sound pressure developed within the cavity

anechoic room: a room whose boundaries absorb practically all of the sound incident thereon, thereby providing essentially freefield conditions

articulation index (AI): a number (ranging from 0 to 1) which is a measure of the intelligibility of speech- the higher the number the greater the intelligibility. This metric has been replaced by the Speech Intelligibility Index (SII) defined in ANSI S3.5.

average sound level: see equivalent continuous sound level

background noise: the total noise from all sound sources other than a particular sound that is of interest

band: a subsection of the frequency spectrum

C-weighting: see frequency weighting

coupler: see acoustical coupler

day-night level (DNL): the 24 hour equivalent (average) A-weighted sound pressure level. A 10 dBA penalty is incurred between the hours of 10:00 PM and 7:00 AM. The DNL system has been adopted by the U.S. Department of Housing and Urban Development, the Department of Defense, and the Federal Aviation Administration.

decibel (dB): a unit of level which denotes the ratio between two quantities that are proportional to power; the number of decibels is 10 times the common logarithm (base 10) of this ratio.

diffuse field: a sound field which has statistically uniform energy density and in which the directions of propagation of the sound waves are randomly distributed. In a practical sense, the sound pressure levels at all points in the room are nearly the same except near the room

boundaries and a sound wave reaching a given point in the room is equally likely to arrive from all directions.

direct sound: sound which reaches a given location in a direct line from the source without any reflections.

equivalent continuous sound level (L_{eq}): the level of steady sound which, in a stated time period and at a stated location, has the same sound energy as the time varying sound. If frequency weighting is applied, the equivalent continuous sound level may be designated LA_{eq} to indicate A-weighting or LC_{eq} to indicate C-weighting, etc. See also frequency weighting.

field sound transmission class (FSTC): a single number rating similar to sound transmission class (STC), except that the transmission loss values used to derive this class are measured in the field. FSTC ratings are typically lower than STC ratings which are measured under laboratory conditions.

flanking path: A wall or floor/ceiling construction that permits sound to be transmitted along its surface; or any opening, which permits the direct transmission of sound through the air.

freefield: a sound field in which the boundaries have negligible effect over the frequency range of interest.

frequency: the number of times that a waveform repeats itself in a given period of time, usually one second, i.e. the number of cycles per second). Unit: Hz.

frequency weighting: a prescribed frequency dependent attenuation or amplification applied to measured sound data usually intended to better approximate the sensation of loudness in a human listener. For example, A, B, and C weighting approximate the frequency dependent shape of the equal loudness contours for soft, moderate, and loud sounds.

Hertz (Hz): unit of frequency, cycles per second.

impact insulation class (IIC): a single number metric used to compare the effectiveness of floor-ceiling assemblies in providing reduction of impact-generated sounds such as footsteps. This rating is derived from values of normalized impact sound pressure levels in accordance with ASTM E492.

insertion loss: the reduction in sound level at the location of the receiver when a noise reduction measure such as a barrier, attenuator, muffler, etc. is inserted into the transmission path between the source and receiver. Unit: dB.

level: the logarithm of the ratio of a given quantity to the reference quantity of the same kind. Levels represent physical quantities such as sound pressure on a logarithmic scale and are therefore expressed in decibels. Unit: dB.

loudness: that attribute of auditory sensation in terms of which sounds may be ordered on a scale extending from soft to loud. Unit: sone.

masking: the process by which the threshold of hearing for one sound is raised by the presence of another sound.

noise criteria (NC): a single number criteria for the HVAC or mechanical noise level in a room derived from measured octave band data. The octave bands are weighted to de-emphasize low frequencies because the human ear is least sensitive to these frequencies. This metric is not valid for outdoor measurements.

noise induced permanent threshold shift (NIPTS): the permanent hearing loss resulting from noise exposure.

noise isolation class (NIC): a single number rating derived from measured values of noise reduction between two enclosed spaces that are connected by one or more paths. This rating is not adjusted or normalized to a standard reverberation time.

noise reduction (NR): the difference in sound pressure level between any two points along the path of sound propagation, e.g. the difference in level between the interior and exterior of a building where the sound level inside is due only to exterior noise.

octave: the frequency interval between two tones whose frequency ratio is 2.

omnidirectional microphone: a microphone whose response is independent of the direction of the incident sound wave.

Pascal (Pa): a unit of pressure. 1 Pascal = 1 Newton per square meter (1 N / m²).

permanent threshold shift (PTS): a permanent increase in the threshold of hearing at a given frequency.

point source: a source that radiates sound as if from a single point.

receiver: a person (or persons) or equipment which is affected by sound.

refraction: (1) the phenomenon by which the direction of propagation of a sound wave is changed as a result of a spatial variation in the speed of sound. (2) The angular change in direction of a sound wave as it passes obliquely from one medium to another having different sound speed.

reverberation time (RT₆₀): of an enclosure, for a sound of a given frequency or frequency band, the time that is required for the sound pressure level in the enclosure to decrease by 60 dB after the source has stopped. Unit: second.

room criteria (RC, RC Mark II): an octave band metric for evaluating HVAC noise inside a room. RC is a two dimensional metric consisting of a curve number that is the arithmetic average of the 500, 1000, and 2000 Hz octave band sound pressure levels and a qualitative descriptor identifying the character of the sound spectrum. The descriptor can be (N) for neutral, (LF) for low frequency dominance (rumble), (MF) for midfrequency dominance (roar), and (HF) for high frequency dominance (hiss). In addition, acoustically induced vibration can be designated by (LFV_B) for moderate, but perceptible vibration and (LFV_A) for clearly perceptible vibration. As an example, the maximum RC prerequisite for LEED is designated as RC 37(N) indicating curve number 37 with a neutral spectrum.

Further, two intermediary metrics are used in calculating the room criteria. The quality assessment index (QAI) is a measure of the deviation from the given RC curve. The probable

occupant evaluation (POE) is based on the magnitude of the QAI and can be 'Acceptable,' 'Marginal,' or Objectionable.'

Sabin: a unit of measure of sound absorption; a measure of sound absorption of a surface. It is the equivalent of 1 square foot of a perfectly absorbing surface; a metric Sabin is the equivalent of 1 square meter of a perfectly absorbing surface.

sone: the unit of loudness. One sone is the loudness of a pure tone presented frontally at a frequency of 1000 Hz and a sound pressure level of 40 dB referenced to 20 micropascals.

sound absorption coefficient (α): ideally, the fraction of diffusely incident sound power that is absorbed (or otherwise not reflected) by a material or surface.

sound exposure level (SEL): over a stated time period or event, 10 times the logarithm base 10 of the ratio of the time integral of the sound pressure squared to the product of the reference sound pressure, 20 μ Pa, squared and the reference time, one second. This quantity is used to characterize single events of short duration where the averaged level (L_{eq}) is inadequate.

sound level meter (SLM): an instrument that is used to measure sound level, with a standard frequency weighting and standard exponentially weighted time averaging.

sound power level (PWL): the total acoustical power emitted from a sound source expressed in decibels relative to 10^{-12} Watts.

sound pressure level (SPL): the acoustical pressure amplitude expressed in decibels relative to 20 micropascals.

sound transmission class (STC): a single number rating used to compare sound insulation properties of walls, floors, ceilings, windows, or doors. See also field sound transmission class.

speech intelligibility index (SII): metric defined under ANSI S3.5 to quantify the intelligibility of speech under adverse listening conditions such as noise masking, spectral filtering, and reverberation. The SII is defined for a scale of 0 to 1 where values greater than 0.75 indicate good communication and values below 0.45 indicate generally poor communication conditions.

speech intelligibility test: a procedure that measures the portion of test items (such as syllables, monosyllabic words, or sentences) that are heard correctly.

speech interference level (SIL): an index for assessing the interference effects of noise on the intelligibility of speech, derived from measurements of the background noise level of contiguous octave bands; i.e. the arithmetic average of the octave band sound levels for the bands centered at 500, 1000, 2000, and 4000 Hz (four band method) or the corresponding average for the octave bands centered at 500, 1000, and 2000 Hz (three band method). If other octave bands are used they must be specified. Unit: dB.

speech privacy index (SPI): The SPI is essentially the opposite of the speech intelligibility index and is defined as $1 - SII$ and usually represented as a percentage. An SPI above 80% is considered normal privacy while an SPI above 95% would meet the requirements of confidential privacy.

speech transmission index (STI): an index for rating the intelligibility of speech that takes both

noise and reverberation into account.

temporary threshold shift (TTS): a temporary increase in the threshold of hearing at a given frequency.

threshold of hearing: for a given listener, the minimum sound pressure level of a specified sound that is capable of evoking an auditory sensation. The sound reaching the ears from other sources is assumed negligible.

transducer: a device designed to receive an input signal of a given kind and to furnish an output signal of a different kind in such a manner that the desired characteristics of the input signal appear in the output signal. For example, a microphone takes an acoustic pressure as an input and produces an electrical voltage as an output that is direct proportion to the instantaneous acoustic pressure amplitude. Other common examples in noise measurement would be a loudspeaker, accelerometer, or laser Doppler vibrometer (LDV).

transmission loss: the reduction in sound level from one side of a partition to the other.

wavelength: the distance a sound wave travels in the time it takes to complete one cycle.

weighting: see frequency weighting

A2. General Acoustics

Sound Pressure Level (SPL)

Sound is small, rapidly varying perturbations of atmospheric pressure with respect to the slowly changing ambient pressure. The ambient pressure is measured with a barometer while the small acoustic perturbations are measured with a microphone.

The unit of sound pressure is the Pascal (Pa). However, due to the wide range of acoustic amplitudes that can be heard by the human ear, sound pressure is normally expressed on a logarithmic scale having units of decibels (dB). Sound pressure expressed this way is known as the sound pressure level (SPL) and has the following relation to sound pressure.

$$SPL = 20 \log_{10} \left(\frac{p}{p_{ref}} \right) \quad (A2.1)$$

Here p is the sound pressure in Pascals. p_{ref} is a reference pressure, the threshold of hearing at 1000 Hertz (Hz), 20×10^{-6} Pa.

A-Weighting

The above formulation of SPL is a purely physical quantity. Due to the nonlinear and frequency dependent characteristics of the human ear it does not always correlate well with the perception of loudness. To improve the correlation for noise assessment purposes, a frequency weighting is often applied called A-weighting. The A-weighting function is based on listening tests in which human subjects adjusted tones throughout a range of frequencies to have equal loudness compared to a tone having an SPL of 40 dB at 1000 Hz. 2.1 shows equal loudness contours as measured by Fletcher and Munson.

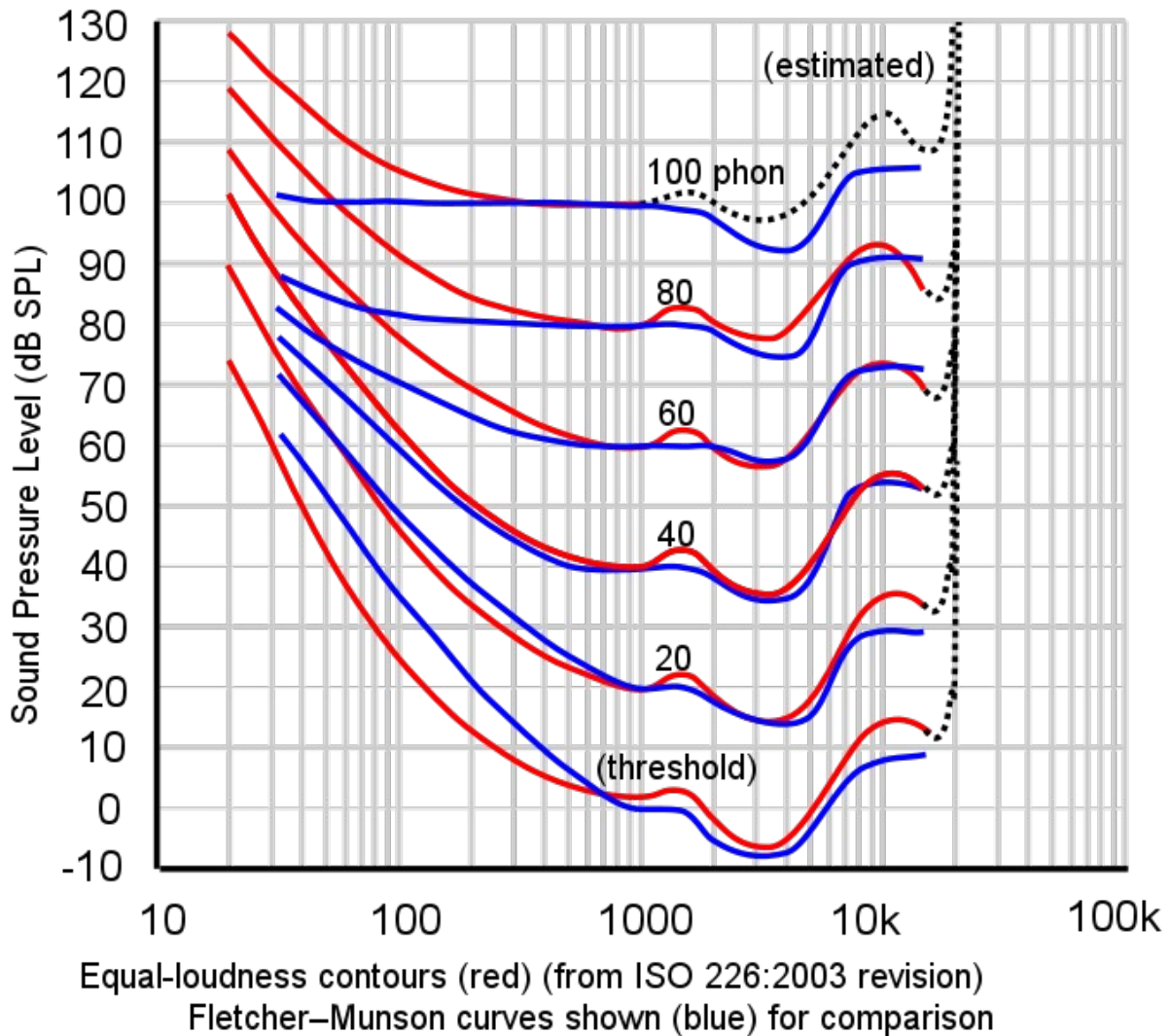


Figure A2.1. Equal Loudness Contours

Source: <https://en.wikipedia.org/wiki/File:Lindos4.svg>

Thus applying A-weighting to measured sound pressures more closely represents the frequency response of the human ear. Sound pressure levels that have been A-weighted are denoted by the symbol, dBA. 2.2 shows the A frequency weighting and several other common weightings.

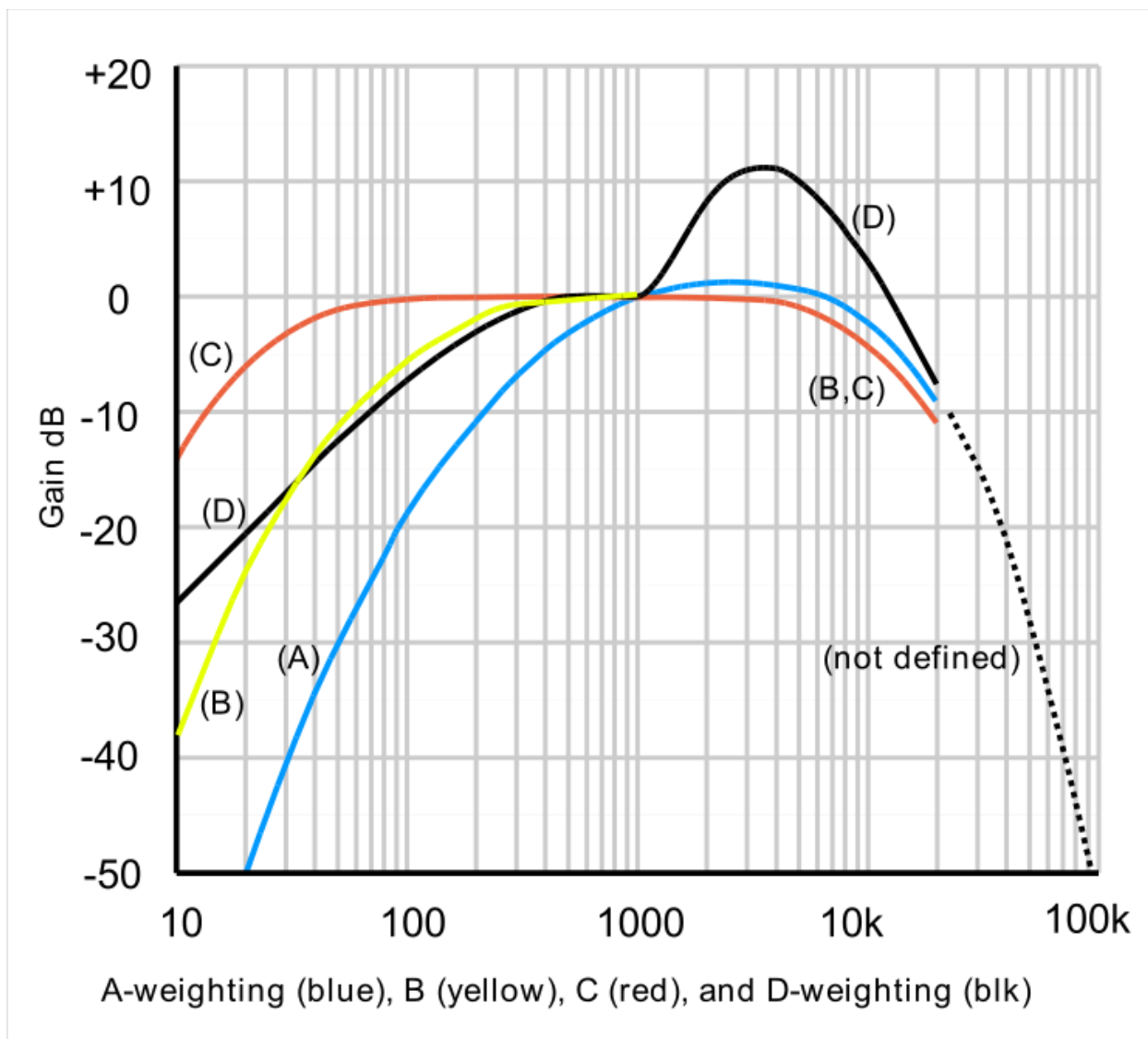


Figure A2.2. Frequency Weighting Filter Curves

Source: [https://en.wikipedia.org/wiki/File:Acoustic_weighting_curves_\(1\).svg](https://en.wikipedia.org/wiki/File:Acoustic_weighting_curves_(1).svg)

The Perception of Sound

The most basic descriptions of sound are loudness (amplitude) and pitch (frequency). The frequency range of human hearing is roughly 20 to 20,000 Hz, although most people can not hear this full range because high frequencies are lost as a natural part of aging and other factors such as illness and exposure to high levels of noise that may cause permanent hearing loss.

Figures A2.3 and A2.4 illustrate the amplitude and frequency ranges of some common acoustical sources.



Figure A2.3. SPL Produced by Various Sources
(Bruel and Kjaer)

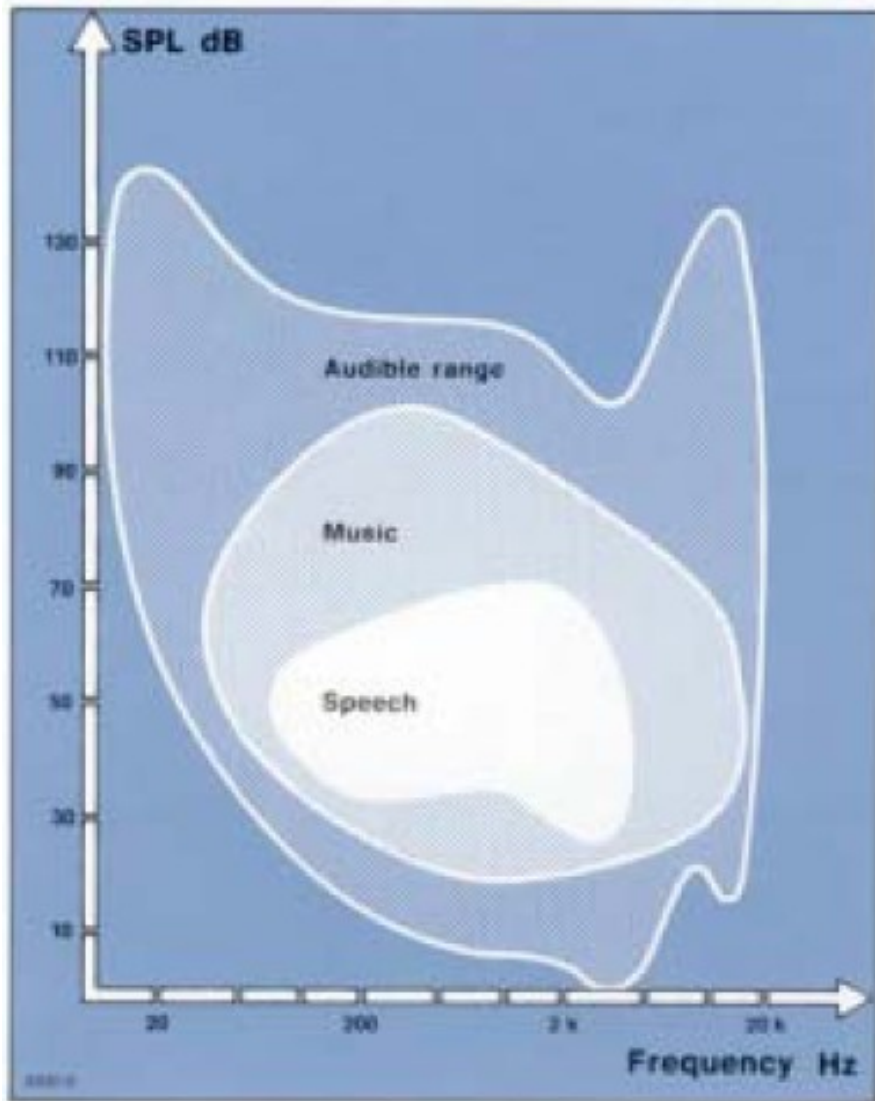


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Brüel and Kjaer)

Amplitude Attenuation with Distance

Sound originating from a small point source will spread spherically in all directions, absent any

Distance from Source (ft)	SPL (dBA)	SPL Loss Relative to 10 ft
10	90	
20	84	6
40	78	12
80	72	18
160	66	24
320	60	30

Table A2.1. Decrease of SPL with Distance Due to Spherical Spreading

nearby surfaces. The conservation of energy requires the sound pressure spreading out from such a source to decrease by half with each doubling of distance. This is known as the inverse square law and is demonstrated in 2.1 and 2.5.

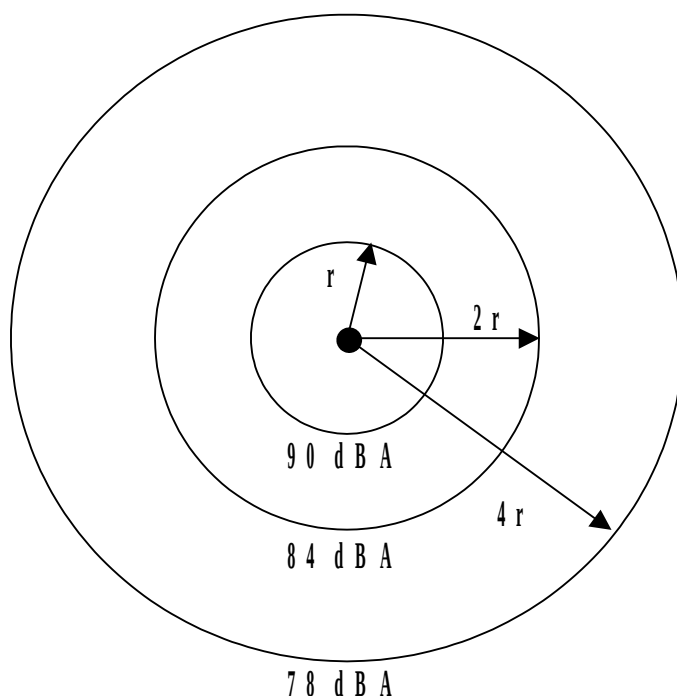


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

Adding Decibels

Summing the contributions from multiple sound sources to obtain the total SPL is *not* done simply by adding the decibel levels because SPL is a logarithmic quantity.

Imagine a fan produces a moderate SPL of 65 dBA at 6 feet. If a second identical fan were turned on the resulting SPL would not be 130 dBA. This would be equivalent to a commercial jetliner taking off at close range.

The correct method of adding the SPL from each source is to sum the acoustic power produced by each source. This implies that each time the number of sources having equal SPL is doubled, the SPL will increase by 3 dBA. Therefore, in the example with two fans, the correct total SPL would be 68 dBA. More examples with multiple sources producing equal SPL are shown in 2.6.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

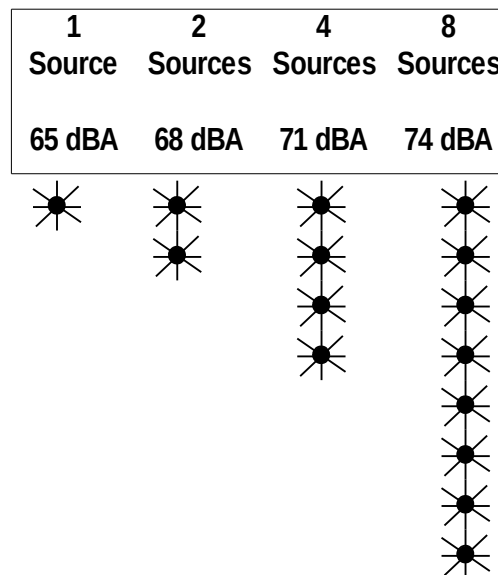


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

Further Reading

Bruel and Kjaer, “Measuring Sound.” Covers topics in this appendix in more detail. Available on the Bruel and Kjaer website, www.bkhome.com. Find this and other primers under the library section of the site.

Cyril M. Harris, Ed. Handbook of Acoustical Measurements and Noise Control, 3rd Edition. Acoustical Society of America, Melville, NY, 1998.

A3. Pima County Noise Code Excerpt

9.30.040 Impermissible sound levels.

In addition to the prohibited noises described in 9.30.050 [Loud radios, sound sets, etc.], 9.30.060 [Vehicular noise] and 9.30.070 [Construction of buildings and other projects], it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive, unnecessary or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

(Ord. 2001-127 § 1 (part), 2001; Ord. 1999-61 § 1 (part), 1999)



Administrative Report

DISCUSSION ITEM

TO: HONORABLE CITY COUNCIL

FROM: James Vega, City Manager
Renee Peace, Recreation Manager

DATE REPORT PREPARED: February 14, 2020

MEETING DATE: February 25, 2020

SUBJECT: Pickleball Sound Mitigation Options

Recommendation

That the City Council:

1. Receive a report of pickleball sound mitigation options;
2. Direct staff to install Pickleball court signage stating hours of play; and
3. Determine whether to proceed with any additional mitigation efforts.

Background

On August 27, 2019, the City Council received the Pickleball Ad-Hoc Committee's recommendation to designate the tennis courts at City Hall for use as pickleball facilities. The courts were previously tennis courts, and have been identified as part of Libbey Park. City Council approved the recommendation and designated \$10,000 in funds for the overlay of the courts as part of the City's paving plan. Although noise was discussed as a potential issue for pickleball, ultimately, because the area used for pickleball was buffered by the rest of the City Hall campus (with the demonstration garden to the south, the Children's Memorial to the West, City Hall to the North, and the Police Station to the East), and because it would repurpose the previously existing tennis courts which would have similar impacts, the Ad-Hoc Committee recommended utilizing the site for Pickleball. It was also stated by Ad-Hoc Committee members and pickleball players at that time that low-noise equipment is available if noise were to prove an issue.

The courts were paved, and on January 11, 2020, pickleball enthusiasts were invited to play on the newly resurfaced tennis courts while awaiting new asphalt and sealer scheduled for late spring. Since play began on January 11, 2020, the City has received two complaints regarding the pickleball courts, mostly focused on noise, from residents on South Ventura Street. The City has also received positive feedback from several residents.

In response to the complaints, City staff utilized a decibel meter to gauge the sound level of pickleball play. Staff measured from 20 feet away from the courts. Staff reported that the decibel

reading did not exceed 60 decibels in those 5 minutes. All 4 courts were in use at the time that the decibel level was measured. As noted on Attachment B, 60 decibels falls within the range of normal conversation or laughter. Staff also measured the decibel level for 5 minutes when the courts were not in use, and the decibel level was between 55 and 56 decibels. This indicates an approximate 3 to 4 decibel increase when the courts are in use, although some residents note that there is a “popping” noise made by the pickleball that causes some irritation. A recent article on Mail Tribune found similar noise levels when measured by decibel meters. (Attachment D)

Section 5-11.03 of the City Code includes general noise regulations, and states that it is unlawful for any person to make any noise which *unreasonably* disturbs the peace and quiet of any neighborhood (emphasis added). It states several factors that should be considered in determining whether a noise violation exists, such as the sound level of the noise and ambient noise, proximity to sleeping facilities, nature and zoning of the area, number of persons affected, time of day or night, whether it is continuous or intermittent, whether it is commercial or non-commercial activity, and whether its plainly audible by code enforcement officers from 50 feet away.

In this case, as mentioned above, the noise is an increase of a few decibels for limited hours, typically from 8 to 10 a.m. and 2:30 p.m. to 4:30 p.m. (except for Saturday, which also includes mid-day play). The noise does not occur at night, is non-commercial, and is occurring on the City Hall campus (which has also been identified as a part of Libbey Park). The noise level does not appear to be unreasonable for a public park or public facility. Other cities, such as Hurricane City, Utah, have had challenges due to allowing their courts to stay open until 10 or 11 p.m. Limiting available court hours would help to ensure that the usage is not considered “unreasonable.”

Discussion

Staff has identified mitigation options, including clear park signage (which would allow for enforcement if needed), relocation of the portapotty away from residential property lines, and, potentially, use of low noise equipment, each discussed below. Other mitigation options, such as sound barriers, could be considered but at a higher cost.

Libbey Park Pickleball Court Rules and Regulations

Staff identified a need for new signage for the Libbey Park Pickleball Court to clearly state allowed hours of usage. Attachment A of this report shows the signage, and recommends that the courts only be open from 8 a.m. to 6 p.m. As noted above, play does not typically occur mid-day on weekdays, although it is not prohibited. Residents have raised concerns that, during summer months, pickleball play would continue until 9 or even 10 p.m. Limiting play to between 8 a.m. to 6 p.m. would help ensure that this issue does not occur. During winter months, play typically ceases at sunset (approximately 5:30 currently). Council could choose to modify these times, develop separate summer/winter hours, or limit which days of the week play could occur.

Requirement for Low-Sound Equipment

Using sound-deadening paddles and equipment is another available option. As mentioned above, this was noted as a possibility when Council considered and approved the pickleball courts. Other cities have issued restrictions on the type of equipment used during play. Pickleball equipment companies have taken notice of the problem and are marketing paddles that are quiet and “Green Zone” friendly. Sun City Grand, a community in Arizona, recently developed an approved list of

quiet paddles, a list that contains 52 different paddles, many of which are from top manufactures of Pickleball racquets (Attachment C).

Although enforcement of use of low-sound equipment can be difficult, since most pickleball play at this time stems from the Ojai Pickleball Club, this may allow for better coordination between the City and pickleball players.

Wall Systems and Fencing

Some cities have installed fencing or walls to mitigate sound, such as a plastic wind screen similar to what is placed on a tennis court, or a fence constructed from a heavy perforated material. The Sun City Grand community used a material to alleviate noise, but reported that the heavy material confined the air space on the court and created a hot environment for players. This material was removed after players reported discomfort during practice. Sun City has now installed wind screens on the courts and reported no reduction of noise.

Various municipalities around the county have implemented other types of restrictions to address the acoustics, recommendations from acoustical engineers recommend prefabricated concrete walls around the ball courts, at a cost of about \$100 a linear foot. Staff could investigate these options, but funding would need to be identified.

Other Mitigation Efforts

Staff has relocated the temporary portapotty further from residences, and worked with the Ojai Pickleball Club to address parking issues.

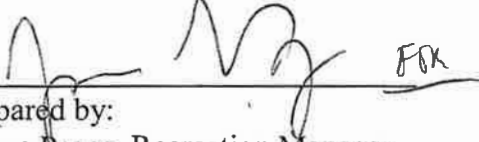
Recommendations

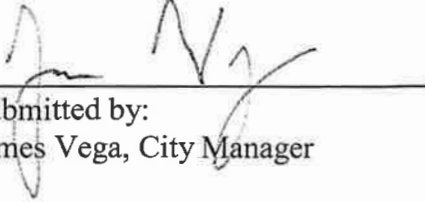
Staff recommends proceeding with one option immediately: installation of Pickleball Court signage and enforcement of rules listed on signage, including hours of play. This will ensure that play does not occur early in the morning or late at night. Council may consider additional options if there are concerns, such as requiring the “low noise” equipment during certain hours or limiting play hours at the courts further.

The residents who filed the complaint noted that Pickleball is still allowed at Matilija Jr. High School for most of the year. Staff has reached out to the School District and confirmed this. Council could choose to allow play certain days or times at the City’s court, requiring players to play at Matilija or another location on other dates.

Fiscal Impact

Several mitigation options are low cost. Park signage and low-noise pickleballs could be purchased by the City for between \$100 - \$500. Some options are more costly: the cost of fencing or other type of materials in designated areas of the Libbey Park Pickleball court would be approximately \$100 per foot.


Prepared by:
Renee Peace, Recreation Manager


Submitted by:
James Vega, City Manager

Attachment:

- A – Libbey Park Pickleball Court Sign
- B – Decibel Examples
- C – List of Quiet Paddles Developed by Sun City Grand
- D – Article from Mail Tribune noting Pickleball Decibel Reading



CITY OF OJAI PARK RULES AND REGULATIONS Libbey Park Pickleball Courts

REFER TO CHAPTER 3 SECTION 4-3 AND CHAPTER 12 SECTION 4-12.01 OF THE OJAI MUNICIPAL CODE
FOR COMPLETE PARK RULES AND REGULATIONS, INCLUDING RULES FOR THE SKATE PARK
WWW.OJAICITY.ORG

HOURS OF OPERATION: Pickleball Courts open from 8:00 a.m. to 6:00 p.m.

**** Various park facilities are closed during inclement weather****

"THE FOLLOWING ACTIVITIES ARE PROHIBITED IN CITY PARKS"

- Alcoholic beverages (permit only)
- Smoking
- Dogs off leash
- Amplified sound (Libbey Park with permit)
- Disorderly conduct (including indecent language)
- Open flame (City Park barbeques only)
- Commercial Filming (permit only)
- Vending or other commercial
- Camping
- Golf
- Archery
- Motorized vehicles
- Motor driven or remote controlled model airplanes, rockets, drones or other similar flying objects
- Bounce houses, food trucks, performers or other attractions (permit only)
- Activities inconsistent with the intended use of the park or park facility (i.e. playing Soccer on a basketball or tennis court)

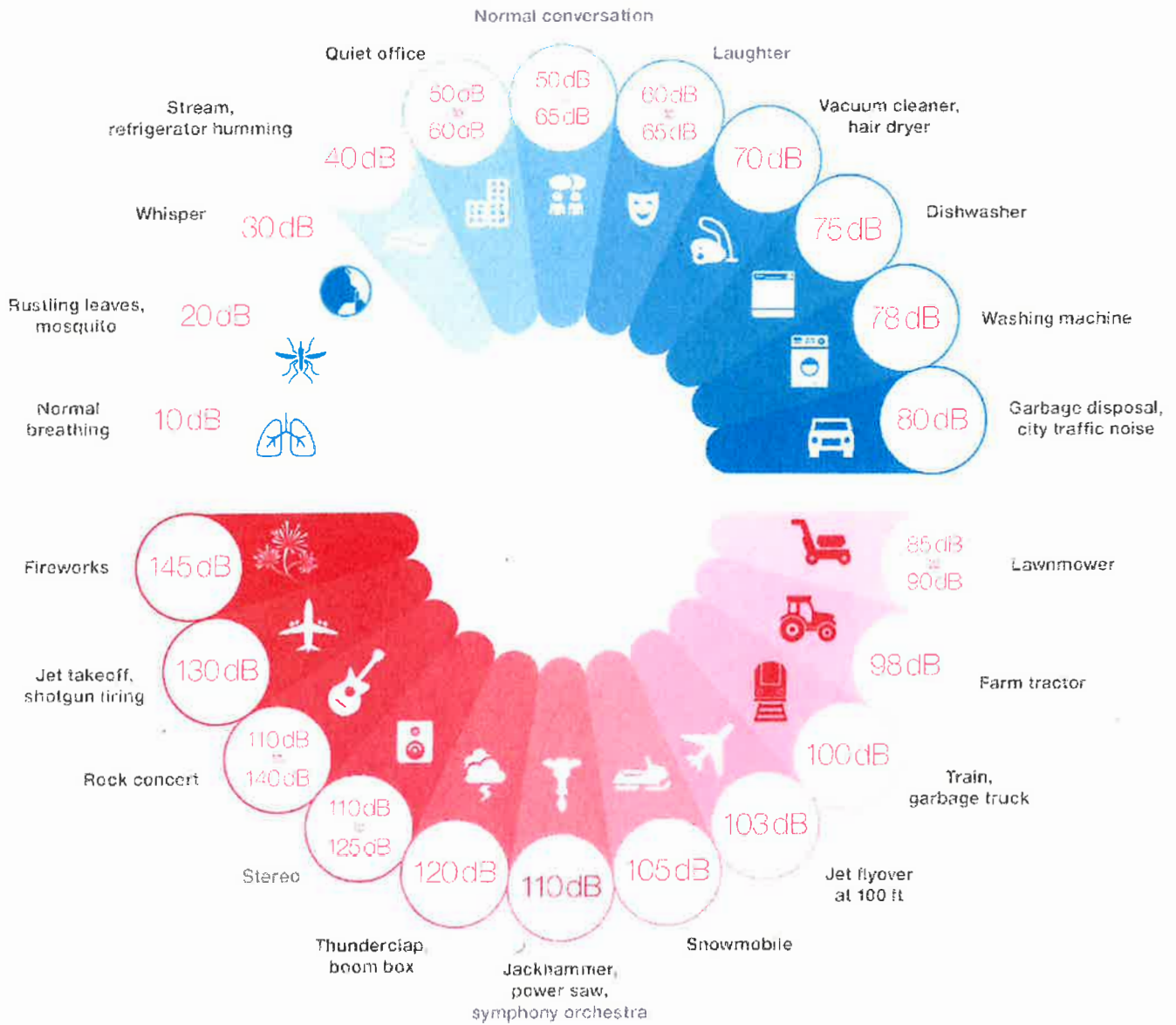
A PARK RENTAL PERMIT IS REQUIRED FOR ANY ORGANIZED ACTIVITY; ANY ACTIVITY THAT IS HELD ON A REGULAR BASIS OR REOCCURRING BASIS; FOR ANY PROFIT OR FEE BASED ACTIVITIES; OR FOR EXCLUSIVE USE OF A PARK FACILITY. VISIT OJAICITY.ORG OR CALL 805 646-5581 X 390 FOR MORE INFORMATION.

ALL APPLICABLE CITY ORDINANCES, RULES, AND REGULATIONS WILL BE ENFORCED, VIOLATIONS ARE SUBJECT TO A CITATION IN ACCORDANCE WITH OJAI MUNICIPAL CODE.

TO REPORT ANY POTENTIALLY HAZARDOUS CONDITIONS, OR VIOLATIONS OF THESE RULES, CALL THE RECREATION DEPARTMENT WEEKDAYS AT (805) 646-5581 X 390 OR THE POLICE AT (805) 654-9511. IN THE EVENT OF AN EMERGENCY CALL 911

This page is
intentionally
blank.

Decibels/Noise Levels



This page is
intentionally
blank.

SCG News - Pickleball Paddle Approved/Banned List

Sun City Grand®

Community Association Management

Dear Sun City Grand Community Association Members,

In an effort to reduce the recreational noise caused by the game of Pickleball, the Sun City Grand Board of Directors contracted with a sound study company to try and determine which paddles were creating sound at a decibel that some residents living in the area found unacceptable. While we acknowledge that most recreational sports create noise, we also acknowledge that changes in the manufacturing of paddles used in the game of Pickleball have also changed the noise created by the game, compared to several years ago.

In addition to the sound study performed by an independent company, the Sun City Grand Pickleball Club provided assistance by testing the most commonly used paddles, allowing us to create a chart so those playing the game or thinking of playing the game would know what paddles are allowed on Sun City Grand Pickleball Courts. One thing pointed out and also observed is that a simple "ear" test (listening to play) will also alert those monitoring the use when a player is using a paddle that is much louder than the approved paddles.

Below is a chart sorted into Green and Red Zones:

Green Zone - Those paddles fall within acceptable noise levels and are approved for use on the Sun City Grand Pickleball Courts. If you are looking to buy a new paddle, you would be safe to choose a paddle from this zone.

Green Zone paddles are the only paddles approved for use on SCG PB Courts.

Red Zone - These paddles are not allowed on the courts in Sun City Grand under any circumstances.

Sincerely,
SCG Board of Directors

The paddle testing we perform is for our communities use and is only made available to other communities as a courtesy. It is not, and never will be, a perfect test but it has reduced the noise from paddle use on our courts significantly and is therefore an important part of our communities desire to reduce the noise at our courts.

Grand Pickleball Club Paddle Sound Study		
Sort by Manufacturer and Model - November 21, 2019		
Brand	Model	Usage
Aero Paddles	Swift	Green Zone Approved for use in Sun City Grand. ONLY BUY PADDLES LISTED IN THE GREEN ZONE. Paddles not on this list may not be used on SCG Pickleball courts.
Aero Paddles	Swift 2.0	
Amazin' Aces	AA Pro Series Cambria	
Amazin' Aces	Quality Sporting Goods Graphite	
Amazin' Aces	Signature	
Athlete Ratings	Play Hard	
Darin's Pickleball Paddle	Pro Shop	
Dink Sports	Black and Blue	
Eastport Pickleball	Champion	
Engage Pickleball	Elite Pro	
Engage Pickleball	Encore	
Engage Pickleball	Encore Blade	
Engage Pickleball	Encore Lite	
Engage Pickleball	Encore Pro	
Engage Pickleball	Encore X Series	
Engage Pickleball	Guardian	
Engage Pickleball	Guardian II	
Engage Pickleball	Mystic	
Engage Pickleball	Pulse	
Engage Pickleball	Spartan	
Engage Pickleball	Tear Drop	
Engage Pickleball	Ultimate	
Engage Pickleball	Ultimate	
Engage Pickleball	Ultra	
Gamma	Proton	
Gamma	Razor	
Gamma	Twister	
Gearbox	GX5 Control	
Gearbox	GX5 Power	
Gearbox	GX6 Control	
Gearbox	GX6 Power	
Head	Extreme Elite	
Head	Extreme Lite	
Head	Margaritaville Changes	
Head	Margaritaville FINS	
Head	Margaritaville It's 5 O'Clock Somewhere	
Head	Margaritaville Washed in the Ocean	
Head	Radical Tour L	
Head	Radical XL	
Head	Extreme Pro	
Head	Extreme Pro L	
Head	Extreme Tour	
Head	Radical Elite	

Head	Radical Pro
Head	Radical Tour
Laser Sport Products	1402 (Wood)
Laser Sport Products	1403 (Wood)
Laser Sport Products	1404 (Wood)
Manta	Cylon
Manta	Extreme
Manta	Matrix
Manta	Tornado F5 Edgeless (GGG) Poly Core
Monarch	Dragon Slayer
Monarch	Mercenary Graphite
Onix Sports	Attitude
Onix Sports	Evoke Graphite
Onix Sports	Evoke Oval
Onix Sports	Evoke Premier
Onix Sports	Evoke Premier Light
Onix Sports	Evoke Pro
Onix Sports	Evoke Square
Onix Sports	Graphite Phantom Widebody
Onix Sports	Graphite Zen
Onix Sports	Outbreak
Onix Sports	React
Onix Sports	Signature
Onix Sports	Summit
Onix Sports	Voyager
Onix Sports	Voyager Pro
Onix Sports	Wood
Onix Sports	Z5 Widebody Graphite
Onix Sports/S-Type	Core 2 Graphite
Onix Sports/S-Type	Slammer Graphite
Onix Sports/S-Type	Z5 Widebody
PaddleBoardZ	Tracker
Paddletek	Bantam EX-L
Paddletek	Bantam EX-L Pro
Paddletek	Bantam Sabre Pro
Paddletek	Bantam TS-5
Paddletek	Element
Paddletek	Phoenix G6
Paddletek	Phoenix Genesis
Paddletek	Phoenix Genesis Pro
Paddletek	Phoenix Pro
Paddletek	Power Pro Play
Paddletek	Stratus
Paddletek	Sweet Spot
Paddletek	Tempest
Paddletek	Tempest Wave Pro
Paddletek	Ultra Sweet Spot

Paddletek	Ultra Warp 9
Paddletek	Wave II
Pickle-Ball Inc	Champion Eclipse
Pickle-Ball Inc	Champion Graphite Elite
Pickle-Ball Inc	Champion Graphite X
Pickle-Ball Inc	Champion Graphite XL
Pickle-Ball Inc	Champion PolyPro
Pickle-Ball Inc	Champion Spark
Pickle-Ball Inc.	Attack (Graphite - Aluminum)
Pickle-Ball Inc.	Attack 2.0
Pickle-Ball Inc.	Elite (Graphite - Aluminum)
Pickle-Ball Inc.	Elite Finesse
Pickle-Ball Inc.	Elite Power
Pickle-Ball Inc.	Elite Skill
Pickle-Ball Inc.	Venom
Pickleball Now	Classic Lite (edgeless, discontinued)
Pickleball Now	Classic Metalite
Pickleball Now	Club (wood)
Pickleball Now	Force Classic
Pickleball Now	PN2000
Pickleball Now	The Edge
Pickleball Now	The Force Metalite
Pickleball Now	Whomper
Pickleball Now	XL Lite
PickleballCentral	Rally Flare
PickleballCentral	Rally Graphite Power 5.0
PickleballCentral	Rally PX Graphite
PickleballCentral	Rally PXL Graphite
PickleballCentral	Rally PXT Graphite
PickleballCentral	Rally Tyro 2
PickleballCentral	Rally Tyro 2 Pro
PicklePaddles Plus	Hyper Wide
PicklePaddles Plus	Nexus Alloy
PicklePro	Barricade
POP	Aluminum AMHC
POP	ATHC Aluminum Tear Drop Honeycomb
POP	AXLHC
ProLite Sports	Apex Power
Prolite Sports	Bolt
ProLite Sports	Chrome N-R-G
ProLite Sports	Covert
ProLite Sports	Crush Power Spin
ProLite Sports	Cypher Pro
ProLite Sports	Enforcer Graphite
ProLite Sports	Groove
ProLite Sports	Magnum XP
ProLite Sports	Power

ProLite Sports	Rebel Power Spin
ProLite Sports	Rocket XL
ProLite Sports	Rockstar
ProLite Sports	Supernova Black Diamond Series Pro
ProLite Sports	Surface NRG
ProLite Sports	Titan
ProLite Sports	Titan Pro
RiverStyks	Fox Orange
RiverStyks	Fox Purple
RiverStyks	Rubicon
Selkirk Sport	200PXL
Selkirk Sport	300AXL
Selkirk Sport	Amp X5 Invikta McGuffin
Selkirk Sport	EPIC 20PXL Composite
Selkirk Sport	Epic 30PXL Graphite
Selkirk Sport	Epic Amped X5 Fiberflex
Selkirk Sport	Latitude Composite Wide Body
Selkirk Sport	Maxima 21P MXO
Selkirk Sport	Maxima Amped X5 Fiberflex
Selkirk Sport	Neo
Selkirk Sport	Omni
Selkirk Sport	Omni Amped X5 Fiberflex
Selkirk Sport	Pro S1C
Selkirk Sport	Pro S1C+
Selkirk Sport	Pro S1G
Selkirk Sport	Pro S1G+
Selkirk Sport	S2 Amped X5 Fiberflex
Third Shot Drop	Chaos TSD-CE
Third Shot Drop	Chaos TSD-CH
Third Shot Drop	Chaos TSD-CI
Third Shot Drop	Kratos TSD KB
Third Shot Drop	Kratos TSD KE
Third Shot Drop	Kratos TSD KG
Third Shot Drop	Kratos TSD KH
Third Shot Drop	Kratos TSD KI
TMPR Sports	Sports Tantrum V
TMPR Sports	Tantrum GXT Enhanced Graphite
Topp	Graphite XJ-900
Topp	Reacher Graphite
Topp	Revive
Topp	Viper
Topp	XJ-900
Topp	Reacher
Wilson	Champ
Wilson	Surge
ZZT	Carbon Fiber Weave
ZZT	Contour Thin (lite)

ZZT	EVO Classic-Q
ZZT	EVO II
ZZT	EVO II Vinyl Cover
ZZT	Fuzion
ZZT	Fuzion Pro
ZZT	Graphic
ZZT	Original
ZZT	Z

Grand Pickleball Club Paddle Sound Study

Sort by Manufacturer and Model - March 12, 2019

Brand	Model	Usage
Coach Mo	Sweet Spot	Red Zone Paddles banned for use in Sun City Grand. <u>DO NOT BUY THESE</u> <u>PADDLES.</u>
Coach Mo	Sweet Spot Lite	
Engage Pickleball	Encore GP	
Engage Pickleball	Encore Max	
Engage Pickleball	Encore XL	
Engage Pickleball	Raven Wide Body	
Gamma	Atomic	
Gamma	Fusion	
Gamma	Ion	
Gamma	Micron	
Gamma	Mirage	
Gamma	Voltage	
Head	Extreme Elite	
Head	Radical Pro L	
Manta	Pro-Team	
Manta	Stingray	
Manta	Tornado F5 & Manta Ray Nomex Core	
Onix Sports	Phantom Widebody	
Onix Sports/S-Type	Core 2 Composite	
Onix Sports/S-Type	Storm	
Onix Sports/S-Type	Storm Graphite	
Onix Sports/S-Type	Stryker Graphite	
Paddletek	Warp 9	
Pickleball Depot	Victory CF3	
Pickle-Ball Inc.	Champion (Fiberglass-Aluminum)	
Pickle-Ball Inc.	Champion (Graphite-Nomex)	
Pickle-Ball Inc.	Champion Aluminum	
Pickle-Ball Inc.	Champion Graphite	
Pickle-Ball Inc.	Elite (Graphite - New Paper Core)	
Pickle-Ball Inc.	Legacy	
Pickle-Ball Inc.	Revolution (Graphite - Nomex)	
Pickle-Ball Inc.	Tracer	
Pickle-Ball Inc.	Vortex 2.0	
Pickleball Now	Classic Lite II (2013 model with edge guard)	
Pickleball Now	Competition	
Pickleball Now	XL Carbon	
Pickleball Now	XL Lite	
PickleballPaddlesPlus	Hyper Lite	
PicklePaddles Plus	Nexus Carbon	
PicklePro	Classic	
POP	4.0 Touch	
POP	5.0 Touch	
POP	7.5 Dual Touch	
POP	E-glass /HC	

POP	Graphite Tear Honeycomb
ProLite Sports	Aero-D Graphite
ProLite Sports	Blaster 2 Alloy
ProLite Sports	Classic
ProLite Sports	Graphite Blaster
ProLite Sports	Impact
ProLite Sports	Intercept 1 Series
ProLite Sports	Magnum Composite
ProLite Sports	Magnum Graphite (Used)
RiverStyks	Kicking Horse
RiverStyks	Kicking Horse 2.0
RiverStyks	Tigris
Selkirk Sport	200AL
Selkirk Sport	200AXL
Third Shot Drop	Chaos TSD-CA
Third Shot Drop	Chaos TSD-CB
Third Shot Drop	Chaos TSD-CC
Third Shot Drop	Chaos TSD-CD
Third Shot Drop	Chaos TSD-CF
Third Shot Drop	Chaos TSD-CG
Third Shot Drop	Kratos TSD KA
Third Shot Drop	Kratos TSD KC
Third Shot Drop	Kratos TSD KD
Third Shot Drop	Kratos TSD KF
Viking	Re-Ignite
Viking	Re-Ignite Lite
Viking	Synergy
WhipperSnapper	Light
WhipperSnapper	Medium Weight (2 weeks old)
WhipperSnapper	Medium Weight (Used - Detuned)
WhipperSnapper	New model 2014
WhipperSnapper	PT
WhipperSnapper	X Heavy
WhipperSnapper	XX Heavy
Wilson	BLX
Wilson	BLX
Wilson	Energy
Wilson	XCEL
ZZT	Classic Thin (lite)
ZZT	EVO Classic

SCG Paddle Rule Questions and Answers

Q & A (Small print disclosure: These are club interpretations of the rule and are subject to clarification if CAM disagrees)

Q: When does this rule start?

A: This rule is effective immediately.

Q: Where is the Paddle Approved/Banned list posted?

A: The list is posted on our website at <http://pball.grandpickleball.org/paddlerule.pdf> and on the bulletin board at the courts. Monitors should refer inquiries to the bulletin board or our website.

Q: My paddle is not on the list, can I use it?

A: No.

Q: What if I ignore this rule and continue to play with any paddle I choose during club events?

A: If you ignore the rule during club events, you will be breaking a Community rule that our club must enforce under the Charter Club Rules and Regulations. That could lead to suspension of club play for a period of time and continued use could lead to a suspension of all resident privileges by CAM.

Q: What if I ignore this rule and continue to play with any paddle I choose during non club events?

A: The Association will monitor the courts for non compliance, either by personally visiting the courts or by neighborhood complaints. Violators will be asked to stop using banned or noisy paddles. Failure to comply could lead to suspension of all resident privileges by CAM.

Observations at the courts have shown that most of you are complying with the rules. It is obvious and very easy to pick out someone who is using a banned paddle.

We have received compliments from CAM for our clubs willingness to reduce noise from the courts, Thank you to everyone that has complied. We have an outstanding club.

[Home Page](#)

This page is
intentionally
blank.

Just how loud is pickleball?

by Damian Mann of the Mail Tribune

Tuesday, September 11th 2018

Pickleball is about as loud as one person whispering to another person, according to a decibel test conducted by a Southern Oregon Pickleball Association official.

David Johnson, director of player development, tested the sound of a pickleball match at Lithia Park in Ashland Monday and found the reading hit 51 decibels, quieter than a household refrigerator and quieter than the people talking on the court.

"If I was standing a foot away and whispered to you loud enough for you to hear, but quiet enough that you couldn't hear across the room, that would be no louder than 50 decibels," Johnson said.

A normal conversation is about 60 to 70 decibels, he said.

Johnson conducted the tests with a decibel meter because of concerns about the noise being made by pickleball. He found that a car passing by at 15 mph was more than 60 decibels. He was standing across the roadway from the tennis courts at Lithia Park.

Some residents near a new park in southeast Medford have complained about plans to install two new pickleball courts next to Shamrock Street, east of North Phoenix Road and north of Barnett Road, citing noise and traffic.

Other residents have come forward voicing support for the pickleball court at Village Center Park.

"I feel that a playground would be great, and pickleball would be a great addition to the park," wrote resident Sarah Evans in an email to the Mail Tribune.

Another resident, Brad Pederson, wrote, "In my opinion, if you are going to be bothered by the noise of people playing pickleball in the park, you are also going to be the person complaining to the city that kids are too loud while playing in the park."

Johnson, who lives near Grants Pass and formerly worked as an acoustician, said that in his experience other sports played in parks can be louder than pickleball.

"They're not worried about the basketball court, but they're worried about the pickleball court," he said.

He said there have been times that pickleball games have been stopped because of the noise from a basketball game nearby.

"We play at Don Jones Park, but sometimes we have to leave when a dozen or so kids show up," he said. "They're having fun, but they'll bring the big boom box and crank it up."

Unfortunately, the foul language from the boom box is too much, he said.

"People cussing in pickleball — I've never heard of it," Johnson said.

Johnson said he drove his Mazda on a newly paved stretch of Interstate 5 near Grants Pass and his decibel meter hit 72. When he drove it over a rougher stretch between Medford and Central Point, it hit 86.



ACOUSTICS GROUP, INC.
Consultants in Acoustics, Noise & Vibration

September 9, 2012

Mitzi Mills
Sun City Grand
Community Association Management
19726 N. Remington Dr.
Surprise, AZ 85374

Subject: Noise Study for the Cimarron Pickleball Courts in Surprise, AZ.

Dear Ms. Mills:

Acoustics Group, Inc., has reviewed the Sun City Noise Ordinance, conducted ambient and operations noise level measurements, analyzed the future noise levels from the Cimarron facility, assessed the impact of the future operations and evaluated noise control measures. The following provides the results of our work:

NOISE AND THE A-WEIGHTED SOUND LEVEL

Noise is most often defined as unwanted sound. Although sound can be easily measured, the perceptibility is subjective and the physical response to sound complicates the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as "noisiness" or "loudness." Sound pressure magnitude is measured and quantified using a logarithmic ratio of pressures, the scale of which gives the level of sound in decibels (dB).

The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighting filter system is used to adjust measured sound levels. The A-weighted sound level is expressed in "dBA" or "dB(A)." Figure 1 provides typical A-weighted sound levels measured for various sources, as well as people's responses to these levels.

*September 9, 2012
For Sun City Grand Use Only
Not for Public Release*

1

ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.695.9989 - Fax

SUN CITY GRAND PICKLEBALL NOISE STUDY

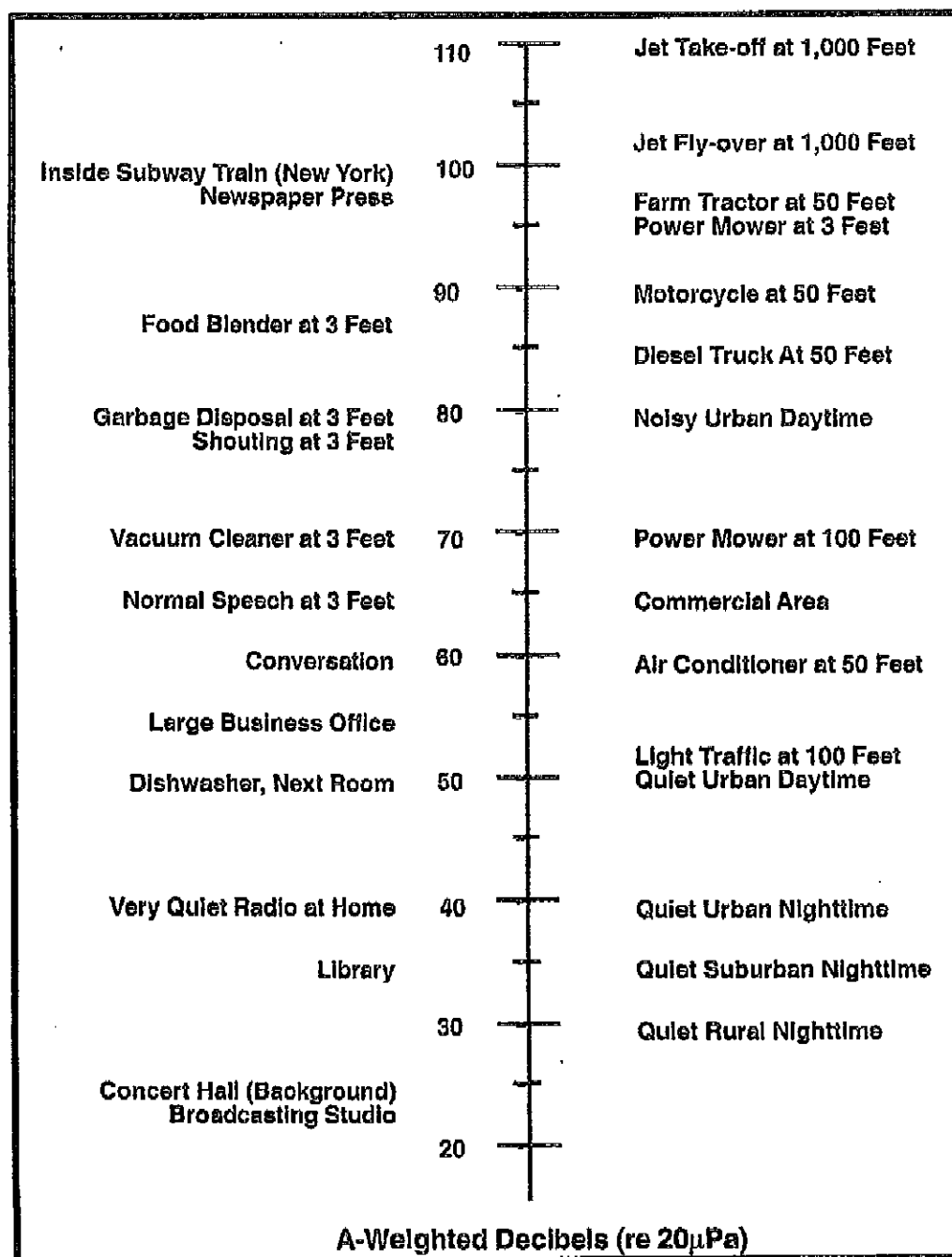


Figure 1. Typical A-weighted Sound Levels from Indoor and Outdoor Noise Sources.



When sound is measured for distinct time intervals, the statistical distribution of the overall sound level can be obtained during that period. The energy-equivalent sound level (Leq) is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor which represents the average sound level over a given period of time, where the actual sound level varies with time. Lmax, Lmin, and Lxx are also common noise descriptors. Lmax and Lmin are the maximum and minimum noise levels, respectively, and Lxx, known as a statistical sound level, is the time-varying noise level which would be exceeded xx percent of the time.

NOISE STANDARDS & GUIDELINES

The City of Surprise Municipal Code does not specifically adopt noise standards to regulate noise from recreational activity within parks. However, the 2030 General Plan cites the World Health Organization's *"Guidelines for Community Noise, 1999"* as a guideline for the city to implement noise regulations. A noise level limit of 50 – 55 dBA at outdoor living areas is identified as a limit of acceptable noise exposure in the general plan.

AMBIENT SURVEY AND NOISE MEASUREMENTS

Ambient Survey

AGI conducted an ambient noise survey on June 10-11, 2012 to document the baseline ambient noise levels directly east of the Cimarron Pickleball Courts. A noise measurement was conducted at the front yard of 18692 W Marcos De Niza Drive, directly facing the pickleball court area. The measurement was conducted with a Larson Davis Model 870 Noise Analyzer and the instrument was operated in accordance with manufacturer's standards. Construction operations occurred during the late night hours between midnight and 9 am and the measurement data obtained during the construction period was omitted from this report.

The Leq measured during the ambient survey ranged from 40.8 to 49.5 dBA. The sources of noise that contributed to the ambient baseline were distant traffic, wildlife birds, and insects. Noise levels during the evening period were generally between 44 and 47 dBA. During the late night and early morning hours, the ambient baseline dropped to nearly 40 dBA. The measured baseline ambient noise levels are considered very quiet for a residential community. Table 1 summarizes the ambient noise measurement data. Figure 2 shows the location of the noise measurement relative to the Cimarron Pickleball courts and the nearby residences.

SUN CITY GRAND PICKLEBALL NOISE STUDY



Table 1
Measured Ambient Noise Levels Adjacent to the Cimarron Pickleball Courts

Date	Time	Leq, dBA	Description
June 10, 2012	7:00 pm	44.2	Evening Ambient Distant Traffic, Wildlife, Insects
June 10, 2012	8:00 pm	45.3	" "
June 10, 2012	9:00 pm	46.6	" "
June 10, 2012	10:00 pm	43.5	Nighttime Ambient Distant Traffic, Wildlife, Insects
June 10, 2012	11:00 pm	40.8	" "
June 11, 2012	10:00 am	49.5	Morning Ambient Distant Traffic, Wildlife, Insects

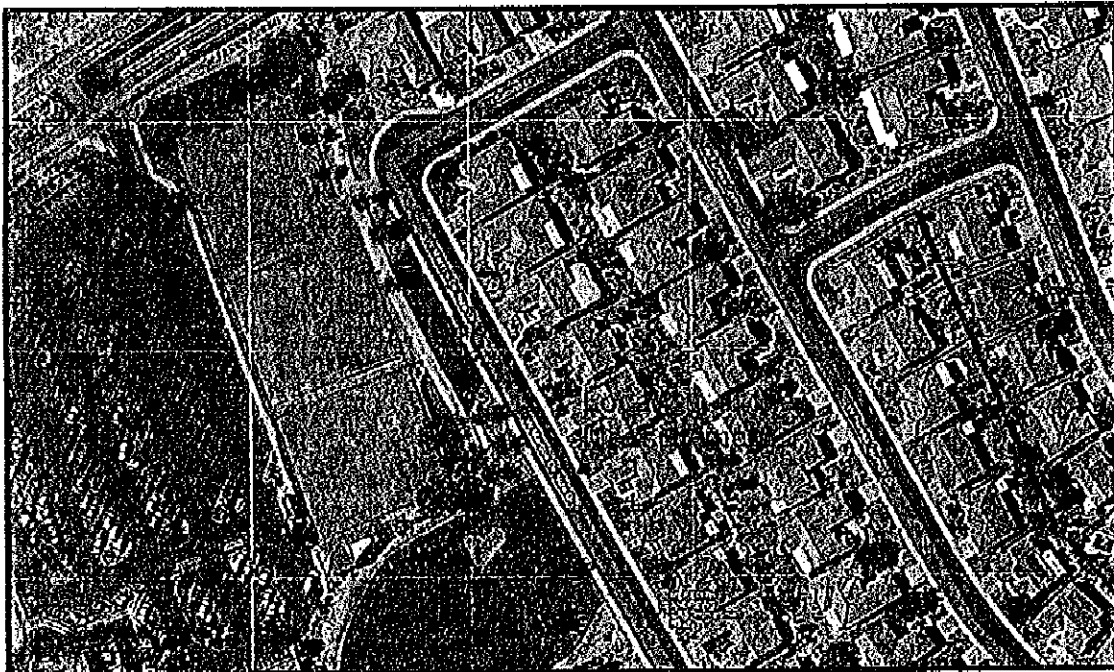


Figure 2. Location of the Ambient Noise Measurement

September 9, 2012
For Sun City Grand Use Only
Not for Public Release

4

ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax



Pickleball Noise Measurements

AGI conducted acoustical tests on June 12 and 20, 2012 to measure the noise from pickleball operations, different paddle types, and a noise barrier system. The measurements were conducted at a nearby facility while the Cimarron courts were being renovated. A controlled test was conducted on June 12, 2012 with 32 players playing pickleball simultaneously. Noise measurements were also conducted with four players playing pickleball with various paddle types. The tests were then repeated on June 20, 2012 after the installation of an Acoustifence noise barrier system. On August 22, 2012, additional noise measurements were conducted utilizing 8 different pickleball paddles, but without the Acoustifence. For each acoustical test, both A-weighted sound level and One-Third Octave Band Sound Levels were measured from a position 10 feet from the sideline fence.

The initial test conducted with 32 players resulted in an Leq of 66.9 dBA. Paddle tests with the Whipper Snapper, Graphite, ZZT, Blaster, Striker, Graphite Magnum, Prolite Magnum, and Paddle Tech, resulted in an Leq of 64.7, 60.1, 57.0, 61.4, 61.3, 57.9, 62.8, and 59.3 dBA, respectively. After the installation of acoustifence, the 32 players test resulted in an Leq of 51.1 dBA. The Paddle tests with the Whipper Snapper, Graphite, ZZT, Blaster, Striker, Graphite Magnum, Prolite Magnum, and Paddle Tech paddles resulted in an Leq of 54.9, 48.8, 46.7, 50.9, 49.1, 46.2, 50.8, and 49.4 dBA, respectively. As a result of the acoustifence, noise reductions of 15.8, 9.8, 11.3, 10.3, 10.5, 12.2, 11.7, 12.0, and 9.9 dB were achieved for the 32 players and the respective paddles. The average noise reduction achieved by the acoustifence was approximately 13 dB. Table 2 summarizes the test data and noise reduction for each paddle type.

Additional paddle tests were conducted on August 22, 2012, but without acoustifence. The paddle tests with the Pro Lite Enforcer, Pro Lite Aero D, Pro Lite Power, Brian Jensen Designs, Pickleball Now Classic Lite, Pickleball Now MetaLite, Pickleball Now Force, and Pickleball Now The Force resulted in an Leq of 58.9, 61.4, 60.1, 61.0, 63.3, 58.1, 64.0, and 57.2 dBA, respectively. Table 3 summarizes the test data for the eight additional paddles. Refer to the Appendix for plots of the noise measurement data.

ESTIMATED CIMARRON COURT NOISE LEVELS

Future pickleball noise at the Cimarron Courts was analyzed using the measurement data and the layout of the new facility and relative geometry to the nearby residences. As summarized in Table 4, the pickleball noise is estimated to be approximately 61 dBA at the front yard of the residences on W Marcos De Niza Drive, which directly face the courts. When compared with the City's General Plan noise guideline of 50 dBA, the noise would exceed the guideline.

SUN CITY GRAND PICKLEBALL NOISE STUDY



Table 2
Measured A-Weighted Sound Levels
at Sun City Grand's Pickleball Courts with and without Acoustifence

Test Description/ Paddle	Pickleball Noise Level, Leg, dBA at 10-ft from edge of court		Noise Reduction
	Without Acoustifence	With Acoustifence	
32 players	66.9	51.1	15.8 dB
Whipper Snapper	64.7	54.9	9.8 dB
Graphite	60.1	48.8	11.3 dB
ZZT	57.0	46.7	10.3 dB
Blaster	61.4	50.9	10.5 dB
Striker	61.3	49.1	12.2 dB
Graphite Magnum	57.9	46.2	11.7 dB
Prolite Magnum	62.8	50.8	12.0 dB
Paddle Tech	59.3	49.4	9.9 dB

Table 3
Measured A-Weighted Sound Levels at Sun City Grand's
Pickleball Courts with Additional Paddles - without Acoustifence

Paddle	Pickleball Noise Level, Leg, dBA at 10-ft from edge of court
Pro Lite Enforcer	58.9
Pro Lite Aero D	61.4
Pro Lite Power	60.1
Brian Jensen Designs	61.0
Pickleball Now Classic Lite	63.3
Pickleball Now MetaLite	58.1
Pickleball Now Force	64.0
Pickleball Now The Force	57.2

Table 4
Estimated Pickleball Noise from Cimarron Courts with and without Acoustifence

Description/Paddle	Pickleball Noise Level, Leg, dBA at 100-ft from edge of court		Noise Guideline
	Without Acoustifence	With Acoustifence	
32 players	61	48	50 dBA

September 9, 2012
For Sun City Grand Use Only
Not for Public Release

ACOUSTICS GROUP, INC.
877.695.9988 - Voice
877.695.9989 - Fax



NOISE CONTROL MEASURES

The following measures are identified to minimize pickleball noise at the nearest homes to the Cimarron Courts:

1. Install a full height (minimum height of 10-ft) continuous noise barrier on the north, east and south sides of the chain link fence surrounding the pickleball courts. A material acoustically equivalent to the Acoustifence product should provide the sound transmission needed.
2. Require pickleball players at the Cimarron Courts to only use the quietest or quieter paddles identified in Table 5.
3. Consider limiting the hours of pickleball play to time periods that are less intrusive to nearby homeowners.

Table 5
Ranking of the Tested Pickleball Paddles by Sound Level

Paddle	Pickleball Noise Level, Leq, dBA at 10-ft from edge of court	Description
ZZT	57.0	Quietest
Pickleball Now The Force	57.2	Quietest
Graphite Magnum	57.9	Quieter
Pickleball Now MetaLite	58.1	Quieter
Pro Lite Enforcer	58.9	Quieter
Paddle Tech	59.3	Quieter
Graphite	60.1	Moderately Quiet
Pro Lite Power	60.1	Moderately Quiet
Brian Jensen Designs	61.0	Moderately Quiet
Striker	61.3	Moderately Quiet
Blaster	61.4	Moderately Quiet
Pro Lite Aero D	61.4	Moderately Quiet
Pro Lite Magnum	62.8	Moderately Quiet
Pickleball Now Classic Lite	63.3	Loudest
Pickleball Now Force	64.0	Loudest
Whipper Snapper	64.7	Loudest

SUN CITY GRAND PICKLEBALL NOISE STUDY



CONCLUSION

AGI has reviewed the Sun City Noise Ordinance, conducted ambient and operations noise level measurements, analyzed the future noise levels from the Cimarron facility, assessed the impact of the future operations and evaluated noise control measures. Noise control measures have been identified for reducing the future noise at the Cimarron Courts.

Please contact Mr. Robert Woo at 802-635-6196 if you have any questions regarding this report.

Sincerely,
ACOUSTICS GROUP, INC.

Robert Woo
Principal Consultant

September 9, 2012
For Sun City Grand Use Only
Not for Public Release

8

ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax



APPENDIX

PLOTS OF THE PADDLE TEST DATA

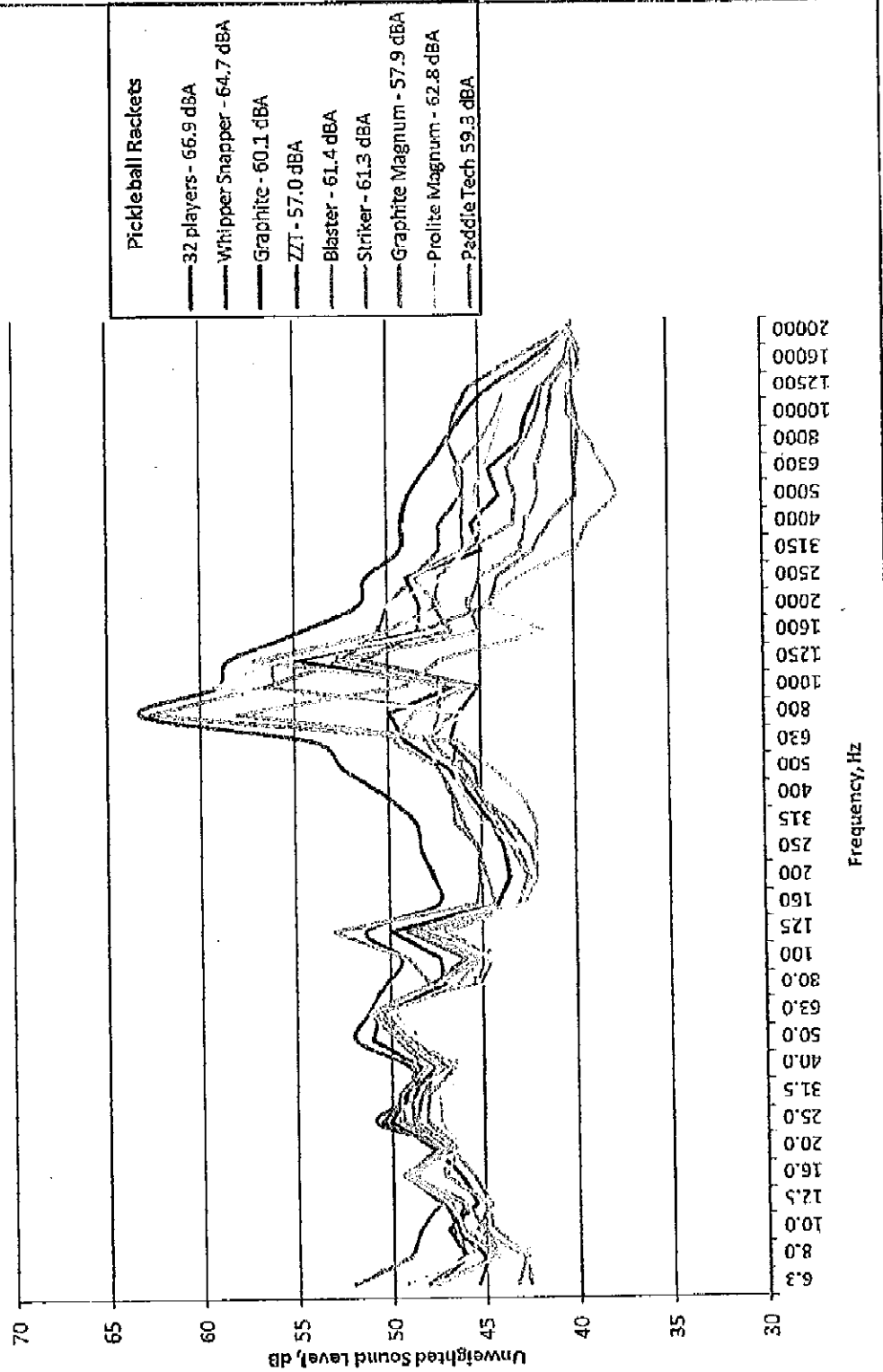
Figure X-1 depicts the measured one-third octave band sound levels without acoustifence and Figure X-2 depicts the measured one-third octave band sound levels with acoustifence. Figure X-3 compares the measured sound levels of the 32 players with and without acoustifence. Figure X-4 through X-11 compares the measured sound levels of the paddles with and without acoustifence.

Figure X-12 represents the measured one-third octave band sound levels from eight additional paddles tested on August 22, 2012. Figures X-13 through X-20 depict the frequency data for each paddle individually.



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-1. Measured One-Third Octave Band Sound Levels without Acoustifence - 6/12/12

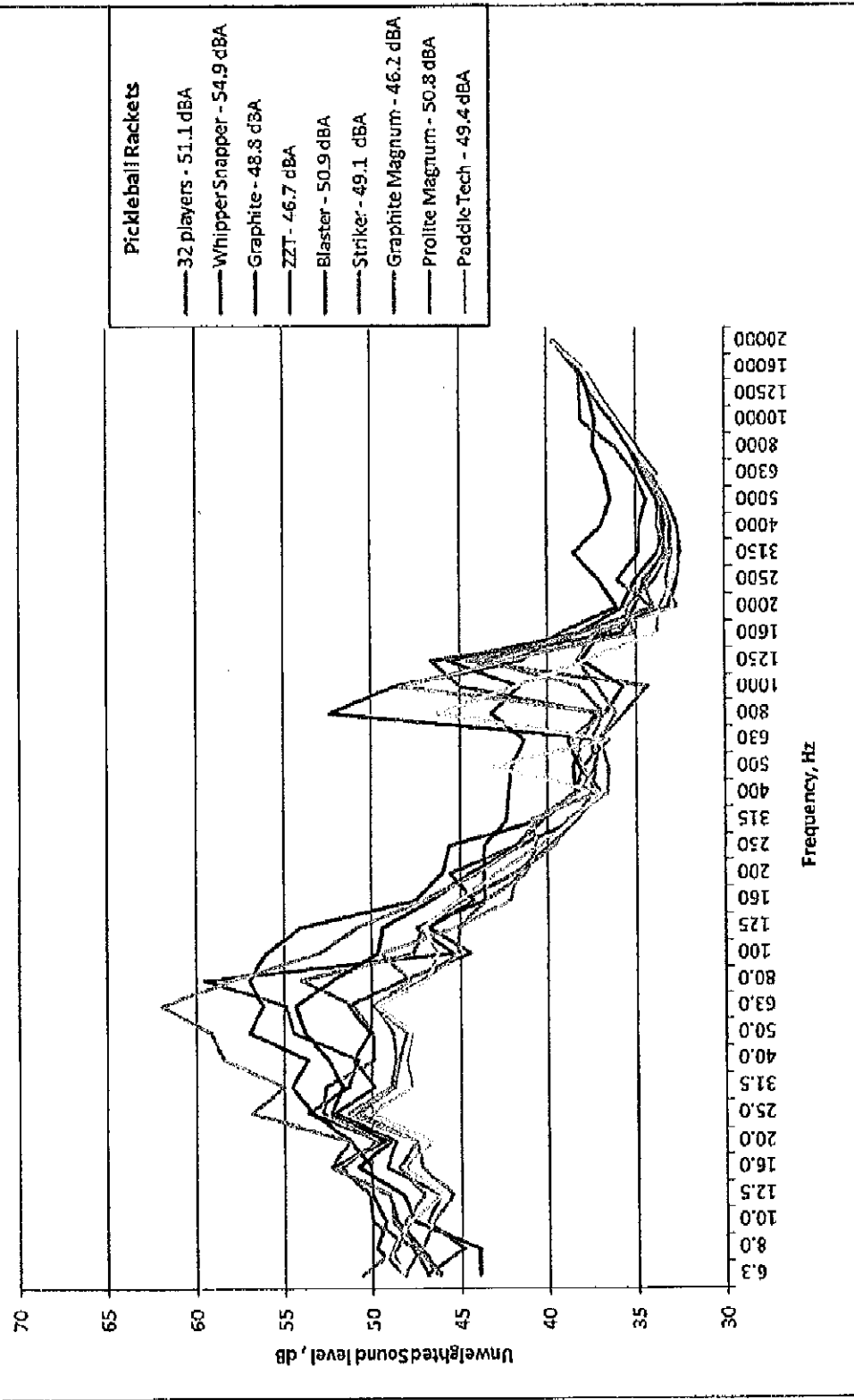


ACOUSTICS GROUP, INC.
877.595.9988 -- Voice
877.595.9989 -- Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



Figure X-2. Measured One-Third Octave Band Sound Levels with Acoustifence - 6/20/12

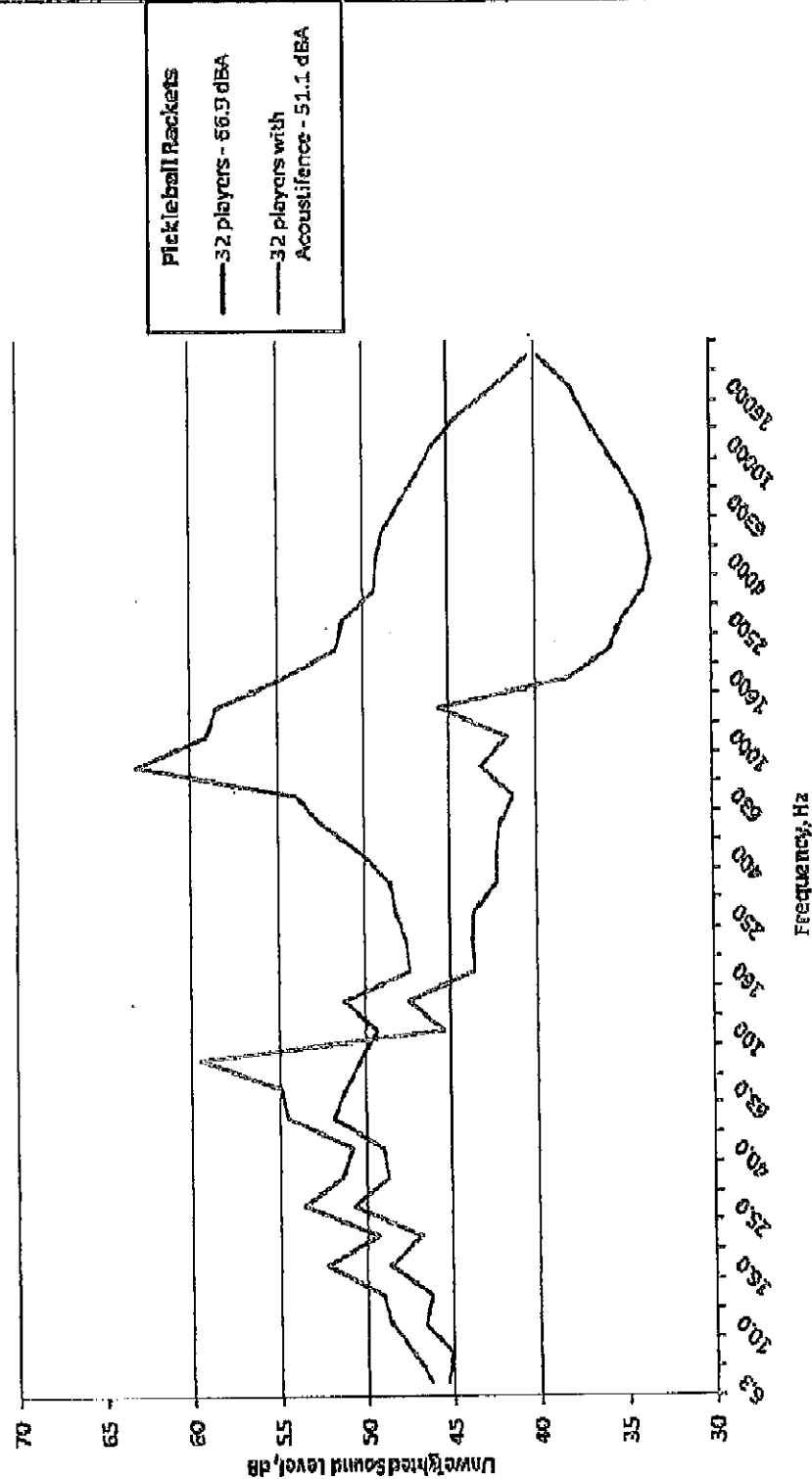


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

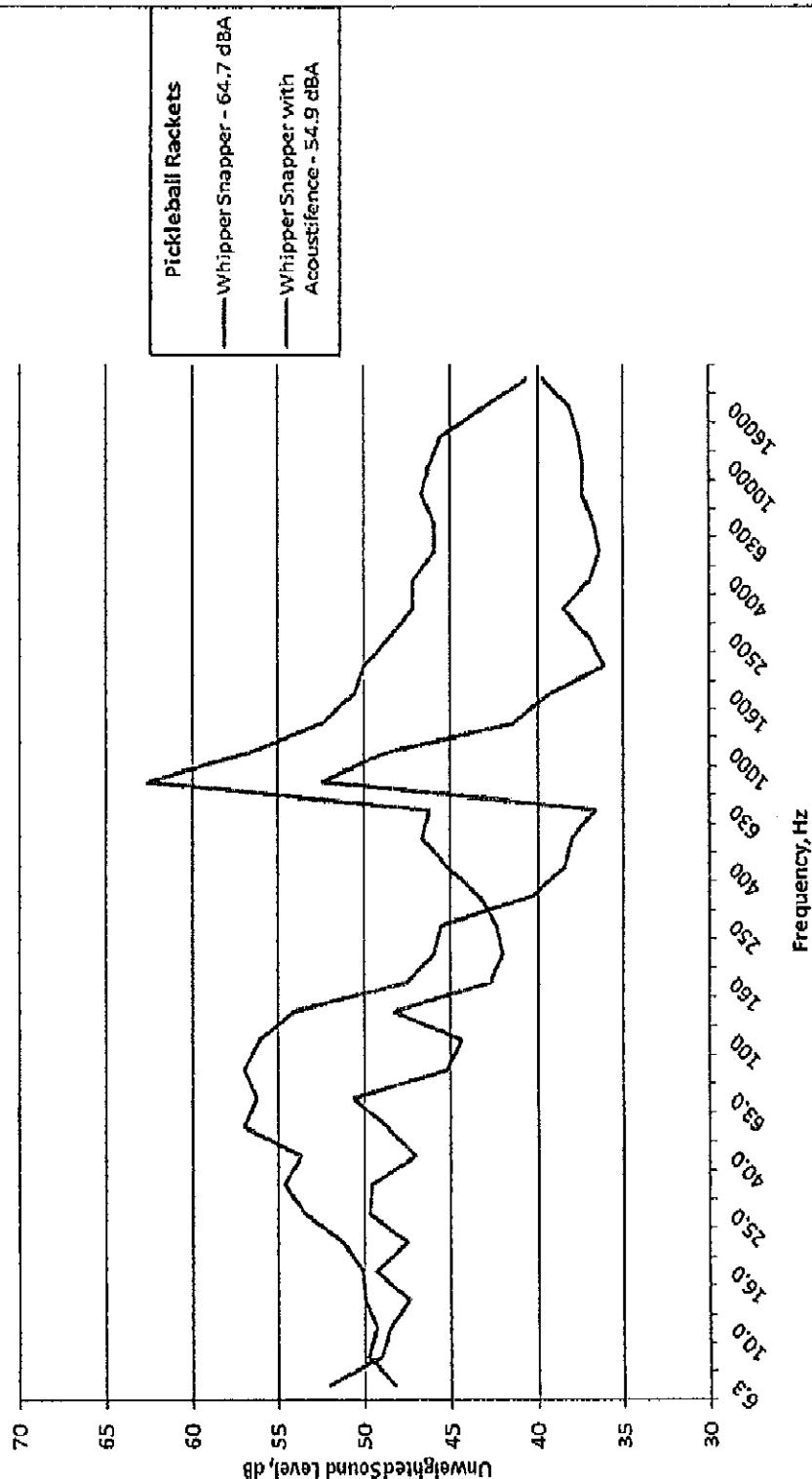
Figure X-3. Measured One-Third Octave Band Sound Levels with and without Acoustifence



September 9, 2012
For Sun City Grand Use Only
Not for Public Release



Figure X-4. Measured One-Third Octave Band Sound Levels with and without Acoustifence



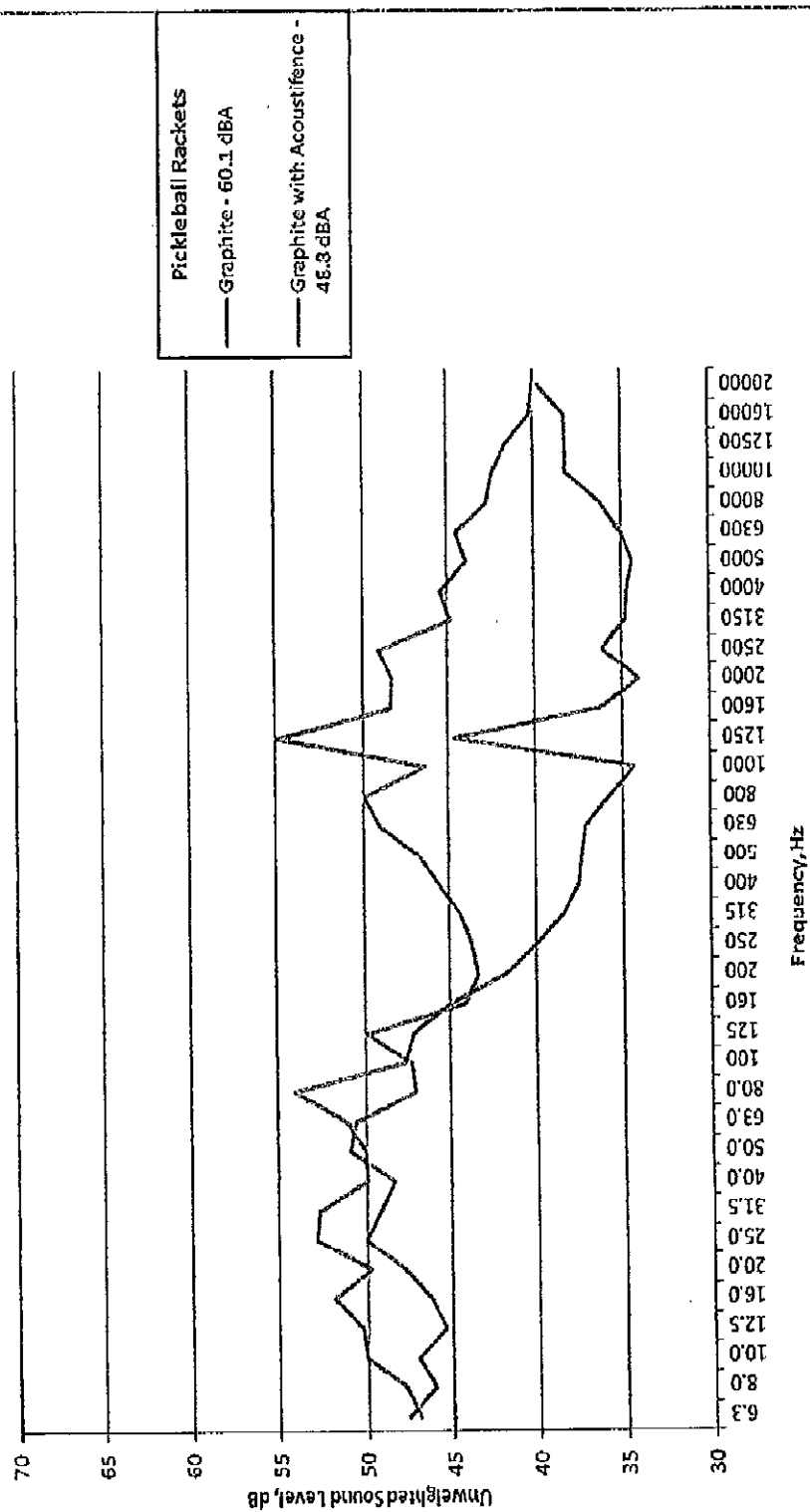
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-5. Measured One-Third Octave Band Sound Levels with and without Acoustifence



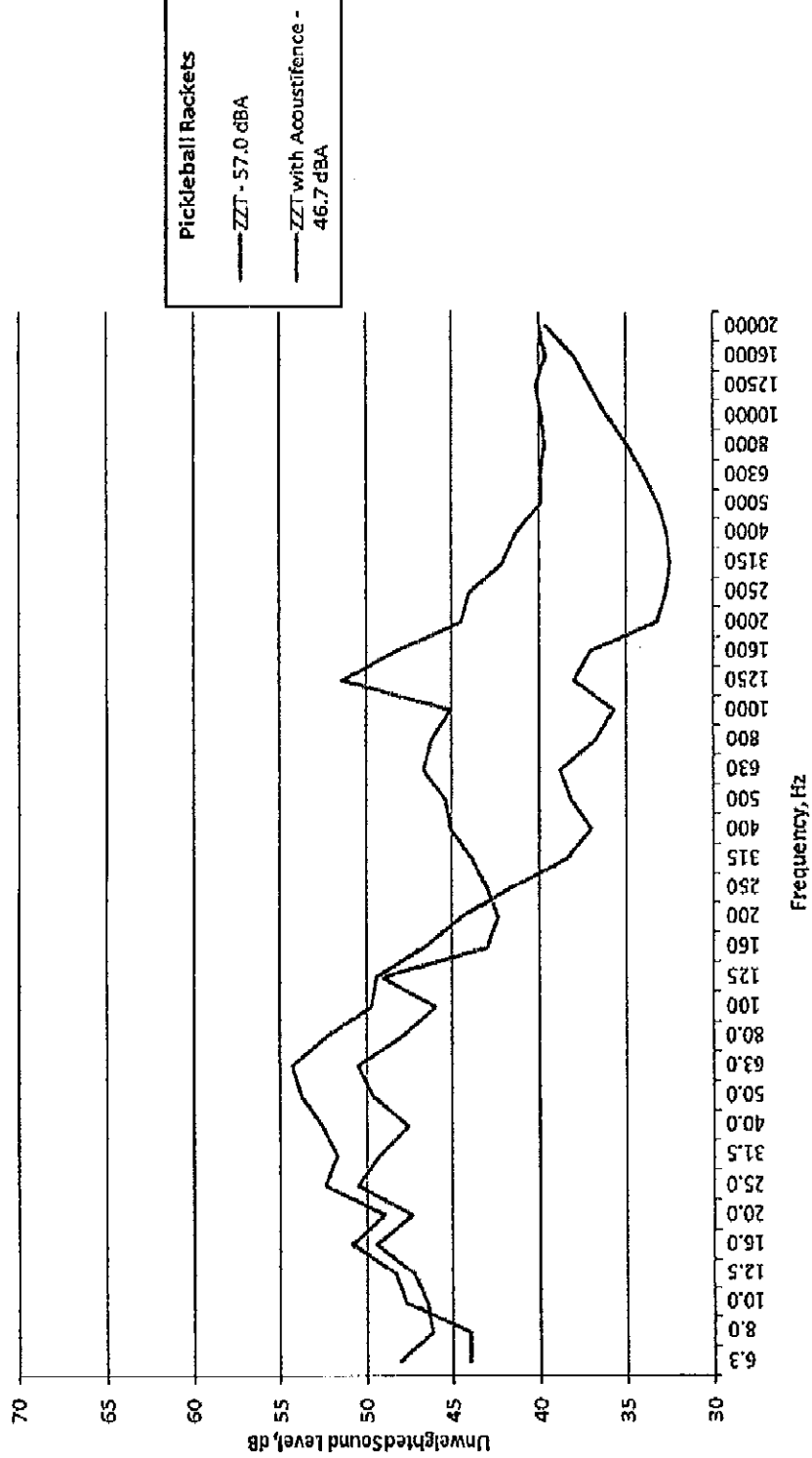
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-6. Measured One-Third Octave Band Sound Levels with and without Acoustifence

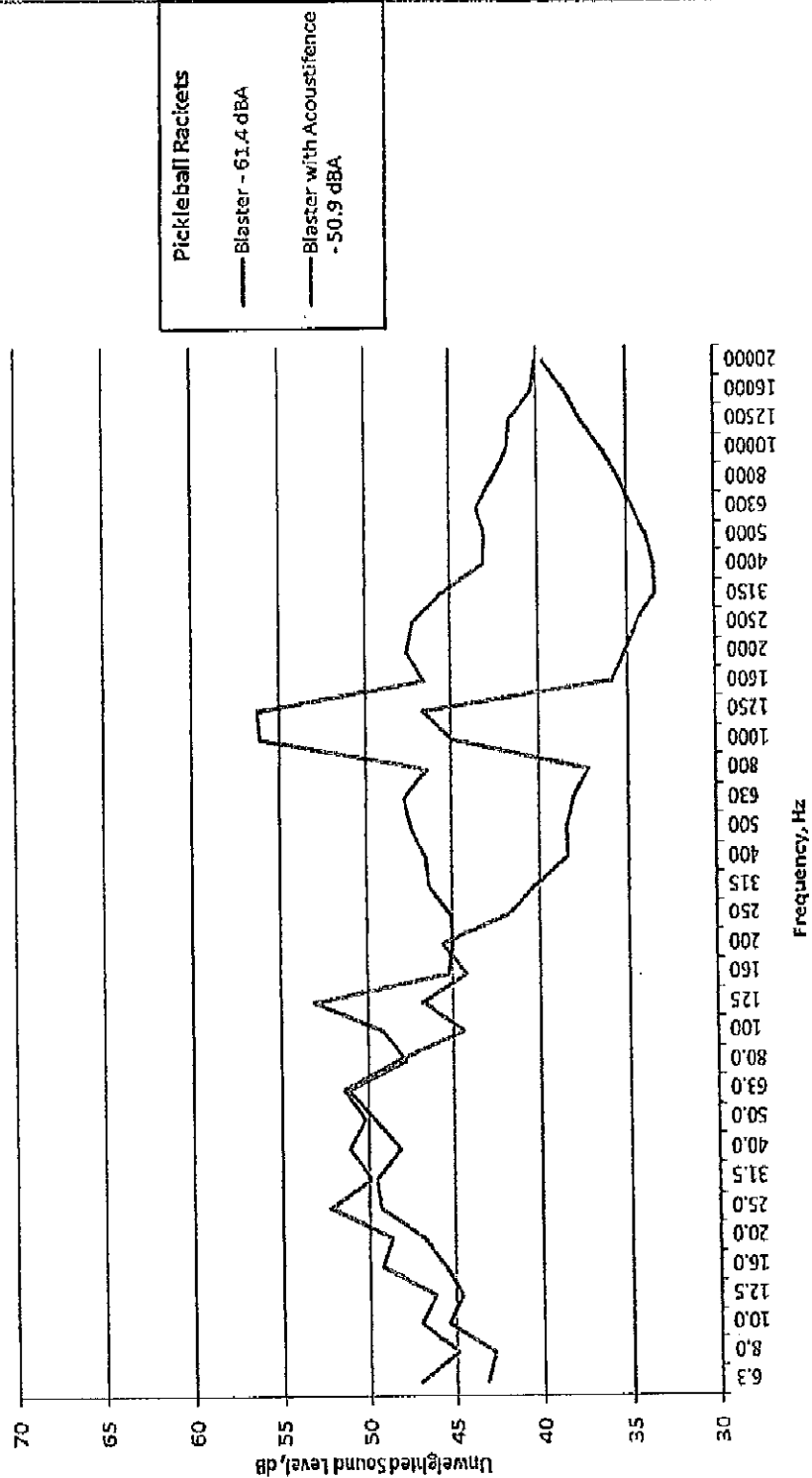


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-7. Measured One-Third Octave Band Sound Levels with and without Acoustifence

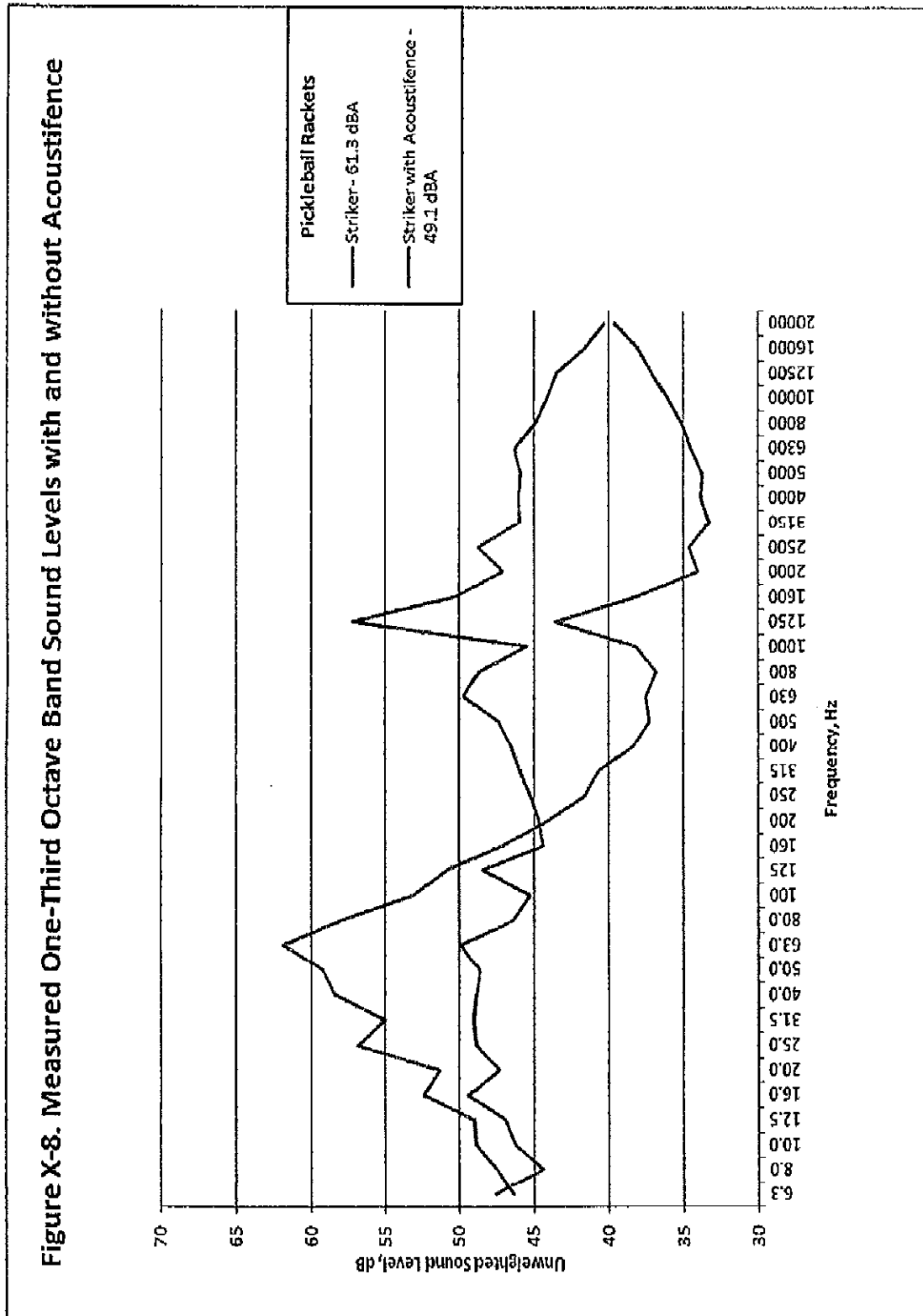


ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

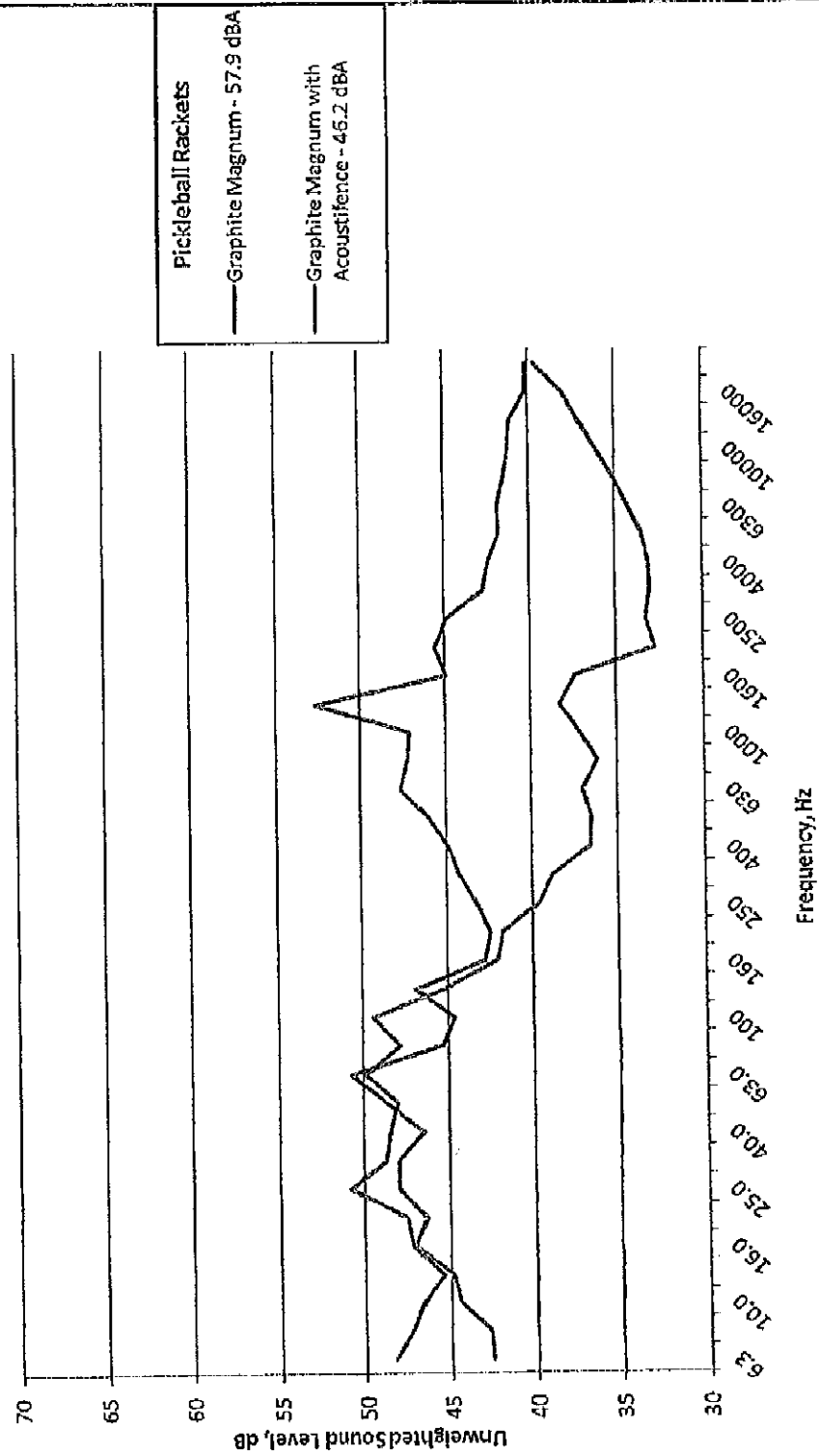


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-9. Measured One-Third Octave Band Sound Levels with and without Acoustifence

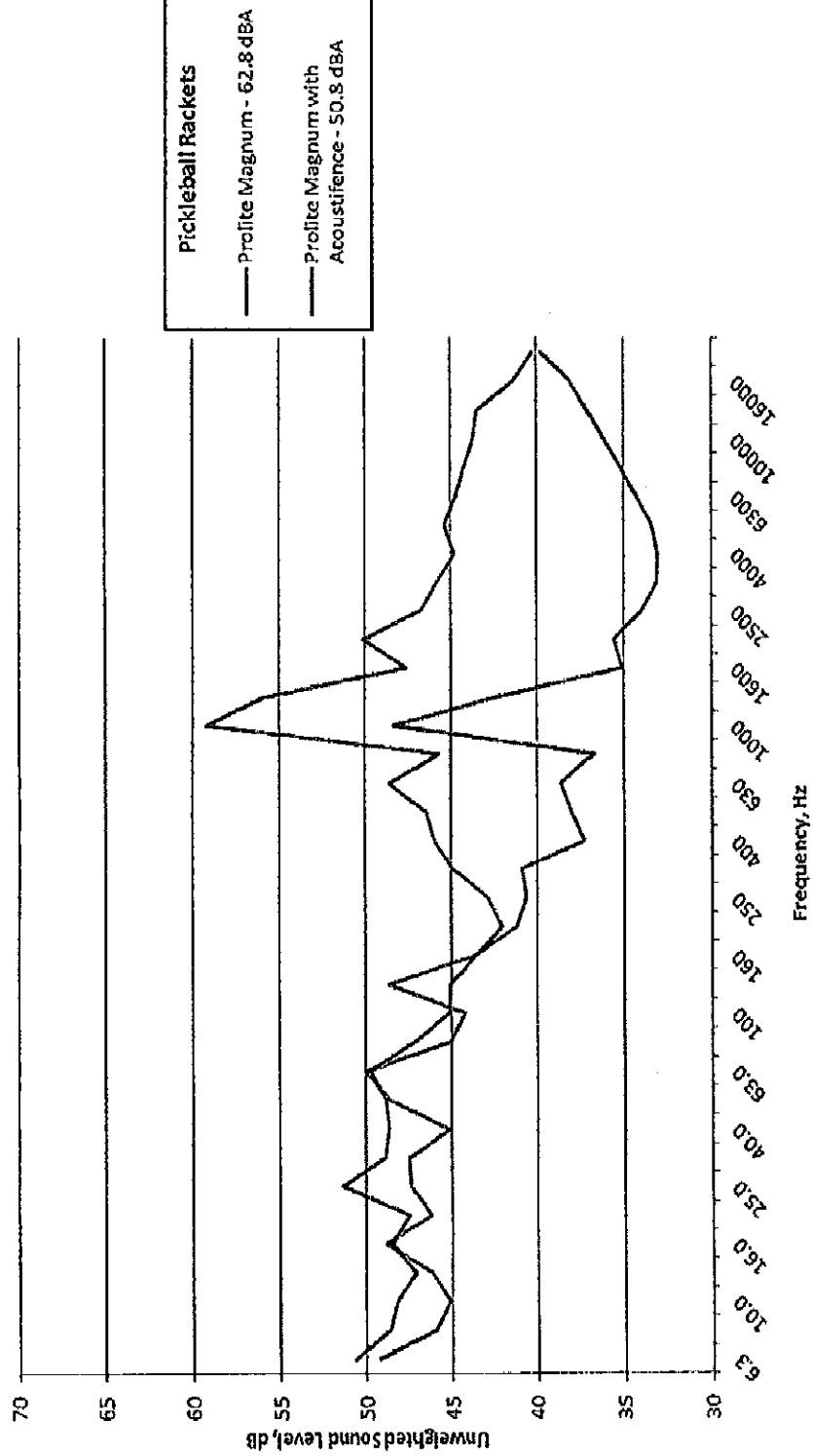


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-10. Measured One-Third Octave Band Sound Levels with and without Acoustifence



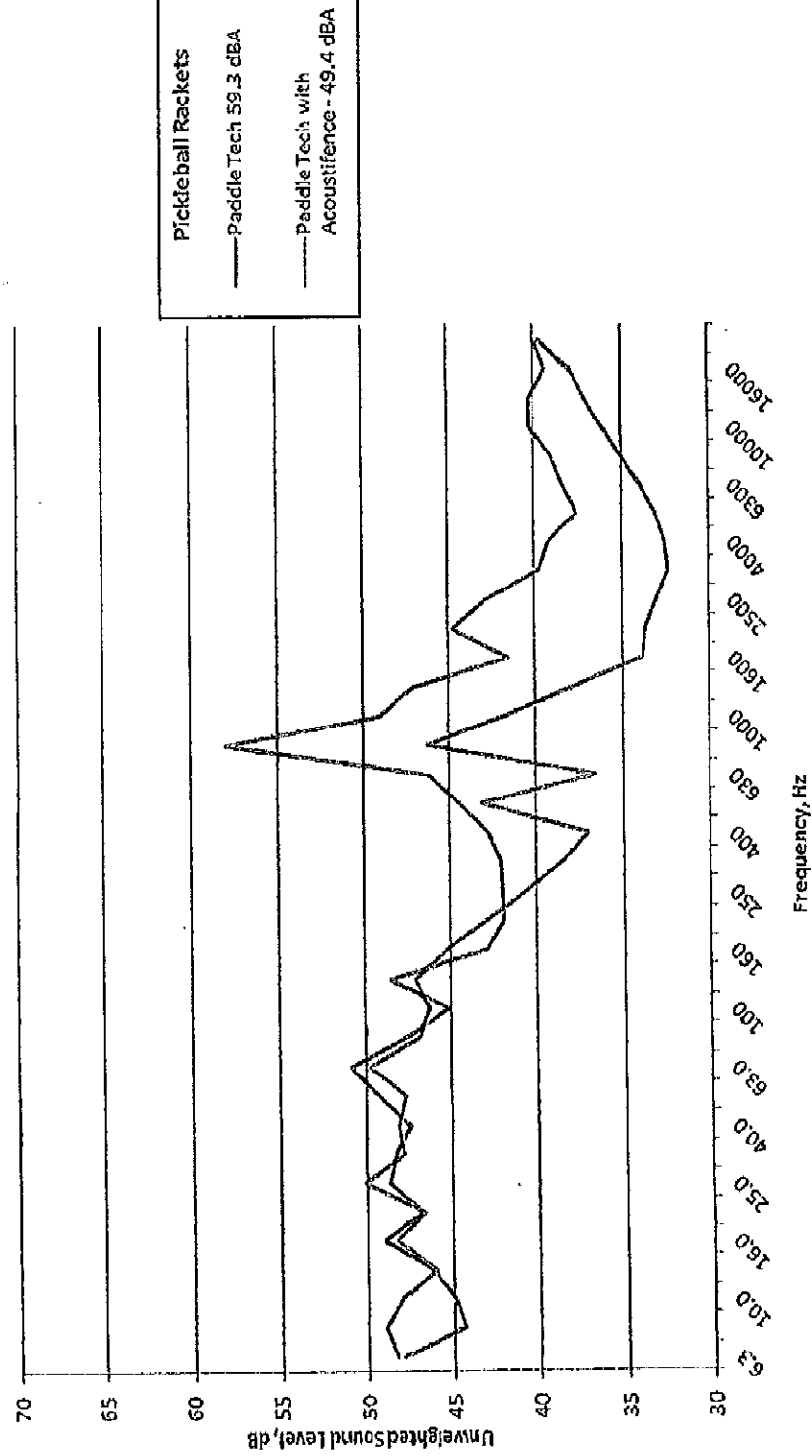
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-11. Measured One-Third Octave Band Sound Levels with and without Acoustifence



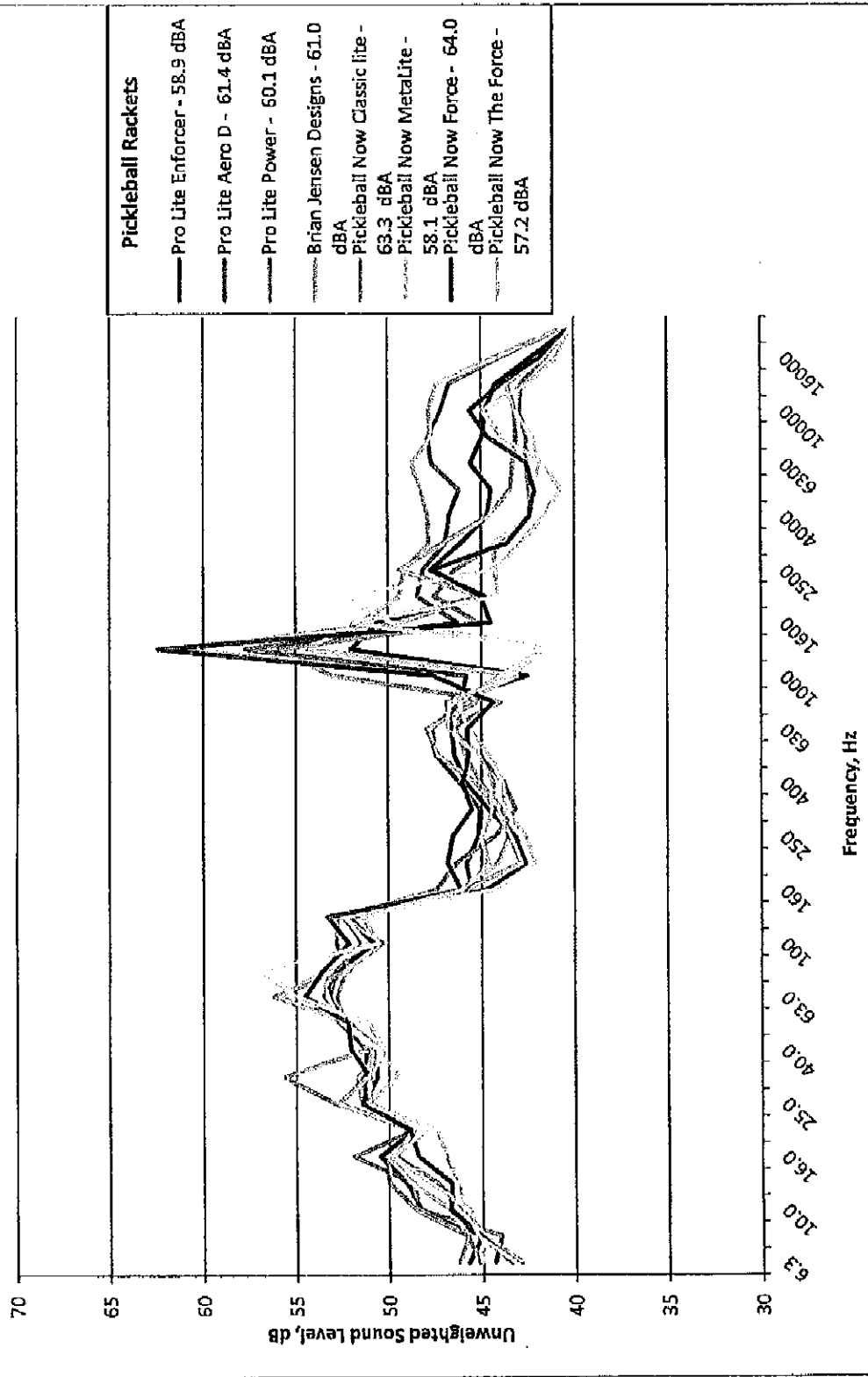
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-12. Measured One-Third Octave Band Sound Levels with New Racket Types
without Acoustifence - 8/22/12

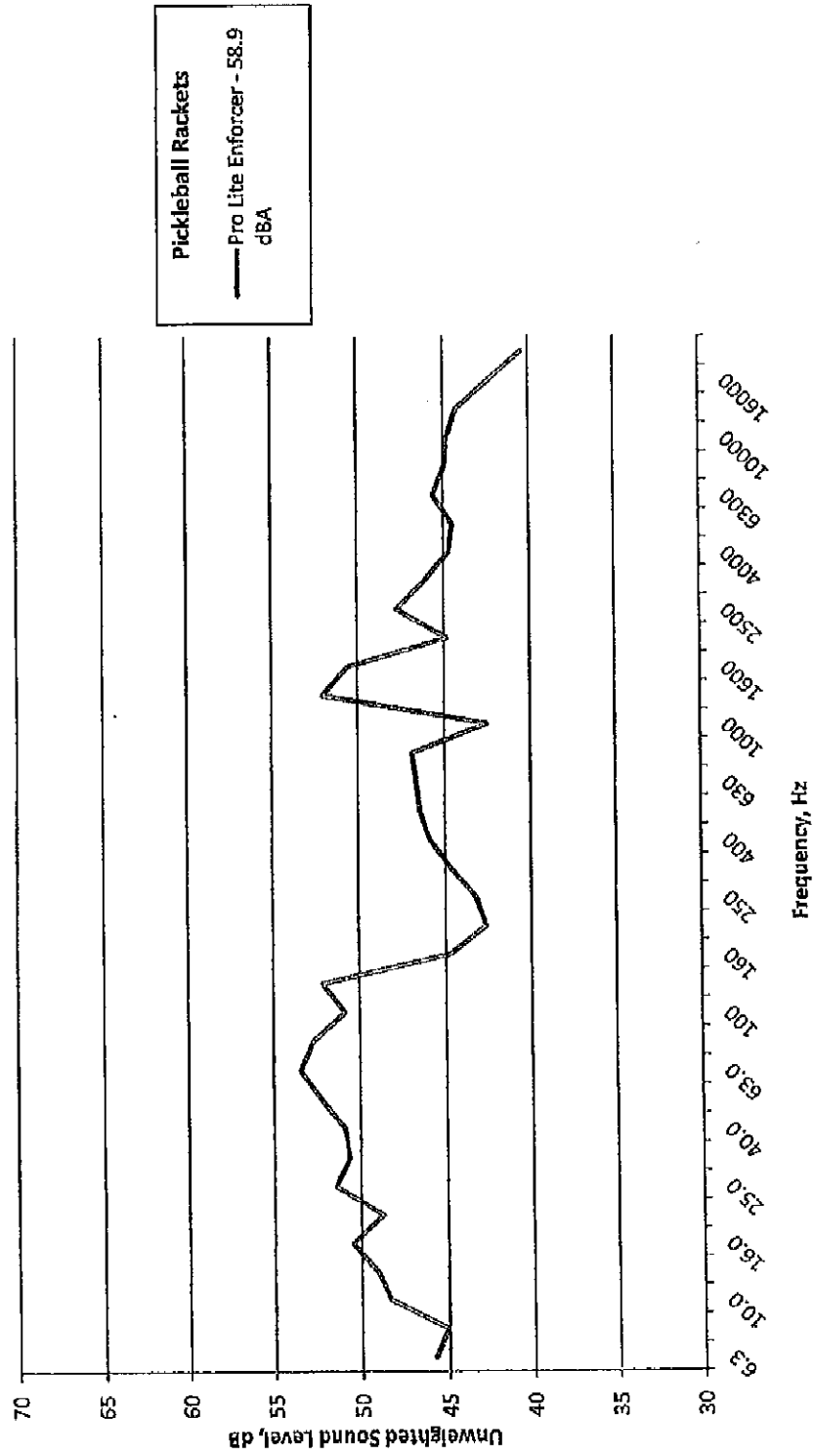


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-13. Measured One-Third Octave Band Sound Levels with Pro Lite Enforcer



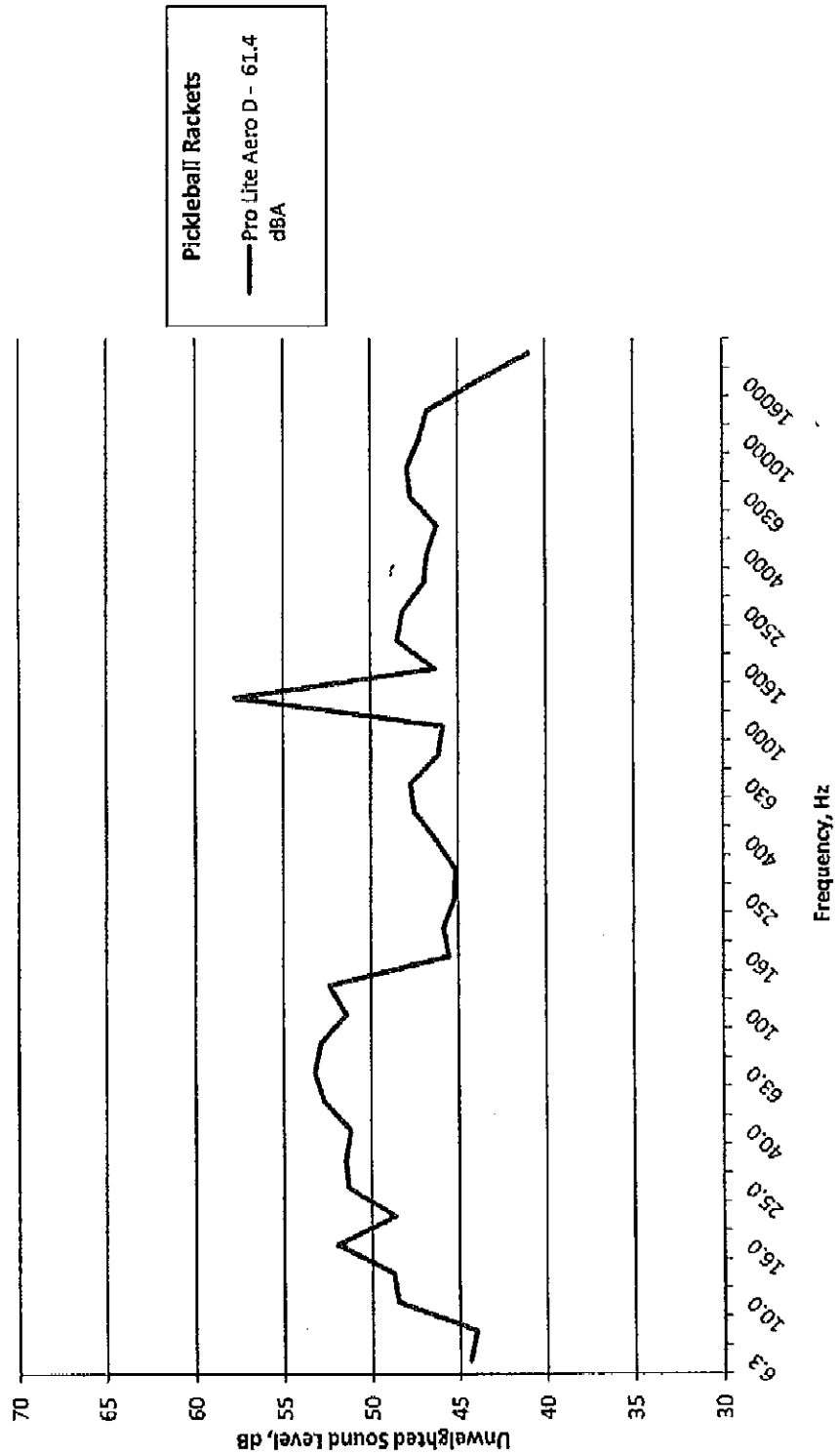
September 9, 2012
For Sun City Grand Use Only
Not for Public Release

ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax



SUN CITY GRAND PICKLEBALL NOISE STUDY

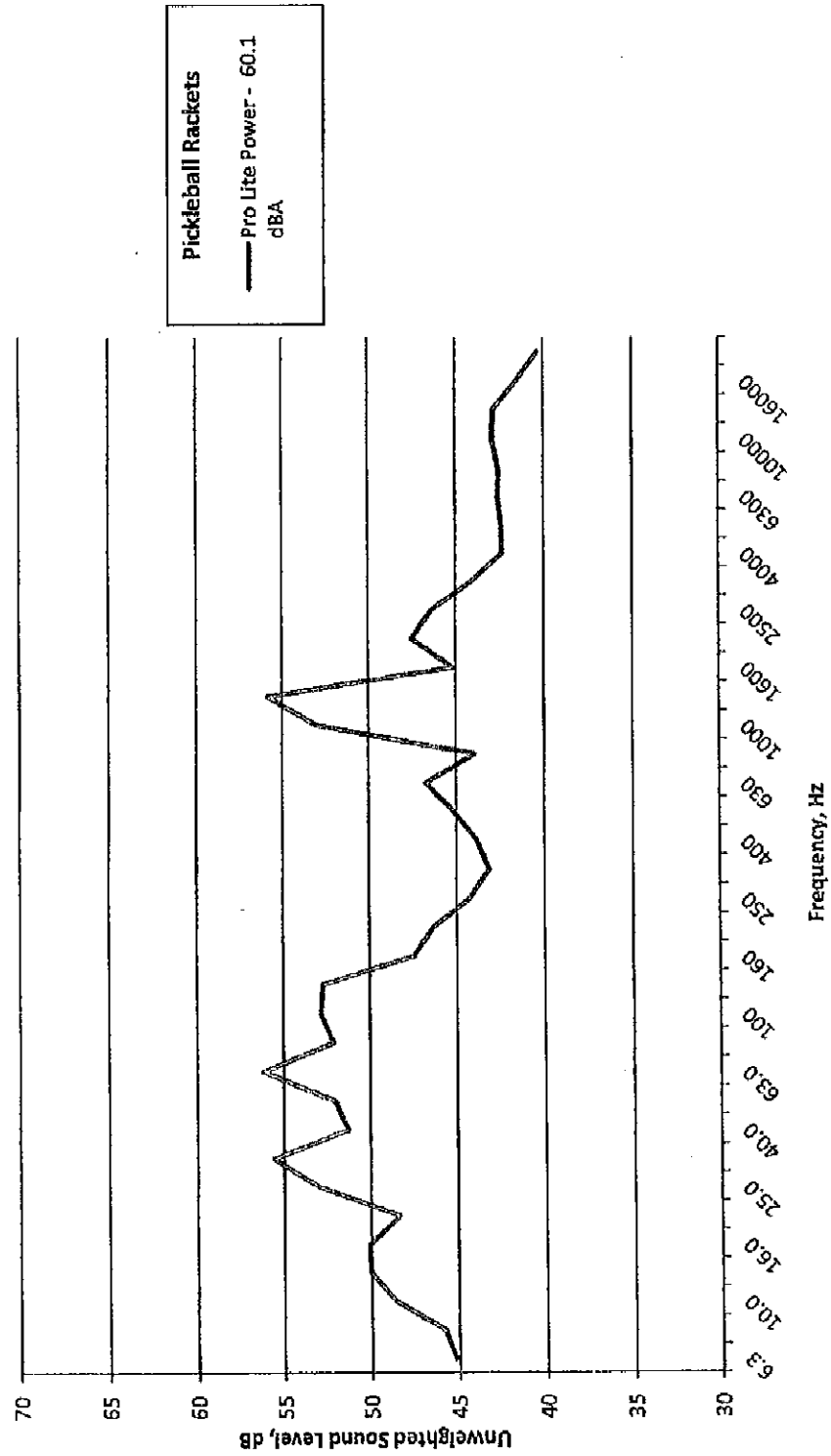
Figure X-14. Measured One-Third Octave Band Sound Levels with Pro Lite Aero D



September 9, 2012
For Sun City Grand Use Only
Not for Public Release

SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-15. Measured One-Third Octave Band Sound Levels with Pro Lite Power

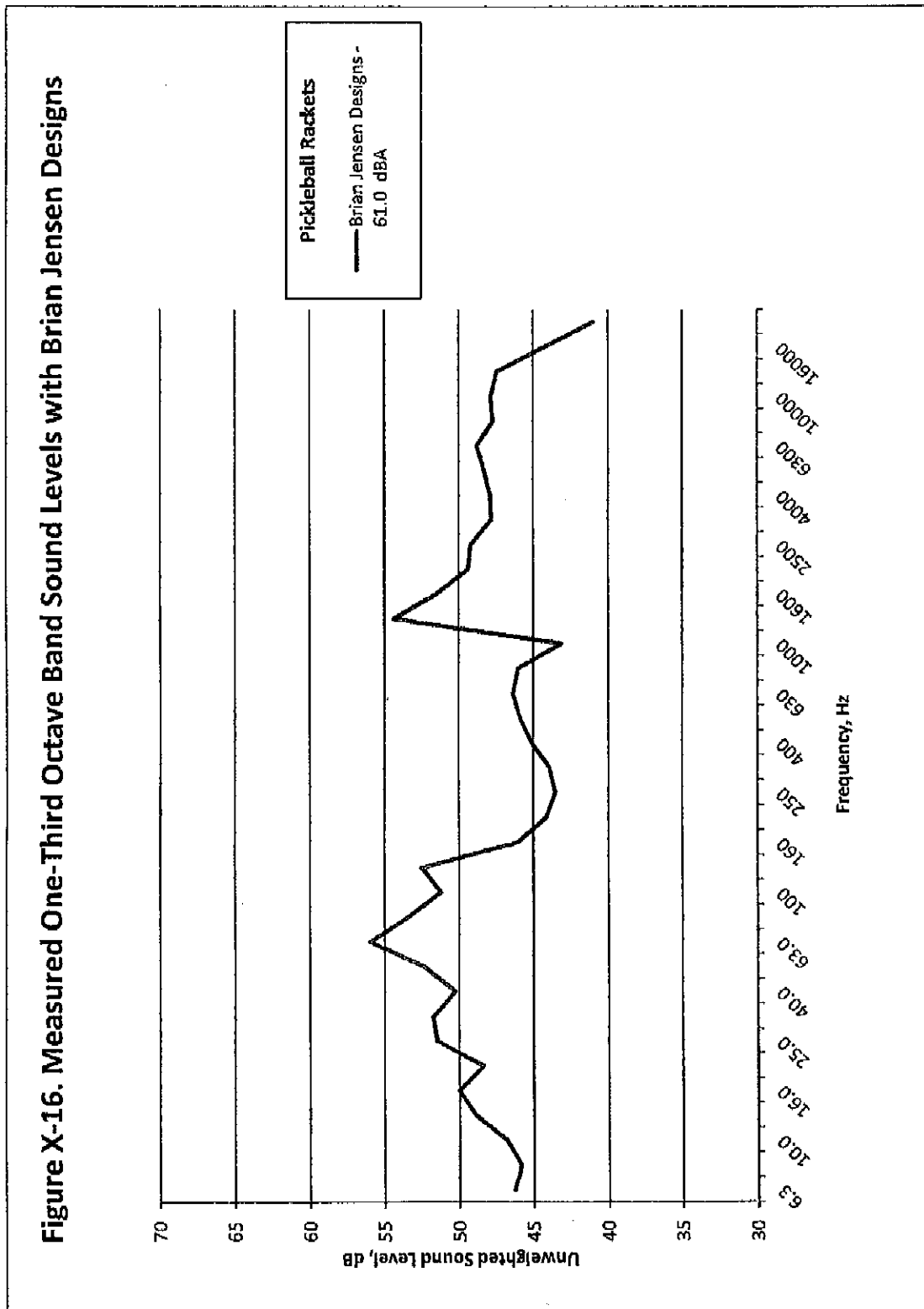


ACOUSTICS GROUP, INC.
 877.595.9888 - Voice
 877.595.9889 - Fax

September 9, 2012
 For Sun City Grand Use Only
 Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

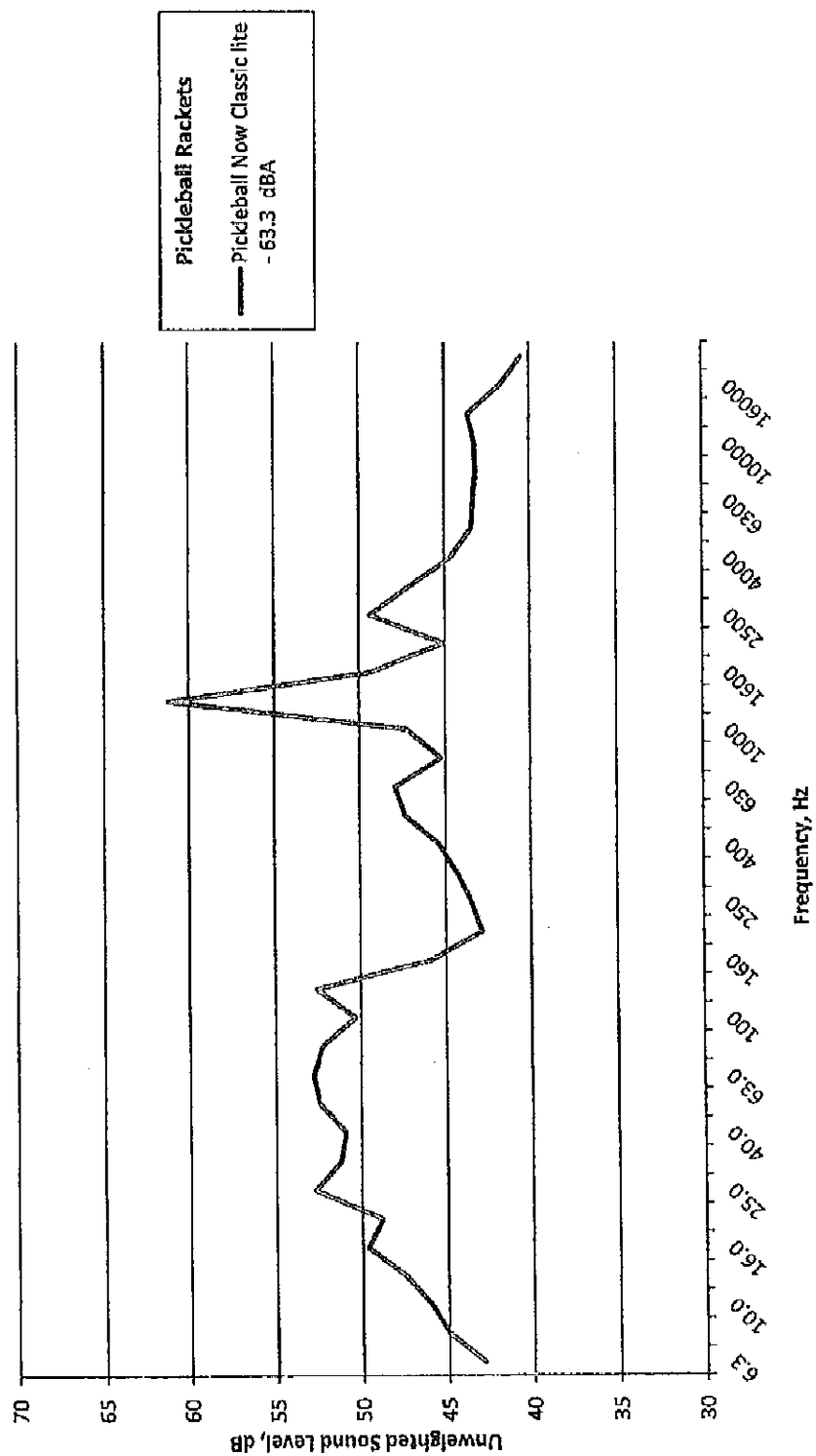


September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

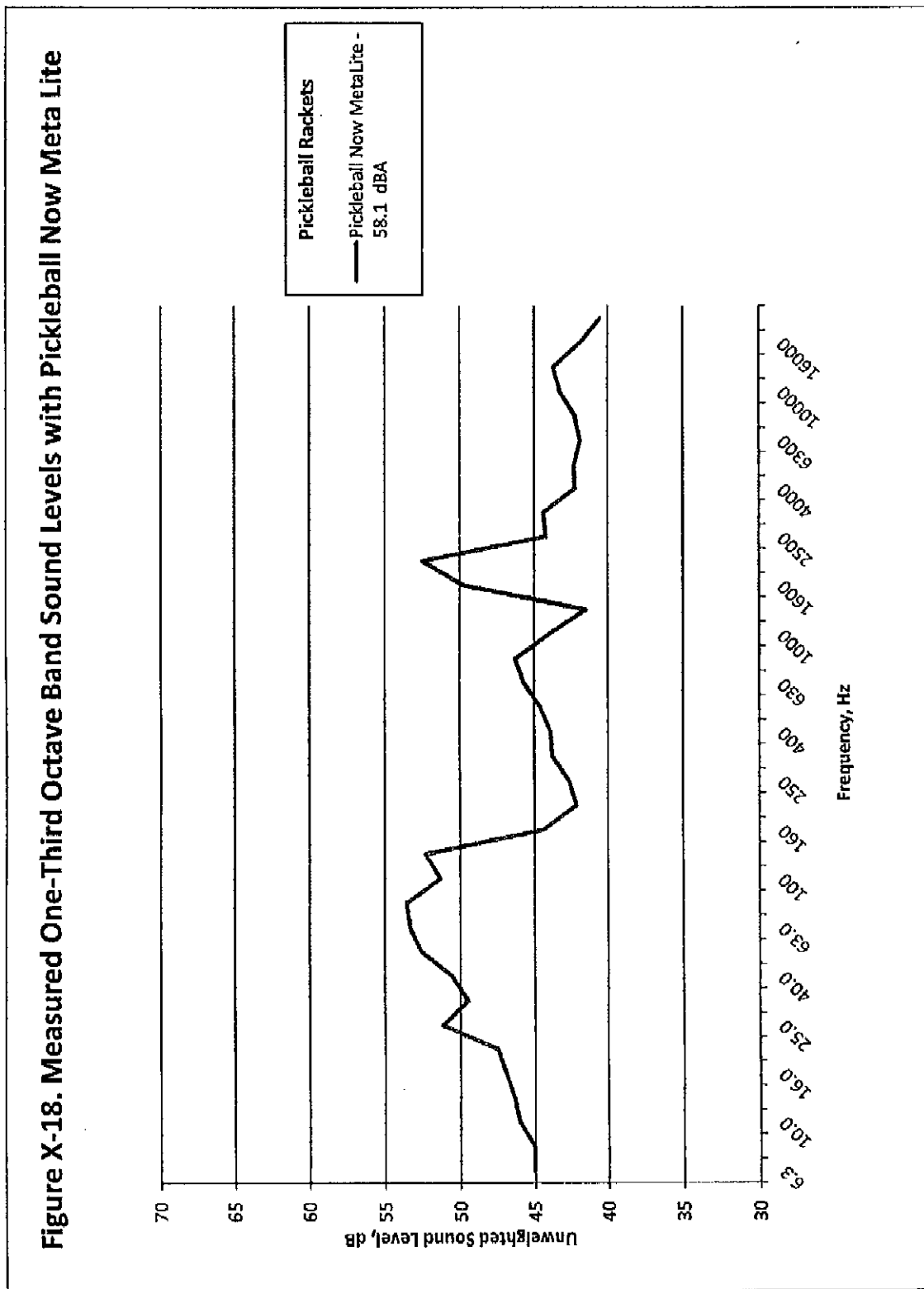
Figure X-17. Measured One-Third Octave Band Sound Levels with Pickleball Now Classic lite



September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY



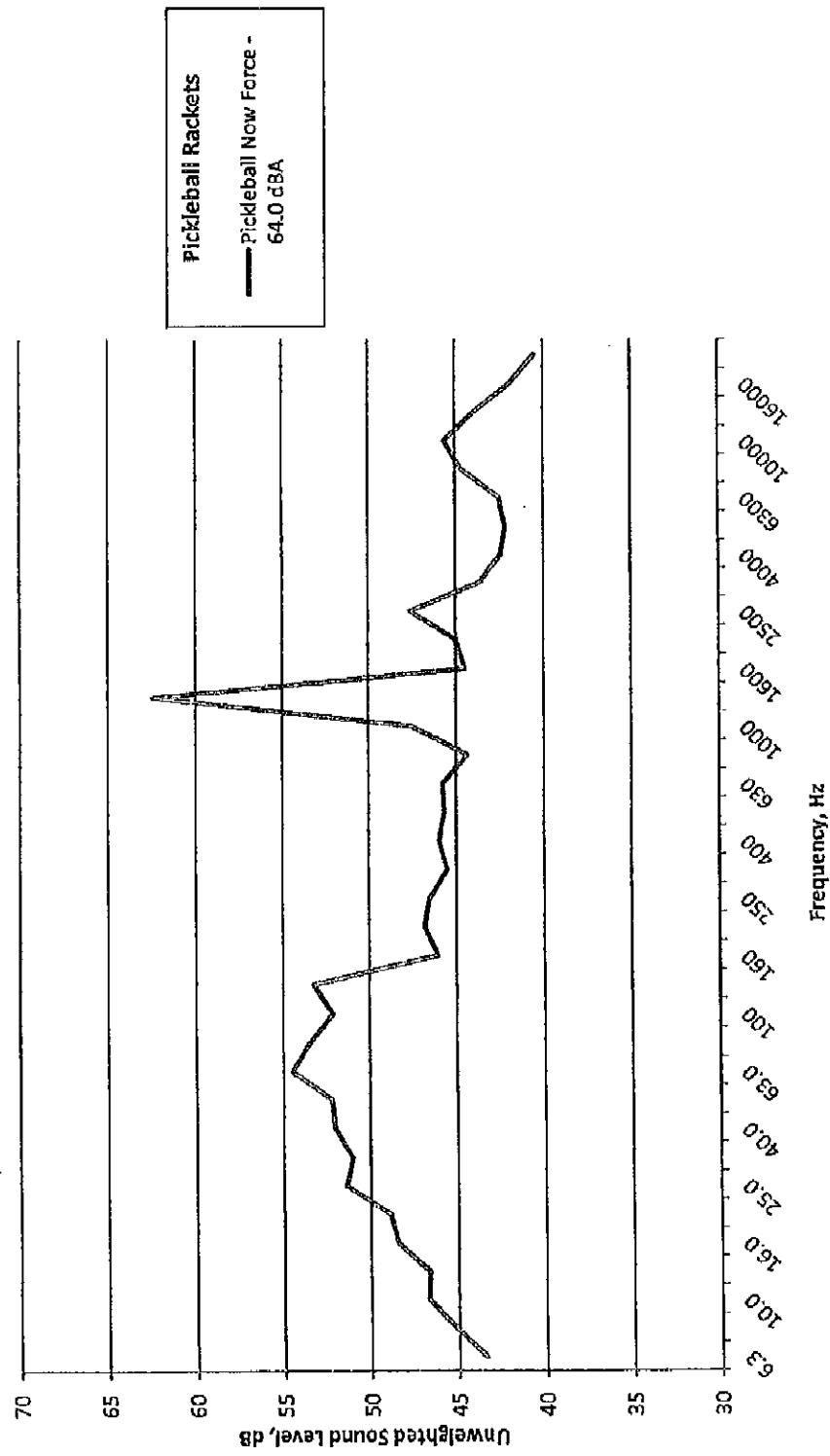
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-19. Measured One-Third Octave Band Sound Levels with Pickleball Now Force



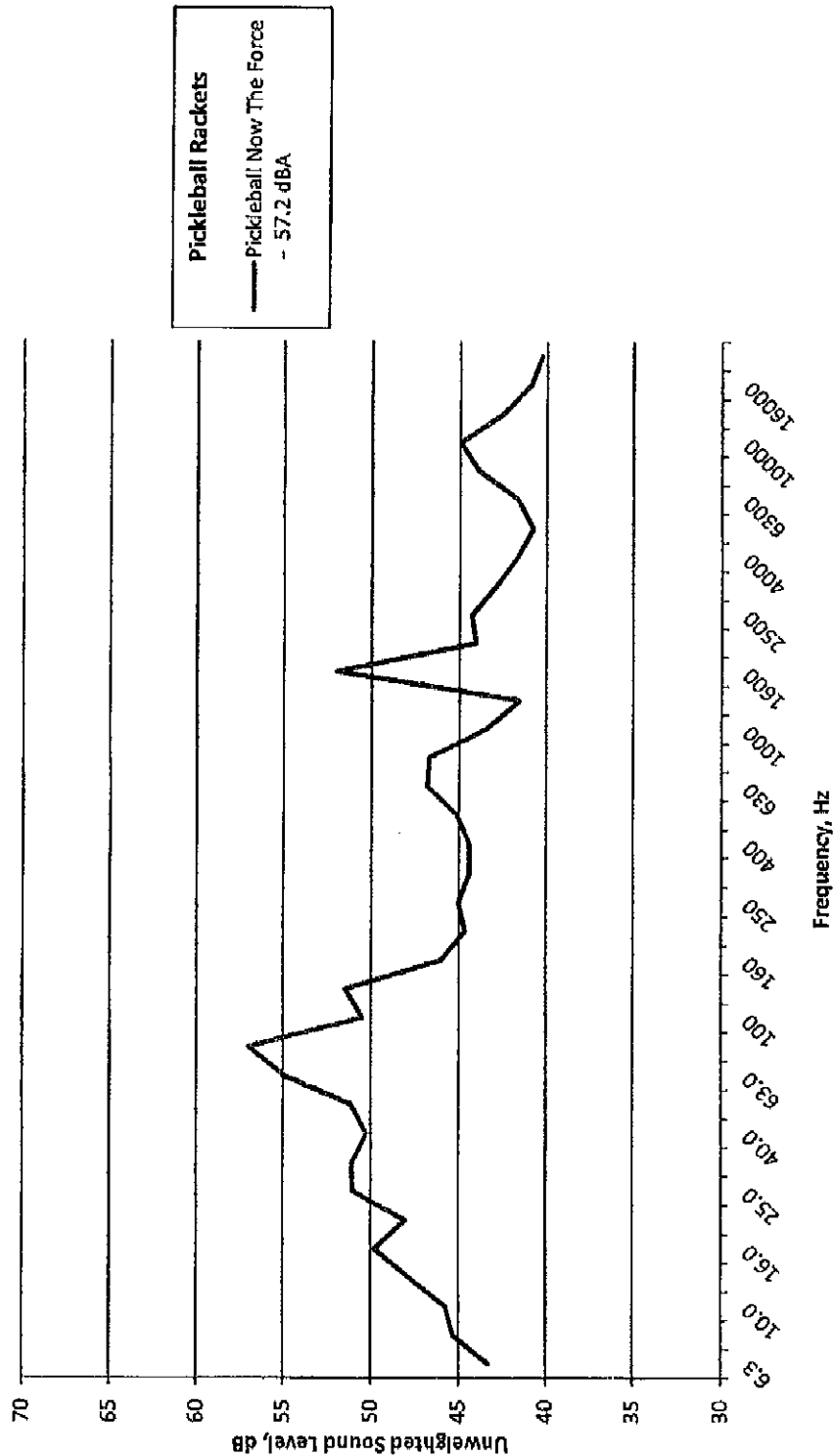
ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

September 9, 2012
For Sun City Grand Use Only
Not for Public Release



SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-20. Measured One-Third Octave Band Sound Levels with Pickleball Now The Force



September 9, 2012
For Sun City Grand Use Only
Not for Public Release

ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax

TECHNICAL MEMORANDUM

August 7, 2019

Caleb Schneider
Management Analyst

City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

Transmitted electronically to: cschneider@cityofpacificgrove.org

Subject: Environmental Noise Assessment – Morris Dill Courts Pickleball Noise
Reference: Extant Project No. 190423.01

1 Introduction

The City of Pacific Grove has received comments from residence surrounding the Morris Dill Courts (courts), expressing concern over the noise generated by the on-going pickleball at the Courts. As a result of the expressed concern over the pickleball noise, the City of Pacific Grove is evaluating treatment options for helping control the noise levels in the surrounding community. Extant Acoustical Consulting LLC (Extant) was retained to conduct site specific noise assessment for the project location, prepare a computerized noise model to evaluate potential noise barrier configurations and provide a recommended treatment option. This memorandum presents the approach and methodology for the analysis, applicable regulatory criteria and the findings of the analysis. Appendix A provides a description of the metrics and terminology used in this report along with a discussion of acoustical fundamentals.

2 Regulatory Setting

The City of Pacific Grove has developed goals, policies, programs and thresholds with the intent of controlling and diminishing environmental noise and protecting inhabitants from exposure to excessive noise levels. These standards and guidelines are contained in the City of Pacific Grove General Plan and Municipal Code.

General Plan noise standards applicable to this project are contained within the Noise section of the Health and Safety Element (Chapter 10.14). Specifically, General Plan Program LL requires new proposed stationary noise sources to not exceed average hourly noise levels of 50 dBA or 45 dBA respectively during Daytime and Nighttime periods; and maximum noise levels of 70 dBA or 65 dBA during Daytime and Nighttime periods respectively. Program PP of the General Plan works to maintain consistency of the City's noise ordinance with the General Plan. And Program QQ provides for continued support of the City's noise ordinance as a means of enforcing inappropriate or unnecessary noise.

The primary noise standards contained within the City of Pacific Grove Municipal Code are enumerated in section 11.96.010. The standards provide a subjective basis for evaluating noise within the City, and are presented below:

- (a) *The level of the noise;*
- (b) *The intensity of the noise;*

- (c) Whether the nature of the noise is usual or unusual;*
- (d) Whether the origin of the noise is natural or unnatural;*
- (e) The level and intensity of the background noise, if any;*
- (f) The proximity of the noise to residential sleeping facilities;*
- (g) The nature and zoning of the area within which the noise emanates;*
- (h) The density of the inhabitation of the area within which the noise emanates;*
- (i) The time of the day or night the noise occurs;*
- (j) The duration of the noise;*
- (k) Whether the noise is recurrent, intermittent, or constant; and*
- (l) Whether the noise is produced by a commercial or noncommercial activity.*

2.1 Additional Criteria Discussion

As presented above, the City of Pacific Grove General Plan noise standards include 24-hour day-night noise levels (Ldn), hourly equivalent average noise levels (Leq) and maximum noise levels (Lmax). Due to the nature of the pickleball hit/impact, evaluating the sounds based on an averaged sound pressure level does not accurately represent the level of annoyance or human perception. The maximum noise level standard contained within Figure 10-7 of the General Plan would be the most appropriate City of Pacific Grove noise standard currently in place. However, sounds that are impulsive and tonal nature, such as the pickleball impacts are often more readily perceptible in the background noise environment, leading to a greater level of annoyance. To account for this increased perception many jurisdictions apply a 5 dB penalty to sounds that are tonal or impulsive, as called out in the ASTM International E1686. The more current American National Standards Institute (ANSI) S12.9, Part 4 also calls for a 5 dB adjustment to the sound exposure level of regularly impulsive sounds.

The noise standards contained within the City of Pacific Grove Municipal code, for the determination of unlawful noises provide significant context for the evaluation of noise within the City; however, the subjective nature of the standards are not easily transited for use in a quantitative evaluation of noise. As such, the Municipal Code noise standards are not applied within this analysis.

To aid in the evaluation of the pickleball noise mitigation effectiveness, this analysis will rely on the application of the City of Pacific Grove maximum stationary noise criteria and ANSI S12.9 Parts 4 and 5.

3 Noise Monitoring Survey

An existing noise survey was conducted by Extant from May 27th to May 29th, 2019 to document the existing noise environment in the neighborhood surrounding the Morris Dill Courts. Specific consideration was given to document existing noise sources levels of the pickleball activities at the Morris Dill Courts and at nearby noise-sensitive uses. Noise measurements were performed in accordance with ANSI and ASTM International guidelines. Measurements were performed at a total of nine measurement locations in the study area.

Noise measurements were performed using Larson Davis Laboratories (LDL) Model 831, Type 1 precision integrating sound level meters (SLMs). Field calibrations were performed on the SLMs with acoustic calibrators before and after the measurements. Equipment used meets all pertinent specifications of ANSI S1.4-1983 (R2006) for Type 1 SLMs. All instrumentation components, including microphones, preamplifiers and field calibrators have laboratory certified calibrations traceable to the National Institute of Standards and Technology (NIST).

Figure 1 shows the locations of each of the noise measurement sites on an aerial photograph of the study area, with the project location shown for context. On the figure, the long-term noise measurement sites are represented as LT-1; short-term measurement sites are represented as ST-1 through ST-8. Microphones were located 5 ft. above the ground, an average height for a person standing. The following sections separately discuss and report the results for the long-term and short-term monitoring.

3.1 Long-Term Monitoring

As noted above and shown in Figure 1, long-term noise monitoring was positioned and conducted to characterize and provide a representative sample of the pickleball source-noise levels. The noise measurements at long-term site spanned from May 27th through May 29th, 2019. Weather during the measurement period was fair. Winds during the measurement period ranged from calm to periods with wind ranging from 0-8 mph, with a few periods of isolated gusts. The temperature averaged 58°F for the measurement period. No precipitation was experienced during the measurement period.

Noise monitoring data is summarized below in Table 1 – Noise Monitoring Summary; detailed results from the Long-term monitoring are presented in Appendix B, in both tabular and graphical form. Monitoring results are described using noise level descriptors: Leq, which is the average sound level with equivalent sound energy as a continuous sound at that level; Lmax, which is the maximum sound level that occurred during the measurement period; and L90, the sound level exceeded 90% of the time, which also closely represents the background noise environment.

The long-term monitoring location was affected by traffic on the local roadway network, general community noise (pedestrians, dogs, kids playing, etc.), aircraft overflights, and noise levels from use of the Morris Dill Courts. Day-night noise levels were approximately 55 to 56 dBA Ldn with hourly average noise levels ranging from 33 dBA Leq to 61 dBA Leq.

3.2 Short-Term Noise Monitoring

Short-term noise monitoring was conducted to provide additional insight into the noise environment within the study area. Additionally, the short-term noise monitoring data provides key information about behavior of sound in the surrounding community and relative exposure at various locations in the project vicinity.

Short-term noise monitoring was performed by Extant on May 28th, 2019 during two (2) scheduled pickleball sessions. The short-term monitoring program documented the existing noise environment and source at eight (8) locations surrounding the Morris Dill Courts. Ambient-noise survey locations are shown in Figure 1. Noise levels and observations for the measurement environment were documented; noise levels recorded at each short-term noise monitoring location are presented in Table 1.

The primary noise source affecting the noise monitoring locations was vehicular traffic on the local roadway network and activity at the Morris Dill Courts (pickleball). Additional noise sources experienced during the noise-monitoring program included general community activities and aircraft overflights. Average noise levels during the short-term monitoring periods ranged from approximately 47 to 61 dBA Leq.

Environmental Noise Assessment – Morris Dill Courts Pickleball Noise**Table 1 – Noise Monitoring Summary**

Average Noise Level, dBA ¹							
Site	Location	Start Time	Ldn	Leq	Lmax	L50	L90
Long-term Monitoring							
LT-1	Western edge of Morris Dill Courts	05/27/2019 – 05/28/2019	54.9	55.4 (43.8)	72.5 (61.7)	45.6 (35.1)	40.7 (33.5)
		05/28/2019 – 05/29/2019	55.9	55.0 (47.0)	75.4 (64.5)	45.2 (34.6)	40.6 (33.1)
Short-term Monitoring – 05/28/2019							
ST-1	609 Fountain Avenue	9:30 AM	-	61.1	75.9	57.4	50.8
ST-2	Fountain Apartments	9:30 AM	-	53.0	69.9	47.6	43.5
ST-3	523 Gibson Avenue	10:10 AM	-	55.4	72.0	51.6	45.3
ST-4	511-515 Gibson Avenue	10:10 AM	-	54.6	69.4	49.4	43.6
ST-5	488 Gibson Avenue	11:00 AM	-	49.3	64.5	45.9	42.7
ST-6	605 14 th Street	11:00 AM	-	48.7	67.5	45.1	42.6
ST-7	465-475 Gibson Avenue	11:40 AM	-	49.6	64.5	42.0	40.0
ST-8	502-520 Sinex Avenue	11:40 AM	-	46.8	59.3	42.7	40.8

Notes: dBA = A-weighted decibels; Ldn = average day-night level; Leq = average equivalent noise level; Lmax = maximum noise level; L50 = sound level exceeded 50% of the period; L90 = sound level exceeded 90% of the period.

Locations of noise monitoring sites are shown on Figure 1.

1- Average noise levels expressed for the long-term monitoring location are: daytime (nighttime)

Source: Extant Acoustical Consulting LLC, 2019

3.3 Pickleball Noise Levels

The noise monitoring data was post-processed to extract the pickleball specific noise levels experienced at each of the monitoring locations. Noise levels generated by the pickleball impacts ranged considerably depending on the player, paddle and ball. Documenting the specific paddles or balls in use at the time of the noise monitoring was beyond the scope of this analysis; however, noise levels are estimated to have been documented from several thousand hits/impacts over the course of the monitoring period. As such, the documented pickleball noise levels are considered to be representative of the paddle and ball combinations used at the Morris Dill Courts.

During the short-term monitoring period, noise levels directly attributable to pickleball hits/impacts were notated at each of the monitoring locations. The average and maximum sound pressure levels (SPL) that were directly attributable to the pickleball impact are summarized below in Table 2. Pickleball noise levels at the short-term monitoring location ST-8 were noted to be less than the existing background noise levels and did not result in a noticeable change in the SPL at that location; however, the pickleball hits remained audible on occasion.

As shown in Table 2, pickleball noise levels ranged from below background noise levels to approximately 76 dBA at the residential parcel nearest the Courts (609 Fountain Avenue). With the exception of the 609 Fountain Avenue residence, pickleball noise levels did not exceed the City of Pacific Grove General Plan Maximum Allowable Stationary Noise Level standard of 70 dBA Lmax.

The Pacific Grove 50 dBA Leq (equivalent hourly average) daytime noise level standard for stationary sources was approached or exceeded at short-term sites ST-1 through ST-5 and at ST-7; however, the overall average noise levels documented during the short-term monitoring periods were driven by the ambient background noise levels in the study area and not directly attributable to the pickleball activities. Pickleball noise levels at the long-term reference location documented pickleball source levels ranging from 58.2 to 60.2 dBA Leq during pickleball play. Using standard point source

Environmental Noise Assessment – Morris Dill Courts Pickleball Noise

propagation, this would result in pickleball noise levels at the short-term receivers ranging from approximately 40 to 57 dBA Leq. Propagated pickleball noise levels would exceed the City of Pacific Grove 50 dBA Leq standard at receivers ST1 (51.2 dBA), ST2 (52.6 dBA) and ST3 (56.7 dBA). Achieving compliance with the City of Pacific Grove 50 dBA Leq standard would require reductions of noise levels of by approximately 1, 3 and 7 dBA at ST-1 through 3 respectively.

Table 2 – Pickleball Impact Noise Levels

Site	Location	Sound Pressure Level, dBA				Required NLR ²
		Average	Max	Adjusted ¹	Design Threshold	
LT-1	Western edge of Morris Dill Courts	73.3	83.2	-	-	-
ST-1	609 Fountain Avenue	69.4	76.2	74.4	50	24
ST-2	Fountain Apartments	49.5	53.8	54.5	50	5
ST-3	523 Gibson Avenue	55.5	59.6	60.5	50	10
ST-4	511-515 Gibson Avenue	54.8	61.0	59.8	50	10
ST-5	488 Gibson Avenue	47.9	49.1	52.9	50	3
ST-6	605 14th Street	47.1	53.7	52.1	50	2
ST-7	465-475 Gibson Avenue	43.0	46.5	48.0	50	-
ST-8	502-520 Sinex Avenue	≤ ³	≤ ³	-	-	-

Notes: dBA = A-weighted decibels.

Locations of noise monitoring sites are shown on Figure 1.

1- Average sound pressure level with ANSI/ASTM impact adjustment.

2- Noise Level Reduction

3- Noise levels directly attributable to pickleball impacts were at or below the background noise levels or 38 to 40 dBA.

Source: Extant Acoustical Consulting LLC, 2019

As previously discussed, the impulsive nature of the pickleball hits would lend itself to a higher level of human perception within the ambient noise environment and annoyance. Application of the 5 dB adjustment as suggested in ANSI S12.9 would result in average adjusted pickleball noise levels ranging from approximately 48 dBA to 74 dBA at the measurement locations representing nearby noise-sensitive receptors.

ANSI 12.9 Part 5 recommends a design threshold of 55 dB; however, the ambient noise level in the vicinity of the Morris Dill Courts is relatively quiet and so the design threshold of 50 dB was used. The required noise level reduction to achieve the design thresholds was calculated to range from 2 to 24 dB. Achieving noise level reductions greater than 15 dB is not typically feasible with the use of barriers, as a result the analysis will focus on mitigation and treatment options to achieve up to 10 dB at the nearby noise-sensitive receptors.

4 Barrier Analysis

Extant Acoustical developed a three-dimensional computerized noise simulation model to evaluate the behavior of the pickleball noise within the surrounding area and the effectiveness of potential treatment options. The pickleball net configurations documented during the field survey and the recorded pickleball noise levels were used as the basis for the noise simulation modeling. Additional inputs to the model were based on a digital terrain model of the surrounding area and aerial photography. Pickleball noise sources were located within the model based on the observed configuration. Noise prediction receivers representing the noise monitoring locations and nearby noise-sensitive receptors were located within the model for reference.

Within the noise simulation model, two barrier layouts were evaluated for effectiveness. Based on our correspondence with the City, they intend to utilize a product that could be attached to the existing fence. The first barrier layout would include placing the barrier material on the fence of the western-most courts that were used for pickleball during the measurement and observation period; separated from the main portion of tennis courts by the existing interior fence. The second barrier layout would include placing the barrier material along the entirety of the Morris Dill Courts perimeter fencing. The barrier layouts are presented on Figure 2 and Figure 3.

The original material which was discussed for use for the fence treatment barrier was a non-absorptive reinforced visco-elastic polymer designed specifically for this purpose. However, as it would be necessary to apply the barrier material to all four sides of the Courts, use of a non-absorptive acoustical treatment option would result in a “parallel barrier effect” that would compromise the effectiveness of the barrier. A parallel barrier effect occurs when, as the name implies, multiple barriers are placed in a manner (typically parallel) in which the acoustic energy of a source in between the barriers is reinforced by the barriers themselves. To limit the compromising impact of the parallel barrier effect on the proposed barrier treatment, the barrier configuration can be modified, or an acoustically absorptive material can be used on the interior facing portions of the barriers. Information on potential barrier materials is provided as an attachment in Appendix C.

The barrier analysis evaluated various configurations, heights and absorption applications to develop the most effective configurations for the potential options. A summary of the barrier effectiveness analysis is provided in Table 3.

Environmental Noise Assessment – Morris Dill Courts Pickleball Noise**Table 3 – Barrier Effectiveness Analysis Summary**

Receiver		Noise Level Reduction (dB)					
		Inner Barrier			Outer Barrier		
No.	Description	Existing Fence Height	10-15 ft Non-Absorptive	8-12 ft Absorptive	Existing Fence Height	10-16 ft Non-Absorptive	8-13 ft Absorptive
ST-1	609 Fountain Ave	12	10	13	13	13	14
ST-2	Fountain Apartments	2	3	5	5	5	5
ST-3	523 Gibson Ave	6	10	10	6	11	10
ST-4	511-515 Gibson Ave	6	10	10	5	10	10
ST-5	488 Gibson Ave	8	10	12	5	4	6
ST-6	605 14th Street	8	9	11	6	4	6
ST-7	465-475 Gibson Ave	6	8	11	3	5	5
ST-8	502-520 Sinex Ave	1	2	3	2	3	3

Notes: dB = decibels.

Bold/Highlighted = Meets design criteria

Source: Extant Acoustical Consulting LLC, 2019

As shown above in Table 3, mounting the treatment along the existing fence heights, for both the inner and outer fence perimeter layouts, would not result in noise level reductions sufficient to meet the design goals for the project. Increasing the barrier height to range between 10 and 15 feet at the inner fence layout would meet the design goals of the project at all receivers with the exception of ST-1 and ST-2. Incorporating an absorptive treatment along the interior of the inner fence layout would allow for existing fence heights on the north, east and west fence lines, with the barrier height on the southern fence line being raised to 12 feet in height. The 8 to 12-foot absorptive treatment option would meet the project design goals at all receptors with the exception of ST1; which would not be feasible to achieve regardless of treatment.

For the outer perimeter fence layout, the most effective non-absorptive barrier configuration would require the installation of barrier material at heights ranging from 10 to 16 feet. With the incorporation of acoustically absorptive treatment on the interior of the barrier the required barrier heights to achieve the design goals would range from 8 to 13 feet. The acoustically absorptive barrier would allow for existing fence heights on the north, east and west fence lines, with the barrier height on the southern fence line being raised to 13 feet in height.

5 Conclusion

Extant Acoustical performed an assessment of the noise levels generated by the pickleball activity at the Morris Dill Courts in Pacific Grove. The noise level generated by the pickleball activity was documented at nine (9) locations in the vicinity of the Courts. The average noise level found to be generated by the pickleball paddle/ball impact during play was used as the basis for the noise source within the analysis. It should be noted that due to the variability in impacts from different paddle makes and models, it is expected that noise levels may be above or below the levels used in the analysis.

Pickleball noise levels generated at the Morris Dill Courts during the monitoring period were found to exceed the City of Pacific Grove Maximum Allowable Stationary Noise Level Standards at three of the receivers representing nearby noise-sensitive uses. Achieving compliance with the stationary noise standards is not expected to result in an appreciable reduction in the community reaction to the pickleball activity noise. To aid in the evaluation of community reaction, ANSI S12.9 part 4 and 5 were applied to develop project specific design goals anticipated to result in a more positive community reaction.

A computerized noise simulation model was developed and implemented to evaluate the pickleball noise levels and the effectiveness of various treatment options. The treatment options were evaluated based on their ability to achieve the design goals developed through the application of ANSI S12.9 part 4; with a goal of achieving feasible noise level reductions up to 10 dB in the surrounding community.

The findings of the barrier and treatment option analysis are summarized in Table 3. If the preferred option is to treat only the western-most court, the design goals can be met at 6 of the 8 receptors with a non-absorptive barrier or at 7 of the 8 receptors with an absorptive barrier. If the preferred option is to treat the entire outer perimeter of the Courts, the design goals can be met at 7 of the 8 receptors with either a non-absorptive barrier or absorptive barrier. It is our recommendation to incorporate an acoustically absorptive noise barrier to help limit the “parallel barrier effect”. The recommended barrier configurations for the inner and outer barrier layouts are presented in Figure 2 and Figure 3.

It should be noted that achieving the design goals developed for this project, based on ANSI S12.9 part 4, would result in significant reductions in pickleball noise levels in the surrounding community. However, due to the tonal and repetitive impact nature of the noise, it is reasonable to expect the pickleball impacts to remain audible during quiet ambient noise periods.

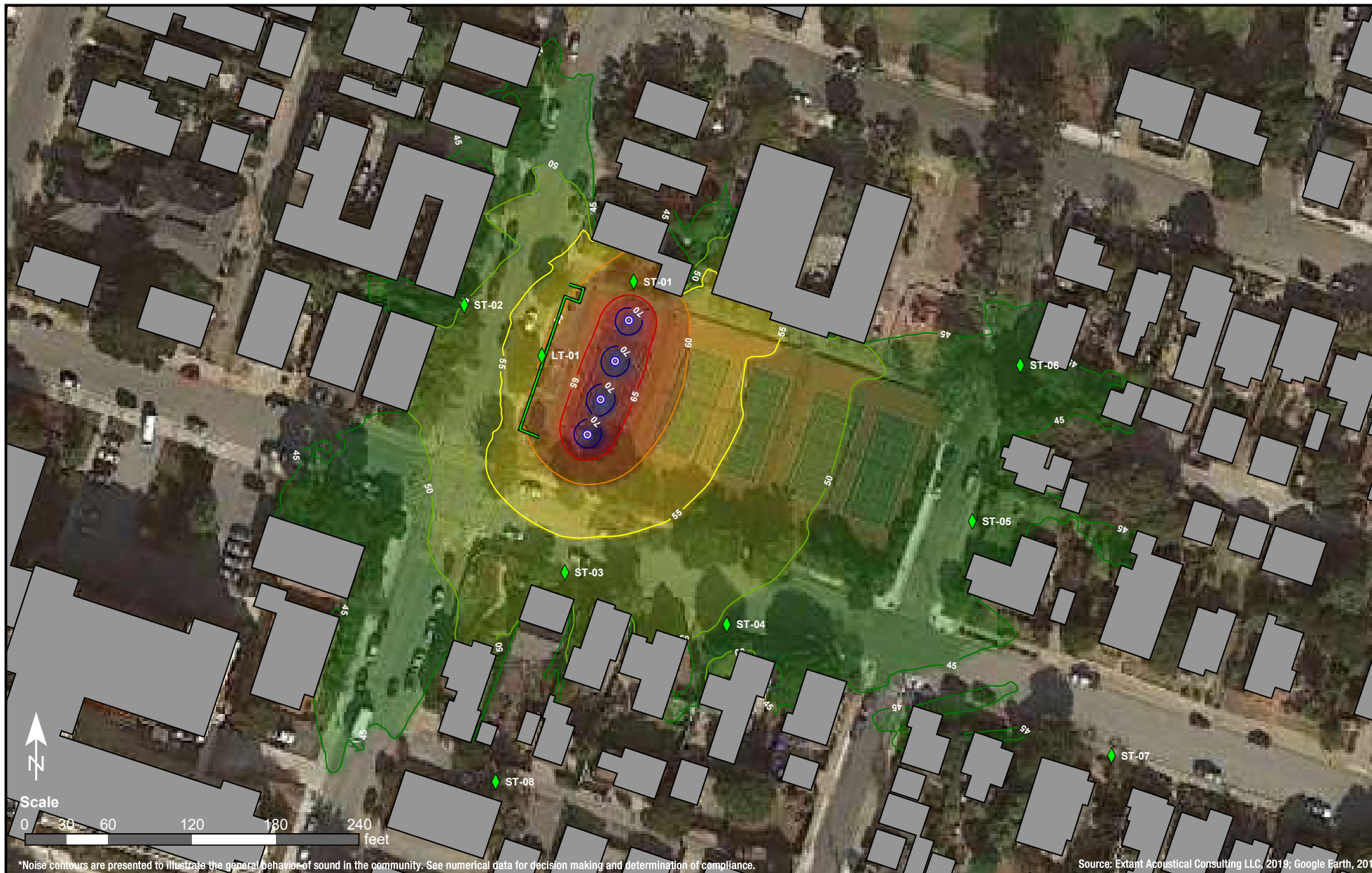
If you should have any questions or would like to discuss any aspect of this memorandum, please contact me via email at mcarr@extantacoustical.com or via phone at (916) 520-4322.

Respectfully,

EXTANT ACOUSTICAL CONSULTING LLC



Michael J. Carr, INCE, CTS
Principal Consultant



Signs and Symbols

- Point source
- Receiver
- Building
- Wall

Noise Level Leq,1h, dB(A)

	45 - 50
	50 - 55
	55 - 60
	60 - 65
	65 - 70
	≥ 70

Figure 1

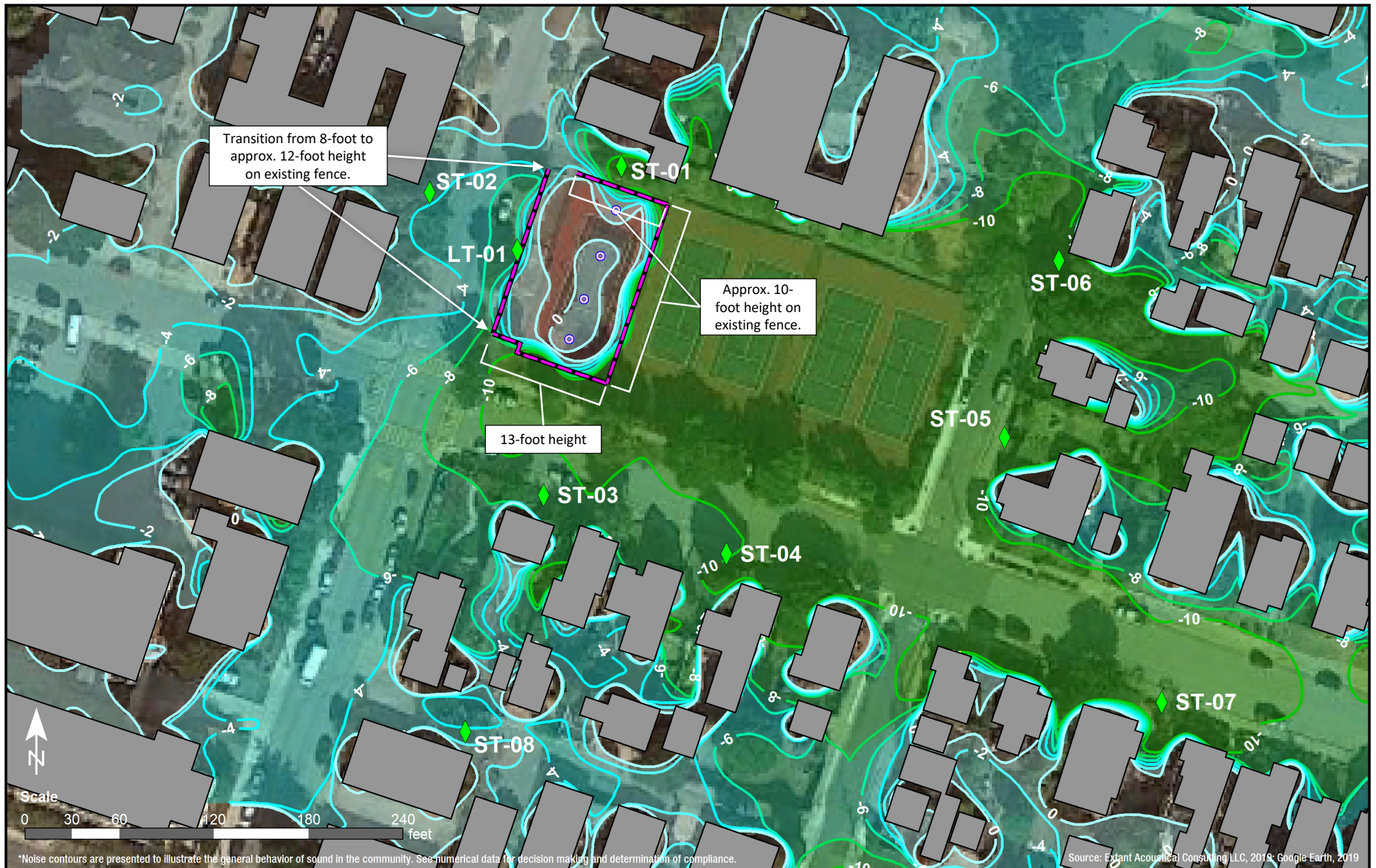
Noise Monitoring Locations and Existing Pickleball Conditions
Loudest Hourly Noise Level Contours, dBA Leq,1h
Additional Description

City of Pacific Grove
 Morris Dill Pickleball

City of Pacific Grove, CA

EXTANT ACOUSTICAL
 CONSULTING LLC

Published: 8/1/2019
 Engineer: MJC



Signs and Symbols

- Point source
- Receiver
- Building
- Noise Barrier

Difference level in dB(A)

	≤ -10
	$-10 < \leq -8$
	$-8 < \leq -6$
	$-6 < \leq -4$
	$-4 < \leq -2$
	$-2 < \leq 0$
	$0 <$

Figure 2

Noise Level Reductions - Inner Barrier Layout

8-13 foot tall Absorptive Noise Barrier
Noise Level Difference Contours, dB

City of Pacific Grove
Morris Dill Pickleball

City Pacific Grove, CA

EXTANT ACOUSTICAL
CONSULTING LLC

Published: 8/1/2019
Engineer: MJC



Signs and Symbols

- Point source
- Receiver
- Building
- Noise Barrier

Difference level in dB(A)

	≤ -10
	$-10 < \leq -8$
	$-8 < \leq -6$
	$-6 < \leq -4$
	$-4 < \leq -2$
	$-2 < \leq 0$
	$0 <$

Figure 3

Noise Level Reductions - Outer Barrier Layout

8-12 foot tall Absorptive Noise Barrier
Noise Level Difference Contours, dB

City of Pacific Grove
Morris Dill Pickleball

City Pacific Grove, CA

EA EXTANTACOUSTICAL
CONSULTING LLC

Published: 8/1/2019
Engineer: MJC

Appendix A

Noise Fundamentals and Description of Noise Metrics

A.1 Noise Fundamentals

A.1.1 A-weighted Sound Level, dBA

Loudness is a subjective quantity that enables a listener to order the magnitude of different sounds on a scale from soft to loud. Although the perceived loudness of a sound is based somewhat on its frequency and duration, chiefly it depends upon the sound pressure level. Sound pressure level is a measure of the sound pressure at a point relative to a standard reference value; sound pressure level is always expressed in decibels (dB), a logarithmic quantity.

Another important characteristic of sound is its frequency, or “pitch.” This is the rate of repetition of sound pressure oscillations as they reach our ears. Frequency is expressed in units known as Hertz (abbreviated “Hz” and equivalent to one cycle per second). Sounds heard in the environment usually consist of a range of frequencies. The distribution of sound energy as a function of frequency is termed the “frequency spectrum.” The frequency spectrum of sound is often represented as the sum of the sound energy in frequency bands that are one octave or 1/3-octave wide. An octave represents a doubling of frequency.

The human ear does not respond equally to identical noise levels at different frequencies. Although the normal frequency range of hearing for most people extends from a low of about 20 Hz to a high of 10,000 Hz to 20,000 Hz, people are most sensitive to sounds in the voice range, between about 500 Hz to 2,000 Hz. Therefore, to correlate the amplitude of a sound with its level as perceived by people, the sound energy spectrum is adjusted, or “weighted.”

The weighting system most commonly used to correlate with people's response to noise is “A-weighting” (or the “A-filter”) and the resultant noise level is called the “A-weighted noise level” (dBA). A-weighting significantly de-emphasizes those parts of the frequency spectrum from a noise source that occurs both at lower frequencies (those below about 500 Hz) and at very high frequencies (above 10,000 Hz) where we do not hear as well. The filter has very little effect, or is nearly “flat,” in the middle range of frequencies between 500 and 10,000 Hz. A-weighted sound levels have been found to correlate better than other weighting networks with human perception of “noisiness.” One of the primary reasons for this is that the A-weighting network emphasizes the frequency range where human speech occurs, and noise in this range interferes with speech communication. The figure below shows common indoor and outdoor A-weighted sound levels and the environments or sources that produce them.

A.1.2 Equivalent Sound Level, Leq

The Equivalent Sound Level, abbreviated Leq, is a measure of the total exposure resulting from the accumulation of A-weighted sound levels over a particular period of interest -- for example, an hour, an 8-hour school day, nighttime, or a full 24-hour day. However, because the length of the period can be different depending on the time frame of interest, the applicable period should always be identified or clearly understood when discussing the metric. Such durations are often identified through a subscript, for example Leq1h, or Leq (24).

Leq may be thought of as a constant sound level over the period of interest that contains as much sound energy as (is “equivalent” to) the actual time-varying sound level with its normal peaks and valleys. It is important to recognize, however, that the two signals (the constant one and the time-varying one) would sound very different from each other. Also, the “average” sound level suggested by Leq is not an arithmetic value, but a logarithmic, or “energy-averaged” sound level. Thus, the loudest events may dominate the noise environment described by the metric, depending on the relative loudness of the events.

A.1.3 Statistical Sound Level Descriptors, Ln

Statistical descriptors of the time-varying sound level are often used instead of, or in addition to Leq to provide more information about how the sound level varied during the time period of interest. The descriptor includes a subscript that indicates the percentage of time the sound level is exceeded during the period. The L50 is an example, which represents the sound level exceeded 50 percent of the time, and equals the median sound level. Another commonly used descriptor is the L10, which represents the sound level exceeded 10 percent of the measurement period and describes the sound level during the louder portions of the period. The L90 is often used to describe the quieter background sound levels that occurred, since it represents the level exceeded 90 percent of the period.

A.1.4 DNL (Day-Night Noise Level)

The 24-hour Leq with a 10 dB “penalty” applied during nighttime noise-sensitive hours, 10:00 p.m. through 7:00 a.m. The DNL attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.

A.1.5 CNEL (Community Noise Equivalent Level)

The CNEL is similar to the DNL described above, but with an additional 5 dB “penalty” for the noise-sensitive hours between 7:00 p.m. to 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically 0.5 dB higher than the DNL.

A.1.6 SEL (Sound Exposure Level)

The SEL describes the cumulative exposure to sound energy over a stated period of time. Typically used to compare dissimilar noise events or to determine the effect of exposure to multiple events.

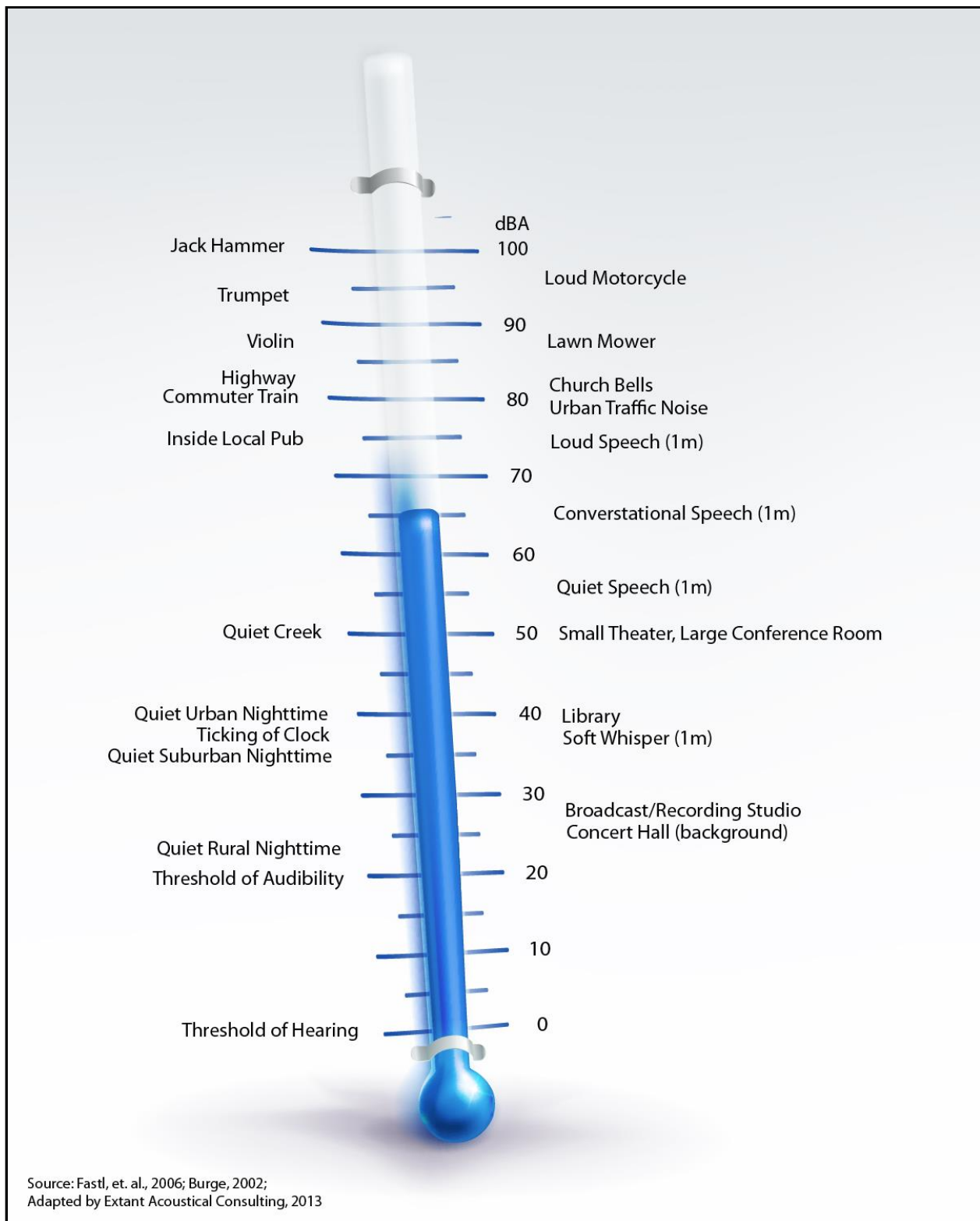


Exhibit 1 – Typical Noise Levels

A.1.7 Sound Propagation

As sound (or noise) propagates from the source to the receptor, the attenuation, or manner of noise reduction in relation to distance, depends on surface characteristics, atmospheric conditions, and the presence of physical barriers. The inverse square law describes the attenuation caused by the pattern of sound traveling from the source to the receptor. Sound travels uniformly outward from a point source in a spherical pattern with an attenuation rate of 6 dBA per doubling of distance. However, from a line source (e.g., a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate of 3 dBA per doubling of distance. The surface characteristics between the source and the receptor may result in additional sound absorption and/or reflection. Atmospheric conditions such as wind speed, temperature, and humidity may affect noise levels.

Furthermore, the presence of a barrier between the source and the receptor may also attenuate noise levels. The actual amount of attenuation depends on the barrier size and frequency of the noise. A noise barrier may be any natural or human-made feature such as a hill, tree, building, wall, or berm.

A.1.8 Effects of Noise on Humans

Excessive and chronic exposure to elevated noise levels can result in auditory and non-auditory effects in humans. Auditory effects of noise on people are those relating to temporary or permanent noise induced hearing loss. Non-auditory effects of exposure to elevated noise levels are those relating to behavioral and physiological effects. The non-auditory behavioral effects of noise on humans is primarily associated with the subjective effects of annoyance, nuisance, and dissatisfaction; which lead to interference with activities such as communications, sleep, and learning. The non-auditory physiological health effects of noise on humans has been the subject of considerable research efforts attempting to discover correlations between exposure to elevated noise levels and health problems, such as hypertension, and cardiovascular disease. The mass of research infers that noise-related health issues are predominantly the result of behavioral stressors (physiological) and not a direct noise-induced response. The degree to which noise contributes to non-auditory health effects remains a subject of considerable research, with no definitive conclusions.

The degree to which noise results in annoyance and interference, is highly subjective and may be influenced by a number of non-acoustic factors. The number and effect of these non-acoustic environmental and physical factors varies depending on individual characteristics of the noise environment including sensitivity, level of activity, location, time of day, length of exposure, etc. One key aspect in the prediction of human response to new noise environments is the individual level of adaptation to an existing noise environment. The greater change in noise levels which are attributed to a new noise source, relative to the environment an individual has become accustomed too, the less tolerable new noise source will be viewed.

With regard to human perception of increases in sound levels expressed in dB, a change of 1 dB is generally not perceivable excluding controlled conditions and pure tones. Outside of controlled laboratory conditions the average human ear barely perceives a change of 3 dB. A change of 5 dB generally fosters a noticeable change in human response, and an increase of 10 dB is subjectively heard as a doubling of loudness.

Appendix B

Long-term Noise Monitoring Data

Appendix B-1
Long-Term 24 Hour Continuous Noise Monitoring



Project: Pacific Grove - Morris Dill Pickleball Courts

Date: May 27, 2019 to May 28, 2019

Site:

Hour	Leq	Lmax	L50	L90		
12:00	60.9	76.6	44.0	38.7		
13:00	52.3	74.3	43.7	38.6		
14:00	50.0	71.2	44.4	40.3	Daytime (7 a.m. - 10 p.m.)	
15:00	51.1	72.3	44.6	40.3	Nighttime (10 p.m. - 7 a.m.)	
16:00	55.0	74.7	48.4	40.6		
17:00	51.9	72.8	44.7	40.6		
18:00	48.2	70.2	41.8	37.5	Daytime (7 a.m. - 10 p.m.)	
19:00	49.8	69.5	41.0	36.5	Nighttime (10 p.m. - 7 a.m.)	
20:00	48.3	69.1	36.4	34.4		
21:00	46.1	69.4	35.6	34.2		
22:00	45.5	68.3	35.1	33.8		
23:00	39.6	63.3	35.0	33.7	Daytime (7 a.m. - 10 p.m.)	
0:00	38.3	62.8	34.0	32.9	Nighttime (10 p.m. - 7 a.m.)	
1:00	36.0	54.3	34.5	33.1		
2:00	36.2	49.0	34.3	33.3		
3:00	35.3	56.1	33.6	32.8		
4:00	37.5	61.6	34.4	32.8		
5:00	45.3	68.2	36.0	34.4		
6:00	50.6	72.1	38.7	34.8		
7:00	51.4	73.4	42.1	35.8		
8:00	54.7	71.9	48.6	42.3		
9:00	59.6	71.5	57.0	51.5		
10:00	59.1	74.5	56.7	51.9		
11:00	58.2	76.2	54.8	47.1		

Lowermost Level			
Leq	Lmax	L50	L90
46.1	69.1	35.6	34.2
35.3	49.0	33.6	32.8

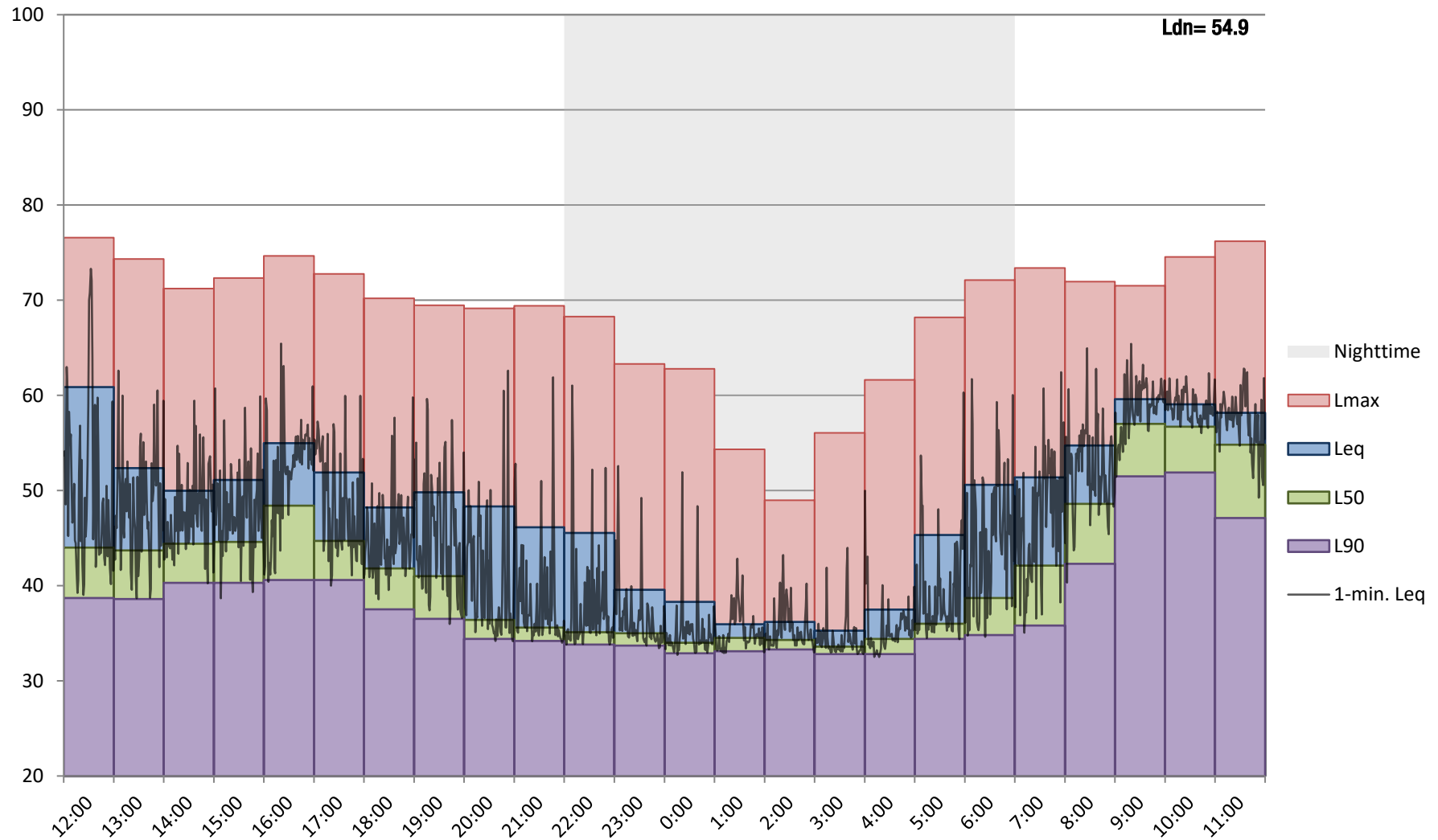
Average Level			
Leq	Lmax	L50	L90
55.4	72.5	45.6	40.7
43.8	61.7	35.1	33.5

Uppermost-Level			
Leq	Lmax	L50	L90
60.9	76.6	57.0	51.9
50.6	72.1	38.7	34.8

Energy Distribution	
Daytime	96%
Nighttime	4%

Calculated L _{dn} , dBA
54.9

Appendix B-1
Pacific Grove - Morris Dill Pickleball Courts -
May 27, 2019 to May 28, 2019



Appendix B-2
Long-Term 24 Hour Continuous Noise Monitoring



Project: Pacific Grove - Morris Dill Pickleball Courts

Date: May 28, 2019 to May 29, 2019

Site:

Hour	Leq	Lmax	L50	L90		
12:00	53.0	77.2	46.9	41.9		
13:00	55.1	79.3	45.9	41.4		
14:00	53.7	74.3	46.5	40.9	Daytime (7 a.m. - 10 p.m.)	
15:00	59.9	75.2	57.5	52.7	Nighttime (10 p.m. - 7 a.m.)	
16:00	60.2	77.8	57.6	52.3		
17:00	55.4	74.9	46.7	39.5		
18:00	54.2	80.3	41.6	37.8	Daytime (7 a.m. - 10 p.m.)	
19:00	50.6	76.1	40.0	37.0	Nighttime (10 p.m. - 7 a.m.)	
20:00	48.5	71.8	37.4	35.7		
21:00	49.5	74.7	37.1	34.7		
22:00	47.7	74.6	36.0	34.5		
23:00	42.0	64.1	34.9	33.3	Daytime (7 a.m. - 10 p.m.)	
0:00	39.3	61.9	33.2	32.6	Nighttime (10 p.m. - 7 a.m.)	
1:00	36.0	60.8	33.4	32.7		
2:00	33.4	43.4	33.3	32.8		
3:00	38.3	64.1	32.6	31.9		
4:00	53.2	74.8	33.6	32.7		
5:00	43.0	65.2	34.2	33.1		
6:00	51.1	71.9	39.8	34.7		
7:00	55.0	79.0	42.5	36.4		
8:00	54.5	74.0	47.1	39.1		
9:00	52.2	71.3	43.5	38.9		
10:00	50.8	69.5	43.4	39.4		
11:00	52.5	75.6	44.8	41.1		

Lowermost Level			
Leq	Lmax	L50	L90
48.5	69.5	37.1	34.7
33.4	43.4	32.6	31.9

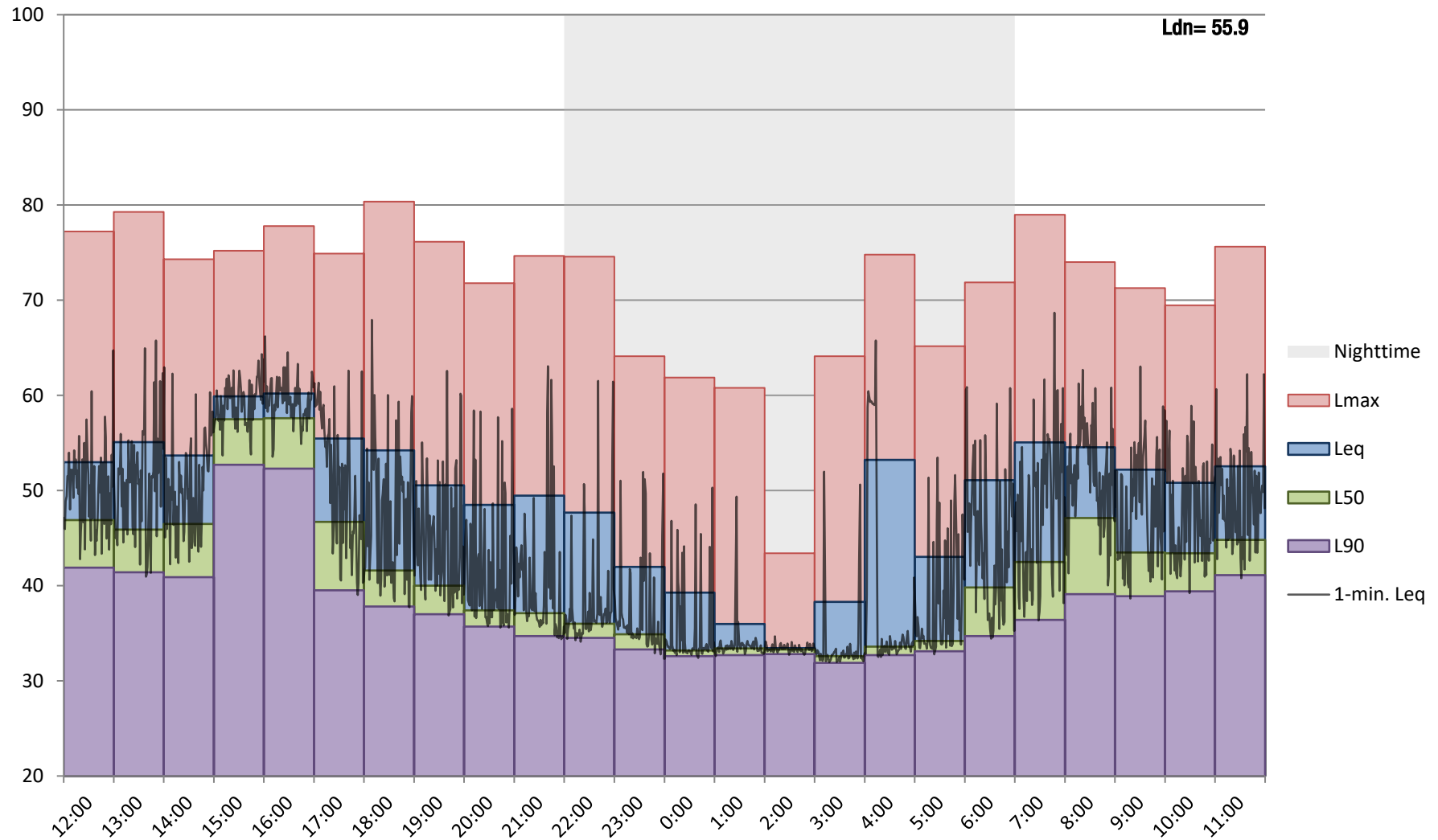
Average Level			
Leq	Lmax	L50	L90
55.0	75.4	45.2	40.6
47.0	64.5	34.6	33.1

Uppermost-Level			
Leq	Lmax	L50	L90
60.2	80.3	57.6	52.7
53.2	74.8	39.8	34.7

Energy Distribution	
Daytime	91%
Nighttime	9%

Calculated L _{dn} , dBA
55.9

Appendix B-2
Pacific Grove - Morris Dill Pickleball Courts -
May 28, 2019 to May 29, 2019



Appendix C

Product Information

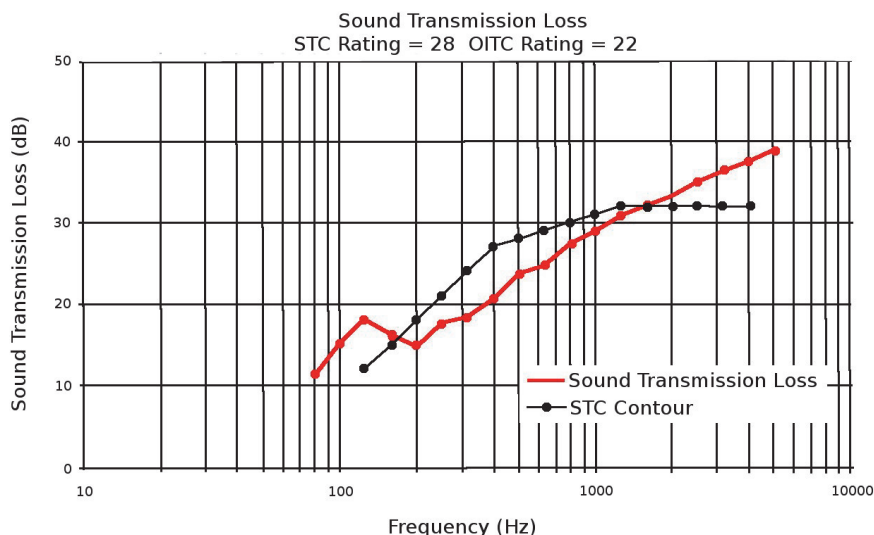
Acoustifence® Benefits and Specifications

- The material itself is lab tested STC value of 28, which represents over an 80% reduction in sound to the human ear. (Your results will be less as sound reflects off all surrounding materials or structures, i.e., buildings, trees, etc.)
- Works extraordinarily well at blocking direct line of sight sound.
- Far less sound reflected than solid walls.
- Installed or removed in less than one hour.
- To store, Acoustifence easily rolls up like a carpet into 12 in. roll.
- UV tolerant and does not support mold.
- Virtually indestructible, very resilient material.
- 100% recyclable
- Comprised of 100% recycled materials.
- Will accept most paint finishes.
- Includes qty. 70, 11 in. heavy duty 120 lb. (black) nylon ties; stainless steel ties are available.
- Can blend in with any background using our Acoustifence-Landscapes®.



Material Specifications – Part # “Acoustifence 6x30 Industrial”

Acoustical Rating	STC 28 / OITC 22
Size	6 ft. (1.83m) x 30 ft. (9.14m) x 0.125 in. (3mm) 180 ft² (16.72m²)
Weight	185 lbs. (84Kg)
Fastening	Black brass grommets every 6 in. (152mm) along top edge with four grommets spaced along the bottom edge. Commonly installed horizontally.
Color	Black or Forest Green
(This is an industrial product and minor surface blemishes are a possibility.)	



(Specifications and prices subject to change without notice.)

Acoustifence Installation Pictures

Below are pictures of installed Acoustifence for various types of projects.



King Fence, Inglewood, CA



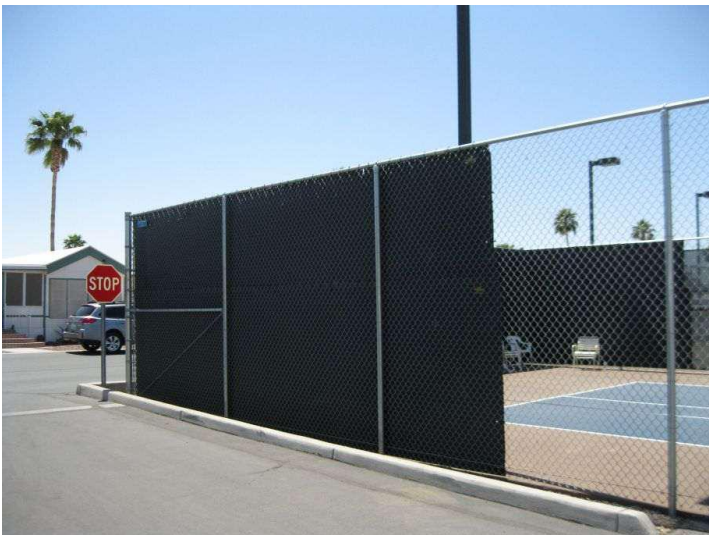
King Fence, Inglewood, CA



Residential installation on Chain Link



Commercial Installation around electrical Equipment



Pickle Ball Court



Dog Park

Spec Data Sheet

BBC-SERIES
NOISE BARRIERS/SOUND
ABSORBER COMPOSITES

BBC-13 Noise Barrier/Sound Absorber Composite

Sound Seal's BBC-13 offers the benefits of a noise barrier and a sound absorber. The BBC-13 consists of a reinforced 1-lb psf loaded vinyl noise barrier bonded to a 1" fiberglass that is quilted with a vinyl-coated-fiberglass-cloth facing. Curtain panels are constructed with grommets across the top and Velcro along the vertical edges. Rolls are available 54" wide x 25' long and can be supplied with edges bound or unbound.



- Class A flammability rated per ASTM E84
- Available facing colors: gray, tan, or black
- Available barrier colors: gray, tan, blue or olive

Applications:

Typically used as modular curtain panels in acoustical curtain enclosures where abuse resistance and excellent durability is required. Also used as sliding acoustical doors, durable acoustical jacket on fans or as sound curtain panels on outdoor construction projects. This composite material absorbs sound within an enclosed space and reduces the transmission of noise from that space.

Product Data:

Description	Vinyl coated fiberglass cloth facing quilted on 1" fiberglass/ 1lb-psf reinforced loaded vinyl barrier
Flammability	Flame Spread: 23.0 Smoke density: 30.0
Nominal thickness	1.0 inch
Temperature range	-20° to +180° F
Standard Roll size	54" wide x 25' long
Weight	1.22 lbs. psf

Acoustical Performance:

Sound Transmission Loss

Product	OCTAVE BAND FREQUENCIES (Hz)						STC
	125	250	500	1000	2000	4000	
BBC-13	11	16	24	30	35	35	27

ASTM E-90 & E 413

Sound Absorption Data

Product	OCTAVE BAND FREQUENCIES (Hz)						NRC
	125	250	500	1000	2000	4000	
BBC-13	.12	.47	.85	.84	.64	.62	.70

ASTM C 423

DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: September 16, 2021
General Plan Element: *Character and Design*
General Plan Goal: *Foster quality design that enhances Scottsdale as a unique southwestern desert community.*

ACTION

Terravita Pickleball and Bocce Courts 42-DR-1993#3	Request for approval to add two (2) pickleball courts and two (2) bocce courts to replace an existing croquet lawn.
---	---

SUMMARY

Staff Recommendation

Approve, subject to the attached stipulations (Attachment #6)

Key Issues

- None

Items for Consideration

- Conformance with Development Review Board Criteria
- Integration of Sensitive Design Principles
- Over 400 comment letters received as of the date of this report – over 290 in support of the request, 1 neutral comment, and over 110 in opposition of the request

BACKGROUND

Location: 34036 N 69th Wy

Zoning: R1-10 ESL

Adjacent Uses

North: Single-family residential dwellings zoned R1-10 ESL, directly adjacent to the property line

East: Single-family residential dwellings zoned R1-10 ESL, approximately 350 feet from the property line

South: Terravita Country Club open space zoned OS-ESL

West: Single-family residential dwellings zoned R1-10 ESL, approximately 280 feet from the property line



Property Owner

Terravita Country Club

Applicant

Richard Riffle, Terravita Country Club
(847) 873-5433

Acoustic Consultant

Robert Woo, Acoustic Group, Inc.

Engineer

Graham Engineering and Surveying, Inc.

DEVELOPMENT PROPOSAL

The applicant is requesting approval for two new pickleball courts and two new bocce ball courts to replace an existing croquet lawn at Terravita Country Club. Additionally, the applicant proposes to add twelve (12) foot tall noise reducing fencing around the pickleball courts to match the existing tennis courts. No new lighting is proposed.

The request was presented to the Development Review Board on July 15, 2021. The Board voted to continue the application to a later hearing date to allow the applicant additional time to address concerns regarding potential sound from the new courts.

The request was then presented to the Development Review Board on August 19, 2021. To address previous concerns, the sound engineer for the project, The Acoustic Group, and a subject matter expert engineer were present at the second hearing. The Board voted to continue the application to a later hearing date to allow the applicant additional time to meet with the Terravita homeowners to discuss concerns regarding sound from the new courts.

As of the writing of this report, staff has received over 290 comment letters in support of the request and over 110 comment letters in opposition of the request.

Development Review Board Criteria

Staff confirms that the development proposal generally meets the applicable Development Review Board Criteria. For a detailed analysis of the Criteria, please see Attachment #4.

STAFF RECOMMENDED ACTION

Staff recommends that the Development Review Board approve the Terravita Pickleball and Bocce Courts development proposal per the attached stipulations, finding that the Character and Design Element of the General Plan and Development Review Board Criteria have been met.

RESPONSIBLE DEPARTMENTS

Planning and Development Services
Current Planning Services

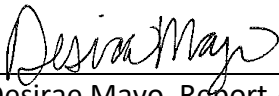
Community and Economic Development
Stormwater Management

STAFF CONTACTS

Desirae Mayo
Planner
480-312-4218 dmayo@ScottsdaleAZ.gov

Richard Anderson
Stormwater Engineering Manager
480-312-2729 Email: rianderson@scottsdaleaz.gov

APPROVED BY



Desirae Mayo, Report Author

8/25/2021

Date



Brad Carr, AICP, LEED-AP, Planning & Development Area Manager
Development Review Board Liaison

Phone: 480-312-7713 Email: bcarr@scottsdaleaz.gov

9/3/2021

Date



Randy Grant, Executive Director
Planning, Economic Development, and Tourism

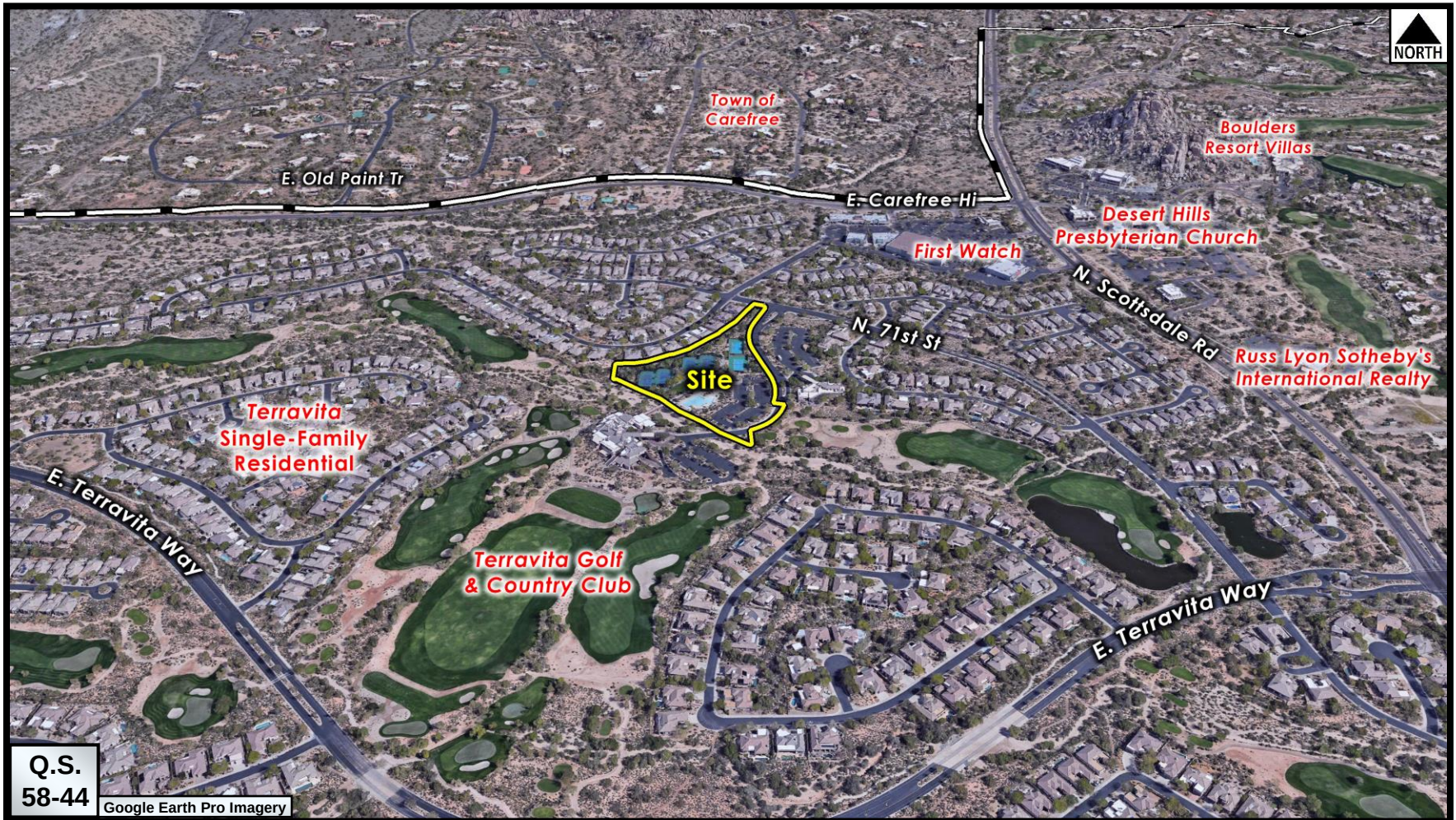
Phone: 480-312-2664 Email: rgrant@scottsdaleaz.gov

9/8/2021

Date

ATTACHMENTS

1. Context Aerial
2. Close-up Aerial
3. Applicant's Narrative
4. Development Review Board Criteria Analysis
5. Development Information
6. Stipulations / Zoning Ordinance Requirements
7. Proposed Site Plan and Improvements
8. Grading & Drainage Plan
9. Proposed Fence Detail
10. Pickleball Noise Analysis
11. AcoustiFence Noise Reducing Fences Product Detail
12. Native Plant Inventory
13. Zoning Map
14. Community Involvement
15. Public Comment
16. City Notification Map



Context Aerial

42-DR-1993#3



Close-up Aerial

42-DR-1993#3



28 May 2021

APPLICATION NARRATIVE

Project Name: Terravita Pickleball and Bocce Courts

Property Address: 34036 N. 69th Way, Scottsdale, AZ 85266

Terravita Country Club is applying to build pickleball and bocce courts on what is currently the club's croquet lawn. This area is in the center of the amenity campus and it is underutilized.

The construction of the 2 pickleball and 2 bocce courts would be complimentary to the existing structures in material used and color. Our plan is to add 10' fencing to the pickleball courts, which will match the existing tennis courts. The area is accessible by the current path and that will not change.

DEVELOPMENT REVIEW BOARD CRITERIA ANALYSIS

Per Section 1.904. of the Zoning Ordinance, in considering any application for development, the Development Review Board shall be guided by the following criteria:

1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.
 - *The applicant states that the proposed pickleball fencing will match the existing tennis courts.*
 - *Staff finds that the proposal is consistent with the City's design guidelines.*
2. The architectural character, landscaping and site design of the proposed development shall:
 - a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;
 - b. Avoid excessive variety and monotonous repetition;
 - c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;
 - d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and
 - e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.
 - *The applicant states that the proposed pickleball fencing will match the existing tennis courts.*
 - *Staff finds that the proposal is consistent with the City's design guidelines.*
3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be designed as to promote safety and convenience.
 - *This criterion is not applicable.*
4. If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.
 - *This criterion is not applicable.*
5. Within the Downtown Area, building and site design shall:
 - a. Demonstrate conformance with the Downtown Plan Urban Design & Architectural Guidelines;
 - b. Incorporate urban and architectural design that address human scale and incorporate pedestrian-oriented environment at the street level;
 - c. Reflect contemporary and historic interpretations of Sonoran Desert architectural traditions, by subdividing the overall massing into smaller elements, expressing small scale details, and recessing fenestrations;
 - d. Reflect the design features and materials of the urban neighborhoods in which the development is located; and
 - e. Incorporate enhanced design and aesthetics of building mass, height, materials and intensity with transitions between adjacent/abutting Type 1 and Type 2 Areas, and adjacent/abutting Type 2 Areas and existing development outside the Downtown Area.
 - *This criterion is not applicable.*
6. The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria:
 - a. Accessibility to the public;

- b. Location near pedestrian circulation routes consistent with existing or future development or natural features;
 - c. Location near the primary pedestrian or vehicular entrance of a development;
 - d. Location in conformance with Design Standards and Policies Manual for locations affecting existing utilities, public utility easements, and vehicular sight distance requirements; and
 - e. Location in conformance to standards for public safety.
- *This criterion is not applicable.*

DEVELOPMENT INFORMATION

Zoning History

The site was annexed into the City in 1984 (Ord. #1655) and zoned to the R1-43 zoning designation through case 2-Z-85. Since initial rezoning of the site, the site has been rezoned to R1-10 ESL and OS ESL through zoning case 59-ZN-1992.

Community Involvement

With the submittal of the application, staff notified all property owners within 750 feet of the site. In addition, the applicant has been in communication with property owners surrounding the site. As of the publishing of this report, staff has received over 400 public comment letters regarding the application. The public comment letters express over 290 letters in support of the request, 1 neutral comment, and over 110 letters in opposition of the request.

Context

The property is located west of North Scottsdale Road between East Carefree Highway on the north and the private road of East Terravita Way on the south. The site is situated in an area devoted almost exclusively to residential uses. Surrounding uses include single-family residential uses within the Terravita subdivision, single-family residential uses in the Town of Carefree to the north, multi-family residential uses to the east, single-family residential uses in Maricopa County to the south, and single-family residential uses to the west.

Project Data

- Existing Use: Terravita Country Club open space
- Parcel Size: 264,020 square feet / 6.06 acre (gross)

**Stipulations for the
Development Review Board Application:
Terravita Pickleball and Bocce Courts
Case Number: 42-DR-1993#3**

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code (SRC), the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. Architectural elements, including dimensions, materials, form, color, and texture shall be constructed to be consistent with the building elevations submitted by Terravita Country Club, with a city staff date of 6/9/2021.
 - b. The location and configuration of all site improvements shall be consistent with the site plan submitted by Graham Surveying & Engineering, Inc., with a city staff date of 6/9/2021.

RELEVANT CASES:

Ordinance

- A. At the time of review, the applicable Zoning case for the subject site was 59-ZN-1992.

ARCHAEOLOGICAL RESOURCES:

Ordinance

- B. Any development on the property is subject to the requirements of Scottsdale Revised Code, Chapter 46, Article VI, Section 46-134 - Discoveries of archaeological resources during construction.

LANDSCAPE DESIGN:

Ordinance

- C. The property owner shall obtain approval of a Salvage/Native Plant Plan Application, and obtain a permit to remove any tree.

DRB Stipulations

2. Prior to the issuance of any building permit for the development project, the property owner shall submit landscape improvement plans that demonstrate how the salvaged vegetation from the site will be incorporated into the design of the landscape improvements.

EXTRIOR LIGHTING:

DRB Stipulations

3. No exterior lighting is permitted with the new court improvements. Any future lighting for the proposed courts shall require a separate submittal, review and approval.



**Terravita Country Club
Proposed Site Plan**

Terravita Country Club

February 2021

ATTACHMENT #7



42-DR-1993#3
6/9/2021



**Terravita Country Club
Proposed Improvements**

Terravita Country Club

August 2021





**Terravita Country Club
Proposed Improvements**

Terravita Country Club

August 2021



CITY OF SCOTTSDALE

42. POOLS REQUIRE SEPARATE APPROVAL AND PERMIT.
43. POOLS SHALL NOT BE EMPTIED OR BACKWASHED INTO WASHES, STREETS, NAOS, SCENIC CORRIDORS, ON TO AN ADJACENT LOT, OR TRACT OF LAND. (ZO SEC. 6.1100.B.1.; AND DS&PM 2-2.501.D.4.C.)
44. ALL MECHANICAL EQUIPMENT (AIR CONDITIONER, POOL EQUIP. ETC.) SHALL BE SCREENED A MINIMUM OF 1 FOOT ABOVE THE HIGHEST PORTION OF THE EQUIPMENT FROM ALL SIDES AND SHALL BE COMPATIBLE WITH THE ADJACENT BUILDING. SHOW LOCATION OF EQUIPMENT ON SITE PLAN.
45. A GUESTHOUSE SHALL NEVER BE OFFERED FOR RENT. (ZO SEC. 5.012.A.6.C. AND SEC. 5.102.A.6.C.)
46. A GUESTHOUSE SHALL NOT EXCEED A GROSS FOOTPRINT SIZE GREATER THAN 50% OF THE FOOT PRINT SIZE OF THE PRINCIPAL BUILDING. (ZO SEC. 5.012.A.6.B. AND SEC. 5.102.A.6.B.)
47. EXTERIOR MATERIALS AND PAINT COLORS SHALL NOT EXCEED A VALUE AND/OR CHROMA OF 6 AS INDICATED IN THE MUNSEL BOOK OF COLOR ON FILE IN THE CITY OF SCOTTSDALE'S PLANNING & DEVELOPMENT DEPARTMENT. THE CITY MAY REQUIRE COLOR SAMPLES TO VERIFY COMPLIANCE. (ZO SEC. 6.1070.G.1.H.)
48. MATERIALS USED FOR EXTERIOR SURFACES OF ALL STRUCTURES SHALL BLEND IN COLOR, HUE, AND TONE WITH THE SURROUNDING NATURAL DESERT SETTING TO AVOID HIGH CONTRAST. (ZO SEC. 6.1070.G.1.C.)
49. SURFACE MATERIALS OF WALLS, RETAINING WALLS OR FENCES SHALL BE SIMILAR TO AND COMPATIBLE WITH THOSE OF THE ADJACENT MAIN BUILDINGS. (ZO SEC. 6.1070.G.1.D.)
50. PLANT MATERIALS NOT INDIGENOUS TO THE ESL AREA SHALL BE LIMITED TO ENCLOSED YARD AREAS AND NON-INDIGENOUS PLANTS THAT HAVE THE POTENTIAL OF EXCEEDING TWENTY (20) FEET IN HEIGHT ARE PROHIBITED. TURF SHALL BE LIMITED TO ENCLOSED AREAS NOT VISIBLE FROM A LOWER ELEVATION. (ZO SEC. 6.1070.G.1.I-J.)
51. REFLECTIVE BUILDING MATERIALS ARE PROHIBITED. (DS&PM 2-2.501.A.2.)
52. REFLECTIVE BUILDING AND ROOFING MATERIALS (OTHER THAN WINDOWS AND SOLAR PANELS) INCLUDING MATERIALS WITH HIGH GLOSS FINISHES AND BRIGHT, UNTARNISHED COPPER, ALUMINUM, GALVANIZED STEEL OR OTHER METALLIC SURFACES, SHALL BE TEXTURED OR HAVE A MATTE OR NON-REFLECTIVE SURFACE TREATMENT TO REDUCE THE REFLECTIONS OF SUNLIGHT ONTO OTHER PROPERTY. (ZO SEC. 6.1070.G.1.B.)
53. MIRRORRED SURFACES OR ANY TREATMENTS THAT CHANGE ORDINARY GLASS INTO A MIRRORRED SURFACE ARE PROHIBITED. (ZO SEC. 6.1070.G.1.A.)
54. THE OWNER SHALL INCORPORATE DEVELOPMENT DESIGN AND CONSTRUCTION TECHNIQUES THAT BLEND IN SCALE, FORM AND VISUAL CHARACTER TO MINIMIZE EXPOSED SCARS TO THE SATISFACTION OF THE PLANNING & DEVELOPMENT DEPARTMENT. (ZO SEC. 6.1070.G.1.E.)
55. ANY PROPOSED MODIFICATIONS TO NATURAL WATERCOURSES AND ALL WALLS AND FENCES CROSSING NATURAL WATERCOURSES SHALL BE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND POLICIES SPECIFIED IN CHAPTER 37 (DRAINAGE AND FLOODPLAIN ORDINANCE) OF THE SCOTTSDALE REVISED CODE. (ZO SEC. 6.1070.G.1.L.)
56. LAND DESIGNATED AS NAOS SHALL BE PERMANENTLY MAINTAINED AS OPEN SPACE. THE PROPERTY OWNER SHALL MAINTAIN ALL DESIGNATED NAOS. (ZO SEC. 6.1060.A.3-4 AND SEC. 6.1100.B.1.)
57. ALL EXTERIOR LIGHTING BELOW 3 FEET IN HEIGHT SHALL BE FULLY SHIELDED. ALL EXTERIOR LIGHTING ABOVE 3 FEET IN HEIGHT SHALL CONSIST OF HORIZONTAL FULL- CUTOFF FIXTURES AND DIRECTED DOWNWARD, EXCEPT LIGHTS UTILIZED FOR SECURITY PURPOSES. (ZO SEC. 6.1070.G.1.F.)
58. EXTERIOR LIGHTING SHOULD BE LOW SCALE AND DIRECTED DOWNWARD, RECESSED OR SHIELDED SO THAT THE LIGHT SOURCE IS NOT VISIBLE FROM RESIDENTIAL DEVELOPMENTS IN THE AREA OR FROM A PUBLIC VIEWPOINT. EXTERIOR FIXTURES SHALL NOT GENERALLY EXCEED A HEIGHT OF 6 FEET MEASURED FROM THE NEAREST ADJACENT GRADE TO THE TOP OF THE FIXTURE (LOWER HEIGHTS MAY BE REQUIRED BY THE INSPECTION OR CODE ENFORCEMENT STAFF). (ZO SEC. 6.1070.G.1.F.)
59. WHERE ON-SITE WALLS ARE PLACED ADJACENT TO NAOS AREAS AT LEAST 50 PERCENT OF THE WALL SURFACE SHALL BE A VIEW FENCE. (DS&PM 2-2.501.B.2.B.)
60. TEMPORARY/SECURITY FENCING THAT IS REQUIRED OR IS OPTIONALLY PROVIDED SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AND THE DESIGN STANDARDS AND POLICIES MANUAL. (ZO SEC. 7.700 AND SEC. 6.1071.A.6, AND DS&PM 1- 1.407)
61. IN ACCORDANCE WITH THE ZONING ORDINANCE, A REGISTERED SURVEYOR SHALL STAKE AND ROPE THE MOST RESTRICTIVE AREA DEFINED BY THE CONSTRUCTION ENVELOPE AND NAOS EASEMENT AS SHOWN ON THE SITE PLAN. (ZO SEC. 6.1070.A.5)
62. NO PAINT COLOR OR SURFACE TREATMENT SHALL BE USED WHICH HAS A LIGHT REFLECTIVE VALUE (LRV) GREATER THAN 35%(ZO SEC. 6.1070.G.1.G.&k)

PROPERTIES THAT ARE EXEMPT FROM THE ESL AREAS IN ACCORDANCE WITH THE 2004 AMENDMENT TO THE ESL OVERLAY (ESL EXEMPTIONS SCHEDULE SEC. 6.1022.B.) SHALL REPLACE # 62 AND # 63 WITH #64 AND #65 RESPECTIVELY.

63. A REGISTERED SURVEYOR SHALL STAKE AND ROPE OR FENCE THE NAOS EASEMENT IN ACCORDANCE WITH THE SITE PLAN AND THE EASEMENT LEGAL DESCRIPTION.
64. NO PAINT COLORS SHALL BE USED WHICH HAVE A LIGHT REFLECTIVE VALUE (LRV) GREATER THAN 40%.
65. SITE WALLS MUST BE SETBACK 15 FEET FROM SIDE AND REAR PROPERTY LINES. THIS APPLIES ONLY TO RESIDENTIAL PARCELS CONTAINING AN AREA OF 35,000 SQ FT OR LARGER. (SEC. 6.1071.A.4.)
66. WASHES OF 50 CFS OR GREATER FLOW SHALL BE IDENTIFIED AND WATERCOURSE(S) SHALL BE UNALTERED. IF WATERCOURSE(S) ARE ALTERED, PROVIDE A COPY OF THE WASH MODIFICATION APPROVAL LETTER AND REFERENCE THE CASE NUMBER ON THE SITE PLAN. (ZO SEC. 6.1070.G.1.L. AND 6.1091.A.4.B.)
67. APPLICATIONS THAT HAVE RECEIVED A HARDSHIP EXEMPTION SHALL PROVIDE THE CASE NUMBER ON THE SITE PLAN. (ZO SEC. 6.1022.D)
68. SITE WALLS SHALL NOT BE PROVIDED IN NAOS AREAS OR DISRUPT THE CONTINUITY OF NAOS CORRIDORS. (ZO SEC. 6.1071.A.2.A.)
69. IDENTIFY THE SPECIFIC LOCATION OF THE CONSTRUCTION ENVELOPE ON SITE PLAN. THE CONSTRUCTION ENVELOPE CONSISTS OF AN AREA ENCLOSED BY A LINE EXTENDING 15 FEET OUT FROM ALL DISTURBANCES ON LOT. (ZO SEC. 6.1071.A.6. AND SEC. 6.1070.A.3, FIGURE 6.1070.B)

BENCHMARK:

UNIQUE POINT ID: 5876
FND 1" IRON PIPE IN HANDHOLE 1.75" DOWN W 2 1/2" GLO BRASS CAP STAMPED "T5N R4E S3 S2 S10 S11 1919" AT THE NORTHEAST CORNER OF SECTION 10, T5N, R4E.
ELEVATION=2279.55' (NAVD88)

T.B.M.:

FND BRASS CAP FLUSH AT THE POINT OF TANGENCY TO THE SOUTHEAST (S 18°22'27" E 213.48') ON THE MONUMENT LINE OF 69TH WAY.
ELEVATION=2236.32' (NAVD88)

BENCHMARK CERTIFICATION:

I HEREBY CERTIFY THAT ALL ELEVATIONS REPRESENTED ON THIS PLAN ARE BASED ON NAVD 1988 AND MEET THE FEMA BENCHMARK MAINTENANCE (BMM) CRITERIA

NOTES:

IF A DISCREPANCY IS FOUND BETWEEN ENGINEER'S PLAN OR SURVEYOR'S STAKING AND THE ARCHITECTURAL PLAN, ENGINEER SHALL BE NOTIFIED IMMEDIATELY. FAILURE TO NOTIFY ENGINEER SHALL NEGATE ENGINEER'S LIABILITY.

ALL DISTURBED AREAS ARE TO BE ROPED AND ROPING MUST MATCH PLAN.

THIS SITE PLAN IS NOT A BOUNDARY SURVEY.

BEARINGS AND DISTANCES ARE RECORD PER PLAT UNLESS OTHERWISE NOTED.

ANY FUTURE IMPROVEMENTS SHOWN HEREON SHALL REQUIRE A SEPARATE PERMIT.

ALL EXISTING UTILITIES TO BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION, CALL BLUE STAKE AT 602-263-1100.
ANY POINTS OF DRAINAGE CONCENTRATION SHOULD BE PROTECTED AGAINST EROSION WITH NATIVE STONE.

THIS PLAN IS DESIGNED TO SHOW SITE GRADING AND DRAINAGE. CONTRACTOR SHALL USE THE ARCHITECTURAL SITE PLAN TO DETERMINE FINAL HOUSE, WALL, STEP, ETC., LOCATIONS AND ELEVATIONS.

ALL DRAINAGE FACILITIES TO BE MAINTAINED BY HOMEOWNER.

TOP OF FOOTING ELEVATIONS SHOWN IN PLAN ARE APPROXIMATE ONLY. ACTUAL TOP OF FOOTINGS TO BE DETERMINED AT TIME OF CONSTRUCTION AND TO BE A MINIMUM OF SIX INCHES BELOW EXISTING NATURAL GRADE OR FINISHED GRADE WHICHEVER IS LOWER (TYPICAL).

VEGETATION OUTSIDE OF CONSTRUCTION AREA TO REMAIN.

ALL DRAINAGE PROTECTIVE DEVICES SUCH AS SWALES, INTERCEPTOR DITCHES, PIPES, PROTECTIVE BERMS, CONCRETE CHANNELS OR ANY OTHER MEASURES DESIGNED TO PROTECT BUILDINGS OR OTHER PROPERTIES FROM STORM RUNOFF MUST BE COMPLETED PRIOR TO ANY STRUCTURES BEING BUILT.

ALL STORM DRAINAGE FACILITIES, INCLUDING WASHES, THAT EXIST PRIOR TO CONSTRUCTION MUST REMAIN OPEN AND FUNCTIONAL WITHOUT DIMINISHED CAPACITY FOR THE DURATION OF CONSTRUCTION AND UNTIL FINAL DRAINAGE FEATURES ARE COMPLETED.

HYDROLOGIC ANALYSIS OF THIS SITE INCLUDES SURFACE RUNOFF ONLY.

ANY PROPOSED PIPES ON THIS PLAN SHALL BE INSTALLED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.

LEGEND:

- A/C AIR CONDITIONING EQUIPMENT
BAR BARREL CACTUS
BLDR BOULDER
BJ BOULDER JUMBLE
BSL BUILDING SETBACK LINE
C CABLE TELEVISION
CFS CUBIC FEET PER SECOND
CTE CABLE TELEVISION EASEMENT
(C) DENOTES CALCULATED
(M) DENOTES MEASURED
(R) DENOTES RECORDED
DIRECTION OF DRAINAGE
DRAINAGE EASEMENT
EDGE OF DISTURBED AREA
EDGE OF PAVEMENT
(EXIST)
ELEC. ELECTRIC
00- EXISTING CONTOUR
(00.0) EXISTING ELEVATION
(EXIST)
FND FOUND
◇ FOUND BUILDING ENVELOPE STAKE
● FOUND MONUMENT
IW IRONWOOD
[ICV] IRRIGATION CONTROL VALVE
LF LOWEST FINISHED FLOOR
MCR MARICOPA COUNTY RECORDS
MESQ MESQUITE
NAOS NATURAL AREA OPEN SPACE
OCO OCOTILLO
PV PALO VERDE
PMUT PUBLIC MULTI-USE TRAIL
P POWER LINES
P PROPOSED CONTOUR
PTE PROPOSED ELEVATION
PUE PRIVATE TRAIL EASEMENT
PUBLIC UTILITIES EASEMENT
R RECORD MONUMENT
O ROCK OUTCROP
SAG SAGUARO CACTUS
SWE SIDEWALK EASEMENT
(EXIST)
TIR TELEPHONE RISER
T/B/C TOP BACK OF CURB
TF TOP OF FOOTING
TR TOP OF RAIL
TW TOP OF WALL
TOF TOP OF FENCE
VNAE VEHICULAR NON-ACCESS EASEMENT
(1) WALL OPENING FOR DRAINAGE (8"x16")
WM WATER METER BOX
WMS WATER METER BOX WITH SERVICE
WV WATER VALVE

CIVIL GRADING & DRAINAGE PLAN FOR PICKLEBALL COURTS

TRACT "G" CLUBHOUSE

RECORDED IN BOOK 404 OF MAPS, PAGE 32 MCR

SITUATED IN NE 1/4 OF SECTION 10

TOWNSHIP 5 NORTH, RANGE 4 EAST,

OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SCOTTSDALE, MARICOPA COUNTY, ARIZONA.

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION:

COMMUNITY NUMBER	PANEL NUMBER AND DATE	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEV (IN AO ZONE, USE DEPTH)
045012	895 10/16/2013	L	9/18/2020	X	NA

ENGINEER'S CERTIFICATION: THE LOWEST FLOOR ELEVATION(S) AND/OR FLOOD PROOFING ELEVATION(S) ON THIS PLAN, ARE SUFFICIENTLY HIGH TO PROVIDE PROTECTION FROM FLOODINGS CAUSED BY A 100 YEAR STORM, AND ARE IN ACCORDANCE WITH CITY OF SCOTTSDALE FLOODWAYS AND FLOODPLAIN ORDINANCE, CHAPTER 37, S.R.C..

PLANT SALVAGE NOTE:

ON-SITE PLANT SALVAGE INFORMATION SHOWN HEREON IS FOR CITY OF SCOTTSDALE PLAN APPROVAL PURPOSES ONLY. ENGINEER ASSUMES NO LIABILITY FOR THE EVALUATION, SALVAGE ABILITY, REMOVAL AND/OR RELOCATION OF ON-SITE PLANT MATERIALS. CONTACT SALVAGE CONTRACTOR FOR MORE INFORMATION.

GUEST HOUSE NOTE:

GUEST HOUSE SHALL NEVER BE OFFERED FOR RENT. GUEST HOMES ON LOTS UNDER 35,000 SQ. FT. MAY NOT PROVIDE COOKING FACILITIES.

A GUESTHOUSE OR ACCESSORY STRUCTURE SHALL NOT EXCEED A GROSS FOOTPRINT SIZE GREATER THAN 50% OF THE FOOT PRINT SIZE OF THE PRINCIPAL BUILDING.

UTILITIES NOTE:

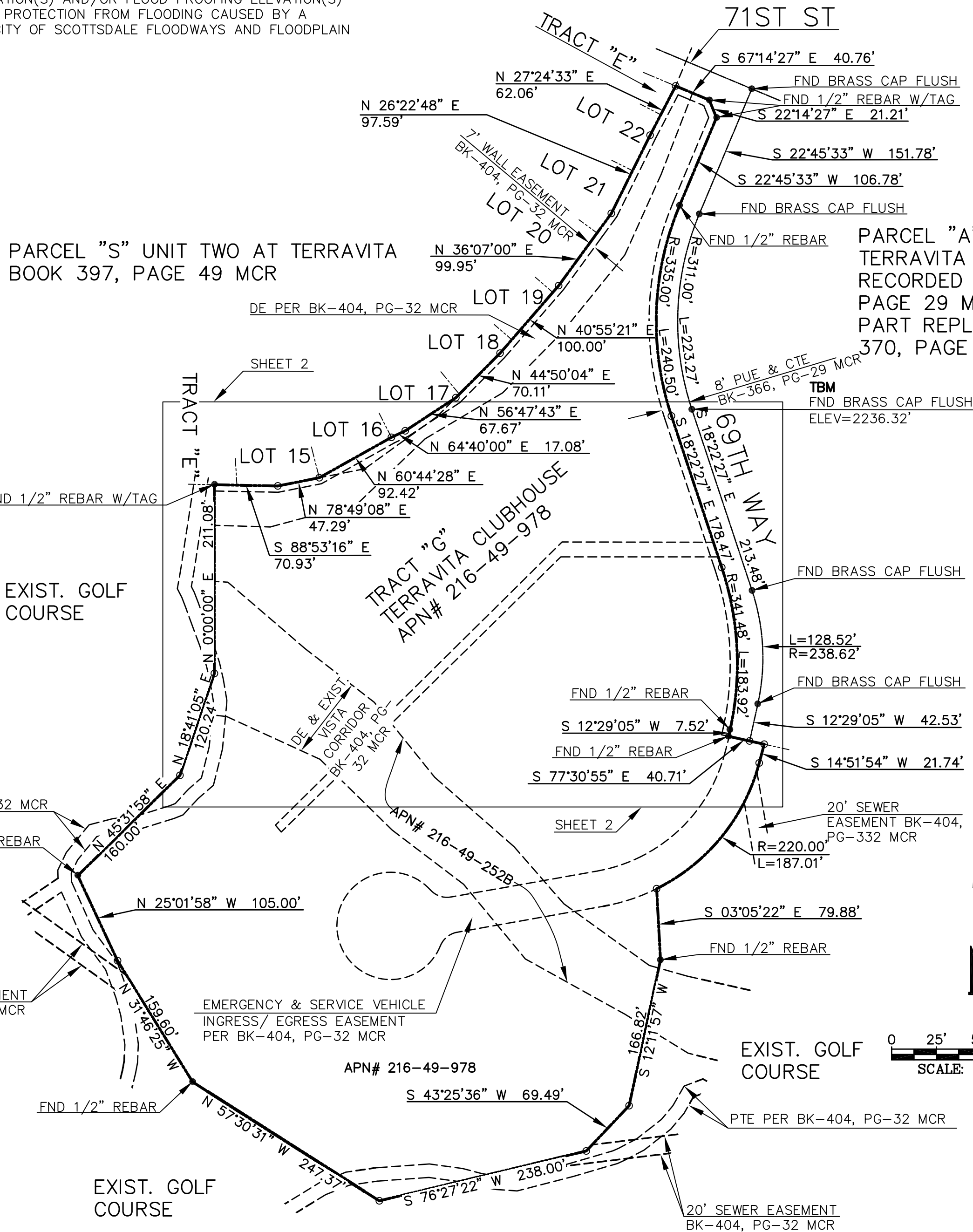
HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES SHOWN IN THE PLAN ARE APPROXIMATE ONLY AND WILL BE FIELD VERIFIED BY CONTRACTOR PRIOR TO START OF CONSTRUCTION WORK. CALL BLUE STAKE @ 811 OR GO TO ARIZONA811.COM

LOT DATA:

AREA= 508,635 S.F. / 11.67 ACRES ±
SLOPE= PRE-ENGINEERED
NAOS REQUIRED= 0 S.F.
NAOS PROVIDED= S.F.
LANDFORM= UPPER-DESERT

POOL ENCLOSURES:

AN OUTDOOR SWIMMING POOL, INCLUDING AN IN-GROUND, ABOVEGROUND OR ON-GROUND POOL, HOT TUB OR SPA SHALL BE PROVIDED WITH A BARRIER MEETING THE REQUIREMENTS OF SCOTTSDALE ORDINANCE #3096 ADOPTED BY THE SCOTTSDALE CITY COUNCIL ON MARCH 18, 1998. POOL SHALL BE SECURED FROM UNWANTED ACCESS AND APPROVED THROUGH SEPARATE PERMIT.



ENGINEERS CERTIFICATION:

THIS IS TO CERTIFY THAT THE ENGINEERING INFORMATION SHOWN HEREON WAS EXECUTED UNDER MY DIRECTION.



GRAHAM SURVEYING & ENGINEERING INC.

Civil Engineers & Land Surveyors

P.O. BOX 1240, Carefree, Arizona 85377

(480) 488-4393

TRACT "G" CLUBHOUSE UNIT 2 TERRAVITA, SHT. 1 OF 2, JOB #21-064P20

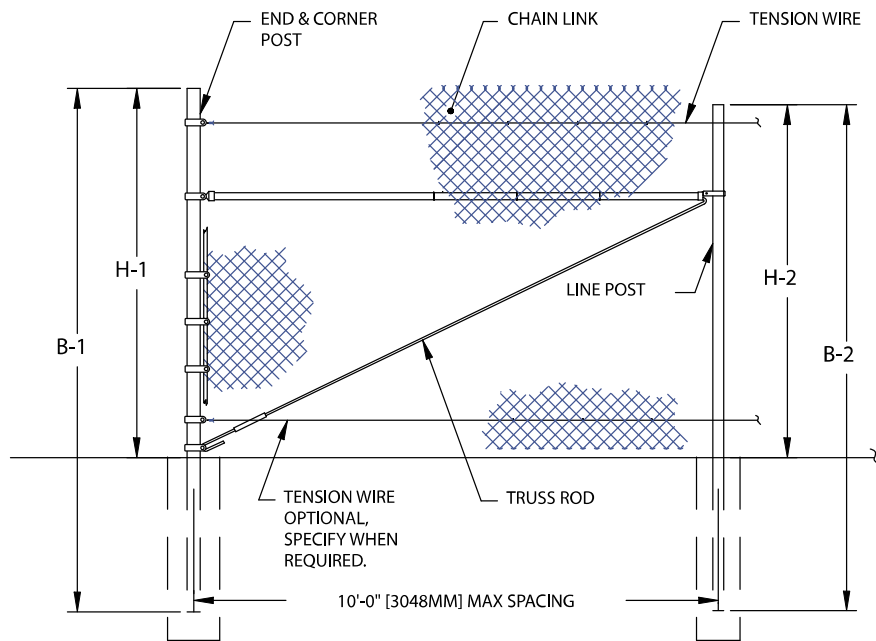
42-DR-1993#3

PARCEL "A" AT
TERRAVITA
RECORDED IN BOOK 366,
PAGE 29 MCR
PART REPLATTED IN BOOK
370, PAGE 24 MCR

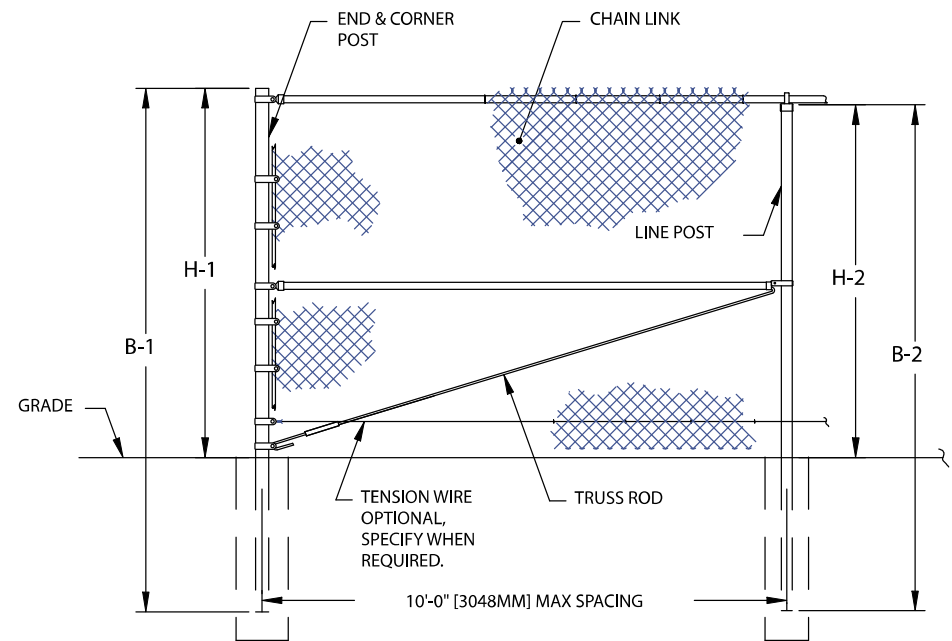


DATE:		
PHASE 1	3/30/21	MP
COURTS	05-06-2021	PS
----	----	----
----	----	----

GRAHAM SURVEYING & ENGINEERING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1240, Carefree, Arizona 85377
(480) 488-4393



FENCE SECTION ELEVATION
WITHOUT TOP RAIL & WITHOUT BARBED WIRE



FENCE SECTION ELEVATION
WITH TOP RAIL & WITHOUT BARBED WIRE

FENCE HEIGHT NOMINAL HEIGHT	END & CORNER POSTS		LINE POSTS	
	B-1 BAR LENGTH	H-1 HEIGHT ABOVE GRADE	B-2 BAR LENGTH	H-2 HEIGHT ABOVE GRADE
5'-0" [1524MM]	8'-0" [2438MM]	5'-0 5/8" [1540MM]	7'-8" [2337MM]	4'-8 7/8" [1445MM]
6'-0" [1829MM]	9'-0" [2743MM]	6'-0 5/8" [1845MM]	8'-8" [2642MM]	5'-8 7/8" [1749MM]
7'-0" [2134MM]	10'-0" [3048MM]	7'-0 5/8" [2150MM]	9'-8" [2946MM]	6'-8 7/8" [2054MM]
8'-0" [2438MM]	11'-0" [3353MM]	8'-0 5/8" [2454MM]	10'-8" [3251MM]	7'-8 7/8" [2359MM]
9'-0" [2743MM]	12'-0" [3658MM]	9'-0 5/8" [2759MM]	11'-8" [3556MM]	8'-8 7/8" [2664MM]
10'-0" [3048MM]	13'-0" [3962MM]	10'-0 5/8" [3064MM]	12'-8" [3861MM]	9'-8 7/8" [2969MM]
11'-0" [3353MM]	14'-0" [4267MM]	11'-0 5/8" [3369MM]	13'-8" [4166MM]	10'-8 7/8" [3273MM]
12'-0" [3658MM]	15'-0" [4572MM]	12'-0 5/8" [3674MM]	14'-8" [4470MM]	11'-8 7/8" [3578MM]

TYPICAL HIGH FENCE WITHOUT BARBED WIRE

DIMENSIONS & SPECIFICATIONS

BY:

DATE:

REV:

REV DATE:

DWG:

LAYER:

1

SCALE:

1/4" = 1'-0"



ACOUSTICS GROUP, INC.
Consultants in Acoustics, Noise & Vibration

December 15, 2020

Rich Riffle
Terravita Country Club
34034 North 69th Way
Scottsdale, AZ 85266

Subject: Pickleball Noise Analysis for Terravita Country Club in Scottsdale, AZ.

Dear Mr. Riffle

Terravita Country Club retained Acoustic Group Inc. (AGI) to update the 2014 and 2015 noise studies that were conducted to evaluate the noise generated by Pickleball play at the club. AGI has over 33 years of directly related past project experience, past work with Terravita Country Club and numerous other pickleball court projects where pickleball was added after the initial community development and noise level reduction was successfully obtained.

This study will predict the Pickleball noise level near houses that are adjacent to the tennis court area. The noise level from Pickleball play will be evaluated based on several noise control measures including 1) locating the Pickleball courts at a new location further away from the homes 2) evaluation of noise control material around the court at an appropriate height to reduce propagation 3) use of new pickleball equipment (rackets) specifically designed to reduce noise and 4) orientation of the direction of the courts to minimize noise. The results of this study provides a comparison of the actual measured sound levels when play was measured on several different courts in 2014, to the predicted value of the sound levels at the same locations with each of the four (4) noise reduction measures outlined above.

December 15, 2020

For Terravita Country Club Use Only

1

ACOUSTICS GROUP, INC.
877.595.9988 – Voice
www.AcousticsGroupInc.com

ATTACHMENT #10

620
42-DR-1993#3
6/9/2021



NOISE AND THE A-WEIGHTED SOUND LEVEL

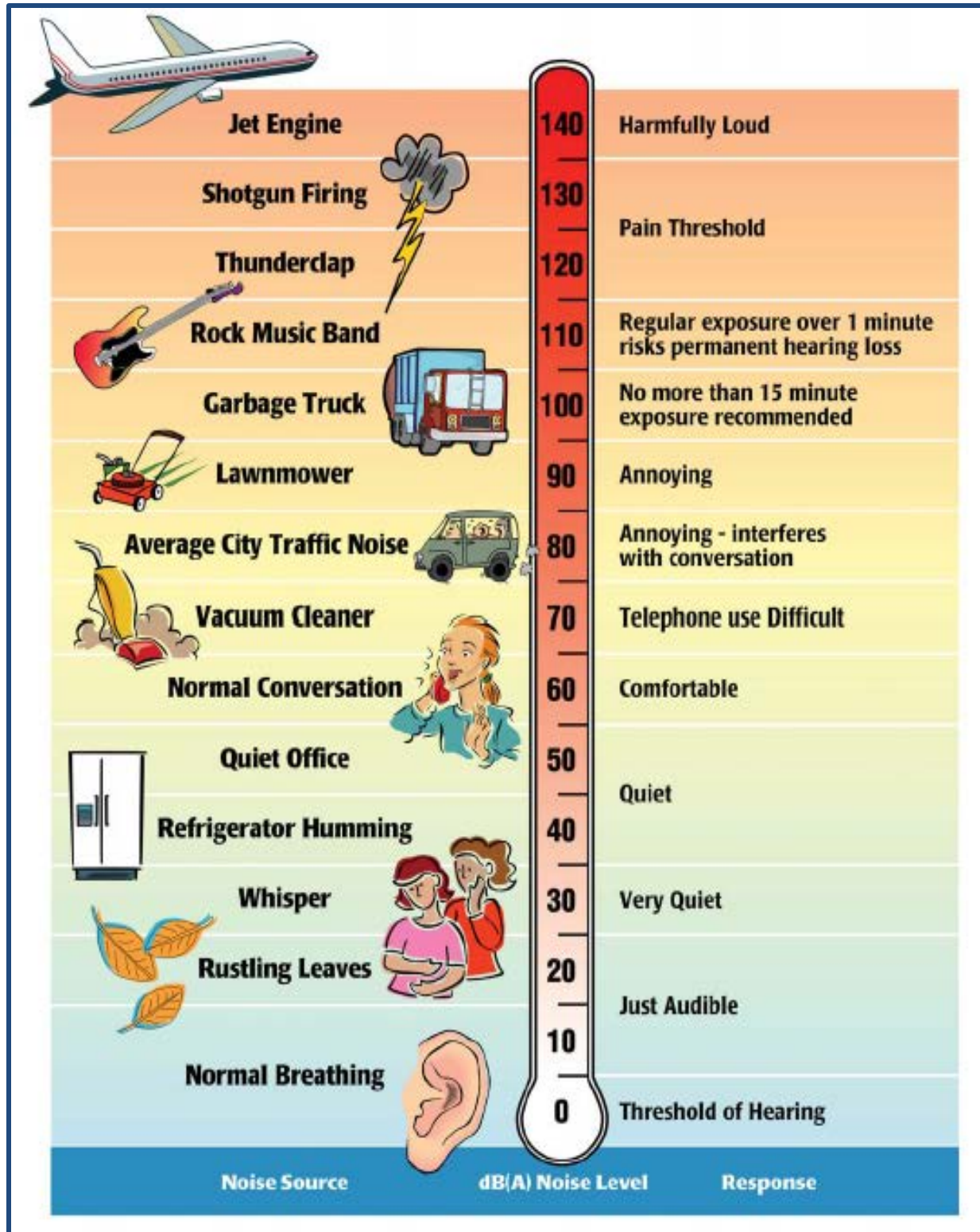
Noise is most often defined as unwanted sound. Although sound can be easily measured, the perceptibility is subjective and the physical response to sound complicates the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “loudness.” Sound pressure magnitude is measured and quantified using a logarithmic ratio of pressures, the scale of which gives the level of sound in decibels (dB).

The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighting filter system is used to adjust measured sound levels. The A-weighted sound level is expressed in “dBA” or “dB(A).” Figure 1 provides typical A-weighted sound levels measured for various sources, as well as people’s responses to these levels.

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level can be obtained during that period. The energy-equivalent sound level (Leq) is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor which represents the average sound level over a given period of time, where the actual sound level varies with time. Lmax, Lmin, and Lxx are also common noise descriptors. Lmax and Lmin are the maximum and minimum noise levels, respectively, and Lxx, known as a statistical sound level, is the time-varying noise level which would be exceeded xx percent of the time.

NOISE STANDARDS & GUIDELINES

The City of Scottsdale Municipal Code does not specifically adopt noise standards to regulate noise from recreational activity within parks. However, an appropriate noise level limit would be 50 – 55 dBA at outdoor living areas. The acceptance of any noise guideline would be subject to the approval of the HOA board and or the City of Scottsdale.



Source: Melville Branch and R. Beland, 1970. EPA/ONAC 550/9-74-004, March 1974.

Figure 1. Typical A-weighted Noise Levels



SUMMARY OF 2014 STUDY

AGI previously conducted a noise survey on February 17, 2014 to document the noise levels from Tennis and Pickleball activities at the Terravita Tennis and Pickleball Courts¹. Hourly noise measurements were conducted at the rear yard of 6847 E Amber Sun Drive (NM1). Hourly noise measurements were also conducted along the rear yard fence of 6863 E Amber Sun Drive (NM2). The measurement was conducted with a Larson Davis Model 831 Noise Analyzer and the instrument was operated in accordance with manufacturer's standards. Figure 2 shows the location of the noise measurement relative to the Tennis and Pickleball courts and the nearby residences.

The Leq measured during the survey ranged from 40.4 to 45.4 dBA at NM1. The sources of noise that contributed to the measurement data were tennis and pickleball play, basketball play, distant traffic, wildlife birds, aircraft, talking, and homeowner activity. At location NM2, the Leq ranged from 46.9 to 48.3 dBA. Noise from tennis and pickleball play, basketball play, distant traffic, wildlife birds, aircraft, talking, and homeowner activity also were measured at this location. Table 1 summarizes the noise measurement data. Table 2 summarizes the noise from individual noise events measured at each location.

Tennis Noise

Noise associated with Tennis play was measured at locations NM1 and NM2 during the survey. During the tennis play, all 6 courts were active with doubles play at each court. There were a total of 24 players on the courts during the survey. At location NM1, tennis ball impact noise ranged from 40 to 58 dBA. At location NM2, tennis ball impact noise ranged from 39 to 53 dBA. Players talking and shouting were also noticeable noise sources at each location. Talking generated noise levels ranging from 40 to 55 dBA at NM1 and 37 to 42 dBA at NM2. Shouting generated noise levels at approximately 65 dBA at NM1.

Pickleball Noise

Noise associated with Pickleball play was measured at locations NM1 and NM2 during the survey. During the pickleball play, Court 6 was active with doubles play at each pickleball court. There were a total of 8 players on the courts during the survey. At location NM1, pickleball impact noise ranged from 39 to 53 dBA. At location NM2, pickleball ball impact noise ranged from 47 to 65 dBA. Players talking were also a noticeable noise source at each location. Talking generated noise levels ranging from 35 to 57 dBA at NM1 and 45 to 52 dBA at NM2.

¹ AGI letter Report for the Terravita Country Club Tennis and Pickleball Courts in Scottsdale, AZ, dated February 21, 2014.

Basketball Noise

Noise associated with basketball play was measured at locations NM1 and NM2 during the survey. Basketball play was demonstrated by one player located at Court 6. At location NM1, basketball impact noise ranged from 35 to 54 dBA. At location NM2, basketball impact noise ranged from 39 to 65 dBA.

Other Noise

Other noise sources experienced at NM1 and NM2 included birds, homeowners, aircraft, golf carts, cars, and trucks. Overall, at both measurement locations the ambient noise was 35 dBA. Birds created sound levels of 45 to 53 dBA. Nearby homeowners created sound levels ranging from 38 to 62 dBA. Aircrafts passing generated a sound level ranging from 42 to 53 dBA. A golf cart passing has a sound level of 45 dBA. A car passing has a sound level ranging from 42 to 45 dBA. Trucks passing had a sound level of 58 dBA. Based on the results of the noise survey, the noise from the pickleball and tennis courts had a range of sound levels ranging from 35 to 65 dBA.

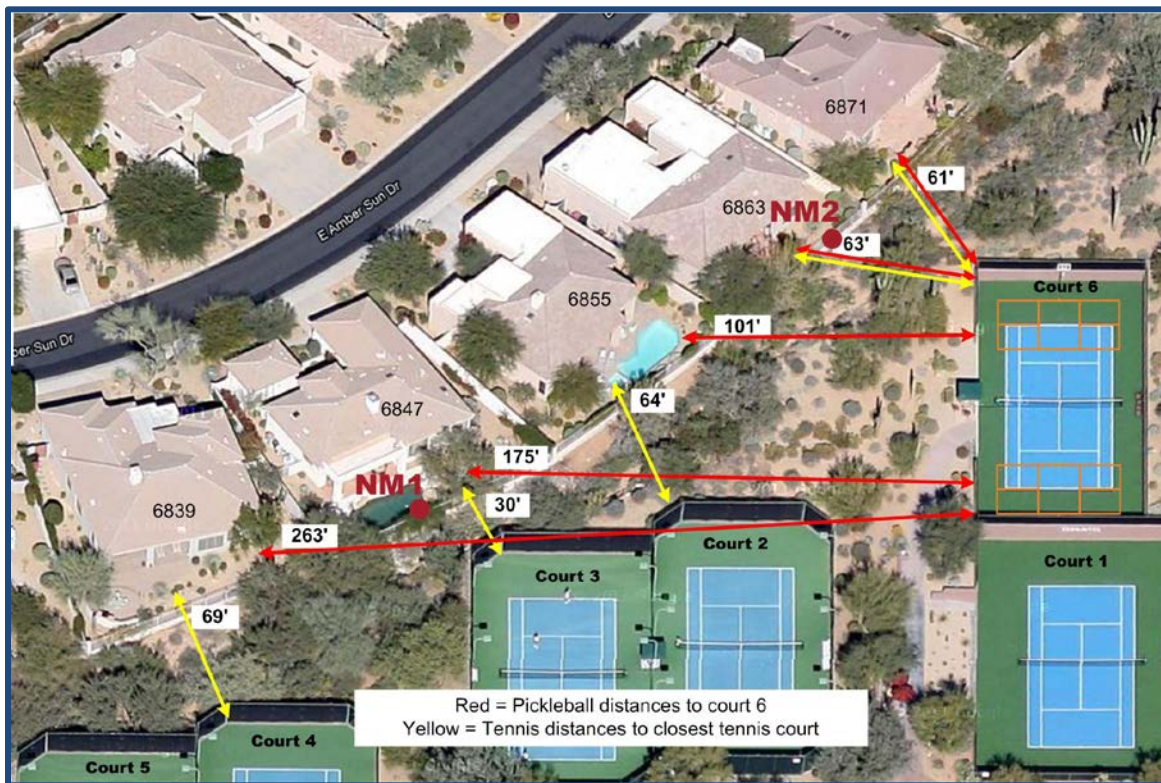


Figure 2. Location of the Noise Measurements



Table 1. Summary of the Statistical Noise Measurement Data

Description	Time	Leq, dBA	Lmax, dBA	Lmin, dBA
6847 E Amber Sun Drive (NM1)	11:00 AM - 12:00 PM	45.1	62.7	35.4
	2:00 PM - 3:00 PM	42.1	66.1	34.2
	3:00 PM - 3:10 PM	40.4	50.2	33.6
6863 E Amber Sun Drive (NM2)	12:00 PM - 1:00 PM	46.9	64.3	33.8
	1:00 PM - 1:05 PM	48.3	59.5	38.9
	1:00 PM - 2:00 PM	48.3	65.7	34.2

Table 2. Summary of Individual Noise Events by Location

Sources	Event Sound Level by Location and Time				
	Location NM1	Location NM2	Location NM2	Location NM1	Location NM1
	11 AM - 12 PM	12 PM - 1 PM	1 PM - 2 PM	2 PM - 3 PM	3 PM - 4 PM
Ambient	35	35	35	35	35
Birds	-	-	-	43-53	-
Homeowner	-	-	-	38-62	-
Basketball	-	39-45	45-65	-	35-54
Pickleball Ball Impact	-	-	47-65	39-53	-
Pickleball Players Talking	-	-	45-52	35-57	-
Tennis Ball Impact	42-58	39-53	-	40-50	-
Tennis Net/Fence Strike	46-50	42	-	-	-
Tennis Players Shouting	65	-	-	-	-
Tennis Players Talking	40-55	37-42	-	-	-
Aircraft	-	45	43-53	42-48	-
Car	-	42-45	-	-	-
Cart	-	-	45	-	-
Truck	-	-	58	-	-



SUMMARY OF 2015 STUDY

The noise from the proposed Pickleball activity at Court #5 was previously analyzed in AGI's 2015 noise study². Table 3 summarizes the results of the previous noise analysis. The noise associated with pickleball activity at Court #5 are within the 50 to 55 dBA guideline for residential noise impact assessment at R1 and R4 – R6. The noise at R2 and R2 are above the guideline. However, based on the noise measurement data, the background noise at the residences is relatively low at around 35 dBA, and pickleball noise levels would be audible and clearly discernible to the nearest homeowners on E Amber Sun Drive.

Table 3. Pickleball Noise Analysis for Court #5

Noise Sensitive Receivers	Pickleball Noise Level from Court #5 with No Noise Control, dBA
R1	51.7
R2	59.2
R3	58.9
R4	53.7
R5	49.5
R6	46.6

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.

NEW PICKLEBALL LOCATION NOISE ANALYSIS

For the 2015 Court #5 study and the new pickleball location analysis, the methodology used to analyze and predict operations noise involved the use of the CadnaA computer noise model. CadnaA can simulate the physical environment by factoring in x, y, and z geometrics of a particular site to simulate the buildings, obstacles, and typography. The model uses industry recognized algorithms (ISO 9613) to perform acoustical analyses. The noise generated by future pickleball courts were calculated by inputting acoustical sources at the project site. AGI's measurement data from the pickleball noise measurements were used for the modeling inputs. The CadnaA Noise Model was also used to evaluate noise control options. This model has been validated by over 15 years and millions of successful test cases around the world.

AGI has analyzed the noise from the proposed Pickleball activity at the new proposed location shown in Figure 3. With no noise barriers, the future pickleball courts would produce noise levels ranging from 41.4 to 46.0 dBA at the nearest noise sensitive receptors. Table 4 summarizes the predicted pickleball noise levels at the nearest noise sensitive receptors.

² AGI Report - Summary of Pickleball Noise Analysis at Court #5 for Terravita Country Club in Scottsdale, AZ, dated June 23, 2015

Based on the noise measurement data from tennis and pickleball play, the noise associated with these activities are below the 50 to 55 dBA guideline for residential noise impact assessment. However, the background noise at the residences is relatively low at around 35 dBA, and pickleball noise levels would still be clearly discernible to the nearest homeowners on E Amber Sun Drive.

Table 4. Noise Analysis for New Pickleball Locations, dBA

Noise Sensitive Receivers	Pickleball Noise Level with No Noise Control, dBA
R1	41.4
R2	45.6
R3	46.0
R4	45.8
R5	43.9
R6	41.5

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.

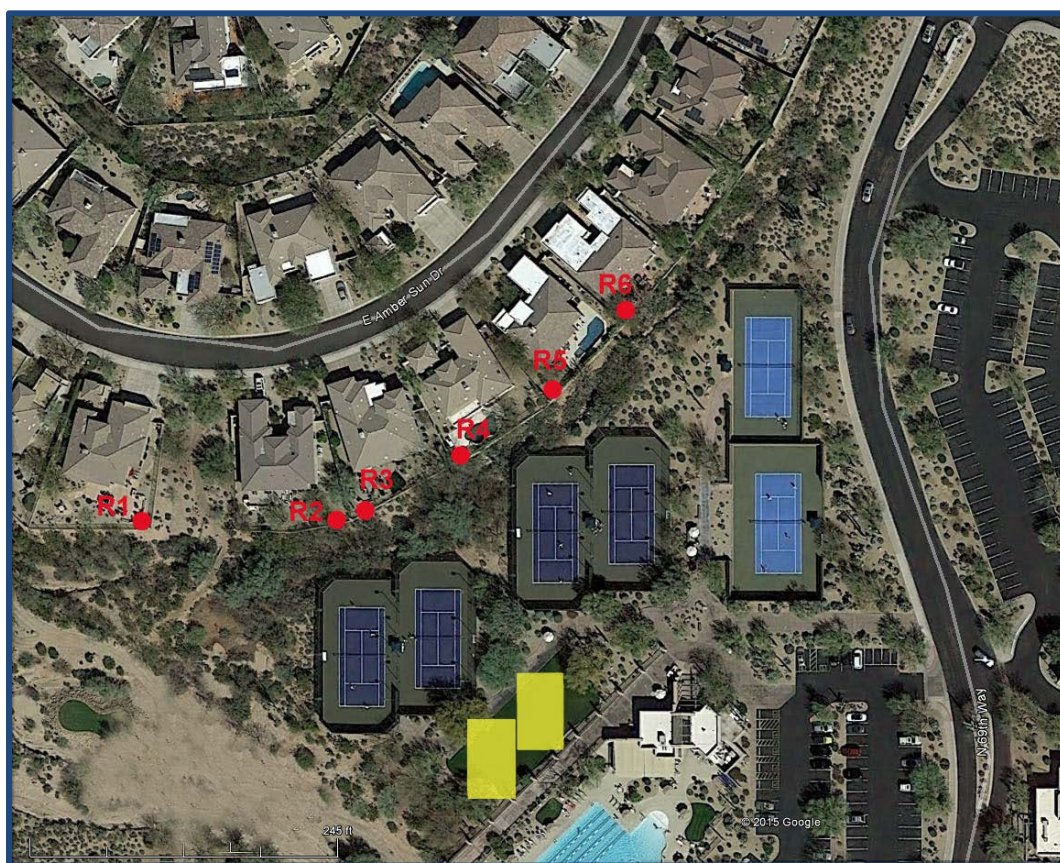


Figure 3. Proposed Pickleball Court Location



Compared to locating the pickleball courts on Court #5, the new pickleball court location further from the residences will result in a significantly noticeable reduction of noise levels ranging from 5.1 to 13.6 dB. Refer to Table 5 for a comparison of the pickleball noise levels from Court #5 and the new proposed pickleball location.

Table 5. Comparison of Pickleball Noise Levels from Court #5 and New Pickleball Location

Noise Sensitive Receivers	Pickleball Noise Level from Court #5 with No Noise Control, dBA	Pickleball Noise Level from New Location with No Noise Control, dBA	Delta, dB
R1	51.7	41.4	-10.3
R2	59.2	45.6	-13.6
R3	58.9	46.0	-12.9
R4	53.7	45.8	-7.9
R5	49.5	43.9	-5.6
R6	46.6	41.5	-5.1

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.

Noise Control

The following measures were evaluated to minimize pickleball noise at the nearest homes from the proposed Pickleball Courts:

Noise Control Option 1

As the recommended option, a continuous solid noise barrier should be installed on the western and northern boundary of the pickleball courts as per Figure 4. Materials such as concrete block, plexiglass, or acoustical blanket (e.g. Acoustical Solutions Noise S.T.O.P Soundproof Blanket STC 33, NRC 0.75) should be used to provide the sound transmission needed. Figure 4 displays the recommended noise barrier location relative to the noise sensitive receivers. Table 6 summarizes the results of the noise barrier analysis.

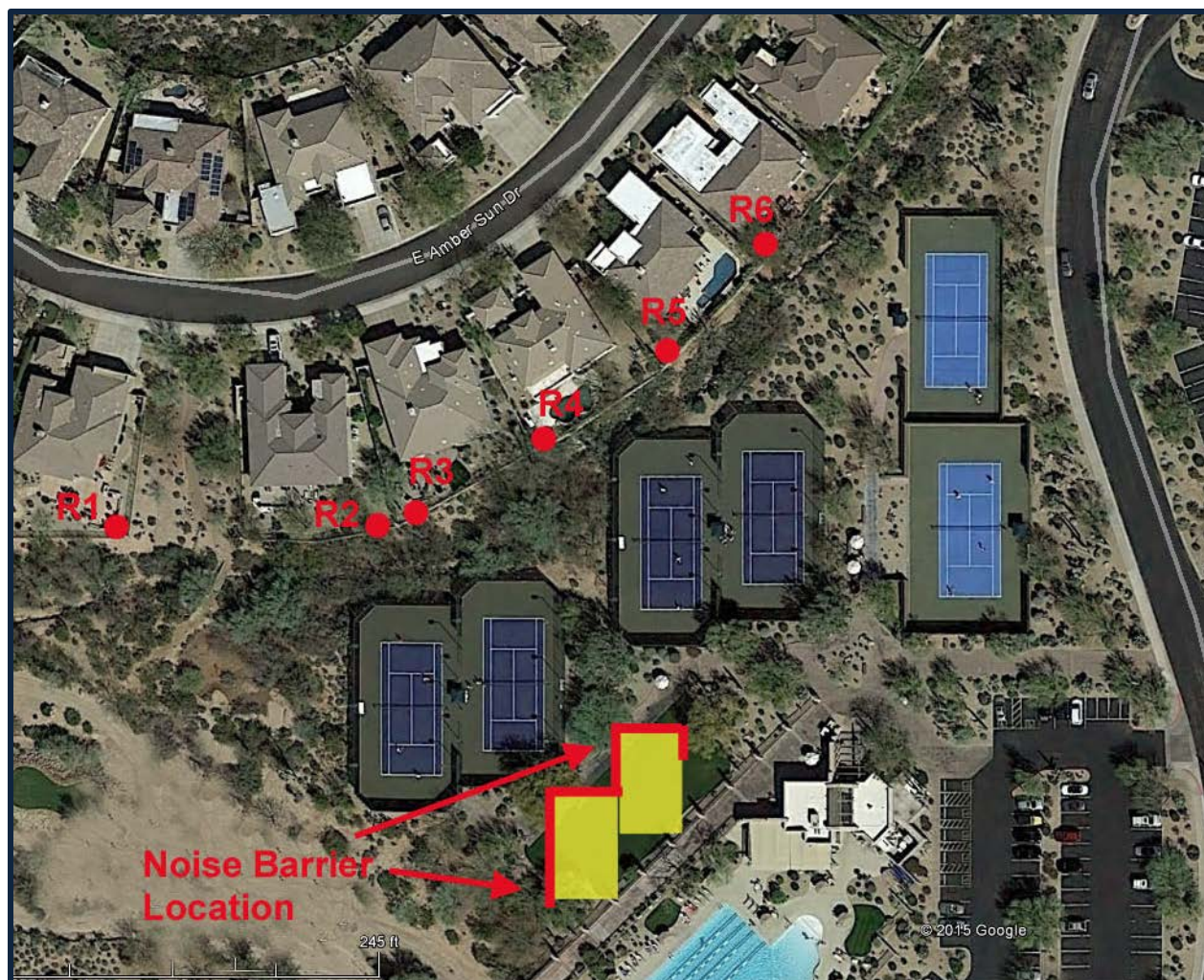


Figure 4. Recommended Noise Barrier Location

Table 6. Pickleball Noise Control Analysis – Solid Noise Barrier

Noise Sensitive Receivers	No Wall	Alternative Noise Barrier Heights, ft		
		10	12	14
R1	41.4	35.8	33.5	31.7
R2	45.6	39.6	37.3	35.5
R3	46.0	40.1	37.8	36.0
R4	45.8	40.1	37.9	36.1
R5	43.9	38.5	36.4	34.7
R6	41.5	37.3	36.0	35.0

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.



Based on the results summarized in Table 6, a noise barrier of at least 12-feet in height is needed to provide a noticeable noise reduction at the nearby residences represented by Receptors 1 through 6. With a 12-foot high noise barrier, locating the new pickleball courts would result in noise levels of 33.5, 37.3, 37.8, 37.9, 36.4, and 36.0 dBA, at receptors R1 through R6, respectively. Compared to locating the pickleball courts on Court #5, the new pickleball courts with a 12-ft high solid noise barrier will result in noise levels ranging from 10.6 to 21.9 dB less than then noise levels from Court #5. Refer to Table 7 for a comparison of the pickleball noise levels from Court #5 and the new proposed pickleball location with the 12-foot high solid noise barrier.

With the solid 12-foot high barrier, the pickleball noise would be below the 50 to 55 dBA guidelines for residential noise impact assessment. Additionally, the pickleball noise levels would less than 3 dB higher than the ambient noise level at around 35 dBA. Because of the characteristics of the Pickleball impact noise, the sounds will be audible to the nearest residences.

Table 7. Comparison of Pickleball Noise Levels from Court #5 and New Pickleball Location with the 12-ft High Solid Noise Barrier

Noise Sensitive Receivers	Pickleball Noise Level from Court #5 with No Noise Control, dBA	Pickleball Noise Level from New Location with 12-ft High Solid Noise Barrier, dBA	Delta, dB
R1	51.7	33.5	-18.2
R2	59.2	37.3	-21.9
R3	58.9	37.8	-21.1
R4	53.7	37.9	-15.8
R5	49.5	36.4	-13.1
R6	46.6	36.0	-10.6

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.

Noise Control Option 2

As an alternative to Option 1, install lightweight acoustical fencing (Acoustiblok or AcoustiFence) to the north, east, west, and south sides of the chain link fence surrounding the pickleball courts, as per Figure 5. The AcoustiFence (Figure 6), or acoustical equivalent should provide a minimum STC 28 rating or greater. The estimated barrier insertion loss values are consistent with AGI's field observations at similar pickleball facilities. Table 8 summarizes the pickleball noise levels with acoustical fencing surrounding the courts.

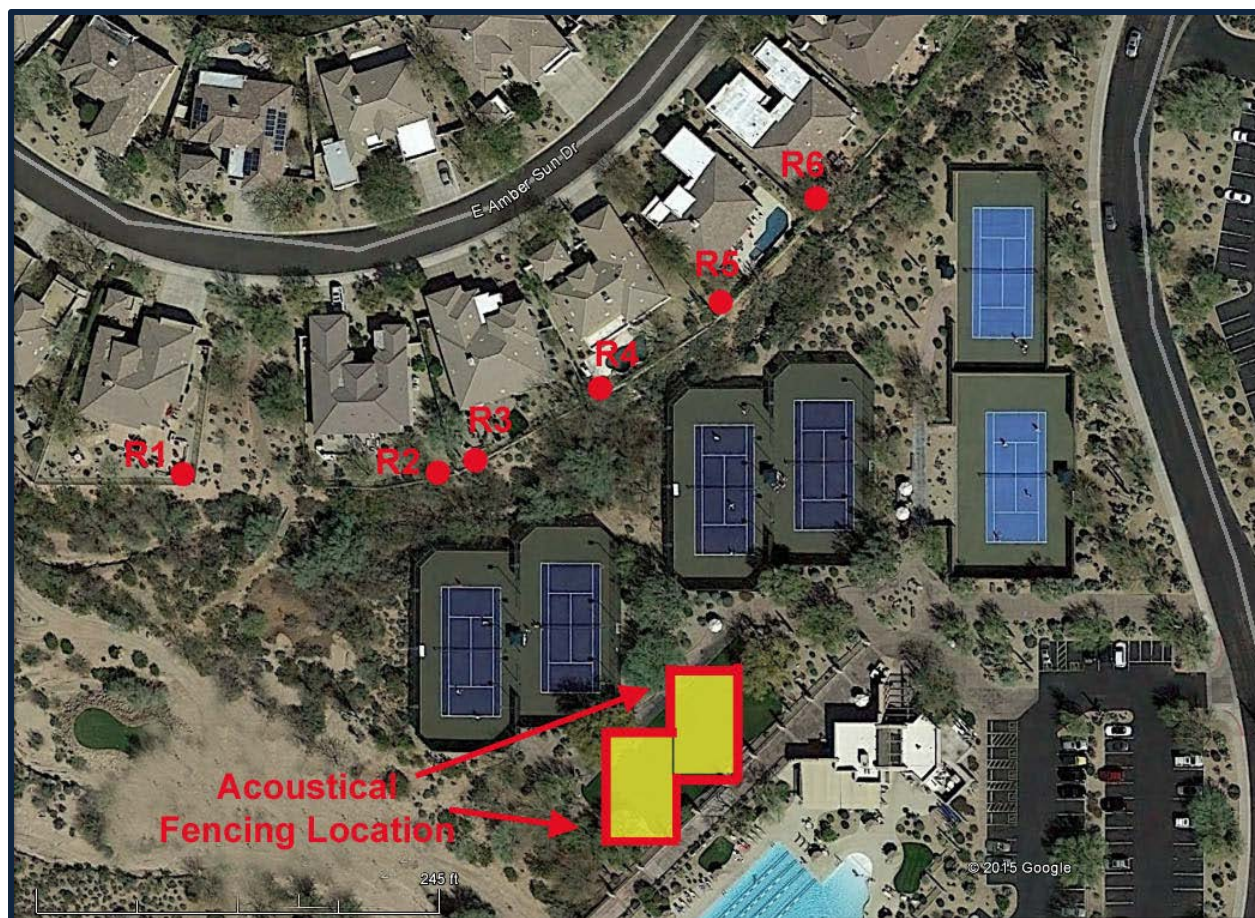


Figure 5. Recommended Acoustical Fencing Location Surrounding Pickleball Courts



Figure 6. AcoustiFence Surrounding Pickleball Courts

**Table 8. Pickleball Noise Control Analysis – Acoustical Fencing**

Noise Sensitive Receivers	No Wall	Alternative Acoustical Fencing Heights, ft		
		10	12	14
R1	41.4	37.2	36.8	36.6
R2	45.6	41.2	40.9	40.7
R3	46.0	41.7	41.3	41.2
R4	45.8	41.5	41.1	41.0
R5	43.9	39.5	39.1	38.9
R6	41.5	36.9	36.4	36.2

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.

Based on the results summarized in Table 8, acoustical fencing of at least 12-feet in height is needed to provide a noticeable noise reduction at the nearby residences represented by Receptors 1 through 6. With a 12-foot high noise barrier, locating the new pickleball courts would result in noise levels of 36.8, 40.9, 41.3, 41.1, 39.1, and 36.4 dBA, at receptors R1 through R6, respectively. Compared to a solid noise barrier, acoustical fencing does not provide as significant amount of noise reduction.

Compared to locating the pickleball courts on Court #5, the new pickleball courts with a 12-ft high acoustic fencing will result in noise levels ranging from 10.2 to 18.3 dB less than then noise levels from Court #5. Refer to Table 7 for a comparison of the pickleball noise levels from Court #5 and the new proposed pickleball location with the 12-foot high acoustic fencing.

With the 12-foot high acoustic fencing, the pickleball noise would be below the 50 to 55 dBA guidelines for residential noise impact assessment. However, the pickleball noise levels would be approximately 6 dB higher than the ambient noise level at around 35 dBA and audible to the nearest residences.

Table 9. Comparison of Pickleball Noise Levels from Court #5 and New Pickleball Location with the 12-ft High Acoustic Fencing

Noise Sensitive Receivers	Pickleball Noise Level from Court #5 with No Noise Control, dBA	Pickleball Noise Level from New Location with 12-ft High Acoustic Fencing, dBA	Delta, dB
R1	51.7	36.8	-14.9
R2	59.2	40.9	-18.3
R3	58.9	41.3	-17.6
R4	53.7	41.1	-12.6
R5	49.5	39.1	-10.4
R6	46.6	36.4	-10.2

Note: Pickleball noise analysis based on 2 pickleball courts with a total of 8 players.



Noise Control Option 3

In addition to either Noise Control Option 1 or Noise Control Option 2, Terravita Country Club could enforce the requirement of the newer “Quietest” or “Quieter” Pickleball paddles. Table 10 lists the noise levels from pickleball paddles. Depending on the equipment type used, the noise level from pickleball noise could be reduced by 5.4 to 7.7 dB.

Table 10. Ranking of the Tested Pickleball Paddles by Sound Level

Paddle	Pickleball Noise Level, Leq, dBA at 10-ft from edge of court	Description
ZZT	57.0	Quietest
Pickleball Now The Force	57.2	Quietest
Graphite Magnum	57.9	Quieter
Pickleball Now MetaLite	58.1	Quieter
Pro Lite Enforcer	58.9	Quieter
Paddle Tech	59.3	Quieter
Graphite	60.1	Moderately Quiet
Pro Lite Power	60.1	Moderately Quiet
Brian Jensen Designs	61.0	Moderately Quiet
Striker	61.3	Moderately Quiet
Blaster	61.4	Moderately Quiet
Pro Lite Aero D	61.4	Moderately Quiet
Prolite Magnum	62.8	Moderately Quiet
Pickleball Now Classic Lite	63.3	Loudest
Pickleball Now Force	64.0	Loudest
Whipper Snapper	64.7	Loudest

Noise Control Option 4

Depending on the orientation of the Pickleball Courts, the noise produced by the ball and paddle impact can exhibit a small amount of directivity. The noise experienced along the baseline of the Pickleball Courts can be approximately 2 dB higher than the noise along the sideline directions. To minimize the affect of directivity, the courts can be orientated such that the sidelines face the nearest residences and thus further reduce the noise in the direction of the nearest homes. This would involve an approximately 90-degree rotation of the courts.



SUMMARY OF NOISE CONTROL OPTIONS

Compared to locating the pickleball courts on Court #5, the new pickleball courts with a 12-ft high solid noise barrier will result in noise levels ranging from 10.6 to 21.9 dB less than then noise levels from Court #5. Compared to locating the pickleball courts on Court #5, the new pickleball courts with a 12-ft high acoustical fencing will result in noise levels ranging from 10.2 to 18.3 dB less than then noise levels from Court #5. Compared to a solid noise barrier, acoustical fencing does not provide as significant amount of noise reduction. Depending on the equipment type used, the noise level from using newer “Quietest” or “Quieter” pickleball paddles could be reduced 5.4 to 7.7 dB. Additionally, if the angle of the proposed courts was rotated 90 degrees, noise levels could be reduced an additional 2 dB. Table 11 summarizes the noise control options evaluated for the new pickleball location.

Table 11. Summary of Noise Control Options

Noise Control Option	Noise Reduction, dB	Description
(1) 12-ft High Solid Noise Barrier	10.6 to 21.9 ¹	Significantly Noticeable
(2) 12-ft High Acoustical Fencing	10.2 to 18.3 ¹	Clearly Noticeable
(3) Quiet Paddles	5.4 to 7.7	Noticeable
(4) Angle of Court Play	2	Not Noticeable

¹ Compared to Pickleball Play on Court #5 with No Noise Control

RECOMMENDATIONS

The following recommendations are identified to provide a substantial reduction of the pickleball noise at the nearest residences:

1. A 12-foot high noise barrier (barrier height is relative to the court elevation) should be constructed along the western and northern boundary of the pickleball courts as shown in Figure 4, to reduce the pickleball noise at Receptors 1 through 6. Materials such as concrete block, plexiglass, or acoustical blanket (e.g. Acoustical Solutions Noise S.T.O.P Soundproof Blanket STC 33, NRC 0.75) should be used to provide the sound transmission needed.
2. As an alternative, a 12-ft high acoustical fencing (acoustical fencing height is relative to the court elevation) can be constructed surrounding the proposed pickle court location as shown in Figure 5. Acoustiblok, AcoustiFence, or acoustical equivalent should provide a minimum STC 28 rating or greater.
3. Require pickleball players to use the newest “Quietest” or “Quieter” paddles. Require an inspection of the paddles and ball prior to begin of play.
4. Rotate the design of the Pickleball Courts by 90 degrees, so that the baselines are perpendicular to the residences to the North.
5. Consider limiting the days and hours of pickleball play to time periods that are less intrusive to nearby homeowners.



6. The engineering design of the noise barrier should be reviewed by a licensed engineer to ensure compliance with all applicable codes.

CONCLUSION

AGI has analyzed the pickleball noise from the new proposed pickleball courts and the potential noise reduction that could be achieved with a noise barrier along the western and northern edge of the courts or acoustical fencing surrounding the courts. The analysis has determined that a 12-foot high noise barrier would provide a significant and substantial noise reduction compared to the no noise barrier case. Alternatively, a 12-ft high acoustical fencing would provide a clearly noticeable noise reduction compared to the no noise barrier case. Requiring pickleball players to use quiet paddles and rotation of the court by 90 degrees would further reduce noise levels. Because the Terra Vita community is located in a quiet ambient environment, noise from the pickleball play will not be reduced to an inaudible level by constructing a noise barrier and additional noise control measures. However, the recommended noise control options could be collectively employed to provide a substantial reduction in the pickleball noise.

Please contact Mr. Robert Woo at 877-595-9988 if you have any questions regarding this summary.

Sincerely,

ACOUSTICS GROUP, INC.

A handwritten signature in black ink, appearing to read 'R. Woo'.

Robert Woo
Principal Consultant

A handwritten signature in black ink, appearing to read 'Angelica Nguyen'.

Angelica Nguyen
Senior Consultant

Product Name

AcoustiFence® Noise Reducing Fences

For Manufacturer Info:

Contact:

Acoustiblok, Inc.
6900 Interbay Boulevard
Tampa, FL 33616
Call - (813) 980-1400
Fax - (813)849-6347
Email - sales@acoustiblok.com
www.acoustiblok.com

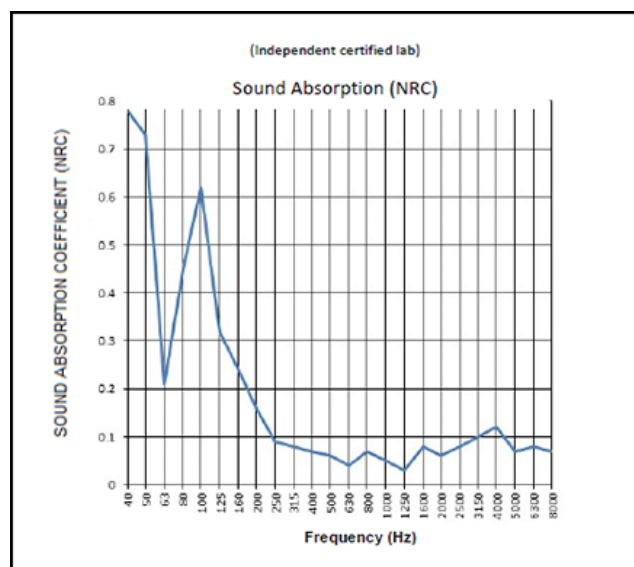
Product Description

Basic Use

AcoustiFence was originally developed by Acoustiblok, Inc. for noise isolation on offshore oil rigs, but has since proven successful in many other demanding outdoor settings, such as construction sites, commercial/industrial facilities, and residential communities.

AcoustiFence Noise Reducing Fences

AcoustiFence is a unique, heavy-mineral filled, barium free, viscoelastic acoustical material that is made in the U.S.A. Unlike fences or shrubs, this material does extraordinarily well in blocking direct sound, and a unique characteristic of the material sets it apart from other sound barriers when dealing with very low frequencies.



Sound Absorption Test Results

Benefits:

- Effectively reduces exterior noise
- Over 300 UL Classifications
- Easy to install
- Resistant to UV, dirt and water
- Resistant to corrosion, mold and mildew



Product Name

AcoustiFence® Noise Reducing Fences

AcoustiFence Noise Reducing Fences continued...

In frequencies of 50Hz and below, the heavy limp AcoustiFence material actually begins to vibrate from low frequency sound waves. In essence it is transforming these low frequency sound waves into mechanical movement and internal friction energy. Laboratory tests indicate that this transformation process inhibits these lower frequencies from penetrating AcoustiFence, reducing their level by over 60 percent relative to the human ear. In addition, AcoustiFence becomes an absorbent material in these frequencies with test results show an NRC (noise reduction coefficient) as high as 0.78 (with 1.00 being the max). As such it is clear that AcoustiFence not only reduces sound as a barrier, but also acts as an acoustical absorbent material in very low frequencies, as opposed to reflecting those frequencies back like most other barriers. It is worth noting that lead sheets (which are toxic) work in the same manner.

Green AcoustiFence has the same sound deadening properties and features as our original black AcoustiFence. In addition, this new version features advanced reinforced edging and stainless steel cable ties. Made and sourced in the USA, It comes in 6x30 foot sections and is one of the most effective first steps in reducing noise for industrial, commercial and residential projects.

Green AcoustiFence

One of Acoustiblok's most popular products, designed as an advanced sound barrier that easily attaches to most types of fencing, is now available in a new green shade that easily blends into the environment. This makes it ideal for landscaping projects, residential home use and any outdoor applications where blending into the natural foliage is a concern.

Product Name

AcoustiFence® Noise Reducing Fences

Sound Transmission Class (STC)

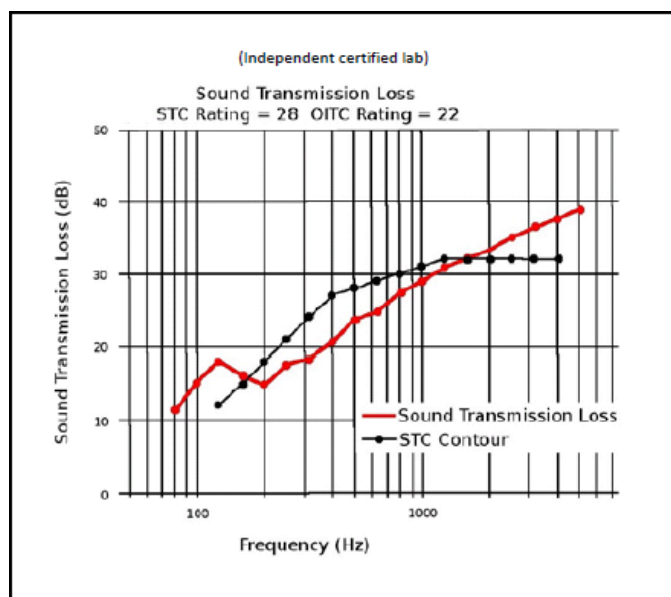
Sound Transmission Class (STC) is a single number that represents the sound blocking capacity of a partition such as a wall or ceiling.

STC numbers are often called out in architectural specifications, to assure that partitions will reduce noise levels adequately. For performance similar to laboratory test numbers, it is necessary to adhere closely to the construction materials and techniques used in the tested partition.

STC is calculated by comparing the actual sound loss measured when 18 test frequencies pass through a partition, with fixed values for each STC level. The highest STC curve that the measured sound loss numbers fit under, determines the STC rating of the partition.

STC calculations emphasize sound frequencies that match the human voice. A high STC partition will block the sound of human speech and block noise that interferes with human speech. To estimate high and low frequency performance, consult the Sound Transmission Loss graph included in STC test reports. Impact Insulation Class (IIC) measure transmitted impact noise and are specified for floor-ceiling assemblies only.

Acoustical test reports for numerous wall and floor/ceiling designs are available from Acoustiblok on request. All our test data is taken directly from independent 3rd party laboratories under NVLAP certification.



Sound Transmission Loss Test Results

Product Name

AcoustiFence® Noise Reducing Fences

Physical Properties

- Barium free
- Minimum STC 28 per ASTM E90-02 & ASTM E413-87
- Minimum sound attenuation 24 dBA @ 100Hz & 16dBA @ 40Hz
- Size - 6 ft.(1.83m) x 30 ft.(9.14m) x 0.125 in. (.3mm) – 180 ft² (16.83m²)
- Color - black or green
- High UV resistance
- Heat tolerance: 200°F (93°C) for 7 days, less than 1% shrinkage with no deformation.
- Freezes at -40°F (-40°C). Do not unroll or flex frozen material. Properties not affected by freeze/thaw cycles.
- No fungal or algal growth and no visible disfigurement, per ASTM D3273 and ASTM D3274 (rating=10)
- Tensile Strength - min. 365 PSI
- Weight per section: 185 lbs. (84Kg)

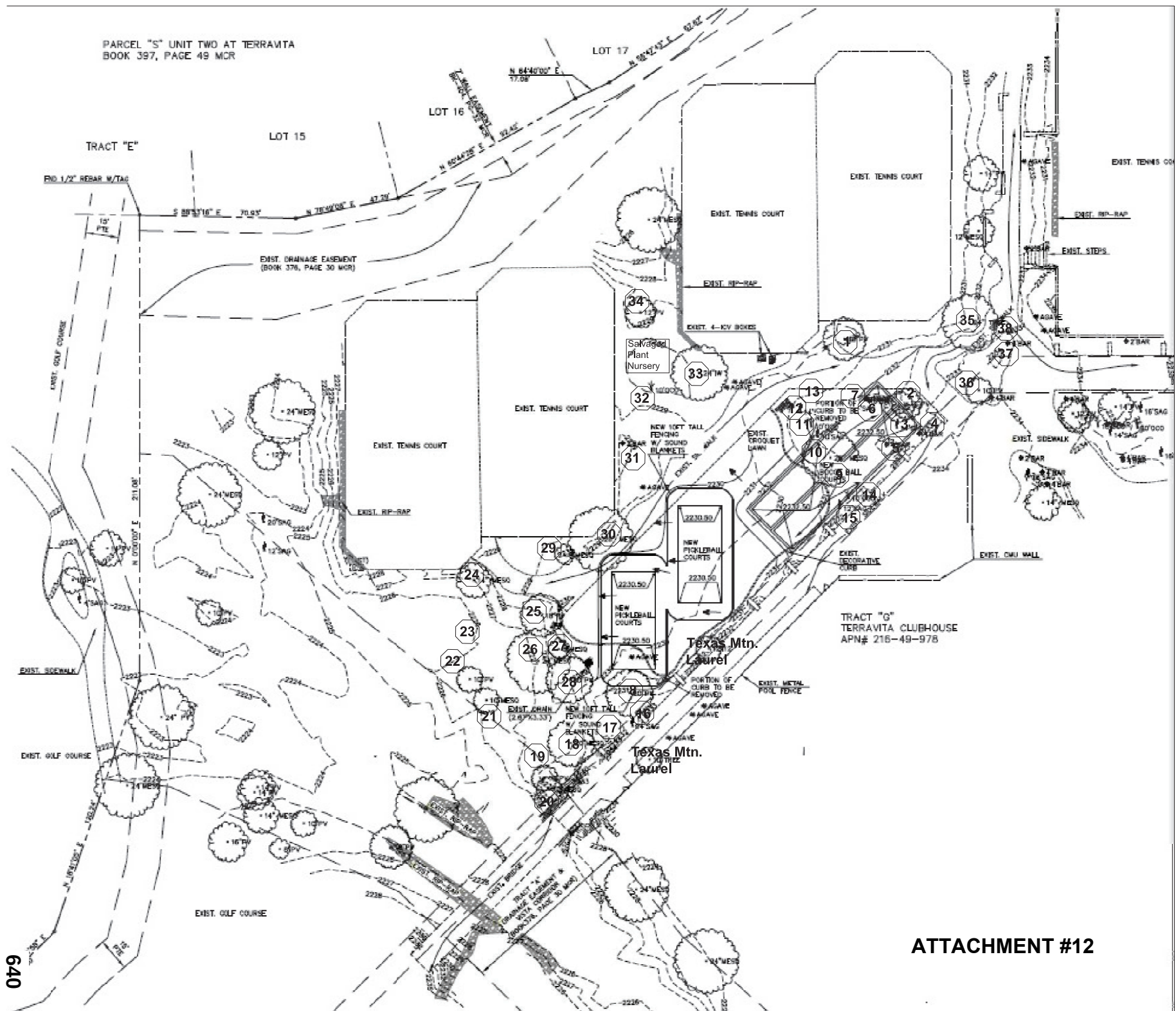
Material Specifications – Part # “Acoustifence 6x30 Industrial”

Acoustical Rating	STC 28 / OITC 22
Size	6 ft. (1.83m) x 30 ft. (9.14m) x 0.125 in. (.3mm) 180 ft ² (16.72m ²)
Weight	185 lbs. (84Kg)
Fastening	Black brass grommets every 6 in. (152mm) along top edge with four grommets spaced along the bottom edge. Commonly installed horizontally.
Color	Black
(This is an industrial product and minor surface blemishes are a possibility.)	



6900 Interbay Blvd
Tampa, Florida USA 33616
Telephone: (813)980-1440
www.Acoustiblok.com
sales@acoustiblok.com

Information herein is, to the best of our knowledge and belief, accurate. However, since conditions of handling and use are beyond our control, we make no guarantee of results and assume no liability for damages incurred by the use of this material/product. All material/products may present unknown health hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards that exist. Final determination of suitability of this material/product is the sole responsibility of the user. No representations or warranties, either expressed or implied, of merchantability, fitness for a particular purpose or any nature are made hereunder with respect to the information contained herein or the material/product to which the information refers. It is the responsibility of the user to comply with all applicable federal, state and local laws and regulations. Specifications subject to change without notice.



NATIVE PLANT INVENTORY PLAN



NATIVE PLANT INVENTORY
TREE RELOCATORS, INC.
6502 N. 81st Place Scottsdale, AZ 85250
Office: 480-947-6118
Cell: 480-361-4824
Fax: 480-361-4824
treerelocators@cox.net



To: Planning Department
City of Scottsdale

Date: 5-21-2021

Subject: Terravita Country Club
"Pickleball Courts"
34036 N. 69th Way

ORDERED BY: Rich Ruffe

Tag Colors: Red - Salvage
Blue - Unsavagable
White - Remain in Place

Tag#	Size	Species	Condition	Disposition	# Arms	Height	Width	Comments
1	15"	Palo Verde	Poor	Remain in Place				
2	17"	Palo Verde	Poor	Unsavagable				Multiple Trunks
3	16"	L.F. Saguaro	Good	Salvageable	2			
4	5"	Barrel	Good	Salvageable				
5	4"	Barrel	Good	Salvageable				
6	13"	L.F. Barrel's	Good	Salvageable	3			
7	32"	L.F. Saguaro	Good	Salvageable	3			
8	16"	Palo Verde	Poor	Unsavagable				Trunk Disease
9	20"	Mequite	Poor	Unsavagable				Split Trunk
10	15"	Saguaro	Good	Salvageable				
11	14"	Ocotillo	Good	Salvageable				
12	21"	Saguaro	Good	Remain in Place				
13	5"	Barrel	Good	Remain in Place				
14	15"	Ocotillo	Good	Salvageable				
15	21"	L.F. Saguaro	Good	Remain in Place				
16	31"	L.F. Saguaro	Good	Remain in Place	3			
17	45"	L.F. Saguaro	Good	Remain in Place				
18	16"	Mequite	Fair	Remain in Place	4			
19	8"	Palo Verde	Good	Remain in Place				
20	8"	Desert Willow	Poor	Remain in Place				
21	10"	Mequite	Poor	Remain in Place				
22	10"	Palo Verde	Poor	Remain in Place				
23	18"	Mequite	Poor	Remain in Place				
24	17"	Mequite	Fair	Remain in Place				
25	14"	Palo Verde	Fair	Remain in Place				
26	17"	Mequite	Poor	Remain in Place				
27	8"	Desert Willow	Good	Remain in Place				
28	13"	Palo Verde	Good	Remain in Place				
29	8"	Desert Willow	Good	Remain in Place				
30	20"	Mequite	Poor	Unsavagable				Exposed Roots
31	5"	Barrel	Fair	Remain in Place				
32	15"	Ocotillo	Good	Remain in Place				

NATIVE PLANT INVENTORY									
TREE RELOCATORS, INC.									
Tag#	Caliper	Species	Condition	Disposition	# Arms	Height	Width	Comments	
33	10"	Ironwood	Good	Remain in Place					
34	12"	Palo Verde	Poor	Remain in Place					
35	24"	Ironwood	Good	Remain in Place					
36	8"	Palo Verde	Good	Remain in Place					
37	5"	Barrel	Good	Remain in Place					
38	5"	Barrel	Good	Remain in Place					

L.F. = Linear Feet

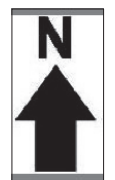
Native Plant Summary				
Plant Totals	Tree	Cacti	Overall Totals	
Remain in Place	17	9	Remain in Place	26
Salvage	0	6	Salvage	6
Destroy	4	0	Destroy	4
Total	15	17	Total	38

34036 N. 69th Way Scottsdale, AZ

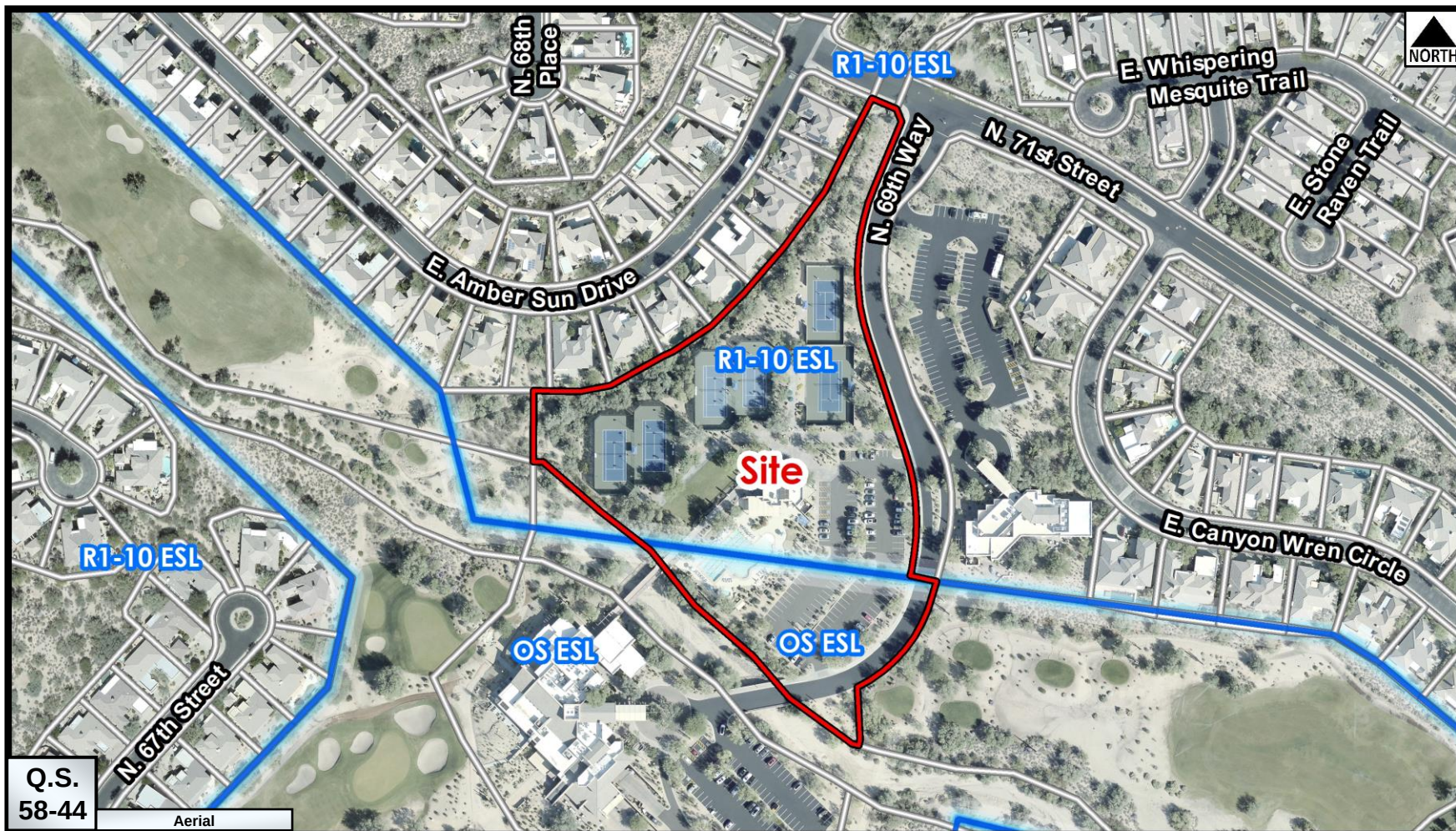
Terravita Country Club
"Pickleball Courts"

* "See ReVeg Plan or Landscape Plan (done by others) for Final Locations of Relocated Salvage Plants"

Indicates Existing Native Plant



PLANT SALVAGE CONTRACTOR:
Tree Relocators, Inc.
6502 N. 81st Place
Scottsdale, AZ
O. 480-947-6118 F. 480-361-4824
E. treerelocators@cox.net



Zoning Aerial

42-DR-1993#3

Terravita Country Club

Pickleball and Bocce Court Project

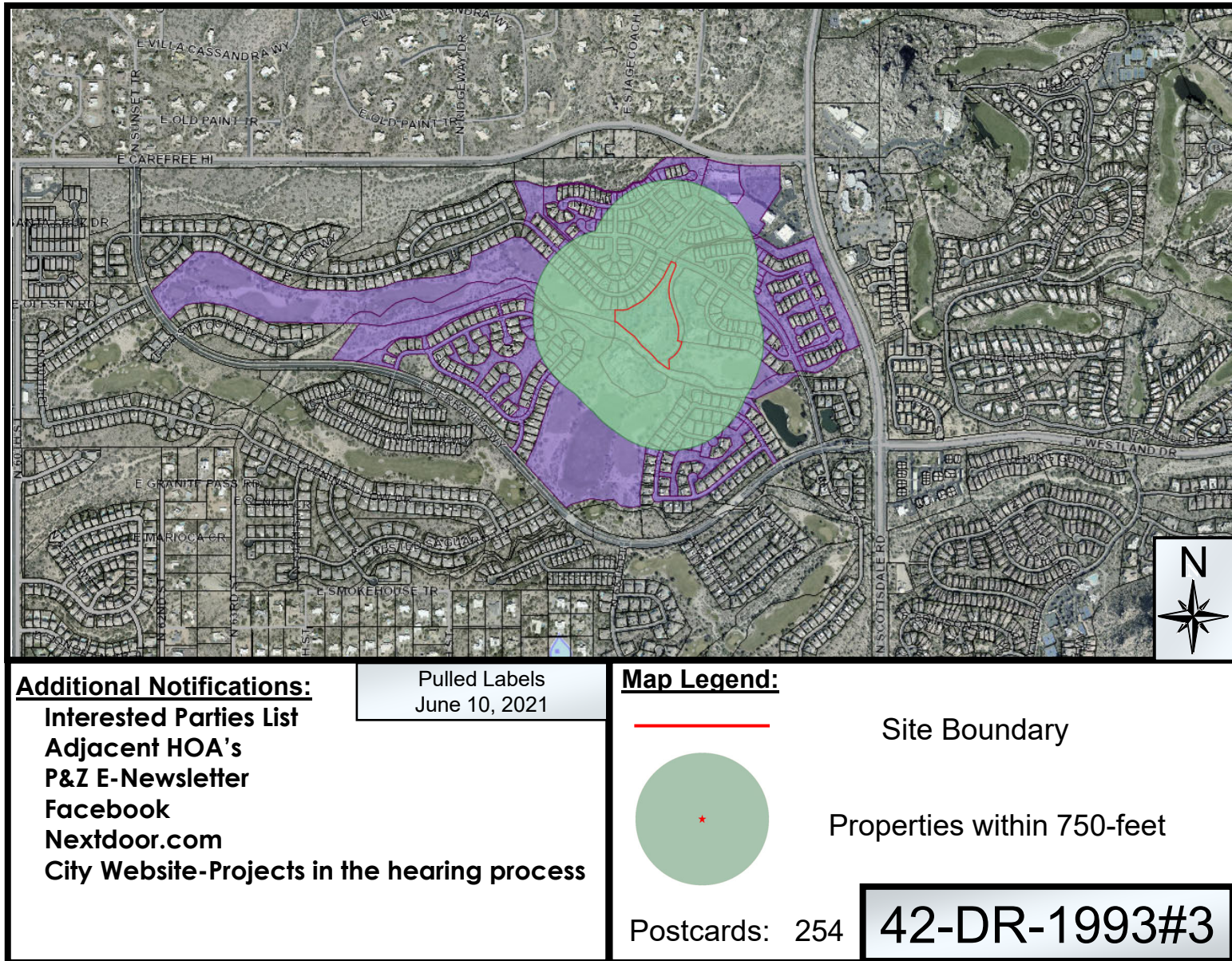
Public Participation Process

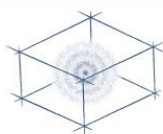
Overview:

- Notification Letter to all parties within 750' of proposed construction
- Committee Activity Summary (all meetings are open to all Members)
- Website Notices of all Committee Meetings (open to All Members)
- Member Registrations for January and February Board Meetings (held virtually by Zoom because of COVID restrictions)
- Pickleball Presentation from the January Board of Directors Meeting
- Pickleball Committee Q&A Follow Up from Board Meeting
- Additional Communication on Pickleball Development via monthly emailed President's Letter
- Member registrations for February Town Halls. (Meetings were held in person and open to all Members, but limited to 50 attendees because of COVID restrictions)

City Notifications – Mailing List Selection Map

Terravita Pickleball and Bocce Courts



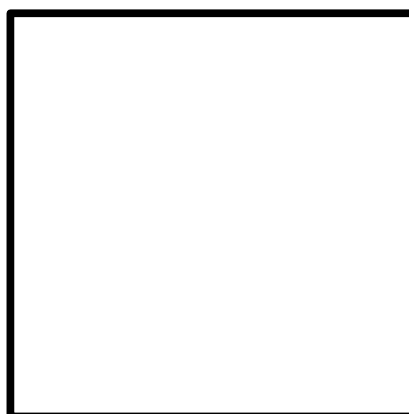


Noise Survey: **Proposed Pickleball Courts** **Iron Oaks at Sun Lakes**

Prepared for:

Sun Lakes HOA #3
24218 S Oakwood Blvd
Sun Lakes, AZ 85248

Project Manager
Randy Ankeny, General Manager



Lance Willis, PhD

Thomas Spendiarian, B. Arch, RA

© Spendiarian & Willis Acoustics & Noise Control LLC

R. 0, September 7, 2012

Table of Contents

1. Overview	5
1.1 Summary	5
2. Acoustical Measurements Description and Results	6
2.1 Test Description	6
2.1.1 Purpose	6
2.1.2 Measurements and Equipment	6
2.1.3 Measurement Locations	6
2.1.4 Environmental Conditions	7
2.2 Proposed East Tennis Court Location	8
2.2.1 Point 1, 24022 Berrybrook	8
2.2.2 Point 2, 24022 Berrybrook (Interior)	10
Maricopa County Noise Ordinance P-23 Testing	13
2.2.3 Point 3, 9747 Sunburst	14
2.2.4 Point 4, 23926 Glenburn	16
2.3 Proposed West Tennis Court Location	18
2.3.1 Point 4, 23926 Glenburn	18
2.3.2 Point 5, 23907 Sunvista	20
2.4 Proposed Practice Court Location	23
2.4.1 Point 4, 23926 Glenburn	23
2.4.2 Point 5, 23907 Sunvista	25
2.5 Summary of Sound Pressure Levels	26
2.6 Spectral Response of Pickleball and Paddle Impact Noise	28
3. Land Use Compatibility Analysis	31
3.1 Methodology	31
3.2 Analysis	31
3.3 Discussion	32
4. Conclusions and Recommendations	33
4.1 Compliance with Maricopa County Code P-23	33
4.2 Recommendations for Abatement	33
4.2.1 Proposed East Tennis Court Location	33
4.2.2 Proposed West Tennis Court Location	33
4.2.3 Practice Court	33
4.2.4 Hours of Operation	33
Appendix	34
A1. Glossary of Acoustical Terms and Abbreviations	35
A1.1 Abbreviations	35
A1.2 Terms	36
A2. General Acoustics	41
A3. P-23 Maricopa County Noise Code Excerpt	49
A4. Site Conditions	50
A4.1 Weather: August 17, 2012	50

A4.2 Site Photos	52
A5. Equipment List	56

Table of Figures

Figure 2.1. Proposed Court Sites and Measurement Locations.....	7
Figure 2.2. Sound Pressure Level at 24022 Berrybrook (Players on East Tennis Court).....	8
Figure 2.3. Background Noise Level at 24022 Berrybrook.....	9
Figure 2.4. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court).....	11
Figure 2.5. Background Noise Level Inside 24022 Berrybrook.....	12
Figure 2.6. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court, Back Door Open).....	13
Figure 2.7. Sound Pressure Level at 9747 Sunburst (Players on East Tennis Court).....	14
Figure 2.8. Background Noise Level at 9747 Sunburst.....	15
Figure 2.9. Sound Pressure Level at 23926 Glenburn During Play (Players on East Tennis Court).....	16
Figure 2.10. Background Noise Level at 23926 Glenburn.....	17
Figure 2.11. Sound Pressure Level at 23926 Glenburn During Play (Players on West Tennis Court).....	19
Figure 2.12. Sound Pressure Level at 23907 Sunvista During Play (Players on West Tennis Court).....	21
Figure 2.13. Background Noise Level at 23907 Sunvista.....	22
Figure 2.14. Sound Pressure Level at 23926 Glenburn During Play (Players on Practice Court).....	24
Figure 2.15. Sound Pressure Level at 23907 Sunvista During Play (Players on Practice Court).....	25
Figure 2.16. Spectral Response of a Sharp Hit.....	29
Figure 2.17. Spectral Response of a Dull Hit.....	30
Figure A2.1. Equal Loudness Contours	42
Figure A2.2. Frequency Weighting Filter Curves.....	43
Figure A2.3. SPL Produced by Various Sources.....	44
Figure A2.4. Amplitude and Frequency Ranges of Speech and Music.....	45
Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading.....	46
Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output.....	47
Figure A4.1. Temperature, Dew Point, and Relative Humidity on August 17, 2012.....	50
Figure A4.2. Wind Speed, Heading, and Station Pressure on August 17, 2012.....	51
Figure A4.3. Weather Station, SW of Proposed East Tennis Court Location.....	52
Figure A4.4. Sound Level Meter at Point 1, 24022 Berrybrook.....	52
Figure A4.5. Sound Level Meter at Point 2, 24022 Berrybrook (Interior).....	53
Figure A4.6. Sound Level Meter at Point 3, 9747 Sunburst.....	53
Figure A4.7. Sound Level Meter at Point 4, 23926 Glenburn.....	54
Figure A4.8. Sound Level Meter at Point 5, 23907 Sunvista.....	54
Figure A4.9. 9.5 Foot Wall at South End of Practice Court.....	55

Index of Tables

Table 2.1. Sound Pressure Level Data at 24022 Berrybrook (Players on East Tennis Court).....	9
Table 2.2. Sound Exposure Level Data at 24022 Berrybrook (Players on East Tennis Court).....	10

Table 2.3. Sound Pressure Level Data Inside 24022 Berrybrook (Players on East Tennis Court)	13
Table 2.4. Sound Pressure Level Data at 9747 Sunburst (Players on East Tennis Court).....	15
Table 2.5. Sound Exposure Level Data at 9747 Sunburst (Players on East Tennis Court).....	16
Table 2.6. Sound Pressure Level Data at 23926 Glenburn (Players on East Tennis Court).....	17
Table 2.7. Sound Exposure Level Data at 23926 Glenburn (Players on East Tennis Court).....	18
Table 2.8. Sound Pressure Level Data at 23926 Glenburn (Players on West Tennis Court).....	19
Table 2.9. Sound Exposure Level Data at 23926 Glenburn (Players on West Tennis Court).....	20
Table 2.10. Sound Pressure Level Data at 23907 Sunvista (Players on West Tennis Court).....	22
Table 2.11. Sound Exposure Level Data at 23907 Sunvista (Players on West Tennis Court).....	23
Table 2.12. Sound Pressure Level Data at 23926 Glenburn (Players on Practice Court).....	24
Table 2.13. Sound Exposure Level Data at 23926 Glenburn (Players on Practice Court).....	25
Table 2.14. Sound Pressure Level Data at 23907 Sunvista (Players on Practice Court).....	26
Table 2.15. Sound Exposure Level Data at 23907 Sunvista (Players on Practice Court).....	26
Table 2.16. Key to Measurement and Source Location Abbreviations.....	27
Table 2.17. Sound Pressure Level Data for All Source and Measurement Locations.....	27
Table 2.18. Paddle Sound Exposure Level Data for All Source and Measurement Locations.....	27
Table 3.1. Paddle LAeq Adjustments and Recommended Attenuation.....	32
Table A2.1. Decrease of SPL with Distance Due to Spherical Spreading.....	46

1. Overview

1.1 Summary

Acoustical measurements were carried out near the Racquet Club at Iron Oaks at Sun Lakes Robson Resort Community on the morning of Friday, August 17, 2012. Three courts proposed for conversion from tennis to pickleball were tested at five locations including one interior measurement for compliance with Maricopa County Code P-23.

The impact on neighboring residences has been assessed using ANSI S12.9 Parts 4 and 5. The proposed east tennis court location is recommended for conversion to pickleball. A sound wall will be required. Operation during nighttime hours is not recommended.

The practice court is also an acceptable location with additional abatement. The proposed west tennis location is not recommended based on current data.

Measured sound pressure levels were below the Maricopa County noise criteria at 24022 Berrybrook; however, the nearest residence to the east tennis court location was not tested on the interior, but is expected to require mitigation at the courts boundary to comply with the Maricopa County Code based on measurements outside the home.

2. Acoustical Measurements Description and Results

2.1 Test Description

2.1.1 Purpose

A series of acoustical measurements was carried out at the property lines of the homes nearest to the sites of the proposed pickleball courts to determine the sound levels produced by the pickleball play. A measurement was also performed inside one home as specified by Maricopa County Code P-23 to test for compliance.

2.1.2 Measurements and Equipment

A-weighted acoustical data was logged with a Bruel and Kjaer Type 2236 integrating sound level meter using fast time constant setting. Simultaneous, calibrated digital recordings were also made to document existing sound sources. These recordings were used for more detailed analysis of the impulsive sound of the pickleball and paddle impact. The microphone height was 60 inches unless otherwise noted. A three inch diameter wind screen was placed over the microphone.

Because the impact sound of the paddles can not be represented accurately with an averaged sound pressure level (LAeq) measurement, the A-weighted sound exposure level (SEL) is used instead. This quantity includes only the impulsive sound and is a function of both the average acoustic pressure of the impulse and its duration.

For each measurement of the paddle impacts, 16 players played with four balls on the proposed tennis courts areas except on the west tennis court while measuring at 9747 Sunvista. In this test there were 10 players and four balls in play. On the practice court there were eight players and two balls in play. The players maintained constant play during measurements labeled 'during play' or 'play'.

Meteorological observations were made at the proposed court site during the time of the acoustical measurements using a Kestrel 4500 weather station. Temperature, humidity, wind, and pressure data were logged every 20 seconds. This data is displayed in the appendix.

2.1.3 Measurement Locations

Figure 2.1 shows the locations of the five measurement points which included four points near residences and one inside the residence at 24022 Berrybrook (point 2). The microphone was placed at the nearest residential property lines where applicable. The surfaces of the proposed

courts sites were painted asphalt.

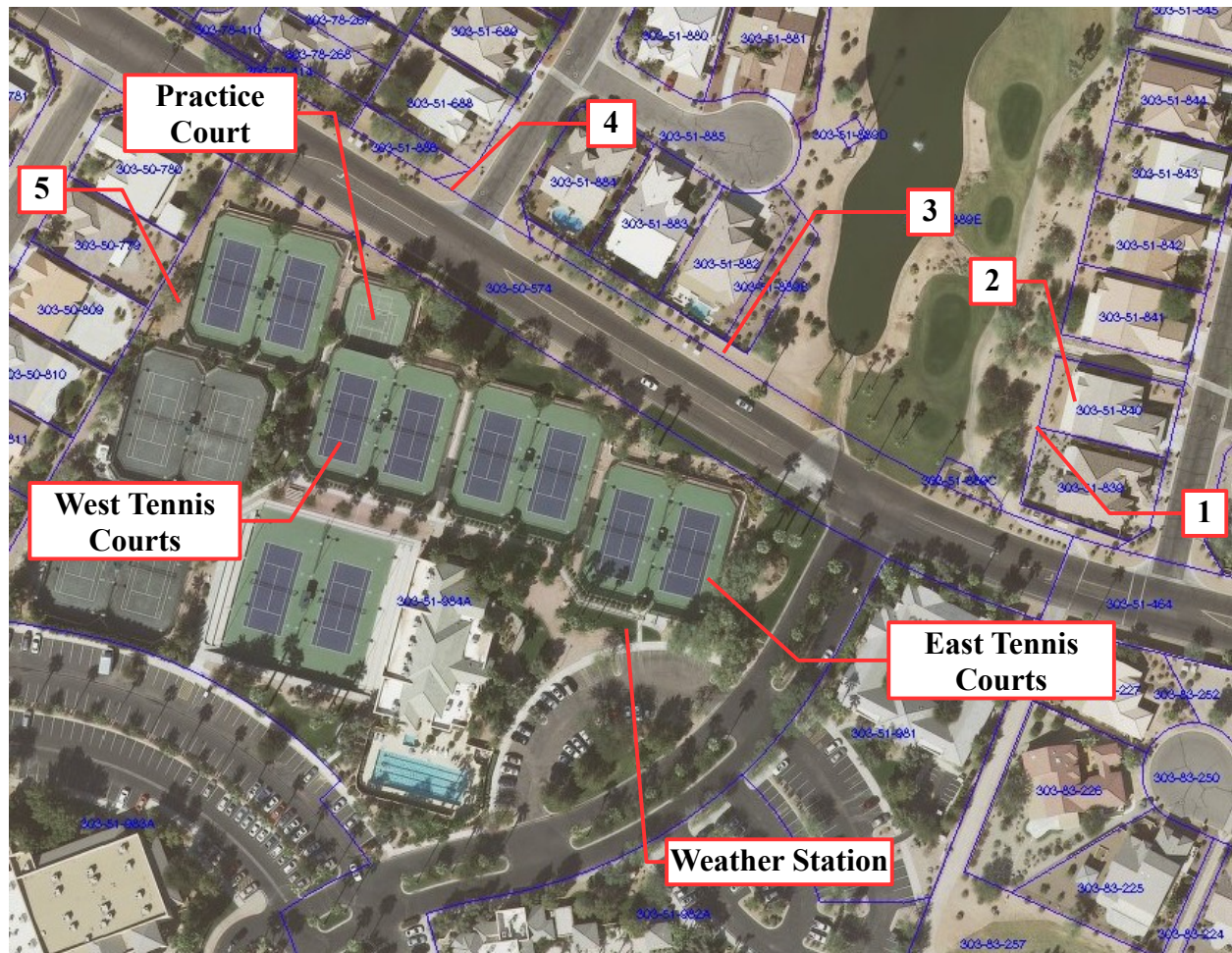


Figure 2.1. Proposed Court Sites and Measurement Locations

2.1.4 Environmental Conditions

The measurements were carried out on the morning of Friday, August 17, 2012. Meteorological conditions in the area were overcast with light winds from the northwest.

The weather station was set up near the southern end of east tennis courts site on the lawn outside the fence.

2.2 Proposed East Tennis Court Location

2.2.1 Point 1, 24022 Berrybrook

At the southwest corner of 24022 Berrybrook, 70 feet from Robson Blvd. 330 feet from center of proposed east tennis court location. Ground was moist soil.

Figure 2.2 shows that the sound pressure level was in the 45 to 50 dBA range during play. Background noise levels, seen in Figure 2.3, were similar with a fairly constant stream of traffic on Robson Blvd.

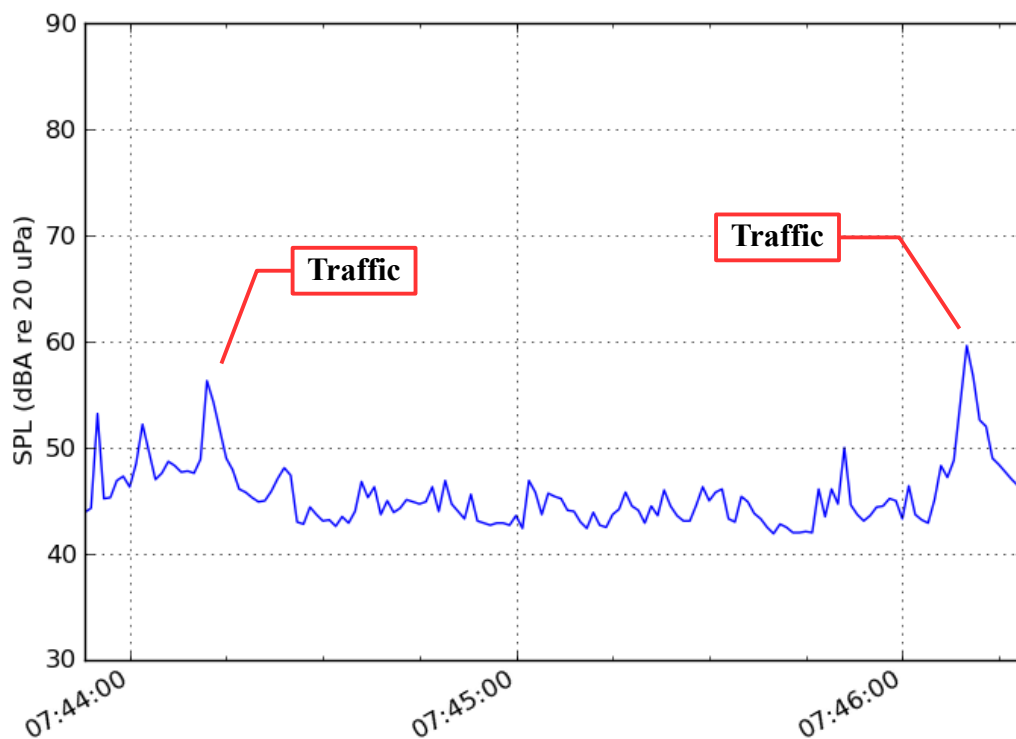


Figure 2.2. Sound Pressure Level at 24022 Berrybrook (Players on East Tennis Court)

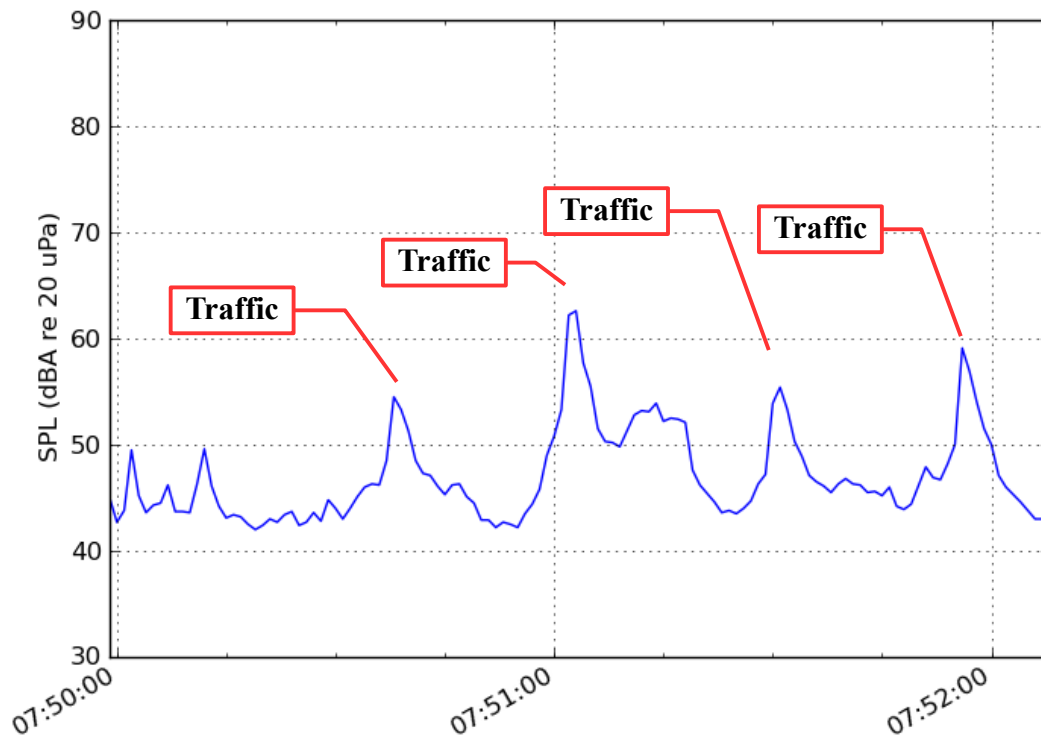


Figure 2.3. Background Noise Level at 24022 Berrybrook

The sound pressure level data at this location is shown in Table 2.1. The pickleball paddles did not contribute to average sound pressure at this location.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmix	L10	L50	L90
Play	07:43:53	07:46:19	47.3	3.8	41.9	59.6	48.9	44.9	42.8
Background	07:49:59	07:52:08	50.2	4.3	42.0	62.6	53.3	46.1	42.9

Table 2.1. Sound Pressure Level Data at 24022 Berrybrook (Players on East Tennis Court)

Table 2.2 summarizes the ASEL data for the paddle impacts. For the ASEL results, vehicle traffic was removed from the data to prevent detection failure due to masking by the road noise. The resulting measurement time is noted in the table.

The number of hits detected and the rate are listed next. The total ASEL includes all impacts detected in the data set. This is then normalized to the number of hits. Finally, the LAeq for just the paddles is shown as calculated from the total ASEL and measurement time.

Measurement Time (sec)	Hits per Minute	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
127.523	63	29.6	58.5	40.5	37.5

Table 2.2. Sound Exposure Level Data at 24022 Berrybrook (Players on East Tennis Court)

2.2.2 Point 2, 24022 Berrybrook (Interior)

At approximately the center of the family room / dining room space. 360 feet from center of proposed east tennis court location.

This measurement was carried out to evaluate compliance with the Maricopa County Noise Ordinance P-23. This code states that a noise is a disturbance if it “can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates.”

Figure 2.4 and Figure 2.5 show the sound pressure level with and without pickleball play. Figure 2.6 shows the sound pressure level during play with the back door open; however, this measurement does not comply with the test specification in Maricopa ordinance P-23. Background noise heard inside the house included traffic on Robson Blvd and a refrigerator.

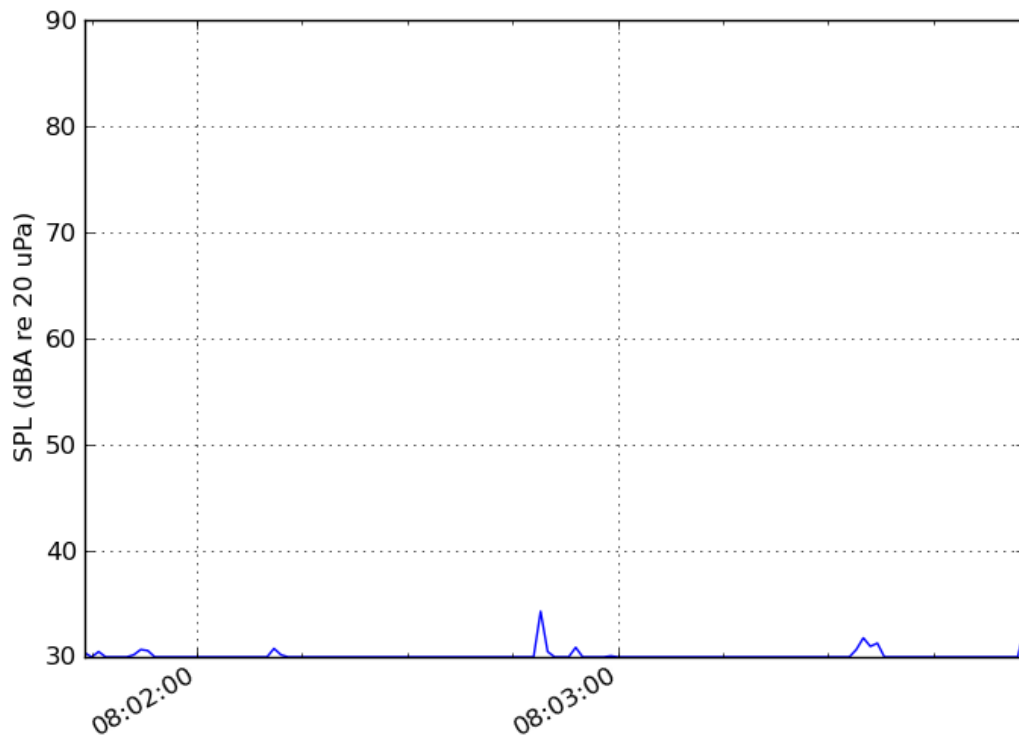


Figure 2.4. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court)

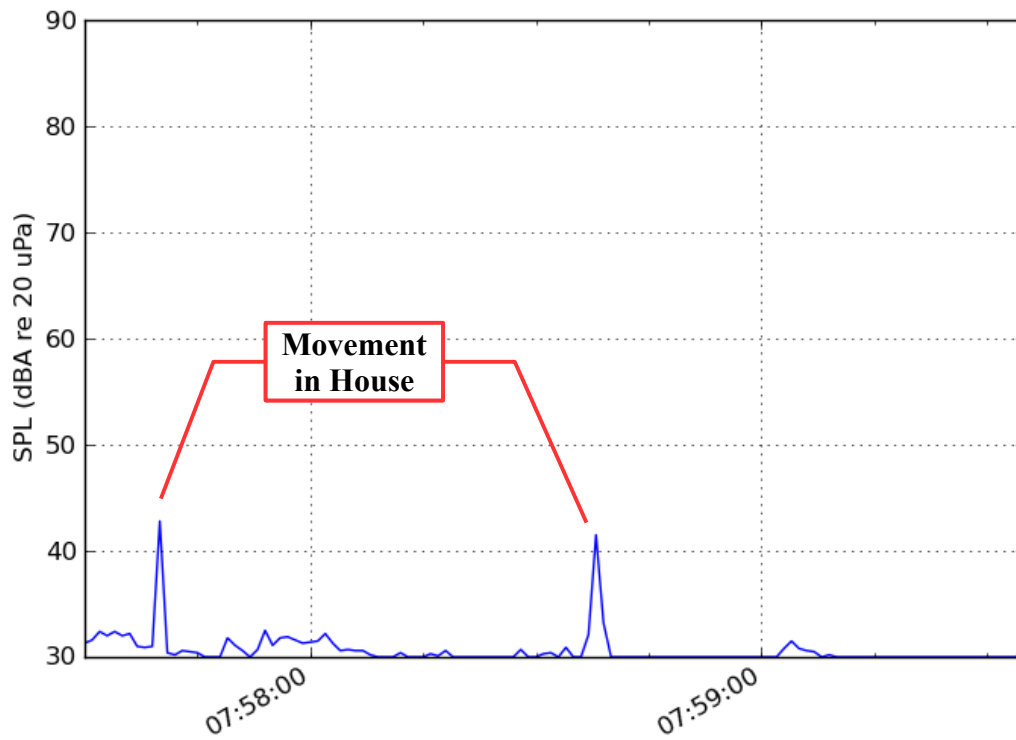


Figure 2.5. Background Noise Level Inside 24022 Berrybrook

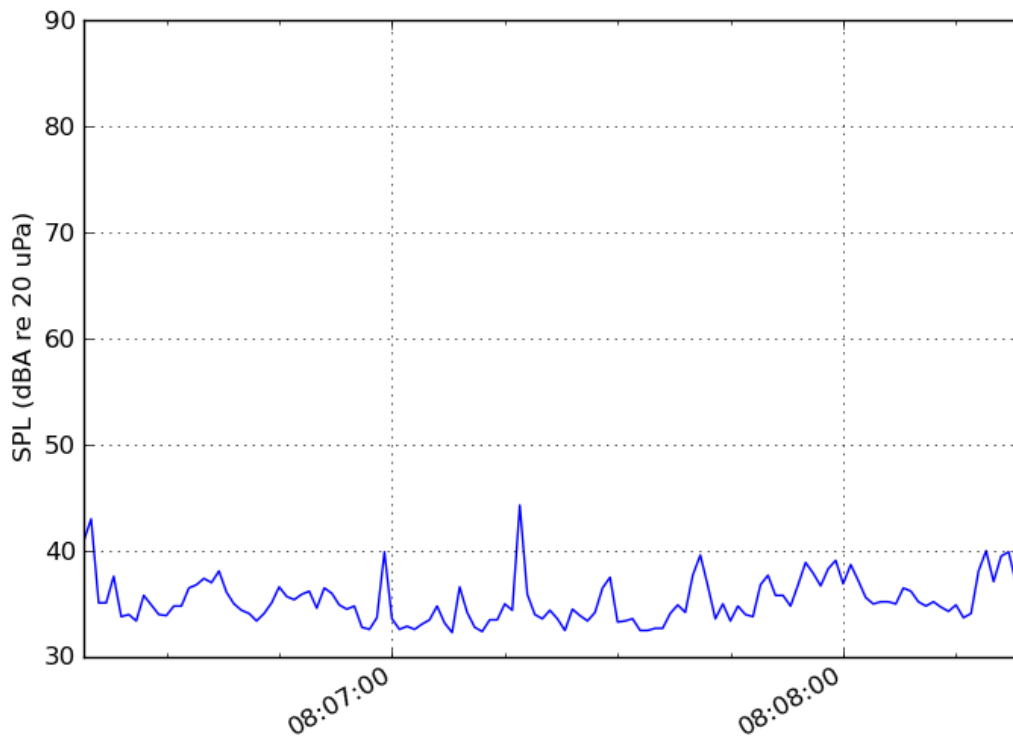


Figure 2.6. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court, Back Door Open)

The sound pressure level data at this location is shown in Table 2.3. The interior of the house was extremely quiet and for part of the measurement time the level was below the range of the meter.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmaz	L10	L50	L90
Play	08:01:44 AM	08:03:58 AM	30.2	2.2	30.0	34.3	30.3	30.0	30.0
Background	07:57:30 AM	07:59:35 AM	31.4	3.6	30.0	42.8	31.9	30.0	30.0
Play (open door)	08:06:19 AM	08:08:24 AM	36.1	2.9	32.3	44.3	38.5	34.9	33.0

Table 2.3. Sound Pressure Level Data Inside 24022 Berrybrook (Players on East Tennis Court)

Maricopa County Noise Ordinance P-23 Testing

During the 2:14 minute exposure inside the house with all doors and windows closed, two faint hits were just audible at the center of the family room / dining room area. The sound from the east tennis court could only be heard by standing perfectly still and listening carefully for the

paddle impacts.

2.2.3 Point 3, 9747 Sunburst

At the southeast corner of 9747 Sunburst, 16 feet from privacy wall. 190 feet from center of proposed east tennis court location. Ground was course gravel.

Figure 2.7 shows that the sound pressure level was in the 50 to 60 dBA range during play with the primary sounds being pickleball paddles and traffic on Robson Blvd. Background noise levels, seen in Figure 2.8, were similar.

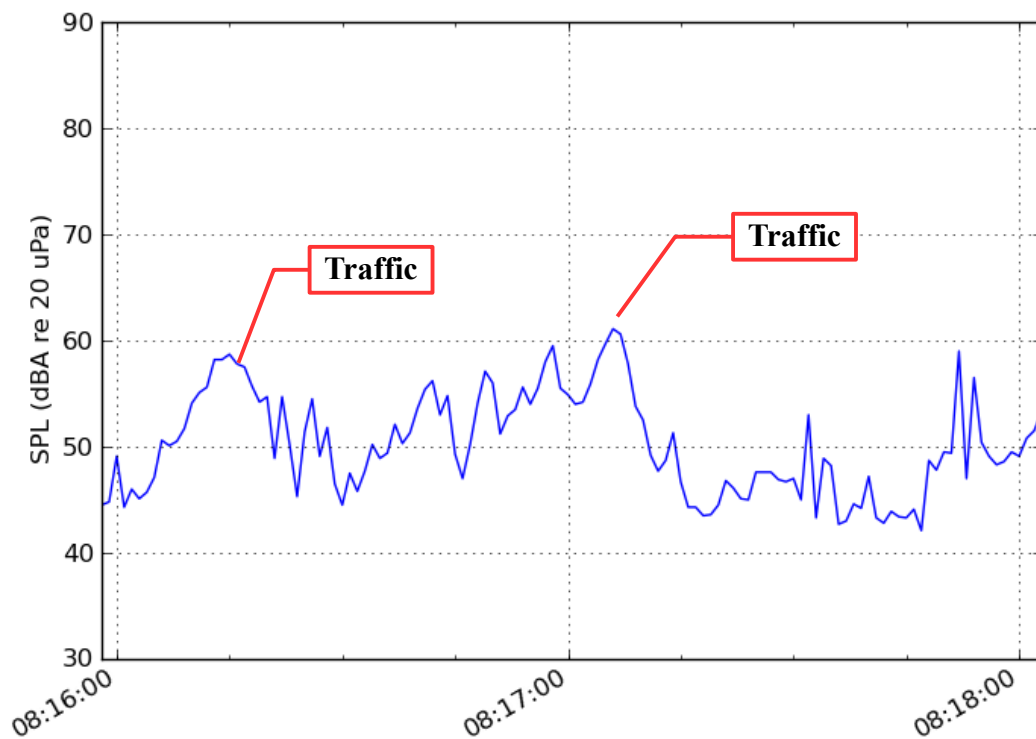


Figure 2.7. Sound Pressure Level at 9747 Sunburst (Players on East Tennis Court)

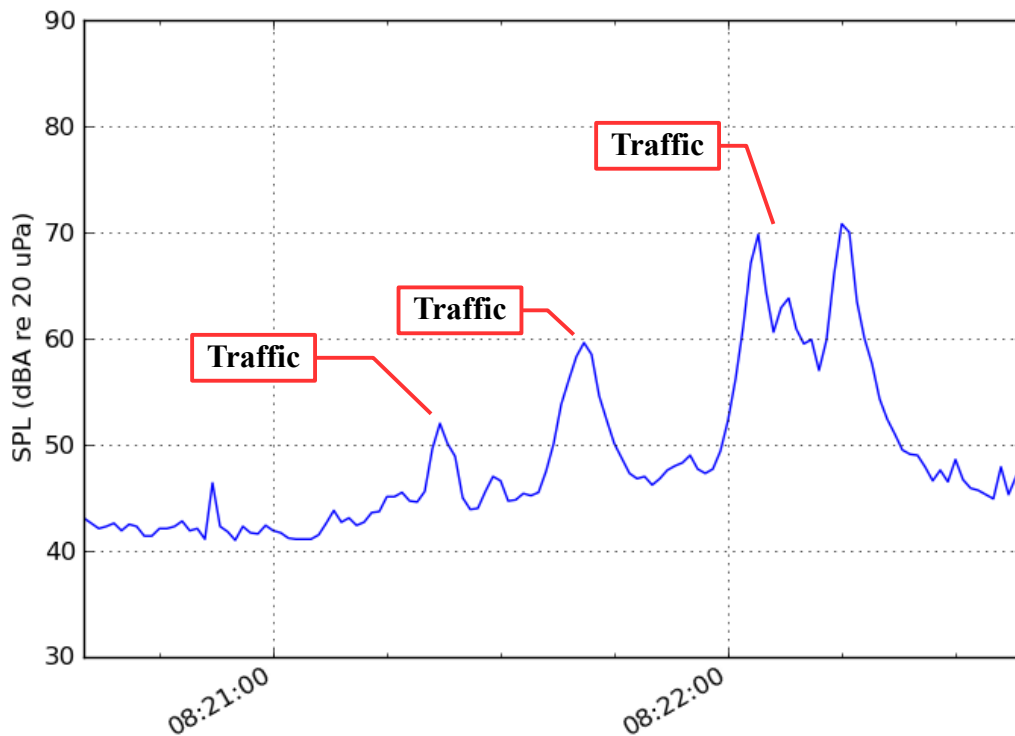


Figure 2.8. Background Noise Level at 9747 Sunburst

The sound pressure level data at this location is shown in Table 2.4. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	L Amin	L Amax	L10	L50	L90
Play	08:15:58 AM	08:18:03 AM	52.9	3.3	42.1	61.1	57.6	49.5	44.3
Background	08:20:35 AM	08:22:39 AM	57.3	5.2	41.0	70.8	60.3	46.6	41.9

Table 2.4. Sound Pressure Level Data at 9747 Sunburst (Players on East Tennis Court)

Table 2.5 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits Hits	per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
111.922	62	33.2	68.2	50.3	47.7

Table 2.5. Sound Exposure Level Data at 9747 Sunburst (Players on East Tennis Court)

2.2.4 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 390 feet from center of proposed east tennis court location. Ground was course gravel.

Figure 2.9 shows that the sound pressure level was in the 50 to 70 dBA range during play with the primary sounds being traffic on Robson Blvd. Background noise levels, seen in Figure 2.10, were similar.

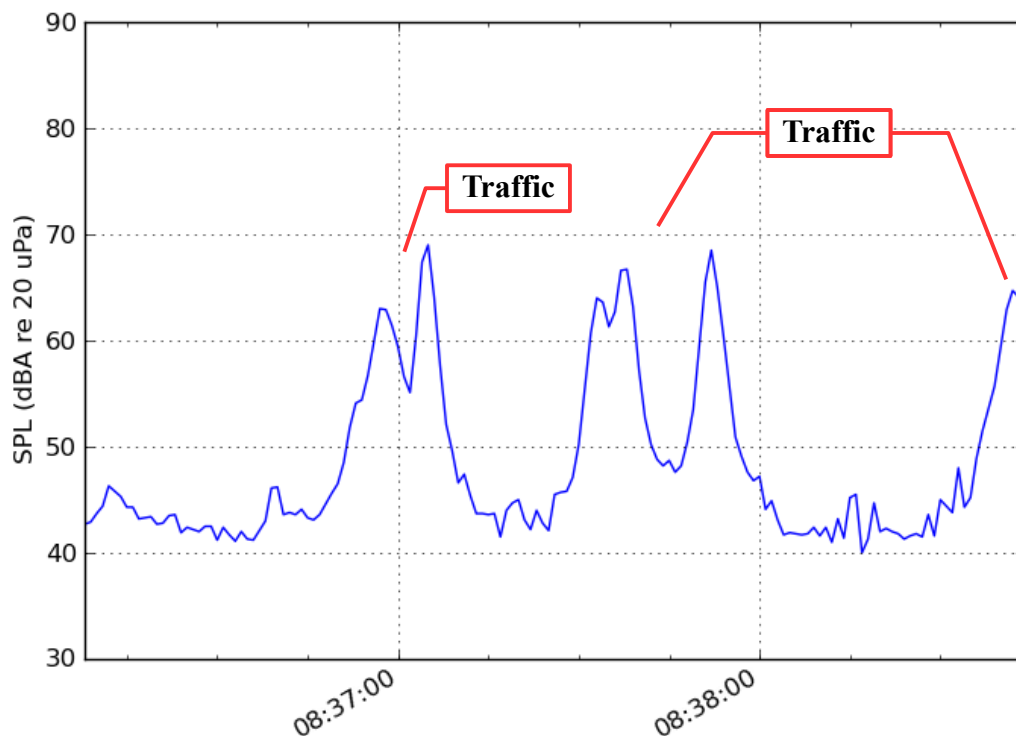


Figure 2.9. Sound Pressure Level at 23926 Glenburn During Play (Players on East Tennis Court)

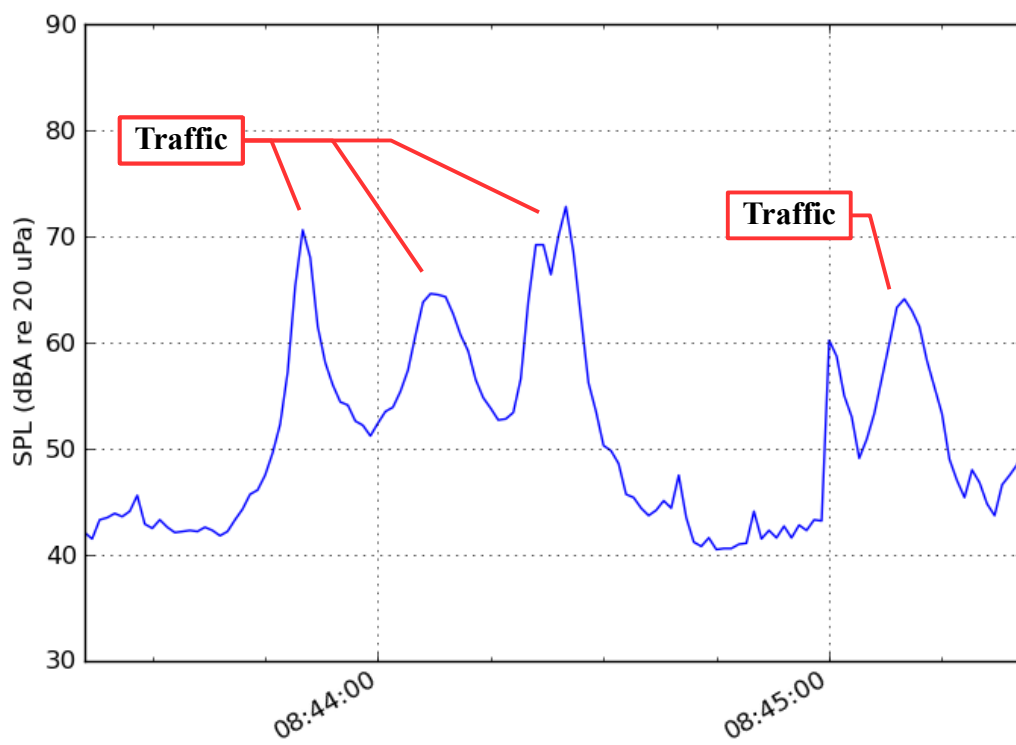


Figure 2.10. Background Noise Level at 23926 Glenburn

The sound pressure level data at this location is shown in Table 2.6. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	L Amin	L Amax	L10	L50	L90
Play	08:36:08 AM	08:38:44 AM	57.1	4.3	40.0	69.0	62.9	45.0	41.7
Background	08:43:21 AM	08:45:26 AM	59.9	4.7	40.5	72.8	64.2	49.1	42.0

Table 2.6. Sound Pressure Level Data at 23926 Glenburn (Players on East Tennis Court)

Table 2.7 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits per Minute	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
114.429	56	29.4	55.7	38.2	35.1

Table 2.7. Sound Exposure Level Data at 23926 Glenburn (Players on East Tennis Court)

2.3 Proposed West Tennis Court Location

2.3.1 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 225 feet from center of proposed west tennis court location. Ground was course gravel.

Figure 2.11 shows that the sound pressure level was in the 50 to 70 dBA range during play with the primary sounds being traffic on Robson Blvd, pickleball paddles, and tennis racquets. Background noise levels, seen in Figure 2.10, were similar.

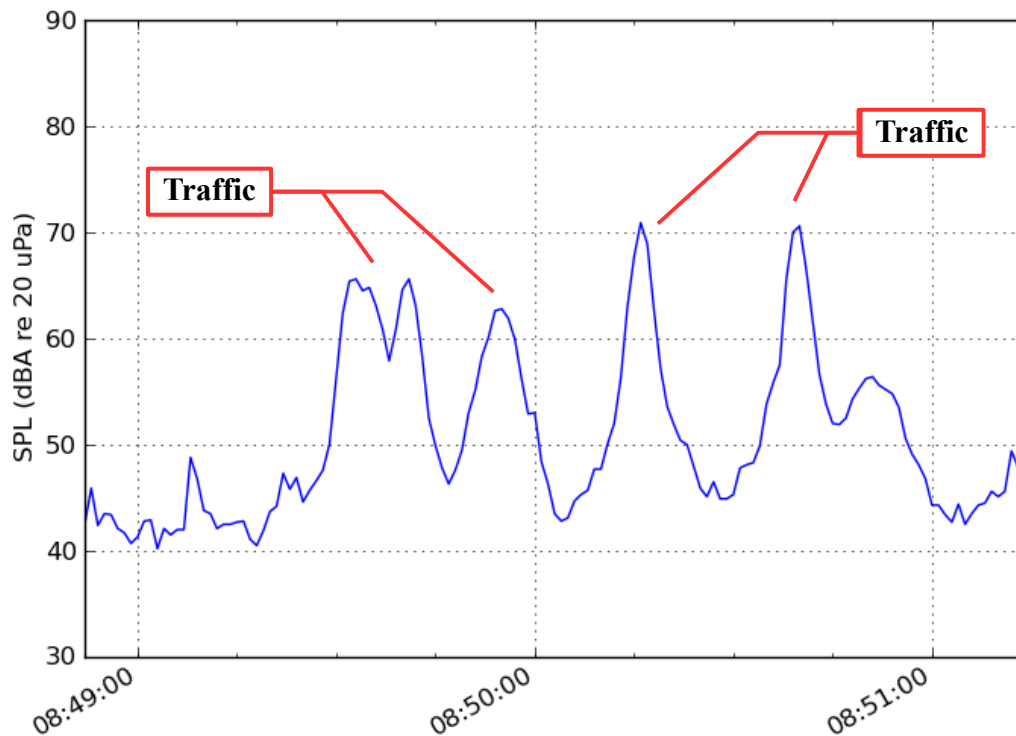


Figure 2.11. Sound Pressure Level at 23926 Glenburn During Play (Players on West Tennis Court)

The sound pressure level data at this location is shown in Table 2.8. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmaz	L10	L50	L90
Play	08:48:52 AM	08:51:14 AM	58.8	4.5	40.2	70.9	63.1	48.2	42.5
Background	08:43:21 AM	08:45:26 AM	59.9	4.7	40.5	72.8	64.2	49.1	42.0

Table 2.8. Sound Pressure Level Data at 23926 Glenburn (Players on West Tennis Court)

Table 2.9 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits per Minute	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
82.326	61	44.5	58.9	41.1	39.8

Table 2.9. Sound Exposure Level Data at 23926 Glenburn (Players on West Tennis Court)

2.3.2 Point 5, 23907 Sunvista

20 feet from the rear privacy wall at 23907 Sunvista. 180 feet from center of proposed west tennis court location. Ground was moist soil.

Figure 2.12 shows that the sound pressure level was in the 50 to 60 dBA range during play with the primary sounds being pickleball paddles, tennis racquets on the nearest court, and traffic on Robson Blvd. Background noise levels, seen in Figure 2.13, were slightly lower. The higher reading during play was partly due to a slow moving groundskeeping vehicle; however, the LAeq of the pickleball paddles in Table 2.11 show that they were also a significant contributor.

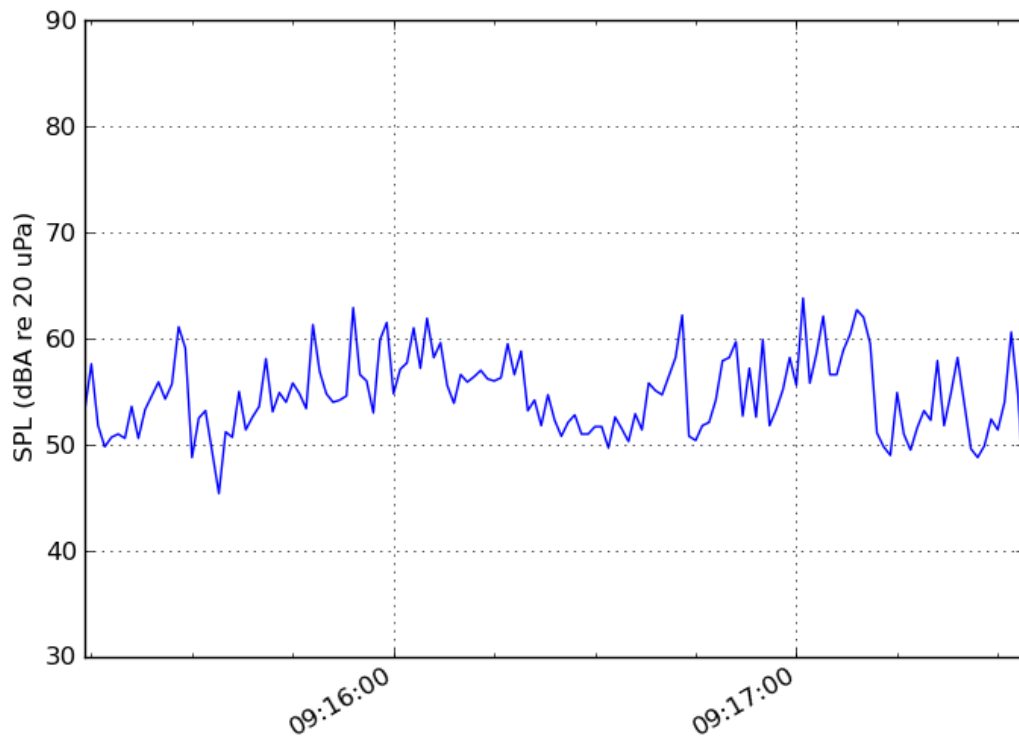


Figure 2.12. Sound Pressure Level at 23907 Sunvista During Play (Players on West Tennis Court)

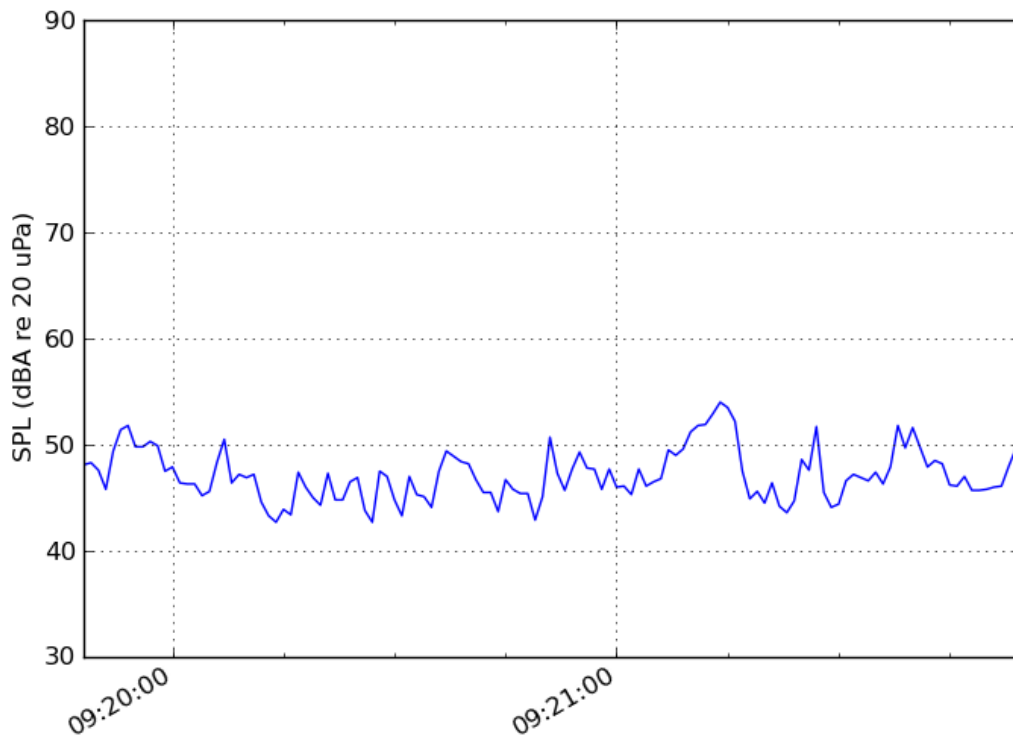


Figure 2.13. Background Noise Level at 23907 Sunvista

The sound pressure level data at this location is shown in Table 2.10.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmix	L10	L50	L90
Play	09:15:14 AM	09:17:34 AM	56.4	3.1	45.4	63.8	59.9	54.6	50.6
Background	09:19:48 AM	09:21:55 AM	47.9	2.8	42.7	54.0	50.8	46.9	44.3

Table 2.10. Sound Pressure Level Data at 23907 Sunvista (Players on West Tennis Court)

Table 2.11 summarizes the ASEL data for the paddle impacts. There was a strong reflection from the privacy wall that was not included in the SEL's. This effect would not be present on the other side of the wall.

Measurement Time (sec)	Hits Hits	per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
139.402	107	46.1	74.8	54.5	53.3

Table 2.11. Sound Exposure Level Data at 23907 Sunvista (Players on West Tennis Court)

2.4 Proposed Practice Court Location

2.4.1 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 130 feet from center of proposed practice court location. Ground was course gravel.

Figure 2.14 shows that the sound pressure level was in the 50 to 70 dBA range during play with the primary sounds being traffic on Robson Blvd, pickleball paddles, and tennis racquets. Background noise levels, seen in Figure 2.10, were similar.

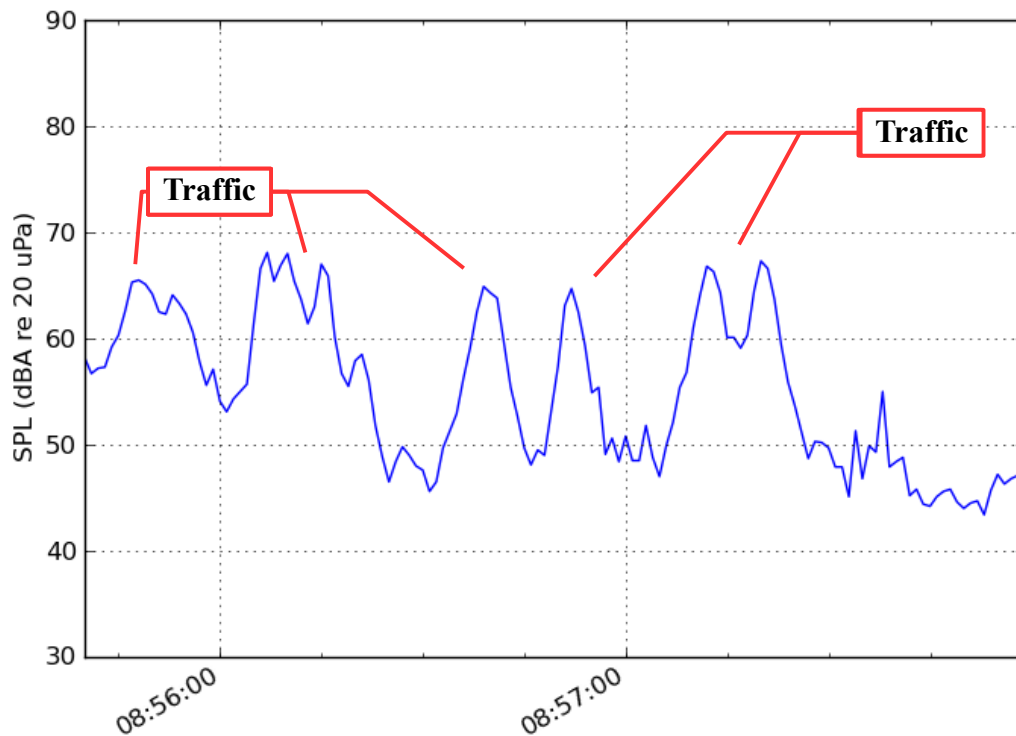


Figure 2.14. Sound Pressure Level at 23926 Glenburn During Play (Players on Practice Court)

The sound pressure level data at this location is shown in Table 2.12. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	L Amin	L Amax	L10	L50	L90
Play	08:55:40 AM	08:57:59 AM	60.1	3.5	43.4	68.1	65.3	55.4	45.8
Background	08:43:21 AM	08:45:26 AM	59.9	4.7	40.5	72.8	64.2	49.1	42.0

Table 2.12. Sound Pressure Level Data at 23926 Glenburn (Players on Practice Court)

Table 2.13 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits Hits	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
100.325	52	31.1	66.2	49.1	46.2

Table 2.13. Sound Exposure Level Data at 23926 Glenburn (Players on Practice Court)

2.4.2 Point 5, 23907 Sunvista

20 feet from the rear privacy wall at 23907 Sunvista. 175 feet from center of proposed practice court location. Ground was moist soil.

Figure 2.15 shows that the sound pressure level was in the 50 to 60 dBA range during play with the primary sounds being pickleball paddles, tennis racquets on the nearest court, and traffic on Robson Blvd. Background noise levels, seen in Figure 2.13, were similar.

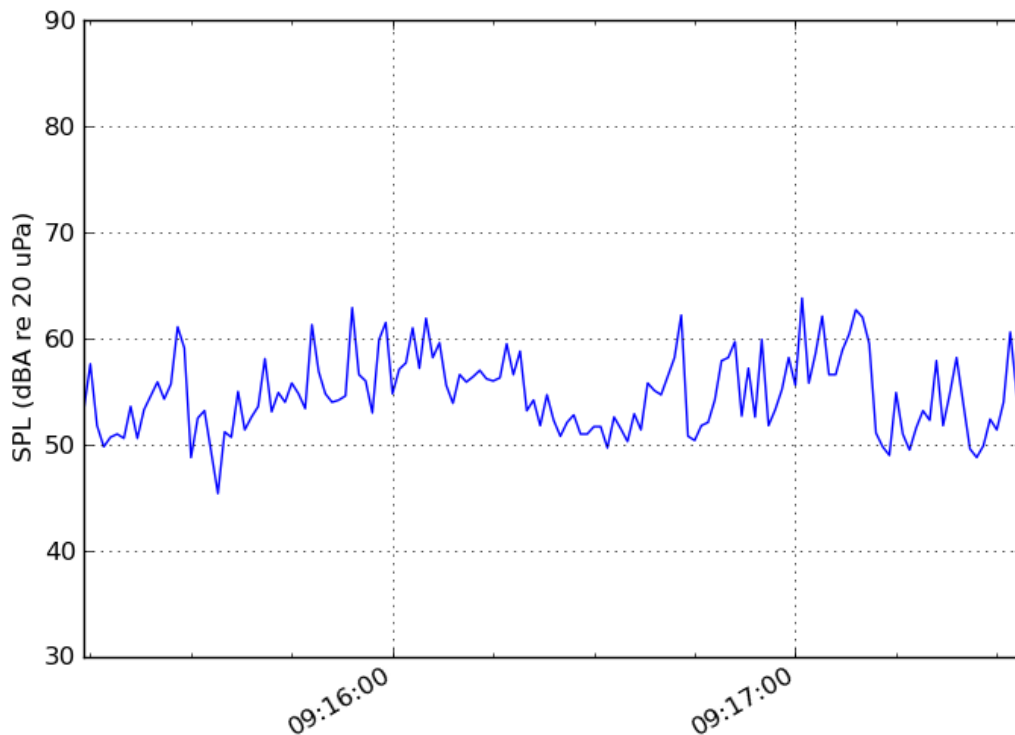


Figure 2.15. Sound Pressure Level at 23907 Sunvista During Play (Players on Practice Court)

The sound pressure level data at this location is shown in Table 2.14. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmx	L10	L50	L90
Play	09:08:27 AM	09:10:57 AM	50.2	3.0	42.2	58.9	52.9	49.2	45.7
Background	09:19:48 AM	09:21:55 AM	47.9	2.8	42.7	54.0	50.8	46.9	44.3

Table 2.14. Sound Pressure Level Data at 23907 Sunvista (Players on Practice Court)

Table 2.17 summarizes the ASEL data for the paddle impacts. There was a strong reflection from the privacy wall that was not included in the SEL's. This effect would not be present on the other side of the wall.

Measurement	Hits		ASEL		Paddle
Time (sec)	Hits	per Minute	Total ASEL	per Hit	LAeq
137.729	45	19.6	60.9	44.3	39.5

Table 2.15. Sound Exposure Level Data at 23907 Sunvista (Players on Practice Court)

2.5 Summary of Sound Pressure Levels

The A-weighted equivalent sound pressure levels, LAeq, at each measurement location are shown in Table 2.17. Sound exposure level results are shown in Table 2.18. Table 2.16 gives the definitions of abbreviations used in the tables. Locations of the numbered measurement points are shown in Figure 2.1.

BGN	background noise
Pt 1	24022 Berrybrook
Pt 2	24022 Berrybrook interior
Pt 2 open	24022 Berrybrook interior w/ door open
Pt 3	9747 Sunburst
Pt 4	23926 Glenburn
Pt 5	23907 Sunvista
ETC	proposed east tennis court location
WTC	proposed west tennis court location
PC	practice court

Table 2.16. Key to Measurement and Source Location Abbreviations

Measurement	Start Time	End Time	LAeq	C.I. 95%	Lamin	Lamax	L10	L50	L90
Pt 1, ETC	07:43:53	07:46:19	47.3	3.8	41.9	59.6	48.9	44.9	42.8
Pt 1, BGN	07:49:59	07:52:08	50.2	4.3	42.0	62.6	53.3	46.1	42.9
Pt 2, BGN	07:57:30	07:59:35	31.4	3.6	30.0	42.8	31.9	30.0	30.0
Pt 2, ETC	08:01:44	08:03:58	30.2	2.2	30.0	34.3	30.3	30.0	30.0
Pt 2 open, ETC	08:06:19	08:08:24	36.1	2.9	32.3	44.3	38.5	34.9	33.0
Pt 3, ETC	08:15:58	08:18:03	52.9	3.3	42.1	61.1	57.6	49.5	44.3
Pt 3, BGN	08:20:35	08:22:39	57.3	5.2	41.0	70.8	60.3	46.6	41.9
Pt 4, ETC	08:36:08	08:38:44	57.1	4.3	40.0	69.0	62.9	45.0	41.7
Pt 4, BGN	08:43:21	08:45:26	59.9	4.7	40.5	72.8	64.2	49.1	42.0
Pt 4, WTC	08:48:52	08:51:14	58.8	4.5	40.2	70.9	63.1	48.2	42.5
Pt 4, PC	08:55:40	08:57:59	60.1	3.5	43.4	68.1	65.3	55.4	45.8
Pt 5, PC	09:08:27	09:10:57	50.2	3.0	42.2	58.9	52.9	49.2	45.7
Pt 5, WTC	09:15:14	09:17:34	56.4	3.1	45.4	63.8	59.9	54.6	50.6
Pt 5, BGN	09:19:48	09:21:55	47.9	2.8	42.7	54.0	50.8	46.9	44.3

Table 2.17. Sound Pressure Level Data for All Source and Measurement Locations

Data Set	Distance (ft)	Measurement Time (sec)	Hits	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
Pt 1, ETC	330	127.523	63	29.6	58.5	40.5	37.5
Pt 3, ETC	190	111.922	62	33.2	68.2	50.3	47.7
Pt 4, ETC	390	114.429	56	29.4	55.7	38.2	35.1
Pt 4, WTC	225	82.326	61	44.5	58.9	41.1	39.8
Pt 4, PC	130	100.325	52	31.1	66.2	49.1	46.2
Pt 5, PC	175	137.729	45	19.6	60.9	44.3	39.5
Pt 5, WTC	180	139.402	107	46.1	74.8	54.5	53.3

Table 2.18. Paddle Sound Exposure Level Data for All Source and Measurement Locations

Comparing the levels in Table 2.18 indicates 9747 Sunburst with pickleball on the proposed east tennis court, 23926 Glenburn with pickleball on the practice court, and 23907 Sunvista with pickleball on the proposed west tennis court have the highest paddle LAeq levels.

With the exception of the practice court testing, each measurement was conducted with four balls in play. The number of hits per minute on the proposed east tennis court location was about 30. On the west tennis court, however, the number of hits per minute increased to about 45. With two balls in play the hits per minutes would be expected to be about 15, but again it is 50 % to 100 % greater. The courts were not generally visible from the measurement positions so it is not certain what would account for the discrepancy.

The mean hits per minute per ball is 10.1 with a standard deviation of 2.9. The sound exposure level scales as $10\log_{10}(N)$ where N is the number of impact events. The uncertainty in the hits rate will introduce an additional 1.3 dB uncertainty in the LAeq of the paddles.

2.6 Spectral Response of Pickleball and Paddle Impact Noise

The sound power spectrum of the pickleball and paddle impact has two basic shapes depending on how the ball is hit. Figure 2.16 and Figure 2.17 show the power spectra of a 'sharp' hit and a 'dull' hit. The curves are not calibrated for absolute level, but can be compared relatively.

The sharp hit spectrum shows a characteristic tonal signature. The frequency of the peak was seen to vary between roughly 1,000 and 2,000 Hz. The energy in the dull hit is more spread out, but still peaks between 1,000 and 2,000 Hz. The most audible frequencies are therefore also in this range. The lower frequency components contribute less to the perception of loudness as the ear is less sensitive to these frequencies.

A sound wall design will require effective attenuation at 1,000 Hz and above.

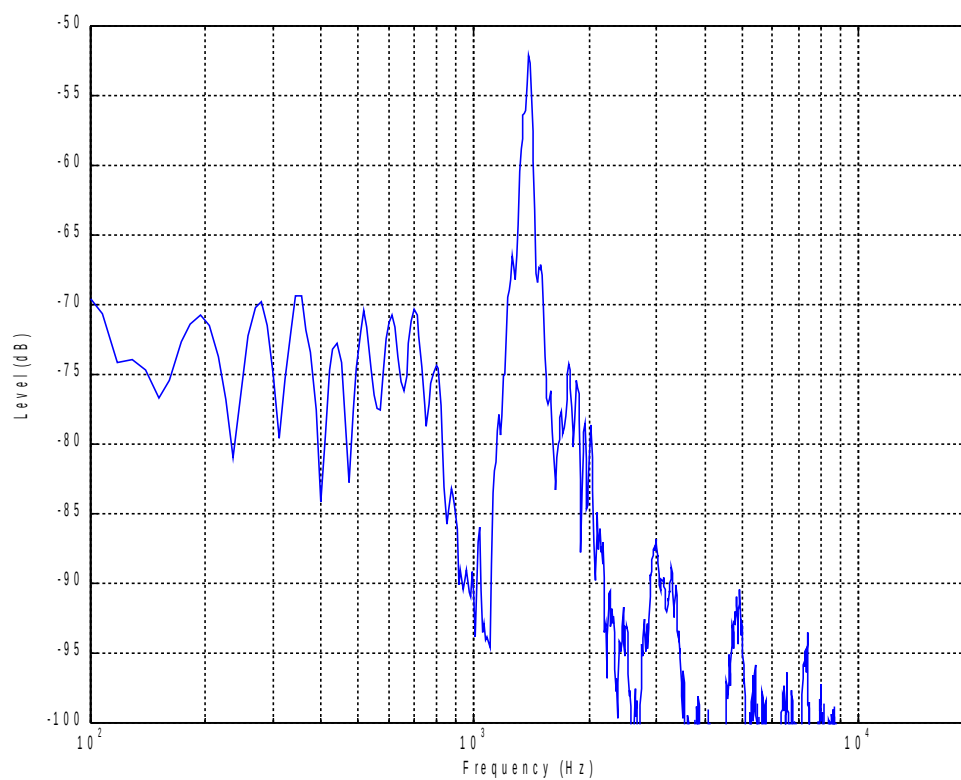


Figure 2.16. Spectral Response of a Sharp Hit

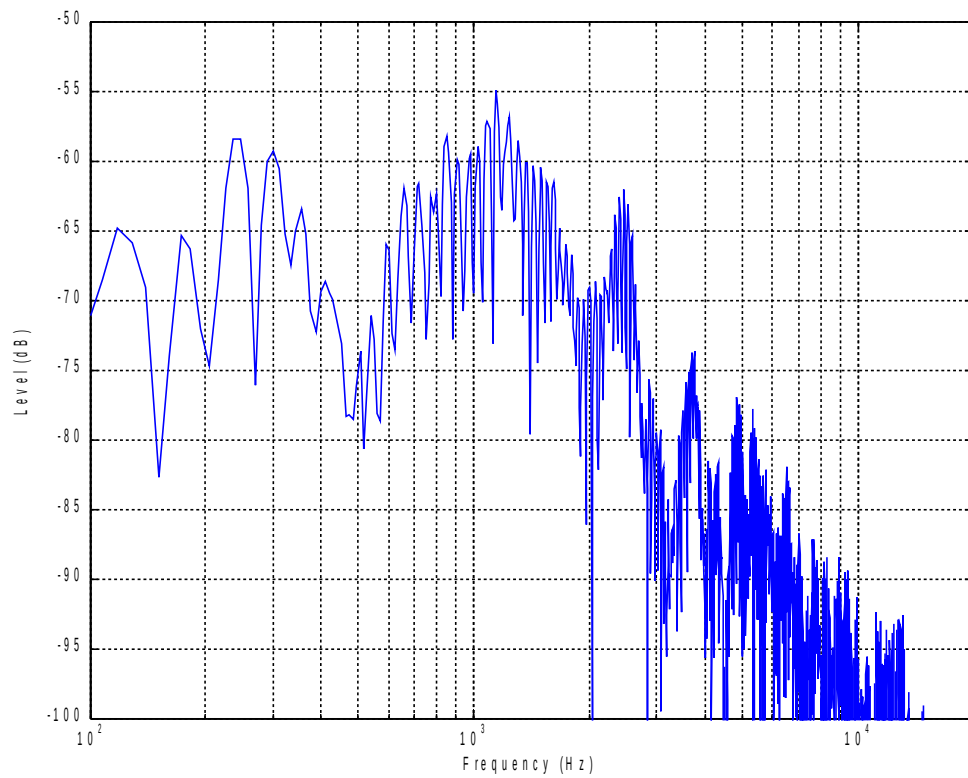


Figure 2.17. Spectral Response of a Dull Hit

3. Land Use Compatibility Analysis

3.1 Methodology

Land use compatibility has been analyzed using the methodology in ANSI S12.9 Parts 4 and 5. This procedure isolates the impact sound of the pickleball paddles and applies adjustments to account for the increased community impact of the highly impulsive nature of the sound and the fact that residents are generally home during the times when the activity occurs.

Because the impact sound of the paddles can not be represented accurately with an averaged sound pressure level (LAeq) measurement, the A-weighted sound exposure level (ASEL) is used instead. This quantity includes only the impulsive sound and is a function of both the average acoustic pressure of the impulse and its duration.

Part 4 of the standard calls for a 12 dB adjustment to the SEL for highly impulsive sounds such as impacts. In addition, Part 4 includes a 5 dB adjustment for weekend activities that occur when residents are generally home. Due to the characteristic lifestyle of a retirement community, this adjustment has been included as well for a total adjustment of 17 dB.

Part 5 of the standard recommends a maximum 55 dB DNL, or in this case LAeq since the courts will operate during daytime hours, at adjacent residential property lines during the hours of operation of the pickleball courts.

3.2 Analysis

The ANSI S12.9 analysis is summarized in Table 3.1 using the data set abbreviations listed in Table 2.16. The distance is from the center of the given proposed court location to the measurement position.

Data Set	Distance (ft)	Paddle LAeq	Total Adjustments (dB)	Adjusted Paddle LAeq	Back- ground LAeq	Recommended Attenuation (dB)
Pt 1, ETC	330	37.5	17	54.5	50.2	6.0
Pt 3, ETC	190	47.7	17	64.7	57.3	11.0
Pt 4, ETC	390	35.1	17	52.1	59.9	0.0
Pt 4, WTC	225	39.8	17	56.8	59.9	1.8
Pt 4, PC	130	46.2	17	63.2	59.9	8.2
Pt 5, PC	175	39.5	17	56.5	47.9	6.5
Pt 5, WTC	180	53.3	17	70.3	47.9	20.3

Table 3.1. Paddle LAeq Adjustments and Recommended Attenuation

The analysis begins with the paddle LAeq as calculated from the sound exposure levels given in the previous chapter (see Table 2.18). This level represents the contribution only from the paddle impacts. An adjustment of 17 dB is added to the paddle LAeq as described in the previous section.

Recommendations for abatement are based on ANSI S12.9 Part 5, Figure A1. For residential land use a maximum daytime LAeq of 55 dBA is recommended for the adjusted paddle LAeq. There is, however, a heightened perception of quiet in retirement communities. For background noise levels between 50 and 55 dBA, the actual background noise level is used as the limiting value for the adjusted paddle LAeq. However, for background noise levels below 50 dBA, 50 dBA is used. This is an implementation of ANSI S12.9 Part 4, Annex F.3.4.2.

3.3 Discussion

The attenuation recommendations for the proposed east tennis court location can be achieved by a wall of sufficient height and span.

The recommended attenuation for the practice court is also achievable with a sound wall system. In this case, however, reflections from the existing 9.5 foot wall will need to be addressed by covering the wall with an absorptive acoustical treatment.

The paddle LAeq at Point 5 for the proposed west tennis court location was abnormally high. Insufficient information is available to pinpoint the cause. Based on the available data, however, conversion of this court to pickleball is not recommended. Achieving 20.3 dB attenuation from a sound wall is generally not practical. In addition, relocating the concrete walkway will likely be required to achieve adequate coverage by a wall as well as ingress to the existing tennis courts.

4. Conclusions and Recommendations

4.1 Compliance with Maricopa County Code P-23

The sound pressure levels produced by the pickleball paddles inside 24022 Berrybrook were below the level at which a person engaged in normal household activities would notice. It is therefore concluded that the proposed east tennis court location in its current configuration is in compliance with Maricopa County code P-23 at this residence.

No interior testing was performed at the closest residence, 9747 Sunburst. Exterior testing indicated that the sound levels from the east tennis courts are approximately 10 dBA higher at this location than at 24022 Berrybrook. Court mitigation is expected to be needed to comply with Maricopa County code at this location.

4.2 Recommendations for Abatement

4.2.1 Proposed East Tennis Court Location

The east tennis court (see Figure 2.1) is the best location to convert to pickleball. Measurements at 24022 Berrybrook, 9747 Sunburst, and 23926 Glenburn show that the new pickleball courts will need to be partially enclosed by a sound wall that can achieve an insertion loss of 11 dB at 1,000 Hz and above.

4.2.2 Proposed West Tennis Court Location

The proposed west tennis court location is not recommended for conversion to pickleball.

4.2.3 Practice Court

A sound wall that wraps around the east and west sides of the practice court will be needed to convert the court to pickleball. In addition, reflections from the existing 9.5 foot wall will require absorptive treatment to prevent degradation of the sound wall performance. The sound wall will need to produce at least 8.5 dB of insertion loss at 1,000 Hz.

4.2.4 Hours of Operation

Pickleball activities during nighttime hours are not recommended. Nighttime hours are not defined in Maricopa County Code P-23, but are generally defined as being from 10:00 PM to 7:00 AM. Using existing schedule restrictions for groundskeeping activities may be a more practical solution to allow some seasonal flexibility.

Appendix

A1. Glossary of Acoustical Terms and Abbreviations

A1.1 Abbreviations

AI: articulation index

ASEL: A-weighted sound exposure level

ASTC: apparent sound transmission class

dB: decibel

DNL: day - night level

FSTC: field sound transmission class

Hz: Hertz

IIC: impact insulation class

kHz: kilohertz

L_{eq}, LA_{eq}, LC_{eq}: equivalent sound pressure level

NC: noise criteria

NIC: noise isolation class

NIPTS: noise induced permanent threshold shift

NR: noise reduction

Pa: Pascal

POE: probable occupant evaluation (see room criteria)

PTS: permanent threshold shift

PWL: sound power level

QAI: quality assessment index (see room criteria)

RC: room criteria

RT₆₀: reverberation time

SEL: sound exposure level

SII: speech interference index

SIL: speech interference level

SLM: sound level meter

SPI: speech privacy index

SPL: sound pressure level

STI: speech transmission index

TTS: temporary threshold shift

A1.2 Terms

A-weighting: see frequency weighting

absorption coefficient: see sound absorption coefficient

acoustical coupler: a cavity of predetermined shape and volume used for the calibration of earphones or microphones in conjunction with a calibrated microphone adapted to measure the sound pressure developed within the cavity

anechoic room: a room whose boundaries absorb practically all of the sound incident thereon, thereby providing essentially freefield conditions

articulation index (AI): a number (ranging from 0 to 1) which is a measure of the intelligibility of speech- the higher the number the greater the intelligibility. This metric has been replaced by the Speech Intelligibility Index (SII) defined in ANSI S3.5.

average sound level: see equivalent continuous sound level

background noise: the total noise from all sound sources other than a particular sound that is of interest

band: a subsection of the frequency spectrum

C-weighting: see frequency weighting

coupler: see acoustical coupler

day-night level (DNL): the 24 hour equivalent (average) A-weighted sound pressure level. A 10 dBA penalty is incurred between the hours of 10:00 PM and 7:00 AM. The DNL system has been adopted by the U.S. Department of Housing and Urban Development, the Department of Defense, and the Federal Aviation Administration.

decibel (dB): a unit of level which denotes the ratio between two quantities that are proportional to power; the number of decibels is 10 times the common logarithm (base 10) of this ratio.

diffuse field: a sound field which has statistically uniform energy density and in which the directions of propagation of the sound waves are randomly distributed. In a practical sense, the sound pressure levels at all points in the room are nearly the same except near the room

boundaries and a sound wave reaching a given point in the room is equally likely to arrive from all directions.

direct sound: sound which reaches a given location in a direct line from the source without any reflections.

equivalent continuous sound level (L_{eq}): the level of steady sound which, in a stated time period and at a stated location, has the same sound energy as the time varying sound. If frequency weighting is applied, the equivalent continuous sound level may be designated LA_{eq} to indicate A-weighting or LC_{eq} to indicate C-weighting, etc. See also frequency weighting.

field sound transmission class (FSTC): a single number rating similar to sound transmission class (STC), except that the transmission loss values used to derive this class are measured in the field. FSTC ratings are typically lower than STC ratings which are measured under laboratory conditions.

flanking path: A wall or floor/ceiling construction that permits sound to be transmitted along its surface; or any opening, which permits the direct transmission of sound through the air.

freefield: a sound field in which the boundaries have negligible effect over the frequency range of interest.

frequency: the number of times that a waveform repeats itself in a given period of time, usually one second, i.e. the number of cycles per second). Unit: Hz.

frequency weighting: a prescribed frequency dependent attenuation or amplification applied to measured sound data usually intended to better approximate the sensation of loudness in a human listener. For example, A, B, and C weighting approximate the frequency dependent shape of the equal loudness contours for soft, moderate, and loud sounds.

Hertz (Hz): unit of frequency, cycles per second.

impact insulation class (IIC): a single number metric used to compare the effectiveness of floor-ceiling assemblies in providing reduction of impact-generated sounds such as footsteps. This rating is derived from values of normalized impact sound pressure levels in accordance with ASTM E492.

insertion loss: the reduction in sound level at the location of the receiver when a noise reduction measure such as a barrier, attenuator, muffler, etc. is inserted into the transmission path between the source and receiver. Unit: dB.

level: the logarithm of the ratio of a given quantity to the reference quantity of the same kind. Levels represent physical quantities such as sound pressure on a logarithmic scale and are therefore expressed in decibels. Unit: dB.

loudness: that attribute of auditory sensation in terms of which sounds may be ordered on a scale extending from soft to loud. Unit: sone.

masking: the process by which the threshold of hearing for one sound is raised by the presence of another sound.

noise criteria (NC): a single number criteria for the HVAC or mechanical noise level in a room derived from measured octave band data. The octave bands are weighted to de-emphasize low frequencies because the human ear is least sensitive to these frequencies. This metric is not valid for outdoor measurements.

noise induced permanent threshold shift (NIPTS): the permanent hearing loss resulting from noise exposure.

noise isolation class (NIC): a single number rating derived from measured values of noise reduction between two enclosed spaces that are connected by one or more paths. This rating is not adjusted or normalized to a standard reverberation time.

noise reduction (NR): the difference in sound pressure level between any two points along the path of sound propagation, e.g. the difference in level between the interior and exterior of a building where the sound level inside is due only to exterior noise.

octave: the frequency interval between two tones whose frequency ratio is 2.

omnidirectional microphone: a microphone whose response is independent of the direction of the incident sound wave.

Pascal (Pa): a unit of pressure. 1 Pascal = 1 Newton per square meter (1 N / m²).

permanent threshold shift (PTS): a permanent increase in the threshold of hearing at a given frequency.

point source: a source that radiates sound as if from a single point.

receiver: a person (or persons) or equipment which is affected by sound.

refraction: (1) the phenomenon by which the direction of propagation of a sound wave is changed as a result of a spatial variation in the speed of sound. (2) The angular change in direction of a sound wave as it passes obliquely from one medium to another having different sound speed.

reverberation time (RT₆₀): of an enclosure, for a sound of a given frequency or frequency band, the time that is required for the sound pressure level in the enclosure to decrease by 60 dB after the source has stopped. Unit: second.

room criteria (RC, RC Mark II): an octave band metric for evaluating HVAC noise inside a room. RC is a two dimensional metric consisting of a curve number that is the arithmetic average of the 500, 1000, and 2000 Hz octave band sound pressure levels and a qualitative descriptor identifying the character of the sound spectrum. The descriptor can be (N) for neutral, (LF) for low frequency dominance (rumble), (MF) for midfrequency dominance (roar), and (HF) for high frequency dominance (hiss). In addition, acoustically induced vibration can be designated by (LFV_B) for moderate, but perceptible vibration and (LFV_A) for clearly perceptible vibration. As an example, the maximum RC prerequisite for LEED is designated as RC 37(N) indicating curve number 37 with a neutral spectrum.

Further, two intermediary metrics are used in calculating the room criteria. The quality

assessment index (QAI) is a measure of the deviation from the given RC curve. The probable occupant evaluation (POE) is based on the magnitude of the QAI and can be 'Acceptable,' 'Marginal,' or 'Objectionable.'

Sabin: a unit of measure of sound absorption; a measure of sound absorption of a surface. It is the equivalent of 1 square foot of a perfectly absorbing surface; a metric Sabin is the equivalent of 1 square meter of a perfectly absorbing surface.

sone: the unit of loudness. One sone is the loudness of a pure tone presented frontally at a frequency of 1000 Hz and a sound pressure level of 40 dB referenced to 20 micropascals.

sound absorption coefficient (α): ideally, the fraction of diffusely incident sound power that is absorbed (or otherwise not reflected) by a material or surface.

sound exposure level (SEL): over a stated time period or event, 10 times the logarithm base 10 of the ratio of the time integral of the sound pressure squared to the product of the reference sound pressure, 20 μ Pa, squared and the reference time, one second. This quantity is used to characterize single events of short duration where the averaged level (L_{eq}) is inadequate.

sound level meter (SLM): an instrument that is used to measure sound level, with a standard frequency weighting and standard exponentially weighted time averaging.

sound power level (PWL): the total acoustical power emitted from a sound source expressed in decibels relative to 10^{-12} Watts.

sound pressure level (SPL): the acoustical pressure amplitude expressed in decibels relative to 20 micropascals.

sound transmission class (STC): a single number rating used to compare sound insulation properties of walls, floors, ceilings, windows, or doors. See also field sound transmission class.

speech intelligibility index (SII): metric defined under ANSI S3.5 to quantify the intelligibility of speech under adverse listening conditions such as noise masking, spectral filtering, and reverberation. The SII is defined for a scale of 0 to 1 where values greater than 0.75 indicate good communication and values below 0.45 indicate generally poor communication conditions.

speech intelligibility test: a procedure that measures the portion of test items (such as syllables, monosyllabic words, or sentences) that are heard correctly.

speech interference level (SIL): an index for assessing the interference effects of noise on the intelligibility of speech, derived from measurements of the background noise level of contiguous octave bands; i.e. the arithmetic average of the octave band sound levels for the bands centered at 500, 1000, 2000, and 4000 Hz (four band method) or the corresponding average for the octave bands centered at 500, 1000, and 2000 Hz (three band method). If other octave bands are used they must be specified. Unit: dB.

speech privacy index (SPI): The SPI is essentially the opposite of the speech intelligibility index and is defined as $1 - \text{SII}$ and usually represented as a percentage. An SPI above 80% is considered normal privacy while an SPI above 95% would meet the requirements of confidential privacy.

speech transmission index (STI): an index for rating the intelligibility of speech that takes both noise and reverberation into account.

temporary threshold shift (TTS): a temporary increase in the threshold of hearing at a given frequency.

threshold of hearing: for a given listener, the minimum sound pressure level of a specified sound that is capable of evoking an auditory sensation. The sound reaching the ears from other sources is assumed negligible.

transducer: a device designed to receive an input signal of a given kind and to furnish an output signal of a different kind in such a manner that the desired characteristics of the input signal appear in the output signal. For example, a microphone takes an acoustic pressure as an input and produces an electrical voltage as an output that is direct proportion to the instantaneous acoustic pressure amplitude. Other common examples in noise measurement would be a loudspeaker, accelerometer, or laser Doppler vibrometer (LDV).

transmission loss: the reduction in sound level from one side of a partition to the other.

wavelength: the distance a sound wave travels in the time it takes to complete one cycle.

weighting: see frequency weighting

A2. General Acoustics

Sound Pressure Level (SPL)

Sound is small, rapidly varying perturbations of atmospheric pressure with respect to the slowly changing ambient pressure. The ambient pressure is measured with a barometer while the small acoustic perturbations are measured with a microphone.

The unit of sound pressure is the Pascal (Pa). However, due to the wide range of acoustic amplitudes that can be heard by the human ear, sound pressure is normally expressed on a logarithmic scale having units of decibels (dB). Sound pressure expressed this way is known as the sound pressure level (SPL) and has the following relation to sound pressure.

$$SPL = 20 \log_{10} \left(\frac{p}{p_{ref}} \right) \quad (A2.1)$$

Here p is the sound pressure in Pascals. p_{ref} is a reference pressure, the threshold of hearing at 1000 Hertz (Hz), 20×10^{-6} Pa.

A-Weighting

The above formulation of SPL is a purely physical quantity. Due to the nonlinear and frequency dependent characteristics of the human ear it does not always correlate well with the perception of loudness. To improve the correlation for noise assessment purposes, a frequency weighting is often applied called A-weighting. The A-weighting function is based on listening tests in which human subjects adjusted tones throughout a range of frequencies to have equal loudness compared to a tone having an SPL of 40 dB at 1000 Hz. Figure A2.1 shows equal loudness contours as measured by Fletcher and Munson.

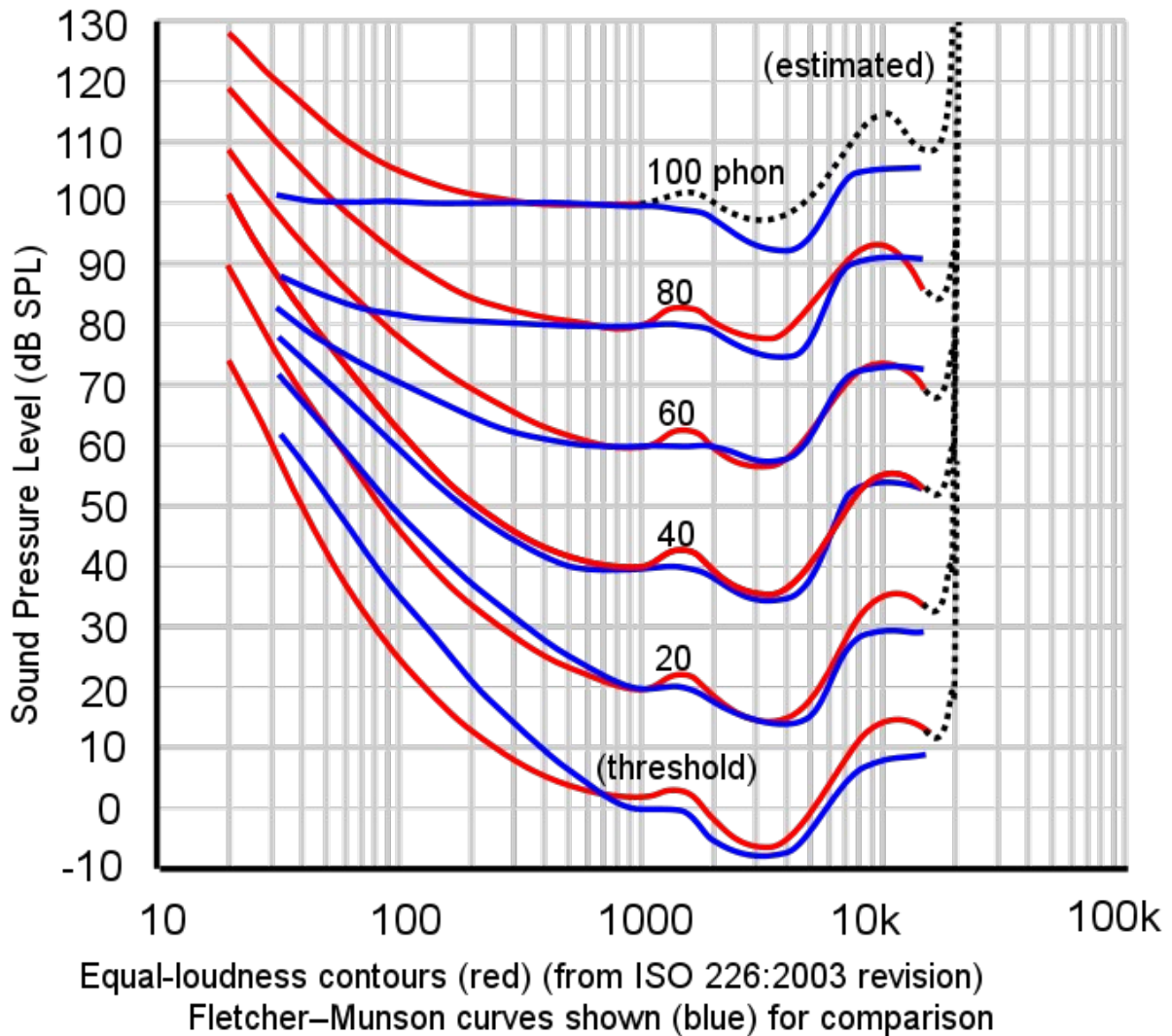


Figure A2.1. Equal Loudness Contours

Source: <https://en.wikipedia.org/wiki/File:Lindos4.svg>

Thus applying A-weighting to measured sound pressures more closely represents the frequency response of the human ear. Sound pressure levels that have been A-weighted are denoted by the symbol, dBA. Error: Reference source not found shows the A frequency weighting and several other common weightings.

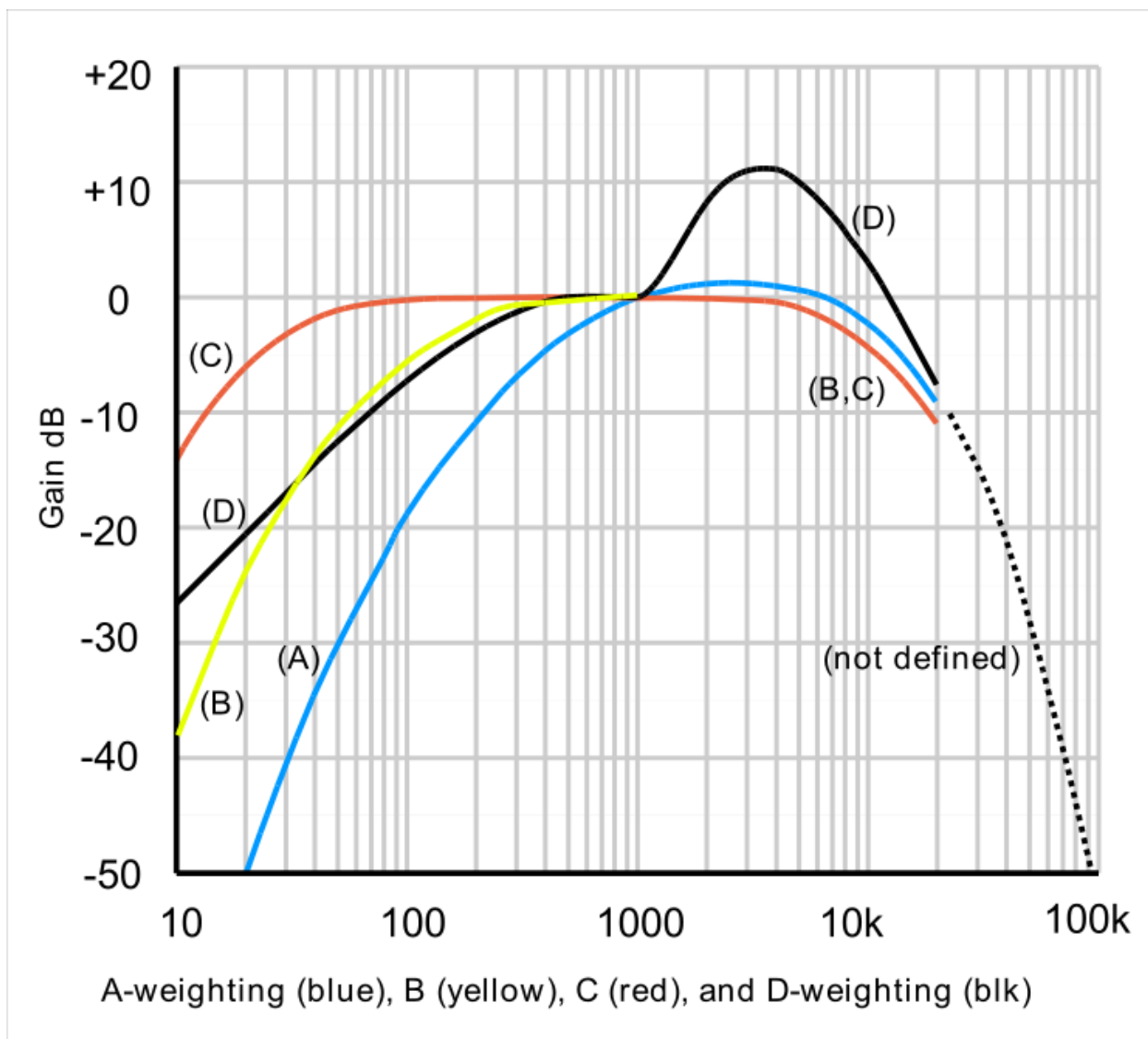


Figure A2.2. Frequency Weighting Filter Curves

Source: [https://en.wikipedia.org/wiki/File:Acoustic_weighting_curves_\(1\).svg](https://en.wikipedia.org/wiki/File:Acoustic_weighting_curves_(1).svg)

The Perception of Sound

The most basic descriptions of sound are loudness (amplitude) and pitch (frequency). The frequency range of human hearing is roughly 20 to 20,000 Hz, although most people can not hear this full range because high frequencies are lost as a natural part of aging and other factors such as illness and exposure to high levels of noise that may cause permanent hearing loss.

Figures A2.3 and A2.4 illustrate the amplitude and frequency ranges of some common acoustical sources.



Figure A2.3. SPL Produced by Various Sources
(Briel and Kjaer)

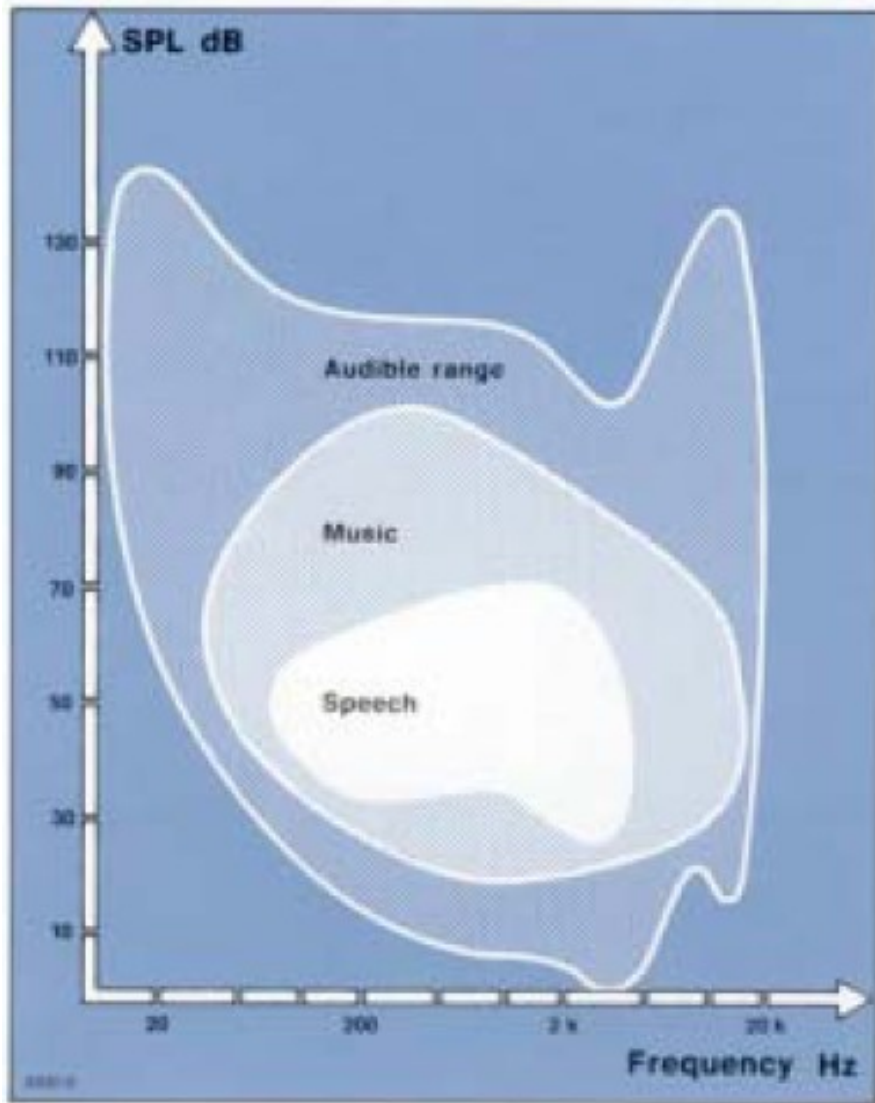


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Bruel and Kjaer)

Amplitude Attenuation with Distance

Sound originating from a small point source will spread spherically in all directions, absent any

Distance from Source (ft)	SPL (dBA)	SPL Loss Relative to 10 ft
10	90	
20	84	6
40	78	12
80	72	18
160	66	24
320	60	30

Table A2.1. Decrease of SPL with Distance Due to Spherical Spreading

nearby surfaces. The conservation of energy requires the sound pressure spreading out from such a source to decrease by half with each doubling of distance. This is known as the inverse square law and is demonstrated in Table A2.1 and Figure A2.5.

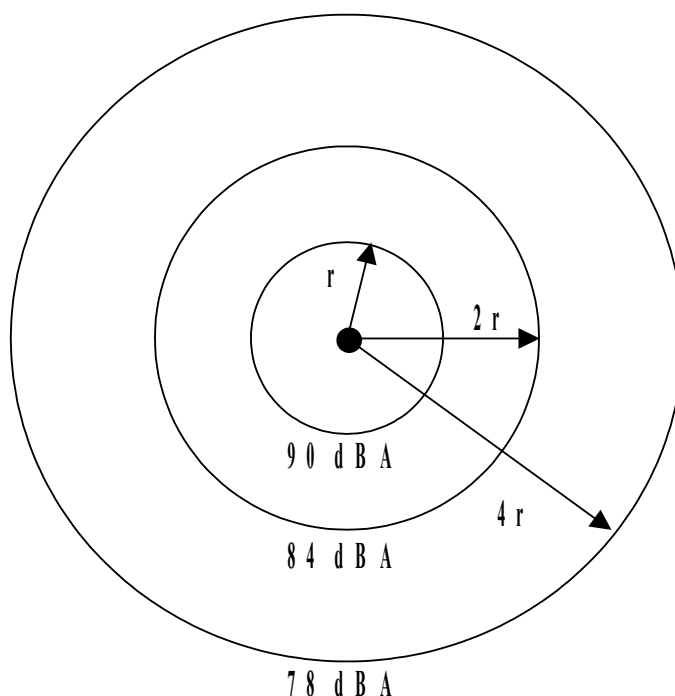


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

Adding Decibels

Summing the contributions from multiple sound sources to obtain the total SPL is *not* done simply by adding the decibel levels because SPL is a logarithmic quantity.

Imagine a fan produces a moderate SPL of 65 dBA at 6 feet. If a second identical fan were turned on the resulting SPL would not be 130 dBA. This would be equivalent to a commercial jetliner taking off at close range.

The correct method of adding the SPL from each source is to sum the acoustic power produced by each source. This implies that each time the number of sources having equal SPL is doubled, the SPL will increase by 3 dBA. Therefore, in the example with two fans, the correct total SPL would be 68 dBA. More examples with multiple sources producing equal SPL are shown in Figure A2.6.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

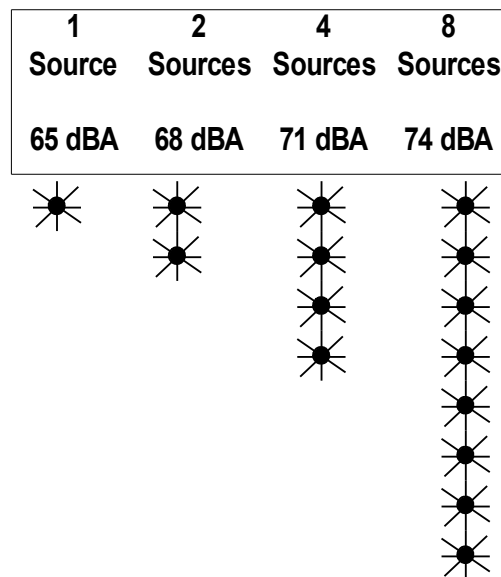


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

Further Reading

Bruel and Kjaer, “Measuring Sound.” Covers topics in this appendix in more detail. Available on the Bruel and Kjaer website, www.bkhome.com. Find this and other primers under the library section of the site.

Cyril M. Harris, Ed. Handbook of Acoustical Measurements and Noise Control, 3rd Edition. Acoustical Society of America, Melville, NY, 1998.

A3. P-23 Maricopa County Noise Code Excerpt

V. Public Disturbances

A. It shall be unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, any noise which disturbs the peace or quiet of any neighborhood if such noise can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates. This subsection shall not apply to noise produced in the normal conduct of business provided that such noise occurs within the normal and customary hours for the conduct of such business, which is based on the normal and customary hours of operation of similar, existing businesses, and the operation is legally conducted within the scope of all ordinances, laws, and statutes of Maricopa County and the State of Arizona.

A4. Site Conditions

A4.1 Weather: August 17, 2012

Meteorological conditions in the area were overcast with light winds from the northwest.

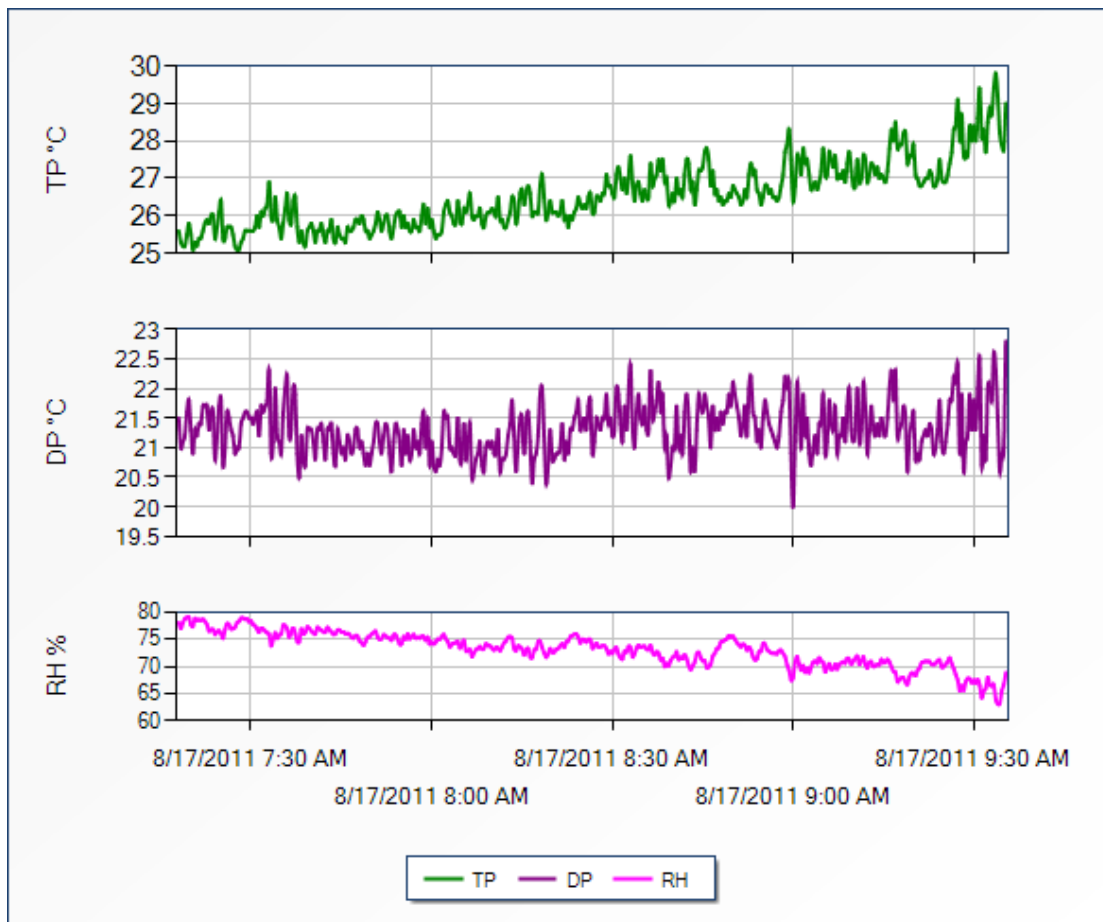


Figure A4.1. Temperature, Dew Point, and Relative Humidity on August 17, 2012

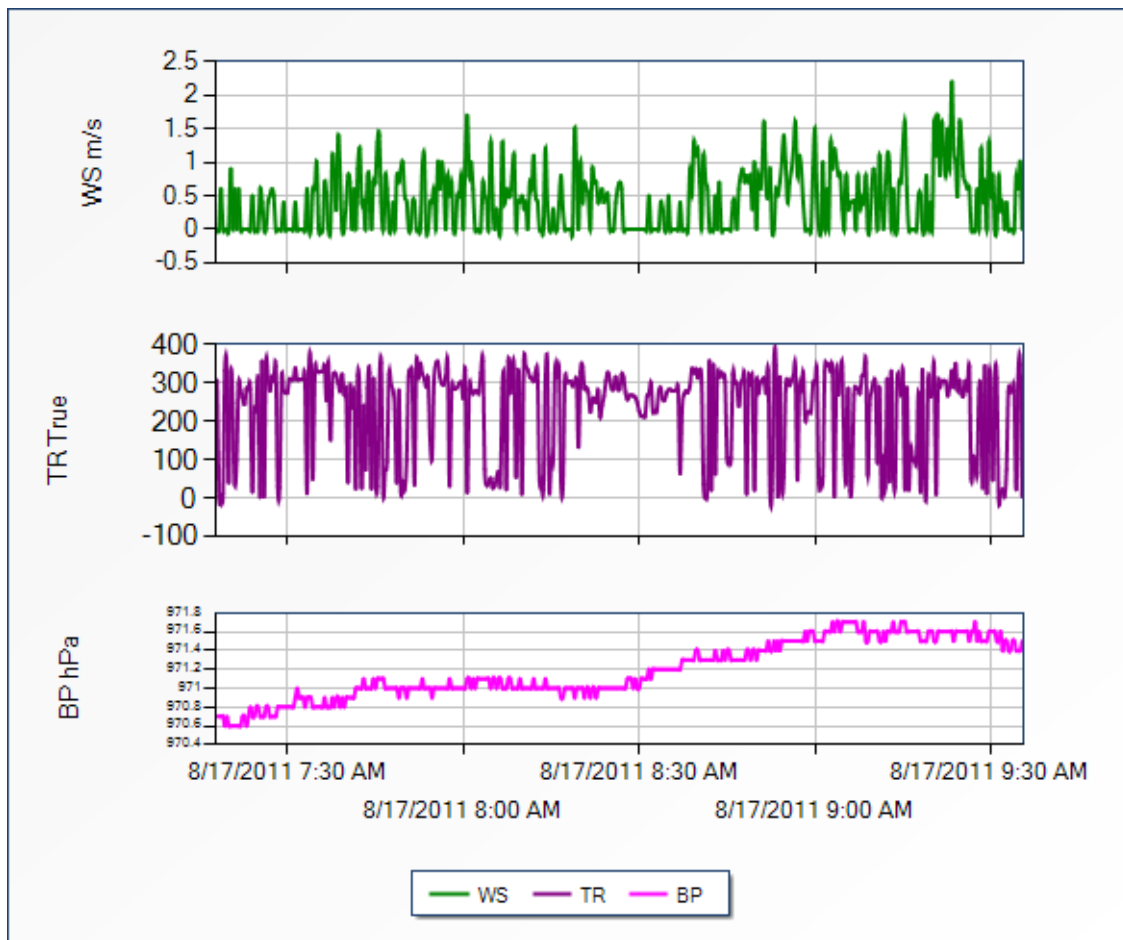


Figure A4.2. Wind Speed, Heading, and Station Pressure on August 17, 2012

A4.2 Site Photos



Figure A4.3. Weather Station, SW of Proposed East Tennis Court Location



Figure A4.4. Sound Level Meter at Point 1, 24022 Berrybrook



Figure A4.5. Sound Level Meter at Point 2, 24022 Berrybrook (Interior)



Figure A4.6. Sound Level Meter at Point 3, 9747 Sunburst



Figure A4.7. Sound Level Meter at Point 4, 23926 Glenburn



Figure A4.8. Sound Level Meter at Point 5, 23907 Sunvista



Figure A4.9. 9.5 Foot Wall at South End of Practice Court

A5. Equipment List

SOUND LEVEL METER

- Brüel & Kjær Type 2236, Precision Integrating Sound Level Meter
Serial #: 1849710
Calibration: June 27, 2012, Odin Metrology
- Brüel & Kjær Microphone Type 4188
Serial #: 1857777
Calibration: June 30, 2012, Odin Metrology

MICROPHONE CALIBRATOR

- ACO Pacific 521 Calibrator [1 kHz, 94 dB]
Serial #: 47365
Calibration: June 27, 2012, Odin Metrology

PORTABLE DIGITAL RECORDER

- Edirol R-09HR
Serial #: ZW73981

WEATHER

- Nielsen-Kellerman Kestrel 4500 with wind vane
Serial #: 570551
 - Temperature: $\pm 1.8^{\circ}\text{F}$, -20 to 158 $^{\circ}\text{F}$ (1.0 $^{\circ}\text{C}$, -29 to 70 $^{\circ}\text{C}$)
 - Humidity: $\pm 3\%$ RH, 5 to 95 % non-condensing
 - Pressure: ± 1.5 hPa, 750 to 1100 hPa
 - Wind speed: larger of $\pm 3\%$ of reading or least significant digit
 - Wind direction: $\pm 5^{\circ}$

COMPUTER

- MSI MS-16332 / AMD Turion TL-56 Laptop Computer

SOFTWARE

- Brüel & Kjær Reporter 7815, sound application software
- Syntrillium Software, Cool Edit Pro 2.1, digital audio editing software
- Perception Acoustics, Acoustic Tools Data Acquisition Suite, 2.0

Why Are Your Pickleball Courts Receiving Complaints from Neighbors?

by [Lance Willis](#)

Posted on [April 25, 2018](#)

[Home](#) [News](#) [About Us](#) [Contact](#)

Pickleball is a game played with a paddle and ball on a converted tennis court or dedicated asphalt pad. It has become very popular in retirement resort communities and other recreation centers.



Unfortunately, some developers of pickleball courts have not adequately addressed the sound produced by the impact of the hard paddle and ball which creates a sharp pop. This has led to controversy between facility owners and neighbors when new pickleball courts are planned.

Here in Arizona and elsewhere we have planned and mitigated many of these sites. We have had the opportunity to work with both pickleball clubs and home owners associations. In this post we will outline the process we have developed to evaluate the noise impact of pickleball courts and to enable pickleball to coexist with the surrounding community.

Characteristics of Pickleball Sound

The sound produced by the impact between a pickleball and paddle is characterized by a sudden onset and brief duration, typically on the order of two milliseconds for the direct path sound. Figure 1 shows a time trace of a pickleball paddle impact measured near Phoenix, Arizona. The main part of the direct sound impulse can be seen to be less than two milliseconds followed a rapid decay and some later reverberant arrivals.

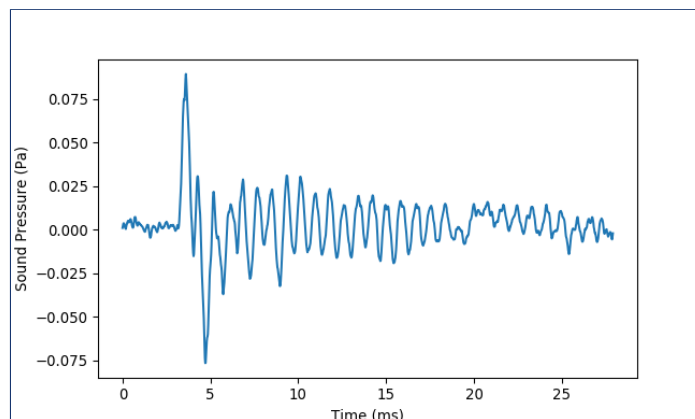


Figure 1. Paddle Impact Time Trace

The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz (see

Figure 2). Although it does not meet most guidelines for tonal prominence such as Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch similar to a musical wood block percussion instrument. The radiation pattern of the paddle is more or less a dipole, i.e. the sound from the front and back of the paddle is of opposite polarity and cancels itself in the plane of the paddle. Therefore, orienting the courts so that the direction of play faces away from noise sensitive areas can provide some attenuation.

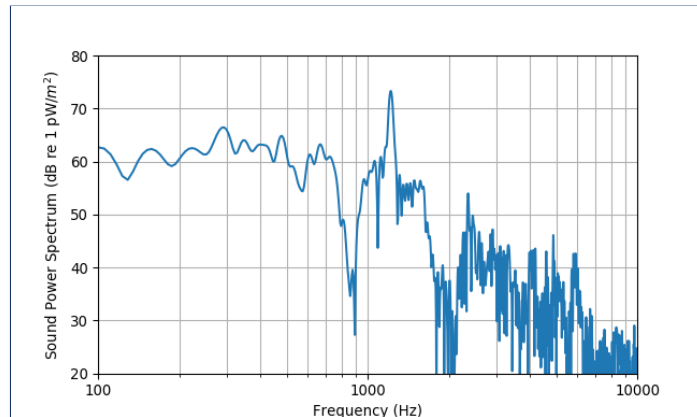


Figure 2. Paddle Impact Power Spectrum

Measuring Pickleball Sound

Due to the short duration of the impact, averaging sound pressure level metrics such as equivalent level (L_{eq}) and even maximum fast exponential time weighted level (L_{max}) fail to accurately represent the perceived loudness of the impact. The fast exponential time weighting filter is a first order lowpass filter with a 125 millisecond time constant applied to the square of the acoustic pressure waveform. If a tone burst is applied to the squaring circuit and filter, after two milliseconds the filter output will only rise to a level that is 18 dB lower than the root-mean-square or equivalent level of the input signal. Because the short impulse is being significantly attenuated by the averaging in the sound level meter, in practice it is in general not possible to distinguish pickleball paddle impacts from the background noise when measuring L_{eq} or L_{max} using an integrating sound level meter even though the paddle impacts may be identified by a listener as the primary sound source.

The paddle impact sound pressure level is better represented by the sound exposure level (SEL). This involves windowing the measured sound pressure in time to include only the paddle impact and reflections from nearby surfaces. The equivalent sound pressure level of the windowed impact is then normalized to the length of the window giving a representation of the energy

in the impact alone. Appropriate adjustments for impulsive sounds can then be applied to the impacts as described next.

Most acoustical standards for sound pressure levels with regard to compatible land use provide adjustment factors for different types of sound, e.g. impulsive, tonal, time of day, etc. Each of these categories of sound produces different levels of community impact and annoyance due to their temporal or spectral characteristics in comparison to a broadband sound that does not vary in level or frequency content with time. The purpose of the adjustment factors is to normalize these types of sound to a neutral broadband sound pressure level so that they can be reasonably compared to a defined sound pressure level limit or the background noise level.

ANSI S12.9 Part 4 gives criteria for assigning adjustment factors to a variety of impulsive sounds. Sounds produced by many impact processes are classified as 'highly impulsive' and assigned a 12 dB adjustment. Although not specifically enumerated in definition 3.4.1 of the standard, experience has shown that pickleball paddle impacts should be adjusted as highly impulsive sounds in order to set appropriate performance goals for abatement treatments. Inadequate abatement treatment may lead to ongoing complaints, strained relations with neighbors, legal action, the need for continued involvement on the part of authorities, additional retrofitting, and possibly demolition costs to improve the abatement later.

Site Planning Considerations for Pickleball

Based on our experience working with pickleball facilities, courts located within 350 feet of residential structures often require abatement. Courts located within 150 feet require careful abatement design to avoid complaints.

Abatement treatments usually consist of freestanding walls strategically placed to shield noise sensitive areas from the pickleball courts. To be effective, the walls must block the line of sight to the paddles during play. On level terrain this means a minimum wall height of eight feet above the playing surface. The cost of the walls can be reduced by lowering the courts into the ground and using the excess soil to build a berm around the courts. Placing the wall on top of the berm will lower the required height of the wall itself, reducing construction costs. The wall may be masonry or a solid fence system having sufficient mass for effective sound insulation.

For pickleball courts located in the middle of a residential area with houses on more than two sides, screen walls may be required on opposite sides of the courts. When these walls are parallel to each other, reflections between them can degrade the

performance of the walls significantly. In this case, sound absorbing panels may need to be installed on one or both walls to stop multiple reflections from amplifying the sound going over the walls. This can almost double the cost of the walls and may make the site financially unfeasible.

Court orientation also plays a role. More sound propagates in the direction of play than to the sides of the pickleball court. By positioning the courts so that the line of the net runs through the most noise sensitive area, a noticeable reduction in sound pressure level can be achieved at this location.

When to Hire an Acoustical Consultant

We recommend that pickleball courts to be located within 500 to 600 feet of residential properties or other noise sensitive areas be reviewed by an acoustical engineer during the site selection phase in order to avoid choosing a site that is expensive to mitigate, results in unexpected limitations on court use, or leads to ongoing disputes with neighbors. For sites that have a water feature or golf course as part of the intervening ground between the courts and homes or for sites located in a valley, it may be necessary to consider abatement at buffer distances greater than 500 to 600 feet due to additional refraction effects created in these situations.

The abatement plan for the site should be prepared by an acoustical engineer with experience in assessing the community impact of short duration impulsive sounds such as those produced by pickleball paddle impacts. As can be seen from procedure outlined above, properly measuring sound from pickleball courts is not a simple matter of setting up a sound level meter and logging an equivalent sound pressure level (L_{eq}). The short duration impulses produced by the paddle impacts require a detailed process of applying a metric that can accurately represent the community noise impact of the pickleball courts.

If you are in the process of planning pickleball for your site, consulting an acoustician can reveal unforeseen issues with the selected courts site or the site plan before investing tens or hundreds of thousands of dollars in design and construction. Preparing a formal abatement plan can also ease concerns of neighbors about the community noise impact of the courts.

If you would like us to help plan or mitigate your pickleball courts, [contacts us](#) today for more information.

This entry was posted in [Noise Control](#). Bookmark the [permalink](#).

4 Responses to *Why Are Your Pickleball Courts Receiving Complaints from Neighbors?*

Patrick T Neary says:

September 26, 2018 at 7:12 am

Hello,

I live on the property line of the Yellowstone Golf and COUNTRY CLUB in Billings, MT. The Club proposes to place a pickleball court extremely close to my property line, within 50 feet! I have apprised them of the problem and referred them and their architect to your studies. I am also seeking legal counsel. The club manager states they were not aware of the problem. Do you have a comprehensive list of the pickleball studies you have performed nationally, or other information concerning the volume of complaints, lawsuits, etc. related to pickleball nationally? I am obviously, trying to build a case for redesign, distancing from my (and others') property, mitigation, etc. Thank you.

Lance Willis says:

September 26, 2018 at 9:30 am

50 feet is very close. Pickleball courts placed at this distance from residential properties usually result in complaints without significant mitigation. A list of some of our [environmental acoustics projects](#) is available on the website. We'll try to put up a category for pickleball in the near future. The best way to proceed would be for the country club to contact us and discuss doing a noise abatement plan for the proposed courts site. That would enable them to address any community noise impact issues before they become a problem that is expensive to retrofit.

Linda waldman says:

January 23, 2019 at 8:55 am

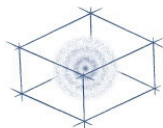
Pickle ball courts were built within forty feet of our residence. Not only is the pickle ball noise loud, but the players scream as loud as possible while playing. Can anything be done legally.

Lance Willis says:

January 23, 2019 at 10:52 am

This will depend on the noise legislation for your area. Every county and municipality has a different standard for defining nuisance noise and how to measure it. In most cases, regulations for impulsive sound are not defined by these ordinances and so we rely on the ANSI standards mentioned in the post. Enforcement is usually handled through your local police or department of developmental services. If the site owners would like to mitigate the impact on neighboring properties they can contact us to discuss creating a noise abatement plan.

Copyright © 2010-2021 Spendiarian & Willis Acoustics & Noise Control LLC
4335 N Alvernon Way, Tucson, Arizona 85718
(520) 623-6003



Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
136 Heber Ave
Suite 205
Park City, Utah 84060

Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

1 of 10

SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; THE PRESERVE AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; ROBSON AT SUN LAKES / IRON OAKS, PHOENIX, AZ; ROBSON AT PEBBLE CREEK, PHOENIX, AZ; TRILOGY AT ENCANTERRA, PHOENIX, AZ; TRILOGY AT VERDE RIVER, PHOENIX, AZ; TRILOGY AT VISTANCIA, PHOENIX, AZ; SUNFLOWER DEVELOPMENT, TUCSON, AZ; YAVAPAI HILLS HOA, PRESCOTT, AZ; OUTDOOR RECREATION PALM SPRINGS, PALM SPRINGS, CA; ELKHORN HOA, SUN VALLEY, ID; PELICAN PRESERVE, FORT MYERS, FL; and PELICAN LANDING, BONITA SPRINGS, FL.

I have also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were ST MICHAEL'S BY-THE-SEA CHURCH, CARLSBAD, CA; COLUMBINE COUNTRY CLUB, LITTLETON, CO; TRILOGY AT POWER RANCH, GILBERT, AZ; private residence in LOUISVILLE, KY; private residence in CARLSBAD, CA; CHESTNUT WAY PARK, PORT MOODY, BRITISH COLUMBIA; and a park on WATERS END DRIVE, CARLSBAD, CA.

In some instances, failure to plan for noise abatement or select an appropriate pickleball site has resulted in legal action. I have been an expert witness in several cases seeking an injunction against pickleball activities in California, Kentucky, and Colorado. These cases involved courts placed with insufficient buffer distance to neighbors and ad hoc mitigation treatments.

Characteristics of Pickleball Sound

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a sudden onset and brief duration, typically on the order of two thousandths of a second for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such as Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

Using a foam ball such as the Foam Quiet Ball made by Gamma can reduce the amount of sound from paddle impacts significantly. Spendiarian & Willis has done a comparative study of this ball and the most common regulation ball, the Dura Fast 40. The foam ball was found to be 8 to 9 dBA quieter. While this will reduce the amount of sound abatement needed, it will not necessarily eliminate the need for it completely. This is especially true where homes are within 75 to 100

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

2 of 10

feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.

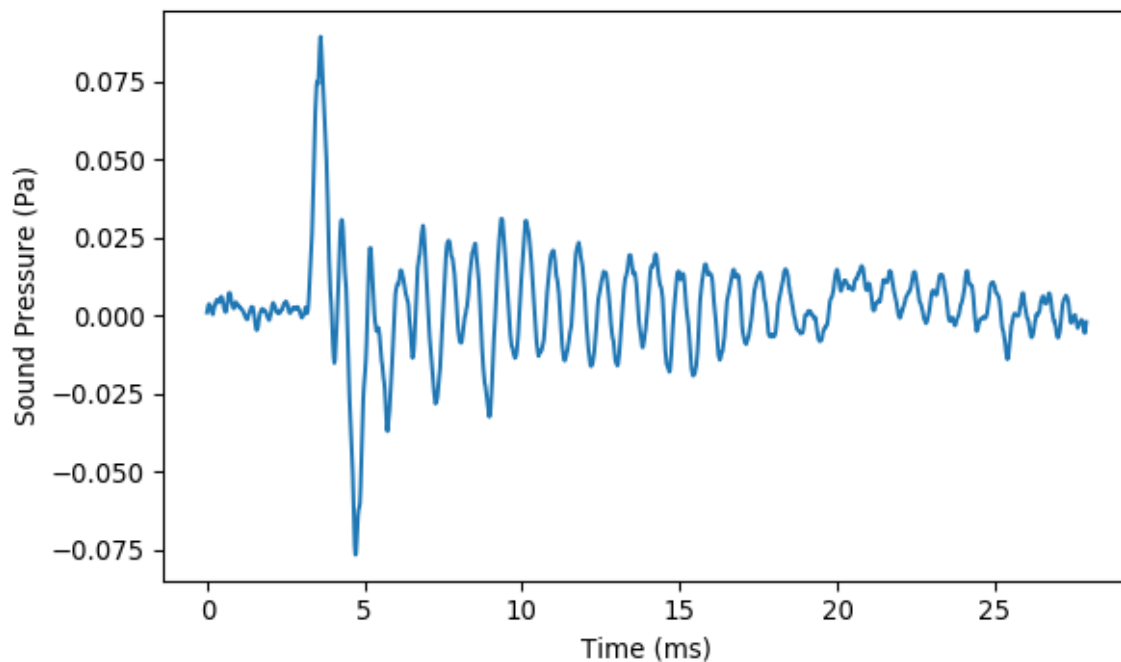


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” *Star Tribune*, Minneapolis, Minnesota. March 27, 2019. <<http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>>

- Bartel, Mario, “Pickleball banished from Port Moody court after neighbours complain of rising stress, anxiety.” The Tri-City News, Coquitlam, British Columbia, Canada. April 24, 2021. <<https://www.tricitynews.com/local-sports/these-games-are-loud-port-moody-pickleball-neighbours-revolt-against-rising-stress-anxiety-3662369>>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017. <https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Assessing the Impulsive Sound of the Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

I have been informed that the planned pickleball court pad at 2732 Meadow Creek Drive is within 20 to 25 feet of the house at 2812 Holiday Ranch Loop Road. Pickleball courts located this close to homes can be expected to produce noise complaints from the adjacent residents and have a significant impact on quality of life. At this distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

Applicable Codes and Regulations

Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. The code specifies fast time weighting for measuring impulsive sound. This is acceptable for speech and some other types of impulses with slower onset rates, but it should be noted that this setting grossly underestimates the noise impact of sounds produced by impact processes such as pickleball paddles.

Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1. The fast time weighting measurement methodology of the Park City Code does not correlate well with community response to impulsive sounds with sudden onset rate and short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

Based on our experience in creating noise abatement plans for pickleball facilities using the methodology in ANSI S12.9 for assessment of the annoyance of pickleball paddles, the placement of this court is much closer to other residential land uses than we would recommend and would not satisfy the requirements in Section 6-3-9.C.2 of the Code over the specified 10 minute period.

Noise Abatement Treatments

Mitigation of the sound from the pickleball court is complicated by the short buffer distance and two story construction of the house at 2812 Holiday Ranch Loop Road. Sound walls are a common abatement treatment used for pickleball courts. In order, however, for a sound wall to be effective in attenuating sound it must be high enough to block the line of sight to the players on the court including paddles. Figure 2 shows the view from the second floor window

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

7 of 10

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

World Health Organization, Night Noise Guidelines for Europe, <http://www.euro.who.int>, 2009.

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section: OLD BUSINESS

Subject:

Consideration to Approve Resolution No. 08-2022, a Resolution of Park City Municipal Corporation Appointing the "Deed Restriction Advisory Committee" to Negotiate and Make Recommendations Regarding the Acquisition of Deed Restrictions in the City and Authorizing the City Manager to Approve and Execute all Necessary Documents in Accordance with Adopted Budget Policies
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Live Local Park City Staff Report](#)

[Exhibit A: Vail Economic Impact Study](#)

[Exhibit B: Deed Restriction Language](#)

[Exhibit C: Live Park City Process Outline](#)

[Exhibit D: Application](#)

[Exhibit E: Advisory Committee Resolution](#)

[Exhibit F: Budget Ordinance](#)

[Exhibit G: Budget Policy Chapter 6 Edits](#)

City Council Staff Report

Subject: Live Local Park City - Lite Deed Restriction Program
Author: Jason Glidden, Housing Development Manager
Department: Housing
Date: April 28, 2022
Type of Item: Administrative

Recommendation

Receive a staff briefing, continue to take public input, and consider approval of the Live Local Park City - Lite Deed Restriction Program. The primary goal of this program is providing more housing supply for year-round Park City residents.

Executive Summary

Park City's Housing program strives to facilitate a range of affordable, quality housing opportunities to meet the life cycle needs of persons at all economic levels. The Housing Team continues to research new tools to make progress on this goal. To this end, the Housing Team is requesting approval of a new Lite-deed restriction pilot program that has been very successful in other communities.

The goal of the Lite-deed program is to help Park City maintain a sense of community by incentivizing new and existing residents to place deed restrictions on their property in exchange for a cash payment from the City in order to promote year-round residency, more workforce housing opportunities, and down payment assistance. The proposed program would:

- Promote more full-time residents and less second-home ownership;
- Encourage investments in workforce housing;
- Provide down payment assistance for those just out of the market; and
- Create an option for current homeowners to ensure their home offers the ability for future residents to live and work in Park City in perpetuity.

Background

Park City is amid an affordable housing crisis. The recent Park City Housing Needs Assessment stated that well over 800 units are likely needed over the next five years. The Vision 2020 process demonstrated that addressing housing affordability is one of the highest policy priorities for municipal government. Accordingly, the City is taking a multifaceted approach to preserving and growing the housing inventory.

Other communities, such as Vail and Breckenridge, have seen success with similar lite-deed housing programs. The Housing Team met multiple times with both Vail and Breckenridge to discuss lessons learned from their programs and reviewed the language of each town's deed restrictions.

In short, the Lite deed restriction program would provide cash payments to qualified property owners in exchange for a deed restriction on their property. In turn, the deed requires year-round occupancy.

The deed restrictions differ from the typical affordable housing deed restrictions, such that they don't contain income limits, appreciation caps, and other typical requirements. Instead, the program would utilize "Lite" deed restrictions stipulating that the property is occupied by a full-time Park City resident thereby increasing the year-round supply of housing availability in Park City. The restrictions would require that the property is either occupied by the owner who is a full-time resident of Park City (minimum of 10 months a year), working 30 hours per week within the City's boundaries, or a long-term renter (greater than 6 months), working 30 hours per week within City's boundaries. The program also includes a retiree provision, and the deed restrictions remain in perpetuity with the property to ensure the property is occupied and doesn't become part of the resort economy pool of housing.

Deed Restriction Purchasing

The amount of money paid in exchange for the deed restriction depends on several variables. Valuations are market-dependent and consider how well a property aligns with bolstering the City's goals. For example, in Vail and Breckenridge, average compensation for placing a deed restriction on a property ranges from 16-17% of the home's appraised value, with some deed restrictions being purchased at lower rates, such as from 14-15%. Each home would be appraised, and the appraised value considered in context with its alignment toward City's goals to determine the final price of a deed restriction. All deeds will follow Utah-specific law and GASB financial rules.

Based on conversations with local realtors, we estimate that deed restrictions would likely be worth about 20% of the appraised value of each property. Deed restriction prices would still vary within a few percent's of 20%, based upon how closely a property aligns with the Program's goals. Condition, location, and other factors contribute to the value of a deed restriction and its price.

Benefits of the Program

As other municipalities demonstrated, the Lite-deed Program can help to incentivize full-time residency and increase long-term rental opportunities by:

- Creating a mixed approach to housing deed restrictions - the Program does not have income or appreciation caps, so it will create a more comprehensive overall deed restriction program to help various socioeconomic levels in Park City;
- Creating a community with more full-time residents and fewer empty units throughout the town used to support the resort economy. This means more options for those seeking full time residency;
- Additional support for workforce – provides some desperately needed and viable additional workforce housing options; and
- Reducing housing insecurity – employee housing supply in-town has become virtually non-existent. More year-round housing options will support employees and local businesses.

Additionally, the town of Vail conducted an economic development study that demonstrated the economic impacts of the Vail InDeed program on its local community. A copy of the study is provided in Exhibit A of this report.

Users of the Program

Existing Homeowners – Existing homeowners can apply to have a deed restriction placed on their property. The funds are often used in other communities to remodel or make repairs to the home as a form of equity.

Future Homeowners – The Town of Vail specifically has success using this program for down payment assistance. Providing 20% of the home value in cash allows some individuals priced out of the Park City market to obtain down payment assistance.

Property Investors – Because the deed restrictions allow long-term rentals, property investors could use the additional funding to make property investments. This creates more rental units for Park City's workforce and those seeking long-term rentals.

Local Employers – The program could also help local employers to purchase employee housing. There is a growing trend of small businesses buying property and renting to employees. For example, in Vail, employers have bought larger, 3+ bedroom properties for their employees using the funding.

Retirees- Seniors could benefit in a variety of ways. They can make home improvements, make extra funds, or lock-in their property to benefit future generations for year-round residency.

Brief History

1. The City Council first discussed the program at a work session on July 15, 2021, and unanimously encouraged further research and consideration of a pilot program.
2. Held on November 11, 2021, Council's primary feedback during work session was that the application requirements for a PC program were too restrictive. Council recommended removing the employment requirements to broaden the program's reach. The employment requirements also allow groups like seniors/ retirees to participate and focus primarily on long-term residents in Park City.
3. Held on February 3, 2022, the new Mayor and City Council in work session recommended a fourth work session after raising concerns over a few facets of the program, such as verifications for residency and deed restriction details.
4. Held on March 17, 2022, Council unanimously recommended bringing the program back on April 28, 2022, to consider approval. Council recommended returning to the roots of the Vail InDeed program to mirror the success that peer community have achieved. The main change is re-introducing employment requirements. Several Council members felt that the Housing Team conduct a pilot program that mirrors Vail's and then return to contemplate changes for Park City's specific program after the pilot commences.

Analysis

Park City Housing Stock

The Housing Team has conducted regular meetings with local realtors, including the PC Board of Realtors, to identify housing stock that might apply. A price cap of approximately \$1 million was determined through these conversations. Homes under \$1 million were researched for their potential.

According to the PC Board of Realtors, over the past two years (from April 20, 2020- to April 20, 2022), there is a large pool of almost 2,000 properties not currently on the market but could participate in the program. For example, the Prospector area has 509 potential units, which would qualify for the program. The Old Town area has about 144 properties, and the Woodside area near the resort base has around 430 properties that could be targeted. These numbers demonstrate a sufficient pool of properties, even in today's market. Properties valued at under 1M were considered in these statistics.

Staff recommends targeting the Prospector district and Woodside areas first with community education and engagement information. The neighborhoods are walkable, services by transit, and have lower price points, meaning more deed restrictions could be purchased for a lower overall price. Maintaining a program price-point of \$750,000 and under will increase the total number of deed restrictions purchased. Because of this price cap, the program would mainly target units within multifamily condos and apartment buildings.

Deed Restriction Language

The deed restrictions will be different from typical deed restrictions because they do not contain income limits, appreciation caps, or other special requirements. Exhibit B shows a draft deed restriction language. While draft deed restrictions mirror the City's template, criteria for target households were changed to remove income and net worth requirements. There is also no equity cap placed on the property as part of the deed restrictions.

Process

The process begins when a homeowner or buyer submits an (draft application Exhibit D.) an application to the Housing Team.

1. Complete application is submitted and confirmed complete
2. Property appraisal obtained
3. Appraised value reviewed in combination with criteria further described in Exhibit C., such as walkability, if the property furthers the goals outlined in the Park City Vision 2020 document, and is the product type desired
4. Housing Team provides a property evaluation and recommendation to the Lite-deed Advisory Committee
5. Advisory Committee recommends action to the City Manager
6. City Manager reviews and approves or denies

7. If approved, Notice of Deed Restriction Purchase Agreement signed by the homeowner and Park City Municipal.
8. Recordation of deed restriction occurs at time of ownership transfer or immediately in the case of existing ownership.

Advisory Committee

To expedite implementation and meet the needs of the home buying process, the Housing Team proposes an Advisory Committee to review and recommend action to the City Manager. The Advisory Committee would also negotiate the cash value of the deed restriction. The City Manager's final approval would carry the following limits:

- Final approval delegated to City Manager for properties receiving \$200,000 or less.
- Properties with more than \$200,000 contemplated require City Council approval.

The Advisory Committee is appointed by the Mayor, with advice and consent of City Council via resolution. The Housing Team proposes the following composition/representation: Board of Realtors, Mountainlands Community Housing Trust, Habitat for Humanity, a local lending/ banking professional, and a City Council representative.

Funding

Staff estimates a pilot program is created for \$1,000,000 and allocated out of the affordable housing fund. Disbursement of funds shall be administered in accordance with the program criteria established by the Housing Department, and in consultation with the City's Finance Director and City Attorney.

Attachments

- Exhibit A - Vail In-Deed – Impact Study
- Exhibit B - Deed Restriction Draft Language
- Exhibit C - Process Outline
- Exhibit D - Application
- Exhibit E- Advisory Committee Resolution
- Exhibit F- Budget Ordinance
- Exhibit G- Budget Chapter 6 Program Language

The Economics of Land Use



Revised Report

Economic Value & Community Benefits of Resident Housing Investment

Prepared for:

Vail Local Housing Authority

Prepared by:

Economic & Planning Systems, Inc.

EPS #183136

*Economic & Planning Systems, Inc.
730 17th Street, Suite 630
Denver, CO 80202-3511
303 623 3557 tel
303 623 9049 fax*

*Denver
Los Angeles
Oakland
Sacramento*

www.epsys.com

August 14, 2019

Table of Contents

1.	Executive Summary	1
	Background.....	1
2.	Methodology	5
	Data Sources.....	5
	Assumptions	7
3.	Economic Context	10
4.	Findings	12
	Return Metrics	12
	Community Benefits	14
	Economic Value	18
	Opportunity Costs	20
5.	Appendix	22
	Terminology	22

List of Tables

Table 1.	Vail InDEED Summary	7
Table 2.	Population Trends, Town of Vail Capture.....	10
Table 3.	Housing Unit Trends, Town of Vail Capture	10
Table 4.	Employment Trends, Town of Vail Capture.....	11
Table 5.	Return on Investment.....	12
Table 6.	Investment Multiplier.....	13
Table 7.	Value of Time	14
Table 8.	Reduction in Carbon Emissions.....	15
Table 9.	Environmental Impact	15
Table 10.	Value of Volunteerism.....	16
Table 11.	Schools Impact.....	16
Table 12.	Expansion of Total Spending in Vail Economy	18
Table 13.	Expansion of Total Spending in Vail Economy	19
Table 14.	Parking Impact	20
Table 15.	Worker Turnover Costs	21
Table 16.	Daytime Spending.....	23
Table 17.	Resident Housing Household Spending	23
Table 18.	Commute Detail.....	24

List of Figures

Figure 1.	Town of Vail & Eagle Valley Employment Trends	11
-----------	---	----

1. Executive Summary

Background

The Town of Vail has made significant financial investments in resident housing over many decades. Such investments are rooted in an awareness that affordability and availability of housing for residents and the workforce benefit the broader Vail economy, business community, the overall community character, and the quality of the guest experience.

One of Vail's more innovation and effective investment strategies has been deed-restriction acquisitions, in which the Town appropriates funds annually to ensure that homes are available for residents and the workforce. A new deed restriction purchase program, called Vail InDEED, was recently created to ensure Vail meets its 2027 Vail Housing 2027 Strategic Plan goal of acquiring 1,000 additional resident housing unit deed restrictions by the year 2027.

In times of competing community investment priorities and alternatives, it is important that the benefits of resident housing investment are quantified and understood by the community and its leadership. For this purpose, the Vail Local Housing Authority (VLHA) contracted with Economic & Planning Systems (EPS) to quantify the economic value and community benefits of resident housing investment on the local economy and community.

Each investment in one resident housing unit generates an annual return as well as provides economic benefit.

#1 - The direct return back to the Town of Vail from an investment of \$65,000 in one unit of housing is **\$3,239 in the form of local sales tax and revenue for local students**. The annual return on investment to the Town is **5 percent** of the initial investment.

5.0%
Annual per-unit return on
investment to the Town of Vail

#2 - Nearly **\$312,500 is provided from one unit in the form of community benefits, economic value, and opportunity costs** to the community as a whole. This return to the community is more than four times the initial investment by the Town, resulting in an **investment multiplier of 4.81X**.

4.81X
Annual per-unit investment
multiplier

Metrics

At the root of the Town's resident housing investment policies, deed restricted homes ensure that year-round residents can live and work locally, which ripples through the economy and reinforces the stability of other sectors of the economy. It impacts the character of the community through greater potential civic/resident engagement and presence of school-aged children. It also improves the quality of the guest experience. In this analysis, these and other elements are presented collectively and stated in terms of the following broader metrics:



ECONOMIC VALUE

With an expanded inventory of housing, numerous sectors of the business community benefit, in that a portion of previously unfilled positions become filled. This increased economic activity ripples through the local economy supporting other business-to-business economic activity, as well as new household spending.

The annual economic value of an investment in **100 units of resident housing** (\$6.5 million) is:

- **\$18.1 million** as a result of an increase in filled positions,
- **\$2.6 million** in increased local household spending, and
- **\$116,000** in new local sales tax revenue.



COMMUNITY BENEFIT

Maintaining and sustaining a sense of community is fundamental to Vail's economy, its character, and its longevity. The presence of residents enhances the community's vitality and increases the quality of the guest experience. For those benefiting from resident housing, less time on the road may grant them flexibility to volunteer their time or be more engaged in the community. For visitors and guests, fewer unfilled positions means greater attentiveness to customers and a higher-quality guest experience.

The annual community benefits of an investment in **100 units of resident housing** (\$6.5 million) include:

- the elimination of over 40,000 commute hours resulting in **\$825,000** in the value of time savings,
- a reduction of **845 metric tons of carbon emissions (MTCO₂e)**,
- **\$207,000** in State of Colorado revenue in the form of back-fill for 26 school-aged children, and
- **\$1.2 million** in volunteer labor.



OPPORTUNITY COST

If it did not invest in resident housing, Vail would need to commit potentially greater monetary investments in structured parking and/or transit services. Moreover, not investing in resident housing also perpetuates the annual costs of worker turnover, new-hire training, and lost productivity in the business community.

The annual opportunity cost of an investment in **100 units of resident housing** (\$6.5 million) is:

- **\$11.3 million** in avoided construction cost for 113 parking spaces and
- **\$841,000** in saved costs to businesses for worker turnover, training, and lost productivity.

THIS PAGE INTENTIONALLY LEFT BLANK

2. Methodology

As noted in the introduction, this approach encompasses three main components of economic value and community benefit: the economic value; the community benefits; and the opportunity costs. This section outlines the data and assumptions for the analysis.

Data Sources

A variety of primary and secondary data sources were used in the analysis. Research and interviews also supplemented the quantitative and qualitative elements of the analysis. The following sources were essential to the construction of the methodology:

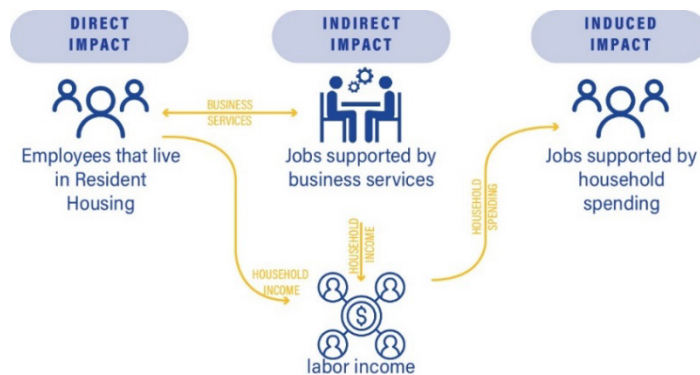
- U.S. Census Longitudinal Employee Household Dynamics. Prevalence of in-commuting workforce to Vail.
- Colorado Department of Labor & Employment, Quarterly Census of Employment & Wages. Number of jobs by industry for Vail.
- Colorado Statewide Nonprofit Industry Survey, 2018. Nonprofit industry jobs in Eagle County's workforce and the rate of per-capita volunteerism.
- U.S. Bureau of Labor Statistics. Value of volunteerism per hour.
- Colorado Department of Transportation. Aggregate vehicle miles travelled (VMT) in Eagle County.
- U.S. Environmental Protection Agency. Calculations for estimating carbon emissions.
- Eagle County Housing Study and Greater Roaring Fork Regional Resident & Employer Survey, 2018. For assumptions regarding rate of carpooling, persons per household, multiple job-holdings.
- IMPLAN. Input-output data for Eagle County at the zip code level.

Types of Economic Impacts

In terms of quantifiable economic contributions, metrics included in this analysis have been run through IMPLAN input-output modeling software. IMPLAN is structured to account for trade flows and industry profiles within the defined economic unit—in this case, the Town of Vail, as represented by the 81657 zip code. This type of modeling generates a trove of information, which when consolidated with other information, can be used to estimate the “multiplier effect” on an initial investment.

Specifically, a multiplier effect is a ratio that characterizes the relationship between the total of successive rounds of spending resulting from an initial investment combined with the initial investment itself. For example, the multiplier in this analysis is calculated as the composite per-unit economic value and community benefit divided by the Town’s per-unit investment.

There are also three layers of economic impacts. These layers are defined as they relate to Vail’s investment in resident housing:



Economic Impact Terminology

Direct Impacts are the dollar amounts of net new local resident spending and the net new economic activity related to greater number of filled positions. These dollar amounts refer to the first round of spending in an economy.

Indirect Impacts are the dollar amounts associated with the business-to-business relationships, such as the real estate activity, the purchase of equipment, or the demand for professional services such as legal, financial and administrative services that may be procured in the process of meeting demand for a “direct” industry’s good or service. These are referred to as the second round of spending.

Induced Impacts are activities resulting from the expenditures made by households of the direct and indirect industry jobs. They are typically retail and service-sector oriented impacts that are created by what is typically referred to as the third round of spending.

Assumptions

There are two main layers of assumptions in this analysis: 1) the overarching investment goal on which the analysis is based; and 2) the underlying assumptions used to quantify relationships between, for example, the number of persons per housing unit or the rate of carpooling among all in-commuting workers.

Resident Housing Investment

Housing Targets

As previously noted, the premise of this analysis is rooted in the Vail Housing 2027 Strategic Plan adopted goal of acquiring 1,000 additional resident housing unit deed restrictions by the year 2027. The goal means that the Town is targeting, on average, the acquisition of 100 deed restrictions units per year.



Housing Investment

Based on a detailed accounting of the most recent (116) deed restrictions placed on homes in Vail (between January 2017 and May 2019), data which were obtained from the VLHA, the Town invests an average of approximately \$65,000 per unit. It is against this core assumption that the metrics of return on investment and the overall investment multiplier are calculated.



Table 1. Vail InDEED Summary

Vail InDEED Program	Units	Price per Deed
2019 (YTD May)	11	\$94,618
2018	40	\$57,105
2017	65	\$65,000
Total	116	\$65,327

Source: Town of Vail; Economic & Planning Systems

Underlying Assumptions

The following are additional assumptions that quantify the relationship between housing units and persons, local job-holdings, net new jobs, and carpooling.

Jobs per Unit. Primary data collected locally and regionally indicate that there is an average of 2.2 jobs per household, meaning that 220 jobs would be represented by 100 households in 100 housing units.

Vail Jobs. As mentioned previously, the Vail InDEED program requires that a property be occupied as a primary residence by individuals who work a minimum of 30 hours per week in Eagle County. Based on an annualized 40-hour work week, this could be approximated as 75 percent of income (and thus, employment) is originated in Eagle County. For purposes of this analysis, it is an aggregated assumption that 75 percent of job-holders in the resident housing units are working in Vail (165 jobs).

Net New Jobs to Economy. The analysis also assumes that 75 percent of these Vail jobs held by occupants of resident housing units are net new to the economy (i.e. that they are filling unfilled positions or enabling employers to add new positions). This means that 124 of the 165 jobs are estimated to be new to economy, whereas the remainder of the 165 would have previously commuted in to their jobs in Vail.

Carpooling. Primary data collected regionally indicates that an average of 9 percent of the total in-commuting workforce carpool.



3. Economic Context

This section of the report provides the economic context including population, housing unit, and employment trends for the Town of Vail in relation to Eagle County as a whole.

Population

Between 2000 and 2017, the Eagle Valley grew by a population of approximately 10,280, which translates to 605 residents per year. Total population reached 45,770 in 2017 (**Table 2**). In 2017, Vail represented approximately 12 percent of the Valley population, but had captured only 9 percent of the Valley's population growth since 2000.

Housing Units

Growth in housing inventory in Vail outpaced population growth considerably (**Table 3**). By a factor of more than two to one, more than 1,800 housing units were added to the Town's housing unit inventory, indicating that second homeownership comprised a majority of the ownership of the new inventory.

Table 2. Population Trends, Town of Vail Capture

Population Trends	2000	2010	2017	Total Δ	% Capture
2000-17					
Avon	5,561	6,447	6,503	942	9%
Eagle	3,032	6,508	6,711	3,679	36%
Eagle-Vail ^[1]	2,887	2,887	2,887	0	0%
Edwards	8,257	10,266	9,202	945	9%
Gypsum	3,654	6,477	6,926	3,272	32%
Red Cliff	289	267	297	8	0%
Minturn	1,068	1,027	1,141	73	1%
Vail	4,531	5,305	5,425	894	9%
<u>Unincorp. Eagle Valley</u>	<u>6,211</u>	<u>5,283</u>	<u>6,678</u>	<u>467</u>	<u>5%</u>
Eagle Valley	35,490	44,467	45,770	10,280	100%

[1] Eagle-Vail did not appear on the 2010 decennial census as a CDP.

[2] Eagle Valley is defined as Eagle County less the Roaring Fork Valley (census tract 3.01 block groups 1-3 and tract 3.02 block group 2)

Source: U.S. Census American Community Survey 5-year estimates; Economic & Planning Systems

Table 3. Housing Unit Trends, Town of Vail Capture

Housing Unit Trends	2000	2010	2017	Total Δ	% Capture
2000-17					
Avon	2,557	3,615	4,052	1,495	17%
Eagle	1,116	2,416	2,251	1,135	13%
Eagle-Vail ^[1]	1,482	1,482	1,482	0	0%
Edwards	3,953	5,260	5,386	1,433	16%
Gypsum	1,210	2,205	2,275	1,065	12%
Red Cliff	122	141	123	1	0%
Minturn	448	528	542	94	1%
Vail	5,389	7,230	7,210	1,821	21%
<u>Unincorp. Eagle Valley</u>	<u>3,687</u>	<u>5,394</u>	<u>5,492</u>	<u>1,805</u>	<u>20%</u>
Eagle Valley^[2]	16,277	22,877	23,321	8,849	100%

[1] Eagle-Vail did not appear on the 2010 decennial census as a CDP.

[2] Eagle Valley is defined as Eagle County less the Roaring Fork Valley (census tract 3.01 block groups 1-3 and tract 3.02 block group 2)

Source: U.S. Census American Community Survey 5-year estimates; Economic & Planning Systems

Employment

In 2018, Vail had an estimated 8,400 wage and salary jobs (**Table 4**), accounting for 25 percent of the Valley's total employment. Between 2001 and 2018, the Town added close to 1,300 jobs, capturing 30 percent of the Valley's growth. The highest growth area in the valley took place in Avon/Beaver Creek, which captured 44 percent of the Valley's new employment, and (as the definition indicates) includes two distinct commercial nodes of activity.

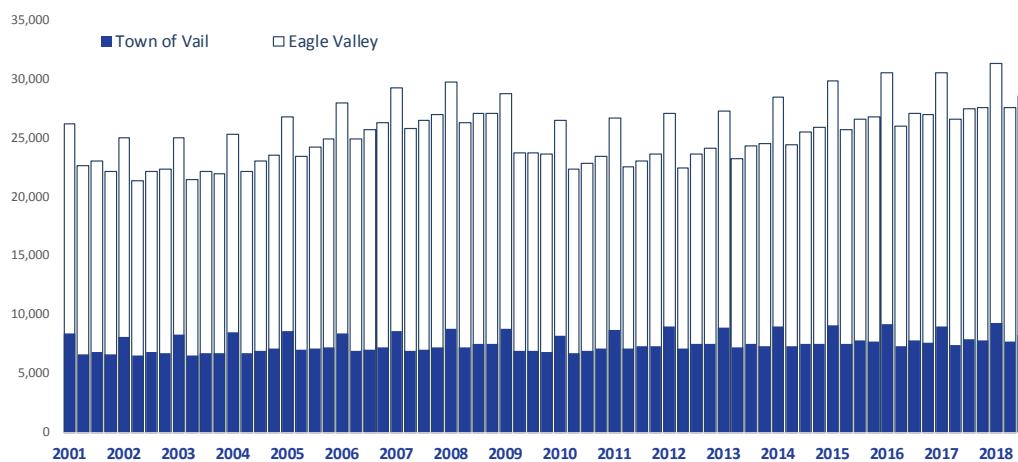
Table 4. Employment Trends, Town of Vail Capture

Employment Trends 2001-18	2001	2010	2018	Total Δ	% Capture
Avon/Beaver Creek	7,571	7,589	9,457	1,886	44%
Eagle	3,424	3,732	4,602	1,178	27%
Eagle-Vail	50	81	110	60	1%
Edwards	3,255	3,155	3,510	255	6%
Gypsum	1,540	1,488	2,477	936	22%
Minturn	520	406	485	-35	-1%
Red Cliff	50	81	110	60	1%
<u>Vail</u>	<u>7,129</u>	<u>7,256</u>	<u>8,416</u>	<u>1,288</u>	<u>30%</u>
Eagle Valley	23,538	23,790	29,167	4,316	100%

Source: QCEW; Economic & Planning Systems

As shown in the following graphic (**Figure 1**), employment levels in the Town of Vail remained fairly steady over the past two decades. Although employment contracted during the Great Recession (2007-09) for the Eagle Valley, which decreased by 14 percent (a loss of 3,800 jobs), Vail remained relatively steady.

Figure 1. Town of Vail & Eagle Valley Employment Trends



4. Findings

There are two primary measurements of economic value and community benefits estimated in this analysis: 1) return on investment; and 2) investment multiplier.

Return Metrics

The initial investment of \$65,000 per unit of resident housing yields magnitudes of more economic value and community benefit than alternatives such as persistent business cost of worker turnover and structured parking.

Return on Investment (ROI)

Although many of the broader metrics of benefit can be considered “returns on investment,” an ROI measured from the perspective of the investment of ‘public dollars in’ and ‘public dollars out’ captures the two most salient fiscal impacts.

The annual returns on the initial investment are comprised of sales tax revenues flowing back to Vail annually and the State of Colorado’s per-unit student back-fill for the school-aged children living in resident housing is approximately \$2,000 per year (see the following technical discussion for details on this calculation).

This means that, calculated as a standard investment divided by its returns, the Town’s (public) return on investment is 5.0 percent. This aligns on the higher end with typical yields on governmental investment.

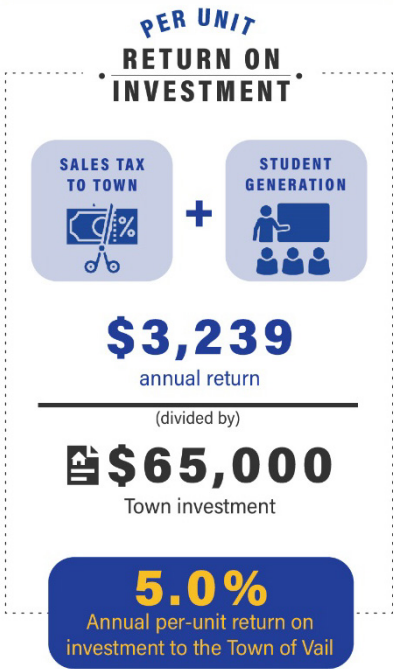


Table 5. Return on Investment

Return on Investment	per-Unit
Per-Unit Investment ROI	
Returns	
Annual Resident Household Spending Sales Taxes	\$1,165
Annual State per-Pupil Apportionment	\$2,074
Subtotal Returns	\$3,239
Investment ROI	
Return	\$3,239
Initial Investment	\$65,000
ROI	5.0%

Source: Economic & Planning Systems

Investment Multiplier

This metric accounts for the economic activity captured by direct, indirect, and induced spending. Examples of components within this metric include: a) the broader economic metrics such as the economic value (which includes taxable spending and the fiscal benefit) to Vail; b) community benefits; and c) the opportunity costs such as investing in parking annually to accommodate a similar level of employment growth as well as the ongoing costs to the business community of worker turnover and lost productivity.

Taking into account each of these components, the net multiplier of the Town's investment at \$65,000 per unit is nearly five (5) times at 4.81X. In benefit-cost analysis (BCA), public entities are typically trying to achieve a multiplier of three (3) to five (5) times the initial investment.

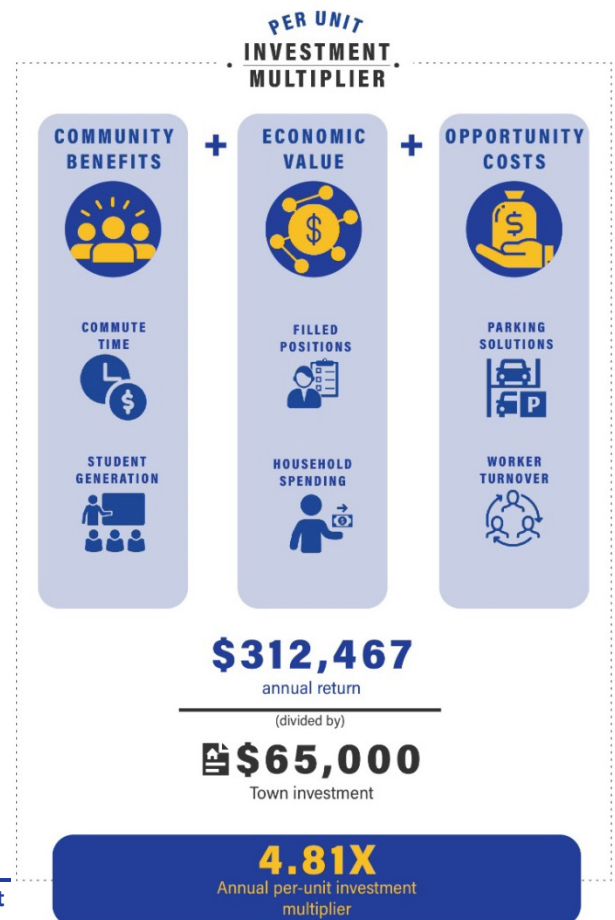


Table 6. Investment Multiplier

Return on Investment	per-Unit
Per-Unit Investment Multiplier	
Economic Metrics	
Annual Expansion of Economy	\$181,122
Annual Net New Resident Household Taxable Spending	\$21,174
Annual Sales Tax Revenue Generation	\$1,165
Subtotal Economic Metrics (Net) [1]	\$181,122
Community Benefits	
Annual Household Value of Reduced Commute Time	\$8,249
Annual Per-Pupil State Backfill	\$2,074
Subtotal Community Metrics	\$10,323
Opportunity Cost	
Annual Cost of Worker Turnover	-\$8,410
Cost of Structured Parking	-\$112,613
Subtotal Opportunity Cost Metrics	-\$121,022
Investment Multiplier	
Composite Return	\$312,467
Initial Investment	\$65,000
Multiplier	4.81x

[Note 1]: The net new resident household taxable spending and associated sales tax revenue generation are displayed for informational purposes; they are, however, theoretically incorporated in the total annual expansion of the economy.

Source: Economic & Planning Systems



For each unit of resident housing, an estimated 400 hours of time and 950 gallons of gasoline are saved from shorter commutes every year—equating to greater business productivity and an opportunity for residents to give back to their community.

Reduced Commute Times

More than 40,000 annual commuting hours are avoided by an investment in 100 resident housing units. This equates to approximately \$825,000 in value of time (\$20.40 per hour of intercity travel). It should be noted that this benefit is capitalized within the expanded economy calculations shown earlier and not additive to the investment multiplier estimate.

COMMUTE
TIME



Value of time
(\$20.40 per hour) for
more than 40,000
annual commute
hours eliminated

\$825
THOUSAND

Table 7. Value of Time

Value of Time Saved not Commuting	Factor	Value
Total Jobs in Resident Housing	2.2	220
Vail Jobs in Resident Housing	75%	165
Estimated Local Job-Cars	9%	150
Commute Minutes per Year		2,426,101
Commute Hours per Year		40,435
Value of Time for Intercity Travel (2018)		\$20.40
Value of Time Saved not Commuting		\$824,874
Per-Unit		\$8,249

Source: LEHD on the Map; U.S. Department of Transportation; Economic & Planning Systems

Reduced Carbon Emissions

The analysis of environmental impact assumes that fewer workers need to commute in to their jobs, decreasing distance traveled and reducing carbon emissions. It further assumes that a greater number of workers will utilize Vail's free public transit.

An analysis of the in-commuter distribution shows that the average one-way distance traveled to Vail is approximately 63 miles (**Table 8**).

It is generally assumed that in-commuters living in closer proximity to Vail will account for larger shares of new occupants of resident housing. As such, it was assumed that the average distance traveled by new occupants of resident housing would have traveled 30 miles.

Over the course of a year, this reduction in commute time totals more than 2.2 million miles and represents more than 2 percent of all vehicle miles traveled by in-commuters. As a result, overall carbon emissions are reduced in the Vail Valley by 845 metric tons (2 percent of total estimated Vail in-commuter carbon emissions). It means that in-commuters save more than 95,000 gallons of gasoline per year. This annual savings means that enough energy is saved to charge more than 107 million iPhones, and is equivalent to the air-scrubbing benefits of nearly 14,000 tree seedlings grown for more than 10 years.

Table 8. Reduction in Carbon Emissions

Metric Tons of Carbon Monoxide Equivalency (MTCO₂e)	All In-Commuters	Resident Housing In-Commuters
Average Distance Travelled	63.3 miles	29.6 miles
# Commuters	3,276	150
Aggregate Vehicle Miles Travelled (VMT)	414,586	8,882
Agg. VMT / Year	103,646,600	2,220,594
Aggregate MTCO₂e	39,447	845
as % of All In-Commuters		2.1%

Source: LEHD on the Map; Economic & Planning Systems

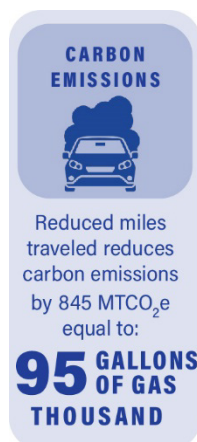


Table 9. Environmental Impact

The Environment	Value
Equivalencies of Carbon Emissions	
Emissions Reduction (MTCO₂e) from Shorter Commutes	845
Gallons of Gasoline Consumed (equivalent)	95,083
Number of Smartphones Charged (equivalent)	107,747,909
Tree Seedlings Grown for 10 Years (offset)	13,972

Source: U.S. Environmental Protection Agency; Economic & Planning Systems

Volunteerism

In a typical community, a portion of residents volunteer their time to local nonprofits, including the health care industry, arts and entertainment, or other community-oriented and civic services.

Using primary data from a statewide study of the nonprofit industry conducted in 2018, it is estimated that volunteerism among the population in resident housing could be as high as 200 hours per year. This would contribute more than \$1.2 million in labor value to the nonprofit community in Vail (at \$28.02 per hour of volunteer time).



Table 10. Value of Volunteerism

Value of Volunteerism	Factor	Value
Total Resident Housing Units		100
Jobs per Unit		2.2
Total Jobs in Resident Housing		220
Estimated Volunteer Hours per Year	201 [1]	44,118
Value of Volunteer Time (in CO)		\$28.02
Estimated Value of Volunteerism in Vail		\$1,236,200
Per-Unit		\$12,362

[1] Average annual hours of volunteering per year among nonprofits in a group of northwestern Colorado counties.

Source: Independent Sector; 2018 Colorado Nonprofit Survey; Economic & Planning Systems

Schools

An estimated 26 school-aged children are generated by the investment in 100 housing units, for which it is anticipated that the State of Colorado back-fills at a per-pupil rate of \$7,945 for Eagle County. This would contribute more than \$207,000 in revenues to Eagle County Schools annually.



Table 11. Schools Impact

Student Generation	Total
Town of Vail - Students to Housing Units [1]	0.26
Resident Housing Investment	100
Students Generated	26
Per Pupil Revenue (Eagle County Schools)	\$7,945
Eagle County School Revenue	\$207,449
Per-Unit	\$2,074

[1] U.S. Census American Community Survey 5-Year Estimates

Source: Economic & Planning Systems

Quality of Guest Experience



There is direct linkage between the quality of the guest experience and the supply of local employees. As part of this study, a range of employers were interviewed across a variety of sectors. Those with a high level of interaction with guests, such as food and beverage or services establishments, noted that they are concerned about their ability to maintain a high quality level of service given limited staffing resources. In the case of one restaurant, it chose to close down seating sections to concentrate the available servers. From its perspective, the loss of revenue is a reasonable tradeoff, given the otherwise slow pace of operations.

Other business owners commented that certain high-demand weeks, where the community is operating at both peak capacity and peak price point, the service can be the slowest. As Vail's customer base evaluates its options, it may consider other destinations that can provide the service expected with Vail's price point. The ability to deliver a high quality guest experience is directly correlated to Vail's competitive position, not only among ski town destinations but also warm weather destinations.

Vail's future economic vitality depends on the ability of businesses to fill positions. There is concern among some business owners about a decline in quality service in the recent past. Unfilled positions and the related service quality decline in Vail may continue without investment in solutions to attract and retain talent. It was also noted that guests are likely to feel more connected to Vail if they interact with employees who live locally, over an extended period of time, who are invested in the community. This type of employee conveys a commitment that resonates with guests and reinforces the premium brand Vail has built over the decades.



Economic Value

Expansion of the Economy due to Filled Positions

The availability of additional homes for residents and the workforce translates to a greater jobs market and fewer unfilled positions. It is estimated that approximately 123 full- and part-time positions would be filled as a result of Vail's resident housing investment (100 units), thereby expanding Vail's economy by an estimated \$18.1 million annually (1.2 percent increase).

FILLED POSITIONS



Estimated impact of 123 full- and part-time positions filled

\$18.1 MILLION

Table 12. Expansion of Total Spending in Vail Economy

<u>Return on Investment</u>	<u>Ripple Effects (Total Output Expansion)</u>			
Local Business Revenue	Direct	Indirect	Induced	Total
11 Ag, Forestry, Fish & Hunting	\$76,853	\$698	\$267	\$77,818
21 Mining	\$0	\$7,244	\$210	\$7,454
22 Utilities	\$0	\$5	\$7	\$12
23 Construction	\$2,838,283	\$81,277	\$14,527	\$2,934,087
31-33 Manufacturing	\$0	\$4,607	\$1,237	\$5,844
42 Wholesale Trade	\$610,911	\$20,786	\$7,855	\$639,552
44-45 Retail trade	\$906,678	\$248,706	\$259,371	\$1,414,755
48-49 Transportation & Warehousing	\$0	\$79,051	\$28,983	\$108,034
51 Information	\$0	\$39,827	\$22,752	\$62,579
52 Finance & insurance	\$459,252	\$438,401	\$204,832	\$1,102,485
53 Real estate & rental	\$741,771	\$520,976	\$397,111	\$1,659,858
54 Professional- scientific & tech svcs	\$458,698	\$283,170	\$46,160	\$788,028
55 Management of companies	\$0	\$156,752	\$17,180	\$173,932
56 Administrative & waste services	\$240,281	\$87,143	\$19,199	\$346,623
61 Educational svcs	\$237,132	\$6,627	\$42,498	\$286,257
62 Health & social services	\$365,213	\$3,600	\$361,779	\$730,592
71 Arts- entertainment & recreation	\$890,357	\$63,417	\$60,260	\$1,014,034
72 Accommodation & food services	\$2,904,377	\$65,913	\$172,932	\$3,143,222
81 Other services	\$2,763,965	\$87,711	\$102,288	\$2,953,964
92 Government	\$625,894	\$17,191	\$19,979	\$663,064
93 Non NAICs	\$0	\$0	\$0	\$0
Annual Expansion of Economy	\$14,119,665	\$2,213,102	\$1,779,427	\$18,112,194
Per-Unit	\$141,197	\$22,131	\$17,794	\$181,122

Source: Economic & Planning Systems

Resident Household Spending

Local resident households spend more of their income on retail goods and services in Vail than the daily spending patterns of in-commuters. It is estimated that Vail's resident housing investment yields a net new local resident household spending of approximately \$2.6 million per year.

Town of Vail Fiscal Benefits

Out of the net new local resident household spending it is estimated that \$2.1 million is *taxable* spending, which generates more than \$116,000 of sales tax revenues for Vail per year.



Table 13. Expansion of Total Spending in Vail Economy

<u>Return on Investment</u>	<u>Total</u>	<u>Taxable Ann. Tax Rev</u>	
Net New Local Spending			5.5%
11 Ag, Forestry, Fish & Hunting	\$98		
21 Mining	\$145		
22 Utilities	\$2		
23 Construction	\$12,064		
31-33 Manufacturing	\$610		
42 Wholesale Trade	\$3,296		
44-45 Retail trade	\$1,703,757	\$1,703,757	\$93,707
48-49 Transportation & Warehousing	\$29,821		
51 Information	\$10,066		
52 Finance & insurance	\$71,120		
53 Real estate & rental	\$179,977		
54 Professional- scientific & tech svcs	\$56,138		
55 Management of companies	\$39,085		
56 Administrative & waste services	\$14,980		
61 Educational svcs	\$8,384		
62 Health & social services	\$57,040		
71 Arts- entertainment & recreation	\$12,994		
72 Accommodation & food services	\$413,628	\$413,628	\$22,750
81 Other services	\$30,088		
92 Government	\$6,318		
93 Non NAICs	\$0		
Annual Net New Spending	\$2,649,611	\$2,117,385	\$116,456
Per-Unit	\$26,496	\$21,174	\$1,165

Source: Economic & Planning Systems



Opportunity Costs

In this analysis, two primary metrics are considered opportunity costs: 1) the Town's alternative of investing in structured parking for in-commuters; and 2) business costs associated with worker turnover, training, and lost productivity. It is acknowledged that another alternative Town investment to structured parking could be enhanced transit services and the capital and operational costs associated with it. For the purposes of simplifying the analysis, structured parking was evaluated as the core alternative.

Every year that Vail does not invest in resident housing and seeks to accommodate or incite economic growth means that either: a) Vail must build parking to accommodate the growing number of in-commuters and guests; or b) Vail's business community must endure perpetual business costs associated with worker turnover, training, and lost productivity.

In the overall analysis, opportunity costs are capitalized into estimates of return (i.e. the investment multiplier calculation) since they represent avoided costs to the economy.

Parking

The first of the opportunity costs relates to the costs of accommodating an expanding in-commuting workforce.

This cost is based on the recent construction of structured parking in Vail at approximately \$100,000 per space, but does not include the cost of land.



Table 14. Parking Impact

<u>Opportunity Cost</u>	Factor	Value
Parking Investment		
Resident Housing Investment		100
Jobs Represented by Housing Investment	2.2	220
Vail Jobs	75%	165
Net New Jobs to Economy	75%	124
New Cars Needing Parking	9%	113
TOV Parking Cost per Space		\$100,000
TOV Parking Investment Opportunity Cost		\$11,261,250
Per-Unit		\$112,612.50

Source: Economic & Planning Systems

This opportunity cost is further augmented by the fact that this would be an annual cost to Vail if it were to parallel to the goal of investing in 100 units of resident housing per year.

As shown in **Table 14** above, the cost of structured parking for an approximately 113 cars per day (accounting for local/non-local jobs, net new jobs to the economy, and carpooling) would be \$11.3 million.

Worker Turnover

If Vail opted to invest in resident housing (not parking), research and analysis indicates that local businesses could reduce their annual costs associated with turnover, job training, and lost productivity by an estimated \$840,000 per year.

This estimate reflects the weighted average of annual turnover costs for positions in different industries at different annual wage levels.

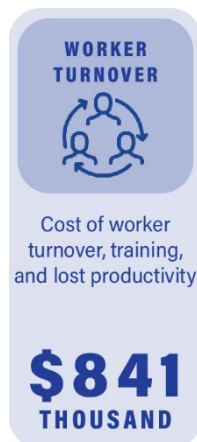


Table 15. Worker Turnover Costs

<u>Opportunity Cost</u>	Factor	Value
Local Business Revenue (Cost Associated with Job Turnover, Loss of Productivity, and Training)		
Resident Housing Investment		100
Jobs Represented by Housing Investment	2.2	220
Vail Jobs	75%	165
Net New Jobs to Economy	75%	124
Average annual training cost per jobs that would otherwise "turnover"		\$6,796
Annual Business Costs of Turnover, Loss of Productivity, and Training		\$840,959
Per-Unit		\$8,409.59

Source: QCEW; Center for American Progress; Economic & Planning Systems

5. Appendix

Terminology

Area Median Income (AMI) is a metric that identifies the point of a target geography's income distribution at which 50 percent of household earn more and 50 percent earn less. Percentages, such as 60, 80, 100, 120 percent of AMI are typically used to isolate levels of affordability within the distribution of households by income. The source of these data points is the Department of Housing and Urban Development, which defines local AMI annually.

Community Benefit broadly refers to the other quantitative and qualitative benefits, such as: 1) reduction in worker commute time; 2) reduction in carbon emissions resulting from shorter commutes; 3) presence of school aged children; 4) greater community and civic involvement; and 5) enhanced quality of guest experience.

Deed Restriction refers to a covenant in which it is stipulated that a property must be occupied as a primary residence by individuals who work a minimum of 30 hours per week in Eagle County.

Gross Regional Product (GRP) is a measure of regional economic activity that includes employee compensation, business/corporate profits, and local tax revenue generation.

Investment Multiplier is a measure, expressed as a ratio of broader economic returns (as measured by three components in this particular study) to an initial investment. The three components include: 1) the impact on the broader economy; 2) community benefits such as reduction in commute times and carbon emissions, increased volunteerism and presence of school-aged children; and c) the opportunity costs such as Vail alternatively investing in structured parking or enhanced transit service.

Opportunity Cost is the highest price or rate of return an alternative course of action, i.e. an investment, would yield. In this analysis, opportunity costs are characterized as: 1) the cost to provide structured parking, which could also be an alternative to increased transit service investment; and 2) the annual cost of worker turnover to the business community.

Output is a measure of total economic activity, also called "total spending", that characterizes the sum of successive rounds of industry, business-to-business, and household spending. As an example, output in the residential construction industry would be equal to the purchase price of a housing unit.

Quarterly Census of Employment and Wages (QCEW) is the Colorado Department of Labor & Employment's (CDLE) record of employment and wages for all of the state's employers. Records are reported at the individual establishment (i.e. address) level. Individual employer records are protected by confidentiality agreement.

Resident Housing refers to a deed-restricted for-sale or rental housing unit (new construction, rehabilitation, acquisition, or existing). Data to estimate the average per-unit investment were obtained through the VLHA.

Return on Investment (ROI) is an amount, typically expressed as a percentage, earned on an initial investment. The metric is calculated by dividing the initial investment (e.g. in resident housing) by the earnings before interest, debt, and taxes.

Table 16. Daytime Spending

<u>Return on Investment</u>	Input	Value
Resident Household Spending (Calculation Part 1)		
Resident Housing Investment		100
Jobs Represented by Housing Investment	2.2	220
Vail Jobs	75%	165
Net New Jobs to Economy	75%	124
Number of Previously In-Commuting Job-Holders	(Diff.)	41
Total Daily Spending by In-Commuting Job-Holders (ICSC)		
		\$20
Annual Spending by In-Commuting Job-Holders		\$206,250

Source: ICSC; Economic & Planning Systems

Table 17. Resident Housing Household Spending

<u>Return on Investment</u>	Value
Resident Household Spending (Calculation Part 2)	
Resident Housing Investment	100
Resident Households	100
Household Median Income (approximately 80% AMI)	\$64,000
Income Spent on Retail (NAICS 44/45)	35%
Gross Income Spent on Retail	\$22,400
Aggregate Income	\$2,240,000
Food Services	\$417,325
Retail	\$1,822,675

Source: ICSC; Economic & Planning Systems

Table 18. Commute Detail

All Colorado In-Commuters to the Town of Vail, 2015	Distance (Miles)	Commuters
Edwards CDP, CO	14.1 miles	572
Denver city, CO	97.1 miles	295
Avon town, CO	10.0 miles	292
Eagle town, CO	30.3 miles	222
Gypsum town, CO	37.2 miles	198
Minturn town, CO	7.3 miles	125
Leadville city, CO	37.5 miles	97
Leadville North CDP, CO	37.5 miles	84
Aurora city, CO	111.0 miles	74
Colorado Springs city, CO	140.0 miles	68
Boulder city, CO	108.0 miles	67
Lakewood city, CO	92.5 miles	52
Fort Collins city, CO	157.0 miles	45
Glenwood Springs city, CO	60.9 miles	39
Breckenridge town, CO	36.0 miles	37
Highlands Ranch CDP, CO	107.0 miles	37
Centennial city, CO	108.0 miles	32
Red Cliff town, CO	16.0 miles	32
Arvada city, CO	95.0 miles	29
Frisco town, CO	26.5 miles	26
Basalt town, CO	84.0 miles	24
Aspen city, CO	102.0 miles	23
Broomfield city, CO	107.0 miles	23
Carbondale town, CO	73.9 miles	22
Longmont city, CO	130.0 miles	22
Silverthorne town, CO	30.2 miles	21
Westminster city, CO	99.8 miles	21
El Jebel CDP, CO	79.7 miles	20
Grand Junction city, CO	147.0 miles	19
Loveland city, CO	144.0 miles	19
Thornton city, CO	104.0 miles	19
New Castle town, CO	73.1 miles	18
Rifle city, CO	87.5 miles	17
Castle Rock town, CO	123.0 miles	15
Englewood city, CO	101.0 miles	15
Dotsero CDP, CO	42.5 miles	14
Ken Caryl CDP, CO	97.0 miles	14
Parker town, CO	118.0 miles	14
Steamboat Springs city, CO	93.1 miles	14
Craig city, CO	118.0 miles	13
Dakota Ridge CDP, CO	93.8 miles	12
Twin Lakes CDP, CO	57.7 miles	12
Silt town, CO	80.0 miles	11
Columbine CDP, CO	99.4 miles	10
Commerce City city, CO	103.0 miles	10
Dillon town, CO	31.8 miles	10
Littleton city, CO	103.0 miles	10
Other	126.8 miles	411
Average/Total	63.3 miles	3,276

Source: LEHD on the Map; Economic & Planning Systems

WHEN RECORDED, RETURN TO:

Park City Municipal Corporation
Attention: City Recorder
P.O. Box 1480
Park City, Utah 84060

**RESTRICTIVE COVENANT AND AGREEMENT
CONCERNING THE SALE OF THE UNIT AT (name of project) UNIT

(Live Park City- Lite Deed Restriction Program)**

THIS RESTRICTIVE COVENANT AND AGREEMENT CONCERNING THE SALE OF THE EMPLOYEE HOUSING UNITS AT (name of project) – UNIT # (this “**Covenant**”), governing (address) Unit # , Park City, Summit County, State of Utah, also identified as Tax Parcel No. , and more particularly described on Exhibit A (the “**Unit**,” or the “**Property**”) of the (title of plat) (the “**Project**”), is made and entered into as of the day of , 20 (the “**Effective Date**”), by and among Park City Municipal Corporation, a Utah municipal corporation (the “**City**”); and (name of buyer) , individually (the “**Owner**” and a “**Owner**”).

RECITALS

A. **WHEREAS**, the City, and the Owner intend that the purpose of the “Lite” Deed Restriction program is to maintain long term residency in Park City and restrictions contained in this Covenant, and this Covenant shall be enforceable by the City and, upon its execution and recording in the public records of the County Recorder of Summit County, Utah, shall run with the land, enforceable against each Owner, including the Owner; each Owner’s successors in interest, assignees, heirs, devisees, mortgagees, lessees, trustees, beneficiaries, executors, administrators, personal representatives; any subsequent owners; and any other parties claiming an interest in the Property.

COVENANT

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby establishes as follows:

DEFINITIONS: For purposes of this Agreement, the following terms shall have the following meanings:

ANNUAL COMPLIANCE REPORT. The report attached to this Covenant as Exhibit D, as amended from time to time by the City or its designee, which is required to be provided to the City by each Owner yearly according to Section 2.18.

CITY CODE. The Municipal Code of Park City, Utah, as amended.

DOMICILE. The place where an individual has a fixed permanent home and principal establishment to which the individual, if absent, intends to return and in which the individual and/or his or her family voluntarily reside not for a special or temporary purpose but with the intention of making a permanent home for a minimum of nine (9) months out of each calendar year.

EXERCISE NOTICE. Written Notice sent by the City to a Owner within forty- five days of an applicable Offer Date notifying such Owner whether or not the City or its assign will exercise the Option.

HOUSEHOLD. A single individual, doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

EVENT OF DEFAULT shall have the meaning assigned in Section 4.2.

NON-QUALIFIED BUYER. A buyer of a Unit that is not a Qualified Buyer.

NOTICE. Correspondence complying with the provisions of Section 5.8.

OFFER DATE shall have meaning assigned in Section 2.9.

OPTION. The assignable right of the City beginning upon the Offer Date and terminating after the expiration of the Option Period to purchase the Unit at or below the Unit's Maximum Resale Price.

OPTION PERIOD. The period extending forty-five (45) days from an Offer Date during which either the City or its assign may elect to purchase the Unit at or below the Unit's Maximum Resale Price.

OWNER-OCCUPIED. A Unit that is occupied by the Owner as the Owner's Primary Residence.

PRIMARY RESIDENCE. The place where Domicile has been established.

QUALIFIED BUYER. Qualified Buyer shall be a person or persons who are determined by the City to meet the following criteria:

A person who works an average of 30 hours of more per week at a business within Park City School District boundaries that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business.

A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within the Park City School District Boundaries; or

An owner or owner's representative of a business or entity with a primary place of business within the Park City School District Boundaries; or

A full-time (aggregate of 30 hours of employment per week) worker who is self-employed or works out of their home and provides their entire list of clients/workload so that it can be verified that a minimum of 75% of their work/clients are based within the Park City School District Boundaries; or

A retired person who was a full-time employee of an entity located within the Park City School District Boundaries for at least two continuous years immediately preceding his or her retirement; or

A person who is unable to work or does not have a work history required under Paragraphs (a) through (d) of this Subsection 1.21.2 due to a Disability; and

QUALIFIED RESIDENT. A person who works an average of 30 hours or more per week within the Park City School District boundaries.

SALE. The term "Sale" or any derivative thereof such as "Sales," "Sold," and "Sell" shall include any transfer of title the Unit, regardless of whether or not any consideration is provided to the transferor in exchange. This shall include but not be limited to any gift, assignment, devise, or other transfer.

SECURED CREDITOR. The trustee, the beneficiary, or both under a deed of trust against the real property security; the mortgagee under a mortgage against the real property security; and any successor-in-interest of the trustee, beneficiary, or mortgagee under the deed of trust or mortgage.

SENIOR SECURED CREDITOR. A Secured Creditor who is the named beneficiary, trustee, mortgagee, mortgage insurer, or mortgage guarantor of a mortgage or deed of trust, as applicable, which takes priority or precedence over any other liens or encumbrances securing any other Secured Creditor so that the liens or encumbrance of the Senior Secured Creditor must be satisfied before any other Secured Creditor is entitled to participate in the proceeds of any sale or other disposition of the Unit.

UNIT. Unit # _____ of the Project, a condominium unit, which is more specifically described on Exhibit A attached hereto.

OWNER. The Owner and every title owner thereafter, including (i) any transferee receiving title to or a fee interest in the Unit (a) after having been determined to be, or having represented his or her self as, a Qualified Buyer or (b) based on any representation or intent to own and occupy the Unit as an Owner-Occupied Unit or as such owner's Primary Residence; and (ii) all subsequent person(s) vested with record title of the Unit according to the records of the County Recorder of Summit County, Utah; however, Owner shall not include a person who holds an interest in the Unit merely as security for the performance of an obligation, and, solely in regards to the restrictions contained in this Covenant, the City shall not be considered a Owner.

DEED RESTRICTION

ESTABLISHMENT OF THE COVENANT. As of the Effective Date, for the purposes set forth herein, and except as otherwise set forth herein, the Owners, the Owners' heirs, successors, executors, administrators, devisees, and assigns and all persons acquiring an interest in the Unit, whether or not so expressed in any deed or other instrument of conveyance, shall be deemed to covenant and agree during the period of their ownership interest in the Unit to hold their interest subject to the covenants and restrictions contained in this Covenant, which shall be deemed to run with the land. Owner shall not permit any ownership, use or occupancy of his or her Unit except in compliance with this Covenant.

ADMINISTRATION AND ENFORCEMENT. The City shall have the right to enforce the terms of this Covenant and may enforce its terms as it deems administratively proper through its employees, administrative offices, agents, or assigns. The Park City Police Department is authorized to investigate certain affordable housing violations and to issue citations pursuant to City Code § 8-3-6. The City may enforce this Covenant by any appropriate legal or equitable action including but not limited to specific performance, injunction, abatement, damages and such other remedies and penalties as may be specified in this Covenant. This Covenant shall inure to the benefit of the City and nothing herein shall be construed as creating a general scheme to be enforced by Owners against each other.

OWNER OCCUPANCY. The Unit shall be Owner-Occupied unless the Owner shall receive prior written consent of the City, in its sole and absolute discretion, for an exception. The Owner shall occupy the Unit as a Primary Residence.

INSURANCE. To the extent such insurance is not provided by any applicable association of homeowners organized pursuant to a declaration of covenants, conditions, and restrictions governing the Project, each Owner shall continuously insure the Owner's Unit against all risks of physical loss for the full replacement value of the Unit.

UNIT RENTAL PROHIBITED; EXCEPTION. The Unit Owner shall not rent or lease all or any portion of the Unit for nightly rentals. However, the unit may be rented for a term minimum of 6 months with the prior written consent of the City, the Unit Owner may rent or lease the Unit under the following circumstances:

At least one Qualified Resident shall continuously occupy the Property as his or her principal place of residence

No business activity shall occur on or in the Property other than as permitted within the zone district applicable to the Property.

TRANSFER OF TITLE. A Owner shall not enter into or execute any transaction that Sells any interest in the Unit, including to a Qualified Buyer, without the prior written consent of the City.

NON-COMPLYING SALES OR TRANSFERS. Any Sale or transfer of the Unit in violation of this Covenant is considered against public policy and is null and void and shall not confer title whatsoever upon the purported buyer. This includes a Sale or transfer wherein the Qualified Buyer obtains any financing or multiple financings that in the aggregate exceeds the Maximum Resale

Price at the time such financing is completed. The Owner is liable for all costs and attorney fees incurred in setting aside a non-complying Sale or transfer of the Unit.

NO DISCRIMINATION. The City and Owner shall not discriminate against any person in the Sale or rental of the Unit because of race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age, familial status, source of income, Disability, genetic information, sexual orientation, gender identity, or protected expressions. Each Owner shall take such action with respect to this Covenant as may be required to ensure full compliance with applicable local, state, and federal laws prohibiting discrimination.

ANNUAL COMPLIANCE REPORT. Owner shall provide the City with an Annual Compliance Report, included herein as Exhibit D, by June 30 of each year. The Annual Compliance Report shall be accompanied by a signed affidavit by the Owner certifying that such Owner is in compliance with the terms of this Covenant. Failure of the City to mail or otherwise provide the Annual Compliance Report form to a Owner does not discharge the obligations of such Owner to make the Annual Compliance Report. The City may request additional documentation to demonstrate that Owner uses that Unit as a Primary Residence and is otherwise in compliance with all terms of this Covenant, and each Owner shall provide such additional documentation as may be requested by the City. In conjunction with the Annual Compliance Report, the City may conduct a yearly physical inspection of the Units. The Annual Compliance Report shall include:

Evidence to establish that the Property was occupied by a Qualified Resident during all of the prior calendar year;

If applicable, a copy of the lease form currently used for the Property; and

If applicable, a list of tenants who occupied the Property in the prior calendar year and the evidence submitted by each tenant to establish that they were a Qualified Resident, as set forth in the Qualification Guidelines.

3. EVENT OF DEFAULT

IT IS A CRIMINAL OFFENSE TO DISREGARD THE RESTRICTIONS HEREIN. The Owner, by acquiring the Unit is deemed to acknowledge that Ordinance 14-47 and City Code § 8-3-6, each as amended, establish that it is a crime to commit affordable housing fraud. Ordinance 14-47 was ratified to “ensure that any fraud and unjust enrichment in the process is stopped and that buyers, sellers and other intended beneficiaries of deed restricted affordable housing are protected from any fraudulent acts or statements.” A violation of City Code § 8-3-6 is subject to criminal prosecution, and each Owner shall not violate either such law.

EVENT OF DEFAULT. Noncompliance with any part of this Covenant constitutes an Event of Default. Events of Default shall include but are not limited to: (a) rental of all or a portion of the Unit as nightly rental or long term rental without prior written consent of the City; (b) obtaining financing or a combination of financings that in the aggregate exceed the Maximum Resale Price; (c) not using the Unit as an Owner-Occupied Primary Residence; (d) failure to pay the monetary penalties of Sections 4.3 or 4.4; (e) failure to submit the Annual Compliance Report required by

Section 2.18; or (f) failure to make timely payments or otherwise defaulting on a lien or mortgage on the Unit.

NIGHTLY RENTAL. Rental of the Unit or portion of the Unit on a nightly or weekly basis shall constitute an automatic Event of Default. Notwithstanding the cure period provided under Section 4.4, upon Notice from the City to a Owner of an Event of Default, the City may charge any Owner that rents that Owner's Unit on a nightly or weekly basis automatic fines of up to the greater of \$1000 per day or the rate charged for rental of the Unit per night.

MONETARY PENALTIES. Upon Notice from the City to a Owner of an Event of Default, the Owner shall have thirty (30) days to cure such noncompliance. If the Owner does not cure the Event of Default within thirty (30) days, the City may assess monetary penalties against the Owner of up to two hundred and fifty dollars (\$1000.00) per day beginning on the thirty first (31) day after Notice of the Event of Default.

CITY TO MAINTAIN A POSSIBILITY OF REVERTER. If a Owner does not cure an Event of Default within thirty (30) days, then the City may initiate the process of obtaining title to such Owner's Unit as further described in this paragraph. The City shall send Notice to the Owner that contains the specific Event(s) of Default, the dates of such noncompliance, a record of other Notices sent regarding such Event(s) of Default, and that notifies the Owner of an informal hearing before the City Council to take place within thirty (30) days of such Notice, at which the Owner may present evidence or call witnesses. After such Notice and informal hearing, the City Council shall issue a final ruling within thirty (30) days of the hearing which shall make a finding as to the Owner's Event(s) of Default. Upon a final ruling of an Event of Default against such Owner, the occurrence of such condition subsequent shall trigger the City's right to title in fee simple to the Owner's Unit, and, upon the exercise of such right by the City, title will revert to and become revested in the City, and such title will be revested fully and completely in it, and the City will be entitled to and, subject to applicable law, may of right enter upon and take possession of the Unit; provided that, contemporaneously with the City's exercise of its reversionary interest, the City shall repay, or cause to be repaid any debt or obligation incurred by the Owner for the acquisition of the Unit to the extent such debt or obligation is secured by a lien against the Unit. Upon successful closing of a Sale of the Unit from such Owner to the City or its assign pursuant to Section 4.6, or upon successful closing of a Sale of the Unit from such Owner to the City or its assign pursuant to the City's Right to Purchase Unit in Default found in Section 2.12, any reversionary interest of the City granted by this Section 4.5 shall terminate in regards only to that specific finding of Event of Default. If the City pays, or causes to be paid, pursuant to this Section 4.5, amounts to satisfy liens against the Unit that are more than the Maximum Resale Price, then the City may seek a deficiency judgment against such Owner for the difference between the amount paid and the Maximum Resale Price. The City hereby assigns its possibility of reverter, as found in this Covenant or in any transfer deed to a Owner, to the City; and, accordingly, the City shall be entitled to exercise any reversionary right to title and possession of the Unit that is granted to or withheld by the City.

RIGHT TO PURCHASE. Upon a finding of an Event of Default by an informal hearing conducted by the City Council as described in Section 4.5, a Owner shall offer to sell that Owner's Unit to the City at or below the Unit's Applicable Foreclosure Price. Upon such finding of an Event of Default, the City shall have the option, in its sole discretion, to exercise or assign its reversionary

interest pursuant to Section 4.5, to exercise or assign its right to purchase pursuant to this Section 4.6, or to seek any other remedy provided to it at law or in equity.

REMEDIES NOT EXCLUSIVE. Notwithstanding anything else herein, if the City receives a Foreclosure Notice, and if the default giving rise to such Foreclosure Notice is not timely cured and the loan reinstated according to the applicable loan documents, the City (or its assign) shall have ninety (90) days from receipt of such Foreclosure Notice to exercise the City's Option, the City's Right to Purchase Unit in Default, or the City's right to exercise its possibility of reverter or right to purchase pursuant to Sections 4.5 and 4.6 above. Subject to the preceding sentence, and except as provided in Section 4.5 regarding the termination of the City's reversionary interest upon a Sale pursuant to Section 4.6, no remedy conferred by any of the specific provisions of this Covenant is intended to be exclusive of any other remedy, and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity by statute or otherwise. The election of any one or more remedies shall not constitute a waiver of the right to pursue other remedies.

BUY OUT OPTION. If the Unit Owner would like to buy out of the Deed Restriction, the Unit Owner may do so through payment of double the purchase price of the Deed Restriction OR double the ratio paid for the original Deed Restriction, but at the present day appraisal value, whichever is greater at the time.

GENERAL PROVISIONS

TERM OF AGREEMENT. The term of this Covenant shall commence as of the Effective Date set forth above and shall continue in full force and effect for a period not less than forty (40) years. Upon the expiration of the initial forty (40) year term, or any subsequent term, the City shall have six (6) months in which to determine, based on an independent market study, that the Unit is no longer necessary to satisfy the affordable or employee housing needs of the City. The City Council or its successor shall make the final determination of such continuing need, and if the City makes no such determination, the Covenant shall automatically renew for one or more additional consecutive ten (10) year terms.

AMENDMENTS. Any amendments or modification to this Covenant in whole or in part must be made in writing and agreed to by the Owner that owns the Unit at the time of such amendment or modification and the City and must be recorded with the Clerk and Recorder of Summit County, Utah. The City may unilaterally modify the Covenant to provide clarification to any provisions that may be subject to differing interpretations, to correct any errors identified, or where the City deems such modification or amendment necessary to effectuate the purposes and intent of the Covenant or bring this Covenant in compliance with applicable City Code or State of Utah or federal law and where such modification does not in the City's reasonable discretion materially impair the Owner(s)' or any Secured Creditor's rights.

NO WAIVER. No waiver of any Event of Default or breach of this Covenant shall be implied from any omission by the City to take action on account of such Event of Default, and no express waiver shall affect any Event of Default other than the Event of Default specified in the waiver, and then the waiver shall be operative only for the time and to the extent therein stated. Waivers by the City of any covenant, term or condition contained in this Covenant shall not be construed

as a Waiver of any subsequent breach of the same covenant, term or condition. The consent or approval by either party to or of any act by either party requiring further consent or approval shall not be deemed to waive or render unnecessary their consent or approval to or of any subsequent similar acts.

WAIVER. Each Owner hereby waives any defenses, rights, or remedies that it might otherwise assert against the City in connection with: (a) the application of the rule against perpetuities to this Covenant; (b) any claim related to restraints on alienation; or (c) any claim that the Covenants recorded against the Unit are not real covenants running with the land. This waiver shall be binding upon the successors and assigns of each Owner and shall inure to the benefit of the successor and assigns of the City.

DISCONTINUANCE OF LIABILITY AFTER CONVEYANCE. Following the recording of a deed conveying the Unit to a Qualified Buyer, the transferor of such Unit shall have no further liability under this Covenant respecting the Unit, except to the extent caused by the negligence or intentional misconduct of the transferor and excepting any outstanding fines, penalties, or other amounts due to the City hereunder and incurred during transferor's ownership of the Unit.

SALE AGAINST OWNER'S WILL. Without in anyway limiting the remedies and enforcement provisions granted the City by Sections 2.12, 4.5, and 4.6, nothing in this Covenant shall be interpreted to require a Owner to Sell the Unit against that Owner's will.

SEVERABLE OBLIGATIONS AND LIABILITIES. Different individuals and entities may eventually own the Unit. Each Owner of the Unit shall not be liable for or encumbered by the obligations or liabilities under this Covenant associated with any other t Owner.

NOTICES. Any and all Notices and demands required or desired to be given hereunder shall be in writing and shall be validly given or made if deposited in the United States mail, certified or registered, postage prepaid, return receipt requested, sent by Federal Express or other similar courier service keeping records of deliveries and attempted deliveries, or served by facsimile transmission. Service by mail or courier shall be conclusively deemed made on the first business day delivery is attempted. Facsimile transmissions received during normal business hours on a business day shall be deemed made at the time of receipt. Facsimile transmissions not received during normal business hours on a business day shall be deemed made on the next business day. Each party to this Covenant, including the City and each Owner, may change their respective addresses for the purpose of receiving Notice by a written Notice to the other parties.

Notice to a Owner shall be sent to the address on file with the Office of the Recorder of Summit County, Utah.

Any Notice or demand to the City shall be addressed to the City at the following address:

Park City Municipal Corporation
P.O. Box 1480
445 Marsac Avenue
Park City, Utah 84060

ATTN: City Recorder and Housing Office
Fax: (435) 615-4901

SEVERABILITY. If any term, provision, covenant or condition of this Covenant is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this Covenant shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of such. In the event that all or any portion of this Covenant is found to be unenforceable, this Covenant or that portion which is found to be unenforceable shall be deemed to be a statement of intention by the parties; and the parties further agree that in such event, and to the maximum extent permitted by law, they shall take all steps necessary to comply with such procedures or requirements as may be necessary in order to make valid this Covenant or that portion which is found to be unenforceable.

ATTORNEY FEES. If any party shall take or defend against any action for any relief against another party arising out of this Covenant, the prevailing party in such action or defense shall be entitled to reimbursement by the other party for all costs including but not limited to reasonable attorney fees and court costs incurred by the prevailing party in such action or defense and/or enforcing any judgment granted therein, all of which costs shall be deemed to have accrued upon the commencement of such action and/or defense and shall be paid whether or not such action or defense is prosecuted to judgment. Any judgment or order entered in such action or defense shall contain a specific provision providing for the recovery of attorney fees and costs incurred in enforcing such judgment.

CHOICE OF LAW. This Covenant shall be governed and construed in accordance with the laws of the State of Utah.

SUCCESSORS. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors, executors, administrators, devisees and assigns of the parties.

THIRD-PARTY BENEFICIARY. This Covenant is not intended to confer rights on third parties.

PARAGRAPH HEADINGS. Paragraph and Section headings within this Covenant are inserted solely for convenience of reference and are not intended to and shall not govern, limit, or aid in the construction of any terms or provisions contained herein.

GENDER AND NUMBER. Whenever the context so requires herein, the neuter and gender shall include any or all genders and vice versa, and the use of the singular shall include the plural and vice versa.

COVENANTS RUN WITH LAND. The City intends, declares, and covenants on behalf of itself, all future owners of the Unit, and all parties that obtain any interest in any Unit that this Covenant and the restrictions set forth herein regulating and restricting the rent, use, occupancy and transfer of the Unit shall be covenants running with the land and improvements constituting the Unit for the benefit of the City and shall encumber the Unit and shall be binding upon all the subsequent Owners of the Unit and any other party with an interest in the Unit.

INTEGRATION. This Covenant constitutes the entire agreement between the parties with respect to the matters set forth herein.

INTERPRETATION. The terms of this Covenant shall be interpreted so as to avoid speculation on the Property and to ensure to the extent possible that the Unit Maximum Resale Price remains affordable.

SUPERIORITY OF COVENANT. The Owner acknowledges and agrees that they have not and will not execute any other agreement with provisions contradictory to or in opposition to the provisions of this Covenant and that this Covenant is controlling as to rights and obligations between and among the Owner, the City, and respective successors.

NO CITY LIABILITY. Nothing herein requires or shall be construed to require the City or any officer, director, employee, agent, designee, assignee, or successor thereof to protect or indemnify the Owner against any loss.

COUNTERPARTS. This Covenant may be executed in several counterparts, all of which together shall constitute one binding agreement on all parties hereto, notwithstanding that all the parties have not signed the same counterpart.

RECORDATION. Upon execution of this Covenant, the City shall cause this Covenant to be recorded in the public records of the County Recorder of Summit County, Utah, and shall pay all fees and charges incurred in connection therewith.

IN WITNESS WHEREOF, the City, and the Owner have executed this Covenant as of the Effective Date.

CITY:

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: _____

Name: Andy Beerman

Title: Mayor

Attest:

Recorder

Approved as to form:

City Attorney

ACKNOWLEDGEMENT

STATE OF UTAH)
):ss.
COUNTY OF SUMMIT)

On the _____ day of _____, 20__, personally appeared before me Andy Beerman, who being by me duly sworn did say that he is the Mayor of Park City Municipal Corporation, and that the within and foregoing instrument was signed on behalf of and acknowledged by such entity.

NOTARY PUBLIC

Residing at: _____

My Commission Expires:

RDA:

REDEVELOPMENT AGENCY OF PARK CITY, a
community reinvestment agency and body corporate and
politic of the State of Utah

By: _____
Name: Matt Dias
Title: Executive Director

ACKNOWLEDGEMENT

STATE OF UTAH)
):ss.
COUNTY OF SUMMIT)

On the _____ day of _____, 20____, personally appeared before me Matt Dias, who
being by me duly sworn did say that he is the Executive Director of the Redevelopment Agency
of Park City, and that the within and foregoing instrument was signed on behalf of and
acknowledged by such entity.

.

Notary Public
Residing at:

My Commission Expires:

OWNER:

NAME OF OWNER/BUYER

By: _____
Name of Owner/Buyer

INDIVIDUAL GENERAL ACKNOWLEDGEMENT

STATE OF UTAH)
):ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2020, before me, the undersigned notary, personally appeared Owner/Buyer, personally known to me/proved to me through identification document allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that they signed it voluntarily for its stated purpose.

Notary Public
Residing at:

My Commission Expires:

EXHIBIT A

Legal Description of the Property

The real property referenced in the foregoing instrument is located in Summit County, Utah and is more particularly described as:

Tax Parcel No.

Street Address

EXHIBIT B

Guidelines

- 1) Purpose. The purpose of these Guidelines is to set forth the occupancy requirements for the Property pursuant to the Deed Restriction Agreement.
- 2) Definitions. All capitalized items herein shall have the meanings set forth in the Deed Restriction Agreement.
- 1) Application. To become a Qualified Resident or Buyer, a person must provide the following information:
 - a) Verification (*e.g.*, wage stubs, employer name, address, telephone number and other appropriate documentation) of the person's current employment with a business in Eagle County that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business;
 - b) Evidence that the applicant has worked, or will work, an average of 30 hours per week or more per year for one or more of such businesses;
 - c) A valid form of identification, such as a driver's license, state-issued identification, passport or military identification; and
 - d) d. A signed statement certifying and acknowledging that all information submitted in such application is true to applicant's best knowledge and authorizing verification of all information submitted.

EXHIBIT C
PARK CITY EMPLOYEE HOUSING AFFIDAVIT
For Owner Occupied Units



State of Utah
County of Summit

BEFORE ME, the undersigned Notary, _____ [name of Notary before whom affidavit is sworn], on this _____ [day of month] day of _____ [month], 20____, personally appeared _____ [name of affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on _____ [his or her] oath, deposes and says:

I currently own my residence at _____ (street address) which is a deed restricted property to preserve resident, owner occupancy. I am fully aware of the restrictions and am to the best of my knowledge in compliance including the requirement for owner occupancy. I verify that I continue to live in it as my primary residence. I have never rented my home even for short periods of time. I have not acquired any direct interest in other real property since my purchase of the deed restricted unit listed above. If approved by the city's housing office to rent to a roommate, please list name of roommate, employment, and amount of rent charged:*

_____.

[signature of affiant]

(printed name of affiant)

(phone)

[mailing address of affiant, line 1]

[mailing address of affiant, line 2]

(email address)

Subscribed and sworn to before me, this _____ [day of month] day of _____ [month], 20____.

[Notary Seal:]

[signature of Notary]

[typed name of Notary]

NOTARY PUBLIC

My commission expires: _____, 20____.

* Primary Residence is defined as the domicile in which you live for no less than 9 months out of any given 12 month period.

Lite Deed Restriction Process Outline

1. Homeowner fills out and submits a complete application to the City requesting to deed restrict their home
2. Housing department compiles an application packet and provides the packet to the Advisory Committee. The packet will include:
 - a. Complete application
 - b. Estimated value of unit based on similar MLS listings or official appraisal from the applicant
3. Advisory Committee evaluates the property based on the following criteria as a prerequisite to determine further evaluation:
 - a. The property supports and maintains a permanent year-round resident population
 - b. The property demonstrates a quantifiable return for Park City
 - c. The property is cost effective and efficiently uses Park City's limited supply of financial resources
 - d. Solvency of the HOA
 - e. The condition of the property meets all codes and regulations
 - f. The market value of the deed restriction is comparable in value to other existing deed restrictions within the community
4. Advisory Committee evaluates property based on the following criteria to determine the percentage of the appraisal value that will be paid to the homeowner in exchange for the deed restriction:
 - a. if the property is in a highly walkable area, or is easily accessible to convenient transit
 - b. if the property furthers one or more of the Park City Vision 2020 goals
 - c. if the property demonstrates demand within the housing market for the product type (studio, townhome, single family home)
 - d. if the price per square foot by unit type is in line with market conditions
5. Advisory Committee provides a written recommendation to the City Manager that includes the recommended value of the deed restrictions along with the criteria that led to this recommendation. The City manager will either approve the recommendation, request additional information, or deny the recommendation.
6. Once approved by the City Manager, a Notice of Deed Restriction Purchase Agreement is signed by the homeowner and Park City Municipal Corporation

Live Park City Application

Below you will find the application for the Live Park City – Lite Deed Restriction program. The process will take place in the following order: Fill out and submit the application below, staff will review and be in touch with any questions, and then staff will present it to the Live Park City Committee with a recommendation for decision. Upon approval you will be asked to enter into a Notice of Deed Restriction Purchase agreement with Park City Municipal. Please contact Elyse Kats with any questions, elyse.kats@parkcity.org.



Section A: Applicant Information

Section A is about the person applying for the program.

1. Name *

Please provide full name of person applying.

2. Address *

Please fill in mailing address of person applying.

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

3. Phone Number *

4. Email Address *

Section B: Property Information

Section B is about the property that the Applicant is proposing be added to the Live Park City program.

1. Physical Address of Property proposed for the Live Park City program *

Please fill in the physical address of the subject property.

2. Current Estimated Value *

Please list the estimated value of the subject property.

3. Type of structure *

Please pick the type of unit to be deed restricted.

☐ Single family home (detached)☐ Townhome or Duplex (shared walls)☐ Condo in a multi-unit building☐ Other**4. Number of Bedrooms ***☐ 1☐ 2☐ 3☐ 4☐ 5☐ 6 or more**5. Number of Bathrooms ***☐ 1☐ 1.5☐ 2☐ 2.5☐ 3☐ 4 or more**6. Number of Parking Spaces ***☐ 1☐ 2☐ 3☐ 4 or more**7. Square Footage *****8. Condo or HOA fees ***

List 0 if no monthly fees are assessed to the unit.

9. Special Assessments *

List any pending special assessments (answer 0 if none).

10. Are there any judgements or incumberances recorded on the property? *☐ Yes☐ No☐ Don't Know**11. Is there a "right of first refusal" recorded on the property? ***☐ Yes☐ No☐ Don't know

12. Title Report

If possible, please upload a recent title report on the property.

Upload

13. Condition *

Please describe the physical condition of the property and any repairs that are needed.

14. Intended Use *

- ☐ Lease the property long-term to a qualified household.
- ☐ Occupy the property as my primary residence.

15. Does applicant own or is preparing to purchase the property? *

Section C: Request

Amount of Compensation Requested *

Please fill in the minimum amount you would accept to participate in the program.

Section D: Signature

Additional Information

Please fill in any additional information you would like to add regarding your proposal.

Signature

I affirm and certify that all the information and answers to questions herein are complete, true and correct to the best of my knowledge and belief

Sign

Submit

1 RESOLUTION NO. 08-2022

2 SERIES 2022

3 RESOLUTION OF PARK CITY MUNICIPAL CORPORATION APPOINTING THE “DEED
4 RESTRICTION ADVISORY COMMITTEE” TO NEGOTIATE AND MAKE
5 RECOMMENDATIONS REGARDING THE ACQUISITION OF DEED RESTRICTIONS
6 IN THE CITY AND AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE
7 ALL NECESSARY DOCUMENTS IN ACCORDANCE WITH ADOPTED BUDGET
8 POLICIES

9 WHEREAS, through Resolution No. 14-09, Series 2014, the City Council adopted the
10 Park City General Plan. Goal number 7 of the General Plan is, “Life-cycle Housing: Create
11 a Diversity of primary housing options to address the changing needs of residents”;

12 WHEREAS, the Goal number 7 cites needing an increase in diversity of housing stock to
13 fill voids within housing inventory and to create a focus on efforts for diversity of primary
14 housing stock within primary residential neighborhoods to maintain majority occupancy
15 by full time residents within these neighborhoods;

16 WHEREAS, the Live Park City program would create an incentive program for
17 homeowners or buyers to place a Deed Restriction in perpetuity on their home which
18 would require owner occupancy or long term rental;

19 WHEREAS, the City Council desires to appoint the Deed Restriction Advisory Committee
20 the purpose of negotiating and making recommendations regarding purchasing Deed
21 Restrictions in accordance with the Plan.

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

23 SECTION 1. The City Council hereby creates the Deed Restriction Advisory Committee
24 for the purposes set forth herein. The committee shall have five (5) members, appointed
25 by the Mayor with the advice and consent of the City Council at large from Park City
26 residents for a term of one (1) year, for the duration of the pilot program. Terms will be
27 reconsidered after the pilot program.

28 SECTION 2. The City Council hereby authorizes the City Manager, after receiving a
29 recommendation from the Deed Restriction Advisory Committee, and subject to Volume
30 I: Executive Summary: Policies and Objectives, Part I - Public Service Contracts in the
31 Adjusted Budget, to:

- 32 a. Implement the Plan through the negotiation and purchase of Deed Restrictions
33 in the City;
34 b. Make, enter, and execute purchase and sale agreements, deed restrictions,
35 documents, instruments, papers, and other forms necessary for the purchase

- 36 of Deed Restrictions in accordance with the Park City Municipal code and the
37 Plan; and
38 c. Expend funds that have been budgeted and appropriated in the City's housing
39 fund for costs associated with the acquisition of Deed Restrictions pursuant to
40 the Plan, including without limitation costs for purchases, appraisals, legal fees,
41 filing fees, closing costs, and title insurance.

42 SECTION 3. The following criteria and findings shall be used by the Advisory Committee
43 when determining whether to recommend acquisition of a deed restriction:

- 44 - Supports and maintains a permanent, year-round resident population that grows a
45 diverse community where a wide range of demographics, economics, occupations,
46 and family household sizes are served.
47 - Furthers Goal number 7 adopted in the Park City General Plan.
48 - Consistent with housing policies adopted by the Park City Municipal Code for the
49 acquisition of deed restrictions.
50 - Demonstrated demand exists within the resident housing market for the type of
51 residential product (studio, flat, townhome, duplex, single family, etc.) that is to be
52 deed restricted.
53 - Fulfills a demonstrated need within a defined segment (for rent, sale, owner
54 occupied, etc.).
55 - Demonstrates a quantifiable return on investment based upon appraisals.
56 - The market value of the deed restriction is comparable in value to other existing
57 deed restrictions within the community as demonstrated by an appraisal.
58 - Most cost effective and efficient use of the City's limited supply of financial
59 resources;
60 - A transaction cap of \$200,000 per dwelling unit to be deed restricted unless
61 approved by City Council
62

63 SECTION 4. The City Council may modify or revoke the City Manager's or Deed
64 Restriction Advisory Committee's designation, or authority at any time, in the City
65 Council's sole discretion.

66

Ordinance No. 2022-11

AN ORDINANCE AMENDING VOLUME I: EXECUTIVE SUMMARY: POLICIES AND OBJECTIVES, PART I - PUBLIC SERVICE CONTRACTS IN THE ADJUSTED BUDGET FOR FY 2022 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.

WHEREAS, Utah State law requires that city budgets be adopted by ordinance and Park City includes several administrative policies within the budget documents; and

WHEREAS, a public hearing was held on May 5, 2022 at the City Council's regularly scheduled meetings.

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

SECTION 1. 2021 ADJUSTED BUDGET VOLUME I: EXECUTIVE SUMMARY: POLICIES AND OBJECTIVES AMENDMENT. CHAPTER 6 – OTHER POLICIES as outlined Page 140 in the City Council Adopted Budget adopted on December 16, 2021 is hereby amended as shown in Attachment 1.

SECTION 2. EFFECTIVE DATE. The 2022 Adjusted Budget Policy Amendment shall take effect upon publication.

PASSED AND ADOPTED this 5th day of May, 2022.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

CHAPTER 6 - OTHER POLICIES

PART VI – Live Park City – Lite Deed Restriction Program

The City Council may appropriate funds dedicated to the purchase of deed restrictions for housing vitality and preservation within Park City School District Boundaries. The Live Park City program purchases deed restrictions that require owner occupancy or long-term rental of the home. The disbursement of funds will be administered by an Advisory Board created by and following program criteria established by the Housing Department. The Advisory Board has the authority to make award recommendations and to enter and negotiate deed restrictions, subject to approval by the City Manager. If the home value in an application exceeds \$1,000,000, then the authority for approval and delegation of funds is subject to City Council approval.

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: OLD BUSINESS

Subject:

Discuss Park Silly Sunday Market Contract Negotiations
(A) Public Input

Suggested Action:

Attachments:

[Park Silly Sunday Market Staff Report](#)

[Exhibit A: PSSM Contract Request & Community and Economic Data](#)

City Council Staff Report

Subject: Park Silly Sunday Market Contract Negotiation Discussion
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: April 28, 2022
Type of Item: Work Session

Recommendation

Discuss Park Silly Sunday Market's (PSSM) proposal for a new City Service Agreement (CSA). Alternatives Council may consider include:

1. Commence a stakeholder engagement process (residents, Historic Park City Alliance (HPCA), etc.) and consider negotiating a new contract by providing feedback on initial parameters before entering negotiations, such as:
 - a. Stakeholder engagement and outreach process;
 - b. Term (duration), footprint, number of event days, costs, etc.; and
 - c. Timeline to return for further discussion or action; or
2. Commence a stakeholder engagement process (residents, Historic Park City Alliance (HPCA), etc.) before discussing initial terms; or
3. Decline to proceed with discussions about a new CSA with PSSM.

Executive Summary

The current PSSM contract expires on September 30, 2022. PSSM desires a CSA by the end of September and provided the following initial terms for consideration:

- Venue – Lower Main Street (Heber to Ninth Street/Lower Main);
- Contract Length – Seven to Ten Years;
- Dates/number of Markets – 14 Sundays, June through September; and
- City Services and Costs - \$60,500 in City Fees are waived + City pays or credits PSSM \$1,000 / market for bollard installation.

On November 4, 2021 ([report](#) p. 26 / [minutes](#) p. 6), the City Council indicated a willingness to negotiate a future contract in the spring of 2022. Based on ongoing input from the community, the City Council continues to scrutinize requests for large events and those that impact residents and traffic. Staff seeks specific direction, including whether Council would like staff to launch an alternative stakeholder engagement process and provide preliminary feedback on initial terms, only enter an engagement process, or decline to proceed.

Background

The City uses CSA's to manage events. The community benefits from long-term planning create predictability, a substantial community benefit, and add cultural and economic value. A CSA clearly outlines each party's service scope, including contract length, city services, financial assistance, use and terms of city facilities and property, performance measures, and insurance and indemnification requirements. There have been four CSAs in recent history: [Sundance Film Festival](#) (expires: 3/1/2026), [Kimball Art Festival](#) (expires: 8/15/2022), [Park Silly Sunday Market](#) (expires: 9/30/22), and [Triple Crown](#) (expired on 11/30/2021 and was not renewed).

Council approved the current [City Service Agreement with PSSM](#) on [January 9, 2020](#) ([minutes](#) p. 7). Due to concerns about the pandemic, PSSM proactively canceled its event in 2020 ([Cancellation Acknowledgement 2020](#)) and did not seek a year extension to make up for the cancellation. The current CSA runs through 2022 and includes the following terms:

- Acknowledgment of PSSM conflict with Fourth of July;
- Noise Restrictions are not to exceed 75 decibels from 10:00 a.m. to 1:00 p.m. and 90 decibels from 1:00 to 5:00 p.m.;
- PSSM is responsible for managing Pedestrian Management at their own expense at the intersection of Heber and Main are the responsibility of PSSM as required by Police and Transportation Departments;
- No Vendor parking on Park Avenue;
- PSSM will provide bollard Installation and management at \$1,000 per market to the City;
- PSSM will pay City for any City Service not credited or waived;
- Vendor Mix and public safety requirements remained the same; and
- Increased insurance requirements to meet City standards.

Annually, PSSM is required to:

- Hold monthly working groups with HPCA, staff, and Council Liaisons; and
- Provide an annual Supplemental Plan, mid-season review, and year-end debrief for City Council consideration and potential action.

On April 7, 2022 ([report](#) p. 840), minutes not yet published), Council approved the 2022 Supplemental Plan, which included bringing the number of weekly vendors up to pre-pandemic levels at 160 per week.

Analysis

PSSM is a quality partner and desires to continue hosting its event on Main Street. Over the years, PSSM has worked to manage/reduce impacts on residents and businesses and align with community goals and priorities, always working through conflicts as they arise. PSSM has incubated countless local businesses and supports more than 140 local artists, farmers, non-profits, and Main Street businesses. In addition, PSSM pioneered the highest sustainability goals out of any other event, continues to meet 76% zero-waste, and created other programs such as Bike Valet and the Feed the Pigs composting program.

Park Silly Sunday Market Overview Chart	
Item	Details
Contract Term	3 year contract, 2 year renewal (2018 to 2022)
Number of Days	14
Attendance / Average per Mkt	216,008 / 15,429
Number of Vendors	160
Importers	6
Jewelers	12
Food / Snack Food	12

Summit County / Park City	30%
In State	67%
Out of State	3%
Sustainability Measures	
Landfill	6,025 lbs
Recycled	18,105 lbs
Diversion Rate	76%
Transportation Measures	
Bike Valet Total	1,718
Parking Occupancy	85% or higher / # average number of cars parked/ day
Transit Ridership	64,710
Fees and Costs	
Total City Fees	\$68,063
Fees Waived (11 markets)	\$60,500
Bollard Installation	\$14,000
Cost Owed to PSSM for Bollard Installation	-\$6,437

The role of Special Events continues to evolve, and there is a lot of scrutiny on events that draw people, including regional drive visitors, during already busy, peak times. The [2018 overhaul of the Special Events policy](#) focused on reducing event impacts on the community. On April 7, 2022, ([report](#) p. 6, minutes not yet published), City Council provided direction to codify community-first priorities and additional Peak and Quiet times, where no new events are approved. Staff anticipates bringing those amendments to Council for approval by June.

Outreach

Council may consider a stakeholder and community engagement process before any negotiations. HPCA has already sent out a survey to their merchants regarding the event and anticipates compiling feedback by April 29. Staff recommends working with Primary Council Liaisons (Mayor Worel (HPCA liaison) and Councilmember Dicky (Economic Development/Event Liaison)).

Funding

The City currently waives up to \$60,500 for City Services annually and credits PSSM for bollard installation (\$1,000 per Market). Therefore, the average cost of services per Market is \$5,321. Costs are currently budgeted through the General Fund and within existing departmental budgets.

Exhibits

Exhibit A: Park Silly Sunday Market Request Letter & Community and Economic Data



Park City Municipal
445 Marsac Avenue
Park City, UT 84060

To the Special Events Department, April 11, 2022

According to the current contract for the Park Silly Sunday Market, the market contract will expire following this 2022 season. Please consider this letter as written notice required by Park City Municipal that PSSM would like to start contract discussions for the future of PSSM to continue being hosted on Historic Main Street.

Our initial ask for terms would be a 7-10 year contract, with our existing 14 Sundays and the current times of 10am – 5pm. We would also like to extend some of our City Services to continue being paid by the city, this would be for:

1. Waivers (Parking fees for approved use areas, Building Permit Fees, Transit Department Fees, Transit Fees for re-routing Trolley, application fees for Special Events License)
2. Police Officer credit
3. Use of Main Street permitted areas
4. City Representative

This contribution level is requested as we are limited to our current footprint and thereby cannot cover growing expenses with added booth fees. Sponsorship contracts and increasing vendor booth rates are our only options to recoup cost. As a business incubator providing opportunity to new, upcoming and growing businesses, we believe that making a significant increase to our booth fees will negatively impact our vendors and our vendor mix. These contributions will also support our ability to continue to offer FREE opportunities to local farmers, non-profit and sustainable awareness groups and other local groups such as HPCA and PCPAA.

Please let us know best next steps for moving forward.

Sincerely,

Kate McChesney
Executive Director
Park Silly Sunday Market
(435) 714.4036

Park Silly Sunday Market
PO Box 684229
Park City, UT 84068
The Park Silly Sunday Market is a non-profit 501(3)c.



Park Silly Sunday Market - Economic Impact 2021:

Sales Tax Data –as per Utah Tax Commission, dated 11/4/2021:

2012 Park Silly Sunday Market Vendors paid \$44,179 in sales tax
2013 Park Silly Sunday Market Vendors paid \$57,939 in sales tax
2014 Park Silly Sunday Market Vendors paid \$72,101 in sales tax
2015 Park Silly Sunday Market Vendors paid \$86,942 in sales tax
2016 Park Silly Sunday Market Vendors paid \$105,463 in sales tax
2017 Park Silly Sunday Market Vendors paid \$116,342 in sales tax
2018 Park Silly Sunday Market Vendors paid \$127,234 in sales tax
2019 Park Silly Sunday Market Vendors paid \$128,721 in sales tax
2020 Covid Year
2021 Park Silly Sunday Market Vendors paid \$95,718 (YTD final total available after tax deadlines)

Yearly PSSM Attendance:

2011

Non Utah Residents:	30,318
Utah Residents (not including Park City residents)	44,871
Park City Residents	46,083
Total	121,272

2012

Non Utah Residents:	31,879
Utah Residents (not including Park City residents)	55,630
Park City Residents	45,034
Total	132,453

2013

Non Utah Residents:	36,865
Utah Residents (not including Park City residents)	58,369
Park City Residents	58,371
Total Season Total	153,605

2014

Non Utah Residents:	53,460
Utah Residents (not including Park City residents)	68,040
Park City Residents	40,500
Total Season Total	162,000

2015

Non Utah Residents:	64,120
Utah Residents (not including Park City residents)	67,892
Park City Residents	56,577
Total Season Total	188,589

2016

Non Utah Residents	66,640
Utah Residents (not including Park City residents)	80,360
Park City Residents	49,000
Total Season Total	196,000

2017

Non Utah Residents	62,490
Utah Residents (not including Park City residents)	76,548
Park City Residents	38,940
Total Season Total	177,978

2018

Non Utah Residents	65,881
Utah Residents (not including Park City residents)	83,321
Park City Residents	44,567
Total Season Total	193,769

2019

Non Utah Residents	61,352
Utah Residents (not including Park City residents)	73,984
Park City Residents	45,112
Total Season Total	180,448

2020 – Covid Year**2021**

Non Utah Residents	73,442
Utah Residents (not including Park City residents)	86,403
Park City Residents	56,163
Total Season Total	216,008

Park Silly Sunday Market Attendees – Survey Results

Surveys performed every Sunday during market

Survey data consists of an average of 120-150 people per market day

- 63% of PSSM attendees have been to the Market 2 or more times
- 82% of PSSM attendees come in a group of 2 or larger
- Transportation Break Down: 20% walk, 15% bike, 15% bus, 50% car
- 42% of attendees came to Park City Main Street with the Main Purpose of attending the Park Silly Sunday Market while another 46% came to see everything on Main Street, including PSSM, restaurants and entertainment.
- 54% of attendees in Park City as part of a day trip
- 47% of visiting attendees said they were visiting for 1 or more nights.

Park Silly Sunday Market – Community Statistics

Promotes Sustainability Awareness, Environmental Awareness, Non-Profit Awareness & Community Partnerships

The Park Silly Sunday Market has practiced Zero Waste from its inception. Over the course of 15 years we have produced outstanding results.

2014 PSSM attendance of over 162,000

- 7,345 lbs of trash recycled
- 840 lbs of trash to the landfill
- 89% diversion rate

2015 PSSM attendance of over 188,000

- 16,580 lbs of trash recycled
- 2,200 lbs of trash to the landfill
- 84% diversion rate

2016 PSSM attendance of over 196,000

- 25,520 lbs of trash recycled
- 4,150 lbs of trash to the landfill
- 87% diversion rate

2017 PSSM attendance of over 177,000

- 23,596 lbs of trash recycled
- 7,272 lbs of trash to the landfill
- 80% diversion rate

2018 PSSM attendance of over 193,000

- 25,252 lbs of trash recycled
- 11,040 lbs of trash to the landfill
- 75% diversion rate

2019 PSSM attendance of over 180,448

- 27,871 lbs of trash recycled
- 11,428 lbs of trash to the landfill
- 74% diversion rate

2020 – Covid Year

2021 PSSM attendance of over 216,008

- 24,130 lbs of trash recycled
- 6,025 lbs of trash to the landfill
- 76% diversion rate

*Note – for 2015 & 2016 we included glass in our weights. This has always been recycled, but never weighed.

*Note – for 2017, 2018 & 2019, 2021 diversion rate went down - food vendors were using compostable materials, which goes in landfill.

Each year, Park Silly donates free booth space weekly. In 2021, 236 free booth spaces were used, representing booth value of over \$35,400. (236 x booth space \$150 = \$35,400)

52 Free Booths given to Farmers

14 Free Booths given to Historic Main Street Merchants

14 Free Booths given to Park City Performing Artist Association

85 Free Booths given to non-profits and sustainable issue groups

14 Free Booths given to Featured Artists

2 Free Booths given to Featured Chefs

209 Free Booths Total

Businesses that have been incubated from Park Silly: (there are plenty more!)

- Nosh
- Sammy's Bistro
- Soul Poles
- Spencer's BBQ (has full time catering business)
- Boom Dog Creations (Featured in Mountain Express Magazine, SLC Tribune)
- Elizabeth Plumb Jewelry (now featured in the Sundance Catalog)
- Whimsy (has existing store front & participates in PSSM)
- Livin Life PC (has existing store front & participates in PSSM)
- Melty Way (opened 3 locations in SLC)
- In a Flash (jewelry now featured in Park City Jewelers)
- Park City Coasters
- Red Bicycle Bread
- Dessert Bites
- All that Pasta
- Yee Haw Pickle
- Skewered Thai (opened restaurant in SLC)
- My Liquid Garden (Kimball Junction, Park City)
- Cade & Co (Main Street, Park City)
- All About Socks (Kimball Junction, Park City)
- Pink Elephant Coffee Roasters (Main Street, Park City)
- Motherlode T-Shirts & Screen Printing (Main Street, Park City)
- Freshie's Lobster (Prospector Ave, Park City)
- Cosett Bath & Body (multiple locations)
- Beltex Meats
- Zions Den
- House 42 (formerly KGEK Jewelers)
- Jafflz (opened Silver Creek)
- Taspens Organic (opened South Town Mall)
- Cossett Bath Bombs (opened 5 locations)
- Wasatch Creamery – featured in local grocery stores
- Chili Beak – featured in local grocery stores
- Jafflz – (Silver Creek, Park City)
- 11 Hauz (Kimball Junction, Park City)
- Liqui-Dirt (opened store front West Valley)

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Discuss City Programming at the Arts District
(A) Public Input

Suggested Action:

Attachments:

[Art District City Use Staff Report](#)

City Council Staff Report

Subject: Arts District City Programming
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: April 28, 2022
Type of Item: Work Session

Recommendation

Discuss and provide direction regarding City Programming at the Arts and Culture District (District).

Executive Summary

In 2021, the City Council sought local, grassroots programming, focusing on local attendance, and City Programming in the District created community connections and promoted art and culture. Challenges included a short season due to a late start and early winter weather. The event was a heavy lift of human and financial city resources. The Council should provide direction if they want to see District programming continue this summer. High-level alternatives are described to help facilitate the dialogue.

Background

In 2021, the City Council supported City programming in the District. Over the last year, Council held five discussions related to programming and activation, including:

- June 24, 2021 – Arts District Temporary Programming Work Session: no report/[minutes](#) p.1;
- July 1, 2021 – Arts and Culture District Temporary Programming Event Approval: [report](#) p. 70 / [minutes](#) p.4;
- November 4, 2021 – Arts District Temporary Programming Debrief: [report](#) p. 44/ [minutes](#) p. 8;
- November 18, 2021 – Art District Temporary Programming Costs Staff Communication: [report/minutes](#) p. 8; and
- April 7, 2022 – Special Event Work Session: [report](#) p. 6/ minutes not yet published

During the 2021 season debrief ([November 4, 2021](#) (report p. 44 / [minutes](#) p. 8)), the City Council provided the following direction:

- No City programming in the winter;
- Supported winter programming if other organizations were interested in proposing ideas (no winter programming requests were received);
- Supported use of the site for permitted Special Events; and
- To return in the spring to discuss continuing programming in 2022.

Analysis

Current Direction: Allow small (Level 1, 2, 3) community-centric events through the regulatory Special Event Permitting process. Currently, none are planned. Any large (Level 4, 5) events require Council approval.

On April 7, 2022, during the [Special Event Work Session](#) (report p. 6 / minutes not yet published), City Council requested further discussion.

Policy Question: Does the City Council, in their role as the property owner, want to continue City programming in the District this summer? If so, to what degree/scale?

Assumed Goals of City Programming:

- Create opportunities for locals and neighborhood gathering;
- Provide connections and opportunities for with local businesses/ non-profits;
- Promote Arts and Culture opportunities;
- Allow enhanced or less expensive cuisine options including food trucks and connections with local restaurants; and
- Transit to Trails program.

Types of City Programming – Alternatives include:

City Programming Options				
Alternative	Timing	Number of Days	Costs	Types of Programs
Super Minor	5 months - June to October	7 days a week	\$10,000	No Programming. Only passive activation such as games and picnic tables.
Minor	5 months - June to October	1 day per month	\$60,000	Mainly passive programming, with activated programming once per month (non profits, music, artists, food trucks, games, etc)
Moderate (Status Quo)	3 months - August to October	1 day per week	\$150,000	Passive Programming, with activated programming once per week (non profits, music, artists, food trucks, games, etc.)
Medium	3 months - August to October	1 day per week with some multiple day celebrations	\$200,000	Mix of Passive Programming with activated programming once per week and some multiple day festivities.
Passive Programming Ideas: Tables, Chairs, Art Installations, Ping Pong, Bocci Ball, Large Scale Board Games				
Active Programming Ideas: Music and Live Performances, Rec Trailer, Food Trucks, Cook Offs, Coffee or Beer Garden, Art Battles, Plein Air Competitions, Community Non Profits and Businesses to create fun gatherings.				

Site-Safety:

To address soils and dust mitigation, portions of the District were graded, including

fenced-off areas, and magnesium chloride was applied to existing asphalt. Compliance with the City's Soils Ordinance is also maintained and monitored, and the County Health Department confirmed safe to support temporary programming.

Outreach:

Staff informed a collection of local businesses and stakeholders (Prospector Association, Bone Yard/Blind Dog Business area, non-profits, etc.) that the Council would hold district temporary activation discussions in the spring. In addition, the Summit County Arts Council and Park Silly Sunday Market, our Site Management and Programming contractors in 2021, are available to assist for another season.

Funding

Temporary activation funding for City Art District Programming would come from Transient Room Tax.

City Council Staff Report



Subject: 1281 Rothwell Road Lot Combination
Application: PL-22-05137
Author: Spencer Cawley, Project Planner
Date: April 28, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the King's Crown Re-Subdivision Third Amended Lot Combination Plat Combining Lots 23 & 24 (1275 and 1281 Rothwell Road), (II) hold a public hearing, and (III) consider approving Ordinance No. 2022-09 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Brice Anderson
Location: 1275 and 1281 Rothwell Road
Zoning District: Recreation Commercial (RC)
Adjacent Land Uses: Single-Family Dwellings; Resort; Open Space
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
MPD Master Planned Development
RC Recreation Commercial Zoning District

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

Summary

On March 23, 2022, the Planning Commission reviewed this Plat amendment, to combine two Single-Family Lots into one Lot, determined the request will lessen intensity of Use and reduce traffic on Rothwell Road, and unanimously forwarded a positive recommendation for City Council's consideration.

Background

1275 Rothwell Road (Lot 24) and 1281 Rothwell Road (Lot 23) are part of the Kings Crown Re-Subdivision and in the Recreation Commercial (RC) Zoning District (see Exhibit B). Both Lots are owned by the Applicant of this Plat Amendment petition. The Applicant proposes combining Lots 23 and 24 to create one Lot.

Lot 23 contains an existing Single-Family Dwelling; Lot 24 is unimproved. The Applicant indicates that if this Lot combination is approved, they plan to add an addition

¹ LMC [§ 15-7.1-2\(B\)](#).

(approximately 800 square feet) to the side of the existing Structure that abuts Lot 24. A 13-foot landscaped area is planned adjacent to Lot 25 separating the addition from the neighboring property (see Exhibit C).

The following dates outline the history of Applications related to the Kings Crown Re-Subdivision Single-Family Lots:

- January 10, 2018 – The Planning Commission forwarded a recommendation to the City Council to consider the Kings Crown Master Planned Development. 27 Single-Family Lots were proposed as part of the Development. ([Staff Report](#); [Minutes](#).)
- February 1, 2018 – The City Council adopted [Ordinance No. 2018-05](#) approving the Kings Crown Re-Subdivision Plat, establishing 27 Single-Family Lots and three Multi-Family Lots.
- January 7, 2021 – The City Council adopted [Ordinance No. 2021-03](#) combining Single-Family Lots 27, 28, and 29 into two Single-Family Lots.
- January 12, 2022 – The Planning Department received a complete Application to combine Lots 23 and 24 of the Kings Crown Re-Subdivision Plat.
- March 23, 2022 – The Planning Commission reviewed the application and forwarded a positive recommendation for the City Council's consideration. ([Staff Report](#); [Meeting audio](#).)

Analysis

Plat Amendments require Planning Commission review and City Council Final Action.² Plat amendments combining lots shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-2](#) and a Final Plat shall be approved in accordance with these regulations.³

(I) The proposed Plat Amendment complies with the Recreation Commercial (RC) Zoning District Requirements.

The table below outlines the RC Zoning District Lot and Site Requirements for Single-Family Dwellings:⁴

HR-1 Zoning Requirement	Analysis of Proposal
Minimum Lot Area—1,875 square feet	Lot 23: 3,549 square feet Lot 24: 2,820 square feet Combined: 6,369 square feet
Minimum Lot Width—25 feet	Lot 23: 40 feet Lot 24: 30 feet Combined: 70 feet

² LMC [§ 15-12-15\(B\)\(9\)](#).

³ LMC [§ 15.7.1-3\(D\)](#).

⁴ LMC [§ 15-2.16-5](#)

Lot Depth	Lot 23: 94 feet Lot 24: 94 feet
Maximum Building Footprint ⁵ MAXIMUM FP = (A/2) x 0.9A/1875 Where FP= maximum Building Footprint and A= Lot Area	Lot 23: 1,454 square feet Lot 24: 1,203 square feet Combined: 2,226 square feet Condition of Approval 8: The Applicant shall include a Plat note stating the maximum building footprint for the combined Lots.
Front Setback	Lot 23: 12 feet Lot 24: 12 feet
Rear Setback	Lot 23: 12 feet Lot 24: 12 feet
Side Setback	Lot 23: 3 feet Lot 24: 3 feet Combined: 5 feet
Building Height	27' from existing grade; maximum height 35' measured from the lowest finish floor plane to the point of the highest wall top plate.

(II) Staff finds Good Cause for the Plat Amendment because (A) present land Uses and Character of the RC Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Land Management Code [§ 15-15-1](#) defines Good Cause as “[providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and further the health, safety, and welfare of the Park City Community.”

There is Good Cause for this Plat Amendment because this application reduces overall density for the Master Planned Development and density cannot be transferred to

⁵ Density from one Lot cannot be transferred to the other Lot.

another Lot. from one Lot cannot be transferred to another Lot in the Subdivision and lessens the intensity of Use (Condition of Approval 10).

A. The RC Zoning District Uses and Character of the residential Area is retained.

One purpose of the RC Zoning District is to provide opportunities for variation in architectural design and housing types, encourage the clustering of Development to preserve Open Space, and minimize Site disturbance and impacts of Development.⁶ The proposed plat amendment to combine two Single-Family Lots lessens the intensity of Use by restricting the Lot owner to add an addition smaller in footprint than a new Single-Family Dwelling.

B. No Public Street or Right-of Way is vacated or amended.

The Lots are accessed by Rothwell Road and the plat amendment does not vacate or amend any portion of Rothwell Road.

C. No easement is vacated or amended.

(III) The Development Review Committee Requires a Condition of Approval.

The Development Review Committee reviewed the proposed plat amendment on February 1, 2022. The Engineering Department states that the utility map for this Subdivision shows a one-and-a-half inch (1.5") dual meter and four-inch (4") diameter sanitary sewer lateral on Lot 24 (1275 Rothwell). Condition of Approval 9 requires the Applicant to abandon the sewer and water laterals at the main line. The sealing of the laterals must be supervised by the service provider.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 3, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 3, 2022. The *Park Record* published notice on March 9, 2022.⁷

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The City Council may adopt Ordinance No. 2022-09; or

⁶ LMC [§ 15-2.16-1](#)

⁷ LMC [§ 15-1-21](#)

- The City Council may deny Ordinance No. 2022-09 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance 2022-09 and Proposed Plat
Exhibit B: Aerial Photo
Exhibit C: Topographic Survey of Existing Conditions
Exhibit D: Applicant Statement

Ordinance No. 2022-09

AN ORDINANCE APPROVING THE KINGS CROWN RE-SUBDIVISION THIRD AMENDED LOT COMBINATION PLAT, LOCATED AT 1281 ROTHWELL ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1281 Rothwell Road petitioned the City Council for approval of the Kings Crown Re-Subdivision Third Amended Lot Combination Plat; and

WHEREAS, on February 23, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on February 22, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 22, 2022, courtesy notice was mailed to property owners within 300 feet of 1281 Rothwell Road; and

WHEREAS, on March 23, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on April 28, 2022; and

WHEREAS, on April 28, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapter 15-2.16.

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

SECTION 1. APPROVAL. The Kings Crown Re-Subdivision Third Amended Lot Combination Plat at 1281 Rothwell Road, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The properties are located at 1275 & 1281 Rothwell Road.
2. The properties are listed with Summit County as:
 - a. 1275 Rothwell Road – Lot 24, Kings Crown Re-Subdivision; Parcel number KCRS-24; and
 - b. 1281 Rothwell Road – Lot 23, Kings Crown Re-Subdivision; Parcel number

KCRS-23.

3. The properties are in the Recreation Commercial (RC) Zoning District.
4. The properties are part of the Kings Crown Master Planned Development.
5. On January 12, 2022, the Planning Department received a complete Plat Amendment application.
6. The proposed Plat Amendment combines Lots 23 and 24 to create one Lot-of-Record.
7. No easement is vacated or amended as a result of the Plat Amendment.
8. Lot and Site Requirements for Single-Family Dwellings in the RC Zoning District are regulated per LMC §15-2.16-5.
9. A Single-Family Dwelling is an allowed Use in the RC Zoning District and requires a minimum lot size of 1,875 square feet. The proposed combined Lot size is 6,369 square feet.
10. The minimum Lot width in the RC Zoning District is 25 feet. The proposed combined Lot is 70 feet.
11. The combined Lot depth is 94 feet.
12. The required Front Setback for the combined Lots is 12 feet.
13. The required Rear Setback for the combined Lots is 12 feet.
14. The required Side Setback for the combined Lots is 5 feet each side.
15. The Maximum Building Footprint in the RC Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for the combined Lots is 2,226 square feet.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.16 Recreation Commercial (RC) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year, the approval for this Plat Amendment will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Rothwell Road shall be dedicated on the plat.

5. Any new construction shall comply with the Land Management Code at the time of Application submittal.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. The Applicant shall complete the Historic District Design Review process and gain approval before applying for a building permit, pursuant to the King's Crown Master Planned Development.
8. The Applicant shall include a Plat note stating the maximum building footprint is 2,226 square feet.
9. The Applicant shall abandon the sewer and water laterals at the main line. The sealing of the laterals must be supervised by the service provider.
10. The Applicant understands that the unit density is forfeited by the Lot combination and may not be used or transferred to a different part of the Subdivision.

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

PASSED AND ADOPTED this 28th Day of April 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

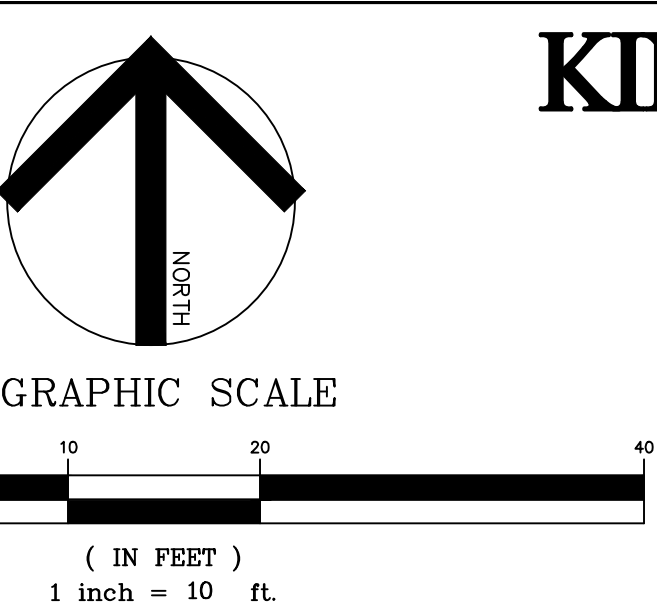
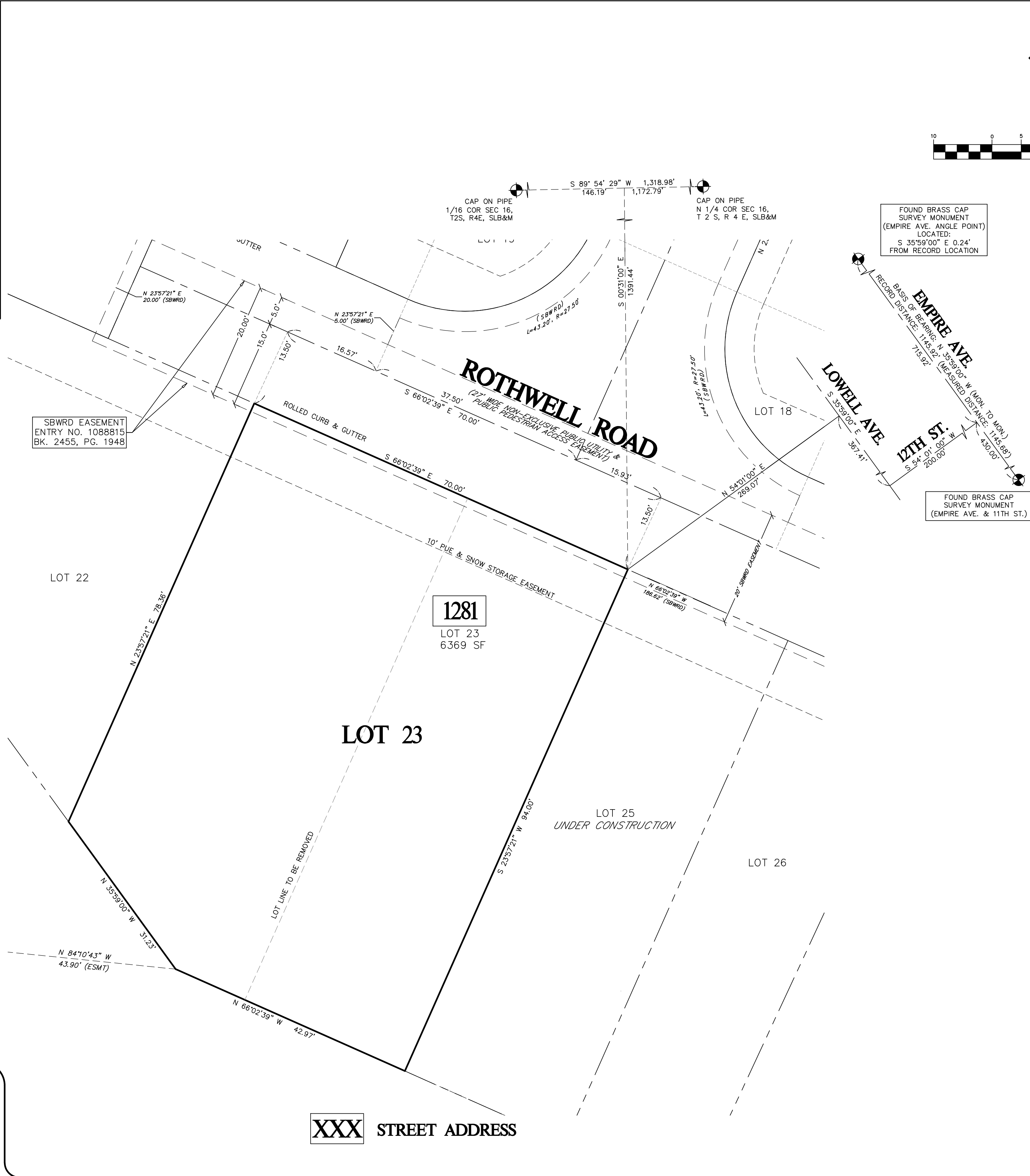
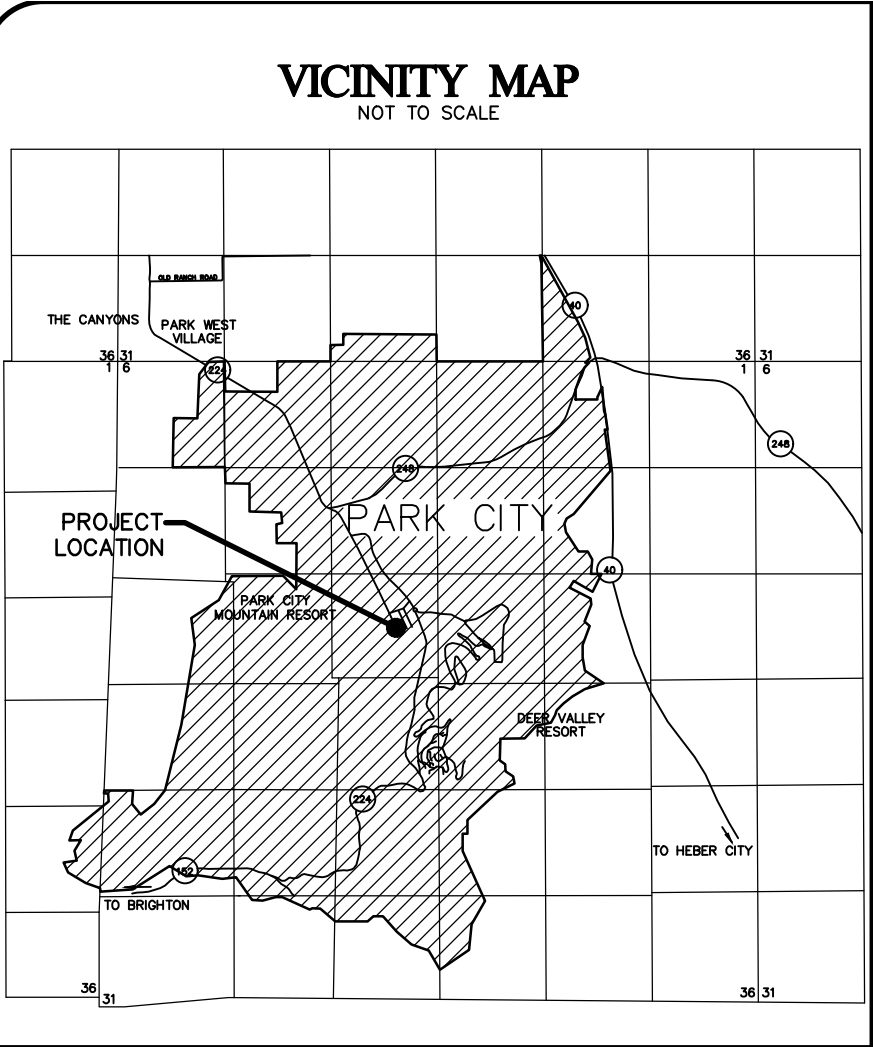
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Kings Crown Re-Subdivision Third Amended Lot Combination Plat



KING'S CROWN RE-SUBDIVISION THIRD AMENDED LOT COMBINATION PLAT (COMBINING LOTS 23 & 24)

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

ALL OF LOTS 23 & 24, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT RECORDED MAY 16, 2018 AS ENTRY NO. 1091847, OF THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 6,369 SQUARE FEET (0.1462 ACRES) MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43°00'27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12", 3) NORTH 68°02'39" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°06'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 48°23'03" WEST A DISTANCE OF 84.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8) 92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18", 9) SOUTH 50°06'39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION, THIRD AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDED OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION, THIRD AMENDED". THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES SHOWN HEREON, AND HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

1275 ROTHWELL ROAD, LLC, A UTAH LIMITED LIABILITY COMPANY. BY: BRICE G. ADAMSON, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.
ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, BRICE G. ADAMSON, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF 1275 ROTHWELL ROAD, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID BRICE G. ADAMSON ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

NOTARY PUBLIC MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

SIGNING IN A REPRESENTATIVE CAPACITY: AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, MEMBER OR OTHER REPRESENTATIVE MAY SIGN ON BEHALF OF THEIR REPRESENTATIVE BUSINESS, BE IT A CORPORATION, PARTNERSHIP, TRUST, LIMITED LIABILITY COMPANY OR OTHER ENTITY PROVIDING THEY HAVE BEEN GIVEN AUTHORITY TO SIGN IN THEIR REPRESENTATIVE CAPACITY.

THE NOTARY MUST REQUIRE THE SIGNER TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE AND ADMINISTER AN OATH OR AFFIRMATION.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. THIS PLAT REPRESENTS A COMBINATION OF LOTS 23 & 24 OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). ALL OTHER LOTS IN THE ORIGINAL SUBDIVISION REMAIN UNCHANGED.
5. ROTHWELL ROAD IS A PRIVATE ROAD
6. A RECREATION USE EASEMENT WAS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE UPON RECORDED OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). SAID RECREATION USE EASEMENT SHALL REMAIN IN PLACE.
7. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
8. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.
9. ALL CONDITIONS OF APPROVAL FROM AMENDED CUP/MPD & HOUSING MITIGATION PLAN STILL APPLY.
10. THE MAXIMUM BUILDING FOOTPRINT FOR LOT 23 IS X SF.
11. THE SITE PLANS AND BUILDING DESIGNS SHALL RESOLVE SNOW RELEASE ISSUES TO THE SATISFACTION OF THE CHIEF BUILDING OFFICIAL
12. THE SINGLE-FAMILY DWELLINGS ON LOT 23 SHALL COMPLY WITH THE DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND SITES
13. DRY UTILITY INFRASTRUCTURE MUST BE LOCATED ON THE LOT AND SHOWN ON THE BUILDING PLANS PRIOR TO BUILDING PERMIT ISSUANCE TO ENSURE THAT UTILITY COMPANIES VERIFY THAT THE AREA PROVIDED FOR THEIR FACILITIES ARE VIABLE AND THAT EXPOSED METERS AND BOXES CA BE SCREENED WITH LANDSCAPING.
14. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF BUILDING PERMIT SUBMITTAL
15. DEVELOPMENT ON EACH LOT IS LIMITED TO ONE (1) SINGLE-FAMILY DWELLING AND THE REMOVED LOT AND DENSITY UNIT IS ELIMINATED AND MAY NOT BE RE-ALLOCATED.
16. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.
17. THE GROSS FLOOR AREA FOR LOT 23 SHALL BE X SQUARE FEET.
18. THE EXTRA SANITARY SEWER LATERAL STUB MUST BE ABANDONED. THIS MUST BE ACCOMPLISHED BY EXPOSING THE LATERAL CONNECTION AT THE MAINLINE (IN THE ROAD) AND DISCONNECTING THE LATERAL, INSTALLING A CAP OR PUSH-IN PLUG AT THE HDPE CONNECTION TEE, AND INSTALLING A CAP IN THE UPSTREAM ABANDONED LINE. THIS MUST BE COMPLETED BEFORE SBWRD GRANTS THE PROJECT FINAL PROJECT APPROVAL.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS SUBDIVISION PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH
GREGORY R. WOLBACH
NO. 187788
DATE: _____

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1678 Sidewinder Drive • Suite C
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801.557.5482
E-mail: office@evergreen-eng.com

PUBLIC SAFETY
ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY
OF _____ A.D. 20 ____ .

JEFF WARD
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY
ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .

CITY ENGINEER

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF
AD 20 ____ .

BY: _____
SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

CITY PLANNING
COMMISSION

APPROVED BY THE PARK CITY PLANNING
COMMISSION ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .

CHAIRMAN

APPROVAL AS
TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .

CITY ATTORNEY

COUNCIL APPROVAL
& ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK
CITY COUNCIL THIS _____ DAY OF
_____ A.D. 20 ____ .

MAYOR

CERTIFICATE OF
ATTEST

I CERTIFY THIS WAS APPROVED BY PARK
CITY COUNCIL THIS _____ DAY OF
_____ A.D. 20 ____ .

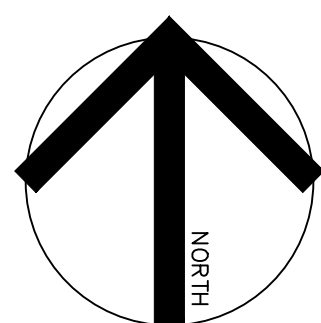
CITY RECORDER

RECORDED

Nº. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

FOUND BRASS CAP
SURVEY MONUMENT
(EMPIRE AVE. & 11TH ST.)



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGAL DESCRIPTION

ALL OF LOTS 23 & 24, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT RECORDED MAY 16, 2018 AS ENTRY NO. 1091847, OF THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 7,056 SQUARE FEET (0.1620 ACRES) MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF CAVENED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 200.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE
SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT
LAKE COUNTY, UTAH; THENCE S87°00'00"W ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°00'27" WEST 330.00 FEET TO A POINT ON THE
330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 14.24 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12" 3) NORTH 68°02'39" SALT
180.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
15°06'27" 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE
THROUGH A CENTRAL ANGLE OF 15°06'27" 7) NORTH 68°02'39" SALT 180.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE LEFT, 8)
92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18" 9) SOUTH 50°06'39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO
THE EASTERLY RIGHT-OF-WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS PLACED AT THE EXISTING BOUNDARY OF THE PROPERTY, AS THE ENTIRE SITE IS UNDER HEAVY CONSTRUCTION AND MONUMENTS WOULD MOST LIKELY BE REMOVED UPON PLACEMENT.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. DATE OF SURVEY: SEPTEMBER 2020.
5. PURPOSE OF SURVEY: LOT COMBINATION PLAN APPLICATION.
6. SURVEY REQUESTED BY: MR. CHIMSO ONWUBO.
7. THE SURVEYOR HAS FOUND NO POSITIVE EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY AS DESCRIBED HEREON.
8. ALL DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES.
9. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK COUNTY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

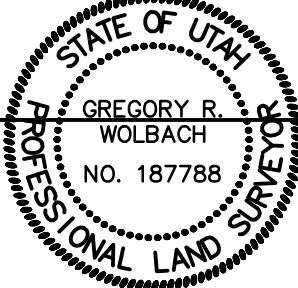
I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

Gregory R. Wolbach
GREGORY R. WOLBACH

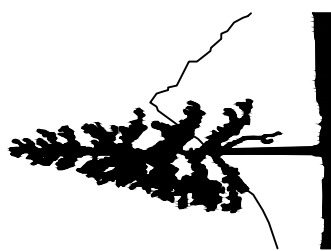
GREGORY R. WOLBACH

December 13, 2021

DATE _____



PLOTTED: DECEMBER 13, 202



**Evergreen
Engineering, Inc.**

Civil Engineering * Land Surveying * Land Planning
P.O. Box 2861 * Park City * Utah * 84060
Phone: (801) 557-5482
E-mail: amoran@evergreen-eng.com

[illegible]

2021 Evergreen Engineering 100

SURVEYED BY:
ADM/MD
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN RE-SUBDIVISION, LOTS 23-24

TOPOGRAPHIC SURVEY

1626

JOB NO.

DWG: LOWE L-PI AT-LOTS23-24-COMBO

FOR: **WOW ATELIER**

SHEET 1 OF 1



Re: Kings Crown Lot 23-24 Lot Combination

Park City Planning:

Mr Adamson would like to combine Lots 23 and 24 into a single lot. Lot 23 currently contains his single family completed t in 2021, and Lot 24 is a vacant lot purchased subsequent to construction of his home.

Sincerely,

Chimso Onwuegbu, AIA

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Ordinance 2022-10, an Ordinance Approving 1304 Park Avenue Plat Amendment, Located at 1304 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[1304 Park Avenue Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: Ordinance No. 2018-40](#)

City Council Staff Report



Subject: 1304 Park Avenue
Application: PL-22-05156
Author: Aiden Lillie
Date: April 28, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the City Council review the proposal, hold a public hearing, and approve the 1304 Park Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in Ordinance No. 2022-10 (Exhibit A).

Description

Applicant: Maria & David Schuelke represented by Jonathan DeGray
Location: 1304 Park Avenue
Zoning District: Historic Residential-Medium Density (HRM)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

HDDR	Historic District Design Review
HRM	Historic Residential-Medium Density
HSI	Historic Sites Inventory
LMC	Land Management Code
ROW	Right of Way

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

Summary

The Applicant proposes removing an internal block line to convert a metes-and-bounds parcel into one Lot of Record, which will total 4,125 square feet.

Background

The single-family home located at 1304 Park Avenue was constructed in c. 1885 and is a Landmark Historic Site on the Historic Sites Inventory ([HSI](#)). This site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District.

The Northern portion of 1304 Park Avenue was constructed on Block 24 of Snyder's Addition to Park City; this Block was recorded with no Lots on it. The Southern portion

¹ LMC [§ 15-7.1-2\(B\)](#).

of 1304 Park Avenue was constructed on the 13th Street Right-of-Way (ROW).

On April 28, 2017, the previous property owner submitted a complete Plat Amendment application. On June 13, 2018, the Planning Commission reviewed the proposed Plat Amendment and forwarded a positive recommendation to City Council ([Staff Report](#); [Minutes](#), Page 50). On July 12, 2018, the City Council reviewed and approved the Plat Amendment at 1304 Park Avenue (Ordinance No. 2018-40; [Staff Report](#); [Minutes](#), Page 9).

On July 17, 2019, the previous property owner submitted an Extension of Approval application, as the Applicant was unable to complete the requirements of Ordinance No. 2018-40 Conditions of Approval and record the Plat with Summit County before the approval expired. On August 15, 2019, the City Council approved the Request for Extension of the 1304 Park Avenue Plat Amendment ([Staff Report](#); [Minutes](#), Page 11). The 1304 Park Avenue Plat Amendment Extension of Approval recordation did not occur within one year, and the approval for the Plat was void as of July 12, 2020 (Ordinance No. 2018-40, Exhibit B).

On February 7, 2022, the Planning Department received a new complete Plat Amendment application. On March 23, 2022, the Planning Commission reviewed the 1304 Park Avenue Plat Amendment and unanimously forwarded a positive recommendation to City Council ([Staff Report](#), [Audio](#)).

Analysis

The Planning Commission holds a public hearing and makes a recommendation to City Council; the City Council reviews and takes action on a Plat Amendment.²

(I) The proposal complies with the Conditions of Approval required when the plat amendment was originally approved in 2018.

On July 12, 2018, the City Council reviewed and approved the Plat Amendment at 1304 Park Avenue (Ordinance No. 2018-40; [Staff Report](#); [Minutes](#), Page 9). Ordinance No. 2018-40 required the applicant to complete the following Conditions of Approval:

1. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location prior to plat recordation.
2. The existing concrete retaining wall encroaches approximately seven feet into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
3. The existing main building and front porch encroach approximately 1 foot into the right-of-way. The applicant is required to enter into an encroachment agreement for this structure, given the historic designation.

² LMC § [15-7.1-6](#).

There have been no code changes that impact the property or new information regarding the site, so Ordinance No. 2022-10 Conditions of Approval 2-7 require the applicant to complete these Conditions of Approval and to record the plat within one year of Council approval.

(II) The proposal complies with the Historic Residential Medium-Density Zoning District Requirements outlined in LMC [Chapter 15-2.4](#).

1304 Park Avenue is in the Historic Residential Medium–Density (HRM) Zoning District. The table below outlines the HRM Zoning District Lot requirements:³

Zoning Requirement	Analysis of Proposal
Minimum Lot Size for a Single-Family Dwelling is 1,875 sq. ft.	Complies, proposed combined Lot size is 4,125 sq. ft.
Minimum Lot Width of a Lot is 37.50 ft.	Complies, proposed 55 ft. Lot Width.
Minimum Front Setback for Single-Family is 15 ft.	Complies, existing 0 ft Front Setback of the Landmark Historic Structure is a valid Non-Complying Structure. ⁴
Minimum Rear Setback is 10 ft.	Complies, the existing Rear Setback is 15 ft.
Minimum Side Setback for a Single-Family is 5 ft.	Complies, the existing 3 ft and 5 ft Side Setback of the existing Landmark Historic Structure is a valid Non-Complying Structure. ⁵

Prior to issuance of a Building Permit, the Planning Department shall review the proposed plans for compliance. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the *Design Guidelines for Historic Districts and Historic Sites* found in LMC [Chapter 15-13](#) (Condition of Approval 5).

(III) Staff finds Good Cause for the Proposal because removal of the internal Block line resolves existing issues and preserves the character of the neighborhood.

Good Cause is defined in LMC [Section 15-15-1](#) as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable

³ LMC § [15-2.4-3](#)

⁴ LMC § [15-2.4-4](#), Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

⁵ LMC § [15-2.4-4](#), Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community”.

The purpose of the HRM Zoning District in part is to allow continuation of permanent residential and transient housing in original residential Areas of Park City as well as encourage the rehabilitation of existing Historic Buildings and/or Structures.⁶

The removal of the Block line that runs through the Landmark Historic Structure will allow for the Lot lines to be cleaned up and it will also resolve existing encroachments into the City’s right-of-way, including the house, front porch, and concrete retaining wall (Conditions of Approval 3-5, Exhibit A).

(IV) The Development Review Committee requested Conditions of Approval for the proposed plat.

On February 15, 2022, the Development Review Committee evaluated the proposal. The City Engineering Department requires Condition of Approval 8: “A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat” and Condition of Approval 9, “A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.” These Conditions are included in Ordinance No. 2022-10 (Exhibit A).

Department Review

The Development Review Committee and Planning Department reviewed this application.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 9, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022. The *Park Record* published notice on March 9, 2022. LMC § [15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The City Council may adopt Ordinance No. 2022-10, approving the 1304 Park Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny Ordinance No. 2022-10 for the 1304 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 1304 Park Avenue Plat Amendment to a date certain.

⁶ LMC § [15-2.4-1](#)

Exhibits

Exhibit A: Draft Ordinance No. 2022-10

Exhibit A, Attachment 1: Proposed Plat

Exhibit B: Ordinance No. 2018-40

Ordinance No. 2022-10

AN ORDINANCE APPROVING 1304 PARK AVENUE PLAT AMENDMENT, LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1304 Park Avenue petitioned the City Council for approval of the 1304 Park Avenue Plat Amendment; and

WHEREAS, on March 9, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 9, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 9, 2022 courtesy notice was mailed to property owners within 300 feet of the 1304 Park Avenue; and

WHEREAS, on March 23, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on April 28, 2022; and

WHEREAS, on April 28, 2021, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapter 15-7.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment at 1304 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 1304 Park Avenue.
2. The Applicant is proposing to remove an internal block line between Block 24 of Snyder's Addition to Park City Survey and 13th Street.
3. The Northern portion of 1304 Park Avenue is Block 24 of Snyder's Addition to Park City, this Block has no Lots. The Southern portion of 1304 Park Avenue is the 13th Street Right-of-Way.
4. The proposed Plat Amendment converts a metes and bounds parcel into one legal lot of record, which will include 4,125 square feet.

5. The Single-Family home was built in Circa 1885 and is designated as Landmark on the Park City Historic Sites Inventory and listed on the National Register of Historic Places.
6. On February 7, 2022, the Planning Department received a complete Plat Amendment application.
7. All Findings in the Background Section are incorporated herein as findings of fact.

Zoning District:

8. The property is located in the Historic Residential Medium (HRM) Zoning District.

Public Notice Requirements:

9. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on March 9, 2022.
10. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022.
11. The *Park Record* published notice on March 9, 2022. LMC § [15-1-21](#).

Lot and Site Requirements

12. The proposed Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4.
13. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot sizes comply with this requirement, containing 4,125 square feet.
14. The minimum Lot width in the HRM Zoning District is 37.50 feet. The proposed Lot complies with this requirement, containing 55 feet.
15. The required Front Setback for Single-Family is 15 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with a front setback of 0 ft.
16. The required Rear Setback is 10 Ft. 1304 Park Avenue complies with a 15 ft. Rear Setback.
17. The required Side Setback is 5 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with Side Setbacks of 3 ft and 5 ft.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC [Chapter 15-2.4](#) HRM and LMC [§ 15-7.1-6](#) Final Subdivision Plat.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location prior to plat recordation.

4. The existing concrete retaining wall encroaches approximately seven feet into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
5. The existing main building and front porch encroach approximately 1 foot into the right-of-way. The applicant is required to enter into an encroachment agreement for this structure, given the historic designation.
6. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
7. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the *Design Guidelines for Historic Districts and Historic Sites* found in LMC [Chapter 15-13](#).
8. A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat.
9. A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.

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

PASSED AND ADOPTED this 28th Day of April 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

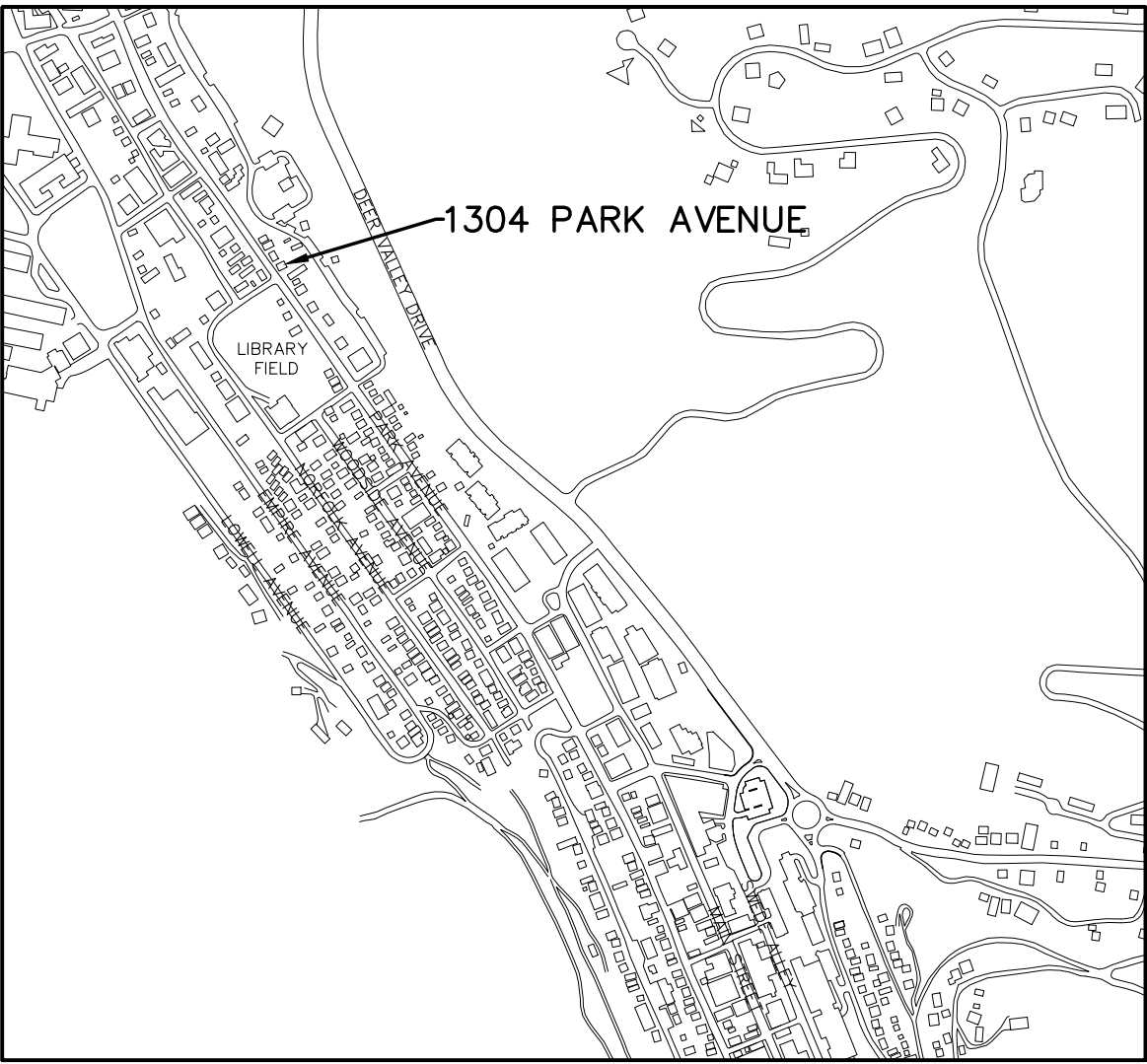
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 - Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one lot, hereafter to be known as 1304 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

DEED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°00' West 55.00 feet to the point of beginning.

AS—SURVEYED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°59' West 55.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Maria L. Schuelke and David Schuelke, wife and husband as joint tenants, are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1304 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon, and hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set her hand this ____ day of _____, 2022.

By: _____
Maria L. Schuelke

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

By: _____
David Schuelke

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this ____ day of _____, 2022, Maria L. Schuelke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that she executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this ____ day of _____, 2022, David Schuelke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that he executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

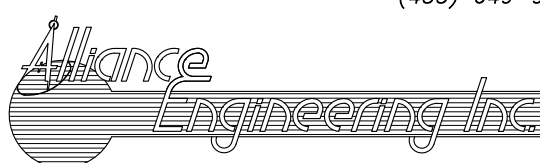
NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- The bearings of blocks in Snyder's Addition to Park City have historically been N 35°59'00" W and previous deeds indicate a bearing of N 35°59'00" W. It is suspected that the minutes portion of the bearings in the current deed were mistakenly changed from 59' to 00'. In addition, Cottages on the Park, recorded November 12, 1999, as Entry No. 552853, which abuts 1304 Park Avenue, indicates a bearing of N 35°59'00" W.



1304 PARK AVENUE PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS ____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

SHEET 1 OF 1

2/1/22 JOB NO.: 13-11-21 FILE: X:\SnydersAddition\dwg\sr\plat2021\131121.dwg

Ordinance No. 2018-40

AN ORDINANCE APPROVING THE 1304 PARK AVENUE PLAT AMENDMENT LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1304 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 12, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1304 Park Avenue Plat Amendment located at the same address.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1304 Park Avenue.
2. The property consists of a metes and bounds parcel of Snyder's Addition to Park City.
3. The property is in the Historic Residential – Medium Density (HRM) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes one (1) block line that runs through the existing house.
6. The proposed Plat Amendment converts the metes and bounds parcel into one (1) legal lot of record, which will include 4,125 square feet.

7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HRM zone. The proposed lots meet the minimum lot area for single-family dwellings.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 37.50 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with width at 55 feet.
10. LMC § 15-2.4-6 indicates that historic structures that do not comply with building setbacks are valid non-complying structures.
11. The applicant proposes to maintain and renovate the historic house at 1304 Park Avenue.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are twenty feet (20'). The historic house is encroaching over the front property line approximately 1 foot, and is valid non-complying. There is an existing non-historic shed which has 1 foot (1') rear setback.
13. The minimum side yard setbacks for the site are five feet (5'). The house is setback 14.5 feet (14.5') from the south side yard and 4 feet (4') from the north side yard, which is valid non-complying.
14. There are several existing encroachments on site. The existing historic home, constructed in 1885, encroaches approximately 1 foot (1') over the front property line. There is an existing fence that runs along both sides and the rear property lines, which crosses over the property line into the Cottages on the Park property. There is a concrete retaining wall that encroaches 7 feet (7') into the City right-of-way in front of the 1304 Park Avenue property line (southwest corner, adjacent to the gravel driveway) and onto the Coalition Lodge Condominium property at 1300 Park Avenue.
15. The application was complete on April 28, 2017.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Ten foot (10') public snow storage easement shall be granted along the Park Avenue right-of-way.
4. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location. To be completed prior to recordation of this plat amendment.
5. The existing concrete retaining wall encroaches approximately seven feet (7') into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
6. The existing main building and front porch encroach approximately 1 foot (1') into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the historic designation.
7. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.

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

PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

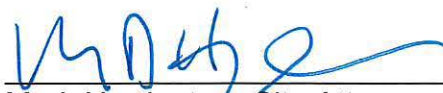



Andy Beerman, MAYOR

ATTEST:


City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

1304 LOT 1
AREA = 3.9 ACES

LEGEND:

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTER LINE
- EASEMENT
- BLOCK LINE
- STREET ADDRESS ON PARK AVE.
- SET NAIL & WASHER L55048508
- FOUND S&P REBAR & CAP L5167821
- STREET MONUMENT

1304 PARK AVENUE PLAT AMENDMENT

AMENDMENT TO A PORTION OF BLOCK 24
SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

VICINITY AND ZONING MAP
NOT TO SCALE

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046508. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED TO BE HEREINAFTER KNOWN AS THE 1304 PARK AVENUE PLAT AMENDMENT, DOES HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF ____, 2017.

ACKNOWLEDGMENT

STATE OF UTAH: }
COUNTY OF SUMMIT: } SS

PERSONALLY APPEARED BEFORE ME ON THIS ____ DAY OF ____, 2017, THE FOLLOWING:

WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES ____ NOTARY PUBLIC
RESIDING IN ____

LEGAL DESCRIPTION:

LOT 1: BEGINNING AT A POINT WHICH IS 481.00 FEET NORTH 54°01' EAST AND 300 FEET SOUTH 33°59' EAST FROM THE NORTHWEST CORNER OF BLOCK 24, SNYDERS ADDITION TO PARK CITY; THENCE SOUTH 54°01' WEST 75.00 FEET; THENCE SOUTH 33°59' EAST 55.00 FEET; THENCE NORTH 54°01' WEST 75.00 FEET; THENCE SOUTH 33°59' EAST 55.00 FEET; THENCE NORTH 54°01' EAST 75.00 FEET; THENCE NORTH 36°00' WEST 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 8.10 ACRES.

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XX-XX.

	FERRARI SURVEYING, LLC P.O.B. 883001 PARK CITY, UT (435) 646-0412	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____, 2017 A.D. BY: S.B.W.R.C.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23rd DAY OF MARCH, 2017 BY: CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2017 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ____, 2017 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2017 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2017 A.D. BY: MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER ____
--	--	---	--	--	--	---	---	--



I, GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREIN DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

0 [redacted] 1 BARS ONE INCH ON GRID. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.	
SURVEY BY: SURVEY DATE: DESIGN BY: DRAFTING BY: CHECKED BY:	GF-AB3 3-16-17 GF GF GF
XREF'S.	
DRAWING: 1304PARKVALE	
DATE: 4-3-17	
SCALES:	
1:10 HORIZONTAL:	1 OF 1
2"CONTOURS VERTICAL:	PROJECT NO: 2017.15

Council Agenda Item Report

Meeting Date: April 28, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community & Public Affairs

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

National Community Survey Overview

Suggested Action:

Attachments:

[National Community Survey Staff Report](#)



City Council Staff Report

Subject: National Community Survey Overview/Budget Request
Authors: Linda Jager, Community Engagement Manager
Department: Community Engagement
Date: April 28, 2022
Type of Item: New Business

Summary

Review the history of the City's participation in the [National Community Survey](#). Provide policy direction to continue or discontinue survey participation for FY23.

Background

The National Community Survey (NCS) is a collaborative effort between [Polco](#) and the International City/County Management Association ([ICMA](#)). The benchmarking survey provides a comprehensive and accurate picture of livability and resident perspectives about local government services, policies, and management. The survey and its administration are standardized to assure high-quality research methods and directly comparable results among participating cities and towns.

Park City's participation began in 2011 and provides local data and benchmark data against more than 500 other communities across the nation. The data is uploaded into performance measurement reports and databases used by the City, which have been used as high-level measures or key indicators that help the City gauge effectiveness and compare performance over time. The data has also been tied to the City's Budgeting for Outcomes (BFO) process, helping to ensure that resources are allocated to the most effective efforts to achieve the community's vision.

Participation in the NCS also makes Park City eligible for the Voice of the People (VOP) Awards, given to local government based on community residents' opinion. The VOP is presented jointly by the National Research Center at Polco and at the annual ICMA conference each year. Park City has an extensive history of winning VOPs, including Economic Development, Recreation, Transit, and Transportation Planning.

The first NCS survey in Park City was conducted in July 2011 and established a baseline for similar resort communities. The survey was subsequently conducted in 2013, 2015, and 2017. We paused participation from 2019 – 2021 to minimize overlap with Park City Vision 2020's extensive surveying methodology. Past surveys and final reports can be found [here](#).

Cost for participation in 2022 is quoted at \$20,300, which includes survey administration, Spanish translation, customized questions, online reporting, and custom benchmark comparisons to measure performance against similar communities.

Community Engagement submitted a budget request to offset the increased cost of administering the NCS.

Staff recommends resuming participation in the NCS, which will provide updated data to benchmark the City's performance and identify similar post-Covid trends with comparable communities. The survey's statistically significant results can be used to support new policy and program recommendations to address the Critical Community Priorities.

Discussion Topics for Council

- Does Council support participating in the FY23 NCS?
- If so, are there specific areas of interest that Council would like to include in the customized section of the NCS survey? For example, we can ask participants to rate Park City Municipal's current performance for the following Critical Community Priorities:
 - Housing (affordable, attainable and middle-income)
 - Transportation (congestion reduction, local/regional transit projects and partnerships)
 - Environment (carbon reduction, renewable energy, and green building incentives)
 - Social Equity (cultivating and engaging an inclusive and diverse community while working to address disparities)

Benchmark data from 2017 is available for Housing, Transportation and Environmental Leadership, please see page 10 from the Survey's [2017 Community Livability Report](#)

- Are there specific cities and regions Council is interested in benchmarking through participation in the NCS?
- If Council seeks to continue our participating, staff recommends including a professional presentation of survey results by a Polco representative at a future work session.