



PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
April 7, 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 7, 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 - 1:30 p.m.

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

WORK SESSION

2:45 p.m. - Discuss Special Events

[Special Events Staff Report](#)

[Exhibit A: Special Event Background 2022](#)

[Exhibit B: Draft Special Event Redlines](#)

[Exhibit C: Tentative 2022 Special Event Calendar](#)

[Exhibit D: Special Events Presentation](#)

3:45 p.m. - Continued Park City Housing Program Discussion Covering the Housing Authority and Strategies/Programs Sections

[Housing Program Staff Report](#)

[Exhibit A: Park City Housing Needs Assessment 2021](#)

[Exhibit B: Housing Work Session Presentation](#)

4:45 p.m. - Arts and Culture District Discussion

5:45 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Rain Barrels Available

[Rain Barrels Staff Report](#)

2. Prospector Park Playground Equipment Replacement

[Prospector Park Playground Upgrade Staff Report](#)

Exhibit A: Survey for Improvements
Exhibit B: 5-12 Year Old Equipment
Exhibit C: 2-5 Year Old Equipment
Exhibit D: Prospector CUP Final Action Letter

3. Wildfire Outlook, Updates, and Current Initiatives
[Wildfire Outlook and Initiatives Staff Report](#)

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

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from March 17, 2022
[March 17, 2022 Minutes](#)

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute the Second Addendum to the Professional Services Agreement, in a Form Approved by the City Attorney, with Lithos Engineering Inc., for the Spiro Mine Tunnel Reconstruction Project, Not to Exceed \$284,965
[Spiro Mine Tunnel Reconstruction Project Staff Report](#)
2. Request to Authorize the City Manager to Execute a Design Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins & Associates, Inc, to Develop an Updated Water Master Plan and Impact Fee Analysis, in an Amount Not to Exceed \$176,000
[Water Master Plan Staff Report](#)
[Exhibit A: Scope and Fee Schedule](#)
3. Request to Authorize the City Manager to Execute a Design Professional Services Agreement, in a Form Approved by the City Attorney, with Hazen & Sawyer, to Develop a Park City Public Utilities Strategic Asset Management Plan in an Amount Not to Exceed \$132,000
[Strategic Asset Management Plan Staff Report](#)
[Exhibit A: Scope and Fee Schedule](#)

VI. NEW BUSINESS

1. Administrative Infrastructure Discussion
[Administrative Infrastructure Staff Report](#)
[Exhibit A: Administrative Infrastructure Presentation](#)
2. Discuss Proposed Water Rate Changes
[Proposed Water Rate Changes Staff Report](#)
[Exhibit A: Current and Proposed Rates](#)
[Exhibit B: Theoretical Change in Percentage and Dollars](#)
[Exhibit C: High Low Comparison](#)
3. 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](#)

4. Consideration to Approve the Extension of the Main Street Dining Deck Program for 2022 and Authorize the Mayor to Execute Leases of City Property/Right-of-Way with Nine Main Street Restaurants, in a Form Approved by the City Attorney
 (A) Public Hearing (B) Action
[Dining Deck Approval 2022 Staff Report](#)
[Exhibit A: Street Dining 2022 Operational Restrictions](#)
[Exhibit B: HPCA Dining Deck Letter](#)
[Exhibit C: Updated 2022 Draft Lease Agreement](#)
[Exhibit D: 2022 Dining Deck Map](#)
5. Consideration to Approve the 2022 Park Silly Sunday Market Supplemental Plan for the Park Silly Sunday Market, a Level Four Special Event
 (A) Public Hearing (B) Action
[Park Silly Sunday Market 2022 Supplemental Plan Staff Report](#)
[Exhibit A: PSSM Application and Supplemental Plan](#)
[Exhibit B: Draft Findings and Special Event Permit PSSM 2022](#)
[Exhibit C: PSSM Analysis 2022](#)
6. Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Silver Spur Construction to Construct the Marsac Avenue Waterline Replacement Project, in an Amount Not to Exceed \$1,090,000.00
 (A) Public Input (B) Action
[Marsac Avenue Waterline Replacement Staff Report](#)
7. Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Harrison Western Construction Corporation Inc., to Fund the Spiro Mine Tunnel Reconstruction Project Phase 2, in an Amount Not to Exceed \$4,500,000.00
 (A) Public Input (B) Action
[Funding Spiro Mine Tunnel Reconstruction Project Staff Report](#)

VII. ADJOURNMENT

I. PARK CITY HOUSING AUTHORITY MEETING

II. ROLL CALL

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

IV. WORK SESSION

1. Discuss Deer Valley's Proposed Affordable Housing Obligation Calculation for the Development of the Deer Valley Snow Park Area
[Deer Valley Housing Obligation Staff Report](#)
[Deer Valley Housing Calculation 3-22-22](#)

V. 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 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Work Session

Agenda Section: WORK SESSION

Subject:

2:45 p.m. - Discuss Special Events

Suggested Action:

Attachments:

[Special Events Staff Report](#)

[Exhibit A: Special Event Background 2022](#)

[Exhibit B: Draft Special Event Redlines](#)

[Exhibit C: Tentative 2022 Special Event Calendar](#)

[Exhibit D: Special Events Presentation](#)



City Council Staff Report

Subject: Special Events
Author: Jenny Diersen, Jonathan Weidenhamer
Department: Economic Development & Special Events
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Receive the informational special event presentation and provide the Economic Development and Special Events staff with policy direction regarding various aspects of the Special Event Program.

Introduction

As a follow-up to the City Council's annual Retreat on [Feb.10, 2022](#), this report builds on the presentation on the status of Special Events in Park City, input given from the City Council. In addition, it provides strategies and possible tools moving forward to ensure desired outcomes are achieved.

The success of the tourism economy is negatively impacting the Park City community. The Park City Chamber of Commerce recently commissioned a [Global Sustainable Tourism Council Destination Assessment](#) and follow-up [Situation Assessment](#) based on a comprehensive survey of Park City residents, business owners, workers, and visitors. Findings include:

- Park City's residents are approaching a breaking point from overtourism.
- The community of Park City is about to lose itself to the destination of Park City.
- On top of community population growth, current and future tourism levels are testing the capacity of Park City's infrastructure.

The [City's Special Event Code](#) has always been a tool to effectuate outcomes the community desires. Events organized by local entities enable community connections and promote positive community identity. Art and culture festivals, historic legacy celebrations, neighborhood block parties, ski races, parades, community concerts, and barn parties are positive community-building events that create social gathering and gives reason for our community to get together. However, over time we've come to understand that some events use the backdrop of Park City and create unauthentic partnerships to buoy their activity and are not forwarding community goals and in contrast degrade the resident quality of life.

Special Event Permits mandate that impacts on the community are mitigated. Tourism occurs in the free market and is largely out of our control, and staff is exploring options to manage and operate Peak Ski Days. Council should focus on tools and efforts we can control specific to Special Events.

Background

Before the 2002 Olympics, the City Council has used Special Events as a traditional economic development tool to drive overnight tourism and create a year-round economy. In 2008, that policy was reinforced but began a shift to an equal balance of community and economic goals. At that time, the City assumed a much more assertive posture on “mitigation,” and deployed significant resources to reduce impacts on the community of events (pedestrian safety, noise, traffic, etc.). By 2018, PCMC was spending over two million dollars annually to regulate and mitigate the event calendar, most of which were our four most significant events, for which city-services contracts were entered into (film and arts festivals, Main Street market, and a softball tournament).

In 2018, (background Exhibit C) with the input of stakeholders, including the resident Special Event Advisory Committee (SEAC), the Special Event Code ([4A](#)) was overhauled and codified to create better balance and predictability of events in the community for both residents and applicants. Specifically, the Code prioritized the community ahead of the economy, reduce event fee waivers, capped the number of large events, deregulate small and medium-size events at resorts, and codified Peak (Event) Time Periods when events would no longer be permitted.

In February 2022, the City Council at their annual retreat gave the following input:

1. Need a better understanding of the Special Event process and prioritization.
2. Explain the difference between Peak Day Traffic and Special Events.
3. Define Success. Who do events serve? Who are they for?
4. Focus on tools to refine the code and focus on community identity.

The most recent sales tax numbers indicate another month of record sales ([March 31, 2022, City Council Report](#)). This has been a continuing trend since June 2020, despite significantly reducing the number of Special Events. Mitigation plans are reviewed before the event takes place and debriefed after to minimize community impact. In many cases, due to the City Council's authority in issuing Special Event Permits, events are mitigated above the level required to meet higher standards desired by our community.

However, we acknowledge that the tourism economy has pushed the community's comfortable carrying capacity. Based on ongoing feedback from residents and City Council, we believe that reducing the scale and intensity of the event calendar, especially during our busiest times, when the community is already at or near capacity, is prudent. Park City would still be going through symptoms of overtourism even if there were no events.

Analysis

Since 2018, even outside pandemic-related impacts, predictability and balance have been greatly improved. The Special Event calendar has been reduced by more than 30 events. The pandemic caused many events to reset and scale back, but in recovery, event applicant inquiries and applications are requests are more frequent and intense than before. The Special Events Department receives more than 25 new event inquiries annually, while a handful of these are Level 1 and 2 events, a majority request larger Level 3, and 4 events with transportation and public safety impacts. While not all of the

inquiries result in a formal application and therefore are not approved, the amount of time to evaluate these requests and the overall number of event days continue to increase.

There are several recommended immediate steps to reinforce community first/community identity policy on events. Other amendments are needed to identify additional Peak Time Periods to codify Quiet Times when event applications will not be considered. While event applications are reviewed every year, other changes will likely take more time, including realigning the fee reduction process, and updates to deadlines and review process that every event would go through a de novo review (nothing grandfathered).

Any one of these changes will take time to implement, and timing is important as most events plan up to 18 months in advance. These recommended changes are likely to further reduce the calendar and prioritize community first desired outcomes. If this doesn't meet community expectations concerning the goals of Special Events, Council should discuss their desire to reset the event calendar. A high level of engagement is recommended if Council wants to explore such an option.

Funding

Special Event costs are subsidized by the General Fund with department operating budgets. Special Event Fee Reduction is limited to \$200,000, outside of contracted and City events annually per current Council policy.

	Total Fees & Hard Costs	Fees Waived to Applicant	Fees Paid to City	Number of Events
Contracted Events	\$1,868,183	\$1,753,594	\$36,543	4
Uncontracted Events	\$491,881	\$413,538	\$79,397	53
Non Profit	\$106,880	\$57,814	\$49,066	45
For Profit	\$31,009	\$1,732	\$30,331	5
City Produced	\$353,992	\$353,992	\$0	7
Totals	\$2,360,064	\$2,167,132	\$115,940	57

Exhibits

- Exhibit A Special Events Background
- Exhibit B Draft Redlines to Special Event Code
- Exhibit C Draft 2022 Special Event Calendar

City Council Reports:

October 9, 2014	Special Events Update Study Session – pages 2 through 17
October 9, 2014	Special Event Update Minutes – pages 1 through 2
December 4, 2014	Special Events Discussion – pages 8 through 24
December 4, 2014	Special Events Discussion Minutes – pages 9 & 10
March 26, 2015	Special Event Update – SEAC on pages 8 through 11 / Minutes – pages 1 through 2
June 4, 2015	Special Events Advisory Committee Establishment– pages 656 through 663 / Minutes – page 9
July 9, 2015	Special Events Advisory Committee Addition Manager’s Report – page 14
January 28, 2016	Special Events Department Code Changes – page 93 through 140 / Minutes – pages 9 through 10
March 24, 2016	Title 4, Chapter 8 Special Event Code Amendment – pages 67 through 101 / Minutes - page 7
May 5, 2016	Special Event Fee Reduction (July 1 through December 31) pages 152 through 170 / Minutes – page 9
June 30, 2016	Staff Communications Special Event Advisory Committee Update - pages 188 through 210
September 22, 2016	Special Event Work Session Update - pages 7 through 30
September 22, 2016	Special Event Work Session Minutes - pages 7 through 11
November 3, 2016	Special Event Update Work Session - page 18 through 46
November 3, 2016	Special Event Update Work Session Minutes – pages 6 through 8
November 17, 2016	SEAC Amendment – pages 51 through 64
November 17, 2016	SEAC Amendment minutes – pages 6 through 8
January 5, 2017	SEAC Interviews – page 13
January 12, 2017	SEAC Interview – page 5
March 9, 2017	Fee Reduction Update (page 29) / Minutes (page 4-5)
March 9, 2017	Special Event Calendar Preview (page 129)
March 30, 2017	Fee Reduction Amendment Approval (page) / Minutes (page 8 to 9)
May 25, 2017	Special Event Transportation Strategies / Minutes (page 18-20)
June 29, 2017	SEAC Interviews (page 5)
July 11, 2017	SEAC Interviews (page 2)
August 3, 2017	SEAC Appointments
August 31, 2017	Special Event Parking and Transportation Planning (page 200)
September 21, 2017	SEAC Study Session (page 4 -24) / Minutes (page 1 & 2)
March 8, 2018	Special Event Calendar Preview (page 27)
May 3, 2018	Work Session Special Event Next Steps (page 44 to 49) / Minutes page 3 to 6
June 7, 2018	Special Event Next Steps Staff Report/ Minutes (p. 6 - 9)/ Audio
September 13, 2018	Work Session Special Event Next Steps (p.5 -24) / Minutes (p. 1) / Audio
September 27, 2018	Special Event Code Changes Staff Report / Minutes (p.6)
February 14, 2019	Special Event Preview Staff Communication (p.10)
February 28, 2019	Special Event Review Staff Report (p. 18)

September 12, 2019	Special Event Review Staff Report (p. 39) / Minutes (p. 4)
June 25, 2020	Special Event Summer 2020 Update (p.14) / Minutes (p. 2)
July 30, 2020	Special Event Update (p.199) / Minutes (p. 11)
April 15, 2021	Special Event Update (p. 6) / Minutes (p. 1)
October 7, 2021	Winter Event Update (p. 94) / Minutes (p. 4)
February 10, 2022	Events Presentation (p. 39) / Minutes (p. 6)

Current [Park City Municipal Code 4A regarding Special Events](#)

Other important links:

[Special Event Numbers, Level Of Service and Fee Reduction Matrix Analysis](#)
[2018 New, Significantly Changed, Cancelled Events & Current Event Calendar](#)
[Matrix of Proposed Changes to Events](#)
[SEAC Recommended Changes regarding next steps on events](#)
[2016 Event Prioritization Exercise by SEAC](#)
[SEAC Prioritization and Debrief Forms](#)
[Link to Special Event Fee Reduction Application & Criteria](#)
[Special Event Input and Permit Process Diagrams](#)
[SEAC Policies and Procedures](#)
[Similar Jurisdiction Event Comparison Analysis & Related Event Insider Articles](#)

In September of 2016, Council gave staff the direction to ‘take the foot off the gas pedal’ with regards to Special Events. The goals of doing so included:

- Reduce event impacts on residential neighborhoods;
- Create a tool for evaluating and prioritizing events;
- Increase community participation in event debriefing; and
- Efficiently utilize City Resources

Staff worked on multiple items including increasing mitigation at events specifically around transportation, sustainability, community outreach and engagement, and streamlined/increased efficiencies in the Fee Reduction process among others.

In September of 2017, at the SEAC Study Session, council agreed with SEAC’s proposed goals – which include identifying and conveying community perspective of events, creating a statistically relevant community survey regarding events, and continue event debrief. Additionally, Council discussed that SEAC should focus on gaining resident feedback from the City (84060) and measure comfortable carrying capacity with broad residential community perspective. Council asked for SEAC to make a recommendation if events should be planned year round – including in the quieter seasons. Council also discussed that events should be focused on having meaning/fit in the community. The discussion also mentioned that impacts had been minimized over the past season and it would be interesting to see if attendance to events had declined.

The Problem & the Opportunity

Years ago Council directed staff to develop the event calendar as way to provide economic vitality in the shoulder seasons and build a year vibrant round community.

- The work of the City and many community partners/residents has created a successful year round resort destination and community – growing the economy, community, culture, and creating a sense of place.
- Special Events align w/ the Arts & Culture Top Priority & effectuates positive action in the Critical Priorities areas of Transportation, Energy and Social Equity.
- Special Events align with the [General Plan](#), specifically goals, objectives and strategies.:

- Goal 10: Provide world class recreation and public infrastructure to host local, regional, national and international events that further Park City's role as a world class, multi-seasonal destination resort while maintaining balance with our sense of community.
- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.
- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.
- Goal 13: Park City will continue to grow as an arts and culture hub encouraging creative expression.
- As the event calendar has grown, so has the need to mitigate impacts and balance the event calendar to reduce 'event fatigue'.
- While staff continuously balances the event calendar, the cost of City Services and Level of Service (LOS) continue to increase, as well as, the economic (both direct and indirect revenues) and community/cultural opportunities.
- While staff has worked to mitigate event impacts, further culling/reducing the event calendar may create unintended consequences to community, cultural and economic benefits the City receives from events and will have negative implications on the non-profit community which makes up 95% of the event calendar.
- While staff has worked on proposed changes, there is no perfect solution. The changes will pose both new opportunities and challenges.
- The changes must be applied across the board to effectuate Council's objectives; they cannot be applied individually to events.

Exhibit B: Draft Special Event Code Redlines

[4A Special Events](#)

[4A-1 Definitions](#)

[4A-2 Special Event Permitting](#)

[4A-3 Public Outdoor Music Plazas-REPEALED BY ORD 2019-35](#)

[4A-1 Definitions](#)

[4A-1-1 Definitions](#)

4A-1-1 Definitions

For the purpose of this Title the following terms shall have the meanings herein prescribed:

4A-1-1.1 APPLICANT. The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the Special Event application and all other documents relevant to the event. If the Applicant is a corporation, corporate Sponsor, or business, or any other entity, which is not a natural person, the co-applicant or responsible party must be a natural person or persons. See Sponsor.

4A-1-1.2 AMPLIFIED EVENT OR MUSIC. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

4A-1-1.3 CONCESSION. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a permitted event.

4A-1-1.4 DISRUPTIVE TECHNOLOGY. An innovation that displaces an established technology and creates a new market and value network that eventually disrupts an existing market and value network, displacing established market-leading firms, products and alliances.

4A-1-1.5 FEE(S). Charges assessed by Park City for permitting, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to a Special Event and established within the event permitting process according to the Park City Fee Schedule which is adopted by June each year.

4A-1-1.6 PERMITTEE. The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is approved and signed by either the City Council or the Economic Development Manager or his/her designee, upon meeting all the criteria in this Title. As the permit holder, the Permittee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, Fee assessments, and insurance liabilities connected with the permitted event.

4A-1-1.7 SPECIAL EVENT.

1. A sporting, cultural, entertainment, or other type of unique activity, whether held for profit, nonprofit, or charitable purposes, occurring for a limited or fixed duration that impacts the City by involving the use of, or having impact on, City property, or requiring City licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:
 1. Interruption of the safe and efficient flow of transportation in Park City, including streets or public rights of way, which may include full, partial, or temporary closures or impacts on streets or sidewalks necessary for the safe and efficient flow of transportation and pedestrian movement in Park City; and /or
 2. Use of public property, facilities, trails, or parks; and/or

Exhibit B: Draft Special Event Code Redlines

3. Use of City parking facilities; and/or
 4. Use of amplified sound above that is defined in Title 6 of this Code; and/or
 5. Need for Public Safety beyond their normal scope of operations; and/or
 6. Requires licensing or services beyond normal scope of business; and/or
 7. Outdoor or temporary events that do not normally occur with the permitted venue use.
2. Any organized activity involving the use of, or having an impact on, the above shall require a permit as outlined in Section 4A-2-1 of this Code. Event levels are determined by City staff based on degree of City impacts including but not limited to: anticipated attendance as related to type of venue use whether private or public, transportation and public safety impacts. Any event may be defined as either a Level One Event, a Level Two Event, a Level Three Event, a Level Four Event, a Level Five Event or a First Amendment Event if they meet one or more of the listed criteria in the given category:
1. **LEVEL ONE EVENT:**
 1. Attendance at any one time is estimated between 50 and 250 people and occurs on one day and is not a series; and/or
 2. Has minor impact to surrounding areas and can be held within existing venue/use area; and/or
 3. Has minor transportation needs including minimal removal of parking, rolling road closures, and does not require increased transit; and/or
 4. Does not require Public Safety staffing beyond their normal operations.
 2. **LEVEL TWO EVENT:**
 1. Attendance at any one time is estimated up to 500 people and the event is a series or has multiple days in consecutive occurrence; and
 2. Has minor impact to surrounding areas and can be held within existing venue/use area; and/or
 3. Has minor transportation needs including minimal removal of parking, but requires a transportation mitigation plan, temporary, rolling or short term road closures, and does not require increased transit; and/or
 4. Does not require Public Safety staffing beyond their normal operations.
 3. **LEVEL THREE EVENT:**
 1. Attendance at any one time is estimated between 500 and 1,000 people and is no more than two (2) consecutive days or three (3) days in a non-consecutive series; and or
 2. Has moderate impact to surrounding areas and can be held within existing venue/use area; and/or
 3. Has moderate transportation needs including removal of parking, requires a transportation mitigation plan, may require offsite parking plan, temporary, rolling or short term road closures, and does not require increased Park City transit; and/or
 4. May require limited Public Safety staffing beyond their normal operations.
 4. **LEVEL FOUR EVENT:**

Exhibit B: Draft Special Event Code Redlines

1. Attendance throughout the duration of the event time period is estimated between 500 and 5,000 people and the event may be a non-consecutive series or may have multiple days in consecutive occurrence; and/or
 2. Has moderate to major impact to surrounding areas and/or cannot be held within existing venue/use area; and/or
 3. Has moderate to major transportation needs including removal of parking, requires a transportation mitigation plan, requires offsite parking plan, temporary, rolling or long term road closures, and minor to moderate residential transportation mitigation and minor increase in service from Park City Transit and may be required to provide additional transit services from a vendor outside of Park City's existing transit; and/or
 4. Requires Public Safety staffing needs beyond their normal operations including moderate to major support in the venue and minor to moderate traffic control. May require Public Safety services from outside of the City's jurisdiction.
5. **LEVEL FIVE EVENT:**
1. Attendance throughout the duration of the event time period is estimated to be above 5,000 people and may be a series or have consecutive days of occurrences; and/or
 2. Has moderate to severe impacts to surrounding areas and cannot be held within existing venue or use areas; and/or
 3. Has moderate to severe transportation needs including removal of parking, requires a transportation mitigation plan, requires offsite parking plan, temporary, rolling or long term road closures, moderate to major residential transportation mitigation and requires increased Park City Transit and/or increased transportation provider outside of Park City's ability to provide services required; and/or
 4. Requires Public Safety staffing needs beyond their normal operations including moderate to severe support in the venue, and moderate to severe transportation mitigation as well as support of public safety personnel from outside of the City's jurisdiction.
6. **FIRST AMENDMENT EVENT:** An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any City street or other property during the event. 'First Amendment Events' shall not include:
1. Solicitations or events which primarily propose a commercial transaction;
 2. Rallies, races, parades, or events conducted with motor vehicles or bicycles;
 3. Footraces.
7. **LEVEL SIX EVENT?**

4A-1-1.8 SPECIAL EVENTS COORDINATOR. The City employee designated by the City Manager who, under the supervision of the Economic Development Manager and within the Special Events Department, administers the provisions in the Special Events Chapter of this Code.

4A-1-1.9 SPECIAL EVENT PERMIT. A permit sought by an Applicant for an event as defined in this Chapter, granted through the Special Events Department.

Exhibit B: Draft Special Event Code Redlines

4A-1-1.10 SPONSOR. A person, group, or business which has contracted to provide financial or logistical support to any Special Event. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4A-1-1.11 STAGE(S). The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

4A-1-1.12 VENUE. The location or locations upon which a Special Event is held, which may include the ingress and egress route as approved in the conditions of the Special Event Permit.

HISTORY

Adopted _____ by _____ Ord. [2017-51](#) on 10/5/2017
Amended by Ord. [2018-52](#) on 9/27/2018

[4A-2 Special Event Permitting](#)

[4A-2-1 Unlawful To Operate Without A Permit; Exceptions](#)

[4A-2-2 Renewal Of Permit\(s\)](#)

[4A-2-3 Special Event Permit Application Procedure](#)

[4A-2-4 Standards For Permit Approval](#)

[4A-2-5 Conflicting Permit Applications](#)

[4A-2-6 Licenses Necessary For A Special Event Permit](#)

[4A-2-7 Fees To Be Assessed; Exceptions](#)

[4A-2-8 Events In Parking Structures](#)

[4A-2-9 Fee Reductions](#)

[4A-2-10 Insurance Requirements](#)

[4A-2-11 Permit Application Supplemental Documents](#)

[4A-2-12 Film-Making](#)

[4A-2-13 Criminal Penalty](#)

[4A-2-14 Revocation For Cause; Notice To Cure](#)

4A-2-1 Unlawful To Operate Without A Permit; Exceptions

1. It is unlawful for any person to conduct a Special Event with or without charge for admission, on public or private property, without first applying for and being granted a Special Event Permit for the specific event and its Venue(s). All permits issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.
2. The following are exempt from Special Event permitting:
 1. Funeral processions by a licensed mortuary;
 2. Activities lawfully conducted by a governmental agency within the scope of authority;
 3. Activities within resort areas (Master Planned Development (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) that are determined to have Level 1, Level 2 or Level 3 impacts. Such activities in resort areas are required to obtain proper licensing and permitting from city, county or state jurisdictions.
 4. Filming activities if a permit for such activities has been issued by the City;
 5. First Amendment activities: If it is not reasonably possible to obtain a permit in advance of a First Amendment Event, no permit shall be required providing that the prohibitions of Subsections B, C, D and E of Section 4A-2-4 are not violated.

HISTORY

Adopted _____ by _____ Ord. [2017-51](#) on 10/5/2017
Amended by Ord. [2018-52](#) on 9/27/2018

Exhibit B: Draft Special Event Code Redlines

4A-2-2 Renewal Of Permit(s)

Permittees ~~under the provisions of this Title~~ who successfully operate a Special Event under the provisions of this Title and who wish to have the event on an annual or periodic basis must renew each Special Event Permit annually as outlined in Section 4A-2-3 herein. Events are evaluated based on Section 4A-2-3 herein annually and event levels will be determined through the renewal process, regardless of recurrence or previous ~~determinations by determined event levels~~. Activities that occur in series, falling under the criteria established in this Title, must have a Special Event Permit, which specifically authorizes each activity in the series, even if the same activity is held on separate occasions.

HISTORY

Adopted by Ord. 2017-51 on 10/5/2017

4A-2-3 Special Event Permit Application Procedure

1. **PRE-APPLICATION REVIEW**. All event ~~A~~ applicants must submit a Special Event Pre-Application Form and receive preliminary authorization to move forward with the date and venue requested before submitting a Special Event Application. All applicants requesting to hold new or significantly changed events are strongly encouraged to arrange a pre-application review with the Special Events Department no later than 15 business days before applications are due. Late or incomplete Special Event Applications will not be ~~considered, and~~ considered and shall not be eligible for Special Event Fee Reduction.
2. **APPLICATION SUBMITTAL**. All requests for Special Event Permit(s) shall be made on a Special Event Application prescribed by the City and submitted to the Special Events Department. Special Event Applications are available at City Special Events Department and online at the City's website, and must be submitted complete to the Special Events Department with accompanying Hold Harmless Agreement and additional requirements as outlined below ~~and submitted to the Special Events Department~~ on the following timeline unless otherwise approved by the Economic Development Manager or his/her designee for Special Events, upon a showing of good cause for onetime events that demonstrate unique opportunities that benefit Park City's community, ~~culture and economic values~~. The Special Events Department shall review the application for compliance with Section 4A-2-4 herein. The Special Events Department shall subsequently return a copy of the Application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly.
3. **APPLICATION SUBMISSION DEADLINES**. Special Event Applications may be submitted no earlier than 18 months in advance of the proposed start date of the event. All applications must be submitted no later than the deadlines as described below.
 1. Level 3, 4 and 5 events shall adhere by the following application deadlines:
 1. First Friday in December - Complete Applications received by the first Friday in December will be reviewed and approved, approved with conditions or denied no later than the last City Council meeting in February.
 2. First Friday in April - Complete Applications received by the first Friday in April will be reviewed and approved, approved with conditions or denied no later than the last City Council meeting in June.
 3. First Friday in August - Complete Applications received by the first Friday in August will be reviewed and approved, approved with conditions or denied no later than the last City Council meeting in October.
 4. Events that are determined to be a Level 4 or Level 5 within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone shall submit by the deadlines as described above however, final, non-material supplemental details shall be submitted not less

Exhibit B: Draft Special Event Code Redlines

than 45 days before the event. Material changes after deadlines may require approval by City Council. Examples of non-material information include talent information, vendors or sponsors, specifics of venue site plans etc. Material changes would include items that would increase scope of public safety, transportation needs or include dates that conflict with other events on the calendar. Events within these zones as described above shall work with the City to decrease impacts that may be caused in conjunction with other events, activities or community gatherings.

2. Level 1 and Level 2 events are exempt from these deadlines, but must submit a completed Application not less than 30 days prior to the scheduled start of their event, unless otherwise approved by the Economic Development Manager of their designee. A pre-submittal Application is required for Level 1 and Level 2 events.
3. Events that are determined to be a First Amendment Event, however, shall work to submit applications no less than 30 days prior to the start of their event, unless otherwise approved by the Economic Development Manager or their designee.
4. **PEAK TIME PERIODS.** Applications for any new ~~Level Three, Four or Five Es~~Special Event will not be considered during the following peak time periods.
 1. Martin Luther King Holiday (Friday to Monday - dates vary annually)
 - ~~1-2.~~ Sundance Film Festival (as per dates in contract - dates vary annually);
 3. Presidents Day Weekend (dates vary annually);
 - ~~2-4.~~ Memorial Day Weekend (Friday to Monday – dates vary annually)
 - ~~3-5.~~ Savor the Summit Weekend - Friday through Sunday (dates vary annually);
 - ~~4-6.~~ July 2, 3, 4 and 5;
 - ~~5-7.~~ First Full Weekend of August (aka Arts Fest Weekend) - Friday through Sunday (dates vary annually);
 - ~~6-8.~~ Tour of Utah Weekend - Friday through Sunday (dates vary annually);
 - ~~7-9.~~ Labor Day Weekend (aka Miners Day Holiday Weekend) - Friday through Sunday/Monday;
 - ~~8-10.~~ 3rd Weekend in September (aka Autumn Aloft Weekend) - Friday through Sunday;
 - ~~9-11.~~ October 31 (Halloween on Main);
 12. Thanksgiving Holiday (Wednesday to Sunday – dates vary annually)
 - ~~10-13.~~ Winter Holiday (December 23-26);
 - ~~11-14.~~ Winter Holiday 2 (December 30, 31 and January 1). EXCEPTIONS:
 1. Level One, Two and Three events located within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone are allowed during peak time period limitations in Section 4A-2-3(D), however, are not required to obtain a Special Event Permit as per Section 4A-2-1.3.
 2. First Amendment events are exempt from peak time period limitations but are required to obtain a Special Event Permit.
 3. Applications for existing events that were permitted on the 2018 event calendar may be considered during peak timeframes and shall be evaluated annually based on the standards of approval herein.
 15. Peak Occupancy Periods – Any other period not previously identified in this section where the average occupancy in the previous 3 years exceeds 80%. A calendar will be published annually on [date] identifying black out dates.
 - ~~12-16.~~ Peak Traffic Periods – Any other period not previously
5. **QUIET TIME PERIODS.** Applications for any new Special Event will not be considered during the following Quiet Time Periods.
 1. Second Weekend in June

2. Third Weekend in June
3. Second Weekend in July
4. Third Weekend in July
5. Third Weekend in August
6. Fourth Weekend in August
7. Second Weekend in September
8. Last Weekend in September
9. First Weekend in October
10. Second Weekend in October
11. Third Weekend in October

5.6. PUBLISH CARRYING CAPACITY, PEAK & QUIET TIME PERIOD CALENDAR. By the last Friday of each November, the Special Events Department will publish a Peak & Quiet Time Period event calendar in which any new event applications will not be considered for any date identified in Section 4A-2-3(D) as a peak time period. Applicants that appeal to be held during Peak and Quiet Time periods shall do so based on hardship or good cause/extraordinary circumstance to enable the Application to proceed. If this is the case, the event, no matter what Level, shall be approved/denied by City Council in an open public meeting after a public hearing.

6.7. EVENT LEVEL LIMITS. The City restricts the number of event permits annually. An event permit may have more than one event day. Level of event types will be capped as established below. Once caps are reached, an event applicant may amend their Application to reduce the event scope to be re-categorized into another event level type that is unrestricted as long as it does not fall within the dates as mentioned in Section 4A-2-3(D).

1. Level 1 events are unrestricted.
2. Level 2 events are unrestricted.
3. Level 3 events are capped at 17 annually.
4. Level 4 events are capped at 10 annually.
5. Level 5 events are capped at 10 annually. EXCEPTIONS:

1. First Amendment Events are exempt from caps.
2. Events located within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone are exempt from permitting needs as per Section 4A-2-1.3, and caps if determined to be a Level 1, Level 2 or Level 3. Events in this zone that are Level 4 or Level 5 are not exempt from caps.

7.8. ADDITIONAL REQUIREMENTS. In addition to an application for a Special Event Permit, the Economic Development Manager or his/her designee shall require the Applicant to provide as necessary:

1. Insurance coverage, waiver and release of damages and indemnification as described in Section 4A-2-10. The applicant shall submit a hold harmless letter and a current certificate of insurance effective through the date, or if the expiration date is prior to the event, the applicant shall update the certificate and resubmit 14 days before any event set-up or activity occurs;
2. Supplemental information, including a transportation, parking and traffic control plan, weather/emergency plan, waste and recycling plan, staff and volunteer plan, community impact outreach and notification plan, vendor or concession plan, sponsor and marketing plan, noise exemption request, and site map(s) described in Section 4A-2-11;
3. Proof that the Applicant has obtained any applicable city, county, state, or other governmental agency approvals, permits, or licenses as described in Section 4A-2-6.
4. Letters of permission from property owners, and/or letters of recommendation or support from businesses, local organizations or residents.

8.9. CITY COUNCIL REVIEW. The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

Exhibit B: Draft Special Event Code Redlines

1. Applications for new Level Four or Five Events;
2. Applications for Level Four and Five Event permit renewals where material elements of the event have substantially changed from the previous application; and
3. Appeals of administrative decisions made pursuant to Subsection (D) Administrative Review, herein.
4. As used herein, a ‘new Level Four or Five Event’ shall mean any Level Four or Five Event being proposed for the first time, an event renewal of a Level One, Level Two, Level Three or First Amendment Event that now qualifies as a Level Four or Five Event, or a Level Four or Five Event which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for permit approval described at Section 4A-2-4 herein as follows:
 1. Staff Review and Recommendation. Upon receipt of a complete Level Four or Five Event Application, following the administrative review of a Level Four or Five Event Application and notice to the Applicant, the Special Events Coordinator shall schedule the application for a public hearing before the City Council.
 2. City Council Hearing. Level Four or Five Event Applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance with the standards set forth at Section 4A-2-4 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council’s decision shall be delivered to the Applicant within ten (10) days of the date of decision.

9.10. ADMINISTRATIVE REVIEW. The Economic Development Manager or his/her designee shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

1. Level One, Level Two and Level Three Event Applications;
2. First Amendment Event Applications that are found to have Level One, Level Two or Level Three impacts;
3. Applications for Level Four or Five Event renewals where material elements of the event have not substantially changed from the previous Application. Upon receipt of a complete Level Four or Five Event Application that has not significantly changed, the Special Events Coordinator shall review the Application for compliance with Section 4A-2-4 herein.

10.11. DECISION. Upon receipt of a complete Special Event ~~Permit~~ Application, the Special Events Coordinator shall review the Application for compliance with Section 4A-2-4 herein. Following review of the application, the Special Events Coordinator shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, to the Economic Development Manager or his/her designee for final administrative review. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will deliver written notice of such decision to the Applicant.

11.12. APPEALS. Any Applicant whose Application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Coordinator within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-4 Standards For Permit Approval

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Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure transportation access in accordance with the Park City Transportation Demand Management Plan, public safety in accordance with the requirements of the Park City Police Department and consistency with the Park City General Plan.

- A. The Special Event does not provide positive ~~economic, cultural, or~~ community value, or is not in accordance with the goals outlined in the Park City General Plan and City Council's Biennial Strategic Plan. The ~~economic, cultural, and~~ community value shall be determined by the City pursuant to the following criteria in order of priority:
1. Reasons for hosting the event in Park City and venue/use area is consistent with Park City's goals to create a complete community through its core values and/or partnerships with businesses or organizations that support Park City's community goals, local athletic, cultural or historic celebrations, or honoring local achievements, groups and/or individuals. Events that use public property only as a backdrop or venue, or that partner with a local organization with no authentic tie to the local community or city goals will not meet this standard.
 - ~~2. Provides direct economic benefit to the City through sales tax, overnight visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.~~
 - ~~3.2. Provides~~ Provides event diversity by expressly targeting local gathering and/or underserved participants and uniqueness to the existing event calendar in a manner not reflected by other approved events;
 - ~~4.3. Does not unreasonably restrict existing public access or adversely impact shared space or the public due to the number of events, the nature of the event, proposed location and/or location conditions;~~
 4. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations.
~~Provides direct economic benefit to the City through sales tax, overnight visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.~~
 5. Provides
- B. The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue. This is effectively the City's Carrying Capacity Timeframes and is defined as:
1. Lodging Occupancy exceeds 75% on average over the last three years (define metric further); or
 2. Average Daily Trips exceeds x#on SR 224 or x# SR 248 on average over the last three years.
 - ~~6.3. The City's Carrying Capacity timeframes will be published in the annual calendar as referenced in Section 4A-2-3(6).~~
- ~~B.C.~~ The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
- ~~C.D.~~ The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.
- ~~D.E.~~ The Special Event will substantially interfere with any other Special Event for which a permit has already been granted or with the provision of City services in support of other such events or governmental functions.

Exhibit B: Draft Special Event Code Redlines

~~E.F.~~ _____ Where applicable, the Applicant fails to provide the following:

1. The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
2. Monitors for crowd control and safety;
3. Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the Special Event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
4. Adequate transportation, off-site parking and traffic circulation in the vicinity of the event;
5. Required insurance, cash deposit, or other security; or
6. Any other services or facilities necessary to ensure compliance with City ordinance(s).

~~F.G.~~ _____ The event creates the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

~~G.H.~~ _____ The event proposes to partner with a Disruptive Technology and has not mitigated potential impacts to businesses or the community due to nature of the technology.

~~H.I.~~ _____ The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Title or has failed to conduct a previously authorized event in accordance with the law or the terms of a permit, or both.

~~I.J.~~ _____ The Applicant has not paid City Services, or State Sales Taxes if applicable from previous years.

~~J.K.~~ _____ The Applicant has not obtained the approval of any other public agencies within whose jurisdiction the event or a portion thereof will occur, or the applicant has not obtained the approval of the private property of which the event or a portion thereof will occur.

~~K.L.~~ _____ **EXCEPTIONS.** Applications for First Amendment Event permits will be reviewed for compliance with the standards outlined in Subsections B, C, D, E, G, and I above. In reviewing any Application for a permit for a First Amendment Event, the Economic Development Manager or his/her designee may place reasonable time, place, and manner of restrictions on the First Amendment Event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment Event, or on factors such as the identity or appearance of persons expected to participate in the assembly.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-5 Conflicting Permit Applications

1. No more than one (1) Special Event shall be approved for the same date(s) unless the Economic Development Manager or his/her designee finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Economic Development Manager or his/her designee will apply the following criteria:
 1. Geographic separation of the events;
 2. Proposed time and duration of the events;
 3. Anticipated attendance volumes;
 4. Necessity for public personnel, equipment, and/or transportation services at the events; and
 5. Anticipated traffic and parking impacts.
2. In cases where an event double booking conflict arises, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant

Exhibit B: Draft Special Event Code Redlines

to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.

3. If no voluntary agreement is reached, then the Economic Development Manager or his/her designee shall resolve the issue based on the following order of priorities:
 1. The Special Event that provides the greatest overall value to the City based on economic, cultural, and community impacts, which for recurring events may be based on annual event debrief.
 2. Special Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:
 1. The application is timely filed and processed by the City;
 2. Said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants.
4. If no voluntary agreement is reached, then the first-in-time application (including consecutive, prior year approval) shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-6 Licenses Necessary For A Special Event Permit

The Applicant/Permittee shall procure any applicable city, county, state, or other governmental agency approvals, permits, or licenses.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-7 Fees To Be Assessed; Exceptions

- A. **APPLICATION FEE.** Special Event Application Fees shall be assessed according to the Fee resolution. All Application Fees are due and payable upon receipt of invoice from the Park City Special Events Department. Applications for annual events will not be accepted unless the applicant has paid fees in full from the previous year. An Applicant for a recurring event that qualifies as a new event level is responsible for Fee amounts of the given level.
- B. **CITY SERVICE FEES.** Upon receipt of a completed Special Event Application, the Special Events Coordinator will provide the Applicant with an estimate of City Service Fees based on the fee schedule and will provide estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, City Public Safety services, City venues or facilities, Building inspections, and user Fees. A final assessment of City costs will occur upon completion of the Special Event. All City service Fees will be adjudged to reflect actual cost. Unless reduced pursuant to Section 4A-2-9, all City service Fees must be paid in full within thirty (30) days of the final assessment and receipt of invoice of City costs for the Special Event.
- C. **FINANCIAL SECURITY.** The Economic Development Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against Fees, damages, clean up, or loss of public property.
- D. **EXCEPTIONS.** Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a

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financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

HISTORY

Adopted _____ by _____ Ord. [2017-51](#) on 10/5/2017
Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-8 Events In Parking Structures

Applications for Special Events taking place within a parking structure shall be reviewed for compliance with all Codes relating to Special Events along with the standards provided below:

1. Location – Special Events or hospitality functions taking place within a parking structure shall only take place in Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District zones.
2. Duration – Permitted Special Events or hospitality events taking place within a parking structure may not exceed ten (10) calendar days in duration.
3. Frequency – Individual parking structures will be eligible to be converted into an event or hospitality use no more than two times during one calendar year.
4. Application Requirements – In addition to the Special Event application requirements, Applicants wishing to utilize a parking structure for a temporary assembly use as part of a Special Event or hospitality function must also provide the following:
 1. An original set of design plans stamped by a Utah licensed mechanical engineer that meet the intent of required ventilation standards as per the International Mechanical Code Section 403.3.1.1 for both occupancies. This plan must be approved by the Building Official.
 2. Design plans that demonstrate plumbing systems and fixtures provided within the event space meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Building Official.
 3. All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Code.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-2-9 Fee Reductions

1. Annually, the City will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce City Service Fees required for Special Events. Allocation of reduced Fees will be determined at the sole discretion of the Economic Development Manager and Budget Manager(s), City Manager, and City Council. Unmet thresholds at the end of a year will not be carried forward to future years.
2. The City Manager may reduce the following Special Event City Service Fees up to a total of twenty five thousand dollars (\$25,000) per event after reviewing a recommendation from the Economic Development Manager and Budget Manager upon a finding of eligibility pursuant to the criteria provided herein:
 1. Application;
 2. Building permit;
 3. Facility and/or equipment rentals;
 4. Field and/or park rentals;
 5. Special use of public parking permit;
 6. Bleachers;
 7. Trail; and

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8. Public

Safety

Personnel.

If the total Fee reduction request exceeds twenty five thousand dollars (\$25,000) per event or includes other City Service Fees outside the Fees mentioned above, then the request must be approved by City Council in a Public Meeting.

3. All Fee reduction requests will be reviewed twice a year. All Special Event Fee reduction requests must be submitted to the Special Events Coordinator prior to the application deadlines:
 1. October 1st – Events occurring between January 1st and June 30th.
 2. April 1st – Events occurring between July 1st and December 31st.

Applications received outside of the normal application process may be considered for reductions but must demonstrate an immediate need for reduction and provide justification to why the application was not filed within the specified deadline.

4. Fee reduction applications will be evaluated by a City Staff review committee comprised of City Departments which the Fees directly impact and a recommendation will be submitted to the Special Events Department. Special Events staff will make a recommendation to the Economic Development Manager, Budget Manager(s), and City Manager and/or City Council. Final determinations will be made by these parties as outlined above in Section 4A-2-9(B). All decisions may be appealed with the final decision given by the City Council. Eligibility for a full or partial Fee reduction shall be determined by the City pursuant to the following criteria, none of which shall be individually controlling:
 1. Reason for choosing Park City and specific venue for the event.
 2. Charges event admission or Fees for participation and policy for attendees or participants unable to pay such Fees;
 3. Event organizers provide free programs to the community, or raises funds for organizations that provide free or low cost programs, benefiting local youth, seniors, or under-served constituents, and/or is aligned with City Council's critical goals;
 4. Provides economic opportunities to the community including positive tax benefits, raises funds or provides revenue opportunities to the City to offset City services and costs required by the event;
 5. Provides community and/or economic event opportunities during resort off seasons;
 6. Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation, and residential impacts associated with the event consistent with adopted City Council priority/policy goals and the General Plan; and
 7. Demonstrates that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

Fee reduction requests must be filed bi-annually, unless otherwise approved in a City services agreement by the City Council. Applications for fee reduction shall only be considered for the first five (5) years of event approval, unless otherwise approved under a City Service Agreement or by City Council. If an applicant appeals to have their application considered after five (5) consecutive years, the Economic Development Manager or their designee may require, by showing of good cause or extraordinary circumstances, review of a business plan, economic impact study and/or community vitality study for review and consideration of allowing an extraordinary circumstance for application to be considered. Approval of any fee reduction for any application shall not create a precedent for future requests.

HISTORY

Adopted _____ by _____ Ord. [2017-51](#) on 10/5/2017
Amended by Ord. [2018-52](#) on 9/27/2018

4A-2-10 Insurance Requirements

Upon receipt and review of a Special Event Permit application, the Special Event Coordinator will submit the application with a recommendation for final authority by the City Attorney's Office for amount of liability insurance pursuant to the hazard matrix or more to be determined within ten business days (10) following submittal. The Special Event Coordinator will deliver written notice of such determination to the Applicant. Applicants shall provide proof of liability insurance in the determined amount no later than fourteen days (14) prior to the first set-up day of a Special Event. The City Attorney's Office shall require the Applicant to further name Park City Municipal Corporation as an additional insured. All Applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees. Any reduction of these requirements must be approved by the City Attorney's Office prior to permit approval.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-2-11 Permit Application Supplemental Documents

1. Transportation and traffic control requirements and considerations:
 1. All traffic and transportation control is the responsibility of the Applicant. A traffic and transportation control plan shall be provided to, and approved by, the Economic Development Manager or his/her designee upon recommendation by the Transportation Department by the event date. Plans are determined through collaboration with the Special Events Coordinator, and shall include determinations on transit impacts and traffic control, including pedestrian, bicycle, motorized and other methods of transport required for the event;
 2. Road closures will require appropriate traffic control. Appropriate traffic control may include by uniformed state, county, or local police officers, or a private company, identified event staff, or physical devices, as determined by the Economic Development Manager or his/her designee;
 3. The Economic Development Manager or his/her designee may require an alternate route, or alternative time, if the proposed Event occurs when traffic volumes are high, active road construction is present, an alternative event is already occupying the road, a safer route to accommodate the event, or the event poses a significant inconvenience to the traveling public;
 4. The Applicant shall restore the road or trail segment, or impacted area to its original condition, free from litter and other material charges;
 5. The Economic Development Manager or his/her designee may monitor and ensure compliance with the terms and conditions of any Special Event Permit.
2. Contingency Plan Requirements:
 1. Considering the nature of the planned Special Event, the Applicant shall develop:
 1. Contingency or emergency plans, including Emergency Medical Service, fire, and police;
 2. Operations plan and timeline;
 3. Weather date and/or weather conditions plan;
 4. Residential notification and mitigation plan;
 5. Planned rest areas, water and toilet facilities, and trash and recycling cleanup;
 6. Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights, and signs;
 7. The Economic Development Manager or his/her designee may require that the Applicant provide notice to participants, bystanders, or the public of all plans

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enumerated in Subsection (B)(1). The amount of and method of notice shall be dependent on the circumstances of the Special Event Permit.

3. Special Event Site Identification and Private Property Use Requirements.
4. The Applicant shall provide a detailed map showing the proposed course and direction of the event. Locations of parking areas, signs and banners, water stations, power sources, toilet facilities and other appropriate information shall also be included on this map. The Applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-2-12 Film-Making

Film-making shall be considered Special Events unless such event does not create substantial public impact or require substantial City service. Any filming undertaken by any business or corporation must first be licensed as a business under Title 4 of this Code. Corporations falling under the provisions of this Title or who are specifically in film-making or promotions on public or private property must, as a provision of their permit, provide the following: proof of insurance, shooting schedule or schedule of events, written permission of property owners, and access to any set or site for purposes of Code enforcement.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-2-13 Criminal Penalty

Any person who willfully violates any provision of this Title shall be guilty of a Class B misdemeanor. Persons conducting Special Events without having first obtained a Special Event Permit are subject to arrest and the Special Event is subject to closure.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-2-14 Revocation For Cause; Notice To Cure

- A. **NOTICE TO CURE.** If the Special Events Coordinator or any sworn law enforcement officer determines that the conditions of any permit issued pursuant to this Title have been or are being violated, then notice shall be given to the Permittee, Sponsor, or designated organizer's representative of the Special Event to cure the violation.
- B. **FAILURE TO CURE.** It is unlawful for the Permittee, Sponsor, or on-site organizer's representative of an authorized Special Event to fail to take reasonable steps to promptly cure any notice of violation of this Title. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Permittee, Sponsor, or on-site organizer's representative to cure their violation of this Title.
- C. **CLEAR AND PRESENT DANGER.** If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Title creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event, the Permittee, Sponsor, or on-site organizer's representative of the Special Event shall be promptly notified that the permit is revoked and that the Special Event must immediately cease and desist.

Exhibit B: Draft Special Event Code Redlines

- D. **VIOLATION OF CEASE AND DESIST ORDER.** If a Special Event Permit is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

4A-3 Public Outdoor Music Plazas-REPEALED BY ORD 2019-35

HISTORY

Adopted by Ord. [2017-51](#) on 10/5/2017

Repealed by Ord. [2019-35](#) on 6/27/2019

DRAFT

Exhibit C: Tentative 2022 Special Event Calendar

January 2022							January 2022 Su Mo Tu We Th Fr Sa 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
--------------	--	--	--	--	--	--	---

February 2022

Su

Mo

Tu

We

Th

Fr

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28

Jenny Diersen

1

4/4/2022 3:06 PM

Calendar Key:

Blue - Permitted Event

Teal - Resort Event (unpermitted)

Yellow - Jurisdictional Note/coordination

Black - Peak Time Period

Orange - Contracted Event

Red - Canceled Event

Green - Quiet Times (Administrative)

February 2022

February 2022							March 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	6	7	1	2	3	4	5
13	14	15	16	17	18	19	13	14	15	16	17	18	19
20	21	22	23	24	25	26	20	21	22	23	24	25	26
27	28						27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 30	31	Feb 1	2	3	4	5
		Team USA House (Kimball Terrace)				Miner's Park Olympic Video Board Display
		2022 Winter Olympics Begin				Toyota Winter Sports Festival (City Park)
						11:00am High West/Pacifico Olympic event (High West)
6	7	8	9	10	11	12
Team USA House (Kimball Terrace)						
Miner's Park Olympic Video Board Display (Miner's Park)						
Toyota Winter Sports Festival (City Park)					Toyota Winter Sports Festival (City Park)	
						20th Anniversary Celebration of the 2002 Olympics (Bob Wells Plaza, Historic Wall Lot)
13	14	15	16	17	18	19
Team USA House (Kimball Terrace)						
Miner's Park Olympic Video Board Display (Miner's Park)						
Toyota Winter Sports Festival (City Park)					Peak Time Period	
						Toyota Winter Sports Festival (City Park)
						8:00am February Recess - No School
20	21	22	23	24	25	26
Team USA House (Kimball Terrace)			8:00am February Recess - No School	8:00am February Recess - No School	8:00am February Recess - No School	8:00am February Recess - No School
Miner's Park Olympic Video Board Display (Miner's Park)		8:00am February Recess - No School				
Peak Time Period						
Toyota Winter Sports Festival (City Park)	8:00am February Recess - No School					
8:00am February Recess - No School						
27	28	Mar 1	2	3	4	5
8:00am February Recess - No School						

March 2022

March 2022							April 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 27	28	Mar 1	2	3	4	5
				Red White and Snow		
6	7	8	9	10	11	12
NCAA Ski Championships (PCM)						
					Whispering Angel Event (DV Silver Lake Beach)	
					8:00am Teacher PD - No School	Toyota Winter Sports Festival (City Park)
13	14	15	16	17	18	19
Whispering Angel Event (DV Silver Lake) Toyota Winter Sports Festival (City Park)					High West Event (DV Silver Lake)	
20	21	22	23	24	25	26
High West Event (DV Silver Lake)			US Free Style Championships at DV			
27	28	29	30	31	Apr 1	2
US Free Style Championships at DV						

April 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2	1	2	3	4	5	6	7
10	11	12	13	14	8	9	8	9	10	11	12	13	14
17	18	19	20	21	15	16	15	16	17	18	19	20	21
24	25	26	27	28	22	23	22	23	24	25	26	27	28
					29	30	29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 27	28	29	30	31	Apr 1 Olympic Homecoming Parade	2 8:00am Pond Skim at PCMR
3	4	5	6	7	8	9 8:00am Spring Break PCSD - No School
10 8:00am Spring Break PCSD - No School	11 8:00am Spring Break PCSD - No School	12 8:00am Spring Break PCSD - No School	13 8:00am Spring Break PCSD - No School	14 8:00am Spring Break PCSD - No School	15 8:00am Spring Break PCSD - No School	16 8:00am Spring Break PCSD - No School
17 Closing Day at DV and PCMR Easter 8:00am Spring Break PCSD - No School	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2022

May 2022							June 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 1	2	3	4	5	6	7 Moose on the Loose Kids Trail Run Quinns
8	9	10	11	12	13	14
15	16	17 Midweek Mtn Bike Series	18	19	20	21 Running with Ed
22	23	24	25	26	27	28
29	30 8:00am Memorial Day - No School	31	Jun 1	2	3	4

June 2022

June 2022							July 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4	3	4	5	6	7	1	2
12	13	14	8	9	10	11	10	11	12	13	14	8	9
19	20	21	15	16	17	18	17	18	19	20	21	15	16
26	27	28	22	23	24	25	24	25	26	27	28	22	23
			29	30			31					29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 29	30	31	Jun 1	2	3 Ski Town Lax Last Day of School & Graduation	4 NAC Barn Party - non-permitted? Park City Trail Series
5 Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	6 Noches de Verano (South City Park) 7:00pm Noches de Verano	7 Bonanza Art Park? Midweek Mtn Bike Series?	8	9	10 Administrative Quiet Time Period	11
12 Administrative Quiet Time Period Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	13 Noches de Verano (South City Park) 7:00pm Noches de Verano	14 Bonanza Art Park?	15	16 PC Baseball (Available baseball fields in PC (see list)) Uncorked - Recycle Utah	17 Round Valley Rambler - in Summit, not permitted event for PC Your Barn Door Is Open (White Barn)	18
19 Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	20 Noches de Verano (South City Park) 7:00pm Noches de Verano	21 Bonanza Art Park?	22 Wednesday Night Concerts	23	24 Peak Time Period	25 Savor the Summit (Main St)
26 Latino Arts Fest - no permit required Peak Time Period Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	27 Noches de Verano (South City Park) 7:00pm Noches de Verano	28 Bonanza Art Park?	29 Wednesday Night Concerts (Deer Valley)	30	Jul 1	2

July 2022

July 2022							August 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2	7	1	2	3	4	5	6
10	11	12	13	14	8	9	14	8	9	10	11	12	13
17	18	19	20	21	15	16	21	15	16	17	18	19	20
24	25	26	27	28	22	23	28	22	23	24	25	26	27
31					29	30		29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 26	27	28	29	30	Jul 1	2
					Deer Valley Music Festival	Peak Time Period Miner's Park Concert
3	4	5	6	7	8	9
Peak Time Period Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	Fourth of July Celebration	Bonanza Art Park?	Wednesday Night Concerts		Administrative Quiet Time Period Deer Valley Music Festival	Deer Valley Music Festival Miner's Park Concert Park City Trail Series
10	11	12	13	14	15	16
Administrative Quiet Time Period Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	Beethoven Festival	Bonanza Art Park?			Deer Valley Music Festival	Deer Valley Music Festival Jupiter Peak Steeplechase Miner's Park Concert
17	18	19	20	21	22	23
Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)	Beethoven Festival	Bonanza Art Park?	Wednesday Night Concerts		Deer Valley Music Festival	Deer Valley Music Festival Miner's Park Concert
24	25	26	27	28	29	30
Car Free Sunday? (Main St) Pioneer Day PSSM (Lower Main St, 5th St)	Beethoven Festival	Bonanza Art Park?		Park City Extreme Cup (City fields, county fields) Deer Valley Music Festival	Deer Valley Music Festival Lobstah Fest Prospector HOA	
31	Aug 1	2	3	4	5	6
Car Free Sunday? (Main St) PSSM (Lower Main St, 5th St)						

August 2022

August 2022							September 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	4	5	6	7	1	2	3
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29	30	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 31	Aug 1	2	3	4	5	6
	Beethoven Festival	Big Gear Show (DV Lot5,6) Bonanza Art Park?		Beethoven Fest at the Farm	Arts Festival Peak Time Period Deer Valley Music Festival	Deer Valley Music Festival Park City Trail Series
7	8	9	10	11	12	13
Arts Festival Peak Time Period	Beethoven Festival	Bonanza Art Park?	Drive in at Prospector	Cancelled - Tour of Utah Beethoven Fest at the Farm	Park City Pickleball Tournament? Peak Time Period	PCMC Summer in the City Volley Tourny
14	15	16	17	18	19	20
Cancelled - Tour of Utah Peak Time Period Car Free Sunday? St Mary's Procession	Beethoven Festival	Bonanza Art Park?	PCSD Back to School Wednesday Night Concerts	Beethoven Fest at the Farm	Administrative Quiet Time Back Alley Bash?	Mid Mountain Marathon Miner's Park Concert
21	22	23	24	25	26	27
Administrative Quiet Time Car Free Sunday?		Bonanza Art Park?		Beethoven Fest at the Farm		Miner's Park Concert NAC Summit Challenge
28	29	30	31	Sep 1	2	3
Car Free Sunday? (Main St) PSSM		Bonanza Art Park?				

September 2022

September 2022							October 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	1	2	3	2	3	4	5	6	7	1
11	12	13	14	8	9	10	9	10	11	12	13	14	8
18	19	20	21	15	16	17	16	17	18	19	20	21	15
25	26	27	28	22	23	24	23	24	25	26	27	28	22
				29	30		30	31					29

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 28	29	30	31	Sep 1	2	3
					Peak Time Period	Point to Point
4	5	6	7	8	9	10
Peak Time Period Car Free Sunday? (Main St) PSSM	Miner's Day PCMC Skate Park Event	Bonanza Art Park?			Administrative Quiet Time Period Park City Song Summit Park City High School Cross Country Race Quinns	Dirt Jump Jam Park City Trail Series
11	12	13	14	15	16	17
Administrative Quiet Time Period Park City Song Summit Car Free Sunday? (Main St) PSSM Tour des Suds		Bonanza Art Park?			Autumn Aloft Peak Time Period	
18	19	20	21	22	23	24
Autumn Aloft Car Free Sunday? (Main St) PSSM		Bonanza Art Park?				NAC Summit Challenge
25	26	27	28	29	30	Oct 1
Car Free Sunday? (Main St) PSSM		Bonanza Art Park?		PC Wine Fest	To Oct 1 →	

October 2022

October 2022							November 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	1	2	3	4	5
9	10	11	12	13	14	8	13	14	8	9	10	11	12
16	17	18	19	20	21	15	20	21	15	16	17	18	19
23	24	25	26	27	28	22	27	28	22	23	24	25	26
30	31					29			29	30			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 25	26	27	28	29	30	Oct 1 PC Wine Fest Scarecrow Festival
2	3	4 Bonanza Art Park?	5	6	7	8
9 Peace House Walk for Domestic Violence	10	11 Bonanza Art Park?	12	13 PCSD Fall Break	14	15 Shot Ski
16	17	18 Bonanza Art Park?	19	20	21	22
23	24	25 Bonanza Art Park?	26	27	28	29
30	31 Halloween Peak Time Period	Nov 1	2	3	4	5

November 2022

November 2022							December 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	4	5	6	7	1	2	3
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 30	31	Nov 1 Bonanza Art Park?	2	3	4 Live Give PC Event	5
6	7 Field of Honor (Miner's Hospital Grounds)	8	9	10	11	12
13 Field of Honor (Miner's Hospital Grounds)	14	15	16	17	18	19
20 Snow Globes	21	22	23 PCSD Thanksgiving Recess	24	25	26
27 Snow Globes	28	29	30	Dec 1	2	3

December 2022

December 2022							January 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	1	2	3	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 27	28	29	30	Dec 1	2	3
				Snow Globes		
						Electric Light Parade
4	5	6	7	8	9	10
Snow Globes						
11	12	13	14	15	16	17
Snow Globes						
						PCSD Holiday Recess
						Santa comes down Town Lift
18	19	20	21	22	23	24
Snow Globes						
PCSD Holiday Recess						
					Peak Time Period	
25	26	27	28	29	30	31
Snow Globes						To Jan 3, 23 →
PCSD Holiday Recess						To Jan 1, 23 →
Peak Time Period					Peak Time Period	
						To Jan 1, 23 →

January 2023

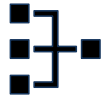
January 2023							February 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 1, 23	2	3	4	5	6	7
From Nov 16, 22 PCSD Holiday Recess Peak Time Period		Snow Globes				
8	9	10	11	12	13	14
					Peak Time Period	
15	16	17	18	19	20	21
Peak Time Period	MLK Jr Day			Peak Time Period	Peak Time Period	
				Sundance Film Festival 2023		
22	23	24	25	26	27	28
Peak Time Period			Peak Time Period			
Sundance Film Festival 2023			Sundance Film Festival 2023			
29	30	31	Feb 1	2	3	4
Peak Time Period						
Sundance Film Festival 2023						

Special Event Work Session

1. Key Questions
 2. Special Events Process
 3. Event History Milestones
 4. PC STAT
 5. The future of Special Events
-

What We Heard at Visioning



More info on SE evaluation process and prioritization.



Explain the Difference between
Peak Day Traffic & Special Events.



Define Success: Who do events serve?
Who are they for?



Bring tools to refine the code to focus on community identity,
Don't allow more events when we are full.

Key Questions: Special Events

Why should the City host special events?

Sense of Community
For locals

Enriches cultural opportunity
Drive economic vibrancy

1

What criteria should the City use when evaluating event permits?

Community First
Cultural Identity

Economic Benefit
Public Safety & Transportation
Impacts

2

Should the City prioritize certain types of events over others?

Recreation/ Athletic
Non-Profit

Community/Cultural
For Profit

3

How should the City mitigate the impact events may have on locals?

Continue High Level of Mitigation
Cull the Calendar/Less Events

Reduce size & scope

4

Who should pay for costs associated with events?

City (Sales Tax, Property Tax)
Event Applicants

What about NFPs?
Repurpose the resources

5

Special Event Process

- 
1. Special Event versus Peak Day
 2. Carrying Capacity/ Peaks
 3. Event Process
 - a) Determining Event Levels
 - b) Council and Administrative Authority
 - c) Standards of Approval & Required Findings

Special Events vs Peak Days

Special Events are unique activities *that impact the City by having use of or impact on City Property and require licensing or services beyond the scope of normal business and creates public impacts.*

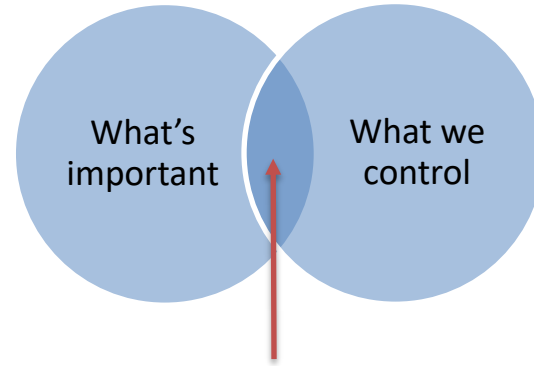
Special Event Permits can only be approved if findings are made that impacts are mitigated and when conditions of approval *ensure transportation access in accordance with the Park City Transportation Demand Management Plan, public safety in accordance with the requirements of the Park City Police Department, and consistency with the Park City General Plan.*

City Council's authority in issuing the permits allows unique operational plans that authorize the Chief of Police, City Engineer, Transportation Director, and Building Official to change, govern, or otherwise limit access to and use of public streets, circulation patterns, etc.

Special Event vs. Peak Day

Special Events v. Peak Days

Why do we have different mitigation tools for Special Events than we do for Peak Days? There are tools to manage & operate Peak Days that staff is exploring and will return to discuss at a future date.



The Special Events Sweet Spot

Peak Days and overtourism result in:

- Overwhelmed systems, facilities, infrastructure, and quality of life & experience.
- May become a public health, safety and welfare issue.

Special Events facilitate a balance of community and economic results.

- As the Event calendar was reduced, record visitation and impacts were felt.
- Town will exceed a comfortable carrying capacity, but a not public health, safety and welfare issue.

Carrying Capacity



Objective
(Quantitative
limits/cap) Examples –
Water system, road
capacity, parking,
transit, peds, ski lift
uphill capacity.



Subjective – Traffic,
liquor store shelves,
lift lines, dinner
reservations, trail
conditions, etc...

Special Events

What's Important

Quality of Life
Culture - Mountain
Town Fun & Funk
Public Safety
Stable & Diverse
Economy
Identity
Authenticity

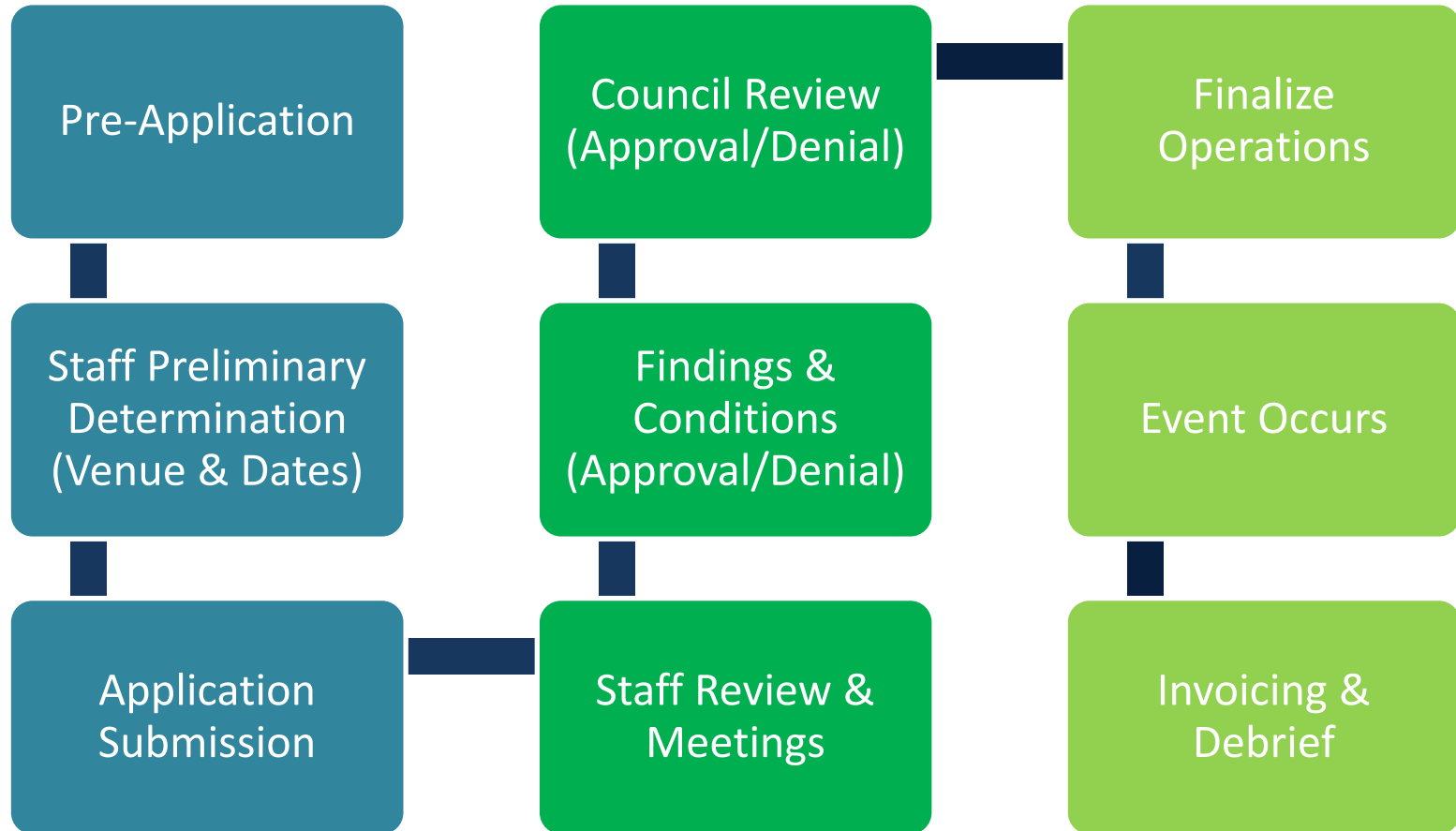
What We Can Control

Use of public property
Mitigation resources
Costs recovery/fees
Number of permits

Things We Can't Control

Weather
Human Behavior
Economic Changes
Visitation Levels
Application Submission

Event Flow Chart (Process)



Determining Event Levels

Event Levels are determined by City Staff based on degree of City Impacts including attendance as related to venue transportation and public safety impacts. Any event may be defined as a specific Level if they meet any one of the criteria.

Level One

≥ 250 people
Minor
Transportation
Impacts
No Public Safety
(30 Day Review)

Examples:
Field of Honor,
Grand Menorah
Lighting,
Santa at Town Lift

Level Two

≥ 500 people
Multiple Days
Minor
Transportation
mitigation plan

Examples:
Noches De Verano,
Park City Hospital
Groundbreaking
Housing Expo,
Snow Globes,
Back Alley Bash

Level Three

500 – 1,000 people
2 consecutive days
or 3 in series
Moderate
Transportation
Impacts
May require
limited Public
Safety
(tri-annual review
deadlines)

Examples:
Running with Ed,
Tour De Suds,
Extreme Soccer,
Electric Light
Parade

Level Four

500 – 5,000
Multiple days
Moderate
Transportation
Impacts
Requires Public
Safety Needs

Examples:
Park Silly Sunday
Market,
Savor the Summit,
Miners Day,
Halloween on Main

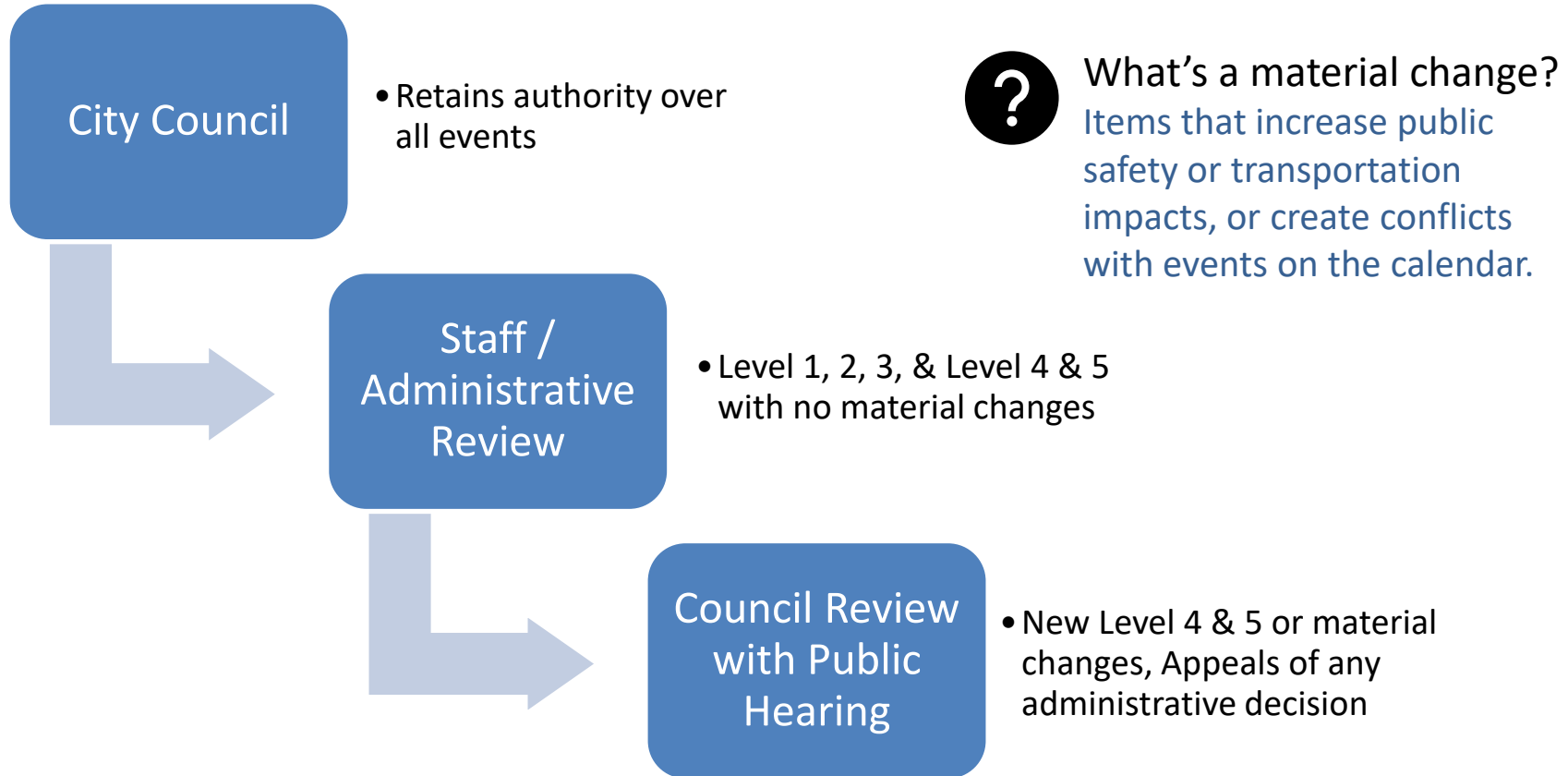
Level Five

Attendance ≤ 5,000
Moderate to
Severe
Transportation
Impacts –
Moderate to
Severe Public
Safety Needs

Examples:
Sundance,
Arts Festival,
Fourth of July

Council vs Administrative Authority

Council retains authority, delegated smaller events to staff.



Standards of Approval 4A-2-4

Balances Community & Economic Values Public Safety & Transportation Standards

A.The Special Event does not provide positive economic, cultural, or community value, or is not in accordance with the goals outlined in the Park City General Plan and City Council's Biennial Strategic Plan. The economic, cultural, and community value shall be determined by the City pursuant to the following criteria in order of priority:

- A. Complete community through its core values and/or partnerships with businesses or organizations that support Park City's community goals, local athletic, cultural or historic celebrations, or honoring local achievements, groups and/or individuals. Events that use public property only as a backdrop or venue with no authentic tie to the local community or city goals will not meet this standard.
- B. Provides direct economic benefit to the City through sales tax, overnight visitation, or indirect benefit through marketing or branding value,
- C. Provides event diversity by expressly targeting local gathering and/or under-served participants and uniqueness to the existing event calendar in a manner not reflected by other approved events;
- D. Does not unreasonably restrict existing public access or adversely impact shared space or the public due to the number of events, the nature of the event, proposed location and/or location conditions;
- E. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations.

B.The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

C.The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

D.The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.

E.The Special Event will substantially interfere with any other Special Event for which a permit has already been granted or with the provision of City services in support of other such events or governmental functions.

F.Where applicable, the Applicant fails to provide the following:

- A. The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
- B. Monitors for crowd control and safety;
- C. Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the Special Event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
- D. Adequate transportation, off-site parking and traffic circulation in the vicinity of the event;
- E. Required insurance, cash deposit, or other security; or
- F. Any other services or facilities necessary to ensure compliance with City ordinance(s).

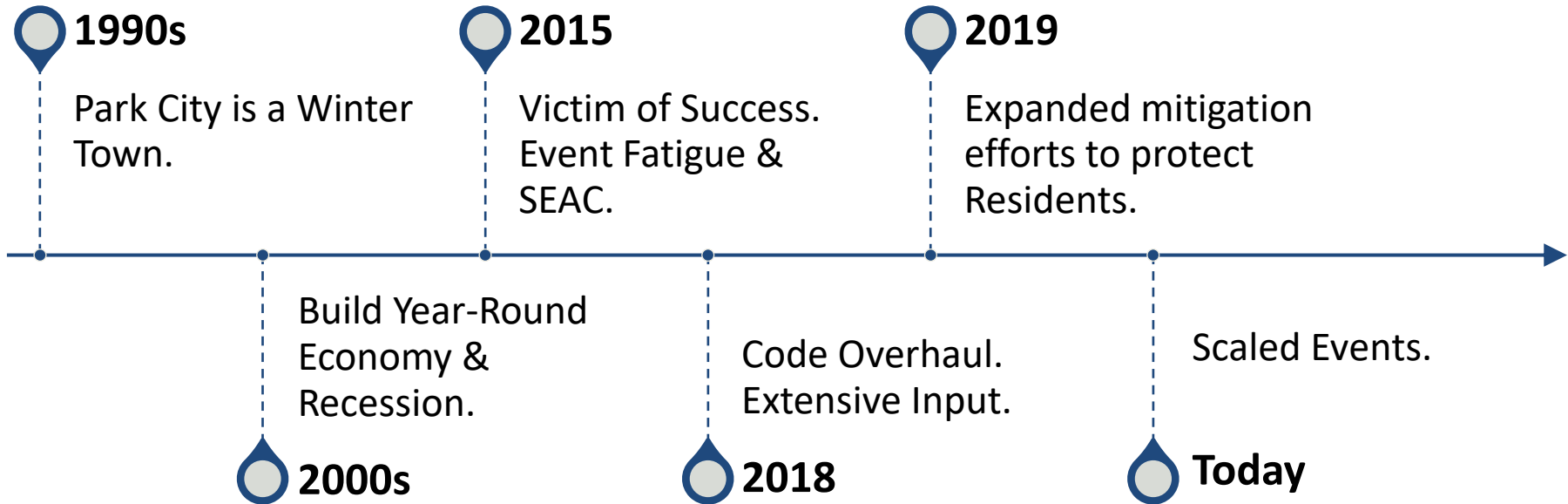
G.The event creates the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

Event History Milestones

1. 2003-2007 ED Plan
 2. 2008 Event Overhaul
 3. SEAC (2017/18)
 4. 2018 Event Overhaul
-



Special Events Timeline



2004- 2005 Economic Development Plan

Vision

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and quality of life desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

Top Priority

- Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.
- Improve upon an already busy winter tourism season with efforts to maximize its full potential.
- Lengthen the tourism season to eight busy months a year.
- Facilitate the establishment of more “attractions/areas of interest” for both visitors and residents.
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.
- Maintain and improve upon the Quality of Life

2008 Overhaul – the Great “Mitigate”

City Council Staff Report



Subject: Event Policy Discussion
Author: Max J. Paap
Department: Sustainability
Date: December 18, 2008
Type of Item: Informational

Summary Recommendation:

This report is informational. Council should re-affirm the direction that Special Events is heading in preparation for the 2009 Event Season is in alignment with Council goals.

Background

The event climate in Park City has changed significantly over the past 5 years. After the Olympics, a conscious effort was put forth by the City to facilitate the event process and bringing more events to town as an Economic Development Tool. This represents the last time the process by which we regulate events was significantly overhauled. A Joint Venture between PCMC and the Park City Chamber/Bureau was entered into in September of 2005 to provide a central coordinated effort for all events and community activities. The result has been a continual increase in the number of events and total event days (Exhibit A). Council has continued to support this economic tool. During Council's 2008 January visioning session, staff was directed to amend the Economic Development Strategic Plan with a new "top priority" of:

- *Further develop and populate the event calendar; while continuing to balance impacts on community character and quality of life of residents, and quality of experience of visitors.*



2017 Special Event Advisory Committee (SEAC)

- Resident driven.
- Event Prioritization – Quantified (on subjective criteria).
- Extensive conversation facilitated policy refinements.
- Didn't cut events – reached consensus.

2018 What We Accomplished

Summary of Code Changes:

- Peak Time Periods created (no new events).
- Event Levels Reclassify - based on transportation, public safety, # of days/venue.
- Resort events deregulated (L 1, 2,3).
- Cap # of L3, 4, 5.
- Change application process 3x per year / Level 1 & 2 = 30 day process.
- Fee Reduction 5-year limit.

Additional (non-codified) Efforts

- Reduced number of events.
- Monitor Shoulder Season.
- Administratively build locally focused quieter weekends into summer calendar.
- Guidelines for Public Venues.
- Create sustainable framework for community events.
- Web and process/policy updates

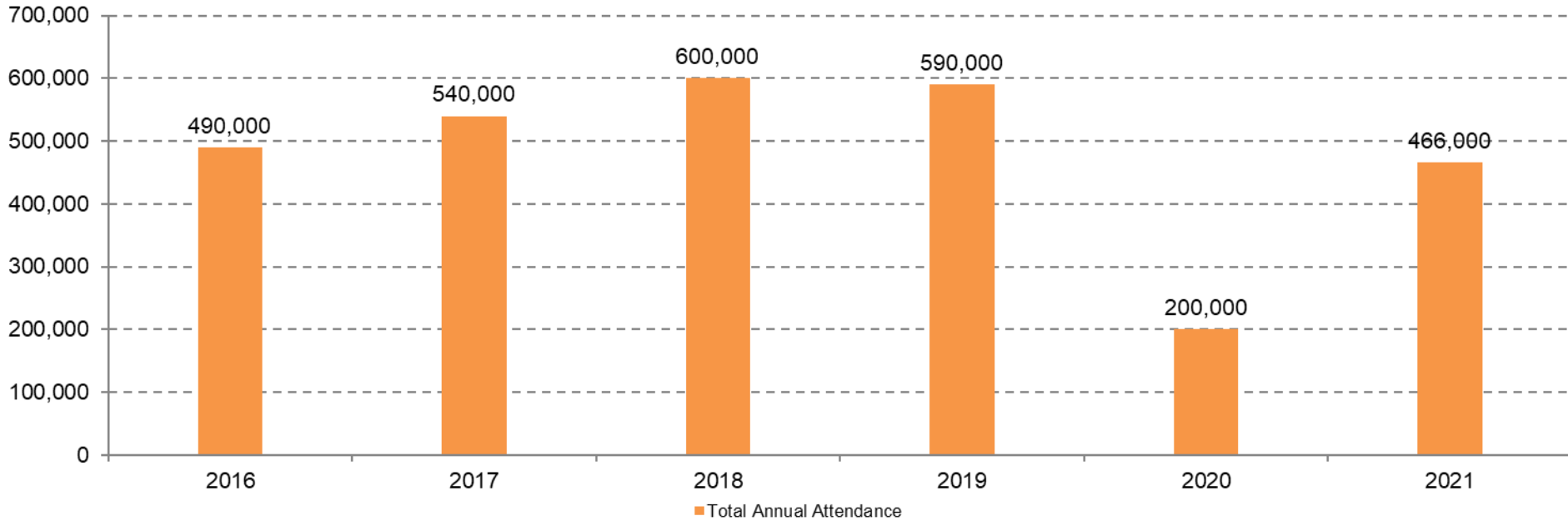
Special Event Stats



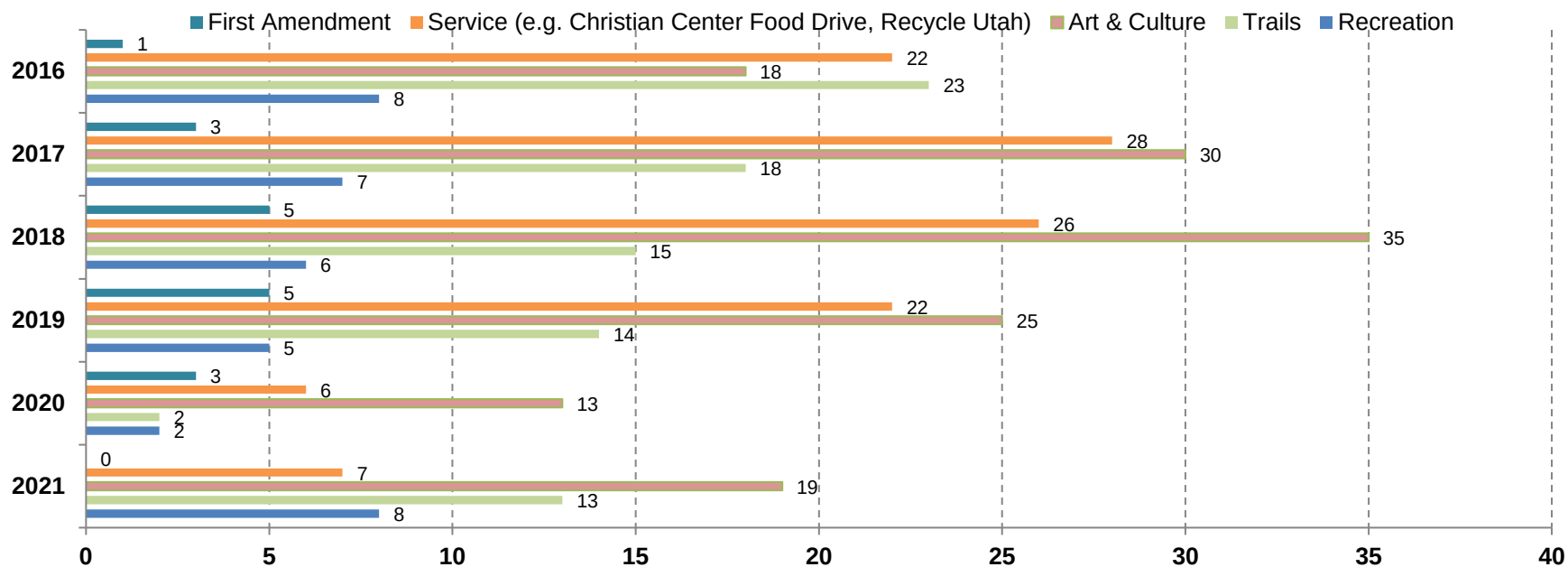
Event Attendance

Event Calendar - Attendance

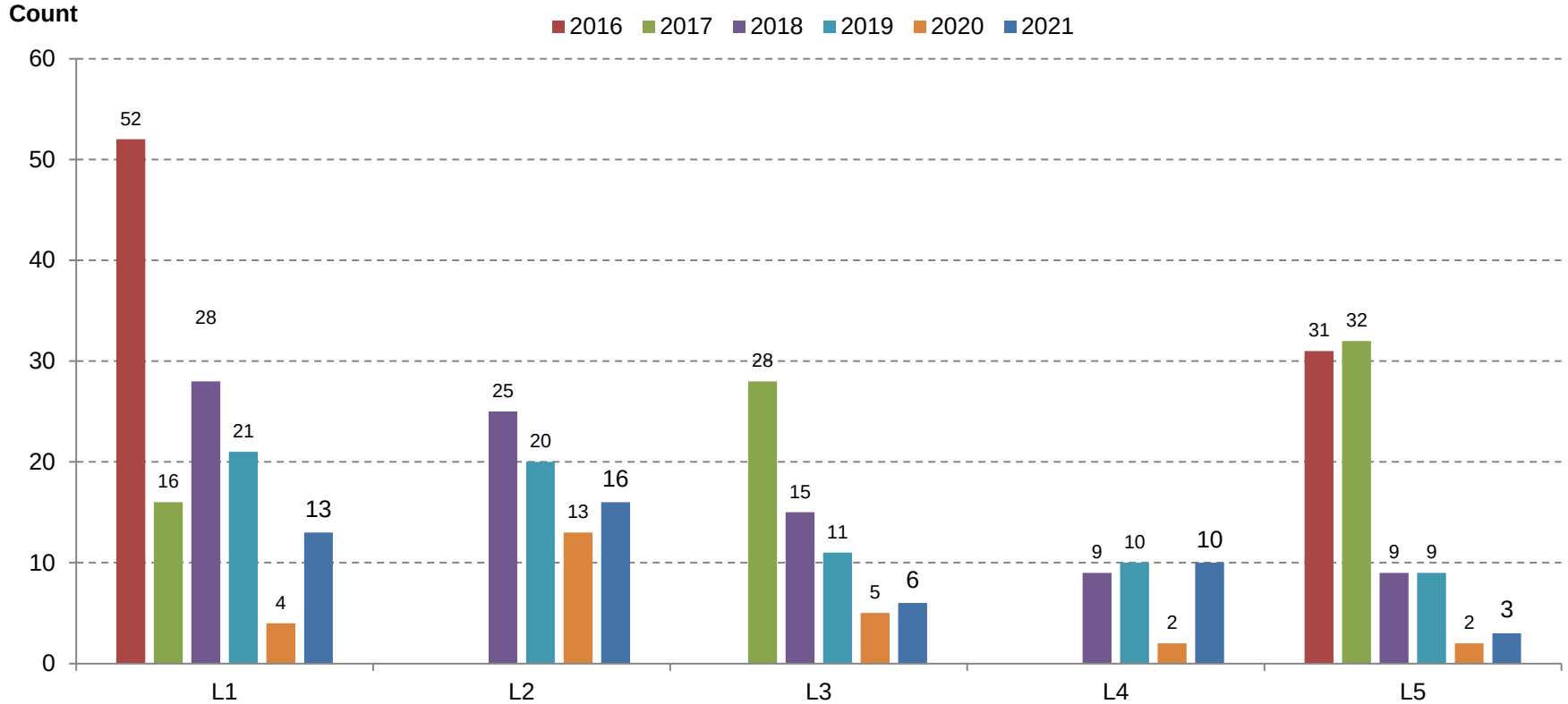
Number of Attendees



Event Types



Event Levels



The Future of Special Events

1. What & who are Events For?
2. Comparative Communities
3. Goals of Special Events
4. Costs of Services
5. City's role in Producing Events

Evolution of the Role of Special Events



2003



2018



2022



Comparative Towns

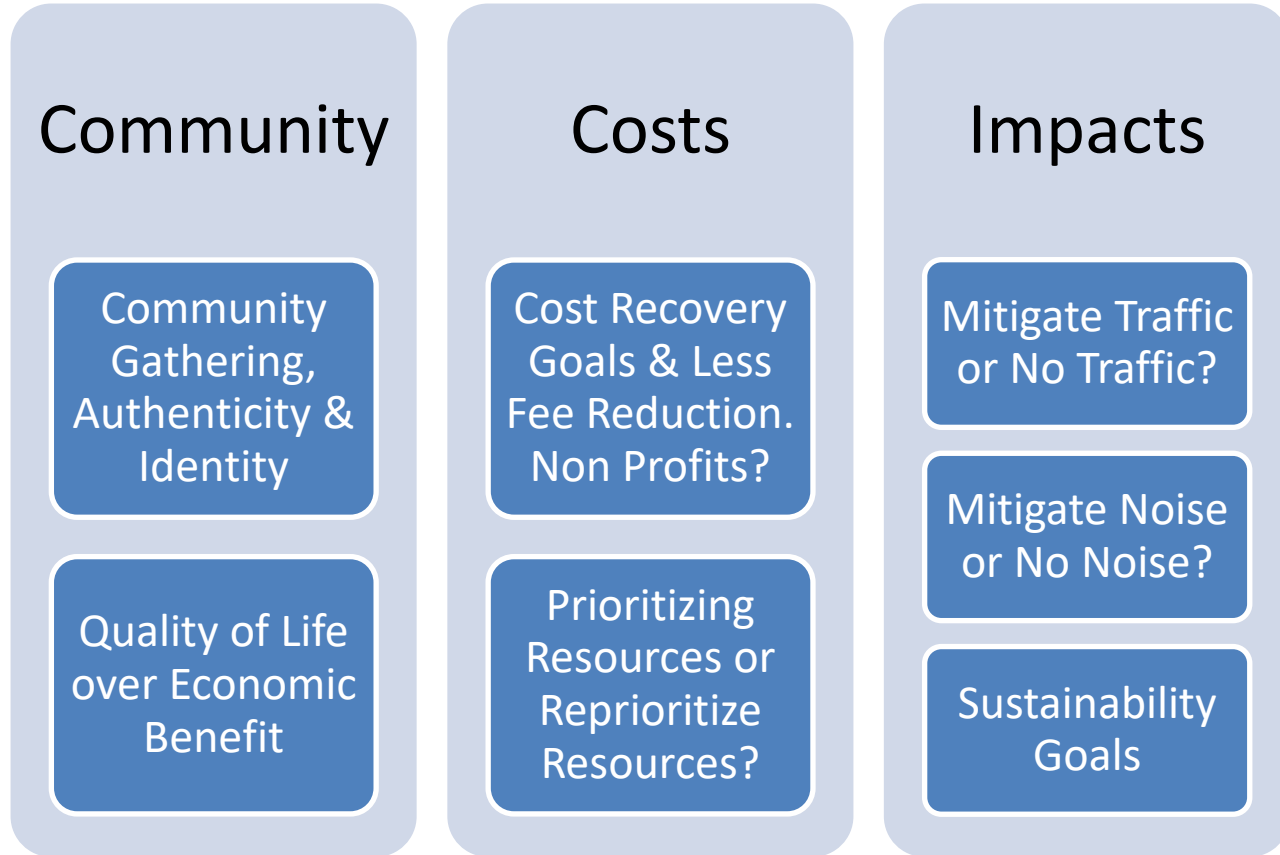
Moab, Utah

Breckenridge, Colorado

Aspen, Colorado

Vail, Colorado

The Goal & Role of Events



Costs & Fee Waivers

	Total Fees & Hard Costs	Fees Waived to Applicant	Fees Paid to City	Number of Events
Contracted Events	\$1,868,183	\$1,753,594	\$36,543	4
Uncontracted Events	\$491,881	\$413,538	\$79,397	53
Non Profit	\$106,880	\$57,814	\$49,066	45
For Profit	\$31,009	\$1,732	\$30,331	5
City Produced	\$353,992	\$353,992	\$0	7
Totals	\$2,360,064	\$2,167,132	\$115,940	57

Current Policy:

Keep Fee Waivers below \$200K, wean off by FY 25

Policy Recommendation:

Limit Fee Waivers to Non-Profit Orgs & Realign Fee Reduction Criteria with Community Goals.

City Role in Producing Events

Current

City Produced Events

- Fourth of July, Olympic Video Board, Council Swearing In, Bonanza Art Park, Car Free Sundays.
- Recreation – Volleyball Tournament, Dirt Jump Skate Park, McPolin Barn

Future

Formal Requests

- Miners' Day

Other Considerations

Sustain Community Events

- Halloween on Main
- Car Free Sunday

Policy Questions

- Is Council interested in considering City Programmed Bonanza Art Park moving forward?
- How do we sustain civic events such as Miners' Day and Halloween?

Next Steps – Tools/Changes

1. What we didn't do in 2018
 2. What we can control
 3. What we should do now
 4. What we should consider in the (near?) future
-

So, what else could we do?

Items we talked about in 2018 but didn't codify:

- Biannual Event Review
- No New events with transportation and public safety impacts.
- No new events.
- Set new goal for number of event days (reduce scale)
- Cut events from the calendar.
- Allow a # of new events as others go away.
- Cap number of trail and recreation events.
- Protect Shoulder Seasons
- Protect Summer and Winter
- Further reduce Fee Waivers & realign fee waiver policy



Community

2018 Standard of Approval



Economy

4A-2.4 Standards For Permit Approval

Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure transportation access in accordance with the Park City Transportation Demand Management Plan, public safety in accordance with the requirements of the Park City Police Department and consistency with the Park City General Plan.

- A. The Special Event does not provide positive economic, cultural, or community value, or is not in accordance with the goals outlined in the Park City General Plan and City Council's Biennial Strategic Plan. The economic, cultural, and community value shall be determined by the City pursuant to the following criteria in order of priority:

1. Reasons for hosting the event in Park City and venue/use area is consistent with Park City's goals to create a complete community through its core values and/or partnerships with businesses or organizations that support Park City's community goals, local athletic, cultural or historic celebrations, or honoring local achievements, groups and/or individuals. Events that use public property only as a backdrop or venue with no authentic tie to the local community or city goals will not meet this standard.

1-2. Provides direct economic benefit to the City through tax benefits, sales tax, overnight resort visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.

2-3. Provides event diversity by expressly targeting local gathering and/or under-served participants, ~~and~~ uniqueness and uniqueness to the existing event calendar in a manner not reflected by other approved events;

2-4. Does not unreasonably restrict existing public access or adversely impact shared space or the public due to the number of events, the nature of the event, proposed location and/or location conditions;

4-5. Provides diversity or uniqueness to the existing event calendar;

5-6. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations;

6-7. Provides economic benefit to the City through tax benefits, resort visitation, or marketing or branding value, compared to community impacts and costs of services.

Tools

Immediate changes recommended

- **Codify Community First/Community Identity Standards of Approval**
- Add more Peak Event Time Periods
 - no longer allow level one and two events during these times.
 - Council should clarify their policy on allowing small events at the resorts during Peak times.
- Add Quiet Times
 - Define Quiet Times, and
 - No longer allow new events.
 - Council should consider if they want to allow any new small events during Quiet Times.

2022 (Very Draft) Standard of Approval



4A-2-4 Standards For Permit Approval

Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure transportation access in accordance with the Park City Transportation Demand Management Plan, public safety in accordance with the requirements of the Park City Police Department and consistency with the Park City General Plan.

- A. The Special Event does not provide positive ~~economic, cultural, or~~ community value, or is not in accordance with the goals outlined in the Park City General Plan and City Council's Biennial Strategic Plan. The ~~economic, cultural, and~~ community value shall be determined by the City pursuant to the following criteria in order of priority:
 - 1. Reasons for hosting the event in Park City and venue/use area is consistent with Park City's goals to create a complete community through its core values and/or partnerships with businesses or organizations that support Park City's community goals, local athletic, cultural or historic celebrations, or honoring local achievements, groups and/or individuals. Events that use public property only as a backdrop or venue, ~~or that partner with a local organization~~ with no authentic tie to the local community or city goals will not meet this standard.
 - 2. ~~Provides direct economic benefit to the City through sales tax, overnight visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.~~
 - 3. ~~Provides~~ event diversity by expressly targeting local gathering and/or underserved participants and uniqueness to the existing event calendar in a manner not reflected by other approved events.
 - 4. ~~Does not~~ unreasonably restrict existing public access or adversely impact shared space or the public due to the number of events, the nature of the event, proposed location and/or location conditions.
 - 4. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations.
 - 6. ~~Provides direct economic benefit to the City through sales tax, overnight visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.~~
 - 7. ~~Provides~~
- B. The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue. ~~This is effectively the City's Carrying Capacity Timeframes and is defined as:~~
 - 1. ~~Lodging Occupancy exceeds 75% on average over the last three years (define metric further); or~~
 - 2. ~~Average Daily Trips exceeds x# on SR 224 or x# SR 248 on average over the last three years.~~
 - 3. ~~The City's Carrying Capacity timeframes will be published in the annual calendar as referenced in Section 4A-2-3(6).~~
- C. The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
- D. The concentration of persons, vehicles, or animals will unduly interfere with the movement of

2022 Proposed Standard of Approval



- applications no less than 30 days prior to the start of their event, unless otherwise approved by the Economic Development Manager or their designee.
4. PEAK TIME PERIODS. Applications for any new ~~Level Three, Four or Five Es~~ Special Event will not be considered during the following peak time periods:
1. Martin Luther King Holiday (Friday to Monday - dates vary annually)
 - ~~1-2.~~ Sundance Film Festival (as per dates in contract - dates vary annually);
 3. Presidents Day Weekend (dates vary annually);
 - ~~2-4.~~ Memorial Day Weekend (Friday to Monday - dates vary annually)
 - ~~3-5.~~ Savor the Summit Weekend - Friday through Sunday (dates vary annually);
 - ~~4-6.~~ July 2, 3, 4 and 5;
 - ~~5-7.~~ First Full Weekend of August (aka Arts Fest Weekend) - Friday through Sunday (dates vary annually);
 - ~~6-8.~~ Tour of Utah Weekend - Friday through Sunday (dates vary annually);
 - ~~7-9.~~ Labor Day Weekend (aka Miners Day Holiday Weekend) - Friday through Sunday;
 - ~~8-10.~~ 3rd Weekend in September (aka Autumn Aloft Weekend) - Friday through Sunday;
 - ~~9-11.~~ October 31 (Halloween on Main);
 - ~~12.~~ Thanksgiving Holiday (Wednesday to Sunday - dates vary annually)
 - ~~10-13.~~ Winter Holiday (December 23-26);
 - ~~11-14.~~ Winter Holiday 2 (December 30, 31 and January 1). EXCEPTIONS:
 1. Level One, Two and Three events located within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone are allowed during peak time period limitations in Section 4A-2-3(D), however, are not required to obtain a Special Event Permit as per Section 4A-2-1.3.
 2. First Amendment events are exempt from peak time period limitations but are required to obtain a Special Event Permit.
 3. Applications for existing events that were permitted on the 2018 event calendar may be considered during peak timeframes and shall be evaluated annually based on the standards of approval herein.
 15. Peak Occupancy Periods – Any other period not previously identified in this section where* the average occupancy in the previous 3 years exceeds 80%. A calendar will be published annually on [date] identifying black out dates.
 - ~~12-16.~~ Peak Traffic Periods – Any other period not previously
5. QUIET TIME PERIODS. Applications for any new Special Event will not be considered during the following Quiet Time Periods:
1. Second Weekend in June

2022 DRAFT Special Event Peak Time Period Calendar

2022

January						
S	M	T	W	T	F	S
					30	31
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
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					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July						
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24	25	26	27	28	29	30
31						

October						
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30	31					

February						
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27	28					

May						
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29	30	31				

August						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November						
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March						
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26	27	28	29	30		

September						
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25	26	27	28	29	30	

December						
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Current codified Peak (Event) Time Periods
- Recommended New Peak (Event) Time Periods
- Recommended Quiet Time Periods

Longer Term Tools

Within
next 6
months

- Align Fee Waiver Process
- Updates to deadlines and review process

Big
Change

- Full reset – no grandfathered events
- No new Level 4's or 5's without a city services contract

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

3:45 p.m. - Continued Park City Housing Program Discussion Covering the Housing Authority and Strategies/Programs Sections

Suggested Action:

Attachments:

[Housing Program Staff Report](#)

[Exhibit A: Park City Housing Needs Assessment 2021](#)

[Exhibit B: Housing Work Session Presentation](#)

City Council Staff Report

Subject: Housing Work Session
Author: Housing Team
Department: Housing
Date: April 7, 2022
Type of Item: Administrative



This is a continuation of the Housing work session on March 17th. The housing team will be presenting on the final two sections (Housing Authority & Strategies/Programs) not covered at the previous meeting.

Recommendation

Receive the informational community housing presentation and provide the Housing Team with policy direction regarding various aspects of the Park City Housing Program.

Executive Summary

Park City is amid an affordable housing crisis, and the Vision 2020 process demonstrated that residents believe housing affordability is one of the highest policy priorities for our municipal government. As a follow-up to the City Council's Annual Retreat, this report builds on the in-depth presentation on the status of the housing crisis in Park City and provides possible strategies moving forward. In addition, the Housing Team requests that the City Council provide direction on several key policy questions, including:

- Should the City continue to prioritize investment in the community and affordable housing?
- Should the City continue to diversify its approach to developing community and affordable housing?
- Where should community and affordable housing be located? Does Council seek to expand the geographic area beyond PCMC boundaries? If so, under what circumstances?
- Should the City continue to target 15% of its workforce living in Park City as our goal? (Creating a unit goal. For example, the 800 units by 2026).
- Should the City continue to evaluate and consider updating the governance model of the Park City Housing Authority?

Background

The Housing Team has identified several key areas where policy direction from City Council is needed. Below is a brief overview of each area that will be discussed in greater detail during the work session (Exhibit B).

2021 Housing Study

Every five years, the State of Utah requires City/towns to update their Housing Needs Assessments. The Assessment is required as part of Park City's Annual Housing Needs & Plan, which the City Council formally adopts and is submitted to the State Department of Workforce Services each December. The last Assessment was completed in 2017 and was the foundation of the current housing goal.

Recently, the City hired James Wood and Associates to complete a new Park City 2021 Housing Assessment (Exhibit A). The Housing Team will provide an overview of the study, its key findings, and summarize how the housing situation in Park City has changed since 2017.

Housing Goal

Park City adopted a goal to produce 800 new deed-restricted housing units by 2026. That goal was based upon 15% of our workforce being able to live in town. However, the recent housing study demonstrates Park City is falling short of that goal, that the need is growing considerably, and the City's housing goal will need to be adjusted to keep pace.

Housing Resolution

The Housing Team reviews the Housing Resolution each year to ensure we have the most aggressive and up to date regulations in Utah. The last update was conducted in 2021. The housing team is working to provide a list of recommendations to update (employee generation tables, fee-in-lieu calculations, and participant qualifications).

Housing Authority

As requested by Council, the Housing Team is assessing alternative governance structures for the Park City Housing Authority. As part of the assessment process, the Housing Team researched over fifty communities with housing authorities and found that many other peer communities throughout the Mountain West operate at a regional level or separate from their City Council and Mayor. The Housing Team will present preliminary findings and seek direction on continued evaluation next steps.

Potential Housing Tools

Park City has the most aggressive housing program in the State of Utah. Our regulations include the most progressive inclusionary zoning requirement, the municipality constructs its own affordable housing projects as the developer, the municipality purchases units from the private market, and amendments are frequently made to the Land Management Code to incentivize private sector development of affordable housing.

However, these initiatives are just the start of what the City could add to its toolbox to promote affordable housing. The Housing Team will present additional tools for consideration, such as a buy-down program, a shared equity program, and a rent to own program. Like any complex and expensive initiative, a financial evaluation matrix was created to help Council prioritize which tools and funding levels derive the most beneficial outcomes.

Housing Construction and Development

The Housing Team has several City-owned properties under development analysis that are feasible for development or working to make shovel-ready. These include three City-owned properties; Mine Bench, Woodside Park Phase 2, and the Homestake parcel. In the near term, the Housing Team needs confirmation and direction to move forward with each project, particularly regarding the Homestake project. The Homestake project is arguably the closest thing we have to our next project. We are aware of discussions regarding a neighborhood plan that would delay further progress.

During the work session, we aim to solidify Council direction on these parcels so we can prioritize our work plans.

Attachments

- Exhibit A 2021 Park City Needs Assessment
- Exhibit B Housing Program Work Session Presentation

Prepared for:

Park City
Community
Development

PARK CITY'S HOUSING NEEDS ASSESSMENT 2021



Prepared by:

James Wood

February 2022

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Executive Summary

- Park City has an inventory of 650 affordable housing units; however, this supply falls well short of demand. The 99% percent occupancy rate is one indication of the need for additional units. A sizeable supply increase is planned over the next five years. Six hundred affordable housing units are planned for development by 2026. Funding will be provided primarily by the Housing Resolution obligations (inclusionary zoning) and RDA participation.

- Goal 7 in Park City's General Plan addresses the need to create a diversity of primary housing opportunities. "By creating a mix of housing stock at varying price ranges, sizes, and designs, residents will have local options, whether they are seasonal workers, young professionals, families, empty nesters or retirees." Varying price ranges are essential if the city meets its goal of 15% of workforce housing needs. Currently, the city's affordable inventory meets the housing needs of about 6% of the workforce. The 600 units planned would bring the share to 11%, about 400 units short of the 15% goal.

- The need for additional affordable units is also shown by Park City residents' housing cost burdens. Forty percent of all renters and 22% of owners pay at least 30% of their income for housing and utilities. Most troubling is the share of renters paying more than 50% of their income for housing, defined as a severe housing cost burden. One in five Park City renters has a severe housing cost burden.

- Five-year population projections for Park City show that additional affordable housing will be needed to meet demographic growth. The demographic growth rate is based on past rates of growth, which included relatively low levels of affordable housing development. Therefore, the 1.2% annual growth rate used to determine Park City's 2026 population does not capture growth associated with the city's scheduled affordable housing development. That growth is treated separately in the report.

- Park City is the only city in Utah where workers (11,000) outnumber the population (8,500). The workforce needs more housing opportunities. Due to the scarcity of affordable housing, over 8,000 workers with an average wage of less than \$40,000 commute daily from homes out of Summit County to jobs in Park City. This large reservoir of pent-up demand all but guarantees rapid absorption of additional affordable housing units.

- The affordable housing gap or need includes three sources of demand; (1) 330 renters with housing cost burdens, (2) demand created by demographic growth over the next five years, at least 100 affordable units, and (3) the workforce housing demand created by the more than 8,000 out-of-county workers commuting daily to Park City. Just five percent of these commuters opting to move to Park City would generate demand for 400 affordable housing units.

Demand for affordable housing could absorb as many as 800 to 1,000 units over the next five years. The 600 proposed units over the next five years will bring the affordable inventory to 1,250 units, a commendable achievement. Nevertheless, supply will still fall short of demand.

I. An Analysis of Park City's Housing Supply

A housing needs assessment requires a comprehensive look at the local housing supply. The objective is to provide a detailed overview of the housing supply in Park City, which includes residential construction trends, changes in the housing inventory, types and characteristics of housing units, price and vacancy trends, and overall market conditions. The supply analysis will be combined with the demand analysis—following section—to develop the Park City affordable housing needs assessment.

Housing Inventory by Type of Housing: Primary Residences, Second Homes and Apartments

The decennial 2000 and 2010 censuses provide estimates of Park City's housing inventory by type of use. Since detailed data from the 2020 Census have not yet been released, I have constructed the 2021 estimates from residential building permit activity from 2010 to 2021 and incorporated past types of use (2000 and 2010) into my current estimates.

2021 summary of inventory (Table 1)

- Park City housing inventory totals 10,440 units.
- 3,399 units are occupied, and 7,041 are vacant. Vacant units are due primarily to second homes and recreational use, which account for 6,750 or 96% of vacant units.
- Owner-occupied units total 2,230 units and renter-occupied units 1,169 units.
- Rental units account for 34% of occupied units.

Table 1
Changes in the Park City Housing Inventory by Type of Use

Category	2000	2010	2021	Change 2000-2021	Change 2010-2021
Total Housing Units	6,661	9,471	10,440	3,779	969
Occupied	2,705	2,885	3,399	694	514
Share of Total Units	40.80%	30.50%	32.60%		
Vacant	3,956	6,586	7,041	3,085	455
Share of Total Units	59.2	69.5	67.40%		
Owner Occupied	1,660	1,775	2,230	570	455
Share of Units	24.90%	18.70%	21.50%		
Renter Occupied Units	1,045	1,110	1,169	124	59*
Share of Total Units	16.00%	11.70%	11.20%		
Vacant Seasonal, Recreational	3,383	5,609	6,750	3,367	1,141

*Rental units include only those new units classified as rental units by the Park City Building Department. Rehabilitated units and condominium units are not included in the additional rental units.

Source: U.S. Census Bureau and Gardner Policy Institute, University of Utah.

Summary of construction trends (Table 2 and Figure 1)

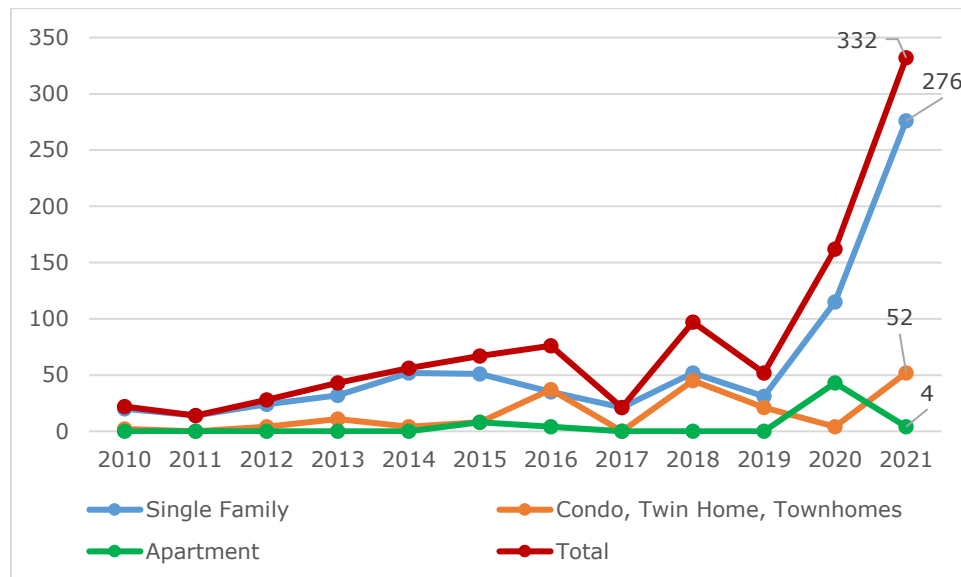
- Since 2010 building permits have been issued for 970 units in Park City. Half of the building permits issued over the last 11 years were issued in 2020 and 2021.
- In 2021, 332 residential units received building permits, the highest activity level in the past ten years.

Table 2
Residential Building Permits Issued in Park City

	Single-Family	Condominium Twin Homes Townhomes	Apartment	Total
2010	20	2	0	22
2011	14	0	0	14
2012	24	4	0	28
2013	32	11	0	43
2014	52	4	0	56
2015	51	8	8	67
2016	35	37	4	76
2017	21	0	0	21
2018	52	45	0	97
2019	31	21	0	52
2020	115	4	43	162
2021	276	52	4	332
Total	723	188	59	970

Source: Gardner Policy Institute, University of Utah.

Figure 1
Construction Trends in Park City, 2010-2021



Source: Gardner Policy Institute, University of Utah.

Characteristics of housing supply (Tables 3-6)

- Sixty-two percent of owner-occupied units have four or more bedrooms, compared to 50% statewide.
- Studio units represent nearly 9% of all rental units compared to only 4% statewide. Likely an indication of small workforce housing units in Park City.
- The median age of all housing units in the city is 32 years compared to 40 years statewide.

- The median age of owner-occupied units is 30 years and 35 years for renter-occupied units.
- Detached single-family homes account for only 76% of owner-occupied units in Park City compared to 87% statewide. Park City's relatively low share of single-family owner occupied units is due to a higher percentage owner-occupied condominiums and townhomes in attached structures.
- Thirty-six percent of renter-occupied units are in detached or attached single-family homes, about the same as the statewide percentage share.

Table 3
Number of Bedrooms in Owner Occupied and Renter Occupied Units
2021

Category	Units
Total Occupied Units	3,399
Owner Occupied	2,230
No Bedroom	30
1 Bedroom	36
2-3 Bedrooms	778
4 or more Bedrooms	1,386
Renter Occupied	1,169
No Bedroom	102
1 Bedroom	146
2-3 Bedrooms	803
4 or more Bedrooms	118

*occupied units are full-time residents.
Source: Derived by James Wood from
U.S. Census Bureau, and Gardner Policy
Institute, University of Utah.

Table 4
Age by Decade of Residential Units in Park City

Year Built	Units	% Share
Owner Occupied	2,230	100.00%
2010 or later	496	22.24%
2000 to 2009	285	12.77%
1990 to 1999	422	18.91%
1980 to 1989	447	20.03%
1970 to 1979	456	20.47%
1960 to 1969	51	2.29%
1950 to 1959	10	0.43%
1940 to 1949	7	0.30%
1939 or earlier	57	2.55%
Renter Occupied	1,169	100.00%
2010 or later	59	5.05%
2000 to 2009	157	13.43%
1990 to 1999	252	20.79%
1980 to 1989	259	21.39%
1970 to 1979	362	30.97%
1960 to 1969	26	2.22%
1950 to 1959	8	0.68%
1940 to 1949	0	0.00%
1939 or earlier	46	3.93%

Source: Derived by James Wood from U.S. Census Bureau
and Gardner Policy Institute data.

Table 5
Median Age of Owner and Renter Occupied Units
in Park City

Type	Year
Owner Occupied	1991
Renter Occupied	1986
Total	1989

Source: U.S. Census Bureau.

Table 6
Units in Structure by Tenure

Category	Units	% Share
Owner-Occupied	2,230	100.0%
1, detached	1,705	76.4%
1, attached	248	11.1%
2	60	2.7%
3 or 4	44	2.0%
5 to 9	49	2.2%
10 to 19	67	3.0%
20 to 49	12	0.5%
50 or more	45	2.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Renter-Occupied	1,169	100.0%
1, detached	338	28.9%
1, attached	89	7.6%
2	62	5.3%
3 or 4	220	18.8%
5 to 9	215	18.4%
10 to 19	191	16.3%
20 to 49	49	4.2%
50 or more	5	0.5%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%

Source: Derived from U.S. Census Bureau and Gardner Policy Institute Data.

Housing price trends (Tables 7-8 and Figure 2)

- Park City is the highest-priced housing market in the state. The median sales price of a single-family home was \$2.25 million in 2021. In Salt Lake County, the median sales price was \$550,000, about 25% of the price in Park City.
- Since 2010 prices of single-family homes have increased at an annual rate of 11.2%. At this rate, housing prices double every 6 ½ years.
- The median-priced home would require an income of \$500,000, nearly five times the median income.
- Demand remains very strong despite the rapid acceleration in prices, as shown by the days on market data. In 2021, the typical home was under contract 15 days after listing.
- The median sales price of a condominium/townhome in 2021 was \$791,000, and days market at a historic low of 14 days. The median-priced condominium would require an income of nearly \$200,000, almost double the median income.

Table 7
Median Sales Price of Single-family Home in Park City

Year	Median Sales Price	Transactions	Days on Market
2010	\$705,000	272	111
2011	\$679,000	287	119
2012	\$675,000	378	84
2013	\$750,000	418	57
2014	\$831,250	395	65
2015	\$1,050,000	381	70
2016	\$1,074,175	397	63
2017	\$1,210,000	452	64
2018	\$1,317,500	427	54
2019	\$1,470,000	449	62
2020	\$1,850,000	687	42
2021	\$2,255,750	588	15
AARC	11.2%	---	---

Source: UtahRealEstate.com.

Table 8
Median Sales Price of Condominiums, Townhomes, and Twin Homes in Park City

Year	Median Sales Price	Transactions	Days on Market
2010	\$292,500	259	107
2011	\$250,000	278	102
2012	\$275,000	327	102
2013	\$324,850	374	57
2014	\$372,500	420	60
2015	\$425,750	446	49
2016	\$477,450	436	34
2017	\$532,500	474	47
2018	\$577,400	438	44
2019	\$539,500	485	49
2020	\$651,000	671	40
2021	\$791,000	837	14
AARC	9.5%	---	---

Source: UtahRealEstate.com

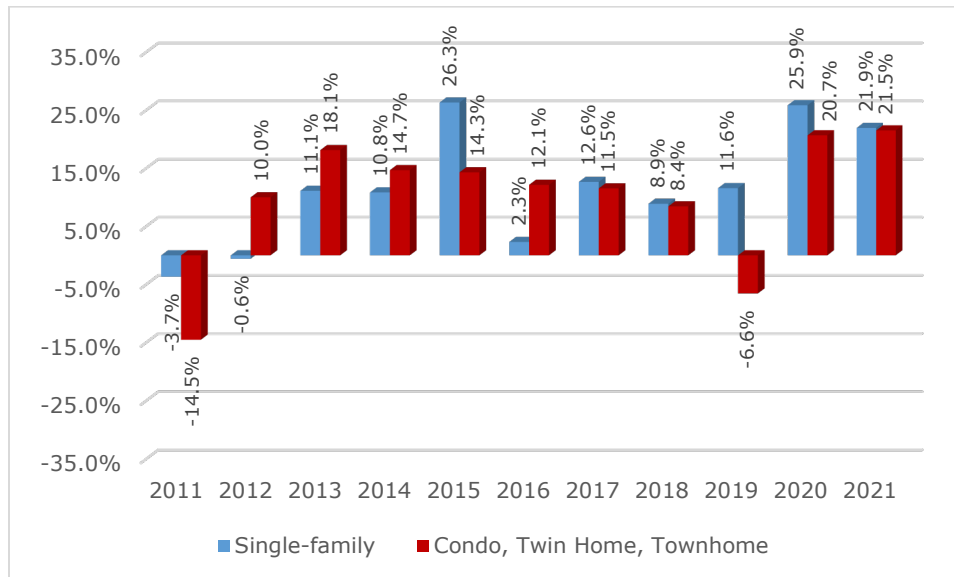
Table 9
Single-family and Condominium Sales by Price Category in Park City, 2021

Price Category	Single-family sales	Condominiums Sales
<\$500,000		241*
\$500,000 to \$599,999		59
\$600,000 - \$649,999	2	30
\$650,000- \$699,999	5	31
\$700,000 - \$749,999	2	36
\$750,000 - \$799,999	11	28
\$800,000 - \$849,999	8	31
\$850,000 - \$899,999	7	24
\$900,000 - \$949,999	9	21
\$950,000 - \$1,000,000	14	27
> \$1,000,000	530	309
Median Price	\$2,255,750	\$791,000

*primarily ownership share and/or very small units.

Source: UtahRealEstate.com

Figure 2
Percent Change in Median Sales Price of Single-family and Condominium Units



Source: UtahRealEstate.com

Inventory of affordable housing (Tables 10-14)

- Park City has a long history of facilitating affordable housing development using regulatory policy, financial support, and direct city-sponsored development. According to the *2020 Housing Assessment and Plan* the inventory of affordable housing units totaled 550 units and by the end of 2021, this number increased to 650.
- More than half of the affordable units (293) are a result of the Housing Resolution obligations inclusionary zoning. Low Income Housing Tax Credits account for 196 of the affordable units.
- Over the next five years, 600 affordable housing units are under development or proposed. Adding these units to the 153 developed between 2016 and 2021 would bring the total affordable housing units developed from 2016 to 2026 to 753 units, just slightly below the goal of the 2016 Resolution of 800 units over the 10-year period.

Table 10
Inventory of Park City's Affordable Housing,
Placed in service prior to 2016

Project Name	Funding	Yr. Built	Owned	Rental	AMI	Sales Pricing
Units built prior to 2003						
Holiday Village (1br apts)	LIHTC, RD	1978		80	35-60%	
Parkside (1 & 3br apts)	LIHTC, RD	1980		42	35-60%	
Washington Mill (1br apts)	LIHTC	1995		8	35-60%	
Silver Meadows Estates (2 & 3br duplexes)	35 IZ 14 LIHTC	1996	21	28	35-60%	\$120,000
Aspen Villas (1 & 3br apts)	LIHTC	1997		88	35-60%	
1465 Park Avenue (3br condos)	IZ units*	1998	3	5	60-100%	\$160,000
Iron Horse (3br apts)	LIHTC	1998		94	35-60%	
Total prior to 2003			24	345		
Units built or purchased 2003 to 2013						
<i>On-Mountain units</i>						
Silver Strike Condominium (2 br condo)	IZ Flagstaff	2006	1		50-80%	\$123,800
Ironwood at Deer Valley (2 br condo)	IZ Flagstaff	2005		1	50-80%	
Flagstaff Residences (2 br condo)	IZ Flagstaff	2008		1	50-80%	
Arrow Leaf Residences (2br condos)	IZ Flagstaff	2007		3	50-80%	
Montage Hotel and Residences (1 br condos)	IZ Flagstaff	2010		10	50-80%	
St. Regis Hotel and Residences (2br condos)	IZ Deer Crest	2010		2	50-80%	
Silver Star (studios, 1 & 2 br condos)	IZ Spiro Tunnel	2008	20		60-80%	studio \$125,000, 1br \$195,000, 2br \$227,500
<i>In and Around Town</i>						
Prospector (studios)	IZ Flagstaff	2009		23	50-80%	
The Line (1, 2 & 3 br condos)	Nonprofit	2006	22		60-100%	\$119,000 - \$190,000
Snow Creek Cottages (2 & 3br homes)	City Subsidized	2010	13		60-120%	2br \$228,000, 3br \$264,000
Marsac Avenue HH (3 br homes)	Habitat for Humanity	2013	2		30-60%	\$230,000
Black Rock (1, 2 & 3 br condos)	IZ Flagstaff	2013	17		60-100%	1 br \$179,000, 2br \$219,900, 3br \$249,000
Transit Seasonal Housing (SRO units)	FTA Grant	2013		13	35-60%	
Total in 10 years (2003 - 2013)			75	53		
Total completed as of August of 2016			99	398	497	

* IZ = inclusionary zoning.

Source: Park City Department of Community Development.

Table 11
Inventory of Park City's Affordable Housing,
Placed in service 2016 to 2021

	Project Name	Funding	Yr. Built	Owned	Rental	AMI	Sales Pricing
Units built or purchased 2016 to 2021							
	The Retreat at the Park (1, 2 & 3 br detached homes)	RDA	2018	8		80%	\$192,000 to \$280,000
	Central Park City Condominiums (studio and 2 br condos)	RDA	2018	11		80-120%	\$168,000 to \$288,000
	Woodside Park, Phase 1	RDA	2019	7	4 (ADUs)	60-120%	\$205,000 to \$565,000 – 5 affordable & 2 attainable
	Park City Heights (2 & 3 br townhomes and 3 & 4 br detached units)	IZ	2016 to 2021	68		80-120%	\$249,900 to \$506,800 – 28 affordable and 40 attainable
	Kings Crown	IZ	2020	11		80-120%	\$197,000 to \$569,000 – 10 affordable and 1 attainable
	Rail Central (SRO units)	IZ	2020		24	35-80%	
	1440 Empire Avenue (2br apts)	IZ	2020		12	35-80%	
	ClaimJumper 3-br condo	IZ	2020		1	35-80%	
	Empire Pass/Deer Crest/Flagstaff Units – “on-mtn development”	IZ	2021		7	60-80%	
Total Units between 2016 & 2021				105	48		
Total Completed as of December 2021				204	446		

* IZ = inclusionary zoning.

Source: Park City Department of Community Development.

Table 12
Affordable Housing and Funding Source

Funding Source	Rental Units	Owner Units	Total
Housing Resolution Obligations	100	137	237
LIHTC	326	0	326
City Developed/Sponsored	24	39	63
Local Nonprofits	0	24	24
Total	450	200	650

Source: 2020 Housing Assessment and Plan, Park City Municipal Government.

Table 13
Bedroom Mix for Affordable Housing Units

Type	Units
Single room	54
Studio	34
One bedroom	62
Two bedroom	188
Three bedroom	301
Four bedroom	11
Total	650

Source: 2020 Housing Assessment and Plan, Park City Municipal Government.

Rental Market Conditions (Tables 14-16)

- Market conditions for the Park City rental market are extremely "tight ."The vacancy rate has consistently been below two percent over the past five years.
- Based HUD's 50th percentile rents for Summit County median rents in 2021 were: studio \$1,938, one bedroom \$2,230, two bedroom \$2,938, three bedroom \$3,654, and four bedroom \$4,928.
- Estimating rental rates in Park City is very difficult due to fragmented market; tax credit units, a few traditional market-rate units, and condominium/townhomes units for rent. No organization regularly collects and publishes rental rate data.

Table 14
Occupancy Rate for Apartments in the Park City Area

	Units Surveyed	Occupied	Vacant	Occupancy Rate
2017	689	675	14	98.0%
2018	689	682	7	99.0%
2019	689	683	6	99.1%
2020	689	680	9	98.7%
2021	697	685	12	98.3%

Source: Mountainlands Community Housing Trust.

Table 15
Median Rents in Summit County

Unit Type	Median Rent
Studio	\$1,938
One bedroom	\$2,230
Two bedroom	\$2,938
Three bedroom	\$3,654
Four bedroom	\$4,928

Source: Derived from HUD's 50th Percentile Rents, 2021.

Table 16
Apartment Projects Surveyed

Project Name	Units	Location
Aspen Villas	88	Park City
Canyon Corners	20	Summit County
Elk Meadows	94	Summit County
Holiday Village	80	Park City
Iron Horse Park	94	Park City
Liberty Peak	150	Summit County
Meadow View	24	Kamas
Newpark Studios	38	Summit County
Parkside	42	Park City
Richer Place	28	Summit County
Silver Meadows	23	Summit County
Washington Mill	8	Park City
Woodward	8	Summit County
Total	697	

Source: Mountainlands Community Housing Trust.

Summary of Housing Market Conditions and Affordability

There would be no affordable housing development in Park City without the city's aggressive affordable housing policies and public-private partnerships. Over the next few years, the city's inclusionary zoning provision will add a substantial number of affordable units to the inventory. Market conditions, historically low vacancy rates for rental property, and days on market for listed homes indicate strong demand for living in Park City, but without policy intervention, the city will increasingly become an enclave for the super-rich. The need for affordable housing is underscored by population and employment statistics. Park City is the only city in Utah where the number of jobs (11,000) outnumbers the population (8,500), requiring extraordinary levels of commuting by relatively low-wage workers. The lack of affordable housing contributes to the local labor shortage, the high cost of local services, and reduced air quality. The current affordable housing inventory provides housing for only 6% of the Park City workforce.

II. Demographic and Employment Conditions and the Demand for Housing in Park City

Demographics and employment are two of the most important determinants of housing demand. This sector provides times series data on population and employment trends and data on the demographic characteristics of Park City's population. Also included are commuter data for those employed in Park City.

Demographic Trends and Characteristics (Tables 1-6)

- Park City's population in 2020 was 8,562. Over the past ten years, the population has grown at an annual rate of 1.2% compared to the county's growth rate of 1.5%.
- Park City has consistently accounted for about 20% of the population of Summit County.
- In 2021, Park City had an estimated 3,399 households. The number of households has grown slightly faster than population growth due to declines in household size.
- Park City's median age of 40.0 years is nine years older than the statewide median age of 31.2 years and well above the median age of Salt Lake County of 33.2 years.
- Seventy-three percent of the population of Park City is white (non-Hispanic). Statewide, whites account for 80% of the population.
- Nineteen percent of the Park City population (1,623 persons) is Hispanic compared to 14% statewide.

Table 1
Population Trends in Summit County and Park City

Year	Summit	Park City	Park City as Share of County
2010	36,573	7,630	20.9%
2011	37,449	7,766	20.7%
2012	38,032	7,834	20.6%
2013	38,350	7,928	20.7%
2014	38,858	8,082	20.8%
2015	39,502	8,154	20.6%
2016	40,316	8,317	20.6%
2017	41,078	8,437	20.5%
2018	41,634	8,497	20.4%
2019	42,215	8,514	20.2%
2020	42,394	8,562	20.2%
AARC	1.5%	1.2%	

AARC = average annual rate of change.

Source: U.S. Census Bureau and Gardner Policy Institute.

Table 2
Household Trends for Park City

	Households	AARC
2000	2,705	
2010	2,885	0.65%
2021	3,399	1.50%

Source: U.S. Census Bureau and James Wood (2021 estimates).

Table 3
Age Structure of Park City Population

Under 5 years	240
5 to 9 years	300
10 to 14 years	613
15 to 19 years	658
20 to 24 years	669
25 to 34 years	1,253
35 to 44 years	939
45 to 54 years	1,250
55 to 59 years	656
60 to 64 years	694
65 to 74 years	814
75 to 84 years	257
85 years and over	32
Median age	40.0

Source: U.S. Census Bureau,
American Community Survey,
2015-2019.

Table 4
Race and Ethnicity of Park City

Race & Ethnicity	Number	% Share
Total population	8,396	100.0%
One race		
White	6,177	73.6%
Black or African American	53	0.6%
American Indian	12	0.1%
Asian	237	2.8%
Pacific Islander	7	0.1%
Some other race	37	0.4%
Two or more races	250	3.0%
Hispanic or Latino (of any race)	1,623	19.3%

Source: U.S. Census Bureau, Decennial Census
Redistricting data, 2020.

Employment and Wages (Tables 5-7)

- Park City's workforce has gradually declined over the past nine years. In 2010 the number of jobs totaled 12,577, but by 2018 it had fallen to 11,097.
- The job market in Park City is volatile. From time to time, sizeable employment swings occur. For example, in 2017, employment was 12,580 compared to only 11,097 in 2018.
- Summit County and Park City are experiencing a severe labor shortage. The county's unemployment rate in December was 1.8%.
- Park City's average wage rate in 2019 was \$50,484, a bit above the county's average wage rate of \$47,928.
- Park City has a wide range of wage rates. Four sectors have average wages above \$100,000—finance and real estate, information technology, management of companies, and wholesale trade, whereas three of the largest employment sectors, entertainment and

recreation, accommodations and food service, and retail trade, all have median wages below \$40,000.

Table 5
Employment Trends in Summit County and Park City

Year	Summit	Park City
2010	20,681	12,577
2011	21,877	12,925
2012	22,668	12,040
2013	23,379	11,328
2014	24,356	11,657
2015	25,388	11,833
2016	26,500	12,467
2017	26,909	12,580
2018	27,295	11,097
2019	28,084	NA
2020	25,529	NA
AARC 2010-2019	-9.1%	
AARC 2010-2020	2.1%	

AARC = Average Annual Rate of Change.
Source: U.S. Census Bureau and Gardner
Policy Institute

Table 6
Average Wage in Park City and Summit County

Year	Park City	Summit County
2010	\$32,664	\$34,380
2011	\$33,876	\$35,028
2012	\$34,068	\$36,060
2013	\$34,800	\$36,588
2014	\$36,060	\$38,424
2015	\$38,148	\$41,088
2016	\$38,568	\$41,460
2017	\$42,048	\$44,172
2018	\$43,728	\$46,212
2019	\$50,484	\$47,928
2020	---	\$52,308

Source: Utah Department of
Workforce Services.

Table 7
Average Wage by Sector in Summit County, 2020

Employment Sector	Average Wage	Employment
Agriculture, Forestry	\$40,128	37
Mining	\$65,640	71
Utilities	\$99,888	43
Construction	\$52,848	2,027
Manufacturing	\$77,328	891
Wholesale Trade	\$100,368	425
Retail Trade	\$36,576	3,216
Transportation and Warehousing	\$43,260	303
Information	\$105,348	456
Finance and Insurance	\$162,204	466
Real Estate and Rental Leasing	\$62,532	1,307
Professional and Scientific & Tech.	\$96,984	1,357
Management of Companies	\$101,520	224
Admin. Support	\$52,332	937
Education Services	\$38,292	348
Health Care	\$55,152	1,574
Arts, Entertainment and Recreation	\$39,264	3,281
Accommodation and Food Services	\$34,284	5,053
Other Services	\$44,040	756
Federal Government	\$50,844	63
State Government	\$37,572	105
Local Government	\$47,832	2,627
Total	\$52,308	25,529

Source: Utah Department of Workforce Services.

Commuters Characteristics (Tables 8-10 and Map 1)

- Each day nearly 8,800 out-of-county workers commute into Park City for employment.
- Forty percent of the out-of-county commuters live in Salt Lake County, 28% live in Wasatch County.
- A large share of the commuters earns less than \$40,000 annually, and a very high percentage work in one of three sectors; retail trade, accommodations and food, and entertainment and recreation.

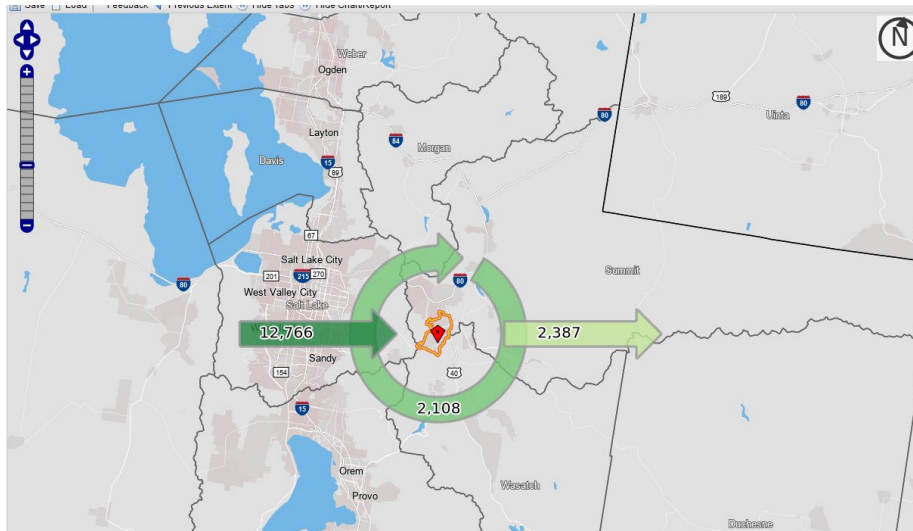
Table 8
Commuting into Park City, 2019

Where Worker Resides	Number	% Share
Living in Summit County but Outside Park City	4,002	31.3%
Salt Lake County	3,635	28.5%
Wasatch County	2,411	18.9%
Utah County	750	5.9%
Davis County	357	2.8%
Weber County	176	1.4%
Cache County	150	1.2%
Tooele County	86	0.7%
Morgan County	63	0.5%
Other	1,136	8.9%
Total Park City Workers Living Outside the City	12,766*	100.0%

*employment number from U.S. Census Bureau, differs from Utah Department of Workforce Services.

Source: U.S. Census Bureau, On The Map.

Map 1
Commuting into Park City



Source: U.S. Census Bureau, On the Map.

Table 9
Earnings of Commuters

Earnings	Number of Workers	% Share
\$1,250 per month or less	6,217	48.7%
\$1,251 to \$3,333 per month	3,197	25.0%
more than \$3,333 per month	3,352	26.3%
Total	12,766	100.0%

Source: U.S. Census Bureau, On the Map.

Table 10
Commuters by Type of Employment

Employment Sector	Employees	% Share of all Workers
Retail Trade	932	7.3%
Arts, Entertainment & Recreation	4,085	32.0%
Accommodations & Food	3,600	28.2%
Total	8,617	67.4%

Source: U.S. Census Bureau, On the Map.

III. Housing Affordability and Needs Analysis

This section provides data on the number of renters and owners by income and the housing cost burdens faced by these households. These data were used in determining the need for affordable housing over the next five years. The need is then compared to the affordable housing units in Park City's development pipeline to determine if the supply of additional affordable units meets demand.

Park City Households by Income Level

In 2019 (most recent data), Park City's median income was \$111,000, forty-six percent higher than the median income statewide and 8% higher than Summit County's median income. The "area median income" (AMI) by income group establishes the lower and upper-income boundaries for the respective income groups. For example, the lower and upper boundaries for the 30% to 50% AMI (family of four) is \$33,300 to \$55,500, *Table 1*.

Table 1
Income Thresholds by AMI Levels for Park City, 2021
(Four-person household)

AMI Levels	Income Thresholds
≤30% AMI	≤\$33,300
30% to 50% AMI	>\$33,300 to ≤\$55,500
50% to 80% AMI	>\$55,500 to ≤\$88,800
80% to 100% AMI	>\$88,800 to ≤\$111,000
100% to 120% AMI	>\$111,000 to ≤\$133,200

Source: U.S. Census Bureau.

The number of households in each AMI income group is shown in *Table 2*. Of the households below the median income, the income group with the greatest number of households is the ≤30% AMI group, extremely low-income households. This group accounts for 17.3% (589) of all households in Park City. Fifty-three percent (1,799) of all households in Park City have incomes below 120% AMI, and 1,601 households have incomes above 120% AMI.

Table 2
Income Distribution of Park City Households, 2021

AMI Levels	Households	% Share
≤30%	589	17.3%
30% to 50%	320	9.4%
50% to 80%	496	14.6%
80% to 100%	258	7.6%
100% to 120%	136	4.0%
Total ≤120%	1,799	53%
>120% AMI	1,601	47%
Total Households	3,400	100.0%

Source: Derived from building permit data at the Gardner Policy Institute

The HUD CHAS for Park City provides estimates of tenure (owner versus renter) by AMI income group; however, this estimate represents an average for the 2014-2018 period. I have used the same percentage share of households given in the HUD CHAS and applied those percent shares to my

2021 Park City household estimate of 3,400 households, *Table 3*. The 2021 estimates show that of the 1,799 households with incomes below 120%, 1,091 are renters, and 708 are owners. And the income group with the greatest number of renters is the 50% to 80% AMI group with 380 renter households. For owners, the greatest number of households is in the $\leq 30\%$ AMI income group with 294 households. Estimates of renters and owners by income are essential in determining affordable housing needs.

Table 3
Renters and Owners in Park City with Incomes Below 120% AMI
2021

AMI Levels	Renters	Owner	Total
$\leq 30\%$ AMI	295	294	589
30% to 50% AMI	175	145	320
50% to 80% AMI	380	116	496
80% to 100% AMI	200	58	258
100% to 120% AMI	41	95	136
Total	1,091	708	1,799

Source: James Wood derived from building permit data, HUD CHAS, and U.S. Census Bureau data.

Housing Cost Burdens

Despite the high incomes in Park City, the high cost of housing for both rental and owner-occupied units inevitably leads to housing cost burdens. HUD defines moderate housing cost burden as a household paying from 30 percent to 50 percent of their income for housing and utilities. A severe cost burden is defined as paying more than 50 percent of a household's income for housing and utilities.

Renter's Cost Burdens – Five hundred and five renter households, 39% of all renters in Park City, have a housing cost burden according to the HUD CHAS, *Table 4*. Two hundred and fifty of these renter households have a severe housing cost burden. All of the households with a severe housing cost burden have incomes below 80% AMI. Overall, about one-out-of five renters in Park City has an income below 80% AMI and is paying more than 50% of their income for housing and utilities. It's noteworthy that these 250 households receive no housing assistance (vouchers, tax credit units, RD units). The need for more affordable rental housing is obvious from the housing cost burden data.

The cost burden data from the HUD CHAS is important because it provides the share of renters facing housing cost burdens. Again, the share or ratios from the HUD CHAS were applied below to my 2021 estimate of renter households to determine affordable housing need.

Table 4
Cost Burdened Renter Households in Park City, 2014-2018

Cost Burdened Households (>30%)	Households with Burden	Total Households	% Share
≤30% AMI	215	245	87.7%
>30% to ≤50% AMI	120	140	85.7%
>50% to ≤80% AMI	65	180	36.1%
>80% to ≤ 100% AMI	30	170	17.6%
>100% AMI	75	550	13.6%
Total	505	1,295	39.0%
Severely Cost Burdened Households (>50%)	Households with Burden	Total Households	% Share
≤30% AMI	160	245	65.3%
>30% to ≤50% AMI	60	140	42.7%
>50% to ≤80% AMI	30	180	16.7%
>80% to ≤ 100% AMI	0	170	0.0%
>100% AMI	0	550	0.0%
Total	250	1,295	19.3%

Source: HUD CHAS 2014-2018.

Owners' Cost Burdens – The HUD CHAS (2014-2018) shows a total of 1,920 homeowners in Park City. Three-quarters of homeowners (1,470) have incomes above the median. Of the 25% of homeowners with incomes below the median, most (245) are extremely low-income households with a severe housing cost burden. Again, these cost burden data provide ratios that were applied to current owner households in the analysis below to determine affordable housing need.

Table 5
Cost Burdened Owner Households in Park City, 2014-2018

Cost Burdened Households (>30%)	Households With Burden	Total Households	% Share
≤30% AMI	190	245	77.5%
>30% to ≤50% AMI	55	105	52.3%
>50% to ≤80% AMI	30	55	54.5%
>80% to ≤ 100% AMI	0	50	0.0%
>100% AMI	150	1,470	10.2%
Total	425	1,920	22.1%
Severely Cost Burdened Households (>50%)	Households With Burden	Total Households	% Share
≤30% AMI	155	245	63.3%
>30% to ≤50% AMI	20	105	19.1%
>50% to ≤80% AMI	30	55	54.5%
>80% to ≤ 100% AMI	0	50	0.0%
>100% AMI	25	1,470	1.7%
Total	230	1,920	12.0%

Source: HUD CHAS 2014-2018.

Gap or Current Shortage of Affordable Rental and Owner-Occupied Housing

Affordable Rental Unit Gap – I have estimated that the number of renters in Park City in 2021 at 1,169 renters. Ninety-three percent of these renters (1,091) have incomes below 120% AMI. Table 6 shows the number of renters in each income group and the renters facing 30% and 50% housing cost burdens based on the HUD CHAS ratios for 2014-2018 (Tables 4-5).

The best measure of the current gap in affordable rental housing is the number of renters facing housing cost burdens. For these renters, the market lacks affordability. The current gap or need is

590 affordable rental units, which includes 260 renters with incomes below 30% AMI, 151 with incomes from 30% to 50% AMI, 137 with incomes from 50% to 80% AMI, and 36 with incomes from 80% to 100% AMI. Unfortunately, for the 260 extremely low-income renters there are few assistance programs other than vouchers (RD and Section 8) that can provide support. Again for emphasis, the renters facing housing cost burdens are receiving no housing assistance from tax credit units, vouchers, or public housing. These renters are on the edge of homelessness.

State, county, and city affordable housing programs do not reach the extremely low-income group. However, in Park City, affordable housing has been developed through inclusionary zoning and other measures for renter households with incomes from 30% to 120% AMI. Excluding the extremely low-income households, there are 330 renters with incomes 30% to 120% AMI facing housing cost burdens of at least 30% and 140 renters with severe housing cost burdens. The 140 renter households with severe cost burdens—75 households with incomes at 30% to 50% AMI and 65 with incomes at 50% to 80% AMI—have the highest need for assistance.

Table 6
Housing Cost Burdens for Renters and Need
for Affordable Units in Park City, 2021

AMI Levels	Renters	30% Cost Burden	50% Cost Burden
≤30%	295	260	192
30% to 50%	175	151	75
50% to 80%	380	137	65
80% to 100%	200	36	0
100% to 120%	41	6	0
Total	1,091	590	332

Source: U.S. Census Bureau, and HUD CHAS.

Affordable Owner-Occupied Gap - I have estimated there are 2,230 owner-occupied housing units in Park City in 2021. Thirty-two percent of the homeowners (708) have incomes below 120% AMI. A very high percentage of the owners with housing cost burdens are those owners with incomes below 50% AMI. Presumably, a good share of these households are seniors with reduced earnings due to retirement, and hopefully, many of them are mortgage-free.

Table 7
Housing Cost Burdens for Owners and Need
for Affordable Units in Park City, 2021

AMI Levels	Owners	30% Cost Burden	50% Cost Burden
≤30%	294	229	185
30% to 50%	145	75	28
50% to 80%	116	63	63
80% to 100%	58	0	0
100% to 120%	95	10	2
Total	708	377	278

Source: U.S. Census Bureau, and HUD CHAS.

It's not realistic to expect affordable housing programs to provide owner-occupied opportunities for the very low and extremely low-income groups. Projects targeted for those income groups do not "pencil." However, affordable housing programs can reach those at 80% to 120% AMI, incomes from \$88,800 to \$133,200. The number of owners in these two income groups with housing cost burdens totals 12 households. The current need for affordable homeownership units is considerably less than the need for affordable rental units.

Affordable Housing Calculator - The Utah Division of Housing and Community Development provides an affordability calculator in the Utah Affordable Housing Forecast Tool. Using specified inputs, the affordability calculator determines the monthly income for rent and the maximum mortgage loan amount by income category *Table 6*. For example, given the current interest rate, the maximum mortgage amount, which is assumed to be 97% of the asking price, is \$455,780 to \$557,270 for households with incomes at 80% to 100% AMI. These maximum loan amounts were matched against the prices of single-family homes and condominiums currently listed on the MLS system of UtahRealEstate.com to determine the number of homes affordable for each income group.

There were 588 single-family homes sold in Park City in 2021. The lowest-priced home sold for \$643,000. Only seven homes sold for less than \$700,000, *Table 7*. These homes would have barely been affordable to households in the 100% to 120% AMI income group. No homes sold in 2021 would have been affordable to households with incomes below the median. In a well-balanced housing market, 50% of homes sold are affordable to 50% of households.

There were 91 condominium/townhomes units sold in 2021 that were affordable to households at 80% to 120% AMI, *Table 8*. These condominiums amounted to about 11% of all condominiums sold but only 6% of all types of housing units sold (single-family and condominiums/townhomes). Affordable owner-occupied housing in Park City is extremely limited and includes only a few condominiums and townhomes.

Table 6
Affordability Calculator from Utah Affordability Housing Forecast Tool, 2021
Median Income Household with Four Persons

Category	Amount
County	Summit
City	Park City
Year	2021
AMI	\$117,760*
Monthly Utility Costs	\$200
Loan Terms (Years)	30
Interest Rate	3.5%
Private Mortgage Insurance	Yes
Mortgage. Insurance Rate	1.00%
<i>Monthly Income for Housing Expenses</i>	
≤30% AMI	≤\$885
>30% to ≤50% AMI	\$885 to \$1,472
>50% to ≤80% AMI	\$1,472 to \$2,355
>80% to ≤100% AMI	\$2,355 to \$2,944
100% to ≤120% AMI	\$2,944 to \$3,532
<i>Maximum Mortgage Loan Amount</i>	
≤30% AMI	≤\$167,500
>30% to ≤50% AMI	\$167,500 to \$278,650
>50% to ≤80% AMI	\$278,650 to \$445,780
>80% to ≤100% AMI	\$445,780 to \$557,270
100% to ≤120% AMI	\$557,270 to \$668,575

*Adjusted to 2021 using 6% growth since 2019 \$111,000 median income.

Source: Utah Affordable Housing Forecast Tool

Table 7
Sales of Single-family Homes by Price Range in Park City, 2021

Income Category	Price Range	Sales	% Sales
≤30% AMI	≤\$167,500	0	0.0%
>30% to ≤50% AMI	\$167,500 to \$278,650	0	0.0%
>50% to ≤80% AMI	\$278,650 to \$445,780	0	0.0%
>80% to ≤100% AMI	\$445,780 to \$557,270	0	0.0%
100% to ≤120% AMI	\$557,270 to \$668,575	7	1.1%

Source: UtahRealEstate.com

Table 8
Condominium and Townhome Sales by Price Range in Park City, 2021

	Affordable Price Range	Sales	% Sales
≤30% AMI	≤\$167,500	0	0.0%
>30% to ≤50% AMI	\$167,500 to \$278,650	0	0.0%
>50% to ≤80% AMI	\$278,650 to \$445,780	0	0.0%
>80% to ≤100% AMI	\$445,780 to \$557,270	46	5.4%
100% to ≤120% AMI	\$557,270 to \$668,575	45	5.4%

Source: UtahRealEstate.com

Projected Five Year Affordable Housing Needs

Population and Household Projections – Three demographic projection scenarios were developed from the Mountainlands Association of Governments (MAG), and the U.S. Census Bureau population estimates *Table 9*. MAG produced population projections in 2019 for all of the municipalities in their three-county jurisdiction. The scenarios from the Census include the rate of demographic growth in Park City as reported for two periods, 2000-2020 and 2010-2020. The MAG projections show by far the slowest growth from 2020 to 2026, an increase of only 65 households over the six-year period. The Census estimates for the 2010-2020 period recorded an annual increase of 1.2%, which over the 2020-2026 period would require an additional 228 housing units. MAG projections seem way too low given the demographic growth from 2010 to 2020. And of course, the Census's 2000-2020 growth rate includes the slow growth years of the Great Recession. I feel that the most likely and reasonable growth rate is the 1.2% annual rate from the Census (2010 – 2020). This rate of growth would require 228 new housing units by 2026 to accommodate the growth in households, *Table 10*. This rate of growth does not include the affordable units proposed by Park City's Community Development Department. The rate of growth can be increase through affordable housing programs.

Table 9
Population and Household Projections for Park City
Three Scenarios

Projection Source	AARC	2020	2026	Change in Population	Change in Households
(1) Mountainlands Association of Governments	0.28%	8,562	8,706	144	65
(2) U.S. Census Bureau estimates (2000-2020)	0.75%	8,562	8,888	326	140
(3) U.S. Census Bureau estimates (2010-2020)	1.2%	8,562	9,088	526	228

Source: Derived from Mountainlands Association of Governemtns, and U.S. Census Bureau.

Table 10
Household Projections

Scenarios	Households 2021	Households 2026	Numeric Change	AARC*
Mountainlands	3,399	3,464	65	0.38%
Census (2000-2020)	3,399	3,539	140	0.81%
Census (2010-2020)	3,399	3,627	228	1.31%

Source: Mountainlands Association of Government and U.S. Census Bureau.

Demographic Growth and Demand for Housing Units – The demographic projections make no distinction between future owners and renters. But, the mix of owners and renters can be influenced by Park City's housing policy. Without the assistance of affordable housing programs, the market will produce housing for only high-income households. The demographic projections show that growth will be sufficient to support at least 100 units of affordable housing—43% of expected demand— with a mix of 80 affordable rental units and 20 owner-occupied units.

Affordable Housing Production Goal - In 2016, the Park City Council passed *A Resolution Establishing an Affordable Housing Production Goal for the Park City Housing Authority*. The resolution states, "the Mayor and City Council do hereby proclaim an affordable housing goal of 800 units by 2026 with an interim goal of 220 units by 2020." By 2021, 169 affordable units had been developed through inclusionary zoning (IZ) or city purchase of land and units, *Table 11*. Most of these units are occupied by qualified households. The absorption of these 169 units over five

years shows that the demand for affordable housing is stronger than demographic projections would indicate. In fact, with regards to affordable housing, Park City can be characterized as a market where "if you built it they will come". The need for affordable housing is at least a thousand units, given that more than 8,000 out-of-county workers commute daily into Park City for employment. Certainly, a substantial number of these workers would prefer to live closer to their employment and would readily rent or own affordable housing in the city.

Table 11
Development of Affordable Housing in Park City, 2016-2021

Project	Units	Comments
Quinn's Junction, Park City Heights	68	Under a sales agreement with Park City, Ivory Homes agreed to build 79 affordable homes as part of their larger Park City Heights development. To date, 68 are completed.
Central Park Condominiums	11	In 2018, the city purchased 11 units, which now are deed-restricted and occupied by qualified households.
Retreat at the Park	8	In 2019, single-family homes. Occupied by qualified households
Prospector Condos	23	In 2018, the city purchased 23 units and renovated the units for rent to transit employees. Half of the units are occupied.
Woodside Park Phase I	11	In 2019, the city completed Woodside Park Phase I. Seven owner-occupied units and 4 ADUs.
Kings Crown	11	Condominium units
Deed restrictions (IHC)	37	24 SRO rental units, 12 two-bedroom units, and one three-bedroom unit
Total Units	169	

Source: 2021 Update to 2020 Housing Assessment and Plan, The Moderate Income Housing Plan, as an addendum to the 2014 Park City General Plan.

Park City, through inclusionary zoning and RDA funding, could see as many as 600 additional affordable units developed by 2026. Added to the 169 units developed from 2016 to 2021, this would bring the number of affordable units developed (2016-2026), with support of Park City's affordable housing programs, to 769 units, slightly below the 2016 Resolution's goal of 800 units.

Area Median Income (AMI) versus Workforce Wage (WFW) – Park City officials have recognized that the area median income (AMI) does not "accurately reflect the financial reality of those in need of affordable housing." For tax credit applications, HUD uses an AMI for Summit County of \$120,800. A high AMI leads to higher rental rates for many government assisted projects, since approved rental rates are tied to income. The theory is higher-income households can afford higher rents. Unfortunately, in a resort community, the relationship between AMI and rents breaks down. Resort communities require a large moderate to low-wage workforce. In the case of Park City, over half the workforce must commute from out-of-county due to the lack of affordable housing. In addition, a fair share of Park City residents are employed locally at moderate to low wage jobs and consequently often face overcrowded housing conditions and high housing cost burdens. The high AMI levels in Park City result in higher rents for affordable projects.

The glaring difference between AMI and WFW is illustrated by an estimate of the weighted average wage for the five major employment sectors in Summit County (Park City data not available). These five sectors account for nearly two-thirds of the county's employment and are also the sectors most likely to employ commuters. The weighted average wage in 2020 was \$38,197, a wage at only 34% of Park City's median income and 32% of HUD's AMI of \$120,800, *Table 13*.

Using a rental rate based on the AMI, a one-bedroom apartment at 50% AMI would have a monthly rental rate of \$1,120. This one-bedroom apartment would require an income of \$44,800 (rent and utilities at 30% of income), an income 17% higher than the average wage of \$38,197, *Table 14*. A housing policy that does not account for the difference between AMI and WFW can worsen the affordable housing crisis.

Table 13
Average Wage for Major Employment Sectors in Summit County

Employment Sector	Average Wage	Employment
Construction	\$53,052	2,260
Retail Trade	\$36,804	3,318
Arts & Entertainment	\$29,136	4,306
Accommodation & Food Service	\$34,572	5,070
Local Government	\$48,924	2,651
Weight Average/Total	\$38,197	17,605
Summit County Employment	---	27,115
% of Workforce	---	64.9%

Source: Utah Department of Workforce Services.

Table 14
Income Required for Rent and Utilities by AMI Levels

AMI Levels	Rent	Annual Cost of Rent & Utilities	Income Required for Rent & Utilities
Studio			
80%	\$1,674	\$20,088	\$66,960
70%	\$1,464	\$17,568	\$58,560
60%	\$1,255	\$15,060	\$50,200
50%	\$1,046	\$12,552	\$41,840
40%	\$837	\$10,044	\$33,480
30%	\$627	\$7,524	\$25,080
One Bedroom			
80%	\$1,793	\$21,516	\$71,720
70%	\$1,568	\$18,816	\$62,720
60%	\$1,344	\$16,128	\$53,760
50%	\$1,120	\$13,440	\$44,800
40%	\$896	\$10,752	\$35,840
30%	\$672	\$8,064	\$26,880
Two Bedroom			
80%	\$2,152	\$25,824	\$86,080
70%	\$1,883	\$22,596	\$75,320
60%	\$1,614	\$19,368	\$64,560
50%	\$1,345	\$16,140	\$53,800
40%	\$1,076	\$12,912	\$43,040
30%	\$807	\$9,684	\$32,280
Three Bedroom			
80%	\$2,438	\$29,256	\$97,520
70%	\$2,175	\$26,100	\$87,000
60%	\$1,864	\$22,368	\$74,560
50%	\$1,553	\$18,636	\$62,120
40%	\$1,243	\$14,916	\$49,720
30%	\$932	\$11,184	\$37,280

Source: HUD 2021 maximum gross rents for LIHTC projects.

Affordable Housing Need Compared to Likely Development – The addition of the proposed 559 affordable units would be a significant addition to Park City's affordable housing inventory but would still fall short of the demand for the 2022 to 2026 period. The three sources of demand, (1) current renters with housing cost burdens, 330 households, (2) demand created by demographic growth over the next five years, at least 100 affordable units, and (3) the workforce housing demand created by the more than 8,000 out-of-county workers commuting daily to Park City for employment, the "if you built it they will come" households. If five percent of these commuters opted to move to Park City they would generate the demand for 400 units of affordable housing units. Housing demand from commuters would be primarily for affordable rental housing. Three-quarters of commuters (6,000 individuals) make less than \$40,000 annually, about 50% of the AMI for a one-person households and 40% for a two person household. One-person commuter households with incomes at 60% to 80% AMI have incomes from \$50,000 to \$67,000, a smaller share (2,000 individuals) of commuters.

Demand for affordable housing could absorb as many as 800 to 1,000 units over the next five years. The development of the proposed 600 affordable units is commendable, nevertheless, supply will still fall short of demand.

VITA

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MILITARY EXPERIENCE

United States Army, Military Intelligence 1968-1970; Vietnam 1969-1970. Awarded
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EMPLOYMENT EXPERIENCE

July 2015 to present Ivory Boyer Senior Fellow, Kem C. Gardner Policy Institute,
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2002 to 2015, Director, Bureau of Economic and Business Research, David Eccles
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1975 to 2002, Senior Research Analyst, Bureau of Economic and Business Research, David
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1974-1975 - Legislative Aide on economic issues for Senator Frank E. Moss,
Washington, D.C.
1972-1974 - Research Analyst, Bureau of Economic and Business Research.
1970 (summer) - Accountant, Jacobsen Construction Company, Salt Lake City, Utah.
1966-1967 - Accountant, Utah Idaho Sugar Company, Salt Lake City, Utah.

ADVISORY COMMITTEES AND BOARDS

Ex-Officio Member of the Board of Trustees Downtown Alliance Salt Lake City.
Member of the Economic Council of Utah.
Committee Member of Revenue Assumption Working Group, State of Utah.
Board Member of NeighborWorks Salt Lake City
President of Wasatch Economic Forum 2008-2009
Advisory Board Member of the Salt Lake County Housing Trust Fund 2009-2014
Board Member Salt Lake Home Builders Association
Member Salt Lake County Consortium Housing (HOME) Committee

UNIVERSITY RESEARCH STUDIES AND PUBLICATIONS

“The Origins of Utah’s High Tech Industry: People, Products, and Companies,” (forthcoming), Kem Gardner Policy Institute, University of Utah.

“The State of the State’s Housing Market,” Kem Gardner Policy Institute, University of Utah, James Wood and Dejan Eskic, October 2021.

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HOUSING WORK SESSION

March 17, 2022

Overview



Housing Assessment



Housing Goals



Housing Resolution



Housing Authority



Strategies/Programs



Development

Key Questions: Housing

Why should the City invest in affordable housing?

Retain community fabric and small-town feel
Address housing needs for local business workforce
Reduce daily transportation and carbon emissions

1

How should the City develop housing?

City developed
Public-private/non-profit partnerships
Lite Deed Restriction Program

Rent to Own
Shared Equity

2

Who should develop affordable housing?

Private/non-profit sectors only
City with private/non-profit partners
City only

Regional housing authority
Large employers

3

Where should affordable housing be developed?

Inside city limits only
Inside or outside city limits, but relatively close to City

4

What percent of the workforce should live in town?

10%, 15%, 20%, more...?

5

Should the City re-evaluate the housing authority?

Change the structure
Investigate moving to a more regional approach

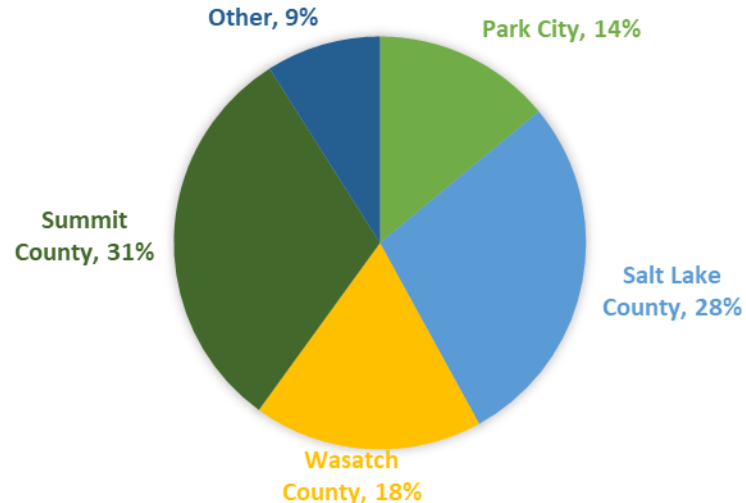
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2021 PARK CITY HOUSING ASSESSMENT

Commuter Data

Each day nearly **8,800** out-of-county workers commute into Park City for employment.

WHERE DOES WORKFORCE COME FROM?



Where do PCMC employees live?

Park City	132	16%
Snyderville Basin	140	17%
Rest of Summit County	83	10%
Salt Lake Valley	203	25%
Wasatch County	113	14%
Utah County	63	8%
Weber & Davis Counties	42	5%
Other Counties/Out of State	41	5%

Workforce Information

Employment Sector	Average Wage	Employment
Agriculture, Forestry	\$40,128	37
Mining	\$65,640	71
Utilities	\$99,888	43
Construction	\$52,848	2,027
Manufacturing	\$77,328	891
Wholesale Trade	\$100,368	425
Retail Trade	\$36,576	3,216
Transportation and Warehousing	\$43,260	303
Information	\$105,348	456
Finance and Insurance	\$162,204	466
Real Estate and Rental Leasing	\$62,532	1,307
Professional and Scientific & Tech.	\$96,984	1,357
Management of Companies	\$101,520	224
Admin. Support	\$52,332	937
Education Services	\$38,292	348
Health Care	\$55,152	1,574
Arts, Entertainment and Recreation	\$39,264	3,281
Accommodation and Food Services	\$34,284	5,053
Other Services	\$44,040	756
Federal Government	\$50,844	63
State Government	\$37,572	105
Local Government	\$47,832	2,627
Total	\$52,308	25,529

Average Wage and Number of Employees by Sector in Summit County, 2020

Source: Utah Department of Workforce Services.

Earnings of Commuters

Earnings	Number of Workers	% Share
\$1,250 per month or less	6,217	48.7%
\$1,251 to \$3,333 per month	3,197	25.0%
more than \$3,333 per month	3,352	26.3%
Total	12,766	100.0%

Source: U.S. Census, On the Map

\$500,000

Annual household income required to purchase median priced single-family home, nearly five times the median income.

\$200,000

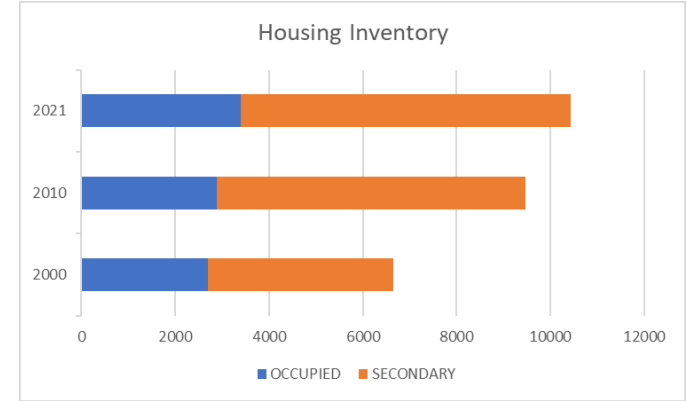
Annual household income required to purchase median priced condominium.

Housing Inventory

Table 1
Changes in the Park City Housing Inventory by Type of Use

Category	2000	2010	2021	Change 2000-2021	Change 2010-2021
Total Housing Units	6,661	9,471	10,440	3,779	969
Occupied	2,705	2,885	3,399	694	514
Share of Total Units	40.80%	30.50%	32.60%		
Vacant	3,956	6,586	7,041	3,085	455
Share of Total Units	59.2	69.5	67.40%		
Owner Occupied	1,660	1,775	2,230	570	455
Share of Units	24.90%	18.70%	21.50%		
Renter Occupied Units	1,045	1,110	1,169	124	59*
Share of Total Units	16.00%	11.70%	11.20%		
Vacant Seasonal, Recreational	3,383	5,609	6,750	3,367	1,141

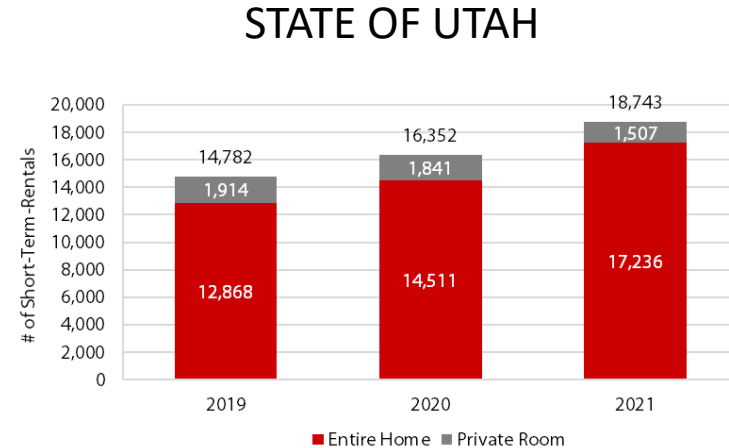
*Rental units include only those new units classified as rental units by the Park City Building Department. Rehabilitated units and condominium units are not included in the additional rental units.
Source: U.S. Census Bureau and Gardner Policy Institute, University of Utah.



YEAR	2000	2010	2021
TOTAL UNITS	6661	9471	10440
OCCUPIED	41%	30%	33%
SECONDARY	59%	70%	67%

Short-Term Rentals

- From a study completed by the Gardner Policy Institute at the University of Utah:
 - The number of STRs in Utah increased over the last half of the 2010s
 - Summit County holds the highest share of the state's STR's historically.
 - In 2021, 32.2% of all listings (over 6,000) were in Summit County.
 - Park City estimated to have over half of the STR in Summit County.
 - 2,300 licensed STR, estimate of 1,000-1,500 more operating without a license



What does the data tell us?

14%

Employees live within
City limits

8,800

Employees commute
from outside Summit
County

67%

Employees commuters
earn less than \$40K

330

Existing rental
households are cost-
burdened (above 30%
of income)

800 - 1000

Demand for affordable
housing units over the
next five years

HOUSING GOALS

Current Housing Goal

- Housing goal of 800 units by 2026 created in 2016.
- Based on 2016 Housing Needs Assessment that stated 80 units needed each year to maintain 15% of workforce living in City limits.
- Current direction is to focus development within City limits.

— Building a Complete Community —

Who are we building housing for?

- Housing for every stage of one's life
- Long-term rentals
- Multi-Income, Multi-Generational
- Options for protected community members such as LGBTQA+, Seniors, Differently Abled and Neuro-diverse.
- Support of small businesses within city limits



AMI vs WFW

- **Area Median Income (AMI)** is based on **who lives here**

- Aging Population
- Growing wealthier (\$108,720 for a family of 3)
- Diversity is dropping



- **Workforce Wage (WFW)** is based on **who works here**

- Low wages in services, hospitality and retail (\$63,600 for a family of 3)
- 86% of the workforce commutes
- 67% earn \$40,000 or less



AMI vs WFW

WFW for Summit County

Area	WFW for Family of 3	Category	Persons in Family							
			1	2	3	4	5	6	7	8
Summit County, UT	\$63,600	50% of WFW	24,041	27,475	31,800	34,344	37,092	39,839	42,587	45,334
		30% of WFW	14,424	16,485	19,080	20,606	22,255	23,903	25,552	27,200
		80% of WFW	38,465	43,960	50,880	54,950	59,346	63,742	68,138	72,535
		100% of WFW	44,520	50,880	63,600	68,688	74,183	79,678	85,173	90,668

100% of WFW for a family of 3 is equal to 58% of AMI.

HUD approved AMI for Summit County based on National AMI limits

Area	HUD Median Income for Family of 3	FY 2021 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Summit County, UT	\$108,720	Very Low (50%) Income Limits	41,850	47,800	53,800	59,750	64,550	69,350	74,100	78,900
		Extremely (30%) Low Income Limits	25,100	28,700	32,300	35,850	38,750	41,600	44,500	47,350
		Low (80%) Income Limits	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500

HUD AMI calculations for Summit County based on math

Area	HUD Median Income for Family of 3	FY 2021 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Summit County, UT	\$108,720	Very Low (50%) Income Limits	42,280	48,320	54,360	60,400	65,232	70,064	74,896	79,728
		Extremely (30%) Low Income Limits	25,368	28,992	32,616	36,240	39,139	42,038	44,938	47,837
		Low (80%) Income Limits	67,648	77,312	86,976	96,640	104,371	112,102	119,834	127,565

Workforce vs Affordable

Federal/State definition:

- Affordable (also MIH*) = 80% and below of AMI
- Workforce = as many definitions as there are communities

Park City - Staff Recommended definitions:

- Affordable = $\leq 100\%$ of Workforce Wage (58% of AMI)
- Workforce as a subset of Affordable
- Attainable = Middle Income (up to 150% of AMI)

* Moderate Income Housing – State classification

Policy Questions

- Who are we building housing for?
- Do you want to change the housing goal? If so, what changes would you like to see made?
 - Percentage of workforce living in Park City
 - Affordability Level? (AMI vs. WFW)
 - Rental vs. Ownership
 - Community housing vs. Workforce housing
- Does the Council want to make a goal for percentage of City employees that live in town?

HOUSING RESOLUTION

— Park City Housing Resolution —

- Park City has the strongest housing resolutions in the State.
- First Housing Resolution passed in 1991.
- Provides the guidelines for affordable housing program.
- Includes an inclusionary housing provision
- Required to be reviewed by City Council every two years.
- Last updated in 2021.

— Updating the Housing Resolution —

- The Housing Team reviews the current resolution annually.
- Areas identified for updates:
 - Reevaluate & reprioritize the options for fulfillment of housing obligations
 - Re-evaluate the fee-in-lieu calculation
 - Reassessing the basis for employee generation calculations
 - Reviewing the qualified work locations
 - Reviewing targeted income levels
 - Add language in support of programs to meet the housing needs of other populations

Methods of Fulfillment of Housing Obligations

1. Construction of unit(s) on the site on which the development is proposed.
2. Construction of the unit(s) within the Park City corporate limits
3. Dedication of existing units within Park City corporate limits (No more than 25% of a housing obligation)
4. Conveyance of land within the Park City School District boundary
5. Construction of units outside Park City, but within the Park City School District boundary
6. Payment of Fees in Lieu of Development.

Council could choose to re-prioritize order of fulfillment or disincentivize options less desirable by adding additional requirements.

Fee In Lieu

- Payment of Fees in Lieu of Development. If the Park City Housing Authority determines that
 - (1) no other alternative is feasible, or
 - (2) such a payment would result in more immediate development of housing, or
 - (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted.
- Funds may only be expended for projects located within city limits of Park City or within the Park City School District boundary
- The In Lieu Fee is based on the actual cost of construction in the prior year and published annually.
- Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions.
- Any Fees in Lieu collected shall be used only for the purpose of planning for, subsidizing, or developing affordable housing.

Fee In Lieu

- Current Fee In Lieu fee is \$389,700 per AUE. Based on construction cost from previous year.
- Options moving forward:
 - Include cost of land in calculation
 - Include an inflationary component for time needed to build unit

Employee Generation

- Employee Generation rates – current rates are outdated and a new study taking a special look at:
 - The difference between hotels: 5-star vs 2- or 3-star
 - New categories such as:
 - Ski Clubs
 - Meeting and Convention Space
 - Employee generation of short-term rentals

Qualified Renters/Buyers

- Work location – change from PCSD boundaries to within city limits to help meet housing goals?
- Change income targeting to lower AMI especially for rental units to meet the needs of commuting workforce?
- Explore ways to address the housing needs of protected classes such as Seniors, LGBTQA+, differently abled and neuro-diverse communities.

Policy Questions

- Is City Council supportive of the areas that the Housing Team has identified for possible changes in the Housing Resolution?
 - Reevaluate & reprioritize the options for fulfillment of housing obligations
 - Re-evaluate the fee-in-lieu calculation
 - Reassessing the basis for employee generation calculations
 - Reviewing the qualified work locations
 - Reviewing targeted income levels
 - Add language in support of programs to meet the housing needs of other populations
- Are there any other areas that the City Council would like the Housing Team to review for possible changes?

HOUSING AUTHORITY

TRIVIA QUESTIONS

- **What year was the Park City Housing Authority established?**

Background

- Park City's Housing Authority was established in 1978
- Made up of members appointed by City Council.
- Utah State Code establishes the power for the creation of Housing Authorities, to study and determine the needs of medium and low-income persons
- Housing Authorities can also administer programs, own and lease property, and conduct business associated with affordable housing
- Council directed the Housing Team at their spring retreat to explore the options for a local or regional Housing Authority separate from, but appointed by, the City Council

Comparing Other Housing Authorities

BLAINE COUNTY



SALT LAKE COUNTY



— Pros & Cons of Separate Housing Authority —

PROS

- Expertise in the field -
- Ability to act quickly
- Greater opportunities for regional collaboration
- Increased operation efficiency
- Inoculated from the politics of the issues

CONS

- Reduced amount of control
- Funds spent outside City limits
- Increased benefits to other jurisdictions

Recommendation

- Return to Council in a future work session with a more comprehensive presentation that includes:
 - Funding Options
 - State Laws
 - Bylaws/Guidelines
 - Budget
 - Possible phasing plan for Housing Authority

STRATEGIES/PROGRAMS



— Live Local Park City – Lite Deed Restrictions Program —

- Makes cash payments to property owners to place a deed restriction on their property in perpetuity.
 - Would restrict properties to “full-time” residents occupying or renting property (greater than 6 months)
 - The Housing Team proposes to allocate \$1,000,000 in funding
 - Staff has brought this program to Council three times.
-
- *Would Council want the Housing Team to return with a broader program that includes an affordability component?*

Buy Down Program

- Property would be bought at market value and sold at deed restricted price
- A capital fund would allow for quick movement on key properties that come onto the market

Rent to Own Program

- City purchases the home
- Renter contributes 1-2% of purchase price as “initial home savings fund”
- Each month a percentage of the rent goes into “home savings fund”
- After three years, renter has enough money for down payment

Shared Equity Program

- Shared equity programs require a one-time investment into each property by the municipality
- In return for the subsidy, the buyer agrees to share any home price appreciation at the time of resale with the entity providing the subsidy, which helps preserve affordability for subsequent homebuyers.
- Shared equity programs are also used by private companies (Pacaso) to encourage second home ownership

Shared Equity Program

What is Shared Equity Homeownership?



A one-time investment makes a home affordable for purchase by a working family with modest means, and the home remains affordable for family after family that purchases it.



In return for being able to buy a home below its market-rate value, the family agrees to limit their proceeds when they sell so another family with a modest income can afford to purchase the home.



The first family builds wealth and then "pays it forward." The affordable house is self-sustaining, and the use of public funds is prudent since that one-time public investment serves an endless number of families.

What are the Benefits of Shared Equity Homeownership?



- 1 Provides greater likelihood of attaining and sustaining homeownership.
- 2 Builds wealth among lower income and families of color.
- 3 Ensures public investments go further and do more.
- 4 Builds stronger, safer and higher-quality neighborhoods.
- 5 Contributes to greater educational and job attainment.
- 6 Creates jobs through the construction and rehab of housing.

City Build & Sell Model

- City acts as developer and develops for sale units
- City has successfully completed several projects using this model



Pros/Cons of City Build/Sale Model

PROS

- City controls the design
- City retains any profits or revenue

CONS

- Requires large amount of City resources
- Project delivery is slower
- Subsidy could be above 50% of costs
- Ties up more City funds to other projects

Public/Private Partnerships

- City partners with private sector developer or non-profit to build affordable housing.



——Pros/Cons of Public/Private Partnerships——

PROS

- Better projects when each participant does what they do best
- Faster projects
- Lower risk for the City
- Private sector more experience in cost containment
- Allows City funds to be used more efficiently

CONS

- Must compensate private sector for risk
- Reduce or forfeit profit or future revenue
- Must be flexible in design

Program Evaluation Matrix



PCMC Relative Value Housing Strategy Analysis

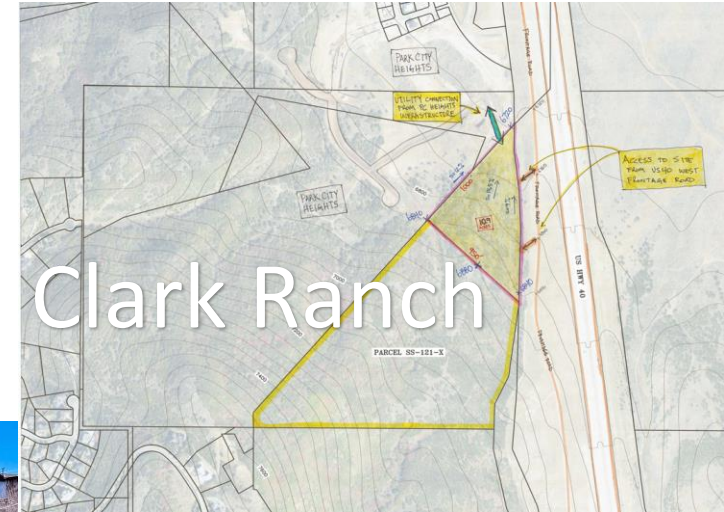
	Strategy					
	Purchase Price Buy Down	Lite Deed Restriction	City Build & Sell	Rent to Own	Shared Equity	Public Private/Non-Profit Partnership
	Configurable Model Parameters					
Funding Access, \$	\$25,000,000	\$25,000,000	\$25,000,000	\$25,000,000	\$25,000,000	\$25,000,000
Assumed 2022 Market Price, \$	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000	-
Assumed Discount Factor, %	47%	15%	47%	0%	20%	-
Assumed Number of Executable Transactions/Year, No.	10	12	15	8	10	-
Assumed Monthly Rent Charged, \$	-	-	-	\$2,500	-	-
Assumed Cost per Acre, \$	-	-	-	-	-	\$4,500,000
Assumed Buildable Units per Acre, Acres	-	-	-	-	-	70
Assumed Annual Growth Rate of PC Home Prices, %	10.0%	10.0%	10.0%	10.0%	10.0%	10.0%
	Key Outcomes					
Units Acquired, No.	50	121	54	26	94	389
Acquisition Cost Per Unit, \$	\$500,000	\$206,612	\$462,963	\$834,038	\$265,957	\$64,286
Years for City to Acquire Affordable Units, Yrs.	5.00	10.08	3.60	5.67	9.40	5.00
City Revenue or Equity Generated, \$	(\$25,000,000)	(\$25,000,000)	(\$25,000,000)	\$28,315,000	\$24,688,515	(\$25,000,000)
	Strategy Single Criteria Rank					
Maximize Units Acquired	5	2	4	6	3	1
Minimize Acquisition Cost Per Unit	5	2	4	6	3	1
Minimize Years for City to Acquire Affordable Units	2	6	1	4	5	2
Maximize City Revenue or Equity Generated	3	3	3	1	2	3
Council Defined Sentiment - Community Benefit	1	1	1	1	1	1
Weighted Average Score	3.2	2.8	2.6	3.6	2.8	1.6
	Strategy MiniMax Regret					
Overall MiniMax Rank	5	3	2	6	3	1
Metric Weights						
Key Outcomes	Weights	<-- Adjust weights carried by different metrics in final score, staff has assumed equal weight across all metrics by default				
Maximize Units Acquired	1					
Minimize Acquisition Cost Per Unit	1					
Minimize Years for City to Acquire Affordable Units	1					
Maximize City Revenue or Equity Generated	1					
Council Defined Sentiment - Community Benefit	1					

Other Opportunities

- Down Payment Assistance – Fund that would provide down payments
- STR Conversion Program – Provides payments to incentivize property owners to rent long term.
- City Employee Long-Term Housing Programs – Provide long-term housing options with City-owned property.

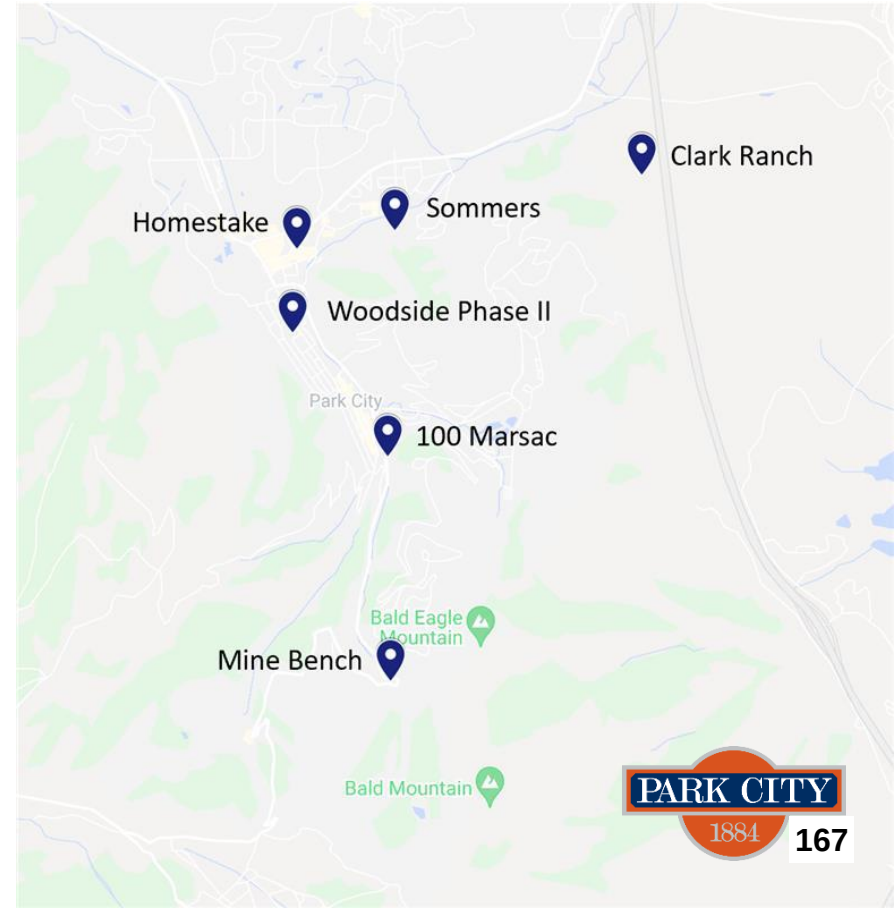
DEVELOPMENT

Development Updates



Land Prioritization Exercise

- In 2018, to continue progress towards the aggressive housing goals, staff was asked to bring Council a prioritized list of City-owned properties for possible housing development.
- In October 2018, Council prioritized the list of properties to include the following:
 - 100 Marsac
 - Mine Bench
 - Sommers
 - Clark Ranch





Mine Bench

- Staff has been approached by local business who are interested in building workforce housing on the site.
- Current direction was to not prioritize this property for City development.

Recommendations:

Option 1: Direct staff to start entitlement process.

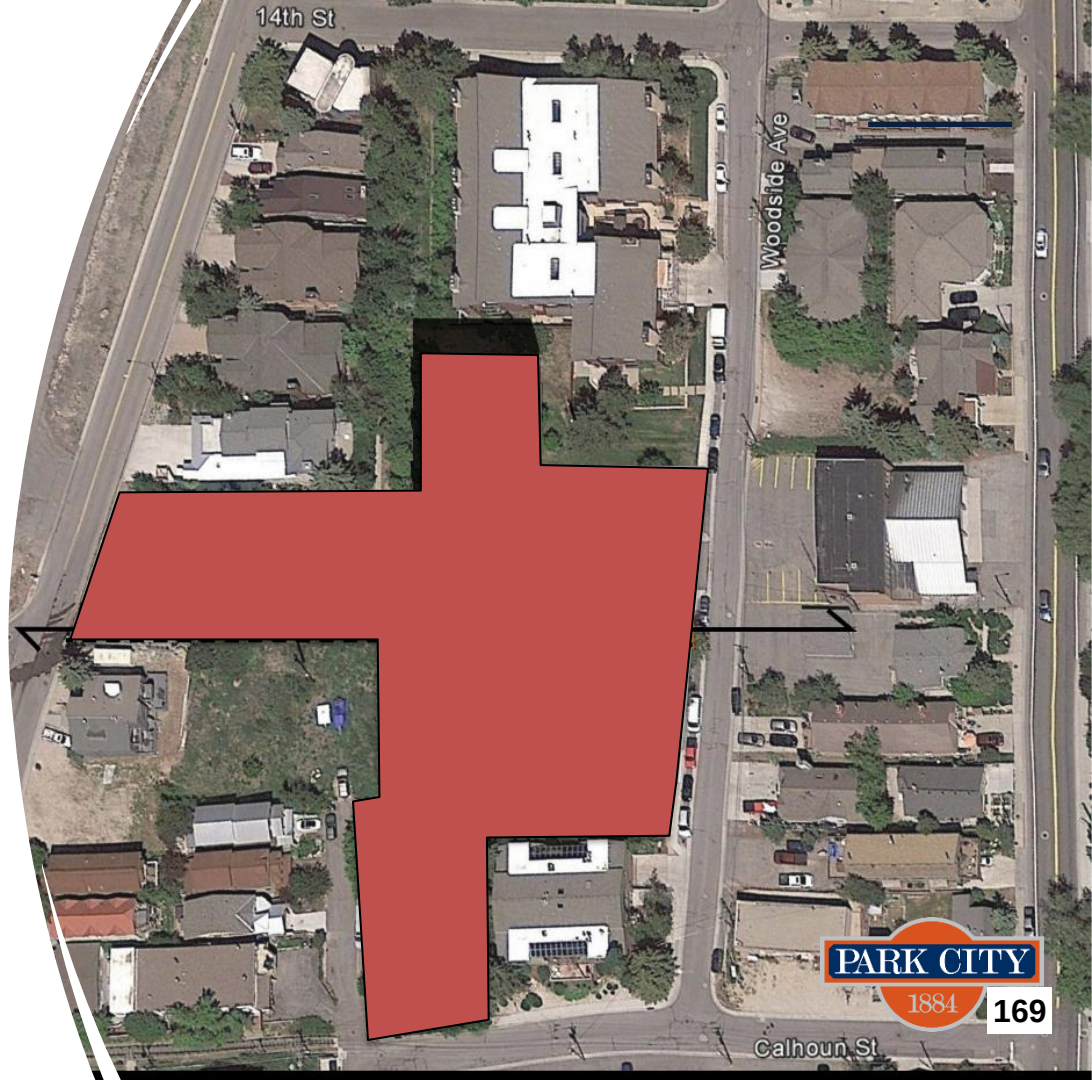
Option 2: Develop a RFP for the property.

Woodside Park Phase 2

- Original plans for development appealed
- Plat amendment application has been prepared.
- Three viable options:
 - All affordable housing
 - All senior housing
 - Hybrid – Both senior & affordable housing

Recommendation:

Direct Housing Team to work with Council Senior Liaisons to reengage with the Seniors on the possible development of this property.



Homestake

- Negotiation of a Development Agreement with JF Development
- Testing and surveying of site that will lead to conceptual designs.
- The City's Engineering Department is actively working on street designs for the extension of Munchkin Road and the upgrade of Homestake Road.
- The City's Engineering Department is in the process of conducting traffic and parking study of the area.



Key Questions: Housing

Why should the City invest in affordable housing?

Retain community fabric and small-town feel
Address housing needs for local business workforce
Reduce daily transportation and carbon emissions

1

How should the City develop housing?

City developed
Public-private/non-profit partnerships
Lite Deed Restriction Program

Rent to Own
Shared Equity

2

Who should develop affordable housing?

Private/non-profit sectors only
City with private/non-profit partners
City only

Regional housing authority
Large employers

3

Where should affordable housing be developed?

Inside city limits only
Inside or outside city limits, but relatively close to City

4

What percent of the workforce should live in town?

10%, 15%, 20%, more...?

5

Should the City re-evaluate the housing authority?

Change the structure
Investigate moving to a more regional approach

6

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Work Session

Agenda Section: WORK SESSION

Subject:

4:45 p.m. - Arts and Culture District Discussion

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Rain Barrels Available

Suggested Action:

Attachments:

[Rain Barrels Staff Report](#)



City Council Staff Communication Report

Subject: Rain Barrel Availability
Author: Jason Christensen, Public Utilities
Celia Peterson, Sustainability
Department: Public Utilities
Sustainability
Date: April 7, 2022
Type of Item: Informational

Park City is again making rain barrels available to our residents at a subsidized price of \$55 per barrel in partnership with Utah Rivers Council. Rain barrels support the City's water conservation and stream water quality goals. Barrels can be purchased at <https://utahrivers.org/rainharvest>; one subsidized rain barrel per Park City Account. Additional barrels can be purchased at the unsubsidized price of \$83 per barrel. The barrels can collect fifty gallons of water at any given time and are made from 100% recycled plastic. Rain barrels will also be available for Summit County residents with similar subsidies through Mountain Regional and Summit County Sustainability Department. Outreach and distribution event organization will be coordinated amongst participating entities.

Park City has participated since this program's launch in 2015 and has the highest percentage of households with rain barrels of any participating community in Utah.

Rain barrels will be sold online through www.rainbarrelprogram.org/urc and will be available for pickup on Sunday May 8th, 2022, at the Quinn's Fields.

Benefits of Rain Barrels for Water Conservation:

Rain barrels allow residents to collect water from spring and summer storms and use that water a variety of outdoor purposes, including irrigating gardens and lawns. More importantly, the use of rain barrels brings awareness to water conservation and encourages efficient use of water

Benefits of Rain Barrels for Stream Water Quality:

Most rain that falls becomes runoff, which collects pollutants from our impervious surfaces and is then funneled into stormwater systems and into Silver Creek or McCleod Creek. Retaining rainwater where it falls by barrel collection helps reduce the amount of stormwater runoff that scours our streets, driveways, and gutters and washes pollutants into local water bodies. Runoff is the number one source of pollution in our waterways nationwide. The more rain barrels that are used by residents, the less polluted runoff gets into our local creeks.

Outreach

- Email Bill Insert in the April 1, 2022 Bill
- Social Media Outreach
- Press Release and Conference
- [KPCW Report](#)
- Stormwater outreach in the barrels that are distributed.

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Recreation

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Prospector Park Playground Equipment Replacement

Suggested Action:

Attachments:

[Prospector Park Playground Upgrade Staff Report](#)

[Exhibit A: Survey for Improvements](#)

[Exhibit B: 5-12 Year Old Equipment](#)

[Exhibit C: 2-5 Year Old Equipment](#)

[Exhibit D: Prospector CUP Final Action Letter](#)

City Council Staff Communication



Subject: Playground Upgrade at Prospector Park
Author: Ken Fisher, Recreation Director
Department: Recreation
Date: April 7, 2022

Prospector Park, located at 2500 Wyatt Earp Dr. was originally approved in 1984. The park was expanded and improved in 2006. The current park has remained status quo since 2006. In October 2019, the Recreation Advisory Board (RAB) received public input from some neighbors about the park and the desire to replace the current playground equipment. Based on this public input, staff and the RAB began the process of researching potential park improvements.

A neighborhood survey targeted at Prospector was sent out in May 2021 asking the neighbors for feedback on potential park improvements. The top improvements identified was to replace the existing playground equipment with new equipment that featured a slide and swings (Exhibit A).

RAB and staff worked with All Play Systems on the replacement of the equipment and the design to limit the expansion of the existing footprint of the current play equipment. The new equipment will be by a Berliner Netun Combi with jungle bridge, slide and access net for 5–12-year-olds (Exhibit B). The equipment for ages 2–5-years-old will be replaced with Berliner Bobbejanland Combi and a Palmetto Saucer (Exhibit C) and the sand area will get two Playcraft Sand Diggers.

Recreation staff applied for a Recreation, Arts & Parks (RAP) Tax grant and received \$308,327 to help fund the cost of the equipment & installation. The total project is \$344,462.11 with the balance of \$36,135 funded through the Neighborhood Parks CIP.

All Play is an approved vendor with a State of Utah Cooperative Contract. The State of Utah Cooperative Contract program was established to help provide efficiency and best value to the Utah procurement process. Having vendors certify through the contracts program under the State Division of Purchasing leverages the total buying power of the eligible users statewide providing the best pricing and terms for products and services. Selecting a vendor from the Cooperative Contracts program allows eligible users (political subdivisions (PCMC)) to make a purchase and maintain the City's standard procurement process.

The Park City Contracting and Purchasing Policy exempts certain contracts for goods and services from formal bidding. Purchases from companies approved to participate in Utah State Division of Purchasing and General Services agreements and contracts are not subject to competitive bidding requirements. In addition, All Play Systems state contract fulfills the indemnity and insurance provisions required by PCMC's standard contract language.

To replace the equipment staff had to receive an Administrative Conditional Use Permit (CUP) from the Planning Director. The CUP was issued on March 3, 2022 (Exhibit D).

Staff is planning on placing the order for the equipment asap as delivery will not be until late August with an anticipated completion within four to six weeks. A further delay in ordering may jeopardize the ability to install the equipment this fall.

Exhibit A: Neighborhood Survey

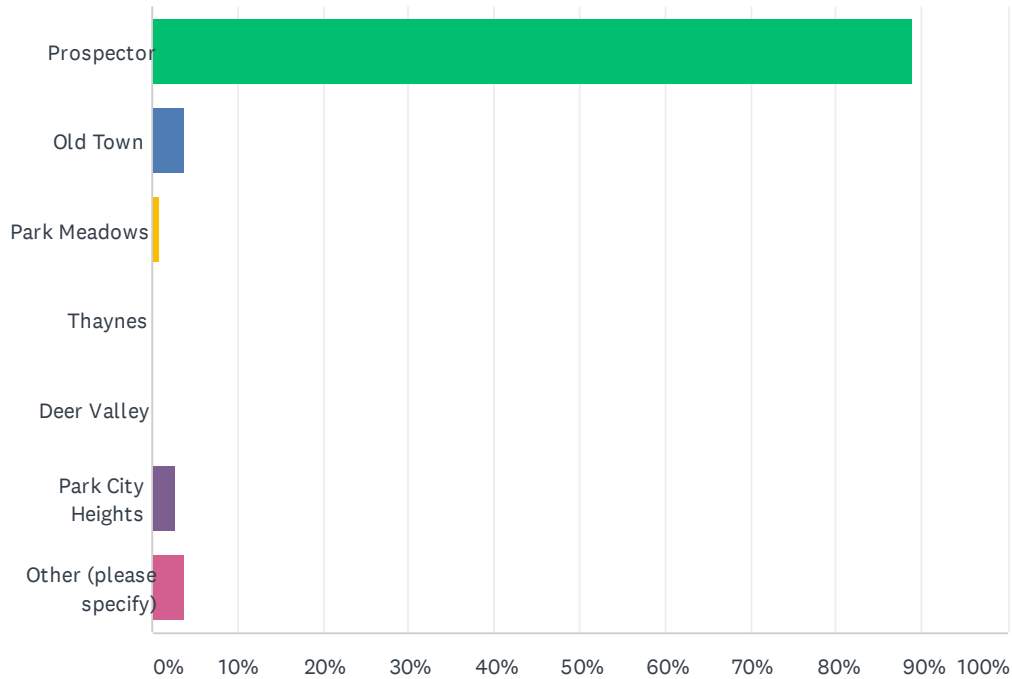
Exhibit B: 5–12-Year-old play equipment

Exhibit C: 2-5- Year-old play equipment

Exhibit D: Final Action Letter CUP

Q1 What neighborhood do you currently reside in?

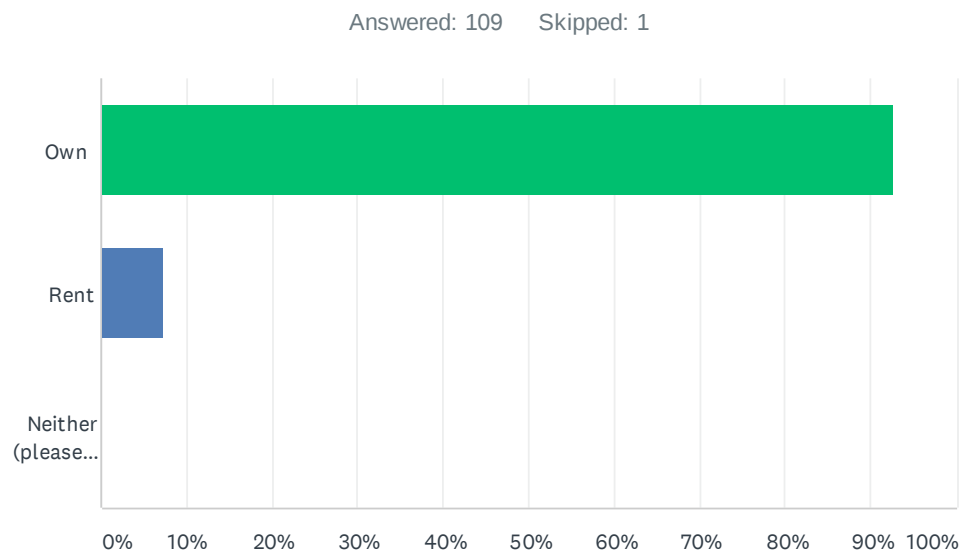
Answered: 109 Skipped: 1



ANSWER CHOICES	RESPONSES	
Prospector	88.99%	97
Old Town	3.67%	4
Park Meadows	0.92%	1
Thayne	0.00%	0
Deer Valley	0.00%	0
Park City Heights	2.75%	3
Other (please specify)	3.67%	4
TOTAL		109

#	OTHER (PLEASE SPECIFY)	DATE
1	Kamas	5/20/2021 1:03 PM
2	Jeremy Ranch	5/14/2021 9:21 AM
3	Ranch place	5/14/2021 1:07 AM
4	Highland Estates	5/13/2021 1:27 PM

Q2 Do you rent or own the place where you live?

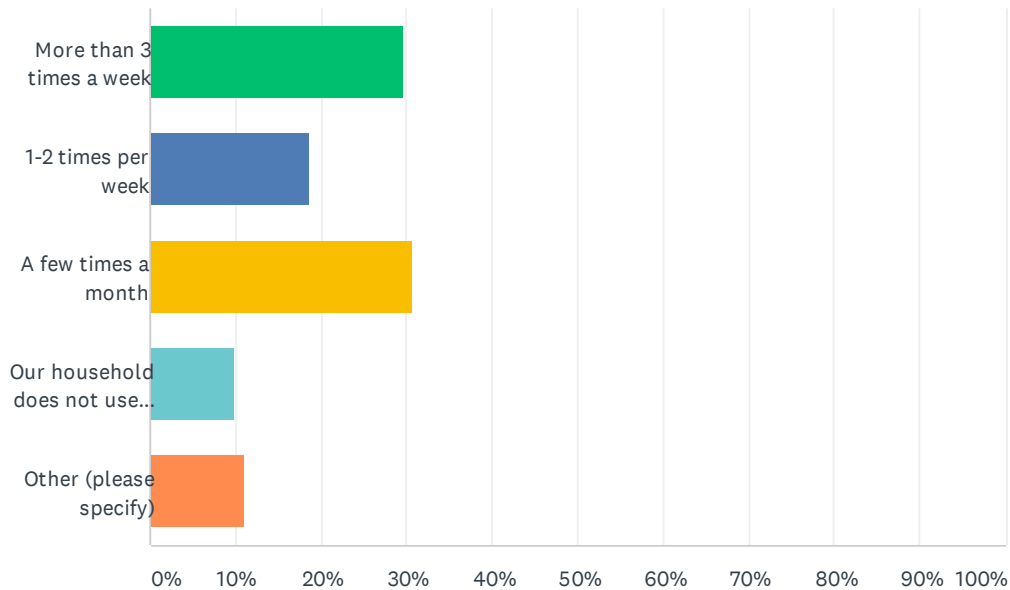


ANSWER CHOICES		RESPONSES	
Own		92.66%	101
Rent		7.34%	8
Neither (please specify)		0.00%	0
TOTAL			109

#	NEITHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q3 On average, how many times per week do you use Prospector Park?

Answered: 91 Skipped: 19



ANSWER CHOICES	RESPONSES	
More than 3 times a week	29.67%	27
1-2 times per week	18.68%	17
A few times a month	30.77%	28
Our household does not use the park	9.89%	9
Other (please specify)	10.99%	10
TOTAL		91

#	OTHER (PLEASE SPECIFY)	DATE
1	Just moved to Prospector	5/21/2021 10:10 AM
2	A few times a year	5/19/2021 1:28 PM
3	Seasonally, would use more but no bathrooms	5/17/2021 8:30 PM
4	Daily walk through	5/14/2021 8:27 AM
5	On average once a month, more during certain seasons	5/14/2021 1:10 AM
6	3-4 times a year	5/13/2021 6:49 PM
7	We are seasonal	5/13/2021 3:34 PM
8	perhaps 6 times a year	5/13/2021 2:23 PM
9	A few times a year	5/13/2021 12:44 PM
10	Only when children visit.	5/13/2021 12:25 PM

Q4 Please rank the list of the following improvements from most to least important to you and your household. A score of 1 is most important and 10 is least important.

Answered: 89 Skipped: 21

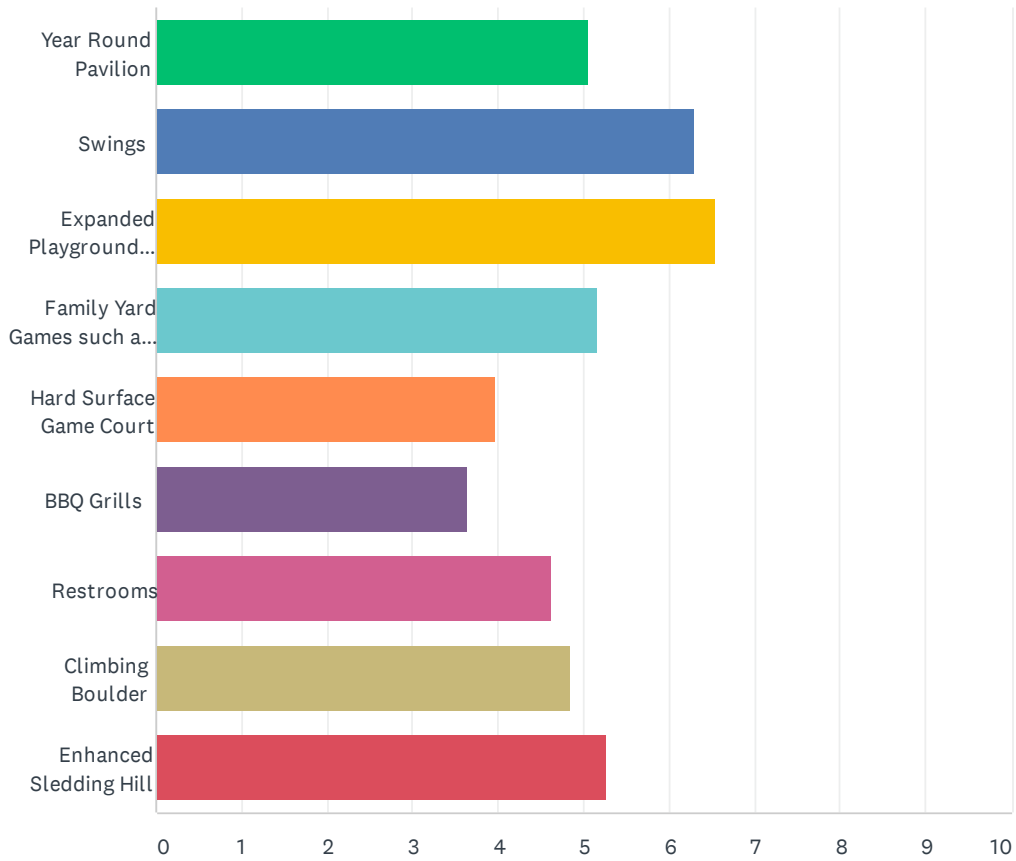


Exhibit A

Neighborhood Park Survey

	1	2	3	4	5	6	7	8	9	TOTAL	SCORE
Year Round Pavilion	9.64% 8	13.25% 11	14.46% 12	8.43% 7	2.41% 2	21.69% 18	12.05% 10	8.43% 7	9.64% 8	83	5.06
Swings	21.69% 18	20.48% 17	15.66% 13	7.23% 6	9.64% 8	6.02% 5	9.64% 8	6.02% 5	3.61% 3	83	6.29
Expanded Playground Equipment/Slide	28.57% 24	17.86% 15	11.90% 10	11.90% 10	7.14% 6	8.33% 7	5.95% 5	4.76% 4	3.57% 3	84	6.55
Family Yard Games such as Bocce Ball, Corn Hole & Ping Pong	4.76% 4	16.67% 14	15.48% 13	5.95% 5	20.24% 17	7.14% 6	15.48% 13	5.95% 5	8.33% 7	84	5.17
Hard Surface Game Court	10.84% 9	2.41% 2	4.82% 4	7.23% 6	7.23% 6	18.07% 15	12.05% 10	21.69% 18	15.66% 13	83	3.98
BBQ Grills	3.66% 3	1.22% 1	12.20% 10	4.88% 4	10.98% 9	9.76% 8	17.07% 14	20.73% 17	19.51% 16	82	3.63
Restrooms	11.90% 10	11.90% 10	3.57% 3	9.52% 8	13.10% 11	7.14% 6	15.48% 13	9.52% 8	17.86% 15	84	4.62
Climbing Boulder	3.57% 3	7.14% 6	14.29% 12	21.43% 18	10.71% 9	13.10% 11	9.52% 8	11.90% 10	8.33% 7	84	4.85
Enhanced Sledding Hill	10.59% 9	11.76% 10	8.24% 7	21.18% 18	17.65% 15	7.06% 6	2.35% 2	9.41% 8	11.76% 10	85	5.28

Q5 Please include any thoughts related to potential improvements to Prospector Park. This could include why or why you don't use the park.

Answered: 74 Skipped: 36

#	RESPONSES	DATE
1	The creek needs some attention. The water is stagnant and the creek is not attractive.	6/20/2021 9:35 AM
2	Please make the water fountain work	6/13/2021 10:29 AM
3	Cross country skiitrack was applied winter and it Was used. Pickle all court. Functional water fountain	6/11/2021 11:57 AM
4	We would love more play equipment for both younger (toddler) and elementary children. Adding more shade/trees would be helpful as well, particularly for the warmer months.	6/8/2021 8:01 PM
5	We would love to see a smaller sized version of climbing equipment and slides for the 2-5 year old age group. More shade trees would also be appreciated.	6/8/2021 4:38 PM
6	Some easy monkey bars. A kids ninja Warrior course. Gardens so people can plant flowers. All for kids.	6/6/2021 7:28 PM
7	It would be such a shame if the water stops flowing year round to the park	6/6/2021 7:52 AM
8	Would love to NOT see restrooms or pavilion at Prospector Park. Enhanced sledding would be a cool way to keep this park unique. Improvements around the ditch, stream and pond are needed. I would LOVE to see this park keep its natural beauty so people can come and enjoy the birds and other wild life. Prospector is GREAT for its quiet solitude and place to bring kids to play for a while, NOT for adults to get rowdy and hang out for hours. Hope my comments help. Thank you!	6/2/2021 3:50 PM
9	This park has a lot of demand. The equipment is not very usable the way it is. I think with these suggested improvements it would be a wonderful place for all the families that live in the area. Families need to be able to get out and have activities. All these items mentioned would be terrific! It would all definitely be used	5/29/2021 5:51 PM
10	We think a bike repair stand & tools would be great! There are A lot of "bikers" and walkers that utilize the parking spaces to get to the rail trail.	5/27/2021 4:40 PM
11	The City's culvert underneath Wyatt Earp is the bottleneck on Poison Creek according to FEMA. According to FEMA, the culvert capacity is less than 1/2 of the predicted 100 year flood flows. Consequently, the newly revised 2021 FEMA map now places the park in a "Floodway" zone that prohibits new improvements. Eight homes near the park are also in the flood area. Before improving the park, the City needs to replace the culvert and apply to FEMA to revise the FEMA map. I hope this is helpful information.	5/21/2021 10:23 AM
12	my home is on the park. My children are grown so we no longer use the park. I am opposed to any sports courts, rest rooms and ping pong tables that would have any lighting and attract people to be in the park late into the evening.	5/20/2021 5:11 PM
13	I don't like the current playground at all - it's really made for "big kids" - an age group that I never see playing there. I love the two playgrounds at willow creek park. They are sized perfectly for big and littles. I would love more climbing features for toddlers and swings! Such a beautiful area and convenient with parking and access to our home in Black Rock Ridge, Kamas.	5/20/2021 1:06 PM
14	My concern with adding bbqs and a pavilion would be about trash that then enters the creek and wetlands area. The area already gets a lot of trash from the nearby busy road.	5/19/2021 7:29 PM
15	The playgrounds are horrible. I can't believe there is a playground without a slide or swings.	5/19/2021 5:58 PM
16	Slides!! We have a toddler and plan to live here as he grows up!	5/19/2021 4:00 PM
17	We would probably use it more if it was a more traditional playground. Swings, slides, etc.	5/19/2021 2:30 PM

Exhibit A

Neighborhood Park Survey

18	Climbing is certainly the most underserved recreational activity compared to the rest of Utah.	5/18/2021 4:28 PM
19	It's hard to use because no bathrooms.	5/17/2021 8:31 PM
20	Swings!!! More shade, awnings, etc.	5/17/2021 6:09 PM
21	Our kids are 2 and 4. The climbing structure is too advanced and dangerous for them. Other than that, they have fun with everything else.	5/17/2021 3:11 PM
22	I would love a bench on top of the small hill	5/16/2021 2:59 PM
23	We use the park almost everyday for walks for our grandkids to play. Restrooms are long needed. Better playground equipment is needed that is more kid friendly. That spin wheel is useless. More covered areas. An Enhanced sledding hill would be great, we have used the one there for years.	5/16/2021 12:37 PM
24	We typically go to willow creek or trail side as they offer significantly more amenities.	5/16/2021 10:16 AM
25	I like old fashioned playground equipment such as swings and slides.	5/14/2021 4:55 PM
26	Is there a chance the pond could be expanded and aerated so it's not so stinky.	5/14/2021 3:45 PM
27	We love this space as it is, we haven't lived through a summer season though so feedback after that might be helpful	5/14/2021 8:28 AM
28	Keep it open space!	5/14/2021 8:04 AM
29	We use the park everyday sometimes 2x a day. Leave it alone!!! It is busy enough. Do NOT add amenities that would draw out of neighborhood traffic. If anything add rail trail parking at the Rasmussen dump road. The park parking lot is often full of tail users. Repeat DO NOT add more to this park.	5/14/2021 7:18 AM
30	If you put in pickle ball courts we would use them everyday. A lot of people in the neighborhood play pickle ball	5/14/2021 6:48 AM
31	More benches would be nice	5/14/2021 6:37 AM
32	New signs	5/14/2021 6:24 AM
33	Bathrooms, better parking, better playground, better control of dogs and dog poop- maybe fence the playground?	5/14/2021 1:12 AM
34	Fencing around playground area to protect children from 1) The open water 2) dogs running off leash in the field, and 3) passing bicyclists. I have OFTEN seen bicyclists speed by on the sidewalk while children are playing near the sidewalk or even on the grassy area next to the sidewalk: this is a collision waiting to happen. Also: signs instructing bicyclists to slow down!	5/13/2021 11:53 PM
35	Bocce ball courts would be really fun. We currently drive to trail side for this amenity. A better playground would also be nice for the kids. The one currently in place is very minimal. Thanks	5/13/2021 9:43 PM
36	It's a great little park and I don't think it needs to become something like City Park or Trailside. My kid do love swings and I always like parks with restrooms!	5/13/2021 7:18 PM
37	Don't create a park that would draw people from other neighborhoods	5/13/2021 6:50 PM
38	Have lived in Prospector 20 years. Would love a pavilio, basketball court, barbecues and bathrooms like at City Park.	5/13/2021 5:47 PM
39	My family mostly uses the park to be outside and really enjoy the waterway (ponds and stream.) The waterway brings a lot of birds and other animals around.	5/13/2021 4:43 PM
40	Park does not currently have activities for younger children like a slide or swings	5/13/2021 4:23 PM
41	We believe it is very important to keep poison creek running year round.	5/13/2021 4:13 PM
42	We love the park. Adding shade would be #1 priority for us as the kids love it but bake in the sun.	5/13/2021 4:08 PM
43	LOVE the Park. Space and wildlife are the two most important attractions. There is already a playground. Key to park's use and enjoyment are the stream and wetlands. Whatever we can do to make sure the water flows will pay the highest dividends for the businesses, homes, and parks along Poison Creek and the stream from Park Meadows.	5/13/2021 4:07 PM
44	My children are now grown but would have been nice to have swings and slides when they	5/13/2021 3:35 PM

Exhibit A

Neighborhood Park Survey

	were little. We did enjoy the small sledding hill but when the got bigger it was not enough.	
45	We are thrilled to hear that this park is getting some love and care !! TIA. We live very close to the the park, but we drive to other parks most of the time due to the outdated features of our own little park.	5/13/2021 3:31 PM
46	Large gathering places so close to everyone's homes are not ideal, but enhancing the play equipment at the existing park would be great. All Parks should be NON SMOKING	5/13/2021 3:05 PM
47	Keep it a neighborhood park...do not want an influx of bikers using the area to park, or teenagers looking for a place to party.	5/13/2021 2:38 PM
48	Our kids are all grown and no longer live in Prospector. When they visit, we do use the Park. That is mostly for sledding in the winter! We do enjoy walking through the Park and we enjoy seeing children and families having fun there.	5/13/2021 2:25 PM
49	Would hate to see this turn into a huge hub of a park with all-day-like facilities that would mean it is no longer the drop-in, local park servicing this neighborhood's residents. There are many other BIG destination parks. I don't think this should be one. It's quaint nature is perfect for the neighborhood. Only request is that the water covers are better maintained (in the grass). They are often broken and pose a very, very serious safety hazard for the little people running around the grass. Deep holes beneath that aren't protected!	5/13/2021 2:19 PM
50	We live in prospector and currently make the trip to city park and trail side park so our kids utilize the better equipped parks. We'd love to see some additions to prospector park to bring it up to par with some of the other community parks!	5/13/2021 2:11 PM
51	I have a 2 year old and 3 year old and we would visit the park more if the equipment was similar to City Park or Trailside.	5/13/2021 2:10 PM
52	I think a restroom similar to willow creek park is needed	5/13/2021 2:09 PM
53	I am so excited about a new Prospector Park. We don't use the park often because it's pretty lame. I have elementary age kids but there's just not much for them. We always end up in the grassy area kicking a ball or throwing a frisbee. The sand box needs to go. It's a waste of space.	5/13/2021 2:06 PM
54	Any improvements would be appreciated	5/13/2021 1:58 PM
55	I don't want to make it easy for people to loiter at night more than they already are. They are lots of cars that 'park' in the parking lot, specifically in the spots where they are harder to see from the road. Having restrooms or a covered area may increase this unwanted activity.	5/13/2021 1:56 PM
56	I generally like the park and think it is small but lovely. We have 4 young kids and it is close to our home. We have enjoyed sledding there. City Park is bigger I know but has a great playground and neighborhood feel.	5/13/2021 1:52 PM
57	We live steps from the park, visit with the dogs occasionally, but that is about it. Would love to see bathrooms and a couple pickleball coursts (would help dump some of the grass outta there too, we need to conserve water for the down stream water fow!!).	5/13/2021 1:44 PM
58	It is not fun for kids to play on... our kids like to go to trailside or willow creek because the park is more active and fun for them	5/13/2021 1:39 PM
59	We use the park now and then but improving it would increase our usage exponentially! It's a frequent refrain in the Prospector neighborhood that we all wish it was a better park. I know we would all be DELIGHTED to see a transformation!	5/13/2021 1:32 PM
60	We love prospector park because of how easy it is to access via pathways. The ponds is very peaceful and the grass is really nice. We would love a covered/year round pavilion, ideally with a BBQ /fire pit that could be used year round (winter b-day parties), a one stall bathroom would be nice too. The sledding hill gets used enough to warrant an upgrade for sure and a splash pad would be really, really nice to cool down in the summer time	5/13/2021 1:32 PM
61	The park is great - it could be updated but keep the open space	5/13/2021 1:19 PM
62	If you have kids, you'll realize that the playground equipment currently there is more for looks than anything else. It's really useless. Something akin to what is over at Creekside or City Park would be much better.	5/13/2021 1:00 PM
63	I like the open space - there's not enough parking to build an area to encourage large crowds	5/13/2021 12:58 PM

Exhibit A

Neighborhood Park Survey

64	Please do not put a lot of cement. It just doesn't need it. I hope that on the previous question #1 is the highest priority.	5/13/2021 12:57 PM
65	Please limit improvements to equipment for children adjacent to the existing equipment. Please leave the remainder of the park area natural, as-is. Above all, please do NOT install a hard surface court. The neighborhood doesn't need that. Thank you.	5/13/2021 12:53 PM
66	We do not use it often as we live closest to the other end of Prospector	5/13/2021 12:52 PM
67	Can we please maintain all landscapes with organic products? Kids and animal companions, not to mention adults don't need another vector for toxins. There are other ways of keeping grass out from under the tree canopies than applying kill spray to the understories. Also, how about instead of Kentucky Bluegrass if we seed the existing lawn and any disturbance with a diverse species lawn that includes clover, selfheal, creeping potentilla groundcover, rannuculus groundcover and yarrow or other lower water species. They are all mowable AND, they provide pollen for insects and bees. The mono-culture nonflowering lawns are a huge detriment to pollinators. How about if any additionally plantings include trees and shrubs that are tolerant to the climatic changes already underway? I have other input from info we've gathered from our jobsites (Red Ant Works, Inc. Dee Downing 435.640.5488	5/13/2021 12:50 PM
68	Swings and improved playground please!	5/13/2021 12:47 PM
69	I love having a neighborhood park. My children are older so having Basketball and Pickelball Courts and/or Sand Volleyball would be something we would use all the time. We currently go to City Park for these activites but would use them at our local park if we had them.	5/13/2021 12:47 PM
70	We have 3 younger kids who all enjoy using the park. Some larger play items would be nice for bigger kids. Would also love to see some play equipment at the arch park as well.	5/13/2021 12:43 PM
71	No children or grandchildren here, just occasionally	5/13/2021 12:36 PM
72	Please make sure the paved path through the park stays connected to the rail trail and Kearns sidewalk.	5/13/2021 12:30 PM
73	The large, grassy area was wonderful in 2019 for children when we had our last Lobstah Party there. You sent over the mobile recreation team and it was a huge success.	5/13/2021 12:26 PM
74	It's a nice small and natural park, please don't overdevelop the field.	5/13/2021 12:25 PM







March 3, 2022

Park City Municipal Corporation
PO Box 1480
Park City, UT 84060
CC: Ken Fisher
(435) 615-5411
ken@parkcity.org

NOTICE OF PLANNING DIRECTOR

Description

Address: 2500 Wyatt Earp Way, Prospector Park
District: Urban Park, Frontage Protection Zone, Entry Corridor
Protection Overlay
Application: Administrative Conditional Use Permit for Outdoor Recreation
Equipment in the Urban Park Zoning District, and
Administrative Permit for construction in the Frontage
Protection Zone
Project Number: PL-22-05102
Action: APPROVED WITH CONDITIONS (See Below)
Date of Final Action: March 3, 2022
Project Summary: The applicant proposes to upgrade and install new
outdoor recreation equipment.

Action Taken

On March 3, 2022, the Planning Director conducted a public hearing and approved an Administrative Conditional Use Permit and an Administrative Permit for the replacement of Outdoor Recreational Equipment at Prospector Park in the Urban Park Zone, Frontage Protection Zone, and Entry Corridor Protection Zone, according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Site is located at 2500 Wyatt Earp Way, Prospector Park.
2. The Site is located in the Urban Park Zoning (UPZ) District, the Frontage Protection Zone (FPZ), and the Entry Corridor Protection Overlay (ECPO).



3. The Applicant proposes to replace and upgrade existing Outdoor Recreation Equipment.
4. The plans for Prospector Park were approved in 1984.
5. Staff reviewed the 2500 Wyatt Earp Way Administrative Conditional Use Permit and Administrative Permit Application for compliance with LMC Chapter 15-2.26, Urban Park Zoning (UPZ) District, Chapter 15-2.20, Frontage Protection Zone, and Section 15-2.20-5 Entry Corridor Protection Overlay (ECPO).
6. Staff posted notice to the City website, City Hall, and the property on February 17, 2022.
7. Staff mailed courtesy notices to the adjacent property owners on February 18, 2022.
8. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.26, Urban Park Zoning (UPZ) District, Section 15-2.20-5 Entry Corridor Protection Overlay (ECPO), and Section 15-1-10(E).
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.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved January 24, 2022, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior construction.
4. The Applicant is responsible for replanting the vegetation removed with a similar species in a similar location.
5. The Applicant shall post signage regarding parking regulations.
6. Use of the playground must comply with Municipal Code Chapter 6-3, Noise.



Planning Department

7. The Applicant shall designate one parking space as ADA accessible.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.lederer@parkcity.org.

Sincerely,

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

Gretchen Milliken,
Planning Director

CC: Lillian Lederer, Project Planner

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Wildfire Outlook, Updates, and Current Initiatives

Suggested Action:

Attachments:

[Wildfire Outlook and Initiatives Staff Report](#)

City Council Staff Communication



Subject: Wildfire Outlook, Updates, Current Initiatives
Author: Mike McComb
Departments: Emergency Management, Chief Fire Code Official, Fire Marshal, Trails/Open Space/Real Estate, Summit County Public Lands, Summit County Emergency Management, Park City Fire District
Date: April 7, 2022

Summary

[Unlike last year's report](#), the 2022 wildfire season is shaping up to be a typical risk year, in the absence of extraordinary concerns such as a wildfire start in a particularly vulnerable/tough-to-fight area during red flag conditions (including high winds, high temperatures, low relative humidity, low fuel moisture content). The **Early 2022 Wildfire Seasonal Outlook** is included as Exhibit A.

As we prepare to enter the 2022 wildfire season, several initiatives are underway at the City and County level. Due to the scope and scale of the fuels load in and around Summit County, significant efforts are directed towards community engagement and involvement.

Community Outreach

- Wildland Urban Interface Code/Awareness questionnaire included in Public Utilities' March bill and social media
- Annual Emergency Management news mailer to Post Office box holders planned for mailing in June.

Community Engagement

- The **Western Summit County Fuels Committee**, consisting of interested HOAs, resorts, City and County, and other interested landowners throughout western part of the County collaborates on fuels mitigation projects and compiles a joint map of planned or ongoing projects. Ongoing mitigation efforts from this group provide basis for grant applications to assist with costs associated with defensible space and fuels mitigation efforts.
- New in 2022, a **Living with Wildfire Presentation Series** (a joint City/County/Fire District Community series of presentations & events) is planned for each month throughout the summer, beginning in May.
 - May 3, 6pm - *Wildland Interface Awareness Meeting* - Jim Santy Auditorium, Park City (Exhibit B)
 - May 17 - *Practitioner Training: Funding and Creating Collaboration Around Wildfire Mitigation Efforts* – Oakley
 - June – Fuego Fatuo – Wildfire Awareness for Spanish speakers –TBD
 - June – Landscape Mitigation Field Tour - TBD

- July - *Summit County and Park City EM - Evacuation, what you need to know* – Location TBD
- August - *Summit County EM/Fire Districts - Wildfire Preparedness Event* - Ledges Event Center, Coalville
- September - *Fire and Landscape Impacts in a Changing Climate* - Swaner Eco Center
- October - Park City Fire District et al. - *Fight Fire with Fire - How Fire is Used in Mitigation Efforts*, Location TBD

Annual Wildfire Mitigation on City Open Space

As in past years, the City is planning fuels mitigation projects for City-owned lands, with a concentrated effort in the Treasure Hill and Rossie Hill areas.

Grants

In an effort to defray ongoing costs of defensible space work, the City is pursuing several Federal and State grant opportunities, in collaboration with Summit County, Park City Fire District, and other partners. Also in collaboration with Summit County, we are pursuing a major application for FEMA's Building Resilient Infrastructure and Communities (BRIC) grants, through the State. The City's application is specific to wildfire fuels reduction by landowners in the larger Park City area, and may ultimately be combined with Summit County's future larger resiliency fund.

Planning

- **Community Wildfire Risk Assessment Plan - Fuels Mitigation & Mapping Analysis.** In early 2022, Park City Municipal released a request for proposals for a large-scale data collection project. A collection of stakeholders, including Summit County, Park City Fire District, and ski resorts, amongst others, reviewed submittals. A consolidated submittal was recommended from among the applicants and the final scope of services is undergoing staff review. Staff anticipates bringing the contract to City Council for approval on April 28th. The purpose of the plan is four-fold and includes:
 - Resource Identification: Significant data collection and mapping of the natural environment, economic and social resources.
 - Prioritize Mitigation Efforts: Identify highest risk areas and prioritize action and funding accordingly. Review ordinances which may incentivize property owners to address high risk areas in a proactive timeframe.
 - Federal and State Grant Support: The plan provides information required for most Federal or State grant funding.
 - Community Engagement and Information: The plan provides information and best practices for homeowners' associations and individuals.
 Staff anticipates adopting the Risk Assessment Plan in spring of 2023.
- **Forestry Plan.** A key deliverable of the reconstituted Forestry Advisory Board is the creation of a Forestry Plan for approval and adoption by Council. Staff plans to release an RFP in coming weeks with the intent of finalizing an actionable plan addressing the aspects of urban and open space forestry, to include maintenance of healthy forested areas within City jurisdictional boundaries.
- **Pre-Disaster Mitigation Plan.** In 2016, Mountainlands Association of Governments (MAG) created a FEMA-approved Pre-Disaster Mitigation Plan for

Wasatch Back counties and cities, including Park City. The MAG plan was adopted by City Council in 2017 and is due for update. Park City Emergency Management is working with Summit County Emergency Management to ensure the updated plan meets City and County threats, hazards, goals, and concerns, and will be suitable to address the needs of the community – with a focus on the wildfire threat to the community. Once finalized, this plan is intended to be incorporated into the City’s Comprehensive Emergency Management Plan.

The City’s 2021 **Community Wildfire Preparedness Plan** and **Citywide Evacuation Plan** can be found at www.bereadyparkcity.org, as well as several other preparedness resources.

Exercises & Planning

Exercises with stakeholders and partner agencies provide great benefit in strengthening response, communication, and coordination. Several exercises are planned over the coming months with direct connection to wildfire:

- **Rocky Mountain Power Public Safety Power Shutoff (PSPS) Tabletop Exercise (TTX)** is scheduled for Wednesday, March 30 in Spanish Fork. Park City EM to attend and participate.
- **Emergency Operations Center / Multi-Agency Coordination Group (Council) Activation**, scheduled for 9am, Tuesday, April 26 at the PCMC Emergency Operations Center/Police Department
- Designed to test the recently developed **Public Utilities Emergency Response Plan**, a TTX is planned for the end of April.
- **Evacuation Full-Scale Exercise** is planned for Fall 2022, with the participation of several stakeholders, including interested members of the community. An initial planning meeting is scheduled for April 12 to formalize concepts and objectives of the exercise.

Some **Past Recent Accomplishments** are included as Exhibit C, listing significant efforts taken by staff, partner agencies, and stakeholders in recent years – this list demonstrates good progress, with plenty more to do.

Conclusion

Staff and agency partners have achieved some considerable progress in past years and continue taking significant steps to prepare, educate, and practice. Park City and Summit County put these systems to work during the Parley’s Canyon and other fires last summer and have incorporated lessons learned into current and future operations.

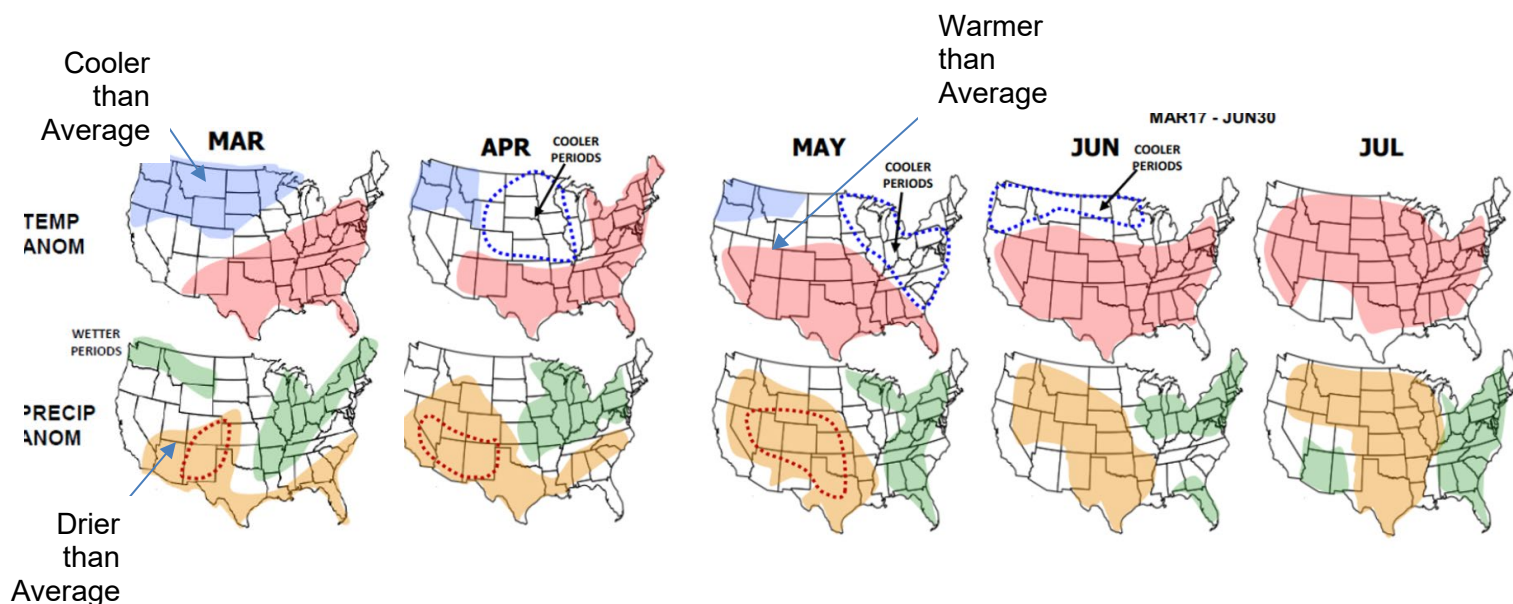
Exhibits

- A. Early 2022 Seasonal Outlook
- B. Wildland Interface Awareness Meeting Mailer
- C. Past Recent Accomplishments List

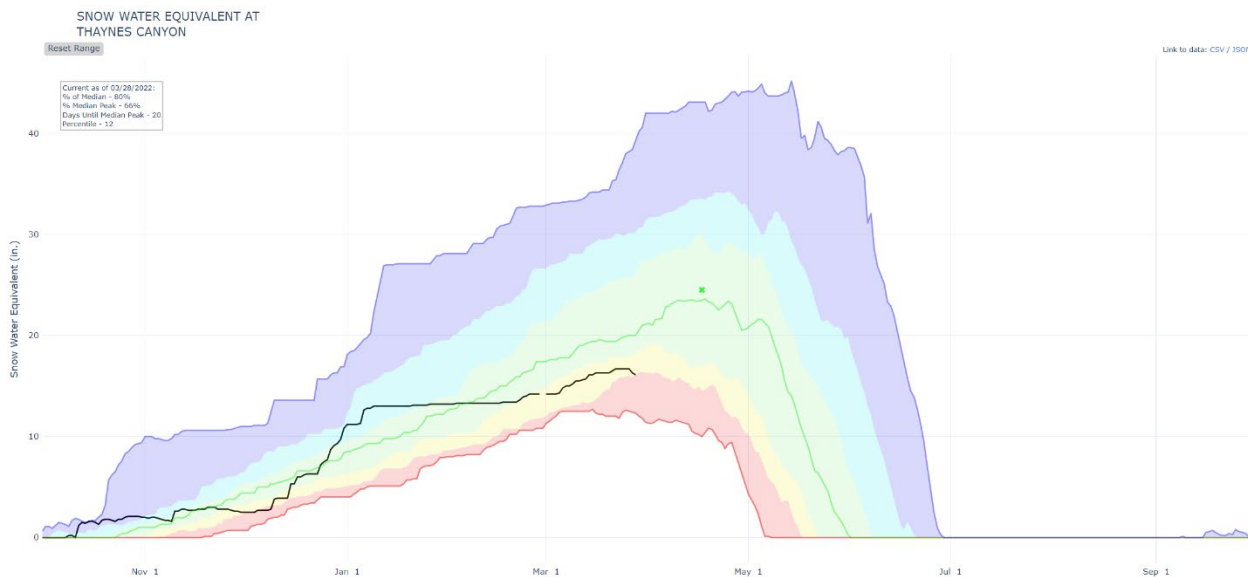
Exhibit A

Early 2022 Seasonal Outlook

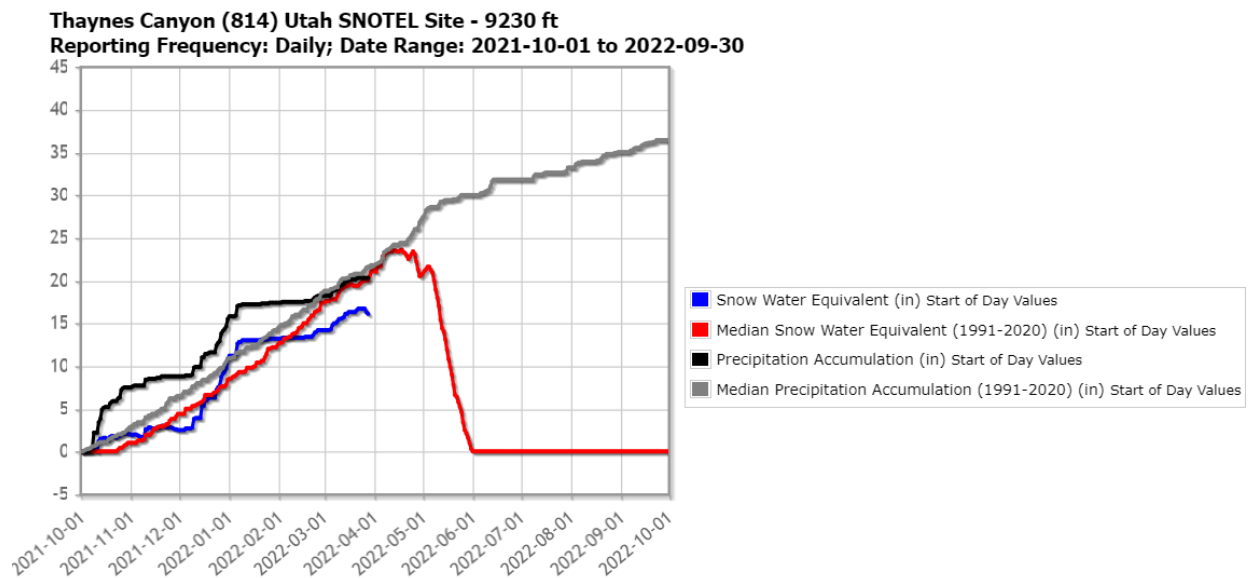
The Great Basin Coordination Center (GBCC) Predictive Services team is calling for below average precipitation for the State in general beginning in April, with warmer than average temperatures beginning in May and June. This early in the season, that signifies only an average chance of wildfire throughout most of the State, with no significant concerns for the time being, although areas of higher fire risk are forecast in the southern and central parts of the State in May and June. Looking ahead, GBCC is forecasting above-normal wildfire risk for the northern Wasatch in July.



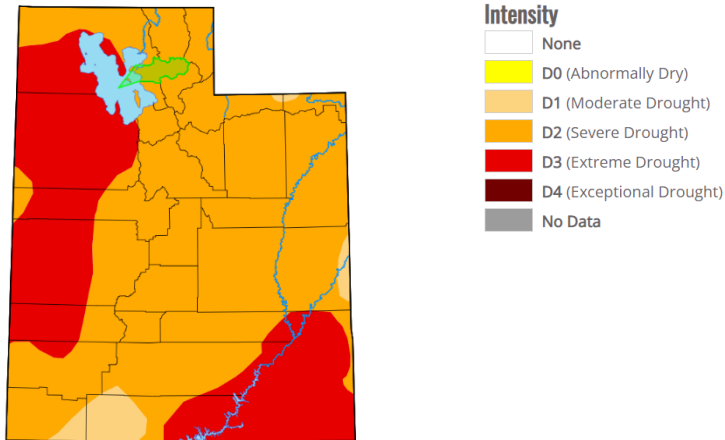
Current snow telemetry for Thaynes Canyon reflects 79% of average snow-water equivalent for the years 1991-2020. As a silver lining, this lower level of snowpack poses a lower risk of high runoff levels and should not generate a concerning volume of fine fuels during the coming spring green-up.



However, as of March 29, current year precipitation accumulation is tracking virtually identically with the 30-year average.



Perhaps as a result of the precipitation and higher soil moisture content from good precipitation throughout the summer and fall of 2021, along with the early snowfall levels, the current drought outlook for the State is a little more positive, with Summit County moving from 'Extreme' drought in 2021 to the 'Severe' category.



The GBCC's models indicate a possible return from 'La Niña' to neutral conditions this summer and into the fall – with the possibility of average precipitation for our area.

Given this outlook, for the moment, the 2022 wildfire season appears to be shaping up to pose *typical levels of risk for our area, absent extraordinary circumstances*.

That said, the National Interagency Coordination Center, a focal point for coordinating the national mobilization of resources for wildland fire and other incidents throughout the United States, has increased its preparedness stance to National Preparedness Level 2. That preparedness level on a scale from 1-5, with 5 being the highest, indicates “several geographic areas (in the U.S.) are experiencing high to extreme fire danger. Wildland fire activity is increasing, and large fires are occurring in one or more geographic areas. Minimal mobilization of resources from other geographic areas is occurring. The potential exists for mobilizing additional resources from other geographic areas.” National Park Service, 2022 (<https://www.nps.gov/articles/national-wildfire-preparedness-levels.htm>)

Exhibit B

Wildland Interface Awareness Meeting Mailer



Are you wildfire wise?

Please **take our survey** to share what you currently know about Park City's Wildland Urban Interface Code, home hardening, defensible space, what you'd like to learn more about, and how we can help!
surveymonkey.com/r/wildfire-awareness



Survey closes Monday, April 11.

Wildland Urban Interface Code & Wildfire Awareness Panel

Tuesday, May 3 | 6:00-8:00 p.m. | Santy Auditorium

Join Park City Municipal, Park City Fire District, and others for an informational session and panel discussion regarding Park City's Wildland Urban Interface Code, how to create defensible space around your property, and home hardening.

Parking at Park City Library/Santy Auditorium is limited. Please consider riding Park City Transit, carpooling, and walking.

Exhibit C

(Some) Past Recent Accomplishments

Planning

- Updated Community Wildfire Preparedness Plan (2021)
- Finalized Citywide Evacuation Plan (2021)
- Reconstituted Forestry Advisory Board (2021)

Prevention

- Near-annual fireworks and open flames ban (since 2012), including social media, radio, print PSAs, bus banners, etc.

Outreach

- Spring & Fall Open Houses re Emergency Preparedness (2021)
- Parley's Canyon Fire Community Debrief (2021)
- Created Western Summit County Fuels Committee (2021)
- Era of Megafires Community Wildfire Panel (2019)
- Brian Head Wildfire Debrief (2018)
- Annual community wildfire preparedness newsletter (since 2014)

Code Updates

- Adopted Utah's 2006 Wildland Urban Interface Code, updated Land Management Code to adopt defensible space and Firewise plantings (2020)

Preparedness

Interagency Agreements

- Updated interlocal agreement with Park City Fire District (2022)
- Maintain cooperative agreement with Forestry Fire and State Lands (since 2017)

Training & Certifications

- Firewise - Park City Municipal Corporation (2021)
- PCMC EM Wildland Firefighter Certification (since 2021)
- Park City Fire District Wildland Firefighter certifications (ongoing)
- PCMC staff-wide National Incident Management System training (since 2007)

Capabilities

- Sought and received State and FEMA authorization to release non-weather emergency messages through the National Weather Service to NOAA weather radios within Summit County, via the Integrated Public Alert and Warning System (IPAWS) and emergency mass notification system (2022)

Fuels Mitigation

- Defensible space work in Aerie, Rossie Hill, Treasure Hill et al. (since 2016 and prior)

Response

- Extensive City and Park City Fire District support to the Parley's Canyon Fire (2021)

Council Agenda Item Report

Meeting Date: April 7, 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 17, 2022

Suggested Action:

Attachments:

[March 17, 2022 Minutes](#)



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

March 17, 2022

The Council of Park City, Summit County, Utah, met in open meeting on March 17, 2022, at 2:00 p.m. in the City Council Chambers.

WORK SESSION

Community Housing Update and Policy Discussion:

Housing Assessment: Jason Glidden, Rhoda Stauffer and Elyse Kats, Affordable Housing Department, presented this item. Stauffer explained the 2021 Housing Assessment was recently finalized. She indicated 86% of the workforce commuted to Park City. She displayed a chart of the work sectors and noted the average annual wage for the top three sectors was under \$40,000. She discussed the housing inventory in the City limits and noted it was made up of 30% primary and 70% secondary residences.

In response to Council Member Gerber's question on job numbers versus commuters, Stauffer stated there were 14,000 jobs in town and 12,700 people commuted to town for those jobs. Council Member Toly asked if the assessment considered seasonal jobs, J1 employees, or was it only year-round jobs. Glidden explained the State tracked the jobs and he thought that included seasonal jobs. Council Member Toly wondered if the statistics allowed for the dwellings that had more than the optimal occupancy.

Housing Goals: Stauffer reviewed the current goals staff worked on based on the 2016 Housing Assessment: a housing goal of 800 units by 2026, including 80 new units per year to maintain 15% workforce in City limits, and to focus development within City limits. She indicated the City hoped to build a complete community, and that included housing for every stage of one's life: long-term rentals, multi-income developments, options for protected community members, and the support of small businesses in the City. She stated there was a question on whether the average median income (AMI) was an accurate calculation in determining affordable housing. She defined AMI versus workforce wage (WFW), which was based on who worked in the City. The WFW median wage in the City was much lower than the AMI. She asked that Council clarify what income calculation should be considered in the City. She proposed affordable housing be equal or less than 100% of WFW and attainable housing to be up to 150% of AMI.

1 Council Member Gerber reviewed she pushed the City to have the 800 affordable unit
2 goal to house 15% of the workforce and now she hoped a higher percentage of
3 workforce could live in town, and proposed that number be increased to 25%. Council
4 Member Toly asked how workforce was defined. If workforce was broken down by job
5 description, some areas would be met. She wanted to define what sector of the
6 workforce should live in town.

7
8 Council Member Dickey asked if AMI was used for attainable housing and WFW for
9 affordable housing. Glidden stated those calculators were interchangeable. The AMI
10 calculated the income of those who lived in the City and WFW calculated the income of
11 those who worked in the City. He wanted to set a definition and then move forward from
12 there. Staff could set an AMI limit based on WFW. Council Member Dickey suggested
13 setting a qualitative goal that would lead Council to determine a quantitative number for
14 housing.

15
16 Council Member Doilney related Council talked a lot about community housing and
17 discussed affordable housing, senior housing, and attainable housing. There were very
18 few rental units and he hoped to see more in the future. He knew it would be hard to get
19 housing for the workforce, but rentals were realistic for this group. He noted having a
20 good wage for the City employees was essential, and suggested having a goal for City
21 employees to live in town. He proposed a goal of having 1,800 housing units by 2030.

22
23 Council Member Rubell stated there was a difference between community housing and
24 workforce housing. It would make sense to have private partnerships for workforce
25 housing. He wasn't ready to set a housing goal, but he was in favor of having more
26 affordable units. He also favored using AMI levels that were comparable to the WFW.
27 He thought having public service employees living in town was beneficial and should be
28 a priority. He preferred rentals over ownership since there wasn't a big inventory of
29 rentals.

30
31 Council Member Gerber liked having qualitative measurements as part of a housing
32 goal. There were 8,800 commuters from outside the County coming in daily, and the
33 City should have a goal to take half those commuters off the road and make them part
34 of the community. She liked having aspirational goals. Even those making a good wage
35 found it hard to buy a home in town. She thought the City had an opportunity to create
36 community with neighbors from different economic levels who could connect with each
37 other.

38
39 Mayor Worel noted it was fortunate to have a key community partner in Mountainlands
40 Community Housing. She asked Pat Matheson, Mountainlands Community Housing
41 Executive Director, if they used AMI or WFW in their calculations. Matheson stated
42 there was a disparity between AMI and wages. He gave examples of when he used AMI
43 versus WFW. He had to be flexible depending on the project. It was critical to have the

1 definitions, but it was more important to have a housing goal and then adapt along the
2 way.

3
4 Council Member Toly thought home ownership should be achievable for those making
5 over \$100,000. At the same time, not everyone wanted to live and rent in Park City, so
6 this discussion should go along with Transportation. She did not want limits set on the
7 affordable units that would prevent the upward mobility of employees. Council Member
8 Rubell stated in some cases the City would build housing, but it was also providing
9 other opportunities as well. He proposed having a rental subsidy based on annual
10 income, which would be reviewed annually. He cautioned on having housing goals
11 because decisions needed to be made based on what was best for the community and
12 not where to cram in some affordable units.

13
14 Council Member Doilney stated data showed there was clear demand for at least 800
15 units. He thought by the time the 800 units were built the demand would be higher. He
16 knew not everyone wanted to live in town, but people liked living close to their jobs. The
17 City was looking for a variety of units to help all income levels. He wanted to squeeze in
18 units anywhere possible.

19
20 Housing Resolution: Stauffer discussed the City's housing resolution and indicated it
21 was the strongest in the State. One requirement was that Council review it at least
22 every two years. Currently, staff had received feedback from Council and thought some
23 areas of the resolution should be modified, including methods that fulfilled housing
24 obligations, fees-in-lieu, employee generation calculations, the reevaluation of qualified
25 renters/buyers work location, targeted income levels, and additional language for
26 housing needs of other populations. Stauffer recommended adding the cost of land and
27 inflation to the fees-in-lieu section. She also wanted employee generation considered in
28 assessing a housing obligation.

29
30 Council Member Dickey requested assuming the maximum employee generation when
31 considering hotels because a two star hotel could easily become a five star hotel in the
32 same footprint. He favored the other changes. Council Member Doilney agreed and
33 favored having a regional boundary for applicants. He liked including the land in the fee-
34 in-lieu assessments. Council Member Gerber thought developers should provide the
35 cost of the deed restrictions if they bought them to fulfill their housing obligations. She
36 also wanted to make sure the fee-in-lieu covered the cost of construction. Glidden
37 stated staff consistently looked for reliable sources to get accurate costs for fees-in-lieu.
38 Council Member Gerber preferred giving housing priority to those who worked within the
39 City limits, but those working within the school district boundaries should still have the
40 opportunity to live in affordable units. She also wanted to make sure housing was
41 available to seniors on limited incomes who applied for housing.

1 Council Member Toly agreed with all the development comments for housing
2 obligations. Council Member Dickey indicated cost inflation was not defensible since
3 market rates fluctuated. Council Member Rubell requested that a developer could only
4 deed restrict units that weren't currently being used as workforce housing. He favored
5 eliminating a fee-in-lieu option for developers, but if that was not possible, he wanted to
6 add the land cost. He favored reprioritizing Options Four and Five for fulfilling housing
7 obligations, i.e., constructing units outside City limits, but within the school district
8 boundaries was preferred over conveying land to the City that was within the school
9 district boundaries. He agreed employee generation calculations should be updated and
10 favored prioritizing work location within the City limits. He felt affordable housing
11 programs outside the City limits should be looked at along with Summit County. He also
12 suggested hiring out the rental management of City properties. He favored a target of
13 40%-50% AMI. He suggested looking at waterfall provisions and codifying them so
14 developers wouldn't propose their own alternatives.

15
16 Glidden asked if the other members of the Council agreed to switch Options Four and
17 Five and eliminate Option Six or the alternative. With regard to knowing what was paid
18 for deed restricting units, Council Member Doilney indicated he didn't want to confuse
19 looking at the value of deed restricting with making the decision to accept the deed
20 restriction because the unit(s) would be deed restricted forever. He wanted to see a list
21 that showed all the units that would be affordable forever and those that might not be
22 affordable after a certain period. Glidden stated those would be bigger topics in the
23 future. Council Member Doilney supported Council Member Rubell's suggestion for
24 switching the priorities for Options Four and Five.

25
26 Council Member Gerber thought deed restricting properties would evolve. There were
27 units in town where deed restrictions would be welcome. She asked if units built as
28 affordable would be required to have deed restrictions. Stauffer stated that had not been
29 required in the past.

30
31 Council Member Toly favored switching priority Options Four and Five. Council Member
32 Dickey asked what had more value, more land with no units or less land with units.
33 Glidden stated there was a way to evaluate that. Council Member Dickey asked if land
34 in the City limits was more important than units outside City limits. Council Member Toly
35 suggested breaking out that option into land within City limits and land outside City
36 limits.

37
38 Council Member Doilney agreed with Council Member Rubell that units should be a
39 higher priority than land. Council Member Toly asked if a developer could build the
40 affordable housing for their own employees. Glidden stated there was no requirement
41 that a developer could build the housing for their own employees. Stauffer stated that
42 option was only available for the Empire Pass Development Agreement. Other
43 developments didn't have that option. Council Member Gerber stated building employee

housing was still mitigating impacts on the City. Council Member Dickey didn't want to accept land that had issues. He wanted the City to only accept buildable land and thought switching those priorities was right. Also, he did not favor accepting land outside the traffic choke points, such as Kimball Junction and Quinn's Junction areas, so he didn't know if land within the school district was the right boundary.

Development:

Glidden stated developing housing in the City had been successful. He gave updates on current projects. The Studio Crossing development was ready to begin the master planned development (MPD) process and 120 affordable rental units were proposed. The old Peace House building was undergoing a feasibility study and staff would bring options back to Council when that study was completed. The Clark Ranch parcel was in the annexation process. When that was completed, a feasibility study would be performed.

Glidden reviewed the Mine Bench property was deprioritized because of steep slope and soils issues. Staff received interest from local entities to develop workforce housing on the site and the Housing team thought it was worthwhile to look at proposals. One option would be to subdivide the property to allow for a rezone and develop the property. Another option would be to issue an RFP for a developer to take care of the entitlement process and do the development. Council Member Rubell favored the RFP option with the understanding the developer would take on the work. Council Member Toly agreed. Council Member Gerber asked for clarification on the entitlement. Glidden stated there was potential for the southern portion to be subdivided and dedicated to the housing development while leaving the remaining portion as-is. Council Member Gerber wanted to move forward with developing that parcel. Glidden stated staff worked on entitlements in the past and it was time consuming so an RFP would be best. Council agreed to have staff issue an RFP for the parcel.

Regarding the Woodside Park Phase II parcel, Glidden indicated staff wanted to reengage with the seniors to discuss housing and the senior center. He gave options for the parcel, which included having all affordable housing, all senior housing, or a hybrid. Council Member Doilney favored the hybrid option and stressed the seniors needed a place to live, but noted he didn't think having an "all seniors" complex would build community. Council Member Dickey thought the hybrid option made sense at first look. Senior housing had not been discussed so he did not know about a senior housing need. Council Member Toly thought conversations needed to continue with the seniors. She asked for the definition of hybrid. Glidden explained the hybrid option included affordable and market rate units for seniors and also affordable housing for others in the community. Council Member Toly favored the hybrid option with priority given to residents and not those moving into town. Council Members Gerber and Rubell liked the hybrid option as well. Mayor Worel noted emails were received from the seniors in favor of having senior housing.

1 Peter Tomai, City Representative, Rory Murphy and Ryan Davis, J. Fisher, and Chimso
2 Onwuegbu, Architect for WOW Atelier, presented a development proposal for the
3 Homestake parcel. Murphy reviewed the timeline for this public/private partnership. He
4 indicated there was a lot of public outreach for the development and noted concerns
5 were expressed about parking. In addition to housing, he proposed commercial space,
6 including Anaya's Market, and a playground for childcare. They were working on
7 mitigating parking for that area, and he stated one option was to have a parking area
8 below the development. Currently, the parcel could accommodate 80-140 units,
9 depending on the unit size, and they would not require exceptions to the Land
10 Management Code (LMC).

11
12 Council Member Gerber asked if all the parking would be underground, to which Murphy
13 affirmed and noted there would be some street level parking for short term guests.
14 Council Member Rubell indicated there was a previous discussion that federal money
15 would require who would use the units and asked for details. Davis responded that
16 100% of the units would fall under the federal program. He noted the City requested
17 80% of the project have deed restricted affordability. Of that 80%, they were targeting
18 60% Area Median Income (AMI). Council Member Rubell asked how many units the
19 City could apply waterfall provisions on in order to meet community needs.

20
21 Council Member Dickey thought the presentation was encouraging. He wanted the
22 project to keep moving forward. He asked what the geoboundaries were and the other
23 waterfall provisions. Council Member Doilney favored the proposal as well and stated it
24 was nice to have a developer who knew what was important to the City. He supported
25 them moving forward. Mayor Worel stated 20% of the development would be market
26 rate units and asked if they would be mixed in the same building, to which Murphy
27 affirmed and noted all rentals would have a minimum one-year lease.

28
29 Council Member Toly asked what the differences would be in materials used for market
30 rate versus affordable units. Murphy stated the units would all be consistent and they
31 would be fair with materials. Council Member Gerber thanked Murphy for considering
32 the parking options. She asked what market rate meant for the units. Davis stated they
33 would work with City staff to determine an AMI rate for those units. Council Member
34 Gerber liked having mixed income housing in the development and hoped there would
35 be some larger units. Davis explained there would be one-, two- and three-bedroom
36 units and they would be prorated, meaning the unit size would be the same ratio for
37 affordable units as market rate units.

38
39 Council Member Toly asked how tenants would be prioritized. Glidden stated the
40 developer would manage the tenants. Davis indicated a waitlist would be created during
41 construction. Then using the waterfall, the list would be prioritized. Murphy clarified the
42 tenants would have to pass the City's criteria. Council Member Toly was concerned
43 about the power substation and felt there needed to be a bigger plan for the entire area.

1 She did not think this was the right spot for affordable housing and noted there were
2 other areas that could work. Murphy explained the risk for the substation and indicated
3 a faraday wall would stop the risk.
4

5 Council Member Rubell wasn't against having housing on the property, but he had
6 concerns. The AMI average would be 60%, but the housing study indicated half of
7 workforce earned 50% AMI or lower. He wanted to build affordable housing, but he
8 didn't think the City would get what it was looking for with this project. He also favored
9 having an area plan. He was concerned with height and traffic since there wasn't a plan.
10 He noted several adjacent properties and potentials for those. He thought the waterfall
11 issue was huge. He stated the City didn't know what the final product would be and he
12 didn't like spending money while Council and staff tried to figure out what they wanted.
13 He indicated there were other projects that were shovel ready that the City could move
14 forward with.
15

16 Council Member Doilney disagreed and indicated there was no other project that was
17 shovel ready. He noted Council Member Rubell's other concerns would be concerns for
18 future projects as well. He stated this project was ready and he wanted it to move
19 forward. Council Member Rubell indicated the Council didn't have information on the
20 waterfall provisions and the AMI was not what the City needed. Glidden indicated this
21 proposal was not finalized yet, and an agreement would be brought back for approval
22 before the project began. Council Member Dickey indicated the General Plan process
23 was kicked off the other night and Council had enough information to keep moving.
24 Council Member Gerber noted the average AMI would be 60% so there would be a
25 range to accommodate a variety of incomes. She was concerned about the future of the
26 project when it was sold, but for now it was good and she wanted to move forward.
27

28 Murphy noted the concerns of Council Members Rubell and Toly and stated there would
29 be continued dialog and his team would address them. They would not propose
30 anything outside the LMC. Mayor Worel stated three Council members were in favor of
31 proceeding so staff had direction.
32

33 **Discuss Planning Applications Moratorium:**

34 Gretchen Milliken, Planning Director, explained what a moratorium entailed. She
35 defined a moratorium as a zoning regulation adopted for a limited time and noted the
36 reason for a moratorium had to have a justification. It would be adopted by Council and
37 was designed to give Council the ability to act quickly. It was designed for emergency
38 situations and it could only be in place for six months. Council Member Gerber asked
39 what would be considered an emergency situation that would require a moratorium.
40 Milliken stated discovering unstable soils or communities that had limited water supplies
41 were examples of moratoriums enacted by other cities in Utah. She reviewed reasons
42 for enacting a moratorium were if Council found there was a compelling public interest

1 with an issue that would justify the temporary regulation, if there was an unregulated
2 area, or if there was a proposed highway corridor being studied.

3
4 Council Member Toly asked if cities used moratoriums during COVID. Milliken didn't
5 know of any cities that had enacted moratoriums for that reason. Council Member
6 Gerber asked if extreme traffic issues could count as an emergency. Milliken stated the
7 moratorium would have to tie to traffic. Mark Harrington, Senior City Attorney, explained
8 moratoriums only had an effect on new applications, so the outstanding permits would
9 still be able to proceed through the process. He noted sometimes when moratoriums
10 were discussed, that prompted an increase in permits. He stated enacting a moratorium
11 was not intended to slow growth. He discussed previous General Plans focused on
12 construction mitigation. More recent General Plans focused on regional and annexation
13 areas and redevelopment, so the focus shifted. As Milliken reinitiated the General Plan
14 process, he suggested looking at the past General Plan that focused on construction
15 mitigation to help slow things down.

16
17 Council Member Rubell felt the data focused on why the City shouldn't have
18 moratoriums, and he asked if a moratorium would be helpful to City staff so they could
19 focus on other priorities, including the General Plan. Milliken asserted if she felt staff
20 was too overwhelmed and they didn't have enough time then this could be a
21 consideration, but she didn't feel they were at that point. Council Member Rubell
22 indicated staff expressed they were so busy, to which Milliken stated the workload was
23 still manageable. Council Member Rubell asked how the General Plan would fit in the
24 workload. Milliken indicated she requested a consultant to help with that. There was a
25 possibility that they would get into the General Plan process and would find they needed
26 more time. Council Member Rubell stated a moratorium would give staff time to put their
27 full effort into the General Plan and when the moratorium was lifted, they could continue
28 with the final details. Milliken indicated the fear of the Planning team was that there
29 would be a huge flood of applications on the back side of the moratorium and it was
30 stressful to have a backlog of planning applications.

31
32 Council Member Toly indicated Midway enacted a moratorium while they updated their
33 General Plan. Council Member Doilney stated Council heard of demands on the
34 Planning Department and Planning Commission. He hoped staff would come to Council
35 requesting a moratorium if they felt it was needed, but the request had not happened.
36 He didn't think the City met the emergency standard. Council Member Gerber clarified a
37 moratorium would not impact the development of the big resort projects. In that case, it
38 would hurt the residents who wanted to add on to their homes.

39
40 Council Member Rubell asserted a moratorium would prioritize the General Plan and
41 that was a compelling reason for a moratorium. Council Member Dickey stated a big list
42 of code changes was provided and he thought that was a justification for a moratorium.

He asked what the objective was for a moratorium. He thought time was a factor to consider.

Matt Dias, City Manager, reviewed there was a lot of support for staff to be able to accomplish City priorities and a moratorium was a tool that was available if needed. Council Member Toly asked that staff talk to other cities that enacted moratoriums and evaluate their experience. Harrington stated the challenge with neighboring cities were big zoning changes. He stated there could be similarities with upzoning and affordable housing. It was easier to use a moratorium for a pending ordinance change in terms of a cause that was being addressed. He encouraged Council to focus on what was trying to be achieved and not pause to just pause.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell via Zoom Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

II) PRESENTATION

1. Olympics Presentation by Myles Rademan:

Myles Rademan, Leadership Director, discussed the 2002 Olympics where Park City was a host to several events. He noted Salt Lake City began bidding to be a host city as early as 1966 and bid five times before winning the bid. Salt Lake City became America's choice for the Olympics in 1989 and they had 15 years to prepare for the 2002 games. He reviewed the strategies Park City used, including the need to have a seat at the table, being active participants and being knowledgeable with regard to the games. City officials made promises to the residents, including the games would boost the resort economy, the costs would be covered, there would be enduring physical legacies, impacts would be managed, the City would have an Olympic City recognition, and more. Salt Lake City won the bid for the games in 1995 and some Council members and staff went to all the Olympics to learn best practices from other cities. He

1 talked about the obstacles to the games, especially the 9/11 terrorist attack, and the
2 efforts made to keep the games in play. Rademan also talked about transparency and
3 stated there were 66 meetings to explain how the games would work. He indicated they
4 focused on the parties and events on Main Street. They had ice sculptures, pin trading,
5 and concerts and noted half the people who visited the Olympic sites didn't go to the
6 events. Park City spent \$1.5 million for 18 days and much of those funds came from
7 private sponsors and the Chamber.

8
9 Rademan reviewed after the games, data was taken on hotel occupancy, restaurants,
10 and retail sales. He encouraged Council to be all in if they wanted the games back in
11 Utah. He also promoted keeping control of the scope. He asserted that because of the
12 games, community relationships were developed and staff became a world class event
13 team. He suggested Council should draft pros and cons of having an Olympics and
14 decide what the City wanted to get out of hosting events.

15 16 **III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

17 18 **Council Questions and Comments:**

19 Council Member Rubell hoped for wildfire and chamber updates and asked that the
20 tentative Council calendar that was in the packet a few weeks ago would be put on the
21 website so the public could see what was coming up.

22
23 Council Member Toly indicated she attended many meetings in the last couple weeks
24 and there were many great ideas with a lot of overlap. She stated these groups could
25 benefit from one another and she didn't know if they realized how to reach out to each
26 other. She was reminded the City was limited in the amount and variety of summer day
27 camps and asked the MARC staff to look at expanding day camp offerings.

28
29 Council Member Gerber stated some emails that were sent to her and City staff weren't
30 received and she asked the public who didn't receive answers to call because
31 sometimes there were glitches in the system.

32
33 Council Member Doilney went to a rain barrel meeting and gave information for those
34 interested in getting rain barrels to collect rainwater.

35
36 Council Member Dickey stated Council had a great meeting with the Planning
37 Commission and thought it would be nice to meet consistently. He thanked the Planning
38 Department for doing a great job.

39
40 Mayor Worel indicated Council received over 100 emails regarding the Snow Park
41 Development issue and she appreciated the engagement. She agreed with Council
42 Member Toly that nonprofits didn't realize opportunities for collaboration. She ate lunch
43 with the Public Utilities staff and praised them for their work in providing clean water.

Staff Communications Reports:

1. Use of Arts District for Special Events:

Council Member Rubell noted the report asked if staff had authority over the use of the Arts District for lower level events and he approved as long as the City was covered on the risks. But if it was a City activation, he would favor having a deeper conversation.

Council Member Toly asked Diersen if the requests were for the building or for the outdoor space, to which Diersen stated the events would all be outdoors. Council Member Toly asked if groups would bring in toilets and if parking would be onsite, to which Diersen affirmed.

2. January 2022 Budget Monitoring Report, Grant Notification, and Sales Tax Memo:

Council Member Rubell requested adding the current fiscal year original budget to the spreadsheet. He thought the tax memo was very helpful. He asked if there was an opportunity to reconfigure the taxes, but not necessarily raise the top line. There was a lot on the maximum rates, but not a lot of information of what the City's ability and tools would be across those categories.

3. Adjusted Council Packet Publishing Day:

Council Member Rubell liked the change in the day the Council packet would be published and clarified the new packet day would be the Wednesday the week prior to Council meeting, beginning in May.

IV) 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.

Paul Wisniewski, with Park City Senior Center, reviewed in 2008 he wrote a letter to the City and County Councils relating some seniors were unable to maintain their homes and care for themselves. Since there was no assisted living in the City, they had to go elsewhere. He requested the City develop a coordinated plan to utilize the property adjacent to the senior center as a multiuse building for seniors. This letter was written 13 years ago and there was still no facility for a senior community. He asked that a plan be given priority for seniors.

Joe Butterfield stated the joint City Council and Planning Commission meeting this week was refreshing and it was nice that everyone interacted. He hoped this collaboration would continue and he looked forward to the upcoming joint City Council and County Council meeting. He hoped a relationship could be fostered so regional collaboration

could take place. He liked Planning Commissioner Kenworthy's comment the other night to look at the Arts and Culture District from a 30,000 foot level. He hoped the Arts and Culture District could be looked at as a neighborhood.

Comments received electronically:

Linda McReynolds: "With the community's stated commitment to Equity, Inclusion and Diversity and the fact senior citizens and their needs have been ignored for much too long, I urge you to commit the City's Woodside parcel for a senior independent living village adjacent to the Senior Center. Our organization is exploding! We seniors have spent decades contributing to this community and now are most likely the largest demographic of volunteers and donors in the community. We are active, engaged, full time residents who want to spend our remaining years here in proximity to other seniors, our families, friends, activities, bus routes, parks and libraries."

Bea Mayes, Park City Senior Citizens, Inc.: "For the future, I see the Senior Center at 1361 Woodside becoming the hub of senior activity and information in Greater Park City. I would like to see individual senior living facilities located near enough to the Senior Center to allow seniors to walk to the Center for hospitality and socialization. Seniors living in these new facilities, both affordable and not so affordable, would form a growing base of expanded senior interest and activity. Some Facts and History In 1976 Park City Senior Citizens, Inc, was searching for a permanent home in which to hold their program. The seniors saw the City's vacant parcel at 1361 Woodside as ideal for their Senior Center program. Such a Center would be centrally located, but somewhat out of the mainstream of activity; it would have space for parking; it was attractive, with grass and some trees; and today is within walking distance of a bus stop. The site was large enough to accommodate the Senior Center the seniors planned (which was the donated Union Pacific Kimball Station Depot, as remodeled and expanded by the seniors) and opened officially in 1978. Further, the site at 1361 Woodside allows future expansion of the 1978 building (and requires Municipal agreement). The 1976 seniors approached their City Council about the parcel: the result, the legal 99-year lease, signed by representatives of Park City Municipal Corporation and Park City Senior Citizens, Inc., that remains in force today. Signs of hope Park City Municipal Corporation has generously given Park City Senior Citizens a \$50,000 grant, covering two years, to expand our program and to hire someone to help us with the business of running and expanding our program. Municipal's example of help to the members of Park City Senior Citizens is very encouraging. In addition, Park City Senior Citizens, Summit County and Park City Municipal Corporation have negotiated a Memo of Understanding (MOU) that, as I understand it, makes clear the responsibilities of each of these organizations regarding Senior Center maintenance and servicing. I believe the MOU is further evidence of cooperation and understanding among the three organizations. The MOU is scheduled to be signed shortly."

1 Sydney Reed: "Thank you for the opportunity to express my opinion regarding some of
2 the properties you are looking at for development of affordable housing in Park City.
3 Looking at all you do through the lens of Diversity, Equity and Inclusion, Seniors would
4 like to be included in your plans when you look at the Woodside II project. The proximity
5 to the Senior Center makes it a perfect place for seniors to live who yearn for
6 community, need smaller housing, want to drive less and want to be closer to the
7 activities available at the Senior Center, Library, Grocery stores and Main Street. Our
8 hope is to increase the programming at the Center offering: healthy nutrition, exercise,
9 activities, outings, gatherings, refreshments, educational events and a place to seek
10 help if needed. Living next door to the Senior Center will create a community with daily
11 interaction which engages seniors and makes for a nice healthy Village environment for
12 retired seniors who need each other and want to stay in Park City. Along with all the
13 other entities in our diverse community, please consider the growing number of Seniors
14 in this community, in the projects you are considering."

15
16 Francie McNally: "I am writing to comment on the Woodside II property that is under
17 consideration for possible affordable housing. I would like to strongly encourage the
18 City to seriously consider independent Senior housing and a senior campus on this
19 property. It is the absolute best location for a Senior community due it the fact that the
20 Senior Center is already located on this property and the property has space to expand
21 senior living. It is close to all of the services that would support a quality life as we age. I
22 am the Chairman of a senior committee, Woodside II Senior Community, and we are
23 actively preparing to move forward with commitment and involvement to bring our
24 dream of a comprehensive senior community to Park City. Diversifying our community
25 must include the senior population in order to allow the people who have been
26 instrumental in creating the Park City community we have today. We have history,
27 commitment and are very active in volunteerism and monetary support of so many of
28 our community needs. We are a critical population. There are so many benefits to
29 allowing our senior population to remain in the community where their friends and family
30 live. Right now, as many of us age, we need to able to downsize our homes, have a
31 safe space to live and a campus that includes a space to gather for meals (at least 6
32 days a week), activities, and social events. It has been proven that seniors face so
33 many challenges as they age, and one of the most severe is loneliness. Aging, even
34 best scenarios, is so difficult and the transitions we face could be drastically improved
35 by allowing us to have a place in Park City to continue to live as we face these
36 challenges. We need our community to support us!! Thank you and I look forward to
37 your serious commitment to include us in your future plans for this property."

38
39 Susan Miller eComment: "Sorry to be blunt. I would like the planning department or the
40 city manager to respond to this question, not Mr. McComb. While I appreciate his
41 response via email. That was not the answer I was looking for. This is a matter of future
42 and current developments, not something answered by a 2021 emergency exist plan.
43 Does the Park City planning department consider wildfire escape routes when

1 considering and observing new development in and around Park City? Wildfires such as
2 the one in Boulder County or Paradise Ca. moved at astonishing speeds. There is an
3 overwhelming amount of developments being planned in and around Park city area
4 creating more residents and commuters, plus an increase in tourism. How can we all
5 get out safely with the current infrastructure? I don't want to have to change the town to
6 accommodate the traffic. But, The surrounding developments do not provide jobs or
7 basic commerce forcing people to commute into Park City. If the counties are approving
8 home only developments then this increase in vehicle commuters will only continue. I as
9 a Prospector resident would like to know if I and my neighbors can get out safely."

10
11 Cheryl Soshnik: "I understand the City Council has work force and affordable housing
12 as a top priority for its city-owned land. However, no less important is the need for an
13 updated and enlarged Senior Center and independent living Senior Housing in our
14 town, and its relation to the property known as Woodside Phase II. For too long, the
15 Senior Citizens of Park City have been ignored and marginalized in the City's attempts
16 to use the land that our Senior Center site upon. Regardless of whether you believe our
17 99-year lease is valid or not, the fact remains that this property is best suited for the
18 continuation occupation by the Seniors, with its centralized location and close proximity
19 to the library, park, and bus. The need for a larger Senior Center and Senior
20 Independent living units has gained the attention of many of our city's residents, finally.
21 Any future plans for development on this parcel must take the Seniors needs into
22 consideration. The Woodside Senior Community sub-committee of the newly formed
23 Gray Ribbon Senior Housing committee is meeting frequently to address our needs and
24 concerns. Please work WITH the Seniors in creating, updating, and developing new
25 housing on this site. There are many opinions, even among the Seniors themselves,
26 how the Center could be saved, updated or rebuilt. Work with us to find a win-win
27 solution on the use of this land for as a minimum, a modern larger centralized Senior
28 Center with at least some independent living senior market rate units in close proximity.
29 I look forward to continuing to provide input with any and all planning for the use of this
30 valuable chunk of land."

31
32 Mayor Worel closed the public input portion of the meeting.

33 34 **V) CONSIDERATION OF MINUTES**

35 36 **1. Consideration to Approve the City Council Meeting Minutes from February 17** 37 **and March 3, 2022:**

38
39 Council Member Gerber moved to approve the City Council meeting minutes from
40 February 17 and March 3, 2022. Council Member Dickey seconded the motion.

RESULT: APPROVED

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

VI) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Construction Agreement with Geneva Rock Products. Inc. to Construct the Rossie Hill Reconstruction Project, in a Form Approved by the City Attorney, Not to Exceed \$2,150,363.50:

2. Request to Authorize the City Manager to Enter into a Professional Services Agreement with VCBO in an Amount Not to Exceed \$66,000 for PC MARC Conceptual Design and Cost Estimate and for Master Planning of the Park City Sports Complex:

Council Member Rubell moved to remove Items One and Two from the Consent Agenda. Council Member Toly seconded the motion.

RESULT: APPROVED

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

1. Request to Authorize the City Manager to Execute a Construction Agreement with Geneva Rock Products. Inc. to Construct the Rossie Hill Reconstruction Project, in a Form Approved by the City Attorney, Not to Exceed \$2,150,363.50:

Council Member Rubell noted there was still some negotiation and he asked for assurance that the scope was not final and if it was narrowed, the dollar amount could be reduced so the City didn't spend more than it had to. John Robertson, City Engineer, stated the negotiation was on widening Rossie Hill Drive. An offer was made with a property owner to acquire land, but if it didn't happen the scope would be reduced and the overall cost of the project would be lower.

Council Member Doilney moved to authorize the City Manager to execute a construction agreement with Geneva Rock Products. Inc. to construct the Rossie Hill Reconstruction Project, in a form approved by the City Attorney, not to exceed \$2,150,363.50. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

2. Request to Authorize the City Manager to Enter into a Professional Services Agreement with VCBO in an Amount Not to Exceed \$66,000 for PC MARC Conceptual Design and Cost Estimate and for Master Planning of the Park City Sports Complex:

1 Council Member Rubell indicated when the discussion took place on the potential
2 additions to the MARC, he thought it would be an investment of staff time, with
3 proposals being presented at a future meeting. He was surprised to see \$66,000 would
4 be spent before a decision was made on which changes should be pursued. He also
5 was uncomfortable having a pickleball special interest party on the selection committee
6 who was making a decision regarding the addition of pickleball courts. He was hesitant
7 to get too invested in a building expansion on the back of the MARC with the Racquet
8 Club housing behind it and the impact of a potential construction project. He suggested
9 the contract be divided with a certain amount to cover the greater good items which
10 would benefit the community and another amount which would be invested regarding
11 the specific pickleball request. He also asked staff to request that the Pickleball Club
12 help pay for the study.

13
14 Council Member Doilney understood from the previous conversation was that VCBO
15 was the original designer for the MARC and they could accelerate through the process
16 because of their knowledge. He felt using them was the most efficient way to get
17 answers to a group of people as soon as possible.

18
19 Fisher stated the Pickleball Club organized a social for the end of March to raise funds
20 for the pickleball courts. Staff needed to look at entering into an agreement with them at
21 some point, but at this point staff was trying to come up with a conceptual design and a
22 construction cost estimate.

23
24 Council Member Dickey understood from the prior conversation was that pickleball was
25 one demand, but all demands would be looked at holistically and he trusted that was the
26 direction of the project. Council Member Toly asked that going forward, staff should
27 include a member of the community not involved in any way by the subject when issuing
28 the RFP. Council Member Gerber thought the boards were made up of those types of
29 residents. Council Member Toly felt there was not a lot of public input on RFPs.

30
31 Council Member Rubell asked if the study would include the winter use of the sports
32 complex courts. He also stated that including people who wanted the project to happen
33 would sway their decision to push for that. Fisher stated having a covered or indoor
34 component to the facility could be looked at if Council supported going in that direction.

35
36 Council Member Rubell moved to authorize the City Manager to enter into a
37 professional services agreement with VCBO in an amount not to exceed \$66,000 for PC
38 MARC Conceptual Design and cost estimate and for master planning of the Park City
39 Sports Complex with the addition that the Park City Sports Complex would be in the
40 scope for covered or winter use pickleball courts as well.

41
42 Council Member Gerber asked for clarification. Council Member Rubell stated the other
43 indoor courts were an addition on the back of the MARC, so this would be another

option. Council Member Doilney stated this was not the scope of the RFP. Council Member Rubell stated it would be part of the master planning request.

Council Member Gerber seconded the motion.

RESULT: APPROVED

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

VII) NEW BUSINESS

1. Short Range Transit Plan Project Update:

Alex Roy, Senior Transportation Planner, presented this item and indicated the project goals were to improve connectivity, engage the community, be a “Best in Class” transit system and incorporate tactical, relevant innovation. The Short-Range Transit Plan (STRP) was a plan for the next five years. He stated the separation of High Valley Transit from Park City Transit initiated staff to rethink how to deliver service within town. Throughout the process, there were multiple levels of public outreach with stakeholders, including a community survey, open houses and establishing an advisory committee.

Roy noted survey results showed interest in increasing bus frequency, having more direct routes, and improving connectivity between neighborhoods and downtown. Stakeholders also requested microtransit. Several alternatives were presented for transit including bus rapid transit, bus stop improvements, express routes, local buses, microtransit, park and rides and specialty transit.

Roy presented three alternatives for new systems. Alternative One would cover new areas and would include microtransit, adding a bus route to Quinn’s Junction Park and Ride, and streamlining bus service by combining routes; Alternative Two would offer fast, direct service, including high frequency and direct routes to key destinations, microtransit, and corridor investment to help improve bus speeds and reliability; and Alternative Three would minimize transfers, including links to important community destinations without bus transfers, microtransit, and connecting bus routes to more areas around Quinn’s Junction. He indicated the next step was to continue to seek public input. He hoped to roll out the preferred alternative and stated it would be implemented in April, and the final SRTP would be finalized by June.

Mayor Worel asked how staffing figured into the plan. Roy indicated he worked with Transit to see what staffing impacts would be. Council Member Toly asked if microtransit drivers had to have a special driver's license like bus drivers. Roy stated a standard driver's license was required for microtransit drivers. Council Member Toly asked what factors went into putting in a bus shelter versus a bus stop. Roy stated bus stops were prioritized, but a secondary phase would be to look at additional facilities. Council Member Toly asked if microtransit needed to be in the budget this year, to

1 which Roy affirmed there was a budget request for a microtransit pilot project. Council
2 Member Toly asked if there were microtransit grants, to which Roy responded other
3 transit options were being looked at. Sarah Pearce, Deputy City Manager, stated
4 companies that ran microtransit had their own vehicles. Staff would come back to a
5 future meeting to discuss microtransit further.

6
7 Council Member Gerber thought it was time for a microtransit pilot. There were many in
8 the community asking for transit service where it didn't make sense to add bus routes.
9 She thanked staff for their outreach efforts. Council Member Dickey liked the survey
10 options so responders had to choose alternatives. He stated he was a microtransit
11 skeptic, so he was excited to see how the pilot worked.

12
13 Council Member Rubell was pleased with how the goals were presented and he hoped
14 to shift to a goal focused mode. He stated a lot of transit data was reactive. Historical
15 data was used heavily to make decisions and there were many variables in play. He
16 asked if modeling took place to be more proactive. Roy affirmed staff looked at density
17 and transit dependency, especially when looking at zones where there was more
18 socioeconomic dependency for transit. They also had cell phone data to see travel
19 patterns between zones, and they made predictions where transit might work to put
20 more transit in those zones. Council Member Rubell asked how the decision was made
21 between service level and cost. He also asked if costs could be saved and efficiency
22 increased if there was one transit app for both High Valley Transit and Park City. Roy
23 stated there would be tradeoff discussions with the Transportation Council liaisons and
24 Executive. This was a community service and they wanted to create a transit friendly
25 community.

26
27 Mayor Worel opened the item for public input.

28
29 Bill Ciraco indicated he had experience with microtransit and he thought if the City
30 pursued microtransit options, staff needed to explain to the residents it wasn't a free
31 Uber. There was a perception that it was free Uber. In his previous residence, people
32 thought Uber would decrease congestion, but it increased congestion. He hoped the
33 consequences were thought through and staff would come up with the best plan.

34
35 Joe Butterfield suggested the City should only have routes to the transit center and the
36 resorts and just have buses going in those two directions. He hoped to see a
37 conversation on not being a stand alone transit service. The High Valley Transit would
38 be bigger and the City should look at combining. Council Member Doilney reviewed
39 there were now two transit systems because Park City was not a regional transit
40 system. If High Valley absorbed Park City Transit, there would be fewer routes in town.
41 Now that there were two systems, efficiency increased. Butterfield stated if Park City
42 Transit was absorbed into High Valley, Park City would still have a seat at the table.

Ed Parigian asked that bus shelters be looked at to be unique to each neighborhood.

Mayor Worel closed the public input portion of the item.

VIII) ADJOURNMENT

IX) PARK CITY HOUSING AUTHORITY MEETING

I) ROLL CALL

Attendee Name	Status
Chair Nann Worel Board Member Ryan Dickey Board Member Max Doilney Board Member Becca Gerber Board Member Jeremy Rubell via Zoom Board Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

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

Chair Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Chair Worel closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the Plan to Fulfill the Affordable Housing Obligation Generated by the Proposed Sommet Blanc Development Project:

Elyse Kats, Affordable Housing Specialist, reviewed the requirement of a housing mitigation plan for larger developments was to ensure the developers did not adversely affect the supply of affordable housing. The development would include 49 residential units and a 3,600 square foot restaurant. The affordable housing obligation was originally set for 91 Affordable Unit Equivalents (AUE) and was updated to 118.9 AUEs. For this subdivision plat, there would be six onsite rental units at 80% AMI.

Chair Worel asked if the Planning Commission decision was unanimous, to which Kats affirmed. Chair Worel asked if the units could be sold as affordable units at a later date,

1 to which Kats affirmed. Chair Worel asked if the HOA fees would be altered if the units
2 were sold. Kats stated the owners would pay a capped rate of 25% of the full HOA fee.

3
4 Board Member Rubell asked if there were additional units in the Flagstaff Development.
5 Kats stated there were 5.1 units they were obligated to build off site. Doug Olgilvie,
6 representing Sommet Blanc, explained Redus conveyed the Mine Bench and 100
7 Marsac Avenue properties to the City. With that exchange, there was a document
8 signed that all remaining offsite affordable housing obligations were satisfied. Council
9 Member Rubell asked if the AMI level was discretionary and could it be negotiated to a
10 40% AMI. Kats stated the Housing Resolution required AMI to be a maximum of 80%.
11 Board Member Rubell asked if it was the intention that onsite employees live in the
12 units, to which Olgilvie affirmed.

13
14 Chair Worel opened the public hearing. No comments were given. Chair Worel closed
15 the public hearing.

16
17 Board Member Rubell asked if there would be an opportunity to discuss this obligation
18 again before the final approval. Kats stated the Planning Commission already gave the
19 final approval, but the action letter still needed to be signed so there was room for small
20 adjustments.

21
22 Board Member Dickey moved to approve the plan to fulfill the affordable housing
23 obligation generated by the proposed Sommet Blanc Development Project. Board
24 Member Gerber seconded the motion.

25 **RESULT: APPROVED**

26 **AYES:** Board Members Dickey, Doilney, Gerber, and Toly

27 **NAY:** Board Member Rubell

28
29 **IV) ADJOURNMENT**

30
31 With no further business, the meeting was adjourned.

32
33
34

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute the Second Addendum to the Professional Services Agreement, in a Form Approved by the City Attorney, with Lithos Engineering Inc., for the Spiro Mine Tunnel Reconstruction Project, Not to Exceed \$284,965

Suggested Action:

Attachments:

[Spiro Mine Tunnel Reconstruction Project Staff Report](#)

City Council Staff Report

Subject: Spiro Mine Tunnel Reconstruction
Lithos Engineering- Engineering Services
Third Addendum to Professional Services Agreement

Author: Griffin Lloyd, Public Utilities Engineer

Department: Public Utilities

Date: April 7, 2022

Type of Item: Administrative

Recommendation

Authorize the City Manager to execute the Third Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Lithos Engineering Inc., for the Spiro Mine Tunnel Reconstruction Project, not to exceed \$284,965.

Background

Water draining from the Spiro Tunnel provides approximately 30% of Park City's water supply. In addition, water draining from Spiro Tunnel is the primary water source for the upper reach of McLeod Creek. Public Utilities performs maintenance and repairs to the Spiro Tunnel as needed with the overall goal of maintaining water flow from the Spiro Tunnel.

A condition assessment previously conducted by Golder for the Spiro Tunnel reflected areas of the tunnel that needed structural reconstruction.

[\(Staff Report - August 3, 2017\)](#)

The first 400 feet of the Tunnel was identified as the most critical and was reconstructed and stabilized starting July 2020 and finishing June 2021

Proposals for design and program management were requested from qualified engineers and contractors, upon which Lithos Engineering was selected by a committee of Park City personnel based on criteria outlined in the proposal documents. Lithos Engineering was contracted to provide tunnel reconstruction design for the first 400 feet of the Spiro Tunnel ([Staff Report - May 16, 2019](#))

Following the completion of the design for the first 400 feet, Addendum 1 was executed with Lithos Engineering to provide construction engineering services during the reconstruction of Phase 1, as the engineer of Record. ([Staff Report – June 11, 2020](#))

Addendum 2 was executed tasking Lithos Engineering to provide additional condition assessment, construction phasing, ventilation plans, as well as reconstruction support design for future reconstruction of the tunnel. ([Staff Report – February 25, 2021](#))

Addendum 3 includes construction engineering services for additional reconstruction phases of the Spiro Tunnel.

Funding

The funding for this contract is from water service fees and is included in the adopted Public Utilities budget.

Exhibit A

Lithos Engineering Fee Schedule

Project Fee Estimate

Project Name: Spiro Tunnel - Final Design and Phase 1 Construction

Project Number: 19023

Date: 2/14/2022

FEE ESTIMATE

No.	Phase	Labor	Subconsultants	Direct Costs	Total
1	Final Tunnel Design (Sta 4+00 to 78+20)	\$ 43,100			\$ 43,100
2	Field Engineering and Oversight	\$ 193,785		\$ 38,100	\$ 231,885
3	Progress Meetings	\$ 6,560			\$ 6,560
4					
5					
6					
7					
8					
9					
10					
	Markup 12%		\$ -	\$ 3,420	\$ 3,420
	Total	\$ 243,445	\$ -	\$ 41,520	\$ 284,965

22T

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute a Design Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins & Associates, Inc, to Develop an Updated Water Master Plan and Impact Fee Analysis, in an Amount Not to Exceed \$176,000

Suggested Action:

Attachments:

[Water Master Plan Staff Report](#)

[Exhibit A: Scope and Fee Schedule](#)

City Council Staff Report

Subject: Master Plan & Impact Fee Analysis
Bowen Collins – Professional Services Agreement
Author: Harrison Holley – Public Utilities Engineer
Department: Public Utilities
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Authorize the City Manager to execute a Design Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, Inc (BC&A), to develop an updated Water Master Plan and Impact Fee Analysis, in an amount not to exceed \$176,000.

Background

This update to the 2014 Water Transmission, Distribution and Storage Master Plan addresses the source, treatment, and storage requirements of the Utah Division of Drinking Water (DDW) and will re-examine the ability of Park City's water system to meet its future water demands.

The most recent update to Park City's Water Master Plan was performed in 2014 by Bowen Collins & Associates (BC&A). Since that time Park City's water system has seen substantial changes in the following categories:

- Existing and Future Water Sources
- Water Treatment Facilities
- Water Transmission
- Water Storage
- Water Demand
- Water Metering

To best establish the City's future water system needs and meet regulatory requirements, an update to the Master Plan is required. Staff has determined that the magnitude of this effort requires the services of a qualified consultant to assist with updating the water modeling and master planning of the City's water system.

- Consistent with the City's procurement policy, Staff issued a Request for Qualifications for General Services Water System and General Engineering which included a specific area related to Infrastructure Engineering experience, including Master Plan and Impact Fee Analysis.
- Bowen Collins & Associates has been selected by the evaluation committee as the most qualified consultant after review of eight consultants expressing interest to provide Infrastructure Engineering services.

General areas within the master plan to be updated include:

- Update Demand Projections
- Update Supply Evaluation
- Revise Major Conveyance Evaluation
- Evaluate Storage and Pump Station Requirements
- Revise Implementation Plan
- Revise System Schematics
- Develop Drought Response Plan
- Perform Water Rights Study

In addition, the current Park City Water Impact Fee Facilities Plan (IFFP) will be revised and updated. This includes, 1) an evaluation by BC&A and Park City staff to determine capital improvements, within a 10-year planning window, that are eligible for impact fees and expenses and, 2) an update of the Impact Fee Analysis (IFA) by Zions Bank Public Finance.

The updated Water Master Plan will provide guidance to ensure that major water infrastructure improvements are consistent with the City's goals, requirements, and future needs requirements and those improvements are fiscally sound.

This report has been reviewed by representatives of Public Utilities, Legal, and Executive Departments and their comments have been incorporated in this report.

The Design Professional Services Agreement includes the Scope of Services and Fee Schedule as Exhibit A in an amount of \$176,000. Staff has negotiated the scope and fees with BC&A and feels that these fees are usual and customary with projects of this type, scope, and complexity.

The City's Public Utilities Director, Clint McAfee, will be the Project Manager working along with the Public Utilities Engineer, Harrison Holley.

Funding

The funding for this project is from water fees and is included in the FY 22 and FY 23 budget.

Exhibits

A Scope & Fee Schedule – Bowen Collins & Associates

PARK CITY WATER

Transmission, Distribution, and Storage Master Plan 2022 Update

SCOPE OF SERVICES, Last Update April 1, 2022

Background

In May 2014, Park City prepared a master plan update for its water distribution system. Since that time, significant changes have occurred within the Park City water system impacting the water master planning effort. These include:

- A. Major changes in existing and future water sources. Specifically, the City has addressed regulatory changes relative to its use of Judge Tunnel and Spiro Tunnel.
- B. Changes to developable areas within the City affecting future water demands. Areas of significant change include: Treasure Mountain, Bonanza Flats, Park City Heights, Kings Crown, Bonanza Park, Arts and Culture District, Deer Valley Resort Base, Vail Resort Base, Richardson Flat area, and annexation of the Mountain Top Subdivision.
- C. Improved water sales metering. These improvements allow for significantly improved water demand information and forecasting. Additionally, the City's has undertaken a major effort to address unbilled water consumption (water loss) throughout the water distribution system. As an outcome, water use within specific water tank and pressure zones has resulted in improved water demand information.
- D. Implementation of 2014 MPU recommendations and interim planning efforts that have changed the conditions reflected in the 2014 water supply and distribution system.
- E. Changes in existing and potential water supply commitments to the WBWCD.

As a result of these changes, the City desires to re-examine the ability of its water system to meet its future water demands. To this end, an update to the existing transmission, distribution, and storage master plan is needed.

Extent of Study

This study will focus primarily on the City's potable water system. Major raw water pipeline facilities will be evaluated, but secondary water demands and stream augmentation will be considered in terms of overall supply and demand only. Detailed evaluation of secondary conveyance facilities outside of major raw water delivery pipelines is outside the scope of this analysis.

Objective

The purpose of this study is to prepare a water system master plan update that evaluates the adequacy of Park City's transmission, distribution, and storage facilities for various demand scenarios. The Scope of Services presented herein describes the individual tasks and priorities to be performed to accomplish this objective. Tasks include:

Transmission, Distribution, and Storage Master Plan 2022 Update Scope

Task 1 – Update Chapter 2 Demand Projections

1. Update water demand per RE for each individual pressure zone based on current metered sales and water loss projection information. Revise Table 2-4 “Potable Peak Day Demand by Pressure Zone” and Table 2-5 “Potable Peak Day Winter Demand by Pressure Zone, without Snowmaking”. Consider State DDW RE method and values and compare with method and values proposed in masterplan.
2. Update system growth projections, integrating revised development information within the City, and revise “REs by Pressure Zone” table. Revise Figure 2-2 “Park City Projected Growth (2000-2060)”
3. Update Figure 2-3 “Projected Park City Water Annual Production” and Figure 2-4 “Projected Park City Water Peak Day Production”.
4. Develop Figures similar to 2-3 “Projected Park City Water Annual Production” and Figure 2-4 “Projected Park City Water Peak Day Production” showing what annual production and peak day production would have been if usage per account had remained at year 2000 levels.
5. Include demands based on existing agreements/obligations for potable water deliver (WBWCD etc).
6. Consider surplus sales agreements
7. Identify existing raw water obligations/demands
8. Update Chapter 2 Discussion, Figures, Tables, Conclusions and Recommendations as needed.

Task 2 – Update Chapter 3 Supply Evaluation

1. Additional analysis since the last master plan has changed the way the City is thinking about some of its future supply plans, especially its tunnel sources. The goal of this update will be to modify the supply and demand analysis to reflect the updated demands (as described in previous task) and the City’s updated plans for source development and protection.
2. Update Table 3-5 “Summary of Existing Sources Annual Yield” and Table 3-6 “Peak Day Source and Production Capacity” based on updated supply estimates and current treatment capacities (QJWTP and 3KWTP).
3. Update Chapter 3 Discussion, Figures, Tables, Conclusions and Recommendations as needed.

Task 3 – Revise Chapter 4 Major Conveyance Evaluation

1. Update the existing InfoWater model to include Deer Crest Pump Station and other changes that have been made in the system since the model was last updated.
2. Update water model to include regional delivery obligations.
3. Develop up to nine extended period modeling scenarios based on updated water delivery plans. (Scenarios will likely be: Existing – Minimum Demands (spring/fall), Existing – Peak Day (Summer), Existing – Peak Day (Snowmaking), 10-year – Minimum Demands (spring/fall), 10-year – Peak Day (Summer), 10-year – Peak Day (Snowmaking), 2060 – Minimum Demands (spring/fall), 2060 – Peak Day (Summer), and 2060 – Peak Day (Snowmaking).
4. Evaluate potential for Black Diamond resort being serviced from JSSD line and Bald Eagle Tank and abandoning line from upper Deer Valley. Also evaluate Black Diamond line being able to serve in two directions (e.g. if serving from JSSD is possible to black Diamond, explore connection location to serve the bottom of Royal Street in the event of outage)
5. Evaluate Vail Resort Base development—using architectural fixture unit provided by developer/City.
 - a. Provide background, annotation, documentation of process and recommendations.
 - b. Evaluate Areas of fireflow demand and hours of storage—particularly in base areas

Transmission, Distribution, and Storage Master Plan 2022 Update Scope

- c. Document in a technical memo to be included in the Appendix.
6. Evaluate Deer Valley Base development—using architectural fixture unit provided by developer/City.
 - a. Provide background, annotation, documentation of process and recommendations.
 - b. Evaluate Areas of fireflow demand and hours of storage—particularly in base areas
 - c. Document in a technical memo to be included in the Appendix.
7. Update the Kings Crown Tank (previously identified as West Neck) and connection to Neck Tank study and document in a technical memo to be included in the Appendix. This will also include impacts to Boot Hill PS, 13th Street PS, Woodside fire storage, and impacted pressure zones. The City also desires fiber connectivity with the 13 Street PS and the Kings Crown Tank. Costs and specific technical requirements for this connectivity are outside the scope of this memo but the need for connectivity will be included in the memo.
8. Update Table 4-3 “Modeling Source Production Scenarios” based on current source and treatment capacities (QJWTP and 3KWTP).
9. Update Table 4-4 “Key Transmission Mains and Alternate Transmission Paths” based on current and planned transmission lines.
10. Update System Transmission and Fire Flow Evaluation. Review the fire flow conclusions contained in the previous master plan. While it is unlikely that any large changes will result, the updated demands and model improvements may uncover some issues that were not identified in the original master plan.
11. Evaluate conveyance capacity of major raw water pipelines to meet existing obligations/demands.
12. Revise Existing System Characteristics to reflect changes since 2014 and currently planned system improvements. Update all Figures and Tables as needed.
13. Update Chapter 4 Discussion, Figures, Tables, Conclusions and Recommendations as needed.

Task 4 – Revise Chapter 5 Storage and Pump Stations Evaluation

1. Revise Storage and Pump Stations to reflect changes since 2014 and currently planned system improvements.
2. Evaluate capacity of pumps and transmission pipelines to convey supply to point of demand for various delivery scenarios per State DDW requirements.
3. Perform redundancy/criticality evaluation for system transmission to include consideration of: loss of individual storage tank source (not treatment source), loss of major transmission pipelines or booster stations. Identify areas where modifying existing pressure zone configurations or zone breaks may benefit the system. Include currently planned pressure zone and tank zone changes.
4. Consider the use of jockey pumps or smaller pumps and potential energy savings for periods when the system does not need full pump capacity in Chatam, Last Chance, Flagstaff (potentially repurpose one Flagstaff pump in Chatam), and Daley Avenue Pump Stations.
5. Update Chapter 5 Discussion, Figures, Tables, Conclusions and Recommendations as needed.

Task 5 – Revise Chapter 6 Implementation Plan

1. Revise Implementation Plan to reflect changes since 2014 and currently planned system improvements.
2. Prepare a 5-Year and 10-Year Capital Improvements Plan with Implementation Schedules and Budgets
3. Update Chapter 6 Discussion, Figures, Tables, Conclusions and Recommendations as needed.

Transmission, Distribution, and Storage Master Plan 2022 Update Scope

Task 6 – Revise Appendix A System Schematics

1. Revise system schematics to reflect changes since 2014 and currently planned system improvements.

Task 7 – Revise and Update the Park City Water Impact Fee

1. BC&A will prepare an Impact Fee Facilities Plan (IFFP) including the following subtasks:
 - a. Assemble Existing Facilities Inventory and Determine Excess Capacity. We will work with City staff to assemble a system inventory. We will calculate excess capacity in existing infrastructure.
 - b. Calculation of Capacity in Future Improvements. From the recommended list of improvements in the capital facilities plan, we will identify which projects are needed within the allowable 10-year planning window of the IFFP. For the improvements within the 10-year planning window, we will develop a methodology for dividing projects between expenses eligible for impact fees and expenses not eligible for impact fees. This will include consideration of capacity used by growth within the 10-year planning window and capacity used by growth beyond the 10-year planning window. (Note: Impacts associated with Kings Crown and with the Arts and Culture District are anticipated to be paid for by impact fees.)
 - c. Document Results. If results suggest the fee will be significantly different from the existing fee, we will document the results of the IFFP evaluation in a report containing all elements required in Utah Code 11-36a. Included in this report will be a written certification of the IFFP in accordance with the requirements of the law. We will present results of the IFFP to the City Council at a City Council meeting or work session. This presentation may be combined with the public hearing required prior to the adoption of the IFFP in accordance with State law.
2. Update IFA. Our subcontractor, Zions Bank Public Finance will prepare an Impact Fee Analysis (IFA) containing all elements required in Utah Code 11-36a. BC&A will provide review of the IFA to make sure the calculation of impact fees is consistent and logical with the IFFP. Results will be presented to City Council at the same time as the IFFP.

Task 8 – Develop a Basic Drought Response Plan

Based on the relationship between supply and demand developed in Tasks 1 and 2, we will prepare a drought response plan to respond to various levels of drought. This will include risks for each source and how/if/when the City would respond. This will include identification of future potential actions needed to reduce demand to sustainable levels that meet projected reductions in supply during drought.

- **Develop Response Goals.** Develop water use reduction/drought response goals for each drought stage.
- **Drought Monitoring.** Associate goals and response actions with quantified drought monitoring trigger points for each drought stage.
- **Response Actions.** Include response actions to address the identified risks to be implemented during each drought stage.
- **Review Incentives.** Review incentives for compliance, monitoring, and enforcement of response actions and amend as appropriate.

Transmission, Distribution, and Storage Master Plan 2022 Update Scope

- **Review Guidelines & Protocols.** Review guidelines and protocols for implementing response actions.
- **Inventory of Future Potential Actions.** Assemble an inventory of potential mitigation programs, policies, and operational criteria.
- **Identify Top Priorities.** Qualitatively discuss potential benefits of identified mitigation programs, policies, and strategies to improve the City's response to future drought. Define goals and priorities and then recommend those actions for future action.

Task 9 –Water Rights Study

The City has a water rights attorney reviewing paper water rights under a separate project. We assume a 40-year water rights master plan or similar document is available or being produced by others. BC&A will provide engineering support to the City to confirm that actual water use is consistent with the paper portfolio developed by others. This will include mapping water rights point of diversions (PODs), measuring points, conveyances, etc. We will also work with the City to look for opportunities to utilize surface flow water rights in Thaynes Canyon that the City is currently not using. This effort is anticipated to be documented in a chapter in the master plan or could be a separate document depending on the City's preferences.

Information Coordination:

- Use existing City GIS mapping for water system assets, pressure zones, tank supply areas, etc.
- Use the existing water model for water modeling basis and provide updated version to the City.
- With City personnel, review the growth map and incorporate available master plan data for specific developments – Park City Heights, Bonanza Flats, Treasure Mountain, Kings Crown, Vail Resort Base, Deer Valley Resort Base, Arts and Culture District, BOPA, 12th Street Redevelopment Area, Huntsman Property, and any other plans provided by the City.
- Support City staff in obtaining updated water use information and developing RE basis
- Integrate updated water source production quantities (provided by City)

Deliverables:

1. 2022 Master Plan Update Draft Report – *Draft Report – Park City 2022 Transmission, Distribution, and Storage Master Plan* (1 copy, Word document and pdf file).
2. IFFP - *Final Report – Park City Water Impact Fee Facilities Plan* (1 copy, Word document and pdf file).
3. IFA - *Final Report – Park City Water Impact Fee Analysis* (1 copy, Word document and pdf file).
4. *Drought Response Plan* (1 copy, Word document and pdf file)

Transmission, Distribution, and Storage Master Plan 2022 Update Scope

Schedule:

We estimate this proposed scope of work will take between 8 to 12 months depending on Park City needs, coordination, and availability of data.

Fee:

An estimate of proposed hours and fee with breakdown by task is shown in the attached table.

Sincerely,
Bowen Collins & Associates, Inc.



Jon Oldham, P.E.
Principal

Park City
2022 Water Masterplan Update
ENGINEERING FEE ESTIMATE
Last Update 04/01/22

	OFFICE STAFF		TECH	ENGINEERS				SUBTOTAL	SUBTOTAL
LABOR	OFFICE	EDITOR	TECH 5	Staff Eng.	PE	PM	SR	HOURS	COST
	Skousen	Hilbert	Riggs	Whitfield	McKinnon	Oldham	Larson		
Hourly Rate	\$105.00	\$93.00	\$118.00	\$110.00	\$145.00	\$175.00	\$198.00		
Task 1 - Update Chapter 2 Demand Projections									
Update system growth projections				16	8	4		28	\$3,620
Update Water demand per RE				16	8	4		28	\$3,620
Update Discussion, Figures, Tables, Conclusions and Recommendations	1	2		20	8	4	2	37	\$4,747
Task 2 - Update Chapter 3 Supply Evaluation									
Update Discussion, Figures, Tables, Conclusions and Recommendations	1	2		16	12	4	4	39	\$5,283
Task 3 - Revise Chapter 4 Major Conveyance Evaluation									
Update existing model				24	12			36	\$4,380
Update demand distribution				24	14	2		40	\$5,020
Develop scenarios				16	6	2	2	26	\$3,376
Update fire flows				12	8	2		22	\$2,830
Evaluate Black Diamond serviced from JSSD and bi-directional flow				10	6	3		19	\$2,495
Evaluate Vail Resort Base Development				16	8	4		28	\$3,620
Evaluate Deer Valley Resort Base Development				16	8	4		28	\$3,620
Update Kings Crown Tank Study				20	10	6		36	\$4,700
Update Transmission and Fire Flow evaluation				24	10	6		40	\$5,140
Update Discussion, Figures, Tables, Conclusions and Recommendations	1	2		20	10	10	2	45	\$6,087
Task 4 - Revise Chapter 5 Storage and Pump Station Evaluation									
Update Storage and Pump Stations				6	2			8	\$950
Evaluate pump and transmission line capacity				12	4			16	\$1,900
Perform Redundance/criticality evaluation				16	4	2	1	23	\$2,888
Consider smaller pumps and potential energy savings				8	3			11	\$1,315
Update Figures, Tables, Conclusions and Recommendations	1	2		16	8	4	2	33	\$4,307
Task 5 - Revise Chapter 6 Implementation Plan									
Implementation plan	2			20	12	4	2	40	\$5,246
Prepare 5-yr and 10-yr Capital Improvements Plan				8	4	2		14	\$1,810
Update Discussion, Figures, Tables, Conclusions and Recommendations	1	2		16	6	4	2	31	\$4,017
Task 6 - Revise Appendix A System Schematics									
Update Figure A-1 and A-2	1		16	16	8	4		45	\$5,613
Task 7 - Revise and Update the Park City Water Impact Fee									
Revise PC Water Impact Fee Facilities Plan	1	2		40	16	6	4	69	\$8,853
Revise Impact Fee Analysis and Impact Fee Schedule						4	8	12	\$2,284
Task 8 - Develop a Basic Drought Response Plan									
Drought Response Plan	1	4		60	30	10	10	115	\$15,157
Task 9 - Water Rights Study									
Water Rights Engineering Assistance	1	4	4	40	20	10	6	85	\$11,187
TOTAL LABOR	11	20	20	508	245	105	45	954	
TOTAL LABOR COSTS	\$1,155	\$1,860	\$2,360	\$55,880	\$35,525	\$18,375	\$8,910		\$124,065

EXPENSES

Item	Unit	Rate	Total Cost
COMMUNICATION/COMPUTER	954	\$7.50	\$7,155
Zions Bank - IFA			\$8,500
AUTO MILEAGE			\$800
TOTAL EXPENSES			\$16,455

TOTAL LABOR COST	\$124,065
EXPENSES	\$16,455
TOTAL COST	\$140,520

25% Contingency for Owner Directed Revisions \$35,480
TOTAL \$176,000

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Execute a Design Professional Services Agreement, in a Form Approved by the City Attorney, with Hazen & Sawyer, to Develop a Park City Public Utilities Strategic Asset Management Plan in an Amount Not to Exceed \$132,000

Suggested Action:

Attachments:

[Strategic Asset Management Plan Staff Report](#)

[Exhibit A: Scope and Fee Schedule](#)

City Council Staff Report

Subject: Strategic Asset Management Plan (SAMP)
Hazen & Sawyer – Design Professional Services Agreement
Author: Harrison Holley, Public Utilities Engineer
Department: Public Utilities
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Authorize the City Manager to execute a Design Professional Services Agreement, in a form approved by the City Attorney, with Hazen & Sawyer, to develop a Park City Public Utilities Strategic Asset Management Plan (SAMP) in an amount not to exceed \$132,000.

Background

Over the past two decades, Park City Municipal's Public Utilities team has expended considerable time and effort on the development of new infrastructure to:

1. Ensure adequate water supply.
2. Implement water quality related improvements.

These improvements (with completion status) include:

- Rockport Importation Project: Complete
- Creekside Water Treatment Plant: Complete
- Mining-Influenced Water (M-I-W) associated projects: Complete
- 3Kings Water Treatment Plant: 2023 scheduled completion

As these projects near completion, Public Utilities is now positioned to better focus on **asset management**, which is a key objective under our strategic goal of Reliable Water Service and Assets. Asset management is the planned approach to optimizing the lifecycle cost of asset ownership and emphasizes providing reliable and dependable customer service levels. This enables Public Utilities to transition from a reactive condition to a proactive approach through the implementation of proper operations and maintenance strategies, repair/replacement assessments and scheduling, and long-term financial planning. Benefits of developing Asset Management Plans (AMPs) include:

- Minimize overall lifecycle costs to own and operate infrastructure
- Maintain level of service to utility customers
- Communication/Consistency across all departments (Treatment, Distribution & Stormwater Divisions)
- Reduce catastrophic failures
- Protect water quality
- Water loss reduction
- Effective budgeting and financial planning

Public Utilities consists of Treatment, Distribution and Stormwater divisions, with an assortment of infrastructure asset classes (Pipes, Pumps, Tanks, Buildings, IT, etc.). Staff has determined that this complexity requires the services of a qualified consultant to develop a Strategic Asset Management Plan (SAMP). This SAMP will create consistent framework structuring for individual AMPs and provide the outline, guidance, documentation, and roadmap for AMP creation.

- Consistent with purchasing policies, Staff issued a Request for Qualifications for General Services Water System and General Engineering which included a specific area related to Asset Management experience.
- Hazen and Sawyer has been selected as the most qualified consultant after review of the eight consultants expressing interest to provide Asset Management services.

Scope of Services Summary, Phase 1. Through a series of workshops and deliverables, Hazen & Sawyer will guide the Public Utilities teams through the following steps/tasks to develop the SAMP:

- Develop Asset Management Vision
- Develop Asset Management Policy
- Develop Asset Management Program Goals and Objectives
- Develop Overarching Levels of Service and Key Performance Indicators
- Develop Governance Strategy
- Develop Business Risk Exposure Framework
- Develop Asset Lifecycle Guideline
- Develop Decision Making Strategy
- Develop Asset Management Tools Strategy
- Develop a SAMP Implementation Roadmap
- Create SAMP document
- Project Management QA / QC

This process will ensure staff is educated on effective AMP implementation and set Public Utilities on a path to assess the demands of its new and aging infrastructure while maintaining, water quality goals, levels of service, and fiscal responsibility.

Following the completion of the SAMP, additional scopes of work with Hazen will be developed and recommended for future approval by City Council. This future work will include development of individual AMP's for identified water and storm water infrastructure classes.

This report has been reviewed by representatives of Public Utilities, Legal, and Executive Departments and their comments have been incorporated in this report.

The Design Professional Services Agreement includes the Scope of Services and Fee Schedule as Exhibit A in an amount of \$132,000. Staff has negotiated the scope and fees with Hazen & Sawyer and feels that these fees are usual and customary with projects of this type, scope, and complexity.

The City's Public Utilities Engineer, Harrison Holley, will be the Project Manager working under the guidance of the Public Utilities Director, Clint McAfee.

Funding

The funding for this project is from water and storm water fees and is included in the FY 22 and FY 23 budget.

Exhibits

A Scope & Fee Schedule – Hazen & Sawyer

March 25, 2022

Mr. Clint McAfee
Public Utilities Director
Park City Municipal Corporation
Park City, Utah 84060

Re: Scope for A Strategic Asset Management Plan

Dear Mr. McAfee

Thank you for the continued opportunity to work with the Park City Municipal Corporation (Park City) to develop its Strategic Asset Management Plan (SAMP). Hazen and Sawyer is excited to partner with you on this important undertaking.

We envision the following tasks needed to develop the SAMP:

- Task 1: Develop Asset Management Vision
- Task 2: Develop Asset Management Policy
- Task 3: Develop Asset Management Program Goals and Objectives
- Task 4: Develop Overarching Levels of Service and Key Performance Indicators
- Task 5: Develop Governance Strategy
- Task 6: Develop Business Risk Exposure Framework
- Task 7: Develop Asset Lifecycle Guideline
- Task 8: Develop Decision Making Strategy
- Task 9: Develop Asset Management Tools Strategy
- Task 10: Develop a SAMP Implementation Roadmap
- Task 11: Create SAMP document
- Task 12: Project Management QA / QC

The project is estimated to take six (6) months to complete, assuming a 10 business days turnaround for document reviews. Overall fees for this project are estimated to be \$104,954 with a detailed breakdown provided in Section 5 of this document.

Hazen is committed to Park City and looks forward to helping you develop the Park City SAMP and identify your energy management needs. If you have any questions on this proposal, please contact me directly at (720) 373-1633.

Sincerely,



Benjamin D. Stanford, PhD
Associate Vice President / Project Director



Bryan Oldham, PMP
Project Manager

Strategic Asset Management Plan (SAMP) Scope

1. Background

Park City Municipal Corporation (Park City) has asked Hazen to provide a scope to support in creating an overall Strategic Asset Management Plan (SAMP) that will help move Park City forward in its asset management program. This document is the scope for providing the SAMP support.

2. SAMP Overview

A Strategic Asset Management Plan (SAMP) documents and communicates Park City's Public Utility's asset management vision, policy, objectives, and near term actions. It describes the drivers for asset management and links the organizational goals and implemented systems that support an organization's asset management program.

A SAMP also allows an organization to implement asset management consistently across all business units so that employees, processes, and tools work together to ensure well-informed and balanced decisions are made in the best overall interest of an organization.

Typical SAMP components include the following:

- Asset Management Vision Statement
- Asset Management Policy Expectations and Direction
- Asset Management Program Objectives
- Asset Management Levels of Service (LOS) and associated Key Performance Indicators (KPIs)
- List of Asset Management stakeholders
- List of Stakeholder Expectations
- Risk Management approach
- Asset Lifecycle Strategy and Optimization
- Decision Making Strategy
- Asset Management Governance
- Asset Management Tools

The SAMP is meant to be a guiding document for Park City that is reviewed and updated as Park City progresses its asset management program. Complementing the SAMP are the individual asset class / process specific Asset Management Plans (AMPs) that detail the specific areas and assets within Park City's infrastructure.

3. SAMP Development

It is important that the SAMP provide asset management guidance to the entire organization. The SAMP is a living document that needs to be reviewed at a minimum annually to assess what may have changed, then be updated accordingly. The following tasks are recommended for completing the SAMP.

Task 1: Develop Asset Management Vision

A vision statement provides guidance to internal and external stakeholders on Park City Public Utility's (referred to as Park City in the remainder of the document) asset management journey. The statement should be clear, concise, and valid. An Asset Management Vision Statement supports Park City's overall Vision Statement and describes what Park City is wanting to achieve with its Asset Management Program. Hazen will review various asset management related policy documents that Park City already has. In addition, Hazen will review the existing Park City Mission, Vision and Values as highlighted on the Park City Web Site. Upon completing the review, Hazen will meet with Park City Senior Management to develop the asset management Vision Statement.

Prerequisites:

- Park City to provide a copy of any prior asset management policies, documents, or plans, along with City-wide strategic plan, vision, mission, and values documentation.

Task 1 Deliverables:

- 2-hour workshop
 - Project kickoff
 - Develop vision statement
- Documented Vision Statement

Task 2: Develop Asset Management Policy

An asset management policy sets the intentions and direction of Park City management to support and facilitate asset management within the organization.

The policy supports the asset management vision and includes:

- Statement of management commitment to asset management
- Guidance to staff in carrying out the asset management vision
- Definition of an asset
- How to determine if an item is a Park City asset

Hazen will host two (2), 2-hour workshops in this task. The first workshop will be to define the management policy statement, and the second will be to define a Park City asset and determine how to decide if future/new items are classified as Park City assets.

Task 2 Deliverables:

- 2-hour workshop to develop vision statement
- 2-hour workshop to define a Park City asset and how to determine if new items are an asset
- Documented Asset Management Policy

Task 3: Develop Asset Management Program Goals and Objectives

The Asset Management Program goals and objectives define the outcomes and results that Park City seeks to achieve. The goals and objectives are aligned with the overall Park City Vision and Mission.

Items that may be included in the Goals and Objectives are:

- Stakeholder focus
- Lifecycle approach
- Risk based approach
- Triple bottom line efforts
- Repeatable and defensible decision making
- Regulatory compliance
- Information sharing
- Operational reliability
- Target IIMM Score (maturity level) desired

Hazen will host two (2), 2-hour workshops to develop the program goals and objectives. This sets the foundation for the remaining tasks, so it is critical that the time needed be taken for this task.

Task 3 Deliverables:

- Two, 2-hour workshops to develop the asset management program goals and objectives
- Technical Memorandum summarizing the asset management program goals and objectives

Task 4: Develop Overarching Levels of Service and KPIs

Levels of Service (LOS) are the parameters or combination of parameters that reflect social, political, economic, and environmental outcomes (triple bottom line) that an organization delivers to its customers and key stakeholders. LOSs typically relate to service attributes such as quality, reliability, responsiveness, sustainability, timeliness, accessibility, and cost and provide the link between higher level organizational goals and objectives and more detailed technical and operational objectives (*2015 International Infrastructure Management Manual*). A LOS identifies the “WHAT” of what the Water Authority wants to track and serve as the link between Park City’s program management objectives and the key performance measures.

For clarity, Key Performance Indicators (KPIs) define the “HOW” Park City is going to measure and track activities being implemented to meet the desired LOSs. Defining appropriate LOSs and associated KPIs is a critical component of any asset management and/or capital improvement program.

For this task, Hazen will work to identify City-wide Levels of Service Statements and associated KPIs that can be used to identify the outputs Park City desires. An example of an AM Program Objective and Corresponding LOS is shown below

- **AM Program Objective:** Assure safe, reliable, and efficient operation and maintenance

- **LOS:** High consequence of failure (CoF) systems are available all the time
- **KPI:** High CoF system available 24 x 7 x 365

Hazen will hold two 2-hour workshops with Park City Management to develop specific asset management LOS and KPIs that can be applied Park City-wide that align with the overall Park City Program Objectives. Note that more specific LOSs and KPIs will need to be developed for each AMP undertaken in the future.

Task 4 Deliverables:

- Two 2-hour workshops to develop the overarching asset management LOS and KPIs
- Table highlighting the agreed to LOS statements, associated KPIs, and how they tie back to the AM policy

Task 5: Develop Governance Strategy

Governance strategy defines the policies needed to effectively carry out asset management at Park City and the roles and responsibilities for carrying out asset management activities. Asset management governance:

- Defines asset management policies and procedures needed
- Establishes definitions to be used by all
- Articulates the roles and responsibilities of the AM teams and team members
- Ensures the roles and responsibilities are followed
- Allows for continuous improvement

The purpose of governance is to drive organizational and functional coordination, facilitate communications and enhance decision making. Effective governance will provide Park City with many benefits such as:

- **Consistency:** Agreed upon messages, principles and frameworks consistently applied throughout Park City
- **Alignment:** Decision making aligned to Park City goals and the AM vision and mission
- **Improved Capabilities:** Increasing knowledge of AM and the capabilities needed to implement AM
- **Compliance:** With Park City's own policies and those required by regulators
- **Ability to Influence Change:** Park City personnel can make process changes to achieve goals with minimum disruption
- **SAMP / AMP Sustainability:** SAMP and AMPs updated and remain as guides to AM team in daily work activities
- **Availability of Resources:** Helps ensure Park City has the tools, financial, and HR resources to deliver on its AM commitments effectively and efficiently

Hazen will hold a 2-hour workshop with Senior Management to define responsibilities for asset management at Park City corporate level and within the water and stormwater business areas broken up by plant and field areas. An example governance table could look something like the following.

Life Cycle	Process	Owner	Governing Document
Identify Needs & Plan	Define and prioritize asset needs	Planning/Asset Mgmt	SOP for analyzing and prioritizing asset needs
	Use standard AM nomenclature	Planning/Asset Mgmt	AM Terms and Definitions
Design	Update Asset Register	Planning/Asset Mgmt	Asset Registers Update Procedure
Construct	Collect required asset documentation	Planning & Engr.	Project Manual for Construction
	Collect required AM data	Planning/Asset Mgmt	AM Data & Information Requirements Guidance
	Accept and Commission new assets	Planning & Engr.	WA Construction Standards
Operate & Maintain	Assess asset condition	Planning/Asset Mgmt	SAMP - Business Risk Exposure Calculation and Asset Specific AMP
	Assign LoF and CoF		
	Define asset maintenance strategy		
	Create and complete work orders	Field and Plant Operations	Work Order Procedure
Rehab & Replace	Decide to rehab or replace assets	Comprehensive Planning Division	Business Risk Exposure Guidance Document
Dispose	Dispose of assets	Planning	Asset Disposal SOP
Measure	Define Performance Measurement	Planning/Asset Mgmt	Performance Measures Definitions and Calculations

Please note, unless specifically called out elsewhere in this scope, the SAMP does not develop the documents identified by this task; rather, it focuses on what documents Park City will need to create as part of its AM Roadmap implementation.

Task 5 Deliverables:

- 2-hour workshop to discuss governance
- Documented Governance Table

Task 6: Develop Business Risk Exposure Framework

Asset management seeks to find the balance between high levels of service and low costs for operating and maintaining a system. A main component of prioritizing rehabilitation and replacement planning in any asset management plan is the concept of risk. Higher risk can result from too little investment in the assets and not meeting target levels of service. Likewise, lowering risk may result in overspending to

provide levels of service above and beyond what customers require or expect. The goal of asset management, then, is to avoid creating an imbalance between risk and cost, and instead find a happy medium between the two, as shown below.



Vital to a robust asset management program is identifying the business risk exposure (BRE) of the assets. BRE is comprised of two major components:

- **Likelihood of failure (LoF)** - measures an asset's likelihood of or timing to failure which can include capacity score and condition score.
- **Consequence of failure (CoF)** - evaluates the direct and indirect impacts of a failure and is comprised of allowable loss of service, economic impact, and environmental/social factors.

The focus for this task will be to develop the basic LoF and CoF framework that can be used across all of the Park City when completing future AMPs. Due to Park City's infrastructure containing vertical and horizontal assets, vertical assets (e.g., 3Kings Water Treatment Plant, pump stations) and horizontal assets (e.g., pipelines, PRVs, DMAs) BRE scores are calculated differently. The end result is a consistent score as the BRE scores for each will be calculated the same:

$$\text{BRE} = \text{LoF} \times \text{CoF}$$

It will be crucial that as Park City performs condition assessments on any asset, vertical or horizontal, it applies the same scoring scale. This will allow the overall BRE scores of the various assets to be compared against each other.

Task 6 Deliverables:

- 2-hour workshop to determine vertical assets LoF and CoF components and weighting
- 2-hour workshop to determine linear assets LoF and CoF components and weighting
- Meeting minutes for both workshops
- Draft and Final vertical and linear framework to be used in future AMPs

Task 7: Develop Asset Lifecycle Guideline

The life cycle cost of an asset is the total cost of the asset throughout its life. This includes costs associated with planning, design, construction, operation, maintenance, rehabilitation, and decommissioning minus the asset's end of life salvage value.

Life cycle cost analysis can be used to select the project alternatives that will yield the minimum total cost to the Park City and, thereby, rates to external stakeholders. An alternative with the minimum life cycle cost, may not be the alternative with the lowest upfront construction cost.

This task will identify the key components that Park City needs to implement to move to a defensible life cycle cost analysis approach. Hazen will host a 2-hour workshop for each of the three areas below to identify and define the guidelines that go into the Lifecycle Guideline Strategy.

Track Maintenance Cost of Each Capital Asset

In order to have a true lifecycle costing approach, Park City needs to track to the capital asset level maintenance cost. Over time, a historical database of information will be collected that can be used to truly understand overall asset lifecycle cost. Hazen will work with Park City to determine how to best use Cityworks to track the maintenance costs of each capital asset.

New Project Alternatives Evaluation

Hazen will assist Park City in identifying aspects of all capital projects that need to be evaluated as part of a lifecycle cost analysis. This could include:

- Initial capital costs
- Estimate of ongoing operations and maintenance
- Estimate of rehab cost
- Triple bottom line impacts (economic, social, and environmental)

Fix or Replace Evaluations

Once Park City knows how its life-cycle costs for the different assets are determined, guidelines can be established/documented for whether an asset should be rehabilitated or replaced. This is typically done in conjunction with capital planning and risk assessment. For example, Park City may determine if a risk score is moderate to high risk and the cost to rehabilitate is more than 75% of replacement, the asset should be replaced and not rehabilitated. The exception is for assets classified as run to failure.

Task 7 Deliverable:

- Workshop documenting how Park City is going to capture and track maintenance cost for each capital asset
- Workshop documenting existing and recommended process for new project evaluation
- Workshop to develop formal policy for a fix or replace decision

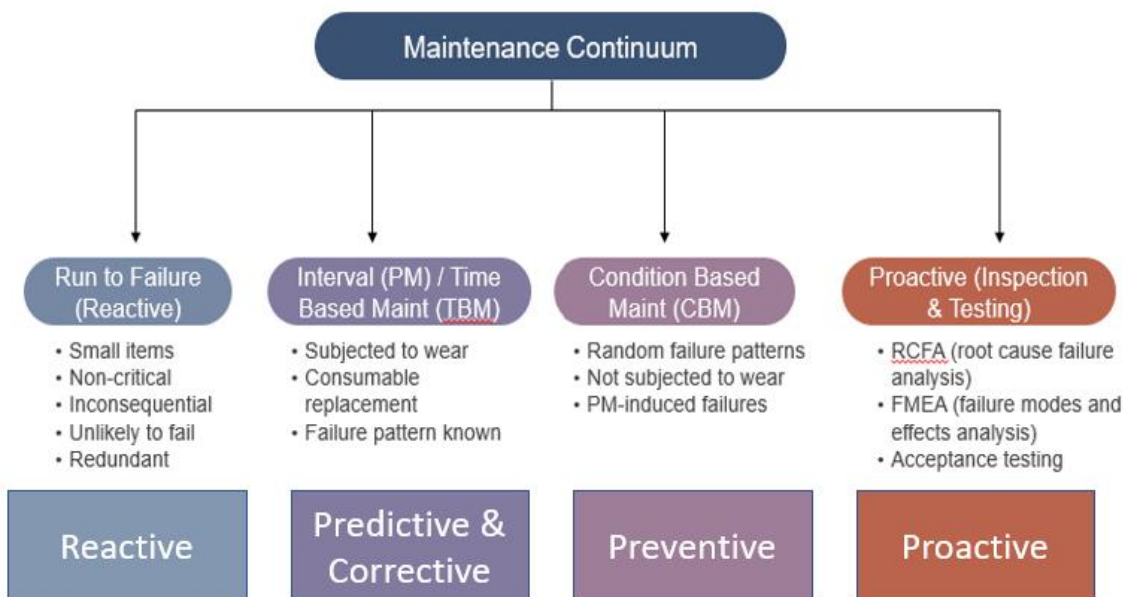
- Meeting minutes for each workshop
- Draft asset lifecycle policy
- Final asset lifecycle policy

Task 8: Develop Decision Making Strategy

To achieve its mission, Park City builds new infrastructure assets to meet growth needs and manages existing assets to meet reliability needs. Asset lifecycle management strategies are planned actions that enable assets to provide the defined levels of service in a sustainable manner, while managing risk, at the lowest lifecycle cost. The distinction between renewals (which are capital works) and maintenance (which is an operational expense) is set by accounting policies and standard operating procedures.

Operations & Maintenance (O&M) ensures the asset continues to deliver defined LOS, while renewals can extend the asset's useful life through the implementation of new technologies. Renewals and maintenance are strongly linked; maintenance strategies can hasten or delay the need for renewals, and if renewals are deferred, maintenance needs will often increase.

Best in class asset management practices seek to maximize asset reliability and extend asset life through the appropriate mix of maintenance management techniques based on asset criticality (CoF). The diagram below summarizes the different maintenance activities.



Hazen will host a 2-hour workshop to identify asset maintenance strategies and to establish Park City guidelines for maintaining new and existing assets. The strategies and guidelines will be documented and should be enforced for any new projects or replacement assets.

Task 8 Deliverables:

- 2-hour workshop to develop overarching maintenance strategies and guidelines to be used
- Document outlining the overarching maintenance strategies and guidelines for selecting the appropriate strategies for assets

Task 9: Develop Asset Management Tools Strategy

For long-term asset management success, Park City needs to have a coherent tools strategy that can carry Park City into the future. A tools strategy will allow Park City to make informed data driven decisions which are defensible to the stakeholders.

In this task, Hazen will work with Park City to determine the types of asset data and information needed going forward and the tool type that should hold the data (e.g., maintenance management system, GIS, financial, document management). Hazen will host a 2-hour workshop to review existing tools, and which tools are the source of record for

This task sets up the general guidelines identifying the types of tools needed going forward. This task is not a tool selection or recommendation task. This task will not identify any network deficiencies that may exist. However, it does provide a framework for selecting tools and for making decisions about network upgrades in the future.

Task 9 Deliverables:

- One 2-hour workshop to define existing systems, data stored in each, and which should be the system of record
- Document identifying the system needed, data to be stored in each, and any gaps that may currently exist

Task 10: Develop SAMP Implementation Roadmap

Once the SAMP is completed, Hazen will develop a SAMP Implementation Roadmap to provide Park City guidance on implementing the SAMP. The roadmap will include:

- List of recommendations to implement the SAMP
- Priority ranking of the recommendations
- Recommended calendar of when task should be implemented over an agreed to time frame
- Recommendation of who should perform the recommendations (Park City/Consultant/Combination)
- Estimated cost to implement each recommendation

Task 10 Deliverables:

- SAMP Implementation Roadmap

Task 11: Create the SAMP in Digital Format

Hazen will consolidate the information from the previous tasks into a formal Strategic Asset Management Plan document that can guide Park City's path forward.

Task 12: Project Management QA / QC

Project Management

The Hazen Project Management approach facilitates open communication with Park City to keep the project on schedule and budget, and focuses on minimizing unexpected issues impacting the project.

The Hazen project manager will perform the following specific project management tasks in support the Park City Asset Management Program:

- Provide Park City with routine communication
- Work closely with Park City to determine a schedule that fits Park City's needs most effectively
- Ensure timely communications with the Park City of any changes impacting the project
- Maintain a project schedule
- Document any changes to the project scope and inform the Park City of any impacts the scope change has on the overall project
- Prepare monthly invoicing and report
- Provide day-to-day direction of the Hazen team members work efforts

QA / QC

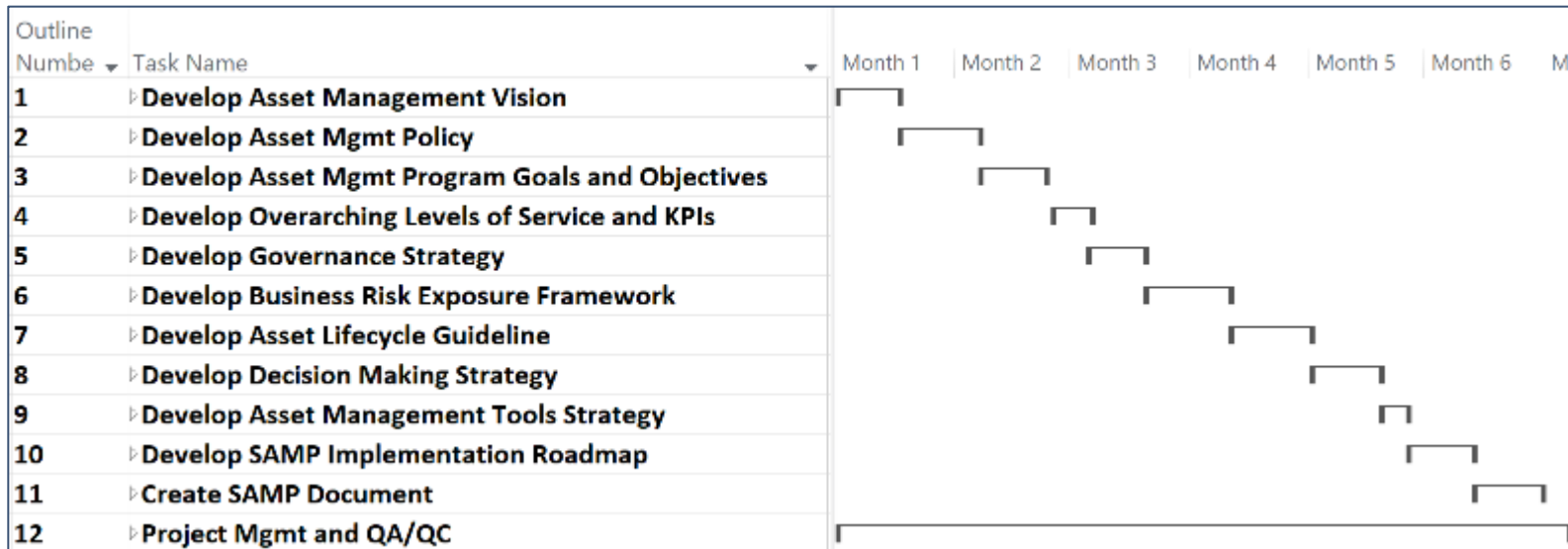
Hazen will incorporate a robust QA/QC review of all Hazen work to include all deliverables and work effort to ensure a high level of quality and completeness of all work..

Task 12 Deliverables:

- Monthly invoice
- Monthly status report

4. Schedule

The estimated schedule for developing the SAMP is six (6) months as shown below



5. Fee

The table below shows the estimated total fees for this project.

		Ben Stanford - Project Director	Bryan Oldham - Project Manager	Matt Sawires - Associate Engr	Sean Fitzgerald - Vice President	Matt Ridens - Associate	Dilip Kumar - Digital Lead	TOTAL FEES	TOTAL HOURS
Task Number	Task Name								
1	Develop Asset Mgmt Vision	2	6	16	2			\$4,680	26
2	Develop Asset Mgmt Policy		10	22				\$5,260	32
3	Develop Asset Mgmt Program Goals and Objectives		12	24				\$6,000	36
4	Develop Overarching Levels of Service		14	22	8			\$8,540	44
5	Develop Governance Strategy		13	22				\$5,980	35
6	Develop Business Risk Exposure Framework		22	44	20			\$16,800	86
7	Develop Asset Lifecycle Guideline		21	40				\$10,240	61
8	Develop Decision Making Strategy		12	22	8			\$8,060	42
9	Develop Asset Management Tools Strategy		6	12	8			\$5,320	26
10	Develop SAMP Implementation Roadmap	6	20	36	4	8		\$14,060	74
11	Create SAMP Document		4	16			24	\$8,800	44
12	Project Mgmt and QA/QC	18	14					\$8,580	32
SUBT-TOTAL (SAMP)		26	176	312	56	20	24	\$102,320	538
Estimated Expenses (three 2-day trips)								\$2,634	
TOTAL With Estimate Expenses								\$104,954	

25% Contingency for Owner Directed Revisions \$27,046
TOTAL \$132,000

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Administrative Infrastructure Discussion

Suggested Action:

Attachments:

[Administrative Infrastructure Staff Report](#)

[Exhibit A: Administrative Infrastructure Presentation](#)



City Council Staff Communication

Subject: Administrative Infrastructure Discussion
Author: Sarah Pearce, Deputy City Manager-Internal Services
Departments: Human Resources, IT
Date: April 7, 2022
Type of Item: Work Session

Discussion Overview

Receive an overview of the current challenges and opportunities facing Park City Municipal's administrative functions – Compensation and Technology Infrastructure.

Exhibit A

Compensation

The staff Compensation Committee and the Blue Ribbon Committee on Compensation will present findings on their compensation plan work. The committees will make a recommendation to Council on the FY23 employee compensation plan.

This timeline provides an overview of the process to date:

- On [November 21, 2019](#), City Council authorized the City Manager to enter into an agreement with Mercer for an employee compensation study.
- The Mercer study was completed in March 2020 with compensation benchmarked to June 2020.
- The COVID-19 pandemic caused the city to put implementation on hold.
- On [May 13, 2021](#), City Council adopted the FY22 tentative budget which included a recommendation to implement changes to the Pay Plan based on the 2020 Mercer analysis.
- On [June 17, 2021](#), the City Manager recommended a two-year phased approach to try to reach the recommended target of the 75th percentile. At the June 17th Council work session, Council asked staff to consider accelerating the phased approach.
- At the [June 24, 2021](#), Council meeting, staff detailed Council's previous request to implement the City's merit pay plan more swiftly. Staff detailed three options to cover the additional cost and recommended waiting a few months for additional revenue data to make a more informed decision. Council voted to amend the budget to include an increase to implement the pay plan based on the March 2020 Mercer study.
- On [December 9, 2021](#), staff presented recommended FY22 Mid-Year Budget Adjustments to Council including market pay increases for jobs in Building, Fleet and Police. Council agreed with the recommendations and directed staff to immediately set Police pay at the 90th percentile, rather than in two steps.
- On [December 16, 2021](#), Council held a public hearing and approved the Mid-Year Budget Adjustments.

Technology Infrastructure

Much has changed over the past two years regarding technology infrastructure. Demand exceeds our IT Department's current capacity and capabilities. Staff will present an overview of challenges and opportunities.

Exhibits

Exhibit A – Administrative Infrastructure Presentation

An aerial photograph of a mountain town covered in snow. The town is densely packed with buildings, mostly with dark roofs, and is surrounded by snow-covered mountains and slopes. The sky is a pale, hazy blue.

Internal Services

Administrative Infrastructure



Compensation Plan

Internal Team

Jerry Benson	Human Resources
Wade Carpenter	Police
Luke Cartin	Environmental Sustainability
Troy Dayley	Public Works
Ken Fisher	Recreation
Kim Fjeldsted	Transit
Penny Frates	Budget
Clint McAfee	Public Utilities
Sarah Pearce	Deputy City Manager
Margaret Plane	Legal
Jonathan Weidenhamer	Economic Development

Blue Ribbon Committee

Greg Hembrock

Former Benefits & Compensation leader in the Healthcare Industry

Bill Humbert

Professional Recruiter

Chris Lampe

HR Director, Deer Valley

Jeremy Sheppe

Former House Counsel & Head of HR for Private Commodities Trading Company

Shad Sorenson

HR Director, PC School District

History

Prior to 2021, Park City Municipal collected salary information on select jobs from a sample of cities in Utah every two years. Averaged salaries from the top 5-7 to use as a benchmark.

For roles without comparable salary information, an internal equity process examined peer jobs and responsibilities.

Employees received a 2% market adjustment in off years.

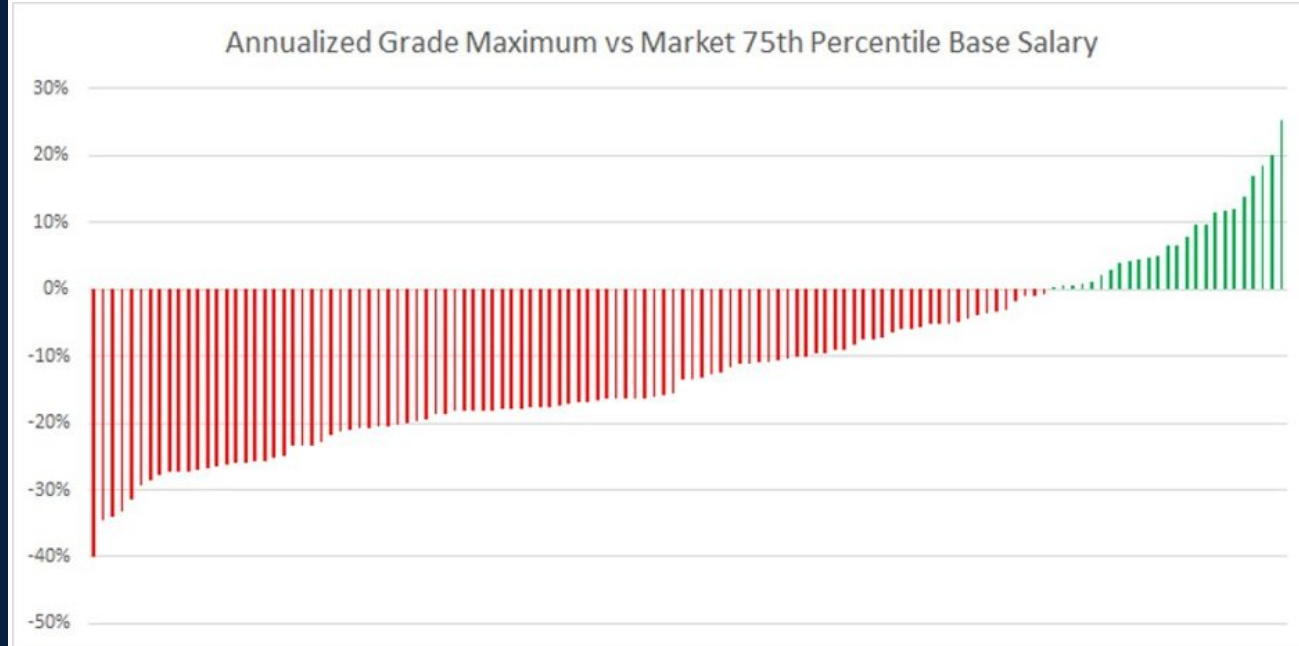
Mercer

Compensation Study

- Contract approved on November 21, 2019
- Completed March 2020
- 125 city jobs (covering 281 employees) were evaluated
- Provided 50th and 75th percentile for salary
- Used top of salary range for percentile comparison
- Compensation was benchmarked to end of **June 2020**

Mercer

Compensation Study



Mercer

Compensation Study

Analysis on non-salary benefits (medical, retirement, etc.) found that the City was competitive with comparable markets.

It did not examine Employee Housing Assistance Program (\$200-\$250/month) or City-owned rental property agreements.

Retirement	 
Medical	
Dental	
Vision	
Life	
Short-term Disability	
Long-term Disability	
Paid Leave	 263

Additional City Benefits

Vacation, Holidays, & Sick Leave

Generous Health Benefits

Utah Retirement System (URS) choice of hybrid or 401k plan with 10% employer contribution

Free access to community athletic center (PC MARC), discounted skiing, tennis, ice rink, and golf

Free UTA Transit Pass/Vanpool

Education reimbursement up to \$10,000 per year

Flex-Time Accommodations - the ability to work from home and flex work hours as job responsibilities allow

Pet Insurance

IREACH bonus – peer nomination and manager approved spot bonuses up to \$400

Transit High Five – peer or customer-nominated recognition for transit drivers

Service awards – recognition at five-year intervals

Free healthy snacks

Employee assistance program

Smoking cessation program

Identity theft protection

Council Direction

On June 17, 2021, City Council directed staff to adjust salaries to the 75th percentile after hearing from internal Compensation Committee and external Blue-Ribbon Commission (\$2.4 million).

FY22 Personnel Budget was approximately \$31.5 million.

On December 16, 2021, City Council adjusted Police, Building Maintenance, Recreation, Ice, and Fleet positions. Police was adjusted to the 90th percentile.

Results

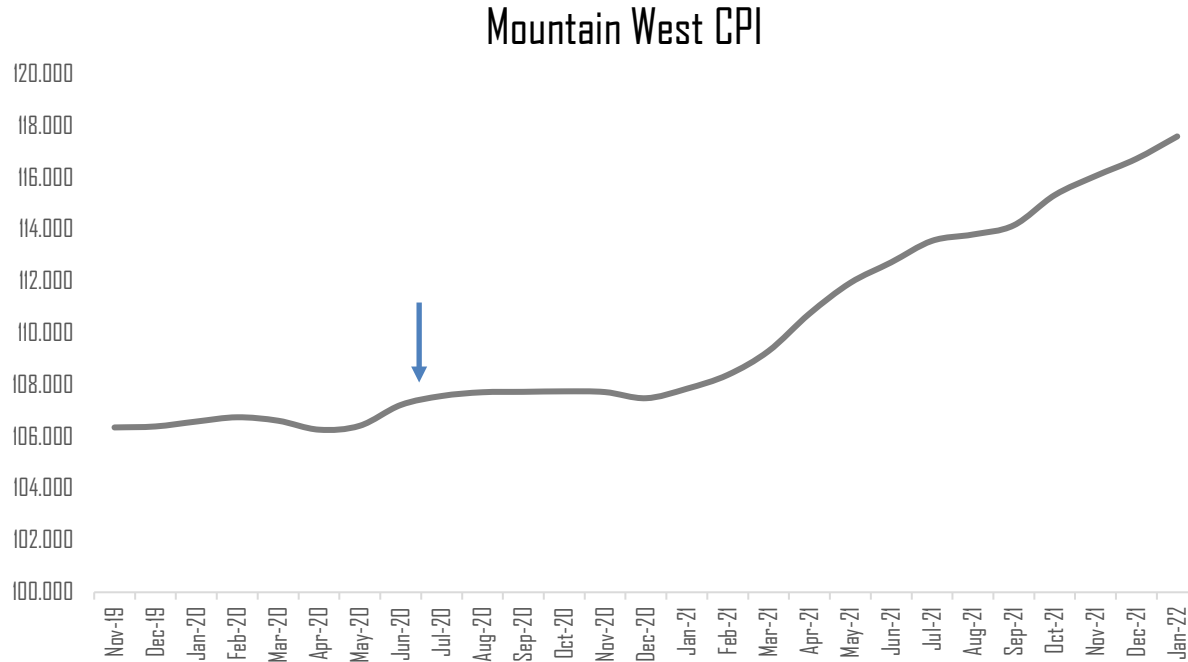
The budget adjustments have helped reduce police turnover and hiring in certain public works roles.

Roles in Recreation, Ice, Streets and Parks were still difficult to fill.

PCMC Full Time Staff

Fiscal Year	Total # of Full Time (beginning of year)	Voluntary Resignations	Turnover	Avg. Tenure	Cost of New Hires
2021	312	47	15.06%	3.3	\$ 207,975.00
2020	329	34	10.33%	5.5	\$ 150,450.00
2019	310	29	9.35%	6.7	\$ 128,325.00

Economy



10.61%*
increase
highest in over 40 years

* benchmarked through end of February

0.28% increase from January

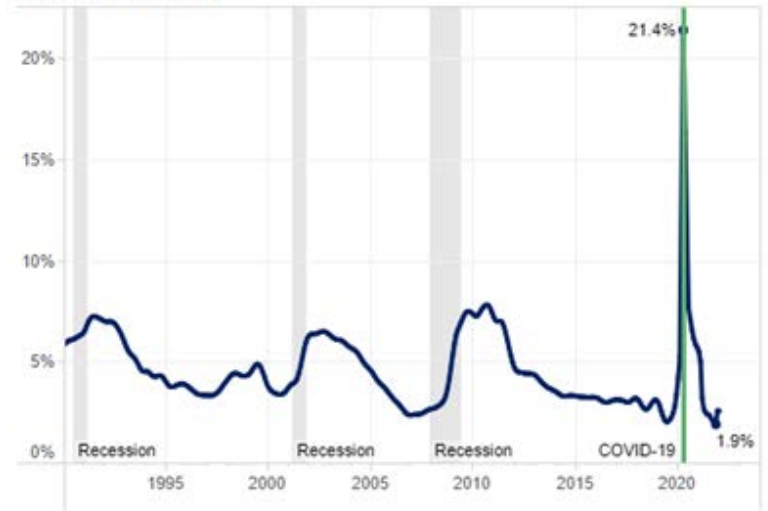
https://data.bls.gov/timeseries/CUUR0480SA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true

Economy

County	January- June 2020*	January- June 2021	Percent Change	2021 Transactions
Sevier	\$185,000	\$275,000	48.60%	121
Summit	\$801,274	\$1,150,000	43.50%	1,079
Sanpete	\$217,000	\$284,000	30.90%	122
Wasatch	\$580,000	\$758,500	30.80%	522
Iron	\$229,900	\$300,250	30.60%	823
Cache	\$270,000	\$350,000	29.60%	658
Washington	\$339,000	\$437,250	29.00%	2,882
Weber	\$272,000	\$349,650	28.50%	2,077
Utah	\$344,820	\$430,100	24.70%	5,037
Davis	\$350,000	\$432,520	23.60%	2,192
Carbon	\$138,500	\$168,000	21.30%	152
Box Elder	\$275,000	\$332,150	20.80%	352
Salt Lake	\$365,000	\$440,000	20.50%	8,405
Tooele	\$311,000	\$373,382	20.10%	696
Duchesne	\$153,250	\$183,000	19.40%	159
Uintah	\$194,000	\$190,000	-2.10%	422

State of the State's Housing Market
Ken C. Gardner Policy Institute 10/2021

Summit County



Source: Bureau of Economic Analysis (for seasonal adjustment)

unemployment rate

Comparison

- Mountain Regional Water: FY20: 5% FY21: 3% FY22: 10%
- Snyderville Basin Water Reclamation: 10.5% increase over the past two years
- Grand County (Moab) – 15% increase plus COLA of 5.9%
- Salt Lake City FY22 budget - \$18M increase to salaries, pension & benefit changes and 50 additional FTE's (\$4.6M)
- Teton County – Directors proposed salaries to top of market PLUS 19.25% (COLA) Council will likely authorize top of market plus 7.5% (2.5% now, 5% at start of fiscal)
- Aspen – Authorized Comp and Classification study, set aside \$1.2M for salary increases based on results. Additionally, \$842k for KPI bonuses and cafeteria benefit increases
- Police - Continues to be a race for pay. Everyone is fighting over same pool of officers. Many law enforcement agencies are increasing pay higher than PCMC.

Current Initiatives

Hiring new Human Resources Director

Budget request for compensation software and additional resources for recruitment and retention

Tracking employee turnover and unfilled positions

Develop long-term strategy to keep salaries competitive with market

Pay well and manage performance

Performance Management

- Annual performance reviews include 360 peer feedback and supervisor review
- Annual raise and bonus program based on performance
- Quarterly supervisor training

Strategy

- **Retain** valued employees
- **Attract** new talent
- Work with new HR Director to develop long term strategy (FY24+)

———— Blue Ribbon Committee Advice ————

- Committee members support the recommendation and encourages the city to stay competitive.
- Replacing employees who leave is much more costly than maintaining competitive pay.
- Recognize that pay is only one component of retention. Make sure the city is a great place to work, that employees are supported and treated well by their managers.
- Continue to expand employee housing.

Recommendation

Internal Compensation Committee endorsed by Blue Ribbon Committee

2020 75th percentile base salary + CPI adjustment of 10.33%*

Fund	2020 75th Percentile +10.33%
GENERAL FUND	\$ 2,421,312
WATER FUND	\$ 439,825
STORM WATER	\$ 114,296
GOLF	\$ 126,547
TRANSPORTATION	\$ 690,443
PARKING	\$ 109,769
FLEET	\$ 32,600

FY22 Total City Operating Budget - \$65 million
FY22 Personnel Budget - \$31.5 million

*based on January 2022

Alternatives

Alternative 1:

Adjust CPI percentage

Alternative 2:

Adjust Monthly Employee
Housing Assistance

Applies to City employees living
within PCSD

\$126k budget impact for current
fiscal year

Questions

Comments/questions on overall strategy?

Feedback or additional information needed

What are we missing?



Technology Infrastructure

What Changed?

Technology Expectations

- Telework, virtual presence
- Increased use and diversity of software solutions
- The need for technologically skilled staff that understands the business of each department
- Computers and connected devices are used everywhere, more frequent replacement cycles

Cybersecurity

- Massive increases in threat exposure
- Major business risk, but operational necessity
- Becoming a primary function
- Audit and insurability

Public Utilities Growth

- New Water Treatment Plant: Significant expansion of support and assets; \$550K+ in new tech investments

Financial System Decline

- Eden Financial System is sunsetting in 2027. Replacement is expensive and a 2-3 year project

Data Expectations

- Increased use of data analysis and reporting

Public Utilities

- **Need IT support with business and operational knowledge – requires dedicated staff**
- IT infrastructure and support is a critical part of water operations – failure or interruption risks public health, public safety, regulatory compliance, and water service interruptions
- IT infrastructure must be running 24/7 - interruptions must be skillfully planned and coordinated with water service – failures require immediate and comprehensive response
- Supervisory control and data acquisition (SCADA) - remote monitoring, control, and data recording for critical water infrastructure e.g. water treatment plants, storage tanks, booster pump stations
- Safe drinking water and regulatory compliance requires constant monitoring and recording water quality and treatment parameters
- Complex distribution network spanning City's entire geographical service area
- Water metering, system pressure monitoring, and leak detection
- Network connectivity and security – constant cybersecurity threat facing utilities
- Connectivity, metering, remote monitoring, and ability to deliver water in Park City depends on power availability/reliability (requires mitigating 3rd party risk)

Financial System

- Current financial software set to sunset in 2027
- 2-3 year project
- Implementation will require dedicated staff in Finance and IT
- Large financial investment (hosting and professional services fees including implementation, configuration and setup costs)
- Citywide conversion and training
- Opportunities to centralize existing systems utilizing newer technologies to improve efficiencies

Data Science

Analysis & Reporting

- Most departments are using data as part of decision-making
- Increased expectations for data transparency
- We have had some success in data reporting, but it is not anyone's day job

Current State Data Environment

Publication

Publication via
Powerpoint/Word

Publication via
Powerpoint/Word

Publication via
Powerpoint/Word

Publication via
Powerpoint/Word

Analysis

Department Staff
Analyzes

Department Staff
Analyzes

Department Staff
Analyzes

Department Staff
Analyzes

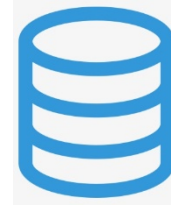
Data



Source System 1



Source System 2

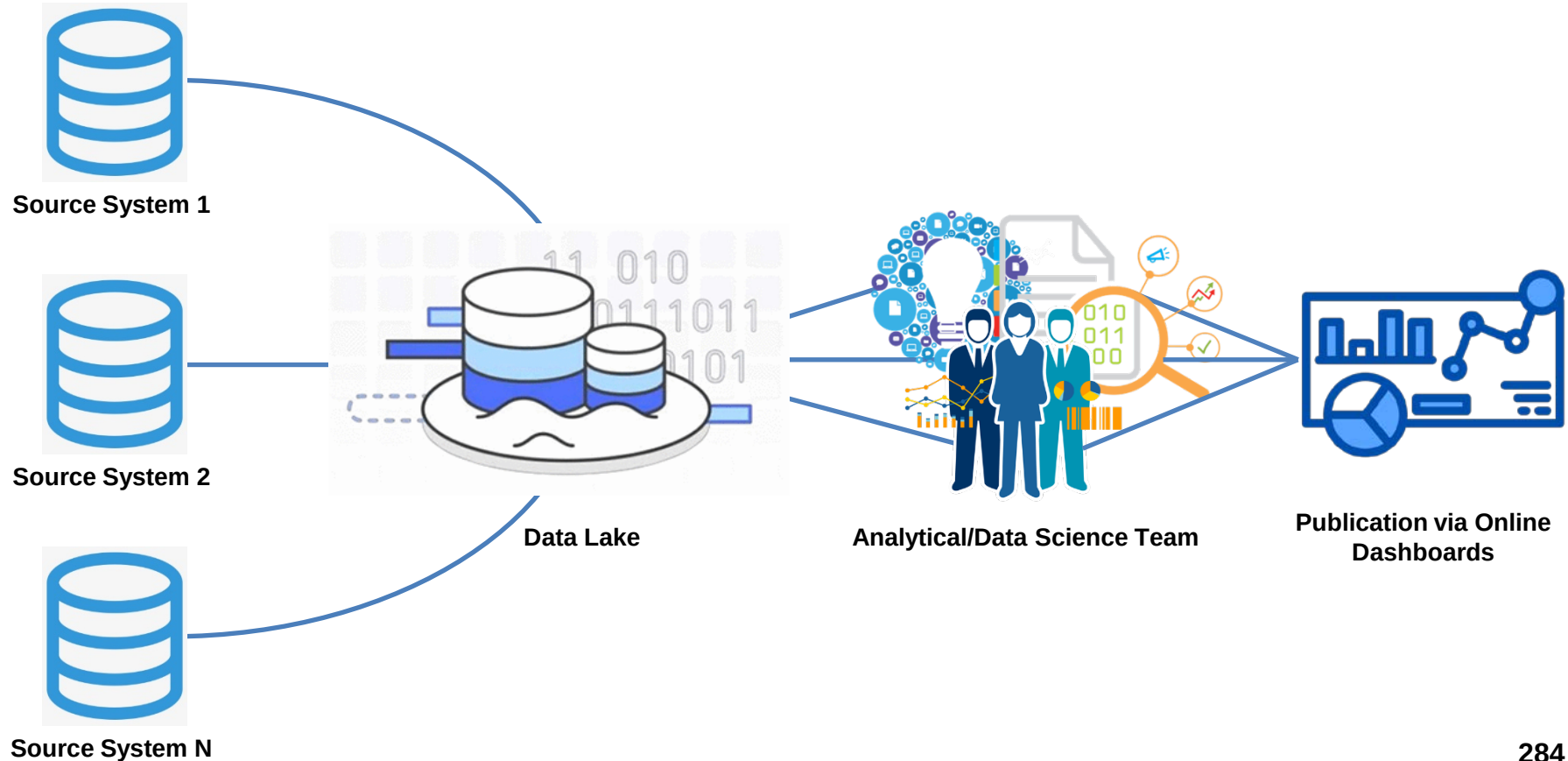


Source System 3



Source System 283

Potential Future State Data Environment



Example Deliverables

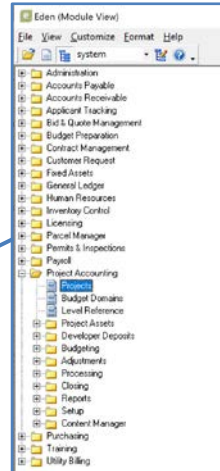


Digitize Neighborhood Dashboards
with statistics on:

- Traffic
- Crime
- Source of Visitors



Further public statistics on City
financials



Digitize Key Department Metric
Dashboards :

- E.g. digitize elements of PC Stat Dashboards



Initial Proof-Of-Concept



Digitize Neighborhood Dashboards with statistics on:

- Traffic
- Crime
- Source of Visitors
- Volume and timing of visitors

1. Targeting and presenting data that relates to "neighborhood intelligence" can benefit staff and the community.
2. Yet, this alone will not solve fundamental data infrastructure challenges, which would require further investment.

Challenges & Opportunities

- Demand exceeds supply - IT department is not keeping up
- Specialization gaps require new skills
- Elevated reliance on technology
- More IT investment needed
- Balancing cybersecurity and functional needs of each department
- Leveraging technology is the most effective way to gain efficiency
- Automation, machine-learning, and artificial-intelligence are the norm
- Improved decision making through data
- Strategic Planning

Key Takeaways

- Every department is using technology in unique ways
- It is now imperative that IT staff understand the business of each department
- Major investment in a new financial system is on the horizon
- Expectation to use data to make informed decisions
 - Needs to be automated, transparent and readily available to the public

Questions and Discussion

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Work Session

Agenda Section: NEW BUSINESS

Subject:

Discuss Proposed Water Rate Changes

Suggested Action:

Attachments:

[Proposed Water Rate Changes Staff Report](#)

[Exhibit A: Current and Proposed Rates](#)

[Exhibit B: Theoretical Change in Percentage and Dollars](#)

[Exhibit C: High Low Comparison](#)



City Council Staff Report

Subject: Proposed Water Rate Changes
Author: Jason Christensen, Water Resources Manager
Erik Daenitz, Assistant Budget Director
Department: Public Utilities and Budget
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Review water rate proposal and confirm or alter policy goals related to water rate structure and share desired timeline for these changes.

Background

- While Park City has a conservative Water Master Plan that shows we can meet water demand, including new growth, with existing water resources, we must still prioritize conservation of water.
 - The speed and impact of climate change is difficult to predict, and proactive steps better position the city for our future.
 - Existing water sources could fail or be compromised.
 - Water has an energy footprint that is reduced as we use less.
 - It's the right thing to do.
- Water fees can be structured to encourage efficient water use by providing pricing signals related to high water use.
- The Water Department operates as an enterprise fund. Revenues from water sales are the primary source of funding. As of FY21, charges for water service amounted to \$20M, which comprised 84% of the fund's revenue. Other significant water revenues include water impact fees and proceeds from a surplus water lease agreement with Weber Basin. The water fund does not receive funds from the general fund.
- The existing water fee structure for water sales is available [here](#) and serves as the baseline for proposed changes.
 - Rates have a fixed monthly base rate component, and a variable charge for consumption (two when you include the elevation surcharge.)
 - Customers are billed under one of four general rate classes¹:
 - Each general rate class is further broken down by meter size. The meter size per class is intended to generally reflect the type of connection e.g., a small restaurant under the commercial class would have a small meter and be billed differently than a large hotel with a larger meter under the same customer class.

¹ Excluding the construction class used on a temporary basis for construction fire hydrant meters; Chlorinated Snowmaking, which occurs under a contract rate; and Municipal usage.

Type	Description	Account Count 2021	Percentage of Total Consumption in 2021
Single Family Residential	A single residential dwelling unit.	4,597	41%
Multi-Family Residential	Multiple residential dwelling unit.	314	17%
Commercial	A business or other non-classified usage.	377	29%
Irrigation	Outdoor Water Only.	179	13%

- Based on our financial model and levels of service, staff has recommended a 3% inflationary rate increase each fiscal year since FY 2019 with about 3% each year hereafter anticipated.
- Council directed staff to review our existing rate structure and propose changes to further encourage water conservation by increasing the cost for high water use.
 - Substantial water rate changes were last made [FY 2017](#) and focused on water efficiency for Single Family Residential accounts.
- Staff will present the goals below that staff set and outcomes of our attempt to meet Council's direction regarding water rates.
- Council may request modification to these goals, accept the goals and the rate outcome, revert to an across the board 3% rate increase, or provide other direction.
- Water Rate changes are typically adopted as part of the budgeting process. Specifically, as part of the fee schedule adoption. Staff is presenting this earlier than usual to allow for additional feedback, and a possible delayed implementation if substantial changes to the rate structure are made.

Analysis

- Public Utilities Staff and Budget reviewed the existing rate structure and began our analysis with the following goals, some of which are inherently in conflict. These goals also present the basis for policy decisions needed from Council.
- **General Goals/Policies:**
 - Encourage water conservation by increasing the cost for above average water use.
 - Revenue Neutral - New rate structure is not intended to increase revenue beyond current revenue requirements.
 - Move to a 60% 40% split between variable charges (cost per unit of water) and fixed charges (base rate)
 - The historical average between variable and base costs and fixed costs to customers has been 54% vs 46%, respectively,
 - This represents an increase in variable costs from 54% to 60% to enhance the feedback customers receive from water pricing as water consumption increases.

- This 60% 40% split also maintains adequate rate stability and allows fixed revenue to cover debt service.
- Maintain that the annual percentage consumed by each account class roughly match the annual percentage of revenue attributable to that class.
 - As an example, Single Family Residential accounts for 42% of water demand, and 39% of revenue.
- **For All Accounts:**
 - Identify percentile “hinge points”, i.e., when the unit cost of water increases, about every 20% percentile of consumption.
 - For usage above the 50% hinge point, increase the monthly water bill customers receive.
 - For usage above the 80% hinge point, more substantially increase the monthly bill customers receive.
 - Use the added revenue generated from above average water use to decrease the monthly bills for below average water use.
 - **In summary, if you use more than average you will pay more, if you use less, you will pay less then under the prior rate structure.**
- **Account Class Specific Changes:**
 - For Single Family Residential
 - Eliminate the difference between base rate meter sizes and move all Single-Family Residential users to the existing $\frac{3}{4}$ ” meter base rate. (e.g., the lowest rate)
 - [Existing municipal code](#) allows users to pay the base rate for a smaller connection if the reason they have a larger connection is based on fire sprinklers or suppression.
 - Most Single-Family Residential connections above $\frac{3}{4}$ ” could qualify for this reduction, but in practice very few take the steps to make this change.
 - Move the “hinge point” down from a $\frac{1}{4}$ acre of grass to a $\frac{1}{10}$ an acre of grass.
 - The hinge point can be viewed as the desired level of grass for Single Family Residential customers. This change would mean that the city is moving away from a $\frac{1}{4}$ of an acre and towards a $\frac{1}{10}$ of an acre as the desired amount of turf grass for a home.
 - For Irrigation
 - No reduction below the 50% percentile was provided for any Irrigation user, as all irrigation usage is water used outside and therefore should be subject to the same or greater financial pressure to reduce usage.
 - Increased revenue generated by this change was used primarily to reduce fees in the Multi-Family Residential account class.
 - For Multi-Family Residential and Commercial
 - The general changes were applied, and no specific changes were made.

- **Outcome:**
 - If council agrees with the policy goals above, the outcome would be the following changes to the rate schedule:
 - Attachment A shows the current vs. proposed rate usage rate structure. The green box is the 50 percent user, so in general users below that threshold will see a bill reduction and users above will see a bill increase.
 - Attachment B shows the theoretical change for users at different points both in terms of percentage and dollars. This data also highlights the 50% hinge point in a green box.
 - Attachment C shows some anonymized impacts to different users at the top and bottom of usage.
- **Implementation Timeline:**
 - Option 1 [Recommended]
 - Adopt as part of the FY 2023 Budget Process, but delay implementation until January 1, 2023, to allow the community time to digest and adjust budgets before the rates are implemented. During the first half of the FY 2023 adopt a 3% increase, that will be replaced on January 1, 2023, by larger rate revision.
 - Option 2
 - Adopt as part of the FY 2023 Budget Process and implement on July 1, 2022.
 - Option 3
 - Other implementation schedule as directed by Council.

Attachments

- A Current vs Proposed
- B Theoretical Change in Percentage and Dollars
- C High Low Comparison

[illegible]

Block Rate Structure

2022 Proposed

Average User

	<=5000	<=15000	<=17000	<=25000	<=30000	<=35000	<=48000	<=55000	<=90000	<=96000	<=150000	<=180000	<=185000	<=300000	<=500000	<=600000	<=750000	<=935000	<=12000000	<=1700000	<=1850000
res0.75	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res1	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res1.5	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res2	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res3	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res4	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
res6	\$4.68	\$7.50	\$7.50	\$9.71	\$11.58	\$20.24	\$20.24	\$20.24	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
comm0.75	\$7.51	\$9.01	\$9.01	\$9.01	\$9.01	\$10.82	\$10.82	\$12.98	\$12.98	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$30.43
comm1	\$7.51	\$7.51	\$9.01	\$9.01	\$9.01	\$10.82	\$10.82	\$10.82	\$12.98	\$12.98	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$30.43
comm1.5	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$9.01	\$9.01	\$9.01	\$10.82	\$10.82	\$12.98	\$12.98	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$30.43
comm2	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$9.01	\$9.01	\$10.82	\$10.82	\$10.82	\$12.98	\$12.98	\$12.98	\$12.98	\$12.98	\$18.17	\$18.17	\$30.43
comm3	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$9.01	\$10.82	\$12.98	\$12.98	\$18.17	\$18.17	\$18.17	\$30.43
comm4	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$9.01	\$10.82	\$10.82	\$12.98	\$12.98	\$18.17	\$18.17	\$30.43
comm6	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$7.51	\$9.01	\$10.82	\$10.82	\$9.01	\$10.82	\$12.98	\$18.17	\$30.43
multi0.75	\$4.68	\$5.61	\$5.61	\$6.73	\$8.08	\$8.08	\$8.08	\$8.08	\$8.08	\$8.08	\$8.08	\$8.08	\$8.08	\$11.31	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$30.43
multi1	\$4.68	\$5.61	\$5.61	\$6.73	\$6.73	\$6.73	\$8.08	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$18.17	\$18.17	\$18.17	\$18.17	\$18.17	\$30.43
multi1.5	\$4.68	\$4.68	\$4.68	\$4.68	\$5.61	\$5.61	\$5.61	\$5.61	\$6.73	\$8.08	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$18.17	\$18.17	\$18.17	\$30.43
multi2	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$5.61	\$5.61	\$6.73	\$6.73	\$8.08	\$8.08	\$8.08	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$18.17	\$18.17	\$30.43
multi3	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$5.61	\$6.73	\$8.08	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$11.31	\$18.17	\$30.43
multi4	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$5.61	\$5.61	\$6.73	\$8.08	\$11.31	\$11.31	\$11.31	\$11.31	\$18.17	\$30.43
multi6	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$4.68	\$5.61	\$5.61	\$6.73	\$6.73	\$8.08	\$8.08	\$11.31	\$11.31	\$18.17	\$30.43
irrig0.75	\$12.22	\$12.22	\$12.22	\$14.66	\$14.66	\$17.60	\$17.60	\$21.12	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
irrig1	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$17.60	\$17.60	\$21.12	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
irrig1.5	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$14.66	\$17.60	\$21.12	\$21.12	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43	\$30.43
irrig2	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$14.66	\$14.66	\$17.60	\$21.12	\$21.12	\$21.12	\$30.43	\$30.43	\$30.43	\$30.43
irrig3	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$14.66	\$14.66	\$17.60	\$21.12	\$21.12	\$21.12	\$30.43	\$30.43	\$30.43	\$30.43
irrig4	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$17.60	\$21.12	\$30.43	\$30.43
irrig6	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$12.22	\$14.66	\$17.60	\$21.12	\$30.43	\$30.43

2021 vs. 2022 Proposed Theoretical \$ Delta in Monthly Bill per User

Average User

	<=5000	<=15000	<=17000	<=25000	<=30000	<=35000	<=48000	<=55000	<=90000	<=96000	<=150000	<=180000	<=185000	<=300000	<=500000	<=600000	<=750000	<=935000	<=12000000	<=1700000	<=1850000
res0.75	(\$8)	(\$41)	(\$47)	(\$59)	(\$58)	(\$30)	\$44	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64
res1	(\$8)	(\$41)	(\$47)	(\$59)	(\$58)	(\$30)	\$44	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64
res1.5	(\$8)	(\$41)	(\$47)	(\$59)	(\$58)	(\$30)	\$44	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64
res2	(\$8)	(\$41)	(\$47)	(\$59)	(\$58)	(\$30)	\$44	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64	\$64
res3	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
res4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
res6	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
comm0.75	(\$7)	(\$11)	(\$12)	(\$15)	(\$17)	(\$10)	\$9	\$34	\$160	\$213	\$687	\$796	\$814	\$1,232	\$1,958	\$2,322	\$2,867	\$3,539	\$4,501	\$6,318	\$8,701
comm1	(\$6)	(\$25)	(\$25)	(\$28)	(\$30)	(\$23)	(\$5)	\$5	\$131	\$153	\$627	\$890	\$934	\$1,944	\$2,671	\$3,034	\$3,579	\$4,251	\$5,214	\$7,031	\$9,414
comm1.5	(\$2)	(\$21)	(\$24)	(\$39)	(\$49)	(\$58)	(\$63)	(\$66)	(\$79)	(\$70)	\$7	\$115	\$132	\$1,143	\$2,899	\$3,262	\$3,807	\$4,480	\$5,442	\$7,259	\$9,642
comm2	\$6	(\$12)	(\$16)	(\$31)	(\$41)	(\$50)	(\$74)	(\$88)	(\$101)	(\$103)	(\$26)	\$17	\$24	\$437	\$1,155	\$1,514	\$2,053	\$2,725	\$3,688	\$5,504	\$7,888
comm3	\$32	\$13	\$9	(\$6)	(\$15)	(\$25)	(\$49)	(\$62)	(\$128)	(\$139)	(\$241)	(\$297)	(\$306)	(\$350)	(\$64)	\$295	\$834	\$2,458	\$4,786	\$6,602	\$8,986
comm4	\$65	\$46	\$43	\$28	\$18	\$9	(\$16)	(\$29)	(\$95)	(\$106)	(\$207)	(\$264)	(\$273)	(\$316)	(\$31)	\$112	\$651	\$1,315	\$2,266	\$6,658	\$9,042
comm6	\$131	\$112	\$108	\$93	\$84	\$75	\$50	\$37	(\$29)	(\$40)	(\$141)	(\$198)	(\$207)	(\$423)	(\$498)	(\$536)	(\$322)	(\$58)	\$894	\$5,286	\$7,669
multi0.75	(\$14)	(\$37)	(\$42)	(\$51)	(\$50)	(\$49)	(\$47)	(\$46)	(\$40)	(\$39)	(\$30)	(\$25)	(\$24)	\$367	\$2,420	\$3,446	\$4,986	\$6,884	\$9,604	\$14,736	\$18,114
multi1	(\$13)	(\$36)	(\$40)	(\$50)	(\$56)	(\$61)	(\$59)	(\$35)	\$84	\$104	\$288	\$390	\$407	\$798	\$1,479	\$2,505	\$4,044	\$5,943	\$8,663	\$13,794	\$17,172
multi1.5	(\$9)	(\$41)	(\$47)	(\$73)	(\$85)	(\$96)	(\$126)	(\$142)	(\$183)	(\$182)	\$1	\$103	\$120	\$512	\$1,192	\$1,532	\$2,043	\$3,941	\$6,661	\$11,792	\$15,170
multi2	(\$0)	(\$33)	(\$39)	(\$65)	(\$81)	(\$97)	(\$127)	(\$143)	(\$185)	(\$192)	(\$182)	(\$177)	(\$176)	\$215	\$895	\$1,235	\$1,746	\$2,375	\$5,095	\$10,226	\$13,604
multi3	\$25	(\$7)	(\$14)	(\$40)	(\$56)	(\$72)	(\$114)	(\$137)	(\$250)	(\$269)	(\$394)	(\$429)	(\$428)	(\$337)	\$644	\$984	\$1,494	\$2,124	\$3,025	\$8,157	\$11,535
multi4	\$58	\$26	\$20	(\$6)	(\$23)	(\$39)	(\$81)	(\$103)	(\$217)	(\$236)	(\$411)	(\$480)	(\$491)	(\$626)	(\$592)	(\$252)	\$258	\$888	\$1,789	\$6,921	\$10,299
multi6	\$124	\$92	\$85	\$60	\$43	\$27	(\$15)	(\$37)	(\$151)	(\$170)	(\$345)	(\$414)	(\$425)	(\$560)	(\$796)	(\$779)	(\$753)	(\$124)	\$778	\$5,909	\$9,287
irrig0.75	\$3	\$3	\$3	\$23	\$35	\$62	\$132	\$194	\$832	\$941	\$1,924	\$2,471	\$2,562	\$4,656	\$8,298	\$10,119	\$12,850	\$16,219	\$21,045	\$30,150	\$32,881
irrig1	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$23	\$211	\$243	\$724	\$1,270	\$1,361	\$3,455	\$7,097	\$8,918	\$11,650	\$15,019	\$19,844	\$28,949	\$31,681
irrig1.5	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$144	\$218	\$245	\$1,268	\$3,047	\$4,868	\$7,599	\$10,968	\$15,794	\$24,899	\$27,630
irrig2	\$26	\$26	\$26	\$26	\$26	\$26	\$26	\$26	\$26	\$26	\$158	\$231	\$244	\$862	\$2,641	\$3,531	\$6,262	\$9,631	\$14,457	\$23,562	\$26,293
irrig3	\$68	\$68	\$68	\$68	\$68	\$68	\$68	\$68	\$68	\$68	\$200	\$273	\$285	\$904	\$2,683	\$3,572	\$6,304	\$9,673	\$14,498	\$23,603	\$26,335
irrig4	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$123	\$490	\$1,484	\$3,842	\$12,947	\$15,678
irrig6	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$242	\$608	\$1,603	\$3,961	\$13,066	\$15,797

2021 vs. 2022 Proposed Theoretical % Delta in Monthly Bill per User

Average User

	<=5000	<=15000	<=17000	<=25000	<=30000	<=35000	<=48000	<=55000	<=90000	<=96000	<=150000	<=180000	<=185000	<=300000	<=500000	<=600000	<=750000	<=935000	<=1200000	<=1700000	<=1850000
res0.75	-10%	-21%	-22%	-19%	-16%	-7%	7%	9%	4%	3%	2%	1%	1%	1%	0%	0%	0%	0%	0%	0%	0%
res1	-10%	-21%	-22%	-19%	-16%	-7%	7%	9%	4%	3%	2%	1%	1%	1%	0%	0%	0%	0%	0%	0%	0%
res1.5	-10%	-21%	-22%	-19%	-16%	-7%	7%	9%	4%	3%	2%	1%	1%	1%	0%	0%	0%	0%	0%	0%	0%
res2	-10%	-21%	-22%	-19%	-16%	-7%	7%	9%	4%	3%	2%	1%	1%	1%	0%	0%	0%	0%	0%	0%	0%
res3																					
res4																					
res6																					
comm0.75																					
5	-6%	-5%	-5%	-5%	-5%	-2%	2%	6%	17%	22%	46%	42%	41%	34%	30%	29%	28%	27%	27%	26%	33%
comm1	-4%	-10%	-9%	-8%	-8%	-5%	-1%	1%	14%	15%	41%	49%	50%	66%	46%	42%	38%	35%	33%	30%	37%
comm1.5	-1%	-5%	-6%	-8%	-9%	-10%	-9%	-9%	-7%	-6%	0%	6%	7%	37%	59%	51%	44%	40%	36%	32%	39%
comm2	1%	-2%	-2%	-4%	-5%	-6%	-8%	-8%	-7%	-7%	-1%	1%	1%	13%	22%	25%	27%	27%	26%	26%	33%
comm3	2%	1%	1%	0%	-1%	-1%	-3%	-3%	-6%	-6%	-9%	-10%	-10%	-8%	-1%	4%	10%	24%	38%	33%	41%
comm4	3%	2%	2%	1%	1%	0%	-1%	-1%	-3%	-3%	-5%	-6%	-6%	-6%	0%	1%	7%	12%	16%	36%	44%
comm6	3%	2%	2%	2%	2%	1%	1%	1%	-1%	-1%	-2%	-3%	-3%	-6%	-5%	-5%	-3%	0%	6%	26%	34%
multi0.75	-13%	-20%	-20%	-19%	-16%	-14%	-11%	-9%	-5%	-5%	-2%	-2%	-2%	15%	60%	72%	83%	92%	100%	109%	123%
multi1	-8%	-15%	-16%	-16%	-16%	-16%	-12%	-6%	10%	12%	22%	25%	26%	32%	36%	51%	67%	79%	90%	102%	116%
multi1.5	-3%	-11%	-12%	-16%	-17%	-18%	-20%	-21%	-19%	-18%	0%	6%	7%	19%	28%	31%	33%	52%	68%	86%	102%
multi2	0%	-5%	-6%	-9%	-11%	-12%	-14%	-15%	-15%	-15%	-11%	-9%	-9%	7%	20%	23%	27%	30%	51%	73%	90%
multi3	2%	-1%	-1%	-3%	-3%	-4%	-7%	-8%	-12%	-13%	-15%	-15%	-15%	-1%	12%	16%	20%	24%	28%	55%	72%
multi4	2%	1%	1%	0%	-1%	-1%	-3%	-4%	-7%	-7%	-11%	-12%	-12%	-13%	-9%	-3%	3%	9%	15%	43%	60%
multi6	3%	2%	2%	1%	1%	1%	0%	-1%	-3%	-3%	-6%	-7%	-7%	-8%	-9%	-8%	-7%	-1%	5%	33%	48%
irrig0.75	2%	1%	1%	5%	7%	11%	19%	25%	68%	73%	99%	107%	108%	123%	133%	136%	138%	141%	142%	144%	145%
irrig1	2%	2%	1%	1%	1%	1%	1%	3%	16%	18%	36%	53%	55%	89%	113%	118%	124%	129%	134%	138%	139%
irrig1.5	3%	2%	2%	2%	2%	1%	1%	1%	1%	1%	6%	8%	9%	31%	47%	63%	79%	93%	105%	118%	120%
irrig2	3%	2%	2%	2%	2%	2%	2%	2%	1%	1%	6%	8%	8%	19%	38%	43%	62%	78%	93%	109%	112%
irrig3	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	5%	6%	6%	15%	32%	37%	55%	71%	86%	102%	106%
irrig4	3%	3%	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%	1%	1%	4%	10%	20%	52%	59%
irrig6	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%	4%	8%	17%	45%	52%

Attachment C - Top/Low User Impacts						
Residential	Description	2021 Consumption Gallons	Water Service Fees Total 2021	Water Service Fees Under New Proposed Rates	\$ Difference	% Difference
Top	Corporate Owned Home in Solamere	1,483,000	\$ 35,631.22	\$34,981.69	(\$649.53)	-2%
Low	Likley Unoccupied Single family Home	1,000	\$ 1,037.00	\$667.54	(\$369.46)	-36%
Multi-Family	Description	2021 Consumption Gallons	Water Service Fees Total 2021	Water Service Fees Under New Proposed Rates	\$ Difference	% Difference
Top	Multi-Family Housing	4,504,000	\$ 65,421.20	\$58,066.56	(\$7,354.64)	-11%
Low	Single Home with Second Lockout Residence	6,000	\$ 881.58	\$887.20	\$5.62	1%
Commercial	Description	2021 Consumption Gallons	Water Service Fees Total 2021	Water Service Fees Under New Proposed Rates	\$ Difference	% Difference
Top	Large Luxury Resort	29,165,000	\$ 346,592.10	\$426,928.19	\$80,336.09	23%
Low	Clubhouse	2,000	\$ 852.90	\$874.17	\$21.27	2%
Irrigation	Description	2021 Consumption Gallons	Water Service Fees Total 2021	Water Service Fees Under New Proposed Rates	\$ Difference	% Difference
Top	Irrigation Around Large Multi-Family Housing	2,643,000	\$ 29,353.82	\$57,354.67	\$28,000.84	95%
Low	Unused Irrigation Around a Commercial Restaurant	1,000	\$ 2,339.16	\$2,421.55	\$82.39	4%

City Council Staff Report



Subject: Outdoor Pickleball Courts in Residential Areas
Application: PL-21-05062
Author: Browne Sebright, Planner II
Date: April 7, 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).

Summary

Pickleball is an increasingly popular sport and public input is clear: more pickleball courts are wanted in Park City to meet the growing demand. With the growing demand for public pickleball courts, an interest in constructing outdoor pickleball courts on residential lots has arisen along with a concern for accompanying noise impacts. Under the Land Management Code (LMC), outdoor pickleball courts in residential areas are considered Private Recreation Facilities,¹ regulated as Allowed or Conditional Uses² pursuant to the use tables of individual zoning districts.

While many outdoor sports courts do produce loud noises, pickleball is unique in the maximum volume and the quality of the sound that it produces during play, and it is known to cause conflict in communities throughout the United States.^{3,4,5,6}

Due to the unique noise produced as part of pickleball play, staff recommends LMC amendments for private outdoor pickleball courts on residential lots to codify baseline standards outlining mitigations for outdoor pickleball courts, to establish required application submittal materials and studies needed for Planning Commission evaluation of each proposed outdoor pickleball court in a residential area, and to ensure outdoor pickleball courts in residential areas comply with the Noise Ordinance outlined in the Municipal Code of Park City [Chapter 6-3](#).

¹ LMC [§ 15-15-1](#) Definitions

² LMC [§ 15-1-10](#) Conditional Use Review Process

³ [A pickle\(ball\) in paradise, NJ.com](#)

⁴ [Aiken pickleball lawsuit apparently settled, Aiken Standard](#)

⁵ [Woman sues Newport Beach over pickleball noise at park near her home, Orange County Register](#)

⁶ [Lawsuit claims pickleball is making Newport park's tennis courts too noisy, Daily Pilot](#)

On February 23, 2022, the Planning Commission conducted a public hearing and requested staff incorporate the following changes to the proposed code: requirements that the Planning Commission will making findings upon review of a Conditional Use Permit application (line 1513), requirements that the applicant 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 of setting hours of operations (line 1573), clarification that guest parking is required to be provide on-site (line 1583), and an additional paragraph that directs staff to reevaluate the adopted requirements one year from adoption of the ordinance. Commission also asked for clarification on the changes to defined terms.

On March 23, 2022, the Planning Commission voted 5-1 to forward a positive recommendation on proposed Land Management Code Amendments that regulate outdoor pickleball courts in residential areas:

1. Requiring a Conditional Use Permit

- Public notice will be sent to property owners within 300 feet of the proposed site
- The Planning Commission will conduct a public hearing
- The Planning Commission may condition the approval to address site-specific impacts

2. Establishing a minimum lot size of one acre (43,560 square feet)

3. Requiring a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation

4. 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
- Property owners must demonstrate that mitigating features, including noise-mitigating barriers, will be effective

5. Requiring Homeowner Association notification for properties that are part of a Homeowner Association registered with the City

6. Limiting hours of play to 8 AM - 8 PM

- The Planning Commission may establish different hours of operations upon findings that corroborate the appropriateness of alternative times of use

7. Prohibiting outdoor lighting of residential courts
8. 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
9. Requiring additional landscaping for noise and visual mitigation measures

The Planning Commission made the following modifications to the recommended code amendments:

- No fee may be charged for use of any private residential pickleball court (Exhibit A: Ordinance No. 2022-08, line 1589)
- 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 (Exhibit A: Ordinance No. 2022-08, line 1596)
- Removed a provision requiring staff to evaluate the amendments after one year

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 \(Meeting Audio\)](#), and the March 23, 2022 Planning Commission [Staff Report \(Meeting Minutes\)](#), p. 16) for additional background information.

On January 21, 2022, staff put together a website for the proposed LMC amendment, and put together a Pickleball Land Use survey via the Engage Park City web portal. Planning staff also coordinated with the communications team to get the word out via social media, the City Brief email, and the PC Municipal Update email. The proposed amendments are in part based on public input, including the Pickleball Land Use Survey (Exhibit C). The survey was open from January 21, 2022, through February 16, 2022. In total, 601 surveys were submitted to staff via the Engage Park City webpage. Staff also held three open houses on February 7th, February 8th, and March 9th. The survey results and public comments support allowing pickleball courts on private residential lots, establishing a minimum lot size and hours of operations, requiring Homeowners Association notification, public notice and a public hearing prior to approval, and establishing minimum setback distances with sound mitigation measures.

Analysis

The LMC implements the goals and policies of the [General Plan](#), which has several goals and objectives that are related to the newly popular land use like outdoor pickleball courts. Goal 1 of the General Plan is to protect undeveloped lands,

discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goal 4 is to conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.⁷ Goal 9 is for Park City to continue to provide unparalleled parks and recreation opportunities for residents and visitors.⁸ These goals emphasize that the City should have accessible recreation opportunities, including options in close vicinity to existing neighborhoods, but that those recreation opportunities are sensitive to the remaining undisturbed land areas in neighborhoods.

Goal 14 is Living within Limits: the future of the City includes limits (ecological, qualitative, and economic) to foster innovated sustainable development, protect the community vision, and prevent negative impacts to the region.⁹ The proposed amendments are intended to allow for recreation options in close vicinity to existing neighborhoods, while also protecting the quality of life in Park City by adopting responsible policies that minimize the effects on neighborhoods.

(I) The Park City Noise Ordinance Requires Mitigations for Outdoor Pickleball Courts in Residential Neighborhoods.

The Municipal Code of Park City (MCPC) [Chapter 6-3](#) outlines the City’s noise regulations. MCPC [§ 6-3-2](#) states the purpose of the noise regulations are to “[r]educ[e] the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Park City, Utah; [p]revent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and [s]ecure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City.”

MCPC [§ 6-3-9](#) outlines maximum permissible sound levels as follows:

Use District	10:00 p.m. – 6:00 a.m.	6:00 a.m. – 10:00 p.m.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA

Outdoor pickleball can be noisy. Studies by acoustical engineers found that pickleball noise ranges from 39 dBA (Scottsdale, AZ; Exhibit I) to 80 dBA ([Spendiarian & Willis Acoustics & Noise Control LLC](#)). When looking at the tonal signature of a “sharp” hit, studies found that the frequency of the peak was seen to vary between roughly 1,000 and 2,000 Hz.¹⁰

⁷ [General Plan, Goal 4: Natural Setting](#), p. 52

⁸ [General Plan, Goal 9: Sense of Community](#), p. 78

⁹ [General Plan, Goal 14](#): p. 98

¹⁰ Staff also reviewed seven additional studies, which are included in Exhibits E, F, G, H, I, J and K. (Exhibit E, a noise survey prepared for Green Valley Recreation, in Green Valley, AZ; Exhibit F, a study prepared for the city of Ojai, CA; Exhibit G, a noise study prepared for Sun City Gran Community

Spendiarian & Willis found that courts located within 150 feet of residential structures require careful abatement design to avoid complaints. Courts located within 350 feet of residential structures often require abatement. Courts to be located within 500 to 600 feet of residential properties or other noise-sensitive areas should be reviewed by an acoustical engineer during the site selection phase to avoid choosing a site that is expensive to mitigate, results in unexpected limitations on court use, or leads to ongoing disputes with neighbors. 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 the intervening ground between the courts and homes or for sites located in a valley. Because of Park City's unique topography, staff recommends a minimum 600-foot setback as a baseline, with possible reductions upon evidence of a site-specific noise study and evaluation.

Planning staff coordinated with Code Enforcement and Police regarding Noise Ordinance enforcement. Code Enforcement and Police recommend enacting clear standards that address noise impacts through the Conditional Use approval process, rather than rely on future complaints to retroactively require additional mitigations. As a result, the proposed code is the restrictive to ensure that noise is adequately addressed through baseline standards.

Planning staff also coordinated with the Engineering Department in reviewing the noise studies, the draft ordinance, and the requirement for applicants to provide site-specific noise study completed by a certified acoustical professional.

As a result, the recommended amendments require a noise study that demonstrates that the outdoor Pickleball Court will be constructed and used in compliance with Municipal Code Chapter 6-3, *Noise* (lines 1530-1540 of the draft ordinance).

(II) The Proposed Amendments (A) Require a Conditional Use Permit; (B) Establish a Restrictive Baseline of a 600-foot Setback from Adjacent Residential Property Lines for Outdoor Pickleball Courts with No Sound Mitigation; (C) Provide the Planning Commission the Option to Reduce Setbacks if Property Owners Can Demonstrate the Pickleball Court will be Constructed and Used in a Way that Complies with the City Noise Ordinance; (D) Establish a Minimum Lot Size of One Acre for Outdoor Pickleball Courts in Residential Areas; (E) Require Homeowner Association Notification for Properties that are Part of an Homeowner Association Registered with the City; and (F) Require Additional Mitigations.

Association in Surprise, AZ; Exhibit H, a report prepared for the city of Pacific Grove, CA; Exhibit I, a report prepared for the city of Scottsdale, AZ; Exhibit J, a survey prepared for the Iron Oaks at Sun Lakes Resort Community in Sun Lakes, AZ; and Exhibit K, an article summarizing previous studies done by Spendiarian & Willis Acoustics & Noise Control LLC). A community member also submitted a Pickleball Sound Abatement Study by Spendiarian & Willis Acoustics & Noise Control LLC for staff and Planning Commission review, Exhibit L.

(A) Staff Recommends Requiring a Conditional Use Permit for Outdoor Pickleball Courts in Residential Areas

Depending on the Zoning District, Private Recreation Facilities in residential areas are either an Allowed or Conditional Use. The proposed amendments shift outdoor pickleball courts in all residential areas from an Allowed Use to a Conditional Use Permit in Zoning District Use Tables.

The Conditional Use Permit application triggers public notice to property owners within 300 feet of the proposed outdoor pickleball court.¹¹ Additionally, Conditional Use Permits require Planning Commission review and a public hearing. Staff finds the proposed amendments provide baseline standards for applicants to meet so that the Planning Commission can fully evaluate outdoor pickleball courts in residential areas.

As outlined in LMC [§ 15-1-10](#), “[t]here are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone and to mitigate potentially adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonably anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control.”

The Planning Commission evaluates 16 Conditional Use Permit criteria, outlined in LMC [§ 15-1-10](#) (E).

(B) Staff Recommends Outdoor Pickleball Courts Without Noise Mitigations in Residential Areas Have a Minimum Setback of 600 feet

Increasing the distance between outdoor pickleball courts and residences in residential areas mitigates noise. Based on research outlined in *The sound of pickleball – a*

¹¹ LMC [§ 15-1-21](#).

*detailed explanation, and what you need to consider before building courts,*¹² doubling the distance between a pickleball court and the point of measurements drops the perceived sound levels by 6 decibels in open areas.

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

Based on the Spendiarian & Willis studies, pickleball noise can exceed 55 dBA at distances up to 600 feet away from play without any additional sound mitigation measures. Staff recommends that at a minimum, without noise mitigation, outdoor pickleball courts in residential areas be required to meet a 600-foot setback from residential property lines.

However, when separation distances are combined with other mitigation measures, such as noise barriers, reduced setbacks may be considered for some sites, outlined below.

(C) Staff Recommends Planning Commission Discretion to Reduce 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.¹³ 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. 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 and should be carefully considered as a mitigation.

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. As a result, the proposed code requires property owners requesting reduced setbacks to submit a noise study that includes any noise mitigating barriers. The 150-foot minimum setback distance is most aligned with the research in ensuring noise mitigation.

¹² 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>

¹³ Exhibit G, a noise study prepared for Sun City Gran Community Association in Surprise, AZ

In the February 23, 2022 Planning Commission work session, the Planning Commission requested that applicants fund a third-party evaluation of the noise study by a party selected by the City Engineer. As a result, Exhibit A: Ordinance No. 2022-08, line X requires the following:

Therefore, the recommended amendments that establish Planning Commission discretion to reduce setbacks to 150 feet, but no less than 150 feet, upon the basis of a noise study and noise mitigating barriers, are outlined in Exhibit A: Ordinance No. 2022-08 lines 1554-1572. The amendments provide applicants with an opportunity to demonstrate their proposal complies with the City Noise Ordinance.

(D) Staff Recommends Establishing a Minimum Lot Size of One Acre (43,560 Square Feet)

Staff found that 150-foot setbacks will require a minimum lot size of approximately one-acre. 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. Because of the proposed setback requirements discussed below, a minimum lot size of one-acre also ensures that applicants have sufficient space to work with when considering the placement of outdoor pickleball courts and any proposed mitigation measures.

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.

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 possibly accommodate the required setbacks for an outdoor pickleball court with appropriate noise mitigation. See Exhibit B page 9 for a map of lots one-acre and larger in residential Zoning Districts.

(E) Staff Recommends Requiring Homeowner Association Notice for Construction of Outdoor Pickleball Courts within a Homeowner Association

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 for those Homeowner Associations registered with the Park City Building Department pursuant to LMC § [15-1-12\(F\)](#). In considering a reduction in Setbacks, the Planning Commission may consider whether a Homeowner Association registered with the City approves or objects to the proposed use and mitigation. However, applicant failure to obtain such approval may not be the sole basis for Planning Commission denial. See lines 1585-1588 of the Draft Ordinance (Exhibit A).

(F) Staff Recommends Additional Regulations to Mitigate Impacts of Outdoor Pickleball Courts in Residential Areas

i. Limiting Hours of Play

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. The Planning Commission may establish different hours of operations upon findings specific to each site. See lines 1573-1577 of the Draft Ordinance (Exhibit A).

ii. Prohibiting Outdoor Lighting

To enforce limited outdoor pickleball court use and to protect the night sky, staff recommends outdoor lighting of pickleball courts in residential areas be prohibited. See lines 1578-1579 of the Draft Ordinance (Exhibit A).

iii. 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

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 X additional on-site parking spaces for Private Recreation Facilities. As a result, the proposed code requires Applicants for outdoor pickleball courts demonstrate a total of at least X on-site parking spaces.

To ensure outdoor pickleball courts in residential areas are used by the residents and their guests without impacts to the neighborhood, staff also recommends that outdoor Pickleball Courts are for use of the residents of the property and up to no more than four guests at a time and for required parking to be accommodated on site. See lines 1582-1584 of the Draft Ordinance (Exhibit A).

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 1589-1590 of the Draft Ordinance (Exhibit A).

v. Requiring Additional Landscaping for Noise Mitigating Measures

The proposed amendments allow for Planning Commission discretion to require additional landscaping to mitigate the visual impacts of noise-reducing barriers. See lines 1564-1565 of the Draft Ordinance (Exhibit A).

(III) Staff Recommends (A) Amending the *Private Recreation Facility* Definition to Clarify the Types of *Private Recreation Facilities* that Trigger a Conditional Use

Permit and Planning Commission Review, and (B) Creating a *Pickleball Court* definition

(A) Amending the *Private Recreation Facility* Definition to Clarify the Types of *Private Recreation Facilities* that Trigger a Conditional Use Permit

In the current Land Management Code, there is overlap between items specified in the definition of Private Recreation Facilities and Accessory Buildings and Ancillary Structures. As a result, staff recommends amendments to clarify the type of Private Recreation Facilities that trigger a Conditional Use Permit and Planning Commission review, and to remove minor uses that fall under the *Accessory Building* and *Ancillary Structure* definition from the *Private Recreation Facility* definition.

Playgrounds, spas, and picnic areas, depending on their scope, fall under the definition of an *Accessory Building* when they are over 250 square feet and an *Ancillary Structure* when they are 250 square feet or less. As a result, staff recommends removing playgrounds, spas, and picnic areas from the definition of Private Recreation Facilities, allowing these minor uses to be reviewed subject to *Accessory Building* and *Ancillary Structure* regulations specific to each Zoning District. The proposed amendments to the definition of *Private Recreation Facilities* are outlined below, as amended by the Planning Commission on March 23, 2022:

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.

(B) Staff Recommends Creating a *Pickleball Court* definition

The proposed definition of a *Pickleball Court* is as follows:

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).

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Outreach

On January 21, 2022, staff created a Planning Department [Pickleball Land Management Code Amendment webpage](#) and an [Engage Park City webpage](#) outlining the overall framework for the proposed amendments. Staff updated these webpages on March 25, 2022. Also 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.

On January 31, 2022, staff mailed 8,984 postcards to all property owners within impacted Zoning Districts announcing the survey, virtual open houses, and the Planning Commission public hearing (Exhibit E). The Planning Department coordinated with the Recreation, Communication, and Building Departments and held two virtual open houses on February 7 and February 8, 2022. About 20 – 30 community members attended.

On March 9, 2022, staff held an in-person open house at the Park City Library for additional public input. In addition to four staff members from Planning and two staff members from Recreation, there were four community members that attended.

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. See Exhibit C for the full survey results, and Exhibit B for a summary of the survey.

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

Please see Exhibit C.

Alternatives

- The City Council may approve Draft Ordinance No. 2022-08;
- The City Council may deny Draft 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: Draft 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.

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 7th 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

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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

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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 Dwelling ⁵
297	3. Guest House, on Lots one (1) acre ⁵
298	4. Group Care Facility ⁵
299	5. Public and Quasi-Public institution, church, or school
300	6. Essential Municipal public utility Use, facility, service, and Structure
301	7. Telecommunication Antenna ⁶
302	8. Satellite dish, greater than thirty-nine inches (39") in diameter ⁷
303	9. Plant and Nursery stock products and sales
304	10. Hotel, Major ⁵
305	11. Timeshare Projects and Conversions ⁵
306	12. Private Residence Club Project and Conversion ^{4,5}
307	13. Office, Intensive ⁵
308	14. Office and clinic, Medical ⁵
309	15. Financial institution, without drive-up window ⁸
310	16. Commercial Retail and Service, Minor ⁸
311	17. Commercial Retail and Service, Personal Improvement ⁸
312	18. Neighborhood Convenience Commercial, without gasoline sales
313	19. Café or Deli ⁸
314	20. Restaurant, General ⁸
315	21. Restaurant and Café, outdoor dining ⁴
316	22. Outdoor Events and Uses ⁴
317	23. Bar
318	24. Parking Area or Structure, with five (5) or more spaces ⁵

- 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

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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

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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.

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.
Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

²See Section 15-4-19 for specific review criteria for gates

³Subject to LMC Chapter 15-4-14, Telecommunications

⁴The Planning Director, or his 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.

⁵ [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. 09-10 on 3/5/2009

Amended by Ord. 2018-55 on 10/23/2018

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15-2.9-2 Uses

Uses in the E-40 District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling
2. Secondary Living Quarters
3. Lockout Unit¹
4. Accessory Apartment²
5. Nightly Rental³
6. Home Occupation
7. Child Care, In-Home Babysitting
8. Child Care, Family⁴
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. <u>Recreation Facility, Private⁴</u>
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 a 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. LOT SIZE. The minimum Lot size for an outdoor Pickleball Court is 43,560 square feet (1 acre).

D. 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:

1559 i. The Applicant submits a noise study prepared by a certified
1560 professional that demonstrates compliance with Municipal Code of
1561 Park City Chapter 6-3, Noise.

1562 ii. The approval is conditioned upon construction and completion of
1563 the noise mitigating features included in the noise study.

1564 iii. The Planning Commission may require additional landscaping for
1565 noise mitigating measures.

1566 c. In the instance of a conflict in Setback requirements, the more restrictive
1567 Setback shall apply.

1568 d. In considering a reduction in Setbacks, the Planning Commission may
1569 consider whether a homeowner association (HOA) registered with the City
1570 pursuant to Section 15-1-12(F) approves or objects to the proposed use
1571 and mitigation. However, applicant failure to obtain such approvals shall
1572 not be the sole basis for Planning Commission denial.

1573 E. HOURS OF OPERATION. Unless otherwise established by Planning
1574 Commission, the Use of outdoor Pickleball Courts on residential Lots shall be
1575 limited to 8 AM to 8 PM. The Planning Commission may establish different hours
1576 of operations upon findings that corroborate the appropriateness of alternative
1577 times of use.

1578 F. OUTDOOR LIGHTING PROHIBITED. Artificial lighting of outdoor Pickleball
1579 Courts in residential areas is prohibited.

1580 G. PARKING. The Applicant shall demonstrate compliance with Section 15-3-6,
1581 Parking Ratio Requirements For Specific Land Use Categories.

H. MAXIMUM CAPACITY. The outdoor Pickleball Court is for use of the residents and up to no more than four guests. It is required that guest parking shall be provided on site.

I. 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.

J. FEES PROHIBITED. No fee may be charged for use of the outdoor pickleball court. Commercial Use of the outdoor pickleball court is prohibited.

...

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.

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).

....

Exhibit B – Background Information

At the February 23, 2022 Planning Commission meeting, Commissioners directed staff to update the draft ordinance to include requirements that the Planning Commission will making findings upon review of a Conditional Use Permit application (line 1513), requirements that the applicant 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 of setting hours of operations (line 1573), clarification that guest parking is required to be provide on-site (line 1583), and an additional paragraph that directs staff to reevaluate the adopted requirements one year from adoption of the ordinance. Commission also asked for clarification on the changes to defined terms.

At the March 23, 2022 Planning Commission meeting, Commissioners directed staff to update the draft ordinance to remove the provision that directs staff to reevaluate the adopted requirements one year from adoption of the ordinance, to add language that clarifies that owners may not charge a fee for guest users of approved pickleball courts (line 1589), and to add in the word “swimming” before pool to add clarity in the definition of Private Recreation Facilities (line 1596).

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

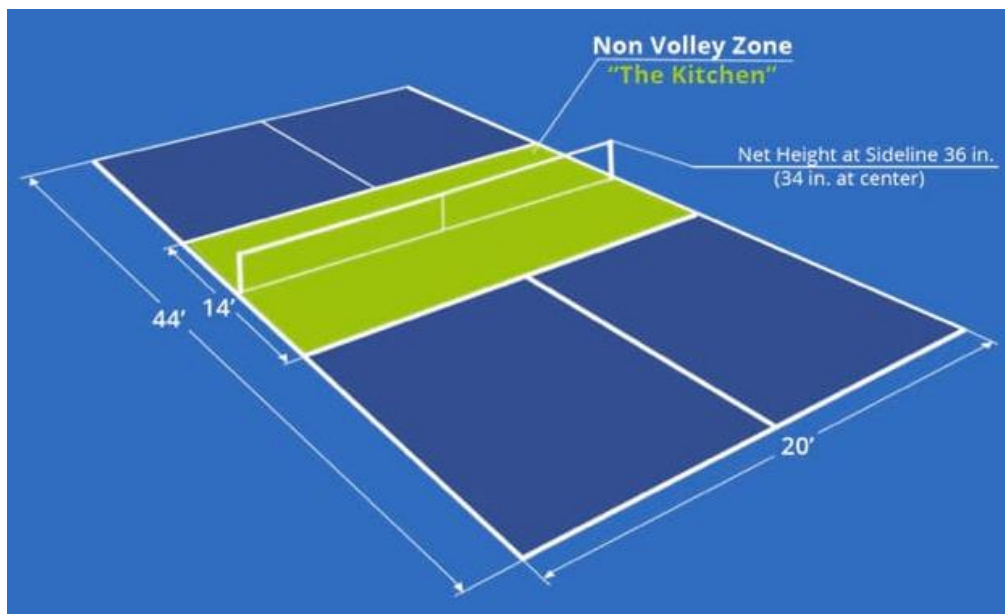


Figure 1. Dimensions of a Regulation Pickleball Court

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.

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>

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:
HR-2 (Private)* RC (Private) RCO (Private) RD (Private) RDM (Private)

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

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.

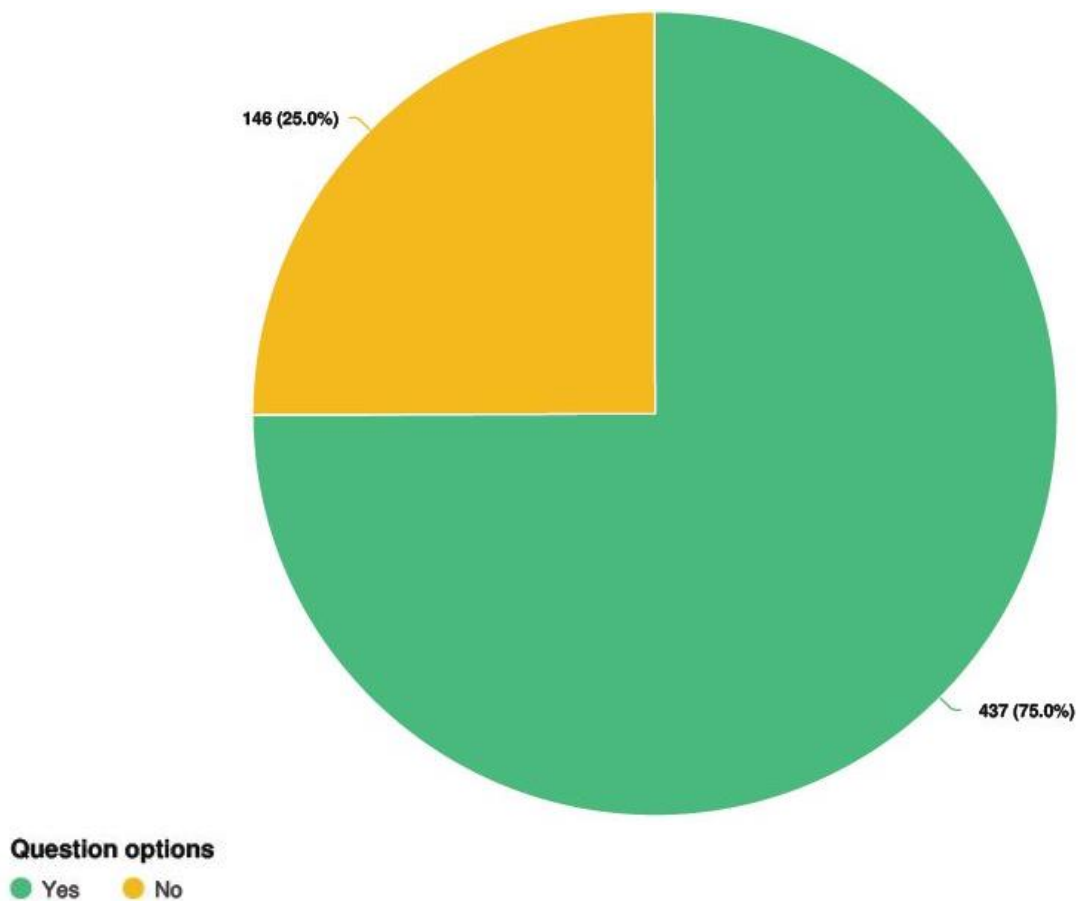


Figure 2. Survey Question 6: “Should pickleball courts be allowed on private residential lots?”

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.

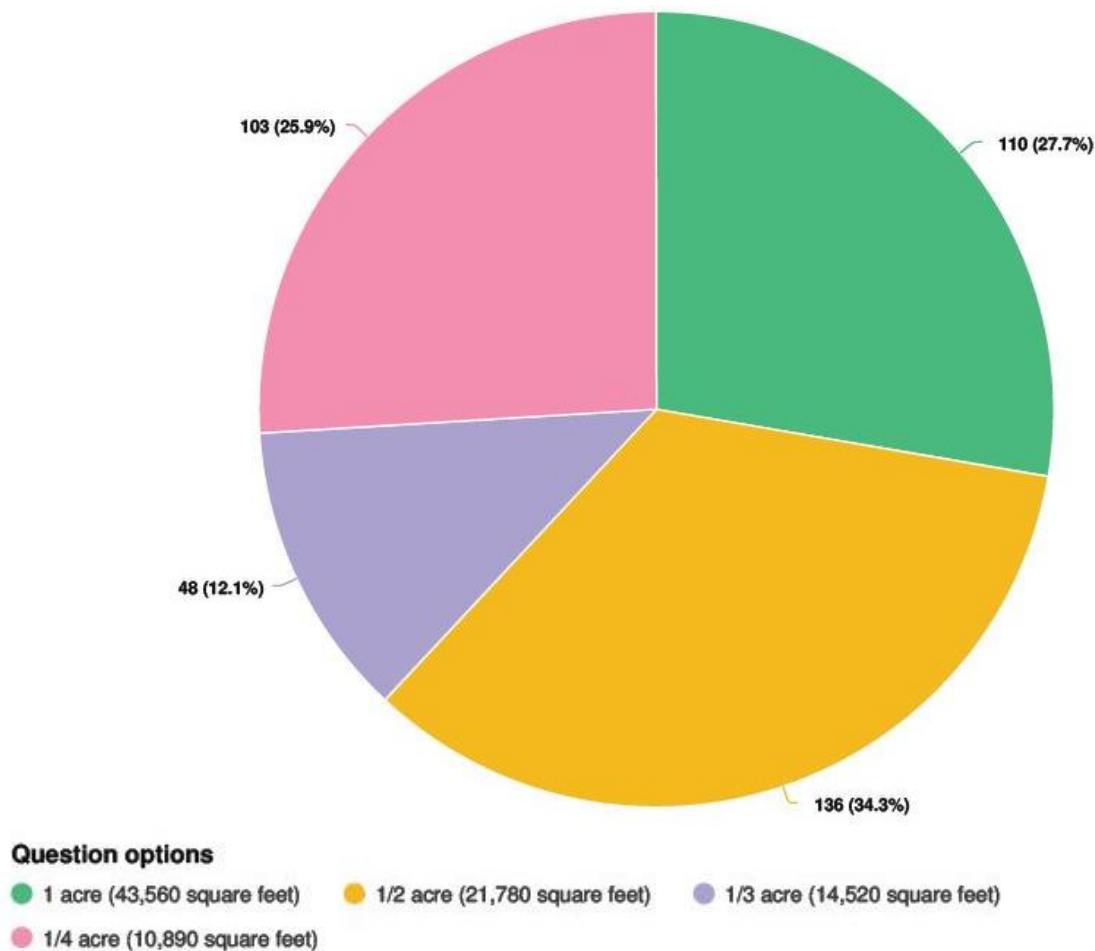


Figure 3. Survey Question 7: “What should the minimum lot size be for pickleball courts on private residential lots?”

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.

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:

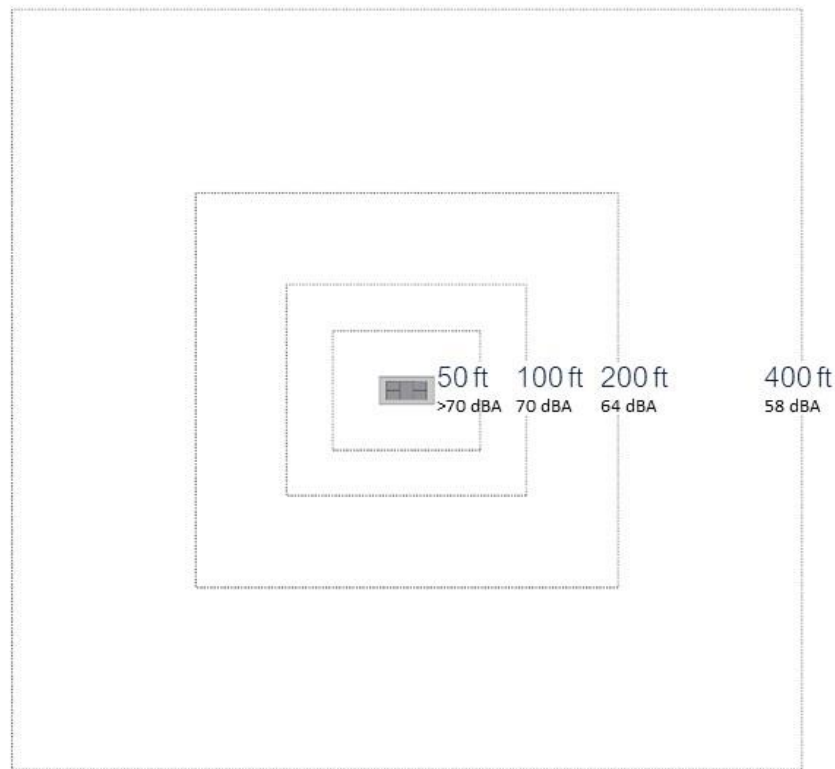


Figure 4. Noise levels at distances from an unmodified pickleball court.

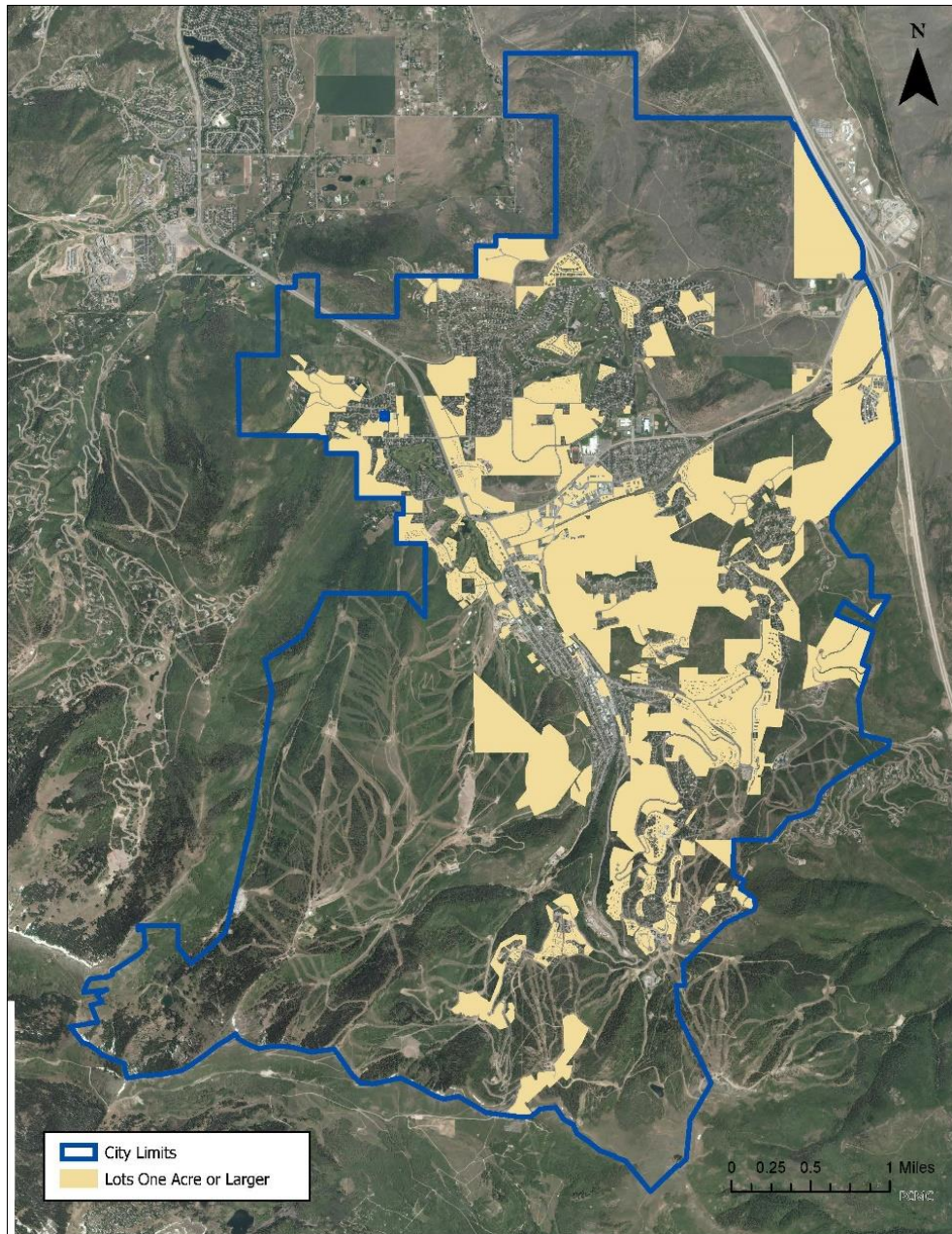


Figure 5. Map of Lots 1-Acre or Larger, in Zoning Districts that Allow for Single-Family Dwellings

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:

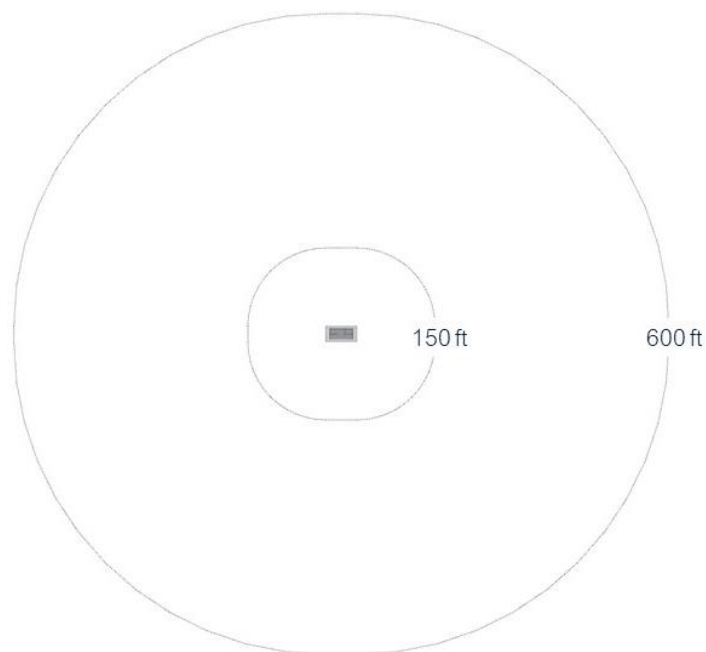


Figure 7. 150-Foot and 600-foot Setbacks

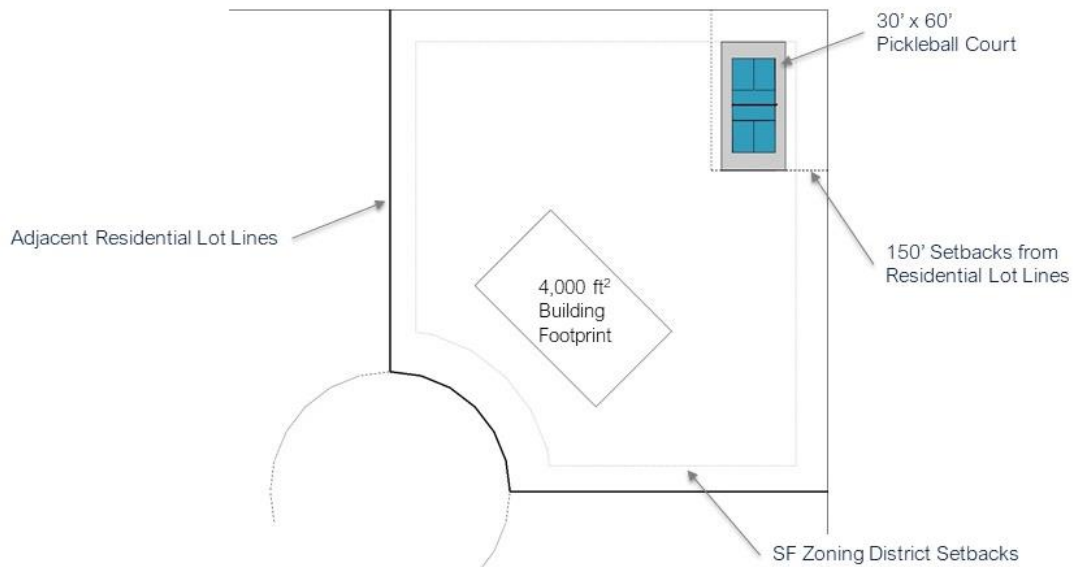


Figure 8. A 1-Acre Lot with a Pickleball Court that Meets 150-Foot Setbacks

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

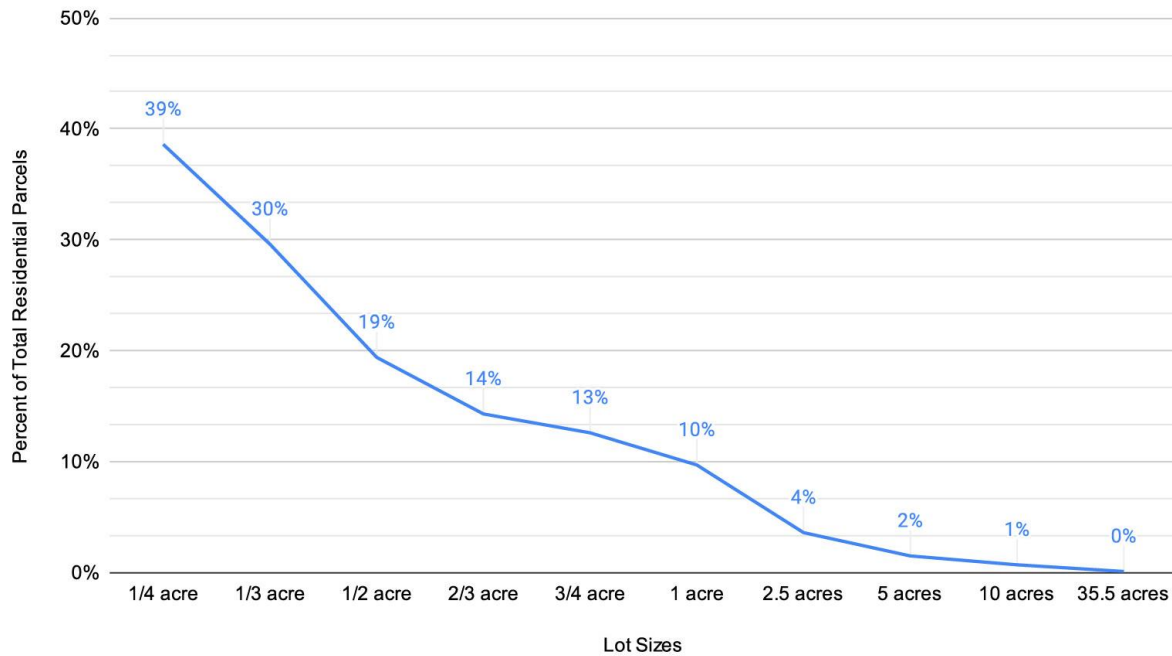


Figure 1. Chart showing the quantity of lots that meet each minimum lot size as a percentage of the total number of residential parcels in Park City.

Minimum Lot Size as a Percent of Total Land Area in Residential Zoning Districts

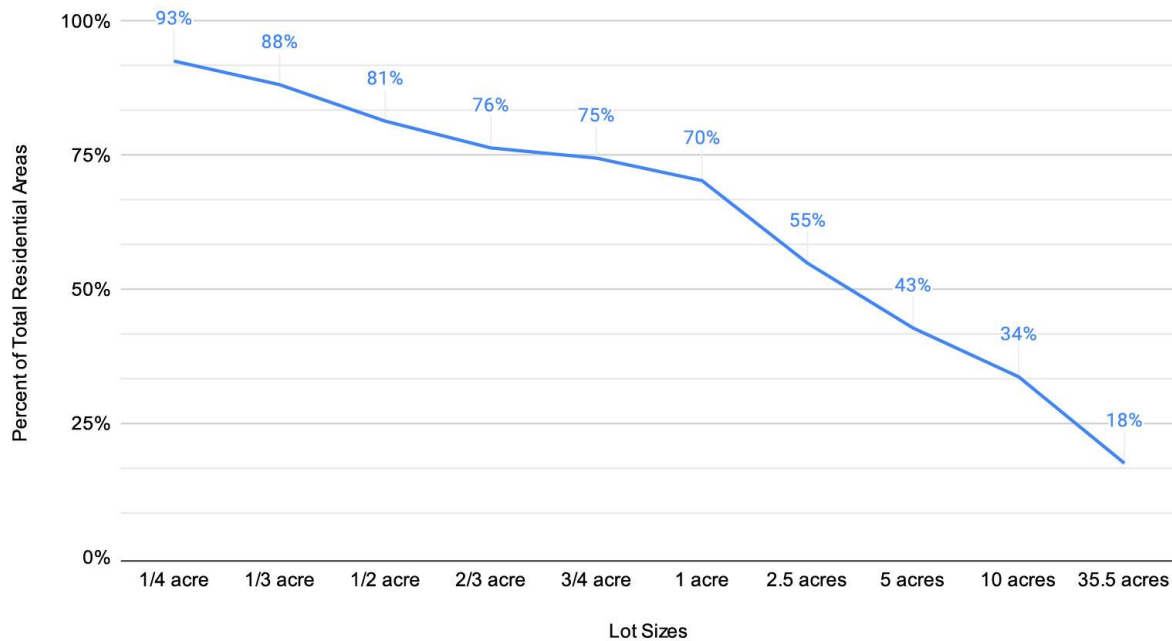


Figure 2. Chart showing the combined area of lots that meet each minimum lot size as a percentage of the total land area in residential zoning districts in Park City.

Pickleball Survey

SURVEY RESPONSE REPORT

17 January 2022 - 16 February 2022

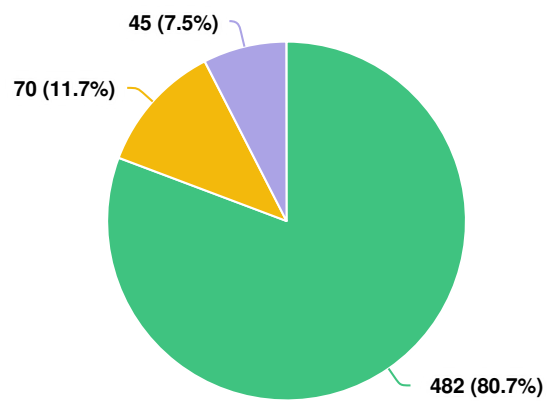
PROJECT NAME:

Pickleball Land Use Regulation Survey



SURVEY QUESTIONS

Q1 Do you play pickleball?

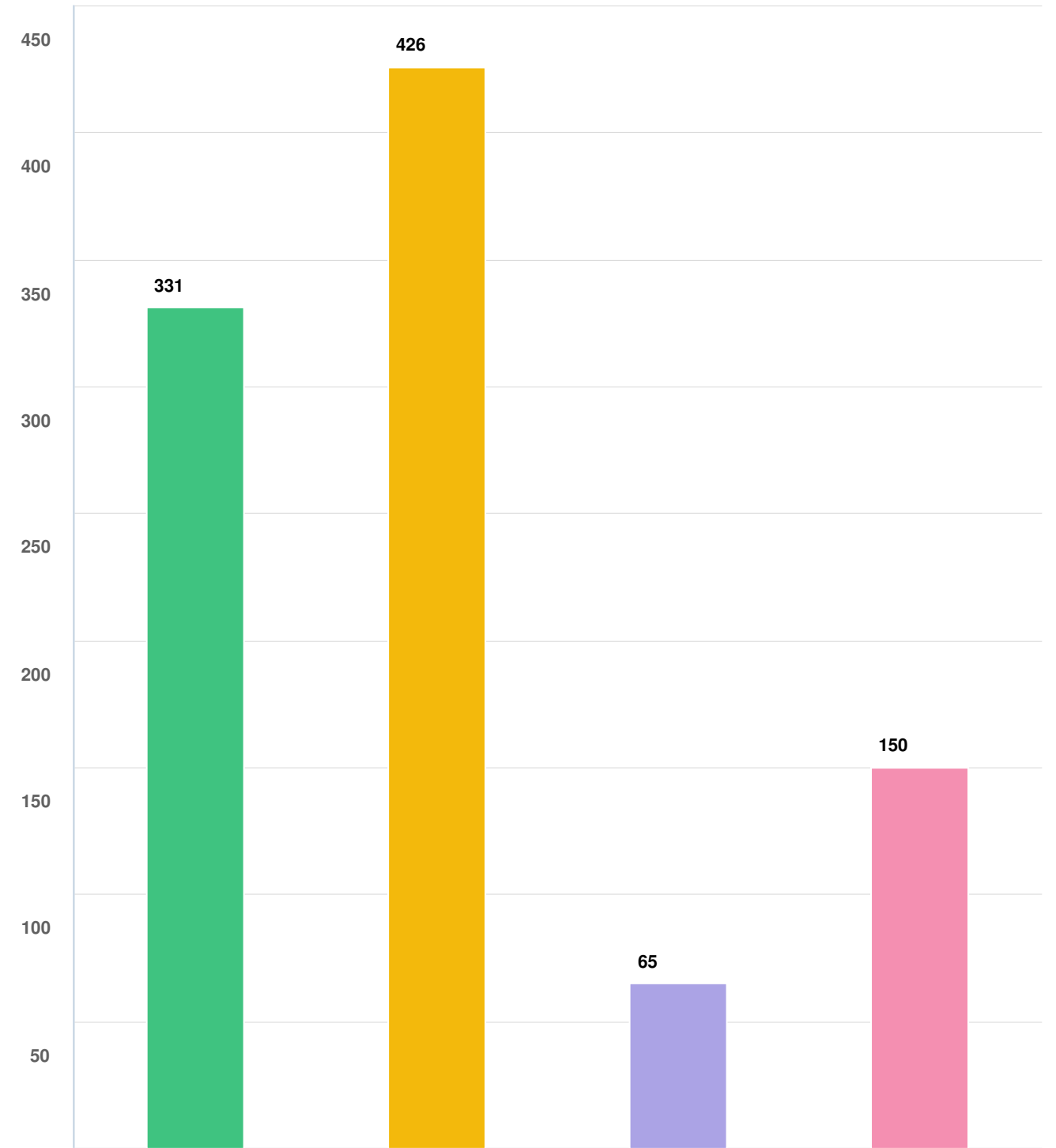


Question options

● 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?

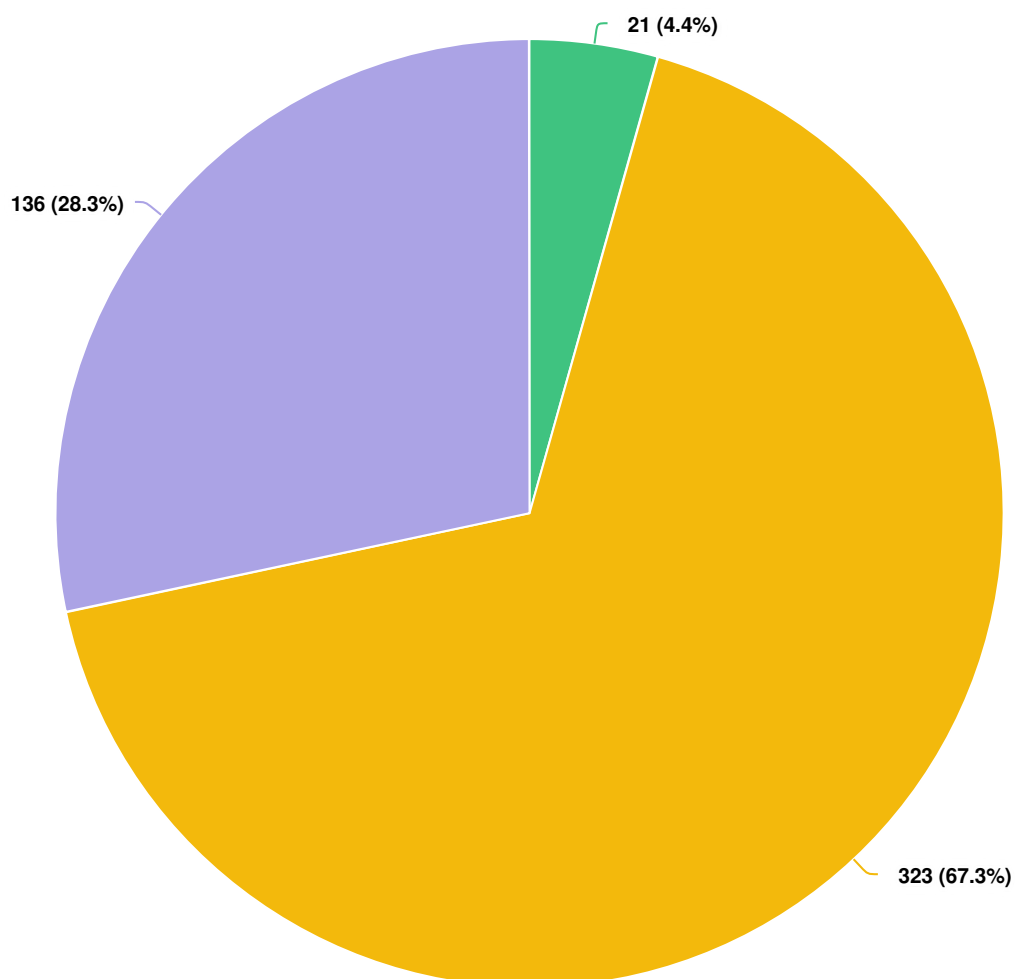


Question options

- 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?

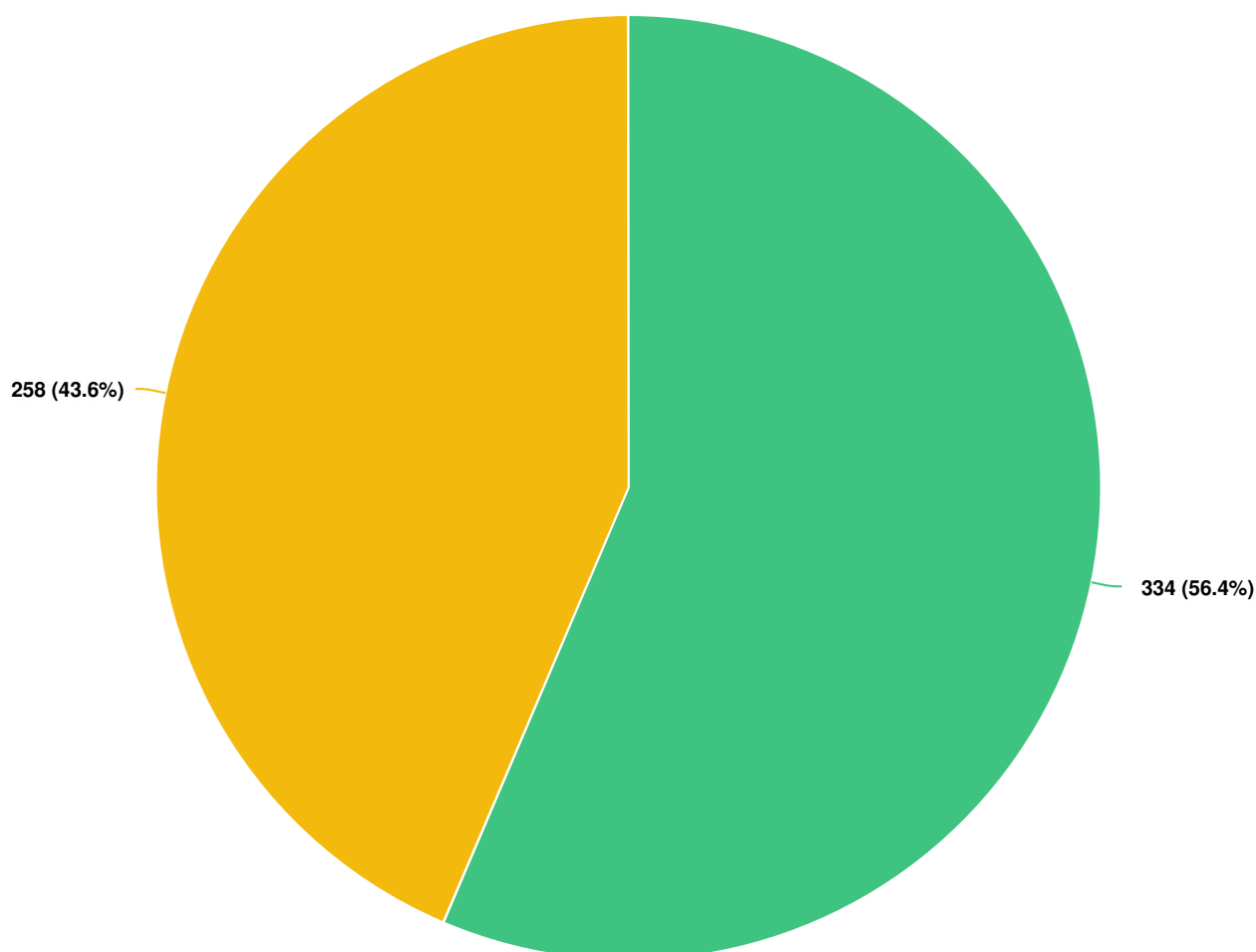


Question options

● 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)?

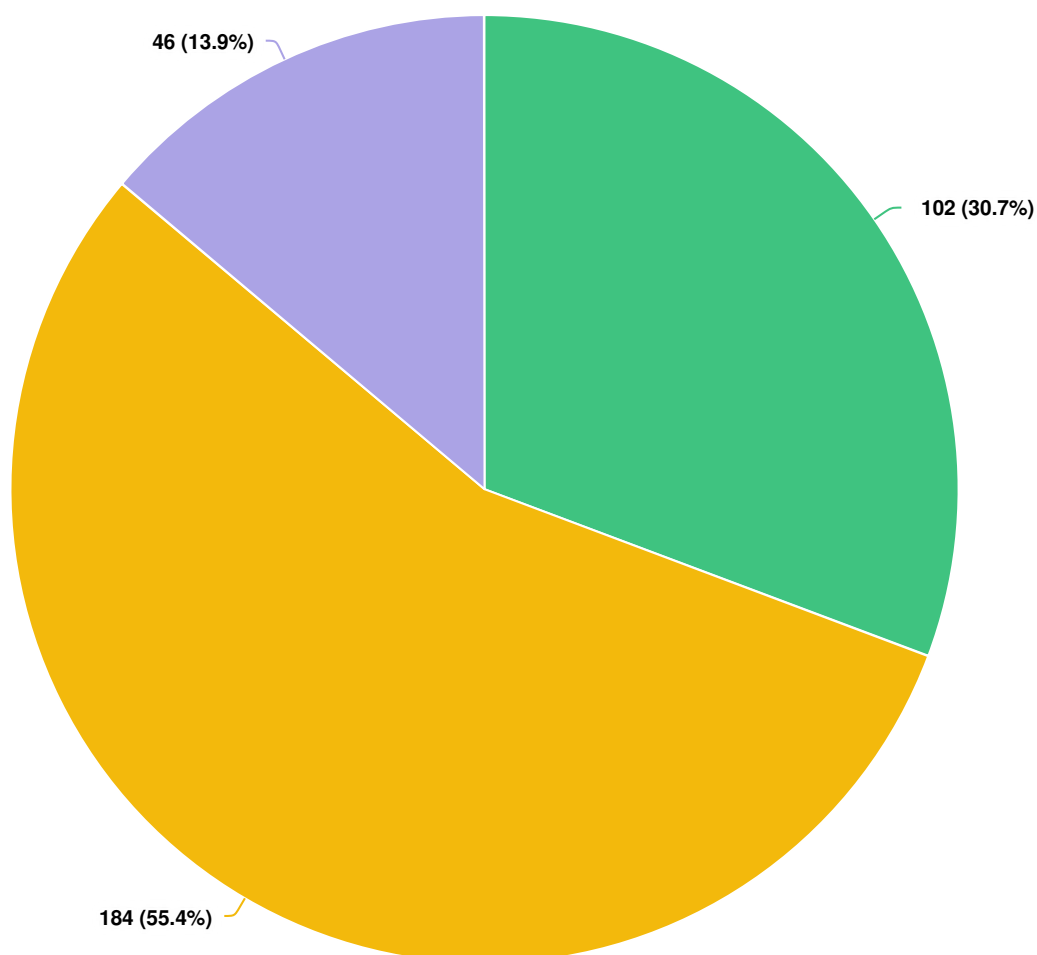


Question options

● Yes ● No

Optional question (592 response(s), 9 skipped)
Question type: Dropdown Question

Q5 What are reasonable hours for outdoor pickleball?



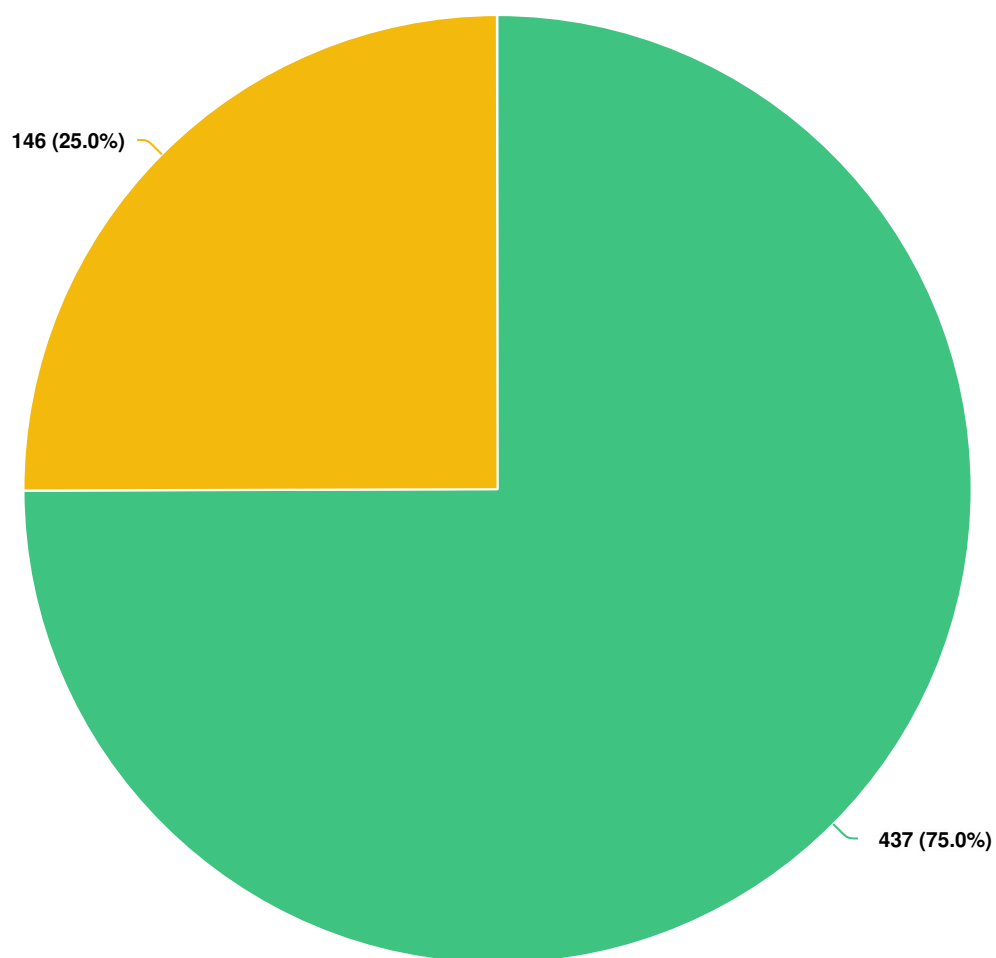
Question options

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?

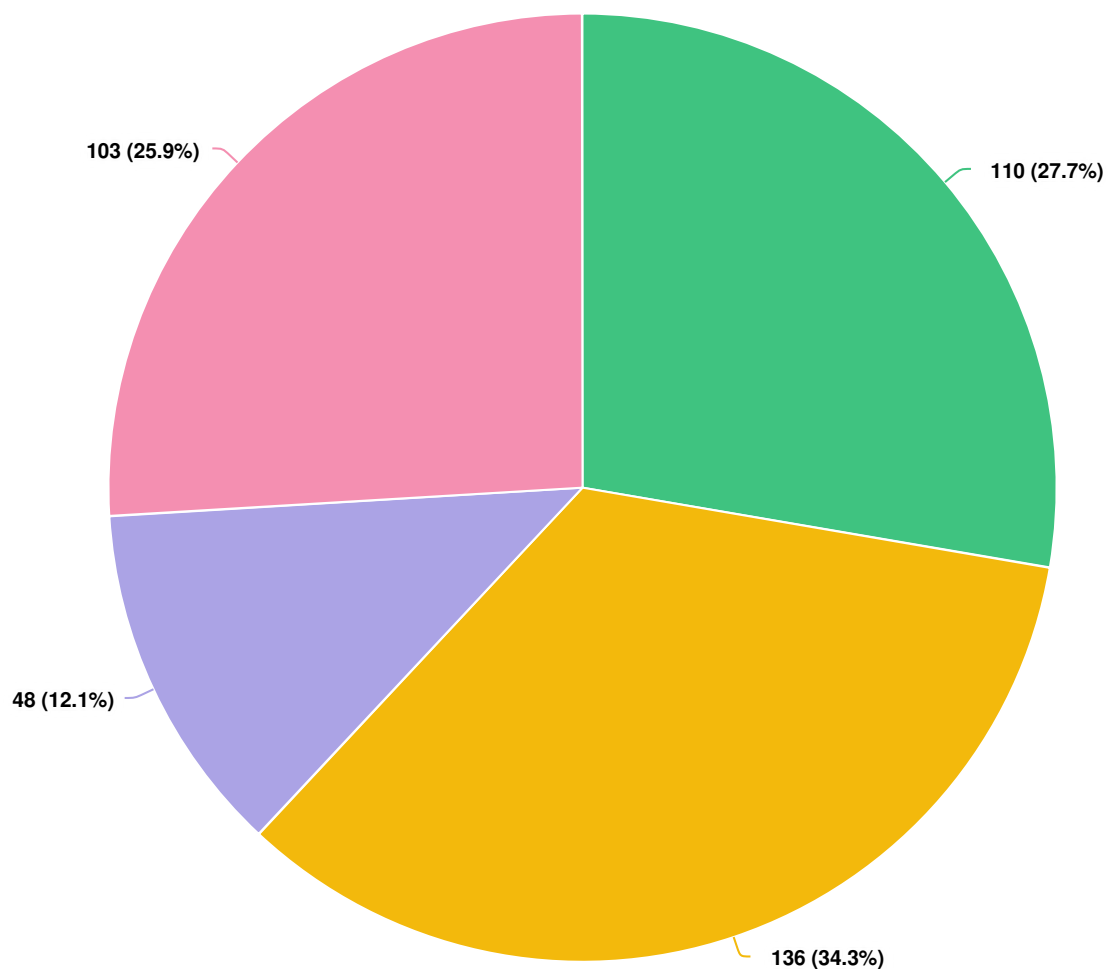


Question options

● 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?

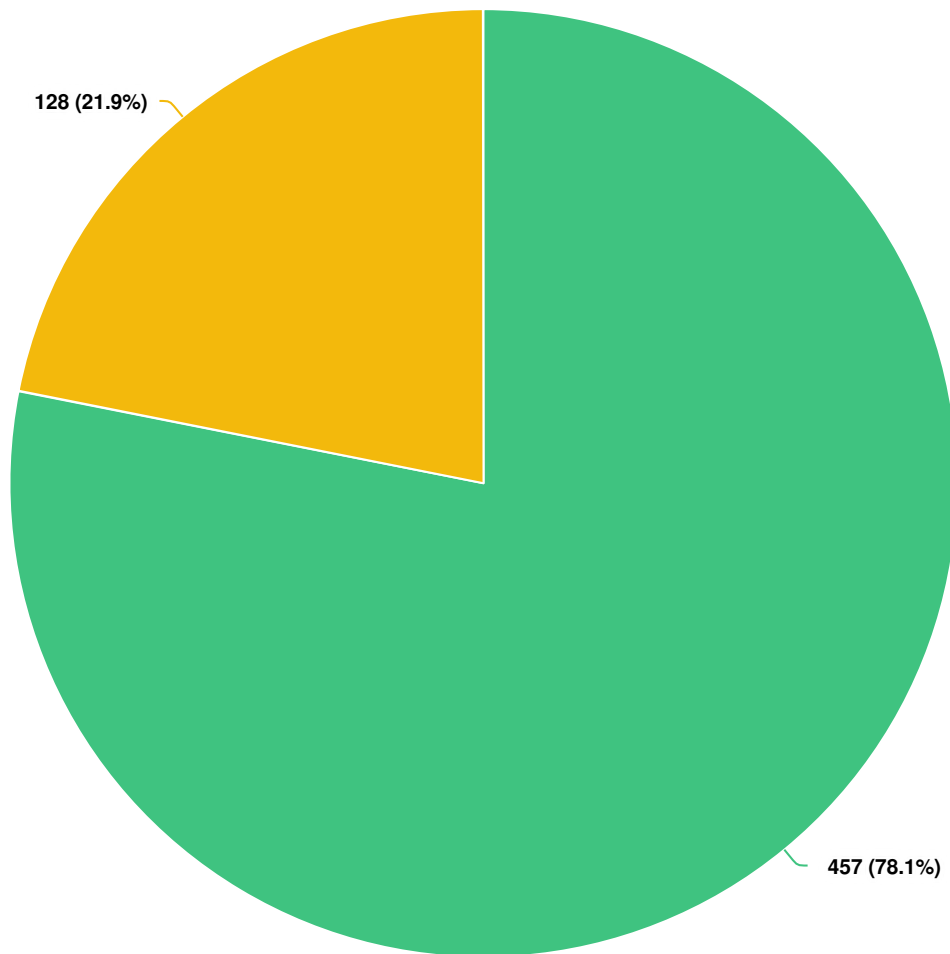


Question options

- 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?

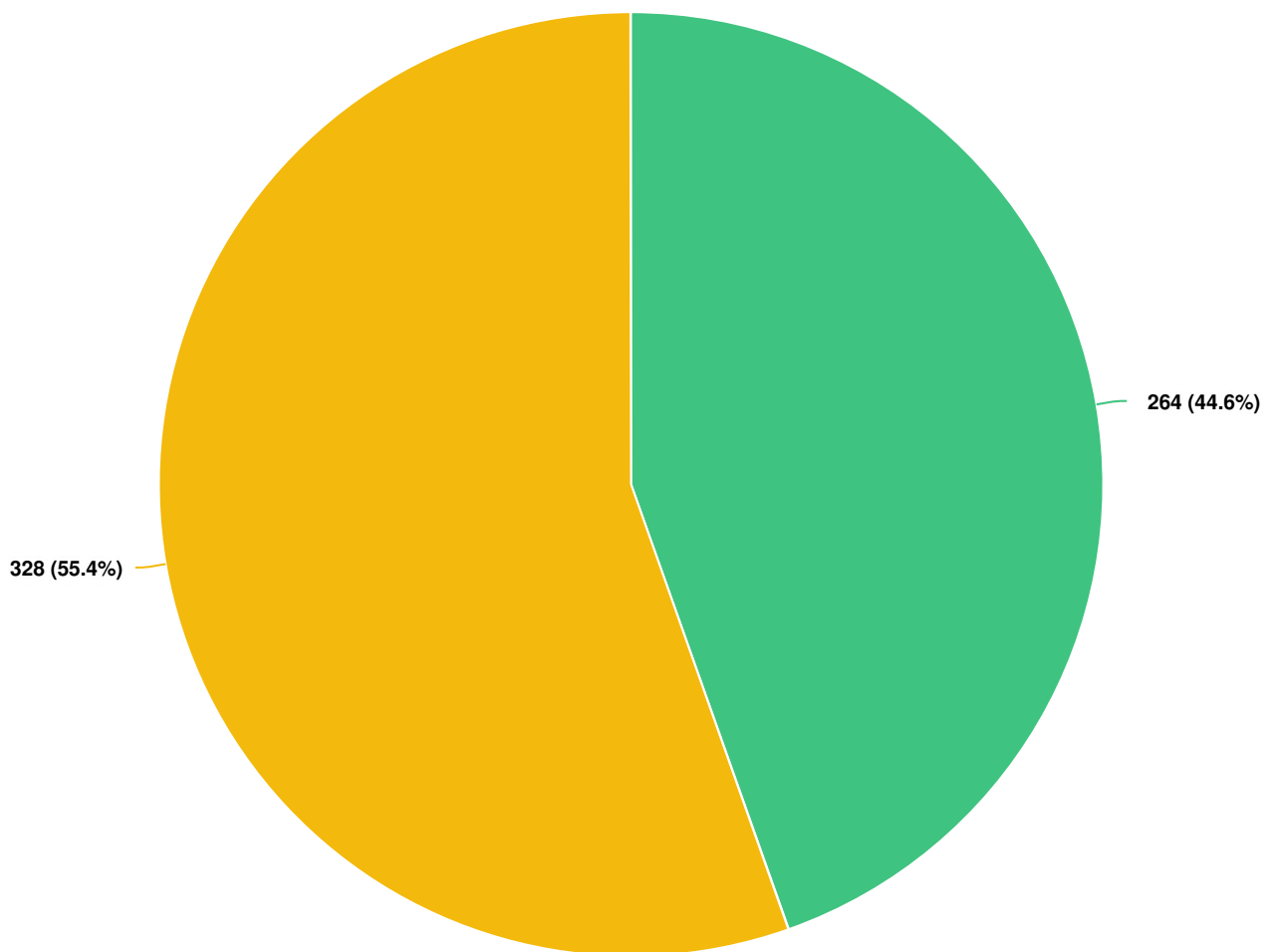


Question options

● 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?

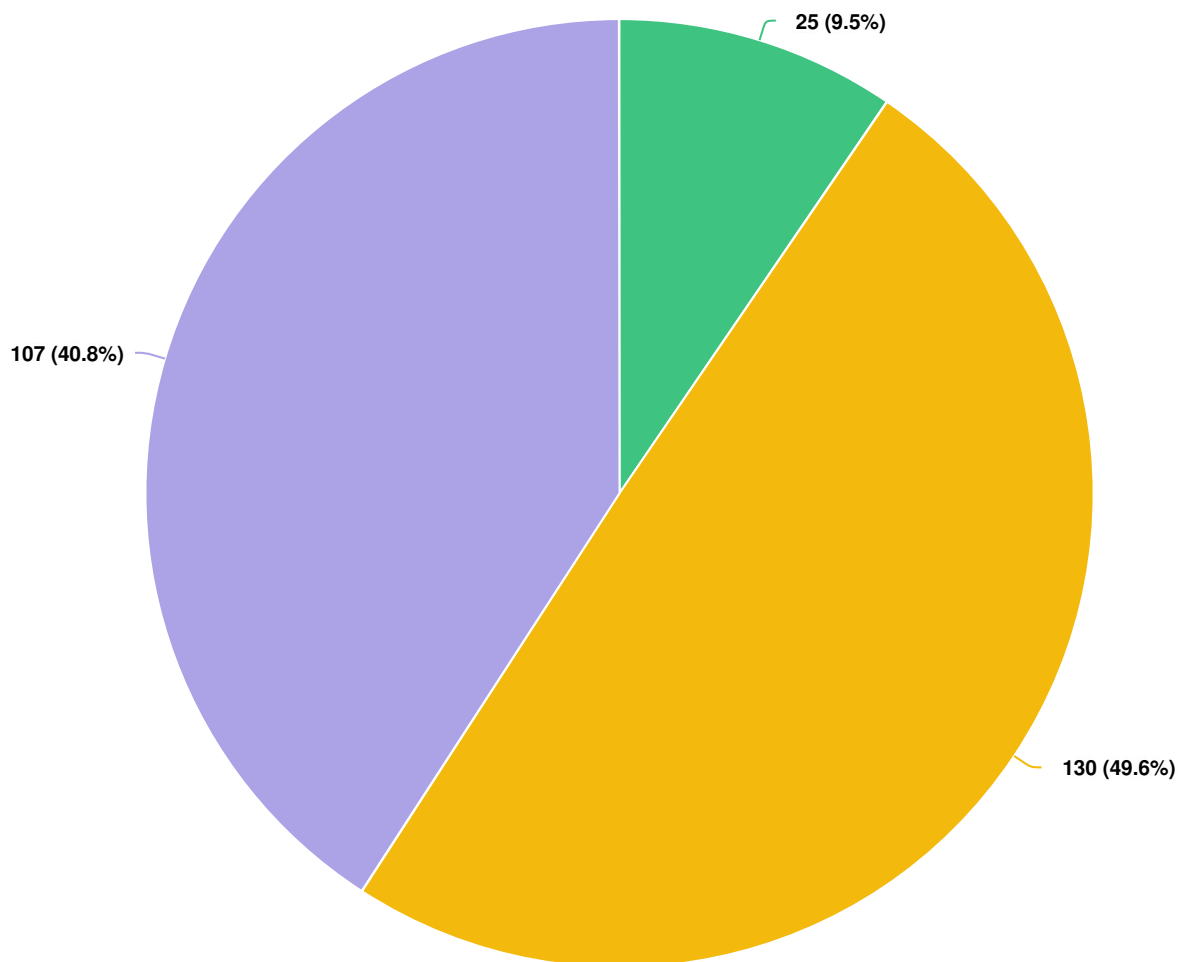


Question options

● 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 noice/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 notice 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

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 ($180' \times 12' = 2160 \text{ sq. ft.}$). 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.

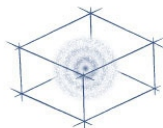
Sound Walls and Acoustic Barriers

- 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

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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

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feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.

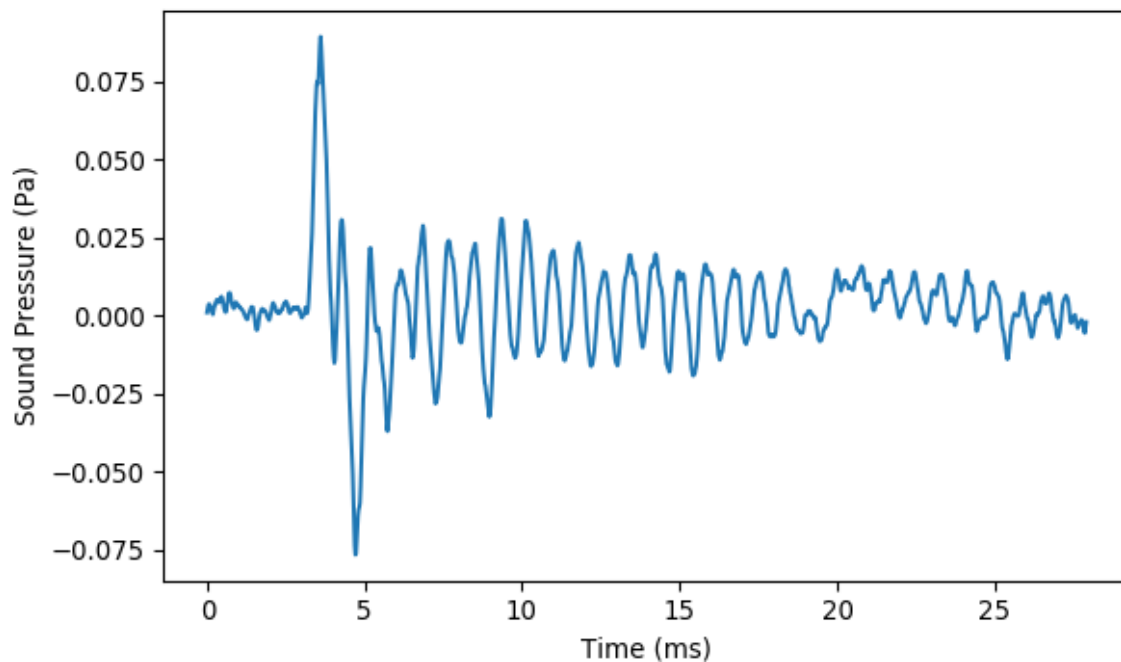


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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

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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.

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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."

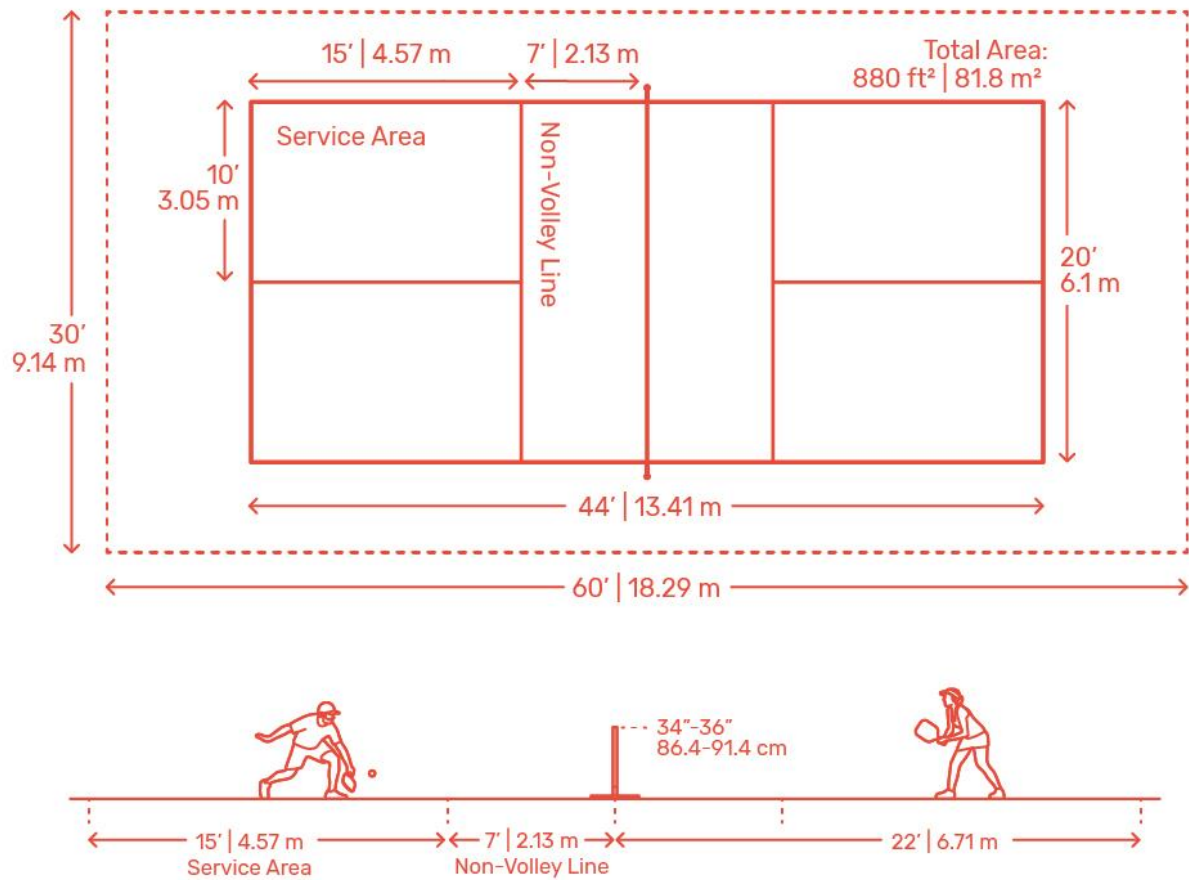
However, Staff fails to acknowledge and disclose that the actual requirement of a regulation, single-court facility requires a concrete pad of at least 30 ft. x 60 ft. which includes the necessary service area, ball-get and safety areas.

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, aspart of the proposed Code amendment for private recreation facilities which include a pickleball court (or has a concrete pad with dimensions of approximating30 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

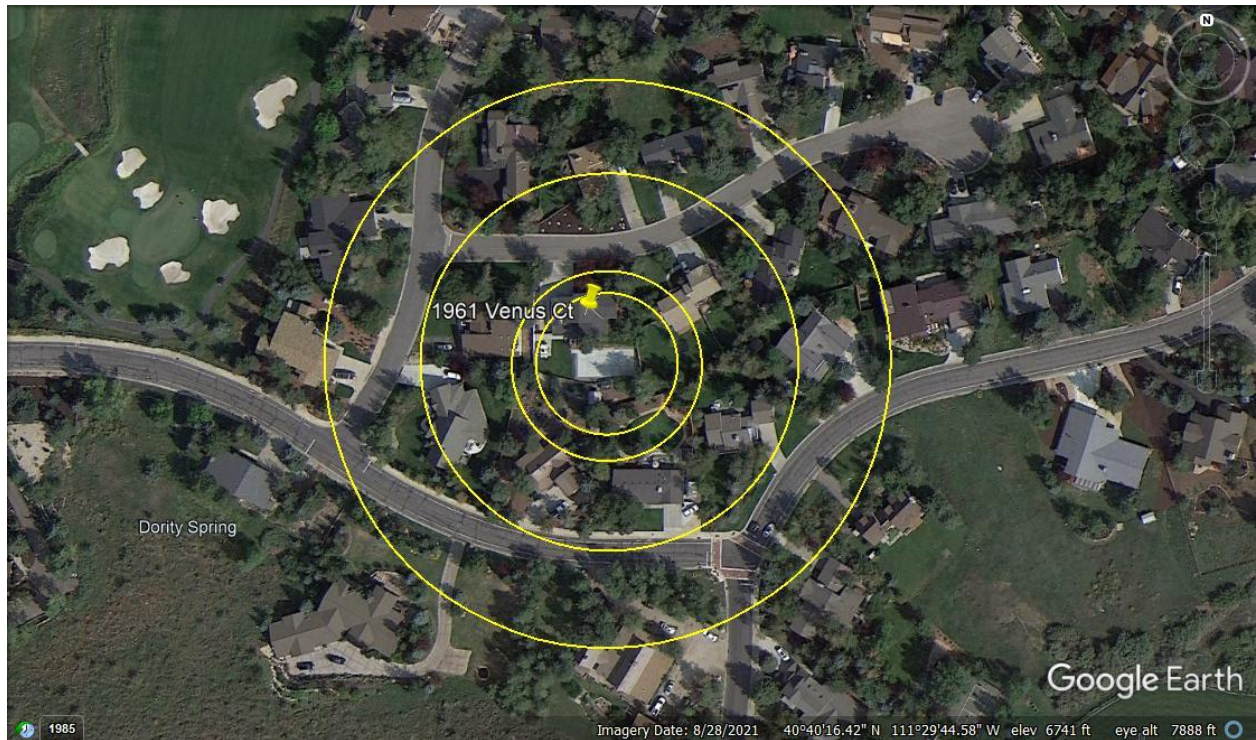
isolated areas. There are local, public and private facilities (perhaps insufficient) that are available for pickleball play. Why not a new complex at Richardson Flat or other City-owned land.

Otherwise, residential pickleball courts --- RIP.

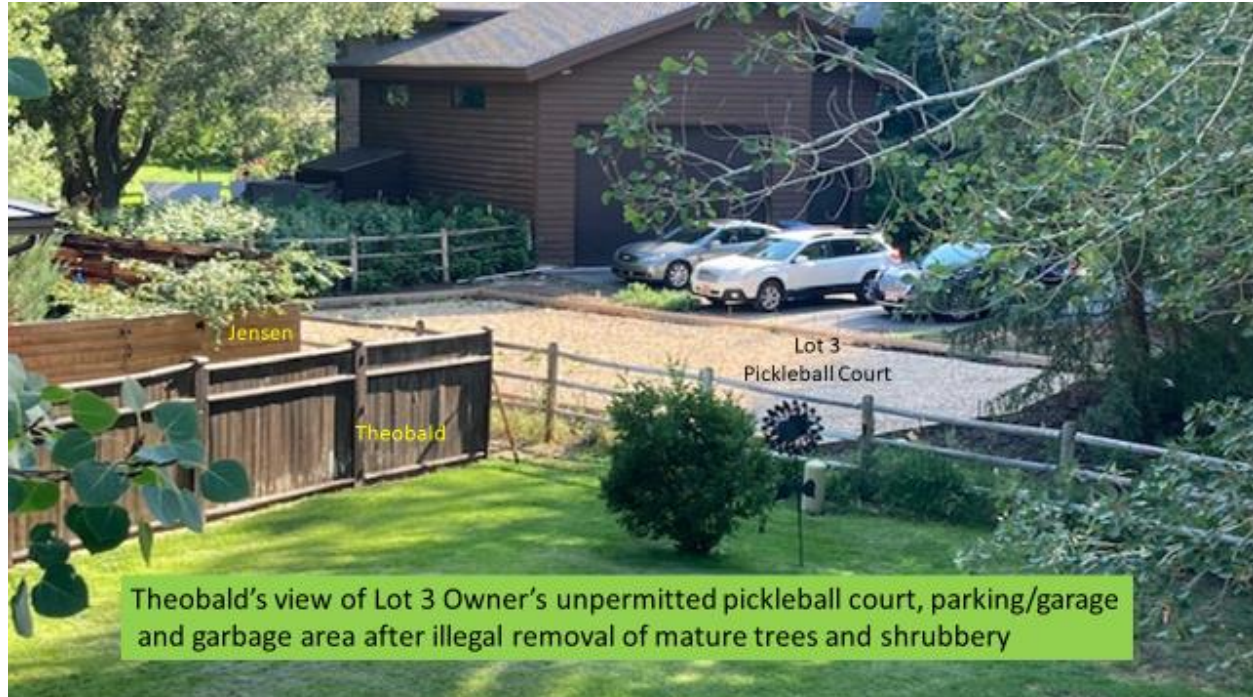
Thank you for your consideration.

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:

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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

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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.

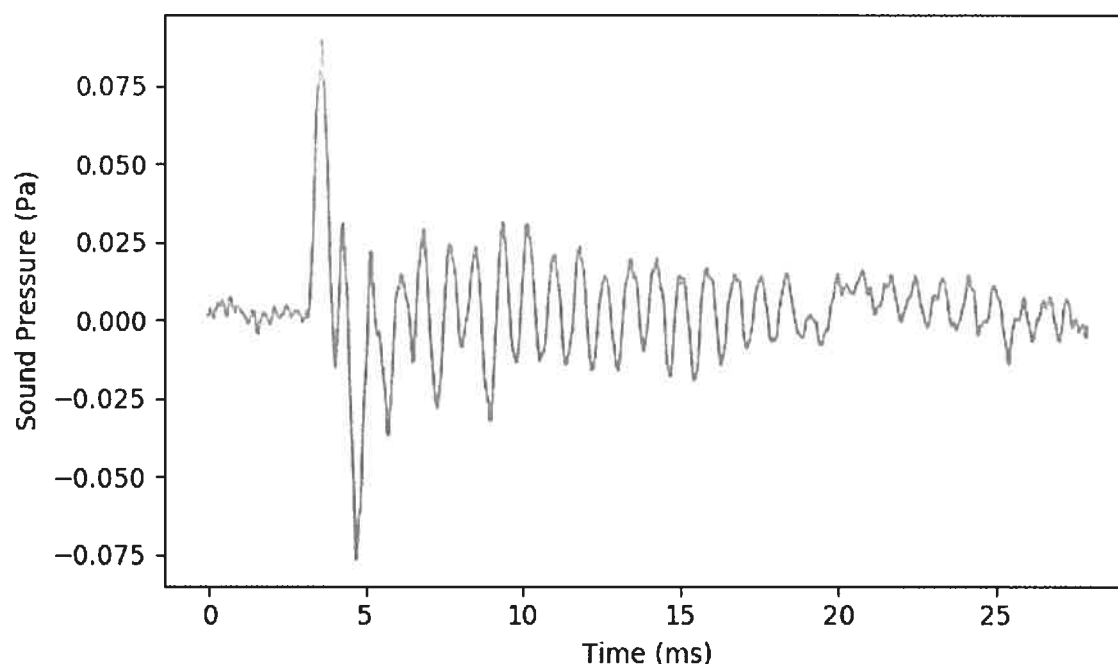


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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>
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- 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

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January 24, 2022

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**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.

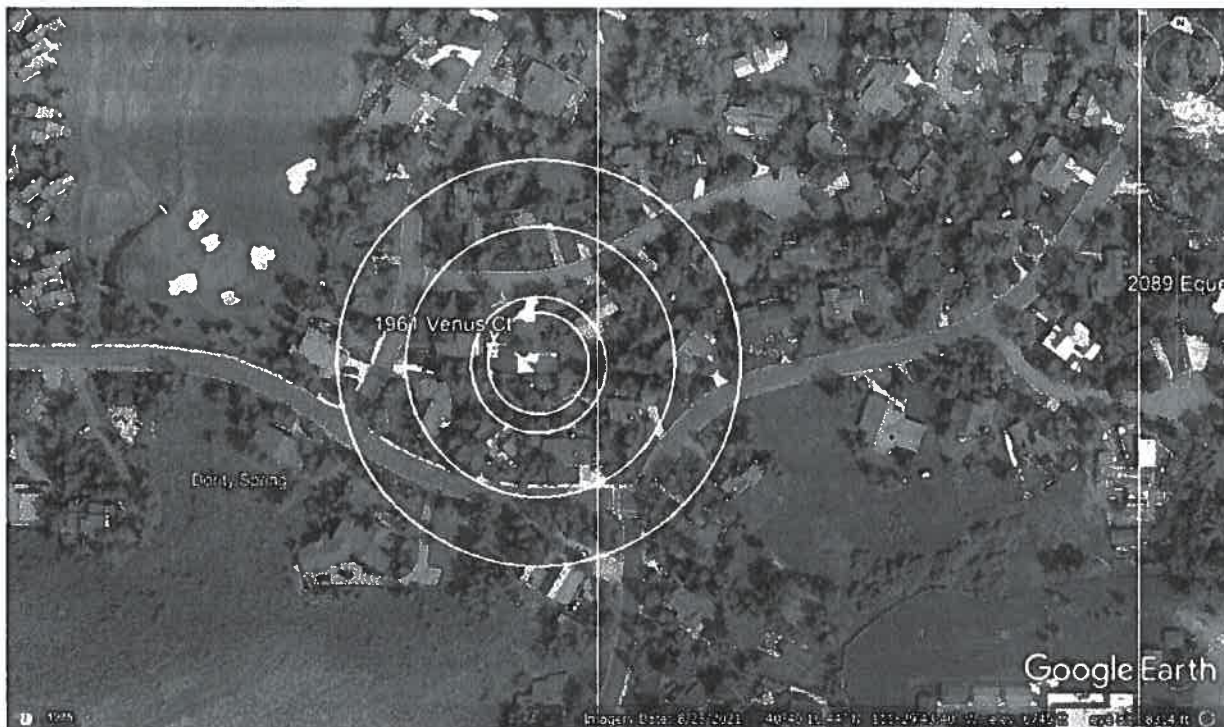
As background, I assume it is agreed by the Applicant, the City and the Planning Commission that

- 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:

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Nann.worel@parkcity.org

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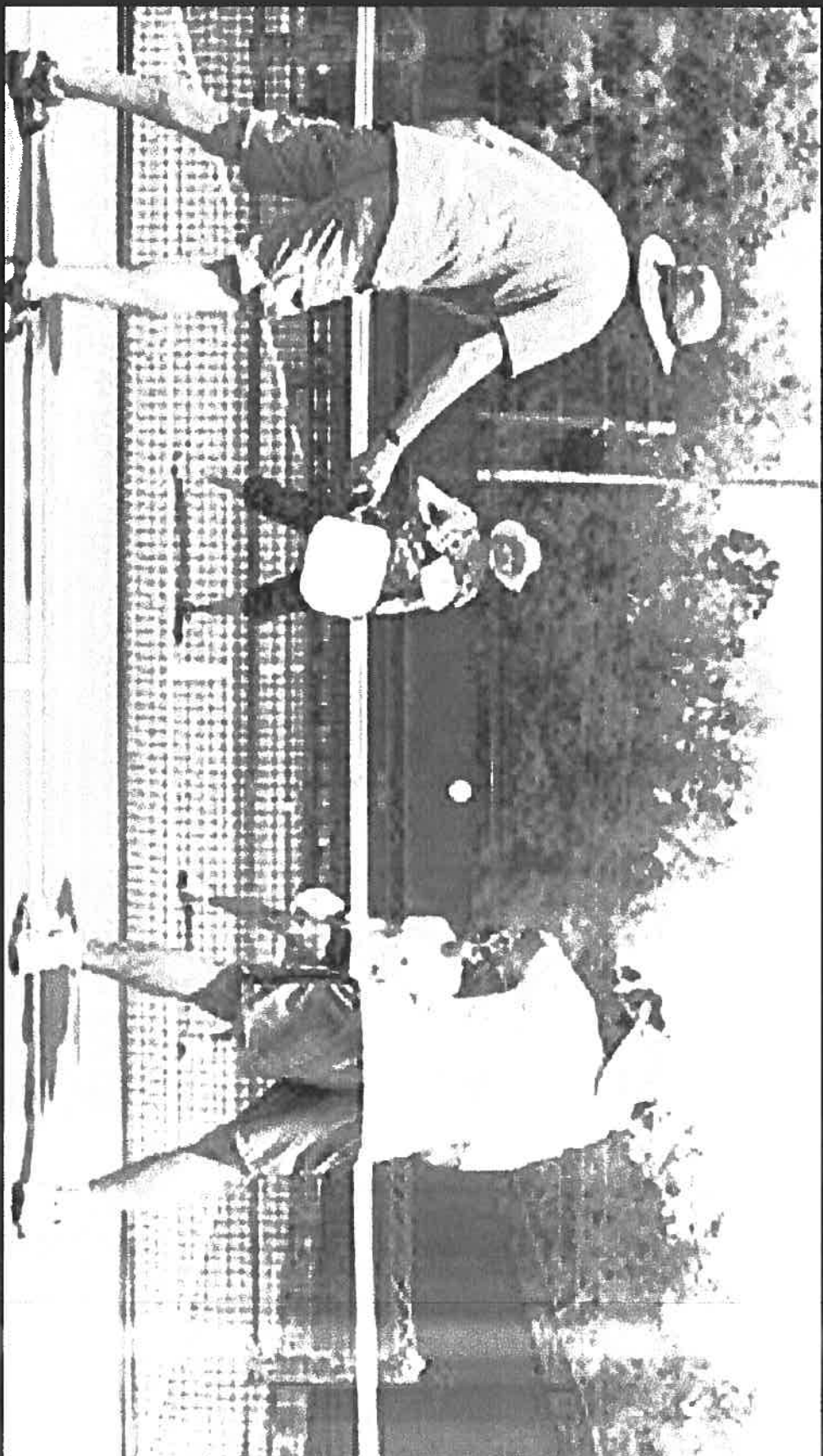
EXHIBIT C

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 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 sensitivity 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 

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
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John Phillips john.phillips@parkcity.org
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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

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Nann.worel@parkcity.org

Park City Manager

Matt Dias

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FRODE JENSEN
[REDACTED] HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

March 21, 2022

VIA EMAIL TO planning@parkcity.org AND

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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:

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Gretchen.milliken@parkcity.org
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Browne.sebright@parkcity.org

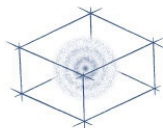
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Friday, March 11, 2022

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 Lmax level.

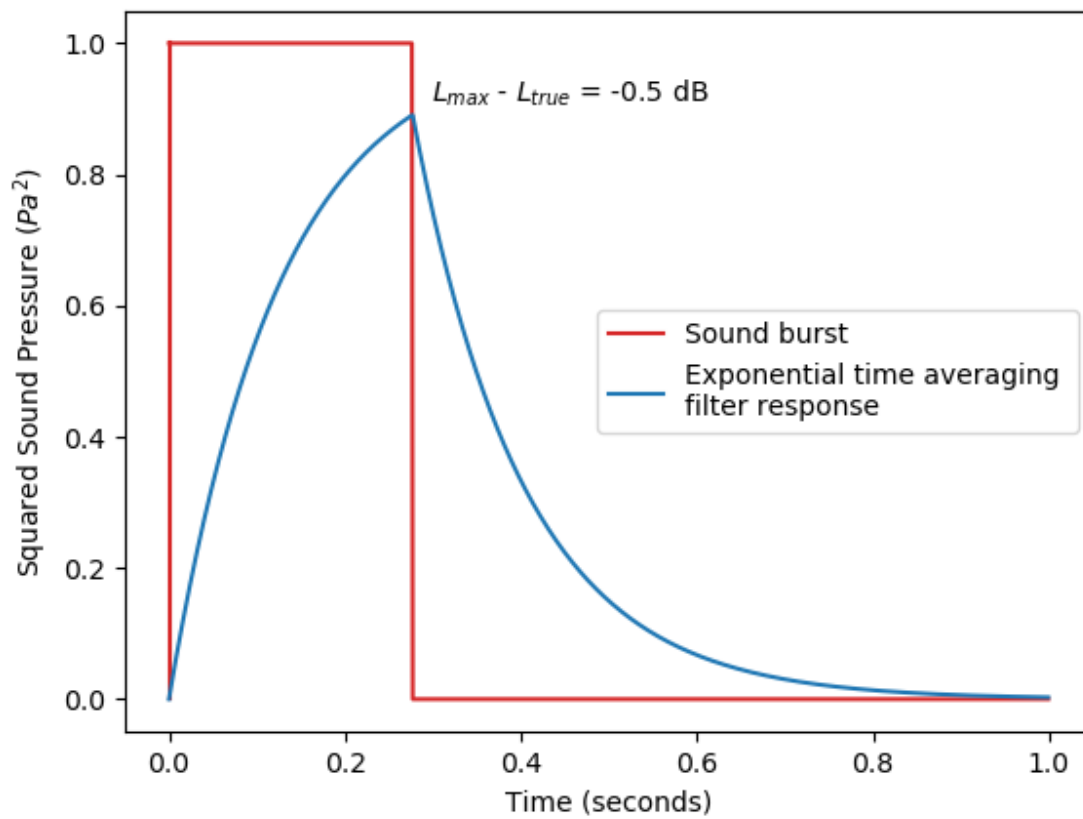


Figure 1. Fast Time Averaging Filter Response to a 0.277 Second Sound Burst

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.

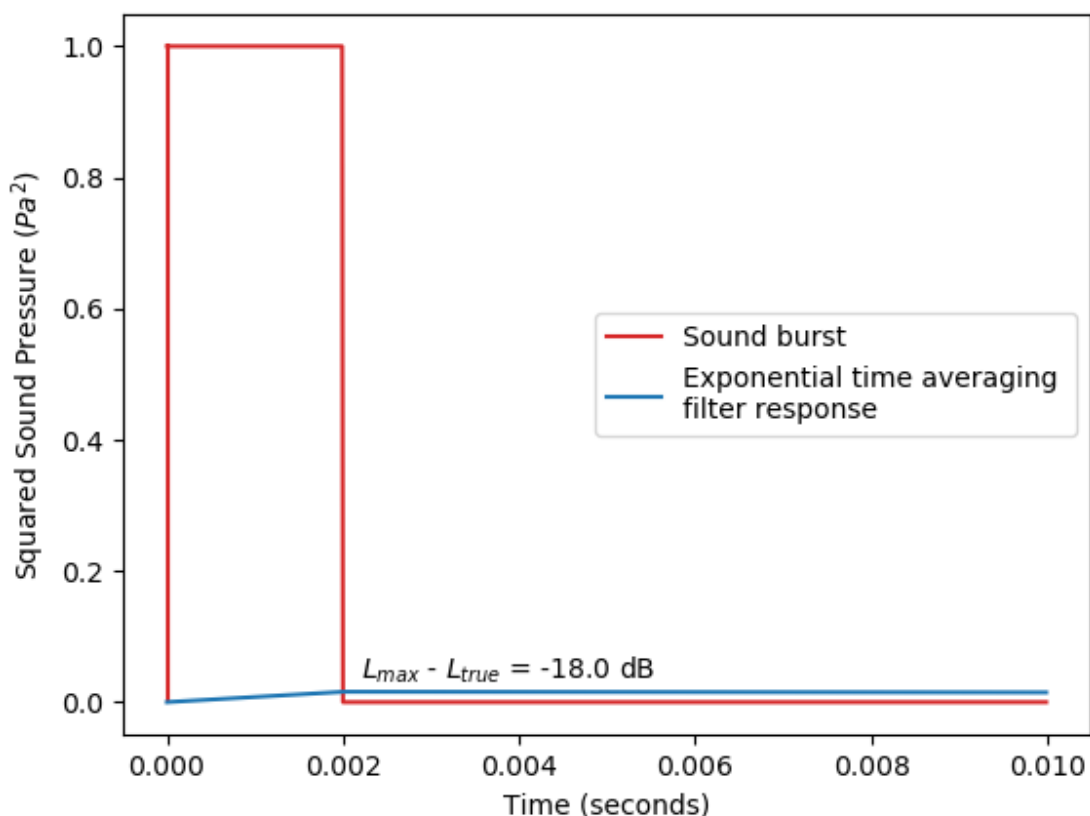


Figure 2. Fast Time Averaging Filter Response to a Typical Pickleball Paddle Impact

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.

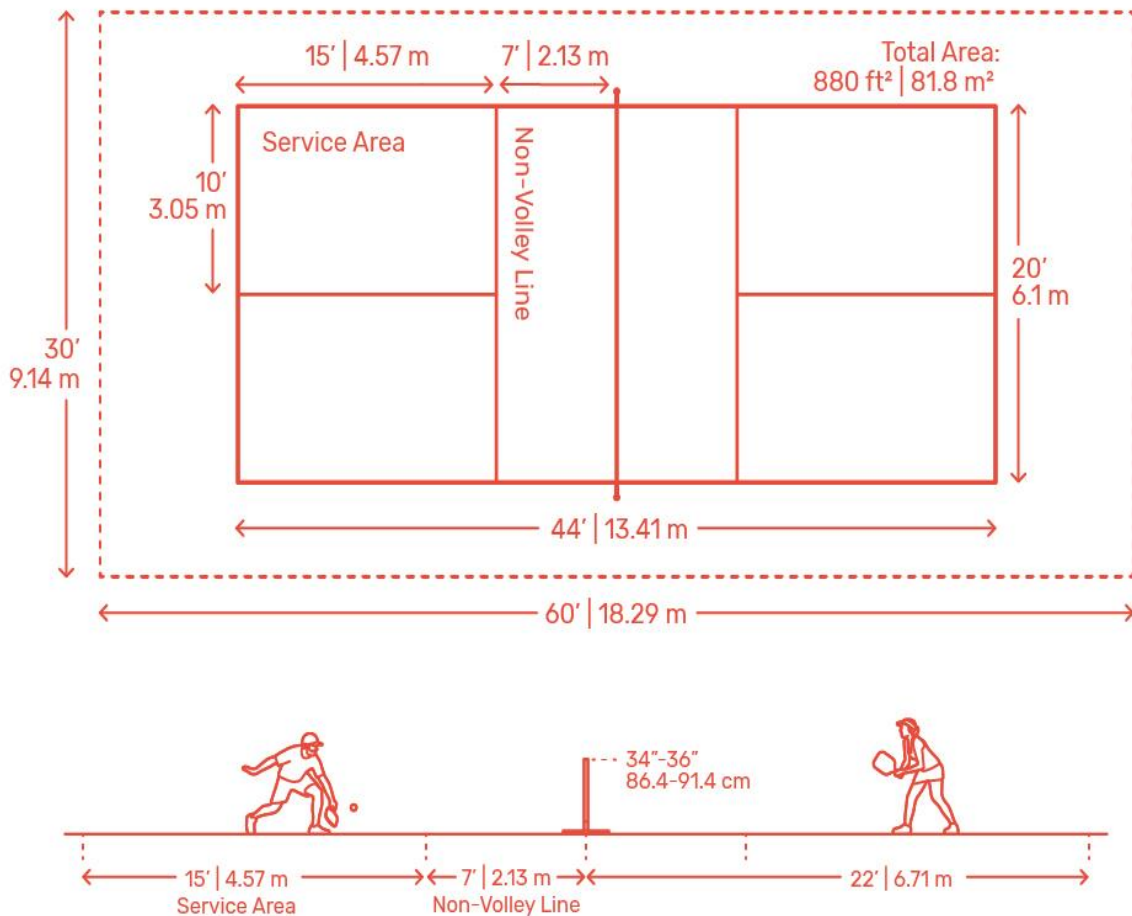
Staff's definition of a pickleball court is confusing if not incorrect.

(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



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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

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Noise Survey:

Pickleball Courts at Abrego Drive

Prepared for:

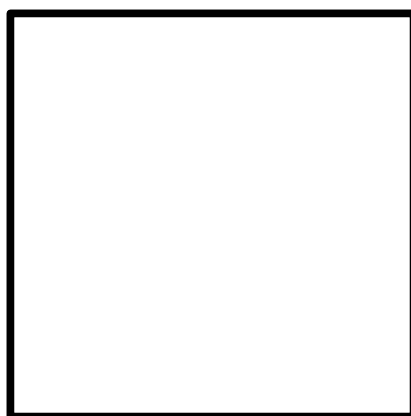
Green Valley Recreation, Inc.

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

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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.

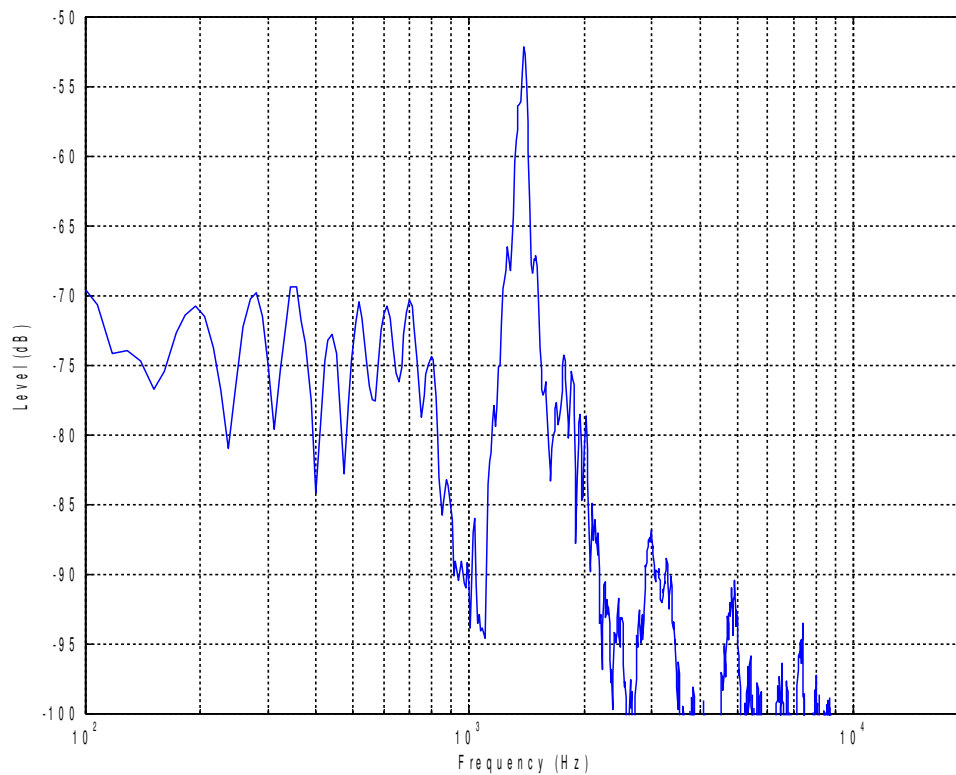


Figure 2.1. Spectral Response of a Sharp Hit

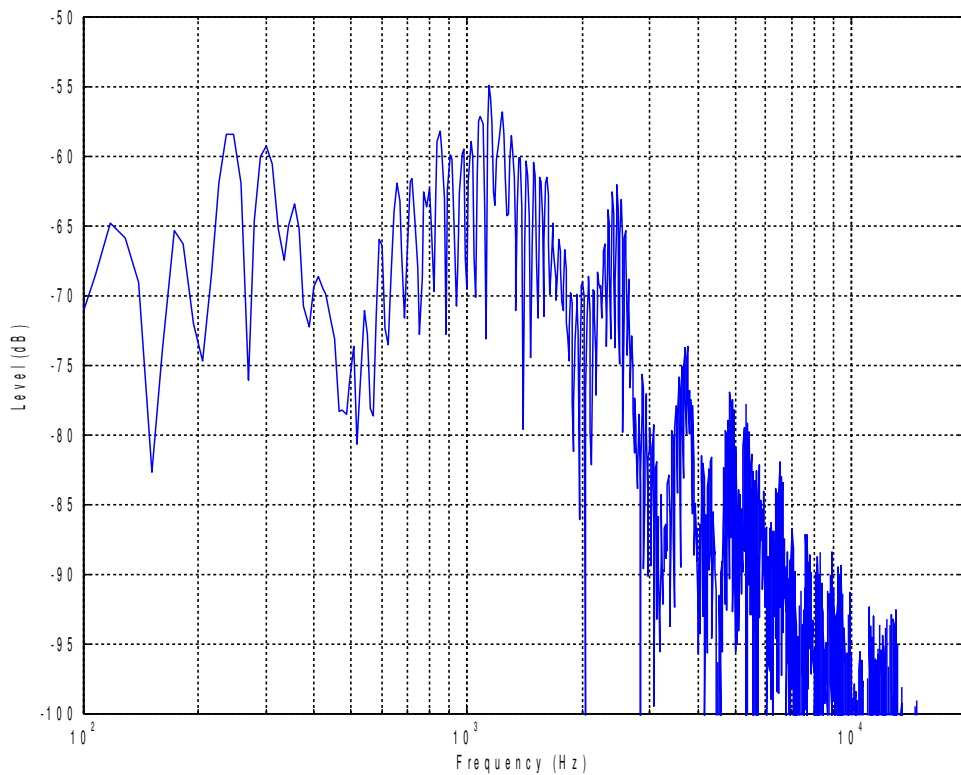


Figure 2.2. Spectral Response of a Dull Hit

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.

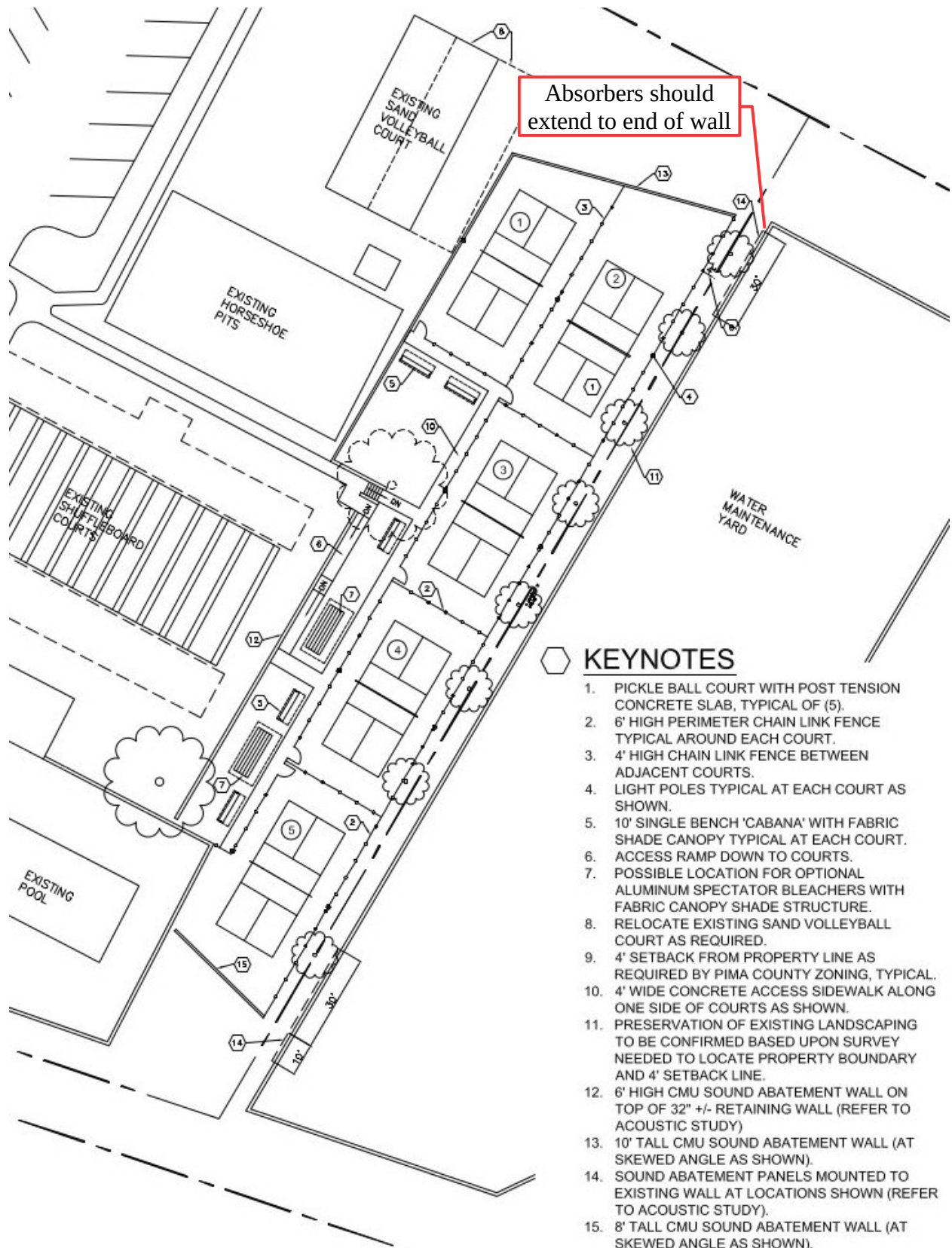


Figure 3.1. 5 Court Configuration

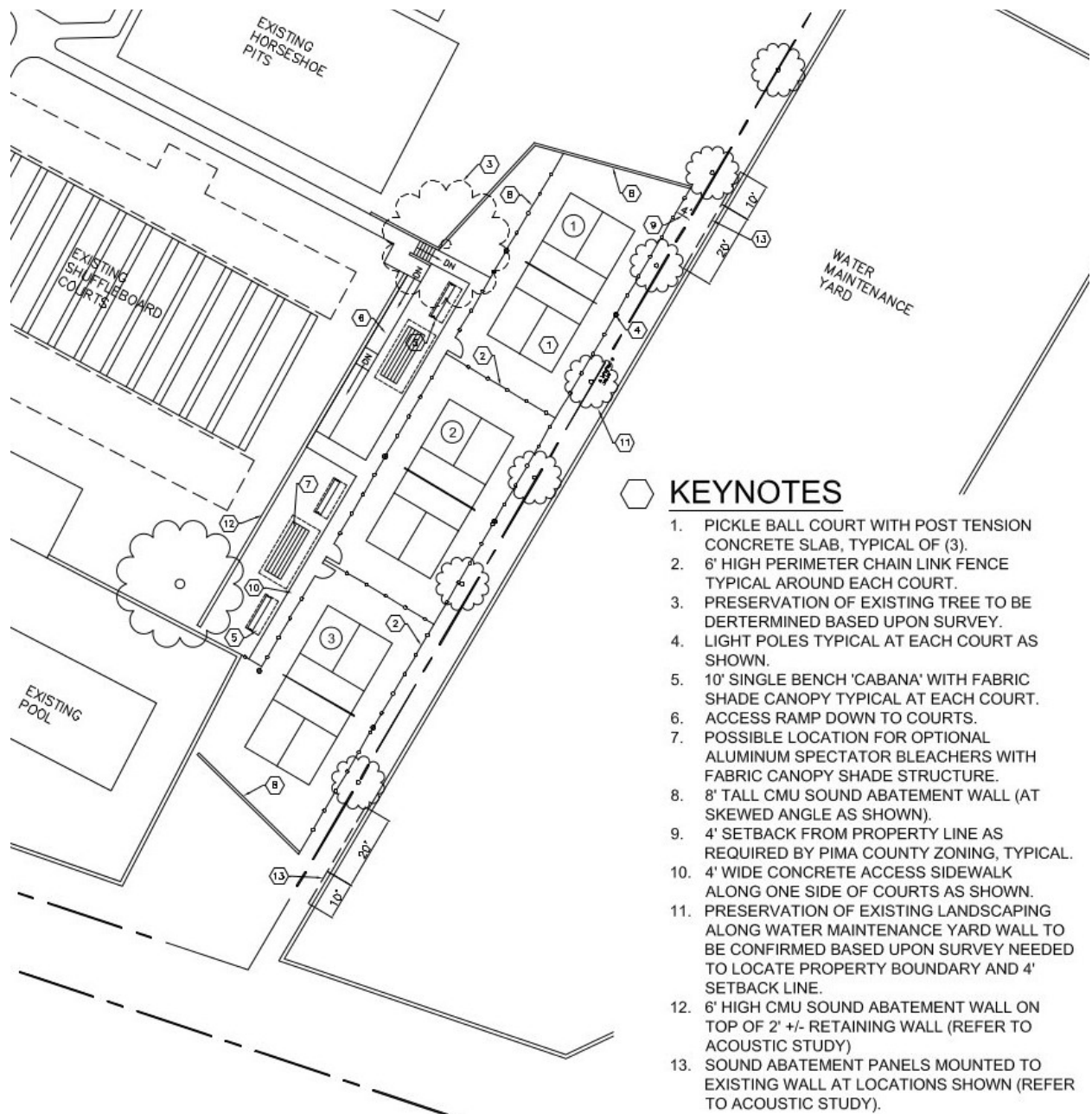


Figure 3.2. 3 Court Configuration

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 $1 - \text{SII}$ 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. 2.1 shows equal loudness contours as measured by Fletcher and Munson.

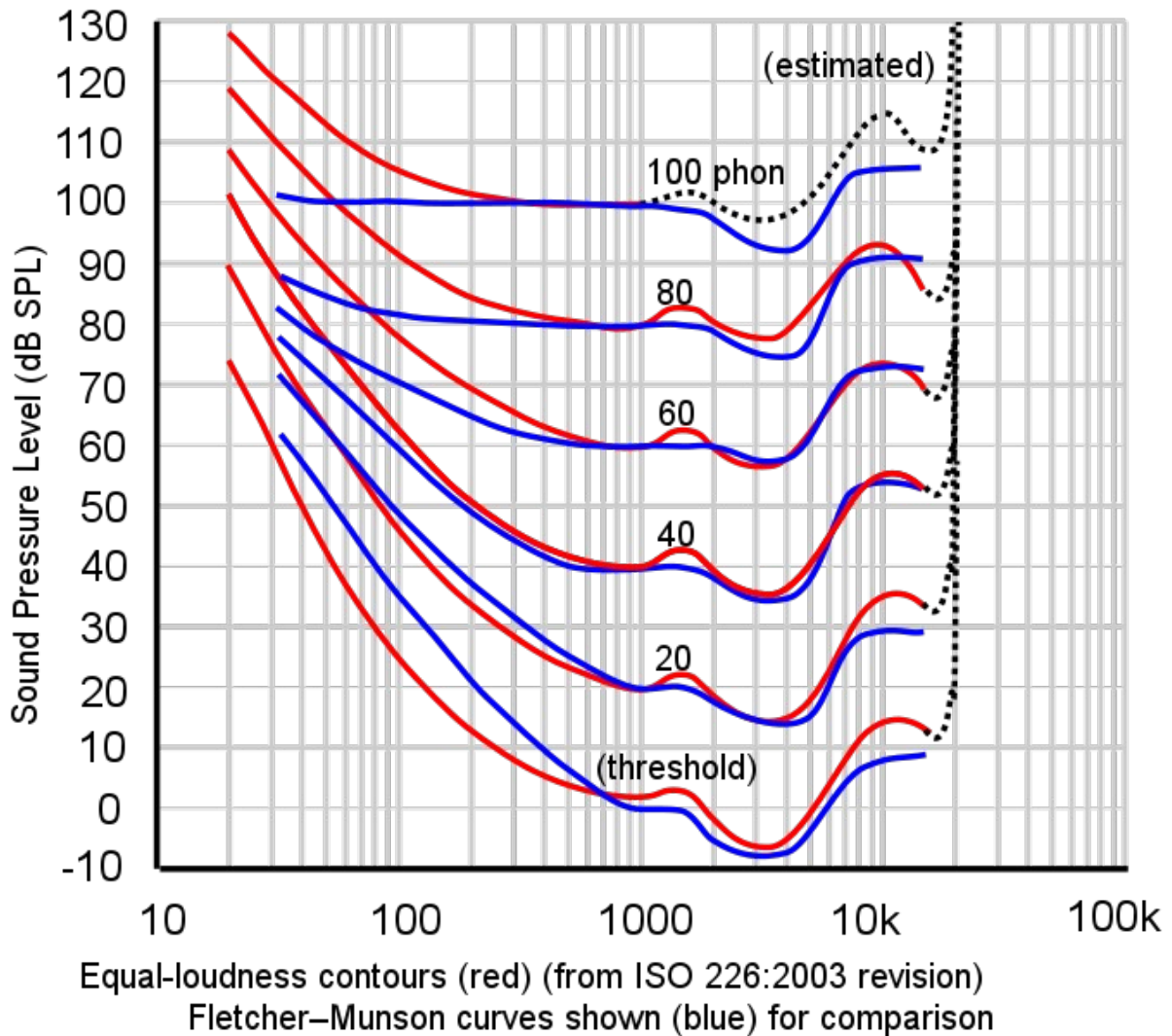


Figure A2.1. Equal Loudness Contours

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.

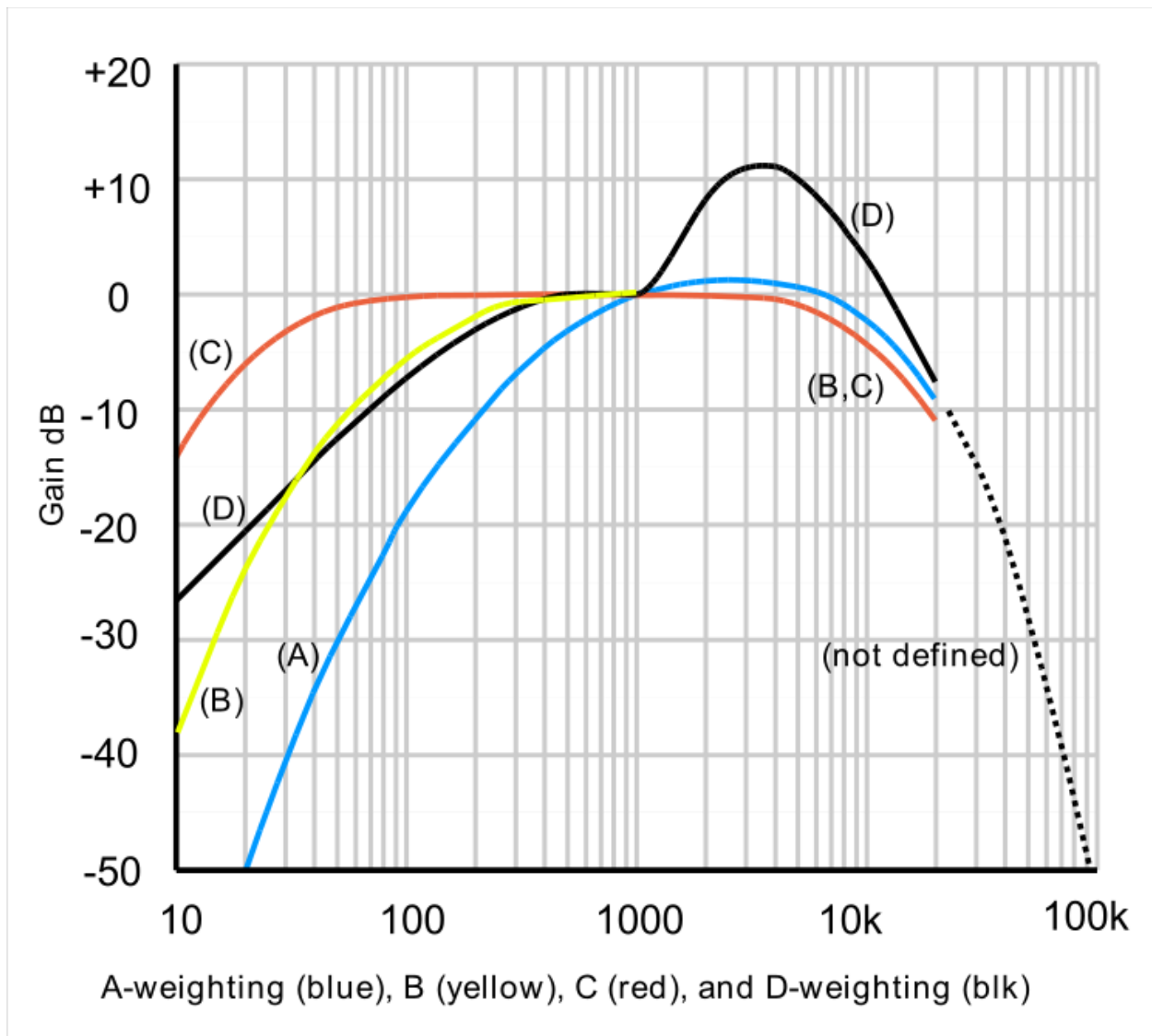


Figure A2.2. Frequency Weighting Filter Curves

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)

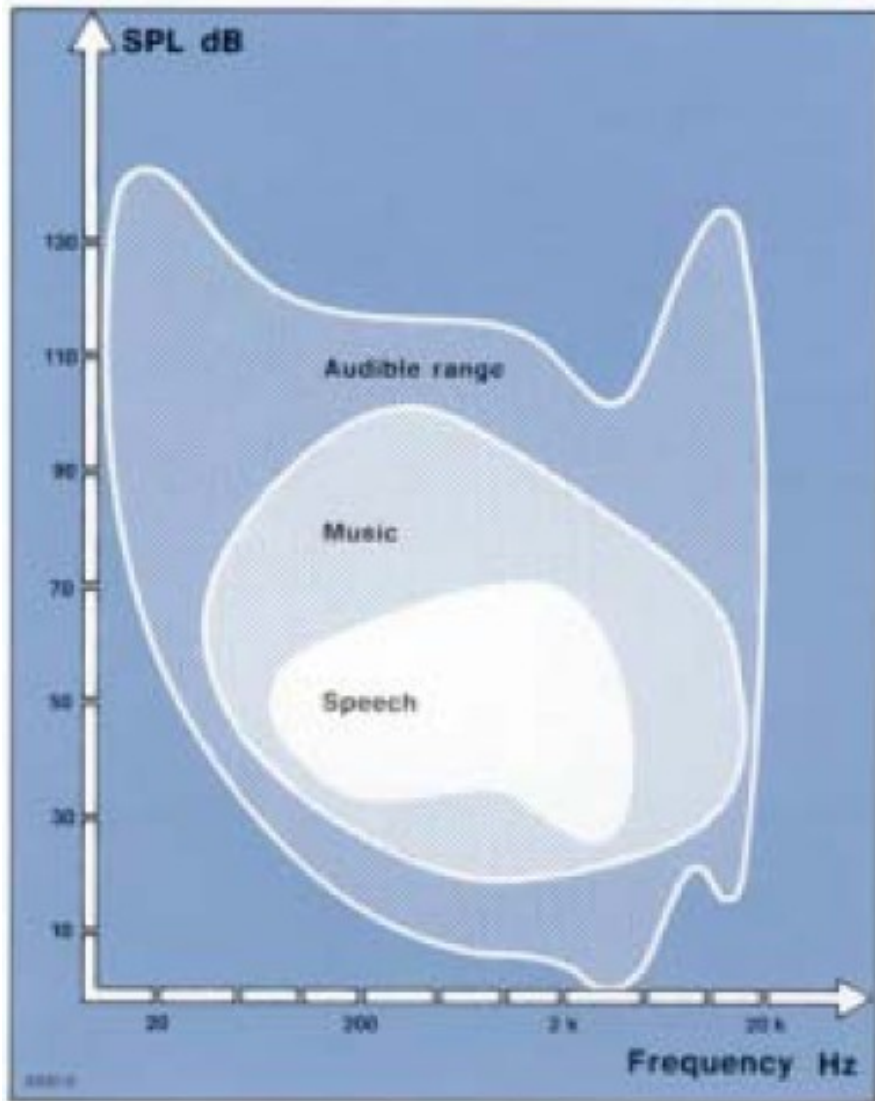


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Brüel and Kjaer)

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.

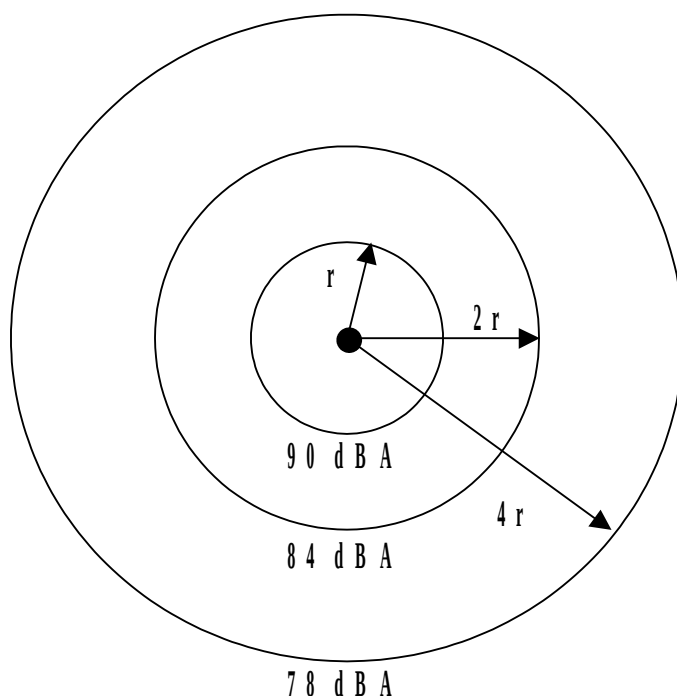


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

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.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

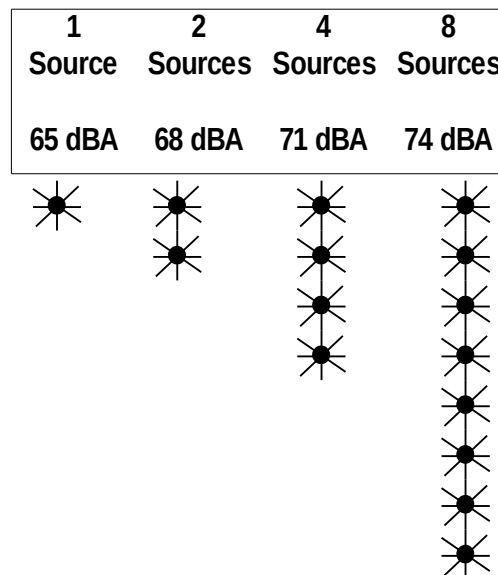


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

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.

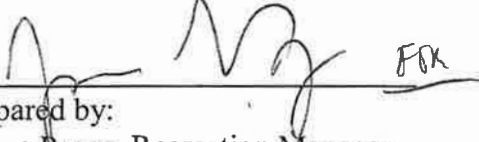
Recommendations

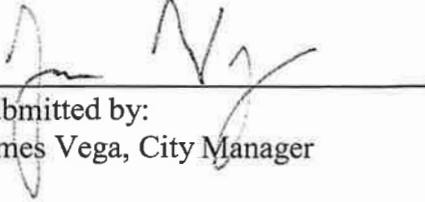
Staff recommends proceeding with one option immediately: installation of Pickleball Court signage and enforcement of rules listed on signage, including hours of play. This will ensure that play does not occur early in the morning or late at night. Council may consider additional options if there are 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)

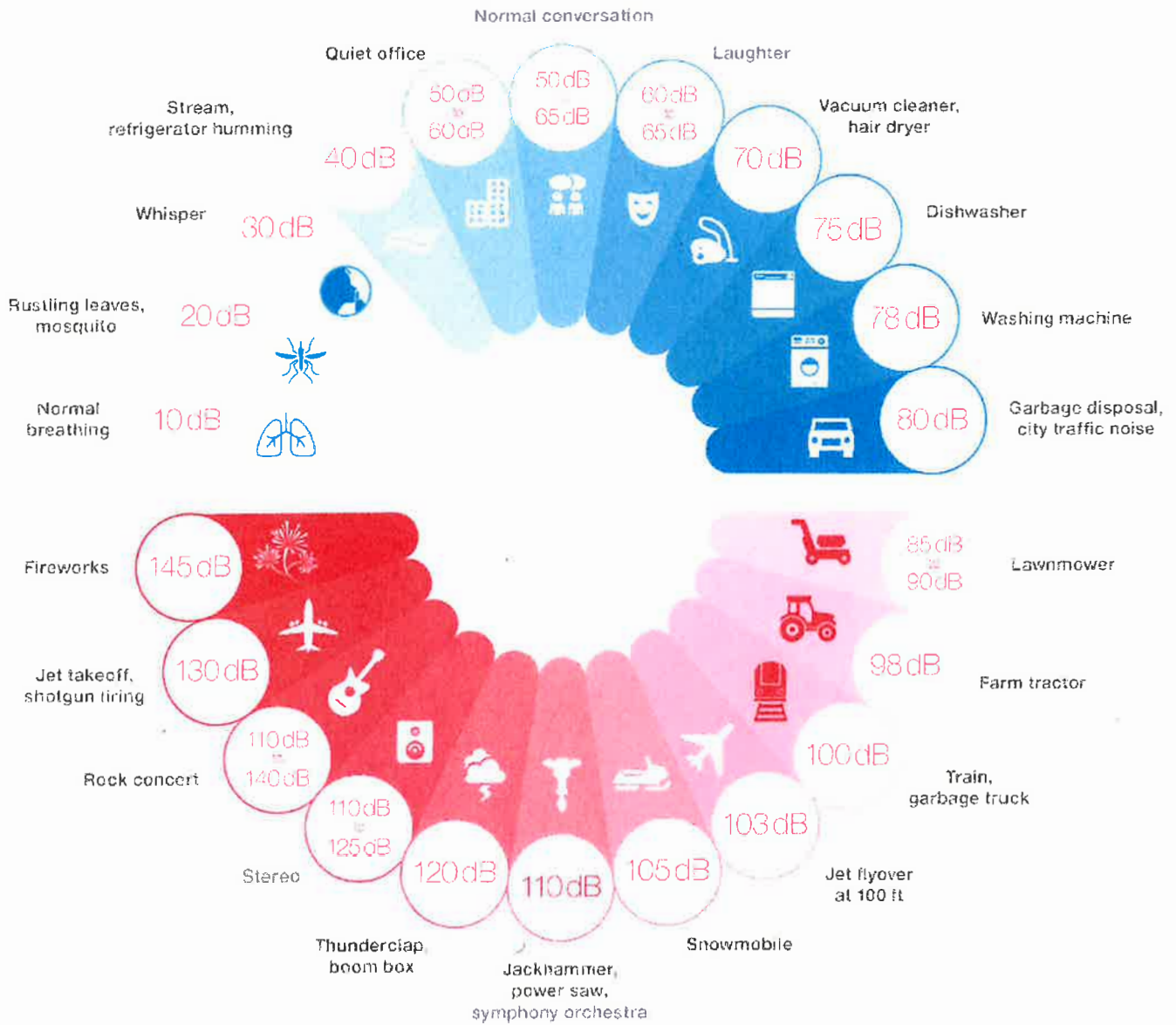
A PARK RENTAL PERMIT IS REQUIRED FOR ANY ORGANIZED ACTIVITY; ANY ACTIVITY THAT IS HELD ON A REGULAR BASIS OR REOCCURRING BASIS; FOR ANY PROFIT OR FEE BASED ACTIVITIES; OR FOR EXCLUSIVE USE OF A PARK FACILITY. VISIT OJAICITY.ORG OR CALL 805 646-5581 X 390 FOR MORE INFORMATION.

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

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Decibels/Noise Levels



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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](#)

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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.

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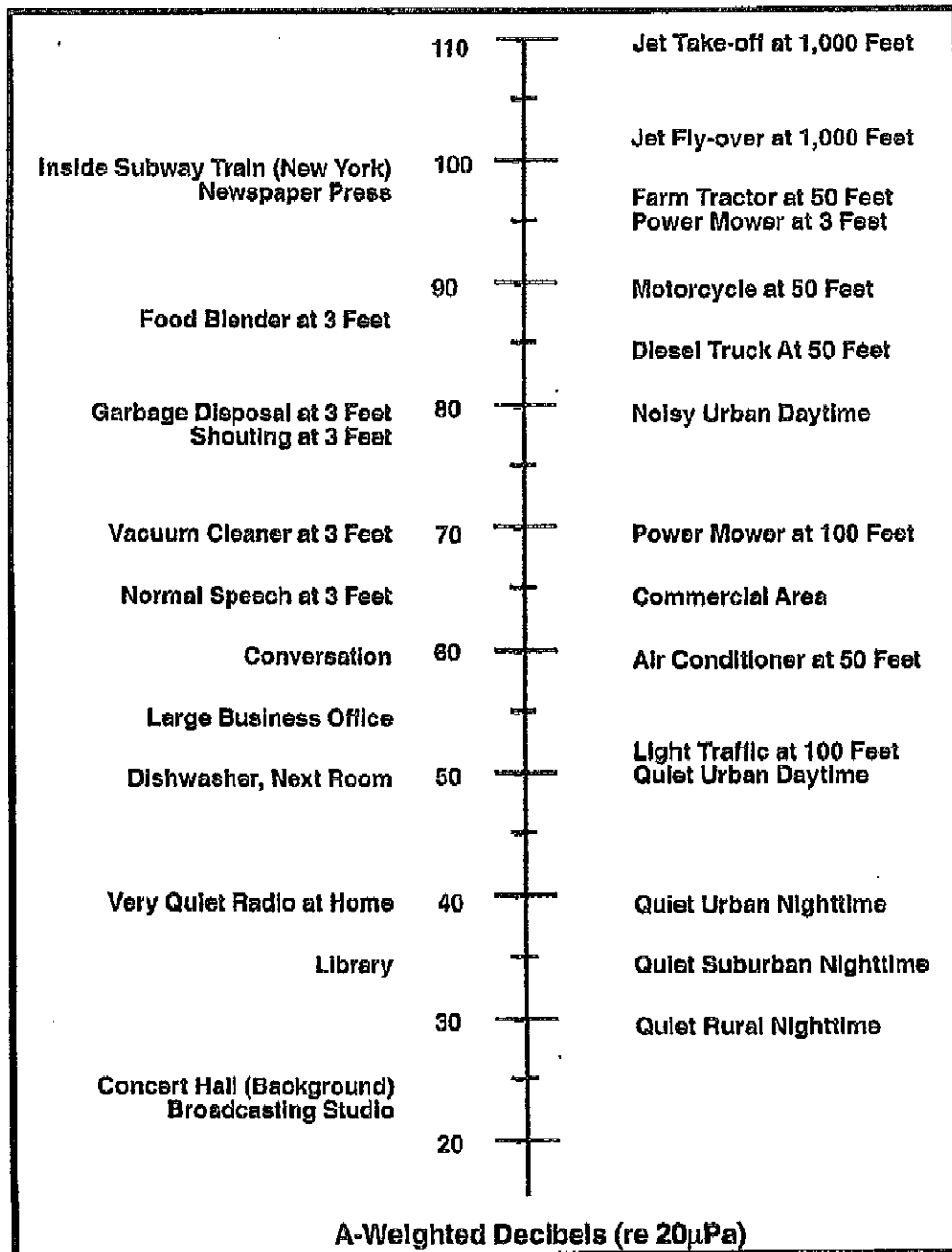


Figure 1. Typical A-weighted Sound Levels from Indoor and Outdoor Noise Sources.



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

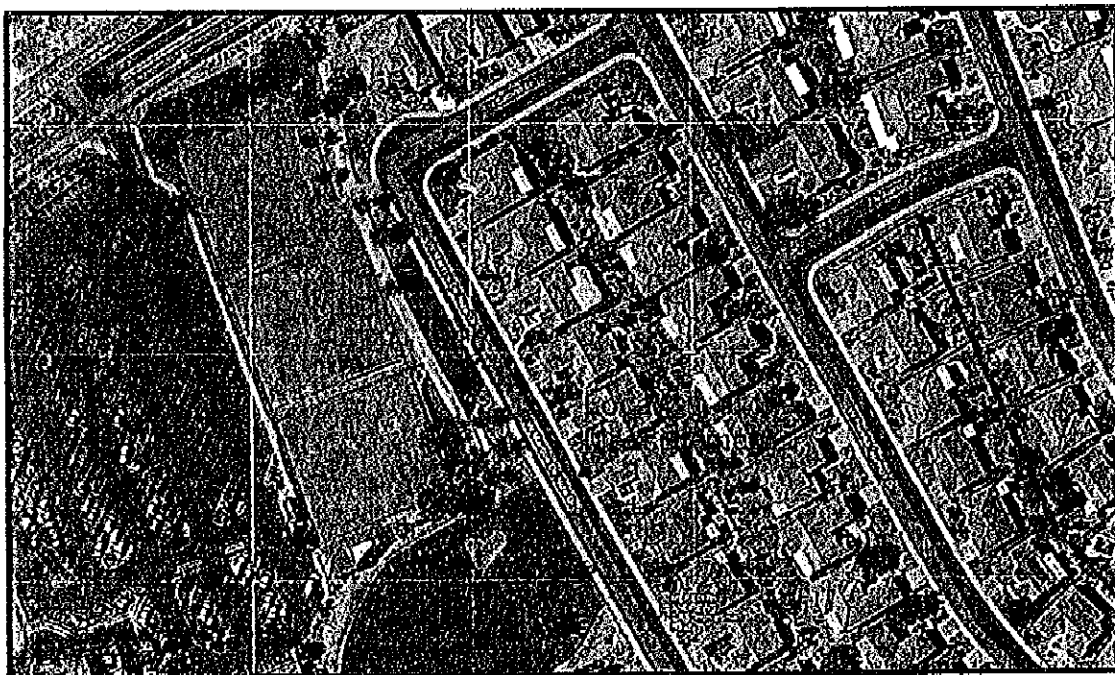


Figure 2. Location of the Ambient Noise Measurement

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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

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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, Leg, 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 602-635-6196 if you have any questions regarding this report.

Sincerely,
ACOUSTICS GROUP, INC.

Robert Woo
Principal Consultant

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APPENDIX

PLOTS OF THE PADDLE TEST DATA

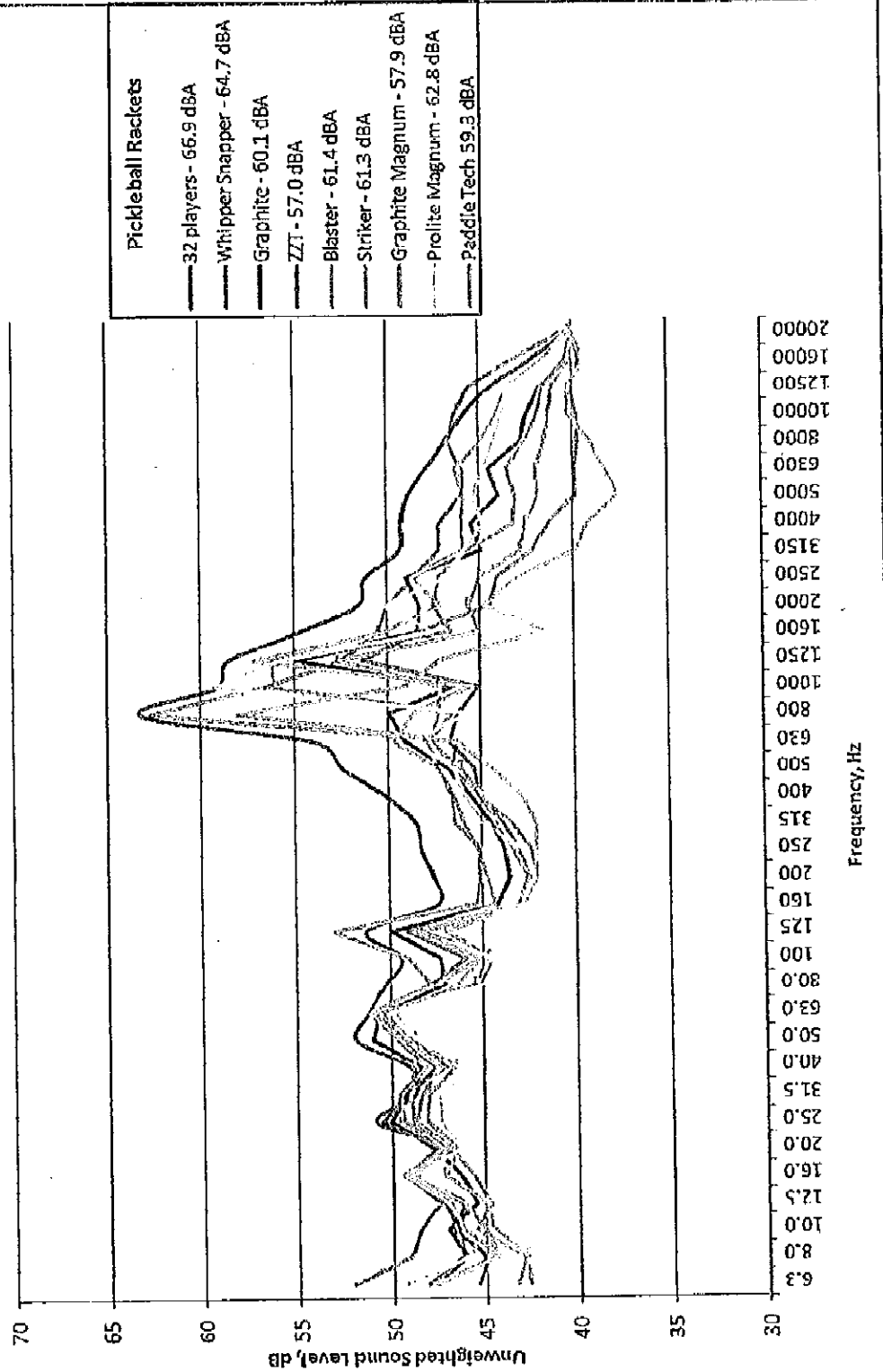
Figure X-1 depicts the measured one-third octave band sound levels without acoustifence and Figure X-2 depicts the measured one-third octave band sound levels with acoustifence. Figure X-3 compares the measured sound levels of the 32 players with and without acoustifence. Figure X-4 through X-11 compares 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

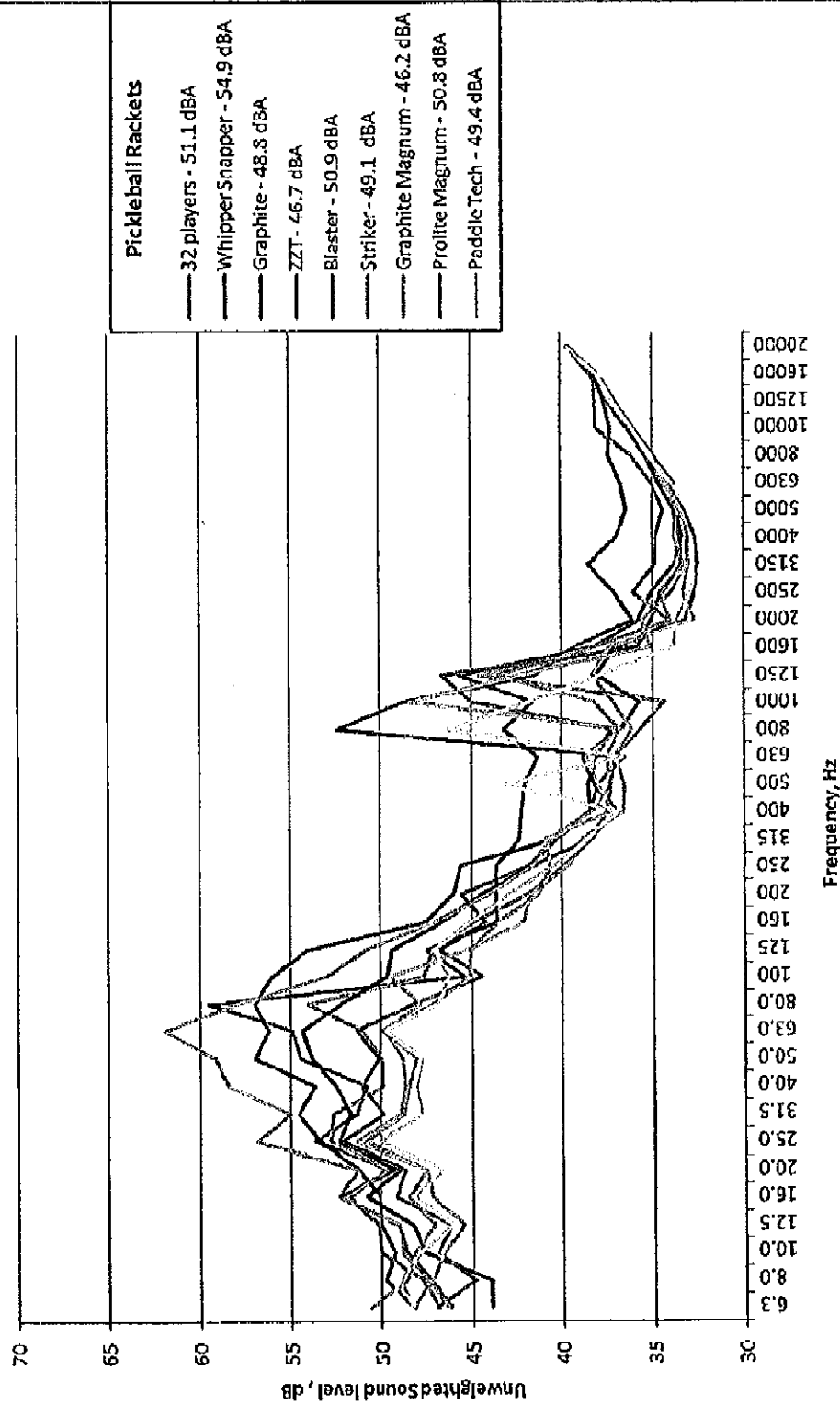


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Figure X-2. Measured One-Third Octave Band Sound Levels with Acoustifence - 6/20/12

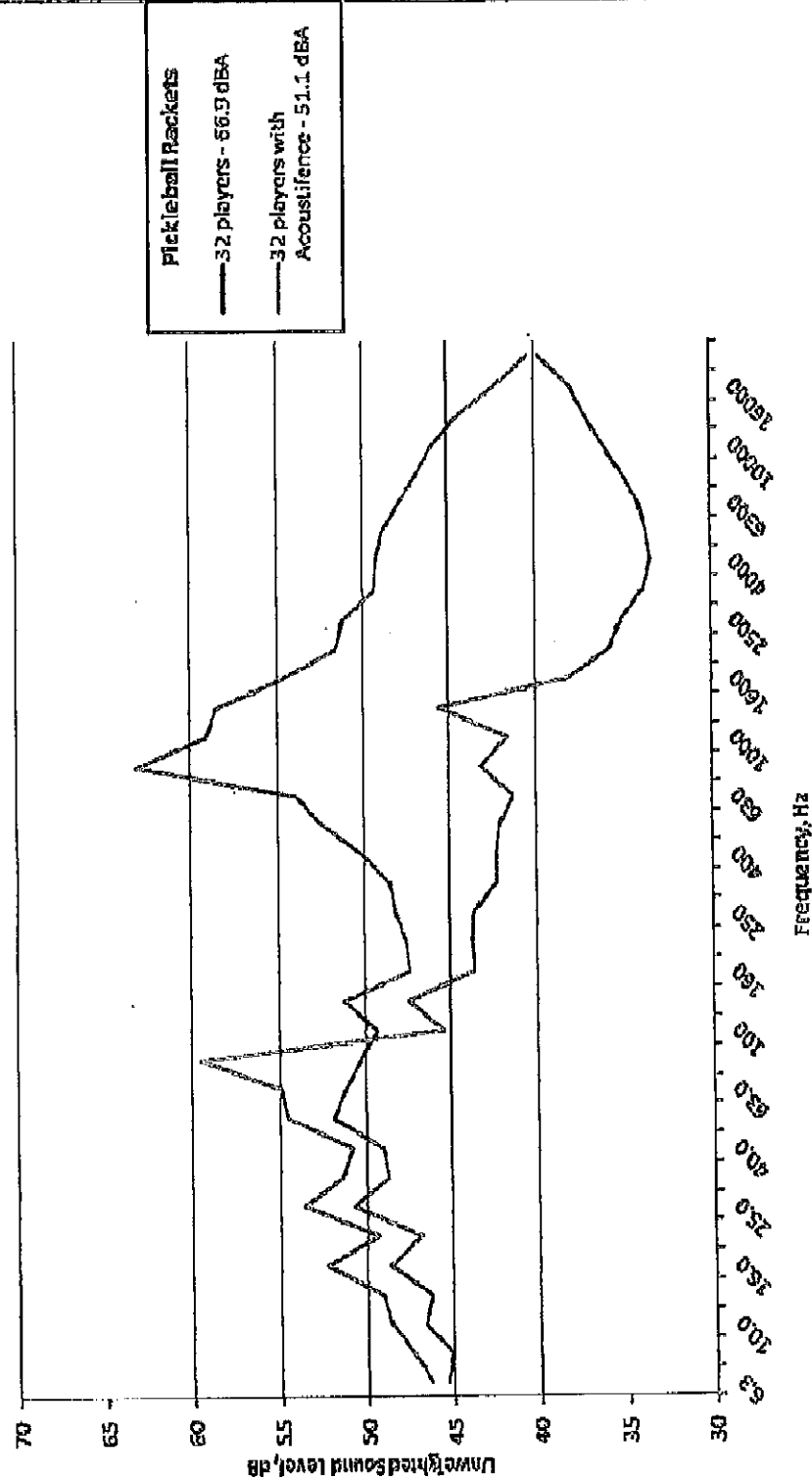


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Figure X-3. Measured One-Third Octave Band Sound Levels with and without Acoustifence

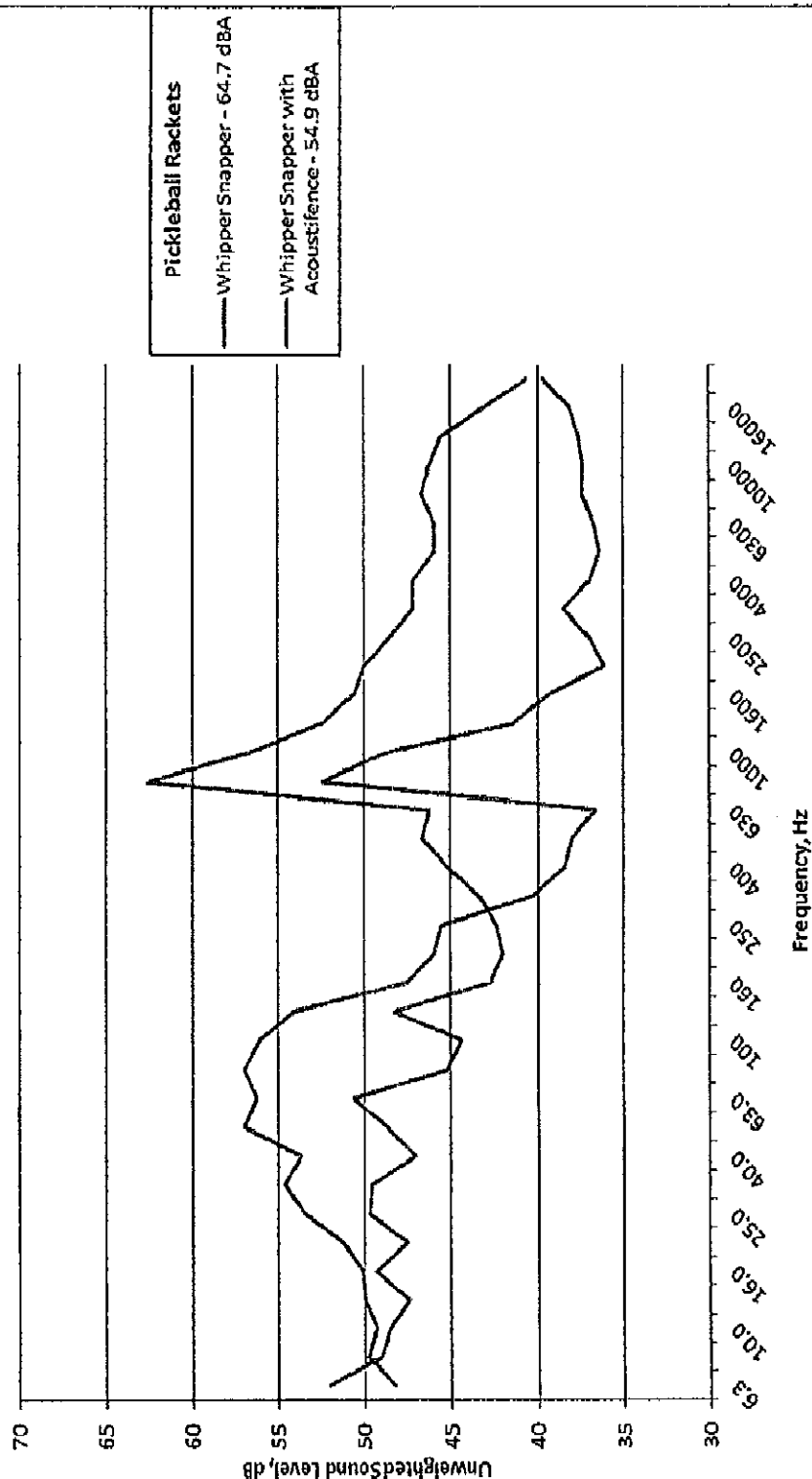


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Figure X-4. Measured One-Third Octave Band Sound Levels with and without Acoustifence

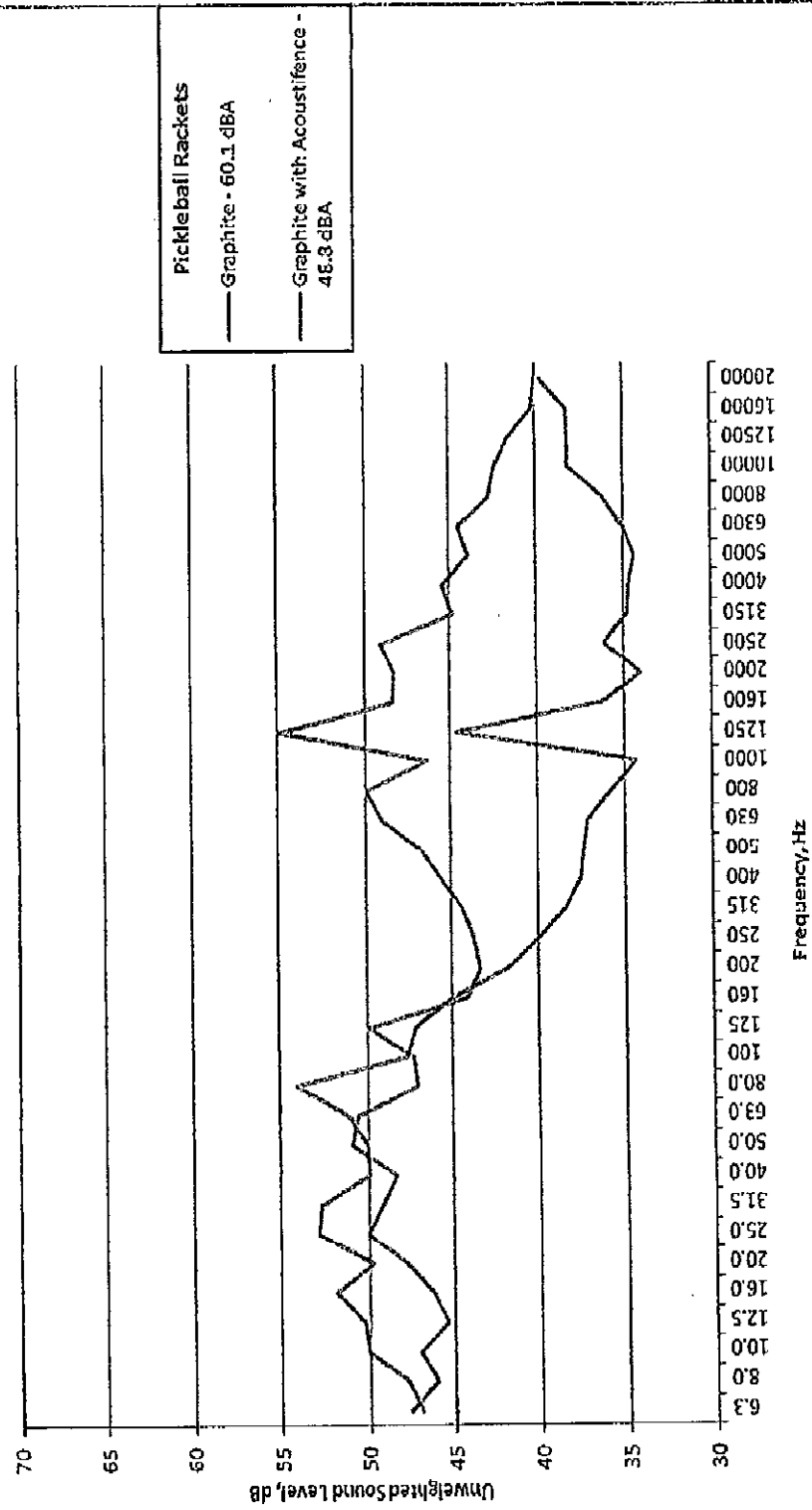


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Figure X-5. Measured One-Third Octave Band Sound Levels with and without Acoustifence



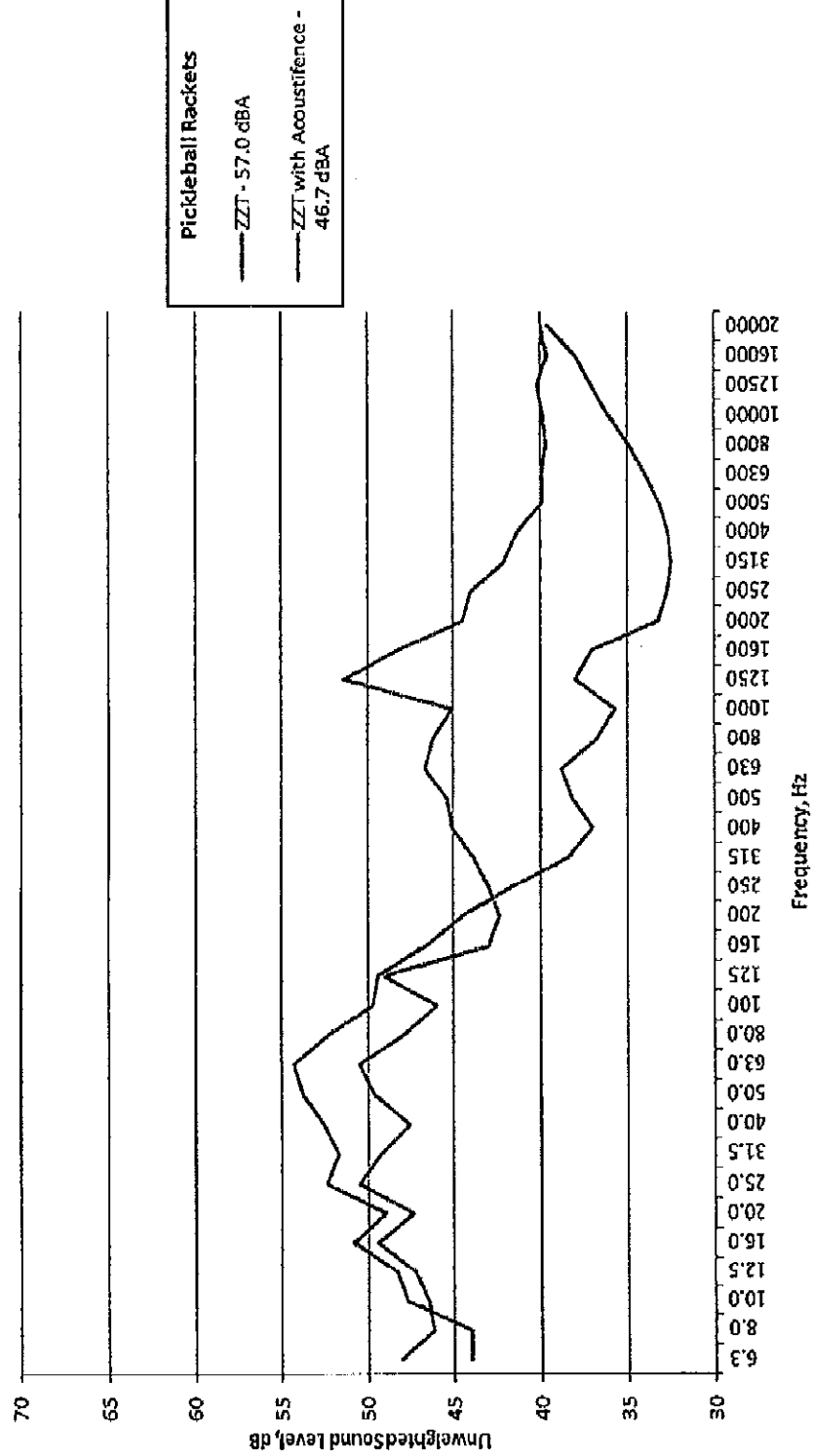
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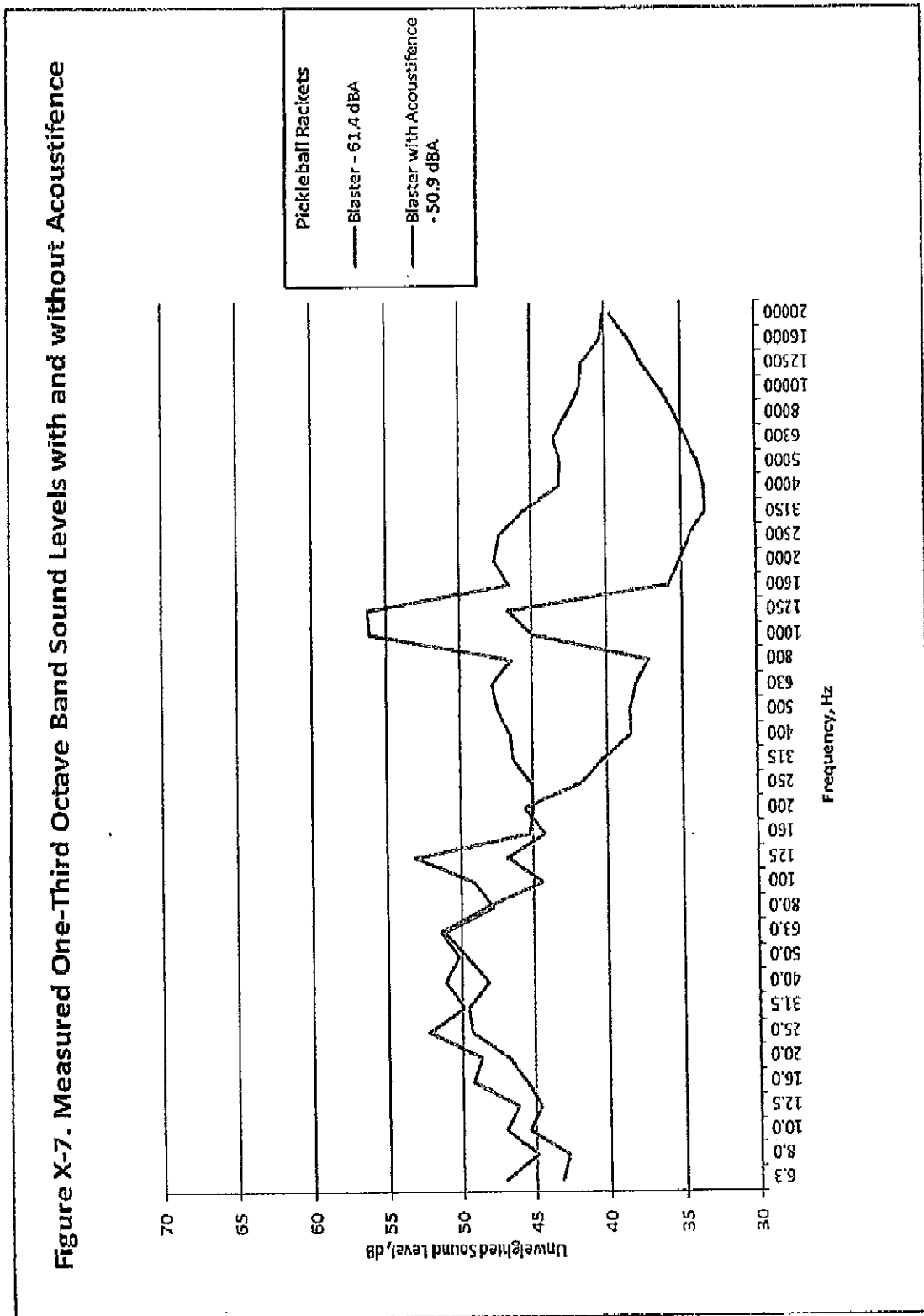
Figure X-6. Measured One-Third Octave Band Sound Levels with and without Acoustifence



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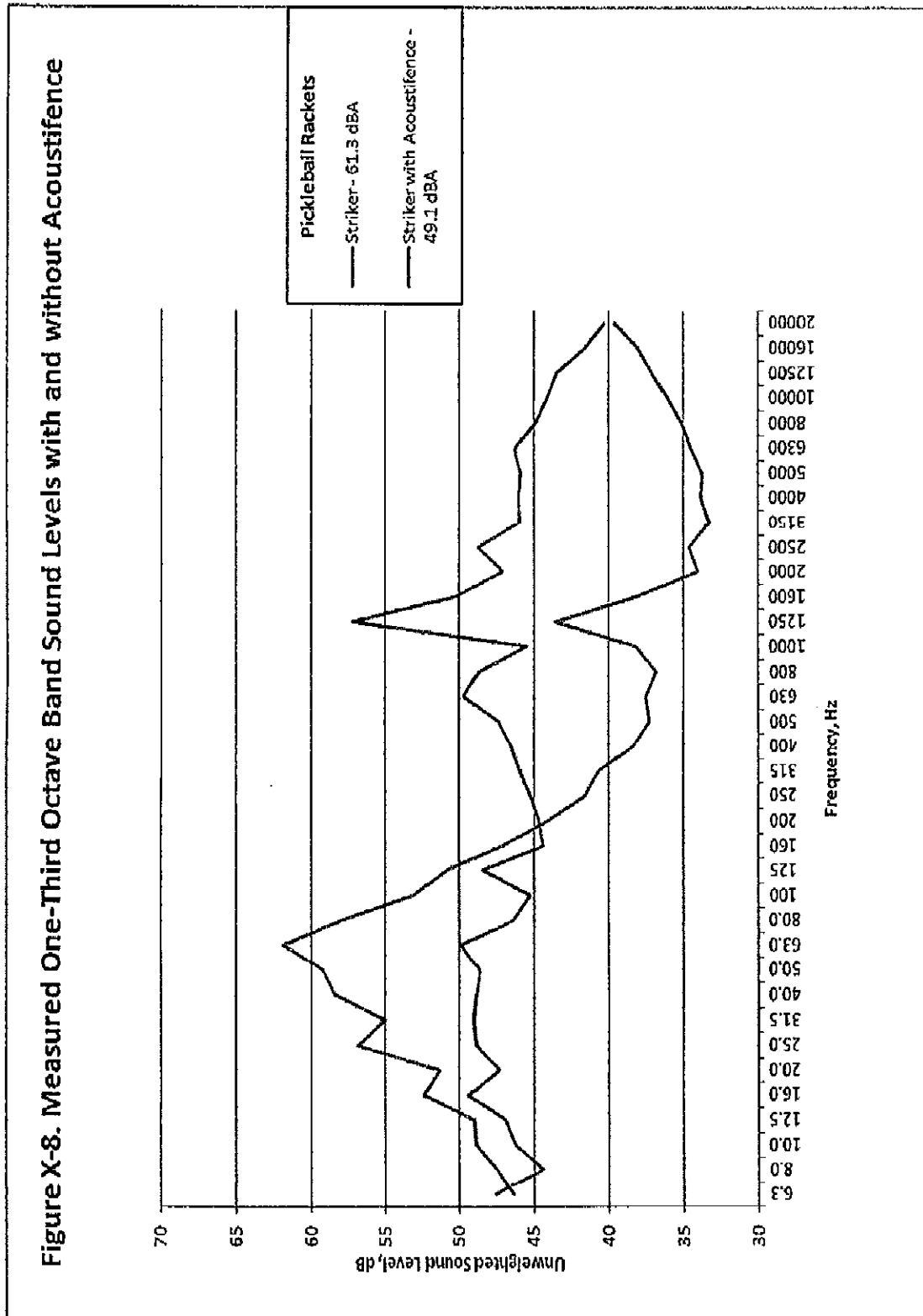
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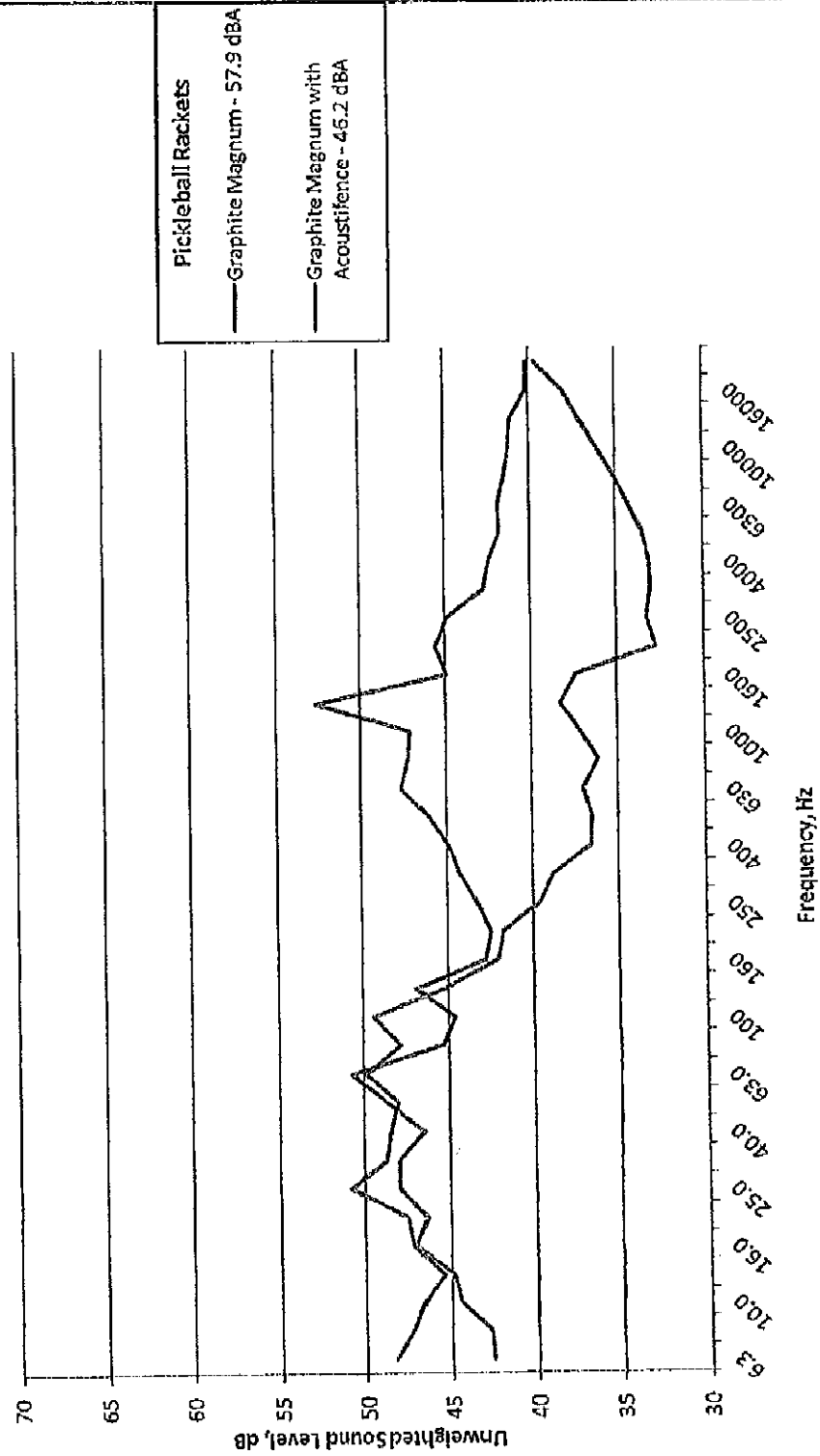
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Figure X-9. Measured One-Third Octave Band Sound Levels with and without Acoustifence

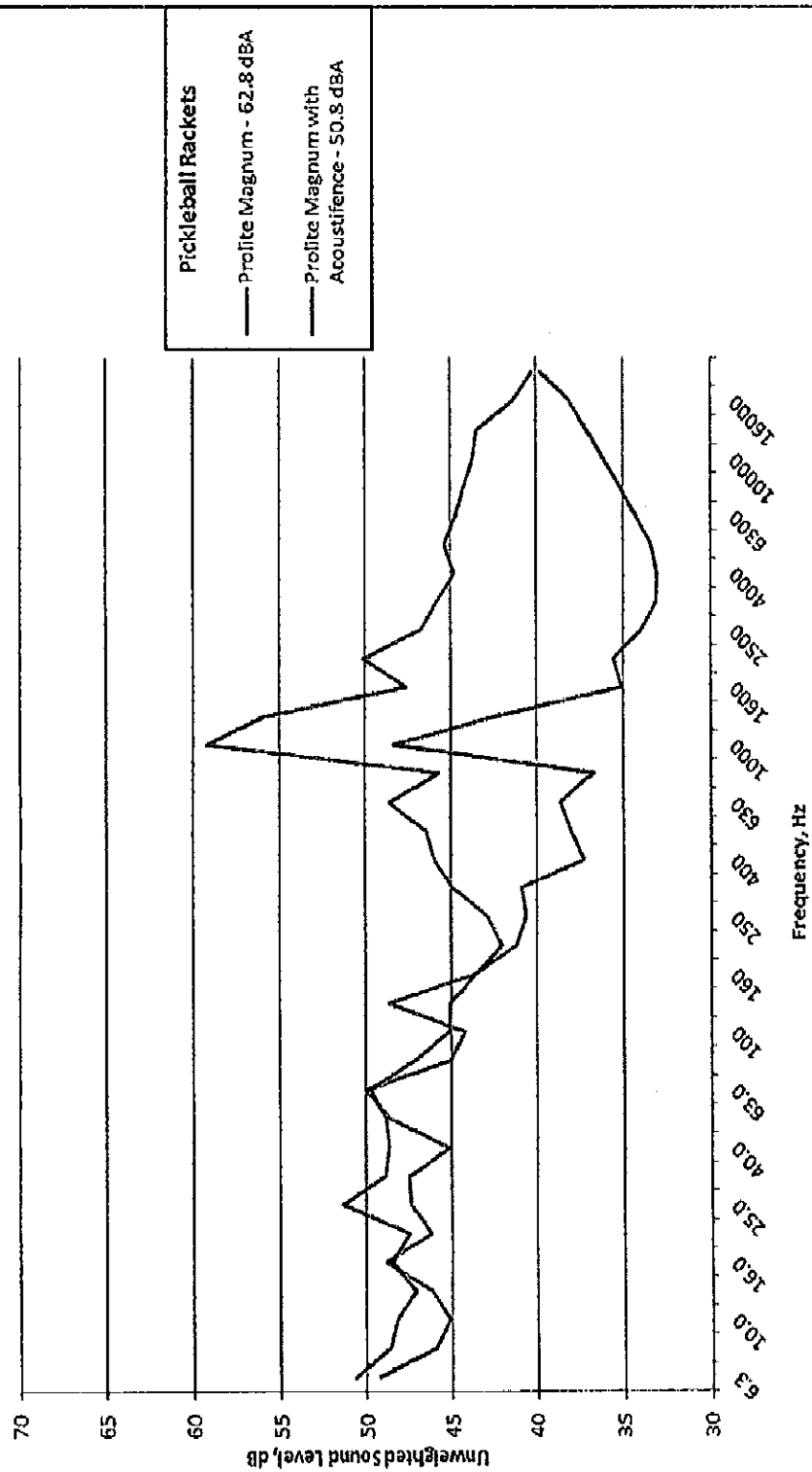


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Figure X-10. Measured One-Third Octave Band Sound Levels with and without Acoustifence



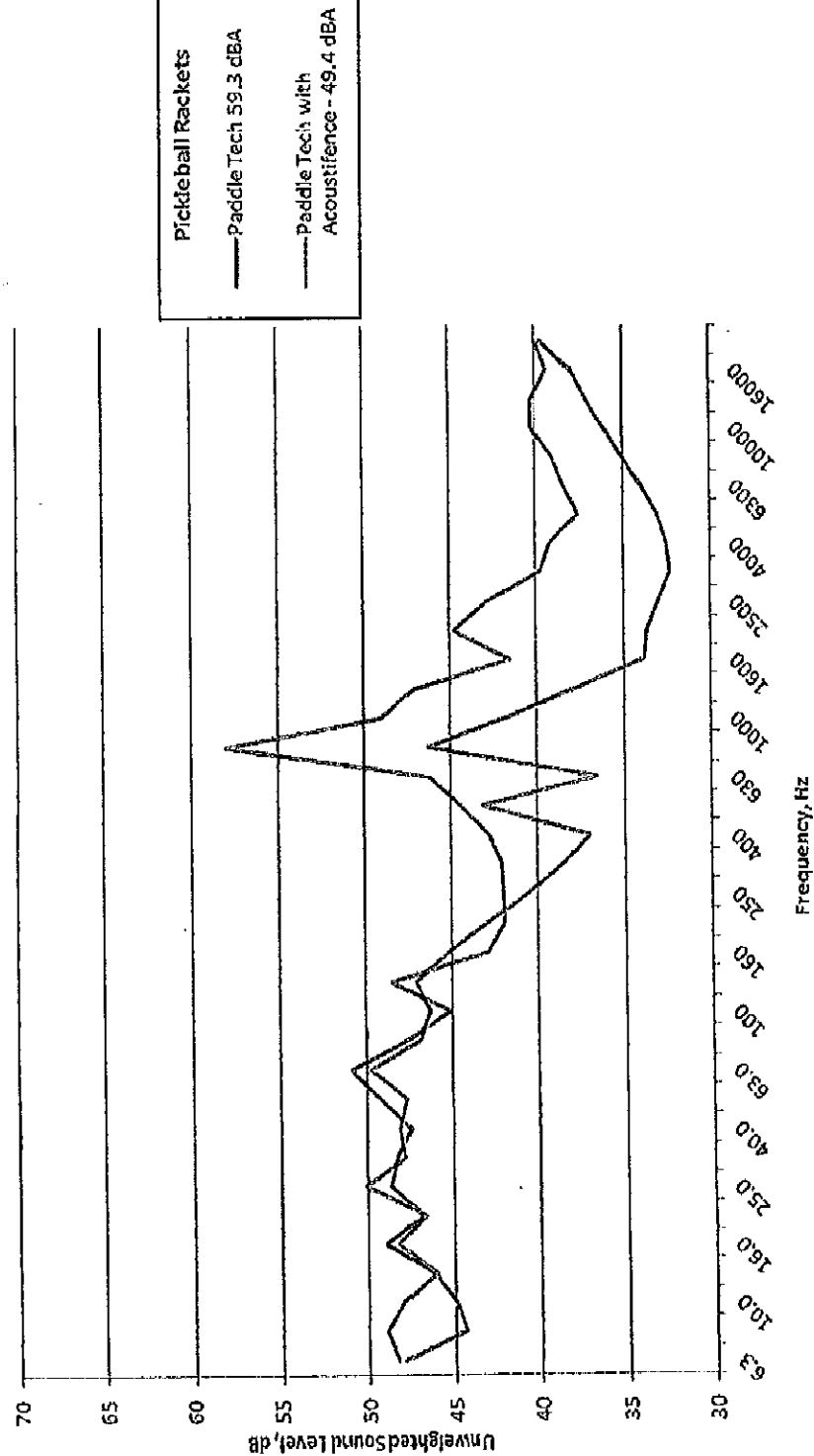
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Figure X-11. Measured One-Third Octave Band Sound Levels with and without Acoustifence



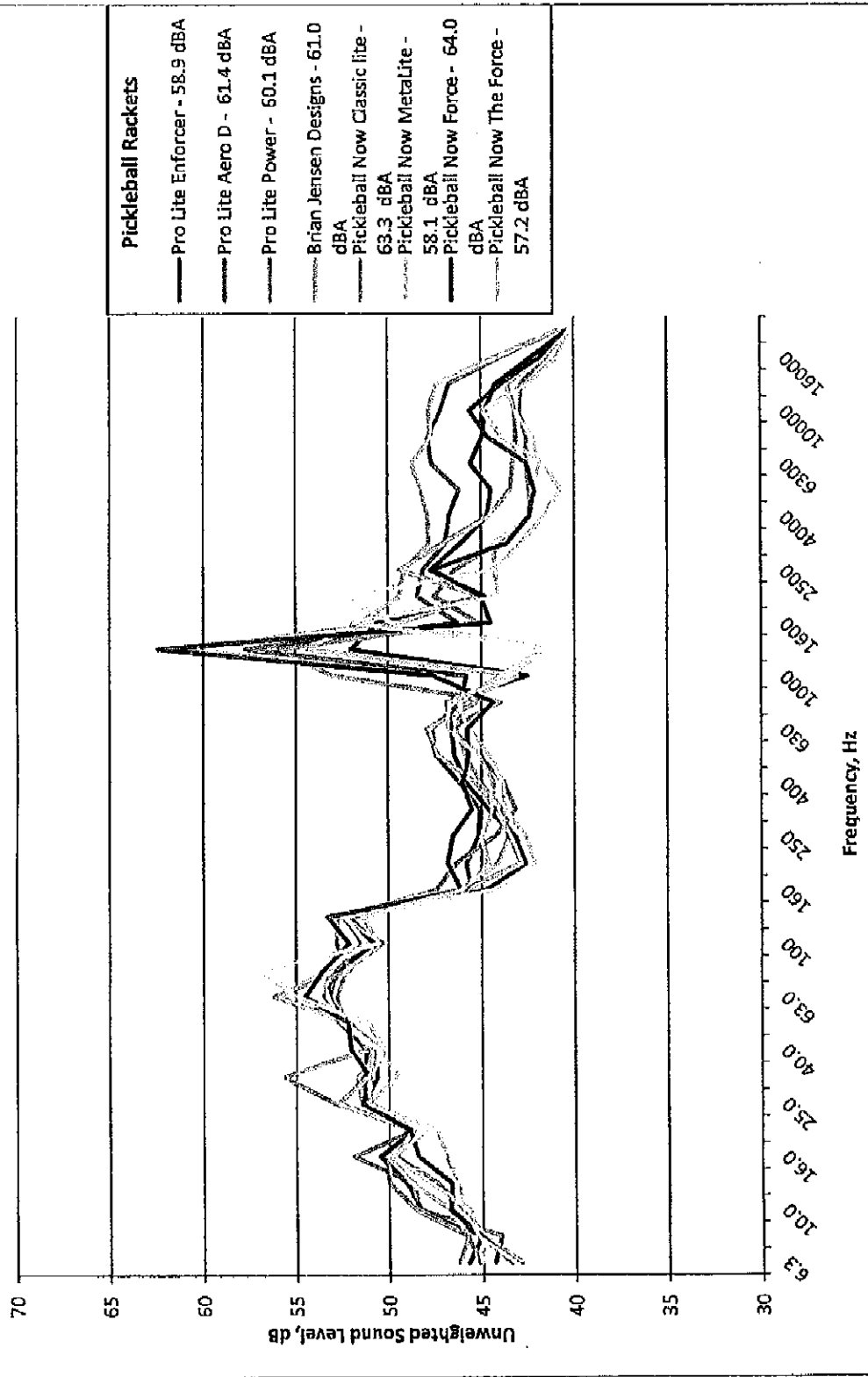
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Figure X-12. Measured One-Third Octave Band Sound Levels with New Racket Types
without Acoustifence - 8/22/12

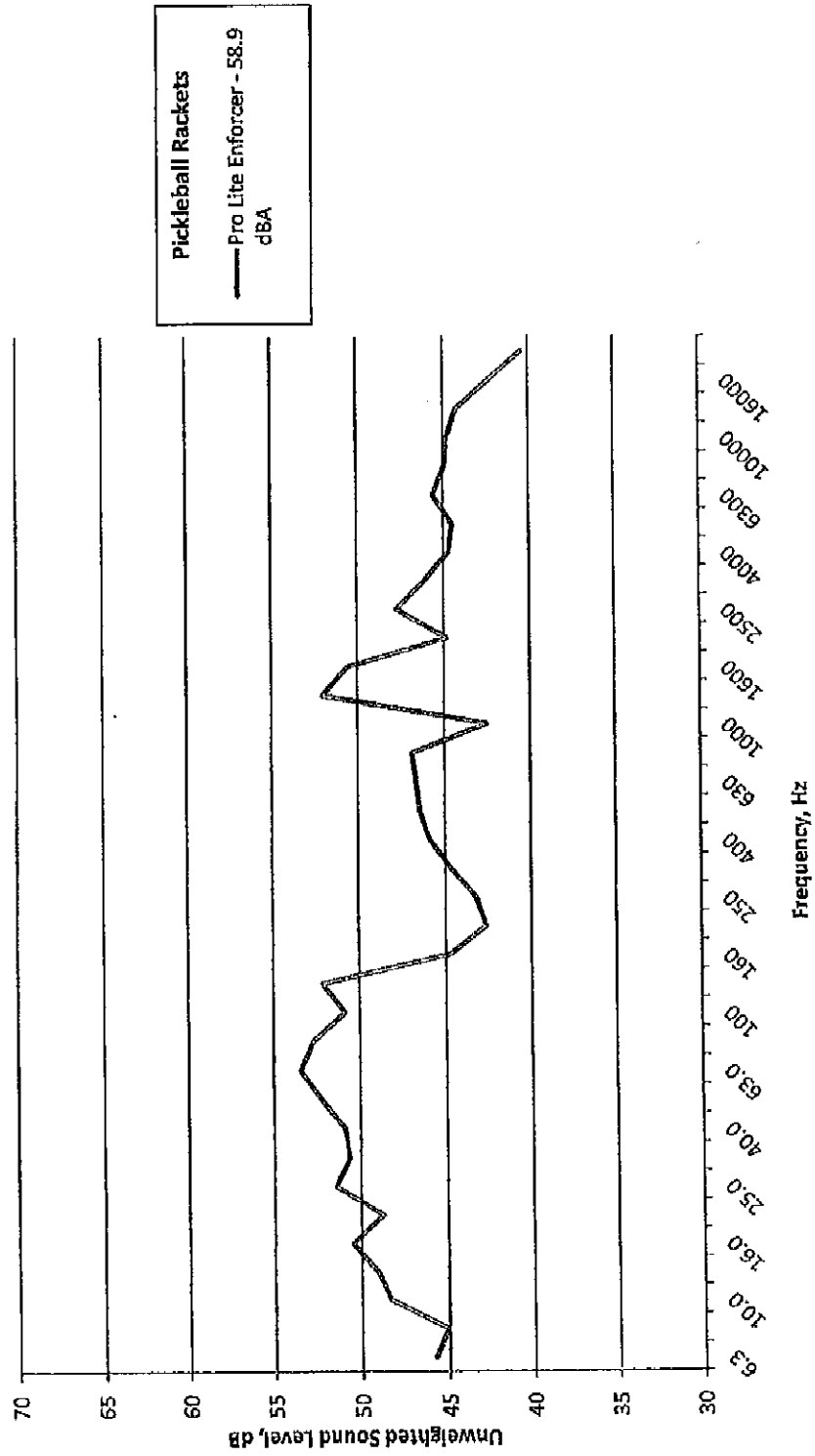


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Figure X-13. Measured One-Third Octave Band Sound Levels with Pro Lite Enforcer



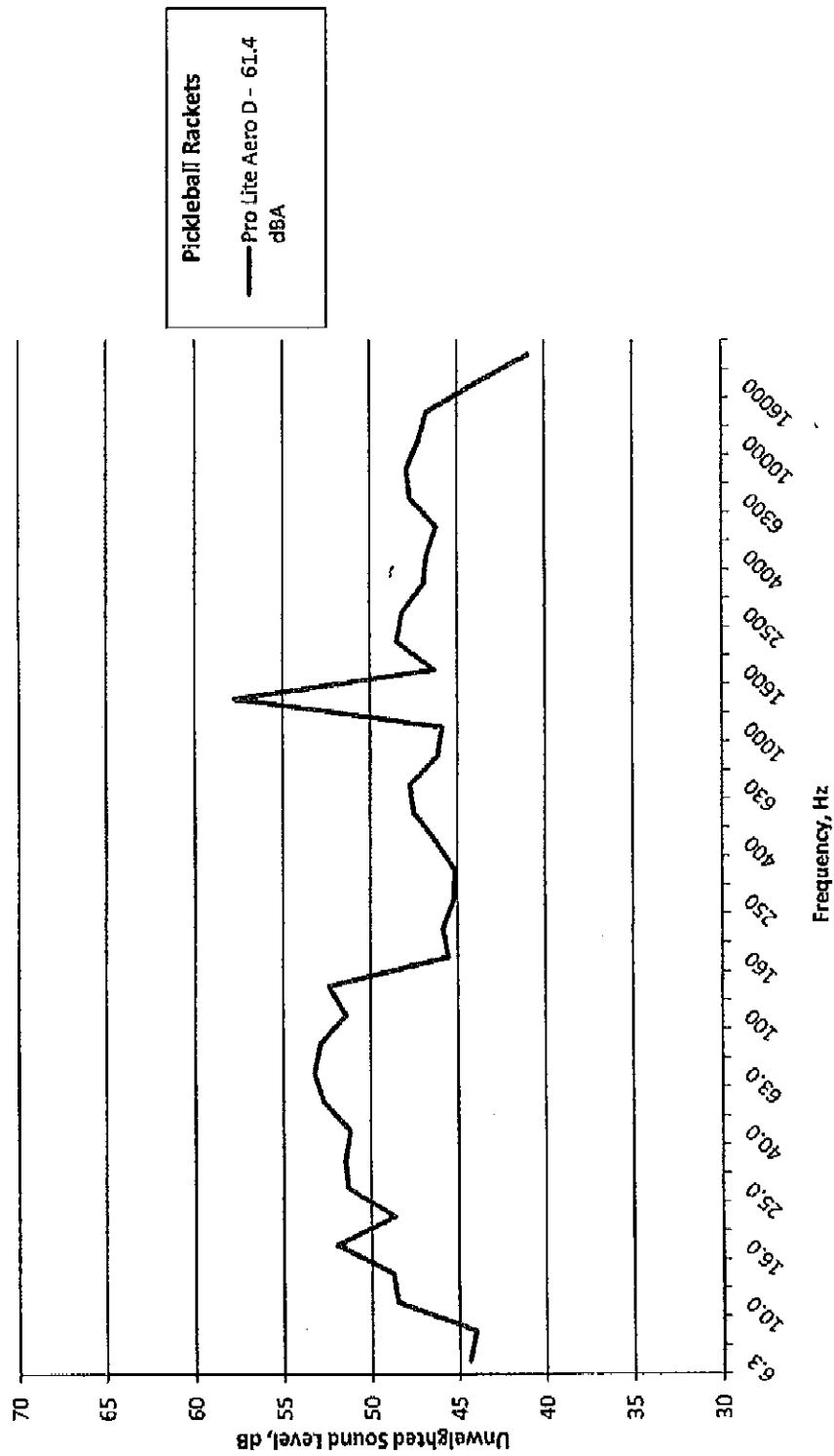
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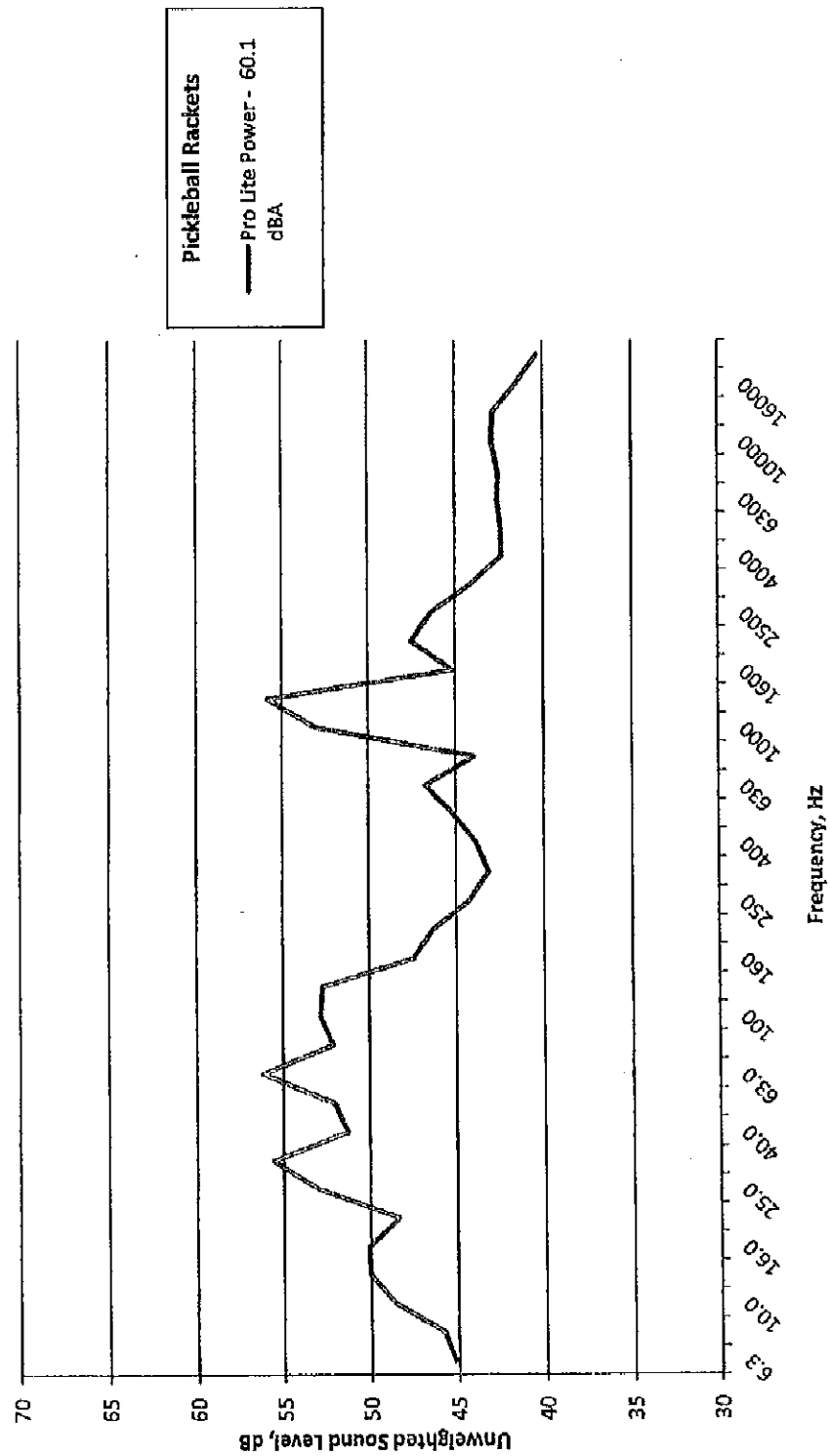
Figure X-14. Measured One-Third Octave Band Sound Levels with Pro Lite Aero D



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Figure X-15. Measured One-Third Octave Band Sound Levels with Pro Lite Power

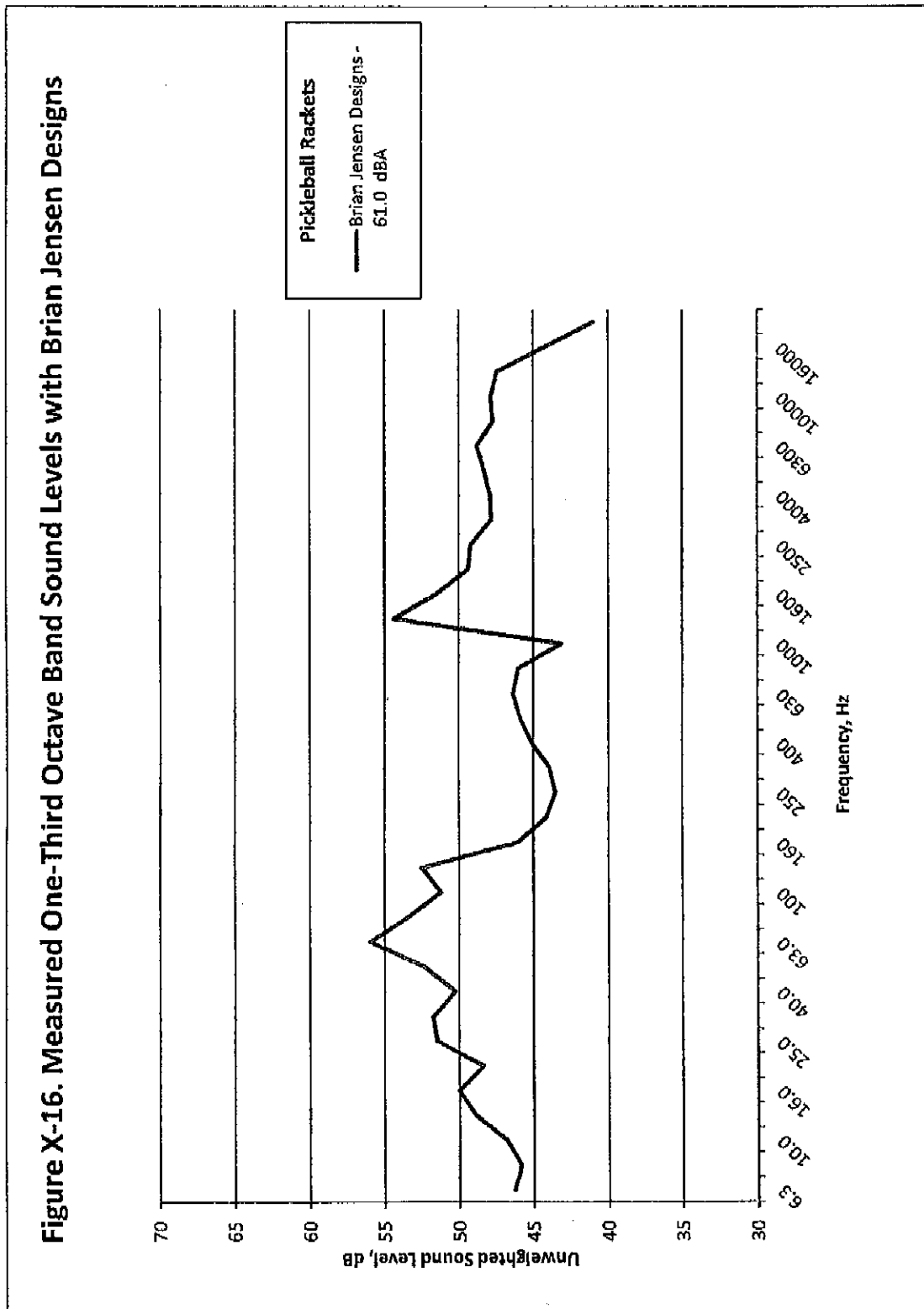


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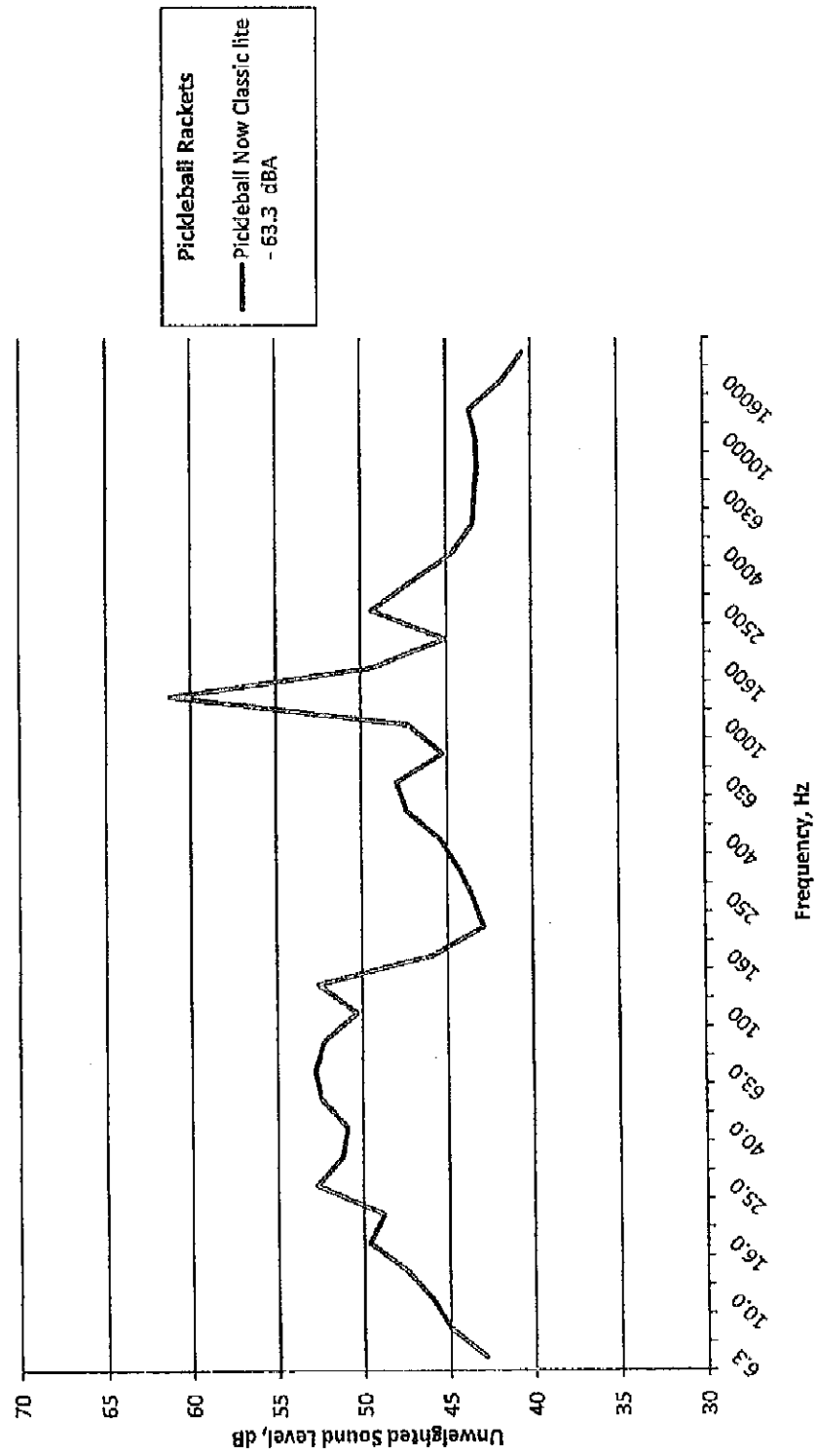


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Figure X-17. Measured One-Third Octave Band Sound Levels with Pickleball Now Classic lite

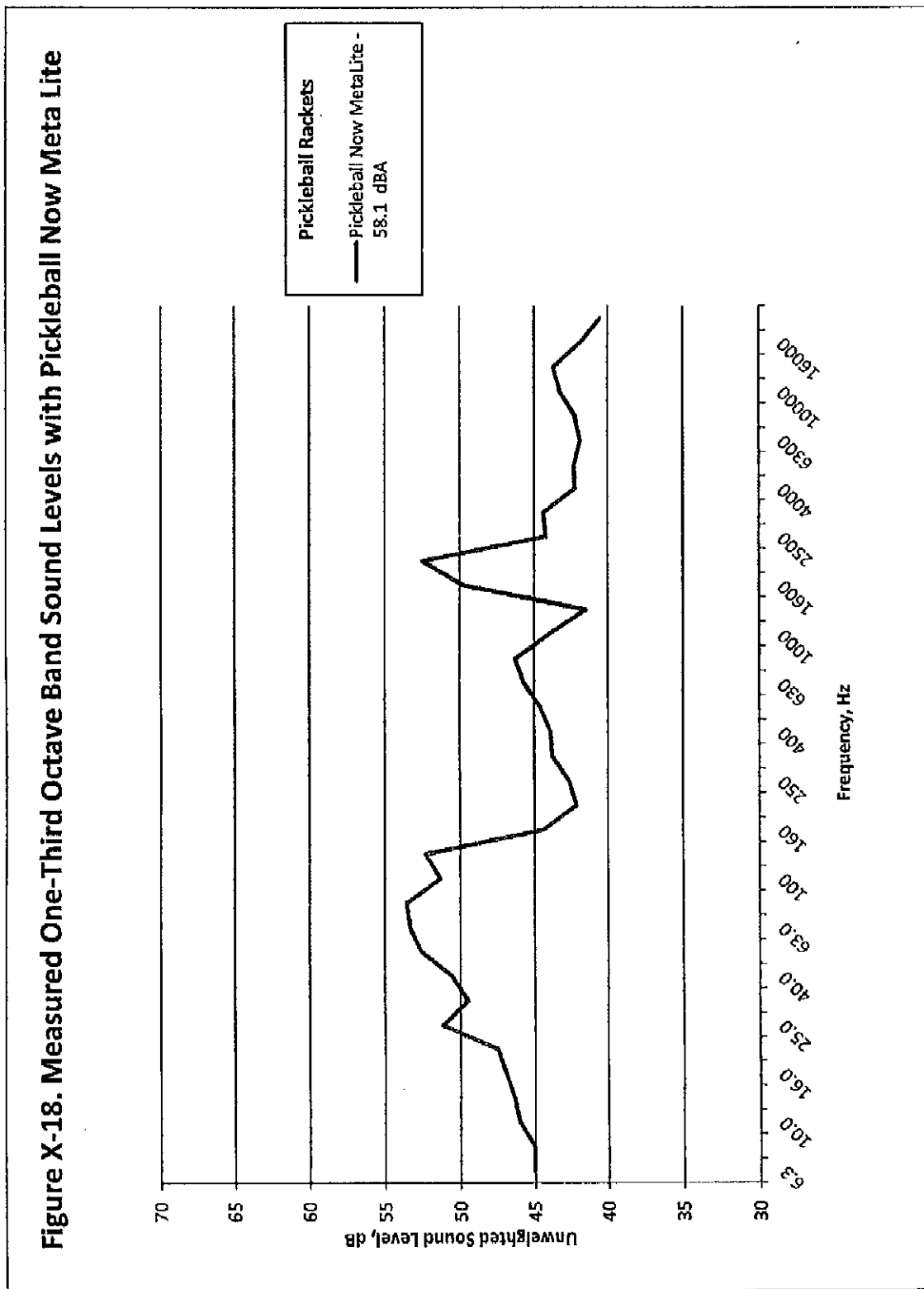


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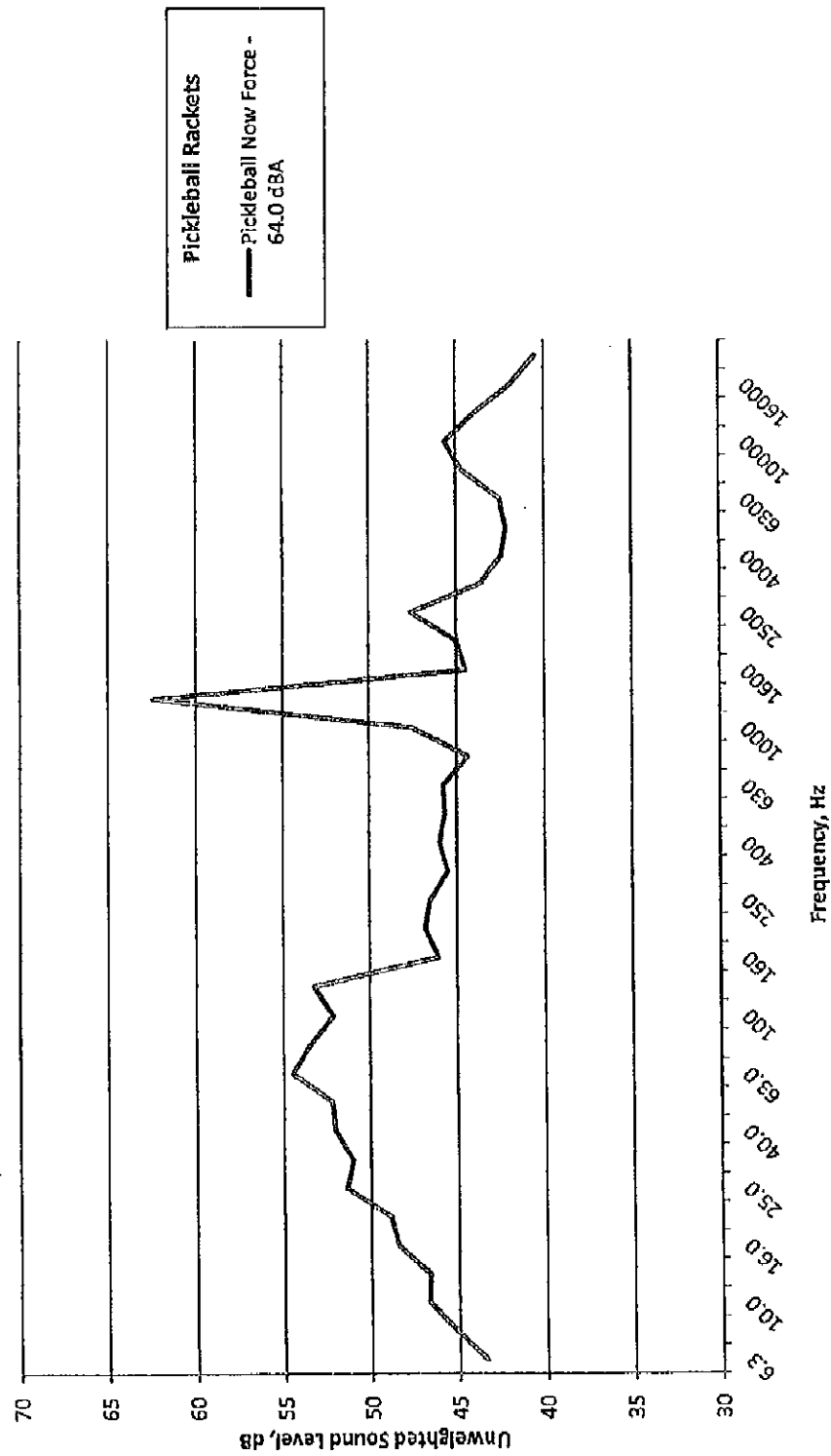
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Figure X-19. Measured One-Third Octave Band Sound Levels with Pickleball Now Force



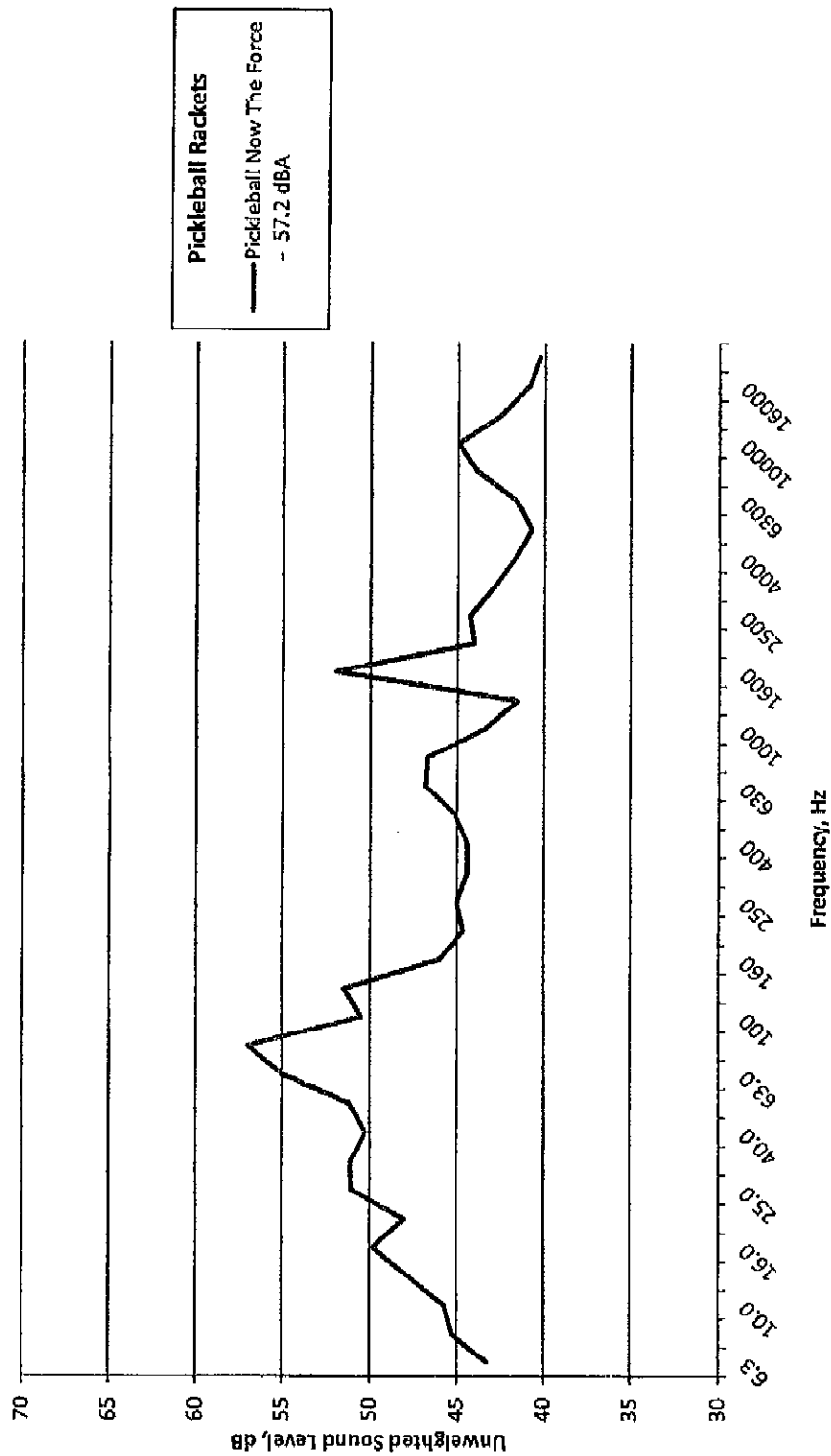
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SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-20. Measured One-Third Octave Band Sound Levels with Pickleball Now The Force



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TECHNICAL MEMORANDUM

August 7, 2019

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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 (L_{dn}), hourly equivalent average noise levels (L_{eq}) and maximum noise levels (L_{max}). 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.

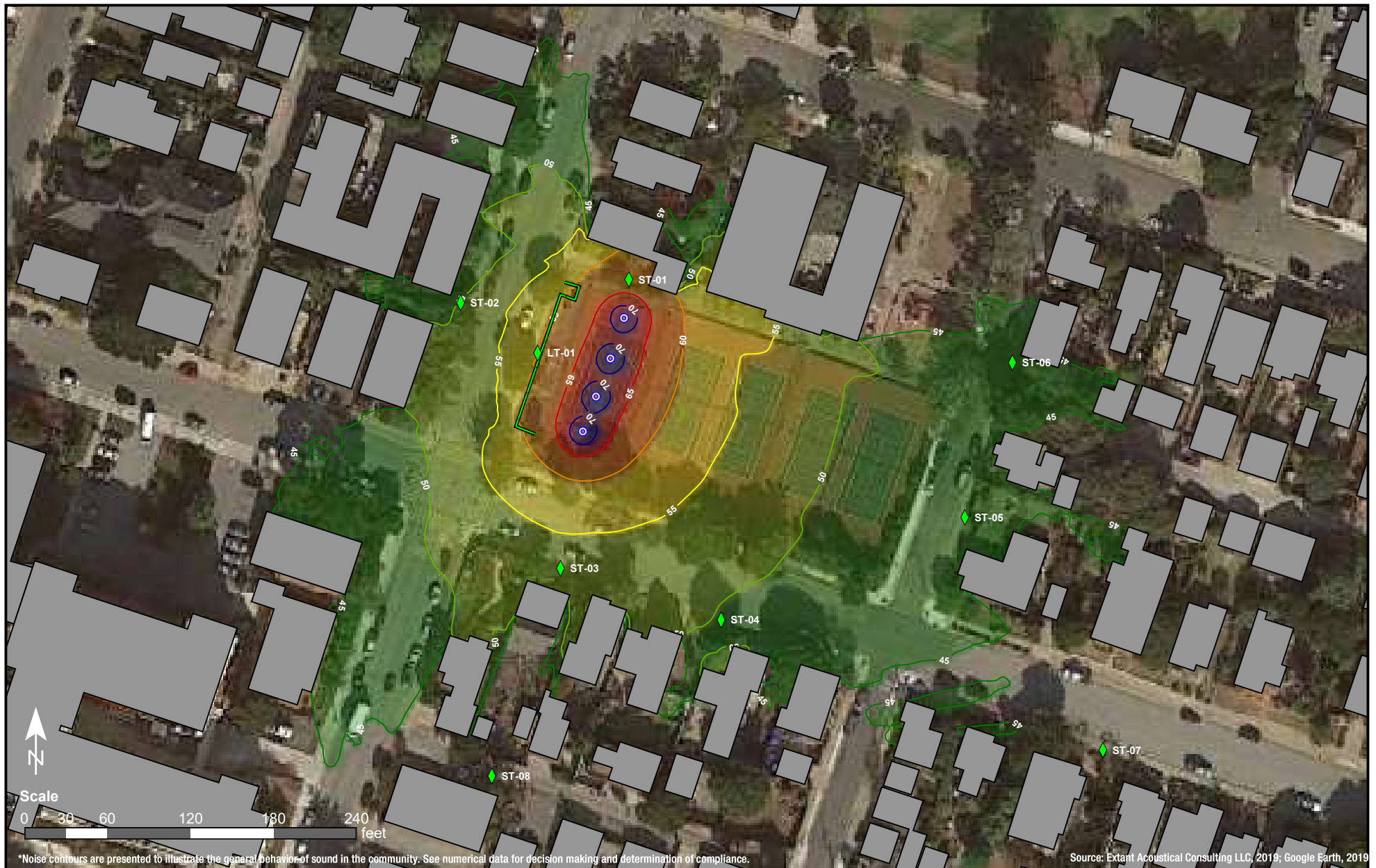
If you should have any questions or would like to discuss any aspect of this memorandum, please contact me via email at mcarr@extantacoustical.com or via phone at (916) 520-4322.

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

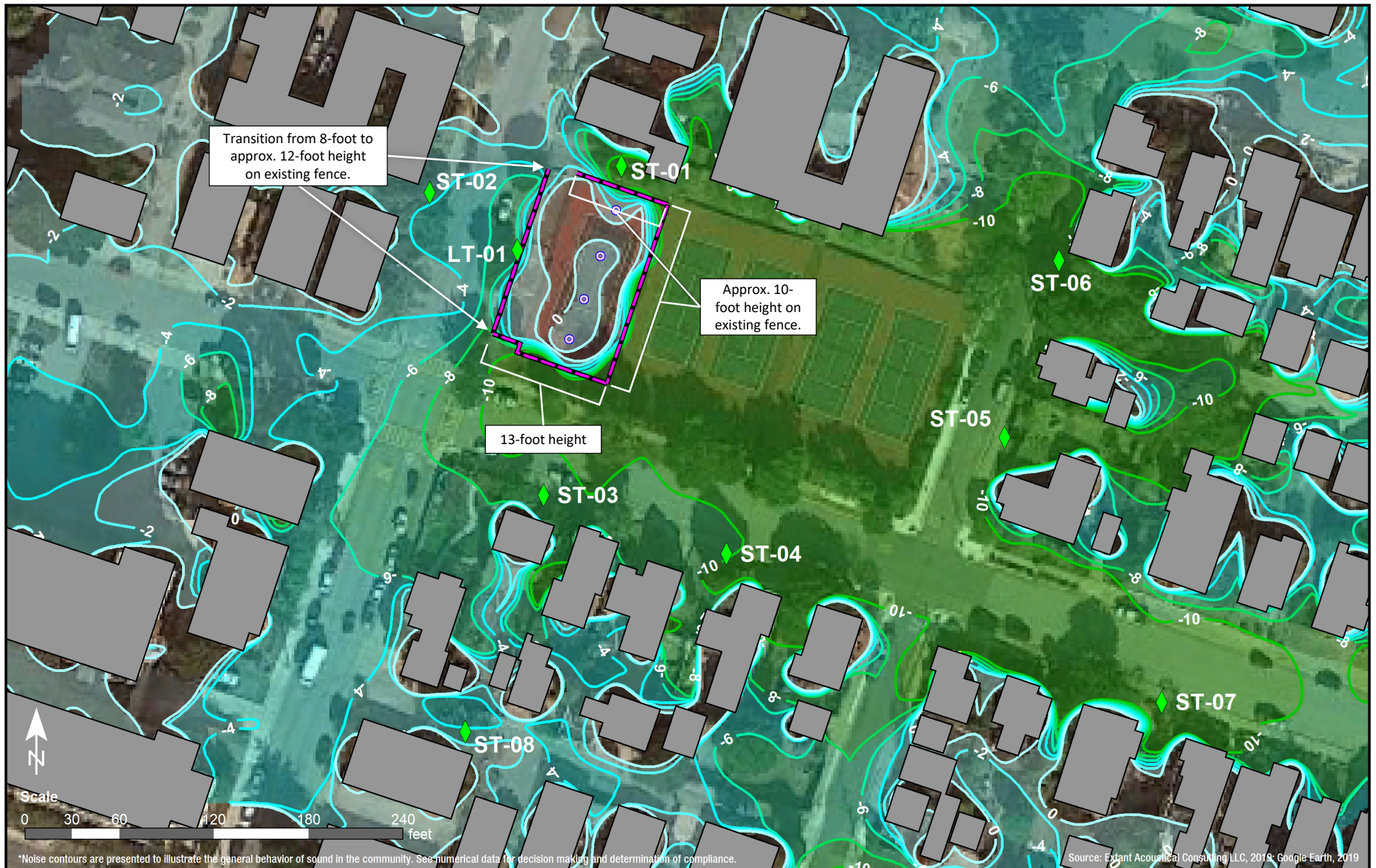
Noise Monitoring Locations and Existing Pickleball Conditions
Loudest Hourly Noise Level Contours, dBA Leq,1h
Additional Description

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

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.

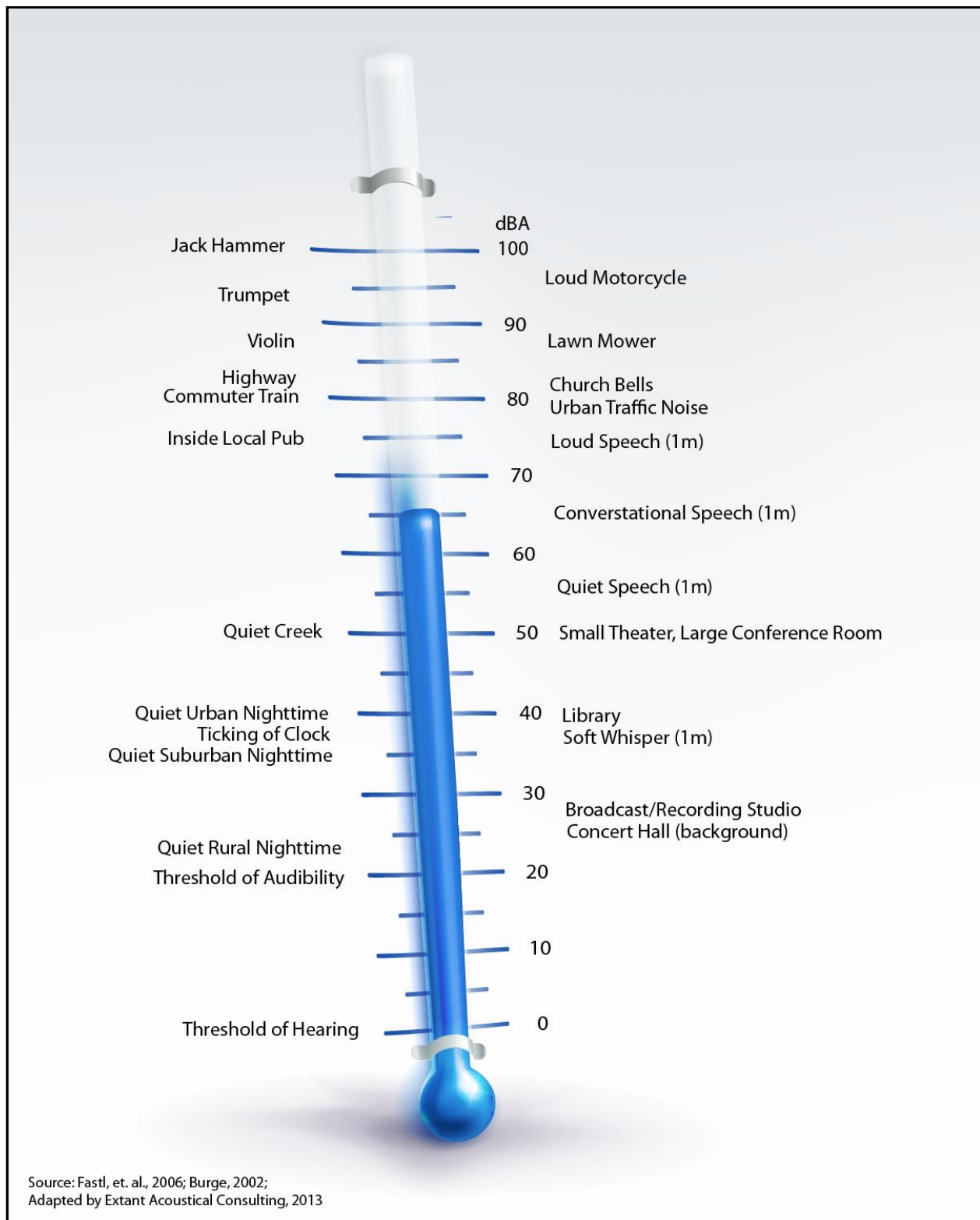


Exhibit 1 – Typical Noise Levels

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 to, 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

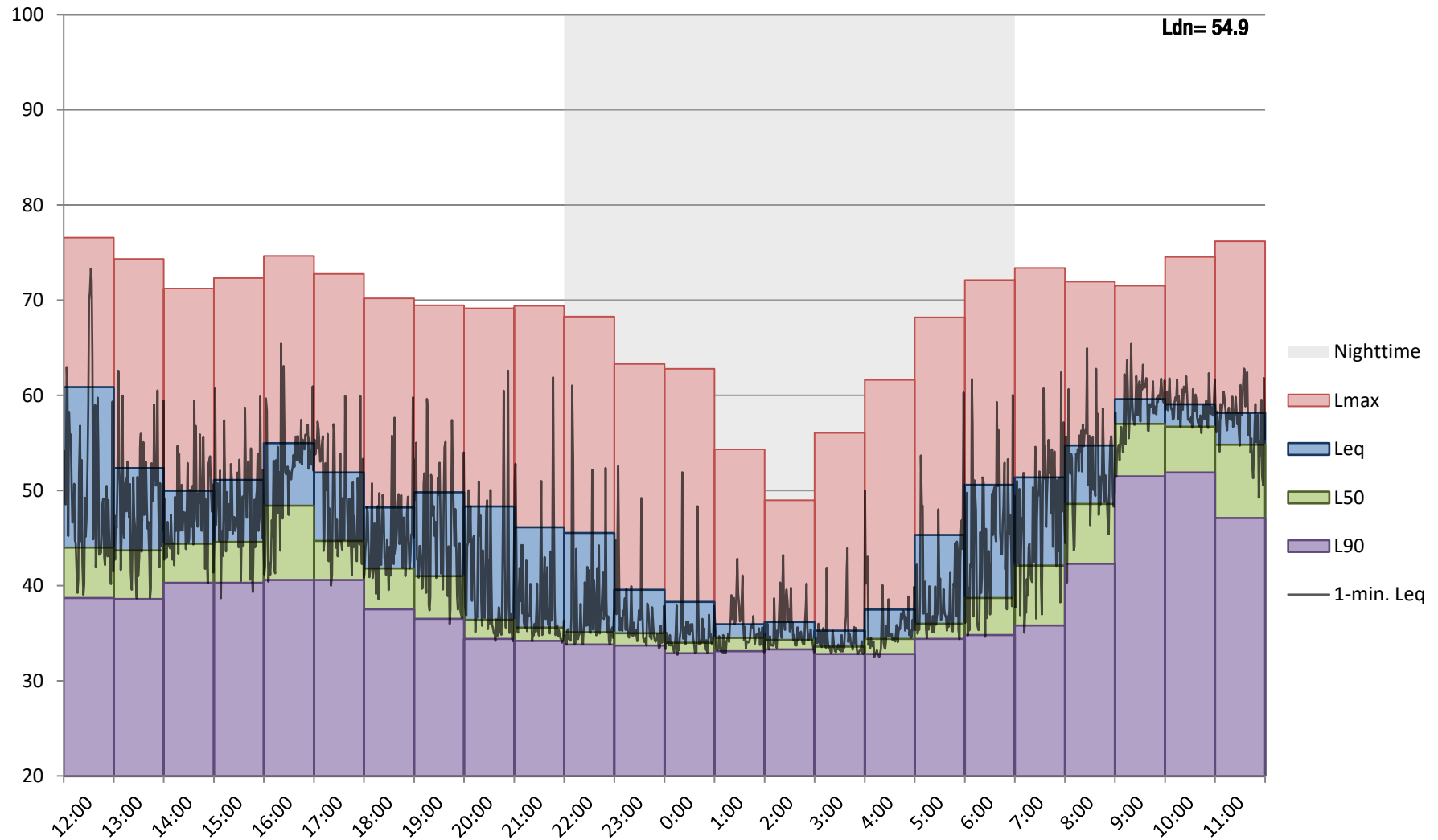
Average Level			
Leq	Lmax	L50	L90
55.4	72.5	45.6	40.7
43.8	61.7	35.1	33.5

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



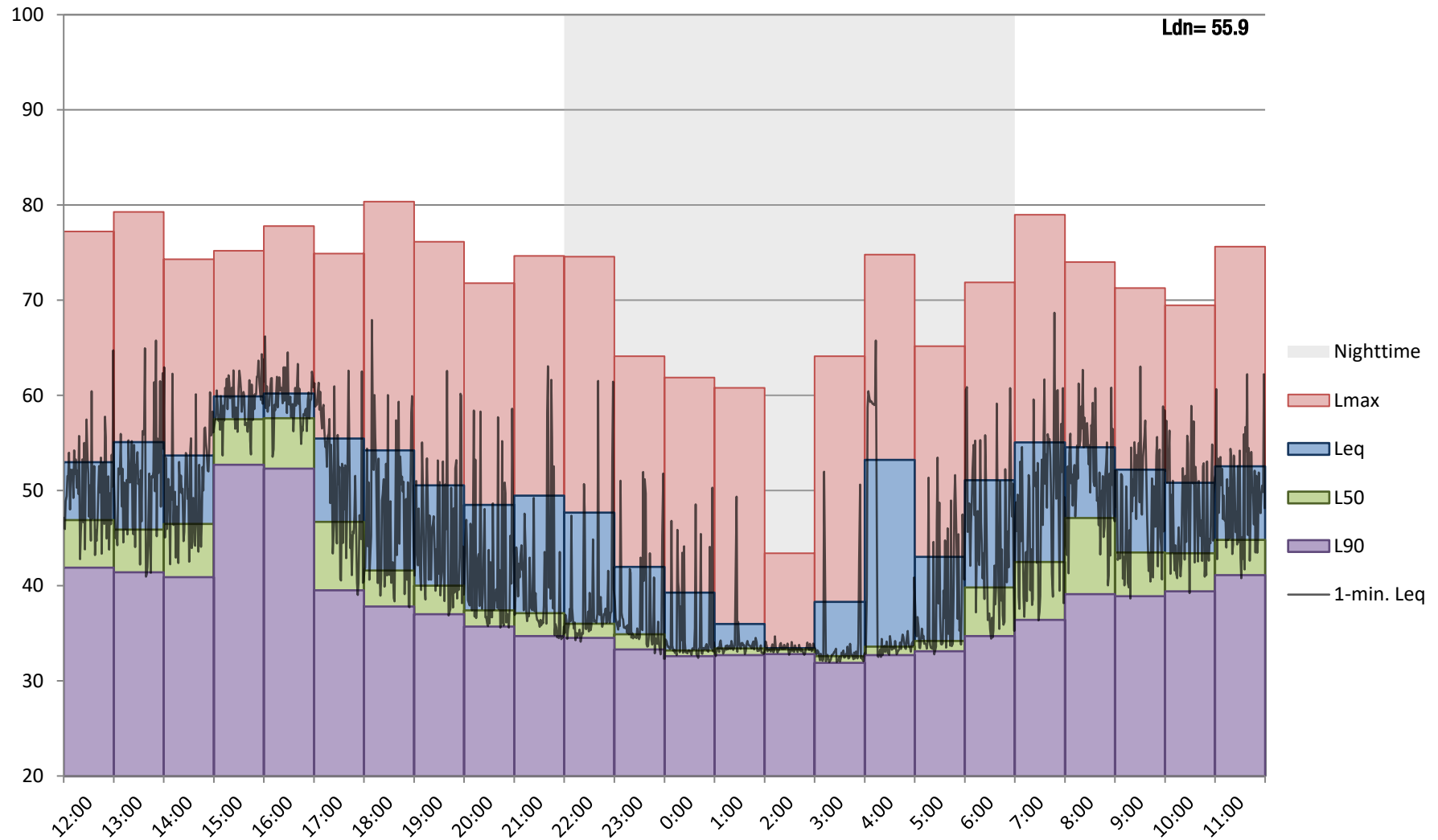
Project: Pacific Grove - Morris Dill Pickleball Courts

Date: May 28, 2019 to May 29, 2019

Site:

Hour	Leq	Lmax	L50	L90		Lowermost Level			
12:00	53.0	77.2	46.9	41.9		Leq	Lmax	L50	L90
13:00	55.1	79.3	45.9	41.4	Daytime (7 a.m. - 10 p.m.)	48.5	69.5	37.1	34.7
14:00	53.7	74.3	46.5	40.9	Nighttime (10 p.m. - 7 a.m.)	33.4	43.4	32.6	31.9
15:00	59.9	75.2	57.5	52.7		Average Level			
16:00	60.2	77.8	57.6	52.3		Leq	Lmax	L50	L90
17:00	55.4	74.9	46.7	39.5	Daytime (7 a.m. - 10 p.m.)	55.0	75.4	45.2	40.6
18:00	54.2	80.3	41.6	37.8	Nighttime (10 p.m. - 7 a.m.)	47.0	64.5	34.6	33.1
19:00	50.6	76.1	40.0	37.0		Uppermost-Level			
20:00	48.5	71.8	37.4	35.7		Leq	Lmax	L50	L90
21:00	49.5	74.7	37.1	34.7	Daytime (7 a.m. - 10 p.m.)	60.2	80.3	57.6	52.7
22:00	47.7	74.6	36.0	34.5	Nighttime (10 p.m. - 7 a.m.)	53.2	74.8	39.8	34.7
23:00	42.0	64.1	34.9	33.3		Energy Distribution			
0:00	39.3	61.9	33.2	32.6		Daytime		91%	
1:00	36.0	60.8	33.4	32.7		Nighttime		9%	
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		Calculated L _{dn} , dBA			
11:00	52.5	75.6	44.8	41.1		55.9			

Appendix B-2
Pacific Grove - Morris Dill Pickleball Courts -
May 28, 2019 to May 29, 2019



Appendix C

Product Information

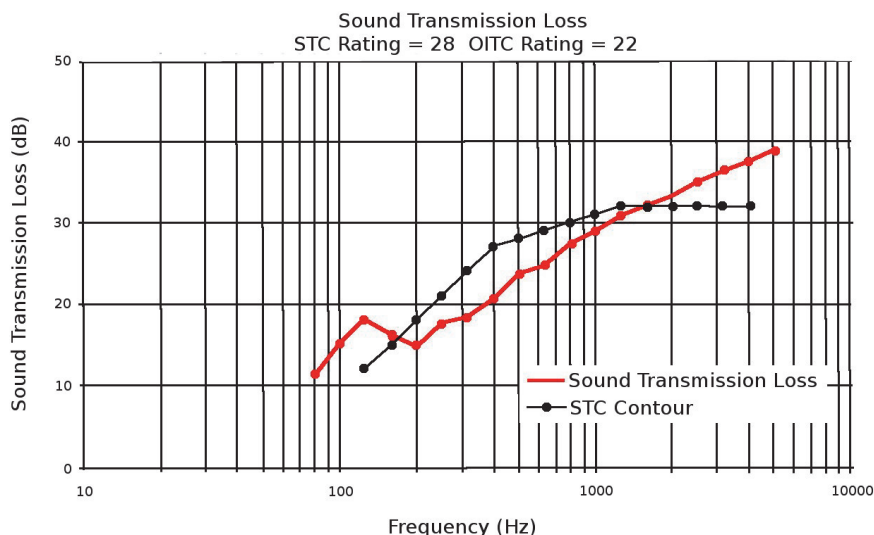
Acoustifence® Benefits and Specifications

- 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



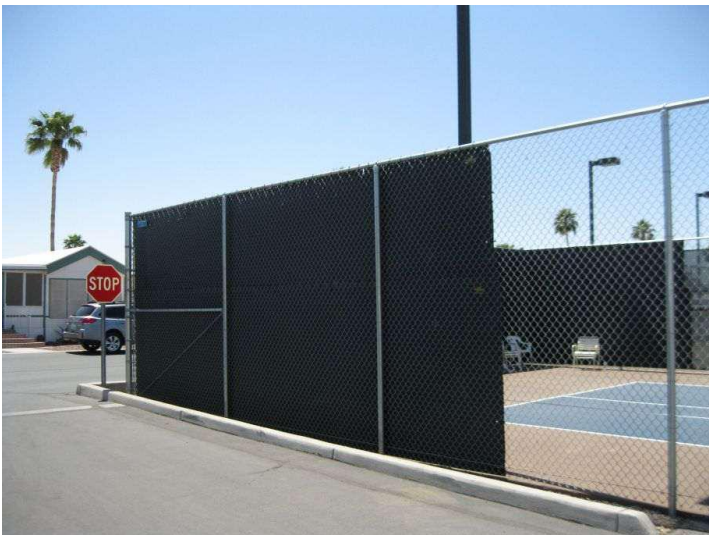
King Fence, Inglewood, CA



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

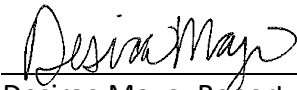
Community and Economic Development
Stormwater Management

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

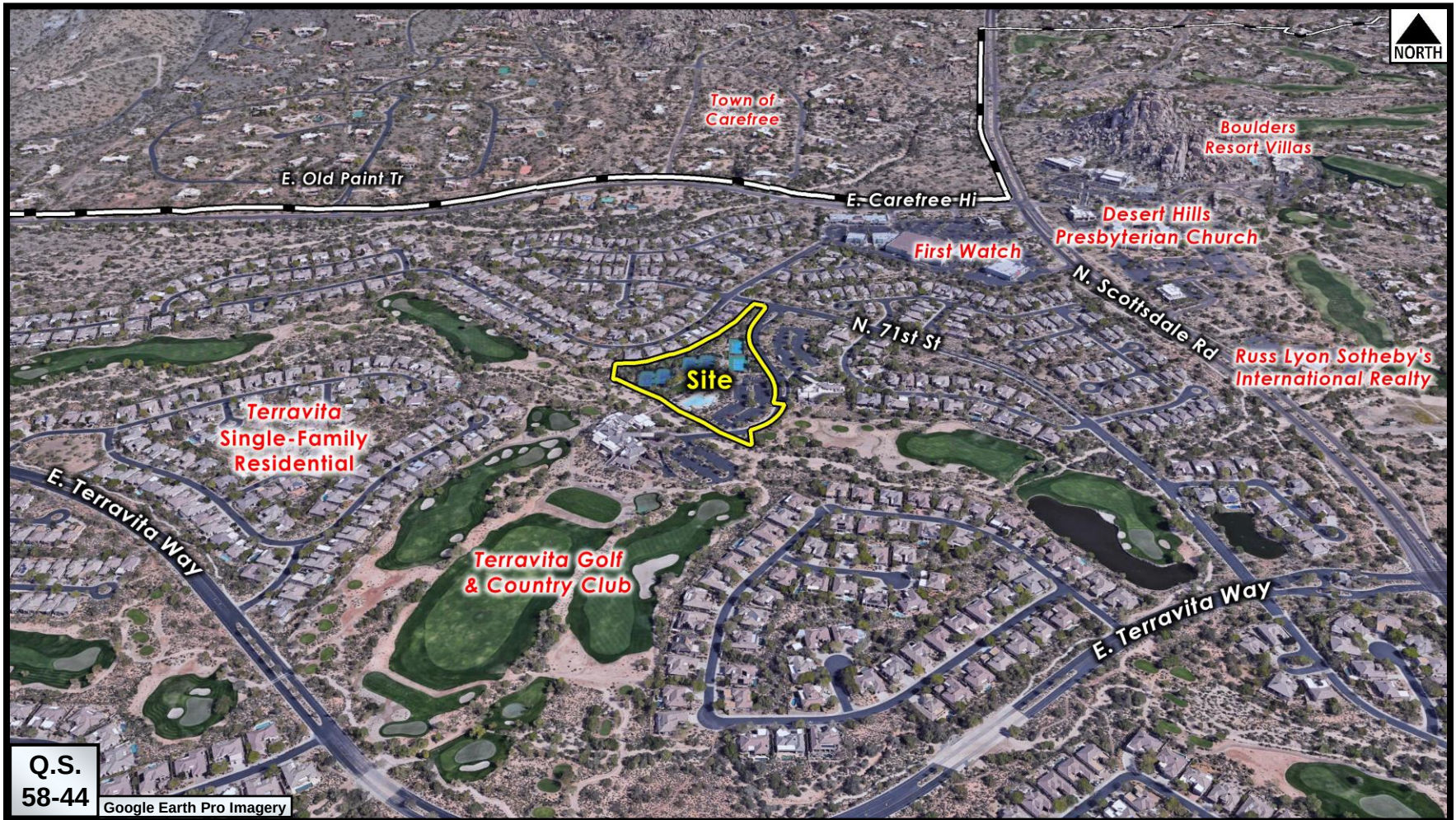
Phone: 480-312-2664 Email: rgrant@scottsdaleaz.gov

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
C/TV 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 MULT-USE TRAIL
P POWER LINES
P PROPOSED CONTOUR
PTE PROPOSED ELEVATION
PUE PRIVATE TRAIL EASEMENT
PUBLIC UTILITIES EASEMENT
R RECORD MONUMENT
RO ROCK OUTCROP
SAG SAGUARO CACTUS
SWE SIDEWALK EASEMENT
(EXIST)
T/TB 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 FLOODING 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:

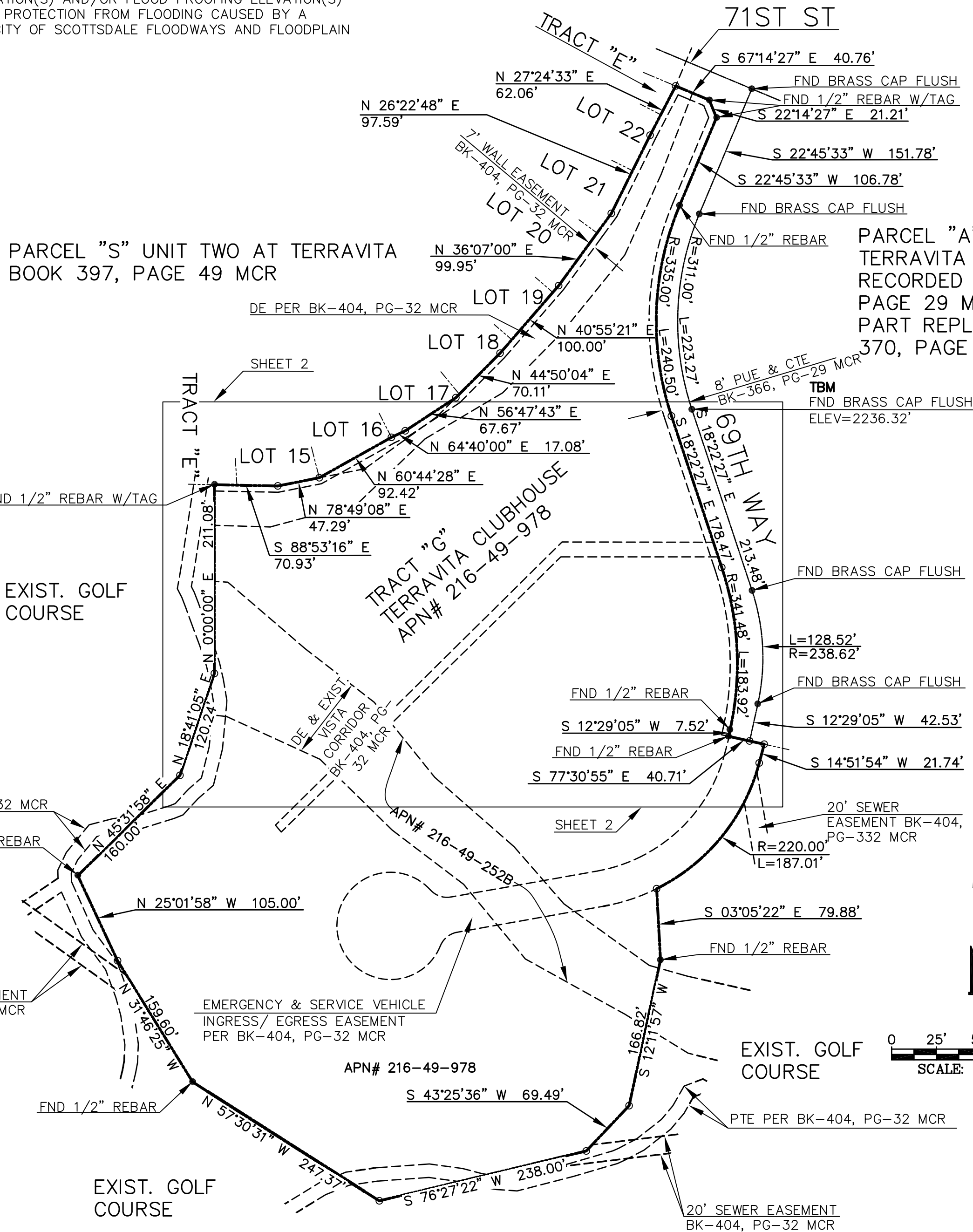
HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES SHOWN IN THE PLAN ARE APPROXIMATE ONLY AND WILL BE FIELD VERIFIED BY CONTRACTOR PRIOR TO START OF CONSTRUCTION WORK. CALL BLUE STAKE @ 811 OR GO TO ARIZONA811.COM

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.



VICINITY MAP

CLIENT:

TERRAVITA COUNTRY CLUB
34034 N 69TH WAY
SCOTTSDALE, AZ. 85266

SITE ADDRESS:

34036 N 69TH WAY
SCOTTSDALE, AZ. 85266

ASSESSORS PCL. NO.:

216-49-978

ZONING:

OS ESL

C.O.S. QUARTER SECTION NO.:

58-44

DATE:

PHASE 1	3/30/21	MP
COURTS	05-06-2021	PS
COS	08-23-2021	PS
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GRAHAM SURVEYING & ENGINEERING INC.

Civil Engineers & Land Surveyors

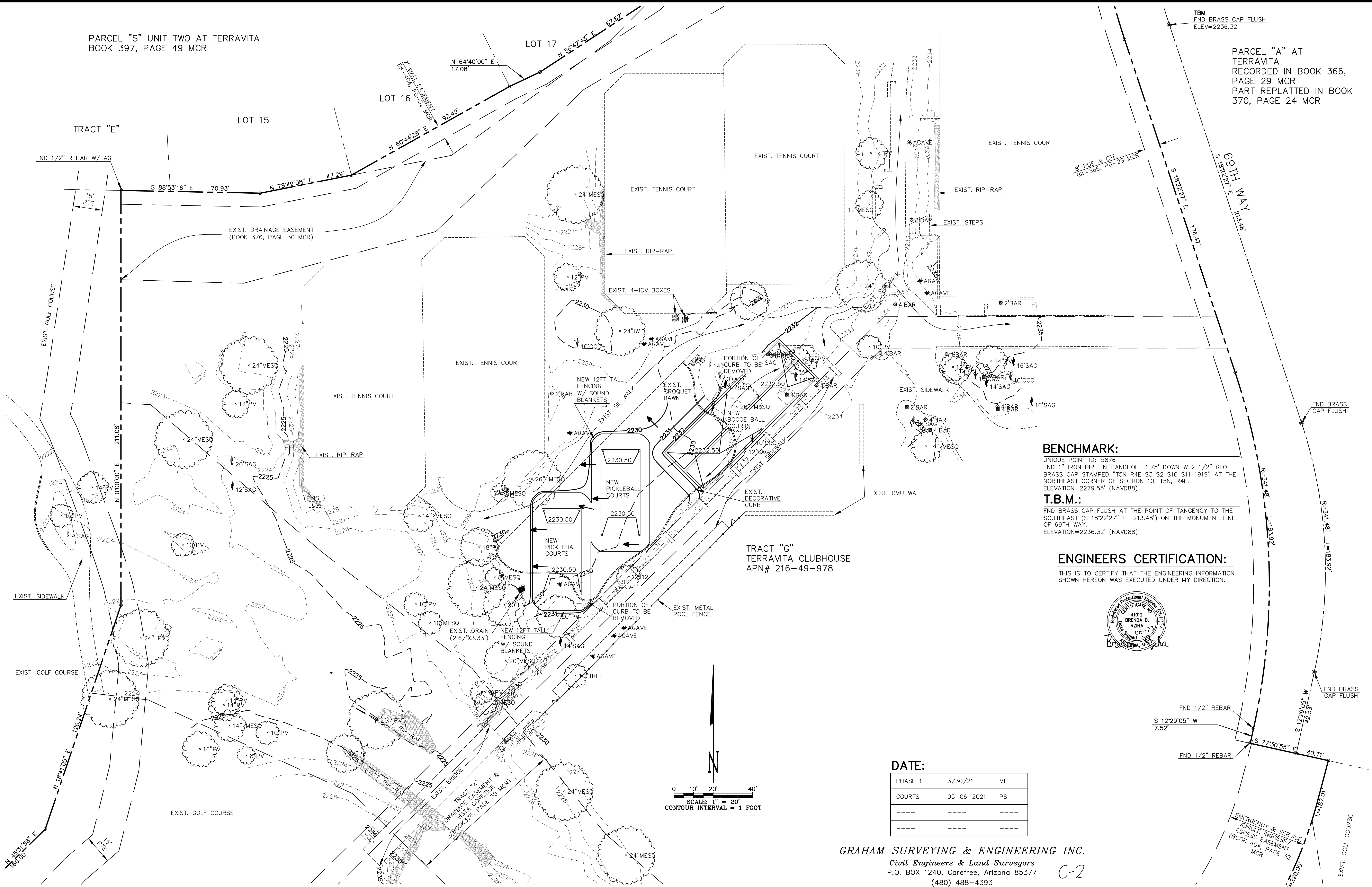
P.O. BOX 1240, Carefree, Arizona 85377

(480) 488-4393

TRACT "G" CLUBHOUSE UNIT 2 TERRAVITA, SHT. 1 OF 2, JOB #21-064P20

PARCEL "S" UNIT TWO AT TERRAVITA
BOOK 397, PAGE 49 MCR

PARCEL "A" AT
TERRAVITA
RECORDED IN BOOK 366,
PAGE 29 MCR
PART REPLATTED IN BOOK
370, PAGE 24 MCR



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)

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THIS IS TO CERTIFY THAT THE ENGINEERING INFORMATION
SHOWN HEREON WAS EXECUTED UNDER MY DIRECTION.

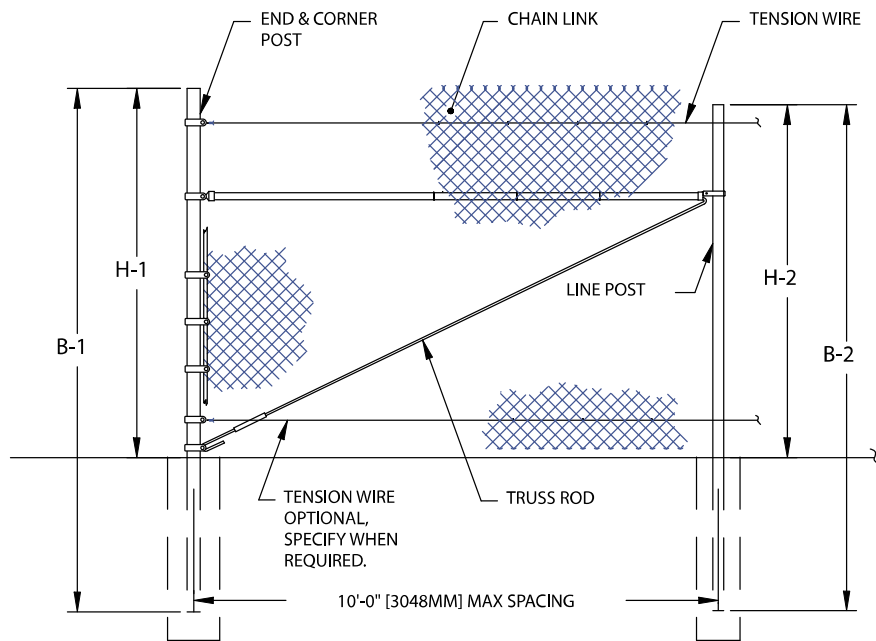


DATE:

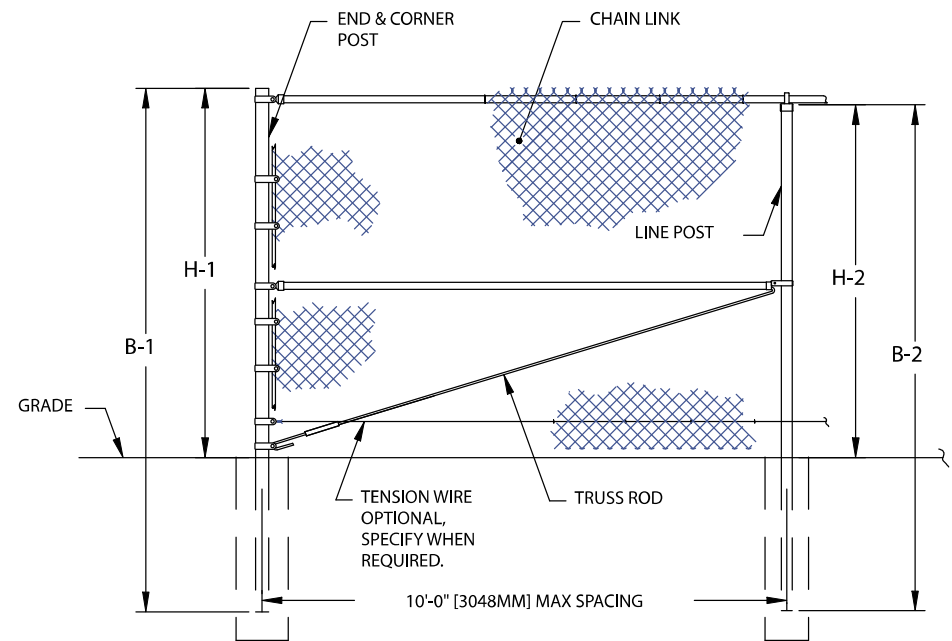
PHASE 1	3/30/21	MP
COURTS	05-06-2021	PS
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GRAHAM SURVEYING & ENGINEERING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1240, Carefree, Arizona 85377
(480) 488-4393

C-2



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

42-DR-1993#3
6/9/2021



NOISE AND THE A-WEIGHTED SOUND LEVEL

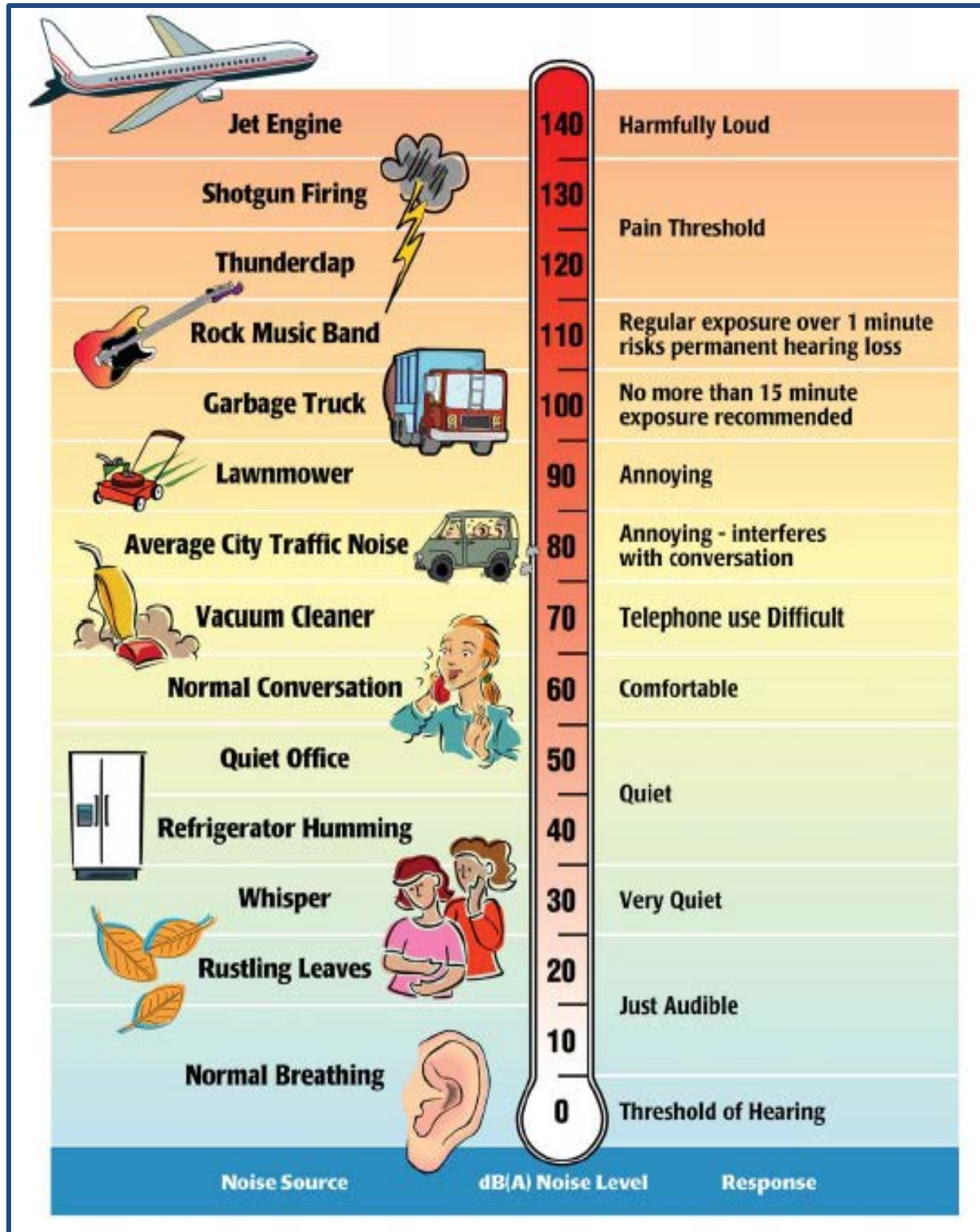
Noise is most often defined as unwanted sound. Although sound can be easily measured, the perceptibility is subjective and the physical response to sound complicates the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “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.

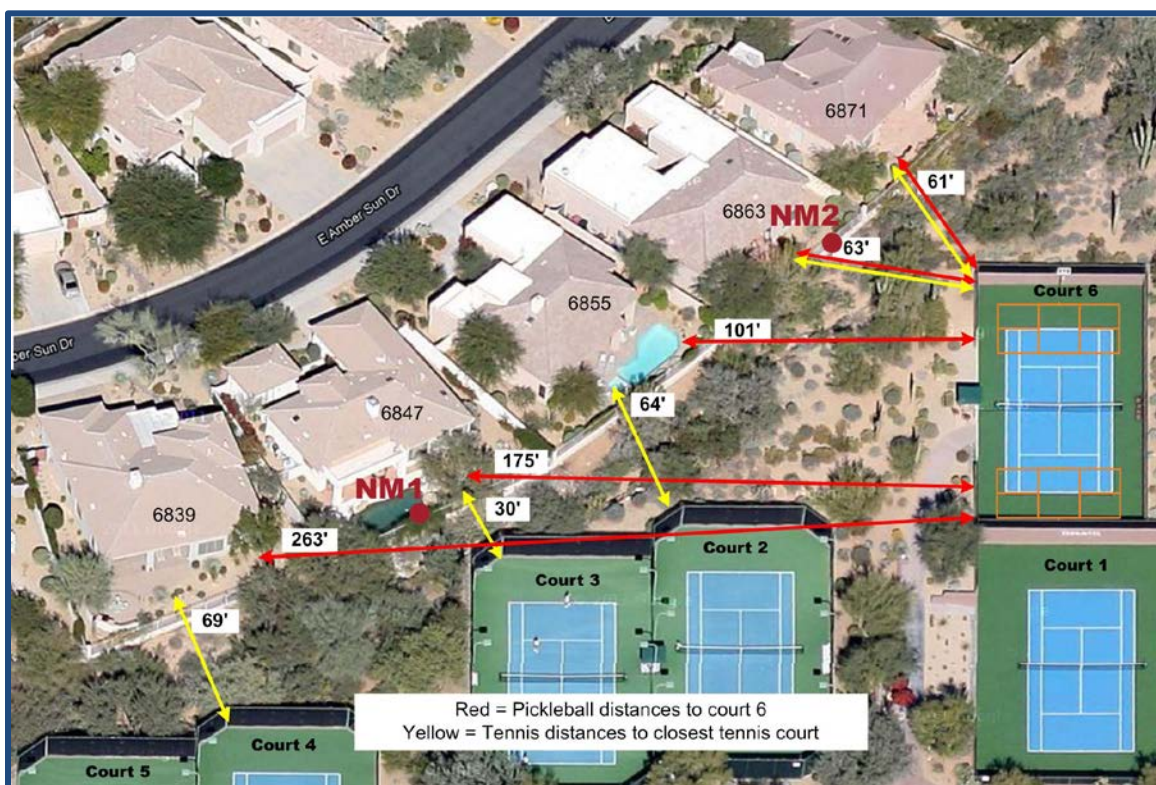


Figure 2. Location of the Noise Measurements



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.

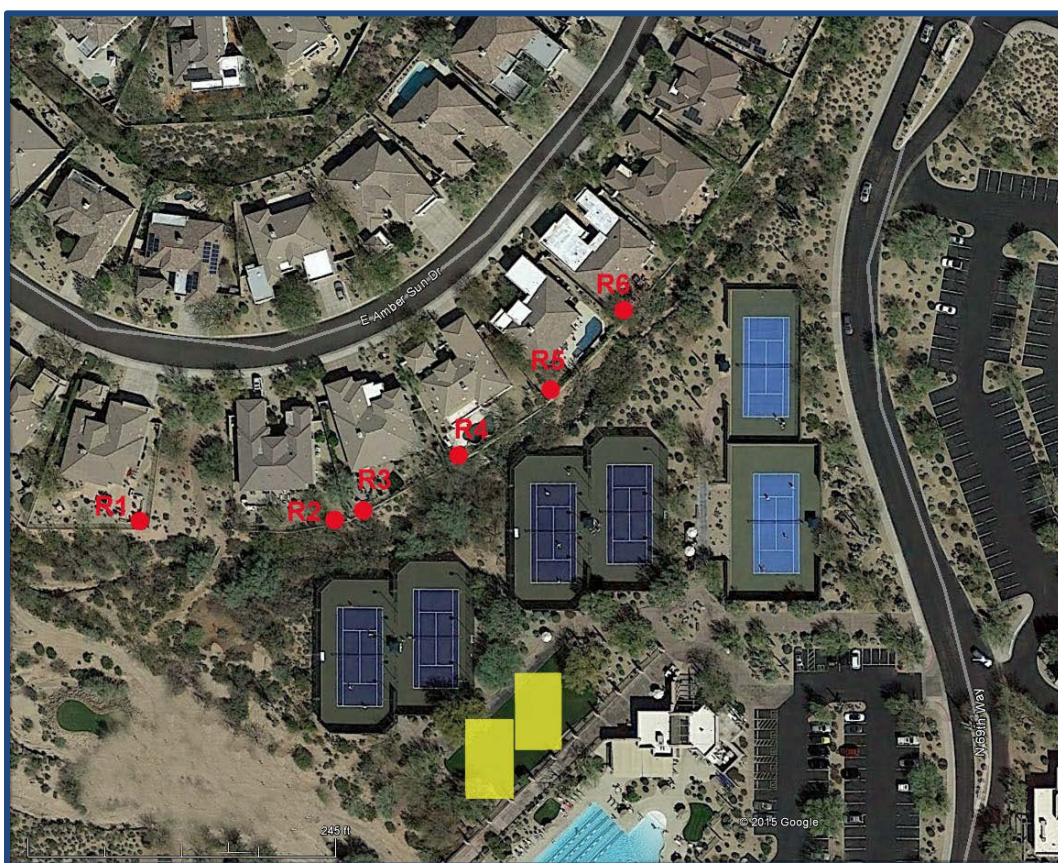


Figure 3. Proposed Pickleball Court Location



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.

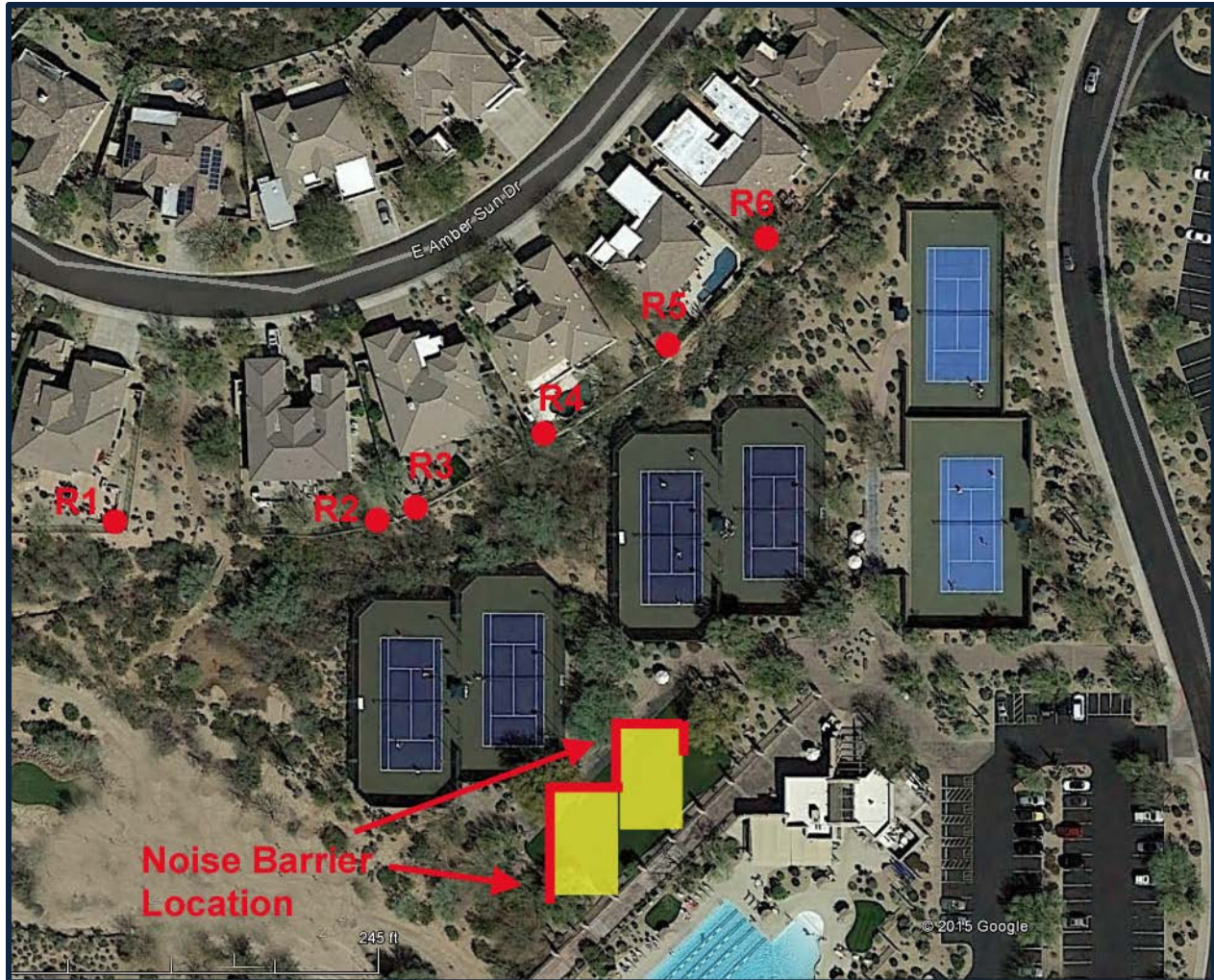


Figure 4. Recommended Noise Barrier Location

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.

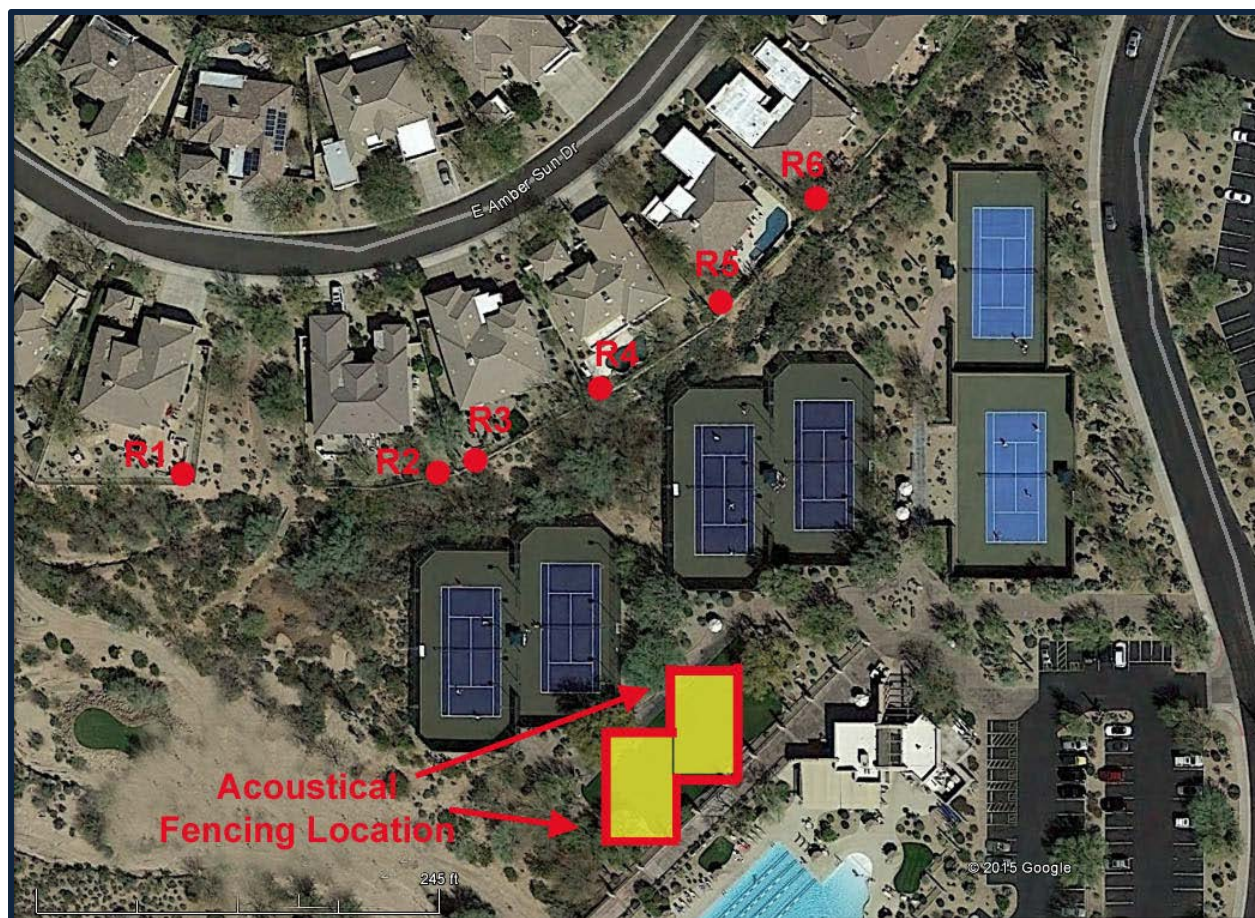


Figure 5. Recommended Acoustical Fencing Location Surrounding Pickleball Courts



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

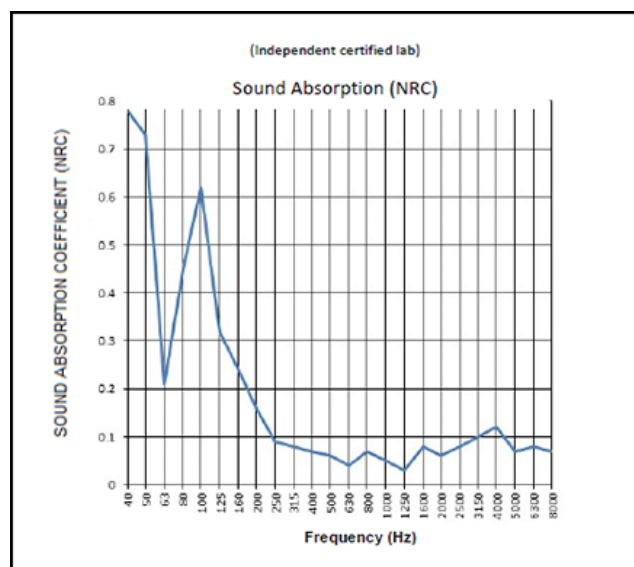
Product Description

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)

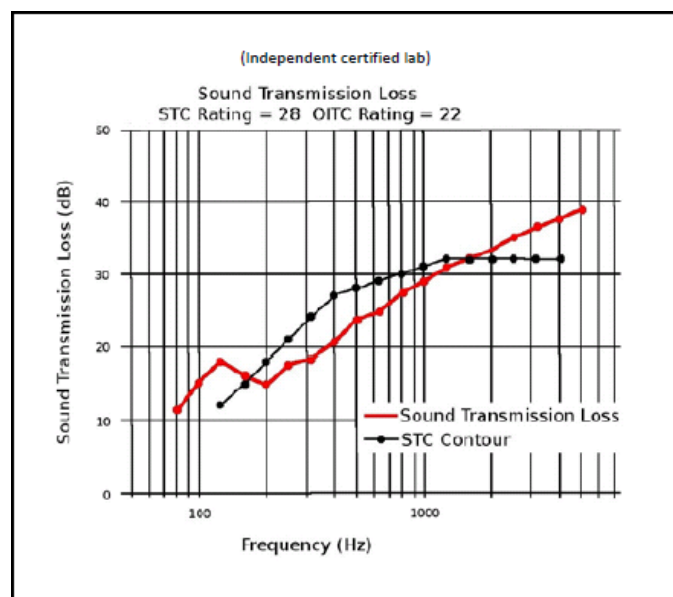
Sound Transmission Class (STC) is a single number that represents the sound blocking capacity of a partition such as a wall or ceiling.

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)

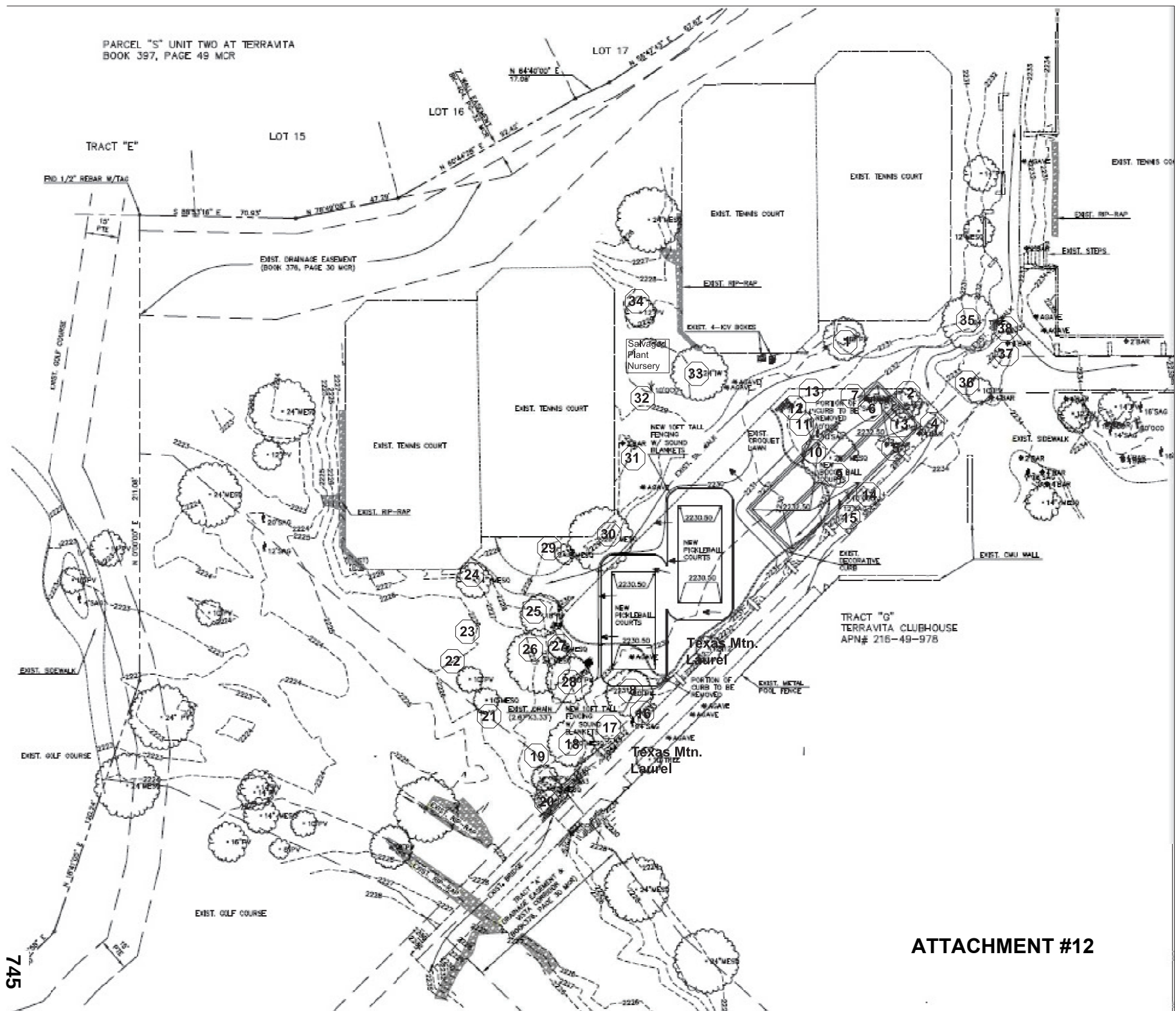
Material Specifications – Part # “Acoustifence 6x30 Industrial”

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

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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

Subject: Terravita Country Club
"Pickleball Courts"
34036 N. 69th Way

Date: 5-21-2021

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	30"	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	22"	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

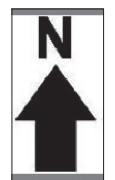
Native Plant Summary				
Plant Totals	Tree	Cacti	Overall Totals	
Remain in Place	17	9	Remain in Place	26
Salvage	0	6	Salvage	6
Destroy	4	0	Destroy	4
Total	15	17	Total	38

34036 N. 69th Way Scottsdale, AZ

Terravita Country Club

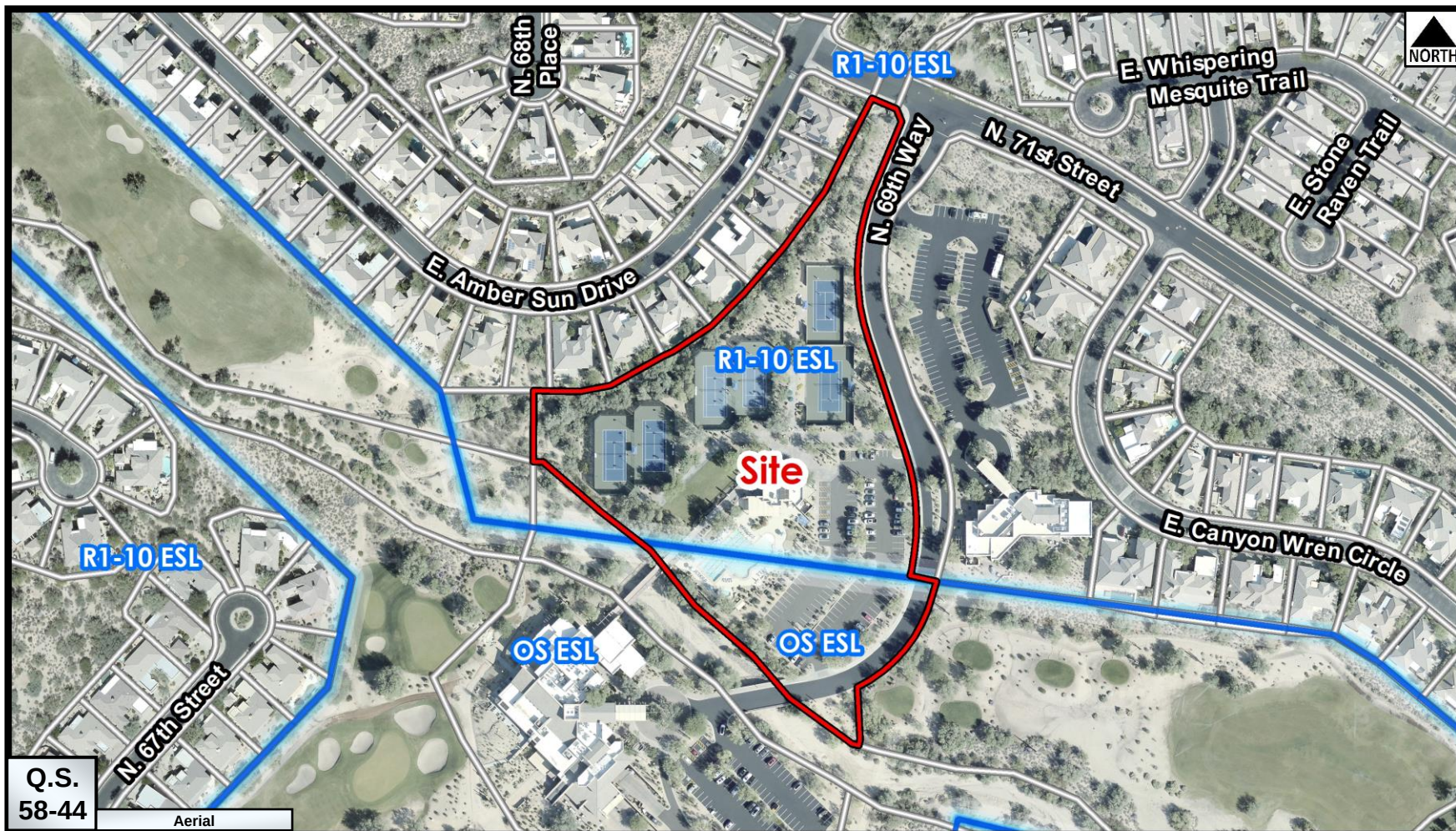
"Pickleball Courts"

Indicates Existing Native Plant



* "See ReVeg Plan or Landscape Plan (done by others) for Final Locations of Relocated Salvage Plants"

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

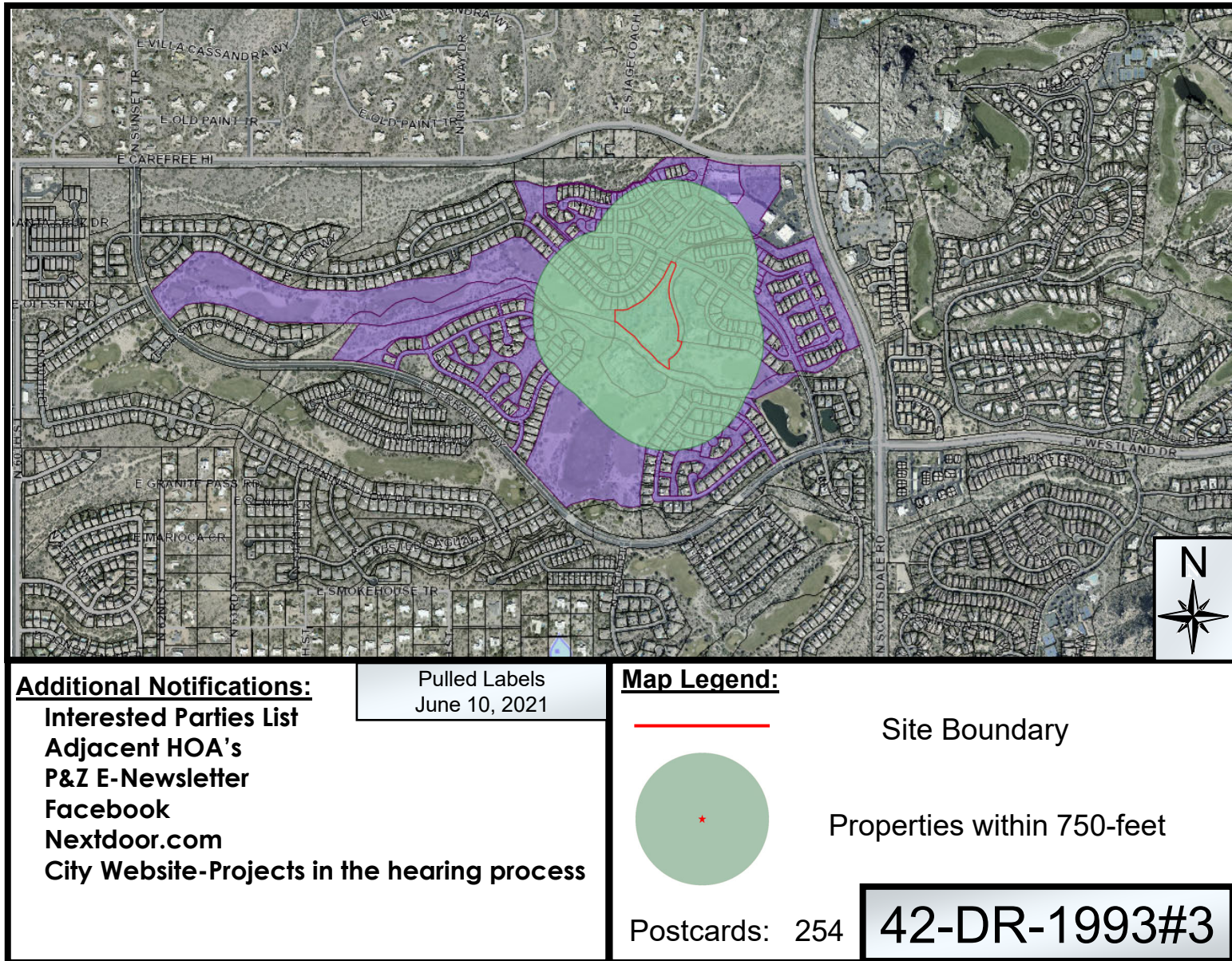
Public Participation Process

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



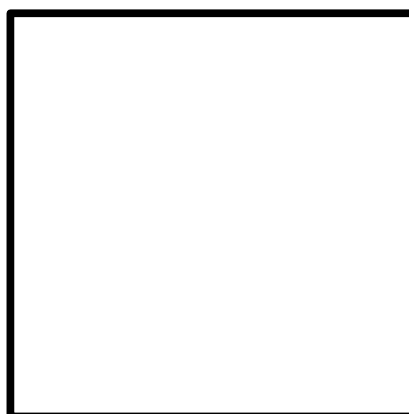


Noise Survey: **Proposed Pickleball Courts** **Iron Oaks at Sun Lakes**

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

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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.

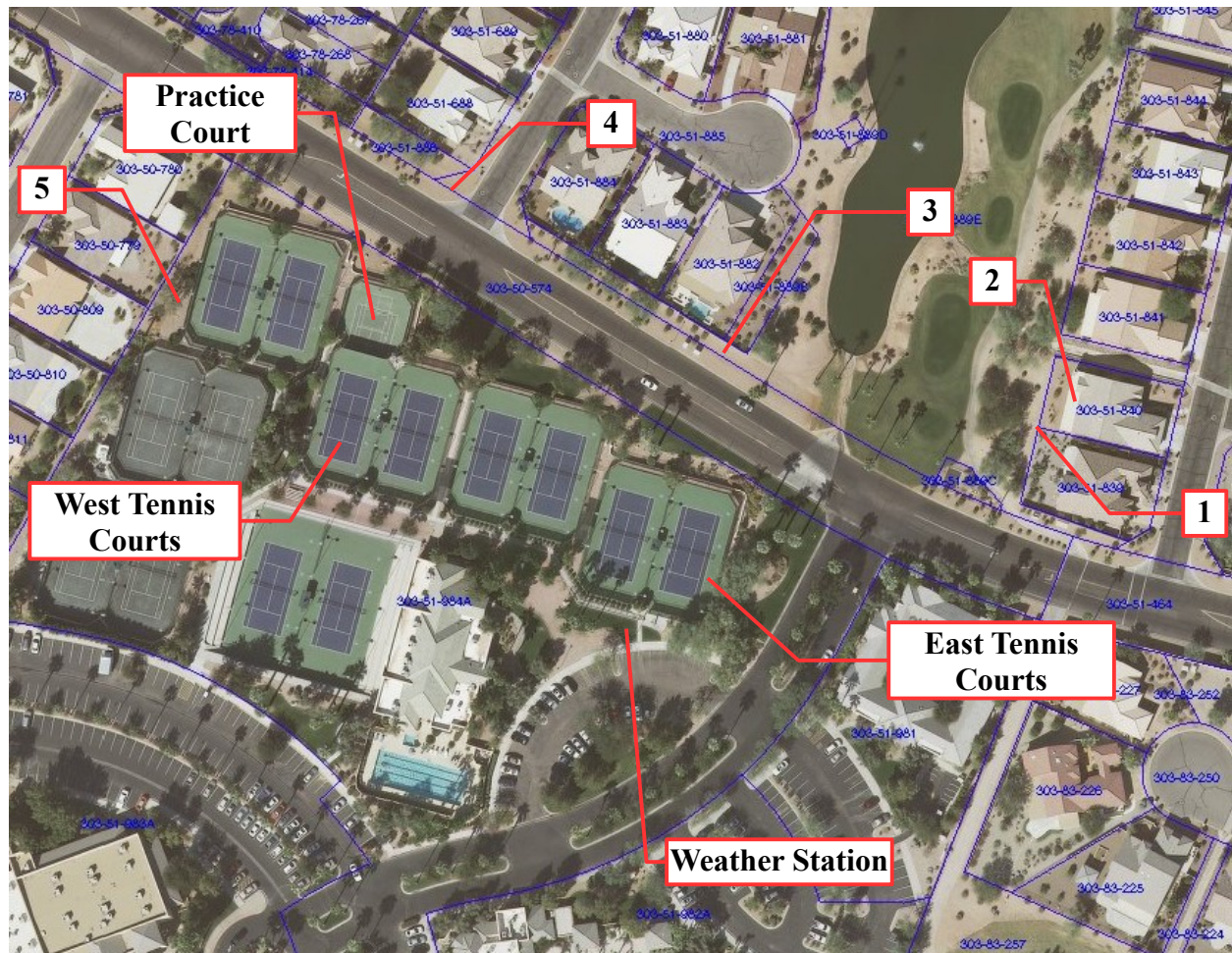


Figure 2.1. Proposed Court Sites and Measurement Locations

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.

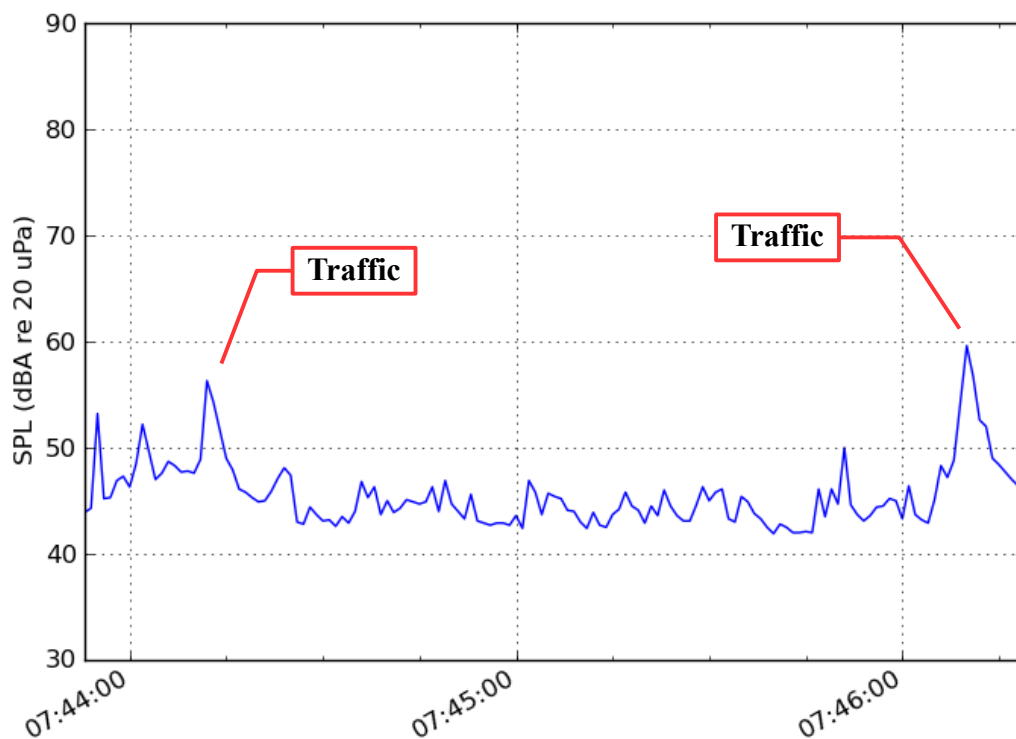


Figure 2.2. Sound Pressure Level at 24022 Berrybrook (Players on East Tennis Court)

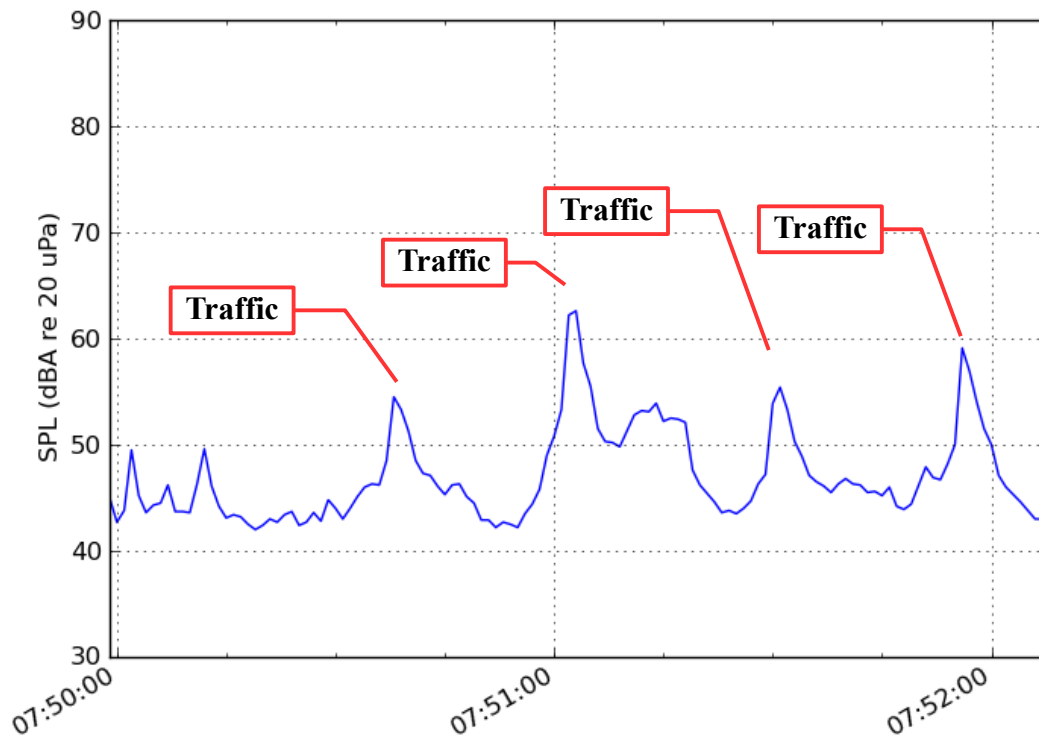


Figure 2.3. Background Noise Level at 24022 Berrybrook

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%	L Amin	L Amax	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.

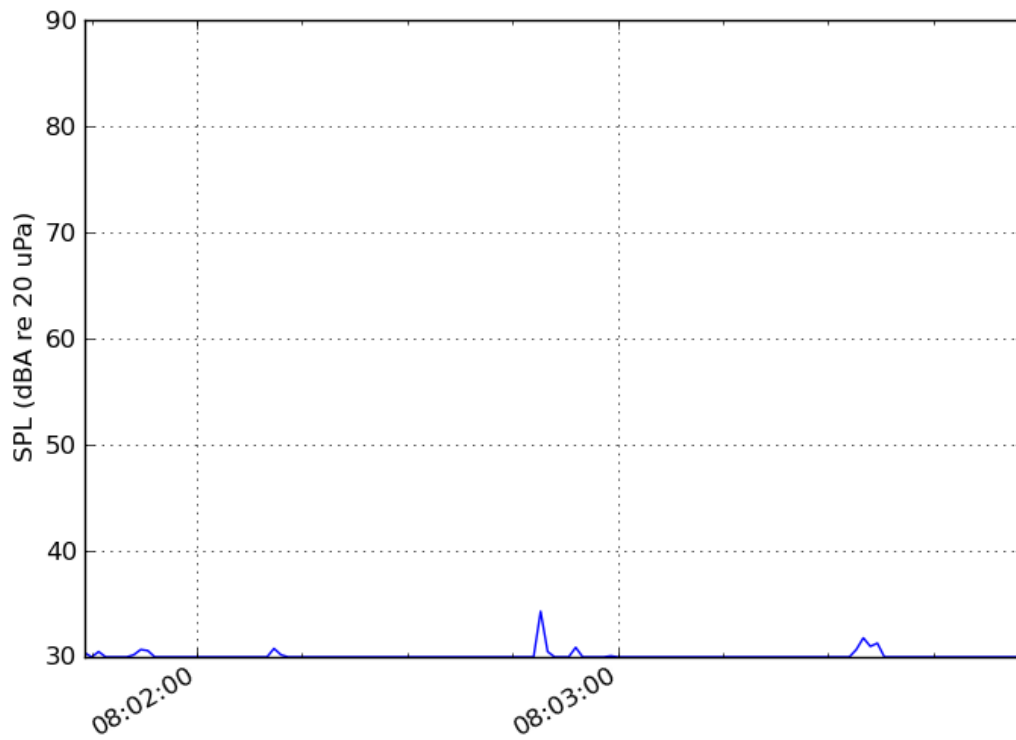


Figure 2.4. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court)

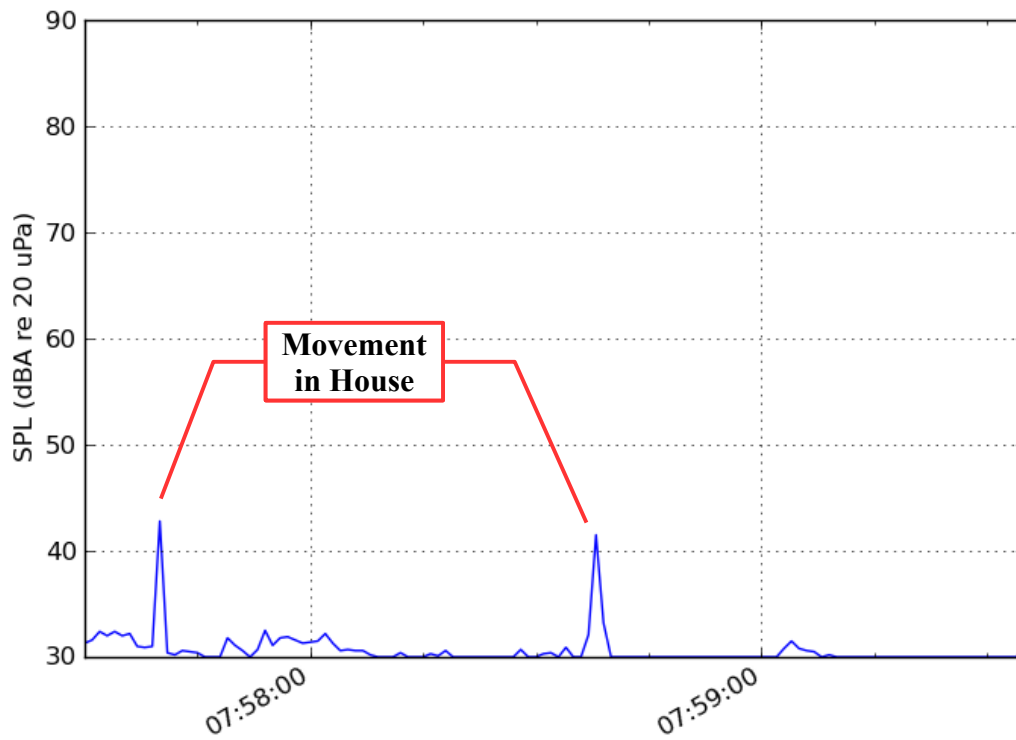


Figure 2.5. Background Noise Level Inside 24022 Berrybrook

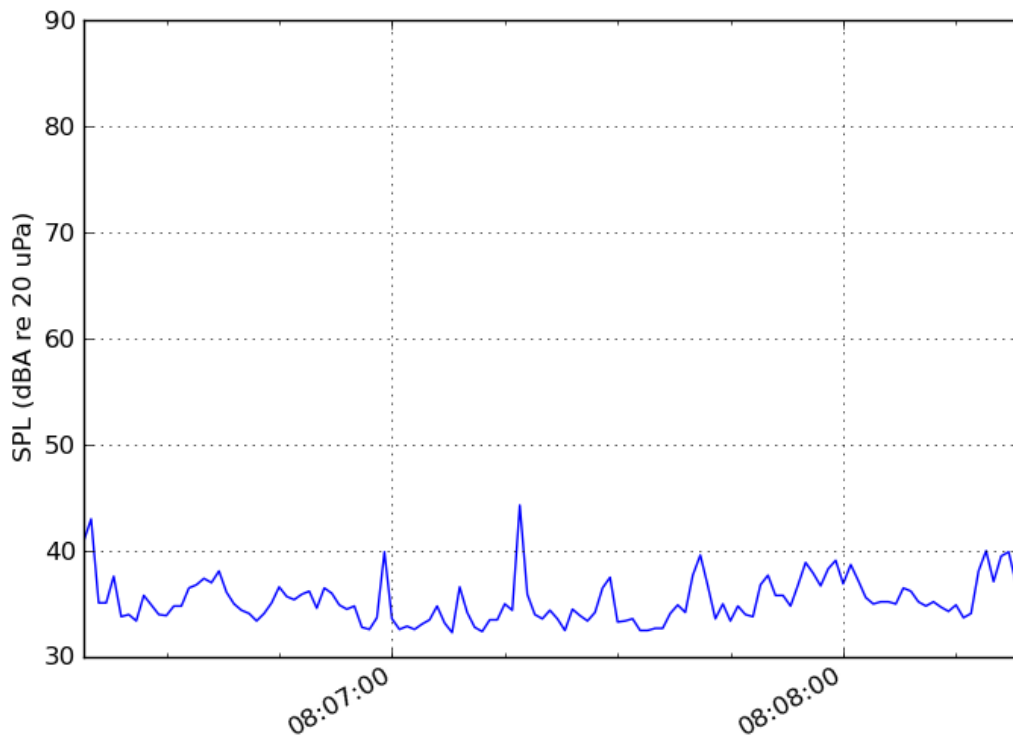


Figure 2.6. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court, Back Door Open)

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	LAmix	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.

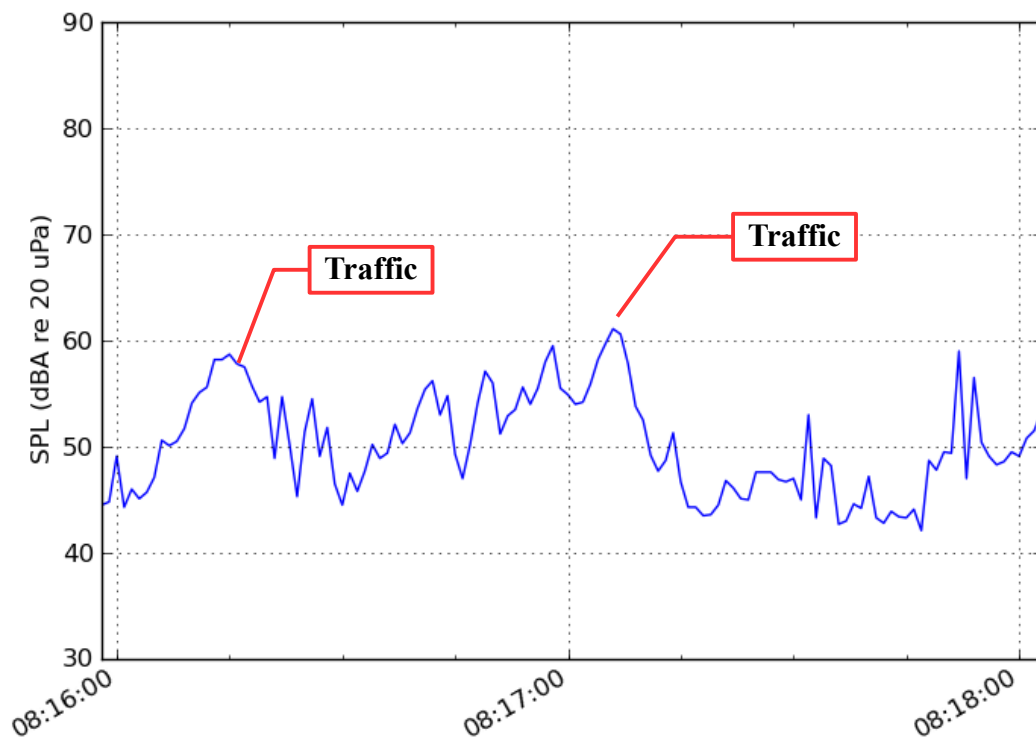


Figure 2.7. Sound Pressure Level at 9747 Sunburst (Players on East Tennis Court)

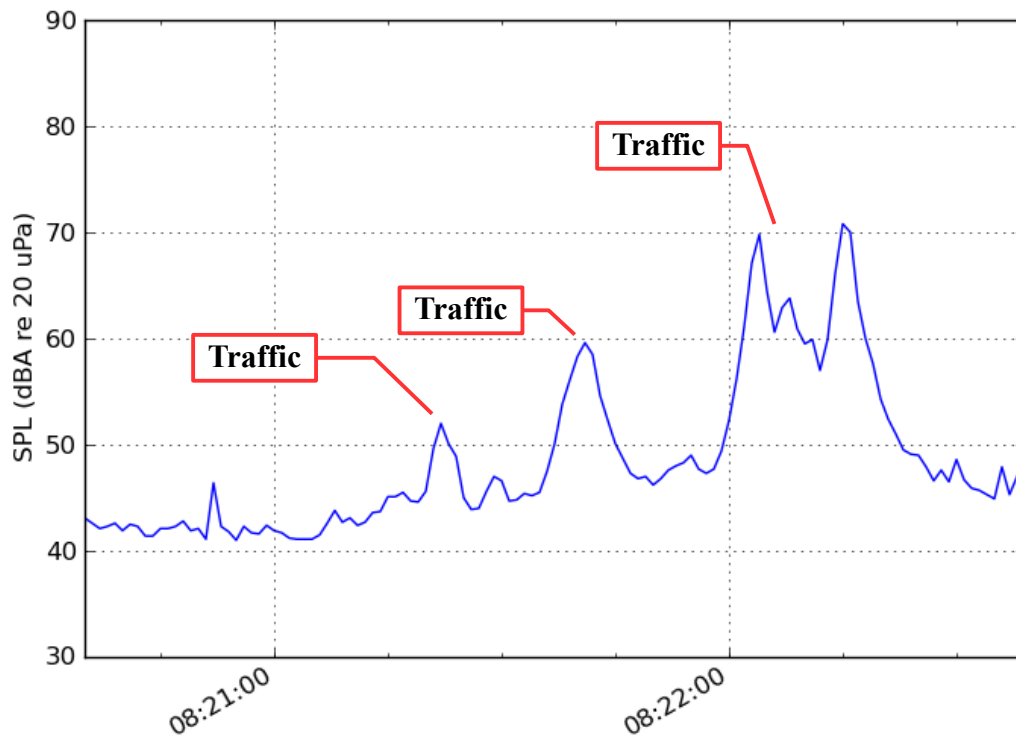


Figure 2.8. Background Noise Level at 9747 Sunburst

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	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.

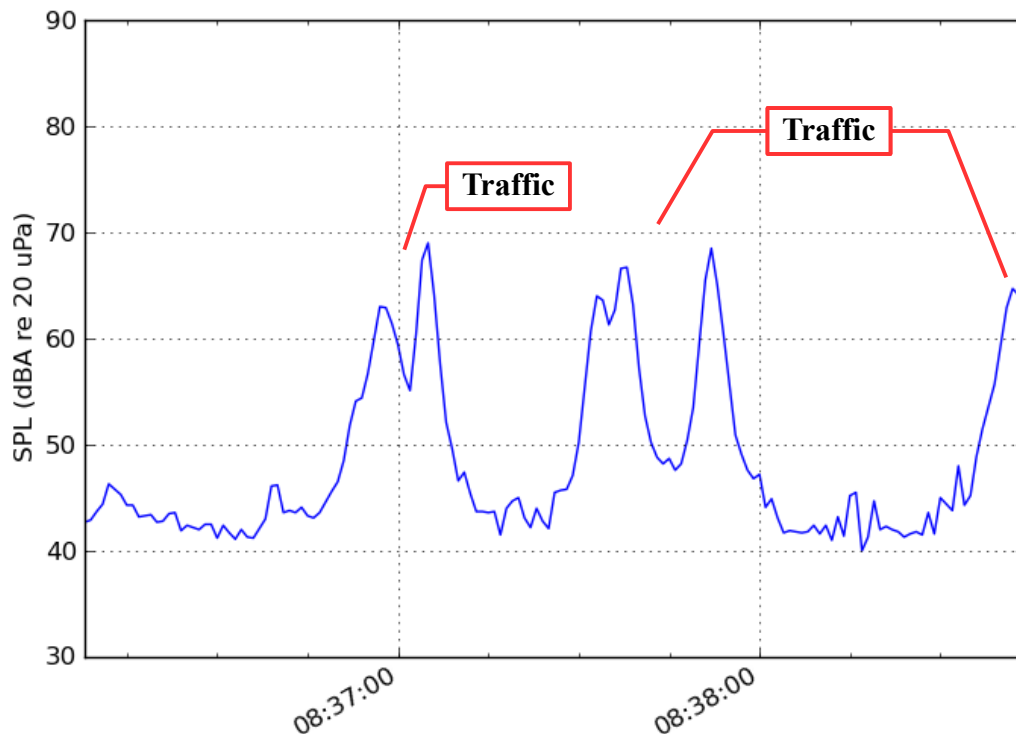


Figure 2.9. Sound Pressure Level at 23926 Glenburn During Play (Players on East Tennis Court)

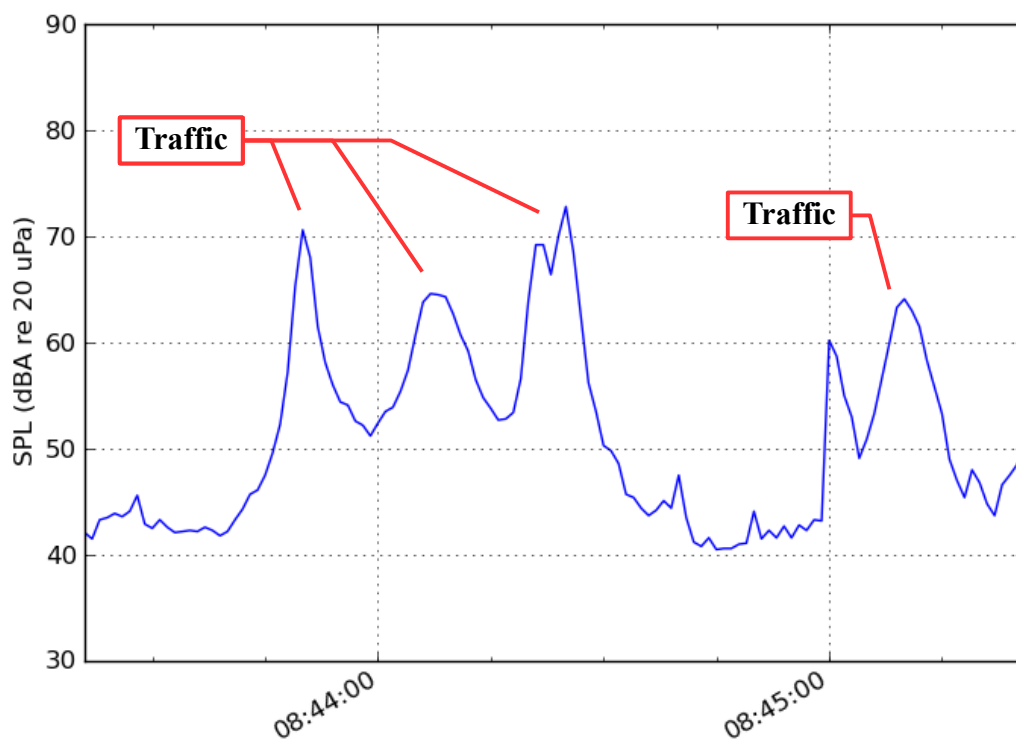


Figure 2.10. Background Noise Level at 23926 Glenburn

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%	LAmin	LAmax	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 coarse 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.

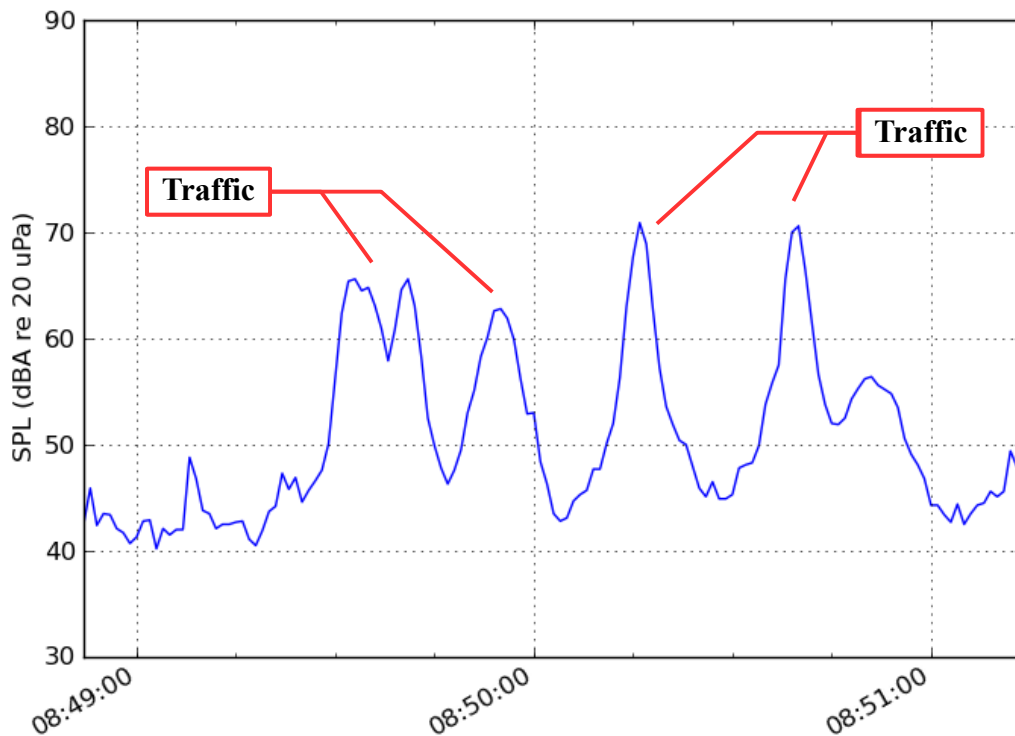


Figure 2.11. Sound Pressure Level at 23926 Glenburn During Play (Players on West Tennis Court)

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	LAmix	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 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.

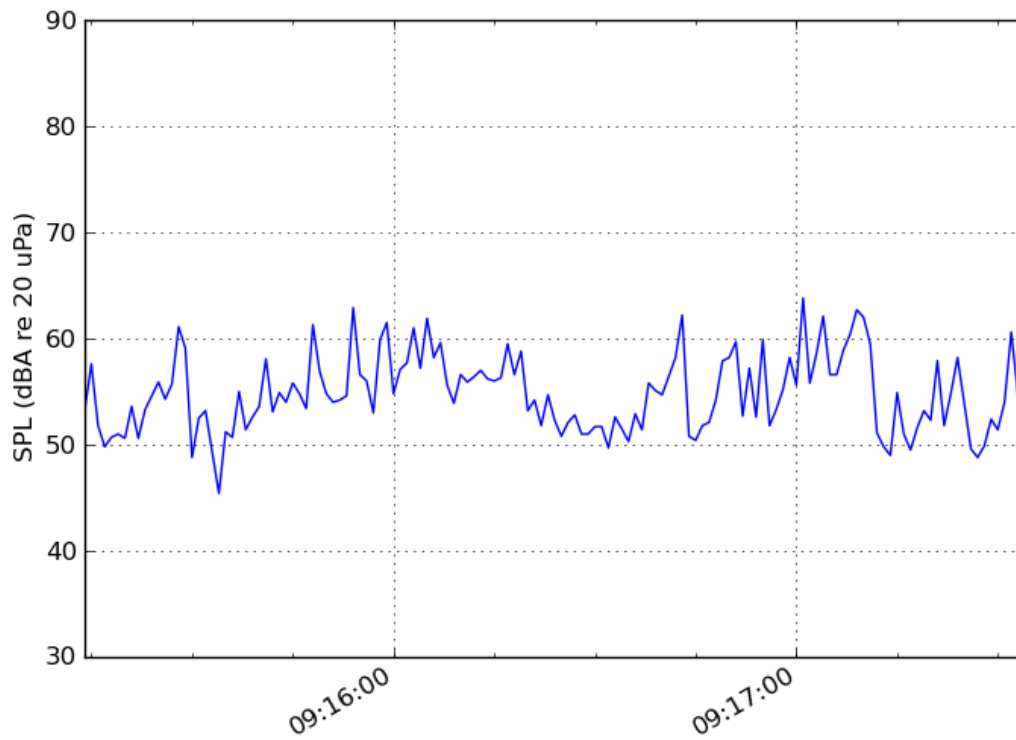


Figure 2.12. Sound Pressure Level at 23907 Sunvista During Play (Players on West Tennis Court)

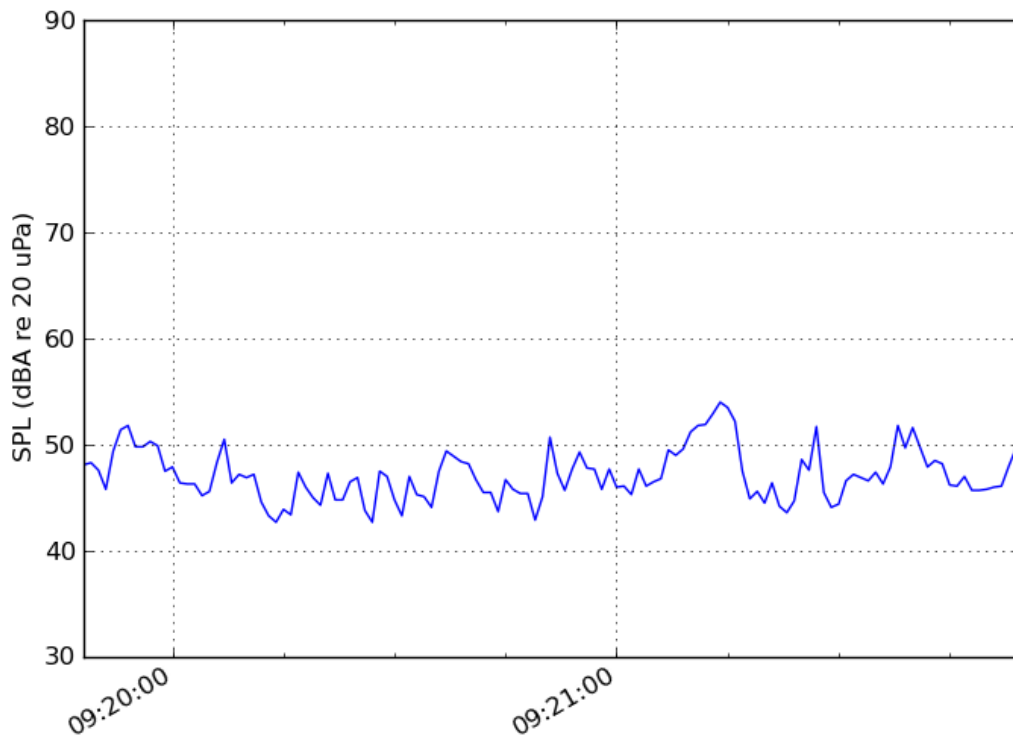


Figure 2.13. Background Noise Level at 23907 Sunvista

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 coarse 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.

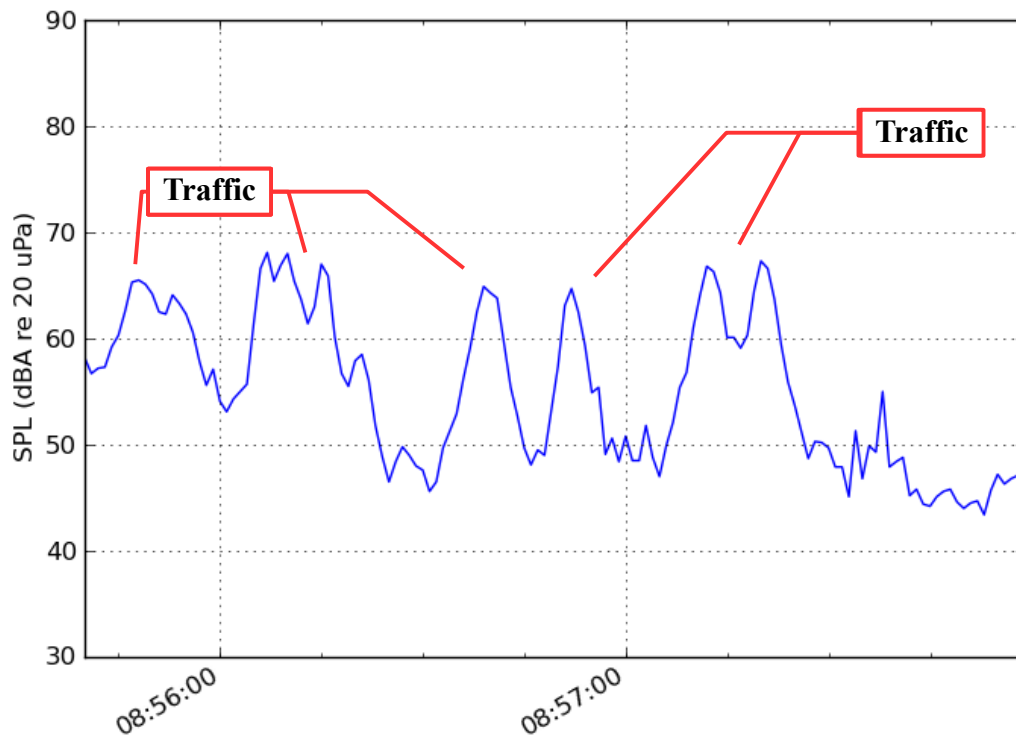


Figure 2.14. Sound Pressure Level at 23926 Glenburn During Play (Players on Practice Court)

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.

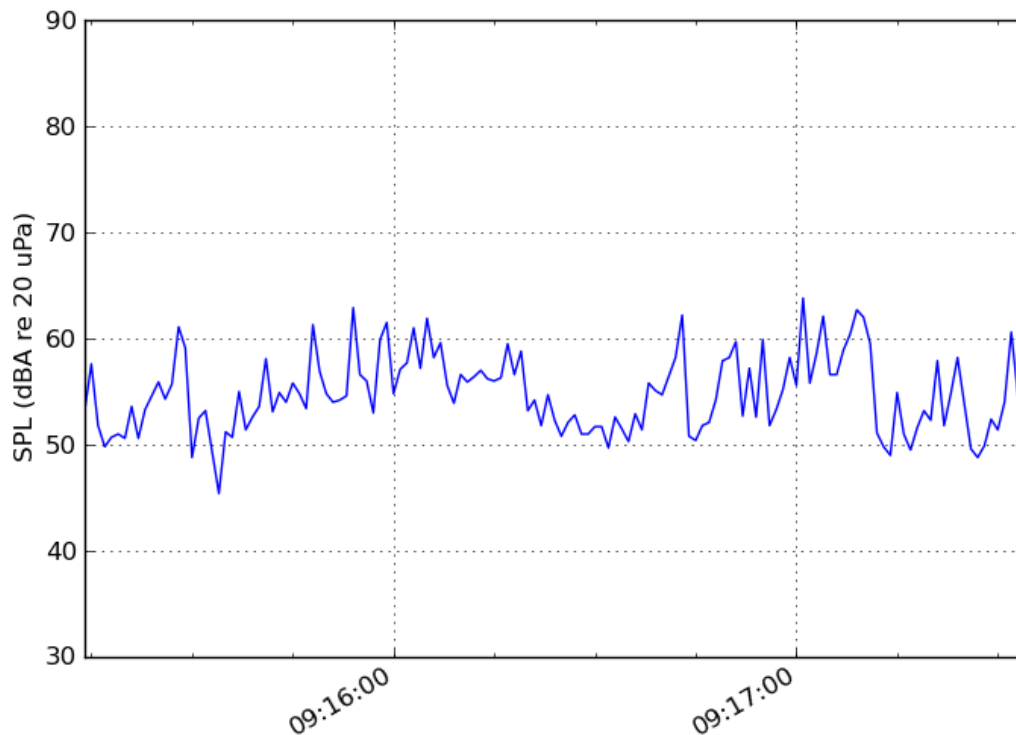


Figure 2.15. Sound Pressure Level at 23907 Sunvista During Play (Players on Practice Court)

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.

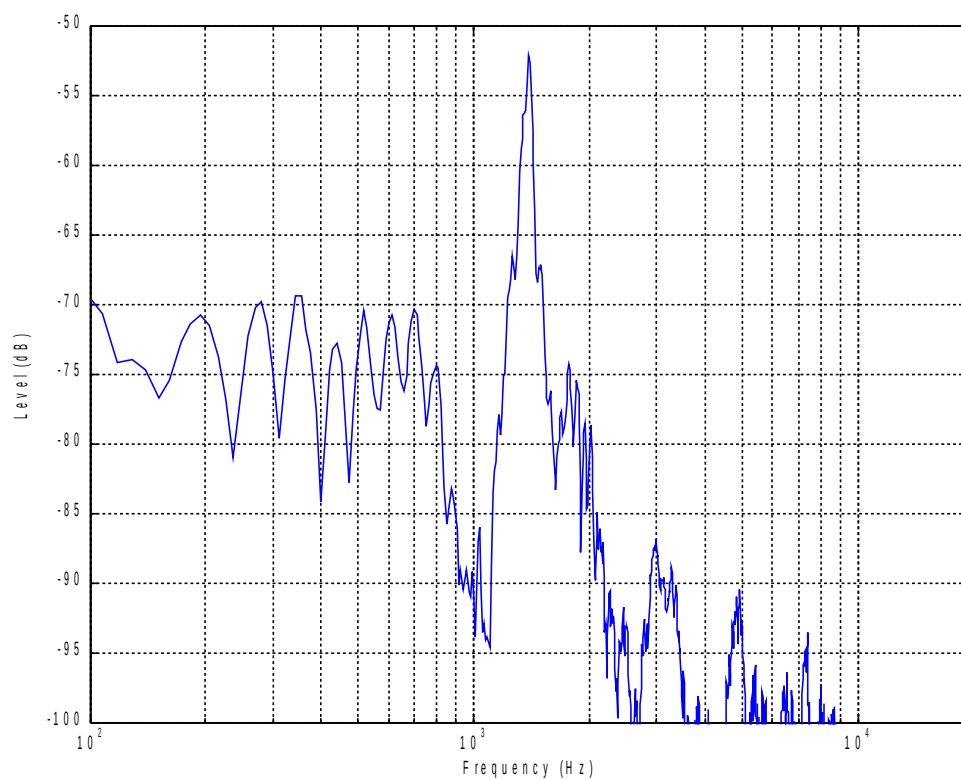


Figure 2.16. Spectral Response of a Sharp Hit

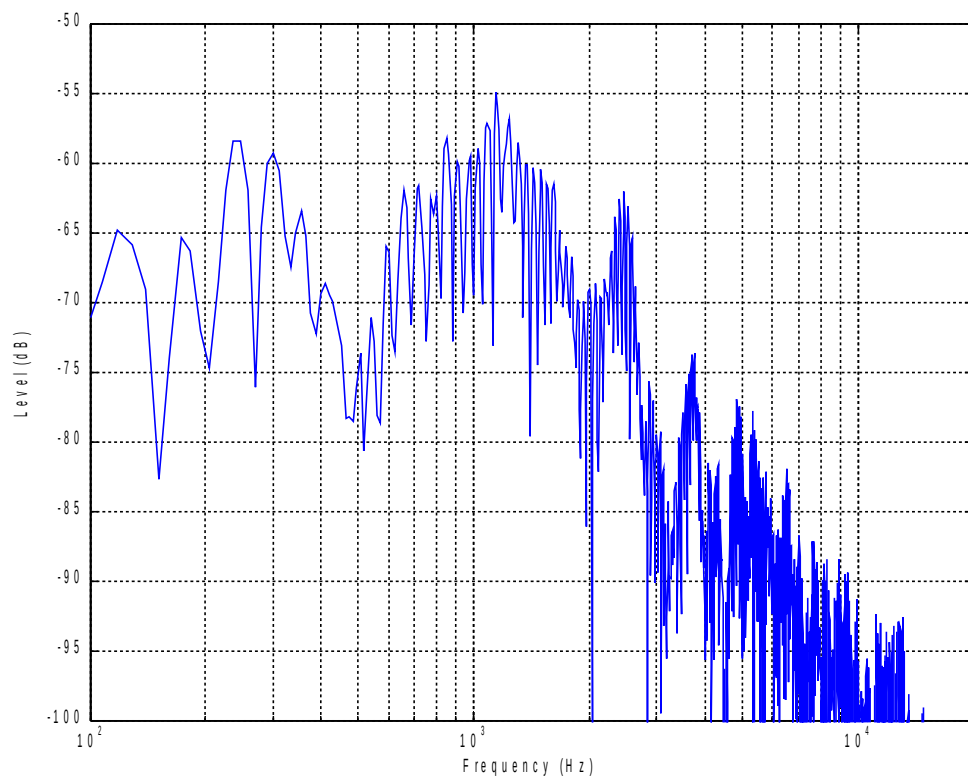


Figure 2.17. Spectral Response of a Dull Hit

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.

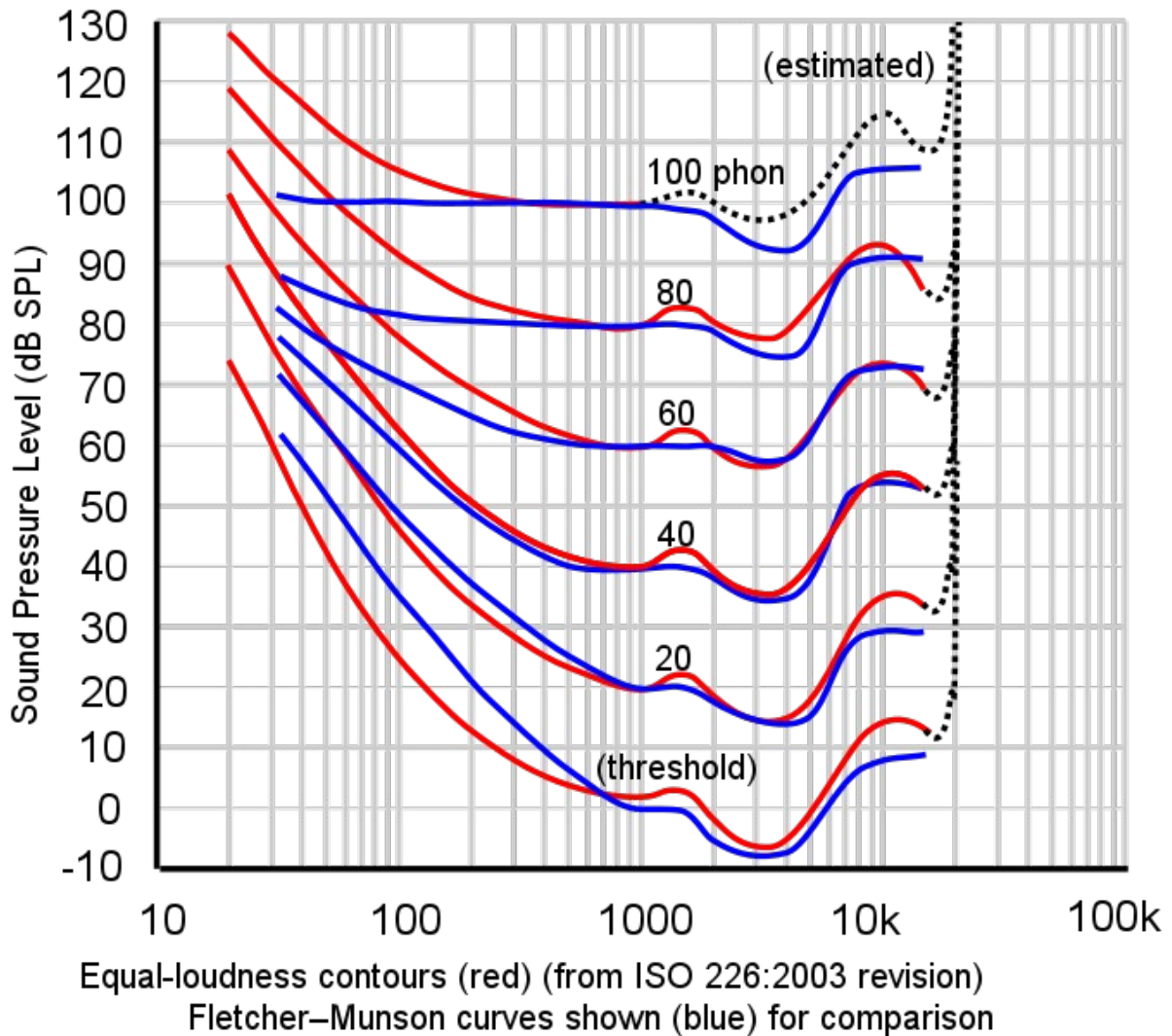


Figure A2.1. Equal Loudness Contours

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.

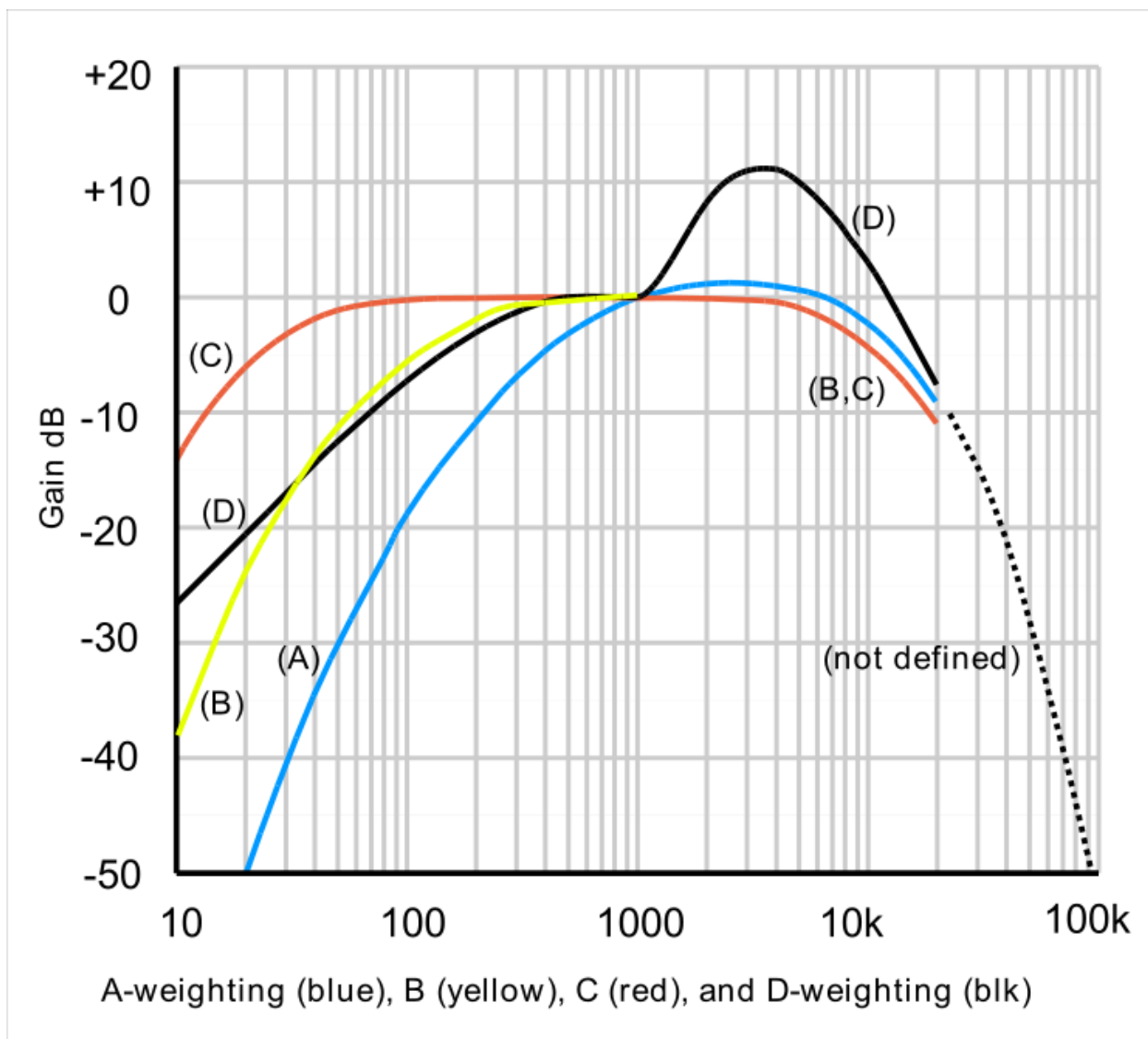


Figure A2.2. Frequency Weighting Filter Curves

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
(Bruel and Kjaer)

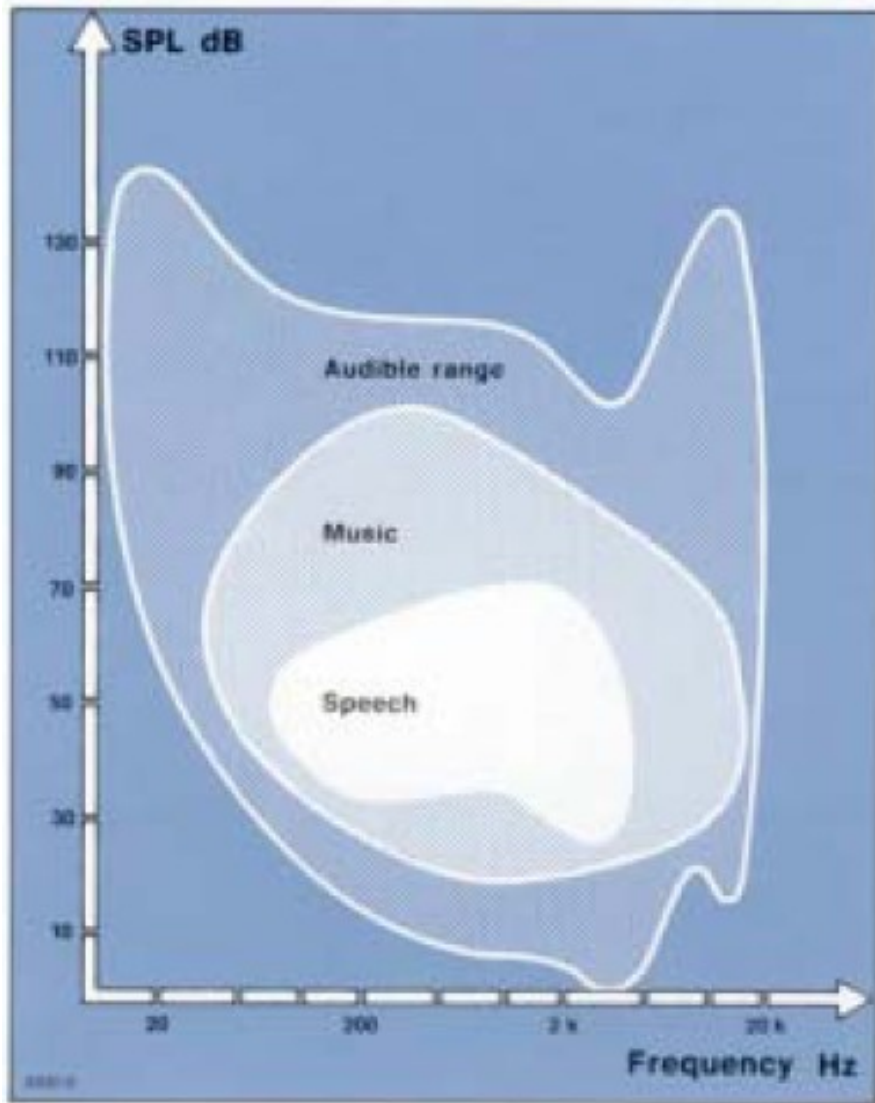


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Brüel and Kjaer)

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 Table A2.1 and Figure A2.5.

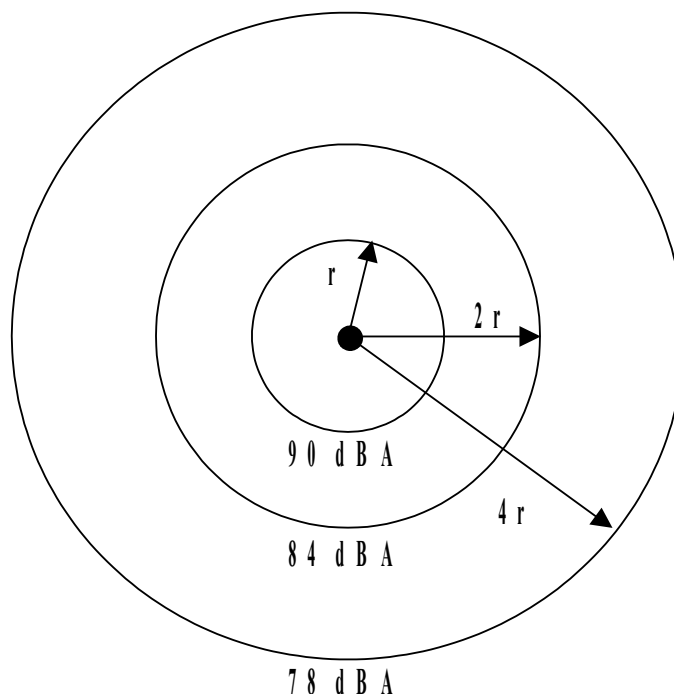


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

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.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

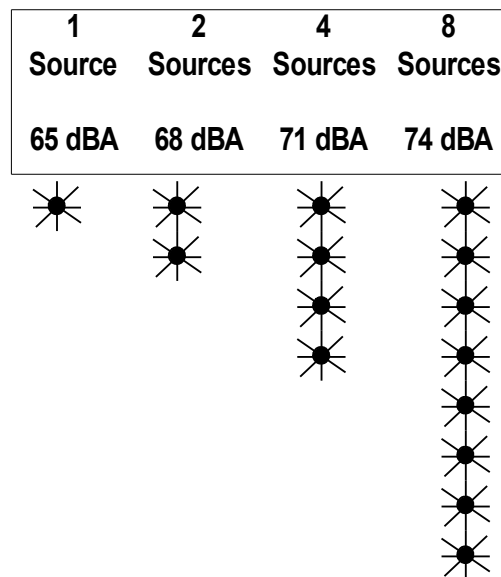


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

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.

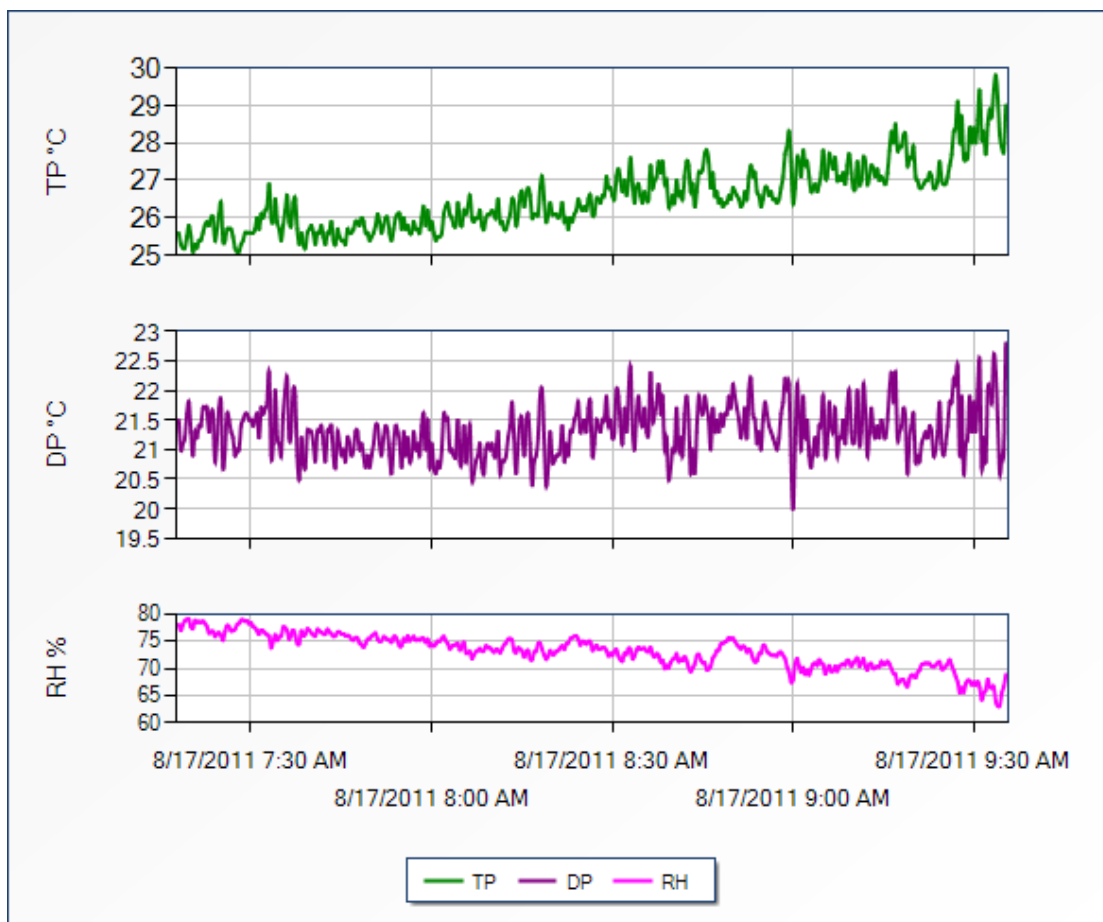


Figure A4.1. Temperature, Dew Point, and Relative Humidity on August 17, 2012

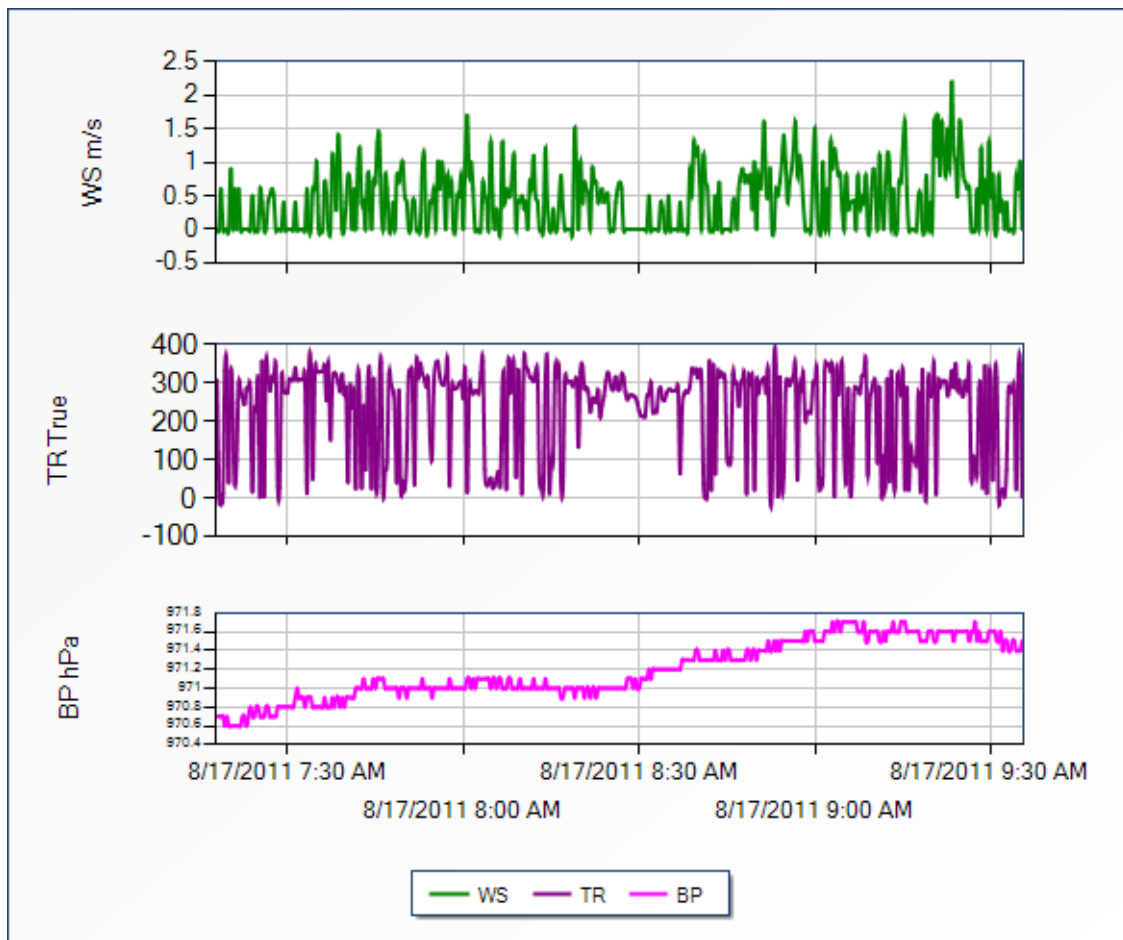


Figure A4.2. Wind Speed, Heading, and Station Pressure on August 17, 2012

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.

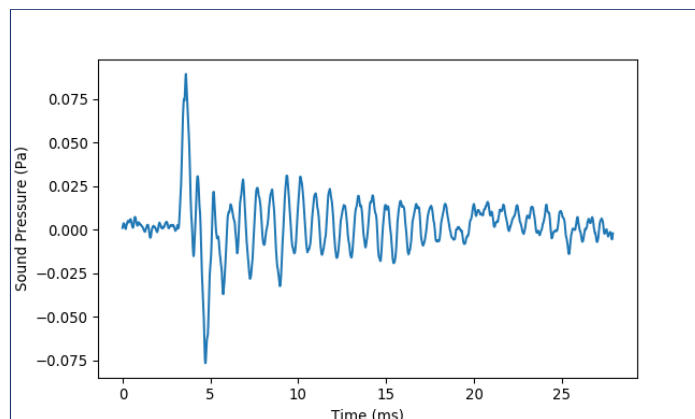


Figure 1. Paddle Impact Time Trace

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.

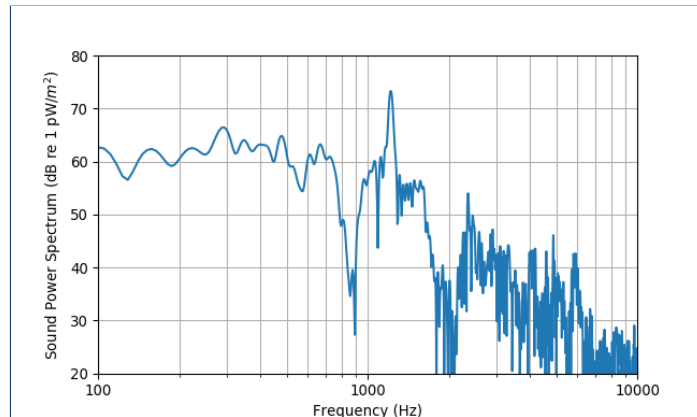


Figure 2. Paddle Impact Power Spectrum

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

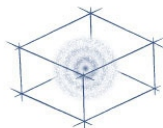
Pickle ball courts were built within forty feet of our residence. Not only is the pickle ball noise loud, but the players scream as loud as possible while playing. Can anything be done legally.

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.

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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

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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

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feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.

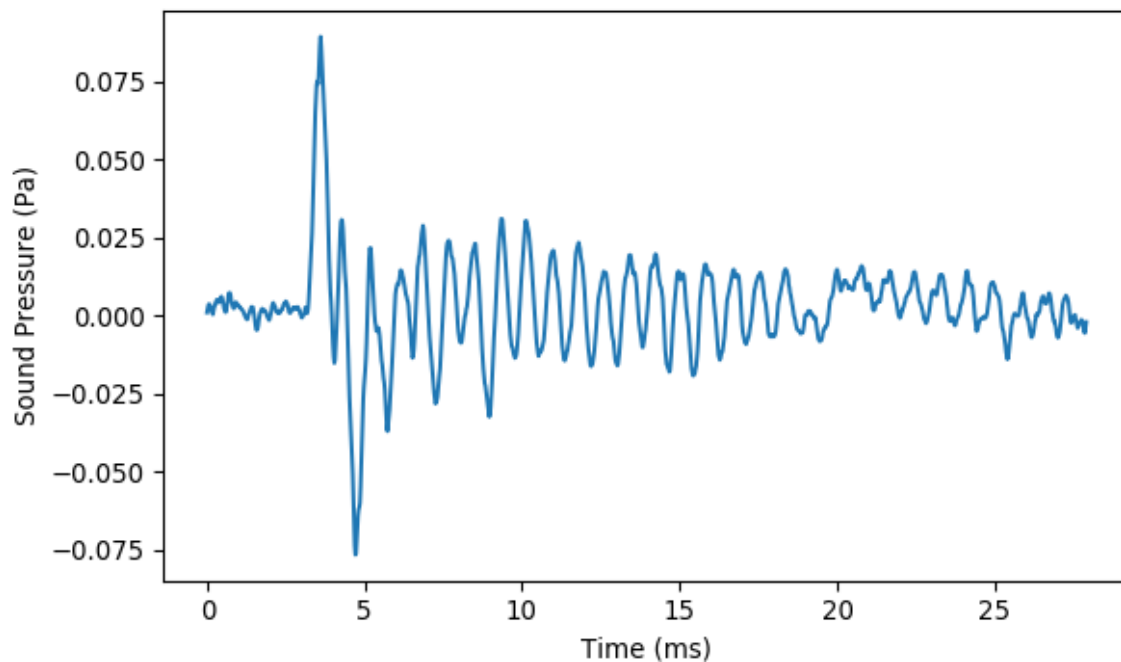


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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

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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 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve the Extension of the Main Street Dining Deck Program for 2022 and Authorize the Mayor to Execute Leases of City Property/Right-of-Way with Nine Main Street Restaurants, in a Form Approved by the City Attorney
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Dining Deck Approval 2022 Staff Report](#)

[Exhibit A: Street Dining 2022 Operational Restrictions](#)

[Exhibit B: HPCA Dining Deck Letter](#)

[Exhibit C: Updated 2022 Draft Lease Agreement](#)

[Exhibit D: 2022 Dining Deck Map](#)

City Council Staff Report

Subject: 2022 Main Street Dining Deck Lease Approvals
Author: Jenny Diersen
Department: Economic Development
Date: April 7, 2022
Type of Item: Administrative – Lease Approvals

Recommendation

Hold a public hearing, approve the extension of the Main Street Dining Deck program for 2022, and authorize the Mayor to execute leases of City Property/Right-of-Way with nine Main Street restaurants, in a form approved by the City Attorney with the following terms:

- The cost per parking space per business is \$2,160;
- Adhering to Operational Restrictions as outlined in Exhibit A; and
- Term – Staff is supportive of considering deck construction as early as April 15, as requested by HPCA (Exhibit B), Dining Decks will be removed by October 30 and during the Kimball Arts Festival unless KAC consents to allow the decks on the street.

Executive Summary

Street Dining was implemented in 2010 when three restaurants on Main Street participated. It was determined that up to 12 restaurants could participate in the program, creating the right balance between adding vibrancy and private activation of public property with other competing needs such as shared parking.

The annual program is in its twelfth year and is viewed as an overwhelming success. While design standards for the decks coupled with the topography of the street necessitate a substantial financial commitment from the merchant, they provide a desirable and safe atmosphere. The Operational Restrictions (Exhibit A) ensure compatibility with the Historic District Guidelines and are essential to Main Street's vibrancy.

The Economic Development Program Manager reached out to past deck lessees and coordinated with HPCA to debrief on last year's program and verify support for this year's program. There are two new restaurants that are exploring the Dining Deck program, but those were not ready for this report and will come back at a subsequent meeting if they chose to pursue the program.

Based on responses, staff recommends renewing leases (Exhibit C) including:

- Leases for seven Dining Decks on Main Street;
- A lease for a deck with the Brick restaurant contingent on needed modifications to comply with requests operational restrictions required from Chief Building Official and City Engineer; and

- A lease for use of the public property for dining for Fletchers located within the Bear Bench Walkway.

Address	Restaurant
317 Main	Eating Establishment
412 Main	Crystal Park Cantina
438 Main	Flanagan's
442 Main	Shabu
501 Main	501 on Main
508 Main	The Brick
530 Main	Main Street Pizza Noodle
605 Main	Bangkok Thai
562 Main	Fletchers

Background

In 2010, the Planning Department issued Administrative Conditional Use Permits (ACUP) for the restaurants listed above. The Council approves annual leases for public property used for the Main Street Dining Deck program. A term of the lease notes that *"City Council will conduct an annual review, with staff input will be conducted each year. City Council may terminate or change the terms of this lease at that time."*

Rental fees have varied based on market conditions and parking fee rates (table below). The cost is based on the number of parking spaces for a deck (linear feet of deck/20') and the foregone parking revenue/space. Nine restaurants participated in 2021, while participation has fluctuated annually.

Year	Number of Participants:	Fee per Parking Space	Note
2010	3	\$0	Free
2011	9	\$300	Approx. 10% of estimated lost revenue.
2012 - 2014	9	\$550	Approx. 20% of estimated lost revenue.
2015	7	\$915	60% of \$1,525 (2014 estimated lost revenue).
2016	8	\$1,067.50	70% of \$1,525 (2014 estimated lost revenue).
2017	7	\$1,220	80% of \$1,525 (2014 estimated lost revenue).
2018	6	\$1,678	90% of \$1,809 (2017 estimated lost revenue).
2019	7	\$2,160	30% of \$7,200 (2018 estimated parking revenue).
2020	8	\$0	Fees waived one year only due to COVID-19
2021	9	\$2,160	30% of \$7,200 parking revenue (2019 Standard Fee)

On [May 2, 2019 \(minutes\)](#), p.10), the previous Council approved charging \$2,160 per parking space to provide a standard cost to be consistent year over year instead of

changing fees each year. Fees were calculated based on 30% of the maximum lost revenue per parking space ([Parking Fee Schedule](#)). However, due to the pandemic, on [April 30, 2020/ minutes](#) p 6-7), the dining deck fees were waived to help promote physical distancing. In 2021, Council reinstated the fees to \$2,160/parking space.

HPCA and PCMC had discussions at the inception of the program to find a balance between private activation of public space that benefits individual businesses with broader benefits to the downtown. Participating merchants were initially concerned about high start-up costs and a lack of financial return. In return, PCMC kept fees low originally and has increased them as the program became more financially dependable.

Analysis

Drop, Load & Staging (DLS) Zone Impacts

There are currently three Dining Decks that impact DLS Zones. These include Flanagan's on Main, Shabu, and The Brick. Staff coordinated these possible impacts in November with HPCA and anticipated these impacts ahead of time. There are no concerns from staff or HPCA about these minor changes to the DLS program while dining decks are up. Staff will continue to monitor for any impacts to the DLS program.

Lease Fee

The fees shown below assume decks are operational from May 2 – October 30, 2022 (Exhibit C: Proposed 2022 Street Dining on Main Map). Lease amounts are prorated based upon when restaurants secure a permit. Restaurants also pay for Building Permits and increase Business Licensing fees.

2022 Restaurants / 20' Parking Space	Recommendation \$2,160/space 30% of maximum revenue
Eating Establishment / 1.35 spaces	\$2,916
Crystal Park Cantina / 1.2 space	\$2,592
Flanagan's on Main / 1.24 spaces	\$2,678.40
Shabu / 1.18 spaces	\$2,548.80
501 on Main / 1.0 spaces	\$2,160
The Brick / 1.25 spaces	\$2,700
Pink Elephant /1.0 spaces	\$2,160
Main St. Pizza & Noodle / 1.56 spaces	\$3,369.60
Bangkok Thai 1.80 spaces	\$3,888
Fletchers / 1.35 spaces (based on sq ft of space – this does not take parking spaces)	\$2,916
Totals: 10.58 parking spaces	\$25,768.80

Lease Terms

Staff recommends keeping Operational Restrictions and fees consistent for 2022 to keep costs predictable for restaurants, and the parking department. Should the Council desire to increase parking fees, staff could return at a subsequent work session to

present alternatives and engage with the deck owners. Staff believes the current term (April 15 to October 30) balances private use of public property when it benefits the overall district as described above. HPCA is supportive of staff's recommendation.

The Brick Restaurant

In 2021, the Brick dining deck was too close to the intersection of Fifth Street, affecting the line of sight. The Chief Building Official and City Engineer allowed this for one year and placed the owner on notice that the deck would have to be changed in future years (in 2022 10 feet from the intersection). Additionally, an accessible ramp will be required. Two options have been provided to the Brick including getting permission from the neighboring property owner to allow the dining deck to move north in front of the adjacent storefront or to reconstruct the deck to shorten it which will be costly.

Department Review & Outreach

Planning, Finance, Building, Parking Services, Legal, and Executive Departments have reviewed this staff report. Additionally, staff coordinated with HPCA on this program.

The City holds a contract with the Kimball Art Center (KAC), which is aware of the proposed dining decks. KAC will reach out to deck owners regarding the removal of decks during the Arts Festival.

Exhibits

Exhibit A: HPCA Letter Regarding Dining Decks
Exhibit B: Street Dining 2022 Operational Restrictions
Exhibit C: Updated 2022 Draft Lease Agreement
Exhibit D: Proposed 2022 Street Dining on Main Map

Exhibit A – Street Dining Operational Restrictions

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted beginning in May and shall terminate on October 30th of each year. A total of twelve (12) street dining decks may be accommodated on Main Street based on the layout of the proposed decks. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"), unless approved by City Council. With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.
2. Location/Proximity/Spacing. The City reserves the right to reject an application for an outdoor dining deck:
 - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
 - If the proposed deck is for a restaurant that does not have direct access at street level.
 - If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.

- If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
 - The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.
3. Material. Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.
 4. Height. The maximum height of the deck shall not exceed thirty-six inches (36") measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.
 5. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.
 6. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.
 7. Umbrellas. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.
 8. Lighting. No additional electric lighting is permitted, including exterior building lighting.
 9. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.
 10. Use. The use of the Premises shall not conflict with any previously existing Master Festival License ("MFL") recipients on Main Street, specifically the Arts Fest ("Kimball Art Center"). The Kimball Art Center has been leased exclusive use of Main Street August 5-7, 2022. The Premises must be vacated (i.e., removal of decks) no later than 10:00 a.m. MT on Thursday, August 4th, 2022 for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant's use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost. The dates of the 2022 Kimball Arts

Festival are subject to change, and as such the vacating of the Premises shall occur at 10:00 a.m. the Thursday prior to the Arts Fest.

11. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.
12. Duration. Street dining is permitted beginning in May and shall terminate on October 30th, each year.
13. Health & Safety. The Use shall not violate the Summit County Health Code, Summit County Health Orders, State of Utah Health Orders, the Fire Code, or International Building Code.
14. Music. The use of outdoor speakers and music is prohibited.
15. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.
16. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.
17. Removal. Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
18. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.
19. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.
20. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury and property damage.

Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

21. Main Street Improvements. Due to the possible conflicts with scheduled Main Street improvements the City may postpone approving leases until the construction schedule is finalized to be able to determine appropriate dates.

If at any time the street dining deck needs to be removed the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.

22. Aesthetics. Due to the Park City environment and storage of the decks over the years, the decks shall be maintained in a safe and high-quality manner. Prior to final installation and occupancy of each deck, the applicant shall make sure that the structural members can adequately meet their original design and each deck shall look aesthetically pleasing.

23. Violations. The decks shall be in compliance with all County and State Health Orders in addition to Municipal Code § 11-19-3(H) regarding Prohibition Against Issuance of Municipal Permits. From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair or construction, which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.



April 2, 2022

RE: Main Street Dining Decks 2022

On behalf of the HPCA, we respectfully submit our support to allow Dining Decks to be placed on Main Street for the 2022 summer season as soon as weather permits. It is our understanding that while we are in support of allowing the decks to be installed prior to May 3, 2022, they will still be required to be off the no later than October 30, 2022.

Thank you in advance for your time and consideration. Please feel free to contact me if additional discussion is needed.

A handwritten signature in black ink that reads "Ginger Wicks". The signature is written in a cursive, flowing style.

Ginger Wicks
HPCA Executive Director

Exhibit C: Draft 2022 Dining Deck Lease Agreement

STREET DINING ON MAIN OUTDOOR DINING LEASE 2022

This Street Dining on Main Outdoor Dining Lease 2022 (the “Lease” or “Agreement”) is made and executed this ____ day of _____, 2022, by and between **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation, (the “City”, “Park City”, or “Landlord”) and _____, a Utah corporation, (the “Tenant”) located at _____, Park City, Utah.

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City’s goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City’s goals include the preservation and enhancement of Park City’s character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City’s General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City’s goals include maintaining and furthering the resort community’s economic opportunities, as well as enhancing the economic viability of Park City’s Main Street Business District.

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

1. **PROPERTY.** The property affected by this Lease is generally described as the street area and sidewalk directly fronting Tenant’s building located at _____, which has a length of ____ feet (X# of parking spaces), and

more specifically described in site plan **Exhibit A**, attached hereto and incorporated herein by this reference, (the "Premises"). The length of the outdoor dining deck per restaurant may not exceed forty feet (40').

2. RENT. Annual rent for the use of the street for the deck is two thousand and sixty dollars (\$2,160.00) per parking space of a linear length of 20 feet. This rent is for 2022 only. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this Lease, including but not limited to additional business licensing fees, insurance, sales taxes and other expenses.
3. TERM. Unless otherwise delayed, suspended or terminated by Summit County health order(s), the term of this Agreement shall commence on _____, 2022, and shall terminate on October 30, 2022 ("Term") unless terminated earlier as provided herein. The Premises may only be utilized for a six (6) month period commencing on _____ 2022, and terminating on October 30, 2022, except the Premises ~~may not be~~ used during the 2022 Kimball Arts Festival (August 5, 2022 through August 7, 2022) unless Kimball Art Center consents in writing to allow Tenant to use the Premises. Additional term restrictions are attached hereto and incorporated herein by this reference in **Exhibit B** (Street Dining Operational Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this Agreement or the attached operational restrictions.

The use of the Premises shall not conflict with any previously existing Master Festival License ("MFL") recipients on Main Street, specifically the Arts Fest ("Kimball Art Center"). The Kimball Art Center has been leased exclusive use of Main Street in August. The Premises must be vacated (i.e., removal of decks) no later than 10:00 a.m. MT on Thursday, August 4, 2022, for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant's use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost. **The dates of the 2022 Kimball Arts Festival are subject to change, and as such the vacating of the Premises shall occur at 10:00 a.m. the Thursday prior to the Arts Fest.**

4. MAIN STREET IMPROVEMENTS. If at any time the street dining deck needs to be removed due to construction related to Main Street improvements, the City will give each affected street dining business owner a minimum of seventy two (72) hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.
5. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with applicable Summit County health orders, Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions which must be complied

with as part of the conditions of this Lease are attached hereto and incorporated herein in **Exhibit B**. Park City makes no representations regarding the Premises and Tenant accepts the Premises "AS IS."

6. **IMPROVEMENTS TO THE PREMISES.** Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.
7. **SIGNS.** No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.
8. **INSURANCE.** Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars (\$2,000,000) per combined single limit per occurrence and Three Million Dollars (\$3,000,000) per aggregate for personal injury, bodily injury and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be non-contributory. A certificate of insurance naming Park City as an additional insured shall be provided to Park City on or before the Lease commencement. Insurance shall be maintained continuously during the term of the Lease and should any of the above described policies be cancelled before the expiration date thereof, Tenant shall deliver notice to Park City within thirty (30) days of cancellation. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act on behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.
9. **HOLD HARMLESS.** Tenant covenants and agrees to defend, indemnify, and hold Park City harmless from all claims, loss, damage, injury or liability (hereafter "Liability") resulting from Tenant's use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, or utility, the structure may be removed or damaged by response teams at the cost of the Tenant.

Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

10. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.
11. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this Agreement at the highest professional standards, and to the satisfaction of Park City.
12. 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.
13. 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.
14. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.
15. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between the parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Tenant:

a Utah corporation,
dba

By: _____
Name Printed:

Title: _____

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

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2022, personally appeared before me
_____, who being duly sworn, did say that he/she is the _____
of _____, a Utah corporation, **dba** _____,
and acknowledged to me that the preceding Agreement was signed on behalf of the
company, and he/she acknowledged that the company did execute the same for its
stated purpose.

Notary Public

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: _____
Nann Worel, Mayor

Attest:

Approved as to form:

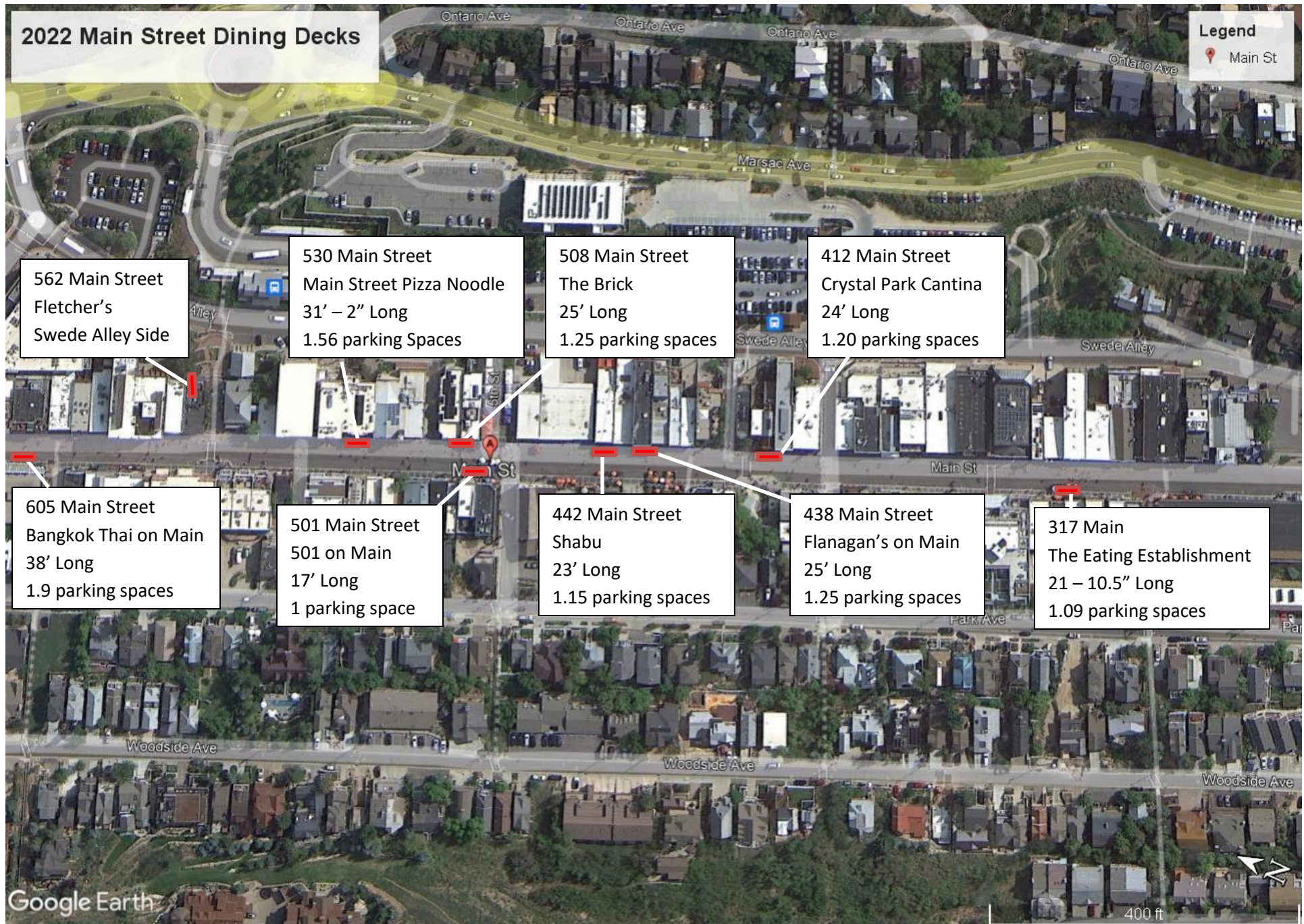
Michelle Kellogg, City Recorder

City Attorney's Office

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.
Signed on the ____ day of _____, 2022, at _____ (insert State and
County here).

Printed name _____

Signature: _____



*Staff may suspend the program for events or other unforeseen circumstances.

Map Key

- DLS Permit after 5 p.m. / 15 minute before 5 p.m.
- DLS Permit after 5 p.m. / Staging Allowed after 10 p.m.
- Oversized Drop and Load / 15 minute
- No Permit Required Drop and Load Only
- No Permit Required Drop Load and Staging
- 15 minute parking
- Dining Decks (remove Oct 30, Install May 2022)

The aerial map shows the University of Utah campus with various colored lines and shapes indicating parking and drop-off/pick-up zones. Yellow lines are located along the main road on the left and near the center. A magenta line is in the center. A red line is near the top center. An orange square is near the top center. Blue lines are scattered throughout, including a large L-shaped line at the bottom left. Black rectangular areas representing dining decks are visible in the upper right and center-right portions of the map.

Permit renewals are in November
*Staff may suspend the program for events or other unforeseen circumstances.

Alternative 3: Flanagas to the Brick (status quo), Atticus at 7th Street (status quo), Bear Bench (new), west side PC Live to Woodbury Jewelers (new), return parking from Flanagan's to paid parking (with dining decks)



Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve the 2022 Park Silly Sunday Market Supplemental Plan for the Park Silly Sunday Market, a Level Four Special Event

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Park Silly Sunday Market 2022 Supplemental Plan Staff Report](#)

[Exhibit A: PSSM Application and Supplemental Plan](#)

[Exhibit B: Draft Findings and Special Event Permit PSSM 2022](#)

[Exhibit C: PSSM Analysis 2022](#)

City Council Staff Report

Subject: 2022 Park Silly Sunday Market Supplemental Plan
Author: Jenny Diersen
Department: Special Events
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Hold a public hearing and approve the 2022 Supplemental Plan for Park Silly Sunday Market (PSSM), a Level Four Special Event, based upon findings that PSSM is operating consistently with the City Services Agreement (September 14, 2017, and amended on [January 9, 2020](#) / [minutes](#) p.7).

Background

There is a [long and successful history of PSSM](#). This item is focused on the 2022 Supplemental Plan Approval, which is the annual operating plan within the [City Services Agreement](#) (Agreement). This is the last year of the Agreement which expires on September 30, 2022. Future discussions regarding a long-term Agreement will be considered at a subsequent City Council meeting.

As part of the City Service Contract section 2.1, the Supplemental Plan should have Council approval by the second week in April for the Market to begin in June of each contracted year.

The 2022 PSSM will be held Sundays, June 5 to September 25, excluding August 6 (Arts Fest Weekend), 13 (Tour of Utah Weekend, even though Tour of Utah canceled), and 20 (No Event Day), which are all required breaks per the Agreement.

Analysis

Council should hold a public hearing and approve the 2022 Supplemental Plan for PSSM based on findings (Exhibit B) that PSSM is operating consistently with the City Services Agreement. A full analysis of PSSM is included in Exhibit C. Changes and items of note are listed below.

PSSM Requested Changes:

PSSM Vendors: [PSSM only has one change to their Supplemental Plan in 2022](#) (p.159 / [minutes](#) p. 16). Pre pandemic, PSSM had 2,248 vendors (160/market), during the Pandemic, they reduced that number to 1,575 vendors (112/market). PSSM seeks to bring vendor amounts back to pre-pandemic levels. PSSM will continue to follow the vendor mix as required by the Agreement. PSSM will continue to not market the event.

City Recommended Changes:

Parking & Transportation:

Parking and Special Event Departments are considering increasing event parking rates this summer. A discussion on all summer event parking rates will come back to City Council after coordination with HPCA. Consistent data over the last five years shows

that parking continues to fill on Sundays between 10:30 a.m. and 4:30 p.m. On average, parking sessions last two to three hours.

To continue to incentivize transit ridership and the critical community priority of Transportation, PCMC will continue to provide increased transit services which are always promoted by PSSM in addition to alternative modes of transportation such as biking and carpooling. PSSM will also supplement City Transit on the three busiest days with a private shuttle company.

Other Items to Note:

Car-Free Sundays: Staff has received a request to consider Car-Free Sundays in 2022 from Historic Park City Alliance (HPCA). HPCA is finalizing its proposal; staff will return to a subsequent City Council meeting for this discussion. If Car Free Sundays does not return to Main Street, per the City Services Agreement, PSSM will be required to provide and pay for pedestrian management at the intersection of Heber Avenue and Main Street.

Working Group and Mid-Season/End of Season Review: Working group walkthroughs are scheduled on June 12 at 11 a.m., July 10 at 1 p.m., August 28 at 11 a.m., and September 11 at 3 p.m. with City Council Special Event and PSSM Liaisons (Ryan Dickey and Jeremy Rubell). As required in the Agreement, PSSM will return to Council for a July mid-season review and by November for the end of season review.

Funding

Total City Service Fees for the 2022 PSSM are estimated at \$68,063 (detailed costs are in Exhibit B). Per section C.6.a of the City Service Agreement, the City will waive \$60,500 in fees and the City also pays PSSM for bollard installation, for which the City reimburses PSSM \$1,000/market (\$14,000 total). This brings the total of City Service Fees and bollard installation to \$82,063. It is estimated that the City will owe PSSM \$6,417 at the end of the season for bollard installation, which is budgeted for within existing departmental budgets.

Exhibits

Exhibit A: PSSM Application & Supplemental Plan
Exhibit B: Draft PSSM Special Event Permit
Exhibit C: Analysis of PSSM

Special Event Pre-Application Form

[SAVE](#)[PRINT](#)[SUBMIT](#)

The Special Events Department no longer accepts rolling applications. All applicants must submit the following Special Event Pre- Application Form and receive administrative permission from the Park City Special Events Department prior to submitting a Special Event Application. Any new or significantly changed event should also review the [Peak Time Period Calendar](#) which restricts new events during peak times. Special Event Applications are accepted up to 18 months in advance and are due as follows:

1. First Friday in December for events through June, reviewed and approved/denied by end of February.
2. First Friday in April for events through October, reviewed and approved/denied by end of June.
3. First Friday in August for events through February, reviewed and approved/denied by end of October.

Events that are determined a Level 1 or Level 2 are exempt from these deadlines but must submit a completed application no less than 30 days prior to the scheduled start of the event, unless otherwise approved by the Economic Development Manager.

Special Event Date(s) or Application is not approved until the Special Event Application is reviewed and approved in a Special Event Permit according to Section 4A of the Municipal Code. All Special Event Pre-Application Forms should be sent to Chris Phinney in the Special Events Department at chris.phinney@parkcity.org. For questions, please call 435.615.5194.

Please provide the following information:

EVENT Contact Information	
Event Name	Park Silly Sunday Market
Primary Contact First & Last Name	Kate McChesney
Email Address	kate@parksillysundaymarket.com
Phone Number	435-714-4036
Website	www.parksillysundaymarket.com
Business/Organization Name	Park Silly Sunday Market

EVENT Date & Time	
Requested Date(s) of Event	Sundays, June 5 - Sept 25
Proposed Time of Event	10am - 5pm
Total attendance from previous year	220,000
Estimated total attendance for upcoming year	225,000
Is your event changing? What changes do you anticipate?	no

EVENT Location (*Please list all that apply. Event Location, Fields, Parks, Public Facilities, Trails, Private Facilities & Letter of Permission, Streets, Other)

Historic Main Street

** Please note: with the exception of August 7, 14 and 21



Print

Save As

Submit

Park City Municipal

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060
specialevents@parkcity.org

APPLICATIONS DO NOT CONSTITUTE AS A PERMIT.
PERMITS ARE APPROVED BY THE SPECIAL EVENTS DEPARTMENT OR CITY COUNCIL AFTER COMPLETE APPLICATIONS ARE REVIEWED UNDER PARK CITY MUNICIPAL CODE 4A.

Applications for Level 3, 4, or 5 Special Event Permits are due:

First Friday in December for events occurring between March-June,

First Friday in April for events occurring between July-October, and

First Friday in August for events occurring between November-February.

Events that are determined a 1 or 2 are exempt from these deadlines, but must submit a complete application no later than 30 days prior to an event. **Please Note:** The City reserves the right to restrict the number of event permits annually. Applications for new level 3, 4, or 5 event will not be considered during Peak Time Periods as mentioned in Section 4A-2-3(D). Incomplete applications cannot be reviewed. Applications submitted after the deadlines as described above may be denied. Business/Organization listed as applicant must match the Hold Harmless and Proof of Insurance to be considered for approval. For more information, please visit www.parkcity.org or contact us at specialevents@parkcity.org.

IF YOU HAVE QUESTIONS OR WOULD LIKE TO SCHEDULE A MEETING BEFORE SUBMITTING YOUR APPLICATION, PLEASE CONTACT:

Colleen McGinn

colleen.mcgin@parkcity.org

435-615-5187

Chris Phinney

chris.phinney@parkcity.org

435-615-5194

APPLICATION FEES & EXPENSES

First Amendment Event Permit	\$40.00	• Application levels are determined by the Special Events Department after reviewing complete applications.
Level 1 Special Event Permit	\$40.00	• Additional fees for other city services will be estimated and provided to the applicant upon request and receipt of a complete application.
Level 2 Special Event Permit	\$80.00	
Level 3 Special Event Permit	\$160.00	• Applicants may incur additional expenses from other city, county, or state jurisdictions.
Level 4 Special Event Permit	\$320.00	• Fee reductions for city services are considered bi-annually. Fee reduction applications are due on:
Level 5 Special Event Permit	\$640.00	

April 1st for events July 1 – December 31 and October 1st for events January 1 – June 30.

AS THE APPLICANT YOU UNDERSTAND & AGREE TO THE FOLLOWING:

- ☒ To insure prompt and accurate processing of your application, ensure that all supplemental materials and documentation accompany your application. Failure to do so will constitute an incomplete application and may delay review and approval processes. I understand a complete application shall include this application plus transportation, parking, and traffic control plan, weather/emergency plan, waste and recycling plan, staff and volunteer plan, community impact outreach and notification plan, vendor or concession plan, sponsor and marketing plan, noise exemption request, site map, and permission for use of properties, as mentioned in Park City Municipal Code 4A-2-3(G), in addition to contingency plan, operations plan, planned rest areas, water, and toilet facilities, and will ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights, and signs as stated in Section 4A-2-11(B).
- ☒ Park City Municipal Corporation requires a certificate of insurance in an amount to be determined by the City Attorney's Office according to Section 4A-2-10 of the Park City Municipal Code. Submitting incomplete application information may delay the ability to determine the amount required. The amount of insurance required by the City Attorney's office is final and the applicant shall be required to submit proof of coverage including naming Park City Municipal Corporation, 445 Marsac, P.O. Box 1480, Park City, Utah 84060 as additionally insured prior to the start of any event activity.
- ☒ After the application is evaluated, the applicant will be responsible for providing proof that he or she has obtained other permits as necessary from city, county, or state agencies.
- ☒ I understand that as the applicant, I will assume and reimburse the City for any and all costs and expenses determined by Park City Municipal Corporation. Park City Municipal Corporation may require a deposit to cover such expenses. I may incur costs from other departments or other jurisdictional agencies. I understand I can request an estimate of City Services for the event upon submitting a complete application and that should I choose to, I can request a reduction of fees for some services as pertains to Park City Municipal Code 4A-2-9 through the bi-annual fee reduction application and process.
- ☒ I understand I am able to request a meeting with the Special Events Department prior to submitting an application and that this application does not constitute as a valid permit. I understand that permits are approved by the Special Events Department or City Council in writing after complete applications are reviewed under the Standards for Permit Approval in Park City Municipal Code 4A-2-4.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME OF EVENT: Park Silly Sunday Market				DATE(S) OF EVENT: Sundays - June 5th - Sept 25			
FIRST TIME EVENT:	Yes	☒ No	ANNUAL EVENT:	☒ Yes	No	IF ANNUAL, HOW MANY YEARS: 15	
ANNUAL EVENT THAT WILL BE THE SAME AS LAST YEAR:						☒ Yes	No
ANNUAL EVENT THAT WILL HAVE CHANGES FROM LAST YEAR:						Yes	☒ No
NAME OF APPLICANT (FIRST & LAST): Kate McChesney							
TITLE / POSITION: Executive Director							
BUSINESS / ORGANIZATION NAME: Park Silly Sunday Market							
IS BUSINESS / ORGANIZATION A REGISTERED NON-PROFIT?:				☒ Yes, a copy of IRS paperwork is attached	No		
MAILING ADDRESS FOR BUSINESS / ORGANIZATION: PO Box 684229							
CITY, STATE, ZIP:							



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060
specialevents@parkcity.org

PHYSICAL ADDRESS OF BUSINESS / ORGANIZATION:	
CITY, STATE, ZIP:	
PHONE (PRIMARY): 435-714-4036	PHONE (SECONDARY):
EMAIL: kate@parksilysundaymarket.com	
BUSINESS / ORGANIZATION WEBSITE: www.parksilysundaymarket.com	
SOCIAL MEDIA LINKS:	
DAY OF EVENT PRIMARY CONTACT	
ON-SITE DAY OF PRIMARY CONTACT NAME (FIRST & LAST): Kate McChesney	
ON-SITE DAY OF PRIMARY CONTACT CELL PHONE: 435-714-4036	
ON-SITE DAY OF PRIMARY CONTACT EMAIL: kate@parksilysundaymarket.com	
PUBLIC EVENT INFORMATION	
WEB SITE FOR PUBLIC EVENT INFORMATION: www.parksilysundaymarket.com	
PHONE NUMBER FOR PUBLIC EVENT INFORMATION: 435-714-4036	
EMAIL ADDRESS FOR PUBLIC EVENT INFORMATION: info@parksilysundaymarket.com	
Event description is attached as a separate document with supplemental materials and contingency plan.	
EVENT LEVEL DETERMINATION	
THE EVENT WILL INCLUDE THE FOLLOWING ACTIVITIES: (Check all that apply)	
☒ FESTIVAL / FAIR	☐ PARADE
☐ SKI / SNOW BOARD	☒ RUN
☒ BIKE	☒ WALK
☐ TRAIL USE	☒ CONCERT
☐ CULINARY	☐ FILMING
☒ ARTS & CULTURE EVENT	☐ HOLIDAY CELEBRATION
☐ RECREATION / SPORTING EVENT	OTHER:
THE EVENT WILL INVOLVE THE USE OF: (Check all that apply)	
☒ MAIN STREET	☐ RESORT PROPERTY
☒ SCHOOLDISTRICT PROPERTY	☐ PRIVATE PROPERTY
☐ CITY PARKS	☐ CITY FIELDS
☐ CITY FACILITY RENTAL	☐ RESIDENTIAL AREAS
☒ PARK CITY LIMITS	☐ MULTI-JURISDICTION
☐ AMPLIFIED SOUND	
THE TARGET MARKET FOR THIS EVENT IS: (Check all that apply)	
☒ YOUTH / FAMILIES	☒ ADULTS
☒ LOCAL	☒ STATE - WIDE
☒ REGIONAL	☒ NATIONAL
☒ INTER NATIONAL	☒ SPECTATORS
☒ PARTICIPANTS	OTHER:
THIS EVENT WILL: (Check all that apply)	
☐ LIMIT # OF PARTICIPANTS	☒ BE FREE FOR SPECTATORS
☐ BE FREE FOR PARTICIPANTS	☒ INCLUDE VENDORS OR SPONSOR
☐ OPEN TO THE PUBLIC	
☐ LIMIT # OF SPECTATORS	☐ CHARGE ADMISSION FOR SPECTATORS
☐ CHARGE PARTICIPANTS	☐ NOT INCLUDE VENDORS OR SPONSOR
☐ PRIVATE EVENT	
THIS EVENT WILL BE HELD: (Check all that apply)	
EVENT DATE(S):	
☐ MONDAY	☐ TUESDAY
☐ WEDNESDAY	☐ THURSDAY
☐ FRIDAY	☐ SATURDAY
☒ SUNDAY	
☐ WEEKLY	☐ MONTHLY
☐ SERIES	☐ ONE DAY
NUMBER OF EVENT(S):	NUMBER OF CONSECUTIVE DAYS:



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ONE DAY EVENT HOUR(S)			
EVENT START TIME: 10am		EVENT END TIME: 5pm	
EVENT SET-UP DATE: June 5 - Sept 25 (Sundays)		EVENT BREAK-DOWN DATE:	
EVENT SET-UP TIME(S): 7am		EVENT BREAK-DOWN TIME(S): 7am5pm - 8pm	
MULTIPLE DAY EVENT HOUR(S)			
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
INCLEMENT WEATHER INFORMATION			
DAY:	DATE:	START TIME:	END TIME:
EVENT SET-UP DATE:		EVENT BREAK-DOWN DATE:	
EVENT SET-UP TIME(S):		EVENT BREAK-DOWN TIME(S):	
☐ No inclement weather date is required and the event will be held rain or shine. I understand the event may be cancelled or postponed by the city due to hazardous or damaging conditions.			
EVENT ATTENDANCE			
IF ANNUAL EVENT:			
TOTAL EVENT ATTENDANCE OF PREVIOUS YEAR: 213,000		TOTAL DAILY EVENT ATTENDANCE OF PREVIOUS YEAR: 15,000	
ESTIMATED # OF PARTICIPANTS:		ESTIMATED # OF VENDORS: 180 each week	
ESTIMATED # OF SPECTATORS:		ESTIMATED # OF VOLUNTEERS: 80 for the season	
ESTIMATED # OF STAFF: 15		ESTIMATED DAILY ATTENDANCE: 15,000	
ESTIMATED HIGHEST TOTAL ATTENDANCE AT ONE TIME: 1200 over the course of 4 blocks		ESTIMATED HIGHEST TOTAL ATTENDANCE OF ENTIRE EVENT: 200,000	
☒	I anticipate the event to have an attendance of 500 or more people and understand, as the applicant, I may be required to obtain a mass gathering permit from summit county: http://www.summitcountyhealth.org/		



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SIDEWALK & STREET USE							
THE EVENT WILL HAVE: (Please check all that apply)							
STREETS							
☒	STREET CLOSURE MAP IS ATTACHED			☒	CLOSURE SIGN/MARKING INFORMATION IS ATTACHED		
☐	ROLLING CLOSURE	☐	PARTIAL CLOSURE	☐	FULL CLOSURE	☐	NO CLOSURE
NAMES OF STREETS TO BE CLOSED:				TIMES (START / END OF CLOSURE):			
Lower Main Street / 5th Ave				START: 7am		END: 8pm	
				START:		END:	
				START:		END:	
				START:		END:	
REASON FOR CLOSURE:							
SIDEWALKS							
☐	SIDEWALK CLOSURE MAP IS ATTACHED			☐	CLOSURE SIGN / MARKING INFORMATION IS ATTACHED		
☐	PARTIAL CLOSURE	☐	FULL CLOSURE	☐	NO CLOSURE	☐	CROWD CONTROL PLAN
ADDRESS:							
ADDRESS OF CLOSURE: (FROM / TO)				TIMES: (START / END OF CLOSURE)			
FROM:		TO:		START:		END:	
FROM:		TO:		START:		END:	
FROM:		TO:		START:		END:	
FROM:		TO:		START:		END:	
REASON FOR CLOSURE:							
TRAILS							
☐	TRAIL COURSE MAP IS ATTACHED			☐	COURSE / SIGN MARKING INFORMATION IS ATTACHED		
NAMES OF TRAILS TO BE USED:							
PARADE							
ASSEMBLY AREA:			DISBANDING AREA:			# OF PARADE ATTENDEES:	
PARADE IS:							
☐ WALKING ONLY		☐ VEHICLES & WALKING		☐ VEHICLES ONLY		☐ WILL HAVE ANIMALS	
OTHER PARADE INFO:							



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CITY PARKING FACILITIES REQUEST

GENERAL PARKING

HOW MANY PARKING SPACES DOES THE EVENT NEED?



MAIN STREET



CHINA BRIDGE



FLAGPOLE LOT



BREW PUB LOT



SANDRIDGE PARKING LOTS



PARK AVENUE



CITY PARK



MAWHINNEY LOT



QUINNS LOT



RICHARDSON FLATS

OTHER:

WILL THE EVENT PROVIDE TRANSPORTATION SERVICES TO THE EVENT FROM PARKING AREAS?:



YES

NO

WILL THE EVENT HAVE ADA PARKING AVAILABLE?:



YES

NO

WILL THE EVENT WILL REQUIRE PARKING REMOVAL?:

YES



NO

The event will require parking removal as indicated below, and I will complete a special use of public parking application as required with the Park City Parking Services Department

NAME OF AREA OR STREETS:

BETWEEN:

START / END TIME:

REASON:

NAME OF AREA OR STREETS:

BETWEEN:

START / END TIME:

REASON:

NAME OF AREA OR STREETS:

BETWEEN:

START / END TIME:

REASON:

NAME OF AREA OR STREETS:

BETWEEN:

START / END TIME:

REASON:

TRANSPORTATION

WILL THE EVENT PROVIDE ALTERNATIVE TRANSPORTATION OPTIONS?



BUS



BIKE



WALK

NAME OF TRANSPORTATION PROVIDER / COMPANY: Pro Trans

PHONE: 877.255.2631

EMAIL:



THE APPLICANT IS PROVIDING SHUTTLE OR BUS TRANSPORTATION OUTSIDE OF THE CITY'S SCHEDULE AND HAS INCLUDED BUS DROP OFF AREA ON THE SITE MAP ATTACHED WITH THIS APPLICATION.



THE APPLICANT IS PROVIDING BIKE TRANSPORTATION AT THE EVENT AND HAS INCLUDED BIKE PARKING AREAS ON THE SITE MAP WITH THIS APPLICATION.

ADDITIONAL TRANSPORTATION INFORMATION: On holiday weekends, if required, Park Silly will provide shuttle services.

PUBLIC FACILITY USE

CHECK ALL THAT APPLY:

☐ MINERS HOSPITAL AT CITY PARK

☐ PARK CITY LIBRARY MEETING ROOMS

☐ JIM SANTY AUDITORIUM

☐ SOUTH CITY PARK

☐ CITY PARK COVERED BBQ AREA

☐ CITY PARK GAZEBO / STAND

☐ CITY PARK SOFTBALLFIELD

☐ CITY PARK RUGBY FIELD

☐ SKATE PARK AT CITY PARK

☐ QUINN'S SPORTS COMPL FIELDS

☐ ROTARY PARK

☐ SCHOOL DISTRICT FIELDS

☐ DIRT JUMP PARK

☐ PARK CITY ICE ARENA

☐ OTHER:



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TEMPORARY STRUCTURES & FLAMMABLE MATERIALS

☒ I understand all temporary structures and flammable materials must be approved by the Park City Building Department. Such inspections will require a fire/building permit to be submitted 10 days prior to the event, as well as an on-site inspection the day of the event.

☐ TEMPORARY BLEACHERS	☒ INFLATABLES	☒ CANOPIES	☐ TEMPORARY BADGES	☐ TEMPORARY LIGHTING
--	---	--	---	---

☒ TENTS 10X10 OR UNDER HOW MANY?: 180

☒ TRAILER HOW MANY?: 4

☒ STRUCTURES OVER 6 FEET TALL PURPOSE: Rock Climbing Wall HOW MANY:

DOES EVENT HAVE ELECTRICAL NEEDS?: ☒ YES ☐ NO DOES EVENT REQUIRE USE OF GENERATORS?: ☐ YES ☒ NO

WILL YOU BE REQUESTING PERMITS FOR FIREWORKS?: ☐ YES ☒ NO

WILL THE EVENT REQUIRE THE USE OF FLAMMABLE MATERIALS, FUELS, OR GASSES?: ☒ YES ☐ NO

NAME SUCH MATERIALS: Food Vendors will have propane

WASTE MANAGEMENT AND RECYCLING

☒ THE EVENT WILL PROVIDE ITS OWN GARBAGE CANS AND WASTE MANAGEMENT.

☐ THE EVENT WILL PROVIDE ITS OWN DUMPSTERS, WHICH IS INDICATED ON THE SITE MAP.

☐ THE EVENT WILL USE THE CITY'S GARBAGE CANS AND WASTE MANAGEMENT, REQUIRING ADDITIONAL FEES.

☐ THE EVENT WILL USE THE CITY'S DUMPSTERS, REQUIRING ADDITIONAL FEES.

☐ THE EVENT WILL HIRE A COMPANY AND PROVIDE RECYCLING SERVICES FOR THE FOLLOWING MATERIALS:

☐ PLASTIC	☐ PAPER	☐ ALUMINUM	☐ GLASS	☐ CARDBOARD	☐ COMPOST	☐ OTHER
----------------------------------	--------------------------------	-----------------------------------	--------------------------------	------------------------------------	----------------------------------	--------------------------------

☒ THE EVENT WILL UTILIZE CITY RESTROOM FACILITIES.

☒ THE EVENT WILL BRING ITS OWN RESTROOMS AND SANITARY STATIONS.
(May be required by Summit County Health Department or Park City Building Department)

WILL ANIMALS BE AT THE EVENT?: ☒ YES ☐ NO IF YES, PLEASE DESCRIBE TYPE OF ANIMALS AND WASTE PLANS.

TYPES OF ANIMALS: Dogs and will provide waste bags

☐ I HAVE INCLUDED THE PLACEMENT OF THE ANIMALS IN THE SITE MAP OR LINE UP IN THE CONTINGENCY PLAN

WILL DOGS BE ALLOWED AT THE EVENT?: ☒ YES ☐ NO LEASHED ☐ UNLEASHED

☐ The Waste Management Plan and Environmental Management Plan have been attached to this application as described above.

FOOD & MERCHANDISE SALES

☒ I understand that all vendors must obtain a Park City Business license. All vendors serving food and drink may also be required to obtain a food service or food handler permit from Summit County.

WILL THERE BE SALE OF MERCHANDISE?: ☒ YES ☐ NO

WILL THERE BE COMPLIMENTARY FOOD?: ☐ YES ☒ NO

WILL THERE BE SALE OF FOOD?: ☒ YES ☐ NO

WILL THERE BE ALCOHOL FOR SALE?: ☒ YES ☐ NO

☒ BEER	☒ WINE	☒ LIQUOR
--	--	--



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☒	I HAVE CONTACTED THE PARK CITY FINANCE DEPARTMENT REGARDING REQUIREMENTS FOR BEER & LIQUOR LICENSES.		
☒	I UNDERSTAND THAT THE UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MAY REQUIRE OTHER PERMITS.		
WILL FOOD ITEMS BE PRE-PACKAGED?:		☒ YES	☐ NO
WILL FOOD ITEMS BE COOKED ON SITE?:		☒ YES	☐ NO
☒	I UNDERSTAND THAT IF COOKING IS ONSITE, A PARK CITY BUILDING/FIRE PERMIT MAY BE REQUIRED.		
WILL FOOD ITEMS BE PREPARED OFFSITE?:		☒ YES	☐ NO
DESCRIBE ITEMS: snack foods, gourmet foods, prepared foods			
TEMPORARY SIGNS			
WILL THERE BE TEMPORARY SIGNS AT THE EVENT?:		☒ YES	☐ NO
☒	I HAVE ATTACHED A SIGN PLAN DESCRIBING THE CONTENT, SIZES AND LOCATIONS IN THE CONTINGENCY PLAN.		
SAFETY - SECURITY			
☒	THE EMERGENCY AND SECURITY PLAN HAS BEEN INCLUDED IN THE OPERATIONS PLAN, AS WELL AS CROWD CONTROL, ACCESS, AND FIRST AID. AFTER REVIEW OF THIS APPLICATION, REQUIREMENTS FOR EMTS, FIRE, AND POLICE SERVICES WILL BE DETERMINED AS PART OF THE CONDITIONS OF APPROVAL OF THIS EVENT. THE SPECIAL EVENTS DEPARTMENT WILL BE ABLE TO GIVE THE APPLICANT AN ESTIMATE OF SUCH CITY SERVICE REQUIREMENTS UPON REQUEST.		
THE EVENT WILL HAVE AMPLIFIED SOUND:		☒ YES	☐ NO
THE EVENT WILL REQUIRE LAW ENFORCEMENT SERVICES BEYOND ROUTINE PERIODIC PATROL:		☒ YES	☐ NO
COMMUNICATION NEEDS			
WILL THERE BE INSTALLATION OF AN ANTENNA FOR COMMUNICATION NEEDS?:		☐ YES	☐ NO
☐	INSTALLATION OF AN ANTENNA FOR COMMUNICATION IS INDICATED IN THE SITE PLAN WITH SPECIFICATIONS.		
MARKETING OF EVENT			
PROPER MARKETING OF YOUR EVENT IS VITAL TO ITS SUCCESS. PLEASE CONTACT THE PARK CITY CHAMBER FOR ADDITIONAL INFORMATION AND ASSISTANCE: www.visitparkcity.com			
☒	I HAVE CHOSEN TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.		
☐	I HAVE CHOSEN NOT TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.		
WHO IS THE TARGET MARKET FOR THIS EVENT?:		we will only be doing local social media marketing	
WHERE IS THE TARGET MARKET FOR THIS EVENT?: (choose all that apply)			
☒ LOCAL	☐ REGIONAL	☐ NATIONAL	☐ INTERNATIONAL
WILL THIS EVENT BE FILMED AND TELEVISED?: (choose all that apply)		☐ YES	☒ NO
☐ LOCAL	☐ REGIONAL	☐ NATIONAL	☐ INTERNATIONAL
PLEASE LIST ALL ADVERTISEMENT INCLUDING MEDIA COVERAGE, NEWSPAPER, AND MAGAZINES:			
MEDIA (RADIO/TV):			
NEWSPAPER:			
MAGAZINES:			
OTHER:			
PLEASE SELECT RANGE OF MARKETING BUDGET:			
☐ \$100 OR UNDER	☐ \$100 - \$500	☐ \$500 - \$1,000	☒ \$1,000 - \$2,500
			☐ ABOVE \$2,500



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APPLICANT AGREEMENT & SIGNATURE

I, the undersigned representative, have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein, including supporting documentation is complete and accurate.

Name (Printed):

Kate McChesney

Signature:

Date: 3/10/2022



PARK CITY MUNICIPAL CORPORATION
Special Event Hold Harmless and Indemnification Agreement

This Hold Harmless and Indemnification Agreement must be completed and returned to the Special Event Manager ten (10) working days prior to the event or the event will be cancelled.

PLEASE PRINT:

Park Silly Sunday Market

Name of Business/Organization

Park Silly Sunday Market

Name of Special Event

Sundays, June 5 - Sept 25 (except August 7, 14 and 21)

Date(s) of Event

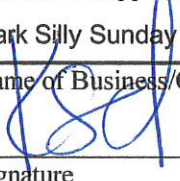
Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to Park City Municipal Corporation that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is a valid legal agreement and binding on such party and enforceable in accordance with its terms.

The person signing this Agreement represents and warrants to Park City Municipal Corporation that it has insurance coverage in place that covers the scope of activities associated with this event. This person further represents and warrants that the insurance coverage limits meet or exceed the coverage required to obtain this permit.

For and in consideration of Park City Municipal Corporation (PCMC) issuing a permit permitting the use of City streets and/or City owned/public property for the conducting of an event to be held as reported above, hereby agrees to defend, hold harmless, and indemnify PCMC, its officers, agents, servants, employees, and their successors, from and against all claims, loss, or demands for damages, including claims for loss of life, personal injury or wrongful death and/or damage to property arising out of the conduct of said Special Event as defined by Title 4 of the Park City Municipal Code, and further agrees that Applicant is indemnifying and holding harmless PCMC irrespective of whether the scope or limits of Applicant's insurance policies adequately cover any of the aforementioned claims or demands.

Park Silly Sunday Market

Name of Business/Organization



Signature

Kate McChesney

Name Printed

Executive Director

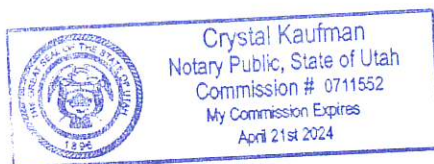
Title

PO Box 684229, Park City UT 84068

435.714.4036

Address and Phone Number

STATE OF UTAH)
)ss.
COUNTY OF SUMMIT)



On this 17th day of March, 2022, before me, the undersigned notary, personally appeared Kathryn McChesney, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ for Park Silly.

Crystal Kaufman
Notary Public

Outdoor Special Event Emergency Operations Plan (EOP)

IMPORTANT – PLEASE READ THIS DOCUMENT IN ITS ENTIRETY

This outdoor special event emergency operations plan (EOP) is meant to train event volunteers/personnel as well as to create a more specific EOP for events. It is the event organizer/responsible party's duty to train event personnel in the following potential emergencies and to make sure that all key and supervisory event personnel are documented on the attached section with a number to contact them at during the event, their assignment and its location. With this event EOP, a map of all areas that the event will encompass is included. It outlines the area of the event, evacuation routes and ingress/egress for emergency personnel.

Fire & Medical Emergencies

Police, Fire and Ambulance will respond based on the initial call. Police personnel are trained in first aid and can provide stabilization until the ambulance arrives.

In Case of a Medical Emergency:

1. Call 911 (Stay on the telephone if possible until the dispatcher has all needed information). Give the nature of emergency,
2. Location (Your specific site location),
3. Your name and phone number where you can be called back,
4. Do not move victim unless absolutely necessary,
5. And stay on the telephone until the Dispatcher has all needed information and allows you to hang up.

In Case of a Fire:

1. Call 911 (Stay on the telephone if possible until the dispatcher has all needed information).
2. Give the nature of emergency and the location. Stay on the phone long enough to answer any questions the dispatcher might have. This will ensure that proper equipment and personnel respond. Police will provide rescue, traffic, communications and crowd control.
3. Alert people in the immediate vicinity to evacuate to safest designated areas. [SEE ATTACHED MAP(S)]
4. Use fire extinguisher if the fire is small and you have been trained in how to operate the device.
5. Never breathe the smoke from fire. Stay low and crawl if necessary to avoid it. Smoke from some plastics and other common materials are toxic. Stay upwind so combustion products will blow away you.
6. **DO NOT REENTER THE AREA.** If a life may be in jeopardy, notify the professionals and let them enter with proper equipment. A significant number of fire fatalities result when people who have successfully evacuated a fire area return to retrieve a valued item or to search for someone missing.

Weather Related Emergency

The on-site event organizer will be responsible for determining if weather conditions become a hazard to personnel/patrons at the activity. Choose the safest alternative.

Before Any Event:

Before any event, the on-site event organizer shall research types of weather that may occur during the particular time of year the event is scheduled. Once potential hazardous weather or conditions are identified, mitigation, preparedness and training efforts will be included in the event planning.

Lightning:

In the event of weather conditions with the potential of lightning activity, careful monitoring of the weather dynamics is required. Such factors as the developing cloud patterns in the area, the lightning, and thunder activity should be considered. In conditions where there is observable thunder and lightning, outdoor activities shall be suspended until thunder can no longer be heard.

Outdoor Special Event

Emergency Operations Plan (EOP)

There is no safe place outside when thunderstorms are in the area. Evacuate to substantial buildings, enclosed parking structures and hard-topped vehicles are safe options. A safe building is one that is fully enclosed with a roof, walls and floors, and has plumbing or wiring (excludes temporary, portable, or metal buildings).

Lightning Safety Rules:

- Keep an eye on the sky,
- If you see or hear a thunderstorm coming, immediately suspend outside activity and go to a safe building or vehicle,
- Postpone activities promptly; do not wait for rain.
- If you cannot get to a shelter, stay away from trees,
- If you are out in a field, get to the lowest point,
- Move away from a group of people,
- Avoid metal,
- Avoid contact with electrical equipment or cords,
- Avoid contact with plumbing,
- Stay away from windows and doors, and stay off porches,
- Do not lie on concrete floors and do not lean against concrete walls.

Wind:

Power outages may occur with as little as twenty-five mile per hour winds and can up-root trees with shallow roots. If an event has tents, be cautious of the stability of the structure. All tents must have a City permit, have 50# of weight per leg and be inspected by the PCMC Building Dept. Wind can pose a hazard to participants or spectators, and if the on-site event organizer determines that winds pose a life safety issue, then activities shall be suspended.

Hail:

Most hailstorms develop in the presence of cumulonimbus clouds and other severe weather phenomena. Hailstones can cause serious damage, notably to automobiles, aircraft, skylights, glass-roofed structures, and people. Hailstorms rarely last more than 15 minutes. Some safety tips for hailstorms that an on-site event organizer should know or may want to pass on to participants are as follows:

- If you are outside, get inside.
- If you cannot find shelter, at least find something to protect your head.
- Stay away from windows.

Excessive Heat:

Heat is the number one weather-related killer in the United States, resulting in hundreds of fatalities each year. On average, excessive heat claims more lives each year than floods, lightning, tornadoes, and hurricanes combined. In planning for outdoor activities during a heat wave, consider certain precautions, e.g., can the event be scheduled in the morning or evening hours when it is cooler? The on-site event organizer will offer or encourage participants to:

- Drink or have plenty of water available. Avoid alcoholic and high sugar drinks.
- Encourage participants to wear lightweight, light-colored, and loose-fitting clothing,
- Wear a wide-brimmed hat, sunglasses, and sunscreen.

Provide cooling places with misting stations.

Microburst Rainfall:

Microburst rainfalls occur within a plume of air with high amounts of moisture are directed around a cold-core low or tropical cyclone. Flash flooding can frequently occur in of slow-moving thunderstorms in urban environments where less plants and bodies of water are present to absorb and contain the extra water. Should excessive rainfall occur during an event, the on-site event organizer will:

- Listen to the radio or television for information.
- Be aware that flash flooding can occur. If the event site is in a low-lying area with the potential to flood, move immediately to higher ground.

Outdoor Special Event

Emergency Operations Plan (EOP)

- Be aware of streams, drainage channels, and other areas known to flood suddenly.
- Let participants know not to walk through moving water. Six inches of moving water can make you fall.
- Let participants know not to drive in flooded areas. If floodwaters rise around a car, abandon it. Move to higher ground.

Ice Storm:

Ice storms are caused by liquid precipitation freezing on cold surfaces and leads to the gradual development of a thickening layer of ice. The accumulation of ice during the storm can be extremely destructive. Trees and vegetation can be destroyed and ice can down power lines, causing loss of heat and communication lines. Because ice storms are usually slow developing, the on-site event organizer will monitor the weather before, during, and after the event. Mitigation efforts may include sanding or salting walkways, stairways, and roads, shortening the event, or offering shuttle service to minimize the number of cars and/or pedestrians on hazardous roadways.

Blizzard:

- Find a dry shelter. Cover all exposed parts of the body
- If shelter is not available:
 - Prepare a lean-to, wind break, or snow cave for protection from the wind.
 - Build a fire for heat and to attract attention. Place rocks around the fire to absorb and reflect heat.
 - Do not eat snow. It will lower your body temperature. Melt it first.

Earthquake:

The danger of an earthquake is high however it is unknown when such earthquake will happen. Should the large earthquake that's predicted happen (that is a 7.0 magnitude in the valley), it may result in a 5.6-5.8 magnitude here in Park City and surrounding areas. Precautions should be in place should the earthquake occur and event personnel should be aware of the danger and the procedures for safety and evacuation.

- Initially Drop Cover and Hold On
- Stay calm and await instructions from emergency personnel or a designated official.
- Keep away from overhead fixtures, windows, filing cabinets, and electrical power.
- Assist people with disabilities in finding a safe place.
- Evacuate as instructed by a designated official. Be aware of falling objects as you exit a structure or hazards on the ground or in the area.

Outdoor Special Event Emergency Operations Plan (EOP)

Event Personnel Contact Information Sheet

Event Details

Event Name: Kate McChesney
Date(s) of Event: Sundays, June 5 - Sept 25 (8/7, 14, 21)
Event Location(s): Main Street, Park City
Street Address of Event: _____

On-site Day of Event Organizer/Responsible Party (please print clearly)

Primary Coordinator

Name: Kate McChesney
Mobile Number: 435.714.4036

Co-Coordinator

Name: Michelle McDonald
Mobile Number: 435.659.7666

Co-Coordinator

Name: _____
Mobile Number: _____

Other Event Personnel, i.e. volunteers, security, parking

Name: Jenny Leavitt
Mobile Number: 435.654.8244
Assignment: Information / Merchandise
Assignment Location: Information Booth

Roving? – Yes ☐ No ☐

Name: Mitt Motta
Mobile Number: 801.505.2985
Assignment: Burly Crew Leader
Assignment Location: _____

Roving? – Yes ☒ No ☐

Name: Daniel Lewis
Mobile Number: 435.659.5186
Assignment: Burly Crew Leader
Assignment Location: _____

Roving? – Yes ☒ No ☐

Outdoor Special Event Emergency Operations Plan (EOP)

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Name: _____

Mobile Number: _____

Assignment: _____

Assignment Location: _____

Roving? – Yes ☐ No ☐

Outdoor Special Event Emergency Operations Plan (EOP)

Park City Public Safety Contact Numbers

EMERGENCY – Dial 911

Park City Police Dept ----- 435 -615-5500
(Non-Emergency Number)

Park City Fire Dist ----- 435-940-2500
(Non-Emergency Number)

Summit County Sheriffs ----- 435-615-3600
(Non-Emergency Number)

Summit County Health ---- 435-333-1500
(Non-Emergency Number)

Park City Building Department - 435-615-5100

Park City Special Events:
Colleen McGinn ----- 301-651-6565
Chris Phinney ----- 435-602-3539
Jenny Diersen ----- 435-615-5188

Park City Emergency Management - 435-615-5911
(24hr On-Call Number)

GREEN EVENTS CHECKLIST:

Thank you for helping us to preserve Park City's environment!
We are committed to the preservation and enhancement of the environment for our community and guests.
Please submit this checklist along with your permit application.
Contact your Special Event Coordinator for more information or questions.

Name of Event: Park Silly Sunday Market		Organization/ Business: Park Silly Sunday Market	
Total Estimated Attendance at Event: 13,000		Number of Vendors: 180 per day	
Date of Event: Sundays, June 5 - Sept 25			
Name of person responsible for overseeing green event practices for your event, including training staff and volunteers in sustainable practices: (recycling, composting, reuse, waste and energy reduction, etc.).		Kate McChesney	
Email Address: kate@parksillysundaymarket.com		Cell Phone: 435.714.4036	
Signature of Event Producer: 		Date: 3/10/2022	
☒	Standard	☒	Extraordinary Measures
☒	Complete Environmental Management Plan and attach as part of the Supplemental Plan for your event.	☒	Use vendors that have an environmental policy, recycle and compost, use local food sources, use energy efficient appliances, or otherwise offset their carbon footprint.
☒	Use electric spider boxes for power needs.	☒	Eliminate the use of fossil fuels for on site power needs.
☒	Use sand or other reusable ballasts for securing tents instead of water.	☒	Commit to and publicize water conservation efforts at event.
☒	Recycling is required in all areas of the event. Recycling containers must be paired with trash cans.	☒	Sponsors/Vendors distribute bags, bottles, or serving material made from recycled material, or that can be reused or recycled.
☒	Event Applicant materials printed on at least 30% post consumer recycled paper. Distributed items must be made from recycled materials that can be reused, recycled or reconsumed.	☒	Event Applicant does not offer printed materials. All promotional materials are available electronically.
☒	Remind guests to bring their reusable bags and water bottles. Use, sell, or promote reusable bags and water bottles.	☒	Event Applicant does not sell or give away plastic bottled water unless the bottle is compostable. (To try using watering stations and reusable containers).
☒	Reusable banners, eco-friendly promotional material or recycle (i.e., banners into shopping bags).	☒	Use reusable linens instead of paper or plastic table covers.
☒	Encourage the use of bicycles, buses, shuttles, carpools or other public transit to and from the event. This must be promoted on event website and marketing.	☒	Offer a Bike Valet (Summer Events - May through October)
☒	Enforce a no idling policy for staff, volunteers, vendors and attendees.	☒	Incorporate alternative transportation plans into your event. Supplement City Transit with additional transit options. (This must be approved before implementing).
☒	Use eco-friendly serving utensils (compostable, plant-based or made from recycled materials) and eliminate the use of regular plastic cups and pre-packaged servings.	☒	Provide vegetarian meal options. Be local - offer food or vendor items that are made, grown and produced within 100 miles of Park City.
☒	Be Styrofoam Free!	☒	Be Glass Free!
☒	Prepare food with reusable cutlery and dishes, or products that can be composted.	☒	Serve food in bulk – (avoid cans, bottles, sugar packets and serve at stations)
☒	Wastewater must be properly disposed of into the sanitary sewer system, i.e., floor sink or mop sink, etc., and it is prohibited to dispose of gray water into the storm sewer or directly onto the ground.		Tell us what else you are doing. We love new ideas and solutions!!
For Municipal Purposes			
Trash Plan Approved by:		Date:	
Public Works:		Date:	
Health Department:		Date:	
Sustainability Department:		Date:	



Park City Permit for Relief of Noise Restrictions 2019

A Permit for Relief of Noise Restrictions is required of any person or company that engages in an activity in violation of Park City Code 6-3. Per the Park City Code Section 6-3-11, applications for a permit for relief from the noise restrictions may be made to the Chief of Police as it pertains to special events, community, or private functions or events. Any permit granted by the Chief of Police shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation and name and contact information for the on-scene officiator.

Applicant Name: Kate McChesney

Purpose of Activity: Park Silly Sunday Market

Address of Event (property on which noise generating activity will occur): Main Street

Date(s) of Event: _____ Time of Amplified Noise (Include Sound Check): 10am - 4:45pm

Type of Noise Generated: Music

Estimated Number of People in Attendance: 250 by stage

Level of Noise Permitted: 90 decibels - we only ever go to 75 and monitor the entire day

I, Kate McChesney, acknowledge and understand Park City Code 6-3 and certify that all information stated above is correct. As the applicant, I will have amplified sound no higher than a decibel limit of 75 between the times of 10am to 4:45pm (all permits expire at 10:00 PM). Should I violate the terms of the agreement, I will immediately remedy the situation or be subject to the penalties listed below.

Signature: _____

Date: _____

3/10/2022

Responsible person who will be attending the event and will be monitoring noise levels:

Onsite Officiator: Mountain Town Music Sound & Kate Phone: 435.714.4036

Please Note:

The officiator in charge of the event is responsible to monitor and maintain the permissible sound levels spelled out in this permit. Additionally, the officiator is responsible to mitigate complaints received by the Park City Police Department. Failure to mitigate complaints immediately, once brought to the officiator's attention, may result in a criminal citation and/or a revocation of this permit.

Approved by (PCPD): _____

Signature: _____

Date: _____

Required Information:

The following residential property owners have no objection to the type of noise that will occur at the location, and at the date and time, given above:

The following residential property owners have objection to the type of noise that will occur at the location, and at the date and time, given above:

Please Note: *As per Park City Code Section 6-3-4, the Police Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.*

As per Park City Code Section 6-3-14, the Police Department may upon discovery or report of a violation be able to issue a criminal citation for the violation or may file a report with the City Prosecutor's Office for review and issuance of information and summons to court to answer the charges.

As per Park City Code Section 6-3-15, any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an infraction. Each day such violation is committed, or permitted to continue, shall constitute a separate violation. The City Attorney may initiate legal action, civil or criminal, requested by the Department abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

[HOME](#) / REGISTERED ENTITIES SEARCH

Registered Entities Search

Other Searches: [Legal Actions Search](#) [Buyer Beware List](#)

Name to Search For

park silly sunday market

Entity Type to Search For

All Entities

PARK SILLY SUNDAY MARKET

TYPE: CHARITABLE ORGANIZATION**TO PROGRAM:** 42%**REGISTRATION #:** 7204245-CHAR**STATUS:** ACTIVE **EXPIRES:** 01-APR-22**ADDRESS:**1821 SIDEWINDER DR STE 3
PO BOX 684229
PARK CITY, UT 84060

PARK SILLY SUNDAY MARKET, THE

[Update this Business](#)**Entity Number:** 6202006-0140**Company Type:** Corporation - Domestic - Non-Profit**Address:** 1821 SIDEWINDER DR STE 3 PARK CITY, UT 84060**State of Origin:****Registered Agent:** KIMBERLY KUEHN**Registered Agent Address:**

1821 SIDEWINDER DR STE 3

[View Management Team](#)

PARK CITY, UT 84060

Status: Active

[Purchase Certificate of Existence](#)**Status:** Active  as of 07/05/2018**Renew By:** 05/31/2022**Status Description:** Current

The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

Employment Verification: Not Registered with Verify Utah

History

[View Filed Documents](#)**Registration Date:** 05/05/2006**Last Renewed:** 05/27/2021

Former Business Names

PARK SILLY SUNDAY MARKET, LLC, THE

[<< Back to Search Results](#)

Business Name:

MUST BE POSTED IN A CONSPICUOUS LOCATION

PARK SILLY SUNDAY MARKET
1895 SIDEWINDER DR
PARK CITY, UT 84060-7565



License Number: B-013196
Customer Number: 082073
Issue Date: 10/1/2021
Expiration Date : 9/30/2022

BUSINESS LICENSE

2022
BUSINESS DESCRIPTION: OPEN AIR MARKET
LEGACY ZONE: 01

KUEHN, KIMBERLY

PARK SILLY SUNDAY MARKET
PO BOX 684229
PARK CITY, UT 84068

[Signature]
CITY MANAGER
W. Finlinson
FINANCE MANAGER

NON-TRANSFERABLE



Park City Municipal Corporation
445 MARSAC AVE
P.O.BOX 1480
PARK CITY, UT 84060

RECEIPT

PARK SILLY SUNDAY MARKET
PO BOX 684229
PARK CITY, UT 84068

Date Paid :

License	Description	Amount
B-013196	Business License Fee :	
	Administrative Fee :	
	Penalty :	
	Total :	

STATE OF UTAH
DEPARTMENT OF AGRICULTURE
AND FOOD

VOID

VOID

Fee for Duplicate Certificate: \$15.00

Important Registration Reminders

Your registration is valid until the expiration date listed on this certificate. Approximately 60 days prior to this expiration you will receive a renewal notice.

Listed below are your current mailing and location addresses of record with the division. If you move, it is your responsibility to notify us of any change. To make any address change, please notify us by phone, fax, or mail.

PARK SILLY SUNDAY MARKET
PO BOX 684229
PARK CITY UT 84060

If you have any questions please visit our web site:

<http://ag.utah.gov/licensing.html>

Mail: Department of Agriculture and Food
P.O. Box 146500
Salt Lake City, Utah 84114-6500

Phone: (801) 982-2253 Food Compliance Program
Fax: (385) 465-6023

Year: 2022

STATE OF UTAH

Certificate No: 82503

DEPARTMENT OF AGRICULTURE AND FOOD

P.O. Box 146500 Salt Lake City UT 84114-6500 <http://ag.utah.gov> Phone: (801) 982-2253

CERTIFICATE OF REGISTRATION FOR
Food Establishment

PARK SILLY SUNDAY MARKET
LOWER MAIN ST
PARK CITY UT 84068



Category: MEDIUM

Registration Expires: 12/31/2022



Kate McChesney <katejayboyd@gmail.com>

RE: Up to Date - Waster Water Permit!

1 message

Kristina Biglow <kristina@royalrestroomsutah.com>

Thu, Mar 10, 2016 at 4:05 PM

To: Kate McChesney <kate@parksillysundaymarket.com>

Hi,

So we just get stickers that go on the trucks now. Permit #16003

Kristina Biglow

801-574-5733 phone

801-574-5733 phone

kristina@royalrestroomsutah.com

**From:** Kate McChesney [mailto:kate@parksillysundaymarket.com]**Sent:** Thursday, March 10, 2016 2:58 PM**To:** Kristina Biglow <kristina@royalrestroomsutah.com>**Subject:** Up to Date - Waster Water Permit!

Yep - can I get an up to date one?

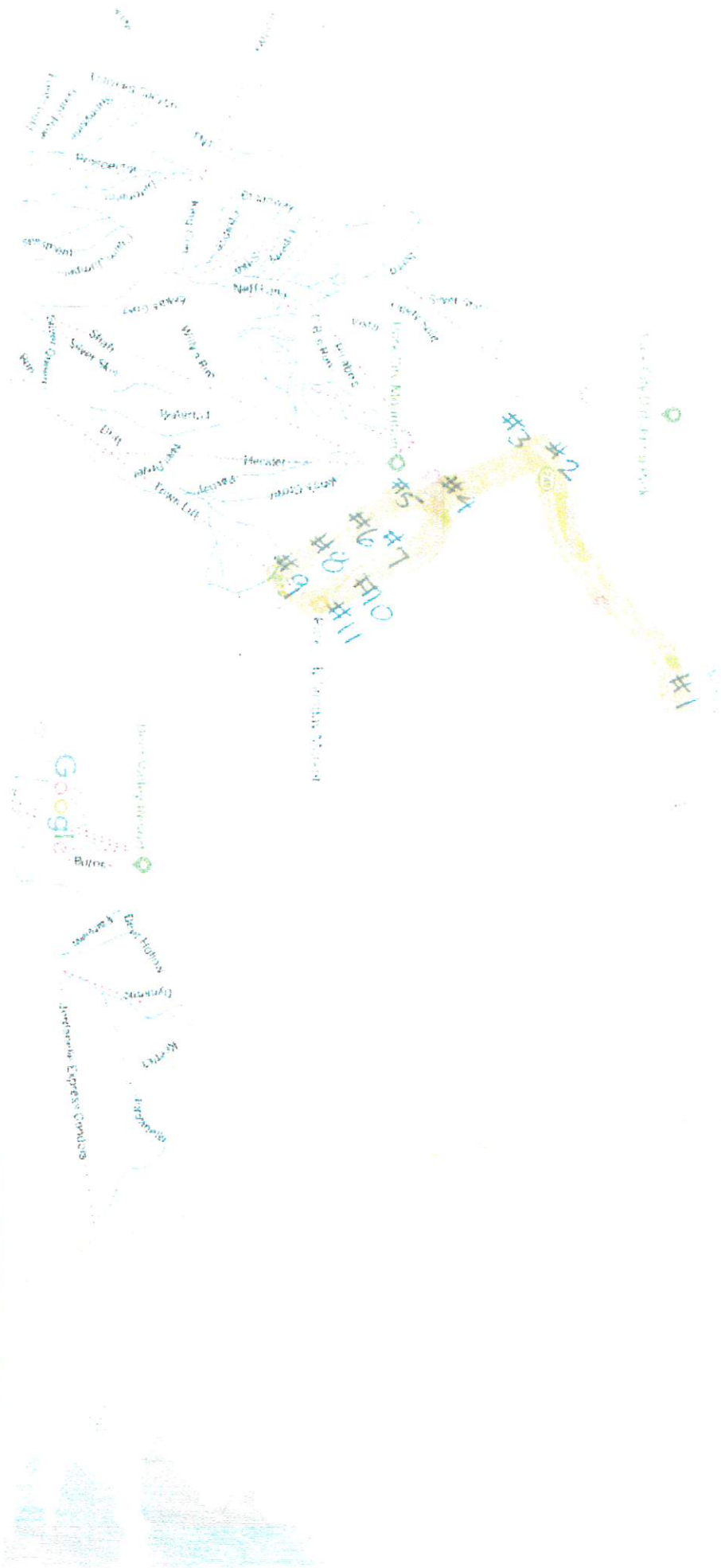
Thanks!

Kate McChesney

435.714.4036

Executive Director

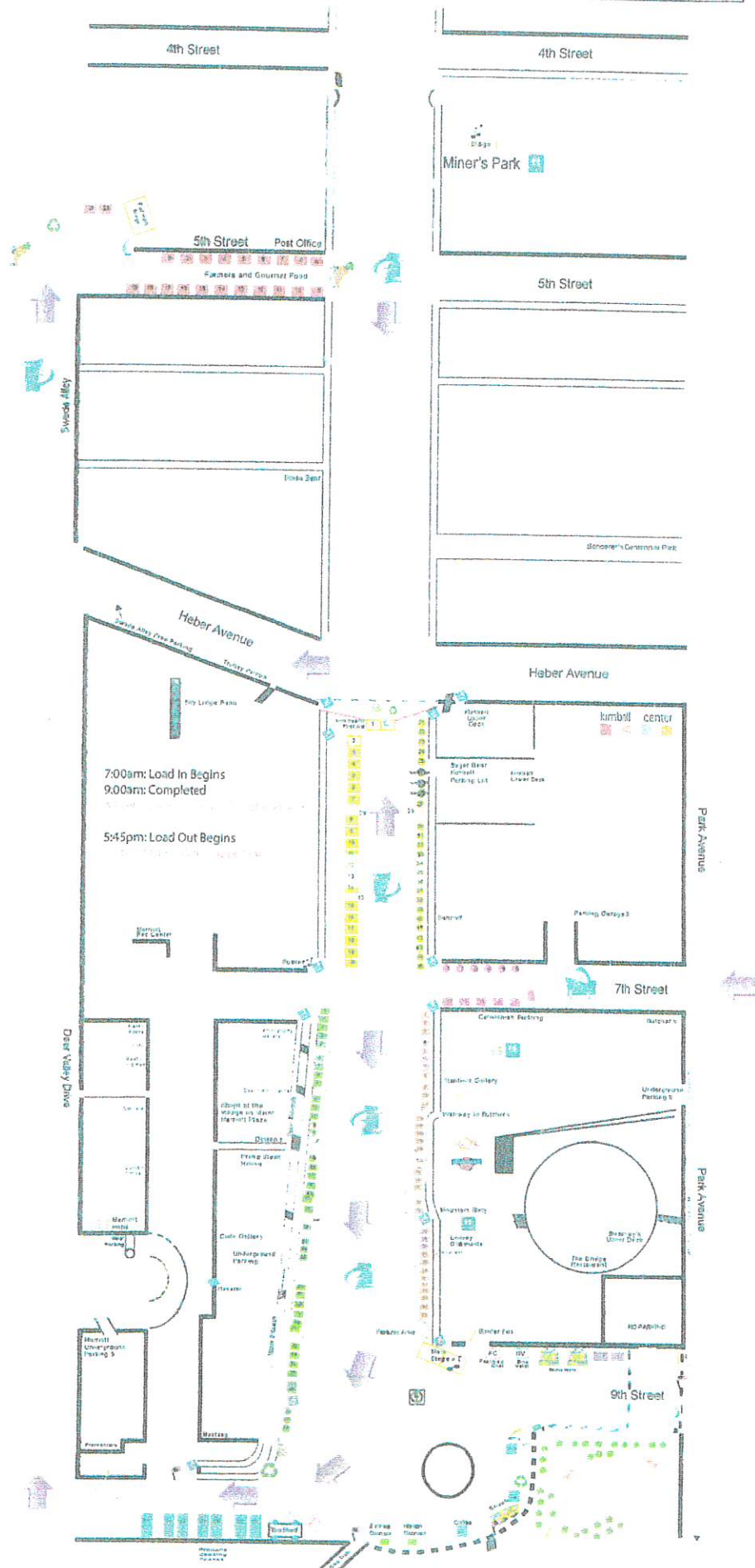
Google Maps Park City



Map data ©2019 Google 2000 ft

Drop	Location	Sign
1	High School	Market Parking
2	Opp Side of 224	Park Silly Today
3	Opp Side of 224	Park Silly Today
4	Welcome to PC Sign	Park Silly Today
5	DV Drive & Main St	(3) Red Barriers VIP Potty No Main St Access
6	Farmers Market	(2) Green Barriers (1 on each side) Zero Waste Information
7	Transit Station	Farmers Market
8	Heber & Main	(2) Red Barriers (2) Farmers Market Information Booth
9	Park Ave & 7th	Road Closed Restroom Restroom / First Aid No Left/Right Turn Zero Waste
10	Park Ave & Flying Sumo DABC Line	Zero Waste No Alcohol
11	Park Ave & 9th & Stage	(4) Red Barriers (10) Silver Barriers - Bar No Left/Right Turn (2) Bike Valet (2) Zero Waste (4) No Alcohol Road Closed Wristband Restroom

5x8 Booth	Restrooms	Swag	Cooking Vendors	Featured Artist
10x10 Booth	Water Stations	Music & Entertainment	Snack Foods	Featured Chef
Information/First Aid Booth	Zero Waste Stations	Beer Garden	Farmer's Market	DART Line
Cash Stations				Kids Activities





Kate McChesney <katejayboyd@gmail.com>

Re: Park Silly Sunday License Agreement 2022

Emerson Oliveira <e.jog@icloud.com>

Thu, Mar 10, 2022 at 5:47 PM

To: Kate McChesney <kate@parksillysundaymarket.com>

Cc: Mike Sweeney <mikesweeneygold@me.com>, Christopher Phinney <chris.phinney@parkcity.org>

Thanks Kate. One more season. Let's go.
Thx for the heads up.

Sent from Emerson iPhone

On Mar 10, 2022, at 12:06 PM, Kate McChesney <kate@parksillysundaymarket.com> wrote:

Hi Emerson - Hope you are well!

We are looking to start on the license for Park Silly to use the restrooms and the garage for the summer. Our dates are Sundays, June 5 - September 25, with no market on August 7, 14 and 21.

Our insurance renews on May 1st, so I will send you the COI once I have it.

Also, the city and myself have HUGE reminders to make sure to get the stage out of the garage once the market ends. Thank you!

Kate McChesney

Executive Director

Park Silly Sunday Market

435.714.4036

kate@parksillysundaymarket.com | www.parksillysundaymarket.com

Park Silly Sunday Market - A 501(c)3 Non-profit Organization

Summer Sundays on Historic Main Street in Park City since 2006

On Wed, Apr 7, 2021 at 6:30 PM Emerson Oliveira <e.jog@icloud.com> wrote:

Great news.. will get it going..

Cheers!!!

Sent from Emerson iPhone

On Apr 7, 2021, at 3:03 AM, Kate McChesney <kate@parksillysundaymarket.com> wrote:

Hi Emerson -

We are gearing up again to host the Park Silly Sunday Market starting on June 6th. We are looking to resign the plaza license with you.

Here are the dates: Sunday's - June 6 - September 26 (no market July 25, August 1 or August 8). Hours are 10am - 5pm.

We can get you the COI as soon as it renews in May and I will have a \$check cut for you. Thanks so much! It's going to be a GREAT summer!

See you soon.



Kate McChesney <katejayboyd@gmail.com>

RE: [EXTERNAL] Park Silly & Post Office - 2022

1 message

Donica, Ronda K - Park City, UT <ronda.k.donica@usps.gov>

Thu, Mar 10, 2022 at 4:08 PM

To: Kate McChesney <kate@parksillysundaymarket.com>

Cc: Christopher Phinney <chris.phinney@parkcity.org>

Everything should be good to go. Thank You

Ronda Donica

Postmaster

2100 Park Avenue

Park City, Utah 84060-8100

435-655-8037

ronda.k.donica@usps.gov

From: Kate McChesney <kate@parksillysundaymarket.com>**Sent:** Thursday, March 10, 2022 11:59 AM**To:** Donica, Ronda K - Park City, UT <ronda.k.donica@usps.gov>**Cc:** Christopher Phinney <chris.phinney@parkcity.org>**Subject:** [EXTERNAL] Park Silly & Post Office - 2022

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Just the usual yearly email Please respond we are good to go. Thanks again for everything you do!

This is just to confirm the Post Office Parking lot will be available for our use again this summer. Sunday's, June 5 - Sept 25, excluding August 7, 14 and 21. We will make sure not to block the garage area or dock area at any time. We will also be sure to pick up any trash and move the trash can at the end of the day when we are done.

Thanks so much. Have a great day!

Kate McChesney

Executive Director



Kate McChesney <katejayboyd@gmail.com>

RE: [EXT] Park Silly and Marriott Summit Watch Plaza

1 message

Carney, Wendy <Wendy.Carney@vacationclub.com>
To: Kate McChesney <kate@parksillysundaymarket.com>
Cc: Christopher Phinney <chris.phinney@parkcity.org>

Tue, Mar 15, 2022 at 2:43 PM

Hi Kate,

Here we go again....and no I can't believe it's that time of year😊.

Yes you have approval and the \$280 works great! Also appreciate you roping off Mustang and adding us to the insurance in May.

Can you please look into one thing for us – there always seems to be more garbage than usual in the flower beds from this, not sure if more would help or looking at locations closer to the flower beds would help? Just a thought!

Thank you,

Wendy Carney

General Manager

T 435-647-4019

Marriott's Summit Watch

780 Main Street

Park City, UT 84060

marriottvacationclub.com

NOTICE: This Marriott Vacation Club communication may be confidential. Unauthorized copying, distribution, disclosure, or use is prohibited. If sent to you in error, please advise me and then delete. Not intended to be an electronic signature under applicable law.

From: Kate McChesney <kate@parksillysundaymarket.com>
Sent: Thursday, March 10, 2022 11:47 AM
To: Carney, Wendy <Wendy.Carney@vacationclub.com>
Cc: Christopher Phinney <chris.phinney@parkcity.org>
Subject: [EXT] Park Silly and Marriott Summit Watch Plaza

Hi Wendy - It's been too long! How are you? Can you believe we are already getting our permit for this summer? Goodness, it comes in fast. I hope you are doing well and have enjoyed the last few days of snow.

I was hoping to get your approval for access to the Marriott Plaza for this summer. We appreciate all you do for us!

We are looking again for the usage of approval with respect to the Main Street Bridge and placing signs and banners on the Marriott Summit Watch railings on the east side of Main Street. Also, if we can get approved the use of your water spicket on the west side of Mustang to fill/refill our water jugs and approval of the water on the north side of Vinto (can't remember the new name)? (we do not need electric this year)

- We will be roping off the area next to Mustang so our patrons are NOT using the patio.
- I will have them cut the check for the HOA - in 2021 we paid \$20 each week x 14 = \$280. Let me know if that is still the case.
- The dates this year are Sunday's, June 5th - Sept 25th (no market on 8/7, 8/14, 8/21)
- COI - renews on May 1st, so once I have I will send your way.

Let me know once you meet with your HOA, and if you have any other questions. Thanks again and I look forward to seeing you!

Kate McChesney
 Executive Director
 Park Silly Sunday Market
 435.714.4036
 kate@parksillysundaymarket.com | www.parksillysundaymarket.com

Park Silly Sunday Market - A 501(c)3 Non-profit Organization
 Summer Sundays on Historic Main Street in Park City since 2006

On Thu, Jun 10, 2021 at 8:26 AM Kate McChesney <kate@parksillysundaymarket.com> wrote:

Thanks! The check is from Park Silly, not the city, so my accountant will cut it today.

Thanks and sorry for the delay!

Kate McChesney
 435.714.4036
 Executive Director
 www.parksillysundaymarket.com
 The 2021 application is available on our website!



Kate McChesney <katejayboyd@gmail.com>

Mass Gathering Application

1 message

Summit County Health Department <do-not-reply@civicreview.com>
To: kate@parksillysundaymarket.com

Wed, Mar 16, 2022 at 11:28 AM

This email is powered by Civic Review on behalf of **Summit County Health Department**.

Hello,

Thank you for your application!

Your application has been submitted successfully and is currently processing. After we have reviewed your application, you may receive an email with further instructions.

In the meantime, you can view the status of your application at anytime using the following link.

[View My Application Status](#)**KNOW YOUR STATUS ANYTIME**

You can view your application status at any time at <https://app.civicreview.com/lookup> using your reference number and PIN:

Reference #: **80ebec60-a54e-11ec-bb41-631b9b33bf3e** | PIN: **848237241**

If you think you received this email in error, please contact Summit County Health Department.



SPECIAL EVENT PERMIT

Type of License: Level Four
Event Name: 2022 Park Silly Sunday Market
Event Date(s): Sundays, June 5 to September 25, 2022
No Market on August 7, August 14, & August 21
Event Location: Lower Main Street, & 5th Street
Licensee: Park Silly Sunday Market
Contact Person: Kate McChesney, Executive Director Park Silly Sunday Market
Approved By: City Council of Park City
Approval Date: April 7, 2022

The Park Silly Sunday Market is to be held on Lower Main Street (from Heber Avenue to 9th Street) and on 5th Street, on Sundays June 5 through September 25 from 10:00 a.m. to 5:00 p.m. Set up may begin as early as 6:00 a.m. and shall be complete no later than 8 p.m. The market will not be held on August 7 to accommodate the Kimball Arts Festival, August 14 to accommodate the Tour of Utah although the Tour of Utah has been canceled, and August 21 as a No Event Day.

Use Areas, Operations Plans, Transportation and Parking Plans, Insurance and Hold Harmless Waiver shall be attached to this permit as an exhibit and finalized no later than June 1, 2022. This Level Five Special Event Permit has been issued under the authority described within the Park City Municipal Code Section 4A based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Park Silly Sunday Market is a Level Four Special Event. The event is a unique cultural and entertainment activity, held for non-profit purposes, occurring for a limited duration that impacts the City by using and impacting City property, requiring licensing and services beyond the normal scope of business and creates public impacts through the following:
 - a. Interruption of the safe and efficient flow of transportation in Park City including public rights of way, which may include minimal impacts on streets or sidewalks necessary for pedestrian movement;
 - b. Use of public property and facilities;
 - c. Use of City parking facilities;
 - d. Need for public safety beyond their normal scope of operations;
 - e. Requires licensing and services beyond normal scope of business; and
 - f. Temporary events that do not normally occur within the permitted venue use.
2. Park Silly Sunday Market has been determined as a Level Four event due to:
 - a. Attendance throughout the event time period is estimated to be above 5,000 people and the event is in a non-consecutive series;
 - b. Creates moderate to major impacts to the surround area and cannot be held within existing venue or use areas;
 - c. Has moderate to major transportation needs including removal of parking, requires a transportation mitigation plan, requires offsite parking plan, road closures, moderate to major residential transportation mitigation and requires increased Park City Transit or a transportation provider; and
 - d. Requires public safety staffing needs beyond their normal operations including moderate support in the venue and moderate transportation mitigation and public safety personnel.
3. The events will end by 5 p.m. each Sunday, and Main Street shall be reopened to traffic and parking by 8:00 p.m. or the City determines otherwise in conjunction with city events or other circumstances. The permittee will organize load-in and load-out for each vendor, as well as ensure that traffic in the area continues to move during this high-traffic time. The permittee is responsible for working to establish and

follow parking plans. The applicant will have volunteers as well as the help of Park City Police Department to ensure the efficiency of traffic, transportation, and public safety.

4. PSSM estimates overall attendance in 2022 will be 225,000. This includes 2,000 people spread out over a 4-block radius at any one time, and an average of 16,000 people over the course of the day. PSSM shall work with staff to address the challenges and opportunities created by higher attendance, working to maintain public safety, health and welfare, as well as minimizing traffic and transportation impacts to the City.
5. The permittee has secured permission from the school district to allow the use of their parking areas at the Schools on Kearns Blvd. (Hwy. 248). The permittee will use the City's current transit schedule for attendees that use this lot.
6. The permittee has secured additional private shuttle transit to augment the city's transit service on the expected heavy attendance days on July 3, 24 and September 4.
7. The applicant is working with Park City Parking Services Department on nonexclusive use of City parking lots for vendors and market attendees. Vendors are not permitted to park on Park Avenue. Those that do will be ticketed and towed by the Park City Parking and Police Department.
8. The applicant has established a weather and emergency plan and will train staff and volunteers to the procedures of the plans. The applicant has established these plans to maximize the safety of event attendees, volunteers, staff and the general public. There are no weather dates for the event, but the applicant is aware that weather could interfere with the possibility of the event's proposed activities. In the case that the event was to be cancelled due to dangerous weather conditions, they would notify the general public as well as participants in the event. The applicant understands that Park City Special Events, Police, Fire, Building Official/Fire Marshal and Emergency Management have the right to cancel or postpone the event at any time due weather or emergency conditions.
9. The events associated with the Park Silly Sunday Market will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
10. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services. Park Silly Sunday Market agrees to work in good faith with the City and Summit County Health Department to develop and agree upon health protocols due to the impacts of COVID-19 and conduct businesses consistent with Utah requirements.
11. The Special Event will not substantially interfere with any other Special Events during the timeframe or with the provision of City Services in support of other events or governmental functions. There are other Special Event Permits that have been granted for Sundays, June 5 through September 25. The table below will show in column (A) - Geographic separation of events; column (B) - Proposed time and duration of the events; column (C) - Anticipated attendance. Park Silly Sunday Market will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions based on the following:
12. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
13. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of PCMC 4A-2-4(I) and has not failed to conduct a previously authorized event in accordance with the law or terms of a license.
14. Park Silly Sunday Market is under contract to install and remove bollards every week of the Market and coordinate with Public Safety.
15. Staff finds Park Silly Sunday Market is meeting the Measures of Success, is consistent with the measures as outlined in the City Services Agreement as entered into on September 14, 2017, as amended on February 20, 2020 and supports Council's goal of creating a complete community that values economic diversity, arts and culture, and a thriving mountain community and aligns with the goals as outlined in the Park City General Plan. This event creates a community gathering place, encourages and supports the Historic Main Street Alliance, Park City Businesses and encourages local and regional tourism and supports continued Main Street vibrancy. The event creates a complete community through its core value and partnerships in Park City with both businesses and the community as a whole and provides diversity, uniqueness. The event furthers Park City's role as a

world-class, multi-seasonal community while maintaining balance with our sense of community.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4A.

Conditions of Approval:

1. The Permittee, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. The permittee's use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
3. The permittee is required to provide supplemental documents including a Transportation and traffic control plan, Contingency plans, Site Identification and detailed map showing specifics of event operations as described in section 4A-2-11. Such documents shall be reviewed and approved with conditions administratively by the Special Events Manager in coordination with from the Chief of Police, Transportation Manager, Chief Building Official and Economic Development Manager.
4. As according to [section 6-3-11](#) of the Municipal Code, a permit for relief from the noise restrictions on the basis of undue hardship has been made to the Chief of Police. The permittee has been granted a permit for relief from the noise restrictions by the Chief of Police not to exceed 75 decibels between the hours of 10 a.m. and 1 p.m., and up to 90 decibels between 1 p.m. and 5 p.m. for the following dates and times:

- Sundays, June 5 through September 18, 10:00 a.m. to 5:00 p.m. Sunday September 25, Market hours will be 10:00 a.m. to 6:00 p.m. for Silly Fest.

The permittee shall work to orient noise activities to minimize sound impacts to the neighboring residents, businesses, and public facilities. If a complaint is received by Park City Police Department, they will investigate the complaint. If asked by the Park City Special Events or Police Department, the permittee shall turn noise down to mitigate concerns of noise from surrounding residents, businesses or public facilities.

5. The Permittee shall return to City Council and give a mid-season and end-of-season review for the 2022 market season.
6. The Permittee is required to provide waiver and release of damages and indemnification insurance coverage in an amount as required by the Special Events Manager and the City Attorney's Office, with respect to liability arising out of or in connection with Park City Silly Sunday Market activities under the Service Agreement It is suggested that the insurer have AM Best Financial Strength rating of at least A: VII.
 - General Liability of \$2,000,000 per occurrence / \$4,000,000 aggregate
 - Auto Liability of \$2,000,000 each accident, combined single limit for bodily injury and property (hired/non owned/owned) as applicable.
 - Liquor Liability of \$1,000,000 per occurrence/ \$2,000,000 aggregate
 - Proof of Workers Compensation with regard to statutory limits of \$1,000,000 per accident, \$1,000,000 disease each employee, and \$1,000,000 disease policy limit. (Please note that the City does not have to be additionally insured on this specific policy).

Such policies shall further name PCMC as additionally insured. The permittee shall further indemnify the City from liability occurring at the vent except for any claim arising out of the sole negligence or intentional torts of the City or its employees as described in section 4A-2-10 and 4A-2-4.F. The insurance must name Park City Municipal Corporation as additional insured for any claims related to this permit, the Permittee's insurance coverage shall be primary insurance coverage with respect to PCMC, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by PCMC its officers, officials employees or volunteers shall be excess of the Permittee's insurance and shall not contribute with it. 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 Permittee, its employees, officers, officials, volunteers and subcontractors.

7. All plans for tents, stages and other temporary structures as well as flammable materials shall be submitted to the Building Department for review and permitting no later than the Thursday previous to each market week.
8. The permittee is required to provide supplemental documents including a Transportation and traffic control plan, Contingency plans, Site Identification and detailed map showing specifics of event operations as described in section 4A-2-11. Such documents shall be reviewed and approved with conditions administratively by the Special Events Manager in coordination with from the Chief of

- Police, Transportation Manager, Chief Building Official and Economic Development Manager.
9. The permittee is responsible for providing volunteers during event with a volunteer plan during both events.
 10. The permittee is required to provide a sufficient number of traffic controllers, signs and other equipment as required by City, not limited to barriers, fencing, traffic devices, monitors for crowd control and safety, and such measures as directed by City, County or State Staff in order to ensure that any safety, health, or sanitation equipment, services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety and the environment, adequate offsite parking and traffic circulation in the vicinity of the event and other services or facilities as necessary to ensure compliance with City ordinances in a plan approved by the Transportation Director, Chief of Police and Chief Building Official in accordance with the Transportation Demand Management Plan, Park City Risk Assessment and International Building and Fire Code.
 11. All third-party approvals including the Park City School District, Summit County and State permit approvals required for this event shall be secured by the Thursday previous to each market week and submitted to Park City Municipal Corporation.
 12. The permittee is required to submit an Emergency Operations plan to be approved by the Chief of Police and the City's Emergency Manager. The Park City Special Events, Police, Fire, Building Official/Fire Marshal and Emergency Management have the right to cancel event upon any condition, violation or weather that jeopardizes the life, safety or property of the residents or visitors of Park City.
 13. The Permittee will provide a vendor list and sign plan for the event. All handouts, flyers, banners and other signage, shall comply with Park City Municipal Code 12-12.
 15. PSSM will extend its operational time by one hour on September 26, 2022 for Silly Fest. PSSM is requesting to have a stage with a band and beer garden that will remain open until 6:00 p.m. on this date. Clearing and reopening of Main Street will happen no later than 8:00 p.m.
 16. Estimated City Services in 2022 are \$75,000. Changes in City Service fees shall be reported at the mid-season and end-of-season review. PSSM is responsible for paying any additional fees over the \$60,500 and the City is responsible for reimbursing PSSM for bollard installation at the rate of \$1,000/market at the end of the season.
 17. PSSM will provide vendor license plate numbers to the Parking Services Department no later than 10:00 a.m. during each Sunday. This is to help ensure that vendors are parking in vendor parking areas.
 18. PSSM shall report zero waste statistics in pounds for the 2022 season as to allow for comparison to the previous year.
 19. PSSM shall maintain the following vendor types at no more than: Six (6) Import Vendors, Twelve (12) Jewelers and Twelve (12) On-site Food and Snack Food Vendors per market.
 20. PSSM shall have non-exclusive use of the upper and lower Sand Ridge Parking Lots, as well as the Top of China Bridge for Vendor and Staff Parking. PSSM shall prohibit vendors from parking on Park Avenue. Any vendors that park on Park Avenue are subject to ticket and tow by Park City parking and police department.
 21. PSSM has coordinated with the Fire Marshall, and Public Safety Personnel regarding placement of emergency staff and equipment and anticipates that Fire and EMS will be staged on 7th Street. PSSM has also submitted an Emergency Operations Plan which is being coordinated with Park City Police, Emergency Management and Park City Fire.
 22. PSSM shall have a deadline of the first of the month of each month of the Market for all HPCA vendor requests as pertains to the Vendor Mix requirements. Any unfilled dates for the month that are not fulfilled by the deadline, will be filled by other vendors as pertains to the Vendor Mix requirements, and subsequently on the first of each month through September 1, 2022. Any vendors who are scheduled and fail to notify PSSM staff prior to 5:00 p.m. on the Thursday before the scheduled Sunday will receive a bill for a \$150.00 cancellation/no show fee. For HPCA - the next scheduled HPCA member will not be permitted to participate or load-in if the cancellation/no-show fee has not been paid. PSSM vendors, who do not pay the fee, will not be permitted to return until the fee has been paid.
 23. The Permittee is responsible for securing all City, County and State permit approvals required for this event by June 1, 2022 and submitted to Park City Municipal Corporation.
 24. The approval identification provided with the approval of this permit must be in possession of the Permittee at all times and must be made available for inspection when requested by governmental authorities. The permittee is responsible for providing a schedule of events and access to any site

for purposes of Code Enforcement or public safety as outlined by Park City municipal code 4A-2-4.

PASSED AND APPROVED this Thursday, the 7th day of April, 2022.

PARK CITY MUNICIPAL CORPORATION

City Manager, Matt Dias

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Margaret Plane, City Attorney

DRAFT

2022 Park Silly Sunday Market Supplemental Summary and Analysis

Changes to the 2022 Park Silly Supplemental Plan Include:

PSSM will 14 markets on Sundays from June 5 through September 25 excluding the following dates:

August 7, 2022 in accordance with section B.2.1.A in order to accommodate the Annual Park City Kimball Arts Festival.

August 14, 2022, in accordance with section B.2.1.B in the Park Silly Sunday Market Service Agreement in order to accommodate the Tour of Utah (Tour of Utah is cancelled for 2022).

August 21, 2022. In accordance with section B.2.1.C. No Event Day. No city approved events are currently scheduled for this day.

Parking Impacts

- Staff is considering increasing parking rates during the event. Staff will return to Council after coordination with HPCA regarding this item.

Items that remain the same include:

Sustainable Efforts as per section D.9.5.d of contract:

- Enforce no idling policy for vendors, staff, and attendees.
- Create a plan to increase the use of reusable or recyclable event materials:
- PSSM reuses banners yearly (new sponsors are stickers); signage is such that it can be moved around and used year after year and across events; PSSM does not generate any print material.
- Reducing the use of plastic bags, single use plastic bottles, and Styrofoam throughout the event (PSSM requires use of reusable or compostable serving utensils/bags/packaging for all event vendors, participants and attendees). This requirement of all vendors and is addressed in the PSSM Vendor Handbook and Vendor University.
- As requested by Park City, PSSM will serve as a partner in creating Green Event initiatives to help other events become more sustainable.
- PSSM participates in the Event Sustainability Round Table and provides guidance as well as staff/equipment resources to other events as available.

Proactive Noise Monitoring

- Noise cannot be above 75 decibels between 10 a.m. and 1 p.m. Noise may be up to 90 decibels from 1 p.m. to 5 p.m.
- Staff will monitor the stage sound levels during the Market to ensure compliance with the Park City Municipal Code. PSSM has requested a relief from noise restrictions from the Park City Police Department as allowed under [6-3-11 Relief from Restrictions](#) and required in section 2.5.d of the City Services Agreement.

Working Group

- Working Group will continue for the 2022 Season, as part of the Supplemental Plan approval.
- In accordance with section D.9.7, to the City Services Contract, Park Silly Sunday Market is required to conduct a Working Group three times during the Market season, which will include (a) two (2) HPCA Representatives, (b) two (2) Park Silly Market Representatives, and (c) two (2) members of the Park City Council.
- Staff believes the working group meetings are important and work well, as they allow Market staff, City Staff, Council Representatives and HPCA time to experience the market, increase

Exhibit C: PSSM Analysis

communications and transparency, and address challenges and solutions. PSSM is working with HPCA to identify two (2) HPCA representatives.

- Dates are proposed as follows, times to be varied as to experience the start, mid-day and end of the market:
 - Sunday, June 12; 11:00 a.m. Walk-through, Main Street
 - Sunday, July 10; 1:00 p.m. Walk-through, Main Street
 - Sunday, August 28; 11:00 a.m. Walk-through, Main Street
 - Sunday, September 10: 3:00 p.m. Walk-through, Main Street

City Service Fees & Municipal Funds

Departments	Items	End of Season Actual 2021	Estimate of Fees 2022
Parking Department	Parking spaces for 14 days	\$ 22,050	\$ 22,050
Police Department	495 Hours	\$ 40,575	\$ 37,125
Transit Department (rerouting transit and trippers for park ave and upper swede)	15 Hours	\$ 2,250	\$ 2,250
Parks Department	Banner installation	\$ 648	\$ 648
Building Department	Inspections and permits	\$ 70	\$ 70
Special Event Application Fee	Annual Permit Fee	\$ 320	\$ 320
VMS Signs & Barricades	2 VMS/ Electronic Signs (PCMC owned and UDOT signs)	\$ 5,600	\$ 5,600
Total Fees		\$ 71,513	\$ 68,063

Exhibit C: PSSM Analysis

Hours

The Park Silly Sunday Market will continue to operate from 10:00 a.m. to 5:00 p.m. Set up is to begin no earlier than 6:00 a.m. and the street will be cleared and available for parking no later than 8:00 p.m. on each market day.

Exception:

a. The Park Silly Sunday Market requests to extend the close of market by one hour on September 25, 2022 for Silly Fest. The Park Silly Sunday Market is requesting to have the stage with a band until 6:00 p.m. and for the beer garden to remain open until this time as well. Clearing and reopening of the street will happen no later than 8:00 p.m. Park Silly Sunday Market is asking for this extension of hours which is consistent with allowances in Section B.2.2, in which Park City shall consider expanded hours and special holiday late closures (Opening Day, Holiday Weekends and Silly Fest). This has been approved in past years.

Transportation Impacts:

Work with Park City to review and create an incentive program for attendees that take alternative modes of transportation. This will include a bike valet located near the event, as well as supplemental parking outside of the Old Town core with free transportation to the event. PSSM and Park City will work to track alternative forms for transportation to and from the event as an absolute number and a percentage of event attendees. PSSM and Park City will determine a traffic baseline and provide plan to lessen vehicle impacts annually.

HPCA Vendor Cancellation & Date Requests

As in 2021, HPCA members who are scheduled and fail to notify PSSM staff prior to 5:00 p.m. on the Thursday before the scheduled Sunday will receive a bill for a \$150.00 cancellation/no show fee.

The next scheduled HPCA member will not be permitted to participate or load-in if the cancellation/no-show fee has not been paid. This change was made to encourage those HPCA vendors that sign up to show up and prevent holes or last minute changes to the vendors the day of the market.

The deadlines for HPCA vendor date requests will remain the same as last year. The deadline of for all HPCA requests is May 1, 2022. Any unfilled dates for June that are not reserved by the HPCA May 1 deadline, will be opened to be filled by other at-large vendors as pertains to the Vendor Mix requirements, and subsequently on the first of each month through August 1.

PSSM will also continue to work in coordination with Main Street Merchants that extend outside for Car Free Sundays.

Vendor Mix

PSSM regulates their vendor mix to mitigate for potential of adverse impacts to brick and mortar Main Street Businesses. As outlined in the requirements of the City Services Agreement, the 2022 vendor mix is the same as in 2021.

No more than twelve (12) on site food vendors; twelve (12) jewelers or six (6) importers at each market

Parking & Residential Mitigation

Exhibit C: PSSM Analysis

Staff will place ‘residential parking only’ signs in the Old Town Area in an effort to reduce traffic in Old Town. This will continue to be required at each Market. Additionally the west side of Park Avenue between 9th Street and 12th Street will be resident only parking.

To increase coordination, Park Silly Sunday Market continues to require their vendors to submit license plate numbers to the Parking Services staff to help identify vendors who are parked outside of the designated vendor parking areas located at the Upper and Lower Sandridge parking lots and top level of China Bridge. Oversized vehicles cannot be parked in the China Bridge. All vendors are responsible for paying parking rates as posted. PSSM will submit an updated vendor plate numbers to the Parking Services Department each Sunday no later than 10 a.m.

Event Coordination

A summary of events that occur on the same day as Park Silly Sunday Market 2022 Season is below. According to section [4A-2-5](#) of the municipal code, staff finds that these events will not duly interfere with each other. Staff will continue to work with organizers of both PSSM and the events as outlined below to ensure traffic and transportation plans run smoothly, as well as, that the organizer of each event is mitigating impacts they cause.

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipate d
September 11	Song Summit	Main Street and other locations	TBD	1,000
September 11	Tour De Suds	City Park, Main Street, various trails	8 a.m. to noon	300
September 18	Autumn Aloft	Main Street, N40	7 a.m. to noon	2,500

Staff will report any other events that are not currently known during the mid-season and end of season reviews.

Department Coordination

Park Silly Sunday Market has worked with Staff to set meetings with Public Safety as well as Parks and Building Maintenance, and Transportation to ensure that operations with regards to both aspects remain well coordinated. At this time, Staff does not anticipate any changes to the Public Safety or Parks & Maintenance logistics. As staff continues to coordinate and implement City wide transportation standards and increased mitigations, PSSM has agreed to help implement these changes. Staff will report on this at the mid-season review.

Community Engagement Outreach

Exhibit C: PSSM Analysis

Staff and PSSM will work in conjunction to notify Old town residents and the general public of the market activities as well as parking and transportation changes. This could involve use of the PCMC event text alert system. Additionally, staff will preform outreach to Main Street merchants and Old Town residents in mid-May regarding all summer events.

Exhibit C: PSSM Analysis

Park Silly Sunday Market – 2022 Season Preview Measures of Success		Legend S – Succeeding in meeting Contracted I - In progress / Meeting Requirements U – Unsatisfactory - Not meeting
Requirements		
Vendor Mix		
Importers (allowed per week maximum) i. 2022- 6	Notes: Requirements are currently being met	I
Jewelers (allowed per week maximum) i. 2022- 12	Notes: Requirements are currently being met	I
On-site Food Vendors & Snack food Vendors (per week maximum) i. 2022 - 12	Notes: Requirements are currently being met	I
PSSM will invite two (2) HPCA representatives in the jurying of jewelry vendors.	Notes: Requirement was met by PSSM.	S
PSSM will coordinate three (3) market walkthroughs with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	Notes: June 20, July 25, August 22. HPCA and City have identified representatives.	I
PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix.	Notes: Requirements have been provided and met.	S
Parking / Traffic / Pedestrian Management		
Create event parking plan i. Identify vendor vehicle with license plate identification. ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Continue increased communication between departments and PSSM to encourage parking of vendors in suggested vendor locations.	Notes: PSSM continues to work with Staff & private parking garages to park vendors in appropriate areas. A resident parking area has been established and is being enforced along the west side of Park Ave. Parking Enforcement continues to communicate with the residents to resolve parking concerns during the Park Silly Sunday Market. This increase in fees for parking in China Bridge and other areas will be monitored. An update will be given to council at the Mid-Season review.	I
Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market. ix. Addition of Shuttle Service on expected heavy attendance day – July 24, July 4 and September 5.	Notes: While PSSM does not preform any paid marketing. Social media will focus on transportation alternatives including City transit, bikes or walking to attend.	I
Submit sign Plan to Staff at the time of Supplemental Plan containing the following: i. Locations ii. Size & Type iii. Message iv. Placement and removal times	Notes: Requirements are currently being met	I
Work with City to create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley	Notes: If Car free Sundays does not happen, PSSM will be responsible for Pedestrian Management at Heber and Main	I
Market Set-Up and Inspections		
a. Weekly notification to staff of footprint or operational changes	Notes: Staff is working with PSSM to ensure that requirements are met.	S
b. Location of interior sponsor signs	Notes:	I

Exhibit C: PSSM Analysis

	Requirements are currently being met	
<u>Street Cleaning and Trash Removal</u>		
a. Pre-Meet with City's Street Department to create a street cleaning and trash removal plan.	Notes: Requirements are currently being met	
b. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.	Notes: Will meet during the 2022 Market Season – dates TBD	
<u>Coordination with PCMC and HPCA</u>		
a. PSSM will schedule monthly "Working Group" meetings from June through September	Notes: June 12, July 10, August 28 and September 11. Representatives from HPCA, PSSM, City Staff and City Council have confirmed these dates.	
b. PSSM will schedule four (4) market walkthroughs with the "Working Group" within the season.	Notes: PSSM has set dates for the Working Group dates.	
c. PSSM will schedule a weekly market walk through with City representatives	Notes: PSSM and the City have scheduled the weekly meetings.	
d. PSSM will supply the City Representatives with weekly report containing the following i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. Provide a list of other sustainable efforts throughout the event. v. PSSM to participate in and provide a list of City functions related to Green Event management that they participate in, as well as a lists of non-profits who they provide sustainable mitigation efforts for. vi. PSSM to present a year over year a comparison for sustainable effort comparison in coordination with the City during annual end of season review.	Notes: Requirements are currently being met	
e. PSSM will supply the City Representatives with an ongoing list of vendor and staff license plates: i. Prior to the start of the June 5 Market. ii. At any time they add license plates to the market throughout the 2022 season. iii. License plate lists should be provided to the City Representative no later than 10:00 a.m. each Sunday.	Notes: Requirements are currently being discussed to work on best coordination between PSSM and the City.	
<u>Marketing and PR</u>		
a. HPCA logo on all advertisements & promotions	Notes: Requirements currently being met.	
b. Engage in cross promotions with Chamber, HPCA, Park City Restaurant association	Notes: Requirements currently being met.	
c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to: I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage; IV. Radio PSAs and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, ' if applicable"	Notes: Requirements currently being met. PSSM has significantly cut back on all marketing efforts, focusing only on social media locally.	
<u>Other Items:</u>		
Quantify Marketing & PR Value	Notes: In progress. It is likely due to the cutback on marketing efforts that this value will be significantly less than	

Exhibit C: PSSM Analysis

	previous years.	
PSSM shall present an annual preceding market season. This report will contain the following: i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc. vi. Transportation and parking counts – to be coordinated with PCMC Transportation Services Department	Notes: This was reported to Council in the 2021 End of Season Report. PSSM is aware of the requirement and will gather the required information for the 2022 report.	I

PSSM Vendor Types Definition & Vendor Mix

All categories are juried by the PSSM staff by way of required online application details including, but not limited to: product descriptions, photo samples of products, photo of booth display, history/business description including their 'story', list of sources and co-packing use.

PRIORITY 1: Artisan- A vendor that sells unique, art and handmade crafts (excluding food and jewelry). Starting materials must be significantly altered and enhanced by the artist. Preferential consideration given to local artists based in the state of Utah.

PRIORITY 2: Farmer - A vendor that sells fresh produce from his or her farm and/or a vendor that sells food products made of produce from his or her farm.

PRIORITY 3: Jeweler - A vendor that sells unique, handmade jewelry of their own making and design. limited space available in this category (12 per market date).

PRIORITY 4: Gourmet Food - A vendor that sells foods or baked goods, made in Utah, which are intended/packaged for off-site consumption. Preferential consideration given to members of Utah's Own.

PRIORITY 5: Designer - A vendor that plans the precise form, look or working of an item, excluding jewelry, in writing before such item(s) is manufactured pursuant to that vendor's specific request. To qualify as a designer, the vendor shall be required to submit specific design plans of all item(s) to be sold at the market. Preferential consideration given to local designers based in the state of Utah.

PRIORITY 6: Young Vendor - A vendor, 17 years of age or younger, that sells their own unique, handmade goods.

PRIORITY 7: Food - A vendor that prepares and sells food for consumption at the Market. First right of refusal is offered through the HPCA membership. Limited space available in this category (12 per market date, 10 of which are propane approved space)

PRIORITY 8: Service Vendor -A vendor that provides on-site services to market attendees (ex. - henna, face-painting).

LAST PRIORITY: Importer - A vendor that purchases goods manufactured and/or procured outside the U.S. (jewelry not permitted in this category). This category is considered a 'last sell' vendor type. Vendors in this category are invited in April, based on remaining space available, in an effort to maximize opportunity to other vendor types. Limited space available in this category (6 per market date)

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Silver Spur Construction to Construct the Marsac Avenue Waterline Replacement Project, in an Amount Not to Exceed \$1,090,000.00
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Marsac Avenue Waterline Replacement Staff Report](#)



City Council Staff Report

Subject: Marsac Avenue Waterline Replacement Project
Silver Spur Construction– Construction Agreement
Author: Griffin Lloyd, Public Utilities Engineer
Department: Public Utilities
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Silver Spur Construction to construct the Marsac Avenue Waterline Replacement Project, in an amount not to exceed \$1,090,000.00

Background

Park City Public Utilities maintains record of water line breaks and pipe condition of its underground piping network. Staff evaluates the need to replace assets yearly based on these records along with the criticality of the asset, road improvement projects, other construction projects, financial capability, and other factors that influence project priority and timing. Marsac Avenue has had multiple breaks within recent years and pipe condition in those areas are showing critical. These breaks have caused emergency response to repair, lost water, road damage, as well as interruption of traffic flow and water service to the community.

In January 2022 staff retained Aqua Engineering to design the replacement of the water assets as well as support with construction services, traffic control concerns, and technical expertise. ([Staff Report – February 3, 2022](#))

In accordance with the City's procurement policy, the project was publicly advertised from February 28 – March 22 and a public bid opening was held on March 23 in which bids were opened. Contractor selected was the lowest responsive bidder and has shown prior experience with similar projects. The project is scheduled to begin April 18th and conclude by June 15th.

Working with the City's Public Engagement Department, staff has developed an outreach program to proactively educate and inform stakeholders, residents, business owners, and employees of the project's purpose, expected timeline, travel impacts, and any suggested alternate routes.

Funding

The funding for the project is from water service fees and is included in the adopted Water budget.

Exhibits

- A Bid tabulation
- B Public Engagement Outreach Plan

Exhibit A

BID
Tabulation

3/23/22 3:00:00 PM
PARK CITY MUNICIPAL CORPORATION
Marsac Waterline Replacement Project

	Contractor	Base Bid	Bid Add 1	Total Bid
1.	Silver Spur	\$998,000.00	\$92,000.00	\$1,090,000.00
2.	Geneva Rock	\$1,429,200.00	\$150,500.00	\$1,579,700.00
3.	VanCon	\$1,760,750.00	\$135,000.00	\$1,895,750.00
4.	MC Contractors	\$1,771,150.00	\$587,500.00	\$2,358,650.00

Exhibit B

Public Engagement Outreach Plan

Outreach/Timeline: Waterline Replacement Marsac Avenue

PROJECT: Replace a failing waterline on Marsac Avenue, from the roundabout to just south of the China Bridge parking structure.

TIMELINE: Construction to start **April 18**, with estimated completion date of June 15, 2022.

TRAVEL-RELATED IMPACTS: Downhill lanes will be detoured to alternate routes.

OUTREACH GOAL: to proactively educate and inform stakeholders, residents, business owners, and employees of the project's purpose, expected timeline, travel impacts, and any suggested alternate routes.

STAKEHOLDERS:

- City staff
- Deer Valley Resort
- Old Town residents
- Empire Pass residents and businesses
- General public
- Historic Park City Alliance
- Transportation companies

OUTREACH TOOLS/PLATFORMS:

- Week of April 4: Radio interview (to explain project and educate the public)
- Beginning week of April 4 (one per week): Social media posts (leading up to project and ongoing highlighting progress)
- Week of April 4: Pitch local media (help educated, explain purpose of projects, and note any travel impacts)
- Week of April 4: Direct email to stakeholders
- Week of April 4: News item on City website
- Week of April 11: Door-to-door with flyers to directly impacted properties
- Week of April 11: Email to City staff
- April 13: Include as part of City Newsletter
- Week of April 18 (through duration): VMS boards leading up to the site
- Week of April 18 (through duration): On-site signage

Outreach to begin two weeks in advance of project start date (April 18), ongoing up until project begins. We will continue to communicate any project changes, additional impacts, progress (as appropriate), etc.

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Harrison Western Construction Corporation Inc., to Fund the Spiro Mine Tunnel Reconstruction Project Phase 2, in an Amount Not to Exceed \$4,500,000.00
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Funding Spiro Mine Tunnel Reconstruction Project Staff Report](#)



City Council Staff Report

Subject: Spiro Mine Tunnel Reconstruction Phase 2
Construction Agreement
Construction Services GMP, Harrison Western
Author: Griffin Lloyd, Public Utilities Engineer
Department: Public Utilities
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Authorize the City Manager to execute a Construction agreement, in a form approved by the City Attorney, with Harrison Western Construction Corporation Inc., to fund the Spiro Mine Tunnel Reconstruction Project Phase 2, in an amount not to exceed \$4,500,000.00

Background

Water draining from the Spiro Tunnel provides approximately 30% of Park City's water supply. In addition, water draining from Spiro Tunnel is the primary water source for the upper reach of McLeod Creek. Public Utilities performs maintenance and repairs to the Spiro Tunnel as needed with the overall goal of maintaining water flow from the Spiro Tunnel.

A condition assessment previously conducted by Golder for the Spiro Tunnel reflected areas of the tunnel that needed structural reconstruction.

[\(Staff Report - August 3, 2017\)](#)

The first 400 feet of the Tunnel was identified as the most critical and was reconstructed and stabilized July 2020 – June 2021. Proposals for design and early contractor involvement were requested from qualified engineers and contractors. Lithos Engineering was contracted to provide design and construction management for the first four hundred feet of the Spiro Tunnel ([Staff Report - May 16, 2019](#)). Staff received proposals for the reconstruction of the first 400 feet from contractors, upon which Harrison Western was selected for Early Contractor Involvement ([Staff Report - May 16, 2019](#)). Upon completion of the construction drawings, Harrison Western provided a guaranteed maximum price (GMP) proposal to provide construction services (construction manager/general contractor) ([Staff report – June 11, 2020](#)). Following the reconstruction of the first 400 feet of the Spiro Tunnel, Harrison Western participated in a condition assessment for the remainder of the tunnel, assessing structural integrity. The assessment validated the findings of the Golder assessment, further defined on areas of concerns, and developed potential reconstruction methods.

In accordance with the City's procurement policy, a Request for Qualifications for construction services for Phase 2 Reconstruction of the tunnel was publicly advertised from February 28 – March 18. Staff received proposals from which Harrison Western was selected by a committee of Park City personnel based on criteria.

Work included in this contract is planned to start April 2022 – December 2022, shut down for peak ski season and start again April 2023 and ending December 2023. Construction will be deep within the tunnel, but residents will see construction vehicles outside of the tunnel. All supplies and materials are set to be staged within the tunnel to reduce the presence of the project outside the gates. Staff has coordinated with the Silver Star HOA on timelines, staging, and requests the HOA has for the contractor during construction

Funding

The funding for this contract is from water service fees and is included in the adopted Public Utilities budget.

Exhibits

A Harrison Wester GMP (Guaranteed Maximum Price)

Exhibit A

Harrison Western GMP (Guaranteed Maximum Price)

Item No.	Description	Quantity	Unit	Unit Cost	Item Total	Contingency Increase	Maximum Contingency Addition
ALTERNATE A - Red Shale Area - Re-support							
PHASE 1							
1.1	Mobilization/Demobilization - Phase 1	1.0	LS	\$ 95,000.00	\$ 95,000.00	0%	\$ -
1.2	Tunnel Ventilation Improvements - Phase 1	1.0	LS	\$ 92,000.00	\$ 92,000.00	0%	\$ -
1.3	Rail Improvements - Phase 1	3,910.0	LF	\$ 180.00	\$ 703,800.00	20%	\$ 140,760.00
2.2	Temporary Support - Class B - Phase 1	612.5	LF	\$ 21.00	\$ 12,862.50	10%	\$ 1,286.25
2.3	Temporary Support - Class C - Phase 1	705.0	LF	\$ 111.00	\$ 78,255.00	10%	\$ 7,825.50
2.5	Temporary Support - Class E - Phase 1	290.0	LF	\$ 1,762.00	\$ 510,980.00	20%	\$ 102,196.00
	<i>Subtotal Alternate A - Phase 1</i>				\$ 1,492,897.50		\$ 252,067.75
PHASE 2							
1.1	Mobilization/Demobilization - Phase 2	1.0	LS	\$ 95,000.00	\$ 95,000.00	0%	\$ -
1.3	Rail Improvements - Phase 2	3,910.0	LF	\$ 180.00	\$ 703,800.00	20%	\$ 140,760.00
2.1	Temporary Support - Class A - Phase 2	200.0	LF	\$ 22.00	\$ 4,400.00	10%	\$ 440.00
2.2	Temporary Support - Class B - Phase 2	1,837.5	LF	\$ 21.00	\$ 38,587.50	10%	\$ 3,858.75
2.3	Temporary Support - Class C - Phase 2	2,115.0	LF	\$ 111.00	\$ 234,765.00	10%	\$ 23,476.50
2.4	Temporary Support - Class D - Phase 2	350.0	LF	\$ 394.00	\$ 137,900.00	10%	\$ 13,790.00
2.6	Alt. A - Red Shale Area - Re-support - Phase 2	330.0	LF	\$ 719.00	\$ 237,270.00	10%	\$ 23,727.00
	<i>Subtotal Alternate A - Phase 2</i>				\$ 1,451,722.50		\$ 206,052.25
PHASE 3							
1.1	Mobilization/Demobilization - Phase 3	1.0	LS	\$ 95,000.00	\$ 95,000.00	0%	\$ -
2.6	Alt. A - Red Shale Area - Re-support - Phase 3	990.0	LF	\$ 719.00	\$ 711,810.00	10%	\$ 71,181.00
	<i>Subtotal Alternate A - Phase 3</i>				\$ 806,810.00		\$ 71,181.00
	Subtotal Alternate A				\$ 3,751,430.00		\$ 529,301.00

Budget Estimate Total - Alternate A \$ 4,280,731.00

Owners Contingency
\$219,269.00
Total \$4,500,000.00

Council Agenda Item Report

Meeting Date: April 7, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community Development

Item Type: HA

Agenda Section: WORK SESSION

Subject:

Discuss Deer Valley's Proposed Affordable Housing Obligation Calculation for the Development of the Deer Valley Snow Park Area

Suggested Action:

Attachments:

[Deer Valley Housing Obligation Staff Report](#)

[Deer Valley Housing Calculation 3-22-22](#)

Housing Authority Staff Report

Subject: Deer Valley Snow Park Area Development - Affordable Housing Obligation Calculation
Author: Jason Glidden, Housing Development Manager
Department: Affordable Housing
Date: April 7, 2022
Type of Item: Administrative

Recommendation

Review and provide feedback on Deer Valley's proposed affordable housing obligation calculation for the development of the Deer Valley Snow Park Area.

Executive Summary

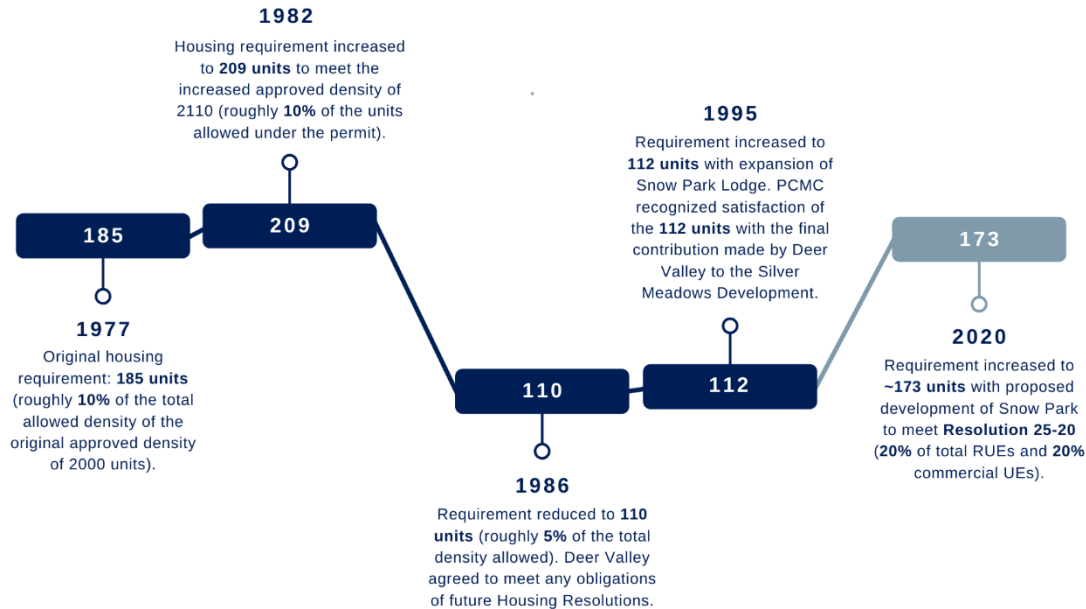
Deer Valley Resort has submitted an application and is in the planning review process for the expansion and redevelopment of the [Snow Park Base Area](#). The proposed development, located at the current surface lots of the Snow Park Base Area, will trigger an affordable housing obligation that the Park City Housing Authority must approve.

After initial feedback from the Housing Authority on February 3, 2022, Deer Valley Resort has amended its proposed housing obligation calculation and requested that the Housing Authority review the new calculations and provide feedback. This report provides a brief history of the Deer Valley MPD, including past commitments, subsequent amendments, unit calculations, and units created to meet previous obligations. In addition, the housing team has included an analysis and recommendation of the proposed calculations. Deer Valley plans to return with a complete Housing Mitigation plan after receiving confirmation that the Housing Authority agrees with their proposed calculations.

Background

Deer Valley Resort's (previously known as Royal Street Land Company) Master Planned Development (MPD) history begins with the Special Exception Permit issued in 1977. This document has been amended twelve separate times. The Housing Team first brought the most recent amendment and proposed calculations for the Snow Park development on February 3, 2022 ([Staff Report](#), [Minutes](#)). As part of the February 3rd staff report, the Housing Team provided a detailed historical recap associated with the development. Important to note is the [5th Amendment](#) to the Special Exception Permit from 1986. It stated that the housing obligation for the MPD would be reduced to 5% in exchange for Deer Valley agreeing to meet the City's future housing resolutions. The infographic below provides a summary overview related to Deer Valley housing obligations.

Deer Valley Resort Affordable Housing Obligation History



Deer Valley produced 112 affordable housing units to meet the 5% 1986 housing obligation. The chart below shows how Deer Valley fulfilled its 5% obligation.

Total AUEs required 112 (AUE = 800SF) – fulfilled as follows:

Entity	Housing Obligation
Deer Valley Resort	112
Parkside Apts participation (1990)	-42
Fireside Apts. Participation (1990)	-42
Washington Mill (1993)	-8
Peace House shelter (1993)	-3
Aspen villas/Silver Meadows participation (1995)	-9
Employee/Manager units on-mountain (no deed restrictions on these units) (Built as projects on mountain completed)	-8
Balance to 5% obligation	0

At the February 3rd work session, the City Council provided feedback to Deer Valley's proposed housing calculation, which included:

- The average proposed of 3.7 AUEs per thousand feet of commercial development was too low and needed to be increased.
- On-site affordable housing development needs to be maximized

Other concerns raised:

- 1.5 employees per household as part of the commercial obligation calculation
- Level of service provided at Deer Valley and how it affects the number of employees. Specifically, the difference in the number of employees at a five-star hotel compared to a three-star hotel.
- Clarifying if residential units will be run like a condo-hotel rather than strictly residential units.

Analysis

Based on the initial feedback from the Housing Authority, Deer Valley has amended the proposed housing calculation. The amended calculation now totals 67.1 AUEs, up from the original 61.5 AUEs initially proposed. The change in calculation results from Deer Valley providing a proposed square footage breakdown of the different uses that will be developed. The breakdown by specific use has allowed employee generation rates from the Housing Resolution to be applied, resulting in a more accurate number of AUEs required.

Proposed Snow Park Village Redevelopment Employee Generation and Affordable Housing Matrix				
South Parcel (Phase 2)				
Use	Total NSF	UE's or Units	AUE's 20%	Employee Generation Multiplier by Use
Total Food and Beverage	19,080		16.5	6.5 (Restaurant / Bar Use)
Total Retail	23,152		10.2	3.3 (Commercial / Retail)
Total Fitness and Pool	15,640		2.7	1.3 (Personal Services)
Total Spa	10,015		4.9	3.7 (Professional Services)
Total Bowling	12,000		8.5	5.3 (Recreation / Amusement)
Meeting Space	15,740		2.7	1.3 (Personal Services)
Total Residential	163,102	67 Units / 81.6 UEs	16.3	20% of Unit Equivalents
Total Hotel	66,737	100 Hotel Rooms	8.0	0.6 Employees per Hotel Room
Total Transit Center	2,790			Not applicable*
Total Resort Accessory	4,489			Not applicable*
Total Residential Accessory	7,400			Not applicable*
Subtotals	340,145		69.9	
North Parcel (Phase 3)				
Use	Total NSF	UE's/Units	AUE's 20%	Comments
Total Residential Accessory	8,000			Not applicable*
Total Residential	142,027	71.0 UEs	14.2	20% of Unit Equivalents (UE)
Subtotals	150,027	71.0	14.2	
Total				
South + North Parcel	84.1 Affordable Unit Equivalents (AUEs)			
Remaining Housing Unit Credit	- 17.0 Affordable Unit Equivalents (AUEs)			
Total Housing Obligation	67.1 Affordable Unit Equivalents (AUEs)			

*Not applicable, see Resolution 25-2020, Section 5.

Important to note the new proposed development includes the following changes from the original proposal:

- Reduces the number of hotel rooms from 193 to 100 (48% decrease) – decreasing the housing obligation by 7.44 AUEs
- Increases from 131.6 UEs to 152.6 UEs (14% increase) of residential development – increasing the residential housing obligation by 4.2 AUEs
- Increases the total amount of commercial square footage from 81,834 SF to 95,627 SF (14% increase)
- Increases the total commercial housing obligation from 40.37 AUEs to 45.4 AUEs (11% increase)
- There was no change in square footage for the transit center, resort accessory, or residential accessory. These categories do not generate a housing obligation

The new proposed calculation meets the requirements of the City's most current ([25-2021\) Housing Resolution](#) and applies a 5% credit for the affordable housing already delivered by Deer Valley to date. The spreadsheet shows the new housing obligation calculation with the commercial breakdown and 5% credit.

The Housing Team supports the proposed calculations based on the current square footage. However, it should be noted that if the square footage or use changes, it could change the number of AUEs required to be fulfilled. Staff recommends addressing this by condition of approval confirming any final calculation with an approved MPD/CUP plan set. After consultation with the Housing Authority, Deer Valley plans to return with a final Housing Mitigation Plan for approval.

Attachments

Exhibit A Deer Valley Proposed Housing Calculation Plan



Snow Park Redevelopment Employee Generation and Affordable Housing Calculation Plan

March 4, 2022

Snow Park Village Redevelopment Project Overview

Deer Valley Resort is proposing to redevelop the existing Snow Park Village parking lots and base area. The Snow Park Lodge at Deer Valley has been an iconic destination for skiers since 1981. The surrounding base area has served its primary function of conveniently gaining access to a world class skiing experience. Many things have changed over the years and a fresh vision for the Snow Park base area parking lots is emerging to further enhance the guest experience, respond to the evolving user needs, and invest in the next 40 years of the resort.

Deer Valley Resort is proposing a reimagined overall site plan, new Parking Structure, and a Transit and Mobility Hub - this is referred to as Phase 1. Deer Valley Resort is in the process of engaging the community for feedback on the remaining elements of a future base area redevelopment, which would include an extended ski beach, a plaza area, and residential, lodging, and commercial uses (Phases 2 and 3).

The new base area development will maintain the existing iconic Snow Park Lodge, including the integral resort operations, and will incorporate a new Parking Structure over the existing parking lots. The Phase 1 development will be the foundation for a world class base area that reimagines the guest arrival and departure experience, prioritizes “transit first”, and upgrades the mountain transportation network.

Key features of the total conceptual plan (Phases 1-3) include:

- Transit and Mobility hub
- Integrated multi-modal drop-off and pick-up zones
- Reimagined arrival and departure experience for transit and guests
- Paid Parking Structure with automated entry and exit
- Extended sunset facing ski beach frontage
- Hotel and residential lodging options

- Expansion of retail, dining, and entertainment options
- Plaza promenade
- Community event center
- Retail-based addition to Snow Park Lodge
- Community gathering areas
- Future Pedestrian bridge

Background

Deer Valley Resort History

The ski industry forever changed 40 years ago when Edgar Stern developed Deer Valley Resort based on the concept of providing a luxury hotel experience by combining first-class guest service, luxury accommodations and gourmet food with skiing. Deer Valley Resort is the culmination of the vision and dream of Edgar and Polly Stern, born of their many years' experience in the hospitality industry. Deer Valley Resort opened on December 26, 1981, with five chairlifts, 35 ski runs on Bald Eagle and Bald Mountain, and two day lodges, Snow Park and Silver Lake. Over the years, we have invested in improvements and since our first season, have grown to 21 chairlifts, 103 ski runs, and three day lodges.

The Sterns' background in the hospitality industry and their other guest service experiences laid the groundwork for Deer Valley's concept. The Sterns first visited Park City in 1968 and purchased the existing Treasure Mountain Ski Area (now Park City Mountain) in 1971, along with other land that would later become Deer Valley. While Park City Mountain proved to be a rewarding experience, the Sterns' real desire was to pursue their own ideas for a ski resort. So, they sold Park City Mountain, holding on to the land that is now Deer Valley Resort.

Deer Valley was not the first ski resort located in this particular area. Preceding it was the Snow Park Ski Area, which opened in 1947 and operated until 1965. Snow Park was founded by two Park City locals, Bob Burns and Otto Carpenter.

Many of the materials used in building Snow Park came out of the local mines, and the lift towers were made of aspen wood. The Burns and Carpenter lifts at the base of Bald Eagle Mountain are named after the ski area's original owners. Deer Valley Resort, as envisioned by the Sterns, would provide a service-oriented skiing experience, stately accommodations and sumptuous dining; a resort that would provide guests with a level of comfort and quality rarely found at other ski resorts of the time. They wanted to build a destination ski resort that would operate with the services, conveniences, and amenities of a first-class hotel.

In our 40-year history, Deer Valley has invested in the Park City community, including, but not limited to, funding a trust for Mountainlands Community Housing, contributed land and financing

to start the Peace House, and annually supporting numerous local non-profits through cash grants and in-kind donations

On August 21, 2017, it was announced that Deer Valley entered into a definitive agreement to be acquired by the newly formed entity controlled by affiliates of KSL Capital Partners, LLC and Henry Crown and Company that in July joined Intrawest Resorts Holdings, Inc., Mammoth Resorts and Squaw Valley Ski Holdings, now known as Alterra Mountain Company. Financial terms of the transaction were not disclosed. The sale successfully closed on October 10, 2017.

Land Use Decision History

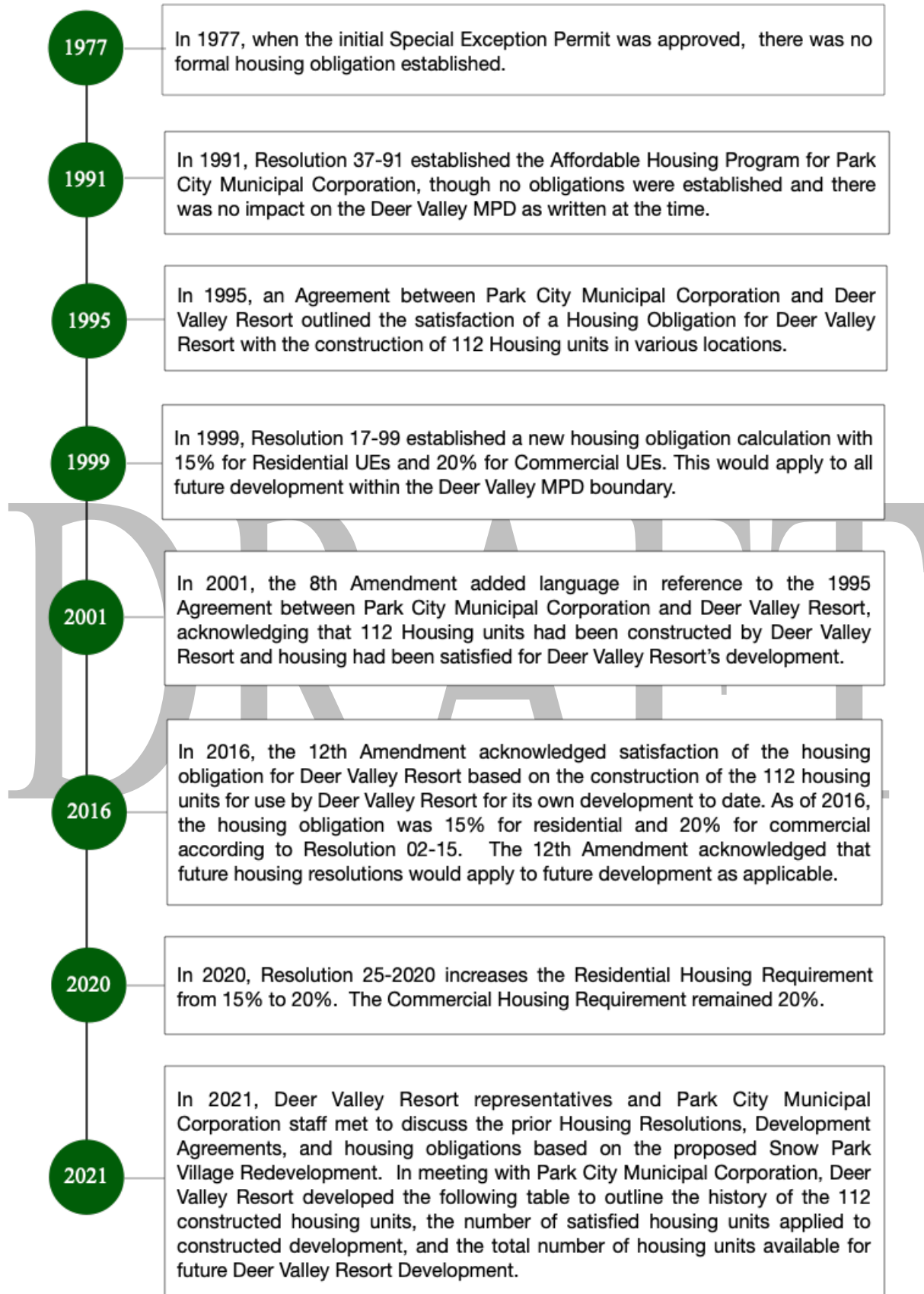
In 1978, the City approved a Special Exception Permit for the construction of a 1,597 acre planned unit development in the “Deer Valley areas, American Flag Community, Lake Flat Community and the Bald Eagle Community.” The acreage calculation did not include “[A]ll the area to be skied.” The project was approved as a six (6) phase development to be completed over 15 years. At the time of approval, the development was split between two (2) jurisdictions with approximately two-thirds of the development in Park City Corporate limits and the southernmost one-third in unincorporated Summit County. The Planning Commission recommended annexing the southernmost one-third of the development which ultimately was annexed later in 1978.

Since 1978, the Special Exception Permit, now known as the Deer Valley Resort Large Scale Master Planned Development Permit (referred to herein as the “Deer Valley Resort MPD”), has been amended and restated 12 times for a variety of reasons. Currently, the City is processing a 13th Amendment with the intention of adding more specificity for the requirements for Snow Park Village which is located within the Snow Park Community.

Affordable Housing History

Deer Valley Resort has been a community partner in the housing conversation since the 1970s. In addition to funding a trust for Mountainlands Community Housing and contributing land and financing to start the Peace House, Deer Valley Resort has recognized the importance of housing for its employees by providing housing and transportation opportunities throughout the Wasatch Back. While not all of Deer Valley Resort’s housing and transportation efforts are acknowledged in the official Development Agreement amendments, it is important to recognize the continued efforts and leadership that Deer Valley Resort has shown in providing housing and transportation opportunities for its employees over the past 40 years.

The following timeline outlines pertinent housing related information that has been derived from the adopted Development Agreements and Housing Resolutions since the 1970s:



Deer Valley Resort Housing Credit Established by the 1995 Agreement Between Park City Municipal Corporation and Deer Valley Resort

Total Housing Credit Established by the Housing Units Obligated and Constructed Pursuant to the 1995 Agreement (5%)

112.0	Housing Obligation Satisfied Pursuant to 1995 Agreement
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Housing Credit Consumed by Constructed Development During Entitlement Periods (broken up by Housing Resolution)

Entitlement Period	Total Permitted Market Rate Density Units	Total Housing Credit Consumed (5%)
1977-1995	1401.95	70.10
1996 - 1999	211.25	10.56
2000 - 2021	287.67	14.38
Total to Date:	1900.87	95.04

Total Remaining Market Rate Density Units and Housing Credit

Market Rate Density Units		Housing Credit	
2110.62	Total Permitted Density Units	112	Total Housing Credit Constructed
- 1900.87	Total Constructed Density Units	- 95.04	Total Housing Credit Consumed
209.75	Total Density Units Remaining	17.0 (16.96)	Total Housing Credit Remaining

In summary, the 1995 agreements and supplemental Development Agreement amendments established a credit or pool of 112 housing units that was applied to the market rate development from 1977 to 2021. This credit equates to approximately 5% of the total entitled market rate density units. In total, 95.04 housing units of the 112 housing units have been allocated to the development within the Deer Valley MPD boundary since 1977. As confirmed by the 12th Amendment, Deer Valley Resort has a remaining credit to be applied to future development. After deducting for prior development, the remaining credit equals a total of 17 housing units that can be applied to future development. Deer Valley Resort has not developed nor expanded its facilities since 1995; therefore, the remaining credit (17 housing units) of the original 112 housing units can be applied to the Snow Park Village Redevelopment housing obligation.

The Snow Park Village Redevelopment is subject to Resolution 25-2020 and the 17 housing unit credit will be applied to the housing obligation calculation.

Proposed Snow Park Village Redevelopment Employee Generation and Affordable Housing Calculation

The proposed Snow Park Village Redevelopment includes three (3) phases. For the purposes of calculating the employee generation and affordable housing, Deer Valley Resort is presenting the entitled density for all three (3) phases. While a third-party developer will be constructing Phases 2 and 3, Deer Valley Resort intends to provide the affordable housing for the development; therefore, affordable housing is being assessed at this time and will be confirmed in the 13th Amendment to the development agreement.

The Snow Park Village Redevelopment project Density has been allocated based on the anticipated Use mix for Phase 2 and 3, though the details of these future phases have not been finalized. Final plans for Phases 2 and 3 will be submitted at a future date to the Park City Planning Department for formal land use application review and process. Deer Valley Resort acknowledges that any changes to this information for the purposes of calculating affordable housing obligations would require review by the Housing Authority at the time of future land use application submission. There is no affordable housing obligation generated by the development related to Phase 1.

The affordable housing obligation for the Commercial Unit Equivalents is determined by Use based on Resolution 25-2020 Table 1: *Employee Generation by Use*. Deer Valley Resort has prepared the following matrix which identifies the anticipated employee generating project density and Use mix square footages for Phases 2 and 3, Resolution 25-2020 housing obligation (either by Unit Equivalent or employee generation), remaining 1995 housing credit allocation, and total affordable housing obligation.

Proposed Snow Park Village Redevelopment Employee Generation and Affordable Housing Matrix

South Parcel (Phase 2)

Use	Total NSF	UE's or Units	AUE's 20%	Employee Generation Multiplier by Use
Total Food and Beverage	19,080		16.5	6.5 (Restaurant / Bar Use)
Total Retail	23,152		10.2	3.3 (Commercial / Retail)
Total Fitness and Pool	15,640		2.7	1.3 (Personal Services)
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Total Transit Center	2,790			Not applicable*
Total Resort Accessory	4,489			Not applicable*
Total Residential Accessory	7,400			Not applicable*
Subtotals	340,145		69.9	

North Parcel (Phase 3)

Use	Total NSF	UE's/Units	AUE's 20%	Comments
Total Residential Accessory	8,000			Not applicable*
Total Residential	142,027	71.0 UEs	14.2	20% of Unit Equivalents (UE)
Subtotals	150,027	71.0	14.2	

Total

South + North Parcel	84.1 Affordable Unit Equivalents (AUEs)
Remaining Housing Unit Credit	- 17.0 Affordable Unit Equivalents (AUEs)
Total Housing Obligation	67.1 Affordable Unit Equivalents (AUEs)

*Not applicable, see Resolution 25-2020, Section 5.