



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
March 23, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING The Planning Commission 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 Wednesday, March 23, 2022. Planning Commission members may 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 through www.parkcity.org/public-meetings. 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.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from February 9, 2022
Attachments:
[02.09.2022 - Minutes pending approval.pdf](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. WORK SESSION

- 5.A National Ability Center Mountain Center Operations Building Work Session – Subdivision and Conditional Use Permit – The applicant will introduce the Planning Commission to the project and identify issues and requirements prior to being scheduled for a public hearing. No Action Will Be Taken. (45 min.)
Attachments:
[NAC Work Session Staff Report](#)
[Exhibit A: Applicant's Project Intent](#)
[Exhibit B: NAC Mountain Center Proposed Plans](#)
[Exhibit C: Unsigned Access Easement](#)

6. REGULAR AGENDA

- 6.A **7700 Marsac Avenue - Conditional Use Permit** - The Applicant Requests to Use Two (2) Trailers for Temporary Sleeping Quarters for the Park City Fire District During Reconstruction of the Silver Lake Fire Station No. 34 PL-22-05163 (15 min.)
(A) Public Hearing; (B) Action

Attachments:

[Staff Report](#)

[Exhibit A: Draft Final Action](#)

[Exhibit B: JSSD Mine Bench Storage Agreement](#)

[Exhibit C: Site Plan](#)

[Exhibit D: Applicant Statement](#)

[Exhibit E: Letter from Park City Manger Authorizing Use of Mine Bench Site](#)

- 6.B **1281 Rothwell Road - Plat Amendment** - The Applicant Proposes Combining Lots 23 and 24 of the Kings Crown Re-Subdivision to Create a Single Lot of Record in the Recreation Commercial Zoning District. PL-22-05137 (15 min.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on April 28, 2022

Attachments:

[Staff Report](#)

[Exhibit A: Ordinance 2022-XX and Proposed Plat](#)

[Exhibit B: Aerial View](#)

[Exhibit C: Topographic Survey of Existing Conditions](#)

[Exhibit D: Applicant's Statement](#)

- 6.C **1304 Park Avenue – Plat Amendment** – The Applicant Proposes Removing the Internal Block Line to Create a Single-Lot of Record, Amending the Plat to Create One Lot in the Historic Residential-Medium Density Zoning District. PL-22-05156 (20 min.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on April 28, 2022

Attachments:

[Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: HSI Form](#)

[Exhibit C: Ordinance No. 2018-40](#)

[Attachment 1: Proposed Plat](#)

- 6.D **45 Hillside Avenue - Steep Slope Conditional Use Permit** - The applicant is proposing a subterranean, detached single-car garage that is located within the front setback on a non-historic Single-Family Dwelling. PL-21-05085 (30 mins.)
(A) Public Hearing; (B) Action

Attachments:

[Staff Report](#)

[Attachment 1: Draft Final Action Letter](#)

[Exhibit A: Applicant Narrative](#)

[Exhibit B: Bluejay Parcel Plat](#)

[Exhibit C: Quit Claim Deed](#)

[Exhibit D: Site Survey](#)

[Exhibit E: Drawing Set](#)

[Exhibit F: Site Photos](#)

[Exhibit G: Variance Final Action Letter](#)

[Exhibit H: Historic District Design Review Final Action Letter](#)

[Exhibit I: Setback Determination Letter](#)

- 6.E **Land Management Code Amendments** - 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, Are Proposed for Pickleball Court Land Use Regulation in Residential Zoning Districts To Mitigate Pickleball Court Impacts. PL-21-05062 (60 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on April 7, 2022

Attachments:

[Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-XX](#)

[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](#)

- 6.F **1000 Ability Way -- Minor or Substantive Modification Determination --** The National Ability Center Requests Modifying the Master Planned Development to Increase Square Footage for the Cycling Storage Center Addition. PL-22-05181 (5 mins.)

(A) Action

Attachments:

[Staff Report](#)

[Exhibit A: Ordinance No. 04-50](#)

[Exhibit B: 2017 Conditional Use Permit](#)

[Exhibit C: National Ability Center Development Agreement](#)

7. ADJOURN

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

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



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
February 9, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine, Laura Suesser

EX OFFICIO: Gretchen Milliken, Planning Director; Alexandra Ananth, Senior City Planner; Browne Sebright, Planner II; Makena Hawley, Planner II; Spencer Cawley, City Planner; John Robertson, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair John Phillips called the meeting to order at approximately 5:55 p.m. He explained that there was a slight delay in the start time due to technical issues.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will 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.

All Commissioners were present, with the exception of Commissioner Doug Thimm. Commissioner Laura Suesser was traveling internationally and was able to listen to the meeting but was unable to speak. She was asked to call Planning Director, Gretchen Milliken so she could share comments during the meeting via speakerphone.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 12, 2022.

MOTION: Commissioner Kenworthy moved to approve the Planning Commission Meeting Minutes from January 12, 2022. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips pointed out that on the Planning Commission agenda, an allotted amount of time was listed for each item. This was intended to keep the discussions focused and on track.

Director Milliken reported that the Snow Park application involved a request for the vacation of right-of-way and the dedication of right-of-way. That was something that the City Council would decide. Since the proposal, transportation, circulation, and site plan were all under Planning Commission review, it made sense to hold a joint Planning Commission and City Council Meeting. The joint meeting would look at the vacation, dedication, and site plan. Director Milliken clarified that the City Council would not make a decision tonight, but it would allow for robust discussion. The City Council has March 15, 2022, available at either 5:00 p.m. or 5:30 p.m.

Chair Phillips noted that the joint meeting would add another meeting to their schedule. However, it was important to work with the City Council. He wondered if other matters could be discussed during the joint meeting. Director Milliken believed that was the intention. Chair Phillips asked the Commissioners if they would be able to attend a joint meeting with the City Council on March 15, 2022. Commissioner Van Dine noted that she may have a difficult time attending but could let the Commission know closer to the meeting date. Commissioners Kenworthy, Johnson, and Hall were able to attend. Commissioner Suesser would be out of town on that date but could possibly attend remotely.

There was discussion regarding the joint meeting agenda. Commissioner Kenworthy wanted to see the Snow Park applicant provide a proposal on housing. He had heard about issues related to on-site versus off-site housing and felt it would be beneficial to work with the City Council on that. Chair Phillips had suggestions and wondered if agenda topics should be shared with Staff via email or if there should be a discussion at the next Planning Commission Meeting. It was important to make the most out of the joint meeting time. Director Milliken asked that there be email communication to start. If further discussions were needed, time could be allotted at the next Planning Commission Meeting and the agenda could be finalized at that time.

Director Milliken asked about the scheduled Special Meeting on February 16, 2022. If that meeting was unable to take place in February, she wanted to know if the Planning Commission would be open to holding the Special Meeting in March. That would mean the Planning Commission would have two regular Planning Commission Meetings, one joint meeting with the City Council, and one Special Meeting in March. Chair Phillips was open to the four meetings in March. Commissioners Johnson, Kenworthy, Van Dine, and Suesser were in support of the Special Meeting in March. Commissioner Hall needed to check her schedule and report back. Chair Phillips noted that he would have to ask Commissioner Thimm about his availability.

Commissioner Van Dine shared a disclosure with the Commission. She reported that she owns property adjacent to the Lakeside Condominiums project.

5. CONTINUATIONS

- A. 2300 Deer Valley Drive East - St. Regis Deer Valley – Modification to a Conditional Use Permit –The Applicant Proposes to Install an Additional Temporary Tent for Winter Months. PL-21-05095.**

Chair Phillips reported that the applicant was looking to continue the item to February 23, 2022.

Chair Phillips opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Commissioner Kenworthy moved to continue PL-21-05095, Modification to a Conditional Use Permit on 2300 Deer Valley Drive East, St. Regis Deer Valley, to February 23, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

- A. Deer Valley Snow Park Proposal - Work Session With A Focus On the Applicant's Transportation Analysis, Proposed Site Circulation, and Request for Reductions to the Required Number of Parking Stalls. PL-21-04811.**

Senior City Planner, Alexandra Ananth reported that the focus of the Work Session discussion was on transportation, circulation, and parking for the Deer Valley Snow Park project. She reminded the Commission that the application was to amend the Master Planned Development ("MPD") and for a Conditional Use Permit ("CUP") for Phase 1 of the Snow Park Village parking structure. The CUP included the parking structure, the mobility hub, and the overall site plan. It did not include any of the vertical development as that would be addressed in later CUPs.

The presentation would primarily focus on updates to the Transportation Analysis. There would also be an opportunity for Commission discussion. Planner Ananth reported that a third-party Transportation Engineer from WCG was present as well as City Engineer, John Robertson, Transportation Planning Staff, and the applicant team. Since the last Planning Commission Meeting, the applicant had revised the Transportation Analysis. Other documents had been revised as well, including the request for a reduction to the number of parking stalls required by the Land Management Code ("LMC"), the Parking Management Plan, and Transportation Demand Management Plan. Some new plans were submitted, which included the Traffic and Transportation Access Exhibits, the Snow Storage Exhibit, and the Vehicle Control Gate Analysis.

Planner Ananth reported that the application was dependent on a proposed right-of-way vacation and dedication application. That would be a City Council decision and there would be a joint meeting between the Planning Commission and City Council on March 15, 2022. During the joint meeting, there would be discussions and an opportunity for public comment. She explained that the proposal for circulation depended on the right-of-way vacation and dedication. If the Council did not allow the vacation of the right-of-way, the proposal would need to be substantially modified.

There were certain required findings that the Planning Commission needed to keep in mind including the following:

- The MPD, as conditioned, must promote the use of non-vehicular forms of transportation through design and by providing trail connections. It must address and mitigate traffic.

The Circulation Plan was discussed previously but was reviewed further by Planner Ananth. The applicant proposed that Deer Valley Drive West serve as the primary route for transit to the proposed transit and mobility hub. Transit vehicles, shuttles, and anyone accessing Royal Street would be prioritized on Deer Valley Drive West through a signal to access Royal Street or the condominiums on Deer Valley Drive West. It would also provide the most efficient and direct access to the transit hub. Planner Ananth explained that was in keeping with the City's transit-first transportation goals. Deer Valley Drive East would then serve as the primary access for all other vehicles, including day-skiers, and provide access to the proposed garage. This was a significant change to the existing circulation, and it was important to hear feedback.

Planner Ananth noted that the applicant had proposed a bus-only lane that would circulate Deer Valley Drive. It would continue along Doe Pass Road and access the proposed mobility hub. The bus-only lane was proposed in a counter-clockwise direction. This design would allow transit vehicles to use Deer Valley Drive West as an express route in both directions and allow the surrounding neighborhoods to be served by transit. Transit had the opportunity to be in the bus-only lane or the general traffic lane. One thing that Staff liked about the proposal was that it provides emergency vehicle access in the bus-only lane. The three traffic lanes fit within the existing roadway right-of-way but there could not be a separate bicycle lane on the road. Due to that elimination, the City was looking for a 10-to-12-foot-wide multi-use path for pedestrian and bicycle circulation around the entirety of the Deer Valley Drive loop.

Chair Phillips asked if striping would be needed for the multi-use path to avoid conflicts between different user groups. Planner Ananth explained that the path would accommodate both pedestrians and bicyclists without striping. However, it could be looked into further if there were conflicts between the two user groups.

The change in circulation would be indicated with roadway signage prior to the Y intersection. This would ensure that vehicles have enough time to understand whether they should be on Deer Valley Drive West or Deer Valley Drive East. Planner Ananth noted that the new circulation pattern would add more traffic to Deer Valley Drive East, which was something the applicant would discuss further during their presentation. She stated that there was a desire from the City to mitigate the traffic impacts on the surrounding neighborhoods.

Planner Ananth addressed parking and explained that the applicant was looking for an exception to the number of parking spaces in relation to the LMC requirements. The applicant asked for a 20% reduction for all of the uses proposed. The Parking Analysis supported the 20% reduction for the event center, new uses, commercial uses, hotel, and residential. The reduction was also being sought after for day-skier parking. 1,800 parking stalls were proposed, where 2,262 were required. The applicant was asking for a 462-stall parking exception. Based on early analysis, Staff was supportive of the proposed parking reduction. A decrease in parking was consistent with the City's transportation planning goals. Additionally, a 20% parking reduction was consistent with other projects that had been approved in the City.

Planner Ananth asked that the Planning Commission discuss the following:

- Where off-site parking will occur;
- When off-site parking will be needed; and
- What mitigation strategies or Conditions of Approval should be implemented.

Staff recommended that Deer Valley continue to work with the City to determine an acceptable location for overflow parking and consider mitigation strategies, should Deer Valley no longer be able to utilize the middle school for overflow parking. One option was to consider Richardson Flat for overflow parking and another option was to consider employee parking at Richardson Flat.

WCG and Staff had a few concerns with the revised Transportation Analysis, which included:

- WCG:
 - The Transportation Analysis does not analyze the internal intersections, garage accesses, and drop-off areas; and
 - The Transportation Analysis does not discuss measures to mitigate the impacts of increased traffic volume to adjacent neighborhoods along Deer Valley Drive East.
- Staff:
 - Staff requests a plan showing the width of the multi-use path around the entire Deer Valley Drive loop; and
 - Staff requests a plan showing emergency vehicle access connecting Deer Valley Drive East and Deer Valley Drive West across the plaza and ski beach area.

The applicant was prepared to address many of those concerns during the Planning Commission Meeting. Planner Ananth asked that the Commission express any further concerns about the Circulation Plan, as proposed. This would ensure that Staff had as much information as possible prepared for the joint meeting with the City Council on March 15, 2022.

David Nicholas introduced himself and explained that he is from IBI Group and would present on behalf of Deer Valley. Additionally, Rich Wagner and the design team were available to answer questions. The presentation from Mr. Nicholas would review the status of the Commission Meetings and the alignment with the strategic pillars of the City. There would also be a continued conversation related to transit, transportation, traffic, and circulation. Mr. Nicholas reported that it had been almost one year since the process began. There had been several meetings with the Planning Commission as well as a field trip in December 2021. He hoped that the transit, transportation, and traffic work would be concluded during the current Planning Commission Meeting. In March, the intention was to come back to the Planning Commission with information related to construction, phasing, and sustainability. In April, the goal was to review some Conditions of Approval and start to look toward project approval.

Mr. Nicholas noted that there was a continued effort to strategically align with the pillars of the Vision 2020 Plan for Park City. The Deer Valley team had worked diligently over the last several months to focus on the transportation innovation objective. He introduced Dan Cawley from Fehr & Peers, who was acting as a transit and transportation consultant. Mr. Cawley would share updates related to the comments received from WCG in October 2021. The intention was to address all City concerns and create a project that would align with the desires of the Park City. He explained that the highlights of the WCG review were as follows:

- Expand the study area to include more intersections;
- Revise increased trip generation estimates;

- Provide more detail on driveway and loading area operations;
- Engage with City Staff on goals to prioritize transit and incorporate that into Snow Park;
- Refine parking supply and parking management strategies; and
- Document existing and new Transportation Demand Management Plan in greater detail.

There had been a lot of revision since that point. Mr. Cawley noted that the revisions included:

- Updated site access and Circulation Plan;
- Revised on-site pedestrian, cyclist, transit, and vehicle circulation;
- Comprehensively updated Traffic Study (expanded study area and additional trip generation estimates); and
- Expanded Parking Management Plan and Transportation Demand Management Plan.

Mr. Cawley shared the proposed Site Access Circulation diagram. He reported that the Y intersection would be reconfigured so the primary access for day-skier traffic along Deer Valley Drive East would be a straight movement to incentivize that as the most obvious approach. That would be supported by wayfinding and signage to guide skiers to use Deer Valley Drive East as a primary access route. The intersection would have a queue jump for buses, which would allow them to make the right turn onto Deer Valley Drive West. That would allow the buses to bypass any queues and continue as expediently as possible along Deer Valley Drive West in a dedicated bus-only lane to the mobility hub. The bus-only lane was shown on the diagram.

The signal at the Y intersection would have transit signal priority. Mr. Cawley explained that this was a mechanical advantage that would allow a transit vehicle and operator to signal to the traffic controller. It would allow the bus to move through the area more efficiently. He reported that the transit-only loop would continue counter-clockwise through the intersection at Doe Pass Road and Deer Valley Drive West and stop at the mobility hub. At the intersection of Doe Pass Road and Deer Valley Drive East, the proposal was to add a second signalized intersection. Mr. Cawley stated that the goal was to prioritize transit movements through the intersection and out of the mobility hub. The signalized intersection was in alignment with the goals of the City.

Mr. Cawley discussed the proposed multi-use pathway around the Deer Valley Drive loop. On site, there would be substantial amounts of pedestrian and cyclist infrastructure. That would ensure there was a comfortable off-street alternative. He understood that the area was popular for both pedestrians and cyclists and it was important to enhance that experience where possible.

Private vehicle traffic was discussed. The primary access route for day-skiers would be via Deer Valley Drive East. Vehicles would proceed straight through the reconfigured Y intersection at the signal and approach the Snow Park Village and proposed parking layouts. Mr. Cawley reported that at the southern end of the site, there would be a small drop-off loop, which would be discussed later in the meeting. The newly proposed signal at Doe Pass Road and Deer Valley Drive East would disincentivize day-skiers to use that as an access point.

Mr. Cawley shared a map of the site and overviewed the transit route. Revisions were made to reduce conflicts to the greatest extent possible. For instance, reducing the number of locations where private vehicles and those traveling by active transportation shared the same space at the same time. It was also a priority to expedite transit to and from the mobility hub. The mobility hub will have space for six buses at one time and would also have some electric bus charging infrastructure. With the assistance of a traffic signal, those buses would be able to effectively

pause the eastbound traffic on Doe Pass Road enter into the intersection and then turn left through the intersection into the bus-only lane. This would make transit a more attractive and viable means. It would also improve multi-modal connections for pedestrians and cyclists as well as discourage the use of Doe Pass Road for private vehicle trips.

Commissioner Suesser asked for clarification about the Circulation Plan. She wanted to know if there was two-way bus traffic along Deer Valley Drive West. Mr. Cawley explained that the plan does not provide two-way bus lanes on Deer Valley Drive West. If outbound buses choose to travel that route, it would be within the general purpose, mixed-traffic lane. One of the limiting factors was the fact that there was a short bridge close to the Y intersection on Deer Valley Drive West. Providing the one-way bus loop ensures that bus-only lanes are provided to and from the newly signalized intersection. Commissioner Suesser asked if there was two-way traffic for private vehicles on Deer Valley Drive West, which Mr. Cawley confirmed.

Commissioner Suesser wondered if it would be possible for vehicles to make a right turn across the bus lane. Mr. Cawley confirmed this but noted that at the approach to Deer Valley Drive East, on Doe Pass Road, there would be a single mixed-lane to reduce side-by-side turning conflicts. There would be a signal at Doe Pass Road and Deer Valley Drive East with signal preemption to better facilitate outbound transit speeds. Commissioner Suesser believed Deer Valley Drive East would have one regular traffic lane in one direction, one regular traffic lane in the other direction, and a one-way loop for the bus. This was confirmed.

Mr. Cawley shared an image of a cross-section looking north on Deer Valley Drive East. The east curbside lane would be the bus-only lane, which would allow the bus-only lane to serve the existing bus stops along Deer Valley Drive East. There would also be two general purpose, mixed-traffic lanes. One of the benefits of this configuration was that it allowed for substantially faster emergency vehicle access if needed. The Site Plan was shared, and he noted that the majority of the parking access would be off of Deer Valley Drive East. That would include the P2, P3, and P4 labeled driveways. Some of the ongoing concerns from Staff and WCG had to do with how the driveways would function and whether there would be operational impacts due to on-street queuing. An analysis was done and would be shared later.

The average ingress speed was something that Deer Valley was concerned about. It was important that there was a smooth and seamless operation so that guests had a positive experience. Some of the Deer Valley goals were to expedite access, reduce on-street congestion, and allow for transactions to more substantially affect the outbound pace. The latter would also meter the speed at which vehicles were able to leave the site. Mr. Cawley reported that at the southern end of the site, there was a plan to provide emergency vehicle access from the southern end of Deer Valley Drive West over to the pick-up and drop-off area. That would be maintained throughout the year. Chair Phillips asked if that would be difficult due to the location of the Silver Lake Express. Mr. Cawley noted that there would be enough vertical clearance.

Mr. Cawley provided additional information on multi-modal circulation. There would be a continuous multi-use path the whole way around the Deer Valley Drive loop. Along Doe Pass Road, the proposal was to reroute that to the north side to reduce conflicts at the mobility hub. There would be a lot of traffic entering and exiting the mobility hub and it was important to separate those movements as much as possible. Mr. Cawley noted that the design would provide more on-site circulation. The assumption was that the vast majority of guests would interact with the area on foot, and as a result, the design needs to be pedestrian-friendly.

The updated Traffic Study was discussed. Mr. Cawley explained that one of the goals was to provide a conservative set of analyses to base the infrastructure recommendations on. Some of the key highlights that came out of the updated Traffic Study were as follows:

- Proposing two new traffic signals:
 - One at Deer Valley Drive/Deer Valley Drive East/Deer Valley Drive West;
 - One at Doe Pass Road/Deer Valley Drive East; and
 - Both traffic signals are equipped with transit preemptive capabilities.
- Intersections closer to Snow Park should continue to operate at acceptable levels of service through the year 2040;
- Parking supply will be more than adequate for the vast majority of ski days;
- Traffic Demand Management program will compliment transit improvements by being explored by PCT/HVT; and
- Transit travel times on Deer Valley Drive loop will be faster than general traffic, with 35 seconds saved in each direction.

The expanded study intersections that were requested with the updated Traffic Study included two that were much closer to the site. For instance, the intersections at either end of Doe Pass Road. Other intersections studied included the Deer Valley Drive/Park Avenue/Empire Avenue intersection and Bonanza Drive/Monitor Drive/SR-248. Mr. Cawley overviewed the trip generation estimates. When WCG reviewed the initial trip generation estimates in October 2021, there were concerns that the numbers were unrealistically low. To address that, a handful of updates had been made. He reported that the hotel trip generation estimates had been replaced with estimates from The Canyons. Additionally, the initial numbers may have overestimated the PM outbound trips. Given how the project was intended to function, the assumption was that guests would stay at the base a bit longer and enjoy the amenities. The trip generation estimates showed a 15% increase in traffic to and from Deer Valley using the more conservative estimates.

The Intersection Analysis was shared. Mr. Cawley reported that under the existing conditions, a handful of intersections were operating at levels below what the City wanted to see. The opening year of the project would see the intersections, except those that were currently failing, continue to operate at acceptable levels of service. That would continue under the 2040 evaluation.

Parking Plans were addressed. Mr. Cawley noted that parking would be an ongoing conversation with the City. Remote parking needed to be provided in a way that met all needs. South of Doe Pass Road, parking would be provided in a new structure with four levels. The price of parking would be one of the main incentives relied upon to discourage traveling alone to and from Deer Valley. The implementation of parking pricing would be paired with a constrained parking supply. Management strategies would focus on the most efficient use of the parking supply. For instance, wayfinding, communication, and payment technology that prioritized inbound access speeds to the greatest extent possible. He reported that Deer Valley would no longer allow for overflow parking on Deer Valley Drive.

Mr. Cawley reported that there would be a Traffic Demand Management Coordinator for Deer Valley, to make sure there was a consistent point of contact between Deer Valley and the City. The coordinator would support an ongoing monitoring program. The program would ensure that there were evaluations and semi-annual discussions with City Staff. Mr. Cawley explained that the monitoring program would rely on existing data, but there could be involvement from other agencies as well. For example, it was important to understand what transit ridership looked like

and what vehicle counts looked like. If the transit-only lanes were implemented as proposed, approximately 35 seconds per trip would be saved in each direction for express-type service. Deer Valley could reach out to applicable agencies to obtain that type of data.

Commissioner Johnson wondered whether residents on Solamere Drive and Queen Esther Drive would need to walk or take the bus back to the Y intersection and then make a left turn to get to the base resort. Chair Phillips noted that there had been previous discussions related to that question. He believed the City would still run a certain number of buses through normal traffic to pick up residents in those areas. Commissioner Johnson understood that the design would improve the Deer Valley Drive loop but asked for additional information about the merge back into two lanes. Mr. Cawley reported that the majority of delays that a vehicle will experience would be at an intersection. Buses would be able to move through certain intersections with the transit preemption, which would improve speeds and overall reliability. The goal was to move vehicles through the key intersections and expedite transit as much as possible. Once the buses moved past the intersections, transit-only would drop and a merge would be necessary.

Commissioner Johnson did not believe that Richardson Flat would be an appropriate solution for parking. Commissioner Van Dine noted that most people came to Deer Valley from the Wasatch Front. She wondered whether there were mitigation strategies to discourage people from coming into town. If the goal was to disincentivize people from parking at the resort, it was important to consider where people would park as a result. Commissioner Van Dine also expressed concerns related to the drop-off areas. Mr. Cawley noted that the circulation would change. There would be a heavy reliance on Deer Valley guest services in the drop-off areas to make sure they functioned well. Planner Ananth noted that the drop-off area was multi-lane. Mr. Cawley stated that there were a few different drop-off locations. For instance, at the southern end of Deer Valley Drive East as well as drop-off areas on certain parking levels.

Commissioner Kenworthy liked the options with the multi-lane drop-off areas and appreciated the presentation. He believed that Richardson Flat could be used as an employee parking lot and the applicant could be responsible for shuttles. Discussions were had about how vehicles would reach the Deer Valley site. Jon Nepstad from Fehr & Peers clarified that the report included in the packet described where the trips to Deer Valley started, but the analysis did not mention the exact routes taken.

Chair Phillips opened the public comment period.

David Jantzen felt that Deer Valley should guarantee that the number of parking spaces being eliminated would be available elsewhere as a satellite site. He also noted that even with the most efficient technology, it will take four or five times longer to move vehicles into the parking garages as compared to the open field parking that currently existed.

Michael Weiner identified himself as a resident in the Solamere neighborhood. He did not fully understand how the ingress and egress would work from the Solamere and Queen Esther neighborhoods. There were hundreds of residents in the area with concerns. He asked for additional information about how ingress and egress would work in the future and how the proposal would impact traffic backups in the area.

Stephany Richmond reported that she lives off of Solamere and noted that Deer Valley brings a lot of enjoyment to skiers. She felt that less available parking would encourage visitors to choose other resorts. Ms. Richmond also wanted to understand how the proposal will impact residents

in the area. Chair Phillips explained that the objective was to reduce traffic and noted that many of the parking reductions had to do with City-wide policies.

Randy Johnston asked the Commission to consider the size of the new parking spaces. The current parking spaces allow visitors to exit their vehicles with ski boots and unload ski equipment. If the parking spaces are to be the same size that they are elsewhere in the City, it would be impossible for visitors to unload their gear safely and effectively.

Christina Shiebler reported that she lives in the Rossi Hill neighborhood. She expressed concerns about the 20% parking reduction because there are already issues with visitors parking in the neighborhoods. It was important that the applicant sit down with nearby residents to discuss concerns. Ms. Shiebler also wanted to understand how the emergency response vehicles will operate in the area and felt it was important to have a clear plan in case of emergency. She noted that there had been a lot of discussions about user experience, but she felt it was essential to consider the local experience and how the proposal will impact residents. Additionally, she pointed out that certain areas are dangerous for pedestrians. The Traffic Study needed to include the next largest intersection below the proposed traffic circle and traffic light.

Jack Chandler, a resident of the Solamere neighborhood, had questions about ingress and egress. There are already Deer Valley visitors that park down to his street. It was important for residents to understand how they would be able to get in and out of their homes. He also asked about public transportation for residents and their ability to access the ski resort. Mr. Chandler suggested that Deer Valley consider running a shuttle bus to allow the residents to get to and from the resort.

Phil Palmintere also lives in Solamere and echoed the comments and concerns expressed by other attendees. He explained that he is a disabled skier and is very concerned about the location of the handicapped parking under the proposal. The existing disabled parking spots were near the ski school, but according to one of the maps, which would become a drop-off area. If he took a bus, there may be a 300 to 600-foot walk to reach the lift. As a disabled skier, that is not acceptable. Mr. Palmintere requested that the applicant focus on disabled skiers and handicapped parking spots. It is also important that there was an adequate number of disabled parking spots available because currently there were not enough.

Amrit Nagpal explained that he is a homeowner in Solamere. He was opposed to the rerouting of traffic and did not understand the rationale for doing so. It was a long distance to travel, more ingress and egress points could be affected by higher traffic, and there were already hundreds of residents in Solamere who struggled to drive into town in the afternoons. He did not believe that the parking prices would act as a deterrent, given the demographic that Deer Valley seemed to attract. Mr. Nagpal noted that the rationale to reroute the traffic had not been adequately addressed by the applicant.

James Letchford, a Solamere resident, had concerns about traffic. There were a lot of discussions about how visitors would get to Deer Valley but not as many about how people will leave. Regardless of the traffic map, as soon as a vehicle leaves the traffic loop, there will be a chokepoint. That makes it difficult to pick up children from school or leave the area in the afternoon area. There will be a chokepoint regardless of the traffic flow into Deer Valley. More attention needed to be focused on egress. Mr. Letchford noted there are not a lot of bus routes into the neighborhoods, which made it difficult for the residents to use public transportation.

Michael Kushner enjoyed the presentation and informed the Commission that he was a Solamere resident. From an emissions perspective, he had concerns, as a longer route would work against the Park City goal to reduce emissions. From a livability perspective, trying to get in and out of the neighborhood was a challenge. He reported that there were school buses that came in and out of the neighborhood, but often, children were not able to use those buses, because the traffic was so intense that the children would be late for school. Mr. Kushner wanted to know how the proposal will make things more livable for residents.

Joanna Williams is a full-time resident on Solamere Drive and agreed with the suggestion made by Mr. Chandler for a Deer Valley shuttle service for residents. Even if the shuttle was only available on the weekends, which could be beneficial. She did not believe the longer route around was the best solution as it could create further problems. Ms. Williams also expressed concerns about the reduced size of the drop-off loop. The current loop allowed many parents to temporarily park on the left and walk the children in, but that was already crowded. If there was a reduction to that area, she felt that it would negatively impact visitors.

Peter Weinstock noted that the site had not been developed for a number of years. It would be possible to experiment with different strategies, such as increased parking fees, to determine what works before something irreparable is done. The current situation was not working, and it would make sense to address the current issues first. For instance, ticket and tow vehicles that are parked around the loop and charge more for parking. Deer Valley could determine whether that alleviated the traffic enough to then start on the development. To do the development with the hope that the solutions would work could create an even worse situation.

There were no further comments. The public comment period was closed.

Chair Phillips addressed concerns raised during the public comment period. He noted that there had been many meetings related to the development. The problems related to traffic were City-wide issues as well. That was one of the reasons transit was a priority for the City and reducing the parking was intended to help relieve some of the congestion. Chair Phillips explained that one of the reasons for the proposed configuration was to prioritize and incentivize bus transit. There were multiple ways to do that including charging for parking and having a priority bus lane. He reminded those present that previous minutes and material packets were available on the Park City website for review.

Commissioner Hall asked that the applicant speak to the size of the parking stalls. She also asked that the applicant review the loading zone. It was important to understand the size of the proposed loading zone compared to the current one. Mr. Nicholas reported that the goal of the parking stall size was to have as many oversized stalls as possible. The stalls would be 10' x 20'-foot parking stalls, where a typical stall in a parking structure was 9' x 17'. Mr. Nicholas explained that the drop-off area was multi-lane and was in a round configuration. The current configuration was more linear. There was a more comprehensive approach to distributing drop-offs throughout the project as opposed to concentrating drop-offs in one location. The primary goal of that was to minimize pedestrian and vehicular conflicts and create additional choices. He noted that there would be drop-offs at Snow Park Lodge and within the parking structures.

Commissioner Kenworthy asked how far it was from the escalator at the transit drop-off to the Carpenter Express chairlift. Mr. Nicholas reported that there was 400 feet of walking distance with another 150 to 200 feet of escalator transport. Commissioner Kenworthy wanted to know about the number of handicapped parking spaces. Mr. Nicholas did not have the exact numbers

but explained that each parking level will contain a certain amount of handicapped parking stalls. The project will be ADA and Code compliant.

Commissioner Suesser believed the applicant should consider a skier drop-off area on the south side of the plaza to address some of the congestion concerns. Chair Phillips mentioned the public comment related to school buses. He wondered if the school buses have the same signaling capability as the lights. It was noted that the City would need to determine whether school buses can use the bus-only lanes. Chair Phillips suggested that the applicant do whatever is possible to mitigate some of the unintended consequences. He also encouraged Deer Valley to look into the possibility of running a shuttle bus in the neighborhoods.

Commissioner Kenworthy felt it was important that there be additional opportunities for public comment. Planner Ananth reported that the public could continue to comment on the project at future meetings. The joint meeting with the City Council would take place on March 15, 2022. Additionally, emailed comments could be sent to Staff at any time. Planner Ananth explained that the applicant would continue to work with the City to address the issues that had been raised. The March 15, 2022, meeting will focus on the right-of-way vacation and dedication. The Circulation Plan would also be shared. She noted that the City Council would only be able to comment on the vacation and dedication, as the MPD was a Planning Commission decision. Chair Phillips thanked Staff and the applicant for their presentations.

7. REGULAR AGENDA

A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel) – The Applicant is Requesting Amendments to the Approved Master Planned Development and a Conditional Use Permit for the Proposed Development of 49 Residential Units Above Underground Parking, and a 3,600-Square-Foot Public Restaurant. PL-21-04771 & PL-20-04702.

Planner II, Makena Hawley reported that Sommet Blanc is located at 9300 Marsac Avenue. There are several approved permits on the site, which included one for retaining walls and a temporary sales office. The lot is located in the Residential Development (RD) Zone. A multi-unit dwelling was a Conditional Use and was subject to the requirements of the 2007 Empire Pass B-2 MPD and the 2007 Amended Flagstaff Development Agreement. Since March 2021, there have been five meetings related to the application and there had been several iterations.

Planner Hawley shared images with the Commission to illustrate the different proposals. The latest iteration looked at three condominium buildings with 49 residential units above underground parking and a 3,600 square-foot public restaurant. Planner Hawley overviewed the Planning Commission purview. There was a CUP approval, an MPD Amendment, Development Agreement Amendment, and the Mid Mountain Parking Lot and Trailhead Improvements. The applicant now proposed six affordable housing units instead of 4.2. There was also a proposed 3.06-acre conservation easement on the lot as well as the Mid Mountain Trail parking lot.

Planner Hawley discussed the site size and location. The applicant proposed a new arrangement of 81 Unit Equivalents (“UEs”) and eliminated the four villas, the ski ancillary building, and the road and retaining walls that were required to build them. Compared to the previous Hill Glazier Plan, there was only a single curb cut to reach the site, there was a change in the structure location, and a height increase was proposed in exchange for the reduced building footprint. The development was proposed in a Heavily Disturbed Area. It was set over a previously closed mine

shaft and was within the approved Flagstaff DA Development Pod. The current plan, compared to the December 2021 submittal, showed significantly less disturbance to the site, additional clustering of the density, and a reduced footprint. All of the proposed changes were possible with the proposed height exception as an alternative to a larger, more spread-out building footprint.

Height was addressed and Planner Hawley explained that per the MPD, the lot was granted a height exception of 82-feet above benchmark grades. As a result of Staff and Planning Commission feedback, the applicant incorporated the square footage of the villas into an additional floor on Building B and Building C. That would be 94-feet and 106-feet above benchmark grades. No impacts had been observed to adjacent property owners in terms of solar access or air circulation. Planner Hawley reminded the Commission that for the height exception, the Commission could consider the Site-Specific Analysis, the questions provided in the LMC, and any information provided by the applicant.

Planner Hawley discussed Twisted Branch Road. She noted that there had been several concerns raised over the past few Planning Commission Meetings, which were as follows:

- The safety of SR-224;
- Limited access to the recreation area in Bonanza Flats; and
- Impacts that Sommet Blanc will have on SR-224.

The applicant previously indicated that the property is part of the Empire Pass Master Owner's Association ("MOA") Shuttle Service, which had been highly successful. Additionally, a Transit Study was provided that concluded a high level of service would still exist on SR-224, even with the development. The applicant asserted that there was no nexus between the proposed Sommet Blanc project and the operational status of Twisted Branch Road.

Planner Hawley reported that it was a State Road, was seasonal, was a public roadway, is owned by REDUS, and was maintained by Empire Pass MOA. The Development Agreement supported limited winter access and a controlled road that would prevent access to adjacent properties. The Development Agreement stated that if the private road was converted to a public road, the developer should not undermine the seasonal closure of SR-224. Planner Hawley noted that there would need to be further discussions about Twisted Branch Road. Staff suggested a condition of approval stating that if in the future, there is an agreement between appropriate Stakeholders to make Twisted Branch Road public, Sommet Blanc would not object to the agreement. The applicant agreed to the condition.

The Mid Mountain Parking and Trailhead Improvements were discussed. Planner Hawley reported that the applicant proposed parking lot improvements and extensions to the easement. The City was in favor of the improvements and the easement extension. She noted that it would be appropriate for the Planning Commission to open a public hearing for both the amendments and the CUP. There would be two separate votes related to the item including one for the Amendments to the Approved MPD and one for the CUP.

The applicant, Lynn Padan, noted that in prior Planning Commission meetings, he attempted to address the Commission's concerns. The latest application attempted to modify the Hill Glazier Plan and amend the MPD. Alliance Engineering prepared an exhibit to illustrate what the level of site disturbance would be. Mr. Padan reported that there was initially an area of disturbance of 5.5 acres, but the revised plan showed 3.7 acres. That was a significant reduction to the area of

disturbance, and it would allow for a conservation easement on the upper portion of the site. At the last Planning Commission Meeting, Chair Phillips asked about a 28-foot version of the villas as a possible option. That option had been explored, but it expanded the footprint horizontally by as much as 25%. As a result, the decision was made to eliminate the villas and increase Building B and Building C by one story each.

At the December 8, 2021, Planning Commission Meeting, it seemed that the Commissioners were in favor of removing density from the top of the site. That had been done in the latest application. Mr. Padan believed the application had a lot of advantages compared to the Hill Glazier plan, specifically as it related to the Mid Mountain Parking and Trailhead Improvements. He discussed the trail and explained that it would easily go around the project. However, there would need to be some minor modifications made to the trail. Mr. Padan reported that an additional parking plan had been created. He stated that most of the development would be on the top area of the site, which had already been disturbed. There would be a slight realignment of the Mid Mountain Trail and he would work with the City to ensure that all requirements were met.

The Visual Impact Study was shared to illustrate the building heights and visual impacts. With respect to the Twisted Branch Road discussion, Mr. Padan noted that in that context, the developer was the United Park City Mines Company. Sommet Blanc purchased the site from REDUS, who was a successor in interest to the United Park City Mines Company. In one of the prior meetings, it was asked how the Sommet Blanc residents and visitors would be able to visit Bonanza Flats. He explained that the property was part of the Empire Pass MOA, and all of the MOA had an easement on Twisted Branch Road. Any properties in Empire Pass had the right to drive up Twisted Branch Road because of that existing easement.

Mr. Padan reported that Hales Engineering conducted an additional Traffic Study. The study was dated January 25, 2022, and showed that the impacts of the current application would be significantly less than the impacts anticipated under the Hill Glazier plan. He shared an exhibit that showed the relative heights and stated that the project would step down with the grade. It was nestled into the hillside and there would be no impact visually from other properties. There was a Shadow Analysis included in the Meeting Materials Packet. The analysis was done at various times of the year and showed that there was virtually no impact on the Empire Day Lodge in terms of shadowing from the buildings at any time of the year or time of day.

Chair Phillips believed the Condition of Approval related to building height should include specifics about the top-level footprint. He was in favor of allowing the additional height due to the elimination of the other buildings. Mr. Padan did not object to language about the top-level footprint. Chair Phillips shared additional comments and noted that he was concerned about light pollution in the project area due to a large amount of glass. He wondered whether there was a way to monitor how much light was emitted from the project at a certain distance. It would be beneficial to leave a mechanism in place so that could be monitored if there is an issue. Chair Phillips was not in favor of the parking lot project at the current time. Adding a restroom and trailhead signage would change the use and attract more visitors to the area. He believed that should be treated as a separate issue, which could be discussed at a later date, if necessary.

Chair Phillips asked Doug Ogilvy how residents in the area would get from Twisted Branch Road into Bonanza Flats. Mr. Ogilvy explained that the gate connection was typically open during daylight hours or construction hours and was closed on Sundays. When the gate is open, there is an opportunity for owners and visitors of the property to use Twisted Branch Road through the existing easements. The Traffic Engineer expected that 95% of the traffic coming out of the

project would turn left rather than right. During peak hours, the project was expected to generate 53 vehicles per hour. Since 95% of those 53 vehicles would turn left, the number of vehicles using SR-224 or Twisted Branch Road would be relatively low. Chair Phillips asked whether there was language in the Flagstaff Development Agreement that regulated the use of the road. Mr. Ogilvy noted that there was no language in the agreement that regulated the use. There was an easement in favor of the City to allow emergency vehicles and maintenance vehicles into Bonanza Flats. Chair Phillips did not support the connection.

Commissioner Suesser agreed with the comments made by Chair Phillips. She felt that Empire Pass residents and guests should not have access to Twisted Branch Road because it is contrary to the 2007 Amended Flagstaff Development Agreement. Section 2.8.3 stated that the developer shall support and not undermine the seasonal closure of the realigned SR-224 and shall control motorized vehicle access from SR-224 to the private road to prevent vehicle through traffic. Mr. Ogilvy clarified that the applicant did not control Twisted Branch Road. The construction gate was closed all winter, which was consistent with the Development Agreement. He added that the usage was 99% related to construction traffic.

Mr. Padan noted that the easement that the Empire Pass MOA had fallen short of making a connection by a few hundred feet. Mr. Ogilvy confirmed this. The easement in favor of Empire Pass stopped at the start of Red Cloud Trail. He did not know what the right solution was for Twisted Branch Road but felt it would be appropriate for the City, Utah Department of Transportation ("UDOT"), Empire Pass MOA, and the landowner to have conversations about the matter. He explained that the applicant for the Sommet Blanc project had no control over the outcome of such discussions.

Commissioner Suesser noted that one of the Conditions of Approval was that the development needs to comply with the Flagstaff Development Agreement and the provisions therein. There were a lot of provisions that related to Twisted Branch Road. The Development Agreement stated that improved safety on roads was the main objective. It also said that the upper portion of the mine would be addressed in future proposals. Commissioner Suesser believed it was an appropriate time to address the issue.

Mr. Ogilvy reported that the Development Agreement specified that there shall be seasonal closure of that road. It also stated that Twisted Branch Road was not to be used for access to Wasatch County. If Commissioner Suesser was concerned about the ongoing usage of the construction access gate, the City could work to have the construction access gate closed, except for emergency purposes. Mr. Ogilvy informed the Commission that Twisted Branch Road was not owned by the developer of Sommet Blanc and Sommet Blanc had no impact on Twisted Branch Road. There was no nexus between Twisted Branch Road and the project because the project would not change the road and the developer could not make changes to the road.

City Attorney, Mark Harrington felt it was important to separate the issues. He wanted to see if there was consensus from the Commission about the use of Twisted Branch Road to the degree consistent with the existing easement rights. Attorney Harrington reported that the original project had an existing curb cut off of Twisted Branch Road and an amenity building location at the curb cut. As a result, Staff had assumed that there would be more use of Twisted Branch Road by that facility connection. There were suggestions made to mitigate that nominal increase in traffic. However, the Commission could eliminate that language and state that they did not want to direct any traffic onto Twisted Branch Road. Chair Phillips did not believe Twisted Branch Road should be used by residents. It should only be construction and an emergency access road.

Commissioner Suesser asked what agreement stated that Empire Pass homeowners could use Twisted Branch Road. Mr. Ogilvy explained that the land under Twisted Branch Road is owned by REDUS. The recorded easement in favor of the Empire Pass MOA permitted them to own, operate, and maintain a private road. A homeowner in Sommet Blanc would be a member of the Empire Pass MOA, which would give them the right to drive up the road. Attorney Harrington did not believe the internal private use between sub-associations was specifically addressed in the Development Agreement. However, Staff could evaluate the issue further.

Commissioner Kenworthy agreed with the earlier comments from Chair Phillips and Commissioner Suesser. He also noted that there could be equity issues as it related to Twisted Branch Road access. Mr. Ogilvy read from Section 8.1 of the Development Agreement, which stated: "all successors and interests shall succeed only to those benefits and burdens of this agreement, which pertains to the portion of the project to which the successor holds the title." The developer of Sommet Blanc did not hold the title to Twisted Branch Road. Any issues related to the road needed to be addressed with the property owner.

Attorney Harrington felt that the Planning Commission could urge the City Council to prioritize a broader discussion if desired. The Commission could also forward a recommendation to Council that suggested terms and next steps. Chair Phillips wanted language specifically prohibiting Twisted Branch Road from being used. He felt the gate should be more restricted and the access needed to be locked and controlled by the City. Commissioner Johnson agreed.

Commissioner Suesser read Condition of Approval #32, which was as follows:

- The Covenants, Conditions, and Restrictions ("CC&R") shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

She wondered if the Real Estate Transfer Fee referred to the Open Space Transit Management Fund. Planner Hawley explained that was the intention. She had followed language from similar Empire Pass developments but could alter the wording if it was not clear enough. Mr. Ogilvy approved of the language being fine-tuned to correctly reference the Open Space Transit Management Fund. He reported that there was a 1% fee collected and 0.5% was remitted to the City each year. Planner Hawley stated that she would look into the language.

Commissioner Suesser asked about the condition of approval stating that the applicant needs to contact UDOT to determine whether an Access Permit is needed for the property. Michael Demkowicz explained that there was a UDOT Access Permit for the accesses off of the roundabout. There was also a permit for crossing the trail and for the upper villa driveway. The latter would not continue to be pursued. Commissioner Suesser believed that language needed to be clarified and cleaned up. She did not feel that the applicant had complied with Conditional of Approval #34 and felt there needed to be further discussions related to Twisted Branch Road.

Commissioner Johnson wondered if there could be a condition that would restrict mechanical equipment, antennas, and water towers since the height exception would be granted. Planner Hawley explained that there had been a similar request with Payday Condominiums. A height exception was granted for certain buildings and as a result, no satellites, AC units, water towers, or elevator shafts were permitted to increase the height further. The Commission was in support

of that type of language for the Sommet Blanc proposal. Mr. Padan stated that he had no objection to that type of restriction or the Twisted Branch Road restriction, discussed earlier.

Chair Phillips opened the public hearing.

Mark Fischer reported that he submitted a letter to the Planning Commission earlier in the day. The letter included a legal opinion from his lawyer. He wanted to make sure that letter was included in the record. Chair Phillips reported that the letter had been received and read.

There were no further comments. The public hearing was closed.

Chair Phillips asked if the Commissioners felt ready to vote on the item or if additional information was needed. Commissioner Hall noted that she had been unable to locate the Arborist Report in the packet. She remembered that some of the diseased trees were exempt from being replanted. Planner Hawley clarified that some of those trees would not be cut down because of the Conservation Easement area. Mr. Ogilvy explained that the Arborist Report recommended the removal of 270 trees that were dead or diseased. The Arborist had flagged the trees that were dead or diseased as part of healthy forest management. With the elimination of the villas, the number of trees to be removed was reduced to 46 trees near Building C. Those trees would be replaced with an appropriate number, as specified by Staff. The dead or diseased trees previously flagged by the Arborist could be removed or left in their natural state of decay.

Commissioner Hall asked Attorney Harrington about the Development Agreement and development rights. She felt that a developer with development rights should be tied to the Development Agreement for the area. Attorney Harrington explained that there were some obligations in the Development Agreement that touched all the properties. He noted that paragraph 8.1 stated that for obligations specific to one parcel, the obligations flowed to the subsequent purchaser, only as it related to the property purchased. Attorney Harrington informed the Commission that Twisted Branch Road did not touch the applicant property, was not owned by the developer, was controlled by a third party, and was not the access for the property, so the flow down requirement could not be argued for under 8.1. There was no allegation of a violation of the Development Agreement. The Development Agreement was created to ensure the status quo and improvement of access. There was a complex history that could be explained further to the Commission, but he did not see a basis to hold up the application based on the agreement.

Chair Phillips noted that the Commission was being asked to amend the Flagstaff Development Agreement. He wondered why it was acceptable to change parts of the Development Agreement and not others. Attorney Harrington explained that the Commission was being asked to modify the original agreement as it relates to aesthetic design guidelines. If the Commission declined to do so, the project could still move forward with the old architectural design. That change had nothing to do with transportation or access roads. The Commission discussed a motion. It was determined that certain changes needed to be made to the Conditions of Approval section and that additional information needed to be shared with the Commission before a vote took place.

MOTION: Commissioner Johnson moved to CONTINUE PL-21-04771 and PL-20-04702, Sommet Blanc/B2East Parcel, Amendments to the Approved Master Planned Development and Conditional Use Permit, to March 9, 2022. Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Hall-Aye; Commissioner Johnson-Aye; Commissioner Van Dine-Aye; Commissioner Suesser-Aye. The motion passed unanimously.

B. 3099 Mountain Ridge Court – Plat Amendment – The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Maximum Building Square Feet. PL-21-04950.

City Planner, Spencer Cawley reported that the applicant and applicant's representative were present to discuss 3099 Mountain Ridge Court. The application was for a subdivision Plat Amendment. Planner Cawley stated that 3099 Mountain Ridge Court was in the Park Meadows Neighborhood and was in the Single Family (SF) Zoning District. The subdivision had 21 lots in total and there were two lots dedicated to open space. He shared images of the area and overviewed the existing conditions. Planner Cawley explained that the City Council approved a rezone of the subdivision in 1990 as part of a Condition of Approval for the Mountain Ridge Subdivision, which was recorded with Summit County in 1991. The applicant lot, Lot 13, received a Building Permit in 2013.

Planner Cawley reviewed the Land Management Code definitions for basement, the first story, and floor area. He explained that the information was important to consider as the Commission looked into how the square footage was calculated for the structure. The definitions were as follows:

- Basement:
 - Any floor level below the first story in a building. Those floor levels in buildings having only one floor level shall be classified as a basement unless that floor level qualifies as a first story as defined herein.
- First Story:
 - The lowest story in a building provided the floor level is not more than four feet below the final grade for more than 50% of the perimeter. Can include habitable or uninhabitable floor area.
- Floor Area, Gross Residential:
 - The area of a building, including all enclosed areas, consisting of the area of all floors located under a ceiling that is above final grade, measured in square feet. Unenclosed porches, balconies, patios and decks, vent shafts, and courts are not calculated in the Gross Residential Floor Area. Garages, up to a maximum area of 600 square feet, are not considered floor area. Basement and crawl space areas below final grade are not considered floor area. The floor area is measured from the finished surface of the interior of the exterior boundary walls.

Planner Cawley explained that the way the subdivision is platted was that each lot was given a maximum total square footage for the building. Lot 13 was allotted 3,247 square feet, with an exclusive of 600 square feet for a garage. The 2013 Building Permit showed a total of 6,215 square feet and the Summit County Assessor showed 5,849 square feet. He clarified that the Summit County Assessor was only looking for tax purposes, and that assessment did include uninhabitable space. It was not clear why the 2013 Building Permit was calculated the way that it was. When the item was previously continued, it was so the applicant representative could go back and obtain an accurate square footage measurement of the structure.

Based on the basement, first story, and floor area definitions, an Architect determined that the main floor and upper floor had a total of 2,721 square feet. The basement square footage was more than 50% below the final grade, which made it zero square feet. The garage was also more

than 50% below the final grade, at 824 square feet, and would not count. An additional 600 square feet for the garage would not be included. That left a total square footage of 2,721 square feet.

An analysis was shared. Planner Cawley stated that the proposed Plat Amendment would meet the less restrictive Single Family ("SF") Zoning District requirements. The zone had the same front setbacks as the subdivision plat. The rear and side setbacks for the Single-Family ("SF") Zoning District were not specified in the subdivision plat map and the house size was not specified in the Single-Family ("SF") Zoning District. Planner Cawley explained that the reason Staff believed the proposed Plat Amendment would meet the less restrictive Single-Family ("SF") Zoning District requirements, was that though additional square footage was requested, it would not exceed what was allowed in the zone. The Mountain Ridge Subdivision total square footage of habitable space was approximately 24% of the lot area, or 4,600 square feet, whichever was less. The applicant's request was to amend the plat and increase the maximum square footage for Lot 13. This would amend the maximum square footage from 3,247 square feet to 3,410 square feet, which would be a 5% increase. An image of the existing and amended building envelope was shared.

The elevations were discussed, and Planner Cawley reported that the application would meet the height restrictions of both the Single-Family ("SF") Zoning District and the plat. Staff requested that the Planning Commission make a finding of Good Cause prior to forwarding a positive recommendation to the City Council for consideration. He noted that the proposed amendment would not vacate or amend a public street, right-of-way, or easement. Additional history was shared, and Planner Cawley stated that when the subdivision was developed and discussed in 1989, there were Meeting Minutes from the Planning Commission Meeting that stated:

- "...buildings should be sited to preserve significant views and so as not to break prominent ridgelines."

The Meeting Minutes from a Planning Commission Meeting in 1990 stated:

- "...stringent controls [are] placed on each lot, which include limits of disturbance, revegetation, minimum/maximum square footages, and building heights..."

Planner Cawley explained that based on the previous Planning Commission Meeting Minutes, the intent of the subdivision was to restrict building size and mass to conform with the natural contour of the land. The applicant statement indicated that there was good cause for the Plat Amendment, as the proposal would allow homeowners to construct an addition that was in compliance with the zoning requirements. The new proposed maximum floor area was consistent with many of the other lots in the subdivision. Additionally, no non-conformities would be created and no changes in density would result from the proposed plat amendment. The applicant also stated that they would replace any disturbed vegetation.

The application went through the Development Review Committee ("DRC") in September 2021. Planning, Engineering, and Legal also reviewed the application. Staff received public input and all public input received prior to the publication of the Staff Report was included as Exhibit J. However, additional public comments had since been received. Some neighbors expressed concerns that amendments to the lot would result in future subdivision amendments, which would alter the intent of the subdivision restrictions. Staff had also received a comment from a neighbor

that was supportive of the amendment. That neighbor felt that homes on the street had been held to higher standards than other neighborhoods in Park Meadows.

Staff recommended that the Planning Commission review the Plat Amendment, hold a public hearing, and consider forwarding a recommendation for City Council consideration on March 3, 2022. The Planning Commission could either forward a positive or negative recommendation to the City Council. Alternatively, the Planning Commission could request additional information and continue the discussion to a date certain.

The applicant's representative, Jeff Schindewolf discussed the square footage numbers. The perimeter calculation was based on the definitions that were read earlier in the meeting. The definitions indicated that the basement should not be counted toward the square footage. He was available to answer any additional Commissioner questions. Commissioner Kenworthy was not sure there was good cause for the Plat Amendment. He believed it would set a precedent for future remodels and development in the neighborhood. It was also important to protect views along the entry corridor. Commissioner Suesser agreed. Mr. Schindewolf noted that no views would be impeded, and he referenced the elevation images.

Chair Phillips opened the public hearing.

Pamela Bingham wanted to make sure her previously submitted comments were on the record. Chair Phillips confirmed that the comments were received and part of Exhibit J.

There were no further comments. The public hearing was closed.

The applicant, David Maya reported that there was no Homeowners Association ("HOA") for the subdivision. There had not been an HOA for 15 years, there were no meetings, there were no dues, and no Architectural Review Board. Any comments to the contrary were not factual. Mr. Maya stated that behind his home, there were 300 to 400 yards of land, and then another home was high on the ridgeline. No one living behind him would see the addition. It would also not be visible from the street. The addition would mostly be visible to the neighbors to the left and right. Should the Commission approve the application, he would not move forward with construction if either of those neighbors were not in support of the addition. Mr. Maya explained that he wanted to add a bedroom to his home, and he was not asking for a significant increase in square footage. He enjoyed his home and the neighborhood, and he was looking to add a fourth bedroom. He pointed out that there were homes in the neighborhood that were 4,500 to 6,500 square feet.

Commissioner Johnson was not certain that he found good cause for the application. Commissioner Kenworthy believed that Park City had an obligation to have an inventory of smaller homes. If the Plat Amendment was approved, it could set a precedent that it was appropriate for homes in the neighborhood to increase the size by 5% or 10%. As a result, the smaller home inventory would be reduced. It was important to protect neighborhoods with size and density limitations. Chair Phillips sympathized with the applicant and understood the logic behind the request. However, the concerns of the Commission had to do with the precedent it would set.

Mr. Maya pointed out that he was only asking for a 5% increase beyond what his plat allowed. He did not feel that adding 163 additional square feet would set a dangerous precedent. There were ways to word the approval that would avoid future issues. Mr. Maya noted that he was the only person in the neighborhood in the 30 years that it had existed that had ever asked for an

amendment. Additionally, he informed the Commission that the houses in the area were not affordable. Preventing small additions from being made would not preserve small, affordable housing stock in Park City.

Chair Phillips suggested that the applicant continue to work with Staff to determine whether other options were available. He did not believe the Commission would approve the Plat Amendment based on the comments that had been shared.

MOTION: Commissioner Kenworthy moved to forward a NEGATIVE recommendation to the City Council. Commissioner Suesser seconded the motion.

The Commission discussed the motion. Commissioner Hall encouraged the applicant to continue speaking with Staff. She did not believe the 163 additional square feet would significantly impact the community. Chair Phillips agreed. He noted that this discussion could start further conversations about minimal additions and accessory units. The motion was restated as follows:

MOTION: Commissioner Kenworthy moved that the Planning Commission forward a NEGATIVE recommendation to the City Council for consideration on March 3, 2022, for PL-21-04950, Mountain Ridge Subdivision, Lot 13 Plat Amendment at 3099 Mountain Ridge Court, based on the following

Findings:

1. The Plat Amendment would be inconsistent with the original statements, shared by Planner Cawley, regarding the original intent of the subdivision.
2. The Plat Amendment would set a precedent in the neighborhood that would go against the original intent of the subdivision.

Commissioner Suesser seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Hall-Nay; Commissioner Johnson-Aye; Commissioner Van Dine-Nay; Commissioner Suesser-Aye. The motion passed 3-to-2.

- a. **3805 Fox Tail Trail – Rezone – The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.84-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre in the Recreation Open Space Area to be Dedicated to Park City, Pursuant to a Conservation Easement. PL-21-04865.**

Due to the time, the Commission determined that there would be a presentation on 3805 Fox Tail Trail, the public hearing would be opened, and the item would be continued. Attorney Harrington felt that would be reasonable. Planner II, Browne Sebright explained that the presentation had three parts. The first part would address questions raised at the last public hearing in October 2021, related to the history of the project. Since there were two separate applications, there was a portion of the presentation dedicated to the Rezone application and a portion of the presentation dedicated to the Subdivision presentation. Staff identified March 9, 2022, as a potential alternative date if the Commission wanted to continue the item.

The applicant's representative, Mr. Ogilvy, recognized that the item would not be voted on during the current Planning Commission Meeting. He asked Planner Sebright to share a brief overview and highlight what had changed since the item was last in front of the Commission. He also asked that the public be able to share feedback on the application before the end of the meeting. Chair Phillips noted that the item would be before the Commission again on March 9, 2022.

Planner Sebright reported that the first application for consideration was the Rezone. Staff determined that the proposal to reallocate Parcel PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning was compliant with the annexation, pursuant to Resolution No. 2-94. Additionally, the proposed reallocation of Estate and Recreation Open Space Zoning would not impact trails required by Resolution No. 2-94. Staff found that the proposal to reallocate PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning complied with the Estate and Recreation Open Space Zoning District requirements as well as the Sensitive Lands Overlay. There had been robust discussions previously about the ridgeline area. Since the last time the item was discussed by the Commission, the applicant had submitted a series of visual renderings.

The visual renderings were shared with the Commission as well as additional visual analysis. For instance, what the development might look like from the cul-de-sac. Planner Sebright stated that there had been some adjustments to the sewer easement location. He showed the previously proposed location and the newly proposed location on a map. The location would still work in terms of water flow and geometry, but it would also reduce the impact on Gamble Oak. Planner Sebright reported that the application had been reviewed by the Neighborhood Traffic Management Program. Staff found that the rezone portion of the application complied with the requirements of the zoning districts and the Sensitive Lands Overlay, as conditioned. Some of the conditions were overviewed, which included the following:

- The applicant shall dedicate 23.89 acres to Park City Municipal Corporation, subject to a conservation easement on the acreage prior to recordation of the proposed Fox Tail Subdivision; and
- Prior to submitting a Building Permit application to construct a Single-Family Dwelling within the new Estate Zoning District area, the applicant must submit the materials outlined in LMC Section 15-2.10-6 Sensitive Lands Review, subject to Planning Director approval.

The applicant agreed to a Condition of Approval that limited the property to a minimum 12-month rental. Staff recommended adding a Condition of Approval to state as follows:

- The applicant shall record a deed restriction prohibiting nightly rentals in a form approved by the City Attorney. The deed restriction shall be recorded on the same day as the Subdivision Plat.

Planner Sebright reported that there had been several comments from neighbors and a lot of the initial concerns were related to nightly rentals. Once the minimum 12-month rental provision was put in place, a lot of the neighbors he had spoken to felt more comfortable. There were a handful of outstanding comments related to the quality of life, architectural themes, visual impact, reduction in available open space, the destruction of vegetation and wildlife, and the size of the home. The most recent comments had been forwarded to the Commission for review. Staff recommended that the Planning Commission review the Rezone proposal, hold a public hearing, evaluate the Conditions of Approval as drafted, and consider making a recommendation.

Information related to the Subdivision was shared. Planner Sebright noted that a lot of the presentation information was the same because it was the same property and the same proposal. He shared the exhibit related to the driveway. Since the last presentation, there had been changes made to the Driveway Analysis. The driveway was approximately 750-feet long and the applicant had been working with an engineer to further refine the alignment. The applicant proposed a larger limit of disturbance than what was previously shown. There were a few reasons for that proposal, including the change in the sewer alignment. That would change the geometry of the area that would be disturbed. Additionally, the configuration was designed to work more closely with the contours of the land to reduce the need for cuts, fills, and a retaining wall. The intention was to reduce the amount of disturbance on the site and leave as much of the topography as possible in its current state.

Chair Phillips noted that Commissioner Suesser left the meeting.

Mr. Ogilvy explained that the last time the Planning Commission discussed the item, there was a lot of feedback from the community about nightly rentals. As a result, he had agreed to a 12-month nightly rental restriction, which was consistent with the adjacent neighborhood. A more refined Visual Impact Study had been conducted. Based on the study, the proposal was to push the home further east to further mitigate any visual impacts on the neighborhood. Mr. Ogilvy shared a clarification and stated that on the plat, as proposed, a one-acre box had been drawn. Within the one-acre box, the property owner could build a home, but that home would be limited to 16,000 square feet of disturbance. After reading through the public comments, there seemed to be a perception that there were currently 32 acres of public recreation lands. However, it was always intended that there would be a single-family home somewhere on the 32 acres. There was a community benefit to the development, and he had done his best to mitigate the impacts.

Chair Phillips opened the public hearing.

James Letchford identified himself as the HOA President and commented that every discussion on the project lasted until late into the evening. He was grateful that the March 9, 2022, meeting would include the item earlier in the agenda. Mr. Letchford stated that he had several points to make at the next Planning Commission Meeting and appreciated the diligence of the Commission.

Phil Palmintere reported that he lives on Solamere and was concerned about the application. He noted that it would be difficult to enforce the 12-month rental and there were many ways around that condition. For instance, the property could be sold to a corporate entity, and that corporate entity could use the house as a retreat for employees on a weekly basis. The issue was that building a 10,000 square-foot structure was more like a small hotel than a house. While there were good intentions from the applicant until there is a way to enforce rentals, the large home was a concern, and it could turn into a serious issue for neighbors.

Mary Dannelley was frustrated that the item was discussed so late into the meeting. She stressed the importance of the item being discussed during the first part of the March 9, 2022, Planning Commission Meeting. It would allow more residents to share comments. Ms. Dannelley reported that many of the neighbors were still concerned about nightly rentals, and she shared concerns about the enforceability of the agreement. Additionally, she felt that the property proposed was inconsistent. 10,000 square feet for a home was not consistent with the neighborhood or the aesthetics of the community. It would also impact views in the area and did not benefit the neighborhood. Ms. Dannelley was opposed to the application.

Director Milliken explained that one of the reasons there were estimated times listed on the Planning Commission Meeting agenda was so residents do not need to listen to the full meeting if they do not wish to do so. The times provided an estimate of when a particular item will be heard. She thanked the residents for their patience. Chair Phillips noted that the addition of the times was new, and he hoped that it would be beneficial to residents in the future.

Marcel Verbas felt that the proposal was inconsistent with everything else in the neighborhood. He explained that he has one of the biggest lots in the neighborhood at 6.5 acres. He was bound by certain restrictions and even though he had wanted to push his house back further, he was not allowed to do so. The proposal was also inconsistent with the rules and regulations that others in the area had to live by. Mr. Verbas believed the applicant should build under the current restrictions. Though the HOA rules had been in place for 30 years, he had only built his home five years ago and was required to follow the rules and restrictions. Many neighbors still had issues with what had been proposed by the applicant.

There were no further comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to continue PL-21-04865 and PL-21-04826, 3805 Fox Tail Trail Rezone and Subdivision, to March 9, 2022. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Suesser was not present for the vote.

- b. 3805 Fox Tail Trail – Subdivision – The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826.**

The 3805 Fox Tail Trail Subdivision request was discussed with item 7C.

Commissioner Hall expressed frustration with the late meeting times. She felt it was important to stick to a 9:30 p.m. cutoff. Chair Phillips and Commissioner Van Dine agreed. Director Milliken thanked the Commission for their feedback and explained that Staff would try to limit the number of agenda items to ensure that the discussions fit into a four-hour work schedule. Additionally, technical issues would be addressed to ensure that meetings start on time. Chair Phillips noted that sometimes, applicant presentations are long, which can lead to continuations. The goal was for applicants, Staff, and Commissioners to be efficient and concise.

3. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 10:35 p.m.

Planning Commission Work Session Staff Report



Subject: National Ability Center Mountain Center Building
Author: Alexandra Ananth, Sr. Planner
Date: March 23, 2022
Type of Item: Work Session

Recommendation

- 1) Hold a Work Session for the Applicant to introduce the Planning Commission to the National Ability Center's (NAC) Mountain Center Operation Building project; and
- 2) Identify issues that must be resolved prior to public hearing.

Description

Applicant: National Ability Center (NAC)
Location: 1431 Lowell Avenue, Park City Mountain Resort
Zoning District: Recreation and Open Space
Adjacent Land Uses: Resort, Open Space, Commercial, Residential
Reason for Review: Subdivisions require Planning Commission recommendation and City Council action; CUPs require Planning Commission action

Abbreviations

CUP	Conditional Use Permit
LMC	Land Management Code
NAC	National Ability Center
PCMR	Park City Mountain Resort
ROS	Recreation and Open Space
ROW	Right-of-Way

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

Background

The National Ability Center is seeking to construct a new Mountain Center facility to replace the existing office trailer located at Park City Mountain Resort (PCMR). The applicant is seeking to create a Lot of record for the new building, requiring a one Lot Subdivision. The Lot is located in the [Recreation and Open Space](#) (ROS) District, and the building requires a Conditional Use Permit (CUP) as a Ski-Related Accessory Building, greater than 600 sq. ft.

The current NAC Mountain Center trailer was installed in 1999 and was permitted as a temporary building but has remained in place. The building has now reached the end of its useful life. The NAC has reached an agreement to lease .47 acres of land from Vail

CPC Holdings for the construction of a new Mountain Center Operations. Vail CPC Holding will maintain ownership of the land.

The new Mountain Center Operations building will be ADA accessible and will offer the ability to increase the population served by the NAC's ski and snowboard programs as well as the ability to store all their equipment in one location, on-site. Construction is expected to take approximately 12-18 months and will necessitate the removal or relocation of one existing "magic carpet" for the ski school programs.

The new NAC Operations Building is considered a Ski-Related Accessory Building, which requires a Conditional Use Permit. The building is not identified in the 1998 Mountain Upgrade Plan and is not addressed in the Development Agreement for the base area. The Planning Commission should consider if the proposed new building requires an amendment to the existing Development Agreement as well as parking and access issues. The NAC is seeking to be transparent and identify any significant issues early in the land use review process.

Analysis

This Staff Report is intended to outline at a high level, the Applicant's proposal, and identify issues and requirements prior to scheduling a public hearing. The Applicant is seeking a one Lot Subdivision and Conditional Use Permit for a new Mountain Center Operations Building.

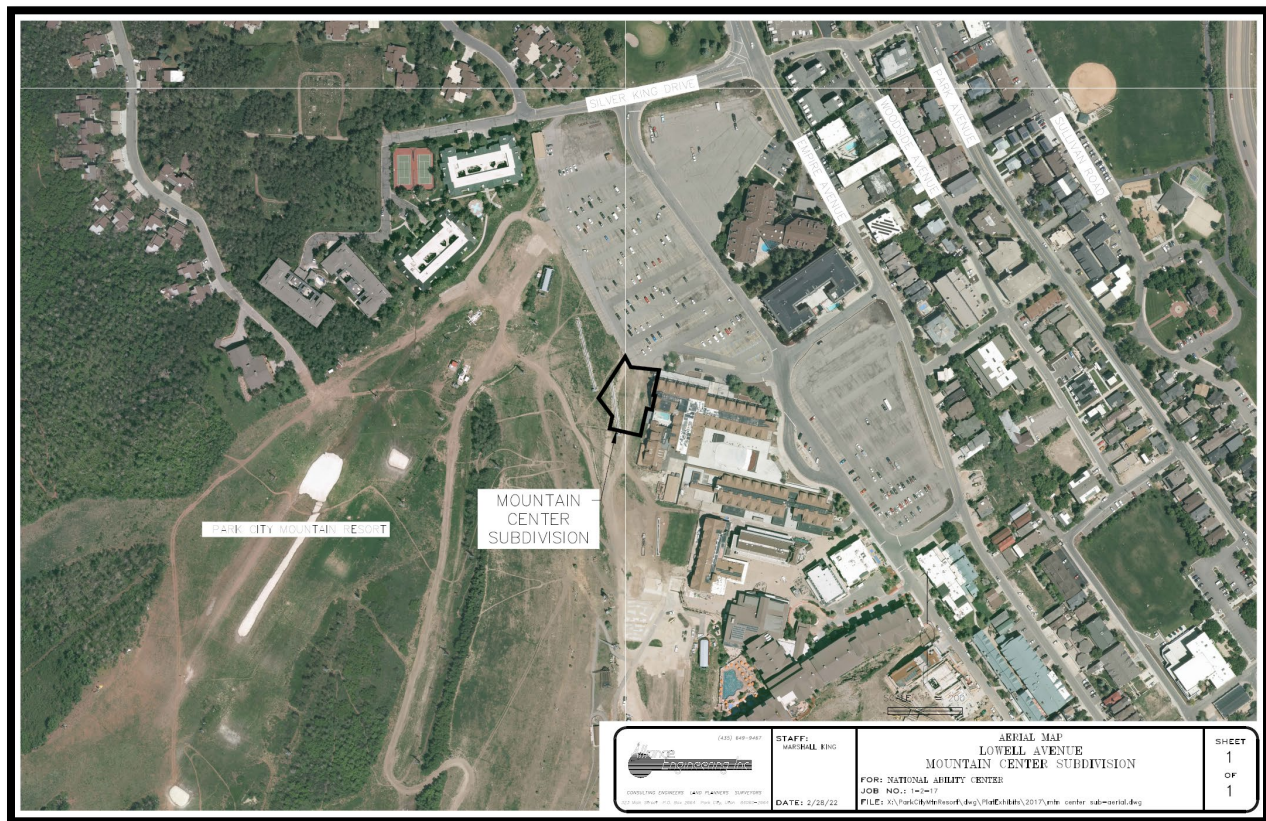


Figure 1: Applicant's Aerial Map showing the location of the Mountain Center Subdivision.

The site is in the Recreation and Open Space (ROS) zoning district. The ROS District has no minimum lot size, and the proposed structure meets the Setback requirements of 25-feet from the boundary line of the lot on all sides. The proposed building is 24 feet in height, meeting the Building Height requirements of less than 28 feet from Existing Grade including an exclusion of five feet for a pitched roof.



Figure 2: Applicant's photo of existing conditions.

Vehicular access to the site is via the Resort's existing surface parking lot (at the top of the First-Time lot) immediately west of the entrance driveway to the garage underneath the Resort Center Condominiums, and includes a new 70-foot cul-de-sac with four short-term parking stalls for drop-off, loading, and unloading, including one ADA Van stall.

The applicant has submitted an access easement between VR CPC Holdings, the Resort Center Condominium Owners Association, and the NAC, collectively referred to as the "Owners" indicating that although each of the Parcels is a separate legal parcel, the Owners desire that the Parcels be utilized together for vehicle and pedestrian ingress and egress, shuttle van parking and signage for the mutual and reciprocal benefit of the Parcels (Exhibit C).

Under existing conditions, the project requires the removal of existing Resort parking stalls at the top of the First-Time parking lot. If the PEG project is approved as currently proposed no parking would be removed as all parking would be in garage structures.

Under existing conditions, parking for the use would be accommodated in the Resort's handicap and regular parking stalls, as is the current operation. If the PEG project is approved parking would occur in the proposed garages, both in the handicap and general-purpose parking stalls.

Ski related accessory buildings do not have a specific parking requirement in the LMC, but the applicant must present a parking, traffic, and transportation plan for review and approval by the Planning Commission. The NAC has indicated that on average they have 20 participants in the morning and 20 participants in the afternoon. The NAC has indicated that they typically have 30 total staff and volunteers on site on a typical day. 75% of staff typically park in the employee parking lot at PCMR (approximately 20 stalls) and 25% walk or take the bus to the resort. On a typical day the NAC also uses 20 handicap parking stalls at the Resort.

Prior to being scheduled for a public hearing the applicant should submit a parking, traffic, and transportation plan indicating 1) if and where any existing parking stalls that would be removed will be replaced; 2) how the NAC's parking demand may change because of the new building and how and where any increase in parking demand will be accommodated including whether any additional parking requirements are accounted for in PEG's parking calculations.

Although the proposed new building meets the Building Height and Setback requirements, the Planning Department notes that the proposed structure is only 25 feet from the Resort Center Condominiums building. The applicant has noted that due to the grade of the lot they believe they have located their building in the most appropriate area given the physical constraints of the site Vail CPC Holdings has agreed to lease to them. The proposed lot is .47 acres (20,457 square feet) and the proposed building is 8,087 square feet over two stories. The existing trailer is approximately 1,800 square feet.

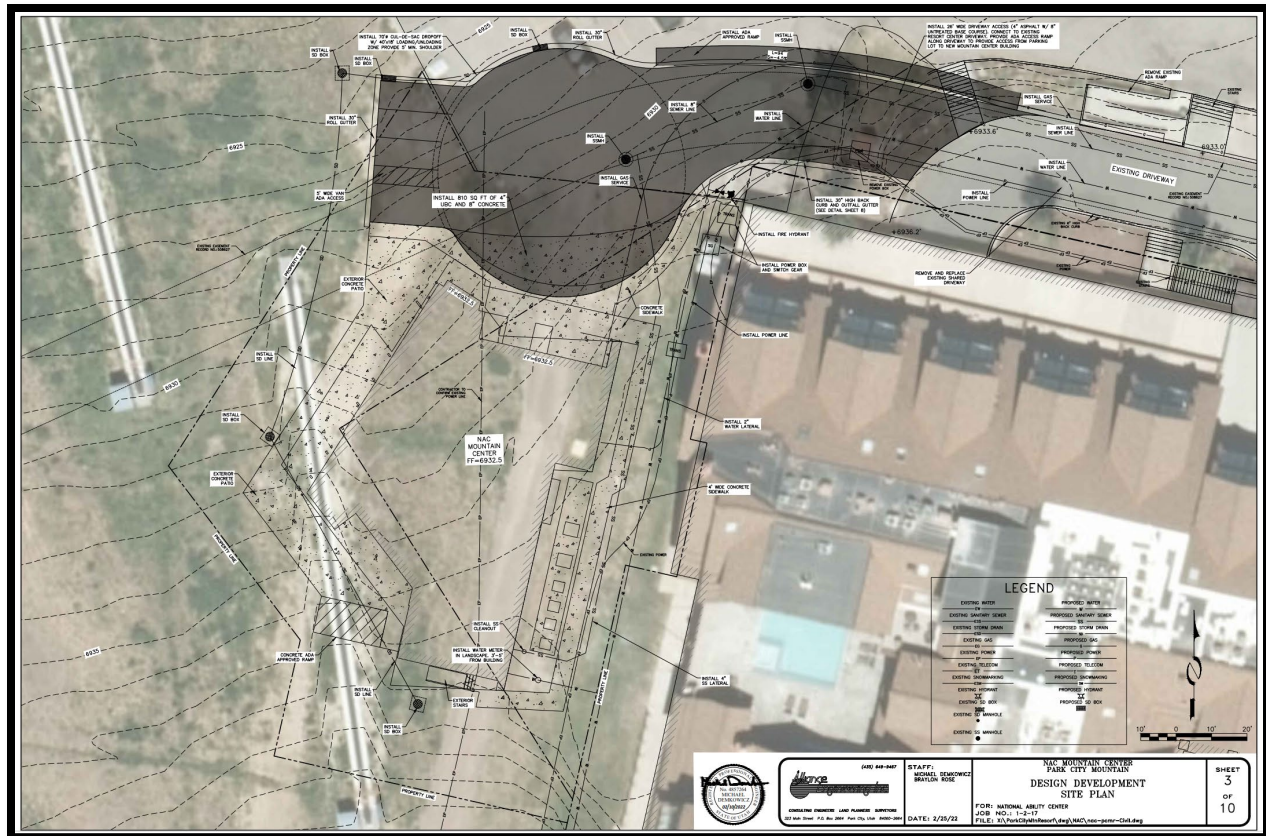


Figure 3: Applicant's Site Plan showing the proposed vehicular access.

The Planning Department will submit further analysis for any future Subdivision and CUP public hearing, including Findings of Fact, Conclusions of Law, and Conditions of Approval, but at a high level, the project appears to be able to comply with all Subdivision and CUP requirements assuming all parking requirements can be resolved.

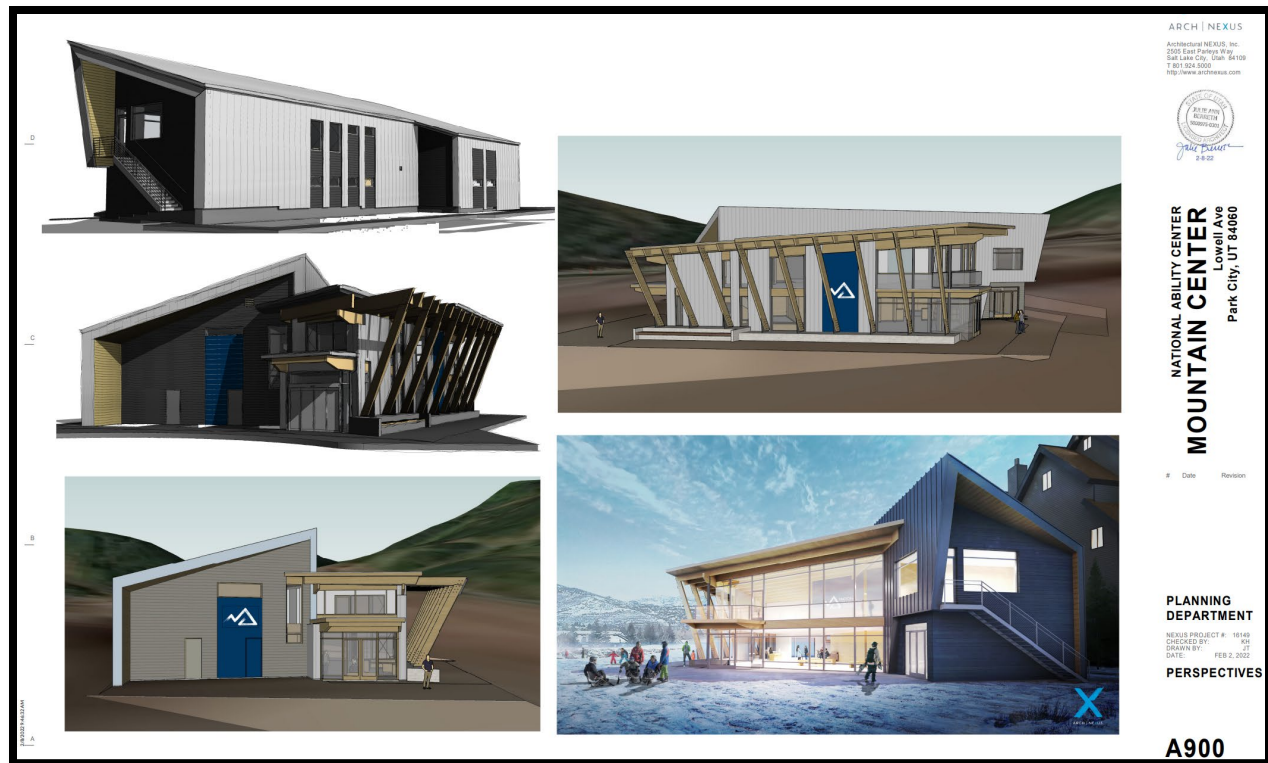


Figure 4: Applicant's Building Perspectives.

Department Review

The Development Review Committee, including Planning, Engineering, and Legal Departments reviewed this application on March 15, 2022, and did not identify any significant issues of concern.

Public Input

No public input was received prior to the publication of this Work Session Report.

Summary

- Staff Recommends the Applicant introduce the project to the Planning Commission on March 23, 2022, and the Planning Commission identify and discuss issues and requirements prior to scheduling this project for a public hearing.

Exhibits

- Exhibit A: Applicant's Project Intent
- Exhibit B: Proposed Plans
- Exhibit C: Unsigned Access Easement

General Description of National Ability Center Conditional Use Permit Application for New Construction

High Priority Needs for Additional Program Offices & Equipment Storage Space

Based on the evaluation and existing limitations of the double-wide office trailer facility, growth trends in programs and identified constraints, a new Educational & Programmatic Mountain Center Operations building has been identified and requested as a solution:

- Through the coordination of a land lease agreement between Vail CPC Holdings and National Ability Center(NAC), NAC will be constructing a new Mountain Center facility on the identified parcel.

The new completely ADA accessible Mountain Center will provide:

- The ability to serve significantly more people with disabilities in our ski and snowboard programs.
- Space with seating for our participants to be able to change into their ski gear as well as store their street wear while out skiing or riding.
- Adequate indoor space to properly fit our participants in mono and bi-skis. Once fitted, participants will be able to slide on an artificial surface directly out to the snow!
- It will also include adequate storage space for the myriad of specialized adaptive ski equipment that has been residing in various outdoor storage buildings for many years.
- There will be locker rooms for our ski instructors and separate locker rooms for our adaptive competitive athletes.
- Also included will be a: staff kitchen, reception area, managers office, a uniform storage room with laundry facilities, a specialized sensory room for calming and multi-purpose rooms for training and education.
- Restroom facilities for our participants and their families. In the past they've been relegated to using the Resort's public bathrooms located several minutes' walk from the Center.

Construction phasing will begin with start of project in early Spring 2022, with completion in Spring 2023.

See page 2 for Application Questions

Application Questions

- How will the proposed use “fit-in” with surrounding uses?
The Mountain Center will be constructed with wood and glass which is similar to the Resort Center Condominiums. It is a ski program building on Ski Resort property.
- What type of service will it provide to Park City? **Adaptive ski and snowboard program.**
- Is the proposed use consistent with the current zoning district and with the General Plan? **Yes** Is the proposed use similar or compatible with other uses in the same area? **Yes**
- Is the proposed use suitable for the proposed site? **Yes, very much so.**
- Will the proposed use emit noise, glare dust, pollutants, and odor? **No**
- What will be the hour of operation and how many people will be employed? **The hours are from 8:00 am – 5:00 pm during the winter season. During the summer, the NAC will operate occasional mountain biking activities during the day.**
- Are other special issues that need to be mitigated? **Yes, coordinating the NAC entry road and turnaround with the PEG development. This is being coordinated between the NAC, Vail and PEG.**

MOUNTAIN CENTER SUBDIVISION

March 1, 2022

This subdivision plat application proposes to create one lot of record for the new National Ability Center Mountain Center building. The new building will replace the existing trailer in which The National Ability Center currently operates. The new building will be located north of the current location adjacent to the base parking lots and The Resort Center Condominiums Phase 1B and will provide better access for the participants of the National Ability Center winter programs.

NATIONAL ABILITY CENTER
MOUNTAIN CENTER

Lowell Ave
Park City, UT 84060

PLANNING DEPARTMENT
FEB 2, 2022

NEXUS PROJECT #: 16149



SHEET INDEX

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C05	UTILITY SHEET
C06	WATER MAIN LOOP EXHIBIT
C07	UTILITY PLAN & PROFILE
C08	CONSTRUCTION MITIGATION PLAN
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A900	PERSPECTIVES



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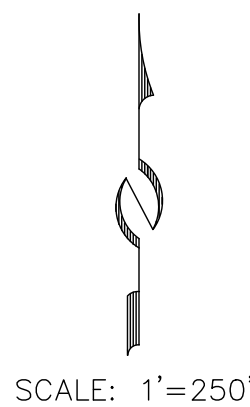
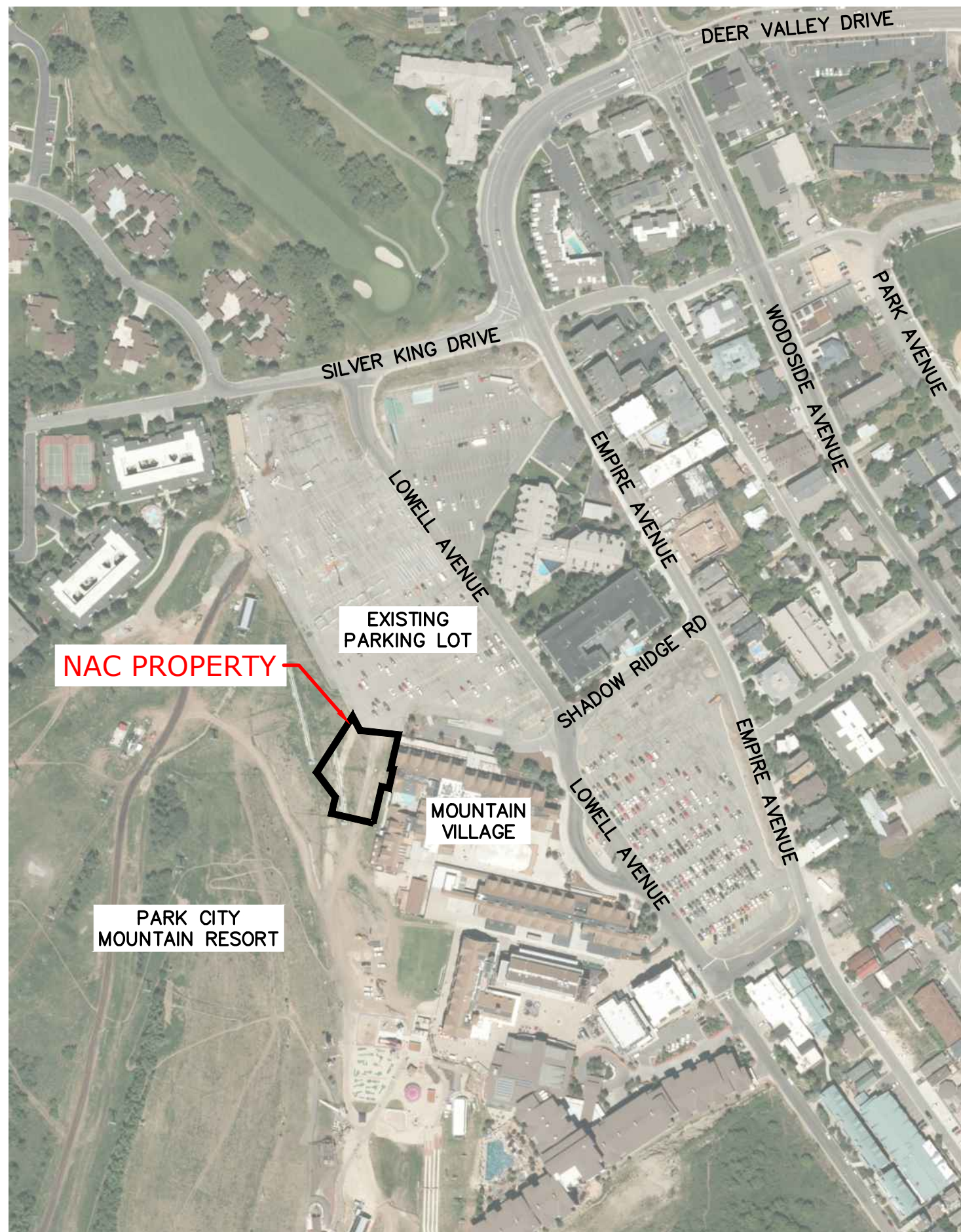
PLANNING
DEPARTMENT

NEXUS PROJECT #: 16149
CHECKED BY: KH
DRAWN BY: KH
DATE: FEB 2, 2022

COVER
SHEET

G001

VICINITY MAP

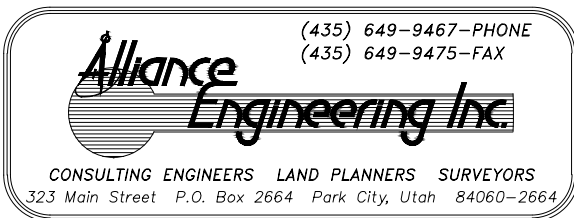


NAC
MOUNTAIN CENTER
1415 LOWELL AVENUE
PARK CITY, UT 84060

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- 5. UTILITY SHEET
- 6. WATER MAIN LOOP EXHIBIT
- 7. UTILITY PLAN & PROFILE
- 8. CONSTRUCTION MITIGATION PLAN
- 9. DETAILS
- 10. EXHIBIT

CIVIL ENGINEER



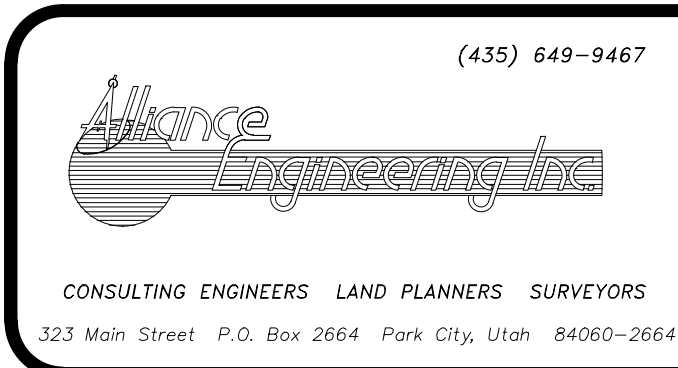
GENERAL NOTES

- G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Summit County Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Park City Water District Development Procedures, Design Standards and Construction Specifications, February 22, 2016 or latest edition.
 - C. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - D. UDOT Standard Specifications for Road and Bridge Construction, latest edition. (for improvements in the UDOT right of way)
 - E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - F. Approved construction plans and details.
 - G. Approved Traffic Control Plan.
 - H. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, county engineer, S.B.W.R.D. engineer, M.R.W.S.D. engineer, and their designated representatives and inspectors.
- G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Builts" shall be tied to easily defined monuments and/or surface improvements or as required by accuracy for the as-built conditions. The as-built information shall be given to the owner and be incorporated in the final "As Built" drawings. Special as-built requirements for HDPE sewer mains are required per as outlined on the drawings.
- G-5 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-9 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.



LEGEND

EXISTING WATER	PROPOSED WATER
EW	W
EXISTING SANITARY SEWER	PROPOSED SANITARY SEWER
ESS	SS
EXISTING STORM DRAIN	PROPOSED STORM DRAIN
ESD	SD
EXISTING GAS	PROPOSED GAS
EG	G
EXISTING POWER	PROPOSED POWER
EP	P
EXISTING TELECOM	PROPOSED TELECOM
ET	T
EXISTING SNOWMARKING	PROPOSED SNOWMARKING
ESM	SM
EXISTING HYDRANT	PROPOSED HYDRANT
EH	H
EXISTING SD BOX	PROPOSED SD BOX
ESDB	SDB
EXISTING SS MANHOLE	
ESSM	
EXISTING SS MANHOLE	
ESSM	

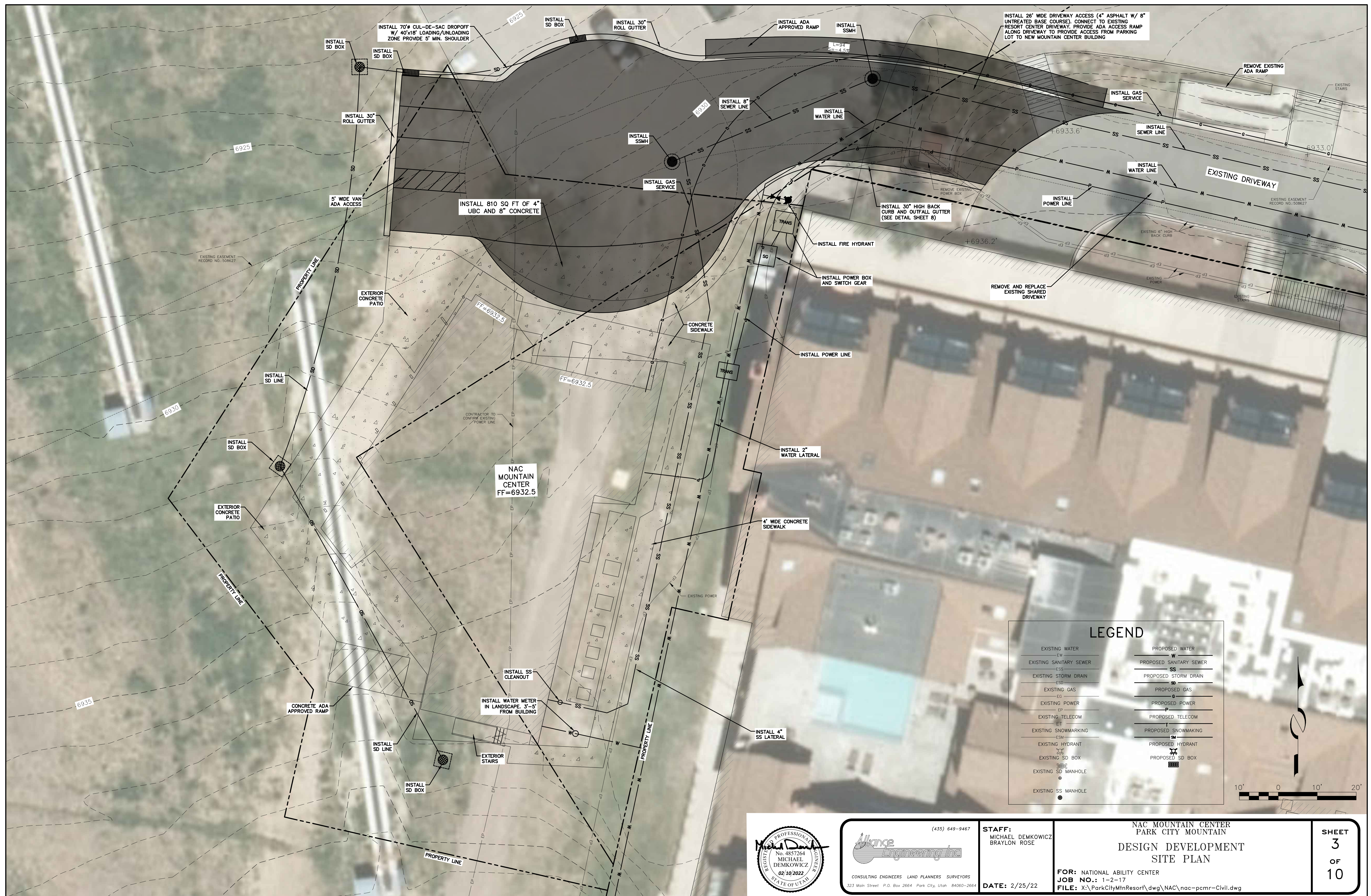


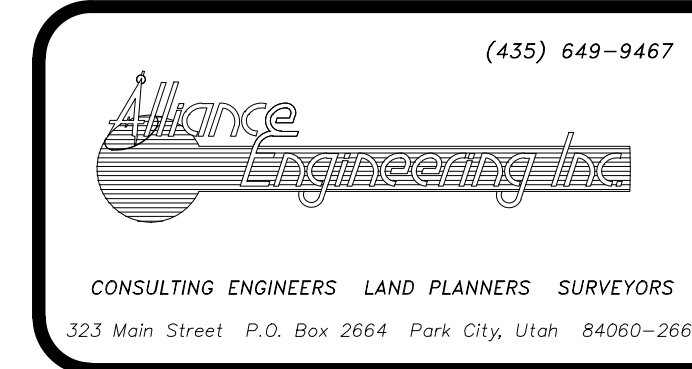
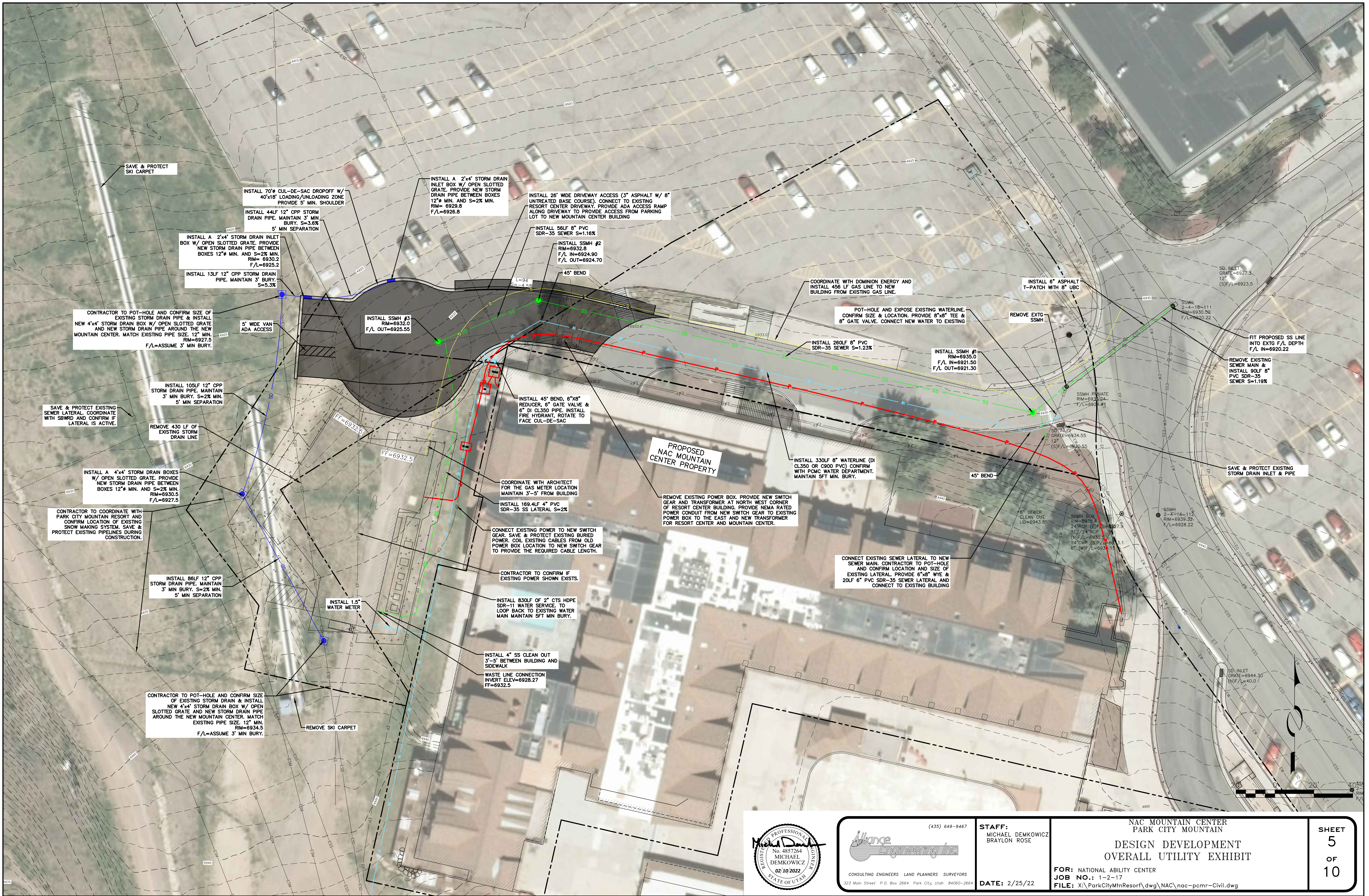
STAFF:
MICHAEL DEMKOWICZ
BRAYLON ROSE

NAC MOUNTAIN CENTER
PARK CITY MOUNTAIN
DESIGN DEVELOPMENT
EXISTING CONDITIONS

FOR: NATIONAL ABILITY CENTER
JOB NO.: 1-2-17
FILE: X:\ParkCityMtnResor\dwg\NAC\nac-pcmr-Civil.dwg

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of
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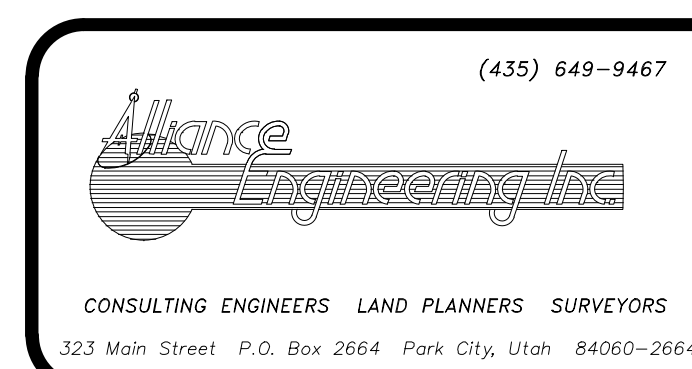
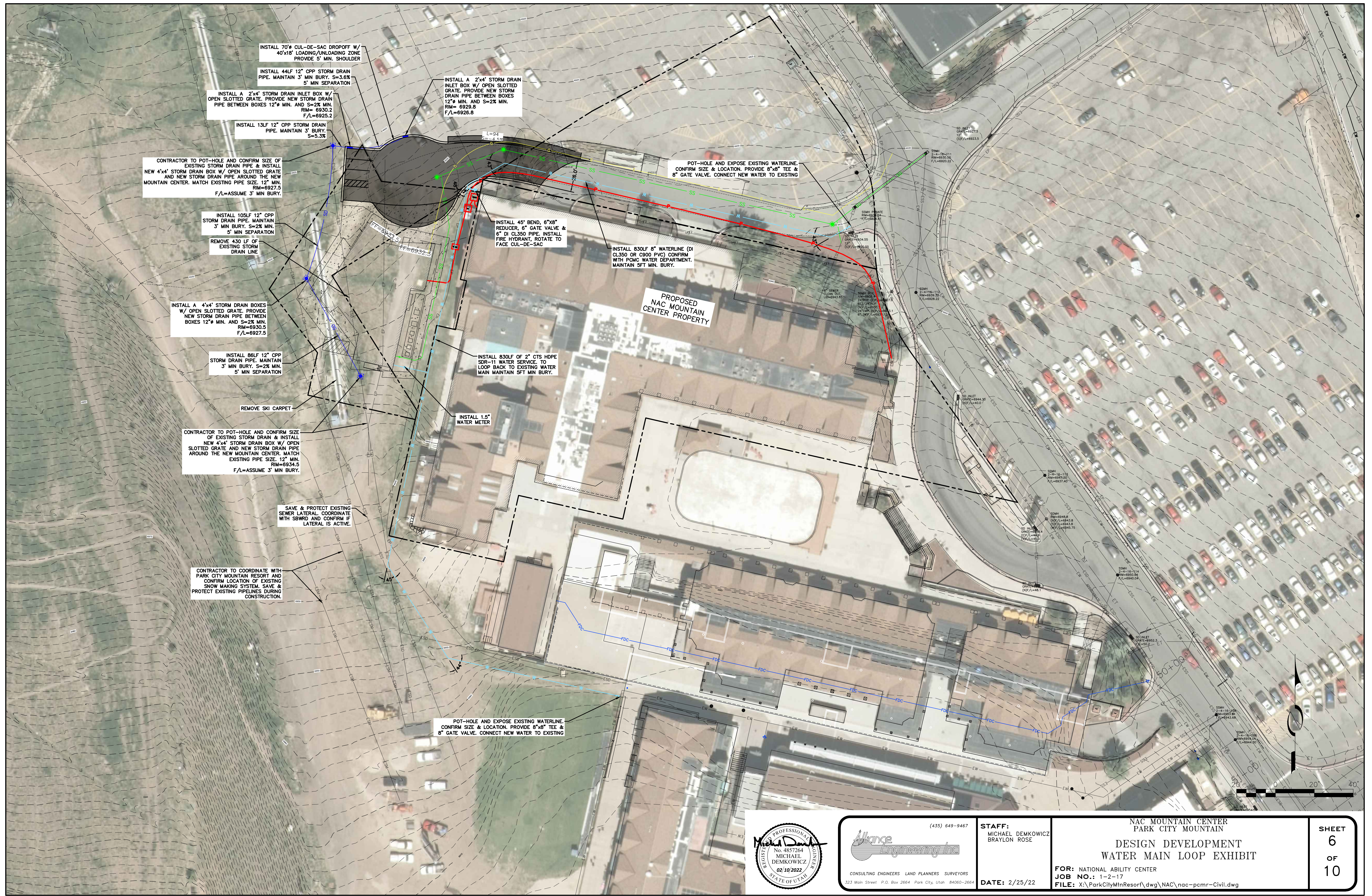




STAFF:
MICHAEL DEMKOWICZ
BRAYLON ROSE
DATE: 2/25/22

NAC MOUNTAIN CENTER
PARK CITY MOUNTAIN
**DESIGN DEVELOPMENT
OVERALL UTILITY EXHIBIT**
FOR: NATIONAL ABILITY CENTER
JOB NO.: 1-2-17
FILE: X:\ParkCityMtnResor\dwg\NAC\nac-pcmr-Civil.dwg

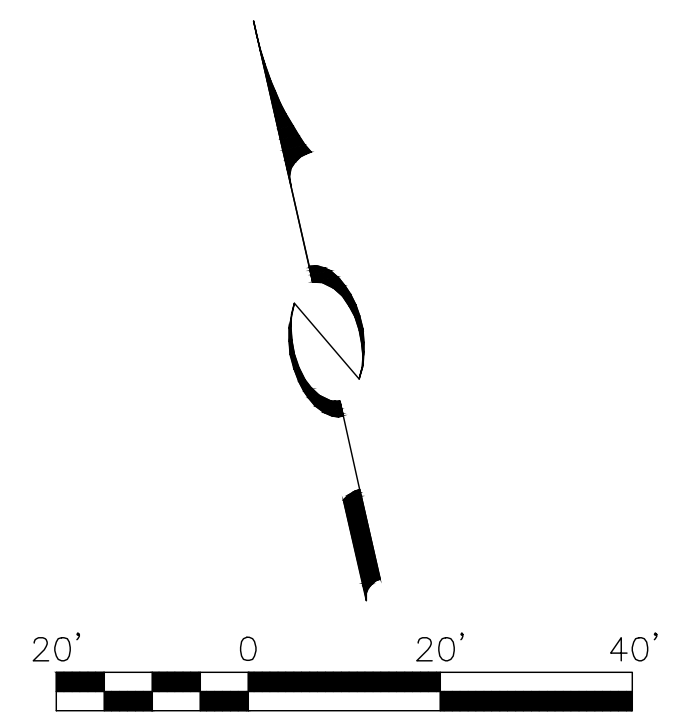
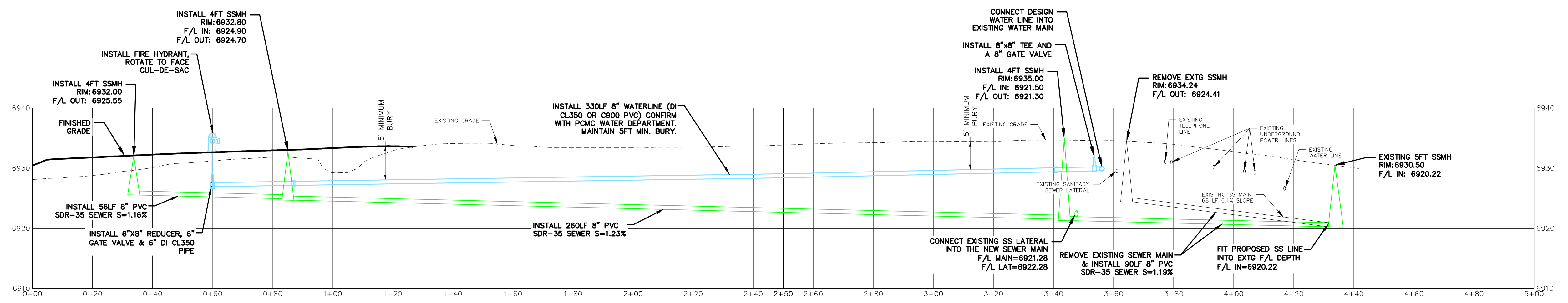
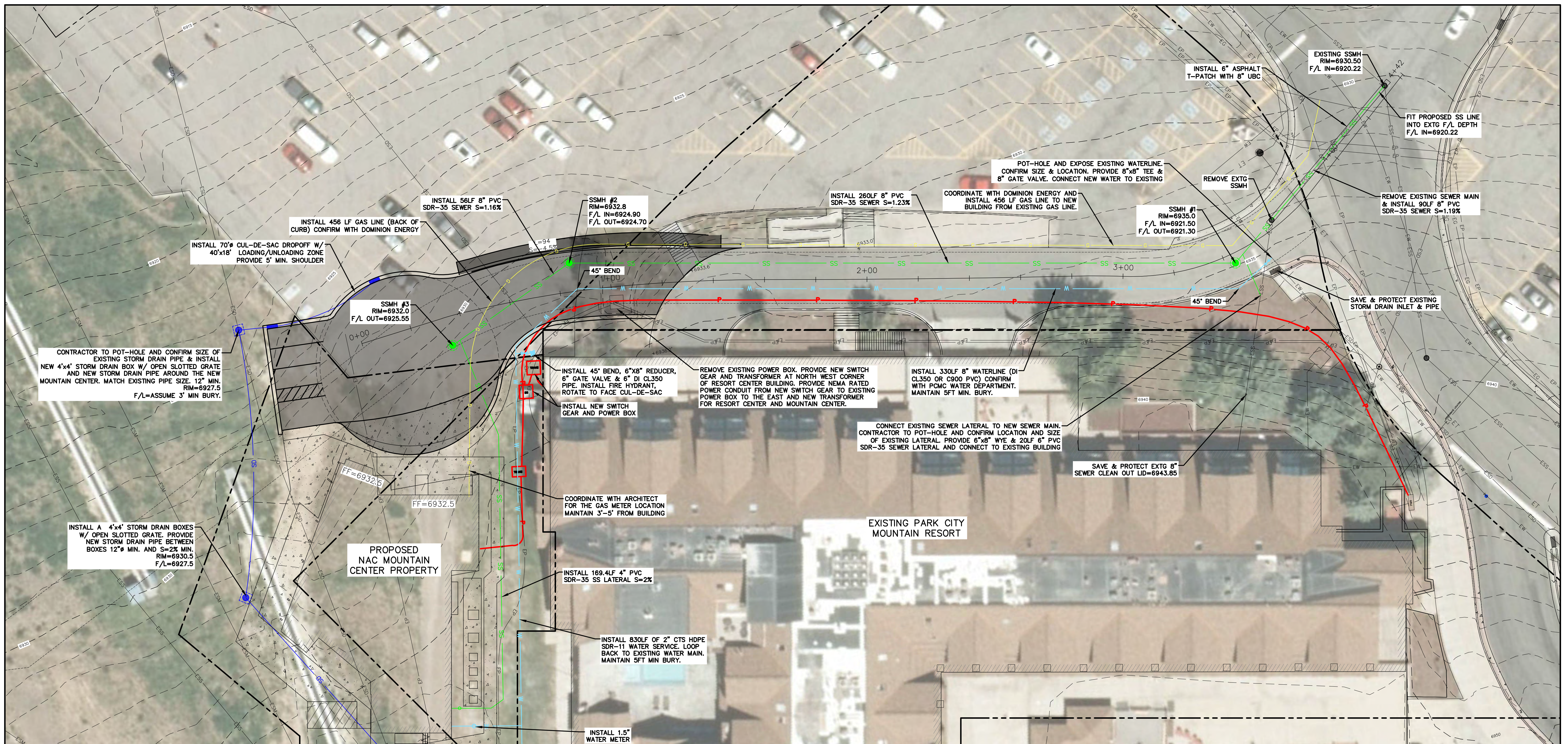
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STAFF:
MICHAEL DEMKOWICZ
BRAYLON ROSE
DATE: 2/25/22

NAC MOUNTAIN CENTER
PARK CITY MOUNTAIN
DESIGN DEVELOPMENT
WATER MAIN LOOP EXHIBIT
FOR: NATIONAL ABILITY CENTER
JOB NO.: 1-2-17
FILE: X:\ParkCityMtnResor\dwg\NAC\nac-pcmr-Civil.dwg

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of
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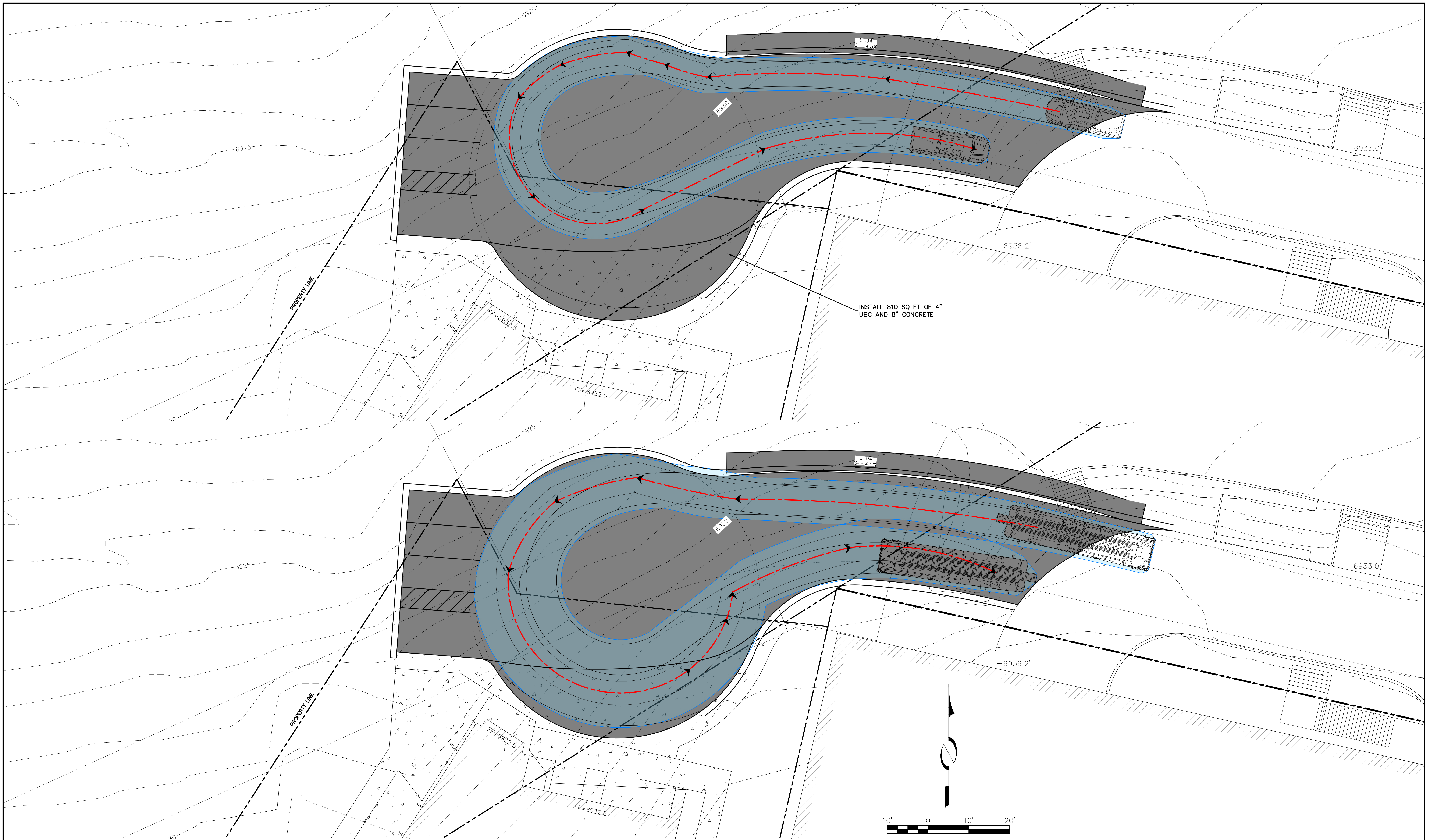
Alliance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
 (435) 649-9467

STAFF:
 MICHAEL DEMKOWICZ
 BRAYLON ROSE
DATE: 2/25/22

**NAC MOUNTAIN CENTER
 PARK CITY MOUNTAIN**
**DESIGN DEVELOPMENT
 UTILITIES PLAN & PROFILE**
FOR: NATIONAL ABILITY CENTER
JOB NO.: 1-2-17
FILE: X:\ParkCityMtnResor\dwg\NAC\nac-pcmr-Civil.dwg

**SHEET
 7
 of
 10**





(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MICHAEL DEMKOWICZ
BRAYLON ROSE

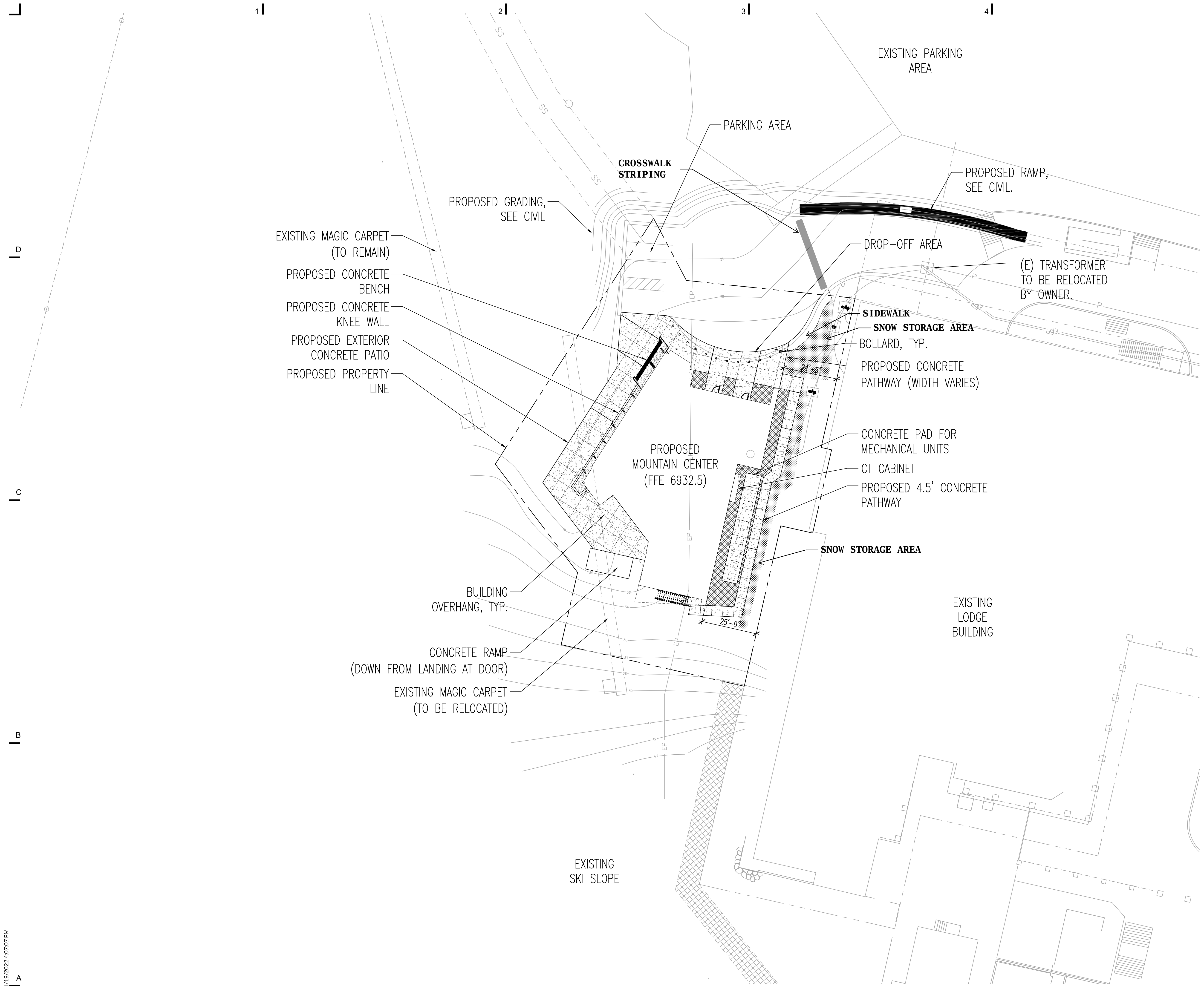
DATE: 2/25/22

NAC MOUNTAIN CENTER
PARK CITY MOUNTAIN

**DESIGN DEVELOPMENT
EXHIBIT**

FOR: NATIONAL ABILITY CENTER
JOB NO.: 1-2-17
FILE: X:\ParkCityMtnResor\dwg\NAC\nac-pcmr-Civil.dwg

**SHEET
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OF
10**



- 51 GENERAL NOTES:
- A. EXISTING SITE VEGETATION INCLUDES NATIVE GRASSES AND WILDFLOWERS ON THE GROUND PLANE. THERE ARE NO SIGNIFICANT TREES OR PLANTS EXISTING WITHIN THE PROPOSED SITE BOUNDARY.
- B. ALL AREAS OF DISTURBANCE (CUT SLOPES AND FILL SLOPES) SHALL BE REVEGETATED WITH A NATIVE SEED MIX TO MATCH EXISTING CONDITIONS.
- C. SNOW STORAGE WILL NOT BE NECESSARY WITHIN THE PROPOSED SITE BOUNDARY DUE TO NO PROPOSED IMPROVEMENTS REQUIRING SNOW PLOWING AND NO EXISTING SNOW STORAGE OCCURRING WITHIN THE PROPOSED SITE. THE MAJORITY OF THE SITE WILL BE GROOMED BY VAIL'S SNOW MACHINES.

Site Plan Legend	
Symbol	Description
	CONCRETE PAVING (3,695 SQ.FT.)
	SHREDDED BARK MULCH AREA (788 SQ.FT.)



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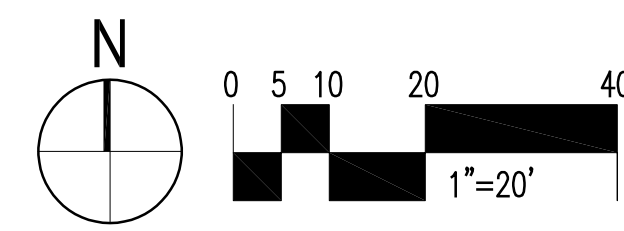
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CONCEPTUAL
DESIGN

NEXUS PROJECT #: 16149
CHECKED BY: KH
DRAWN BY: JS
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ARCHITECTURAL
SITE PLAN



AS100

1/19/2022 4:07:07 PM

A

B

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PLANTING LEGEND:

PROPOSED DECIDUOUS TREES

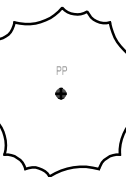
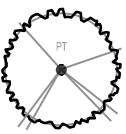
ABBREVIATIONS	BOTANICAL NAME	COMMON NAME	ZONE	TRUNK	MATURE SIZE HEIGHT X WIDTH	INSTALLED SIZE	QUANTITY	NATIVE	WATER WISE	CROP COEFFICIENT (Kc)	DETAIL NUMBER
POP TRE	Populus tremuloides	Quaking Aspen	2	MS	40'x20'	#20 gal.	2	Yes	No	M	A2, A3 LP701

PROPOSED EVERGREEN TREES

ABBREVIATIONS	BOTANICAL NAME	COMMON NAME	ZONE	TRUNK	MATURE SIZE HEIGHT X WIDTH	INSTALLED SIZE	QUANTITY	NATIVE	WATER WISE	CROP COEFFICIENT (Kc)	DETAIL NUMBER
PIC PUN	Picea pungens	Colorado Spruce	2	S	50'x30'	6'-8'	1	Yes	Yes	M	A4, A5 LP701

PROPOSED MEDIUM DECIDUOUS SHRUBS

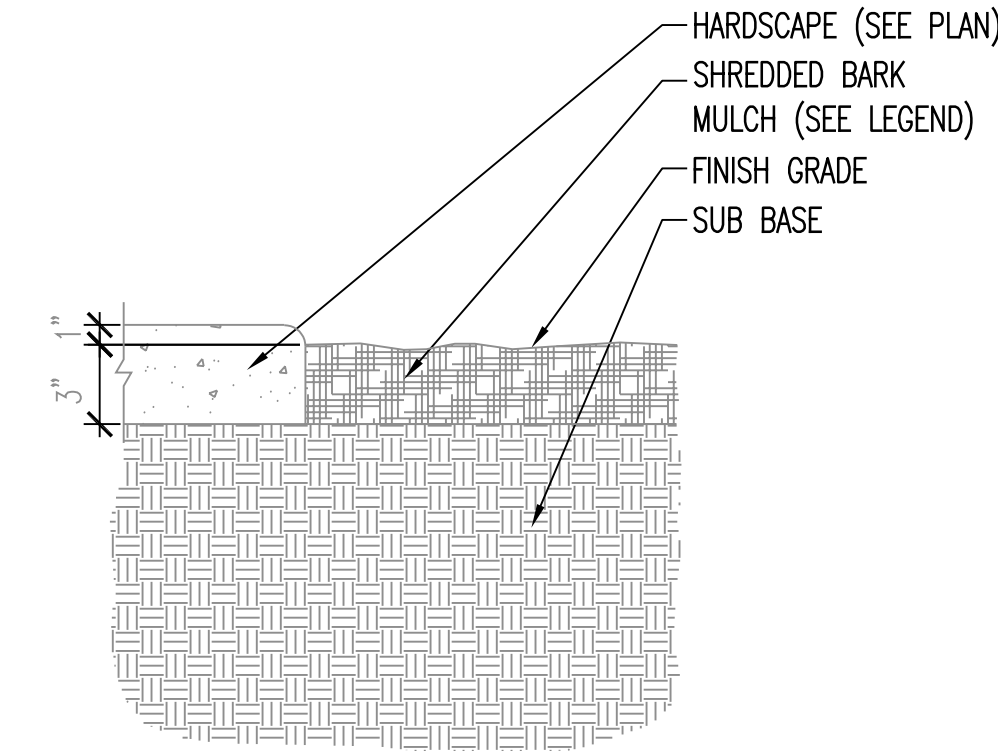
ABBREVIATIONS	BOTANICAL NAME	COMMON NAME	ZONE	TRUNK	MATURE SIZE HEIGHT X WIDTH	INSTALLED SIZE	QUANTITY	NATIVE	WATER WISE	CROP COEFFICIENT (Kc)	DETAIL NUMBER
COR ALB 'BHL'	Cornus alba 'Balthild'	Ivory Halo™ Dogwood	3	-	5'x5'	#5 gal.	8	No	No	M	A1 LP701
COR SER 'ALL'	Cornus sericea 'Allemani's Compact'	Allemani's Compact Red Osier Dogwood	3	-	5'x5'	#5 gal.	5	No	No	M	A1 LP701
POT FRU 'JAC'	Potentilla fruticosa 'Jackmanii'	Jackman Shrubby Cinquefoil	2	-	4'x4'	#2 gal.	9	No	Yes	L	A1 LP701
SYM ORE	Symphoricarpos oreophilus	Mountain Snowberry	3	-	4'x4'	#5 gal.	12	Yes	Yes	L	A1 LP701



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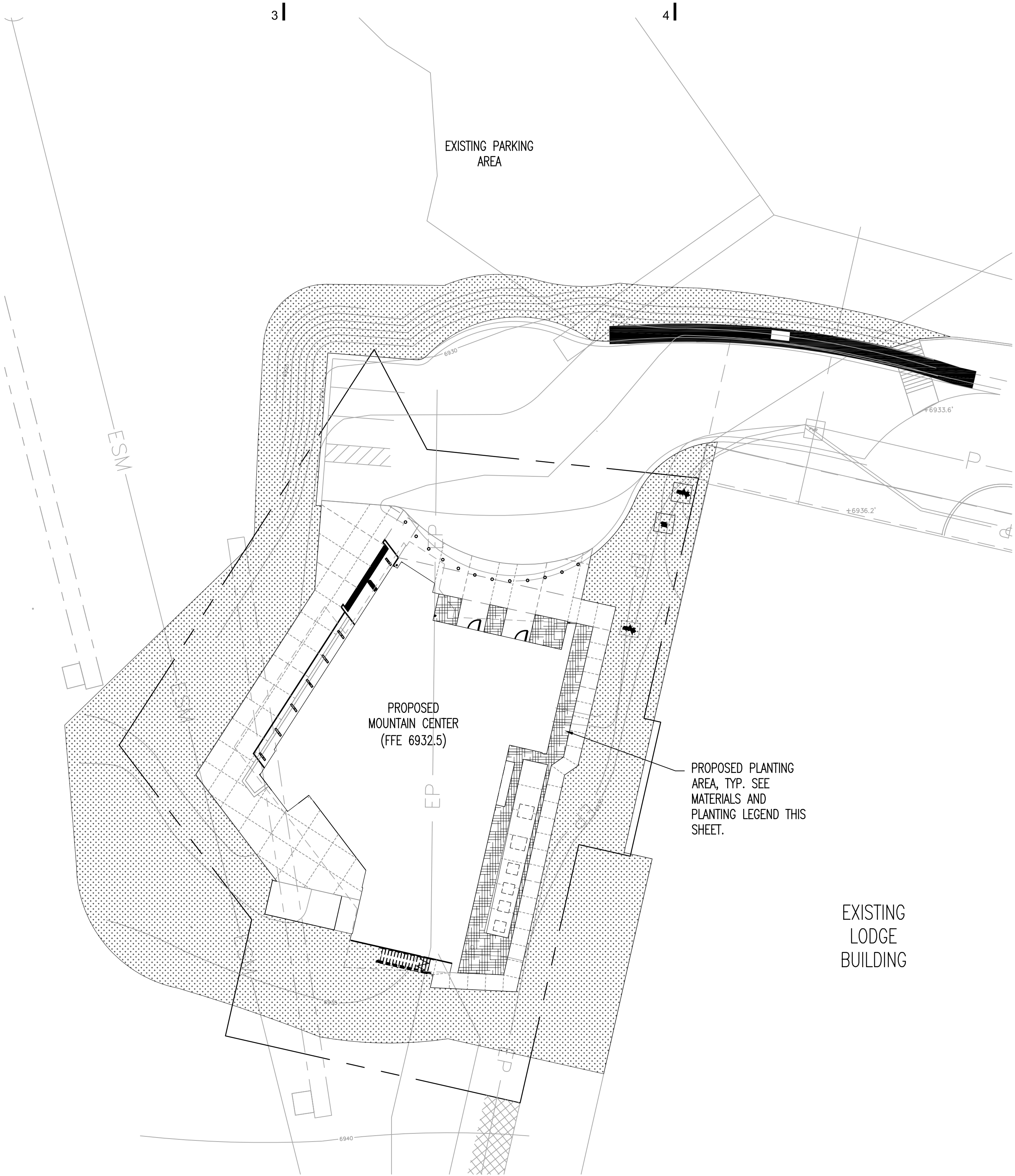
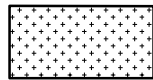
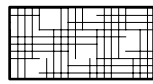
B



A1 SHREDDED BARK MULCH
LP101 SCALE: 1 1/2" = 1'-0"

MATERIALS LEGEND

PRODUCT	MANUFACTURER/SUPPLIER	SIZE	COLOR	QTY.	DESCRIPTION	DETAIL NUMBER
SHREDDED BARK MULCH	APPROVED LOCAL SUPPLIER		CHOCOLATE BROWN	788 SQ.FT.	SHREDDED HARDWOOD BARK MULCH FOR LANDSCAPED AREAS	A1 LP101
HYDROSEED MIX	GRANITE SEED OR APPROVED SUPPLIER			14,143 SQ.FT.	HYDROSEED MIX OF NATIVE GRASSES AND WILDFLOWERS TO MATCH EXISTING	



PLANTING GROUND PLANE
GENERAL NOTES:

- CONTRACTOR IS RESPONSIBLE FOR COMPARING THE EXISTING AND NEW SITE CONDITIONS WITH THE GROUND PLANE PLAN PRIOR TO BEGINNING WORK AND IMMEDIATELY NOTIFYING THE LANDSCAPE ARCHITECT IN WRITING OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE GROUND PLANE PLAN. IN THE EVENT THE CONTRACTOR FAILS TO COMPARE EXISTING AND NEW SITE CONDITIONS WITH THE GROUND PLANE PLAN PRIOR TO BEGINNING WORK, AND/OR FAILS TO NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES IN WRITING PRIOR TO BEGINNING WORK, THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REQUIRED ALTERATIONS AND ADDITIONS TO THE GROUND PLANE PLAN, INCLUDING ADDITIONAL MATERIALS, AT NO ADDITIONAL COST TO THE OWNER.
- QUANTITIES PROVIDED ARE FOR REFERENCE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR CALCULATING AND VERIFYING TOTAL QUANTITIES NECESSARY TO COMPLETE THE WORK AS INDICATED ON THE PLANS.
- CONTRACTOR SHALL PLACE BARK MULCH BY HAND IN ALL LANDSCAPED AREAS ADJACENT TO BUILDINGS IN ORDER TO PROTECT BUILDING SURFACES. DO NOT DUMP BARK MULCH DIRECTLY AGAINST BUILDING SURFACES OR ON SITE IMPROVEMENTS (SIDEWALKS, DRIVEWAYS, PARKING AREAS, RETAINING WALLS) WITH MACHINES. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR REPAIRING DAMAGE TO BUILDINGS OR SITE IMPROVEMENTS CAUSED BY MACHINE USE.
- REFER TO THE PLANTING LEGEND, DETAILS, AND SPECIFICATIONS FOR MORE INFORMATION.

LEGEND:

- SHREDDED BARK MULCH - BROWN (3" DEPTH)
- NATIVE GRASS/WILDFLOWER HYDROSEED MIX



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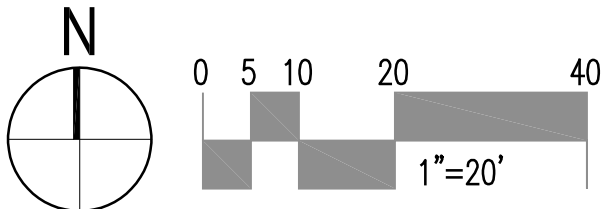
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Date Revision

CONCEPTUAL
DESIGN

NEXUS PROJECT #: 16149
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PLANTING PLAN



LP101

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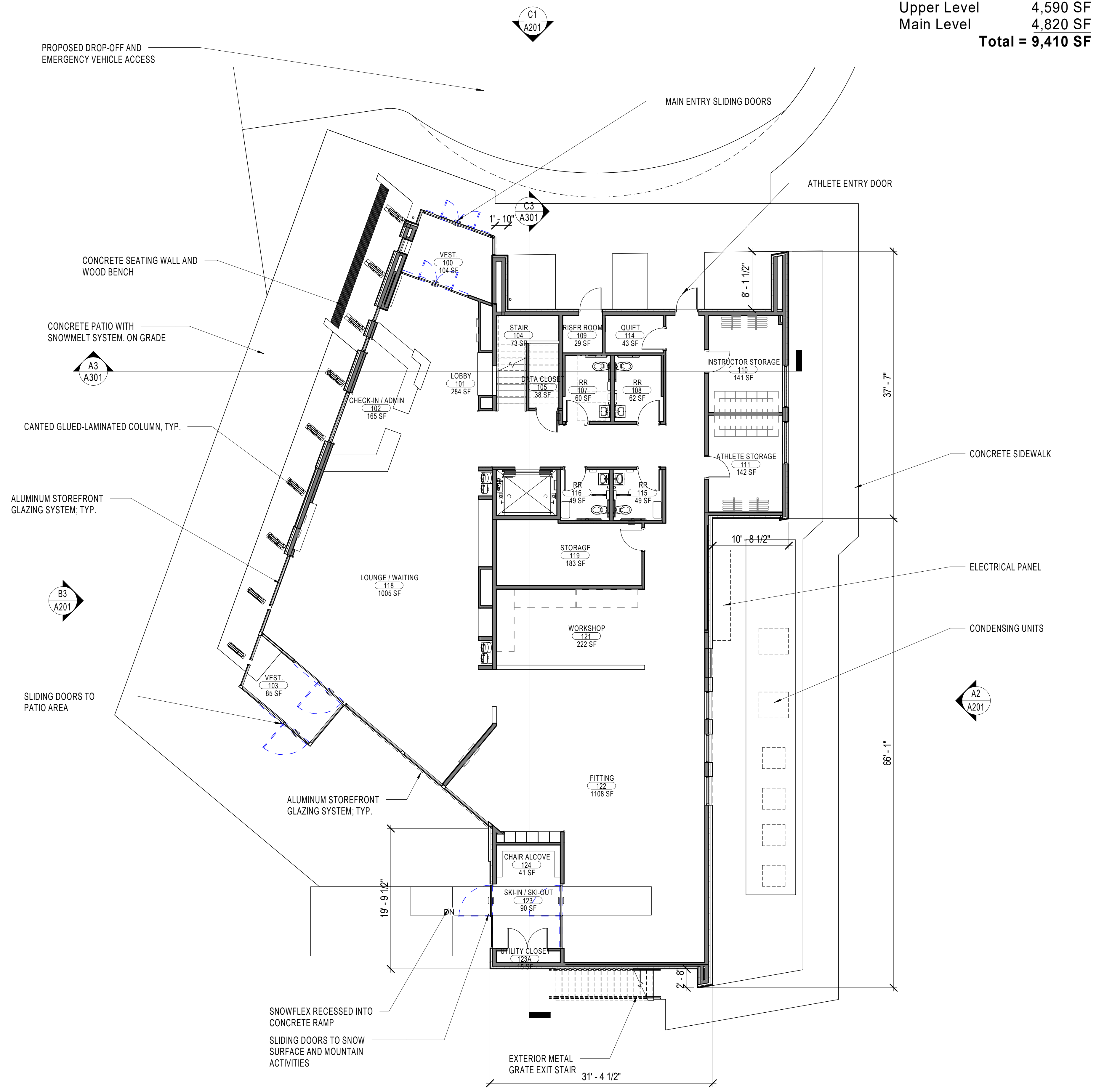
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A3 FIRST FLOOR PLAN

A101 1/8" = 1'-0"



Gross Area

Upper Level	4,590 SF
Main Level	4,820 SF
Total	= 9,410 SF



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**FLOOR
PLAN -
LEVEL 01**

A101

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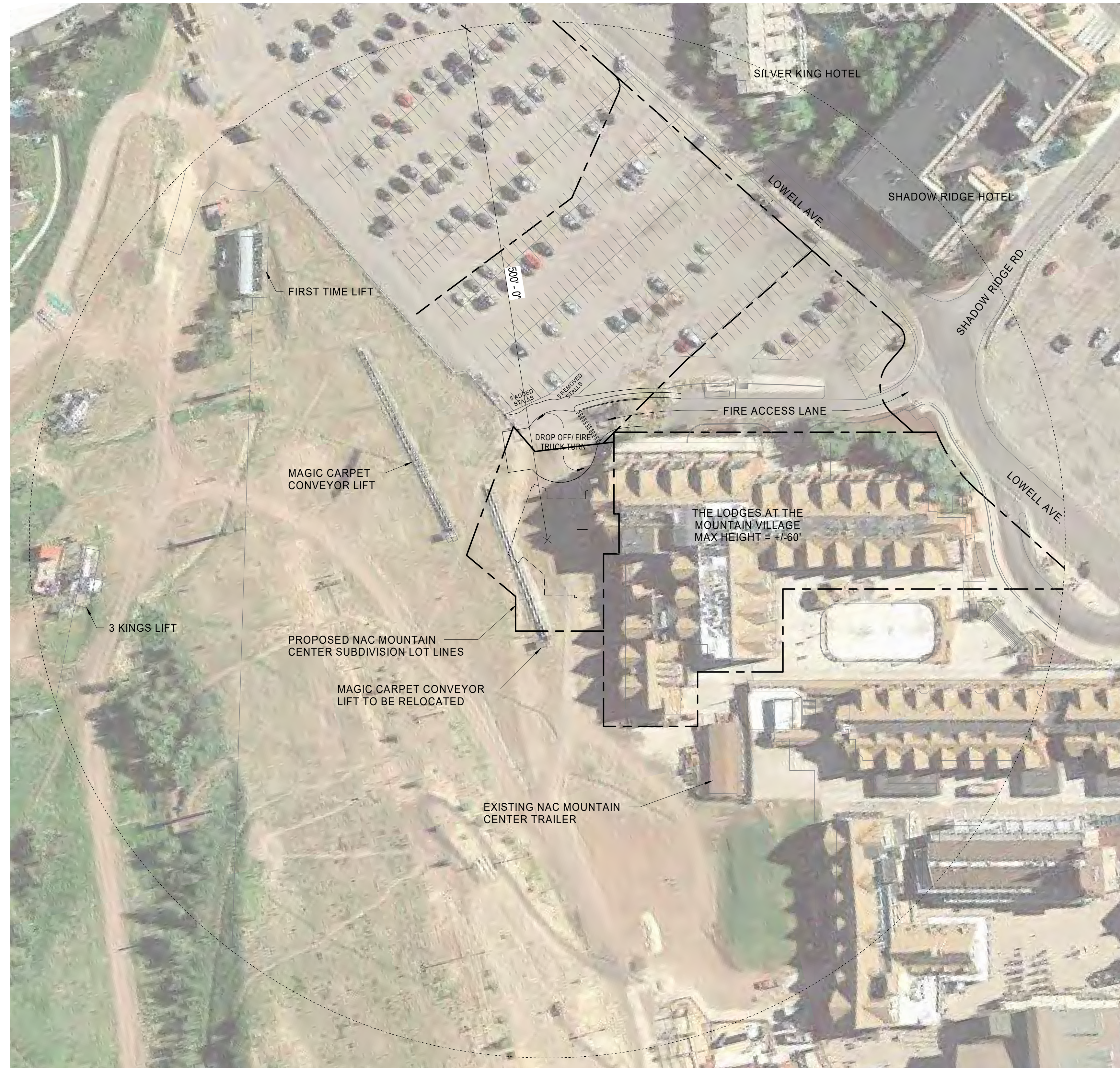
1

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A1 SITE PLAN Aerial
AS101 1" = 60'-0"



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PROPOSED
SITE

AS101



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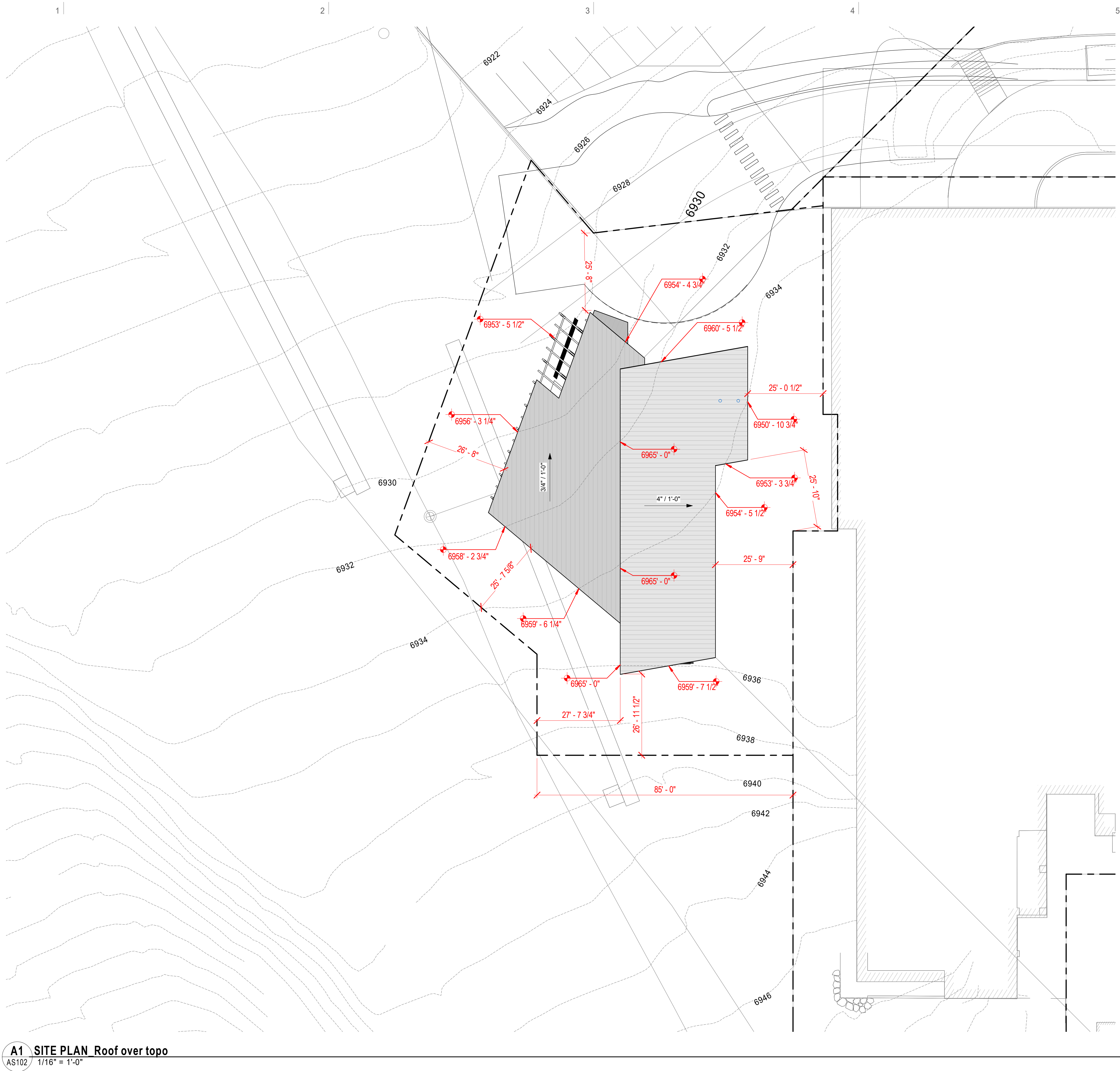
Date Revision

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ROOF OVER TOPO PLAN

AS102



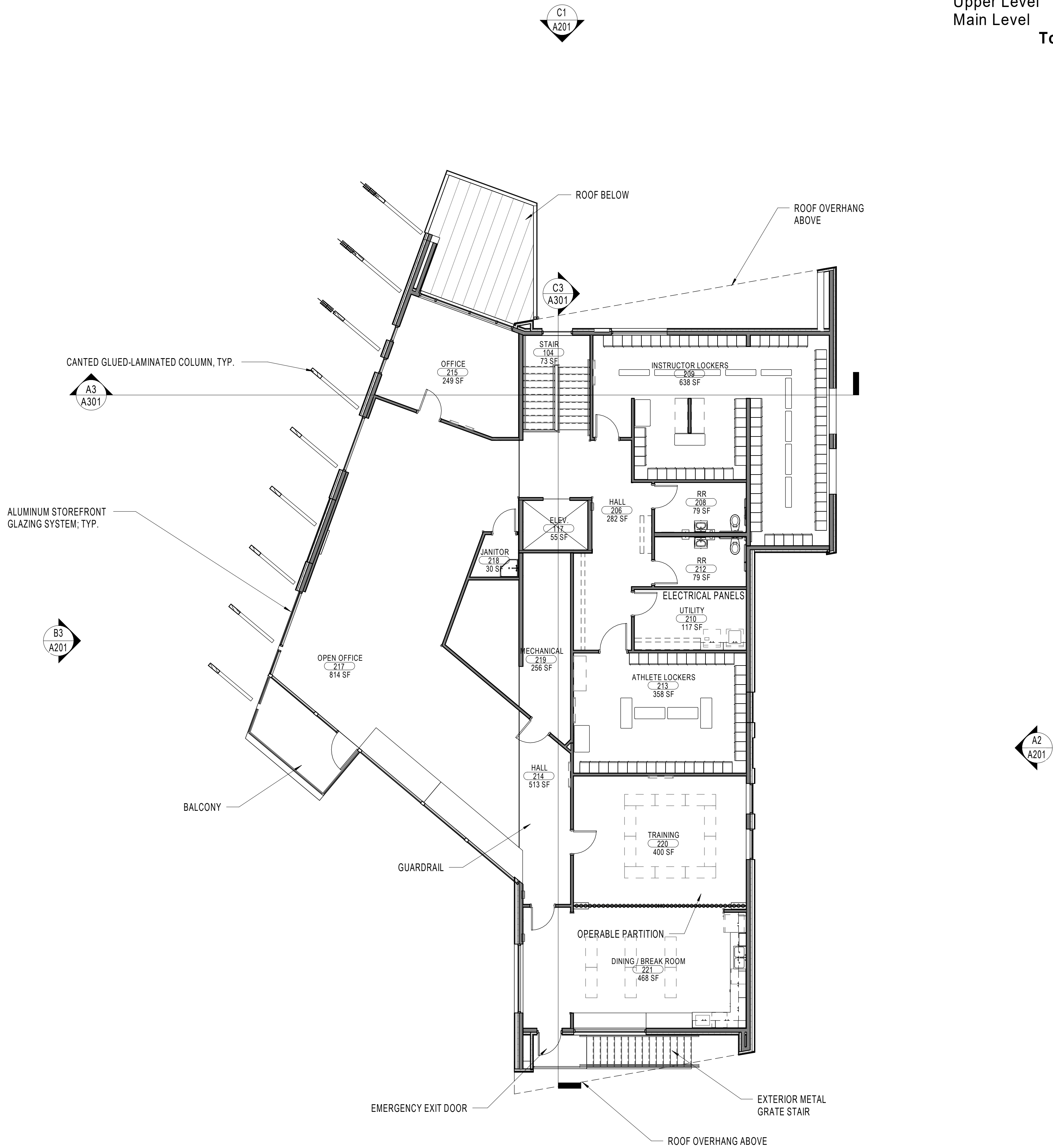
A1 SITE PLAN Roof over topo
AS102 1/16" = 1'-0"

A3

SECOND FLOOR PLAN

A102

1/8" = 1'-0"



Gross Area

Upper Level4,590 SF

Main Level4,820 SF

Total = 9,410 SF



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FLOOR

PLAN -

LEVEL 02

A102

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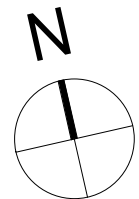
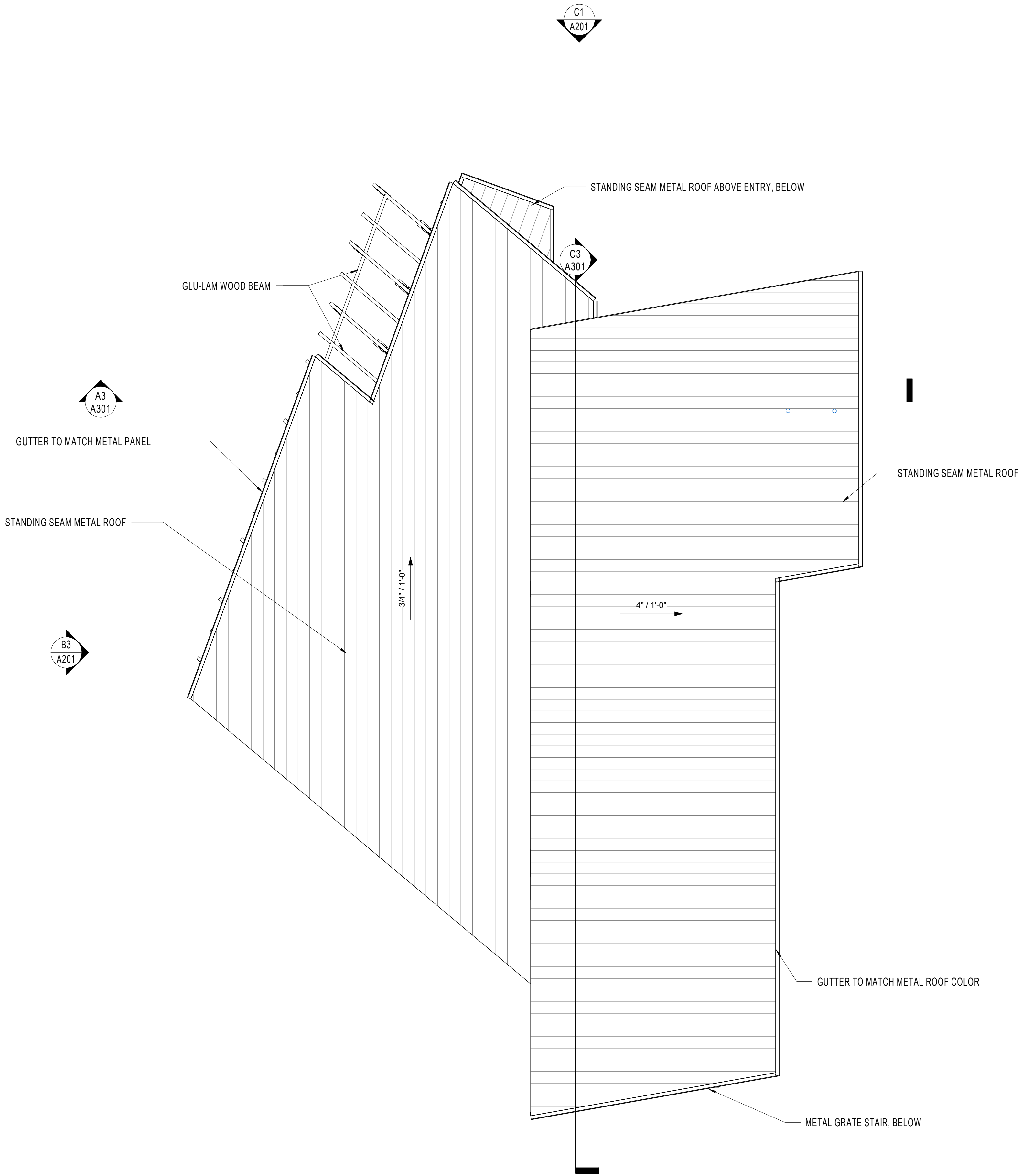
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1
A121
OVERALL ROOF PLAN
1/8" = 1'-0"



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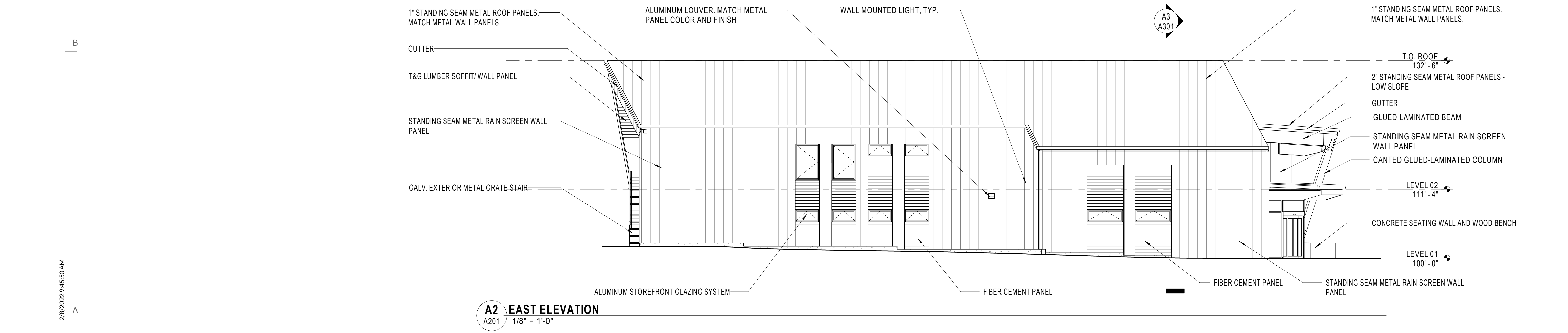
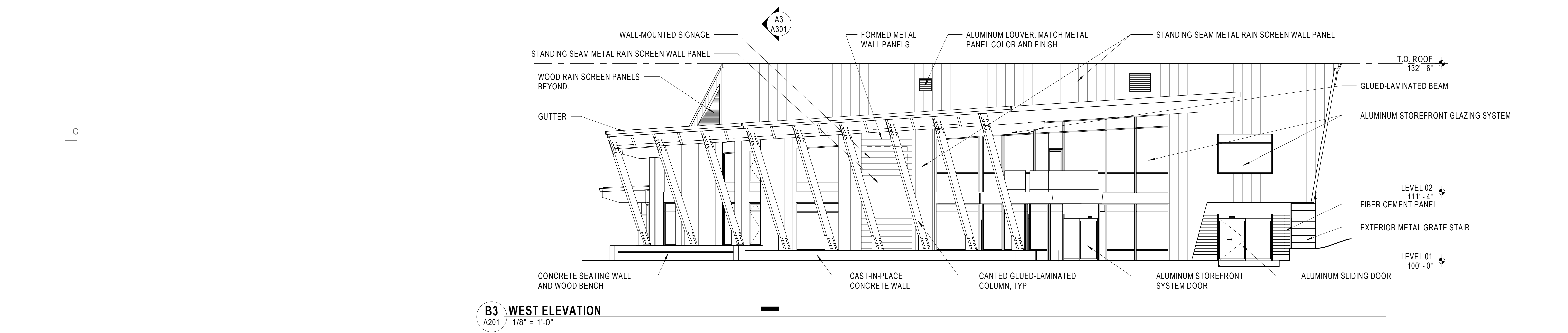
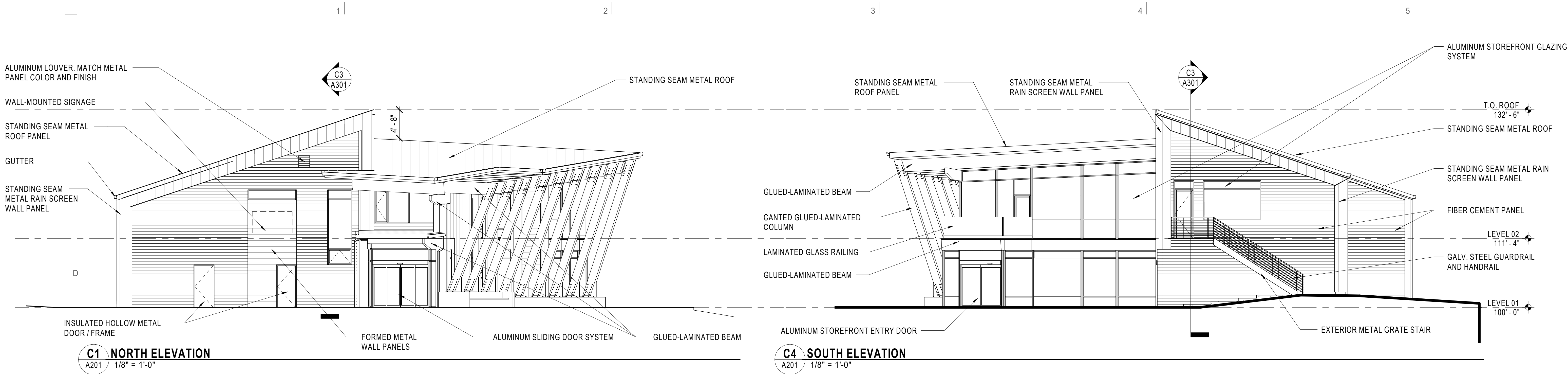
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ROOF PLAN

A121





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BUILDING ELEVATIONS

A201

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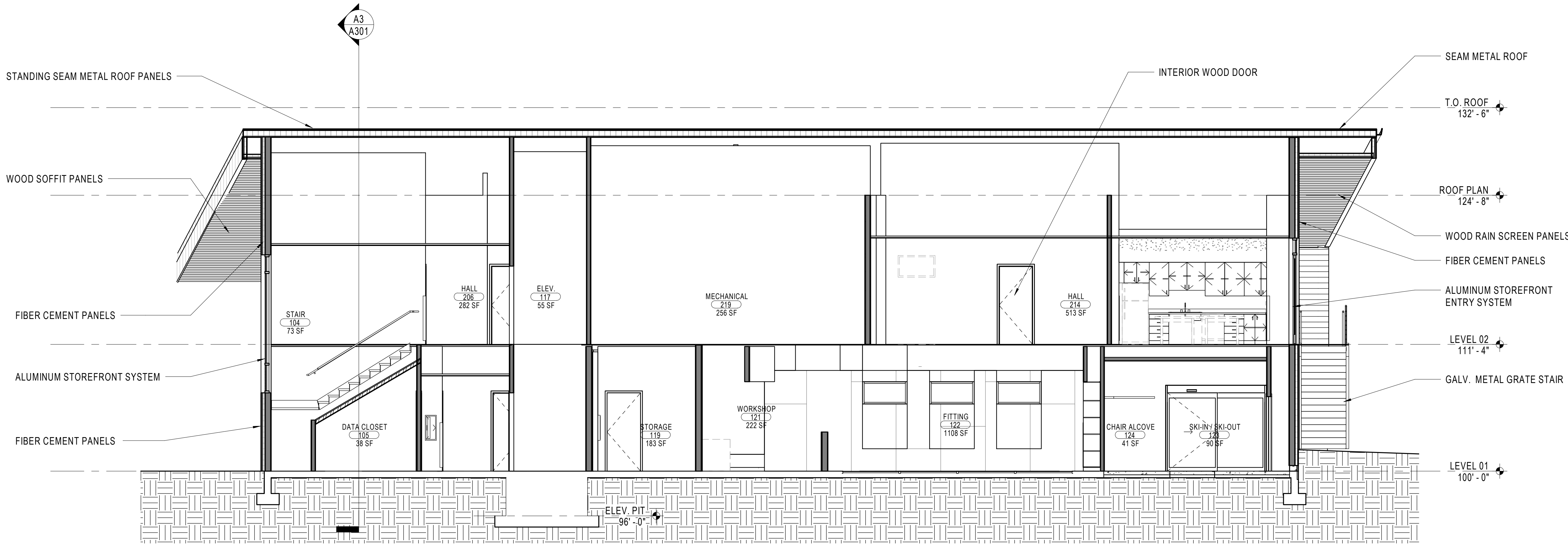
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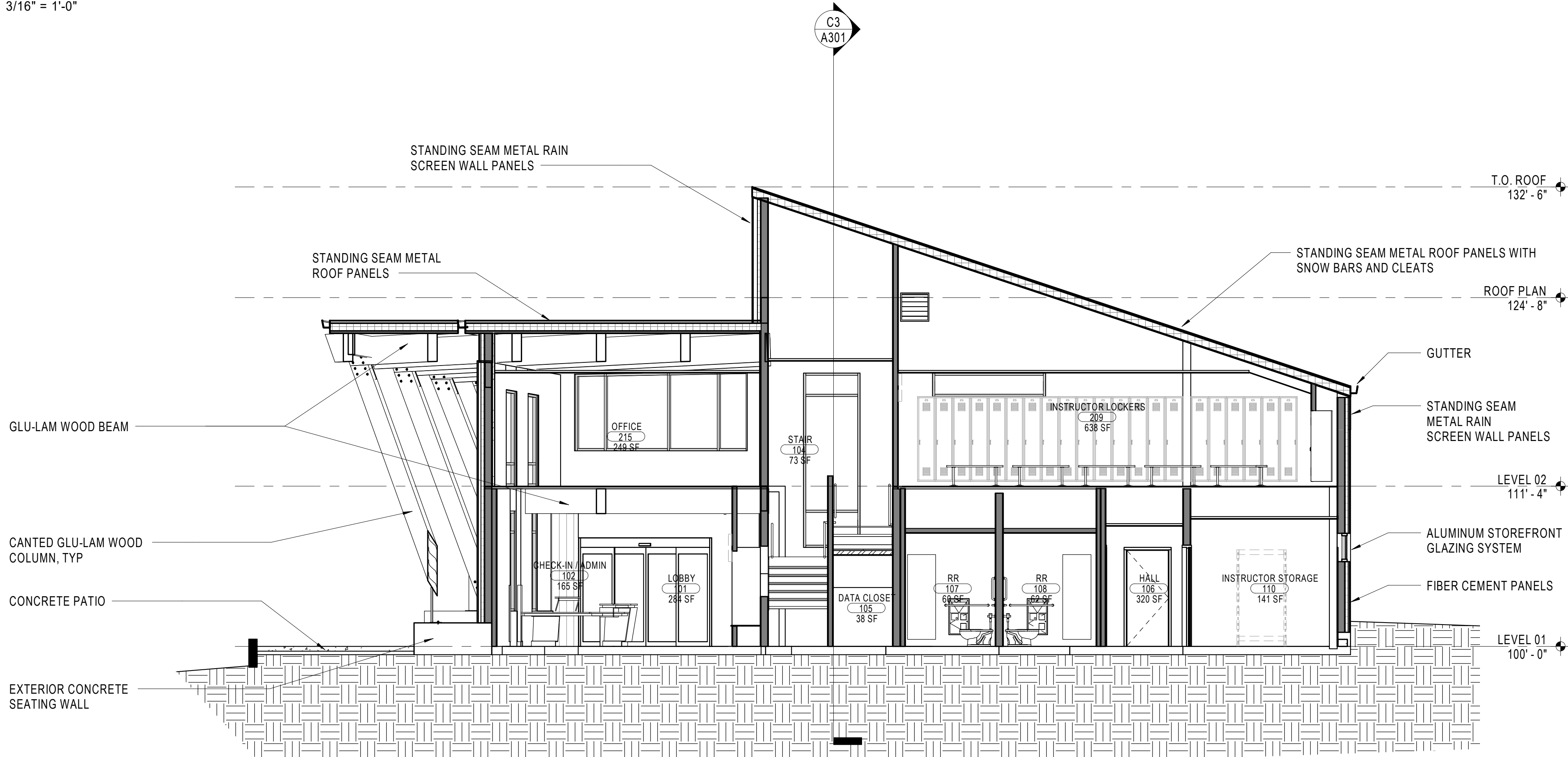
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C3 BUILDING LONGITUDINAL SECTION
A301 3/16" = 1'-0"



A3 BUILDING CROSS SECTION
A301 3/16" = 1'-0"

1 | 2 | 3 | 4 | 5 |

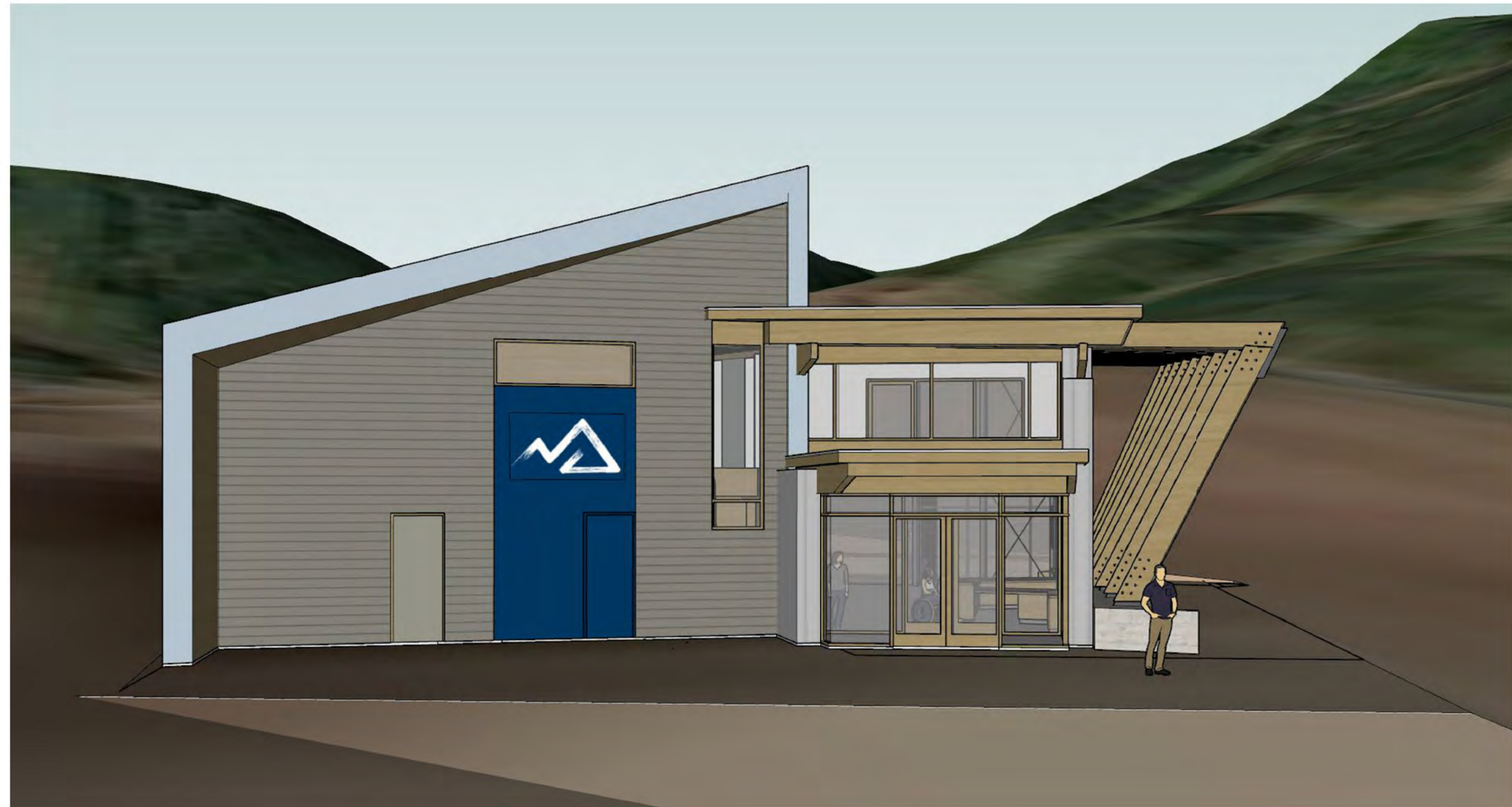
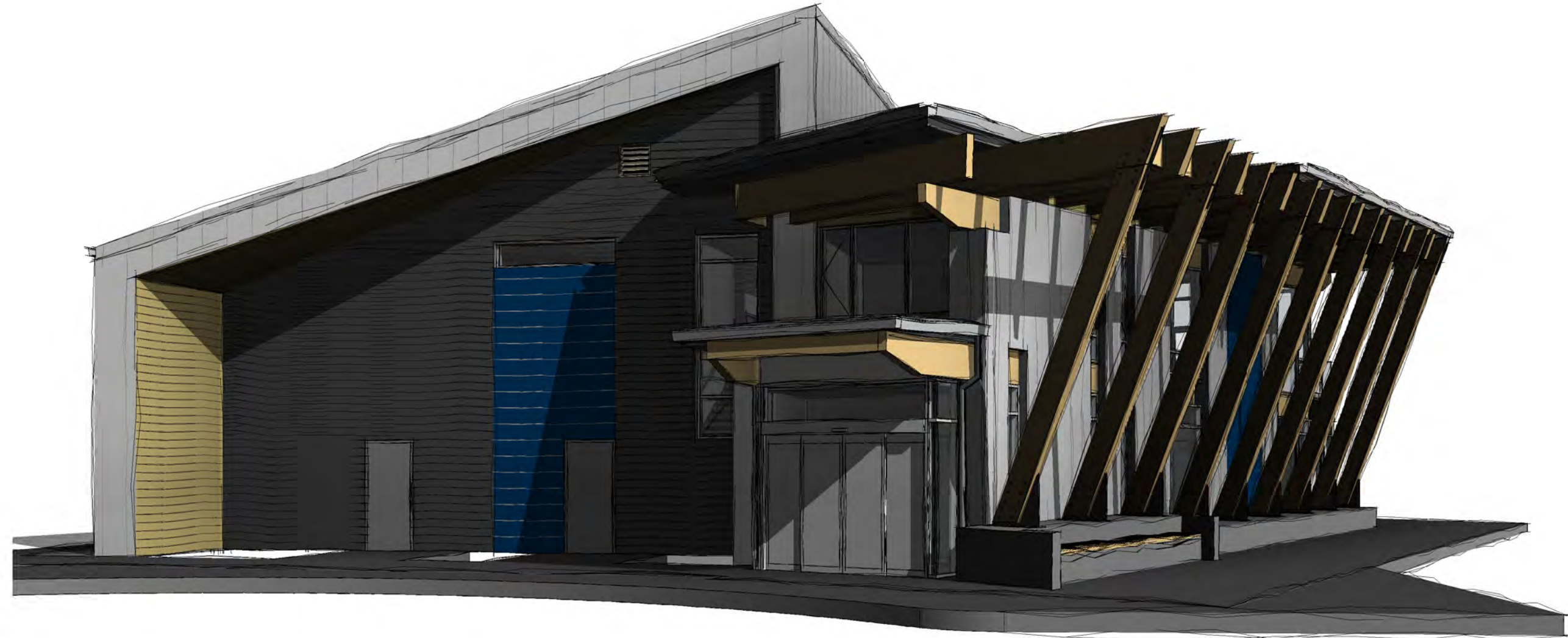
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PERSPECTIVES

A900

RETURN RECORDED DOCUMENT TO:

Farnsworth Johnson PLLC
180 North University Avenue
Suite 260
Provo, UT 84601

**DECLARATION OF RECIPROCAL EASEMENTS
AND ACCESS EASEMENT**

THIS DECLARATION OF RECIPROCAL EASEMENTS (the "Declaration") is made this ____ day of [November], 2020, by VR CPC HOLDINGS, INC., a Delaware corporation, and its successors and assigns ("VR"), THE RESORT CENTER CONDOMINIUM OWNERS ASSOCIATION, a Utah non-profit corporation and its successors and assigns ("RCC"), and NATIONAL ABILITY CENTER, a Utah non-profit corporation and its successors and assigns ("NAC").

RECITALS

A. Reference is made to certain real property parcels situated in Park City, Summit County, State of Utah, which parcels are contiguous to each other (each individually a "Parcel" and collectively the "Parcels"). Parcel #1 is the "Vail Parcel" and is more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference, Parcel #2 is the "Condo Parcel" and is more particularly described on Exhibit "B", attached hereto and incorporated herein by this reference and Parcel #3 is the "NAC Parcel" and is more particularly described on Exhibit "C", attached hereto and incorporated herein by this reference.

B. A site plan of all the Parcels together is attached as Exhibit "D" (the "Site Plan").

C. VR is currently the owner of the Vail Parcel; RCC is the owner of the Condo Parcel; and NAC is the owner of the NAC Parcel.

D. VR, RCC and NAC are collectively referred to herein as the "Owners".

E. Even though each of the Parcels is a separate legal parcel, the Owners desire that the Parcels be utilized together for vehicle and pedestrian ingress and egress, shuttle van parking and signage on the terms and conditions set forth herein via easements for the mutual and reciprocal benefit of the Parcels and the present and future owners, occupants and invitees thereof on the terms and conditions set forth herein.

F. NAC will pay for the installation of the improvements contemplated hereunder.

G. Each of the Owners will share in the cost of maintenance of the easements described in Section 1 of this Declaration.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Owners declare that the Parcels and all Permittees (as defined below) of the Parcels shall be and hereby are subject to the terms and easements as follows:

1. RECIPROCAL EASEMENTS.

1.1. Grant of Reciprocal Easements. Subject to any express conditions, limitations or reservations contained herein, the Owners hereby grant, establish, covenant and agree that the Parcels, and all present and future owners and Permittees shall be benefited and burdened by the following perpetual and reciprocal easements (collectively, the “Reciprocal Easements”) which are hereby imposed upon the Parcels and all present and future owners and Permittees of the Parcels:

1.1.1. A non-exclusive easement for reasonable access, ingress and egress to, from, upon, over and across the sidewalk meeting ADA requirements between Lowell Avenue and the NAC Parcel (the “ADA Sidewalk”) as depicted on the Site Plan for the purpose of pedestrian ingress and egress between the Parcels and to and from all abutting streets or rights of way furnishing access to the Parcels. No Owner or Permittee shall be permitted to construct or maintain any building or barrier, which would limit or otherwise unreasonably interfere with the traversing of pedestrian traffic within the ADA Sidewalk without the prior written consent of all Owners, such consent not to be unreasonably withheld, conditioned or delayed.

1.1.2. A non-exclusive easement for reasonable access, ingress and egress to, from, upon, over and across a 26’ wide driveway (the “Driveway”), as depicted on the Site Plan, for the purpose of vehicular and pedestrian ingress and egress and emergency life safety and fire access between the Parcels and to and from all abutting streets or rights of way furnishing access to the Parcels. No Owner or Permittee shall be permitted to construct or maintain any building or barrier, which would limit or otherwise unreasonably interfere with the traversing of vehicular and/or pedestrian traffic within the Driveway without the prior written consent of all Owners, such consent not to be unreasonably withheld, conditioned or delayed.

1.1.3. A non-exclusive easement over and across those parts of the Parcels labeled as “Sign Easement” on the Site Plan for the operation, maintenance, repair, and necessary replacement and renewal of the signs and related facilities serving the Parcels. The Owners covenant and agree that the rights granted pursuant to this easement shall at all times be exercised in such a manner as not to unreasonably interfere with the normal operation of the Parcels and the businesses conducted therein and exercise of such rights are subject to receipt of prior written approval from the Owner whose Parcel will be impacted by the easement, such approval not to be unreasonably withheld.

1.1.4. A perpetual non-exclusive easement to use a reserved Shuttle Van Parking Space located adjacent to the Driveway and the ADA Sidewalk for vehicular parking of shuttle vans serving the Parcels labeled as “Shuttle Van Parking Space” on the Site Plan, for the installation, operation, maintenance, repair, and replacement of shuttle van parking which is a benefit for all of the Parcels covered by this Declaration. The Owners covenant and agree that the rights granted pursuant to this easement shall at all times be exercised in such a manner as

not to unreasonably interfere with the normal operation of the Parcels and the businesses conducted therein.

1.2. Access Easement. The Owners hereby grant, for the benefit of VR, and its employees and agents, a non-exclusive easement over the Driveway and ADA Sidewalk for access to [DESCRIBE THE SKI SLOPES LOT?] (the “Access Easement”), for its use even after VR no longer owns any of the Parcels. VR shall reimburse the Owners of the Parcels its proportionate share of the costs of operating and maintaining the Driveway and the ADA Sidewalk, which are outlined in Section 1.6.1.

1.3. Permittees. As used herein, the term “Permittees” means the current and future owners, tenants, subtenants, and occupants of any Parcel, and their respective employees, agents, customers, guests, invitees, licensees, concessionaires, and contractors.

1.4. Reasonable Use of Easements.

1.4.1. The easements granted herein shall be used and enjoyed by each Owner and its Permittees in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time conducted on its Parcel.

1.4.2. Once commenced, any construction, maintenance, repair or replacement undertaken in reliance upon an easement granted herein shall be diligently prosecuted to completion, so as to minimize any interference with the business of any other Owner and its Permittees. Except in cases of emergency, the right of any Owner to enter upon a Parcel of another Owner for the exercise of any right pursuant to the easements set forth herein, or to prosecute work on such Owner’s own Parcel if the same interferes with easements of ingress, egress or access to or in favor of another Owner’s Parcel, shall be undertaken only in such a manner so as to minimize any interference with the business of any other Owner and their Permittees, and only following reasonable notice under the circumstances to any other Owner and its Permittees. The Owner performing any such construction, maintenance, repair or replacement shall have the obligation at its own expense to promptly restore the other Owner’s Parcel to the same condition as was present prior to such construction, maintenance, repair or replacement.

1.5. Installation of Improvements. NAC will pay for the improvements related to the ADA Sidewalk, the Driveway and the Shuttle Van Parking Space. VR will pay the costs of the installation of the Sign Easement.

1.6. Maintenance of Easements.

1.6.1. Maintenance Obligations. VR shall at all times regularly maintain, repair and replace the Reciprocal Easement and the Access Easement, without limitation, all of the physical improvements associated with such easements, and then allocate the expenses therefore among the Owners as provided herein. Such obligations shall include, without limitation: maintaining and repairing all sidewalks and the surface of the roadway areas; removing all papers, debris and other refuse from and periodically sweeping all sidewalk areas to the extent necessary to maintain the same in a clean, safe and orderly condition; maintaining

appropriate lighting fixtures for the roadways; maintaining marking, directional signs, lines and striping as needed; maintaining signage in good condition and repair; and performing any and all such other duties as are necessary to maintain such easements in a clean, safe and orderly condition. Notwithstanding the foregoing, any damage to any easement, which is caused by intentional or negligent acts of one of the other Owners or its Permittees, shall be promptly repaired at the sole cost of such Owner. VR will administer and allocate the expenses described in this section in the following percentages:

VR 30%
RCC 30%
NAC 25%
Vail Parcel Owner 15%

1.6.2. Failure to Maintain the Easements. If VR defaults under its obligations as described in Sections 1.6.1 above, then any other Owner may give VR written notice of the claimed default, and VR shall have ten (10) days following the receipt of such written notice to cure such default. If the default remains uncured following the ten (10) day period, or if such default is not curable within the ten (10) day period and VR has failed to begin to cure such default within the ten (10) day period, another Owner may, but shall not be required to, cure the default itself, and then bill VR for the reasonable costs incurred in curing such default. Each such bill shall contain an itemized description of the work performed and the total costs and expenses incurred for such work. VR shall pay all such bills within thirty (30) days after receipt of the bill. In the event VR fails to timely pay any bill, the unpaid amount shall bear interest at the rate of ten percent (10%) per annum from the due date until the date such amount is paid in full.

2. Term; Modification and Termination.

2.1. Term. This Declaration, as amended from time to time, shall run with the Parcels and benefit and burden the Vail Parcel, Condo Parcel and NAC Parcel, and shall bind and inure to the benefit of each Owner thereof, and every person having any fee, leasehold or other interest therein and shall inure to the benefit of the Owners and their respective successors, assigns, heirs, and personal representatives, for a term beginning on the date this Declaration is recorded in the official records of Summit County, Utah ("Recorded") and continuing through and including the last day of the thirtieth (30th) full calendar year following the date this Declaration is Recorded ("Term"), provided that the Term shall automatically be extended thereafter for successive periods of ten (10) years each unless, prior to said date or the expiration of the 10-year extension period then in effect, an instrument executed and duly acknowledged by all of the Owners and their mortgagees hereunder is Recorded stating that this Declaration is terminated. If any of the interests, privileges, covenants or rights created by this Declaration shall be unlawful, void or voidable for a violation of the rule against perpetuities or any related rule, then such provision shall continue until 21 years after the death of the survivor of the descendants of the current and former Presidents of the United States living on the date this Declaration is Recorded.

2.2. Amendment. This Declaration may be amended or terminated before the end of the Term only by an instrument that is duly executed by all of the Owners and their mortgagees and Recorded.

3. Sale of Interest in Parking Garage, Condo Parcel or the Sweets Parcel.

3.1. Sale of Vail Parcel by VR. VR, and each of its successors, shall have the right to sell and convey the Vail Parcel without the consent of RCC or NAC, but such conveyance and each successive Owner of the Vail Parcel shall be subject to this Declaration, which shall constitute covenants running with the land and shall benefit and burden title to the Vail Parcel. However, VR is retaining the Access Easement even after it no longer owns the Vail Parcel and shall continue to have the obligation to maintain the easements as provided in Section 1.6 above. The successor owner of the Vail Parcel shall only have the specific cost share allocation in 1.6.1, and after it sells and conveys the Vail Parcel it shall thereafter be released from any further liabilities or obligations under this Declaration that have not accrued prior to the date of such transfer.

3.2. Sale of Condo Parcel by RCC. RCC, and each of its successors, shall have the right to sell and convey the Condo Parcel without the consent of VR or NAC, but such conveyance and each successive Owner of the Condo Parcel shall be subject to this Declaration, which shall constitute covenants running with the land and shall benefit and burden title to the Condo Parcel. However, the Owner conveying the Condo Parcel shall thereafter be released from any further liabilities or obligations under this Declaration that have not accrued prior to the date of such transfer.

3.3. Sale of NAC Parcel by NAC. NAC, and each of its successors, shall have the right to sell and convey the NAC Parcel without the consent of VR or NAC, but such conveyance and each successive Owner of the NAC Parcel shall be subject to this Declaration, which shall constitute covenants running with the land and shall benefit and burden title to the NAC Parcel. However, the Owner conveying the NAC Parcel shall thereafter be released from any further liabilities or obligations under this Declaration that have not accrued prior to the date of such transfer.

4. Event of Default; Remedies.

4.1. Event of Default. If an Event of Default occurs, each non-defaulting Owner shall have the right (but no obligation) to seek all remedies available under this Declaration or at law or in equity. Without limiting the foregoing, the Owners agree that irreparable harm would occur in the event that any of the agreements and provisions of this Declaration are not performed fully by the Owners in accordance with their specific terms or conditions or are otherwise breached, and that money damages are an inadequate remedy for breach of this Declaration because of the difficulty of ascertaining and quantifying the amount of damage that will be suffered by the parties hereto in the event that this Declaration is not performed in accordance with its terms or conditions or is otherwise breached. It is accordingly hereby agreed that the Owners shall be entitled to an injunction or injunctions to restrain, enjoin, and prevent breaches of this Declaration by the other parties and to enforce specifically such

terms and provisions of this Declaration, such remedy being in addition to and not in lieu of, any other rights and remedies to which the other parties are entitled to at law or in equity.

4.2. No Waiver. The failure by an Owner to enforce a breach of this Declaration shall not be construed as a waiver of the right to enforce such breach at a later time or to enforce any other breach, and any waiver must be expressly evidenced in writing by the part against which the waiver is claimed.

4.3. No Termination for Default. No default hereunder shall entitle any Owner to cancel, rescind, or otherwise terminate this Declaration. No breach hereunder shall defeat or render invalid the lien of any mortgage upon any Parcel made in good faith for value, but the provisions hereof shall be binding upon and effective against any Owner of such Parcel covered hereby whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

4.4. No Waiver. The failure by an Owner to enforce a breach of this Declaration shall not be construed as a waiver of the right to enforce such breach at a later time or to enforce any other breach, and any waiver must be expressly evidenced in writing by the part against which the waiver is claimed.

4.5. Limitation on Liability. Notwithstanding anything to the contrary in this Declaration, it is understood and agreed that the recourse of any Owner, or their successors or assigns, against any other Owner with respect to an alleged breach by an Owner under this Declaration shall extend only to such Owner's interest in its respective Parcel and the rents, revenues, casualty and insurance proceeds derived therefrom, and not to any other real property, personal property, or other assets of any kind or nature of such Owner, or its current or former members, or any of the current or former directors, officers, employees, agents, members, or partners thereof, and, except to the extent of such Owner's interest in its Parcel and the rent, revenues, casualty and insurance proceeds derived therefrom, no personal liability of any sort with respect to any of its obligations under this Declaration or any alleged breach hereof is assumed by, or shall be asserted or enforceable against, such Owner or any current or former members thereof, or any of the respective current or former directors, officers, employees, agents, members, or partners thereof.

4.6. Mortgagee Protection Provisions. The following definitions apply to this Section 4.6. "Mortgage" shall mean any mortgage, deed of trust, or other security instrument that at any time is granted by VR, RCC or NAC creating a lien or security interest against all or any part of their respective Parcel. "Mortgagee" shall mean the holder, mortgagee, and/or trustee of any liens or security interests securing any Mortgage granted by VR, RCC or NAC.

4.6.1. Right to Cure Defaults. An Owner, when giving notice to the a delinquent Owner in respect of any Event of Default, shall also give a copy of such notice to any Mortgagee of the delinquent Owner of whom an Owner has been notified in writing which such notice shall be sent to the last address for such Mortgagee previously furnished to an Owner in writing. Any such Mortgagee of the delinquent Owner shall have the same period after receipt of a copy of any Event of Default notice to cure such Event of Default as is given to such delinquent Owner under this Declaration.

4.6.2. No Obligation to Cure Certain Defaults. Nothing herein contained shall require any Mortgagee or its designee, as a condition to its exercise of any right under this Declaration, including, but not limited to, its right to cure defaults by the delinquent Owner.

4.6.3. Additional Modifications. The Owners agree to modify this Declaration from time to time for the purpose of incorporating herein such additional Mortgagee protective provisions as may be reasonably required by any Mortgagee so long as such modifications are reasonably satisfactory to the other Owners and are not inconsistent with any of the terms and conditions of this Declaration in any material respects.

5. Notices. Any notices shall be in writing and shall be given to an Owner at the Owner's addresses set forth on the signature page of this Declaration, which each such Owner may change by giving written notice as herein provided to any other Owners. Notice shall be deemed given one (1) day after the notice is sent to the party to be notified by overnight express courier such as "Federal Express," or such other similar carrier guaranteeing next day delivery. Refusal of an Owner to accept a notice shall not affect the giving of the notice.

6. Miscellaneous.

6.1. Binding on Successors. This Declaration shall bind and inure to the benefit of the parties and their respective successors and assigns as set forth herein.

6.2. Invalid Provision/Severability. Each provision of this Declaration and the application thereof to the Parcels are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration. Provided, however, each of the Owners agree to work together in good faith to either amend this Declaration or enter into a separate agreement so that the purposes, benefits and burdens of this Declaration are not frustrated. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the parties shall promptly cause such legal description to be prepared. Ownership of all of the Parcels by the same person or entity shall not terminate this Declaration nor in any manner affect or impair the validity or enforceability of this Declaration.

6.3. Governing Law. This Declaration shall be governed in all respects, whether as to validity, construction, capacity, performance, enforcement, or otherwise, by the laws of the State of Utah. Venue for enforcement of this Declaration shall lie exclusively in Summit County, Utah, and the Owners waive the right to sue or be sued in any other place.

6.4. Rule of Construction. The judicial rule of construction requiring or allowing a document to be construed to the detriment or against the interests of the document's maker or drafter shall not apply to this Declaration. Each provision of this Declaration shall be construed as a whole according to its fair meaning, and not strictly for or against any Owner.

6.5. Entire Agreement. This Declaration constitutes the entire agreement of the parties, all prior negotiations and agreements, whether written or oral, having been merged into this Declaration.

6.6. Computation of Time. In computing a time period described in this Declaration, the date of the act or event shall not be counted. All subsequent days, including intervening weekend days and legal holidays recognized by the State of Utah, shall be counted in the period (unless the time period involves “business days”; in which event weekend days and such legal holidays shall be excluded). The last day of the period so computed is to be included unless it is a weekend day or a legal holiday under Utah law, in which case the period is to be extended to the next day that is not a weekend day or legal holiday.

6.7. Exhibits. All exhibits attached hereto are hereby incorporated as part of this Declaration.

6.8. Review by Counsel. Each Owner has had the opportunity to have this Declaration reviewed by independent counsel before signing it.

6.9. Authority to Sign. Each person signing this Declaration in a representative capacity on behalf of a party warrants and represents to the other party that (a) the person executing this Declaration has the actual authority and power to sign, and to bind the person’s respective principal to the provisions of this Declaration; and (b) all action necessary for the making of this Declaration has been duly taken.

6.10. No Third Party Beneficiaries. It is expressly understood and agreed that no Permittee or any other person granted rights by or through any Owner shall constitute a third party beneficiary of this Declaration; the only persons with privity of contract under this Declaration shall be VR, RCC or NAC.

6.11. Time of the Essence. Time is of the essence with respect to this Declaration.

6.12. No Public Dedication. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of the Parcels. No easements, except those expressly set forth in Section 1, shall be implied by this Declaration.

6.13. Joint and Several Obligations. If at any time two or more persons are Owners of VR, RCC or NAC, then the obligation of such Owner(s) under this Declaration shall be joint and several.

6.14. No Partnership. Nothing contained in this Declaration shall create any partnership, joint venture, co-tenancy, or similar arrangement between VR, RCC or NAC.

6.15. Force Majeure. If any Owner is delayed or prevented from the performance of any act required hereunder by reason of acts of God, strikes, lockouts, labor troubles, civil disorder, terrorism, acts of war, severe weather, inability to procure materials, restrictive governmental laws and regulations, or other causes without fault, and beyond the reasonable control of such Owner (financial inability excepted), performance of such act shall be excused for the period of delay.

6.16. Bankruptcy. In the event of any bankruptcy affecting any Owner or occupant of any Parcel, this Declaration shall, to the maximum extent permitted by law, be

considered a Declaration that runs with the affecting Parcel(s) land and that is not rejectable, in whole or in part, by the bankrupt person or entity.

6.17. Indemnity. Each Owner shall indemnify and hold each other Owner free and harmless from and against all losses, liabilities, damages, claims, actions, causes of action, debts, costs and expenses (including reasonable attorneys' fees) incurred or suffered by each Owner arising out of, relating to, or in any way connected with a breach or default by such Owner of any of its obligations or other undertakings under this Declaration EXCEPT TO THE EXTENT SUCH LOSSES, LIABILITIES, DAMAGES, CLAIMS, ACTIONS, CAUSES OF ACTION, DEBTS, COSTS AND EXPENSES RESULT FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF SUCH OTHER OWNER.

6.18. Further Assurances. Each Owner shall, at the request of any other Owner, execute, acknowledge (if appropriate) and deliver such other documents and instruments and perform such other acts as may be reasonably necessary or appropriate to carry out the purposes and intent of this Declaration; provided however that the cooperating Owner shall not be obligated to incur any out-of-pocket expenses in so cooperating.

[SIGNATURES FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, the Owners have executed this Declaration of Reciprocal Easements and Parking Agreement as of the date first written above.

“VR”

VR CPC HOLDINGS, INC., a Delaware corporation

By: _____
Name: _____
Its: _____

Address: 390 Interlocken Crescent
Broomfield, CO 890021
Attention: Kyle O. Griffith

STATE OF _____)
: ss
COUNTY OF _____)

On the _____ day of [November], 2020, personally appeared before me _____, the _____ of VR CPC HOLDINGS, INC., a Delaware corporation and the signer of the foregoing instrument, who duly acknowledged to me that he executed the same on behalf of said corporation for its stated purpose.

Notary Public of the State of _____

Commission Expires: _____

“RCC”

THE RESORT CENTER CONDOMINIUM OWNERS
ASSOCIATION

By:

By: _____
[INSERT NAME], President

Address:

STATE OF UTAH)

: ss

COUNTY OF UTAH)

On the _____ day of [November], 2020, personally appeared before me _____, the [President] of THE RESORT CENTER CONDOMINIUM OWNERS ASSOCIATION, a Utah non-profit corporation and the signer of the foregoing instrument, who duly acknowledged to me that he executed the same on behalf of said limited liability company for its stated purpose.

Notary Public of the State of Utah

Commission Expires: _____

“NAC”

NATIONAL ABILITY CENTER, a Utah non-profit corporation

By:

By: _____
[INSERT NAME], President

Address:

STATE OF UTAH)

: ss

COUNTY OF UTAH)

On the _____ day of [November], 2020, personally appeared before me _____, the [President] of NATIONAL ABILITY CENTER, a Utah non-profit corporation and the signer of the foregoing instrument, who duly acknowledged to me that he executed the same on behalf of said limited liability company for its stated purpose.

Notary Public of the State of Utah

Commission Expires: _____

EXHIBIT “A”

(Legal Description of Condo Parcel)

Condo Parcel –

EXHIBIT "B"

(Legal Description of Vail Parcel)

Vail Parcel:

EXHIBIT “C”

(Legal Description of NAC Parcel)

NAC PARCEL

EXHIBIT “D”

(Site Plan)

Planning Commission Staff Report



Subject: Park City Fire District Mine Bench
Temporary Improvements
Application: PL-22-05163
Author: Spencer Cawley
Date: March 23, 2022
Type of Item: Conditional Use Permit

Recommendation

(I) Review the Park City Fire District Temporary Improvements proposed to be located at the Mine Bench site along S.R. 224 during reconstruction of Fire Station 34 in Upper Deer Valley, (II) open a public hearing, and (III) consider approving a Conditional Use Permit subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Final Action Letter (Exhibit A).

Description

Applicant: Park City Fire District, represented by Brett Colgan
Location: 7700 Marsac Avenue – Mine Bench
Zoning District: Recreation and Open Space
Adjacent Land Uses: Single-Family Dwellings; Multi-Unit Dwellings; Resort and Recreation Open Space
Reason for Review: Planning Commission reviews and approves Conditional Use Permits¹

CUP Conditional Use Permit
JSSD Jordanelle Special Service District
LMC Land Management Code
PCFD Park City Fire District
ROS Recreation and Open Space

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

Background

On February 7, 2022, the Planning Department received a Conditional Use Permit (CUP) Application to temporarily locate Park City Fire District (PCFD) trailers on the Mine Bench site located at 7700 Marsac Avenue. The PCFD proposes the temporary trailer installation and apparatus storage on the Mine Bench property while they renovate Station 34 in Upper Deer Valley. Staff determined the Application was complete on February 11, 2022.

¹ LMC [§ 15-1-8\(G\)](#)

The Mine Bench property was annexed into the City in 1999 as part of the June 24, 1999, Flagstaff Mountain area annexation. Park City Municipal owns 29.07 acres of the Mine Bench property. In 2002, approximately two acres within the Mine Bench property was conveyed to Jordanelle Special Service District (JSSD).

The image below shows the site's ownership: Park City Municipal in blue and JSSD in Red.



Figure 1: Image Taken From ESRI

While Silver Lake Fire Station 34 (7805 Royal Street) in Upper Deer Valley undergoes significant updates, PCFD proposes to use the Mine Bench site as temporary storage for firefighting apparatus and to install two (2) trailers (64' x 13' each) for living quarters for the firefighters. Each trailer is equipped with a kitchen, bathroom, and sleeping quarters. The trailers are situated on the site in a way that allows for connection to existing electricity, sewer, and water utilities. PCFD proposes temporary use of the site for approximately nine (9) months.

Park City's Public Works Department currently uses portions of the Mine Bench site for storage and maintenance of equipment. The Public Works Department indicates there is ample room for PCFD to temporarily use the site for storage and living quarters. Additionally, the City leases portions of the Mine Bench property for other uses and the City provided notice to tenants that the PCFD proposes locating temporary trailers and using one of the buildings for temporary apparatus storage.

On February 3, 2022, the City Council received a Staff Communication regarding the temporary location of the trailers for PCFD use ([Staff Communication](#); [Minutes](#), p. 5).

JSSD and PCFD entered into a storage agreement for use of the Mine Bench property. The agreement is attached as Exhibit B. The image below shows how the JSSD portion of the Mine Bench will be used. Please see Exhibit C for a detailed version.

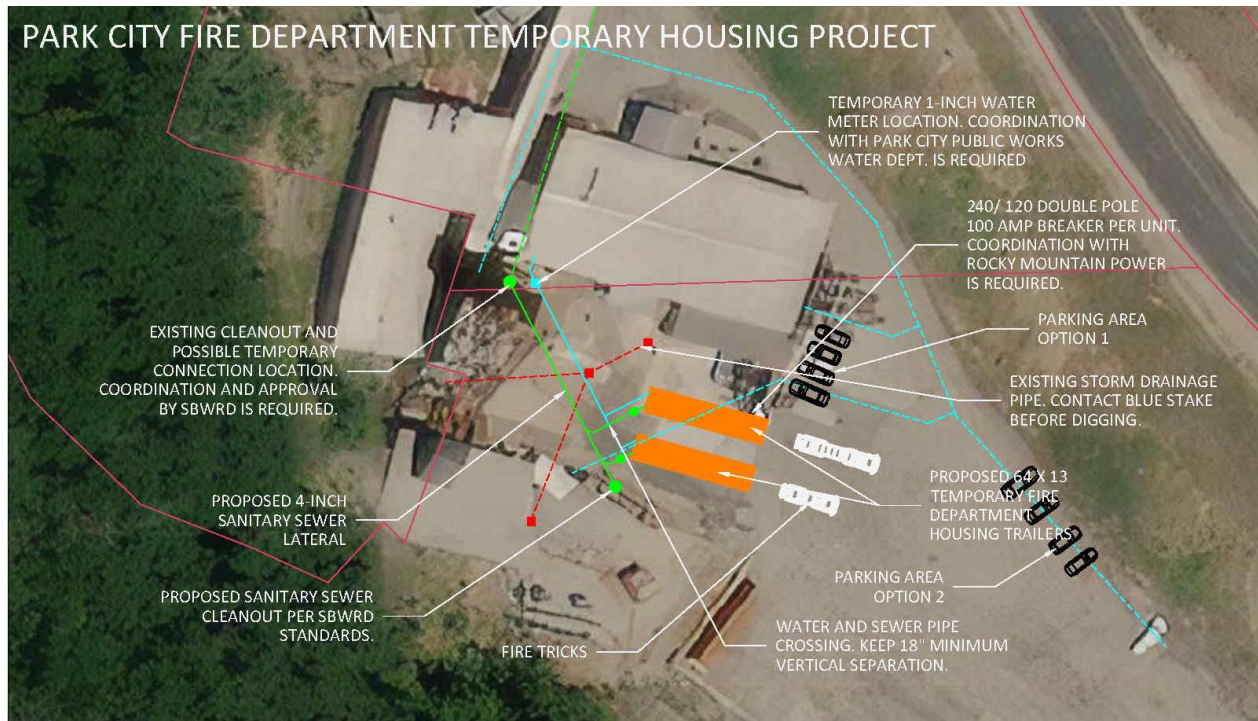


Figure 2: Site Plan provided by Park City Municipal's Engineering Department

Analysis

(I) The proposal complies with the ROS Zoning District Requirements outlined in LMC Chapter 15-2.7.

LMC § 15-2.7-3 establishes a 25-foot front, side, and rear setback from the boundary line of the lot, district, or public right-of-way for all structures in the Recreation and Open Space (ROS) Zoning District.

This proposal complies. The Mine Bench property consists of a 29.07-acre portion owned by Park City Municipal and approximately two acres owned by JSSD. The temporary trailers are located on the site in a way that meets the required 25-foot setback when considered in the context of the JSSD parcel and larger City-owned portion and is appropriate for the location (Exhibit C).

(II) The proposal complies with criteria outlined in LMC [§ 15-1-10\(E\)](#).

Essential Municipal Public Utility Uses, Facilities, Services, and Structures greater than 600 square feet in the Recreation and Open Space (ROS) Zoning District are a

Conditional Use.²

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

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.

The Planning Commission must review 16 criteria when considering whether the proposed Conditional Use mitigates impacts.

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	No Unmitigated Impacts The property is 29.07 acres. Storage of the apparatus is proposed to be near the temporary trailers for quick access and daily maintenance. The temporary trailers are proposed to be on the JSSD portion of the property and are situated in a way that allows for connection to electricity, sewer, and culinary water.
Traffic Capacity	No Unmitigated Impacts Apart from answering emergency calls, there is no significant increase in traffic.
Utility Capacity	No Unmitigated Impacts PCFD has worked with the Engineering Department to coordinate temporary connections to the sanitary sewer and water lines. There is an existing permit for connecting the power.
Emergency Vehicle Access	No Unmitigated Impacts Parking on-site is limited to existing parking stalls. All equipment will have the required distance to enter and exit the site.
Off-Street Parking	Condition of Approval 1

² LMC [§ 15-2.7-2\(C\)\(13\)](#)

	Public Utility Uses require one (1) space per five (5) seats, or two (2) spaces per three (3) employees, or one (1) space per 1,000 square feet of floor Area, whichever is greater.³ Four (4) firefighters will use the sleeping quarters requiring three (3) off-street parking spots. These parking spots are identified on Exhibit C.
Internal Vehicular and Pedestrian Circulation	Condition of Approval 2 The Use shall not impede vehicular or pedestrian circulation.
Fencing, Screening, and Landscaping	Not Applicable
Building mass, bulk, and orientation	No Unmitigated Impacts The temporary trailers are 64' x 13' each and are appropriate in scale and location for the Mine Bench Site.
Useable Open Space	Condition of Approval 3 PCFD will limit the Use to the Mine Bench Site as approved in the site plan. Any deviation from this plan will require additional review.
Signs and Lighting	Condition of Approval 4 No signs or outdoor lighting are proposed or approved. The Applicant shall comply with Park City Sign Code, Title 12.
Physical Design and Compatibility with Surrounding Structures	Not Applicable
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Condition of Approval 5 The Use shall comply with Municipal Code Chapter 6-3, <i>Noise</i>.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and screening of Trash and Recycling Pickup Areas	Condition of Approval 6 No deliveries are expected after April 1, the date of when the trailers will arrive on site. PCFD shall manage the storage and collection of all trash and recycling associated with the

³ LMC [§ 15-3-6\(B\)](#)

	temporary Use of the Site.
Expected Ownership and Management of the Project	No Unmitigated Impacts The Mine Bench property is owned by Park City Municipal and JSSD. On February 3, 2022, the City Council received a Staff Communication regarding the temporary location of the trailers for PCFD use (Staff Communication; Minutes, p. 5)(Exhibit E). JSSD and PCFD entered into a storage agreement for use of the Mine Bench Property. (Exhibit B). PCFD will manage the project.
Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes.	No Unmitigated Impacts The temporary trailers are proposed to be located on a level portion of the site that is paved. The temporary trailers will not permanently alter or further disturb the paved area.
General Plan Consistency	Complies Goal 14: “The future of the City includes limits to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region”. Objective 14A: Provide reliable public resources to ensure the health, welfare, and safety of residents and visitors.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website, the Utah Public Notice website, and posted notice to the property on March 9, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022. Legal notice was published in the Park Record on March 9, 2022.⁴

⁴ LMC [§ 15-1-21](#)

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the CUP;
- The Planning Commission may deny the CUP and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Jordanelle Special Service District Mine Bench Storage Agreement
Exhibit C: Site Plan
Exhibit D: Applicant Statement
Exhibit E: Letter from Park City Manager Authorizing Use of Mine Bench Site



Planning Department

March 23, 2022

Park City Fire District
Attn: Brett Colgan, Logistics Officer
736 Bitner Road
Park City, UT 84098
(385) 235-1632

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 7700 Marsac Avenue

Zoning District: Recreation and Open Space

Application: Administrative Conditional Use Permit

Project Number: PL-22-05163

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 23, 2022

Project Summary: While Silver Lake Fire Station 34 undergoes significant updates, the Applicant, Park City Fire District (PCFD), proposes to use the Mine Bench site as temporary storage for apparatus and sleeping quarters for the firefighters. Two (2) trailers (64' x 13' each) are planned for living quarters and will remain on site for approximately nine (9) months.

Action Taken

On March 23, 2022, the Planning Commission conducted a public hearing and approved a Conditional Use Permit according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The subject property is located at 7700 Marsac Avenue in the Recreation and Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.

3. In 2002, a portion of the Silver Mine Bench property was conveyed to Jordanelle Special Service District (JSSD) and conveyed by deed.
4. The Applicant proposes using the site to store firefighting apparatus and two trailers for temporary living quarters from April 2022 – December 2022.
5. Essential Municipal Public Utility Uses, Facilities, Services, and Structures greater than 600 square feet in the ROS Zoning District are considered a Conditional Use.
6. Each trailer is 64' x 13', approximately 1,664 square feet total.
7. JSSD and PCFD have entered into a storage agreement for the Use of the property.
8. All Structures in the ROS Zoning District must be no less than 25 feet from the boundary line of the Lot, district, or public Right-of-Way.
9. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 15-1-10(E).
 - a. Size and Location of Site—No unmitigated impacts. Storage of the apparatus is proposed to be near the temporary trailers for quick access and daily maintenance. The temporary trailers are proposed to be on the JSSD portion of the property and are situated in a way that allows for connection to electricity, sewer, and water.
 - b. Traffic Capacity—No unmitigated impacts. Apart from answering emergency calls, there is no significant increase in traffic.
 - c. Utility Capacity—No unmitigated impacts. PCFD has worked with the Engineering Department to coordinate temporary connections to the sanitary sewer and water lines. There is an existing permit for connecting the power.
 - d. Emergency Vehicle Access—No unmitigated impacts. Parking on-site is limited to existing parking stalls. Emergency vehicles will have the required distance to enter and exit the site.
 - e. Off-Street Parking—Condition of Approval 1. Public Utility Uses require one (1) space per five (5) seats, or two (2) spaces per three (3) employees, or one (1) space per 1,000 square feet of floor Area, whichever is greater.
 - f. Internal Vehicular and Pedestrian Circulation—Condition of Approval 2. The Use shall not impede vehicular or pedestrian circulation.
 - g. Fencing, Screening, and Landscaping—Not applicable.
 - h. Building mass, bulk, and orientation—No unmitigated impacts. The temporary trailers are 64' x 13' each and are appropriate in scale and location for the Mine Bench Site.

- i. Useable Open Space—Condition of Approval 3. PCFD will limit the Use to the Mine Bench Site as approved in the site plan. Any deviation from this plan will require additional review.
- j. Signs and Lighting—Condition of Approval 4. No signs or lighting are proposed or approved under this CUP.
- k. Physical Design and Compatibility with Surrounding Structures—Note applicable.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors—Condition of Approval 5. The Use shall comply with Municipal Code 6-3, *Noise*.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and screening of Trash and Recycling Pickup Areas—Condition of Approval 6. PCFD shall manage the storage and collection of all trash and recycling associated with the temporary Use of the Site.
- n. Expected Ownership and Management of the Project— The Mine Bench property is owned by Park City Municipal and JSSD. On February 3, 2022, the City Council received a Staff Communication regarding the temporary location of the trailers for PCFD use. JSSD and PCFD entered into a storage agreement for use of the Mine Bench Property. PCFD will manage the project.
- o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes— No unmitigated impacts. The temporary trailers are proposed to be located on a level portion of the site that is paved. The temporary trailers will not permanently alter or further disturb the paved area.
- p. General Plan Consistency—Complies. In the General Plan, Goal 14 states “The future of the City includes limits to foster innovative sustainable development, protect for community vision, and prevent negative impacts to the region.” To meet this goal, Objective 14A states the City will provide reliable public resources to ensure the health welfare, and safety of residents and visitors.

Conclusions of Law

1. The Application complies with all requirements of the LMC.
2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. PCFD shall ensure three (3) off-street parking space are available for the firefighters staying at the Mine Bench site.

2. The Use shall not impede vehicular or pedestrian circulation.
3. PCFD shall limit the Use to the Mine Bench Site as approved in the site plan. Any deviation from this plan will require additional Planning Commission review.
4. No signs or outdoor lighting are proposed or approved with this Application.
5. The Use shall comply with Municipal Code Chapter 6-3, Noise.
6. PCFD shall manage the storage and collection of all trash and recycling associated with the temporary Use of the Site.
7. If construction of Fire Station 34 is delayed beyond the expiration of this CUP, which is January 1, 2023, then PCFD shall request the Planning Commission consider extending the CUP approval to accommodate the updated construction timeline.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5065 or email spencer.cawley@parkcity.org.

Sincerely,

John Phillips
Planning Commission Chair

CC: Spencer Cawley, Project Planner

STORAGE AGREEMENT (Mine Bench Property)

This Storage Agreement (“**Agreement**”) is between the Jordanelle Special Service District (“**JSSD**”) and Park City Fire District (“**PCFD**”)

RECITALS

A. JSSD owns certain real property located in Summit County, Utah, consisting of approximately 2 acres located at approximately 7500 Marsac Avenue and identified as Summit County parcel number PCA-S-98-L-X (the “**Mine Bench Property**”).

B. JSSD owns a building located on the Mine Bench Property (the “**Mine Bench Building**”), which is largely unused by JSSD.

C. Park City Fire District desires to store certain vehicles and equipment in the Mine Bench Building, and JSSD is willing to allow such storage on the terms and conditions set forth in this Agreement.

AGREEMENT

Accordingly, the Parties agree as follows:

1. Lease. JSSD hereby leases the Mine Bench Building to PCFD, and PCFD hereby leases the Mine Bench Building from JSSD, for the purpose of storing equipment and vehicles in the Mine Bench Building, and for no other purpose. PCFD shall not store anything that is owned by third parties in the Mine Bench Building. PCFD accepts the Mine Bench Building as-is, where-is, and with all faults, and has entered into this Agreement based on its own due diligence. PCFD specifically acknowledges that the Mine Bench Building is old, not built to current building standards, full of potentially dangerous items, and has an open mine shaft in the floor, and Park City Fire District hereby accepts all such risks on behalf of itself and its employees.

2. Access by JSSD. JSSD retains all rights to access the Mine Bench Property and the Mine Bench Building as JSSD deems reasonably necessary. PCFD shall ensure that the mine shaft located inside the Mine Bench Building is at all times accessible and shall not obstruct the shaft in any way.

3. Monitoring. In consideration for the rent-free lease of the Mine Bench Building, PCFD shall reasonably monitor the Mine Bench Property and Mine Bench Building, and promptly report any problems to JSSD, specifically including but not limited to trespassers.

4. Term. The principal term of this Agreement will be one year from the date that it is fully executed. This Agreement will automatically renew for one additional one-year term unless PCFD gives written notice of its intent not to renew for an additional term.

5. Insurance.

a. *Liability.* PCFD shall procure and maintain commercial general liability insurance in an amount reasonably estimated to cover liability for personal injury or property damage arising out of or relating directly or indirectly to its use of the Mine Bench Property and Mine Bench Building. PCFD shall cause JSSD to be named as an “additional insured” on that insurance.

b. *Fire and Casualty.* PCFD shall procure and maintain property insurance coverage for all property and fixtures it keeps on the Mine Bench Property. That insurance must be (i) written on the broadest available “all risk” policy form or an equivalent form reasonably acceptable to JSSD, (ii) written in an amount of coverage that meets any coinsurance requirements for the policy, and (iii) include coverage for vandalism and malicious mischief.

c. *Policies and Additional Requirements.* The insurance required under this section is independent of PCFD’s other obligations under this Agreement and should not be construed or interpreted to in any way restrict, limit, or modify other obligations herein. PCFD shall ensure that its insurance is primary to JSSD’s insurance and provides that any insurance carried by JSSD is strictly excess, secondary, and noncontributing. PCFD shall deliver to JSSD either a duplicate original or legally enforceable certificate of insurance on all policies, together with satisfactory evidence of payment of the premiums thereon, on or before delivery of the Mine Bench Building to PCFD, and upon renewal of the insurance policy. In the event that PCFD fails to maintain required insurance, JSSD may maintain the same, in which case PCFD shall pay to JSSD the full amount of JSSD’s expense for the insurance.

d. *Assumption of Risk.* Notwithstanding any other term of this Agreement, PCFD assumes full risk of damage to any persons, property, equipment, and fixtures that it brings onto or stores at the Mine Bench Property or in the Mine Bench Building, whether such damage is from fire, lightning, flood, or any accident regardless of cause or origin, specifically including collapse or failure of the Mine Bench Building. JSSD is not liable to anyone, including but not limited to the insurance carrier for damages therefrom.

6. Indemnity. PCFD shall indemnify, defend, and hold harmless JSSD from and against any loss, damage, injury, accident, fire or other casualty, liability, claim, cost or expense (including, but not limited to, reasonable attorneys’ fees) of any kind to any person or property including the Mine Bench Property and Mine Bench Building arising from or relating to (a) use of the Mine Bench Property and Mine Bench Building by PCFD or its employees, officers, directors, agents, invitees, licensees and/or affiliates, and (b) the failure of PCFD to maintain the Mine Bench Property and Mine Bench Building in a safe condition; provided, however, that the foregoing indemnity shall not apply to the extent any such claim is caused by the active negligence or willful misconduct of JSSD or its employees, officers, directors, agents, invitees, licensees and/or affiliates during the term of this Agreement.

7. Assignment. This Agreement will be binding upon the Parties and may not be assigned or otherwise transferred without the prior express written consent of the other Party. PCFD shall not sublease the Mine Bench Building to anyone else.

8. Amendment. This Agreement may be amended only with the mutual written consent of the Parties.

9. Entire Agreement. This Agreement constitutes the entire agreement between the Parties.

10. Counterparts. This Agreement may be executed in multiple counterparts with each such counterpart being considered an original and integrated into this Agreement.

11. Governing Law. This Agreement shall be governed by the laws of the State of Utah.

12. Effectiveness; Date. The Agreement will become effective when all parties have fully signed it. The date of this Agreement will be the date it is signed by the last individual to sign it (as indicated by the date associated with that individual's signature).

Each individual is signing this Agreement on the date stated opposite that individual's signature.

PARK CITY FIRE DISTRICT

By:_____

Its:_____

Date:_____

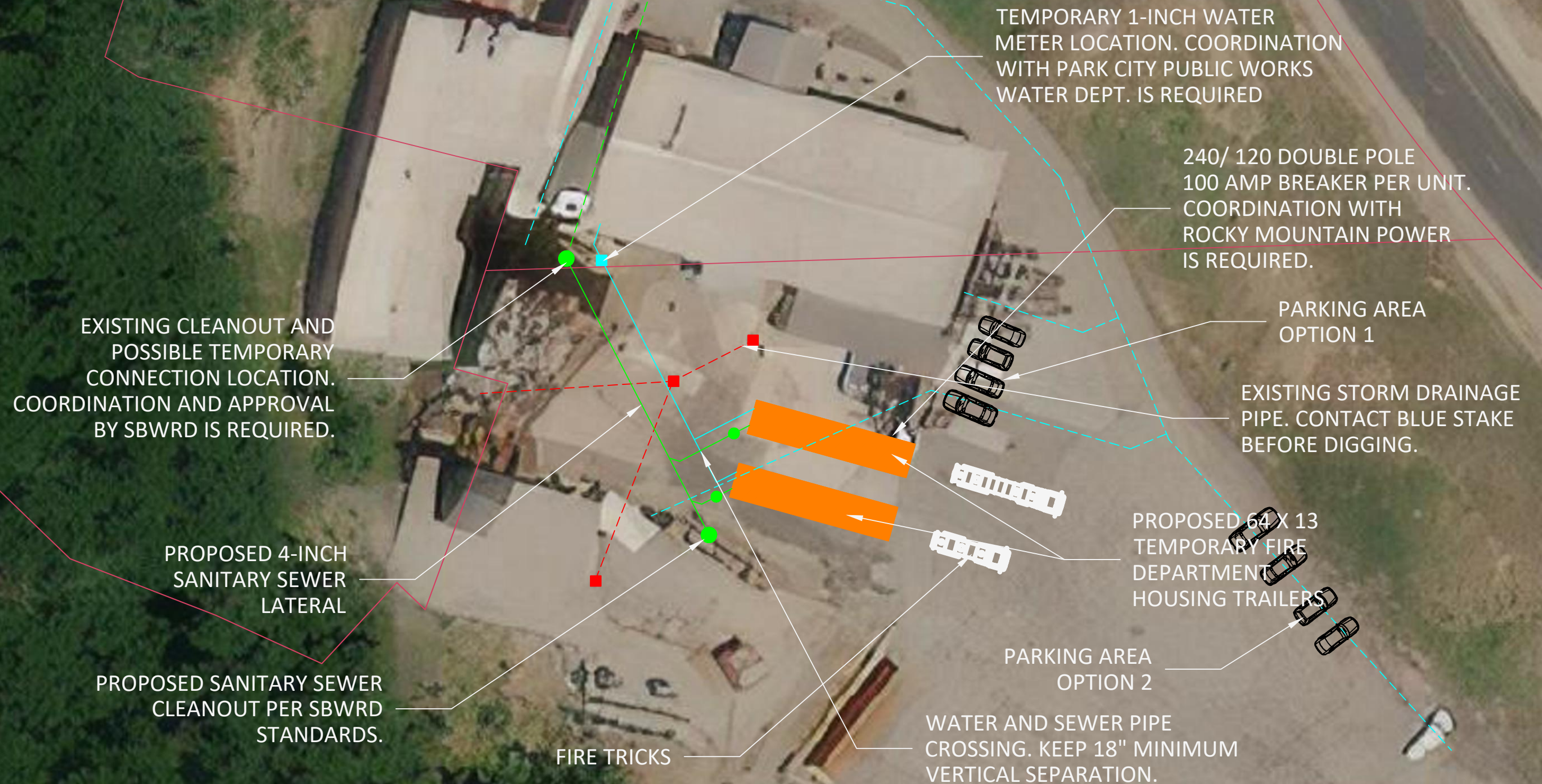
**JORDANELLE SPECIAL
SERVICE DISTRICT**

By:_____

Its:_____

Date:_____

PARK CITY FIRE DEPARTMENT TEMPORARY HOUSING PROJECT



Park City Fire District-General Description

The location is be 7700 Marsac Avenue-Ontario Mine. We would like to stage two temporary housing trailers on this address. The housing trailers are 64 x 13. They are to be hooked up to an established outlet via umbilical electrical lines and connected to local water and sewer.

The existing mine garage will be utilized to store our apparatus.

Any further concerns, please contact me:

Brett Colgan-Logistics Officer

Park City Fire District

385*235*1632



Office of Sustainability

March 14, 2022

Rebecca Ward
Park City Senior Planner

Rebecca,

Matt Dias, Park City Manager has authorized Park City Fire District's (PCFD) temporary use of the city-owned Mine Bench property, while their Silver Lake Station is being renovated.

On February 3, 2022, a Staff Communication was included in the City Council packet, making City Council aware of this use. Council did not comment on the report.

Sincerely,

Heinrich
Deters

Digitally signed by Heinrich Deters
DN: cn=Heinrich Deters, o=Park City
Municipal Corporation, ou=Trails open
space, email=hdeters@parkcity.org, c=US
Date: 2022.03.17 09:34:07 -06'00'

Heinrich Deters
Trails and Open Space Manager
Park City Municipal Corporation
hdeters@parkcity.org

Planning Commission Staff Report



Subject: 1281 Rothwell Road Lot Combination
Application: PL-22-05137
Author: Spencer Cawley, Project Planner
Date: March 23, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) review the King's Crown Re-Subdivision Third Amended Lot Combination Plat Combining Lots 23 & 24 (1275 and 1281 Rothwell Road), (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on April 28, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Brice Anderson
Location: 1275 and 1281 Rothwell Road
Zoning District: Recreation Commercial (RC) District
Adjacent Land Uses: Single-Family Dwellings; Resort; Open Space
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
MPD Master Planned Development
RC Recreation Commercial Zoning District

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

Background

1275 Rothwell Road (Lot 24) and 1281 Rothwell Road (Lot 23) are part of the Kings Crown Re-Subdivision and in the Recreation Commercial (RC) Zoning District (see Exhibit B). Both Lots are owned by the Applicant of this Plat Amendment petition. The Applicant proposes combining Lots 23 and 24 to create one single Lot-of-record.

Lot 23 contains an existing Single-Family Dwelling; Lot 24 is unimproved. The Applicant indicates that if this Lot combination is approved, they plan to add an addition (approximately 800 square feet) to the side of the existing Structure that abuts Lot 24. A 13-foot landscaped area is planned adjacent to Lot 25 separating the addition from the neighboring property (see Exhibit C).

The following dates outline the history of Applications related to the Kings Crown Re-Subdivision single-family lots:

¹ LMC [§ 15-7.1-2\(B\)](#).

- January 10, 2018 – The Planning Commission approved the Kings Crown Master Planned Development. 27 single-family Lots were proposed as part of the Development. ([Staff Report](#); [Minutes](#).)
- February 1, 2018 – The City Council adopted [Ordinance No. 2018-05](#) approving the Kings Crown Re-Subdivision Plat, establishing 27 single-family lots and three multi-family lots.
- June 13, 2018 – The Planning Commission ratified the Development Agreement required by the Kings Crown Master Planned Development. ([Staff Report](#); [Minutes](#).)
- May 22, 2019 – The Planning Commission reviewed and approved an amendment to the approved Master Planned Development. ([Staff Report](#); [Minutes](#).)
- January 7, 2021 – The City Council adopted [Ordinance No. 2021-03](#) combining single-family dwelling lots 27, 28, and 29 into two single-family lots.
- January 12, 2022 – The Planning Department received a complete Application to combine Lots 23 and 24 of the Kings Crown Re-Subdivision Plat.

Analysis

Plat Amendments require Planning Commission review and City Council Final Action.² Plat amendments combining lots shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-2](#) and a Final Plat shall be approved in accordance with these regulations.³

(I) The proposed Plat Amendment complies with the Recreation Commercial (RC) Zoning District Requirements.

The table below outlines the RC Zoning District Lot and Site Requirements for Single-Family Dwellings:⁴

HR-1 Zoning Requirement	Analysis of Proposal
Minimum Lot Area—1,875 square feet	Lot 23: 3,549 square feet Lot 24: 2,820 square feet Combined: 6,369 square feet
Minimum Lot Width—25 feet	Lot 23: 40 feet Lot 24: 30 feet Combined: 70 feet
Lot Depth	Lot 23: 94 feet Lot 24: 94 feet
Maximum Building Footprint ⁵	Lot 23: 1,454 square feet Lot 24: 1,203 square feet Combined: 2,226 square feet
MAXIMUM FP = (A/2) x 0.9A/1875	

² LMC [§ 15-12-15\(B\)\(9\)](#).

³ LMC [§ 15.7.1-3\(D\)](#).

⁴ LMC [§ 15-2.16-5](#)

⁵ Density from one Lot cannot be transferred to the other Lot.

Where FP= maximum Building Footprint and A= Lot Area	Condition of Approval 8: The Applicant shall include a Plate note stating the maximum building footprint for the combined Lots.
Front Setback	Lot 23: 12 feet Lot 24: 12 feet
Rear Setback	Lot 23: 12 feet Lot 24: 12 feet
Side Setback	Lot 23: 3 feet Lot 24: 3 feet Combined: 5 feet
Building Height	27' from existing grade; maximum height 35' measured from the lowest finish floor plane to the point of the highest wall top plate.

(II) Staff finds Good Cause for the Plat Amendment because (A) present land Uses and Character of the RC Zoning District is retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement has been vacated or amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Land Management Code [§ 15-15-1](#) defines Good Cause as “[providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and further the health, safety, and welfare of the Park City Community.”

A. The RC Zoning District Uses and Character of the residential Area is retained.

One purpose of the RC Zoning District is to provide opportunities for variation in architectural design and housing types, encourage the clustering of Development to preserve Open Space, and minimize Site disturbance and impacts of Development.⁶

B. No Public Street or Right-of Way is vacated or amended.

The Lots are accessed by Rothwell Road and the plat amendment does not vacate or amend any portion of Rothwell Road.

⁶ LMC [§ 15-2.16-1](#)

C. No easement is vacated or amended.

(III) Staff recommends the Commission forward a positive recommendation to the City Council on March 31, 2022, for the King's Crow Re-Subdivision Third Amended Plat Amendment because it complies with LMC [§ 15-7.1-6](#) Final Subdivision Plat. A Final Plat shall be approved in accordance with these regulations.⁷

Section	Analysis of Proposal
§15-7.3.1 (A-E) Conformance to Applicable Rules and Regulations	Complies
§15-7.3.2 (A-N) General Subdivision	Complies
§15-7.3-3 (A-K) General Lot Design	Complies
§15-7.3-4 (A-I) Road Requirements and Design	The proposal does not create any new Roads nor alter any existing Roads
15-7.3-5 (A-C) Drainage and Storm Sewers	The proposal does not create any new Drainage and/or Storm Sewer nor alter any existing Drainage and/or Storm Sewer
15-7.3-6 (A-B) Water Facilities	The proposal does not extend nor create a new water-supply system.
15-7.3-7 (A-B) Sewer Facilities	The proposal does not create any new sanitary sewer facilities.
15-7.3-8 (A) Sidewalks, Hiking Trails, Bike Paths, and Horse Trails	The proposal does not create nor alter any Sidewalks, Hiking Trails, Bike Paths, or Horse Trails.
15-7.3-9 (A-B) Utilities	Any future construction on this site proposed will connect into existing utilities. The Development Review Committee reviewed the proposal and did not identify any utility connection issues.
15-7.3-10 (A-B) Public Uses	Not required. The proposal does not consist of a Major or Minor Subdivision.
15-7.3-11 (A) Preservation of Natural Features and Amenities	Complies.
15-7.3-12 (A-B) Nonresidential Subdivisions	Does not apply.

Department Review

On February 1, 2022, the Development Review Committee. Planning, Engineering, and Legal Departments reviewed this application.

The Engineering Department states that the utility map for this Subdivision shows a one-and-a-half inch (1.5") dual meter and four-inch (4") diameter sanitary sewer lateral

⁷ LMC [§15-7.1-3\(B\)](#)

on Lot 24 (1275 Rothwell). Condition of Approval 9 requires the Applicant to abandon the sewer and water laterals at the main line. The sealing of the laterals must be supervised by the service provider.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 3, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 3, 2022. The *Park Record* published notice on March 9, 2022.⁸

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2022-XX, Approving the Kings Crown Re-Subdivision Third Amended Lot Combination Plat; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2022-XX, Denying the Kings Crown Re-Subdivision Third Amended Lot Combination Plat, and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information for Ordinance No. 2022-XX for the Kings Crown Re-Subdivision Third Amended Lot Combination Plat and continue to a date certain.

Exhibit A: Draft Ordinance 2022-XX and Proposed Plat
Exhibit B: Aerial Photo
Exhibit C: Topographic Survey of Existing Conditions
Exhibit D: Site Photos
Exhibit E: Applicant's Statement

⁸ LMC [§ 15-1-21](#)

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE KINGS CROWN RE-SUBDIVISION THIRD AMENDED LOT COMBINATION PLAT, LOCATED AT 1281 ROTHWELL ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1281 Rothwell Road petitioned the City Council for approval of the Kings Crown Re-Subdivision Third Amended Lot Combination Plat; and

WHEREAS, on February 23, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on February 22, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 22, 2022, courtesy notice was mailed to property owners within 300 feet of 1281 Rothwell Road; and

WHEREAS, on March 23, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a positive or negative recommendation for City Council's consideration on April 28, 2022; and

WHEREAS, on April 28, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapter 15-2.16.

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

SECTION 1. APPROVAL. The Kings Crown Re-Subdivision Third Amended Lot Combination Plat at 1281 Rothwell Road, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The properties are located at 1275 & 1281 Rothwell Road.
2. The properties are listed with Summit County as:
 - a. 1275 Rothwell Road – Lot 24, Kings Crown Re-Subdivision; Parcel number KCRS-24; and
 - b. 1281 Rothwell Road – Lot 23, Kings Crown Re-Subdivision; Parcel number

KCRS-23.

3. The properties are in the Recreation Commercial (RC) Zoning District.
4. The properties are part of the Kings Crown Master Planned Development.
5. On January 12, 2022, the Planning Department received a complete Plat Amendment application.
6. The proposed Plat Amendment combines Lots 23 and 24 to create one Lot-of-Record.
7. No easement is vacated or amended as a result of the Plat Amendment.
8. Lot and Site Requirements for Single-Family Dwellings in the RC Zoning District are regulated per LMC §15-2.16-5.
9. A Single-Family Dwelling is an allowed Use in the RC Zoning District and requires a minimum lot size of 1,875 square feet. The proposed combined Lot size is 6,369 square feet.
10. The minimum Lot width in the RC Zoning District is 25 feet. The proposed combined Lot is 70 feet.
11. The combined Lot depth is 94 feet.
12. The required Front Setback for the combined Lots is 12 feet.
13. The required Rear Setback for the combined Lots is 12 feet.
14. The required Side Setback for the combined Lots is 5 feet each side.
15. The Maximum Building Footprint in the RC Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for the combined Lots is 2,226 square feet.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.16 Recreation Commercial (RC) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year, the approval for this Plat Amendment will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Rothwell Road shall be dedicated on the plat.

5. Any new construction shall comply with the Land Management Code at the time of Application submittal.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. The Applicant shall complete the Historic District Design Review process and gain approval before applying for a building permit, pursuant to the King's Crown Master Planned Development.
8. The Applicant shall include a Plat note stating the maximum building footprint is 2,226 square feet.
9. The Applicant shall abandon the sewer and water laterals at the main line. The sealing of the laterals must be supervised by the service provider.
10. The Applicant understands that the unit density is forfeited by the Lot combination and may not be used or transferred to a different part of the Subdivision.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 28th Day of April 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

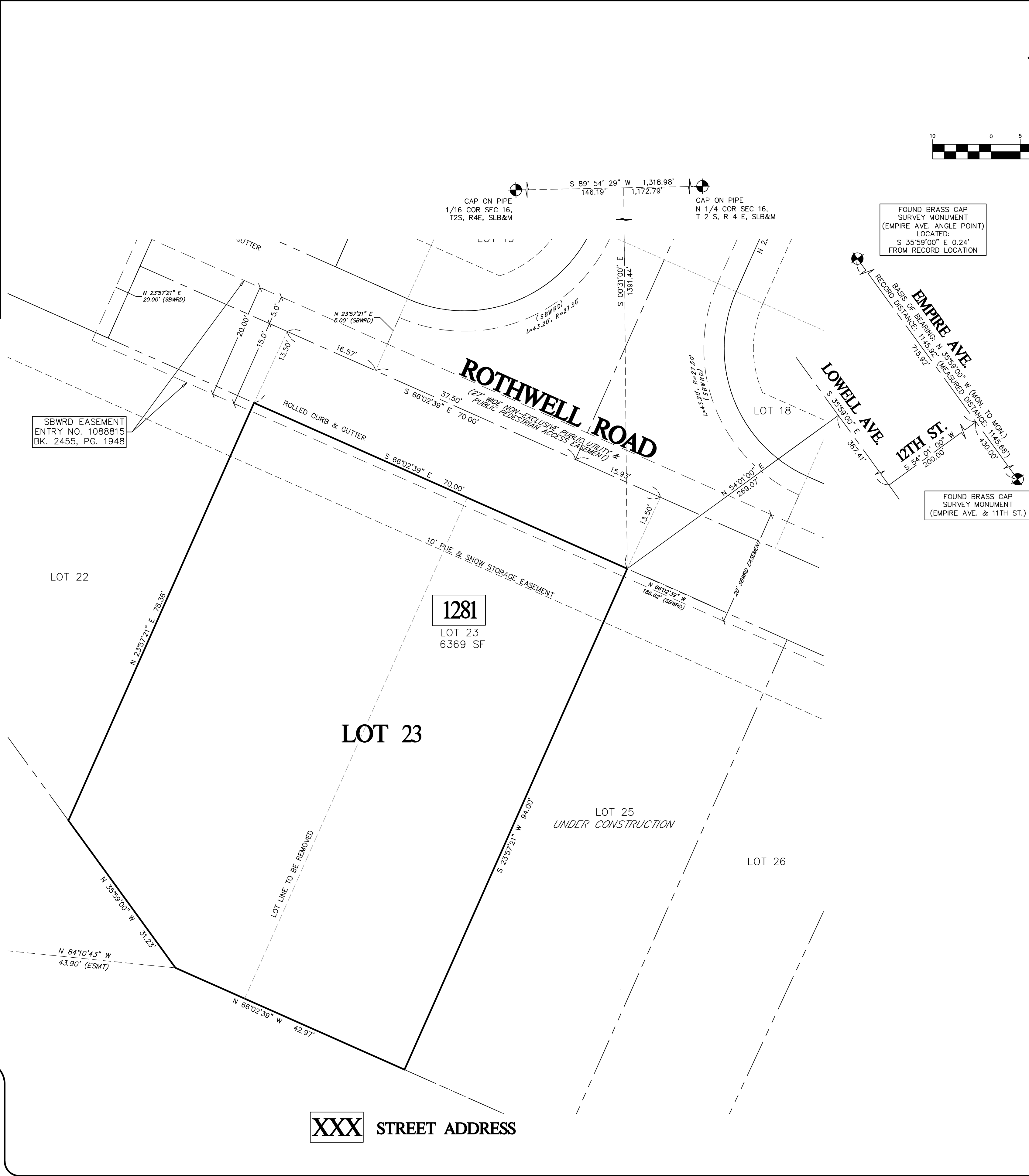
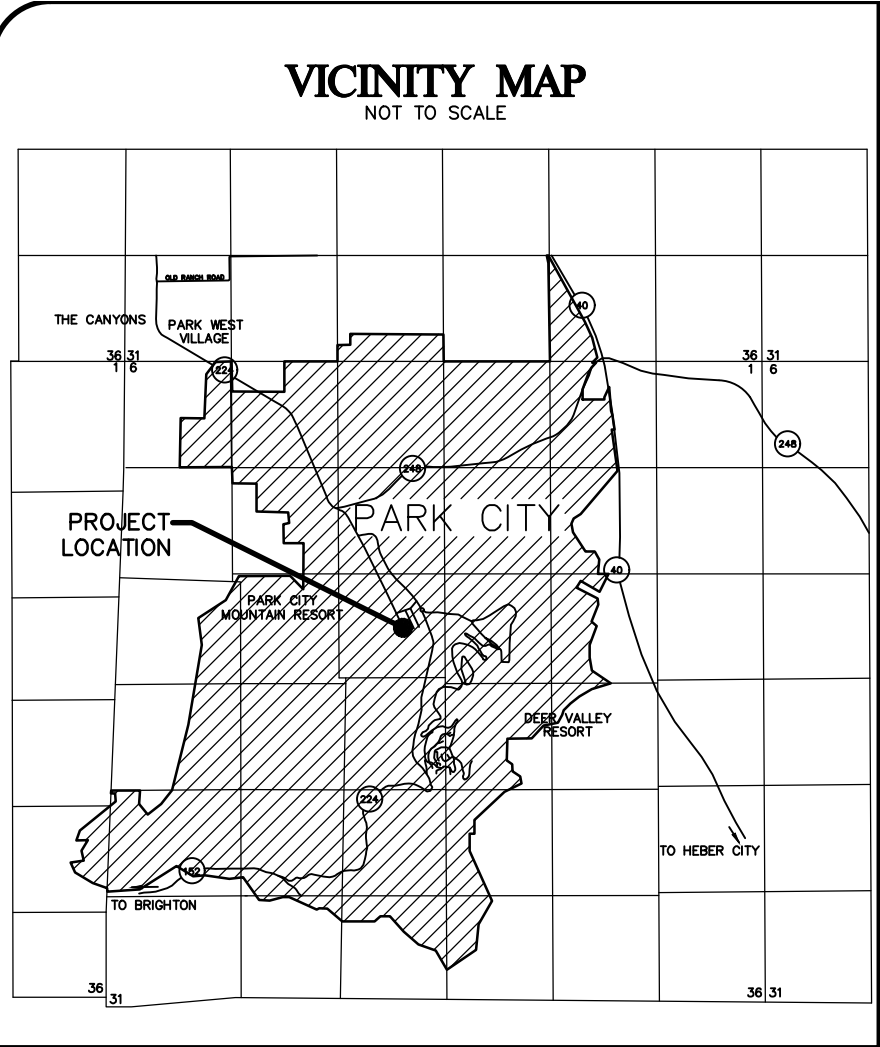
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Kings Crown Re-Subdivision Third Amended Lot Combination Plat



LEGAL DESCRIPTION

ALL OF LOTS 23 & 24, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT RECORDED MAY 16, 2018 AS ENTRY NO. 1091847, OF THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 6,369 SQUARE FEET (0.1462 ACRES) MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43°00'27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12", 3) NORTH 68°02'39" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°06'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 48°23'03" WEST A DISTANCE OF 84.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8) 92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18", 9) SOUTH 50°06'39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION, THIRD AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDED OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION, THIRD AMENDED". THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON, AND HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

1275 ROTHWELL ROAD, LLC, A UTAH LIMITED LIABILITY COMPANY. BY: BRICE G. ADAMSON, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.
ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, BRICE G. ADAMSON, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF 1275 ROTHWELL ROAD, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID BRICE G. ADAMSON ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

NOTARY PUBLIC MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

SIGNING IN A REPRESENTATIVE CAPACITY: AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, MEMBER OR OTHER REPRESENTATIVE MAY SIGN ON BEHALF OF THEIR REPRESENTATIVE BUSINESS, BE IT A CORPORATION, PARTNERSHIP, TRUST, LIMITED LIABILITY COMPANY OR OTHER ENTITY PROVIDING THEY HAVE BEEN GIVEN AUTHORITY TO SIGN IN THEIR REPRESENTATIVE CAPACITY.

THE NOTARY MUST REQUIRE THE SIGNER TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE AND ADMINISTER AN OATH OR AFFIRMATION.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. THIS PLAT REPRESENTS A COMBINATION OF LOTS 23 & 24 OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). ALL OTHER LOTS IN THE ORIGINAL SUBDIVISION REMAIN UNCHANGED.
5. ROTHWELL ROAD IS A PRIVATE ROAD
6. A RECREATION USE EASEMENT WAS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE UPON RECORDED OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). SAID RECREATION USE EASEMENT SHALL REMAIN IN PLACE.
7. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
8. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.
9. ALL CONDITIONS OF APPROVAL FROM AMENDED CUP/MPD & HOUSING MITIGATION PLAN STILL APPLY.
10. THE MAXIMUM BUILDING FOOTPRINT FOR LOT 23 IS X SF.
11. THE SITE PLANS AND BUILDING DESIGNS SHALL RESOLVE SNOW RELEASE ISSUES TO THE SATISFACTION OF THE CHIEF BUILDING OFFICIAL
12. THE SINGLE-FAMILY DWELLINGS ON LOT 23 SHALL COMPLY WITH THE DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND SITES
13. DRY UTILITY INFRASTRUCTURE MUST BE LOCATED ON THE LOT AND SHOWN ON THE BUILDING PLANS PRIOR TO BUILDING PERMIT ISSUANCE TO ENSURE THAT UTILITY COMPANIES VERIFY THAT THE AREA PROVIDED FOR THEIR FACILITIES ARE VIABLE AND THAT EXPOSED METERS AND BOXES CA BE SCREENED WITH LANDSCAPING.
14. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF BUILDING PERMIT SUBMITTAL
15. DEVELOPMENT ON EACH LOT IS LIMITED TO ONE (1) SINGLE-FAMILY DWELLING AND THE REMOVED LOT AND DENSITY UNIT IS ELIMINATED AND MAY NOT BE RE-ALLOCATED.
16. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.
17. THE GROSS FLOOR AREA FOR LOT 23 SHALL BE X SQUARE FEET.
18. THE EXTRA SANITARY SEWER LATERAL STUB MUST BE ABANDONED. THIS MUST BE ACCOMPLISHED BY EXPOSING THE LATERAL CONNECTION AT THE MAINLINE (IN THE ROAD) AND DISCONNECTING THE LATERAL, INSTALLING A CAP OR PUSH-IN PLUG AT THE HDPE CONNECTION TEE, AND INSTALLING A CAP IN THE UPSTREAM ABANDONED LINE. THIS MUST BE COMPLETED BEFORE SBWRD GRANTS THE PROJECT FINAL PROJECT APPROVAL.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS SUBDIVISION PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH
GREGORY R. WOLBACH
NO. 187788
DATE: _____

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1678 Sidewinder Drive • Suite C
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801.557.5482
E-mail: office@evergreen-eng.com

PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY
OF _____ A.D. 20 ____ .
JEFF WARD
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF
AD 20 ____ .
BY: _____
SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

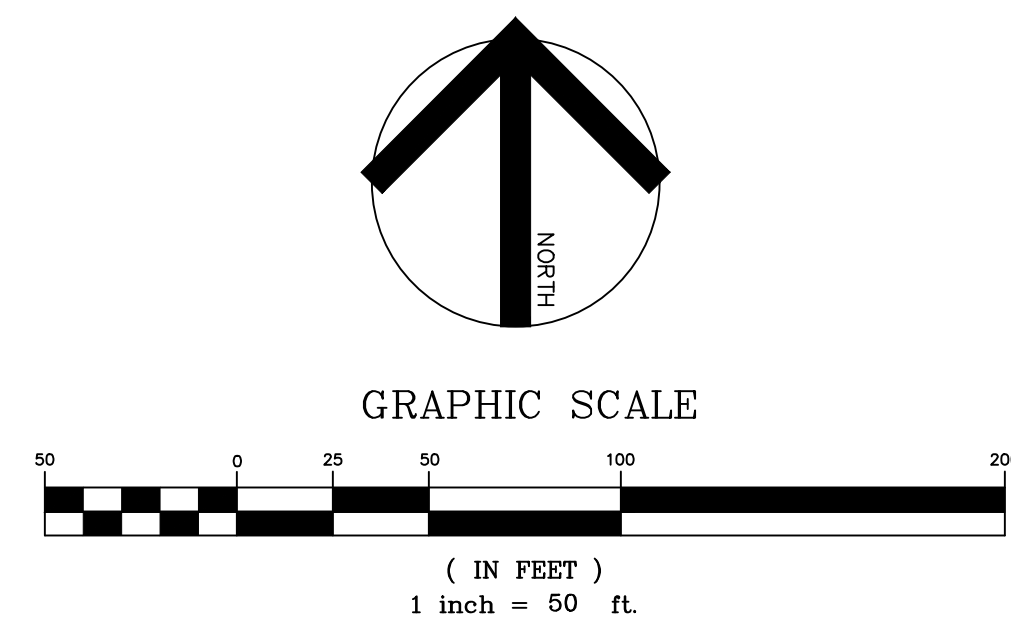
CITY PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING
COMMISSION ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS _____ DAY OF
DAY OF _____ A.D. 20 ____ .
CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK
CITY COUNCIL THIS _____ DAY OF
_____ A.D. 20 ____ .
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK
CITY COUNCIL THIS _____ DAY OF
_____ A.D. 20 ____ .
CITY RECORDER

RECORDED
N°. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER

[illegible]

DESIGNED BY:
ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

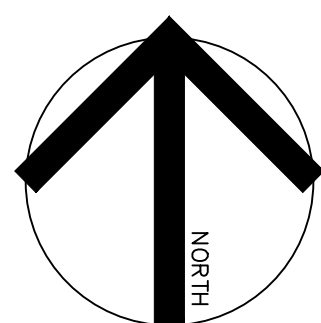
KING'S CROWN RESUBDIVISION, LOTS 23-24
EXISTING AERIAL PHOTO

SHEET 1 OF 1

PLOTTED: DECEMBER 13, 202

101

FOUND BRASS CAP
SURVEY MONUMENT
(EMPIRE AVE. & 11TH ST.)



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGAL DESCRIPTION

ALL OF LOTS 23 & 24, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT RECORDED MAY 16, 2018 AS ENTRY NO. 1091847, OF THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 7.056 SQUARE FEET (0.1620 ACRES) MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF CAVENY PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 200.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
 BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE
 SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT
 LAKE COUNTY, UTAH, AND PROCEEDING EAST ALONG SAID BOUNDARY LINE A DISTANCE OF 430.00 FEET TO A POINT ON A
 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 14.24 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25'02"12", 3) NORTH 68°02'39" WEST
 180.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
 50°26'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE
 THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 162°30'30" WEST A DISTANCE OF 54.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8)
 10.00 FEET ALONG SAID BOUNDARY LINE TO THE EAST, 9) NORTH 16°00'00" WEST 48.39 FEET, MORE OR LESS, TO
 THE EASTERLY RIGHT OF WAY LINE OF VACATED JENNY WALK, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS PLACED AT EXTERIOR CORNERS OF THE PROPERTY, AS THE ENTIRE SITE IS UNDER HEAVY CONSTRUCTION AND MONUMENTS WOULD MOST LIKELY BE REMOVED UPON PLACEMENT.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. DATE OF SURVEY: SEPTEMBER 2020.
5. PURPOSE OF SURVEY: LOT COMBINATION PLAT APPLICATION.
6. SURVEY REQUESTED BY: MR. CHIMSON ONUGBOJU.
7. THERE IS NO EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY AS DESCRIBED HEREON.
8. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES.
9. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY

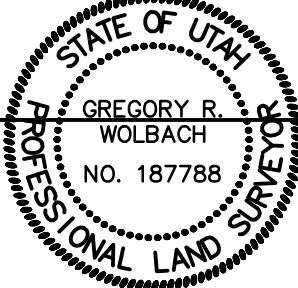
IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW

Gregory R. Wolbach
GREGORY R. WOLBACH

GREGORY R. WOLBACH

December 13, 2021

DAT



KING'S CROWN RE-SUBDIVISION, LOTS 23-24

TOPOGRAPHIC SURVEY

FOR: **WOW ATRIUM**

JOB NO.

1626

SURVEYED BY:
ADM/MD
DRAWN BY:
ADM
CHECKED BY:
ADM

REVISIONS

BY

D

2021 Evergreen Engineering 100

**Evergreen
Engineering, Inc.**

Civil Engineering * Land Surveying * Land Planning
P.O. Box 2861 * Park City * Utah * 84060
Phone: (801) 557-5482
E-mail: amoran@evergreen-ena.com

SHEET 1 OF 1



Re: Kings Crown Lot 23-24 Lot Combination

Park City Planning:

Mr Adamson would like to combine Lots 23 and 24 into a single lot. Lot 23 currently contains his single family completed t in 2021, and Lot 24 is a vacant lot purchased subsequent to construction of his home.

Sincerely,

Chimso Onwuegbu, AIA

Planning Commission Staff Report



Subject: 1304 Park Avenue Plat Amendment
Application: PL-22-05156
Author: Aiden Lillie
Date: March 23, 2022
Type of Item: Administrative

Recommendation

Staff recommends the Planning Commission review the 1304 Park Avenue Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on April 28, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance (Exhibit A).

Description

Applicant: Maria & David Schuelke represented by Jonathan DeGray
Location: 1304 Park Avenue
Zoning District: Historic Residential-Medium Density (HRM)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

HDDR Historic District Design Review
HRM Historic Residential-Medium Density
HSI Historic Sites Inventory
LMC Land Management Code
ROW Right of Way

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

Summary

The Applicant proposes removing the internal block line to create a single Lot of record, amending the plat to create one Lot in the Historic Residential- Medium Density Zoning District. The proposed Plat Amendment converts a metes-and-bounds parcel into one legal Lot of record, which will total 4,125 square feet.

Background

The single-family home located at 1304 Park Avenue was constructed in c. 1885 and is a Landmark Historic Site on the Historic Sites Inventory (HSI) (Exhibit B). This site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District.

¹ LMC [§ 15-7.1-2\(B\)](#).

The Northern portion of 1304 Park Avenue was constructed on Block 24 of Snyder's Addition to Park City; this Block was recorded with no Lots on it. The Southern portion of 1304 Park Avenue was constructed on the 13th Street Right-of-Way (ROW).



Figure 1. Summit County Tax Photograph

On May 27, 1977, a vacation of 13th Street was recorded with Summit County Recorder's Office, as the Southern portion of 1304 Park Avenue was constructed on 13th Street.

On February 7, 2017, a previous property owner submitted a Historic District Design Review (HDDR) Pre-Application. Planning Staff made the determination that the site would need a Plat Amendment for any future development on the property to occur.

On April 28, 2017, the previous property owner submitted a complete Plat Amendment application. On June 13, 2018, the Planning Commission reviewed the proposed Plat Amendment and forwarded a positive recommendation to City Council ([Staff Report](#); [Minutes](#), Page 50).

On July 12, 2018, the City Council reviewed the Plat Amendment at 1304 Park Avenue and approved Ordinance No. 2018-40 ([Staff Report](#); [Minutes](#), Page 9).

On July 17, 2019, the previous property owner submitted an Extension of Approval application, as the Applicant was unable to complete the requirements of Ordinance No. 2018-40 Conditions of Approval and record the Plat with Summit County before the approval expired. On August 15, 2019, the City Council approved the Request for Extension of the 1304 Park Avenue Plat Amendment ([Staff Report](#); [Minutes](#), Page 11).

The 1304 Park Avenue Plat Amendment Extension of Approval recordation did not occur within one year, and the approval for the Plat was void as of July 12, 2020. The following are outstanding Conditions of Approval that must be fulfilled before(Ordinance No. 2018-40, Exhibit C):

1. The fence encroaches at multiple points over the Property Line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location. To be completed prior to recordation of this Plat Amendment.
2. The existing concrete retaining wall encroaches approximately seven feet (7') into the Right-of-Way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this Plat Amendment.
3. The existing main building and front porch encroach approximately one foot (1') into the Right-of-Way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the Historic designation.

On February 7, 2022, the Planning Department received a complete Plat Amendment application. There has been no code change nor no new information regarding the site so the proposed COA have not changed.



Figure 2. 2018 Photograph

Analysis

The Planning Commission holds a public hearing and makes a recommendation to City Council; the City Council reviews and takes action on a Plat Amendment.²

(I) The proposal complies with the Historic Residential Medium- Density Zoning District Requirements outlined in LMC [Chapter 15-2.4](#).

The purpose of the HRM Zoning District is to:

1. allow continuation of permanent residential and transient housing in original residential Areas of Park City;
2. encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding area;
3. encourage the rehabilitation of existing Historic Buildings and/or Structures;
4. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments;
5. encourage Affordable Housing;
6. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and
7. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.³

The table below outlines the HRM Zoning District Lot requirements:⁴

Zoning Requirement	Analysis of Proposal
Minimum Lot Size for a Single-Family Dwelling is 1,875 sq. ft.	Complies proposed combined Lot size is 4,125 sq. ft.
Minimum Lot Width of a Lot is 37.50 ft.	Complies proposed 55 ft. Lot Width.
Minimum Front Setback for Single-Family is 15 ft.	Complies, existing 0 ft Front Setback of the Landmark Historic Structure is a valid Non-Complying Structure. ⁵
Minimum Rear Setback is 10 ft.	Complies, the existing Rear Setback is 15 ft.
Minimum Side Setback for a Single-Family is 5 ft.	Complies, the existing 3 ft and 5 ft Side Setback of the existing Landmark Historic Structure is a valid Non-Complying Structure. ⁶

² LMC § [15-7.1-6](#).

³ LMC § [15-2.4-1](#)

⁴ LMC § [15-2.4-3](#)

⁵ LMC § [15-2.4-4](#), Existing Historic Buildings And/or Structures, that states Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

⁶ LMC § [15-2.4-4](#), Existing Historic Buildings And/or Structures, that states Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the *Design Guidelines for Historic Districts and Historic Sites* found in LMC [Chapter 15-13](#) (Condition of Approval 5).

(II) Staff finds Good Cause for the Proposal because removal of the internal Block line resolves existing issues and preserves the character of the neighborhood.

Good Cause is defined in LMC [Chapter 15-15](#) as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community”.

The purpose of the HRM Zoning District in part is to allow continuation of permanent residential and transient housing in original residential Areas of Park City as well as encourage the rehabilitation of existing Historic Buildings and/or Structures.⁷

The removal of the Block line that runs through the Landmark Historic Structure will allow for the Lot lines to be cleaned up and it will also resolve existing encroachments into the City’s right-of-way, including the house, front porch, and concrete retaining wall (Conditions of Approval 3-5, Exhibit A).



Figure 3. Proposed Plat

⁷ LMC § [15-2.4-1](#)

(III) The Development Review Committee identified issues with the proposed plat.

On February 15, 2022, the Development Review Committee evaluated the proposal. The City Engineering Department had several comments, which are listed below. Other DRC departments found no issues with the proposal.

1. City Engineering

- a. Show the right of way lines.
- b. Show the right of way to the right of way lines dimensions.
- c. Add a road centerline.
- d. Add a road centerline bearing.
- e. Add a road centerline to the right of way line dimension.
- f. Add a 10 feet wide snow storage easement in favor of PCMC.
- g. Add a 5 feet wide public utility easement around the parcel.
 - i. The Applicant has addressed these comments by agreeing to make these changes to the proposed Plat.

Condition of Approval 8, “A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat” and Condition of Approval 9, “A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat”, are included in the Draft Ordinance (Exhibit A) to address these comments.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 9, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022. The *Park Record* published notice on March 9, 2022. LMC § [15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1304 Park Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1304 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1304 Park Avenue Plat Amendment to a date certain.

Exhibits

Exhibit A: Draft Ordinance

Exhibit A, Attachment 1: Proposed Plat

Exhibit B: Historic Site Inventory Form

Exhibit C: Ordinance No. 2018-40

Ordinance No. 2022-XX

AN ORDINANCE APPROVING 1304 PARK AVENUE PLAT AMENDMENT, LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1304 Park Avenue petitioned the City Council for approval of the 1304 Park Avenue Plat Amendment; and

WHEREAS, on March 9, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 9, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 9, 2022 courtesy notice was mailed to property owners within 300 feet of the 1304 Park Avenue; and

WHEREAS, on March 23, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a _____ recommendation for City Council's consideration on April 28, 2022; and

WHEREAS, on April 28, 2021, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapter 15-7.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment at 1304 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 1304 Park Avenue.
2. The Applicant is proposing to remove an internal block line between Block 24 of Snyder's Addition to Park City Survey and 13th Street.
3. The Northern portion of 1304 Park Avenue is Block 24 of Snyder's Addition to Park City, this Block has no Lots. The Southern portion of 1304 Park Avenue is the 13th Street Right-of-Way.
4. The proposed Plat Amendment converts a metes and bounds parcel into one legal lot of record, which will include 4,125 square feet.

5. The Single-Family home was built in Circa 1885 and is designated as Landmark on the Park City Historic Sites Inventory and listed on the National Register of Historic Places.
6. On February 7, 2022, the Planning Department received a complete Plat Amendment application.
7. All Findings in the Background Section are incorporated herein as findings of fact.

Zoning District:

8. The property is located in the Historic Residential Medium (HRM) Zoning District.

Public Notice Requirements:

9. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on March 9, 2022.
10. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022.
11. The *Park Record* published notice on March 9, 2022. LMC § [15-1-21](#).

Lot and Site Requirements

12. The proposed Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4.
13. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot sizes comply with this requirement, containing 4,125 square feet.
14. The minimum Lot width in the HRM Zoning District is 37.50 feet. The proposed Lot complies with this requirement, containing 55 feet.
15. The required Front Setback for Single-Family is 15 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with a front setback of 0 ft.
16. The required Rear Setback is 10 Ft. 1304 Park Avenue complies with a 15 ft. Rear Setback.
17. The required Side Setback is 5 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with Side Setbacks of 3 ft and 5 ft.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC [Chapter 15-2.4](#) HRM and LMC [§ 15-7.1-6](#) Final Subdivision Plat.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location.

4. The existing concrete retaining wall encroaches approximately seven feet into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
5. The existing main building and front porch encroach approximately 1 foot into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the historic designation.
6. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
7. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the *Design Guidelines for Historic Districts and Historic Sites* found in LMC [Chapter 15-13](#).
8. A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat.
9. A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 28th Day of April 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 - Plat

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **David F. & Elizabeth Condon House**

Address: 1304 PARK AVE

AKA:

City, County: Park City, Summit County, Utah

Tax Number: SA-275-A

Current Owner Name: VOLMRICH JEFFREY & FIONA H/W (JT)

Parent Parcel(s): SA-275

Current Owner Address: 1790 SUN PEAK DR #B102, PARK CITY, UT 84098-6559

Legal Description (include acreage): BEG AT A PT WH IS 481.00 FT N 54°01' E & 500.00 FT S 35°59' E FROM THE NW COR OF BLK 24 SNYDERS ADDITION TO PARK CITY; TH S 54°01' W 75.00 FT; TH S 35°59' E 55.00 FT; TH N 54°01' W 75.00 FT; TH S 35°59' E 55.00 FT; TH N 54°01' E 75.00 FT; TH N 35°00' W 55.00 FT TO THE PT OF BEG CONT 0.10 AC

2 STATUS/USE

Property Category

- ☒ building(s), main
- ☐ building(s), attached
- ☐ building(s), detached
- ☐ building(s), public
- ☐ building(s), accessory
- ☐ structure(s)

Evaluation*

- ☒ Landmark Site
- ☐ Significant Site
- ☐ Not Historic

Reconstruction

- Date:
- Permit #:
- ☐ Full ☐ Partial

Use

- Original Use: Residential
- Current Use: Residential

*National Register of Historic Places: ☐ ineligible ☒ eligible
☒ listed (date: 7/12/1984 - Mining Boom Era Residences Thematic District)

3 DOCUMENTATION

Photos: Dates

- ☒ tax photo:
- ☒ prints:
- ☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
- ☐ site sketch map
- ☐ Historic American Bldg. Survey
- ☐ original plans:
- ☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
- ☐ tax card
- ☐ original building permit
- ☐ sewer permit
- ☒ Sanborn Maps
- ☐ obituary index
- ☐ city directories/gazetteers
- ☐ census records
- ☐ biographical encyclopedias
- ☐ newspapers
- ☒ city/county histories
- ☐ personal interviews
- ☐ Utah Hist. Research Center
- ☐ USHS Preservation Files
- ☐ USHS Architects File
- ☐ LDS Family History Library
- ☐ Park City Hist. Soc/Museum
- ☐ university library(ies):
- ☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: T/L cottage type

No. Stories: 1 ½

Additions: ☐ none ☐ minor ☐ major (describe below) Alterations: ☐ none ☐ minor ☐ major (describe below)

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

- ☒ **Good** (Well maintained with no serious problems apparent.)
☐ **Fair** (Some problems are apparent. Describe the problems.):
☐ **Poor** (Major problems are apparent and constitute an imminent threat. Describe the problems.):
☐ **Uninhabitable/Ruin**

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Low concrete wall runs the length of the frontage with low wooden fence atop.

Foundation: Not verified.

Walls: Drop siding.

Roof: Cross-wing roof from sheathed in asphalt shingles.

Windows/Doors: Double-hung sash type and a grouping of three single light with larger center window flanked by narrow fixed casements.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame T/L cottage remains as it was described in the National Register nomination form (see Structure/Site Form, 1983). A window has been cut into the gable end, but is unobtrusive and does not affect the site's original design character.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting remains as it appears in the earliest photograph.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era.

This site was listed on the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*. It was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1885¹

Builder: ☒ Not Known ☐ Known: (source:)

¹ National Register nomination.

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☒ Settlement & Mining Boom Era (1868-1893)
- ☐ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: West elevation. Camera facing east, 2006.

Photo No. 2: West elevation. Camera facing east, 1995.

Photo No. 3: West elevation. Camera facing east, 1983

Photo No. 4: Southwest oblique. Camera facing northeast, tax photo.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.



SA 275

6.11.11

566

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 1304 Park UTM: 12 457530 4500110
 Park City, Summit County, Utah
 Name of Structure: David F. and Elizabeth Condon House T. R. S.
 Present Owner: Mr. and Mrs. John Roberts
 Owner Address: P.O. Box 726, Park City, Utah 84060

Year Built (Tax Record): Effective Age: Tax #: SA 275
 Legal Description Kind of Building:

Beginning South 54 degrees 01 minutes West 244 feet from Southeast corner Block 24, Snyder's Addition
 to Park City Survey thence North 35 degrees 59 minutes West 30 feet North 54 degrees
 01 minutes East 150 feet, South 35 degrees 59 minutes East 30 feet, South 54 degrees
 01 minutes West 150 feet to beginning. Also half of 13th Street, Park City Survey,
 commencing at point South 54 degrees 01 minutes West 244 feet from Southeast
 (see continuation sheet)

STATUS/USE 2

Original Owner: probably David F. & Elizabeth Condon Construction Date: c. 1885 Demolition Date:
 Original Use: Residence Present Use:

Building Condition:	Integrity:	Preliminary Evaluation:	Final Register Status:
☐ Excellent	☐ Site	☒ Significant	☐ National Landmark
☒ Good	☐ Ruins	☐ Not of the	☐ District
☐ Deteriorated	☐ Minor Alterations	☐ Contributory	☐ National Register
	☒ Major Alterations	☐ Not Contributory	☐ State Register
			☐ Multi-Resource
			☐ Thematic

DOCUMENTATION 3

Photography: Date of Slides: 1983 Slide No.: Date of Photographs: 1983 Photo No.:
 Views: ☐ Front ☐ Side ☐ Rear ☐ Other Views: ☐ Front ☐ Side ☐ Rear ☐ Other

Research Sources:

☒ Abstract of Title	☒ Sanborn Maps	☒ Newspapers	☐ U of U Library
☒ Plat Records/Map	☐ City Directories	☐ Utah State Historical Society	☐ BYU Library
☒ Tax Card & Photo	☐ Biographical Encyclopedias	☐ Personal Interviews	☐ USU Library
☐ Building Permit	☒ Obituary Index	☐ LDS Church Archives	☐ SLC Library
☐ Sewer Permit	☒ County & City Histories	☐ LDS Genealogical Society	☒ Other Census Records

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

1880 Census Records. Summit County, Park City Precinct, p. 6.
 1900 Census Records. Summit County, Park City Precinct, pp. 162-A, 164-B.

Street Address: 1304 Park

Site No:

Architect/Builder: Unknown

Building Materials: Wood

Building Type/Style: T/L Cottage by Addition

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a one story frame T/L cottage with a gable roof. It is a T/L cottage by addition. A cross-wing was added to an existing hall and parlor house to form a T/L cottage. This was a common method for expanding and at the same time updating a small house. The 1907 Sanborn Insurance Map shows 1304 Park as a hall and parlor house. The cross-wing therefore was added sometime after 1907. As is typical of houses that are T/L cottages by addition, the facade of the original hall and parlor house remains on the stem-wing with a door centered between two double hung sash windows. A porch spans the length of that section. The cross-wing was built of drop siding that matches the siding of the original section. A three part horizontal window pierces the gable end of the crosswing, and a similar window replaced an original double hung window on the south end of the stem-wing. That window change is minor and unobtrusive. There is a rear shed extension attached to the stem-wing which is probably original, or was built shortly after the original construction. Whether the extension is original or not, in-period additions are part of Park City's architectural vocabulary. Although in many cases an extension represents a major alteration of the original house, it usually contributes to the significance of a house because it documents the most common and acceptable method of expansion of the small Park City house. (See continuation sheet)

Statement of Historical Significance:

Construction Date: c. 1885

Built c.1885, the David F. and Elizabeth Condon House at 1304 Park is architecturally significant as one of about 34 extant T/L cottages by addition in Park City, 11 of which are included in this nomination. The T/L cottage was one of three popular Park City house forms that was built in the late nineteenth century. T/L cottages by addition make up 9% of the total number of in-period buildings in Park City, and represent 30% of the total number of houses with T/L plans. The T/L cottage resulted from the addition of a cross-wing to an existing hall and parlor house, and is significant because it documents the most common major method of expanding a small mining town cottage.

The original hall and parlor section of this house was probably built for David F. and Elizabeth Condon, possibly as early as the late 1870s¹ and by at least 1898.² The estimated date of construction, c. 1885, is a compromise between those parameters, since there is no evidence to conclusively prove its actual construction date. David F. Condon was born in Louisiana c. 1848 and came at an unknown date to Park City, where he worked in one of the mills. His wife, Lizzie, was born in Illinois c. 1852. David died during the 1880s or 1890s, and in 1898 Elizabeth sold this house to William and Drucilla Cunnington.

William Cunnington, born in California in 1866, worked as a teamster in Park City around the turn of the century. His wife, Drucilla, whom he married c. 1893, was born in Utah in 1873. They had at least two children. The addition to this house, which changed its form to that of a T/L cottage, was probably built by the Cunningtons c. 1910, as indicated by the Sanborn Insurance Maps. The Cunningtons sold this house in 1916 to Edward L. Berry, whose family continued to own it until 1977.

(See continuation sheet)

1304 Park

Description continued:

This house does not maintain its original integrity as a hall and parlor house. It, however, was altered within the mining boom era and documents a common method of expansion, the change of a hall and parlor house to a T/L cottage by the addition of a cross-wing. It therefore maintains its integrity as another significant type, the T/L cottage by addition.

History continued:

¹1880 Summit County Census Records, Park City Precinct, p. 6. Although the evidence here is not conclusive, it appears that the Condons may have been living on Park Avenue at that time, suggesting that this house may have been built by that date.

²The April 16, 1898 transaction in which the property was sold to the Cunningtons included the description of a "four-room frame dwelling house" on this property.

Legal Description continued:

corner Block 24, Park City Survey, thence South 35 degrees 59 minutes East 50 feet North 54 degrees 01 minutes East 150 feet, North 35 degrees 59 minutes West 50 feet, South 54 degrees 01 minutes West 150 feet to beginning.

Less than one acre.



David F. and Elizabeth Condon House
1304 Park
Park City, Summit County, Utah

Southwest corner

Photo by Debbie Temme, October 1983
Negative: Utah State Historical Society





Ordinance No. 2018-40

AN ORDINANCE APPROVING THE 1304 PARK AVENUE PLAT AMENDMENT LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1304 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 12, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1304 Park Avenue Plat Amendment located at the same address.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1304 Park Avenue.
2. The property consists of a metes and bounds parcel of Snyder's Addition to Park City.
3. The property is in the Historic Residential – Medium Density (HRM) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes one (1) block line that runs through the existing house.
6. The proposed Plat Amendment converts the metes and bounds parcel into one (1) legal lot of record, which will include 4,125 square feet.

7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HRM zone. The proposed lots meet the minimum lot area for single-family dwellings.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 37.50 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with width at 55 feet.
10. LMC § 15-2.4-6 indicates that historic structures that do not comply with building setbacks are valid non-complying structures.
11. The applicant proposes to maintain and renovate the historic house at 1304 Park Avenue.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are twenty feet (20'). The historic house is encroaching over the front property line approximately 1 foot, and is valid non-complying. There is an existing non-historic shed which has 1 foot (1') rear setback.
13. The minimum side yard setbacks for the site are five feet (5'). The house is setback 14.5 feet (14.5') from the south side yard and 4 feet (4') from the north side yard, which is valid non-complying.
14. There are several existing encroachments on site. The existing historic home, constructed in 1885, encroaches approximately 1 foot (1') over the front property line. There is an existing fence that runs along both sides and the rear property lines, which crosses over the property line into the Cottages on the Park property. There is a concrete retaining wall that encroaches 7 feet (7') into the City right-of-way in front of the 1304 Park Avenue property line (southwest corner, adjacent to the gravel driveway) and onto the Coalition Lodge Condominium property at 1300 Park Avenue.
15. The application was complete on April 28, 2017.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Ten foot (10') public snow storage easement shall be granted along the Park Avenue right-of-way.
4. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location. To be completed prior to recordation of this plat amendment.
5. The existing concrete retaining wall encroaches approximately seven feet (7') into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
6. The existing main building and front porch encroach approximately 1 foot (1') into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the historic designation.
7. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

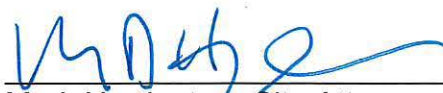



Andy Beerman, MAYOR

ATTEST:


City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

1304 LOT 1
AREA = 3.9 ACRES

LEGEND:

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTER LINE
- EASEMENT
- BLOCK LINE
- STREET ADDRESS ON PARK AVE.
- SET NAIL & WASHER L55048508
- FOUND S&P REBAR & CAP L5167821
- STREET MONUMENT

1304 PARK AVENUE PLAT AMENDMENT

AMENDMENT TO A PORTION OF BLOCK 24
SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

VICINITY AND ZONING MAP
NOT TO SCALE

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046508. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED TO BE HEREINAFTER KNOWN AS THE 1304 PARK AVENUE PLAT AMENDMENT. DOES HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF ____, 2017.

ACKNOWLEDGMENT

STATE OF UTAH: }
COUNTY OF SUMMIT: } SS

PERSONALLY APPEARED BEFORE ME ON THIS ____ DAY OF ____, 2017, THE FOLLOWING:

WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES ____ NOTARY PUBLIC
RESIDING IN ____

LEGAL DESCRIPTION:

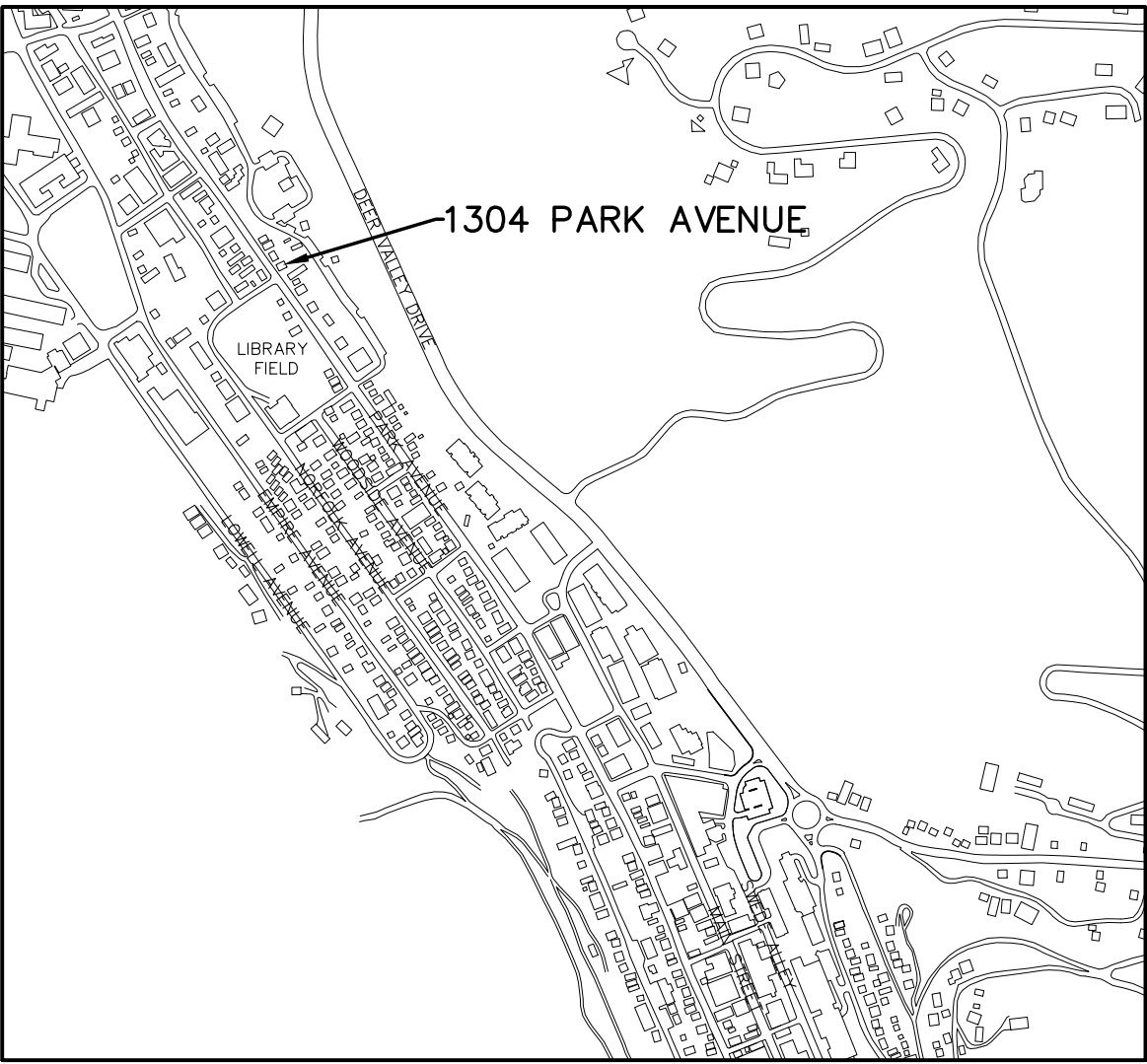
LOT 1: BEGINNING AT A POINT WHICH IS 481.00 FEET NORTH 54°01' EAST AND 300 FEET SOUTH 35°59' EAST FROM THE NORTHWEST CORNER OF BLOCK 24, SNYDERS ADDITION TO PARK CITY; THENCE SOUTH 54°01' WEST 75.00 FEET; THENCE SOUTH 35°59' EAST 55.00 FEET; THENCE NORTH 54°01' WEST 75.00 FEET; THENCE SOUTH 35°59' EAST 55.00 FEET; THENCE NORTH 54°01' EAST 75.00 FEET; THENCE NORTH 35°00' WEST 25.00 FEET TO THE POINT OF BEGINNING. CONTAINING 8.10 ACRES.

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XX-XX.

	FERRARI SURVEYING, LLC P.O.B. 883001 PARK CITY, UT (435) 646-0412	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____, 2017 A.D. BY: S.B.W.R.C.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23rd DAY OF MARCH, 2017 BY: CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2017 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ____, 2017 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2017 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 14th DAY OF APRIL, 2017 A.D. BY: MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER ____
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VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one lot, hereafter to be known as 1304 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

DEED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°00' West 55.00 feet to the point of beginning.

AS—SURVEYED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°59' West 55.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Maria L. Schuelke and David Schuelke, wife and husband as joint tenants, are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1304 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon, and hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set her hand this ____ day of _____, 2022.

By: _____
Maria L. Schuelke

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

By: _____
David Schuelke

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this ____ day of _____, 2022, Maria L. Schuelke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that she executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this ____ day of _____, 2022, David Schuelke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that he executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

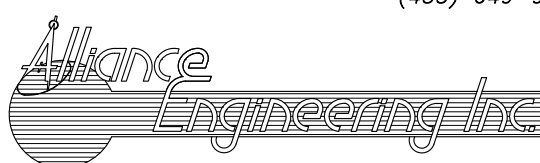
NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- The bearings of blocks in Snyder's Addition to Park City have historically been N 35°59'00" W and previous deeds indicate a bearing of N 35°59'00" W. It is suspected that the minutes portion of the bearings in the current deed were mistakenly changed from 59' to 00'. In addition, Cottages on the Park, recorded November 12, 1999, as Entry No. 552853, which abuts 1304 Park Avenue, indicates a bearing of N 35°59'00" W.



1304 PARK AVENUE PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SHEET 1 OF 1

2/1/22 JOB NO.: 13-11-21 FILE: X:\SnydersAddition\dwg\sr\plat2021\131121.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS ____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 45 Hillside Avenue
Steep Slope Conditional Use Permit
Application: PL-21-05085
Author: Browne Sebright, Planner II
Date: March 23, 2022
Type of Item: Administrative – Steep Slope Conditional Use Permit

Recommendation

(I) Review the proposal for the construction of a detached garage into a Steep Slope in the front of a non-Historic site, (II) conduct a public hearing, and (III) consider approving the Steep Slope Conditional Use Permit subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Dan Fischer, represented by Caitlyn Barhorst
Location: 45 Hillside Avenue
Zoning District: Historic Residential – 1
Adjacent Land Uses: Residential
Reason for Review: The Planning Commission takes final action on Steep Slope Conditional Use Permits for Lots greater than 3,750 square feet¹

CUP Conditional Use Permit
HDDR Historic District Design Review
HR – 1 Historic Residential – 1
LMC Land Management Code
SSCUP Steep Slope Conditional Use Permit

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

Background

45 Hillside is an improved lot with a non-historic Single-Family Dwelling in the Historic Residential – 1 (HR-1) Zoning District. On August 24, 2021, the Board of Adjustment approved with conditions a request for Variances from the Front Setback outlined in LMC Section 15-2.2-3(F) and Front Setback exceptions outlined in LMC Section 15-2.2-3(G) to locate a Detached Accessory Building within the Front Setback of the Single-Family Dwelling, in order to construct a new single car “bunker” style garage that is building into the hillside ([Staff Report](#); [Minutes](#), p. 1).

Hillside Avenue is a short road (approximately 500 feet in length) that connects Daly Avenue and Main Street to Marsac Avenue. Hillside Avenue is a two-way street, but its

¹ LMC § [15-2.2-6\(B\)](#).

middle section is a single-track road, which permits two-way travel, but only in one direction at a time. Southbound (downhill) vehicles are required to yield to northbound (uphill) travel. 45 Hillside Avenue is located at the bottom of the street, near the juncture of Hillside Avenue, Daly Avenue and Main Street. The location of the property at the juncture of Hillside Avenue, Daly Avenue, and Main Street creates a traffic situation that is unique to this specific intersection. There has been numerous vehicular accidents and issues with snow removal causing pedestrian and vehicular sight line concerns (See [Attachment B of the Variance Application](#)).



Figure 1. Aerial Photograph of Hillside Avenue (yellow), and the location of 45 Hillside Avenue (red).

In addition to the Steep Slope Conditional Use Permit application, the Applicant submitted a Historic District Design Review (HDDR) application for the proposed detached garage. The proposed garage is on a slope greater than 30% and requires a Steep Slope Conditional Use Permit.

On January 20, 2022, the Planning Department conducted a public hearing for the HDDR and found the project complies as conditioned with the Design Guidelines for Historic Residential Sites outlined in LMC [§ 15-13-8](#), pending Planning Commission approval of the Steep Slope Conditional Use Permit.

45 Hillside Avenue is the Lot described in the Bluejay Parcel Lot Line Adjustment (Exhibit B). Prior to the HDDR approval, staff identified an approximately 200 square foot parcel of land (Parcel B), that is described in Note #3 of the Plat as being subject to the restrictions of Quit Claim entry No. 450706, Book 925, Pages 722-724. Parcel B on

the plat is denoted “Open Space,” and under the terms of the Quit Claim deed is subject to an open space easement that states: “Grantee shall not construct any structure or building on the parcel” (Exhibit C). Park City Municipal Corporation is the beneficiary of the open space parcel.

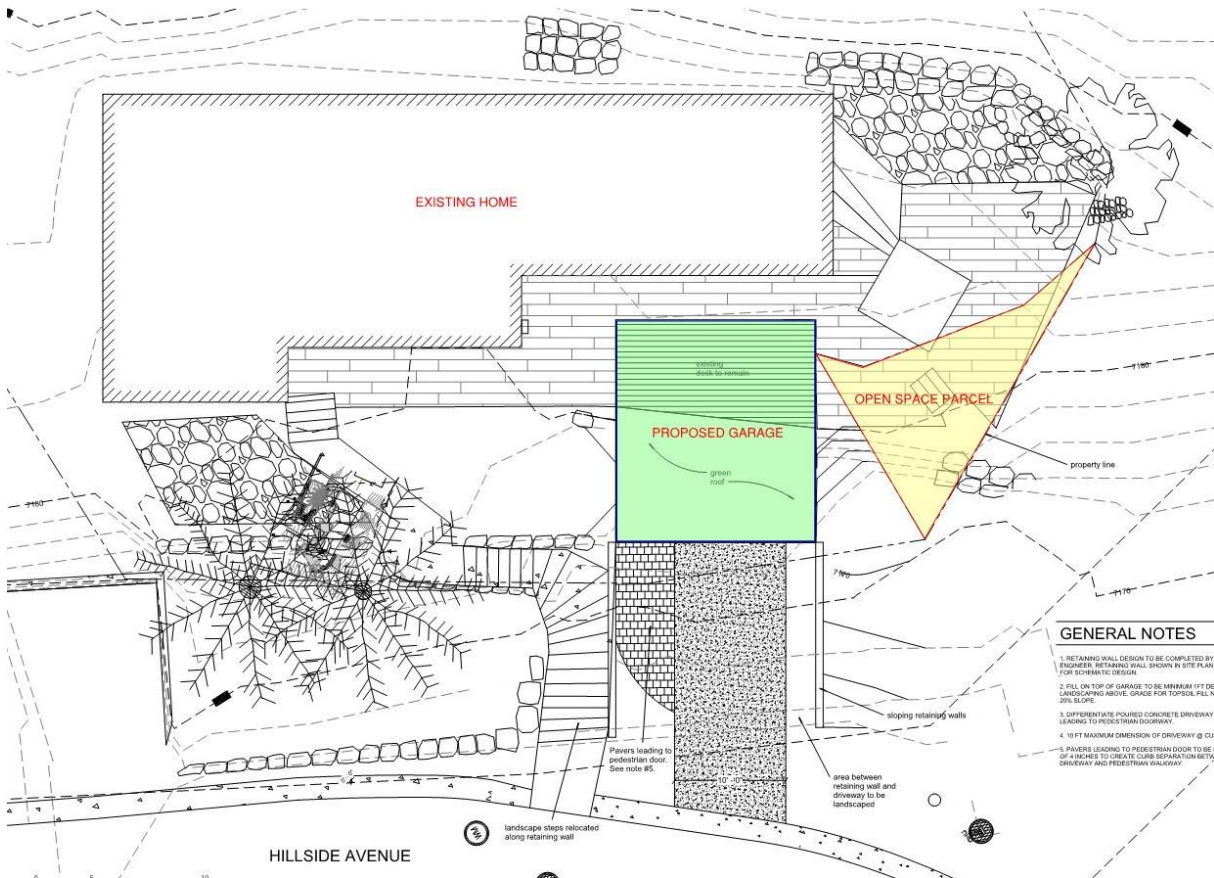


Figure 2. The locations of the proposed garage (green), existing home (white), and open space parcel (yellow).

Condition of Approval 1 of the Variance states, “the Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval” (Exhibit G). This application was reviewed by the Trails and Open Space manager on February 8, 2022, and he confirmed that the City as the beneficiary will not permit a structure to be built in the open space area. As a result, the Applicant modified the proposal to meet the requirements of the Variance and HDDR approvals and to preserve the required Open Space parcel.

The following images from the Applicant’s submittal (Exhibit E) show the proposed front elevation and a cross section of the garage.

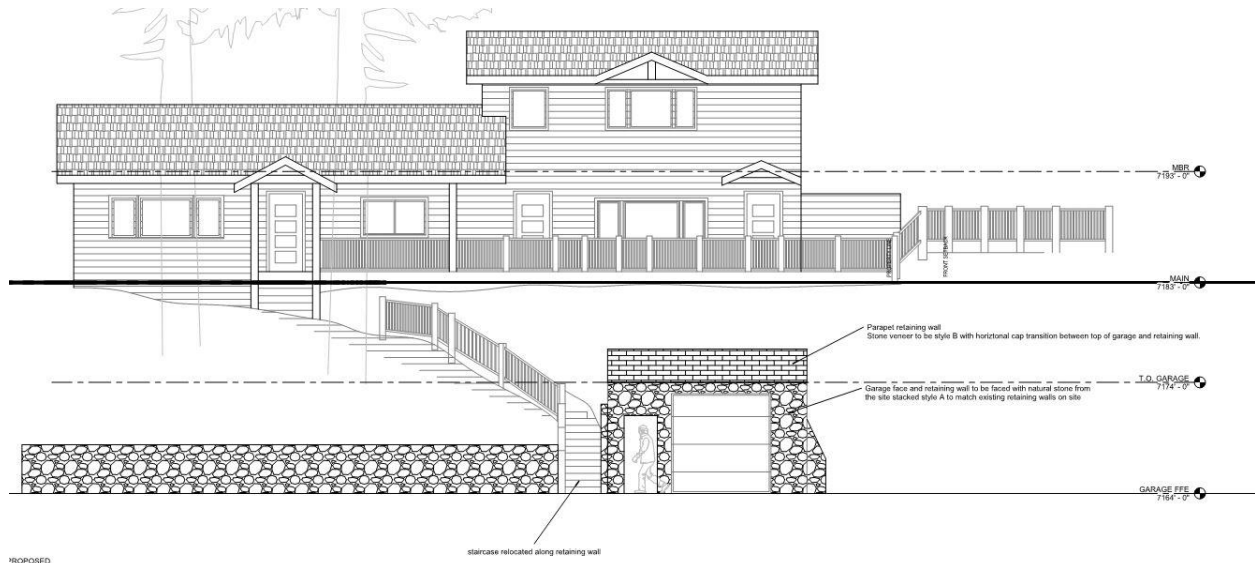


Figure 2. The proposed front elevation of the garage and the existing home.

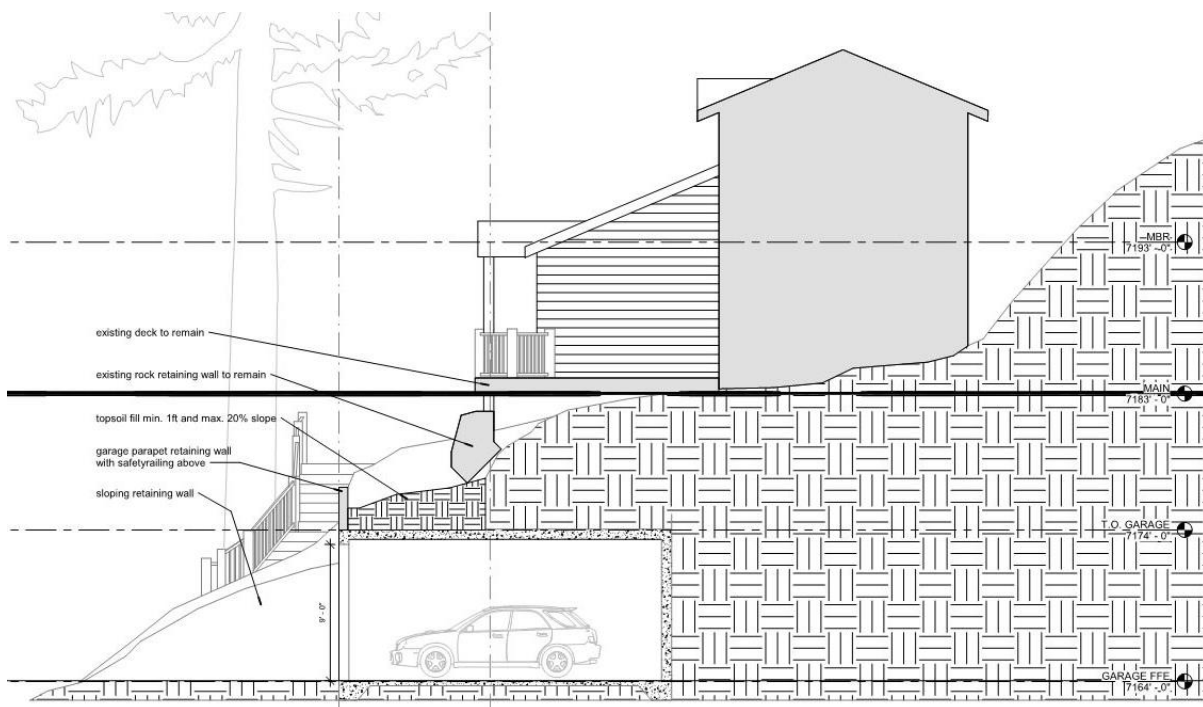


Figure 3. The cross section of the proposed garage.

Analysis

(I) The proposed detached garage complies with the Historic Residential – 1 Zoning District requirements with Variances approved by the Board of Adjustment

The purposes of the Historic Residential – 1 (HR – 1) Zoning District are in part to encourage construction of Historically Compatible Structures that contribute to the

character and scale of the Historic District and to maintain existing residential neighborhoods and to establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.²

The HR – 1 Zoning District requires the following Lot and Site requirements for the proposed Structure:³

Standard	Zoning Requirement	Analysis of Proposal
Lot Size – square feet (SF)	1,875 SF minimum for a Single-Family Dwelling	Complies 6,534 SF, no changes proposed
Lot Width – feet (ft.)	Minimum Lot width is 25 feet, measured fifteen feet (15') back from the Front Lot Line	Complies The Lot width is 87-feet wide
Maximum Building Footprint	2,218 SF ⁴ Total Lot Size: 6,534 SF Lot Area Minus Open Space Parcel area: 6,334 SF	Complies Main Building Footprint – 1,408 SF Accessory Building Footprint – 360 SF Combined Footprint – 1,768 SF The Quit Claim deed states that, the “Grantee shall not construct any structure or building on the [open space] parcel” and that, “Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee’s adjoining property”.
Front Setbacks – feet (ft.)	10 ft. minimum for Lots up to 75 feet in depth 20 ft. total for Front and Rear Setbacks	Variance Granted ⁵ Main Building: 16 ft. No changes proposed. Accessory Building: 1 ft.
Rear Setbacks – feet (ft.)	10 ft. minimum for Lots up to 75 feet in depth 20 ft. total for Front and Rear Setbacks	Complies Main Building: 18 ft. No changes proposed. 34 ft. total for Front and Rear Setbacks Accessory Building: located in front of the Main Building.

² LMC [§ 15-2.2-1](#).

³ LMC [§ 15-2.2-3](#).

⁴ MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area.

⁵ Exhibit B: Variance Final Action Letter

Side Setbacks – feet (ft.)	10 ft. minimum for Lots with widths up to 100 feet 24 ft. total for Side Setbacks	Complies Main Building: 6.5 feet (north), 22 feet (south). No changes proposed. Accessory Building: 30 ft (north), 26 ft (south)
Building Height	27 feet above Existing Grade	Complies Main Building: No changes proposed. Accessory Building: 2 ft from existing grade, 13 ft. from final grade. The maximum height measured from the lowest finish floor plane to the point of the highest wall top plate is 13 ft.

(II) The Proposal Complies with Development On Steep Slope Requirements

LMC [§ 15-2.2-6](#) outlines development requirements on Steep Slopes within the HR – 1 Zoning District:

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5.⁶

Planning Commission approval is required for Steep Slope Conditional Use Permits on Lots greater than 3,750 square feet.⁷ 45 Hillside Avenue is a 6,534-square-foot Lot. The criteria the Planning Commission evaluates for Steep Slope Conditional Use Permits are outlined below with staff analysis and recommended Conditions of Approval:

Criteria	Analysis of Proposal
LOCATION OF DEVELOPMENT – development is located and designed to reduce visual and environmental impacts of the Structure.	Complies The Board of Adjustments granted a Variance from LMC Section 15-2.2-3(G) to locate a Detached Accessory Building in front of the Main Building. ⁸ The proposed location of the garage within

⁶ LMC [§ 15-2.2-6](#)

⁷ LMC [§ 15-2.2-6\(B\)\(1\)](#).

⁸ Exhibit B: Variance Final Action Letter

	the Front Setback is to reduce the required excavation of the site. The building will act as the primary retaining structure, minimizing the required retaining walls around the accessory garage.
VISUAL ANALYSIS – the Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed access and building mass and design and to identify the potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.	Complies The development will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. Please see Exhibit E (pg. 9) to view the Applicant's submitted visual analysis. See Exhibit F for photos of the site.
ACCESS – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Side Access to garages is strongly encouraged, where feasible.	Complies The proposed driveway is ten feet (10') wide, and the visual impact of on-site parking is minimized by incorporating landscape treatments for driveways, walkways, paths, and structures in an integrated design. Landscape separations are utilized, and plant materials are used for screening. Paver stones are used to differentiate pedestrian areas from vehicular driveways. The existing landscape stairway will be relocated close to the current location and serve as the same entry point to the residence. The applicant has noted that the stairs will be realigned by the owner to accommodate the garage and driveway location.
TERRACING – the project may include terraced retaining Structures if necessary to regain Natural Grade.	Complies The natural grade of the hillside will be reintroduced on the top of the garage to reduce the visual impacts of the garage and minimize site disturbance; there will also be landscaping where possible between the proposed driveway and the required retaining walls.

BUILDING LOCATION – Building, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the front yard.	Complies The proposal respects existing topography and character-defining site features. The intent of constructing the garage within the Front Setback is to reduce the required excavation of the site. The existing stairway will remain close to the current location and serve as the same entry point to the residence.
BUILDING FORM AND SCALE – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.	Complies The proposal reflects historic character and scale of Park City Historic Sites with small-scale, infill development. The proposal complements the scale and design of buildings unique to Hillside Avenue and Upper Main Street. The images below are from other properties on Hillside Avenue with garages or parking areas within front yard areas.  

SETBACKS – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a wall effect along the Street front and/or the rear lot line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.	Complies Main Building: 7.5 feet (north), 22 feet (south). No changes proposed. Accessory Building: 30 ft (north), 26 ft (south) See Exhibit I for the Setback Determination Letter, as the lot has an unusual configuration.
DWELLING VOLUME – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.	Complies The volume of the main dwelling will remain unchanged. The proposed garage will have a volume of approximately 3,600 cubic feet. The form and volume of the garage are simple, and the garage is embedded into the hillside to reduce its perceived volume.
BUILDING HEIGHT STEEP SLOPE – The HR – 1 Zoning District Height is 27 feet. The Planning Commission may require a reduction in Building Height for all or portions of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood’s existing residential Structures.	Complies Main Building: No changes proposed. Accessory Building: 13 ft. from existing and final grade. The proposed Structure is compatible with surrounding Structures and abides by height restrictions in the HR-1 Zoning District. The front Façade is a similar scale to the surrounding development as viewed from the Hillside Avenue Public Right-of-Way.

Department Review

The Design Review Team and Planning Department reviewed this application. Additionally, this project was brought before the Development Review Committee on August 3, 2021. Engineering Conditions of Approval are incorporated into the Steep Slope Conditional Use Permit, subjected to review and approval by the Planning Commission.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 9, 2022. Staff mailed courtesy notice to property

owners within 300 feet on March 9, 2022. The *Park Record* published notice on March 9, 2022. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Attachment 1: Draft Final Action Letter

Exhibit A: Applicant's Project Narrative

Exhibit B: Bluejay Parcel Plat

Exhibit C: Quit Claim Deed

Exhibit D: Site Survey

Exhibit E: Drawing Set

Exhibit F: Site Photos

Exhibit G: Variance Final Action Letter

Exhibit H: Historic District Design Review Final Action Letter

Exhibit I: Setback Determination Letter



Planning Department

March 23, 2022

Caitlyn Barhorst
358 S 700 E Suite B #243
Salt Lake City, UT 84102
806-559-8079

CC: Dan Fischer

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	45 Hillside Avenue
Zoning District:	Historic Residential – 1 (HR-1)
Application:	Steep Slope Conditional Use Permit
Project Number:	PL-21-05085
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	March 23, 2022
Project Summary:	Construction of a detached garage into a Steep Slope in the front of a non-Historic site

Action Taken

On March 23, 2022, the Planning Commission conducted a public hearing and approved the construction of a detached garage into a Steep Slope in the front of a non-Historic site according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. On June 20, 1996, City Council adopted Ordinance No. 2021-45, approving The Bluejay Parcel Lot Line Adjustment combining portions of Lots 10 and 11, of Block 19 of the Park City Survey. The property is described as parcel BJAY-ALL.
2. The lot contains a 200 square foot parcel of land (Parcel B), that is described in Note #3 of the Plat as being subject to the restrictions of Quit Claim entry No. 450706, Book 925, Pages 722-724. Parcel B on the plat is denoted "Open



Planning Department

Space,” and under the terms of the Quit Claim deed is subject to an open space easement that states: “Grantee shall not construct any structure or building on the parcel”. Park City Municipal Corporation is the beneficiary of the easement.

3. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking. There is no other parking on site.
4. The property is located at 45 Hillside Avenue.
5. The property is located within the Historic Residential – 1 (HR-1) Zoning district.
6. The applicant proposes a detached garage to be constructed within a slope greater than 30% and requires a Steep Slope Conditional Use Permit.
7. Planning Commission approval is required for Steep Slope Conditional Use Permits on Lots greater than 3,750 square feet. 45 Hillside Avenue is a 6,534-square-foot Lot.
8. The purposes of the Historic Residential – 1 (HR-1) Zoning District are in part to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and to maintain existing residential neighborhoods and to establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.
9. The Minimum Lot Size for a Single-Family Dwelling in the HR-1 Zoning District is 1,875 square feet. The Lot is 6,534 square feet.
10. The Minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot width is 87 feet.
11. There is an existing 1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
12. The proposed detached garage is an Accessory Building.
13. The Lot is 6,534 square feet, and the Quit Claim deed states that, the “Grantee shall not construct any structure or building on the [open space] parcel” and that, “Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee’s adjoining property”. The Lot area minus the area of the Open Space Parcel is 6,334 SF.
14. The Maximum Building Footprint for a 6,334 square-foot Lot in the HR-1 Zoning District is 2,218 square feet. The combined Building Footprint for the existing main building and the proposed accessory building is 1,768 square feet.



Planning Department

15. Front and Rear Setbacks for Lots up to 75 feet in depth are 10 feet, for a total of 20 feet. The Front Setback to the main building is 16 feet. The Rear Setback for the main building is 18 feet. The accessory building will have a Front Setback of 1 foot.
16. Side Setbacks for Lots with widths up to 100 feet are 10 feet, for a total of 24 feet. The main building has Side Setbacks of 6.5 feet (north), and 22 feet (south), for a total of 28.5 feet. The accessory building will have side setbacks of 30 feet (north) and 26 feet (south).
17. The lot has an unusual configuration, and per LMC 15-4-17, the setbacks have been determined by the Planning Director, as noted in a determination letter issued on January 13, 2022.
18. On August 24, 2022, the Board of Adjustments granted the property a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
19. Maximum Building Height for the HR-1 Zoning District is 27 feet above Existing Grade, and 18 feet for Accessory Structures. There is no change in height for the main building, and the detached garage will be 2 feet from existing grade, and 13 feet from final grade. The maximum height measured from the lowest finish floor plane to the point of the highest wall top plate is 13 ft.
20. The Planning Commission reviews Steep Slope Conditional Use Permits pursuant to the criteria outlined in LMC Section 15-2.2-6.
21. **LOCATION OF DEVELOPMENT** – The proposed location of the garage within the Front Setback is to reduce the required excavation of the site. The building will act as the primary retaining structure, minimizing the required retaining walls around the accessory garage.
22. **VISUAL ANALYSIS** – The development will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. The structure will be built into the hillside, and will be covered with a green roof to reduce the visual impact.
23. **ACCESS** – The proposed driveway is ten feet (10') wide, and the visual impact of on-site parking is minimized by incorporating landscape treatments for driveways, walkways, paths, and structures in an integrated design. Landscape separations are utilized, and plant materials are used for screening. Paver stones are used to differentiate pedestrian areas from vehicular driveways. The existing



Planning Department

landscape stairway will remain close to the current location and serve as the same entry point to the residence.

24. **TERRACING** – There is a proposed green roof for the top of the garage in order to reduce the visual impacts of the structure; there will also be landscaping where possible between the proposed driveway and the required reanneals.
25. **BUILDING LOCATION** – The proposal respects existing topography, character-defining site features. The intent of constructing the garage within the Front Setback is to reduce the required excavation of the site. The existing landscape stairway will remain close to the current location and serve as the same entry point to the residence.
26. **BUILDING FORM AND SCALE** – The proposal reflects historic character and scale of Park City Historic Sites with small-scale, infill development. The proposal complements the scale and design of buildings unique to Hillside Avenue and Upper Main Street.
27. **SETBACKS** – The lot has an unusual configuration, and per LMC 15-4-17, the setbacks have been determined by the Planning Director, as noted in a determination letter issued on January 13, 2022. The proposed development complies with setbacks, and the Variances granted for the property.
28. **DWELLING VOLUME** – The volume of the main dwelling will remain unchanged. The proposed garage will have a volume of approximately 3,600 cubic feet. The form and volume of the garage are simple, and the garage is embedded into the hillside to reduce its perceived volume.
29. **BUILDING HEIGHT | STEEP SLOPE** – The proposed Structure is compatible with surrounding Structures and abides by height restrictions in the HR-1 Zoning District. The front Façade is a similar scale to the surrounding development as viewed from the Hillside Avenue Public Right-of-Way.
30. Staff reviewed 45 Hillside Avenue's HDDR application for compliance with LMC Chapter 15-13-8, Design Guidelines for New Residential Infill Construction in Historic Districts. The Planning Director approved the Historic District Design Review application on January 20, 2022.
31. Staff published notice on the City's website and posted notice to the property on March 9, 2022.
32. Staff mailed notice to property owners within 300 feet on March 9, 2022.
33. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law



Planning Department

1. The Application complies with Land Management Code Chapter 15-2.2 *Historic Residential – 1 Zoning District*, and LMC Section 15-2.2-6, *Development on Steep Slopes*.
2. The Use will be Compatible with surrounding Structures in scale and mass.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Condition(s) of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and shall be reviewed and approved by the City Engineer and utility providers prior to the issuance of a building permit.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards in a condition precedent to building permit issuance.
4. This approval will expire on March 23, 2023 if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits a extension request in writing to the Planning Department prior to the expiration date and the Planning Director approves an extension of this approval.
5. Final building plans and construction details shall reflect substantial compliance with the plans approved March 23, 2022, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
6. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
7. The Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction prior to submitting a building permit, subject to City Engineer approval.
8. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval.



Planning Department

9. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
10. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
11. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
12. The property is located just outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
13. The Hillside Avenue Public Right-of-Way is a non-compliant parcel within the Soil Ordinance boundary. Construction activity in this area, in addition to a Right-of-Way permit, requires a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.
14. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
15. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
16. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
17. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org

Sincerely,



Planning Department

John Phillips, Planning Commission Chair

CC: Browne Sebright, Project Planner



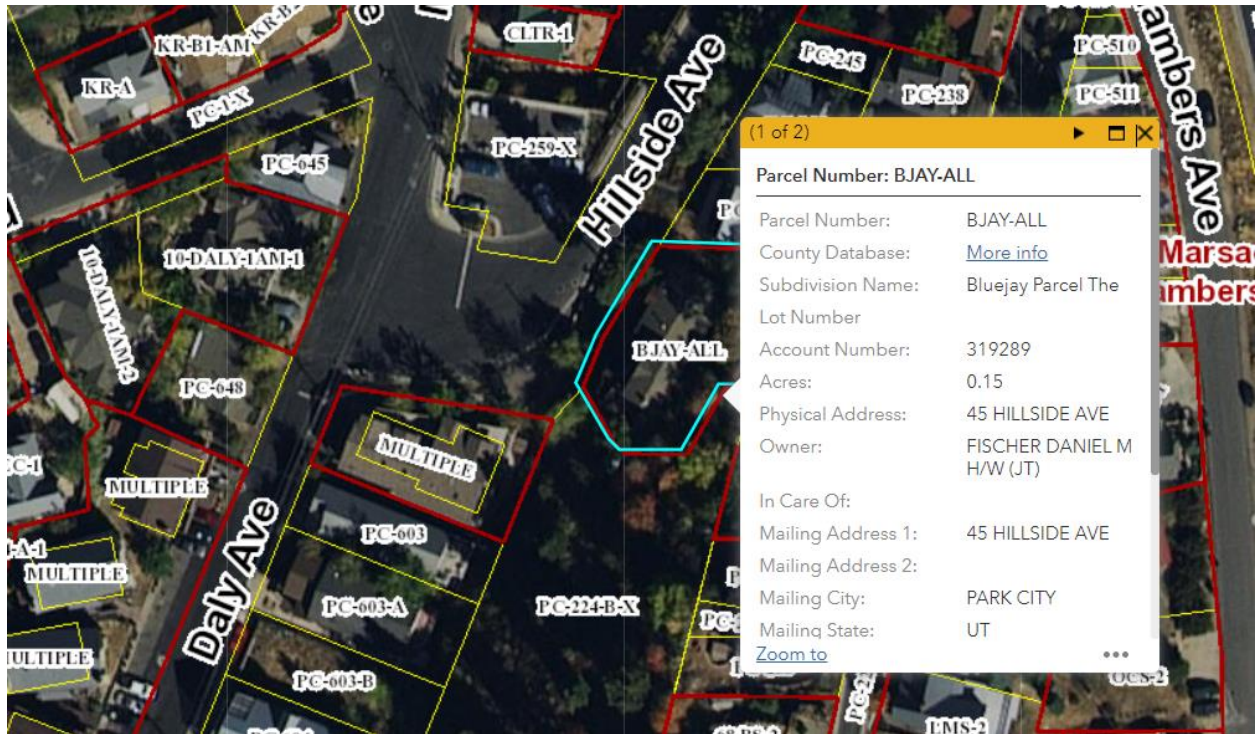
Steep Slope Conditional Use Permit Application – 45 Hillside Avenue, Park City, UT

This existing non-historic Single-Family Dwelling at 45 Hillside Avenue has no off-street parking and the owners are seeking to create parking for the residence with a subterranean “bunker” style garage.

By excavating into the hillside, the “bunker” style garage is intended to provide off-street parking for one car located within the property lines of 45 Hillside Avenue with a driveway leading from the paved Hillside Avenue Right-of-Way. Any necessary encroachment agreements with the city for the driveway, stairway, etc. will be submitted as required. The existing landscape stairway will remain close to the current location and serve as the same entrance point to the residence. There is a proposed green roof for the top of the garage in order to reduce the visual impacts of the structure; there will also be landscaping where possible between the proposed driveway and the required retaining walls. There is an existing accessory structure/shed located in the Right-of-Way which will be removed during the construction of the detached garage. The intent of constructing the detached garage within the front setback is to reduce the required excavation of the site. The existing subterranean garages at 27 Hillside and the excavated parking area at 37 Hillside located just north of the proposed site both achieve off-street parking similar to this application.

Thank you,

Caitlyn Barhorst
Project Manager
806-559-8079
caitlyn@rawdesign.com



Conditional Use Permit Criteria.

The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

1. **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

The proposed location of the detached accessory structure within the front setback reduces the required excavation of the site. The proposed design includes both a green roof/ landscaping above the garage structure to mimic natural grade, as well as landscaping proposed between the paved driveway and the retaining walls to reduce the visual impacts of the retaining walls from the right of way.

2. **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

- To determine potential impacts of the proposed Access, and Building mass and design; and
- To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

See the application package for the visual analysis.

3. **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

The proposed driveway follows as close as possible the natural grade from the paved street to the proposed garage structure

4. **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

The proposed detached accessory structure will act as the majority of the retaining for the site.

5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

The proposed location of the detached accessory structure within the front setback reduces the required excavation of the site. The proposed design includes both a green roof/ landscaping above the garage structure to mimic natural grade, as well as landscaping proposed between the paved driveway and the retaining walls to reduce the visual impacts of the retaining walls from the right of way.

6. **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

The subterranean or "bunker" style garage is proposed to be nested in the site topography. The visible building mass is limited to the garage door and retaining walls along the driveway, which will have landscaping in front of the walls to reduce the visual impacts as seen from the right of way.

7. **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

The garage is proposed to be located at the front property line. The variance application for the location of the detached accessory structure was approved by the Board of Adjustment on August 24, 2021.

8. **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

The maximum footprint for this lot at 0.15 acres (6534sf) is 2263sf. The existing single family dwelling is approximately 1405sf. The proposed garage is 360sf, for a total proposed footprint of 1765sf.

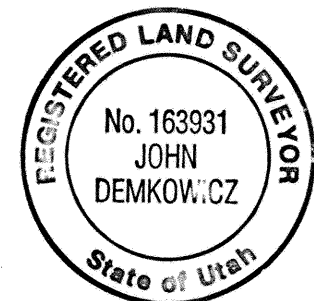
9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.

The proposed garage does not exceed the zone height of 27ft.

SURVEYORS CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Demkowicz
John Demkowicz
Date 6/21/96



DEED DESCRIPTION

All of Lot 10 and the Southerly one-half of Lot 11, Block 19, Park City Survey, according to the amended plat thereof on file in the office of the County Recorder of Summit County, Utah.
CONTAINS 3137 SQ. FT.

PARCEL A

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey and running thence southerly (S 21°33'00" W) 25.00 feet parallel with the easterly side line of Block 73; thence easterly (N 89°57'00" E) 81.25 feet on a line parallel with the section line between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, to the westerly side line of Block 18; thence northerly (N 13°59'00" E) 23.96 feet along said Block 18 to the said section line; thence westerly along the section line (S 89°57'00" W) 77.86 feet to the place of beginning.
CONTAINS 1849 SQ. FT.

PARCEL B

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet to the true point of beginning; and running thence N 89°57'00" E 19.41 feet to a point on an existing fence line; thence along said fence line through the following 3 courses (1) S 45°33'24" W 4.51 feet; thence (2) S 09°27'44" W 15.37 feet; thence (3) S 10°38'33" E 8.58 feet; thence N 29°41'53" W 30.78 feet to the point of beginning.
CONTAINS 200 SQ. FT.

PARCEL C

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet and N 89°57'00" E 19.41 feet to the true point of beginning; and running thence N 89°57'00" E 48.72 feet; thence S 29°00'00" W 36.32 feet; thence S 89°57'00" E 1.76 feet; thence to a point on an existing fence line; thence along said fence line through the following 4 courses: (1) N 48°02'55" W 7.48 feet; thence (2) N 10°38'33" W 8.58 feet; thence (3) N 09°27'44" E 15.37 feet; thence (4) N 45°33'24" E 4.51 feet to the point of beginning.
CONTAINS 1389 SQ. FT.

CONSOLIDATED DESCRIPTION

BEGINNING at a point S 34°42'35" W 147.25 feet from a survey monument at the intersection of Main Street and Daly Avenue and running thence N 21°33'00" E 25.00 feet parallel with the easterly side line of Block 73; thence N 30°57'00" E 51.70 feet along the westerly line of Block 19; thence S 88°43'59" E 67.22 feet; thence S 22°28'00" W 46.30; thence N 89°57'00" E 1.76 feet; thence S 13°59'00" W 23.96 feet; thence S 89°57'00" W 13.13 feet; thence S 29°00'00" W 36.32 feet; thence S 89°57'00" W 29.70 feet to a point on an existing fence line; thence N 48°02'55" W 7.48 feet along said fence line; thence N 29°41'53" W 30.78 feet to the point of beginning
CONTAINS 6575 SQ. FT.

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these present that Gail M. Roesinger, the undersigned owner of the hereon described tract of land to be known hereafter as THE BLUEJAY, certify that I have caused this Lot Line Adjustment plat to be prepared. Gail M. Roesinger hereby consents to the recordation of this Lot Line Adjustment Plat. Also, the owner, or his/her representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 21ST day of JUNE, 1996

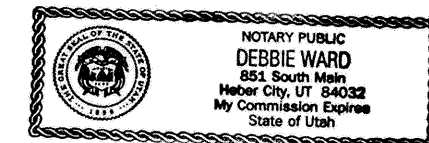
Gail M. Roesinger
Gail M. Roesinger

ACKNOWLEDGEMENT

State of Utah
County of Summit

On this 21 day of June, 1996, personally appeared before me, the undersigned Notary Public in and for said state and county, Gail M. Roesinger being duly sworn, acknowledged to me that he/she is the owner of the herein described tract of land and he/she signed the above Owners Dedication and Consent to Record freely and voluntarily.

Debbie Ward
Notary Public
Commission expires: May 30, 1999



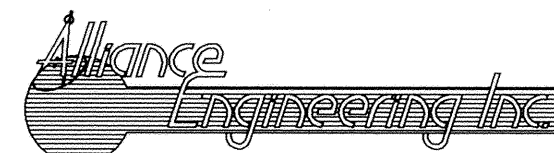
NOTES

- The street address of the property is 45 Hillside Avenue.
- No property corners were set.
- Parcels A, B, and C are subject to restrictions of Quit Claim deed recorded Entry No. 450705, Book 952, Pages 719-721 Entry No. 450706, Book 925, Pages 722-724, and Entry No. 450707, Book 952, Pages 725-727, respectively, at the office of the Summit County Recorder, Summit County, Utah.
- Sideway Easement recorded Entry 454589, Book 965, Pages 612-614, at the office of the Summit County Recorder, Summit County, Utah.

THE BLUEJAY PARCEL

LOT LINE ADJUSTMENT

SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21ST DAY OF JUNE, 1996 A.D.
BY *Chris W. Ockman*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 24TH DAY OF JUNE, 1996 A.D.
BY *Mal D. Hays*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 20TH DAY OF JUNE, 1996 A.D.
BY *Amie L. Sheldon*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20TH DAY OF JUNE, 1996 A.D.
BY *Bud Gill*
CITY CLERK

457130 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title
DATE 06-27-96 TIME 10:14 BOOK 952 PAGE 721
FEE \$31.00 RECORDER *Alan Sprigg*

When recorded, mail to:

GRANTEE (FILL IN MAILING ADDRESS)

PO Box 3051

PC, UT 84060

Entry No.	450706
REQUEST OF	<u>Park City Municipal</u>
FEE	ALAN SPRIGGS SUMMIT CO. RECORDER
\$	<u>N/C</u> By <u>Deane Sumner</u>
RECORDED	<u>3-22-96</u> at <u>16:44 P</u> M

Fee Exempt per Utah Code
Annotated 1953 21-7-2

QUIT CLAIM DEED

PARK CITY MUNICIPAL CORPORATION, GRANTOR, for TEN DOLLARS and other consideration the sufficiency of which is acknowledged, hereby quit claims to **GAIL MARIE ROESINGER GRANTEE**, the following described tract of land in Summit County, State of Utah:

A parcel of land lying in the Northeast 1/4 of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at the southwest corner of Lot 10, Block 19, Park City Survey, thence South 21°33'00" West 25.00 feet to the true point of beginning; and running thence North 89°57'00" East 19.41 feet to a point on an existing fence line; thence along said fence line through the following three courses (1) South 45°33'24" West 4.51 feet; thence (2) South 09°27'44" West 15.37 feet; thence (3) South 10°38'33" East 8.58 feet; thence North 29°41'53" West 30.78 feet to the point of beginning. Contains 200 square feet.

RESERVING UNTO TO SAID GRANTOR, an open space easement for the parcel. Grantee shall not construct any structure or building on the parcel

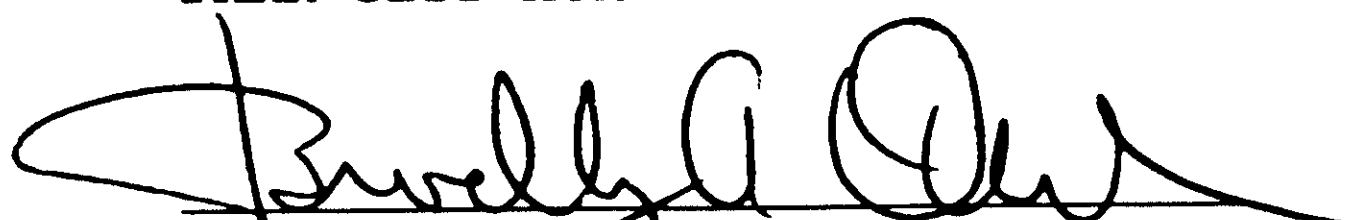
Subject to all easements and rights-of-way of record and subject to all prescriptive easements and rights-of-way, if any, which are enforceable at law.

Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee's adjoining property.

Subject to the covenant of Grantee to perform a plat amendment combining this Parcel B with Grantee's existing lots and Parcels A and C as shown on Exhibit A, and subject to the restriction that no further subdivision of the property shall occur.

WITNESS, the hand of said Grantor, this 22 day of March, 1996.

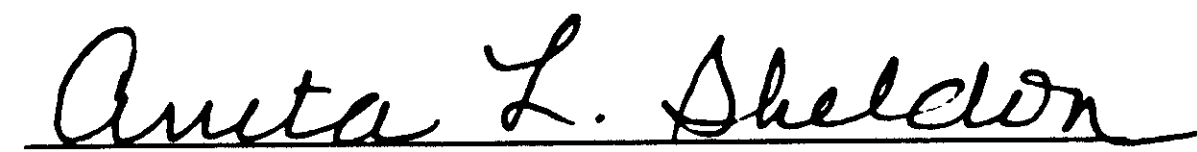
GRANTOR
PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

APPROVED AS TO FORM:


MARK HARRINGTON
ASSISTANT CITY ATTORNEY

ATTEST:


ANITA L. SHELDON
CITY RECORDER

BOOK 952 PAGE 722 - 724

STATE OF)

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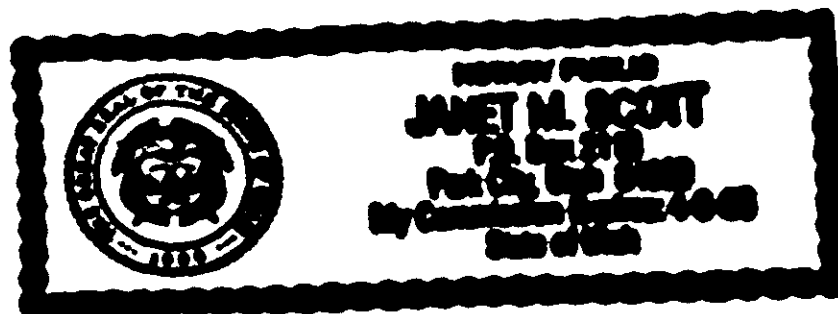
1 of 2

COUNTY OF

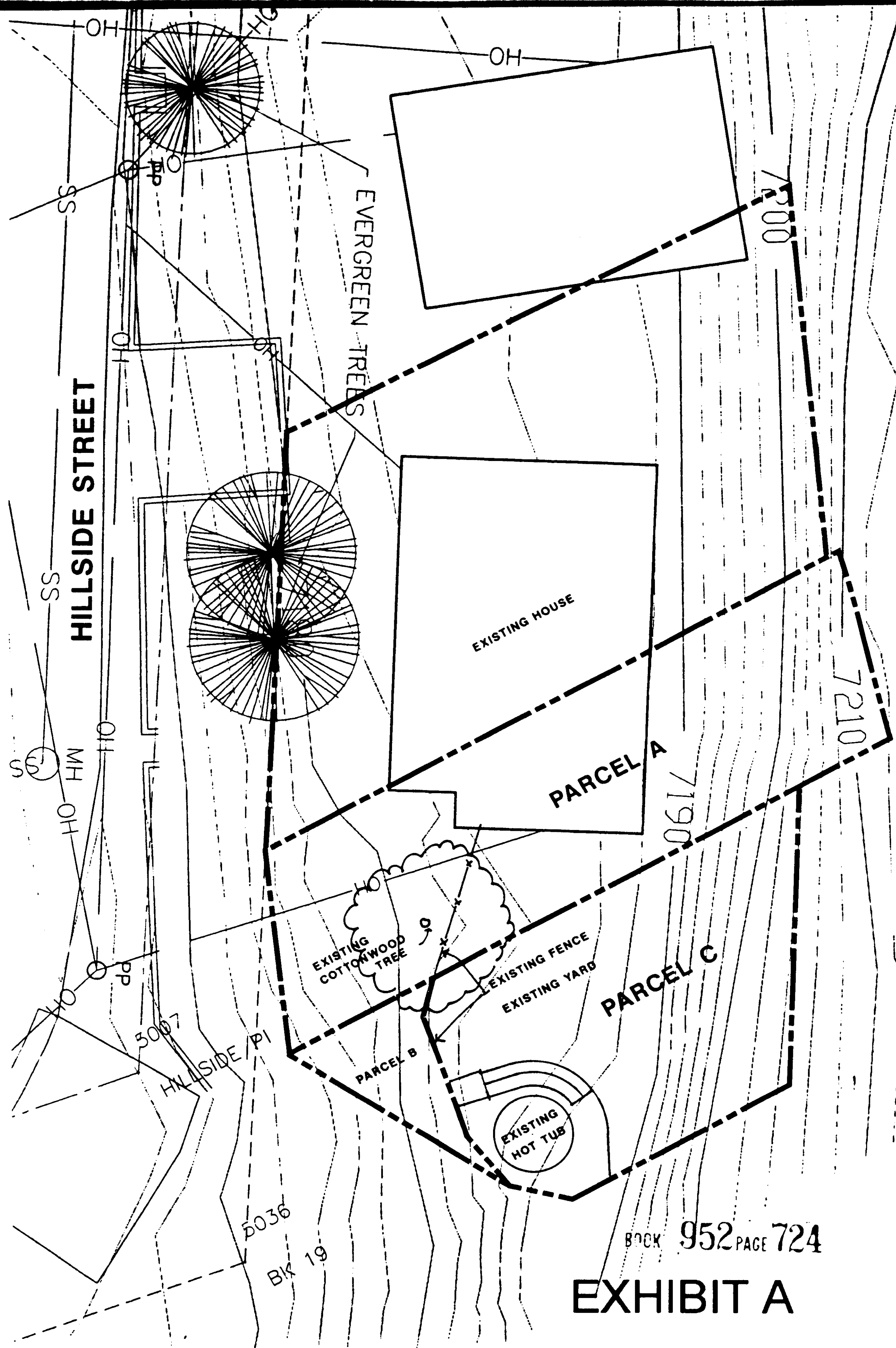
SS
)

The above Quit Claim Deed was acknowledged before me this 22 day of March, 1996, by Bradley A. Olch who is the Mayor of Park City Municipal Corporation and said Bradley A. Olch did acknowledge to me that the foregoing quit claim deed was executed on behalf of Park City Municipal Corporation and duly authorized by the City Council of Park City.

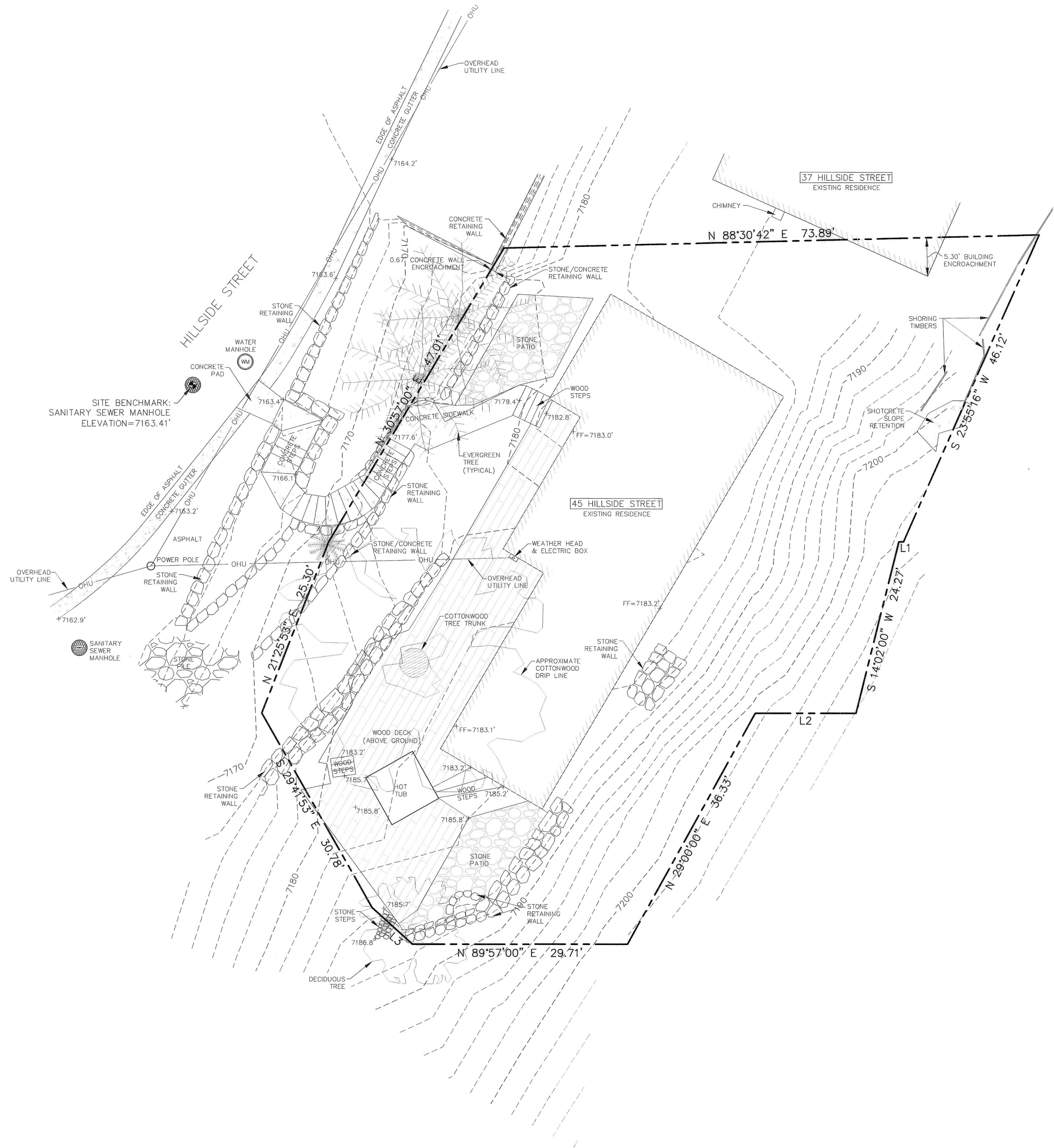
Janet M. Scott
Notary Public



BOOK 952 PAGE 723



BOOK 952 PAGE 724
EXHIBIT A



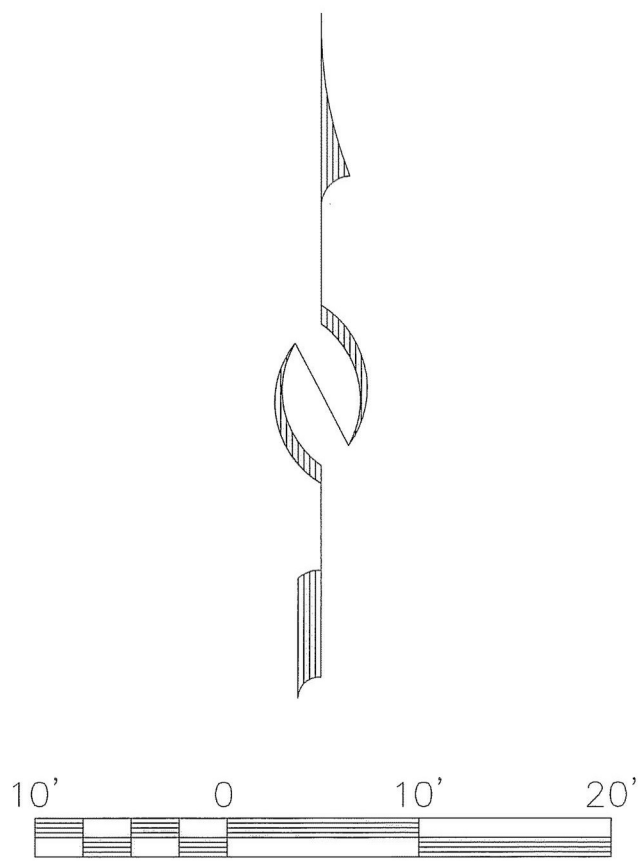
SURVEYOR'S CERTIFICATE

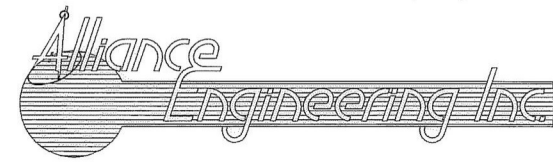
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

7-14-'14

- NOTES
1. Site Benchmark: Sanitary Sewer Manhole
Elevation=7163.41'
 2. See record of survey plat for easements and restrictions.
 3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
 4. This topographic map is based on a field survey performed on June 26, 2014.
 5. Property corners were set or found.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°57'04" W	0.66
L2	N 89°57'00" E	13.91
L3	S 48°02'55" E	7.48





(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 7/11/14

EXISTING CONDITIONS AND TOPOGRAPHIC MAP
45 HILLSIDE STREET
BLOCK 19, PARK CITY SURVEY

FOR: JOHN REAVES
JOB NO.: 5-4-14
FILE: X:\ParkCitySurvey\dwg\srvt\topo2014\050414.dwg

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OF
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3/7/2022 10:31:23 AM

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C

B

A

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

STEEP SLOPE CONDITIONAL USE PERMIT



OWNER

DAN FISCHER
P.O. BOX 2441
PARK CITY, UT 84060
(858) 750 - 9523
dan.m.fischer@gmail.com

ARCHITECTURE

RAW DESIGN STUDIO
CAITLYN BARHORST
358 S 700 E Suite B #243
SALT LAKE CITY, UT 84102
(806) 559 - 8079
caitlyn@rawdesign.com

CIVIL

ALTITUDE ENGINEERING
BLAYDE MCINTIRE, PE
212 S 700 E
HEBER CITY, UT 84032
(307) 679 - 8620
blayde.mcintire@gmail.com

STRUCTURAL

HAZELWOOD ENGINEERING
RYAN HAZELWOOD
1496 E 7380 S
COTTONWOOD HEIGHTS, UT
(801) 810 - 5061
ryan@hazelwood-eng.com

LANDSCAPE

BOCKHOLT LANDSCAPE
ARCHITECTURE
SETH BOCKHOLT
ADDRESS
ADDRESS
(801) ### ####
email address

CONTRACTOR

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address



RAW DESIGN STUDIO
358 S 700 E SUITE B #243
SALT LAKE CITY, UT 84102

(801) 215-9729
info@rawdesignstudio.com
www.rawdesignstudio.com

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

PLANNING APPLICATION DRAWING SET

Rev#	Date	Description

NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.

Job #	21125
Owner	Dan Fischer
Date	3.7.22
Drawn	C.Barhorst
Checked	-

COVER SHEET

G100

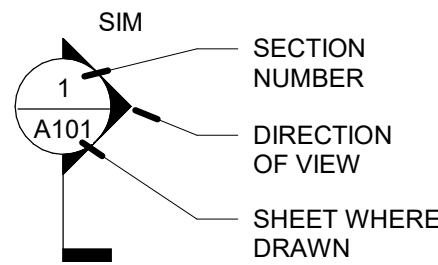
3/7/2022 10:31:24 AM

ABBREVIATIONS

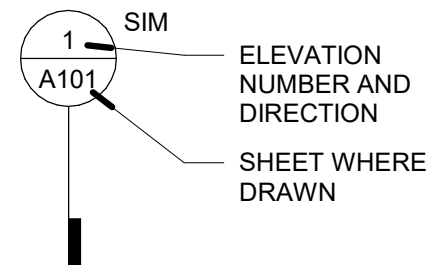
A.F.F.	ABOVE FINISH FLOOR	F.D.	FLOOR DRAIN	PL.	PLATE
A.S.	AIR SPACE	FDN./FNDTN.	FOUNDATION	PNTH	PENTHOUSE
ASPH.	ASPHALT	F.E.	FIRE EXTINGUISHER	PTN.	PARTITION
&	AND	FTG.	FOOTING	P.W.	PLYWOOD
@	AT	FLR.	FLOOR	P.O.C.	POINT OF CONNECTION
ALUM.	ALUMINUM	F.A.	FIRE ALARM	P.C.	PORTLAND CEMENT
ARCH.	ARCHITECTURAL	FIN.	FINISHED	PNL.	PANEL
BLDG.	BUILDING	F.H.	FIRE HYDRANT	P.F.H.	PERIMETER FELT JOINT
BTM.	BOTTOM	F.V.	FIELD VERIFY	Q.T.	QUARRY TILE
BD.	BOARD	G.W.B.	GYP SUM WALLBOARD	R.D.	ROOF DRAIN
CLS.	CLOSET	GYP.	GYP SUM	R.O.	ROUGH OPENING
C.G.	CORNER GUARD	GA.	GAUGE	RM.	ROOM
C.I.	CAST IRON	GALV.	GALVANIZED	REINF.	REINFORCED
C.M.U.	CONCRETE MASONRY UNIT	G.I.	GALVANIZED IRON	REC.	RECESSED
C.O.	CLEAN OUT	H.M.	HOLLOW METAL	REQ.	REQUIREMENTS
C.O.T.G.	CLEAN OUT TO GRADE	H.C.	HANDICAP	R.W.	RETAINING WALL
C.S.	CLOSURE STRIP	H.P.	HIGH POINT	S.	SCUPPER
C.T.	CERAMIC TILE	HT.	HEIGHT	S.B.U.	STRUCTURAL BRICK UNIT
CL	CENTER LINE	HORIZ.	HORIZONTAL	SF	SQUARE FOOT
CLG.	CEILING	H.W.	HARDWOOD	STOR.	STORAGE
CLR	CLEAR	INSUL.	INSULATION	SIM.	SIMILAR
CO	COMPANY	ID.	INSIDE DIAMETER	SUSP.	SUSPENDED
COL	COLUMN	K.O.	KNOCK OUT	SYS.	SYSTEM
COMP.	COMPUTER	KW	KILOWATTS	SPECS.	SPECIFICATIONS
CONC.	CONCRETE	LBS	POUNDS	STRG.	STORAGE
CONT.	CONTINUOUS	MECH.	MECHANICAL	STRUCT.	STRUCTURAL
CORR.	CORRIDOR	MEZZ.	MEZZANINE	STEEL	STEEL
CPT.	CARPET	MFR/MNFR	MANUFACTURER	SCH.	SCHEDULE
CTJ.	CONTRACTION JOINT	MGR	MANAGER	S.S.	STAINLESS STEEL
DEPT	DEPARTMENT	M.T.	MEN'S TOILET	S.W.	SOFT WOOD
DIA.	DIAMETER	MTL.	METAL	SERV.	SERVICE
D.F.	DRINKING FOUNTAIN	MAX.	MAXIMUM	TYP.	TYPICAL
DN	DOWN	MIN.	MINIMUM	TRANS.	TRANSFORMER
DISP.	DISPENSER	M.O.	MASONRY OPENING	T & B	TOP AND BOTTOM
DIM.	DIMENSION	M.H.	MANHOLE	T.O.	TOP OF
DT./DTL./DET.	DETAIL	MACH.	MACHINERY	T.	TOILET
DWG./DRWG.	DRAWING	M.C.C.	MOTOR CONTROL CENTER	U.O.N./U.N.O	UNLESS OTHERWISE NOTED
DRN.	DRAIN	MISC.	MISCELLANEOUS	UR.	URINAL
EA.	EACH	N.	NORTH	V.C.T.	VINYL COMPOSITE TILE
ELEV./EL.	ELEVATION	NO.	NUMBER	VAR.	VARIES
EXIST./E	EXISTING	N.I.C.	NOT IN CONTRACT	VEST.	VESTIBULE
ELECT.	ELECTRICAL	NOM.	NOMINAL	VERT.	VERTICAL
EQUIP.	EQUIPMENT	N.T.S.	NOT TO SCALE	W.C.	WATER CLOSET
E.E.S.	EMERGENCY EYEWASH AND SHOWER	OPG.	OPENING	W.H.	WATER HEATER
E.J.	EXPANSION JOINT	O.C.	ON CENTER	W.T.	WOMEN'S TOILET
EIF	EXTERIOR INSULATION SYSTEM	O.H.	OVERHEAD	WD.	WOOD
EXP.	EXPANSION	O.D.	OUTSIDE DIAMETER	WSCT.	WAINSCOT
F.G.	FINISH GRADE	PERM.	PERIMETER	W/	WITH
				W.W.F.	WELDED WIRE FABRIC

SYMBOLS LEGEND

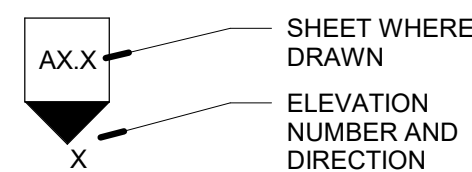
BUILDING SECTION



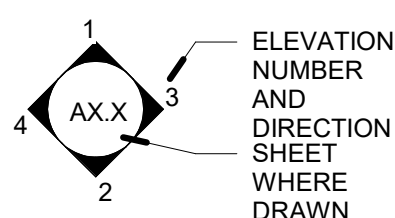
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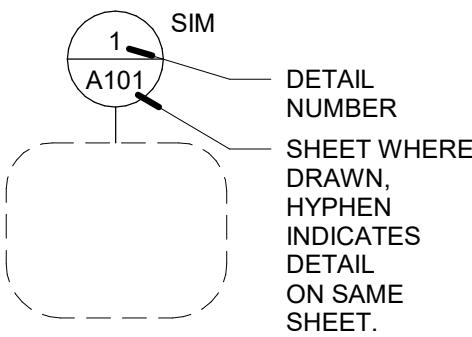
EXTERIOR ELEVATION



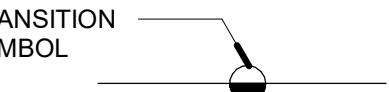
INTERIOR ELEVATION



DETAIL REFERENCE



FLOOR TRANSITION MARKER



ELEVATION MARKER



SHEET SYMBOLS



DESIGN DATA

JURISDICTION: PARK CITY, UTAH

BUILDING USE: RESIDENTIAL (SINGLE-FAMILY)

PROJECT ADDRESS: 45 HILLSIDE AVENUE, PARK CITY, UTAH 84060

LOT SIZE: 6534 SF (0.15 ACRES)

MAXIMUM FOOTPRINT: 2263 SF

EXISTING STRUCTURE: 1405 SF (NO CHANGES PROPOSED)

PROPOSED GARAGE: 360 SF

VICINITY MAP



GENERAL NOTES

DRAWING INDEX

GENERAL
G100 COVER SHEET
G101 INDEX SHEET

ARCHITECTURAL SITE
AS100 SITE SURVEY
AS101 SITE PLAN - PROPOSED

LANDSCAPE
LP-101 LANDSCAPE PLAN

ARCHITECTURAL
A100 FLOOR PLAN
A200 FRONT ELEVATION
A300 GARAGE SECTION
A400 STREETScape

CIVIL
C1 GENERAL NOTES
C2 EXISTING CONDITIONS
C3 SITE PLAN
C4 SECTIONS AND DETAILS

NOTES TO BIDDERS

1. TBD

DESIGN
RAW
STUDIO

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FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

PLANNING APPLICATION DRAWING SET

Rev#	Date	Description

NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.

Job #	21125
Owner	Dan Fischer
Date	3.7.22
Drawn	Author
Checked	Checker

INDEX SHEET

G101

Rev#	Date	Description

NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.

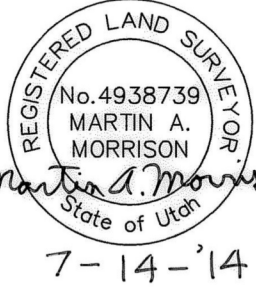
Job #	21125
Owner	Dan Fischer
Date	3.7.22
Drawn	C.Barhorst
Checked	-

SITE SURVEY

AS100

SURVEYOR'S CERTIFICATE

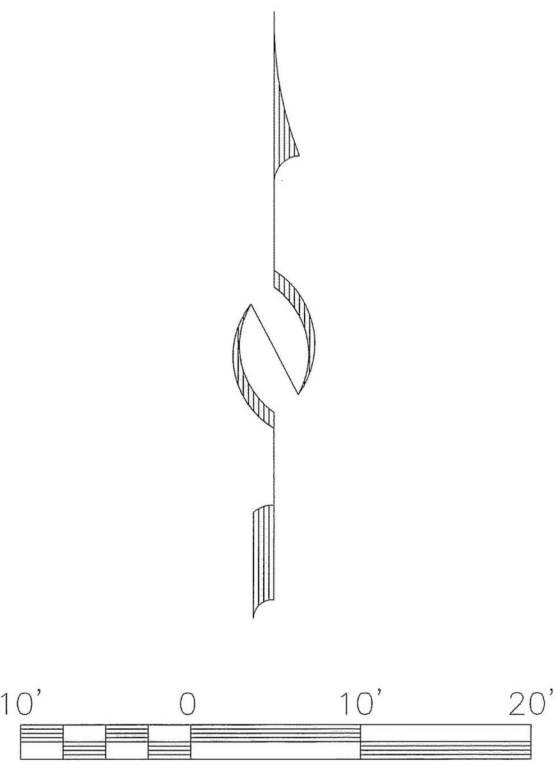
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



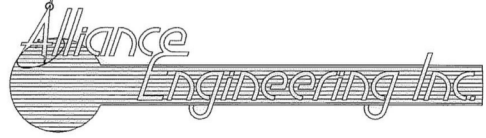
NOTES

1. Site Benchmark: Sanitary Sewer Manhole
Elevation=7163.41'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 26, 2014.
5. Property corners were set or found.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°57'04" W	0.66
L2	N 89°57'00" E	13.91
L3	S 48°02'55" E	7.48



12/1/2014 10:25:32 AM



(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 7/11/14

EXISTING CONDITIONS AND TOPOGRAPHIC MAP
45 HILLSIDE STREET
BLOCK 19, PARK CITY SURVEY

FOR: JOHN REAVES
JOB NO.: 5-4-14
FILE: X:\ParkCitySurvey\dwg\srvt\topo2014\050414.dwg

SHEET
1
OF
1

SITE CALCULATIONS

LOT SIZE: 6534 SF (0.15 Acres)

MAXIMUM FOOTPRINT: 2263 SF

EXISTING STRUCTURE: 1405 SF (NO CHANGES PROPOSED)

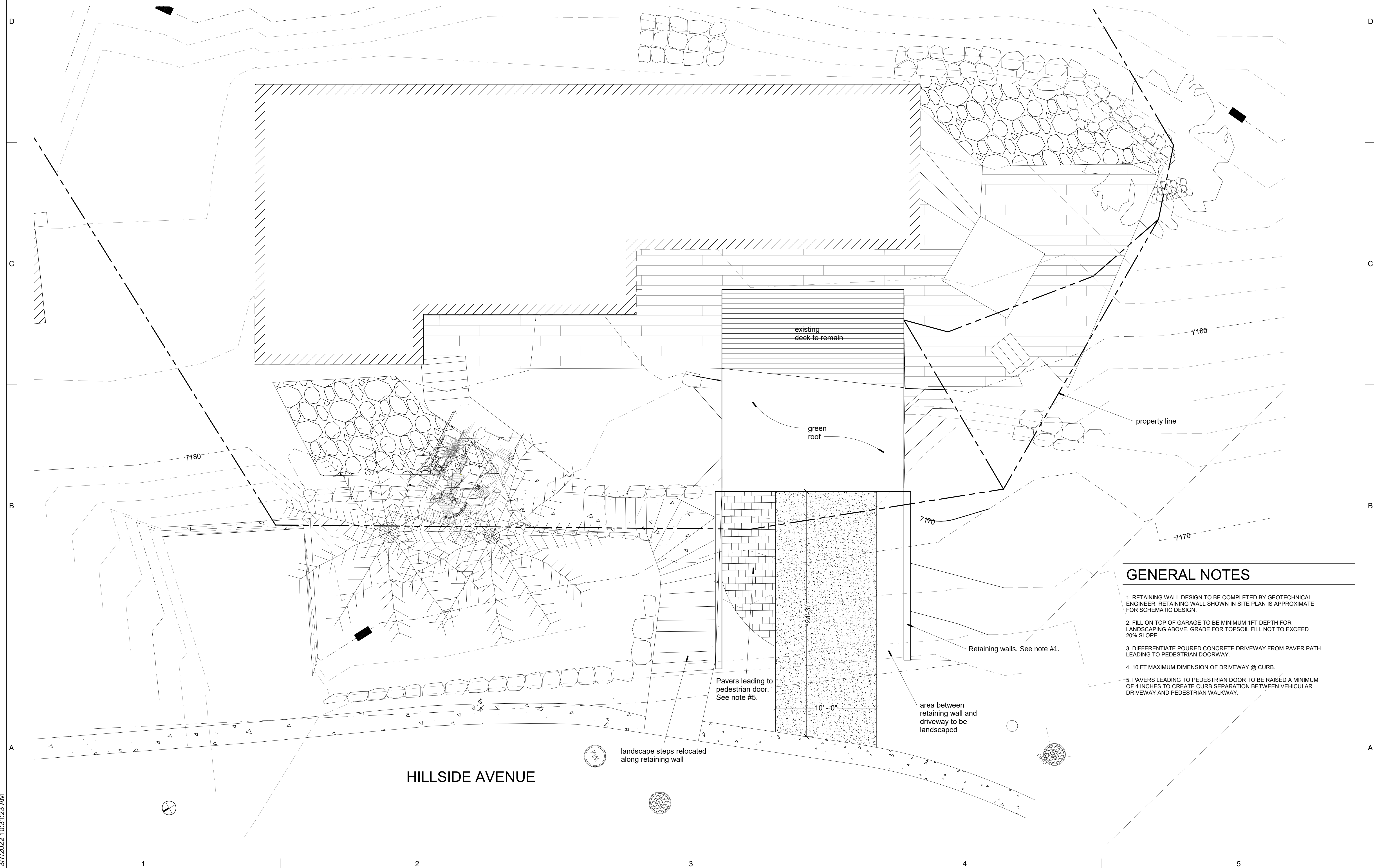
PROPOSED GARAGE: 360 SF

KEYED NOTES



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GENERAL NOTES

1. RETAINING WALL DESIGN TO BE COMPLETED BY GEOTECHNICAL ENGINEER. RETAINING WALL SHOWN IN SITE PLAN IS APPROXIMATE FOR SCHEMATIC DESIGN.
2. FILL ON TOP OF GARAGE TO BE MINIMUM 1FT DEPTH FOR LANDSCAPING ABOVE. GRADE FOR TOPSOIL FILL NOT TO EXCEED 20% SLOPE.
3. DIFFERENTIATE POURED CONCRETE DRIVEWAY FROM PAVEMENT LEADING TO PEDESTRIAN DOORWAY.
4. 10 FT MAXIMUM DIMENSION OF DRIVEWAY @ CURB.
5. PAVEMENT LEADING TO PEDESTRIAN DOOR TO BE RAISED A MINIMUM OF 4 INCHES TO CREATE CURB SEPARATION BETWEEN VEHICULAR DRIVEWAY AND PEDESTRIAN WALKWAY.

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

PLANNING APPLICATION DRAWING SET

Rev#	Date	Description
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Job #	21125	
Owner	Dan Fischer	
Date	3.7.22	
Drawn	C.Barhorst	
Checked	-	

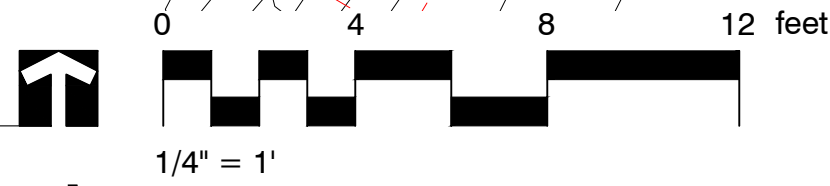
SITE PLAN - PROPOSED

AS101

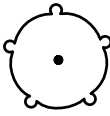
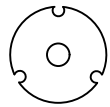
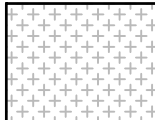
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Plot Date: 11/11/2021 2:26 PM Plotted By: Tyler Smithson
Date Created: 11/11/2021 JUB.COM/CENTRAL CLIENTS/UT/BOCKHOLT INC/PROJECTS/83-21-041_BOCKHOLT INC/RAW DESIGN/STUDIOS/DESIGN/CAD/MODEL/83-21-041_LP_101.DWG

A PLANTING PLAN



PLANT SCHEDULE

SHRUBS	CODE	QTY	COMMON / BOTANICAL NAME	CONT	
	CA	8	Cranberry Cotoneaster Cotoneaster apiculatus	2 gal	
	MR	15	Creeping Mahonia Mahonia repens	1 gal	
BULB/CORN	CODE	QTY	COMMON / BOTANICAL NAME	CONT	
	IG	22	Bubbling Waves German Iris Iris germanica 'Bubble Bubble'	1 gal	
GRASS	CODE	QTY	COMMON / BOTANICAL NAME	CONT	
	BG	23	Blonde Ambition Blue Grama Bouteloua gracilis 'Blonde Ambition'	1 gal	
PERENNIALS	CODE	QTY	COMMON / BOTANICAL NAME	CONT	
	AM	8	Thriller Lady's Mantle Alchemilla mollis 'Thriller'	1 gal	
	AX	11	Columbine Aquilegia x 'Songbird Cardinal'	1 gal	
	HS	16	Threadleaf Beardtongue Hemerocallis 'Stella D'Oro'	1 gal	
	PC	28	Threadleaf Beardtongue Penstemon pinifolius 'Compactum'	1 gal	
	RF	19	Black Eye Susan Rudbeckia fulgida 'Goldstrum'	1 gal	
SUCCULENTS	CODE	QTY	COMMON / BOTANICAL NAME	CONT	
	SS	40	Autumn Joy Stonecrop Sedum spectabile 'Autumn Joy'	4"pot	
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	CONT	SPACING
	GO	22	Sweet Woodruff Galium odoratum	1 gal	18" o.c.
	NK	191	King Alfred Daffodil Narcissus x 'King Alfred'	Bulb	6" o.c.



PLANTING PLAN

45 HILLSIDE AVE

FISCHER GARAGE

J-U-B ENGINEERS, INC.

FILE: 83-21-041_LP_101
PROJ. #: 55-XX-XXX
DRAWN BY: DSN_BY
DESIGN BY: DSN_BY
CHECKED BY: CHK_BY
ONE INCH
AT FULL SIZE, IF NOT ONE INCH, SCALE ACCORDINGLY
LAST UPDATED: 11/11/2021

REVISION	NO.	DESCRIPTION	BY	DATE

BOCKHOLT™

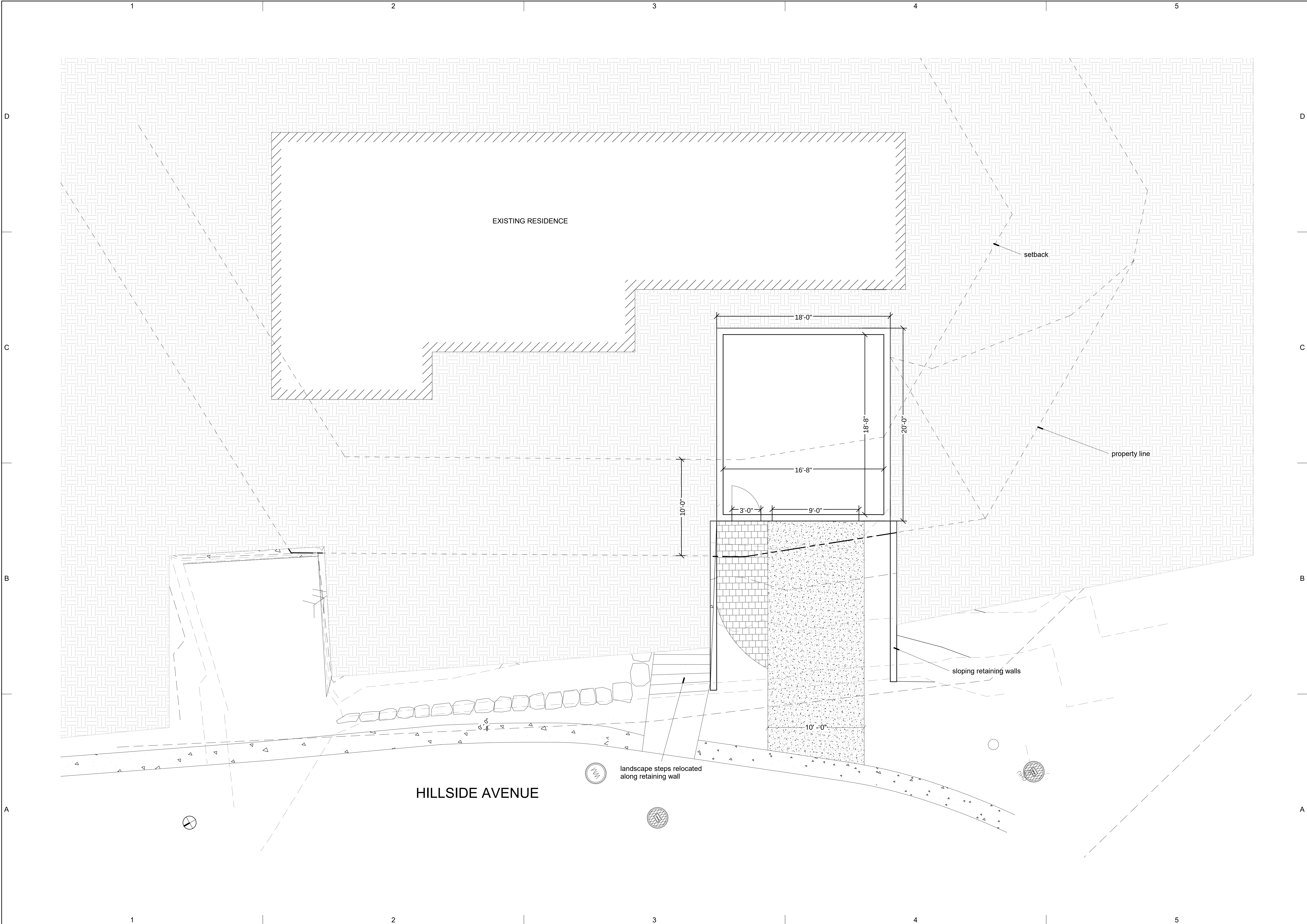
LANDSCAPE ARCHITECT
392 E. Winchester St.
SALT LAKE CITY UT. 84107
OFFICE: 435.649.3856
EMAIL: SETH@BOCKHOLT.LA.COM

CONSTRUCTION

SET

LP-101

3/7/2022 10:31:18 AM



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FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

PLANNING APPLICATION DRAWING SET

Rev#	Date	Description

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Job #	21125
Owner	Dan Fischer
Date	3.7.22
Drawn	C. Barhorst
Checked	--

FLOOR PLAN

A100

KEYED NOTES



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FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT
PLANNING APPLICATION DRAWING SET

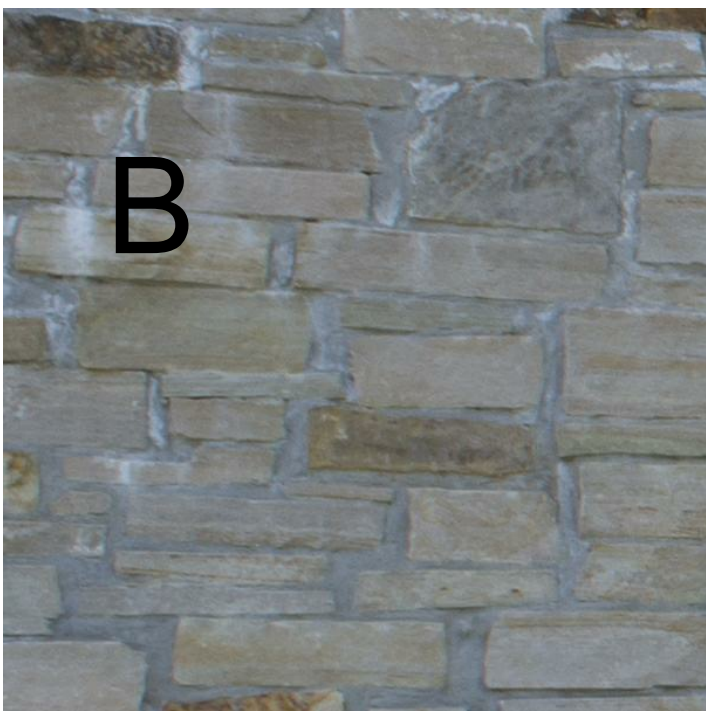
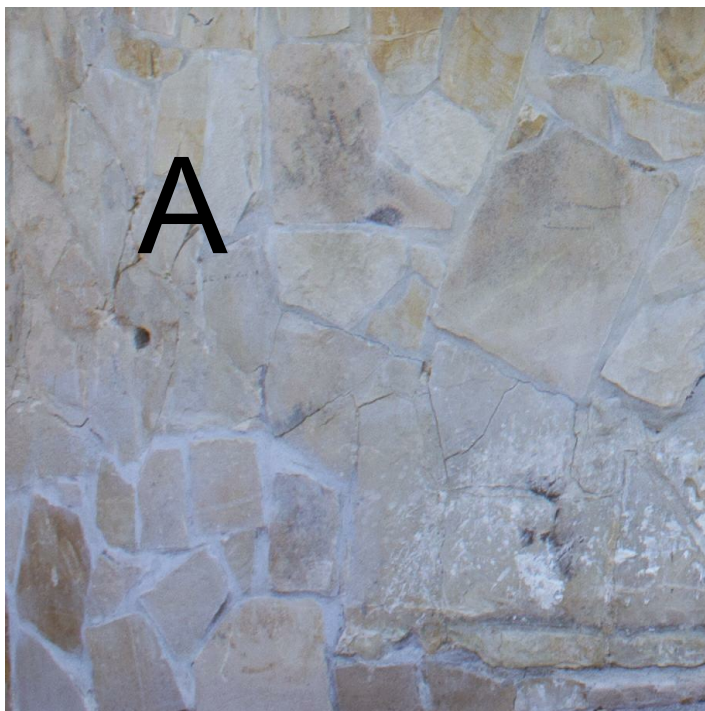
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Checked	-

FRONT ELEVATION

A200

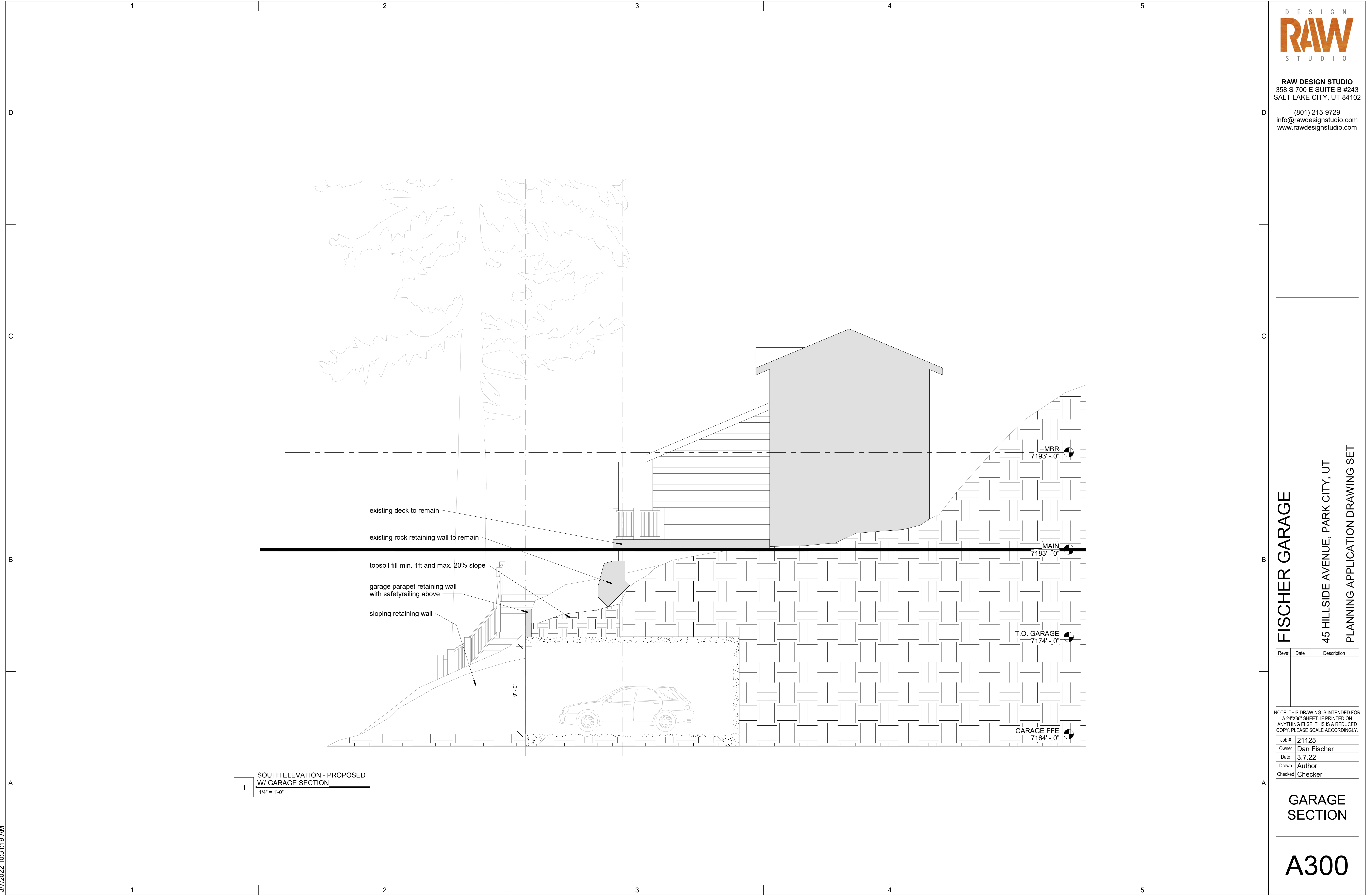


1 WEST ELEVATION - PROPOSED
1/4" = 1'-0"

staircase relocated along retaining wall

Parapet retaining wall
Stone veneer to be style B with horizontal cap transition between top of garage and retaining wall.

Garage face and retaining wall to be faced with natural stone from the site stacked style A to match existing retaining walls on site



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Checked	Checker	



FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

PLANNING APPLICATION DRAWING SET

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Job #	21125
Owner	Dan Fischer
Date	3.7.22
Drawn	Author
Checked	Checker

STREETSCAPE

A400

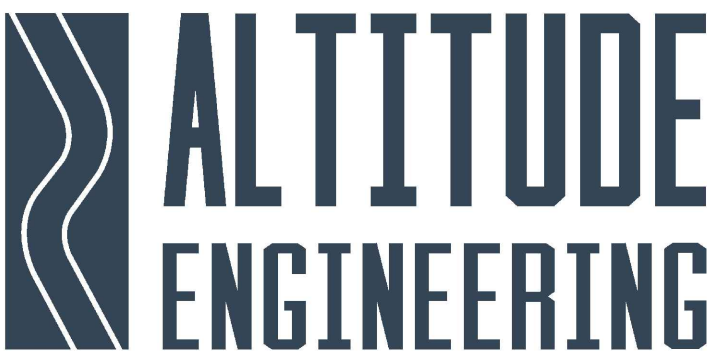
GENERAL NOTES

1. ALL CONSTRUCTION AND MATERIAL SHALL BE IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND ALL APPLICABLE SECTIONS OF APWA UTAH CHAPTER STANDARD PLANS AND SPECIFICATIONS MOST RECENT EDITION, UNLESS OTHERWISE SPECIFIED. THE PLANS AND SPECIFICATIONS PRESENTED HERE SHALL TAKE PRECEDENCE IF CONFLICTS SHOULD ARISE.
2. IT IS INTENDED THAT THESE PLANS AND SPECIFICATIONS REQUIRE ALL WORK AND MATERIALS TO BE FURNISHED TO COMPLETE THE WORK WITH THEIR TRUE INTENT AND PURPOSE.
3. THE CONTRACTOR SHALL NOTIFY ALTITUDE ENGINEERING, HEREAFTER DESIGNATED AS ENGINEER, IMMEDIATELY REGARDING ANY DISCREPANCIES OR CONFLICTS.
4. WHERE THE PLANS AND SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS BUT NOT IN COMPLETE DETAIL, IT IS UNDERSTOOD THAT THE BEST PRACTICES AND WORKMANSHIP SHALL PREVAIL.
5. THE ENGINEER WILL NOT BE HELD RESPONSIBLE OR LIABLE FOR ANY UNAUTHORIZED CHANGES OR USES TO THESE PLANS OR SPECIFICATIONS. ANY CHANGES MUST BE APPROVED IN WRITING BY THE ENGINEER AND GOVERNING JURISDICTION.
6. THE CONTRACTOR SHALL MAINTAIN AN UPDATED SET OF PLANS ON SITE AT ALL TIMES. CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING AS-BUILT DRAWINGS OF ALL UNDERGROUND WORK. THE AS-BUILTS SHALL BE TIED TO EASILY DEFINED MONUMENTS OR SURFACE IMPROVEMENTS AS REQUIRED FOR ACCURACY OF AS-BUILT CONDITIONS. AT THE COMMENCEMENT OF WORK, AS-BUILT DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR TO THE ENGINEER AND OWNER.
7. ALL WORK PERFORMED SHALL BE GUARANTEED BY THE CONTRACTOR AND/OR HIS SURETY AGAINST ALL DEFECTS IN MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR, OR FOR THE LENGTH DESIGNATED BY THE JURISDICTIONAL AUTHORITY, WHICHEVER IS MORE.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ADEQUATE PUBLIC SAFETY AND TRAFFIC CONTROL MEASURES IN ACCORDANCE WITH REQUIREMENTS OF THE JURISDICTIONAL AUTHORITY.
9. CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND COMPLYING WITH ALL NECESSARY PERMITS REQUIRED TO COMPLETE THE WORK INCLUDING BUT NOT LIMITED TO: UTILITY PERMITS, EXCAVATION PERMIT, RIGHT-OF-WAY PERMIT, TRAFFIC CONTROL PERMIT, STORMWATER PERMIT, DUST CONTROL PERMIT, AND NOISE PERMIT. COPIES OF ALL PERMITS SHALL BE KEPT ON SITE AND AVAILABLE AT ALL TIMES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL GROUND AND SURFACE WATER CONTROL DURING CONSTRUCTION. THIS REQUIREMENT INCLUDES BUT IS NOT LIMITED TO THE CONSTRUCTION OF: UTILITIES LINES, VAULTS, MANHOLES, CATCH BASINS, EARTHWORK AND GRADING, AND ROADWORK.
11. COMPACTION TESTING SHALL BE AN INTEGRAL PART OF THE PROJECT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING THIRD-PARTY TESTING SERVICES. COMPACTION SHALL COMPLY WITH REQUIREMENTS OF THE JURISDICTIONAL AUTHORITY. COMPACTION SHALL INCLUDE BUT IS NOT LIMITED TO: EARTHWORK AND GRADING, TRENCH BACKFILL, ROAD BASE, AND ASPHALT PAVEMENT.
12. CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE ALL OBSTRUCTIONS ABOVE AND BELOW GROUND AS NECESSARY TO COMPLETE THE WORK.

13. CONTRACTOR SHALL NOTIFY BLUE STAKES OF UTAH A MINIMUM OF 48 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
14. CONTRACTOR SHALL ASSUME RESPONSIBILITY OF THE SITE WHILE IT IS UNDER CONSTRUCTION. CONTRACTOR SHALL KEEP THE SITE NEAT AND ORDERLY AT ALL TIMES. ADEQUATE SOLID WASTE AND TOILET FACILITIES ARE REQUIRED. ALL CONSTRUCTION ACTIVITIES SHALL TAKE PLACE WITHIN THE PROJECT LIMITS OF DISTURBANCE UNLESS OTHERWISE SPECIFIED. THIS INCLUDES, BUT IS NOT LIMITED TO, VEHICLE AND EQUIPMENT STAGING, MATERIAL STORAGE AND LIMITS OF TRENCH EXCAVATION. IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN PERMISSION AND/OR EASEMENTS FROM THE APPROPRIATE GOVERNING ENTITY AND/OR INDIVIDUAL PROPERTY OWNER(S) FOR WORK OR STAGING OUTSIDE OF THE PROJECT LIMITS.
15. CONTRACTOR SHALL PHASE CONSTRUCTION WORK AS TO MINIMIZE SITE DISTURBANCE AT ALL TIMES. AREAS OF THE SITE THAT ARE NOT UNDER CONSTRUCTION SHALL BE LEFT UNDISTURBED. AREAS WHERE WORK IS COMPLETED SHALL BE STABILIZED WITHIN 14 DAYS.
16. ALL UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE REQUIRED TO POT HOLE TO CONFIRM PIPE LOCATION, SIZE, AND MATERIAL TYPE PRIOR TO ORDERING MATERIALS AND PRIOR TO CONSTRUCTION.
17. DATA SHOWN ON THE PLANS HAS BEEN GATHERED FROM MULTIPLE SOURCES WITH VARYING RELIABILITY. ENGINEER DOES NOT GUARANTEE THEIR ACCURACY.
18. SURVEY AND TOPOGRAPHIC DATA HAVE BEEN GATHERED IN THE FIELD AND ARE ONLY AS ACCURATE AS SITE CONDITIONS ALLOWED AT THE TIME OF THE SURVEY. SURVEY DATA SHALL BE THE SOLE RESPONSIBILITY OF THE SURVEYOR OF RECORD. AS SUCH, ALTITUDE DOES NOT ACCEPT ANY RESPONSIBILITY FOR THE ACCURACY OF SURVEY DATA.
19. THE ENGINEER WILL SET CONTROL POINTS FOR THE PROJECT THAT ARE CRITICAL TO THE CONSTRUCTION STAKING. THESE CONTROL POINTS SHALL BE AGREED UPON IN A PRE-CONSTRUCTION MEETING. CONTRACTOR SHALL TAKE CARE TO NOT DISTURB THESE CONTROL POINTS DURING CONSTRUCTION. IF IT BECOMES NECESSARY TO REMOVE A CONTROL POINT, THE CONTRACTOR SHALL NOTIFY THE ENGINEER 48 HOURS IN ADVANCE SO THAT THE CONTROL POINT CAN BE REPLACED.
20. THE CONTRACTOR IS RESPONSIBLE FOR FURNISHING CONSTRUCTION STAKING, COORDINATING WITH THE SURVEYOR AND ENGINEER, AND MAINTAINING CONSTRUCTION STAKES.
21. PRIOR TO CONSTRUCTION THE CONTRACTOR WILL PROVIDE A CONSTRUCTION SCHEDULE TO THE OWNER AND ENGINEER. AS CHANGES OCCUR, THE CONTRACTOR MUST INFORM THE OWNER AND ENGINEER.

LEGEND

	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPERTY LINE
	FENCE
	ROAD CENTERLINE
	EXISTING COMMUNICATIONS
	EXISTING GAS
	EXISTING IRRIGATION
	EXISTING POWER
	EXISTING STORM DRAIN
	EXISTING SEWER
	EXISTING WATER
	PROPOSED COMMUNICATIONS
	PROPOSED GAS
	PROPOSED IRRIGATION
	PROPOSED POWER
	PROPOSED STORM DRAIN
	PROPOSED SEWER
	PROPOSED WATER
	CONCRETE
	ASPHALT
	GRAVEL/UNTREATED BASE COURSE
	EARTH
	WATER VALVE
	WATER METER
	FIRE HYDRANT
	UTILITY POLE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
	SEWER MANHOLE



PO BOX 531, HEBER CITY, UT 84032
BLAYDE.MCINTIRE@GMAIL.COM
(307) 679-8620

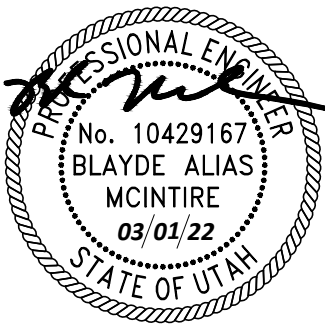
45 HILLSIDE AVE
PARK CITY, UT
FOR: RAW DESIGN

GENERAL NOTES

SHEET #: C1

DATE: 03/01/2022

PROJECT #: 21-0904



REV #:	DATE:	DESCRIPTION:
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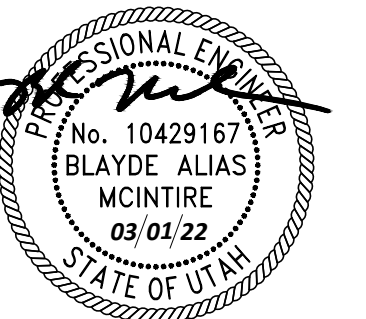
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1-800-662-4111



EXISTING CONDITIONS

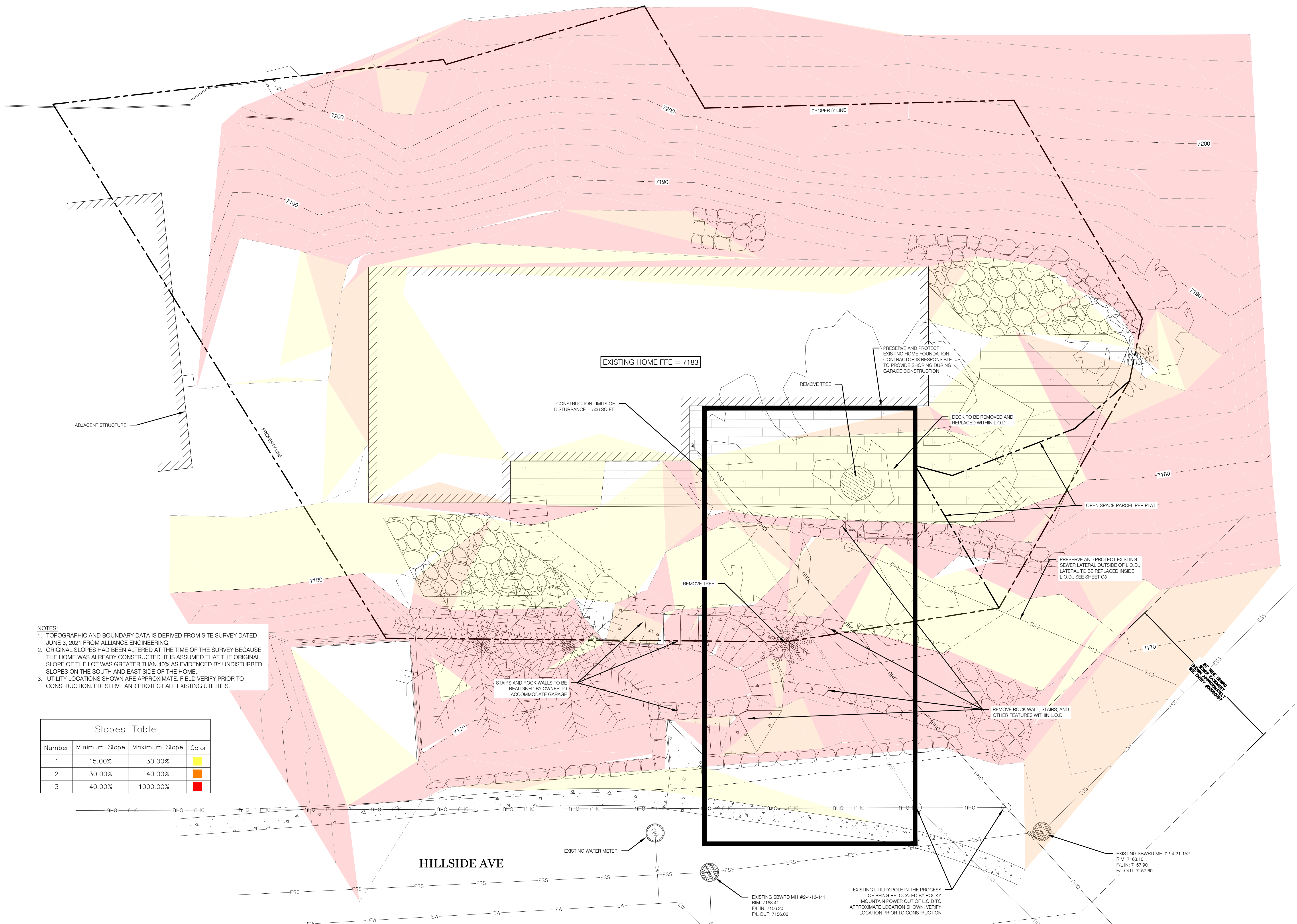
PROJECT #: 21-0904



REV#:	DATE:	DESCRIPTION:
1	03/01/2022	MOVED GARAGE OUT OF OPEN SPACE PARCEL



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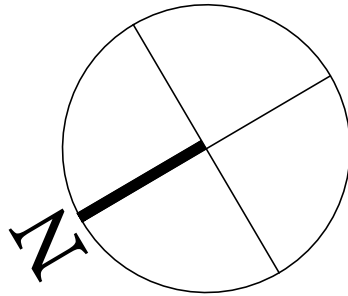
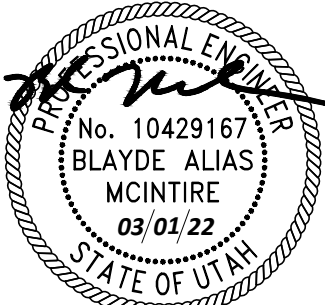
45 HILLSIDE AVE
PARK CITY, UT
FOR: RAW DESIGN

SITE PLAN

SHEET #: C3

DATE: 03/01/2022

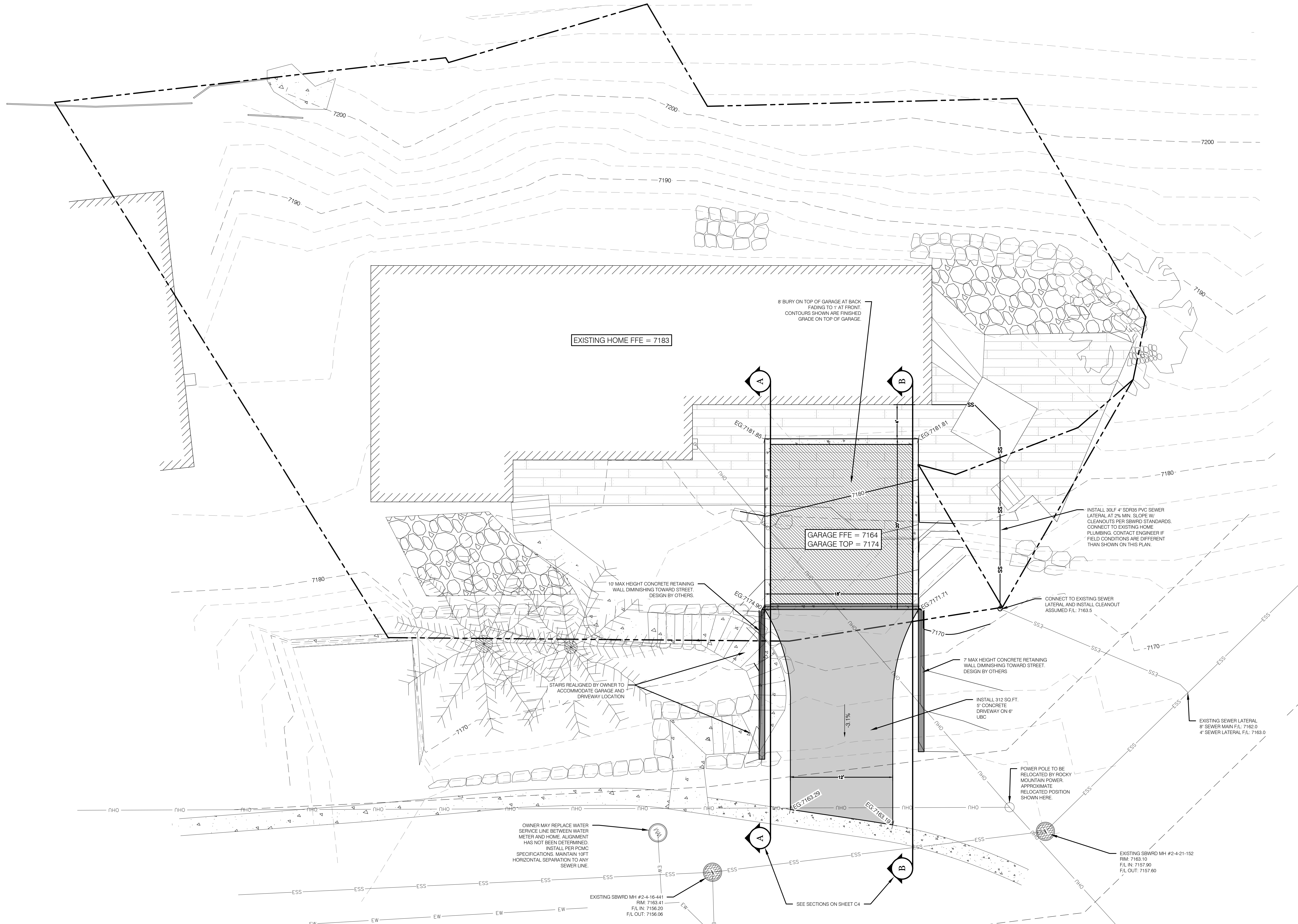
PROJECT #: 21-0904



REV #:	DATE:	DESCRIPTION:
1	03/01/2022	MOVED GARAGE OUT OF OPEN SPACE PARCEL

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45 HILLSIDE AVE
PARK CITY, UT
FOR: RAW DESIGN

SECTIONS AND DETAILS

SHEET #: C4

DATE: 03/01/2022

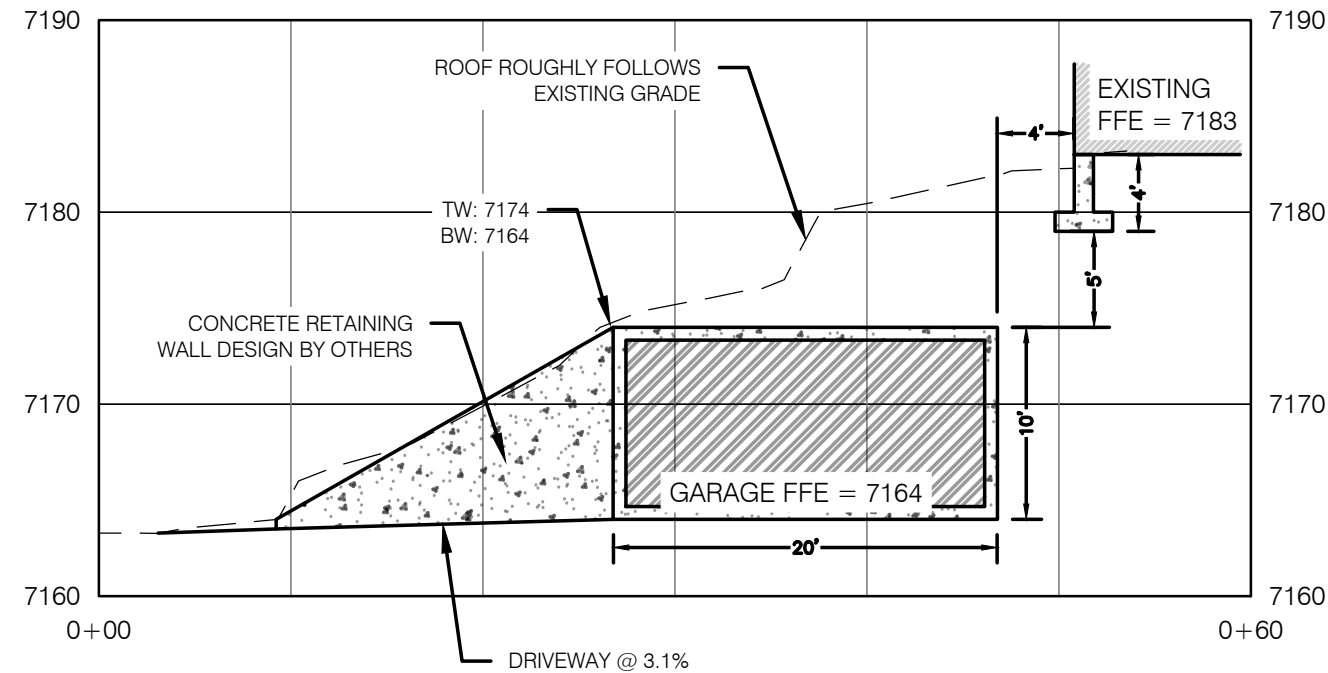
PROJECT #: 21-0904



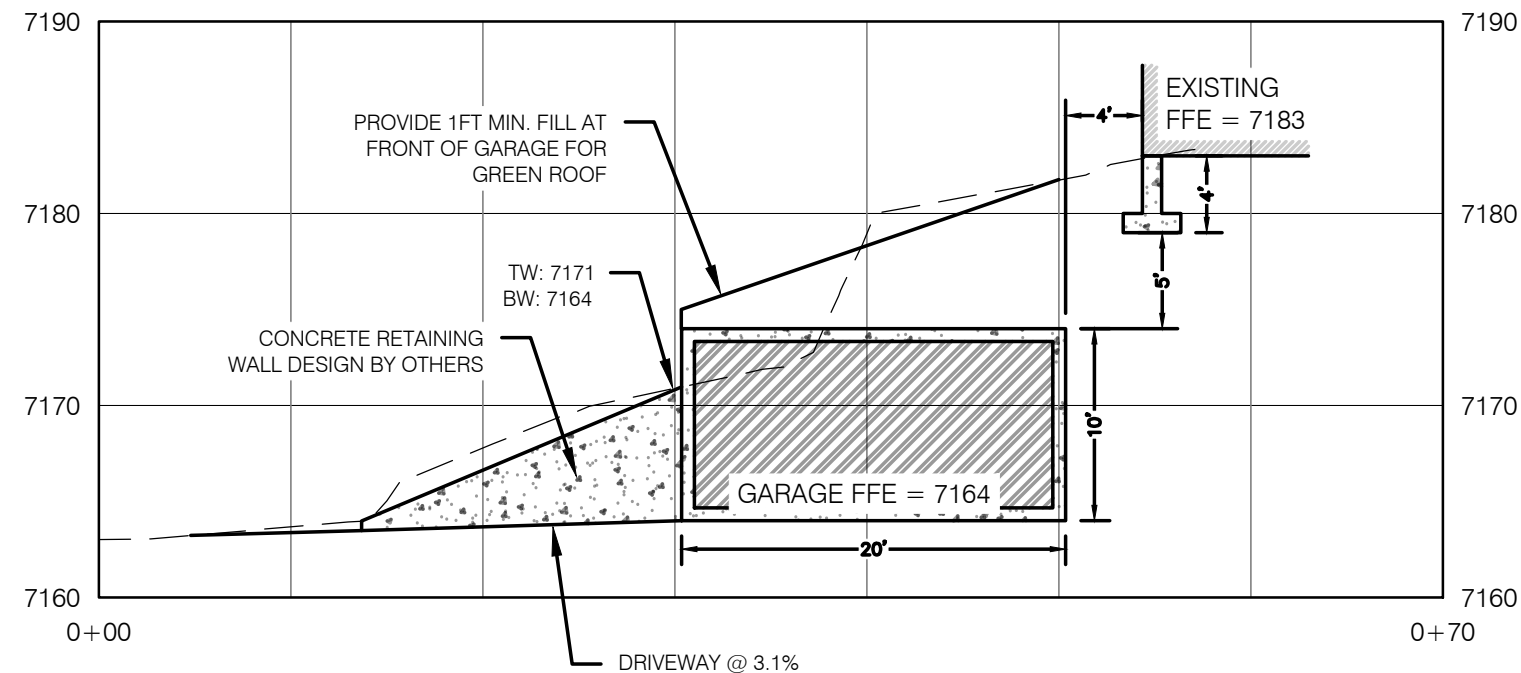
REV#:	DATE:	DESCRIPTION:
1	03/01/2022	MOVED GARAGE OUT OF OPEN SPACE PARCEL

Know what's below.
Call 811 before you dig.

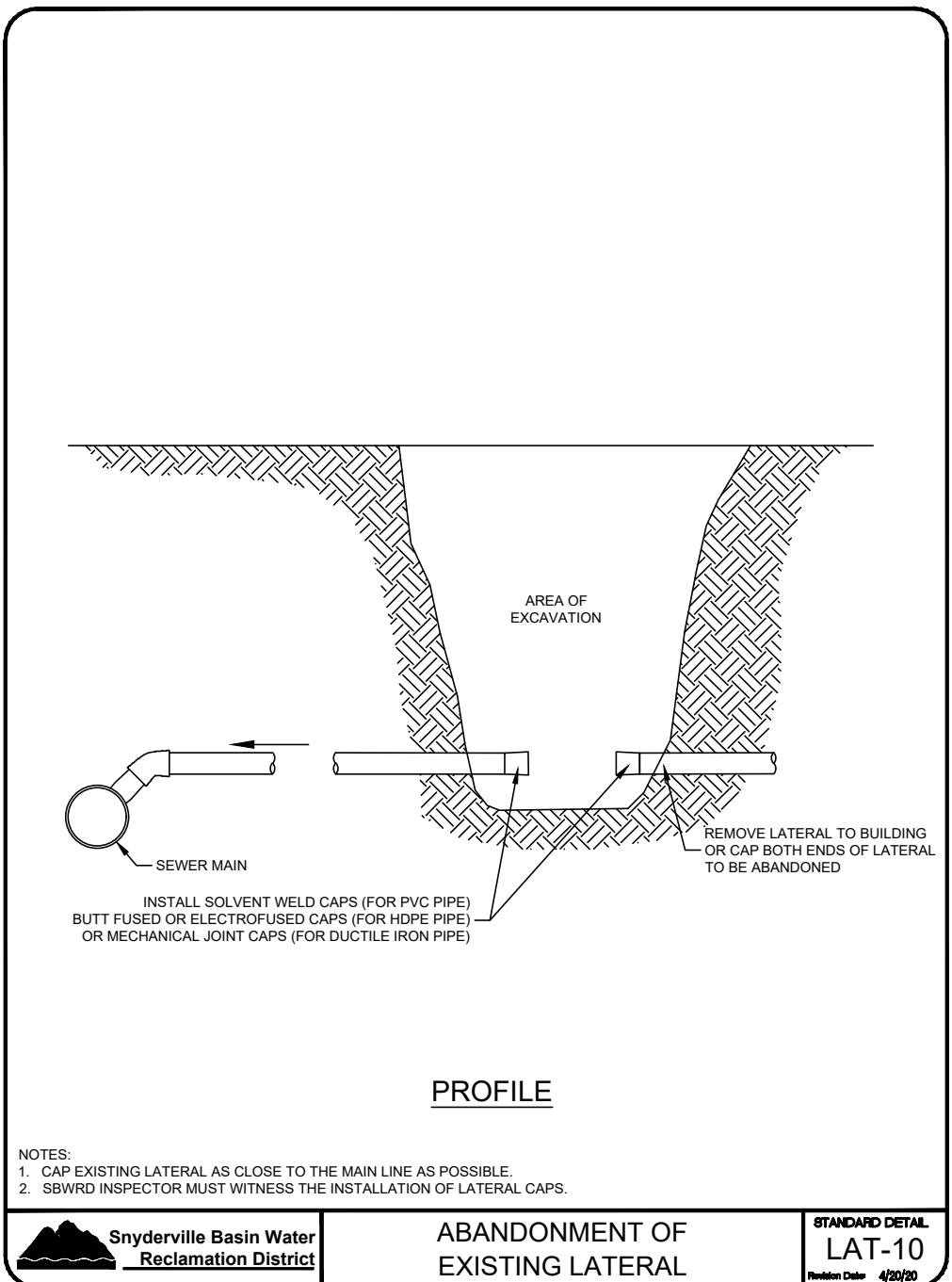
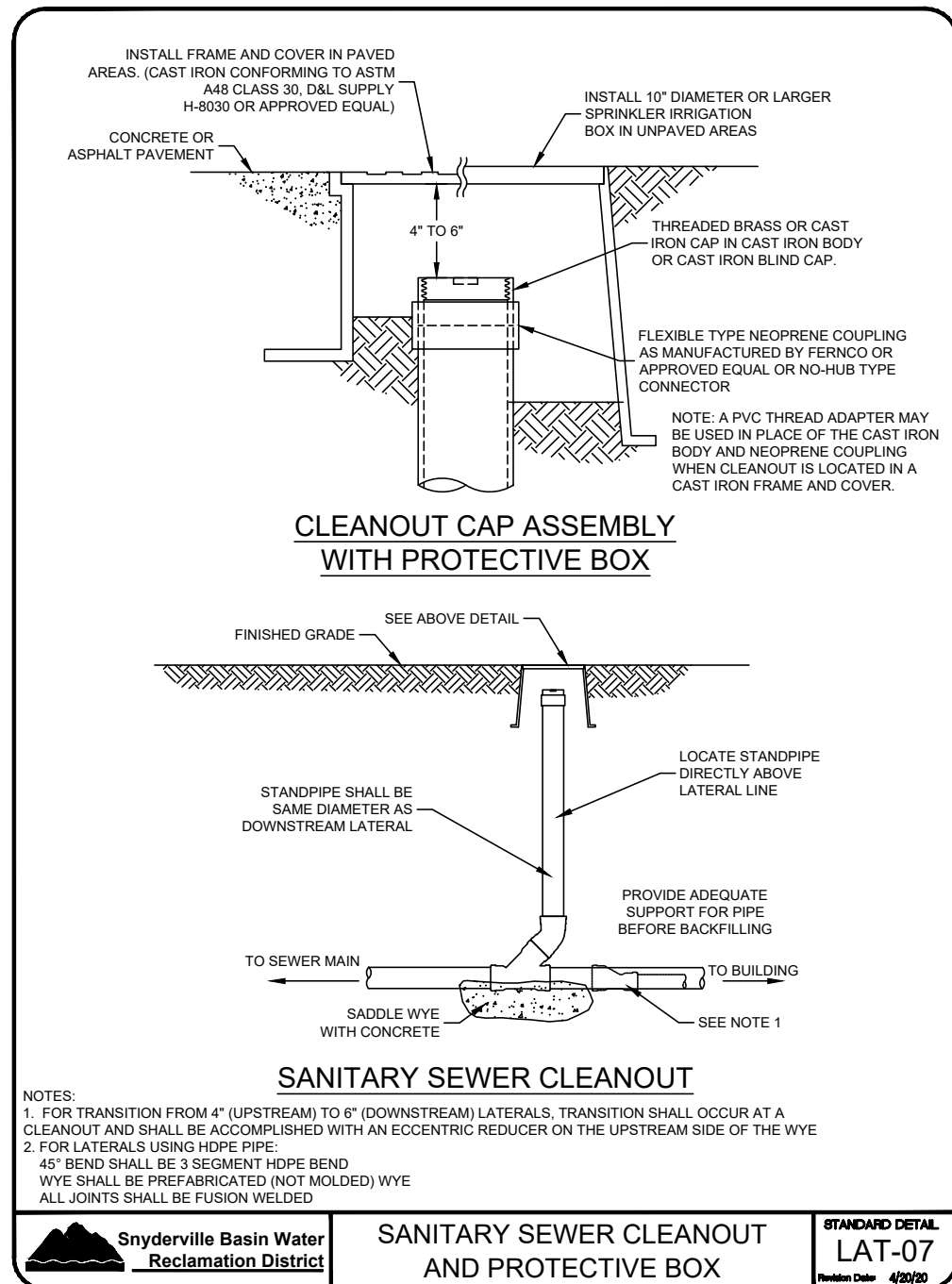
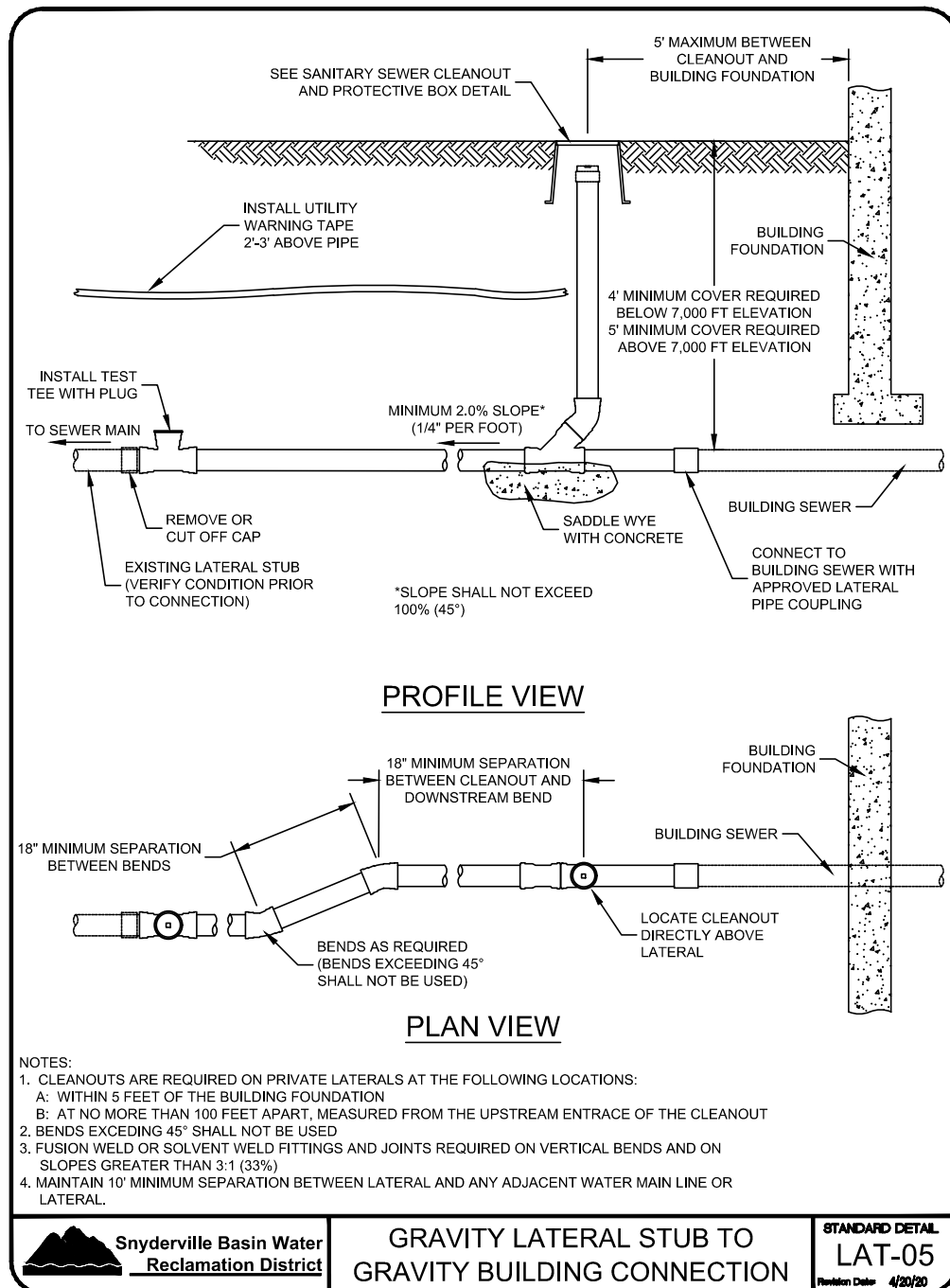
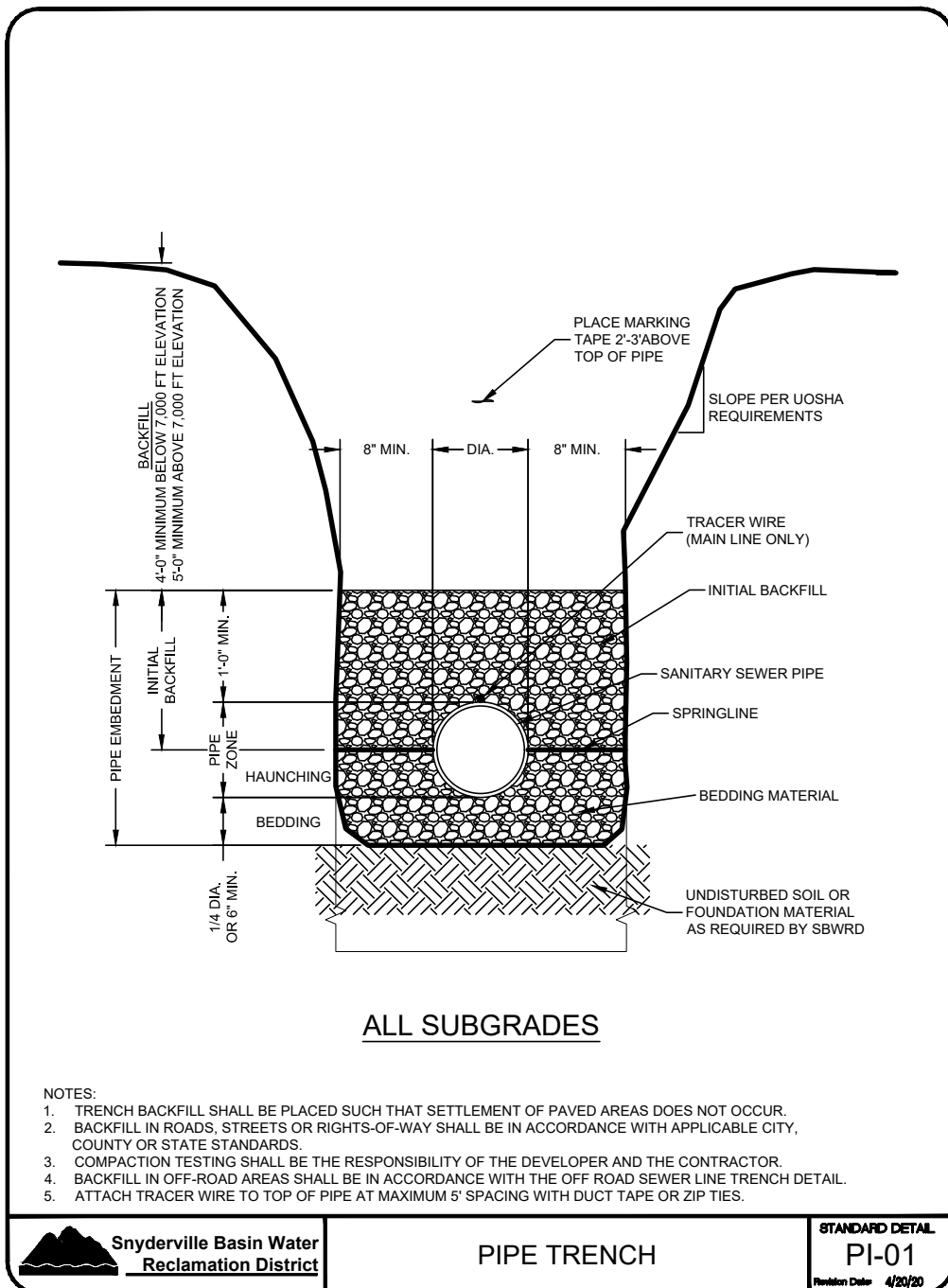
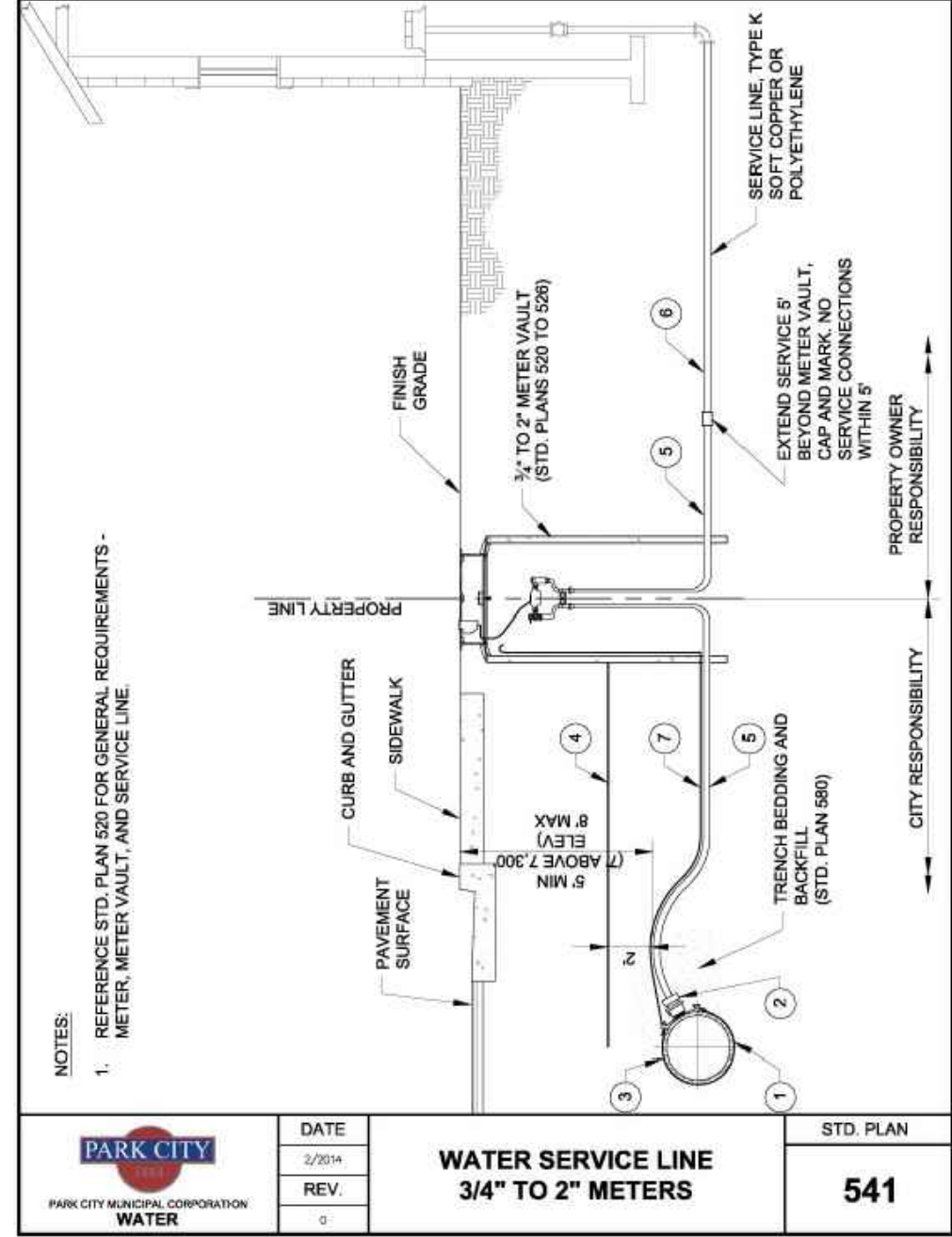
SECTION A-A



SECTION B-B



LEGEND AND APPROVED PARTS LIST			
ITEM	DESCRIPTION	ACCEPTABLE MANUFACTURER	MODELS
①	BRONZE SERVICE SADDLE: DI & AC PIPE, DOUBLE STRAP, PVC PIPE, TWO-PIECE BOLTED	MUELLER	DLLAC PIPE, BROSER SERIES, 1-1/2" SERVICE, CC THOS; 2" SERVICE, FIP THOS; PVC PIPE, H-10000 SERIES, 1-1/2" SERVICE, CC THOS; 2" SERVICE, FIP THOS
		FORD	DLLAC PIPE, STYLE 2028, 1-1/2" SERVICE, CC THOS; 2" SERVICE, FIP THOS; PVC PIPE, 1-1/2" SERVICE, STYLE 8802, CC THOS; 2" SERVICE, STYLE 8812, FIP THOS
②	BRASS CORPORATION STOP, INLET CC THREAD, OUTLET CTS COMPRESSION	MUELLER	B-2500IN
		FORD	FBI100-(SERVICE SIZE)-G-NL
③	POLYETHYLENE ENCASMENT, HIGH DENSITY CROSS LAMINATED (HDCL) POLYETHYLENE FILM, AWWA C109 & AWWA C703E METHOD C	CHRISTY'S OR APPROVED EQUAL	AWWA C703E METHOD C (4 MIL)
④	DETECTABLE UNDERGROUND WARNING TAPE, 5-MIL MINIMUM ALUMINUM BACKING BLUE BACKGROUND, 4" WIDE	BETON OR APP/VD EQUAL	85525
⑤	WATER SERVICE LINE, HIGH-DENSITY POLYETHYLENE TUBING (CTS), SDR 9, AWWA C901 1-1/2" DIA. SERVICE: 3/4" AND 1" DUAL METER 1-1/2" DIA. SERVICE: 3/4" AND 1" DUAL METER 2" DIA. SERVICE: 1-1/2" AND 2" SINGLE METER 2" DIA. SERVICE: 1-1/2" DUAL METERS	ADS OR APP/VD EQUAL	
⑥	WATER SERVICE LINE, HIGH-DENSITY POLYETHYLENE TUBING (CTS), SDR 9, AWWA C901, OR, TYPE K COPPER, SOFT, AWWA C900	ADS OR APP/VD EQUAL	
⑦	TRACER WIRE: 12 GA. SOLID, BLUE PVC INSULATION; WIRE-WIRE CONNECTORS SILICONE-FILLED WIRE NUTS	IDEAL INDUSTRIES	TWISTER DB PLUS OR APP/VD EQUAL
DETAIL NOTES			
1. COORDINATE SERVICE SIZE WITH CITY PRIOR TO ORDERING MATERIALS.			
2. LOCATE SERVICE PER APPROVED PLANS			
3. NO SERVICE LINE FITTINGS BETWEEN CORPORATION STOP AND METER VALVE CURB STOP VALVE			
4. APPLY WAX TAPE COATING SYSTEM TO SERVICE SADDLE BOLTS AND NUTS, AWWA C217. SYSTEM TO INCLUDE FILLER MATERIAL, TAPE COATING, AND PROTECTIVE OUTERWRAP. (CENSO NORTH AMERICA, TRENTON, OR APPROVED EQUAL (STD. PLAN 534))			
PARK CITY PARK CITY MUNICIPAL CORPORATION WATER		DATE: 2/23/14 REV: 2 WATER SERVICE LINE 3/4" TO 2" METERS	STD. PLAN 541 S

















August 24, 2021

Caitlyn Barhorst, Raw Design Studio
358 S 700 E Suite B #243
Salt Lake City, UT 84102
info@rawdesignstudio.com
801-215-9729

CC: Dan Fischer

NOTICE OF BOARD OF ADJUSTMENTS ACTION

Description

Address:	45 Hillside Avenue
Zoning District:	Historic Residential – 1 (HR-1)
Application:	Variance
Project Number:	PL-21-04861
Action:	Approved with Conditions
Date of Final Action:	August 24, 2021
Project Summary:	A request for Variances from the Front Setback pursuant to Section 15-2.2-3(F) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section 15-2.2-3(G), in order to construct a new single car “bunker” style garage, at 45 Hillside Avenue, a non-historic Single-Family Dwelling.

Action Taken

On August 24, 2021, the Board of Adjustments conducted a public hearing and approved the new, subterranean single-car garage in the Front Setback according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.

2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 6,575 square feet.
4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.
6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.
7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)
10. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)
12. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)
13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.

14. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be setback from the edge of curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
15. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

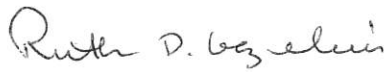
1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garage.
5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.
6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.
7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-

Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org

Sincerely,

A handwritten signature in cursive script that reads "Ruth D. Gezelius".

Ruth Gezelius
Board of Adjustments, Chair
CC: Browne Sebright, Planner II



Planning Department

January 20, 2022

Dan Fischer
45 Hillside Avenue
Park City, Utah 84060

CC: Caitlyn Barhorst

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-21-04828
<u>Subject</u>	Historic District Design Review (HDDR)
<u>Address</u>	45 Hillside Avenue
<u>Description</u>	New Detached Accessory Structure
<u>Action Taken</u>	Approved
<u>Date of Action</u>	January 20, 2022

Summary of Staff Action

Staff reviewed this HDDR application for compliance with Land Management Code (LMC) Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*. Staff reviewed the non-Historic Site in accordance with Land Management Code (LMC) Section 15-13-8, *Design Guidelines for New Residential Infill Construction in Historic Districts*, and LMC Chapter 15-2.2, *Historic Residential – 1 (HR-1) District*. On January 20, 2022, the Planning Director approved plans for the project located at 45 Hillside Avenue subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On November 24, 2021, the Planning Department received a complete Historic District Design Review Application.
2. The Site is located at 45 Hillside Avenue.
3. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
4. On June 20, 1996, City Council adopted Ordinance No. 2021-45, approving The Bluejay Parcel Lot Line Adjustment combining portions of Lots 10 and 11, of Block 19 of the Park City Survey. The property is described as parcel BJAY-ALL.
5. The Main Building is non-Historic and is not included on the Park City Historic Sites Inventory.
6. The Applicant proposes a new Detached Accessory Structure for use as a garage.

7. Staff reviewed 45 Hillside Avenue's HDDR application for compliance with LMC Chapter 15-13, Design Guidelines for Historic Districts and Historic Sites.
8. The application was reviewed per LMC § 15-13-8 *Design Guidelines for New Residential Infill Construction in Historic Districts* and LMC Chapter 15-2.2, *Historic Residential – 1 (HR-1) District*.
9. Staff published notice on the City's website and posted notice to the property on January 5, 2022.
10. Staff mailed courtesy notice to property owners within 100 feet on January 5, 2022.
11. 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 15-2.2, *Historic Residential – 1 (HR-1) District*.
2. The proposal meets the criteria for the *Design Guidelines for New Residential Infill Construction in Historic Districts* outlined in the LMC § 15-13-8.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the plans approved January 20, 2022, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this HDDR approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Department approves an extension.
3. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
4. Approval of this HDDR is conditioned on the approval of the Steep Slope Conditional Use Permit (PL-21-05085). The applicant is responsible for notifying the Planning Department of any design changes that are required for the Steep Slope CUP, including modifications to parking areas, landscaping, building height, and setbacks.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate the impacts to the existing neighboring structures, and existing infrastructure/ streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
7. The City Engineer shall review and approve all grading, utility installations, public improvements, drainage plans, and flood plain issues for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
8. The designer, architect, and/or applicant shall be responsible for coordinating the approved architectural drawings and documents with the approved construction drawings and documents. The overall aesthetics of the approved HDDR

architectural plans shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction drawings shall be reviewed and approved by Planning Staff prior to construction.

9. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
10. The property is located just outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
11. The Hillside Avenue Public Right-of-Way is a non-compliant parcel within the Soil Ordinance boundary. Construction activity in this area, in addition to a Right-of-Way permit, requires a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.
12. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
13. New construction activity shall not physically damage nearby Historic Sites.
14. New materials should reflect the character of the Historic District.
15. Downspouts shall be located away from architectural features and shall be visually minimized when viewed from the primary public right-of-way.
16. No doors or windows may be vinyl or aluminum; all new doors and windows shall be wood or aluminum-clad wood.
17. Synthetic building materials shall not be used unless the materials are made of a minimum of 50% recycled and/or reclaimed material.
18. All exterior wood shall have an opaque rather than transparent finish. When possible, low-VOC (volatile organic compound) paints and finished shall be used. Rustic, unfinished wood is inappropriate.
19. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
20. Construction waste should be diverted from the landfill and recycled when possible.
21. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
22. The Applicant shall either adjust the orientation of the single car garage or to seek an Encroachment Agreement with the City to allow for the garage to encroach into the open space easement prior to the approval of the Steep Slope Conditional Use Permit

If you have questions regarding your application or the action taken please contact the project Planner, Browne Sebright, at 435-615-5036 or browne.sebright@parkcity.org.

Sincerely,



Gretchen Milliken,
Planning Director

CC: Browne Sebright, Planner II

Attachments

Attachment 1: Approved Plans



Planning Department

January 13, 2022

Dan Fischer
PO Box 2441
Park City, UT 84060

CC: Caitlyn Barhorst
caitlyn@rawdesign.com

NOTICE OF PLANNING DIRECTOR DETERMINATION

Re: Determination of Setbacks for an Unusual Lot Configuration at 45 Hillside Avenue, Park City, UT

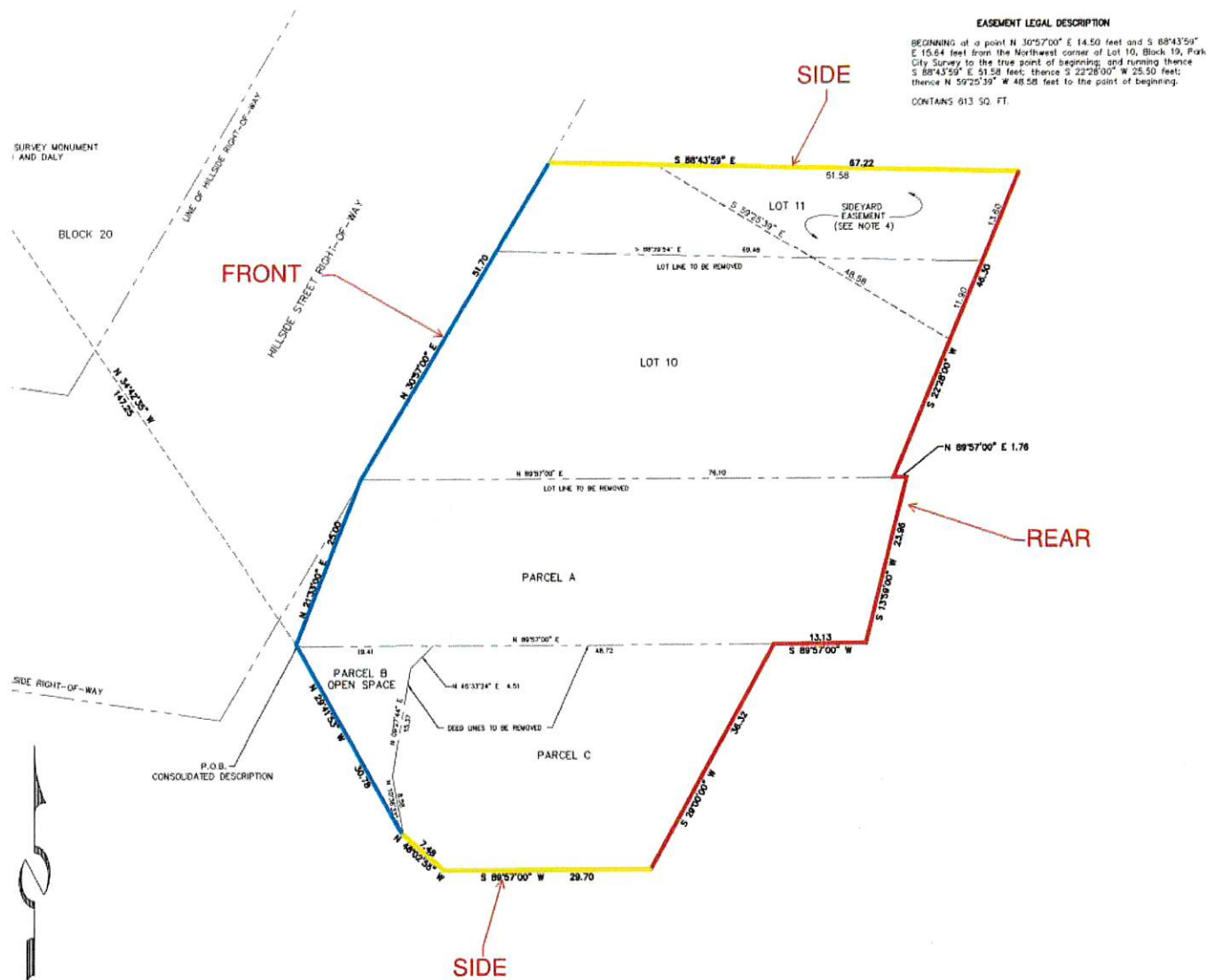
Dear Dan Fischer,

The Lot at 45 Hillside Avenue has more than four (4) sides and is considered a Lot with unusual configuration. Per § 15-2.2-3(B) of the Land Management Code, in the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

Per your Historic District Design Review Application and Steep Slope Conditional Use Permit Application submitted on November 24, 2021, regarding a new single car "bunker" style garage at 45 Hillside Avenue the Planning Director has determined that this property has an unusual Lot configuration.

The Planning Director has determined that this Lot has the following Setback configuration:

- Three (3) front Setbacks (west and southwest Lot Lines);
- Three (3) side Setbacks (north, southwest and south Lot Lines); and
- Five (5) rear Setbacks (east and southeast Lot Lines).



BEGINNING at a point N 30°57'00" E 14.50 feet and S 88°43'59" E 15.64 feet from the Northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence S 88°43'59" E 51.54 feet; thence S 22°28'00" W 25.50 feet; thence N 59°25'39" W 48.58 feet to the point of beginning.

CONTAINS 813 SQ. FT.

If you have any questions or concerns regarding this Final Action Letter, please do not hesitate to contact the project planner, Browne Sebright, browne.sebright@parkcity.org or at 435-615-5063.

Planning Commission Staff Report



Subject: Outdoor Pickleball Courts in Residential Areas
Application: PL-21-05062
Author: Browne Sebright
Date: March 23, 2022
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review the proposed Land Management Code amendments to enact a new 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 forwarding a positive recommendation for City Council's consideration on April 7, 2022, as outlined in the Draft Ordinance No. 2022-XX (Exhibit A).

Description

Applicant: Planning Department
Land Management Amending Use Tables:
Code Sections: § 15-2.1-2 Historic Residential Low – Density
§ 15-2.2-2 Historic Residential 1
§ 15-2.3-2 Historic Residential 2
§ 15-2.4-2 Historic Residential Medium
§ 15-2.5-2 Historic Recreation Commercial
§ 15-2.6-2 Historic Commercial Business
§ 15-2.7-2 Recreation and Open Space
§ 15-2.9-2 Rural Estate
§ 15-2.10-2 Estate
§ 15-2.11-2 Single Family
§ 15-2.12-2 Residential – 1
§ 15-2.13-2 Residential Development
§ 15-2.14-2 Residential Development Medium Density
§ 15-2.15-2 Residential Medium Density
§ 15-2.16-2 Recreation Commercial
§ 15-2.17-2 Regional Commercial Overlay
§ 15-2.18-2 General Commercial
§ 15-2.19-2 Light Industrial
§ 15-2.23-2 Community Transition
§ 15-15-1 *Definitions*

Enacting
§ 15-4-22 *Outdoor Pickleball Courts in Residential Areas*

Reason for Review: The Commission has the primary responsibility of reviewing Land Management Code amendments and forwarding a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action.

dba Noise Decibel
HOA Homeowners Association
LMC Land Management Code

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

Summary

Please see the February 23, 2022, Planning Commission [Staff Report](#), and Exhibit B for 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 (line 1589).

Commission also asked for clarification on the changes to defined terms, which staff has addressed in Analysis III of this staff report.

Background

Staff Recommends LMC Amendments to Address Specific Impacts of Pickleball in Residential Areas

The proposed amendments require a Conditional Use Permit for all outdoor pickleball courts in residential areas. While the Conditional Use Permit criteria outlined in LMC [§ 15-1-10](#) provides the Planning Commission an opportunity to evaluate site-specific mitigations for reasonably anticipated detrimental effects of a Use, staff finds that a new LMC Section to establish baseline standards in addition to the Conditional Use Permit criteria the Planning Commission considers results in land use regulations that protect residential areas.

Staff recommends codifying the following:

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

These proposed amendments are outlined in detail in the Analysis Section below.

Analysis

(I) The Park City Noise Ordinance Requires Additional Mitigations for Outdoor Pickleball Courts.

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.¹

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 approval process, rather than rely on future complaints to require additional mitigations. As a result, the proposed code is restrictive to ensure that noise is adequately addressed through baseline standards.

¹ 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 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.

Planning staff also coordinated with the Engineering Department in reviewing the noise studies, the draft ordinance, and the requirement for applicants to provide a site-specific noise study completed by a certified acoustical professional.

(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; (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; (E) Require Homeowner Association Notification for Properties that are Part of an Homeowner Association registered with the City; and (F) Require Additional Mitigations.

(A) Staff Recommends Requiring a Conditional Use Permit for Outdoor Pickleball Courts in Residential Areas

As mentioned above, Private Recreation Facilities, for which definition pickleball courts fall under, are allowed uses in seven Zoning Districts. As an allowed use, the property owner need only submit a building permit to construct a pickleball court. The proposed amendments shift outdoor pickleball courts in residential areas from an Allowed Use to a Conditional Use Permit.

The Conditional Use Permit application triggers public notice to property owners within 300 feet of the proposed outdoor pickleball court.² Additionally, Conditional Use Permits require Planning Commission review and a public hearing.

The Planning Commission must approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. 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 Planning Commission may deny the Conditional Use.

The Planning Commission reviews all proposed Conditional Uses based on sixteen criteria outlined in LMC § 15-1-10, unless a subsequent provision of the LMC specifically sets forth an approval process for a specific Conditional Use, in which case that section shall control.

Staff is proposing a new LMC Section that specifically addresses pickleball courts in residential areas and finds the proposed amendments outlined below provide baseline standards for applicants to meet so that the Planning Commission can fully evaluate each outdoor pickleball court in residential areas on a case-by-case basis.

² LMC [§ 15-1-21](#).

(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 can help in mitigating noise. Based on research outlined in *The sound of pickleball – a detailed explanation, and what you need to consider before building courts*,³ 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

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, 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.⁴ 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. 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. Also, sound-absorbing barriers can be unsightly and should be considered as a mitigation carefully. The proposed amendments allow for Planning Commission discretion to require additional landscaping and other mitigations to address the visual impacts of sound absorbing barriers (see subsection (F)(v) below).

³ 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>

⁴ Exhibit G, a noise study prepared for Sun City Gran Community Association in Surprise, AZ

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 certain neighborhoods. As a result, the proposed code requires property owners requesting reduced setbacks to submit a noise study that includes any noise mitigating barriers.

Based on Planning Commission input, the draft ordinance also requires the property owner to fund a third-party evaluation of the noise study by an acoustical engineer selected by the City.

The 150-foot minimum setback distance is most aligned with the research in ensuring noise mitigation. Staff recommends 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 measures. The amendments provide applicants with an opportunity to demonstrate their proposal complies with the City Noise Ordinance.

As noise studies are completed for each site requesting the setback reduction to 150 feet, more data specific to Park City will become available. As a result, staff recommends that these amendments be revisited in one year to reevaluate the effectiveness of these restrictive baseline requirements. At that time, the 150-foot minimum setback and the minimum lot size of one-acre may be revised to better reflect site-specific conditions in the City.

(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 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. 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. See figures 1 and 2 below for an analysis of lot sizes.

Minimum Lot Size as a Percent of Total Number of Residential Parcels

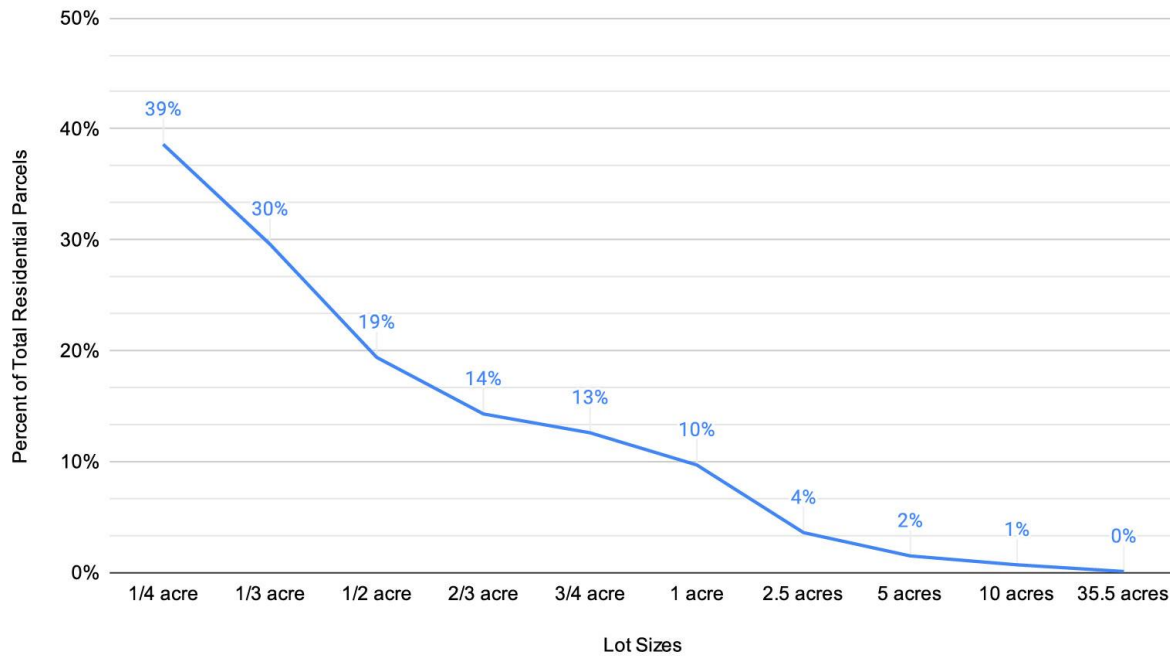


Figure 1. Chart showing the quantity of lots that meet each minimum lot size as a percentage of the total number of residential parcels in Park City.

Minimum Lot Size as a Percent of Total Land Area in Residential Zoning Districts

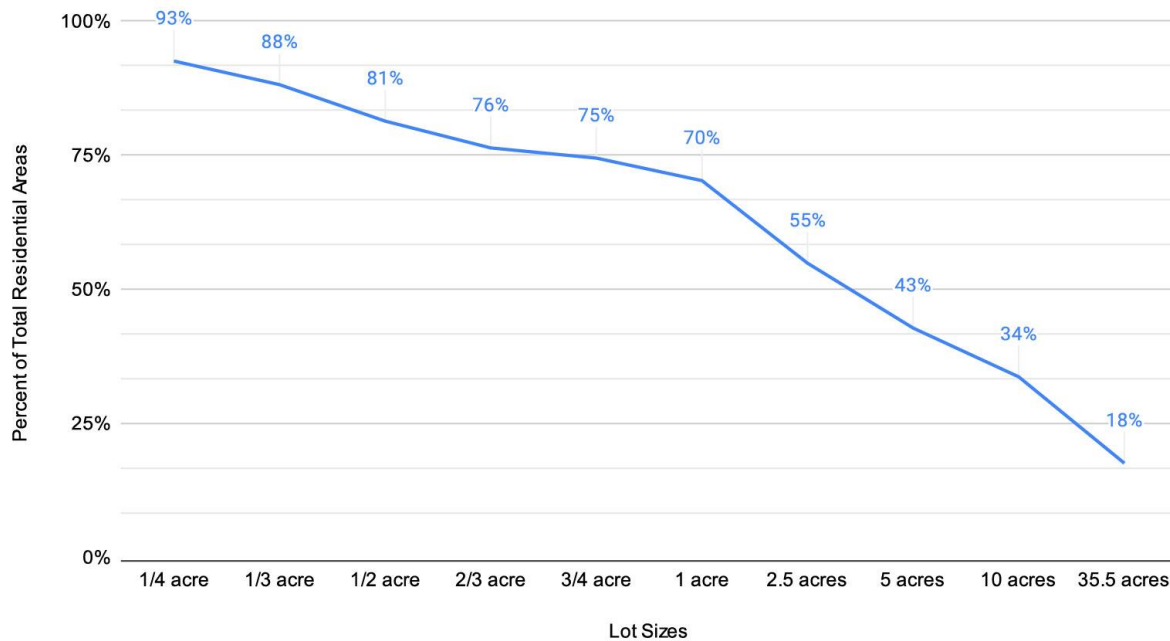


Figure 2. Chart showing the combined area of lots that meet each minimum lot size as a percentage of the total land area in residential zoning districts in Park City.

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 are able to accommodate the required setbacks for a Pickleball Court with noise mitigation. See Exhibit B for a map of lots one-acre and larger in residential Zoning Districts.

(E) Staff Recommends Requiring Homeowner Association notice for construction of 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. In considering a reduction in Setbacks, the Planning Commission may consider whether a Homeowner Association registered with the City pursuant to LMC § [15-1-12\(F\)](#) approves or objects to the proposed use and mitigation. However, applicant failure to obtain such approvals may not be the sole basis for Planning Commission denial.

(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 Planning Commission, the Use of pickleball courts be limited to 8 AM – 8 PM. The Planning Commission may establish different hours of operations upon findings specific to each site.

ii. Prohibiting Outdoor Lighting

To enforce limited pickleball court Use, staff recommends outdoor lighting of pickleball courts in residential areas be prohibited.

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*. 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 and up to no more than four guests at a time and for required parking to be accommodated on site.

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.

(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

The proposed amendments shift Private Recreation Facilities from allowed Uses in seven Zoning Districts to Conditional Uses. As a result, staff recommends amendments to clarify the type of Private Recreation Facilities that trigger Planning Commission review, and to remove minor uses that fall under the *Accessory Building* and *Ancillary Structure* definition from the *Private Recreation Facility* definition.

LMC § 15-15-1 defines *Private Recreation Facilities* as follows:

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.

There is overlap between items specified in the definition of *Private Recreation Facilities* and *Accessory Buildings* and *Ancillary Structures*. LMC § 15-15-1 defines an *Accessory Building* as:

A Building on the same Lot as the principal Building and that is:

1. clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, free-standing Solar Energy Systems, and other similar Structures that require a Building Permit;
2. operated and maintained for the benefit of the principal Use;
3. not a Dwelling Unit; and
4. also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

LMC § 15-15-1 defines *Ancillary Structures* as:

One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes

Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

Playgrounds, spas, and picnic areas 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:

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, **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 2, 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 staff 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

Staff created a Planning Department webpage and Engage Park City webpage on January 21, 2022, outlining the framework for the proposed amendments. Staff updated these webpages on March 2, 2022. 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. LMC [§ 15-1-21](#).

Public Input

Please see Exhibit C.

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration on April 7, 2022;
- The Planning Commission may forward a negative recommendation for City Council's consideration on April 7, 2022, and direct staff to make Findings for the negative recommendation; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-XX

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-XX

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 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 _____ forwarded 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

Attachment 1

15-2.1-2 Uses

Uses in the HRL District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling
2. Home Occupation
3. Child Care, In-Home Babysitting
4. Child Care, Family¹
5. Child Care, Family Group¹
6. Accessory Building and Use
7. Conservation Activity
8. Agriculture
9. Residential Parking Area or Structure with four (4) or fewer spaces
10. Internal Accessory Dwelling Unit⁹
11. Accessory Apartment³

B. CONDITIONAL USES.

1. Nightly Rentals²
2. Lockout Unit
3. Child Care Center¹
4. Essential Municipal and Public Utility Use, Facility, Service and Structure
5. Telecommunication Antenna⁴
6. Satellite dish greater than thirty-nine inches (39") in diameter⁵
7. Residential Parking Area or Structure five (5) or more spaces
8. Temporary Improvement⁶

24 9. Passenger Tramway Station and Ski Base Facility⁷

25 10. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶

26 11. Recreation Facility, Private¹⁰

27 12. Fences greater than six feet (6') in height from Final Grade^{5,8}

28 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional
29 Use is a prohibited Use.

30 ¹See Section 15-4-9, Child Care and Child Care Facilities.

31 ²No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood
32 located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road.
33 No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit
34 criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly
35 Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly
36 Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces; (b)
37 all rental agreements shall include language indicating that all-wheel drive vehicles are required during
38 the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding
39 walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit
40 service; and (d) property management contact information shall be displayed in a prominent location
41 inside the Nightly Rental.

42 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

43 ⁴See Section 15-4-14, Telecommunications Facilities.

44 ⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

45 ⁶Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

46 ⁷See Section 15-4-18, Passenger Tramways and Ski-Base Facilities.

47 ⁸See Section 15-4-2, Fences and Retaining Walls.

48 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant
49 or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative
50 Conditional Use Permit.

¹⁰[See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [15-44](#) on 11/5/2015

Amended by Ord. [2020-37](#) on 7/30/2020

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2021-38](#) on 9/23/2021

Amended by Ord. [2021-51](#) on 12/16/2021

. . . .

15-2.2-2 Uses

Uses in the HR-1 District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling

2. Lockout Unit¹

3. Nightly Rental¹

4. Home Occupation

5. Child Care, In-Home Babysitting²

6. Child Care, Family²

7. Child Care, Family Group²

8. Accessory Building and Use

9. Conservation Activity

10. Agriculture

11. Residential Parking Area or Structure, with four (4) or fewer spaces

12. Internal Accessory Dwelling Unit¹⁰

13. Accessory Apartment³

B. CONDITIONAL USES.

1. Duplex Dwelling

2. Guest House on Lots one (1) acre or greater

3. Secondary Living Quarters

4. Group Care Facility

5. Child Care Center

6. Public and Quasi-Public Institution, church and school

7. Essential Municipal and Public Utility Use, Facility, Service, and Structure

8. Telecommunication Antenna⁴

9. Satellite Dish, greater than thirty-nine inches (39") diameter⁵

10. Bed and Breakfast Inn⁶

11. Boarding House, hostel⁶

12. Hotel, Minor, (fewer than sixteen (16) rooms)⁶

13. Residential Parking Area or Structure with five (5) or more spaces.

14. Temporary Improvement⁷

15. Passenger Tramway Station and Ski Base Facility⁸

16. Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸

17. Recreation Facility, Private¹¹

18. Fences greater than six feet (6') in height from Final Grade^{7,9}

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit.

²See Section 15-4-9, Child Care and Childcare Facilities.

³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

⁴See Section 15-4-14, Telecommunication Facilities.

⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

⁶In Historic Buildings and/or Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit.

⁸See Section 15-4-18, Passenger Tramways and Ski-Base Facilities.

⁹See Section 15-4-2, Fences and Retaining Walls.

¹⁰See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative Conditional Use Permit.

¹¹ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 15-35 on 10/12/2015

Amended by Ord. 2020-42 on 9/17/2020

Amended by Ord. 2021-38 on 9/23/2021

Amended by Ord. 2021-51 on 12/16/2021

....

15-2.3-2 Uses

Uses in the HR-2 District are limited to the following:

125 **A. ALLOWED USES.**

- 126 1. Single Family Dwelling
- 127 2. Lockout Unit¹
- 128 3. Nightly Rental²
- 129 4. Home Occupation
- 130 5. Child Care, In-Home Babysitting³
- 131 6. Child Care, Family³
- 132 7. Child Care, Family Group³
- 133 8. Accessory Building and Use
- 134 9. Conservation Activity
- 135 10. Agriculture
- 136 11. Residential Parking Area or Structure with four (4) or fewer spaces
- 137 ~~12. Recreation Facility, Private~~
- 138 13. Internal Accessory Dwelling Unit¹²
- 139 14. Accessory Apartment⁴

140 **B. CONDITIONAL USES.**

- 141 1. Duplex Dwelling
- 142 2. Secondary Living Quarters
- 143 3. Group Care Facility
- 144 4. Child Care Center
- 145 5. Public or Quasi-Public institution, church or school
- 146 6. Essential municipal and public utility Use, facility, service, and Structure
- 147 7. Telecommunication Antenna⁵

148	8. Satellite Dish Antenna greater than thirty-nine inches (39") in diameter ⁶
149	9. Bed and Breakfast Inn ⁷
150	10. Boarding House, Hostel ⁷
151	11. Hotel, Minor, fewer than sixteen (16) rooms ⁷
152	12. Office, General ⁸
153	13. Office, Moderate Intensive ⁸
154	14. Office and Clinic, Medical ⁸
155	15. Retail and Service Commercial, Minor ⁸
156	16. Retail and Service Commercial, personal improvement ⁸
157	17. Cafe or Deli ⁸
158	18. Restaurant, General ⁸
159	19. Restaurant, Outdoor Dining ⁸
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 Facility ¹⁰
165	24. Ski tow rope, ski lift, ski run, and ski bridge ¹⁰
166	25. Recreation Facility, Private ¹³
167	26. Fences greater than six feet (6') in height from Final Grade ¹¹
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

. . . .

15-2.6-2 Uses

Uses in the Historic Commercial Business (HCB) District are limited to the following:

A. **ALLOWED USES**.¹¹

1. Single Family Dwelling¹

2. Multi-Unit Dwelling¹

370	3. Secondary Living Quarters ¹
371	4. Lockout Unit ^{1,2}
372	5. Accessory Apartment ^{1,3}
373	6. Nightly Rental ⁴
374	7. Home Occupation ¹
375	8. Child Care, In-Home Babysitting ¹
376	9. Child Care, Family ^{1,5}
377	10. Child Care, Family Group ^{1,5}
378	11. Child Care Center ^{1,5}
379	12. Accessory Building and Use ¹
380	13. Conservation Activity
381	14. Agriculture
382	15. Bed and Breakfast Inn ^{1, 6}
383	16. Boarding House, hostel ¹
384	17. Hotel, Minor, fewer than 16 rooms ¹
385	18. Office, General ¹
386	19. Office, Moderate Intensive ¹
387	20. Office and clinic, Medical ¹
388	21. Financial institution, without drive-up window
389	22. Commercial Retail and Service, Minor
390	23. Commercial Retail and Service, Personal Improvement
391	24. Commercial Neighborhood Convenience, without gasoline sales
392	25. Restaurant, Cafe or Deli

- 393 26. Restaurant, General
- 394 27. Bar
- 395 28. Parking Lot, Public or Private with four (4) or fewer spaces
- 396 29. Entertainment Facility, Indoor
- 397 30. Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷
- 398 31. Temporary winter Balcony enclosures
- 399 32. Food Truck Location¹²
- 400 B. **CONDITIONAL USES**.^{10, 11}
- 401 1. Group Care Facility¹
- 402 2. Public and Quasi-Public institution, church, or school
- 403 3. Essential municipal public utility Use, facility, service, and Structure
- 404 4. Telecommunication Antenna⁸
- 405 5. Satellite dish, greater than thirty-nine inches (39") in diameter⁹
- 406 6. Plant and Nursery stock products and sales
- 407 7. Hotel, Major¹
- 408 8. Timeshare Projects and Conversions¹
- 409 9. Timeshare Sales Office, Off-Site within an enclosed Building¹
- 410 10. Private Residence Club Project and Conversion^{1,6}
- 411 11. Commercial Retail and Service, Major
- 412 12. Office, Intensive¹
- 413 13. Restaurant, outdoor dining⁶
- 414 14. Outdoor Events and Uses⁶
- 415 15. Hospital, Limited Care Facility¹

- 416 16. Parking Area or Structure for five (5) or more cars¹
- 417 17. Temporary Improvement⁶
- 418 18. Passenger Tramway station and ski base facility
- 419 19. Ski tow, ski lift, ski run, and ski bridge
- 420 20. Recreation Facility, Public [~~or Private~~]
- 421 21. Recreation Facility Private¹³
- 422 22. Recreation Facility, Commercial
- 423 23. Fences greater than six feet (6') in height from Final Grade⁶
- 424 24. Private Residence Club, Off-Site¹
- 425 25. Private Event Facility¹

426 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

427 is a prohibited Use.

428 ¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and

429 Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and

430 lobby areas are permitted within Storefront Property.

431 ²Nightly Rental of Lock Units requires a Conditional Use permit.

432 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

433 ⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses.

434 ⁵See Section 15-4-9, Child Care And Child Care Facilities.

435 ⁶Requires an Administrative or Administrative Conditional Use permit.

436 ⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

437 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

438 on the original Property set forth in the services Agreement and/or Master Festival License. Requires an

439 Administrative Permit.

440 ⁸See Section 15-4-14, Telecommunication Facilities.

441 ⁹See Section 15-4-13, Placement Of Satellite Receiving Antennas.

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are permitted in Storefront Properties.

¹²The Planning Director or his or her designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

¹³ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [02-38](#) on 9/12/2002

Amended by Ord. [04-39](#) on 3/18/2004

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [07-55](#) on 8/30/2007

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [16-02](#) on 1/7/2016

Amended by Ord. [16-01](#) on 1/7/2016

Amended by Ord. [2017-45](#) on 8/17/2017

Amended by Ord. [2018-55](#) on 10/23/2018

Amended by Ord. [2020-36](#) on 7/30/2020

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2021-51](#) on 12/16/2021

. . . .

15-2.7-2 Uses

Uses in the ROS District are limited to the following:

A. ALLOWED USES.

- 469 1. Conservation Activity
- 470 2. Food Truck Locations⁴
- 471 B. **ADMINISTRATIVE CONDITIONAL USES**¹.
- 472 1. Trail and Trailhead Improvement
- 473 2. Outdoor Recreation Equipment
- 474 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq.
- 475 ft.
- 476 4. Accessory Building, less than 600 sq. ft.
- 477 5. Ski-related Accessory Building, less than 600 sq. ft.
- 478 6. Parking Area or Structure with four (4) or fewer spaces
- 479 7. Outdoor Event, Outdoor Music
- 480 8. Temporary Construction Improvement
- 481 9. Raising, grazing of horses
- 482 10. Raising, grazing of livestock
- 483 11. Anemometer and Anemometer Towers
- 484 C. **CONDITIONAL USES.**
- 485 1. Agriculture
- 486 2. Recreational Outdoor and Trail Lighting
- 487 3. Recreation Facility, Private⁵
- 488 4. Recreation Facility, Public
- 489 5. Recreation Facility, Commercial
- 490 6. Golf Course
- 491 7. Passenger Tramway Station and Ski Base Facility

- 492 8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- 493 9. Recreational Sports Field
- 494 10. Skating Rink
- 495 11. Skateboard Park
- 496 12. Public and Quasi-Public Institution, Church, and School, Park, Plaza,
- 497 Structure for Public Assembly, greater than 600 sq. ft.
- 498 13. Essential Municipal Public Utility Use, Facility, Service, and Structure, greater
- 499 than 600 sq. ft.
- 500 14. Accessory Building, greater than 600 sq. ft.
- 501 15. Ski-Related Accessory Building, greater than 600 sq. ft.
- 502 16. Child Care Center
- 503 17. Commercial Stable, Riding Academy
- 504 18. Vehicle Control Gates²
- 505 19. Resort Support, Commercial
- 506 20. Cemetery
- 507 21. Parking Area or Structure with five (5) or more spaces
- 508 22. Telecommunications Antenna³
- 509 23. Mines and Mine Exploration
- 510 24. Plant and Nursery stock products and sales
- 511 25. Fences greater than six feet (6') in height from Final Grade.
- 512 26. Small Wind Energy Systems
- 513 D. **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use
- 514 is a prohibited Use.

515 ¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.
516 Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time
517 frames and shall be removed at the expiration of the Master Festival permit.

518 ²See Section 15-4-19 for specific review criteria for gates

519 ³Subject to LMC Chapter 15-4-14, Telecommunications

520 ⁴The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
521 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

522 ⁵ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

523 HISTORY

524 Adopted by Ord. 00-51 on 9/21/2000

525 Amended by Ord. 04-08 on 3/4/2004

526 Amended by Ord. 09-10 on 3/5/2009

527 Amended by Ord. 2018-55 on 10/23/2018

528

529 **15-2.9-2 Uses**

530 Uses in the E-40 District are limited to the following:

531 **A. ALLOWED USES.**

532 1. Single Family Dwelling

533 2. Secondary Living Quarters

534 3. Lockout Unit¹

535 4. Accessory Apartment²

536 5. Nightly Rental³

537 6. Home Occupation

538 7. Child Care, In-Home Babysitting

539 8. Child Care, Family⁴

540 9. Child Care, Family Group⁴

- 541 10. Accessory Building and Use
- 542 11. Conservation Activity
- 543 12. Agriculture
- 544 13. Raising, grazing of horses
- 545 14. Residential Parking Area or Structure, with four (4) or fewer spaces
- 546 15. Internal Accessory Dwelling Unit⁹
- 547 **B. CONDITIONAL USES.**
- 548 1. Guest House
- 549 2. Group Care Facility
- 550 3. Child Care Center⁴
- 551 4. Public and Quasi-Public Institution, Church and School
- 552 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 553 6. Telecommunication Antenna⁶
- 554 7. Satellite Dish, greater than thirty-nine inches (39") diameter⁶
- 555 8. Plant and Nursery Stock Production and Sales
- 556 9. Raising, grazing of livestock
- 557 10. Cemetery
- 558 11. Bed and Breakfast Inn
- 559 12. Parking Lot or Structure with five (5) or more space
- 560 13. Temporary Improvement⁷
- 561 14. Passenger Tramway Station and Ski Base Facility
- 562 15. Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- 563 16. Outdoor Event⁷

- 564 17. Recreation Facility, Public and Private¹⁰
- 565 18. Recreation Facility, Commercial
- 566 19. Commercial Stables, Riding Academy
- 567 20. Mines and Mine Exploration
- 568 21. Fences greater than six feet (6') in height from Final Grade⁷
- 569 22. Vehicle Control Gates⁸
- 570 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
- 571 is a prohibited Use.

572 ¹Nightly Rental of Lockout Units requires a Conditional Use permit

573 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

574 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses

575 ⁴See LMC Chapter 15-4-9 for Child Care Regulations

576 ⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

577 ⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

578 ⁷Requires an Administrative Conditional Use permit.

579 ⁸See Section 15-4-19 for specific review criteria for gates.

580 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units.

581 ¹⁰ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

582 HISTORY

583 Adopted by Ord. 00-51 on 9/21/2000

584 Amended by Ord. 04-08 on 3/4/2004

585 Amended by Ord. 06-69 on 10/19/2006

586 Amended by Ord. 2021-38 on 9/23/2021

587 Amended by Ord. 2021-51 on 12/16/2021

588

589 **15-2.10-2 Uses**

590 Uses in the Estate (E) District are limited to the following:

591 **A. ALLOWED USES.**

- 592 1. Single Family Dwelling
- 593 2. Duplex Dwelling
- 594 3. Secondary Living Quarters
- 595 4. Lockout Unit¹
- 596 5. Accessory Apartment²
- 597 6. Nightly Rental^{1,3}
- 598 7. Home Occupation
- 599 8. Child Care, In-Home Babysitting⁴
- 600 9. Child Care, Family⁴
- 601 10. Child Care, Family Group⁴
- 602 11. Accessory Buildings and Uses
- 603 12. Conservation Activity
- 604 13. Agriculture
- 605 14. Raising, grazing of horses
- 606 15. Parking Area or Structure with four (4) or fewer spaces
- 607 16. Internal Accessory Dwelling Unit¹²

608 **B. CONDITIONAL USES.**

- 609 1. Guest House
- 610 2. Group Care Facility
- 611 3. Child Care Center⁴
- 612 4. Public and Quasi-Public Institution, Church and School

- 613 5. Essential Municipal Public Utility Use, Facility, Services, and Structure
- 614 6. Telecommunication Antenna⁵
- 615 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶
- 616 8. Plant and Nursery stock products and sales
- 617 9. Raising, grazing of livestock
- 618 10. Cemetery
- 619 11. Bed and Breakfast Inn
- 620 12. Hotel, Minor⁷
- 621 13. Hotel, Major⁷
- 622 14. Parking Area or Structure with five (5) or more spaces
- 623 15. Temporary Improvement⁸
- 624 16. Passenger Tramway Station and Base Facility⁹
- 625 17. Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge
- 626 18. Outdoor Event⁷
- 627 19. Recreation Facility, Public and Private¹³
- 628 20. Recreation Facility, Commercial
- 629 21. Commercial Stables, Riding Academy
- 630 22. Mines and Mine Exploration
- 631 23. Vehicle Control Gates¹⁰
- 632 24. Fences greater than six feet (6') in height from Final Grade⁸
- 633 25. Support Retail and Minor Service Commercial¹¹
- 634 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 635 is a prohibited Use.

636 ¹Nightly rental of Lockout Units requires a Conditional Use permit

637 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

638 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

639 ⁴See Section 15-4-9 Child Care and Child Care Facilities

640 ⁵See Section 15-4-14, Telecommunication Facilities

641 ⁶See Section 15-4-13, Placement of Satellite Receiving Antennas

642 ⁷Subject to regulations of Chapter 15-6, Master Planned Developments

643 ⁸Requires an Administrative Conditional Use permit

644 ⁹See Section 15-4-18 Passenger Tramways and Ski Base Facilities

645 ¹⁰See Section 15-4-19 Review Criteria for Vehicle Control Gates

646 ¹¹Subject to a Master Planned Development approval. See Chapter 15-6

647 ¹²See Section 15-4-7.1, Internal Accessory Dwelling Units.

648 ¹³ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

649 HISTORY

650 Adopted by Ord. 00-51 on 9/21/2000

651 Amended by Ord. 04-08 on 3/4/2004

652 Amended by Ord. 06-69 on 10/19/2006

653 Amended by Ord. 2020-45 on 10/1/2020

654 Amended by Ord. 2021-38 on 9/23/2021

655 Amended by Ord. 2021-51 on 12/16/2021

656

657 **15-2.11-2 Uses**

658 Uses in the SF District are limited to the following:

659 **A. ALLOWED USES.**

660 1. Single Family Dwelling

661 2. Duplex Dwelling¹

662 3. Secondary Living Quarters²

663 4. Accessory Apartment³

- 664 5. Nightly Rental⁴
- 665 6. Home Occupation
- 666 7. Child Care, In-Home Babysitting⁵
- 667 8. Child Care, Family⁵
- 668 9. Child Care, Family Group⁵
- 669 10. Accessory Building and Use
- 670 11. Conservation Activity
- 671 12. Agriculture
- 672 13. Parking Area or Structure with four (4) or fewer spaces
- 673 14. Internal Accessory Dwelling Unit¹⁰
- 674 **B. CONDITIONAL USES.**
- 675 1. Guest House⁶
- 676 2. Group Care Facility
- 677 3. Child Care Center⁵
- 678 4. Public and Quasi-Public Institution, Church, and School
- 679 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 680 6. Telecommunication Antenna⁷
- 681 7. Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- 682 8. Raising, grazing of horses
- 683 9. Bed and Breakfast Inn
- 684 10. Parking Area or Structure with five (5) or more spaces⁹
- 685 11. Temporary Improvements⁹
- 686 12. Outdoor Event⁹

687 13. Recreation Facility, Public or Private¹¹
688 14. Fences greater than six feet (6') in height from Final Grade⁹
689 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
690 is a prohibited Use.

691 ¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

692 ²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or
693 Allowed Use within Holiday Ranchettes Subdivision.

694 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments. Accessory Apartments in
695 detached Structures are not allowed within Holiday Ranchettes Subdivision.

696 ⁴Allowed only within Prospector Village Subdivision. Commercial Uses are not allowed within Nightly
697 Rental units.

698 ⁵See Section 15-4-9 Child Care and Child Care Facilities.

699 ⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or
700 Allowed Use within Holiday Ranchettes Subdivision.

701 ⁷See Section 15-4-14, Telecommunication Facilities

702 ⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

703 ⁹Requires an Administrative Conditional Use permit.

704 ¹⁰See Section 15-4-7.1, Internal Accessory Dwelling Units.

705 ¹¹ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

706 HISTORY

707 Adopted by Ord. 00-51 on 9/21/2000

708 Amended by Ord. 06-76 on 11/9/2006

709 Amended by Ord. 2020-45 on 10/1/2020

710 Amended by Ord. 2021-38 on 9/23/2021

711 Amended by Ord. 2021-51 on 12/16/2021

712

713 **15-2.12-2 Uses**

714 Uses in the R-1 District are limited to the following:

715 **A. ALLOWED USES.**

- 716 1. Single Family Dwelling
- 717 2. Duplex Dwelling
- 718 3. Secondary Living Quarters
- 719 4. Lockout Unit¹
- 720 5. Accessory Apartment²
- 721 6. Nightly Rental³
- 722 7. Home Occupation
- 723 8. Child Care, In-Home Babysitting⁴
- 724 9. Child Care, Family⁴
- 725 10. Child Care, Family Group⁴
- 726 11. Accessory Building and Use
- 727 12. Conservation Activity
- 728 13. Agriculture
- 729 14. Parking Area or Structure with four (4) or fewer spaces
- 730 15. Internal Accessory Dwelling Unit¹¹

731 **B. CONDITIONAL USES.**

- 732 1. Triplex Dwelling⁵
- 733 2. Guest House, on Lots one (1) acre or larger
- 734 3. Group Care Facility
- 735 4. Child Care Center⁴
- 736 5. Public or Quasi-Public Institution, Church, and School

- 737 6. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 738 7. Telecommunication Antenna⁶
- 739 8. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- 740 9. Bed and Breakfast Inn
- 741 10. Temporary Improvement⁸
- 742 11. Ski tow rope, ski lift, ski run, and ski bridge⁹
- 743 12. Outdoor Event⁸
- 744 13. Recreation Facility, Private¹²
- 745 14. Fences and walls greater than six feet (6') in height from Final Grade⁸
- 746 15. Residential and transient lodging Uses¹⁰
- 747 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 748 is a prohibited Use.

749 ¹Nightly rental of Lockout Units requires a Conditional Use permit

750 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

751 ³Commercial Uses are not allowed within Nightly Rental Units

752 ⁴See Section 15-4-9 Child Care and Child Care Facilities

753 ⁵Must comply with special parking requirements, see Chapter 15-3.

754 ⁶See Section 15-4-14, Telecommunications Facilities

755 ⁷See Section 15-4-13, Placement of Satellite Receiving Antennas

756 ⁸Subject to an Administrative Conditional Use permit.

757 ⁹As part of an approved Ski Area Master Plan. See Section 15-4-18, Passenger Tramways and Ski Base

758 Facilities

759 ¹⁰Subject to Master Planned Development approval. See Chapter 15-6

760 ¹¹See Section 15-4-7.1, Internal Accessory Dwelling Units.

761 ¹² See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

762 HISTORY

763 Adopted by Ord. 00-51 on 9/21/2000
764 Amended by Ord. 06-76 on 11/9/2006
765 Amended by Ord. 2020-45 on 10/1/2020
766 Amended by Ord. 2021-38 on 9/23/2021
767 Amended by Ord. 2021-51 on 12/16/2021
768

769 **15-2.13-2 Uses**

770 Uses in the RD District are limited to the following:

771 A. **ALLOWED USES.**

- 772 1. Single-Family Dwelling
- 773 2. Duplex Dwelling
- 774 3. Secondary Living Quarters
- 775 4. Lockout Unit¹
- 776 5. Accessory Apartment²
- 777 6. Nightly Rental³
- 778 7. Home Occupation
- 779 8. Child Care, In-Home Babysitting⁴
- 780 9. Child Care, Family⁴
- 781 10. Child Care, Family Group⁴
- 782 11. Accessory Building and Use
- 783 12. Conservation Activity Agriculture
- 784 13. Parking Area or Structure with four (4) or fewer spaces
- 785 14. ~~[Recreation Facility, Private]~~
- 786 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

787	16. Food Truck Location ¹⁶
788	17. Internal Accessory Dwelling Unit ¹⁷
789	B. <u>CONDITIONAL USES.</u>
790	1. Triplex Dwelling ⁶
791	2. Multi-Unit Dwelling ⁶
792	3. Guest House
793	4. Group Care Facility
794	5. Child Care Center ⁴
795	6. Public and Quasi-Public Institution, Church, and School
796	7. Essential Municipal Public Utility Use, Facility, Service, and Structure
797	8. Telecommunication Antenna ⁷
798	9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁸
799	10. Raising, grazing of horses
800	11. Cemetery
801	12. Bed and Breakfast Inn
802	13. Hotel, Minor ⁶
803	14. Hotel, Major ⁶
804	15. Private Residence Club Project and Conversion ¹⁰
805	16. Office, General ^{6,9}
806	17. Office, Moderate Intensive ^{6,9}
807	18. Office, Medical ^{6,9}
808	19. Financial Institution without drive-up window ^{6,9}
809	20. Commercial Retail and Service, Minor ^{6,9}

810	21. Commercial Retail and Service, personal improvement ^{6,9}
811	22. Commercial, Resort Support ^{6,9}
812	23. Café or Deli ^{6,9}
813	24. Restaurant, Standard ^{6,9}
814	25. Restaurant, Outdoor Dining ¹⁰
815	26. Outdoor Event ¹⁰
816	27. Bar ^{6,9}
817	28. Hospital, Limited Care Facility ^{6,9}
818	29. Parking Area or Structure with five (5) or more spaces
819	30. Temporary Improvement ¹⁰
820	31. Passenger Tramway Station and Ski Base Facility ¹¹
821	32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge ¹¹
822	33. Recreation Facility, Public
823	34. Recreation Facility, Commercial ⁶
824	35. <u>Recreation Facility, Private¹⁸</u>
825	36. Entertainment Facility, Indoor ^{6,9}
826	37. Commercial Stables, Riding Academy ¹²
827	38. Heliport ¹²
828	39. Vehicle Control Gate ¹³
829	40. Fences and walls greater than six feet (6') in height from Final Grade ¹⁰
830	41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays ¹⁴
831	42. Amenities Club
832	43. Club, Private Residence Off-Site ¹⁵

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

⁴See Section 15-4-9 Child Care and Child Care Facilities

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See Section 15-4-14, Telecommunications Facilities

⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an Administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See Section 15-4-18 Passenger Tramways and Ski Base Facilities.

¹²Omitted.

¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

858 ¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit.
859 Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more
860 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
861 specific parking requirements.

862 ¹⁶The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
863 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

864 ¹⁷See Section 15-4-7.1, Internal Accessory Dwelling Units.

865 ¹⁸ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

866 HISTORY

867 *Adopted by Ord. [00-51](#) on 9/21/2000*

868 *Amended by Ord. [02-38](#) on 9/12/2002*

869 *Amended by Ord. [04-08](#) on 3/4/2004*

870 *Amended by Ord. [05-39](#) on 6/30/2005*

871 *Amended by Ord. [06-76](#) on 11/9/2006*

872 *Amended by Ord. [11-05](#) on 1/27/2011*

873 *Amended by Ord. [14-35](#) on 6/26/2014*

874 *Amended by Ord. [2018-23](#) on 5/17/2018*

875 *Amended by Ord. [2018-55](#) on 10/23/2018*

876 *Amended by Ord. [2020-38](#) on 7/30/2020*

877 *Amended by Ord. [2020-45](#) on 10/1/2020*

878 *Amended by Ord. [2021-16](#) on 4/15/2021*

879 *Amended by Ord. [2021-38](#) on 9/23/2021*

880 *Amended by Ord. [2021-52](#) on 12/16/2021*

881 *Amended by Ord. [2021-51](#) on 12/16/2021*

882 . . .

883 **15-2.14-2 Uses**

884 Uses in the RDM District are limited to the following:

885 A. **ALLOWED USES.**

- 886 1. Single Family Dwelling
- 887 2. Duplex Dwelling
- 888 3. Triplex Dwelling
- 889 4. Secondary Living Quarters
- 890 5. Lockout Unit¹
- 891 6. Accessory Apartment²
- 892 7. Nightly Rental³
- 893 8. Home Occupation
- 894 9. Child Care, In Home Babysitting⁴
- 895 10. Child Care, Family⁴
- 896 11. Child Care, Family Group⁴
- 897 12. Accessory Building and Use
- 898 13. Conservation Activity
- 899 14. Agriculture
- 900 15. Parking Area or Structure with four (4) or fewer spaces
- 901 16. ~~[Recreation Facility, Private]~~
- 902 17. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 903 18. Food Truck Location¹⁴
- 904 19. Internal Accessory Dwelling Unit¹⁵

905 B. **CONDITIONAL USES.**

- 906 1. Multi Unit Dwelling⁶

907	2. Guest House
908	3. Group Care Facility
909	4. Child Care Center
910	5. Public and Quasi Public Institution, Church, and School
911	6. Essential Municipal Public Utility Use, Facility, Service, and Structure
912	7. Telecommunication Antenna ⁷
913	8. Satellite Dish, greater than thirty nine inches (39") in diameter ⁸
914	9. Raising grazing of horses
915	10. Cemetery
916	11. Bed and Breakfast Inn
917	12. Boarding House, Hotel
918	13. Hotel, Minor ⁶
919	14. Hotel, Major ⁶
920	15. Private Residence Club Project and Conversion ¹¹
921	16. Office, General ⁶
922	17. Office, Moderate Intensive ^{6,9}
923	18. Office and Clinic, Medical ^{6,10}
924	19. Financial Institution, without drive up window ^{6,10}
925	20. Commercial Retail and Service, Minor ^{6,10}
926	21. Commercial Retail and Service, personal improvement ^{6,10}
927	22. Commercial, Resort Support ^{6,10}
928	23. Cafe or Deli ^{6,10}
929	24. Restaurant, Standard ^{6,10}

- 930 25. Restaurant, Outdoor Dining¹¹
- 931 26. Outdoor Event¹¹
- 932 27. Bar^{6,10}
- 933 28. Hospital, Limited Care Facility^{6,9}
- 934 29. Parking Area or Structure with five (5) or fewer spaces
- 935 30. Temporary Improvement¹¹
- 936 31. Passenger Tramway Station and Ski Base Facility¹²
- 937 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- 938 33. Recreation Facility, Public
- 939 34. Recreation Facility, Commercial⁶
- 940 35. Recreation Facility, Private¹⁶
- 941 36. Entertainment Facility, Indoor^{6,9}
- 942 37. Commercial Stables, Riding Academy^{6,10}
- 943 38. Fences greater than six feet (6') in height from Final Grade
- 944 39. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³
- 945 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
- 946 is a prohibited Use.

947 ¹Nightly Rental of Lockout Units requires a Conditional Use permit.

948 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

949 ³Nightly Rentals do not include the Use of Dwellings for Commercial Use.

950 ⁴See Section 15-4-9, Child Care and Child Care Facilities

951 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
952 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
953 on the original Property set forth in the services agreement and/or Master Festival License

954 ⁶Subject to Master Planned Development approval. See Chapter 15-6.

955 ⁷See Section 15-4-14, Telecommunication Facilities.

956 ⁸See Section 15-4-13, Placement of Satellite Receiving Antennas.

957 ⁹General Offices are only permitted with an approved Master Planned Development and may only be
958 approved as the redevelopment of an existing Building or Property. In addition to meeting the necessary
959 criteria in the Chapter 15-6 Master Planned Developments, the Planning Commission must find that: a)
960 the redevelopment of an existing Building or Property to a General Office use will substantially advance
961 the objectives of Economic Element of the General Plan or other more specific neighborhood plans; b) it
962 has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential
963 character of the RDM District and the Frontage Protection Zone through careful planning and conditions
964 of approval; c) it will not result in an intensification of use incompatible with neighboring developments;
965 and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

966 ¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a
967 convenience for residents or occupants of adjacent or adjoining residential Development.

968 ¹¹Requires an administrative Conditional Use permit.

969 ¹²As part of an approved Ski Area Master Plan. See Section 15-4-18, Passenger Tramways and Ski Base
970 Facilities

971 ¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
972 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
973 in an Area other than the original location set forth in the services agreement and/or Master Festival
974 License.

975 ¹⁴The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
976 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
977 letter.

978 ¹⁵See Section 15-4-7.1, Internal Accessory Dwelling Units.

979 ¹⁶ See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas

980 HISTORY

981 *Adopted by Ord. [00-51](#) on 9/21/2000*

982 *Amended by Ord. [02-24](#) on 6/27/2002*

983 *Amended by Ord. [02-38](#) on 9/12/2002*

984 *Amended by Ord. [04-39](#) on 3/18/2004*

985 *Amended by Ord. [06-76](#) on 11/9/2006*

986 *Amended by Ord. [2018-55](#) on 10/23/2018*

987 *Amended by Ord. [2018-55](#) on 10/23/2018*

988 *Amended by Ord. [2020-45](#) on 10/1/2020*

989 *Amended by Ord. [2021-38](#) on 9/23/2021*

990 *Amended by Ord. [2021-51](#) on 12/16/2021*

991 . . .

992 **15-2.15-2 Uses**

993 Uses in the RM District are limited to the following:

994 **A. ALLOWED USES.**

- 995 1. Single Family Dwelling
- 996 2. Duplex Dwelling
- 997 3. Triplex Dwelling
- 998 4. Secondary Living Quarters
- 999 5. Lockout Unit¹
- 1000 6. Accessory Apartment²
- 1001 7. Nightly Rental³
- 1002 8. Home Occupation
- 1003 9. Child Care, In-Home Babysitting⁴
- 1004 10. Child Care, Family⁴

1005	11. Child Care, Family Group ⁴
1006	12. Accessory Building and Use
1007	13. Conservation Activity
1008	14. Agriculture
1009	15. Bed and Breakfast Inn
1010	16. Parking Area or Structure with four (4) or fewer spaces
1011	17. Internal Accessory Dwelling Unit ⁹
1012	B. <u>CONDITIONAL USES.</u>
1013	1. Multi-Unit Dwelling
1014	2. Guest House, on Lot greater than one (1) acre
1015	3. Group Care Facility
1016	4. Child Care Center ⁴
1017	5. Public and Quasi-Public Institution, Church, and School
1018	6. Essential Municipal Public Utility Use, Facility, Service, and Structure
1019	7. Telecommunication Antenna ⁵
1020	8. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁶
1021	9. Boarding House, Hostel
1022	10. Hotel, Minor ⁷
1023	11. Outdoor Event ⁸
1024	12. Parking Area or Structure with five (5) or more spaces
1025	13. Temporary Improvement ⁸
1026	14. Recreation Facility, Public and Private ¹⁰
1027	15. Fences greater than six feet in Height from Final Grade ⁸

1028 16. Residential and transient lodging Uses⁷
1029 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
1030 is a prohibited Use.

1031 ¹Nightly rental of Lockout Units requires a Conditional Use permit.

1032 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1033 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

1034 ⁴See Section 15-4-9, Child Care and Child Care Facilities.

1035 ⁵See Section 15-4-14, Telecommunications Facilities.

1036 ⁶See Section 15-4-13, Placement of Satellite Receiving Antennas.

1037 ⁷Subject to Master Planned Development approval. See Chapter 15-6.

1038 ⁸Requires an Administrative Conditional Use permit.

1039 ⁹See Section 15-4-7.1, Internal Accessory Dwelling Units.

1040 ¹⁰ [See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas](#)

1041 HISTORY

1042 Adopted by Ord. 00-51 on 9/21/2000

1043 Amended by Ord. 2020-45 on 10/1/2020

1044 Amended by Ord. 2021-38 on 9/23/2021

1045 Amended by Ord. 2021-51 on 12/16/2021

1046

1047 **15-2.16-2 Uses**

1048 Uses in the RC District are limited to the following:

1049 **A. ALLOWED USES.**

1050 1. Single Family Dwelling

1051 2. Duplex Dwelling

1052 3. Triplex Dwelling

1053 4. Secondary Living Quarters

1054	5. Lockout Unit ¹
1055	6. Accessory Apartment ²
1056	7. Nightly Rental ³
1057	8. Home Occupation
1058	9. Child Care, In-Home Babysitting ⁴
1059	10. Child Care, Family ⁴
1060	11. Child Care, Family Group ⁴
1061	12. Child Care Center ⁴
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 Displays ⁵
1070	21. Food Truck Location ¹²
1071	B. <u>CONDITIONAL USES.</u>
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 Antenna ⁶

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. Bar ⁵
1199	34. Hospital, Limited Care Facility ⁵
1200	35. Hospital, General ⁵
1201	36. Parking Area or Garage with five (5) or more spaces ⁸
1202	37. Temporary Improvement ⁹
1203	38. Passenger Tramway Station and Ski Base Facility ⁵
1204	39. Ski tow rope, ski lift, ski run, and ski bridge ⁵
1205	40. Recreation Facility, Public ⁵
1206	41. Recreation Facility, Commercial ⁵
1207	42. Entertainment, Indoor ⁵
1208	43. Heliport ⁵
1209	44. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays ¹⁰
1210	C. <u>PROHIBITED USES.</u> Any Use not listed above as an Allowed or Conditional Use
1211	is a prohibited Use.
1212	¹ Nightly Rental of Lockout Units requires a Conditional Use permit.
1213	² Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.
1214	³ See Section 15-4-9, Child Care and Child Care Facilities.
1215	⁴ Olympic 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	⁵ Subject to Master Planned Development approval. See Chapter 15-6.
1219	⁶ See Section 15-4-14, Telecommunication Facilities.
1220	⁷ See Section 15-4-13, Placement of Satellite Receiving Antennas.
1221	⁸ See Section 15-2.18-5 criteria for drive-up windows.
1222	⁹ Requires 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 Apartment ¹
1347	3. Nightly Rental
1348	4. Home Occupation
1349	5. Child Care, In-Home Babysitting ²
1350	6. Child Care, Family ²
1351	7. Child Care, Family Group ²
1352	8. Child Care Center ²
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 Location ⁸
1367	B. <u>CONDITIONAL USES.</u>

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

1513 Lot adjacent to residential Lots, the Planning Commission shall make findings and the
1514 Applicant must meet the following requirements:

1515 A. PRE-APPLICATION CONFERENCE. An Applicant may request a pre-
1516 Application conference with Planning and Engineering Department staff to
1517 become acquainted with Pickleball Court regulations on residential Lots.

1518 B. APPLICATION. A complete Application must be submitted to the Planning
1519 Department including the following:

1520 1. GENERAL DESCRIPTION. An overview of the proposed outdoor Pickleball
1521 Court, including hours of operation, anticipated use, evidence of sufficient
1522 required off-street parking, and other applicable information.

1523 2. SITE PLAN. The site plan shall be to scale not to exceed one inch to 100 feet
1524 indicating in detail how the proposal will comply with the International Building
1525 Code and this Section. The site plan shall indicate the location of the outdoor
1526 Pickleball Court on the Property and clearly show distances from all Property
1527 Lines and Structures. The site plan shall include elevation contours, adjacent
1528 neighboring properties, and neighboring residences. The site plan shall
1529 include a grading and drainage plan with stormwater runoff calculations.

1530 3. NOISE STUDY. The noise study shall be prepared by a certified professional
1531 and shall simulate through engineering models, field noise level data
1532 collection, computer generation, or similar techniques, the impact of the
1533 proposed outdoor Pickleball Court. The noise study shall indicate the noise
1534 impact from at least five (5) locations around and within 150 feet of the
1535 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.

One year from the adoption of this ordinance, Staff shall reevaluate the baseline requirements established herein and bring any proposed changes before the Planning Commission and City Council. At that time, the 150-foot minimum setback and the minimum lot size of 1-acre may be revised to better reflect site-specific conditions.

...

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, **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

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

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>

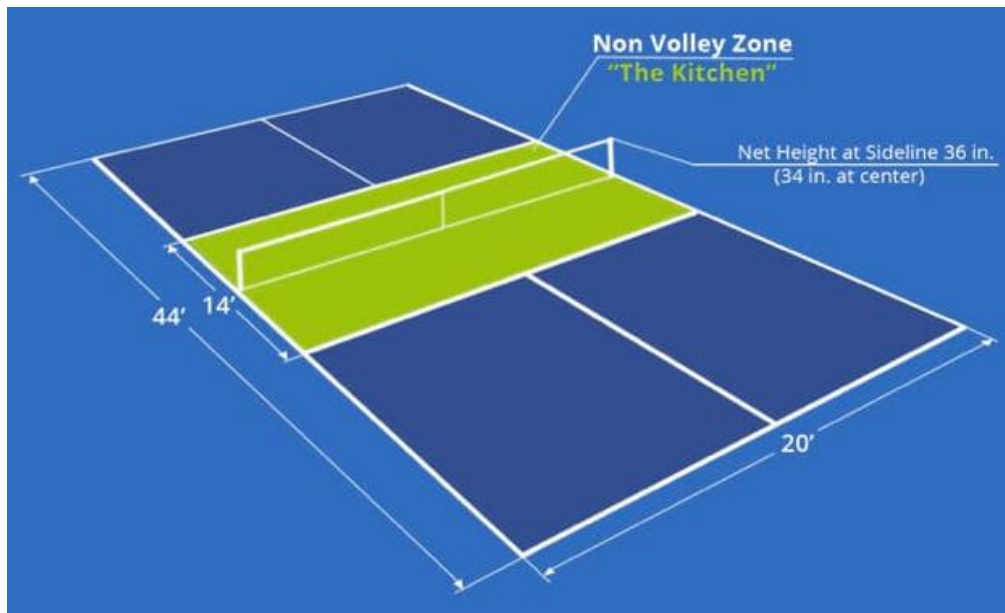


Figure 1. Dimensions of a Regulation Pickleball Court

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.

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

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

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) 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.

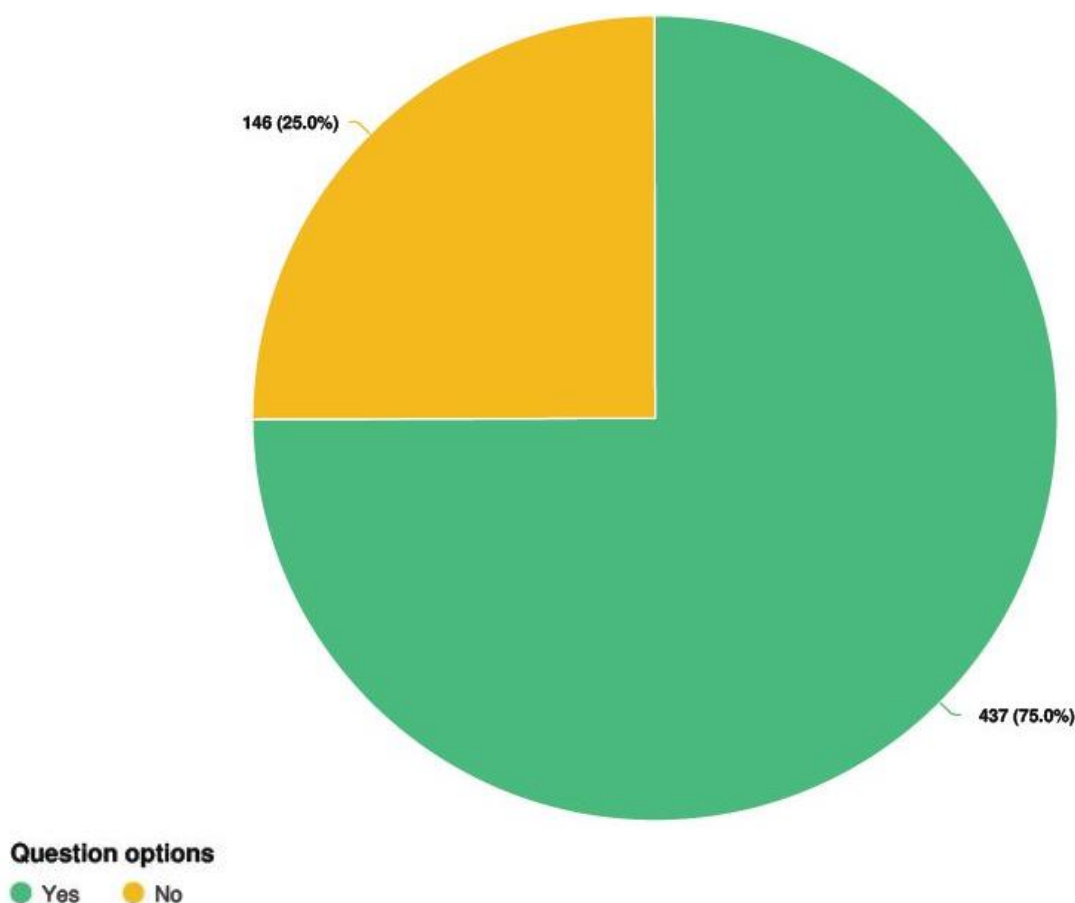


Figure 2. Survey Question 6: “Should pickleball courts be allowed on private residential lots?”

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.

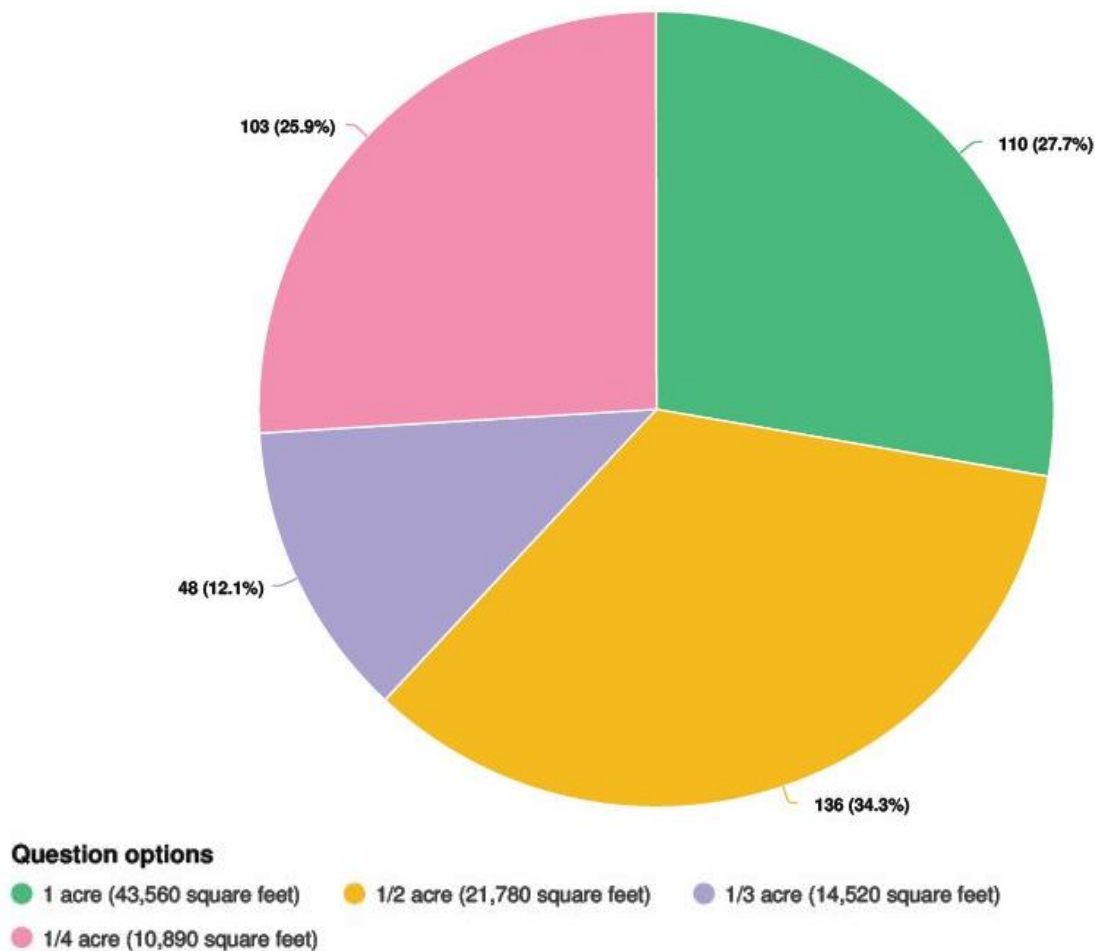


Figure 3. Survey Question 7: “What should the minimum lot size be for pickleball courts on private residential lots?”

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:

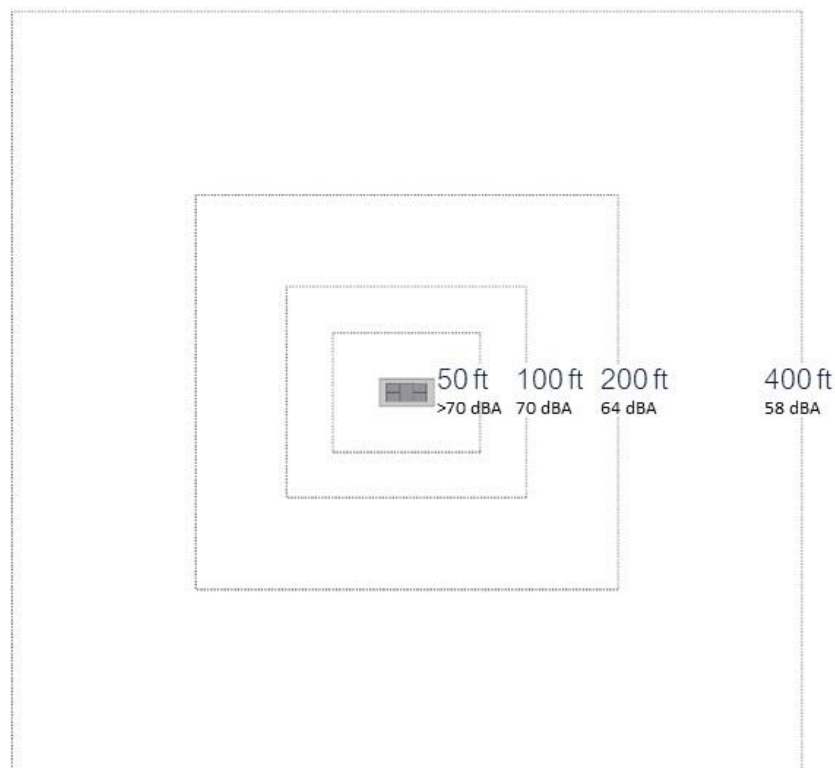


Figure 4. Noise levels at distances from an unmodified pickleball court.

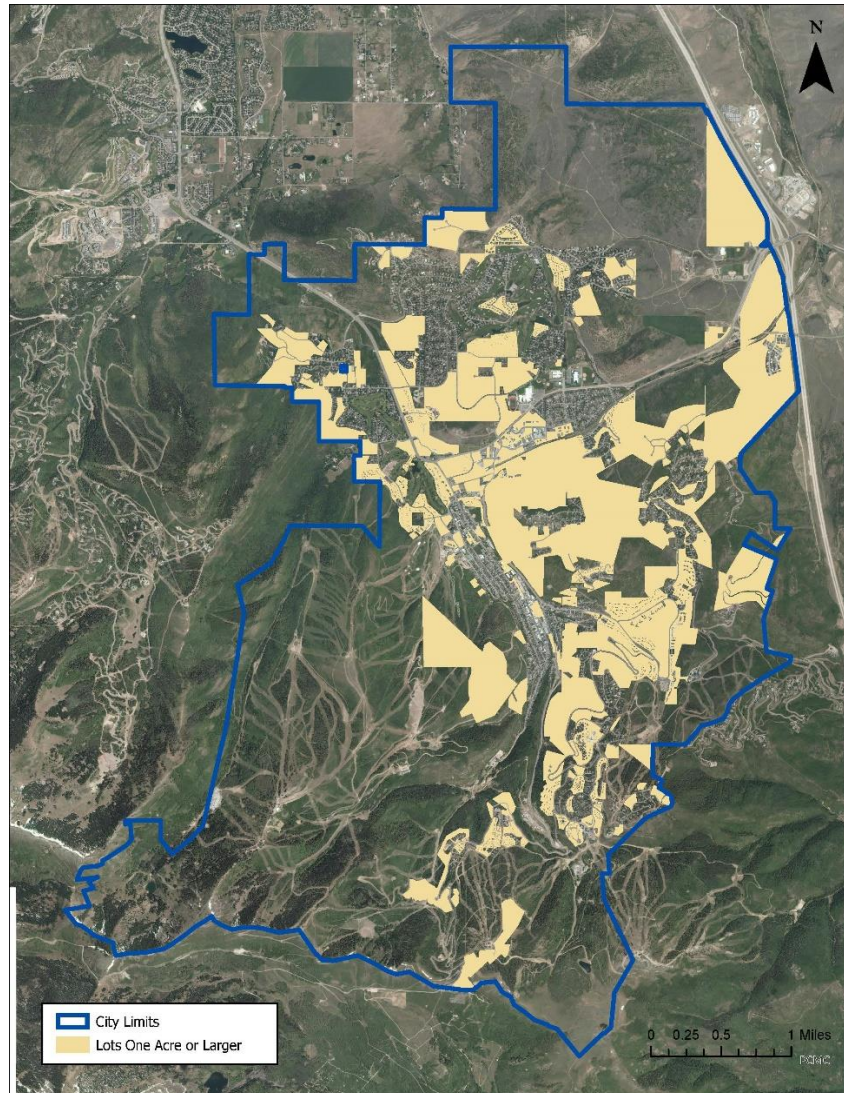


Figure 5. Map of Lots 1-Acre or Larger, in Zoning Districts that Allow for Single-Family Dwellings

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. 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.

⁸ Exhibit G, a noise study prepared for Sun City Gran Community Association in Surprise, AZ



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:

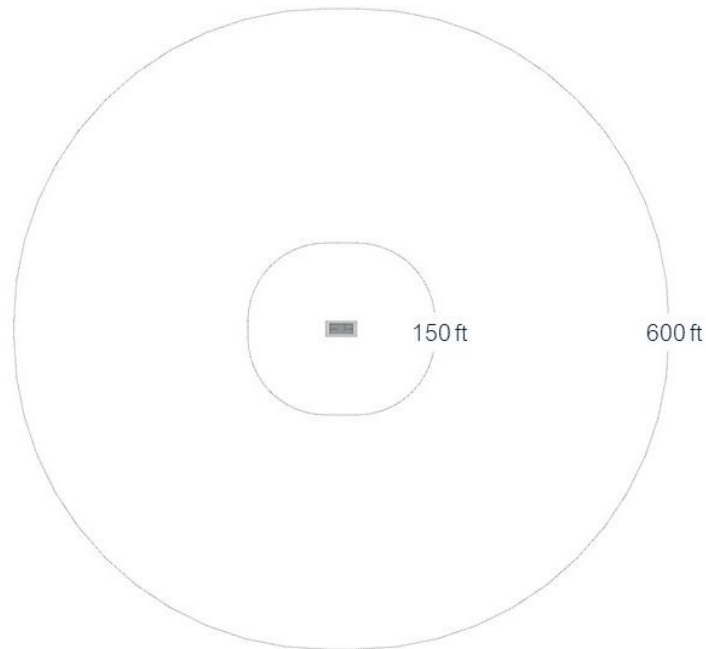


Figure 7. 150-Foot and 600-foot Setbacks

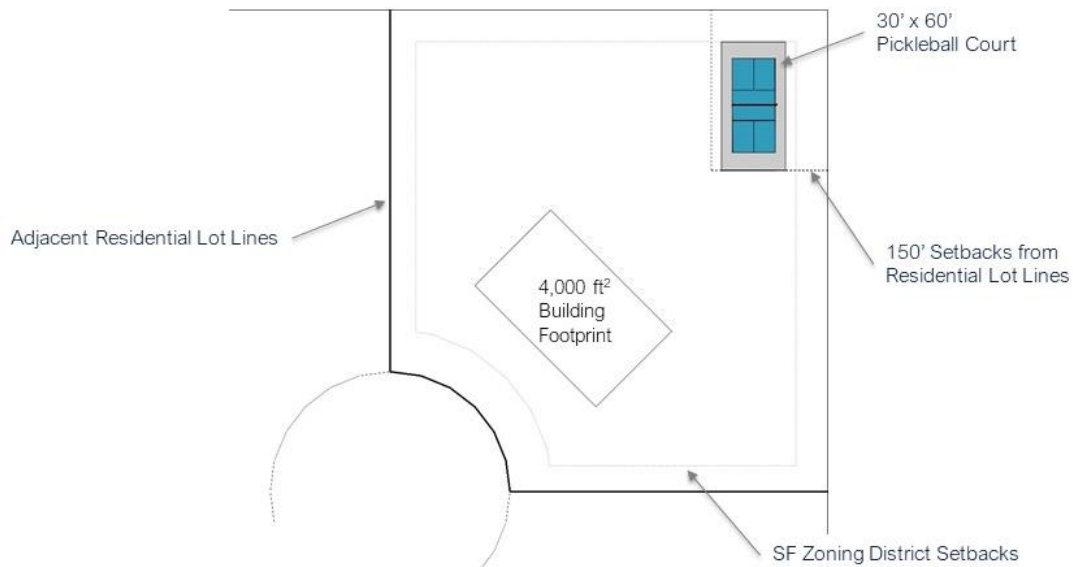


Figure 8. A 1-Acre Lot with a Pickleball Court that Meets 150-Foot Setbacks

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.

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.

Pickleball Survey

SURVEY RESPONSE REPORT

17 January 2022 - 16 February 2022

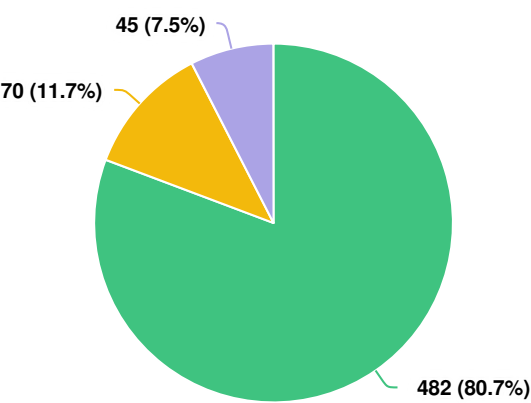
PROJECT NAME:

Pickleball Land Use Regulation Survey



SURVEY QUESTIONS

Q1 Do you play pickleball?

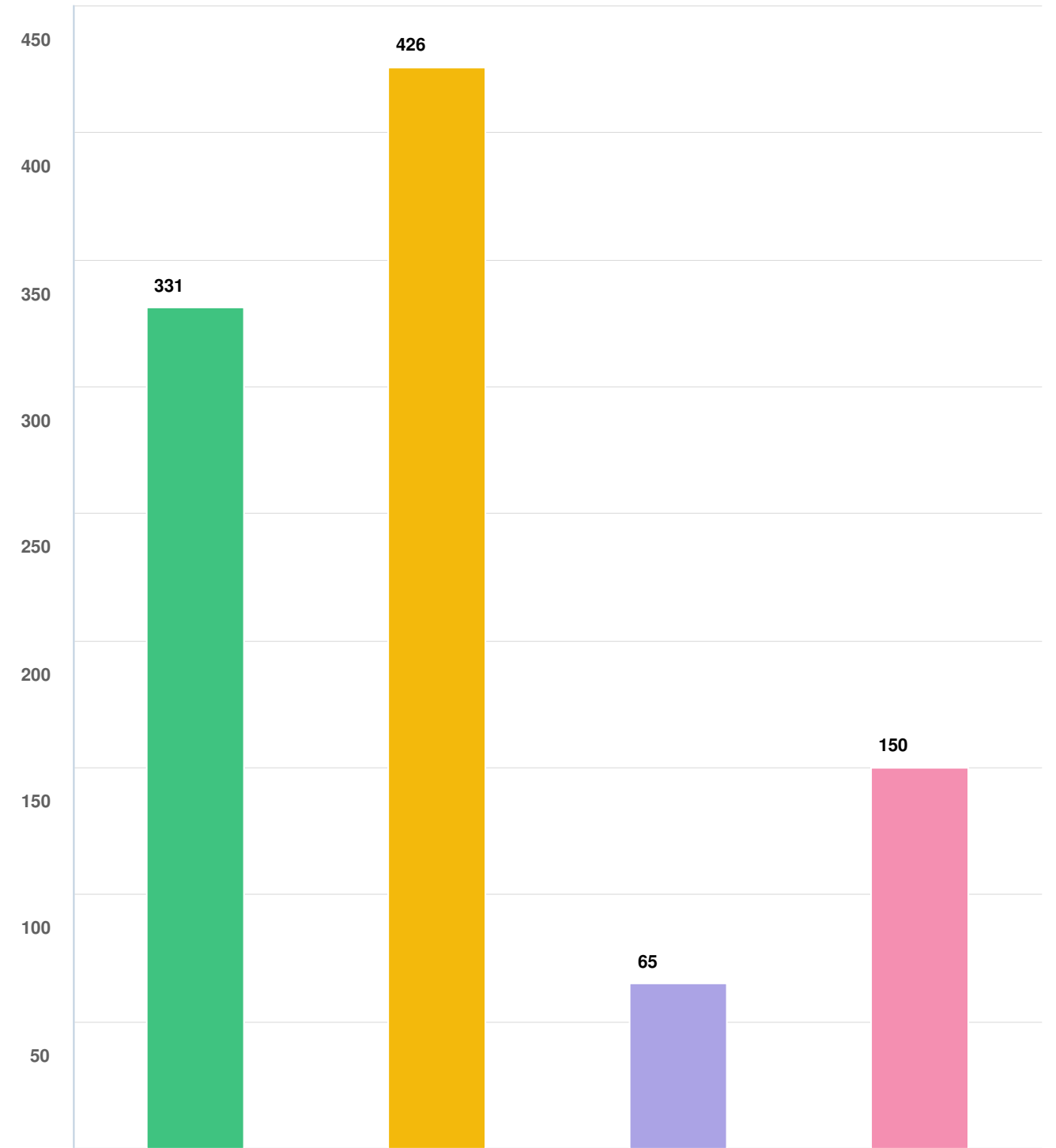


Question options

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?

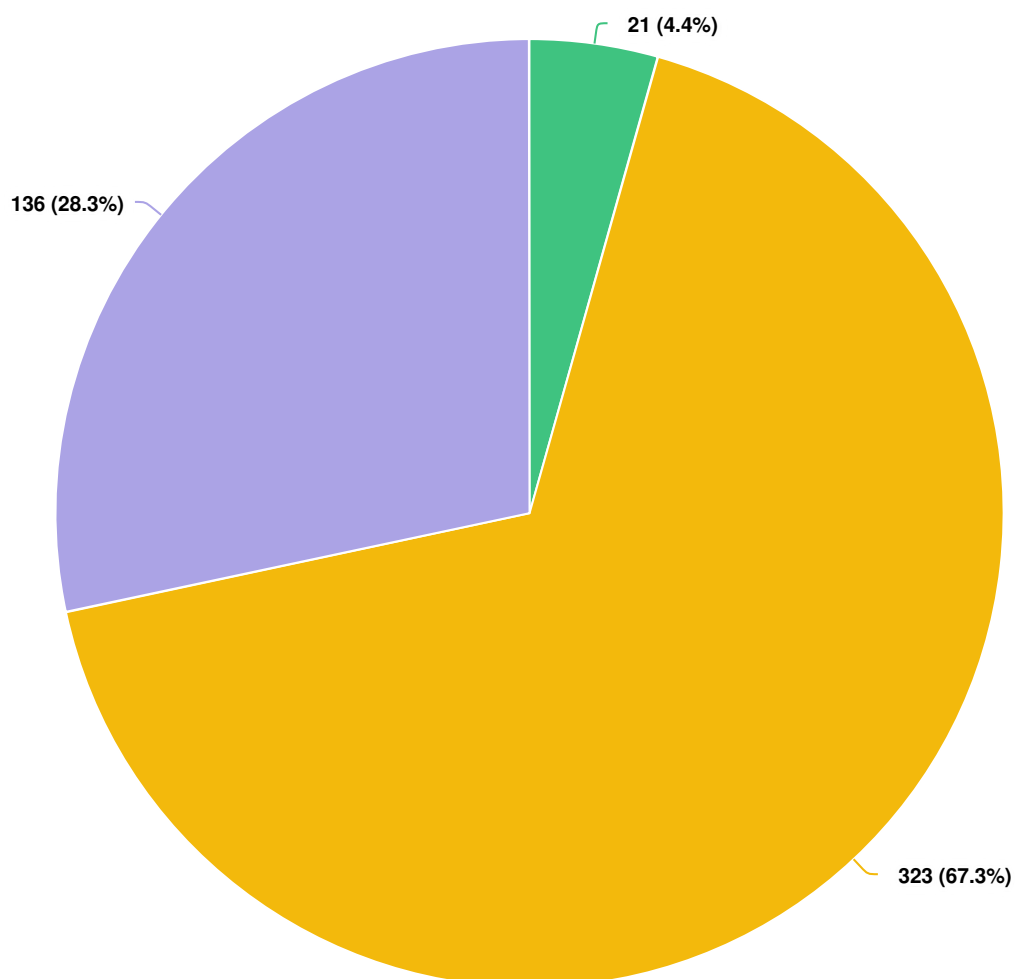


Question options

- 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?

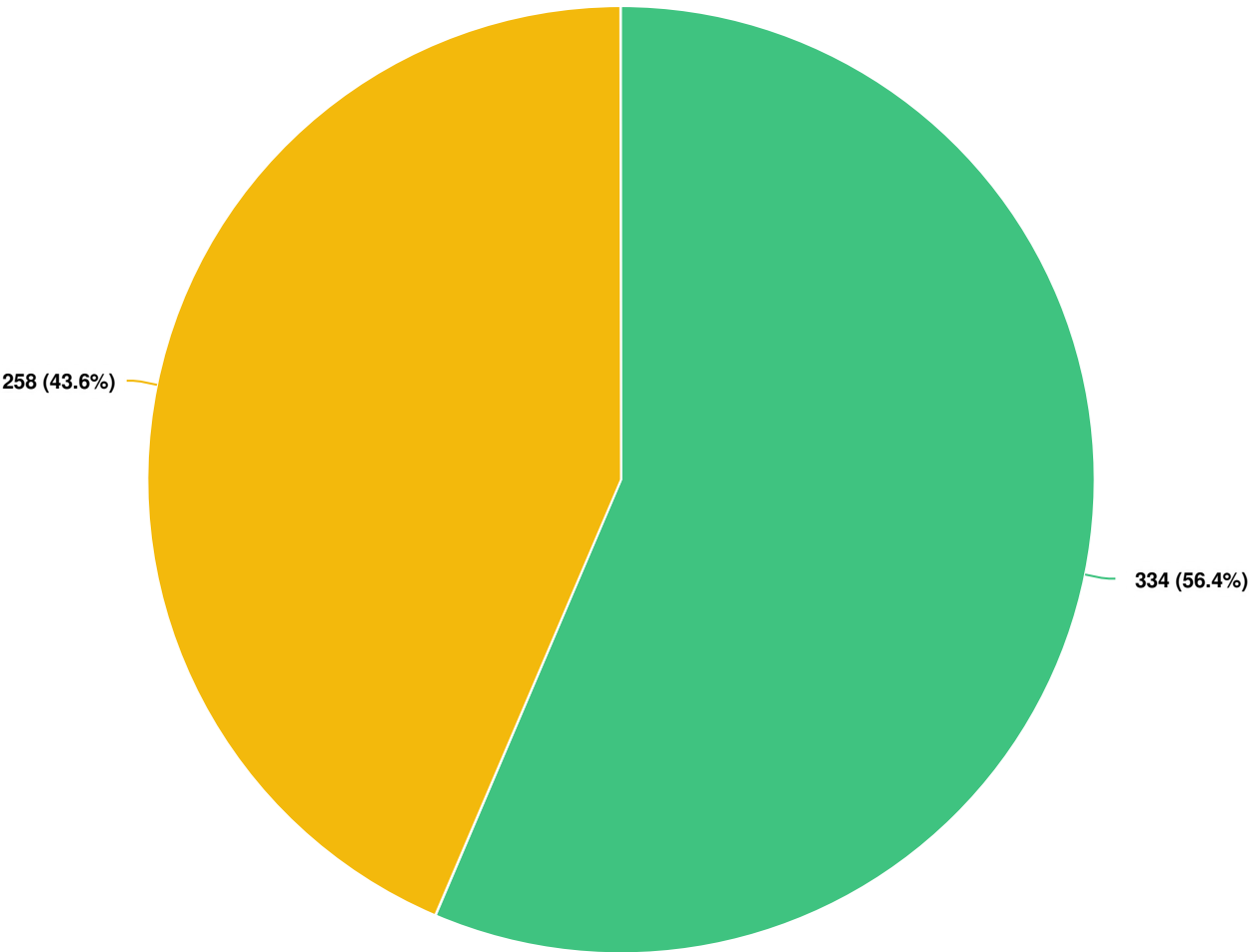


Question options

● 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)?

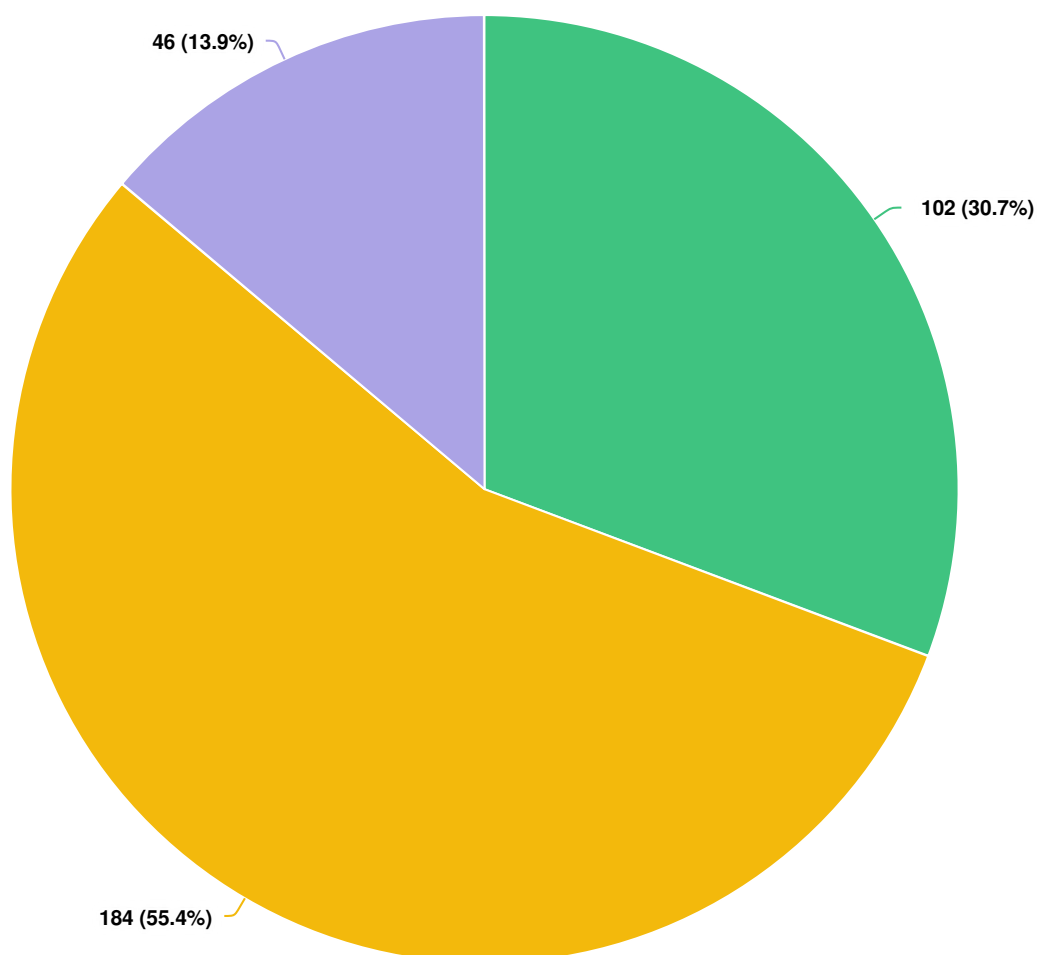


Question options

Yes No

Optional question (592 response(s), 9 skipped)
Question type: Dropdown Question

Q5 What are reasonable hours for outdoor pickleball?



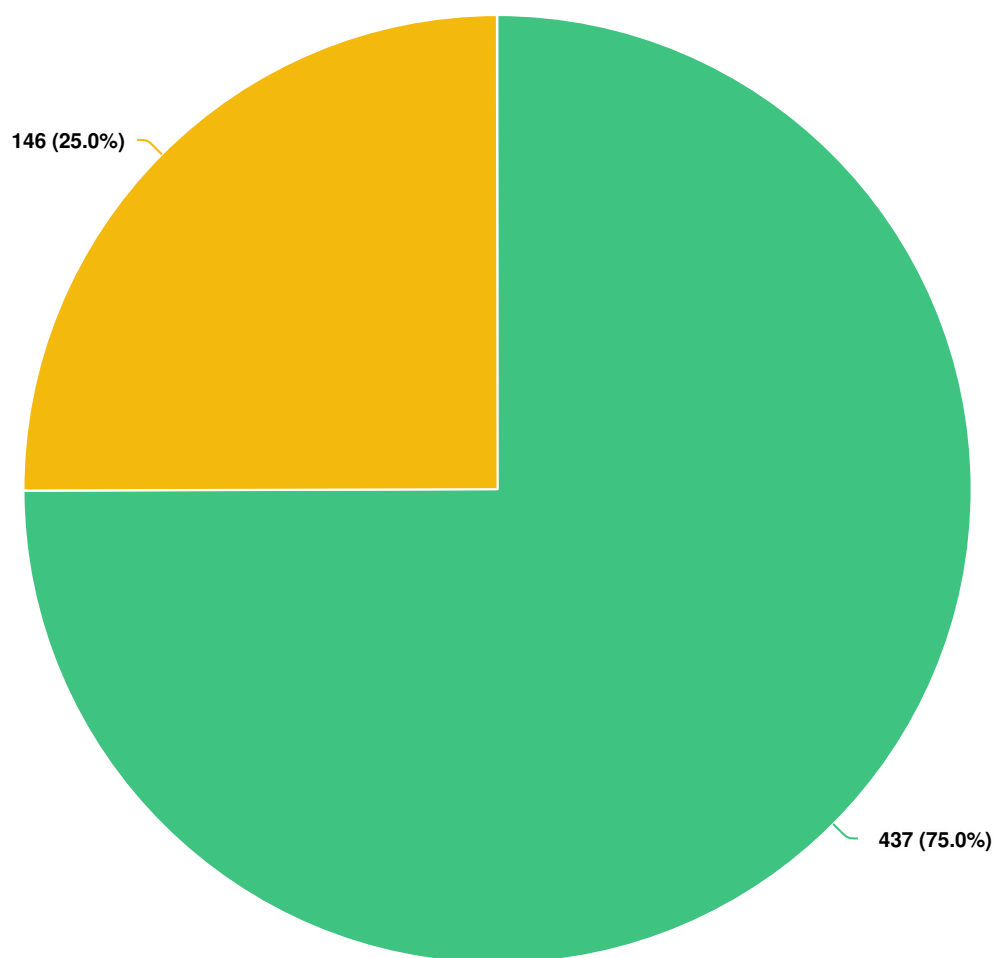
Question options

● 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?

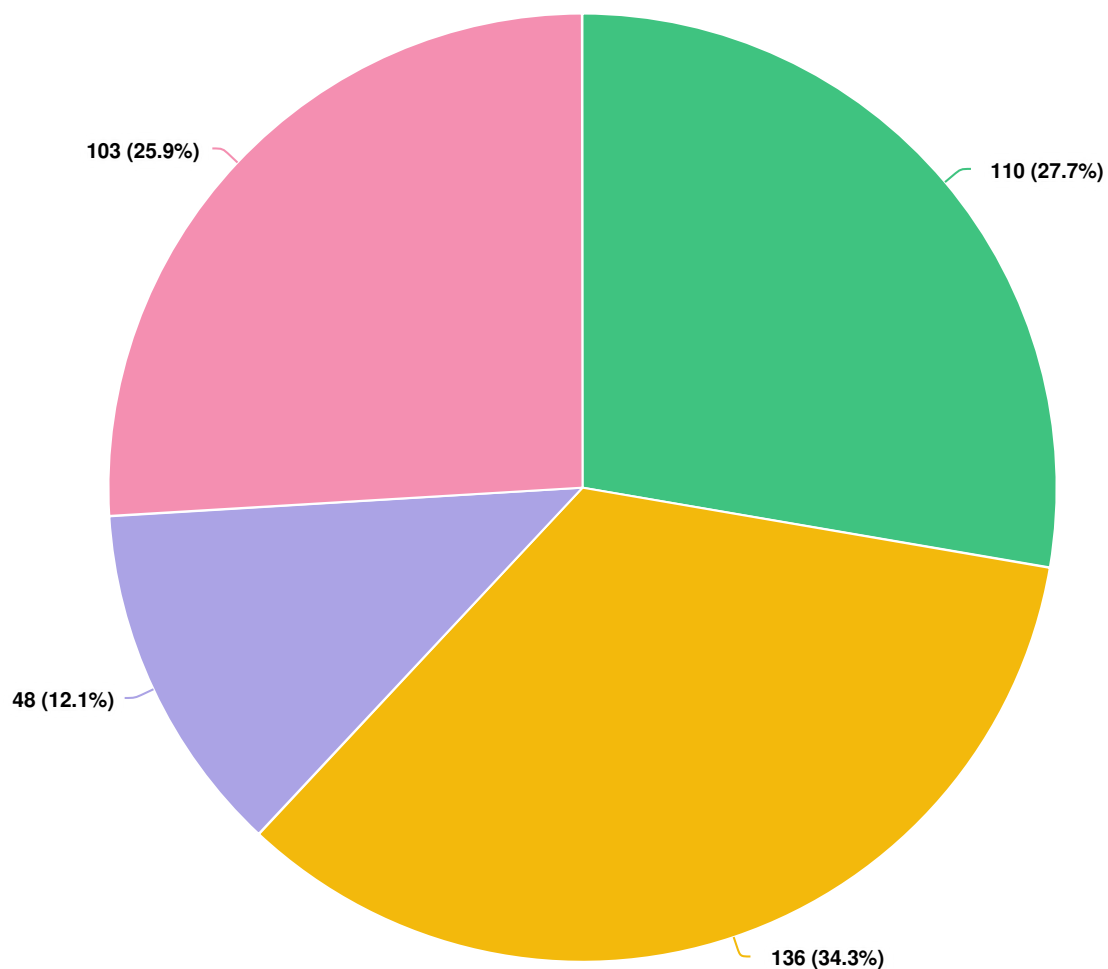


Question options

● 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?

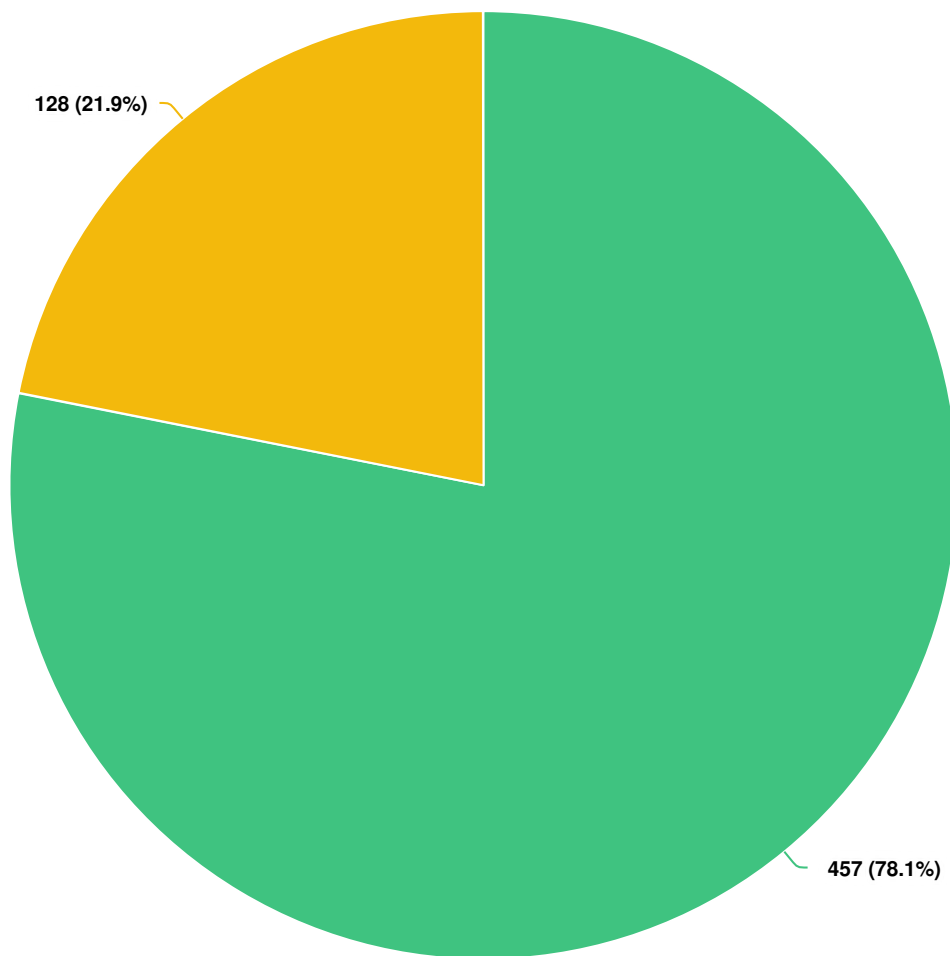


Question options

- 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?

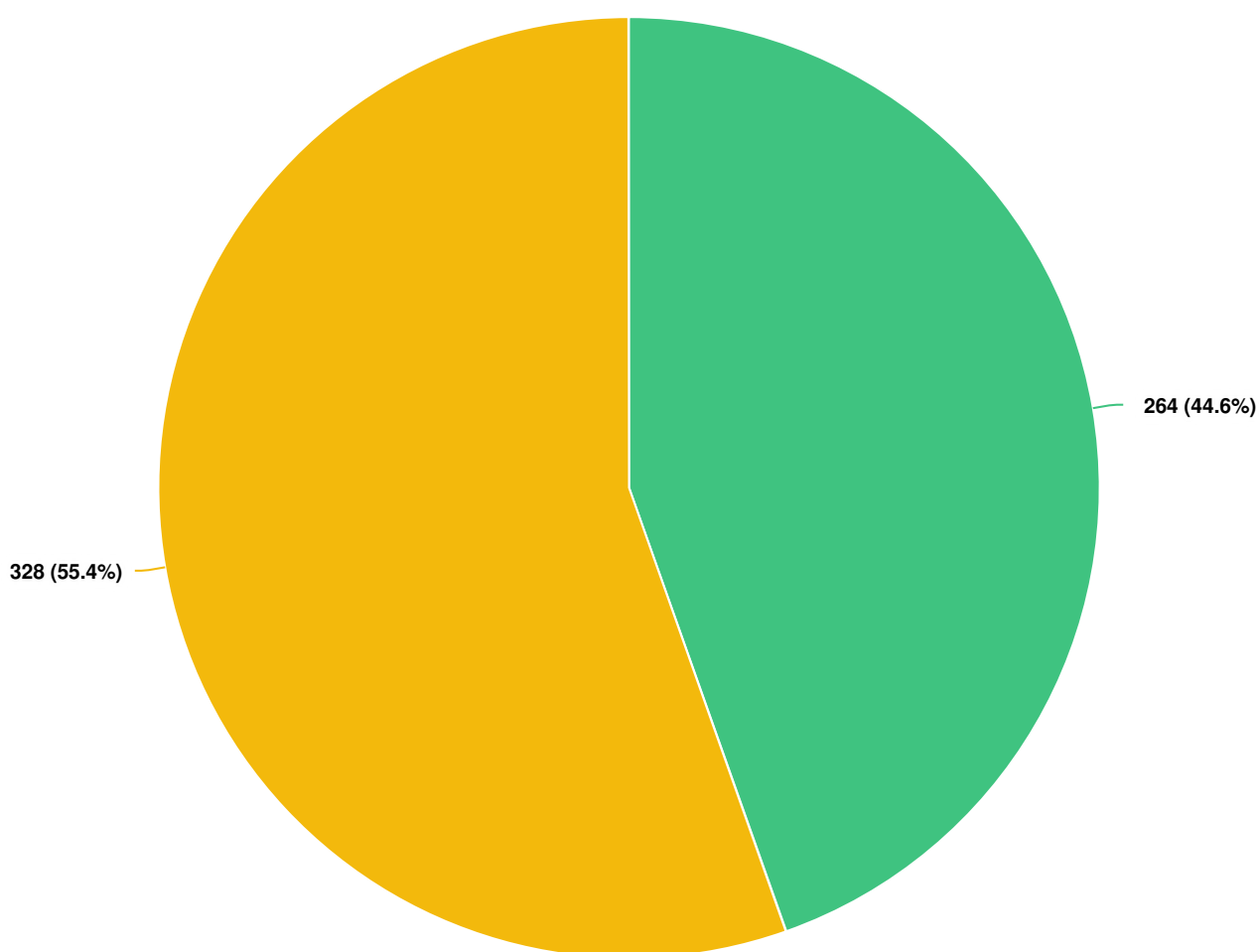


Question options

● 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?

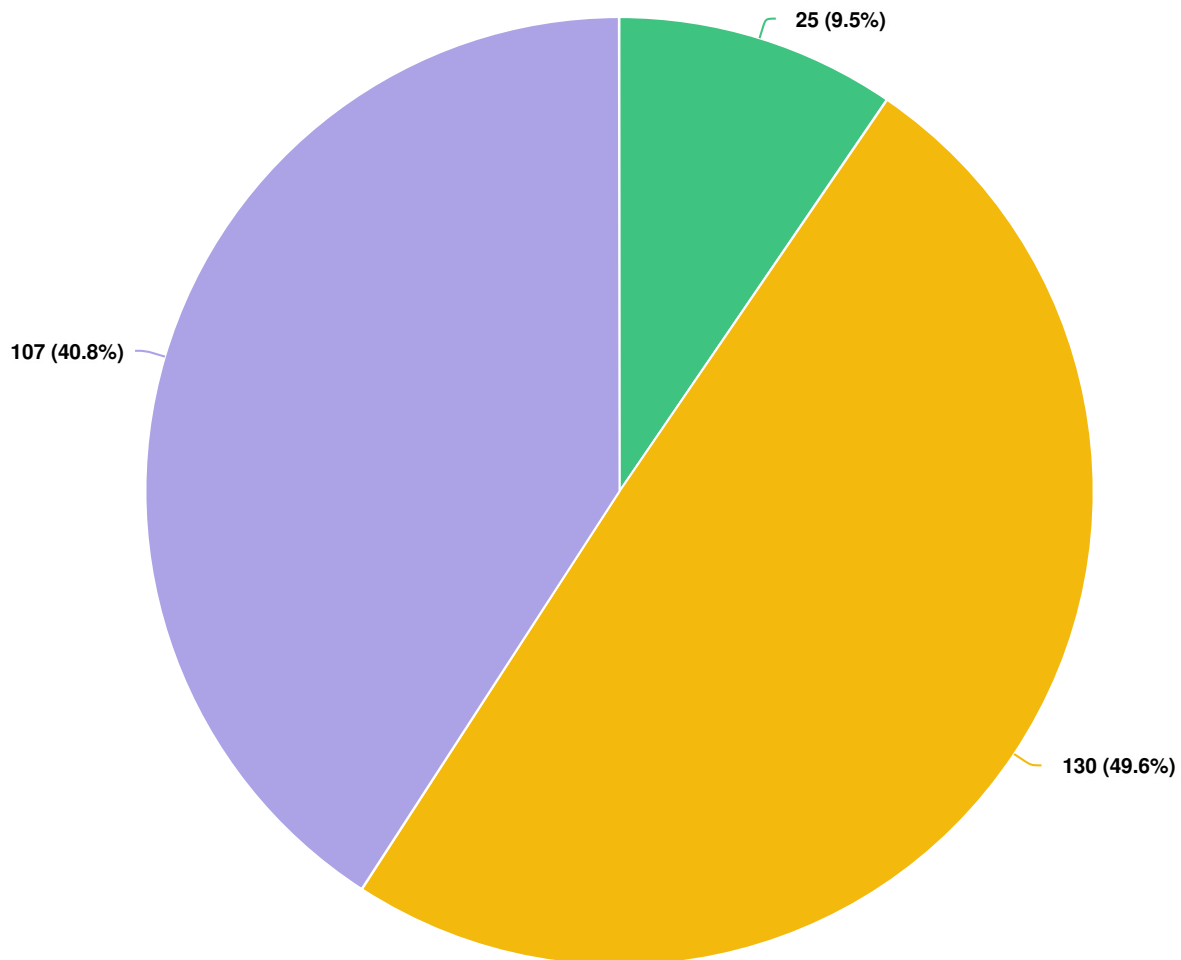


Question options

● 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 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 pickleball court. Please no courts on lots less than 3 acres.

Anonymous

2/05/2022 11:09 AM

I think residential Pickleball courts should be allowed.

Anonymous

2/05/2022 11:36 AM

Pickleball has already outgrown Park City and our surrounding areas with the current number of public courts. Having an active community that would engage in pickleball at later hours would be ideal as well.

Anonymous

2/07/2022 09:07 AM

This pickleball noise is all so embarrassingly entitled. And silly. Could we please focus on affordable housing for our workforce and seniors first?

Anonymous

2/07/2022 02:23 PM

Question 7,8 and 9 only allow a choice of options the survey maker listed. What are the requirements for adding a basketball court? Is there a minimum lot size? Are there noise requirements? Is play limited to certain times? Is HOA approval needed - I think this depends on the HOA's rules. The survey for questions 7,8 and 9 doesn't allow appropriate response as you can only select what the survey maker listed. Pickleball should be treated like any other sport court installation and should not have separate rules.

Anonymous

2/07/2022 05:26 PM

The db level is a little disingenuous in that the pitch of a Pickleball is different from other sports, thus its 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

Julie Schultz

From: JF Lanvers [REDACTED] >
Sent: Saturday, February 12, 2022 4:15 PM
To: Browne Sebright
Subject: [External] Public hearing Permit # PL-21-05062

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

We just received the mailed notices for the above captioned hearing, today February 12.
We saw that it was scheduled for February 7. Obviously, it's long gone.
Are you rescheduling that hearing?
JF Lanvers, [REDACTED] Arabian Dr, Park City, UT 84060

Julie Schultz

From: ttolpinrud@gmail.com
Sent: Monday, February 14, 2022 11:03 AM
To: Browne Sebright
Cc: Council_Mail; planning
Subject: [External] Public Hearing Pickle Ball Courts

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

Browne,

Thank you for taking my call this morning regarding the public hearing coming up on Pickle Ball Courts.

I would like to follow-up in writing my concern about the postcard notice that I received in my mailbox on Friday afternoon, February 11th. I am very interested in the discussions and after reading the received card, was disappointed to learn that the two virtual open houses scheduled for February 7th and 8th had already taken place. This gave me zero opportunity to participate and hear other ideas and concerns both pro and con or to give feedback or ask questions.

You let me know this morning that the main reason for the postcard notice was to inform citizens about the Planning Commission meeting on the 23rd of February and the council meeting on the 3rd of March and that the virtual open house information was added separately. The information from the virtual meeting is going to be given to the Planning Commission to evaluate how they move forward, along with the online survey. Sadly, I will not be part of those comments but I will complete the survey.

While I appreciate the hard job that everyone has at the City offices, I do not find this an acceptable way to represent the planning department. If the notice is legally required within a specific time frame, or input is actually wanted, then it should be mailed in a timely manner.

Thank you,
Toby Tolpinrud


2 February 2022

Members of the Planning Commission
Park City Municipal Corporation
Park City, Utah 84060

Dear Commissioners:

Following the Planning Commission meeting of 26 January 2022, I have spent several days pondering the issues surrounding possible approvals for private pickleball courts in Park City. I have also spoken with neighbors and other members of the public who reside in Park City. Following please find a compilation of my observations:

-I appreciated the serious review of pickleball courts in the City that conducted by the Planning Commission the evening of January 26. It was evident that commissioners had indeed reviewed the various letters submitted by residents concerning this issue. Clearly the consensus of commentary from neighbors and others indicated strong support for significant additional examination and study of this topic and the formulation of guidelines/policies that may govern possible construction and use of private pickleball courts in the future.

-Please know that I am aware of only one neighbor who received formal notification of the proposed pickleball court and receipt of that letter was two days before the meeting, January 24, 2022. I did not receive any notification as an adjacent property owner. While we receive mail at a post office box, in this day and age with large, integrated databases it is inappropriate to limit mailings to street addresses. The preceding is no longer a tenable excuse for failure to notify.

-Mr. Sebright did not accurately report the timing of the building permit for the requested pickleball court at 1961 Venus Court. The sequence is as follows:

- 29 June 2021-excavation begins at 1961 Venus Ct. Commissioners received dated photos.
- 30 June 2021-excavation and site preparation continues. Construction workers report that they are building a pickleball court for the property owner.
- 1 July 2021-property owner requests building permit for concrete patio construction. See Park City supplied documentation.
- 6 July 2021-half of concrete patio poured after compaction of fill material and rebar installation.
- 8 July 2021-Building permit approved by Crystal Kaufman. See Park City supplied documentation.
- 12-14 July 2021-Final concrete pour with completion to current state of concrete slab. See dated photos.

-Additionally, Mr. Sebright apparently made the suggestion of moving the lines painted on the concrete slab marking the confines of the pickleball court in an effort to abide by legal setback requirements. Several people commented that the game is often played on 5-10 foot margins

-A few commented that allowable decibel levels for private pickleball courts should not be determined by averages but by a fixed limit. Each proposed private pickleball court requires its own site specific acoustic study.

-Finally, the most common comment, and one that I have come to share, is that pickleball courts should be constructed in public common areas with parking, restrooms and other amenities. All of these courts sites should be studied for acoustical impacts and be acceptable to neighbors in proximity. Certainly, private pickleball courts should not be allowed on lots of less than .5 acres.

Please know that I wish the Planning Commission and all commissioners well as you carry a vital responsibility for our community. With the question at hand as well as other huge projects you are currently working on (think two huge parking lot initiatives) your work is daunting to say the least. Your conscientious efforts to engage the public will help share the burden and responsibility as well as provide perspectives that may prove to critical to the future of our little town. Thank you for reading!

Sincerely,
Brian Schiller



██████████
██████████ Evening Star Drive
Park City, Utah 84060

████████████████████

Julie Schultz

From: planning
Sent: Wednesday, February 9, 2022 8:20 AM
To: Planning_Mail
Subject: FW: [External] Pickleball Court Proposed requirements

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

From: Calvin Regan [REDACTED] >
Sent: Monday, February 7, 2022 4:56 PM
To: planning <planning@parkcity.org>
Subject: [External] Pickleball Court Proposed requirements

[CAUTION] This is an external email.

The proposed requirements for a residential pickleball court are ridiculous. Does Park City have these requirements for a basketball court? The bouncing of a basketball is louder than a pickleball hitting a paddle. A .5 acre lot minimum size is also ridiculous - how many lots in the city limits are even .5 acres - do you have this requirement for a basketball court? The setbacks are also ridiculous - do you require these setbacks for a basketball court? A tennis court? Volleyball court? Prohibiting on street parking - what the heck - this is way out of bounds!! This is unfair treatment of pickleball. Pickleball should not have any requirements that a tennis or basketball court don't already have. This noise issue is really over blown.

Proposed Requirements:

Staff will consider Land Management Code amendments for Planning Commission and City Council review, including:

- Requiring an Administrative Permit, public notice to adjacent properties, and a public hearing for pickleball courts
- Modifying the definition of Private Recreation Facilities to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport
- Adding a new Land Management Code Section specific to mitigation strategies for pickleball courts:
 1. Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts
 2. Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation
 3. Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles
 4. Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court
 5. Prohibiting on-street parking for properties with permitted pickleball courts

6. Requiring Homeowner Association approval for properties that are part of a Homeowner Association
 7. Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance
-

Cal Regan
Thaynes Canyon

Julie Schultz

From: planning
Sent: Monday, January 31, 2022 2:28 PM
To: Gretchen Milliken; Rebecca Ward; Spencer Cawley; Browne Sebright
Subject: FW: [External] Pickleball Courts

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

From: Andrew Morphett <[REDACTED]>
Sent: Monday, January 31, 2022 1:17 PM
To: planning <planning@parkcity.org>
Subject: [External] Pickleball Courts

[CAUTION] This is an external email.

The Planning Department

I read with interest the following proposed amendments in relation to the installation and use of Pickleball courts in residential areas in Park City.

I feel these amendments are well thought out and fully support the them.

Pickleball is a noisy sport and has no place in any residential area without serious planning rules and noise mitigation.

Amendments include: (**see comments**)

- Requiring an Administrative Permit, public notice to adjacent properties, and a public hearing for pickleball courts **I would also include properties up to 150 yards**
- Modifying the definition of Private Recreation Facilities to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport . **I fully agree**
- Adding a new Land Management Code Section specific to mitigation strategies for pickleball courts:

1. Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts **Agree: however due to the noise generated I think this could be extended to 3/4 acre**
2. Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation **Agree**
3. Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles **This is important and I agree with this proposal**
4. Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court **Fully agree**
5. Prohibiting on-street parking for properties with permitted pickleball courts **Agree**
6. Requiring Homeowner Association approval for properties that are part of a Homeowner Association **Agree along with complying with all these amendments.**
7. Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance. **I agree as this is important to curb any abuse of the amendments and their intentions. I would consider expanding this amendment to " if 3 noise complaints are filed in ANY one year period"**

Regards and thanks for your time

- Andrew Morphett
- [REDACTED] Lucky John Dr
- Park City Ut 84060

**FRODE JENSEN
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060**

February 13, 2022

VIA EMAIL

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts

Dear Gretchen and Browne

I write regarding the proposed Land Management Code amendments (Code Amendments) posted on your website and which you have described to the public in two open houses on February 7 and 8. I look forward to discussing the proposed Code Amendments with you at our meeting on February 15.

As you know, I have been concerned about pickleball noise issues since July 6, 2021, the day when I discovered that my neighbor in Park Meadows had commenced construction of a private, backyard pickleball court less than 25 feet from my house and within 100 feet of the homes of several of my neighbors -- without a building permit. Following this discovery, to better understand the noise implications of backyard pickleball I engaged an acoustic expert, R. Lance Willis, PhD, the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. in Tucson, AZ, to evaluate the situation. Dr. Willis has extensive experience in pickleball court siting, noise analysis and mitigation. He provided me with a letter explaining many of the noise issues which pickleball courts in residential neighborhoods present, a copy of which letter was provided to Staff as an attachment to Robert Rosing's letter to you and others dated August 3, 2021. I will refer to his letter in several places below. By separate email to you today I am attaching an additional copy of his letter for your reference.

On January 24, 2022 I submitted a letter in opposition to the Application for a Conditional Use Permit to Build a Pickleball Court at 1961 Venus Court (PL-21-05072) to the Planning Commission on which you were copied. Many of the concerns which I raised in the letter are relevant to your further consideration of the proposed Code Amendments. By separate email to you today I am attaching an additional copy of this letter for your reference.

I have also prepared a PowerPoint presentation describing pickleball noise issues which I delivered to Mayor Worel, City Manager Dias and Senior City Attorney Harrington several weeks ago. By separate email to you today I am attaching an additional copy of this presentation for your reference. I am also cc'ing these three individuals on this letter for informational purposes.

I have the following specific questions, concerns and comments about residential pickleball courts and the proposed Code Amendments.

1. One of Staff's slides presented at the open houses last week describes levels of pickleball noise commonly exceeding 55 decibels and ranging up to 80 decibels or higher. Dr. Willis confirms these noise levels can be reached during pickleball play in his letter. For comparison's sake, it is widely understood that pickleball noise can equal or exceed the noise levels of garbage disposals, alarm clocks, vacuum cleaners and gas lawn mowers, all of which have been measured around 75 to 80 decibels. It is well known that pickleball courts near homes frequently lead to complaints, disputes and litigation. I provide numerous examples of pickleball complaints and litigation around the country in the attached PowerPoint presentation.

I would first ask you if you have considered, as a threshold issue, whether pickleball courts should even be permitted at all in densely developed residential areas in Park City and, if you have, what is the cost-benefit basis for your conclusion? To me, when decibel levels can reach 80 dBA, the costs simply outweigh the benefits. In addition to your minimum lot size proposal, why not simply also prohibit all backyard pickleball courts in residential areas where there are any homes within, say, 150 feet of a proposed court?

Furthermore, we learned in your recent open houses that the City is actively examining the possibility of adding numerous additional municipal courts. If the City can build, for example, sixteen or more new courts in a remote location, in the near future, why permit any private pickleball courts in residential backyards at all? Please explain why the provision of additional municipal courts would not satisfy the demand, obviating the need for private courts in densely developed residential areas.

2. If the Planning Department agrees with me that noise associated with pickleball play is a serious concern, which I presume it does since it is proposing the Code Amendments, exactly what noise levels resulting from pickleball play does the Department consider acceptable? The proposed Code Amendments don't say and the existing provisions of the Code relating to noise levels and noise annoyance may not provide clear answers.

Dr. Willis has reviewed Chapter 6-3 of the Park City Code which both regulates maximum permissible sound levels in Section 6-3-9.A and also provides noise disturbance and annoyance restrictions under Section 6-3-9.C. In particular, Section 6-3-9.C.2 of the Code prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a *noise disturbance*." A noise disturbance is defined in Section 6-3-1 as "[a]ny sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)". Accordingly, "annoyance" is a metric for noise

assessment for impulsive sound in addition to the maximum permissible sound levels described in Section 6-3-9.A.

Dr. Willis advises that current standards for noise assessment in regard to annoyance for impulsive sound are based on adjusted sound exposure levels and include ANSI S12.9 Part 4 and ISO 1996 Part 1 standards. He concludes that the methodology in ANSI S12.9 Part 4 for assessment of noise annoyance caused by pickleball play may well show violations of the requirements in Section 6-3-9.C.2 of the Code where the placement of courts is in close proximity to neighbors.

I have seen no evidence that Staff has considered the existing noise standards under Chapter 6-3 of the Code or done any analysis regarding acceptable levels of noise under the proposed Code Amendments. How are applicants to know when they have provided for sufficient noise mitigation in their permit application? What standards will the Planning Commission apply to determine what a sufficient level of noise mitigation is in considering a CUP? It is hard to imagine that any Code Amendments purporting to provide guidelines for acceptable levels of pickleball noise can be considered or adopted without this analysis.

3. Nearly all of Staff's proposals depend on a clear and coherent understanding of the kinds and levels of noise generated by pickleball play. Please advise me whether the City engaged a competent, expert noise consultant of Dr. Willis' caliber to assist in understanding the noise issue and in drafting the proposed Code Amendments? If not, please explain why the City should not commission a comprehensive and expert pickleball noise analysis now and submit it to the Planning Commission, the City Council, and the public together with the proposed Code Amendments.

Since I have seen no reference to any such engagement or analysis, I would suggest that it is premature to consider any codification of pickleball noise mitigation standards before the City has received the written advice of a qualified noise expert. It should go without saying that it is entirely inappropriate to rely on any noise analysis which may have been done by another municipality or concerned person in another geography under circumstances which may differ significantly from our situation here in Park City.

4. You have stated on your website, in the Staff Report on the Venus Court application, and in the open houses on residential pickleball that a pickleball court is 20' x 44' or 880 square feet.

This statement is simply inaccurate and is grossly misleading. A pickleball court will typically consume 2,100 square feet or nearly *2 ½ times more surface area* than you have represented. It is true the in-bounds area of a court may be 20' x 44' but the *minimum* recommended playing area is typically 30' x 60'. Moreover, pickleball court builders typically recommend a 34' x 64' (or 2,176 square feet) playing area. If perimeter fencing outside the playing area is included, a standard court could easily exceed 34' x 64'. Thus, a common pickleball court may be nearly 2 ½ times larger than you represent. See: <https://pickleballfix.com/pickleball-court-dimensions/>. If you agree with me, please correct these representations in future presentations.

5. Staff has previously proposed that applications for conditional use permits for pickleball courts would require an Administrative Permit, presumably as opposed to a permit granted by the Planning Commission.

Please explain why the Planning Department proposes an Administrative Permit process? Why shouldn't permits for highly controversial residential pickleball courts be CUPs, decided by the Planning Commission, with all of the legally-mandated requirements applicable to conditional uses, as all other Recreation Facilities are?

6. It was suggested by a representative of the Recreation Department in one of the open houses that the Department has only received one complaint from all the residents of the Racquet Club condos regarding pickleball noise. However, the Recreation Department staff report recently provided to City Council expressly acknowledged the problem of pickleball noise, stating (in respect of noise issues already present at the MARC) "Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players". Before moving forward with the Code Amendments, Staff should survey all the residents living within 600 feet of the pickleball courts at the MARC.

7. Staff has suggested modifying the definition of "Private Recreation Facilities" in the Code to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport.

I would agree that pickleball courts raise mitigation issues resulting from their noisiness and that it is appropriate to clarify the treatment of pickleball applications, including noise mitigation, in the Code.

However, it should be made clear in the Code Amendments that, in addition to noise mitigation, the items which the Planning Department and/or Planning Commission must review under subsection E of Section 15-1-10, as amended by the Code Amendments, include, but are not limited to (i) Storm Water run-off; (ii) Fencing, Screening, and landscaping to separate Use from adjoining Uses; (iii) usable Open Space; (iv) lighting; (v) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; (vi) within and adjoining the Site, the appropriateness of the proposed Structure to the existing topography of the Site; and (vii) consistency with the goals and objectives of the Park City General Plan.

In addition, the Code Amendments should be clear that all sports courts (for example, including tennis, basketball, and volleyball courts) require mitigation analysis under subsection E of Section 15-1-10 in connection with noise concerns.

In this vein, the distinction articulated by Staff in a recent open house between *sports courts* and *sports equipment* should be clearly delineated in the Code Amendments.

8. Staff has suggested adding a new Code section specific to mitigation strategies for pickleball courts, including

- (a) Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts.

Please explain how the Planning Department chose 0.5 acres as the minimum required lot size? For example, a square lot of 0.5 acres would be 147' x 147'. As mentioned above pickleball courts are

commonly 34' x 64' and consume approximately 2,000 square feet. Based on typical home and garage sizes, and driveway coverages, in residential areas in Park City why do you conclude that a minimum lot size of 0.5 acres is appropriate? Why shouldn't it be a greater minimum size? How many residential lots in Park City equal or exceed 0.5 acres? In addition, should there be a maximum slope and excavation restriction for courts?

- (b) Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation.

On what basis has Staff concluded that a 100-foot setback is an appropriate setback distance? Please provide your analysis. Why not a greater setback distance? When my neighbor at 2732 Meadow Creek Dr commenced construction of an unpermitted pickleball court last summer, Dr. Willis opined that noise concerns regularly arise whenever courts are located within 500-600 feet of homes. For your reference, a copy of Dr. Willis' letter is attached. Given Dr. Willis' opinion, please explain why you have chosen 100 feet as an appropriate distance beyond which courts may be sited with no mitigation required. Shouldn't courts further than 100 feet away from adjacent property lines which generate noise in excess of Park City noise limits also be required to show mitigation in order to obtain a CUP?

Based on my reading of many complaints which pickleball courts have given rise to across the country, it appears that many (if not all) disputes could have been avoided with careful court siting and noise mitigation steps taken *in advance* of permitting and construction. All applicants should be required to submit a noise study including a noise mitigation analysis prepared by a duly-qualified expert with and at the time of their CUP application. This requirement would, in fact, not be terribly burdensome on applicants. Noise analyses can be prepared for a fraction of the total cost of a pickleball court installation and would be far cheaper than lengthy litigation. The Planning Department, in consultation with a qualified noise expert engaged by the Department, should establish criteria in advance for the contents of this applicant's noise report and incorporate these requirements in the Code Amendments.

Please explain why applicants in Park City should not be specifically required under the Code Amendments to engage a qualified noise consultant at the planning and pre-application stage to work with the applicant and the Planning Department to determine optimal siting and whether appropriate levels of noise mitigation can be achieved. This seems to be a 'best practice' which Dr. Willis recommends. In this regard, the Code Amendments should provide that applicants show sufficient noise mitigation at the time of application and *in advance* of permitting and construction. Staff's draft proposal that noise mitigation be addressed after a permit has been granted and three or more complaints have been received is simply an invitation for disputes and litigation long after mitigation should have been determined. There is also no legal basis for this approach under Section 15-1-10.E. which requires that the Planning Department and/or Planning Commission "**must review**" noise mitigation when considering whether or not the proposed Conditional Use mitigates noise impacts before a CUP is granted.

Furthermore, in respect of the proposed 100-foot setback requirement, the Code Amendments should be clear that any special '100 foot' setback for pickleball courts does not supersede any setbacks (including Code-mandated setbacks, drainage and utility easements and Limits of Disturbance Areas) otherwise required by the Code or specific subdivision Plats.

During 2021 I became aware that the Planning Department had taken the position in several applications before the City that a pickleball court is sufficiently similar to a patio that it may be

approved as an Allowed Use and, specifically, may be built inside the otherwise Code-mandated side and rear setbacks in, for example, the Single Family and Estate districts (the Patio Exception). I was subsequently informed by Senior City Attorney Harrington in August 2021 that use of the Patio Exception for pickleball courts had been an erroneous interpretation of the Code and that a pickleball court is in fact a Recreation Facility and is not eligible for setback relief under the Patio Exception. So I was very surprised recently to read in the Staff report for the proposed pickleball court at 1961 Venus Court that the Planning Department has revived the Patio Exception to justify a pickleball court site which otherwise clearly violates the applicable setback restrictions. The Code Amendments must make it clear that the Patio Exception for setbacks is not available for pickleball courts and other Private Recreation Facilities. If this is not your position, please explain why.

It has also been suggested by speakers at the open houses that a homeowner could avoid the impact of any forthcoming Code Amendments for pickleball by simply setting up a net and drawing lines on his or her driveway. The Code Amendments should be clarified that anytime a property owner sets up a pickleball court with lines and a net on his or her property, whether s/he calls it a pickleball court, or a patio, or a concrete pad, or a driveway, if it is used to play pickleball, then it is a pickleball court and a 'conditional use' subject to all of the Code requirements applicable to this conditional use. If Staff disagrees that this is the correct result, please explain. The Code Amendments also need to clarify explicitly that a pickleball court is in all cases in Park City a Conditional Use and not an Allowed Use. In particular, the Code Amendments should make it clear that the setback exceptions for Accessory Buildings in, for example, the Single Family and Estate districts, will not be available for pickleball courts and other Recreation Facilities.

- (c) Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles

Please advise on what basis Staff has concluded that a 50-foot setback is an appropriate setback where there is a twelve-foot-tall noise reducing fence? Why has Staff concluded that noise can be sufficiently mitigated at distances between 50 and 100 feet from neighbors' property lines with a twelve-foot-tall fence? Why not a ten foot fence or a fourteen foot fence? As Dr. Willis explains in his letter, it may be impossible to successfully mitigate noise at certain distances within 100 feet.

Noise travels in a straight line from the point of paddle/ball impact (and player exclamations) to the noise recipient. For courts located between 50 and 100 feet from a residence, will a twelve-foot-tall fence (no matter how thick) block noise traveling to the second story of a nearby house? Dr. Willis suggests that it may not. Again, please provide your analysis with support from a qualified expert. And again, as mentioned above, the Code Amendments should require that noise mitigation be considered for all courts proposed to be sited within 600 feet of homes.

The proposed noise-reducing fence requirement needs to be further defined. What kinds of fences will be accepted? It would seem likely that the required fence will be at least 180 feet long ($60' + 30' + 60' + 30' = 180'$) with an opaque surface area of 2,160 sq. feet ($180' \times 12' = 2160$ sq. ft.). This would be a very large fence, and apparently larger and more opaque than any kind of fence currently permitted under the Code based on current Code fence requirements. What materials will be used or required? Does the chain link fence exception for tennis court fences apply to noise-reducing fences? Will the twelve-foot-tall noise reducing fence in fact also be a chain link fence? What kind of noise-reducing fences will

withstand our broiling summer afternoon temperatures, frigid winters, deep snows and high winds and also satisfactorily mitigate noise? Will the noise-reducing materials reflect or absorb so much heat that the court will not be useable on hot days? Would this encourage owners to remove fencing materials? How will any requirement to maintain noise reducing fencing be enforced? How will maintenance of the fence be enforced as it deteriorates over time?

In the Staff report for the pickleball application at 1961 Venus Court, staff recommended that the applicant "install a twelve foot (12') tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75." Yet the proposed Code Amendments are silent as to the noise reducing coefficient which will be required. Will Staff propose an NRC of 0.75 or some other NRC? What standard will applicants be required to meet and what is the basis for any such standard? Will any such standard effectively mitigate pickleball noise at varying distances, including more than 50 feet from property lines? Staff has provided no information on this point.

At the Planning Commission hearing on the 1961 Venus Court application in January a next door neighbor stated that he is more concerned about the visual impact of an unscreened 12 foot high, 180 foot long plastic and metal fence facing his backyard than he necessarily is about the noise the court will generate. How does Staff propose to mitigate the visual impacts on neighbors of any required noise reducing fence? Should the Code Amendments also provide for required landscape screening for such a large fence?

Staff also proposes that additional noise mitigation could be accomplished by requiring the use of 'noise reduction floor panels'. Please identify exactly what kind of noise reduction floor panels would be recommended. Please advise how much noise Staff expects 'noise reduction floor panels' to reduce? Has any analysis of noise reduction by use of noise reduction floor panels been done by Staff? If so, please provide. Will noise reduction floor panels reduce the noise impact of balls hitting racquets? Will noise reduction floor panels actually work in Park City, with our broiling summer afternoon temperatures, freezing winters, deep snows and Springtime snowmelts and run off? Will the glare, or heat or light absorption or reflection of floor panels impact play? In any event, all noise mitigation strategies contemplated by an applicant should be covered in a noise expert's opinion submitted with the initial application.

Lastly, Staff's proposed Code Amendments would require the use of 'quiet' paddles. It may be true that quiet(er) paddles reduce noise impacts, but an informal survey of internet sources indicates that players generally disfavor non-regulation equipment and are disinclined to use it. It is hard to imagine players in Park City will be any different. In any event, has Staff studied this issue and/or determined how this mitigation requirement can possibly be enforced as a practical matter?

(d) Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court

The principal problem with this proposal is that given our long days at the western edge of the Mountain Time Zone and hot summer afternoon temperatures in Park City (where temperatures in bright sunlight frequently exceed 90 degrees), court owners will often (always?) want to play after work and later in the afternoon (for example, between 5 pm and 9 pm or later) when temperatures fall. This is exactly the time when nearby neighbors will often want to enjoy peace and quiet in their living rooms with open windows, or on their outdoor patios and decks, or retire early to bed. In mid-Summer twilight in Park City continues until as late as 9:30 pm and play will be possible without lights well past 9 pm. Staff

should consider whether permitting pickleball play between 5 pm and sundown in close proximity to neighbors wishing to enjoy peace and quiet isn't simply an unnecessary recipe for conflict. The same kinds of considerations will apply to weekend play. Owners will often want to play on weekends, at exactly the same time neighbors are off-work and enjoying the peace and quiet of their open windows and backyards. Finally, if the Code Amendments impose restrictions on evening play, who will enforce them?

(e) Prohibiting on-street parking for properties with permitted pickleball courts.

While I agree that prohibiting on-street parking is a good idea, it seems wholly impractical and also impossible to enforce. Anybody who lives in Park Meadows knows that residents already park their cars, and their second and third and fourth cars, and their campers and trucks, and their guests' cars, on the street with impunity. It already takes a virtual military campaign to persuade City Hall to rigorously enforce existing on-street parking restrictions. Who will enforce this restriction? Staff should supply analysis showing why any on-street parking restrictions would be effective.

It was also suggested in one of the open houses that use of a private residential pickleball court should be limited to owners and (presumably) their guests. While this requirement would likely reduce play, it also seems impossible to enforce. Again, Staff should supply analysis showing why this kind of restriction would be effective and who will enforce it?

(f) Requiring Homeowner Association approval for properties that are part of a Homeowner Association

This is another excellent idea which is probably also impractical and unlikely to work. Given the currently proposed 0.5 acre minimum lot size requirement it would seem likely that most qualifying lots will be in Park Meadows and surrounding areas. As Staff may know better than I do many (if not most) HOAs in Park Meadows are inactive or defunct. How will this requirement work for inactive or defunct HOAs? Will the applicant be prevented from making an application because her/his HOA is inactive or defunct? Or will the applicant be permitted to ignore the requirement? Yet, even inactive HOAs may have binding CC&Rs. How can a homeowner who lives in a subdivision with an inactive HOA cause it to enforce its CC&Rs? I am also painfully aware that in some HOAs officers simply ignore the limitations contained in their CC&Rs. Staff should give further study to this requirement and determine whether it can reasonably work as intended.

(g) Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance.

As mentioned above, this proposal, which would permit noise mitigation to be addressed *after* a permit has been granted and three or more complaints have been received, is simply an invitation for disputes and litigation continuing long after appropriate mitigation should have been determined as part of the CUP review process. There is no basis for this approach under Section 15-1-10.E. which requires that sufficient mitigation must be reviewed and determined before a CUP is granted. The noise mitigation analysis should be done before the permit is granted, not after expensive construction is completed and neighbors' complaints start to accumulate. This provision violates the Code and is simply unworkable.

9. In addition to potentially violating noise regulations, persistent pickleball noise can be an unhealthy nuisance which should be subject to mitigation as part of the Conditional Use review process under the Code Amendments. Staff should consider whether persistent pickleball noise in close proximity to homes in a residential neighborhood is an unhealthy nuisance. There is no evidence that this question has even been considered by Staff. Experts have reported that repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety. Experts have also reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine, and other systems, adversely impacting good health. I would urge Staff to inform itself now, carefully and comprehensively, regarding all of these health concerns and consider how they might be successfully mitigated before submitting the Code Amendments for approval by the Planning Commission.

I look forward to discussing these concerns with you at our meeting on Tuesday, February 15 at 4:00 pm.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frode Jensen".

Frode Jensen

cc:

Mayor of Park City
Nann Worel
Nann.worel@parkcity.org

Park City Manager
Matt Dias
matt.dias@parkcity.org

Park City Attorney's Office
Mark Harrington
mark@parkcity.org

Permitting Pickleball
in
Park City

Its All About the Noise

Frode Jensen

January 26, 2022



Background

In the process of opposing several applications to build backyard pickleball courts in Park City I have become very familiar with the various issues that outdoor pickleball raises under land use codes and nuisance ordinances around the country.

In comparison to other common backyard and recreational activities, and in terms of zoning compliance and noise management, the addition of a backyard pickleball court to a densely-settled neighborhood represents a significant challenge to owners, neighbors and planners.

This must be carefully planned for.

Background

Zoning regulations and conditional use criteria must be scrupulously adhered to or time-consuming and costly litigation is inevitable.

It may be that the setback and other requirements in some residential zones will simply prohibit some proposed court sites and applications for such uses must be denied.

It may also be that some court sites in residential areas are simply too close to neighbors' homes to successfully abate pickleball noise and applications for such uses must be denied.

The Planning Department and Planning Commission need to anticipate these issues and be prepared to justify any decisions approving or disapproving use applications on a factual and legal basis with sound analysis.

If they do not, expensive and time-consuming litigation will inevitably result.

Background

Among the issues which have and will inevitably arise here in Park City are

- Whether pickleball is an Allowed Use or a Conditional Use under our Code
- Whether backyard pickleball courts must comply with Code- and plat-mandated Setbacks and Easements as a threshold matter before Conditional Use review
- Whether a plat amendment or variance will be required prior to Conditional Use review if threshold requirements are not satisfied
- Whether the Planning Department or the Planning Commission has the authority to modify Setbacks in connection with a Conditional Use review
- How the Planning Department will deal with the requirements under the Code to mitigate the potential adverse effects of the Conditional Use.

Conditional Use Review: Mitigation Issues

In respect of mitigation of adverse impacts in connection with a Conditional Use review, numerous issues arise under the Code, including

- Fencing, screening and landscaping to separate Uses,
- Usable Open Space,
- Lighting,
- Design and compatibility with surrounding Structures,
- Appropriateness to existing topography,
- Consistency with goals and objectives of the General Plan, and
- **Existence and mitigation of *Noise***

Conditional Use Review: Mitigation Issues

The Conditional Use review process specifically requires the Planning Department and/or Planning Commission to consider whether or not the proposed Conditional Use mitigates impacts of and addresses

“noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site”.

If these issues are not studied carefully in advance of consideration of pickleball applications and fairly resolved when applications are made, disputes and litigation are sure to follow.

Pickleball Noise Impacts

Of all the issues which must be considered and resolved under the Code-mandated review process for Conditional Use applications, perhaps the most difficult is the requirement for conditional use review of Noise issues.

- Pickleball play is an extremely noisy activity which has led to noise violation claims and nuisance disputes across the country.
- The Recreation Department staff report provided late last year to Council stated

Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players.

To say the least.

Pickleball Noise Impacts

Alarming, what the Recreation Department staff report didn't mention is the noise issue which gives rise to the incompatibility of outdoor pickleball play with *anyone* – or, perhaps more accurately, *everyone* -- who lives in close proximity to an outdoor pickleball court.

As part of my effort to understand pickleball noise issues, I have consulted with Dr. Lance Willis, a nationally recognized acoustic engineer who has worked on dozens of pickleball projects across the country and in Canada.

He has been engaged by homeowners, builders, pickleball clubs, site planners and HOAs to assist in precautionary site planning and noise abatement.

Here is what I learned.

Pickleball Play is Noisy and Neighbors Will Complain

There is a common misconception that pickleball is acoustically equivalent to tennis and many other common social and recreational activities.

This is not true. It is much noisier.

The sound produced by the impact of the hard plastic ball on the paddle and the loud enthusiasms of the players cause significant noise impacts on residents and properties near outdoor pickleball courts.

Pickleball Play is Noisy and Neighbors Will Complain

- Numerous anecdotal comments in an online blog about pickleball noise catalog common neighbor complaints.
- Here are some examples on the following pages

Pickleball Play is Noisy and Neighbors Will Complain

- “I live 80 ft. from...a tennis court that was recently resurfaced [for pickleball]. I can hear clacking in my back bedroom with all the windows down and the air conditioner going. I have an appointment with an attorney...I don’t intend to listen to this noise for the rest of my life.”
- “We lived in a quiet neighborhood until the people across the street from us put a pickle ball court in their yard...the court is right by the street. They play for long periods every day and most nights, and they often have friends over who yell and cheer loudly. We can hear it inside our house in all the rooms, not to mention how loud it is in our backyard.”
- “I’m suffering [from] anxiety and depression and the noise is exasperating my system to the point that I need to flee or be a prisoner in my own house.”

Pickleball Play is Noisy and Neighbors Will Complain

- “I am still working and would like to enjoy quiet time on the weekend or evenings and because of the popping of the balls and yelling of the players my quality of life has been affected. I do not want to move but the noise is getting the best of me.”
- “Can you honestly say...YOU know what its like, Waking up to hearing the sound of gunshots/POPS, which never seem to stop, from 8 am every day of the week until dusk *30 feet* away?”
- “*30 FEET* from your supposed peace and Serenity of your home!!!”
- “You cannot escape the sound of the noise...There’s nowhere in or around the house you cannot hear the ball banging against the paddle, again and again???”

Pickleball Play is Noisy and Neighbors Will Complain

- “Or maybe you invited people over for dinner and you want to be outside enjoying the nice ... weather. Well, do you think you will be able to entertain, when all your guests hear is the POP POP POP of pickleballers?”
- “It’s only common decency honestly for everyone to have the right to a peaceful sanctuary called home.”
- “Like the man said, IT’S TORTURE...You tell me what matters more, people playing a game, or the serenity of many many more people in their own home.”

Julie Schultz

From: Gretchen Milliken
Sent: Sunday, January 30, 2022 12:16 PM
To: Donald Seibert
Cc: Browne Sebright; Spencer Cawley
Subject: RE: [External] Pickleball meeting followup

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

Donald,

Thank you for your email and taking the time to express your thoughts and concerns. We will add these to the public record for these two projects and have copied the planners that are processing the applications. The Planning team strives to create an objective platform where differing voices and opinions can be heard so your compliments on the "informative and unbiased" meeting are also much appreciated.

Best,
Gretchen

Gretchen Milliken
Planning Director
Park City Municipal Corporation
<https://www.parkcity.org/departments/planning>
Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5008 | c: 435.659.4591



From: Donald Seibert <[REDACTED]>
Sent: Sunday, January 30, 2022 11:58 AM
To: Gretchen Milliken <gretchen.milliken@parkcity.org>
Subject: [External] Pickleball meeting followup

[CAUTION] This is an external email.

[REDACTED] Evening Star Dr
Park City, Ut 84060
1/29/2022

Gretchen Milliken
Planning Director
Park City Planning Department

Dear Ms. Milliken,

Thank you for running an informative and unbiased planning commission meeting January 26th, regarding the proposed Pickleball Court Land Management Code Amendments and the 2 CUP's for pickleball courts.

One can see immediately from the plats and proposed court location on the 2 CUPs that with guidelines there will also need to be site specific evaluations by an acoustic engineer. The 2089 Equestrian Ct site will reflect much of the sound out onto public space. It is a matter for the school and representatives for the public to decide how much sound is permissible. The area already has a fair amount of ambient intermittent noise because of the gym classes and sport events scheduled there. The 1961 Venus Court location is much more problematic. The court is located in a canyon of 6 homes that back up to it. Sound mitigation would need to be significant and most likely quite unsightly. The concrete site plan lists a distance of 4 foot 4 inches to the closest property fence. Is the fence actually on the property line? The building plan's measurement is marked mid pad to the fence line. The fence and pad are not parallel. Unless the measurement was made at the corner of the pad the distance at the corner of the pad to the fence is less than the stated amount making the proposed set back incorrect.

It is not likely that a court on a lot less than ½ acre in size could be sufficiently mitigated so as to not intrude on the neighbors at the property line. Depending on the court's location, even lots larger than this could be an issue depending where the court is located in relation to the neighbors.. I personally feel, that unless a lot is very large and does not require sound dampening, courts should not be built by private owners. Maintaining and if needed upgrading the necessary surrounding sound barriers for an outdoor court is best left to public facilities and regulated sport clubs.

The proposed regulations have a provision for noise complaints within one year of the permit issuance. This permit requirement should be for the life of the facility. This too would be better regulated with clubs on town courts and registered sport clubs.

If there is continued growth of pickleball in this community there should be additional courts built, including indoor courts to accommodate this need. There also should not be additional conversion of tennis courts for pickleball courts.

Thank you again.
Sincerely,

Donald Seibert M.D.

Pickleball Play Can Violate Noise Ordinances

The Park City Code provides for *both* maximum permissible sound levels and for determination of annoyance as a metric for noise assessment.

Section 6-3-9.A of the Park City Code provides for a limit for stationary sources of sound of 55 dBA (decibels) in residential neighborhoods between the hours of 6:00 a.m. and 10:00 p.m.

- Peak sound pressure levels from pickleball courts have been measured at a distance of approximately *75 feet* exceeding 80 dBA (decibels), which far exceeds standard noise ordinance limitations.

In addition, Section 6-3-9.C.2 of the Park City Code prohibits

"any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance."

Pickleball Play Can Violate Noise Ordinances

- A *noise disturbance* is defined in Section 6-3-1 as

Any sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- The American National Standards Institute has set standards for noise assessment in regard to annoyance for impulsive sounds. Compliance with these standards will be an important element in determining whether a reasonable person is exposed to a noise disturbance.
- As part of any Conditional Use review process the Planning Commission will have to determine whether the placement of a court at various distances in close proximity to homes would satisfy the requirements in Sections 6-3-9.A or 6-3-9.C.2 of the Code.

Pickleball Noise is a Health Concern

In addition to violating noise regulations, persistent pickleball noise can be an unhealthy nuisance.

- Repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety.

I have walked around the neighborhoods close by the courts in the Racquet Club and the Willow Creek courts and spoken to neighbors who have told me they are annoyed and disturbed by pickleball noise and wish the courts were not so close to their homes.

- Experts have reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine and other systems, impacting good health.

In short, the effects of excess noise and stress can take many forms.

I urge the City to carefully and comprehensively inform itself *now* regarding all of these health concerns.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

There are numerous cases around the country where failure to carefully plan for noise abatement or appropriate site selection for pickleball has resulted in difficult disputes and, often, expensive and protracted legal action.

A simple google search reveals numerous news articles describing disputes and litigation over pickleball noise.

Here are some examples:

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Newport Beach, CA, a resident filed a lawsuit against the City claiming that pickleball played *300 feet* from her home is “so raucous and disturbing that she can’t live a normal life”. In her suit she claimed that the pickleball playing at a neighboring City park is “so noisy that she can’t sleep, talk on the phone or ‘simply hold a conversation.’”

The lawsuit was apparently resolved by the ***City agreeing to remove the courts.***

- In Port Moody, B.C. neighbors complained that pickleball noise on nearby converted tennis courts subjected them “to an almost-daily barrage of noise disruption.” The City Manager admitted that the neighbors’ noise complaints “*caught staff off-guard*”.

The Mayor said, “*Sometimes there are unintended consequences.*”

The City Council ultimately removed the courts.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Montecito, CA, a neighbor living next door to a country club sued the club when it installed an extensive sports complex, including two pickleball courts, *without permits*, less than **100 feet** from the neighbor's property.

The neighbor alleged in his lawsuit that the unpermitted complex **exceeded setbacks** and that the constant noise and disturbances have destroyed his ability to peacefully enjoy his home and surroundings, and on multiple occasions have forced him to retreat inside to escape the ongoing nuisance and disturbance.

He claimed that his viewshed has been ruined, and ***the adverse impact of the unpermitted activities on his property value is substantial.***

- In Aiken, SC, residents sued a neighboring club which built pickleball courts about **250 feet** from their home for injunctive relief, as well as damages, costs, expenses and prejudgment interest, claiming that the courts ***disrupted their quality of life.***

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Apple Valley, MN residents, including a resident who lives **20 feet** from the nearest court, complained to the City Council about municipal pickleball courts. One resident was quoted as having sent the city about **90 emails** complaining about the noise.

Another resident said, “I’m in a pickle...I play the game, it’s good for my body and soul.
But it really is an intrusion in our backyards.”

Another resident said about the impending commencement of pickleball season,
“I’m dreading it.”

- In Ahwatuckee, AZ two HOAs clashed over neighboring pickleball courts. The complaining neighbors said that *“most of the houses [near the courts] have their master bedrooms and living rooms closest to the courts, increasing the disturbance.”*

They claimed that the courts will create ‘noise and light’ pollution that
“ultimately will reduce the value of their homes.”

Careful Advance Planning is Critical

The inevitable noise and nuisance issues surrounding outdoor pickleball must be carefully examined and planned for in advance if disputes are to be avoided. With respect to noise concerns, experts advise generally that

- Court sites within **600 feet** of neighbors' homes should be reviewed in the site selection and planning phase of the project by a qualified acoustical engineer familiar with methodologies for assessing highly impulsive sounds.
- Courts located within **350 feet** of residential properties will require careful noise abatement analysis.
- Courts should ideally be located at least **150 feet** distance from residences.
- Courts located within **150 feet** of homes will have a significant impact on neighbors' quality of life and *will require careful and extensive noise abatement measures to avoid complaints.*
- Courts located within **75 feet** of homes will generate noise from play which penetrates the interior of homes and prevents quiet enjoyment of living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, reading and other activities requiring concentration.

Acceptable noise abatement for courts located in close proximity to homes may be impossible.

Abatement Strategies

Mitigation of the sound from pickleball courts is theoretically possible through use of unofficial softer paddles and balls, construction of sound barriers and walls, and construction of court enclosure structures.

- *There are no other commonly used abatement strategies.*

Unofficial Equipment

- In practice players resist using unofficial equipment and enforcement of equipment restrictions is virtually *impossible*. This abatement strategy is generally unworkable.

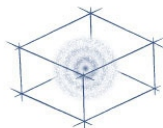
Sound Walls and Acoustic Barriers

- To be effective in attenuating sound, a wall or barrier must be high enough to block the line of sight from the noise recipient to the height of paddle impact.
- Anecdotal reports indicate that even a sound wall does not eliminate all of the noise which may escape through, around and above the sound wall.
- Sound walls are not practical where land use provisions prohibit the design and/or materials necessary to block the sound or the court site is so close to neighbors that the wall cannot be built high enough to block the sound.

Abatement Strategies

Full Enclosures

- If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof of the building should have no penetrations facing the neighbors.
- Full enclosures present applicants and planning authorities with additional code compliance issues.



Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
136 Heber Ave
Suite 205
Park City, Utah 84060

Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

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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.

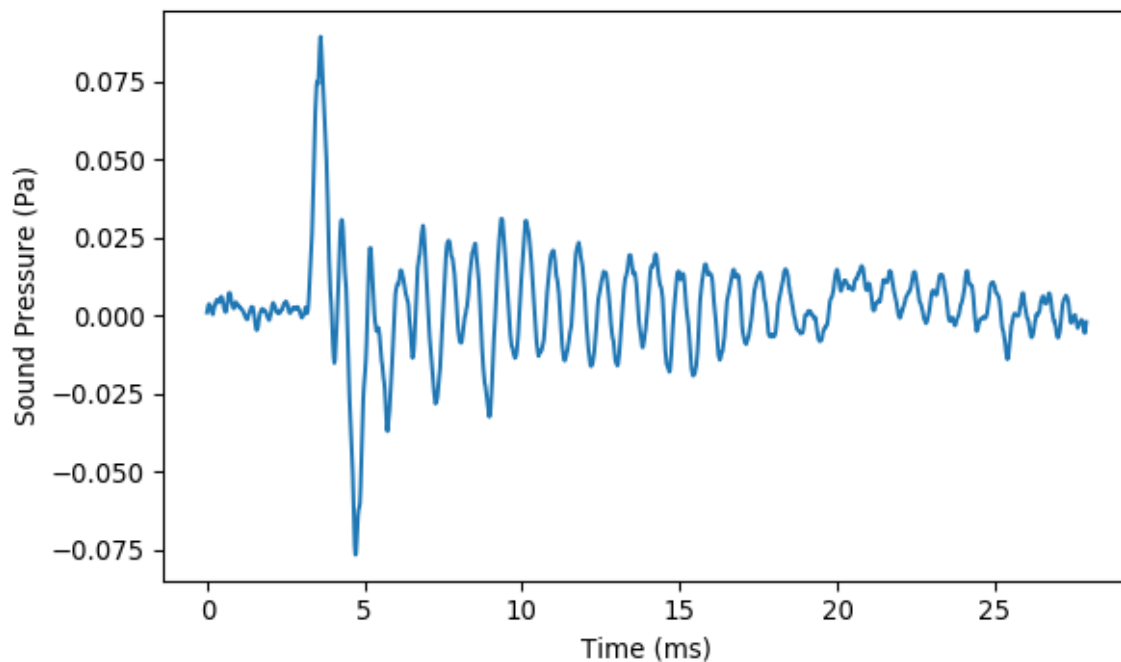


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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.

Browne Sebright

From: J Moira Howard <moira_howard@yahoo.com>
Sent: Thursday, February 17, 2022 3:01 PM
To: Browne Sebright
Subject: [External] Re LMC - pickleball courts

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

Hi

Please be aware that we did not receive the Public Hearing Notice for the above topic until 12 February. This was therefore not in time to attend virtual open houses being held Feb. 7 and 8.

J Moira Howard
2258 Jupiter View Drive
Park City
UT 84060

Bob Theobald
2810 Holiday Ranch Loop
RoadPark City, Utah 84060
435-714-0301

Date: February 17, 2022

To: Planning Staff and Planning Commissioners

RE: Comments to Code Amendment - Pickleball Courts

As currently written, I am in opposition to the proposed LMC amendment. I believe there are two threshold issues which must be considered and they are of equal importance.

First, the Planning Department's preconception in proposing the Code amendment doesn't hold up. The Director and Staff apparently have a notion that the City is obligated to accommodate a property owner's proposed use when **an attempt** is made to mitigate the adverse impacts even though mitigation is not adequate. Perhaps this incorrect notion is promoted by the legal department's concern for the state statutes that give significant deference to a land owner's property rights over many proposed City restrictions. I contend that the statutes do not give deference to one citizen's desire to conduct noisy activities (which constitute a nuisance) over his (or several) neighbor's right of peaceful and quiet enjoyment of property. Not all land uses can meet the requirements to accommodate these competing rights, even with attempted mitigation. I maintain that backyard pickleball in densely developed residential areas is not a sufficiently mitigatable land use and should be prohibited.

Second, Staff seems to be of the opinion that effective land use legislation results from the level of effort put into internal "dream sessions", community surveys, and open houses. In my mind, these activities mostly serve to accumulate "poundage" in an attempt to satisfy decision-makers with oversight, if any (Planning Commission and Council), and to help justify and rationalize the provisions and measures drafted by Staff. Volume of material that is purported to support a Staff Report does not reflect the necessarily quality of material.

A Planning Commission must digest meaningful analysis, find the underlying facts and reach a reasonable conclusion in order to approve and forward a defensible recommendation. I do not believe Staff has met its burden of comprehensive analysis and the proposed Code amendments should be sent back to Staff for further analysis in line with my and others' questions, comments and concerns.

In addition to the foregoing, I have the following additional concerns:

1. Staff's Judgment.

I question Staff's knowledge of pickleball and judgement on how it should be regulated. Based on information presented to date, it is obvious that Staff does not fully understand the most basic characteristic... the size of the court and the facility required.

Staff quotes the USA Pickleball Association describing the court size as follows:

A pickleball court is 20' x 44' for both singles and doubles. The net is hung at 36" at the ends and hangs 34" in the middle. A non-volley zone extends 7' back from the net on each side, commonly called "the kitchen."

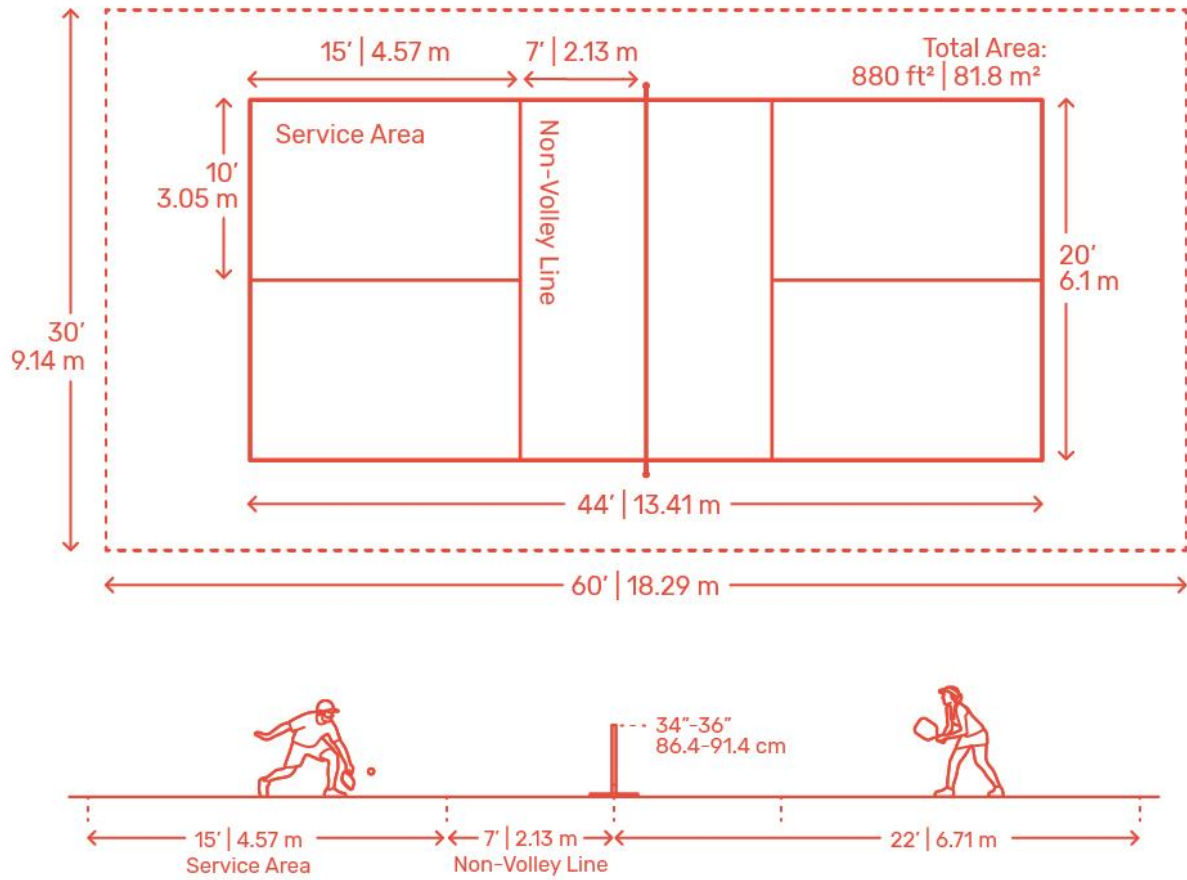
However, Staff fails to acknowledge and disclose that the actual requirement of a regulation, single-court facility requires a concrete pad of at least 30 ft. x 60 ft. which includes the necessary service area, ball-get and safety areas.

The 30' x 60' dimensions do not include the fencing and other incidental elements that may be outside the fenced playing surface that must be disturbed during construction.

This omission of clarification by the planning department is inexcusable.

See images below.

Dimensions.com | Pickleball Court





Furthermore, in connection with the recent Planning Commission CUP hearing on 1961 Venus Court, Staff advised the Applicant to circumvent the current Code by suggesting that the distance relating to a setback be measured from the property boundary lines to the **in-play boundary lines** of 44' x 20' painted on the court. On December 8, 2021, a City planner wrote the Applicant an email, advising:

"First, as you are probably aware, we are requiring Recreation Facilities to adhere to the required 12' side setback...Based on the current configuration of the patio and the dimensions of pickleball courts, it appears that you might be able to paint the sports court on the existing paved surface so that it is at least 12 feet away from the side property line. It would be helpful if you could verify whether that is possible, and potentially submit an additional exhibit showing how the proposed sports court maintains the side setback. "

Apparently, in the planner's mind, this would provide an extra 8 ft. of **effective setback distance** ($60-44=16/2=8$) to achieve "**compliance**". However, I believe the entire area, including that area beyond the in-play boundary lines and any concrete, fencing and ancillary elements should be considered as the "facility".

This notion by the planning department (which I assume is condoned by the Planning Director) is absurd and a prime example of the department's misinterpretation or misapplication of the Code in the pickleball cases which have come before it.

2. Open Houses.

In addition to my concerns about Staff's misunderstanding and/or misrepresentation of the size of a pickleball court, and Staff's improper suggestion to the Applicant regarding Code-avoidance, Staff has conducted on-line open houses to solicit public opinion which I do not believe have been particularly helpful.

As part of the open houses, Staff held breakout sessions with public participation intended to solicit views regarding the proposed Code amendments. One of my neighbors attended two breakout sessions. In the first, another participant used up the entire 10 minute segment (for public input) to question why the City would even regulate residential pickleball. In the second breakout session my neighbor provided his concerns to Staff as he was the only non-city participant. In the one breakout session I attended I listened for most of the 10 minutes to a self-proclaimed sound consultant who modifies shipping containers with various materials to fabricate recording facilities. He suggested that Park City begin a search for products that could be applied to pickleball courts. I responded that the noise issue was such a concern nation-wide, if not world-wide, that major companies had developed the best products on the market and the decibel reductions were widely published. We never discussed the Code amendments.

I believe there were a total of three non-city participants in my breakout session. It's unfortunate that we had to break out because I believe it would be much more informative to hear all those that had beneficial input, if any. It would be interesting to know how many people actually provided input. I have seen nothing to date reflecting the results of the open-house sessions. I would ask Staff to provide the three most significant "suggestions" received.

The Survey

Staff has also made a survey available on the City's website for public input. I believe the survey as worded is of very little use in actually determining public opinion on backyard pickleball. The survey questions are re-stated below in red italic text with my critique and suggested alternate questions that might provide more useful points of view and opinions.

Pickleball Survey

1 - *Do you play pickleball?*

Instead, I would suggest:

- A. Have you ever seen or heard pickleball be played?
- B. If yes, was it from a distance less than 100 feet?
- C. If yes, would you object to hearing a pickleball game played over or through your back yard fence at the whim of your neighbor at any time of day?

2 - *Should outdoor pickleball be allowed outside of daylight hours (approx. 7 AM - 9 PM)?*

Nonsensical, open-ended question... all the specifications must be stated - surrounding neighborhood, lighting, sound mitigation etc.

The better question would be:

Would you object to pickleball being played on a court within 100 feet of your property line during the early morning, late afternoon, and evening or weekend hours?

3 - *Should pickleball courts be allowed on private residential lots?*

To qualify to answer this question, you must have answered **yes** to 1 A, B and C. And, the question must state if the pickleball lot is adjacent or 100 feet or 600 feet from your property.

The better question might be:

Assume pickleball play creates noise impacts in excess of 55dBA within 100 feet (daytime limit for noise in Park City). Are you in favor of permitting pickleball within 100 feet of neighbors' houses? (It is understood that few people know precisely what 55dBA sounds like in comparison to other sound-generating activities.)

4 - *Should properties within a Homeowner Association (HOA) obtain HOA approval before applying for a City permit to construct a pickleball court?*

Yes, but how does this question assist Staff in drafting and adoption of the City's Code amendment?

Some HOAs are disingenuous, do not comply with their own CC&Rs, and disregard City ordinances. I am aware of a subdivision HOA which consists of 6 lot owners. According to the HOA president, all lot owners voted unanimously to **approve a pickleball court** within 5 feet of the owner's property line, outside the platted "Limits of Disturbance Area" within a "Natural Area", on a platted drainage easement without reviewing a site plan or conducting a site visit or maintaining a record of the proceedings. The veracity of the HOA must first be verified before it has any credibility of its reported approvals.

In subdivisions with or without a credible or functioning HOA, the Applicant, after providing a mandatory certified Noise Report to all neighbors, must obtain the written acknowledgement and approval of all neighbors within 300 feet.

5 - The proposed amendments require notice to adjacent property owners when a pickleball court is proposed to be constructed. Should notice be extended beyond adjacent property owners?

Yes. The notice should be extended City-wide so any resident could have the opportunity to review the planning and building department's objectivity, judgement and veracity dealing with each application.

6 Any additional comments on pickleball you would like to share?

Yes, all Planning Staff should be required to enroll in a Critical Thinking class.

To my mind, the City's Code amendment proposal fails to pass the "Critical Thinking" test. In 1987 the National Council for Excellence in Critical Thinking defined "critical thinking" as follows:

Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action.

1 Pinpoint the issue...

- 2 *Collect information...*
- 3 *Examine and scrutinize...*
- 4 *Decide what's relevant. ...*
- 5 *Self-evaluate....*
- 6 *Draw conclusions...*
- 7 *Explain your conclusions.*

Considering the open-house sessions, the questions posed in the survey, and having not engaged an acoustical engineer, it appears that Staff has not completed the second task of collecting meaningful information necessary for critical thinking regarding the real impacts of pickleball and the effective measures necessary to mitigate the noise to a decibel level acceptable to adjoining neighbors. Guestimates now and 3 complaints in a year with no recourse or remedy available is not acceptable code provisions. Otherwise, all subsequent evaluations and conclusions have little credibility.

3. The Noise Factor.

The primary consideration of the impacts of any back yard (or community) pickleball facility is the noise...the physical impact of the sound vibrations against the ear drums of others. In my opinion, hearing and smell are the most sensitive senses. I suppose it's because sound and smell permeate many barriers and travel relatively long distances. Within 100 feet of my home, I think the incessant pop-pop-pop sound of a pickleball court would be favored only slightly more than the smell of a broken main sewer line.

For 7 months, since July 6, I have been unnecessarily forced to view a partially constructed, unpermitted pickleball court. The court is located less than 5 feet from the owner's property line, less than 15 feet from my property line and less than 75 feet from my home. Without a single pop of ball, severe impacts to me have already begun. According to my real estate and appraiser associates, the value of my home has been reduced by 20-30% with the **uncertainty of** what might be built. What if I needed to sell my property or apply for a loan immediately? Why must I suffer the consequences of my neighbor's enjoyment of a nuisance? A home neighboring a pickleball court may have "external obsolescence"... where no one will buy it anywhere near market value! This is not an inconsequential impact! How does the City measure and consider this impact?

It would be wise for the City to engage a real estate appraiser to conduct a forensic appraisal detailing the impacts of a "private recreation facility" in a neighbor's back yard. The "external obsolescence" methodology is similar to that for evaluation of power lines, substations, traffic/street noise and other situations commonly found in eminent domain cases. One appraiser to whom I have spoken ventures an average for these situations of 17 to 25% devaluation of comparable value. He has successfully argued valuations before a State's Supreme Court as well as the U.S. Supreme Court. (Name and appraisal firm provided upon request.) This endeavor could be accomplished in conjunction with an expert noise consultant to determine the expected noise levels.

Based on my experience, my lay-person advice to neighbors of any proposed "Recreation Facility" that includes the **potential** for a pickleball court is to prepare for a potential major adverse economic impact to the value of their home, **and** consult with an attorney regarding filing a complaint immediately upon receiving *constructive or actual notice* that an application has been submitted.

I am aware that Lance Willis, a PhD and acoustical engineer, prepared a report regarding the proposed court in Willow Ranch adjacent to my and my neighbor's back yards. The expected decibel levels cited by Dr. Willis are greater than the studies cited by the City. A 12-foot sound wall has little, or no, noise mitigation to the second floor windows of nearby homes. Dr. Willis' report has been made available to numerous City officials. Hopefully it has been circulated and read by all the planners and decision makers.

In the same vein of considering adverse economic impacts, the City should consult with its insurance carrier or self-insurance "pool" attorneys regarding the likelihood of legal actions that may arise in the event Staff or Planning Commission does not diligently conduct appropriate research and adopt Code amendments that consider the rights of many residents of a neighborhood as opposed to the one pickleball Applicant who may think his rights supersede all others. There are many legal cases raising this issue which can be found and reviewed on the internet.

Noise impacts can be measured very accurately with several variables and nuances... neighbors deserve to know more precisely what to expect. It should be a requirement to know the expected level of compliance of any proposed court with the existing Code noise limits of 55 decibels. Is the current maximum of 55 decibels the correct standard for any Code provision?

Before any Code amendment is adopted regarding pickleball, the City **MUST** engage its own expert noise consultant for all proposed courts. And, as part of the proposed Code amendment for private recreation facilities which include a pickleball court (or has a concrete pad with dimensions of approximating 30 x 60 feet), I suggest language similar to the following:

*Residential "backyard" Pickleball applications shall be accompanied by a certified report by an acoustical engineer (noise expert) detailing the expected noise levels measured in decibels within 300 feet at intervals of 50 feet from the edge of the applicant's property boundary. This **mandatory noise impact analysis** shall be submitted to the City as part of the Applicant's package **and** submitted to all residents within 300 feet of the applicant at least 10 days prior to any public hearing by the Planning Commission and/or City Council. "*

In addition, before any Code amendment is adopted, all staff and decision-makers should be required to read or work 100 feet from a pickleball court with 6 players (2 play-in participants) for an hour. The test is not to determine if one can take the noise for an hour (big gold medal for you), but to assist in determining if any residents should be subjected to this noise at any time of day for potentially 8-12 hours a day, 7 days a week, for the enjoyment of your neighbor, their friends, family, kids, grandkids and more?

Exactly, where is the boundary of the rights of private enjoyment (peace and quiet) in one's own back yard versus a neighbor's noisy recreation? Is one not entitled to meditate, perform yoga, tend to gardens, read a book or just take a late-afternoon nap in the shade in your own back yard deck without the aggravating sounds of POP-POP-POP and the attendant YEA-YEA-YEA of the neighbor's pickleball "recreation facility?"

Is it permissible to setup outdoor speakers or play live mariachis, bongos, heavy metal or soothing "screeching" (beginning violin) music at a level significantly greater than 55 decibels, perhaps all day long and into the early evening? The most popular time for any outdoor back yard activity, especially in the hot summer, is between 8-10 am and 4-9 pm. Why should one resident be able to destroy this most enjoyable time of day for many other neighbors?

4. The Upshot.

Unfortunately, based on all of the foregoing, it would appear that pickleball is one sport that must be confined to indoor facilities or in currently active, noisy or

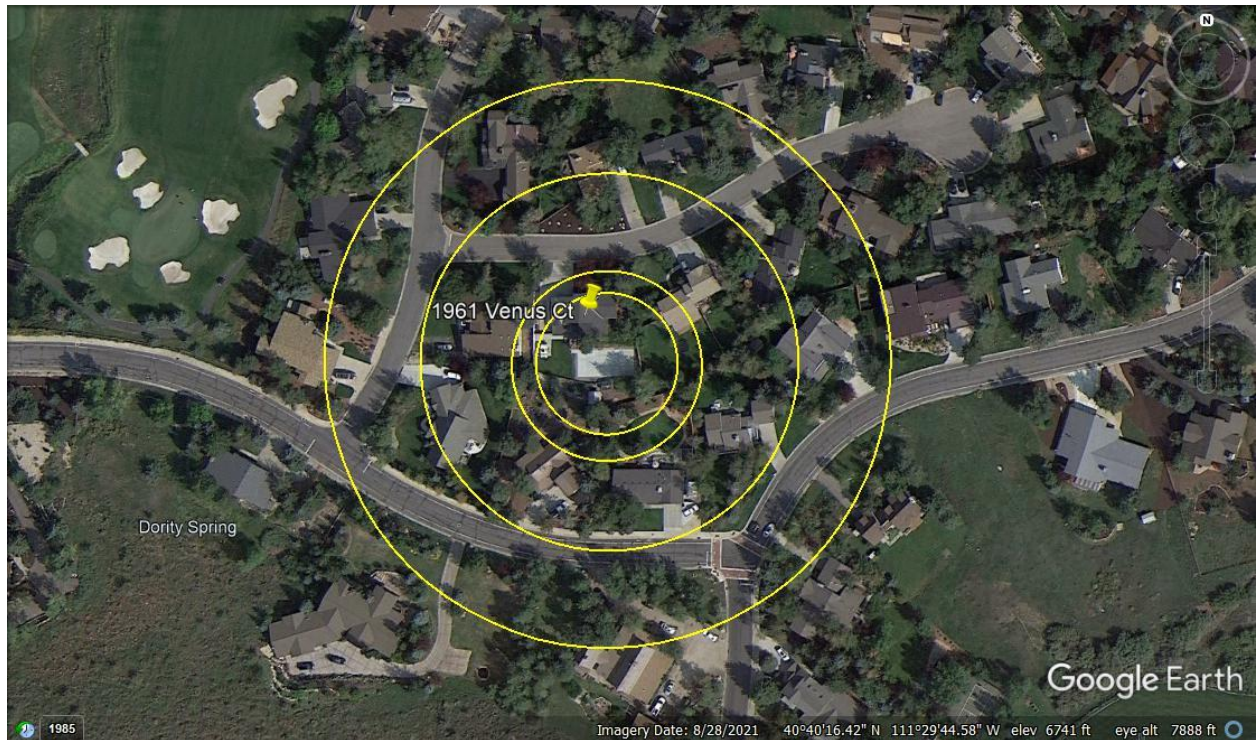
isolated areas. There are local, public and private facilities (perhaps insufficient) that are available for pickleball play. Why not a new complex at Richardson Flat or other City-owned land.

Otherwise, residential pickleball courts --- RIP.

Thank you for your consideration.

Bob Theobald

PS - I would like to see a Staff drawing (retrofit or new site plan) of a 30 ft. x 60 ft. pickleball court on a one-acre lot with 100 ft. side and rear setbacks which includes a 4,000 sq. ft. house with a 28 foot height limit...



Measured from center of court, circles are approximately 75', 100', 200' and 300'.



View of the previously proposed Willow Ranch pickleball court subject to the Willis Noise Report

FRODE JENSEN
2812 HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

February 17, 2022

VIA EMAIL TO planning@parkcity.org
AND Michelle.kellogg@parkcity.org

Sarah Hall
 Bill Johnson
 John Kenworthy
 John Phillips
 Laura Suesser
 Douglas Thimm
 Christin Van Dine

Re: Proposed Land Management Code Amendments to Mitigate Pickleball Impacts

Dear Planning Commission Members

I write regarding the proposed Land Management Code amendments (Code Amendments) posted several weeks ago on the City's website. This letter is based on those proposed amendments. I was informed by the Director of the Planning Department on February 15 that the Code Amendments which the Department will propose for your consideration on February 18 differ in several important respects from the proposals which have been posted on the City website for the public to comment on. Nevertheless, I offer the following for your consideration based on the current proposals. I expect to have additional comments on the Code Amendments actually published and proposed to you on February 18.

I would respectfully request that Staff and the City Recorder add this letter to the agenda packet for your February 23, 2022 meeting and to the public record.

Background

I have resided continuously in Park City since 2012. I been concerned about pickleball issues since July 6, 2021, the day I discovered that my neighbor in Park Meadows had commenced construction without a building permit of a private, backyard pickleball court which today stands, partially constructed and unrestored, in violation of the setbacks applicable to his property, less than 5 feet from my property line, less than 25 feet from my house, and within 100 feet of the homes of several of my neighbors.

Following the discovery of this illegal construction, I learned that pickleball play can be very noisy, regularly generating complaints from neighbors and often resulting in time-consuming and expensive litigation. I also learned by consulting with a prominent realtor in Park City that a pickleball court in such close proximity to a home could reduce the market value of the home by up to 20%, a substantial impact in today's market.

To better understand the noise implications of backyard pickleball, I engaged an acoustic expert, R. Lance Willis, PhD, the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. in Tucson, AZ, to evaluate pickleball noise in a location such as mine. Dr. Willis has extensive experience in pickleball court siting, noise analysis and mitigation. He provided me with a letter explaining many of the noise issues which pickleball courts in residential neighborhoods present, a copy of which was provided to Staff on August 3, 2021. I will refer to Dr. Willis' letter in several places below. I am attaching a copy of Dr. Willis' letter to this letter as Exhibit A for your reference.

On January 24, 2022 I submitted a letter to you expressing my opposition to the Application for Conditional Use Permit to Build a Pickleball Court at 1961 Venus Court (PL-21-05072). Many of the concerns which I raised in the letter are relevant to your further consideration of the proposed Code Amendments. I am attaching an additional copy of my January 24 letter to this letter as Exhibit B for your reference.

I have also prepared a PowerPoint presentation dated January 26, 2022 describing in general pickleball noise issues which I delivered to Mayor Worel, City Manager Dias and Senior City Attorney Harrington several weeks ago. You may find it helpful in understanding why pickleball noise issues are not a trivial concern. I am attaching a copy of this presentation to this letter as Exhibit C for your reference.

Specific Questions, Concerns and Comments

I have the following specific questions, concerns and comments about residential pickleball courts and the proposed Code Amendments.

1. One of Staff's slides presented at the open houses last week describes levels of pickleball noise commonly exceeding 55 decibels and ranging up to 80 decibels or higher. Dr. Willis confirms in his letter these noise levels can be reached during pickleball play. For comparison's sake, please consider that pickleball noise can equal or exceed the noise levels of garbage disposals, alarm clocks, vacuum cleaners and gas lawn mowers, all of which have been measured around 75 to 80 decibels. It is well known that pickleball courts near homes frequently lead to neighbors' complaints, disputes and litigation. I provide numerous examples of pickleball complaints and litigation around the country in the PowerPoint presentation referred to above.

I would first ask Commission to consider, as a threshold issue, whether pickleball courts should even be permitted at all in densely developed residential areas in Park City and, if you are inclined to consider this threshold question, what is the cost-benefit basis for permitting residential courts? To me, when decibel levels can reach 80 dBA, the costs simply outweigh the benefits. In addition to the minimum lot size proposal in the proposed Code Amendments, why not simply also prohibit all backyard pickleball courts in residential areas where there are any homes within, for example, 150 feet of a proposed

court? I think you would find ample support for such a prohibition from experts who have considered pickleball noise.

Furthermore, the public learned in the recent open houses that the City is actively examining the possibility of adding numerous additional municipal courts. If the City can build, for example, sixteen or more new courts in a remote location, in the near future, why permit any private pickleball courts in residential backyards at all? I would ask Commission respectfully to consider why the provision of additional municipal courts would not satisfy the local demand, obviating the need for controversial private courts in densely developed residential areas, and for an ordinance specifically covering residential pickleball.

2. In any event, if the Commission determines that noise associated with pickleball play is a serious concern meriting additional regulation, exactly what noise levels resulting from pickleball play should be considered acceptable? The proposed Code Amendments don't specifically say and the existing provisions of the Code relating to noise levels and, *in particular, noise annoyance*, may not provide clear answers.

Dr. Willis has reviewed Chapter 6-3 of the Park City Code which both regulates maximum permissible sound levels in Section 6-3-9.A and also provides noise disturbance and annoyance restrictions under Section 6-3-9.C. In particular, Section 6-3-9.C.2 of the Code prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a *noise disturbance*."

A noise disturbance is defined in Section 6-3-1 as "[a]ny sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)". Accordingly, "annoyance" is a separate metric for noise assessment for impulsive sound in addition to the maximum permissible sound levels described in Section 6-3-9.A.

Dr. Willis advises that current standards for noise assessment in regard to annoyance for impulsive sound are based on adjusted sound exposure levels and include ANSI S12.9 Part 4 and ISO 1996 Part 1 standards. He concludes that the methodology in ANSI S12.9 Part 4 for assessment of noise annoyance caused by pickleball play may well show violations of the requirements in Section 6-3-9.C.2 of the Code where the placement of courts is in close proximity to neighbors.

The proposed Code Amendments do not consider the existing noise standards under Chapter 6-3 of the Code and, to date, I have seen no analysis regarding acceptable levels of noise underlying the proposed Code Amendments. How are applicants to know when they have provided for sufficient noise mitigation in their permit application? What standards will the Planning Commission apply to determine what a sufficient level of noise mitigation is in considering a CUP? It is hard to imagine that any Code Amendments purporting to provide guidelines for acceptable levels of pickleball noise can be considered or adopted without guidance for applicants on this question.

3. Nearly all of the proposed Code Amendments depend on a clear and coherent understanding of the kinds and levels of noise generated by pickleball play. Before moving to adopt the proposed Code Amendments, Commission should direct Staff to engage a competent, expert noise consultant of Dr. Willis' caliber to assist it in understanding the complexity of the noise issue and in drafting the noise compliance provisions of the proposed Code Amendments.

Because Staff has apparently neither sought nor received any advice or guidance from a competent, expert noise consultant, I would suggest that it is premature for Commission to consider any codification of pickleball noise mitigation standards. It should go without saying that it is entirely inappropriate for Staff, in formulating the proposed Code Amendments, to rely on any noise analysis which may have been done by another municipality or concerned person in another geography under circumstances which may differ significantly from our situation here in Park City.

4. Staff has stated on the City website, in the Staff Report on the Venus Court application, and in the open houses on residential pickleball that a pickleball court is 20' x 44' or 880 square feet.

Commission should understand that this statement is simply inaccurate and is grossly misleading. A pickleball court will typically consume 2,100 square feet or nearly *2 ½ times more surface area* than has been represented. It is true the in-bounds area of a court may be 20' x 44' but the *minimum* recommended playing area is typically 30' x 60'. Moreover, pickleball court builders typically recommend a 34' x 64' (or 2,176 square feet) playing area. If perimeter fencing outside the playing area is included, a standard court could easily exceed 34' x 64'. Thus, a common pickleball court may be nearly *2 ½ times larger* than Staff has represented. See: <https://pickleballfix.com/pickleball-court-dimensions/>. These representations should be corrected in future presentations.

5. Staff has proposed that applications for conditional use permits for pickleball courts would require an Administrative Permit as opposed to a permit granted by the Planning Commission.

Staff should explain why an Administrative Permit process would be appropriate. Why shouldn't permits for highly controversial residential pickleball courts be CUPs, decided by Commission, with all of the legally-mandated requirements applicable to conditional uses, as all other Recreation Facilities are?

6. It was suggested by a representative of the Recreation Department in one of the open houses that the Department has only received one complaint from all the residents of the Racquet Club condos regarding pickleball noise. However, the Recreation Department staff report recently provided to City Council expressly acknowledged the problem of pickleball noise, stating (in respect of noise issues already present at the MARC) "Tennis is a quiet sport and pickleball is *much noisier* both in the game and the social nature of the sport causing incompatibility with most tennis players". Before moving forward with the Code Amendments, as part of its fact-finding obligations, Commission should direct Staff to survey all the residents living within 600 feet of the pickleball courts at the MARC.

7. Staff has stated that the Code Amendments would modify the definition of "Private Recreation Facilities" to identify pickleball courts as a type of facility that requires additional mitigation due to the noise associated with the sport.

I agree that pickleball courts raise mitigation issues resulting from their noisiness (among other mitigation issues) and that it is appropriate to clarify the treatment of pickleball applications, including noise mitigation, in the Code.

However, the Code Amendments should make clear that, in addition to noise mitigation, the items which the Planning Department and/or Planning Commission must review under subsection E of Section 15-1-10, as amended by the Code Amendments, include, but are not limited to (i) Storm Water run-off; (ii) Fencing, Screening, and landscaping to separate Use from adjoining Uses; (iii) usable Open Space; (iv) lighting; (v) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; (vi) within and adjoining the Site, the appropriateness of the proposed Structure to the existing topography of the Site; and (vii) consistency with the goals and objectives of the Park City General Plan.

In addition, the Code Amendments should be clear that all sports courts (for example, including tennis, basketball, and volleyball courts) require mitigation analysis under subsection E of Section 15-1-10 in connection with noise concerns.

In this vein, the distinction articulated by Staff in a recent open house between *sports courts* and *sports equipment* should be clearly delineated in the Code Amendments.

8. Staff has suggested in its website summary of the proposed Code Amendments that the amendments will include provisions specifically covering mitigation strategies for pickleball courts, including

- (a) Establishing a minimum required lot size of 0.5 acres (21,780 square feet) for pickleball courts.

Commission should ask the Planning Department how it chose 0.5 acres as the minimum required lot size? For example, a square lot of 0.5 acres would be 147' x 147'. As mentioned above pickleball courts are commonly as large as 34' x 64' and consume approximately 2,000 square feet. Based on typical home and garage sizes, and driveway coverages, in residential areas in Park City why is a minimum lot size of 0.5 acres appropriate or sufficient? Why shouldn't the minimum lot size be greater? How many residential lots in Park City equal or exceed 0.5 acres? In addition, should there be a maximum slope and excavation restriction for courts?

- (b) Requiring a minimum 100-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation.

Commission should inquire on what basis Staff has concluded that a 100-foot setback is an appropriate setback distance and direct Staff to provide its analysis to Commission. Why not a greater setback distance? When my neighbor at 2732 Meadow Creek Dr commenced construction of an unpermitted pickleball court last summer, Dr. Willis opined that noise concerns regularly arise whenever courts are located within 500-600 feet of homes. Given Dr. Willis' opinion, Commission should ask Staff to explain why it has chosen 100 feet as an appropriate distance beyond which courts may be sited with no mitigation required. Shouldn't courts further than 100 feet away from adjacent property lines which generate noise in excess of Park City noise limits or the noise limits adopted by the Code Amendments also be required to show mitigation in order to obtain a CUP?

Based on my reading of many complaints which pickleball courts have given rise to across the country, it appears that many (if not all) disputes could have been avoided with careful court siting and noise mitigation steps taken *in advance* of permitting and construction. The Code Amendments should require that all applicants submit a noise study including a noise mitigation analysis prepared by a duly-qualified expert with and at the time of their CUP application. This requirement would, in fact, not be terribly burdensome on applicants. Noise analyses can be prepared for a fraction of the total cost of a pickleball court installation and would be far cheaper than lengthy litigation. The Planning Department, in consultation with a qualified noise expert engaged by the Department, should establish criteria *in advance* for the contents of this applicant's noise report and incorporate these requirements in the Code Amendments.

Commission should ask Staff to explain why the Code Amendments should not require that applicants be specifically required to engage a qualified noise consultant at the planning and pre-application stage to work with the applicant and the Planning Department to determine optimal siting and whether appropriate levels of noise mitigation can be achieved. This is a 'best practice' which Dr. Willis recommends.

In this regard, the Code Amendments should provide that applicants show sufficient noise mitigation at the time of application and *in advance* of permitting and construction. The proposal on the City's website that noise mitigation be addressed after a permit has been granted and three or more complaints have been received is simply an invitation for disputes and litigation long after mitigation should have been determined. There is also no legal basis for this approach under Section 15-1-10.E. which requires that the Planning Department and/or Planning Commission "**must review**" noise mitigation when considering whether or not the proposed Conditional Use mitigates noise impacts before a CUP is granted.

Furthermore, in respect of the proposed 100-foot setback requirement, the Code Amendments should be clear that any special '100 foot' setback for pickleball courts does not supersede any setbacks (including Code- and Plat-mandated setbacks, drainage and utility easements and Limits of Disturbance Areas) otherwise required by the Code or specific subdivision Plats.

During 2021 I became aware that the Planning Department had taken the position in several applications before the City that a pickleball court is sufficiently similar to a "patio" that it may be approved as an Allowed Use and, specifically, may be built inside the otherwise Code-mandated side and rear setbacks in, for example, the Single Family and Estate districts (the Patio Exception). I have been subsequently informed by Senior City Attorney Harrington in August 2021 that use of the Patio Exception for pickleball courts had been an erroneous interpretation of the Code and that a pickleball court is in fact a Recreation Facility and is not eligible for setback relief under the Patio Exception. So I was very surprised recently to read in the Staff report for the proposed pickleball court at 1961 Venus Court that the Planning Department has revived the Patio Exception to justify a pickleball court site which otherwise clearly violates the applicable setback restrictions. The Code Amendments must make it clear that the Patio Exception for setbacks is not available for pickleball courts and other Private Recreation Facilities.

It has also been suggested by speakers at the open houses that a homeowner could avoid the impact of any forthcoming Code Amendments for pickleball by simply setting up a net and drawing lines on his or her existing (or expanded) driveway. The Code Amendments should clearly provide that anytime a property owner sets up a pickleball court with lines and a net on his or her property, whether s/he calls

it a pickleball court, or a patio, or a concrete pad, or a driveway, if it is used to play pickleball, then it is a pickleball court and a 'conditional use' subject to all of the Code requirements applicable to this conditional use. The Code Amendments also need to be clear that a pickleball court is in all cases a Conditional Use and not an Allowed Use. The Code Amendments should also make it clear that the setback exceptions for Accessory Buildings in, for example, the Single Family and Estate districts, are not available for pickleball courts and other Recreation Facilities.

- (c) Requiring a minimum 50-foot setback from lot lines of residential properties for courts that include a twelve-foot-tall noise reducing fence, noise reduction floor panels, and the recommended use of "quiet" paddles.

Commission should direct Staff to explain on what basis it has concluded that a 50-foot setback is an appropriate setback, for example, where there is a twelve-foot-tall noise reducing fence. On what basis has Staff concluded that noise can be sufficiently mitigated at distances between 50 and 100 feet from neighbors' property lines with a twelve-foot-tall fence? Why not a ten foot fence or a fourteen foot fence? As Dr. Willis explains in his letter, it may be impossible to successfully mitigate noise at certain distances within 100 feet, with or without a fence.

Commission should take note that noise travels in a straight line from the point of paddle/ball impact (and player exclamations) to the noise recipient. For courts located between 50 and 100 feet from a residence, will a twelve-foot-tall fence (no matter how thick) block noise traveling to the second story of a nearby house? Dr. Willis suggests that it may not. Again, Staff should provide Commission with its analysis with support from a qualified expert. And again, as mentioned above, the Code Amendments should require that noise mitigation be considered for all courts proposed to be sited within 600 feet of any home.

The proposed noise-reducing fence requirement in the summary published on the City's website must be clearly defined in the Code Amendments. What kinds of fences will be accepted? It would seem likely that the required fence surrounding a standard court will be at least 180 feet long ($60' + 30' + 60' + 30' = 180'$) with an opaque surface area of 2,160 sq. feet ($180' \times 12' = 2160$ sq. ft.). This would be a very large fence, and apparently larger and more opaque than any kind of fence currently permitted under the Code based on current Code fence provisions. The Code Amendments should specify what types of materials will be required. If a chain link fence will be permitted, will the chain link fence exception for tennis court fences apply to noise-reducing chain link fences? Will the twelve-foot-tall noise reducing fence in fact also be a chain link fence? Commission should direct Staff to consider and propose the kind of noise-reducing fences which will withstand our broiling summer afternoon temperatures, frigid winters, deep snows and high winds and also satisfactorily mitigate noise? Will the noise-reducing materials reflect or absorb so much heat that the court will not be useable on hot days? Would this encourage owners to remove fencing materials? How will any requirement to maintain noise reducing fencing be enforced? How will maintenance of the fence be enforced as it deteriorates over time?

In the Staff report for the pickleball application at 1961 Venus Court, Staff recommended that the applicant "install a twelve foot (12') tall noise reducing fence around the sports court with a minimum noise reduction coefficient (NRC) of approximately 0.75." The proposed Code Amendments are silent as to the noise reducing coefficient which will be required. What standard will applicants be required to meet and what is the basis for any such standard? Will any such standard effectively mitigate pickleball noise at varying distances, including more than 50 feet from property lines? Commission should direct

Staff to provide additional information and analysis on this point.

At the Planning Commission hearing on the 1961 Venus Court application in January a next door neighbor stated that he is more concerned about the visual impact of an unscreened 12 foot high, 180 foot long plastic and metal fence facing his backyard than he necessarily is about the noise the court will generate. The Code Amendments should provide standards for mitigation of the visual impacts on neighbors of any required noise reducing fence and for required landscape screening for such fences.

Staff also proposes in the website summary provisions that additional noise mitigation could be accomplished by requiring the use of 'noise reduction floor panels'. Please identify exactly what kind of noise reduction floor panels would be recommended. Please advise how much noise Staff expects 'noise reduction floor panels' to reduce, especially given the fact that most pickleball noise is apparently generated by paddle/ball impacts and players' voices? Has any analysis of noise reduction by use of noise reduction floor panels been done by Staff? If so, Commission should require that it be provided. Will noise reduction floor panels reduce the noise impact of balls hitting racquets? Will noise reduction floor panels actually work in Park City, with our broiling summer afternoon temperatures, freezing winters, deep snows and Springtime snowmelts and run off? Will the glare, or heat or light absorption or reflection of floor panels impact play? In any event, all noise mitigation strategies contemplated by an applicant should be covered in a noise expert's opinion submitted with the initial application.

Lastly, Staff's proposed Code Amendments would require the use of 'quiet' paddles. It may be true that quiet(er) paddles reduce the level of noise impacts, but an informal survey of internet sources indicates that players generally disfavor non-regulation equipment and are disinclined to use it. It is hard to imagine players in Park City will be any different. In any event, Commission should query whether Staff has studied this issue and/or determined how this mitigation requirement can possibly be enforced as a practical matter.

- (d) Limiting pickleball court use to daylight hours and prohibiting outdoor lighting of the court

The principal problem with this proposal is that given our late sunsets at the western edge of the Mountain Time Zone and hot summer afternoon temperatures in Park City (where temperatures in bright sunlight frequently exceed 90 degrees), court owners will often (always?) want to play after work and later in the afternoon (for example, between 5 pm and 9 pm or later) when temperatures fall. This is exactly the time when nearby neighbors will often want to enjoy peace and quiet in their living rooms with open windows, or on their outdoor patios and decks, or retire early to bed. In mid-Summer twilight in Park City continues until as late as 9:30 pm and play will be possible without lights well past 9 pm. Staff should consider whether permitting pickleball play between 5 pm and sundown in close proximity to neighbors wishing to enjoy peace and quiet isn't simply an unnecessary recipe for conflict. The same kinds of considerations will also apply to weekend play. Owners will often want to play on weekends, at exactly the same time neighbors are off-work and enjoying the peace and quiet of their open windows and backyards. Finally, Commission should inquire if the Code Amendments impose restrictions on evening play, who will enforce them?

- (e) Prohibiting on-street parking for properties with permitted pickleball courts.

While I agree that prohibiting on-street parking is a good idea, it seems wholly impractical and also impossible to enforce. Anybody who lives in Park Meadows knows that residents already park their cars, and their second and third and fourth cars, and their campers and trucks, and their guests' cars, on the street with impunity. It already takes a virtual military campaign to persuade City Hall to rigorously enforce existing on-street parking restrictions. Who will enforce this restriction? Staff should supply Commission with analysis showing why any on-street parking restrictions would be effective.

It was also suggested in one of the open houses that use of a private residential pickleball court should be limited to owners and (presumably) their guests. This is a thoughtful concern. While conducting research on residential pickleball, I learned of a situation (in another locality) where a homeowner built a sports court and established an informal 'club', resulting in continuous 'unhosted' play throughout the day. But, again, how could a restriction requiring owners to be present be enforced? Staff should supply Commission analysis regarding the enforceability of this kind of restriction.

- (f) Requiring Homeowner Association approval for properties that are part of a Homeowner Association

This is another excellent idea which is probably also impractical and unlikely to work. Given the currently proposed 0.5 acre minimum lot size requirement it would seem likely that most qualifying lots will be in Park Meadows and surrounding areas. As Staff may know better than I do many (if not most) HOAs in Park Meadows are inactive or defunct. How will this requirement work for inactive or defunct HOAs? Will the applicant be prevented from making an application because her/his HOA is inactive or defunct? Or will the applicant be permitted to ignore the requirement? Yet, even inactive HOAs may have binding CC&Rs. How can a homeowner who lives in a subdivision with an inactive HOA cause it to enforce its CC&Rs? I am also painfully aware that in some HOAs officers and homeowners simply ignore the limitations contained in their CC&Rs. Commission should direct Staff to give further study to this requirement and determine whether it can reasonably work as intended.

- (g) Requiring further mitigation if three noise complaints are filed within a one-year period of permit issuance.

As mentioned above, this proposal, which would permit noise mitigation to be addressed *after* a permit has been granted and three or more complaints have been received, is simply an invitation for disputes and litigation continuing long after appropriate mitigation should have been determined as part of the CUP review process. There is no basis for this approach under existing Section 15-1-10.E. which requires that sufficient mitigation must be reviewed and determined before a CUP is granted. The noise mitigation analysis should be done *before* the permit is granted, not after expensive construction is completed and neighbors' complaints start to accumulate. This provision violates the existing Code and is simply unworkable.

9. In addition to potentially violating noise regulations, persistent pickleball noise can be an unhealthy nuisance which should be subject to mitigation as part of the Conditional Use review process under the Code Amendments. Commission should direct Staff to consider whether persistent pickleball noise in close proximity to homes in a residential neighborhood is an unhealthy nuisance. There is no evidence that this question has been considered by Staff. Experts have reported that repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety. Experts have also reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine, and other systems,

adversely impacting good health. I would urge Commission to inform itself now, carefully and comprehensively, regarding all of these health concerns and consider how they might be successfully mitigated before approving any Code Amendments.

I look forward to Commission addressing these concerns at its meeting on Wednesday, February 23. Thank you in advance for your attention and consideration.

Sincerely,



Frode Jensen

Exhibit A – Copy of Letter of R. Lance Willis, PhD, provided to Staff on August 3, 2021

Exhibit B – Copy of Letter of Frode Jensen to Planning Commission dated January 24, 2022

Exhibit C – Copy of Frode Jensen PowerPoint presentation dated January 26, 2022

cc:

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EXHIBIT A

Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
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Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

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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.

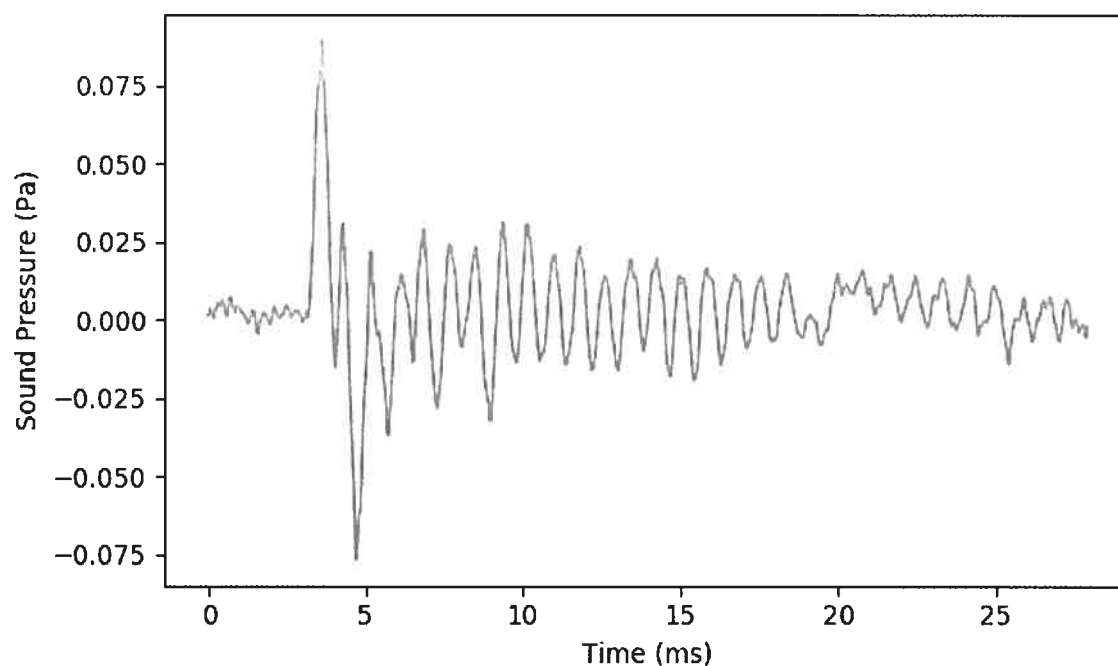


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Assessing the Impulsive Sound of the Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

I have been informed that the planned pickleball court pad at 2732 Meadow Creek Drive is within 20 to 25 feet of the house at 2812 Holiday Ranch Loop Road. Pickleball courts located this close to homes can be expected to produce noise complaints from the adjacent residents and have a significant impact on quality of life. At this distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

Applicable Codes and Regulations

Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. The code specifies fast time weighting for measuring impulsive sound. This is acceptable for speech and some other types of impulses with slower onset rates, but it should be noted that this setting grossly underestimates the noise impact of sounds produced by impact processes such as pickleball paddles.

Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1. The fast time weighting measurement methodology of the Park City Code does not correlate well with community response to impulsive sounds with sudden onset rate and short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

Based on our experience in creating noise abatement plans for pickleball facilities using the methodology in ANSI S12.9 for assessment of the annoyance of pickleball paddles, the placement of this court is much closer to other residential land uses than we would recommend and would not satisfy the requirements in Section 6-3-9.C.2 of the Code over the specified 10 minute period.

Noise Abatement Treatments

Mitigation of the sound from the pickleball court is complicated by the short buffer distance and two story construction of the house at 2812 Holiday Ranch Loop Road. Sound walls are a common abatement treatment used for pickleball courts. In order, however, for a sound wall to be effective in attenuating sound it must be high enough to block the line of sight to the players on the court including paddles. Figure 2 shows the view from the second floor window

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

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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.

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World Health Organization, *Night Noise Guidelines for Europe*, <http://www.euro.who.int>, 2009.

EXHIBIT B

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January 24, 2022

VIA EMAIL

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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.

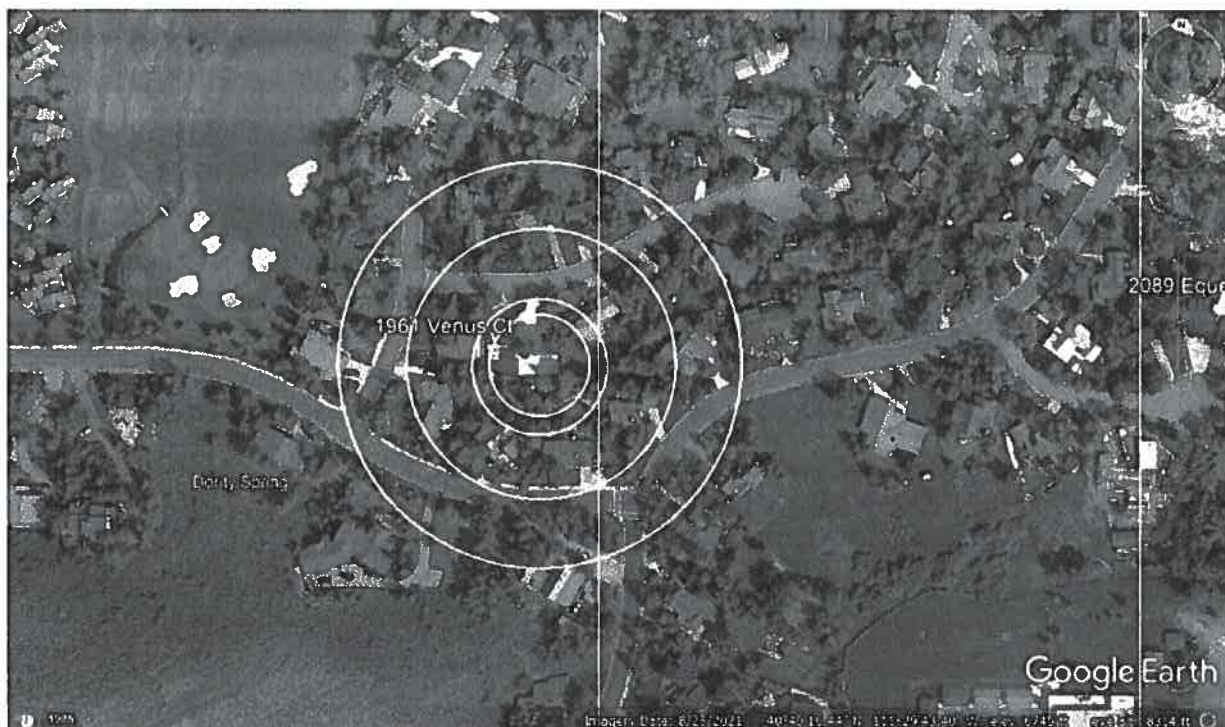
As background, I assume it is agreed by the Applicant, the City and the Planning Commission that

- 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:

Mayor Nann Worel

Nann.worel@parkcity.org

Park City Manager

Matt Dias

matt.dias@parkcity.org

Park City Planning Department

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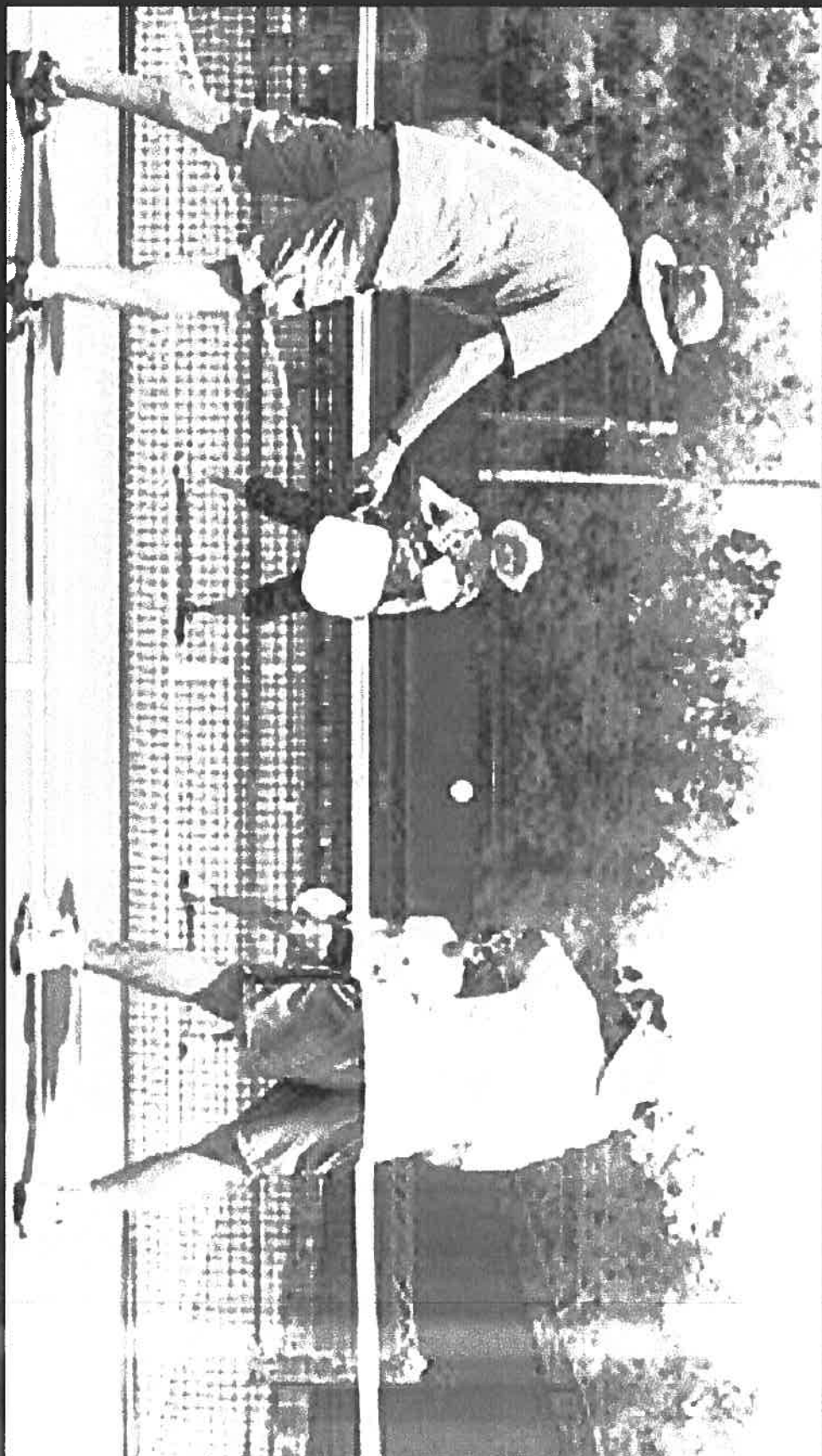
EXHIBIT C

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

Alarminglly, 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 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.”

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 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 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.

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
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.

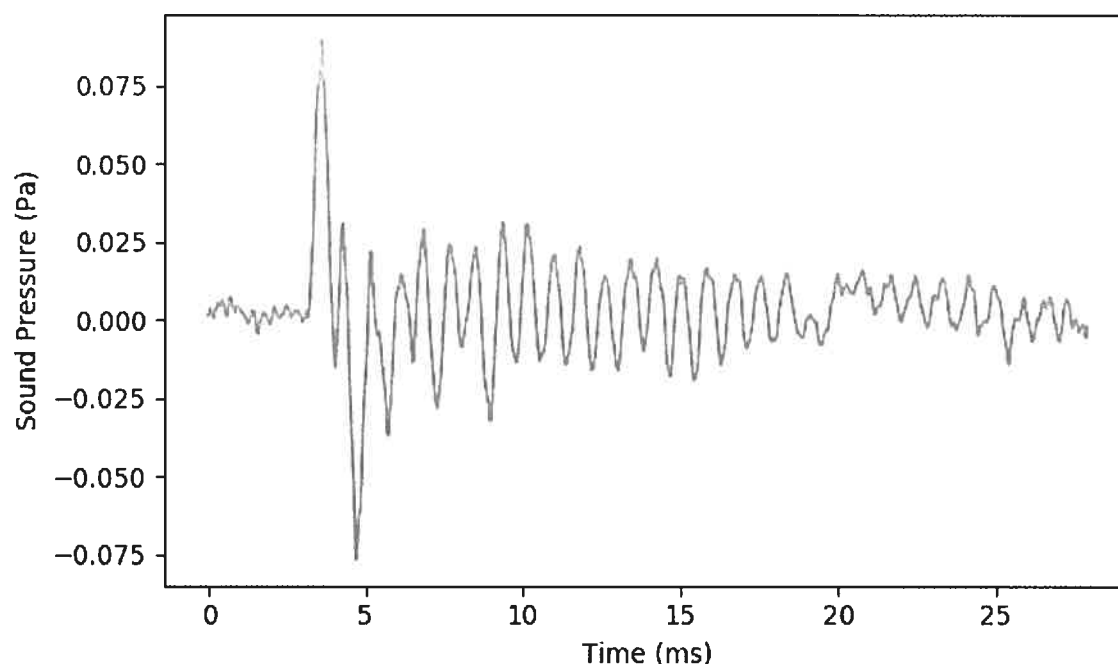


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Assessing the Impulsive Sound of the Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

I have been informed that the planned pickleball court pad at 2732 Meadow Creek Drive is within 20 to 25 feet of the house at 2812 Holiday Ranch Loop Road. Pickleball courts located this close to homes can be expected to produce noise complaints from the adjacent residents and have a significant impact on quality of life. At this distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

Applicable Codes and Regulations

Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. The code specifies fast time weighting for measuring impulsive sound. This is acceptable for speech and some other types of impulses with slower onset rates, but it should be noted that this setting grossly underestimates the noise impact of sounds produced by impact processes such as pickleball paddles.

Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1. The fast time weighting measurement methodology of the Park City Code does not correlate well with community response to impulsive sounds with sudden onset rate and short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

Based on our experience in creating noise abatement plans for pickleball facilities using the methodology in ANSI S12.9 for assessment of the annoyance of pickleball paddles, the placement of this court is much closer to other residential land uses than we would recommend and would not satisfy the requirements in Section 6-3-9.C.2 of the Code over the specified 10 minute period.

Noise Abatement Treatments

Mitigation of the sound from the pickleball court is complicated by the short buffer distance and two story construction of the house at 2812 Holiday Ranch Loop Road. Sound walls are a common abatement treatment used for pickleball courts. In order, however, for a sound wall to be effective in attenuating sound it must be high enough to block the line of sight to the players on the court including paddles. Figure 2 shows the view from the second floor window

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

World Health Organization, *Night Noise Guidelines for Europe*, <http://www.euro.who.int>, 2009.

EXHIBIT B

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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.

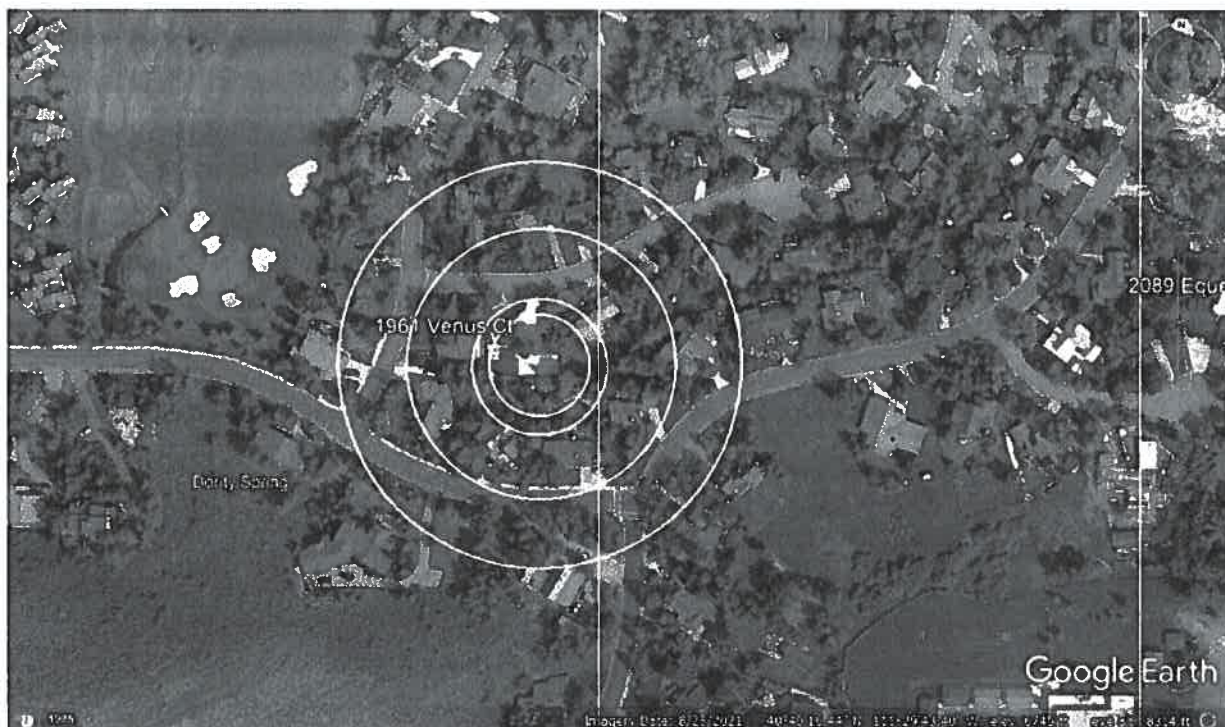
As background, I assume it is agreed by the Applicant, the City and the Planning Commission that

- 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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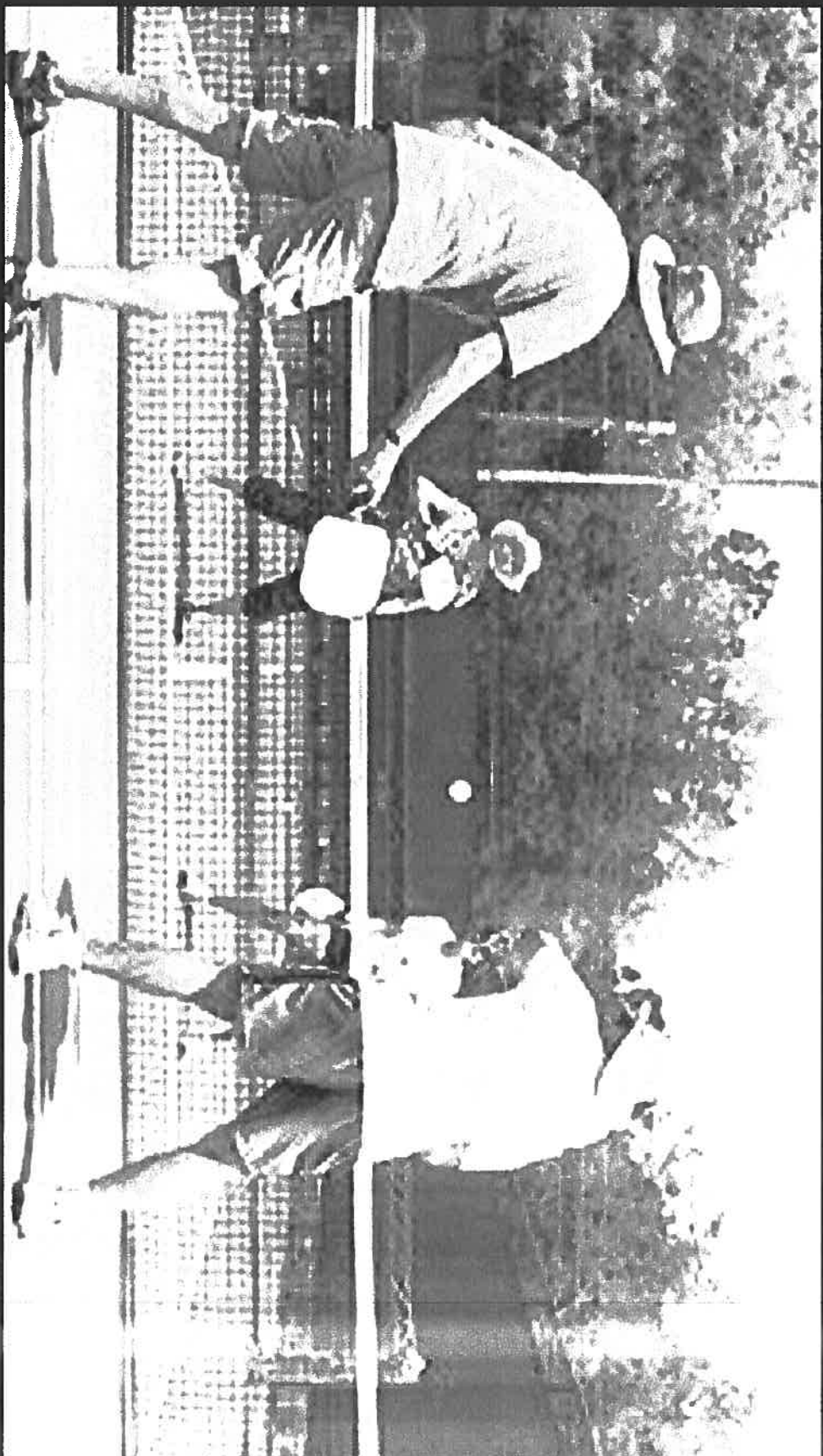
EXHIBIT C

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 Compla

There is a common misconception that pickleball is acoustically equivalent to tennis and many other common social and recreational activities.

This is not true. It is much noisier.

The sound produced by the impact of the hard plastic ball on the paddle and the loud enthusiasms of the players cause significant noise impacts on residents and properties near outdoor pickleball courts.

Pickleball Play is Noisy and Neighbors Will Complain

- Numerous anecdotal comments in an online blog about pickleball noise catalog common neighbor complaints.
- Here are some examples on the following pages

Pickleball Play is Noisy and Neighbors Will Compla

- “I live 80 *ft.* from...a tennis court that was recently resurfaced [for pickleball]. I can hear clacking in my back bedroom with all the windows down and the air conditioner going. I have an appointment with an attorney...I don’t intend to listen to this noise for the rest of my life.”
- “We lived in a quiet neighborhood until the people across the street from us put a pickle ball court in their yard...the court is right by the street. They play for long periods every day and most nights, and they often have friends over who yell and cheer loudly. We can hear it inside our house in all the rooms, not to mention how loud it is in our backyard.”
- “I’m suffering [from] anxiety and depression and the noise is exasperating my system to the point that I need to flee or be a prisoner in my own house.”

Pickleball Play is Noisy and Neighbors Will Compla i

- “I am still working and would like to enjoy quiet time on the weekend or evenings and because of the popping of the balls and yelling of the players my quality of life has been affected. I do not want to move but the noise is getting the best of me.”
- “Can you honestly say...YOU know what its like, Waking up to hearing the sound of gunshots/POPS, which never seem to stop, from 8 am every day of the week until dusk *30 feet* away?”
- “*30 FEET* from your supposed peace and Serenity of your home!!!”
- “You cannot escape the sound of the noise... There’s nowhere in or around the house you cannot hear the ball banging against the paddle, again and again???”

Pickleball Play is Noisy and Neighbors Will Compla

- “Or maybe you invited people over for dinner and you want to be outside enjoying the nice ... weather. Well, do you think you will be able to entertain, when all your guests hear is the POP POP POP of pickleballers?”
- “It’s only common decency honestly for everyone to have the right to a peaceful sanctuary called home.”
- “Like the man said, IT’S TORTURE... You tell me what matters more, people playing a game, or the serenity of many many more people in their own home.”

Pickleball Play Can Violate Noise Ordinances

The Park City Code provides for *both* maximum permissible sound levels and for determination of annoyance as a metric for noise assessment.

Section 6-3-9.A of the Park City Code provides for a limit for stationary sources of sound of 55 dBA (decibels) in residential neighborhoods between the hours of 6:00 a.m. and 10:00 p.m.

- Peak sound pressure levels from pickleball courts have been measured at a distance of approximately *75 feet* exceeding 80 dBA (decibels), which far exceeds standard noise ordinance limitations.

In addition, Section 6-3-9.C.2 of the Park City Code prohibits

"any stationary *source of sound* which emits a pure tone, cyclically varying or repetitive or impulsive sound *which creates a noise disturbance*."

Pickleball Play Can Violate Noise Ordinances

- A *noise disturbance* is defined in Section 6-3-1 as

Any sound that *annoys or disturbs* a reasonable person(s) with normal sensitivities that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- The American National Standards Institute has set standards for noise assessment in regard to annoyance for impulsive sounds. Compliance with these standards will be an important element in determining whether a reasonable person is exposed to a noise disturbance.
- As part of any Conditional Use review process the Planning Commission will have to determine whether the placement of a court at various distances in close proximity to homes would satisfy the requirements in Sections 6-3-9.A or 6-3-9.C.2 of the Code.

Pickleball Noise is a Health Concern

In addition to violating noise regulations, persistent pickleball noise can be an unhealthy nuisance.

- Repetitive impulsive sounds can make it difficult for neighbors to relax, concentrate, or sleep soundly without disturbance and can lead to stress, fatigue, and anxiety.

I have walked around the neighborhoods close by the courts in the Racquet Club and the Willow Creek courts and spoken to neighbors who have told me they are annoyed and disturbed by pickleball noise and wish the courts were not so close to their homes.

- Experts have reported that excessive and repetitive noise has implications for the human cardiovascular, auditory, limbic, nervous, endocrine and other systems, impacting good health.

In short, the effects of excess noise and stress can take many forms.

I urge the City to carefully and comprehensively inform itself *now* regarding all of these health concerns.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

There are numerous cases around the country where failure to carefully plan for noise abatement or appropriate site selection for pickleball has resulted in difficult disputes and, often, expensive and protracted legal action.

A simple google search reveals numerous news articles describing disputes and litigation over pickleball noise.

Here are some examples:

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Newport Beach, CA, a resident filed a lawsuit against the City claiming that pickleball played *300 feet* from her home is “so raucous and disturbing that she can’t live a normal life”. In her suit she claimed that the pickleball playing at a neighboring City park is “so noisy that she can’t sleep, talk on the phone or ‘simply hold a conversation.’”

The lawsuit was apparently resolved by the *City agreeing to remove the courts*.

- In Port Moody, B.C. neighbors complained that pickleball noise on nearby converted tennis courts subjected them “to an almost-daily barrage of noise disruption.” The City Manager admitted that the neighbors’ noise complaints “*caught staff off-guard*”.

The Mayor said, “*Sometimes there are unintended consequences*.”

The City Council ultimately removed the courts.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Montecito, CA, a neighbor living next door to a country club sued the club when it installed an extensive sports complex, including two pickleball courts, *without permits*, less than *100 feet* from the neighbor's property.

The neighbor alleged in his lawsuit that the unpermitted complex *exceeded setbacks* and that the constant noise and disturbances have destroyed his ability to peacefully enjoy his home and surroundings, and that multiple occasions have forced him to retreat inside to escape the ongoing nuisance and disturbance.

He claimed that his viewshed has been ruined, and *the adverse impact of the unpermitted activities on his property value is substantial*.

- In Aiken, SC, residents sued a neighboring club which built pickleball courts about *250 feet* from their home for injunctive relief, as well as damages, costs, expenses and prejudgment interest, claiming that the courts *disrupted their quality of life*.

Ill-Conceived Pickleball Courts Lead to Costly Disputes and Litigation

- In Apple Valley, MN residents, including a resident who lives *20 feet* from the nearest court, complained to the City Council about municipal pickleball courts. One resident was quoted as having sent the city about **90 emails** complaining about the noise.

Another resident said, “I’m in a pickle...I play the game, it’s good for my body and soul. **But it really is an intrusion in our backyards.**”

Another resident said about the impending commencement of pickleball season, **“I’m dreading it.”**

- In Ahwatuckee, AZ two HOAs clashed over neighboring pickleball courts. The complaining neighbor said that *“most of the houses [near the courts] have their master bedrooms and living rooms closest to the courts, increasing the disturbance.”*

They claimed that the courts will create ‘noise and light’ pollution that *“ultimately will reduce the value of their homes.”*

Careful Advance Planning is Critical

The inevitable noise and nuisance issues surrounding outdoor pickleball must be carefully examined and planned for in advance if disputes are to be avoided. With respect to noise concerns, experts advise generally that

- Court sites within **600 feet** of neighbors' homes should be reviewed in the site selection and planning phase of the project by a qualified acoustical engineer familiar with methodologies for assessing highly impulsive sounds.
- Courts located within **350 feet** of residential properties will require careful noise abatement analysis.
- Courts should ideally be located at least **150 feet** distance from residences.
- Courts located within **150 feet** of homes will have a significant impact on neighbors' quality of life and *will require careful and extensive noise abatement measures to avoid complaints.*
- Courts located within **75 feet** of homes will generate noise from play which penetrates the interior of homes and prevents quiet enjoyment of living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, reading and other activities requiring concentration.

Acceptable noise abatement for courts located in close proximity to homes may be impossible.

Abatement Strategies

Mitigation of the sound from pickleball courts is theoretically possible through use of unofficial softer paddles and balls, construction of sound barriers and walls, and construction of court enclosure structures.

- *There are no other commonly used abatement strategies.*

Unofficial Equipment

- In practice players resist using unofficial equipment and enforcement of equipment restrictions is virtually *impossible*. This abatement strategy is generally unworkable.

Sound Walls and Acoustic Barriers

- To be effective in attenuating sound, a wall or barrier must be high enough to block the line of sight from the noise recipient to the height of paddle impact.
- Anecdotal reports indicate that even a sound wall does not eliminate all of the noise which may escape through the sound barrier.
- Sound walls are not practical where land use provisions prohibit the design and/or materials necessary to block the sound or the court site is so close to neighbors that the wall cannot be built high enough to block the sound.

Abatement Strategies

Full Enclosures

- If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof of the building should have no penetrations facing the neighbors.
- Full enclosures present applicants and planning authorities with additional code compliance issues.

Bob Theobald
2810 Holiday Ranch Loop
RoadPark City, Utah 84060
435-714-0301

Date: February 17, 2022

To: Planning Staff and Planning Commissioners

RE: Comments to Code Amendment - Pickleball Courts

As currently written, I am in opposition to the proposed LMC amendment. I believe there are two threshold issues which must be considered and they are of equal importance.

First, the Planning Department's preconception in proposing the Code amendment doesn't hold up. The Director and Staff apparently have a notion that the City is obligated to accommodate a property owner's proposed use when **an attempt** is made to mitigate the adverse impacts even though mitigation is not adequate. Perhaps this incorrect notion is promoted by the legal department's concern for the state statutes that give significant deference to a land owner's property rights over many proposed City restrictions. I contend that the statutes do not give deference to one citizen's desire to conduct noisy activities (which constitute a nuisance) over his (or several) neighbor's right of peaceful and quiet enjoyment of property. Not all land uses can meet the requirements to accommodate these competing rights, even with attempted mitigation. I maintain that backyard pickleball in densely developed residential areas is not a sufficiently mitigatable land use and should be prohibited.

Second, Staff seems to be of the opinion that effective land use legislation results from the level of effort put into internal "dream sessions", community surveys, and open houses. In my mind, these activities mostly serve to accumulate "poundage" in an attempt to satisfy decision-makers with oversight, if any (Planning Commission and Council), and to help justify and rationalize the provisions and measures drafted by Staff. Volume of material that is purported to support a Staff Report does not reflect the necessarily quality of material.

A Planning Commission must digest meaningful analysis, find the underlying facts and reach a reasonable conclusion in order to approve and forward a defensible recommendation. I do not believe Staff has met its burden of comprehensive analysis and the proposed Code amendments should be sent back to Staff for further analysis in line with my and others' questions, comments and concerns.

In addition to the foregoing, I have the following additional concerns:

1. Staff's Judgment.

I question Staff's knowledge of pickleball and judgement on how it should be regulated. Based on information presented to date, it is obvious that Staff does not fully understand the most basic characteristic... the size of the court and the facility required.

Staff quotes the USA Pickleball Association describing the court size as follows:

A pickleball court is 20' x 44' for both singles and doubles. The net is hung at 36" at the ends and hangs 34" in the middle. A non-volley zone extends 7' back from the net on each side, commonly called "the kitchen."

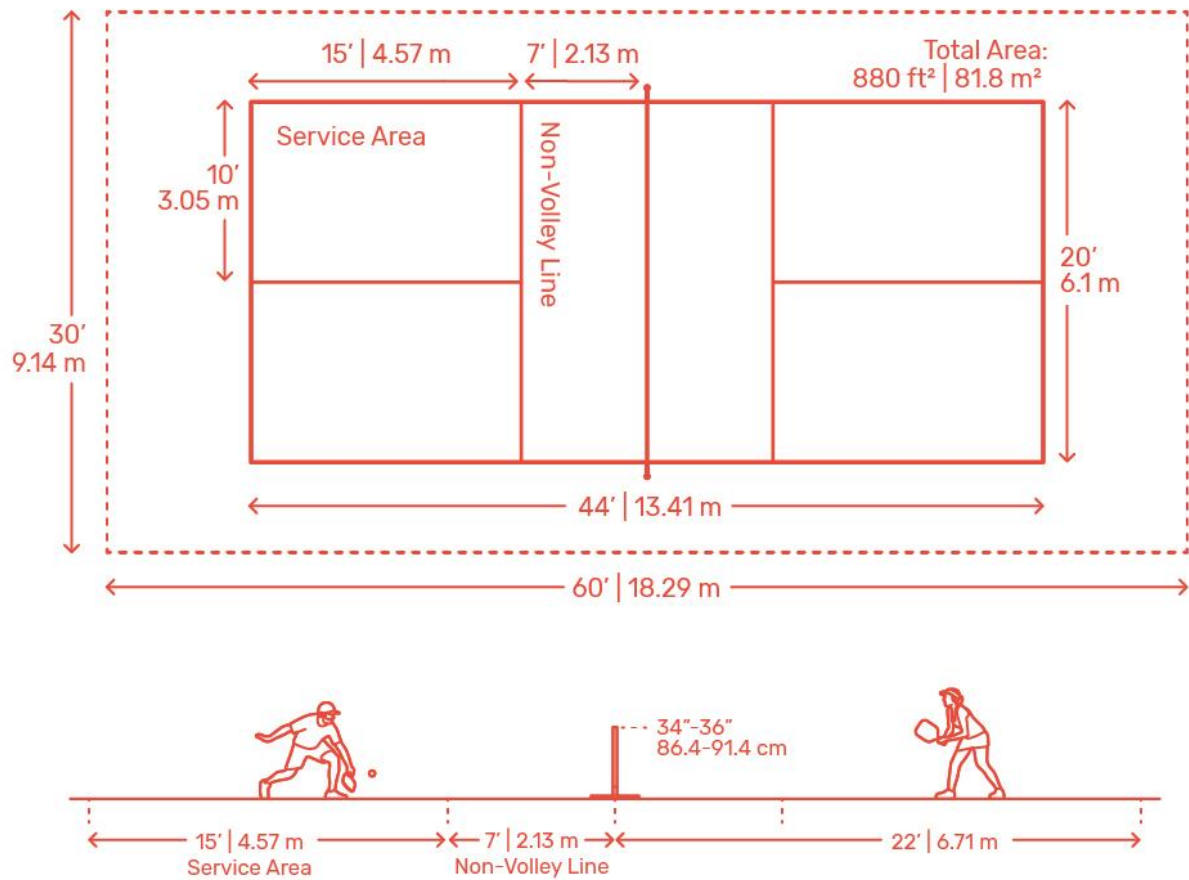
However, Staff fails to acknowledge and disclose that the actual requirement of a regulation, single-court facility requires a concrete pad of at least 30 ft. x 60 ft. which includes the necessary service area, ball-get and safety areas.

The 30' x 60' dimensions do not include the fencing and other incidental elements that may be outside the fenced playing surface that must be disturbed during construction.

This omission of clarification by the planning department is inexcusable.

See images below.

Dimensions.com | Pickleball Court





Furthermore, in connection with the recent Planning Commission CUP hearing on 1961 Venus Court, Staff advised the Applicant to circumvent the current Code by suggesting that the distance relating to a setback be measured from the property boundary lines to the **in-play boundary lines** of 44' x 20' painted on the court. On December 8, 2021, a City planner wrote the Applicant an email, advising:

"First, as you are probably aware, we are requiring Recreation Facilities to adhere to the required 12' side setback...Based on the current configuration of the patio and the dimensions of pickleball courts, it appears that you might be able to paint the sports court on the existing paved surface so that it is at least 12 feet away from the side property line. It would be helpful if you could verify whether that is possible, and potentially submit an additional exhibit showing how the proposed sports court maintains the side setback. "

Apparently, in the planner's mind, this would provide an extra 8 ft. of **effective setback distance** ($60-44=16/2=8$) to achieve "**compliance**". However, I believe the entire area, including that area beyond the in-play boundary lines and any concrete, fencing and ancillary elements should be considered as the "facility".

This notion by the planning department (which I assume is condoned by the Planning Director) is absurd and a prime example of the department's misinterpretation or misapplication of the Code in the pickleball cases which have come before it.

2. Open Houses.

In addition to my concerns about Staff's misunderstanding and/or misrepresentation of the size of a pickleball court, and Staff's improper suggestion to the Applicant regarding Code-avoidance, Staff has conducted on-line open houses to solicit public opinion which I do not believe have been particularly helpful.

As part of the open houses, Staff held breakout sessions with public participation intended to solicit views regarding the proposed Code amendments. One of my neighbors attended two breakout sessions. In the first, another participant used up the entire 10 minute segment (for public input) to question why the City would even regulate residential pickleball. In the second breakout session my neighbor provided his concerns to Staff as he was the only non-city participant. In the one breakout session I attended I listened for most of the 10 minutes to a self-proclaimed sound consultant who modifies shipping containers with various materials to fabricate recording facilities. He suggested that Park City begin a search for products that could be applied to pickleball courts. I responded that the noise issue was such a concern nation-wide, if not world-wide, that major companies had developed the best products on the market and the decibel reductions were widely published. We never discussed the Code amendments.

I believe there were a total of three non-city participants in my breakout session. It's unfortunate that we had to break out because I believe it would be much more informative to hear all those that had beneficial input, if any. It would be interesting to know how many people actually provided input. I have seen nothing to date reflecting the results of the open-house sessions. I would ask Staff to provide the three most significant "suggestions" received.

The Survey

Staff has also made a survey available on the City's website for public input. I believe the survey as worded is of very little use in actually determining public opinion on backyard pickleball. The survey questions are re-stated below in red italic text with my critique and suggested alternate questions that might provide more useful points of view and opinions.

Pickleball Survey

1 - *Do you play pickleball?*

Instead, I would suggest:

- A. Have you ever seen or heard pickleball be played?
- B. If yes, was it from a distance less than 100 feet?
- C. If yes, would you object to hearing a pickleball game played over or through your back yard fence at the whim of your neighbor at any time of day?

2 - *Should outdoor pickleball be allowed outside of daylight hours (approx. 7 AM - 9 PM)?*

Nonsensical, open-ended question... all the specifications must be stated - surrounding neighborhood, lighting, sound mitigation etc.

The better question would be:

Would you object to pickleball being played on a court within 100 feet of your property line during the early morning, late afternoon, and evening or weekend hours?

3 - *Should pickleball courts be allowed on private residential lots?*

To qualify to answer this question, you must have answered **yes** to 1 A, B and C. And, the question must state if the pickleball lot is adjacent or 100 feet or 600 feet from your property.

The better question might be:

Assume pickleball play creates noise impacts in excess of 55dBA within 100 feet (daytime limit for noise in Park City). Are you in favor of permitting pickleball within 100 feet of neighbors' houses? (It is understood that few people know precisely what 55dBA sounds like in comparison to other sound-generating activities.)

4 - *Should properties within a Homeowner Association (HOA) obtain HOA approval before applying for a City permit to construct a pickleball court?*

Yes, but how does this question assist Staff in drafting and adoption of the City's Code amendment?

Some HOAs are disingenuous, do not comply with their own CC&Rs, and disregard City ordinances. I am aware of a subdivision HOA which consists of 6 lot owners. According to the HOA president, all lot owners voted unanimously to **approve a pickleball court** within 5 feet of the owner's property line, outside the platted "Limits of Disturbance Area" within a "Natural Area", on a platted drainage easement without reviewing a site plan or conducting a site visit or maintaining a record of the proceedings. The veracity of the HOA must first be verified before it has any credibility of its reported approvals.

In subdivisions with or without a credible or functioning HOA, the Applicant, after providing a mandatory certified Noise Report to all neighbors, must obtain the written acknowledgement and approval of all neighbors within 300 feet.

5 - The proposed amendments require notice to adjacent property owners when a pickleball court is proposed to be constructed. Should notice be extended beyond adjacent property owners?

Yes. The notice should be extended City-wide so any resident could have the opportunity to review the planning and building department's objectivity, judgement and veracity dealing with each application.

6 Any additional comments on pickleball you would like to share?

Yes, all Planning Staff should be required to enroll in a Critical Thinking class.

To my mind, the City's Code amendment proposal fails to pass the "Critical Thinking" test. In 1987 the National Council for Excellence in Critical Thinking defined "critical thinking" as follows:

Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action.

1 Pinpoint the issue...

- 2 *Collect information...*
- 3 *Examine and scrutinize...*
- 4 *Decide what's relevant. ...*
- 5 *Self-evaluate....*
- 6 *Draw conclusions...*
- 7 *Explain your conclusions.*

Considering the open-house sessions, the questions posed in the survey, and having not engaged an acoustical engineer, it appears that Staff has not completed the second task of collecting meaningful information necessary for critical thinking regarding the real impacts of pickleball and the effective measures necessary to mitigate the noise to a decibel level acceptable to adjoining neighbors. Guestimates now and 3 complaints in a year with no recourse or remedy available is not acceptable code provisions. Otherwise, all subsequent evaluations and conclusions have little credibility.

3. The Noise Factor.

The primary consideration of the impacts of any back yard (or community) pickleball facility is the noise...the physical impact of the sound vibrations against the ear drums of others. In my opinion, hearing and smell are the most sensitive senses. I suppose it's because sound and smell permeate many barriers and travel relatively long distances. Within 100 feet of my home, I think the incessant pop- pop-pop sound of a pickleball court would be favored only slightly more than the smell of a broken main sewer line.

For 7 months, since July 6, I have been unnecessarily forced to view a partially constructed, unpermitted pickleball court. The court is located less than 5 feet from the owner's property line, less than 15 feet from my property line and less than 75 feet from my home. Without a single pop of ball, severe impacts to me have already begun. According to my real estate and appraiser associates, the value of my home has been reduced by 20-30% with the **uncertainty of** what might be built. What if I needed to sell my property or apply for a loan immediately? Why must I suffer the consequences of my neighbor's enjoyment of a nuisance? A home neighboring a pickleball court may have "external obsolescence"... where no one will buy it anywhere near market value! This is not an inconsequential impact! How does the City measure and consider this impact?

It would be wise for the City to engage a real estate appraiser to conduct a forensic appraisal detailing the impacts of a "private recreation facility" in a neighbor's back yard. The "external obsolescence" methodology is similar to that for evaluation of power lines, substations, traffic/street noise and other situations commonly found in eminent domain cases. One appraiser to whom I have spoken ventures an average for these situations of 17 to 25% devaluation of comparable value. He has successfully argued valuations before a State's Supreme Court as well as the U.S. Supreme Court. (Name and appraisal firm provided upon request.) This endeavor could be accomplished in conjunction with an expert noise consultant to determine the expected noise levels.

Based on my experience, my lay-person advice to neighbors of any proposed "Recreation Facility" that includes the **potential** for a pickleball court is to prepare for a potential major adverse economic impact to the value of their home, **and** consult with an attorney regarding filing a complaint immediately upon receiving *constructive or actual notice* that an application has been submitted.

I am aware that Lance Willis, a PhD and acoustical engineer, prepared a report regarding the proposed court in Willow Ranch adjacent to my and my neighbor's back yards. The expected decibel levels cited by Dr. Willis are greater than the studies cited by the City. A 12-foot sound wall has little, or no, noise mitigation to the second floor windows of nearby homes. Dr. Willis' report has been made available to numerous City officials. Hopefully it has been circulated and read by all the planners and decision makers.

In the same vein of considering adverse economic impacts, the City should consult with its insurance carrier or self-insurance "pool" attorneys regarding the likelihood of legal actions that may arise in the event Staff or Planning Commission does not diligently conduct appropriate research and adopt Code amendments that consider the rights of many residents of a neighborhood as opposed to the one pickleball Applicant who may think his rights supersede all others. There are many legal cases raising this issue which can be found and reviewed on the internet.

Noise impacts can be measured very accurately with several variables and nuances... neighbors deserve to know more precisely what to expect. It should be a requirement to know the expected level of compliance of any proposed court with the existing Code noise limits of 55 decibels. Is the current maximum of 55 decibels the correct standard for any Code provision?

Before any Code amendment is adopted regarding pickleball, the City **MUST** engage its own expert noise consultant for all proposed courts. And, as part of the proposed Code amendment for private recreation facilities which include a pickleball court (or has a concrete pad with dimensions of approximating 30 x 60 feet), I suggest language similar to the following:

*Residential "backyard" Pickleball applications shall be accompanied by a certified report by an acoustical engineer (noise expert) detailing the expected noise levels measured in decibels within 300 feet at intervals of 50 feet from the edge of the applicant's property boundary. This **mandatory noise impact analysis** shall be submitted to the City as part of the Applicant's package **and** submitted to all residents within 300 feet of the applicant at least 10 days prior to any public hearing by the Planning Commission and/or City Council. "*

In addition, before any Code amendment is adopted, all staff and decision-makers should be required to read or work 100 feet from a pickleball court with 6 players (2 play-in participants) for an hour. The test is not to determine if one can take the noise for an hour (big gold medal for you), but to assist in determining if any residents should be subjected to this noise at any time of day for potentially 8-12 hours a day, 7 days a week, for the enjoyment of your neighbor, their friends, family, kids, grandkids and more?

Exactly, where is the boundary of the rights of private enjoyment (peace and quiet) in one's own back yard versus a neighbor's noisy recreation? Is one not entitled to meditate, perform yoga, tend to gardens, read a book or just take a late-afternoon nap in the shade in your own back yard deck without the aggravating sounds of POP-POP-POP and the attendant YEA-YEA-YEA of the neighbor's pickleball "recreation facility?"

Is it permissible to setup outdoor speakers or play live mariachis, bongos, heavy metal or soothing "screeching" (beginning violin) music at a level significantly greater than 55 decibels, perhaps all day long and into the early evening? The most popular time for any outdoor back yard activity, especially in the hot summer, is between 8-10 am and 4-9 pm. Why should one resident be able to destroy this most enjoyable time of day for many other neighbors?

4. The Upshot.

Unfortunately, based on all of the foregoing, it would appear that pickleball is one sport that must be confined to indoor facilities or in currently active, noisy or

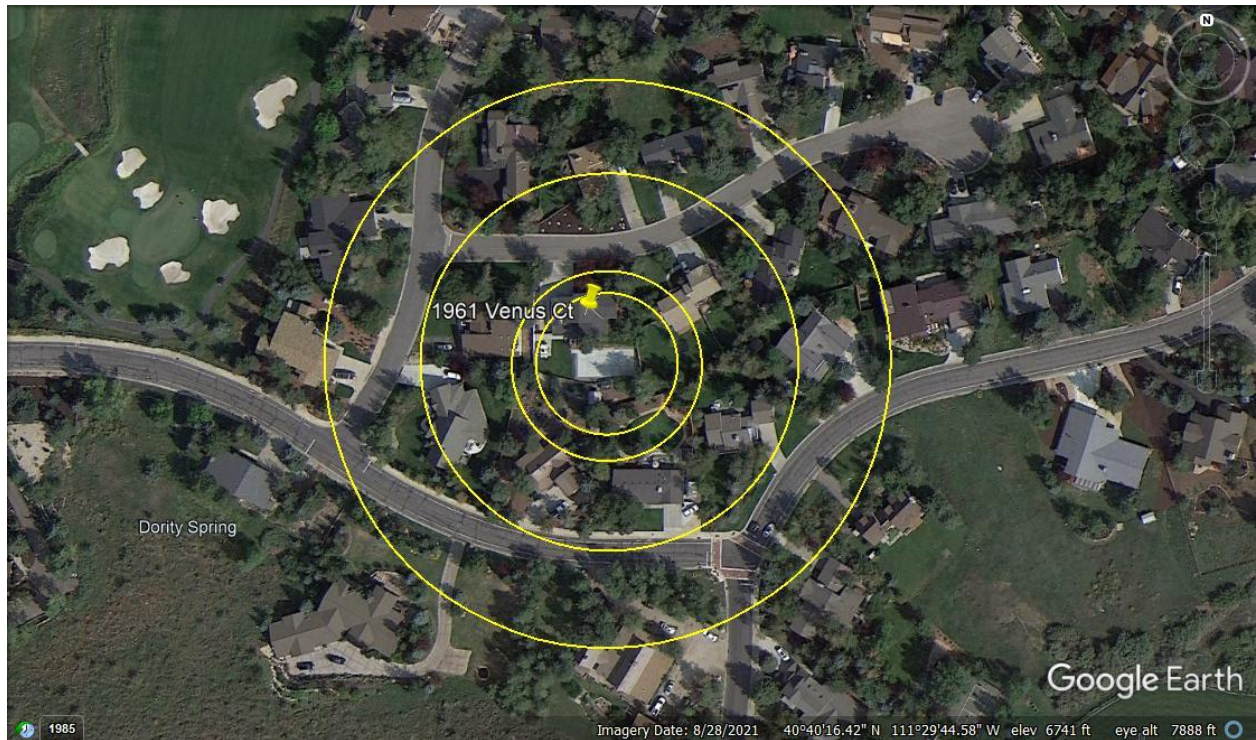
isolated areas. There are local, public and private facilities (perhaps insufficient) that are available for pickleball play. Why not a new complex at Richardson Flat or other City-owned land.

Otherwise, residential pickleball courts --- RIP.

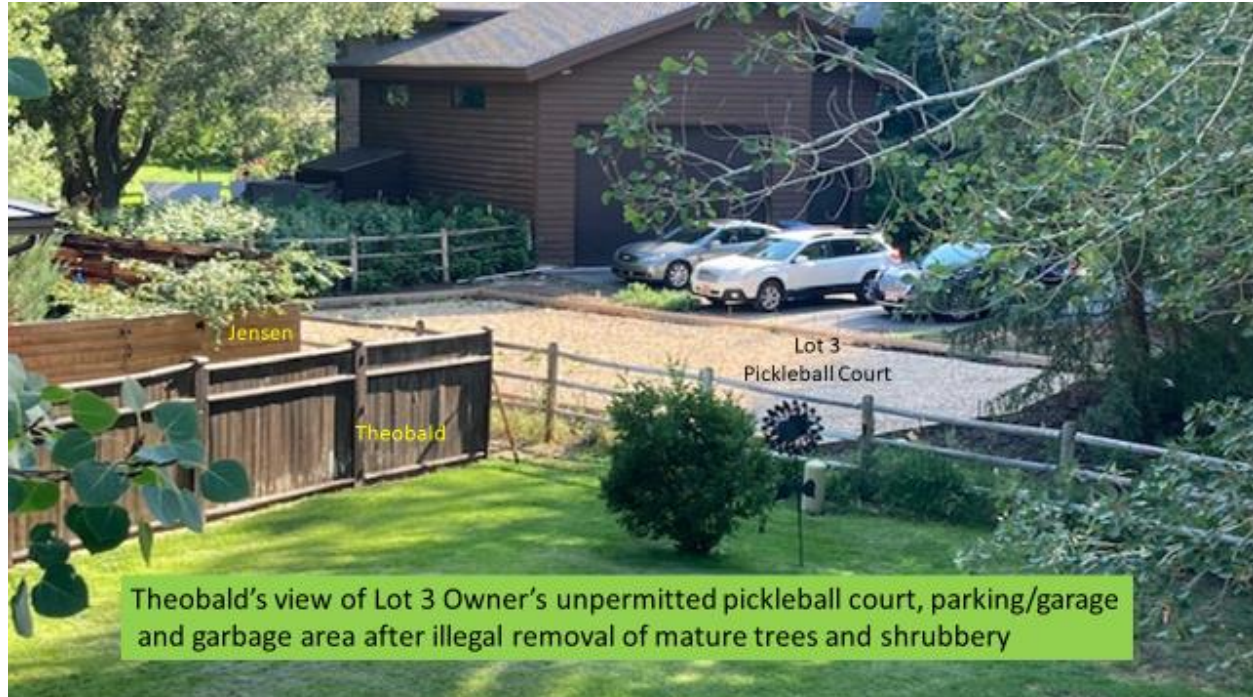
Thank you for your consideration.

Bob Theobald

PS - I would like to see a Staff drawing (retrofit or new site plan) of a 30 ft. x 60 ft. pickleball court on a one-acre lot with 100 ft. side and rear setbacks which includes a 4,000 sq. ft. house with a 28 foot height limit...



Measured from center of court, circles are approximately 75', 100', 200' and 300'.



View of the previously proposed Willow Ranch pickleball court subject to the Willis Noise Report

FRODE JENSEN
[REDACTED] HOLIDAY RANCH LOOP ROAD
PARK CITY UT 84060

March 14, 2022

VIA EMAIL TO planning@parkcity.org AND

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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:

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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:

Park City Planning Department
Gretchen Milliken
Gretchen.milliken@parkcity.org
Browne Sebright
Browne.sebright@parkcity.org

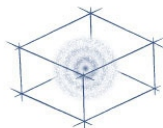
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Mark Harrington
mark@parkcity.org

City Recorder
Michelle Kellogg
Michelle.kellogg@parkcity.org



Friday, March 11, 2022

Frode Jensen

██████ Holiday Ranch Loop Road
Park City, Utah

Dear Mr. Jensen,

You have asked me review the proposed amendment to the Park City Land Management Code in regard to sound from outdoor pickleball courts. I understand that you will be providing a copy of this letter to the Park City Planning Department and Planning Commission. The Planning Department staff report dated February 23, 2022 provided to the Planning Commission contains references to several pickleball site planning reports prepared by Spendiarian & Willis as well as a letter commenting on a pickleball court proposed at a residence in Park City. Information on this firm's qualifications and experience in site planning and assessing pickleball sound, basic characteristics of pickleball sound, and the long term effects of impulsive sound on communities is contained in these documents and will not be repeated here.

Mitigation Approach of the Proposed Code Amendment

The approach of using setbacks as a mitigation measure for pickleball courts as proposed in the code amendment is reasonable. Open air courts located 600 feet or more from residential properties rarely present a noise issue. Courts located more than 150 feet from residential properties can, in most cases, be mitigated with a sound wall system provided the wall is high enough and reflections from other nearby surfaces do not degrade the acoustical performance. Between 100 and 150 feet noise abatement design becomes difficult and usually cost prohibitive. Open air pickleball courts located within 100 feet of residential properties are virtually guaranteed to generate noise complaints regardless of the noise abatement installed.

Approving pickleball courts based on a noise abatement plan is also a good approach as long as there is a clear methodology for determining how much abatement is needed. The provisions in Chapter 6-3 of the Park City Noise Code are, however, not adequate for assessing the noise impact of highly impulsive sounds such as those produced by impact processes like hammering or pickleball and paddle impacts. Using fast exponential time weighted level or L_{10} level as prescribed in the Code will significantly underestimate the community noise impact and the amount of abatement needed to keep annoyance to a reasonable level.

Spendiarian & Willis Acoustics & Noise Control LLC

March 11, 2022

1 of 7

Metrics for Assessment of Impulsive Sound

In order to create a noise abatement plan that will provide adequate protection for the properties surrounding a pickleball site, a clear methodology is needed and should be provided in the code amendment that is able to assess highly impulsive sound in a way that correlates well with the community response to that class of sound.

Problems with Exponential Time Weighting

Fast exponential time weighting is often recommended for assessing impulsive sound. For highly impulsive sounds having short durations such as pickleball and paddle impacts this metric does not work well. When the averaging time of the time weighting is longer than the duration of the impulse, the impulse is in the stopband of the time weighting filter. In other words, the time weighting is filtering out the impulsive sound source being measured.

Figure 1 demonstrates the filter response to a burst of sound just long enough to achieve a reasonably accurate reading within 0.5 dB of the true sound pressure level. The red curve represents the envelop of a burst of sound 0.277 seconds in duration. This is the time required for the output of the fast exponential time averaging filter (blue curve) to rise to within 0.5 dB of the actual sound pressure level of the sound burst. When the sound burst ends, the output of the exponential time averaging filter begins to decay. The peak value in the output of the fast exponential time averaging filter, after being converted to sound pressure level, is known as the L_{max} level.

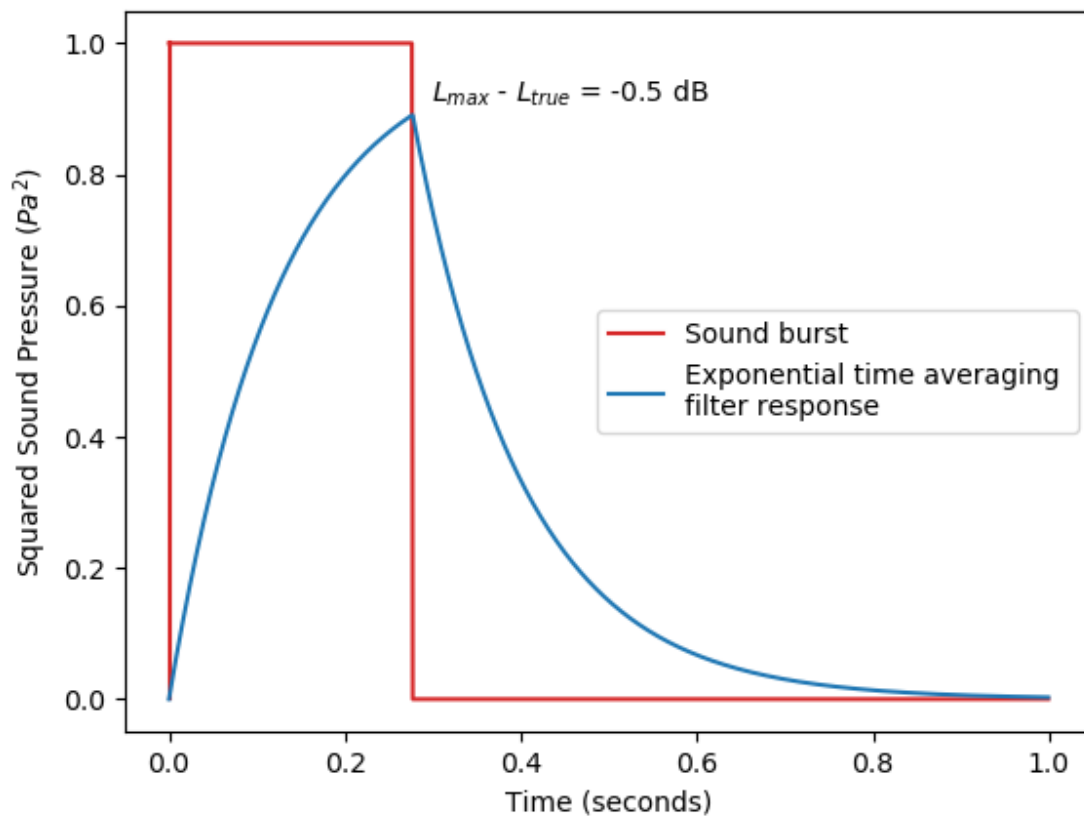


Figure 1. Fast Time Averaging Filter Response to a 0.277 Second Sound Burst

Figure 1 shows the behavior of the fast exponential time averaging filter and Lmax when used properly. Figure 2 illustrates how the fast exponential time averaging filter responds to a typical pickleball paddle impact. Note that the time scale has been reduced for clarity. At the end of the 0.002 second impulse, the fast exponential time averaging filter has only had time to rise to a level that is 18 dB below the true sound pressure level of the impulse. The pickleball paddle impulse is so much shorter than the time constant of the averaging filter that the exponential curvature of the filter response is not even visible. It is clear that maximum fast exponential time weighting, much less slow exponential time weighting, cannot be used to assess the noise impact of pickleball paddle impacts.

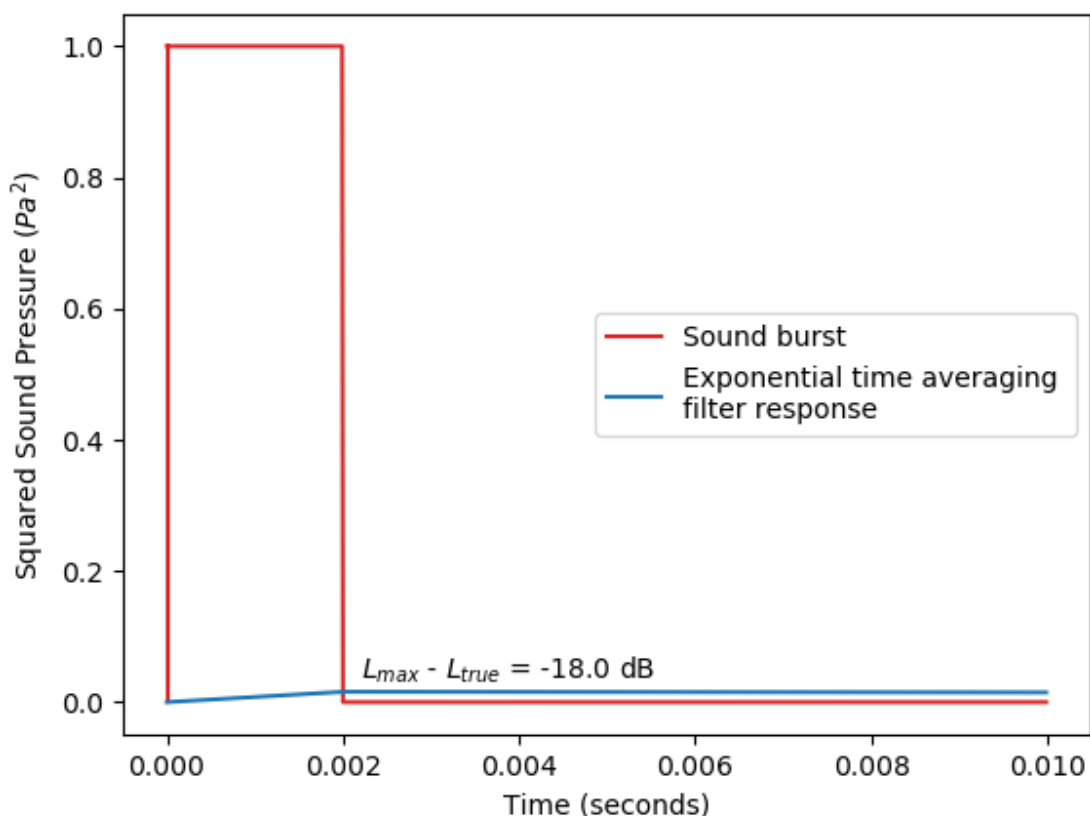


Figure 2. Fast Time Averaging Filter Response to a Typical Pickleball Paddle Impact

Problems with Percentile Exceedance Metrics

The L_{10} level is the sound pressure level exceeded 10% of the time of a measurement. Statistical methods based on percentiles suffer from the same deficiencies as averaging metrics such as exponential time weighting or equivalent-continuous sound pressure level (L_{eq}) when used to assess short duration impulsive sound. They tend to average out the sound being assessed leading to an underestimation of the noise impact and abatement treatments needed.

Modern Methods for Assessing Highly Impulsive Sound

Due to the rapid onset and short duration typical of impact sound sources like pickleball, a noise assessment metric must be chosen that does not involve averaging the measured sound. Chapter 6-3 of the Park City Municipal Code discusses impulsive sound and annoyance. Section 6-3-9.C.2 prohibits "any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance." A noise disturbance is defined in Section 6-3-1 as,

Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

The definition refers to annoyance as a metric for noise assessment in addition to the maximum permissible sound levels described in Section 6-3-9.A. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound are based on the adjusted sound exposure level and include ANSI S12.9 Part 4 and ISO 1996 Part 1.

Spendiarian & Willis has used this methodology based on adjustments to the sound exposure level extensively over the last 10 years in planning noise abatement for pickleball courts with very good results for maintaining the tranquility of neighborhood settings and maintaining peaceful relations between pickleball facility owners and their neighbors. In order for the City to evaluate proposed pickleball plans and for acoustical engineers working on the project to design the appropriate amount of mitigation, a methodology such as ANSI S12.9 Part 4 will be needed. This should be a part of the code amendment.

Ineffective Noise Abatement Treatments

Landscaping

A mitigation treatment that is sometimes proposed is landscaping such as trees and shrubbery. While a forest can provide effective attenuation of sound, rows of trees and hedges are not effective noise barriers. They cannot scatter enough sound to make a noticeable difference in level. They are useful for visual privacy, but not for acoustical insulation.

Sound Wall Degradation

Sound walls only work if they block the line of sight. This must be considered if the surrounding properties contain multilevel structures or the topology in the area elevates adjacent properties above the level of the courts.

Parallel walls also degrade sound wall performance. In this situation reflections between the walls build up and go over the wall. This can reduce the insertion loss of a sound wall by 3 to 7 dB typically or more depending on the geometry on the pickleball site and distance to noise sensitive areas. The degradation effect increases with distance making the sound from the courts appear to carry farther. Elimination of the reflections will require installation of sound absorption on the interior surfaces of the walls. This will increase the cost of the sound wall system substantially.

Conclusions

Setbacks can work well as a noise abatement measure; however, they may result in unnecessary restrictions on site usage for pickleball if installation of noise abatement treatments is possible. Reducing setbacks from a distance that does not require acoustical site planning requires a clearly defined methodology for prescribing an adequate amount of noise abatement.

The metrics used in Chapter 6-3 of the Park City Code are not adequate for noise abatement planning where highly impulsive sound such as pickleball paddle impacts are involved. A code provision for allowing reduced setbacks where a noise abatement plan has been prepared by a qualified acoustical engineer is appropriate. In order for this to work in practice, however, a modern noise assessment methodology such as ANSI S12.9 Part 4 will be needed.

Based on over 10 years experience working with pickleball sites we have found that open air pickleball courts more than 150 feet from residential properties can, in most cases, be mitigated provided the conditions for effective sound wall installation can be met as described above. Between 100 and 150 feet noise abatement design becomes difficult and usually cost prohibitive.

Spendiarian & Willis Acoustics & Noise Control LLC

March 11, 2022

6 of 7

Open air pickleball courts located within 100 feet of residential properties are virtually guaranteed to generate noise complaints regardless of the noise abatement installed.

regards,

A handwritten signature in cursive script that reads "R. Lance Willis".

R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

Browne Sebright

From: Lynn Butterfield [REDACTED]
Sent: Wednesday, February 23, 2022 5:45 PM
To: Browne Sebright
Subject: [External] Pickleball

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Pickleball LMC Public Comment

[CAUTION] This is an external email.

I'm not sure why having pickleball court in your backyard is subject to neighbor's complaints. Other than noise, what's the problem? There's already a noise ordinance in place. Some neighbors just have objections because they don't like activities in other's backyards. Do we have ordinances against trampoline, badminton, catch, or cornhole? All equally noisy. Don't let disgruntled neighbors with a grudge dictate policy.

Lynn Butterfield

[Sent from Yahoo Mail on Android](#)

Browne Sebright

From: planning
Sent: Thursday, March 3, 2022 9:11 AM
To: Planning_Mail
Subject: FW: PUBLIC INPUT: Pickleball Comments regarding 2/23 Planning Commission Mtg

Follow Up Flag: Follow up
Flag Status: Flagged

From: Stanton D. Jones [REDACTED]
Sent: Wednesday, March 2, 2022 11:25 PM
To: planning <planning@parkcity.org>
Subject: [External] PUBLIC INPUT: Pickleball Comments regarding 2/23 Planning Commission Mtg

[CAUTION] This is an external email.

Why don't you just say there are no pickle ball courts allowed in Park City versus stating impossible obstacles as stated in your *"February 23, 2022, Planning Commission meeting, staff presented updated amendments based on additional research, public input, and survey results for outdoor pickleball courts in residential areas"*?

You have made four (4) ridiculous unobtainable requirements that NO PROPERTY in Park City would ever be able to qualify for:

1. *"Establishing a minimum lot size of one acre (43,560 square feet)"* **HOW MANY PARK CITY LOTS ARE ONE ACRE OR LARGER IN PARK CITY? NOT MANY. IN ADDITION & MORE IMPORTANTLY TO REMEMBER, NO ONE ACRE PROPERTY WOULD HAVE ENOUGH LAND TO MEET REQUIREMENTS #2 & #3. WHAT A DISINGENUOUS REQUIREMENT.**

2. *"Requiring a minimum 600-foot setback from lot lines of adjacent residential properties for pickleball courts with no noise mitigation "* **DO YOU EVEN KNOW HOW FAR 600 FEET IS? YOU WOULD NEED AT LEAST 8-10 ACRES TO HAVE ENOUGH LAND TO HAVE A 600-FOOT SETBACK. WHAT A DISINGENUOUS REQUIREMENT.**

3. *"Allowing for reduced setbacks that are no less than 150 feet from adjacent residential property lines when a property owner demonstrates the outdoor pickleball court will comply with the noise ordinance; property owners will be required to submit a site-specific noise study completed by a certified acoustical professional"* **DO YOU EVEN KNOW HOW FAR 150 FEET IS? TO HAVE EVEN A 150 FOOT SETBACK YOU WOULD NEED AT LEAST 3-4 ACRES OF LAND. THE PRICE OF A CERTIFIED ACOUSTICAL COURT FENCING MATERIAL IS WELL IN EXCESS OF \$30,000 JUST FOR THE ACOUSTIC FENCE MATERIAL. THIS DOESN'T INCLUDE THE ACTUAL FENCING AND EVERYTHING ELSE. WHAT A DISINGENUOUS REQUIREMENT.**

4. "Requiring guest parking to be provided on site and requiring that outdoor Pickleball Courts are for use of the residents and up to no more than four guests at a time." **WHO IS GOING TO MONITOR IF A 5TH PERSON SHOWS UP? NOW YOU ARE TRYING TO DICTATE HOW MANY PEOPLE CAN BE AT A PERSONS HOUSE? THIS IS GOVERNMENT OVERREACH AGAIN. WHAT A DISINGENUOUS REQUIREMENT.**

Don't waste your time with this open house and act like you are trying to accommodate pickleball courts on private property when you have put un-obtainable requirements to have one. Why should anyone show up when you have already made up your mind on these ridiculous requirements? Even the Rec Center can't meet these requirements for their existing pickle ball courts and they are a public facility with unlimited government funds. Do you actually expect a resident to be able to meet your ridiculous requirements? Your proposed requirements are disingenuous.

Stanton D. Jones
Park Meadows Resident

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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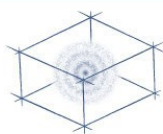
PUBLIC HEARING	
PROPERTY ADDRESS:	Primary Residential Zoning Districts
PERMIT #:	PC-21-00002
APPLICATION:	Land Management Code Amendments - Potentially Courts
REVIEW AUTHORITY:	Planning Commission and City Council
HEARING DATE:	Planning Commission: 2/3/2022 5:30 PM City Council: 3/5/2022 6:00 PM
LOCATION:	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:

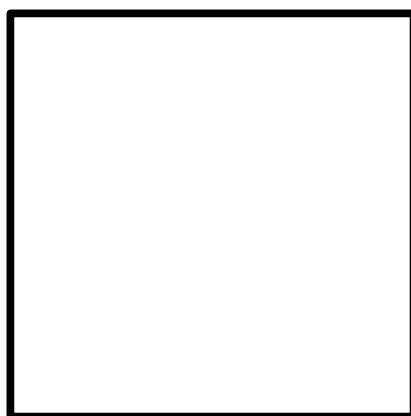
Green Valley Recreation, Inc.

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.

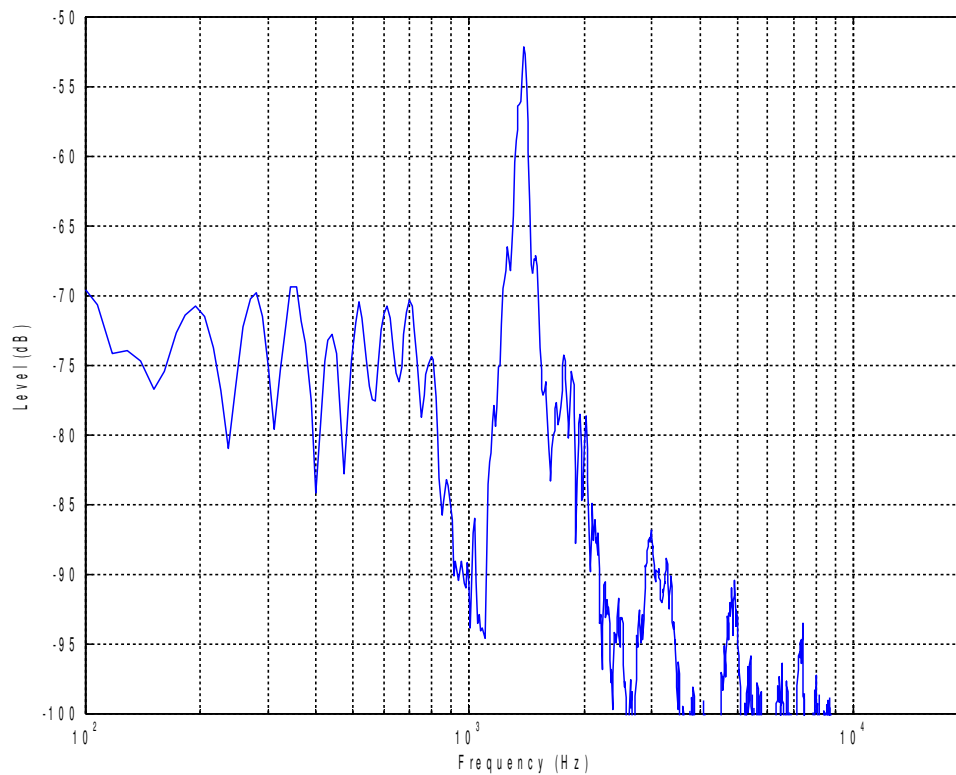


Figure 2.1. Spectral Response of a Sharp Hit

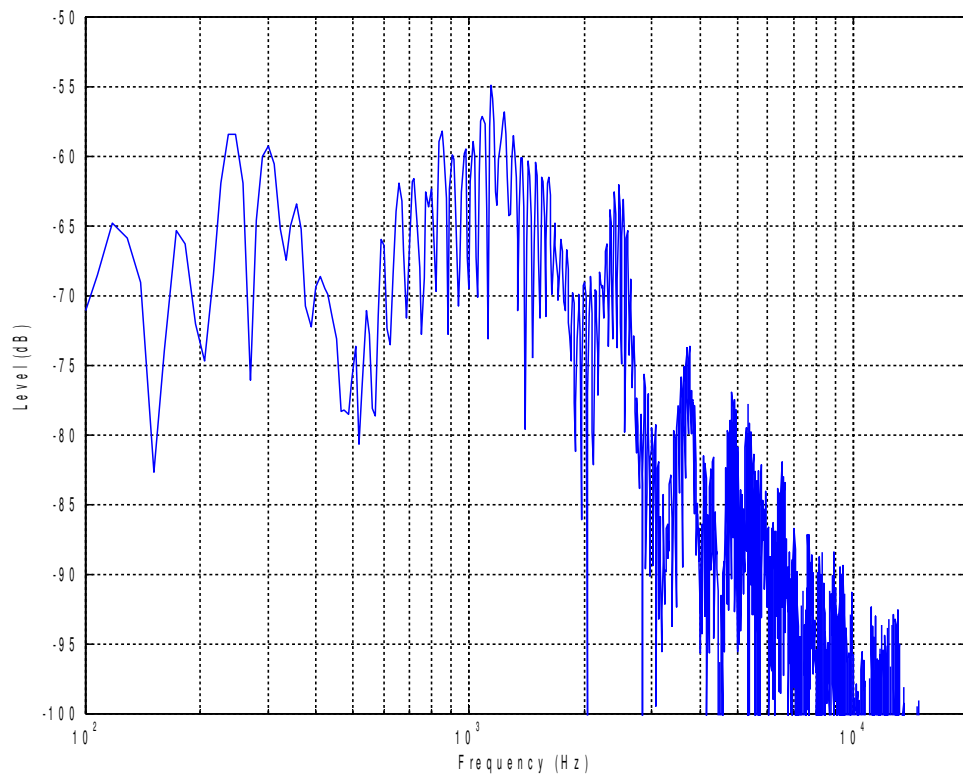


Figure 2.2. Spectral Response of a Dull Hit

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.

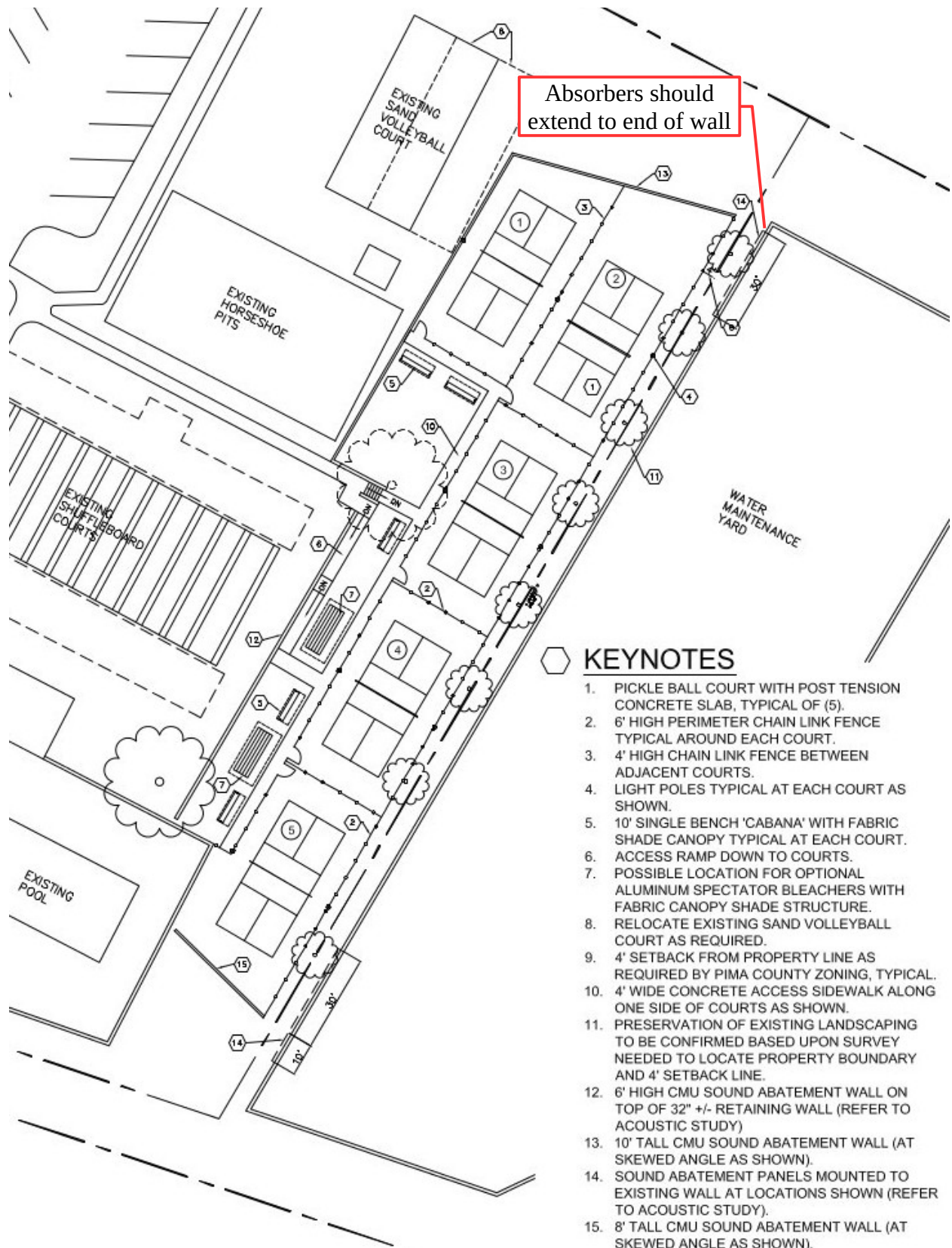


Figure 3.1. 5 Court Configuration

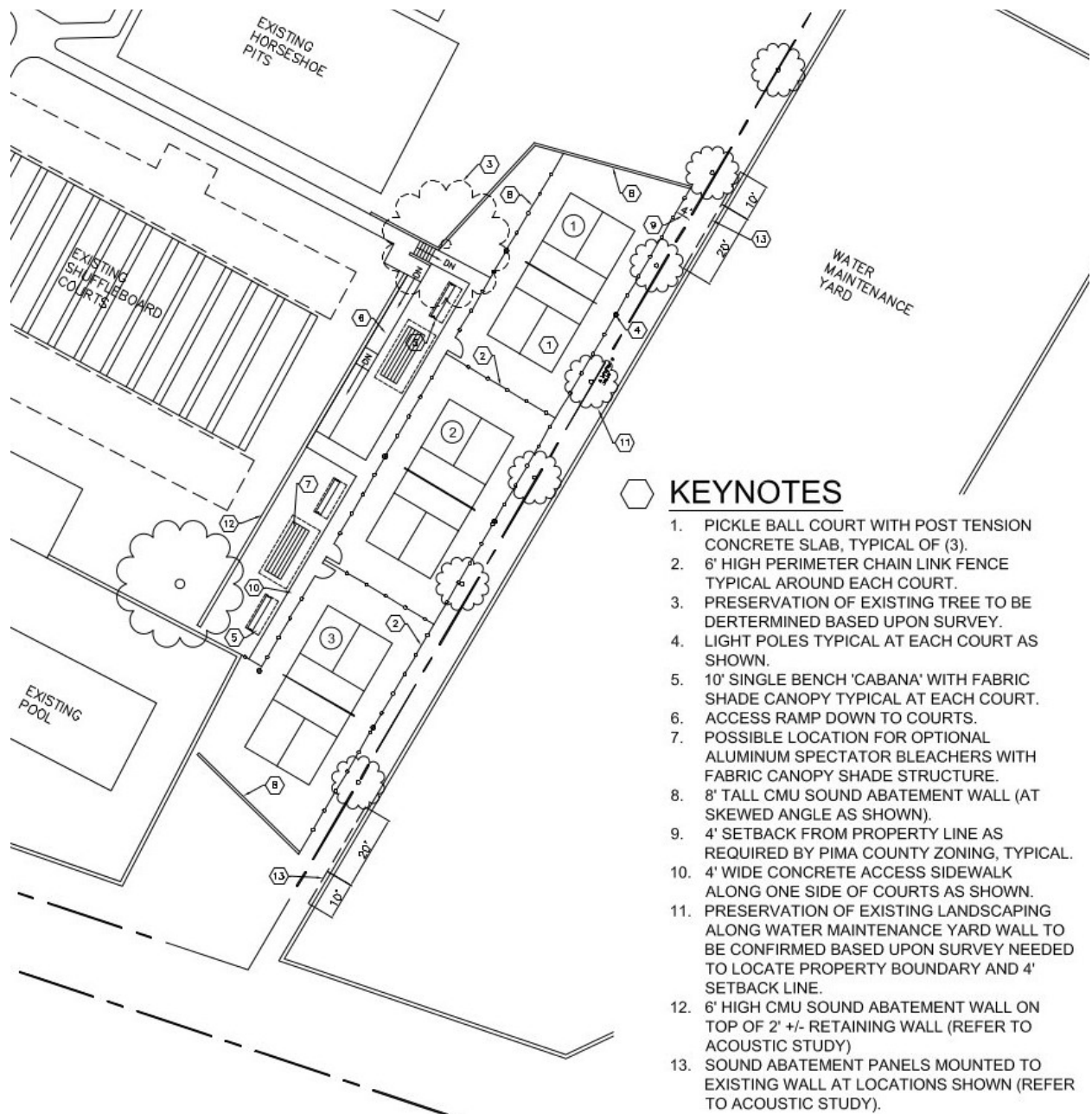


Figure 3.2. 3 Court Configuration

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.

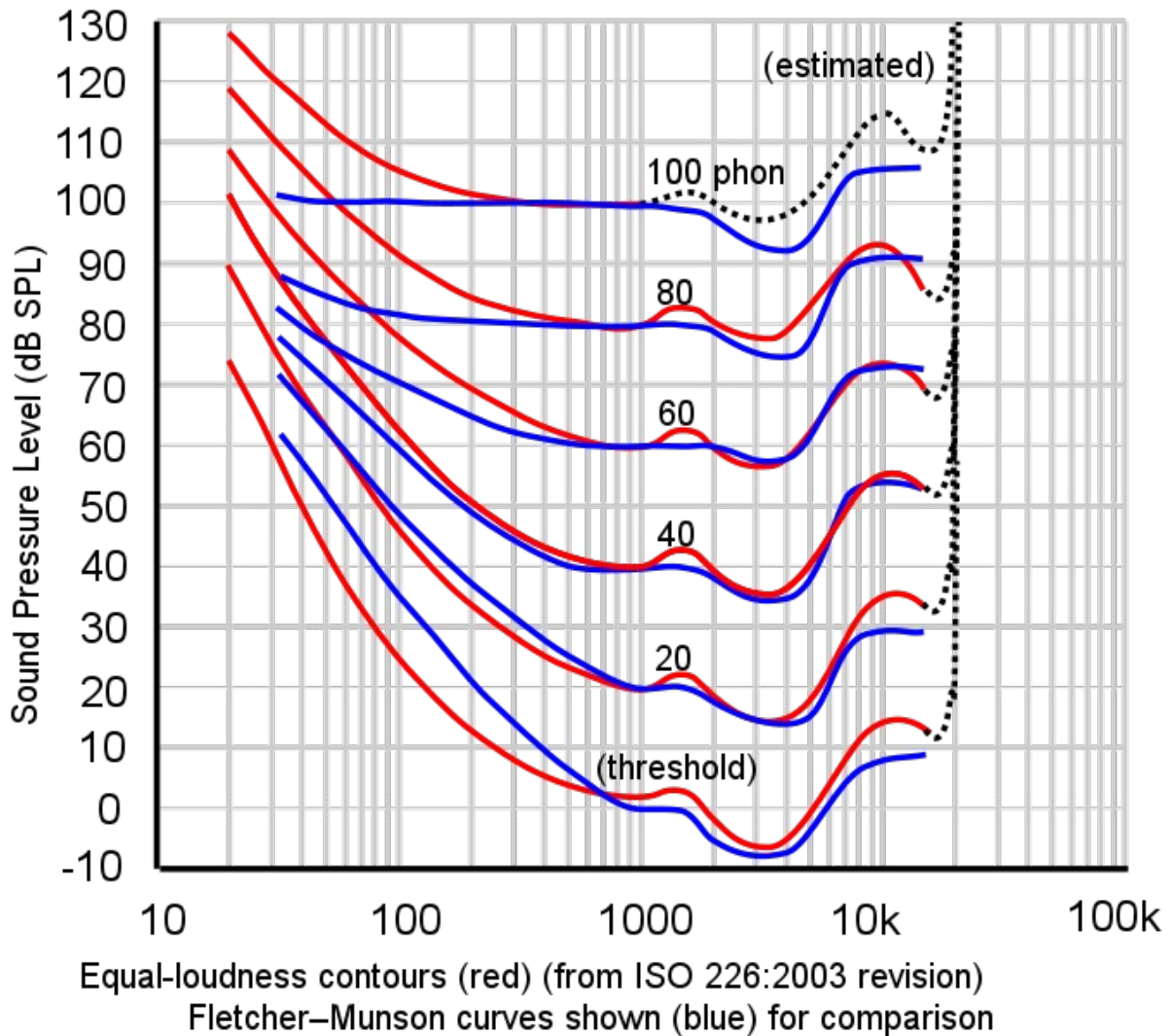


Figure A2.1. Equal Loudness Contours

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.

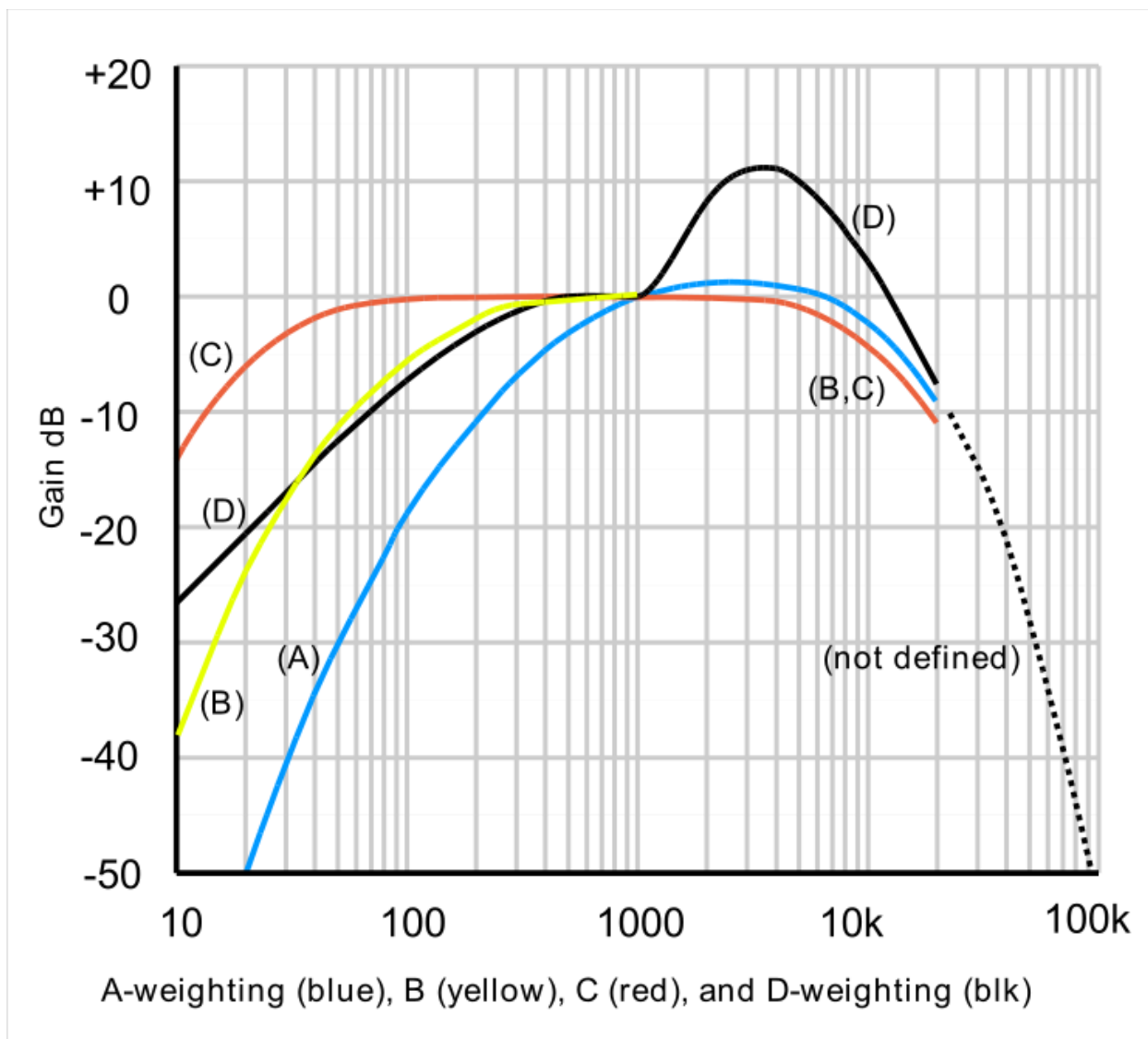


Figure A2.2. Frequency Weighting Filter Curves

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)

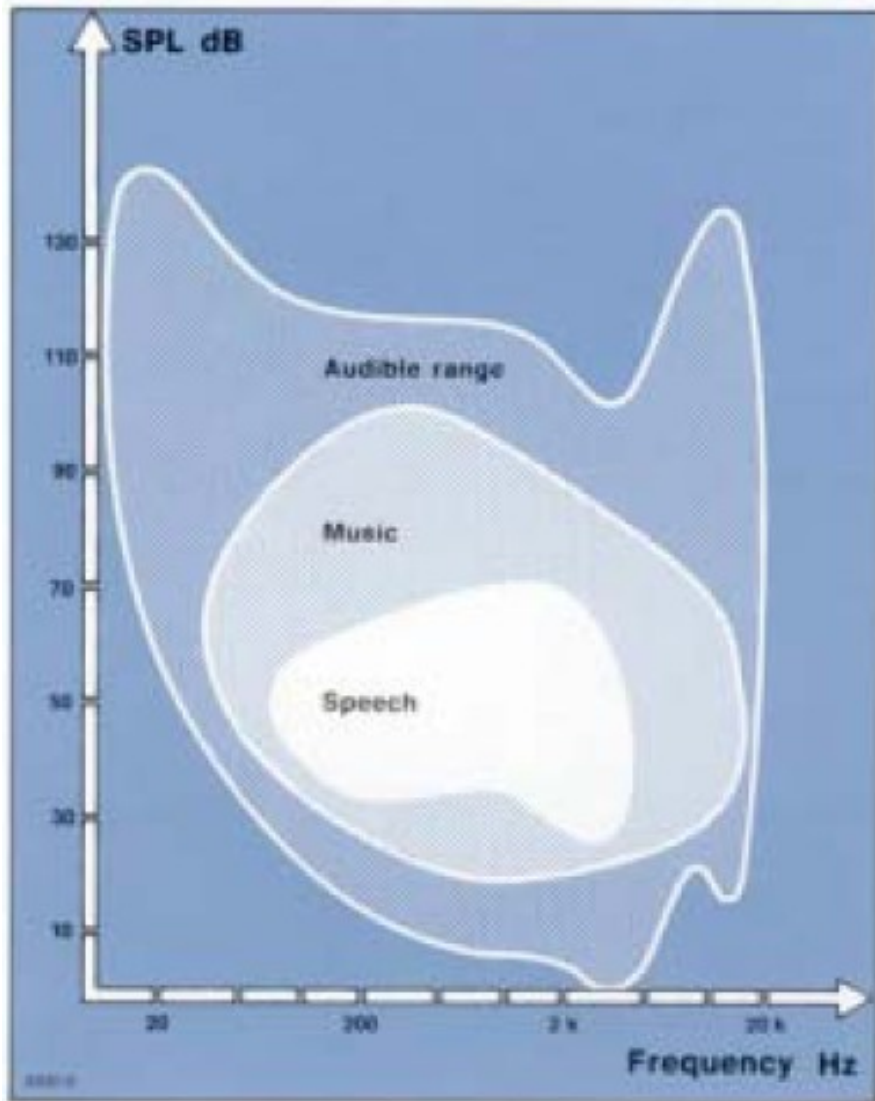


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Brüel and Kjaer)

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.

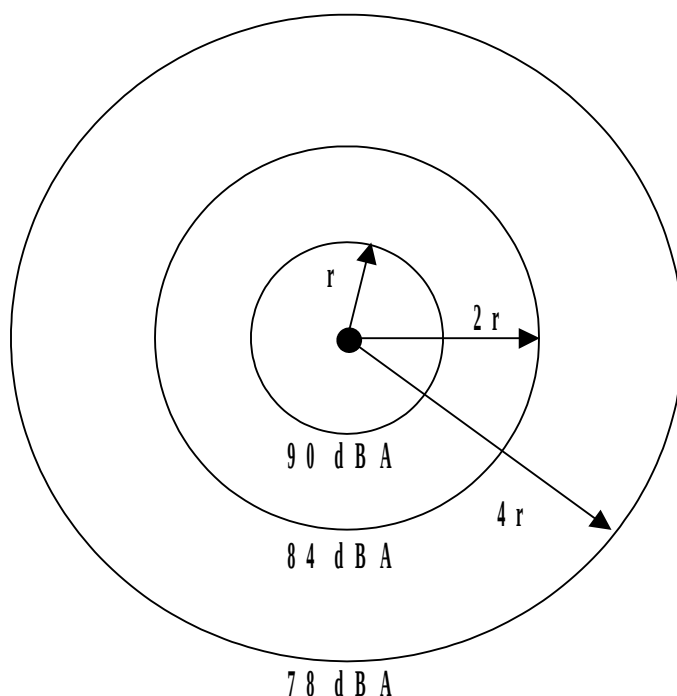


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

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.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

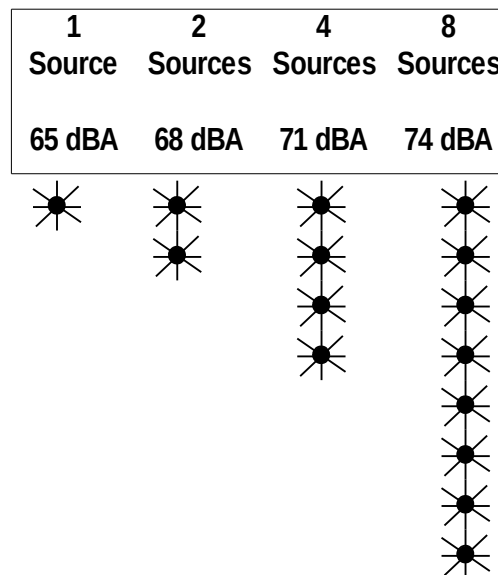


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

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 manufacturers 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.

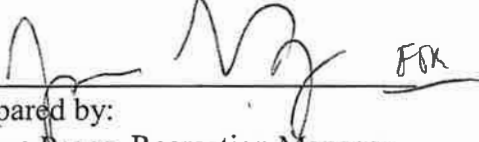
Recommendations

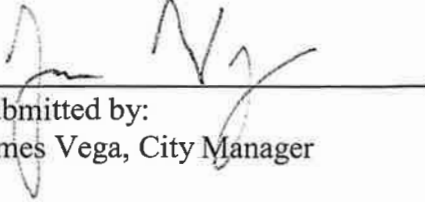
Staff recommends proceeding with one option immediately: installation of Pickleball Court signage and enforcement of rules listed on signage, including hours of play. This will ensure that play does not occur early in the morning or late at night. Council may consider additional options if there are 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)

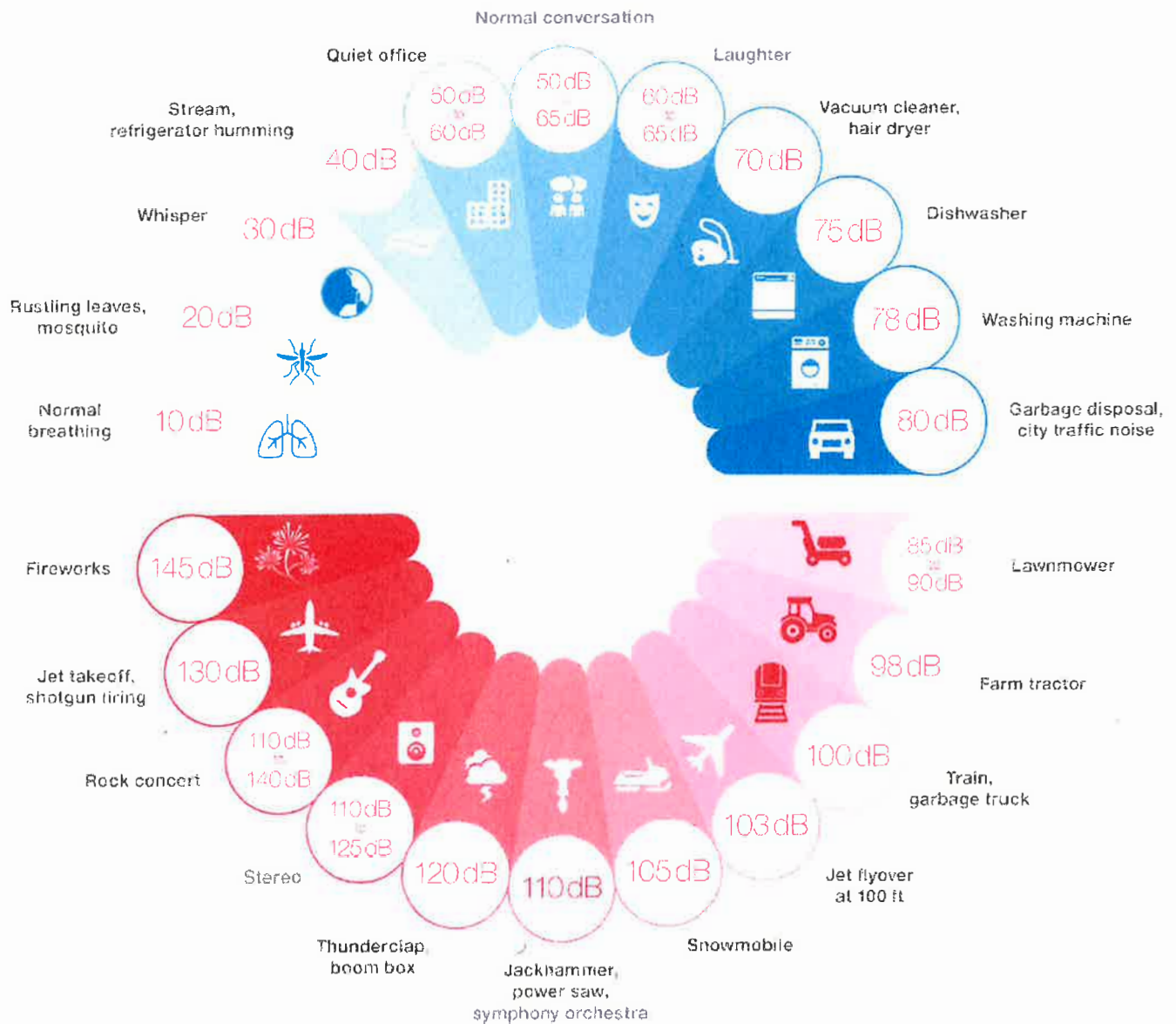
A PARK RENTAL PERMIT IS REQUIRED FOR ANY ORGANIZED ACTIVITY; ANY ACTIVITY THAT IS HELD ON A REGULAR BASIS OR REOCCURRING BASIS; FOR ANY PROFIT OR FEE BASED ACTIVITIES; OR FOR EXCLUSIVE USE OF A PARK FACILITY. VISIT OJAICITY.ORG OR CALL 805 646-5581 X 390 FOR MORE INFORMATION.

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.

*September 9, 2012
For Sun City Grand Use Only
Not for Public Release*

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ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.695.9989 - Fax

SUN CITY GRAND PICKLEBALL NOISE STUDY

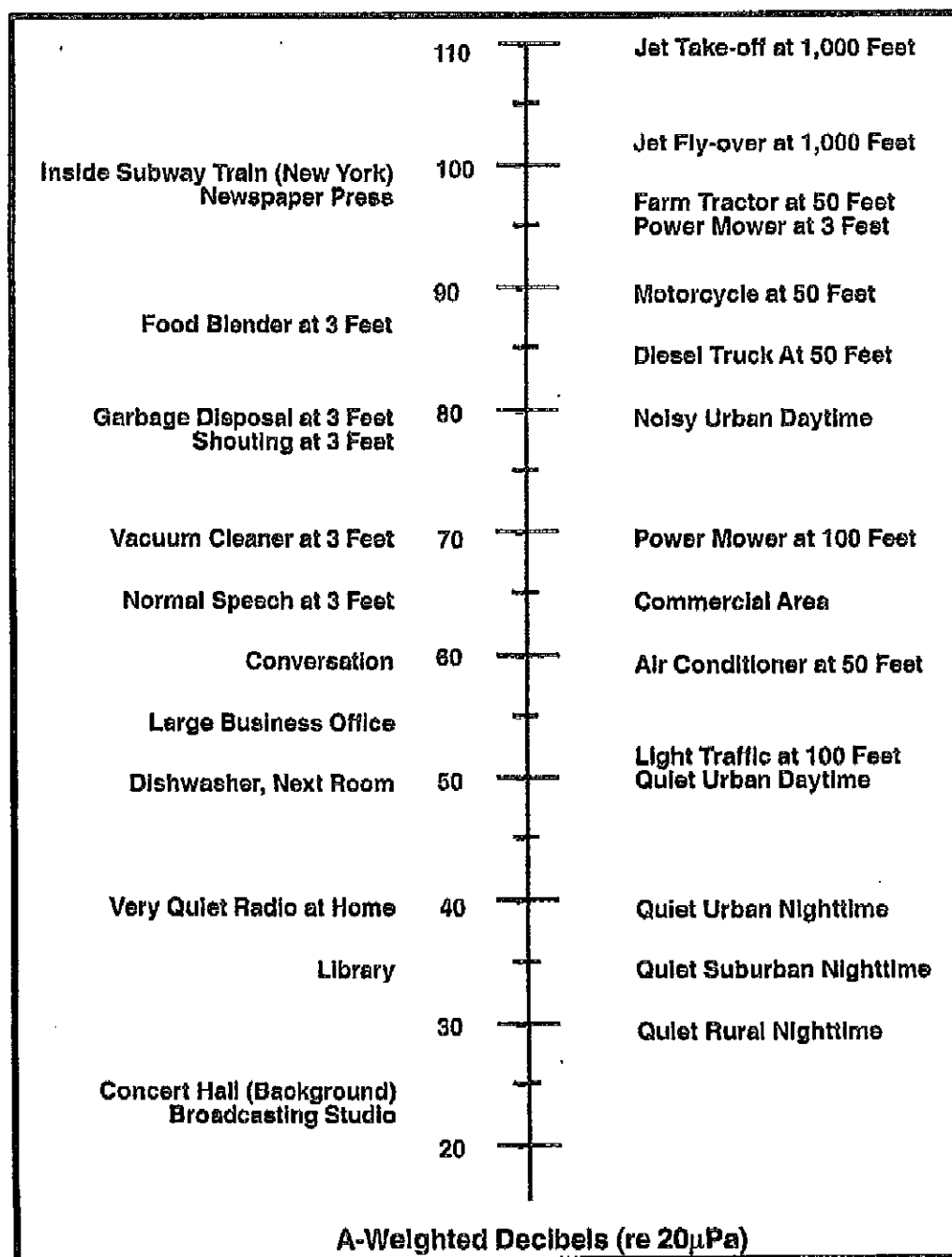


Figure 1. Typical A-weighted Sound Levels from Indoor and Outdoor Noise Sources.

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When sound is measured for distinct time intervals, the statistical distribution of the overall sound level can be obtained during that period. The energy-equivalent sound level (Leq) is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor which represents the average sound level over a given period of time, where the actual sound level varies with time. Lmax, Lmin, and Lxx are also common noise descriptors. Lmax and Lmin are the maximum and minimum noise levels, respectively, and Lxx, known as a statistical sound level, is the time-varying noise level which would be exceeded xx percent of the time.

NOISE STANDARDS & GUIDELINES

The City of Surprise Municipal Code does not specifically adopt noise standards to regulate noise from recreational activity within parks. However, the 2030 General Plan cites the World Health Organization's *"Guidelines for Community Noise, 1999"* as a guideline for the city to implement noise regulations. A noise level limit of 50 – 55 dBA at outdoor living areas is identified as a limit of acceptable noise exposure in the general plan.

AMBIENT SURVEY AND NOISE MEASUREMENTS

Ambient Survey

AGI conducted an ambient noise survey on June 10-11, 2012 to document the baseline ambient noise levels directly east of the Cimarron Pickleball Courts. A noise measurement was conducted at the front yard of 18692 W Marcos De Niza Drive, directly facing the pickleball court area. The measurement was conducted with a Larson Davis Model 870 Noise Analyzer and the instrument was operated in accordance with manufacturer's standards. Construction operations occurred during the late night hours between midnight and 9 am and the measurement data obtained during the construction period was omitted from this report.

The Leq measured during the ambient survey ranged from 40.8 to 49.5 dBA. The sources of noise that contributed to the ambient baseline were distant traffic, wildlife birds, and insects. Noise levels during the evening period were generally between 44 and 47 dBA. During the late night and early morning hours, the ambient baseline dropped to nearly 40 dBA. The measured baseline ambient noise levels are considered very quiet for a residential community. Table 1 summarizes the ambient noise measurement data. Figure 2 shows the location of the noise measurement relative to the Cimarron Pickleball courts and the nearby residences.

SUN CITY GRAND PICKLEBALL NOISE STUDY



Table 1
Measured Ambient Noise Levels Adjacent to the Cimarron Pickleball Courts

Date	Time	Leq, dBA	Description
June 10, 2012	7:00 pm	44.2	Evening Ambient Distant Traffic, Wildlife, Insects
June 10, 2012	8:00 pm	45.3	" "
June 10, 2012	9:00 pm	46.6	" "
June 10, 2012	10:00 pm	43.5	Nighttime Ambient Distant Traffic, Wildlife, Insects
June 10, 2012	11:00 pm	40.8	" "
June 11, 2012	10:00 am	49.5	Morning Ambient Distant Traffic, Wildlife, Insects

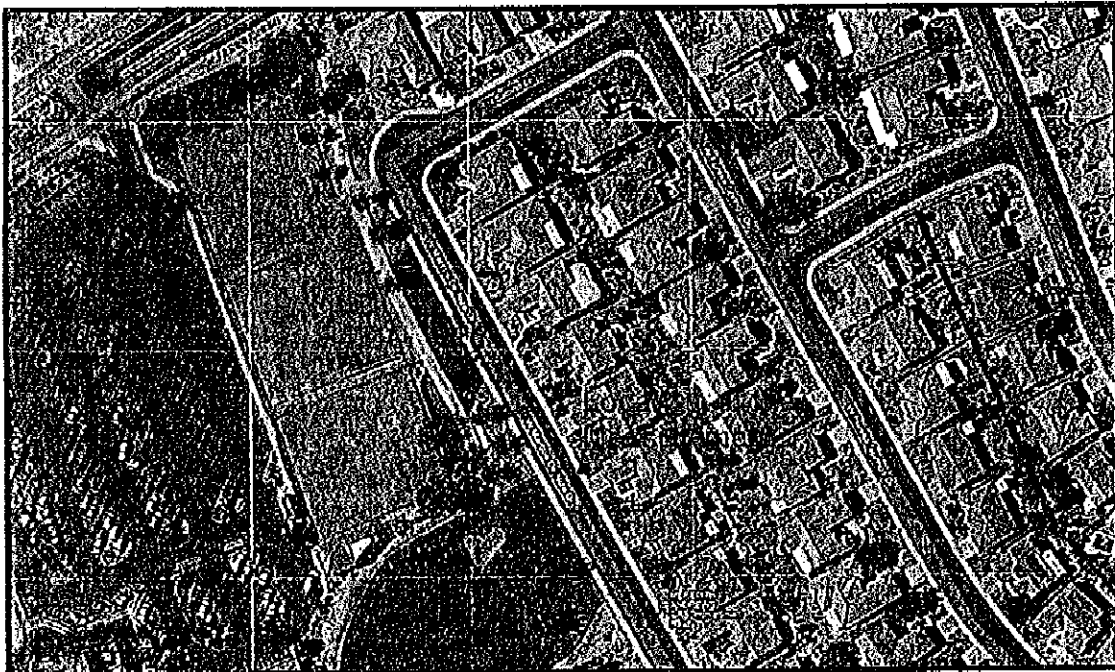


Figure 2. Location of the Ambient Noise Measurement

September 9, 2012
For Sun City Grand Use Only
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ACOUSTICS GROUP, INC.
877.595.9988 - Voice
877.595.9989 - Fax



Pickleball Noise Measurements

AGI conducted acoustical tests on June 12 and 20, 2012 to measure the noise from pickleball operations, different paddle types, and a noise barrier system. The measurements were conducted at a nearby facility while the Cimarron courts were being renovated. A controlled test was conducted on June 12, 2012 with 32 players playing pickleball simultaneously. Noise measurements were also conducted with four players playing pickleball with various paddle types. The tests were then repeated on June 20, 2012 after the installation of an Acoustifence noise barrier system. On August 22, 2012, additional noise measurements were conducted utilizing 8 different pickleball paddles, but without the Acoustifence. For each acoustical test, both A-weighted sound level and One-Third Octave Band Sound Levels were measured from a position 10 feet from the sideline fence.

The initial test conducted with 32 players resulted in an Leq of 66.9 dBA. Paddle tests with the Whipper Snapper, Graphite, ZZT, Blaster, Striker, Graphite Magnum, Prolite Magnum, and Paddle Tech, resulted in an Leq of 64.7, 60.1, 57.0, 61.4, 61.3, 57.9, 62.8, and 59.3 dBA, respectively. After the installation of acoustifence, the 32 players test resulted in an Leq of 51.1 dBA. The Paddle tests with the Whipper Snapper, Graphite, ZZT, Blaster, Striker, Graphite Magnum, Prolite Magnum, and Paddle Tech paddles resulted in an Leq of 54.9, 48.8, 46.7, 50.9, 49.1, 46.2, 50.8, and 49.4 dBA, respectively. As a result of the acoustifence, noise reductions of 15.8, 9.8, 11.3, 10.3, 10.5, 12.2, 11.7, 12.0, and 9.9 dB were achieved for the 32 players and the respective paddles. The average noise reduction achieved by the acoustifence was approximately 13 dB. Table 2 summarizes the test data and noise reduction for each paddle type.

Additional paddle tests were conducted on August 22, 2012, but without acoustifence. The paddle tests with the Pro Lite Enforcer, Pro Lite Aero D, Pro Lite Power, Brian Jensen Designs, Pickleball Now Classic Lite, Pickleball Now MetaLite, Pickleball Now Force, and Pickleball Now The Force resulted in an Leq of 58.9, 61.4, 60.1, 61.0, 63.3, 58.1, 64.0, and 57.2 dBA, respectively. Table 3 summarizes the test data for the eight additional paddles. Refer to the Appendix for plots of the noise measurement data.

ESTIMATED CIMARRON COURT NOISE LEVELS

Future pickleball noise at the Cimarron Courts was analyzed using the measurement data and the layout of the new facility and relative geometry to the nearby residences. As summarized in Table 4, the pickleball noise is estimated to be approximately 61 dBA at the front yard of the residences on W Marcos De Niza Drive, which directly face the courts. When compared with the City's General Plan noise guideline of 50 dBA, the noise would exceed the guideline.

SUN CITY GRAND PICKLEBALL NOISE STUDY



Table 2
Measured A-Weighted Sound Levels
at Sun City Grand's Pickleball Courts with and without Acoustifence

Test Description/ Paddle	Pickleball Noise Level, Leg, dBA at 10-ft from edge of court		Noise Reduction
	Without Acoustifence	With Acoustifence	
32 players	66.9	51.1	15.8 dB
Whipper Snapper	64.7	54.9	9.8 dB
Graphite	60.1	48.8	11.3 dB
ZZT	57.0	46.7	10.3 dB
Blaster	61.4	50.9	10.5 dB
Striker	61.3	49.1	12.2 dB
Graphite Magnum	57.9	46.2	11.7 dB
Prolite Magnum	62.8	50.8	12.0 dB
Paddle Tech	59.3	49.4	9.9 dB

Table 3
Measured A-Weighted Sound Levels at Sun City Grand's
Pickleball Courts with Additional Paddles - without Acoustifence

Paddle	Pickleball Noise Level, Leg, dBA at 10-ft from edge of court
Pro Lite Enforcer	58.9
Pro Lite Aero D	61.4
Pro Lite Power	60.1
Brian Jensen Designs	61.0
Pickleball Now Classic Lite	63.3
Pickleball Now MetaLite	58.1
Pickleball Now Force	64.0
Pickleball Now The Force	57.2

Table 4
Estimated Pickleball Noise from Cimarron Courts with and without Acoustifence

Description/Paddle	Pickleball Noise Level, Leg, dBA at 100-ft from edge of court		Noise Guideline
	Without Acoustifence	With Acoustifence	
32 players	61	48	50 dBA

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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

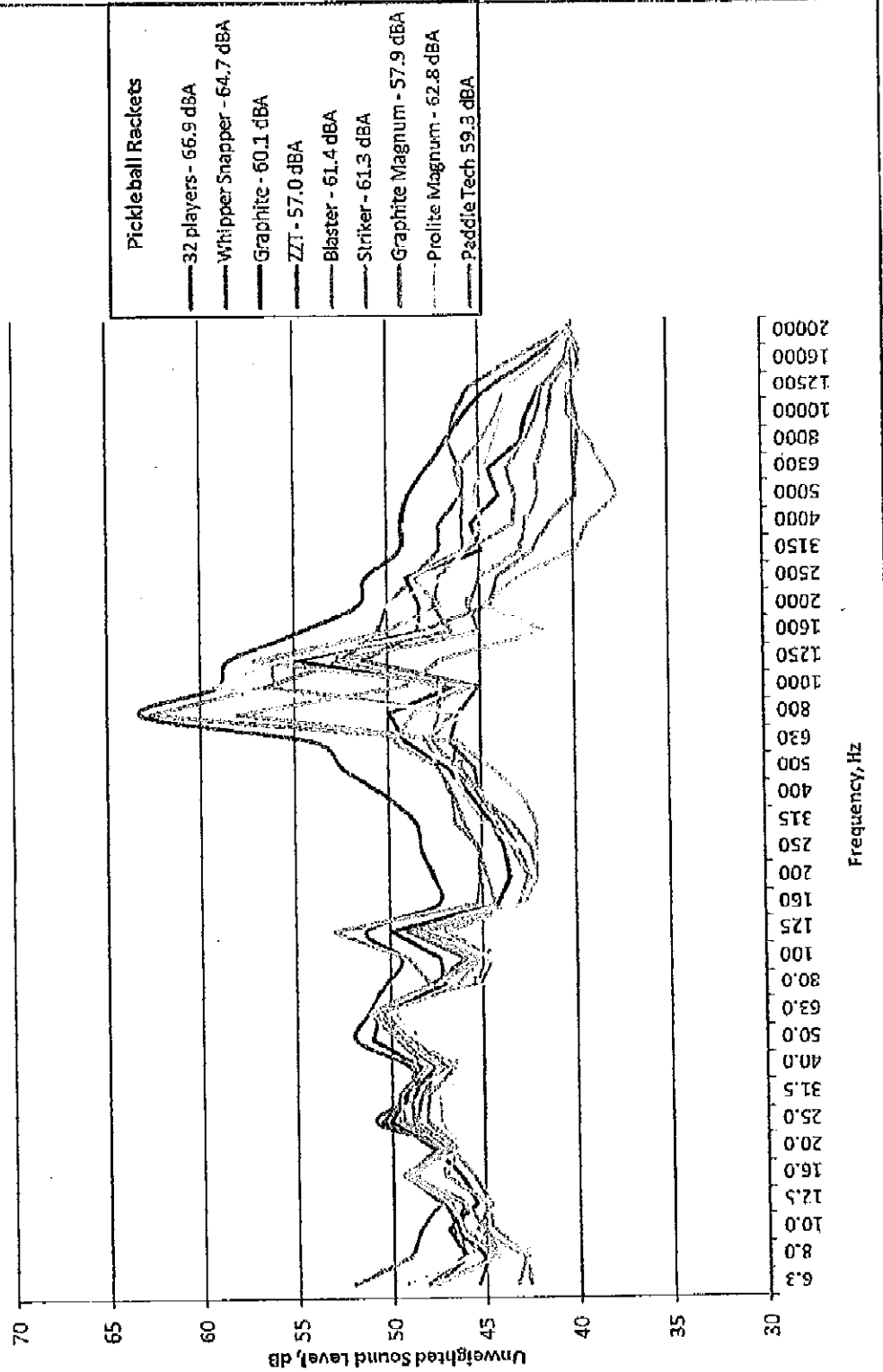
Figure X-1 depicts the measured one-third octave band sound levels without acoustifence and Figure X-2 depicts the measured one-third octave band sound levels with acoustifence. Figure X-3 compares the measured sound levels of the 32 players with and without acoustifence. Figure X-4 through X-11 compares 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

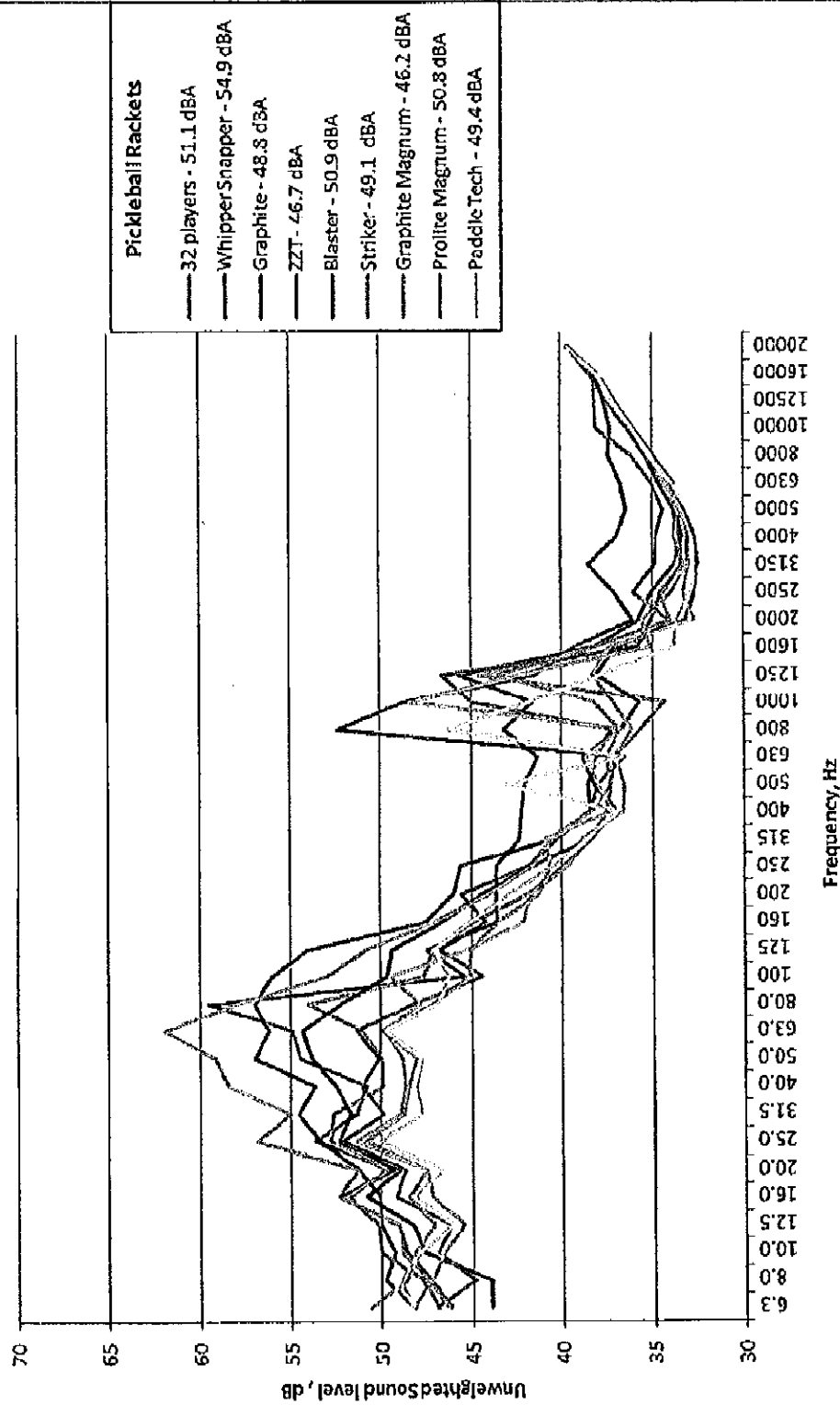


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Figure X-2. Measured One-Third Octave Band Sound Levels with Acoustifence - 6/20/12

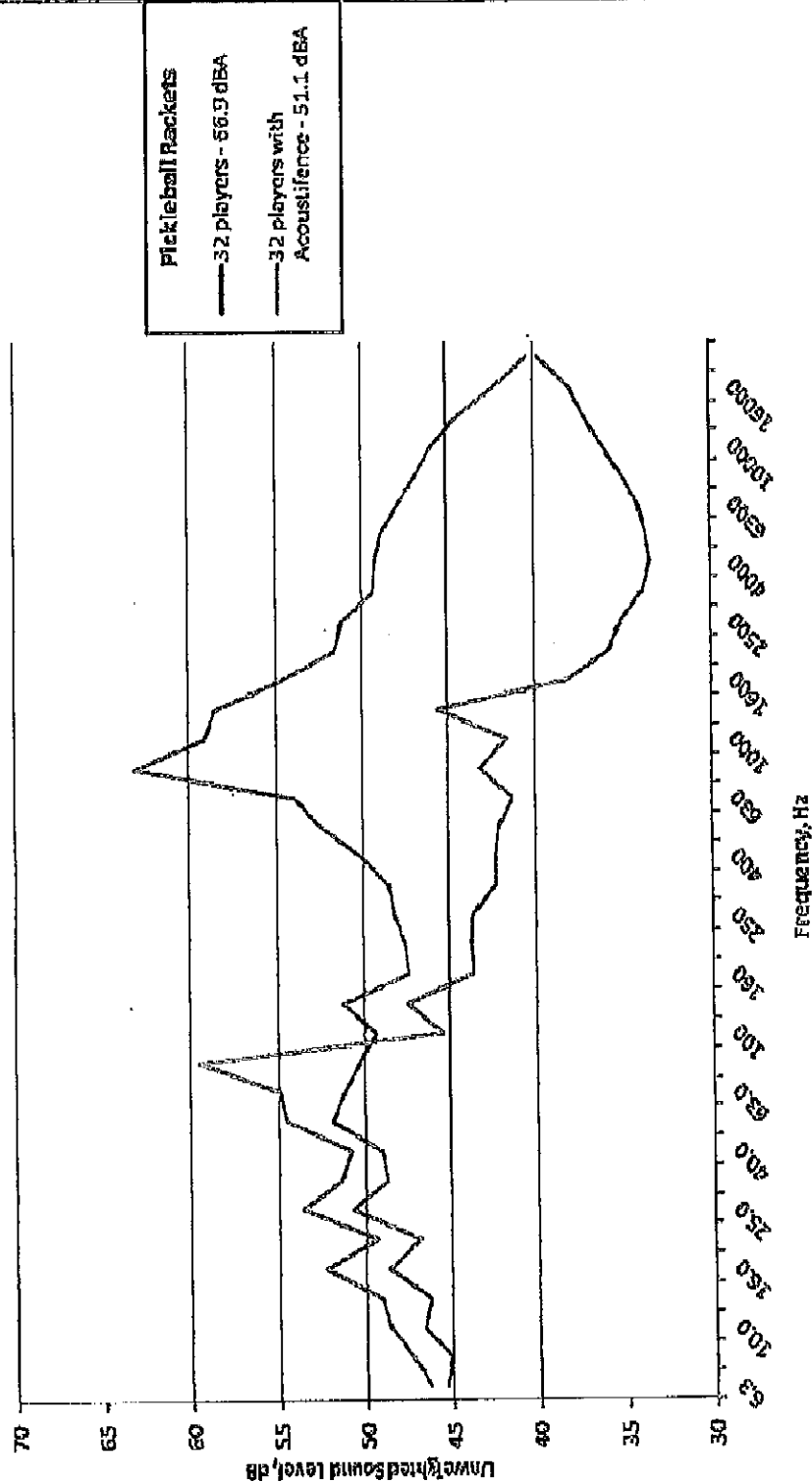


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Figure X-3. Measured One-Third Octave Band Sound Levels with and without Acoustifence

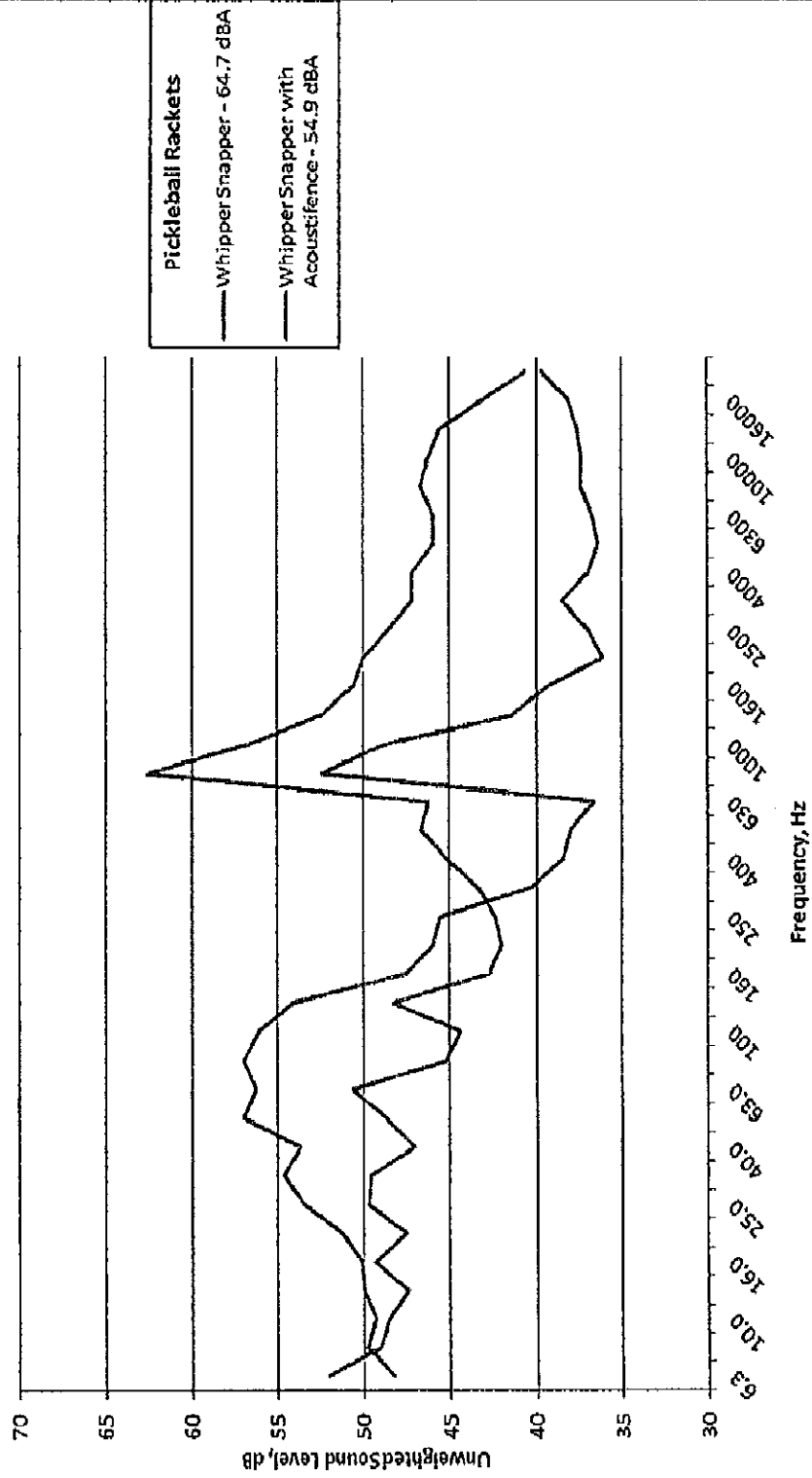


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Figure X-4. Measured One-Third Octave Band Sound Levels with and without Acoustifence

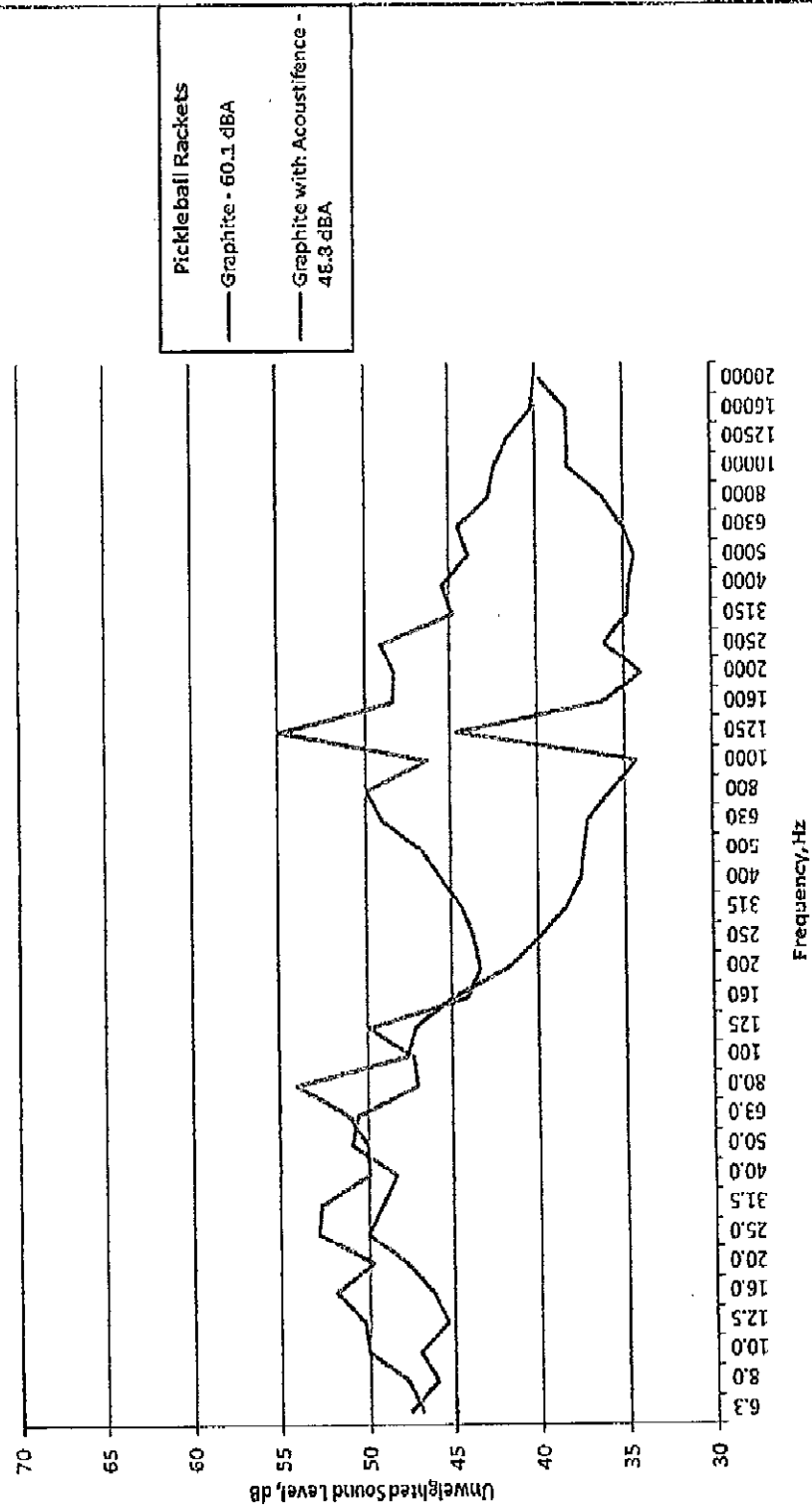


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Figure X-5. Measured One-Third Octave Band Sound Levels with and without Acoustifence



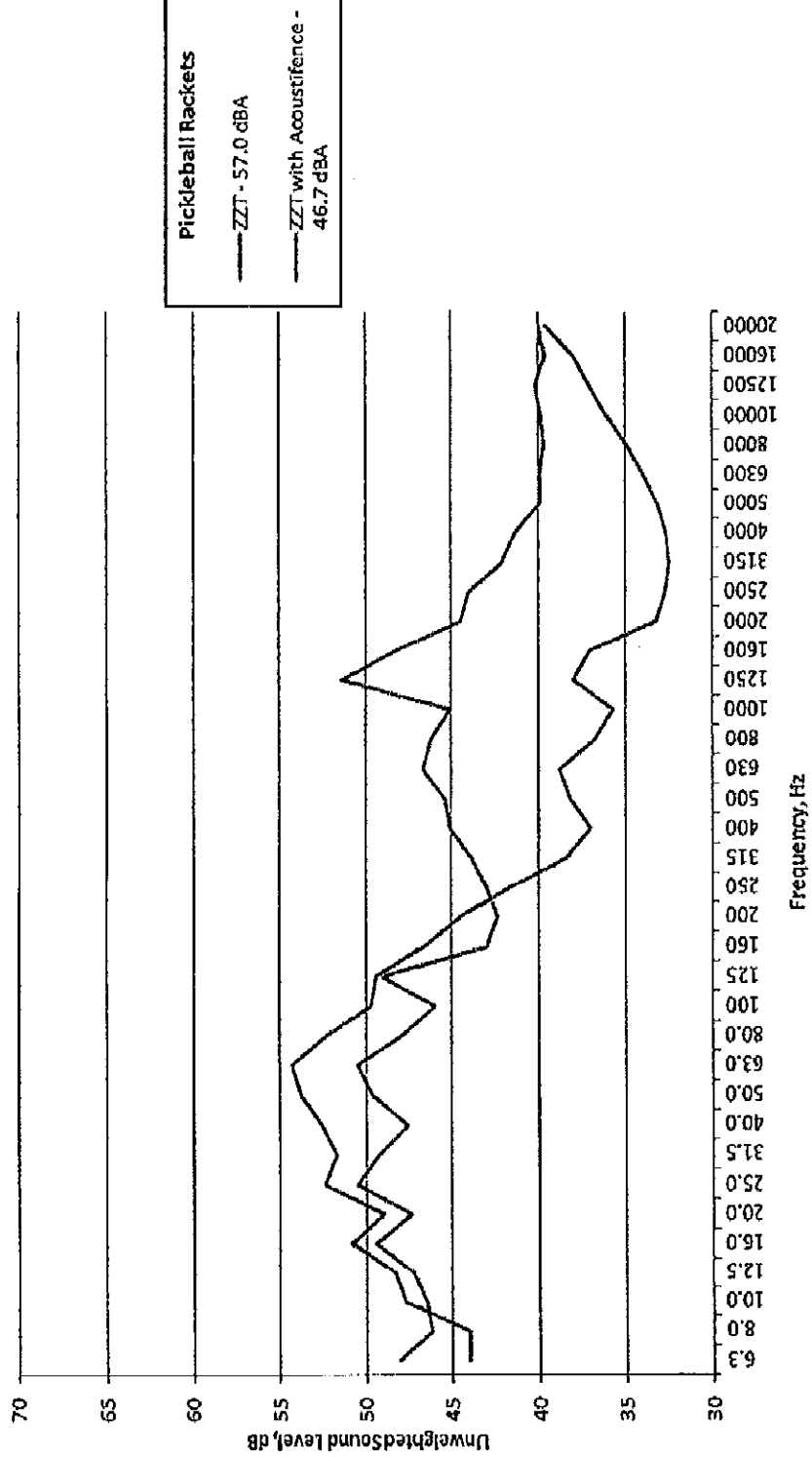
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Figure X-6. Measured One-Third Octave Band Sound Levels with and without Acoustifence

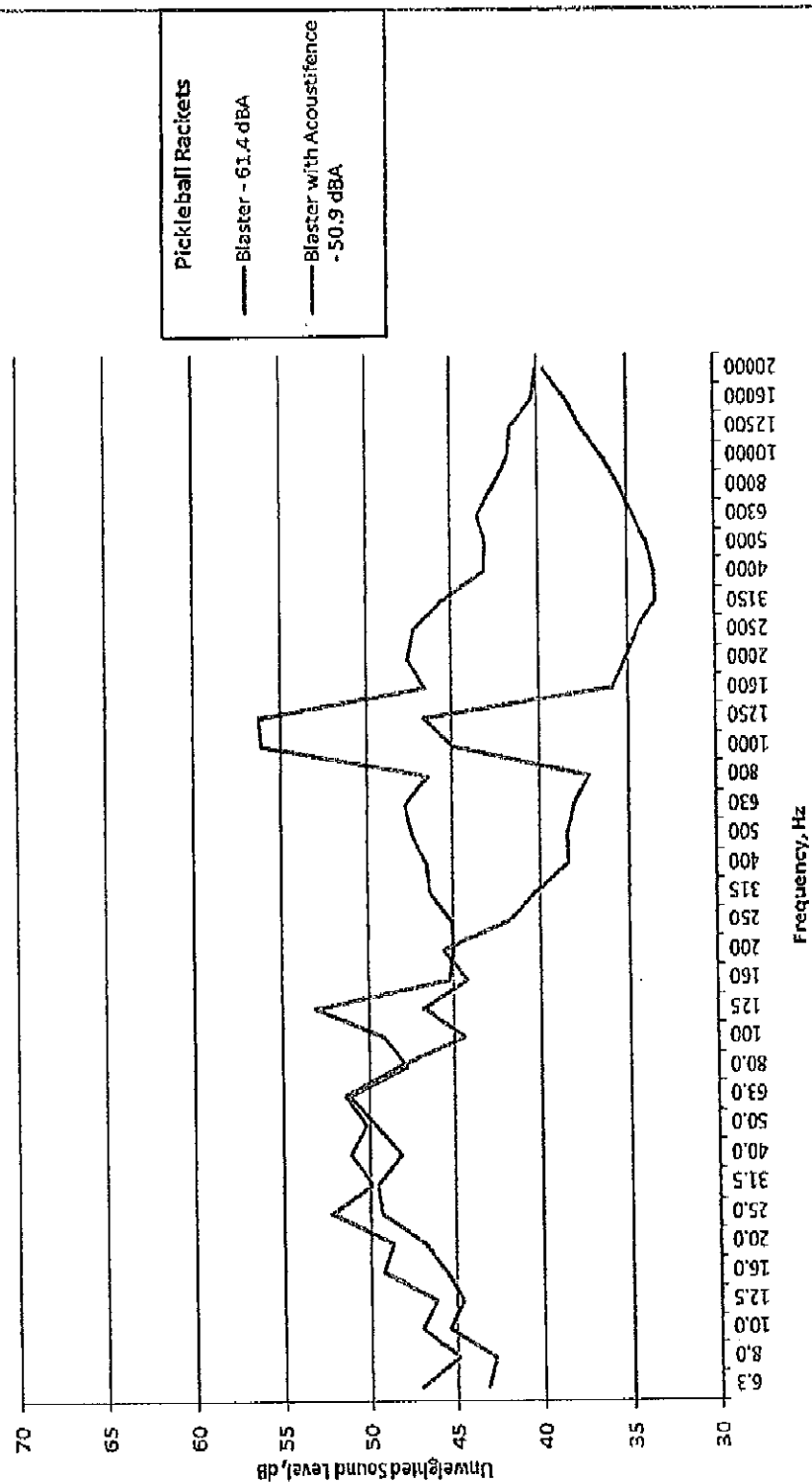


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Figure X-7. Measured One-Third Octave Band Sound Levels with and without Acoustifence

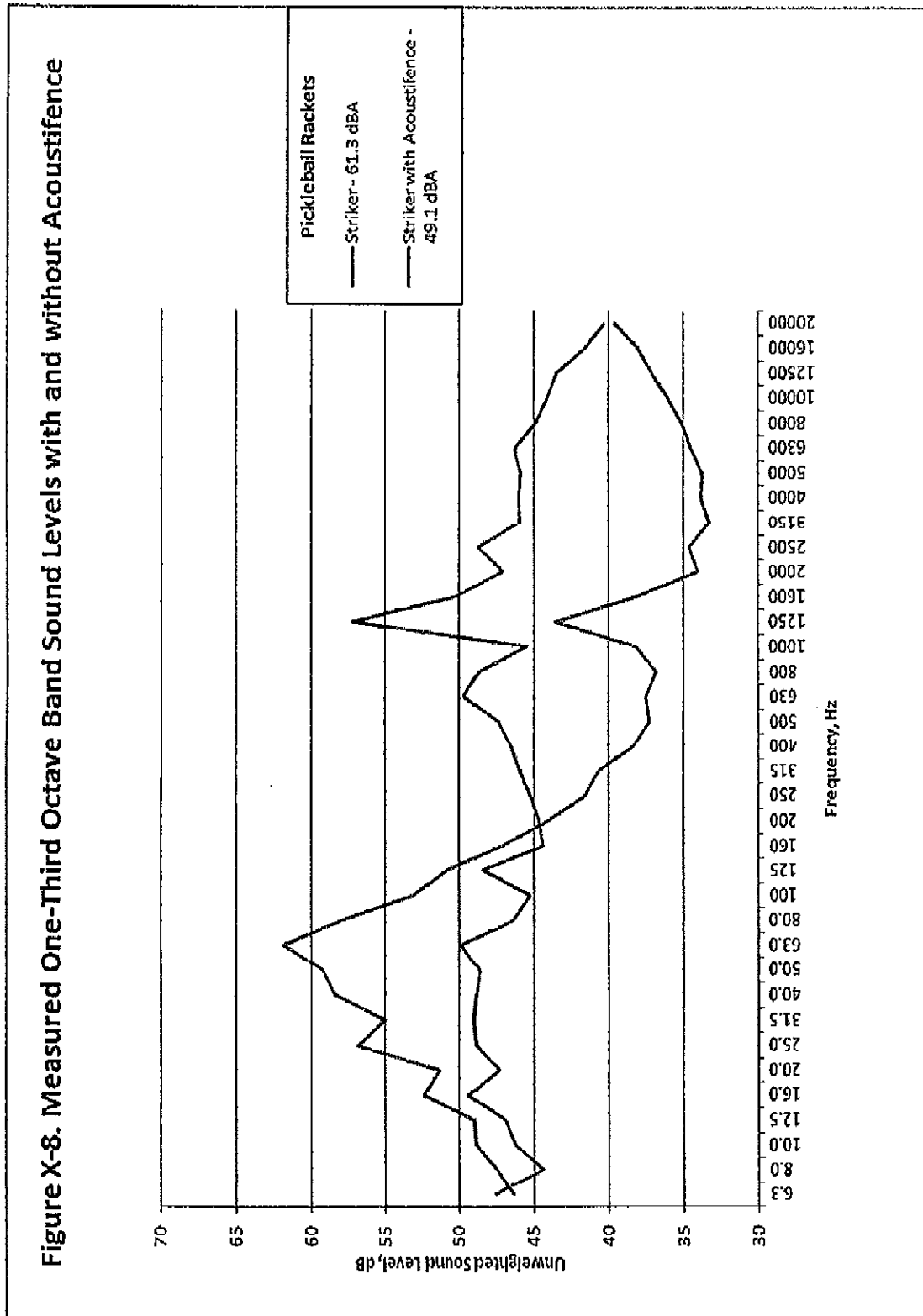


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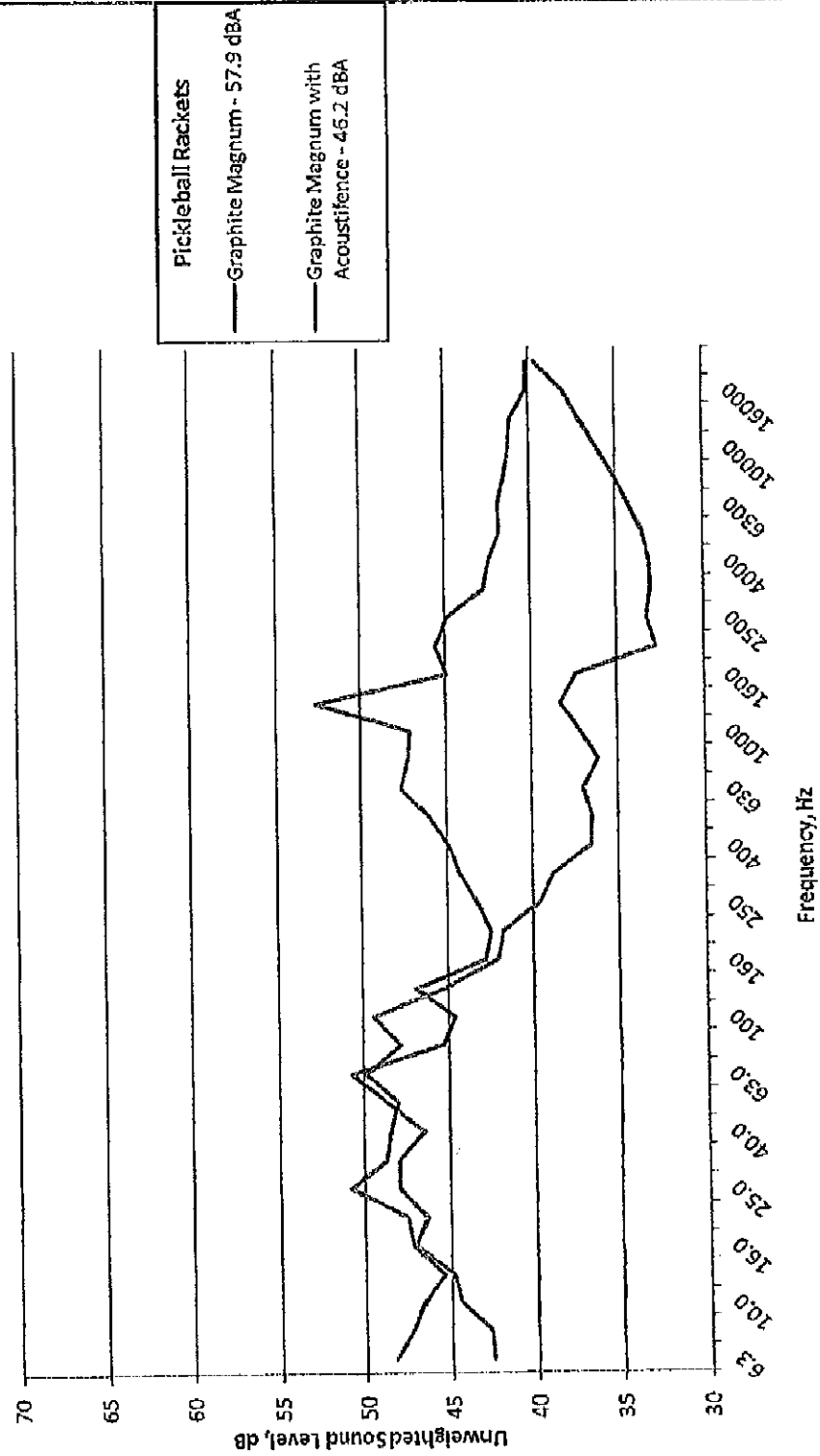


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Figure X-9. Measured One-Third Octave Band Sound Levels with and without Acoustifence



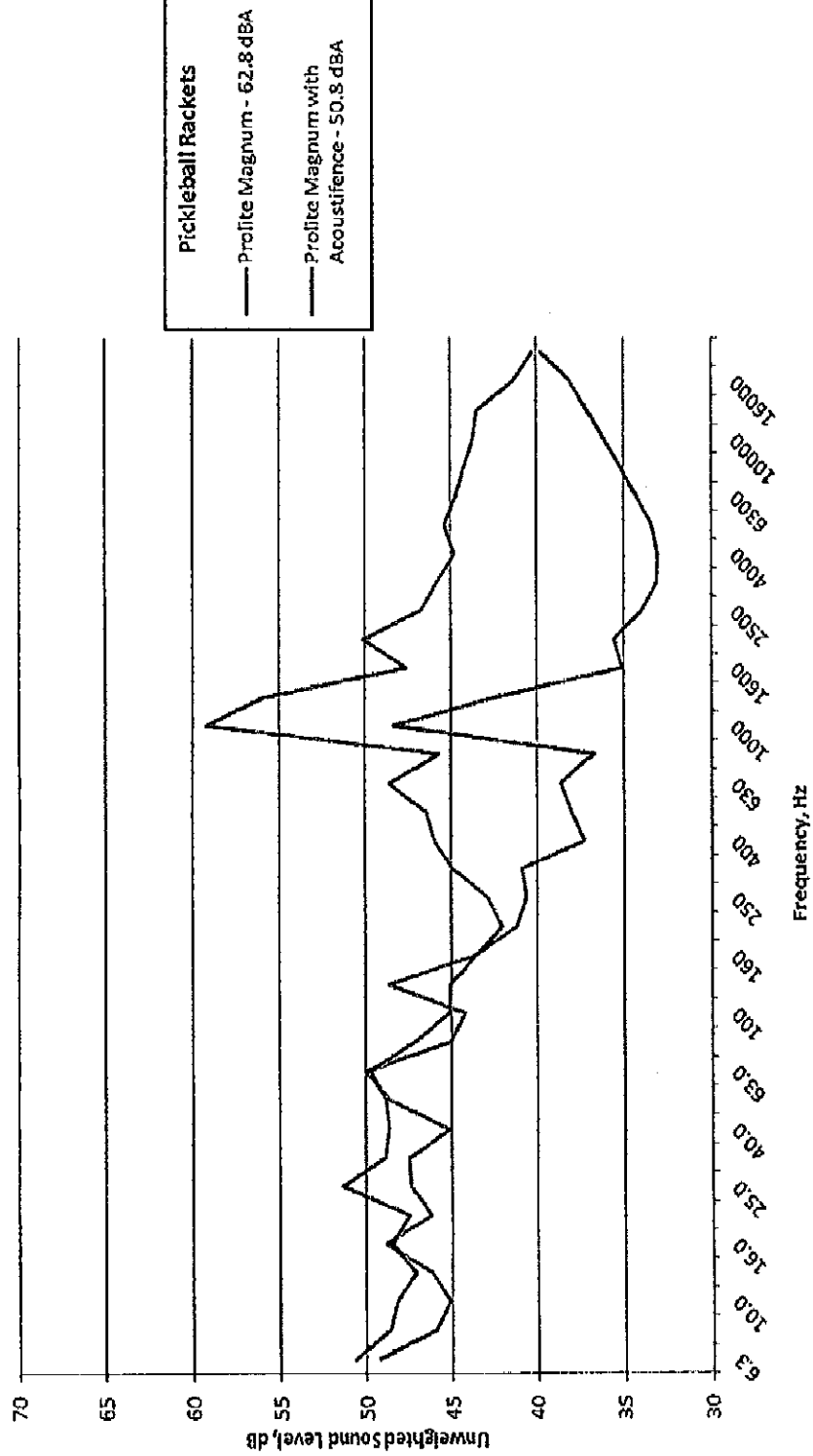
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Figure X-10. Measured One-Third Octave Band Sound Levels with and without Acoustifence



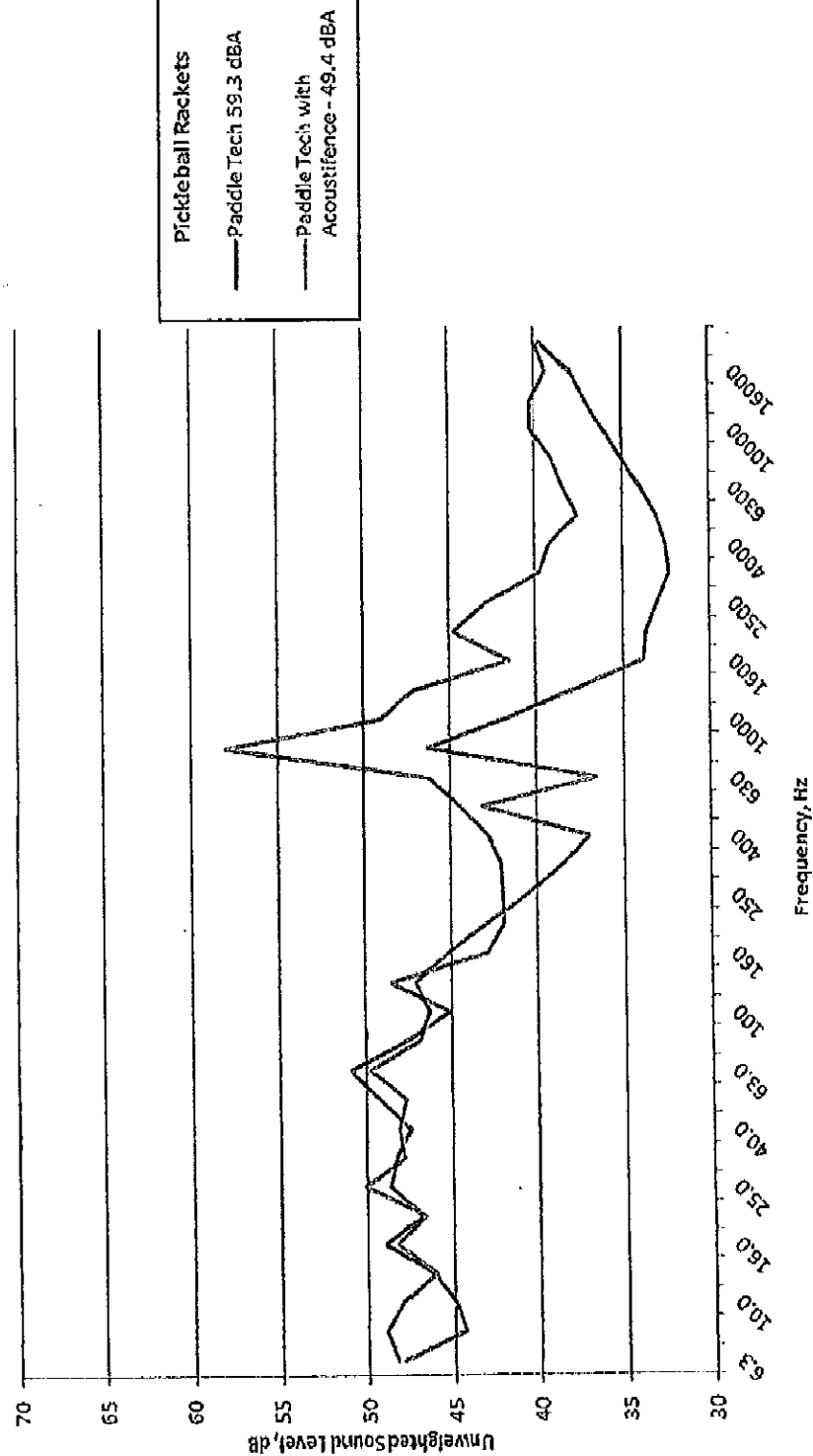
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Figure X-11. Measured One-Third Octave Band Sound Levels with and without Acoustifence



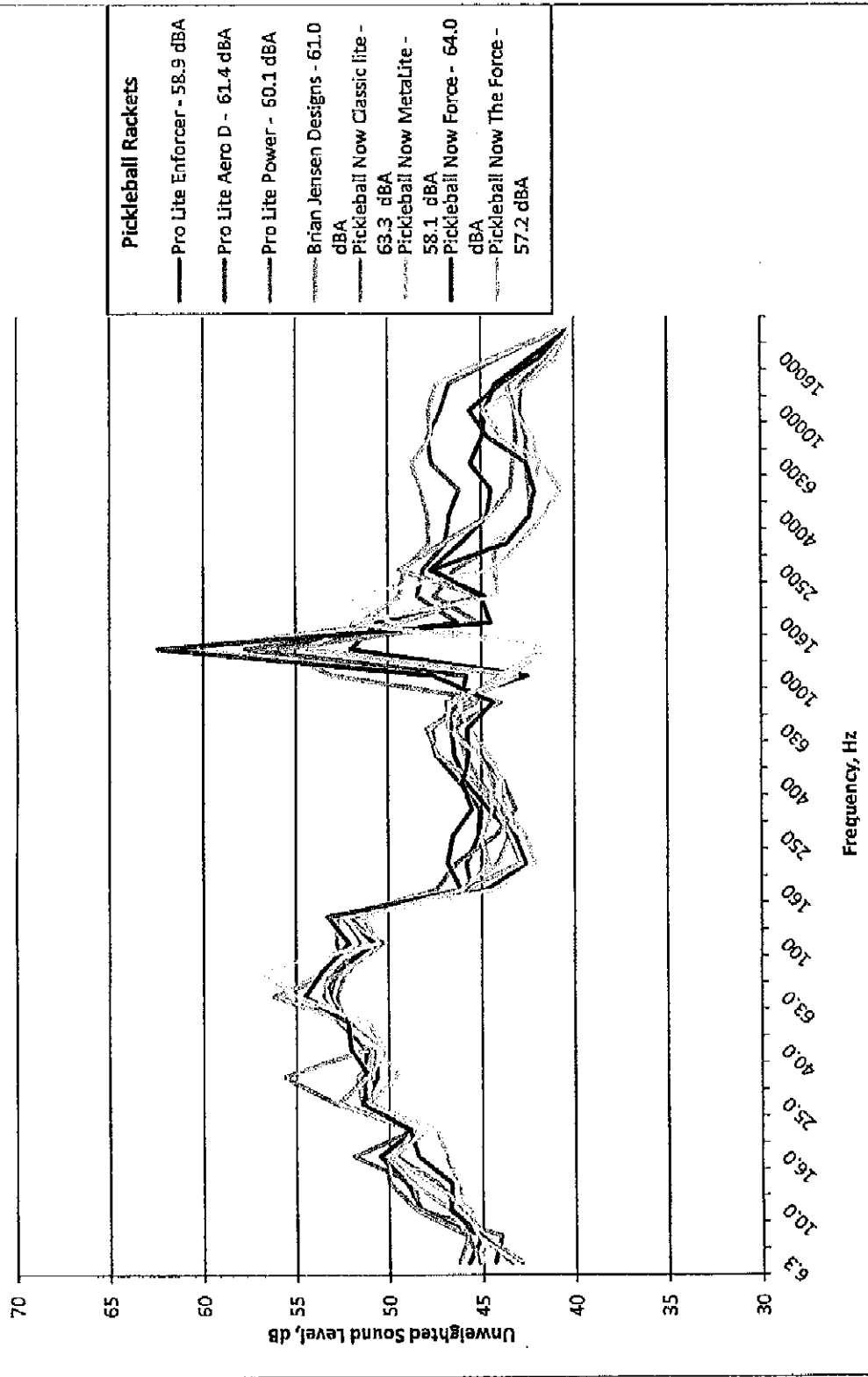
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Figure X-12. Measured One-Third Octave Band Sound Levels with New Racket Types
without Acoustifence - 8/22/12



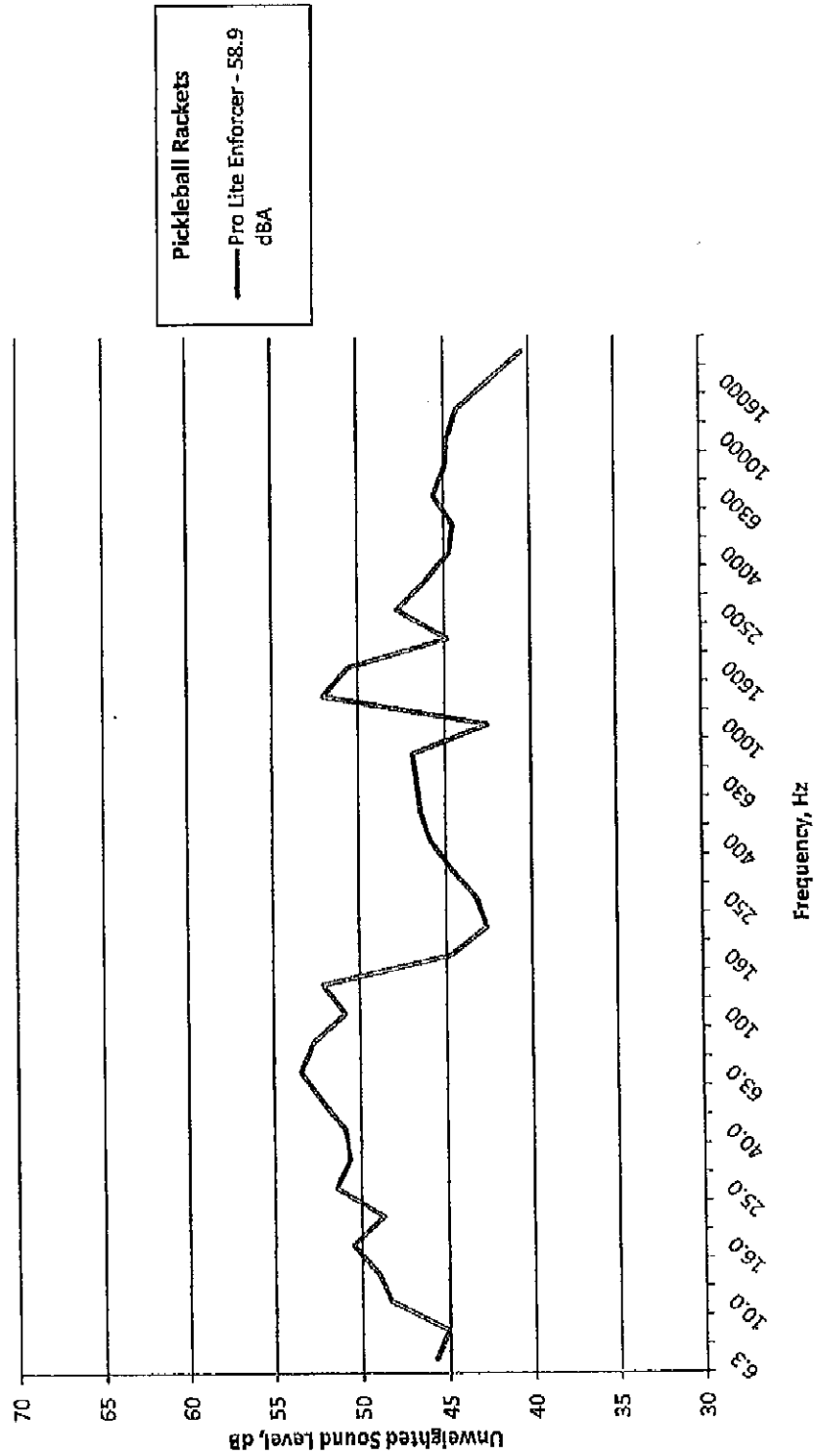
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Figure X-13. Measured One-Third Octave Band Sound Levels with Pro Lite Enforcer



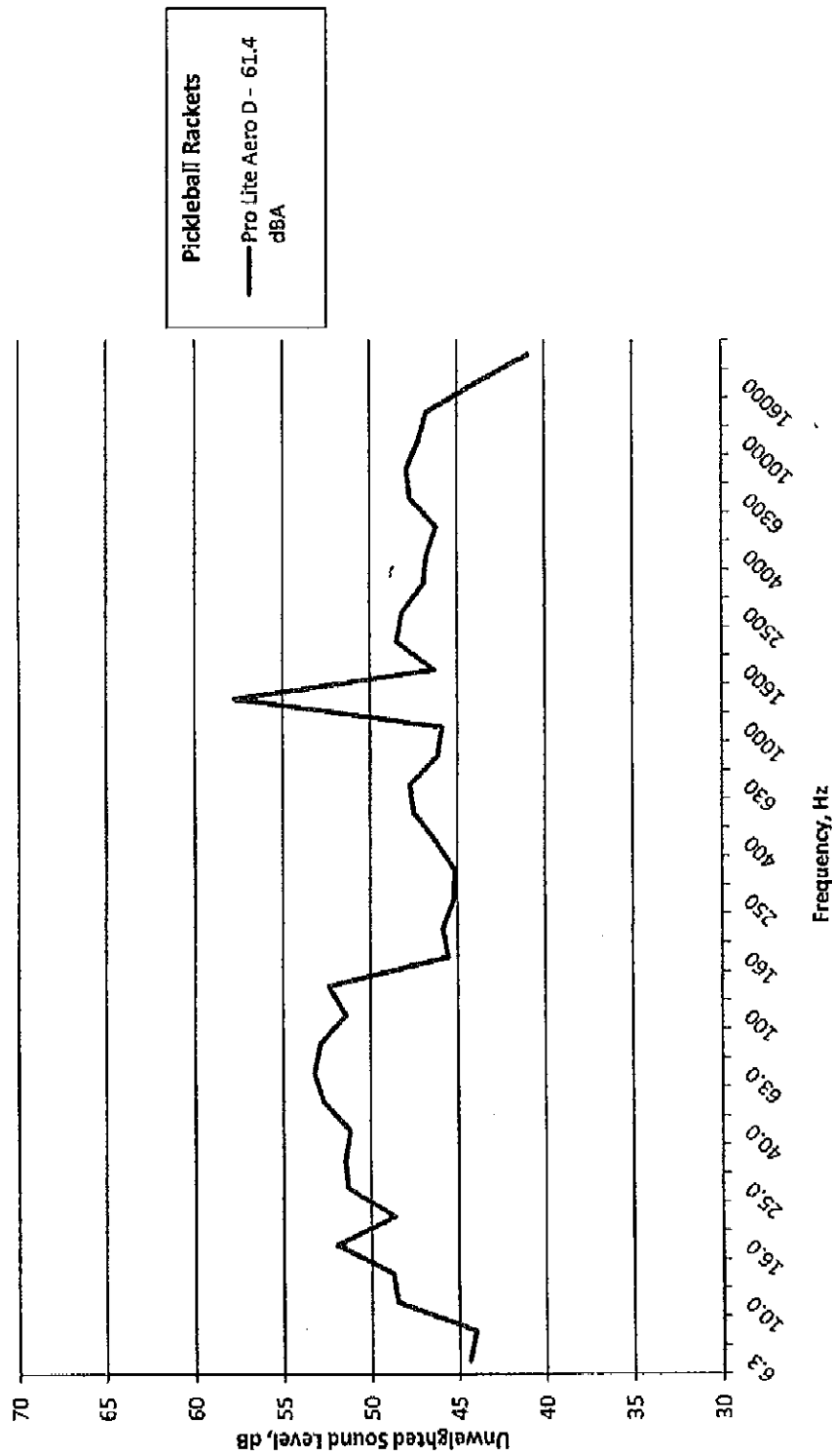
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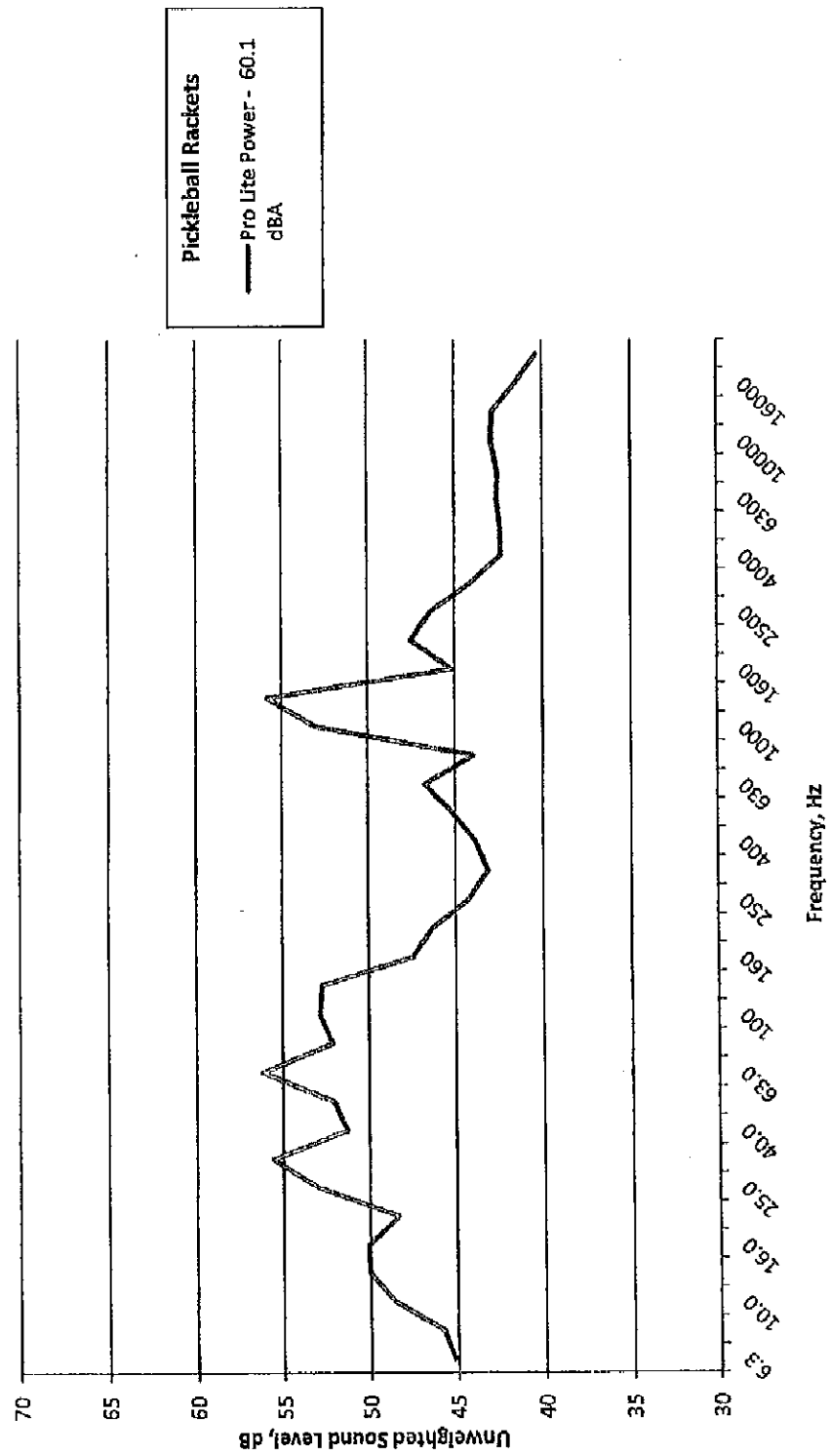
Figure X-14. Measured One-Third Octave Band Sound Levels with Pro Lite Aero D



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SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-15. Measured One-Third Octave Band Sound Levels with Pro Lite Power

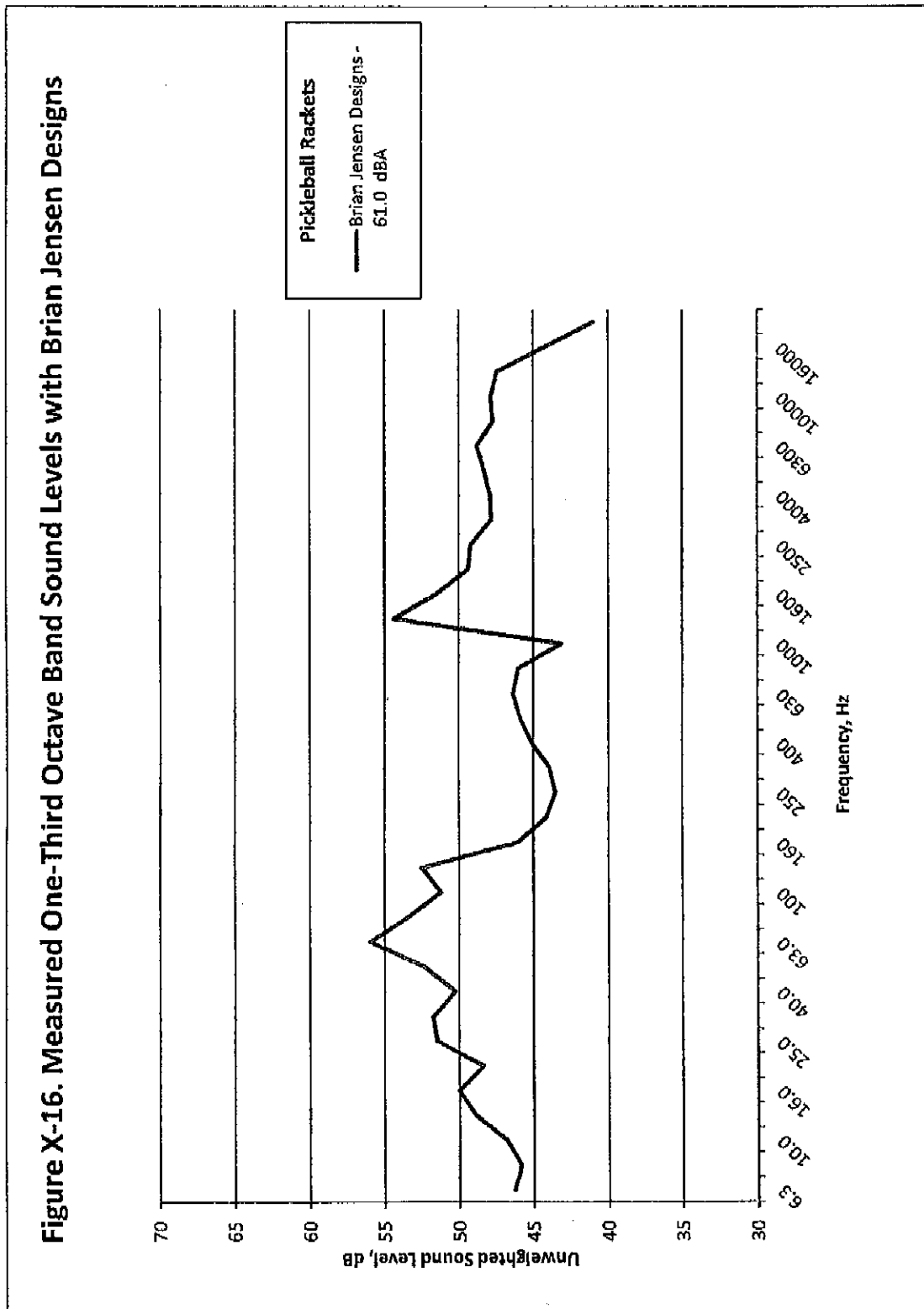


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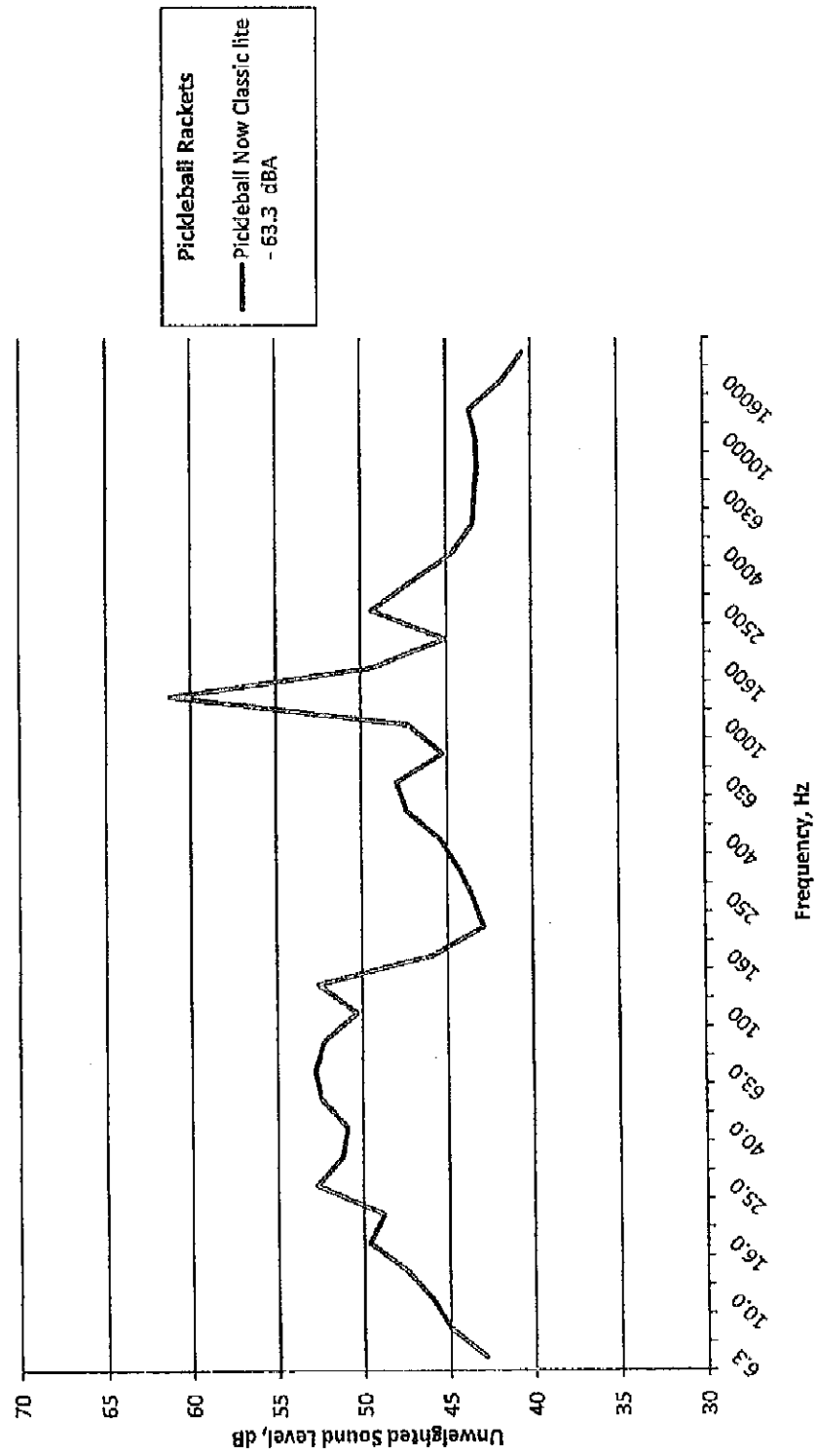


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Figure X-17. Measured One-Third Octave Band Sound Levels with Pickleball Now Classic lite

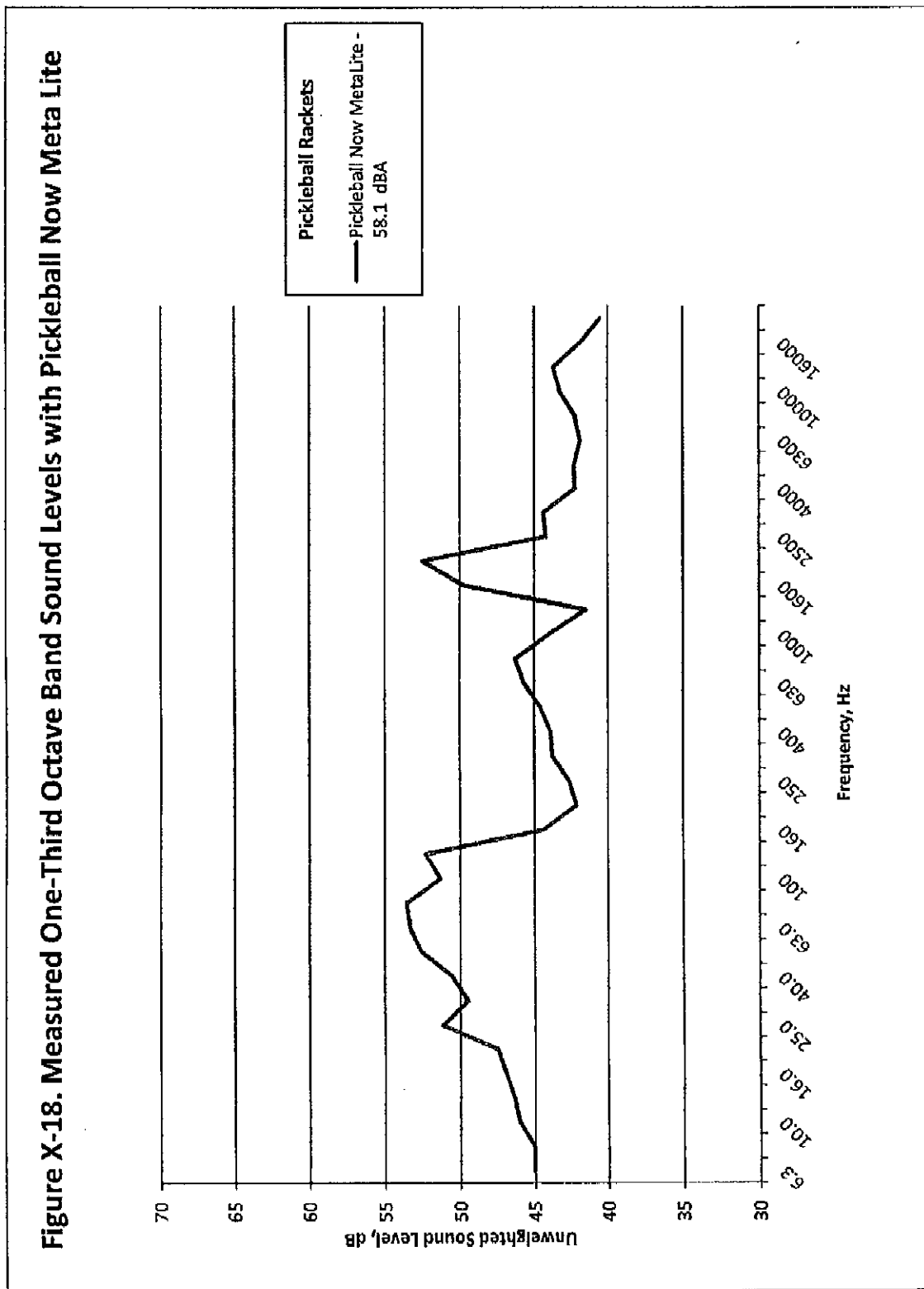


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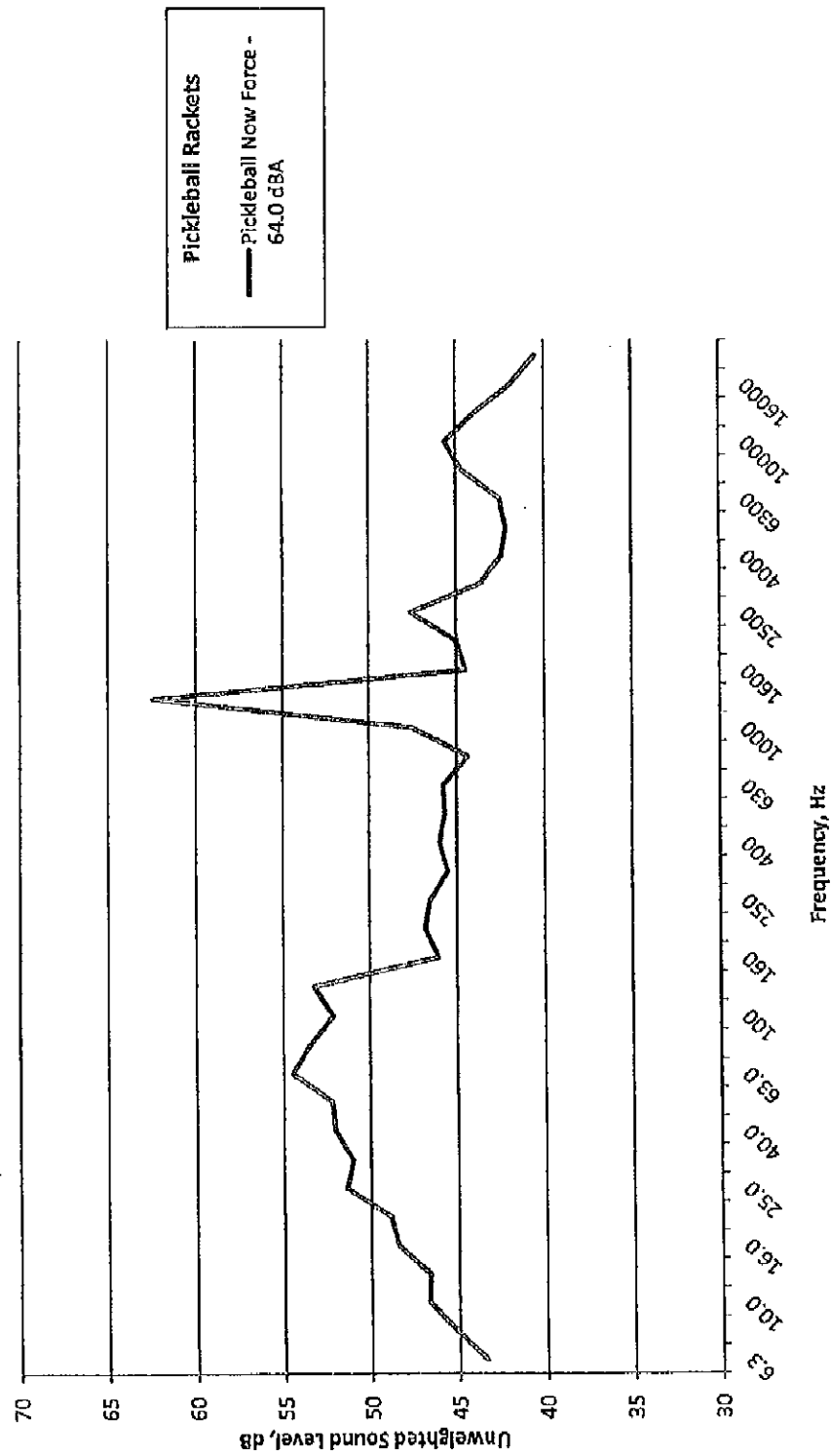
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SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-19. Measured One-Third Octave Band Sound Levels with Pickleball Now Force

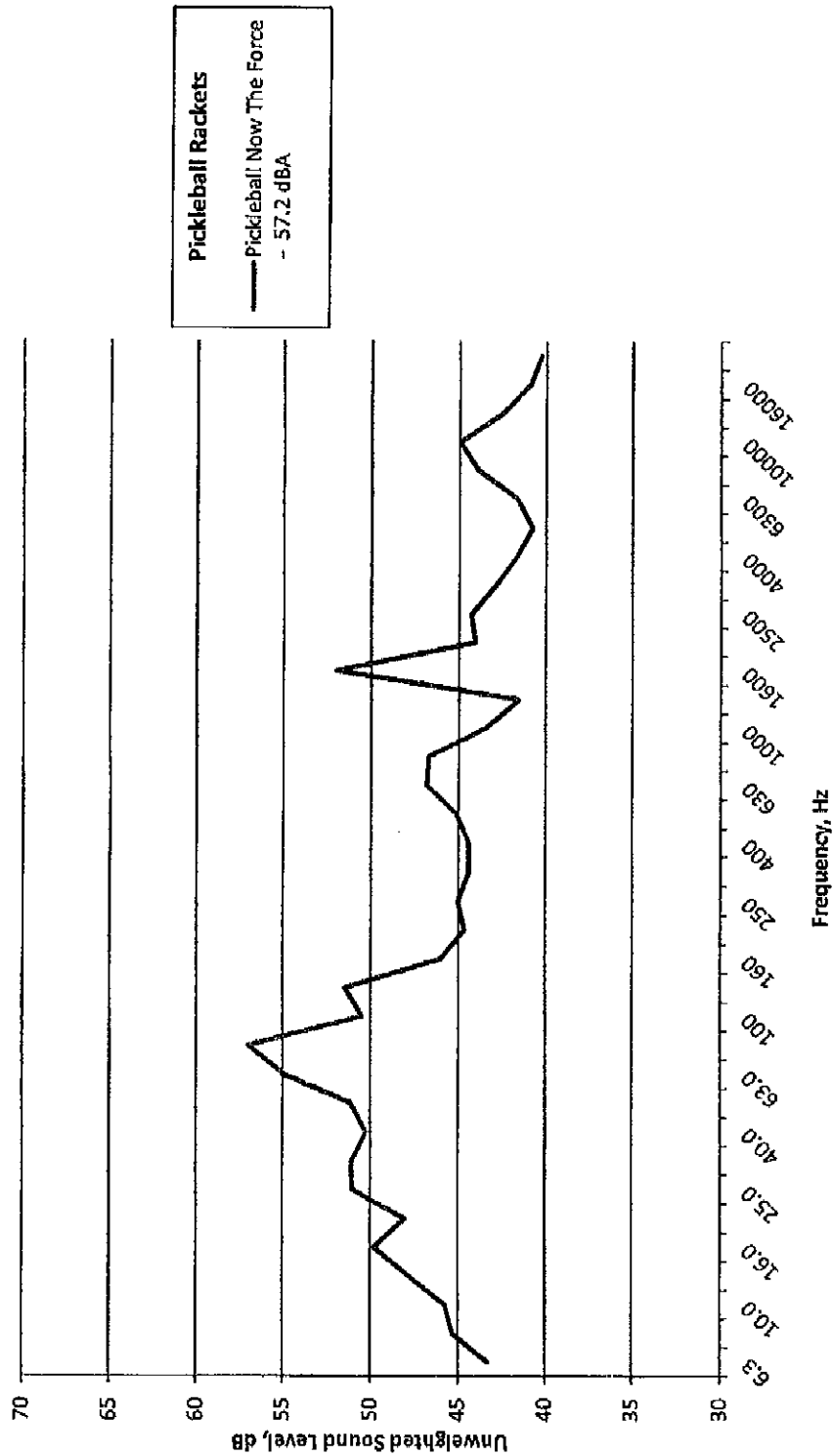


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SUN CITY GRAND PICKLEBALL NOISE STUDY

Figure X-20. Measured One-Third Octave Band Sound Levels with Pickleball Now The Force



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TECHNICAL MEMORANDUM

August 7, 2019

Caleb Schneider
Management Analyst

City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

Transmitted electronically to: cschneider@cityofpacificgrove.org

Subject: Environmental Noise Assessment – Morris Dill Courts Pickleball Noise
Reference: Extant Project No. 190423.01

1 Introduction

The City of Pacific Grove has received comments from residence surrounding the Morris Dill Courts (courts), expressing concern over the noise generated by the on-going pickleball at the Courts. As a result of the expressed concern over the pickleball noise, the City of Pacific Grove is evaluating treatment options for helping control the noise levels in the surrounding community. Extant Acoustical Consulting LLC (Extant) was retained to conduct site specific noise assessment for the project location, prepare a computerized noise model to evaluate potential noise barrier configurations and provide a recommended treatment option. This memorandum presents the approach and methodology for the analysis, applicable regulatory criteria and the findings of the analysis. Appendix A provides a description of the metrics and terminology used in this report along with a discussion of acoustical fundamentals.

2 Regulatory Setting

The City of Pacific Grove has developed goals, policies, programs and thresholds with the intent of controlling and diminishing environmental noise and protecting inhabitants from exposure to excessive noise levels. These standards and guidelines are contained in the City of Pacific Grove General Plan and Municipal Code.

General Plan noise standards applicable to this project are contained within the Noise section of the Health and Safety Element (Chapter 10.14). Specifically, General Plan Program LL requires new proposed stationary noise sources to not exceed average hourly noise levels of 50 dBA or 45 dBA respectively during Daytime and Nighttime periods; and maximum noise levels of 70 dBA or 65 dBA during Daytime and Nighttime periods respectively. Program PP of the General Plan works to maintain consistency of the City's noise ordinance with the General Plan. And Program QQ provides for continued support of the City's noise ordinance as a means of enforcing inappropriate or unnecessary noise.

The primary noise standards contained within the City of Pacific Grove Municipal Code are enumerated in section 11.96.010. The standards provide a subjective basis for evaluating noise within the City, and are presented below:

- (a) *The level of the noise;*
- (b) *The intensity of the noise;*

- (c) Whether the nature of the noise is usual or unusual;*
- (d) Whether the origin of the noise is natural or unnatural;*
- (e) The level and intensity of the background noise, if any;*
- (f) The proximity of the noise to residential sleeping facilities;*
- (g) The nature and zoning of the area within which the noise emanates;*
- (h) The density of the inhabitation of the area within which the noise emanates;*
- (i) The time of the day or night the noise occurs;*
- (j) The duration of the noise;*
- (k) Whether the noise is recurrent, intermittent, or constant; and*
- (l) Whether the noise is produced by a commercial or noncommercial activity.*

2.1 Additional Criteria Discussion

As presented above, the City of Pacific Grove General Plan noise standards include 24-hour day-night noise levels (Ldn), hourly equivalent average noise levels (Leq) and maximum noise levels (Lmax). Due to the nature of the pickleball hit/impact, evaluating the sounds based on an averaged sound pressure level does not accurately represent the level of annoyance or human perception. The maximum noise level standard contained within Figure 10-7 of the General Plan would be the most appropriate City of Pacific Grove noise standard currently in place. However, sounds that are impulsive and tonal nature, such as the pickleball impacts are often more readily perceptible in the background noise environment, leading to a greater level of annoyance. To account for this increased perception many jurisdictions apply a 5 dB penalty to sounds that are tonal or impulsive, as called out in the ASTM International E1686. The more current American National Standards Institute (ANSI) S12.9, Part 4 also calls for a 5 dB adjustment to the sound exposure level of regularly impulsive sounds.

The noise standards contained within the City of Pacific Grove Municipal code, for the determination of unlawful noises provide significant context for the evaluation of noise within the City; however, the subjective nature of the standards are not easily transited for use in a quantitative evaluation of noise. As such, the Municipal Code noise standards are not applied within this analysis.

To aid in the evaluation of the pickleball noise mitigation effectiveness, this analysis will rely on the application of the City of Pacific Grove maximum stationary noise criteria and ANSI S12.9 Parts 4 and 5.

3 Noise Monitoring Survey

An existing noise survey was conducted by Extant from May 27th to May 29th, 2019 to document the existing noise environment in the neighborhood surrounding the Morris Dill Courts. Specific consideration was given to document existing noise sources levels of the pickleball activities at the Morris Dill Courts and at nearby noise-sensitive uses. Noise measurements were performed in accordance with ANSI and ASTM International guidelines. Measurements were performed at a total of nine measurement locations in the study area.

Noise measurements were performed using Larson Davis Laboratories (LDL) Model 831, Type 1 precision integrating sound level meters (SLMs). Field calibrations were performed on the SLMs with acoustic calibrators before and after the measurements. Equipment used meets all pertinent specifications of ANSI S1.4-1983 (R2006) for Type 1 SLMs. All instrumentation components, including microphones, preamplifiers and field calibrators have laboratory certified calibrations traceable to the National Institute of Standards and Technology (NIST).

Figure 1 shows the locations of each of the noise measurement sites on an aerial photograph of the study area, with the project location shown for context. On the figure, the long-term noise measurement sites are represented as LT-1; short-term measurement sites are represented as ST-1 through ST-8. Microphones were located 5 ft. above the ground, an average height for a person standing. The following sections separately discuss and report the results for the long-term and short-term monitoring.

3.1 Long-Term Monitoring

As noted above and shown in Figure 1, long-term noise monitoring was positioned and conducted to characterize and provide a representative sample of the pickleball source-noise levels. The noise measurements at long-term site spanned from May 27th through May 29th, 2019. Weather during the measurement period was fair. Winds during the measurement period ranged from calm to periods with wind ranging from 0-8 mph, with a few periods of isolated gusts. The temperature averaged 58°F for the measurement period. No precipitation was experienced during the measurement period.

Noise monitoring data is summarized below in Table 1 – Noise Monitoring Summary; detailed results from the Long-term monitoring are presented in Appendix B, in both tabular and graphical form. Monitoring results are described using noise level descriptors: Leq, which is the average sound level with equivalent sound energy as a continuous sound at that level; Lmax, which is the maximum sound level that occurred during the measurement period; and L90, the sound level exceeded 90% of the time, which also closely represents the background noise environment.

The long-term monitoring location was affected by traffic on the local roadway network, general community noise (pedestrians, dogs, kids playing, etc.), aircraft overflights, and noise levels from use of the Morris Dill Courts. Day-night noise levels were approximately 55 to 56 dBA Ldn with hourly average noise levels ranging from 33 dBA Leq to 61 dBA Leq.

3.2 Short-Term Noise Monitoring

Short-term noise monitoring was conducted to provide additional insight into the noise environment within the study area. Additionally, the short-term noise monitoring data provides key information about behavior of sound in the surrounding community and relative exposure at various locations in the project vicinity.

Short-term noise monitoring was performed by Extant on May 28th, 2019 during two (2) scheduled pickleball sessions. The short-term monitoring program documented the existing noise environment and source at eight (8) locations surrounding the Morris Dill Courts. Ambient-noise survey locations are shown in Figure 1. Noise levels and observations for the measurement environment were documented; noise levels recorded at each short-term noise monitoring location are presented in Table 1.

The primary noise source affecting the noise monitoring locations was vehicular traffic on the local roadway network and activity at the Morris Dill Courts (pickleball). Additional noise sources experienced during the noise-monitoring program included general community activities and aircraft overflights. Average noise levels during the short-term monitoring periods ranged from approximately 47 to 61 dBA Leq.

Environmental Noise Assessment – Morris Dill Courts Pickleball Noise**Table 1 – Noise Monitoring Summary**

				Average Noise Level, dBA ¹			
Site	Location	Start Time	Ldn	Leq	Lmax	L50	L90
Long-term Monitoring							
LT-1	Western edge of Morris Dill Courts	05/27/2019 – 05/28/2019	54.9	55.4 (43.8)	72.5 (61.7)	45.6 (35.1)	40.7 (33.5)
		05/28/2019 – 05/29/2019	55.9	55.0 (47.0)	75.4 (64.5)	45.2 (34.6)	40.6 (33.1)
Short-term Monitoring – 05/28/2019							
ST-1	609 Fountain Avenue	9:30 AM	-	61.1	75.9	57.4	50.8
ST-2	Fountain Apartments	9:30 AM	-	53.0	69.9	47.6	43.5
ST-3	523 Gibson Avenue	10:10 AM	-	55.4	72.0	51.6	45.3
ST-4	511-515 Gibson Avenue	10:10 AM	-	54.6	69.4	49.4	43.6
ST-5	488 Gibson Avenue	11:00 AM	-	49.3	64.5	45.9	42.7
ST-6	605 14 th Street	11:00 AM	-	48.7	67.5	45.1	42.6
ST-7	465-475 Gibson Avenue	11:40 AM	-	49.6	64.5	42.0	40.0
ST-8	502-520 Sinex Avenue	11:40 AM	-	46.8	59.3	42.7	40.8

Notes: dBA = A-weighted decibels; Ldn = average day-night level; Leq = average equivalent noise level; Lmax = maximum noise level; L50 = sound level exceeded 50% of the period; L90 = sound level exceeded 90% of the period.

Locations of noise monitoring sites are shown on Figure 1.

1- Average noise levels expressed for the long-term monitoring location are: daytime (nighttime)

Source: Extant Acoustical Consulting LLC, 2019

3.3 Pickleball Noise Levels

The noise monitoring data was post-processed to extract the pickleball specific noise levels experienced at each of the monitoring locations. Noise levels generated by the pickleball impacts ranged considerably depending on the player, paddle and ball. Documenting the specific paddles or balls in use at the time of the noise monitoring was beyond the scope of this analysis; however, noise levels are estimated to have been documented from several thousand hits/impacts over the course of the monitoring period. As such, the documented pickleball noise levels are considered to be representative of the paddle and ball combinations used at the Morris Dill Courts.

During the short-term monitoring period, noise levels directly attributable to pickleball hits/impacts were notated at each of the monitoring locations. The average and maximum sound pressure levels (SPL) that were directly attributable to the pickleball impact are summarized below in Table 2. Pickleball noise levels at the short-term monitoring location ST-8 were noted to be less than the existing background noise levels and did not result in a noticeable change in the SPL at that location; however, the pickleball hits remained audible on occasion.

As shown in Table 2, pickleball noise levels ranged from below background noise levels to approximately 76 dBA at the residential parcel nearest the Courts (609 Fountain Avenue). With the exception of the 609 Fountain Avenue residence, pickleball noise levels did not exceed the City of Pacific Grove General Plan Maximum Allowable Stationary Noise Level standard of 70 dBA Lmax.

The Pacific Grove 50 dBA Leq (equivalent hourly average) daytime noise level standard for stationary sources was approached or exceeded at short-term sites ST-1 through ST-5 and at ST-7; however, the overall average noise levels documented during the short-term monitoring periods were driven by the ambient background noise levels in the study area and not directly attributable to the pickleball activities. Pickleball noise levels at the long-term reference location documented pickleball source levels ranging from 58.2 to 60.2 dBA Leq during pickleball play. Using standard point source

Environmental Noise Assessment – Morris Dill Courts Pickleball Noise

propagation, this would result in pickleball noise levels at the short-term receivers ranging from approximately 40 to 57 dBA Leq. Propagated pickleball noise levels would exceed the City of Pacific Grove 50 dBA Leq standard at receivers ST1 (51.2 dBA), ST2 (52.6 dBA) and ST3 (56.7 dBA). Achieving compliance with the City of Pacific Grove 50 dBA Leq standard would require reductions of noise levels of by approximately 1, 3 and 7 dBA at ST-1 through 3 respectively.

Table 2 – Pickleball Impact Noise Levels

Site	Location	Sound Pressure Level, dBA				
		Average	Max	Adjusted ¹	Design Threshold	Required NLR ²
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.

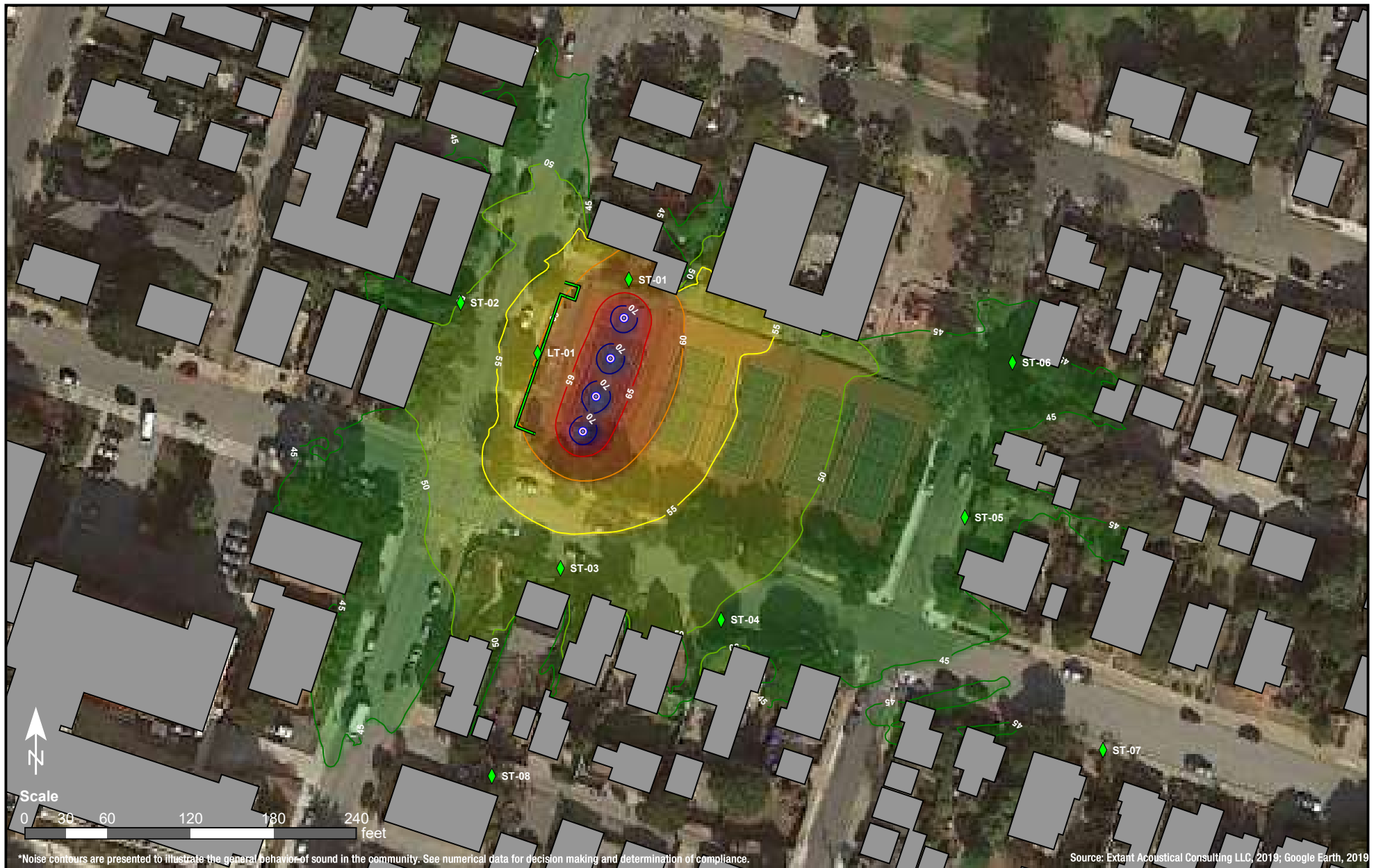
If you should have any questions or would like to discuss any aspect of this memorandum, please contact me via email at mcarr@extantacoustical.com or via phone at (916) 520-4322.

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

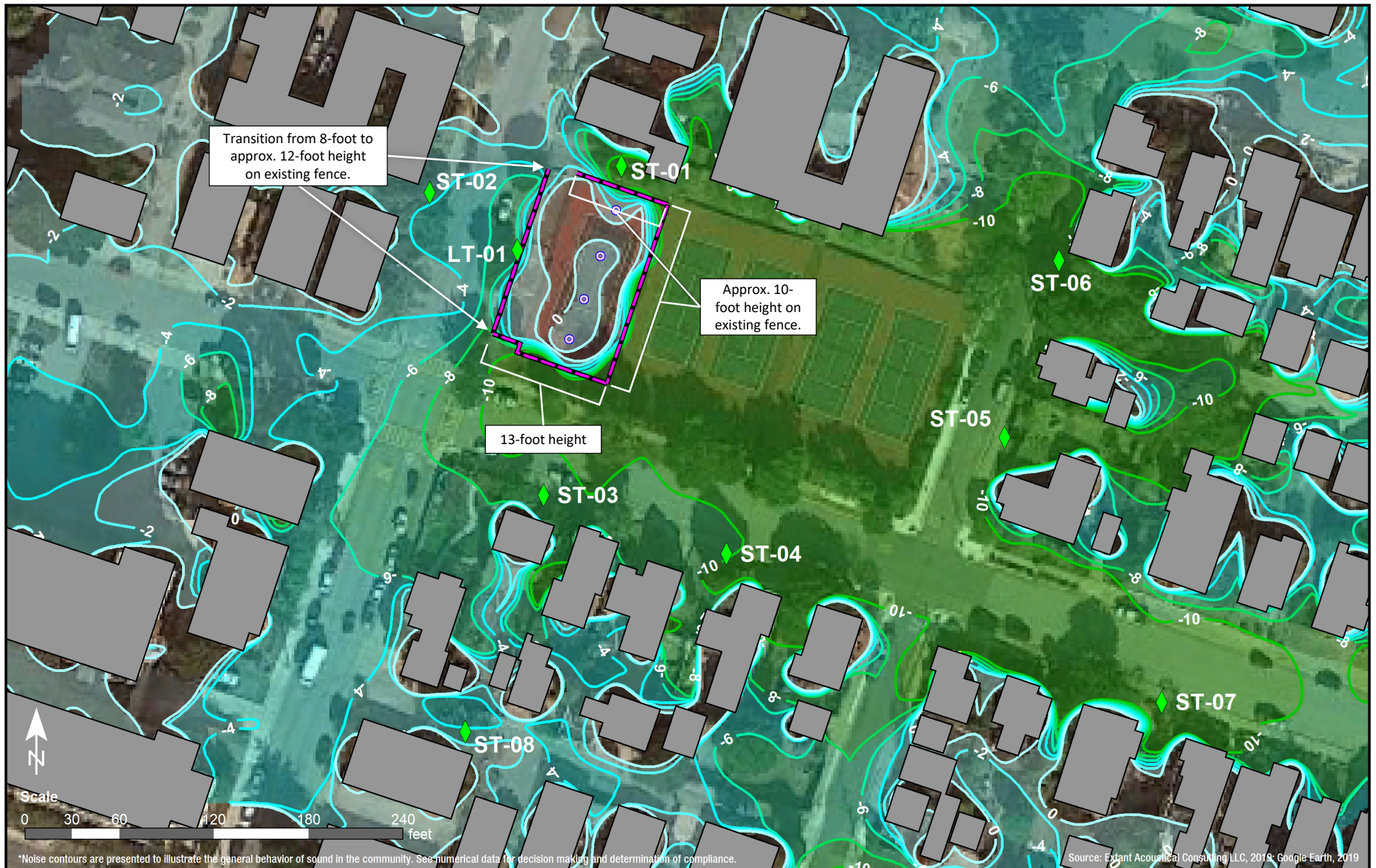
Noise Monitoring Locations and Existing Pickleball Conditions
Loudest Hourly Noise Level Contours, dBA Leq,1h
Additional Description

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
	≤ -8
	≤ -6
	≤ -4
	≤ -2
	≤ 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

EXTANTACOUSTICAL
CONSULTING LLC

Published: 8/1/2019
Engineer: MJC



Signs and Symbols

- Point source
- Receiver
- Building
- Noise Barrier

Difference level in dB(A)

	≤ -10
	$-10 < \leq -8$
	$-8 < \leq -6$
	$-6 < \leq -4$
	$-4 < \leq -2$
	$-2 < \leq 0$
	$0 <$

Figure 3

Noise Level Reductions - Outer Barrier Layout

8-12 foot tall Absorptive Noise Barrier
Noise Level Difference Contours, dB

City of Pacific Grove
Morris Dill Pickleball

City Pacific Grove, CA

EA EXTANTACOUSTICAL
CONSULTING LLC

Published: 8/1/2019
Engineer: MJC

Appendix A

Noise Fundamentals and Description of Noise Metrics

A.1 Noise Fundamentals

A.1.1 A-weighted Sound Level, dBA

Loudness is a subjective quantity that enables a listener to order the magnitude of different sounds on a scale from soft to loud. Although the perceived loudness of a sound is based somewhat on its frequency and duration, chiefly it depends upon the sound pressure level. Sound pressure level is a measure of the sound pressure at a point relative to a standard reference value; sound pressure level is always expressed in decibels (dB), a logarithmic quantity.

Another important characteristic of sound is its frequency, or “pitch.” This is the rate of repetition of sound pressure oscillations as they reach our ears. Frequency is expressed in units known as Hertz (abbreviated “Hz” and equivalent to one cycle per second). Sounds heard in the environment usually consist of a range of frequencies. The distribution of sound energy as a function of frequency is termed the “frequency spectrum.” The frequency spectrum of sound is often represented as the sum of the sound energy in frequency bands that are one octave or 1/3-octave wide. An octave represents a doubling of frequency.

The human ear does not respond equally to identical noise levels at different frequencies. Although the normal frequency range of hearing for most people extends from a low of about 20 Hz to a high of 10,000 Hz to 20,000 Hz, people are most sensitive to sounds in the voice range, between about 500 Hz to 2,000 Hz. Therefore, to correlate the amplitude of a sound with its level as perceived by people, the sound energy spectrum is adjusted, or “weighted.”

The weighting system most commonly used to correlate with people's response to noise is “A-weighting” (or the “A-filter”) and the resultant noise level is called the “A-weighted noise level” (dBA). A-weighting significantly de-emphasizes those parts of the frequency spectrum from a noise source that occurs both at lower frequencies (those below about 500 Hz) and at very high frequencies (above 10,000 Hz) where we do not hear as well. The filter has very little effect, or is nearly “flat,” in the middle range of frequencies between 500 and 10,000 Hz. A-weighted sound levels have been found to correlate better than other weighting networks with human perception of “noisiness.” One of the primary reasons for this is that the A-weighting network emphasizes the frequency range where human speech occurs, and noise in this range interferes with speech communication. The figure below shows common indoor and outdoor A-weighted sound levels and the environments or sources that produce them.

A.1.2 Equivalent Sound Level, Leq

The Equivalent Sound Level, abbreviated Leq, is a measure of the total exposure resulting from the accumulation of A-weighted sound levels over a particular period of interest -- for example, an hour, an 8-hour school day, nighttime, or a full 24-hour day. However, because the length of the period can be different depending on the time frame of interest, the applicable period should always be identified or clearly understood when discussing the metric. Such durations are often identified through a subscript, for example Leq1h, or Leq (24).

Leq may be thought of as a constant sound level over the period of interest that contains as much sound energy as (is “equivalent” to) the actual time-varying sound level with its normal peaks and valleys. It is important to recognize, however, that the two signals (the constant one and the time-varying one) would sound very different from each other. Also, the “average” sound level suggested by Leq is not an arithmetic value, but a logarithmic, or “energy-averaged” sound level. Thus, the loudest events may dominate the noise environment described by the metric, depending on the relative loudness of the events.

A.1.3 Statistical Sound Level Descriptors, Ln

Statistical descriptors of the time-varying sound level are often used instead of, or in addition to Leq to provide more information about how the sound level varied during the time period of interest. The descriptor includes a subscript that indicates the percentage of time the sound level is exceeded during the period. The L50 is an example, which represents the sound level exceeded 50 percent of the time, and equals the median sound level. Another commonly used descriptor is the L10, which represents the sound level exceeded 10 percent of the measurement period and describes the sound level during the louder portions of the period. The L90 is often used to describe the quieter background sound levels that occurred, since it represents the level exceeded 90 percent of the period.

A.1.4 DNL (Day-Night Noise Level)

The 24-hour Leq with a 10 dB “penalty” applied during nighttime noise-sensitive hours, 10:00 p.m. through 7:00 a.m. The DNL attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.

A.1.5 CNEL (Community Noise Equivalent Level)

The CNEL is similar to the DNL described above, but with an additional 5 dB “penalty” for the noise-sensitive hours between 7:00 p.m. to 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically 0.5 dB higher than the DNL.

A.1.6 SEL (Sound Exposure Level)

The SEL describes the cumulative exposure to sound energy over a stated period of time. Typically used to compare dissimilar noise events or to determine the effect of exposure to multiple events.

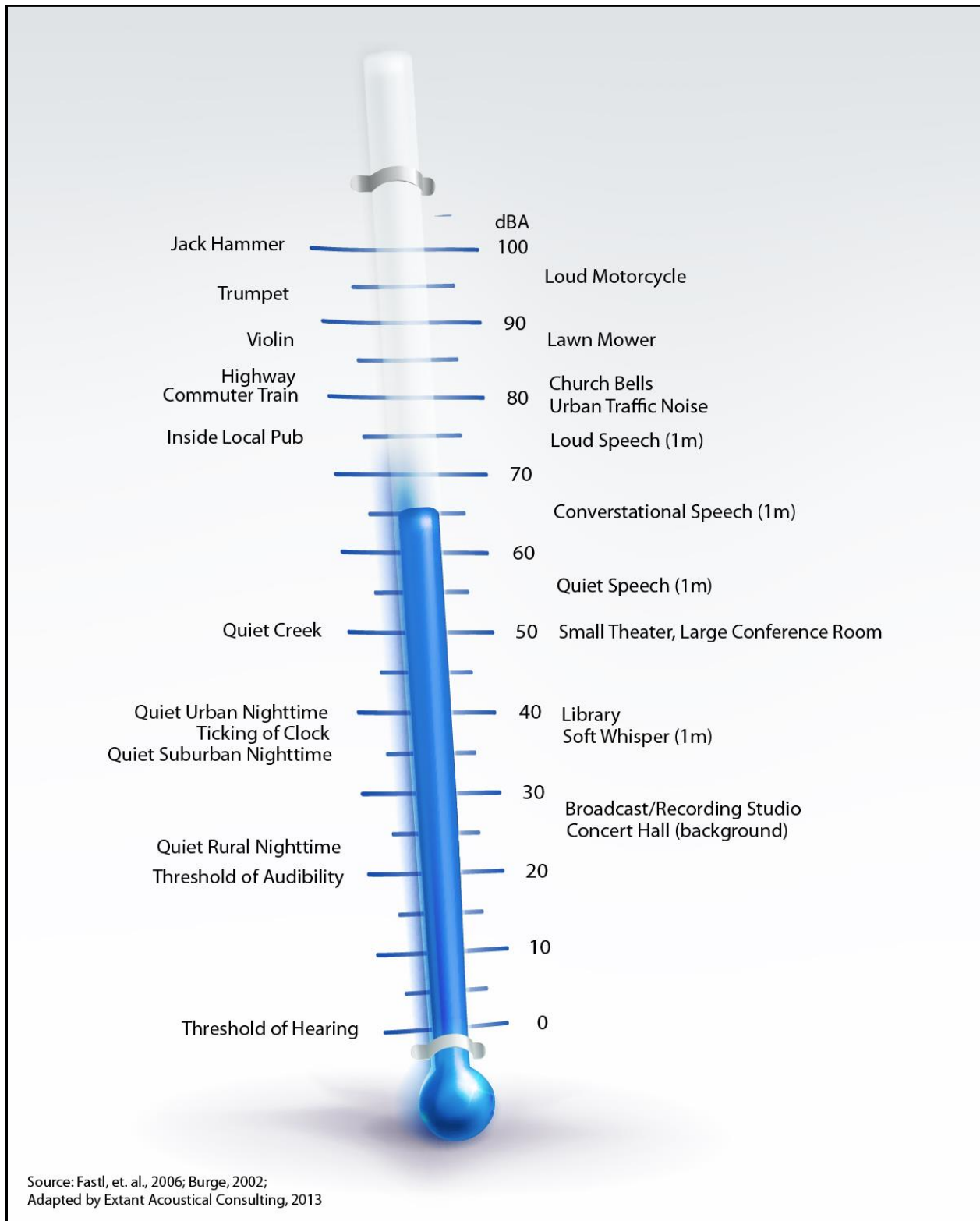


Exhibit 1 – Typical Noise Levels

A.1.7 Sound Propagation

As sound (or noise) propagates from the source to the receptor, the attenuation, or manner of noise reduction in relation to distance, depends on surface characteristics, atmospheric conditions, and the presence of physical barriers. The inverse square law describes the attenuation caused by the pattern of sound traveling from the source to the receptor. Sound travels uniformly outward from a point source in a spherical pattern with an attenuation rate of 6 dBA per doubling of distance. However, from a line source (e.g., a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate of 3 dBA per doubling of distance. The surface characteristics between the source and the receptor may result in additional sound absorption and/or reflection. Atmospheric conditions such as wind speed, temperature, and humidity may affect noise levels.

Furthermore, the presence of a barrier between the source and the receptor may also attenuate noise levels. The actual amount of attenuation depends on the barrier size and frequency of the noise. A noise barrier may be any natural or human-made feature such as a hill, tree, building, wall, or berm.

A.1.8 Effects of Noise on Humans

Excessive and chronic exposure to elevated noise levels can result in auditory and non-auditory effects in humans. Auditory effects of noise on people are those relating to temporary or permanent noise induced hearing loss. Non-auditory effects of exposure to elevated noise levels are those relating to behavioral and physiological effects. The non-auditory behavioral effects of noise on humans is primarily associated with the subjective effects of annoyance, nuisance, and dissatisfaction; which lead to interference with activities such as communications, sleep, and learning. The non-auditory physiological health effects of noise on humans has been the subject of considerable research efforts attempting to discover correlations between exposure to elevated noise levels and health problems, such as hypertension, and cardiovascular disease. The mass of research infers that noise-related health issues are predominantly the result of behavioral stressors (physiological) and not a direct noise-induced response. The degree to which noise contributes to non-auditory health effects remains a subject of considerable research, with no definitive conclusions.

The degree to which noise results in annoyance and interference, is highly subjective and may be influenced by a number of non-acoustic factors. The number and effect of these non-acoustic environmental and physical factors varies depending on individual characteristics of the noise environment including sensitivity, level of activity, location, time of day, length of exposure, etc. One key aspect in the prediction of human response to new noise environments is the individual level of adaptation to an existing noise environment. The greater change in noise levels which are attributed to a new noise source, relative to the environment an individual has become accustomed 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

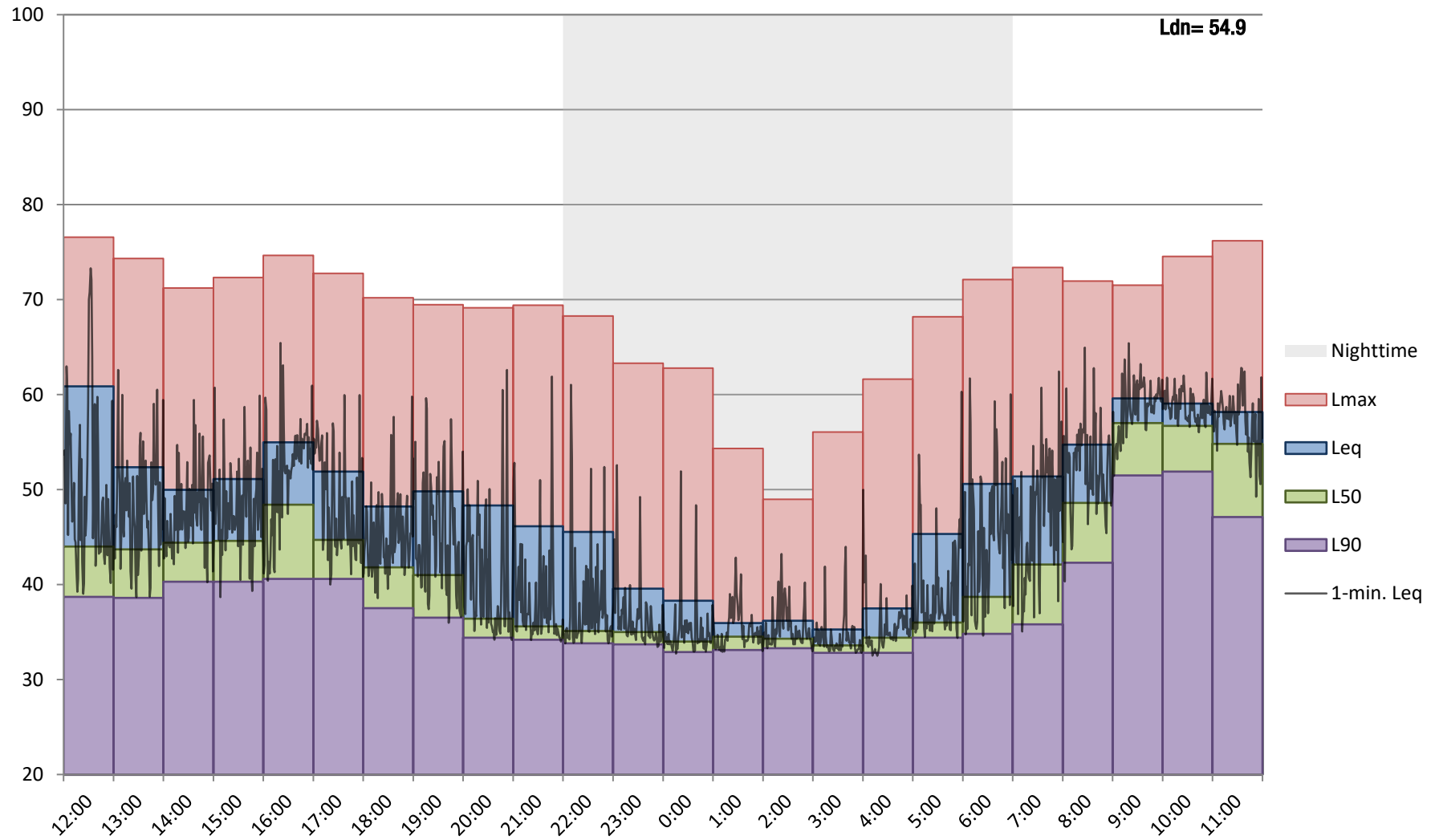
Average Level			
Leq	Lmax	L50	L90
55.4	72.5	45.6	40.7
43.8	61.7	35.1	33.5

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



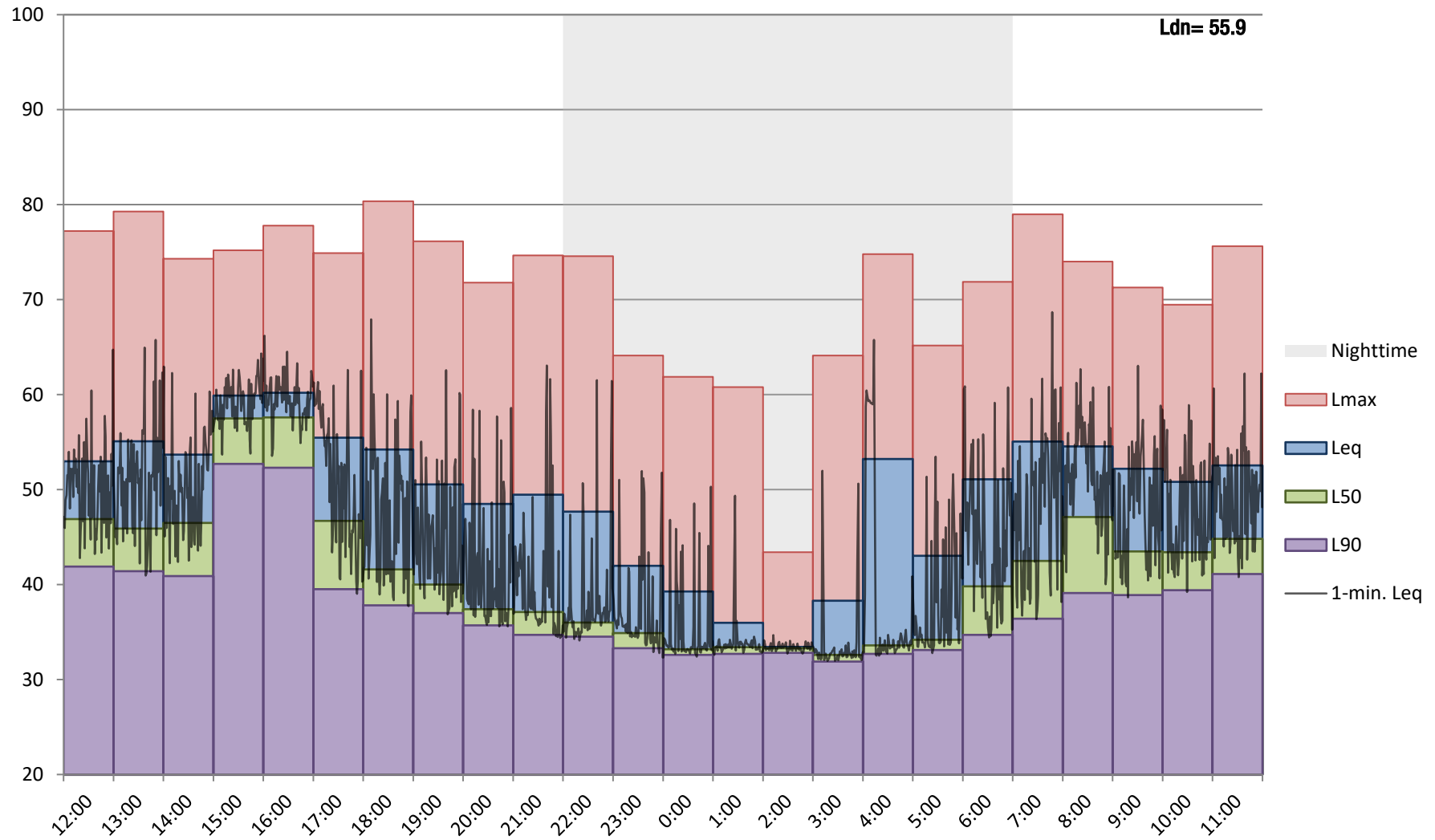
Project: Pacific Grove - Morris Dill Pickleball Courts

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

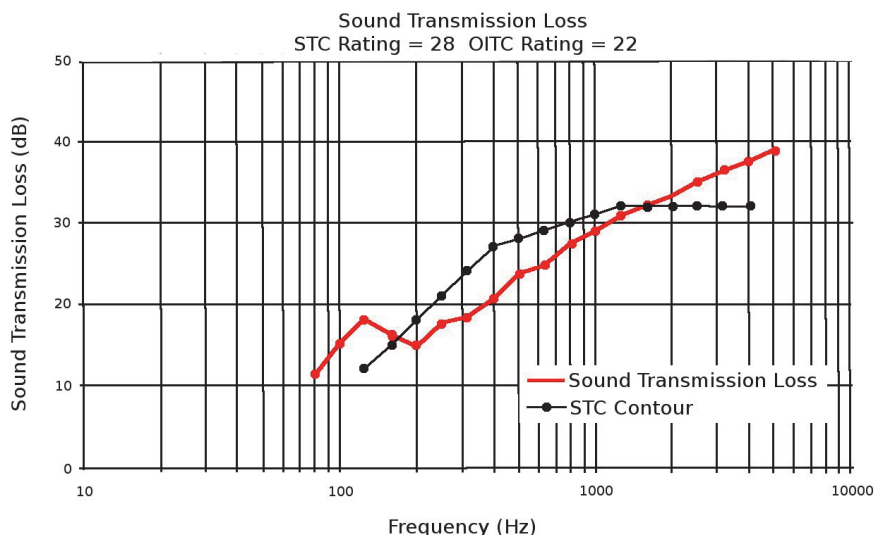
Acoustifence® Benefits and Specifications

- 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



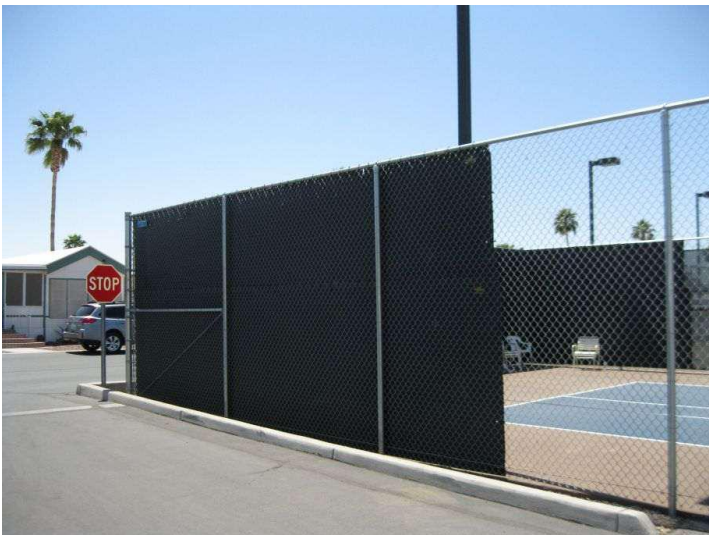
King Fence, Inglewood, CA



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

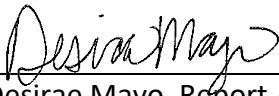
Community and Economic Development
Stormwater Management

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

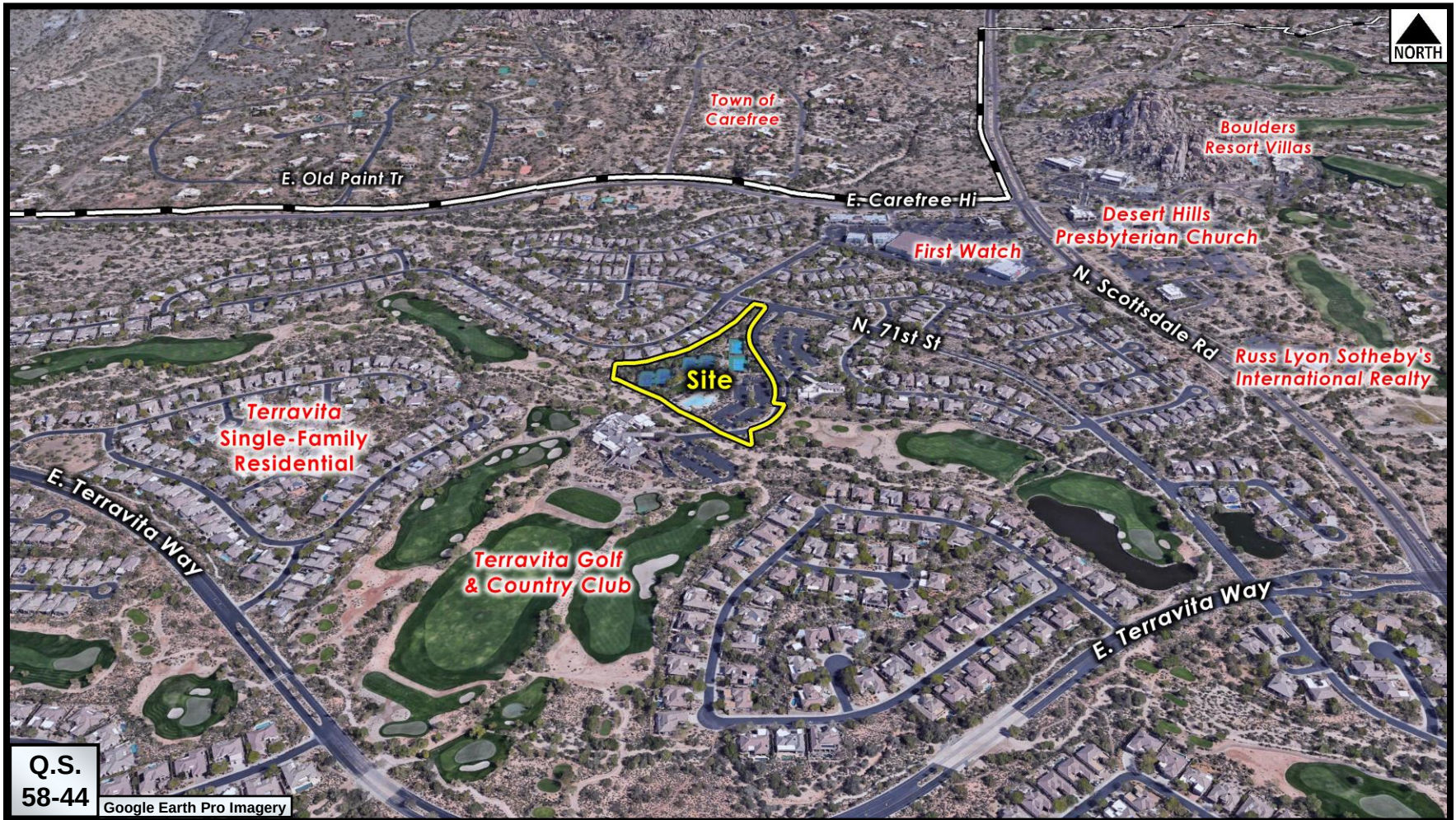
Phone: 480-312-2664 Email: rgrant@scottsdaleaz.gov

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 Improvments**

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. MIRRORED SURFACES OR ANY TREATMENTS THAT CHANGE ORDINARY GLASS INTO A MIRRORED 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)

- LEGEND:
- A/C AIR CONDITIONING EQUIPMENT
BAR BARREL CACTUS
BLDR BOULDER
BJ BOULDER JUMBLE
BSL BUILDING SETBACK LINE
- CABLE TELEVISION
○ CFS CUBIC FEET PER SECOND
○ CTE CABLE TELEVISION EASEMENT
(C) DENOTES CALCULATED
(M) DENOTES MEASURED
(R) DENOTES RECORDED
← DIRECTION OF DRAINAGE
DE DRAINAGE EASEMENT
EDA EDGE OF DISTURBED AREA
E/P EDGE OF PAVEMENT
(EXIST) EXISTING
- ELEC. EXISTING ELECTRICAL
- 00— EXISTING CONTOUR
(00.0) EXISTING ELEVATION
(EXIST) EXISTING FIRE HYDRANT
- FND FOUND
◇ FOUND BUILDING ENVELOPE STAKE
● FOUND MONUMENT
IW IRONWOOD
[ICV] IRRIGATION CONTROL VALVE
LF LOWEST FINISHED FLOOR
MCR MARICOPA COUNTY RECORDS
MESQ MESQUITE
NAOS NATURAL AREA OPEN SPACE
OCO OCOTILLO
PV PALO VERDE
PMUT PUBLIC MULTI-USE TRAIL
PWR POWER LINES
— 00— PROPOSED CONTOUR
00.0 PROPOSED ELEVATION
PTE PRIVATE TRAIL EASEMENT
PUE PUBLIC UTILITIES EASEMENT
○ RECORD MONUMENT
○ ROCK OUTCROP
SAG SAGUARO CACTUS
SWE SIDEWALK EASEMENT
(EXIST) EXISTING
T/B/C TELEPHONE RISER
TF TOP BACK OF CURB
TR TOP OF FOOTING
TW 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

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

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.

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.

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.

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

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.

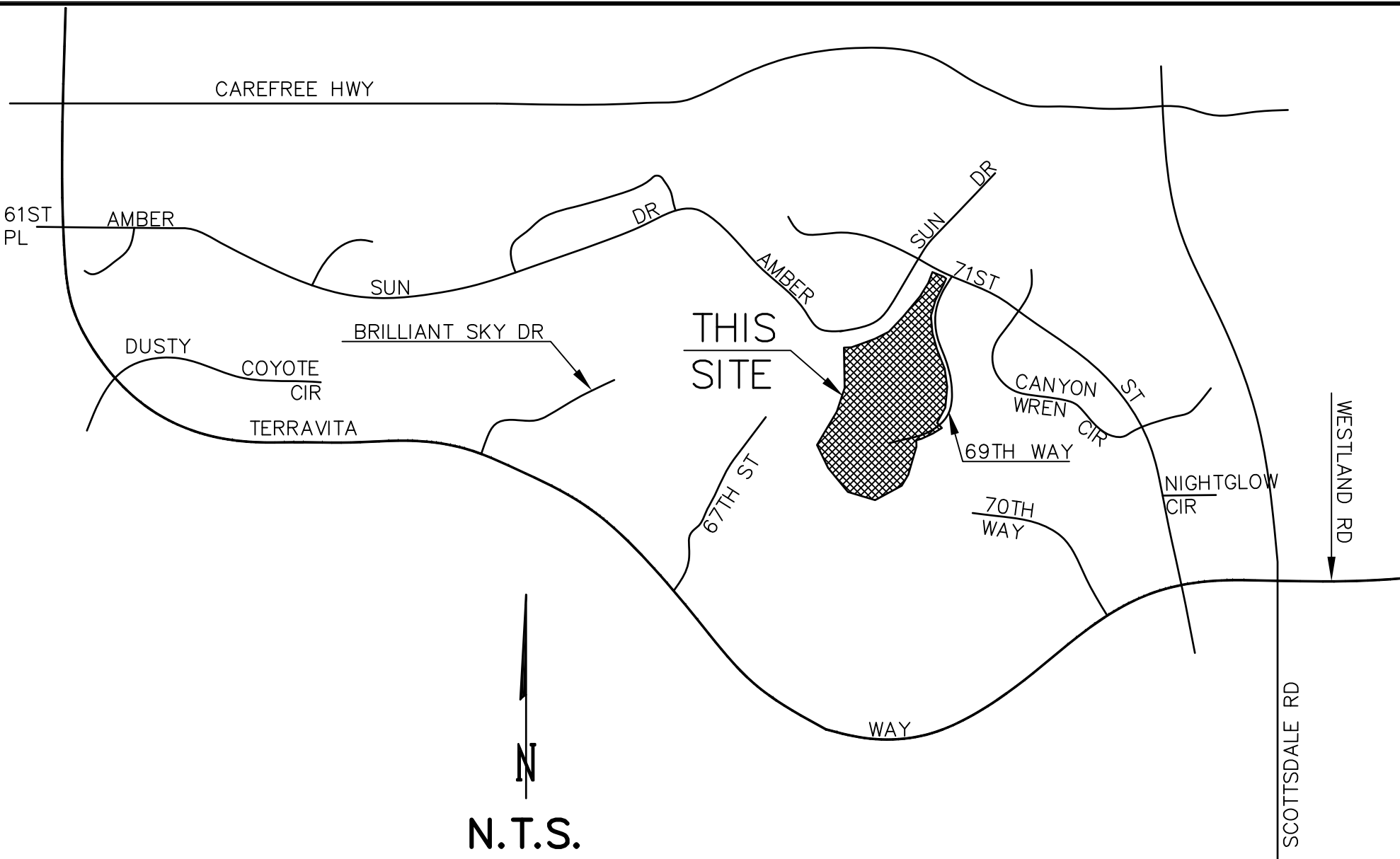
Civil Engineers & Land Surveyors

P.O. BOX 1240, Carefree, Arizona 85377

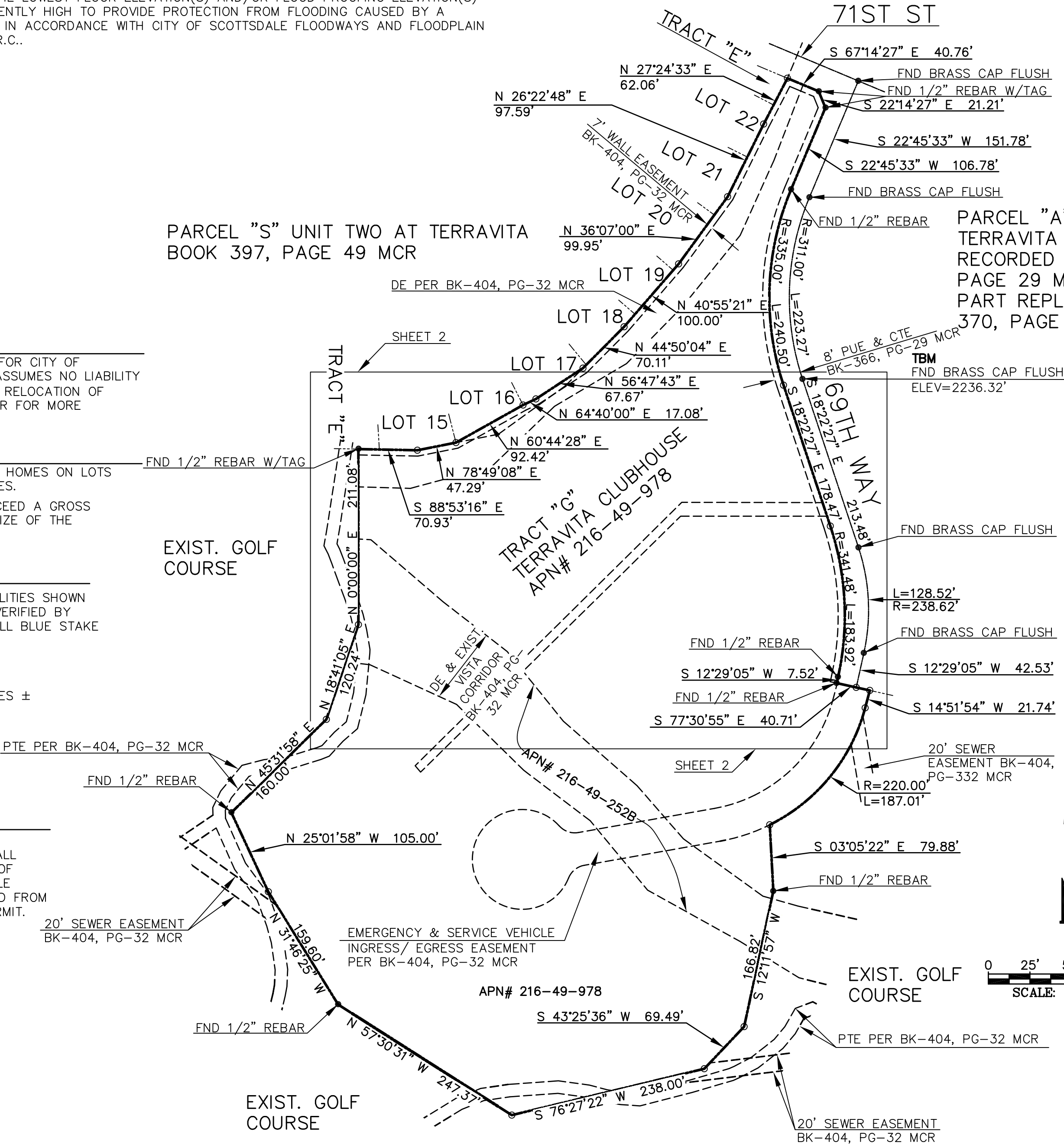
(480) 488-4393

TRACT "G" CLUBHOUSE UNIT 2 TERRAVITA, SHT. 1 OF 2, JOB #21-064P20

ATTACHMENT #8



VICINITY MAP



ENGINEERS CERTIFICATION:

THIS IS TO CERTIFY THAT THE ENGINEERING INFORMATION SHOWN HEREON WAS EXECUTED UNDER MY DIRECTION.

42-DR-1993#3

C-1

PARCEL "A" AT
TERRAVITA
RECORDED IN BOOK 366,
PAGE 29 MCR
PART REPLATTED IN BOOK
370, PAGE 24 MCR

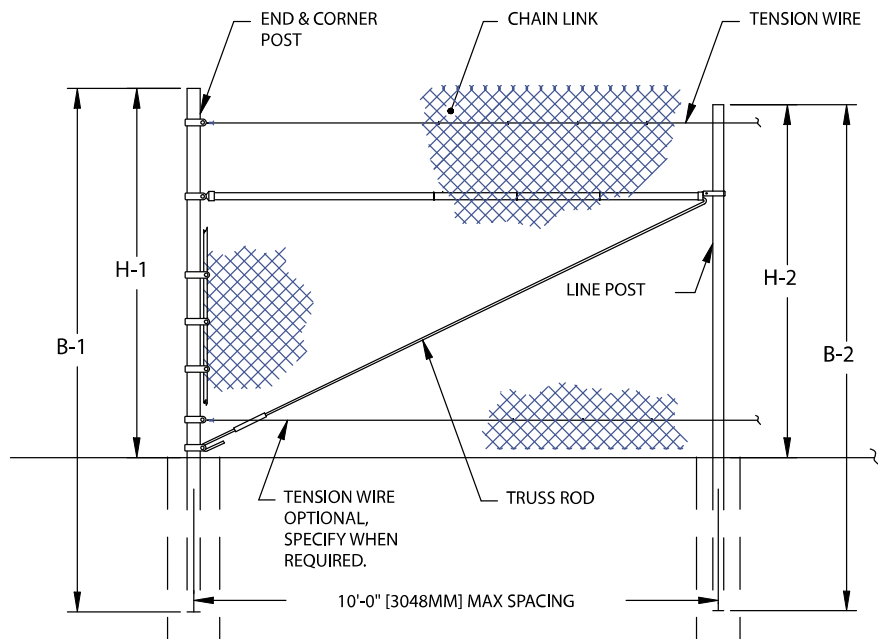


FND BRASS CAP FLUSH AT THE POINT OF TANGENCY TO THE
SOUTHEAST (S 18°22'27" E 213.48') ON THE MONUMENT LINE
OF 69TH WAY.
ELEVATION=2236.32' (NAVD88)

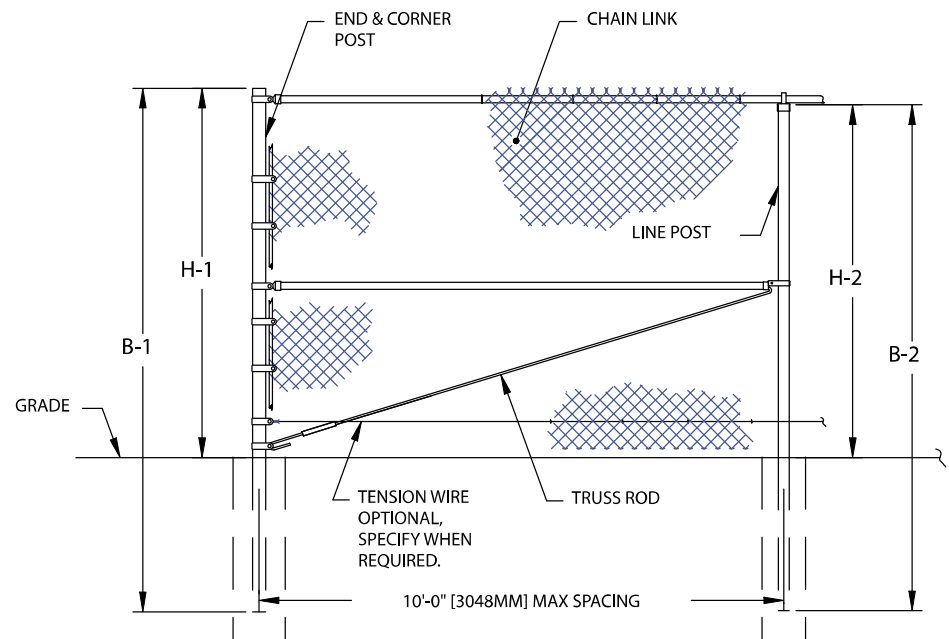
THIS IS TO CERTIFY THAT THE ENGINEERING INFORMATION
SHOWN HEREON WAS EXECUTED UNDER MY DIRECTION.

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



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

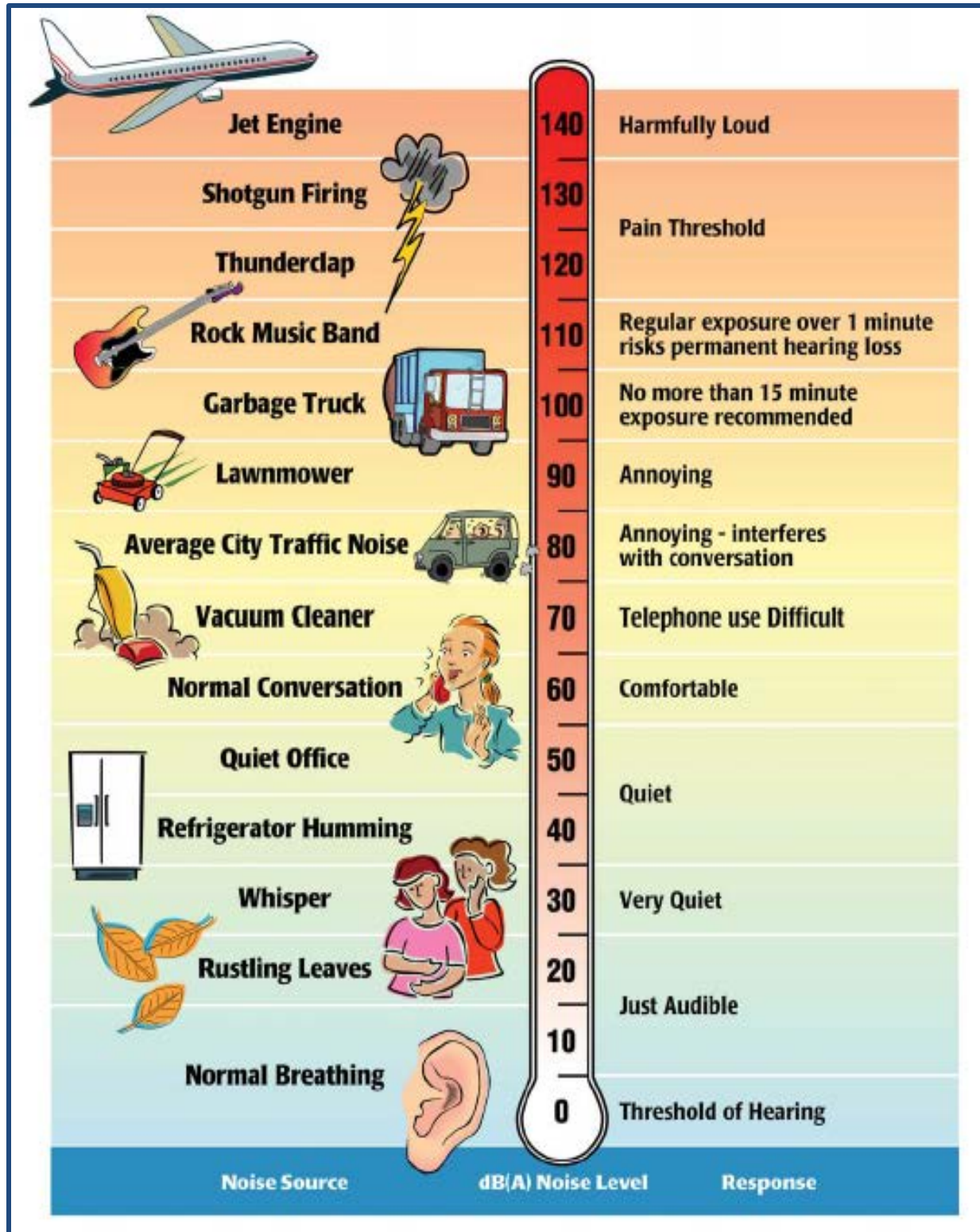
Noise is most often defined as unwanted sound. Although sound can be easily measured, the perceptibility is subjective and the physical response to sound complicates the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “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.

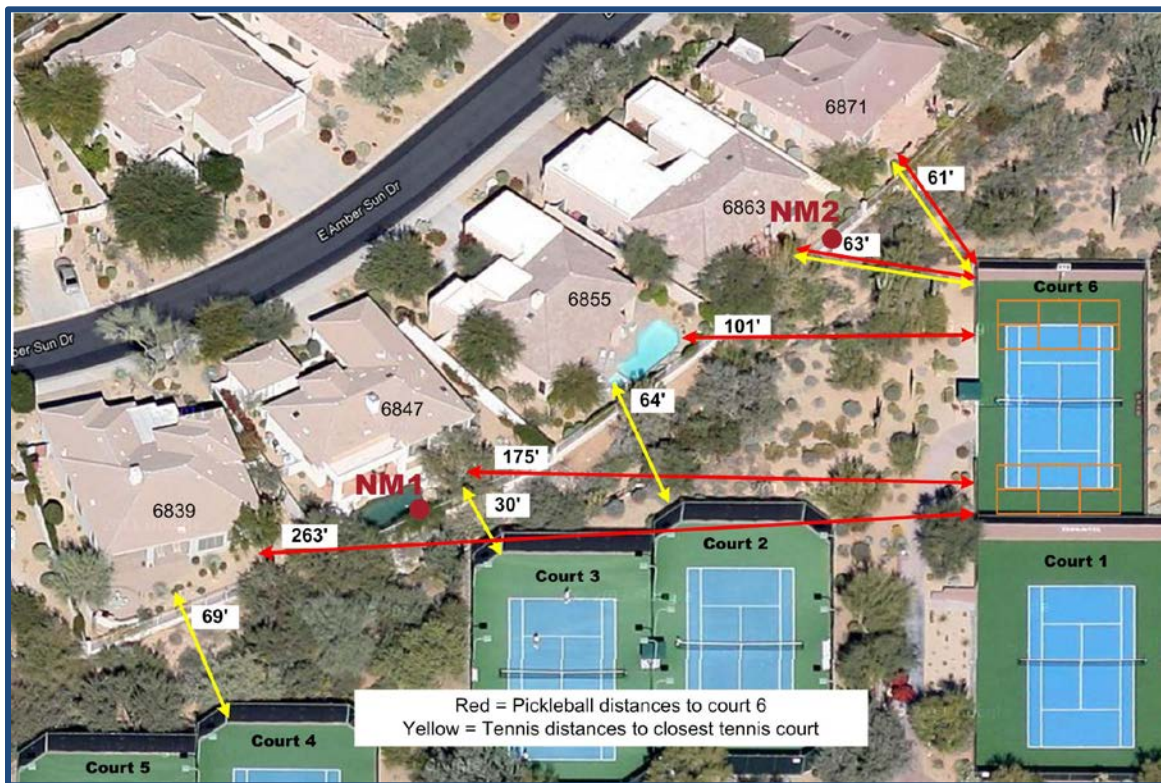


Figure 2. Location of the Noise Measurements



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.

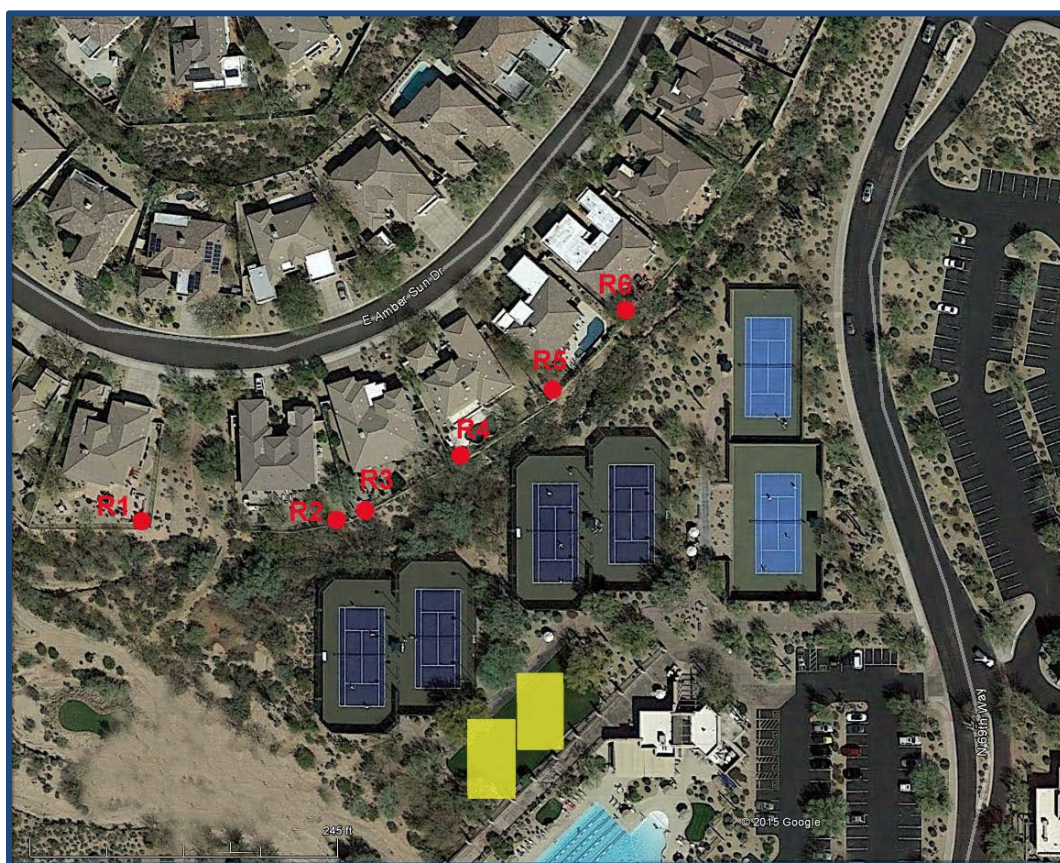


Figure 3. Proposed Pickleball Court Location



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.

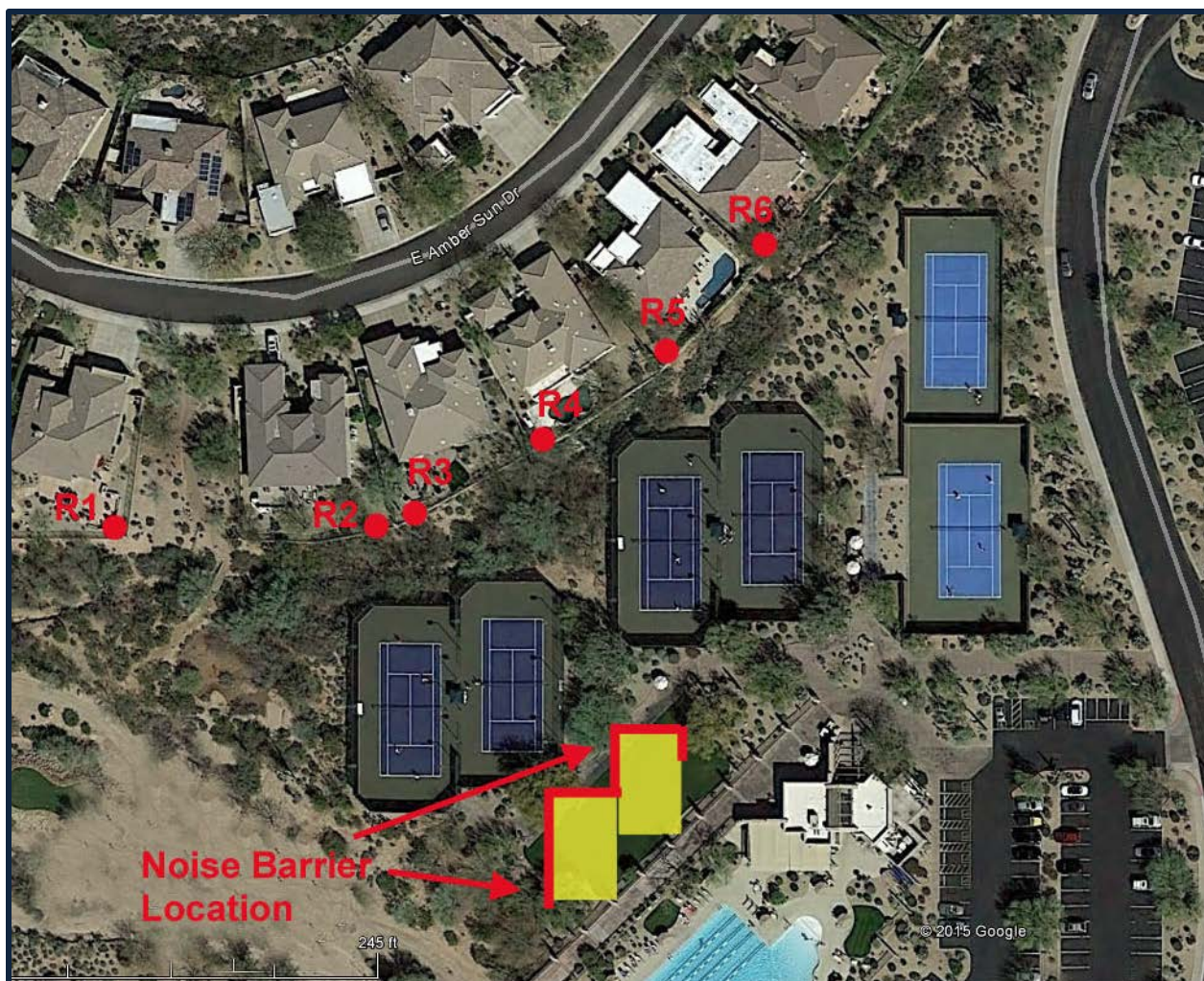


Figure 4. Recommended Noise Barrier Location

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.

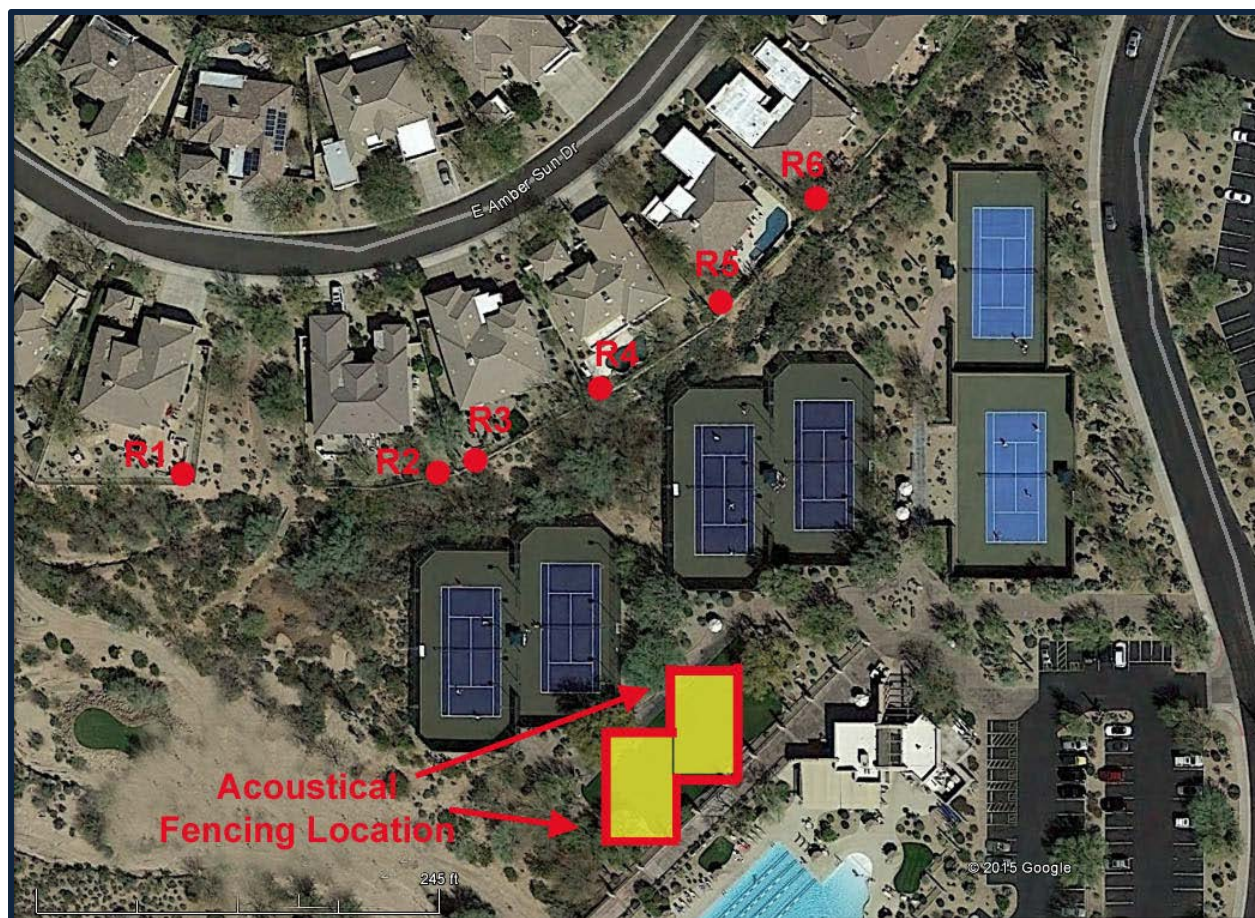


Figure 5. Recommended Acoustical Fencing Location Surrounding Pickleball Courts



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 'Robert 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:

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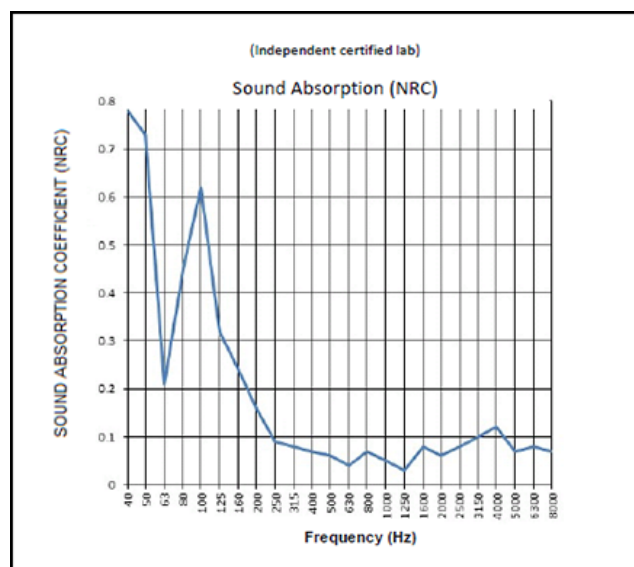
Product Description

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)

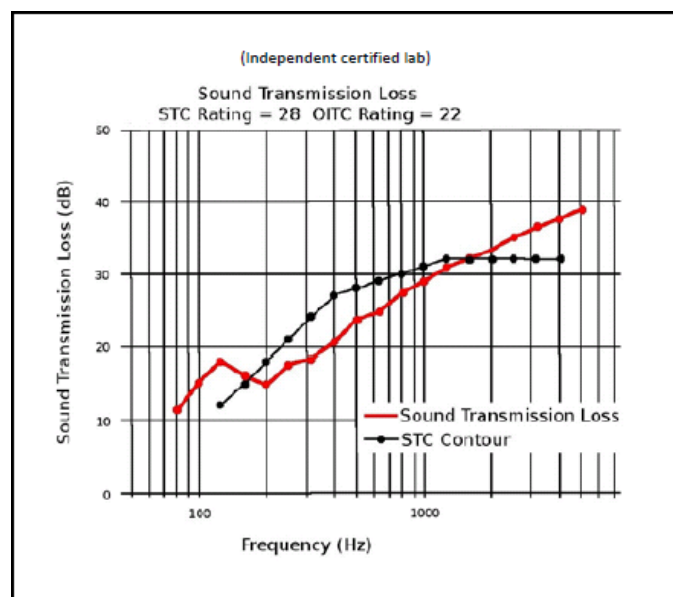
Sound Transmission Class (STC) is a single number that represents the sound blocking capacity of a partition such as a wall or ceiling.

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.)	



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ORDERED BY: R-

Tag Colors: Red - Salvage
Blue - Unsalvage

White - Remain in Place



L.F. = Linear Fee

Plant Totals	Tree	Cacti	Overall Totals	
Remain In Place	17	9	Remain In Place	26
Salvage	0	8	Salvage	8
Destroy	4	0	Destroy	4
Total	15	17	Total	38

Tag #	Size	Species	Condition	Deployment	# Arms	Height	Width	Comments
1	15"	Palo Verde	Good	Remain in Place				
2	17"	Palo Verde	Poor	Unsalvageable				Multiple Trunks
3	20" L.F.	Saguaro	Good	Salvageable	2			
4	9"	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	Unsalvageable				Trunk Disease
9	20"	Mesquite	Poor	Unsalvageable				Split Trunk
10	15"	Saguaro	Good	Salvageable				
11	14"	Ocotillo	Good	Salvageable				
12	21"	Saguaro	Good	Remain in Place				
13	9"	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	4			
18	16"	Mesquite	Fair	Remain in Place				
19	8"	Palo Verde	Good	Remain in Place				
20	8"	Desert Willow	Poor	Remain in Place				
21	10"	Mesquite	Poor	Remain in Place				
22	10"	Palo Verde	Poor	Remain in Place				
23	18"	Mesquite	Poor	Remain in Place				
24	17"	Mesquite	Fair	Remain in Place				
25	14"	Palo Verde	Fair	Remain in Place				
26	17"	Mesquite	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"	Mesquite	Poor	Unsalvageable				Exposed Roots
31	9"	Barrel	Fair	Remain in Place				
32	15"	Ocotillo	Good	Remain in Place				

Terravita Country Club "Pickleball Courts"



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

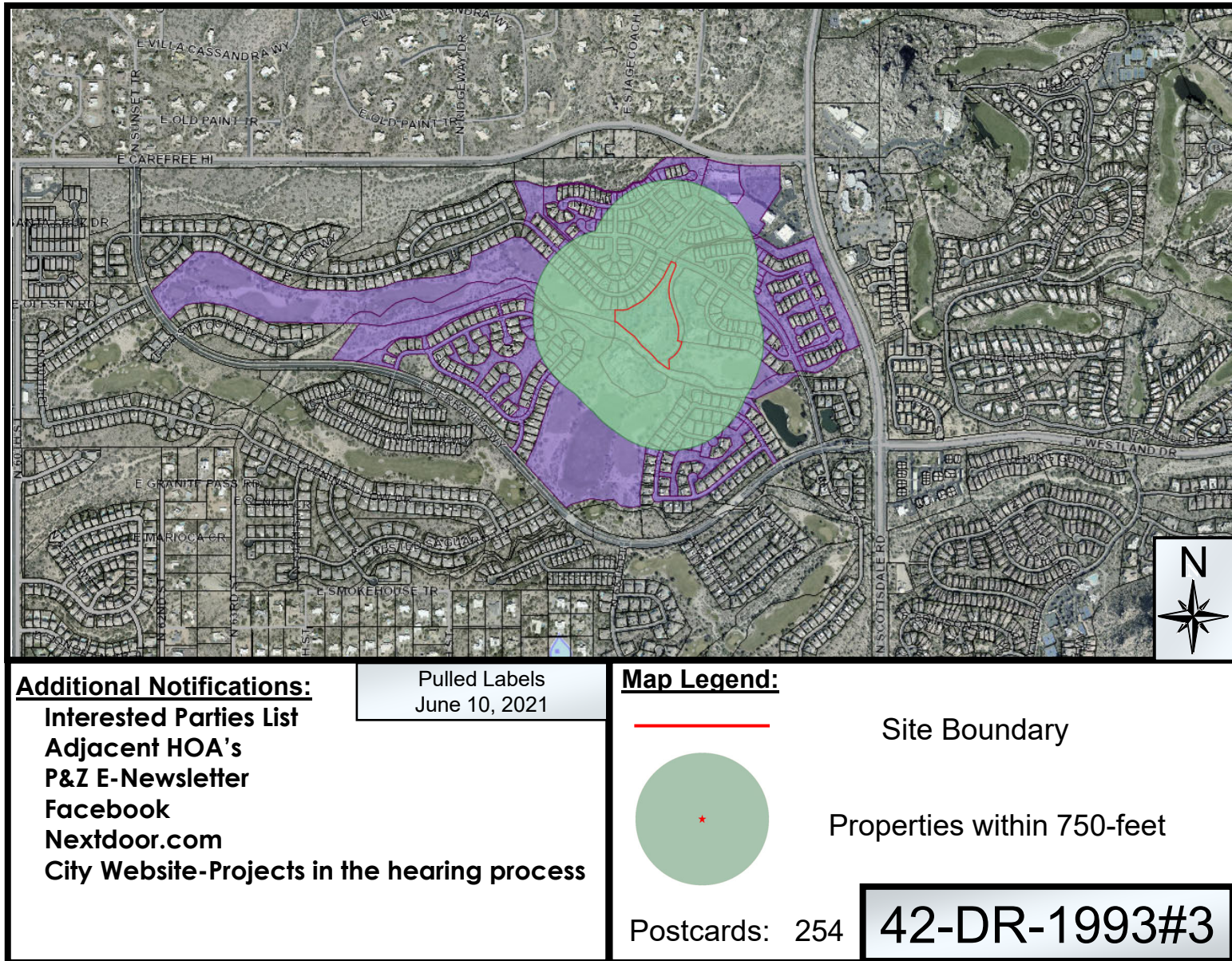
Pickleball and Bocce Court Project

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



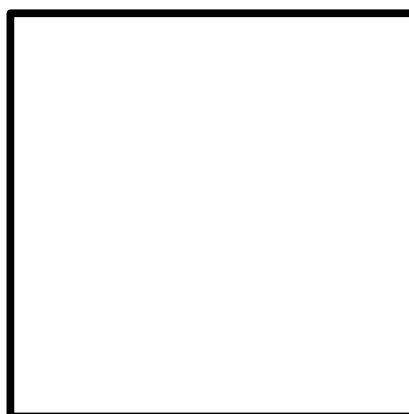


Noise Survey: **Proposed Pickleball Courts** **Iron Oaks at Sun Lakes**

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.

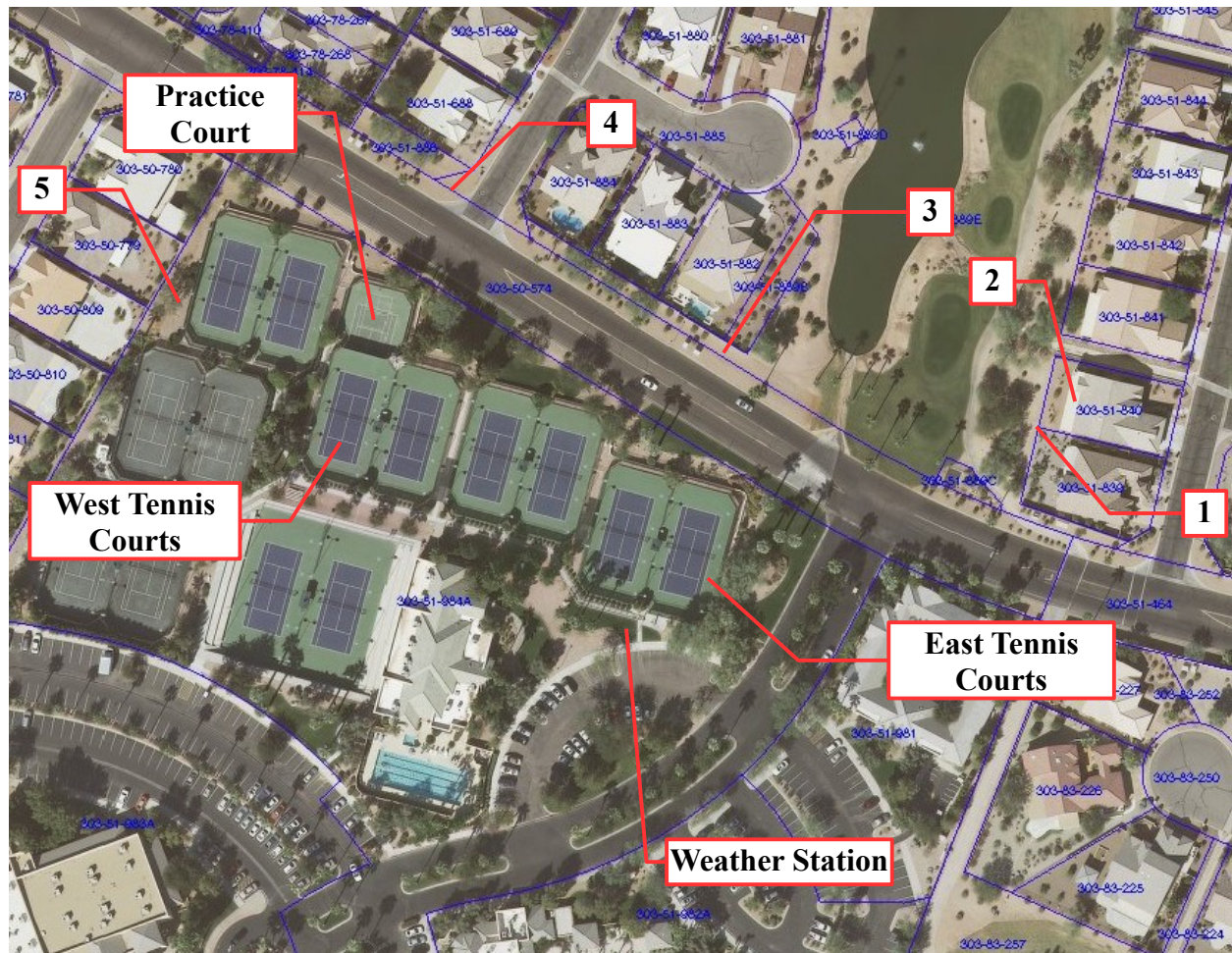


Figure 2.1. Proposed Court Sites and Measurement Locations

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.

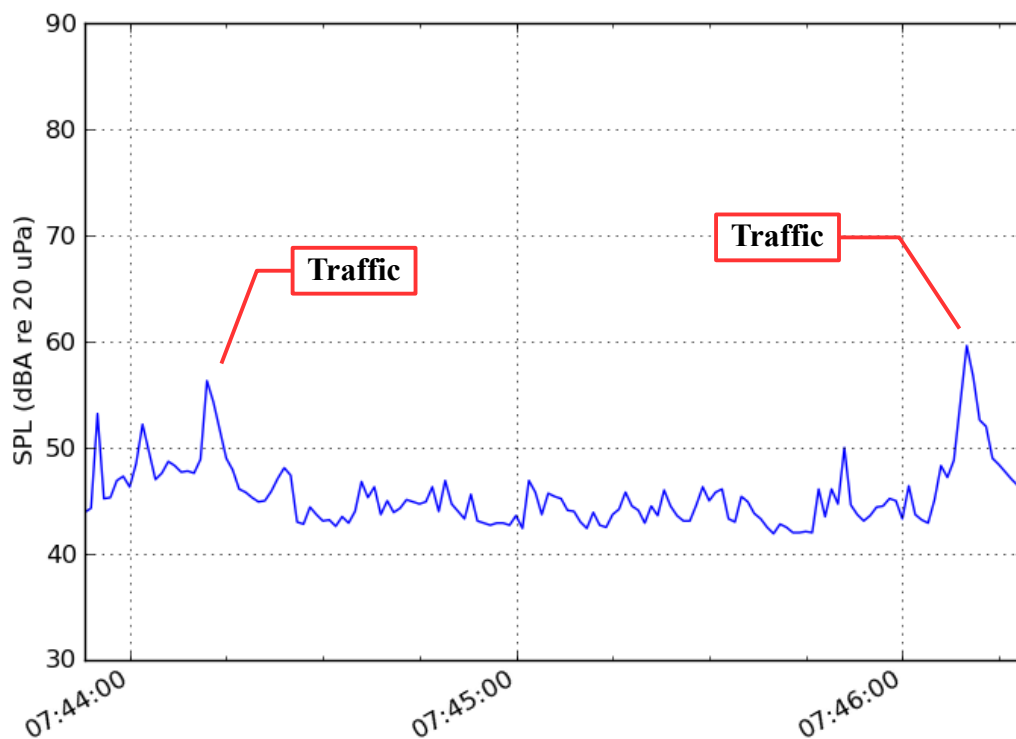


Figure 2.2. Sound Pressure Level at 24022 Berrybrook (Players on East Tennis Court)

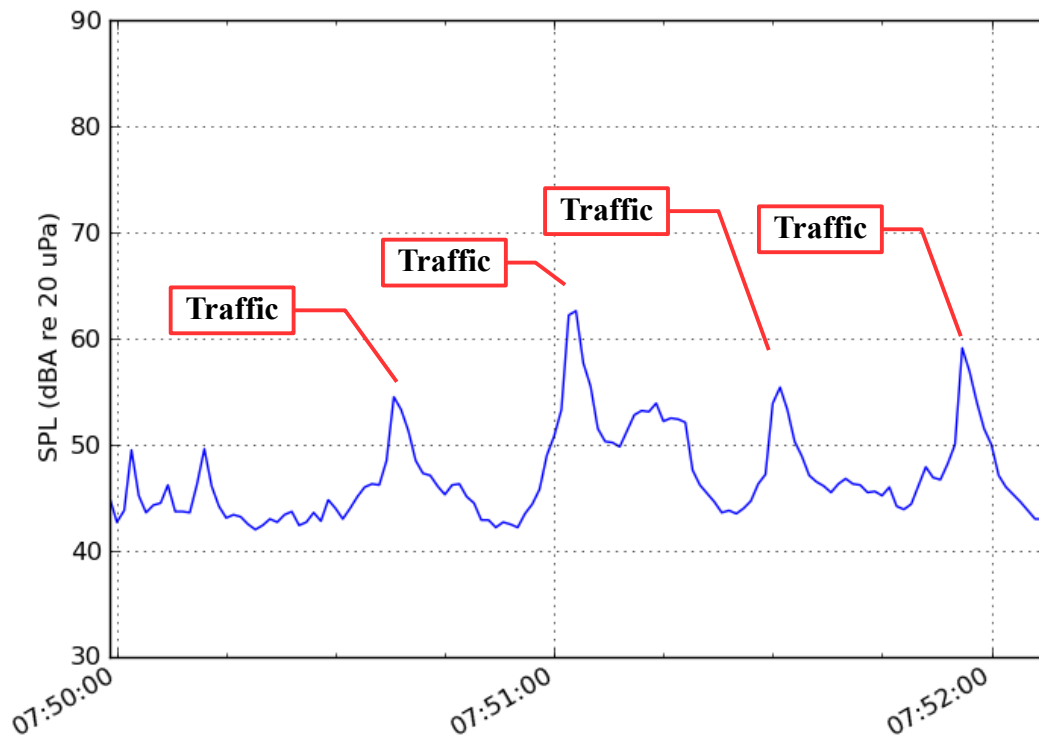


Figure 2.3. Background Noise Level at 24022 Berrybrook

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%	LAmin	LAmx	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.

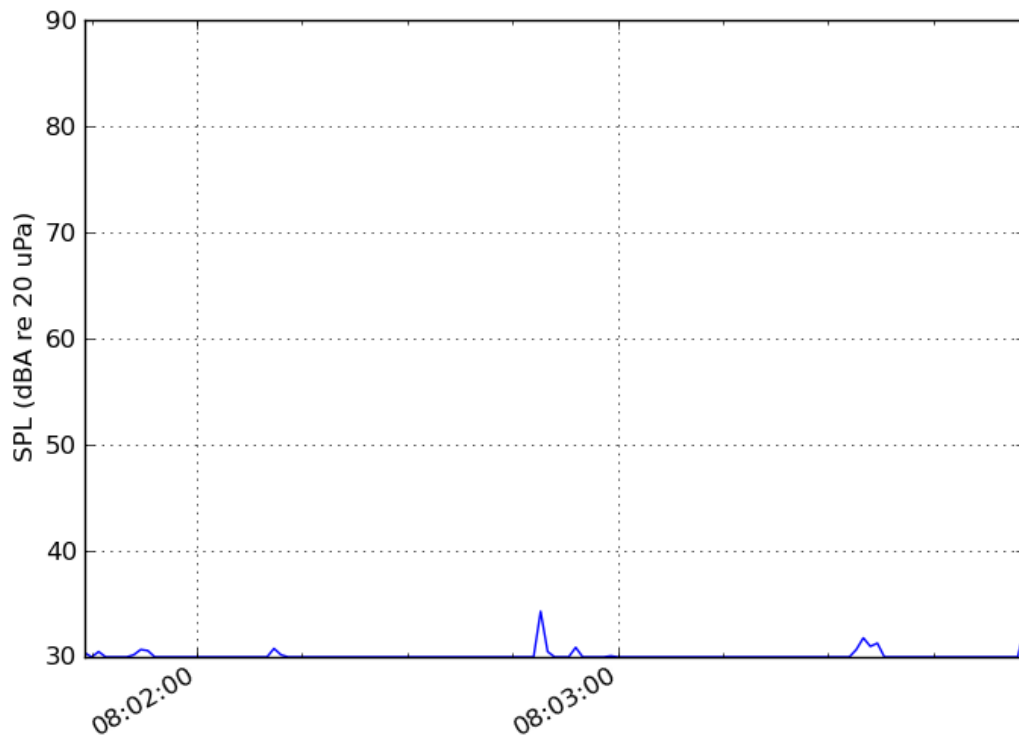


Figure 2.4. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court)

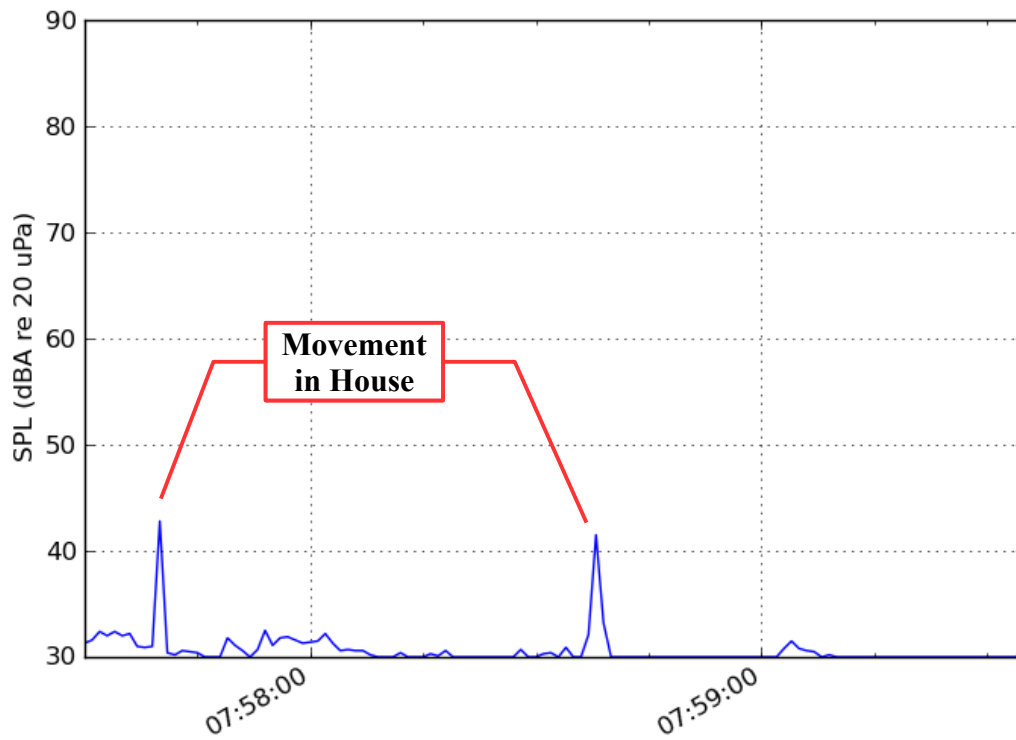


Figure 2.5. Background Noise Level Inside 24022 Berrybrook

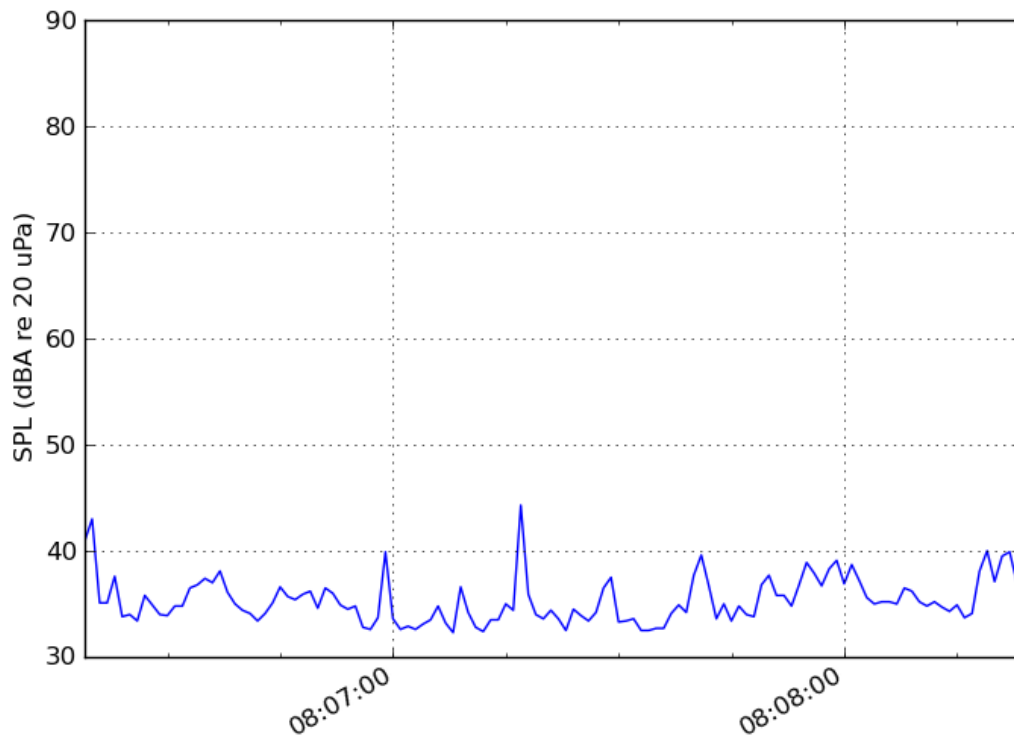


Figure 2.6. Sound Pressure Level Inside 24022 Berrybrook (Players on East Tennis Court, Back Door Open)

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	LAmx	L10	L50	L90
Play	08:01:44 AM	08:03:58 AM	30.2	2.2	30.0	34.3	30.3	30.0	30.0
Background	07:57:30 AM	07:59:35 AM	31.4	3.6	30.0	42.8	31.9	30.0	30.0
Play (open door)	08:06:19 AM	08:08:24 AM	36.1	2.9	32.3	44.3	38.5	34.9	33.0

Table 2.3. Sound Pressure Level Data Inside 24022 Berrybrook (Players on East Tennis Court)

Maricopa County Noise Ordinance P-23 Testing

During the 2:14 minute exposure inside the house with all doors and windows closed, two faint hits were just audible at the center of the family room / dining room area. The sound from the east tennis court could only be heard by standing perfectly still and listening carefully for the

paddle impacts.

2.2.3 Point 3, 9747 Sunburst

At the southeast corner of 9747 Sunburst, 16 feet from privacy wall. 190 feet from center of proposed east tennis court location. Ground was course gravel.

Figure 2.7 shows that the sound pressure level was in the 50 to 60 dBA range during play with the primary sounds being pickleball paddles and traffic on Robson Blvd. Background noise levels, seen in Figure 2.8, were similar.

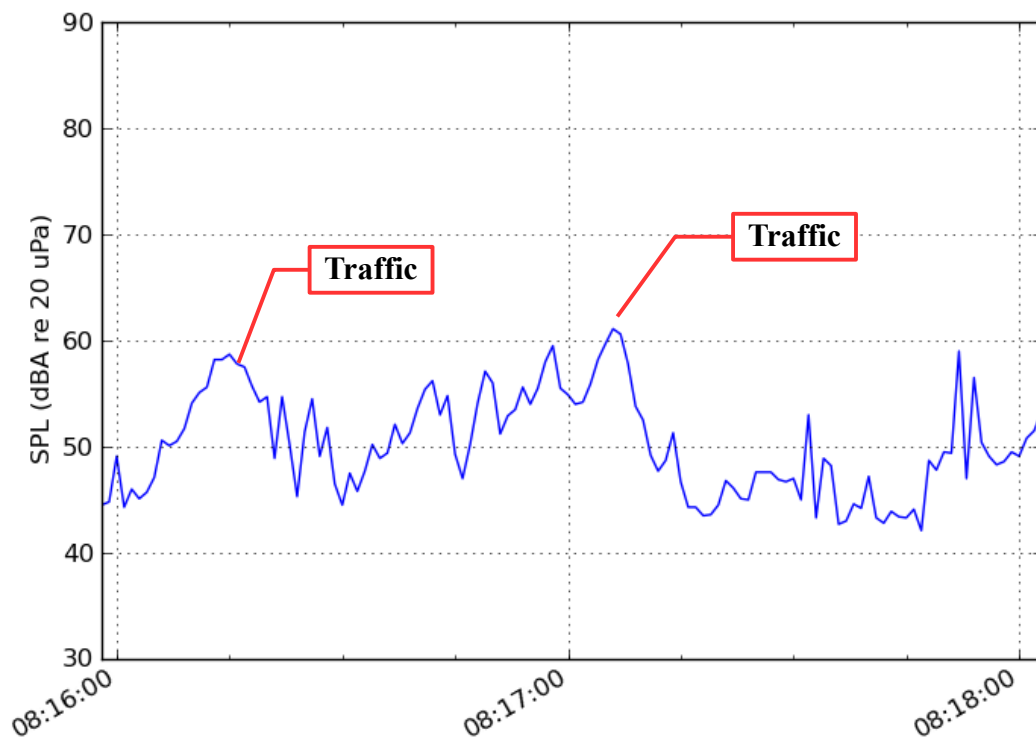


Figure 2.7. Sound Pressure Level at 9747 Sunburst (Players on East Tennis Court)

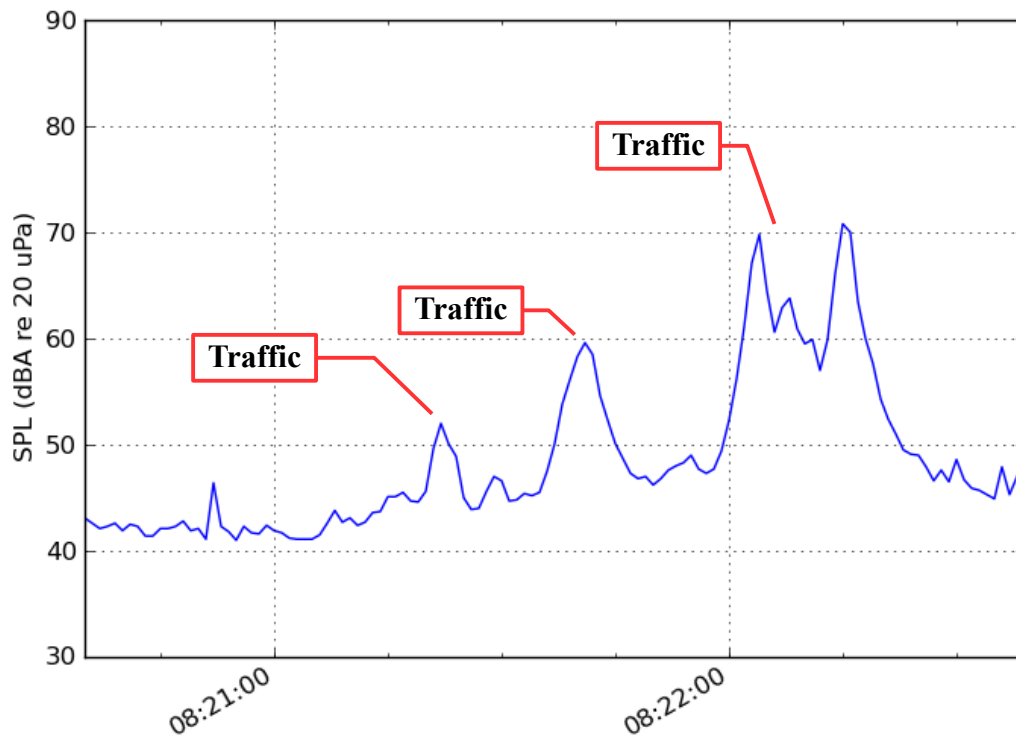


Figure 2.8. Background Noise Level at 9747 Sunburst

The sound pressure level data at this location is shown in Table 2.4. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	L Amin	L Amax	L10	L50	L90
Play	08:15:58 AM	08:18:03 AM	52.9	3.3	42.1	61.1	57.6	49.5	44.3
Background	08:20:35 AM	08:22:39 AM	57.3	5.2	41.0	70.8	60.3	46.6	41.9

Table 2.4. Sound Pressure Level Data at 9747 Sunburst (Players on East Tennis Court)

Table 2.5 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits Hits	per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
111.922	62	33.2	68.2	50.3	47.7

Table 2.5. Sound Exposure Level Data at 9747 Sunburst (Players on East Tennis Court)

2.2.4 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 390 feet from center of proposed east tennis court location. Ground was course gravel.

Figure 2.9 shows that the sound pressure level was in the 50 to 70 dBA range during play with the primary sounds being traffic on Robson Blvd. Background noise levels, seen in Figure 2.10, were similar.

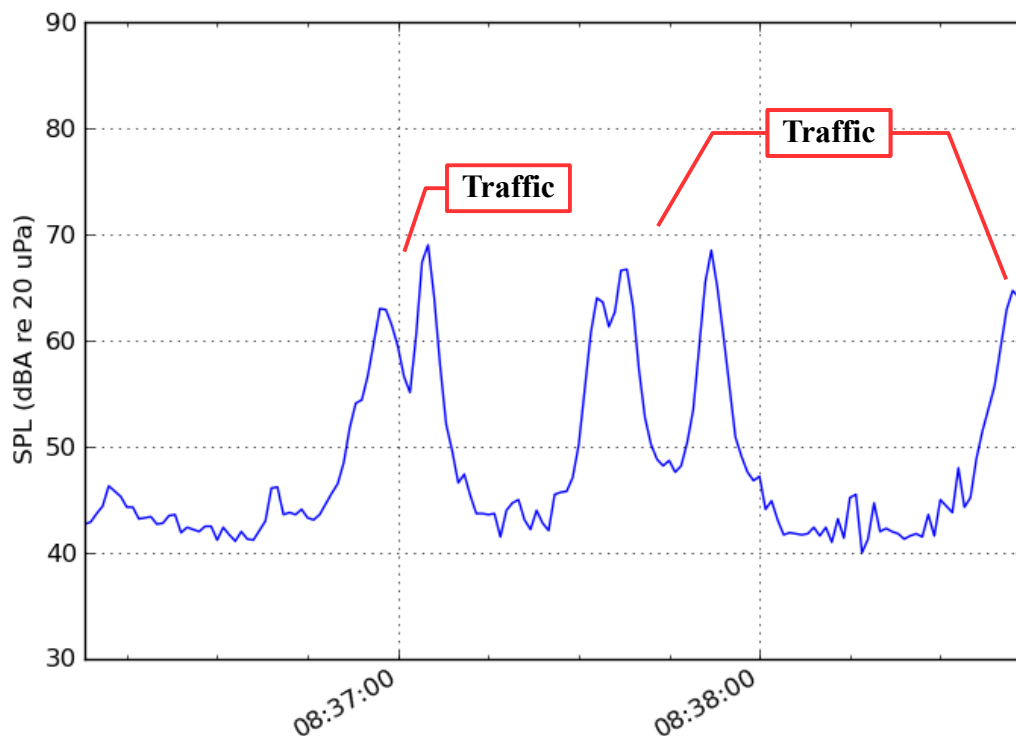


Figure 2.9. Sound Pressure Level at 23926 Glenburn During Play (Players on East Tennis Court)

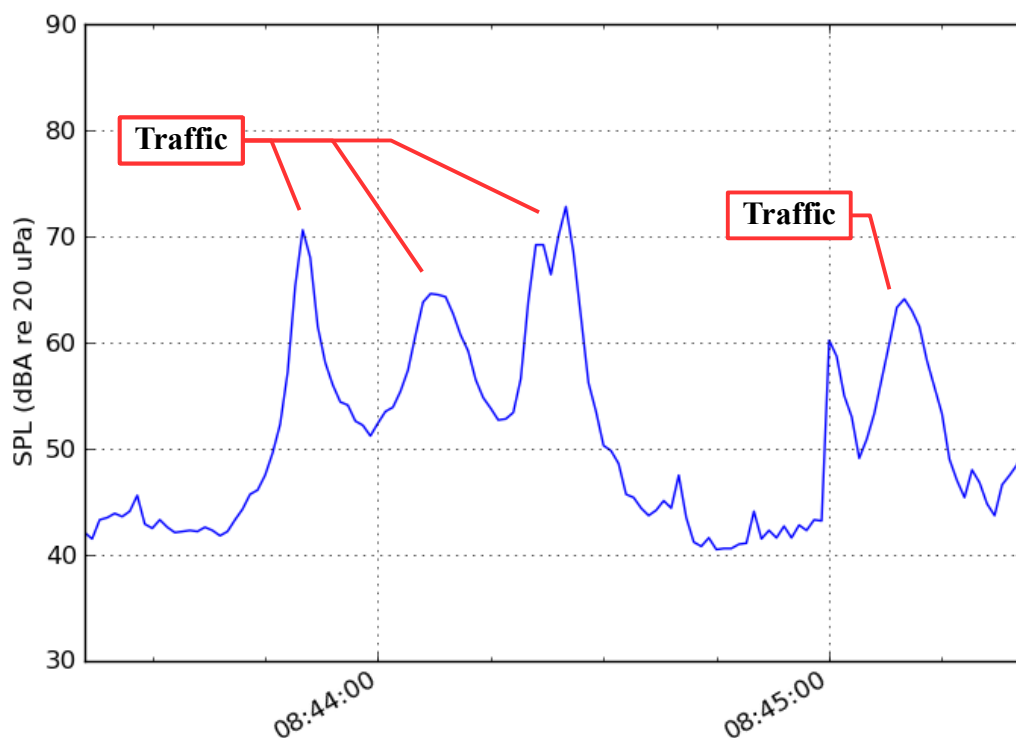


Figure 2.10. Background Noise Level at 23926 Glenburn

The sound pressure level data at this location is shown in Table 2.6. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	L Amin	L Amax	L10	L50	L90
Play	08:36:08 AM	08:38:44 AM	57.1	4.3	40.0	69.0	62.9	45.0	41.7
Background	08:43:21 AM	08:45:26 AM	59.9	4.7	40.5	72.8	64.2	49.1	42.0

Table 2.6. Sound Pressure Level Data at 23926 Glenburn (Players on East Tennis Court)

Table 2.7 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits Hits	per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
114.429	56	29.4	55.7	38.2	35.1

Table 2.7. Sound Exposure Level Data at 23926 Glenburn (Players on East Tennis Court)

2.3 Proposed West Tennis Court Location

2.3.1 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 225 feet from center of proposed west tennis court location. Ground was course gravel.

Figure 2.11 shows that the sound pressure level was in the 50 to 70 dBA range during play with the primary sounds being traffic on Robson Blvd, pickleball paddles, and tennis racquets. Background noise levels, seen in Figure 2.10, were similar.

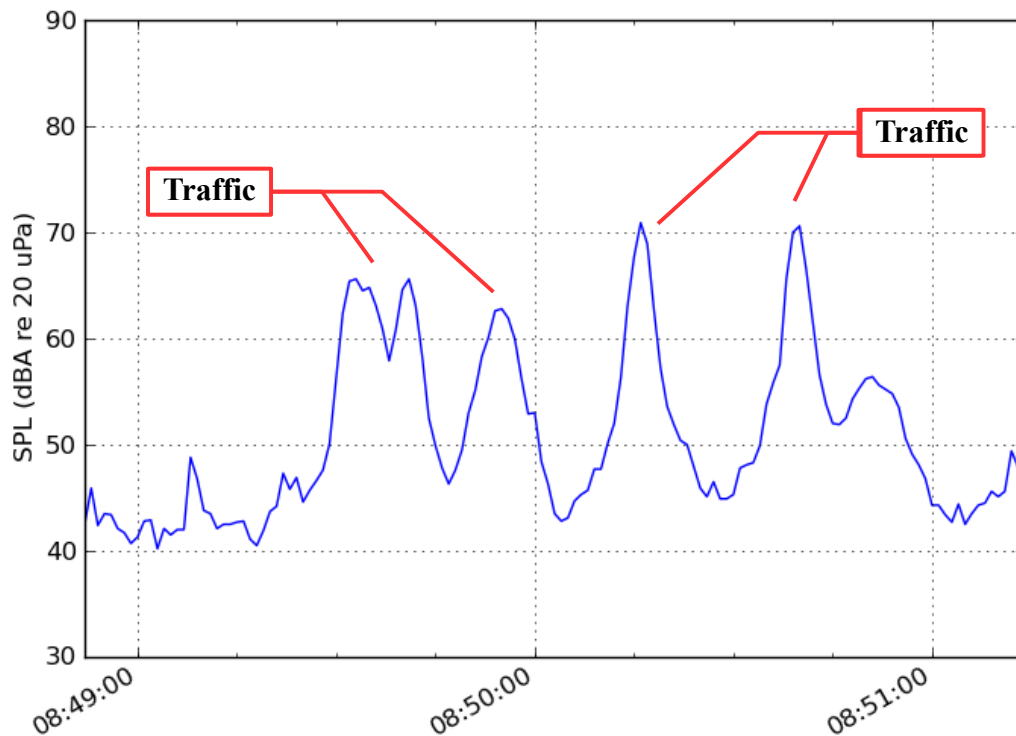


Figure 2.11. Sound Pressure Level at 23926 Glenburn During Play (Players on West Tennis Court)

The sound pressure level data at this location is shown in Table 2.8. The pickleball paddles did not contribute to average sound pressure.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmaz	L10	L50	L90
Play	08:48:52 AM	08:51:14 AM	58.8	4.5	40.2	70.9	63.1	48.2	42.5
Background	08:43:21 AM	08:45:26 AM	59.9	4.7	40.5	72.8	64.2	49.1	42.0

Table 2.8. Sound Pressure Level Data at 23926 Glenburn (Players on West Tennis Court)

Table 2.9 summarizes the ASEL data for the paddle impacts.

Measurement Time (sec)	Hits per Minute	Hits per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
82.326	61	44.5	58.9	41.1	39.8

Table 2.9. Sound Exposure Level Data at 23926 Glenburn (Players on West Tennis Court)

2.3.2 Point 5, 23907 Sunvista

20 feet from the rear privacy wall at 23907 Sunvista. 180 feet from center of proposed west tennis court location. Ground was moist soil.

Figure 2.12 shows that the sound pressure level was in the 50 to 60 dBA range during play with the primary sounds being pickleball paddles, tennis racquets on the nearest court, and traffic on Robson Blvd. Background noise levels, seen in Figure 2.13, were slightly lower. The higher reading during play was partly due to a slow moving groundskeeping vehicle; however, the LAeq of the pickleball paddles in Table 2.11 show that they were also a significant contributor.

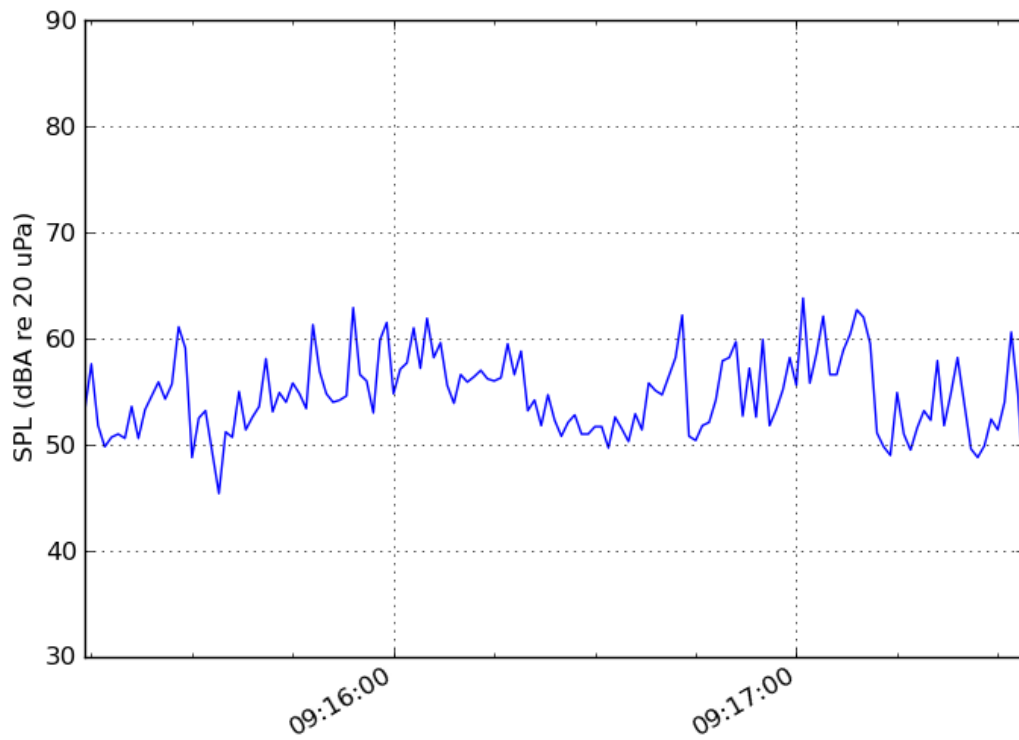


Figure 2.12. Sound Pressure Level at 23907 Sunvista During Play (Players on West Tennis Court)

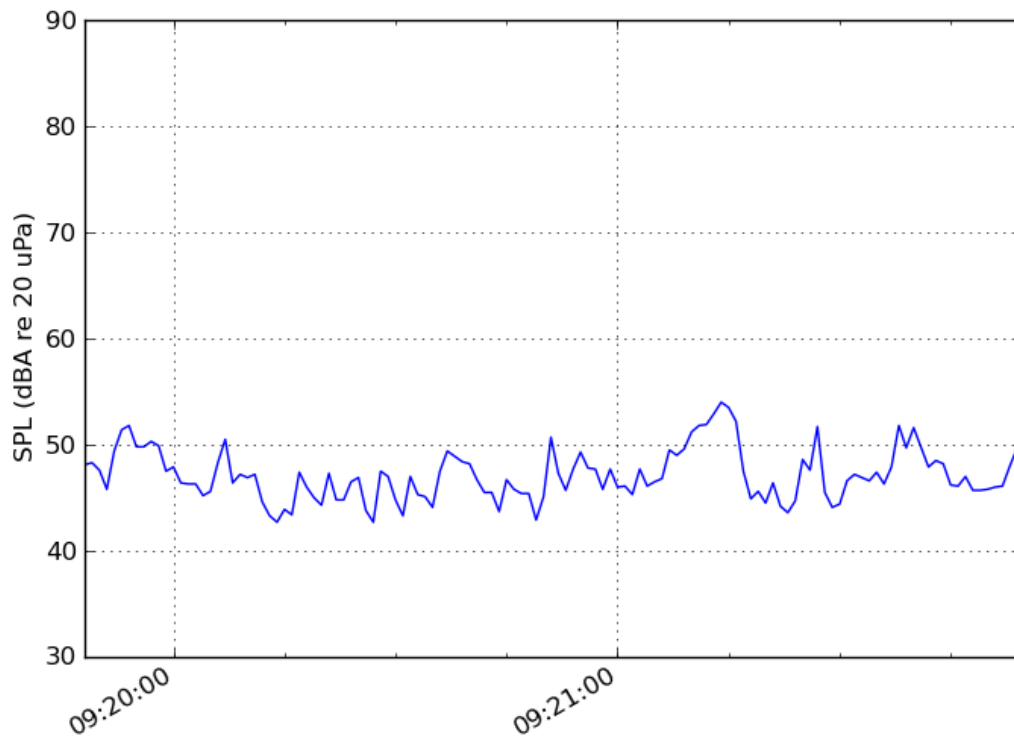


Figure 2.13. Background Noise Level at 23907 Sunvista

The sound pressure level data at this location is shown in Table 2.10.

Location	Start Time	End Time	LAeq	C.I. 95%	LAmin	LAmix	L10	L50	L90
Play	09:15:14 AM	09:17:34 AM	56.4	3.1	45.4	63.8	59.9	54.6	50.6
Background	09:19:48 AM	09:21:55 AM	47.9	2.8	42.7	54.0	50.8	46.9	44.3

Table 2.10. Sound Pressure Level Data at 23907 Sunvista (Players on West Tennis Court)

Table 2.11 summarizes the ASEL data for the paddle impacts. There was a strong reflection from the privacy wall that was not included in the SEL's. This effect would not be present on the other side of the wall.

Measurement Time (sec)	Hits Hits	per Minute	Total ASEL	ASEL per Hit	Paddle LAeq
139.402	107	46.1	74.8	54.5	53.3

Table 2.11. Sound Exposure Level Data at 23907 Sunvista (Players on West Tennis Court)

2.4 Proposed Practice Court Location

2.4.1 Point 4, 23926 Glenburn

At the southeast corner of 23926 Glenburn, 24 feet from Robson Blvd and Glenburn. 130 feet from center of proposed practice court location. Ground was 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.

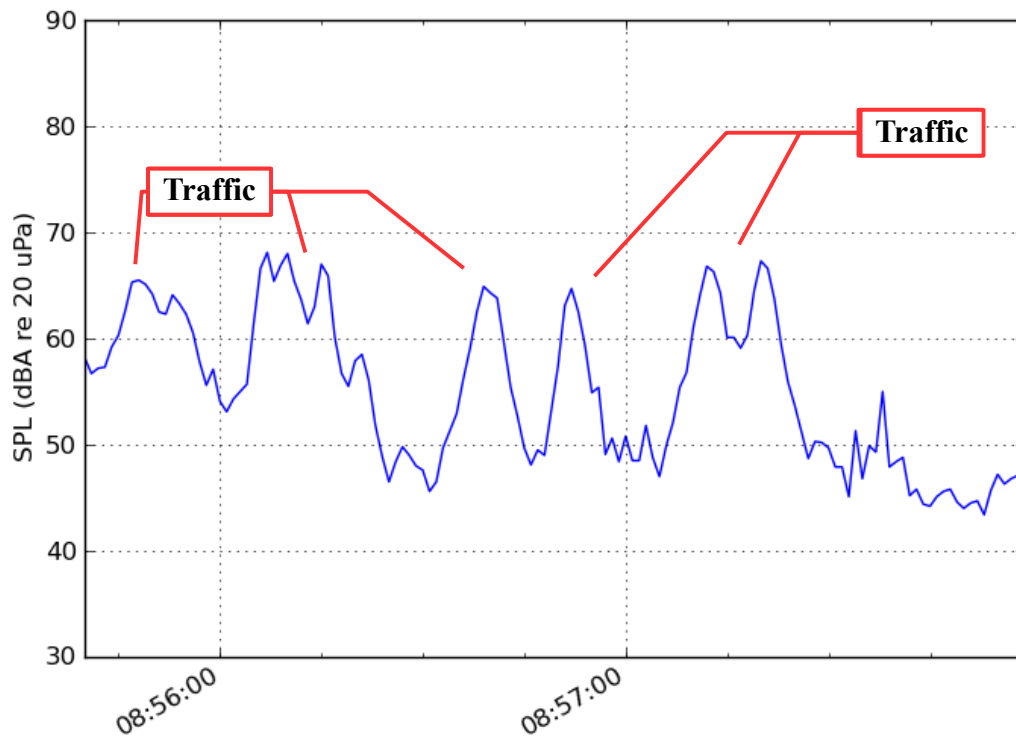


Figure 2.14. Sound Pressure Level at 23926 Glenburn During Play (Players on Practice Court)

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%	LAmin	LAmix	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 per Minute	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.

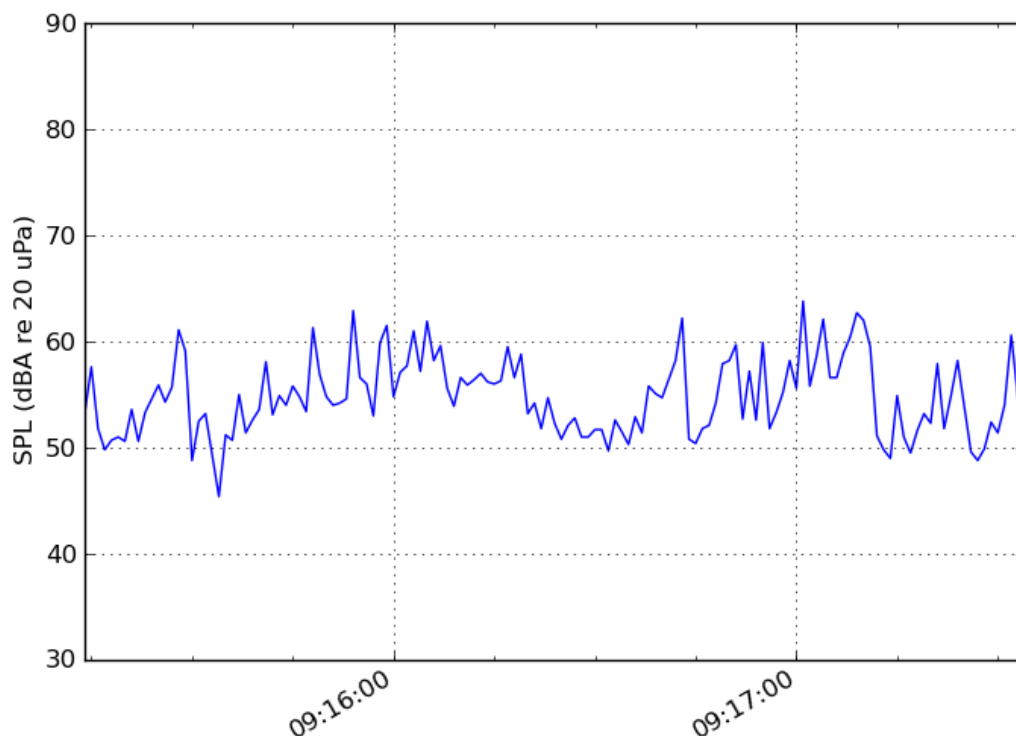


Figure 2.15. Sound Pressure Level at 23907 Sunvista During Play (Players on Practice Court)

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	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.

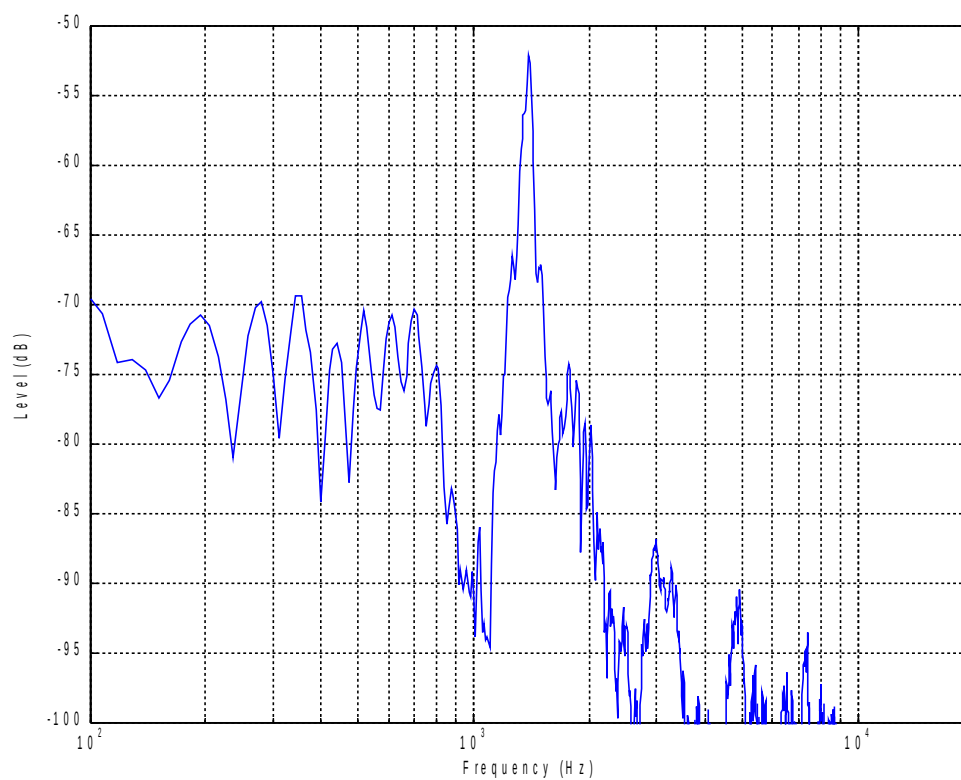


Figure 2.16. Spectral Response of a Sharp Hit

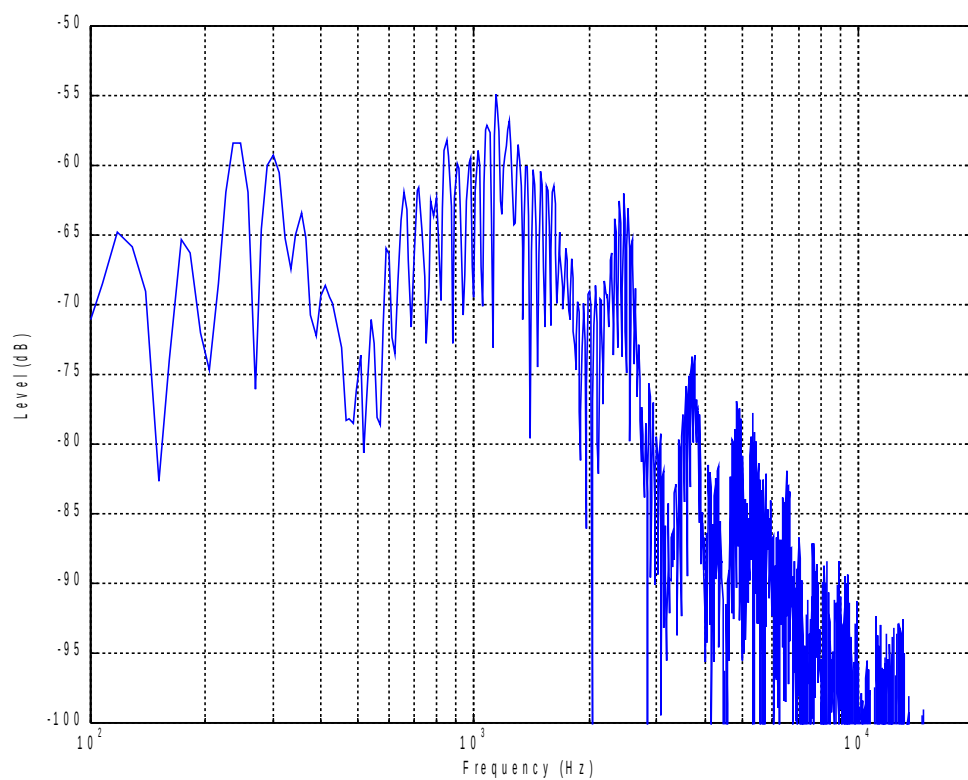


Figure 2.17. Spectral Response of a Dull Hit

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.

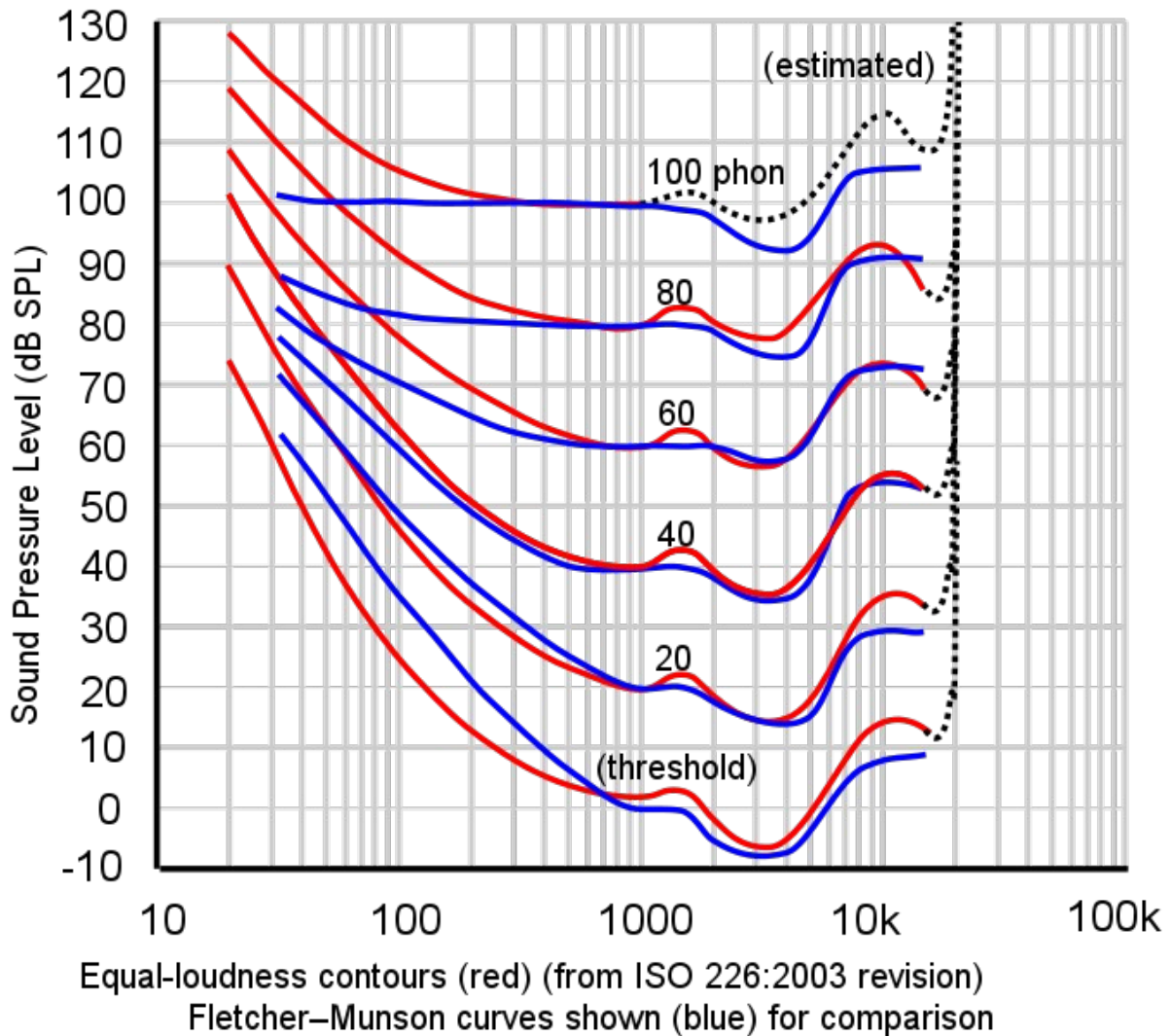


Figure A2.1. Equal Loudness Contours

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.

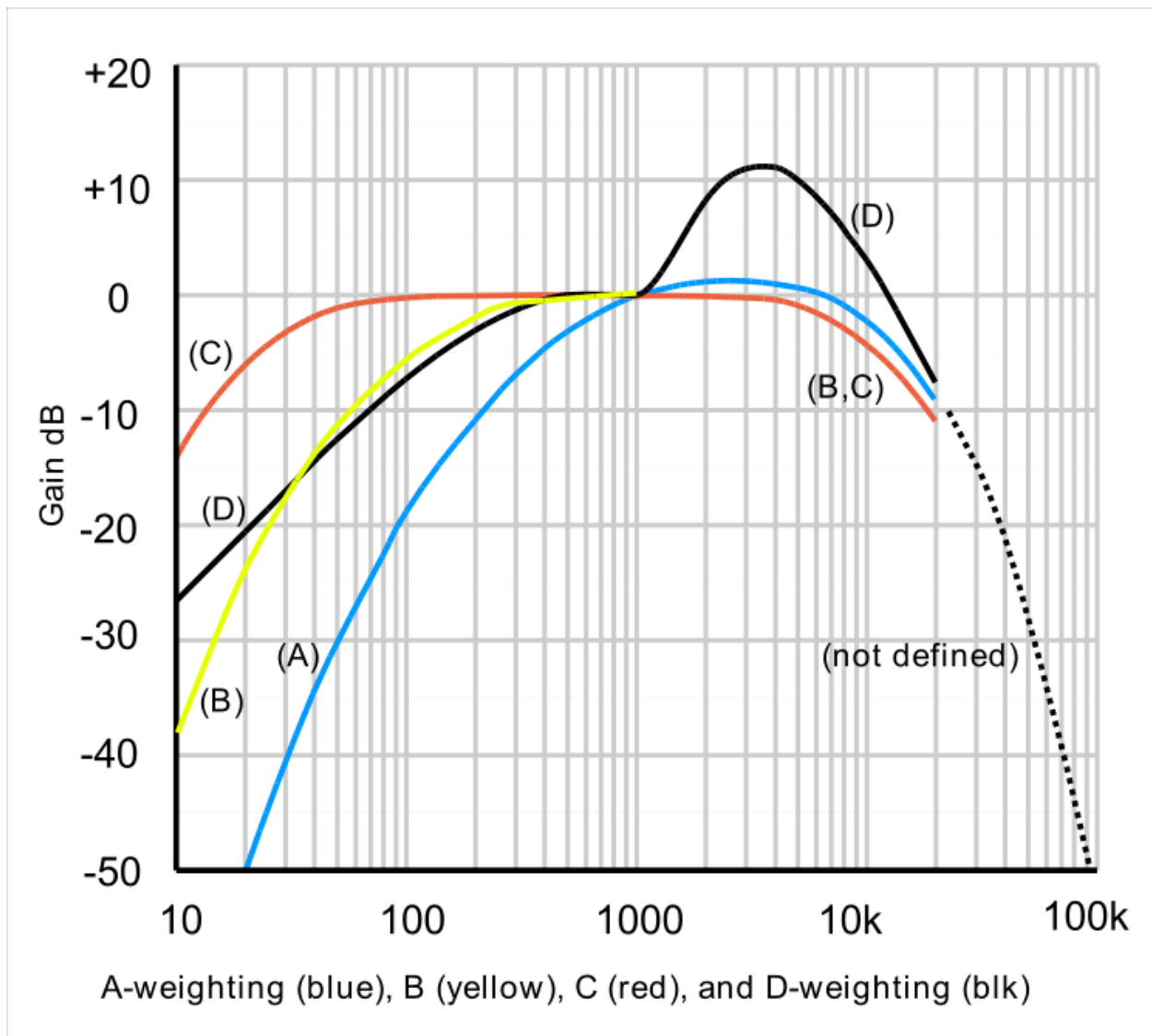


Figure A2.2. Frequency Weighting Filter Curves

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)

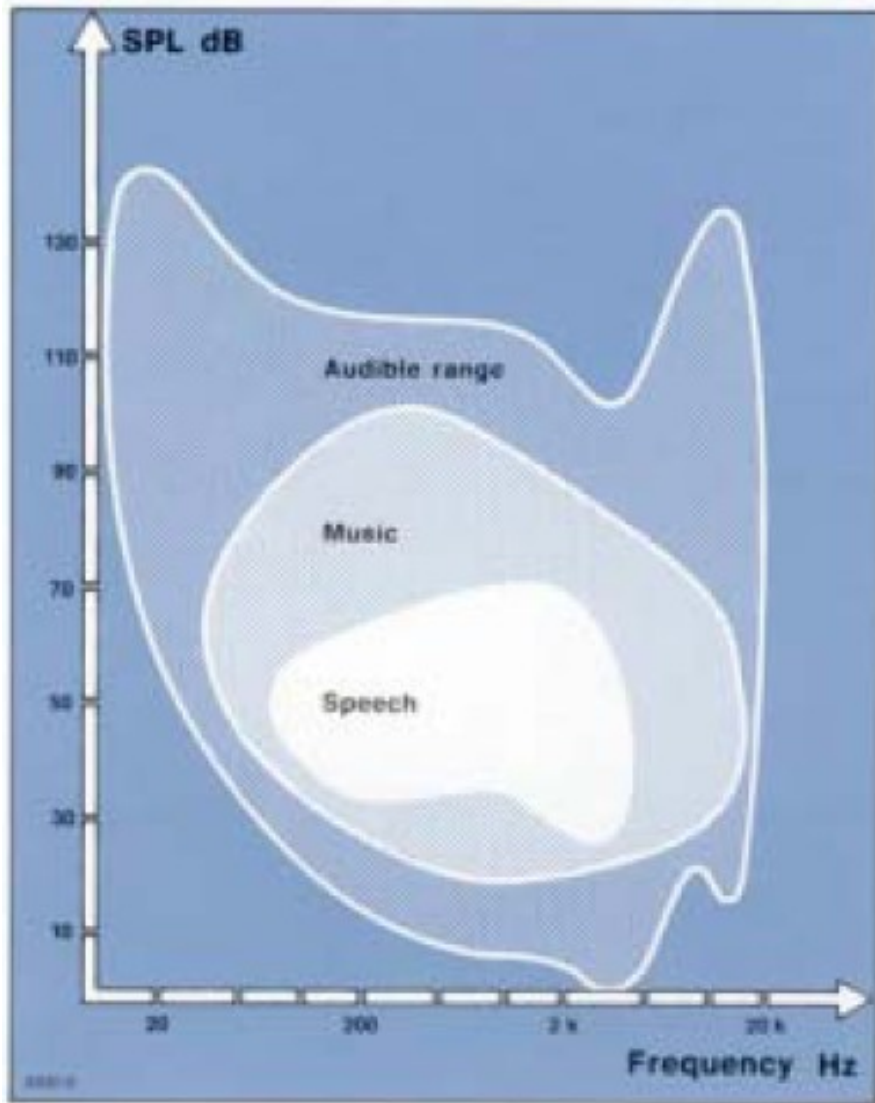


Figure A2.4. Amplitude and Frequency Ranges of Speech and Music
(Brüel and Kjaer)

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.

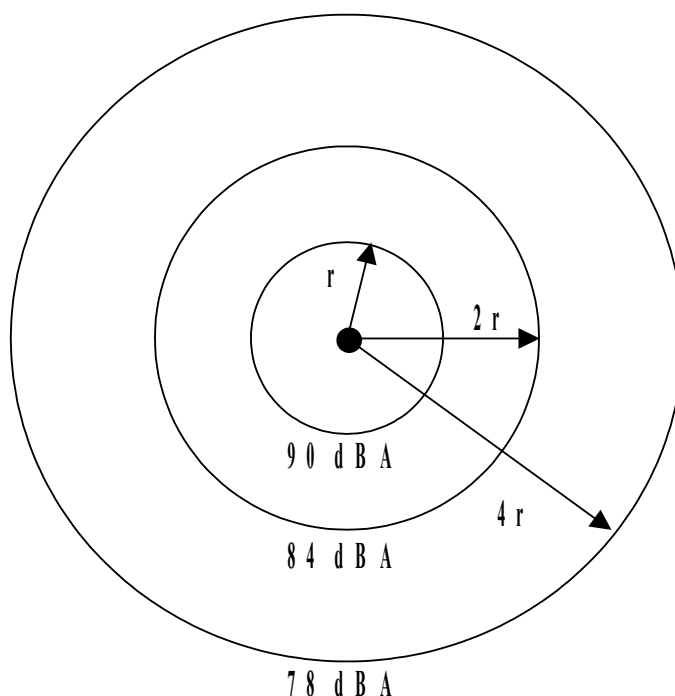


Figure A2.5. Decrease of SPL with Distance Due to Spherical Spreading

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.

$$65 \text{ dBA} + 65 \text{ dBA} \neq 130 \text{ dBA} \quad \textbf{WRONG} \quad (\text{A2.2})$$

$$65 \text{ dBA} + 65 \text{ dBA} = 68 \text{ dBA} \quad \textbf{RIGHT} \quad (\text{A2.3})$$

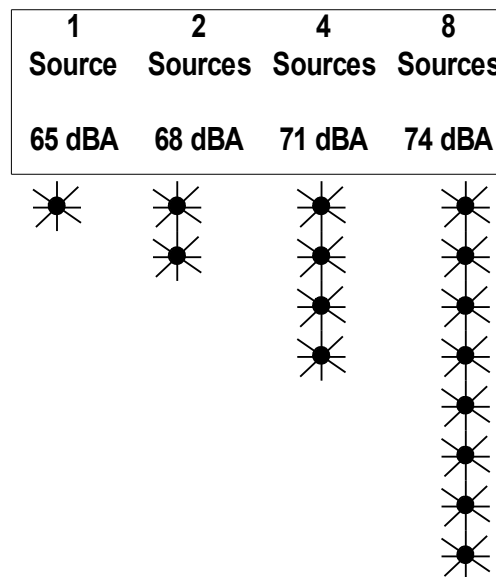


Figure A2.6. Total SPL from Multiple Sources with Equal SPL Output

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.

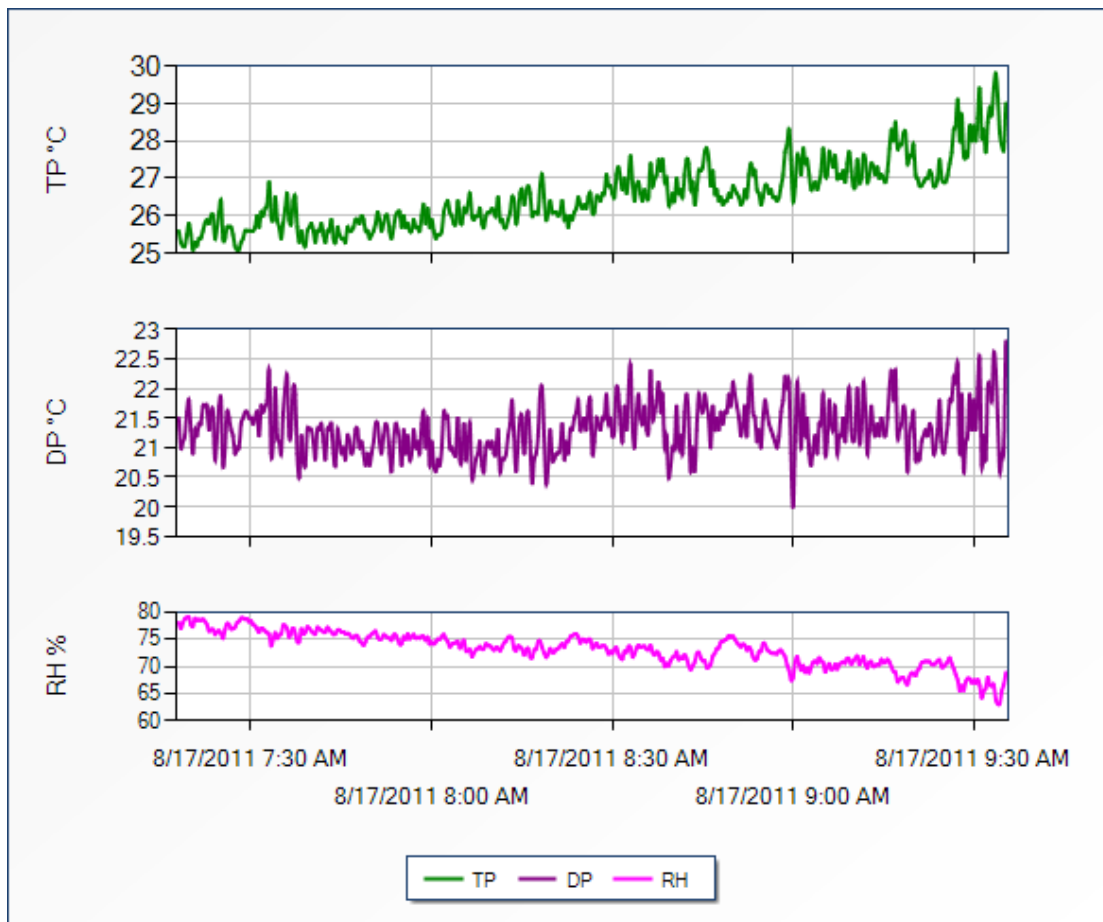


Figure A4.1. Temperature, Dew Point, and Relative Humidity on August 17, 2012

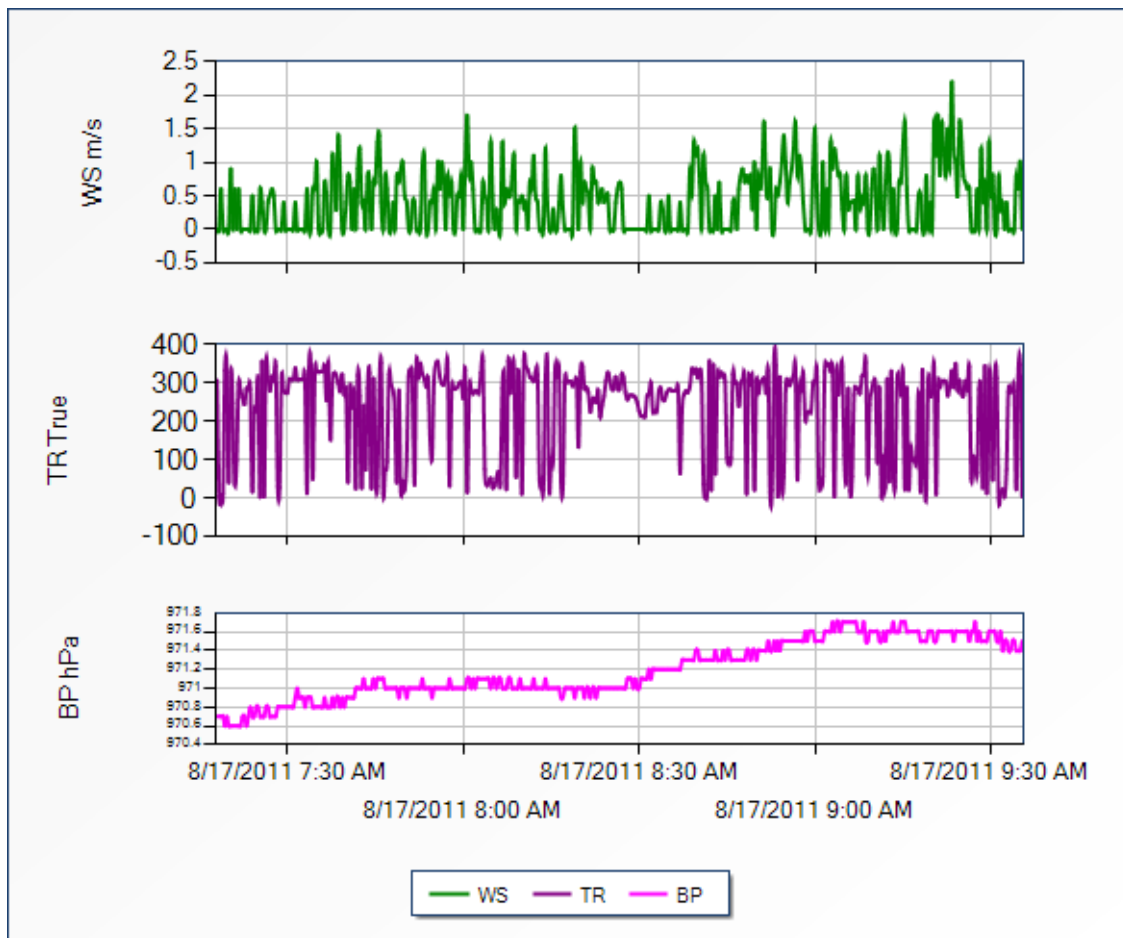


Figure A4.2. Wind Speed, Heading, and Station Pressure on August 17, 2012

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.

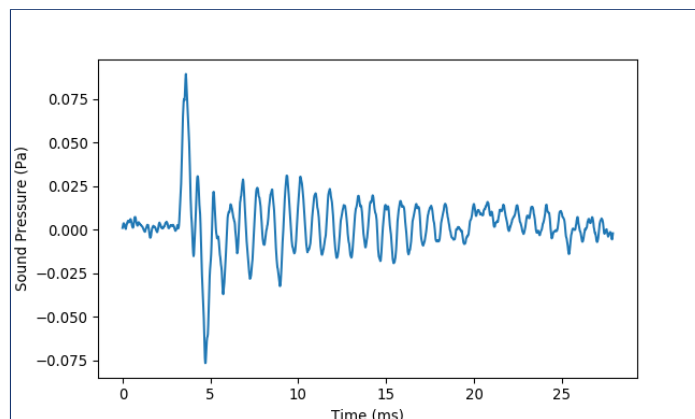


Figure 1. Paddle Impact Time Trace

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.

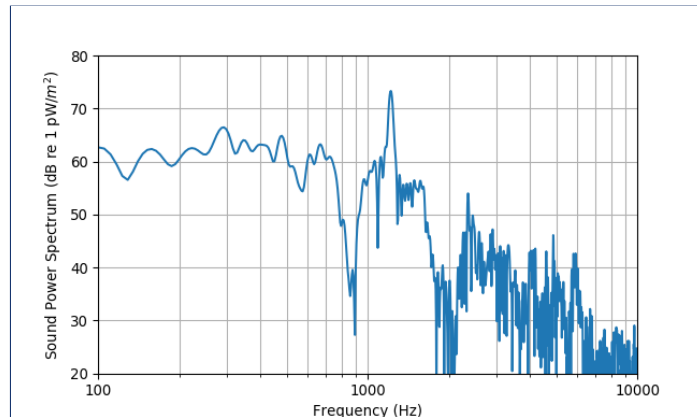


Figure 2. Paddle Impact Power Spectrum

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

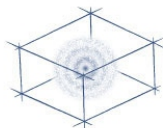
Pickle ball courts were built within forty feet of our residence. Not only is the pickle ball noise loud, but the players scream as loud as possible while playing. Can anything be done legally.

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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4335 N Alvernon Way, Tucson, Arizona 85718
(520) 623-6003



Friday, July 23, 2021

Robert Rosing
Rosing Davidson Frost
136 Heber Ave
Suite 205
Park City, Utah 84060

Mr. Rosing,

This letter comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. The planned pickleball court is located within 100 feet of several homes including 2812 Holiday Ranch Loop Road which is directly adjacent to and overlooks the placement of the court.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT

Spendiarian & Willis Acoustics & Noise Control LLC

July 23, 2021

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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.

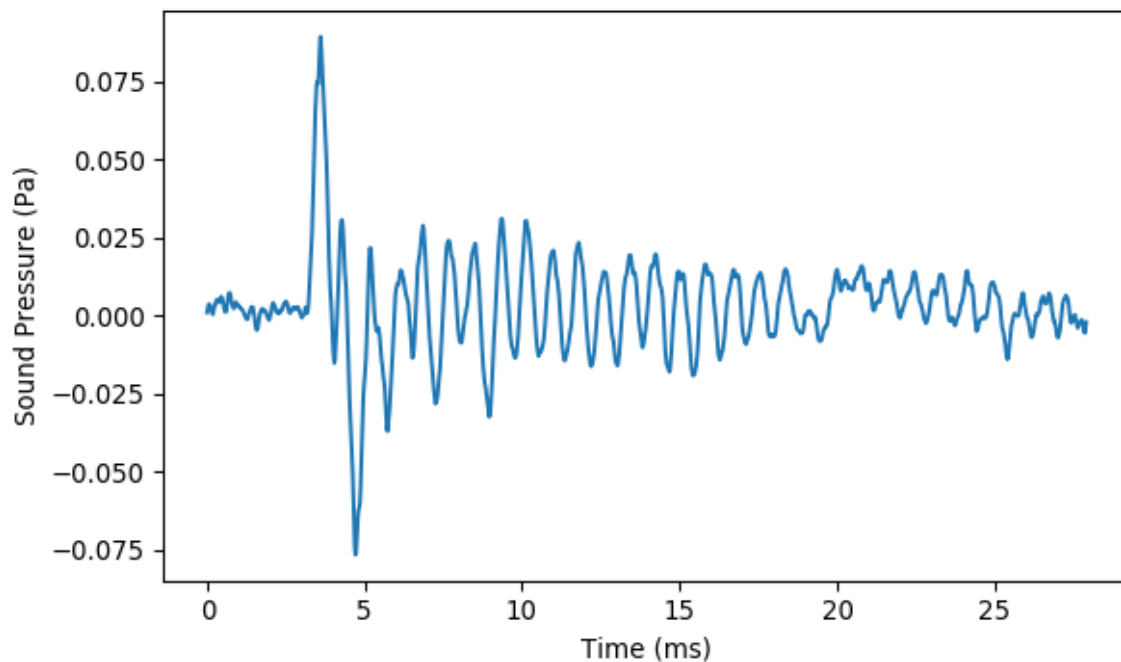


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

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

July 23, 2021

7 of 10

overlooking the pickleball court pad which is already under construction. As can be seen, a very high wall would be needed to shield the upper level windows of the house from the view of the paddles which radiate the popping sound. The sound wall must block the line of sight to the paddles regardless of the type of equipment used on the court.



Figure 2. View of Pickleball Court Pad from Upper Level Window

Such a wall is not, however, practical to build at this location. If a sound wall will not work for mitigation, a full enclosure will be needed in the form of a building to house the pickleball court. The walls and roof should have no penetrations facing the neighbors.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on multiple sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the upper level window of the nearest receiving property show that the close proximity of the court and height of the second floor rooms will make an effective sound wall system infeasible. In order for a sound wall to be effective it must block the line of sight from sound sources to the receiving property including upper level windows. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

The use of foam balls will reduce the need for noise abatement; however, given that a sound wall is infeasible for the site, this will not be enough to comply with the noise code. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure.

In summary, Spendiarian & Willis does not recommend the installation of a private, open air pickleball court due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

Schultz, T. J., "Synthesis of Social Surveys on Noise Annoyance," *Journal of the Acoustical Society of America* v. 64, pp. 377-405, 1978.

World Health Organization, Night Noise Guidelines for Europe, <http://www.euro.who.int>, 2009.

Planning Commission Staff Report



Subject: National Ability Center
Application: PL-22-05181
Authors: Rebecca Ward
Heather Wasden
Date: March 23, 2022
Type of Item: Administrative – Minor or Substantive Determination

Recommendation

Review the National Ability Center's request to increase square footage for the cycling center storage addition, which the Master Planned Development caps at 783 square feet, to accommodate a prefabricated structure, and make the determination that the request is a minor modification.

Description

Applicant: National Ability Center, represented by Meeche White
Location: 1000 Ability Way
Zoning District: Recreation and Open Space
Adjacent Land Uses: Open Space, Protected Open Space, Park City Ice Rink, and Quinn's Center Recreation Complex
Reason for Review: The Planning Commission determines whether modifications to Master Planned Developments are minor or substantive

LMC Land Management Code
MPD Master Planned Development
NAC National Ability Center

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

Background

The National Ability Center (NAC) is a nonprofit organization that empowers individuals of all abilities through recreation and education. In 1999, Summit County approved a Specially Planned Area for NAC facilities located on a 26-acre lot in the Quinn's Junction neighborhood at 1000 Ability Way, which was then in unincorporated Summit County. The Summit County approval included:

- A 17,000-square-foot equestrian arena
- A 3,500-square-foot barn/stalls
- An outdoor equestrian arena
- An outdoor challenge/ropes course, playground, and outdoor activity area
- An archery pavilion

- A gazebo
- Storage buildings
- 21,000 square feet for residential dormitory and lodging uses with 25 rooms on two levels
- 7,570 square feet for administrative offices
- 121 parking spaces

In 2004, the City adopted Ordinance No. 04-50, annexing NAC into its boundaries and zoning the property Recreation and Open Space (Exhibit A). On November 29, 2017, the Planning Commission approved a Conditional Use Permit for the following development on the site (Exhibit B):

- Indoor equestrian arena addition (10,910 square feet)
- Program services building addition (1,250 square feet)
- Climbing wall (377 square feet)
- Recreation center (7,613 square feet)
- Cycling center storage addition (783 square feet)
- Relocation of the archery pavilion and range
- Three recreational cabins (444 square feet each), six graded tent sites, three yurt platforms, and one restroom for an outdoor camping area (2,274 square feet total)
- Greenhouse and gardening area (400 square feet)
- Maintenance shop and storage additions (1,250 square feet)

On March 27, 2019, the Planning Commission approved the NAC Master Planned Development (MPD), which outlined:

- (1) the existing uses approved by Summit County,
- (2) the increased density and uses approved by the 2017 Conditional Use Permit (Phase I), and
- (3) future development, which includes a three-story 22,266-square-foot lodging building, as well as an additional 1,122 square feet for the equestrian center, and 332 square feet for the recreation center (Phase II)

On December 11, 2019, the Planning Commission ratified the NAC Development Agreement, which outlines the NAC MPD parameters ([Staff Report](#); [Minutes](#), p. 4). On February 18, 2020, the NAC recorded the Development Agreement with Summit County (Recorder Entry No. 1127416; Exhibit C).

The NAC MPD Condition of Approval 28 requires all building permits to comply with the Development Agreement, which includes the NAC MPD approval, specifying square footages for each use. As NAC developed the project, there were minor changes to square footages.

NAC indicates they anticipate returning to the Planning Commission later to modify the NAC MPD to change the location of the Community & Programs Building (now called

the Camps and Community Building) and the second lodge building. These changes will most likely be substantive modifications to the NAC MPD, requiring Planning Commission review and approval.

In the interim, on March 3, 2022, NAC applied for a Planning Commission determination regarding their request to increase square footage for their cycling storage addition so they can install a prefabricated structure. Staff finds NAC's request is a minor modification, subject to Planning Director review and approval, and seeks a Planning Commission determination.

Analysis

(I) The Planning Commission must determine whether the proposal to increase square footage within the National Ability Center Master Planned Development is a minor or substantive modification.

Pursuant to Land Management Code (LMC) [§ 15-6-4\(K\)](#), the Planning Commission determines whether proposed modifications to an approved MPD are minor or substantive. LMC [§ 15-6-4\(K\)](#) states a minor modification complies with the LMC and MPD approval and does not trigger additional off-street parking requirements, does not reduce open space, and does not increase traffic by 5% or more as demonstrated by a traffic generation study. If the Planning Commission determines the modification to the NAC MPD is minor, the Planning Director reviews and approves the modification through an Administrative Permit.

NAC seeks to install a prefabricated structure that expands the cycle storage building to 805 square feet. The NAC MPD caps the cycle storage building expansion to 783 square feet. The NAC requests to increase the size by 22 square feet. The expanded square footage for storage does not trigger additional off-street parking or increase traffic. LMC [§ 15-6-5\(D\)](#) requires a minimum of 60% open space for MPDs. According to the NAC MPD Finding of Fact 24, the NAC MPD retains 78% open space on the 26-acre lot. Therefore, even with the increase in building footprint to accommodate an additional 22 square feet for the cycle storage building expansion, the NAC MPD will exceed the open space requirement.

Review of recent construction on the site demonstrates changes to approved square footages, shown in the table below. The Administrative Permit process will allow staff to verify what is built to date prior to future substantive modifications to the NAC MPD.

Building	NAC MPD Approval	Construction	Difference
Equestrian Center Building Permit BD-18-25848	12,032 square feet	11,715 square feet	-317 square feet
Recreation Center Building Permit BD-18-26227	7,945 square feet	8,355 square feet	+410 square feet

Maintenance Bldg. + Storage Building Permit 20-1254	1,250 square feet	More information needed	
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Exhibits

Exhibit A: Ordinance No. 04-50

Exhibit B: 2017 Conditional Use Permit

Exhibit C: NAC Development Agreement

I hereby certify that this is a true and correct copy of Ordinance No. 04-50, adopted by the Park City Council on October 21, 2004.

Janet M. Scott
Janet M. Scott, City Recorder



Ordinance No. 04-50

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP
FOR NATIONAL ABILITY CENTER AND PARK CITY MUNICIPAL RECREATION
COMPLEX ANNEXATION PARCEL, PARK CITY, UTAH**

WHEREAS, owners of land located east of Fairway Hills Phase Two, and west of SR 248, approx 1/8 mile south of the SR 248 & I40 interchanges, including the Executive Director of the National Ability, and Park City Municipal Corporation have petitioned the City Council for approval of an annexation and zoning, known as the National Ability Center and Municipal Recreation Complex Annexation; and

WHEREAS, the National Ability Center and Municipal Recreation Complex parcels will be zoned ROS-MPD (Recreation Open Space – with underlying Master Planned Development); and the COSAC purchased 39.5 acres will be zoned POS, Protected Open Space; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 13, 2004, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 13, 2004, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 21, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. APPROVAL. The National Ability Center and Park City Municipal zoning and amendment to the official Park City Zoning Map are hereby approved as shown in the attached exhibits, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

00715425 BK01656 Pg01081-01085
ALAN SPRIGGS, SUMMIT CO RECORDER
2004 OCT 29 14:43 PM FEE \$1.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

Findings of Fact:

1. The National Ability Center and Park City Property is currently located in unincorporated Summit County and may be annexed to Park City, pursuant to the National Ability Center and Municipal Recreation Complex Resolution. As part of the annexation petition the petitioner has requested Recreation Open Space – with underlying Master Planned Development (ROS-MPD) for the NAC and Recreation Complex; and Protected Open Space (POS) for the COSAC purchased 39.5 acres.
2. The Planning Commission held a public hearing at their regular meeting of October 13, 2004 and forwarded a positive recommendation to the City Council regarding the proposed annexation and zoning.
3. The proposed ROS-MPD, and POS zoning and existing/proposed land uses are consistent with the Purpose statements of the respective underlying zoning districts.
4. The ROS zone allows for Master Planned Developments with recreational uses including parks, trails, and other compatible public and private uses, as well as preservation of natural and environmental resources.
5. The POS zone promotes open lands that remain fundamentally undisturbed, but allows for minor improvements including trailhead parking and accessory building less than 600 s.f.
6. The Property Owner submitted with the annexation and zoning petition a Master Planned Development, known as the Municipal Recreation Complex MPD, that is consistent with the proposed ROS-MPD zone, in terms of uses.
7. The Municipal Recreation Complex MPD has not been approved by the Planning Commission and shall continue to follow a normal, thorough planning process in accordance with the Land Management Code.

Conclusions of Law:

There is good cause for this Zoning Map amendment.

The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.

Neither the public nor any person will be materially injured by the proposed zoning map amendment change.

Approval of the Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. This Zoning Map amendment is contingent upon approval by the City Council of the National Ability Center and Park City Municipal Recreation Complex Annexation Resolution.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st day of October 2004.

PARK CITY MUNICIPAL CORPORATION

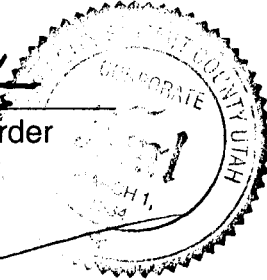
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



BK1656 PG1083

SEC. 35

SEC. 2

SEC. 3

PROPOSED ANNEXATION APPROX. 172 ACRES

P.O.B.

PARK CITY BOUNDARY

STATE HIGHWAY 240

STATE HIGHWAY 40

BK1656 PG1084

[illegible]

SENATOR'S CRITICISM

WASHINGTON, Sept. 10 (AP)—Sen. Frank Lautenberg, D-N.J., today criticized the Justice Dept. for releasing a letter from the FBI to the U.S. attorney in New York City, which was dated Sept. 8, but which was not received by the U.S. attorney until Sept. 10.

The letter, which was dated Sept. 8, was a copy of a letter from the FBI to the U.S. attorney in New York City, which was dated Sept. 8, but which was not received by the U.S. attorney until Sept. 10.

The letter, which was dated Sept. 8, was a copy of a letter from the FBI to the U.S. attorney in New York City, which was dated Sept. 8, but which was not received by the U.S. attorney until Sept. 10.

RECEIVED JAN 27 1964

CONTRACT'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE MEMBERS OF THE HERCULES ESTATEMENT TRACT OF LAND, AND, BEING MAJOR OF THE PINE CITY MARSHAL, CORPORATION, HAVE CALLED THIS ASSOCIATION PLAT TO BE PREPARED. [WE DO HEREBY CONSENT TO THE RECORDATION OF THIS ASSOCIATION PLAT.

DAVE WILLIAMS, WAGON

CONSPIRACY AND/OR OBSTRUCTION OF JUSTICE

SOURCE OF INFO: } DAVID WILLIAMS, WAGON
COUNTRY OF ORIGIN: }

ON THE DAY OF THE MURDER OF MARTIN LUTHER KING, JR., WILLIAMS, WHO WAS ON THE WAGON, WAS IN THE CITY OF JACKSON, MISSISSIPPI, AND WAS OBSERVED BY THE FBI AGENTS. WILLIAMS WAS OBSERVED BY THE FBI AGENTS ON THE DAY OF THE MURDER OF MARTIN LUTHER KING, JR., AND WAS OBSERVED BY THE FBI AGENTS ON THE DAY OF THE MURDER OF MARTIN LUTHER KING, JR.

DATE _____
COUNTY _____
MY COUNCILMAN'S OFFICE _____
INVESTIGATE IN _____
STATION ADDRESS _____

CONTRACTOR'S COMMENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, AND, BEING NEARLY WIFE, SISTER OF THE NATIONAL ALLIANCE, A HONORARY CORPORATION, HAVE CAUSED THE

RECEIVED WFLA TELETYPE

COMPANY ADDRESS ONLY

STATE OF OHIO }
COUNTY OF SUMMIT }
IN SENATE,
JANUARY 11, 1906.

ALLY ACKNOWLEDGED TO HER THAT SHE IS AWARE OF THE FACTORS INVOLVED IN THE CASE, BY ACTION OF THE BOARD OF DIRECTORS.

HUNTERVILLE _____
BY COMMISSIONER DEPT. OF REVENUE IN _____
COUNTY, STATE _____

CITY PLANNING COMMISSION _____
APPROVED BY THE PAIR CITY PLANNING COMMISSION ON THE _____ DAY OF _____ 2004

[illegible]

APPROVED BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2004.

APPROVAL AS TO FORM

CITY RECORDS

APPROVED AS TO FORM ON THIS _____ DAY OF _____ 2004.

 CITY ATTORNEY

CITY ENGINEER

DATE _____ DAY OF _____ 2006

CITY _____

PARTIAL CARRIER IS

Evergreen Engineering, Inc.

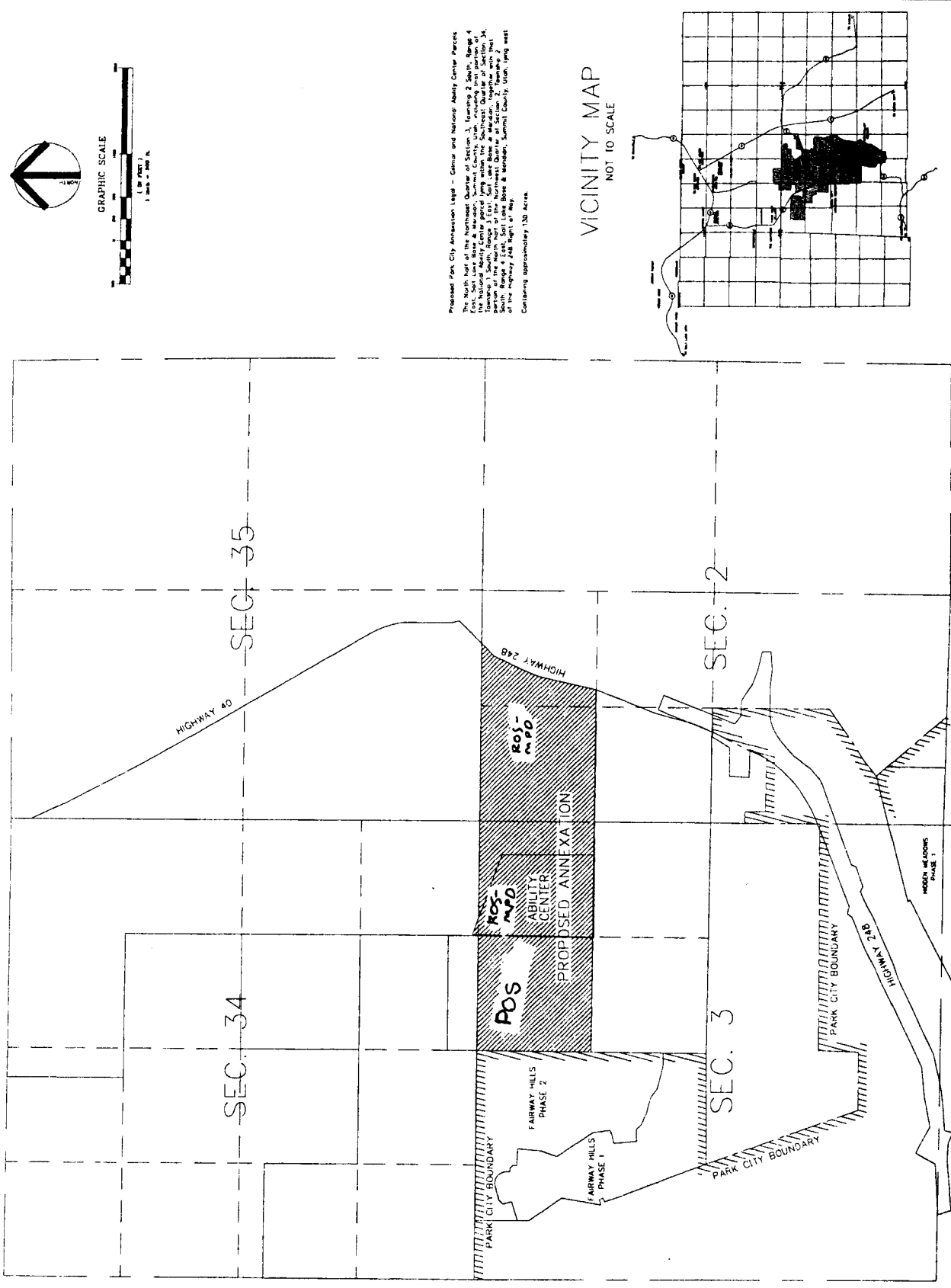
1204 Broadway • Portland, Oregon 97203 • Phone: 503-546-0887 • Fax: 503-546-0887
1204 Broadway • Suite 200 • P.O. Box 8881 • Portland, Oregon 97208 • Phone: 503-546-0887 • Fax: 503-546-0887

[illegible]

DESIGNED BY
CDB
DRAWN BY
CDB/ADM
CHECKED BY
GRW/ADM

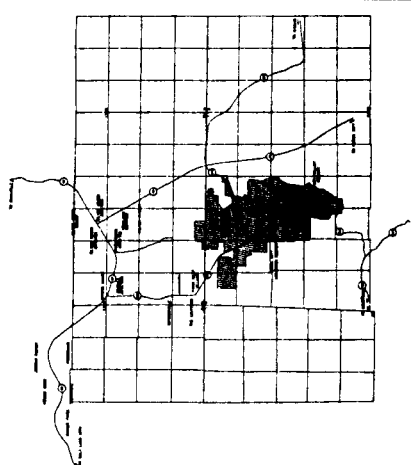
1984	FOUNDED	PARK CITY MUNICIPAL CORPORATION
PARK CITY MUNICIPAL CORPORATION NATIONAL ABILITY CENTER ANNEXATION PLAN		

1 OF 1



Proposed Park City Annexation Legal - Center and National Ability Center Parcels
 The North half of the Northwest Quarter of Section 35, Township 2 South, Range 4 North, T2S, R4N, S4E, is hereby annexed into the City of Park City, Utah, together with that portion of the North half of the Northwest Quarter of Section 34, Township 2 South, Range 4 North, T2S, R4N, S4E, which is adjacent to the North half of the Northwest Quarter of Section 35, Township 2 South, Range 4 North, T2S, R4N, S4E, and which is located within the legal right of way of the Highway 40 right of way. Containing approximately 130 Acres.

VICINITY MAP
 NOT TO SCALE





November 30, 2017

Jon Serio
National Ability Center
1000 Ability Way
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-17-03436
<u>Address</u>	1000 Ability Way
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	November 29, 2017

On November 29, 2017, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held and the Planning Commission approved your application. The Commission voted to delete conditions #16 and 17 of the final staff report and required a staging plan (amending condition #8). The Commission approved the Conditional Use Permit based on the following findings of fact, conclusions of law, and amended conditions of approval:

Findings of Fact

1. The property is located at 1000 Ability Way and is within the Recreation Open Space Master Planned Development (ROS-MPD) Zoning District subject to the National Ability Center Master Planned Development (aka Specially Planned Area (SPA)).
2. Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.
3. The site was previously is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
4. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
5. The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complementary recreational activity facilities.
6. The National Ability Center is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
7. Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is a similar to a Master Planned Development (MPD) in the City, as well as a Conditional Use Permit.
8. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 21,368 sf equestrian center (16,868 sf equestrian arena and 4,500 sf of barns/stalls), an outdoor challenge/ropes course, a

playground and outdoor activity area, an outdoor equestrian arena, an archery pavilion, a gazebo, various barns/stalls and storage buildings, 14,301 sf of residential dormitory/lodging uses with 25 rooms on two levels, 7,276 sf support administrative building and 121 parking spaces.

9. A July 15, 1999, Development and Water Service Agreement between NAC and the City was entered into prior to the annexation. The Agreement describes conditions of water services as well as findings regarding the approved Conditional Use Permit and terms of transfer and converting of water rights. The water right (35-8457) is currently in the City's name, according to Water Rights (State); however the required conversion for municipal use has not been requested of the State Engineer and has not occurred. The applicant has agreed to remedy this situation prior to submittal of a Conditional Use Permit for expansion of support lodging uses. Lodging uses have the greatest impact on water use for this property.
10. On October 21, 2004, the Park City Council adopted Ordinance #04-50 to amend the Park City Zoning Map to include the annexed NAC parcel into the ROS-MPD District. The property is subject to the National Ability Center MPD (aka Specially Planned Area (SPA)) as approved and amended.
11. The ROS zone allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone and the approved Specially Planned Area (aka MPD). The proposed uses are support uses to the primary use of the National Ability Center and are consistent with the ROS Zone and in support of the mission of the NAC.
12. The NAC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.
13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
14. On September 2, 2014, the applicant submitted a pre-MPD application for proposed additions to the NAC. On December 10, 2014, the Planning Commission held a public hearing, discussed the pre-MPD application and found the proposed additions to be in compliance with the General Plan and underlying zoning district.
15. On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) for proposed amendments to the SPA. The applicant indicated that additional support lodging uses are proposed as Phase 2 of the MPD and they are not part of this CUP application. (The proposed lodging building is shown on the overall concept plan for reference.)
16. The Planning Director determined that the ropes course improvements, relocation of riding arena and archery pavilion, and additional minor storage areas and buildings could be approved through administrative review processes.
17. On January 5, 2017, Staff received this application for a Conditional Use Permit for various additions, buildings, and improvements to the National Ability Center. The application was considered complete on January 17, 2017 and was reviewed at Development Review on January 31, 2017.

18. A one lot subdivision to create a platted lot of record for the National Ability Center (NAC) was approved by City Council on July 21, 2016 and recorded at Summit County on March 28, 2017.
19. The applicant proposes the following additions and buildings:
 - Indoor Equestrian Arena additions (10,910 sf)
 - Program Services building and climbing wall additions (1,250 sf)
 - Community and Programs building (new) (4,962 sf)
 - Recreation Center/gymnasium (new) (7,613 sf)
 - Cycling Center (storage addition) (783 sf)
 - Archery Pavilion and Range (relocated)
 - Camping (new) - 3 recreational cabins (444 sf each), 6 graded tent sites, 3 yurt platforms and 1 restroom building (2,274 sf total)
 - Greenhouse and gardening area (new) (400 sf)
 - Maintenance shop and storage (additions) (1,250 sf)
 - Additional parking area (104 spaces), snow storage and landscaping
20. The applicant proposes to construct approximately 29,819 sf of new building floor area for recreation, administration, programs and storage uses with a total building footprint of 27,810 sf. The proposed building footprint is approximately 2.43% of the total lot area. Existing building footprint is 41,629 sf (3.65% of the site). Total new and proposed building footprint is 69,439 sf (6.08%).
21. The lot is sufficient in size for the proposed uses.
22. Proposed uses are consistent with the uses allowed by the National Ability Center MPD (SPA) as support uses to the primary use.
23. A traffic study (Hales Engineering, November 2015) was provided by the applicant indicating that study intersections are anticipated to continue operating at acceptable levels of service. Capacity of existing streets can handle anticipated normal traffic, however during special events and activities additional traffic enforcement may be required and Special Event permits maybe required.
24. The proposal includes 104 additional parking spaces to provide a total of 225 spaces for the entire site (there are currently 121 spaces). Staff reviewed both a 25% and a 30% reduction for this CUP as the parking uses do overlap and NAC participants use multiple buildings per visit. The parking requirement use chart in the LMC also does not match up well for some of the proposed uses and parking reductions are consistent with transportation goals and the General Plan.
25. Staff recommends a parking study be conducted one year following certificate of occupancy for the uses approved with the CUP and if additional parking is recommended, it shall be reviewed and provided with Phase 2 and the expanded support lodging uses.
26. The parking layout will be reviewed at the time of building permit review to ensure compliance with the LMC regarding interior and perimeter landscaping, lighting, and use of landscaped islands to break up expanses of parking.
27. Utilities necessary for this use are available at or near the site. Comments regarding storm water detention, water service, fire riser size and capacity of sewer laterals were gathered at the Development Review Committee meeting, and will be addressed with final utility plans prior to the issuance of a building permit.
28. The proposed additions and uses have been reviewed for potential interference with access routes for emergency vehicles. Fire District has reviewed and approved the emergency access routes and final Fire District approval of building plans is required prior to building permit issuance.
29. Existing internal vehicular and pedestrian circulation systems will be modified and

enhanced by this project to provide accessible routes and connections to surrounding City open space, trails and recreation amenities, as well as to public transit routes (currently dial-a-ride service).

30. No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite. No new fencing has been proposed.
31. Impacts of the adaptive camping tents site, cabins, and connected trail system on the open space will be minimized by limiting the number and size of the tent platforms and cabins, by installing natural pathways (not concrete or asphalt) and by minimizing grading and vegetation disturbance. LOD fencing will be installed prior to building permit issuance to contain disturbance for all construction sites. Any exterior lighting will be subdued, fully shielded and down directed.
32. Additions to the Arena and Program Services buildings are located in areas that are already disturbed with pavement and hardscape. The proposed recreation building will impact an area that has been previously disturbed and re-seeded.
33. Approximately 78% of the property will remain as useable open space, either as horse pasture, natural open space, or landscaped open space.
34. No signs are proposed at this time.
35. The proposal does not increase the number of horses on the site.
36. Exterior lighting fixtures will be reviewed at the time of the building permit review.
37. The proposal is not within the Park City Soil Ordinance Boundary.
38. There are wetlands on the property and they will not be disturbed by construction of the additions or any improvements and will be protected during construction as required by the Building Department.
39. The construction mitigation plan shall provide enhanced fencing of construction sites and activities in consideration of the safety of NAC participants.
40. An amended MPD Development Agreement shall be submitted for ratification by the Planning Commission to address specific requirements of the City's Water Department regarding water rights, impact fees, timing, etc.
41. The Amended Agreement requires Planning Commission ratification, City Council approval and recordation at Summit County.
42. Prior to issuance of building permits for any new buildings, not to include permits for additions to existing buildings, storage areas, archery pavilion, camping area, gardening center or parking, the amended Development Agreement shall be approved, executed and recorded at Summit County.
43. Phase 2 development, including additional support lodging uses, shall be conditioned upon finding compliance with terms of the Amended Development Agreement.
44. The proposed mass and scale of the buildings and additions, as well as the architectural design, materials, and colors are consistent with adjacent buildings on the property and in the surrounding area.
45. Proposed buildings and additions are setback more than 25' from all property lines.
46. Proposed addition to the Program Services Building, for expansion of the climbing wall, will maintain the height exception allowed by the Specially Planned Area approvals that is 43'4" in height from existing grade. All other additions and structures will not exceed the maximum zone height of 28', with LMC height exceptions permitted for pitched roofs, mechanical, elevators, etc.
47. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The uses, as conditioned, will be compatible with surrounding structures in use, scale,

- mass, and circulation;
3. The Applicant complies with all requirements of the LMC; and
 4. The effects of any differences in use or scale have been mitigated through careful planning.

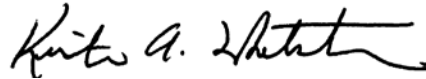
Conditions of Approval

1. All standard conditions of project approval shall apply to this application.
2. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on November 29, 2017.
3. Final utility, storm water and grading plans shall be approved by the City Engineer prior to Building Permit issuance.
4. All exterior regulated signs shall comply with the City's Sign Code and shall require a separate sign permit issued by the Planning Department prior to installation.
5. A fire protection plan shall be approved by the Fire District prior to issuance of any building permits.
6. Final plans shall be approved by the Snyderville Basin Water Reclamation District prior to issuance of building permits for new construction.
7. Parking lot layout, lighting and landscaping shall adhere to regulations in the Chapter 3 of the Land Management Code.
8. Construction mitigation and staging plans shall be submitted with the building permit application. Additional temporary fencing may be required during construction activities for safety of NAC participants. Wetland areas on the property shall be protected during construction and all required wetland setbacks shall be maintained.
9. All exterior lighting, including for buildings and parking lot, shall be shielded and down directed in compliance with the LMC and shall adhere to regulations in the LMC.
10. Location, orientation, lighting and grading of tent platforms and cabin sites shall be done in a manner that minimizes impacts on the natural vegetation and visual impacts on adjacent public open space to the greatest extent possible. Lighting for the cabins and restroom building shall be shielded and placed on a timer or motion detector to protect the night sky.
11. The Development Agreement shall be amended to address specific requirements of the City regarding water rights, water development and use fees and provision of any necessary water infrastructure to meet water demand and fire flow requirements.
12. The Amended Development Agreement requires City Council approval and recordation at Summit County prior to issuance of building permits for any new buildings; not to include permits for additions to existing buildings, storage and shop areas, archery pavilion, camping area, gardening center or parking.
13. Compliance with the terms and conditions of the Amended Development Agreement is a requirement prior to approval of Phase 2 development, specifically including any additional support lodging uses.
14. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
15. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berms and landscaping to screen parking and mechanical.
16. Individual campfire rings are not be permitted within the camping area.

17. This approval will expire on November 29, 2018, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

If you have questions regarding your project or the action taken please feel free to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

FEE EXEMPT
UTAH CODE ANNOTATED § 63J-1-505

WHEN RECORDED, MAIL TO:
City Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

ENTRY NO. 01127416

02/18/2020 02:46:58 PM B: 2555 P: 0909

Agreement PAGE 1/105

RHONDA FRANCIS, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



**DEVELOPMENT AGREEMENT
FOR THE NATIONAL ABILITY CENTER MASTER PLANNED
DEVELOPMENT (MPD), LOCATED AT 1000 ABILITY WAY, PARK CITY,
SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this 28 day of January, 2020, by and between the National Ability Center, a nonprofit corporation, owner, and developer ("**Developer**") of certain real property located in Park City, Summit County, Utah, on which Developer proposes to develop a project known as the National Ability Center Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("**Park City**"), by and through its City Council.

RECITALS

- A. Developer is the owner of a 26.2-acre property known as Lot 1 of the National Ability Center Subdivision, located in Park City, Summit County, Utah, as reflected in the National Ability Center Subdivision plat, **Exhibit A**, which is attached hereto and incorporated herein (the "**Property**"), on which it has obtained approval for the development known as the National Ability Center Specially Planned Area and Master Planned Development ("**NAC MPD**"), as more fully described in the National Ability Center Master Planned Development plans, **Exhibit B**, attached and incorporated herein, and as set forth below (the "**Project**").
- B. Park City requires Development Agreements pursuant to the Park City Land Management Code ("**LMC**") for all Master Planned Developments (LMC § 15-6-4(G)).
- C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals, and objectives of the Park City General Plan, and to address other issues as more fully set forth below.
- D. Park City, acting pursuant to its authority under Utah Code § 10-9a-101 et seq., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions, and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. **Project Conditions:**

1.1. The NAC MPD plans reviewed by the Planning Commission on March 27, 2019, (**Exhibit B**) and the Final Action letter stating the Findings of Fact, Conclusions of Law, and Conditions of Approval of the Master Planned Development (**Exhibit C**) are attached and incorporated herein as the Project, subject to changes detailed herein. The Project is located in the Recreation Open Space (ROS-MPD) Zoning District, subject to the NAC MPD.

1.2. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not State statutes regarding such fees are amended in the future.

1.3. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit(s) for (a) the new Recreation Building, (b) the new Programs and Services Building, and (c) the new Lodge Building, in compliance with the March 27, 2019 MPD approvals:

- (i) construction mitigation plan (CMP);
- (ii) utility and grading plans;
- (iii) storm water plans;
- (iv) flood plain and wetland delineation studies completed within five years of obtaining a building permit;
- (v) water efficient landscape and irrigation plan showing snow storage areas; and
- (vi) if additional parking is required as a result of the update to the parking and traffic study, a parking lot and lighting plan.

1.4. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for obtaining Army Corps of Engineer Permits required for disturbance of streams and wetlands.

2. **Vested Rights and Reserved Legislative Powers**

2.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the

City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police power, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts, and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. **Successors and Assigns.**

3.1 **Binding Effect.** This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

3.2 **Assignment.** Neither this Agreement nor any of the provisions, terms, or conditions hereof can be assigned to any other party, individual, or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

3.3 **Transfer of Improved Facilities.** Developer shall be entitled to transfer any portion or all of this Facility consistent with the terms of this Agreement upon written notice to the City. In the event of a complete transfer of the Developer's interest in the Facility, the recipient/purchaser shall be deemed to be substituted as the Developer for all rights and obligations specified in this Agreement for the portion of the Facility transferred.

3.4 **Release of Developers.** In the event of a full or partial transfer of the Facility, the recipient/purchaser shall assume all of the Developer rights and obligations under this Agreement. The recipient/purchaser shall be fully substituted as the Developer under the terms of this Agreement, and the Developer executing this Agreement shall be fully released from any further obligations with respect to this Agreement for the parcel so transferred.

4. **General Terms and Conditions.**

4.1 Term of Agreement. Construction, as defined by the Uniform Building Code, commenced prior to the date of execution of this Agreement. The NAC MPD and this Agreement shall continue in full force and effect until all obligations hereto have been satisfied. The NAC MPD approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved Conditional Use Permit and NAC MPD.

4.2 Agreement to Run with the Land. This Development Agreement shall be recorded against the Property, as described in **Exhibit E**, attached and incorporated herein, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

4.3 No Joint Venture, Partnership, or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.

4.4 Integration. This Development Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

4.5 Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

4.6 Attorney Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney fees and all costs of enforcement of the non-breaching party.

4.7 Minor Administrative Modification. Minor administrative modification may occur to this approval without revision of this Agreement with approval by the Planning Director.

5. Phasing.

5.1 Building Permits. Prior to commencement of construction on any portion of the project not previously approved but identified on the MPD plans (**Exhibit B**), the Developer must obtain a Building Permit for each new building in the plan. This requirement specifically applies to the new Recreation Building, the Community and Programs Building, and the new Lodge Building.

5.2 Project Phasing. Construction of the Project is planned in phases, with Phase 1 identified as additions to the program services building and indoor equestrian center, a new recreation building, a new community and programs building, additional storage and maintenance areas, as well as various outdoor uses including a camping education area. Phase I includes the additions, buildings, and uses approved in the 2017 Conditional Use Permit (**Exhibit G**, attached and incorporated herein), as well as phased parking. Phase II consists of the proposed three-story lodging building, additional parking, and landscaping as outlined in the NAC MPD. Phase II is projected to begin by 2024.

5.3 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the Park City Land Management Code, the International Building Code/Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

5.4 Form of ownership anticipated for the project. The property is owned by the National Ability Center, a non-profit corporation.

6. **Water.**

6.1 Water development fees will be collected pursuant to the Water Rights Dedication Agreement between the Developer and Park City, **Exhibit H**, attached and incorporated herein.

7. **Affordable Housing.**

7.1 This Master Planned Development, as submitted, is subject to requirements of Housing Resolution 03-2017. Developer submitted a Housing Mitigation Plan to the Planning Commission for review on November 13, 2019, and to the Park City Housing Authority for review and approval on November 21, 2019. The Housing Authority-approved Housing Mitigation Plan is attached and incorporated herein as **Exhibit D**. The Developer shall record the approved Housing Mitigation Plan with the Summit County Recorder's Office on the same date that this Agreement is recorded. The Developer shall comply with the Affordable Housing Mitigation Plan requirements prior to receiving a certificate of occupancy for the new Lodge. Deed restrictions shall be recorded at Summit County as outlined in the Housing Mitigation Plan.

8. **Physical Mine Hazards.**

8.1 There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner (**Exhibit F**, attached and incorporated herein).

9. **Notices.**

9.1 All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service that maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developers:

National Ability Center
1000 Ability Way
Park City, UT 84068
Attn: Kevin Stickelman, CEO

To Park City:

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

10. **List of Exhibits.**

Exhibit A – Subdivision Plat
Exhibit B – NAC MPD Plans Approved on March 27, 2019
Exhibit C – NAC MPD Final Action Approval Letter
Exhibit D – Housing Mitigation Plan
Exhibit E – Legal Description
Exhibit F – Mine Hazards letter
Exhibit G – Conditional Use Permit Approved November 29, 2017
Exhibit H – Water Rights Dedication Agreement

IN WITNESS WHEREOF, this Development Agreement has been executed by the Developer by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the 28 day of JANUARY, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman
Andy Beerman, Mayor

ATTEST:

Michelle Kellogg
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

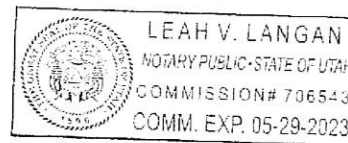
Mark D. Harrington
Mark D. Harrington, City Attorney

ACKNOWLEDGEMENTS

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 27 day of January, 2020, personally appeared before me Andy Beerman, who being by me duly sworn did say that he is the Mayor of Park City Municipal Corporation, a Utah municipal corporation, and that the *Development Agreement for the National Ability Center Master Planned Development, Located at 1000 Ability Way, Park City, Summit County, Utah* was signed on behalf of such entity.

Leah V. Langan
Notary Public
Residing at: 445 Marsac Ave
Park City, UT 84000



My Commission Expires:

05/29/2023

DEVELOPER

National Ability Center, a non-profit corporation
1000 Ability Way
Park City, UT 84068

By: [Signature]

Its: CEO

ACKNOWLEDGEMENTS

STATE OF UTAH)

: ss

COUNTY OF SUMMIT)

On this 21st day of January, 2020, Kevin Stickelman personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed did say that they are the CEO of the National Ability Center, a non-profit organization, and that they are authorized to execute the *Development Agreement for the National Ability Center Master Planned Development, Located at 1000 Ability Way, Park City, Summit County, Utah.*

[Signature]

Notary Public

Residing at: Coalville, UT

My Commission Expires:

7/16/2023



Tracee Batt
Notary Public
State Of Utah
My Commission Expires 07/16/2023
707234

EXHIBIT A – The National Ability Center Subdivision Plat

ACTIVITY MAP

LOT 1

LOT 2

LOT 3

2-16-17

SUPERVISOR'S CERTIFICATE

I, _____, Supervisor of the Park City, Utah, have examined the above described plat and find it to be in accordance with the provisions of the Act.

DATE: _____

BOUNDARY DESCRIPTION

OWNER'S DECLARATION AND CONSENT TO RECORD

I, _____, owner of the above described property, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

ACKNOWLEDGMENT

Notary Public for the State of Utah

My Comm. Expires _____

My Comm. No. _____

My Comm. State _____

NOTES

1. The subdivision is subject to the provisions of the Act.

2. The subdivision is subject to the provisions of the Act.

3. The subdivision is subject to the provisions of the Act.

4. The subdivision is subject to the provisions of the Act.

5. The subdivision is subject to the provisions of the Act.

6. The subdivision is subject to the provisions of the Act.

7. The subdivision is subject to the provisions of the Act.

8. The subdivision is subject to the provisions of the Act.

9. The subdivision is subject to the provisions of the Act.

10. The subdivision is subject to the provisions of the Act.

THE NATIONAL ABILITY CENTER SUBDIVISION

LOCATED IN SECTION 1
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

ENTREPRENEUR'S CERTIFICATE

I, _____, Entrepreneur of the above described property, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 22ND DAY OF _____, 2017.

BY: _____

ENGINEER'S CERTIFICATE

I, _____, Engineer of the above described property, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

CERTIFICATE OF ATTENT

I, _____, Clerk of the Park City, Utah, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

CERTIFICATE OF ACCEPTANCE

I, _____, Mayor of the Park City, Utah, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

CERTIFICATE OF RECORD

I, _____, Recorder of the Park City, Utah, do hereby declare that the above described plat is a true and correct representation of the property and that I have no objection to its being recorded.

DATE: _____

EXHIBIT B – NAC MPD Plans Approved on March 27, 2019



Vicinity Map

Index:

Existing Site Plan	01127410
Master Plan	01127410
Detail Plan	01127410
Open Space Plan	01127410
Utilities Plan	01127410
Floor Plans	01127410
Lodge Elevations	01127410
Arena Elevations	01127410
Perspectives	01127410



Discover The Possibilities

National Ability Center

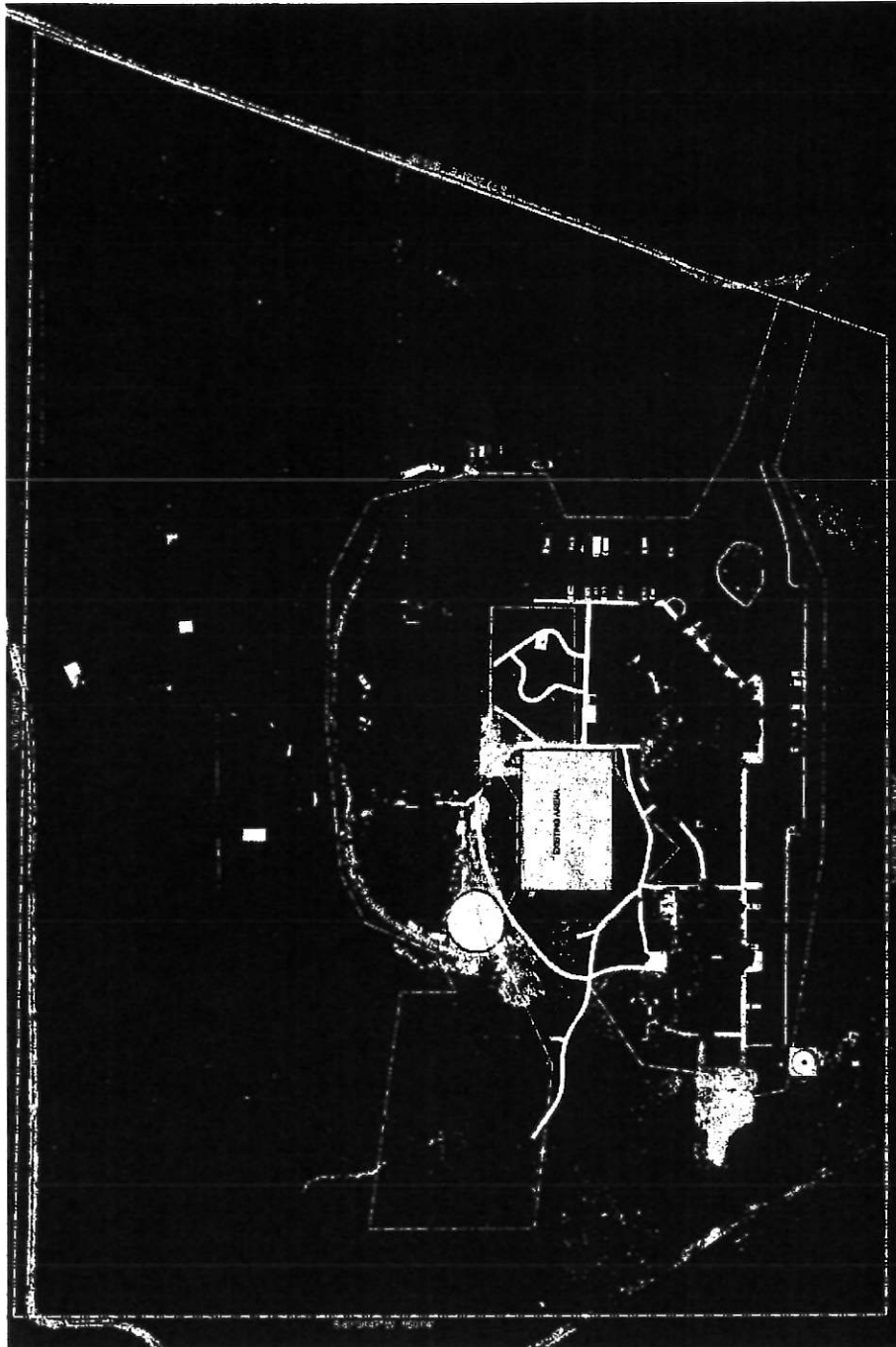
Master Plan

1000 Ability Way
Park City, UT 84060
(435) 649-3991

Contact: Michael Barille
mabarille@gmail.com
435.640.3188

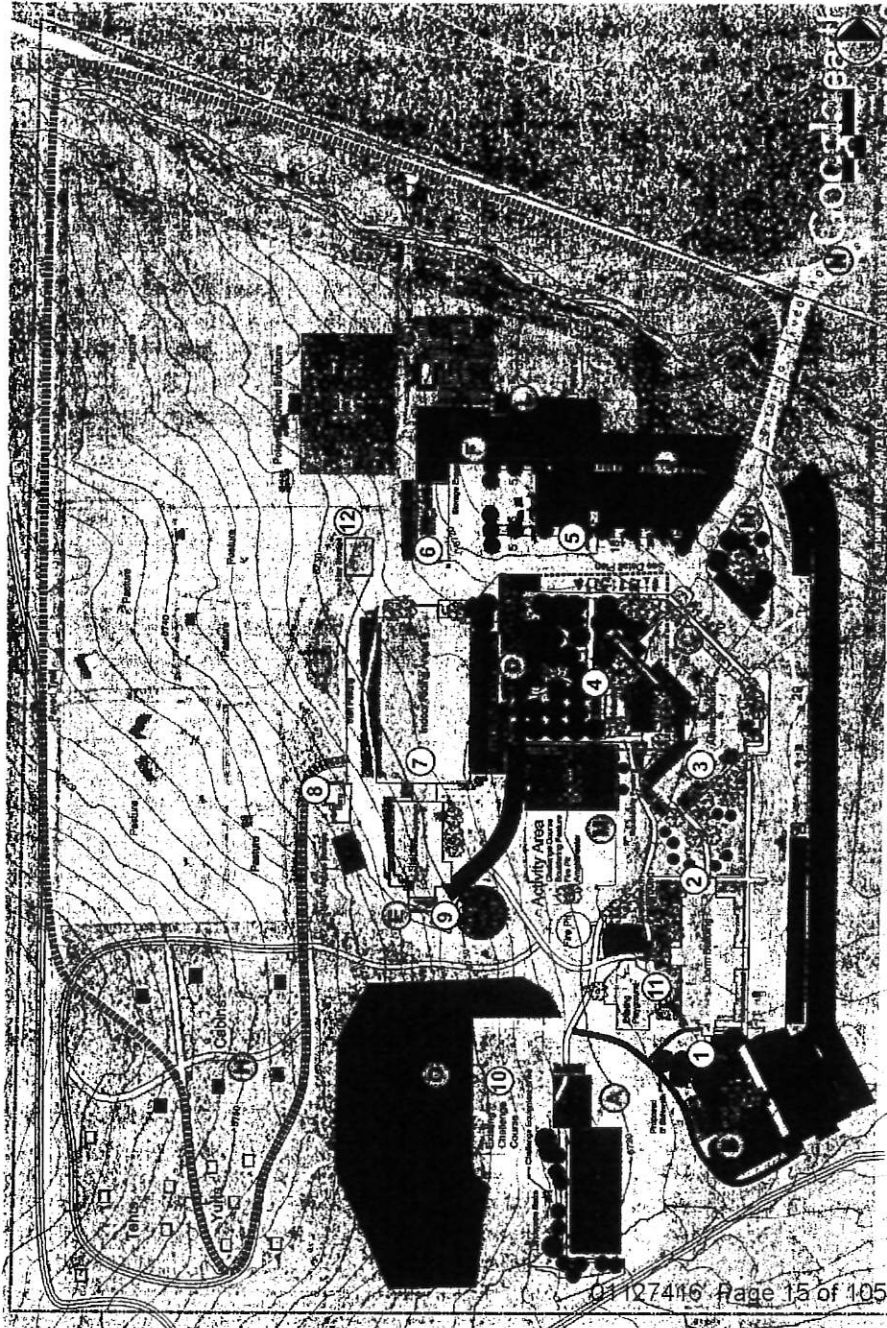


PlanWorks
ELLIOTT WORKGROUP
1-25-16



	STAFF:	EXISTING SITE PLAN	SHEET 1 OF 1
	DATE:	NATIONAL ABILITY CENTER	
	FILE NO.:	PARK CITY, UTAH	
	FILE NO.:	UDOT PROJECT NO. 2010-01	

NOTES
 1. Existing NAC parcel is 20.20 acres
 2. Existing development, Zone is S-17, S-18



**NATIONAL
ABILITY
CENTER**
Discover The Possibilities

Master Plan

PlanWorks
DESIGN

ELLIOTT
WORKGROUP

1-25-16

MASTERS MAP

Symbol	Legend	Notes
Circle with dot	Point of Interest	Point of Interest
Circle with cross	Point of Interest	Point of Interest
Circle with star	Point of Interest	Point of Interest
Circle with triangle	Point of Interest	Point of Interest
Circle with square	Point of Interest	Point of Interest
Circle with diamond	Point of Interest	Point of Interest
Circle with circle	Point of Interest	Point of Interest
Circle with plus	Point of Interest	Point of Interest
Circle with minus	Point of Interest	Point of Interest
Circle with asterisk	Point of Interest	Point of Interest
Circle with hash	Point of Interest	Point of Interest
Circle with percent	Point of Interest	Point of Interest
Circle with dollar	Point of Interest	Point of Interest
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Circle with tilde	Point of Interest	Point of Interest
Circle with underscore	Point of Interest	Point of Interest
Circle with caret	Point of Interest	Point of Interest
Circle with backslash	Point of Interest	Point of Interest
Circle with pipe	Point of Interest	Point of Interest
Circle with ampersand	Point of Interest	Point of Interest
Circle with asterisk	Point of Interest	Point of Interest
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Circle with caret	Point of Interest	Point of Interest
Circle with backslash	Point of Interest	Point of Interest
Circle with pipe	Point of Interest	Point of Interest
Circle with ampersand	Point of Interest	Point of Interest

Development Data:

- Existing**
- 1) Archery Pavilion (2,200 sf)
 - 2) 2 Story Lodge (18,300 sf)
 - 3) Administration Building Program
 - 4) Greenhouse/Garden
 - 5) Parking
 - 6) Storage Building (2,900 sf)
 - 7) Equipment Storage Buildings (6,625 sf)
 - 8) Outdoor House
 - 9) Play Structure
 - 10) Challenge Course
 - 11) New Storage Building
 - 12)
- Proposed**
- A) Archery Pavilion/Restrooms, Classroom, Restrooms (2,200 sf)
 - B) 3 Story Lodge (22,268 sf)
 - C) Expansion to Administration Building (2,400 sf)
 - D) Expansion to Equine Area
 - E) Meeting Space & Restrooms (12,188 sf)
 - F) Expansion to Storage Building (1,400 sf)
 - G) Greenhouse/Garden (1,000 sf)
 - H) Tennis Platform/Cabins (2,700 sf)
 - I) Relocated Outdoor Riding Area
 - J) Equipment Test Track Area
 - K) Center Campus Activity Multi-Purpose Area
 - L) Entry Structure
 - M) Challenge Course Expansion
 - N)
 - O)

Parking:

Existing: 110 Stalls
Proposed: 101 Stalls
Total: 214 Stalls

Snow Storage



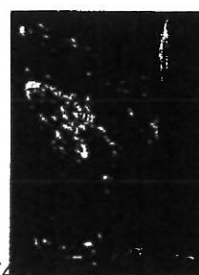
Amphitheater Example



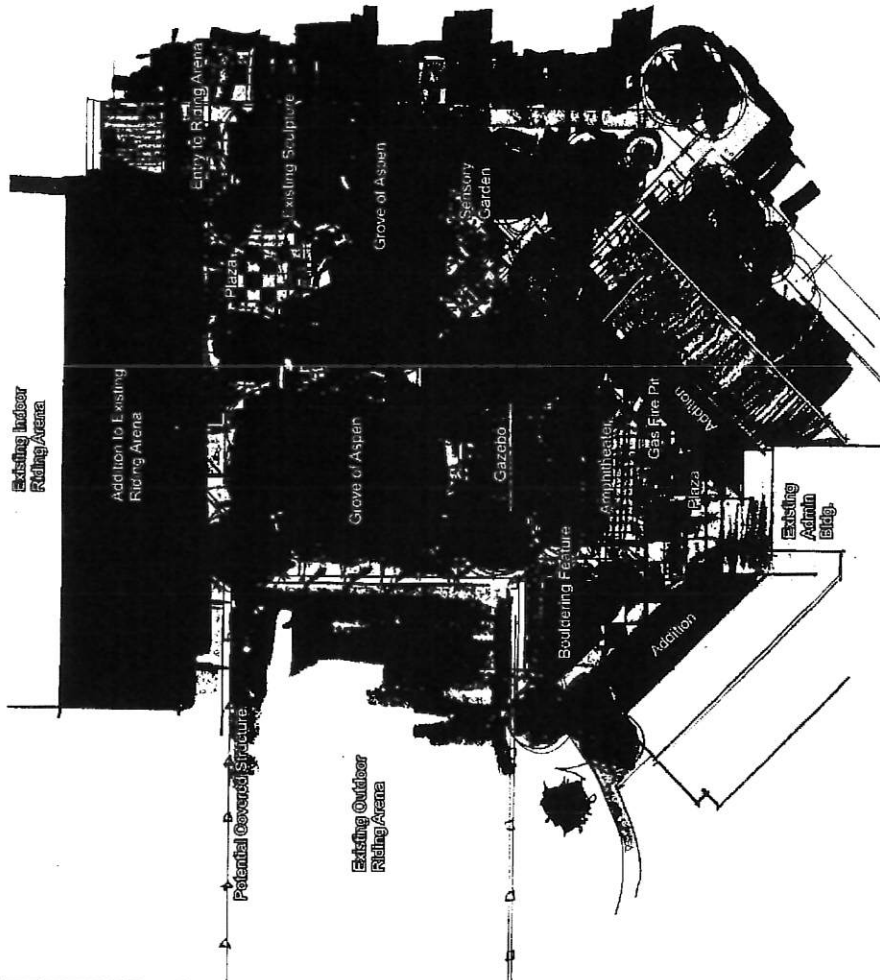
Bench Example



Bench Example



Bouldering Feature



Amphitheater Example



Grove of Aspens

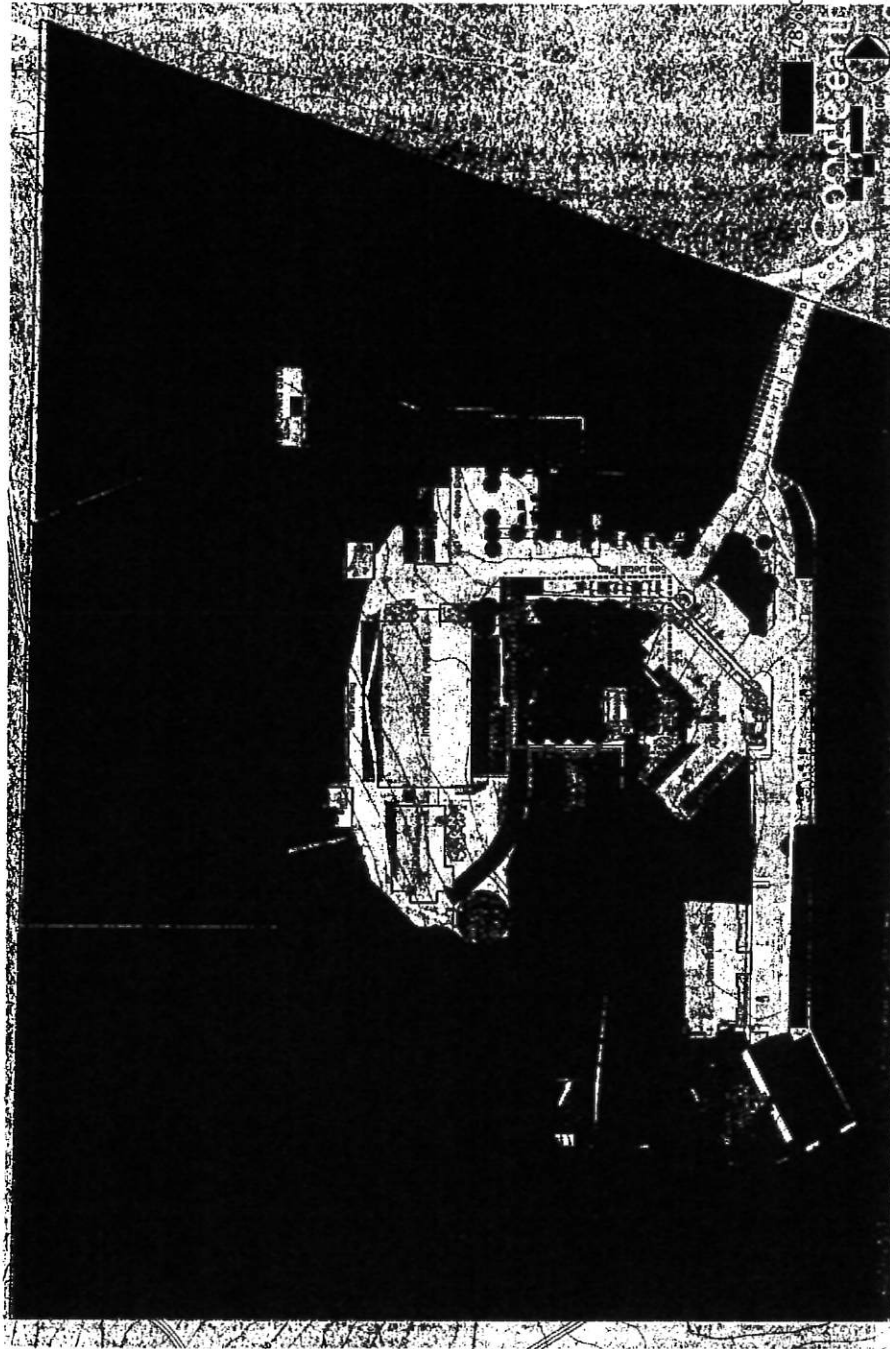


Sensory Garden Example



Sensory Garden Example

Detail Plan



78% Open Space



PlanWorks



ELLIOTT
WORKGROUP

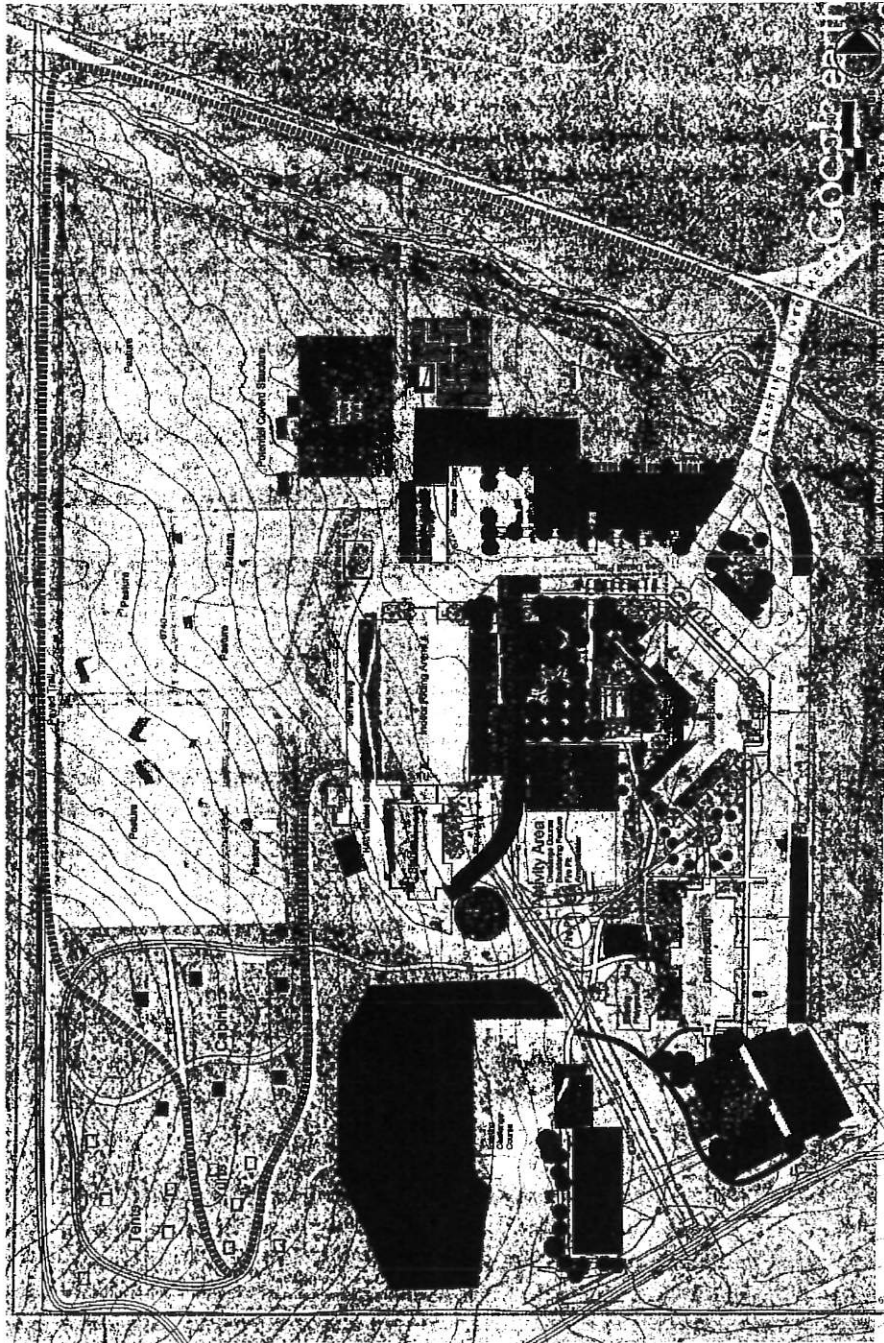
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Open Space Plan



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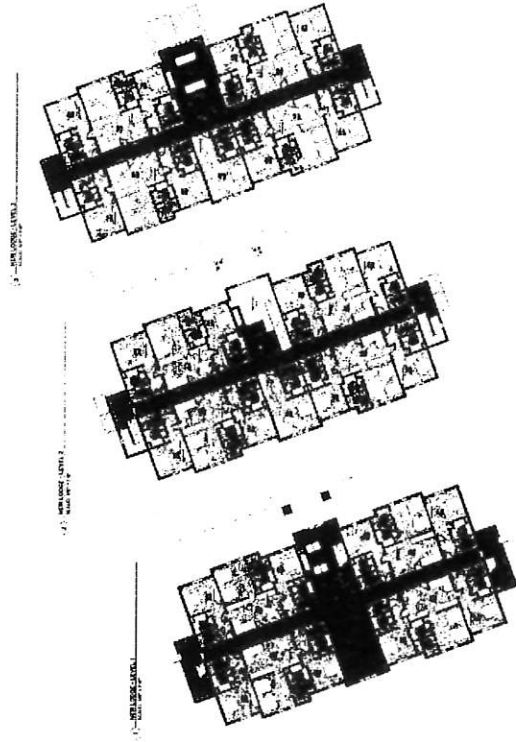
DISCOVER THE POSSIBILITIES



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Discover The Possibilities

Utilities Plan

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ELLIOTT
WORKGROUP
1-25-16



New Lodge Floor Plans



Arena Floor Plans

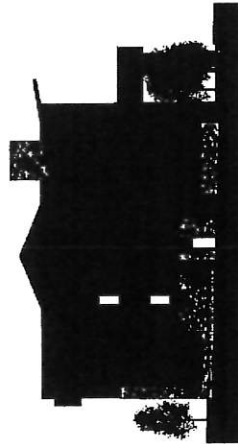
Floor Plans

PlanWorks
Elliott Workgroup
1-25-16

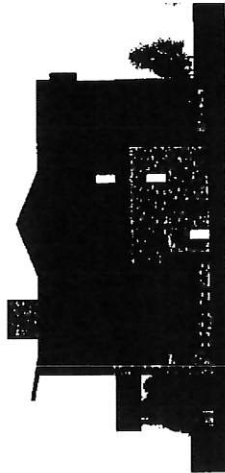
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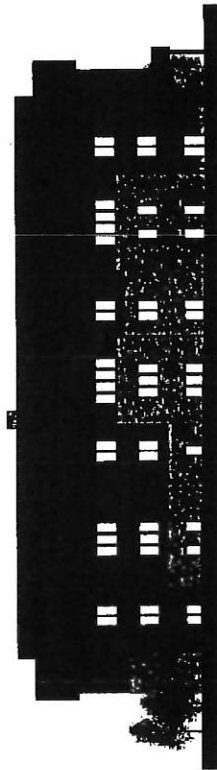
1 NEW LODGE - EAST ELEVATION



2 NEW LODGE - SOUTH ELEVATION



3 NEW LODGE - NORTH ELEVATION

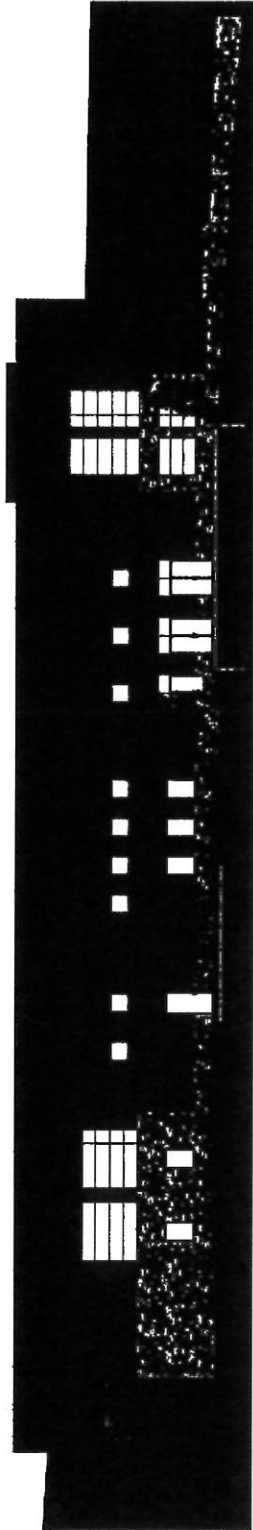


4 NEW LODGE - WEST ELEVATION

New Lodge Elevations

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2 NEW ARENA ADDITION - EAST ELEVATION

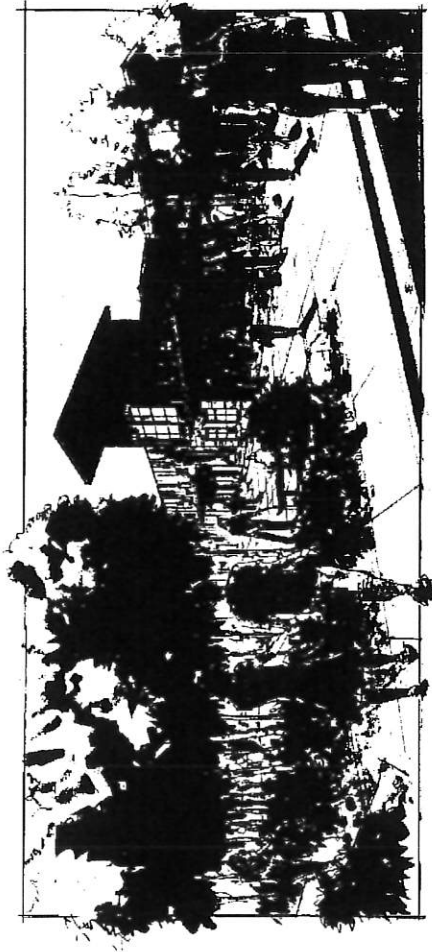


3 NEW ARENA ADDITION - SOUTH ELEVATION



4 NEW ARENA ADDITION - NORTH ELEVATION

Arena Addition Elevations

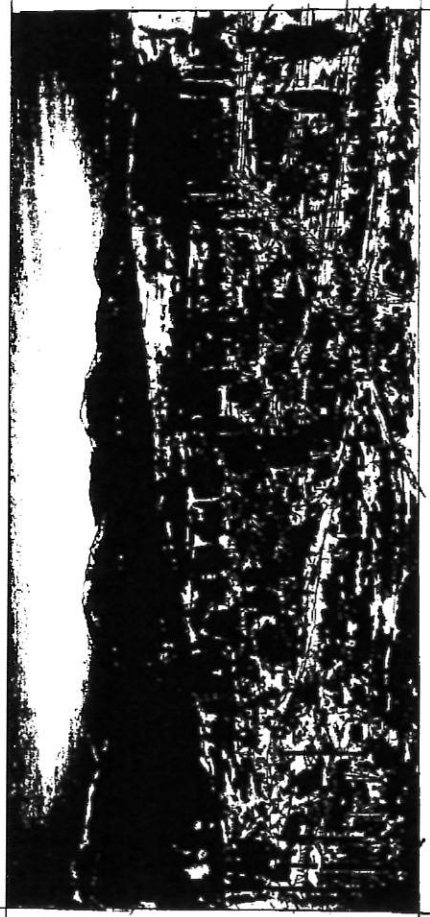


Entry Perspective



Interior Perspective

Arena Addition Perspectives



1 AERIAL VIEW
SCALE

Perspectives

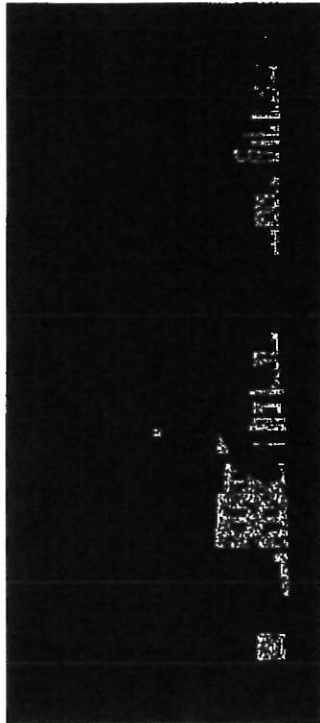
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1-25-18



VIEW OF NEW LODGE AND EXISTING - LOOKING NORTH
SCALE: 1/4" = 1'-0"



VIEW OF NEW ARENA ADDITION - LOOKING SOUTH
SCALE: 1/4" = 1'-0"



VIEW OF NEW LODGE AND EXISTING - LOOKING SOUTH
SCALE: 1/4" = 1'-0"



VIEW OF ARENA ADDITION - LOOKING SOUTHWEST
SCALE: 1/4" = 1'-0"

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Perspectives

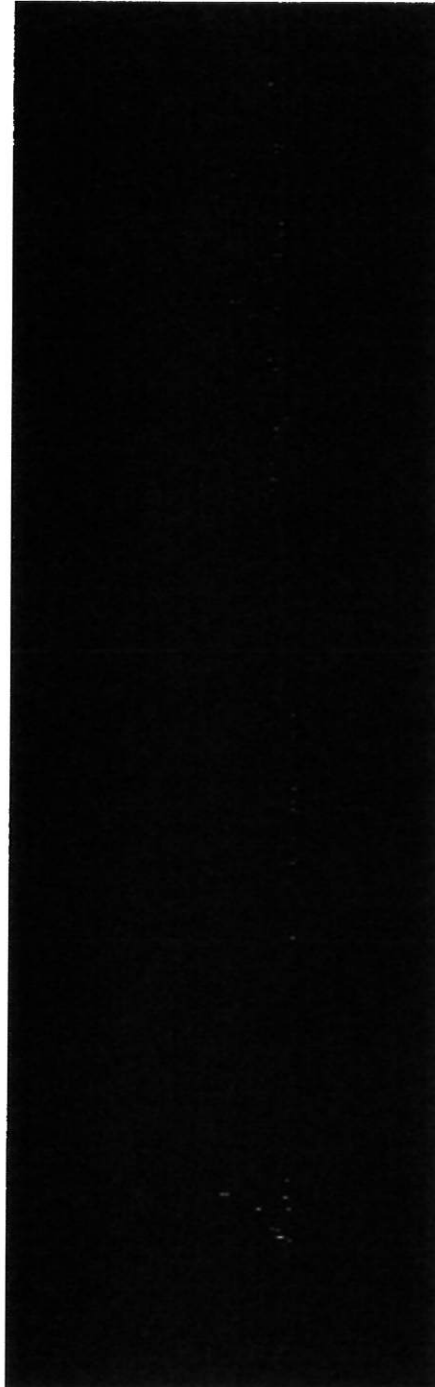
PlanWorks



ELLIOTT
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1 VIEW FROM LOWER ROAD - LOOKING WEST
SCALE



2 VIEW FROM ENRY DRIVE - LOOKING SOUTHWEST
SCALE

Perspectives

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1-25-16

EXHIBIT C – NAC MPD Final Action Approval Letter



March 29, 2019

Jon Serio
National Ability Center
1000 Ability Way
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03036
<u>Address</u>	1000 Ability Way
<u>Description</u>	Master Planned Development
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	March 27, 2019

On March 27, 2019, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held and the Planning Commission approved your application. The Commission voted to amend condition #24 to include additional information to be submitted with a parking study at the time of submittal of the Conditional Use Permit for the new lodging building. The Commission approved the NAC Master Planned Development based on the following findings of fact, conclusions of law, and amended conditions of approval:

Findings of Fact

1. The property is located at 1000 Ability Way and is within the Recreation Open Space Master Planned Development (ROS-MPD) Zoning District.
2. Access to the property is from Round Valley Drive and Gillmor Way, public streets, and Ability Way. Ability Way is public to the NAC property line and private within the NAC property. No new streets are proposed.
3. The property is located in the Quinn's Junction neighborhood of Park City and is identified as Lot 1 of the National Ability Center Subdivision.
4. In the mid-1990s, the parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complementary recreational activity facilities.
5. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation and MPD.
6. The National Ability Center is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
7. In July of 1999, prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is a similar to a Master Planned Development (MPD) in the City.
8. The NAC Specially Planned Area (SPA) and CUP allowed for development of various uses and buildings (50,750 sf), including 20,500 sf equestrian center (17,000 sf equestrian arena and 3,500 sf of barns/stalls), an outdoor challenge/ropes course, a

- playground and outdoor activity area, an outdoor equestrian arena, an archery pavilion, a gazebo, various barns/stalls and storage buildings, 21,000 sf of residential dormitory/lodging uses with 25 rooms on two levels, 7,570 sf support administrative building, a possible future swimming pool, and 121 parking spaces.
9. A July 15, 1999, Development and Water Service Agreement between NAC and the City was entered into prior to the annexation. The Agreement describes conditions of water service and the need to transfer and convert a water right. The change application was filed with the State Engineer on February 12, 2019 and is pending review.
 10. A new water agreement, updating requirements and conditions for water service, will be included as an attachment to the NAC MPD Development Agreement to be ratified by the Planning Commission prior to recordation.
 11. On October 21, 2004, the Park City Council adopted Ordinance #04-50 to amend the Park City Zoning Map to include the annexed NAC parcel into the ROS-MPD District.
 12. The ROS zone allows for a variety of conservation, open space, and recreation uses.
 13. The proposed uses are support uses to the primary use of the National Ability Center and are consistent with the purpose and uses of the ROS District and in support of the mission of the NAC.
 14. The NAC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.
 15. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
 16. On September 2, 2014, the applicant submitted a pre-MPD application for proposed additions to the NAC. On December 10, 2014, the Planning Commission held a public hearing, discussed and approved the pre-MPD application and found the proposal to be in compliance with the General Plan and underlying zoning district. The MPD is consistent with the Pre-MPD and meets the goals and objectives of the General Plan as further outlined in the staff report.
 17. On January 26, 2016, the City received an application for a Master Planned Development (MPD) identifying and approving an MPD concept site plan, uses and density for the 26.2 acre National Ability Center campus consistent with the pre-MPD.
 18. Between February 2016 and October 2017, the applicant worked on getting the subdivision plat approved and recorded and worked to address staff's comments regarding water service, as it relates to a July 15, 1999 Development and Water Service Agreement, as well as on a housing mitigation strategy.
 19. The National Ability Center (NAC) Subdivision plat was approved by City Council on July 21, 2016 and recorded at Summit County on March 28, 2017.
 20. On November 29, 2017, the Planning Commission approved a Conditional Use Permit for the following (29,818 sf total):
 - Indoor Equestrian Arena additions (10,910 sf)
 - Program Services building addition (1,250 sf) and climbing wall (377 sf)
 - Community and Programs building (new) (4,962 sf)
 - Recreation Center/gymnasium (new) (7,613 sf)

- Cycling Center (storage addition) (783 sf)
 - Archery Pavilion and Range (relocated)
 - Camping (new) - 3 recreational cabins (444 sf each), 6 graded tent sites, 3 yurt platforms and 1 restroom building (2,274 sf total)
 - Greenhouse and gardening area (new) (400 sf)
 - Maintenance shop and storage (additions) (1,250 sf)
 - Additional parking (104 spaces), snow storage and landscaping
21. The NAC MPD memorializes existing uses (49,707 sf) approved through a Specially Planned Area (SPA) (Exhibit Q) and Conditional Use Permit (CUP) by Summit County prior to annexation of the site into Park City (50,750 sf were approved), as well as uses approved through a CUP by the Planning Commission in November of 2017 (29,819 sf) (Exhibit S). The MPD also includes a future three story lodging building (22,266 sf) consisting of 25 suites with 13 lockouts (38 keys). The MPD also includes an additional 1,122 sf for the equestrian center and 332 sf to the recreation building that were not counted in the square footages approved with the 2017 CUP.
 22. A total of 103,246 sf are included in the NAC MPD including administration and programs (13,865 sf), indoor recreation and equestrian center (36,853 sf), lodging (36,567 sf) as well as accessory support uses and storage (15,961 sf). A swimming pool is not included in this MPD approval. Accessory and support uses include barn/stables, camping cabins/yurts/tent platforms, maintenance shop, Nordic center yurt, gardening center and greenhouse and cycling center.
 23. The lot is sufficient in area for the proposed uses.
 24. The plans indicate that 78% of the site will remain as open space. This area includes all pervious areas such as horse pastures, outdoor arenas, landscaped common areas, campground area (excluding buildings), challenge course, and other outdoor recreation activity areas and includes the hardscaped patio area west of the program services building.
 25. The proposed building location minimizes grading. Buildings are grouped on the site, providing greater expanses of open space and separation of activities. Specific site plans, as well as landscaping and exterior lighting details, will be provided with the future lodging building CUP and building permits.
 26. The proposed landscape plans indicate compliance criteria to maintain native vegetation and plant appropriate drought tolerant species that require limited irrigation. Prior to issuance of building permits a final landscape and irrigation plan, and an exterior lighting plan, will be reviewed by Planning Department staff for compliance with the MPD landscape plans. Additional landscaping and lighting plans will be submitted for review as part of the Conditional Use Permit applications for the new lodging building and parking lot expansion. Parking lot lighting is noted to be down directed with cut-off fixtures and will be on a clock timer to be able to reduce overall lighting when use of parking lots is reduced.
 27. The MPD is proposed to be developed in two primary phases. Phase 1 is identified as additions to the program services building and indoor equestrian center, a new indoor recreation building, a new community and programs building, additional storage and maintenance areas as well as various outdoor uses and phased parking and landscaping. Phase 1 is essentially the additions, buildings and uses approved with the 2017 CUP to be constructed within the next 1 to 5 years. Phase II consists of the proposed 3 story lodging building. Phase II is projected to begin by 2024, upon completion of Phase I.
 28. Proposed uses are consistent with the uses allowed by the National Ability Center MPD (SPA) and the LMC, as support uses to the primary use as a Public and Quasi-Public

- Institution and as a Private Recreation Facility.
29. A traffic study (Hales Engineering, November 2015) was provided by the applicant and reviewed with the 2017 CUP indicating that study intersections are anticipated to continue operating at acceptable levels of service. Capacity of existing streets can handle anticipated normal traffic, however during special events and activities additional traffic enforcement and Special Event permits maybe required.
 30. The 2017 CUP approved 104 additional parking spaces to provide a total of 225 spaces for the entire site (there are currently 121 spaces). Staff reviewed a 32% reduction as uses of the NAC overlap and NAC participants use multiple buildings per visit. Parking reductions are consistent with transportation goals and the General Plan. Parking will be phased with construction of elements of the CUP and MPD.
 31. Staff recommends an updated parking study be submitted with the CUP for the future lodging building and if additional parking is recommended, it will be reviewed with the future lodging building CUP.
 32. The final parking layout will be reviewed at the time of building permit review to ensure compliance with the LMC regarding interior and perimeter landscaping, lighting, and use of landscaped islands to break up expanses of parking. Lighting is proposed to be sharp cut-off and on a time clock to allow the NAC to reduce lighting when not in use.
 33. Utilities necessary for this use are available at or near the site.
 34. The proposed additions and uses have been reviewed for potential interference with access routes for emergency vehicles. Fire District has reviewed and approved the emergency access routes and final Fire District approval of building plans is required prior to building permit issuance.
 35. Existing internal vehicular and pedestrian circulation systems will be modified and enhanced by this project to provide accessible routes and connections to surrounding City open space, trails and recreation amenities, as well as to public transit routes (currently dial-a-ride service).
 36. No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite.
 37. Impacts of the adaptive camping tents site, cabins, and connected trail system on the open space are proposed to be mitigated by limiting the number and size of the tent platforms and cabins, by installing natural pathways (not concrete or asphalt) where accessibility issue allow, and by minimizing grading and vegetation disturbance. LOD fencing will be installed prior to building permit issuance to contain disturbance for all construction sites. Any exterior lighting will be subdued, fully shielded and down directed.
 38. Additions to the Arena and Program Services buildings are located in areas that are already disturbed with pavement and hardscape. The proposed recreation building will impact an area that has been previously disturbed and re-seeded.
 39. No signs are proposed at this time and sign permits are required prior to installation of new signs.
 40. Exterior lighting fixtures will be reviewed at the time of building permit review for compliance with the City's lighting ordinances.
 41. The MPD area contains wetlands and streams and a wetlands delineation report was included with the application. The plans demonstrate that the required fifty foot buffer from delineated wetlands and streams can be met. Storm water plans are required to be submitted with all building permit applications and conditions of approval note requirements for MS4 plans. Wetlands will be protected during construction as required by the Building Department and Construction Mitigation Plans. Wetlands delineations are valid for a five year period when applying for a general permit to the Army Corps of Engineers.

42. There are no known physical mine hazards, historic mine waste, or historic structures on the site.
43. The site is not within the Park City Soils Ordinance boundary.
44. A construction mitigation plan will be provided with all building permits and will consider the safety of NAC participants, in addition to all standard requirements.
45. An affordable housing mitigation plan is being drafted by the Applicant and will be submitted to the City's Housing Department. The plan will be presented to the Planning Commission for review and then forwarded to the Park City Housing Authority for review and approval. An approved housing mitigation plan will be an attachment to the Development Agreement at the time of Planning Commission ratification and recordation.
46. The Development Agreement will address specific requirements of the City's Water Department regarding water rights, impact fees, timing, etc.
47. The Development Agreement requires Planning Commission ratification, City Council approval and recordation at Summit County.
48. The proposed mass and scale of buildings and additions, as well as the architectural design, materials, and colors are consistent with existing buildings on the property and in the surrounding area.
49. Proposed buildings and additions are setback more than 25' from all property lines.
50. The MPD proposes a future three story lodging building with a pitched roof at a maximum building height of 45 feet (to the ridge).
51. An addition to the Program Services Building, for expansion of the climbing wall, was approved with the 2017 CUP to maintain the height exception allowed by the Specially Planned Area approvals (43'4" in height from existing grade).
52. All other additions and structures will not exceed the maximum zone height of 28' with LMC height exceptions permitted for pitched roofs, mechanical, elevators, etc.
53. The height exception is requested to minimize building footprint; reduce overall site disturbance; and provide variation in height, massing, and architectural interest.
54. The height request does not increase allowed density in that there is sufficient lot area to accommodate the lodging expansion floor area over a greater footprint and stay within the 33' allowed building height.
55. Potential problems on neighboring property (City Open Space) caused by shadows, loss of solar Access, and loss or air circulation are mitigated by increased building setbacks and orientation of the proposed building. There are no adjacent structures within close proximity to the property lines. The lodge building is shown with a 125' setback to the property line. At the time of CUP review setbacks to adjacent City property may be adjusted provided that plans demonstrate impacts on adjacent City property, due to shadows, noise and nuisances, can be mitigated.
56. Proposed open space of 78% is greater than the minimum of 60% and the three story design results in additional usable open space on the site.
57. Final design of the lodge building is subject to Planning Commission approval during review of the CUP, at which time the design will be reviewed for compliance with Chapter 5, Architectural Guidelines, including architectural design, exterior materials, façade variation and landscaping requirements.
58. The applicant stipulates to the conditions of approval.
59. The property was posted and notice posted, published and mailed to property owners within 300' as required by the Land Management Code.
60. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The MPD, as conditioned, is consistent with the Park City General Plan and Recreation

- Open Space (ROS-MPD) zoning.
2. The MPD, as conditioned meets required conclusions of law of LMC Section 15-6-6) as stated below:
 - A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
 - B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
 - C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
 - D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
 - E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
 - F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
 - G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
 - H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
 - I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
 - J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
 - K. The MPD has been noticed and public hearing held in accordance with this Code.
 - L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
 - M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
 - N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
 - O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditions of Approval

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall consider the safety of NAC participants. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management and other items as may be required by the Building Department. The

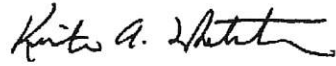
immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.

3. A storm water run-off and drainage plan shall be submitted with building permit applications and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.
4. Final utility plans, consistent with utility plans reviewed by the Planning Commission during the MPD and CUP review, shall be submitted with building permit applications.
5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
6. Snyderville Basin Water Reclamation District's review and approval of building permits and utility plans for conformance with the District's standards for review, is a condition precedent to building permit issuance.
7. An Affordable Housing Mitigation Plan shall be reviewed by the Planning Commission and approved by the Park City Housing Authority prior to issuance of any building permits for the lodging building and any applicable deed restrictions shall be recorded according to the final approved Affordable Housing Mitigation Plan.
8. The Affordable Housing Mitigation Plan shall be recorded with the final ratified Development Agreement.
9. As a condition precedent to receiving a certificate of occupancy for the proposed lodging building, the City shall be provided with proof of compliance with the approved Affordable Housing Mitigation Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any new sign permits.
11. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
12. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement or as further conditioned by the Development Agreement, unless Construction, as defined by the Uniform Building Code, has commenced on the project.
13. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer has final authority on landscape placement in any required easement areas.
14. The access road is private to the NAC property line and is maintained by the property owner. From the property line to Gillmor Way the road is public.
15. Any changes to Ability Way shall be approved by the City Engineer, including specifications such as final grade, width, pavement depth, materials, signs, and storm drainage.

16. Access to public trails on City Open Space shall be maintained in coordination with the Park City Open Space and Trails Manager/Department consistent with the Park City Trails Master Plan. Any new access points shall be coordinated with Park City Open Space and Trails Manager/Department.
17. The proposal shall comply with Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission during approval of the Conditional Use Permit on November 29, 2017 and with plans to be reviewed with the future Conditional Use Permit for the new lodging building.
18. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
19. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements shall be submitted with building permit applications for approval by the Planning, Building, and Engineering Department.
20. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of final Certificate of Occupancy for the Lodging Building.
21. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
22. Best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application shall be incorporated into all plans submitted for building permits.
23. At the time of CUP review of the lodge building, setbacks to the adjacent City property may be adjusted provided that plans demonstrate impacts on the adjacent City property, due to shadows, noise and nuisances, can be mitigated.
24. An updated parking study of actual operational trips and parking demand shall be submitted with the CUP for the future lodging building and if additional parking is recommended, it shall be reviewed with the future lodging building CUP.
25. Ten (10) bikes shall be accommodated with bike racks to be installed prior to issuance of the first certificate of occupancy.
26. Prior to issuance of a building permit for development impacting wetlands or the associated buffer areas, an updated wetlands delineation shall be conducted and presented to the City for review.
27. The Water Agreement shall be recorded with the final ratified Development Agreement.
28. All future development, including CUPs and building permit applications shall comply with terms of the recorded Development Agreement and Water Agreement.

If you have questions regarding your project or the action taken please feel free to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

