

**Subject Property**

**SPR-03-20-5822**

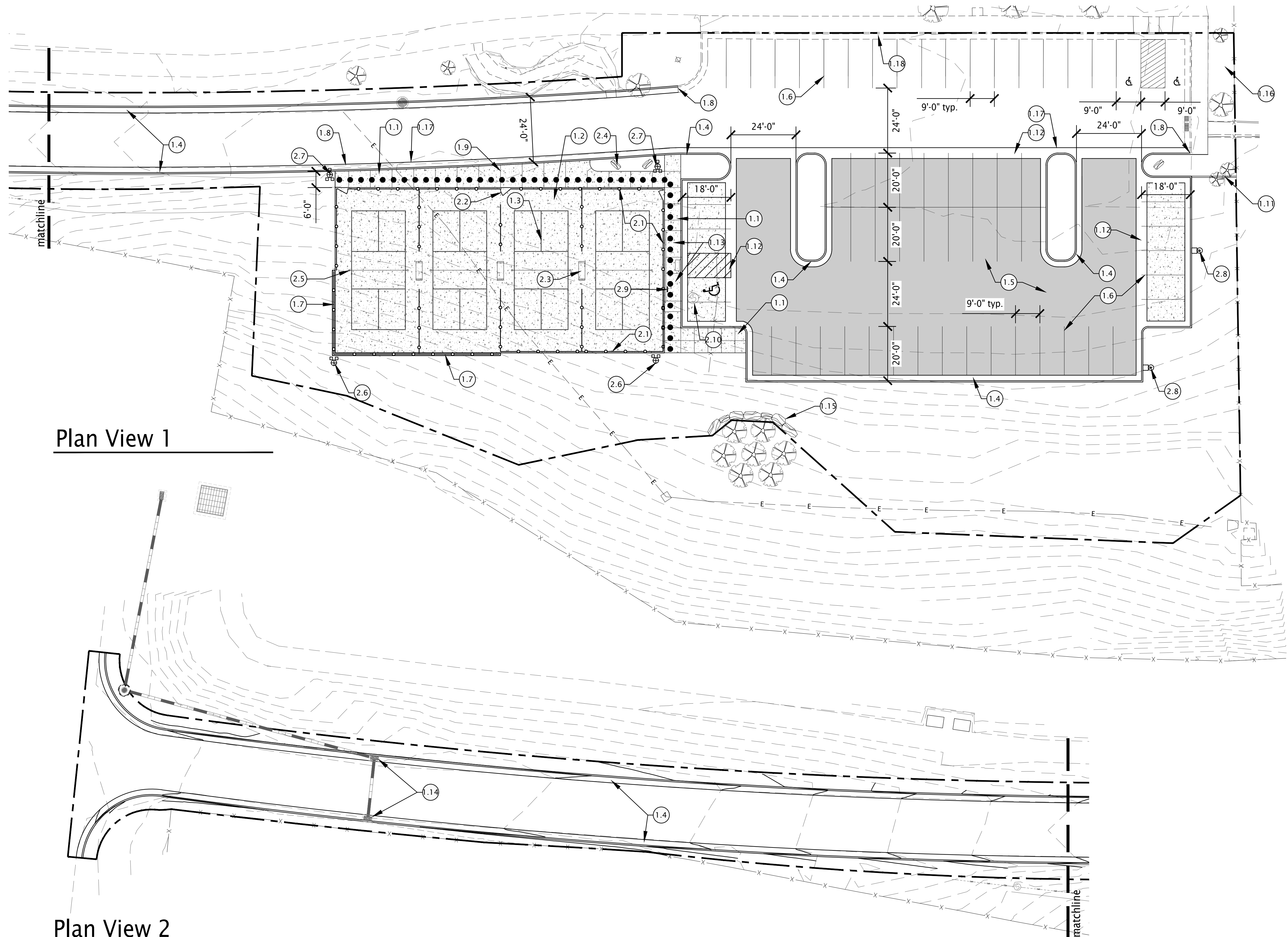
**Alta Canyon Park Pickleball Courts**

**9565 S Highland Dr.**



PRODUCED BY CRAIG EVANS  
COMMUNITY DEVELOPMENT DEPARTMENT





Plan View 1

Plan View 2

TYPICAL SITE DETAIL KEYNOTES		
<b>1.0</b>	<b>PAVEMENTS, WALLS AND WALKS</b>	<b>DETAIL/SHEET</b>
1.1	Concrete Paving/Walk	Per City Standard
1.2	Post Tensioned Concrete Court	--
1.3	Pickleball Court Striping	--
1.4	Concrete Curb & Gutter	Per City Standard
1.5	Asphalt Parking	Per City Standard
1.6	Parking Lot Striping, for New & Existing Parking	Per City Standard
1.7	Concrete Wall with 3' Chain Link Fence	--
1.8	Tie into Existing, Match Grade	--
1.9	Concrete Scoring Joints	--
1.10	Concrete Isolation Joints	--
1.11	Concrete Edger	--
1.12	4' Concrete Waterway	--
1.13	ADA Ramp	Per City Standard
1.14	Drain Inlet Box	--
1.15	Boulder Wall	--
1.16	Existing Concrete Sidewalk	--
1.17	Existing Edge of Asphalt	--
1.18	Existing Curb & Gutter (To Remain)	--
<b>2.0</b>	<b>SITE ELEMENTS</b>	<b>DETAIL/SHEET</b>
2.1	Court Fencing	--
2.2	4' Gate (Typ.)	--
2.3	6' Bench (Typ.)	--
2.4	Red Sandstone Boulder (Typ.)	--
2.5	Court Posts/Net (Typ.)	--
2.6	Court Lighting (Typ.)	--
2.7	Court Lighting with Parking Light (Typ.)	--
2.8	Parking Lot Lighting	--
2.9	Accessible Parking Sign	--
2.10	Existing Sewer Manhole	--

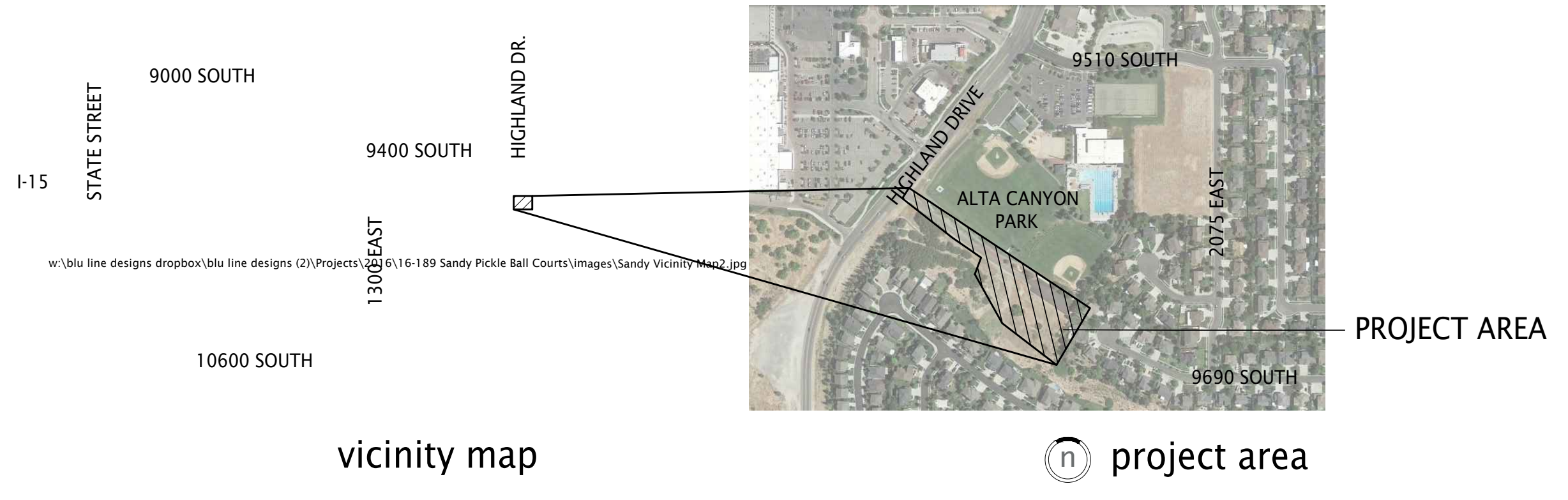
- LAYOUT NOTES:**
- Notes and details on specific drawings take precedence over general notes and typical details.
  - Dimensions take precedence over scales shown on drawings.
  - Contractor to coordinate installation of all irrigation sleeves prior to forming concrete, asphalt and walls.
- SCORING NOTES:**
- All joints shown are perpendicular to one another, unless otherwise shown and specified.
  - Maximum contraction joint spacing to be 8', unless otherwise noted. Maximum isolation joint spacing to be 50', unless otherwise noted.
  - All concrete walks shall receive tooled joints as shown.

**LEGEND:**

	Concrete Pavement
	Asphalt Pavement
	Concrete Score Joint
	Concrete Isolation Joint
	Limit of Work Line
	Red Sandstone Boulders
	Accessible Route (Max cross slope 2%)
	Spill Curb
	Existing Sewer Line
	Existing Electrical Line

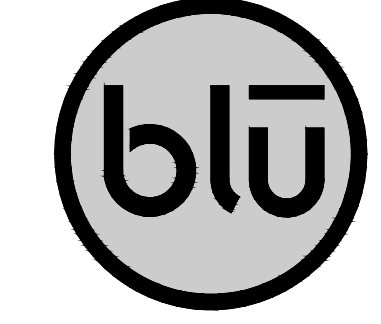
- GENERAL NOTES:**
- CONTRACTOR TO CALL BLUE STAKES PRIOR TO COMMENCEMENT OF ANY WORK AT 1-800-662-4111 TO VERIFY LOCATIONS AND DEPTHS OF UTILITIES THAT MAY BE AFFECTED BY THIS WORK.
  - ALL WORK SHALL COMPLY WITH CURRENT APWA PLANS AND SPECIFICATIONS, AND WITH CITY STANDARD PLANS AND SPECIFICATIONS.
  - ALL PUBLIC IMPROVEMENTS, WHICH ARE TO BE OWNED AND MAINTAINED BY SANDY CITY, SHALL BE CONSTRUCTED ACCORDING TO THE SANDY CITY STANDARD SPECIFICATIONS AND DETAILS FOR MUNICIPAL CONSTRUCTION (LATEST EDITION). THE SPECIFICATIONS CAN BE FOUND IN .PDF FORMAT ONLINE AT WWW.SANDY.UTAH.GOV (CLICK ON "GOVERNMENT", THEN "PUBLIC WORKS", THEN "STANDARD SPECIFICATIONS").
  - THE USE OF MOTOR OILS AND OTHER PETROLEUM-BASED OR TOXIC LIQUIDS, FOR DUST SUPPRESSION, IS ABSOLUTELY PROHIBITED.
  - ANY PROPOSED CHANGES TO THE APPROVED DESIGN SHALL BE REVIEWED AND APPROVED BY THE ENGINEER OR ARCHITECT OF RECORD AND THE CITY ENGINEER.
  - NOTIFY SANDY CITY PUBLIC WORKS INSPECTION DEPARTMENT, 801-568-2999, 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OF ANY ROADWAYS OR PUBLIC IMPROVEMENTS, INCLUDING SEWER FACILITIES. ALL INSPECTIONS MUST BE DONE PRIOR TO, OR CONCURRENT WITH, CONSTRUCTION. FAILURE TO MAKE THIS NOTIFICATION MAY RESULT IN THE UNCOVERING AND/OR REMOVAL OF ALL CONSTRUCTION DONE WITHOUT NOTIFICATION, AT THE DISCRETION OF THE CITY ENGINEER.
  - NOTIFY SANDY CITY PUBLIC UTILITIES INSPECTOR ROY THACKER OR WILLIS BILBREY, 801-568-7280, AT LEAST TWO DAYS PRIOR TO BEGINNING ANY CONSTRUCTION.
  - NOTIFY SANDY CITY PUBLIC WORKS INSPECTOR DAVE MARBLE, 801-568-2966, AT LEAST TWO DAYS PRIOR TO BEGINNING ANY CONSTRUCTION.
  - EXISTING UTILITIES, EASEMENTS, AND STRUCTURES SHOWN ON THE DRAWINGS ARE IN ACCORDANCE WITH AVAILABLE RECORDS. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, SIZE, TYPE, AND STRUCTURES TO BE ENCOUNTERED ON THE PROJECT PRIOR TO ANY EXCAVATION AND CONSTRUCTION IN THE VICINITY OF THE EXISTING UTILITIES AND STRUCTURES.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL REQUIRED PERMITS, LICENSES, AND APPROVALS REQUIRED TO LEGALLY AND RESPONSIBLY COMPLETE THE WORK.
  - DAMAGE TO ANY EXISTING IMPROVEMENTS OR TO ANY PORTION OF THE PROJECT'S SURROUNDING AREA DURING CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE AT NO ADDITIONAL COST TO THE PROJECT.
  - CONTRACTOR TO FIELD VERIFY AND STAKE ALL LAYOUT FOR OWNER'S REPRESENTATIVE APPROVAL PRIOR TO CONSTRUCTION. FAILURE TO RECEIVE APPROVAL MAY BE CAUSE FOR REWORK BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
  - IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ALL MATERIAL QUANTITIES REQUIRED TO COMPLETE THIS WORK.
  - DIGITAL FILES OF SITE PLAN WILL BE PROVIDED AS NECESSARY AT CONTRACTOR'S REQUEST TO FACILITATE LAYOUT.
  - CONTRACTOR TO PROVIDE ISOLATION JOINT BETWEEN ALL NEW CONCRETE AND EXISTING CONCRETE.
  - THE PROJECT SHALL NOT BE CONSIDERED COMPLETE UNTIL ALL CURBS, PAVEMENT, AND SIDEWALKS HAVE BEEN SWEEP CLEAN OF ALL DIRT AND DEBRIS.
  - FOLLOW ALL RECOMMENDATIONS OF THE APPROVED GEOTECHNICAL REPORT. SANDY CITY STANDARD SPECIFICATIONS AND DETAILS SHALL GOVERN. HOWEVER, UNLESS GEOTECHNICAL REPORT RECOMMENDATIONS ARE MORE STRINGENT, FOR ANY RETAINING WALLS FOUR FEET OR HIGHER, AS MEASURED FROM THE TOP OF WALL TO BOTTOM OF FOOTING-A RETAINING WALL DESIGN, STAMPED, WITH THE STAMP SIGNED AND DATED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF UTAH, AND INCLUDING PLANS, DETAILS, AND CALCULATIONS, SHALL BE SUBMITTED TO THE SANDY CITY ENGINEER (RYAN KUMP, 801-568-2962, RKUMP@SANDY.UTAH.GOV) FOR REVIEW AND APPROVAL, PRIOR TO OBTAINING A RETAINING WALL PERMIT, WHICH PERMIT SHALL BE OBTAINED FROM THE SANDY CITY BUILDING DIVISION (SHAY WHETMAN, 801-568-7251) PRIOR TO COMMENCING CONSTRUCTION OF WALL.
  - A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN UTAH, SHALL INSPECT, DURING CONSTRUCTION, AND APPROVE, AFTER CONSTRUCTION, ANY RETAINING WALLS THAT ARE HIGHER THAN 3.9 FEET (FROM BOTTOM OF FOOTING TO TOP OF WALL). PROVIDE A LETTER OF APPROVAL, STAMPED, SIGNED, AND DATED BY SAID PROFESSIONAL ENGINEER, TO THE CITY ENGINEER PRIOR TO RELEASE OF THE GUARANTEE.
  - 3:1:1V MAXIMUM SLOPE IN LANDSCAPE AREAS.
  - PROVIDE A PROCTOR TEST FOR ROADBASE MATERIAL, TO THE SANDY CITY PUBLIC WORKS INSPECTOR, WHEN DELIVERED OR PLACED ON SITE.
  - DUST, MUD, AND EROSION SHALL BE ADEQUATELY CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS, AT ALL TIMES.
  - ALL PARKING STALLS AND DRIVE LANE DIMENSIONS ARE TO FACE OF CURB WHERE APPLICABLE.

project location



vicinity map

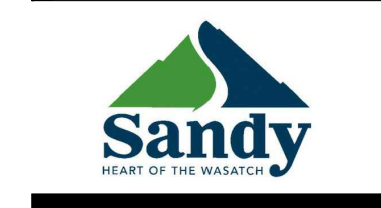
project area



blu line designs  
planning | landscape architecture | design  
8719 S. Sandy Parkway  
Sandy, UT 84070  
p 801.913.7994

OWNER:  
SANDY CITY  
440 EAST 8600 SOUTH  
SANDY, UT 84070

CONTACT:  
DAN MEDINA  
PH: 801-568-2900



SANDY CITY  
ALTA CANYON PICKLEBALL COURTS  
9565 SOUTH HIGHLAND DRIVE  
SANDY, UT

REVISIONS	
No.	Description

PRELIMINARY  
- NOT FOR  
CONSTRUCTION

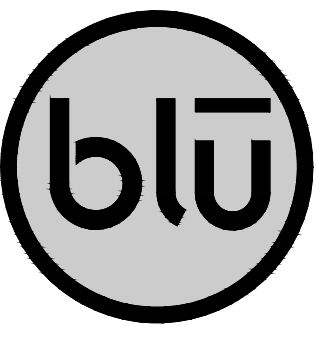
Designed By: RBD  
Drawn By: RBD  
Date: 07/08/19  
Checked By: CAS  
Project No: 16-169

Overall  
SITE PLAN

Drawing number  
**S-101**

PRELIMINARY SITE PLAN SUBMITTAL



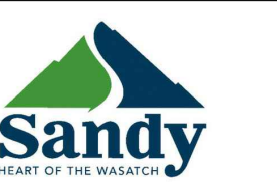


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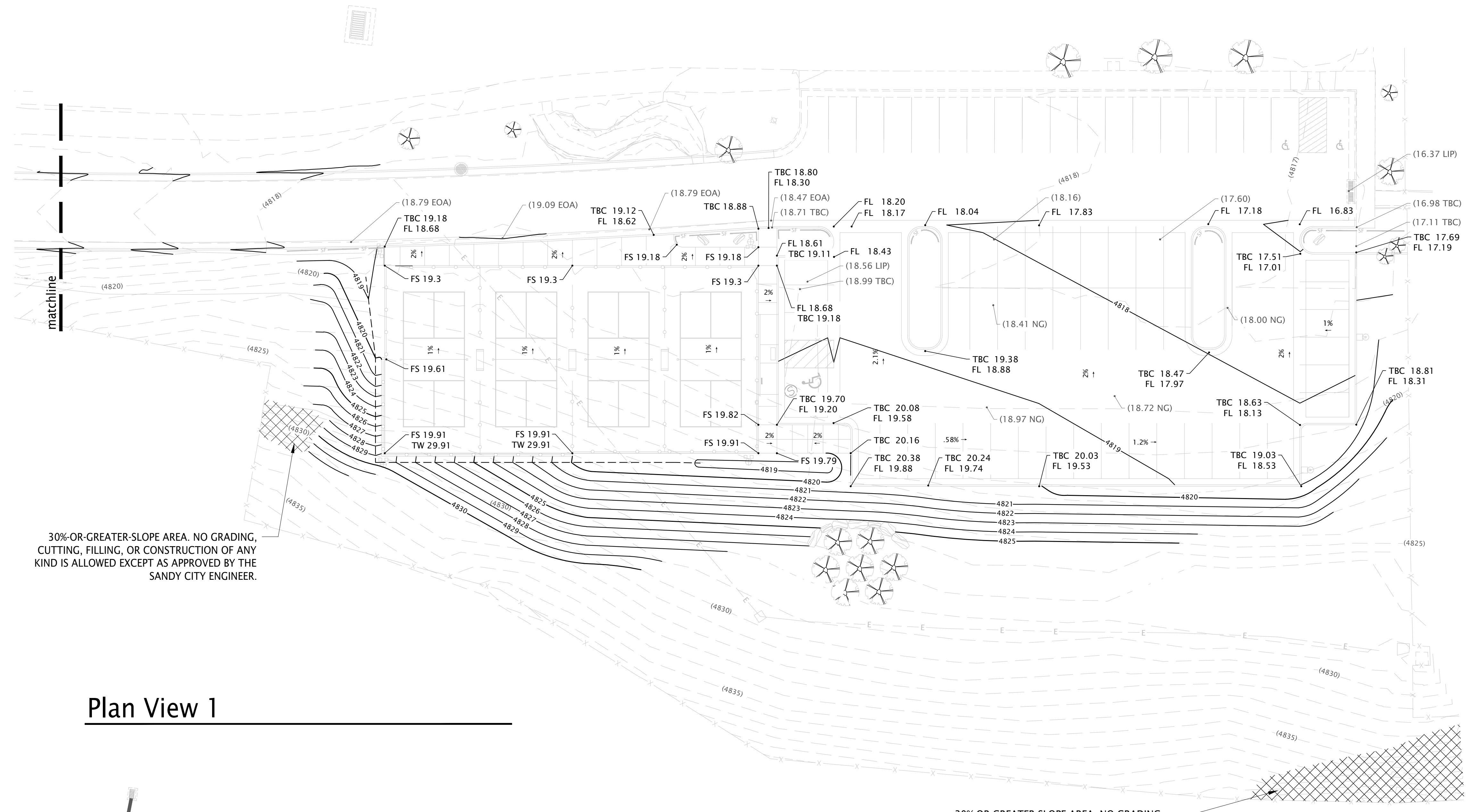
SANDY CITY  
ALTA CANYON PICKLEBALL COURTS  
9565 SOUTH HIGHLAND DRIVE  
SANDY, UT

GRADING NOTES:

- PRIOR TO THE START OF GRADING, ALL VEGETATION AND OBSTRUCTIONS, AS WELL AS TRASH, SHALL BE REMOVED FROM CUT AND FILL AREAS AND DISPOSED OF OFF-SITE. TREE BASINS SHALL BE EXCAVATED AND CLEANED OF ROOTS. ANY EXISTING IRRIGATION, DRAINAGE OR UTILITY LINES OR OTHER ABANDONED SUBSURFACE STRUCTURES SHALL BE REMOVED, DESTROYED AND ABANDONED IN COMPLIANCE WITH SPECIFICATIONS OF THE APPROPRIATE BUILDING OFFICIAL OR THE SOILS ENGINEER. BRUSH SHALL BE REMOVED ONLY WITHIN THE AREAS TO BE GRADED.
- THE GROUND SURFACE BENEATH ALL PROPOSED FILL SHALL BE STRIPPED OF LOOSE OR UNSATISFACTORY SOIL OR ALLUVIUM. THESE SOILS MAY BE USED AS COMPACTED FILL PROVIDED THEY ARE FREE OF DELETERIOUS MATERIALS. THE RESULTING CLEAN NATURAL GROUND SURFACE SHALL BE SCARIFIED, BROUGHT TO AT LEAST OPTIMUM MOISTURE CONTENT, AND COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION FOR A DEPTH OF 8 INCHES BELOW THE EXISTING OR STRIPPED SURFACE.
- WHERE COMPOSITE SLOPE, I.E., FILL OVER CUT, ARE TO BE CONSTRUCTED, THE CUT PORTION SHALL BE MADE FIRST BEFORE THE FILL IS PLACED.
- FILL SHALL CONSIST OF APPROVED EARTH MATERIAL FREE OF TRASH OR DEBRIS, ROOTS, VEGETATION OR OTHER DELETERIOUS MATERIAL. ALL FILL SHALL BE SPREAD IN SIX-TO-EIGHT INCH LIFTS, BROUGHT TO AT LEAST OPTIMUM MOISTURE AND COMPACTED TO AT LEAST 95% OF MAXIMUM DENSITY, AS DETERMINED BY ASTM D 1557-78.
- ALL FILL PLACEMENT SHALL BE OBSERVED OR DEPOSITED BY DIRECTION AND TESTED AS REQUIRED BY THE SOILS ENGINEER.
- AREAS TO RECEIVE FILL SHALL BE PROPERLY PREPARED, INVESTIGATED AS NECESSARY AND APPROVED BY THE SOILS ENGINEER. PRIOR TO PLACING OF FILL.
- THE FINAL COMPACTION REPORT AND APPROVAL FROM THE SOILS ENGINEER SHALL CONTAIN THE TYPE OF FIELD TESTING PERFORMED. EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN-PLACE DENSITY, WHETHER SAND CONE DENSITY RING, OR NUCLEAR DENSITY GAUGE.
- CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE NATIVE VEGETATION WITHIN ALL OPEN SPACE AREAS. THE CONTRACTOR SHALL RESTORE DISTURBED SURFACES TO THEIR ORIGINAL NATURAL CONTOURS FOLLOWED BY HYDROSEEDING WITH A NON-IRRIGATION TYPE MIXTURE OF NATIVE VEGETATION. CONTRACTOR SHALL MAINTAIN THE RESTORED NATURAL CONTOURS UNTIL PLANT GROWTH HAS BEEN ESTABLISHED.
- CONTOURS ARE 1' INTERVALS, UNLESS OTHERWISE NOTED.
- 2:1 SLOPES FOR CUT SLOPES & 2:1 FOR FILL SLOPES OR AS NOTED OTHERWISE.
- GRADING AS SHOWN ON THESE PLANS SHALL BE IN CONFORMANCE WITH CITY CURRENT STANDARD SPECIFICATIONS.
- PLANT ALL CUT AND FILL SLOPES AS REQUIRED BY APPROPRIATE LOCAL AUTHORITIES ACCORDING TO CITY, COUNTY, STATE OR FEDERAL ENGINEER'S SPECIFICATIONS FOR LANDSCAPING AND IRRIGATION FOR LAND DEVELOPMENT. INSTALL EROSION CONTROL MAT AS SHOWN ON PLANS.
- GRADING SHALL BE DONE WITHIN A TOLERANCE OF 0.1' +/- OF THE GRADES AND ELEVATIONS SHOWN ON THE PLANS AND ALL SLOPES SHALL BE CONSTRUCTED WITHIN 1.0' +/- OF THE LOCATION SHOWN ON THE PLANS. IN NO WAY DO THE ABOVE TOLERANCES RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF PROVIDING A FINISH SURFACE THAT WILL NOT POND.
- GRADING SHALL BE PERFORMED ONLY ON THOSE AREAS THAT ARE TO BE DISTURBED FOR THE CONSTRUCTION OF ROADWAYS AND INFRASTRUCTURE. ADDITIONAL GRADING TO THE INTERIOR OF LOTS AND AREAS NOT REQUIRING GRADING FOR THE CONSTRUCTION OF THE ROADWAYS, INFRASTRUCTURE OR DETENTION BASIN SHALL BE PERFORMED BY DIRECTION OF OWNER OR ENGINEER OF RECORD.
- 2H:1V MAXIMUM SLOPES IN LANDSCAPE AREAS.
- A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN UTAH, SHALL INSPECT AND APPROVE ANY RETAINING WALLS THAT ARE HIGHER THAN 3.9 FT (FROM BOTTOM OF FOOTING TO TOP OF WALL), DURING CONSTRUCTION. PROVIDE A LETTER OF APPROVAL, STAMPED, SIGNED, AND DATED BY SAID PROFESSIONAL ENGINEER PRIOR TO RELEASE OF THE GUARANTEE.
- THE USE OF MOTOR OILS AND OTHER PETROLEUM-BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION, IS ABSOLUTELY PROHIBITED.
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- NOTIFY SANDY CITY PUBLIC WORKS INSPECTION DEPARTMENT, 801-568-2999, 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OF ANY ROADWAYS OR PUBLIC IMPROVEMENTS, INCLUDING SEWER FACILITIES. ALL INSPECTIONS MUST BE DONE PRIOR TO, OR CONCURRENT WITH, CONSTRUCTION. FAILURE TO MAKE THIS NOTIFICATION MAY RESULT IN THE UNCOVERING AND/OR REMOVAL OF ALL CONSTRUCTION DONE WITHOUT NOTIFICATION, AT THE DISCRETION OF THE CITY ENGINEER.
- MAXIMUM CROSS SLOPE ON ACCESSIBLE ROUTE IS 2%. MAXIMUM LONGITUDINAL SLOPE ON ACCESSIBLE ROUTE IS 5%.

STORM WATER NOTES:

- NOTIFY SANDY CITY PUBLIC UTILITIES INSPECTOR ROY THACKER OR WILLIS BILBREY AND UPDES INSPECTOR RAY HERRERA, 801-568-7280, AT LEAST FIVE WORKING DAYS PRIOR TO BEGINNING ANY CONSTRUCTION.
- CONSTRUCTION WORK SHALL BE CONDUCTED IN ACCORDANCE WITH SWPPP AND/OR NOI REQUIREMENTS. INSPECTIONS SHALL BE COMPLETED PER THE REQUIREMENTS OF THE SWPPP AND/OR NOI. ALL INSPECTIONS SHALL BE DOCUMENTED AND MADE AVAILABLE VIA THE ONLINE SWPPP MANAGEMENT SYSTEM. REGULAR REVIEW OF THE ONLINE SWPPP MANAGEMENT SYSTEM AND INSPECTIONS WILL BE COMPLETED BY THE PUBLIC UTILITIES DEPARTMENT TO CONFIRM THAT CONSTRUCTION WORK IS BEING PERFORMED IN ACCORDANCE WITH SWPPP, NOI, AND UCCP REQUIREMENTS. REVIEW AND INSPECTION REPORTS COMPLETED BY THE SANDY CITY PUBLIC UTILITIES DEPARTMENT WILL BE PROVIDED TO THE CONTRACTOR WHICH ARE TO BE POSTED TO THE ONLINE SWPPP MANAGEMENT SYSTEM. ALL IDENTIFIED VIOLATIONS ARE TO BE ADDRESSED AND DOCUMENTED ON THE ONLINE SWPPP MANAGEMENT SYSTEM.
- A PRE-CONSTRUCTION MEETING IS REQUIRED ONCE THE FINAL APPROVAL HAS BEEN GRANTED. THIS IS WHERE THE DEVELOPER/OWNER AND THE CONTRACTOR MEET WITH THE CITY'S INSPECTORS TO REVIEW THE APPROVED PLANS. THE PRE-CONSTRUCTION MEETING SHALL BE SCHEDULED THROUGH THE PLANNING DEPARTMENT.
- ALL MATERIALS AND WORK DONE ON FLOOD CONTROL FACILITIES SHALL CONFORM TO THE LATEST REVISION OF THE SANDY CITY STANDARD SPECIFICATIONS AND DETAILS FOR MUNICIPAL CONSTRUCTION. SPECIFICATIONS AND DETAILS CAN BE OBTAINED AT <http://sandy.utah.gov/government/public-works/standard-specifications.html> OR FROM SANDY CITY PUBLIC WORKS DEPARTMENT (568-2999)
- NON-SHRINKING GROUT SHALL BE USED WHEREVER GROUT IS REQUIRED FOR THE STORM WATER FACILITIES.
- CUT PIPES OFF FLUSH WITH THE INSIDE WALL OF THE BOX OR MANHOLE AND GROUT AT CONNECTION OF PIPE TO BOX TO A SMOOTH FINISH. ADDITIONALLY, ALL JAGGED OR SHARP EDGES AT PIPE CONNECTIONS ARE TO BE REMOVED AND GROUTED SMOOTH.
- GROUT BETWEEN GRADE RINGS. FOR EACH INLET BOX THAT IS PROPOSED TO BE LOCATED NEXT TO A CURB, THE CURB AND CUTTER CONTRACTOR IS RESPONSIBLE TO REMOVE ALL PROTRUDING, JAGGED OR SHARP CONCRETE EDGES AND TO GROUT BETWEEN BOTTOM OF INLET LID FRAME AND TOP OF CONCRETE BOX. GROUT TO CREATE A SMOOTH, BEVELED TRANSITION AT ALL EDGES IN CLEAN OUT AND INLET BOXES. GROUT AROUND ALL EDGES OF THE RESTRICTIVE ORIFICE PLATE.
- REMOVE SNAP TIES, NAILS, REBAR AND OTHER PROTRUSIONS FROM THE BOX OR PIPE INSIDE SURFACE, AS WELL AS ALL FORM WORK, PLASTIC AND CARDBOARD.
- SILT AND DEBRIS ARE TO BE CLEANED OUT OF ALL INLET, CLEAN OUT BOXES, AND PIPE. THE BOXES AND PIPES ARE TO BE MAINTAINED IN A CLEANED CONDITION UNTIL AFTER THE FINAL BOND RELEASE INSPECTION.
- CLEAN OFF ALL MANHOLE LIDS AND INLET GRATES OF ASPHALT, CONCRETE, TAR OR OTHER ADHESIVES TO ALLOW ACCESS.
- ALL PRECAST INLET, COMBO AND JUNCTION BOXES SHALL BE SET ON 12" (MIN.) COMPACTED 1" MINUS GRAVEL.
- SUBMITTALS ARE REQUIRED FOR ALL SAND BEDDING, SAND BACKFILL, PIPE, PRECAST CLEAN OUT BOXES AND PRECAST CATCH BASINS FOR ALL FACILITIES. THEY SHOULD BE SUBMITTED AT LEAST FIVE WORKING DAYS BEFORE CONSTRUCTION. SUBMITTALS SHOULD HAVE SUFFICIENT INFORMATION TO SHOW THAT THE PROPOSED ITEMS CONFORM TO SANDY CITY SPECIFICATIONS.
- PIPES SHALL BE VIDEO CAMERA TO SEE IF THEY NEED TO BE FIXED OR REPLACED BEFORE THE 80% OR 90% BOND RELEASE AND BEFORE FINAL BOND RELEASE.



30%-OR-GREATER-SLOPE AREA. NO GRADING, CUTTING, FILLING, OR CONSTRUCTION OF ANY KIND IS ALLOWED EXCEPT AS APPROVED BY THE SANDY CITY ENGINEER.

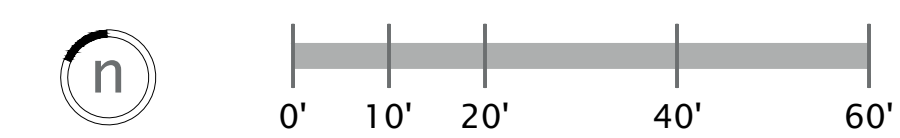
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LEGEND	
	93 1' Contour
	95 5' Contour
	Existing Contour
	94.50 Proposed Elevation
	(4390.08) Existing Elevation
	Spill Curb
	FS Finished Surface
	HP High Point
	LP Low Point
	TW Top of Wall
	BW Bottom of Wall
	BOW Back of Walk
	EOA Edge of Asphalt
	TBC Top Back of Curb
	TOG Top of Grate
	FL Flow Line

Plan View 1

Plan View 2

SCALE: 1" = 20'



PRELIMINARY SITE PLAN SUBMITTAL

REVISIONS	
NO.	DESCRIPTION

Stamp

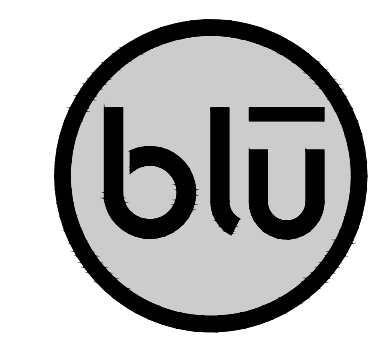
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Designed By: RBD  
 Drawn By: RBD  
 Date: 07/08/19  
 Checked By: CAS  
 Project No: 16-169

Drawing Title  
GRADING  
PLAN

Drawing number  
S-201





blu line designs  
 planning | landscape architecture | design  
 8719 S. Sandy Parkway  
 Sandy, UT 84070  
 p 801.913.7994

OWNER:  
 SANDY CITY  
 440 EAST 8600 SOUTH  
 SANDY, UT 84070

CONTACT:  
 DAN MEDINA  
 PH: 801-668-2900

SANDY CITY  
 ALTA CANYON PICKLEBALL COURTS  
 9565 SOUTH HIGHLAND DRIVE  
 SANDY, UT

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NO.	DESCRIPTION

PRELIMINARY  
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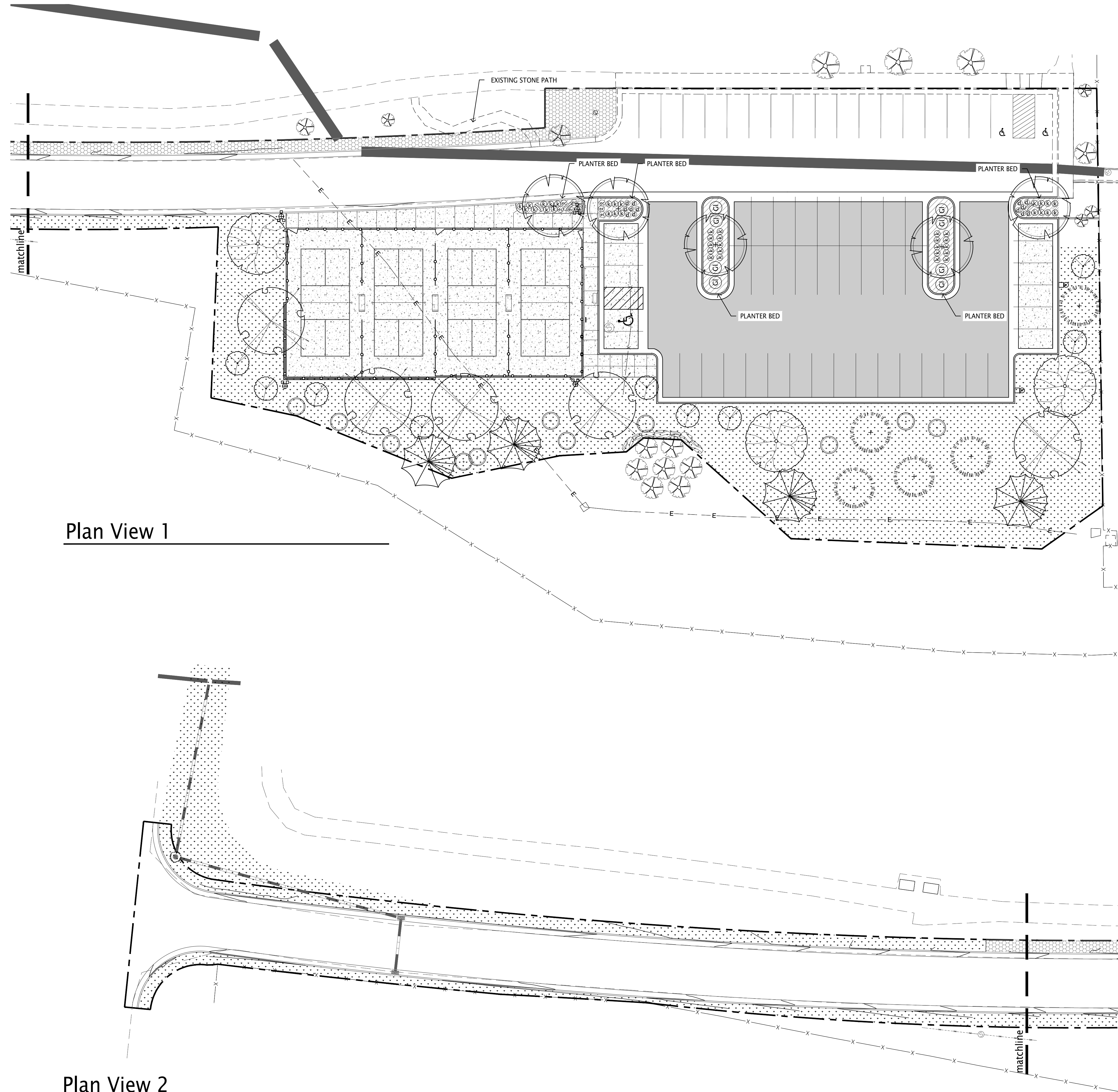
Designed By: RBD  
 Drawn By: RBD  
 Date: 07/08/19  
 Checked By: CAS  
 Project No: 16-169

Drawing Title  
 LANDSCAPE  
 PLAN

Drawing number  
**L-101**

**LANDSCAPE NOTES:**

1. CONTRACTOR TO CALL BLUE STAKES PRIOR TO COMMENCEMENT OF ANY WORK AT 1-800-662-4111 TO VERIFY LOCATIONS AND DEPTHS OF UTILITIES THAT MAY BE AFFECTED BY THIS WORK.
2. ALL WORK SHALL COMPLY WITH CURRENT APWA PLANS AND SPECIFICATIONS, AND WITH CITY STANDARD PLANS AND SPECIFICATIONS.
3. THE CONTRACTOR SHALL ENSURE A FULLY FUNCTIONING IRRIGATION SYSTEM UPON COMPLETION OF WORK, INCLUDING REPLACING OR INSTALLING NECESSARY SLEEVES UNDER EXISTING AND/OR PROPOSED HARDSCAPE.
4. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT OVERSPRAY AND WATER RUN-OFF ONTO ADJACENT PROPERTY, NON-IRRIGATED AREAS, WALKS, ROADWAYS OR STRUCTURES.
5. ALL PLANT MATERIAL SHALL BE GROWN IN CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE WORK AND SHALL CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1 UNLESS OTHERWISE NOTED.
6. THE CONTRACTOR SHALL IMPORT AND INSTALL A MIN. OF 4 INCHES OF PREMIUM TOPSOIL FOR ALL SEED AREAS AND A MIN. OF 12 INCHES OF PREMIUM TOPSOIL FOR ALL SHRUB AND PERENNIAL BEDS.
7. REFER TO SANDY CITY STANDARD DETAILS LA-60, LA-61, AND LA-62 FOR PLANTING DETAILS.
8. MULCH: AFTER COMPLETION OF ALL PLANTING, ALL IRRIGATED NON-TURF AREAS SHALL BE COVERED WITH A MINIMUM LAYER OF FOUR (4) INCHES OF MULCH TO RETAIN WATER, INHIBIT WEED GROWTH AND MODERATE SOIL TEMPERATURE. NON-POROUS MATERIAL SHALL NOT BE PLACED UNDER THE MULCH. 4" MULCH IN ALL IRRIGATED NON-TURF AREAS. IF ROCK MULCH, MINIMUM IS 3".
9. PLANTS WHICH REQUIRE DIFFERENT AMOUNTS OF WATER SHALL BE IRRIGATED ON SEPARATE VALVES. IF ONE VALVE IS USED FOR A GIVEN AREA, ONLY PLANTERS WITH SIMILAR WATER USE SHALL BE USED IN THAT AREA. LAWN AREAS AND PLANTERS SHALL BE IRRIGATED BY SEPARATE VALVES.
10. ALL PLANTING BEDS SHALL RECEIVE 4" OF WOOD MULCH UNLESS OTHERWISE SPECIFIED.
11. CONTRACTOR SHALL RE-SEED ALL DISTURBED LANDSCAPE AREAS WHETHER SPECIFICALLY HATCHED ON THIS PLAN OR NOT.



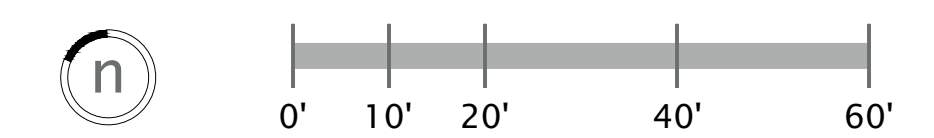
Plan View 1

Plan View 2

**LANDSCAPE LEGEND**

QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>				
4		Abies Concolor	White Fir	6' B&B
9		Acer ginnala 'Flame'	Flame Ginnala Maple (Multi-trunk)	6' Clump
3		Gleditsia triacanthos inermis 'Skyline'	Skyline Locust	2" Cal.
4		Pinus Nigra	Austrian Pine	6' B&B
5		Quercus coccinea	Scarlet Oak	2" Cal.
5		Tilia cordata 'Greenspire'	Greenspire Linden	2" Cal.
		Existing Tree	Varies	Varies
<b>SHRUBS</b>				
11		Quercus gambelii	Gambel Oak	15 Gal.
8		Rhus aromatica 'Grow-Low'	Gro-Low Sumac	5 Gal.
<b>ORNAMENTAL GRASSES/PERENNIALS</b>				
43		Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass	1 Gal.
8		Echinacea purpurea 'Merlot'	Merlot Purple Coneflower	1 Gal.
13		Hemerocallis 'Stella D'Oro'	Stella D'Oro Daylily	1 Gal.
<b>OTHER</b>				
21,466 sf		--	Cabin Blend Seed Mix	
983 sf		--	Planter Bed with 4" of Mulch	
1,711 sf		--	Replenish & Replace Existing Mulch/Landscape	

SCALE: 1" = 20'



PRELIMINARY SITE PLAN SUBMITTAL





## Neighborhood Meeting Summary – Community #20

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**Date:** 10.9.18

**Location:** City Hall – Multipurpose Room

**Community #/Name:** #20, Little Cottonwood

**Community Coordinator:** Brian Cheney

**Project Name:** Alta Canyon Park – Pickleball Courts

**Number of Attendees:** 20

**Applicants:** Sandy City Parks Department

**Number of Invitees:** 150

**Length of Meeting:** 1-hour

**Notice Radius:** 500 ft

**Project Description:** To add 6 pickleball courts and parking to Alta Canyon Park.

**Community Comments:**

1. Concerns:
  - a. Parking/on-street parking
    - i. The on-street parking is already terrible with the events currently at the center and park. The road is too narrow because of the parked cars. Need to increase the number of parking stalls or build elsewhere.
  - b. Noise – residents are worried about early morning and late-night play causing too much noise.
  - c. Lights from the courts spilling over into the neighboring homes
  - d. Added traffic
  - e. Can't the pickleball courts be built somewhere else? Leave this site as open space.
    - i. Another site – potentially Granite Park?
    - ii. Volleyball Courts
    - iii. Convertible Tennis Courts with rolling nets
  - f. Can you do less courts and more parking?
  - g. Use the space for batting cages
  - h. Proximity to homes is a concern
  - i. Residents would like to see a lot of trees and foliage on the perimeter to act as a barrier to the light and noise.
  - j. HOA President of Point Ridge strongly opposes this construction – but he does not represent the entire HOA, just himself.
2. There is a demand for pickleball courts – there were many residents who are for this project.
  - a. Residents who want the courts are requesting really bright lights, so you can see the ball at night.



# Parks and Recreation / Alta Canyon Pickleball Courts

## Neighborhood Meeting Attendance Roster

April 26, 2017

	Name	Address	Zip	Phone Number
1.	GARY WEST	1957 Rocklin Dr.	84092	801 942 9993
2.	Marti Parson	812 E. 8230 So.	84094	801/230-8458
3.	Edee McKinney	8384 So 1070 East	84094	435-650-6891
4.	David Parson	1947E Rocklin Dr	84092	801-733-9943
5.	Diane Naylor	2595 E. 9900 S.	84092	801-808-1195
6.	Miss Shurtleff	2070 Candle Spruce Cove	84092	801-231-7812
7.	Wm. Bustos	1957 Rocklin Dr	84092	—
8.	CLINT JUK	1435 E. EDGECLIFF DR.	84092	801 673-1789
9.	Bruce Tomiaga	9558 S Pinedale Circle	84092	801-942-6026
10.	MICHAEL WALTERSHEID	8631 S. MT MASTIC R	84093	619-346-2892
11.	Dan Naylor	2595 E. 9900 S.	84092	801-949-3211
12.	Sara Hake	2021 E Candle Spruce	84092	518 6926
13.				
14.				
15.				



# Parks and Recreation / Alta Canyon Pickleball Courts

## Neighborhood Meeting Attendance Roster

April 26, 2017

	Name	Address	Zip	Phone Number
1.	MIKE WALTERScheid	8631 S. MT MAJESTIC RD	84093	619-346-2892
2.	TERRY TROST	3531 E. ROWD S.	84092	801-891-5252
3.	Donna Bradshaw	8494 Grambling Way	84094	801-566-3368
4.	Mark Shurtleff	2020 candle spruce cove	84092	801-441-9625
5.	Miss Shurtleff	2020 candle spruce cove	84092	801-441-9625
6.	Amber Coop	2024 Candle Spruce CV	84092	801-856-3422
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				



Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Dan Naylor

Comment: We are excited to have some Pickle Ball Courts  
near by. They are badly needed in the Sandy area.

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Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Diane Naylor

Comment: Thank you for a productive  
meeting. I appreciate the concerns of the  
immediate neighbors of the proposed courts,  
but hope these courts will be built for the  
benefit and enjoyment of all Sandy residents



Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: CLINT JVHL

Comment: MIGHT WANT TO CONSIDER WORKING  
WITH NEIGHBORS (THE HOUSES RIGHT NEXT  
TO THE COURTS) FIGURING THAT WOULD SUPPRESS SOUND.  
WORK WITH THEM ON CHOOSING TREES.

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: CLINT JVHL

Comment: POT THEM IN ASAP. WHAT A  
GREAT OPPORTUNITY THIS WOULD BE  
FOR THE COMMUNITY!



Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Bruce Tomingga

Comment: These courts will be heavily  
utilized.

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: MICHAEL WALTERSCHEID

Comment: I'm ALL FOR THIS GREAT IDEA  
AND GREAT LOCATION.

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Mason Chavez

Comment: Pickleball is a family friendly sport  
that has brought my family closer together.  
We would love a place closer to home  
to play and create more memories together.



Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Sara Hake

Comment: I live directly behind the park.  
I am very concerned about noise & light  
issues. I am also concerned about  
excess traffic coming into the ~~near~~ neighborhood

*through  
the  
walkway*

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Donna Bradshaw

Comment: Please Pass this idea!

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: WM. BUSTOS

Comment: LIGHTING IS A SIGNIFICANT CONCERN, AS  
WELL AS, CHOICE IN VEGETATION.



FRONT / BACK

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Gary B. West

Comment: I like the idea and availability of the sport. We live on the hillside directly above the proposed courts. Noise travels up and we are very concerned about the high pitch, decible level / noise of the hard ball <sup>over</sup>

and hard paddles/rackets which this sport requires; as opposed to a tennis ball and tennis racket with synthetic strings. Please consider building the pickleball courts on top of the existing tennis courts which are farther away from homes. Swap the tennis & pickleball courts. Also please consider planting mature trees to dampen the noise of the hard ball & hard paddle!



Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

COMMENT SHEET

Name: Mart<sup>B</sup> Ransom

Comment: I applaud Sandy City for being proactive in helping & offering pickle ball to residents. It is a sport that is a nation wide hit. The demand is huge & growing, & growing. Don't stop progress please →

b/c a few residents feel entitled to no growth.  
Look at St. George, pickle ball has increased home values.



# FRONT BACK

Neighborhood Meeting April 26, 2017 6:00 p.m.  
Parks and Recreation / Alta Canyon Pickleball Courts  
at Alta Canyon Sports Center, 9656 South Highland Dr., Sandy, Utah

## COMMENT SHEET

Name: Mark Sturtleff (2020 Candle Spruce cv.)

Comment: ① Per Sandy Land Dev. Code 15A-10-01(A) - Start with the intent for OS is "open and generally undeveloped lands are to be permitted." -

② 15A-10-02 - Conditional use for outdoor rec.

③ Sandy Ordinances 7-2-4(a) violation if noise ~~created~~ disturbance created in zone that's allowed if it affects persons outside the use district (Here residential 40' away)

④ 7-2 ~~§~~ (a) Maximum allowed dB(A) measured at the boundary (our yard, 40 ft) - Residential 9pm-7am = 50 dB(A)  
7am - 9pm = 55 dB(A)

7-2-5(b) - Violation if permitted noise disturbance creates a L10 greater than 15 dB(A) above Ambient sound (L90)

⑤ Expert testimony in cases around the country show dB(A) up to 60 - 78 (ie. more than 15 dB(A) over the 50-55 limit)

COMMENT SHEET

Name: Mark Sturtleff (cont.)

Comment: ⑥ Example expert testimony Haskell v. Rockford Park Dist Winnebago County, Ill. (No. 2012-cit-1128) - Expert opinion offers sound measurements - "noise of pickleball would be annoying to a reasonable person, he based his opinion not purely on the decibel

measurement of the sound but on its character,"

Other expert Steman. "impulsive spikes in sound" randomness. . . ~~the~~ opinion unlikely that a cost-effective noise abatement solution could be found."

\* (Note: The plaintiff's lost this challenge but because it was a conversion on long-existing tennis courts - Not new construction in an existing open space)

⑦ There are a number of sound proofing screens/fencing are advertised online specifically for pickleball courts.

Web address cut off in scan is:  
<http://www.acoustiblok.com/>



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
COUNTY OF WINNEBAGO

COPY

JEANETTE HASKELL and BARBARA FRIEL,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 2012-CH-1128
	)	
ROCKFORD PARK DISTRICT, a Municipal Unit,	)	
	)	
Defendant.	)	

FILE STAMP
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**MEMORANDUM OPINION AND ORDER**

This case involves the competing rights of adjacent landowners to the full and fair enjoyment of their property. Plaintiffs contend that the pickleball activity conducted on Defendant's property interferes with their use and enjoyment of their property; the remedy they seek would prevent Defendant from using its property as a location for pickleball. In the case of these competing interests, the Court finds that Plaintiffs have failed to prove a case for private nuisance, and so it enters judgment in favor of Defendant.

***Background***

The Court will briefly summarize some of the evidence presented at the trial of this cause. Defendant Rockford Park District began exploring the relatively new sport of pickleball in 2008-2009. The sport is played on a court similar to, but smaller than, a tennis court. A hollow plastic ball is struck with a paddle, usually made of wood. The initial pickleball location was in Loves Park and was viewed by the District as a success.

In the Fall of 2009, the District began looking for a second possible location for pickleball courts due to the increased demand experienced at the Loves Park location. The District identified several tennis court locations which it determined were underutilized, and it contemplated the possibility of converting one of two courts at these locations into pickleball courts. Some neighbors at those locations were opposed to such a move, however, because they did not wish to lose a tennis court.

Efforts were made to identify other locations and, according to Jay Sandine of the District, those involved "overwhelmingly" identified Sinnissippi Park as the best location for the following reasons: it was centrally located; the existing paved area was already a bit short for tennis; the sole existing tennis court could be easily converted to multiple pickleball courts; and there were other tennis facilities nearby for neighbors interested in that sport. Sinnissippi Park is the District's oldest and largest park. Its facilities include a golf course, band shell and playground, and it also hosts a "Festival of Lights" display and an ice sculpting contest. It used to house the

District's police force, and it still houses some of its maintenance facilities. The shelters in the park area are among the District's most frequently used.

The District notified various neighbors of Sinnissippi Park that it was considering conversion of the tennis court to pickleball courts. Among those neighbors who voiced opposition was Plaintiff Barbara Friel. Friel's opposition to pickleball at Sinnissippi was based on her contention that it was not needed and should not supplant the tennis court, and had nothing to do with the noise of the game (which she had not yet heard at that time). The District had no complaints about the noise of the game at its other facility, and it heard no complaints about possible noise at Sinnissippi prior to building a pickleball court there.

The District installed the pickleball court at Sinnissippi Park later in the Fall of 2010. Friel testified that the sound emanating from the pickleball courts was different from the sound of the tennis court that preceded it. She described the sound of the ball being struck as "sharp," "penetrating," and "loud," and also said it came at "irregular" intervals. Games would tend to be played in the first part of the morning and then again in the afternoon, as well as the early evening (light permitting). Friel testified that she "can't get away" from the noise while on her property, the back yard of which borders on the area near the pickleball courts. She keeps her windows shut to keep the noise out, which is of limited success. She mows her lawn when necessary, but otherwise stays out of her yard to get away from the noise; she used to be an avid gardener but has neglected her garden.

Jeanette Haskell, who was originally a Plaintiff in this case, passed away prior to trial and her daughter, Anne Stratemeyer, was substituted as her personal representative. Haskell's house was just south of Friel's and so was bit farther away from the pickleball courts. Stratemeyer testified that she had the opportunity to hear the sound of pickleball being played when she was at her mother's house. She described the noise as a loud "ping" which was annoying and disturbing. She said that her mother spent less time outdoors when pickleball was being played.

Margo Schreikpog lives father still down the block from the Friel and Haskell homes. She characterized her home as her "dream house," into which they invested significant sums of money to develop a natural sanctuary in the back yard. She described the sound of pickleball as a piercing "ping" noise which is frustrating. It interferes with their ability to use their treasured back yard, and it can be heard inside the house despite insulated windows. She acknowledged that she has been awakened at times by the sound of the bell used on the golf course.

Plaintiffs presented the expert testimony of audiologist Thomas Thunder, AuD. Thunder made measurement of the sound of pickleball from Friel's backyard on the A-weighted decibel measurement scale. The decibel scale is logarithmic; a 3 dBA increase represents a doubling of the loudness. Before the pickleball commenced, Thunder took an average reading of 39 dBA, which he characterized as the ambient neighborhood noise. He said this was equivalent to the noise made by a household refrigerator, leading him to conclude that the neighborhood in question was a relatively quiet one.

Thunder then took a one hour reading of the sound of pickleball being played, which he measured at an average of 48 dBA. He adjusted that measurement upward to 50 dBA to account



for six courts being used, as only 1-2 were being used during his measurement. He further adjusted that figure upward to 55 dBA to account for the adverse impact of an irregular, impulsive noise. For comparison, Thunder noted that a conversation would be about 60 dB, and that 120 dB is the threshold of physical discomfort. He agreed that there were only about 10-11 readings over the course of an hour which spiked above 60 dBA. The decibel level would drop by 60 dBA per every doubling of distance; from 900 feet away, one might not hear the noise at all but could possibly still hear the impulses. Thunder was of the opinion that the noise of pickleball would be annoying to a reasonable person; he based his opinion not purely on the decibel measurement of the sound, but on its character.

Rudy Valdez, whose property abuts the area of the pickleball courts even more squarely than does Friel's, testified that he did not find the noise to be annoying. He found it to be not much different than the noise which had come from the tennis court; in fact, he felt that the sound of pickleball was preferable because tennis players were more apt to use bad language at times during their play. He said that the noise coming from the pickleball courts does not interfere with his family's enjoyment of their property, and none of their guests have complained about the noise. From his house one can also hear the traffic from North Second Street down the block, as well as the music coming from the bandshell in Sinnissippi Park – even when his windows are closed. He noted that he had been in Friel's home before she bought it and he was unable to hear these sounds from inside that house. He said that his hearing is "very good." Valdez knows some of the people who are associated with the District, but he does not have any affiliation with them or with the District.

Leigh Ann Heidemann and Penny Wirtjes testified to how they have come to enjoy playing the game of pickleball. Neither said that the noise of the game was bothersome. The Loves Park facilities are actually closer to residences than the Sinnissippi courts. Jay Sandine of the District testified that he had heard no noise complaints from neighbors of the Loves Park facility or from any neighbors of the Sinnissippi facility other than Plaintiffs.

David W. Sloman testified to his measurement of sound from the pickleball courts over a span of approximately 10 minutes, which peaked at 78.1 dBA and averaged 57.9 dBA for impulsive spikes in sound. He agreed that, beyond the measurement of the loudness of the sound of pickleball, the randomness might make it more objectionable to some. Having examined a variety of possible sound remediation techniques, he determined that it would be unlikely that a cost-effective noise abatement solution could be found.

### *Analysis*

Plaintiffs proceeded to trial on two claims: private nuisance and violation of a municipal noise ordinance. A private nuisance is described as follows:

A private nuisance is the substantial invasion of a person's interest in the use and enjoyment of his land. The invasion must be substantial, intentional or negligent, and unreasonable. Whether particular conduct constitutes a nuisance is determined by the conduct's effect on a reasonable person. A "nuisance must be physically offensive to the senses to the extent that it makes life uncomfortable."



*Helping Others Maintain Environmental Standards v. Bos*, 406 Ill.App.3d 669, 689, 941 N.E.2d 347, 366 (2d Dist. 2010) (citations omitted).

None of the foregoing is, however, self-defining. “It is clear by now that the term ‘nuisance’ is incapable of any exact or comprehensive definition.” *Shell Oil Co. v. Illinois Pollution Control Bd.*, 37 Ill.App.3d 264, 268, 346 N.E.2d 212, 216 (5<sup>th</sup> Dist. 1976). That is perhaps no more true than in dealing with noise as an alleged nuisance; the issue boils down to how much noise is too much.

In this case, Mrs. Friel’s impression of the noise of pickleball was perhaps tainted by the fact that she was against installation of the pickleball courts even before she had heard the sound of that game being played. Still, it is no less clear that the noise truly and honestly annoys her and at least a couple of her other neighbors. It is equally clear that Mr. Valdez is not at all bothered by the noise, and in fact prefers it to the noise of the tennis court which existed previously. He lives marginally closer to the pickleball courts than does Friel.

In the face of different reactions to the same sound, it is challenging to discern whether the sound of pickleball is indeed one which would be considered physically offensive to a “reasonable person.” All of the witnesses who testified seem, in their own way, reasonable. The issue, however, is not simply the sound of the game and its effect on Plaintiffs.

“In determining whether an activity constitutes a nuisance, the court balances the benefit resulting from defendant’s use of the land, the suitability of the location to defendant’s activity, and the harm to plaintiffs.” *Pasulka v. Koob*, 170 Ill.App.3d 191, 208, 524 N.E.2d 1227, 1238 (3d Dist. 1988). In illustration of the need for this type of balancing, the Court recalls the testimony of Mrs. Friel that she mows her lawn when doing so is required. There can be little doubt that the sound of her doing so is loud, probably louder than pickleball and more incessant. We all understand, however, that it is totally right and appropriate for Mrs. Friel and all of her neighbors to mow the grass when it gets too long. The issue, then, isn’t just the noise; it is the balance of rights between neighboring landowners.

The benefit resulting from the activity of pickleball is not really contested by Plaintiffs; they suggest that it’s a fine game if it is played somewhere else. The fact is, however, that the District chose to locate the pickleball courts inside its largest and most active park. While pickleball was not played there when Plaintiffs moved into the neighborhood, surely they knew that they were moving in proximity to a large park. Part of living next to this particular park is that neighbors will experience the sounds of picnickers at the pavilions, or children at the playground, or music from the bandshell, or tennis from the tennis courts. Surely Plaintiffs understand that they could not complain of such activities, but they seem to feel that it is appropriate to complain of a *new* activity in the park because they never chose *it* as a neighbor. Plaintiffs are mistaken, however, if they feel that they have the right to lock the District into those activities, and only those, which existed at the time they became neighbors.

This brings the Court to the suitability of the activity for the location, which the Court finds to strongly weigh against a conclusion that pickleball is a nuisance. A large, active public park like



Sinnissippi is *exactly* the type of place one would expect the District to choose as a home for this new game. This is not a situation in which, for example, the new activity is not a recreational activity in keeping with the long-standing character of the park.

The Court has already commented on the harm to the Plaintiffs; the Court fully credits the testimony of those witnesses who find the sound of pickleball to be intrusive and annoying.

Considering and weighing all of the foregoing factors, the Court concludes that Plaintiffs have failed to prove that the playing of pickleball at Sinnissippi Park constitutes an actionable private nuisance. The Court therefore finds in favor of Defendant on that claim.

This leaves Plaintiffs' claim under the City of Rockford ordinance as stated in Count III. The Court must initially observe that it is unclear whether a private right of action is implied under the ordinance, an exercise in which the Court "should use caution." *Bos*, 406 Ill.App.3d at 684, 941 N.E.2d at 362-63.

In addition, the ordinance does not specify a standard of conduct any more specific than the standards reflected in a common-law nuisance claim. When a statute imposes a general duty no more specific than one owed at common law, it is normally not construed to give rise to separate basis for action. See *Barthel v. Illinois Cent. Gulf R. Co.*, 74 Ill.2d 213, 384 N.E.2d 323 (1978).

This issue was addressed in an earlier motion, and the Court commented as follows at that time:

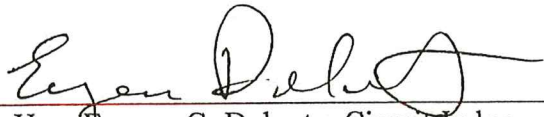
[I]t is difficult to discern whether the ordinance imposes any greater or more specific standard of conduct on defendants with respect to noise than do these common law causes of action. This raises a significant question, then, as to whether the ordinance can be interpreted to affording plaintiffs any rights which are greater than those already afforded to them under common law.

The Court did not dismiss plaintiff's claim under the ordinance but made clear that it would "likely require Plaintiffs to be able to demonstrate whether this cause of action is truly separate and distinct from their common law nuisance claims, or whether it is effectively duplicative of them." Plaintiff have not demonstrated a basis for recovery under Count III when the Court has found against them on their private nuisance claim, so the Court finds for Defendant on Count III as well.

*Conclusion*

For the reasons stated above, the Court finds in favor of Defendants on all pending claims. This Memorandum and Order constitutes the final judgment order of the Court pursuant to Supreme Court Rule 272. There being no further business with respect to this case, the status date of January 15, 2014, is hereby stricken.

1/2/14  
Date

  
\_\_\_\_\_  
Hon. Eugene G. Doherty, Circuit Judge

Mailed to counsel/parties of record on  
01/03/2014  
Date

By 