

**FINDINGS OF FACT and FINAL ORDER  
TYPE I DESIGN REVIEW**

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<b>DATE:</b>	March 19, 2026
<b>FILE NO.:</b>	26-009 DR_TREE - MHAC Pickle Ball Courts
<b>APPLICATION:</b>	Type I – Design Review
<b>APPLICANT:</b>	Mt. Hood Athletic Club (MHAC)
<b>PROJECT NAME:</b>	MHAC –Pickle Ball Courts
<b>OWNER:</b>	Paul Reed
<b>ZONING:</b>	C-2 (General Commercial)
<b>MAP AND TAX LOT:</b>	4E14BA, Tax Lot 1100
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

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**BACKGROUND**

In 2025, the owner of Mt. Hood Athletic Club (MHAC) applied for a minor modification to File No. 23-048 DR - MHAC Entry to bring their front entranceway closer in compliance with the "Sandy Style" design requirements. As part of that review, the owner applied and received approval for an outdoor pickle ball court located in the northeast corner of the property.

**PROPOSAL**

Because of the popularity of the first pickle ball court the owner is proposing to build two additional pickle ball courts in the same northeast corner of the property. The proposed pickle ball courts are subject to a Type I Design Review. The two pickle ball courts are considered an exterior modification to area devoted to landscaping that does not exceed more than ten percent of the entire property as defined in Section 17.90.40(A)(3) Type of Design Review.

To facilitate the pickle ball courts construction, the applicant is requesting the removal of two trees to accommodate the location of the two new courts. One of the two trees is dead and the other is split down the middle and was confirmed by an arborist to be stressed and predicted to die. Since the property is over one acre the tree removal is treated as a Type I Tree Removal Permit.

**EXHIBITS**

**Applicants' Submittals:**

- a. Land Use Application
- b. Site Plan and Pickle Ball Court Details

**Building Division Comments**

- a. The Building Official approved MHAC's use of 2x2x4 concrete eco blocks (Figure 1) to create a five-foot-high retaining wall designed to account for the grade difference between the new pickle ball courts and the setback area adjacent to the Kate Schmitz Avenue right-of-way. The retaining wall will hold the surcharge from the pickle ball courts. The proposed

fencing around the pickle ball courts will be similar to what was installed around the first court, built to act as a protective barrier adjacent to the proposed grade difference (see Figure 2). Findings are made under Chapter 17.74 – Accessory Development.



**Figure 1**



**Figure 2**

- b. All ADA parking requirements and pickle ball court access were met during the construction of the first pickle ball court including an ADA parking space and access ramp from the upper parking area to the court (see Figure 3).



**Figure 3**

### **Public Works Department Comments**

Stormwater detention is required for the proposed pickleball court. A smaller sized detention facility called a trench drain design is being proposed to be constructed along the east side of the courts that will overflow directly into an existing stormwater rain garden/detention area. However, **the detention area needs to be cleaned out and replanted to meet the Portland Stormwater Management Manual planting requirements (Figure 4). The planting plan shall be submitted to the City for staff review and approval.**



**Figure 4**

### **GENERAL FINDINGS OF FACT**

- Finding 1:** These findings are based on the applicant's submittal received on March 5, 2026, and the application was deemed complete upon receipt.
- Finding 2:** The subject site is approximately 4.78 acres and shares an access drive with four other parcels. The subject lot is Lot 3 of the Twin Cedars Subdivision plat recorded in 2005.
- Finding 3:** The site is located on the north side of Hwy 26 in the Twins Cedars Center between Kate Schmitz Avenue and the Sandy Marketplace. Cross access easements connect to the two commercial areas.

**Finding 4:** The property is zoned C-2 (General Commercial).

**Finding 5:** The adjacent property is zoned C-2 to the north, south, and west. The property to the east is zoned R-2 (Medium Density Residential). The R-2 property is owned by the Oregon Trail School District. It is separated from the subject property by the unimproved Kate Schmitz Avenue right-of-way.

**Finding 6:** The proposal will not remove any current or future proposed parking spaces to accommodate the new pickle ball courts. The athletic club will still meet their minimum parking space requirements outlined in Chapter 17.98.

**Finding 7:** The Oregon Structural Specialty Code (OSSC) requirements for ADA parking were met when the first pickle ball court was installed. Because the OSSC only requires one (1) ADA parking space per every eight (8) required parking spaces, no new ADA parking spaces are required with this application.

## **FINDINGS APPLYING SANDY DEVELOPMENT CODE CRITERIA**

### **CHAPTER 17.44 GENERAL COMMERCIAL (C-2)**

#### **Section 17.44.10. Permitted uses.**

B. *Primary Uses Permitted Outright in buildings with less than 60,000 square feet of gross floor area:*

2. Service and professional businesses and organizations, including but not limited to:

a. Athletic club, indoor recreation, or entertainment;

**Finding 8:** Chapter 17.44 – General Commercial - Section 17.44.10.(B)(2)(a) states that an athletic club is a permitted outright use in the C-2 (General Commercial) zoning designation.

**Finding 9:** A pickle ball court falls under the athletic club designation. There are no proposed changes to the parking area or circulation patterns that would alter any off-site traffic. There is no increase in any building floor area to the athletic club. The proposed site modifications are specific to the addition of two new outside pickleball courts.

**Section 17.44.30. Development requirements.**

A.

Type	Standard
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks <sup>1</sup>	
Front	10 ft. minimum; 50 ft. maximum
Side	None
Rear	None
Corner	15 ft. minimum
Outside Display/Sales Lot Area	80% maximum
Lot Coverage—Impervious Area	No maximum
Landscaping	20% minimum (includes required civic space in Section 17.90.120)
Structure Height	55 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

*Footnote:*<sup>1</sup> Unless abutting a more restrictive zoning district, or as required under Section 17.90.120 Design Standards for C-2.

B. Special Setbacks—Side or Rear Yard Abutting a More Restrictive District.

1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional ten feet shall be added for each ten-foot increment in building height over 35 feet;

***Finding 10:*** The adjacent zoning district to the east is more restrictive, however, setbacks for an uncovered pickleball court do not apply.

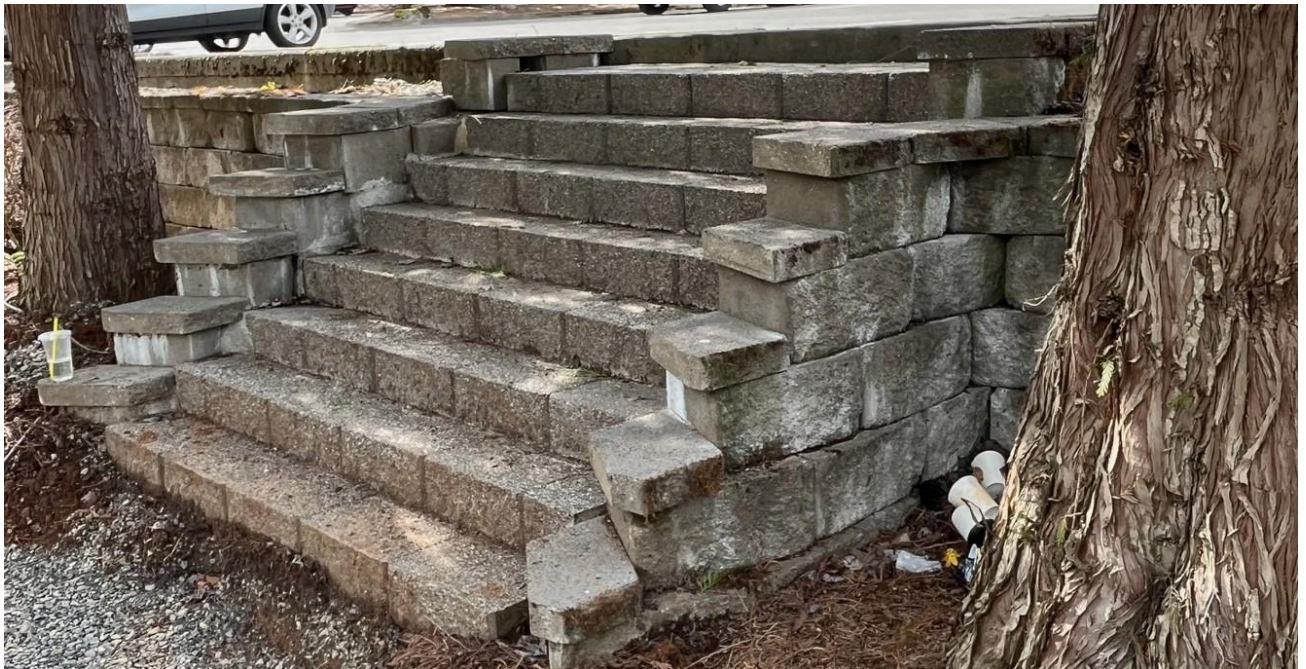
***Finding 11:*** The two new 1,800-square-foot pickleball courts are proposed to be located in an existing landscaped area. This is in addition to another 1,800 square foot pickleball court that was added during a minor modification application under File# 25-047 MOD. The removal of 5,400 square feet of landscaped/open space will have to be evaluated back to the total amount.

***Finding 12:*** Referencing the last landscape plan modification in File# 13-001 DR/MOD, the applicant reduced the total percentage of landscaping to 21.9 percent. The removal of an additional 5,400 square feet of landscaped area will reduce the total to 19.7 percent. Chapter 17.92.10.F allows for up to 35 percent of a site's total required landscaped area to be developed into pedestrian amenities, including sidewalk cafes, seating, water features, and plazas. Other pedestrian amenities may be approved as part of a discretionary review. The addition of these three outdoor pickleball courts is deemed accessory to the MHAC and are considered a pedestrian amenity as determined by the Director of Development Services. Therefore, the pickleball courts can count towards the required 20 twenty percent of total

landscape area of a property and the addition of the courts does not bring the total percentage of landscaping below 20 percent of the entire property.

**Finding 13:** The addition of the two new courts will not affect or remove any existing or required parking spaces.

**Finding 14:** The pickleball courts are proposed to be built in an existing landscape area that is roughly four (4) to six (6) feet lower than the adjacent parking area. There is an existing concrete stairwell that navigates the change in elevation. However, **the current stairwell is not up to Oregon’s Specialty Building Code (OSBC) and shall be removed, reformed, and replaced with stairs that meet the required dimensions (Figure 5). This includes the required handrails as described in OSBC. The stairs shall terminate with a minimum five foot by eight-foot (5’ x 8’) cement landing before you can enter the pickleball court area for ADA accessibility.**



**Figure 5**

**Finding 15:** No structures will be installed within the pickleball court except for a removable basketball pole, backboard, and hoop.

**Finding 16:** The remaining items listed in Section 17.44.30 Development Standards are in compliance.

## **CHAPTER 17.74 ACCESSORY DEVELOPMENT—ADDITIONAL PROVISIONS AND PROCEDURES**

### **Section 17.74.40. Fences and retaining walls.**

#### **B. *Fences—Commercial/Industrial.***

1. *Fences on corner lots.* Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the clear vision area.
2. *Fences in a front yard (Commercial).* The height of a fence or retaining wall in a front yard shall not exceed four feet.
3. *Fences in a front yard (Industrial).* The height of a fence or retaining wall in a front yard shall not exceed six feet.
4. *Fences—Side and Rear Yards.* The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed eight feet.

#### **C. *Fence Regulations for Recreation Areas.*** Any recreational court may be enclosed by a wire fence not exceeding 12 feet in height provided that no part of the court fence is within 20 feet of any street.

**Finding 17:** MHAC is proposing to install a five-foot-high black vinyl coated fence around both new pickleball courts. The fencing around these two new courts will be identical to what was installed on the first court that was built (see Figure 2).

**Finding 18:** MHAC is proposing the use of 2x2x4 concrete eco blocks (Figure 1) to create a four-foot-high retaining wall designed to account for the grade difference to the east and directly adjacent to the new pickleball courts. The installation of the aforementioned five-foot-high fence will satisfy the requirement for a protective guard rail adjacent to the grade difference. **The fencing shall be installed adjacent to the retaining wall as a protective barrier as required by the Oregon Structural Specialty Code (OSSC).**

## **CHAPTER 17.84 – IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

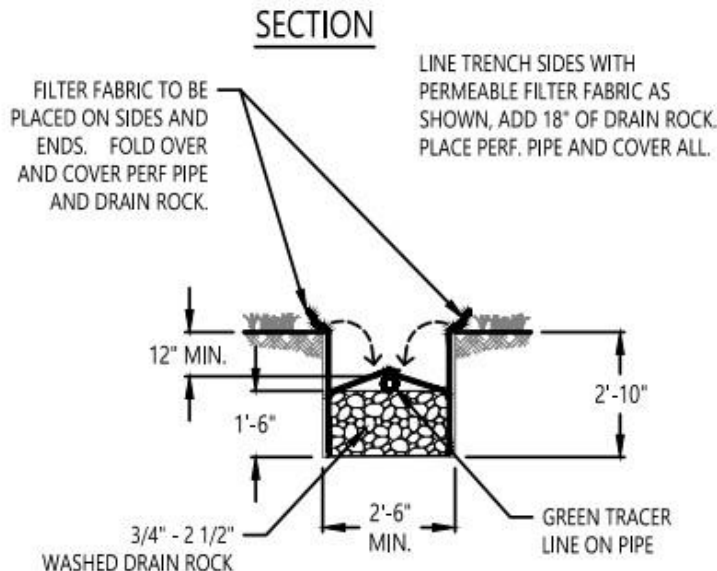
### **Section 17.84.60. Public facility extensions.**

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage and shall meet the following requirements:
1. The required improvements shall be installed at the expense of the developer.

2. Public water facilities shall meet the requirements of n of the Sandy Municipal Code and the 2022 City of Sandy Water System Master Plan and shall be designed in conformance with the City of Sandy Water Service Utility Standard Details.
3. Sanitary sewer facilities shall meet the requirements of Title 13 of the Sandy Municipal Code and shall be designed in conformance with the City of Sandy Sewer Service Utility Standard Details.
4. Storm drainage facilities meet the requirements of Title 13 of the Sandy Municipal Code and the City of Portland Stormwater Management Manual, as adopted by the City of Sandy, and shall be designed in conformance with the City of Sandy Stormwater Utility Standard Details.

**Finding 19:** Additional stormwater detention is required for the two new pickleball courts. MHAC is proposing a similar design to what was used on the first court that was built. It is a smaller-sized detention facility called a trench drain design and is proposed to be situated along the east side of the two courts. The drain is designed with perforated pipe and pea gravel to restrict or detain the stormwater, releasing it at a slower rate (see Figure 6). During heavy rain events, the system is designed to overflow directly into an existing stormwater rain garden/detention area south of the courts.

Prior to the installation of the pickleball courts, **the applicant shall call the City for an inspection to confirm that the detention facility is sized according to the Portland Stormwater Management Manual at adjusted rainfall rates for Sandy. No work shall be done near the City’s stormwater system or any connections made to the City system without a permit from the Public Works Department.**



**Figure 6**

## **CHAPTER 17.102 URBAN FORESTRY**

### **Section 17.102.30. Procedures and application requirements.**

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

- A. *Type I Permit.* The following applications shall be reviewed under a Type I procedure:
1. Tree removal on sites within the city limits under contiguous ownership where 50 or fewer trees are requested to be removed and the subject site is in compliance with the tree retention requirements of Section 17.102.50.A.
  2. Removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property as defined by an ISA certified arborist or professional forester with the tree risk assessment qualification (TRAQ).

**Finding 20:** The applicant is proposing to remove two dead trees on the MHAC property that were identified when the project was conceived and a site plan created. Both trees were identified by an ISA certified arborist as being dead and hazardous to the courts if left unattended. Because the number of trees is fewer than 50, the request can be processed as a Type I permit (see Figure 7).



**Figure 7**

### **Section 17.102.50. Tree retention and protection requirements.**

- A. *Tree Retention.* The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees 11 inches DBH or greater are to be retained for every one acre of contiguous ownership, except in the Bornstedt Village Overlay (BVO) in accordance with Section 17.54.140.
  2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
  3. Trees proposed for retention shall be healthy and likely to grow to maturity and be located to minimize the potential for blow-down following the harvest, as determined by an arborist certified by the International Society of Arboriculture with Tree Risk Assessment Qualification (ISA TRAQ). Retention trees shall not be nuisance species as listed in the Portland Plant List.
  4. Provided they meet the other requirements in this section, at least two of the required trees per acre must be of conifer species.
  5. Trees within the required protected setback areas, as defined in Section 17.102.10, may be counted towards the tree retention standard if they meet these requirements.

**Finding 21:** The site is currently 4.78 acres in size. The removal of the identified dead and hazardous trees does not bring the site below the threshold of retaining three (3) 11-inch DBH trees per acre on the property. Both trees are deciduous trees which does not affect the property to maintain at least two of the required trees per acre as a conifer species.

### **DECISION**

For the reasons described above in the findings of fact, the proposed Mt. Hood Athletic Club accessory pickleball courts and the removal of two hazardous trees are hereby **approved** as modified by the conditions listed below.

### **CONDITIONS OF APPROVAL**

- A. **The applicant shall apply for and receive approval for all necessary building, mechanical, plumbing, and electrical permits prior to any construction. Contact the Building Division regarding submission requirements. The plans shall include the following:**
1. Details on new stairs and handrails that meet the required dimensions as described in Oregon's Specialty Building Code (OSBC).
  2. Details on a cement landing that is a minimum five foot by eight-foot (5' x 8') in an area prior to entering the pickleball court area.

3. Details on the fencing to be installed adjacent to the retaining wall as a protective barrier as required by the Oregon Structural Specialty Code (OSSC).
4. Submit a planting plan for the rain garden/detention area meeting the Portland Stormwater Management Manual planting requirements for the specific class of detention that is required. The planting plan shall be submitted to the City for staff review and approval.

**B. Prior to the final approval of the pickleball court the applicant shall complete the complete the following:**

1. Install the two new pickleball courts as approved on the building permit plans, including approved stairs/handrails, a new landing, fencing, and a replanted rain garden/detention area.
2. The applicant shall call the City for an inspection to confirm that the detention facility is sized according to the Portland Stormwater Management Manual at adjusted rainfall rates for Sandy.
3. Install the ADA gate handle for the previously built outdoor pickle court and call the Building Division for an inspection.
4. Finish the lighting in the exterior entryway and call the Planning Division for an inspection.
5. Finish the repair work to the paint under the awnings over the doors along the front façade of the MHAC.

**C. General Conditions of Approval**

1. This design review shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. The applicant shall make sure the proposed fence does not interfere with the stormwater trench system.
3. No work shall be done near the City's stormwater system nor any connections made to the City system without a permit from the Public Works Department.



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## **RIGHT OF APPEAL**

A decision on a land use proposal or permit may be appealed to the Planning Commission by a party with appeal standings by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the City to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.