

21-000040



CURRY COUNTY COMMUNITY DEVELOPMENT

94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444

Becky Crockett
Planning Director

Phone (541) 247-3228
FAX (541) 247-4579

A-2101/21-000034

FOR OFFICE USE ONLY

Date Received: 2/22/2021

NOTICE OF APPEAL

This is a request to appeal the following decision by Curry County

_____ Land Use Decision by the Curry County Planning Commission

Land Use Decision by the Planning Director

DECISION INFORMATION

Decision Date: 2-9-2021 Application File # ~~21~~ PC#21-000034

Applicants Name(s): John Little and Bertie Rose

APPELLANT INFORMATION

STANDING: I have standing because (check one)

_____ I am the applicant or agent of the applicant

I participated in the decision orally at the hearing or with written testimony
we are adjacent property owner

_____ I represent an agency that is affected by the decision and have standing through participation in the hearing process

Appellant Name(s): Deborah Shepherd and Chip Shepherd

Mailing Address: _____

Phone: _____

E-mail: _____

NOTE: An appeal of a decision will be heard by the appeals body specified in the relevant ordinance as a de novo (or entirely new) hearing. Appeals must be filed within the appeal period specified following the initial decision to be considered by the appeals body. The required fee, in currency or negotiable instrument must accompany this notice in order for it to be accepted as an appeal by the county.

RECEIVED
2/22/2021

2/22/2021

To Whom It May Concern:

This letter is in support of the appeal of the Planning Director's decision, PC#21-000034, regarding the application of John Little and Alberta Rose for a purported RV garage/storage building. My wife Deborah and I are the owners of the property immediately to the north of the subject property and will be most affected by this project although all the neighbors have concerns about it.

By way of background, the Littles have wanted to build a pickleball court since August 2018. A detailed chronology of their attempts and the neighbors' written concerns are included herein. There were also numerous personal conversations that took place with the Littles. A summary of some of those conversations is also attached. Eventually, they filed an application to construct an outdoor pickleball court along the northern boundary of their property immediately adjacent to our home. Upon learning of their application, at least 4 of their most immediate neighbors and the owners of the adjacent bed and breakfast again reiterated their concerns about building such a court in the middle of a quiet retirement community. We sent them multiple emails and met with them personally in an attempt to find common ground. Unfortunately, we did not. Our concerns were also expressed to the Planning Director and we ask that those emails and pictures be included as part of this appeal record. Eventually the Littles received conditional approval (included herein) on 9/22/20 to build the court. One of the conditions required a sound abatement plan from a licensed acoustical engineer.

Although the entire neighborhood opposed the building of a court we all continued to communicate with the Littles with the hope of finding a mutually acceptable path forward but again to no avail. Apparently, the Littles were also not satisfied with the conditional approval and on 12/3/20, they "offered" the Shepherds a choice between an outdoor court with questionable sound remediation or an indoor court in a 30x60x25 foot building immediately adjacent to the Shepherd's property. In fact, in the same location as the currently proposed RV garage. No acoustical engineering report was provided with either proposal. The Shepherds suggested that an indoor court with sound mitigation placed in the most northeast corner of their property might be a viable option. (See 12/11 and 12/14 in chronology included herein.) The Littles did not respond and we heard nothing from them until learning that they filed a new application to construct a purported RV garage/storage building. That application was approved with conditions on 2/9/21 and is the subject of this appeal. Unfortunately, this new proposal may be even more incompatible with the surrounding area and land uses than the original outdoor pickleball court proposal.

The primary basis for this appeal is that the size and location of the proposed building could not be worse. It will cause substantial and permanent damage to the Shepherd's home and to the neighborhood, and is completely incompatible with the surrounding area and land uses for the following reasons. It will be the largest non-residential structure in the neighborhood, and have a larger footprint than our house, other homes in the neighborhood, and probably the Little's too. This 30x60x25 foot building will be 30 feet from our home and 15 feet from our deck. Much closer to our home than the Little's home. It will block the view out of our largest picture window and be plainly visible from our den, living room, and bedroom. For at least 6 months of the year it will cast a shadow on our deck, side yard, and home. During those winter months it will eliminate all passive solar gain we enjoy now and therefore increase our heating costs. As we all know, winter sun is a precious resource on the southern coast of Oregon and the buildings shade will preclude the Shepherds from installing solar panels on the south side of their home. Furthermore, the proximity of this enormous structure will increase the fire hazard for the Shepherds in the event it catches fire. Moreover, for all these reasons the RV garage will most likely cause a substantial diminution in our property value and most definitely in our enjoyment of our retirement home.

The secondary basis for this appeal is that on the face of it the Littles would seem to have all of a sudden, after years of pursuing a pickleball court, decided to instead construct an RV garage/storage building. Perhaps, but their sole pursuit of a court and several other factors suggest otherwise. First, the Littles do not have an RV. Second, they have a large two car garage attached to the back of their house with storage above, another large garage and storage area under their entire house, and a 7'x14' storage shed in the side yard. Third, the largest RV is a Class A motorhome and they average 33 feet in length and 10 feet in height. Why therefore do they need a 25 foot tall garage? Answer, to play indoor pickleball. Fourth, the RV garage is the exact size needed for a pickleball court and exactly what the Little's initially "offered" the Shepherds as an indoor court. Finally, the RV building will not have any windows or doors on the north side, the side adjacent to the Shepherd's home. Such a design feature would seem to be an initial and inadequate attempt at sound mitigation in anticipation of playing pickleball.

Again, as you can read in the included chronology (see 12/11 and 12/14), we asked if the 30x60x25 foot indoor pickleball court structure could be located as far east as permitted with the longest dimension oriented north south. The Littles never responded to us but indicated to a neighbor, they could not build it there because they did not want to move their shed. We even volunteered to help move the shed but they said they like it where it is. By moving the

currently proposed RV garage to the same eastern boundary it could be shielded by vegetation, would be adjacent to vacant land, not obstruct our view nor block all of our winter sun and passive solar gain, reduce the fire risk, not decrease our property value, and perhaps the shed could remain in place.

Furthermore, the current Planning Clearance anticipates the possibility of the Littles using it for pickleball and indicates that the RV garage is not to be used for pickleball courts without compliance with the conditions of Planning Clearance #20-000242. Unfortunately, once the garage is built, the proverbial horse is out of the barn. If the Littles use it for pickleball (the most likely use of the garage), the neighborhood and the county will be burdened with complaints and enforcement actions. After the fact, they will be required to have a sound abatement plan developed by a licensed acoustical engineer. Given their resistance to such a plan so far, we all can anticipate a protracted administrative and legal battle with them. Moreover, common sense would seem to dictate that such a plan would have a much greater chance of effectively mitigating the sound if the building situs was determined prior to construction. Given the building's proximity to the Shepherds home it may not even be possible to mitigate the sound and certainly no agency or court would require it to be removed. Under those circumstances, both the Littles, the Shepherds and the County lose. The Littles cannot play pickleball, the Shepherds have a giant building in their side yard, and the County is faced with a never ending enforcement burden and perhaps legal action by the Littles.

Lance Willis, acoustical engineer writes in an article entitled, *Why Are Your Pickleball Courts Receiving Complaints from Neighbors?*, "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 (emphasis added) 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." If the Little's are contemplating playing pickleball in the garage, now is the time for the sound abatement plan, not after the garage is built. This article was previously submitted to the Planning Department and we ask that it be included in the record.

Given the uncertainties surrounding the intended use of the building, as elaborated herein, if this proposal is to go forward "as is", as a last resort, we ask that the County require the Littles to file a deed restriction stating that the RV garage will never be used for playing pickleball and used solely for the purpose of storage and no other activity whatsoever.

Finally, perhaps the County could convene a neighborhood meeting in an attempt to resolve this ongoing dispute. Moving the RV garage to the far eastern boundary of the Little's property, will eliminate many of the Shepherd's and the neighbors' concerns. It is quite possible that there is a "win" "win" outcome. The Littles can have a pickleball court and it is located so as not to cause any harm to the Shepherds or the quiet residential retirement neighborhood. As a side benefit such an outcome could provide an opportunity to repair some of the damage done to long term friendships and restore our neighborhood to its former peacefulness.

Thank you for your consideration. If you have any questions, please contact us at cshepher50@comcast.net or at 541-551-5098.

Chip and Debbie Shepherd
47591 Leeward St.
Langlois, OR 97450

Chronology

8/1/17 John talks with neighbors about building a pickleball court on his property. He decides not to do so after Bill Hanner and Chip Shepherd express their concerns about noise disrupting the neighborhood, decreasing property values, increasing traffic, and damaging B&B business.

11/17/17 John Little begins the process to build a court on Curry County land and seeks support from the community. He gains widespread support from the entire community.

1/28/19 John: "Currently, Curry County is drafting a 20 lease agreement for land to use for Pickleball Courts. The draft is expected to be done by this Friday, Feb. 2. We are also working with the "Friends of the Langlois Library" to come to an agreement on the 501(c)3. We are encouraged by the progress up to this point. We are still hoping and planning to begin construction in May.

The Floras Lake Pickleball Club Board"

6/21/19 John: "It is with reluctance that I write this letter to you today. The chosen site that we were working on for the pickleball courts here at Floras Lake has been determined to be too expensive and complicated to pursue any further. It is considered a wetland by the State of Oregon and with the water mitigation and fill issues, it becomes too complicated and expensive. At this time, we are ceasing our efforts, but may restart them in another location if that will work out with Curry County.

Thank you for your ongoing support and encouragement.

John Little, on behalf of the Floras Lake Pickleball Club Board"

6/3/20 Chip hears from Oren R. that John again wants to build a pickleball court on his property. Chip immediately sends a text to ask John if this is true and John confirms.

6/7/20 Bill Hanner writes a letter to the entire lake community with concerns about John building a pickleball court.

"Carol and I have been asked, what do we think about the pickle ball courts in our neighborhood. We have no say, or rights, to what one does with their property in our unincorporated neighborhood. The Brady's can do what they want with their property, as, any person can do with their property. If John and Birdie want to build

courts, that is their right also. The question to Carol and I, "what do we think about courts in our neighborhood".

We are all for people having fun, and being passionate about their activities. Pickle ball is a fun activity, but it is also very noisy, road traffic picks up considerably, it tends to bring in non neighborhood people, which is scary in C19 environment.

We basically live in a retirement type community here, having a quiet neighborhood is important to a lot of the people here, the distractions that courts cause is a problem. Having a limited schedule of playing time that the Brady's have given us tends to work for the whole neighborhood, more courts may unbalance that. We have a

limited amount of time during the summer months that we should be able to sit out on our deck, work in our garden and yards, Take a nap after lunch and enjoy the peace and quiet of our community, that's not a lot to ask.

No, Carol and I would rather not have more courts in our neighborhood, it will bring about more noise, conflict among neighbors, traffic, and people. I personally don't want to lose the closeness and camaraderie of our neighborhood that we have now, and I feel that could happen with more courts.

I would like to have a wood shop to work in, but I know it is noisy and would disturb my neighbors, so I would not do that, do I pressure wash my deck, yes, but that is a short lived activity, do I complain when my neighbor builds their house and is making noise, no, we all had to do that. The point is, we all have to live together in harmony in our small community, what we each do affects everyone around us.

Carol and I will try to be considerate and respectful neighbors to "you all".

Sincerely Bill&Carol"

6/8/20 Chip letter to John and Bertie about concerns about pickleball court.

"Dear John and Bertie,

We are writing this letter as soon to be full-time residents of the Floras Lake community. I hope it is met with the level of congeniality that is intended.

Twenty-three years ago, we had our first experience vacationing at the lake. What a gem we had found thanks to Greg and Robin. It was immediate love. Besides the peacefulness and beauty of the area, we were introduced to so many genuine people who were friendly and welcoming from the moment you met them. After a short conversation they were likely to invite you in for dinner. It was hard to believe we had found a place so wonderful for our family.

As years passed, we continued to visit Langlois and Floras Lake every year. Each year we were lucky enough to meet more of these incredible people including the two of you! We'd return to New Jersey and tell everyone about this beautiful and friendly community that welcomed all with open arms. There was no doubt that someday it would become our full time home. That time is now here!

Part of our recent experience at Floras Lake was learning the game of pickleball from the two of you. What patience you had to teach us the rules and strategies and to work with us to improve our game! We learned to love the game and the camaraderie that accompanied playing with even more new friends. We thank you for that.

That being said, we find it very disconcerting and disappointing to hear that you are again considering a pickleball court on your property. We can only imagine that the placement would need to be close to the property line near our family room and directly below our bedroom. The noise will be intolerable. As you know, the paddle and ball sounds as well as the hooting and hollering that accompany the game have caused dissension in neighborhoods across the country. Even Ed and Ann's courts have caused problems in our neighborhood. When we think about a court on your property and the disruption it will cause to the peace and quiet of the neighborhood, and in particular our soon to be new home, we cannot express how deeply this upsets us. There is a reason why these types of courts are placed in recreational areas and parks. They cause too much noise and disruption. They are not appropriate for a residential neighborhood. The excitement about the next chapter of our lives has been seriously tainted with this prospect.

It is also clear that while we are most impacted, we are not alone in our concern for the disruption another court will cause to everyone's peace and quiet. Many in the neighborhood have expressed similar concerns to us, and to you as well. We ask that you please reconsider your decision to build a court on your property and respect the concerns of just about all your neighbors and friends.

All the best,

Chip and Debbie"

6/8/20 Chip letter supporting Bill Hanner's letter.

"Hello All:

Thank you Bill for starting this conversation. I agree with all that you have written. Deb and I have communicated our concerns directly to John and Bertie but I wanted to share some of our thoughts with all of you too.

As the people who will be most affected by a court on John's and Bertie's property, Deb and I are extremely disheartened by their decision. After visiting Floras Lake for the past 23 years, this was the month we planned to permanently move to our new home. Our excitement has unfortunately been tainted. The court will be immediately adjacent to our home. Literally steps away from our family room and directly below our bedroom. If the court had been there 5 years ago, we would not have purchased our home from my brother.

No one can dispute pickleball is a loud game. It has caused dissension in communities across the country and has led to lawsuits, zoning changes and overall disruption of previously peaceful neighborhoods. It is simply not a game for a residential "retirement" community. Ask yourself, would you want a pickleball court next to your home?

Like Bill's woodshop, I enjoy listening to music louder than many people do. I would not blast outside for the neighbors to "enjoy." What about a gun range in the backyard? How about making chainsaw art? Just because I may have a right to conduct these or other loud activities on my property does not make them right for my neighborhood. There are just certain activities that are inappropriate for a residential neighborhood.

Deb and I enjoy playing pickleball and if we have to drive to P.O. or Bandon to do so, so be it. Although, I heard a rumor that courts are being considered for somewhere in Langlois. Sure hope they will be somewhere they will not bother neighbors. If in an appropriate location, we would contribute money to

their construction.

We have always done our best to be a good, quiet, and respectful neighbors wherever we've lived or visited. Should you find otherwise, please let us know.

Peace,

Chip and Debbie"

6/24/20 Bill Hanner second letter of concern about pickleball courts.

7/4/20 Chip to John asking for a response to the Shepherd's and neighbors' concerns.

7/4/20 John to Chip stating still building court but not addressing anyones concerns.

7/4/20 Chip to John reiterating concerns.

"Thanks for responding John. Sorry to hear you are moving forward with the courts. I am not sure you and Bertie fully understand and appreciate how your decision has disrupted our lives. We have been agonizing about this since we heard from Oren that you were thinking of doing this. It is hard enough to move from a family home of 33 years let alone be worried about whether we would have a court in our side yard. Every day we kept hoping we would hear from you that you decided not to build.

As you know, we have been coming to the lake for 23 years and since we bought our home 5 years ago we have been so excited about moving there once we retired. We love the place and the people. As I previously wrote, we would not have bought our home with a pickleball court 20 feet away. We like to play but don't enjoy it like you and Bertie. We do not want to live next to a pickleball court, tennis court, golf course or any other sports facility that attracts people and causes noise. We want to enjoy our home the way it has been for the past 23 years. We are now wondering if we should even make the move.

Several years ago we had a heart to heart conversation about your desire to build a court and you decided against it. We ask that you do so again.

Tentatively we get there on July 22 and would be happy to discuss with you face to face. Here are some of the questions we have? Short of your not constructing courts how is our right to peace and quiet going to be respected by you and Bertie? What if we want to take a nap? Quietly read a book? Enjoy a beer listening to the wind and waves? Listen to the birds sing? Sleep late or go to bed early? How much will our property value decline with a pickleball court 20 feet from our home?

The people most impacted have implored you to reconsider this change to the community, to your friends and their lives. The people who were most instrumental in your choosing this community as your home, run a quiet business and have for more years than any of us have been going there. How will this impact them and their business?

Are you willing to build a 10 foot high concrete sound barrier around the court? Are you willing to limit the number of people who gather there? Are you willing to only use sound mitigation paddles and balls? Are you willing to stop playing if we ask you to do so? Are you willing to play only when we are not home? You tell me, what are you going to do to be a good

neighbor and friend ?

If you are absolutely determined to block, please just tell us so we can decide how we want to proceed. We are still hoping that is not the case.

Chip and Debbie"

7/4/20 Liz to John expressing concerns.

John & Bertie,

"Chip shared with us his letter to you and he brought up some very valid questions. Will & I would like to add this one :

We have not stopped your access to Ann & Ed's courts, Vince is putting in 2 courts- and you still want to put a court in . How does having 5 pickleball courts within a block of each other in a tiny neighborhood make any sense? Not to mention 20 feet from your neighbor's house. Bertie mentioned to me really having issues with having to be quieter while playing at Ann&Ed's, that you want to have your own so you can "enjoy yourselves".... Which translates into screaming and yelling 20 feet away from your neighbor's home. If you were in Chip & Debbie's

position right now, how would you feel? Honestly - please stop a moment and ask yourselves that question.

We're not going to sit back and not fight their battle, too.

Liz & Will"

8/24/20 Attempt at mediation with Alisdair. John willing to consider sound mitigation measures but no other commitments as to hours of play, number of players, response to complaints, location, etc.

12/3/20 John to Chip with new court proposal with choice between indoor or outdoor and invitation to contact engineer.

Hello Chip and Deb,

As an attempt to be respectful to you and considerate of your feelings, we want to let you know where we are in regards to our pickleball court building plans.

We have been working with Lance Willis, the noise abatement engineer, whose article you referenced (Spendiarian & Willis Acoustics and Noise Abatement & Control (2018)) in regards to your concerns about us building an outdoor pickleball court. In talking with Lance about the possible Noise Abatement plan, he expressed his concern that any plan that he came up with may not meet your approval due to the 2nd story window on the south side of your home and the porch area outside your home also on the south side. He has suggested a possible sound abatement wall that is 8' - 12' tall on the north side of the court and possibly across a part of the west end of the court. We have sent him a packet with plans and pictures of the land, court location and of your home. His contact information is as follows if you would like to talk with him or ask questions. Email is rlw357@swanc.net and phone is 1 (520) 441-3987.

The other plan is to build an indoor court as you suggested earlier this summer. Before we move ahead with that plan, we want to be sure you have an opportunity to ask questions. We have included site maps as attachments that show the location of both the outdoor and indoor court options.

The indoor court site location would be different than the outdoor court as the building sites better by moving it to the west and towards the common property line between our parcels so that the exterior north wall would be 8' from the property line. The east wall would be 4' west

of the existing garden shed as we do not want to block off the garden shed with the indoor court. If we do the indoor court, we will remove the 3 trees that would be to the north of the building and west of the garden shed to allow for the concrete footing and stem wall. We may also remove the pink princess (Escallonia) and other plants along that north wall to keep it clear and for usable space. The 30' X 60' building will be approximately 20' tall at the corners and approximately 25' tall at the roof peak. The roof would be a 3/12 pitch to keep the roof profile lower. I think you may have noted the 20' tall pole that we put up a few weeks ago as a template for us to look at and evaluate in making this decision. With the building, we will keep the north driveway to allow access to the RV door on the west end of the building. We have already talked with a building department official about the location and building plan, but have not submitted any plans.

Here are the pros and cons for each option:

The outdoor court would be louder for you. The advantages are that it would not require the same construction noise. The outdoor court would be less visible from your home and porch especially with a sound abatement wall. You would not see the court or players as the higher abatement wall would not allow a direct line of sight even from your upper window. All the foliage and trees that are in place would stay. There would be fewer opportunities for play due to weather, wind and playing time constraints. We would vacate the driveway that would encroach on the north end of the outdoor court and put in a path with a gated entry and a garden area there instead. A big advantage is being able to play in natural light and outdoors.

The indoor court building would require more construction noise and removal of 3 larger trees and shrubbery. The view from your bedroom and south porch would be towards the north wall and roof of the building. The advantages are that we could play more and not be affected by wind, weather or playing time constraints. There would be less sound directed towards your home by placing the court in a building. A disadvantage is the building will always be there regardless if we are playing or not.

We can't think of anything else at this time. Feel free to ask questions or come over to walk through the 2 plans with us. The decision is between building the outdoor court or the indoor court. We hope a week is enough time for you to review the pros and cons of each plan.

We want to present this to you before we move forward with submitting building plans to the county for the indoor court or continuing with the sound abatement plan for the outdoor court. We assume that you prefer the indoor court with the building as you suggested, but we just want to present it to you to consider in case you would prefer the outdoor court with the sound abatement wall that would have less use. The outdoor court is our first choice.

Respectfully,

John and Bertie

12/4/20 Liz letter to engineer.

Dear Mr. Willis,

We understand that John and Bertie Little have been in contact with you regarding sound abatement measures that need to be addressed. They can build a pickleball court on their property here in southern Oregon.

The Littles sent an email to their neighbor to the immediate north, the Shepherds, whose home is only 30 feet from the proposed court. They stated in their email, "He has suggested a possible sound abatement wall that is 8' - 12' tall on the north side of the court and possibly across a part of the west end of the court. We have sent him a packet with plans and pictures of the land, court location and of your home."

Given that they did not include us in their email, I wanted to make sure that they included in their "packet" to you the fact that their proposed court is also only 120 feet from the south end of our bed and breakfast, Floras Lake House. We have had our B&B here at Floras Lake for 30 years. The Littles, in fact, were caretakers for us for 7 years and know full well the impact a noisy pickleball court would have on our guests trying to enjoy the peacefulness of our area. His statement above saying a sound abatement wall would possibly include "part" of the

west side of the court is interesting. Our B&B is west of their proposed court. Our business stands to be greatly impacted by the noise created by the Little's pickleball games. Please know going into this that this is not just speculation. The Littles used our parent's neighboring pickleball court to the south of us for 12 years. That court was further away than the proposed one, and we had to ask them to not play past 3pm so as to not disturb our guests. They were extremely loud.

I hope this information sheds a little more light on our situation here. If you were to draw plans for a sound abatement wall, a wall on the west side of the proposed court is crucial.

Thank you for your time and consideration,

Liz & Will Brady

Floras Lake House B&B

Langlois, OR

12/4/20 John response to Liz.

Hello Chip, Deb, Lance and Liz,

Thank you Liz for reaching out about your concerns. If you had a chance to see the site plan that Lance and I are using, you will see there is a noise abatement wall on the west end of the court too. Lance has been very sincere and professional in working with us to come up with a possible noise abatement plan. The reason we said a possible is that the plan has not been completed yet and our primary focus has been the Shepherd residence since they are the closest to the possible outdoor court. The court is actually positioned 55' from their house, not

that it makes a big difference. In part because the court location also has the Shepherd residence and the pump house between the court and the B and B, it was not the initial concern. The noise abatement plan is a work in progress. The packet that was sent to Lance includes the locations of all the local residences and B & B. Lance suggested that we write a letter to the Shepherds to inform them of the options. If it will make you more comfortable, we will be sure to include a sound abatement wall on the west end of the court regardless of what Lance may suggest. We are trying to address the conditions of approval that were attached to our permit as an option.

In the letter to Chip and Deb, we also said we realize the outdoor court is a long shot with their communicated concerns. The indoor court will address all the noise abatement concerns.

Our letter was presented to Chip and Deb to allow them to have some say before we go ahead with either plan.

They were and are just the first step.

John and Bertie

12/4/20 Bill response to John's new proposal.

Dear Bertie and John

I am sorry and disappointed that you are still proposing a pickle ball court on your property.

I'm also disappointed that you do not respect our friendship enough to include Carol and I in your plans and thoughts about building these courts.

I'm sure you realize that this court will effect more people than just Chip and Deb. All of your close neighbors will be effected, you also are making your friends on the other side of the lake choose a side. All want to know what is going on, why would you and Birdie want to pursue this, when all your neighbors on both sides of the lake don't want courts here and they have all said that they won't play on

them even if they are built.

You and Birdie are setting yourselves up to be totally isolated and shunned by your neighbors. Think how it used to be when our neighbors were all friends. I don't think your courts are worthy of the loss that you are imposing on yourself.

All of your close neighbors will be calling the sheriff, county officials, and the lawyers that we will hire, any time that we hear noise coming from the insulated building, and the sound abatement wall that you will have to build, yes both at the least. This is not a choice of which do we want. If they are built we want a total sound proofing. You take the hit of the cost and the damage to your beautiful house and property. You should ask, is this really worth the cost and damage to your property, and to you and Birdie's reputation in our neighborhood.

Sorry I can't wish you good luck with this.

Bill and Carol

12/11/20 Chip response to John and new proposal.

John and Bertie:

Thank you for your most recent update on the pickleball court. Since we had not heard from you in a while, the entire community was hopeful that you had decided against building a pickleball court. Oh well, hope dashed.

You write that you want to be "respectful and considerate of (our) feelings." I will take your words at face value and trust that you are sincere with what you write. In the end however, it will be you deeds, not your words, that will be the measure of your respect and concern for us and all your neighbors.

It seems as if you are now asking Deb and me to choose between the lesser of two evils. An outdoor court with inadequate sound abatement, or a 30x60x25 foot pole barn blocking our southern sun and the view out of our largest picture window. The good news is that there is a third option.

How about moving the pole barn to the eastern border and orienting the 60-foot length north and south as close to your house as possible? While no one else but the two of you wants another pickleball court in the neighborhood, one inside a building tucked into the back corner of your property might be compatible with a residential retirement community and be due consideration. Of course, as the county has indicated this option would also require a sound abatement plan developed by a licensed Acoustical Engineer.

As you may know, Liz and Gary have both reached out to Mr. Willis but so far have not heard anything from him.

If you would like to meet with all you neighbors to discuss a path forward, please let us all know.

Chip and Debbie

12/14/20 Chip to John reiterating previous idea of northeast placement with long axis positioned north south.

Hello John:

I just saw you out taking measurements in your side yard immediately adjacent to our home. I was about to walk out and ask what you were doing when Gary showed up at our door. He said he spoke to you and you were measuring for a stick building. Moreover, he said you are unwilling to move your shed in order to put the building in the north east corner of your property.

As I wrote in my most recent email to you, that location may be a reasonable alternative for you and your other neighbors. Are you willing to consider that location for your stick building? I am pretty sure the neighborhood would even help in moving the shed. Please let me know what you think about this idea. We all would welcome the opportunity to sit down with you to discuss how to make this happen.

I look forward to hearing from you.

Chip Shepherd

Chip Shepherd

Date: February 21, 2021.

In regard to John Little's and Bertie Rose's planning permit and Appeal by Chip and Deb Shepard

Chronology of events:

1. The Littles played on Ed & Ann Brady's court for a while and invited more and more people to play, many not known by the property owners. Liability issues became concerns, particularly since many players were from out of the area.
2. The noise had been an issue for guests at the Brady's Bed & Breakfast, the Floras Lake House, and neighbors, particularly as the hours and numbers of players increased. They were then asked to play between the hours of 11 am to 3 pm as an attempt at a compromise.
3. In the spring of 2020 the play on the courts was set at 2 – 3 days a week. The Littles did not find this adequate and began efforts to build their own court. The Brady's then met with the Littles to express their concerns regarding pickleball courts so close to their business and the detrimental impact. The Littles had no regard for those concerns.
4. In June 2020, Gary Garman and Sharon Jensen asked to meet with the Littles to discuss concerns regarding the pickleball noise, including yelling, screaming and inappropriate language. In that meeting, John Little became enraged, rising out of his chair in anger.
5. In July 2020 there was an insensitive incident on the Little's part that occurred on the property that precluded any further play on the Brady's courts.
6. It was at this time that the Littles indicated that they would build a court no matter what anyone wanted.
7. Other neighbors attempted to convince the Littles not to build a court and encouraged them to look at other options, including a building. Some of these attempts were met with anger.
8. In the fall of 2020 Gary Garman talked with John Little about constructing a soundproofed building and siting it in the NE corner of their property. John Little said he had no interest in that as he was not willing to relocate his 10' x 6 'gardening shed. Gary told John that the neighbors would relocate the shed for him. He rejected this out of hand.
9. In December 2020, in an email to the Shepard's (affected neighbors), John Little said he had retained an acoustical engineer in Arizona (R. Willis) and that engineer could be contacted. Attempts by Gary Garman in an Email and voice message were left for the engineer (dated 12/4/2020) went unresponded to.

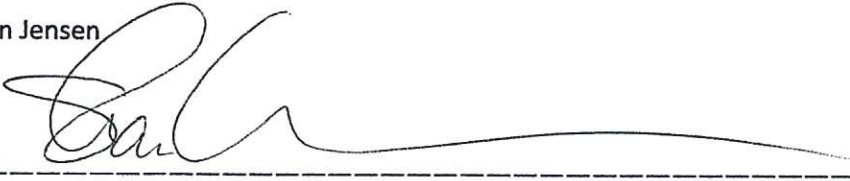
The latest RV building proposal is a ruse as this is the first time the Littles have ever indicated they want a large building on their property. They do not own an RV or any heavy equipment. The proposed location could not be worse for the Shepherd's. It is being proposed with the idea that it would be impractical for the county to enforce a "no pickleball" condition and is an effort to extract concessions

from the Shepard's and/or spiteful retribution for the neighbors wanting a peaceful and quiet neighborhood.

Gary Garman



Sharon Jensen



PLANS: ATTACHED IN DRAWER X FORTHCOMING ZONING: RR-5 PC#: 21-000034



PLANNING CLEARANCE FORM

Planning/Building

Curry County Community Development
94235 Moore Street, Suite 113
Gold Beach, OR 97444
Phone 541-247-3304 Fax 541-247-4579

COUNTY

Applicant: read and complete items 1-8.

1. PLANNING CLEARANCE FOR: (check applicable items)

- Sewage Disposal Permit/Authorization Notice
Manufactured Home Permit Year Bedrooms
Width of Manf. Home at base feet
Pre-Fab New plans forthcoming
Building Permit COMM SFD #Bedrooms
Type and Size: RV/storage 32x60
Letter of approval signed by Deputy State Fire Marshal (Required for Commercial)

CONTRACTOR INFORMATION

- Owner Built
Contractor Name: Reg. #:
Manf. Home Installer: Reg#

\$200.00 ADDITIONAL FEE FOR NEW RURAL ADDRESS
New Rural Address - Address #
Replacement Plate - \$40.00

2. EXISTING DEVELOPMENT:

- Dwellings (stick built) how many? 1
Mobile Homes how many?
Other Buildings how many? 1
garden - 8x16 Tuffshed

3. WATER SOURCE:

- Well Spring Other: CURR-51373
If on Well / Spring:
Attach Well Log or Water Right documentation.
If in a Water District:
Verification (from an authorized district representative) is required prior to submission of this clearance form.

SIGNATURE OF WATER DISTRICT REPRESENTATIVE

Farmland Special Assessment

Signature of County Assessor

Forestland Special Assessment

Signature of County Assessor

3A. SANITARY DISTRICTS: SEPTIC CERTIFIED 6/11/07 # 08-089-04

SIGNATURE OF WEDDERBURN, HARBOR, PORT ORFORD or GOLD BEACH SANITARY REPRESENTATIVE.

SIGNATURE OF CITY OF BROOKINGS

3C. COOS-CURRY / BANDON ELECTRIC COORDINATION

This form must be signed off and turned in when the Permit Is applied for. See Attachment

4. PROPERTY DESCRIPTION:

Assessor Map # 3115-080B Tax Lot# 1700 F1800
Acreage .38 Street address or location: 47577 Leeward St, Langlois, OR 97450

5. PROPERTY OWNER INFORMATION:

Property Owner: John Little and Alberta Rose
Mailing Address:
City Langlois St. OR Zip 97450 Phone#

6. ACCESS:

Does property access a county or state road? Yes No
If YES, do you have an access permit? Yes No
State or County permit #
If NO, an access permit from the county or state (contact appropriate agency depending on whether it is a state or county road) will be required before this form can be processed. County Rd. Dept. 541-247-7097

7. PLOT PLAN/EROSION CONTROL PLAN

An accurate plot plan and Erosion control plan is required for processing of this permit clearance. Please draw an accurate plot plan on the reverse side, and fill out and sign the enclosed erosion control plan.

8. APPLICANT SIGNATURE:

By my signature, I certify that I am the owner, or have the owner's consent to apply for a permit on the above referenced property and by my signature I also certify that the information provided by me is correct and hereby grant the staff of the Curry County Dept of Public Services permission to enter this property for purposes of this application.

Name John Little & Alberta Rose
Signature John Little
Mailing address
City Langlois ST OR ZIP 97450 PH

Date: 2/4/2021
Note: This form is intended for county staff use in processing development permits and does NOT constitute a permit. Approval of this form authorizes only WHAT is applied for under NO. 1 at the time it is filed. Building plans MUST be turned in within one year of the Planning Department's approval, or Planning Clearance and fees will need to be re-submitted.

e-mail address: rosita327@aol.com



(FOR OFFICIAL USE ONLY)
PLANNING STANDARDS AND REQUIREMENTS

Land Use Zone: Rural Residential, 5 acre minimum (RR-5)

Property Line Setbacks:

- Harbor Bench Farm District Setback
- FRONT:**
- 35 feet from the center of all roads OR 10 feet from any property line adjacent to a road--which ever is greater
- Vision clearance
- No requirement bldg ht = 25ft
- SIDE:** set back = 5 + 5 = 10ft
- 5 feet from property line for structures 15' and under
For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height **TOTAL SETBACK** 10ft
- No requirement
- BACK:**
- 5 feet from property line for structures 15' and under
For structures exceeding 15'--add 6 inches (1/2 foot) for every foot over 15' height **TOTAL SETBACK** 10ft
- No requirement
NOTE: Eaves, gutters, sunshades, and other similar architectural features may not project into required setbacks more than two (2) feet

Off Street Parking:

- # of 9' x 18' parking spaces required
- parking lot plan required No requirement

Structure Height:

- 35' maximum 45' maximum
- Airport Overlay Zone requires _____ feet
- No requirement

Lot Origin and Previous Land Use Action:

- Pre-existing Land use approved
- Previous Land Use Actions: 221-20-000242 PLNG

**** No REMOVAL OR DISTURBANCE of Riparian Vegetation within:** No requirement

- 50 feet OR 75 feet
- of any streams, rivers, or lakes per county Riparian Buffer Overlay Zone requirements*

Fire Break:

- A firebreak of _____ feet must be maintained around all proposed structures
- However, 130ft fire break around all*
- No requirement structures is recommended.

Special Requirements or Considerations:

- no 100 year flood plain
 FIRM or Floodway Panel# _____
- no Geologic Hazard as identified on DOGAMI maps
 Wetland or potential wetland as identified by _____
- no Wetland Inventory Maps: Map# _____
 Scenic Waterway _____
- USFS approval _____ ODPR approval _____
 Historic structure/cultural site/historic-archeological overlay _____

CONDITIONS OF APPROVAL:

Approval to construct RV garage/storage (40x60) as an accessory structure to an existing single-family dwelling. This structure is not to be used as living area. Also, this structure is not to be used for pickle ball courts without compliance with conditions of Planning Clearance #20-000242 (attached).

The above proposal has been reviewed and found compatible with the applicable LCDC Acknowledged Plan; provided the above referenced standards are maintained at the time of construction

County Planning Staff Reviewer:

Becky Corbett
 Signature _____

Planning Director 2/9/2021
 Title _____ Date _____

City Planning Staff Reviewer (if required):

- Outside Urban Growth Boundary
- Inside Urban Growth Boundary, outside city limits
- Inside city limits

Signature

 Title _____ Date _____

Sanitarian Reviewer:

- Permit # _____ Authorization Notice# _____
- System approved System denied

Comments:

Signature

 Title _____ Date _____

Conditions of Approval

John Little & Alberta Rose

Pickleball Court

Address: 47577 Leward St.

Property Description: T. 31, R. 15, Section 08DB Tax Lots 1700 & 1800

Acreage: 0.38 acres

Pursuant to Section 2.060(1) 3, Director Authority of the Curry County Zoning Ordinance (CCZO) and specifically to Section 2.100 3 b)(2), Action on Administrative Permits of the Director to *"Maintain compatibility with the surrounding area and land uses"*, the following conditions shall be applicable to the proposed pickleball court:

- The court shall be for personal use by the resident owners only.
- A drainage plan for the court shall be submitted for review and approval by the Planning Director.
- An Erosion and Sediment Control Plan (ESCP) shall be submitted for review and approval by the Planning Director.
- Only one (1) court shall be built on the site for personal use by the resident owners.
- No lights shall be constructed to allow night-time playing on the court.
- No tournaments shall be allowed.
- Hours of play on the court shall be restricted to 9:00 am until 5:00 pm.
- A sound abatement plan shall be developed by a licensed Acoustical Engineer for review and approval by the Planning Director. The development of the plan shall include input and consideration of concerns identified by the neighborhood. At a minimum, the plan shall include adequate acoustical walls or panels or a complete covering or enclosure and vegetative buffers to abate noise from the court.

Note: Recent news articles across the nation have identified compatibility issues with the location of pickleball courts adjacent to residential neighborhoods. Spendiarian & Willis Acoustics & Noise Control (2018) specifically identified that courts located within 350 feet of residential structures often require noise abatement measures. The proposed court is located less than 100 feet of one adjacent residence and less than 300 feet from seven (7) homes in the otherwise quiet neighborhood.

Little/Rose
September 22, 2020



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Source: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan (METI), Esri China (Hong Kong), Swire, (a) OpenStreetMap contributors, and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying geographic information system. The Lane County GIS User Community is not liable for errors, omissions or positional accuracy in the digital data or the underlying geographic information system. The Lane County GIS User Community does not warrant, confirm, endorse, or imply, accompanying this product. However, notification of any errors will be appreciated.



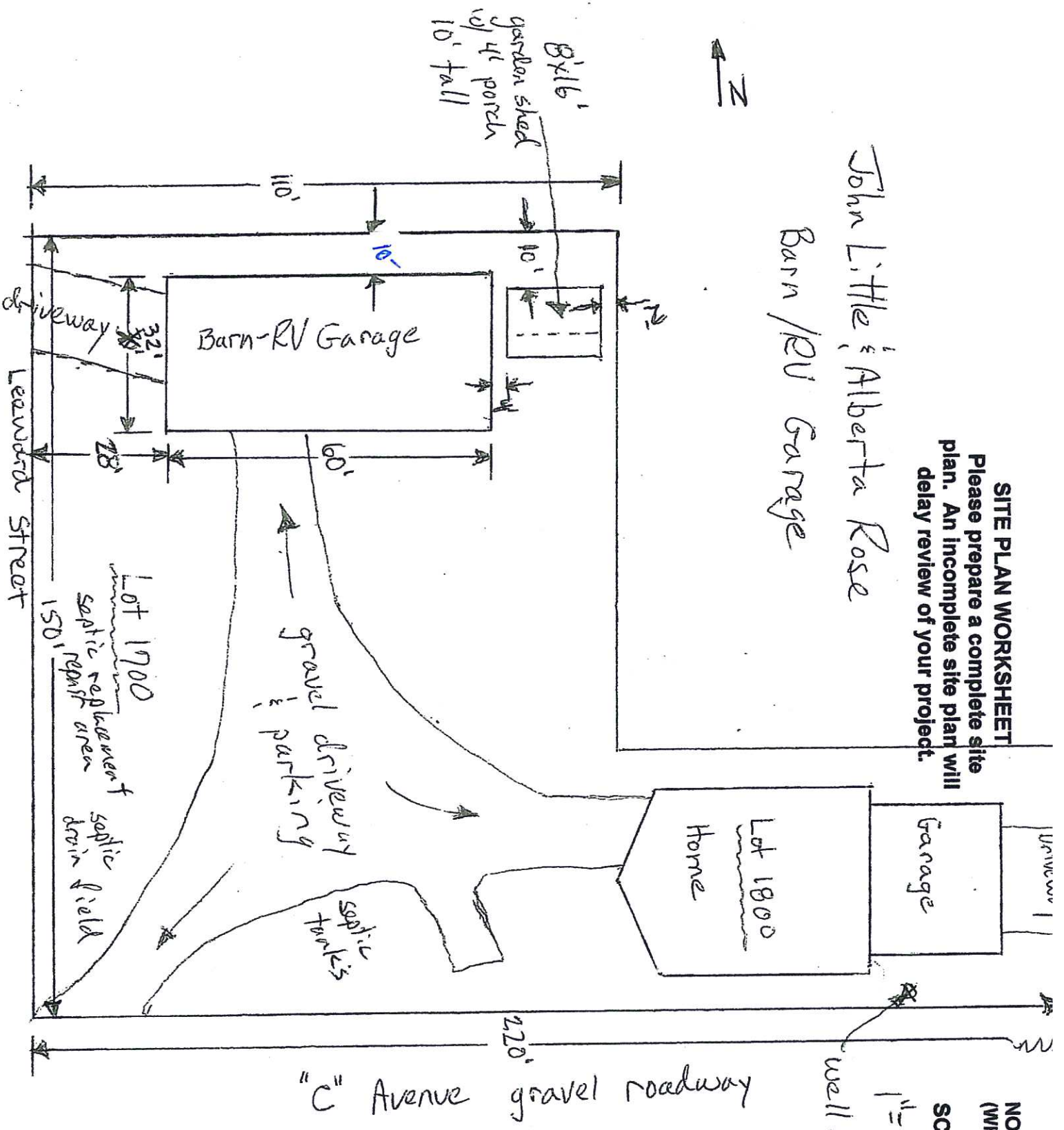
ArcGIS Web Map



Lane County, Oregon

SITE PLAN WORKSHEET
 Please prepare a complete site plan. An incomplete site plan will delay review of your project.

John Little & Alberta Rose
 Barn /RV Garage



NORTH ARROW:
 (WHICH DIRECTION)

SCALE:
 1" = 25'

well head

"C" Avenue gravel roadway

Lot 1700

Lot 1800

Barn-RV Garage

Home

Garage

garden shed
 w/ 4' porch
 10' tall

driveway

Leeward Street

gravel driveway
 & parking

septic replacement
 repair area

septic field
 drain field

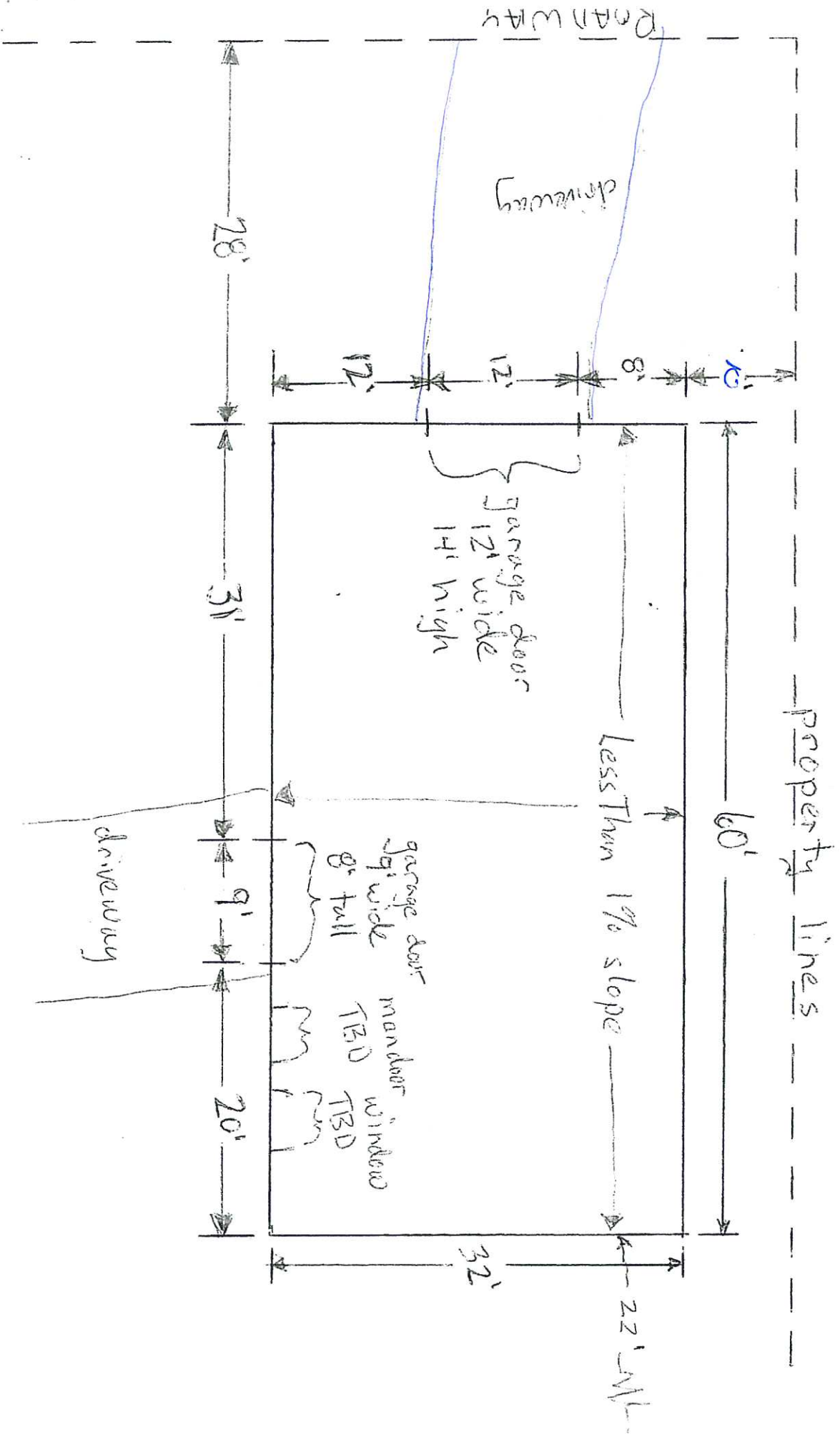
septic tank

Driveway

SITE PLAN WORKSHEET
 Please prepare a complete site plan. An incomplete site plan will delay review of your project.



NORTH ARROW:
 (WHICH DIRECTION)
SCALE: 1" = 10'



EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN REVIEW
APPLICATION

PROPERTY OWNER INFO: NAME: <i>John Little</i>		PHONE:
RESPONSIBLE PARTY FOR INSTALLATION & MAINTENANCE OF EROSION CONTROL MEASURES:		
NAME: <i>John Little</i>		PHONE:
ADDRESS:	ACREAGE: <i>.38</i>	
CITY/STATE/ZIP: <i>Langlois, Oregon 97450</i>		
PROPERTY DESCRIPTION: ASSESSOR MAP/TAXLOT: <i>3115-08DB-01700-00</i>		
PROPOSED DEVELOPMENT: <i>RV Garage & Storage</i>		
<input checked="" type="checkbox"/> SFD <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> MULTIFAMILY <input type="checkbox"/> LAND DIVISION <input type="checkbox"/> SITE WORK ONLY		
1. WILL 800 SQUARE FEET OR MORE OF SOIL SURFACE BE DISTURBED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
2. WILL 2,000 SQUARE FEET OF IMPERVIOUS SURFACE BE CREATED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <i>(IMPERVIOUS MEANS WATER CAN'T GET THROUGH IT TO THE GROUND—LIKE PAVEMENT, CONCRETE, ROOFS OR BUILDINGS—WATER THEN SHEETS OFF OF THESE SURFACES)</i>		
3. WILL IMPERVIOUS SURFACES COVER MORE THAN 25% OF THE LOT AREA? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
WHICH IS LESS: THE <u>2,000 SQ FT</u> OR THE 25% COVERAGE?: CIRCLE ONE		
IF YOU ANSWERED YES TO ANY OF THE 3 QUESTIONS ABOVE YOU MUST SUBMIT A EPSC PLAN SEE BELOW:		

see next page

PLEASE SUBMIT THE FOLLOWING ITEMS FOR EPSC PLAN REVIEW:

1. DETAILED SITE PLAN-REQUIRED ELEMENTS ON THE BACK OF THIS FORM
2. BEST MANAGEMENT PRACTICES (BMP'S) TO BE UTILIZED TO PREVENT EROSION—SUCH AS STRAW BALES, SILT FENCES, SEEDING/SODDING, GRAVELING EXPOSED AREAS ETC
3. STRATEGY TO MINIMIZE THE REMOVAL OF VEGETATION COVER, PARTICULARLY TREE COVER

Less than 1% slope - No Significant Erosion Control Measure Needed

APPLICANT CERTIFICATION; I hereby affirm, under penalty for perjury, that I am the owner or authorized representative of the owner and have full authority and responsibility to execute this erosion control application. I agree to abide by the requirements of the approved erosion control plan and/or the erosion control ordinances to the best of my ability. I am the party responsible for erecting and maintaining the erosion control best management practices (BMP) on this site until such time as the final occupancy permit is obtained or until a follow up permit is issued to another party. I understand that representatives of Curry County may enter the site to inspect the BMP's installed and that because of the uncertainty of construction practice, weather, topography and/or other conditions they may require additional practices beyond those shown on the approved plan to be installed.

Signature of Applicant: *John Little*

Date *12-28-2020*

Erosion prevention and sediment control plan

- * The building site is considered flat with less than 1% slope
- * The building eaves will have gutters and downspouts.
- * Bales of straw will be broken open and spread around the disturbed ground exterior of the footings

AVAILIBLTY OF POWER - ELECTRIC COORDINATION



1. THE SUBJECT PROPERTY IS WITHIN THE SERVICE TERRITORY OF COOS CURRY ELECTRIC AND CAN BE PROVIDED ELECTRIC POWER ONCE THE ROUTE HAS BEEN DETERMINED, EASEMENTS AND/OR PERMITS OBTAINED, AND ALL FEES PAID.
2. UTILITY NOTIFICATION CENTER SHOULD BE CALLED BEFORE ANY TRENCHING OR EXCAVATION.
3. STRUCTURES ARE NOT ALLOWED UNDERNEATH OR ON TOP OF ANY COOS CURRY FACILITIES.
4. NATIONAL ELECTRIC SAFETY CODE CLEARANCE REQUIREMENTS SHALL BE FOLLOWED

Situs address - 47577 Leeward St
Langlois, OR 97450

Township 31S

Range 15W

Section 08DB

Taxlot (s) 1800, 1700

CCEC Representative Yanna L. Fraser Date 1/4/2021

Owner/ Representative John Little Date 12/28/2020

Mailing Address for all Coos-Curry Electric Co-op offices: P.O. Box 1268, Port Orford OR 97465-1268

Port Orford Office: 43050 Hwy 101 Port Orford OR 97465 · Phone: 541-332-3931 Fax: 541-332-3501

Brookings Office: 815 Railroad St Brookings OR 97415 · Phone: 541-469-2103 Fax: 541-469-3193

Gold Beach Office: 29439 Ellensburg Gold Beach OR 97444 · Phone: 541-247-6638 Fax: 541-247-6630

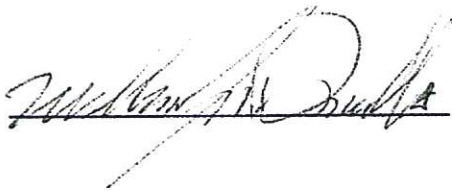
Coquille Office: 220 S Mill Ave Coquille OR 97423 · Phone: 541-396-3118 Fax: 541-396-3119

www.ccec.coop

After Hours Outage Number 866-352-9044

FIRE DISTRICT SIGN-OFF FORM

This form must be taken to the local Fire Department with the Plot Plan that must be turned in when applying for a building permit. Please discuss your proposed development with the Fire Department to ensure fire safety and get the signature of the Fire Department. Return the Permit Clearance and this form with your plans to Curry County Department of Community Development.



Signature of Fire Department Representative



Signature of Permit Applicant

12/27/2020

Fire/District Department	Contact	Phone Number
Agness Fire	Bill Scherbarth	541 247-7987
Brookings Fire	Jim Watson	541 469-1142
Cape Ferrelo Fire	Aaron Johnson	541 661-2128
Cedar Valley Fire	Wade Hooey	541 425-5185
Gold Beach Fire	Tyson Krieger	541 247-6204
Harbor Fire	Steve McClintock	541 469-5301
Langlois Fire	Mike Murphy <i>William F McDonald</i>	541 348-2304 541 253-6191
Ophir Fire	Adam Brotton	541 698-6110
Pistol River Fire	Richard Little	541 373-0844
Port Orford Fire	David Duncan	541 332-3681
Sixes Fire	Wayne Moore	541 348-9927 541 253-6028
Upper Chetco Fire	Jim Watson	541 469-1142
Wedderburn Rural	Tyson Krieger	541 247-6204
Winchuck Fire	Brad Stepanek	541 602-4545

541-655-051

To: The Curry County Planning Department

Planning Clearance Information

Proposal: RV Storage/ Garage Building that is 32' X 60'. The walls will be 19' - 20' tall depending on final plans to be submitted with the building permit. There will be a 2' roof overhang on all sides. The roof pitch will be 3/12.

The engineered building plans will be forth coming.

There will be no doors, open venting or opening windows on the north side of the building that is closest to our neighbors.

Please email rosita327@aol.com or call 541-729-5476 to confirm that you have received this form.

Thank you,

John Litte and Bertie Rose

RECEIVED
2/8/21