

**Curry County Board of Commissioners
STAFF REPORT**

TO: Curry County Board of Commissioners

**FROM: Becky Crockett
Planning Director**

DATE: September 14, 2021

SUBJECT: Appeal (A-2102) of the Curry County Planning Commission's June 17, 2021 decision to require John Little and Alberta Rose to fully disclose their pickleball court plans and apply for a Conditional Use Permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

Application Information

Owners/Applicants: John Little and Alberta Rose
47577 Leeward St.
Langlois, OR 97450

Owner's Representative: Roger Gould
Gould Law Firm
P.O. Box 29
Coos Bay, OR 97420

Property Description: Assessor's Map 31-15-08DB; Tax Lots 1700 & 1800.

Location Subject property is located in the Floras Lake residential area, approximately 1.0 block east of Boice Cope Park on Leeward St. off of Boice Cope Road.

Existing Development: Single family dwelling including a 8 ft. x 16 ft. storage building

Proposed Development: A 32 ft. x 60 ft. RV garage/storage building, 25 ft. in height, as an accessory structure to the existing single-family dwelling. Pickleball court use of the structure.

Access: Access is from Leeward St. which is off of Boice Cope Road near Boice Cope Park.

Zone: Rural Residential – 5 (RR-5) Zoning District

Acreage: 0.50 acres (TLs 1700 & 1800 combined)

Subject Parcel



Background Information

On July 17, 2020 John Little and Alberta Rose submitted an application (PC#-20-000242) for a 30ft. X 56ft. asphalt pad as an accessory structure to an existing residential use. The applicant explained that the use of the asphalt pad was for an outdoor pickleball court. The surrounding property owners contacted the applicant and the Planning Department with objections to the outdoor pickleball court. The Planning Director conducted research related to issues involving the placement of pickleball courts in and near residential neighborhoods. Based on the research and close proximity of the proposed court to existing residences, the Planning Director approved the concrete pad and the use of the concrete pad as an outdoor pickleball court with the following conditions:

- 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.

There was no appeal of the decision to approve PC#-20-000242 for the outdoor pickleball court with conditions.

Then on February 8, 2021 John Little and Alberta Rose submitted an application for a 32ft. X 60ft. RV garage/storage building to be 25 ft. in height. The application did not mention the use of the building as a pickleball court. The application raised concerns by the Planning Director that the applicant was attempting to avoid compliance with the conditions set forth in PC#20-000242. Based on these concerns, the Planning Director approved PC#21-000034 with the condition that:

“this structure is not to be used for pickleball courts without compliance with the conditions of Planning Clearance #20-000242”.

On February 22, 2021, the adjacent property owners to the proposed RV garage/storage building, Deborah and Chip Shepherd, appealed the Planning Director's decision of approval of PC#21-000034 to the Planning Commission. The appeal documentation included several points indicating that the proposed RV garage/storage building will not be compatible in the neighborhood.

On March 9, 2021 the Planning Director received a phone call from Roger Gould, Gould Law Firm, P.C. stating that he was representing John Little and Alberta Rose regarding the proposed pickleball court that will be inside the RV garage/storage building. Further, Mr. Gould requested that the Planning Director remove some of the conditions from PC#21-000034. The Planning Director replied that the applicant had **NOT** disclosed that the RV garage/storage building would be used as a pickleball court and that any changes to the conditions of PC#21-000034 would need to be addressed by the Planning Commission since the application was being appealed.

The Planning Director identified the initially proposed pickleball court as a use that may have the potential to create significant impacts to a residential neighborhood. Recent news articles across the nation have identified compatibility issues with the location of pickleball courts adjacent to residential neighborhoods. The literature indicates that unlike tennis, the sound of the pickleball being hit by a racket sounds very similar to a gun shot. Further, the players of the pickleball game tend to be extremely vocal, at times shouting profanities, clapping and cheering loudly as the game is both in play and completed. Clashes have occurred in regards to playing time on the courts and traffic problems have entangled access to neighborhoods as people make their way to and from the few courts that exist. In several areas, seldom used tennis courts in residential areas have been re-stripped and converted to pickleball courts. This has enraged residential property owners and has caused many municipalities to reconsider actions to allow pickleball courts in or near residential areas. Spendiarian & Willis Acoustics & Noise Control (2018) specifically identified that courts located within 350 feet of residential structures often require noise abatement measures.

The proposed RV garage/storage building is located less than 50 feet from the Shepherd's home and less than 300 feet from seven (7) homes in the otherwise quiet neighborhood. When the Little/Roses' first planning clearance application (PC#-20-000242) was submitted specifically for a pickleball court, the Planning Director determined that in order to approve the proposal it would require input from the neighborhood. Conditions were included, as allowed per CCZO **Section 7.010 and Section 2.100 (3) (b) (1) & (2)** with the Director's approval of PC#-20-000242 that included "*a sound abatement plan to be developed with input and consideration of concerns identified by the neighborhood*". This recommendation was based in part on the fact that the neighbors indicated that they were willing to work with the applicants to come up with a solution that both allowed the court and resolved neighborhood concerns about compatibility issues. Unfortunately, there were no subsequent gatherings or group discussions of the pickleball

court by the applicant and the neighbors to try to resolve potential compatibility issues. At the time the Little/Roses' submitted the Planning Clearance application for the RV garage/storage building, the Planning Director was worried that the building would be developed with the intent of being used as a pickleball court without the input from the neighborhood so, in accordance with **Sections 7.010 and 2.100 (3) (b) (1) & (2)** of the CCZO, the Planning Director applied the conditions from the original Planning Clearance application that attempted to address the use of the structure as a pickleball court. **The Planning Director did not have the opportunity to adequately evaluate this use because the applicant did not disclose that the intended use of the RV garage/storage building was for a pickleball court.**

The matter came before the Curry County Planning Commission as an appeal on May 20, 2021. At the conclusion of review and consideration of the evidence received in the record of the Planning Commission hearing, the Planning Commission made a decision (Final Order June 17, 2021) to require John Little and Alberta Rose to fully disclose their pickleball court plans and apply for a conditional use permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

Summary of BOC Appeal Request

John Little and Alberta Rose are appealing the Planning Commission's decision to require that they apply for a Conditional Use Permit. They contend that their proposed RV Garage/Storage facility building is accessory to their existing single family dwelling and therefore is allowed as an outright permitted use within the RR-5 zoning district.

Staff Analysis

Section 2.170 of the Curry County Zoning Ordinance (CCZO) Appeal of a Land Use Decision sets forth the process and criteria for review of an appeal of a land use decision. Specifically, **Section 2.170 (7)** identifies the information required to be presented by the applicant as the basis of the appeal. Staff analysis of the required information presented by the applicant as the basis of the appeal is as follows:

Section 2.170 (7) Every Notice of Appeal shall be on a form supplied by the Planning Director and contain the following information:

- a) *Identification of the decision being appealed, including the date of the decision.*

Staff Response: The applicant included the Planning Commission decision date of June 17, 2021 on the appeal application. This is the date that the Planning Commission voted unanimously (Final Order and Findings of Fact) to require the applicant to fully disclose their pickleball court plans and apply for a Conditional Use Permit to be heard before the

Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

b) *A statement demonstrating the person filing the notice of appeal has standing to appeal.*

Staff Response: The applicants, John Little and Alberta Rose, and their attorney, Roger Gould identified themselves as the applicant and applicant’s representative. They attended and participated orally and through written testimony at the May 20, 2021 Planning Commission public hearing. This information does establish that John Little, Alberta Rose and their attorney, Roger Gould have standing to appeal the Planning Commission’s decision.

c) *A statement explaining the specific issues being raised on appeal.*

Staff Response: Four (4) issues have been raised as the basis of this appeal to the BOC. Each issue raised and the staff response to each issue is summarized below:

1. *“The County has no authority to make the applicant’s use of the building, a use permitted outright, a Conditional Use”.*

Staff Response: The Curry County Zoning Ordinance (CCZO) defines “*accessory structure*” separately from “*accessory use*” by definition: “*Accessory structure or use – a use or structure incidental and subordinate to the main use of the property and located on the same parcel, tract or lot as the main use*”. Pursuant to **Section 2.062** of the CCZO, the Planning Director has the authority to require either the proposed use or the proposed structure to be referred to the Planning Commission. Further, **Section 2.100(3) (b) (1) & (2) - Action on Administrative Permits of the Director** specifically allows the Director to “*impose conditions and potential exactions shall be reasonably conceived to fulfill public needs proportionate with the impacts from the proposed land use as set forth in the application in the following respects:*

- (1) Protection of the public from the potential deleterious effects of the proposed use; or*
- (2) Maintain compatibility with the surrounding area and land uses.*

The Planning Commission has the authority per **Section 2.060(2A)** to “*review and approve or deny referrals of Administrative Actions by the Director*”.

The Planning Director’s recommendation to the Planning Commission to require the applicant to apply for a Conditional Use Permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed is consistent with the provisions set forth in the CCZO as noted above.

2. *“The Planning Commission’s decision was inconsistent with the Shepherd’s request for relief in their appeal to the Planning Commission”.*

Staff Response: The matter of the Shepherd’s appeal (A-2101) came before the Curry County Planning Commission on May 20, 2021. A public hearing was held before the Planning Commission as a matter duly set upon the agenda of a regular meeting on May 20, 2021, after giving public notice to affected property owners and publication in the local newspapers as set forth in **Section 2.070** of the CCZO. The Planning Commission received oral and written evidence concerning this appeal. At the conclusion of review and consideration of the evidence in the record, the Planning Commission voted to address the concerns brought forth by the Shepherds in their appeal by requiring John Little and Alberta Rose to fully disclose their pickleball court plans and apply for a Conditional Use Permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed. The Shepherds stated their support for the Planning Commission’s decision as a remedy to their appeal.

3. *“The County may not require applicants to apply for a Conditional Use Permit. The Director knew of the applicant’s intentions when they filed the second application”.*

Staff Response: The Planning Director cannot take action on any proposed application based on an applicant’s **“undisclosed intentions”**. Further, the Planning Director had no knowledge of the applicant’s submittal until after it was received and logged in by administrative staff on February 8, 2021, first reviewed by the Senior Planner and then placed in the Director’s in box for a signature of approval which was completed on March 9, 2021. The Director had no communications from the applicant regarding the application and no communications stating that there was an **“intention”** to use the proposed RV garage/storage building as an indoor pickleball court. The use of the RV garage/storage was first brought to the attention of the Planning Director in a phone call from the applicant’s attorney Roger Gould on March 9, 2021. At that time, Mr. Gould stated that he was representing John Little and Alberta Rose regarding the proposed pickleball court that will be inside the RV garage/storage building. At that time, the Planning Director stated to Mr. Gould that the applicant had **NOT** disclosed that the RV garage/storage building would be used as a pickleball court.

4. *“Some of the conditions imposed by the Director on the applicants upon approval of PC#21-000034 are unconstitutional conditions and violate CCZO Section 2.100(3)(b). The unconstitutional conditions are:*
- a. The court shall be for personal use by the resident owners only.*
 - b. No lights shall be constructed to allow night-time playing on the court.*
 - c. No tournaments shall be allowed.*
 - d. Hours of play on the court shall be restricted to 9:00 am until 5:00 pm.*

Staff Response: The conditions listed above that are imposed by the Planning Director are directly related to resolving potential compatibility issues that would impact neighboring properties. The primary impacts addressed by these conditions include parking, traffic, noise, and night sky pollution. These conditions are consistent with **Section 2.100 (3) (b) (1) & (2)** of the CCZO.

Further, **Section 7.010 -Authorization to Grant or Deny Conditional Uses** of the CCZO provides for the authorization of conditional and permitted uses. It specifically states: *“In permitting a conditional or permitted use the county may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole”*.

Staff Recommendation

If the Board of Commissioners (BOC) finds that the appellant has standing and the appeal application has satisfied **Sections 2.065, 2.120 and 2.170** of the CCZO, then a decision on the specific merits of the appeal can be considered. Staff has determined that the appellant has standing, and an application has been submitted that satisfies the provisions of **Sections 2.065, 2.120 & 2.170** of the CCZO based on the analysis above. Therefore, staff recommends that the BOC consider the following decision options or develop a decision that more closely represents the conclusion of the testimony presented at the September 29, 2021 public hearing:

Option #1.) Reverse the Planning Commission's decision (Final Order dated June 17, 2021) and approve the **Requested Relief** sought by John Little and Alberta Rose. That relief is approval of application PC#-21-000034, with conditions that are proportional to the use to be made of the RV/Storage building, including playing pickleball inside the building (*Appellant's request*). Conditions that would be eliminated from PC#-21-000034 are:

- a. The court shall be for personal use by the resident owners only.*
- b. No lights shall be constructed to allow night-time playing on the court.*
- c. No tournaments shall be allowed.*
- d. Hours of play on the court shall be restricted to 9:00 am until 5:00 pm.*

Option #2.) Affirm the Planning Commission's decision set forth in their Final Order dated June 17, 2021 and require John Little and Alberta Rose to fully disclose their pickleball court plans and apply for a Conditional Use Permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

ATTACHMENTS

A-2102 Staff Report to Board of Commissioners

- A. John Little and Alberta Rose Notice to Appeal, Roger Gould, July 1, 2021**
- B. John Little and Alberta Rose, Waiver of ORS 215.427 – Time Limit, Roger Gould, July 13, 2021**
- C. Board of Commissioners, Notification of Appeal Hearing**
- D. Staff Report to Planning Commission (A-2101), April 1, 2021**
- E. Notice of Planning Commission Decision and Final Order (A-2101), June 17, 2021**
- F. A-2101, Deborah and Chip Shepherd, Appeal of Planning Director’s Decision on PC#21-000034, February 22, 2021**
- G. PC#21-000034, Planning Director’s Decision, February 9, 2021**
- H. PC#20-000242, Planning Director’s Decision, September 22, 2020**
- I. Record of Comments Received on Planning Commission Appeal of Planning Director’s Decision (A-2101)**

ATTACHMENT A

John Little and Alberta Rose Notice to Appeal

Roger Gould, July 1, 2021

GOULD LAW FIRM, P.C.

ATTORNEYS AT LAW
243 W. COMMERCIAL
P.O. BOX 29
COOS BAY, OREGON
97420

A-2102
21-000172

Phone: (541) 269-5566
Fax: (541) 269-0670
E-mail: rogerg@epuerto.org

Roger Gould, OSB# 721040

Pam Cardwell, Legal Asst.

June 24, 2021

Becky Crockett
Planning Director
94235 Moore St., Ste 113
Gold Beach, OR 97444



RE: Little/Rose Notice Of Appeal

Dear Ms. Crockett,

Enclosed is a Notice Of Appeal filed on behalf of Applicants John Little and Alberta Rose in PC#21-000034, appealing to the Board of County Commissioners the Final Order of the Planning Commission dated June 17, 2021. Also enclosed is the Applicants' Statement Of Issues, and a check in the amount of \$1,500.00 payable to Curry County Community Development for the required appeal fee.

Very truly yours,

A handwritten signature in black ink that reads "Roger Gould". The signature is written in a cursive, flowing style.

c: John Little and Alberta Rose
Shala Kudlac



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

FOR OFFICE USE ONLY

Date Received: _____

NOTICE OF APPEAL

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

X Land Use Decision by the Curry County Planning Commission

_____ Land Use Decision by the Planning Director

DECISION INFORMATION

Decision Date: June 17, 2021 Application File # A-2101/PC-21-000034
Applicants Name(s): John Little and Alberta Rose

APPELLANT INFORMATION

STANDING: I have standing because (check one)

X I am the applicant or agent of the applicant

X I participated in the decision orally at the hearing or with written testimony

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

Appellant Name(s): John Little and Alberta Rose

Mailing Address: 47577 Leeward St., Langlois, OR 97450

Phone: 541-729-5476 E-mail: rosita327@aol.com

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.

**STATEMENT OF ISSUES
RAISED ON APPEAL
A-2101/PC-21-000034
JOHN LITTLE and ALBERTA ROSE**

1. The Little/Rose application is for location of an RV Garage/Storage facility on their Rural Residential Zone (RR) property. This use of their property is a use permitted outright as an accessory use. CCZO 3.081. The Planning Director made that determination when she approved application PC-21-000034. The Planning Commission erred in issuing the Final Order, the subject of this appeal, for the following reasons, all raised by the applicants, through their attorney Roger Gould, at the hearing before the Planning Commission May 20, 2021.

2. Scope of Review by the Board.

Pursuant to CCZO Section 2.170(1) and Section 2.190, the Board shall take up this appeal de novo, and the written order or conclusions of the Planning Commission shall not be considered in the appellate review. However, the Staff Report issued by the Director in response to the Shepherd appeal is a relevant document for consideration by the Board.

3. Issues raised on this Appeal by Applicant.

A. Curry County is estopped from requiring Applicants to apply for a Conditional Use Permit, as recommended by the Planning Director, for a building that is a use permitted outright on Applicants' property. The Planning Director declared the building a use permitted outright when she approved the application with conditions. No one appealed that decision by the Planning Director. The County has no authority to make the Applicants' use of the building, a use permitted outright, a Conditional Use.

B. The decision of the Planning Commission, upholding the appeal of Shepherds and requiring the Applicants' apply for a Conditional Use Permit, is invalid for the reason that the basis for upholding the appeal, and the remedy imposed upon Applicants, was not the basis of Sheperds appeal, and the remedy imposed was not the relief requested by the Shepherds' appeal. The basis of the appeal was that the proposed building would be too big and too close to the Shepherds' property and residence. Their appeal asked that the County require the building be moved to a different location on the Applicants' property, or the County impose a deed restriction on the Applicants prohibiting the play of pickleball in the building. Neighborhood opposition is not a valid basis for denying a permit for construction of a use permitted outright. *Anderson v. Peden*, 284 Or 313,328 (1978). The Planning Director came up with the proposal related to applying for a Conditional Use Permit. That proposal is found nowhere in Shepherds' appeal.

C. The County may not require Applicants apply for a Conditional Use Permit. Engaging in a recreational activity in a building that is a use permitted outright is not listed in CCZO Section 3.082 as a conditional use in the RR zone. Using the permit application process for determining what uses, not listed in the ordinance, may be considered a conditional use in the zone, is an improper process for amending Section 3.082. The requirement requires the Director to make a determination that engaging in a recreational activity in a building that is a use permitted outright is a conditional use on the property. However, any such decision must be based upon the applicable ordinance criteria. Curry County has no applicable ordinance criteria to be used in determining what uses may be considered a conditional use. Curry County's zoning ordinance doesn't even define what a conditional use is. The criteria governing conditional uses must be found in the zoning ordinance itself. *Anderson*, at p. 315. The Director proposes to make the determination without the guidance of any zoning ordinance, and based upon her own personal point of view.

The Staff Report at page 8, under "Section 3.081 Uses Permitted Outright", states that the approval of the RV garage/storage building is consistent with Section 3.081. But then the Director goes on to state she "was not knowledgeable" of the pickleball use inside the building and "did not have enough information about the intended indoor pickleball court to determine if that use is an accessory use to the existing residence...." These statements, to justify the Director's position, are problematical.

On 7/8/2020 Little/Rose filed an application with Curry County Planning seeking approval of the construction of an outdoor pickleball court as an accessory use on their RR property. PC-20-000242. In the Staff Report, page 2, Summary of Appeal, the Director notes that surrounding neighbors contacted the Planning Department with objections, and "The Planning Director conducted research related to issues involving the placement of pickleball courts in and near residential neighborhoods". Two and a half months later, on 9/22/2020, the Director approved the pickleball court as an accessory use in the RR zone, and imposed conditions on this use permitted outright. One of the conditions was a "sound abatement plan", with the following requirement;

"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."

No one appealed that decision, and it remains a valid finding that a pickleball court is an accessory use in the RR zone. The Board cannot conclude that an indoor pickleball court in the RR is not an accessory use in the zone, when an outdoor pickleball court in the RR zone has already been found by the Director to be an accessory use in the RR zone.

After discussions with neighbors, and at the suggestion of the neighbors, including the Shepards, Little/Rose agreed to place the court inside a building. They then filed the current application for approval of an RV/storage building of sufficient size to house the recreational activity, as well as RV/storage. That application was filed 2/4/21. Five days later, on 2/9/21, without communicating in any way with the Applicants, the Director approved the application and stuck the exact same conditions on the approval. The document is entitled, Conditions of

Approval, John Little & Alberta Rose, Pickleball Court, same as with the approval of the outdoor court. The Director knew of the Applicants intentions when they filed the second Application.

The County is estopped from declaring that a pickleball court created inside an RV/storage building is not an accessory use in the RR zone.

D. Some of the conditions imposed by the Director on the Applicants upon approval of PC#21-000034 are unconstitutional conditions and violate CCZO Section 2.100(3)(b). The unconstitutional conditions are;

- a. The court shall be for personal use by the resident owners only.
- b. No lights shall be constructed to allow night-time playing on the court.
- c. No tournaments shall be allowed.
- d. Hours of play on the court shall be restricted to 9:00 am until 5:00 pm.

As exactions from the Applicants on the approval of their permit, the Director has imposed conditions that lack an essential nexus to the use of the property, and lack proportionality to the impact the use will have on the area. These conditions fail the requirements established by the United States Supreme Court in *Dolan v. City of Tigard*, 512 US 374, 384 (1994), as interpreted by the Oregon Court of Appeals in *Brown v. City of Medford*, 251 Or App 42,51 (2012), for valid exactions imposed by a governmental agency upon the approval of a permit sought by a citizen. These conditions violate the County's own ordinance cited above that requires conditions imposed be "proportionate with the impacts from the proposed land use".

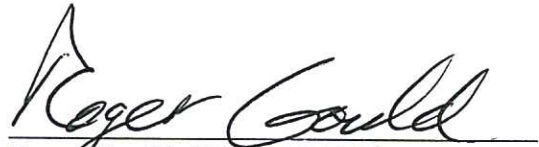
To have an "essential nexus" to the proposed use, the conditions must be of the nature that the issue they address could be the basis for denial of the permit by the Director. The proposed building, and whatever recreational use the Applicants wish to engage in on the inside of the building, is a use permitted outright. The application cannot be denied. So no condition has an "essential nexus" to the use of the property, within the meaning of that phrase in *Dolan*. There is some question whether the County has any authority to impose any conditions on a use permitted outright. For the sake of argument, the Applicants will not challenge the County's authority to impose some conditions here, as long as they are proportional to the impact of the use. Providing a sound barrier inside the building is a good example of a condition that is proportional to the impact of the use on the next door neighbor. As the Applicants stated at the May 20th hearing, they will definitely be creating a sound barrier in the building. They want to avoid creating an actionable nuisance for the Shephards to pursue in Curry County Circuit Court.

It is appropriate for the Board to address the conditions imposed by the Director. As the Director pointed out in the Staff Report, page 3, in response to Applicants' legal counsel's request to remove some of the conditions, "any changes to the conditions of PC#21-000034 would need to be addressed by the Planning Commission since the application was being appealed". The Planning Commission Final Order is now being appealed to the Board by the Applicant, in a de novo review of the file. It is appropriate for the Board to address the conditions imposed by the Director.

4. Requested Relief.

Pursuant to CCZO 2.190. Review by the Board, Applicants request the Board, after de novo review of the proceeding before the Planning Commission, reverse the Final Order to the Planning Commission dated June 17, 2021 and grant approval of application PC-21-000034, with conditions imposed that are proportional to the use to me made of the RV/Storage building, which includes playing pickleball inside the building, and necessary to carry out the Comprehensive Plan.

Date this 24th day of June, 2021.

A handwritten signature in black ink that reads "Roger Gould". The signature is written in a cursive style with a large initial "R" and "G".

Roger Gould, OSB # 721040
Attorney for John Little and Alberta Rose
PO Box 29, Coos Bay, OR 97420
541-269-5566 t, 541-269-0670 f

ATTACHMENT B

**John Little and Alberta Rose, Waiver of ORS 215.427 –
Time Limit, Roger Gould, July 13, 2021**

GOULD LAW FIRM, P.C.

ATTORNEYS AT LAW
243 W. COMMERCIAL
P.O. BOX 29
COOS BAY, OREGON
97420

Roger Gould, OSB# 721040

Pam Cardwell, Legal Asst.

Phone: (541) 269-5566
Fax: (541) 269-0670
E-mail: rogerg@epuerto.org

July 13, 2021

Shala Kudlac

Sent By email to: shala@kudlaclaw.com

RE: Little/Rose Appeal To Board
Application A-2101

Dear Shala,

On behalf of applicants/appellants John Little and Alberta Rose, the applicants/appellants hereby waive any ORS 215.427 time limit for final action by Curry County on Applicant A-2101 and the appeal of the Board of Commission's June 17, 2021 final order.

Please schedule the hearing on this appeal before the Board of Commissioners at a meeting held September 7, 21 or 28, 2021.

Very truly yours,

A handwritten signature in cursive script that reads "Roger Gould". The signature is written in black ink and is positioned below the typed name "Roger Gould".

ATTACHMENT C

**Board of Commissioners, Notification of Appeal
Hearing Regarding A-2102**

**Board of Commissioners Special De Novo Public Hearing for A-2102
An Appeal of Planning Commission Action on Application A-2101/PC-21-000034
Pursuant to ORS 197.763(2)(a) and Curry County Zoning Ordinance 2.070(1).**

Board of Commissioners Hearing: The Board of Commissioners will hold a special de novo public hearing to hear an appeal of Curry County Planning Commission's decision(s) on the Little/Rose Pickleball Court land use proposal described further in this notice. The special de novo public hearing will be held at 10:15 AM on Wednesday, September 29, 2021, in the Board of Commissioners chambers on the upper level of the County Courthouse Annex in Gold Beach located at 94235 Moore Street. The special de novo public hearing is being provided to solicit public commentary on the proposed pickleball court inside an RV Garage/Storage facility described further in this Notice.

Applicant/Property Owners: John Little and Alberta Rose

Property Location: The proposed pickleball court is located on Assessor's Map 31-15-08 DB, Tax lots 1700 & 1800. Subject property is located at 47577 Leeward St. in the Floras Lake residential area, approximately 1.0 block east of Boice Cope Park on Leeward St. off Boice Cope Road.

Appeal: Application A-2102 is an appeal of the Planning Commission's decision to require John Little and Alberta Rose to fully disclose their pickleball court plans and apply for a conditional use permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

Applicable Criteria: Curry County Zoning Ordinance Section 2.170 – Appeal of a land use decision.

Required Statutory Notice: ORS 197.763 (3)(e) states that failure to raise an issue either in person or by letter or failure to provide statements or evidence sufficient to allow the decision maker an opportunity to respond to the issue precludes appeal to a higher judicial review based on that issue. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue.

Documents and Staff report:

See the project application, the Planning Commission staff report and related documents at: www.co.curry.or.us/departments/Community-Development/Planning-Commission. The applicant's appeal application and the staff report prepared for the Board of Commissioners special de novo public hearing will be available by September 20, 2021 at www.co.curry.or.us/Board-of-Commissioners.

Your comments: Testimony, arguments, and evidence must be directed toward the criteria described in the Applicable Criteria section of this notice. You may submit written testimony prior to or at the hearing. Please include Appeal number A-2102 on your written testimony. Testimony may be submitted via email

(crockettb@co.curry.or.us) or by USPS mail to the Curry County Planning Department, Curry County Annex, 94235 Moore St, Suite 113 Gold Beach, OR 97444, Attention: Becky Crockett. For your written comments to be included in the record prior to the hearing, they must be received by 3 PM on Tuesday, September 28, 2021. After that time your comments can be submitted but will be presented for the record at the September 29th, 2021 Board of Commissioners special de novo public hearing. Should the action of the Board of Commissioners be appealed, the appeal shall be limited to the application materials, evidence and other documentation, and specific issues raised in the comments by interested parties leading up to the Board's action.

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/457154413>

You can also dial in using your phone.

United States: +1 (872) 240-3212

Access Code: 457-154-413

ATTACHMENT D

Staff Report to Planning Commission (A-2101)

April 1, 2021



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

April 1, 2021

**Curry County Community Development Department
PLANNING COMMISSION STAFF REPORT**

Application A-2101/PC-21-000034 is an appeal of the Planning Director's decision of a Planning Clearance approval to construct an RV garage/storage building in the Rural Residential -5 (RR-5) zoning district. Building may be used for a pickleball court.

Background Information

Owners: John Little and Alberta Rose
47577 Leeward St.
Langlois, OR 97450

Owner's Representative: Roger Gould
Gould Law Firm
P.O. Box 29
Coos Bay, OR 97420

Appellant: Deborah and Chip Shepherd
47591 Leeward St.
Langlois, OR 97450

Land Use Review: Appeal of Planning Director's decision authorizing an RV garage/storage building, a permitted outright structure in the RR-5 zoning district. The intended use may be a pickleball court which was **NOT** disclosed on the Planning Clearance (PC) application (PC-21-000034).

Property Description:	Assessor's Map 31-15-08DB; Tax Lots 1700 & 1800.
Location	Subject property is located in the Floras Lake residential area, approximately 1.0 block east of Boice Cope Park on Leeward St. off of Boice Cope Road.
Existing Development:	Single family dwelling including a 8 ft. x 16 ft. storage building
Proposed Development:	A 32 ft. x 60 ft. RV garage/storage building, 25 ft. in height, as an accessory structure to the existing single family dwelling.
Access:	Access is from Leeward St. which is off of Boice Cope Road near Boice Cope Park.
Zone:	Rural Residential – 5 (RR-5) Zoning District
Acreage:	0.50 acres (TLs 1700 & 1800 combined)

Summary of Appeal

On July 17, 2020 John Little and Alberta Rose submitted an application (PC#-20-000242) for a 30ft. X 56ft. asphalt pad as an accessory to an existing residential use. The applicant explained that the purpose of the asphalt pad was for an outdoor pickleball court. The surrounding property owners contacted the applicant and the Planning Department with objections to the outdoor pickleball court. The Planning Director conducted research related to issues involving the placement of pickleball courts in and near residential neighborhoods. Based on the research and close proximity of the proposed court to existing residences, the Planning Director approved the outdoor pickleball court with the following conditions:

- 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.

There was no appeal of the decision to approve PC#-20-000242 for the outdoor pickleball court with conditions.

Then on February 8, 2021 John Little and Alberta Rose submitted an application for a 32ft. X 60ft. RV garage/storage building to be 25 ft. in height. The application and follow-up correspondence explicitly precluded the mention of the use of a pickleball court. The application raised concerns by the Planning Director that the applicant was attempting to avoid compliance with the conditions set forth in PC#20-000242. Based on these concerns, the Planning Director approved PC#21-000034 (subject of this appeal) with the condition that:

“this structure is not to be used for pickleball courts without compliance with the conditions of Planning Clearance #20-000242”.

On February 22, 2021, the adjacent property owners to the proposed RV garage/storage building, Deborah and Chip Shepherd, appealed the Planning Director’s decision of approval of PC#21-000034. The appeal documentation includes several points indicating that the proposed RV garage/storage building will not be compatible in the neighborhood. Specifically:

“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 Sheperd’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.”

The appellant is requesting that *“the County require the Little’s to file a deed restriction stating that the RV garage/storage will never be used for playing pickleball and used solely for the purpose of storage and no other activity whatsoever.”*

On March 9, 2021 the Planning Director received a phone call from Roger Guold, Gould Law Firm, P.C. stating that he was representing John Little and Alberta Rose regarding the proposed pickleball court that will be inside the RV garage/storage building. Further, Mr. Gould requested that the Planning Director remove some of the conditions from PC#21-000034. The Planning Director replied that the applicant had **NOT** disclosed that the RV garage/storage building would be used as a pickleball court and that any changes to the conditions of PC#21-000034 would need to be addressed by the Planning Commission since the application was being appealed.

Subject Parcel and Appellant Parcel



RV Garage/Storage Footprint



Applicable Review Criteria

For this appeal, the Planning Commission must determine that it is in conformance with the following sections of the Curry County Zoning Ordinance (CCZO):

Curry County Zoning Ordinance

Section 2.060 (1) – Director Authority

Section 2.065 - Appeal of Administrative Permit

Section 2.120 - Establishment of Party Status

Section 2.170 – Appeal of a Land Use Decision

Section 3.080 – Rural Residential Zone

Section 3.081 – Uses Permitted Outright

Section 7.010 – Authorization to Grant or Deny Conditional Uses

Findings

Section 2.060(1) Director Authority. *The Director shall have the authority to review, and approve or deny the following applications which shall be Administrative Actions:*

4. Authorizations required by this Ordinance (such as but not limited to erosion control plans and other environmentally related actions required due to the physical location of the subject property) for uses and development listed as “Permitted Outright” in each of the zoning Classifications of Article III.

Finding: The Planning Director approved the RV garage/storage building on February 9, 2021 after review of a complete Planning Clearance application (PC#21-000034) submitted by John Little and Alberta Rose. The proposed structure was determined to be permitted outright in the Rural Residential -5 (RR-5) zoning district. Specifically, the proposed building meets the definition of an accessory structure to the existing residence located on site. The Curry County Zoning Ordinance (CCZO) defines accessory structure or use as: “*a use or structure incidental and subordinate to the main use of the property and located on the same parcel, tract, or lot as the main use.*” The existing residence is the main use which was permitted outright in the RR-5 zone therefore; the proposed accessory RV garage/storage building is considered a structure which is also permitted outright. The Planning Director’s decision to authorize the proposed RV garage/storage as a permitted outright structure is consistent with the CCZO which grants the Director the authority to make decisions on permitted outright structures, therefore this finding is met.

Section 2.065 Appeal of Administrative Permit. *An Administrative Permit authorized by the Director may be appealed to the Planning Commission, pursuant to the following:*

1. *Who may appeal. The following persons have standing to appeal;*
 - a) *The applicant or owner of the subject property*
 - b) *Any person who is entitled to written notice of the decision pursuant to this section.*
 - c) *Any other person who participated in the proceeding by submitting written comments on the application to the County by the deadline specified in Section 2.063(5).*
2. *Appeal Filing Procedure.*
 - a) *Notice of appeal. Any person with standing to appeal, as provided in subsection 2.065(1) may appeal a permit decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection.*
 - b) *Time for Filing. A notice of appeal shall be filed with the Director within 12 business days of the date the notice of decision is mailed.*
 - c) *Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:*
 - (1) *An identification of the decision being appealed, including the date of the decision.*
 - (2) *A statement demonstrating the person filing the notice of appeal has standing to appeal.*
 - (3) *A statement explaining the specific issues being raised on appeal.*
 - (4) *A statement demonstrating that the appeal issues were raised during the comment period.*

Finding: The surrounding property owners, including the appellants, had been emailing and calling the Planning Department on a regular basis to ascertain the ongoing actions of the Little/Rose pickleball court. These actions gave the appellants and the surrounding property owners standing to appeal the administrative decision. They discovered that the RV garage/storage building was approved by the Planning Director on February 9th, 2021. They filed an appeal of that decision on February 22, 2021, which was within nine (9) business days of the date of the decision. The Director's decision on the permitted outright structure did not require notification to adjacent property owners. The content of the appeal includes the identification of the decision being appealed, a statement that the appellant is an adjacent property owner whom had been following the actions of the Little/Rose pickleball court, multiple statements explaining the specific issues being raised on appeal, several referenced emails and statements that the issues were raised throughout the land use decision process. This finding is met.

Section 2.120. Establishment of Party Status.

1. *To be recognized as a party in an appeal of a land use decision under this ordinance the person shall comply with a, and b; except that the applicant is always a party in an appeal:*
 - a) *File a Notice of Appeal in accordance with Section 2.170, and*
 - b) *Appear before the local government body regarding this matter of record either orally or in writing*
2. *The appeals body shall first determine whether a person is a party before deciding the merits of the issue.*

Finding: The appeal was filed by Deborah and Chip Shepherd in accordance with Section 2.170 of the CCZO. The appellants appeared before the local government body regarding this matter orally (telephone), in writing (several emails), and by directly meeting with planning staff in the Planning Department. Staff recommends that the Planning Commission determine that the appellants, Deborah and Chip Shepherd be recognized as a party to this land use decision. This finding is met.

Section 2.170 Appeal of a Land Use Decision.

2. *Administrative actions taken by the Director shall be subject to appellate review by the Commission.*
4. *Any person who qualified under 2.120 may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Commission shall establish the appellant as a party who has timely appealed or the appeal shall not be heard and the contested decision shall become final.*

Finding: For this appellate review, IF the Planning Commission determines that the appellant has standing to appeal then the record shows that the appellant submitted a complete appeal application and paid the appeal fee of \$250. within the appeal time-frame of twelve (12) business days from the date of the decision. The Director's decision was made on February 9th, 2021. The appeal was received in the Planning Department on February 22, 2021 which was nine (9) business days after the decision was made. This finding has been met.

Section 3.080 Rural Residential Zone (RR). *Purpose of Classification. The Rural Residential Zone is designed to allow for low density residential development outside urban growth boundaries and rural communities defined by the Comprehensive Plan.*

Finding: The proposed RV garage/storage building is defined in the CCZO as an accessory to a residential use in the RR zoning district. The RR zone allows for low density residential development which exists on the two lots proposed for the structure. The proposed accessory structure meets the purpose of the classification of the zoning district, therefore this finding is

met. The Director was not knowledgeable of a pickleball court inside the proposed structure and did not have enough information about the intended indoor pickleball court to determine if that use is an accessory use to the existing residence, therefore this finding is not met for the indoor pickleball court.

Section 3.081 Uses Permitted Outright. *The following uses and their accessory uses are permitted outright:*

1. *A single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone subject to approval of on-site sewage disposal and domestic water source by the agency regulating these facilities.*

NOTE: Comprehensive Plan policy related to Floras Lake North (RLE-1) and Floras Lake South (RLE-2) exception areas states that development in the Pacific City Town Plats will not be allowed as one dwelling unit per lot but at one dwelling per contiguous ownership subject to approval of on-site sewage disposal system and water source by the agency regulating these facilities.

Finding: The property owners, John Little and Alberta Rose own two (2) lots in the Floras Lake exception area that are included in the Pacific City Town Plats. For the purpose of their application for the RV garage/storage building, the application was reviewed as an accessory structure to one dwelling per contiguous ownership which has both an on-site sewage disposal system and a well. The CCZO defines accessory structure or use as “*A use or structure incidental and subordinate to the main use of the property and located on the same parcel, tract or lot as the main use.*” The Director’s approval of the RV garage/storage building is consistent with Section 3.081 Uses Permitted Outright, therefore this finding is met for the RV garage/storage building which is a structure. The Director was not knowledgeable of the pickleball court use inside the proposed structure and did not have enough information about the intended indoor pickleball court to determine if that use is an accessory use to the existing residence, therefore this finding is not met for the indoor pickleball court.

Section 7.010 Authorization to Grant or Deny Conditional Uses. This section of the CCZO provides for the authorization of conditional and permitted uses. It specifically states: “*In permitting a conditional or permitted use the county may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole.*”

Finding: The Planning Director identified the initially proposed pickleball court as a use that may have the potential to create significant impacts to a residential neighborhood. Recent news articles across the nation have identified compatibility issues with the location of pickleball courts adjacent to residential neighborhoods. The literature indicates that unlike tennis, the sound of the pickleball being hit by a racket sounds very similar to a gun shot. Further, the players of the pickleball game tend to be extremely vocal, at times shouting profanities, clapping

and cheering loudly as the game is both in play and completed. Clashes have occurred in regards to playing time on the courts and traffic problems have entangled access to neighborhoods as people make their way to and from the few courts that exist. In several areas, seldom used tennis courts in residential areas have been re-stripped and converted to pickleball courts. This has enraged residential property owners and has caused many municipalities to reconsider actions to allow pickleball courts in or near residential areas. Spendiarian & Willis Acoustics & Noise Control (2018) specifically identified that courts located within 350 feet of residential structures often require noise abatement measures.

The proposed RV garage/storage building is located less than 50 feet from the appellant's home and less than 300 feet from seven (7) homes in the otherwise quiet neighborhood. When the Little/Roses' first planning clearance application (PC#-20-000242) was submitted specifically for a pickleball court, the Planning Director determined that in order to approve the proposal it would require input from the neighborhood. Conditions were included, as allowed per Section 7.010 with the Director's approval of PC#-20-000242 that included "*a sound abatement plan to be developed with input and consideration of concerns identified by the neighborhood*". This recommendation was based in part on the fact that the neighbors indicated that they were willing to work with the applicants to come up with a solution that both allowed the court and resolved neighborhood concerns about compatibility issues. Unfortunately, there were no subsequent gatherings or group discussions of the pickleball court by the applicant and the neighbors to try to resolve potential compatibility issues. At the time the Little/Roses' submitted the Planning Clearance application for the RV garage/storage building, the Planning Director was worried that the building would be developed with the intent of being used as a pickleball court without the input from the neighborhood so, in accordance with Section 7.010 of the CCZO, the Planning Director applied the conditions from the original Planning Clearance application that attempted to address the pickleball court. While this finding is met for PC#-20-000242 with conditions, it is **NOT** met for a pickleball court use in the RV garage/storage building since the Planning Director did not have the opportunity to adequately evaluate this use because the applicant did not disclose that the intended use of the RV garage/storage building was for a pickleball court.

Staff Recommendation

If the Planning Commission finds that the appellant has standing and the appeal application has satisfied Sections 2.065, 2.120 and 2.170 of the CCZO, then a decision on the specific merits of the appeal can be considered. Staff has determined that the appellant has standing and an application has been submitted that satisfies the provisions of Sections 2.065, 2.120 & 2.170 of the CCZO based on the findings above. Therefore staff recommends that the Planning Commission consider the following decision options or develop a decision that more closely represents the conclusion of the testimony presented at the May 20, 2021 public hearing:

Option #1.) The appellant’s challenge to the Planning Director’s decision be upheld and the “county requires 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” (Appellant’s request).

Option #2.) The appellant’s challenge to the Planning Director’s decision be upheld and PC-21-000034 (approval for the RV garage/storage building) is denied because the intended use of the RV garage/storage building as an indoor pickleball court was not disclosed within the application and therefore was not adequately evaluated in accordance with the findings as noted above.

Option #3.) The appellant’s challenge to the Planning Director’s decision be upheld and the Little/Roses’ be required to fully disclose their pickleball court plans and apply for a conditional use permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.

ATTACHMENT E

**Notice of Planning Commission Decision and Final
Order (A-2101), June 17, 2021**

BEFORE THE PLANNING COMMISSION
CURRY COUNTY, OREGON

In the matter of Planning Commission File A-2101/PC-21-000034)
An appeal of the Planning Director’s Decision of a Planning) **FINAL ORDER**
Clearance approval to construct an RV Garage/Storage Building) **and Findings of Fact**
In the Rural Residential (RR-5) Zoning District for a Pickleball)
Court, Located on Assessor’s Map 31-15-08DB, Tax Lots 1700&1800)

ORDER in the **APPROVAL** to **UPHOLD** the Appellant’s challenge (A-2101) to the Planning Director’s decision (PC-21-000034). The appeal was filed by Deborah and Chip Shepherd. The Planning Clearance, subject of the appeal, was filed by John Little and Alberta Rose. The subject property is located in the Rural Residential (RR-5) zone and is designated as Assessor Map Number: 31-15-08DB, Tax Lots #1700 & 1800 in Curry County, Oregon. Said appeal was filed as provided for in the Curry County Zoning Ordinance (CCZO) on February 22, 2021.

WHEREAS:

The application (A-2101) is an appeal of an RV garage/storage building to be used as a pickleball court on property identified as Curry County Assessors Map No. 31-15-08DB, Tax Lots 1700 & 1800 within the Rural Residential (RR) zone. The subject property of the appeal is in the Floras Lake residential neighborhood approximately 1.0 block east of Boice Cope Park on Leeward Street.

This matter came before the Curry County Planning Commission as an appeal (A-2101) on May 20, 2021. A public hearing was held before the Planning Commission as a matter duly set upon the agenda of a regular meeting on May 20, 2021, after giving public notice to affected property owners and publication in the local newspapers as set forth in Section 2.070 of the CCZO.

At the public hearing on said appeal, evidence and testimony was presented by the Planning Director in the form of Findings of Fact, Conclusions, and Exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in Section 2.140 of the CCZO. The Planning Commission received oral and written evidence concerning this appeal. A decision was made by the Planning Commission to close the public hearing and the record at that time.

At the conclusion of review and consideration of the evidence in the record and upon a motion duly made and seconded, the Planning Commission voted to **GRANT STANDING** to the appellant in accordance with Sections 2.065 and 2.120 of the Curry County Zoning Ordinance; and

Further, At the conclusion of review and consideration of the evidence in the record and upon a motion duly made and seconded, the Planning Commission voted to **APPROVE** the appellant’s challenge to the Planning Director’s decision of approval of an RV garage/storage building for a pickleball court (PC-21-000034) based on findings of fact and conclusions of law as set forth in this order and in Exhibit 1 attached hereto and included herein by this reference.

FINDINGS OF FACT:

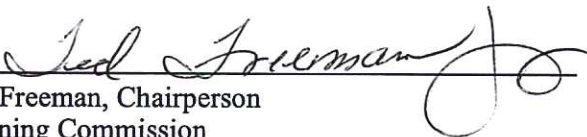
The Planning Commission hereby adopts the findings in the Staff Report dated April 1, 2021 (Exhibit 1) and the written and oral testimony submitted into the public hearing record as the basis for this decision.

CONCLUSIONS OF LAW

NOW THEREFORE LET IT HEREBY BE ORDERED that A-2101, the appeal filed by Deborah and Chip Shepherd, of the Planning Director's decision (PC-21-000034) of an RV garage/storage building to be used as a pickleball court on property located in the Rural Residential (RR) zone, be **APPROVED and therefore UPHELD** and the Little/Roses' be required to fully disclose their pickleball court plans and apply for a conditional use permit to be heard before the Planning Commission so that the neighborhood compatibility issues can be fully disclosed and addressed.


This order in the **APPROVAL** of A-2101 was reviewed and approved by the Planning Commission on this 17th day of June, 2021.

CURRY COUNTY PLANNING COMMISSION



Ted Freeman, Chairperson
Planning Commission

6-17-2021
Date



Becky Crockett
Planning Director

June 17, 2021
Date

ATTACHMENT F

**A-2101, Deborah and Chip Shepherd, Appeal of
Planning Director's Decision on
PC#21-000034, February 22, 2021**

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 to 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 become to 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 unbalanced 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 effects 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



ATTACHMENT G

PC#21-000034, Planning Director's Decision,

February 9, 2021

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.

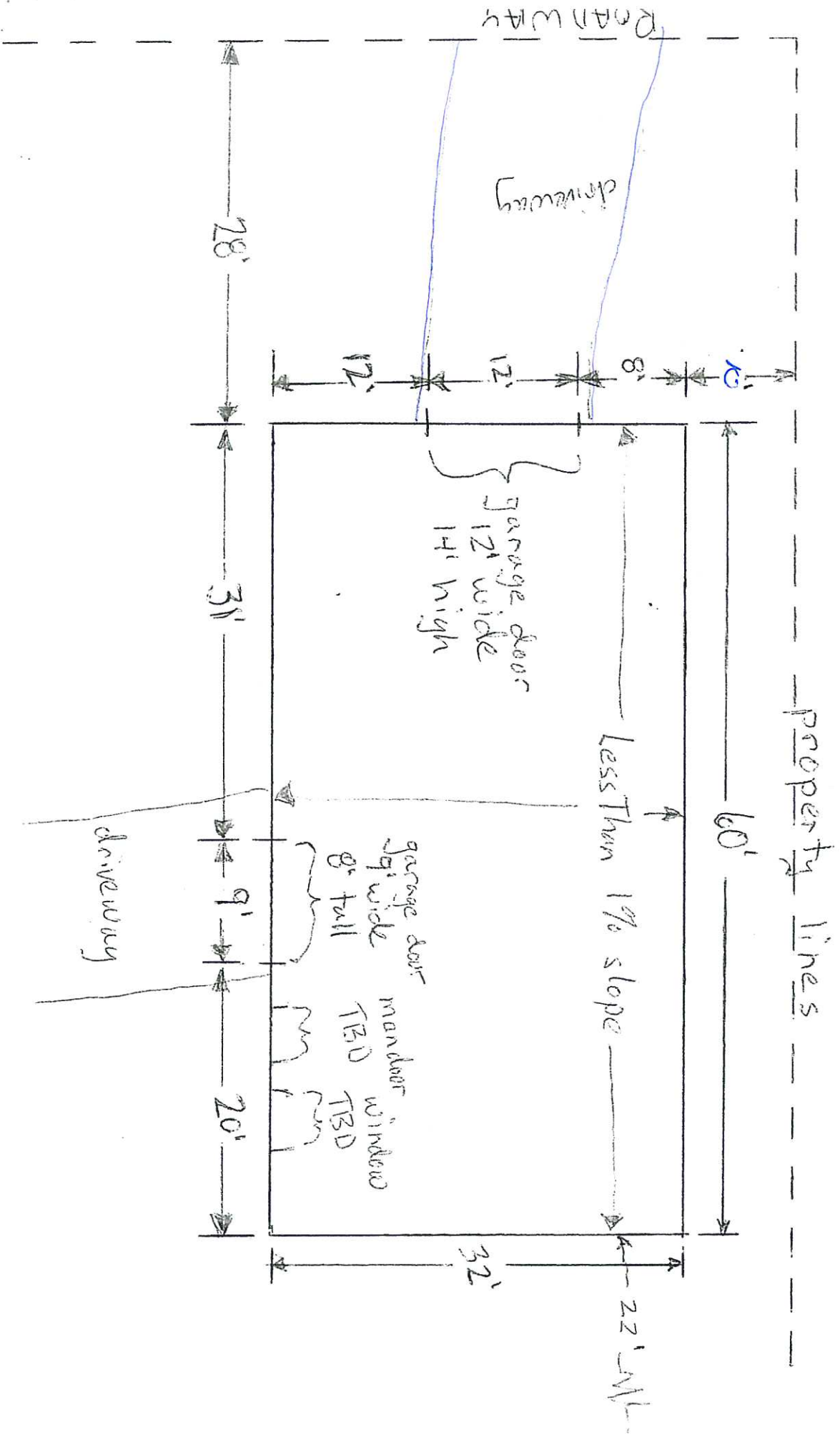
Note: Recent news articles across the nation have identified compatibility issues with the location of pickleball courts adjacent to residential neighborhoods. Spendiarian & Willis Acoustics & Noise Control (2018) specifically identified that courts located within 350 feet of residential structures often 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

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: <i>John Little</i>	Date <i>12-28-2020</i>

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

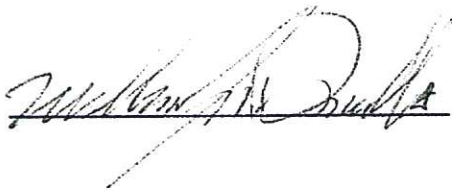
Mailing Address for all Coos-Curry Electric Co-op offices: P.O. Box 1268, Port Orford OR 97465-1268

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

ATTACHMENT H

**PC#20-000242, Planning Director's Decision,
September 22, 2020**

PC#: 20-000242
ZONING: RL-5
FORTHCOMING
IN DRAWER
ATTACHED
PLANS:



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 _____
- Building Permit COMM SFD #Bedrooms _____
Type and Size: 20' x 56' asphalt pad
- Letter of approval signed by Deputy State Fire Marshal (Required for Commercial)

CONTRACTOR INFORMATION

- Owner Built
- Contractor Name: knife river 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
Bell Topped

3. WATER SOURCE:

- Well Spring Other: _____
- 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:

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 # 3115-08DB-0700 Tax Lot# 1700
Acreage 38 Street address or location: 47577 Leeward St. Lang

5. PROPERTY OWNER INFORMATION:

John Morris Little, Jr. and
Property Owner: Alberta Rose
Mailing Address: 47577 Leeward St.
City Langlois St. OR Zip 97450 Phone# 541-729-5476

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 Alberta Rose
Mailing address 47577 Leeward St.
City Langlois ST OR ZIP 97450 PH _____
Date: 7/8/2020 541-729-5476

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 lot size
 (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
- SIDE:**
- 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 _____
- 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 _____
- 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
At least one space
- 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: Pacific City

**** 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 130 ft recommended feet must be maintained around all proposed structures
- No requirement

Special Requirements or Considerations:

- 100 year flood plain
 FIRM or Floodway Panel# _____
- Geologic Hazard as identified on DOGAMI maps
 Wetland or potential wetland as identified by
- Wetland Inventory Maps: Map# _____
 Scenic Waterway
- USFS approval _____ ODP approval _____
 Historic structure/cultural site/historic-archeological overlay

CONDITIONS OF APPROVAL:

See attached conditions.

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: nco

Berby Lockett
 Signature

Planning Director
 Title

9/22/2020
 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

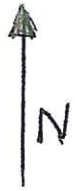
Acreage: 0.38 acres

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.

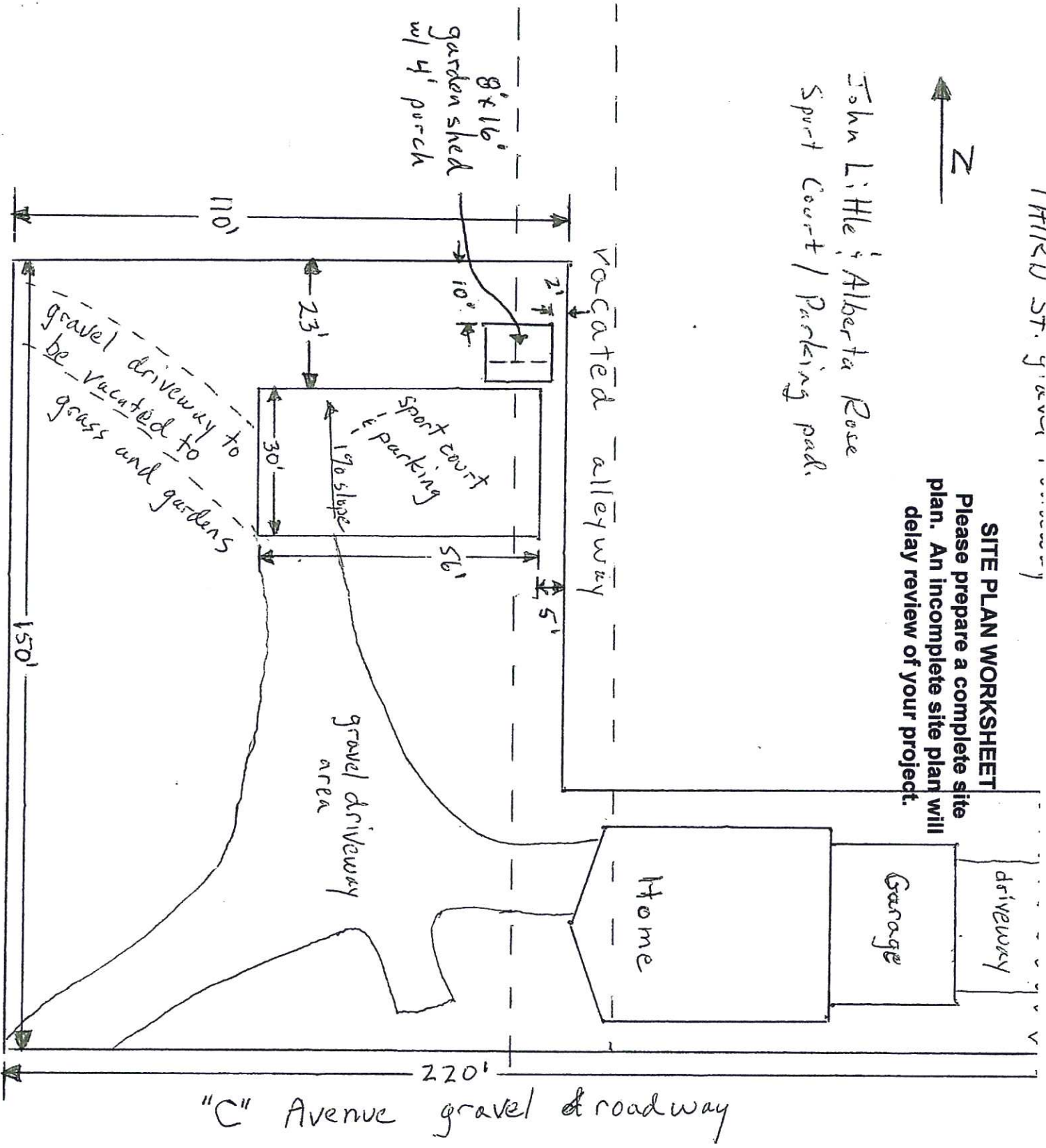
Note: Recent news articles across the nation have identified compatibility issues with the location of pickleball courts adjacent to residential neighborhoods. Spendiarian & Willis Acoustics & Noise Control (2018) specifically identified that courts located within 350 feet of residential structures often 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.

1711510 ST. Green



John Little & Alberta Rose
Sport Court / Parking pad.

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" = 25'

1 ... n Street

EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN REVIEW
APPLICATION

PROPERTY OWNER INFO: NAME: John Morris Little, Jr. and Alberta Rose		PHONE: 541-729-5476
RESPONSIBLE PARTY FOR INSTALLATION & MAINTENANCE OF EROSION CONTROL MEASURES:		
NAME: John Little & Alberta Rose		PHONE: 541-729-5476
ADDRESS: 47577 LeeWard St.		ACREAGE: 0.38
CITY/STATE/ZIP: Langlois, Oregon, 97450		
PROPERTY DESCRIPTION: ASSESSOR MAP/TAXLOT: 3115-08013-01700-00 (and 1800)		
PROPOSED DEVELOPMENT: Sports court / parking pad 30' x 56' = 1680' sq ft.		
<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"/> (IMPERVIOUS MEANS WATER CAN'T GET THROUGH IT TO THE GROUND—LIKE PAVEMENT, CONCRETE, ROOFS OR BUILDINGS—WATER THEN SHEETS OFF OF THESE SURFACES)		
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 2,000 SQ FT 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:		

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: <i>John Little & Alberta Rose</i>	Date 7/8/2020

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.

Township 31S

Range 15W

Section 08DB

Taxlot (s) 1800, 1700

CCEC Representative Janna L. Brown Date 7/13/2020

Owner/ Representative John Little Date 7/13/2020

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

ext. 223

Janna

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.

Michael Murphy

Signature of Fire Department Representative

John Little

Signature of Permit Applicant

*47577 Leeward St.
Langlois, Oregon 97450*

Fire/District Department	Contact	Phone Number
Agness Fire	Bill Scherbarth	541 247-7987
Brookings Fire	Jim Watson	541 469-1142
Brooking Rural	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	Thomas Sorrentino	541 469-5301
Langlois Fire	Mike Murphy <i>east on main st.</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



Curry County Planning Department

94235 Moore St. STE 113
Gold Beach, OR 97444
(541) 247-3284
Fax: (541) 247-4579
odwyern@co.curry.or.us

Transaction Receipt
Record ID: 221-20-000242-PLNG
IVR Number: 221088722805

Receipt Number: 29430

Receipt Date: 9/22/20

www.co.curry.or.us

Worksite address: 47577 LEEWARD ST, LANGLOIS, OR 97450

Parcel: 311508DB0170000

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
9/22/20	1.00 Ea	Planning Clearance/Ag Building/Septic/Erosion Prevention Review	1.10-419-10-341.30-000-00	\$250.00	\$250.00

Payment Method:	Check number: 557	Payer: LITTLE, JOHN & ROSE, ALBERTA	Payment Amount:	\$250.00
-----------------	-------------------	-------------------------------------	-----------------	----------

Cashier: Penny Hudgens

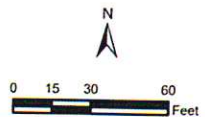
Receipt Total: \$250.00

NO WETLANDS SHOWN FOR THIS MAP



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: 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), (c) 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 records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



STATE OF OREGON
Department of Environmental Quality
Onsite Wastewater Treatment System Construction Installation Permit

ORIGINAL PERMIT

08-089-06
 PERMIT NUMBER

CONTROL NUMBER

S.E. NUMBER

\$1343.00
 FEE

NEW CONSTRUCTION REPAIR ALTERATION RENEWAL OTHER _____

PERMIT ISSUED TO: Hans Rasmussen
 Property Owner's Name

31
 Township

15
 Range

08DB
 Section

1700
 Tax Lot/Acct.#

Corner of Leeward and "C" Avenue
 Site Address

Floras Lake
 Nearest City or Community

Curry
 County

Sara Hunter R.S.
 Issued by - Signature

6/16/2006
 Date Issued

6/16/2007
 Expiration Date

Type of Facility Served: **Single Family Res.** # Bdrms: 4 Other - Specify _____

ALL WORK IS TO CONFORM TO OREGON ADMINISTRATIVE RULES, CHAPTER 340, DIVISIONS 71 & 73. WORK MUST BE DONE BY THE PERMITTEE OR BY A LICENSED SEWAGE DISPOSAL SERVICE BUSINESS. MAKE NO CHANGES IN SYSTEM LOCATION OR SPECIFICATIONS WITHOUT WRITTEN APPROVAL FROM THE PERMIT ISSUING AGENT.

SYSTEM SPECIFICATIONS

Standard Capping Fill Sand Filter Seepage Trench Seepage Bed Pressurized Distribution
 Tile Dewatering ATT - Treatment Level Required: I or II Other: Bottomless (360 sq ft)
Specify Type

Max. Peak Design Flow: 450 Gal/Day Min. Septic Tank Volume: 1000 Gal Min. Dosing Tank Volume: 500 Gal

Special Tank Requirements: 2- Compartment

DRAINFIELD SPECIFICATIONS

Media Type: Rock/Pipe Other (Product/Manufacturer): _____
 Trench Spec.: _____ Linear Ft. _____ Trench Width (Ft.) Undisturbed Soil Between Trenches: _____ feet
 Max. Depth: _____ inches Min. Depth: _____ inches Total Rock Depth: _____ inches
 Rock Below Pipe: _____ in. Rock Above Pipe: _____ in. Capping Fills - Min. Depth of Fill Material: _____ in.

Seepage Bed Specifications: _____

Distribution Method: Equal Loop Equal-Hydrosplitter Serial Pressurized Gravelless Half Pipe

Special Requirements: Ground water interceptor: Depth: _____ inches Amount of Drain Media _____ inches

Rake Trench Sidewalls Filter Fabric On Top of Drain Media Other: _____

Inspection Requirements: For Pressurized, Sand Filters, RGFs, ATTs and Capping Fill systems, there are several inspections required. See inspection requirements specific to each system.

The attached Final Inspection Request And Notice Form must be completed and submitted at time of system completion.

For pre-cover inspection information, contact: CURRY COUNTY PUBLIC SERVICES (888) 811-1520

CERTIFICATE OF SATISFACTORY COMPLETION

System Inspection Operation of Law - 7 Days Notice Pre-Cover Inspection Waived Per 340-071

Sara Hunter R.S.
 Authorized Agent - Signature

Env Spc III
 Title

Curry
 Office

6/11/07
 Date

To be valid, this document must be signed by an "Agent" as defined in OAR 340-071-0100. Requirements for this Certificate of Satisfactory Completion and additional inspection information are attached to this document.

WELL LABEL # L 77390
 START CARD # 182694

(1) LAND OWNER Owner Well I.D. 1131

First Name HANS Last Name RASMUSSEN
 Company _____
 Address 3366 E Enchanted View Drive
 City Salt Lake City State UT Zip 84121

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 97.83 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
10	0	98	Bentonite	0	38	19	S

How was seal placed: Method A B C D E

Other Pour from surface

Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from 38 ft. to 98 ft. Material sand Size 10/20

Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5	<input checked="" type="checkbox"/>	1	91.83	160#	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	<input checked="" type="checkbox"/>	1.16	4	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____

Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
 Screens Type Johnson V-Wiree Material Stainless Steel

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrnn/slot width	Slot length	# of slots	Tele/ pipe size
Screen	5	5	91.83	96.83	.016			

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
20		96	1

Temperature 52 °F Lab analysis Yes By Bandon Well & Pump Co.

Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Curry Twp 31.00 S N/S Range 15.00 W E/W WM
 Sec 8 NW 1/4 of the SE 1/4 Tax Lot 1700
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address

no# Leeward, Floras Lake, Langlois

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL(psi)	+ SWL(ft)
Completed Well	06-09-2006		<input checked="" type="checkbox"/> 38.8

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 90

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
06-09-2006	90	97	20		<input checked="" type="checkbox"/> 38.75

(11) WELL LOG

Ground Elevation 200

Material	From	To
Topsoil	0	1
Sand fine brown	1	32
Sandy clay brown	32	36
Sandy clay orange brown	36	40
Gravel fine-medium w/sand fine-coarse gray brown	40	56
Gravel fine-medium w/sand fine-coarse gray	56	65
Sandy clay tan w/gravel fine-medium gray brown	65	70
Sandy clay brown	70	85
Sandy clay gray w/shell	85	90
Gravel fine-medium gray	90	97
Claystone gray	97	98

Date Started 06-09-2006 Completed 06-09-2006

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____ Date _____

Electronically Filed _____

Signed _____

(bonded) Water Well Constructor Certification

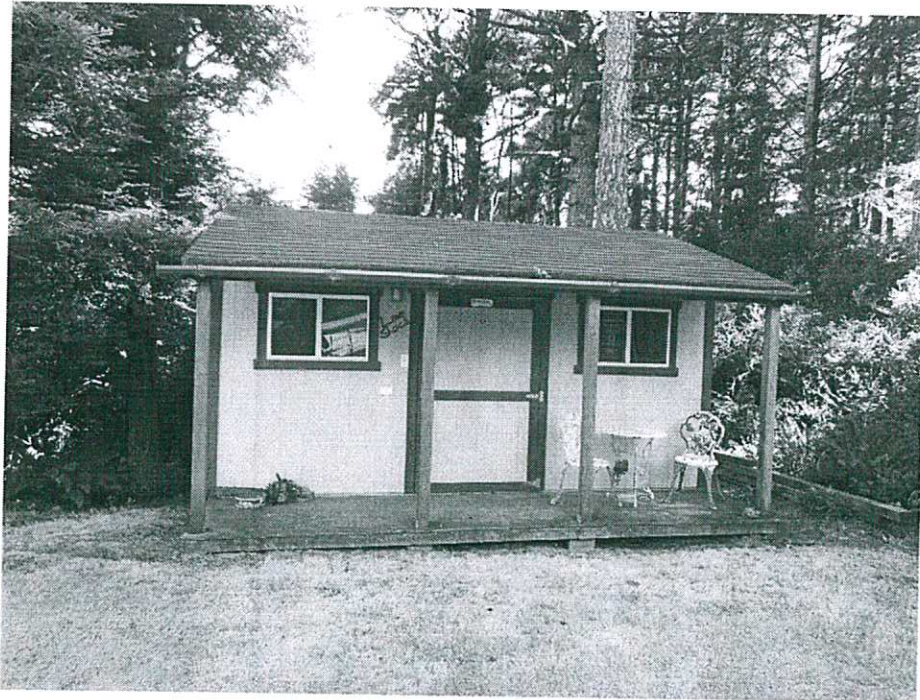
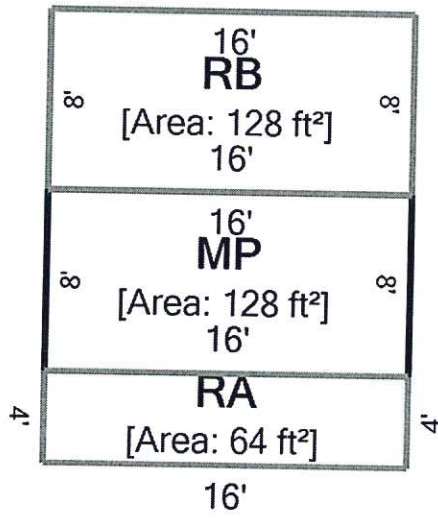
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1493 Date 06-16-2006

Electronically Filed _____

Signed JAMES A MACK SR (E-filed)

Contact Info (optional) BANDON WELL & PUMP COMPANY (541) 347-7867



Nancy O'Dwyer

From: Kiley Wegner
Sent: Wednesday, July 22, 2020 8:10 AM
To: Nancy O'Dwyer
Subject: RE: RE: 3115-08DB -01700/-01800
Attachments: R23935.pdf

Yes, that is exactly what it is. There is also a roof cover off the back of the building. I have attached the sketch and photo.

Kiley Wegner
Appraiser II
Curry County Assessors Office
541-247-3212

From: Nancy O'Dwyer
Sent: Wednesday, July 22, 2020 8:07 AM
To: Kiley Wegner
Subject: RE: RE: 3115-08DB -01700/-01800

Thanks Kiley.

What was that structure on the NE corner of TL 1700? The property owners describe it as a 8x16 "garden shed with porch."

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

From: Kiley Wegner
Sent: Wednesday, July 22, 2020 8:04 AM
To: Nancy O'Dwyer
Subject: RE: RE: 3115-08DB -01700/-01800

Hi Nancy,

I visited this property and you were right the improvements were on the wrong account and there were additional improvements that we didn't have on the rolls located on TL 1700. Our records are now corrected and up to date. Thank you for the heads up on this!

Kiley Wegner
Appraiser II
Curry County Assessors Office
541-247-3212

From: Nancy O'Dwyer
Sent: Thursday, July 9, 2020 2:50 PM
To: Kiley Wegner; Anthony Pagano
Subject: RE: 3115-08DB -01700/-01800

* - - Property Data Selection Menu - -
 Owner: LITTLE, JOHN M JR TRSTEE ETA
 Prop ID : R23935 (Real Estate) (85082) LITTLE, JOHN MORRIS JR & ROS
 Map Tax Lot: 3115-08DB-01700-00 47577 LEEWARD ST
 Legal : PACIFIC CITY 0.38 ACRES LANGLOIS, OR 97450

Situs : Year Built :
 Living Area:

Name(s) : ETAL: ROSE, ALBERTA TRSTEE
 Area : 2-7

Sale Info :	2020 Roll Values
Deed Type : WD	RMV Land \$ 54,050 (+)
Instrument: 19-4866	RMV Improvements \$ 6,220 (+)
2020 Tax Status * No Taxes Due *	RMV Total \$ 60,270 (=)
Current Levied Taxes : 418.32	Total Exemptions \$ 0
Special Assessments :	M5 Net Value \$ 60,270
	M50 Assd Value \$ 50,650

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: __

* - - Property Data Selection Menu - -

Prop ID : R22263 (Real Estate) Owner: LITTLE, JOHN M JR TRSTEE ETA
 Map Tax Lot: 3115-08DB-01800-00 (85082) LITTLE, JOHN MORRIS JR & ROS
 Legal : 47577 LEEWARD ST
 LANGLOIS, OR 97450

Situs : 47577 LEEWARD ST Year Built : 2010
 LANGLOIS, OR 97450 Living Area: 2157

Name(s) : ETAL: ROSE, ALBERTA TRSTEE
 Area : 2-7

Sale Info : 2020 Roll Values
 Deed Type : WD RMV Land \$ 35,520 (+)
 Instrument: 19-4866 RMV Improvements \$ 324,420 (+)
 2020 Tax Status * No Taxes Due * RMV Total \$ 359,940 (=)
 Current Levied Taxes : 2,534.28 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 359,940
 M50 Assd Value \$ 306,850

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: _

Berkeleyside

CITY

'It's like gunshots': North Berkeley neighbors protest noisy pickleball games

Residents who live near the Cedar Rose Park pickleball courts are asking the city to remove the courts.

By Eden Teller, Nov. 13, 2020, 3:45 p.m.

Pickleball is a sport on the rise, a fast-paced game popular with players of all ages, and a catchy name to boot. But when the city of Berkeley updated several old tennis courts to [install pickleball courts at Cedar Rose Park in August 2019](#), the neighborhood quickly learned there's a noisy downside to the racquet-based sport.

In the year since the pickleball courts were installed, nearby residents say they have been plagued by the sound of the game. Some even describe the noise like "gunshots" whenever the players' hard rubber balls hit a racquet. The Cedar Rose courts, whose entrance is on Hopkins Street at the Ohlone Greenway, are open daily from 8 a.m. to 8 p.m. and sit alongside numerous houses and apartments, some of which are just 70 feet from the four courts. Residents say they can't focus on work or rest, and three have even moved out citing pickleball as the reason, according to the apartments' owner.

"Twelve hours nonstop," said Alma Jimenez, who has lived at Hopkins Park Apartments for 31 years. "We don't even need an alarm, at eight and one second and it starts."



Pickleball players on the Cedar Rose courts which face Hopkins Street (at the Ohlone Greenway). Nov. 8, 2020. Photo: Pete Rosos

As the pandemic-related lockdown took hold and more people were forced to stay at home throughout the day, a neighborhood group quickly coalesced around the issue. In late October, Jimenez and 85 of her neighbors sent a [petition](#) to the Berkeley City Council, asking that the courts be converted back to tennis courts.

**"I think we have a strong cause to ask for [the courts to be] gone because they didn't do any kind of study, they didn't ask the neighborhood."
— Ingrid Crickmore**

“I think we have a strong cause to ask for this to be gone because they didn’t do any kind of study, they didn’t ask the neighborhood,” said Ingrid Crickmore, who’s lived at Hopkins Park Apartments for decades and has helped organize her neighbors around the pickleball issue.

The group also reached out to their Councilmember, Rashi Kesarwani, who hosted a virtual meeting with 33 of the neighbors about the issue. Kesarwani told Berkeleyside she had never experienced such a high volume of complaints about a single issue before. The neighbors were loud and clear with their “extreme frustration,” both about the noise and their exclusion from the planning process. Part of the problem is that the sport is relatively unknown, she said.

“If I had personally known the nature of the noise associated with pickleball, I would have been very concerned about locating the courts at the Cedar Rose courts,” Kesarwani said. “In hindsight, there was a failure to consult with the neighbors that would be impacted most acutely and a failure, I think, to mitigate the noise to begin with.”

Fans campaigned to create more pickleball courts

For those unfamiliar with pickleball, imagine a cross between tennis and ping pong. Two or four players face each other across a net and hit a firm rubber ball back and forth with hard paddles. At around a quarter the size of a tennis court, the players volley back and forth quickly, which is part of what makes the game so fun, players say.

“I have been a very avid tennis player growing up and all through my young adulthood and not-so-young adulthood and instantly realized this was a hugely fun game and a great social way to have fun with people,” said Bill Powning, 68, of Berkeley.

He and Cathy Taruskin, 68, of El Cerrito, have done a lot of work to increase the number of pickleball courts in the East Bay. After Taruskin discovered the sport six years ago, she became a USA Pickleball Association Ambassador and never looked back.

When Taruskin heard that the tennis courts at Cedar Rose Park were due to be resurfaced, she and Powning asked that the city install pickleball courts instead, and

helped raise \$2,500 for the cost of new nets and equipment.

“We really have multi-pronged efforts going on in El Cerrito, Albany, Oakland, to get courts, and they’re all at various stages of early, late, middle, given up hope,” she said. Berkeley “came from behind” as a contender, she added.

Some cities, like El Cerrito, have pickleball hours certain days of the week, when players can lay down masking tape on tennis courts to make the smaller pickleball lines. When Taruskin couldn’t find courts to play on nearby, she drove out to Martinez to play on public courts there.

“My original goal was to get enough courts going closer to home,” she said. “In a selfish way, I was trying to fill the gaps in the week.”

Having players travel from all over the bay is part of the problem, said DeAnn Horne, 71, a Hopkins Park resident of 31 years. She’s a nurse and is deeply concerned at the crowds she’s seen in the courts — up to 16 people playing at once, and often with lines of players waiting on the sidelines, Horne said. Although park rules require players to wear a mask, Horne frequently sees people playing maskless, even after she asks them to put on a mask, she said. Several have told her to move if she’s unhappy.

“We’ve done a really good job of not having a [coronavirus] surge here, and these people are coming from everywhere and not wearing masks. They’re crazed.” — DeAnn Horne

“We’ve done a really good job of not having a surge here, and these people are coming from everywhere and not wearing masks,” Horne said. “They’re crazed.”

Neither Taruskin nor Powning have any authority to enforce rules among players, but they do try to keep relations between players and neighbors friendly. When Taruskin became aware that pickleball players were

parking in the apartment residents' spots, she wrote a note of apology to the resident and shared her contact information in case of future issues. She's surprised at the noise complaints and petition to remove the courts.

"We want people to like us. We had no idea there was this group of neighbors that were upset," Taruskin said. "Because I'm a player, it's almost music to my ears because I associate it with my having a good time."

"I recognize that pickleball creates more sound than tennis does, or basketball," Powning said. He thinks the solution is to make more permanent pickleball courts to relieve pressure on the Cedar Rose location. "If there's only one place to play, it's going to be busier at that place," he said.

Neither Taruskin nor Powning live close to public parks, they said. "It's hard to say" if she'd like to live as close to a pickleball court as the Hopkins Parks neighbors now are, Taruskin said.

"There are a lot of advantages to living near a park, and some disadvantages," Powning said.



Signs outside the entrance of the Cedar Rose Park pickleball courts make clear the requirement for noise-mitigating paddles and wearing face coverings. Nov. 8, 2020. Photo: Pete Rosos

Noise abatement measures implemented

After speaking with City Manager Dee Williams-Ridley and Parks Director Scott Ferris, Kesarwani sent an email update to the neighbors to say that noise abatement measures would be implemented. This included the installation of acoustic-dampening plastic sheets on three of the four walls of the courts within six

weeks, and requiring that players use a specific type of noise-mitigating paddles. Long term Kesarwani believes it would be best to relocate the courts, she told Berkeleyside, but she isn't sure how long that would take.

Horne isn't happy with this middle-ground measure, however. She spoke with Ferris on the phone to reiterate that the neighbors are asking for the pickleball courts to close immediately until they can find a solution, and for the courts to eventually be converted back to tennis courts. She didn't have much success, she said.

"He's got his agenda and it's not going to bend," Horne said.

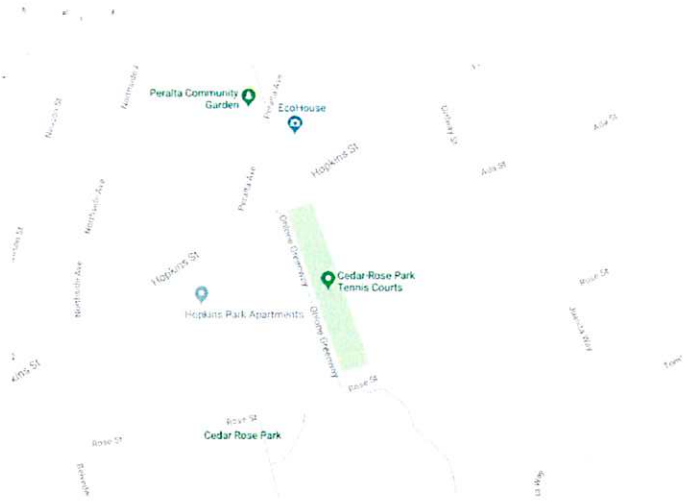
"That's not what our petition was asking," Jimenez added. "We're specifically asking, in a nice way, to put our tennis court back."

Berkeleyside reached out to the Parks Department multiple times but did not hear back before publication.

Game noise an issue for the apartments' owner

The courts have become an issue for the apartments' owner as well. Randall Berger has owned the 82 units at Hopkins Park Apartments (at 1290 Hopkins St.) since 1984, the same year that the tennis courts were installed alongside the Ohlone Trail. Like Kesarwani, he's never seen this kind of unified action from his tenants.

"In 36 years I have never heard a single complaint about the tennis courts," Berger said. But in the year since the courts were repurposed for pickleball players, "we've had three people move out, 100% because of the pickleball."



The pickleball courts are at the northern end of the Cedar Rose Park tennis courts. The Hopkins Park Apartments are the other side of the Ohlone Greenway which runs alongside the courts.
Image: Google Maps

In conversations with other property managers about the issue, Berger learned that most pickleball courts are 300-500 feet away from residential properties, and if they're much closer, they have strictly limited hours. (Consulting firm Spendiarian & Willis, one of whose specialties is environmental acoustics, recommends

pickleball courts be located within 500 to 600 feet of residential properties.) At the same time, he's unsure of what his role in the conflict is beyond supporting his tenants.

"I don't know if I should be talking to legal counsel, I don't know if we should continue going to city council and do it that way," Berger said. "I don't want [the residents] to be unhappy, but it's not something that we did."

While frustration has mounted among the neighbors, they're make it clear that their anger is with the city rather than the players.

"We have nothing against the sport, we have nothing against the people who play the sport, but we feel that it's in the wrong place," Jimenez said. "There are wants and needs. We need our peace and quiet. They want to play pickleball."

Eden Teller is a contributing reporter for Berkeleyside. Email: eden@berkeleyside.com.

© Cityside. All Rights Reserved.

Nancy O'Dwyer

From: john <rosita327@aol.com>
Sent: Wednesday, December 30, 2020 10:55 AM
To: Nancy O'Dwyer
Subject: Re: planning clearance

Hello Nancy,

We will continue to work on our plan in regards to the sound abatement plan. The building will have no opening windows or doors towards the neighbors home. It seems funny that there is a sound issue when there is a complete skin to shield any sound going in that direction. It seems like the expense to do a sound abatement plan in in this situation is unnecessary, but we will do it.

Thanks for getting back. I hope we can resolve this soon.

John

-----Original Message-----

From: Nancy O'Dwyer <odwyern@co.curry.or.us>
To: John <rosita327@aol.com>
Sent: Wed, Dec 30, 2020 10:22 am
Subject: RE: planning clearance

John,

Becky reminded me that a new planning clearance would still have to meet the Conditions of Approval outlined under the prior planning clearance (dated 9/22/20). We can work with a late service provider sign-off from Coos Curry Electric, but we would require that the Conditions of Approval be addressed with the new planning clearance application before we could accept it as a complete application. Do you have a sound abatement plan for the building from a licensed acoustical engineer, developed with input and consideration of concerns identified by the neighborhood to include in the new application?

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

From: John [<mailto:rosita327@aol.com>]
Sent: Wednesday, December 30, 2020 9:36 AM
To: Nancy O'Dwyer
Subject: Re: planning clearance

Great. May we drive down and deliver it ?

Sent from my iPhone

On Dec 30, 2020, at 8:59 AM, Nancy O'Dwyer <odwyern@co.curry.or.us> wrote:

Hello John,
That would work fine.

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

From: john [<mailto:rosita327@aol.com>]
Sent: Tuesday, December 29, 2020 6:22 PM
To: Nancy O'Dwyer
Subject: planning clearance

Hello Nancy,

May we submit our planning clearance form with out the Coos Curry Electric sign off with the understanding that before we move ahead any further beyond planning, that we must submit it?

I have been working to make a connection with Janna Fraser, of Coos Curry Electric, for the last 2 days and finally found out this afternoon that she is on vacation and they have no one else to do the sign off until next week when she returns.

I want to get out planning clearance form in the waiting list as you said it may take 2 weeks to get it done. We would be getting you the signed Coos Curry Electric form next week.

Thank you,

John Little

Nancy O'Dwyer

From: john <rosita327@aol.com>
Sent: Thursday, November 19, 2020 7:13 PM
To: Nancy O'Dwyer
Cc: Becky Crockett
Subject: Re: public records request

Hi Nancy,

We were able to open up and review the attachment. It is interesting that there is so much misinformation by our neighbors as we read their letters regarding our project. We could not get this information until we made a public records request and we received them in the mail today. Of course, we did not get to address any of the concerns before Becky made the approved permit application with the "conditions of approval". In the perfect world, we would have been able to address some of the misinformation in the process but we were never able to see the letters of concern. We repeatedly asked Becky if we could review them, but she said we could not do that until after the permit has been approved. Of course, we also understood that any accommodations would be made only if the permit was appealed. As we now know, that is not what happened.

You would not think the occasional recreational use of a concrete pad for 1 pickleball court would be such a major effort.

Thank you,

John and Bertie

-----Original Message-----

From: Nancy O'Dwyer <odwyern@co.curry.or.us>
To: john <rosita327@aol.com>
Sent: Thu, Nov 19, 2020 4:35 pm
Subject: RE: public records request

John,

Upon review, I did have some email correspondence with the Shepherds, but it was prior to your submitting the planning clearance application. I also had a request for a copy of the planning clearance after the planning clearance was approved with conditions. I have attached my email correspondences. Sorry for not including these earlier, but I didn't think to pull these emails from before we got your application and started up a work file.

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

From: john [<mailto:rosita327@aol.com>]
Sent: Thursday, November 19, 2020 3:21 PM
To: Nancy O'Dwyer
Subject: public records request

Hi Nancy,

Once again, thank you for getting these done and mailed to us.

We are concerned that there might be a letter missing from the file mailed to us. Becky is asking that we address the concerns of our neighbors and we want to be sure that we have them all. The neighbors who we were the most concerned about and seemed to demonstrate the most concern when we met with them did not have a letter in the file that you sent us. Would you please check the file again to see if there is anything from Chip and Debbie Shepherd? I think they may have been the ones that mailed in the information about the sound abatement, but we do not see their letter of concern.

Thank you,

John Little

Becky Crockett

From: Becky Crockett
Sent: Monday, November 2, 2020 9:20 AM
To: 'John'; Julie Schmelzer
Subject: RE: Conditions of Approval

Hi John and Bertie: I was not sure you were looking for answers from the Planning Department in your email below. The only question that I can respond to is regarding your plan for the acoustical engineer and the plan that they come up with. Please refer back to the conditions of approval in regards to this issue. They require that a plan is developed with input and concurrence from the neighborhood.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: John [mailto:rosita327@aol.com]
Sent: Monday, November 2, 2020 7:38 AM
To: Becky Crockett; Julie Schmelzer
Subject: Fwd: Conditions of Approval

Good Morning Becky and Julie,

We never hear back from you regarding our letter below?

We have questions and concerns regarding our permit that have not been addressed. Your help would be greatly appreciated.

Thank you,

John and Bertie

Sent from my iPhone

Begin forwarded message:

From: john <rosita327@aol.com>
Date: October 18, 2020 at 4:20:55 PM PDT
To: "crockettb@co.curry.or.us" <crockettb@co.curry.or.us>
Cc: "schmelzerj@co.curry.or.us" <schmelzerj@co.curry.or.us>
Subject: Re: Conditions of Approval
Reply-To: john <rosita327@aol.com>

Hello Becky and Julie,

We are going to work with the Acoustical Group, (Spendiarian and Willis) that you referenced in your conditions of approval. We are assuming you would be good with a plan that they come up with? We have also put in a public records request for all the

communications regarding our permit application. We assume that would cover all phone calls, letters, emails, etc. that we can reference to come up with a plan. Please let us know if there is anything more we should consider when we work with Spendiarian and Willis.

Julie mentioned that you felt that we are "amenable" to the hours of play in conjunction with noise abatement requirements. Please understand that we are in no way agreeable to that requirement. The only way we would have been amiable to that accommodation is if it was not in conjunction with the noise abatement requirement. To have both is not right. Does this mean all of our neighbors cannot host an after 5pm event that has any kind of noise such as live bands, corn hole socials with outdoor speakers and volleyball matches? This is not a retirement, gated community with CC&R's. We do not mind those noises and would never complain, but, your conditions of approval that are requiring both sound abatement and limited hours is not right. Please consider that again and try to come up with something that is equitable for all. You should not require us to limit our activities to 9am to 5pm along with noise abatement while everyone around us can do whatever. What were you thinking and you never discussed this with us? When we had our 2nd to last meeting when you said you would be approving our permit application, you never talked about "conditions of approval". It would have been the perfect time to at least have a conversation about them with us and consider feedback or other ideas?

John and Bertie

-----Original Message-----

From: Becky Crockett <crockettb@co.curry.or.us>
To: john <rosita327@aol.com>
Sent: Mon, Oct 12, 2020 11:18 am
Subject: RE: Conditions of Approval

Hi John: Thanks for your condolences. Not sure I will make it to a pickleball game. The . As we have already discussed, the analysis and conclusions need to be developed by an acoustical engineer with input from the neighborhood to reach a conclusion that the use (pickle ball court) can be made compatible with the neighborhood. This is my expectation to fulfill the condition. This is a neighborhood issue and needs to be resolved by the neighborhood as coordinated by you or your acoustical engineer. . I am always available to meet. However, I am not sure how meeting with me will resolve the issues within the neighborhood.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Friday, October 9, 2020 12:56 PM
To: Becky Crockett
Subject: Re: Conditions of Approval

Hello Becky,

We are so sorry to hear about the loss of your life partner. Our sincere condolences.

We would like to meet with you to talk about the sound abatement/mitigation plan. What are your expectations? In our perfect world, we would put up a sound abatement/mitigation wall/fence up on the north side of the court or on the north property line. The article that you referenced suggested 8' walls that block the line of sight to mitigate or abate the sound of pickleball. Before we meet, is it to much to

ask to have you go to see and hear a pickleball game in Port Orford? There is also play in Gold Beach and we could get their play schedule if that would work better for you.

We have already met with most of our neighbors and their only suggestion was that we build a building. It just seems so unreasonable to have indoor play requiring artificial lighting instead of natural light. With the sound abatement/mitigation requirements, why would there be time constraints? This is for the occasional play that would happen on this court. Again, we do and plan to continue to travel to play with our groups of friends.

Would you please go to watch a game or two and then we would like to meet.

Thank you,

John and Bertie

-----Original Message-----

From: Becky Crockett <crockettb@co.curry.or.us>
To: john <rosita327@aol.com>
Cc: Nancy O'Dwyer <odwyern@co.curry.or.us>
Sent: Tue, Sep 29, 2020 9:44 am
Subject: RE: Conditions of Approval

Hi John: I would be happy to meet with you to discuss the Acoustical Engineer scope of tasks if you think that is necessary. As we discussed last week, the analysis and conclusions need to be developed with input from the neighborhood to reach a conclusion that the use (pickle ball court) can be made compatible with the neighborhood. It would be good to talk with the neighbors about what their expectations would be for such an analysis. In regards to the decision, as I stated last week, the conditions are final unless you decide to appeal the decision to the Planning Commission.

Thank you for the opportunity to visit a pickle ball event in Port Orford. I may drop by if it coincides with other necessary site visits in the area.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Monday, September 28, 2020 6:47 PM
To: Becky Crockett
Subject: Conditions of Approval

Hello Becky,

Bertie and I have been thinking a lot about the conditions of approval that you revealed to us last Wednesday. To begin with, we felt blind sided that you decided and made the conditions of approval final and approved our permit without talking with us before hand. When we first met with you and Nancy and talked about "accommodations", we understood that those would be taken into consideration when and if our application was appealed. Not as a part of our first application approval. We could have talked through some of the conditions ahead of time to get a clearer understanding of them and to maybe address some of your conditions before you made your final decision. It really caught us unprepared when you presented them at our meeting. We both left the meeting and asked each other, "did we misunderstand what they meant in that first meeting"? Just food for thought. BTW... your 5th condition stating that no lights shall be constructed to allow night time playing is a bit out of place since you put in the condition that hours of play may only be 9:00 - 5:00.

We are asking that you please take the time to go to Buffington Park in Port Orford during a scheduled pickleball play time. They play on Monday, Wednesday and Saturday mornings at 9:00am. We do understand that this is a

park with 4 courts and not 1 private court as we are asking to put on our property. What we would like you to see and hear is the game and the laughter, socializing and exercise that the players are demonstrating. We wish you would have considered doing that before making your final conditions of approval. If you would like, Bertie and I would show up on a given day that you choose and teach you the game.

We would like to meet with you regarding the sound abatement plan so that we may know as much as we can about your expectations before we move ahead with a licensed Acoustical Engineer. I have contacted a group from Nevada that has worked with sound mitigation and pickleball courts and they had a lot of questions that I did not have the answer to. We also should have thought to get from you the information that you have regarding the input and consideration of concerns identified by the neighborhood.

The conditions that require both playing hours of 9:00 - 5:00 and the sound abatement plan are a bit over the top. The noise and joy of playing the occasional pickleball game here does not even come close to all the other neighborhood activities. We should be able to have an evening social with pickleball/corn hole. Does this mean all of our neighbors that have social hours/ corn hole games with outdoor speakers and music can't do it after 5:00 either? What about the B and B events/wedding that have live bands playing into the night? Gary and Sharon have live band/dance parties into the night also. This is not a quiet neighborhood with 8 dog owners within 500'. We don't own a dog, but have dog treats that we hand out to all the neighbor dogs. We have always embraced whatever activities are going on and never complained.

Lastly, may we get our slab poured and promise not to play any pickleball on it until we have completed the sound abatement plan? As you may recall, this is not just a pickleball court but to be used for other purposes too. We have had a contractor lined up for 1 month and we want to do it before the good weather leaves us. We would do the drainage plan and ESCP as you have requested.

Thank you for your work on this,

John and Bertie

Nancy O'Dwyer

From: Becky Crockett
Sent: Monday, October 19, 2020 9:59 AM
To: Nancy O'Dwyer
Subject: Fwd: Conditions of Approval

Hi Nancy: FYI. And, can you print this email and place with the Planning Clearance? Thanks

Sent from my iPhone

Begin forwarded message:

From: john <rosita327@aol.com>
Date: October 18, 2020 at 4:21:00 PM PDT
To: Becky Crockett <crockettb@co.curry.or.us>
Cc: Julie Schmelzer <schmelzerj@co.curry.or.us>
Subject: Re: Conditions of Approval
Reply-To: john <rosita327@aol.com>

Hello Becky and Julie,

We are going to work with the Acoustical Group, (Spendiarian and Willis) that you referenced in your conditions of approval. We are assuming you would be good with a plan that they come up with? We have also put in a public records request for all the communications regarding our permit application. We assume that would cover all phone calls, letters, emails, etc. that we can reference to come up with a plan. Please let us know if there is anything more we should consider when we work with Spendiarian and Willis.

Julie mentioned that you felt that we are "amenable" to the hours of play in conjunction with noise abatement requirements. Please understand that we are in no way agreeable to that requirement. The only way we would have been amiable to that accommodation is if it was not in conjunction with the noise abatement requirement. To have both is not right. Does this mean all of our neighbors cannot host an after 5pm event that has any kind of noise such as live bands, corn hole socials with outdoor speakers and volleyball matches? This is not a retirement, gated community with CC&R's. We do not mind those noises and would never complain, but, your conditions of approval that are requiring both sound abatement and limited hours is not right. Please consider that again and try to come up with something that is equitable for all. You should not require us to limit our activities to 9am to 5pm along with noise abatement while everyone around us can do whatever. What were you thinking and you never discussed this with us? When we had our 2nd to last meeting when you said you would be approving our permit application, you never talked about "conditions of approval". It would have been the perfect time to at least have a conversation about them with us and consider feedback or other ideas?

John and Bertie

-----Original Message-----

From: Becky Crockett <crockettb@co.curry.or.us>
To: john <rosita327@aol.com>
Sent: Mon, Oct 12, 2020 11:18 am
Subject: RE: Conditions of Approval

Hi John: Thanks for your condolences. Not sure I will make it to a pickleball game. The . As we have already discussed, the analysis and conclusions need to be developed by an acoustical engineer with input from the neighborhood to reach a conclusion that the use (pickle ball court) can be made compatible with the neighborhood. This is my expectation to fulfill the condition. This is a neighborhood issue and needs to be resolved by the neighborhood as coordinated by you or your acoustical engineer. . I am always available to meet. However, I am not sure how meeting with me will resolve the issues within the neighborhood.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Friday, October 9, 2020 12:56 PM
To: Becky Crockett
Subject: Re: Conditions of Approval

Hello Becky,

We are so sorry to hear about the loss of your life partner. Our sincere condolences.

We would like to meet with you to talk about the sound abatement/mitigation plan. What are your expectations? In our perfect world, we would put up a sound abatement/mitigation wall/fence up on the north side of the court or on the north property line. The article that you referenced suggested 8' walls that block the line of sight to mitigate or abate the sound of pickleball. Before we meet, is it too much to ask to have you go to see and hear a pickleball game in Port Orford? There is also play in Gold Beach and we could get their play schedule if that would work better for you.

We have already met with most of our neighbors and their only suggestion was that we build a building. It just seems so unreasonable to have indoor play requiring artificial lighting instead of natural light. With the sound abatement/mitigation requirements, why would there be time constraints? This is for the occasional play that would happen on this court. Again, we do and plan to continue to travel to play with our groups of friends.

Would you please go to watch a game or two and then we would like to meet.

Thank you,

John and Bertie

-----Original Message-----

From: Becky Crockett <crockettb@co.curry.or.us>
To: john <rosita327@aol.com>
Cc: Nancy O'Dwyer <odwyern@co.curry.or.us>
Sent: Tue, Sep 29, 2020 9:44 am
Subject: RE: Conditions of Approval

Hi John: I would be happy to meet with you to discuss the Acoustical Engineer scope of tasks if you think that is necessary. As we discussed last week, the analysis and conclusions need to be developed

with input from the neighborhood to reach a conclusion that the use (pickle ball court) can be made compatible with the neighborhood. It would be good to talk with the neighbors about what their expectations would be for such an analysis. In regards to the decision, as I stated last week, the conditions are final unless you decide to appeal the decision to the Planning Commission.

Thank you for the opportunity to visit a pickle ball event in Port Orford. I may drop by if it coincides with other necessary site visits in the area.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Monday, September 28, 2020 6:47 PM
To: Becky Crockett
Subject: Conditions of Approval

Hello Becky,

Bertie and I have been thinking a lot about the conditions of approval that you revealed to us last Wednesday. To begin with, we felt blindsided that you decided and made the conditions of approval final and approved our permit without talking with us beforehand. When we first met with you and Nancy and talked about "accommodations", we understood that those would be taken into consideration when and if our application was appealed. Not as a part of our first application approval. We could have talked through some of the conditions ahead of time to get a clearer understanding of them and to maybe address some of your conditions before you made your final decision. It really caught us unprepared when you presented them at our meeting. We both left the meeting and asked each other, "did we misunderstand what they meant in that first meeting"? Just food for thought. BTW... your 5th condition stating that no lights shall be constructed to allow night time playing is a bit out of place since you put in the condition that hours of play may only be 9:00 - 5:00.

We are asking that you please take the time to go to Buffington Park in Port Orford during a scheduled pickleball play time. They play on Monday, Wednesday and Saturday mornings at 9:00am. We do understand that this is a park with 4 courts and not 1 private court as we are asking to put on our property. What we would like you to see and hear is the game and the laughter, socializing and exercise that the players are demonstrating. We wish you would have considered doing that before making your final conditions of approval. If you would like, Bertie and I would show up on a given day that you choose and teach you the game.

We would like to meet with you regarding the sound abatement plan so that we may know as much as we can about your expectations before we move ahead with a licensed Acoustical Engineer. I have contacted a group from Nevada that has worked with sound mitigation and pickleball courts and they had a lot of questions that I did not have the answer to. We also should have thought to get from you the information that you have regarding the input and consideration of concerns identified by the neighborhood.

The conditions that require both playing hours of 9:00 - 5:00 and the sound abatement plan are a bit over the top. The noise and joy of playing the occasional pickleball game here does not even come close to all the other neighborhood activities. We should be able to have an evening social with pickleball/corn hole. Does this mean all of our neighbors that have social hours/ corn hole games with outdoor speakers and music can't do it after 5:00 either? What about the B and B events/wedding that have live bands playing into the night? Gary and Sharon have live band/dance parties into the night also. This is not a quiet neighborhood with 8 dog owners within 500'. We don't own a dog, but have dog treats that we hand out to all the neighbor dogs. We have always embraced whatever activities are going on and never complained.

Lastly, may we get our slab poured and promise not to play any pickleball on it until we have completed the sound abatement plan? As you may recall, this is not just a pickleball court but to be used for other purposes too. We have had a contractor lined up for 1 month and we want to do it before the good weather leaves us. We would do the drainage plan and ESCP as you have requested.

Thank you for your work on this,

John and Bertie

Handwritten scribble or signature in the top right corner.

Becky Crockett

From: john <rosita327@aol.com>
Sent: Monday, September 28, 2020 6:47 PM
To: Becky Crockett
Subject: Conditions of Approval

Hello Becky,

Bertie and I have been thinking a lot about the conditions of approval that you revealed to us last Wednesday. To begin with, we felt blind sided that you decided and made the conditions of approval final and approved our permit without talking with us before hand. When we first met with you and Nancy and talked about "accommodations", we understood that those would be taken into consideration when and if our application was appealed. Not as a part of our first application approval. We could have talked through some of the conditions ahead of time to get a clearer understanding of them and to maybe address some of your conditions before you made your final decision. It really caught us unprepared when you presented them at our meeting. We both left the meeting and asked each other, "did we misunderstand what they meant in that first meeting"? Just food for thought. BTW... your 5th condition stating that no lights shall be constructed to allow night time playing is a bit out of place since you put in the condition that hours of play may only be 9:00 - 5:00.

We are asking that you please take the time to go to Buffington Park in Port Orford during a scheduled pickleball play time. They play on Monday, Wednesday and Saturday mornings at 9:00am. We do understand that this is a park with 4 courts and not 1 private court as we are asking to put on our property. What we would like you to see and hear is the game and the laughter, socializing and exercise that the players are demonstrating. We wish you would have considered doing that before making your final conditions of approval. If you would like, Bertie and I would show up on a given day that you choose and teach you the game.

We would like to meet with you regarding the sound abatement plan so that we may know as much as we can about your expectations before we move ahead with a licensed Acoustical Engineer. I have contacted a group from Nevada that has worked with sound mitigation and pickleball courts and they had a lot of questions that I did not have the answer to. We also should have thought to get from you the information that you have regarding the input and consideration of concerns identified by the neighborhood.

The conditions that require both playing hours of 9:00 - 5:00 and the sound abatement plan are a bit over the top. The noise and joy of playing the occasional pickleball game here does not even come close to all the other neighborhood activities. We should be able to have an evening social with pickleball/corn hole. Does this mean all of our neighbors that have social hours/ corn hole games with outdoor speakers and music can't do it after 5:00 either? What about the B and B events/wedding that have live bands playing into the night? Gary and Sharon have live band/dance parties into the night also. This is not a quiet neighborhood with 8 dog owners within 500'. We don't own a dog, but have dog treats that we hand out to all the neighbor dogs. We have always embraced whatever activities are going on and never complained.

Lastly, may we get our slab poured and promise not to play any pickleball on it until we have completed the sound abatement plan? As you may recall, this is not just a pickleball court but to be used for other purposes too. We have had a contractor lined up for 1

month and we want to do it before the good weather leaves us. We would do the drainage plan and ESCP as you have requested.

Thank you for your work on this,

John and Bertie

9/15/2020

Research

Pickle ball Court

- accessory use to residential use in RR-5 zoning district (.38 acres)
 - ↳ requires a planning clearance / lot line vacation

- a single family dwelling and their accessory uses are permitted outright — on each contiguous ownership

Legal Question:

- Can ~~we~~ we make the lot line vacation a condition on the Planning Clearance?

"accessory structure or use" - "a use or structure incidental and subordinate to the main use of the property and located on the same parcel, tract or lot as the main use

RLE-1 North Floras Lake - Section 3.081 - Comprehensive

{ Plan policy related to RLE-1 exception areas "development in the Pacific City Town Plats will not be allowed as one ~~development~~ dwelling unit per lot but at one dwelling per contiguous ownership"

↳ "tract" - one or more contiguous lots

Nancy O'Dwyer

From: john <rosita327@aol.com>
Sent: Tuesday, August 4, 2020 2:48 PM
To: Becky Crockett
Cc: Nancy O'Dwyer
Subject: pickleball court neighborhood compatibility ideas?

Hello Becky and Nancy,

Thank you for meeting with us and informing us of the steps we need to take to build our pickleball court.

You have asked what we will do to make our pickleball court compatible with the neighborhood. Actions we will take to allow us to get our permit to build the court.

1. We will build only 1 court and no more.
2. We will not build put up any lights that would allow for night time play.
3. We will not play loud music while we play games or practice.
4. We will not host any tournaments.
5. We will not play before 9am in the morning
6. We will not play later than 8pm or after sunset during winter hours.
7. We will continue to grow and plant the vegetation buffer between the court and our neighbors. The current vegetative buffer that we planted and maintain is approximately 8' - 10' tall and 6'-7' thick. The vegetation/green fence is primarily a plant that is called Pink Princess/Escallonia. It is a thick shrub and has lots of flowers throughout the summer. We also have roses and honey suckle growing throughout. There are also 3 evergreen trees, 1 fir, 1 spruce and 1 redwood between us on our property. Our barrier also includes a garden shed that provides a barrier between the properties.
8. The court will not be visible from the neighbors house except from a 2nd story window.
9. This court is for family and friends. We will be traveling as we always have to do group play in Port Orford, Bandon and Coos Bay.

I hope these accommodations are enough and please keep us informed of the process. When approved, how long will it take for us to get the permit? If and when it is appealed, how much time would there be before the public hearing? Did we mention up to this conflict, neighbors said we were the nicest people around..... until you want to do something they do not agree with?

Thank you, John and Bertie

PS. I realized that we left with a notepad that Becky gave me to write on. I will return it upon our next visit.

Becky Crockett

From: John <rosita327@aol.com>
Sent: Tuesday, August 11, 2020 12:12 PM
To: Becky Crockett
Subject: Re: Lot line application

Great. Thank you. Is it possible to forward the emails to us so that we may avoid inessential travel?

Are you able to send an email of record that we may park on our pad and the driveway area? I am concerned as you demonstrated strong suggestions that we or any guests may not park anywhere on our slab or lower driveway. I just want to be clear in my understanding.

Thank you, John

Sent from my iPhone

On Aug 11, 2020, at 11:43 AM, Becky Crockett <crockettb@co.curry.or.us> wrote:

Hi John: The Oregon land use process is established in state statute (ORS 197) and a basic premise behind the land use laws is to insure an open public process for all parties on an issue. The County has no desire to "be involved" in neighborhood politics as you have suggested below. However, we are required by law to allow public access to any and all correspondence (public record) on a land use issue. Your application is a public record and is under consideration pursuant to Oregon land use law therefore it is available to any person requesting the information.

I appreciate the additional information you have provided for your project and will issue a decision on the project with the appropriate conditions after final review. The County has received information related to your project from adjacent land owners. You are welcome at any time to come in to the office and review that information.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Saturday, August 8, 2020 3:59 PM
To: Nancy O'Dwyer
Cc: Becky Crockett
Subject: Re: Lot line application

Hello Becky and Nancy,

We just want to be sure that Becky is OK with us parking on our multi-purpose pad and our driveway. We said we would never do any tournaments or and never talked about commercial purposes which we would not do either. May we get a confirmation

letter from Becky that it is OK to park on our pad and/or driveway, as she was pretty strong about us not parking there on either surface during our meeting? I'm not sure why you both keep insisting on calling it a pickleball court when the primary use of the pad will be to park our utility trailer and/or boat on a trailer there. This is what we put on our application and it has not changed. If it was going to be just a pickleball court, it would have a permanent net system and a permanent fence that encloses the pad. If you were to see any other pickleball court facility, you would see permanent nets and with permanent fencing surrounding it. The fence keeps the balls on the court, etc. We are not doing that as it would keep it from being multi purpose as we intend to do. Is it the neighbor letters and phone calls that make you say this? We can guarantee that the pad would be used less than 5% of the time for any sporting activity such as badminton, pickleball or corn hole and a parking pad for our utility trailer and/or our boat the rest of the time. If you would like, we would agree to an activity and parking log to confirm that. We could turn it in to our neighbors and/or the county.

Speaking of neighbors, I am curious how they knew we called and talked about applying for a permit. Is that public record? Are the letters/conversations that you received from them public record too? If we may, we would like to see them or hear about them so we know what their concerns are since 2 of the nearest couples/property owners have not even approached us to talk with us or ask questions.. Hmm, would that maybe be the first step when a neighbor has a concern? The nearest neighbor (Chip and Debbie Shepherd) arrived just under 2 weeks ago from New Jersey where they have had their permanent home for many (20?) years. In all the past years, they have only been here for 2 months a year as seasonal visitors. They rent the home out the rest of the year to other people. They may be moving here full time this year, but it has not happened yet. We are planning to try to meet with them to talk about their concerns, but waiting for the 2 week period of self isolation to be safe from COVID as they drove across a lot of territory to get here.

Another question to be asked, "why is the county even involved with neighborhood politics"?

That's enough questions for now. We will work on the legal description of the lot line vacate. Thank you,

John and Bertie

-----Original Message-----

From: Nancy O'Dwyer <odwyern@co.curry.or.us>
To: john <rosita327@aol.com>
Cc: Becky Crockett <crockettb@co.curry.or.us>
Sent: Thu, Aug 6, 2020 12:46 pm
Subject: RE: Lot line application

John,

Does Becky's last email (below) answer your questions, or are you still needing some more information?

In regards to the parking, there is no issue if you want to use the new pickle ball court for temporary parking while you are not using it as a sports court. I think that what Becky was explaining was that if you were requesting the pickle ball court along with additional parking

Becky Crockett

From: John <rosita327@aol.com>
Sent: Monday, January 11, 2021 11:39 AM
To: Becky Crockett
Subject: Re: help?

The question is whether or not you will accept work from Lance Willis who you referenced in your conditions of approval. He is asking for your response as to whether or not you will approve of his acoustical work.

Thank you,

John

Sent from my iPhone

On Jan 11, 2021, at 10:07 AM, Becky Crockett <crockettb@co.curry.or.us> wrote:

Hi John: Please again review the conditions of approval for this project. Based on your emails it appears that you are asking the Planning Department to pre-approve something that we have never seen. We cannot do this. Further, the most important condition is that you and the acoustical engineer work closely with your neighbors so that whatever is proposed is compatible within the neighborhood.

Please keep in mind that the Planning Department has spent several hours meeting with you, conducting research on your proposal and writing up the approval. To suggest that we are not being responsive to your project is off the mark. We receive and address over 50 emails, phone calls and questions at the planning and building counter each day. We do our best to get back to folks within a few days unless a lot of research is required to address the issues. Please review your emails and perhaps you will see that there are no questions for us to answer beyond the guidance that already is outlined in the conditions of your Planning Clearance approval.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Friday, January 8, 2021 3:30 PM
To: Becky Crockett; Nancy O'Dwyer
Subject: Fwd: help?

Hello Becky and Nancy,

So.... this is Friday afternoon and you have either refused to answer or are ignoring Lances and my questions regarding a sound abatement plan for a building? As you can see below, this letter was sent to you on Tuesday, 3 days ago. They are honest and well intended questions and we are seeking clarity on how to move ahead.

Sincerely,

John Little

-----Original Message-----

From: John <rosita327@aol.com>
To: Nancy O'Dwyer <odwyern@co.curry.or.us>; Becky Crockett/curry Planner <crockettb@co.curry.or.us>
Sent: Tue, Jan 5, 2021 11:40 am
Subject: Fwd: help?

Hello Nancy and Becky,

See below as Lance is asking if you still want to work with him.

Sent from my iPhone

Begin forwarded message:

From: Lance Willis <rlw357@swanc.net>
Date: January 5, 2021 at 10:47:21 AM PST
To: john <rosita327@aol.com>
Subject: Re: help?
Reply-To: lance.willis@swanc.net

John,

OK, I'll wait to see if they have any questions. I doubt they will find anyone more qualified or experienced with pickleball.

Lance Willis, PhD

[Spendarian & Willis Acoustics & Noise Control LLC](#)

520 441-3987 (O), 520 245-7092 (M)

On 1/4/21 5:00 PM, john wrote:

Hello Lance,

I am cc'ing this note to include Becky Crockett and Nancy O'Dwyer of the Curry County, Oregon planning Department. Becky is the one that used your article as a reference in regards to the "Conditions of Approval" for our planning permit. She is the one that is requiring the Noise Abatement Plan by a licensed acoustical engineer.

We are working with an building designer and engineer to meet all the building requirements. The original plan of putting 1 outdoor pickleball court has been stopped as the neighbors would not support any noise abatement plan that we proposed, including the 2 - 12' walls one of each on the north and west side of the court. So basically, any chance of having an outdoor court was eliminated due to the conditions of approval set up by Becky.

We want to wait for planning approval before moving ahead on paying for the building plans and engineering. Maybe the planning department will allow us to move ahead with the understanding that you will review the plans and give your go ahead? Any ideas here Nancy and/or Becky? Please read the letter from Lance below.

Also, Becky and Nancy, please answer the question that Lance has about whether or not that Lance can even do the work you are asking for.

Lance, feel free to contact Nancy or Becky at the emails included in this letter. Becky's phone number is 541-247-3284

Thank you,

John

-----Original Message-----

From: Lance Willis <rlw357@swanc.net>

To: john <rosita327@aol.com>

Sent: Mon, Jan 4, 2021 3:11 pm

Subject: Re: help?

John,

I think a building is going to be the best option to avoid headaches later on. The best approach would be to work with an architect. I can review the plans and examine the wall transmission loss, penetrations, and other openings to make sure there is an acceptable amount of escaping sound.

Just to clear up any confusion, there isn't actually a license for the type of work that I do in Arizona. So I don't have a PE if that's important. I'm not sure what the registration requirements are in Oregon. The planning department may not be sure either and just assume that acoustical engineering is licensed like most other engineering fields, but usually it isn't.

Lance Willis, PhD

[Spendiarian & Willis Acoustics & Noise Control LLC](#)

520 441-3987 (O), 520 245-7092 (M)

On 12/30/20 12:03 PM, john wrote:

Hello Lance,

I hope this note finds you well and looking forward to the New Year.

We are back trying to come up with another sound abatement plan done by a licensed engineer, such as your self.

We want to submit a plan for a building. It will meet all engineering building requirement and county siting ordinances. The building will have no opening doors or windows on the side that is towards the neighbors. It will be framed with true dimensional 2 x 6's and the exterior sheathing is 5/8" thick.

Are you able to put together a sound abatement plan the the county would accept? The neighbors are putting up every road block they can think of to prevent us from building a pickleball court on our property. They are the ones that suggested a building in the first place and are now trying to prevent us from doing that too. We sure could use your help here.

We offered the 12' sound abatement walls on the north and west sides of the court and they would not support that either. It sure seems like we should be able to build a court on our property in a building?

Your help would be greatly appreciated.

Call if you have any questions.

Happy New Year,

John Little

Becky Crockett

From: John <rosita327@aol.com>
Sent: Monday, January 11, 2021 12:21 PM
To: Becky Crockett
Cc: Nancy O'Dwyer; Brad Rueckert
Subject: Re: help?

Hello Becky, Nancy and Brad,

As you may have determined, our neighbors are not going to accept anything we have proposed. We have so far spent \$500 on noise abatement plans with no acceptance. How can you say the noise abatement plan for an outdoor court is the same for a barn/ RV storage building? So far, our neighbors have suggested that we site our building over our septic tanks, septic field, replacement repair field and on the platted county road. I have assured them that those options will not work.

Shall I point out a couple of your conditions of approval parts that will not work for a building? Lighting is required for our building, but you stated no lighting. You are requiring a sound abatement plan, but we may not play in our building after 5pm? I am sure your conditions of approval are not applicable to a building? Besides, we are not in violation of any county ordinance.

We are not just going away. We are going to keep working on this until we can build a building on our property adhering to all county regulations. Remember, your work is not just for our neighbors, but for us too. Right now, it seems that you are trying to make everyone get along or come together for an agreement, when that is proving to not work.

We are greatly looking forward to gaining the go ahead. We invited neighbors Chip and Deb Shepherd to talk with us about plans and all they did was forward that letter to their allies, who all jumped on board to send nasty letters to us. After 8 days, they did send a note back saying they were not interested in either idea and suggested that we move our building site to accommodate them. They wanted us to move our garden shed, etc.

Thank you for getting back. A good first step.

John and Bertie

Sent from my iPhone

On Jan 11, 2021, at 10:07 AM, Becky Crockett <crockettb@co.curry.or.us> wrote:

Hi John: Please again review the conditions of approval for this project. Based on your emails it appears that you are asking the Planning Department to pre-approve something that we have never seen. We cannot do this. Further, the most important condition is that you and the acoustical engineer work closely with your neighbors so that whatever is proposed is compatible within the neighborhood.

Please keep in mind that the Planning Department has spent several hours meeting with you, conducting research on your proposal and writing up the approval. To suggest that we are not being

responsive to your project is off the mark. We receive and address over 50 emails, phone calls and questions at the planning and building counter each day. We do our best to get back to folks within a few days unless a lot of research is required to address the issues. Please review your emails and perhaps you will see that there are no questions for us to answer beyond the guidance that already is outlined in the conditions of your Planning Clearance approval.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Friday, January 8, 2021 3:30 PM
To: Becky Crockett; Nancy O'Dwyer
Subject: Fwd: help?

Hello Becky and Nancy,

So.... this is Friday afternoon and you have either refused to answer or are ignoring Lances and my questions regarding a sound abatement plan for a building? As you can see below, this letter was sent to you on Tuesday, 3 days ago. They are honest and well intended questions and we are seeking clarity on how to move ahead.

Sincerely,

John Little

-----Original Message-----

From: John <rosita327@aol.com>
To: Nancy O'Dwyer <odwyern@co.curry.or.us>; Becky Crockett/curry Planner <crockettb@co.curry.or.us>
Sent: Tue, Jan 5, 2021 11:40 am
Subject: Fwd: help?

Hello Nancy and Becky,

See below as Lance is asking if you still want to work with him.

Sent from my iPhone

Begin forwarded message:

From: Lance Willis <rlw357@swanc.net>
Date: January 5, 2021 at 10:47:21 AM PST
To: john <rosita327@aol.com>
Subject: Re: help?
Reply-To: lance.willis@swanc.net

John,
OK, I'll wait to see if they have any questions. I doubt they will find anyone more qualified or experienced with pickleball.

Lance Willis, PhD
[Spendiarian & Willis Acoustics & Noise Control LLC](mailto:rlw357@swanc.net)
520 441-3987 (O), 520 245-7092 (M)

On 1/4/21 5:00 PM, john wrote:

Hello Lance,

I am cc'ing this note to include Becky Crockett and Nancy O'Dwyer of the Curry County, Oregon planning Department. Becky is the one that used your article as a reference in regards to the "Conditions of Approval" for our planning permit. She is the one that is requiring the Noise Abatement Plan by a licensed acoustical engineer.

We are working with an building designer and engineer to meet all the building requirements. The original plan of putting 1 outdoor pickleball court has been stopped as the neighbors would not support any noise abatement plan that we proposed, including the 2 - 12' walls one of each on the north and west side of the court. So basically, any chance of having an outdoor court was eliminated due to the conditions of approval set up by Becky.

We want to wait for planning approval before moving ahead on paying for the building plans and engineering. Maybe the planning department will allow us to move ahead with the understanding that you will review the plans and give your go ahead? Any ideas here Nancy and/or Becky? Please read the letter from Lance below.

Also, Becky and Nancy, please answer the question that Lance has about whether or not that Lance can even do the work you are asking for.

Lance, feel free to contact Nancy or Becky at the emails included in this letter. Becky's phone number is 541-247-3284

Thank you,

John

-----Original Message-----

From: Lance Willis <rlw357@swanc.net>
To: john <rosita327@aol.com>
Sent: Mon, Jan 4, 2021 3:11 pm
Subject: Re: help?

John,

I think a building is going to be the best option to avoid headaches later on. The best approach would be to work with an architect. I can review the plans and examine the wall transmission loss, penetrations, and other openings to make sure there is an acceptable amount of escaping sound.

Just to clear up any confusion, there isn't actually a license for the type of work that I do in Arizona. So I don't have a PE if that's important. I'm not sure what the registration requirements are in Oregon. The planning department may not be sure either and just assume that acoustical engineering is licensed like most other engineering fields, but usually it isn't.

Lance Willis, PhD
[Spendiarian & Willis Acoustics & Noise Control LLC](mailto:rlw357@swanc.net)
520 441-3987 (O), 520 245-7092 (M)

On 12/30/20 12:03 PM, john wrote:

Hello Lance,

I hope this note finds you well and looking forward to the New Year.

We are back trying to come up with another sound abatement plan done by a licensed engineer, such as your self.

We want to submit a plan for a building. It will meet all engineering building requirement and county siting ordinances. The building will have no opening doors or windows on the side that is towards the neighbors. It will be framed with true dimensional 2 x 6's and the exterior sheathing is 5/8" thick.

Are you able to put together a sound abatement plan the the county would accept? The neighbors are putting up every road block they can think of to prevent us from building a pickleball court on our property. They are the ones that suggested a building in the first place and are now trying to prevent us from doing that too. We sure could use your help here.

We offered the 12' sound abatement walls on the north and west sides of the court and they would not support that either. It sure seems like we should be able to build a court on our property in a building?

Your help would be greatly appreciated.

Call if you have any questions.

Happy New Year,

John Little

Becky Crockett

From: John <rosita327@aol.com>
Sent: Tuesday, January 12, 2021 12:40 PM
To: Becky Crockett
Cc: Brad Rueckert
Subject: Fwd: help?

Becky,

So, what do you think now? The reference you used for our “conditions of approval” were not by a licensed acoustical engineer. You used his information as your reference and we decided to use your source for making your decision. We’ve spent over 2 months of time and money working with the person you referenced. Are you now not going to accept his work?

This process has been a f*** up since you have lied to us and made errors in your decisions. Do we need to have some type of hearing where we can demonstrate all the errors you have made? We can show a few good examples of errors you’ve made along the way.

We have taken notes along the whole way and have witnesses including your own county people.

What now? PS, see the note below from the acoustics person you referenced.

John

Sent from my iPhone

Begin forwarded message:

From: Lance Willis <rlw357@swanc.net>
Date: January 12, 2021 at 10:33:36 AM PST
To: John <rosita327@aol.com>
Subject: Re: Fwd: help?
Reply-To: lance.willis@swanc.net

John,

No, I don't have a PE. Arizona and most other states do not have a specific license for acoustics and noise control. Mostly we work for an architect or a general contractor who provide the registration for the project. My partner is a registered architect in Arizona if that helps.

Lance Willis, PhD
[Spendiarian & Willis Acoustics & Noise Control LLC](#)
520 441-3987 (O), 520 245-7092 (M)
On 1/11/21 4:04 PM, John wrote:

I have to check again....

Are you a licensed acoustical engineer?

Thank you,

John

Sent from my iPhone

Begin forwarded message:

From: Becky Crockett <crockettb@co.curry.or.us>
Date: January 11, 2021 at 12:16:53 PM PST
To: John <rosita327@aol.com>
Subject: RE: help?

The conditions of approval state a "licensed Acoustical Engineer". I have worked with a few in Oregon as I recall giving you this information earlier.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: John [<mailto:rosita327@aol.com>]
Sent: Monday, January 11, 2021 11:39 AM
To: Becky Crockett
Subject: Re: help?

The question is whether or not you will accept work from Lance Willis who you referenced in your conditions of approval. He is asking for your response as to whether or not you will approve of his acoustical work.

Thank you,

John

Sent from my iPhone

On Jan 11, 2021, at 10:07 AM, Becky Crockett
<crockettb@co.curry.or.us> wrote:

Hi John: Please again review the conditions of approval for this project. Based on your emails it appears that

you are asking the Planning Department to pre-approve something that we have never seen. We cannot do this. Further, the most important condition is that you and the acoustical engineer work closely with your neighbors so that whatever is proposed is compatible within the neighborhood.

Please keep in mind that the Planning Department has spent several hours meeting with you, conducting research on your proposal and writing up the approval. To suggest that we are not being responsive to your project is off the mark. We receive and address over 50 emails, phone calls and questions at the planning and building counter each day. We do our best to get back to folks within a few days unless a lot of research is required to address the issues. Please review your emails and perhaps you will see that there are no questions for us to answer beyond the guidance that already is outlined in the conditions of your Planning Clearance approval.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [<mailto:rosita327@aol.com>]
Sent: Friday, January 8, 2021 3:30 PM
To: Becky Crockett; Nancy O'Dwyer
Subject: Fwd: help?

Hello Becky and Nancy,

So.... this is Friday afternoon and you have either refused to answer or are ignoring Lances and my questions regarding a sound abatement plan for a building? As you can see below, this letter was sent to you on Tuesday, 3 days ago. They are honest and well intended questions and we are seeking clarity on how to move ahead.

Sincerely,

John Little

-----Original Message-----

From: John <rosita327@aol.com>
To: Nancy O'Dwyer <odwyern@co.curry.or.us>; Becky

Crockett/curry Planner <crockettb@co.curry.or.us>
Sent: Tue, Jan 5, 2021 11:40 am
Subject: Fwd: help?

Hello Nancy and Becky,

See below as Lance is asking if you still want to work with him.

Sent from my iPhone

Begin forwarded message:

From: Lance Willis
<rlw357@swanc.net>
Date: January 5, 2021 at 10:47:21 AM
PST
To: john <rosita327@aol.com>
Subject: Re: help?
Reply-To: lance.willis@swanc.net

John,
OK, I'll wait to see if they have any questions. I doubt they will find anyone more qualified or experienced with pickleball.

Lance Willis, PhD
[Spendiarian & Willis Acoustics & Noise Control LLC](#)
520 441-3987 (O), 520 245-7092 (M)

On 1/4/21 5:00 PM, john wrote:

Hello Lance,

I am cc'ing this note to include Becky Crockett and Nancy O'Dwyer of the Curry County, Oregon planning Department. Becky is the one that used your article as a reference in regards to the "Conditions of Approval" for our planning permit. She is the one that is requiring the Noise Abatement Plan by a licensed acoustical engineer.

We are working with an building designer and engineer to meet all the building requirements. The original plan of putting 1 outdoor pickleball court has been stopped as the neighbors would not support any noise abatement plan that we proposed, including the 2 - 12' walls one of each on the north and west side of the court. So basically, any chance of having an outdoor court was eliminated due to the conditions of approval set up by Becky.

We want to wait for planning approval before moving ahead on paying for the building plans and engineering. Maybe the planning

department will allow us to move ahead with the understanding that you will review the plans and give your go ahead? Any ideas here Nancy and/or Becky? Please read the letter from Lance below.

Also, Becky and Nancy, please answer the question that Lance has about whether or not that Lance can even do the work you are asking for.

Lance, feel free to contact Nancy or Becky at the emails included in this letter. Becky's phone number is 541-247-3284

Thank you,

John

-----Original Message-----

From: Lance Willis <rlw357@swanc.net>

To: john <rosita327@aol.com>

Sent: Mon, Jan 4, 2021 3:11 pm

Subject: Re: help?

John,

I think a building is going to be the best option to avoid headaches later on. The best approach would be to work with an architect. I can review the plans and examine the wall transmission loss, penetrations, and other openings to make sure there is an acceptable amount of escaping sound.

Just to clear up any confusion, there isn't actually a license for the type of work that I do in Arizona. So I don't have a PE if that's important. I'm not sure what the registration requirements are in Oregon. The planning department may not be sure either and just assume that acoustical engineering is licensed like most other engineering fields, but usually it isn't.

Lance Willis, PhD

[Spendiarian & Willis Acoustics & Noise Control LLC](#)

520 441-3987 (O), 520 245-7092 (M)

On 12/30/20 12:03 PM, john wrote:

Hello Lance,

I hope this note finds you well and looking forward to the New Year.

We are back trying to come up with another sound abatement plan done by a licensed engineer, such as your self.

We want to submit a plan for a building. It will meet all engineering building requirement and

county siting ordinances. The building will have no opening doors or windows on the side that is towards the neighbors. It will be framed with true dimensional 2 x 6's and the exterior sheathing is 5/8" thick.

Are you able to put together a sound abatement plan the the county would accept? The neighbors are putting up every road block they can think of to prevent us from building a pickleball court on our property. They are the ones that suggested a building in the first place and are now trying to prevent us from doing that too. We sure could use your help here.

We offered the 12' sound abatement walls on the north and west sides of the court and they would not support that either. It sure seems like we should be able to build a court on our property in a building?

Your help would be greatly appreciated.

Call if you have any questions.

Happy New Year,

John Little

Becky Crockett

From: john <rosita327@aol.com>
Sent: Thursday, January 21, 2021 10:15 AM
To: Becky Crockett
Subject: Re: help?

Hello Becky,

We've been out of town for 10 days and are just getting caught up. I do not remember getting any information from you suggesting licensed acoustical engineers that we could work with. Would you please share with us who you think would be good for us to work with.

You have not yet directly stated whether you would or would not accept the work of Lance Willis. So, to be clear, please state whether or not you will accept his work with a yes or no answer? Please understand for us, Bertie and I, that since you used him as your reference in the "conditions of approval", we assumed that he would be an acceptable person to use for our plans. It is too bad we have spent 2 1/2 months of time and money on working with him.

We are looking forward to your direct answer regarding using the work of Lance Willis or not and information about the acoustical engineers in Oregon that you have worked with.

John

-----Original Message-----

From: Becky Crockett <crockettb@co.curry.or.us>
To: John <rosita327@aol.com>
Sent: Mon, Jan 11, 2021 12:16 pm
Subject: RE: help?

The conditions of approval state a "licensed Acoustical Engineer". I have worked with a few in Oregon as I recall giving you this information earlier.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: John [mailto:rosita327@aol.com]
Sent: Monday, January 11, 2021 11:39 AM
To: Becky Crockett
Subject: Re: help?

The question is whether or not you will accept work from Lance Willis who you referenced in your conditions of approval. He is asking for your response as to whether or not you will approve of his acoustical work.

Thank you,

John

Sent from my iPhone

On Jan 11, 2021, at 10:07 AM, Becky Crockett <crockettb@co.curry.or.us> wrote:

Hi John: Please again review the conditions of approval for this project. Based on your emails it appears that you are asking the Planning Department to pre-approve something that we have never seen. We cannot do this. Further, the most important condition is that you and the acoustical engineer work closely with your neighbors so that whatever is proposed is compatible within the neighborhood.

Please keep in mind that the Planning Department has spent several hours meeting with you, conducting research on your proposal and writing up the approval. To suggest that we are not being responsive to your project is off the mark. We receive and address over 50 emails, phone calls and questions at the planning and building counter each day. We do our best to get back to folks within a few days unless a lot of research is required to address the issues. Please review your emails and perhaps you will see that there are no questions for us to answer beyond the guidance that already is outlined in the conditions of your Planning Clearance approval.

Becky Crockett
Planning Director
(541) 247-3228
crockettb@co.curry.or.us

From: john [mailto:rosita327@aol.com]
Sent: Friday, January 8, 2021 3:30 PM
To: Becky Crockett; Nancy O'Dwyer
Subject: Fwd: help?

Hello Becky and Nancy,

So... this is Friday afternoon and you have either refused to answer or are ignoring Lances and my questions regarding a sound abatement plan for a building? As you can see below, this letter was sent to you on Tuesday, 3 days ago. They are honest and well intended questions and we are seeking clarity on how to move ahead.

Sincerely,

John Little

-----Original Message-----

From: John <rosita327@aol.com>
To: Nancy O'Dwyer <odwyern@co.curry.or.us>; Becky Crockett/curry Planner <crockettb@co.curry.or.us>
Sent: Tue, Jan 5, 2021 11:40 am
Subject: Fwd: help?

Hello Nancy and Becky,

See below as Lance is asking if you still want to work with him.

Sent from my iPhone

Begin forwarded message:

From: Lance Willis <rlw357@swanc.net>
Date: January 5, 2021 at 10:47:21 AM PST

ATTACHMENT I

**Record of Comments Received on Planning
Commission Appeal of Planning
Director's Decision (A-2101)**

Becky Crockett

From: Becky Crockett
Sent: Monday, March 8, 2021 11:46 AM
To: 'Morgan Garman'
Subject: RE: Floras dispute

You are correct in that the Little's did not exercise their right to appeal either the first decision for an open court with conditions or the second decision of the RV/Storage with conditions IF it turned into an indoor court.

-----Original Message-----

From: Morgan Garman [<mailto:morgangarman@sbcglobal.net>]
Sent: Monday, March 8, 2021 11:26 AM
To: Becky Crockett
Subject: Floras dispute

Ms. Crockett;

Seems to me the Littles' right to contest no Pickleball was waived by their failure to timely exercise their administrative remedies. If they wanted to appeal the Board's decision to the Planning Commission they needed to comply with the time requirement to do so. The time seems to have run.

Just my two cents.

Gary Garman

Sent from my iPad

Becky Crockett

From: liz@floraslake.com
Sent: Monday, December 7, 2020 10:03 AM
To: Becky Crockett
Cc: Chip Shepherd; Gary
Subject: Fwd: Little Pickleball Court

Hello Becky,

I don't see you cc:d on John and Bertie Little's recent email to Chip and Debbie Shepherd, but it is at the bottom. No other neighbors were included in their email- we were forwarded the Little's email by the Shepherds. Given this most recent development on the Little's court proposals, I thought we should cc: you our email to noise abatement engineer, Lance Willis.

(Regarding the Little's diagram attachments, please note the location they have proposed for their courts, especially the large indoor court- directly across the fence from the Shepherd's home. Why is there no attempt being made on their part to move either court to the east end of their property to help with sound abatement and, most importantly, to not block all of the Shepherd's southern light exposure with a very large indoor court building?)

Thank you for your time,

Liz and Will Brady
Floras Lake House B&B

Begin forwarded message:

From: liz@floraslake.com
Date: December 4, 2020 at 8:57:48 AM PST
To: rlw357@swanc.net
Cc: rosita327@aol.com, Chip SHEPHERD <cshepherd50@comcast.net>
Subject: Little Pickleball Court

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 so 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 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

Begin forwarded message:

----- Original Message -----

From: john <rosita327@aol.com>

To: "cshepherd50@comcast.net"

<cshepherd50@comcast.net>,

"dshepherd55@comcast.net"

<dshepherd55@comcast.net>

Date: 12/03/2020 21:35

Subject: Pickleball court proposal

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](tel:15204413987).

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.

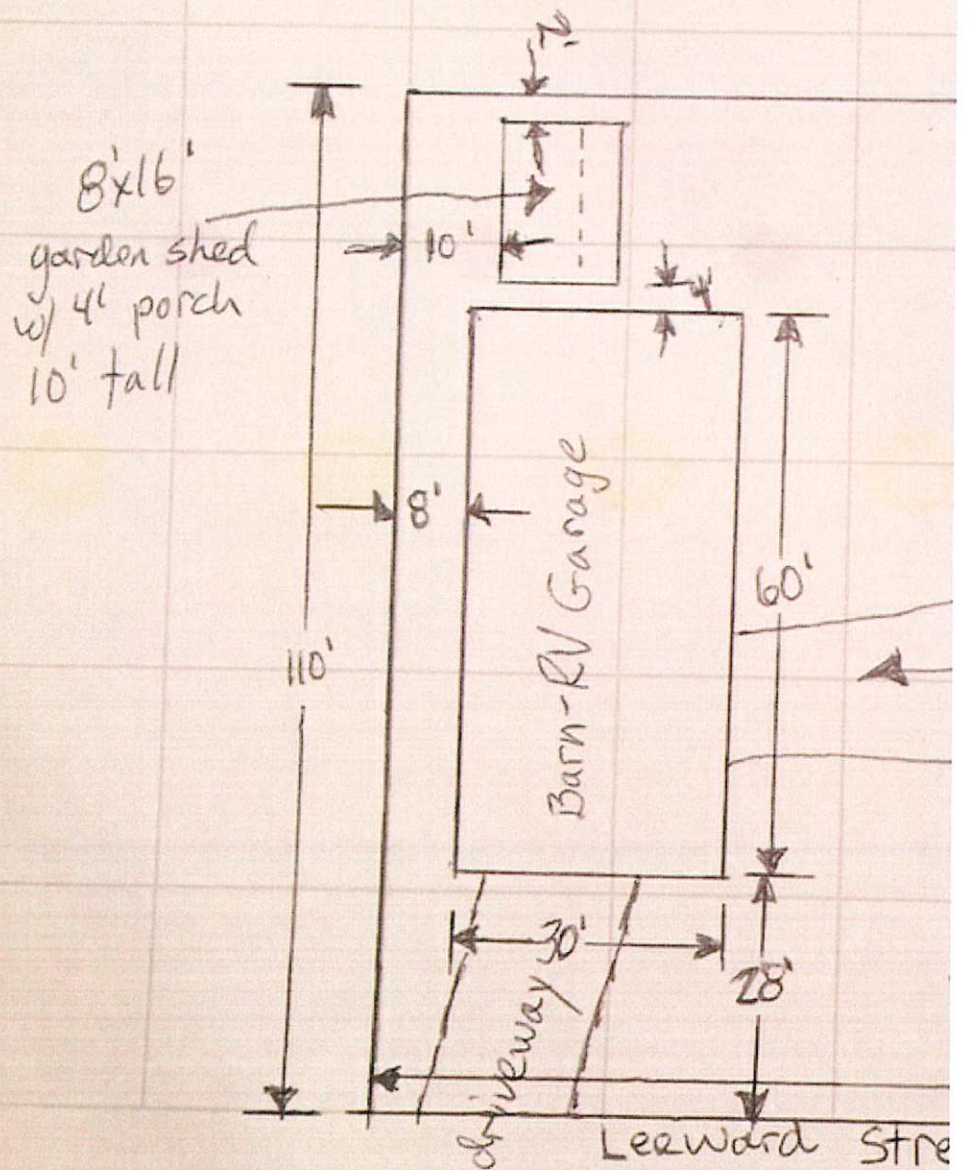
We want to present this to you before we move forward with submitting building plans to the county for the indoor court or continuing with the sound abatement plan for the outdoor court. We assume that you prefer the indoor court with the building as you suggested, but we just want to present it to you 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.

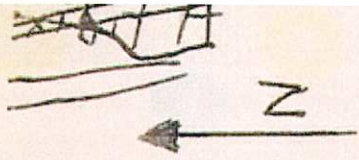
Respectfully,

John and Bertie

SITE I
Please p
plan. An i
delay re

John Little, Alberta R
Barn / RV Garage

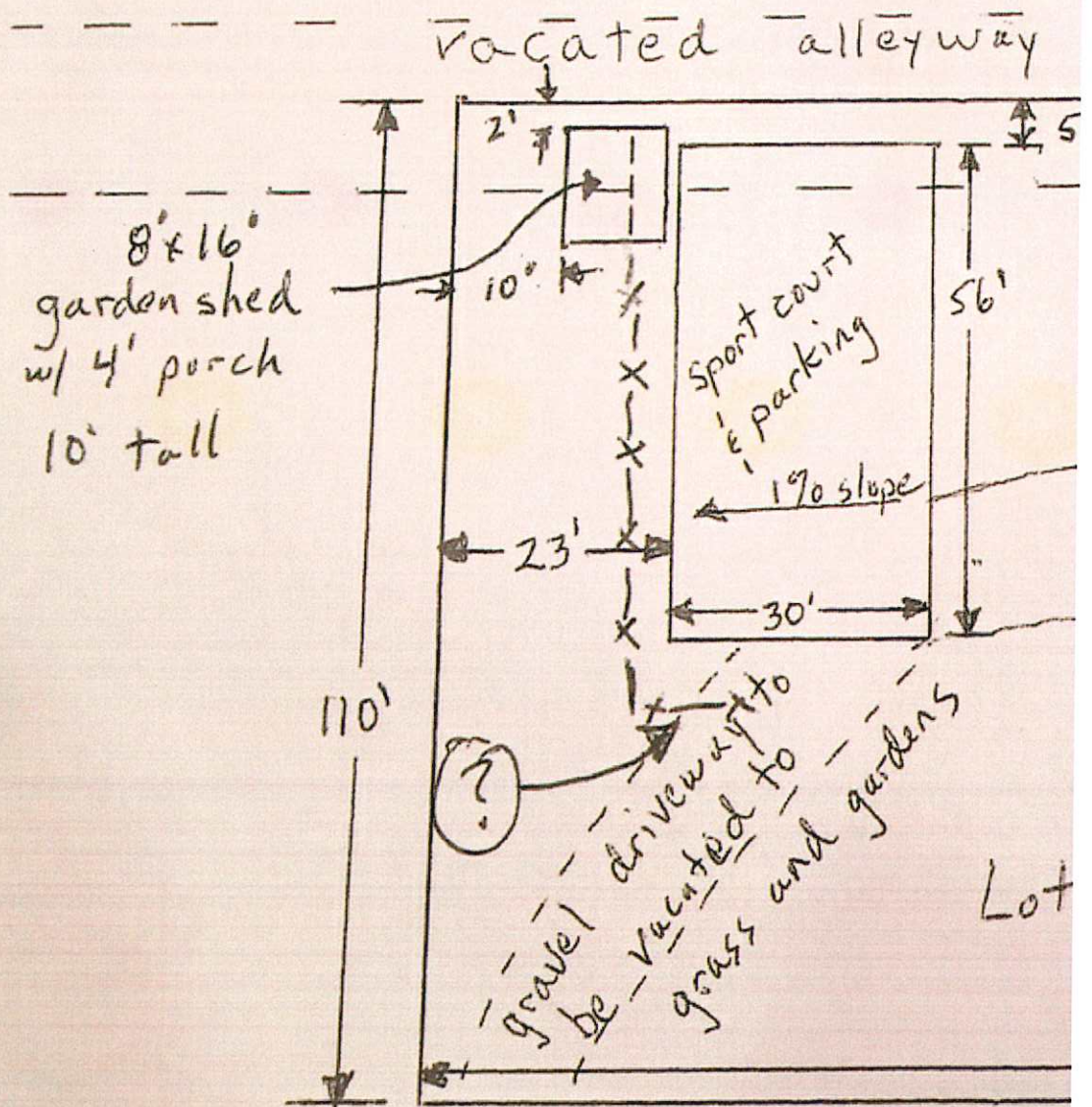




SITE PLAN
 Please prepare
 plan. An incorrect
 delay review

John Little & Alberta Rose
 Sport Court / Parking pad.

Outdoor Court



Becky Crockett

From: Morgan Garman <morgangarman@sbcglobal.net>
Sent: Monday, December 7, 2020 8:39 AM
To: Becky Crockett
Subject: Fwd: Pickleball Court

FYI

Sent from my iPad

Begin forwarded message:

From: Morgan Garman <morgangarman@sbcglobal.net>
Date: December 5, 2020 at 6:52:08 AM PST
To: John & Bertie <rosita324@aol.com>
Cc: Chip Shepherd <cshepherd50@comcast.net>, Will Brady <Will@floraslake.com>, Liz Brady <lizzybl124@gmail.com>, Carol Hanner <carolhanner10@yahoo.com>, Chip Shepherd <cshepherd50@comcast.net>
Subject: Pickleball Court

John and Bertie:

It's impossible not to feel the very sad disruption of a neighborhood so many outsiders said seemed almost magical. What I have found most shocking is the total lack of empathy or understanding you two have shown to those who used to be your friends. Not once in the past 7 months have I heard that you could appreciate that others might see this issue differently than you two. If you don't think the Brady's have struggled mightily to find a balance between what you wanted and how others were affected by that want, then you have lost the ability to take a single step in someone else's shoes. That sound that Bertie has called "the sound of happiness and joy" is only one perspective. Isn't it possible that your neighbors haven't all gone crazy when they hear that same noise as very disruptive? In your email to the Shepard's you talk about building a pole barn on the lot line right next to their house. According to you, it needs to be there as you don't want to move your shed. Think about that from the perspective of your ex-friends, that the shed is more important to you than their peace of mind and friendship.

While the tone of your recent messages has been different than the yelling from the deck, talking behind others backs to anyone who would listen to you and expressions of fury towards those of us who don't agree with you, it's not lost on me that your court would be built without any mitigation had not the County put conditions on your permit.

This year has been very hard on everyone. We've had to deal with terrifying health scares of both of our sons along with everything else. This is one very difficult issue that should have been dealt with so much better. Just for a second get out of your own heads and wonder why so many object to this. I'm sure many non-affected picklers have nodded their agreement when you've expressed your anger towards us. Have you ever wondered how many of them went home and said to their partner "That's a side of John and Bertie we've thankfully never seen or had to deal with".

There's miles and miles to go before you play.

Gary

Sent from my iPad

Becky Crockett

From: Liz Brady <liz@floraslake.com>
Sent: Saturday, August 1, 2020 8:38 AM
To: Becky Crockett
Subject: Pickleball Court

Dear Ms. Crockett,

We were recently informed that John Little and Bertie Rose, our neighbors here at Floras Lake, have applied for a permit to put a pickleball court on their property. Along with the pickleball court, we understand they have also applied for additional parking.

As we are sure you are well aware at this point, we have grave concerns about a pickleball court being put in our neighborhood. This court would be less than 50 yards from our bed and breakfast, Floras Lake House, which we have owned and operated since 1991. We have had countless guests over the past 30 years who have come to enjoy the beauty and peacefulness of our area. We know firsthand how disruptive pickleball can be to those who are not playing. When Will's parents built a home on our property adjacent to the bed and breakfast over 10 years ago, we made the driveway into a double pickleball court, at John Little's request. Over the years, the amount of people whom they were inviting to play and the noise involved became a major problem (in fact we, as property owners, stopped playing years ago because of these issues). We had complaints from neighbors, campers and guests at the B&B. We asked the Littles to limit players to those people we know (for liability reasons) and to keep their play between the hours of 11am and 3pm, which they agreed to and the arrangement workeduntil recently. The Little's decided to build their own own court so they can "play whenever we want and enjoy ourselves." We offered a compromise for them to play 3 days a week and obtain an insurance rider so they could invite whomever they wanted to play on our courts, but Mr. Little's response to that was the following:

"We'd love to have 5 days a week, anytime between 9am and 5pm. It would be nice to choose when we want to play. Of course, there is no guarantee that we would play that much, etc, but just the option/freedom to do so.

Keep in mind, we are only planning 1 court, which is 1/2 the amount of noise that would be on 2 courts and we would not have big groups of players here because people do not enjoy just sitting around watching and waiting a turn. When we have a larger group, we would play at other court locations.

If we had the use of the courts 5 days a week and open to those hours, we would not build a court.

John and Bertie"

The Little's response not only illustrates them not willing to compromise, but it also calls to question their wish to play anytime between 9am to 5pm.

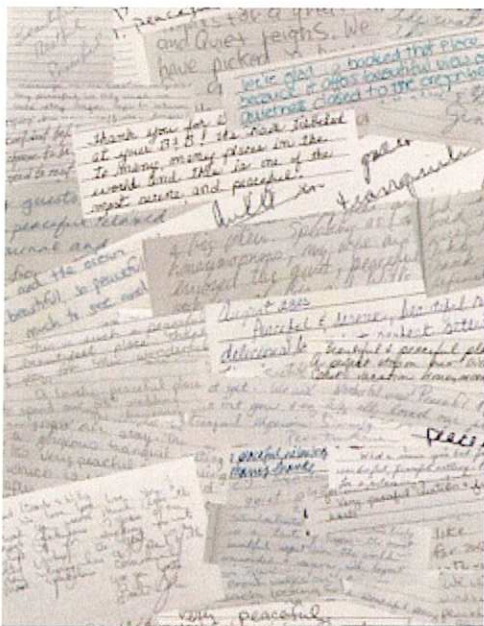
This already does not honor our wishes they agreed to regarding not disturbing our B&B guests. Now they would like to put a court in even closer to the B&B? The Littles were caretakers for us at the B&B for 7 years. They know first hand how much our guests loved the peace and quiet here. I have attached a collage I made from just 2 journals from the South Room of our B&B to show just that.

Our other concern is their applying for additional parking. If they are only putting in 1 court, why would this be necessary? From what we see, the Littles currently have parking for 5 additional vehicles on their property.

The Littles claim to have a lot of support. I can assure you that not ONE resident in our neighborhood within earshot of these courts supports it. Chances are high that the people who support this are their pickleball friends who live elsewhere and who will be coming to the Little's court to play.

Pickleball noise is not only the ball being smacked back and forth, it is always accompanied by loud screaming and yelling - which has created conflicts in neighborhoods all over the country. It saddens us that it has made its way here. Pickleball is disruptive and annoying, especially to those trying to enjoy the serenity of our area. We built our bed and breakfast to share that with our guests. It is our hope that we can continue to do so.

Liz & Will Brady
Floras Lake House B&B
Langlois OR 97450
541-348-2573
541-297-4676 cell
www.floraslake.com



Becky Crockett

From: Gary <morgangarman@sbcglobal.net>
Sent: Saturday, August 1, 2020 1:08 PM
To: Becky Crockett
Cc: Liz Brady; Chip Shepherd; Carol Hanner; Bill Hanner
Subject: Little pickle ball ct.

Director Crockett:

I would like to follow up on Liz Brady's email concerning the proposed court(s). We are neighbors on the south side of the Little/Rose (hereinafter the Littles) property.

We've been trying to work with the affected neighbors to find a solution for several years. The noise generated by play on the two courts owned by Ed and Ann Brady became a problem for us as the number of players and games increased from a few to a lot. I quit playing at that point as the sound and use was an increasing problem for my wife and B&B guests. I no longer knew some of the players and found, on at least three occasions, people playing who I didn't know (and I know all the neighbors).

When the Little's were told they would be limited to 3 days a week, 3-4 hrs each day, I was told that Bertie Rose was outraged. I immediately went to her to talk and was met by fierce anger. I met a second time with them a week or so later and was accused of lying about the number of days I had suggested as being a compromise. At that point, I also became quite angry and walked away as it was apparent nothing would keep them from trying to build a court despite what their neighbors and friends of 20 years might want. I met a third time with John Little but, once more, felt my concerns were of no moment to him.

I agree that the request for additional parking makes no sense as parking has never been issue when the old courts were being used. As an aside, those courts are no longer in use. The only scenario under which the request for additional parking makes sense (to me) is if the Littles intent is to convert that space into a second court at some time in the future. Is that requested space large enough to accommodate a second standard court?

I talked to Mr. Little about the county having an interest in pickle ball courts on land designated for park expansion. It was my understanding that the county land was within a 1/4 mile of the Little's property. Julie Schmelzer had indicated a willingness to work with them on that project. I've been informed that when they were asked to meet with Ms. Schmelzer they told her they weren't interested.

Hopefully this provides you with additional facts and context that will be considered in making a decision on the Little's request.

If you have any questions, please do not hesitate to contact me.

Truly yours,

Gary Garman

Sent from my iPhone

Becky Crockett

From: hannerbill@gmail.com
Sent: Sunday, August 2, 2020 6:01 PM
To: Becky Crockett
Subject: John Little pickle ball application

Hello, Bill and Carol Hanner would like to make a formal complaint about the pickle ball courts that John and Birdie Little have made application for. This has been a hot topic for 2 years now in our normally quiet neighborhood.

We are in a RR-5 zoning area, our building lots are under a grandfather clause that has allowed the people in this neighborhood to build their homes with less than 5 acres.

Adding a 60'x50' pavement area In addition to their house and driveway area on the small lot that the Little's own should be addressed, they do not have a 5 acre lot, it is less than 1/2 acre, the increase drainage that this additional pavement will effect their neighbor's. The courts may also be in the area of their septic field. The courts will not have enough set back from their property line to effectively abated the sound from the activity, at this point I have not heard of any sound abating walls or building Proposal around their courts.

All of the adjacent neighbors to the Little property have objections to these courts going in. We are at a point of hiring a lawyer to fight the building of these courts.

Please consider these points when reviewing the application for the Little pickle ball courts.

Thank you for your consideration

Bill and Carol Hanner

92896 Boice-Cope rd

Sent from my iPad

Applicant's Response to the Appeal

Becky Crockett

From: Becky Crockett
Sent: Tuesday, February 23, 2021 9:33 AM
To: john (rosita327@aol.com)
Cc: Nancy Odwyer (Odwyern@co.curry.or.us); Penny Hudgens
Subject: Appeal of RV/Storage PC#21-000034

Hello John and Bertie: The Curry County Planning Department has received an appeal of the above stated Planning Clearance which was approved by our office on February 9, 2021. This appeal of the Planning Director's decision will be required to be heard by the Curry County Planning Commission. The tentative date for the public hearing before the Planning Commission will be April 15th. We will provide a public notification to surrounding property owners and file a notice of the hearing for publication to the three newspapers of record in Curry County. I will prepare a staff report for the Planning Commission that will be available at least 10 days prior to the Public Hearing.

Let us know if you have any questions regarding the process for an appeal.

3/9/2021

Roger Gould - phone call A-2101

- need to have virtual access

→ for Roger and the Littles at P.C.

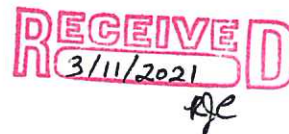
- letter to P.C. to take out conditions } Roger to
- letter of representation } send

* Roger requested that the conditions related to
no lights ^{hrs. of play} be removed from the authorization
for the RV/Storage

* Becky stated that she would not take any more
administrative actions on this application since
it had been appealed to the P.C. Any
requested changes to the conditions would need
to be presented to the P.C. for their consideration.

GOULD LAW FIRM, P.C.

ATTORNEYS AT LAW
243 W. COMMERCIAL
P.O. BOX 29
COOS BAY, OREGON
97420



Phone: (541) 269-5566
Fax: (541) 269-0670
E-mail: rogerg@epuerto.org

Roger Gould, OSB# 721040

Pam Cardwell, Legal Asst.

March 9, 2021

Becky Crockett
Planning Director
94235 Moore St., Suite 113
Gold Beach, OR 97444

RE: Little/Rose File#: PC 21-000034

Dear Becky,

This confirms our telephone conversation in which I advised you that I represent John Little and Bertie Rose on their building project application with Curry County Planning. Their application involves construction of an RV and storage building on their residential property. As you are aware, a Pickleball Court will also be created inside this building. This proposed use is a "Use Permitted Outright" within the applicable zone.

You have imposed administratively conditions on the project. The most significant is the sound barrier, which my clients will enthusiastically accomplish. However, you also included in the conditions that no lights shall be constructed to allow night-time playing on the court and hours of play are restricted to 9 am to 5 pm. I ask that you remove these two conditions. These conditions were initially imposed during the first application for an outdoor court. You copied all conditions from the outdoor application to the indoor facility application. The two conditions I ask be removed are not necessary or applicable for an indoor facility. You stated you will allow the Planning Commission to act upon my request for removal of these two conditions.

I will be participating on behalf of my clients at the April 15, 2021 hearing scheduled on the appeal of your conditional approval filed by Chip and Deborah Shepherd.

Very truly yours,

A handwritten signature in black ink that reads "Roger Gould". The signature is written in a cursive, flowing style.

c: Clients

Becky Crockett

From: John <rosita327@aol.com>
Sent: Thursday, March 18, 2021 9:08 PM
To: Becky Crockett
Subject: Re: county corresponsance

Thank you the information

John

Sent from my iPhone

On Mar 18, 2021, at 8:12 PM, Becky Crockett <crockettb@co.curry.or.us> wrote:

John and Bertie: All of the information for the hearing will be posted on the Curry County Planning Commission web site.

Sent from my iPhone

On Mar 18, 2021, at 5:21 PM, john <rosita327@aol.com> wrote:

Hello Becky and Nancy,

We received the notice today of the Planning Commission Hearing that will be held on April 15.

We are going to be out of state until early May. If possible, please email us, if possible, any other information that we will need to know. We will attend the meeting through the GoToMeeting link that you sent with your letter.

Thank you,

John and Bertie

Nancy O'Dwyer

From: John <rosita327@aol.com>
Sent: Thursday, March 4, 2021 4:08 PM
To: Nancy O'Dwyer
Subject: Fwd: Questions

Hi Nancy,,

Have you had a chance to check with Becky regarding the questions we talked about last week?

Thank you, John

Subject: Re: Questions

Ok. If so, I forgot. Sorry to bother.

Sent from my iPhone

On Feb 25, 2021, at 12:51 PM, Nancy O'Dwyer <odwyern@co.curry.or.us> wrote:

John,

I thought I mentioned that Becky won't be in the office until Monday.

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

-----Original Message-----

From: John [<mailto:rosita327@aol.com>]
Sent: Thursday, February 25, 2021 12:32 PM
To: Nancy O'Dwyer
Cc: Becky Crockett
Subject: Questions

Hi Nancy and Becky,

Just checking in to see if you have had a moment to meet and address the questions that we gave to Nancy yesterday?

Hand Delivered
2/25/2021
A-2101 (KCO)

Bertie Rose (bbbearbertie@aol.com)
To:you Details

Sent from my iPhone

Begin forwarded message:

From: liz@floraslake.com
Date: February 20, 2021 at 9:33:13 AM PST
To: Bertie Little <bbbearbertie@aol.com>

How can this be happening? Do you honestly think we all believe you are putting a MASSIVE "RV garage/storage" building up and you're NOT going to use it for pickleball? You have two massive garages for storage already and you don't even own an RV. Seriously? You guys are pissed about the conditions the county has set forth for a court, so this go-around is your way of saying F you to them and a huge F you to Chip and Deb. Did John even tell you that we all offered to move his garden shed so the building can be pushed further east on your property? So this HUGE building will not block all southern light exposure for Chip & Deb? And he refused. All suggestions blatantly ignored. No attempt to find a solution that works for everyone. So spiteful. So hateful. What did they ever do to deserve this??

Have you ever, for one moment, put yourselves in their shoes? Would you be OK with someone erecting a building like that in essentially YOUR side yard? No you wouldn't.

Not sure how you sleep at night knowing what you've done to this amazing community . A community you are no longer a part of. You reap what you sew and you have no one to blame but yourselves.

What happened to you??

Hand Delivered
2/25/2021

(hannerbill@gmail.com)

To:you + 12 more Details

I have always felt it is best to say what is on your mind when you are dealing with controversies vs being silent and regretting the things that are upsetting to you. Birdie said it all when she said " it is amazing what people will do and say when they don't get their way, I assumed she was talking about John.

For John, to be pushing people around over something as trivial as a pickle ball does not make sense.

At this point, I am tired of hearing John's bullying his neighbors.

John and Birdie, from now on you can, expect these things from me:

-Any time that I speak of you or Birdie, in private or in public I will refer to you as the "little assholes"

-When I see you anywhere, I will greet you with the Little assholes that you are, no matter who you are with. You are no longer the Littles to me.

-I will go out of my way to embarrass you any way I can.

-I will be calling any authorities whenever I see or hear something going on on your property that is not right.

You two have brought this mess on yourself. I guess you will have to live in the shi — you have created in your backyard.

Have you ever considered moving to Arizona.

Your ex neighbor

Bill

Becky Crockett

From: John <rosita327@aol.com>
Sent: Tuesday, March 9, 2021 10:19 AM
To: Becky Crockett
Subject: Re: Questions

Thank you.

Sent from my iPhone

On Mar 8, 2021, at 9:11 AM, Becky Crockett <crockettb@co.curry.or.us> wrote:

Hi John: For this appeal, any questions or other information that you have need to be in writing and directed to the Planning Commission. You can send your questions in writing to me and I will make sure that the Planning Commission is aware of them. Thanks

From: Nancy O'Dwyer
Sent: Monday, March 8, 2021 8:46 AM
To: Becky Crockett
Subject: FW: Questions

FYI

Nancy O'Dwyer, Planner
Curry County Community Development – Planning Division
ODwyerN@co.curry.or.us
541-247-3284

From: John [<mailto:rosita327@aol.com>]
Sent: Thursday, March 4, 2021 4:08 PM
To: Nancy O'Dwyer
Subject: Fwd: Questions

Hi Nancy,,

Have you had a chance to check with Becky regarding the questions we talked about last week?

Thank you, John

Subject: Re: Questions

Ok. If so, I forgot. Sorry to bother.

Sent from my iPhone

On Feb 25, 2021, at 12:51 PM, Nancy O'Dwyer <odwyern@co.curry.or.us> wrote:

John,

I thought I mentioned that Becky won't be in the office until Monday.

Nancy O'Dwyer, Planner

Curry County Community Development – Planning Division

ODwyerN@co.curry.or.us

541-247-3284

-----Original Message-----

From: John [<mailto:rosita327@aol.com>]

Sent: Thursday, February 25, 2021 12:32 PM

To: Nancy O'Dwyer

Cc: Becky Crockett

Subject: Questions

Hi Nancy and Becky,

Just checking in to see if you have had a moment to meet and address the questions that we gave to Nancy yesterday?

Thank you,

John and Bertie

Sent from my iPhone

Appeal Application Addendum

Penny Hudgens

From: Becky Crockett
Sent: Thursday, March 25, 2021 11:18 AM
To: Penny Hudgens
Subject: FW: Appeal File #A-2101
Attachments: appeal picture 1.jpeg; appeal picture 2.JPG; appeal picture 3.JPG; appeal picture 4.jpeg

Hi Penny: This information needs to be included on the PC web site under "Appeal submitted by Deborah and Chip Shepherd" Thanks

From: Chip SHEPHERD [<mailto:cshepherd50@comcast.net>]
Sent: Thursday, March 25, 2021 10:15 AM
To: Becky Crockett
Cc: Nancy O'Dwyer
Subject: Appeal File #A-2101

Hello Becky:

Attached are 4 pictures of the "story pole" that the Littles constructed to show the corner height and slope of the roof of the purported RV garage. Please add them to the record of the appeal.

I have highlighted the pole in some of the pictures to more easily see it. The pole was located in at least two different spots and I believe image 1 is the location of the northwest corner of the currently proposed building. Image 1 is the view out of our den window looking south. Image 2 is from our bedroom window. Image 3 is again from the den. Image 4 is from our living/dining room.

I also noticed that the aerial photo the Littles submitted with their application inaccurately portrays the northern lot line between our properties. The lot line is further to the north and closer to our home.

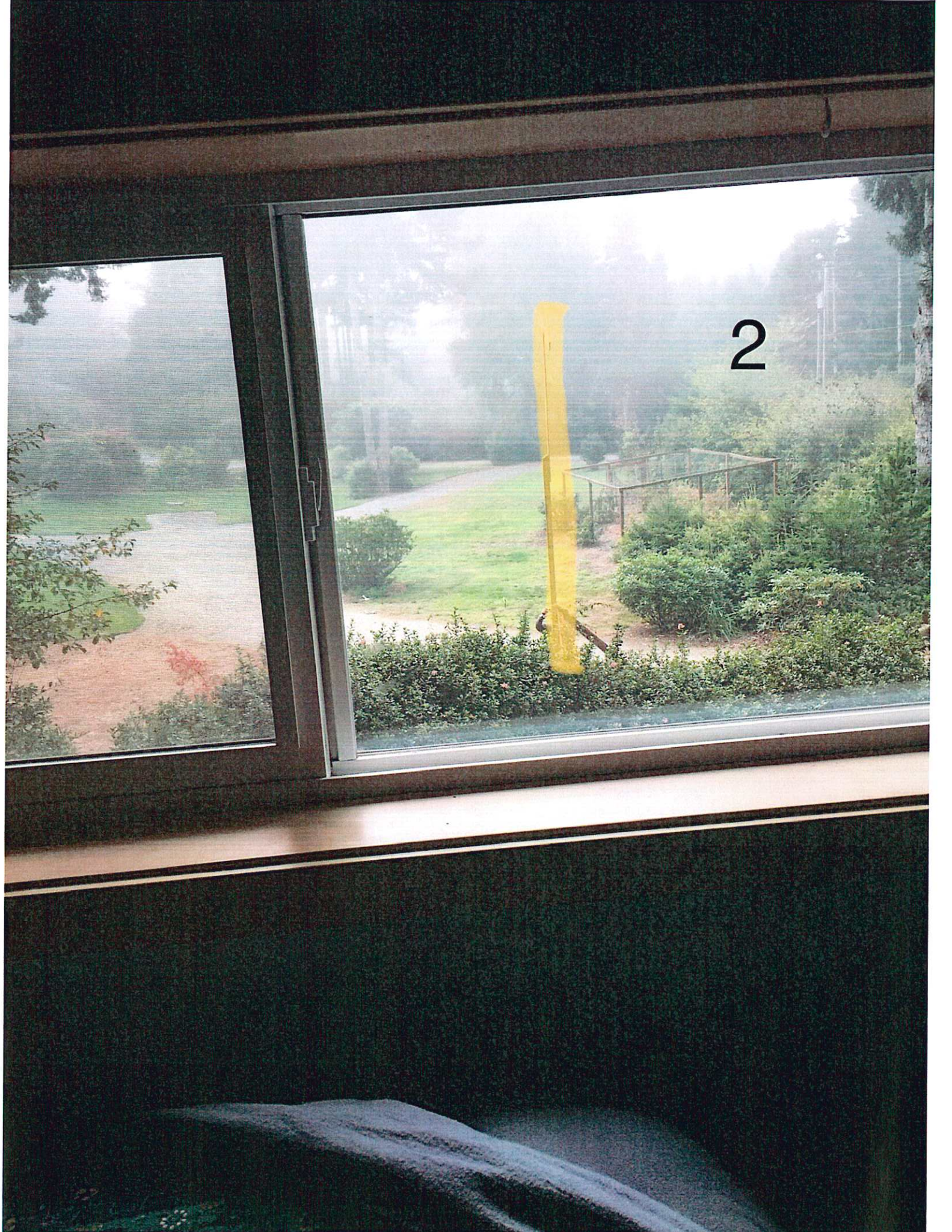
After reading the Comprehensive Plan, Zoning Ordinance, and Land Division Ordinance, I found some requirements that may be applicable to this matter. I imagine you already know all this but I again would like it entered into the record to preserve any future appeals. First, section 13.4 of the Comprehensive Plan indicates the importance of preserving and encouraging the use of solar energy for individuals. Likewise, section 1.090 (g) of the Curry County Zoning Ordinance of 1994, indicates that the Commission has the power to implement the comprehensive plan through "protecting and assuring access to incident solar energy." As I have previously mentioned, the proximity and size of the RV garage will severely limit our access to incident solar energy.

Finally, I think it is worth considering whether an indoor or outdoor pickleball court is actually an accessory use. An accessory use typically is defined as a use customarily incidental and subordinate to the principal use and located on the same lot with this principal use. This definition seems to create a two-part analysis for whether something is an accessory use – is it (i) customarily incidental to and (ii) subordinate to the principal use? In considering whether an accessory use is "subordinate" to the principal use, the comparative area (for the principal use vs. accessory use) must be a factor. In this case, the accessory use may have a foot print larger than the Littles' home and therefore may not be subordinate.

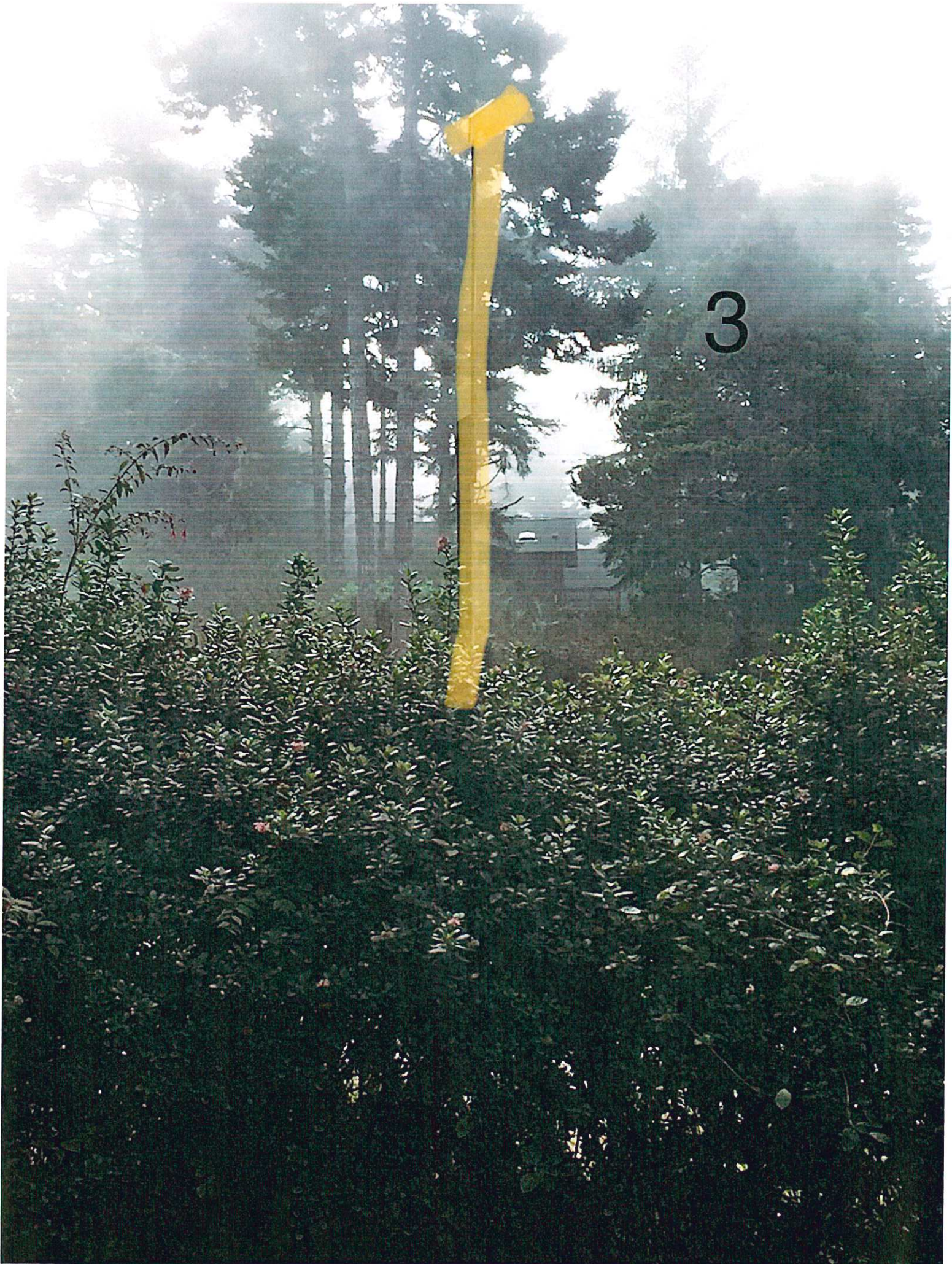
I wish I could say this is the last evidence for the hearing but the more research i do the more good information i find to help our appeal and create a record for future administrative or legal action if this does not end on April 15.

All the best....
Chip Shepherd





2



3

4



Support for Appeal

Becky Crockett

From: Morgan Garman <morgangarman@sbcglobal.net>
Sent: Tuesday, May 18, 2021 8:04 PM
To: Becky Crockett
Subject: Shepard Appeal

Ms. Crockett:

Would you please add this to the Shepard Appeal?

It appears you have broad authority as it relates to any conditional or permitted use.

Curry County Ordinance Section 7.010 gives the Director the authority to make conditions on a conditional or permitted use that are in the best interests of the surrounding property, neighborhood

Curry County Ordinance Section 7.040 sets standards governing conditional use. Section (a) relates to set backs and/or building heights....." ...the county may require a building height different from those specified in this ordinance to render the proposed conditional use be compatible with surrounding land use".

The size, height and location of the proposed structure is NOT compatible with the surrounding properties, specifically the Shepard's home as it relates to both a storage structure or Pickleball court.

Any structure the size of the proposed storage barn should, at a minimum, be located in the Northeast corner of the Little/Rose property to make it compatible with the surrounding properties and neighborhood. I broached this with Mr. Little and he rejected that with an explanation of "I like where my shed is".

Sent from my iPad