

Benedick Holdings, LLC
Annexation and Zone Change

Exhibit K
Planning Commission Testimony
(Exhibit K1-117)
Except K58

Aleia Bailey

From: Alexis Greenlee <lxsg83@gmail.com>
Sent: Monday, October 05, 2020 8:52 PM
To: planningdepartment
Subject: Testimony for the Benedick Holdings, LLC Annexation and Zone Change

Florence Planning Commission,

I am contacting you regarding the proposal, made by Michael Farthing on behalf of Benedick Holdings, LLC, to annex approximately 48.82 acres of property and right-of-way at Oceana Drive and Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801. As a resident living on Oceana Drive, I strongly oppose the request for annexation and zone assignment.

The history of this particular property is that the current ownership, Benedick Holding LLC has been attempting to build a subdivision of 32 plus units for the past 10 years. BH LLC could not get this subdivision approved thru Lane County and this, in my opinion, can be contributed to the fact that the property consists of wetlands and semi-permanently flooded areas. Which raises the question, where does that water go?

It flows into homes and business adjacent to the property that otherwise would not have been experiencing flooding/drainage/erosion problems. The losses to homeowners and businesses could be substantial. The most environmentally damaging effects of construction activities in wetland areas are: direct habitat loss, addition of suspended solids, and modification of water levels and flow regimes. The area of Idylewood is known for the natural landscape and habitats for wildlife that our residents strive to maintain. Our community doesn't want these small pockets of green space to be replaced by solid expanse of development. Protecting these areas preserve what is unique to Idylewood as well as Florence.

In addition, we desire to retain the peaceful, small town character of our community. Adding more houses and people to this area will overcrowd the narrow roads with increased traffic, cause longer emergency response times, impact the water supply, Create more noise and pollution. Not to mention the potential decrease to home values pre and post construction and the costs to residents and taxpayers because of street and sidewalk improvements, including retirees that may be priced out of the community. This is not consistent with the lifestyle we chose when we moved here, and we do not want to see a road and sea of roofs and concrete instead of trees, birds, wetland and wildlife from our backyards.

I strongly oppose this project and asked that the City of Florence please look beyond tax revenue and deny annexation of this property. Why learn the consequences of this shortsighted action after the fact? Long term it could be detrimental to our community.

Alexis Greenlee
4922 Oceana Dr
Florence, Or 97439

Aleia Bailey

From: Debbie Anderson <debbie_anderson123@yahoo.com>
Sent: Saturday, September 26, 2020 9:11 PM
To: planningdepartment
Subject: Annexation off Rhododendron by Salt aire and Oceana

I am against this annexation for all the initial reasons it was stopped by the county: flooding, traffic, emergency egress traffic and more. I live across Rhododendron on Sea Breeze and have seen flooding. More building and less ground for drainage would impact us all negatively.

Terrence and Debra Anderson
4742 Sea Breeze Lane
Florence

[Sent from Yahoo Mail on Android](#)

Courtney & Carol Au Court

4838 Oceana Drive
Florence, Oregon 97439
(541) 997-1004
aucourt@yahoo.com

.....

October 6, 2020

Florence City Hall
Attn: Planning Department
250 Hwy 101
Florence, OR 97439

**RE: PC 20 22 ANN 01 & PC 20 23 ZC 02
Benedick Holdings, LLC Annexation & Zone Change
Public Hearing October 13, 2020**

Dear Planning Commission Members:

We are Courtney and Carol Au Court, homeowners and residents of 4838 Oceana Drive since 2003. This letter is to express our opposition to the proposed annexation and zone change referenced above. We are not opposed to progress; however, it will have a drastic impact on each homeowner on Oceana Drive and surrounding neighborhood. It is our understanding that Benedick Holdings LLC has been attempting to build a subdivision for the past 10 years and has not been able to obtain approval from Lane County; so now they are attempting a “back door” approach by asking the City of Florence to annex Benedick property and Oceana Drive. This is for the developers benefit only and does not take into consideration the existing homeowners in our established Idylewood neighborhood.

Our opposition is based on these potential/probable negative effects:

- Substantial fees and expenses to the homeowners to annex Oceana Drive to the City of Florence. (Sewer, water, utilities, higher property taxes, etc.)
- Traffic impact.
- Flooding, drainage problems.
- Negative effects to homeowners during the construction, including:
 - Dig up Oceana Drive to install pipes, etc.
 - Heavy equipment (dump trucks, loaders, backhoes, concrete trucks, lumber trucks) driving up and down Oceana Drive all day. A reminder, we are built on sand in Idylewood, that much weight and vibration on our relatively narrow street will inevitably breakdown not only the foundation of the road but possibly some foundations of homes. Who will pay for that?
 - Emergency vehicle access.

Exhibit K3

Page Two
Florence Planning Commission
October 6, 2020

It would seem that the one who is making out on this deal, as usual, is the developer, Benedick Holdings LLC, who will try anything for their own benefit. The developer does not care about the existing homeowners, the established Idylewood tract that will undergo a complete change to the aesthetic appearance and quality of our neighborhood. Nor does it bother them that it is the existing homeowners who will be paying out thousands of dollars so the developer can accomplish what they want.

Please do not approve this annexation and zoning request. Once the property is rezoned, a developer can change the original concept within the approved zoning. Possibly to something other than the single family homes that Idylewood tract was originally developed for.

Thank you for your consideration.

Respectfully,



Courtney & Carol Au Court
4838 Oceana Drive
Florence, OR 97439
541.997.1004

Aleia Bailey

From: Jane Balzer <janeb191@gmail.com>
Sent: Tuesday, September 29, 2020 11:21 AM
To: planningdepartment
Subject: Benedict Holdings, LLC annexation and zone change

I am emailing you regarding the above as a concerned resident of Oceana Drive.

This is not an appropriate use of the proposed land above where I live to build and expand housing. That area was designated to be used as a park and a wildlife habitat area by the county. The property is located in a wetlands area next to an area that becomes a pond during the winter rainy season. If so many houses are built it will create undue numbers of more people causing congestion on Oceana. Oceana is a narrow street that citizens and children like to walk, bike and there are also traffic hazards on the street. Security concerning safety issues caused by fire, panic and flooding is an issue along with overcrowding of the land and more traffic on an already busy street. Citizens here want to keep and maintain the harmony of the neighborhood and another large housing development will destroy that harmony.

I have lived here since 1991 and have experienced flooding twice in my front yard area along with my next door neighbor that had flooding under their home twice. This has happened because Benedict Holding failed to follow the county's plan to put an adequate stormwater drainage system in this subdivision. It will only become worse if we have a winter again with very heavy rains.

With added cars on Oceana and that is the closest exit for where the new housing is planned will create a problem for fire trucks and emergency ambulances to quickly come onto Oceana. It is my understanding that 125 houses are proposed on this land and how much of that acreage is

buildable. Please follow the plans laid out by the county for this subdivision.

Jane Balzer

4860 Oceana Drive

janeb191@gmail.com

Aleia Bailey

From: Terry Barrett <tkbarrett4@yahoo.com>
Sent: Wednesday, September 30, 2020 4:38 PM
To: planningdepartment
Subject: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

My wife Kathy and I are owners of Lot 44 in the Heceta South subdivision at 5043 Kelsie Court . Our property adjoins the property proposed for annexation to the city of Florence and owned by Benedick Holdings. Shortly after moving to Florence over eight years ago the property currently proposed for annexation had a very large area completely cleared of trees and all other vegetation. I was later informed that the clearing was done without being permitted by Lane County. There are still large slash piles of dead trees and vegetation on the property behind our house. That makes us very uncomfortable about the proposed annexation and development of the property.

I will not go into detail about runoff water issues in Heceta South as I know that other homeowners in our development have already described problems that exist in our area and explicitly in our cul de sac that adjoins the property to be annexed. That is a huge concern for us and I am sure for the people in Idylwood also.

The last issue of concern is the access to the Benedick property. If that is developed we assume that they will try to extend Kelsie Way that dead ends right beside our property. Our development has little traffic at this time and many people in our area enjoy walking on our quiet streets. If Kelsie Way were extended into the proposed development property it would bring a great increase in traffic in Heceta South and impact our quality of life.

As a private development with an HOA we currently maintain our streets through dues paid by our property owners. We are going to be very extremely unhappy if Benedick Holdings tries to force access to his property through our development. Property owners in Heceta South have no interest in becoming part of the City of Florence as we receive our water from Heceta PUD water district and we have our own septic systems. The City has nothing to offer us if it tries to annex our subdivision except for higher taxes and a large bill for putting their sewer into our area. I know people in our area that would be financially stressed to have to deal with those financial burdens.

Thank you for allowing us to respond.

Terry & Kathy Barrett

Aleia Bailey

From: Gerald Bateman <vcmi65@gmail.com>
Sent: Friday, October 02, 2020 6:21 AM
To: planningdepartment
Subject: Annexation: Benedict Holdings, LLC, Annexation and Zone Change, Oceana Neighborhood.

I oppose this Annexation and Zone Change For the following Reasons:

1. emergency exit problems
2. emergency service vehicle accessibility lessened
3. flooding
4. dangerous increase of traffic on already narrow roads
4. environmental degradation
5. wildlife displacement
6. Spot Zoning, this is or could violate the Comprehensive city plan
7. This Applicant and property was denied a similar land use by lane County (i.e. see, <http://apps.lanecounty.org/LMDPro/FileViewer.aspx?ID=2339721>)
8. Benedict Holdings by previous developments has not shown themselves to be good developers or interested in the city's best interest.
9. Benedict cleared a portion of that property without permits and was stopped with a cease and desist order years ago. When the subdivision was built he promised that the land would be a park. Then illegally began the clear-cutting until he was stopped.

As a former chairman of a P&Z Commission in Lewiston Idaho, I know the importance of good public hearings, getting all of the input from concerned citizens and properly vetting an issue. Under current conditions, I do not believe you can get all of the information and opposition to this Annexation/Zone Change without a free and open meeting. Technology may be great: Virtual/Zoom/Teleconferencing but it will alienate many of the older people who live in the affected area and will not be able to voice their objections. I fully believe that the results of any hearing conducted this way could be thrown out if legally challenged.

Therefore I respectfully request that this Annexation/Zone Change be tabled and moved forward to a time and place where an in person public hearing can be held and all those affected can be heard.

Thank you for your consideration,
Gerald Bateman, 87641 Parkside Dr., Florence Or
October 2, 2020

Aleia Bailey

From: tebeall1@gmail.com
Sent: Saturday, October 03, 2020 9:47 AM
To: planningdepartment
Subject: Public Hearing - Oceana Drive & area.

Saturday, October 3, 2020

Florence Planning Department
250 Highway 101
Florence, OR 97439

Greetings Florence Planning Department,

Are you aware that Florence has a reputation as a tidy, clean and well run city, managed by forward thinking, caring individuals? Well, you do. We know because we did a lot of research before moving here in August of 2019 and purchasing a home in the Idylewood area. Now however, I fear you are rapidly moving toward tarnishing that enviable image. For years Lane County has turned down requests for developing Assessors Map 18-12-10-40, Tax lot's 400 and 401 and MR 18-12-10-34 Tax lot 801, and now you appear on the verge of annexing it to allow that development despite the wetlands designation.

There is a concern among the citizens of the Idylewood area that you are leaning favorably toward approving the annexation that Benedict Holdings, LLC has applied for. One must wonder why, considering these facts:

- * The area in question has been designated a wetland and wildlife habitat by Lane County for a number of years. There are a lot of critters that make that area their home, including a sizable population of bear. Where do they go? Why does that not matter?
- * Lane County has turned down previous petitions by Benedict Holding, LLC to develop this property because of that designation. Why does that not matter?
- * To build on that property, it would be necessary to fill the seasonal lakes. Where would the water go in the winter? Stormwater runoff would likely flood all along the access road of Oceana Drive, and possibly abutting properties. Unless of course the proposed stormwater system can handle the load.
- * There are only two access/egress points planned for the development. One is Oceana Drive and already has a lot of traffic on a fairly narrow road. The other would presumably be Kelsie Way and Woodland Way. That does not appear to be efficient or safe.
- * Emergency evacuation due to natural disaster or other causes, would be worse than it is now without further development of roads to Heceta Beach Road or preferably Highway 101. Currently there are only 4 streets off of Rhododendron Drive that access 101. That's a disaster waiting to happen in the event of an emergency evacuation.
- * Since the average property taxes here in Florence are already higher than Lane County's average, what will all of the infrastructure costs add to that burden? Remember, a quite large percentage of residents are retired, and many are on a fixed income. Does that matter?

From what I have read, and understand about this proposal, it appears that Benedict Holdings, LLC has an albatross that they are desperate to unload, and the City of Florence is, for unknown reasons facilitating that effort. I am protesting that.

Best regards,

Tom and Sharon Beall

87685 Saltaire St.
Florence, OR 97439
541-357-0351

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For more info visit www.bullguard.com

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For more info visit www.bullguard.com

Aleia Bailey

From: Trudy Beck <trudymbeck@gmail.com>
Sent: Sunday, October 04, 2020 2:56 PM
To: planningdepartment
Subject: Heceta Beach Annexation

Importance: High

Trudy M. Beck
4859 Rhododendron Loop
Florence, OR 97439
805-613-6181
trudymbeck@gmail.com
.
Heceta Beach Annexation

I oppose this Annexation and Zone Change For the following Reasons:

1. Emergency exit problems.
2. Emergency service vehicle accessibility lessened.
3. Flooding.
4. Dangerous increase of traffic on already narrow roads
5. Environmental degradation. This land has been designated a wetland area and ignoring this designation would completely violate the natural habitat of the animals/plants on this land.
6. Wildlife displacement.
7. Spot Zoning, this is or could violate the Comprehensive city plan. This annexation proposal would violate LANE COUNTY'S own by-laws in their Comprehensive Plan, the following objectives are listed in their criteria: (LC 10.315-20)
8. This Applicant and property was denied a similar land use by lane County (i.e. see, <http://apps.lanecounty.org/LMDPro/FileViewer.aspx?ID=2339721>)
9. Benedict Holdings by previous developments has not shown themselves to be good developers or interested in the city's best interest.
10. Benedict cleared a portion of that property without permits and was stopped with a cease and desist order years ago. When the subdivision was built he promised that the land would be a park. Then illegally began the clear-cutting until he was stopped.
11. The increased taxes on the surrounding property owners would plan an inordinate financial stress on the retired community currently residing in the area.

This annexation proposal would violate LANE COUNTY'S own by-laws in their Comprehensive Plan, the following objectives are listed in their criteria: (LC 10.315-20)

I know the importance of good public hearings, getting all of the input from concerned citizens and properly vetting an issue. Under current conditions, I do not believe you can get all of the information and opposition to this Annexation/Zone Change without a free and open meeting. Technology may be great: Virtual/Zoom/Teleconferencing but it will alienate many of the older people who live in the affected area and will

not be able to voice their objections. I fully believe that the results of any hearing conducted this way could be thrown out if legally challenged. Therefore I respectfully request that this Annexation/Zone Change be tabled and moved forward to a time and place where an in person public hearing can be held and all those affected can be heard. Thank you for your consideration.

Tandy M. Beck

Aleia Bailey

From: Linda Bickel <lbickel54@att.net>
Sent: Monday, October 05, 2020 10:49 AM
To: planningdepartment
Subject: Formal Letter of Objection

TO: Planning Department, City of Florence.

Regarding: Benedick Holdings, LLC Annexation and Zone Changes

As property owners in Heceta South, we would like to express opposition to the proposed annexation of property owned by Benedick, LLC, tagged as lots 400, 401, MR 18-12-10-34 Tax Lot 801.

These lots are partly adjacent to Heceta South. They are described as "prime wildlife" and I believe are protected under the "beaches and dunes" law, which would require studies be done by Lane

County before development would be considered. I have been told that in 2016, Benedick requested a variance from Lane County to develop these very parcels. Our Heceta South HOA attorney was involved in the process. Development did not proceed because of Benedicks failure to provide studies.

The area of Heceta South, Kelsie Ct . has often flooded. Any development will increase run off and will make this worse.

These parcels provide habitat and pathways for many bears, coyotes, bobcats, deer and many other wild animals and birds. They also provide access to the 40 acre land parcel in our development (wildlife area).

We object to annexation if there is no regard to zoning of Lane County or variances. What standards would be used?

Our other objection to this annexation is the prospect of Benedick attaching a road from their development into ours, at Kelsie Way or any link into Heceta South.

Our HOA built our roads and we, as homeowners, maintain our roads. Its costs us dearly for the surfacing of our streets and keeping them in pristine condition. Neither the City of Florence, nor the county, has ever put any money into our roads.

We do not want any thru traffic on our roads, due to the addition of these future homes, since they would not be contributing to the cost incurred by Heceta South HOA. We do not want added traffic, noise or wear and tear on our roads.

Thank you.

Linda and Eric Bickel

87942 Kelsie Way

Florence, OR 87942

530-575-2685

September 30, 2020

Wendy Farley-Campbell, Planning Director

City of Florence

250 Highway 101

Florence, OR 97439

Re: Objection to the petition put forth by Benedict Holdings, LLC Annexation and Zone Change

We are in receipt of your letter dated September 22, 2020, regarding Notice of Public Hearing for a proposed land development by Benedict Holdings, LLC.

We, David and Annie Blanks, are property owners in Heceta South Subdivision. Residing at, Lot 49, 5014 Kelsie Court, Florence, OR.

We, David and Annie Blanks, would like to be put on record that we are extremely against the Annexation and re-zoning of Oceana Dr. and property described as Assessors Map No. 18-12-10-40, Tax lots 400 and 401 and MR 18-12-10-34 Tax lot 801.

Our major concern in the area Benedick Holdings, LLC, plan to develop is extremely sensitive to drainage. The unstable slopes in this area and any disturbance of these lands will cause destabilizing of the land and can, and most likely will, cause water drainage issues and possible future flooding in the development and neighboring properties. Us being one of those properties. Our property is located close to the seasonal lakes on the proposed development.

Will this be engineered properly so that we won't endure future water problems created from this proposed new development? What is our re-course should we experience water issues caused by the development of said lands?

We are also concerned the City of Florence will require Benedick Holdings, LLC to connect to our roads for access to the property they want to develop. We strongly oppose this. Our HOA pays for and maintains our roads. If the City of Florence intends this to happen, our developemnt would be severely impacted in many ways: security, safety, livability, road issues and property values.

Please put David and Annie Blanks, on record as extremely opposing Benedick Holdings, LLC, request to annex their property and right-of-way and apply for a City of Florence re-zoning designation.

Regards,

David and Annie Blanks

5014 Kelsie Court

Florence, Or 97439

Exhibit K10

Aleia Bailey

From: J P BOLIN <jpbolin303340@msn.com>
Sent: Thursday, October 01, 2020 6:16 PM
To: planningdepartment
Subject: Housing

I live on Saltaire and already the traffic is getting terrible. And I also have flooding on the end of the street. Tell mister greedy to put in his park like he promised!!!!

J. Patricia Bolin

Sent from [Mail](#) for Windows 10

Aleia Bailey

From: Charlie Campione <cnjcampione@yahoo.com>
Sent: Wednesday, September 30, 2020 8:39 AM
To: planningdepartment
Subject: Annexation

I Sam Charles Campione, 87914 Kelsie Way Florence Or 97439 541 902 2500 would like to go on record as being opposed to Annexation Request Made by Benedick Corporation of property adjacent to Heceta South Housing Development. Further, request each homeowner and taxpayer living in Heceta South be provided with the opportunity to provide comment by return mail..

Sent from [Mail](#) for Windows 10

September 14, 2020

Wendy Farley Campbell, Planning Director
City of Florence
250 Highway 101
Florence, Oregon 97439



Ref: Letter against Benedict Annexation Petition

I'm writing this letter against the proposed Benedict Annexation Project. In looking at the aerial photo of where the proposed annexation is, this will cause nothing but problems for current residents of Heceta South and Idylewood.

1. According to the aerial photo, this will become a short cut for anyone wanting to cut over between Rhododendron Drive and Heceta Beach Road. Currently, the roads are too narrow for residents to park their cars along each side of these roads, let alone it becoming a thoroughfare.
2. Along these lines, many residents can walk the neighborhood freely without worrying about being run over, but all our lives will forever be changed when this becomes a short cut!
3. Property values are great now because of the development(s) we live in, but property values will decline once the increased traffic starts up.
4. If this development goes forth, will the City go against its promise not to force annexation to the existing homes in the area?
5. Included in the documents on the City website, this proposed annexation project is being compared to Fawn Ridge and Driftwood Shores. There is no comparison here. The Driftwood Shores area was already developed, and Fawn Ridge had no impact to other pre-existing neighborhoods. It was just an off shoot from Rhododendron Drive, and not directly affecting other homes.
6. Impact to wildlife is also a huge concern. Currently we have a healthy balance with Wood Lake Park and the area around the seasonal lakes for wildlife to live. Taking out another huge chunk of land will drive the animals into the neighborhoods and decimate their habitat.

Florence is already experiencing traffic congestion, parking difficulties in Old Town and shopping areas, endangering pedestrians with increased traffic, and dwindling livability and desire to live in Florence. At what price is the City willing to allow the growth and greed to continue? Do we want to look like another Newport or Lincoln City, or worse yet – a California Coastal town?

We highly urge the City to deny this application.


Cheryl Chipps 87812 Saltaire St


Kenneth Chipps 4936 Sandrift Ct


Judith Chipps 4936 Sandrift Ct


Chris Kohl 87812 Saltaire St

Exhibit K13

Aleia Bailey

From: Kathryn clark <kathryn85768@gmail.com>
Sent: Tuesday, September 29, 2020 9:24 AM
To: planningdepartment
Subject: Annexation of Oceana Drive & area

Hello

I sincerely hope that you will not approve this project. My concern is flooding and traffic. Flooding has been an issue in the past and will certainly be much worse if this project is improved.

What about the traffic? There is no plan to deal with it. It would be horrendous. Emergency services in another problem that should be considered. This area contains many elderly individuals. Emergency vehicles are often needed in this area.

Street damage/repairs is another consideration, higher taxes. The loss of wildlife which live in the area.

It was my understanding that the county deemed this area as wetlands several years ago. The county has a large file stating why this area should not be developed.

Please consider the people who now live in this area and make the correct decision.

Thank you

Kathryn Clark
4814 Cloudcroft Ln
Florence, Or



City of Florence
Request for Annexation and Zone Change

City Manager,

I object to the city of Florence annexing the 48 acres in my subdivision. When I purchased my property approximately twenty years ago, the city was trying to eliminate septic systems and then be connected to the city sewer line. I feel the city wants to utilize the extended sewer line to the camping park.

Unless it can be proven that there is low water in the 48 acres, the septic system will fail in the winter months.

Sincerely, *Robert Clausen*
Robert Clausen
87630 Woodmere East
Florence, OR 97439

Exhibit K15

Aleia Bailey

From: Christine Cole <iluvsocwk@gmail.com>
Sent: Saturday, September 26, 2020 2:11 PM
To: planningdepartment; Christine Cole
Subject: Regarding annexation

My name is Christine Cole, I live at [4978 Cloudcroft Ln, Florence Oregon 97439, United States](#).

I am writing you in regard to my concern about proposal to annex the area by the Idlewood home subdivision. As a homeowner in this area we moved here for the privacy, the quiet and the lack of traffic flow in the area. As I read the map it also appears that my street may be included as an exit for this project. I am concerned that I never received any type of letter from the city in regard to this annexation and had to hear about this word-of-mouth. This neighborhood is primarily a retirement community, many neighbors walk their animals, bike and just walk for exercise in our neighborhood on a regular basis throughout the day. We are able to do this safely due to the lack of traffic flow in our neighborhood.

I am adamantly against the annexation of this property, I am concerned in regard to traffic, flooding, resultant street damage and or repairs due to the high traffic flow. I'm also concerned about higher taxes, the security of our neighborhood, and how this potential annexation will affect the value of our homes, utility costs and safety in our neighborhood.

This annexation should not occur in this neighborhood. I demand that the county records for the specified property include my objection to the annexation of this property. And that no development should occur.

Please send me a return receipt so I can confirm that you have received my email.

Thank you, Christine Cole

SEP 30 2020

By: DHY

Wed Sept 30, 2020

541-902-0795

PPT
20
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From Suzanne Curtis 4806 Oceana Dr
I received my notice from a neighbor,

Question Why? I was not the only homeowner!!!

Topic: County residential street Oceana Dr
Annexation by City of Florence.

Questions: Does Oceana Dr currently satisfy
the City's requirements for Annexation?

If Annexed without conforming to the
City's standards, will the City of Florence and/or
Benedick Holdings be responsible for the street
expenses; As no homeowners have requested
Annexation? What is the City's answer?

The entrance to Oceana Dr off of Rhoddendron
does not have an extra safety turn lane; this
creates a risky situation for cars on an already high
traffic intersection. How will large trucks and
equipment + cars navigate this unsafe situation?
Please provide City's solution to me.

Exhibit K17

Oceana Dr is not a wide county street, with
frequent events such as: garage sales, parties, group
meetings, big truck deliveries etc., getting from one end
of Oceana Dr. to the other end can be difficult.
What is the City's solution? Please provide me the
answer when large equipment + supply truck will be using
this street.

Benedick Holdings is seeking a Low density Residential Community permit. This will require a sewer line to the City's system. All the home owners on Oceana Dr plus the many connecting cul-de-sac homes are on septic systems. How will the City avoid disruptions to basic services such as utilities, water lines etc. Please provide City's solution.

This above question would apply if Oceana Dr needs to be widened. P.S all under ground utility lines are not buried at one level. As trees and foliage removal may be necessary. How will the City notify current homeowners! Hopefully in a better manner than the current Notice of Public Hearing!

Topic #1 Water "run off" problems along the West end of Oceana Dr. & Rhoddendron And Oceana Dr. east area around Saltair St. have occasional flooding problems which impact the street. What is the City + builders solution?

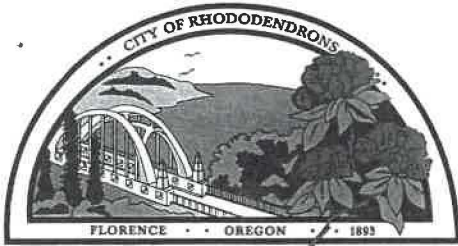
Topic #2 The every day traffic on Rhoddendron is increasing along with adding new development. In an emergency/disaster, who is responsible for public safety on a two lane street?

Comment:

Without using technology systems and no access to City offices, written responses will be my only assurance the attached will be read.

am. Sept 27, 20

From Jeff + Sheri



City of Florence

250 Hwy 101, Florence, OR 97439
www.ci.florence.or.us

September 22, 2020

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission will hold a public hearing via teleconference on October 13, 2020, at 5:30 p.m. in the City of Florence City Hall Chambers located at 250 Highway 101, to consider a request from Michael Farthing, on behalf of Benedick Holdings, LLC, to annex approximately 48.82-acres of property and right-of-way and apply a City of Florence zoning designation to annexed lands. The applicant's proposal consists of annexing Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801. Oceana Drive is located east of Rhododendron Dr. within Idylewood and the property is located south and west of Heceta Beach Rd., and south of Kelsie Way and Kelsie Court within the Heceta South subdivision, and east and south of Sandrift St., and also east of the eastern terminus of Cloudcroft Lane within Idylewood and Idylewood 1st and 2nd Additions. The property is proposed to be zoned Low Density Residential with a Prime Wildlife shorelands management unit overlay (LDR/PW).

PC 20 22 ANN 01 & PC 20 23 ZC 02 – Benedick Holdings, LLC Annexation and Zone Change

Criteria Applying to this application include:

ORS 222.111, 222.120, 222.125 and 222.170 (2)

Realization 2020 Florence Comprehensive Plan:

(found at <http://www.ci.florence.or.us/planning/comprehensive-plan>)

- Chapter 1: Citizen Involvement, Policy 4
- Chapter 2: Land Use, Policy 6; Residential Policies 2, 7, 8, and 10; and Residential Plan Designation
- Chapter 8: Parks, Recreation and Open Space; Parks and Recreation section, Policy 3
- Chapter 14: Urbanization; Annexation section, Policies 1 through 7
- Chapter 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands, Policies 11 & 17 Prime Wildlife

Florence City Code, Title 10:

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

- Chapter 1: Zoning Regulations; Sections 10-1-1-6-4, 10-1-2-3 & 10-1-3
- Chapter 10: Residential Districts; Section 1
- Chapter 19: Estuary, Shorelands, and Beaches and Dunes; Section 9-Prime Wildlife Overlay District

Florence Planning Commission meetings will occur via video conference call. Meetings will air live on these three sources: Cable Channel 191, the 'GoToWebinar' platform link made available on the meeting's agenda, and at www.ci.florence.or.us/citymanager/public-meetings-live. Both written and verbal testimony via conference call will be accepted. For additional information on how to provide verbal testimony at the hearing visit the City of Florence website at <https://www.ci.florence.or.us/bc-pc/request-address-planning-commission-speakers-card>, for all other questions contact the City of Florence Planning Department at (541) 997-8237, or visit the calendar page for this meeting at the City's website at www.ci.florence.or.us.

Testimony and evidence must be directed toward the criteria described above or other criteria in the land use regulations which is believed to apply to the decision. Written testimony may be mailed to 250 Highway 101, Florence, OR 97439; e-mailed to planningdepartment@ci.florence.or.us; or delivered to the document drop

Public Works
2675 Kingwood St.
(541) 997-4106




**City Manager /
City Recorder**
250 Highway 101
(541) 997-3437

**Community Development:
Planning & Building**
250 Highway 101
(541) 997-8237

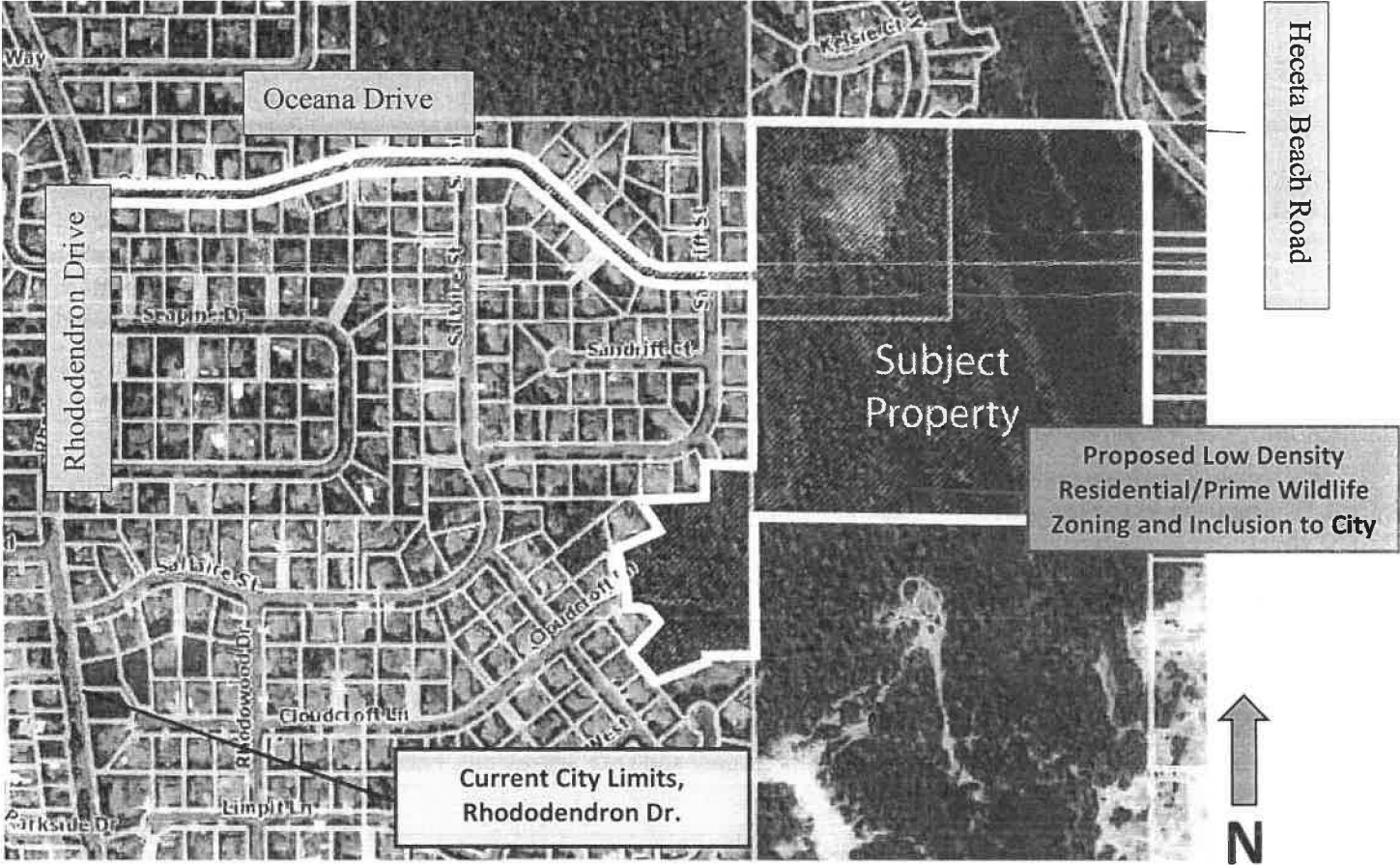
**Finance /
Utility Billing**
250 Highway 101
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



box to the right of the City Hall main entrance. Written testimony received prior to October 6, 2020, can be addressed within the staff report; however, written testimony will be accepted until October 13, 2020, at 3:30 PM. Comments should include a return mailing address. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond precludes appeal based on that issue. The hearing will be conducted in accordance with Florence City Code Title 2, Chapter 10.



Questions for Public Hearing - Benedick
Holdings

From Suzanne Cates

Aleia Bailey

From: Joanne Dal Pra <dalprajoanne@gmail.com>
Sent: Wednesday, September 30, 2020 10:58 AM
To: planningdepartment
Subject: Benedict Annexation petition

I am writing in opposition to the Benedick Annexation Petition & Zone Assignment. Why are those in charge of city and county government trying to make our beautiful TOWN into a crowded, wasteland? If we keep building houses and apartments and taking up the green space that makes this town what it is, the oasis we came to will be gone. This is not California! You can see what's happening there. Is it because the city needs money? Don't you get enough with all the fees you charge? I don't want to start paying more taxes because some big company wants to make more money. I oppose this annexation and know that my entire "neighborhood" feels the same. Stop this land grab now!

**Joanne Dal Pra
87642 Rhodowood Dr
Florence, OR 97439**

Sent from my iPad

Aleia Bailey

From: Gary Donnelly <gldonn.ak@gmail.com>
Sent: Friday, October 02, 2020 3:20 PM
To: planningdepartment
Subject: Annex 48+ acres on behalf of Benedick holdings hearing

To Members of the planning commission:

The issues of density, traffic flow, drainage and many questions/ issues will certainly come up during the public hearing concerning the 48+ acre annexation proposal to the city of Florence by Benedick holdings LLC.

I have just 1 question that needs to be asked, answered, and verified before the planning commission even considers this proposal:

Has Mr. Bendick or Benedick LLC complied with and satisfactorily completed ALL the requirements Lane county expected/required him to do concerning this property?

Thank you!

Gary L Donnelly
87740 Sandrift St.
Florence, Or.

gldonn.ak@gmail.com

Aleia Bailey

From: Ed Dowty <edowty1@charter.net>
Sent: Wednesday, September 30, 2020 11:36 AM
To: planningdepartment
Subject: Benedick Holdings annexation

We are 29 year residents of 4844 Oceana Drive and are opposed to the annexation of Oceana Drive by the city of Florence for the following reasons:

1. Excessive vehicle traffic from the occupants of the proposed homes. Most present occupants are elderly and use Oceana Drive as pedestrians.
2. Excessive traffic from construction vehicles, making our street unsafe.
3. Emergency vehicle use would be greatly curtailed by the vast increase in traffic, since Oceana Drive is the only means of ingress and egress from the proposed site.
4. This area is historically a wetlands area. Mr. Benedick neglected to provide flood drainage in this phase of Idyllwood. More population would increase the danger of flooding.
5. Annexing this narrow thoroughfare to provide access to this plot seems like poor planning.

Carol and Edward Dowty
4844 Oceana Drive
edowty1@charter.net
541-997-6973

RECEIVED
City of Florence

OCT 01 2020

By: DHH

Sept, 28, 2020

To whom it may concern

We received a letter from you dated Sept. 27, 2020 informing us of a public meeting referring to the annexation of 48.82 Acres for a builder to build residential housing.

We have lived on OceanA for 9 years and the traffic has really increased to that time. More traffic from this project would take away what privacy we have left. Plus not to mention additional storm water run off.

We hope this project is not approved.

Wesley J and Shannon M
Dawiggins
4867 OceanA Dr
Florence, OR 97437

Exhibit K21

Aleia Bailey

From: red edson <rededson@hotmail.com>
Sent: Monday, October 05, 2020 4:27 PM
To: planningdepartment
Cc: Kristina Edson
Subject: Regarding annexation off of Oceania Drive and area.

We are land and home owners, off of Woodlands drive, the possibility of a housing subdivision, being built off of said property, raises alarms for concern of increased traffic, flooding, there was flooding issues, in and around this neighborhood, and over there. Septic systems failed, houses were getting flooded, no place for water run off. Traffic is already getting heavy on rhododendron road, and is unsafe for walkers and bike riders, noise pollution, wildlife habitat, and the last but not least is, we bought in this area because of the whole environment, everyone seems to love the ability to walk safely in their neighborhoods, with added traffic these small side streets would be dangerous, for all. And let's not forget about disaster evacuation which is a very real problem. I think this would be a bad move for the city to disregard all these issues, From Krissy eye pad thank you for reading our concern,s sincerely ; Kristina Edson and Garry Edson, property owners in Woodlands subdivision.

Aleia Bailey

From: Steve Campbell <stevencampbell250@gmail.com>
Sent: Monday, October 05, 2020 4:32 PM
To: planningdepartment
Subject: Oceana Drive annexation

My name is Barbara Fiorito, I have lived on 04927 Oceana Drive for 28 years. This letter is about the annexation that the city of Florence has proposed of Oceana Drive. My concerns are very important to myself, along with my neighbor Gail Petty who lives at 4929 Oceana Drive, and my partner Steve Campbell.

This subdivision would be facilitated at the expense of home owners and residents of Oceana Drive. The county has previously denied changing the land use rules to allow this subdivision, why?

The costs to Oceana Drive homeowners to facilitate this subdivision include:

The expense of connecting to city services by homeowners, many of whom are elderly and on a fixed income.

The increased frequency of emergency vehicles on our small streets, and reduced response time with higher levels of traffic flow.

The reduced capacity of people (many elderly) who enjoy walking in our neighborhood due to increased traffic. The existing street, while not a dead end, limits traffic to just local residences.

The increase in noise from increased traffic levels.

The impact on our wildlife, many animals including bears roam our undeveloped areas and wetlands. This would cause more habitat destruction.

All of these impacts would reduce property values in our neighborhood.

The increase in developed areas would also increase the risk of flooding, causing drainage challenges and erosion.

Thank you for your consideration,

Barbara Fiorito (541) 999 0640
Gail Petty (541) 999 1293
Steve Campbell (541) 999 5573

Aleia Bailey

From: Eric Friesen <seikof635@icloud.com>
Sent: Monday, October 05, 2020 2:16 AM
To: planningdepartment
Cc: Eric Friesen; Chris Reep Bill McDoogle; Jamie Cole; John Mc Bride; Les, neighbor
Subject: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

To the members of the City of Florence Planning Commission:

I, Eric L. Friesen, a resident at 87792 Limpit LN Florence, Or 97439, request that the process of rezoning and annexation of property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801, cease and be postponed to a later date due to the COVID-19 viral pandemic. There are a good number of people affected by the the rezoning and annexation of the above mentioned property that cannot have face to face meetings with each other and or meet face to face with legal advisers and have difficulties using the current video communication technologies. Video conference calls, watching a cable TV channel and a 'GoToWebinar' platform link, are poor substitutes for real government meeting. I, my self am insulted and repulsed by the thought of watching an a attorney or a representative of a greedy developer and government officials making decisions that adversely affect me, on a TV set, with no recourse or ability to object. The rezoning and annexation of the above mentioned property is not a matter of life or death, public safety, public health, or even a matter of public convenience and can wait until it is safe for the people affected, to meet and agree on what is an acceptable outcome. The party that is requesting an annexation and rezoning (currently named Benedick Holdings, LLC with the help of Michael Farthing) into the City of Florence, has had ample time to start this process from the time it was denied a request for the same unsuitable housing development, from Lane County. Why now, is a request for annexation and rezoning being considered during a deadly pandemic ? Is Benedick Holdings, LLC, attempting to exploit the current COVID-19 viral pandemic to push an unsuitable annexation and zoning change that adversely affects the people of Idylewood and Heceta South subdivisions some of, who, have underlying medical conditions and limited or no means of using current video communication technology, that prevents them from objecting or making suggestions ? Does The City of Florence have an environmental impact report available, if so, why was it not mentioned on the "NOTICE OF PUBLIC HEARING" ?

I, Eric L. Friesen object to the rezoning and annexation of property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801 for the following reasons:

- Oceana Drive would not be suitable for an emergency exit or entrance for large emergency vehicles if any more people lived at the East end of it. The same is true of Cloudcroft LN. These are narrow subdivision streets that are susceptible to a traffic jam in a "run for your life fire evacuation" exit. Widening these streets are not an option. The widening of any of these two streets would make some of front driveways useless for parking a regular size vehicles.

- There are problems with flooding near the proposed annexation property because of poor design and operation of storm water pumps. The flooding problems will only get worse with any new development.

- A wastewater collection system for this newly annexed property would be complex, expensive and maintenance intensive requiring lift station pumps and pressurized sewer main lines. Who will pay for this ?

Please show some respect for the people who live near this property (Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801), a good number of them work hard at their business, place of work, and volunteer endeavors to make The City of Florence and Old Town Florence as good as it is.

Eric L. Friesen

Mailing address: 2006 Highway 101 PMB 139
Florence, Or. 97439

E-mail: seikof635@icloud.com

Phone :541-590-0443

Aleia Bailey

From: Ed_G <ed97439@gmail.com>
Sent: Friday, October 02, 2020 11:58 AM
To: planningdepartment
Subject: Benedick Holdings Annexation request comment

Sirs:

Regarding - PC 20 22 ANN 01 & PC 20 23 ZC 02 – Benedick Holdings, LLC Annexation and Zone Change request, I wish to express my disapproval of this proposal. As a resident in the adjoining area I am strongly concerned over the increased traffic and safety concerns this development would bring to our local streets. These streets have no sidewalks, walkable shoulders, or street lights. Many elderly residents walk their pets in these streets, as I do. Increased traffic is definitely a concerning safety issue. Also, Please pay attention to the multitude of other issues that others in the neighborhood will comment on. I have those same concerns also.

I am asking that the city deny this request.

Edward Gallup
Idlewood
Florence

Aleia Bailey

From: Michael Gardner <mgardneror@gmail.com>
Sent: Saturday, September 26, 2020 10:48 AM
To: planningdepartment
Subject: Idylewood Annexation

I am writing to protest the proposed plan by Benedict to develop vacant property off Oceana Drive. We live on Oceana and my wife uses a wheelchair plus an electric scooter in Idylewood. If this development is allowed to go forward the increase in traffic will make this dangerous if not impossible. When Oceana was built, it was never designed to handle that much traffic. Oceana is narrow with 'blind corners' that are dangerous. In addition, neighbors travel Oceana walking and children ride their bikes up and down the street. This development will destroy the fabric of our neighborhood. Benedict tries this BS every couple of years. He doesn't give a shit about the people in the Florence area, only making a profit. If this is allowed to happen, there will be traffic nightmares, accidents, and probably injuries. Idylewood/Oceana can not handle this disruption. This must be stopped.

--

Michael J. Gardner
MS Ed, CHES, CADDTP, AMHPAC

Aleia Bailey

From: Jan Gaynor <jan@gaynor.com>
Sent: Saturday, September 26, 2020 11:25 AM
To: planningdepartment
Subject: Opposed to Annexation and Development of Oceana Drive and Surrounding Area

As a neighbor to the Idlewood Development, I'm highly **opposed** to the proposed development.

This land was designated as a park not for additional housing.

The traffic on Oceana is already busier and with new residences that traffic will become much busier and more congested

That property is a wetland area.

--
Kindness is the language the blind can see and the deaf can hear..
....Mark Twain
...
~)
_ . . ' . _ . . * ~ ~) _ . . * ~ ~)
(_ . . ' (_ . . ' Jan (_ . . ' * ~ ~)

Aleia Bailey

From: lynne greenlee <lynnegreenlee@yahoo.com>
Sent: Monday, October 05, 2020 1:33 PM
To: planningdepartment
Subject: Florence Planning Department - annexation and Zone Assignment - Benedick Holding, LLC

RE: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change
Application include: ORS 222.111, 222.120, 222.125 and 222.170 (2)

Florence Planning Department

In response to the Notice of Public Hearing letter dated 9/22/20 stated above annexing 48.82 acres. I would like to express the impact as a resident of the annexation and zone change to the Idylewood and property located South and West of Heceta Beach Rd.

The area is a wooded reserve, natural water basin heavily populated with wildlife for number of years. The Idylewood area was established with this in mind not wanting to disturb the natural public land set apart for all to enjoy.

The application for the intended subdivision of 32 units will drastically impact the neighborhoods specifically Oceana Dr, Saltaire St and Sandrift St. One of the prime problems is increased flooding, drainage and erosion.

As mention the area is a natural water basin with no place for the water to go if additional homes are build in the area. The water would flow into the surrounding neighborhoods causing damage and hazard conditions. Along with the water issues animals will be displaced. The traffic will increased on the small residential roads that exist now along with added car pollution.

I would ask the Panning Department to consider the full impact to a beautiful treasured area in Florence. What brings visitors and new home buyers to Florence is the unique quality of life without concerns of environmental stress and overbuilt communities.

Thank You
Diana Lynne Greenlee
4922 Oceana Dr
Florence Or

I moved here a year ago after determing the city had a quality of life and a Love and pride for the City Florence

2 October 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: Benedick Holdings LLC annexation

We are homeowners in Idylewood, and are strongly opposed to the application and petition from Benedick Holdings to annex their property and Oceana Drive into the City of Florence.

Nowhere in the application and petition is there any mention of Benedick Holdings' plans for development of their property, and that information is hugely important in consideration of their application. E.g., if they plan to build one luxury home, our objection would be softened.

However, in their application to Lane County a few years ago, they proposed building 50 homes, and now, in this application, they propose tearing up all of Oceana Dr. to install sewer and utility lines over a distance of nearly one-half mile; it's hard to believe the developer would undertake that kind of expense for just a handful of homes.

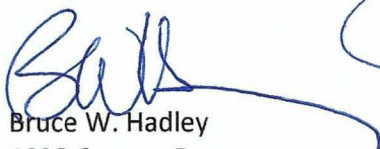
The past annexations listed in their petition are all located along the arterial of Rhododendron Dr., so the connection to the City's sewer was not a major undertaking. Even the one "offroad" exception — Driftwood Shores — required an extension from Rhododendron that's 1,000 feet less than would be required to reach the Benedick property from Rhododendron Dr. along Oceana Dr.

There are nearly 400 homes in Idylewood, and 99% of all ingress and egress is via just two streets: Saltaire St. and Oceana Dr. Adding more cars and trucks to those streets would be a severe burden — and danger — to the people who already live here. There are no sidewalks nor streetlights in Idylewood, and those of us who walk and bike in the neighborhood already have to deal with too many vehicles, many of which are traveling far above the 25mph limit.

In addition, the Benedick property floods every winter, and sometimes in the fall and spring also. It is wetlands, filled with wildlife, and really is not suitable for extensive development.

We do understand that the City of Florence would like to create more affordable housing, and we don't dispute that need. However, this petition and application does not satisfy that need, and in fact creates far more problems than it solves.

Sincerely,


Bruce W. Hadley
4828 Oceana Dr.
Florence, OR 97439



May Deborah Hadley

Exhibit K29

Aleia Bailey

From: Dennis Hamilton <hamiltond1942@gmail.com>
Sent: Thursday, October 01, 2020 11:59 AM
To: planningdepartment
Subject: Annexing Oceans drive

Sir,

Upon receiving the City of Florence letter describing the future revisions to Oceans Drive and development of land at the end of Oceans Drive, I am quite upset and do not wish for the planning commission to approve this project.

Some questions:

*I understand that this project was proposed in the past and turned down by Lane County. If so, how can the City of Florence consider the project when it has been turned down already?

*What are the plans for the increased amount of traffic on Oceana Drive? Can the existing road bed take the increased traffic and extra loads from equipment up and down the road? If the road is to be made wider, how wide?? And how much of my property will I lose in the process?? Are there plans for sidewalks, street lights, etc?? Who will be expected to pay for this?? Not something that I want or need, I like the neighborhood just the way it is.

*What is going to be done about the flooding, when we have heavy rainfall, at the end of Oceana Drive?? Flooding occurs there now, will it increase in the future with all the extra roads and houses??

*What about property taxes, if I lose some of my property due to Oceans Drive road improvements, will my tax bill be reduced??

*What effect will this have on the wildlife in the area that is to be developed, to my understanding this is a wetland area and home to many types of wildlife??

By receiving this letter I have the strange feeling that this project is well past the review stage and has been approved so now we are only going through the political motions. Typical political move.

Bottom line: MY VOTE IS NO, NO, NO, on anything that has to do with this project.

Dennis W Hamilton
4807 Oceana Drive
Florence, OR 97439
Phone: 541-590-3048

To Florence Planning
Commission,

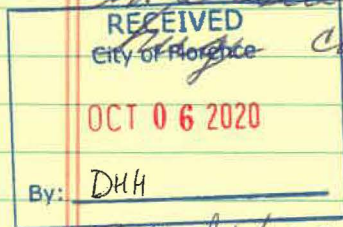
No. 1 We do not want
to be annexed.

Do not want all the
traffic or the rest of
the mess.

I can not see why
any one would let him
Build on Wet Land.

It causes to many
Problems, all around.

Plus the cost of putting
in a sewer system, at a
huge cost to all of us.



J. Haney
47850 Canana
D.S.

and yes
we have the
right to vote on
this.

10/2/2020
Mike and Linda Harrah
87863 Kelsie Way
Florence Oregon
mrharrah@gmail.com
541 997-2124



City of Florence Planning Dept.
c/o Wendy Farley Campbell
250 Highway 101
Florence, OR. 97439

Re: PC 20 22 Ann 01 &PC 20 23 ZC02- Benedick Holdings, LLC Annexation &
Zone Change

Dear Wendy,

We are owners and residents of Lot 43 in Heceta South subdivision. We have lived here for 17 years. Our property abuts the Benedick property in question. We strongly oppose the proposed annexation of this property into the City of Florence and the application for changing the zoning of this property from Beaches & Dunes to the City of Florence's low density/prime wildlife zoning overlay. Our property is next to the seasonal lakes and wetlands.

Our concerns include:

1. Large scale grading and the movement of the current sand dunes on that property could destabilize the dunes causing potential flooding from Heceta South seasonal lakes. This has been an issue in the past. In 2012 there was a prolonged period of flooding with disruption in mail delivery and garbage services. Heceta Beach road was closed which could be dangerous because it is a major artery and primary Tsunami Evacuation Route.
2. Beaches and dune zones are acutely affected by problems with drainage. Idylwood has been plagued by flooding that has yet to be resolved.
3. Lane County has designated this area as a Beach and Dune Zone and does not allow grading of slopes to be greater than 25%. It is my understanding that the City of Florence is less restrictive and if this proposal passes it would possibly endanger the protected wetlands and wildlife that is abundant in this area.
4. Our final concern is that the City of Florence will require Benedict Holdings, LLC to connect to our roads for access to the property they want to develop. Our HOA pays for and maintains our roads. If that is what the City of Florence intends to do, our development would be seriously impacted in many ways, including security, safety, livability, road issues and property values.

We wish to officially notify you that we are opposed to Benedick's proposal for Annexation and zone change.

Thank you,
Mike and Linda Harrah

Exhibit K32

Aleia Bailey

From: Ray Hull <theorangehulls@yahoo.com>
Sent: Monday, October 05, 2020 1:54 PM
To: planningdepartment
Subject: Annexation of Property - Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801

My wife and I would like to voice our concerns regarding the subject annexation near our home in Idylewood. We presently have a quiet neighborhood where we feel safe walking our dogs and enjoy the serenity of this friendly neighborhood. Lane County disapproved this development project as proposed for numerous serious issues with the plan. Having been disapproved by the County, the developer is now hoping to push the project through by having the City of Florence annex his property and approve the same project disapproved by the County.

We are concerned that this proposed annexation of Low Density Residential and Prime Wildlife shorelands management unit overlay is not an appropriate use of this property. We are afraid, with the approval of this annexation, there will be a large increase in traffic on Oceana, Saltaire, and Rhodowood which would pose a safety issue when walking along the streets, potential runoff from the property which will cause flooding in the down gradient sections of Idylewood, and displacement of wildlife. What we, and many of our neighbors, consider a wonderful and peaceful place to live will be destroyed.

Please consider the two neighborhoods of Idylewood and Heceta South and how much this will impact our way of life prior to making your decision. We enjoy our neighborhood the way it is.

Sincerely,

Ray and Jenny Hull
87653 Saltaire Street

Richard & Susan Johnson

5046 Kelsie Court
Florence, Or. 97439

September 29, 2020

City of Florence Planning Dept.
c/o Wendy Farley Campbell
250 Highway 101
Florence, Or. 97439

Re: PC 20 22 Ann 01 & PC 20 23 ZC02- Benedick Holdings, LLC Annexation &
Zone Change

Dear Wendy,

We, Richard & Susan Johnson, are current owners and residents of Lot 50 in Heceta South subdivision located at 5046 Kelsie Court. We received a copy of the notice of a public hearing from your office because of our property's close proximity to Benedict's land.

We strongly object to the annexation of this property into the City of Florence and the application for changing the zoning of this property from Beaches & Dunes to the City of Florence's low density/prime wildlife zoning overlay.

Our property is located close to the seasonal lakes. Part of our property is considered wetlands and has standing water on it part of the year. We are concerned that large scale grading and the movement of the current sand dunes on that property could destabilize the dunes causing potential flooding into our neighborhood from Heceta South seasonal lakes. We believe the City of Florence's zoning designation would be less restrictive than Lane County's Beaches & Dunes zoning which prohibits grading of slopes in excess of 25%.

In 2012, several streets in Heceta South were flooded for several months and Heceta Beach Road (a major artery and primary Tsunami Evacuation Route) was closed due to non engineered land movement by a property owner outside of Heceta South. This caused access issues to Heceta South homeowners and disruption of services such as mail delivery and garbage pickup. Areas

Exhibit K34

designated in the Beaches and Dunes Zones are extremely sensitive to drainage issues. According to homeowner's in the existing Idylwood subdivisions there are flooding issues in their neighborhoods that have never been resolved by the builder, Benedick Holdings, LLC. We don't want those same problems to occur in our development.

We are also concerned that the City of Florence will require Benedict Holdings, LLC to connect to our roads for access to the property they want to develop. We strongly oppose this. Our HOA pays for and maintains our roads. If that is what the City of Florence intends to do, our development would be severely impacted in many ways; security, safety, livability, road issues & property values.

Please put us on record as opposing Benedick Holdings, LLC, request to annex their property and right-of-way and apply for a City of Florence zoning designation.

Sincerely yours,

Richard & Susan Johnson

Exhibit K35

Aleia Bailey

From: Richard and Mary Kauffman <bernerboys@gmail.com>
Sent: Monday, October 05, 2020 1:37 PM
To: planningdepartment
Cc: 'Richard and Mary Kauffman'
Subject: Proposed Benedick Holdings LLC Annexation and Zone Change

Dear Planning Commission,

Here are our comments on the subject proposed annexation:

Comments to the City Planning Commission

The Benedick Holdings petition for annexation of 18-12-10-34, Tax Lot 801 and 18-12-10-40, Tax Lots 400 and 401 is based on a “cherry stem” land shape which is employed to annex land that would not otherwise meet the State requirement that annexations be contiguous to existing city boundaries. The proponent tries to make the case in the petition that the proposed annexation should be approved since the City previously approved “cherry stem” annexations. Although the shape of this annexation is similar to the past annexations cited in the proponent’s submission, many other factors are significantly different.

- The past annexations utilized arterial right of ways to connect the otherwise non-contiguous land to the city boundary. This petition requests the city annex Oceana Drive, a residential street. If annexation of Oceana Drive goes through as Benedick Holdings requested, it would show that the City is willing to impact unincorporated neighborhoods without obtaining consent of current residents. Further it would demonstrate that all non-city residents within the Urban Boundary can be potentially impacted by future City actions. No property owner would be safe from the potential of the street in front of their house to be annexed since all streets connect in some way to the current City boundary.
- A portion of Rhododendron Dr. was within the City boundary prior to the “cherry stem” annexations cited by the proponent. The past actions extended the city boundary along a street with a portion already in the existing boundary. No portion of Oceana Drive is currently within the current City boundary. In fact, in addition to being a residential street, Oceana Drive is completely within the Idylewood neighborhood and does not connect with any arterial road other than Rhododendron Dr.
- Annexation of Rhododendron Dr. was stated by the City, as cited in the Oregon Land Use Board of Appeals decision Link v. city of Florence, to provide the benefit of extending city services. Annexation of Oceana Drive would not extend City services to anyone other than the new homes proposed for development on the tax lots specified in the proposal. Homes along Oceana Drive would not gain additional formal police coverage beyond the existing agreements between the Florence Police Department and the Lane County Sheriff and the Oregon State Police.

Annexation of Oceana, a neighborhood residential street, would set a new precedent for the City of Florence in taking away the rights of the residents to be unencumbered by the city of Florence which was the choice they made by opting to live outside the city limits. If the City goes through with this annexation, all non-city residents within the Urban Boundary could be potentially impacted in the future. No area would be safe from the potential for the street in front of their house to be annexed since all streets connect in some way to the current City boundary.

As the City Planning Commission should know, the proponent has previously proposed to develop the subject Tax Lots over a number of years through Lane County and failed to get approval. The County brought up numerous questions and potential issues that have yet to be addressed. Although the current proposal would have the City annex the property and therefore become the approving authority, many of the potential issues remain and should be resolved before the City annexes any property in the proposal, especially before encumbering the City with a road to maintain

(when other City roads are in obvious need of repair) and the neighborhood County residents with potentially unwanted annexation of the street in front of their existing homes. The comments from the County to the previous attempts to develop these Tax Lots should be the starting point for this process and annexation only considered by the City when satisfactory resolution is determined.

We have been frequent visitors to the Florence area for over 20 years prior to relocating here in 2018 for the natural beauty, open spaces, and small-town atmosphere. We had the opportunity to choose anywhere to relocate and chose, not only the Florence area, but the unincorporated area outside the City limits. We now find ourselves being potentially impacted by City actions without the right of representation. The City should carefully consider the precedent of annexing a neighborhood street to attain annexation of a relatively small development with limited benefit to the City and its existing residents.

Richard and Mary Kauffman
87695 Rhodowood Dr.
Florence, OR 97439
bernerboys@gmail.com

Aleia Bailey

From: Bou Kilgore <boukilgore@gmail.com>
Sent: Sunday, September 27, 2020 10:15 AM
To: planningdepartment
Subject: ANNEXATION NOTICE: City of Florence - Public Hearing - Oceana Drive & area..

[ANNEXATION NOTICE: City of Florence - Public Hearing - Oceana Drive & area.](#) Notice has now gone out from the City of Florence regarding the annexation of the land/property adjacent to Oceana Drive and which impacts all adjoining streets and the entire area re flooding, streets, traffic, etc.

We live on Sandrift Court and do not want any more development in our area. The traffic, the disruption of wildlife, the general change in tone of our neighborhood are just a few consequences of further development. The city of Florence has plenty of areas abandoned/undeveloped for housing interests. Annexation of this land is unnecessary.

Thank you for your consideration,
Bou and Mike Kilgore
4939 Sandrift Court
541 997 3788

Aleia Bailey

From: Charles King <cmking193@gmail.com>
Sent: Sunday, October 04, 2020 10:41 PM
To: planningdepartment
Subject: Fwd: Annexation of Benedick Holdings

----- Forwarded Message -----

Subject:Annexation of Benedick Holdings
Date:Sun, 4 Oct 2020 18:14:12 -0700
From:cmking193@gmail.com
To:planningdepartment@ci.florence.or.us

Planning Department of Florence, Oregon

Regarding Annexation of Benedick Holdings

We live on Kelsie Court in Heceta South. Should this annexation area be developed for housing we are very concerned about the seasonal rise of the water table adjacent to our lots 46 and 47. At the lot lines on the south, water has been as much as 200 feet north to south and 40 feet east to west with water depth estimated to be as much as three feet. It has come to within 5 feet of our property. With any landfill this water could back up onto our properties causing extensive damage. For this reason we are against this proposal.

Charles and Betty King

5009 Kelsie Court

Heceta South, Florence, Oregon

Aleia Bailey

From: Marilyn Krueger <marilyn.krueger@options.org>
Sent: Monday, September 28, 2020 7:46 AM
To: planningdepartment
Subject: PC 20 22 ANN o1 & PC 20 23 ZC 02-Benedick Holdings, LLC Annexation and Zone Change

I am concerned about the above titles application for Annexation and Zone Change related to Oceana Dr. being used as the only or primary entrance and exit to the 48.82 acres of property in question for development. Oceana Dr. is a quiet street serving both elderly residents and families with young children. If Oceana Dr. is made into a thoroughfare with 2-3 times more traffic than it currently experiences, this will put the current residents at risk. Many residents walk along this roadway with their children in strollers or their dogs on leashes. The increased amount of traffic would put these walkers in danger. Also, if there is an emergency calling for multiple emergency vehicles with only one access to the new development area, this would also cause increased danger and risk for current residents and new residents. If evacuation orders were enacted for emergency purposes, the single or primary exit along Oceana Dr. would create a huge bottle neck, endangering all residents of the area. Thank you for addressing this concern.

Marilyn K. Krueger
541-790-1112
4958 Oceana Dr.
Florence, Or 97439

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Aleia Bailey

From: johnksg <johnksg@yahoo.com>
Sent: Monday, October 05, 2020 12:17 PM
To: Eric Friesen; planningdepartment
Cc: Chris Reep Bill McDoogle; Jamie Cole; Les, neighbor
Subject: RE: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

I, John McBride, of 87640 Limpit Ln agree with and second everything Mr. Friesen stated in his email.

Hold an actual public hearing or postpone this issue until one can be held.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Eric Friesen <seikof635@icloud.com>
Date: 10/5/20 2:16 AM (GMT-08:00)
To: planningdepartment@ci.florence.or.us
Cc: Eric Friesen <seikof635@icloud.com>, Chris Reep Bill McDoogle <crisreep@gmail.com>, Jamie Cole <jamie1of5@gmail.com>, John Mc Bride <johnksg@yahoo.com>, "Les, neighbor" <lvhinoregon@q.com>
Subject: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

To the members of the City of Florence Planning Commission:

I, Eric L. Friesen, a resident at 87792 Limpit LN Florence, Or 97439, request that the process of rezoning and annexation of property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801, cease and be postponed to a later date due to the COVID-19 viral pandemic. There are a good number of people affected by the the rezoning and annexation of the above mentioned property that cannot have face to face meetings with each other and or meet face to face with legal advisers and have difficulties using the current video communication technologies. Video conference calls, watching a cable TV channel and a 'GoToWebinar' platform link, are poor substitutes for real government meeting. I, my self am insulted and repulsed by the thought of watching an a attorney or a representative of a greedy developer and government officials making decisions that adversely affect me, on a TV set, with no recourse or ability to object. The rezoning and annexation of the above mentioned property is not a matter of life or death, public safety, public health, or even a matter of public convenience and can wait until it is safe for the people affected, to meet and agree on what is an acceptable outcome. The party that is requesting an annexation and rezoning (currently named Benedick Holdings, LLC with the help of Michael Farthing) into the City of Florence, has had ample time to start this process from the time it was denied a request for the same unsuitable housing development, from Lane County. Why now, is a request for annexation and rezoning being considered during a deadly pandemic ? Is Benedick Holdings, LLC, attempting to exploit the current COVID-19 viral pandemic to push an unsuitable annexation and zoning change that adversely affects the people of Idylewood and Heceta South subdivisions some of, who, have underlying medical conditions and limited or no means of using current video communication technology, that prevents them from objecting or making suggestions ? Does The City of Florence have an environmental impact report available, if so, why was it not mentioned on the "NOTICE OF PUBLIC HEARING" ?

I, Eric L. Friesen object to the rezoning and annexation of property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801 for the following reasons:

- Oceana Drive would not be suitable for an emergency exit or entrance for large emergency vehicles if any more people lived at the East end of it. The same is true of Cloudcroft LN. These are narrow subdivision streets that are susceptible to a traffic jam in a "run for your life fire evacuation" exit. Widening these streets are not an option. The widening of any of these two streets would make some of front driveways useless for parking a regular size vehicles.

- There are problems with flooding near the proposed annexation property because of poor design and operation of storm water pumps. The flooding problems will only get worse with any new development.

- A wastewater collection system for this newly annexed property would be complex, expensive and maintenance intensive requiring lift station pumps and pressurized sewer main lines. Who will pay for this ?

Please show some respect for the people who live near this property (Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801), a good number of them work hard at their business, place of work, and volunteer endeavors to make The City of Florence and Old Town Florence as good as it is.

Eric L. Friesen

Mailing address: 2006 Highway 101 PMB 139
Florence, Or. 97439

E-mail: seikof635@icloud.com

Phone :541-590-0443

Aleia Bailey

From: P Meyer <fishfora11@hotmail.com>
Sent: Monday, October 05, 2020 4:49 PM
To: planningdepartment
Subject: Benedick Holdings, LLC Annexation and Zone Change

Please consider my comments in regards to the request to annex property in the Idylewood/South Heceta Beach area.

Approving the request to annex the referenced property would be a monumental mistake. There are numerous reasons to deny the request. The potential (likelihood) for flooding would be an extreme problem. As the access from the proposed area to Rhododendron would be limited, it would cause difficulties for emergency services to reach people in need, endangering lives. The danger from endless trucks and equipment travelling through tiny Oceana Drive, which lacks any walkway/sidewalk would be a real threat, as the only place to walk for local citizens, many elderly. Add the breaking up of the road for sewer construction and you have a nightmare situation. I would certainly be against any requirements for present homeowners to be responsible for any related costs of the project.

The destruction of nearly 50 acres of wildlife habitat would greatly endanger native wildlife such as black bears who would be forced into a smaller area, likely resulting in more frequent visits to local area neighborhoods and trash cans, endangering people's pets as well as themselves. The development of the area where the pond/water closet area would completely upset the ecosystem in the area causing dire results for the local fauna for years to come.

In closing, the approval of this request would not be beneficial for the city. It just doesn't make sense to build in that area under the present conditions.

Thank you,

Sincerely,
Paul and Josefina Meyer
4925 Oceana Dr
Florence, OR 97439

Aleia Bailey

From: Darlene Norwood <darlenenorwood@mac.com>
Sent: Sunday, September 27, 2020 3:16 PM
To: planningdepartment
Subject: Response PC 20 22 ANN 01 & PC 20 23 ZC 02 – Benedick Holdings, LLC Annexation and Zone Change

Please be aware that the notice we received provides a non-functional online address to pertinent provisions of the Comprehensive Plan. I am commenting without benefit of that guidance.

In December 2018, we purchased our home at 4933 Cloudcroft Lane, which is adjacent to MR 18-12-10-34 Tax Lot 801, one of three proposed annexed properties. Our home fronts an irregularly shaped and deeply contoured portion of that parcel at the dead end of Cloudcroft. At the time of purchase, our realtor informed us of the death of the original owner and developer of Idylewood which includes the undeveloped lots across from our property. He made us aware this change of ownership to heirs might lead to sale and development of the 5.44 acres of natural woodland across from us.

We are aware that annexation does not involve an environmental impact study. That awaits the proposed development plan. However, we believe it is appropriate and timely to provide input about those studies based on our observations of large, predatory wildlife around us plus potential soil erosion issues we've experienced since living here.

All properties in our neighborhood include areas where native wildlife may live or transverse from our development at Idylewood to open, undeveloped spaces to the east. We have observed coyotes and black bear making a peaceful, often late night or early morning trek, from coverage provided by heavily wooded and shallow ravines and the 20-feet of natural space surrounding each home as required under the Idylewood developer's original plan. From observation of this wildlife, it appears to us, they rely on this open, uninhabited corridor to vital resources on the undeveloped land east. If closed off, we would expect they would not be able to survive or they might become a menace to our neighborhood, its residents and pets. We mention this now in the hope that the owners applying for annexation will consider our concern as they proceed to develop their land.

Being at the downhill side of proposed development, we are also worry about eventual soil erosion which could be costly to correct. Due to the steep grade of the forested dunes across from us, we already experience significant sand drift and covering of the paved street bed following hard rains.

We see no reason not to trust that all appropriate and legally required studies will proceed prior to development of this property. The Oregon Environmental Protection Act of 2019 appears to currently pertain.

We trust our input as homeowners impacted by future development proves valuable and will save money and time for new property owners applying for annexation with the city as well as for the City of Florence itself.

We think it right, timely and appropriate that we provide these comments as affected by this annexation action. We would appreciate it if the City of Florence is willing to provide our timely comments in the process to the undeveloped property's owners and their consultants ahead of any procedural hurdles they might face.

PC 20 22 ANN 01 & PC 20 23 ZC 02 Benedick Holding, LLC Annexation and Zone Change

1. Annexation : ORS 222.120 Paragraph (7) in part states "If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner of the land bears in relation to the interest of the other owner and the same fraction shall be applied to the Parcel's land mass and assessed value for the purposes of the consent petition. Those properties that adjoin Oceana Drive which combined have a greater assessed value then the 40+ acer parcel owned by Benedick Holding, LLC, and will be required to compensate for improvements on Oceans Drive without receiving any immediate benefit from the improvements should have an equal voice in the decision to be annexed.
2. Annexation: ORS 222.125 Annexation of consent of all owners of land and Majority of electors, proclamation of annexation , states as follows: The legislative body of the city need not call or hold an election in the city of in any contiguous territory proposed to be annexed or held then hearing otherwise required under ORA 222.120 (Procedure for annexation without election) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the boundaries of the area to be annexed by a legal description and proclaim the annexation[1985 c.702 S3; 1987 c.738 S1] Only one land owner has requested this annexation not all.
3. Realization 2020 Florence Comprehensive Plan: Chapter 2 Land use, Policy 6; States: Then City shall conduct an internal review at least once every three years to assess the capacity of sewer, water and storm water systems including three-year projections of additional consumption using a three percent growth rate. As of this date there is no additional capacity in the storm water system. The area in the annexation subject property is low lying, has seasonal lakes in at least 1/3 of the area. In 1996 the intersection of Oceana Drive and Sandrift Street was under water, pumps had to be used on a 3 hour on 3hour off basis 24/7 to keep storm water in the ditches and off the road. Until system development fees can be directed to storm water issues through negotiations with DEQ to increase storm water discharge into the Siuslaw river with new permits, there should not be any more annexations or housing developments approved.
4. Realization 2020 Florence Comprehensive Plan: Chapter 2, Residential, Policies 7 states: Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City

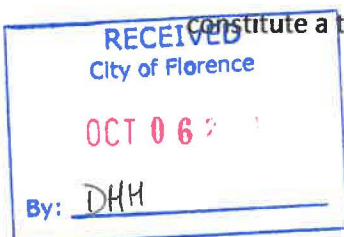


Exhibit K43

PC 20 22 ANN 01 & PC 20 23 ZC 02 Benedick Holding, LLC Annexation and Zone Change

continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards. The natural hazard is storm water collection and distribution. Not only is it a hazard to those properties on Sandrift Street and Gullsettle, that have to use pumps to move storm water so that they do not have to wade through water to get to their homes. It will also be a hazard for homes being built in with in the subject property. Once the root mat is removed, the elevation of the footing will be below the normal seasonal lake levels. Putting 3" rock in a hole and telling the public that this is the drainage system won't work when it is already full with ground water.

5. Realization 2020 Florence Comprehensive Plan: Chapter 8, Policies, Parks and Recreation Policy 3, states: Within the Florence urban growth boundary, the City and Lane County shall designate lands for possible park development purposes. Lands so designated shall be reserved for future park system expansion upon annexation. With Chapter 8 being referenced in the Notice of public hearing, my only conclusion is that Benedick Holdings, LLC is looking to unload the seasonal lakes to the City for a systems development fee waiver. In doing so the lakes become the City of Florence's problem. Again when there are big weather events, the lakes go over the small banks and affect Sandrift Street, Gullsettle Street, Seapines, Florence Golf links, Mariners subdivision. Because there is no storm water collection and distribution system the heavily saturated ground water creates massive hydraulic pressure on the ground under all of the housing along the Siuslaw River from 35th street to Heceta Beach road.
6. Realization 2020 Florence Comprehensive Plan: Chapter 17 Coastal Shore lands: Lake shore lands; Policy 11 Identity's South Heceta Junction Seasonal Lakes, Policy 17 (f) states: Filling in of freshwater Marshes or coastal lakes adjacent to this MU is prohibited. This would seem that any fill to bring roads or foundations above the seasonal lake levels would be prohibited.
7. I am against the annexation of the subject property. The City of Florence does not have the infrastructure or capacity within its permits to discharge more storm water into the Siuslaw River. More housing in this area without collection and distribution capabilities for the storm water runoff will lead to homes that are along the river sliding into the river.

If the City of Florence decides to go forward make it a condition of the annexation that Benedick Holdings LLC, increases the capacity on the gravity feed storm water system by three fold.

**PC 20 22 ANN 01 & PC 20 23 ZC 02 Benedick Holding, LLC
Annexation and Zone Change**

Thank you for your consideration.

Randall J Pilcher, Susan R Pilcher
87842 Sandrift St.
Flodrence, OR 97439

Aleia Bailey

From: Carol Pritchard <cpritchard2886@yahoo.com>
Sent: Monday, October 05, 2020 8:54 PM
To: planningdepartment
Subject: Benedict Holding Annexation Petition

October 5, 2020

I am opposed to this annexation and zone assignment for Idylewood IV. This would cause increased traffic on the narrow roads through the Idylewood neighborhood that were not built for that kind of traffic. It would also slow fire and ambulance emergency vehicles coming into this area.

Residents in this area have already experienced flooding on their property and, as I understand it, this plan would cause more flooding. Wildlife would be displaced causing a problem for them as well as for us.

The potential tax increases as well as city utility costs could be prohibitive for many current residents.

This plan was already reject by Lane County, I believe with good reason.

This plan needs to be rejected again.

Carol Pritchard
87798 Saltaire St.
Florence, OR 97539

541-902-2886
cpritchard2886@yahoo.com

Aleia Bailey

From: Ross Greenlee <greenleeross@gmail.com>
Sent: Monday, October 05, 2020 7:00 PM
To: planningdepartment
Subject: Benedict holdings annexation on Oceana drive

Hello Florence planning commission I am writing regarding the land annex request from Benedict holdings at the end of Oceana Drive.

My name is Ross Greenlee, I am a resident of the Idylewood neighborhood and have concerns about the potential annexation of land at the end of Oceana Drive.



I have included the aerial map above to show the proximity of the land being discussed. You can see the subject property is half water and remains a “lake” most of the year from winter rains.

Idylewood is a quiet mature neighborhood and would hate to see something disturb that. Every day you are more likely to hear the sound of the birds over traffic and construction.

This neighborhood was designed originally to be a park-like setting with narrow streets and vegetation growth in abundance. The amount of animals you see in our area is amazing. We will see rabbits, chipmunks, squirrels and even bears running on our roads daily. The increased traffic and destruction of habitats are concerning. Not to mention we have kids playing also seniors and families walking daily. Currently it is tight for two vehicles to pass on these roads. When a large truck drives down this road it will shake the entire ground and can be felt in my house, this area was all built on sand. If large equipment is moving up and down the road every day it could cause serious damage to the ground and structure of our homes.

Maybe the biggest issue is with flooding. When this neighborhood was built the drainage was never addressed so when we get a lot of rain we have standing water on the side of the streets, there is no place for it to go and our neighbors have had flooding in their homes in the past.

We have all seen the “lake” I mentioned driving down Heceta beach road looking south at these wetlands which are in question. They are planning on filling in this large 48 acre area and the water from that lake will need a place to go and our neighborhood is the likely location. If it was a suitable area to build on 30 years ago they would have done so, the same family owned all of this land. The owner and builder had a specific vision for this land; there are still lots not built on because of rules the owner created 30 years ago. Just because the new owner wants to develop on this section of land, it does not change the facts that this is a wetland area and the repercussions it could cause. I don't know if building a few new homes in a wetland area is worth the risk to all of the current residents' homes. Florence is a tight community and we look out for each other. I wouldn't want to see anyone's home flooded for any reason and for sure not a man made cause that could have been prevented.

In closing I would consider Idylewood to be one of the best neighborhoods in Florence, we all live here for a reason. I would invite you to take a look at our area and see what this decision might impact.

Thank you,

Ross Greenlee

Jan and Michael Sapienza
4966 Oceana Drive
Florence, OR 97439

October 4, 2020

City of Florence
250 Hwy 101,
Florence, OR 97439

**RE: PC 20 22 ANN 01 & PC 20 23 ZC 02 –
Benedick Holdings, LLC Annexation and Zone Change**

Please consider our objections to the annexation of Oceana Drive and the Zone change in the above proposal.

We object to the annexation of Oceana Drive as Kelsie Way and Kelsie Court would provide safer, more direct and less disruptive access to the proposed development.

Our objections are as follows:

Realization 2020 Florence Comprehensive Plan

Chapter 2:

Land Use Policy 6 – We do not believe the existing Florence sewage system would be able to sustain the additional capacity for these new homes because of increased capacity required for already permitted housing growth.

Septic tanks for the number of proposed houses may adversely affect the sensitive Wetland area in which the development is planned.

Residential Policies 7, 8, 10 - This area is a designated wildlife area. Additional traffic, noise and buildings would not protect the land for its intended use.

Chapter 8:

To ensure easier access to the parkland for use by Florence residents the entrance to the area should be from Heceta Park Way off Heceta Beach Road, a major road, not through an established residential area.

Exhibit K46

Chapter 14:

This property lies within the Cascadia Seduction Zone and a Tsunami-Inundation Zone which requires safe and accessible emergency routes. Additional housing with access using Oceana Drive and Rhododendron Drive will cause increased congestion in the event of an emergency evacuation. Traffic would be driving towards danger area rather than evacuating away from it.

The Benedick subject property has direct access to Heceta Park Way, Kelsie Ct & Kelsie Way. There needs to be ingress and egress through these points. Idylewood Properties and Oceana Drive can become impassible due to a garage sale. Oceana Drive does not adequately meet the requirements for an evacuation route as stated in Pages VII-3, VII-4 VII-5 of the Realization 2020 Florence Comprehensive Plan:

City of Florence is proactively addressing tsunami preparedness and mitigation within its land use program. Land use planning that addresses tsunami risk is an essential tool to help increase resilience to a potentially catastrophic tsunami event within the City.

Use of Oceana Drive and Rhododendron Drive for a tsunami evacuation route is in contradiction to the City of Florence Plan to identify needed improvements to the local evacuation system.

Chapter 17:

The development of this parcel of land is in contradiction to the 2020 Florence Comprehensive Plan for Coastal Shorelands: Ocean, Estuary and Lake Shorelands policies for the protection of such lands and wildlife habitats.

Jan Sapienza

Michael Sapienza

OCT 06 2020

By: DHH

Oct 3, 2020

City of Florence Planning Department

Dear Wendy Farley Campbell

Re: Proposal to annex Oceana Dr. with
Benedick Holding, LLC zone changes to the
City of Florence.

My name is Dorothy Marina Schuagmann
and my property address is 04794 Oceana Dr.
I have lived at this address since May of 1992.

I do not want my property with ingers
and egress onto Oceana Dr. annexed to the
City of Florence for the following reasons:-

- There will be increased traffic making
it unsafe to walk on the side of the
road.
- There will be longer emergency response
times. This will be an unsettling
realization for elder residents, myself
included.
- There will be increased flooding, drainage
and erosion problems.

Please explain in easily understood
terminology what "Prime Wildlife
Shorelands management unit overlay
(LDRI/PW) actually is.

Exhibit K47

The County has already declined Benedict Holding, LLC. request to build on these 42.8 acres.

We, Tolykwood property owners, should have a right to vote on the proposal to annex to the City of Florence.

Please telephone me at 641-997-6085
Thank you for hearing my testimony

Respectfully yours.

Dorothy Marina Schwagerman



City of Florence, Planning Commission 250 Hwy 101
Florence, OR 97439

September 29, 2020

**Re: Opposition to PC 20 22 ANN 01 & PC 20 23 ZC 02-
Benedick Holdings, LLC Annexation and Zone Change**

Dear Planning Commission,

We are writing to express our strong opposition to the annexation and zone change by Benedick Holdings, LLC: PC 20 22 ANN 01 & PC 20 23 ZC 02. The proposed rezoning will affect Oceana Drive and Rhododendron Drive. The zone change will significantly impact our neighborhood and community and be detrimental to the area. We are opposed to the rezoning and annexation since it will cause traffic and safety problems, drainage concerns due to grading, destroy the local wildlife habitat, and potentially lower the existing community's property values.

Oceana is a small street within a small community that was not formed to receive heavy traffic. Homes are along both sides of the road; wherein there will be safety concerns for pedestrians walking in the neighborhood. Traffic jams will occur as the traffic only has a stop sign at the exit onto Rhododendron drive. There are already traffic backups due to the newer construction already completed and impacting the community. There is also a concern for emergency vehicles to access the already created homes within this community as they must utilize Oceana.

Drainage has been problematic in our neighborhood for many years. When we purchased our land, Coldwell Banker Realtors stated that the ground directly behind our address was annexed because of the marsh and the lack of drainage therein. We were explicitly told there would never be any development within that area, and if developed, a park and wildlife refuge was promised to the community. We have not seen any County paperwork that shows how this flooding in the marshland will be addressed. There is no guarantee that drainage will not worsen because of the building being proposed. Our homes have their own sewage, and this issue has not been addressed either. There will undoubtedly be a financial impact to current residences when sewers are connected.

Wildlife is regularly observed in the area, and any development will destroy their habitat. Any planned expansion of the marshland should explain what will happen to the local wildlife. We have not seen any county files that ensure there aren't specific species within this area that will be crucially impacted. Has the land even been investigated by the appropriate agency that protects Oregon wildlife?

There is a potential impact on the existing communities with the plausible lowering of property values. The effect must be addressed wherein property owners are aware of the city's expectations for the community itself. Again, we use only one street on our end of the community of north Idylewild, which is Oceana. The rezoning will impact our property values as construction takes years to attain completion.

We urge you to disapprove the proposed annexation and rezoning. We know that our opinions are shared by many of our long-standing homeowners who may not attend the meeting or write letters. We appreciate your continued service and support to our community.

Sincerely,
Jimmie and Christine Seitsinger
87849 Sandrift Street, Florence, OR 97439

Two handwritten signatures in blue ink. The first signature is "Jimmie Seitsinger" and the second is "Christine Seitsinger".

Exhibit K48

Aleia Bailey

From: RJS <3hourtour@charter.net>
Sent: Monday, October 05, 2020 3:04 PM
To: planningdepartment
Subject: Regarding Benedick Holdings Annexation

We have lived on Oceana Drive since December 2012 and are opposed to the annexation of Oceana Drive as well as the property described in the Notice of Public Hearing dated September 22, 2020 by the City of Florence. We are opposed for the following reasons:

- Traffic is already a concern here on Oceana Drive. There are blind curves as well as a hill that make it difficult to see pedestrians or those on bikes. Many people walk or ride bikes in our neighborhood including senior citizens and some school aged children. Construction and new occupants of the proposed homes will substantially increase vehicle traffic which will present a greater risk to pedestrians and bicyclists.
- Deliveries in the area contribute to the traffic as well, this traffic will also grow considerably with the proposed increase in area homes.
- Emergency response would also be impacted.
- Our area is historically a wetlands area. Increasing the number of homes and the population will increase the danger of flooding. We have witnessed flooding in the area since living here.
- This area is home to wildlife that will be impacted and displaced by the proposed development.
- Our understanding is that Lane County has denied the applicant this type of land use for this property in the past.

Thank you for your consideration,

James & Robin Shaver
4849 Oceana Drive
541-999-2528
3hourtour@charter.net

OCT 06 2023

By: DHH

TO: Wendy Farley-Campbell, Director of Planning, City of Florence,
Oregon

FROM: Jok ~~Simons~~, homeowner in Heceta South

RE: Formal Letter of Objection

Disclaimer: I am not an attorney or engineer, nor am I any kind of land use expert, so I do not have the expertise to direct any or all my remarks towards the 8 criteria a/o applicable Oregon law, as required within your public notice. In fact, I believe that this requirement is onerous and will likely serve to stop (via technical disqualification) most of the objections the city will receive. Also, I would like to say up front that if the City of Florence does not require the same standards for development of this fragile land (when the time comes for that), it will be placing the lure of new tax income ahead of the welfare of the environment and the people living in and around these parcels.

Statement of my case:

I am writing to express opposition to the proposed annexation of property owned by Benedick, LLC, tagged as: tax lots 400, 401, and 801. These lots of land are within a parcel adjacent to Idylwood and Heceta South developments. They are variously described as "prime wildlife" land and I believe are protected under a "beaches and dunes" law, which requires certain engineering and other studies be completed and accepted by Lane County prior to any development of such land. You may recall in 2016 that Benedick, LLC requested a variance from Lane County to develop these very parcels. Heceta South's attorney was able to stop the process due to Benedick's failure to provide the required studies.

It appears now that Benedick is seeking to develop these parcels via acquiring annexation by the City of Florence, and then under more lenient rules construct a new residential development. I do not see how the prime wildlife and beaches and dunes designations can simply go away due to this land becoming part of the City.

Exhibit K50

Also, the disruption of the land in parcel 1 (tax lot 400) could increase flooding problems already known to exist in the southwestern edge of Heceta South at the end of Kelsie Ct., which abuts that parcel.

There are valid reasons that certain lots within Heceta South were designated "wetlands" and not developed. I would think that logic should apply to these parcels under consideration for annexation. Some land is not suitable for development and should be left undisturbed. I believe that back-filling low lying areas on which to build roads and new houses will not only create changes in the existing water flow patterns, but will serve as unstable platforms for such construction. Also, the water run-off created by new roads, houses and their various hard a/o paved surfaces could pose increased flooding threat to Heceta South along the end of Kelsie Ct.

These parcels proposed for annexation are also the only natural pathway for wildlife within them and in the 40-acre public land northwest of these parcels to reach Heceta Junction Lake for access to water. The bears, wildcats, coyotes, deer and other wildlife would be forced to cross the newly developed properties to reach water. This would not be good for the animals or the homeowners in a newly developed residential neighborhood in parcel 1 (tax lot 400).

My specific objections:

My first objection to the proposed annexation is simply that once annexed, the owner (Benedick, LLC) will immediately take the necessary steps to develop this land for residential use. I fear that the city will not apply the same standards required for the use of this land as were present when Benedick attempted the zoning variance with Lane County.

My second objection to the proposed annexation is that the owner should not be able to cause the property owners on Oceana Drive to suffer and submit to annexation of their lots. If I am mistaken about this and there is no plan to annex these properties along this road, my concern remains as follows.

Given what Benedick has planned, the size of the water and sewer lines to be installed along Oceana Drive would be significant for such a narrow residential street.

If the owners along Oceana Drive had petitioned the City of Florence to annex their property, that would be one thing, but from my contacts with some of them, that is certainly not the case. They do not want their lives disrupted for weeks or months while the city constructs significant water and sewer lines down the ROW, shutting off their water intermittently and likely destroying the front landscaping of many of the properties. I am pretty sure none of them wants to start paying City of Florence taxes either, should it turn out that they are being annexed against their wishes.

My third objection to this proposed annexation is the subsequent prospect of Benedick seeking to attach a road in the new development to an existing road (Kelsie Way) within Heceta South. I am on the Board of Directors for Heceta South and I can tell you for certain that NO ONE within our development wants the roadways that our HOA built and maintains to this day used by anyone outside our HOA. We pay for the upkeep of these roads and receive nothing (money, labor, use of equipment or anything) from Lane County.

In closing:

Should annexation occur and development be subsequently approved, I would encourage the City of Florence to prohibit the development from connecting its roadway to any street/s within Heceta South, which is an existing private development that maintains its own roads. The residents here do not want the added traffic, noise, or wear and tear on our roads.

OBJECTION
LETTERS

RE= BENEDICK, LLC REQUEST
FOR ANNEXATION

City Of Florence (COF) Proposed Annexation Of Benedick Holding LLC's Parcel(s) From Lane County Jurisdiction

To the City Of Florence Planning Department Staff, Planning Director Wendy Farley Campbell, Florence City Council, Lane County Planning Director Amber Bell, Lane County Transportation Planning Supervisor Sasha Varatanian, concerned people of Florence & concerned people of Lane County.

I'm including this protest letter in addition to my previous letter as I was advised I could do by City of Florence Planning Department. It specifically addresses the limitation of not being permitted to include the complete Lane County Planning Department's file on Benedick Holding LLC's (BH LLC) continuous attempts to develop the land & street(S) which are mentioned in the (COF) NOTICE OF HEARING.

The burden of examining "all" the pertinent evidence included in this extensive file is on the planning department---it is their job & responsibility. Not only that, the entirety, as a whole, of this file demonstrates "throughout" & continuously exactly why the applicant's petition for annexation of his property & Oceana Drive into COF should be denied. To pick & chose certain parts of the file discredits the viability of the evidence in context of understanding the many aspects of the whole picture of the abuses BH LLC has engaged in & is demonstrated in the file going back to 1997. BH LLC's attempts in the past with Lane County have been thwarted by the concerns of numerous government agencies and the legal ramifications contained in the file which also includes the many documented concerns/complaints, with evidence, of & by innumerable citizens. This is exactly the reason BH LLC is attempting this annexation with COF. BH LLC understands that the more receptive attitude towards development in COF and its less stringent reviewing process by COF is more likely to have a



Exhibit K51

beneficial outcome for their goal no matter how or how many citizens it negatively affect/impacts or our environment.

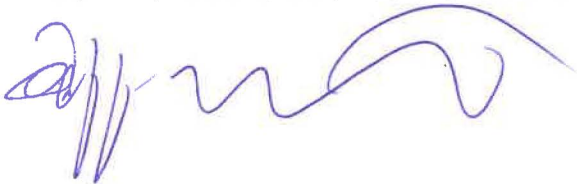
Since BH LLC mentions development in his petition to COF & that is the stated ultimate goal of this annexation, all the Lane County file on this issue "must" be included in any decision making process whether legal or otherwise.

To deny inclusion of this file is totally improper and most likely illegal no matter what COF Planning Department purports as parameters for comments or evidence to be accepted re: this issue & hearing process.

The file may be viewed below electronically & is also contained herein in CD Disc form. Please note: these files are in the order that they were placed into Lane County electronic records not in the chronological order that they were originally written.

<http://apps.lanecounty.org/LMDPro/Default.aspx?ParcelNum=1812104000400>

Jeff Talbot 5033 Kelsie Court Florence, OR 97439 541-590-3899

A handwritten signature in blue ink, appearing to be 'Jeff Talbot', written in a cursive style.

Aleia Bailey

From: Jeff Gemutliche <jeffgemutliche@shasta.com>
Sent: Sunday, September 27, 2020 9:00 PM
To: ross@localgovtlaw.com; planningdepartment; Thatcher, Cher; Terry & Kathy; Wendy Farley-Campbell; Terry & Kathy; Rich & Susan Johnson; Mary McCarthy; jok simons; Jerry Bates; Dianne Pettey; Roxanne Johnston; Cameron La Follette; Annie & Dave Blanks
Subject: Questions About Annexation Notifications ?

We (residents in the proposed annexation by Benedick Holding LLC (BH LLC) surrounding area) would like to know why the (see attached pictures below of the City Of Florence Notifications re: the Benedick Holding LLC. petition for annexation by The City Of Florence of its parcels) were placed in the areas that they were? The pictured notice boxes included) were placed in areas that were in no way easily accessible & specifically one that was outright dangerous especially for citizens that are older, plus all those notices were water logged from Friday's, the 9-25th-2020 heavy rain ! In the other, it was placed "behind" a sign that said no trespassing that was on the petitioners property---(see included pictures).

Many citizens did not receive written notices in the mail, some did when mail boxes were checked & we are wondering why? This whole area, that's up for annexation, has been in litigation for years & years and has had a timeline waiver put on it by Lane County Planning as been requested by BH LLC. (very convenient), now it's been switched over to "The City Of Florence" jurisdiction (path of least resistance, pro development) but it is actually in a "legal catch 22 neverland". Concerned & directly impacted citizens have asked that their list of names with address contact information be placed on a notification list from The City of Florence Planning Dept.---this was not done, why ? Planning has a copy of that list from a long time ago, discouraged by a city fee which can be considered an illegal tax for notification purposes .

Video conferencing calls at this time are totally inappropriate given the context of what is transpiring with the recent coronavirus concerns! People are not able to access all information in a reasonable manner given the COF parameters/requirements.

This whole issue is being handled in the most underhanded unethical way possible by both the COF & BH LLC ---- **it is outright discriminatory for residents of the area based on their age (age discrimination)**. Homeowners in this area are mostly older & are not able to deal/understand newer technologies, many are not as able to see and read the notices that they "might" (very questionable) have been able to obtain and need assistance for those that were "purposely obscured". Not only that, it is obvious that this is programmed into the pattern of discrimination by BH LLC.. As stated, many did not get the notices. Many long time residents know that this is the same thing that they were promised "was a finished issue" many years ago so have been paying no attention to notices (propaganda done deal)---counted on by BH LLC.

At present with the many confusing problems of voting & coronavirus issues this is being placed on the plates of older folks that are challenged in too many ways. This has been the pattern that BH LLC. has been using & demonstrated for years. Newer residents (just recently) were told **by their realtors** that this property (parcel(s) would never be developed because it was considered all wetlands and prone to seasonal lakes & ponds which the **City Of Florence is well & absolutely aware of**. Older residents have been led down the liars path forever! This is going to be one big can of worms for the COF "& others" if documented & further investigation is purposely ignored/swept under the table by the COF & its Planning Department ! There is considerable & consistent flooding information that is, & has been, well documented for many many years that has been filed with the Lane County Planning Department & that The City of Florence is totally aware of & legally required to adhere to:

(1) To encourage the most appropriate use of land and resources throughout the County.

(2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.

(3) To avoid undue concentration of population.

(4) To secure safety from fire, panic, flood, and other dangers.

(5) To prevent the overcrowding of land.

(6) To provide adequate light and air.

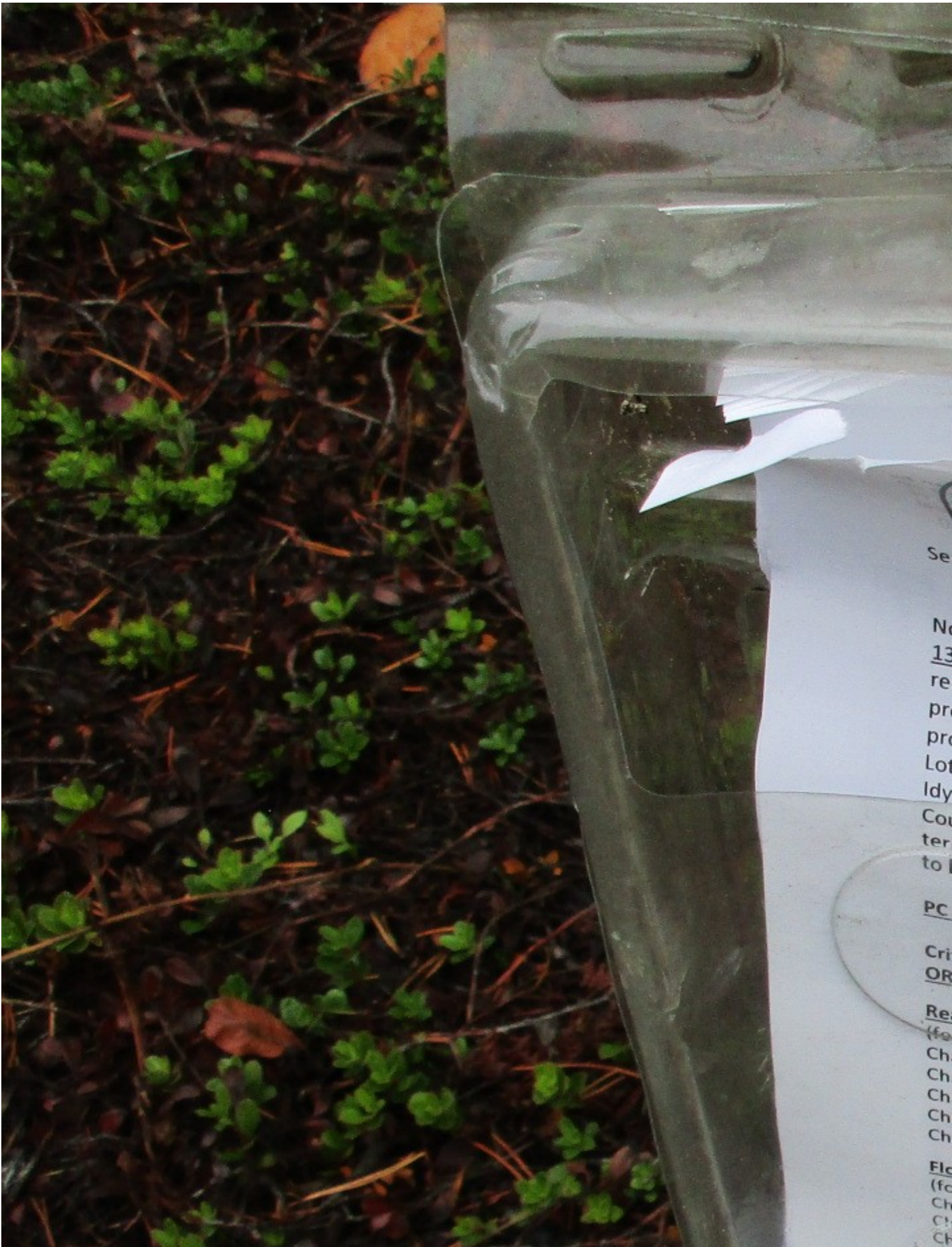
(7) To lessen congestion in the streets, roads, and highways.

(8) To provide an environment of character in harmony with existing and proposed neighboring use of land.

(9) To preserve and enhance the quality of Lane County's environment

We'd like these concerns addressed before there are further proceedings re: this annexation proposal & development. The City Of Florence's own by-laws state that what is being proposed for the future development by BH LLC should not even be considered, PERIOD !

Thank you, from all of the above contacts plus the list of concerned home owners & residents that has been previously been provided to The City Of Florence Planning Department.





Knododendron Dr

STOP

Aleia Bailey

From: Jeff Gemutliche <jeffgemutliche@shasta.com>
Sent: Tuesday, September 29, 2020 6:28 PM
To: planningdepartment
Cc: Wendy Farley-Campbell; Terry & Kathy; Rich & Susan Johnson; Mike & Linda Harrah; Mary McCarthy; Jerry Bateman; Jamie/Jim sikora; Dianne Pettey; Cindy Flesher; BELL Amber R; Annie & Dave Blanks; Kelli Weese; Joe Henry; Joshua Greene; Woody Woodbury; Ron Preisler; ross@localgovtlaw.com; Joshua Greene; McAleer, Pat; zmittge@eugenelaw.com
Subject: Benedick Holding LLC Letter To City Of Florence & Lane County

9-30-2020

City Of Florence Proposed Annexation Of Benedick Holding LLC's Parcel(s) From Lane County Jurisdiction

To the City Of Florence Planning Commission, Lane County planning Commission, Planning Director Wendy Farley Campbell, Florence City Council, Lane County Planning Director Amber Bell, Very Concerned People of Florence & Concerned People of Lane County,

I am responding to The City Of Florence's (COF) NOTICE OF PUBLIC HEARING, dated 9-20-2020 received by me on 9-25-2020, with my and other resident's objections, protests & statements (listed below) regarding this intended annexation by The City Of Florence and Benedick Holding LLC's (BH LLC) planned development of said & delineated parcels.

1) Since this hearing/meeting will be held via video conference (virtual communication) & the fact that Lane County is specifically mentioned/introduced in Benedict Holding LLC's "Applicant's Statement of Support" on page 18 item 7 (https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/18001/stmnt_of_support.pdf) concerned residents & home owners insist that these electronic files be legally included into the record as admissible evidence (they opened the door), specifically all the Lane County files that pertain to this area mentioned in the notice. Note: these records are in the order that they were placed into Lane County Electronic files (not a true chronological order) for

ease of viewing. These electronic files may be seen/viewable here:

<http://apps.lanecounty.org/LMDPro/Default.aspx?ParcelNum=1812104000400>

2) The annexation proposal is in direct contradiction to The City Of Florence's own by-laws and stated policies (below) by the very fact that the mentioned intent of the applicant, Benedick Holding LLC (BH LLC), is to develop said parcel(s) & for this to be accomplished it is necessary for COF annexation of Oceana Drive which will cause innumerable problems. Applicant, BH LLC, also mentions in his "own" Statement of Support for this annexation the same contradictions pointed out above but has chosen to ignore them.!

Stated COF policies:

Ordinance No. PA1334 – Coastal Goal Update The proposed co-adoption of amendments to the Florence Comprehensive Plan, plan amendments, and re-zoning of parcels are subject to the applicable criteria contained in Lane County Rural Comprehensive Plan Part 1, Section D, Florence Realization 2020 Comprehensive Plan, ORS 197.175, ORS 197.628, ORS 227.186, Statewide Land Use Planning Goals, OAR 660-037, and Lane Code 12.050. The City of Florence (Applicant) provided findings that satisfactorily address the applicable approval criteria. Lane County staff has made findings to Lane Code 10.315-05 and 10.315-20 for the proposed rezonings and text amendments to Lane Code 10.020, 10.225-10.270. Lane Code 10.315 PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO REQUIREMENTS LC 10.315-05 Purpose. As the Comprehensive Plan for Lane County is implemented, changes in District and other requirements of this chapter will be required. Such amendments shall be made in accordance with the procedures of this section. Florence is completing periodic review to update their Comprehensive Plan for application within the long term planning horizon extending to the year 2020. The proposed amendments to Lane Code Chapter 10 are found to support the policy amendments to the Coastal Goal of the Florence Comprehensive Plan. LC 10.315-20 Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and **shall not be contrary to the public interest.**

LC 10.315-05 Purpose. As the Comprehensive Plan for Lane County is implemented, changes in District and other requirements of this chapter will be required. Such amendments shall be made in accordance with the procedures of this section. Florence is completing periodic review to update their Comprehensive Plan for application within the long term planning horizon extending to the year 2020. The proposed amendments to Lane Code Chapter 10 are found to support the policy amendments to the Coastal Goal of the Florence Comprehensive Plan. LC 10.315-20 Criteria. **Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.** LC 10.015 Purpose. The purpose of this chapter is to provide procedures for dividing the unincorporated portions of Lane County into districts and to provide requirements pertaining to such districts in accordance with a comprehensive plan, and is adopted to protect and promote the public health, safety, and welfare, and to promote the implementation of the Comprehensive Plan for Lane County. Such procedures and requirements are intended to achieve the following objectives:

- (1) To encourage the most appropriate use of land and resources throughout the County.
- (2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (3) To avoid undue concentration of population.

- (4) To secure safety from fire, panic, flood, and other dangers.
- (5) To prevent the overcrowding of land.
- (6) To provide adequate light and air.
- (7) To lessen congestion in the streets, roads, and highways.
- (8) To provide an environment of character in harmony with existing and proposed neighboring use of land.
- (9) To preserve and enhance the quality of Lane County's environment

509-PA16-05276/Ordinance No. PA 1334; 509-PA16-05277/Ordinance No. PA 1335; 509-PA16-05278/Ordinance No. PA 1336 Florence Plan Amendments LCPC

3) Not all residents & homeowners were properly served a notice.

4) Not all residents, because of age & technological limitations, are able to respond or attend in the venue suggested & outlined by the COF Planning Commission's notice. Older adults as a group are on the negative side of the "digital divide". The term not only identifies who uses the internet but those that do not or cannot. Lower rates of computer & internet access/use among older adults have both negative ramifications as far as social & financial costs. This is of particular concern in this instance where this older segment of Florence's population area seems to be knowingly & purposefully disenfranchised and is at a definite disadvantage! This amounts to age discrimination and should be considered in the way this whole annexation practice is being handled at the present time. I personally have spoken to too many residents that expressed this very concern, "how am I supposed to voice my protest & objection to this, I have no way of speaking up now? is what they ask.

5) BH LLC has demonstrated a consistent pattern of broken promises, lies ("that parcel will become a park") to Idylewood Phase I subdivision owner residents & future owner residents at the time. BH LLC did not legally (signed) adhere to the permitting processes for their initial applications with Lane County & its planning department for applicant's investigation & access process to the 10 acre parcel that they have been trying to develop for the last at least 10 years---1st with Lane County & now with an end run with a less stringent City Of Florence. They

left a portion of the mentioned area denuded with log decks that were supposed to be removed that is still in the same condition as years ago. Lane County enforcement for land use issues flat out told me that at the time they did not have the resources to follow thru with penalties since BH LLC stopped after numerous residents complained! This was all done while the Beaches & Dunes Committee regulations were ignored (all part of the file that is attached above). There is ample evidence that their same deceptive practices will continue.

6) Objection: This is not the most appropriate use of the land & resources of this area!

7) Objection: This in no way facilitates ease of transportation, it actually negatively impacts traffic flow not only on the immediate streets mentioned but the whole surrounding area.

8) Objection: This will have dangerous & dire consequences for the immediate residents in the event of an emergency; either fire, flooding, tsunami.

9) Objection: This area has continuously flooded over all the years due to natural area prone causes & the lack of proper measures on the part of BH LLC in his previous subdivisions which every resident of the area is well aware of. The development of the said (noticed property) which is a designated wetland with seasonal ponds has been proposed for filling and grading which will only lead to much worse flooding problems. For Lane County & COF to allow the outrageous plan to move forward is unconscionable by itself let alone with the other associated other problems.

10) Objection: This whole area already has limited access and exit capabilities---further development will only increase mobility problems if there are any number of unforeseen emergencies, & some that are already known. This is extremely relevant to the older population that exists here. Plus, residents are now having increasing problems !

11) Objection: This will definitely have a negative impact on the ability of emergency vehicles & personnel to access & exit the area.

12) Objection: Traffic increases will endanger older citizens and all others, many walk for "necessary" exercise. A definite danger !

13) Objection: This will without the slightest doubt have a negative effect on the whole area, it will change the continuity, environment, noise levels, the existing character & general feel of the area.

14) Objection: COF's & Lane County's Environment will without doubt be negatively impacted !

15) Objection: Residents of our area will be forced to subsidize a developer that has demonstrated past unethical practices that will only benefit his aims to the detriment of us---we receive nothing & don't want this development/annexation !

16) COF & Lane County are well aware of these problems and need to be legally held accountable on so many levels if this unconscionable plan is forced upon us!

Jeff Talbot 5033 Kelsie Court Florence, OR 97439 541-590-3899

Aleia Bailey

From: Steve WILLIAMS <seawatch_hoa@yahoo.com>
Sent: Monday, September 28, 2020 11:16 AM
To: planningdepartment
Subject: PC 20 22 ANN 01 & PC 20 23 ZC 02

9/28/20

Re: Resolution PC 20 22 ANN 01 & PC 20 23 ZC 02

Also ref. Resolution PC 20 07 PUD 01 Rhododendron Drive (appeals pending)

From: Steve Williams, 18 Sea Watch Place, Florence, OR 97439
bc: Sea Watch Hearing Grp., Mariners Village HOA

Subject: Traffic issues North of 35th street from this and future Annexations near Heceta.

Dear City Planning,

We just saw the notice of public hearing for PC 20 22 ANN 01 posted about 1.4 miles north of 35th st. on Rhododendron Dr.

This could possibly be a new annexation of 49 acres for development that will impact the traffic corridor through Rhododendron Dr. from north of 35th street to Fairway Estates. I was told (yet to verify) that this would allow the developer to be allowed greater density for development than the current County zoning would permit.

I am sure more of these are to come as the City of Florence expands.

We have 3 active appeals on Resolution PC 20 07 PUD 01 Rhododendron Drive. Many points relate to the deficiencies on the TIA's done; none of which consider future issues from annexations. We have requested that the City reconsider their original 2005 plan (submitted in the 9/8/2020 meeting by the City) for our traffic corridor North of 35th street to Fairway Estates which includes a third lane from 35th st. to Fairway Estates. The 2005 plan seemed to reasonably address future growth, provide needed safety to our community, and address the future growth issues. Why this wasn't considered is beyond me. Maybe it's an issue (as referenced in the Mariners Village Email) that the city may have to fund this vs a TIA requirement given to the developers of PC 20 07 PUD 01 .

Whatever it is, the 2005 plan made simple sense. Not doing so now (while the area is undeveloped, and can accommodate the necessary land needed) is a sin. It will put lives at risk. A mistake that if not addressed now, it will be a permanent problem - and one that could have been easily avoided. High density housing across the street or in future annexed areas won't kill us, but a limited view by the City on this traffic issue could. I remind the City that we have existing issues with this situation that to date have been ignored. I am told there have been several accidents here (including one fatality), and there has been no City action to date.

Resolution PC 20 22 ANN 01 & PC 20 23 ZC 02 is probably just the beginning. To rely on TIA's without factoring in the possible growth aspects the City of Florence wants to inspire is sheer negligence.

My appeal point to PC 20 07 PUD 01 is this:

We have made multiple appeals based on traffic and that the TIA's are basically not relevant with reality. Consideration of Resolution PC 20 22 ANN 01 & PC 20 23 ZC 02 basically proves our point.

I'd like to submit this for the record to our appeal consideration of Resolution PC 20 22 ANN 01 & PC 20 23 ZC 02 that substantiates this point.

I'd also like to request this be added to our appeals on Resolution PC 20 07 PUD 01 Rhododendron Drive as new and relevant information that was not available when we submitted our appeals.

For the record on PC 20 22 ANN 01 & PC 20 23 ZC 02 request for annexation I have the following questions:

1. I've been told they are applying the annexation so they can develop a greater density development than the County code would provide. Is this true?
2. If they are annexed, even as a "low density development", would they not be entitled to reapply for a rezoning like PC 20 07 PUD 01 and be able to develop 13+ houses an acre like the PC 20 07 PUD 01 project (precedence having been set and approved)? That could mean 588+ new rentals/condos to market. What would prevent this ?

High density housing can be dealt with, but ignoring a good and safe traffic plan and its needed infrastructure required to support this future view of Florence, is critical for safe and efficient transportation for all residents (Florence and County) affected by this growth.

I hope you will consider

Thanks
Sincerely, Steve Williams

Aleia Bailey

From: CHARLIE WONG <cwong01@comcast.net>
Sent: Wednesday, September 30, 2020 12:36 PM
To: planningdepartment
Cc: cwong01@comcast.net
Subject: Annex of property located within the Idylewood community

The first point we would like to address is the area of impact is much more than the 300 feet that is implied by the contact notices . Our understanding is they were only distributed to those homes. The impact far reaches that area ..And they should of been included. Why were they not advised?

These are wetlands that are full of wild life. What happens to them? Oregon prides itself on our natural preservation of animals and their habitat. We don't feel we can or should lose a natural precious area of land to building contractors.

A huge draw for retired people and families is, it is a small community. Where you can still walk and ride bicycles on neighborhood streets safely and without the impact of constant traffic. Our roads are narrow but seem to adequately work for the community we are right now!!

What about flooding? Any time you take away (cut down) nature you are running major risk to the environmental degradation of the area.

We are also concerned for emergency vehicle access with the additions.

Many of us have chosen to spend our retirement years here for many reasons but the main one for us is the quiet area Idylewood offered us. There are many reasons the county declined to allow this to happen

Thank you for taking our concerns under advisement

Charles & Francine Wong
4951 Sandrift Ct.
Florence, Oregon 97439
(541)9974093

Aleia Bailey

From: Paula Ziegelasch <pziegelasch@gmail.com>
Sent: Monday, October 05, 2020 10:43 AM
To: planningdepartment
Cc: Ned Hickson
Subject: Objections to the Annexation/Rezoning Proposal of Benedick Holdings LLC
Attachments: Florence Area LWI National Wetlands Inventory, Fig. 3.jpg

Attention: City Council and Planning Commission Members

In reviewing the Realization 2020 Florence Comprehensive Plan, the clear intent of the document is to protect from land development that is not consistent with “**shoreland values.**” As stewards of this glorious landscape, each voting member of the Planning Commission and City Council is left to evaluate for themselves these referenced “shoreland values”. For me, this value is not measured in dollars.

The Realization 2020 Florence Comprehensive Plan also specifies, in keeping with “the desire of the citizens of Florence to retain an aesthetically pleasing community, the importance of retaining as much as possible of the native vegetation such as the shore pines, wax myrtles, huckleberry, and native rhododendrons cannot be overemphasized.” Rezoning from low density residential will not be in keeping with the intent of the plan.

Furthermore, as evidenced by the Florence Area LWI National Wetlands Inventory (attached), the subject property is smack dab in the center of a wetlands area. Wetlands are defined as “a distinct ecosystem that is flooded by water, either permanently or seasonally, where oxygen-free processes prevail. The primary factor that distinguishes wetlands from other landforms or water bodies is the characteristic vegetation of aquatic plants, adapted to the unique hydric soil.” As a property subject to flooding, it is not feasible for development without risk to the entire community.

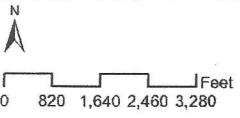
An abundance of wildlife have made their homes in the 50 acres in question and will undoubtedly be squeezed out with the encroachment of this development. This area would be much better suited as a park to protect and preserve this important habitat.

Finally, I do not have access to the Lane County file (693 pages) relating to the county’s struggles with Benedick Holdings LLC relating to this property over the last 30 years but I would be interested to see if an Environmental Impact Statement has already been conducted and registered to evaluate the impact to this area. Please include a review of this file in your evaluation prior to making any irrevocable decision on annexation and rezoning.

Thank you for your consideration.

Paula Ziegelasch
87762 Saltaire St.
541-603-6948

--



FLORENCE AREA LWI
 NATIONAL WETLANDS INVENTORY



FIGURE 3
 3/18/11

TO:Wendy Farley-Campbell, Director of Planning, City of Florence, Oregon

FROM: Virginia G. Zilai, homeowner in Heceta South

RE:Formal Letter of Objection

I am writing to express opposition to the proposed annexation of property owned by Benedick, LLC, tagged as: tax lots 400, 401, and 801. These lots of land are within a parcel adjacent to Idylwood and Heceta South developments. They are variously described as “prime wildlife” land and I believe are protected under a “beaches and dunes” law, which requires certain engineering and other studies be completed and accepted by Lane County prior to any development of such land. In 2016, Benedick, LLC requested a variance from Lane County to develop these very parcels. Heceta South’s attorney was able to stop the process due to Benedick’s failure to provide the required studies.

It appears now that Benedick, LLC is seeking to develop these parcels via acquiring annexation by the City of Florence, and then under more lenient rules construct a new residential development. If he is granted permission, what happens to the “prime wildlife and beaches and dunes designations”? I find it hard to believe they can simply go away due to this land becoming part of the City.

Flooding problems are already known to exist in the southwestern edge of Heceta South at the end of Kelsie Ct., which abuts that parcel. Disruption of the land in parcel 1 (tax lot 400) could increase that possibility, putting other properties at risk.

Certain lots within Heceta South were designated “wetlands” and not developed. The same logic should apply to these parcels under consideration for annexation. Some land is not suitable for development and should be left undisturbed. I believe that back-filling low-lying areas on which to build roads and new houses will not only create changes in the existing water flow patterns, but will serve as unstable platforms for such construction. Also, the water run-off created by new roads, houses and their

Exhibit K57

various hard a/o paved surfaces could pose increased flooding threat to Heceta South along the end of Kelsie Ct.

These parcels proposed for annexation are also the only natural pathway for wildlife within them and in the 40-acre public land northwest of these parcels to reach Heceta Junction Lake for access to water. The bears, wildcats, coyotes, deer and other wildlife would be forced to cross the newly developed properties to reach water. This would not be good for the animals or the homeowners in a newly developed residential neighborhood in parcel 1 (tax lot 400). The animals would suffer the consequences, not the homeowners or the developer.

Specific objections:

My first objection to the proposed annexation is simply that once annexed, the owner (Benedick, LLC) will immediately take the necessary steps to develop this land for residential use. I fear that the city will not apply the same standards required for the use of this land as were present when Benedick attempted the zoning variance with Lane County and he will be allowed to proceed.

My second objection to the proposed annexation is that the owner should not be able to cause the property owners on Oceana Drive to suffer and submit to annexation of their lots. If I am mistaken about this and there is no plan to annex these properties along this road, my concern remains as follows.

Given what Benedick, LLC has planned, the size of the water and sewer lines to be installed along Oceana Drive would be significant for such a narrow residential street.

If the owners along Oceana Drive had petitioned the City of Florence to annex their property, that would be one thing, but from my contacts with some of them, that is certainly not the case. They do not want their lives disrupted for weeks or months while the city constructs significant water sewer lines down the KOV, shutting off their water intermittently and likely destroying the front landscaping of many of the properties. I am pretty sure

none of them wants to start paying City of Florence taxes either, should it turn out that they are being annexed against their wishes.

My third objection to this proposed annexation is the subsequent prospect of Benedick, LLC seeking to attach a road in the new development to an existing road (Kelsie Way) within Heceta South. Our HOA built and maintains these roads and receives nothing (money, labor, use of equipment or anything) from Lane County.

Sincerely,

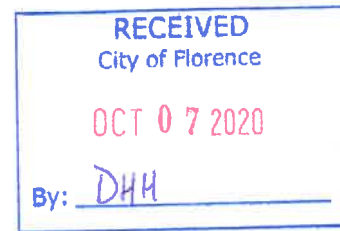
A handwritten signature in cursive script that reads "Virginia Gail Zilai". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Virginia Gail Zilai

Heceta South Homeowner

OBJECTION
LETTERS

RE= BENEDICK, LLC REQUEST
FOR ANNEXATION



2 October 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: Benedick Holdings LLC annexation

We are homeowners in Idylewood, and are strongly opposed to the application and petition from Benedick Holdings to annex their property and Oceana Drive into the City of Florence.

Nowhere in the application and petition is there any mention of Benedick Holdings' plans for development of their property, and that information is hugely important in consideration of their application. E.g., if they plan to build one luxury home, our objection would be softened.

However, in their application to Lane County a few years ago, they proposed building 50 homes, and now, in this application, they propose tearing up all of Oceana Dr. to install sewer and utility lines over a distance of nearly one-half mile; it's hard to believe the developer would undertake that kind of expense for just a handful of homes.

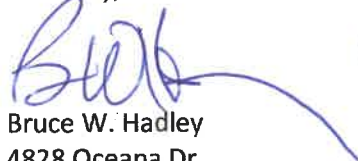
The past annexations listed in their petition are all located along the arterial of Rhododendron Dr., so the connection to the City's sewer was not a major undertaking. Even the one "offroad" exception — Driftwood Shores — required an extension from Rhododendron that's 1,000 feet less than would be required to reach the Benedick property from Rhododendron Dr. along Oceana Dr.

There are nearly 400 homes in Idylewood, and 99% of all ingress and egress is via just two streets: Saltaire St. and Oceana Dr. Adding more cars and trucks to those streets would be a severe burden — and danger — to the people who already live here. There are no sidewalks nor streetlights in Idylewood, and those of us who walk and bike in the neighborhood already have to deal with too many vehicles, many of which are traveling far above the 25mph limit.

In addition, the Benedick property floods every winter, and sometimes in the fall and spring also. It is wetlands, filled with wildlife, and really is not suitable for extensive development.

We do understand that the City of Florence would like to create more affordable housing, and we don't dispute that need. However, this petition and application does not satisfy that need, and in fact creates far more problems than it solves.

Sincerely,


Bruce W. Hadley
4828 Oceana Dr.
Florence, OR 97439


May Deborah Hadley

Exhibit K59



September 30, 2020

Wendy Farley-Campbell, Planning Director

City of Florence

250 Highway 101

Florence, OR 97439

Re: Objection to the petition put forth by Benedict Holdings, LLC Annexation and Zone Change

We are in receipt of your letter dated September 22, 2020, regarding Notice of Public Hearing for a proposed land development by Benedict Holdings, LLC.

We, David and Annie Blanks, are property owners in Heceta South Subdivision. Residing at, Lot 49, 5014 Kelsie Court, Florence, OR.

We, David and Annie Blanks, would like to be put on record that we are extremely against the Annexation and re-zoning of Oceana Dr. and property described as Assessors Map No. 18-12-10-40, Tax lots 400 and 401 and MR 18-12-10-34 Tax lot 801.

Our major concern in the area Benedick Holdings, LLC, plan to develop is extremely sensitive to drainage. The unstable slopes in this area and any disturbance of these lands will cause destabilizing of the land and can, and most likely will, cause water drainage issues and possible future flooding in the development and neighboring properties. Us being one of those properties. Our property is located close to the seasonal lakes on the proposed development.

Will this be engineered properly so that we won't endure future water problems created from this proposed new development? What is our re-course should we experience water issues caused by the development of said lands?

We are also concerned the City of Florence will require Benedick Holdings, LLC to connect to our roads for access to the property they want to develop. We strongly oppose this. Our HOA pays for and maintains our roads. If the City of Florence intends this to happen, our developemnt would be severely impacted in many ways: security, safety, livability, road issues and property values.

Please put David and Annie Blanks, on record as extremely opposing Benedick Holdings, LLC, request to annex their property and right-of-way and apply for a City of Florence re-zoning designation.

Regards,

A handwritten signature in black ink that reads "Annie Blanks". The signature is written in a cursive style.

David and Annie Blanks

5014 Kelsie Court

Florence, Or 97439

Exhibit K60



Richard & Susan Johnson
5046 Kelsie Court
Florence, Or. 97439

September 29, 2020

City of Florence Planning Dept.
c/o Wendy Farley Campbell
250 Highway 101
Florence, Or. 97439

Re: PC 20 22 Ann 01 & PC 20 23 ZC02- Benedick Holdings, LLC Annexation & Zone Change

Dear Wendy,

We, Richard & Susan Johnson, are current owners and residents of Lot 50 in Heceta South subdivision located at 5046 Kelsie Court. we received a copy of the notice of a public hearing from your office because of our property's close proximity to Benedict's land.

We strongly object to the annexation of this property into the City of Florence and the application for changing the zoning of this property from Beaches & Dunes to the City of Florence's low density/prime wildlife zoning overlay.

Our property is located close to the seasonal lakes. Part of our property is considered wetlands and has standing water on it part of the year. We are concerned that large scale grading and the movement of the current sand dunes on that property could destabilize the dunes causing potential flooding into our neighborhood from Heceta South seasonal lakes. We believe the City of Florence's zoning designation would be less restrictive than Lane County's Beaches & Dunes zoning which prohibits grading of slopes in excess of 25%.

In 2012, several streets in Heceta South were flooded for several months and Heceta Beach Road (a major artery and primary Tsunami Evacuation Route) was closed due to non engineered land movement by a property owner outside of Heceta South. This caused access issues to Heceta South homeowners and disruption of services such as mail delivery and garbage pickup. Areas

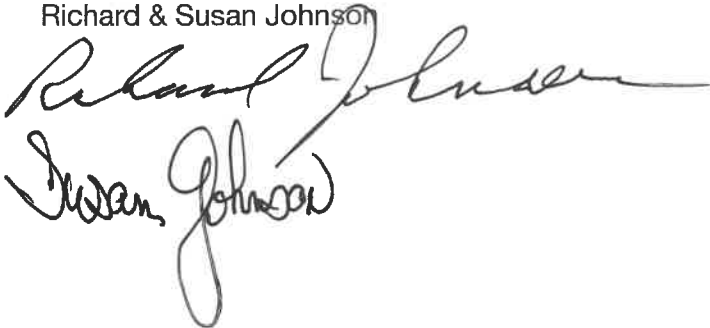
designated in the Beaches and Dunes Zones are extremely sensitive to drainage issues. According to homeowner's in the existing Idylwood subdivisions there are flooding issues in their neighborhoods that have never been resolved by the builder, Benedick Holdings, LLC. We don't want those same problems to occur in our development.

We are also concerned that the City of Florence will require Benedict Holdings, LLC to connect to our roads for access to the property they want to develop. We strongly oppose this. Our HOA pays for and maintains our roads. If that is what the City of Florence intends to do, our development would be severely impacted in many ways; security, safety, livability, road issues & property values.

Please put us on record as opposing Benedick Holdings, LLC, request to annex their property and right-of-way and apply for a City of Florence zoning designation.

Sincerely yours,

Richard & Susan Johnson

Handwritten signatures of Richard and Susan Johnson. The signature for Richard Johnson is written in black ink and is a cursive script. The signature for Susan Johnson is also in black ink and is a cursive script, positioned below the first signature.

October 6, 2020

Wendy Farley Campbell
Florence Planning Department
250 Highway 101
Florence, OR 97439

Re: Benedick Annexation Petition

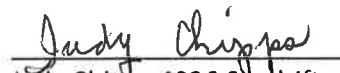
Benedick's greedy plans to build 32 plus houses in the Idylewood/Heceta South subdivisions is not only stupid but dangerous! That would put approximately 60 plus more vehicles on these streets which all dump onto Rhododendron Drive.

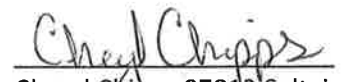
There are only two available outlets to Highway 101. In case of an emergency such as a wildfire or Tsunami, which are predicted to happen, where are all these people to go to evacuate? There should have been a direct route built from this area to 101 straight across. Right now Rhododendron Drive is a bad evacuation route, and adding 40 to 60 more vehicles to the 200 plus or more is a dangerous situation, and very irresponsible of the City to consider.

- Building any more homes along Rhododendron Drive is a bad idea for everyone.
- Annexing Idylewood/Heceta South goes against the City's promise to the homeowners of these areas.
- Creating a short cut from Rhododendron Drive to Heceta Beach Road on already narrow streets is dangerous to both pedestrians and motorists.
- The wildlife habitat will be greatly impacted by this irresponsible proposal.
- Existing property values will decrease once this becomes a through fare for those wanting a short cut.
- Pumping more and more people into Florence is causing problems everywhere in town. More traffic, lack of parking, lack of desire to live in this town.

Benedick should find some other area, outside of the Tsunami evacuation route area, to line his already greedy pockets!


Kenneth Chipps 4936 Sandrift


Judy Chipps 4936 Sandrift


Cheryl Chipps 87812 Saltaire


Chris Kohl 87812
Saltaire

Exhibit K62

Aleia Bailey

From: taunia green <tauniag6@gmail.com>
Sent: Wednesday, October 07, 2020 7:41 PM
To: planningdepartment
Subject: Fwd: Idylewood Annex

Attention Planning Department of Florence Oregon,

As a resident of Florence Oregon, I was interested to hear about the proposed development of 30+ houses in a wetland between the developments of Idylewood and Heceta South without consulting the existing Idylewood residents. Now I am a concerned citizen.

Though it may benefit some to have this additional housing in Florence, in the long run it has potential to create a negative impact on the whole community, including property value. FEMA demes that flooding on this coastal stretch of Oregon is a concern. Eliminating wetlands by building on them takes away the land's natural ability to deal with floods. The water has to go somewhere. If you eliminate enough of the wetlands that have the space to take in the flood waters, whatever is there instead will be flooded, and most likely more than that. The reason so many houses flood on the Mississippi is because they build on a floodplain, aka: wetland.

I would personally like to see the following involved to make sure the utmost care is being taken to protect the constituents who make up this fabulous town: FEMA (floodplain map), a complete Environmental Impact Statement, Western Lane Emergency Operations Group (WLEOG) and its community partners, Siuslaw Watershed Council, Coast Guard, Heceta South residents, as well as putting it out to the entire community, ie: full disclosure in the Siuslaw Newspaper. If our city decides that building on a floodplain is advantageous, I would like the citizens of Florence to be *assured* that this project will not negatively influence the chance of flooding in Florence. We deal with wildfires, toxic smoke, and pandemics. I am hoping that the Planning Department wants to limit the difficulties we will face here in Florence. Saying no to 30+ houses now is easier than saying hello to displaced residents and extra taxes in the future.

Although my main concern is the impact of flooding, I know there are many other considerations to the public: it would set a precedent for annexing any area outside the city limits without public consent, the increased traffic within Idylewood largely increased traffic on Oceana, the fact that the traffic impact study was done in December when traffic in Florence has the lowest impact instead of in the summer months when snowbirds and tourists are here, serious disruption to the evacuation route in the event of a tsunami alarm, The Realization 2020 Florence Comprehensive Plan which states "the desire of the citizens of Florence... (is) to retain... as much as possible of the native vegetation such as the shore pines, wax myrtles, huckleberry, and native rhododendrons cannot be overemphasized.". Just the issue of flooding seems like a reason to take a close look at developing this wetland with the input of the community. With all of these issues facing this one development/30+ houses, the concern is overwhelming that the consideration of the Florence residents should be involved in this decision.

Thank you for your time and energy in considering this statement, as well as all you travesrs through your hard work for this city.

Taunia Green
PO Box 832
Florence Oregon
707 272 2414

Exhibit K63



4915 Oceana Drive
Florence, OR 97439
October 4, 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

Why is the City of Florence taking up this issue when a similar proposal was rejected by Lane County some years ago?

Our residence is on Oceana Drive and this proposal to annex Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tab Lots 400 and 401 and MR 18-12-10-34 Tab Lot 801 will really affect us.

Oceana is a narrow residential street. It has no sidewalks or street lighting. It appears that Oceana Drive will be the main artery for this proposed development and, therefore, the additional traffic will adversely affect our property value.

What plan does Benedict Holdings, LLC have to mitigate the extra traffic that is going to be "dumped" on these residential streets? As it stands now there is plenty of traffic and there is barely enough room for two cars to pass each other; heaven help pedestrian traffic.

What plan does Benedict Holding, LLC have to mitigate water run off issues and standing water issues which we have experienced?

This developer has not been a particularly good neighbor in the past.

We say no to this proposal.

Sincerely,

Marc & Amy Fletcher

Marc & Amy Fletcher
4915 Oceana Drive
Florence, OR 97439

Exhibit K64

City of Florence, Planning Commission 250 Hwy 101
Florence, OR 97439

September 29, 2020

**Re: Opposition to PC 20 22 ANN 01 & PC 20 23 ZC 02-
Benedick Holdings, LLC Annexation and Zone Change**

Dear Planning Commission,

We are writing to express our strong opposition to the annexation and zone change by Benedick Holdings, LLC: PC 20 22 ANN 01 & PC 20 23 ZC 02. The proposed rezoning will affect Oceana Drive and Rhododendron Drive. The zone change will significantly impact our neighborhood and community and be detrimental to the area. We are opposed to the rezoning and annexation since it will cause traffic and safety problems, drainage concerns due to grading, destroy the local wildlife habitat, and potentially lower the existing community's property values.

Oceana is a small street within a small community that was not formed to receive heavy traffic. Homes are along both sides of the road; wherein there will be safety concerns for pedestrians walking in the neighborhood. Traffic jams will occur as the traffic only has a stop sign at the exit onto Rhododendron drive. There are already traffic backups due to the newer construction already completed and impacting the community. There is also a concern for emergency vehicles to access the already created homes within this community as they must utilize Oceana.

Drainage has been problematic in our neighborhood for many years. When we purchased our land, Coldwell Banker Realtors stated that the ground directly behind our address was annexed because of the marsh and the lack of drainage therein. We were explicitly told there would never be any development within that area, and if developed, a park and wildlife refuge was promised to the community. We have not seen any County paperwork that shows how this flooding in the marshland will be addressed. There is no guarantee that drainage will not worsen because of the building being proposed. Our homes have their own sewage, and this issue has not been addressed either. There will undoubtedly be a financial impact to current residences when sewers are connected.

Wildlife is regularly observed in the area, and any development will destroy their habitat. Any planned expansion of the marshland should explain what will happen to the local wildlife. We have not seen any county files that ensure there aren't specific species within this area that will be crucially impacted. Has the land even been investigated by the appropriate agency that protects Oregon wildlife?

There is a potential impact on the existing communities with the plausible lowering of property values. The effect must be addressed wherein property owners are aware of the city's expectations for the community itself. Again, we use only one street on our end of the community of north Idylewild, which is Oceana. The rezoning will impact our property values as construction takes years to attain completion.

We urge you to disapprove the proposed annexation and rezoning. We know that our opinions are shared by many of our long-standing homeowners who may not attend the meeting or write letters. We appreciate your continued service and support to our community.

Sincerely,
Jimmie and Christine Seitsinger
87849 Sandrift Street, Florence, OR 97439

Exhibit K65



4929 Oceana Drive
Florence, OR 97439
October 6, 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change

Why is the City of Florence taking up this issue when a similar proposal was rejected by Lane County some years ago?

My residence is on Oceana Drive and this proposal to annex Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tab Lots 400 and 401 and MR 18-12-10-34 Tab Lot 801 will really affect me.

Oceana is a narrow residential street. It has no sidewalks or street lighting. It appears that Oceana Drive will be the main artery for this proposed development and, therefore, the additional traffic will adversely affect my property value. Should this proposal come to pass, does the city intend to widen Oceana and provide street lighting and sidewalks or does the city intend to do nothing?

What plan does Benedict Holdings, LLC have to mitigate the extra traffic that is going to be "dumped" on these residential streets? As it stands now there is plenty of traffic and there is barely enough room for two cars to pass each other; heaven help pedestrian traffic.

What plan does Benedict Holding, LLC have to mitigate water run off issues and standing water issues which we have experienced?

This developer has not been a particularly good neighbor in the past.

I say no to this proposal.

Sincerely,
Gail Petty

Gail Petty
4929 Oceana Drive
Florence, OR 97439

Aleia Bailey

From: Nancy Patterson <nancy_patterson@sbcglobal.net>
Sent: Tuesday, October 13, 2020 2:05 PM
To: planningdepartment
Subject: Objection to Proposed Annexation of Oceana Drive and Nearby Community

Hello,

I want to express my concern and objection to the proposed annexation of property and right-of-way for Oceana Drive and nearby properties. Annexation is for the purpose of development of the subject property currently owned by Benedict Holdings, LLC. As it is known, Michael Benedict constructed homes in Idylewood within Lane County with no plans for this area to be annexed by the City at that time. Now as he has been denied land use by Lane County for the subject property, he is trying another approach which will have many negative impacts to the existing neighborhood that he developed going back approximately 30 years ago.

I am concerned that the results of annexation will irreparably and negatively change the Idylewood community. Traffic will increase considerably on Oceana Drive which residents use for their walks, often with other residents, pets and children. This road and others in Idylewood are narrow and not suited for increased traffic. The proposed annexation would also dangerously compromise the community's ability to safely exit the area in the case of emergency situations such as fires, tsunami or flooding.

In addition, clearing of the native vegetation and disruption of the natural wetland environment on the proposed acreage for development will likely exacerbate drainage problems and flooding that already occurs in Idylewood. This subject property is also a prime wildlife habitat, and any development here will have harmful environmental effects which cannot be undone.

Finally, the residents of Oceana Drive and neighboring affected properties are not the ones requesting annexation by the City for the benefit of City services. This is an attempt to impose this on them. Many are retired residents who chose this neighborhood because of its rural environment. They also likely have limited income and may not be prepared for the increased taxes and fees that I understand will come with annexation. I imagine that in some cases this may result in needing to give up their residences and relocate if remaining there becomes financially untenable.

Thank you for your consideration.

Nancy Patterson
4939 Oceana Drive
Florence, OR 97439

Sent from my iPad

Exhibit K67

From: Alan Matisoff <alanmatisoff5150@gmail.com>

Sent: Tuesday, October 13, 2020 3:13 PM

To: Kelli Weese <kelli.weese@ci.florence.or.us>

Subject: New Housing Development at 35th & Rhododendron Drive.

Sent from [Mail](#) for Windows 10

My name is Alan Matisoff and I live at 30 Mariners Lane (Mariners Village). I would like to address some issues with this development that have not been properly investigated or totally overlooked.

1. The revised traffic shows a picture taken on Rhododendron looking south to 35th St. showing there is 408' of vision to 35th St. indicating that there is no need for a left turn lane from Southbound Rhododendron to Eastbound 35th St. What this photo doesn't show are the 2 new entrance/exit driveways that will be installed by the developers of the new project, making this photo misleading.
2. The electronic traffic survey that was redone recently is also misleading. It was done during the Covid-19 Epidemic, when tourism is down and when school is out, making that survey not accurate.
3. NOBODY has taken into consideration the School Buses that use Rhododendron Drive 5 days/week, twice per day. Currently there is a stop at the entrance of Mariners Lane, Eden Lane and Coast Guard Road. The bus picks up children on the west side of Rhododendron Drive and travels south. Since there has been no school since Covid-19, I am not aware if the bus also picks up at Fairway Estates. When this project is built, it is quite obvious there will be lots of children that will be taking the school bus. Before the bus picks up students, it has to turn on it's flashing red lights and come to a complete stop. At that time, no cars are permitted to pass in either direction. Rhododendron is currently 40MPH and the areas that children are picked up are on very tight corners. Will the buses be crossing over the center line to pick up children who reside on the east side of Rhododendron or will the children be required to walk across the street to meet the bus on the west side? Either scenario is very dangerous for the children and drivers on Rhododendron Drive.
4. There has not been a good study done regarding the storm water runoff being created by this new development. Phase II of Fairway Estates is starting to commence and the Storm Water situation must be dealt with before the first shovel is stuck in the ground. The last big rain over 3 years ago caused flooding to homes in Mariners Village, and those issues have not been dealt with to this date.

I am a retired Police Officer, and investigated more than my share of traffic accidents. It doesn't take a Police Officer or Traffic Engineer to see how unsafe this road is going to be even WITH a left turn lane for Southbound Rhododendron to Eastbound 35th. Putting 129 residences in this small 9 acre parcel is a formula for fatal accidents. I dare ANYONE in this City to make a left turn into Mariners Village from Southbound Rhododendron Drive and tell me this is a safe turn. Rhododendron Drive is the #2 main thoroughfare to get across the city and most residents who live on the west side of Hwy 101 use it for just that. The City is proposing more housing projects of Rhododendron Drive, so ALL of these future plans, along with the current inventory of vacant lots should be taken into consideration before this plan is approved. Putting a high density housing project on a road that is currently unsafe borders on Criminal Negligence. I am asking that the City Council put this project on "Hold" until all these safety issues are resolved.

Respectfully,

Alan Matisoff

Exhibit K68

October 21 2020

Mayor Henry and City Council
c/o Wendy Farley-Campbell, Planning Director
City of Florence
250 Highway 101 Florence, OR 97439



This brief note is a comment on the letter from Michael E. Farthings July 27th 2020 to Mayor Henry and City Council concerning petition for Benedick Holdings to Annex property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801.

In this multiple page letter he tries to make a case of "contiguity" via a sewer line. The mentioned properties on "Exhibit B Page 1" were already on the sewer line since the 2008 Annexation of Driftwood Shores.

CONTIGUITY - *"the state of bordering or being in direct contact with something."*

The proposed Annexation Area has absolutely no direct contact with Driftwood Shores, Fawn Ridge, Treewood Court or Jerry's place.

The so called "Cherry Stem" Annexation of Oceana Drive does nothing more than open access to a planned subdivision full of dead ends and cul-de-sacs with limited egress.

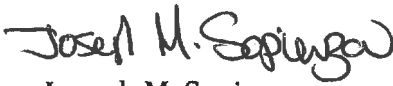
This type of street design creates grossly inefficient travel routes, concentrates traffic, and limits options for neighborhood entry and egress. This would be better pictured as a Funnel Fish Trap than a "Cherry Stem".

I do not mind a carefully thought out development but the magnitude of this subdivision in the Cascades Seduction Zone with egress only via Oceana Drive and Cloudcroft, (that does not even go to Rhododendron) is unthinkable. There needs to be ingress and egress through to Heceta Beach Road. If Benedick Holdings has to negotiate with Heceta South for access to Kelsie Ct or Kelsie Way they need to do what is right.

Eventually for future development of Ocean Woods, (Parcel ID 1812102000400) Heceta South is going to have to negotiate with the The City of Florence that owns this adjacent property.

Without adequate ingress and egress The proposed Benedick Development will be an island of cul-de-sacs and dead ends.

Sincerely,


Joseph M. Sapienza

4966 Oceana Dr. Florence, Oregon 97439

Exhibit K 69

From Suzanne Curtis
4806 Oceana Dr.
P.O. Box 2868 - Florence
Phone 541-902-0795

Oct 25th, 20
Pg 1 of 2



Benedick Holdings LLC

In the Siuslaw News, Oct 14th 2020, 'Guest Viewpoint' by Jeff Talbot, wrote not only Oceana Dr but Saltaire St. and Sandrift could be used in the Benedick development. Has Lane County requested any type of a "bond" to cover damage from Benedick, if these County streets need repairs?

What has Florence & Lane County discussed about traffic flow and safety at the intersections of Saltaire St. and Oceana Dr. This question also applies to Sandrift St. and Oceana Dr.

Will the County, be involved with the flooding problem at the East end of Oceana?

When the City Annexed Rhododendron St. It did not satisfy City standards. I'm sure, since that time, the City has created a list of upgrades & a timeline. May I purchase a copy of 35st. to the Oceana Dr. area.

What is the projected traffic numbers to Rhododendron compared to old Lane County numbers?

The 35th St. project of over 100 dwellings, Fairways continuing to build 40 homes and the proposed Benedict project of 30 to 40ish homes all using Rhododendron, what is the prediction number of traffic increase?

Traffic increase for two completed developments?
 Traffic increase for three new developments completed?

Many streets in Florence are without sidewalks. Some streets have some sidewalks on one side of the street. 35th Street has sporadic sidewalks at the east intersection with 101 Highway - Rite Aid area. How will the City provide safety for pedestrians and there is no room for cyclists!

Comment: During the evolutions of what is now called Florence Golf Links wasn't it required sidewalks along 35th St.?

The City is now responsible for the intersection of 35th and Rhododendron. Where are the standard protection for pedestrians, dog walkers, cyclists? What is the City's timeline for crosswalks, sidewalks, extra turn lanes, even stop signs would help. I will pay for a copy of the City's plan!!

From: [Megan Messmer](#)
To: [planningdepartment](#)
Subject: Fwd: Benedick , LLC Development and Annexation
Date: Thursday, October 29, 2020 9:47:15 AM

Megan Messmer
City Project Manager/PIO

Begin forwarded message:

From: City of Florence Oregon via City of Florence Oregon
<megan.messmer@ci.florence.or.us>
Date: October 29, 2020 at 9:44:17 AM PDT
To: Megan Messmer <megan.messmer@ci.florence.or.us>
Subject: Benedick , LLC Development and Annexation
Reply-To: City of Florence Oregon <megan.messmer@ci.florence.or.us>

You may view the completed form here:

Topic: Benedick , LLC Development and Annexation

Details:

I (along with all of the residents in the potentially affected neighborhoods) am VEHEMENTLY opposed to any annexation attempts by the City of Florence to allow Benedick, LLC to develop the land between Idylewood and Heceta South. The reasons for not annexing are over-whelming and the City of Florence is well aware of them all. It would be a travesty for any such actions on the part of Florence and Benedick, LLC to move forward.

James Sikora
87885 Kelsie Way
Florence, Oregon
==Contact Information==
First Name: James
Last Name: Sikora
Email: j.sikora@charter.net
Phone Number: 5419979143

Details: <https://www.ci.florence.or.us/node/7/submission/15961>

Exhibit K71



11/1/2020

To whom this may concern,

I am completely against the Annexation of the 48.82 acres owned by Benedick Holdings, LLC. This property has been, always been a Habitat refuge for Wildlife. There are 3-4 mapped Wetlands on this property. I have included a letter stating that my property is on Wetlands. Those Wetlands go into the property owned by Benedick Holdings. My late husband worked for the City of Florence when the Wetlands were mapped.

It makes me ill to look at the Map and see how many homes have been built in that area off of Rhododendron drive. Because all of this property has been developed, where did all the wildlife go that lived there? What happened to their food sources?

The 48.82 acres has been a home for Bear, Coyotes, Cougar, and all the little critters that live there. That property provides food, water, and shelter for animals. Anyone who has lived here a long time knows there is a Bear den in that area.

Before all of the property off of Rhododendron became highly developed we used to hear Coyotes yipping at night, and Geese and Ducks flocked to the Wetlands. Over the

(2)

past 5-7 yrs the ducks and geese are down to just a few on my end of the Pond. Climate change, development? No one knows. Why take away more property that is home to wildlife?

In the area of the Wetlands Wild Blueberries grow. They are a food source for Bear and other animals. They grow in that area because Winter - part of Summer provides a water source. Then they grow and produce berries September - November.

I was told by an employee in the "Planning Dept"; that this 48.82 acres would never be developed. They also told me "Ocean Woods" could be swapped by Lane County, if the City of Florence wanted to swap property. "Ocean Woods" was decided to the County as a Wildlife refuge never to be developed. Hopefully "Ocean Woods" never ~~get~~ gets swapped. Looking at the map 40 acres and 48.82 acres are not very big areas for all of the Wildlife in this area.

It seems like what Benedick Holdings haven't been able to do through Lane County, they have turned to the City of Florence.

(3)

Why can't one last beautiful animal refuge be left in this area? Enough Wildlife areas have been developed. When does this stop? What does the EPA have to say? What about climate change, and Global warming?

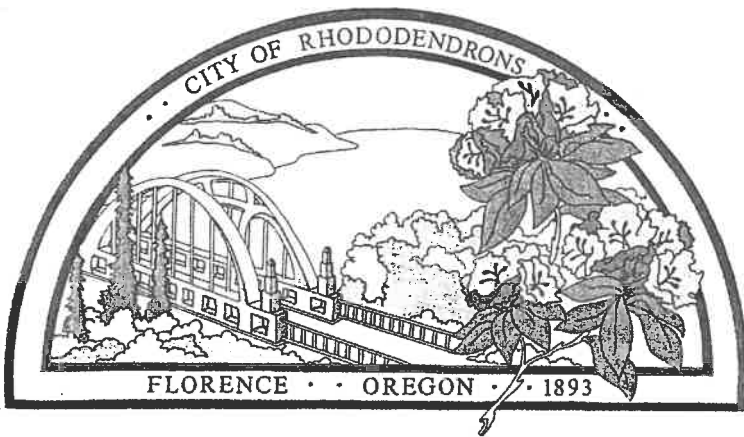
I'm pleading with you to deny this 48.82 acres to be Annexed and developed. I have two neighbors who have passed away that would feel the same way that I do.

Sincerely Yours
Heidi A. Clark

Heidi A. Clark
05180 Heceta Bch. Rd.
Florence, OR

This is the Wetlands behind my house that continue out into the 48.82 acres. There are other wetlands in this area.





City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101

PO Box 340
Florence, OR 97439-0340
TDD: 503/997-3437

PH: 503/997-8237
FAX: 503/997-4109
FAX: 503/997-6814

November 12, 1997

Dear Property Owner:

A parcel(s) you own was included in the Florence Wetlands and Riparian Area Inventory conducted on behalf of the City of Florence and Lane County. As a matter of Oregon law *, I am informing you that a wetland was mapped on this parcel(s).

In April of 1996, the City of Florence requested permission to access your property to conduct a wetlands inventory. Where permission was granted, our consultant, Pacific Habitat Services, Inc., conducted a field inventory using scientifically recognized methods to identify wetlands (referred to as the Onsite inventory methodology). Where permission was not granted, our consultant relied on existing maps, aerial photographs, reports, and distant observations, where possible, to identify wetlands (referred to as the Offsite methodology).

The local wetland inventory work is primarily for the city's comprehensive plan update, although this inventory will also be used for evaluating both city and county land development applications within the Florence urban growth boundary. Mapped wetland boundaries were not flagged or surveyed, but are accurate within 25 feet. There may be unmapped wetlands subject to regulation. In all cases, actual field conditions determine wetland boundaries. The Division of State Lands (503-378-3805) or the U.S. Army Corps of Engineers (503-808-4373) can provide assistance with any regulatory questions you may have.

The results of the inventory is now available for viewing at Florence City Hall, the Siuslaw Regional Library, and the Lane County Annex Building in Florence, and the Lane County Public Service Building in Eugene.

Also, on Monday, November 17, 1997 from 3:00 P.M. to 7:00 P.M., the City of Florence and Lane County will host a drop-in information session on the wetlands and riparian inventory at Florence City Hall, 250 Highway 101 North.

For more information please contact :

Florence Community Development Department, 250 Highway 101 North, P.O. Box 340, Florence, OR 97439 (Phone: 541-997-8237)

Very Truly Yours,

John Theilacker, AICP
Community Development Director

(* Oregon Administrative Rule 141-86-240, pursuant to ORS 196.674)

Exhibit K72



3 November 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: Benedick Holdings LLC annexation

I realize that ORS 222.125 says that only the owner(s) of the property being annexed needs to support a petition for annexation, and Benedick Holdings LLC says they've satisfied that requirement because they are the owners of the parcel at the end of Oceana Drive.

However, their petition demands that all of Oceana Drive be annexed also, so it seems only fair and reasonable that the "votes" of homeowners on Oceana be counted, too, since their properties will be very directly affected by this proposed annexation.

To that end, on October 21, 2020, I mailed a letter to all 43 owners of record on Oceana Dr, plus two on Saltaire Street and three on Sandrift Street whose properties border Oceana.

In my letter — a copy is attached here — I asked everyone to express their opinion on a scale from 1 to 5, where "1" is most strongly in favor of the annexation, and "5" is most strongly opposed. I did not express my own opinion in my letter, and purposely did not try to influence the votes.

I received responses from 44 out of 48 owners, or 90%; the average of all votes is 4.95. To attain that average, two owners said "mildly opposed," or "4," and 42 owners said "strongly opposed," or "5." No one voted in favor, and no one said they had no opinion.

Note that in my survey, each property got only one vote, although there were approximately 72 adults represented in the final tally. It's a somewhat cruel irony that those 72 people don't have any say in the City of Florence elections, and never will, even if the street where they live is annexed.

It's also interesting to note that eight of my letters were returned by the U.S. Postal Service as "undeliverable," even though the names and addresses are valid and identical to what Lane County has on file; that's a return rate of almost 17%.

From those eight returns, I was able to track down and speak with six owners through a combination of internet research, phone calls, and knocking on doors. Most of these people did not know about the proposed annexation: They are not currently in residence, they've not seen the city's yellow "Land Use Decision" signs, and they're not receiving mail addressed to them at Oceana Drive.

I mention this detail about undeliverable mail not as an accusation of the city's notification procedures, but just to confirm that there are many people who would be permanently affected by the Benedick Holdings petition — if it is approved — who simply don't know about it.

By the way, I have saved all the “ballots” I received, and have detailed notes in an Excel spreadsheet to substantiate and support these findings. I’m happy to share those details, if anyone is interested, but I will obscure personal contact information such as phone numbers and email addresses.

In summary:

The Benedick Holdings petition would have a profoundly negative effect on all of Idylewood, but nowhere will that effect be as great — and as awful — as it would be for those of us who live on Oceana Drive. The people who voted in my survey, representing 90% of all Oceana homeowners, are unanimous in their opposition.

We hope you will pay attention to the will and wishes of the real majority, rather than a single, non-resident (albeit well-funded) developer.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. W. Hadley", with a long, sweeping flourish extending to the right.

Bruce W. Hadley
4828 Oceana Dr.
Florence, OR 97439

20 October 2020

Dear neighbors,

I'm sending this letter because you own property that borders Oceana Drive; you are therefore very directly affected by the Benedick Holdings' petition for annexation.

Prior to the November 10 hearing at the Florence Planning Commission, I'd like to be able to send them a letter that tallies the overall acceptance or rejection of that petition among property owners.

In other words, I simply want to be able to tell them, "Of the 47 homeowners who live along Oceana Drive, X% are in favor of the annexation petition, and Y% are opposed."

Will you do me a big favor and let me know where you stand?

(I don't want to influence your vote one way or another, but if you need a copy of the petition materials, let me know.)

Here's my voting scale:

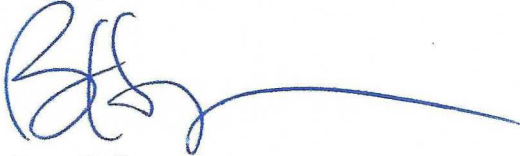
| 1 | 2 | 3 | 4 | 5 |
|--|--|-------------------|---|---|
| Strongly in favor of the annexation | Mildly in favor of the annexation | No opinion | Mildly opposed to the annexation | Strongly opposed to the annexation |

Here are three ways to tally your vote:

- 1) You can mark your choice on this letter and return it to me; just stuff it in our yellow mailbox.
- 2) You can send me a text or email with your choice, number 1, 2, 3, 4, or 5. (Please include your property address, so that I can mark you off my list.)
- 3) You can call me.

All my contact information is below — with many thanks in advance for your help.

Regards,



Bruce Hadley
4828 Oceana Dr.
Florence, OR 97439

(541) 901-1140

bwh541@gmail.com

Aleia Bailey

From: Cameron La Follette <cameron@oregoncoastalliance.org>
Sent: Tuesday, November 10, 2020 1:16 PM
To: Wendy Farley-Campbell; planningdepartment
Cc: Sean Malone
Subject: ORCA Testimony re Benedick Holdings annexation: Leave record open request

Dear Florence Planning Commission and Director Farley-Campbell,

Oregon Coast Alliance (ORCA), an Oregon nonprofit corporation whose mission is protection of coastal natural resources and community livability, submits this letter concerning the request by Benedick Holdings to annex approximately 48.82 acres of property and apply a City of Florence zoning designation to the annexed lands. The planning commission hearing is scheduled for today, November 10th.

By this letter, ORCA requests **the record in this matter be left open for seven days for further public testimony, and/or that the hearing be continued**, due to the need to review and comment on submittals made on or just before the day of the hearing.

Please submit this email into the record for the proposed Benedick Holdings annexation.

I would also like to note that the link on the city's "Benedick Annexation Petition & Zone Assignment" web page for accessing materials for the November 10 planning commission public hearing is a dead link. I was not able to access the staff report at all, and have therefore had no chance to review it. Please make the staff report, and all other information/testimony submitted, available on the main web page for the Benedick Annexation.

Thank you,

Cameron

—

Cameron La Follette
Executive Director
Oregon Coast Alliance
P.O. Box 857
Astoria, OR 97103
(503) 391-0210
cameron@oregoncoastalliance.org
www.oregoncoastalliance.org



Attorney
ZACK P. MITTGE
zmittge@eugenelaw.com

Paralegal
GAIL C. CROSS
gcross@eugenelaw.com

November 10, 2020

VIA EMAIL (planningdepartment@ci.florence.or.us)
and FIRST-CLASS MAIL

City of Florence Planning Commission
250 Highway 101
Florence, OR 97439

Re: PC 20 22 ANN 01 & PC 20 23 ZC 02
Benedick Holdings, LLC Annexation and Zone Change
Our Client: Heceta South Homeowners Association, Inc.
Our File No.: 11558

Dear Planning Commissioners:

On behalf of our client, the Heceta South Homeowners Association, Inc., (hereafter “Heceta South”) we hereby submit the following comments in opposition to the proposed annexation and zone change for the property located at Assessor’s Map No. 18-12-10-40, Tax Lots 400 and 401, and Assessor’s Map 18-12-10-34 Tax Lot 801.

Please include these comments in the record of these proceedings, and include our firm on the list of parties receiving future notices associated with this application.

As is set forth herein, the Applicant’s proposed cherry-stem annexation, and zone change violates several key provisions of state and local law. For ease of reference, we will highlight the relevant provisions of law in *bold italics* herein. In view of these defects in the two applications, we hereby formally request that the applications be denied in their entirety.

A. The City has failed to provide notice of the public hearing to property owners along three other streets that are being evaluated as part of the application for annexation and zone change.

ORS 197.763(2)(a) requires that notice of a public hearing be provided to owners of property within at least 100 feet of the property subject to an application:

Notice of hearings governed by this section shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:

(A) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;

The City of Florence Zoning Ordinance expands this notice boundary to 300 feet for a zone change, to wit:

At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record property within 300 feet of the subject property.

FCC 10-1-1-6-3(B)(1).

In this case, notice was provided within “300 feet of the proposed annexation areas” which are identified in the application as “Oceana Drive and Assessor’s Map Reference (MR) 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801” *October 6, 2020, Draft Findings*, p. 1-2.

However, the application includes an October 6, 2020 request by Lane County Transportation Planning that “the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way.” *Id.* at 9.

The City of Florence has not provided notice with regard to this additional annexation request to all property owners within 300 feet of these streets, and has failed to provide property owners with the 20-days advance notice required by state and local law. The City’s September 22, 2020 “Notice of Public Hearing” referenced the annexation and zone change of 48.82-acres of land and right-of-way of Oceana Drive. It does not reference an annexation or zone change for these three additional streets and is inadequate to inform affected parties within 300 feet of these streets (including Heceta South and its members) that an annexation and zone change is being considered for these streets.

By failing to provide affected property owners along each of these streets with notice conforming to state and local law, the City has failed to provide interested parties a hearing on these annexations, and has prejudiced their substantial rights to prepare and submit their case to the City. *Leonard v. Union County*, 24 Or LUBA 362 (1992)(County’s failure to provide individual written notice to which a person is entitled is failure to provide that party a hearing).

As the City is considering the annexation and zone change of these three streets, without proper notice to impacted property owners, its process violates state and local law, and a City decision on Gullsettle Court, Cloudcroft Lane, and Kelsie Way is subject to remand.

B. Annexation

1. The Applicant's proposed cherry-stem annexation is not reasonable.

In addition to the state statutes and rules and local comprehensive plan provisions addressed herein, annexations must at a minimum be reasonable before they can be approved.

This rule was first announced in the Oregon Supreme Court case of *Portland General Electric Co. v. City of Estacada*, 194 or 145, 241 P2d 1129 (1952). In that case, the City of Estacada attempted to annex a power plant and mill by annexing a long narrow strip of land connecting PGE's 60 acres to the City of Estacada. *Id.* at 163. The Court described the shape of the cherry-stem annexation as being "likened unto a 'dumbell in shape, one end being adjacent to the city and the other embracing plaintiff's dam and powerhouse.'" *Id.*

The City of Estacada pointed to its authority under state law to annex contiguous territory or territory that was only separated from the City by a stream or river as providing it an "absolute right to annex continuous property irrespective of its reasonableness." *Id.* at 158. In rejecting that position and determining that the annexation was void, the Court held that:

In a number of the Oregon decisions to which reference is made above, it is definitely held that where a city in annexation proceedings violates the state law the annexation is void. From time immemorial, we have consistently held that in the interpretation of state statutes relating to the enactment of legislation or ordinances by a city that the same must be exercised reasonably and not arbitrarily; therefore, in statutes empowering cities to legislate annexation proceedings, there is implied within the legislative grant that such cities must legislate reasonably and not arbitrarily, and such reasonableness is a part of the legislative grant to the same extent as it if were written literally into the statute.

It must be presumed that the Legislature in enacting this legislation was fully conversant with the decisions of this court that all ordinances passed by cities must be reasonable, and that it intended that annexation by cities should be effectuated reasonably. It would be absurd to think that the Legislature intended that a city would have carte blanche authority to reach out its tentacles like an octopus and envelop property which in no way could be considered as beneficial to the city or to the property annexed. If this were not so, there would be nothing to prevent the cities from attaching to themselves territory far removed from the city environs by a narrow ribbon strip, so long as the property attached was contiguous.

Id. at 159-60.

In finding the cherry-stem annexation unreasonable in that case, the Court noted that there were several homes situated outside of the annexation area that were located closer to the City than PGE's property, and that there was "no habitation whatsoever within the boundaries of plaintiff's property." *Id.* at 163-4. The Court expressly rejected arguments that the property could provide future homesites (once served by future infrastructure) "bordering a beautiful lake recreation area," by pointing out that there is already adequate room to expand within the City proper and there was other property closer to the City but which was excluded from annexation. *Id.* Finding that the annexation was unreasonable, the Court voided the annexation.

The Applicant is proposing the same kind of cherry-stem annexation in this case. The subject 48.82-acre is not contiguous to the City. In fact, the only way to make the subject property contiguous is by relying on that "narrow ribbon strip" of right-of-way for Rhododendron Drive for almost three-quarters of a mile from the City limits at South Harbor Vista Drive, and then extend another right-of-way strip approximately half a mile along the Oceana Drive right-of-way to the subject property. This is precisely the kind of unreasonable octopus-like expansion that the Oregon Supreme Court declared void in *PGE v. Estacada*.

These narrow ribbon-strips extend to envelope an irregularly-shaped property far-removed from the City proper. *See Rivergate Resident's Ass'n v. Portland Metro Area Local Gov't Bdry Comm'n*, 70 Or App 205, 211, 689 P2d 326 (1985) ("an irregularly shaped parcel raises a red flag as to the reasonableness of the annexation proposed.") In so doing, the proposed annexation bypasses large swaths of property that are already suitable and developed for residential use. The application would not include platted lots or fulfill a particular City need that must be met by annexing this property at this time. Moreover, as will be addressed in detail below, the subject property is very poorly adapted to the City's uses due to the presence of protected Goal 5 resources and buffers on most of the property which makes it unbuildable, and steep slopes and problems with a high-water table and seasonal flooding on the balance of the property.

As the proposed annexation bypasses better property on narrow ribbons of road right-of-way in order to annex a property that is poorly suited for urban development and unnecessary to meet identified needs of the City, annexation of the Applicant's property is unreasonable and should not be approved.

2. The Applicant's proposed cherry-stem annexation does not provide for the orderly and economic provision of public facilities and services.

The City's urbanization goal is "To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses." To that end, the City's annexation policy 3

provides that the conversion of lands outside the City limits is based in part on whether there can be orderly provision of public facilities and services:

Conversion of lands within the UGB outside City limits shall be based on consideration of:

a. orderly, economic provision for public facilities and services;

This policy requires, at a minimum, that an applicant evaluate the availability of public facilities and services to serve the annexation area, and whether the annexation will impact on the provision of these services. The Applicant has failed to evaluate all public facility and service issues, or demonstrate that the proposed annexation will not impact the provision of these services.

a. Sanitary Sewer

The proposed findings on sanitary sewer fail to account for all impacts on existing users. The draft findings addressing sewerage provisions indicate that “there is sufficient capacity in the City’s wastewater treatment facilities to serve the proposed Low Density residential uses without negatively affecting existing customers.” *Draft Findings*, p. 8.

However, this ignores the fact that Florence Public Works indicates that a new “neighborhood sewer pumping station” would be necessary to serve development in the annexation area. *October 6, 2020 E-mail from Mike Miller to Aleia Bailey*, Exhibit L, p. 6. The application does not propose to provide this pumping station. Accordingly, the application does not demonstrate that orderly and economic provision of sanitary sewer service is available and denial of the annexation is appropriate.

In addition, the findings ignore impacts of this sewer line on the orderly and economic extension of sewer service to other residential property owners in the same neighborhood. The extension of the sanitary sewer line along Oceana Drive to connect to the proposed annexation area will result in the forced connection of additional properties along Oceana Drive to the City’s sewer system.

The property owners on Oceana Drive use on-site waste treatment facilities. The Oregon Department of Environmental Quality (DEQ) oversees permitting of these on-site waste treatment systems. DEQ’s regulations require that it must deny any permit for construction or installation of a new system, or the alteration or repair of an existing system if there is a sewerage system within 300 feet:

(4) Permit denial. The agent must deny a permit if any of the following occurs:

* * * *

(f) A sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection.

(A) Physical availability. A sewerage system is considered available if topographic or man-made features do not make connection physically impractical and one of the following applies:

(i) For a single family dwelling or other establishment with a maximum projected sewerage flow not exceeding 899 gallons, the nearest sewerage connection point from the property to be served is within 300 feet.

* * * *

(B) Legal availability. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service.

OAR 340-071-0160(4)(f). Hence, under the applicable state regulations, property owners along Oceana Drive will no longer be able to alter or repair their existing on-site systems, and would be compelled to connect to proposed sewer line. This would be well over 50 additional properties along Oceana Drive that would be required to connect to the system.

The application does not address the impacts of these required connections all along Oceana Drive, or demonstrate that piecemeal connection of these homes outside the City limits to the City's sewer lines would provide an orderly and economic provision of these services. Accordingly, the applicant has failed to carry its burden on this issue and denial of the application is appropriate.

b. Stormwater

The application has also failed to demonstrate the availability of adequate stormwater treatment for the proposed annexation area.

The annexation area has a high seasonal water table which results in extensive groundwater flooding in and around the subject property. In 1996, the Applicant sought approval from Lane County to construct a pump and pipeline to discharge water from the adjoining Idylewood subdivision into the annexation area to alleviate severe seasonal flooding in that subdivision. As the Applicant stated:

The proposed storm water drainage plan is intended to alleviate occasional seasonal ponding that floods up to 13 lots in the Idylewood Subdivision and First Addition to Idylewood and an 800 foot section of Sandrift Court and Gullsettle Court. It is anticipated the drainage system will operate, at most, only once or twice a year.

* * * *

The most significant flood event occurred in February 1996 when over two feet of water covered an approximate 4-acre area improved with dwellings, sanitation drainfields, and roads. This same area also flooded to a similar degree in 1981, and to a lesser extent in other years during periods of high winter rainfall. This situation creates more than an inconvenience. Pondered water for periods up to three weeks has damaged floor insulation, yards, landscaping, and rendered septic drainfields unusable. Flooded streets have been impassable for residents and emergency vehicles, isolating the area from normal use and services.

Flooding appears to be due to a combination of a high winter groundwater table, periods of extreme rainfall, saturated soils, runoff from impervious surfaces and a lack of a natural drainage outlet. As a result, this small depression retains water as opposed to higher elevations that properly drain. The blockage or lack of natural outlets between the seasonal lakes to the east suggests that each individual lake basin retains run-off and precipitation which contributes to a higher groundwater table in the immediate area.

Benedick Special Use Permit (509-PA96-04223), p. 3-4. The Applicant sought to alleviate the flooding of this subdivision by constructing a storm pump and pipe system to collect the surface water and pump it off-site to a seasonal lake on the annexation property. *Id.* at 4.

The Applicant later abandoned this project in favor of an underground stormwater system to discharge water from Gullsettle Court offsite to Rhododendron Drive. In 2011, representatives of the County advised Lane County Commissioner Bozievich that this system had not been accepted by the County, because the Applicant had not completed the conditions for acceptance of that system. *April 18 2011 E-mail from John Petsch*, Exhibit K, B I, p. 19. Florence Public Works comments by Mike Miller confirm that these items have “never been completed” and that additional obstructions have occurred in that system since 2011. *October 6, 2020 E-mail from Mike Miller to Aleia Bailey*, Exhibit L, p. 8.

Florence Public Works confirms that the proposed annexation area will need to contend with “not only management of the surface water runoff, but also groundwater,” to wit:

During times of heavy and concentrated rain events like the flooding in 1999 and most recently in 2017, the groundwater levels become so high that it prevents surface water from infiltrating into the ground. Additionally, on the eastern boundary of the project, seasonal lakes can compound stormwater management and all elements of stormwater management will need to be analyzed and addressed in order to prevent localized flooding events. Conveyance of stormwater discharges from the subject property (emergency and overflow) will need to be thoroughly addressed in the stormwater management plan for the project. This includes an analysis of the downstream effects of discharges from their stormwater management system.

Id.

The application does not demonstrate that it is feasible for the applicant to provide on-site stormwater retention particularly during periods of peak rain events when a high- water table prevents ground infiltration. Moreover, the history of the Applicant’s Idylewood subdivision reflects that off-site discharge (to the annexation area or County facilities) has been necessary to contend with the high seasonal water table. Accordingly, the application does not demonstrate that it can provide orderly and economic stormwater systems in the annexation area, or that the same are feasible, and the proposed annexation should be denied on this basis as well.

c. Streets

The application also fails to demonstrate that streets can be provided to the annexation area in an orderly and economic manner.

The Applicant proposes to access the subject property principally from Oceana Drive. *Applicant’s Statement in Support*, p. 16. However, the application fails to demonstrate that this street can accommodate traffic when taking into account existing traffic volumes, or that the same conforms to applicable road standards.

As noted by Lane County transportation and confirmed by Florence Public Works, Oceana Drive is currently classified as a “local road.” *October 5, 2020 Comments from Lane County Transportation Planning*, Exhibit L, p. 3. *October 6, 2020 E-mail from Mike Miller to Aleia Bailey*, Exhibit L, p. 6. The travelled way is of variable width but approximately 16 – 20 feet wide. It is not striped, has no paved shoulders, curbs, gutters, sidewalks or on-street parking areas. It is currently used for unsegregated travel by pedestrians, cyclists and vehicles. Its

current classification is based on its use of providing access only to adjacent properties. In fact, the Lane Code defines a local road as:

(e) Local Road or Street. A road intended solely for the purpose of providing access to adjacent properties. A local road may terminate in a cul-de-sac or be part of a larger network. For the purposes of this chapter, roads functionally classified as Local Roads are County-maintained roads and do not include Public Roads that have not been accepted by the Board as County Roads, or Local Access Roads.

LC 15.010(18)(e). *See also November 29, 2011, Kittelson & Associates, Inc., Project Memorandum #8 – Facility Standards*, p. 11, *Florence TSP Vol. 2*, p. 412 (“Local streets are primarily intended to provide access to abutting land uses.”)

The application would convert Oceana Drive from a local road serving the adjacent properties to a collector street that gathers traffic from the annexation area and routes the same to the nearest arterial, Rhododendron Drive. *See* LC 15.010(18)(d) (“Minor Collector. A road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial.”) *November 29, 2011, Kittelson & Associates, Inc., Project Memorandum #8 – Facility Standards*, p. 11, *Florence TSP Vol. 2*, p. 412 (“Collector streets provide some degree of access to adjacent properties, while maintaining circulation and mobility for all users.”)

The application fails to demonstrate that annexation will provide an orderly and economic improvement of the street system.

Oceana Drive is substandard to meet the minimum requirements for an urban local roadway under LC 15.704. Even under these minimal standards it lacks the required paved area and on-street parking, sidewalks, and curb and gutter. *See* LC Diagrams 10 & 11. Nor is Oceana Drive suitable to meet the standards for a neighborhood collector. *See* LC 15.702 & Diagram 1. Moreover, despite proposing annexation of the entire street to the City of Florence, the application does not demonstrate that it is feasible for Oceana Drive to meet either the City’s collector street standards, or its local street standards.

In addition, Florence Public Works has identified several concerns with regard to Oceana Drive – including stormwater management, settlement/tree root heave issues, pavement condition index (PCI), long-term maintenance, etc., which it indicates requires “additional analysis” before it can recommend accepting the road for the purposes of maintenance.

As Oceana Drive is substandard to meet current County of City standards, could not be accepted by the City for maintenance at this time, and the application proposed no improvements to the road infrastructure, the application does not provide for the orderly and economic provision of streets and denial of the annexation is appropriate.

Although not identified by the Applicant specifically, Lane County has proposed the annexation of other local access roads (Gullsettle Court, Cloudcroft Lane, and Kelsie Way) – LARs – as part of the application. As noted, proper notice for the annexation of has not been provided, so these roads are not properly before the City in this application.

Moreover, with regard to Kelsie Way, such a connection is not feasible due to topography and regulatory issues, and has been previously rejected by the Council.

In 2011, the Applicant sought approval of a subdivision from Lane County in the proposed annexation area. As part of that approval process, the Applicant sought a variance to connection standards to bar a connection due to the extreme topography of at the point of the proposed connection. The Applicant’s engineer submitted the following opinion in support of the variance:

County staff in their review of the variance request performed a site inspection and noted that topographic conditions present at the time of their visit supported the variance request for connection to Kelsie Way due to extreme topography...The plan continues to show no connection to Kelsie Way due to extreme topography as supported by county staff comments and shown by the updated contours.

December 1, 2011 Letter to Jerry Kendall from Clint Beecroft, EGR & Associates, Ex K, B I, p. 235. In addition to the topographic issues, the County’s Prime Wildlife Zone also imposed a 50-foot buffer around the South Heceta Junction Seasonal Lakes that would have been partially located with the right-of-way of Kelsie Way as extended, and which also precluded the connection. March 14, 2012, Idylewood 4th Addition Coastal Overlay Setbacks, EGR & Associates, Ex. K, B I, p. 86.¹

The City Council also considered a connection between Oceana Drive and Kelsie Way as part of the Transportation System Plan amendments in 2012. The proposed connection was identified as a potential street connection in draft documents prepared by Kittelson & Associates and was even included in a draft table of local street projects as item R-9. *See TSP Appendix Vol 2, p. 303 (North Florence Local Street Network, Florence, Oregon Figure 5-12) & 426 (Table 2).* However, the City Council removed that proposed connection from the final TSP, based on the topographic and regulatory issues identified above.

¹ Florence’s Prime Wildlife Overlay District /PW also imposed a buffer around these lakes of 100-feet and which precludes topographic modification. FCC 10-19-9-F (5) and (6). This wider buffer precludes any connection between the annexation area and Kelsie Way.

Accordingly, Kelsie Way is not relevant to the annexation, and its existence does not demonstrate the existence of an economic and orderly street system to serve the annexation area.

3. The Applicant's proposed cherry-stem annexation does not conform to the comprehensive plan of the City of Florence.

The Florence Comprehensive Plan annexation policy 3(b) requires that conversion of land outside the City limits conforms to the City's comprehensive plan:

Conversion of lands within the UGB outside the City limits shall be based on consideration of:

* * * *

b. conformance with the acknowledged City of Florence Comprehensive Plan;

However, the Florence Comprehensive Plan policies do not support the annexation of the proposed annexation area.

The Applicant's statement of support relies on the City's Citizen Involvement, Land Use, Residential, Housing, Public Utilities and Coastal Shorelands policies in support of its annexation. *Statement of Support*, p. 10-14 & 18-19. However, the application fails to address relevant policies which don't support annexation.

a. Citizen Involvement

The application process fails to provide for citizen involvement in accordance with the comprehensive plan and applicable state law.

Citizen Involvement Policy 3 provides that:

The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees.

That policy is being violated because the Council is not "ensur[ing] that a cross-section of Florence citizens is involved in the planning process."

As set forth in detail above, the City has failed to provide notice to property owners along Kelsie Way, Gullsettle Court or Cloudfcroft Lane that these streets are being considered for annexation as well, depriving the property owners of a hearing.

In addition to this notice defect, that application is seeking to forego a public election process that would involve the City's electors in favor of a virtual meeting platform that disenfranchises elderly and low-income citizens. Again, this process deprives these citizens of their voice in these proceedings, and violates the Council's obligation to ensure that a "cross-section of Florence citizens is involved in the planning process." Furthermore, as will be addressed in greater detail below, the proposed process violates state law requirements which oblige the Council to make the decision to forego a popular vote on the application, and to fix a time and place for the voters to be heard before the Council on the annexation.

As the application violates the City's Citizen Involvement requirements, we respectfully request that the same be denied.

b. Land Use

The application violates Land Use Policy 1, which requires the City to designate areas for particular uses, based on factors including the documented need for the particular land use, the physical suitability of lands for uses, adequacy of public facilities and the transportation network, to wit:

Designation and location of land use shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.

Each of these factors weigh against the proposed annexation in this case. The application does not demonstrate that there is a documented need for the proposed housing at this location and at this time. The lands at issue are largely "unbuildable" due to the physical constraints of the site - which include steep slopes, erosive soils, and a seasonal groundwater flooding - as well as the regulatory restrictions associated with the Prime Wildlife Coastal Shorelands Overlay. Sanitary sewer is not available to the site, absent a pressurized line and pumping station which are not proposed, and no stormwater system available to address the seasonal groundwater flooding. The application does not address the existing transportation system - which is substandard to meet the current requirement of either the City or County - and does not demonstrate that the system has adequate capacity or has planned improvements that are sufficient to serve the proposed land use. In addition, no attempt is made to address the adverse environmental, economic, social and energy impacts of placing a residential subdivision in the midst of an environmentally sensitive coastal shoreland with seasonal flooding that is already severe enough to damage homes and restrict traffic circulation and fire and emergency vehicle access. As each of these factors weigh against annexation of this area, annexation of the property is contrary to this comprehensive plan policy and denial of the application is appropriate.

c. Residential

The Applicant also violates residential land use policies in Florence comprehensive plan, which require that the City discourage the residential development of areas that threaten the public health and welfare. Residential land use policy 7 provides:

Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.

The proposed annexation and zone change is to allow residential development in an area that is known to constitute a threat to public health and welfare due to groundwater flooding and steep, highly-erodible soils. As noted by Lane County public works staff, existing residents in the adjoining Idylewood subdivision have had to contend with severe and persistent flooding, sometimes lasting several weeks, and which not only damages their homes, but has also prevented access by residents and emergency services. These natural hazards require that the City of Florence discourage residential development in this area in accordance with its comprehensive plan, and warrant denial of the application.

d. Development Hazards and Constraints

The proposed annexation also violates Policy 1 of the City's Development Hazards and Constraints chapter:

The City shall restrict or prohibit development in known areas of natural hazard or disaster in order to minimize risk to citizens, reduce the hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief.

The proposed annexation is located in an area of known natural hazards including seasonal groundwater flooding and steep, highly-erodible soils. Pursuant to its comprehensive plan policies, the City is charged with restricting or prohibiting development within this area in order to minimize risk to citizens, and reduce hazards to life, property and public investment. Accordingly, denial of this annexation application is appropriate.

e. Public Facilities (Stormwater)

The application also fails to address critical policies related to stormwater management. Seasonal groundwater flooding is a recognized issue in this area. The City's Stormwater Management Plan highlighted this issue in area immediately adjoining the proposed annexation area:

Problems reported in the Northwest Region mostly involve localized flooding of low-lying areas between the dunes. Gullsettle Court and Sandrift Street are low areas along the eastern edge of Idylewood development, as shown in Figure 4-6. For years, flooding has been reported from this area. During the wetter than average winter of 1981, the intersection of Oceana Drive and Sandrift Street was under 2 feet of water.

Recently, the return to a wet climatic cycle and construction of new homes in low area have increased the number of flooding complaints. During the past several years, local residents have pumped water out of their neighborhood to keep streets passable and prevent home from flooding. Unfortunately, the pumped water has allegedly caused problems in neighborhoods surrounding Gullsettle Court and Sandrift Street.

Florence Stormwater Management Plan (2000), p. 4-2.

The City's Water Quantity (Flow Control) policy 11 requires that:

Development shall mitigate all project impervious surfaces through retention and on-site infiltration to the maximum extent practicable. Where on-site retention is not possible, development shall detain stormwater through a combination of provisions that prevent an increased rate of flow leaving a site during a range of storm frequencies as specified in Florence City Code. Surface water discharges from onsite facilities shall be discharged to an approved drainage facility.

The annexation application does not demonstrate that it is feasible to mitigate all impervious surfaces on-site through infiltration in all conditions or to detain such waters on site. In fact, the history of the property reflects the opposite – that even in its current vacant condition, the annexation area contributes to a high seasonal groundwater table that floods the existing streets and residences in the Gullsettle Court and Sandrift Street areas. Development of the annexation area would only exacerbate these conditions, flooding streets and homes both within the annexation area and in the existing Idylewood subdivision. Accordingly, the proposed annexation does not conform to this policy either, and denial of the application is appropriate on this basis as well.

f. Coastal Shorelands

The application proposes to annex property designated as Prime Wildlife Shorelands in the comprehensive plan. As depicted on Map 17-1, the “South Heceta Junction Seasonal Lakes” are designated as Shoreland Management Unit (MU) “Prime Wildlife.”

This management unit is subject to planning priorities which are inconsistent with the annexation of this property for residential development. Coastal Shorelands policy 17 establishes policies within Prime Wildlife Management Units. Policy 17(b) provides:

- b. Uses shall fall within Priority 1 of the General Priority Statement (Policy 12). No use shall be permitted within a Prime Wildlife Shorelands MU unless that use is determined to be consistent with protection of natural values identified in the description of the MU.***

Priority 1 of Policy 12 is to “Promote uses which maintain the integrity of estuaries and coastal waters.” The proposed low-density residential development in the annexation area does not maintain the integrity of the coastal waters, and the proposed residential uses would only adversely impact these waters by promoting inconsistent development, removing vegetation, disrupting surface and groundwater flows and interfering with wildlife habitat. This violation of Coastal Shoreland’s policy 17(b) warrants denial of this application.

- c. For any approved development in this MU, a minimum 100’ horizontal buffer zone from the coastal lakes is required.***

City public works relies on the Idylewood 4th Addition site plans for the prior Lane County subdivision proposal to evaluate the proposal. These plans do not provide a 100-foot buffer around the South Heceta Junction Seasonal Lakes. Hence, to the extent that the application is based on these prior site plans, it violates Policy 17(c) and denial is warranted.

- g. Development on lots less than five acres in size shall be prohibited. Where lots less than five acres existed on July 24, 1980, development may occur if in conformance with the requirements of the base zoning district and this management unit.***

The annexation is proposed for the purposes of establishing a low-density residential subdivision. The residential lots would be below five-acres in size and would be created after the measuring date of July 24, 1980. Accordingly, development on these lots is prohibited by policy 17(g), and denial of the proposed annexation is also warranted on this basis.

g. Transportation

The application also fails to demonstrate that the proposed annexation will conform to applicable transportation-related policies. These include:

1. Provide safe transportation all seasons of the year through street standards that require lane widths, curvature and grades appropriate to all weather conditions.

The annexation would result in a change to the functional classification of Oceana Drive from primarily a local road to a neighborhood collector which will draw traffic from neighbors in the annexation area and funnel those to minor arterial Rhododendron Drive. However, the application does not establish that Oceana Drive conforms to County or City standards for a neighborhood collector or for a local road. The application proposes no improvement to this road to conform to applicable street standards. As the application does not propose to conform to applicable standards, it fails to provide safe transportation for all seasons of the year and denial is appropriate on this basis as well.

8. The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques.

• Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility.

The annexation and zone change in this case is a land use decision which would significantly affect a transportation facility by changing the functional classification of Oceana Drive. OAR 660-012-0060(1)(a). In addition, the pass-through trips from the annexation area are types or levels or travel or access that are inconsistent with Oceana Drive's current functional classification, and would also result in increased traffic volumes that may degrade the function of existing transportation facilities that are otherwise projected to perform acceptably or which are already failing or projected to fail. OAR 660-012-0060(1)(c). As the application does not ensure that these allowed land use are consistent with the function, capacity and level of service of all impacted facilities, it violates this policy and denial of the application is warranted.

13. Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle and pedestrian circulation within the community. To promote bicycling and walking, marked bicycle lanes and sidewalks are required on all arterial and collector streets (other than those collectors identified as scenic drives) when those streets are

newly constructed, reconstructed, or widened to provide additional vehicular capacity. For collector streets that are identified as scenic drives, provision shall be made to adequately accommodate bicycles and pedestrians when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity

Development shall provide adequate on-site circulation for vehicles, buses, bicycles, and pedestrians and shall provide off-site transportation improvements necessary to ensure that the incremental demands placed on the transportation system by the development are met.

The annexation and zone change in this case would change the functional classification of Oceana Drive – a local access road that allows unsegregated parking, and pedestrian, bicycle, and vehicular travel on the road surface – to a neighborhood collector. The application does not provide sidewalks or bike lanes for safe and convenient bicycle and pedestrian circulation consistent with the City’s transportation policy. Accordingly, the application violates this policy and denial of the application is warranted on this basis as well.

As the proposed annexation does not conform with the acknowledged City of Florence Comprehensive Plan, denial of the application is warranted.

4. The Applicant’s proposed cherry-stem annexation does not conform to state law.

The Applicant’s proposed cherry-stem annexation also fails to conform to the minimum requirements for annexation specified by statute. The applicant relies on ORS 222.120 and ORS 222.170(2) to obtain approval of the annexation without an election by either within the City of within the contiguous territory. However, neither of these statutes support annexation.

ORS 222.111(5) requires the legislative body to submit an annexation proposal to a general or special election, except only in those cases where state statute authorizes the legislative body to forego such an election:

The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposals to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

The application does not comply with either the exception to an election by the City, or the exception of an election within the contiguous territory. As such, annexation is not appropriate.

With regard to the general election by the City, the City Council first needs to decide whether to dispense with election on the annexation, and also fix a day for the public hearing. ORS 222.120(2) provides:

When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

This has not occurred in this case.

The legislative body of the City is the City Council. It has not considered the proposed annexation. It has not decided to dispense with an election on the proposed annexation. It has not fixed a date for a public hearing before the Council for the City's electors to be heard on the annexation. As such, there is no basis to dispense with an election on this annexation.

City staff suggest that the City Council has made this decision via adopting "Resolution No. 8, Series 2008" which "expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222." *Draft Findings*, p. 13. However, this resolution was repealed in 2010 on July 6, 2010 by Resolution No. 27, Series 2010, and is no longer enforceable. In any case, state law requires that the City Council make a case-by-case determination of whether to dispense an election on "the proposed annexation" before them. As the City Council has not decided to dispense with an election before the City on this application, it is improper for the application to rely on a public hearing under ORS 222.120(2).

Moreover, the public hearing on October 13, 2020 does not conform to ORS 222.120(2) as its date is neither fixed by the Council, and because the hearing is not held before the City Council. The draft findings suggest that the public notices of the Planning Commission hearing on October 13, 2020 meet the requirements of ORS 222.120. *Draft Findings*, p. 13 & 14. However, the City Council did not fix the October 13, 2020 date for this hearing. Moreover, the Planning Commission is not the legislative body for the City. ORS 222.120(2) mandates that if the Council is going to dispense with an election it has to listen the concerns of its electors at the public hearing it schedules, and not the Commission. As the City Council has neither fixed the date for a public hearing nor will be presiding at the hearing on October 13, 2020, that hearing provides no basis for the Applicant to avoid a general or special election under ORS 222.120(2).

The Applicant also cannot avoid an election within the contiguous territory by relying on ORS 222.170(2), because he does not have the consent of a majority of the electors within the territory.

ORS 222.170(2) provides:

The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the legislative body submits the question to the electors of the city.

As conceded in the Applicant's supporting statement, "[t]here are no electors within the proposed annexation area." *Applicant's Statement in Support*, p. 10. Accordingly, the Applicant cannot provide the consent of a "majority of the electors" which, together with the consent of the owners, is a prerequisite for taking advantage of ORS 222.170(2). Accordingly, ORS 222.170(2) also does not provide a basis for approval of the annexation application.

As the application is not consistent with ORS 222.111, 222.120, or 222.170, we request that the same be denied.

C. Zone Change

The application also fails to demonstrate compliance with the applicable criteria for a zone change. These criteria are set out at 10-1-3:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Type III (Quasi-Judicial) Changes:

* * * *

4. Planning Commission Review: The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

The application includes a citation to this provision at page 20 of its statement of support but does not demonstrate compliance with these criteria. Instead, the supporting statement merely reflects that a public hearing will be held and that draft findings will be prepared.² The application does not demonstrate compliance with the criteria applicable to a zone change. As such, we respectfully request denial of the zone change application as well.

1. The Applicant's proposed zone change is not consistent with Florence Comprehensive Plan.

Florence Zoning Ordinance section 4(B) requires that a proposed zone change be consistent with the Florence Comprehensive Plan. As demonstrated in detail in subsection 3 above, which is hereby incorporated by reference, the application at issue does not conform to the Florence Comprehensive Plan, and would violate key policies including citizen involvement (and, in particular, faulty notice to DLCD), land use, residential land use, development hazards and constraints, public facilities (stormwater), coastal shorelands, and transportation. As the zone change application is not consistent with the Florence Comprehensive Plan, denial of the application is warranted.

2. The Applicant's proposed zone change is not consistent with the Florence Zoning Ordinance.

The application also failed to meet minimum requirements for a zone change in the Florence Zoning Ordinance. Section 10-1-1-4 of the zoning code establishes minimum standards for all land use applications and petitions in Chapters 10 and 11 in the Florence Zoning Code. FCC 10-1-1-4(A) & (C).

² "The Planning Commission will hold a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact will be available in advance of the hearing. Annexation of the Property within the UGB is permitted if the request meets the applicable ORS and the City's urbanization policies."

These minimum standards require that an application:

2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.

The application before the Planning Commission lacks this minimum information. The application does not identify needed public utility facilities, including but not limited to sanitary sewer and stormwater infrastructure, or transportation facilities necessary to serve the proposed annexation area or demonstrate that those facilities will be made available and how the same will be financed. As the application fails to provide this mandatory minimum information necessary to evaluate key aspects of the proposed zoning, denial of the application is warranted.

In addition, the application fails to provide required transportation information. Section 10-1-1-4(E) requires that an applicant provide a traffic impact study as part of any application for a zone change in order to allow the City to evaluate capacity and safety impacts on the transportation system, and to mitigate impacts:

E. Traffic Impact Studies:

1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:

- a. The capacity and safety impacts a particular development will have on the City's transportation system;***
- b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;***
- c. Mitigating measures necessary to alleviate the capacity and safety impacts so that minimum transportation standards are met; and***
- d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule***

2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment

to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:

a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.

c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.

3. Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

The Applicant's proposed zone change application would alter the underlying area requirements from the County's suburban residential zone to the City's low-density residential zone, decreasing lot size and increasing traffic volumes and peak-hour trips. Compare LC 16.229(6) & FCC 10-10-4(B). Accordingly, a traffic impact study is required with this application to evaluate capacity and safety impacts and to propose mitigation to address these impacts. As the application fails to provide this mandatory minimum information necessary to evaluate transportation impacts of the proposed zoning, denial of the application is warranted on this basis as well.

The application also lacks information required to be provided for the shorelands designation. Section 10-19-9(A) requires that a land use applicant provide a preliminary investigation to locate precisely the boundaries of the feature:

Preliminary Investigation: Any land use or building permit application within the /PW District as it applies to the South Heceta Junction Seasonal Lakes shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the district shall apply. The requirements of the district shall apply in an area generally identified on the Florence Coastal Overlay Zoning Map and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control.

The application lacks this required preliminary investigation as well. As the application fails to properly evaluate the extent of the South Heceta Junction Seasonal Lakes and the Prime Wildlife area on the property subject to the zone change, denial of the application is warranted on this basis as well.

3. The Applicant's proposed zone change does not promote the objectives of the Florence Comprehensive Plan.

The application also fails to promote the objectives of the Florence Comprehensive Plan as required by FCC 10-1-3(B)(4).

Citizen involvement objective 2 requires the City to take into account citizen input in the planning process:

To take into account the desires, recommendations and needs of citizens during the planning process.

The application attempts to short-circuit this public process by avoiding an election on the annexation by all citizens as required by state law, and, in the zone change, by seeking approval during a global pandemic, which excludes citizens from the public hearing process guaranteed by state law, and relies on a virtual hearing platform that disenfranchises the elderly and persons with low-income who cannot access the proceedings. As the application violates this objective, denial of the application is appropriate.

The application also undermines the residential land use objective of providing consistent application of development standards to future residential development. As the comprehensive plan states:

Some residential subdivisions, both inside city limits and within urbanizable lands that were developed prior to 1995, have experienced infrastructure problems, stormwater deficiencies, slope failures, flooding due to high groundwater tables and invasive weed infestations. An objective of this Plan is to insure a more consistent application of development standards to future residential developments so as to avoid these problems of the past. Regardless of the type of residential development or subdivision, minimum development standards need to be provided and public or private facilities adequately maintained from the life of that development.

Comprehensive Plan, Pages II-8 – II-9. The existing Idylewood to the east, with its “stormwater deficiencies” and pervasive “flooding due to high groundwater tables” is likely one of the “residential subdivisions” referenced in this plan objective. However, despite the history of flooding and failures to correct infrastructure defects, the application does not

demonstrate that its proposed annexation and zone change will avoid these problems of the past. It fails to demonstrate that existing or planned improvements will address issues with infrastructure including sanitary sewer or stormwater, or with the transportation system. In addition, despite the fact that the Applicant is proposing to rezone a prime wildlife area with known seasonal groundwater flooding, the Applicant has not undertaken the required analysis of the extent of the natural resources on the site or demonstrated that future residential development is consistent with the high seasonal water table. As the application fails to demonstrate compliance with this residential land use objective, denial of the application is appropriate.

The application also fails to protect significant wetlands on the property in conformance with Wetlands and Riparian objective 2 in the comprehensive plan. That objective is:

2. To protect significant wetlands for their critical value in maintaining surface and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.

The South Heceta Junction Seasonal Lakes are designated as Palustrine Unconsolidated Bottom (PUB) significant wetlands in the Florence Area Local Wetlands and Riparian Inventory. The application proposes to zone this entire annexation area for low-density residential use, and has failed to map or evaluate the wetlands areas on the subject property. Nor does the application propose any specific measures to protect groundwater quality and quantity, provide wildlife habitat, perform flood control or enhance the visual character of the community. Accordingly, the application does not conform to this objective either and denial of the application is appropriate.

4. The Applicant's proposed zone change does not promote the objectives of the Florence Zoning Ordinance.

The application also fails to promote the objectives of the Florence Zoning Code. The Zoning Code objectives at section 10-1-1-3 require, amongst other objectives, that zone changes meet the goals of the Florence Comprehensive Plan, that residential development be appropriately located, and that transportation systems promote the fast and efficient movement. The application at issue does not promote any of these objectives, and denial is warranted on this basis as well.

Zoning Ordinance objective 1 is:

- 1. To fulfill the goals of Florence's Comprehensive Plan.***

FCC 10-1-1-3(A)(1). The application does not address this standard, or compliance with any of the goals of the Florence Comprehensive Plan, and should be denied on this basis as well.

In particular, the application:

- a. fails to provide an “adequate factual base” for the decision as required by the Land Use Goal;
- b. fails to “conserve natural resources such as wetlands...and fish and wildlife habitat in recognition of their important environmental, social, cultural, historic and economic value” as required by the Open Spaces and Scenic, Historic, and Natural Resources Goal;
- c. fails to “identify and protect known sites and/or habitat of rare, endangered and sensitive species within the City and the UGB” as required by the Rare, Threatened, Endangered and Sensitive Species Goal;
- d. fails to “protect life and property from natural disasters and hazards” as required by the Development Hazards and Constraints Goal;
- e. fails to provide “decent, safe and sanitary” housing as required by the Housing Goal;
- f. fails to “assure that urban development in the urban growth boundary is guided and supported by types and levels of public facilities appropriate for the needs and requirements” of the area to be serviced “and that those facilities and services are provided in a timely, orderly and efficient arrangement” as provided in the Utilities, Facilities and Services Goal;
- g. fails to provide “cost effective collection and treatment of wastewater consistent with projected population growth and development needs” as required by the Wastewater Collection and Treatment Goal;
- h. fails to provide “a stormwater system that enhances and maintains livability through balanced, cost-effective solutions to stormwater management” as required by the Stormwater Goal;
- i. fails to “maintain public safety services at levels necessary to provide quality services to future residents and visitors” as required by the Public Safety and Health-Related Services Goal;
- j. fails to “create a safe transportation system,” “operate transportation facilities at a level of service that is cost-effective and appropriate for the area served,” “create a transportation network adequate to support existing and proposed land uses,” “meet the needs of land development while protecting public safety, transportation operations and mobility of all transportation modes” as required by the Transportation Goals;
- k. fails to provide “an orderly and efficient transition from County/rural land uses to City/urban land uses” as required by the Urbanization Goal; and
- l. fails to “conserve, protect, where appropriate, develop and, where appropriate, restore the resources and benefits of coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat” and “to reduce the hazard to human life and property, the adverse effects on water quality, and the adverse effects on fish and wildlife habitat, resulting from the use and enjoyment of Florence’s coastal shorelands” as required by the Coastal Shorelands Goal.

As the application does not fulfill the goals of the Florence comprehensive plan, it does not promote the objectives of the Zoning Ordinance and denial is warranted.

Zoning objective 3 requires that the application demonstrate that the proposed low-density housing is appropriately located:

3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.

FCC 10-1-1-3(A)(3). The application does not demonstrate that the proposed low-density housing on the edge of the South Heceta Junction Seasonal Lakes and in an area of known, serious seasonal flooding is appropriately located. As the proposal does not support this objective, denial of the application is appropriate on this basis as well.

Zoning objective 6 requires a safe, fast and efficient transportation system:

6. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.

FCC 10-1-1-3(A)(6). The application does not promote this objective. Instead, it changes the functional classification for Oceana (which is already underdeveloped to comply with adequate street standards) and without providing the require traffic impact study or mitigation measures. As the application does not promote zoning objective 3, denial of the application is also appropriate on this basis.

As the application fails to demonstrate that the zone change promotes the objectives of the zoning ordinance, denial of the application is also appropriate on this basis.

5. The Applicant's proposed zone change is contrary to the public interest.

Finally, the proposed zone change is contrary to the public interest. The proposed zone change would allow an increased density of residents in an area with a high seasonal water table which already floods adjacent homes and streets during wet winter months. The application does not propose any improvements to physical infrastructure, despite the fact that the sanitary sewer lines cannot supply the area without a pumping station, and there is no stormwater collection or treatment system available in either Oceana Drive or the annexation area. The application does not evaluate the identified resources on the site and provides no measures to protect or preserve the prime wildlife habitat located on site. Moreover, the application proposes to alter the functional classification of Oceana Drive, but does not evaluate traffic impacts to the existing

infrastructure, or provide any form of mitigation, despite the fact that the streets are substandard for their present use.

As the application proposes a zone change for the private economic benefit of the landowner, but does not demonstrate any broader public benefit and fails to account for or mitigate the severe, substantial, long-term adverse impacts of the proposed change, the zone change is not in the public interest and denial of the application is appropriate.

Conclusion

As the public hearing on this application has not been properly noticed; the annexation is unreasonable and contrary to state statutes, the Florence Comprehensive Plan, and does not provide for the orderly and economic provision of public facilities and services; and, the zone change application is contrary to the comprehensive plan and zoning ordinance, does not promote the objectives of either, and is contrary to the public interest, we respectfully request that the application be denied.

Very truly yours,

HUTCHINSON COX



Zack P. Mittge

ZPM/gcc
Enclosures

City of Florence Resolution Index

City of Florence Resolutions Quick Links

This document is word searchable. To navigate through the document quickly, please search for a particular word, phrase, or year chose the edit menu, then “find”

2016 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 1, Series 2016 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with the Automation Group, Inc. (TAG) in the amount of \$124,856 for SCADA Equipment and Installation for Wells #3, #3A, #13 and #14. | 1/11/16 | 1/11/16 |
| Resolution No. 2, Series 2016 | A Resolution establishing approval to apply for a Land and Water Conservation Fund Grant from the Oregon Parks and Recreation Department for Land Acquisition and Development to create South Rhododendron Beach / River Park, and delegating authority to the City Manager or designee to sign the application. | 1/11/16 | 1/11/16 |
| Resolution No. 3, Series 2016 | A Resolution adopting the West Lane Emergency Operations Group Emergency Operations Plan | 3/7/16 | 3/7/16 |
| Resolution No. 4, Series 2016 | A Resolution adopting the Public Art Guidelines for the City of Florence and establishing policies for acquisition, maintenance and deaccessioning of public art and other policies related to the City’s Public Art Program. | 3/7/16 | 3/7/16 |
| Resolution No. 5, Series 2016 | A Resolution establishing approval to apply for a Local Government Grant from the Oregon Parks and Recreation Department for the Development for Building Construction and Play Field Rehabilitation at Miller Park, and Delegating Authority to the City Manager or designee to sign the application. | 3/7/16 | 3/7/16 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 6, Series 2016 | A Resolution governing rates for solid waste services and repealing Resolution No. 5, Series 2012 | 4/4/16 | 4/4/16 |
| Resolution No. 7, Series 2016 | A Resolution establishing approval to apply for a Local Government Grant from the Oregon Parks and Recreation Department for Land Acquisition and Development to create south Rhododendron Beach / River Park, and delegating authority to the City Manager or Designee to sign the application. | 4/18/16 | 4/18/16 |
| Resolution No. 8, Series 2016 | A Resolution establishing approval to apply for a U.S. Department of Justice Community Oriented Policing (COPS) grant in coordination with the Siuslaw School District, in order to hire a School Resource Officer. | 5/16/16 | 5/16/16 |

2015 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 1, Series 2015 | A Resolution implementing business license and criminal background check fees for medical marijuana facilities, and revoking Resolution No. 10, Series 2014 | 2/17/15 | 3/17/15 |
| Resolution No. 2, Series 2015 | A resolution establishing a policy for official city use of social media. | 2/2/15 | 2/2/15 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|-------------------------------|---|
| Resolution No. 3, Series 2015 | A resolution establishing approval to apply for a local government grant from the Oregon Parks and Recreation Department for rehabilitation at Pepperoaks Park, and delegating authority to the City Manager or designee to sign the application. | 3/2/15 | 3/2/15 |
| Resolution No. 4, Series 2015 | A resolution establishing approval to apply for a local government grant from the Oregon Parks and Recreation Department for land acquisition to create South Rhododendron Beach / River Park, and delegating authority to the City Manager or designee to sign the application. | 3/2/15 | 3/2/15 |
| Resolution No. 5, Series 2015 | A resolution establishing approval to apply for a local government grant from the Oregon Parks and Recreation Department for the development of a bike interpretive wayside on the west side of Hwy 101 and North of the Siuslaw River Bridge, and delegating authority to the City Manager or designee to sign the application. | 3/2/15 | 3/2/15 |
| Resolution No. 6, Series 2015 | A Resolution transferring 2014-15 Budget Appropriations from General Fund Contingency to Administration | 3/16/15 | 3/16/15 |
| Resolution No. 7, Series 2015 | A Resolution Establishing a City of Florence Public Art Committee – Resolution Repealed by Ordinance No. 3, Series 2016 | 4/20/15 | 4/20/15 – Repealed by Ord. 3, 2016 |
| Resolution No. 8, Series 2015 | A Resolution establishing a City of Florence Economic Development Committee – Revoked by Resolution No. 16, Series 2015 | 5/18/15 | 5/18/15 – Revoked by Resolution No. 16, Series 2015 |
| Resolution No. 9, Series 2015 | A Resolution Approving Application for Transportation and Growth Management Program Funds | 6/1/15 | 6/1/15 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 10, Series 2015 | A Resolution declaring the City's Election to Receive State Shared Revenues | 6/1/15 | 6/1/15 |
| Resolution No. 11, Series 2015 | A Resolution Certifying the City's Eligibility to Receive State-Shared Revenues | 6/1/15 | 6/1/15 |
| Resolution No. 12, Series 2015 | A Resolution extending the City of Florence's worker's compensation coverage to the volunteers of the City of Florence for the Policy Year 2015-2016. | 6/1/15 | 6/1/15 |
| Resolution No. 13, Series 2015 | A Resolution adopting the 2015-2016 Budget, Making Appropriations and Imposing and Categorizing Ad Valorem Taxes | 6/1/15 | 7/1/15 |
| Resolution No. 14, Series 2015 | A Resolution approving increases to water, wastewater, stormwater utility rates and street maintenance fees. | 6/15/15 | 7/1/15 |
| Resolution No. 15, Series 2015 | A Resolution adopting 2014-2015 Budget Appropriation Transfers | 6/15/15 | 6/15/15 |
| Resolution No. 16, Series 2015 | A Resolution amending the structure of the City of Florence Economic Development Committee to allow for additional ex-officio members, and revoking Resolution No. 8, Series 2015 | 6/15/15 | 6/15/15 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|------------------------|----------------|
| Resolution No. 17, Series 2015 | A Resolution authorizing the City of Florence to accept a coastal zone management grant from the Oregon Department of Land Conservation and Development. | 7/6/15 | 7/6/15 |
| Resolution No. 18, Series 2015 | A Resolution authorizing the City Manager to execute various agreements for recurring services provided to the City of Florence | 7/6/15 | 7/6/15 |
| Resolution No. 19, Series 2015 | A Resolution amending Resolution No. 18, Series 2013, a Resolution of the of the City of Florence adopting the 2014 City of Florence Personnel Handbook, in order to clarify the title of the City of Florence Employee Handbook and implement amendments to the Pay Administration Section of the City of Florence's Employee Handbook. | 7/6/15 | 7/6/15 |
| Resolution No. 20, Series 2015 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with Rebuild-it Services Group in the amount of \$49,281.00 to rebuild a Walker Drive unit for the Wastewater Treatment Plant Clarifier | 7/20/15 | 7/20/15 |
| Resolution No. 21, Series 2015 | A Resolution authorizing the execution and delivery of a full faith and credit financing agreement and note for the purpose of financing and refinancing real and personal property; designating an authorized representative, special counsel and financial advisor, authorizing an intergovernmental agreement with the agency; and related matters. | 8/24/15 | 8/24/15 |
| Resolution No. 22, Series 2015 | A Resolution authorizing the City of Florence, Oregon to accept a local government grant from the Oregon Parks and Recreation Department for rehabilitation of Pepperoaks Park. | 10/5/15 | 10/5/15 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 23, Series 2015 | A Resolution authorizing the City of Florence, Oregon to enter into an interstate associate membership agreement with King County Directors' Association | 10/19/15 | 10/19/15 |
| Resolution No. 24, Series 2015 | A Resolution sustaining the appellant's objection to condition 12 of PC 15 18 PUD 02, an application to modify East Bank Final PUD to permit 54 Single Family Homes | 11/2/15 | 11/2/15 |
| Resolution No. 25, Series 2015 | Resolution Approval Postponed until future Council Meeting Date | | |
| Resolution No. 26, Series 2015 | A Resolution establishing a policy for the City Council grant program | 11/2/15 | 11/2/15 |

2014 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 1, Series 2014 | A Resolution amending Appendix A to Resolution No. 29, Series 2002 regarding the generation of transportation trips per unit for calculating street system development charges for various levels of development. | 2/3/14 | 2/3/14 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 2, Series 2014 | A Resolution authorizing the City of Florence, Oregon to enter into a financing agreement with Oregon Pacific Bank for a \$400,000 five (5) year loan to finance two 2014 capital infrastructure projects. | 5/5/14 | 5/5/14 |
| Resolution No. 3, Series 2014 | A Resolution repealing Resolution No. 7, Series 2013 and amending Water and Wastewater Rates | 6/2/14 | 7/1/14 |
| Resolution No. 4, Series 2014 | A Resolution declaring the City's election to receive state revenues | 6/2/14 | 6/2/14 |
| Resolution No. 5, Series 2014 | A Resolution certifying the City's eligibility to receive state-shared revenues | 6/2/14 | 6/2/14 |
| Resolution No. 6, Series 2014 | A Resolution adopting the 2014-2015 Budget, making appropriations, and imposing and categorizing ad valorem taxes. | 6/2/14 | 6/2/14 |
| Resolution No. 7, Series 2014 | A Resolution repealing Resolution No. 11, Series 2013 and updating System Development Charges based on annual indexing per the engineering news record (ENR). | 6/2/14 | 7/1/14 |
| Resolution No. 8, Series 2014 | A Resolution repealing Resolution No. 12, Series 2013 and amending water and wastewater connection fees. | 6/2/14 | 7/1/14 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-----------------------------------|
| Resolution No. 9, Series 2014 | A Resolution repealing Resolution No. 20, Series 2012 and amending Florence Events Center Facility Rental Rates | 6/2/14 | 7/1/14 |
| Resolution No. 10, Series 2014 | A Resolution amending Business License Fees and Revoking Resolution No. 5, Series 2008 and Resolution No. 32, Series 2009 – Revoked by Resolution No. 1, Series 2015 | 6/2/14 | 7/1/14 – Resolution Revoked |
| Resolution No. 11, Series 2014 | A Resolution extending the City of Florence’s workers’ compensation coverage to volunteers of the City of Florence for the policy year 2014-2015. | 6/2/14 | 7/1/14 |
| Resolution No. 12, Series 2014 | A Resolution upholding Planning Commission Resolution PC 14 08 APP 01, affirming an administrative decision to require Fred Calosso, Applicant, to remove a sheet metal fence at 1231 18 th Place from the Kingwood Street right-of-way as part of Condition #3 of Administrative Decision AR 14 03 DR 02. | 7/7/14 | 7/7/14 |
| Resolution No. 13, Series 2014 | A Resolution consenting to the assignment of a water franchise agreement to Heceta Water People’s Utility District. – Resolution Repealed by Ordinance No. 1, Series 2016 | 7/7/14 | 7/7/14 – Repealed by Ord. 1, 2016 |
| Resolution No. 14, Series 2014 | A Resolution calling for an election within the City referring to the voters a measure for the adoption of an ordinance imposing a business license tax on motor vehicle fuel dealers and providing for administration, enforcement, and collection of the tax. – Resolution not passed by vote | 7/21/14 | Resolution not passed by vote |
| Resolution No. 15, Series 2014 | A Resolution authorizing the City of Florence to accept a Coastal Zone Management Grant from the Oregon Department of Land Conservation and Development for Planning related expenses within Oregon’s Federally-Approved Coastal Zone. | 7/21/14 | 7/21/14 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|--|
| Resolution No. 16, Series 2014 | A Resolution in support of the application to Oregon Housing and Community Services for financing of Munsel Lake Village Apartments in Florence, Lane County, Oregon. | 7/21/14 | 7/21/14 |
| Resolution No. 17, Series 2014 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with Xylem Water Solutions USA, Inc. in the amount of \$57,160.29 to purchase FLYGT N Series Pumps, Motors and Accessories to rehabilitate/upgrade the Siuslaw Village and Willow Dunes Sewer Pump Stations. | 8/4/14 | 8/4/14 |
| Resolution No. 18, Series 2014 | A Resolution Amending Resolution No. 6, Series 2007 to adjust the fee structure to eliminate \$250 Investigative fee surcharge | 10/6/14 | 10/6/14 |
| Resolution No. 19, Series 2014 | A Resolution of the City Council establishing Tax Rates for the sale of Marijuana and Marijuana-Infused Products in the City of Florence – Amended by Resolution No. 19, Series 2015 | 10/20/14 | 11/19/14 – Amended by Resolution No. 19, Series 2015 |
| Resolution No. 20, Series 2014 | A Resolution establishing approval for an updated West Lane Emergency Operations Group Intergovernmental Agreement. | 11/17/14 | 11/17/14 |

2013 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 1, Series 2013 | A Resolution declaring the recent collapse of the 84-inch culvert conveying Munsel Creek under Spruce Street at 12 th Street an emergency situation requiring immediate repairs to the culvert. | 1/22/13 | 1/22/13 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 2, Series 2013 | A Resolution Establishing the City of Florence Post Issuance Compliance Policy | 3/4/13 | 3/4/13 |
| Resolution No. 3, Series 2013 | A Resolution initiating amendments to the Florence Realization 2020 Comprehensive Plan ("Comprehensive Plan") and Florence city code (FCC) for Aquifer Protection and Wetlands and Riparian Corridors; and Amendments for Housekeeping and Internal Consistency | 4/15/13 | 4/15/13 |
| Resolution No. 4, Series 2013 | A Resolution approving the Siuslaw Estuary Trail Vision: Preferred Location and Design | 4/15/13 | 4/15/13 |
| Resolution No. 5, Series 2013 | A Resolution authorizing the issuance and negotiated sale of a general obligation refunding bond, Series 2013 to refund all of the outstanding principal of the City's general obligation water improvement bonds, Series 2003; designating an authorized representative and bond counsel. | 4/15/13 | 4/15/13 |
| Resolution No. 6, Series 2013 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with Christensen Well Drilling Company, in the amount of \$90,189.90 to drill a replacement well for Well #3. | 5/6/13 | 5/6/13 |
| Resolution No. 7, Series 2013 | A Resolution repealing Resolution No. 14, Series 2012 and amending water and wastewater rates. – REPEALED BY RESOLUTION NO. 3, SERIES 2014 | 6/17/13 | 7/1/13 - REPEALED |
| Resolution No. 8, Series 2013 | A Resolution declaring the City's election to receive state revenues. | 6/17/13 | 6/17/13 |
| Resolution No. 9, Series 2013 | A Resolution certifying the City's eligibility to receive state-shared revenues. | 6/17/13 | 6/17/13 |
| Resolution No. 10, Series 2013 | A Resolution adopting 2013-2014 budget, making appropriations, imposing and categorizing ad valorem taxes | 6/17/13 | 6/17/13 |
| Resolution No. 11, Series 2013 | A Resolution repealing Resolution No. 18, Series 2012 and updating system development charges based on annual indexing per the engineering news record (ENR). – RESOLUTION REPEALED BY RESOLUTION NO. 11, SERIES 2014 | 6/17/13 | 7/1/13 - REPEALED |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 12, Series 2013 | A Resolution repealing Resolution 19, Series 2012 and amending water and wastewater connection fees. – RESOLUTION REPEALED BY RESOLUTION NO. 12, SERIES 2013 | 6/17/13 | 7/1/13 - REPEALED |
| Resolution No. 13, Series 2013 | A Resolution extending the City of Florence's workers' compensation coverage to volunteers of the City of Florence for the policy year 2013-2014. | 6/17/13 | 6/17/13 |
| Resolution No. 14, Series 2013 | A Resolution in support of the application to Oregon Housing and Community Services for financing of Munsel Lake Village Apartments in Florence, Lane County, Oregon. | 8/5/13 | 8/5/13 |
| Resolution No. 15, Series 2013 | A Resolution authorizing the City of Florence to accept a Coastal Zone Management Grant from the Oregon Department of Land Conservation and Development for planning related expenses within Oregon's federally-approved coastal zone. | 8/19/13 | 8/19/13 |
| Resolution No. 16, Series 2013 | A Resolution amending Resolution No. 6 Series 2007, to adjust the fee structure for mechanical fees. | 8/19/13 | 8/19/13 |
| Resolution No. 17, Series 2013 | A resolution authorizing the City of Florence, Oregon, to enter into a sole source agreement with Utility services Company, Inc. in the amount of \$250,000 to complete repairs, including removal and reinstallation of protective coating systems, for water storage tanks and enter into a full service maintenance agreement. | 11/18/13 | 11/18/13 |
| Resolution No. 18, Series 2013 | Repeal Resolution No. 30, Series 2009, a resolution of the City of Florence adopting a personnel handbook and adopting Resolution No. 18, Series 2013, a resolution adopting the 2014 City of Florence Personnel Handbook | 11/18/13 | 11/18/13 |

2012 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------|--------------------|-------------------------------|-----------------------|
|--------------------------|--------------------|-------------------------------|-----------------------|

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|--|--------------------------------|---|
| Resolution No. 1, Series 2012 | A Resolution supporting application in the 2012 Recreational Trails Program offered by Oregon State Parks and Recreation Department – Not Passed | Presented to Council 1/3/12 | <u>Not Passed</u> |
| Resolution No. 2, Series 2012 | A Resolution granting an adjustment to the frequency at which the sign copy or image may change for Siuslaw Valley Fire and Rescue’s readerboard sign at 2625 Highway 101 | 2/21/12 | 2/21/12 |
| Resolution No. 3, Series 2012 | A Resolution establishing a City of Florence wellness program | 3/5/12 | 3/5/12 |
| Resolution No. 4, Series 2012 | A Resolution in support of the application to Oregon Housing and Community Services for financing of Munsel Lake Village Apartments in Florence, Lane County, Oregon. | 3/19/12 | 3/19/12 |
| Resolution No. 5, Series 2012 | A Resolution governing rates for solid waste services and repealing Resolution No. 7, Series 2011 – REPEALED BY RESOLUTION NO. 6, SERIES 2016 | 3/19/12 | 3/19/12 – Repealed by Res. 6, 2016 (effective 4/4/16) |
| Resolution No. 6, Series 2012 | A Resolution for inclusion under the State of Oregon Deferred Compensation Plan (State of Oregon Deferred Compensation Investment Program, also known as the Oregon Savings Growth Plan) | 3/19/12 | 3/19/12 |
| Resolution No. 7, Series 2012 | A Resolution adjusting the sign permit fees and amending Resolution No. 6, Series 2007 | 4/16/12 | 4/16/12 |
| Resolution No. 8, Series 2012 | A Resolution setting the maximum charge allowed on a credit card. – Not Passed | Presented to Council 4/2/12 | <u>Not Passed</u> |
| Resolution No. 9, Series 2012 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with the Automation Group, Inc. in the amount of \$317,140 for the upgrade of the wastewater SCADA Radio telemetry system. | 4/16/12 | 4/16/12 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|---|
| Resolution No. 10, Series 2012 | A Resolution Amending Yard Debris Disposal Fees and Repealing Resolution No. 6, Series 2010 | 5/7/12 | 6/1/12 |
| Resolution No. 11, Series 2012 | A Resolution adopting 2011-12 supplemental budget and making appropriations | 6/4/12 | 6/4/12 |
| Resolution No. 12, Series 2012 | A Resolution setting a street maintenance fee | 6/4/12 | 7/4/12 |
| Resolution No. 13, Series 2012 | A Resolution to repeal Resolution No. 15, Series 2009, a resolution establishing a street light utility fee | 6/4/12 | 7/4/12 |
| Resolution No. 14, Series 2012 | A Resolution amending water and wastewater rates (and amending Resolution No. 10, Series 2011, and Repealing Resolution No. 26, 2010) – Effectively replaced by Resolution No. 3, Series 2014 | 6/4/12 | 7/1/12 – Effectively replaced by Resolution No. 3, Series 2014 |
| Resolution No. 15, Series 2012 | A Resolution declaring the City's election to receive State-Shared Revenues | 6/4/12 | 6/4/12 |
| Resolution No. 16, Series 2012 | A Resolution certifying the City's eligibility to receive State Shared Revenues | 6/4/12 | 6/4/12 |
| Resolution No. 17, Series 2012 | A Resolution adopting 2012-2013 Budget, Making Appropriations, Imposing and Categorizing Ad Valorem Taxes | 6/4/12 | 7/1/12 |
| Resolution No. 18, Series 2012 | A Resolution repealing Resolution No. 15, Series 2011, and updating System Development Charges based on Annual Indexing per the Engineering News Record (ENR) – Effectively Replaced by Resolution No. 11, Series 2013 | 6/4/12 | 7/1/12 – Effectively replaced by Resolution No. 11, Series 2013 |
| Resolution No. 19, Series 2012 | A Resolution amending Resolution No. 18, Series 2011, Repealing Resolution No. 19, Series 2006, and Amending Water and Wastewater Connection Fees – Effectively replaced by Resolution No. 8, Series 2014 | 6/4/12 | 7/1/12 – Effectively replaced by Resolution No. 8, Series 2014 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 20, Series 2012 | A Resolution repealing Resolution No. 17, Series 2011, and amending Florence Events Center Rental Rates – RESOLUTION REPEALED BY RESOLUTION NO. 9, SERIES 2014 | 6/4/12 | 7/1/12 - REPEALED |
| Resolution No. 21, Series 2012 | A Resolution Amending Florence Events Center Ticketing Fees | 6/4/12 | 7/1/12 |
| Resolution No. 22, Series 2012 | A Resolution extending the City of Florence's Workers' Compensation Coverage to Volunteers of the City of Florence for the Policy Year 2012-2013 | 6/4/12 | 6/4/12 |
| Resolution No. 23, Series 2012 | A Resolution authorizing the City of Florence to accept a Coastal Zone Management Grant from the Oregon Department of Land Conservation and Development for Planning related expenses with Oregon's Federally-Approved Coastal Zone. | 6-18-12 | 7-1-12 |
| Resolution No. 24, Series 2012 | A Resolution authorizing the City of Florence, Oregon to accept an urban waters protection grant from the US Environmental Protection Agency for continuing the surface and groundwater monitoring program | 7-16-12 | 7-16-12 |
| Resolution No. 25, Series 2012 | A Resolution authorizing the City of Florence, Oregon to accept Transportation Enhancement Funding from the Oregon Department of Transportation for construction of a multi-use path along Rhododendron Drive from 9 th Street to Wildwinds | 7-16-12 | 7-16-12 |
| Resolution No. 26, Series 2012 | A Resolution authorizing the City of Florence, Oregon to accept a waste diversion opportunity grant from Lane County for purchase of equipment to begin a biosolids composting program | 8-20-12 | 8-20-12 |
| Resolution No. 27, Series 2012 | A Resolution authorizing the City of Florence, Oregon to enter into a single source agreement with the Automation Group, Inc. in the amount of \$59,860 for the upgrade of the water scada radio telemetry system. | 9-10-12 | 9-10-12 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|-----------------------|
| Resolution No. 28, Series 2012 | A Resolution Establishing a City Donation Policy Program. | 10-8-12 | 10-8-12 |
| Resolution No. 29, Series 2012 | A Resolution Authorizing the City of Florence, Oregon to enter into a single source purchase agreement in the amount of \$74,500 with Sustainable Generation LLC for a covered aerated static pile "on-floor" composting system for producing class "A" biosolids | 11-5-12 | 11-5-12 |
| Resolution No. 30, Series 2012 | Resolution Approving the Siuslaw Bank Financing Agreement whereby the Borrower finances and/or refinances certain real or personal property; and Authorizing the Officers of the Borrower to execute the Financing Agreement and such other documents and certificates as may be necessary to carry out the transactions contemplated by the aforementioned Agreement. | 11-5-12 | 11-5-12 |
| Resolution No. 31, Series 2012 | A Resolution Establishing the City of Florence Credit Card Policy | 11-19-12 | 11-19-12 |
| Resolution No. 32, Series 2012 | A Resolution Memorializing the City of Florence Fraud Policy | 12/17/12 | 12/17/12 |

City of Florence Resolution Index

2011 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|---|
| Resolution No. 1, Series 2011 | A Resolution to amend Planning / Land Use Application Fees and Repealing Resolutions 41, Series 1998 and Resolution 11, Series 2005 | 1/3/11 | 1/3/11 |
| Resolution No. 2, Series 2011 | A Resolution to add an administrative technology surcharge for building permits – Repealed by Resolution No. 21, Series 2011 | 1/3/11 | Repealed by Resolution No. 24, Series 2011 (Effective 9-7-11) |
| Resolution No. 3, Series 2011 | A Resolution adopting a 2010-2011 supplemental budget and making appropriations | 1/18/11 | 1/18/11 |
| Resolution No. 4, Series 2011 | A Resolution acknowledging the Florence Parks and Recreation Master Plan, 2011. | 2/18/11 | 2/18/11 |
| Resolution No. 5, Series 2011 | A Resolution to amend planning / land use application fees | 4/4/11 | 4/22/11 |
| Resolution No. 6, Series 2011 | Joint Resolution of the City Council and Local Public Contract Review Board opting out of the Attorney General's Model Public Contracting Rules and adopting Public Contracting Rules for the City of Florence. | 5/4/11 | 5/4/11 |
| Resolution No. 7, Series 2011 | A Resolution governing rates for solid waste services and repealing Resolution No. 34, Series 2010 - REPEALED | 5/16/11 | Repealed by Resolution No. 5, Series 2012 |
| Resolution No. 8, Series 2011 | A Resolution establishing a policy for the maintenance of public alleyways within the City. | 6/8/11 | 6/8/11 |
| Resolution No. 9, Series 2011 | A Resolution adopting a 2010-2011 supplemental budget and making appropriations | 6/20/11 | 6/20/11 |
| Resolution No. 10, Series 2011 | A Resolution amending water and stormwater rates – AMENDED BY RESOLUTION NO. 14, SERIES 2012 | 6/20/11 | 7/1/11 – Amended by Res. 14, 2012 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|-------------------------------|------------------------------------|
| Resolution No. 11, Series 2011 | A Resolution amending Florence Municipal Airport hangar lease rates | 6/20/11 | 7/1/11 |
| Resolution No. 12, Series 2011 | A Resolution declaring the City's election to receive state-shared revenues | 6/20/11 | 6/20/11 |
| Resolution No. 13, Series 2011 | A Resolution certifying the City's eligibility to receive state-shared revenues | 6/20/11 | 6/20/11 |
| Resolution No. 14, Series 2011 | A Resolution adopting 2011-2012 budget, making appropriations, imposing and categorizing ad valorem taxes – AMENDED BY RES. 11, 2012 | 6/20/11 | 7/1/11 – Amended by Res. 11, 2012 |
| Resolution No. 15, Series 2011 | A Resolution updating system development charges based on annual indexing per the Engineering News Record (ENR) – REPEALED BY RESOLUTION NO. 18, SERIES 2012 | 6/20/11 | 7/1/11 – Repealed by Res. 18, 2012 |
| Resolution No. 16, Series 2011 | A Resolution extending the City of Florence's workers compensation coverage to volunteers of the City of Florence for the policy year 2011-2012 | 6/20/11 | 6/20/11 |
| Resolution No. 17, Series 2011 | A Resolution amending Florence Events Center Facility Rental Rates – REPEALED BY RESOLUTION NO. 20, SERIES 2012 | 6/20/11 | 7/1/11 – Repealed by Res. 20, 2012 |
| Resolution No. 18, Series 2011 | A Resolution amending water and wastewater connection fees – AMENDED BY RESOLUTION NO. 19, SERIES 2012 | 6/20/11 | 7/1/11 – Amended by Res. 19, 2012 |
| Resolution No. 19, Series 2011 | A Resolution authorizing the exchange of city real property between the City of Florence and the Parkinson Living Trust | 7/5/11 | 7/5/11 |
| Resolution No. 20, Series 2011 | A Resolution setting the fines for violation of prohibited parking violation pursuant to Title 7 Chapter 1 Section 11 of the Florence City Code | 7/5/11 | 8/8/11 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-----------------------|
| Resolution No. 21, Series 2011 | A Resolution approving the financing agreement whereby the borrower finances and/or refinances certain real or personal property; and authorizing the officers of the borrower to execute the financing agreement and such other documents and certificates as may be necessary to carry out the transactions contemplated by the aforementioned agreement. | 7/18/11 | 7/18/11 |
| Resolution No. 22, Series 2011 | A Resolution authorizing the City of Florence to accept a Coastal Zone Management grant from the Oregon Department of Land Conservation and Development for planning related expenses within Oregon's federally-approved coastal zone. | 7/18/11 | 7/18/11 |
| Resolution No. 23, Series 2011 | A Resolution establishing a City of Florence Audit Committee | 8/15/11 | 8/15/11 |
| Resolution No. 24, Series 2011 | A Resolution to repeal Resolution No. 2, Series 2011 which added an administration technology surcharge for building permits | 9/6/11 | 9/7/11 |
| Resolution No. 25, Series 2011 | A Resolution approving the Oregon Pacific Bank financing agreement whereby the borrower finances and/or refinances certain real or personal property; and authorizing the officers of the borrower to execute the financing agreement and such other documents and certificates as may be necessary to carry out the transactions contemplated by the aforementioned agreement. | 9/6/11 | 9/7/11 |
| Resolution No. 26, Series 2011 | A Resolution adopting a long range financial plan for a five year period (2011-2016) | 10/10/11 | 10/10/11 |
| Resolution No. 27, Series 2011 | A Resolution establishing immunity from certain personal injury or property damage claims described in house bill 2865 (2011) | 12/19/11 | 12/19/11 |

City of Florence Resolution Index

2010 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|---|------------------------|---------------------------|
| Resolution No. 1, Series 2010 | A Resolution setting a fee for an appeal of a civil administrative penalty | 1/4/10 | 1/4/10 |
| Resolution No. 2, Series 2010 | A Resolution authorizing the City of Florence, Oregon to accept a loan agreement in the amount of \$4,923,260 from the Clean Water State Revolving Fund, loan agreement R33422, between the State of Oregon, acting through it's Department of Environmental Quality and the City of Florence | 1/19/10 | 1/19/10 |
| Resolution No. 3, Series 2010 | A Resolution establishing an executive session news media attendance policy | 1/19/10 | 1/19/10 |
| Resolution No. 4, Series 2010 | A Resolution authorizing the exchange of City real property between the City of Florence and Florence Habitat for Humanity | 2/1/10 | 2/1/10 |
| Resolution No. 5, Series 2010 | A Resolution establishing a trust and agency fund in the Florence City Budget for the benefit of the Boosters Senior Center, Inc. | 2/1/10 | 2/1/10 |
| Resolution No. 6, Series 2010 | A Resolution establishing and setting a fee for yard debris disposal at the Florence Airport – Repealed by Resolution No. 10, Series 2012 | 2/16/10 | 2/16/10 – Repealed |
| Resolution No. 7, Series 2010 | A Resolution proposing annexation of properties within the City to Siuslaw Valley Fire and Rescue | 2/24/10 | 2/24/10 |
| Resolution No. 8, Series 2010 | A Resolution calling for an election within the City of Florence on the question of annexation of the Properties within the City to Siuslaw Valley Fire and Rescue - AMENDED WITH RESOLUTION NO. 8, SERIES 2010 | 2/24/10 | 2/24/10 |
| Resolution No. 9, Series 2010 | A Resolution instructing the budget officer to prepare the city budget using less than the City's full permanent property tax rate after annexation of properties within the City to Siuslaw Valley Fire and Rescue | 2/24/10 | 2/24/10 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|---------------------------|
| Resolution No. 10, Series 2010 | A Resolution amending Resolution No. 8, Series 2010 amending the ballot title (Exhibit A) | 3/8/10 | 3/8/10 |
| Resolution No. 11, Series 2010 | A Resolution authorizing the submission of the application for the designation of the Florence Enterprise Zone | 3/15/10 | 3/15/10 |
| Resolution No. 12, Series 2010 | A Resolution endorsing the proposed bylaws for the Lane Area Commission on Transportation (LACT) | 5/3/10 | 5/3/10 |
| Resolution No. 13, Series 2010 | A Resolution of the City of Florence, Oregon, amending Resolution No. 28, Series 2009 authorizing limited tax improvements bonds for the Spruce Street Local Improvement District to add a full faith and credit pledge and providing for related matters | 5/28/10 | 5/28/10 |
| Resolution No. 14, Series 2010 | A Resolution establishing jail work release program fees | 6/7/10 | 6/7/10 |
| Resolution No. 15, Series 2010 | A Resolution exercising the power of eminent domain | 6/7/10 | 6/7/10 |
| Resolution No. 16, Series 2010 | A Resolution adopting a 2009-2010 Supplemental Budget and making appropriations | 6/21/10 | 6/21/10 |
| Resolution No. 17, Series 2010 | A Resolution transferring appropriations | 6/21/10 | 6/21/10 |
| Resolution No. 18, Series 2010 | A Resolution amending water rates | 6/21/10 | 7/1/10 |
| Resolution No. 19, Series 2010 | A Resolution amending wastewater rates - REPEALED BY RESOLUTION NO. 26, SERIES 2010 | 6/21/10 | Repealed by Res. 26, 2010 |
| Resolution No. 20, Series 2010 | A Resolution declaring the City's election to receive state shared revenues | 6/21/10 | 6/21/10 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|---|
| Resolution No. 21, Series 2010 | A Resolution certifying the City's eligibility to receive state shared revenues | 6/21/10 | 6/21/10 |
| Resolution No. 22, Series 2010 | A resolution adopting 2010-2011 budget, making appropriations, imposing and categorizing ad valorem taxes | 6/21/10 | 6/21/10 |
| Resolution No. 23, Series 2010 | A Resolution updating system development charges based on annual indexing per the engineering news record (ENR) – Effectively replaced by Resolution No. 15, Series 2011 | 6/21/10 | 7/1/10 – Effectively replaced by Resolution No. 23, Series 2010 |
| Resolution No. 24, Series 2010 | A Resolution extending the City of Florence's workers compensation insurance to volunteers of the City of Florence for the Policy year 2010-2011 | 6/21/10 | 6/21/10 |
| Resolution No. 25, Series 2010 | A Resolution authorizing the City of Florence to accept a Coastal Zone Management Grant from the Oregon Department of Land Conservation and Development for Planning related expenses within Oregon's Federally-Approved coastal zone | 6/21/10 | 6/21/10 |
| Resolution No. 26, Series 2010 | A Resolution repealing Resolution No. 19, Series 2010 and Amending the Wastewater Rates – REPEALED BY RESOLUTION NO. 14, SERIES 2012 | 7/6/10 | 7/6/10 – Repealed by Res. 14, 2012 |
| Resolution No. 27, Series 2010 | A resolution repealing Resolution No. 26, Series 2007 and Resolution No. 8, Series 2008 and establishing the City's Policy with Regards to Withdrawl of Property from the Heceta Water District | 7/6/10 Repealed | 7/6/10 – Repealed by Res. No. 27, 2010 |
| Resolution No. 28, Series 2010 | A Resolution modifying annexation procedures | 7/6/10 | 7/6/10 |
| Resolution No. 29, Series 2010 | A Resolution authorizing the City of Florence to apply for Urban Trails Funds from the Oregon Department of Transportation for Construction of the Rhododendron Multi-Use Path | 7/6/10 | 7/6/10 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|---|
| Resolution No. 30, Series 2010 | A Resolution authorizing the City of Florence to apply for Transportation Enhancement Program funds from the Oregon Department of Transportation for construction of the Rhododendron Drive Multi-Use Path. | 7/6/10 | 7/6/10 |
| Resolution No. 31, Series 2010 | A Resolution authorizing the City of Florence to apply for pedestrian and bicycle improvement grant program funds from the Oregon Department of Transportation for construction of bicycle and pedestrian improvements along Rhododendron Drive | 7/6/10 | 7/6/10 |
| Resolution No. 32, Series 2010 | A Resolution amending Resolution No. 2, Series 2007 and Resolution No. 11, Series 2005, reducing architectural review application fees for Urban Renewal preservation and rehabilitation program projects equal to or less than \$5,000 | 8/16/10 | 8/16/10 |
| Resolution No. 33, Series 2010 | A Resolution authorizing the City of Florence, Oregon to enter into a single source three (3) month rental agreement in the amount of \$28,500 with Cedar Grove Systems LLC for a covered aerated static pile "on-floor" composting unit for management of the City's Class "A" biosolids as approved by the City Council on October 12, 2009 (approval of a type of management program) – Repealed by Resolution No. 33, Series 2010 | 8/16/10 | Repealed by Resolution no. 33, Series 2010 |
| Resolution No. 34, Series 2010 | A Resolution governing rates for solid waste services and repealing Resolution No. 33, Series 2010 – Repealed by Resolution No. 7, Series 2011 | 9/7/10 | 10/7/10 – Repealed by Resolution No. 7, Series 2011 |
| Resolution No. 35, Series 2010 | A Resolution to the City of Florence, Oregon authorizing the financing of certain capital costs and the refinancing of outstanding obligations to be secured by the City's full faith and credit | 9/20/10 | 9/20/10 |
| Resolution No. 36, Series 2010 | A Resolution establishing a grant policy | 11/15/10 | 11/15/10 |

City of Florence Resolution Index

2009 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|--|------------------------|----------------|
| Resolution No. 1, Series 2009 | "NO TITLE" - Adoption of the "City of Florence Multi-Jurisdictional Natural Hazards Mitigation Plan" | 1/5/09 | 1/5/09 |
| Resolution No. 2, Series 2009 | A Resolution adding a new fee for a traffic safety course offered by officers of the Florence Police Department. | 1/26/09 | 1/26/09 |
| Resolution No. 3, Series 2009 | A Resolution in support of the Munsel Lake Village affordable housing project proposal submitted to the Housing and Community Services Agency (HACSA) of Lane County | 2/2/09 | 2/2/09 |
| Resolution No. 4, Series 2009 | A Resolution in support of forming an Area Commission on Transportation (ACT) for the Lane County region | 3/2/09 | 3/2/09 |
| Resolution No. 5, Series 2009 | A Resolution authorizing the City Manager to be the certifying officer for the CDBG grant for the Florence Senior Center | 3/2/09 | 3/2/09 |
| Resolution No. 6, Series 2009 | A Resolution establishing a policy of nondiscrimination on the basis of handicapped status | 3/2/09 | 3/2/09 |
| Resolution No. 7, Series 2009 | A Resolution establishing a fair housing policy for the City of Florence | 3/2/09 | 3/2/09 |
| Resolution No. 8, Series 2009 | A Resolution authorizing the termination of the covenants, conditions, and restrictions of the Pacific View Business Park | 3/16/09 | 3/16/09 |
| Resolution No. 9a, Series 2009 | A Resolution authorizing the City of Florence to apply for the Transportation and Growth Management Program funds from the Oregon Department of Transportation for an updated Transportation System Plan (TSP), updated Community Transit Plan, and updated Capital Improvement Program (CIP) project list and cost estimates for 20-year transportation projects. | 3/16/09 | Authorized |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|--|
| Resolution No. 9b, Series 2009 | A Resolution establishing a public records request policy and establishing fees for recovering City expenses incurred in responding to requests from the public for documents and public records and amending pervious resolutions enacting these fees – Repealed by Resolution No. 11, Series 2009 | 4/20/09 | 4/20/09 – Repealed by Resolution No. 11, Series 2009 |
| Resolution No. 10, Series 2009 | A Resolution transferring appropriations | 4/20/09 | 4/20/09 |
| Resolution No. 11, Series 2009 | A Resolution establishing a public records request policy and establishing fees for recovering city expenses incurred in responding to requests from the public for documents and public records and amending previous resolutions enacting these fees. | 4/20/09 | 4/20/09 |
| Resolution No. 12, Series 2009 | A Resolution requesting Lane County to increase expenditures for public safety | 4/18/09 | 4/18/09 |
| Resolution No. 13, Series 2009 | A Resolution amending the wastewater rates – Repealed by Resolution No. 10, Series 2011 | 6/15/09 | 6/15/09 – Repealed by Resolution No. 10, Series 2011 |
| Resolution No. 14, Series 2009 | A Resolution amending the water rates – Repealed by Resolution No. 18, Series 2010 | 6/15/09 | 6/15/09 – Repealed by Resolution No. 18, Series 2010 |
| Resolution No. 15, Series 2009 | A Resolution establishing and imposing a street light utility fee – REPEALED BY RESOLUTION No. 13, SERIES 2012 | 6/15/09 | 6/15/09 – Repealed by Res. 13, 2012 |
| Resolution No. 16, Series 2009 | A Resolution declaring the City's election to receive state-shared revenues | 6/15/09 | 6/15/09 |
| Resolution No. 17, Series 2009 | A Resolution certifying the City's eligibility to receive state shared revenues | 6/15/09 | 6/15/09 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|--|
| Resolution No. 18, Series 2009 | A Resolution updating system development charges based on annual indexing per the engineering news record (ENR) – Repealed by Resolution No. 23, Series 2010 | 6/15/09 | 6/15/09 – Repealed by Resolution No. 23, Series 2010 |
| Resolution No. 19, Series 2009 | A resolution adopting a 2008-2009 supplemental budget and making appropriations | 6/29/09 | 6/29/09 |
| Resolution No. 20, Series 2009 | A Resolution adopting 2009-2010 Budget making appropriations, imposing and categorizing ad valorem taxes | 6/29/09 | 6/29/09 |
| Resolution No. 21, Series 2009 | A resolution transferring appropriations | 6/29/09 | 6/29/09 |
| Resolution No. 22, Series 2009 | A Resolution establishing jail inmate (booking) fees | 6/29/09 | 6/29/09 |
| Resolution No. 23, Series 2009 | A Resolution extending the City of Florence's workers compensation insurance to volunteers of the City of Florence for the policy year 2009-10 | 6/29/09 | 6/29/09 |
| Resolution No. 24, Series 2009 | A Resolution authorizing the City of Florence to accept a coastal management grant from the Oregon Department of Land Conservation and Development (DLCD), for planning related expenses within Oregon's federally-approved coastal zone. | 6/29/09 | 6/29/09 |
| Resolution No. 25, Series 2009 | A Resolution repealing Resolution No. 24, Series 2004 and adopting rules for use of the City of Florence Miller Park Skate Park | 7/6/09 | 7/6/09 |
| Resolution No. 26, Series 2009 | A Resolution establishing sidewalk cafe permit fees | 7/20/09 | 7/20/09 |
| Resolution No. 27, Series 2009 | A Resolution amending the Planning Commission's approval of a preliminary planned unit development permit for a 29-acre residential development integrated into an existing golf course located at 3345 Munsel Lake Road, Map Reference # 18-12-23 Tax Lots 400, 900 and 901, Map # 18-12-23-14 Tax Lot 100 and #18-12-24-32 Tax Lot 1500 | 9/14/09 | 9/14/09 |

City of Florence Resolution Index

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|--------------------------------|---|-------------------------------|-------------------------------------|
| Resolution No. 28, Series 2009 | A Resolution of the City of Florence, Oregon, authorizing limited tax improvement bonds for the Spruce Street local improvement district, and providing for related matters | 10/19/09 | 10/19/09 |
| Resolution No. 29, Series 2009 | A Resolution establishing street closure fees | 9/28/09 | 9/28/09 |
| Resolution No. 30, Series 2009 | A Resolution of the City of Florence adopting a personnel handbook - Repealing the Personnel Handbook adopted October 2003 and amended August 2006 - Repealing Resolution No. 29, Series 2008 "Travel Policy" and Resolution No. 33, Series 2008 "Code of Ethics Policy" - REPEALED BY RESOLUTION No. 18, SERIES 2013 | 9/28/09 | 9/28/09 - Repealed by Res. 18, 2013 |
| Resolution No. 31, Series 2009 | A Resolution amending the wastewater rates | 10/26/09 | 10/26/09 |
| Resolution No. 32, Series 2009 | A Resolution establishing a Master Business License Fee – RESOLUTION REPEALED BY RESOLUTION NO. 10, SERIES 2014 | 11/2/09 | 11/2/09 - REPEALED |
| Resolution No. 33, Series 2009 | A Resolution governing rates for solid waste services and repealing Resolution No. 4, Series 2008 – Repealed by Resolution No. 34, Series 2010 | 12/7/09 | 12/7/09 |
| Resolution No. 34, Series 2009 | A Resolution transferring appropriations | 12/7/09 | 12/7/09 |

City of Florence Resolution Index

2008 Resolutions

| Resolution Number | Short Title | Date Passed by Council | Effective Date |
|-------------------------------|---|-------------------------------|--|
| Resolution No. 1, Series 2008 | Lane County Deadly Force Plan | 2/4/08 | 2/4/08 |
| Resolution No. 2, Series 2008 | A Resolution approving application for Community Development Block Grant (CDBG) funds for a Senior Center | 2/19/08 | 2/19/08 |
| Resolution No. 3, Series 2008 | A Resolution addressing exceptions noted in the Financial Statements for FYE June 30, 2007 | 2/19/08 | 2/19/08 |
| Resolution No. 4, Series 2008 | A Resolution governing rates for solid waste services and repealing Resolution No. 22, Series 2007 – Repealed by Resolution No. 33, Series 2009 | 3/24/08 | 3/24/08 – Repealed by Resolution No. 33, Series 2009 |
| Resolution No. 5, Series 2008 | A Resolution amending Resolution 27, Series 1999 City of Florence Fee Schedule, and adding new fees for liquor licenses approval – RESOLUTION REPEALED BY RESOLUTION NO. 10, SERIES 2014 | 3/24/08 | 4/1/08 - REPEALED |
| Resolution No. 6, Series 2008 | A Resolution for authorizing the City of Florence to apply for a local government grant from the Oregon Parks and Recreation Department for improvements at Miller Park. | 4/2/08 | 4/2/08 |
| Resolution No. 7, Series 2008 | A Resolution declaring contract for the installation of sewer line in the vicinity of Driftwood Shores, from 1st Street to Heceta Beach Road; Heceta Beach Road to Rhododendron Drive; and from Rhododendron Drive to Eden Lane, exempt from State and City competitive screening and selection requirements and authorizing execution of contract to Alaska Communications Systems, Inc. | 4/21/08 | 4/21/08 |
| Resolution No. 8, Series 2008 | Annexation Policy of the City of Florence | 4/21/08 REPEALED | 4/21/08 Repealed by Res. 27, 2010 |

Aleia Bailey

From: Mary McCarthy <avomaria46@gmail.com>
Sent: Monday, October 05, 2020 1:40 PM
To: planningdepartment
Subject: October 13 Planning Commission Hearing

TO: Wendy Farley-Cambell, Director Of Planning/City of Florence, OR

As a seven year resident of Heceta South (HS) and the current President of the Heceta South Homeowners Association (HSHOA) Board of Directors (BOD), I am submitting a formal complaint regarding the Benedick, LLC proposed annexation of the property lots identified as tax lots 400, 401 and 801 and currently under review by the City of Florence (COF) Planning Committee (PC). This proposal is of particular interest to me because a portion of this land is adjacent to the Heceta South development.

In a previously contested (2016) attempt at development of the above land, the HSHOA attorney was able to block a Benedick proposal made to Lane County. The lack of documentation for studies showing protection of the dunes and wildlife therein brought that attempt to a halt. In an interesting turn of events, the Benedick attorney now seeks annexation of the property with the approval of the COF. Should this proposal pass the City Council what happens to the dunes? What will become of the animals who have occupied this habitat for eons? Shall we bid farewell to eagles and hawks that now soar above our homes? I suppose the bear, deer, coyote and raccoons will just have to move on for the bulldozers. **I object to the proposal for its impact on a treasured wildlife sanctuary.**

Several areas within HS are considered wetlands and are unsuitable for development and meant to be undisturbed. It would seem to me that there are other similar areas within the 48.82 acres in question. Parcel 1 (tax lot 400) is adjacent to a Kelsie Court lot that has already sustained serious flooding. Disturbing the adjacent land for development clearly raises the potential for exacerbation of an existing problem. **I object to the proposal because of the potential for increased flooding in Heceta South.**

As homeowners in the Heceta South Homeowners Association, residents here are responsible for the care and maintenance of the roads within the development. It would make sense that any new development would wish to join to adjacent developments for ease of access to public transportation or emergency vehicular traffic, not to mention everyday "short cuts". Who will pay for the usage and damage done to the PRIVATELY MAINTAINED roads? **I object to this proposal because increased traffic, noise and security issues will be caused by conjoining the developments.**

It is my belief that the Benedick proposal will follow what just happened at the corner of 35th and Rhododendron. Over vociferous objection from the local residents, the COFPC chose to approve the proposed project there, thus sending it on to City Council for their vote. I await that judgement as it will likely foretell what HS residents can expect from a battle with Benedick, LLC if it has the COF on its side.

With the support of the HSHOA BOD, the aforementioned attorney is submitting an official letter to the COFPC on behalf of the HSHOA. Hopefully he can present sufficient legal criteria that will satisfy the Commission's demands. Taking on the task of writing such a letter has not only been burdensome but also very depressing for me. As I age, I clearly see less and less service from 'Public Servants' and more and more roadblocks and legal jargon at every step attempting to stop those with legitimate Quality of Life concerns. In the end, it's most often only the state of the Treasury that matters and only a lawyer who can present a case that will be heard. So sad.

Mary McCarthy
87950 Kelsie Way
541-997-1767

October 5, 2020

City of Florence Planning Department
Attn: Wendy Farley-Campbell and Staff
250 Hwy 101
Florence, OR 97439

Re: PC 20 22 ANN 01 & PC 20 23 ZC 02
Benedick Holdings, LLC Annexation and Zone Change
e-mail: planningdepartment@ci.florence.or.us
and via: hand delivery to Florence Planning Dept. 10/5/2020
Letter in Objection to Annexation/Zoning/Development

To: Wendy Farley-Campbell, Planning Director and the Members of the Florence Planning Commission

I am writing regarding the Petition for Annexation and Concurrent Zone Change filed by Attorney Michael Farthing on behalf of Benedick Holdings, LLC regarding subject property and Oceana Drive.

I vehemently oppose this annexation request by Benedick to the City of Florence (COF). My letter of objection in opposition to the annexation of said property will include reasons why this annexation should not be approved. In addition, objections will be made in opposition to the zone change. And further, I will present objections and reasons that the proposed development of said property should not be approved and should never happen. I am well aware that there is a specific criteria, however I am demanding my entire letter and objections be admitted into the staff report and will also include a link that I am adamantly requesting be a part of the staff report as well.

Lane County is currently the government entity that controls Oceana Drive and the subject property, and is therefore part and parcel to this process as the legal government entity having present jurisdiction over Oceana Drive and the subject property. Annexation has NOT taken place and Lane County therefore shall continue to be legally responsible and shall remain a party and shall be included herein in regard to my objections to this annexation process. I am therefore demanding that the documents in the link I will set forth below, and which consists of the Lane County Benedick file going back years, be included, without limitations and in its entirety, in the staff report and be made available for review by the entire Planning Commission, as the decision making delegates. I am also delivering a hard copy of the Lane County Benedick file to be included with this letter and to be placed in the Staff Report.

<http://apps.lanecounty.org/LMDPro/Default.aspx?ParcelNum=1812104000400>

Exhibit K77

Annexation should not be approved for Benedick Holdings, for many reasons which I will set forth below.

Speaking ethically, this contractor/developer has a history of not building to code. Lane County has still not signed off on Benedick's development of Idlewood from 25-30 years ago. Benedick never built to code for the storm water overflow, and the water drainage system. During the winter of 1999, Idlewood residents needed to use boats to get in and out of their property. They were inundated. In one instance, FEMA was brought in because of the horrendous damage that was done to just one of the homes where an elderly couple lived. They were found in such horrible dangerous conditions. And to date, many have sump pumps installed in their homes, at the ready, and as a result and as a necessary precaution, and are utilized to date, during the rainy months.

Earlier, in February 1996, there was a significant flood event. The good citizens of Idlewood experienced a dangerous flooding event and the damage was immeasurable. There was over two feet of water and it covered a four acre area improved with dwellings, sanitation fields, and roads. This significant flood event caused dangerous flooding. The area was covered with "brown water" and the homeowners in Idlewood dealt with health issues due to the flooding and the aftermath.

The Idlewood area has historically experienced flooding and this will continue to occur in the years to come, and for many years. If the area that is being annexed, specifically the property that has already been zoned by Lane County as Beaches and Dunes, is approved, it will be an astronomical error by the COF. It is just a matter of time when it floods again and this will cause a catastrophe of proportions off the map!!! Based on historic mapping of the area, the COF must be prolific in their findings and make the right decision. The COF must NOT approve this annexation to allow Benedick, and his dishonest dealings, to go forward with the development of said property.

Moreover, Benedick has proven to be less than honest and forthright as has been shown by past practice, i.e., the clear cutting on the subject property some years ago which was done illegally and resulted in a "stop" notice from Lane County. The results of the Benedick illegal actions can be seen simply by physically visiting the property where pilings of very dry timber sit (for years now and to this date) untouched after Benedick was halted in this action. No cleanup resulted. Pilings exist today (fire hazard). Nothing was done to Benedick by way of a fine or other legal action. The County has stated (on record) that they simply did not have the resources at the time to take further action other than to halt his actions. Benedick simply "got away with it".

Flooding in the rainy season currently remains a problem in the existing Idlewood subdivision(s) and especially and specifically in the areas of Oceana Drive nearest to Saltaire and Sandrift streets. The proposed annexation and proposed development will directly impact the safety of structures, infrastructure, and citizens/residents. Disturbance of the property, due to the soil

type and sloping nature of the property, and the fact that it is a wetlands, will result in additional flooding, dangerous flooding at that, and will only worsen in years to come.

The property, which includes the Heceta Junction Seasonal Lake Shorelands, is an area with native vegetation and is a prime wildlife area. It has been deemed a Beaches & Dunes land area. Annexation and zone change (and of course the proposed development) of this property will result in extreme harmful effects which cannot be mitigated or eliminated if this significant wildlife habitat has been disturbed and developed. In this special situation, the area will be greatly reduced in size if annexation and zone change (and proposed development) is approved. I call this a "special situation" because the wildlife come from the 40 acres adjacent to Heceta South subdivision to get water and food (native vegetation, i.e., berries, etc.) from this subject property, and especially the water from the Heceta Junction Seasonal Lake. Should annexation and zone change be approved, this will be just the beginning of the end for wildlife that have lived in these areas for many years. Displacement of the wildlife in this area would be imminent.

The proposed destabilization of the shoreline surrounding the Heceta Junction Seasonal Lake is an issue. The area is in excess of 25% slope. This area has been deemed Beaches & Dunes and is a prime wildlife area. The property is within the urban growth boundary (UGB). This land is therefore subject to the urban land use standards and the zoning requirements of the Suburban Residential Zone and the Beaches and Dunes overlay zone.

This is a very dry year as you know, but in years past, water has been standing in the Heceta Junction Seasonal Lake even during the warmer summer months and is the only source for miles for the wildlife to get water. And due to the extremely dry year we have had, when the rains do come, and they will come, the hard dry and clay-like ground in the "lake", where water once stood, will not be able to absorb the water as readily and so more of the area will be impacted as water needs to find a place to go. The ground area of the "lake" will be widened as the rains arrive, and so more of the area will be covered by water. This may, and most likely will, happen for many years to come. As dryer seasons are upon us, flooding will occur because of the dry hard ground as the rains come. As wet rainy seasons are upon us, flooding will occur, because this area will then become a "lake", as historically occurs and the ground will become saturated, hence wetlands. Some years ago, and during an especially rainy season, Heceta Beach road was under water and was not passable. The flooding was evident, and has been evident for many years also behind the homes in the Heceta South subdivision as well, during some of the rainiest seasons. And this is an area that, if Benedick is allowed to develop, will definitely be a danger to all, including the residents in Heceta South.

In addition to the danger to the wildlife who roam on the subject property, the dangers will be two-fold to the citizens who already reside with their houses backed right up to the said property. These houses along Sandrift, along with other streets as well, have flooded many times and with the disturbance of the property behind their homes, there will be increased flooding, no doubt. Just a matter of time. There are legitimate concerns of residents and homeowners and include already evidenced issues of flooding. This annexation and zone

change (and proposed development) will, again, result in groundwater and storm water run off with no place to go!!! This has already been proven with Benedick's actions, and lack thereof, when developing the existing Idlewood subdivision(s).

The annexation and zone change being requested by Benedick would also include all of Oceana Drive. Oceana Drive is a narrow roadway with houses close in proximity to the road and to each other. The annexation would result in this narrow road having the sewerage system installed and therefore would include an easement which would be destructive to the properties of the good citizens who already reside in the area and have already been displaced and inconvenienced, not to mention the dangerous conditions, by years of flooding caused by the aforementioned inactions of Benedick, when he developed the Idlewood subdivision(s) without any regard to the code requirements regarding groundwater and storm water runoff.

The majority of the homeowners along Oceana Drive are senior citizens. The higher taxes that will result in this annexation will adversely affect the majority of residents in this area. The senior citizens are generally on fixed incomes and social security, and will not be able to afford higher taxes. The higher taxes will be a detriment to the majority of the citizens and homeowners and their well-being and will adversely affect their way of life.

When the Idlewood subdivision(s) was developed Benedick "promised" that the land (the subject property) was to be left as a "park". Many residents may write to you and in their letter they will relay this to you as I've heard it many times from those on Saltaire and at the end of Oceana. Some residents have owned their homes for 20 plus years and have relayed horrid stories of flooding experienced because of, and due directly to, Benedick and his code violations in regard to the rainwater and storm water run off and the inadequate water drainage system that Benedick was directly responsible for when he developed Idlewood. The many broken promises of Benedick should be taken into consideration.

In Lane County's own by-laws in their Comprehensive Plan, the following objectives are listed in their criteria. (LC 10.315-20).

- 1) To encourage the most appropriate use of land and resources throughout the county.
- 2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
- 3) To avoid undue concentration of population.
- 4) To secure safety from fire, panic, flood, and other dangers.
- 5) To prevent the overcrowding of land.
- 6) To provide adequate light and air.
- 7) To lessen congestion in the streets.
- 8) To provide an environment of character in harmony with existing and proposed neighboring use of land.
- 9) To preserve and enhance the quality of Lane County's environment.

Because Benedick's many attempts via Lane County re developing subject property occurred again and again, and were dealt with resulting in failures, Benedick has now sought the "path of

least resistance". And now before the COF is the Petition for Annexation. Lane County's by-laws as set forth above list many of the reasons that annexation with the COF should NOT happen—and furthermore sets forth some of the reasons development has not occurred to date. And it is so apparent that once annexation takes place, the next step is to develop. Of course the COF wants the revenue. But there are other ways to get that revenue, and still keep the good citizens of Idlewood safe, keep the wildlife safe and not displaced, keep the land from being disturbed to allow further flooding.

If the COF is interested, as the COF should be, in keeping peace and safety and quality of life for the good citizens who reside along Oceana Drive, then the COF should consider approving a portion of the annexation petition, namely the subject property owned by Benedick, and omit the Oceana Drive from the annexation request. With that said, the COF should further consider deeming the subject property as Open Space. Or, in the alternative, the COF could use another process.

Transfer of Development Rights:

This method has been used in many special circumstances such as this one at hand. It would protect the wildlife, control flooding, ground water runoff, and keep the Heceta Junction Seasonal Lake intact, as needs to be to keep all citizens safe. The variation of the method is the purchase of development rights. It would include an appraisal to establish the value of the development rights, which are then purchased from the landowner, leaving the land undeveloped.

Development Hazards and Constraints:

Due to the flooding that occurs on Oceana, Saltaire and Sandrift and also behind Kelsie Ct. and Kelsie Way in Heceta South, the subject property should be deemed to be a development hazard area. Further flooding is imminent and will be disastrous to those residents who live in said area.

Tsunami:

Should a warning occur, even without merit, panic and excessive traffic congestion along Oceana Drive and Saltaire and also including Rhododendron will occur. The evacuation route will be impacted greatly. The COF shall encourage Open Space, public and private recreation and other minimally developed uses within the tsunami zone area.

One may not immediately see the connection of the subject property to the issue of earthquakes/tsunamis but it does have a distinct and special connection. If an earthquake should occur, and a tsunami warning be issued, the area of Oceana Drive and Saltaire (the roads accessing Rhododendron) will result in residents leaving the area en masse and panic will certainly ensue. And the many adjoining spur roads in Idylwood will experience residents trying to access Oceana and/or Saltaire so as to evacuate the area. Additional subdivision(s) development behind Saltaire and Sandrift streets will only exacerbate the panic and confusion and congestion. This will happen (panic) even if a tsunami does not occur and the warning is eventually called off. Most residents are over 65 years of age and some are quite elderly and

many are disabled. If a tsunami warning should occur, these seniors and the elderly, many who have special circumstances, i.e., wheelchair, walker, etc., will surely experience difficulty in their attempts to safely evacuate the area in a timely manner. This area is already busy and over crowded and with a narrow road for the evacuation route and additional development in this area would only cause further congestion and dangerous situations.

The social consequences are in play here with this application for annexation. The tangible or intangible effects set upon the good citizens, especially along Oceana Drive, that would occur would disastrously interfere with their relationships with the community in which they live, play, walk, drive, exist, including but not limited to, dangerous traffic increases, road hazards, emergency exit problems, emergency vehicle response time and accessibility, flooding, higher taxes, noise, way of life interrupted, etc. in regard to this particular action by Benedick and his annexation request due to the fact that in order to subdivide his property, his annexation must include Oceana Drive!!! Take heed COF Planning Commission members. These good people live here already and they don't want their nice quiet narrow rural road to be disturbed, and they don't want to be disturbed either. The traffic situation "alone" would be a huge reason to NOT approve this annexation as it is set forth with the COF.

A suggestion: Re-zone the property as one of the following: Public Open Space, Open Space, Natural Area, Parkland, Significant Habitat Area, Wetlands, or Unbuildable. There are ways to do this. The COF can appraise the property, pay Benedick, and keep the property in its condition as it stands, and zone it as one of the suggested choices listed above. This would keep the good citizens safe, or safer, along Oceana Drive and others along the immediate adjacent streets at the end of Oceana who experience flooding year after year at present. It would also help to protect the significant wildlife habitat on this property as, historically, it has been their place to go for food (natural vegetation, i.e., berries) and water (Heceta Junction Seasonal Lake).

Benedick needs to answer for his former illegal dealings with the County. He has not done so. If he is "allowed" to continue his attempts to develop this property, after he has already made such a disreputable reputation in the community of Oceana Drive by his own actions, and all adjoining streets which flood, this will be a travesty of justice. This dishonest and untrustworthy developer needs to be stopped. If Benedick goes forward, then all his promises to the COF, as he goes even further forward with his development plans, will continue to be empty promises!!! It is based on how he has maintained his business practices for many years!

IMPORTANT: In the City's own Residential Plan Designation it is noted that lands that were developed prior to 1995 have experienced infrastructure problems, stormwater deficiencies, slope failures, flooding due to high groundwater tables and invasive weed infestations. An objective of the COF's plan is to avoid these problems of the past and to insure a more consistent application of development standards to future residential developments to avoid these problems of the past. The subject property is a prime example of the type, structure, kind, etc., and is of the EXACT type of land example that the COF, in its own Residential Plan Designation, does NOT want to see developed so as not to repeat problems from the past.

Private Open Space: The subject property should be zoned as Private Open Space. The special features of this property include: drainage ways, wetlands, groundwater drainage, wildlife habitat, seasonal run-off, flooding in area.

Open Space:

Within the Florence Urban Growth Boundary (UGB), the COF and Lane County shall designate lands for possible park development purposes. Lands so designated shall be reserved for future park system expansions upon annexation.

Significant Wetlands:

The subject property should be deemed Significant Wetlands.

It is the City's objective:

- 1) To maintain an accurate inventory of wetlands for use in land use planning and development review.
- 2) To protect significant wetlands for their critical value in maintaining surfaces and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.

The COF and County shall consider formal wetland delineation reports approved by the Oregon Department of State Lands as a valid source of wetland information specific to a land use action. Such reports should be incorporated herein. The report will show that the subject property is a significant wetland area and has been prone to flood in past years, including involving storm drainage water crossing Heceta Beach road and causing danger on the roadway. This occurred in 2012.

The COF shall protect the functions and values of significant wetlands for flood control, water quality, fish and wildlife habitat, through code provisions that protect these resources from development. The subject property land area is an essential wildlife habitat land area and should be protected.

If you are not physically familiar with this area, look on the map and you will see the 40 acres "Ocean Woods" that is in the northeast corner of the subject Benedick property and see it is a protected wildlife area, where no water is provided per se....so the wildlife come across from "Ocean Woods" to the Heceta Junction Seasonal Lake for their water (and berries). It is a true pathway that is known to this day, by citizens on all corners and sides of said property, and especially traveled by bears traveling back and forth in these specific areas, both the 40 acres and into and out of the Heceta Junction Seasonal Lake area.

In addition, the subject property (open land area) has been enjoyed by the good citizens of Idlewood subdivisions I, II and III since the time of their inception. Benedick, the developer, made known to those who bought his lots that the open land property in question was to be a "park". Therefore, ever since, and to this day, the subject property has been enjoyed as an absolute "park" by the citizens and residents and homeowners, and guests and visitors, as an

area to be used every day to exercise, hike, walk their dogs, enjoy their daily activities with their children, view the wildlife, take pictures, etc. This has occurred for a majority of the residents and guests in all of the Idlewood subdivisions (I, II and III) for well in excess of 15 years. The subject property was promised to all residents and homeowners to be “kept for their use as a park” since the time the 255 lots were being offered by Benedick for sale, and has been used as a park “parkland” ever since the inception of the first Idlewood subdivision was offered for sale.

In the Florence City Code Title 10, 10-1-1-6-3 E.3 Pg. 14:

It states:

In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.

The petition at hand is requesting annexation, and rezoning. The rezoning request is to change from Beach and Dunes. I object vehemently to this zone change. This area is a wetland, and a significant wildlife area, and has been known to flood. To change this zone, and to a residential area, even low, will put in danger many humans, and also wildlife. I have watched the wildlife in the area, looking for their water, and searching for berries from the natural vegetation. And I have also talked to many residents who were removed from their homes because of the flooding; some very sad tales of devastation. These lands have historically flooded, and have historically held water for the wildlife, These happenings occur hand in hand. It will be an unconscionable act for the COF to let any developer, let alone a developer with such an irreparable reputation as has Benedick, to come in and change the zoning, and for what? His own benefit? And at the detriment of the good citizens whom he has already damaged at his hands by his antics regarding the non-compliance of the codes required when he first started the Idlewood I subdivision, and the flooding that happened at his own hand! This annexation and rezoning should not happen!

The good citizens of Florence who have residences located in Lane County have sent their own letters objecting to all of the parameters of this annexation/zone change petition. And, in the petition and the documents submitted therein by BH LLC, the word “development” is specifically mentioned many times throughout. And, therefore, I am demanding that the letters will be accepted and considered. I am demanding that all letters received by the City of Florence that have been responded to by the “form letter” from the City of Florence be accepted as absolute objection to the annexation/zone change and the development placed forth in BH petition. For the City of Florence to initially respond to the good citizens in their good faithful attempt to fight for their rights, and to be put in a position whereby they have no say-so is an unconscionable effort by the City of Florence to try to control these proceedings, to their benefit, and to the detriment of the good citizens of the Idlewood subdivisions. These citizens and homeowners have experienced so many problems that have occurred in their neighborhood at the hands of Benedick from Day One!

This developer, Benedick, has a history, very well documented, as has been shown herein, and is shown also in the Benedick Lane County file, of underhanded dealings, dishonesty, lack of transparency, i.e., code violations, substandard contracting, illegal timber cutting and clearing, etc, et al. The list goes on and on. The reputation this developer, Benedick, has earned, by his own actions, is something that is shared by every single one of those homeowners in all of the over 200 lots he has sold and developed heretofore.

The City of Florence, and the Planning Commission, will suffer, also, a reputation of irreparable consequences with the association of dealings with Benedick. It will only be a matter of time. In the best interests of all, this matter should be put to rest. The annexation should be denied. This developer needs to be stopped from any further development in the subject property.

And for BH LLC to add Oceana Drive to his petition for annexation is also truly unconscionable. The residents of Idlewood I, II and III have already experienced enough heartache, property damage, economic loss, loss of livability, hardship, etc.

With all that I have set forth above, I vehemently object to the annexation, the zone change, and the proposed development of the Benedick request.

Respectfully submitted,

Cher Thatcher
5033 Kelsie Ct.
Florence, Oregon

Cc: wendy.farleycampbell@ci.florence.or.us
Amber.bell@lanecountyor.gov
Sasha.vartarian@lanecountyor.gov
Lindsey.eichner@lanecounty.gov
cameron@oregoncoastalliance.org
kelli.weese@ci.florence.or.us
joe.henry@ci.florence.or.us
Joshua.greene@ci.florence.or.us
Woody.woodbury@ci.florence.or.us
Ron.preisler@ci.florence.or.us

Aleia Bailey

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:38 AM
To: planningdepartment
Subject: FW: Objection to the development of Benedick Holding LLC

From: Judith Alldridge <alljanne719@gmail.com>
Sent: Saturday, November 21, 2020 5:51 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Objection to the development of Benedick Holding LLC

Please rule against annexing Benedicks Holding LLC 48 acres. After spending 35 years in the medical profession, we moved here from Portland 5 years ago to the Heceta South Developement. The wetlands and wildlife areas are what drew us to this specific area. I feel like its my own slice of heaven. I'm concerned about the wildlife in this area. In Portland I watched Wildlife get squeezed out by developers over the 25 years I lived there. They almost behaved to their loss with a human type quality.

This is no small thing. I know growth is in inevitable, but cities that retain pockets of land for migrating birds and homes for these creatures is whats going to save our planet.

I don't classify myself as a tree hugger, but please, please don't do this!

Another factor is, that it will bring so much traffic into this area. Our development maintains the roads, not the city of Florence.

We have had some serious issues with flooding in this area as new developement squeezes into Heceta South. Thank you,

Judi & Larry Alldridge
88005 Windleaf Way
Florence OR 97439
503-310-0563

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Annexation Proposal

From: bnkjohnson1@verizon.net <bnkjohnson1@verizon.net>
Sent: Sunday, November 22, 2020 1:16 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation Proposal

Hello. I am a resident of Heceta South and I am writing to express my deep concern over the proposed annexation of Oceana Drive, the 48 acres, and the possible annexation of Kelsie Way. This will very much have a negative impact on the quality of life in Heceta South and the community of Idlewood. We are retired and live on a fixed income, as are most of our neighbors. With an annexation, there would be a financial impact on most if not all, residents here. We love our quiet community and I am sure all the people on Oceana and all the folks in Idlewood love their peace and quiet too. We moved here years ago for Heceta South's peace and quiet and it's natural beauty. We take walks daily, rain or shine, and love the fact that we don't have to worry about traffic in our neighborhood. Neighbors in our community often leave their garage doors open during the day as they feel safe doing so. With an increase in thru traffic, that feeling of safety and security will be gone.

Another major concern I have with this annexation and development is flood control. There is a large seasonal lake on the property. What is going to happen with all the rain water if this is developed? Four winters ago we measured over NINE FEET of rain. We already have problems with flooding in Heceta South. Flooding is a major concern.

Benedick Holdings, LLC, a big developer in Eugene, and I am sure a lot of local developers and realtors, would love to get their hands on this land and make lots of money, but it's the residents of Heceta South and Idlewood who are going to pay. Pay with increased traffic, taxes, trash and crime. Pay with the loss of our peace and quiet. Pay with the loss of wildlife sanctuaries. And pay with the devaluation of our homes. Annexation is wrong for so many reasons.

Brent Johnson
(408)466-5868
Heceta South Resident

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 1:06 PM
To: planningdepartment
Subject: FW: Benedick annexation proposal

From: Terry Barrett <tkbarrett4@yahoo.com>
Sent: Tuesday, November 24, 2020 1:02 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Cc: Susan Johnson <threebears@charter.net>; Betty <bebking193@gmail.com>; Jeff Gemutliche <jeffgemutliche@shasta.com>
Subject: Benedick annexation proposal

My wife and I want to express our strong objection to the proposed annexation of the 48 acres of land owned by Benedick Holding LLC to the City of Florence. Considering the history of this developer it is very apparent that he has little concern for following the rules on his developed properties. His Idlewood development has areas that are still affected by flooding years after that property was built out and he apparently could care less. He completely cleared a large area of the 48 acres proposed for annexation without obtaining the required permit to do so. There are still large slash piles behind our house on that property that have been rotting for several years as a result of that fiasco. We have neighbors at the end of Kelsie Court in low lying areas that are already experiencing flooding issues in wet years. One of those properties was forced to run a sump pump for most of the winter during our last very wet year. There are currently wetland areas in the proposed annexation area very close to the properties already at risk in our development. It is obvious that the developer is intent on developing this property in the near future if the annexation is approved. I hope the planning commission and the City of Florence are willing to force the developer to have a rock solid plan to deal with the water issues that are going to arise if and when the property is annexed and developed.

We moved to Florence in 2012 from Summit County Colorado because development had destroyed our reason for living there. After living there for over 18 years we could no longer enjoy various recreational opportunities due to the crowds that were drawn to the area. Development is going to happen in Florence, but we hope it is well thought out and does not degrade the quality of life we have here. Our Heceta South development is quiet and nature friendly. We share our area with bears, bobcats, coyotes, raccoons, and the occasional mountain lion as well as a wide diversity of other wildlife. This is in sharp contrast to the clear cutting we observed in the proposed annexation. That habitat was completely destroyed sadly. There will be no one in our development who will welcome the additional traffic if Woodlake Way and Kelsie Way are annexed in the future to accomodate this proposed annexation. I am sure that it what is going to happen if this development takes place.

Terry & Kathy Barrett

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:43 AM
To: planningdepartment
Subject: FW: benedick holding

From: Linda Bickel <lbickel54@att.net>
Sent: Tuesday, November 24, 2020 9:23 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: benedick holding

Ms. Farley-Campbell and Members of the Planning Commission:

As a resident of Heceta South, I write you again to express my unreserved opposition to the proposed annexation of property owned by Benedick Holding, LLC, going any further than the Florence Planning Commission.

One would like to think that governmental agencies actually CARE about the citizenry they serve, the very same people who voted to put our civic leaders in the offices they hold. I find it extremely interesting that COVID offers the applicant and the city a perfect way to keep the public at bay. Don't the past attempts by Benedick, that were defeated for reasons still in existence, give you any pause and if not, why not? Maybe because we are not part of the City of Florence and we can't vote for city officers? We have no voice?

The Virtual Planning Commission Meeting on 11/10 was a disgrace. The requirements to challenge the proposal were Mephistophelian. It should not be so difficult for a citizen to take leaders to task that an attorney must be engaged. Audio was terrible and neither the applicant's attorney nor members of the public were able to comment.

What is the rush here? Why can't this wait until there is a NORMAL way to hold meetings of such passionate importance to the people who support the positions you hold? Many of those who will be impacted by your decision are not technically savvy. Many more might not have the skill to write a letter that adheres to your rigid template of submittal requirements. We want to BE THERE and LOOK YOU IN THE EYES and HEAR YOU CLEARLY as you discuss and make plans for us, plans that will affect us in many ways, not the least of which is financially. What really is at stake here is Quality of Life.

My neighbors, my husband and I fear for our safety and the disruption of the very way of life that brought us to Florence: peace, quiet, no traffic, no lights, no sidewalks and occasionally sighting wildlife in our backyards. Deer, coyotes, bears, eagles, cougar...who is to be the spokesperson for the disruption of their territory.

Surely you are aware that many people are watching and scrutinizing all the documentation and communications on this proposal as our faith in your process, your commissions and your "virtual" meetings is non-existent at the moment.

--

Linda Bickel
87942 Kelsie Way
Florence, OR

From: PAUL SANDRA BOWEN <sl_bowen@msn.com>
Sent: Tuesday, November 24, 2020 11:59 AM
To: planningdepartment
Subject: Proposed Annexation

I am against the proposed annexation that would include Oceana Drive leading to 48 acres that include wetlands.

There have been multiple letters already sent to your department listing many reasons to deny the application for annexation. I concur with their reasons for denial.

Sandra Bowen
Idylwood resident

Sent from my iPhone

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:43 AM
To: planningdepartment
Subject: FW: Annexation 48 acres, south of Hecita, (Oceana)

From: Jill Burch <tigerorbison@yahoo.com>
Sent: Monday, November 23, 2020 11:14 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation 48 acres, south of Hecita, (Oceana)

I am personally against the annexation proposal. I live in on Saltaire Street and feel there would be too much traffic in the area.

This entire neighborhood is very dark, no streetlights. It is predominately seniors who are constantly walking dogs and walking up and down the streets. There is barely room for 2 cars to pass. You can't see driving down the streets at night unless you have your bright lights on and it is very dangerous. I can't go outside at night without a flashlight. Thank you for your consideration.

Jill Burch
87763 Saltaire St.,
Florence, Oregon 97439
541 991-3339

Sent from [Mail](#) for Windows 10

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Annexation of Kelsie Way

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

From: Sakre Edson <sakre@juno.com>
Sent: Sunday, November 22, 2020 10:16 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation of Kelsie Way

We are writing to express my dismay that once again this man is trying to annex land that impacts Heceta South. This greenway was suppose to be there forever for all of us and the animals. We fought this once before (at some expense to us) and now here he goes again. Please uphold the earlier decision to leave this part of Florence natural.

Thank you for your attention to this issue.

Sakre Edson
Michael Calvert
87993 Kelsie Way

Sent from my iPhone

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 12:37 PM
To: planningdepartment
Subject: FW: Objections to proposed Oceana annexation

From: Steve Campbell <stevencampbell250@gmail.com>
Sent: Tuesday, November 24, 2020 11:39 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Objections to proposed Oceana annexation

City of Florence Planning commission
Wendy Farley-Campbell,

I live on Oceana Drive and have joined the Idylewood Owners LLC.

Further research into the reasons the county has repeatedly denied Benedick Holding LLCa zoning change reinforces my objections to annexation for this property at the expense of residents on Oceana Drive.

The flooding threat is virtually guaranteed with this inclusion of wetlands as a building location for a subdivision.

Habitat destruction for wildlife in this wetland property if this is approved.

In the event of a major disaster (fire, tsunami etc.) there is only one exit. Traffic will also be substantially increased with this additional subdivision on a daily basis.

Thank you for your consideration,
Steve Campbell

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 12:50 PM
To: planningdepartment
Subject: FW: Proposal from Benedik Holding LLC to Annex 48 Acres of his property adjacent to Heceta South

From: sam campione <cnjcampione@gmail.com>
Sent: Tuesday, November 24, 2020 12:06 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Proposal from Benedik Holding LLC to Annex 48 Acres of his property adjacent to Heceta South

As a 10 year Board Member and past President of the Heceta South HOA, I submit my objection to this proposed annexation. I have lived in Heceta South for more than 16 years and have paid for the maintenance and use of our inner roadways. I purposely purchased property outside of City Limits for many many reasons, If I wanted to live within the boundaries of the Florence City Limits I would have done so years ago. I object to the approval of the proposed annexation. There are already numerous letters and emails, submitted by the local citizens affected by this potential action, and it is abundantly clear that they vigorously oppose this action. No one on Oceana Drive wants this annexation approved. Other Idylwood residents do not want this annexation approved. No one in Heceta South HOA wants this annexation approved. Only one entity, Benedick, LLC (the applicant) wants the annexation to be approved. Based on all available information I solicit disapproval of this proposed annexation.

Sam Charles Campione
87914 Kelsie Way
Florence Oregon 97439
541 902 2500

November 20, 2020

Florence Planning Department,

Rhododendron Drive is already a risky road to drive with the current amount of traffic, with drivers treating Rhododendron Drive as though it was a highway - driving 60 MPH and passing on double yellow lines.

I have had cars behind me trying to pass while I was making a left hand turn; a driver passing several cars on double yellow lines coming towards me and I had to slam on the breaks and go towards the edge of the road to avoid a head-on collision; cars passing on the curves almost running me off the road; a very large truck going around a curve so fast he ended up sliding towards me in my lane, and the list goes on.

As mentioned at the last Planning Meeting on November 10th, the police chief said he sees no problem policing new annexed areas, but I see absolutely no police presence between 35th Street and Heceta Beach Road now. Between the proposed 35th Street and Rhododendron Drive project, and the Benedick Annexation proposal, we're looking at more than 100+ more cars on a road that was not built for such traffic. Not to mention, Rhododendron Drive is a Tsunami Evacuation Route!

Try pulling up to the stop sign at 35th and Rhododendron Drive and try and look left towards the river, good luck – with traffic speeding going North, and having a hill blocking your view, it's been downright dangerous pulling out at times.

How about trying to make a right turn onto Oceana Drive with speeding drivers behind you not wanting to slow down while you make a right turn, they don't seem to care that you've been signaling your turn and continue riding your bumper, and have actually had some pull into the opposite lane to go around me – on the curve!

Why is the City considering such proposals? Florence is already at capacity - just try going to Old Town and find a parking spot on the weekend, or any shopping area! Developing any more property along Rhododendron Drive is a recipe for disaster. Is the City prepared for that?

I hope the Planning Committee considers the current problems and decides against these ridiculous new proposals.

Cheryl Chipps
87812 Saltaire St.

Aleia Bailey

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:38 AM
To: planningdepartment
Subject: FW: Objection to Annexation for Benedick Properties Adjacent to Heceta South

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

From: Bruce & Linda Cochran <nitrodog89@gmail.com>
Sent: Saturday, November 21, 2020 3:23 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Objection to Annexation for Benedick Properties Adjacent to Heceta South

Dear Ms. Farley Campbell,

We wish to voice our concerns and objection to the annexation of 48 acres requested by Benedict Holding LLC, adjacent to Heceta South. As residents of Heceta South, a private development, we see this annexation and development as detrimental to all the residents of Heceta South.

The proposal does not have adequate protections for the Heceta South development. Without adequate access, for this new development, Heceta South may be required to grant access to our roads. Our dues pay to maintain our roads for the minimal use by our residents. Potential annexation of properties in Heceta South (Kelsie Way) would put the whole development at risk of traffic by individuals not in our development and additional access for criminal activities. In addition, our property values would be impacted by traffic routed through our development. Annexation of properties /roadways in Heceta South would make us subject to additional taxes with NO benefit to us.

This area has many fragile wetlands. Heceta south has been planned around many of these wetlands. Additional development, would put existing homes at risk of flooding.

Our understanding is that this development was pursued through the County more than once and they could not get approval. Please do not approve the annexation of the Benedict properties.

Sincerely,

Bruce and Linda Cochran
88116 Windleaf Way
Florence, or 97439

Exhibit K88

PC 20 22 ANN 01 & PC 20 23 ZC 02

Benedick Annexation

Public Testimony

Received 11/24/2020

Topic: Annexation for sub division

Details: I see that a lot of opposition is growing for an annexation for a sub division. The opposition will no doubt site many reasons to "Not Annex". Some may be valid concerns but most likely the majority will come from people who currently enjoy the ability to live in their homes;...(that already destroyed the natural resources;) but want to halt the ability of others to enjoy the same. With the housing shortage the further development would be an equitable resolve. It is interesting how people want to enjoy their having moved to Florence but want to deny others of the same opportunity. I believe annexation can be done equitably even though the recent annexation and allowable building next to my property had major errors:..... Only a 10 ft setback to adjacent rural land...a destruction of a wetland that was identified in the Cities own (paid for) wetland analysis, and allowance to cut all the trees in a recognized forested wetland. I think you can do better.

Brian Cole

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Benedict Holding LLC development thru Oceana Drive off Rhododendrun Drive

From: PaulC Nomad1500 <takemine617@yahoo.com>
Sent: Saturday, November 21, 2020 9:23 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Cc: Paul Cunningham <takemine617@yahoo.com>
Subject: Benedict Holding LLC development thru Oceana Drive off Rhododendrun Drive

We would like the Commission to know that we are against the Benedict development plan thru Oceana Drive. We are residents of Heceta South and concerned on the effect it will have on the area.

I know you have been inundated with all the reasons for denying this development, so I will not repeat them. My hope is the Florence Planning Commission will deny this development by a developer who is using the Commission to circumvent the restrictions required by Lane County, restrictions he knows he can not or are too costly to comply with. This is showing he has little concern for our land and property. Florence needs to stand up for the citizens.

Sincerely,

Colleen and Paul Cunningham
88082 Windleaf Way
Florence, OR 97439

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Heceta South Annexation

From: Sheri D'Amico <sheri@damicodistribution.com>
Sent: Sunday, November 22, 2020 3:54 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Heceta South Annexation

Hello Wendy,

I have received a letter from my neighbors regarding the possibility of annexing 48 acres adjacent to Heceta South. My husband and I are recent transplants to Heceta South and are in the process of retiring. We specifically chose this neighborhood because we walk our dogs regularly and loved the quiet streets and low traffic volume. There is no question at all that such an annexation would severely impact our way of living here. It would open us up to much more traffic and noise. It would severely impact the natural environment to include the wildlife and the old growth trees existing within this 48 acres along with other surrounding trees that would require removal. The neighborhood is basically full of retirees who came here looking for a quiet and safe community in which to live their remaining years, please don't allow this annexation to change this for all of us. Thank you.

Sheri D'Amico

D'Amico Distribution, Inc.

805-206-6328

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 12:51 PM
To: planningdepartment
Subject: FW: Annexation by Benedick Holding LLC

From: Michael Davis <cprimus353@yahoo.com>
Sent: Tuesday, November 24, 2020 12:06 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation by Benedick Holding LLC

To: City of Florence

Wendy-Farley Campbell

& City of Florence Planning Commission

250 Highway 101, Florence, OR 97439

wendy.farleycampbell@ci.florence.or.us

Dear Wendy-Farley Campbell,

Being a resident of the Heceta South Home Owners Association, I am writing to voice my **opposition** to the annexation of the property adjacent to the Heceta South HOA. My reasons are as follows.

A) Since moving here in 2009, I've always viewed this adjacent area in question, as a valuable wildlife wetlands. It supports a seasonal lake which allows many forms of flying wildlife, a respite. During the summer months bear, cougar, bobcat, coastal lynx,

deer, coyote, raccoon, and other small forms of wildlife inhabit the area. Construction in this area will decimate these animals. I've seen it happen in the past. The town of my youth, Novato California, in the 50's supported deer, quail, many forms of reptile, butterfly, etc. all disappeared during the suburban construction of the 60's. I am particularly concerned with our bear population. When complaints come in, ODFW come and destroys the animals. This treatment of our wildlife areas is unacceptable in my view.

B) Annexation of our roadways will add untold cost to the members of our HOA in the form of road maintenance, updating to city standards and codes, etc. Added to these issues will be the addition vehicular traffic which brings more foot traffic and increase the inevitable crime rate. Since this area is not supported by the City of Florence police dept., we will need to wait hours for response from the County Sheriff's office when the need arise.

C) This latest attempt at annexation of this area by Benedick Holding is yet another end run around Lane county's refusal to Annex on two other occasions. The reasons then are still valid today. The area in question is a prime and valuable wetlands area that has come into the sights of a real estate developer. They are not local and only see a monetary value in this area. ***They don't see or care how important this area is to the community.***

Michael J. Davis

4911 Windjammer Way

Florence, OR 97439

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To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: No annexation

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[Sent from Yahoo Mail on Android](#)

November 24, 2020

City of Florence
Planning Commission
250 Hwy 101
Florence, OR 97439

Attn: Wendy-Farley Campbell

Re: Annexation Proposal by Benedick Holdings, LLC

As homeowners in Idylewood, we would like to express our strong opposition to the proposal for annexation by Benedick Holdings, LLC, for the following reasons:

- SAFETY – We have a 19 month old son and frequently walk in our neighborhood with our dog. There are many other young families who do the same. We also have many seniors who walk with or without pets. There are no street lights, no sidewalks and the streets are narrow. There are also no stop signs so there is already an issue with cars speeding through our streets on a daily basis. More homes means more traffic and this will cause significant safety issues for our entire neighborhood. Oceana Drive will not be the only road impacted. Saltaire Street is the only other road that exits to Rhododendron Drive (in Idylewood). If there is an emergency and our neighborhood needs to evacuate, it will be a serious safety hazard for current Idylewood residents and residents of 50+ more homes to have access to only two roads. Treewood and Rhodowood Drive (outside of Idylewood) exit to Rhododendron Drive as well so this neighborhood would also be dramatically impacted in an emergency.
- ROAD MAINTENANCE – Due to increased traffic on all roads in the neighborhood, how does The City plan to address wear and tear on our roads? As stated before, Oceana Drive will not be the only road impacted. Saltaire Street and Oceana Drive are the only exit routes to Rhododendron Drive (in Idylewood). Other roads that will be significantly impacted are Sandrift Street, Cloudcroft Lane, Rhodowood Drive, Limpit Lane, and Treewood Drive.
- WILDLIFE CONCERNS – One of the many reasons we enjoy living in our neighborhood is the wildlife, which we admire and respect. This annexation will definitely have a negative impact on any wildlife that still resides in the area. We understand this neighborhood, and others, have already encroached on wildlife habitat. Please respect what little habitat is left in this area. Especially since the land in question is already a designated Wetland area which is, by definition, one of the most biodiverse of all ecosystems and serves as home to a wide range of plant and animal life.
- FLOODING CONCERNS – The land in question is designated as a wetland area which is extremely sensitive to drainage issues. Development may destabilize the land and cause significant flooding, which is already an issue in some parts of our neighborhood.
- NEIGHBORHOOD IMPACT – Residents like the peace and calm and of our neighborhood. It's quiet and private. We do not need to cram 50+ more homes into a small area. We do

not want city living. This would change the entire dynamic of the neighborhood and will definitely have an impact on home values. This will also impact neighbors in Heceta South and neighbors south of Limpit Lane off Rhodowood and Treewood Drive.

- PROPOSAL REJECTED BY LANE COUNTY - Many are wondering why The City would even entertain a proposal that has already been rejected by Lane County. The reasoning behind Lane County's decision should be seriously and thoroughly vetted by The City and presented to the public before any decision is made.

In closing, this is a decision that will impact a significant number of Florence residents. Due to the COVID-19 pandemic, a decision of this magnitude should be postponed until a in-person public hearing can be held. I have watched the online meetings and even City staff has trouble with the technology – members lose internet connections, phone calls are dropped, testimony cannot be heard, etc. How does The City expect the public to have a fair opportunity to be present and express their opinions this way? Many do not have access to a computer or the internet. They also may not have access to resources such as transportation, legal advice, etc. The public has a right to be seen and heard. It's a matter of ethics.

Respectfully,

Brian & Jessica Enochian
87751 Saltaire Street

Via email to planningdepartment@ci.florence.or.us
and wendy.farleycampbell@ci.florence.or.us

From: the bearcove <thebearcove97439@gmail.com>
Sent: Tuesday, November 24, 2020 11:59 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Objections to Oceana annexation

City of Florence Planning Commission
Wendy Farley-Campbell

I have lived on Oceana Drive since 1992 and have experienced firsthand the periodic flooding which occurs here. I have also joined the Idylewood Owners LLC.

I have read more about the reasons the county has repeatedly denied previous attempts for a zoning change request by Benedick Holding LLC.

If approved, this will destroy wildlife habitat in this wetland property.

If approved, flooding is virtually guaranteed in developing this wetland property.

If approved and we experience a major disaster, such as fire or a tsunami, all residents will be attempting to use the only route of escape, there is no other option. Daily traffic rates will also be substantially increased on a road we share with pedestrians.

Thank you for your consideration,
Barbara Fiorito

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:41 AM
To: planningdepartment
Subject: FW: Benedick Holding proposal.

From: Ron Gipson <rgipson42_@hotmail.com>
Sent: Monday, November 23, 2020 11:33 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Benedick Holding proposal.

Very sorry that the city is considering yet another attempt to develop their land adjacent to Heceta South. Our board spent numerous hours defending our rights to Lane County. Successfully. All the negatives are the same..Contributing to more flooding, wetlands, more traffic that would not adhere to our speed limits, easier for crimes to be committed. This would turn our quiet area into an unneeded disaster.
PLEASE DO NOT APPROVE!
Ron & Kate Gipson
Heceta South

Sent from my Samsung Galaxy , an AT&T LTE smartphone

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:38 AM
To: planningdepartment
Subject: FW: Idylewood Annex

From: taunia green <tauniag6@gmail.com>
Sent: Saturday, November 21, 2020 10:59 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Idylewood Annex

Attention: City Hall to Wendy-Farley Campbell and City of Florence Planning Commission,

As a resident of Florence Oregon, I was interested to hear about the proposed development of 30+ houses in a wetland between the developments of Idylewood and Heceta South without consulting the existing Idylewood residents. Now I am a concerned citizen.

Though it may benefit some to have this additional housing in Florence, in the long run it has potential to create a negative impact on the whole community, including property value. FEMA demes that flooding on this coastal stretch of Oregon is a concern. Eliminating wetlands by building on them takes away the land's natural ability to deal with floods. The water has to go somewhere. If you eliminate enough of the wetlands that have the space to take in the flood waters, whatever is there instead will be flooded, and most likely more than that. The reason so many houses flood on the Mississippi is because they build on a floodplain, aka: wetland.

I would personally like to see the following involved to make sure the utmost care is being taken to protect the constituents who make up this fabulous town: FEMA (floodplain map), a complete Environmental Impact Statement, Western Lane Emergency Operations Group (WLEOG) and its community partners, Siuslaw Watershed Council, Coast Guard, Heceta South residents, as well as putting it out to the entire community, ie: full disclosure in the Siuslaw Newspaper. If our city decides that building on a floodplain is advantageous, I would like the citizens of Florence to be *assured* that this project will not negatively influence the chance of flooding in Florence. We deal with wildfires, toxic smoke, and pandemics. I am hoping that the Planning Department wants to limit the difficulties we will face here in Florence. Saying no to 30+ houses now is easier than saying hello to displaced residents and extra taxes in the future.

Although my main concern is the impact of flooding, I know there are many other considerations to the public: it would set a precedent for annexing any area outside the city limits without public consent, the increased traffic within Idylewood largely increased traffic on Oceana, the fact that the traffic impact study was done in December when traffic in Florence has the lowest impact instead of in the summer months when snowbirds and tourists are here, serious disruption to the evacuation route in the event of a tsunami alarm, The Realization 2020 Florence Comprehensive Plan which states "the desire of the citizens of Florence... (is) to retain... as much as possible of the native vegetation such as the shore pines, wax myrtles, huckleberry, and native rhododendrons cannot be overemphasized.". Just the issue of flooding seems like a reason to take a close look at developing this wetland with the input of the community. With all of these issues facing this one development/30+ houses, the concern is overwhelming that the consideration of the Florence residents should be involved in this decision.

Aleia Bailey

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:38 AM
To: planningdepartment
Subject: FW: Objection to Annexation for Benedick Properties Adjacent to Heceta South

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

From: Bruce & Linda Cochran <nitrodog89@gmail.com>
Sent: Saturday, November 21, 2020 3:23 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Objection to Annexation for Benedick Properties Adjacent to Heceta South

Dear Ms. Farley Campbell,

We wish to voice our concerns and objection to the annexation of 48 acres requested by Benedict Holding LLC, adjacent to Heceta South. As residents of Heceta South, a private development, we see this annexation and development as detrimental to all the residents of Heceta South.

The proposal does not have adequate protections for the Heceta South development. Without adequate access, for this new development, Heceta South may be required to grant access to our roads. Our dues pay to maintain our roads for the minimal use by our residents. Potential annexation of properties in Heceta South (Kelsie Way) would put the whole development at risk of traffic by individuals not in our development and additional access for criminal activities. In addition, our property values would be impacted by traffic routed through our development. Annexation of properties /roadways in Heceta South would make us subject to additional taxes with NO benefit to us.

This area has many fragile wetlands. Heceta south has been planned around many of these wetlands. Additional development, would put existing homes at risk of flooding.

Our understanding is that this development was pursued through the County more than once and they could not get approval. Please do not approve the annexation of the Benedict properties.

Sincerely,

Bruce and Linda Cochran
88116 Windleaf Way
Florence, or 97439

Exhibit K88

PC 20 22 ANN 01 & PC 20 23 ZC 02

Benedick Annexation

Public Testimony

Received 11/24/2020

Topic: Annexation for sub division

Details: I see that a lot of opposition is growing for an annexation for a sub division. The opposition will no doubt site many reasons to "Not Annex". Some may be valid concerns but most likely the majority will come from people who currently enjoy the ability to live in their homes;...(that already destroyed the natural resources;) but want to halt the ability of others to enjoy the same. With the housing shortage the further development would be an equitable resolve. It is interesting how people want to enjoy their having moved to Florence but want to deny others of the same opportunity. I believe annexation can be done equitably even though the recent annexation and allowable building next to my property had major errors:..... Only a 10 ft setback to adjacent rural land...a destruction of a wetland that was identified in the Cities own (paid for) wetland analysis, and allowance to cut all the trees in a recognized forested wetland. I think you can do better.

Brian Cole

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Benedict Holding LLC development thru Oceana Drive off Rhododendrun Drive

From: PaulC Nomad1500 <takemine617@yahoo.com>
Sent: Saturday, November 21, 2020 9:23 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Cc: Paul Cunningham <takemine617@yahoo.com>
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Subject: Annexation by Benedick Holding LLC

To: City of Florence

Wendy-Farley Campbell

& City of Florence Planning Commission

250 Highway 101, Florence, OR 97439

wendy.farleycampbell@ci.florence.or.us

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[Sent from Yahoo Mail on Android](#)

November 24, 2020

City of Florence
Planning Commission
250 Hwy 101
Florence, OR 97439

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Thank you for your time and energy in considering this statement, as well as all you traverse through your hard work for this city.

Taunia Green
PO Box 832
Florence Oregon
707 272 2414

18 November 2020

Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Re: Benedick Holdings LLC annexation & zone change

In your meeting on November 10, we heard referrals and testimony from Century Link, Florence Police Department, Heceta Water, Lane County and City of Florence Public Works, Siuslaw Valley Fire & Rescue, and Western Lane Ambulance.

All of these agencies said there's no problem providing service to the Benedick property; however, I don't understand how they can claim there are "no issues," when they don't know what's going to be built on Benedick Holdings' 48-acre parcel.

To wit, zone change standards require you to consider levels of potential development on the subject property (including a reasonable "worst-case" scenario) in order to properly evaluate the impacts of the proposed development and whether it is appropriate in that area.

In that November 10 meeting, at the minute:second mark 22:40 in the online recording, Planning Director Wendy Farley-Campbell said that there are "...several properties similar in this way that have annexed just off Rhododendron Drive," and she pointed named the annexation of Driftwood Shores, "...which is another similar annexation like this one."

In this case, it is not appropriate to use the word "similar." In all of the City of Florence annexations cited, there are none that are similar to the one proposed by Benedick Holdings.

Not one of the previous annexations included a "cherry stem" like Oceana Drive. From Rhododendron Drive to the Benedick property, the distance is 2,400 feet — almost half a mile.

While the extension to Driftwood Shores was also long, that extension was made to an existing development; there was nothing unknown or "to be determined." Plus, the unit owners of Driftwood Shores requested the annexation, because they had a failing septic system.

The only other annexation that required an extension from Rhododendron Drive was the one at Harbor Vista Campground, and that one was less than 600 feet long. As with Driftwood Shores, the terminus was a known entity; it was not an unknown situation like Benedick's.

Also, note that the Harbor Vista extension went along North Jetty Road in front of only two homes. The annexation proposed for Oceana Drive trespasses the homes of 48 owners and 72+ residents who are strongly opposed to this annexation and zone change.

In addition, none of the previous annexations have the topography of the Benedick property: designated wetlands, very steep slopes (25%+), and a Prime Wildlife Coastal Shorelands Overlay. Perhaps this topography by itself does not preclude annexation, but it certainly should cause you to question the viability of the property for a zone change and development.

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Again, this points to the fact that there is nothing “similar” about this proposed annexation and zone change; it is unique, unprecedented, and unsuitable.

In testimony from Public Works Director Mike Miller, beginning at the marks of 29:45, 32:05, and 34:20, Mr. Miller addressed issues of sewage, roads, and stormwater, respectively.

Mr. Miller said that a sewage pump station would be required, but stated it is “not a problem, we’ve done it before.” However, he does not say where this hypothetical pump station would be located — on whose property — and who would pay for it.

Mr. Miller briefly touched upon the issue of jurisdictional maintenance of authority of Oceana Drive — i.e., transferring it from Lane County to City of Florence. This is a lengthy public process, and is in no way a “slam-dunk.”

It is not stated who will drive this effort, and who will pay for it. Keep in mind, the City of Florence will certainly meet objection from the residents of Idylewood; we want to maintain Oceana Drive as a county local road, and do not want it transferred to the City.

Lastly, Mr. Miller said that there were “some flooding issues in the late ‘90s” in the area where Sandrift Street meets Oceana. Have you seen the photos submitted by Idylewood residents? There was standing water two feet deep; I’d say that’s a bit more than “some issues.”

Mr. Miller also stated that “... the developer was required to do some piping to get the stormwater to move out to Rhododendron Drive,” and “...some of those requirements just haven’t progressed to the point where the county took over,” and “...when they do decide to present plans for the actual development of the site, we’ll really dig into it.”

OK, let’s be clear here: That developer was Benedick Holdings. After 20 years they still have not completed the work that was required of them. It is not reasonable that we should now entertain a new proposal for annexation and zone change from a developer that has refused to address known, documented stormwater problems.

Later in the November 10 meeting, beginning at the recording’s 43:00 mark, Ms. Farley-Campbell returned to the issue of roads and access to the Benedick property.

As far as other streets nearby, she said “...the city would consider them as part of an annexation request for development of the subject property,” and “...the access that that development would need would be served by the city.”

Most importantly, Ms. Farley-Campbell said “...we wouldn’t be having everyone going out by just Oceana; that wouldn’t be realistic.”

I agree with Ms. Farley-Campbell that it’s unreasonable to expect Oceana Drive to serve as the only outlet. Perhaps, then, the developer should also petition to annex Saltaire Street, which is the only other primary road with access to Idylewood and the Benedick property.

At the same time, Sandrift Street ought to be included, because if one enters Idylewood via Saltaire and heads for the Benedick property, it's actually shorter to cut through on Sandrift. If you add the total lengths of Oceana, Saltaire, and Sandrift, we're now talking about a mile-and-a-half of roads needed to properly serve the Benedick property.

As was pointed out in the November 10 meeting, all the roads in Idylewood except Oceana Drive are private roads. The maintenance of those roads is the responsibility of the homeowners.

The City's urbanization goal is "To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses." Because only Oceana Drive is part of this petition, the applicant has provided a transition that is neither orderly nor efficient.

Although Benedick Holdings (then doing business as JMB Enterprises, Inc.) established a homeowners association for Idylewood in 1982, they abandoned it around 2001 without transferring its governance to the residents of Idylewood. They abandoned their promises to fix stormwater problems. They also clear-cut a portion of their property illegally, and have never removed the cut trees as required by law.

Once again, I don't believe that this developer represents someone who can be relied on to "minimize risk to citizens," as dictated by Policy 1 of the City's Development Hazards and Constraints.

It is quite clear that cherry-stem annexations such as this one are neither reasonable nor legal; this annexation and zone change would create a threat to the public health and welfare as well as excessive public expense; and, because Oceana Drive is the only street that's part of the proposal, this proposal will not provide safe transportation.

My neighbors and I strongly encourage you to nip this in the bud, as they say, and deny this petition for annexation and zone change.

Sincerely,



Bruce W. Hadley
Idylewood Owners LLC
4828 Oceana Dr.
Florence, OR 97439

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Annexation Proposal

From: Kathi Hanauer <hanauerkathi@gmail.com>
Sent: Saturday, November 21, 2020 7:13 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation Proposal

I am a resident of Heceta South and am adamantly opposed to any annexation that would impact our quiet community.

Heceta South consists mainly of retirees, many surviving on fixed incomes. With annexation, you would deliberately be imposing hardships, due to the enormous infrastructure costs that would be imposed.

Along with infrastructure, our depleting wildlife would be overly impacted as well.

Residents have chosen this coveted community for:

1. The quiet enjoyment and preservation of our natural resources, ie: trees, wildlife, etc. that would also deteriorate with annexation.
2. We share strict guidelines to maintain our own piece of privacy and safety for everyone. Most residents walk daily with a pet (or 2) to maintain physical and mental health (required by their physician), annexation would be a detriment to the elderly of our community due to the added traffic.

I hope we don't forget this is a retirement community. Most of us have lived and seen what developers are capable of, that's why we have chosen this little gem on the coast to support and retire to.

Please don't let us lose the charm and natural resources we have been gifted with, once they're gone.....you can't go back.

--
Kathi Hanauer
(805) 610-8699
Heceta South Resident

From: Ray Hull <theorangehulls@yahoo.com>
Sent: Monday, November 23, 2020 5:52 PM
To: planningdepartment
Subject: Annexation of 48 acres Located East of Idylewood and South of Heceta South - Benedick Holdings LLC Property

We are writing another letter to oppose the annexation of the subject property held by Benedick Holdings LLC. This project has been rejected twice by Lane County for good reason. How then does the City of Florence think this project will benefit the city and our Heceta South and Idylewood neighborhoods? Clearly, we were not able to speak with our votes, since we are in an unincorporated portion of the city. Our only saving grace is that the Florence Planning Commission and City Council will listen to the residents of these neighborhoods and stop this project from happening.

As we read the newspaper article about the outcome of the November 10th Planning Commission meeting, it seems the only benefit is city sewer, which honestly is not seen as a benefit to us. There are no upsides, but many downsides to approving this annexation. We already have poor drainage and enough traffic in the neighborhoods of Idylewood and Heceta South. Adding 50 more houses and twice as many cars and people, the drainage system will be even more taxed, along with more traffic, light and white noise, and loss of habitat.

Furthermore, there is no mention of an EIR, drainage or traffic studies being done prior to approval of this annexation. How is the City Council and Planning Commission able to make an educated decision without them? The only benefit we see is tax dollars for the city at the expense of the residents' quality of life and safety.

Please consider your residents in this major decision.

Sincerely

Ray and Jenny Hull
87653 Saltaire Street
Idylewood Owners LLC Member

Aleia Bailey

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Annexation proposal

From: bnkjohnson1@verizon.net <bnkjohnson1@verizon.net>
Sent: Sunday, November 22, 2020 10:57 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation proposal

I live in Heceta South and I am very much opposed to the annexation of the 48 acres that is adjacent to Heceta South.

We moved here and were mesmerized by the quiet, the trees and all the wildlife. We take walks around Heceta South at least 3 times a day. We walk with our dogs, we take power walks for exercise, and we walk with our friends and neighbors for some peaceful conversation. It is a safe place to walk since there is no traffic. On every walk we encounter wildlife. Chipmunks chasing each other, rabbits and squirrels darting across the road, and words cannot describe the special feeling when you round a corner and see a bobcat sauntering down Kelsie way! Or a coyote loping along. Even our resident bear has made appearances as he lumbers off into the woods. They all bring tears of happiness to my eyes when I see our beautiful wildlife right here! On our street and in our yards! If the annexation and development are allowed to go through? And Kelsie Way annexed as well to provide through traffic to Heceta Beach Road? The amount of noise and all the trash that will be generated? And people scoping out our homes for potential theft and crime? All of this peace, beauty, quiet, safety, and our beloved wildlife will be gone - FOREVER. Please do not let this happen!

We moved here years ago from Silicon Valley in California. Developers completely ruined the "Valley of Hearts Delight". Houses and buildings everywhere, congestion, gridlock, pollution, quality of life gone downhill, you name it. We chose to retire to Florence and Heceta South for the charm and beauty of the area. To support the FEC, the theatre, the art galleries and the one of a kind shops in Old Town. Please keep Florence - Florence. And Heceta South - Heceta South.

Kathy Johnson
(541) 991-3618
Heceta South Resident

From: bnkjohnson1@verizon.net
Sent: Monday, November 23, 2020 1:02 PM
To: planningdepartment
Subject: Fwd: Annexation Proposal

Hello. I am a resident of Heceta South and I am writing to express my deep concern over the proposed annexation of Oceana Drive, the 48 acres, and the possible annexation of Kelsie Way. This will very much have a negative impact on the quality of life in Heceta South and the community of Idlewood. We are retired and live on a fixed income, as are most of our neighbors. With an annexation, there would be a financial impact on most if not all, residents here. We love our quiet community and I am sure all the people on Oceana and all the folks in Idlewood love their peace and quiet too. We moved here years ago for Heceta South's peace and quiet and it's natural beauty. We take walks daily, rain or shine, and love the fact that we don't have to worry about traffic in our neighborhood. Neighbors in our community often leave their garage doors open during the day as they feel safe doing so. With an increase in thru traffic, that feeling of safety and security will be gone.

Another major concern I have with this annexation and development is flood control. There is a large seasonal lake on the property. What is going to happen with all the rain water if this is developed? Four winters ago we measured over NINE FEET of rain. We already have problems with flooding in Heceta South. Flooding is a major concern.

Benedick Holdings, LLC, a big developer in Eugene, and I am sure a lot of local developers and realtors, would love to get their hands on this land and make lots of money, but it's the residents of Heceta South and Idlewood who are going to pay. Pay with increased traffic, taxes, trash and crime. Pay with the loss of our peace and quiet. Pay with the loss of wildlife sanctuaries. And pay with the devaluation of our homes. Annexation is wrong for so many reasons.

Brent Johnson
(408)466-5868
Heceta South Resident

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:40 AM
To: planningdepartment
Subject: FW: Proposal by Benedick Holding LLC

From: Marilyn Krueger <marilyn.krueger@options.org>
Sent: Monday, November 23, 2020 8:30 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Re: Proposal by Benedick Holding LLC

My husband, Jeff Hollingsworth, and I submit the following concerns/objections regarding the annexation of Oceana Dr. related to the development proposal by Benedick Holding LLC:

1. The significant addition of traffic on Oceana Dr. would endanger current elderly residents and parents with young children in strollers who walk along Oceana Dr.
2. Having Oceana Dr. annexed to be the primary or only entrance and exit to the proposed development area would endanger residents related to the movement of emergency vehicles along this route.
3. Having Oceana Dr. annexed to be the primary or only entrance/exit to the proposed development area would endanger residents related to the movement of persons and vehicles during an emergency evacuation.

Sincerely,

Marilyn Krueger

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From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 12:51 PM
To: planningdepartment
Subject: FW: Annexation

From: Lynne Davis <catmom351@yahoo.com>
Sent: Tuesday, November 24, 2020 12:16 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation

To: City of Florence

Wendy-Farley Campbell

& City of Florence Planning Commission

250 Highway 101, Florence, OR 97439

wendy.farleycampbell@ci.florence.or.us

Dear Wendy-Farley Campbell,

Being a resident of the Heceta South Home Owners Association, I am writing to voice my **opposition** to the annexation of the property adjacent to the Heceta South HOA. My reasons are as follows:

A) Since moving here in 2009, I've always viewed this adjacent area in question, as a valuable wildlife wetlands. It supports a seasonal lake which allows many forms of

flying wildlife a respite. During the summer months bear, cougar, bobcat, coastal lynx, deer, coyote, raccoon, and other small forms of wildlife inhabit the area. Construction in this area will decimate these animals. I've seen it happen in the past. I am particularly concerned with our bear population. When complaints come in, ODFW come and destroys the animals. This treatment of our wildlife areas is unacceptable in my view.

B) Annexation of our roadways will add untold cost to the members of our HOA in the form of road maintenance, updating to city standards and codes, etc. Added to these issues will be the addition vehicular traffic which brings more foot traffic and increase the inevitable crime rate. Since this area is not supported by the City of Florence police dept., we will need to wait hours for response from the County Sheriff's office when the need arise.

C) This latest attempt at annexation of this area by Benedick Holding is yet another end run around Lane county's refusal to Annex on two other occasions. The reasons then are still valid today. The area in question is a prime and valuable wetlands area that has come into the sights of a real estate developer. They are not local and only see a monetary value in this area. They don't see or care how important this area is to the community.

Lynne J. Davis

4911 Windjammer Way

Florence, OR 97439

541-997-2437

From: Wendy Farley-Campbell
Sent: Tuesday, December 01, 2020 9:30 AM
To: planningdepartment
Subject: FW: Annexation A Bad Idea (but could be a good thing if further discussed)

From: jmackin <jmackin@protonmail.com>
Sent: Tuesday, November 24, 2020 10:48 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation A Bad Idea (but could be a good thing if further discussed)

Hello Wendy,

I am a citizen of the City of Florence. I applied to the Environmental Advisory Committee this month and look forward to working in that role if I am asked to serve the municipality.

I am very concerned about the financial, environmental, and community health impacts of the proposed annexation in Haceta South area. Please table the proposal temporarily so that proper community input can be attained. There are dozens of concerned citizens that have not been able to express their concern due to the COVID-19 pandemic. Now is NOT the time to force through development without appropriate input from the community.

Thank you for your time in this matter. I hope that we can work together as a community to assure all people will be served in an equitable manner. Together we can prosper financially, maintain a healthy environment, and live in a healthy community for generations to come.

Yours Truly,
John Mackin

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:40 AM
To: planningdepartment
Subject: FW: Benedick Annexation Proposal

From: Mary McCarthy <avomaria46@gmail.com>
Sent: Monday, November 23, 2020 7:47 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Benedick Annexation Proposal

Ms. Campbell and members of the City of Florence Planning Commission:

As a resident of Heceta South, I write you again to express my unreserved opposition to the proposed annexation of property owned by Benedick Holding, LLC, going any further than the Florence Planning Commission.

One would like to think that governmental agencies actually CARE about the citizenry they serve, the very same people who voted to put our civic leaders in the offices they hold. I find it extremely interesting that COVID offers the applicant and the city a perfect way to keep the public at bay. Don't the past attempts by Benedick, that were defeated for reasons still in existence, give you any pause and if not, why not?

The Virtual Planning Commission Meeting on 11/10 was a disgrace. The requirements to challenge the proposal were Mephistophelian. It should not be so difficult for a citizen to take leaders to task that an attorney must be engaged. Audio was terrible and neither the applicant's attorney nor members of the public were able to comment.

What is the rush here? Why can't this wait until there is a NORMAL way to hold meetings of such passionate importance to the people who support the positions you hold? Many of those who will be impacted by your decision are not technically savvy. Many more might not have the skill to write a letter that adheres to your rigid template of submittal requirements. We want to BE THERE and LOOK YOU IN THE EYES and HEAR YOU CLEARLY as you discuss and make plans for us, plans that will affect us in many ways, not the least of which is financially. What really is at stake here is Quality of Life.

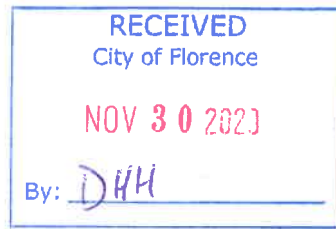
My neighbors, my husband and I fear for our safety and the disruption of the very way of life that brought us to Heceta South and Florence: peace, quiet, no traffic, no lights, no sidewalks and occasionally sighting wildlife in our backyards. Deer, coyotes, bears, eagles, cougar...who is to be the spokesperson for the disruption of their territory, Dr. Doolittle?

Surely you are aware that many people are watching and scrutinizing all the documentation and communications on this proposal as our faith in your process, your commissions and your "virtual" meetings is non-existent at the moment.

Mary McCarthy
87950 Kelsie Way
541.997.1767

--

Mary McCarthy



Attorney
ZACK P. MITTGE
zmittge@eugenelaw.com

Paralegal
GAIL C. CROSS
gcross@eugenelaw.com

November 24, 2020

VIA EMAIL (planningdepartment@ci.florence.or.us)
and FIRST-CLASS MAIL

City of Florence Planning Commission
250 Highway 101
Florence, OR 97439

RE: PC 20 22 ANN 01 & PC 20 23 ZC 02 – Benedick Holdings, LLC
Annexation and Zone Change
Our Client: Idylewood Owners, LLC
Our File No. 15184-C2107

Dear Planning Commissioners:

On behalf of our client, Idylewood Owners, LLC, we hereby submit the following comments in opposition to the proposed annexation and zone change for the property located at Assessor's Map No. 18-12-10-40 Tax Lots 400 and 401 and Assessor's Map 18-12-10-34 Tax Lot 801 during the first open-record period following the Planning Commission hearing.

Please include these comments in the record of these proceedings, and include our firm on the list of parties receiving future notices associated with this application.

1. Annexation and Zone Change Criteria

The City's annexation and zone change standards require that the City consider impacts from the proposed annexation and zone change before granting approval to either of the applications. In particular, the City's annexation policies at a minimum require that the annexation area can be served by an orderly, economic provision of public facilities and services and that the application itself demonstrate conformance with the acknowledged City of Florence Comprehensive Plan. Likewise, the City's zoning code requires that the new zone also conforms to applicable comprehensive plan provisions as well as minimum requirements in the zoning code. This is only reasonable as the City cannot approve alterations to its zoning designations that are inconsistent with its comprehensive plan. *See* ORS 197.835(7) (providing for reversal of land use regulation amendments that do not conform to the comprehensive plan).

As comprehensively demonstrated in the letter submitted on behalf of the Heceta South Homeowners Association (which is hereby incorporated by this reference in full), the applicant has failed to demonstrate that its proposed annexation and zone change are consistent with these minimum standards.

Nevertheless, it has been urged that the City is free to disregard these express standards on the grounds that the application for the annexation itself proposes no development. However, these comprehensive plan and zoning code requirements are applicable at the time of annexation and zone change.

Where, as here, the applicant does not propose a particular development, the City does not merely ignore the provisions of its comprehensive plan. Instead, the burden remains on the applicant to demonstrate whether a reasonable worst-case development scenario under the proposed annexation and zoning would conform to the applicable comprehensive plan provisions.

As the applicant has not provided an adequate factual basis to demonstrate that its proposed annexation and zone change will conform to these minimum standards, evaluated a reasonable worst-case scenario associated with the proposed annexation and zone change, or even addressed the relevant criteria, it has not provided the City with any basis for approval of its decision and denial of the application is appropriate.

2. Reasonable Annexation

The applicant suggests that its annexation need not be reasonable as long as it conforms to the applicable comprehensive plan provisions under *DLCD v. City of St. Helens*, 138 Or App 222, 907 P2d 259 (1995). However, as the Court of Appeals confirmed in *DLCD v. City of St. Helens*, the “reasonableness” test of Portland General Electric has not been repealed by “subsequently-enacted land use legislation.” *Id.* at 227.

And while the Court acknowledges that this determination is no longer “solely or mainly” dependent upon judicial determinations of what is reasonable, and now looks to “specific legislative and regulatory criteria” this does not assist the application in this case which, as demonstrated by the Heceta South submission, fails to demonstrate compliance with these legislative and regulatory criteria.

In fact, in *DLCD v. St. Helens*, the Court of Appeals affirmed LUBA’s denial of a cherry-stem annexation of a property which, like the property at issue in this case, was located within an urban growth boundary, and only connected to the City by a narrow and annexed street right-of-way holding that the annexation of the street does not make the property contiguous to the City. As this is same approach taken by the applicant in this case, denial of the application is also appropriate on this basis.

3. An Election is Warranted in this Case

Finally, denial of the application is appropriate as the City Council has not decided to dispense with an election in this case. The procedural requirements for an annexation come from state law, and require submission of an annexation to the

electorate except in this cases where the City Council dispenses with an election. ORS 222.120(2).

The applicant attempted to rely on a 2008 general resolution to avoid an election on this issue. However, it now concedes that that resolution was repealed over a decade ago.

As the City Council has not elected to dispense with an election in this case, an election is required on the annexation.

Conclusion

As the applicant has failed demonstrate that its proposed zone change and annexation is consistent with applicable provisions in the City's Comprehensive Plan and zoning code, failed to demonstrate that same is reasonable or that its cherry-stem annexation is contiguous to the City, and because an election is required on the annexation at issue, we respectfully request that the Planning Commission recommend denial of the annexation.

Very truly yours,

HUTCHINSON COX



Zack P. Mittge

ZPM/gcc

c: Mike Farthing (via email)

From: Wendy Farley-Campbell
Sent: Tuesday, December 01, 2020 9:35 AM
To: planningdepartment
Subject: FW: objection to Benedick development and annexation

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

From: Jerry <nuleaf@efn.org>
Sent: Monday, November 23, 2020 3:47 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: objection to Benedick development and annexation

Hello Wendy-Farley Campbell and Florence Planning Commission,

My husband and I wish to register our objection to Benedick's proposal to develop and annex his property that is adjacent to Heceta South. Twice his company has attempted to get permission from Lane County to develop this piece of property and twice Lane County has denied this development and for valid reasons. As a member of Heceta South Homeowners Association I strongly oppose any plans that might include Kelsie Way as access to this property, I will encourage the Homeowner's Board to pursue any legal means to maintain the integrity of our small, quiet, private community. Furthermore, speaking from personal experience flooding can be a serious issue that will be exacerbated by additional development in this area and will impact our neighborhood.

Thank you for you time and consideration

Sincerely Jo and Jerry Mounts

Sean T. Malone
Attorney at Law

Exhibit K108

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

November 24, 2020

Via Email

City of Florence
250 Highway 101
Florence OR 97439

Re: Oregon Coast Alliance Open Record Testimony for PC 20 22 Ann 01 and PC 20 23
ZC 02, Benedick Holdings, LLC Annexation and Zone Change.

Dear Planning Commission of the City of Florence,

Oregon Coast Alliance (ORCA) is an Oregon nonprofit corporation whose mission is to protect coastal natural resources and work with residents to enhance community livability. ORCA hereby submits this open record testimony for the above-mentioned applications, all of which fail to satisfy the relevant standards and criteria. The applicant is Benedick Holdings, LLC, and the proposal is to annex approximately 48.82 acres of property and right-of-way and apply a City of Florence zoning designation to the annexed lands for eventual subdivision into 32 units. The proposal consists of annexing Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34, Tax Lot 801. While not fully addressed as such in the notice, there also appears to be a proposal to annex additional rights of way, as provided in other testimony. The property is currently zoned Beaches and Dunes proposed to be zoned Low Density Residential with a Prime Wildlife shorelands management unit overlay (LDR/PW).

As such, the planning commission must recommend denial of the application for the reasons cited below, as well as for those reasons presented in other testimony. The proposed annexation area is a wooded reserve that is heavily populated with wildlife and is characterized as a natural water basin with wetlands.

ORCA shares the concerns of the many neighbors and concerned individuals that will be negatively affected by the proposals. These include traffic congestion and seasonal flooding of

the annexation area. The annexation area floods every winter with seasonal lakes. In fact, testimony in the record demonstrates that pumps have been necessary to keep water off the roads and in the ditches. Traffic is already an issue on Rhododendron Drive, where residents walk and bike. Almost 400 homes exist on Idylewood Drive and virtually all ingress and egress use just two streets.

An overarching issue here is the City's annexation policy 3, which requires that the conversion of lands outside the City limits is based on consideration of "orderly, economic provision for public facilities and services." The City must sufficiently consider the availability of public facilities and services, which include sewer, stormwater, transportation system, and so forth. Regarding sewerage, there is evidence in the record that a new "neighborhood sewer pumping station" would be required to serve development in the annexation area, yet the application is silent the need for an additional facility. The City must also "consider" and account for the fact that others along the annexation right-of-way would be required themselves to connect to a new sewer line, pursuant to OAR 340-071-0160(4)(f). The City must determine whether additional properties that are served by on-site septic tanks will be required to subsequently connect to the sewer line and whether the City can accommodate that additional increase in usage. The applicant has failed to demonstrate that it can provide orderly, economic sewer systems in the annexation area.

Stormwater is a significant concern because the annexation area is comprised of a topographical depression that is largely wetlands with a high groundwater table and experiences significant rainfall. In the past, these factors have combined to cause serious flooding and the creation of seasonal lakes. Local testimony has underscored this issue and the planning commission should be cognizant of those on-the-ground testimonials. Evidence in the record demonstrates that the 1996 rains flooded an area of approximately 4 acres. Ponds from flooding have persisted for weeks, creating significant damage to existing residences. Streets have flooded, creating ingress and egress problems for residents and emergency vehicles. It is folly to annex an area for residential development that seasonally floods. The city does not have the infrastructure or capacity to discharge more stormwater into the Siuslaw River. More housing in the area without collection and distribution will result in even greater impacts, including significant erosion. Traffic congestion in this area can also lead to significant consequences given that the area is within the tsunami-inundation zone. There is a basic failure on the part of the applicant to demonstrate that on-site stormwater retention is possible during rainfall events coupled with a high groundwater. The applicant has failed to demonstrate that it can provide orderly, economic stormwater systems in the annexation area.

The transportation network and traffic issues are also not capable of being provided in an orderly and economic manner. Aside from the basic congestion that exists and the problems that would occur by exacerbating that congestion, the seasonal flooding creates additional problems

for the unimproved streets. Oceana drive is classified as a “local road,” and it is not striped, has no paved shoulders, curbs, gutters, sidewalks or on-street parking areas. Oceana Drive is substandard to meet current County or City standards, and the applicant fails to provide for any improvements to the road infrastructure. The record also contains clear evidence that there are significant topographic and regulatory issues for Kelsie Way. The application therefore fails to demonstrate that annexation will provide an orderly and economic improvement of the street system.

The proposed annexation and zone change is also inconsistent with the City of Florence comprehensive plan. Annexation policy 3(b) requires conformance with the City’s comprehensive plan and Florene Zoning Ordinance section 4(B) requires that a proposed zone change be consistent with the Florence comprehensive plan residential land use policy 7¹, development hazards and constraints policy 1², and transportation policies³ are not satisfied here. The threat to the public health and safety and development hazard is stormwater collection and distribution and associated traffic (with and without the associated flooding of the roadways). For both the rezone and the annexation, these policies are not satisfied. Policy 7 is plainly implicated here and the City must account for why this type of development in an area of known flooding and without remedial measures to address that flooding will not constitute a threat to the public health and safety. Moreover, it is puzzling how the remedial measures – which the applicant does not voluntarily own up to – would not be an excessive expense for the City and surrounding residents. Instead of placing residential development away from these seasonal lakes, the proposal purports to place homes *within* these seasonal lakes. One would be hard-pressed to find a more inappropriate place for residential development. If the City approves this annexation and zone change in light of these well-known threats to the public health and safety, then the City would likely be opening itself up to significant liability.

Finally, the applicant has apparently ignored the fact that the South Heceta Junction Seasonal Lakes are designated as significant wetlands in the Florence Area Local Wetlands.

¹ Policy 7 provides that “[r]esidential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.”

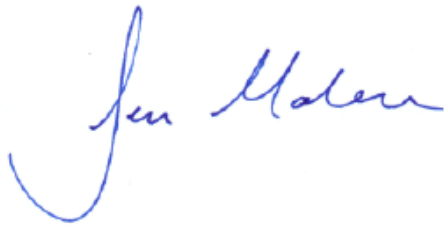
² Development Hazards and Constraints Policy 1 provides that “[t]he City shall restrict or prohibit development in known areas of natural hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief.”

³ Transportation policy 1 requires that the City “[p]rovide safe transportation all season of the year through street standards that require lane widths, curvature and grades appropriate to all weather conditions.”

Wetlands and Riparian objective 2 requires that the City “protect significant wetlands for their critical value in maintaining surface and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.” The wetlands, by virtue of their flooding, serve the important purpose of controlling – in part – flooding in the other residential areas nearby the proposed annexation property. Numerous residents in the surrounding area have attested to the rich wildlife that are no doubt protected by the undeveloped area proposed for annexation. Finally, as significant inventoried resources, the applicant has not addressed whether the rezone will require a goal 5 ESEE analysis. These issues must be addressed before the project can move forward in any meaningful manner.

It is plainly obvious that the surrounding property owners are overwhelmingly opposed to the annexation and zone change. These concerns are rooted in serious concerns that implicate the public health and safety of not only those currently living in the surrounding area but also for those that may find themselves in the unfortunate position of purchasing a property within a seasonal lake. For these reasons, the planning commission must recommend denial of both the proposed annexation and rezone.

Sincerely,



Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:38 AM
To: planningdepartment
Subject: FW: Benedict petition

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

From: Joanne Dal Pra <dalprajoanne@gmail.com>
Sent: Saturday, November 21, 2020 10:34 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Benedict petition

As a member of the Idylewood community I would like to state my objection to this petition. Why do we feel the need to over build our Florence community!? The property in question is a protected wetland, dunes, and wildlife habitat. Are we going to let this developer take advantage of us by going through the city this time? Please submit my objection to this unwanted petition. Protect our citizens as well.

Joanne Dal Pra
87642 Rhodowood Dr
Florence

Sent from my iPad

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:42 AM
To: planningdepartment
Subject: FW: NO on Benedick Holding annexation

From: Jacquelyn Price <hjprice32@gmail.com>
Sent: Monday, November 23, 2020 4:52 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: NO on Benedick Holding annexation

I do not want adjoining Heceta South property annexation to be allowed. How many times do we have to go through this? This is protected wetland, dunes and wildlife habitat. It would result in increased traffic and flooding in our area. Please vote NO on this bad idea.

Jackie Price
Lot 77

Sent from [Mail](#) for Windows 10

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:39 AM
To: planningdepartment
Subject: FW: Benedict Holding L.L.C. development

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

From: Bill Rehder <billrehder@mac.com>
Sent: Sunday, November 22, 2020 2:00 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Benedict Holding L.L.C. development

We are writing you pertaining to our objection to the proposed development of the 48 acres adjacent to Heceta South. We live at 5011 Kelsie Ct.

There would be an immediate flood threat to our property, as water flows downward to our properties from said development.

We would not approve of a annexation to Kelsie Way as Heceta South dues pay for the maintenance of said roads and has done so for years.

I also question the planning of the Florence area the Spread Approach is a negative environmental effect on both people and wildlife. There seems to be a adequate number of developments, lots, for building homes.

Thank you
William Rehder

RECEIVED
City of Florence

NOV 24 2020

By: DAH

Exhibit K112

Nov 22, 2020

Re: Proposal to annex Oceana Drive
with Benedict Holdings LLC zone changes to
the City of Florence.

Dear Wendy Farley Campbell,

This is my second letter stating
that I strongly do not want my property
on Oceana Drive annexed to the City of
Florence.

Please send me an explanation of
what "Prime Wildlife Shorelands Management
unit overlay (LDR/PW) is. This is a second (2)
request.

I saw the Nov 10 meeting and found it
unsatisfactory for glossed over information
given failing to mention a sewage
substation would have to be added
plus Oceana Dr would have to be widened
to accommodate increased traffic etc.

The City Planners should be more
forthcoming to the Oceana Dr property
owners in what the "nitty gritty" facts
and costs will actually be should the
City of Florence choose to approve the
request to accommodate Benedict Holdings
LLC.

(over)

My address is:

4794 Oceana Dr.

Florence OR 97439

phone number: 541-997-6085

Thank you for hearing my
testimony.

Sincerely yours.

Dorothy Marina Schwagerman

Felylewood Owners LLC



11/21/20

TO: Wendy Campbell-Farley, Director of Planning

FROM: Jok Simons, resident of Heceta South HOA

For: Submission to the City of Florence Planning Commission

RE: Annexation request by Benedick, LLC now under consideration

As the director of planning for the City of Florence, is there any viable choice but to recommend denial of the request to the planning commissioners? I believe the answer is NO, based on the following points and concerns.

To set the context, only one entity, Benedick, LLC (the applicant) wants the annexation to be approved.

- The land formerly owned and developed by Benedick is now known as Idylwood, a housing development that sits outside the city limits of Florence.
- The very fact that Idylwood is situated outside the city limits was and continues to be attractive to current and future owners within that subdivision.
- Idylwood is a quiet development with no through streets, which was another feature that previously and currently attracts buyers of the properties within. Traffic within Idylwood is light, slow-moving, and conducive to pedestrian use for walking and bicycling.
- The above noted points apply to the Heceta South development as well. Heceta South stands to be negatively affected by this proposed annexation and any subsequent development of that land parcel.
- The adjacent parcel of land, the current subject of the annexation request, could have been developed by Benedick when Idylwood was originally developed.
- It is very important to remember that earlier development would have provided the opportunity to properly plan for streets, storm drainage/potential flooding mitigation, and other environmental concerns arising from the protected status of the parcel.
- Earlier development, done correctly and legally, would have raised few or no concerns that are currently being raised by so many local citizens whose lives could potentially be seriously disturbed and property values diminished by development at this time.
- Earlier development would have avoided the current attempt to gerrymander the boundaries of the city limits via the so called “cherry stem” annexation concept, which is arguably illegal.
- Finally, earlier development would have precluded the land parcel from being isolated, which now, if developed, creates the need to seriously disturb and degrade surrounding streets and properties, solely in the interest of ONE ENTITY: Benedick, LLC., and solely due to poor planning.

As we all know, the volunteer members of the planning commission rely on your expertise and integrity when considering their votes on such actions.

Here is only some of the recent input to the Planning Commission:

- There is a formal letter of objection already on file from Hutchinson-Cox, the attorney of record for Heceta South HOA.
 - This letter raises a number of serious legal concerns and questions which must be formally and publicly answered and satisfied before any recommendation can be made.
 - The planning commission cannot simply disagree with the points of the letter, but must answer in kind, point by point, with legal citations, precedents and other pertinent arguments to dispute the veracity of all points made.
- There are already numerous letters and emails, submitted by the local citizens affected by this potential action, and it is abundantly clear that they vigorously oppose this action.
 - No one on Oceana Drive wants this annexation approved.
 - Other Idylwood residents do not want this annexation approved.
 - No one in Heceta South HOA wants this annexation approved.

Questions of procedure and legality:

- A number of property owners have voiced the belief that Benedick chose this particular time to start the annexation request, given that the world is in a pandemic and Oregon in particular has been very restricted about gatherings. Perhaps the company thought it would meet little or no opposition since public meetings are not possible.
 - These conditions have hampered almost every business in Florence and have prevented the City of Florence from conducting live public hearings on this matter.
 - Live public hearings are essential since many persons affected by this matter either have no computer or may not have the skills to connect to webinar formats.
 - The use of virtual hearings is basically eliminating the opportunity for a number of persons to voice their objections.
 - The City's efforts to continue via virtual hearings has been less than stellar, with the last attempt resulting in another postponement of this matter due to poorly handled technicalities of the virtual meeting.
 - Perhaps this and other matters requiring public hearings should be tabled until it is possible to hold live meetings again.
- Other persons I have spoken with are wondering if there are any members of the planning commission who should recuse themselves regarding any vote on this decision due to current or future conflicts of interest.
- In the same vein, people are wondering if any members of the planning commission are currently or previously involved in the brokering or financing of real estate?

- And finally, people are wondering if there are any members of the planning commission who could hypothetically stand to benefit from recommending approval of the annexation request? If so, in the interest of fairness, transparency and legality, they should recuse themselves from this action.

Regardless of the possibility that the annexation request is technically sound, meaning that the applicant followed all the guidelines, is approval of this request the right thing to do?

If your answer is “yes”, then why bother with public hearings? Why not just approve the request on its face? The answer to this question is that public hearings are required by law and their purpose is to hear all sides of an issue under consideration.

Further, if such hearings reveal a preponderance of opposition to a matter under consideration, it behooves the governing agency/entity to bow to legitimate concerns and objections of the majority, regardless of how properly the applicant has completed forms and submissions. This is the very reason public hearings are conducted, to hear from the public and get the opinion of the people who may have a stake in matter.

In closing, I would submit that a recommendation to NOT APPROVE this annexation request will buy the City of Florence a great deal of good will from the vast majority of those concerned. On behalf of the hundreds of persons opposing this matter, please do the right thing. Thank you.

[Type here]

November 24, 2020

City of Florence Planning Commission
Wendy Farley-Campbell, Planning Director
Wendy.farleycampbell@ci.florence.or.us
City of Florence
250 Highway 101
Florence, OR 97439

Re: Benedick Holdings LLC Annexation

To the Commission Members and Wendy Farley-Campbell,

I don't understand why people cannot see what is right, when it is right in front of them?

This annexation will adversely affect so many people and will disrupt their lives, for their entire lives – and for what? For whom?

DO NOT APPROVE this annexation petition. There are so many reasons not to approve this. The good citizens, the hundreds (yes, hundreds) of good citizens, whose lives are in the balance, are NOT ABLE TO LET THEIR VOICES BE HEARD!!!

You know full well that the hearing on this annexation request was wrought with problems, to state it lightly. The “public” hearing on November 10 was absolutely a nightmare for ALL involved. Even BH LLC's own attorney was not able to be heard. To many it was termed as a “joke”. I tuned in myself and was unable to hear much of it. What a fiasco. What a dog and pony show. What is wrong with this picture? I'll tell you what.

To start, timing. The pandemic, yes. The pandemic. What a horrible time to try to get something through to the COF that was already stopped many times by Lane County. So wrong.

[Type here]

The pandemic. We are in a state of such disrepair as a country, and as a community too. The request from BH LLC for annexation and re-zoning could not come at a more difficult time. This petition SHOULD NOT BE APPROVED !! This is a serious issue and comes at a time WHEN CITIZENS HAVE THEIR ABSOLUTE RIGHT TO SPEAK AND BE HEARD!!!! But they cannot be heard, and have not been heard. The courts will agree.

Have you read, and I mean, really read the testimonials from the citizens? There are more than a hundred by now! A few days ago they numbered in the 80's, and so by now there must be more, right? Right. Because people are in an uproar, and well they should be. Take the time to read, and I mean REALLY read them all.

You need to read not just the letters that are type written, and those from attorneys, and other entities and agencies, but read those from the elderly citizens who don't have computers. Those letters are obviously written by people who don't have anything but a pencil and paper and each and every one of them are counting on their letters to be read and considered, and their voices be heard. Shame on you if you haven't read those letters, all of them, but especially the handwritten letters. You will know them by the somewhat shakiness of the writing – and they stand out. And well, they should. Their voices should be heard first and foremost.

CONSIDER THIS: Why is this annexation being brought now? Why, during a pandemic when the citizens, the regular good citizens who live along Oceana Drive are fighting for their lives, to stay safe, to keep their families safe, to feed their families at a time when money is already tight due to unemployment and job loss? Keep this in mind when you vote. They are all, yes ALL ARE AGAINST THIS ANNEXATION!!

The letters and testimonials show what Benedick has already shown as his true colors when he developed the Idlewood I, II and III. His true colors have been shown to all those whose lives have already been disrupted with the flooding that has occurred, to date and over so many years in the past. Will this flooding continue? Yes. Because the remedy was never done. Benedick NEVER did what Lane County requested of him. (Read the Lane County file on Benedick, 969 pages). Lane County never signed off on his remedy. Nothing has been done to

[Type here]

stop flooding in this development. What a travesty of justice!!!! And now he is coming forward to try his antics again, but through the City of Florence? And during a time when the citizens cannot fight against it, again? A horrible pandemic is in place – the courts will recognize this!!! Get ready to fight!!

So, wouldn't you think that maybe Mr. Benedick would try to help those he has already harmed in his former developments? No, because this is all about money. And if the COF goes through, and approves this annexation, they are a party to the deplorable actions of this developer. Just a matter of time. Watch the good citizens get flooded time and time again. Watch Oceana Drive neighbors and friends help each other during the flooding so they don't lose their homes and property because of the flooding and then after this annexation, if it goes forward. Watch what happens. This touches at my heartstrings. Does it yours? It should.

Attorneys are involved. Other agencies are involved. They will stay involved. They will continue to fight which means the City Attorney, Ross Williamson, will continue to fight and will cost the city money. The city will continue to fight this, and the citizens will continue also. Get ready for a huge fight that will go on for years and years, lawsuit after lawsuit, and appeal after appeal. I can see the writing on the wall. Can you? I won't quit. My neighbors won't quit. We will continue to fight. This pandemic will help us win. Remember that. Unfortunate, and horrible, but true.

This annexation will open many legal doors leading to the "highest court in the land". Where have you heard that before?

This fight is not a fly by night issue. This is not to be lightly decided by a group of volunteers whose resumes consist mainly of realtors, developers and retired planning employees. This is a very serious issue involving a developer who has a horrible reputation that precedes him. People don't forget. And people will continue to fight. Our neighbors will see to it that this will not get put "under the rug" because of how our economy is at the moment, or because of how our families are fighting just to stay afloat. We will continue to fight until the very end. Benedick needs to be stopped, again. He was stopped before. It is up to the City of Florence now to make sure he is stopped again.

[Type here]

The land he is planning on re-zoning and developing (his own attorney opened that door with his own documents) is a wetland. It has always been zoned as such. Not just on paper. It has flooded in the past, and will flood again. And when it does, those living on the edge of the property will again be flooded. Benedick never fixed those problems. What makes you think things will change? What is wrong with this picture?

The COF committee and staff and director need to be acutely aware of what may occur if this annexation is approved at this juncture. We are in a pandemic. The lawsuits (injunctions) and appeals that I see in the future will not be simple, and will be expensive. But the citizens will get together and will fight tooth and nail and will stop this annexation and rezoning from happening – and if you do vote to let it go forward, the development WILL NEVER HAPPEN!!! None of them want to see this happen. It will be a battle of all battles known throughout the history of Florence. What is right is right in front of you.

Speak among yourselves and make the right decision. Do What Is Right for the time is not right for this to continue. Vote to stop it. If you don't vote to stop it... well, then, get ready for the fight of your lives. Get ready for the fight of your lives, because our lives are in the balance, and so fight we will. Yes. We will fight for our lives.

Not to sound like a broken record, but I do not understand why people cannot see what is right, when it is right in front of them.

Vote what is truly in your heart for all the many people involved who will lose so much, because it is truly the right thing to do. It is right as rain.

Respectfully submitted,

Cher Thatcher
5033 Kelsie Ct.
Florence, OR 97439
(541) 590-3899

[Type here]

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Cher Thatcher
5033 Kelsie Ct.
Florence, OR 97439
(541) 590-3899

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:40 AM
To: planningdepartment
Subject: FW: Annexation/Development

From: Ed Wilent <ewilent@gmail.com>
Sent: Sunday, November 22, 2020 7:07 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Annexation/Development

To: Florence City Planning Commission

Attn: Wendy-Farley Campbell

My wife and I bought property and built a house in Heceta South because of its beauty and quiet, nearly traffic free streets. People walk their dogs on all of our streets without fear of themselves or their pets having to dodge traffic. The city proposal would change all that with significant through vehicle and foot traffic. We have already endured mail theft until most of our mail boxes are now key locked, and solicitation by various individuals and groups. This would increase that activity without a doubt. The peace and quiet and privacy we sought when we invested in Heceta South property would be significantly affected. And, a corresponding reduction in our property value would likely follow.

Please do not allow our streets to become access to any prospective property development.

Charles E. and Alice L. Wilent

5051 Wood Lake Way

Florence, OR 97439

541 997-1778

From: Wendy Farley-Campbell
Sent: Tuesday, November 24, 2020 10:41 AM
To: planningdepartment
Subject: FW: Greed in the Time of Pandemic

From: V.Gail Zilai <vgzilai@hotmail.com>
Sent: Monday, November 23, 2020 9:23 AM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Subject: Greed in the Time of Pandemic

At this time, I understand the city is considering a proposal by Benedict LLC, to annex property which was denied in earlier legal efforts.

As a citizen, I am totally dismayed that the City of Florence is even looking at this issue! The requirement for public meetings cannot be met through in-person or by virtual meetings, as evidenced by the last attempted virtual meeting. The stakeholders are unable present their opinions and to be heard on a topic that could mean total disruption to their current lives. This issue needs to be tabled immediately until the stakeholders are able to meet with the decision makers.

My one true hope is that the faith I have had in our city leadership up to this time is valid and that the greed of a few doesn't affect the lives of many.

Day to day life is challenging enough with this full blown pandemic, without adding the stress and frustration of trying to protect ones home and daily life. Where is the "fairness" in bringing this forward now?

My greatest hope is that this issue dies immediately. If that doesn't happen, I would hope that city leadership realizes-in the interest of "fairness"- this is not a good time to put this issue before the people.

Sincerely,
Virginia G. Zilai

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