

## Aleia Bailey

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**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

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**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

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**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

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**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](mailto:cmking193@gmail.com)  
**To:**[planningdepartment@ci.florence.or.us](mailto: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

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**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

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**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](mailto:seikof635@icloud.com)

Phone :541-590-0443

## Aleia Bailey

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**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