

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

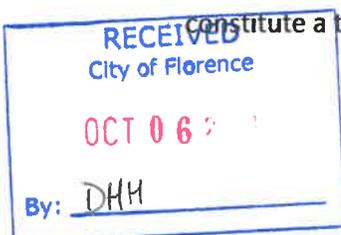


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PC 20 22 ANN 01 & PC 20 23 ZC 02 Benedick Holding, LLC Annexation and Zone Change

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 anyones 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
(LDR/PW) actually is.

Exhibit K47

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

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

Please telephone me at 841-997-6085
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, one for Jimmie and one for Christine Seitsinger.

Exhibit K48