

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.

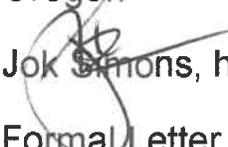
Thank you for your consideration,

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
FSR 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.

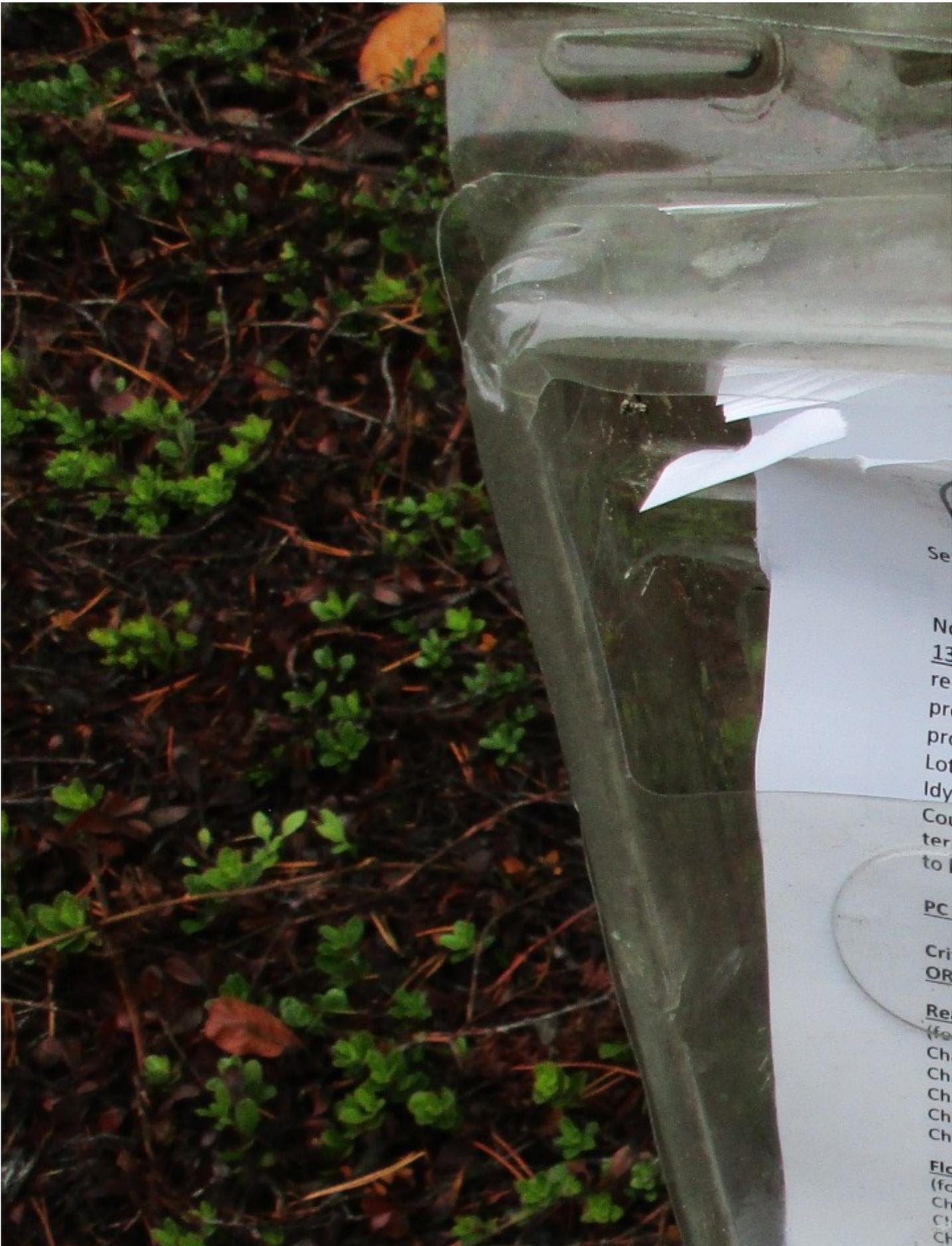
(7) To lessen congestion in the streets, roads, and highways.

(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.

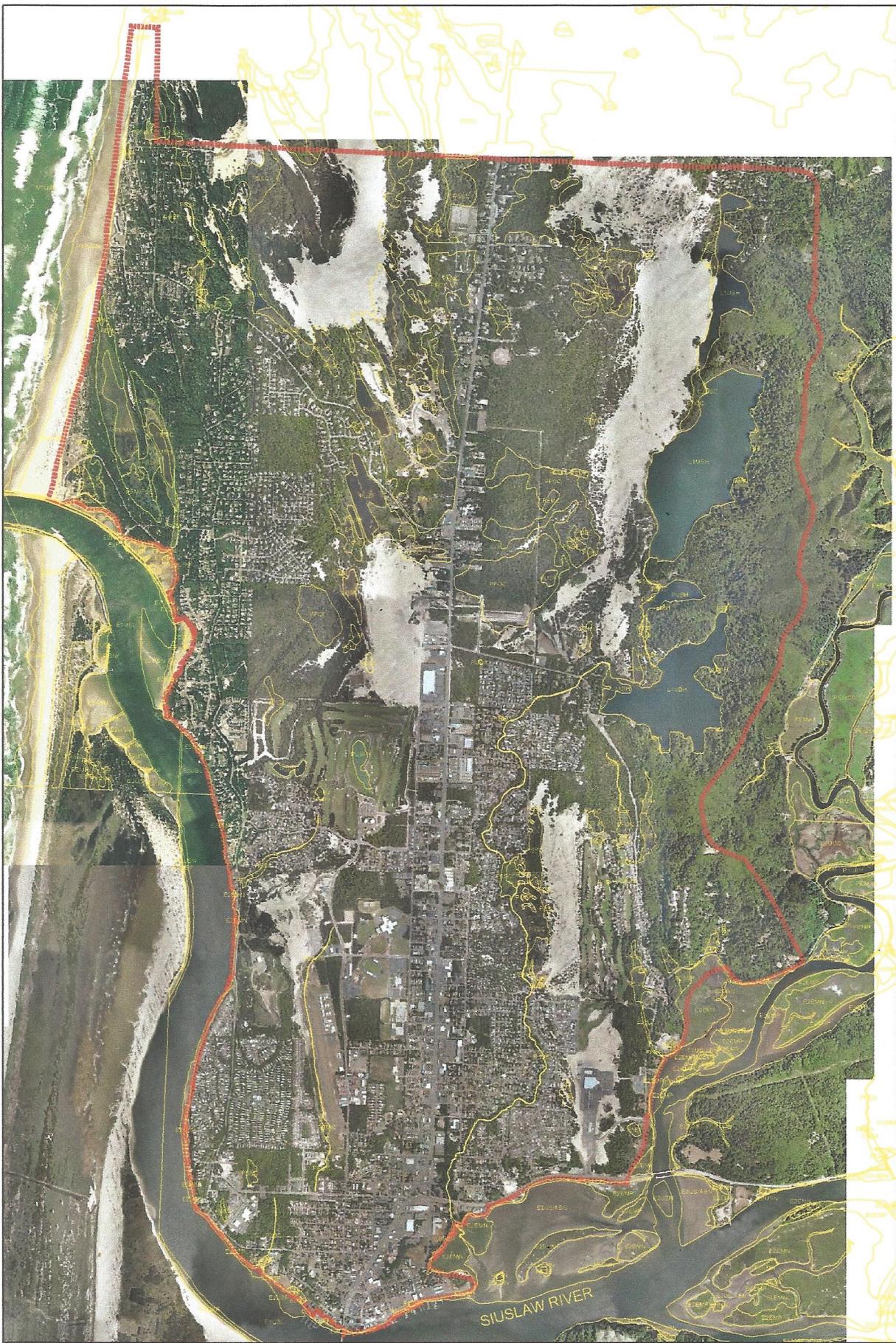
Finally, I do not have access to the Lane County file (693 pages) relating to the county’s struggles with Benedick Holdings LLC relating to this property over the last 30 years but I would be interested to see if an Environmental Impact Statement has already been conducted and registered to evaluate 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

--

PZ



0 820 1,640 2,460 3,280 Feet

**FLORENCE AREA LWI
NATIONAL WETLANDS INVENTORY**



**FIGURE 3
3/18/11**

PLANNING, MAPPING & SERVICES CO., INC.
10000 S.W. 10th Street, Suite 100
Portland, Oregon 97219
Phone: 503.253.8888
Fax: 503.253.8889
www.pmsco.com

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.

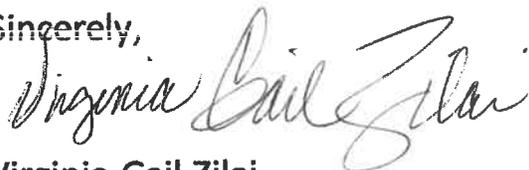
Given what Benedick, LLC has planned, the size of the water and sewer lines to be installed along Oceana Drive would be significant for such a narrow residential street.

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
FSR ANNEXATION