

LAND MANAGEMENT DIVISION



LAND USE APPLICATION  
Preliminary Investigation  
Beaches and Dunes Combining Zone

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only: FILE # PA105822

CODE: AHCL

FEE: \$1380

Applicant (print name): BENEDICK HOLDINGS LLC.

Mailing address: 27922 WARD LANE, EUGENE, OREGON 97402

Phone: (541) 688-6402 ~~18722~~ Email: ejbenedick@msn.com

Applicant Signature: Sharla A Whitten

Agent (print name): EGR & ASSOCIATES

Mailing address: 2535 B PRAIRIE ROAD, EUGENE, OREGON 97402

Phone: (541) 688-8322 Email: clintbeecroft@egrassoc.com

Agent Signature: Clint Beecroft

Land Owner (print name): BENEDICK HOLDINGS LLC.

Mailing address: 27922 WARD LANE, EUGENE, OREGON 97402

Phone: (541) 688-6402 Email: ejbenedick@msn.com

Land Owner Signature: Sharla A Whitten

LOCATION

18S 12W 10 40 400, 401 & 801

Township Range Section Taxlot

VACANT - NONE

Site address

PROPOSAL: A request for a Preliminary Investigation in accordance with Lane Code 10.270 (for land inside an Urban Growth Boundary) or Lane Code 16.243 (for land outside an Urban Growth Boundary).

This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.

Exhibit K58-C

**Beaches and Dunes Combining Zone  
Preliminary Investigation Application for  
Idylewood Fourth Addition  
Additional Information**



**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

The subject property is best understood if we describe different sections separately as follows:

- 1) The northerly section of the site - generally consisting of the following proposed lot numbers 1-19;
- 2) The central and westerly portion of the site - generally consisting of the following proposed lot numbers 20-41 and 57-62;
- 3) The southerly section of the site - generally consisting of the following proposed lot numbers 42-56 and;
- 4) The easterly portion of the site not proposed for development.

A detailed discussion of the required grading and vegetation removal for each section is presented below.

7  
1  
It is important to note that other than for specifically surveyed transects, little accurate topographic information is available for this site. Available topographic mapping for the site was developed via aerial photographic means and due to the presence of extra-ordinarily thick vegetation is completely unreliable. In May of 2005, Applicant applied for and obtained from Lane County authorization to clear a portion of the site along proposed road alignments in order to obtain more accurate survey data on the site (Idylewood 5<sup>th</sup> Addition Limited Clearing Plan, Florence, Oregon, May 16<sup>th</sup>, 2005 prepared by EGR & Associates, Inc.). Elevations and features described herein were determined as a consequence of that clearing action and the survey data compiled after clearing occurred.

**The northerly section of the site - generally consisting of the following proposed lot numbers 1-19;**

This area of the site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies across this portion of the site from an elevation of less than 82 feet MSL in the lowest areas to a high of approximately 123 feet MSL. This area of the site is bordered on the west by the Idylewood and Idylewood First Addition Subdivisions, on the north by the Heceta South Subdivision, and on the east by a coastal lake formation (see description of the easterly portion of the site below).



The geology of this portion of the site displays a classically formed transverse dune/deflation plain formation with relict incisions formed by the interplay between historic wind and water movements across the formation. These formations developed as the dune formation was formed with intermittent periods of sand blowing across the deflation plain and then being washed away by seasonal or cyclical movement of water across the deflation plain. These topographic incisions and the associated remnant sand between them are close together and steeply inclined where forces of erosion removed the sand placed by seasonal winds. Similar relict incisions can be observed across the Heceta South Subdivision to the north of the subject property. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development. Average slopes across this portion of the site in an east-west orientation are approximately 6%.

The easterly fringe of this portion of the site drops abruptly at the lee side of the dune formation by as much as 35 to 40 feet and at a slope of approximately 50% to the edge of the coastal lake formation described below (see description of the easterly portion of the site). This "ridge" along the top of the old dune feature is at an elevation of approximately 110 feet MSL near the Heceta South Subdivision, rises to a peak of approximately 123 feet MSL approximately 250 feet south of the Heceta South Subdivision, and then falls to an elevation of approximately 100 feet MSL in the vicinity of proposed lot 23.

Another narrow interim dune peak also occurs and lying along a north-south orientation beneath the proposed north-south extension of Oceana Drive and the proposed utility easement south of Oceana Drive. Peak elevations along this alignment vary from approximately 100 feet MSL to 118 feet MSL.

Further west, the site is generally flatter with elevations varying from approximately 85 feet MSL to approximately 95 feet MSL but being incised by the aforementioned erosional actions.

Proposed Lots 24-28 and Lot 62 topographically transition from the features described herein to the portion of the site described below and included therein as the central and westerly portion of the site.

**The central and westerly portion of the site – generally consisting of the following proposed lot numbers 20-41 and 57-62**

This area of the site is characterized as a relatively flat and well-stabilized inactive sand dune formation covered with dense vegetation. Topography varies across from an elevation of less than 86 feet MSL in the lowest areas of the site to a high of approximately 92 feet MSL. This portion of the site is bordered on the west by the Idlewood First Addition Subdivision, on the north by the northerly section of the site as described above, and on the east by a coastal lake formation (see description of the easterly portion of the site below).




The geology of this portion of the site displays a subtle transverse dune/deflation plain formation with the highest elevations occurring along the proposed Bear Run Road alignment. Associated housing will also be located along this highest area of this portion of the site.

Minimal clearing and grading will be required on this portion of the site for development to occur.

**The southerly section of the site - generally consisting of the following proposed lot numbers 42-56 and;**

This area of the site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies from an elevation of less than 88 feet MSL in the lowest areas to a high of approximately 140 feet MSL. This portion of the site is bordered on the north by the Idylewood First Addition Subdivision and the central and westerly portion of this proposed subdivision, on the south and west by the Idylewood Second Addition Subdivision, and on the east by public lands.



The geology of this portion of the site displays a series of irregularly located high and low features suggesting that when the dune site was active it was subject to irregular and changing local influences resulting in other than "classically formed transverse" (south-west or north-west trending) dune/deflation plain formations. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development. Because of the odd orientation of these features, there are no "average slopes" across this portion of the site.

In order to provide access to this site with roadways meeting conventional design standards and to avoid adversely impacting adjacent neighboring properties, grading activity will be required during project development.

**The easterly portion of the site - not proposed for development.**

This area of the site is characterized as a coastal lake formation and also has a Lane County Planning PW-RCP zoning overlay. Seasonally and cyclically, water levels rise and fall across this portion of the site in response to movements in groundwater levels. Distinct areas of predominantly water are separated by interim ridges of higher ground vegetated with upland vegetation. Water levels between these distinct water bodies varies in response to the regional groundwater gradient that slopes approximately one foot in 400 feet in the vicinity of the project in an east-west orientation toward the Siuslaw River approximately one mile to the west.

The geology of this portion of the site displays deflation plain characteristics except as separated by the separating sand formations described above. Elevations of this portion of the site are generally flat and vary from lows of 80 to 82 feet MSL to highs of approximately 90 feet MSL along the dividing sand formations.



During some years, when the seasonal and cyclical groundwater levels are low, most of this area is devoid of water and the site takes on the physical appearance of a coastal bog. When seasonal and cyclical groundwater levels are high, the site takes on the characteristics of a shallow water body.

No known channelized inflow or outflow channels exist from these features and the site is understood to be solely a reflection of groundwater levels.

No development, clearing, or grading is proposed for this portion of the site.

#### **APPROVAL CRITERIA**

##### **(a) Explain why your proposed vegetation clearance is not excessive:**

The required clearing area is the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development. In areas where irregular topography exists and proposed overall grading will occur, re-vegetation and sand stabilization will occur within the timelines required by other sections of this code. We consider this course of general grading and then re-vegetation to provide less overall disruptive impact than would occur if only road and utility infrastructure areas were initially cleared and graded and then followed on a case by case random basis as lots are developed one at a time with grading impacts and/or structural damage potentially occurring across proposed lot lines.

As previously described, some proposed roadway alignments were cleared of vegetation in 2005 in conjunction with an approved limited clearing plan and five years later, the impact of this clearing can hardly be discerned.

Portions of the site that do not require grading or installation of roads or utility infrastructure are not proposed to be cleared at the time of Subdivision development.

##### **(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.**

**If you are not using the vegetation free area, explain why:**

Generally speaking, vegetation free areas of the site are not suitable for development as they occur on portions of the site overlain by seasonal water bodies that are protected by other sections of Lane Code and that are proposed to remain in a common area or eventually be dedicated to a public or conservation agency.

**(e) Development shall result in the least topographic modification of the site as is possible.**

**Does your plan comply with this requirement? Explain:**

Yes. Grading activity will generally coincide with the above described clearing activity. The proposed grading activity and the proposed clearing activity are the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development.

**(f) Slopes in excess of 25 percent shall be prohibited from development.**

**Do you plan to disturb any slope greater than 25%? If yes, explain:**

Yes, on a localized basis (a few feet to tens of feet) existing slopes over portions of the site are in excess of 25% due to erosional incision and/or irregular and highly localized forces during dune formation. During prior conversations with Lane County Planning staff, these localized slopes were discussed in the context of the Code's intent. As we understand the intent of the Code, it is to prevent uncontrolled development on slopes that are, or may be unstable so as to minimize property damage to existing and future development. Because most of these steeper slopes are localized, grading activity on the site can occur in a manner that eliminates slopes in excess of 25% from the proposed development areas while preserving the significant features of the site and maintains buffer areas adjacent to existing development, remaining slopes in excess of 25%, and areas subject to the PW-RCP zoning overlay.

Development of this property cannot occur without this localized grading activity because roadways could not be built.

Because of the aforementioned topographic irregularities over certain areas of the site, we propose to mass grade the internal portions of the site where roadways and building pads will be located. This approach will minimize future disturbance by completing all required clearing and grading at one time. In so doing, vegetation will be allowed to promptly re-establish itself and remain generally undisturbed at the time of lot development except where structures are located. This will minimize the potential impacts of sporadic lot development (anticipated with the poor building market) and disturbance that could cross lot lines if not completed at the time of subdivision development.

The nature of other development in this area is to maintain vegetative buffers between adjacent dwellings. It is the Developer's intent to maintain to the maximum extent possible, this development nature with this subdivision. By mass grading only those areas that must be graded for development to occur and completing most required clearing activity at the time of development of the subdivision, these internal buffer areas will be re-established sooner and prior to most lot development activity occurring.



Specific grading plans will be submitted with design drawings for the subdivision. As indicated above, the proposed grading activity and the proposed clearing activity will be the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development.

1/20 - allow no debris  
removal w/in 50'  
retards of PW zone.





10-09



*Goils*





*Copy*

**KENDALL Jerry**

**From:** Clint Beecroft [clintbeecroft@egrassoc.com]

**Sent:** Tuesday, June 07, 2011 10:26 AM

**To:** KENDALL Jerry

**Subject:** RE: Benedick Subdiv.

Jerry,

Thank you for your initial comments regarding the beaches and dunes preliminary investigation application. To what extent will the requirements of LC10.270-35(6) be applied to this site with respect to grading on steep slopes? In other words, one extreme case would be a site represented predominantly by slopes greater than 25% and thus the entire site would not be developable according to this code section while a site that is relatively flat with no slopes in excess of 25% would not be subject to this code section. As with your interpretation of LC 10.270-35(5), I assume that you will be looking for a balance between the two extremes with respect to development on sites with only minor steep slopes such as the proposed Idylewood site? — *Yor*

A majority of the slopes on the proposed development site is less than 25%; however, as described in the physical features section of the /BD application, there are some slopes that exceed 25%. For example, relict incision formations located on the northerly section of the site may have short slopes that exceed 25% in some areas, but the overall slope of this section of the site is approximately 6% east to west. As discussed in the /BD application these relic features are proposed to be graded and stabilized in conjunction with the development.

Another example is the southerly section of the site which is characterized by multiple well-stabilized inactive sand dune formations with varying slopes from relatively flat to in excess of 25%. Due to the odd orientation of these features there are no average slopes across this portion of the site. In order to provide access to this site with roadways, and connection to Cloudcroft Lane to the south as suggested by City/County comments, grading activity will be required during project development that will generally level these dune formations such that a majority of these slopes will be less than 25% after initial grading activities are complete and cannot be avoided.

I am aware that past interpretations of this code section for development projects that EGR designed has allowed grading on slopes in excess of 25% where the overall site slopes on average were less than 25%. These projects were reviewed by John Petsch with Shane Hughes as the lead engineer for EGR.

Clint

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**From:** KENDALL Jerry [mailto:Jerry.KENDALL@co.lane.or.us]

**Sent:** Monday, June 06, 2011 4:53 PM

**To:** 'Clint Beecroft'

**Subject:** Benedick Subdiv.

Clint:

1.) I checked with some County staff and yes, the County owned tax lot 1600 (18-12-10.4) was acquired from the Siuslaw Nat. Forest back in 1970 for public park use, so yes we will want to see access to it established as the City so mentioned on p.1-2 of its referral.

2.) Re: your question on the /BD requirements and the concern that when you re-do the preliminary sub. layout and reconfigure lots that I (the County) don't come back later and say you overdid it and need to adjust again... about all I can say is it is a balance of sorts. I'll use hyperbole to illustrate:

-If you came back with a scenerio where every lot and roads was one level, it would violate the "...least topographic modification..." standard (LC 10.270-35(5)).

- On the other hand, we need to realize that the above standard is advisory and somewhat subjective and leaves your client open to appeal, as one could argue that any modification is not the "least topographic modification".

FILE # PA	_____
EXHIBIT #	_____

06/07/2011

I'm looking for you to present a reconfigured site plan that is a balance between the two above extremes. My role is to evaluate what is presented (and not to do the designing).

I would like to point out LC 10.270-35(6), which prohibits development on slopes greater than 25%. That standard may be a bit more difficult to meet with a long linear road layout, but you certainly would need to avoid creating a lot which is predominantly 25% slopes so that there is no buildable room left. In other words, if that occurs, I recommend combining lots or making some bigger.

I do ask that when you submit the reconfigured plan, that you provide a copy that shows all pre-existing grades that are greater than 25%.

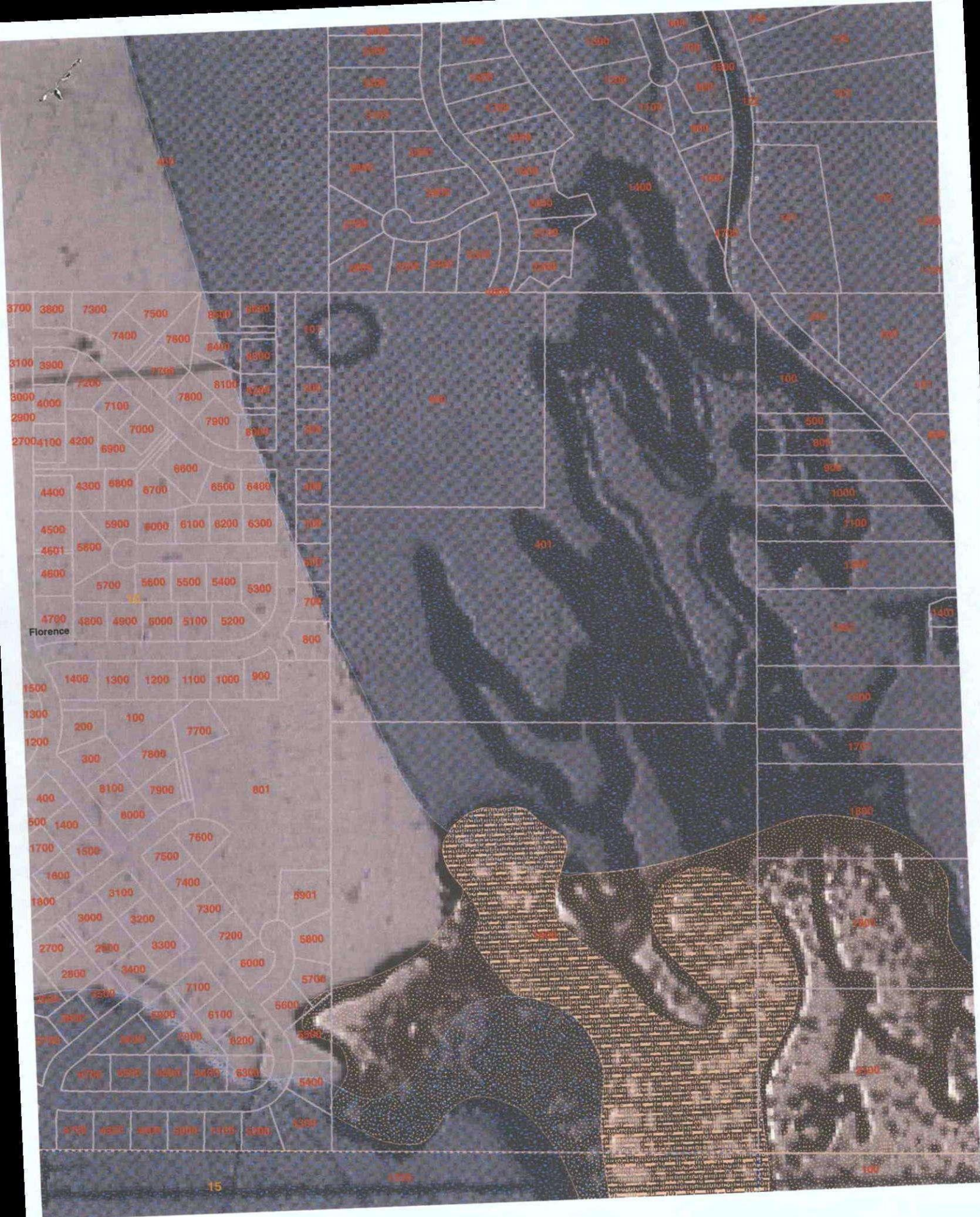
I hope that helps as a followup to our meeting of June 1

FYI, I am out of the office June 13-22.

Regards.

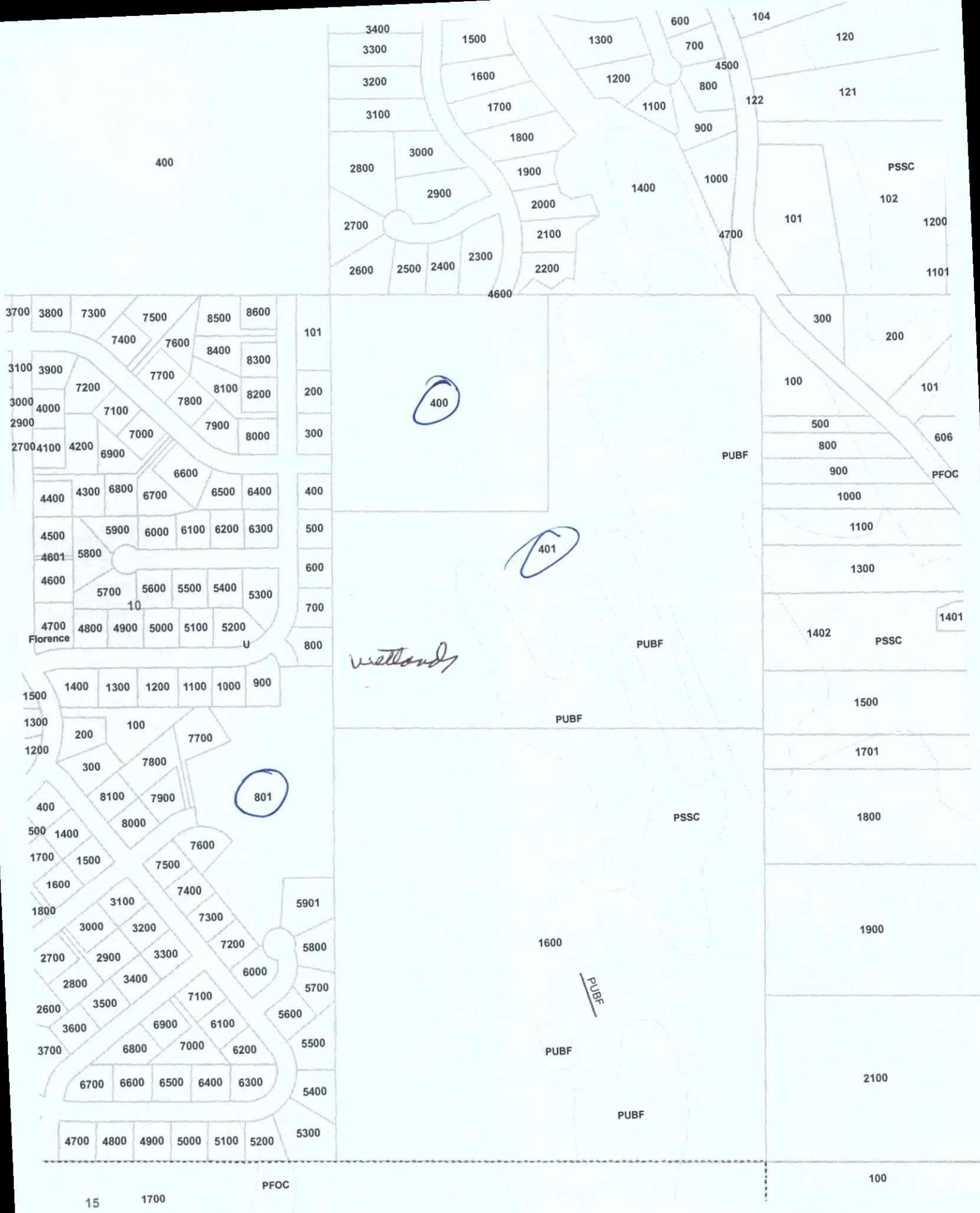
Jerry Kendall/Associate Planner/Lane County Oregon  
PSB/LMD  
125 E. 8th Ave.  
Eugene, Or. 97401  
ph: 541-682-4057  
FAX: 541-682-3947  
Jerry.Kendall@co.lane.or.us



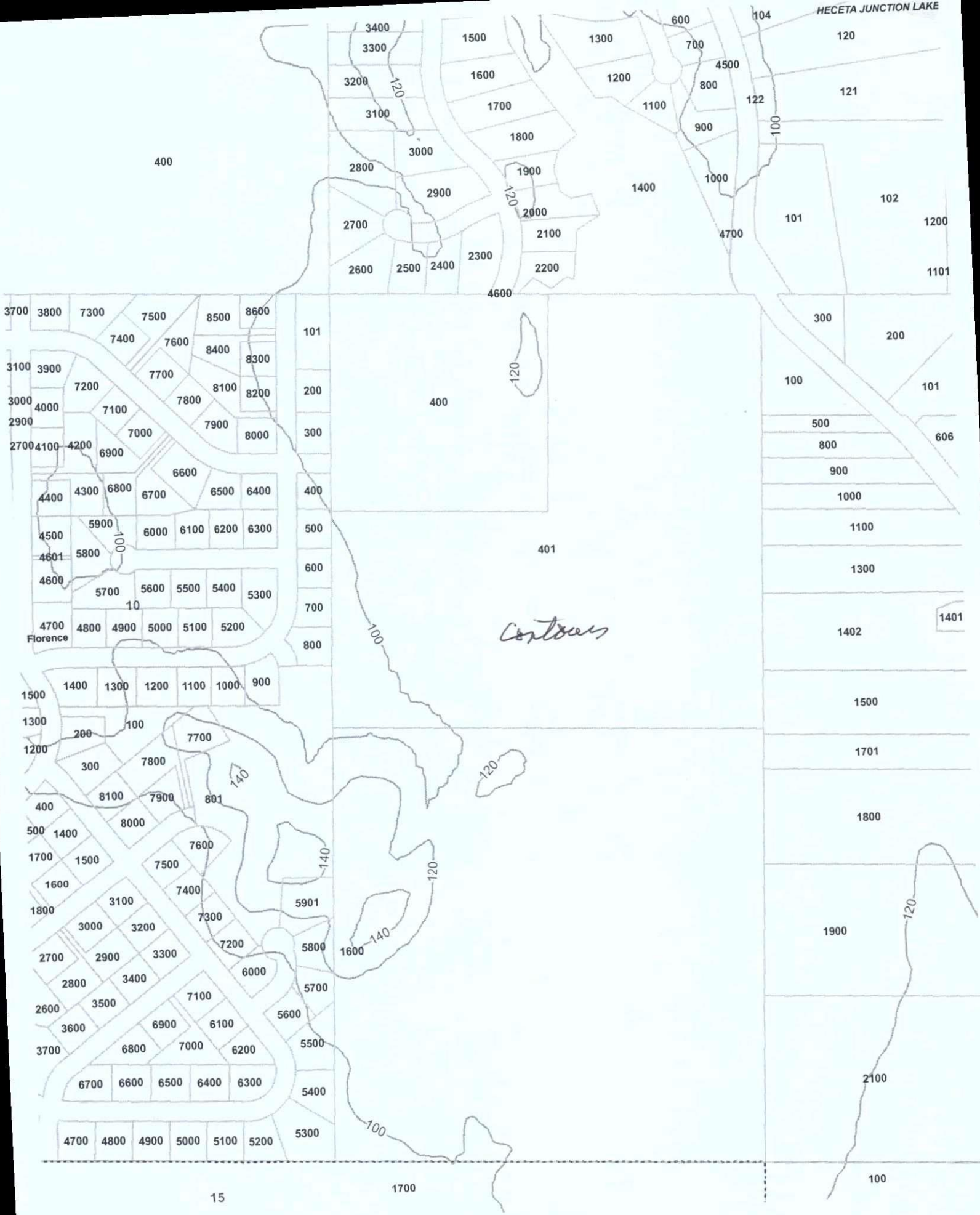




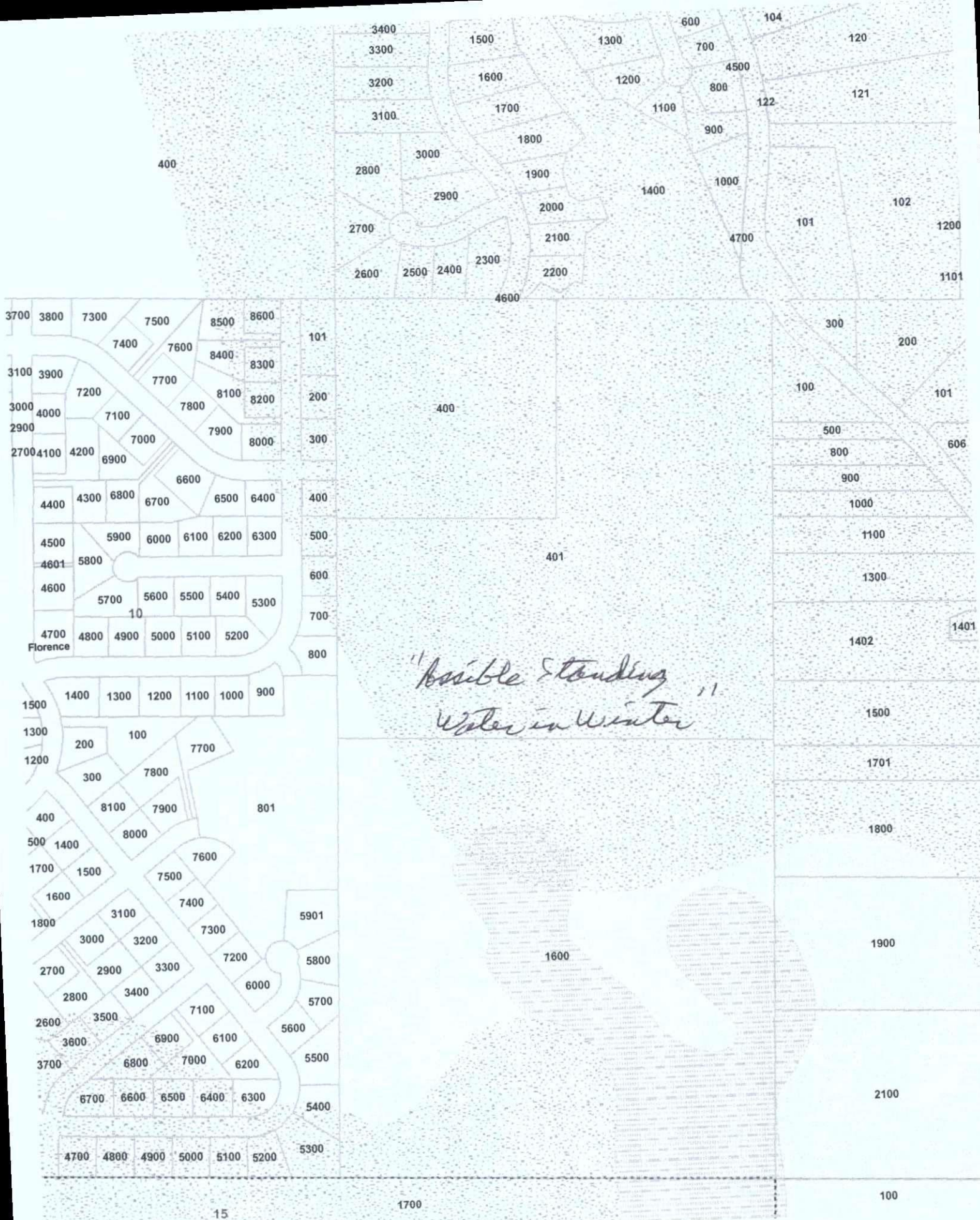
- ☐ Goal 5 Significant Riparian Corridors
- ☐ Soils
- ☐ Archaeological Sites
- ☐ Historic Overlay
- ☐ Airport Data
- ☐ Areas of Interest
- ☐ Water Quality & Quantity
- ☐ Florence Limited Service Area
- ☐ Water Features
- ☐ Developed & Committed Areas
- ☐ Measure 37 Claims
- ☐ Wetlands Data
- ☐ Greenway
- ☐ Habitat Data
- ☐ Flood Hazard Data
- ☒ CRMP Data
  - ☒ II-3 Beaches and Dunes/Lakes
    - ☒ Lines
    - ☒ Polygons
      - ☐ Dunes
      - ☐ Flood Hazard Zones for Du
      - ☐ Possible Standing Water in
      - ☐ Sand Erosion Areas (Wet C
  - ☒ Mylar
    - Value
    - High : 255
    - Low : 0
- ☐ Scanned Mylars
- ☐ Community Organizations
- ☐ Fire Districts
- ☐ School Districts
- ☐ Dexter Sanitary District
- ☐ Coastal Overlay Data
- ☒ Dredged Material Deposit Sites



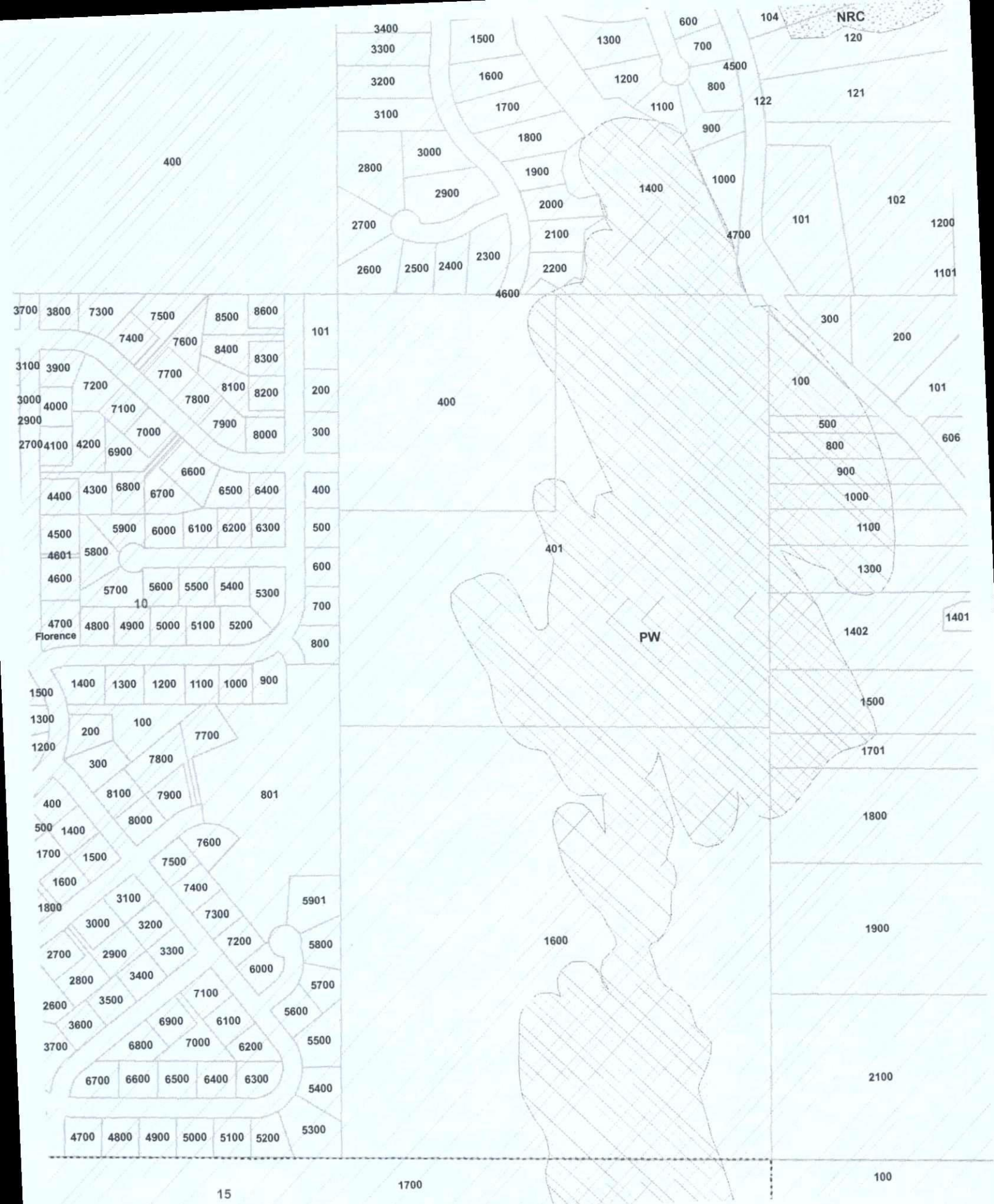












LAND MANAGEMENT DIVISION



**LAND USE APPLICATION**  
**Preliminary Investigation**  
**Beaches and Dunes Combining Zone**

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only: FILE # PA105822

CODE: AHCL

FEE: \$1380

**Applicant** (print name): BENEDICK HOLDINGS LLC.

Mailing address: 27922 WARD LANE, EUGENE, OREGON 97402

Phone: (541) 688-6402 ~~18722~~ Email: ejbenedick@msn.com

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Phone: (541) 688-6402 Email: ejbenedick@msn.com

Land Owner Signature: Sharla A Whitten

**LOCATION**

18S 12W 10 40 400, 401 & 801 18.12.10.34

Township

Range

Section

Taxlot

VACANT - NONE

Site address

**PROPOSAL:** A request for a Preliminary Investigation in accordance with Lane Code 10.270 (for land inside an Urban Growth Boundary) or Lane Code 16.243 (for land outside an Urban Growth Boundary).

This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.



**INSTRUCTIONS:** Completely fill out this application form. Attach additional pages if necessary. Failure to submit a complete application or answer every question will result in a delay or rejection of your application.

The Preliminary Investigation will determine the presence of any hazards to the proposed development. If a significant hazard is found that requires further review, a Site Investigation Report will be required. Details regarding a Site Investigation Report are contained in Lane Code 10.270-55 to 10.270-80 and Lane Code 16.243(12) to 16.243(16).

**PROJECT DESCRIPTION** What are you proposing? What are you going to build?

THE PROJECT CONSISTS OF A 62-LOT RESIDENTIAL SUBDIVISION OF THREE TAX  
LOTS THAT HAVE A BEACHES AND DUNES COMBINING DISTRICT OVERLAY.  
ROADS AND UTILITIES WILL BE CONSTRUCTED TO SERVE THE SUBDIVISION.

**SITE PLAN** A site plan must be included. Refer to the handout entitled "How to prepare your site plan".

**ZONING:** RA, BD, U, PW

**ACREAGE:** 46.06

**LOCATION** Describe how to find the property. Is the address visible? Are there any identifying features?

FROM RHODODENDRON DRIVE TURN EAST ONTO OCEANA DRIVE. CONTINUE THROUGH  
THE INTERSECTION WITH SANDRIFT STREET TO THE END OF OCEANA DRIVE. THE  
PROPERTY ABUTS THE END OF OCEANA DRIVE. THE SITE IS VACANT AND HAS NO  
ADDRESS.

**EXISTING IMPROVEMENTS** Does the property contain any roads, structures, etc.?

NONE, EXCEPT FOR A STORMWATER PUMP STATION AND PIPE LOCATED ON TAX  
LOT 801 WHICH WILL REMAIN.

**STAKE OUT THE DEVELOPMENT AREA.** The location of the structure(s) must be staked out on the site and identified with colored ribbon or a similar item.

**PHYSICAL FEATURES:** Describe the site. Generally describe the vegetation. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features.

SEE ATTACHED ADDITIONAL INFORMATION

## APPROVAL CRITERIA

LC 10.270 Beaches and Dunes Combining Zone: Applicable to land inside a UGB.

LC 16.243 Beaches and Dunes Combining Zone: Applicable to land outside a UGB.

These two sections from the Lane Code contain identical review and approval criteria for development in the Beaches and Dunes Combining Zone. The approval criteria are listed below.

**Additional Site and Development Requirements.** The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

Footprint of the proposed structure(s): 0 sf

Total area of vegetation clearance: (16 AC) 698,300 sf

Explain why your proposed vegetation clearance is not excessive: \_\_\_\_\_

SEE ATTACHED ADDITIONAL INFORMATION

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

Does the property contain any vegetation-free areas? ☒ Yes ☐ No

If you are not using the vegetation-free area, explain why: \_\_\_\_\_

SEE ATTACHED ADDITIONAL INFORMATION

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(7)(a) above shall be replanted within nine months of the termination of major construction activity.

This will be a condition of approval.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

If the site is comprised of sandy soil, you will be required to stabilize the soil during construction, and permanently stabilize the soil within 90 days after construction. Acceptable stabilization methods are listed in Lane Manual 10.056. If applicable, this will be included in the packet mailed to you.



**(e) Development shall result in the least topographic modification of the site as is possible.**

Does your plan comply with this requirement? Explain: \_\_\_\_\_

SEE ATTACHED ADDITIONAL INFORMATION

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**(f) Slopes in excess of 25 percent shall be prohibited from development.**

Do you plan to disturb any slopes greater than 25%? If yes, explain: \_\_\_\_\_

SEE ATTACHED ADDITIONAL INFORMATION

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**(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.**

If applicable, an engineer may be required to prove the site can support the proposed structure. If so, this will be a condition of approval.

**(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.**

What is the property zoned: RA

What are the setbacks: 15-FOOT FRONT, 5-FOOT SIDE AND REAR

These setbacks and zoning will be verified by planning staff.

**Beaches and Dunes Combining Zone  
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The subject property is best understood if we describe different sections separately as follows:

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- 4) The easterly portion of the site not proposed for development.

A detailed discussion of the required grading and vegetation removal for each section is presented below.

It is important to note that other than for specifically surveyed transects, little accurate topographic information is available for this site. Available topographic mapping for the site was developed via aerial photographic means and due to the presence of extra-ordinarily thick vegetation is completely unreliable. In May of 2005, Applicant applied for and obtained from Lane County authorization to clear a portion of the site along proposed road alignments in order to obtain more accurate survey data on the site (Idylewood 5<sup>th</sup> Addition Limited Clearing Plan, Florence, Oregon, May 16<sup>th</sup>, 2005 prepared by EGR & Associates, Inc.). Elevations and features described herein were determined as a consequence of that clearing action and the survey data compiled after clearing occurred.

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The geology of this portion of the site displays a classically formed transverse dune/deflation plain formation with relict incisions formed by the interplay between historic wind and water movements across the formation. These formations developed as the dune formation was formed with intermittent periods of sand blowing across the deflation plain and then being washed away by seasonal or cyclical movement of water across the deflation plain. These topographic incisions and the associated remnant sand between them are close together and steeply inclined where forces of erosion removed the sand placed by seasonal winds. Similar relict incisions can be observed across the Heceta South Subdivision to the north of the subject property. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development. Average slopes across this portion of the site in an east-west orientation are approximately 6%.

The easterly fringe of this portion of the site drops abruptly at the lee side of the dune formation by as much as 35 to 40 feet and at a slope of approximately 50% to the edge of the coastal lake formation described below (see description of the easterly portion of the site). This "ridge" along the top of the old dune feature is at an elevation of approximately 110 feet MSL near the Heceta South Subdivision, rises to a peak of approximately 123 feet MSL approximately 250 feet south of the Heceta South Subdivision, and then falls to an elevation of approximately 100 feet MSL in the vicinity of proposed lot 23.

Another narrow interim dune peak also occurs and lying along a north-south orientation beneath the proposed north-south extension of Oceana Drive and the proposed utility easement south of Oceana Drive. Peak elevations along this alignment vary from approximately 100 feet MSL to 118 feet MSL.

Further west, the site is generally flatter with elevations varying from approximately 85 feet MSL to approximately 95 feet MSL but being incised by the aforementioned erosional actions.

Proposed Lots 24-28 and Lot 62 topographically transition from the features described herein to the portion of the site described below and included therein as the central and westerly portion of the site.

**The central and westerly portion of the site – generally consisting of the following proposed lot numbers 20-41 and 57-62**

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The geology of this portion of the site displays a subtle transverse dune/deflation plain formation with the highest elevations occurring along the proposed Bear Run Road alignment. Associated housing will also be located along this highest area of this portion of the site.

Minimal clearing and grading will be required on this portion of the site for development to occur.

**The southerly section of the site - generally consisting of the following proposed lot numbers 42-56 and;**

This area of the site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies from an elevation of less than 88 feet MSL in the lowest areas to a high of approximately 140 feet MSL. This portion of the site is bordered on the north by the Idylewood First Addition Subdivision and the central and westerly portion of this proposed subdivision, on the south and west by the Idylewood Second Addition Subdivision, and on the east by public lands.

The geology of this portion of the site displays a series of irregularly located high and low features suggesting that when the dune site was active it was subject to irregular and changing local influences resulting in other than "classically formed transverse" (south-west or north-west trending) dune/deflation plain formations. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development. Because of the odd orientation of these features, there are no "average slopes" across this portion of the site.

In order to provide access to this site with roadways meeting conventional design standards and to avoid adversely impacting adjacent neighboring properties, grading activity will be required during project development.

**The easterly portion of the site - not proposed for development.**

This area of the site is characterized as a coastal lake formation and also has a Lane County Planning PW-RCP zoning overlay. Seasonally and cyclically, water levels rise and fall across this portion of the site in response to movements in groundwater levels. Distinct areas of predominantly water are separated by interim ridges of higher ground vegetated with upland vegetation. Water levels between these distinct water bodies varies in response to the regional groundwater gradient that slopes approximately one foot in 400 feet in the vicinity of the project in an east-west orientation toward the Siuslaw River approximately one mile to the west.

The geology of this portion of the site displays deflation plain characteristics except as separated by the separating sand formations described above. Elevations of this portion of the site are generally flat and vary from lows of 80 to 82 feet MSL to highs of approximately 90 feet MSL along the dividing sand formations.



During some years, when the seasonal and cyclical groundwater levels are low, most of this area is devoid of water and the site takes on the physical appearance of a coastal bog. When seasonal and cyclical groundwater levels are high, the site takes on the characteristics of a shallow water body.

No known channelized inflow or outflow channels exist from these features and the site is understood to be solely a reflection of groundwater levels.

No development, clearing, or grading is proposed for this portion of the site.

#### **APPROVAL CRITERIA**

##### **(a) Explain why your proposed vegetation clearance is not excessive:**

The required clearing area is the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development. In areas where irregular topography exists and proposed overall grading will occur, re-vegetation and sand stabilization will occur within the timelines required by other sections of this code. We consider this course of general grading and then re-vegetation to provide less overall disruptive impact than would occur if only road and utility infrastructure areas were initially cleared and graded and then followed on a case by case random basis as lots are developed one at a time with grading impacts and/or structural damage potentially occurring across proposed lot lines.

As previously described, some proposed roadway alignments were cleared of vegetation in 2005 in conjunction with an approved limited clearing plan and five years later, the impact of this clearing can hardly be discerned.

Portions of the site that do not require grading or installation of roads or utility infra-structure are not proposed to be cleared at the time of Subdivision development.

##### **(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.**

**If you are not using the vegetation free area, explain why:**

Generally speaking, vegetation free areas of the site are not suitable for development as they occur on portions of the site overlain by seasonal water bodies that are protected by other sections of Lane Code and that are proposed to remain in a common area or eventually be dedicated to a public or conservation agency.

**(e) Development shall result in the least topographic modification of the site as is possible.**

**Does your plan comply with this requirement? Explain:**

Yes. Grading activity will generally coincide with the above described clearing activity. The proposed grading activity and the proposed clearing activity are the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development.

**(f) Slopes in excess of 25 percent shall be prohibited from development.**

**Do you plan to disturb any slope greater than 25%? If yes, explain:**

Yes, on a localized basis (a few feet to tens of feet) existing slopes over portions of the site are in excess of 25% due to erosional incision and/or irregular and highly localized forces during dune formation. During prior conversations with Lane County Planning staff, these localized slopes were discussed in the context of the Code's intent. As we understand the intent of the Code, it is to prevent uncontrolled development on slopes that are, or may be unstable so as to minimize property damage to existing and future development. Because most of these steeper slopes are localized, grading activity on the site can occur in a manner that eliminates slopes in excess of 25% from the proposed development areas while preserving the significant features of the site and maintains buffer areas adjacent to existing development, remaining slopes in excess of 25%, and areas subject to the PW-RCP zoning overlay.

Development of this property cannot occur without this localized grading activity because roadways could not be built.

Because of the aforementioned topographic irregularities over certain areas of the site, we propose to mass grade the internal portions of the site where roadways and building pads will be located. This approach will minimize future disturbance by completing all required clearing and grading at one time. In so doing, vegetation will be allowed to promptly re-establish itself and remain generally undisturbed at the time of lot development except where structures are located. This will minimize the potential impacts of sporadic lot development (anticipated with the poor building market) and disturbance that could cross lot lines if not completed at the time of subdivision development.

The nature of other development in this area is to maintain vegetative buffers between adjacent dwellings. It is the Developer's intent to maintain to the maximum extent possible, this development nature with this subdivision. By mass grading only those areas that must be graded for development to occur and completing most required clearing activity at the time of development of the subdivision, these internal buffer areas will be re-established sooner and prior to most lot development activity occurring.



Specific grading plans will be submitted with design drawings for the subdivision. As indicated above, the proposed grading activity and the proposed clearing activity will be the minimum that will be necessary in order to construct roads, utilities, and to provide suitable building locations for the proposed development.



## LAND MANAGEMENT DIVISION

# LAND USE APPLICATION Legal Lot Verification with Notice

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 Planning: 682-3807

For Office Use Only FILE # PA105823 CODE: DALLVRN DEEDS: 5 x 128 FEE: 1508  
640 2148

Applicant (print name): BENEDICK HOLDINGS LLC.

Mailing address: 27922 WARD LANE EUGENE, OREGON 97402

Phone: (541) 688-6402

Email: ejbenedick@msn.com

Applicant Signature: Sharla A. Whitten

Land Owner (print name): BENEDICK HOLDINGS LLC.

Mailing address: 27922 WARD LANE EUGENE, OREGON 97402

Phone: (541) 688-6402

Email: ejbenedick@msn.com

Land Owner Signature: Sharla A. Whitten

Zone: RA, BD, U, PW Was this property used to qualify a tract for a dwelling? Yes No

### PROPERTY LOCATION

18-12-10 <sup>40</sup> TL 400, 401 & 801 <sup>18-12-10-34</sup>

TownshipRange Section Taxlot

Subdivision/partition

lot/parcel

block

VACANT - NONE

Site address

PROPOSAL: Approval of a final legal lot determination and notice, pursuant to Lane Code 13.020.

### REQUIRED SUBMITTALS

- The property description card. This is available in the Assessment and Taxation Department.
- Submit every deed listed on the description card. Deeds are available at the Deeds & Records Office.
- The tax map for the subject property. This is available in the Assessment and Taxation Department.
- The applicable fee. The fee for the legal lot research is a base fee plus a fee for the number of deeds and other documents needed to make a determination. When additional documents are required fees will be charged for each document.
- This application form.
- Please make all copies single sided on 8 1/2" x 11" paper and DO NOT STAPLE.

CLINT @ EGR  
BELOFT

SHANE HUGHES Version 3/2009

Exhibit K58-D



DO NOT  
SEPARATE  
PACKET

## CERTIFICATE OF MAILING

PA10-5823  
HOLDINGS  
3-14-2011

This is to certify that I, Chris Rogers, mailed Notification of

Land Use Decision

To the person(s) shown on the attached copy of mailing labels &/or attached letter, and delivered said information to the authorized agent for the us Post Office in Eugene, Oregon on

DATE MAILED: 3/14/11

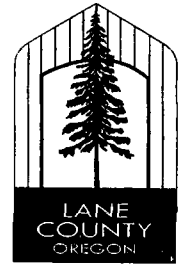
END OF COMMENT PERIOD: \_\_\_\_\_

APPEAL DEADLINE: 3/25/11

Chris Rogers  
CHRIS ROGERS

**NOTE:** Surrounding property owners listed are "the owners of record of all property on the most recent property tax assessment rolls" on RLID as per Lane Code 14.300(3)(d). If a tax lot appears on the notice list & there are no corresponding addresses then the tax records have not been updated; therefore, these property owners were not notified.

**NOTICE OF PENDING LAND USE DECISION  
BY THE LANE COUNTY PLANNING DIRECTOR**



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

**Department File:** PA10-5823  
**Property Owner(s):** Benedick Holdings, LLC  
**Applicant:** Benedick Holdings, LLC  
**Agent:** none  
**Map & Tax Lot:** 18-12-10-40-00400/401 & 18-12-10-34-00801 (Combined)  
**Property Address:** Vacant  
**Acreage:** 46 acres  
**Contiguous Ownership:** None  
**Base Zone:** Suburban Rural Residential (RA)  
**Comprehensive Plan:** Florence Rural Comprehensive Plan (/RCP)

---

You own or occupy property near the above referenced properties that is the subject of a land use application and pending decision for conditional **Approval** of this application by the Lane County Planning Director.

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

The purpose of this notice is to inform you about the proposal and pending decision, where you may receive more information, and the requirements if you wish to appeal the pending decision by the Director to the Lane County Hearings Official. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

**PROPOSAL: To obtain a Final Legal Lot decision pursuant 13.020 for tax lot 18-12-10-40-00400/401 & 18-12-10-34-00801 (Combined). This proposal is for 1 parcel only. (See vicinity map of legal lot configuration)**

**FINDINGS OF FACT AND COMPLIANCE WITH APPLICABLE REQUIREMENTS.**

The information and findings submitted by the applicant in support of this application to address the applicable requirements were reviewed and found to be thorough and accurate. Therefore, the Director adopts the applicant's information and findings along with the staff report in support of the decision to approve this application and hereby incorporates the application by reference as part of the record.

The application, all documents and evidence relied upon by the applicant, the applicable criteria, and a copy of the Lane County Planning Director's report are available for inspection at the Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact **Jeremy Sherer** and the telephone number where more information can be obtained is **(541) 682-3989**.

LAND MANAGEMENT DIVISION / PLANNING DEPARTMENT / 125 EAST 8TH AVENUE / EUGENE, OREGON 97401 / FAX (541) 682-3947  
BUILDING (541) 682-4651 / PLANNING (541) 682-3577 / SURVEYORS (541) 682-4195 / COMPLIANCE (541) 682-3724 / ON-SITE SEWAGE (541) 682-3754



This decision will become final at 5 P.M. on 3/28/11 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Lane County Land Management Division. **This form is enclosed and must be used if you wish to appeal this decision.**

1. To complete this form, fill in the required information and attach to it all of the materials and information required in numbers 2, 3 and 6 of the appeal form.
2. Then, submit the completed form to Lane County Planning Director so that it is received by him or her prior to the above mentioned time that the decision becomes final.
3. The Lane County Planning Director shall reject an appeal if it is not received prior to the time that the decision becomes final or if it is not complete.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: 

Jeremy Sherer, Engineering Associate

Date: MAR 11, 2011

Authorized by: 

Kent Howe, Planning Director

Date: 11 Mar 11

#### **EXHIBITS**

- A. Staff Report
- B. Conditions of Approval
- C. Vicinity Map with Property Configuration

## Exhibit A

### Staff Report

**Report Date:** 3/14/11

**Department File:** PA10-5823  
**Property Owner(s):** Benedick Holdings, LLC  
**Applicant:** Benedick Holdings, LLC  
**Agent:** none  
**Map & Tax Lot:** 18-12-10-40-00400/401 & 18-12-10-34-00801 (Combined)  
**Property Address:** Vacant  
**Acreage:** 46 acres  
**Contiguous Ownership:** None  
**Base Zone:** Suburban Rural Residential (RA)  
**Staff Planner:** Jeremy Sherer, (541) 682-3989

---

## I. PROPOSAL AND DETERMINATION

To obtain a Final Legal Lot per Lane Code Chapter 13.020 for a parcel known as tax lot 18-12-10-40-00400/401 & 18-12-10-34-00801 (Combined). The purpose of this Legal Lot Verification with Notice is to determination that the subject property was created prior to and/or in conformance with Lane Code and other applicable law. Pursuant to LC 13.020, this determination shall become final when it is made and noticed.

**CONCLUSION:** As defined in Lane Code 13.010, the subject property is a parcel. This staff report has preliminarily determined that the subject property **is a legal lot**. This preliminary legal lot becomes final at the conclusion of the Notice.

## II. BACKGROUND INFORMATION

On 11/18/2010, a Legal Lot Verification with Notice was submitted to Lane County Land Management Division. The application was reviewed and accepted as complete on 12/15/2010.

## III. SITE INFORMATION

### A. Site Description

Property Descriptions:

This parcel is known as tax lot 18-12-10-40-00400/401 & 18-12-10-34-00801 (Combined) and is described in Warranty Deed 2007-083806, dated 12/21/2007



**B. Zoning and Land Division Background**

The first comprehensive Zoning and Land Use Regulations, Ordinance 3 and 4, were adopted in 1949.

The first partition regulation for these properties were adopted on May 2, 1962. Lane County adopted property line adjustment regulations on January 8, 2010.

The first zoning regulation for these properties were adopted on May 22, 1964 to RA.

**IV. APPROVAL CRITERIA AND ANALYSIS**

Approval is subject to satisfaction of Lane Code 13.010, definition of a legal lot. Criteria is in italics followed by staff findings

**Conformity with Definition of a Legal Lot, Pursuant to Lane Code Chapter 13.010:**

*A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law..*

Finding 1: The parent parcel was created lawfully and reconfigured as provided by law. See definition of a parcel, the next finding s

***Parcel:***

- (1) Includes a unit of land created:(a) By partitioning land as defined in LC 13.010.*
- (b) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or(c) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.*
- (2) It does not include a unit of land created solely to establish a separate tax account.*

Finding 2: This unit of land was created as a separate parcel on 7/14/1943 by Warranty Deed Book 267, Page 391 and reconfigured by Property Line Adjustment RR# 2012R/9479519, dated 11/07/1994 along with CSF 32321, and by Land Partition (Replat) 2001-P1501, dated 10/09/2001

**VI. FINAL** Based upon the above findings and the conditions as applied, the subject property is a parcel. Therefore, **APPROVAL** is granted for a Final Legal Lot pursuant Lane Code 13.020 for this parcel subject to conditions stated in Exhibit B of this staff report.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL PA10-5823**

**All of the following conditions are binding on the applicant or successive owner(s) of the parcel or successive applicant(s) who exercise this approval action.**

#### **GENERAL CONDITIONS AND INFORMATION**

1. A Final Legal Lot Determination means:

- a. Ownership in this property may be conveyed with the assurance that it will not require approval by Lane County under its land division regulations; and
- b. Lane County will recognize this property as a legally separate unit of land for the purposes of development. Nevertheless, development will still be subject to applicable zoning, sanitation, access, and building regulations

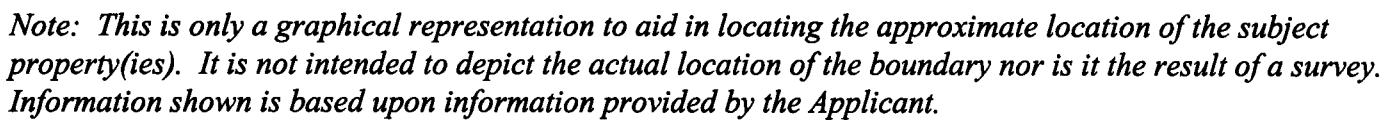
2. A Final Legal Lot Determination **does not** mean:

- a. a creation of a new lot, parcel, gap or overlap,
- b. a guaranty of continued recognition of prior land use approvals based on a specific location or on a particular parcel,
- c. a creation or determination of written or unwritten real property rights, ownership, title, or boundary location, and a final legal lot determination does not mean
- d. the parcel has been verified to have legal access as defined by LC 15.055.

**It is your responsibility to work with the identified departments to assure that the conditions are satisfactorily met within the prescribed time period.**



## VICINITY MAP WITH PROPERTY CONFIGURATION





## LAND MANAGEMENT DIVISION

# APPEAL OF A DIRECTOR'S DECISION

**PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401**

**Planning: 682-3807 Building: 682-3823 Sanitation: 682-3754**

For Office Use Only FILE #

CODE: HOAPPEAL

FEE: \$250

Appellant \_\_\_\_\_

Mailing address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_

Appellant's Representative \_\_\_\_\_

Mailing address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_

### LOCATION (subject property)

Township	Range	Section	Taxlot	Subdivision/partition	lot/parcel
----------	-------	---------	--------	-----------------------	------------

**Required submittals. Your appeal application will be rejected if it does not contain all the required information.**

1. A copy of the decision being appealed, with the department file number \_\_\_\_\_
2. The \$250 appeal fee, payable to Lane County
3. The appeal deadline, as stated in the Director's Decision \_\_\_\_\_
4. Check one of the items below to identify your party status with the right to appeal the Director's decision  
☐ I am the owner or contract purchaser of the subject property,  
☐ I am the applicant for the subject application,  
☐ Prior to the decision by the Director, I submitted written testimony into the record  
☐ I am not one of the persons mentioned above, but wish to appeal the Director's decision for the reasons explained in my letter
5. A letter that addresses each of the following three standards
  - a. The reason(s) why the Director's decision was made in error or why the Director should reconsider the decision,
  - b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration
    - The Director exceeded his or her authority;
    - The Director failed to follow the procedure applicable to the matter;
    - The Director rendered a decision that is unconstitutional,
    - The Director misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria
  - c. The Director should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria
6. Any additional information in support of your appeal

(Version 4/2010)



PA10-5823  
HOLDINGS  
3-14-2011

1812103403200  
ABBONIZIO WAYNE A P  
PO BOX 188  
FLORENCE, OR 97439

1812103106400  
ADAMS BERTHA L  
04966 OCEANA DR  
FLORENCE, OR 97439

1812101302800  
ALTA M TAYLOR TRUST  
84955 HWY 101 S  
FLORENCE, OR 97439

1812103105400  
ASHTON TRUST  
4960 SANDRIFT CRT  
FLORENCE, OR 97439

1812103108400  
BAKER JACK H & DORIS V  
87838 SANDRIFT ST  
FLORENCE, OR 97439

1812103405800  
BALDI JOHN F & MARIA C  
87635 WOODMERE EAST  
FLORENCE, OR 97439

1812104001300  
BALL MAY I TE  
PO BOX 1018  
FLORENCE, OR 97439

1812104000500  
BATCHELDER NANCY S  
PO BOX 935  
YACHATS, OR 97498

1812103400100  
BEACH GARY M & CATHERINE A  
87723 SALTAIRE ST  
FLORENCE, OR 97439

1812103400801  
1812104000400/401  
BENEDICK HOLDINGS LLC  
27922 WARD LN  
EUGENE, OR 97402

1812104000100  
BOGGS PAUL DANIEL & MONA DEE  
PO BOX 387  
SPRAGUE RIVER, OR 97639

1812103407200  
CAMPBELL ALEXANDER J & ELIZABETH L  
87640 LIMPIT LN  
FLORENCE, OR 97439

1812103100800  
CAMPBELL DAVID J & DIANE E  
4985 GULLSETTLE CRT  
FLORENCE, OR 97439

1812103101100  
CAPUTO RONALD A & JUDY E  
87729 SANDRIFT ST  
FLORENCE, OR 97439

1812103400300  
CARRUTHERS RONALD  
87694 LIMPIT LN  
FLORENCE, OR 97439

1812103405600/700  
CHARLES P & DIANNE NOBLE GILMOUR TRUST  
87629 WOODMERE ST E  
FLORENCE, OR 97439

1812104001000  
CLARK JAMES M & HEIDI A  
05180 HECETA BEACH RD  
FLORENCE, OR 97439



1812103406000  
CLAUSEN ROBERT E  
87630 WOODMERE EAST  
FLORENCE, OR 97439

1812103100500  
COLIN C HEIBERT TRUST  
04906 GLORIA GAYLE WAY  
FLORENCE, OR 97439

1812104000300  
CONDLEY SHAWN S & ANGIE L  
PO BOX 1557  
FLORENCE, OR 97439

1812104000800/900  
COX OSCAR R  
05176 HECETA BEACH RD  
FLORENCE, OR 97439

1812104001300  
DERRICKSON THELMA MAY TE  
PO BOX 1018  
FLORENCE, OR 97439

1812103108200  
DOBSON RICHARD L & DONNA M  
PO BOX 1739  
FLORENCE, OR 97439

1812103400300  
DODD ELKE  
87694 LIMPIT LN  
FLORENCE, OR 97439

1812103105200  
DONNELLY GARY L & SHERRI K  
87740 SANDRIFT ST  
FLORENCE, OR 97439

1812103100200  
DUKE KENT F & CAROL G  
87827 SANDRIFT  
FLORENCE, OR 97439

1812103405901

DURST WILLIAM F  
87649 WOODMERE EAST  
FLORENCE, OR 97439

1812101302100  
FLESHER AHL S & CYNTHIA G  
1820 MADELYNNE CRT  
TURLOCK, CA 95382

1812103100300  
FOX M JAMES & MARTHA C  
87803 SANDRIFT ST  
FLORENCE, OR 97439

1812103100900  
GARDINER FAMILY TRUST  
87737 SANDRIFT ST  
FLORENCE, OR 97439

1812103405700  
GILMOUR DIANNE NOBLE TE  
87629 WOODMERE ST E  
FLORENCE, OR 97439

1812103101300  
HALL WILLIAM & CATHEY M  
87701 SANDRIFT ST  
FLORENCE, OR 97439

1812101302200  
HARRAH LINDA L & MICHAEL R  
87863 KELSIE WAY  
FLORENCE, OR 97439

1812104001402  
HAWKINS BEN & ROSE  
PO BOX 2186  
FLORENCE, OR 97439

1812100000101  
HEAD JAMES & EILEEN  
5139 HECETA BEACH RD  
FLORENCE, OR 97439

1812101301400  
HECETA INC



PO BOX 3467  
FLORENCE, OR 97439

1812103108100  
HERSHEY CHRISTINA G  
85574 GLENADA RD  
FLORENCE, OR 97439

1812101301000  
HILL RICKEY L SR & DONNA M  
87919 WOOD LAKE WAY S  
FLORENCE, OR 97439

1812103100700  
ISHII JOINT TRUST  
87757 SANDRIFT ST  
FLORENCE, OR 97439

1812101302900  
JOHNSON FAMILY TRUST  
5046 KELSIE CRT  
FLORENCE, OR 97439

1812103408000  
KENNETH L URWIN TRUST  
4929 CLOUDCROFT LN  
FLORENCE, OR 97439

1812101302500/600  
KING CHARLES M & BETTY B  
5009 KELSIE CT  
FLORENCE, OR 97439

1812103105300  
KINSLOW JANICE A  
87772 SANDRIFT ST  
FLORENCE, OR 97439

1812101304600/700  
1812102000400, 1812104001600  
LANE COUNTY LAND OWNED  
125 E 8TH AVE  
EUGENE, OR 97401

1812103106300  
LARA ROBERT Y & NANCY L

87786 SANDRIFT  
FLORENCE, OR 97439

1812103405901  
LEHMAN MARY H  
87649 WOODMERE EAST  
FLORENCE, OR 97439

1812101302300  
LEWIS GEORGE E  
5043 KELSIE CRT  
FLORENCE, OR 97439

1812103108000  
LEWIS JACK & BARBARA L EVANS TRUST  
87810 SANDRIFT ST  
FLORENCE, OR 97439

1812103100400  
LOUISE HIX TRUST  
PO BOX 188  
AZALEA, OR 97410

1812103408100  
MCCAULEY DONNA & JIMMY  
87684 LIMPIT LN  
FLORENCE, OR 97439

1812103108100  
MCCONNELL MARIA  
87814 SANDRIFT ST  
FLORENCE, OR 97439

1812101302700  
MCCORD MATTHEW P & ESTHER M  
PO BOX 407  
VALLEYFORD, OR 99036

1812103407900  
MCDONALD LIVING TRUST  
4933 CLOUDCROFT LN  
FLORENCE, OR 97439

1812103105100  
MEHURON ARLENE G TE  
87730 SANDRIFT ST

FLORENCE, OR 97439

1812103105100  
MEHURON REX D TE  
87730 SANDRIFT ST  
FLORENCE, OR 97439

1812101302400  
MENDONCA FAMILY LIVING TRUST  
5033 KELSIE CRT  
FLORENCE, OR 97439

1812103105000  
MILLER MICHAEL J & PATTI J  
87720 SANDRIFT ST  
FLORENCE, OR 97439

1812103407700/800  
PETERSON ROBERT R & CORREEN B  
4937 CLOUDCROFT LN  
FLORENCE, OR 97439

1812103108500  
PILCHER RANDALL J & SUSAN R  
87842 SANDRIFT ST  
FLORENCE, OR 97439

1812103407600  
POTTS CHARLES J & EDITH M  
4938 CLOUDCROFT LN  
FLORENCE, OR 97439

1812103101200  
PURSCHELLEY ROBERT R & CECELIA G  
87623 SANDRIFT ST  
FLORENCE, OR 97439

1812103406200  
ROATH FAMILY TRUST  
PO BOX 2707  
FLORENCE, OR 97439

1812103406200  
ROATH REGINA TE  
PO BOX 2707  
FLORENCE, OR 97439



1812103407100  
ROBERTSON LIVING TRUST  
87659 WOODMERE W  
FLORENCE, OR 97439

1812103403300  
ROGERS DONALD E & CAREN J  
87660 WOODMERE WEST  
FLORENCE, OR 97439

1812103407500  
RONALD L & SUZANNE VIERSEN-SLOAN REV TRU  
87678 LIMPIT LN  
FLORENCE, OR 97439

1812104001800  
SANDRA R JEREMIAH BYPASS TRUST  
PO BOX 466  
PLEASANT HILL, OR 97455

1812103108300  
SHOYS PETER KILLIAN & CHRISTINE MARIE  
87836 SANDRIFT ST  
FLORENCE, OR 97439

1812101302000  
SIKORA JAMES & JANE  
87885 KELSIE WAY  
FLORENCE, OR 97439

1812103101000  
SPIVEY WILLIAM F III & J A  
87733 SANDRIFT ST  
FLORENCE, OR 97439

1812104001500/1701  
THOMPSON BETTY A  
4354 SPRUCE ST  
FLORENCE, OR 97439

1812103108600  
TRUST DATED 06/26/03  
87843 SANDRIFT ST  
FLORENCE, OR 97439

1812103407400  
UDT 11/02/04  
PO BOX 2695  
FLORENCE, OR 97439

1812103407300  
ULMAN BEVERLY & LOHMA  
PO BOX 2570  
FLORENCE, OR 97439

1812103406100  
WADE OTIS A & AMY C  
87661 WOODMERE WEST  
FLORENCE, OR 97439

1812103100600  
WATKINS CARL D & RONETTA B  
1259 GREENWOOD DR NE  
KEIZER, OR 97303

1812104001100  
WILSON MITCHELL & LUCILLE  
05190 HECETA BEACH RD  
FLORENCE, OR 97439

1812103100101  
WILSON PAUL M & JO ANN  
87849 SANDRIFT ST  
FLORENCE, OR 97439

1812103403100  
WOODS FRANK N & ROSEMARY R  
4914 CLOUDCROFT LN  
FLORENCE, OR 97439



# *EGR & Associates, Inc.*

Engineers, Geologists and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402  
(541) 688-8322  
Fax (541) 688-8087

December 15, 2010

Lane County Land Management Division  
Attention: Jeremy A. Sherer, PLS  
125 E 8<sup>th</sup> Ave.  
Eugene, OR 97401

RE: Legal Lot Verification PA 10-5823

Dear Jeremy:

In response to the Notice of Incomplete Land Use Application dated December 14, 2010, we request that the above referenced application be processed as submitted with the following explanation.

From the record it appears that the three tax lots combined would constitute one legal lot.

Tax Lots 400 & 401 were one parcel in 1943 Deed Book 267, Page 391. The date of this document is sufficient to show that the combined Tax Lots constitute a legal lot.

Tax Lot 401 was separated by Contract in 1977, Reel 842R #7721753, leaving 400 as a remainder. This division appears to create two illegal parcels. The parcels were recombined under one ownership in 1980 by Deed Reel 1085R #8036142 and Contract Reel 1067R #8019003.

In 1994 a property line adjustment, Reel 2012R #9479519, was completed between Tax Lot 401 and presumably at that time Tax Lot 800. This adjustment was in preparation for Idylewood Second Addition and is depicted on CSF 32321. For some reason the adjusted portion of Tax Lot 800 was denoted as Tax Lot #801 rather than incorporated within Tax Lot 401.

The current proposal involves subdividing the combined Tax Lots 400, 401 and 801 and it is our opinion that the 1994 adjustment should be considered an adjustment between the combined legal lot of Tax Lots 400 & 401 and the adjoining Tax Lot 800.

If you need any additional information or would like to discuss this further please feel to contact me.

Sincerely,  
*EGR & Associates, Inc.*

Ryan Erickson, PLS  
Professional Surveyor

Cc: Gene Benedick

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Idylewood 4 Legal Lot



**SHERER Jeremy A**

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**From:** SHERER Jeremy A  
**Sent:** Wednesday, December 15, 2010 11:15 AM  
**To:** 'Ryan Erickson'  
**Cc:** 'ejbenedick@msn.com'  
**Subject:** RE: Benedick Legal Lot - PA 10-5823

**December 15, 2010**

**Benedick Holdings, LLC  
27922 Ward Lane  
Eugene, OR 97402**

Subject: PA10-5823, DALLVRN for tax lots 400/401, tax map 18-12-10-40 & tax lot 801, tax map 18-12-10-34, combined

Received on: 11/18/2010

Proposal: Final Legal Lot Verification with Notice

The land use application(s) referenced above has/have been deemed complete and accepted for processing pursuant to Lane Code (LC) 14 050(3). Acceptance as a complete application does not involve determining if the application is approvable based on the applicable approval criteria. It is the responsibility of the applicant to demonstrate that the application meets the approval criteria. The information provided by the applicant may or may not be adequate for this purpose.

Staff are required by LC 14.050(3)(b)(iv) to mail this written notice to the applicant when an application is deemed complete. Once assigned, staff will process your application(s) according to LC 14 050(4). Staff will process your application and evaluate whether the approval criteria are met. A land use decision with findings of fact and conditions of approval will then be mailed to the applicant, parties of record and surrounding property owners. Absent an appeal and upon expiration of the 12 day appeal period, your land use decision becomes final.

If you have any questions concerning this letter, please contact our administrative staff, Chris Rogers at (541) 682-3347.

Sincerely,

Jeremy A. Sherer, PLS  
Engineering Associate  
Lane County Planning Department

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**From:** Ryan Erickson [mailto:rerickson@egrassoc.com]  
**Sent:** Wednesday, December 15, 2010 10:39 AM  
**To:** SHERER Jeremy A  
**Cc:** 'Clint Beecroft'  
**Subject:** Benedick Legal Lot - PA 10-5823

Jeremy,

Attached is the letter you requested outlining the history of the three tax lots.

12/15/2010

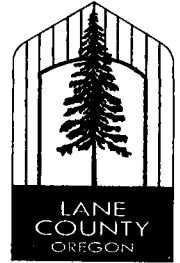
Let me know if you need anything else.

Ryan Erickson, PLS  
Professional Surveyor  
EGR & Associates  
2535 B Prairie Rd  
Eugene, OR 97402

Office: (541) 688-8322  
Cell: (541) 914-0711  
Fax: (541) 688-8087

December 14, 2010

## Notice of Incomplete Land Use Application



LAND MANAGEMENT DIVISION  
[http //www LaneCounty org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

**Owners:**

**Benedick Holding LLC  
27922 Ward Lane  
Eugene, OR 97402**

**Applicant:**

**Benedick Holding LLC  
27922 Ward Lane  
Eugene, OR 97402**

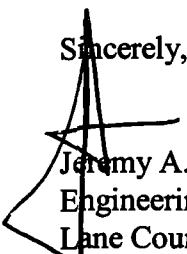
Subject: PA10-5823  
Received on **October 20, 2010**

Proposal: A request for Director Approval of a Legal Lot Verification with Notice Application pursuant to the provisions of Lane Code 13.020

Your land use application is incomplete. Please see the attached list of item(s) needed. If the materials will not be submitted within 14 days, complete and return the enclosed "Applicant Intent Form."

If you have any questions concerning this notice or your application, please contact me.

Sincerely,



Jeremy A. Sherer, PLS  
Engineering Associate  
Lane County Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene OR 97401  
(541) 682-3989  
(541) 682-3947 (FAX)  
[jeremy.a.sherer@co.lane.or.us](mailto:jeremy.a.sherer@co.lane.or.us)



## **Items needed to complete application PA10-5823**

The following items need to be submitted to complete the application:

1. Lane Code Chapter 14.050(1)(d) requires each application be accompanied by the appropriate filing fee. The application is for two legal lot verifications with notice on one application. The two legal lot determinations are 18-12-10-40-00400 & 401 (Combined), and 18-12-10-34-00801. Please apply for an additional legal lot on one of the legal lot determinations and advise which tax lot goes to each application.

Please note that it is the applicant's responsibility to provide persuasive evidence that the application complies with the decision criteria. Supplying the requested information will provide the necessary persuasive evidence to document an objective decision.

## **Applicant Intent Form**

**Date: December 14, 2010**

**Department File No.: PA10-5823**

**Received On: November 18, 2010**

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**In order to help us process your application, please:**

- 1. Check one box;**
- 2. Sign & date at the bottom;**
- 3. Return in enclosed self-addressed envelope.**

- ☐ **I intend to submit the missing or incomplete materials as identified in the Incomplete Notice.** I understand that according to State law I have up to 180 days from the date the application was submitted to provide the missing information, and that, on the 181st day after first being submitted, the application is void if the I have not submitted:
- (a) All of the missing information; or
  - (b) Some of the missing information and written notice that no other information will be provided.
- ☐ **I do not intend to submit the missing or incomplete materials as identified in the Incomplete Notice.** I understand that Lane County will proceed to review the application materials previously submitted. I understand that incomplete applications may not provide the necessary supporting information to demonstrate compliance with applicable criteria and standards and may result in the denial of my application.
- ☐ **I wish to withdraw the application.** I understand that Lane County will refund any portion of the application fee that has not been expended in the review of the application.

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Signature of Applicant / Agent

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Date

## **SHERER Jeremy A**

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**From:** SHERER Jeremy A  
**Sent:** Tuesday, December 14, 2010 8:50 AM  
**To:** 'clintbeecroft@egrassoc.com'  
**Subject:** Benedick Holding Legal Lot Verification PA10-5823  
  
**Attachments:** PA105823 Incomplete.doc

Mr. Beecroft,

I spoke to Mr. Benedick yesterday about the legal lot verification that was submitted by Sharla Whitten and he told me to contact you.

I have just completed the "completeness review" for two legal lots verifications on two separated tax lots (tax lot 801 and tax lots 400/401). These verifications require two applications -- one application per tax lot.

I have attached the word doc I sent to Benedick Holdings for your convenience. The applicant will have to respond to the letter and apply for an additional legal lot verification.

I left a message for you yesterday, so please let me know if you have any questions



PA105823  
complete.doc (49 KB)

Sincerely,

Jeremy A. Sherer, PLS  
Engineering Associate  
Lane County Planning Department



AFTER RECORDING RETURN TO:

Douglas A. Nelson  
Gartland, Nelson, McCleery,  
Wade & Walloch, P.C.  
44 Club Road, Suite 200  
Eugene, OR 97401

UNTIL A CHANGE IS REQUESTED,  
MAIL ALL TAX STATEMENTS TO:

Benedick Holdings, LLC  
Sharla A. Whitten and Judith M. Southwell, Managers  
27922 Ward Lane  
Eugene, OR 97402

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2007-083806



\$36.00

00964807280700838080030239

12/21/2007 11:19:45 AM

RPR-DEED Cnt=1 Str=4 CASHIER 02  
\$15.00 \$11.00 \$10.00

### WARRANTY DEED - STATUTORY FORM

Julius E. Benedick and E. Justine Benedick, Grantor, conveys and warrants to Benedick Holdings, LLC, an Oregon limited liability company, Grantee, the real property in Lane County, Oregon, described on the attached Exhibit A, free of encumbrances, except as specifically set forth therein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

This conveyance is for no consideration, as it is the initial contribution to the LLC. The liability and obligations of Grantor and Grantees and Grantees' heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right or indemnification available to Grantor under any title insurance policy, and Grantor shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any such title insurance policy.

Dated: December 20, 2007.

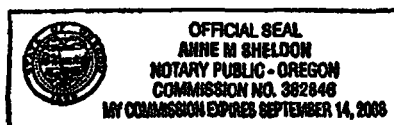
GRANTOR:

JULIUS E. BENEDICK

E. JUSTINE BENEDICK

STATE OF OREGON     )  
                                  ) ss.  
County of Lane        )

The foregoing instrument was acknowledged before me on December 20, 2007, by Julius E. Benedick and E. Justine Benedick.



Notary Public for Oregon

WARRANTY DEED -- STATUTORY FORM

## EXHIBIT A

Parcel I -- Idylewood Phase 4. Tax Acct. Nos. 1675071, 1675105, 1675188, 1675196, 1675295, 167329 and 1675303:

Lots 203, 206, 214, 215, 225, 226 and 228, Idylewood Third Addition, as platted and recorded in File 75, Slides 1188 and 1189 on December 21, 2001, Reception No. 2001-086511, Official Records of Lane County, Oregon. ✓

Parcel II -- Idylewood Phase 5. Tax Acct. Nos. 1181674 and 780484:

The Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian in Lane County, Oregon. ✓

Parcel III -- Idylewood Phase 5. Tax Acct. No. 1517844:

Beginning at a point being North 1° 46' 07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77° 19' 35" West 158.87 feet; thence South 6° 21' 44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46° 40' 43" West 76.25 feet) a distance of 86.71 feet; thence South 86° 59' 43" West 10.39 feet; thence North 37° 06' 35" West 285.00 feet; North 44° 45' 37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65° 58' 12" West 115.84 feet) a distance of 120.89 feet; thence North 4° 49' 49" West 60.00 feet; thence North 9° 36' 38" West 145.69 feet; thence North 68° 57' 42" East 153.02 feet; thence North 31° 46' 42" West 126.38 feet to the Southerly line of Idylewood 1st Addition as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88° 12' 32" East 221.67 feet; thence North 1° 47' 28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3° 19' 49" West 12.50 feet) a distance of 12.52 feet; thence South 88° 12' 32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1° 47' 05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1° 46' 07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

EXCEPT THEREFROM that portion lying within Land Partition Plat No. 2001-P1501, as platted and recorded 10-09-01, Reception No. 2001-066548, Official Records of Lane County, Oregon. ✓

PARCEL IV -- Fern Ridge. Tax Acct. No. 1394962:

Beginning at the Northwest corner of the Borer tract as described in Deed recorded in Book 260, Page 459, Lane County Oregon Deed Records, said point being marked by a 3/8 inch iron rod set on the Southerly right of way of Wildrose Lane that is North 87° 33' 15" West 565.75 feet from the East 1/16th Corner on the North line of Section 24, Township 17 South, Range 5 West of the Willamette Meridian; run thence along said right of way North 87° 33' 15" West 56.86 feet to a 5/8 inch iron rod; thence along the arc of a 120.00 foot radius curve to the left, the long chord of which bears South 79° 31' 30" West 53.67 feet to a 5/8 inch iron rod; thence along the arc of a 180.00 foot radius curve to the right, the long chord of which bears South 79° 31' 30" West 80.49 feet, to a 5/8 inch iron rod; thence North 87° 33' 15" West 508.63 feet to a 5/8 inch iron rod; thence leaving said right of way South 1281.38 feet to a point 19.90 chains South of the North line of said Section 24, said point being marked by a 5/8 inch iron rod; thence South 87° 22' 22" East parallel with the North line of said Section 24, 695.16 feet to a 5/8 inch iron rod being the Southwest corner

of the Borer tract herein above referred to; thence North 0° 06' 28" East 1313.51 feet to the place of beginning, in Lane County, Oregon. ✓

Parcel V -- Fern Ridge, Tax Acct. No. 1394954:

Beginning at a 5/8 inch iron rod that is South 2° 26' 19" West 30.00 feet from the Brass Cap marking the North 1/4 corner of Section 24, Township 17 South, Range 5 West of the Willamette Meridian, said point also being on the Southerly right of way of Wildrose Lane; thence along said right of way South 87° 33' 15" East 61.70 feet to a 5/8 inch iron rod; thence leaving said right of way South 1281.38 feet to a point 19.90 chains South of the North line of said Section 24 and being marked by a 5/8 inch iron rod; thence North 87° 22' 22" West parallel with the North line of said Section 24, 700.39 feet to a 5/8 inch iron rod; thence North 1278.98 feet to a 5/8 inch iron rod set on said Southerly right of way; thence along said right of way South 87° 34' 08" East 638.59 feet to the place of beginning, in Lane County, Oregon. ✓

Parcel VI -- Fern Ridge, Tax Acct. No. 497642:

Beginning at a 5/8 inch iron rod set on the Southerly right of way of Wildrose Lane, said iron rod being South 2° 26' 19" West 30.00 feet and North 87° 34' 08" West 638.59 feet from the Brass Cap marking the North 1/4 Corner of Section 24, Township 17 South, Range 5 West of the Willamette Meridian; run thence along said right of way North 87° 34' 08" West 379.90 feet to a 5/8 inch iron rod; thence continuing along said right of way North 87° 34' 08" West 305.29 feet to a 5/8 inch iron rod to the West line of Government Lot 2 of said Section 24; thence leaving said right of way South 2° 08' 23" West along the West line of said Lot 2, 1154.73 feet to a 5/8 inch iron rod on the Northerly edge of the Amazon Channel; run thence along the Northerly right of way of said channel South 51° 19' 17" East 76.59 feet to a 5/8 inch iron rod; thence along the arc of a 1332.39 foot radius curve to the left, the long chord of which bears South 54° 29' 35" East 147.44 feet to a 5/8 inch iron rod; thence leaving said channel right of way South 88° 08' 15" East 336.99 feet to a Brass Cap marking the Northeast Corner of the R. Basket Donation Land Claim No. 49, Township 17 South, Range 5 West of the Willamette Meridian; thence South 87° 22' 22" East 211.28 feet to a 5/8 inch iron rod; thence North 1278.98 feet to the place of beginning, in Lane County, Oregon. ✓

Parcel VII -- Fern Ridge, Tax Acct. No. 497645:

The north 30 feet of the following described property:

Lot 2 of Section 24 and that part of the Northwest quarter of the Northeast quarter and that part of the Northeast quarter of the Northwest quarter of Section 24, described as follows:

Beginning at a point where the West line of the County Road intersects the North line of the said Northeast quarter being at a point 20 chains, more or less, West of the Northeast corner of said Section, thence running South 19.90 chains on the West line of said County Road; thence West 20 chains; thence North 1.20 chains; thence West 12.65 chains; thence North 18.70 chains to the North line of said Section; thence South 89° 48' East 32.65 chains, more or less, to the place of beginning, all in Township 17 South, Range 5 West, Willamette Meridian, in Lane County, Oregon;

EXCEPT that certain tract conveyed to Mae Borer by Deed recorded January 12, 1944, at Page 459 of Volume 260, Lane County Oregon Deed Records, Lane County, Oregon.

ALSO EXCEPT 1.22 acres out of New Plat of FRV Subdivision per File 72, Slide 186, for 1979-80. ✓



## DECLARATION OF PROPERTY LINE ADJUSTMENT

JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife are the owner of two adjoining parcels of property referred to herein as Parcel 1 and Parcel 2. JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife are setting forth this declaration to set an adjusted boundary line between Parcel 1 and Parcel 2 to comply with Lane County Land Use Regulations and the provisions of ORS 92.190(4).

The reference to the legal description of the Parcel 1 property prior to this adjustment is contained in the deed recorded July 29, 1985, as Reception Number 8526542, Reel Number 1360;

The reference to the legal description of the Parcel 2 property prior to this adjustment is contained in the deed recorded July 23, 1980, as Reception Number 8036142, Reel Number 1085;

Following this lot line adjustment, the description of the Parcel 1 property is described on the attached Exhibit "A". Following this lot line adjustment, the description of the Parcel 2 property is described on the attached Exhibit "B".

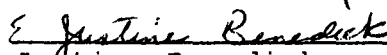
The portion of the legal description which depicts the new adjusted line between Parcel 1 and Parcel 2 is described on the attached Exhibit "C".

7255NOV.18.84#07REC 30:00  
7255NOV.18.84#07PFGND

The true consideration for this conveyance is \$ 0 .

Dated this 7 day of November, 1994.

  
Julius E. Benedick

  
Justine Benedick

AFTER RECORDING RETURN TO:

WOBBE & ASSOCIATES, INC.  
510 KINGWOOD STREET  
P.O. BOX 3093  
FLORENCE, OREGON 97439  
(503) 997-8411

After Recording Return To:  
Western Pioneer Title Co.  
P.O. Box 10146  
Eugene, OR 97440

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY USES.

STATE OF OREGON     )  
                              ) SS  
County of Lane     )

On November 7, 1994, personally appeared the above named JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife and acknowledged the foregoing instrument to be a voluntary act and deed.



Sandy Wigmore  
Notary Public for Oregon.  
My Commission Expires: 9-7-95

## "EXHIBIT A"

The North 60 feet of the following described property:

Beginning at a point where the East line of the Coast Guard County Road intersects the South line of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon; thence Easterly along the South line of said Northwest Quarter of the Southwest Quarter of said Section 10, 952 feet, more or less, to the Southeast corner of said Northwest Quarter of the Southwest Quarter of said Section 10; thence Northerly along the East line of said Northwest quarter of the Southwest quarter of said Section 10, 990.0 feet to a point; thence West to the East line of the Coast Guard County Road; thence Southerly along the East line of said County Road, to the place of beginning, in Lane County, Oregon.

ALSO: The Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, Section 10, Township 18 South, Range 12 West, of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM: Beginning at a point which is located 390 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon; thence Southerly 930 feet along the West line of said Northeast quarter of the Southwest quarter of Section 10; thence Easterly 120 feet to a point; thence Northerly 930 feet to a point; thence Westerly 120 feet to the place of beginning.

EXCEPT: Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDYLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the

**9479519**

Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South  $1^{\circ}46'07''$  West 506.24 feet to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT: IDYLEWOOD, as platted and recorded in File 73, Slides 488 and 489, Lane County Oregon plat Records, in Lane County, Oregon.

ALSO EXCEPT: IDYLEWOOD FIRST ADDITION, as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon.



## "EXHIBIT B"

The East half of the Northwest quarter of the Southeast quarter, and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette meridian, in Lane County, Oregon.

ALSO: Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDYLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

## "EXHIBIT C"

Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDYLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

The above described parcel contains 5.97 acres, more or less.

The above description is subject to title company concurrence, easements of record, questions of survey and local planning authority approval.

9479519

State of Oregon,  
County of Lane--ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

10 AM 9 : 36

Reel 2012R

Lane County OFFICIAL Records  
Lane County Clerk

By

*[Signature]*  
County Clerk

**OWNERS  
AND  
PARTITIONERS:**

JULIUS E. AND E. JUSTINE BENEDICK  
29762 WARD LANE  
EUGENE OR 97402

**SURVEYOR:**

GARY MORRIS CONSTRUCTION INC  
90187 UPPER NORTH FORK RD  
FLORENCE, OR 97439

WOBBE & ASSOCIATES INC  
EUGENE M. WOBBE, P.L.S. W.R.E.  
P.O. BOX 3093 / 310 KINGWOOD ST  
FLORENCE, OREGON 97439

**PA NO.**

PA 00-5552

**ZONING:**

RA/U/BD

**APPROVALS:** William D. Brown DEPUTY CS 10/1/2001  
DATE  
LANE COUNTY SURVEYOR  
John S. Peltch 10/1/2001  
DATE  
COUNTY ASSESSOR  
John S. Peltch June 28, 2001  
DATE  
FOR DIRECTOR LAND MANAGEMENT DIVISION

**SURVEYORS CERTIFICATE:**

I, EUGENE M. WOBBE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PLAT

BEGINNING AT THE SOUTHWEST CORNER OF LOT 131 IDYLEWOOD SECOND ADDITION AS PLATTED AND RECORDED IN FILE 75, SLIDE 184 LANE COUNTY OREGON PLAT RECORDS, THENCE NORTH 0°21'44" EAST 154.21 FEET, THENCE SOUTH 88°13'57" EAST 154.56 FEET THENCE SOUTH 1°46'07" WEST 122.75 FEET TO THE NORTHEAST CORNER OF LOT 132 IDYLEWOOD SECOND ADDITION THENCE SOUTH 86°27'48" WEST 139.05 FEET TO THE NORTHWEST CORNER OF SAID LOT 132, THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE LEFT (THE CHORD OF WHICH BEARS NORTH 53°35'14" WEST 50.08 FEET) A DISTANCE OF 52.45 FEET TO THE POINT OF BEGINNING IN LANE COUNTY OREGON

**OWNERS DECLARATION:**

KNOW ALL MEN THAT GARY MORRIS CONSTRUCTION, INC. AN OREGON CORPORATION AND JULIUS E. BENEDICK AND E. JUSTINE BENEDICK HUSBAND AND WIFE ARE THE OWNERS OF THE LAND DESCRIBED HEREON AND DID CAUSE THE SAME TO BE PARTITIONED AND PLATTED AS SHOWN HEREON ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES CHAPTER 92

GARY MORRIS CONSTRUCTION, INC

Gary D. Morris  
GARY D. MORRIS, PRESIDENT

**ACKNOWLEDGEMENT:** STATE OF OREGON SS  
COUNTY OF LANE

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED GARY D. MORRIS, PRESIDENT OF GARY MORRIS CONSTRUCTION, INC., AN OREGON CORPORATION WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED

ACKNOWLEDGED BEFORE ME THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2001

Pamela S. Engle

# PARTITION PLAT

FOR JULIUS E. AND E. JUSTINE BENEDICK

AND

GARY MORRIS CONSTRUCTION, INC  
REPLAT OF LOT 131, IDYLEWOOD SECOND ADDITION  
SW 1/4, SEC 10, T 18 S, R 12 W, W M  
LANE COUNTY, OREGON  
FEBRUARY 20, 2001

**RECORDED**  
DATE: 09 Oct 2001  
COUNTY CLERK  
BY: Jeffrey Ford

LAND PARTITION PLAT NO.  
**2001-PI501**

Division of Chief Deputy Clerk  
Lane County Deeds and Records 2001-066540  
\$36.00  
10/09/2001 09 23 45 AM  
RPR-PHRT Cnt=1 Slt=7 CRSHIER 04  
\$15.00 \$10.00 \$11.00

LANE COUNTY SURVEYORS OFFICE  
C.S. FILE NO. 37230  
FILING DATE 9 OCT 01

C

**NARRATIVE**

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE CORNERS OF LANE COUNTY PARTITION NO. PA 00-5552. THE SOUTHERLY, EASTERLY AND WESTERLY BOUNDARY WAS ESTABLISHED FROM LOT 131 IDYLEWOOD SECOND ADDITION. THE NORTHERLY LINE WAS ESTABLISHED AT THE DIRECTION OF THE OWNER

- INDICATES 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WOBBE - PLS 1093"
- INDICATES 5/8" IRON ROD FOUND WITH YELLOW PLASTIC CAP MARKED PLS 1093" PER IDYLEWOOD SECOND ADDITION
- \* INDICATES MEASURED DATA SAME AS RECORD PER IDYLEWOOD SECOND ADDITION FILE 75, SLIDE 194 AND 195. NOTE: ALL FOUND MONUMENTS CHECK WITHIN 0.1' OF PLAT RECORD

**NOTES REQUIRED PER PA 00-5552:**

ALL DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF THE BEACHES AND DUNES (/BD) COMBINING DISTRICT. ANY DEVIATION FROM THE SITE PLAN APPROVED UNDER PA 4232-93 WILL REQUIRE A NEW PRELIMINARY INVESTIGATION

**NOTES:**

THIS SUBDIVISION IS AFFECTED BY "STATEMENT OF COMPATIBILITY/WAIVER OF TIME ANNEX" RECORDED SEPTEMBER 14, 1994, RECORDERS RECEPTION NO. 94-86156 OFFICIAL RECORDS OF LANE COUNTY

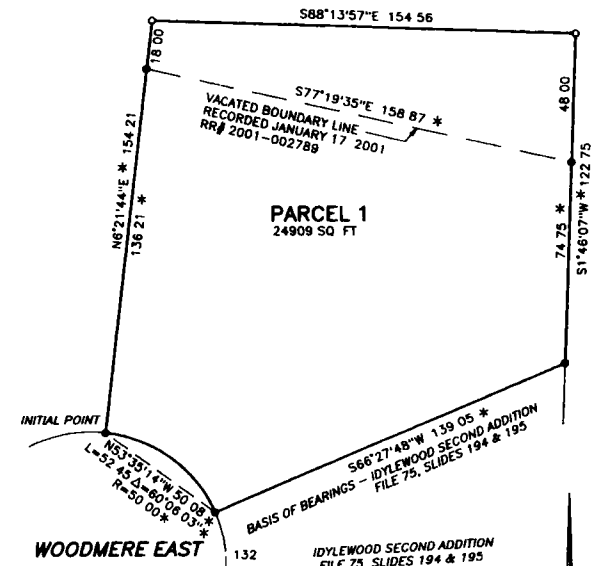
THIS SUBDIVISION IS AFFECTED BY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED JUNE 14, 1995, RECORDERS RECEPTION NO. 95-32826 OFFICIAL RECORDS OF LANE COUNTY

CONCURRENCE RECORDED 09 October 2001  
RECORDERS RECEPTION NO. 2001-066542

CONCURRENCE RECORDED 09 October 2001  
RECORDERS RECEPTION NO. 2001-066550

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE PLAT AS SHOWN

Eugene M. Wobbe



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Eugene M. Wobbe  
OREGON  
JULY 26, 1978  
EUGENE M. WOBBE  
1093  
P.L.S. EXPIRATION DATE: 6-30-2009

MAP NO. 18-12-10-3-4, T.L. 5900 & 801

G:\DC\92001\4857N.DWG

- INDICATES FOUND 5/8" I R MARKED "WOBBE - PLS 1093", UNLESS OTHERWISE INDICATED
- INDICATES 5/8" X 30" IRON ROD SET WITH YELLOW CAP MARKED "WOBBE -PLS 1093"
- INDICATES MEASURED DATA SAME AS RECORD
- () INDICATES RECORD DATA.



REGISTERED PROFESSIONAL LAND SURVEYOR <i>Eugene M. Wobbe</i> OREGON EXPI. 12-31-94 EUGENE M. WOBBE 1083 P.L.S. EXPIRATION DATED: 12-31-94	<b>WOBBE &amp; ASSOCIATES, INC.</b> 510 KINGWOOD ST / P O BOX 3093 FLORENCE, OR 97439	1. AM COUNTY 2. MAP 1/25 1/4 1 3. 32321 4. DATE 12-17-94 5. 1/4 - C
	SURVEY FOR	
	GENE BENEDICT	
	SW 1/4, SEC. 10, T18 S, R 12 W, W M FLORENCE, LAKE COUNTY, OREGON	
OCTOBER 6, 1994		



**OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES**  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

4 of 29



21100 (8) 200 780 484  
OLD NUMBER ACCOUNT NUMBER

TAX LOT		SECTION		TOWNSHIP	S.	RANGE
MAP NO.	18.12.10.4	PARCEL NO.	400	10	18	12W
LEGAL DESCRIPTION		DEED RECORD		ACRE		
		DATE OF ENTRY	DEED NUMBER	REMAIN		
NW 1/4 SE 1/4 of Sec. 10, T18S, R12W Containing more or less		1945	267/391	40.0		
Less: 0.05 acre in County Road Containing more or less				39.9		
EXCEPT: 39.95 acre to 401 for 1977 per R842/21753 Containing more or less				10.00		
The Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian in Lane County, Oregon. Containing more or less		1980	R1067/19003	10.00		
The Northwest quarter of the Northwest quarter of the Southeast Quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian in Lane County, Oregon. Containing more or less		1986	R1371/8537408	10.00		
		2008-02	2007-083806			

\*Does not read as above but  
Includes all therein

\*Does not read as above but  
Includes all therein



KNOW ALL MEN BY THESE PRESENTS, That Leaster Circle and  
Alkie P. Circle his wife  
in consideration of Ten and 00/100 Dollars,  
to us paid by R. E. Smith and E. M. Smith his wife,  
do hereby grant, bargain, sell and convey unto said R. E. Smith and E. M. Smith his wife  
their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the  
County of Lane and State of Oregon, bounded and described as follows, to-wit:  
The Northeast Quarter (1/4) of the Southeast Quarter of Section Ten (10)  
in Township Eighteen (18) South Range, Twelve (12) West of the  
Willamette Meridian in Lane County, Oregon, containing Forty (40)  
Acres.  
To Have and to Hold, the above described and granted premises unto the said  
R. E. Smith and E. M. Smith his wife,  
their heirs and assigns forever  
And we, Leaster Circle and Alkie P. Circle his wife, the grantors  
above named do covenant to and with the above named grantees, their heirs and assigns  
that we lawfully seized in fee simple of the above granted premises, that the above  
granted premises are free from all incumbrances,  
and that we will and our heirs, executors and administrators, shall warrant and forever  
defend the above granted premises, and every part and parcel thereof, against the lawful claims and  
demands of all persons whomsoever.  
Witness our hands and seals, this 14th day of July, 1943.  
Executed in the Presence of  
   
Leaster Circle (SEAL)  
Alkie P. Circle (SEAL)  
(SEAL)  
(SEAL)  
STATE OF OREGON, )  
County of Lane ) ss.  
BE IT REMEMBERED, That on this 14th day of July, A. D. 1943  
before me, the undersigned, a Notary Public  
in and for said County and State, personally appeared the within named  
Leaster Circle and Alkie P. Circle husband and wife,  
who are known  
to me to be the identical individuals described in and who executed the within instrument and  
acknowledged to me that they executed the same freely and voluntarily.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and  
official seal the day and date last above written.  
Chas. R. ...  
Notary Public for Oregon.  
My Commission expires March 23, 1945.

R-14.50 12 11 10 9 8 7 6 5 4 3 2 1

8019003

18-12-10-40-400

## MEMORANDUM OF LAND SALE CONTRACT

KNOW ALL MEN BY THESE PRESENTS, That on the 11th day of April, 1980, COREEN MORLEY, duly appointed and qualified acting Personal Representative of the Estate of ROSS E. SMITH, deceased, Probate #90 79 09133, as VENDORS, and JULIUS E. BENEDICK AND E. JUSTINE BENEDICK, each with an undivided one-half interest as tenants in common, as VENDEES, made and entered into a certain Land Sale Contract;

WHEREAS, VENDOR agreed to sell and VENDEES agreed to purchase the following described real property, to-wit:

The Northwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian in Lane County, Oregon.

A Q . 518 (112 00003.5

The true and actual consideration stated in terms of dollars is \$20,000.00.

VENDEES ADDRESS: 333 Howard Avenue, Eugene, Oregon, 97403.

The terms and conditions of said transfer being fully set forth in said Land Sale Contract.

IN WITNESS WHEREOF the parties have hereunto set their hands this 11th day of April, 1980.

COREEN MORLEY, Personal Representative,  
for the Estate of ROSS E. SMITH

JULIUS E. BENEDICK  
E. JUSTINE BENEDICK

STATE OF OREGON, County of Lane

COREEN MORLEY appeared the within named COREEN MORLEY, Personal Representative of the Estate of ROSS E. SMITH, and acknowledged the foregoing instrument to be her voluntary act and deed as Personal Representative aforesaid. Also personally appeared the within named JULIUS E. BENEDICK and E. JUSTINE BENEDICK and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Veronica J. Schmidt  
Notary Public for Oregon  
My Commission Expires August 2, 1982.

PIONEER TITLE CO., of Lane and Deschutes Counties

8019003

1 18 1971 1 18 1971

State of Oregon,  
County of Lane--on.

I, D.M. Pugh, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at

15 JAN 22 1971

Real 1067R

Lane County OFFICIAL RECORD.

D.M. Pugh, Director of the Department of General Services.

*Salvando*

Notary

MEMORANDUM OF LAND SALE CONTRACT

1. The above instrument was received for record at the County Clerk's Office, Lane County, Oregon, on the 15th day of January, 1971, at 1:15 P.M.

2. The instrument was duly recorded in the County Clerk's Office, Lane County, Oregon, on the 15th day of January, 1971, at 1:15 P.M.

3. The instrument was duly recorded in the County Clerk's Office, Lane County, Oregon, on the 15th day of January, 1971, at 1:15 P.M.

MEMORANDUM OF LAND SALE  
CONTRACT

**PIONEER  
TITLE CO.**

OF LAND & DEEDS CONVEYANCES

600 Pearl St. • Eugene	345-4454
222 N. "A" St. • Springfield	745-7555
155 Oregon Ave. • Medford	335-5125



WP10 70777-C  
18-12-10-4-450

8537408

## DEED OF PERSONAL REPRESENTATIVE

I, CAREEN MORLEY, duly appointed and qualified acting Personal Representative of the Estate of ROSS E. SMITH, deceased, do convey to JULIUS E. BENEDICK and E. JUSTINE BENEDICK, each with an undivided one-half (1/2) interest as tenants in common, all of that real property situated in Lane County, State of Oregon, and more particularly described as follows:

The Northwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian in Lane County, Oregon.

1789A001 10/17/85WP10 6.00  
\*\*0003\*\*

Free and clear of all encumbrances thereon.

The true and actual consideration for this transfer is TWENTY THOUSAND (\$20,000.00) DOLLARS.

DATED this 14 day of April, 1980.

*Careen Morley*  
CAREEN MORLEY,  
Personal Representative of the  
Estate of ROSS E. SMITH, Dec'd

STATE OF OREGON )  
County of Lane ) ss.

On the 11th day of April, 1980, personally appeared before me the above-named CAREEN MORLEY and acknowledged the above instrument to be her voluntary act as Personal Representative aforesaid. Before me:

*Linda J. Schmidt*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: Aug 2, 1982  
NOTARY PUBLIC FOR OREGON  
LINDA J. SCHMIDT  
STATE OF OREGON

After Recording Return to:  
Julius E. and E. Justine Benedick  
333 Howard Avenue  
Eugene, Oregon 97404

Until a change is requested, mail  
all tax statements to:  
Julius E. and E. Justine Benedick  
333 Howard Avenue  
Eugene, Oregon 97404

8537408

C 30-93

By: AK

Notary Public, State of Oregon,  
Lane County Clerk

1971R

17 OCT 83 15: 03

I, the County Clerk, do hereby certify that the within  
instrument was received by record as  
County, do hereby certify that the within

8537408

**OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES** 10 OF 20  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

201 181 674

OLD NUMBER		ACCOUNT NUMBER		
TAX LOT				
MAP NO. 18.12.10.4	PARCEL NO. 401	SECTION 10	TOWNSHIP 18 S	RANGE 12W
INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	
	SW 1/4 of the NW 1/4 of the SE 1/4 and the E 1/2 of the NW 1/4 of the SE 1/4	1977	R842/21753	29.9
		1978	R866/61091	
	Containing more or less	1978	R866/61092	
		1980	R1085/36142	
		<del>200802 2007-683806</del>		

\*Does not read as above but  
includes all therein



FORM No. 101. CONTRACT—REAL ESTATE—Fixed Payments.

7721753

CONTRACT—REAL ESTATE

THIS CONTRACT, Made the 7th day of February, 1977, between

Rosa E. Smith

of the County of Lane, and State of Oregon, hereinafter called

the first party, and Curtis A. Lloyd

of the County of Lane, and State of Oregon, hereinafter called the second party,

WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the first party hereby agrees to sell, and the second party agrees to purchase, the following described real estate, situate in the County of Lane, State of Oregon, to-wit:

T18 S, R 12W, Sec 10 of Tax Lot #400 as follows:  
S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the S $\frac{1}{2}$  Equalling 30 acres  $\pm$ .

for the sum of Twenty-two thousand, five hundred Dollars (\$22,500.00) on account of which four thousand (4000) Dollars (\$4,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the first party), and the remainder to be paid to the order of the first party with interest at the rate of 0% per cent per annum from February 2, 1977, on the dates and in amounts as follows:

February 8, 1978,	\$4,000.00	including interest
February 8, 1979,	\$4,000.00	" "
February 8, 1980,	\$4,000.00	" "
February 8, 1981,	\$4,000.00	" "
February 8, 1982,	Balance of total amount due.	

All or any part of said purchase price maybe paid at anytime.

Seller agrees to subordinate the title to a first mortgage for a loan for building and/or improvements and to take back a second mortgage as security for his unpaid balance.

The buyer (also called second party) warrants to and covenants with the seller that the real property described in this contract is (a) properly the seller's personal property, freehold or leasehold, and (b) free from all liens, mortgages, judgments, and other encumbrances.

There for the current tax year shall be prorated between the parties hereto as of the date of this contract. The second party, in consideration of the purchase, hereby agrees to pay all taxes heretofore levied and all public and municipal taxes and assessments heretofore lawfully levied upon said premises, all currently and before the same or any part thereof levied and due, that he will have all buildings upon or attached, erected, or said premises located in force of the first party against fire or damage by fire (with attached coverage) in an amount not less than the appraised value in a summary of comparison satisfactory to this party, and will have all policies of insurance on said premises made payable to the first party or the seller's interest thereon and will deliver all policies to the first party or the seller's interest at once as required. All improvements placed thereon shall remain, and shall not be removed, unless first payment be made for said improvements as provided herein.

(Continued on reverse)

**IMPORTANT NOTICE:** Before, by filing a contract, withholds above and whether or not (a) or (b) is applicable, if necessary (a) is applicable and if the title is a promise, as such used is defined in the Freeholder's Act and Regulation 2, the seller shall comply with the law and regulations by making required disclosures for this contract, the Standard Form No. 100 or finding which the contract will become a final due to transfer the parties of a dwelling in which owner or persons other than No. 1200 or similar.

SELLER'S NAME AND ADDRESS  
Rosa E. Smith  
25781 Hwy 126  
Vernon, Oregon 97457

After recording return fee

NAME, ADDRESS, ZIP

Mail a change to requested all too checkmate shall be sent to the following address.

NAME, ADDRESS, ZIP

## STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 1977.

at o'clock M., and recorded in book on page or as filed number of said county.

Witness my hand and seal of County attested.

5 5 5 7 3 1 2 8 0 0 0 7

By Recording Officer Deputy





13 12 10 4 400 7706001 687 46006

ROSS E. SMITH

Grantor,  
convey to and for the use of LLOYD OPERATIONS, INCORPORATED, an Oregon corporation  
Grantee,  
the following described real property free of encumbrances except as specifically set forth herein situated in  
Lane County, Oregon, to-wit:

The East half of the Northwest quarter of the Southeast quarter;  
and the Southwest quarter of the Northwest quarter of the  
Southeast quarter of Section 10, Township 18 South, Range 12,  
West of the Willamette Meridian, in Lane County, Oregon.

B 0 . 1-45571 5.0

This said property is free from encumbrances except conditions, restrictions and onso-  
ments of record and the 1977-78 taxes, a lien not yet due and  
payable.

The true consideration for this conveyance is rather than money.  
(Here comply with the requirements of ORS 93.030)

Dated this 23rd day of September, 1977

*Ross E. Smith*  
Ross E. Smith

STATE OF OREGON, County of Lane, Jss. 9-23-1977  
Personally appeared the above named ROSS E. SMITH  
and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: *W. M. Sturges*  
Notary Public for Oregon—My commission expires 7-5-81

Grantee's Address 23850 Highway 126, Veneta, OR 97487

PIONEER TITLE CO., of Lane and Douglas Counties, Ore.

State of Oregon,  
County of Lane--ss.

I, D. L. Frisfield, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was recorded for record at

1977 SEP 26 PM 1 17

Recd 866 R

**-San Diego County OFFICIAL Records-**

D.M. Penfold, Director of the Department of  
General Services.

By E. H. Lawrence  
C20-53

1. 100-443775-1

1941-42	1942-43
1943-44	1944-45
1945-46	1946-47
1947-48	1948-49

2. The following information is to be used:

12 10 4 400

NOTARY PUBLIC CONTRACT AND DEED

7761092

WPT 46006

CURTIS A. LLOYD

for value received hereby grant, bargain, sell and convey unto LLOYD OPERATIONS, INCORPORATED, an Oregon corporation, Grants, the following described real property, with tenements, hereditaments and appurtenances, to-wit:

The East half of the Northwest quarter of the Southeast quarter; and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12, West of the Willamette Meridian, in Lane County, Oregon.

B 8 • 2675571

906

PIONEER TITLE CO., of Lane and Douglas Counties

and do hereby assign, transfer and set over to the Grantee that certain real estate contract dated the 23rd day of September, 1977, between ROSS E. SMITH

as Seller, and CURTIS A. LLOYD as Purchaser, for the sale and purchase of the above described real estate. The Grantee hereby assume and agree to fulfill the conditions of said real estate contract and Grantors hereby covenant that there is now unpaid on the principal of said contract the sum of \$18,290., plus interest from 9-23-77. The true consideration for this conveyance is \$18,290. plus interest from 9-23-77. Dated: September 23, 1977.

(Seal) Curtis A. Lloyd (Seal)

Notary Public for Oregon

Grantee's Address: 23850 Highway 126, Veneta, OR 97487



7751092

State of Oregon,  
County of Lane—99.

I, D.M. Penfold, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at

1977 SEP 26 PM 1 17

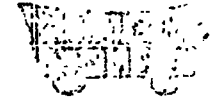
Reel 866 R  
Lane County OFFICIAL Records.

D.M. Penfold, Director of the Department of General Services.

By S. Hauerndorf  
Deputy  
C2343

ASSIGNMENT OF CONTRACT AND DEED

GRANTOR	
GRANTEE	
CONTRACT NUMBER, ZIP	
After recording assign to:	
NAME, ADDRESS, ZIP	
When a change is required, all the documents must be sent to the following address:	
NAME, ADDRESS, ZIP	



OF LAND & DEEDS, 1111 GO VILLE

200 Penfold St. • Eugene 942-1351  
223 W. "A" St. • Medford 752-7222  
100 Oregon Ave. • Bend 335-2122  
500 Knapwood • The Dalles 337-4422  
Forest County 333-1022

8036142

## STATUTORY WARRANTY DEED

LLOYD OPERATIONS, INCORPORATED, an Oregon corporation, Grantor, conveys and warrants to JULIUS E. BENEDICK and E. JUSTINE BENEDICK, husband and wife, each as to an undivided one-half interest as tenants in common, Grantees, the following described real property:

The East half of the Northwest quarter of the Southeast quarter, and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamet Meridian, in Lane County, Oregon.

Grantor's covenants only exclude the encumbrances or other interests as follows:

1. Deed of Trust, including the terms and provisions thereof, executed by Lloyd Operations, Incorporated, as grantor, to Western Pioneer Title Co., trustee, for the benefit of Harold P. Miller and Daisy L. Miller, husband and wife, and Katherine O. Scott, beneficiary, dated September 23, 1977, recorded September 26, 1977, Reel 866, Reception No. 77-61093, Official Records of Lane County, Oregon, given to secure the payment of a note for \$15,000.00.

2. Property taxes due Lane County, Oregon (1979-80 taxes paid in full, Map No. 18 12 10 4 401 Code 97-11, Account No. 1181674).

The consideration for this conveyance is an exchange of promises which cannot be valued in terms of dollars.

Signed by authority of the Board of Directors, this 17th day of July, 1980.

LLOYD OPERATIONS, INCORPORATED

By Justin A. Lloyd  
Office: President  
B 3 - 614 1311 00802

Statutory Warranty Deed - 1

80361.12

STATE OF OREGON )  
 ) ss.  
 County of Lane )

Personally appeared Curtis A. Lloyd  
 who, being sworn, stated that the former is the President  
 of grantor corporation and that this instrument was voluntarily  
 signed in behalf of the corporation by authority of its Board  
 of Directors. Before me:



Curtis A. Lloyd  
 Notary Public for Oregon  
 My Commission Expires: 9/23/81

Until a change is requested, all tax statements  
 shall be sent to the following address: 333 Howard Avenue,  
 Eugene, Oregon 97402.

80361.12

State of Oregon  
 County of Lane - ss.  
 I, D.M. Finkbein, Director of the Depart-  
 ment of General Services, do hereby certify that the within  
 instrument was returned for record at

2nd 52 145 41

1085R

Recd  
 Lane County OFFICIAL RECORDS  
 D.M. Finkbein, Director of the Department of  
 General Services.

S. G. G. G. G. G.

Statutory Warranty Deed - 2

**OWNERS  
AND  
PARTITIONERS:**

JULIUS E AND E JUSTINE BENEDICK  
29752 WARD LANE  
EUGENE OR 97402

GARY MORRIS CONSTRUCTION INC  
90187 UPPER NORTH FORK RD  
FLORENCE, OR 97439

**SURVEYOR:**

WOBBE & ASSOCIATES INC  
EUGENE M WOBBE, P.L.S. W.R.E.  
P.O. BOX 3093 / 510 KINGWOOD ST  
FLORENCE, OREGON 97439

**PA NO.**

PA 00-5552

**ZONING:**

RA/U/BD

**APPROVALS:**

W. M. D. R. DEPUTY CS 10/1/2001  
LANE COUNTY SURVEYOR DATE  
Jim Angle 10/1/2001  
COUNTY ASSESSOR DATE  
John S. Pritch June 28, 2001  
per DIRECTOR LAND MANAGEMENT DIVISION DATE

**SURVEYORS CERTIFICATE:**

I, EUGENE M WOBBE, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PLAT

BEGINNING AT THE SOUTHWEST CORNER OF LOT 131, IDYLEWOOD SECOND ADDITION AS PLATTED AND RECORDED IN FILE 75, SLIDE 184, LANE COUNTY OREGON PLAT RECORDS; THENCE NORTH 6°21'44" EAST 154.21 FEET, THENCE SOUTH 88°13'57" EAST 154.56 FEET, THENCE SOUTH 1°46'07" WEST 122.75 FEET TO THE NORTHEAST CORNER OF LOT 132, IDYLEWOOD SECOND ADDITION THENCE SOUTH 88°27'48" WEST 139.05 FEET TO THE NORTHWEST CORNER OF SAID LOT 132, THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE LEFT (THE CHORD OF WHICH BEARS NORTH 53°35'14" WEST 50.08 FEET) A DISTANCE OF 52.45 FEET TO THE POINT OF BEGINNING IN LANE COUNTY OREGON

**OWNERS DECLARATION:**

KNOW ALL MEN THAT GARY MORRIS CONSTRUCTION INC, AN OREGON CORPORATION AND JULIUS E. BENEDICK AND E. JUSTINE BENEDICK, HUSBAND AND WIFE, ARE THE OWNERS OF THE LAND DESCRIBED HEREON AND DID CAUSE THE SAME TO BE PARTITIONED AND PLATTED AS SHOWN HEREON ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92

GARY MORRIS CONSTRUCTION INC

Gary D. Morris  
GARY D. MORRIS, PRESIDENT

**ACKNOWLEDGEMENT:** STAT OF OREGON  
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED GARY D. MORRIS, PRESIDENT OF GARY MORRIS CONSTRUCTION INC, AN OREGON CORPORATION, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED

ACKNOWLEDGED BEFORE ME THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2001

Pamela S. Enola

# PARTITION PLAT

FOR JULIUS E. AND E. JUSTINE BENEDICK  
AND

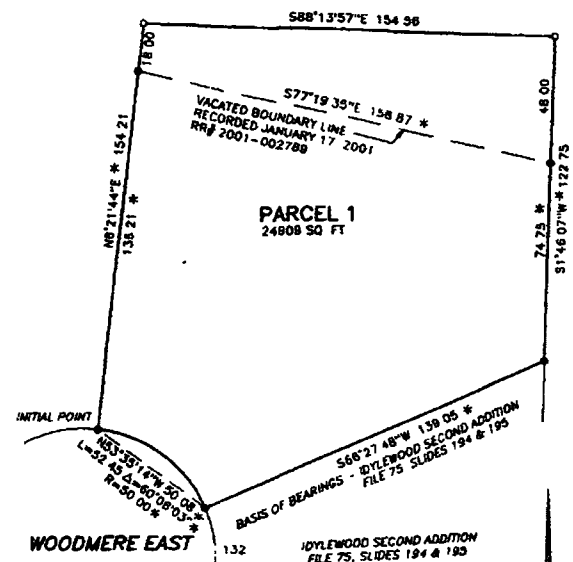
GARY MORRIS CONSTRUCTION, INC  
REPLAT OF LOT 131, IDYLEWOOD SECOND ADDITION  
SW 1/4, SEC 10, T 18 S, R 12 W, W M  
LANE COUNTY, OREGON  
FEBRUARY 20, 2001

RECORDED  
DATE 02 Oct 2001  
COUNTY CLERK  
BY Jerry Ford

LAND PARTITION PLAT NO.  
**2001-P1501**

Division of Chief Deputy Clerk 2001-005548  
Lane County Books and Records \$35.00  
10/05/2001 09:23:45 AM  
RPS-P001 Cnt=1 Stmt=1 ORG=228 04  
\$35.00 \$10.00 \$11.00

LANE COUNTY SURVEYORS OFFICE  
C.S. FILE NO. 97230  
FILING DATE 9 Oct 01 **C**



**NARRATIVE:**

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE CORNERS OF LANE COUNTY PARTITION NO. PA 00-5552. THE SOUTHERLY, EASTERLY AND WESTERLY BOUNDARY WAS ESTABLISHED FROM LOT 131, IDYLEWOOD SECOND ADDITION. THE NORTHERLY LINE WAS ESTABLISHED AT THE DIRECTION OF THE OWNER.

- INDICATES 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WOBBE - PLS 1093"
- INDICATES 5/8" IRON ROD FOUND WITH YELLOW PLASTIC CAP MARKED "PLS 1093" PER IDYLEWOOD SECOND ADDITION
- \* INDICATES MEASURED DATA SAME AS RECORD PER IDYLEWOOD SECOND ADDITION FILE 75, SLIDE 194 AND 195. NOTE: ALL FOUND MONUMENTS CHECK WITHIN 0.1' OF PLAT RECORD.

**NOTES REQUIRED PER PA 00-5552:**

ALL DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF THE BEACHES AND DUNES (780) COMBINING DISTRICT. ANY DEVIATION FROM THE SITE PLAN APPROVED UNDER PA 4232-93 WILL REQUIRE A NEW PRELIMINARY INVESTIGATION.

**NOTES:**

THIS SUBDIVISION IS AFFECTED BY "STATEMENT OF COMPATIBILITY/WAIVER OF THE ANNEX" RECORDED SEPTEMBER 14, 1994, RECORDERS RECEPTION NO. 94-66156, OFFICIAL RECORDS OF LANE COUNTY.

THIS SUBDIVISION IS AFFECTED BY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED JUNE 14, 1995, RECORDERS RECEPTION NO. 95-32826, OFFICIAL RECORDS OF LANE COUNTY.

CONCURRENCE RECORDED 02 October 2001  
RECORDERS RECEPTION NO. 2001-066349

CONCURRENCE RECORDED 02 October 2001  
RECORDERS RECEPTION NO. 2001-066350

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE PLAT AS RECORDED  
Eugene M. Wobbe

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Eugene M. Wobbe  
OREGON  
JULY 26, 1990  
EUGENE M. WOBBE  
1093  
P.L.S. EXPIRATION DATE: 6-30-2007

MAP NO 18-12-10-3-4 T1 5900 & 801

Plotted: 10/20/01 P. Enola  
by: 10/21/01 P. Enola  
Title: 11/01/01 P. Enola

29 OF 29



# PARCEL RECORD - Cartographic Unit

201 517 844

Page 1 of 23

Code Area	Township	Range	Section	1/4	1/16	Parcel Number	Type	Number	Formerly part of 18 12 10 34 00800					
	18	12	10	3	4	00801								
Map Number						Special Interest			History of Parcel					
Tax Lot Number									Exceptions/Additions		Date of Entry/ Acquisition	Deed Record		Acres Remaining
History of Parcel Prior to Re-mapping												Volume	Page	
Previous Account Number						Previous Tax Lot Number								
						new parcel		1994 bs	1995	9468221	5.45			
						ALSO: here from TL 802 with New Description		1995 ba	1995	9479519	5.97			
						EXCEPT: 0.12 Acres to Partition Plat 2001-P1501 for 2002, Parcel 5901. Containing more or less					5.85			
								2008w0	2007-	083806				
Remarks														

19 of 29

INDIVIDUAL BARGAIN AND SALE DEED

WETCO 117264

9468221

18 12 10 34 800/780252  
18 12 10 33 100/780310

10  
18  
20

JULIUS E. BENEDICK and E. JUSTINE BENEDICK, husband and wife

conveys to JULIUS E. BENEDICK and E. JUSTINE BENEDICK, husband and wife

, Grantor,

the following described real property situated in Lane County Oregon  
to-wit: Legal Description attached hereto and made a part hereof, consisting of one  
(1) page.

, Grantee,

424392P.23'94H05REC 10.00  
424392P.23'94H05PFUND 10.00  
424392P.23'94H05A&T FUND 20.00

The true consideration for this conveyance is \$ property line adjustment.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

Dated: August 26, 1994.

JULIUS E. BENEDICK

E. JUSTINE BENEDICK

STATE OF OREGON

County of Lane

This instrument was acknowledged before me on AUGUST 26 1994 by Julius E. Benedick and E. Justine Benedick.



My commission expires:

10-11-97

Until a change is requested, all tax statements shall be sent to the following address: No change.

After recording return to: Western Pioneer Title Co., P.O. Box 10146, Eugene, Oregon 97440

9468221

**WOBBE & ASSOCIATES, INC.**

August 18, 1994

P.O. Box 3083  
 510 Kingwood Street  
 Florence, OR 97439  
 Phone (503) 997-8411

Description for Idylewood 2nd Addition  
 Property Line Adjustment  
 F24\8957pla.des

Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 248.87 feet; thence South 52°53'25" West 120.00 feet; thence North 37°06'35" West 115.00 feet; thence North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDYLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

The above described parcel contains 5.45 acres, more or less.

The above description is subject to title company concurrence, easements of record, questions of survey and local planning authority approval.

Be it hereafter known and agreed that this parcel of land as described above, which is adjacent to property described as the East half of the Northwest quarter of the Southeast quarter, and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon, must be sold as one unit of land which includes the identified adjacent property, unless approved by the controlling land use governing body.

**SURVEYING • WATER RIGHTS • PLANNING**

9468221

State of Oregon,  
County of Lane--ss.

I, the County Clerk, in and for the said  
County, do hereby certify that the within  
instrument was received for record at

25 SEP 94 10: 46

Reel **1996R**

Lane County OFFICIAL Records.  
Lane County Clerk

By: \_\_\_\_\_

*A. Russell*  
County Clerk

9468221



30-  
10-  
9479519

WPTCO 118917-C

DECLARATION OF PROPERTY LINE ADJUSTMENT

JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife, are the owner of two adjoining parcels of property referred to herein as Parcel 1 and Parcel 2. JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife are setting forth this declaration to set an adjusted boundary line between Parcel 1 and Parcel 2 to comply with Lane County Land Use Regulations and the provisions of ORS 92.190(4).

The reference to the legal description of the Parcel 1 property prior to this adjustment is contained in the deed recorded July 29, 1985, as Reception Number 8526542, Reel Number 1360.

The reference to the legal description of the Parcel 2 property prior to this adjustment is contained in the deed recorded July 23, 1980, as Reception Number 8036142, Reel Number 1085.

Following this lot line adjustment, the description of the Parcel 1 property is described on the attached Exhibit "A". Following this lot line adjustment, the description of the Parcel 2 property is described on the attached Exhibit "B".

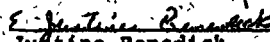
The portion of the legal description which depicts the new adjusted line between Parcel 1 and Parcel 2 is described on the attached Exhibit "C".

775 NOV 18 3 41 PM '94 38:00

The true consideration for this conveyance is \$ 0.

Dated this 7 day of November, 1994.

  
Julius E. Benedick

  
Justine Benedick

AFTER RECORDING RETURN TO:

WOBBE & ASSOCIATES, INC.  
510 KINGWOOD STREET  
P.O. BOX 3093  
FLORENCE, OREGON 97439  
(503) 997-8411

After Recording Return To:  
Western Pioneer Title Co.  
P.O. Box 10146  
Eugene, OR 97440

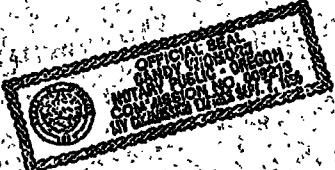
9479519

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY USES.

STATE OF OREGON )  
County of Lane ) ss

On November 19 94, personally appeared the above named JULIUS E. BENEDICK and JUSTINE BENEDICK, husband and wife, and acknowledged the foregoing instrument to be a voluntary act and deed.

[Signature]  
Notary Public for Oregon.  
My Commission Expires: 9-4-95



9479519

"EXHIBIT A"

The North 60 feet of the following described property:

Beginning at a point where the East line of the Coast Guard County Road intersects the South line of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon; thence Easterly along the South line of said Northwest Quarter of the Southwest Quarter of said Section 10, 952 feet, more or less, to the Southeast corner of said Northwest Quarter of the Southwest Quarter of said Section 10; thence Northerly along the East line of said Northwest quarter of the Southwest quarter of said Section 10, 990.0 feet to a point; thence West to the East line of the Coast Guard County Road; thence Southerly along the East line of said County Road, to the place of beginning, in Lane County, Oregon.

ALSO: The Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, Section 10, Township 18 South, Range 12 West, of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM: Beginning at a point which is located 390 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon; thence Southerly 930 feet along the West line of said Northeast quarter of the Southwest quarter of Section 10; thence Easterly 120 feet to a point; thence Northerly 930 feet to a point; thence Westerly 120 feet to the place of beginning.

EXCEPT: Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the

26 of 20  
9479519

Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT IDYLEWOOD, as platted and recorded in File 73, Slides 489 and 489, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO EXCEPT IDYLEWOOD FIRST ADDITION, as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon.



9479519

## "EXHIBIT B"

The East half of the Northwest quarter of the Southeast quarter, and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 10, Township 18 South, Range 12 West of the Willamette meridian, in Lane County, Oregon.

ALSO: Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10; thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

9479519

"EXHIBIT C"

Beginning at a point being North 1°46'07" East 814.70 feet from the South one-quarter corner of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being on the North-South center section line of said Section 10, thence leaving said North-South center section line North 77°19'35" West 158.87 feet; thence South 6°21'44" West 136.21 feet; thence along the arc of a 50.00 foot radius curve left (the chord of which bears South 46°40'43" West 76.25 feet) a distance of 86.71 feet; thence South 86°59'43" West 10.39 feet; thence North 37°06'35" West 285.00 feet; North 44°45'37" East 141.42 feet; thence along the arc of a 120.00 foot radius curve left (the chord of which bears North 65°58'12" West 115.84 feet) a distance of 120.89 feet; thence North 4°49'49" West 60.00 feet; thence North 9°36'38" West 145.69 feet; thence North 68°57'42" East 153.02 feet; thence North 31°46'42" West 126.38 feet to the Southerly line of IDYLEWOOD 1ST ADDITION as platted and recorded in File 73, Slides 744 and 745, Lane County Oregon Plat Records, in Lane County, Oregon; thence along said Southerly line South 88°12'32" East 221.67 feet; thence North 1°47'28" East 107.08 feet; thence along the arc of a 70.00 foot radius curve left (the chord of which bears North 3°19'49" West 12.50 feet) a distance of 12.52 feet; thence South 88°12'32" East 164.62 feet to said North-South center section line of Section 10; thence along said line South 1°47'05" West 188.83 feet to the Southwest corner of the Northwest one quarter of the Southeast one quarter of said Section 10; thence South 1°46'07" West 506.24 feet to the point of beginning, in Lane County, Oregon.

The above described parcel contains 5.97 acres, more or less.

The above description is subject to title company concurrence, easements of record, questions of survey and local planning authority approval.

9479519

State of Oregon,  
County of Lane-ss.  
I, the County Clerk, in and for the said  
County, do hereby certify that the within  
instrument was received for record at

10:51:54 9:36

2012R

Lane County OFFICIAL RECORD  
Lane County Clerk

By: *[Signature]*  
County Clerk

(REVISED)  
BOUNDARY SURVEY  
FOR  
RAY HIGGINS

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR.**

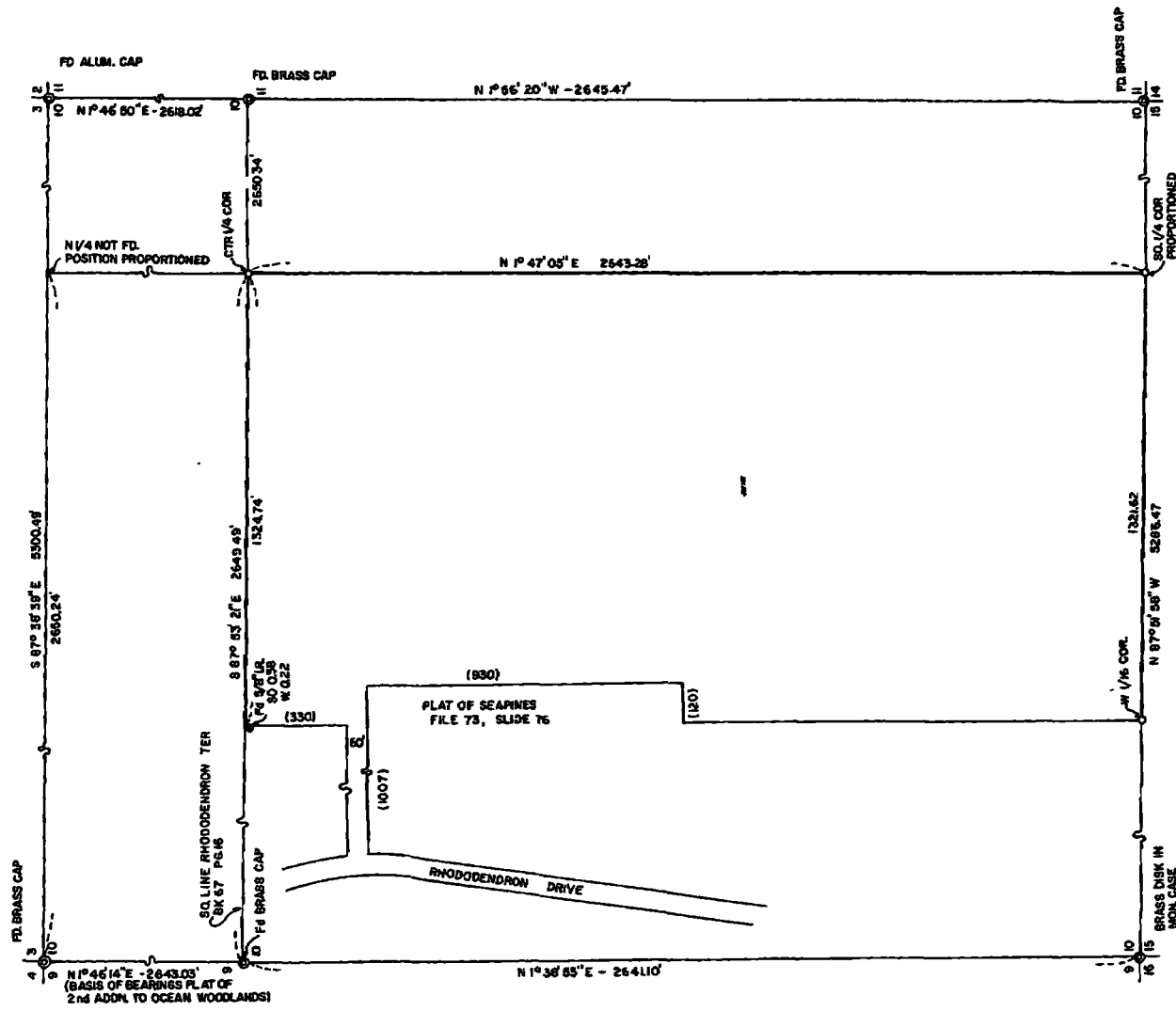
**OREGON**  
JUL 16 1946  
**JAMES E. ANDREWS**  
1628

**T S**  
**E**

**TRI SYSTEMS  
ENGINEERING**

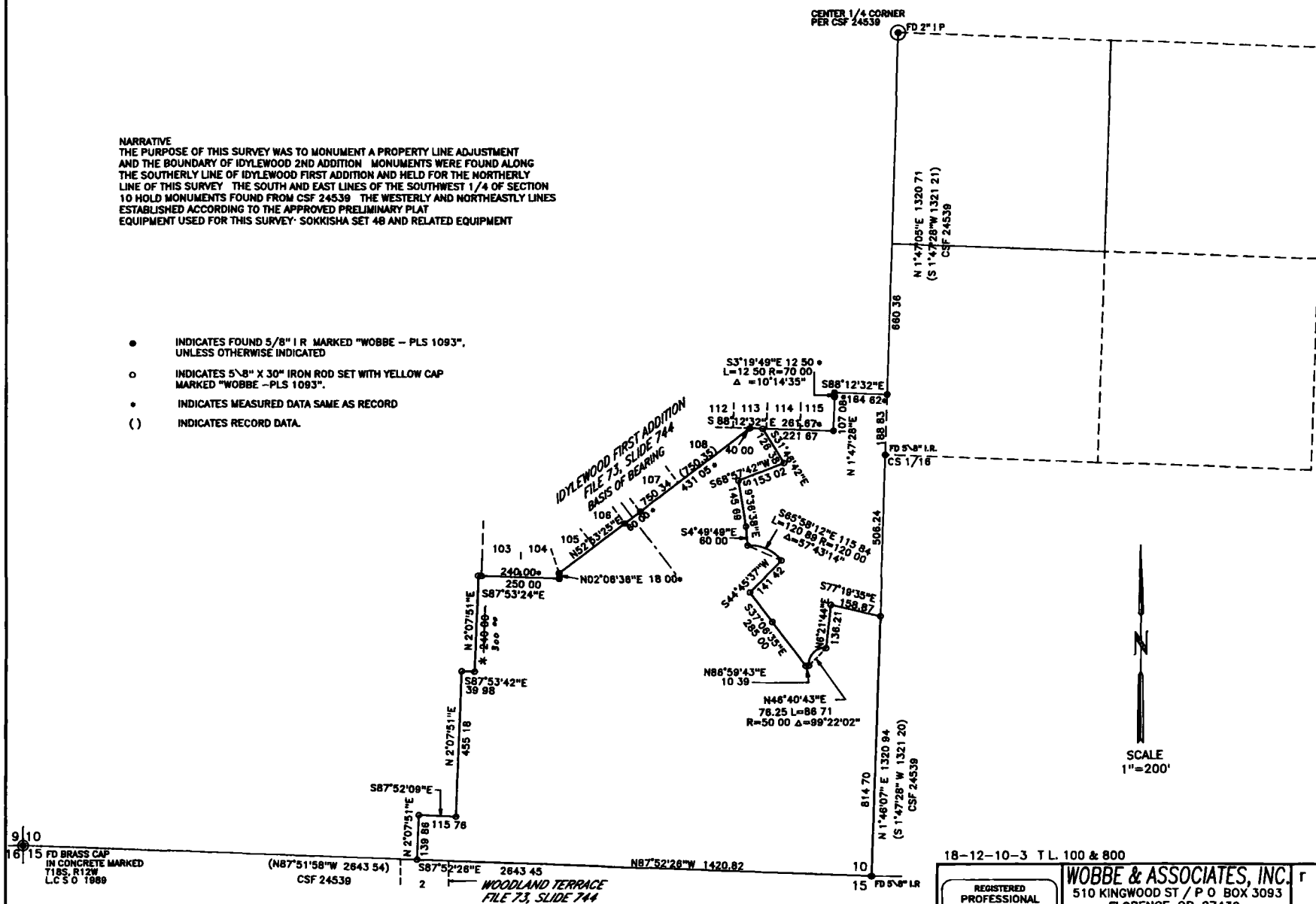
70 CENTRAL LOOP SUITE 6  
EUGENE, OREGON 97401 (503) 494-1943

§21293



THE PURPOSE OF THIS SURVEY WAS TO MONUMENT A PROPERTY LINE ADJUSTMENT AND THE BOUNDARY OF IDLEWOOD 2ND ADDITION. MONUMENTS WERE FOUND ALONG THE SOUTHERLY LINE OF IDLEWOOD FIRST ADDITION AND HELP FOR THE NORTHERLY LINE OF THIS SURVEY. THE SOUTH AND EAST LINES OF THE SOUTHWEST 1/4 OF SECTION 10 HOLD MONUMENTS FOUND FROM CSF 24539. THE WESTERLY AND NORTHEASTLY LINES ESTABLISHED ACCORDING TO THE APPROVED PRELIMINARY PLAT. EQUIPMENT USED FOR THIS SURVEY: SOKKISHA SET 48 AND RELATED EQUIPMENT.

- INDICATES FOUND 5/8" I R MARKED "WOBBE - PLS 1093", UNLESS OTHERWISE INDICATED
- INDICATES 5/8" X 30" IRON ROD SET WITH YELLOW CAP MARKED "WOBBE -PLS 1093".
- INDICATES MEASURED DATA SAME AS RECORD
- ( ) INDICATES RECORD DATA.



\* SEE AFFIDAVIT OF CORRECTION  
REEL 2029R PAGE 9501909

18-12-10-3 T L. 100 & 800

**JOB NO F8957PLA**

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Eugene M. Wobbi*  
OREGON  
JULY 28, 1976  
EUGENE M. WOBBI  
1093

**WOBBE & ASSOCIATES, INC**  
510 KINGWOOD ST / P O BOX 3093  
FLORENCE, OR 97439

**SURVEY FOR  
GENE BENEDICT**  
SW 1/4, SEC. 10, T 18 S, R 12 W, W.M.  
FLORENCE, LAKE COUNTY, OREGON

1. AN CONJURY  
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 ATE 10-17-94  
 YHS C

F\DC6\DW1\8957PLA.DW2







18121040  
FLORENCE

S.E. 1/4 SEC. 10 T. 18S. R. 12W. W.M.  
Lane County  
1" = 200'

FOR ASSESSMENT AND  
TAXATION ONLY

SEE DATA  
7/11/2008 9:55:27 AM Roadmap

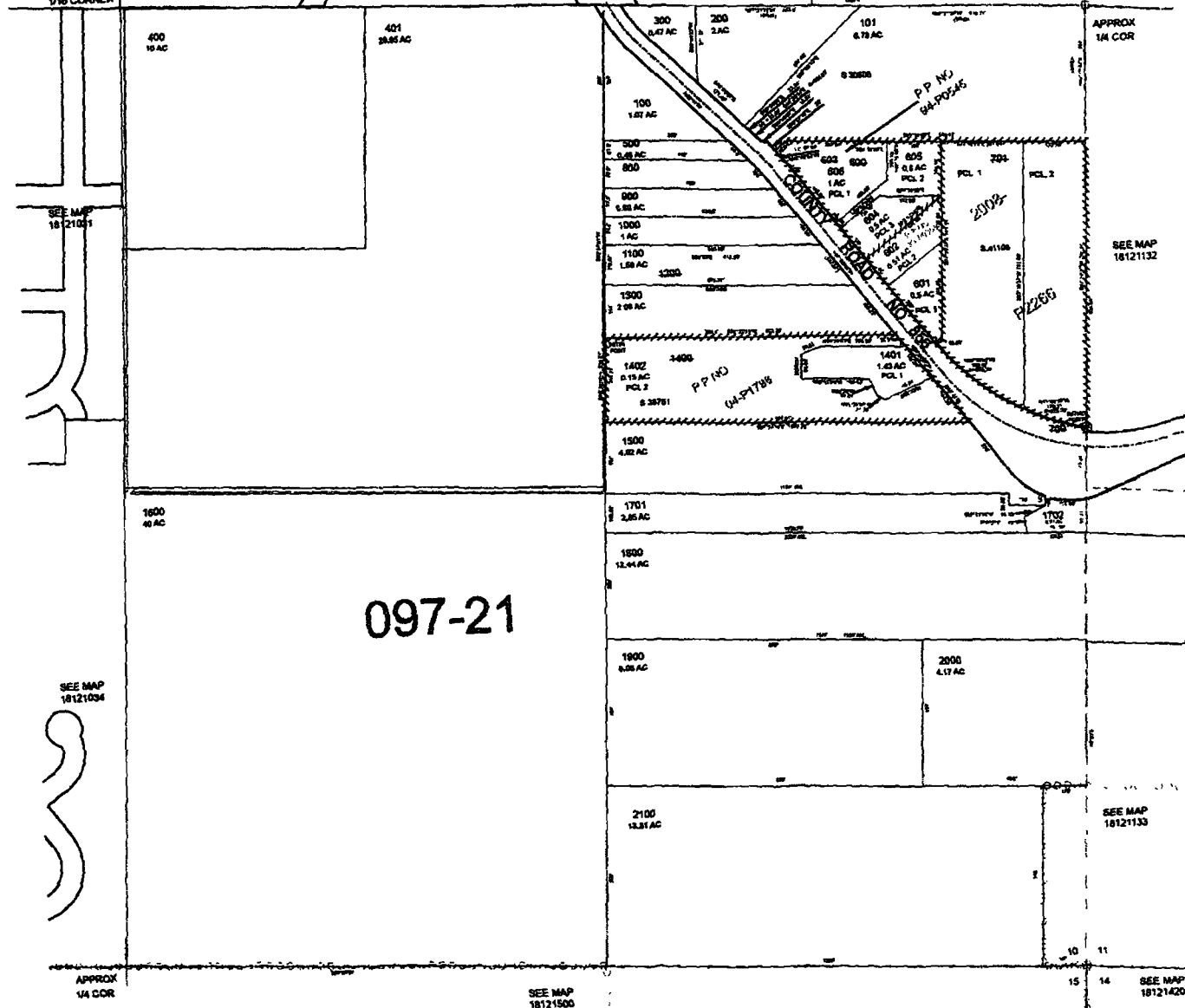
CANCELLED  
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1400  
600  
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700  
701

SEE MAP  
18121020 CTR SEC  
APPROXIMATE  
1/8 CORNER

SEE MAP  
18121019

SEE MAP  
18121000

SEE MAP  
18121010



ROADMAP LOCATION CONVERTED MAP TO THE  
FLORENCE LOCATION. CHECK TO THE SURVEY OF 2008-10-01

FLORENCE  
18121040

1"=400'  
ZONED

See Map 18 12 03

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(and of 12/11)

HARBOR  
VISTA

097-10

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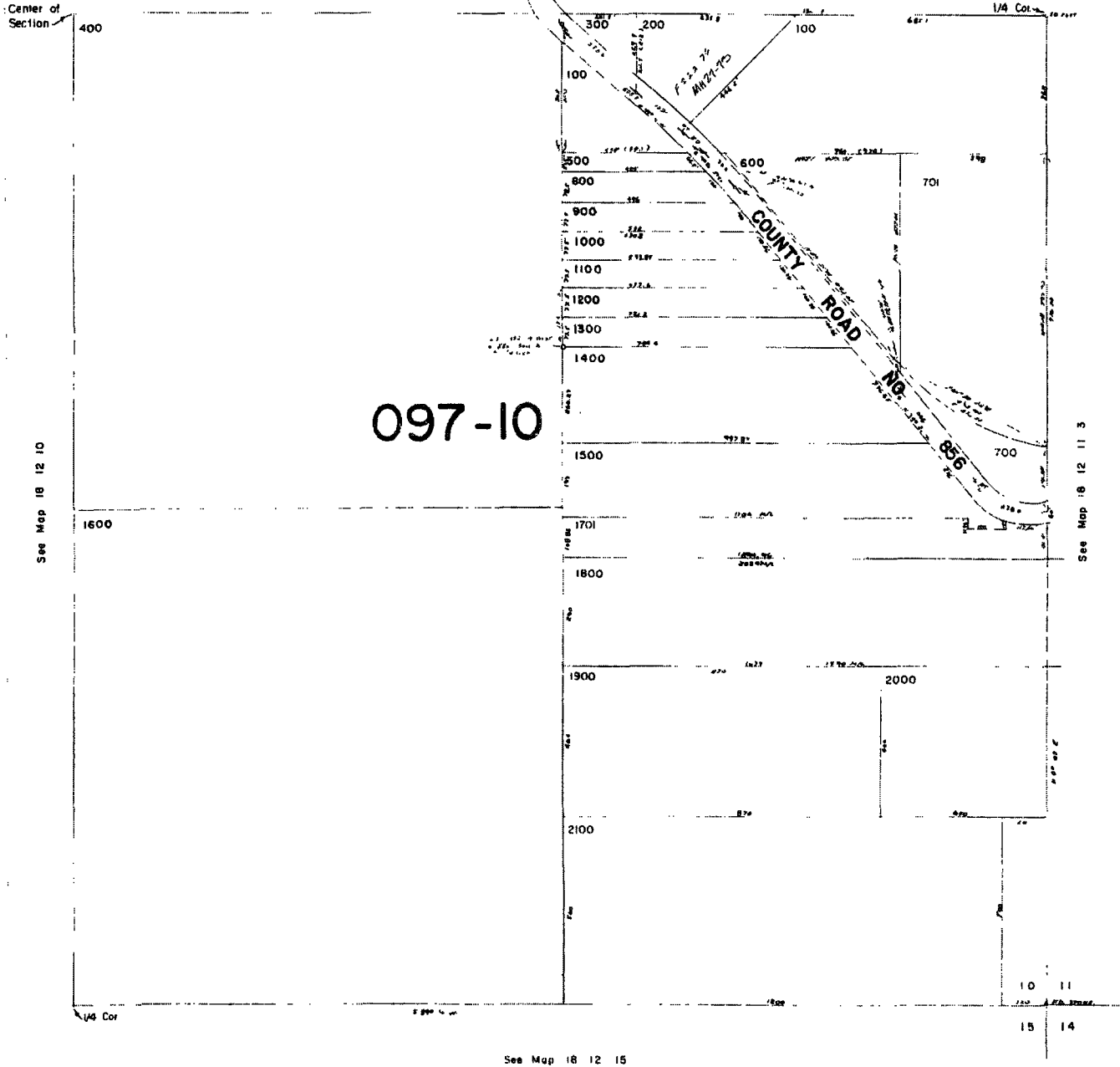
Tax Landed on Mar 1, 18 12 083

See Map 18 12 15



18 12 10 4

See Map 18 12 10



LAND MANAGEMENT DIVISION



**LAND USE APPLICATION**  
**Preliminary Investigation**  
**Prime Wildlife Combining Zone**

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only. FILE # PA105825

CODE: API

FEE: \$1048.<sup>00</sup>

**Applicant (print name):** BENEDICK HOLDINGS LLC.

**Mailing address:** 27922 WARD LANE, EUGENE, OREGON 97402

**Phone:** (541) 688-6402

**Email:** ejbenedick@msn.com

**Applicant Signature:** Sharla A. Whitten

**Agent (print name):** EGR & ASSOCIATES

**Mailing address:** 2535 B PRAIRIE ROAD, EUGENE, OREGON 97402

**Phone:** (541) 688-8322

**Email:** clintbeecroft@egrassoc.com

**Agent Signature:** \_\_\_\_\_

**Land Owner (print name):** BENEDICK HOLDINGS LLC.

**Mailing address:** 27922 WARD LANE, EUGENE, OREGON 97402

**Phone:** (541) 688-6402

**Email:** ejbenedick@msn.com

**Land Owner Signature:** Sharla A. Whitten

**LOCATION**

18S 12W 10° 34 400, 401 & 801

18 12 10 40

VACANT - NONE

Site address

**PROPOSAL:** A request for a Preliminary Investigation prior to development in the Prime Wildlife Combining Zone, pursuant to Lane Code ~~16.238~~ 10.245

This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.

Version 10-05

**Exhibit K58-E**

April 19, 2012

Mr. Clint Beecroft  
EGR & Associates  
2535 B Prairie Rd.  
Eugene, Or. 97402



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

Re: PA 10-5825, Prime Wildlife Shorelands Combining District (PW) Preliminary Investigation for proposed subdivision, Idylewood 4<sup>th</sup> Addition.

Dear Mr. Beecroft:

The Preliminary Investigation report for the pending Idylewood 4<sup>th</sup> Addition has been completed. It is found as the enclosed Exhibit B.

Refer to the conditions derived from this investigation, Exhibit A.

**Procedurally, you have the right to appeal any or all parts of this investigation as per Lane Code 14.500. If you choose to appeal, such shall be filed no later than 5:00 p.m. on May 1, 2012 using the enclosed appeal form.**

Feel free to contact me if you have any questions concerning this investigation.

Sincerely,

Jerry Kendall/Associate Planner (541-682-4057)

**Exhibit A**  
Conditions attendant to PA 10-5825  
Preliminary Investigation for the Prime Wildlife Combining Zone (PW)  
for 4<sup>th</sup> Addition to Idylewood

1. The PW boundary is set at an elevation of 87' mean sea level (msl) around the seasonal lake as illustrated in Attachment D (note: 87' msl = "87' LIDAR Contour" on that attachment). Note: this boundary is independent of the wetland delineation (WD#07-0747) approved by the Oregon Division of State Lands (DSL). Actions within the designated wetlands are subject to approval by the DSL.
2. No structures shall be allowed within 50' upland of the above boundary (measured horizontally, LC 10.245-35).
3. No topographic modification shall occur within 50' upland of 87' msl. PW boundary (measured horizontally). There is no variance option to this standard. (LC 10.245-30(5)).
4. Artificial bank stabilization shall be allowed inside the PW boundary and the 50' buffer (described in #2) only in unusual circumstances where natural erosion processes threaten critical wildlife habitat, provided that natural bank stabilization methods have been considered. Riprap used for bank stabilization must meet Army Corps of Engineers strength, size and design criteria unless the County Public Works Engineer, in coordination with the Planning Director determines this to be unnecessary and inadvisable. (Derived from Coastal Resources Management Plan (revised 1991), PW policy #2, p.34)



## Exhibit B

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### Preliminary Investigation in the Prime Wildlife zone *Staff Report*

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<b>Report Date:</b>	April 19, 2012
<b>Department File:</b>	PA 10-5825
<b>Property Owner/Applicant:</b>	Benedick Holdings LLC
<b>Agent:</b>	Clint Beecroft/EGR & Associates
<b>Property Address:</b>	None issued
<b>Assessor's Map:</b>	18-12-10.4 <b>Tax Lot:</b> 400, 401 & 801
<b>Acreage:</b>	46+ acres
<b>Base Zone:</b>	Suburban Residential (RA, LC 10.135
<b>Combining Zone:</b>	Prime Wildlife (/PW) & Beaches & Dunes (/BD)
<b>Comprehensive Plan:</b>	City of Florence Comprehensive Plan (1988 version)
<b>Site Visit Date:</b>	March 29, 2012
<b>Staff Planner:</b>	Jerry Kendall, 541-682-4057

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## I. PROPOSAL

Preliminary Investigation for a proposed 4<sup>th</sup> addition to the Idylewood subdivision, located within the Urban Growth Boundary of the City of Florence, regarding the Prime Wildlife combining zone pursuant to the requirements of Lane Code 10.245-45. See proposed site plan, Attachment A<sup>1</sup>.

## II. BACKGROUND INFORMATION

A preliminary investigation for the proposed development was conducted by staff in March of 2012, with an earlier field visit in 2011. The subject property is located within the UGB of Florence, and is situated east of the 3<sup>rd</sup> addition to the Idylewood subdivision and south of the Heceta South subdivision. The property consists of 46+ acres, with the PW district confined to the approximate area of the seasonal wetland lake found on the east side of the subject property. This lake, together with four others to the south (and not within the subject property) is known as one of the "South Heceta Junction Seasonal Lakes", according to the *Coastal Resources Management Plan* (revised, 1991).

Per that plan, the subject property is within the PW district as described on p.86 of that plan. The rationale for this designation:

1. *Area is subject to considerable standing water in winter months;*

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<sup>1</sup> From PA 10-5821, the preliminary subdivision application, currently pending. It is noted that while the final subdivision configuration will be modified prior to Final Plat approval, any changes to the outer perimeter of that plan in a direction towards the boundaries of the PW district may void this investigation. Other pending applications related to this 4<sup>th</sup> addition include PA 10-5824, a variance for road connectivity, and PA 10-5822, a Preliminary Investigation for the Beaches & Dunes Combining District. Because of the interrelated nature of these applications, the file record for PA 10-5821 is considered the file record for the remaining applications.

*2. Brush thickets, blueberry bushes, snags and seasonal water provide natural habitat.*

The plan further describes the management unit, stating that *[T]he majority of this management unit is on public land and is contained within a large open area. The northern portion is private property (being "Common Area Parcel B" within the subject property, as shown on Attachment A). In addition to the natural values present, the lack of adequate drainage in the area would pose problems for development. Any fill or other alteration of drainage patterns could cause flooding on adjacent lands.*

It is noted that this seasonal lake is also inventoried by the State as a designated wetland. The property owner has had this wetland lake delineated by a wetland consultant, and the delineation was accepted by the Oregon Division of State Lands (DSL wetland delineation # 07-0747, valid until 10-21-13). That delineation is also comprised of several small wetlands, which are outside of the PW district. Refer to the file record of PA 10-5821, exhibit 59F for a large scale copy of the subdivision plan. It shows the delineated wetland areas. The seasonal lake and the delineated wetlands are not identical.

Page 86 of the CSMP refers us to "the 1,000 scale map" for location of these five seasonal lakes. That map is found as Attachment B to this report.

It is worth noting that this seasonal lake extends beyond the subject property of the proposed Idylewood 4<sup>th</sup> Addition, and into the Heceta South Subdivision to the north, as well as beyond the subject property to the east, and also to the south, onto county owned land and beyond.

It is also noted that LC 10.245-30(5) states:

*(5) No topographic modification is permitted within the 50-foot setback area specified by LC 10.245-35 below.*

The applicable portion of LC 10.245-35 reads:

*(1) Structures shall be setback 50 feet from coastal lakes... measured at right angles to the high water line. Use of this 50 feet shall be as specified in LC 10.245-30(5)-(8) above.*

Basically stated, these two provisions mean that once the extent of the PW zone is established, there is an upland 50' buffer within which no structures or topographic modification can occur.

A comparison of Attachments A and D show that the majority of the seasonal lake along with the 50' buffer will have no consequence to proposed development of the property, except for two areas.

The first area is at lot #285. Lane Code Chapter 15/Roads requires that Kelsie Way be extended southward to connect with Oceana Drive. During the review of the Heceta South subdivision, the extent of the PW zone was set at the "approximate high water line" as so marked on that plat, Attachment C to this report. The 50' buffer required by LC 10.245-30(5) was also established accordingly, and no development was permitted to occur inside that buffer. The outer perimeter of lots 30, 31, 33-43 of Heceta South were set accordingly to be outside that buffer. In addition, Kelsie Way was also set enough to the west to be outside the buffer and allow for its construction. According to documents submitted by the agent for this investigation, the "approximate high water line" on the Heceta plat equates to a calculated elevation of 87' msl.

The second area is found proximate to lots 275, 276, and 277 of the proposed Idylewood 4<sup>th</sup> addition, an area where an arm of the seasonal lake extends towards those lots. Refer to Attachment D. This attachment shows an extended "pond" area (in red) which is detached from the main arm and covers

portions of lots 276 and 277. This “pond” raises the question as to whether or not it should also be considered part of the PW zone (it is noted that in any event the pond is part of the DSL accepted wetland delineation, WD 07-0747). A photo of the “pond” is found as Attachment E. The photo was taken from the north end of this feature, looking southward. The water in the pond was observed to be approximately 6” deep on that date. While staff did not traverse to the southern extent of the pond, small trees and brush could be observed at the southern end, verifying that the pond is somewhat separated by the main arm of the seasonal lake, at least during portions of the year, enabling such growth. The photo was taken on 3-29-12, the end of the month of March, which was the 5<sup>th</sup> wettest on record for Eugene at 9.94” (records for Florence were not available, but is generally greater than Eugene). Source: <http://www.kval.com/news/local/5th-wettest-March-on-record-for-Eugene-145700645.html>). See Attachment F.

### **III. PRELIMINARY INVESTIGATION RESULTS**

**Lane Code 16.238(9) Preliminary Investigation.** Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more or the criteria specified below apply:

- (a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:**
  - (i) Floodways and floodway fringe.**
  - (ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.**
  - (iii) Dikes, dams, levees or steep embankments which control the coastal water body.**
  - (iv) Lands along the ocean coast at or below the 26-foot elevation line.**

#### **Response and Findings:**

None of the subject property is within the FEMA regulated floodhazard area, so (i) is not technically applicable. It is noted however, that the area around the intersection of Sandrift Street and Gullsettle Court were subject to extremely high water tables and flooding in 1996. Also, on the date of the site visit for this investigation, 3-29-12, portions of the Heceta South subdivision, specifically the cul-de-sac at Windjammer North was flooded to the point where portions of the lots closest to Heceta Beach Road were under 1-2 feet of water. The wetland areas along Heceta Beach Road lying between Highway 101 and the Heceta South Subdivision were high and close to the county road. The purpose statement of the PW zone includes serving “...to protect wildlife habitat, water quality, bank stability and *provide flood control*” (emphasis added, see LC 10.245-05).

In consideration of the above comments, and regarding (ii), staff first considered setting the PW boundary at the elevation level of high water during the 1996 flooding. This was estimated by the applicant to be at 89’ msl (see Attachment G). However, in order to stay consistent with the PW line established in 1993 for the Heceta South subdivision, and in order to allow connectivity to Kelsie Way (which was constructed based on the PW line set during the review of the Heceta South subdivision), a lesser elevation of 87’msl is accepted. To do so otherwise would be nonsensical for the same water body, and seriously hamper road connectivity. This will be the boundary line for the PW zone for the seasonal lake.

The question arises as to whether or not the aforementioned “pond” which is found near proposed lots 276, 277 should be included in the PW zone. As seen on Attachment D, it connects to the main lake body

when water is at 87' msl but not when the water level is at 85' msl. Unlike the portion of the lake near the border with Heceta South subdivision, there are no steep embankments at this location. However, at the (accepted) 87' msl, this "pond" is contiguous with the main body of the lake. In addition, at the 87' msl level this "pond" qualifies as land lying between the mean high, high water and mean low watermark of coastal water body.

Aside from the above rationale, the "pond" is shown (Attachment A) to be contiguous with the remainder of the seasonal lake in the DSL delineation, WD# 07-0747. Wetlands share three primary characteristics: hydric soils, hydrophytic plants, and prolonged water saturation. The fact that DSL has designated the "pond" as contiguous with the remainder of the designated wetland lake adds reason to also include it into the PW zone.

Regarding (iii), the steep embankment proximate to lots 281-286 control the water body during high water. This effect is less so in the more southerly portion of the lake.

Regarding (iv), the property is above 26' msl and is not at the coast.

Conclusion: Subsections (ii) and (iii) apply. The PW zone boundary is established by the Planning Director at 87' msl. Lane Code 10.245-35 requires a 50' structural setback from the 87' msl level. No topographic modifications are allowed within this setback area. There is no variance option to this standard. This will require a redesign of lots 276, 277, and perhaps 275, along with a portion of the sidewalk/road north of 276 and 277. Lots 279 and 280 are nominally within the "no touch" buffer, but this can be so listed within the approved CC & R's to properly advise future owners.

**(b) Adjacent areas of geologic instability which are composed of;**

- (i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.**
- (ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.**
- (iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.**

**Response and Findings:**

Regarding (i) and (ii) the lake is not inventoried as geologically unstable.

Regarding (iii), the PW affords ample protection with the boundary set at 87' msl. The BD zone requirements will be evaluated at a later date under pending Hazards Check PA 10-5822.

**(c) Natural or human-made riparian resources. These lands are as follows:**

- (i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:**
  - (aa) Shading of coastal water body.**
  - (bb) Stabilization of shoreline.**
  - (cc) Habitat for rare or endangered wildlife species.**
  - (dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.**

Response and Findings:

The high water line and the PW boundary has been established as 87' msl. The mean high water line by definition will be lower in elevation, but is currently undetermined. It is noted that this seasonal lake is fed through precipitation and its effects on the water table. During the dry summer months, the seasonal lake recedes dramatically. The "no topographic modification" buffer will be 50' horizontal upland from the 87' msl. Area within the PW boundary will remain basically untouchable. The 50' buffer should more than encompass all remaining natural riparian resources (there is no "human-made" vegetation on this undeveloped property) which serve to shade the seasonal lake and stabilize the shoreline. It is noted that the pending Hazards Checklist for the Beaches & Dunes Combining Zone, PA 10-5822, will most likely not allow any vegetative removal within 50' of the PW boundary, excepting hazardous trees.

The provisions of (cc) and (dd) do not apply, as the property is not so inventoried.

**(d) Areas of significant shoreland and wetland biological habitat, composed of:**

- (i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.**
- (ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.**
- (iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.**

Response and Findings:

None of the above features or habitat is on inventory for the subject property.

**(e) Areas necessary for water dependent and water related uses, including areas of recreational importance, which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.**

Response and Findings:

Of the uses listed above, only minor recreational use (largely hiking) occurs within the subject area. Such activity will occur within the PW boundary (at or below 87' msl). This standard applies and is accommodated with the PW zone.

**(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.**

Response and Findings:

The Lane County Rural Comprehensive Plan does not identify this site as such.

**(g) Coastal headlands identified in the Lane County Coastal Inventory.**



**Response and Findings:**

The site is not identified as a coastal headland in the Lane County Coastal Inventory.

**IV. SUMMARY**

The PW boundary has been established at 87' msl around the seasonal lake as illustrated in Attachment D. Conditions safeguarding this resource are listed in Exhibit A.

**V. ATTACHMENTS**

- A. Preliminary Subdivision Plan (revised 12-1-11)
- B. "South Heceta Junction Seasonal Lakes"
- C. Portion of Heceta South Plat
- D. Coastal Overlay Setbacks (3-14-12)
- E. Photo of "pond" area (3-29-12)
- F. Rainfall stats, March 2012
- G. Coastal Overlay Setbacks (3-7-12)—2p.
- H. Appeal Form

*J. Kendall*  
Prepared by: Jerry Kendall, Associate Planner

4-19-12  
Date

*Kent Howe*  
Authorized by: Kent Howe, Planning Director

19 Apr '12  
Date

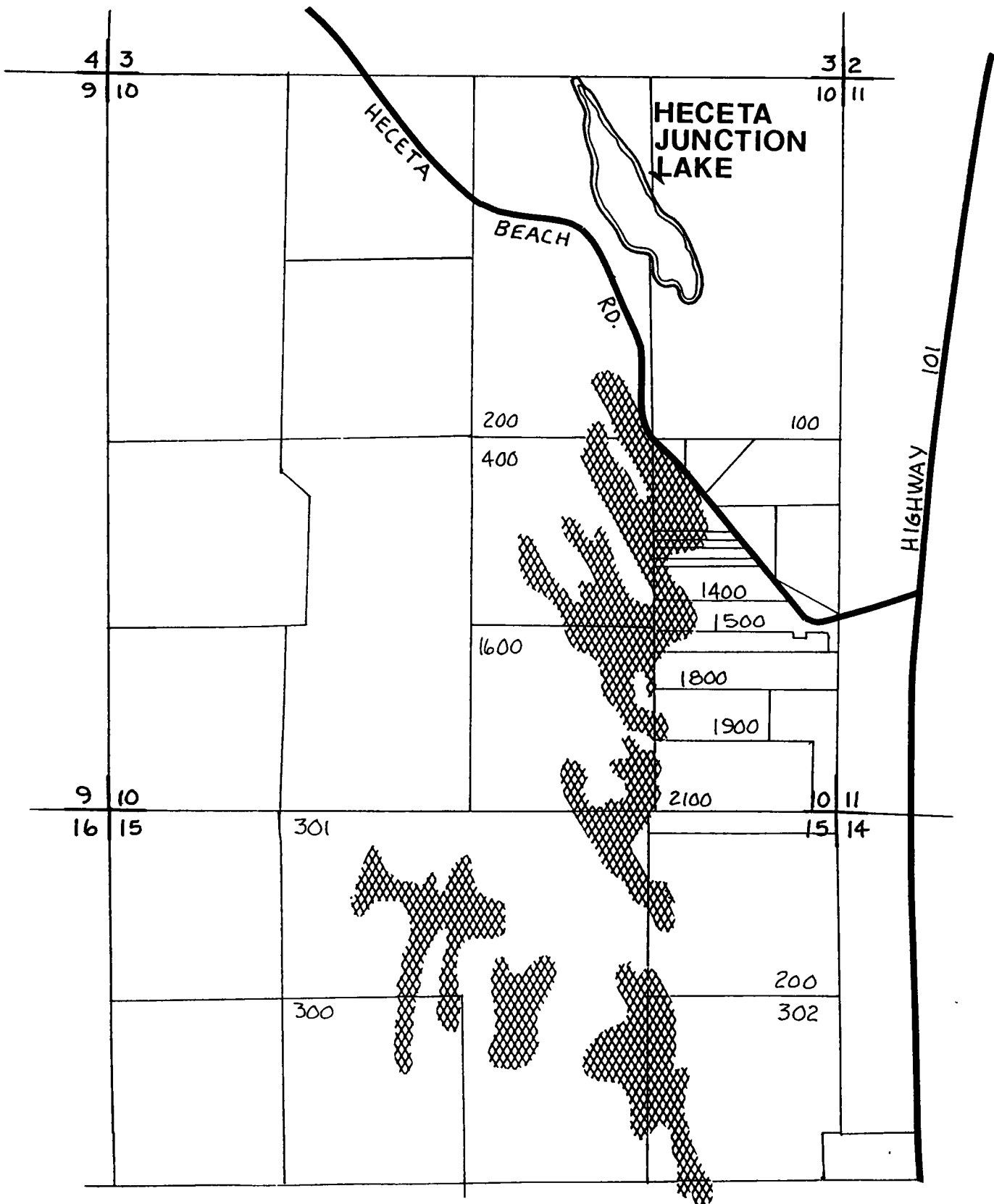
(541) 688-8322  
Fax (541) 688-8887

B

17

# SOUTH HECETA JUNCTION SEASONAL LAKES

SCALE 1:1,000



HECETA SOUTH

NE 1/4 & NW 1/4 SEC. 10, T 18 S, R 12 W, W.M.  
LANE COUNTY, OREGON.

FILED

APR 8 6 1993

COUNTY CLERK  
BY Charles W. [Signature]

**WOBBE & ASSOCIATES, INC.**  
**510 KINGWOOD STREET**  
**P.O. BOX 1138**  
**FLORENCE, OR 97439**

I, the undersigned, being first duly sworn, depose and say that this is an exact copy of the first plot as shown.

Subscribed and sworn to before me this 29<sup>th</sup> day of April 1993

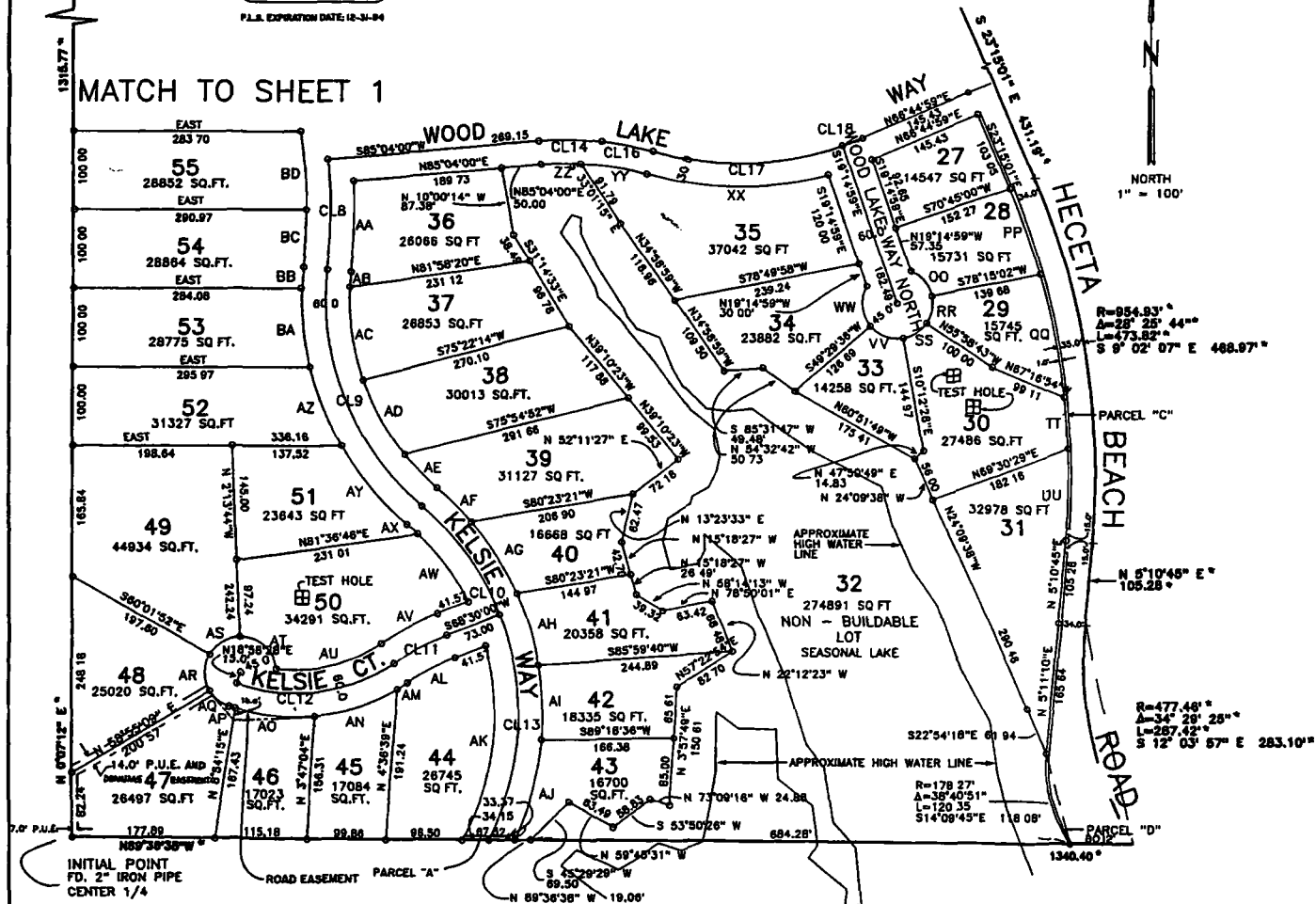
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

EUGENE M. WOBBE  
OREGON  
JULY 25, 1978  
EUGENE M WOBBE  
1093

**P.L.S. EXPIRATION DATE: 12-31-84**

**C N1/16**

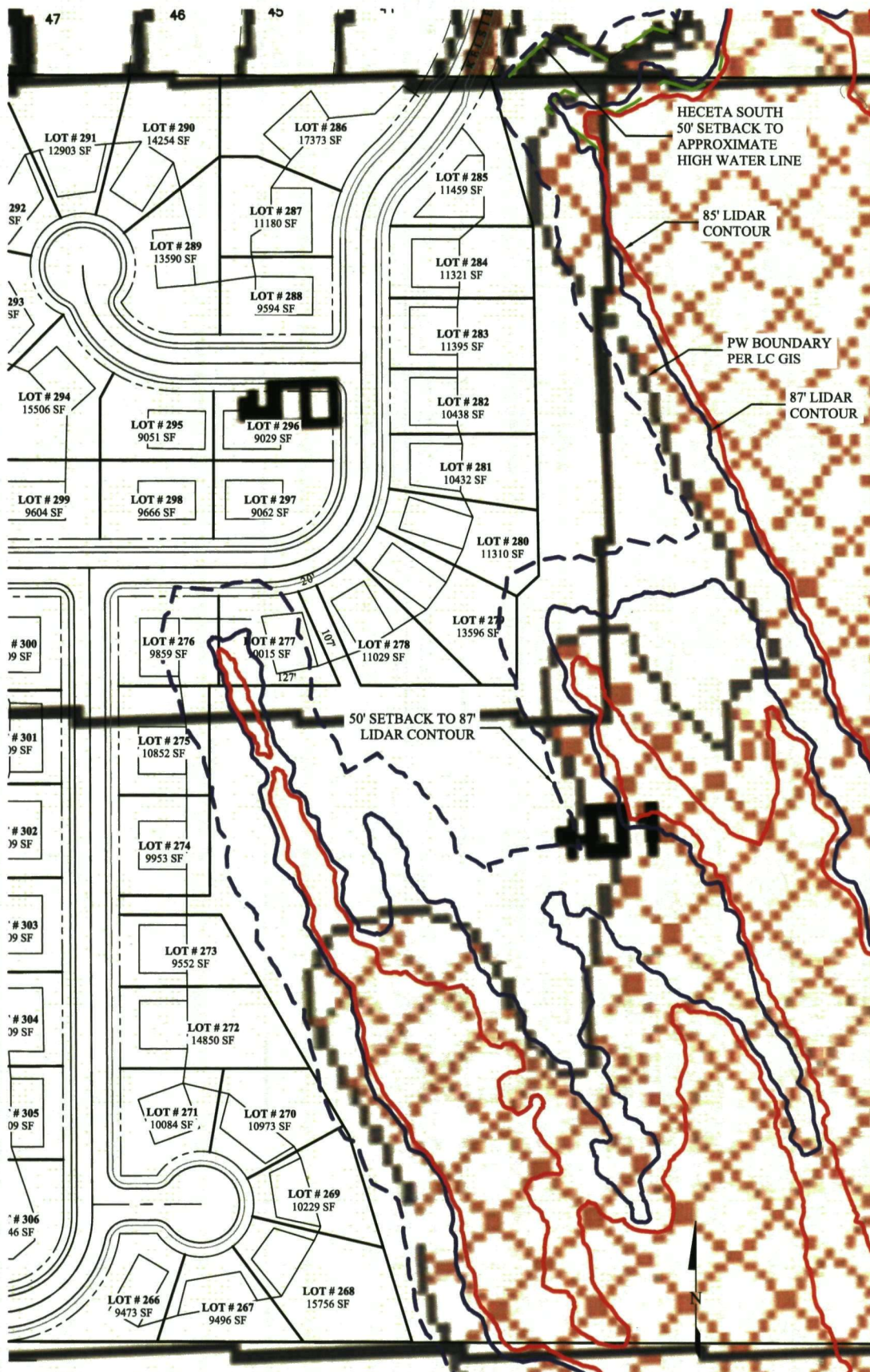
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QQ	S11°05'37"E	160 00	919 93	160 20	9°58'40"
RR	S11°08'10"W	35 00	45 00	35 95	45°46'15"
SS	S56°54'24"W	35 00	45 00	35 95	45°46'15"
TT	S 4°04'48"E	65 00	919 93	65 01	4°02'57"
UU	S 1°33'43"E	116 08	919 93	116 16	7°14'05"
VV	N70°21'26"W	44 80	45 00	46 89	59°42'04"
WW	N 5°47'00"W	51 27	45 00	54 54	69°28'48"
XX	N89°42'10"W	230 49	430 00	233 35	31°05'33"
YY	N80°40'24"W	83 99	370 00	84 17	13°02'03"
ZZ	S88°56'17"W	49 96	370 00	50 00	7°44'34"
AA	S 1°37'20"W	116 07	770 00	116 18	8°38'41"
AB	S 4°13'15"W	18 95	315 00	18 95	3°26'51"
AC	S 8°29'01"E	120 00	315 00	120 74	21°57'40"
AD	S29°20'06"E	108 00	315 00	108 54	19°44'30"
AE	S44°34'11"E	58 89	315 00	58 98	10°43'38"
AF	S45°15'34"E	81 11	375 00	81 18	9°20'51"
AG	S32°16'40"E	108 37	375 00	108 75	16°36'57"
AH	S16°44'56"E	94.27	375 00	94 52	14°26'30"
AI	S 2°15'04"E	95 00	375 00	95 26	14°33'14"
AJ	S15°07'14"W	311 46	375 00	312 14	20°11'22"
AK	N 7°10'19"E	248 25	315 00	255 17	46°24'49"
AL	S62°20'58"W	68 57	320 00	68 70	12°18'05"
AM	S57°53'03"W	15 00	255 00	15 00	3°22'15"
AN	S72°03'25"W	110 28	255 00	111 15	24°58'30"
AO	N84°08'10"W	100 10	255 00	100 76	22°38'20"
AP	N71°55'16"W	7 97	255 00	7 87	1°47'27"
AQ	N51°47'41"W	30 89	45 00	31 53	40°08'44"
AR	N 0°05'55"E	45 93	45 00	48 20	61°22'17"
AS	N58°52'12"E	43.50	45 00	45 40	57°48'08"
AT	S49°18'57"E	61 28	45 00	67.41	85°49'34"
AU	N76°34'09"E	135.75	195 00	138.66	40°44'28"
AV	N62°20'58"E	81 43	380 00	81 59	12°18'05"
AW	N36°48'43"W	107 74	315 00	108 27	19°41'38"
AX	N48°17'46"W	18 00	315 00	18 00	3°16'28"
AY	N38°59'25"W	129 50	375 00	130 16	19°53'10"
AZ	N21°47'29"W	107 70	375 00	108 07	16°30'42"
BA	N 6°38'39"W	100 68	375 00	100 98	15°25'45"
BB	N 7°01'34"E	26.81	375 00	26 81	4°05'47"
BC	N 2°58'40"W	73 49	710 00	73.33	5°56'01"
BD	N 4°02'14"W	100.25	710 00	100 33	8°05'48"
CLB	S 0°30'20"W	140 28	740 00	140 49	10°52'39"
CL9	S21°59'40"E	323 28	345 00	336 46	55°52'40"
CL10	S35°43'00"E	189 48	345 00	171 21	28°26'00"
CL11	S62°20'58"W	75 00	350 00	75 14	12°18'05"
CL12	S82°35'11"W	200 00	225 00	207 25	52°48'32"
CL13	S 2°56'34"W	285 51	345 00	294 36	48°53'07"
CL14	N89°15'12"W	79 18	400 00	79 31	11°21'38"
CL16	N78°51'54"W	65 67	400 00	65 74	9°25'01"
CL17	N88°17°48"E	241 18	400 00	245 00	35°05'35"
CL18	N68°45'00"E	27 92	400 00	27 93	4°00'02"

SHEET 2 OF 3

(D)



IDYLEWOOD 4TH ADDITION  
COASTAL OVERLAY SETBACKS  
14 MARCH 2012  
FLORENCE, OREGON



**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8087



(E)

To record  
on 4-5-12



Re: PW

Taken 3-28-12 by J.K.  
See attached map for  
shot location

FILE # PA	_____
EXHIBIT #	1-1-12

2/1

(F)

5th wettest March on record for Eugene

By Katie Boer KVAL News Published: Apr 1, 2012 at 4:45 PM PDT Last Updated: Apr 1, 2012 at 4:51 PM PDT

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KVAL YouNewser 'Amminancy' wrote: "Street Flood: Due to recent heavy rain and poor drainage, Lawnridge Ave. is over a foot deep."

It's no April Fools joke--Eugene tipped the rain gauge at 9.94" for the month of March--making this year the 5th wettest March of all time for the city. Normal March rainfall for Eugene is 4.99".

Eugene's Top 10 Rainiest Month's of March:

- 1) 12.46 (1974)
- 2) 10.93 (1989)
- 3) 10.58 (1983)
- 4) 10.49 (1904)
- 5) 9.94 (2012) \*\*\* 5TH WETTEST MARCH
- 6) 9.93 (1916)
- 7) 9.81 (1960)
- 8) 9.79 (1991)
- 9) 9.45 (1894)
- 10) 8.66 (1957)

Portland had their wettest recorded month of March since 1940, with 7.89" of rain.

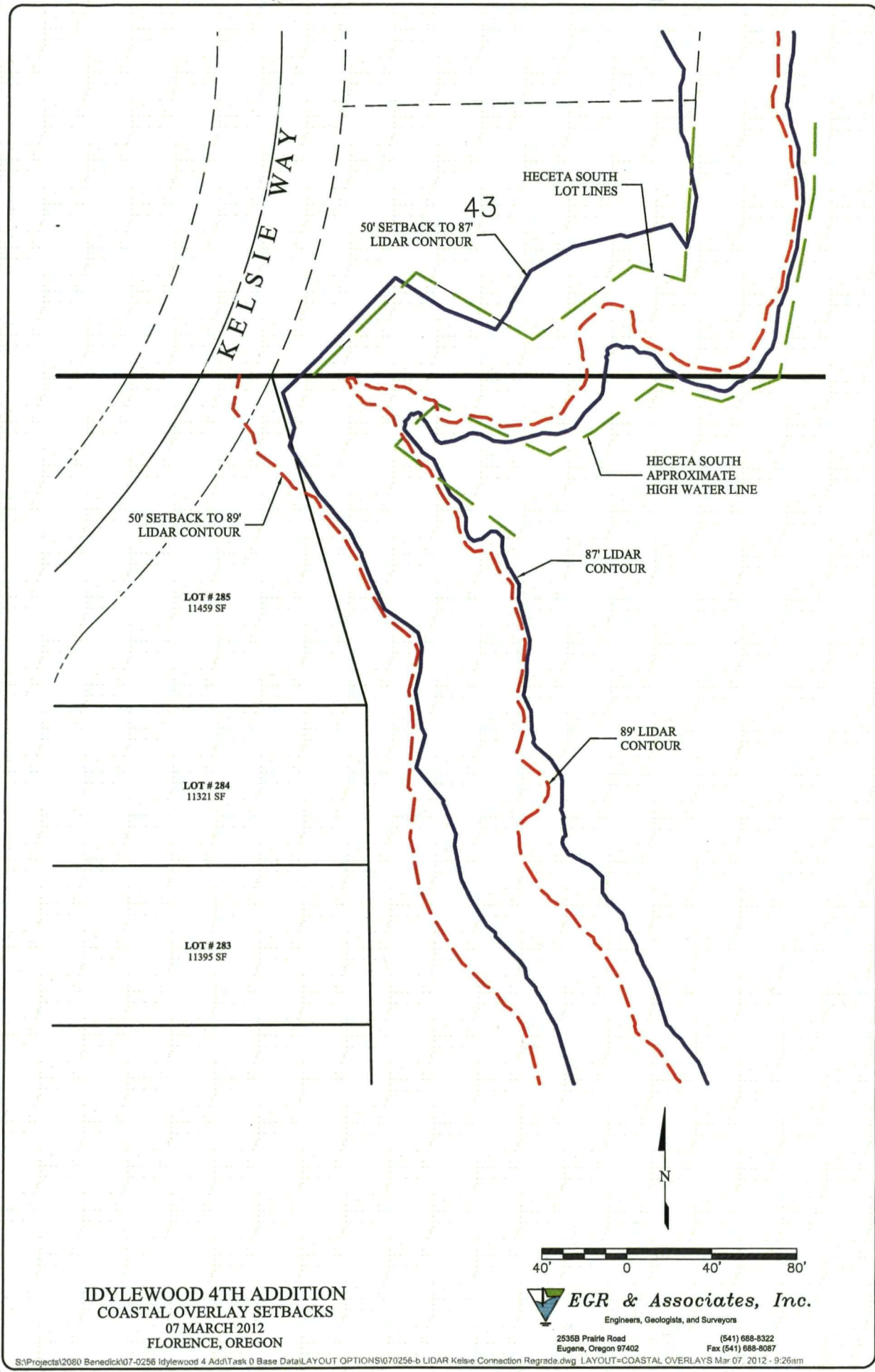
The second wettest March for Salem with 9.98" of rain. The record for wettest March for the state capital is 10.13" a record set in 1894.

Astoria really took top seed on the coast, their 4th wettest March all time with 14.13" of rain.

**Source:**

<http://www.kval.com/news/local/5th-wettest-March-on-record-for-Eugene-145700645.html>

6



**KENDALL Jerry**

**From:** Clint Beecroft [clintbeecroft@egrassoc.com]  
**Sent:** Wednesday, March 07, 2012 12:26 PM  
**To:** KENDALL Jerry  
**Subject:** Idylewood  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 070256-b LIDAR Kelsie Connection Regrade COASTAL OVERLAYS .pdf

Jerry,

This email is a follow up to our conversation yesterday regarding the geographic boundary of the PW district on the Idylewood site. Attached is a PDF showing a map of the area near the Kelsie Way connection on the north side of the Idylewood property. The Heceta South subdivision is situated to the north.

We have digitized the approximate high water line from the Heceta South plat which is shown as the green line on the attached PDF. The southerly and easterly sides of Lot 43 of Heceta South follows the 50-foot setback line from this approximate high water line. As shown, the 50-foot setback from the high water line on Heceta South lies outside the current Kelsie Way right-of-way.

With respect to the boundary of the PW district on the Idylewood property, you have indicated that the boundary should correspond to a high water lake level. We show two possible water levels shown as the 87' LIDAR contour (blue line) and the 89' LIDAR contour (red line) with associated 50-foot setback lines.

As we have discussed, the lake does not appear to have a surface outlet until the water level reaches approximate elevation 87' msl, at which elevation a surface outlet forms to the south on the County property. This elevation will regulate the seasonal high water level to a maximum elevation of 87' msl. As shown, the 50-foot setback line (also shown as blue) from the 87' contour line lies outside the proposed Kelsie Way right-of-way on the Idylewood property. Note that the 87' contour and associated 50-foot setback line correlates well with the high water line and setback shown on the Heceta South subdivision. An extension of Kelsie Way road to the north will not result in any grading occurring within this 50-foot setback area.

The 89' LIDAR contour (shown as red) corresponds to the approximate high lake level that occurred during the February 1996 flood event based on visual observations. This high lake level was temporary due to rising groundwater and surface water from heavy rainfall that occurred over several weeks and represents a flood condition, not a seasonal high water level. As shown, a 50-foot setback (also shown as red) from the 89' contour extends into the Kelsie Way right-of-way on the Idylewood property. An extension of Kelsie Way road to the north will result in a cut slope occurring within this 50-foot setback area. The 89' contour and associated 50-foot setback line does not correlate as well with the high water line and setback shown on the Heceta South subdivision as the 87' contour and setback.

I hope this helps. Please give me a call if you have any questions.

Clint

FILE # PA	_____
EXHIBIT #	_____ 28

03/14/2012



(H)



## LAND MANAGEMENT DIVISION

# APPEAL OF A DIRECTOR'S DECISION

**PUBLIC WORKS DEPARTMENT** 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401  
Planning: 682-3807 Building: 682-3823 Sanitation: 682-3754

For Office Use Only FILE #

CODE: HOAPPEAL

FEE: \$250

Appellant: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Appellant's Representative : \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

### LOCATION (subject property)

Township	Range	Section	Taxlot	Subdivision/partition	lot/parcel
----------	-------	---------	--------	-----------------------	------------

### Required submittals. Your appeal application will be rejected if it does not contain all the required information.

1. A copy of the decision being appealed, with the department file number: \_\_\_\_\_
2. The \$250 appeal fee, payable to Lane County.
3. The appeal deadline, as stated in the Director's Decision: \_\_\_\_\_
4. Check one of the items below to identify your party status with the right to appeal the Director's decision:
  - ☐ I am the owner or contract purchaser of the subject property;
  - ☐ I am the applicant for the subject application;
  - ☐ Prior to the decision by the Director, I submitted written testimony into the record
  - ☐ I am not one of the persons mentioned above, but wish to appeal the Director's decision for the reasons explained in my letter.
5. A letter that addresses each of the following three standards:
  - a. The reason(s) why the Director's decision was made in error or why the Director should reconsider the decision;
  - b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration:
    - The Director exceeded his or her authority;
    - The Director failed to follow the procedure applicable to the matter;
    - The Director rendered a decision that is unconstitutional;
    - The Director misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria.
  - c. The Director should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria.
6. Any additional information in support of your appeal.

(Version 4/2010)



**INSTRUCTIONS:** Completely fill out this application form. Attach additional pages if necessary. Failure to submit a complete application or answer every question will result in a delay or rejection of your application.

The Preliminary Investigation will determine the presence of any hazards to the proposed development and the appropriate mitigation measures.

**PROJECT DESCRIPTION** What are you proposing? What are you going to build?

THE PROJECT CONSISTS OF A 62-LOT RESIDENTIAL SUBDIVISION OF 3 TAX LOTS.  
TAX LOT 401 HAS A PW COMBINING DISTRICT OVERLAY. ROADS, UTILITIES, AND  
ASSOCIATED GRADING ACTIVITY WILL BE CONSTRUCTED TO SERVE THE SUBDIVISION.

**SITE PLAN** A site plan must be included. Refer to the handout entitled "How to prepare your site plan".

**ZONING:** RA, BD, U, PW

**ACREAGE:** 46.06

**LOCATION** Describe how to find the property. Is the address visible? Are there any identifying features?

FROM RHODODENDRON DRIVE TURN EAST ONTO OCEANA DRIVE. CONTINUE THROUGH  
THE INTERSECTION WITH SANDRIFT STREET TO THE END OF OCEANA DRIVE. THE  
PROPERTY ABUTS THE END OF OCEANA DRIVE. THE SITE IS VACANT AND HAS NO  
ADDRESS.

**EXISTING IMPROVEMENTS** Does the property contain any roads, structures, etc.?

NONE, EXCEPT FOR A STORMWATER PUMP STATION AND PIPE LOCATED ON TAX  
LOT 801 WHICH WILL REMAIN.

**STAKE OUT THE DEVELOPMENT AREA.** The location of the structure(s) must be staked out on the site and identified with colored ribbon or a similar item.

**PHYSICAL FEATURES:** Describe the site. Generally describe the vegetation. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features.

SEE ATTACHED ADDITIONAL INFORMATION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPLICABILITY**

### **16.238 PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP).**

**(9) Preliminary Investigation.** Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

To the best of your knowledge, do any of the following conditions exist at the site? Check all that apply:

X (a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

- (i) Floodways and the floodway fringe.
- (ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.
- (iii) Dikes, dams, levees or steep embankments which control the coastal water body.
- (iv) Lands along the ocean coast at or below the 26-foot elevation line.

   (b) Adjacent areas of geologic instability which are composed of:

- (i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.
- (ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.
- (iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.

X (c) Natural or human-made riparian resources. These lands are as follows:

- (i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:
  - (aa) Shading of coastal water body.
  - (bb) Stabilization of shoreline.
  - (cc) Habitat for rare or endangered wildlife species.
  - (dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

X (d) Areas of significant shoreland and wetland biological habitat, composed of:

- (i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.
- (ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.
- (iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.

\_\_\_(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

\_\_\_(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

\_\_\_(g) Coastal headlands identified in the Lane County Coastal Inventory.

## APPROVAL CRITERIA

Answer every question. Attach additional pages if necessary.

**(5) Prohibited Uses.** If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9), the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

Does your project include any of these activities?

Yes

No

If yes, explain: \_\_\_\_\_

**(6) Site and Development Requirements.** If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

Footprint of the proposed structure(s): NONE sf

Total area of vegetation clearance: NONE sf

Explain why your proposed vegetation clearance is not excessive: NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF THE PW SHORELAND. ALL DEVELOPMENT AND VEGETATION REMOVAL WILL OCCUR ON PORTIONS OF THE SITE EXTRANEIOUS TO THE PW-RCP ZONE AND ITS SETBACK AREA.

**(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.**

Does the property contain any vegetation-free areas?

Yes

No

If you are not using the vegetation-free area, explain why: NOT APPLICABLE.

NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF  
THE PW SHORELAND.

**(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal or existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a). Where vegetation removal beyond that allowed in LC 16.238(6)(a) cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE.

NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF  
THE PW SHORELAND.

**(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.**

This will be a condition of approval.

**(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).**

This will be a condition of approval.

**(f) The shoreward half of the setback area specified by LC 16.238(8) must be left in indigenous vegetation, except where un-surfaced trails are provided.**

Does your plan comply with this requirement? Explain: YES. INDIGENOUS VEGETATION  
LOCATED ON PROPOSED LOTS AND WITHIN THE SETBACK AREA WILL NOT BE  
DISTURBED EXCEPT FOR UNSURFACED TRAILS CREATED BY LOT PURCHASERS.

**(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7).**

Does your plan comply with this requirement? Explain: NONE PROPOSED AT THIS TIME

**(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7).**

Does your plan comply with this requirement? Explain: NONE PROPOSED AT THIS TIME

**(i) All trees must be retained within the setback area specified by LC 16.238(7), except where removal is subject to requirements of the Oregon Forest Practices Act.**

Does your plan comply with this requirement? Explain: NO TREE REMOVAL IS PROPOSED WITHIN THE SETBACK AREA.

**(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.**

Does your plan comply with this requirement? Explain: STRUCTURES ARE NOT PROPOSED AT THIS TIME, BUT WILL BE REVIEWED AT THE TIME OF INDIVIDUAL LOT DEVELOPMENT.

**(k) The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.**

Does your plan comply with this requirement? Explain: STRUCTURES ARE NOT PROPOSED AT THIS TIME, BUT WILL BE REVIEWED AT THE TIME OF INDIVIDUAL LOT DEVELOPMENT.

**(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE. NO PUBLIC RIGHT-OF-WAY IS PROPOSED TO ABUT THE PW SHORELAND.

**(7) Additional Setback Requirements.** Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

**(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h).**

Does your plan comply with this requirement? Explain: YES. THE SETBACK AREA IS SHOWN ON THE SUBDIVISION PLAN. THE PROPOSED LOTS HAVE BEEN SIZED TO ACCOMMODATE BUILDINGS WITHOUT ENCROACHING THE SETBACK AREA.

**(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE. THERE ARE NO OCEANFRONT PARCELS ASSOCIATED WITH THIS SUBDIVISION PROPOSAL.



**(8) Special Land Division Requirements.** The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

**(a) For lands within urban or urbanizable areas or lands developed or committed to development:**

**(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.**

**(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.**

**(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.**

Does your plan comply with this requirement? Explain: YES, BECAUSE NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF THE PW SHORELAND OR ITS SETBACK AREA.

**(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:**

**(i) There is a need which cannot adequately be accommodated on non-shoreland locations.**

**(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE BECAUSE THE PROPERTY IS LOCATED WITHIN THE FLORENCE UGB.

**Prime Wildlife Combining Zone  
Preliminary Investigation Application for  
Idylewood Fourth Addition  
Additional Information**

**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

The developable easterly portion of this site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies across the site from an elevation of less than 82 feet MSL in the lowest areas of the site to a high of approximately 123 feet MSL (contours were interpreted from City of Florence 100-foot topographic maps). The site is bordered on the west by the Idylewood Subdivision, on the north by the Heceta South Subdivision, and on the east and south by vacant land owned by Lane County.

The geology of the site suggests that this is a classically formed transverse dune/deflation plain formation with relict incisions formed by the interplay between historic wind and water movements across the formation. These topographic incisions and the associated remnant sand between them are close together and steeply inclined where forces of erosion removed the sand placed by seasonal winds. Similar relict incisions can be observed across the Heceta South Subdivision to the north of the subject property. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development.

Much of the eastern (undevelopable) portion of the site is characterized as a frequently inundated bog/water body that in most years displays some water in the lower elevations but in some years is completely dry. Water levels within this area and across the site are driven by seasonal groundwater. No defined or channelized outlet exists to this low-lying area. Water levels rise and fall as a reflection of the groundwater table. Wetlands are present on this portion of the site as shown on the subdivision plan. High and low water levels rise and fall in conjunction with both the seasonal precipitation and cyclical weather patterns. On years, such as in 1996, when precipitation is substantially higher than average, seasonal high water tables at the intersection of Oceana Drive and Sandrift Street reached an elevation of between 85 and 86 feet MSL. The groundwater gradient across the site slopes from east to west (toward the Siuslaw River approximately one mile away) at a gradient of approximately one foot in 400 feet. Thus, the seasonal/cyclical high groundwater tables across the site vary from an estimated 89 feet MSL more or less at the eastern fringe of the proposed development to an elevation of 85 to 86 feet MSL more or less along the eastern fringe of the existing Idylewood Subdivision.

At the northwestern portion of the site, near proposed Lots 17 and 18, there is an abrupt 40 foot drop in elevation at the lee side of the dune formation. Further north, where Kelsie Way was terminated in the Heceta South Subdivision, the leeward drop is less pronounced (about 30 feet) but close enough to Kelsie Way to render this possible transportation connection very difficult at best. Further south, this leeward drop declines to insignificance in the vicinity of proposed Lots 23, 24, and 25.

LAND MANAGEMENT DIVISION



**LAND USE APPLICATION**  
**Preliminary Investigation**  
**Prime Wildlife Combining Zone**

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only. FILE # PA105825

CODE: API

FEE: \$1048.<sup>00</sup>

**Applicant (print name):** BENEDICK HOLDINGS LLC.

**Mailing address:** 27922 WARD LANE, EUGENE, OREGON 97402

**Phone:** (541) 688-6402

**Email:** ejbenedick@msn.com

**Applicant Signature:** Sharla A. Whitten

**Agent (print name):** EGR & ASSOCIATES

**Mailing address:** 2535 B PRAIRIE ROAD, EUGENE, OREGON 97402

**Phone:** (541) 688-8322

**Email:** clintbeecroft@egrassoc.com

**Agent Signature:** \_\_\_\_\_

**Land Owner (print name):** BENEDICK HOLDINGS LLC.

**Mailing address:** 27922 WARD LANE, EUGENE, OREGON 97402

**Phone:** (541) 688-6402

**Email:** ejbenedick@msn.com

**Land Owner Signature:** Sharla A. Whitten

**LOCATION**

18S 12W 10° 34 400, 401 & 801

18 12 10 40

VACANT - NONE

Site address

**PROPOSAL:** A request for a Preliminary Investigation prior to development in the Prime Wildlife Combining Zone, pursuant to Lane Code ~~16.238~~ 10.245

This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.

**Exhibit K58-F**

April 19, 2012

Mr. Clint Beecroft  
EGR & Associates  
2535 B Prairie Rd.  
Eugene, Or. 97402



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

Re: PA 10-5825, Prime Wildlife Shorelands Combining District (PW) Preliminary Investigation for proposed subdivision, Idylewood 4<sup>th</sup> Addition.

Dear Mr. Beecroft:

The Preliminary Investigation report for the pending Idylewood 4<sup>th</sup> Addition has been completed. It is found as the enclosed Exhibit B.

Refer to the conditions derived from this investigation, Exhibit A.

**Procedurally, you have the right to appeal any or all parts of this investigation as per Lane Code 14.500. If you choose to appeal, such shall be filed no later than 5:00 p.m. on May 1, 2012 using the enclosed appeal form.**

Feel free to contact me if you have any questions concerning this investigation.

Sincerely,

Jerry Kendall/Associate Planner (541-682-4057)

**Exhibit A**  
Conditions attendant to PA 10-5825  
Preliminary Investigation for the Prime Wildlife Combining Zone (PW)  
for 4<sup>th</sup> Addition to Idylewood

1. The PW boundary is set at an elevation of 87' mean sea level (msl) around the seasonal lake as illustrated in Attachment D (note: 87' msl = "87' LIDAR Contour" on that attachment). Note: this boundary is independent of the wetland delineation (WD#07-0747) approved by the Oregon Division of State Lands (DSL). Actions within the designated wetlands are subject to approval by the DSL.
2. No structures shall be allowed within 50' upland of the above boundary (measured horizontally, LC 10.245-35).
3. No topographic modification shall occur within 50' upland of 87' msl. PW boundary (measured horizontally). There is no variance option to this standard. (LC 10.245-30(5)).
4. Artificial bank stabilization shall be allowed inside the PW boundary and the 50' buffer (described in #2) only in unusual circumstances where natural erosion processes threaten critical wildlife habitat, provided that natural bank stabilization methods have been considered. Riprap used for bank stabilization must meet Army Corps of Engineers strength, size and design criteria unless the County Public Works Engineer, in coordination with the Planning Director determines this to be unnecessary and inadvisable. (Derived from Coastal Resources Management Plan (revised 1991), PW policy #2, p.34)



## Exhibit B

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### Preliminary Investigation in the Prime Wildlife zone *Staff Report*

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<b>Report Date:</b>	April 19, 2012
<b>Department File:</b>	PA 10-5825
<b>Property Owner/Applicant:</b>	Benedick Holdings LLC
<b>Agent:</b>	Clint Beecroft/EGR & Associates
<b>Property Address:</b>	None issued
<b>Assessor's Map:</b>	18-12-10.4 <b>Tax Lot:</b> 400, 401 & 801
<b>Acreage:</b>	46+ acres
<b>Base Zone:</b>	Suburban Residential (RA, LC 10.135
<b>Combining Zone:</b>	Prime Wildlife (/PW) & Beaches & Dunes (/BD)
<b>Comprehensive Plan:</b>	City of Florence Comprehensive Plan (1988 version)
<b>Site Visit Date:</b>	March 29, 2012
<b>Staff Planner:</b>	Jerry Kendall, 541-682-4057

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## I. PROPOSAL

Preliminary Investigation for a proposed 4<sup>th</sup> addition to the Idylewood subdivision, located within the Urban Growth Boundary of the City of Florence, regarding the Prime Wildlife combining zone pursuant to the requirements of Lane Code 10.245-45. See proposed site plan, Attachment A<sup>1</sup>.

## II. BACKGROUND INFORMATION

A preliminary investigation for the proposed development was conducted by staff in March of 2012, with an earlier field visit in 2011. The subject property is located within the UGB of Florence, and is situated east of the 3<sup>rd</sup> addition to the Idylewood subdivision and south of the Heceta South subdivision. The property consists of 46+ acres, with the PW district confined to the approximate area of the seasonal wetland lake found on the east side of the subject property. This lake, together with four others to the south (and not within the subject property) is known as one of the "South Heceta Junction Seasonal Lakes", according to the *Coastal Resources Management Plan* (revised, 1991).

Per that plan, the subject property is within the PW district as described on p.86 of that plan. The rationale for this designation:

1. *Area is subject to considerable standing water in winter months;*

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<sup>1</sup> From PA 10-5821, the preliminary subdivision application, currently pending. It is noted that while the final subdivision configuration will be modified prior to Final Plat approval, any changes to the outer perimeter of that plan in a direction towards the boundaries of the PW district may void this investigation. Other pending applications related to this 4<sup>th</sup> addition include PA 10-5824, a variance for road connectivity, and PA 10-5822, a Preliminary Investigation for the Beaches & Dunes Combining District. Because of the interrelated nature of these applications, the file record for PA 10-5821 is considered the file record for the remaining applications.

*2. Brush thickets, blueberry bushes, snags and seasonal water provide natural habitat.*

The plan further describes the management unit, stating that *[T]he majority of this management unit is on public land and is contained within a large open area. The northern portion is private property (being "Common Area Parcel B" within the subject property, as shown on Attachment A). In addition to the natural values present, the lack of adequate drainage in the area would pose problems for development. Any fill or other alteration of drainage patterns could cause flooding on adjacent lands.*

It is noted that this seasonal lake is also inventoried by the State as a designated wetland. The property owner has had this wetland lake delineated by a wetland consultant, and the delineation was accepted by the Oregon Division of State Lands (DSL wetland delineation # 07-0747, valid until 10-21-13). That delineation is also comprised of several small wetlands, which are outside of the PW district. Refer to the file record of PA 10-5821, exhibit 59F for a large scale copy of the subdivision plan. It shows the delineated wetland areas. The seasonal lake and the delineated wetlands are not identical.

Page 86 of the CSMP refers us to "the 1,000 scale map" for location of these five seasonal lakes. That map is found as Attachment B to this report.

It is worth noting that this seasonal lake extends beyond the subject property of the proposed Idylewood 4<sup>th</sup> Addition, and into the Heceta South Subdivision to the north, as well as beyond the subject property to the east, and also to the south, onto county owned land and beyond.

It is also noted that LC 10.245-30(5) states:

*(5) No topographic modification is permitted within the 50-foot setback area specified by LC 10.245-35 below.*

The applicable portion of LC 10.245-35 reads:

*(1) Structures shall be setback 50 feet from coastal lakes... measured at right angles to the high water line. Use of this 50 feet shall be as specified in LC 10.245-30(5)-(8) above.*

Basically stated, these two provisions mean that once the extent of the PW zone is established, there is an upland 50' buffer within which no structures or topographic modification can occur.

A comparison of Attachments A and D show that the majority of the seasonal lake along with the 50' buffer will have no consequence to proposed development of the property, except for two areas.

The first area is at lot #285. Lane Code Chapter 15/Roads requires that Kelsie Way be extended southward to connect with Oceana Drive. During the review of the Heceta South subdivision, the extent of the PW zone was set at the "approximate high water line" as so marked on that plat, Attachment C to this report. The 50' buffer required by LC 10.245-30(5) was also established accordingly, and no development was permitted to occur inside that buffer. The outer perimeter of lots 30, 31, 33-43 of Heceta South were set accordingly to be outside that buffer. In addition, Kelsie Way was also set enough to the west to be outside the buffer and allow for its construction. According to documents submitted by the agent for this investigation, the "approximate high water line" on the Heceta plat equates to a calculated elevation of 87' msl.

The second area is found proximate to lots 275, 276, and 277 of the proposed Idylewood 4<sup>th</sup> addition, an area where an arm of the seasonal lake extends towards those lots. Refer to Attachment D. This attachment shows an extended "pond" area (in red) which is detached from the main arm and covers

portions of lots 276 and 277. This “pond” raises the question as to whether or not it should also be considered part of the PW zone (it is noted that in any event the pond is part of the DSL accepted wetland delineation, WD 07-0747). A photo of the “pond” is found as Attachment E. The photo was taken from the north end of this feature, looking southward. The water in the pond was observed to be approximately 6” deep on that date. While staff did not traverse to the southern extent of the pond, small trees and brush could be observed at the southern end, verifying that the pond is somewhat separated by the main arm of the seasonal lake, at least during portions of the year, enabling such growth. The photo was taken on 3-29-12, the end of the month of March, which was the 5<sup>th</sup> wettest on record for Eugene at 9.94”(records for Florence were not available, but is generally greater than Eugene). Source: <http://www.kval.com/news/local/5th-wettest-March-on-record-for-Eugene-145700645.html>). See Attachment F.

### III. PRELIMINARY INVESTIGATION RESULTS

**Lane Code 16.238(9) Preliminary Investigation.** Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more or the criteria specified below apply:

- (a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:**
  - (i) Floodways and floodway fringe.**
  - (ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.**
  - (iii) Dikes, dams, levees or steep embankments which control the coastal water body.**
  - (iv) Lands along the ocean coast at or below the 26-foot elevation line.**

#### Response and Findings:

None of the subject property is within the FEMA regulated floodhazard area, so (i) is not technically applicable. It is noted however, that the area around the intersection of Sandrift Street and Gullsettle Court were subject to extremely high water tables and flooding in 1996. Also, on the date of the site visit for this investigation, 3-29-12, portions of the Heceta South subdivision, specifically the cul-de-sac at Windjammer North was flooded to the point where portions of the lots closest to Heceta Beach Road were under 1-2 feet of water. The wetland areas along Heceta Beach Road lying between Highway 101 and the Heceta South Subdivision were high and close to the county road. The purpose statement of the PW zone includes serving “...to protect wildlife habitat, water quality, bank stability and *provide flood control*” (emphasis added, see LC 10.245-05).

In consideration of the above comments, and regarding (ii), staff first considered setting the PW boundary at the elevation level of high water during the 1996 flooding. This was estimated by the applicant to be at 89’ msl (see Attachment G). However, in order to stay consistent with the PW line established in 1993 for the Heceta South subdivision, and in order to allow connectivity to Kelsie Way (which was constructed based on the PW line set during the review of the Heceta South subdivision), a lesser elevation of 87’msl is accepted. To do so otherwise would be nonsensical for the same water body, and seriously hamper road connectivity. This will be the boundary line for the PW zone for the seasonal lake.

The question arises as to whether or not the aforementioned “pond” which is found near proposed lots 276, 277 should be included in the PW zone. As seen on Attachment D, it connects to the main lake body

when water is at 87' msl but not when the water level is at 85' msl. Unlike the portion of the lake near the border with Heceta South subdivision, there are no steep embankments at this location. However, at the (accepted) 87' msl, this "pond" is contiguous with the main body of the lake. In addition, at the 87' msl level this "pond" qualifies as land lying between the mean high, high water and mean low watermark of coastal water body.

Aside from the above rationale, the "pond" is shown (Attachment A) to be contiguous with the remainder of the seasonal lake in the DSL delineation, WD# 07-0747. Wetlands share three primary characteristics: hydric soils, hydrophytic plants, and prolonged water saturation. The fact that DSL has designated the "pond" as contiguous with the remainder of the designated wetland lake adds reason to also include it into the PW zone.

Regarding (iii), the steep embankment proximate to lots 281-286 control the water body during high water. This effect is less so in the more southerly portion of the lake.

Regarding (iv), the property is above 26' msl and is not at the coast.

Conclusion: Subsections (ii) and (iii) apply. The PW zone boundary is established by the Planning Director at 87' msl. Lane Code 10.245-35 requires a 50' structural setback from the 87' msl level. No topographic modifications are allowed within this setback area. There is no variance option to this standard. This will require a redesign of lots 276, 277, and perhaps 275, along with a portion of the sidewalk/road north of 276 and 277. Lots 279 and 280 are nominally within the "no touch" buffer, but this can be so listed within the approved CC & R's to properly advise future owners.

**(b) Adjacent areas of geologic instability which are composed of;**

- (i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.**
- (ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.**
- (iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.**

**Response and Findings:**

Regarding (i) and (ii) the lake is not inventoried as geologically unstable.

Regarding (iii), the PW affords ample protection with the boundary set at 87' msl. The BD zone requirements will be evaluated at a later date under pending Hazards Check PA 10-5822.

**(c) Natural or human-made riparian resources. These lands are as follows:**

- (i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:**
  - (aa) Shading of coastal water body.**
  - (bb) Stabilization of shoreline.**
  - (cc) Habitat for rare or endangered wildlife species.**
  - (dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.**

Response and Findings:

The high water line and the PW boundary has been established as 87' msl. The mean high water line by definition will be lower in elevation, but is currently undetermined. It is noted that this seasonal lake is fed through precipitation and its effects on the water table. During the dry summer months, the seasonal lake recedes dramatically. The "no topographic modification" buffer will be 50' horizontal upland from the 87' msl. Area within the PW boundary will remain basically untouchable. The 50' buffer should more than encompass all remaining natural riparian resources (there is no "human-made" vegetation on this undeveloped property) which serve to shade the seasonal lake and stabilize the shoreline. It is noted that the pending Hazards Checklist for the Beaches & Dunes Combining Zone, PA 10-5822, will most likely not allow any vegetative removal within 50' of the PW boundary, excepting hazardous trees.

The provisions of (cc) and (dd) do not apply, as the property is not so inventoried.

**(d) Areas of significant shoreland and wetland biological habitat, composed of:**

- (i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.**
- (ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.**
- (iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.**

Response and Findings:

None of the above features or habitat is on inventory for the subject property.

**(e) Areas necessary for water dependent and water related uses, including areas of recreational importance, which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.**

Response and Findings:

Of the uses listed above, only minor recreational use (largely hiking) occurs within the subject area. Such activity will occur within the PW boundary (at or below 87' msl). This standard applies and is accommodated with the PW zone.

**(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.**

Response and Findings:

The Lane County Rural Comprehensive Plan does not identify this site as such.

**(g) Coastal headlands identified in the Lane County Coastal Inventory.**



**Response and Findings:**

The site is not identified as a coastal headland in the Lane County Coastal Inventory.

**IV. SUMMARY**

The PW boundary has been established at 87' msl around the seasonal lake as illustrated in Attachment D. Conditions safeguarding this resource are listed in Exhibit A.

**V. ATTACHMENTS**

- A. Preliminary Subdivision Plan (revised 12-1-11)
- B. "South Heceta Junction Seasonal Lakes"
- C. Portion of Heceta South Plat
- D. Coastal Overlay Setbacks (3-14-12)
- E. Photo of "pond" area (3-29-12)
- F. Rainfall stats, March 2012
- G. Coastal Overlay Setbacks (3-7-12)—2p.
- H. Appeal Form

*J. Kendall*  
Prepared by: Jerry Kendall, Associate Planner

4-19-12  
Date

*Kent Howe*  
Authorized by: Kent Howe, Planning Director

19 Apr '12  
Date

# PRELIMINARY SUBDIVISION PLAN FOR IDLEWOOD FOURTH ADDITION SUBDIVISION

TOWNSHIP 18S, RANGE 12W, SECTION 10 W.M., TAX LOTS 400, 401 AND 801

LANE COUNTY, OREGON

OCTOBER 26, 2010  
REVISED DECEMBER 1, 2011

**SCHOOL DISTRICT:**  
RELAY

**PARK & RECREATION DISTRICT:**  
LANE COUNTY

**FIRE DISTRICT:**  
SILVER LAKE FIRE AND RESCUE

**SOURCE OF WATER:**  
HICKITA WATER DISTRICT

**PHONE:**  
Q1 837

**POWER:**  
CENTRAL LINCOLN P.U.D.

**SANITARY FACILITIES:**  
CITY OF FLORENCE A GRAVITY-POD WASTEWATER SYSTEM WILL COLLECT AND CONVEY WASTEWATER TO A CENTRALIZED ON-SITE PUMP STATION COLLECTED WASTEWATER WILL BE PUMPED TO AN EXISTING WASTEWATER FORCE MAIN LOCATED IN KROCKENBORN DRIVE VIA A NEW FORCE MAIN THAT WILL BE INSTALLED IN OCEANA DRIVE RIGHT OF WAY

**DRAINAGE FACILITIES:**  
STREET AND SEWERAGE SLOPES WILL DRAIN INTO PUBLIC ROADSIDE VEGETATED SWALES FOR PRETREATMENT AND DETENTION. ROCKS WILL DRAIN INTO SEWERAGE. PRIVATE ON-SITE DETENTION SYSTEMS, DESIGN OF VEGETATED SWALES WILL BE IN ACCORDANCE WITH THE FLORENCE STORMWATER DESIGN MANUAL, NOVEMBER 2008. SWALE LOCATIONS SHOWN INCLUDES AN ALLOWANCE FOR A 50% WIDE DRIVEWAY TO TRAILER LOT. DRIVEWAY LOCATIONS ARE APPROXIMATE AND FINAL LOCATIONS MAY CHANGE.

**FLOOD ZONE INFORMATION:**  
ZONE X (ONE FEET TIDE + 1.0 FEET) (NO. 1)  
AREAS DETERMINED TO BE OUTSIDE OF 300 YEAR FLOOD ZONE

**IMPROVEMENT REQUIREMENTS:**  
STREETS, WASTEWATER SYSTEM, AND STORMWATER FACILITIES IN CONFORMANCE TO FLORENCE STANDARDS. WATER SYSTEM IN CONFORMANCE TO HICKITA WATER DISTRICT STANDARDS.

**ELEVATION DATA:**  
ELEVATIONS BASED ON 5' ROD AT INTERSECTION OF OCEANA DRIVE AND SANDCROFT STREET. ELEVATION 84.37  
CONTOUR SOURCE: 2009 OCEANA LIDAR, OREGON NORTH COAST

**OWNER/APPLICANT:**  
HINSDICK HOLDINGS LLC  
72922 WARD LN  
EUGENE, OR 97402

**CIVIL ENGINEER:**  
ROR & ASSOCIATES, INC.  
2515 S PHASED ROAD  
EUGENE, OR 97402  
(541) 688-8322

**SURVEYOR:**  
ROR & ASSOCIATES, INC.  
140 KENDWOOD ST  
FLORENCE, OR 97439

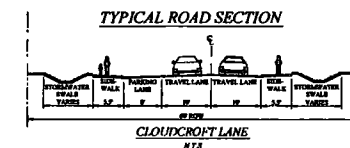
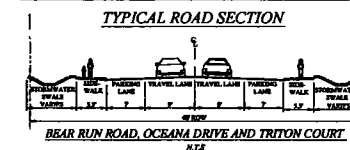
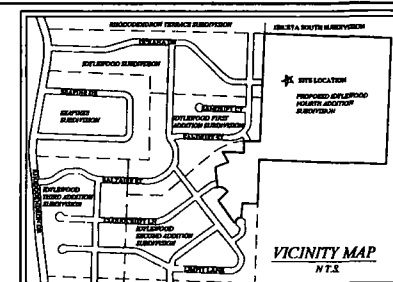
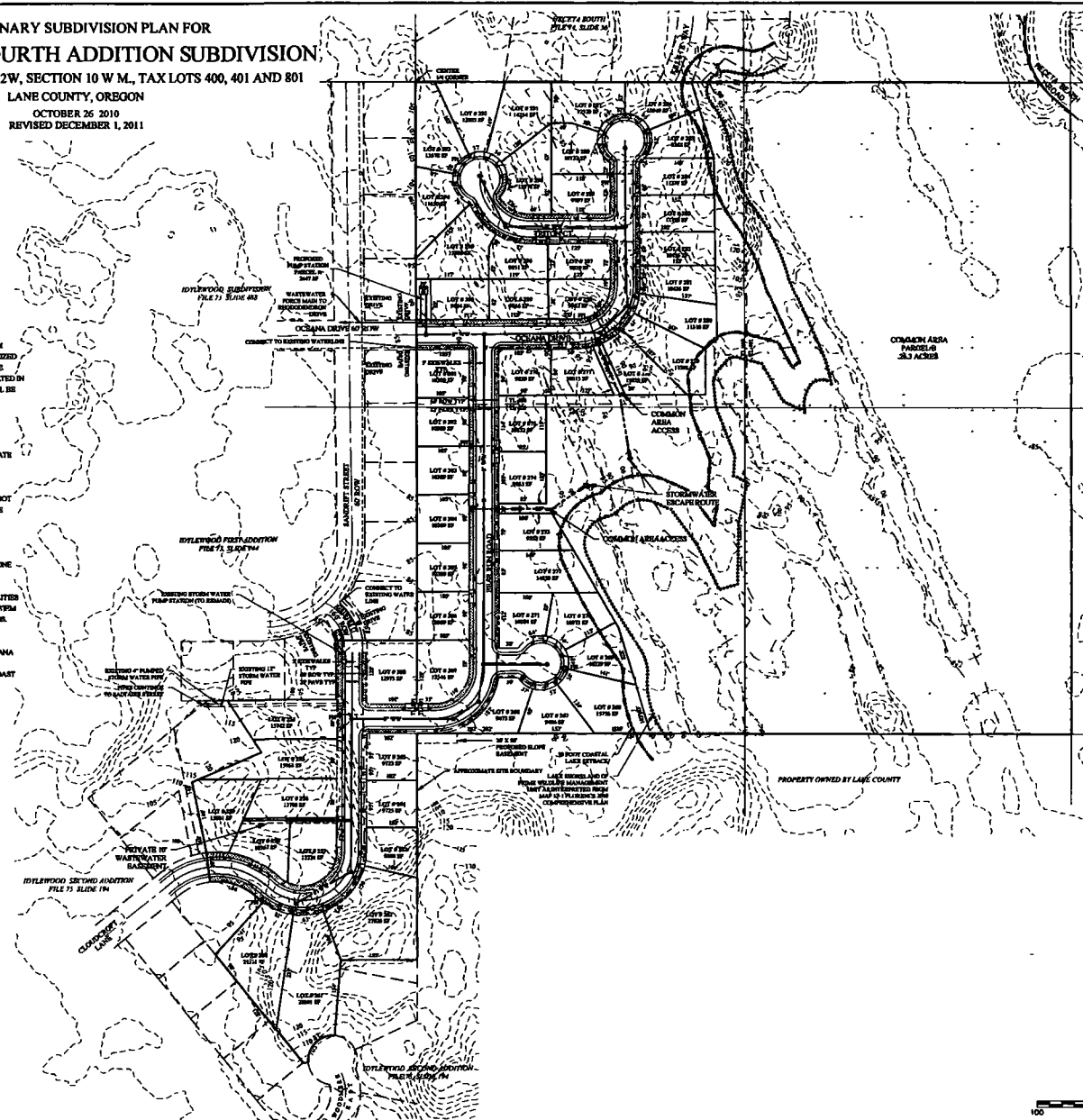
**TAX LOT NUMBER:**  
MAP 18-12-10-34 TAX LOT 801  
MAP 18-12-10-40 TAX LOTS 400 & 401

**ZONING:**  
LOTS 400 & 401  
RA (RURAL RESIDENTIAL)  
180 (RANCHES AND DUNES)  
U (UNITS) (URBAN COMMERCE DISTRICT)

**LOT 401:**  
RA (RURAL RESIDENTIAL)  
180 (RANCHES AND DUNES)  
U (UNITS) (URBAN COMMERCE DISTRICT)  
170 (ORANGE WILDLIFE RESERVATION)

**AREA:**  
46.96 ± GROSS ACRES

**NUMBER OF LOTS:**  
55



## LEGEND

- EXISTING EDGE OF COASTAL LAKE
- 30' COASTAL LAKE SETBACK
- PROPOSED EDGE OF PAVEMENT
- PROPOSED BACK OF CURB/SWALE
- PROPOSED RIGHT OF WAY
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- EXISTING CONTROLS
- PROPOSED PRICELINE LINES
- EXISTING ADJACENT TAXLOTS
- PROPOSED WASTEWATER LINES
- PROPOSED STORMWATER LINES
- PROPOSED STORMWATER DITCH
- PROPOSED WATER LINES
- PROPOSED WASTEWATER MANHOLE
- PROPOSED STORMWATER MANHOLE
- PROPOSED STORMWATER INLET
- PROPOSED FIBER OPTIC
- PROPOSED WASTEWATER PUMP STATION
- APPROXIMATE DRIVEWAY LOCATION
- WETLAND (PER DLS WCM 07-047)
- PROPOSED STORMWATER SWALES

**EGR & Associates, Inc.**  
Engineers, Planners, and Surveyors

20255 Prairie Road  
Eugene, Oregon 97402

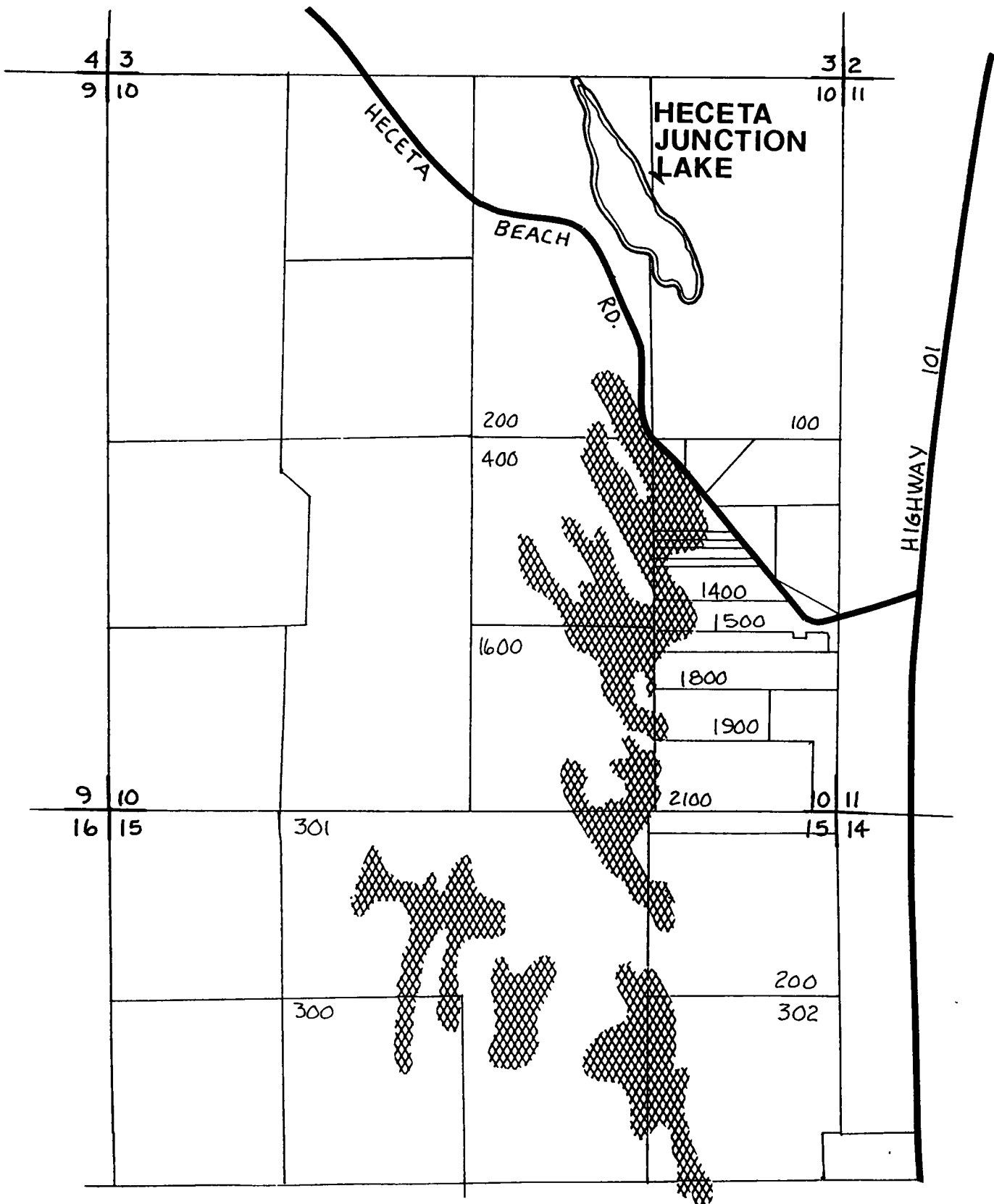
(541) 688-8322  
Fax (541) 688-8327

B

17

# SOUTH HECETA JUNCTION SEASONAL LAKES

SCALE 1:1,000



FILED

APR 2 1993

COUNTY CLERK  
BY [Signature]

WOBBE & ASSOCIATES, INC.  
510 KINGWOOD STREET  
P.O. BOX 1136  
FLORENCE, OR 97439

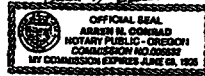
State of Oregon  
County of Lane  
Eugene M. Wobbe  
Notary Public - Oregon  
Commission No. 00885  
My Commission Expires June 18, 1995

Eugene M. Wobbe  
Notary Public - Oregon  
Commission No. 00885  
My Commission Expires June 18, 1995

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

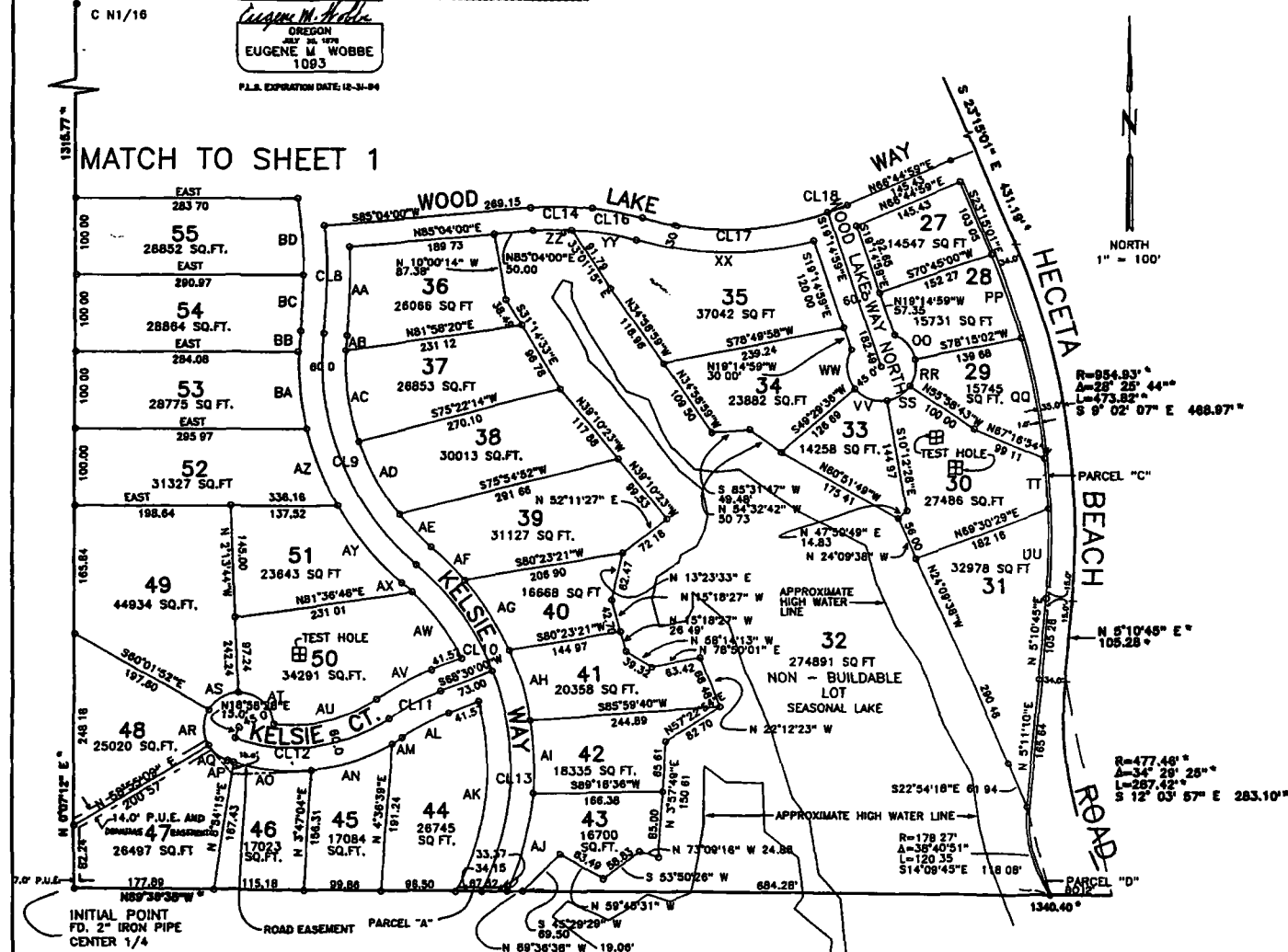
EUGENE M. WOBBE  
1093

P.L.S. EXPIRATION DATE: 12-31-94



# HECETA SOUTH

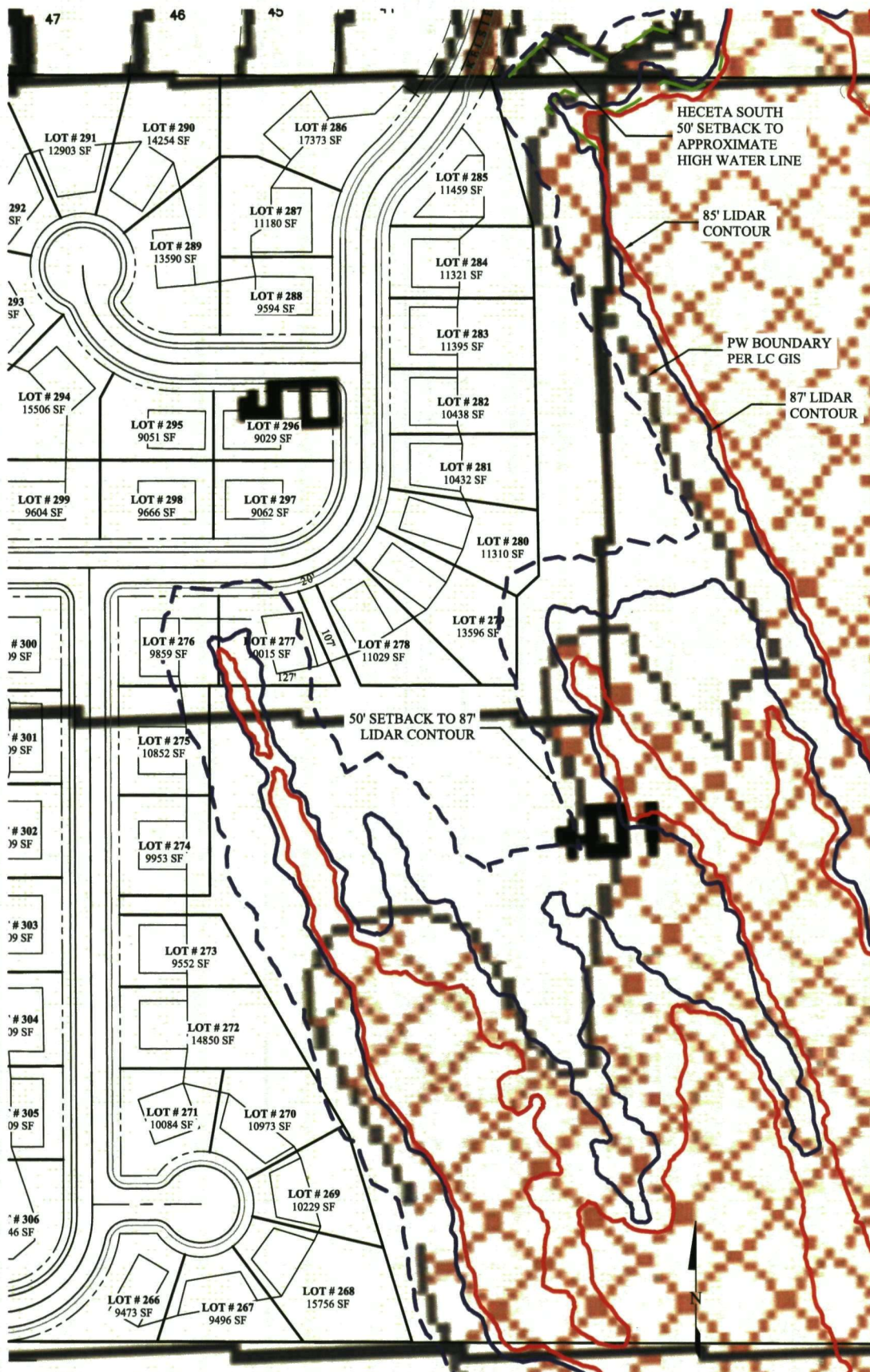
NE 1/4 & NW 1/4 SEC. 10, T 18 S, R 12 W, W.M.  
LANE COUNTY, OREGON.



PT	CHORD	RADIUS	LENGTH	DELTA
OO	S39°35'40"E 42.04	45.00	43.74	55°41'24"
PP	S19°39'58"E 115.00	919.93	115.08	7°10'02"
QQ	S11°05'37"E 160.00	919.93	160.20	9°58'40"
RR	S11°08'10"W 35.00	45.00	35.95	45°46'15"
SS	S56°54'24"W 35.00	45.00	35.95	45°46'15"
TT	S 4°04'48"E 65.00	919.93	65.01	4°02'57"
UU	S 1°33'43"W 116.08	919.93	116.16	7°14'05"
VV	N70°21'26"W 44.80	45.00	46.89	59°42'04"
WW	N 5°47'00"W 51.27	45.00	54.54	69°28'48"
XX	N89°42'10"W 230.49	430.00	233.35	31°05'33"
YY	N80°40'24"W 83.99	370.00	84.17	13°02'03"
ZZ	S88°58'17"W 49.96	370.00	50.00	7°44'34"
AA	S 1°37'20"W 116.07	770.00	116.18	6°38'41"
AB	S 4°13'15"W 18.95	315.00	18.95	3°28'51"
AC	S 8°29'01"E 120.00	315.00	120.74	21°57'40"
AD	S29°20'08"E 108.00	315.00	108.54	19°44'30"
AE	S44°34'11"E 58.89	315.00	58.98	10°43'38"
AF	S45°15'34"E 81.11	375.00	61.18	9°20'51"
AG	S32°16'40"E 108.37	375.00	108.75	16°36'57"
AH	S16°44'56"E 94.27	375.00	94.52	14°28'30"
AI	S 2°15'04"E 95.00	375.00	95.26	14°33'14"
AJ	S15°07'14"W 131.46	375.00	132.14	20°11'22"
AK	N 1°37'19"E 248.25	315.00	255.17	46°24'49"
AL	S62°20'58"W 68.57	320.00	68.70	12°18'05"
AM	S57°53'03"W 15.00	255.00	15.00	3°22'15"
AN	S72°03'25"W 110.28	255.00	111.15	24°58'30"
AO	N84°08'10"W 100.10	255.00	100.76	22°38'20"
AP	N71°55'16"W 7.97	255.00	7.97	1°47'27"
AQ	N51°47'41"W 30.89	45.00	31.53	40°08'44"
AR	N 0°05'55"W 45.93	45.00	48.20	61°22'17"
AS	N58°52'12"E 43.50	45.00	45.40	57°48'08"
AT	S49°18'57"E 61.28	45.00	67.41	85°49'34"
AU	N76°34'09"E 135.75	195.00	138.66	40°44'28"
AV	N62°20'58"E 81.43	380.00	81.59	12°18'05"
AW	N36°48'43"W 107.74	315.00	108.27	19°41'38"
AX	N48°17'48"W 18.00	315.00	18.00	3°16'28"
AY	N39°59'25"W 129.50	375.00	130.16	18°53'10"
AZ	N21°47'29"W 107.70	375.00	108.07	16°30'42"
BA	N 6°39'39"W 100.68	375.00	100.88	15°25'45"
BB	N 7°01'34"E 26.81	375.00	26.81	4°05'47"
BC	N 2°58'40"W 73.49	710.00	73.33	5°56'01"
BD	N 4°02'14"W 100.25	710.00	100.33	8°05'48"
CLB	S 0°30'20"W 140.28	740.00	140.49	10°52'38"
CL9	S21°59'40"E 323.28	345.00	336.48	55°52'40"
CL10	S35°43'00"E 189.48	345.00	171.21	28°26'00"
CL11	S62°20'58"W 75.00	350.00	75.14	12°18'05"
CL12	S62°35'11"W 200.00	225.00	207.25	52°48'32"
CL13	S 2°58'34"W 285.51	345.00	294.36	48°53'07"
CL14	N89°15'12"W 79.18	400.00	79.31	11°21'36"
CL16	N78°51'54"W 65.67	400.00	65.74	9°25'01"
CL17	N88°17'49"E 241.18	400.00	245.00	35°05'35"
CL18	N68°45'00"E 27.92	400.00	27.93	4°00'02"

SHEET 2 OF 3

(D)



IDYLEWOOD 4TH ADDITION  
COASTAL OVERLAY SETBACKS  
14 MARCH 2012  
FLORENCE, OREGON



**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8087



(E)

To record  
on 4-5-12



Re: PW

Taken 3-28-12 by J.K.  
See attached map for  
shot location

FILE # PA	_____
EXHIBIT #	1-1-12

2/1

5th wettest March on record for Eugene

By Katie Boer KVAL News Published: Apr 1, 2012 at 4:45 PM PDT Last Updated: Apr 1, 2012 at 4:51 PM PDT

Share this story



KVAL YouNewser 'Amminancy' wrote: "Street Flood: Due to recent heavy rain and poor drainage, Lawnridge Ave. is over a foot deep."

It's no April Fools joke--Eugene tipped the rain gauge at 9.94" for the month of March--making this year the 5th wettest March of all time for the city. Normal March rainfall for Eugene is 4.99".

**Eugene's Top 10 Rainiest Month's of March:**

- 1) 12.46 (1974)
- 2) 10.93 (1989)
- 3) 10.58 (1983)
- 4) 10.49 (1904)
- 5) 9.94 (2012) \*\*\* 5TH WETTEST MARCH
- 6) 9.93 (1916)
- 7) 9.81 (1960)
- 8) 9.79 (1991)
- 9) 9.45 (1894)
- 10) 8.66 (1957)

Portland had their wettest recorded month of March since 1940, with 7.89" of rain.

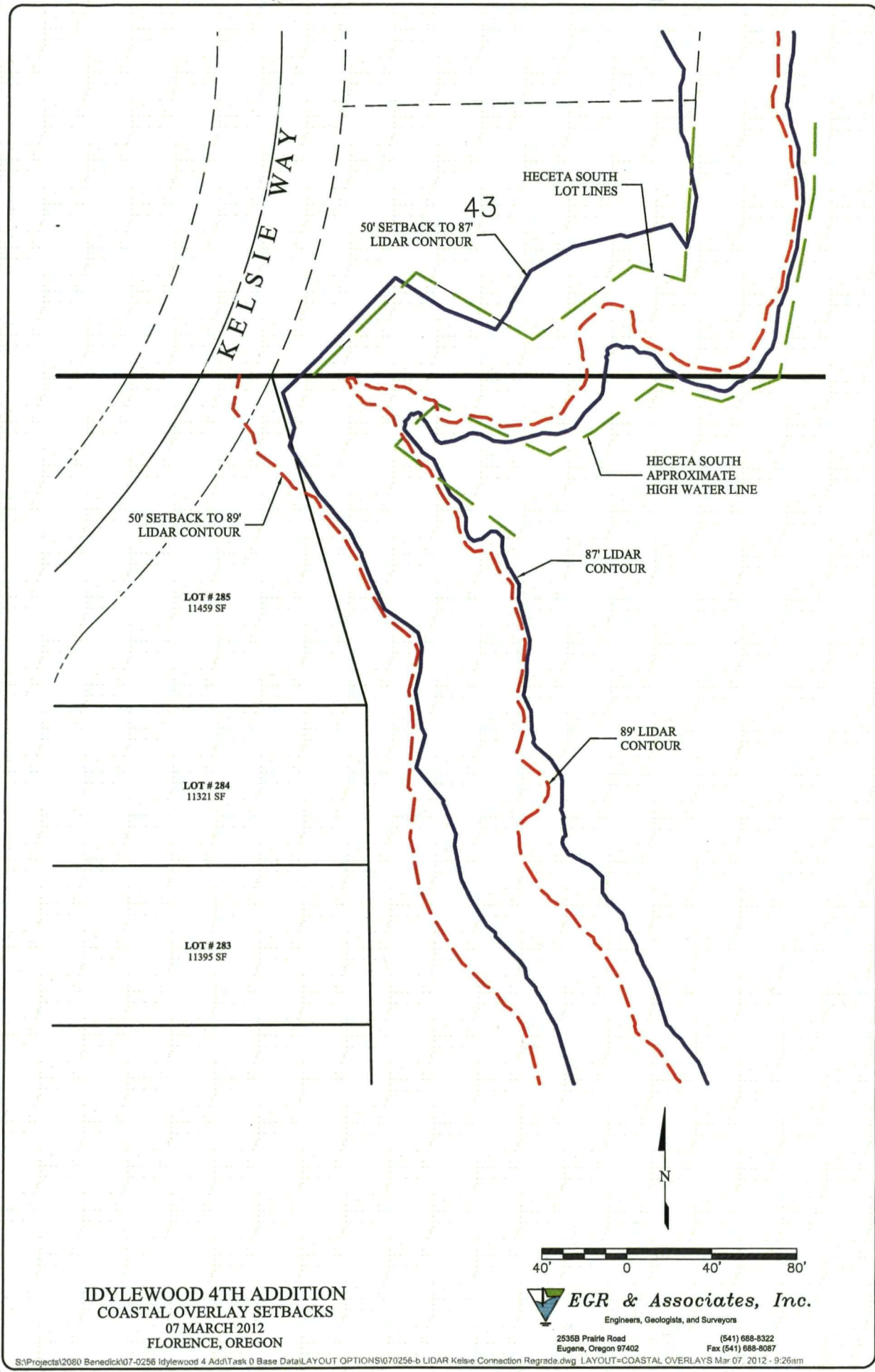
The second wettest March for Salem with 9.98" of rain. The record for wettest March for the state capital is 10.13" a record set in 1894.

Astoria really took top seed on the coast, their 4th wettest March all time with 14.13" of rain.

**Source:**

<http://www.kval.com/news/local/5th-wettest-March-on-record-for-Eugene-145700645.html>

G



**KENDALL Jerry**

**From:** Clint Beecroft [clintbeecroft@egrassoc.com]  
**Sent:** Wednesday, March 07, 2012 12:26 PM  
**To:** KENDALL Jerry  
**Subject:** Idylewood  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 070256-b LIDAR Kelsie Connection Regrade COASTAL OVERLAYS .pdf

Jerry,

This email is a follow up to our conversation yesterday regarding the geographic boundary of the PW district on the Idylewood site. Attached is a PDF showing a map of the area near the Kelsie Way connection on the north side of the Idylewood property. The Heceta South subdivision is situated to the north.

We have digitized the approximate high water line from the Heceta South plat which is shown as the green line on the attached PDF. The southerly and easterly sides of Lot 43 of Heceta South follows the 50-foot setback line from this approximate high water line. As shown, the 50-foot setback from the high water line on Heceta South lies outside the current Kelsie Way right-of-way.

With respect to the boundary of the PW district on the Idylewood property, you have indicated that the boundary should correspond to a high water lake level. We show two possible water levels shown as the 87' LIDAR contour (blue line) and the 89' LIDAR contour (red line) with associated 50-foot setback lines.

As we have discussed, the lake does not appear to have a surface outlet until the water level reaches approximate elevation 87' msl, at which elevation a surface outlet forms to the south on the County property. This elevation will regulate the seasonal high water level to a maximum elevation of 87' msl. As shown, the 50-foot setback line (also shown as blue) from the 87' contour line lies outside the proposed Kelsie Way right-of-way on the Idylewood property. Note that the 87' contour and associated 50-foot setback line correlates well with the high water line and setback shown on the Heceta South subdivision. An extension of Kelsie Way road to the north will not result in any grading occurring within this 50-foot setback area.

The 89' LIDAR contour (shown as red) corresponds to the approximate high lake level that occurred during the February 1996 flood event based on visual observations. This high lake level was temporary due to rising groundwater and surface water from heavy rainfall that occurred over several weeks and represents a flood condition, not a seasonal high water level. As shown, a 50-foot setback (also shown as red) from the 89' contour extends into the Kelsie Way right-of-way on the Idylewood property. An extension of Kelsie Way road to the north will result in a cut slope occurring within this 50-foot setback area. The 89' contour and associated 50-foot setback line does not correlate as well with the high water line and setback shown on the Heceta South subdivision as the 87' contour and setback.

I hope this helps. Please give me a call if you have any questions.

Clint

FILE # PA	_____
EXHIBIT #	_____ 28

03/14/2012



(H)



## LAND MANAGEMENT DIVISION

# APPEAL OF A DIRECTOR'S DECISION

**PUBLIC WORKS DEPARTMENT** 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401  
Planning: 682-3807 Building: 682-3823 Sanitation: 682-3754

For Office Use Only FILE #

CODE: HOAPPEAL

FEE: \$250

Appellant: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Appellant's Representative : \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

### LOCATION (subject property)

Township	Range	Section	Taxlot	Subdivision/partition	lot/parcel
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### Required submittals. Your appeal application will be rejected if it does not contain all the required information.

1. A copy of the decision being appealed, with the department file number: \_\_\_\_\_
2. The \$250 appeal fee, payable to Lane County.
3. The appeal deadline, as stated in the Director's Decision: \_\_\_\_\_
4. Check one of the items below to identify your party status with the right to appeal the Director's decision:
  - ☐ I am the owner or contract purchaser of the subject property;
  - ☐ I am the applicant for the subject application;
  - ☐ Prior to the decision by the Director, I submitted written testimony into the record
  - ☐ I am not one of the persons mentioned above, but wish to appeal the Director's decision for the reasons explained in my letter.
5. A letter that addresses each of the following three standards:
  - a. The reason(s) why the Director's decision was made in error or why the Director should reconsider the decision;
  - b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration:
    - The Director exceeded his or her authority;
    - The Director failed to follow the procedure applicable to the matter;
    - The Director rendered a decision that is unconstitutional;
    - The Director misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria.
  - c. The Director should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria.
6. Any additional information in support of your appeal.

(Version 4/2010)



**INSTRUCTIONS:** Completely fill out this application form. Attach additional pages if necessary. Failure to submit a complete application or answer every question will result in a delay or rejection of your application.

The Preliminary Investigation will determine the presence of any hazards to the proposed development and the appropriate mitigation measures.

**PROJECT DESCRIPTION** What are you proposing? What are you going to build?

THE PROJECT CONSISTS OF A 62-LOT RESIDENTIAL SUBDIVISION OF 3 TAX LOTS.  
TAX LOT 401 HAS A PW COMBINING DISTRICT OVERLAY. ROADS, UTILITIES, AND  
ASSOCIATED GRADING ACTIVITY WILL BE CONSTRUCTED TO SERVE THE SUBDIVISION.

**SITE PLAN** A site plan must be included. Refer to the handout entitled "How to prepare your site plan".

**ZONING:** RA, BD, U, PW

**ACREAGE:** 46.06

**LOCATION** Describe how to find the property. Is the address visible? Are there any identifying features?

FROM RHODODENDRON DRIVE TURN EAST ONTO OCEANA DRIVE. CONTINUE THROUGH  
THE INTERSECTION WITH SANDRIFT STREET TO THE END OF OCEANA DRIVE. THE  
PROPERTY ABUTS THE END OF OCEANA DRIVE. THE SITE IS VACANT AND HAS NO  
ADDRESS.

**EXISTING IMPROVEMENTS** Does the property contain any roads, structures, etc.?

NONE, EXCEPT FOR A STORMWATER PUMP STATION AND PIPE LOCATED ON TAX  
LOT 801 WHICH WILL REMAIN.

**STAKE OUT THE DEVELOPMENT AREA.** The location of the structure(s) must be staked out on the site and identified with colored ribbon or a similar item.

**PHYSICAL FEATURES:** Describe the site. Generally describe the vegetation. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features.

SEE ATTACHED ADDITIONAL INFORMATION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPLICABILITY**

### **16.238 PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP).**

**(9) Preliminary Investigation.** Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

To the best of your knowledge, do any of the following conditions exist at the site? Check all that apply:

☒ **(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:**

- (i) Floodways and the floodway fringe.**
- (ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.**
- (iii) Dikes, dams, levees or steep embankments which control the coastal water body.**
- (iv) Lands along the ocean coast at or below the 26-foot elevation line.**

☐ **(b) Adjacent areas of geologic instability which are composed of:**

- (i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.**
- (ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.**
- (iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.**

☒ **(c) Natural or human-made riparian resources. These lands are as follows:**

- (i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:**
  - (aa) Shading of coastal water body.**
  - (bb) Stabilization of shoreline.**
  - (cc) Habitat for rare or endangered wildlife species.**
  - (dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.**

☒ **(d) Areas of significant shoreland and wetland biological habitat, composed of:**

- (i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.**
- (ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.**
- (iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.**

\_\_\_(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

\_\_\_(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

\_\_\_(g) Coastal headlands identified in the Lane County Coastal Inventory.

## APPROVAL CRITERIA

Answer every question. Attach additional pages if necessary.

**(5) Prohibited Uses.** If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9), the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

Does your project include any of these activities?

Yes

No

If yes, explain: \_\_\_\_\_

**(6) Site and Development Requirements.** If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

Footprint of the proposed structure(s): NONE sf

Total area of vegetation clearance: NONE sf

Explain why your proposed vegetation clearance is not excessive: NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF THE PW SHORELAND. ALL DEVELOPMENT AND VEGETATION REMOVAL WILL OCCUR ON PORTIONS OF THE SITE EXTRANEIOUS TO THE PW-RCP ZONE AND ITS SETBACK AREA.

**(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.**

Does the property contain any vegetation-free areas?

Yes

No

If you are not using the vegetation-free area, explain why: NOT APPLICABLE.

NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF  
THE PW SHORELAND.

**(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal or existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a). Where vegetation removal beyond that allowed in LC 16.238(6)(a) cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE.

NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF  
THE PW SHORELAND.

**(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.**

This will be a condition of approval.

**(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).**

This will be a condition of approval.

**(f) The shoreward half of the setback area specified by LC 16.238(8) must be left in indigenous vegetation, except where un-surfaced trails are provided.**

Does your plan comply with this requirement? Explain: YES. INDIGENOUS VEGETATION  
LOCATED ON PROPOSED LOTS AND WITHIN THE SETBACK AREA WILL NOT BE  
DISTURBED EXCEPT FOR UNSURFACED TRAILS CREATED BY LOT PURCHASERS.

**(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7).**

Does your plan comply with this requirement? Explain: NONE PROPOSED AT THIS TIME

**(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7).**

Does your plan comply with this requirement? Explain: NONE PROPOSED AT THIS TIME

**(i) All trees must be retained within the setback area specified by LC 16.238(7), except where removal is subject to requirements of the Oregon Forest Practices Act.**

Does your plan comply with this requirement? Explain: NO TREE REMOVAL IS PROPOSED WITHIN THE SETBACK AREA.

**(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.**

Does your plan comply with this requirement? Explain: STRUCTURES ARE NOT PROPOSED AT THIS TIME, BUT WILL BE REVIEWED AT THE TIME OF INDIVIDUAL LOT DEVELOPMENT.

**(k) The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.**

Does your plan comply with this requirement? Explain: STRUCTURES ARE NOT PROPOSED AT THIS TIME, BUT WILL BE REVIEWED AT THE TIME OF INDIVIDUAL LOT DEVELOPMENT.

**(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE. NO PUBLIC RIGHT-OF-WAY IS PROPOSED TO ABUT THE PW SHORELAND.

**(7) Additional Setback Requirements.** Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

**(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h).**

Does your plan comply with this requirement? Explain: YES. THE SETBACK AREA IS SHOWN ON THE SUBDIVISION PLAN. THE PROPOSED LOTS HAVE BEEN SIZED TO ACCOMMODATE BUILDINGS WITHOUT ENCROACHING THE SETBACK AREA.

**(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE. THERE ARE NO OCEANFRONT PARCELS ASSOCIATED WITH THIS SUBDIVISION PROPOSAL.



**(8) Special Land Division Requirements.** The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

**(a) For lands within urban or urbanizable areas or lands developed or committed to development:**

**(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.**

**(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.**

**(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.**

Does your plan comply with this requirement? Explain: YES, BECAUSE NO DEVELOPMENT IS PROPOSED WITHIN THE GEOGRAPHIC BOUNDARY OF THE PW SHORELAND OR ITS SETBACK AREA.

**(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:**

**(i) There is a need which cannot adequately be accommodated on non-shoreland locations.**

**(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.**

Does your plan comply with this requirement? Explain: NOT APPLICABLE BECAUSE THE PROPERTY IS LOCATED WITHIN THE FLORENCE UGB.

**Prime Wildlife Combining Zone  
Preliminary Investigation Application for  
Idylewood Fourth Addition  
Additional Information**

**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

The developable easterly portion of this site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies across the site from an elevation of less than 82 feet MSL in the lowest areas of the site to a high of approximately 123 feet MSL (contours were interpreted from City of Florence 100-foot topographic maps). The site is bordered on the west by the Idylewood Subdivision, on the north by the Heceta South Subdivision, and on the east and south by vacant land owned by Lane County.

The geology of the site suggests that this is a classically formed transverse dune/deflation plain formation with relict incisions formed by the interplay between historic wind and water movements across the formation. These topographic incisions and the associated remnant sand between them are close together and steeply inclined where forces of erosion removed the sand placed by seasonal winds. Similar relict incisions can be observed across the Heceta South Subdivision to the north of the subject property. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development.

Much of the eastern (undevelopable) portion of the site is characterized as a frequently inundated bog/water body that in most years displays some water in the lower elevations but in some years is completely dry. Water levels within this area and across the site are driven by seasonal groundwater. No defined or channelized outlet exists to this low-lying area. Water levels rise and fall as a reflection of the groundwater table. Wetlands are present on this portion of the site as shown on the subdivision plan. High and low water levels rise and fall in conjunction with both the seasonal precipitation and cyclical weather patterns. On years, such as in 1996, when precipitation is substantially higher than average, seasonal high water tables at the intersection of Oceana Drive and Sandrift Street reached an elevation of between 85 and 86 feet MSL. The groundwater gradient across the site slopes from east to west (toward the Siuslaw River approximately one mile away) at a gradient of approximately one foot in 400 feet. Thus, the seasonal/cyclical high groundwater tables across the site vary from an estimated 89 feet MSL more or less at the eastern fringe of the proposed development to an elevation of 85 to 86 feet MSL more or less along the eastern fringe of the existing Idylewood Subdivision.

At the northwestern portion of the site, near proposed Lots 17 and 18, there is an abrupt 40 foot drop in elevation at the lee side of the dune formation. Further north, where Kelsie Way was terminated in the Heceta South Subdivision, the leeward drop is less pronounced (about 30 feet) but close enough to Kelsie Way to render this possible transportation connection very difficult at best. Further south, this leeward drop declines to insignificance in the vicinity of proposed Lots 23, 24, and 25.



LAND MANAGEMENT DIVISION

LAND USE APPLICATION – DIRECTOR  
General Application Form

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

For Office Use Only: FILE #

509-PA16-05618

FEE: 2600

Applicant (print name): Benedick Holdings

Mailing address: 27922 Ward Lane, Eugene, OR 97402

Phone: 541-688-6402

Email: ejbenedick@msn.com

Applicant Signature:

Agent (print name): Thom Lanfear / Lanfear Consulting LLC

Mailing address: 541 Willamette St. Ste 402, Eugene, OR 97401

Phone: 541-345-8139

Email: tlanfear@pacinfo.com

Agent Signature:

*TL*

Land Owner (print name): Benedick Holdings

Mailing address: 27922 Ward Lane, Eugene, OR 97402

Phone: 541-688-6402

Email: ejbenedick@msn.com

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature:

*Sharla A Whitten*

MANAGER

LOCATION

18-12-10-40 #400, 401; Map 18-12-10-34 #801

Township - Range - Section - Taxlot

None assigned

Site address

PROPOSAL. In one sentence, identify what you are proposing.

Request for Planning Director Approval to Lane Code 10.270-35(6) to allow grading of slopes in excess of 25% within the Beaches and Dunes Combining District as provided by Lane Code 10.330.

Exhibit K58-G

98

DO NOT  
SEPARATE  
PACKET

## CERTIFICATE OF MAILING

509-PA16-05618  
BENEDICK/LANFEAR  
9-2-2016

This is to certify that I, Chris Rogers, mailed Notification of

Referral

To the person(s) shown on the attached copy of mailing labels &/or attached letter, and delivered said information to the authorized agent for the us Post Office in Eugene, Oregon on

DATE MAILED: 9-2-2016

END OF COMMENT PERIOD: 9-12-2016 <sup>AOI</sup> 9-22-2016

APPEAL DEADLINE: \_\_\_\_\_

Chris Roberts  
CHRIS ROBERTS

NOTE: Surrounding property owners listed are "the owners of record of all property on the most recent property tax assessment rolls" on RLID as per Lane Code 14.300(3)(d). If a tax lot appears on the notice list & there are no corresponding addresses then the tax records have not been updated; therefore, these property owners were not notified.





## Referral Notice and Opportunity to Comment On a Land Use Application for a Development

LAND MANAGEMENT DIVISION  
<http://www.lanecounty.org>

Date: 9-2-2016

Department File: 509-PA16-05618

Applicant: SHARLA MANAGER WHITTEN - BENEDICK HOLDINGS LLC

Owner: BENEDICK HOLDINGS LLC

Agent: THOM LANFEAR - LANFEAR CONSULTING LLC

Assessor's Map & Taxlot: 18-12-10-34-00801; 18-12-10-40-00400; 18-12-10-40-00401

Address: VACANT

Base Zone: SUBURBAN RESIDENTIAL (RA)

Combining Zone: BEACHES AND DUNES (/BD) & PRIME WILDLIFE (/PW)

**Proposal: A request for Planning Director Review and Approval to allow a variance to the grading standards of the Beaches and Dunes Combining District. The applicant requests allowance to grade of slopes in excess of the 25% prohibition found in 10.270-35(6). The variance provisions are pursuant to Lane Code 10.330.**

The purpose of this notice is to acquaint you with the proposed development, to gather information you may have about the project, and provide an opportunity to comment and express concerns related to the approval criteria, prior to the Planning Director's decision to approve or deny the proposal.

The application and related materials are available for inspection at the Lane County Land Management Division at no cost and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact concerning this application is Erik Forsell, (541) 682-4054.

Approval criteria are found in the section(s) of Lane Code cited above. The criteria may be obtained or viewed at the Land Management Division or at the internet address below. You may submit information in the spaces provided on the last page and return this document to the attention of Erik Forsell, Lane County Land Management Division, 3050 N. Delta Hwy., Eugene, OR 97408, or Fax to ATTN: Erik Forsell, (541) 682-3947. Please be sure to reference the PA file number shown above, and submit your comments by **4:00 P.M.** on 9-22-2016.

***Concerns/comments submitted in writing will be considered in making the decision as they relate to the criteria under which the proposal must be evaluated.***

Your comments are important and will greatly improve the decision making process, but please note that you will not receive an individual response to information submitted. By law, comments received that are not related to the approval criteria may not be considered. General planning information is available by calling 541/682-3577, or by visiting the Public Works Customer Service Center at 3050 N. Delta Hwy. weekdays between 9 a.m. and 4:00 p.m.

Links to applicable law are available through our Planning homepage:

<http://www.lanecounty.org/Departments/PW/LMD/LandUse/Pages/default.aspx>

Mailed copies of the approval criteria are also available, at cost, by calling Land Management Division Staff at 541/682-3347. Please allow one week for mailing.





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LAND MANAGEMENT DIVISION  
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Date: 9-2-2016

Department File: 509-PA16-05618

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Owner: BENEDICK HOLDINGS LLC

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Base Zone: SUBURBAN RESIDENTIAL (RA)

Combining Zone: BEACHES AND DUNES (/BD) & PRIME WILDLIFE (/PW)

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From: \_\_\_\_\_

**Regarding Department File: 509-PA16-05618**

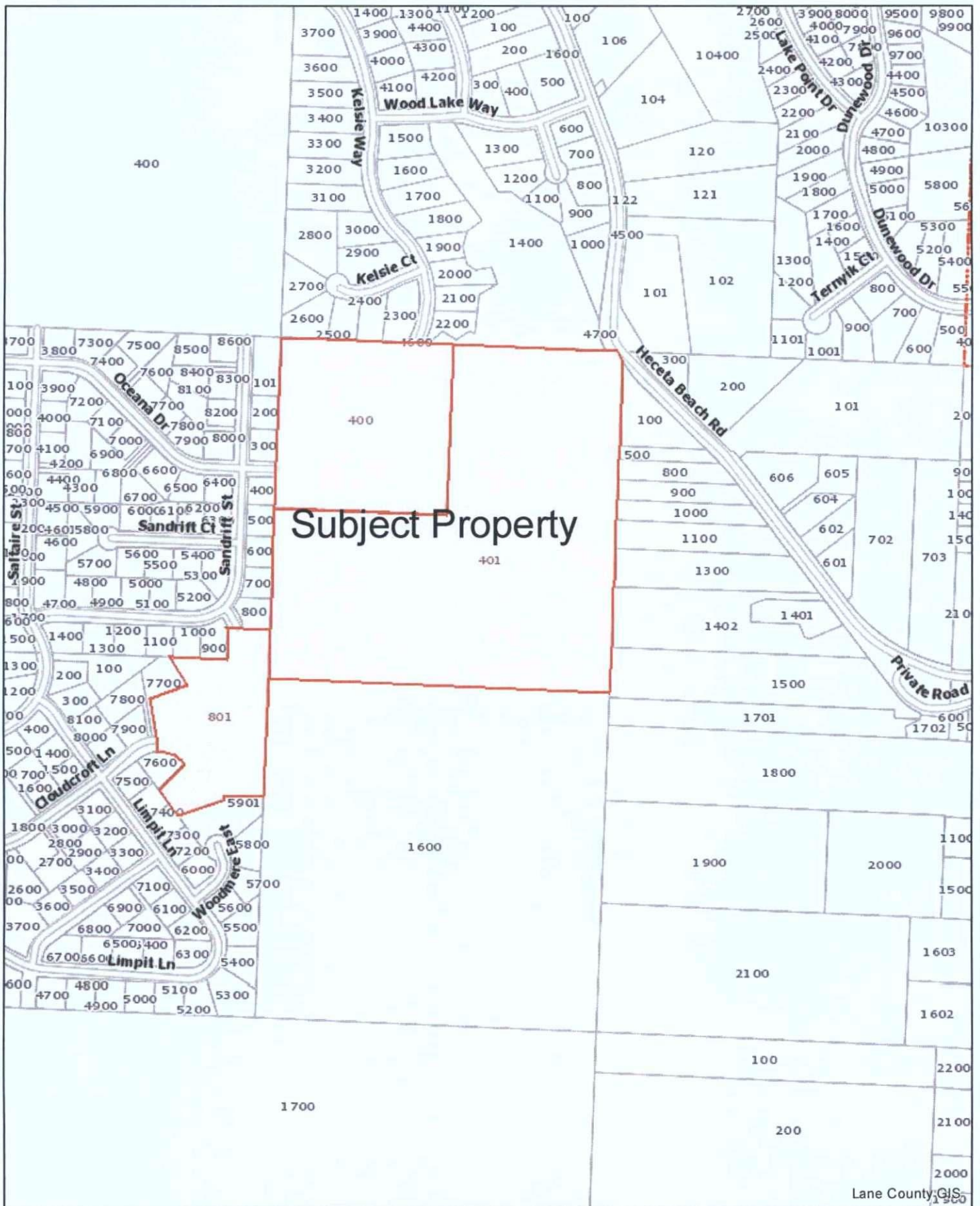
**Applicant:** SHARLA MANAGER WHITTEN - BENEDICK HOLDINGS LLC

**Staff:** Erik Forsell

**Comments:**

Return to: **Erik Forsell, Planner**  
**LANE COUNTY LAND MANAGEMENT DIVISION**  
**3050 N. Delta Hwy**  
**Eugene, OR 97408**





Lane County GIS

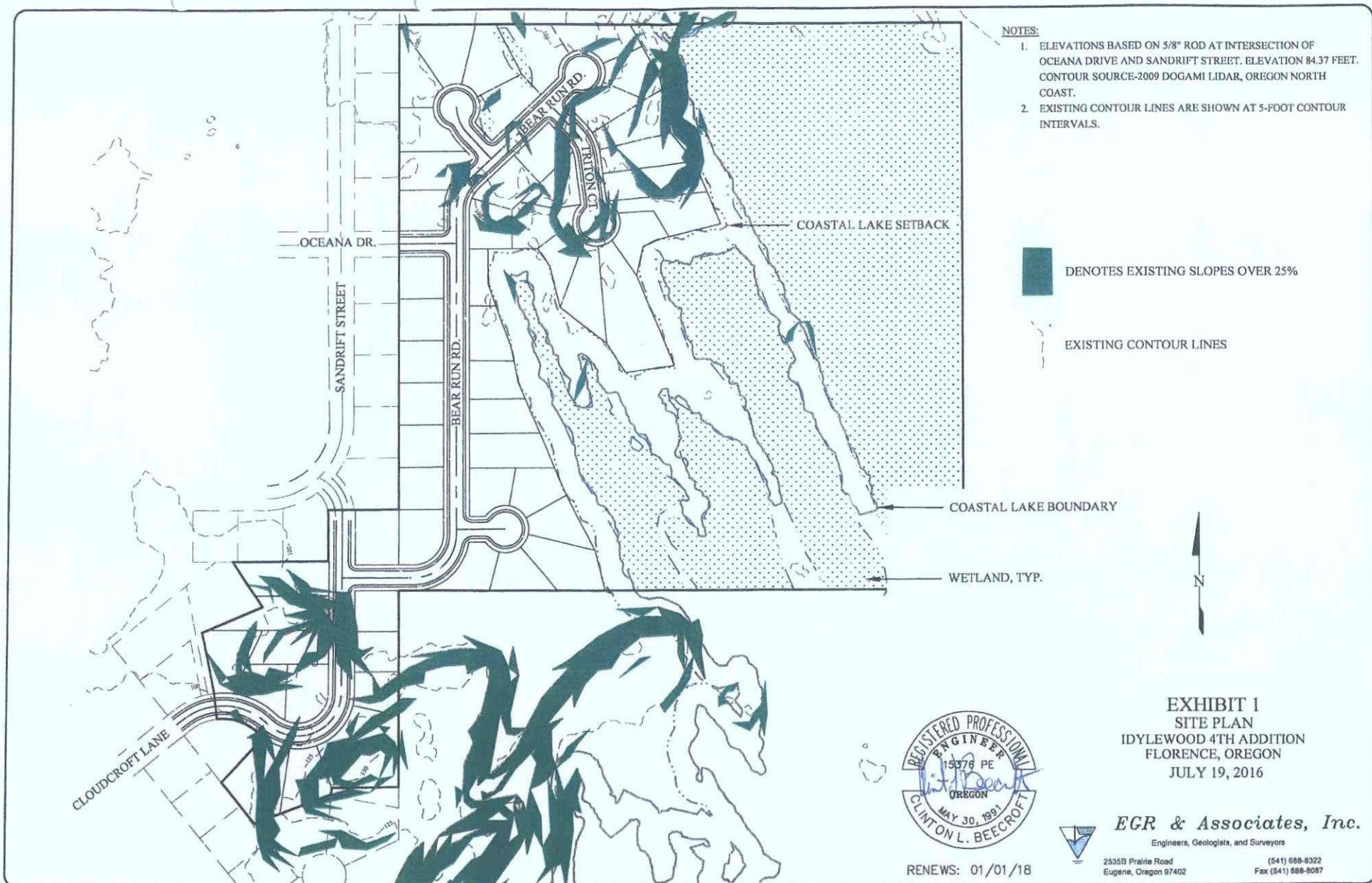
The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



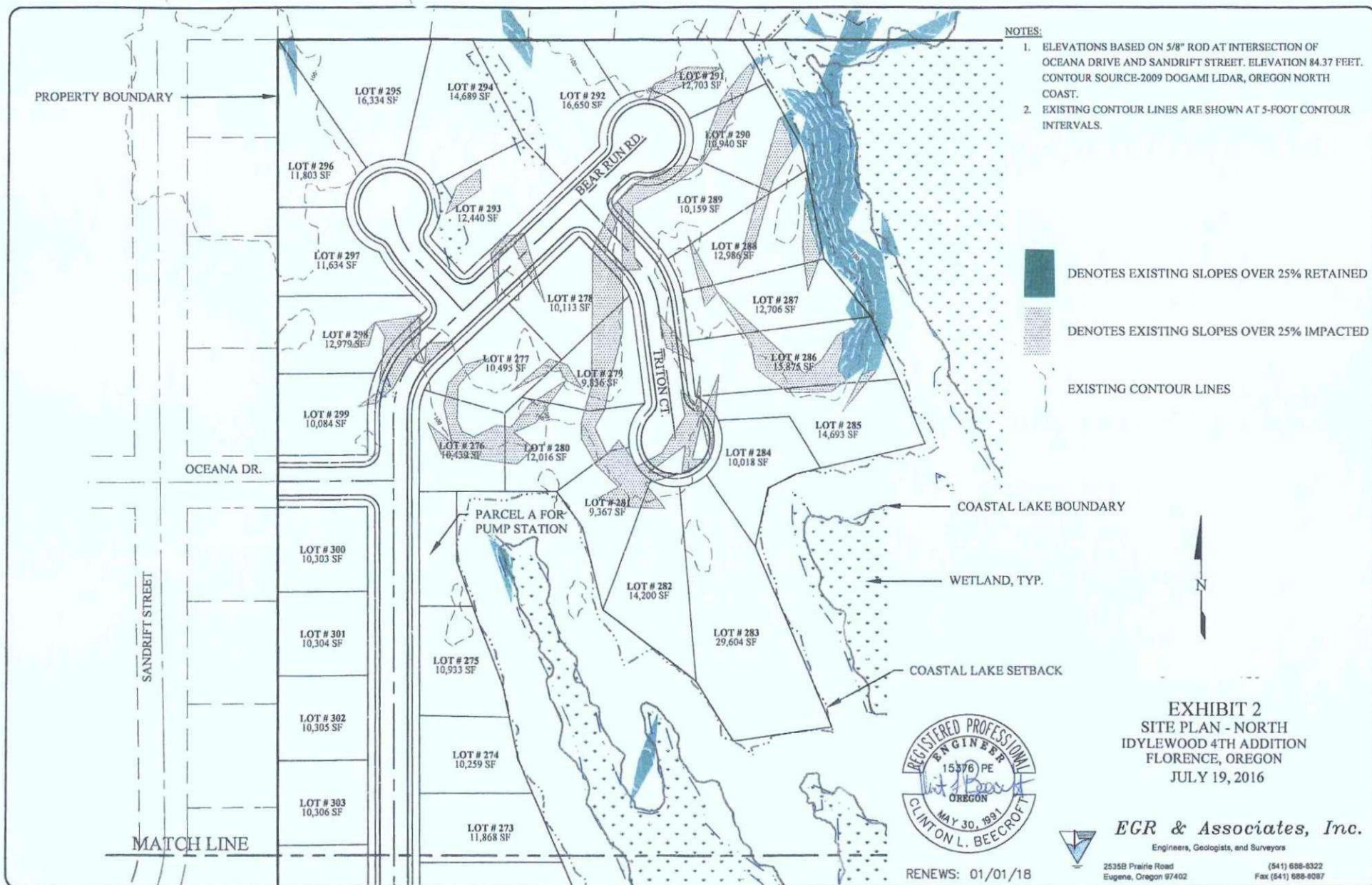
PA16-05618 - Vicinity Map

Lane County, Oregon





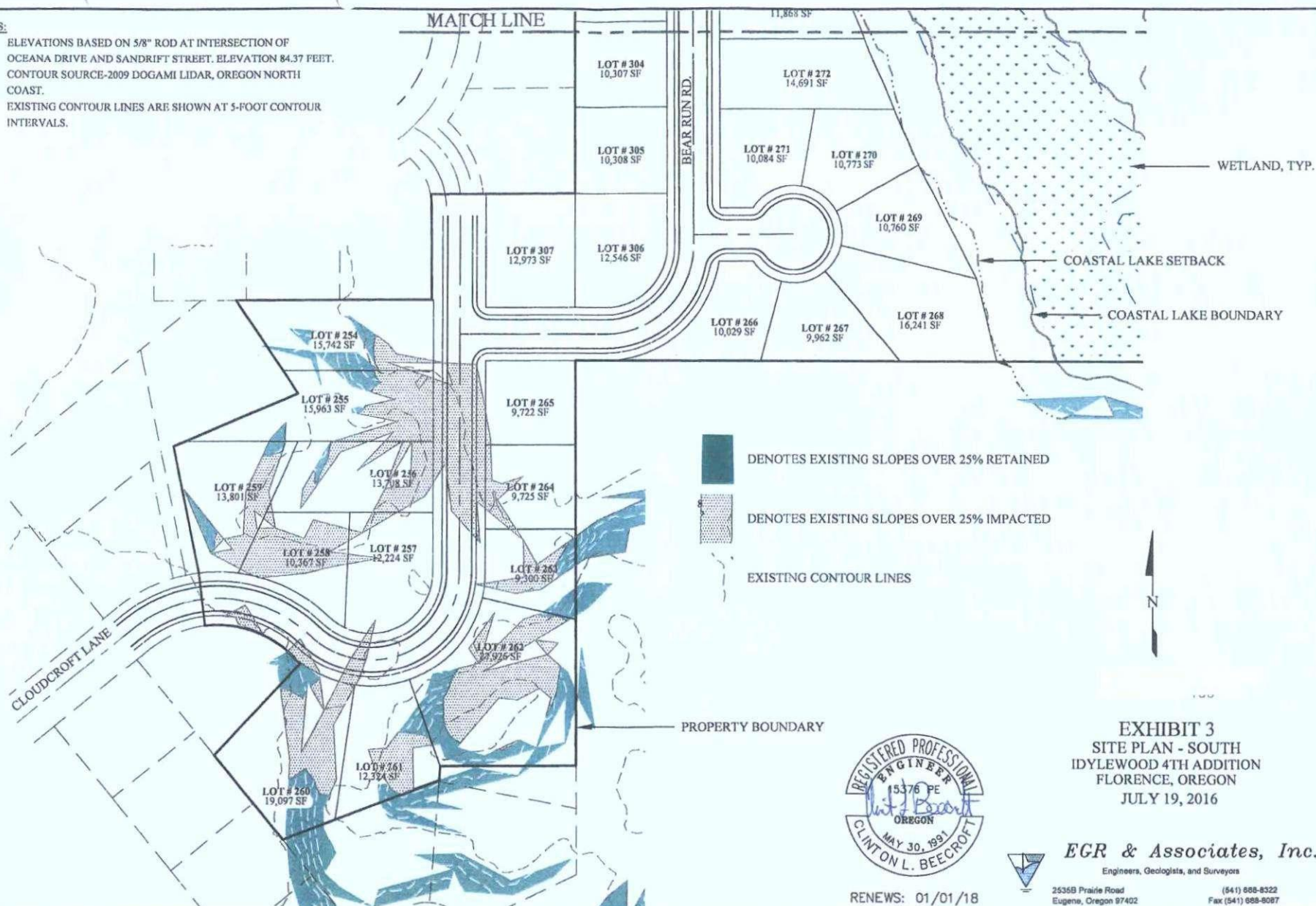






**NOTES:**

1. ELEVATIONS BASED ON 5/8" ROD AT INTERSECTION OF OCEANA DRIVE AND SANDRIFT STREET. ELEVATION 84.37 FEET. CONTOUR SOURCE-2009 DOGAMI LIDAR, OREGON NORTH COAST.
2. EXISTING CONTOUR LINES ARE SHOWN AT 5-FOOT CONTOUR INTERVALS.



RENEWS: 01/01/18

**EXHIBIT 3**  
SITE PLAN - SOUTH  
IDLEWOOD 4TH ADDITION  
FLORENCE, OREGON  
JULY 19, 2016



**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 888-8322  
Fax (541) 888-8087

509-PA16-05618  
BENEDICK/LANFEAR  
9-2-2016

1812101304600 & 4700 / 1812102000400 & 1812104001600  
LANE COUNTY  
3040 N DELTA HWY  
EUGENE, OR 97408

1812103403200  
ABBONIZIO WAYNE A P  
PO BOX 188  
FLORENCE OR 97439

1812104001800  
ARP FLORENCE LLC  
4080 COMMERCIAL AVE  
SPRINGFIELD OR 97478

1812103105400  
ASHTON TRUST  
4960 SANDRIFT CRT  
FLORENCE OR 97439

1812103108400  
BAKER JACK H  
87838 SANDRIFT ST  
FLORENCE OR 97439

1812101302300  
BARRETT TERRY R & KATHY M  
5043 KELSIE CT  
FLORENCE OR 97439

1812104000500  
BATCHELDER NANCY S  
PO BOX 935  
YACHATS OR 97498

1812103400801 & 1812104000400 & 401  
BENEDICK HOLDINGS LLC / SHARLA MANAGER  
27922 WARD LN  
EUGENE OR 97402

1812104000100  
BOGGS PAUL DANIEL & MONA DEE  
PO BOX 387

SPRAGUE RIVER OR 97639

1812103100800  
CAMPBELL DAVID J & DIANE E  
4985 GULLSETTLE CRT  
FLORENCE OR 97439

1812103101100  
CAPUTO RONALD A & JUDY E  
87729 SANDRIFT ST  
FLORENCE OR 97439

1812103400300  
CARRUTHERS RONALD  
87694 LIMPIT LN  
FLORENCE OR 97439

1812104001000  
CLARK JAMES M & HEIDI A  
05180 HECETA BEACH RD  
FLORENCE OR 97439

1812103406000  
CLAUSEN ROBERT E & MCBRIDE MAGGIE  
87630 WOODMERE EAST  
FLORENCE OR 97439

1812103100500  
COLIN C HIEBERT TRUST  
87791 SANDRIFT ST  
FLORENCE OR 97439

1812104000800 & 900  
COX OSCAR R  
05176 HECETA BEACH RD  
FLORENCE OR 97439

1812103108200  
DOBSON RICHARD L & DONNA M  
PO BOX 1739  
FLORENCE OR 97439

1812103400300  
DODD ELKE  
87694 LIMPIT LN  
FLORENCE OR 97439

1812103100200

DUKE KENT F & CAROL G  
87827 SANDRIFT  
FLORENCE OR 97439

1812101302800  
DUNLAP JOANNE & JOHN  
5014 KELSIE CRT  
FLORENCE OR 97439

1812103407700 & 7800  
DYKES BARRY J & SUSAN L  
4937 CLOUDCROFT LN  
FLORENCE OR 97439

1812104000300  
FEDERAL HOME LOAN MORTGAGE CORPORATION  
5000 PLANO PKWY  
CARROLLTON TX 75010-4902

1812103100400  
GARDINER BRIAN C  
87797 SANDRIFT ST  
FLORENCE OR 97439

1812103100900  
GARDINER FAMILY TRUST  
87737 SANDRIFT ST  
FLORENCE OR 97439

1812103105200  
GARY L & SHERRI K DONNELLY FAMILY TRUST  
87740 SANDRIFT ST  
FLORENCE OR 97439

1812101302100  
HAL & CYNTHIA FLESHER LIVING TRUST  
1820 MADELYNNE CRT  
TURLOCK CA 95382

1812103101300  
HALL WILLIAM & CATHEY M  
87701 SANDRIFT ST  
FLORENCE OR 97439

1812101302200  
HARRAH LINDA L & MICHAEL R  
87863 KELSIE WAY  
FLORENCE OR 97439



1812104001402  
HAWKINS BEN ALLAN & ROSE E  
PO BOX 2186  
FLORENCE OR 97439

1812100000101  
HEAD JAMES & EILEEN  
5139 HECETA BEACH RD  
FLORENCE OR 97439

1812101301400  
HECETA INC  
PO BOX 3467  
FLORENCE OR 97439

1812101301000  
HILL RICKEY L SR & DONNA M  
87919 WOOD LAKE WAY S  
FLORENCE OR 97439

1812103407100  
HUDSPETH VIRGINIA L  
87659 WOODMERE W  
FLORENCE OR 97439

1812103100700  
ISHII JOINT TRUST  
87757 SANDRIFT ST  
FLORENCE OR 97439

1812101302900  
JOHNSON FAMILY TRUST  
5046 KELSIE CRT  
FLORENCE OR 97439

1812103408000  
KENNETH L URWIN TRUST  
4929 CLOUDCROFT LN  
FLORENCE OR 97439

1812101302500 & 2600  
KING CHARLES M & BETTY B  
5009 KELSIE CT  
FLORENCE OR 97439

1812103105300  
KINSLOW JANICE A



87772 SANDRIFT ST  
FLORENCE OR 97439

1812104001500 & 01701  
KNIGHT ANDREW J & HEATH J & IAN A  
87719 SALTIRE ST  
FLORENCE OR 97439

1812103106300  
LARA ROBERT Y & NANCY L  
87786 SANDRIFT  
FLORENCE OR 97439

1812104001300  
MARION L CASTLEMAN & JOAN A CARR REV LIV TR  
5202 HECETA BEACH RD  
FLORENCE OR 97439

1812103405901  
MARY LEHMAN & WILLIAM DURST REVOCABLE TRUST  
87649 WOODMERE E  
FLORENCE OR 97439

1812103407200  
MCBRIDE JOHN E  
87640 LIMPIT LN  
FLORENCE OR 97439

1812103408100  
MCCAULEY DONNA R & JIMMY K  
87684 LIMPIT LN  
FLORENCE OR 97439

1812103108100  
MCCONNELL MARIA  
87814 SANDRIFT ST  
FLORENCE OR 97439

1812103407900  
MCDONALD CHRISTOPHER M  
4933 CLOUDCROFT LN  
FLORENCE OR 97439

1812103405800  
MCDUGLE BILL R  
87635 WOODMERE EAST  
FLORENCE OR 97439

1812103105100  
MEHURON ARLENE G TE  
87730 SANDRIFT ST  
FLORENCE OR 97439

1812103105100  
MEHURON REX D TE  
87730 SANDRIFT ST  
FLORENCE OR 97439

1812101302400  
MENDONCA FAMILY LIVING TRUST  
5033 KELSIE CRT  
FLORENCE OR 97439

1812103105000  
MILLER MICHAEL J & PATTI J  
87720 SANDRIFT ST  
FLORENCE OR 97439

1812103100300  
NEWMAN GARY C  
87803 SANDRIFT ST  
FLORENCE OR 97439

1812103108500  
PILCHER RANDALL J & SUSAN R  
87842 SANDRIFT ST  
FLORENCE OR 97439

1812103407600  
POTTS CHARLES J & EDITH M  
4938 CLOUDCROFT LN  
FLORENCE OR 97439

1812103405800  
REEP CHRISTINE E  
215 PANARAMA DR  
BAKERSFIELD CA 93305

1812101302700  
REHDER WILLIAM & CYNTHIA  
5011 KELSIE CRT  
FLORENCE OR 97439

1812103106400  
SAPIENZA JOSEPH M & JANETTE  
4966 OCEANA DR

FLORENCE OR 97439

1812103108300  
SHOYS PETER KILLIAN & CHRISTINE MARIE  
87836 SANDRIFT ST  
FLORENCE OR 97439

1812101302000  
SIKORA JAMES ALLEN & JANE MARIE  
87885 KELSIE WAY  
FLORENCE OR 97439

1812103101200  
SIMMONS JAMES R JR & LINDA G  
87623 SANDRIFT ST  
FLORENCE OR 97439

1812103400100  
SMITH ERICK J & ROBYN N  
87723 SALTAIRE ST  
FLORENCE OR 97439

1812103101000  
SPIVEY WILLIAM F III & J A  
87733 SANDRIFT ST  
FLORENCE OR 97439

1812103108000  
TROMBLEY BRUCE J & DONNA R  
87810 SANDRIFT ST  
FLORENCE OR 97439

1812103108600  
TRUST DATED 06/26/03  
87843 SANDRIFT ST  
FLORENCE OR 97439

1812103407400  
UDT 11/02/04  
PO BOX 2695  
FLORENCE OR 97439

1812103407300  
ULMAN BEVERLY J & LOHMA L  
PO BOX 2570  
FLORENCE OR 97439

1812103407500

VASQUEZ LIVING TRUST  
87678 LIMPIT LN  
FLORENCE OR 97439

1812103100600  
WATKINS CARL D & RONETTA B  
1259 GREENWOOD DR NE  
KEIZER OR 97303

1812103403300  
WILLIAMS BRUCE G & MARY E  
87660 WOODMERE WEST  
FLORENCE OR 97439

1812103100101  
WILSON FAMILY REVOCABLE LIVING TRUST  
87849 SANDRIFT ST  
FLORENCE OR 97439

1812104001100  
WILSON MITCHELL & LUCILLE  
5190 HECETA BEACH RD  
FLORENCE OR 97439

1812103403100  
WOODS FRANK N & ROSEMARY R  
4914 CLOUDCROFT LN  
FLORENCE OR 97439

LANFEAR CONSULTING LLC  
THOM LANFEAR  
541 WILLAMETTE ST #402  
EUGENE, OR 97401

OREGON STATE HISTORIC PRESERVATION  
725 SUMMERS ST NE SUITE C  
SALEM OR 97301

US FISH & WILDLIFE  
KEMFER MCMASTER  
2600 SE 98<sup>TH</sup> AVE, SUITE 100  
PORTLAND, OR 97266

US FISH & WILDLIFE (COASTAL)  
ATTN: ROY LOWE  
2127 SE MARINE SCIENCE DR.  
NEWPORT, OR 97365

U.S. ARMY CORPS OF ENGINEERS  
KAT BEAL  
26275 CLEAR LAKE RD  
JUNCTION CITY, OR 97448

U.S. ARMY CORPS OF ENGINEERS  
EUGENE REGULATORY FIELD OFFICE  
211 E. SEVENTH AVE., SUITE 105  
EUGENE, OR 97401

CENTRAL LINCOLN PUD  
966 HWY 101  
FLORENCE OR 97439

DEQ  
165 E 7<sup>TH</sup> AVE. #100  
EUGENE, OR 97401

DEPT GEOLOGY & MINERAL IND - MLR  
ATTN FRANK SCHNITZER  
229 BROADALBIN ST SW  
ALBANY OR 97321-2246

OR STATE FISH & WILDLIFE  
(COASTAL)  
2040 SE MARINE SCIENCE DR  
NEWPORT OR 97365-5229

COMMUNITY DEVELOPMENT DIRECTOR \*  
CITY OF FLORENCE ATTN: MICHELLE  
250 HWY 101  
FLORENCE OR 97439

COMMUNITY DEVELOPMENT DIRECTOR \*  
MIKE MILLER – PUBLIC WORKS  
989 SPRUCE STREET  
FLORENCE, OR 97439

SIUSLAW VALLEY FIRE  
2625 HWY 101  
FLORENCE OR 97439-9702

SIUSLAW SCHOOL DIST #97J  
2111 OAK STREET



FLORENCE OR97439-9805

SIUSLAW WATERSHED COUNCIL  
ATTN: LIZ VOLMER-BUHL  
PO BOX 422  
MAPLETON, OR 97453

SIUSLAW WATERSHED COUNCIL  
ATTN: WRIN WELLS  
PO BOX 422  
MAPLETON, OR 97453

EUGENE WATER & ELECTRIC BOARD  
ATTN: KARL MORGENSTERN  
500 E 4<sup>TH</sup> AVE  
EUGENE, OR 97401

KRISTINA DESCHAIINE  
FIRE MARSHALL  
3620 GATEWAY STREET  
SPRINGFIELD, OR 97477

LANDWATCH LANE COUNTY  
ROBERT EMMONS  
40093 LITTLE FALL CRK RD  
FALL CREEK, OR 97438

LANDWATCH LANE COUNTY  
P.O. BOX 5347  
EUGENE, OR 97405

ENVIRONMENTAL HEALTH

WATER QUANTITY/QUALITY  
MICHAEL MATTICK

COUNTY ROAD MAINTENANCE  
JENNIFER PAUGH

TRANSPORTATION PLANNING  
LORI GREEN

## MAPPING & REFERRAL INSTRUCTIONS

509-PA16-05618

MAP NO. 18-12-10-34-00801;18-12-10-40-00 400;18-12-10-40-00401 ADDITIONAL OWNERSHIP:

**APPLICANT:**  
SHARLA MANAGER WHITTEN -  
BENEDICK HOLDINGS LLC  
27922 WARD LN  
EUGENE, OR 97402

**OWNER:**  
BENEDICK HOLDINGS LLC  
  
27922 WARD LN  
EUGENE, OR 97402

**AGENT:**  
THOM LANFEAR - LANFEAR  
CONSULTING LLC  
541 WILLAMETTE ST #402  
EUGENE, OR 97401

**BASE ZONE:** RA

**COMBINING ZONE:** /BD/NONE; PW

**Clerical:** Please prepare a notice list of surrounding property owners and send a copy of the Referral Notice and the attached materials to each of those owners and the Agencies identified below.

### AGENCIES

Referral

Referral

<input type="checkbox"/>	Building	<input checked="" type="checkbox"/>	State Fish & Wildlife (ODFW): Coast
<input type="checkbox"/>	Sanitation	<input type="checkbox"/>	State Highway (ODOT)
<input type="checkbox"/>	Final Legal Lot	<input type="checkbox"/>	State Forestry:
<input type="checkbox"/>	Rural Addressing	<input checked="" type="checkbox"/>	Dept. Geology & Mineral Industries (DOGAMI)
<input type="checkbox"/>	Flood Management	<input type="checkbox"/>	Dept. Land Conservation & Development (DLCD)
<input type="checkbox"/>	Easement Review	<input type="checkbox"/>	Lane Regional Air Protection Agency (LRAPA)
<input type="checkbox"/>	Compliance	<input type="checkbox"/>	Dept. of Environmental Quality (DEQ)
<input type="checkbox"/>	Surveyors	<input checked="" type="checkbox"/>	Dept. of Environmental Quality (DEQ) 1200-C
<input checked="" type="checkbox"/>	Transportation Planning	<input type="checkbox"/>	Oregon Health Division
<input checked="" type="checkbox"/>	County Road Maintenance	<input type="checkbox"/>	Water Master
<input checked="" type="checkbox"/>	Water Quantity/Quality	<input type="checkbox"/>	Division of State Lands (DSL)
<input type="checkbox"/>	Assessment & Taxation	<input type="checkbox"/>	State Parks (Certified mail)
<input checked="" type="checkbox"/>	State Fire Marshal	<input type="checkbox"/>	Dept. of Aeronautics
<input type="checkbox"/>	Community Organization NONE	<input type="checkbox"/>	CenturyLink
<input checked="" type="checkbox"/>	Watershed Council Siuslaw Watershed	<input type="checkbox"/>	Northwest Natural Gas
<input checked="" type="checkbox"/>	Land Watch	<input type="checkbox"/>	Port of Siuslaw
<input checked="" type="checkbox"/>	School District SIUSLAW	<input checked="" type="checkbox"/>	Power Company CLPUD
<input type="checkbox"/>	Water District	<input checked="" type="checkbox"/>	US Army Corps. of Engineers (ACOE)
<input checked="" type="checkbox"/>	Fire District Siuslaw Valley Fire & Rescue	<input checked="" type="checkbox"/>	US Fish & Wildlife (USF&W)
<input checked="" type="checkbox"/>	City Area of Interest (20-day notice) Florence	<input type="checkbox"/>	Confederated Tribes
<input type="checkbox"/>	METRO Area of Interest NONE	<input checked="" type="checkbox"/>	State Historic Preservation Office (SHPO)
<input checked="" type="checkbox"/>	Environmental Health	<input type="checkbox"/>	Other

### INSTRUCTIONS FOR ATTACHED MATERIALS

Copy and attach to all Referral Notices: ☒ Vicinity Map  
☒ Site Plan  
☐ Flagged Applicant's Material

Copy and Attach Materials to Referral Notices as Instructed Above and Below:

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## LAND MANAGEMENT DIVISION

LAND USE APPLICATION – DIRECTOR  
General Application Form

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

RECEIVED JUN 26 2016  
Date Received: JUN 26 2016  
RECEIVED

For Office Use Only: FILE #

509-PA16-05618

FEE: 2600

Applicant (print name): Benedick Holdings

Mailing address: 27922 Ward Lane, Eugene, OR 97402

Phone: 541-688-6402

Email: ejbenedick@msn.com

Applicant Signature:

Agent (print name): Thom Lanfear / Lanfear Consulting LLC

Mailing address: 541 Willamette St. Ste 402, Eugene, OR 97401

Phone: 541-345-8139

Email: tlanfear@pacinfo.com

Agent Signature:

Land Owner (print name): Benedick Holdings

Mailing address: 27922 Ward Lane, Eugene, OR 97402

Phone: 541-688-6402

Email: ejbenedick@msn.com

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature:

x Shaula A Whitten

MANAGER

## LOCATION

18-12-10-40 #400, 401; Map 18-12-10-34 #801

Township - Range - Section - Taxlot

None assigned

Site address

PROPOSAL. In one sentence, identify what you are proposing.

Request for Planning Director Approval to Lane Code 10.270-35(6) to allow grading of slopes in excess of 25% within the Beaches and Dunes Combining District as provided by Lane Code 10.330.



## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

07-23-2016

13:12

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
476820-91	DLLC	ACT	OREGON	11-13-2007	11-13-2016	
Entity Name BENEDICK HOLDINGS, LLC						
Foreign Name						

[New Search](#)

## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	27922 WARD LN			
Addr 2				
CSZ	EUGENE	OR	97402	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	04-03-2013	Resign Date	
Name	JULIUS	E	BENEDICK			
Addr 1	27962 WARD LN					
Addr 2						
CSZ	EUGENE	OR	97402	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	27922 WARD LANE			
Addr 2				
CSZ	EUGENE	OR	97402	Country UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	SHARLA		WHITTEN		
Addr 1	27922 WARD LN				
Addr 2					
CSZ	EUGENE	OR	97402	Country	UNITED STATES OF AMERICA

[New Search](#)

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
----------------------	-----------	-------------	------------	----------

**Request for a Variance to allow grading of slopes  
exceeding 25% in the Beaches and Dunes Combining District**

**LANFEAR  
CONSULTING  
LLC**

**Applicant**

Benedick Holdings LLC  
27922 Ward Ln.  
Eugene, OR 97402

**Property Owner**

Benedick Holdings LLC  
27922 Ward Ln.  
Eugene, OR 97402

**Applicant's Representative**

Thom Lanfear / Lanfear Consulting LLC  
541 Willamette St., Suite 402  
Eugene, OR 97401

<b>Location:</b>	Oceana Drive, Cloudcroft Ln.
<b>Assessor's Map:</b>	18-12-10-34 #801, 18-12-10-40 #400, 401
<b>Acreage:</b>	45.80 acres
<b>Base Zone:</b>	Suburban Residential (RA)
<b>Combining Zones:</b>	Beaches and Dunes Combining District (/BD) Interim Urbanizing Combining District (/U) Prime Wildlife Shorelands Combining District (/PW)
<b>Comprehensive Plan:</b>	City of Florence Comprehensive Plan July 1988

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**I. PROPOSAL**

Request for Planning Director Approval for a variance to Lane Code 10.270-35(6) to allow grading of slopes in excess of 25% within the Beaches and Dunes Combining District as provided by Lane Code 10.330.

**A. PROPERTY DESCRIPTION**

The developable westerly portion of this site is characterized by multiple well-stabilized inactive sand dune formations and dense vegetation. Topography varies across the site from an elevation of less than 84 feet MSL in the lowest areas of the site to a high of approximately 156 feet MSL (contours were interpreted from 2009 DOGAMI LiDAR data, Oregon North Coast). The site is bordered on the west by the Idylewood Subdivision, on the north by the Heceta South Subdivision, and on the east and south by vacant land owned by Lane County.

The geology of the site suggests that this is a classically formed transverse dune/deflation plain formation with relict incisions formed by the interplay between historic wind and water



movements across the formation. These topographic incisions and the associated remnant sand between them are close together and steeply inclined where forces of erosion removed the sand placed by seasonal winds. Similar relict incisions can be observed across the Heceta South Subdivision to the north of the subject property. These relict features are neither active nor considered to be significant geologic features and are proposed to be graded and stabilized in conjunction with the development.

Much of the eastern (undevelopable) portion of the site is characterized as a frequently inundated bog/water body that in most years displays some water in the lower elevations but in some years is completely dry. Water levels within this area and across the site are driven by seasonal groundwater. No defined or channelized outlet exists to this low-lying area. Water levels rise and fall as a reflection of the groundwater table. Wetlands are present on this portion of the site as shown on the subdivision plan. High and low water levels rise and fall in conjunction with both the seasonal precipitation and cyclical weather patterns. On years, such as in 1996, when precipitation was substantially higher than average, seasonal high water tables at the intersection of Oceana Drive and Sandrift Street reached an elevation of between 85 and 86 feet MSL. The groundwater gradient across the site slopes from east to west (toward the Siuslaw River approximately one mile away) at a gradient of approximately one foot in 400 feet. Thus, the seasonal/cyclical + \ - high groundwater tables across the site vary from an estimated 89 feet MSL more or less at the eastern fringe of the proposed development to an elevation of 85 to 86 feet MSL more or less along the eastern fringe of the existing Idylewood Subdivision.

## **B. PROJECT DESCRIPTION**

Request is made to grade some areas of steep slopes found within the proposed right-of-way alignment for the road that will connect Cloudcroft Lane to Bear Run Road. Additional grading of scattered steep slopes is also necessary to provide adequate cul-de-sac access to the lot arrangements in the northern part of the property. The steep areas in the northern and southern portions of the property will also be graded to maximize the number of building sites developed within the Urban Growth Boundary of Florence. The proposed lots that will have some amount of grading of steep slopes are identified as lots 254 – 264, 276 – 282, 285 – 291, and 298 – 299. Grading of the site is limited to that area necessary to provide for the construction of the proposed road to the required public road standards, the creation of one building site per lot, and the provision of an adequate access from the public road to the building site.

## **II. APPROVAL CRITERIA & PROPOSED FINDINGS OF FACT**

The Site and Development Requirements of the Beaches and Dunes Combining District are found in Lane Code 10.270-35.

**Lane Code 10.270-35 Additional Site and Development Requirements.**

The following requirements apply to all development except the harvesting of timber as allowed by the District with which the /BD District is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas.

**(6) Slopes in excess of 25 percent shall be prohibited from development.**

**Lane Code 10.020 Development.** The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading.

This request to allow "development" (grading) on slopes greater than 25% is subject to the criteria found in Lane Code 10.330-20. The approval criteria and development standards are in boldface type, followed by the proposed Findings of Fact.

**Lane Code 10.330-20 Criteria.**

**(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted, the following expressly written findings are made:**

The applicant requests a variance to the quantitative requirement of Lane Code 10.270-35(6): *Slopes in excess of 25 percent shall be prohibited from development.* The applicant proposes to conduct grading to reduce some areas of 25% slopes to a lesser grade for the development of roads and home sites within the proposed subdivision submitted in application PA10-05821. The subject parcel does not contain any landforms that are specifically prohibited from all development by 10.270-20 Prohibited Development Areas. *No development, with the exception of minimal development, shall be permitted on the following dune landforms:*

- (1) Beaches, except as provided for in LC 10.270-15 above.*
- (2) Foredunes if subject to wave overtopping or ocean undercutting.*
- (3) Active dune forms.*
- (4) Nearshore deflation plain.*

**10.330-20(1)(a): A strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter, or**

A strict enforcement of the grading restriction would result in a practical difficulty by preventing the connection to existing roads in the adjoining subdivisions, efficient circulation pattern through the proposed subdivision, and the provision of adequate access to the more level buildable areas in the middle and northern part of the subdivision. There is no possible way to provide public roads that meet standard engineering design parameters without impacts to some slopes over 25% because of the narrow width of the subject property (175')



between the northeast corner of proposed lot 254 and the northeast corner of proposed lot 265. The alignment chosen for the connecting road from Cloudcroft Lane to Sanddrift Street and Oceana Drive is the one with the least impact to the steep slopes found in the southern part of the subdivision proposal. The steep slopes in the northern part of the property are intermittent making it extremely difficult to design buildable lots that have both access to the public roads and an adequate home site on each lot.

A strict enforcement of the requirements would be inconsistent with the objectives of Lane Code Chapter 10. This is the section of Lane Code that applies only to lands within an urban growth boundary in Lane County.

Lane Code 10.015 lists nine objectives of Chapter 10. They are:

- (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.*

Enforcement of the provision to restrict grading of slopes in excess of 25% would be inconsistent with objective #1. The subject property is located within the Urban Growth Boundary of the City of Florence. This is the area adjacent to the City Limits that is planned for the expansion and concentration of the City's population. As such it is expected that the property will be developed at an urban level of density in order to prevent urban sprawl from encroaching onto rural farm and forest lands. The appropriate use of this property is urban development as directed by Statewide Planning Goal 14 guidelines below:

#### **GUIDELINES**

##### **A. PLANNING**

- 1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area;(2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.*
- 2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.*
- 3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and*

*water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

- 4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.*

The proposal is consistent with the direction provided by guideline A.2 above by maximizing the number of parcels to be created within the subject property in consideration of the carrying capacity of the land while at the same time providing for the logical extension of roads through the property. Approval of the proposal would allow for the efficient use of the property consistent with guideline A.4 above. The strict enforcement of the provision would result in the inability to create an efficient road system that connects existing public roads into adjacent subdivision and the elimination of 27 of the proposed 54 lots.

Enforcement of the provision to restrict grading of slopes in excess of 25% would also be inconsistent with Lane Code 10.015 objective #2. The grading is necessary to provide an orderly transportation route that connects the proposed subdivision roads to the existing roads (Cloudcroft Lane, Oceana Drive, and Sanddrift Street) in the adjacent subdivision to the west and north.

**10.330-20(1)(b): Exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zoning district, or**

Not applicable.

**10.330-20(1)(c): Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district.**

Not applicable.

**10.330-20(1)(d): The granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.**

The grading of steep slopes to provide for stable roads and home sites within the proposed subdivision does not result in impacts to the public health, safety, or welfare. The road alignments have been selected to allow the development of public roads that conform to standard road designs for safety of the travelling public through the subdivision. A registered engineer has found that it is feasible to grade the site in accordance with the submitted grading plan and stabilize the final slopes. All areas subject to grading will be stabilized during



construction and upon completion to assure no impacts to adjacent properties or improvements. A stabilization Plan is attached for consideration with the proposal as Exhibit 6.

The applicant recommends imposition two conditions of approval:

1. Final road and drainage plans shall be submitted prior to construction of the roads as part of an approved facility permit. Any final slopes created in the road construction in excess of 25% shall be certified by a registered professional engineer that they are stable prior to final plat approval.
2. A note shall be required on the final plat stating: "Prior to issuance of a building permit for lots 254 – 264, 276 – 282, 285 – 291, 298, and 299, a grading plan is required to be submitted to the government agency having jurisdiction over issuance of the building permits. Any final slopes created in the individual lot grading in excess of 25% shall be certified by a registered professional engineer that they are stable prior to issuance of an occupancy permit for a residence." This requirement shall also be included in any CC&R's developed for the subdivision.

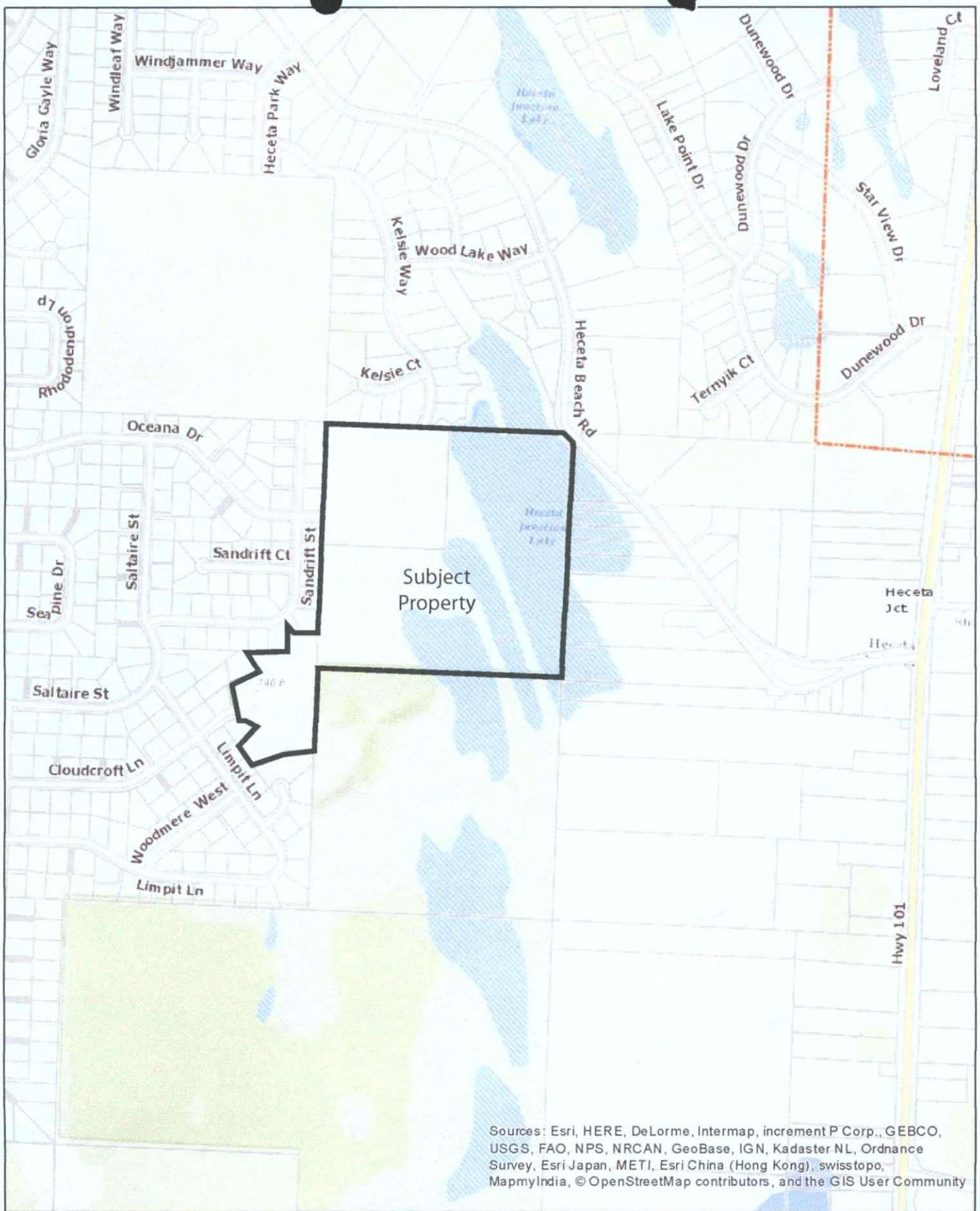
### **III. SUMMARY**

The information provided in this application demonstrates that a variance to the quantitative requirement restricting development on slopes in excess of 25% is warranted. Imposition of the restriction results in a practical difficulty for development of residential lots within the City of Florence Urban Growth Boundary that are accessed by public roads with connectivity to existing roads in adjoining subdivisions. The grading can occur in a manner that keeps all slopes stable during and after construction of the roads and dwellings.

### **IV. EXHIBITS**

1. Idylewood 4<sup>th</sup> Addition Slopes over 25%
2. Idylewood 4<sup>th</sup> Addition Site Plan North - Slopes over 25% Retained
3. Idylewood 4<sup>th</sup> Addition Site Plan South - Slopes over 25% Retained
4. Idylewood 4<sup>th</sup> Addition Preliminary Grading - North
5. Idylewood 4<sup>th</sup> Addition Preliminary Grading - South
6. Idylewood 4<sup>th</sup> Addition Sand Stabilization Plan
7. Vicinity Map
8. Aerial Photo





Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



Vicinity Map  
Idlewood Subdivision 4th Addition

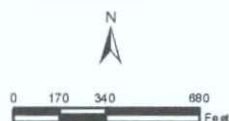
EXHIBIT 7





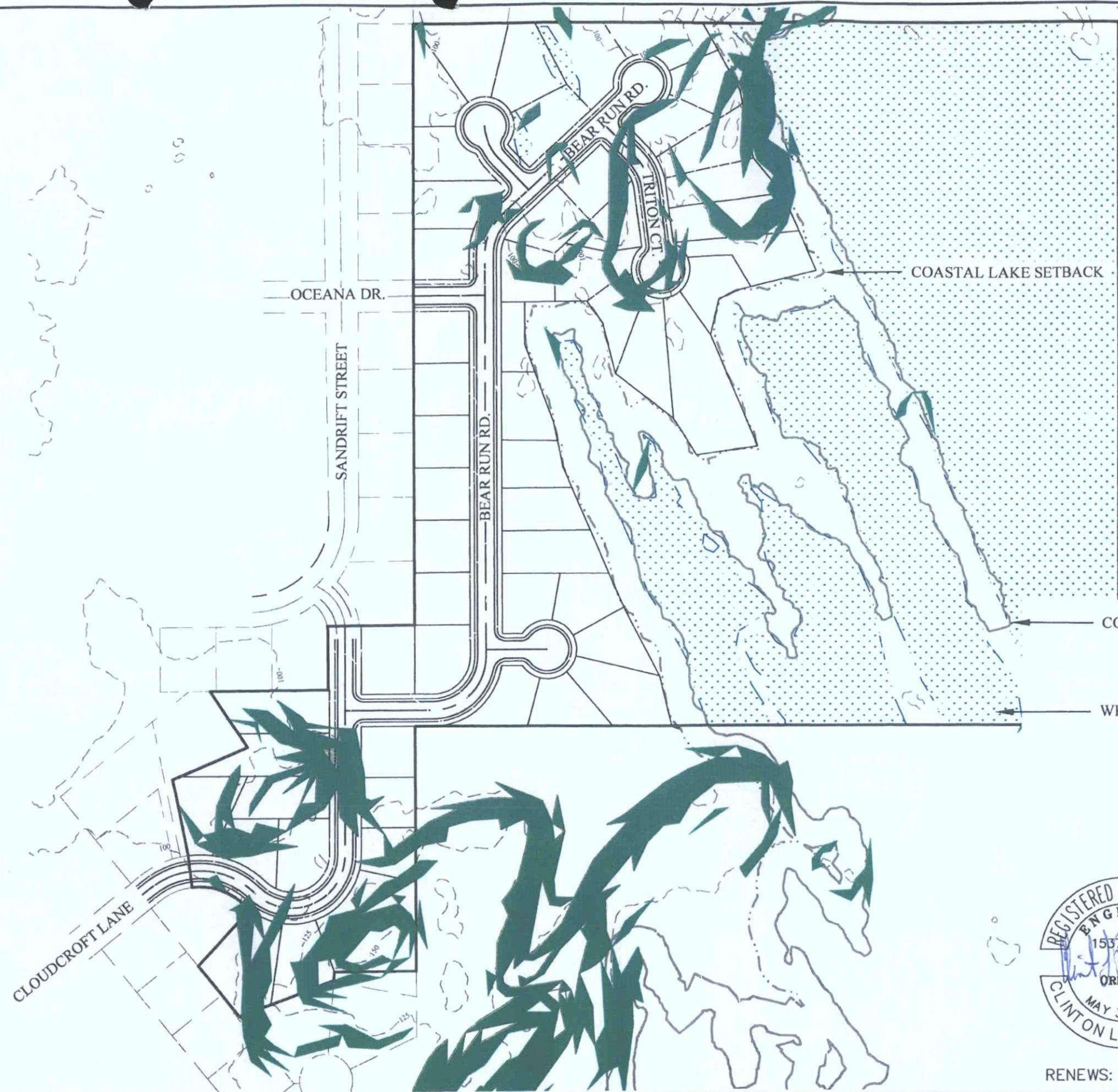
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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Aerial Photo  
Idlewood Subdivision 4th Addition  
EXHIBIT 8





**NOTES:**

1. ELEVATIONS BASED ON 5/8" ROD AT INTERSECTION OF OCEANA DRIVE AND SANDRIFT STREET. ELEVATION 84.37 FEET. CONTOUR SOURCE-2009 DOGAMI LIDAR, OREGON NORTH COAST.
2. EXISTING CONTOUR LINES ARE SHOWN AT 5-FOOT CONTOUR INTERVALS.



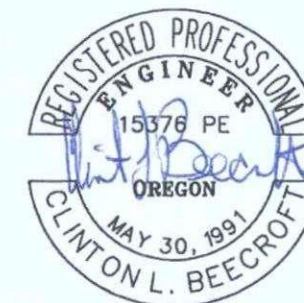
DENOTES EXISTING SLOPES OVER 25%



EXISTING CONTOUR LINES



**EXHIBIT 1**  
**SITE PLAN**  
 IDYLEWOOD 4TH ADDITION  
 FLORENCE, OREGON  
 JULY 19, 2016



RENEWS: 01/01/18



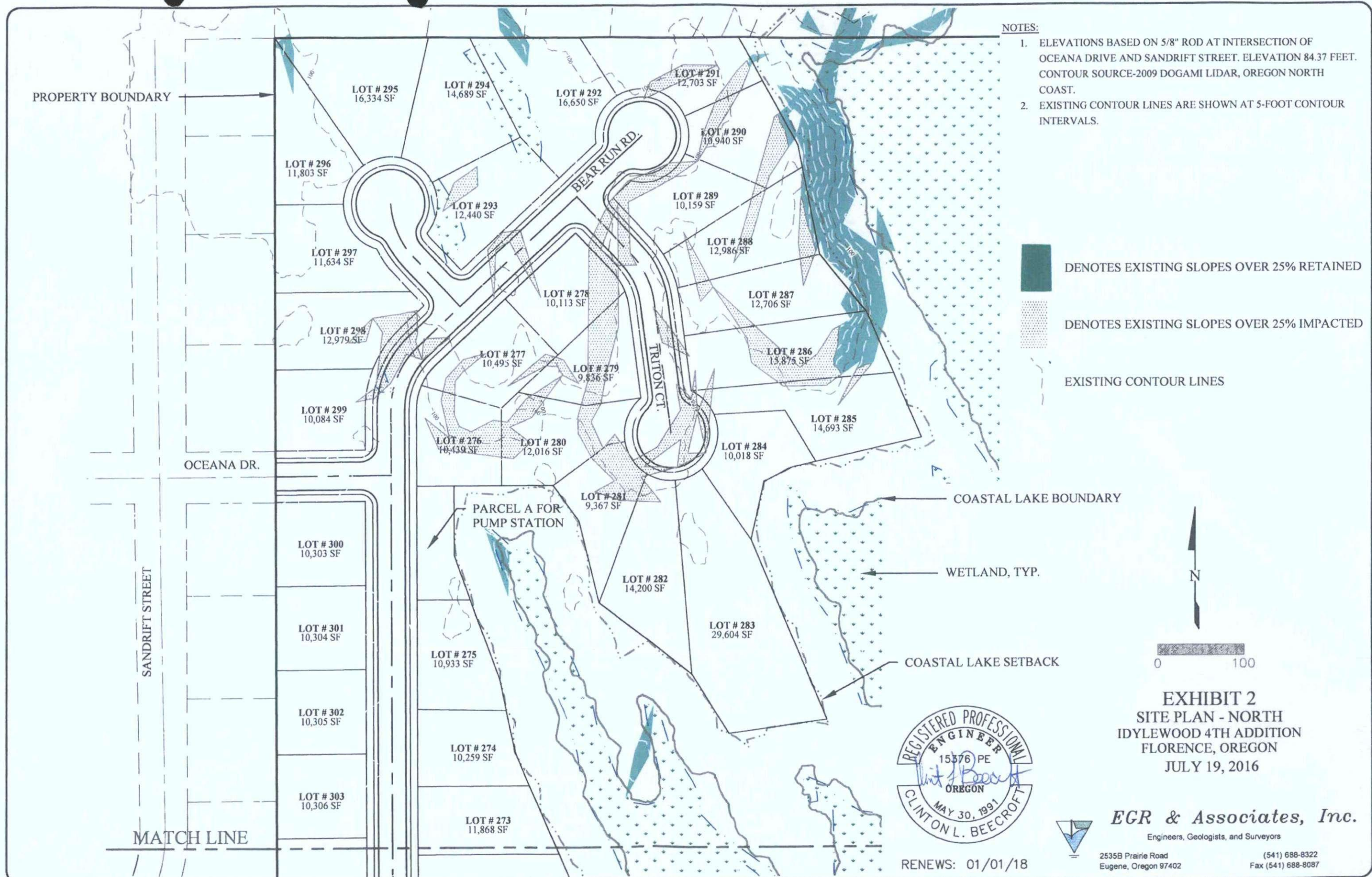
**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
 Eugene, Oregon 97402

(541) 688-8322  
 Fax (541) 688-8087

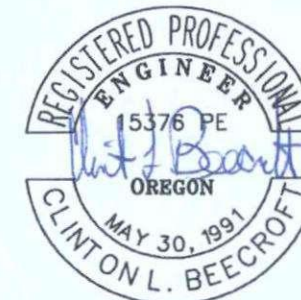
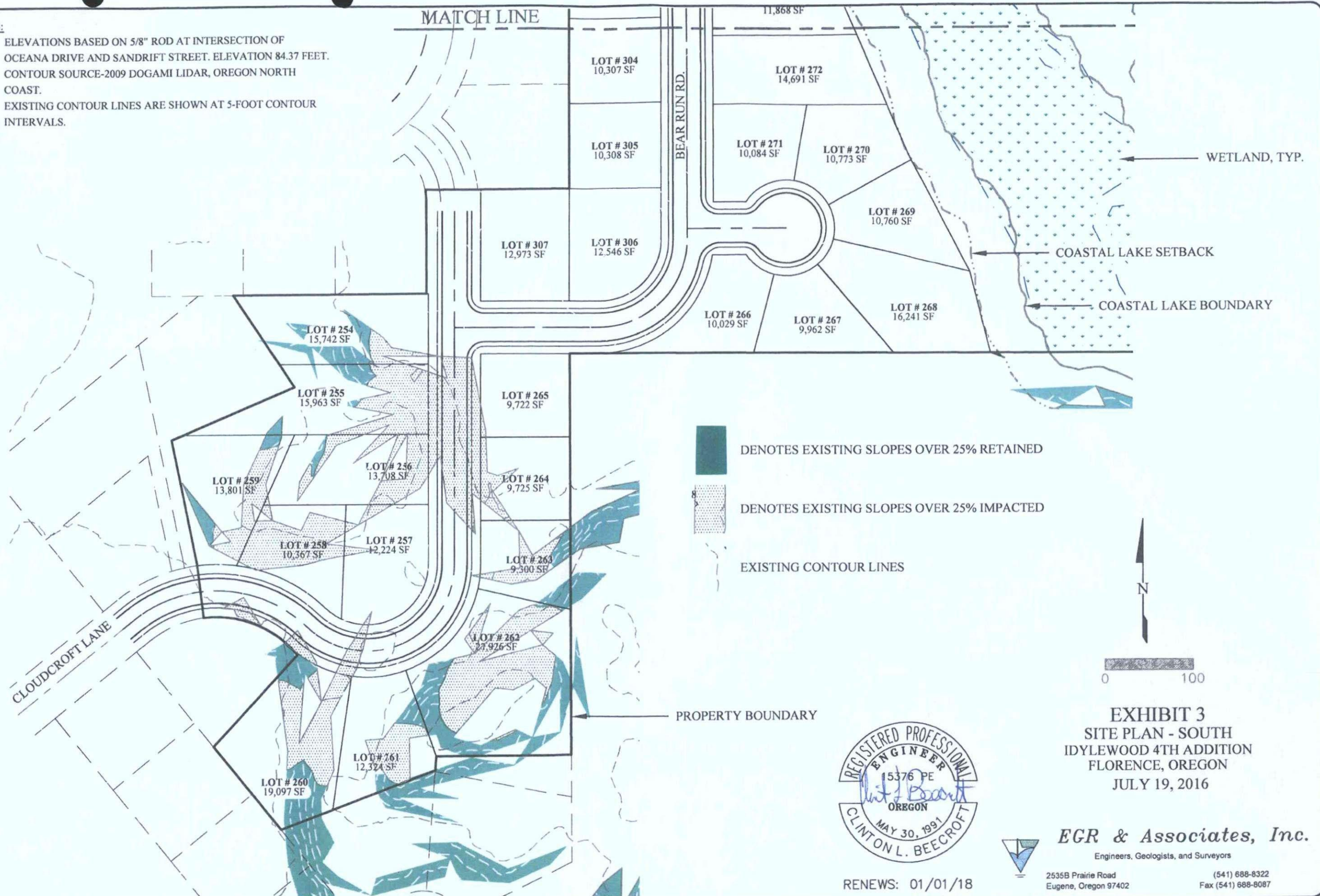






**NOTES:**

1. ELEVATIONS BASED ON 5/8" ROD AT INTERSECTION OF OCEANA DRIVE AND SANDRIFT STREET. ELEVATION 84.37 FEET. CONTOUR SOURCE-2009 DOGAMI LIDAR, OREGON NORTH COAST.
2. EXISTING CONTOUR LINES ARE SHOWN AT 5-FOOT CONTOUR INTERVALS.



RENEWS: 01/01/18

**EXHIBIT 3**  
SITE PLAN - SOUTH  
IDYLEWOOD 4TH ADDITION  
FLORENCE, OREGON  
JULY 19, 2016



**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8087



**NOTES:**

1. THIS GRADING PLAN IS PRELIMINARY FOR PLANNING PURPOSES ONLY, IS NOT APPROVED FOR CONSTRUCTION AND IS SUBJECT TO CHANGE. THE ROAD AND LOT GRADING SHOWN ON THIS GRADING SCENARIO DEMONSTRATES THAT GRADING OF THE SITE IS FEASIBLE AND FINAL SLOPES CAN BE STABILIZED. FINAL ROAD AND DRAINAGE PLANS AND INDIVIDUAL LOT GRADING DESIGNS WILL BE CERTIFIED BY AN ENGINEER STATING THAT ALL FINAL SLOPES ARE STABLE.
2. ELEVATIONS BASED ON 5/8" ROD AT INTERSECTION OF OCEANA DRIVE AND SANDRIFT STREET. ELEVATION 84.37 FEET. CONTOUR SOURCE-2009 DOGAMI LIDAR, OREGON NORTH COAST.
3. EXISTING CONTOUR LINES ARE SHOWN AT 5-FOOT CONTOUR INTERVALS.
4. PRELIMINARY GRADING CONTOUR LINES ARE SHOWN AT 2-FOOT CONTOUR INTERVALS.
5. PRELIMINARY CUT AND FILL SLOPES ARE SHOWN AT 2:1 MAXIMUM SLOPES.



DENOTES EXISTING SLOPES OVER 25% RETAINED



DENOTES EXISTING SLOPES OVER 25% IMPACTED



FINAL GRADING CONTOUR LINES

EXISTING CONTOUR LINES

COASTAL LAKE BOUNDARY

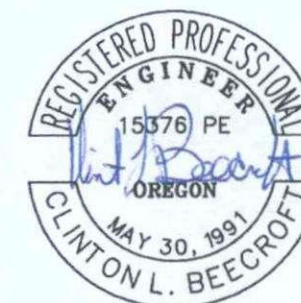
WETLAND, TYP.

LIMITS OF GRADING, TYP.

COASTAL LAKE SETBACK

0 100

**EXHIBIT 4**  
**PRELIMINARY GRADING - NORTH**  
**IDYLEWOOD 4TH ADDITION**  
**FLORENCE, OREGON**  
**JULY 19, 2016**



RENEWS: 01/01/18



**EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
 Eugene, Oregon 97402

(541) 688-8322  
 Fax (541) 688-8087

PROPERTY BOUNDARY

OCEANA DR.

SANDRIFT STREET

MATCH LINE

LOT # 295  
16,334 SF

LOT # 294  
14,689 SF

LOT # 292  
16,650 SF

LOT # 291  
12,703 SF

LOT # 290  
10,940 SF

LOT # 289  
10,159 SF

LOT # 288  
12,986 SF

LOT # 287  
12,706 SF

LOT # 286  
15,875 SF

LOT # 285  
14,693 SF

LOT # 284  
10,018 SF

LOT # 283  
29,604 SF

LOT # 282  
14,200 SF

LOT # 281  
9,367 SF

LOT # 280  
12,016 SF

LOT # 276  
10,439 SF

LOT # 277  
10,495 SF

LOT # 279  
9,836 SF

LOT # 278  
10,113 SF

LOT # 293  
12,440 SF

LOT # 297  
11,634 SF

LOT # 296  
11,803 SF

LOT # 298  
12,979 SF

LOT # 299  
10,084 SF

LOT # 300  
10,303 SF

LOT # 301  
10,304 SF

LOT # 302  
10,305 SF

LOT # 303  
10,306 SF

LOT # 274  
10,259 SF

LOT # 273  
11,868 SF

PARCEL A FOR  
PUMP STATION

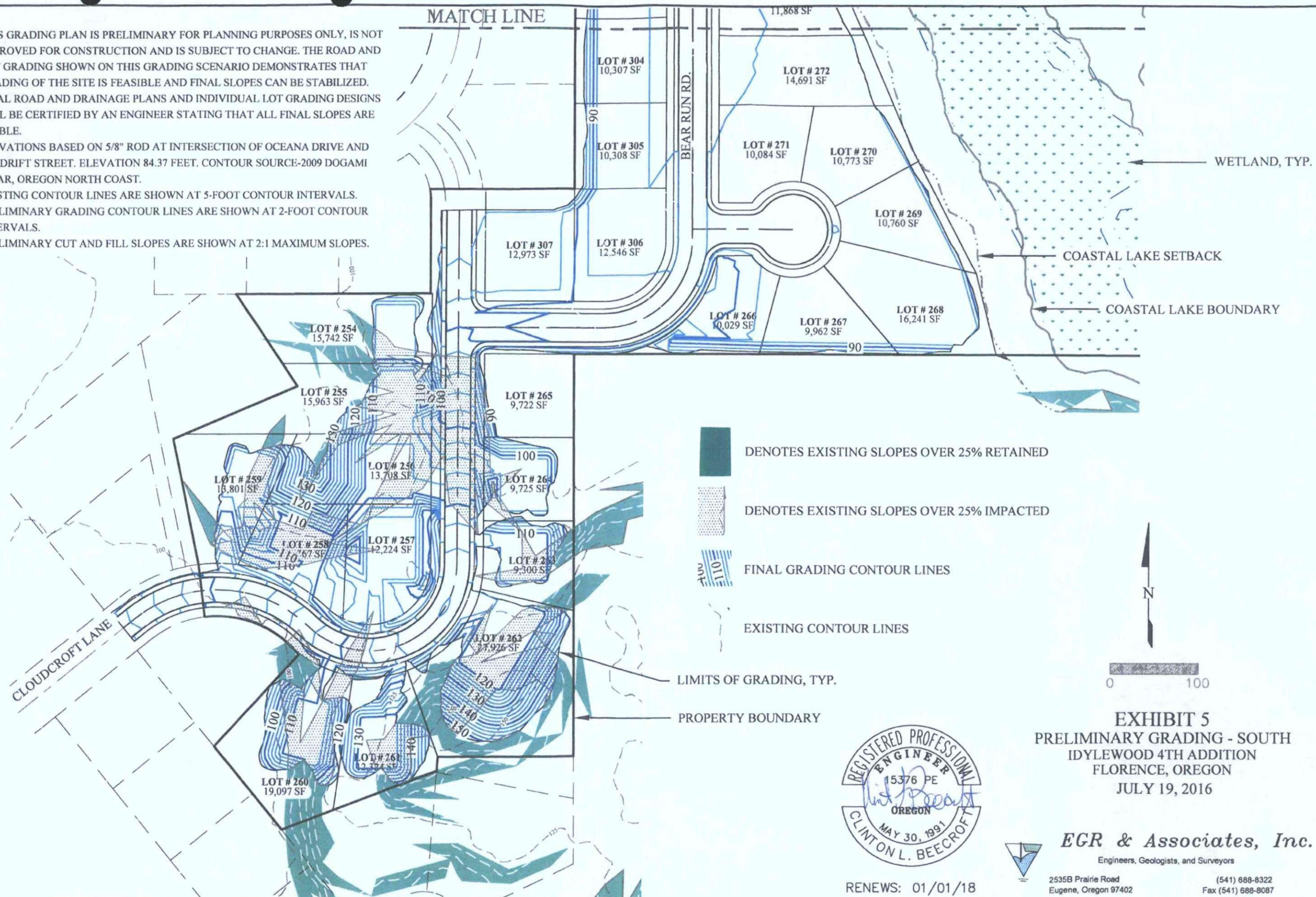
BEAR RUN RD.

TRITON CT.



**NOTES:**

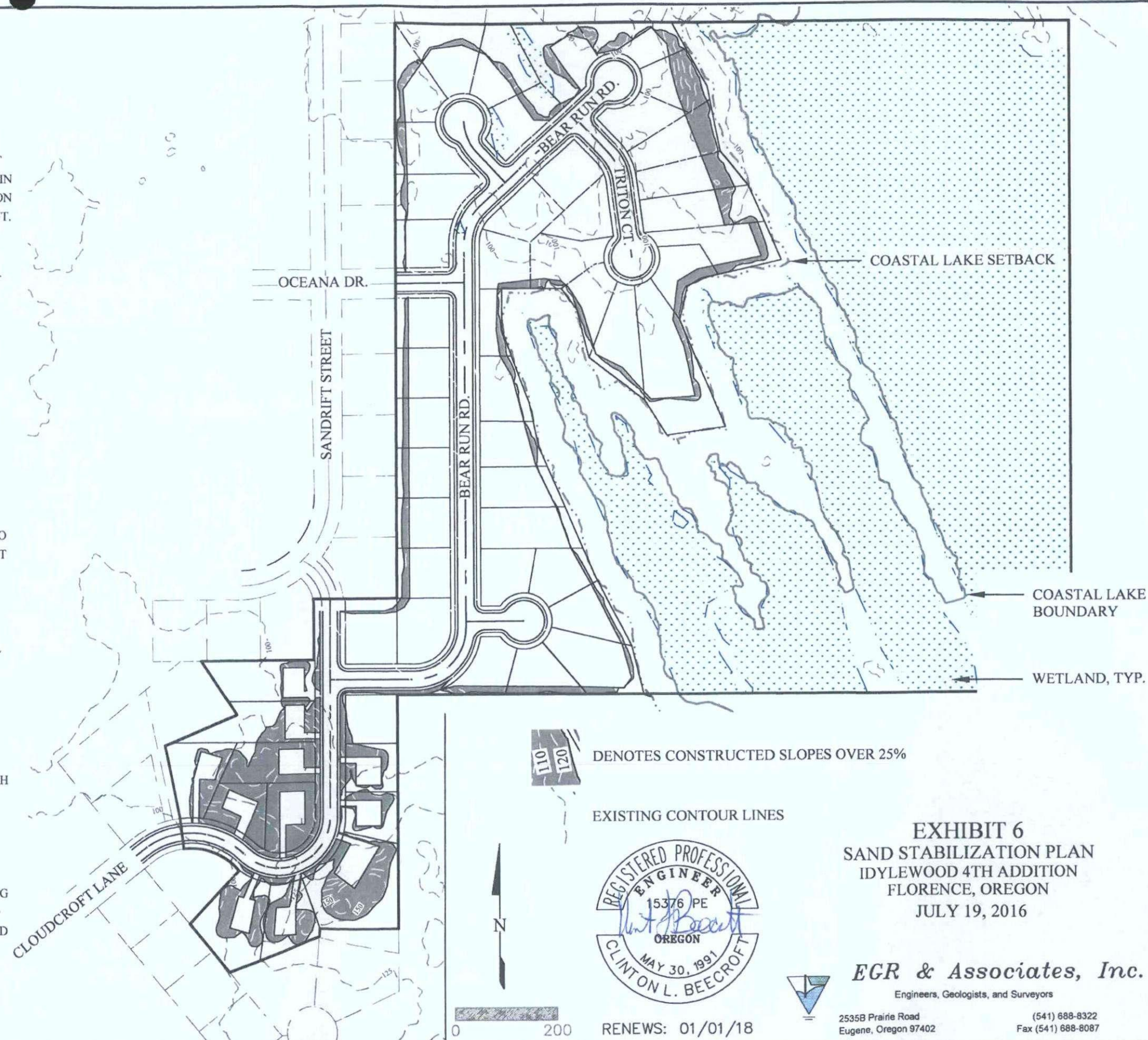
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2. ELEVATIONS BASED ON 5/8" ROD AT INTERSECTION OF OCEANA DRIVE AND SANDRIFT STREET. ELEVATION 84.37 FEET. CONTOUR SOURCE-2009 DOGAMI LIDAR, OREGON NORTH COAST.
3. EXISTING CONTOUR LINES ARE SHOWN AT 5-FOOT CONTOUR INTERVALS.
4. PRELIMINARY GRADING CONTOUR LINES ARE SHOWN AT 2-FOOT CONTOUR INTERVALS.
5. PRELIMINARY CUT AND FILL SLOPES ARE SHOWN AT 2:1 MAXIMUM SLOPES.





# SAND STABILIZATION PLAN NOTES

1. SITE GRADING WILL OCCUR IN PHASES CONSISTING OF INITIAL MASS GRADING DURING STREET AND INFRASTRUCTURE CONSTRUCTION FOLLOWED BY INDIVIDUAL LOT DEVELOPMENT. INITIAL MASS GRADING MAY NOT INCLUDE INDIVIDUAL LOTS THAT COULD BE GRADED INDEPENDENT OF ADJACENT LOTS AT TIME OF LOT DEVELOPMENT. ALL CONSTRUCTED OR DISTURBED SLOPES CREATED DURING INITIAL MASS GRADING AND INDIVIDUAL LOT DEVELOPMENT WILL BE STABILIZED FROM WIND AND WATER EROSION AS SPECIFIED IN THIS SAND STABILIZATION PLAN AND IN CONFORMANCE WITH EROSION CONTROL PLANS THAT MAY BE PREPARED DURING SITE DEVELOPMENT.
2. TEMPORARY STABILIZATION METHODS WILL BE USED DURING THE CONSTRUCTION PHASE WHERE THE INITIAL PLANTING WILL NOT OCCUR WITHIN A SIX MONTH PERIOD FOLLOWING SOIL DISTURBANCE. TEMPORARY STABILIZATION METHODS WILL CONSIST OF:
  - A. ON STEEP SLOPES (GREATER THAN 25%) APPLY A 4-INCH THICK LAYER OF STRAW DIRECTLY ON TOP OF DISTURBED AREAS AND SECURE TO THE SLOPE WITH STAPLED JUTE NETTING OR CHICKEN WIRE NETTING. NETTING MATERIAL MUST BE LACED TOGETHER AND STAKED AT 10-FOOT INTERVALS.
  - B. ON ALL OTHER SLOPES APPLY EITHER A 4-INCH LAYER OF STRAW MATTING PUNCHED INTO THE SOIL, OR A LAYER OF BARK PLACED DIRECTLY ON TOP OF THE SOIL.
3. REPLANTING PHASE
  - A. PLANTING ON DUNE LAND FORMS SHOULD OCCUR BETWEEN NOVEMBER 15 AND MARCH 15. ALL OTHER PLANTINGS SHOULD TYPICALLY OCCUR IN THE FALL.
  - B. PERFORM ALL FINAL GRADING OF THE TREATMENT AREA PRIOR TO PLANTING. ON LONG STEEP SLOPES (SLOPES LONGER THAN 20 FEET AND OVER 25-PERCENT) CONSTRUCT NARROW ONE-FOOT WIDE BENCHES OR TERRACES 10 FEET APART TO RETAIN STORMWATER AND CREATE FLOW DIVERGENCE.
  - C. INITIAL PLANTING ON STEEP SAND SLOPES SHOULD CONSIST OF A NATIVE BEACH GRASS OR DUNE GRASS. IN AREAS WHERE TOPSOIL HAS BEEN APPLIED AND ADEQUATE PROTECTION FROM WIND IS PROVIDED, PERMANENT NATIVE GRASSES, NATIVE SHRUBS OR ORNAMENTALS MAY BE USED.
  - D. LARGE DISTURBED AREAS MAY BE PLANTED BY TRACTOR. APPROXIMATELY 58,000 CULMS OF BEACH OR DUNE GRASS PER ACRE ARE REQUIRED.
  - E. INITIAL PLANTINGS ON STEEP SLOPES SHOULD BE FERTILIZED WITH A 21-0-0 (AMMONIUM SULFATE) COARSE GRAIN FERTILIZER AT A RATE OF 400 POUNDS PER ACRE. ALL OTHER SLOPES SHOULD BE FERTILIZED AT A RATE OF 200 POUNDS PER ACRE. FERTILIZATION SHOULD OCCUR WHEN WIND SPEEDS ARE LESS THAN 5 MPH AND PREFERENTIALLY DURING RAINFALL.
  - F. SECONDARY (PERMANENT) PLANTING SHOULD OCCUR FOLLOWING THE SECOND GROWING SEASON. SECONDARY PLANTINGS SHOULD CONSIST OF EITHER WOODY SPECIES OR PERMANENT GRASSES AND LEGUMES.
4. CONTINUED MAINTENANCE OF THE STABILIZING VEGETATION IS REQUIRED.



**EXHIBIT 6**  
**SAND STABILIZATION PLAN**  
 IDYLEWOOD 4TH ADDITION  
 FLORENCE, OREGON  
 JULY 19, 2016

**EGR & Associates, Inc.**  
 Engineers, Geologists, and Surveyors

2535B Prairie Road  
 Eugene, Oregon 97402

(541) 688-8322  
 Fax (541) 688-8087



# Lane Use Application



REQUEST / PROPOSAL FOR: SPECIAL USE PERMIT

FOR A STORMWATER DRAINLINE IN A PW PRIME WILDLIFE

FILE NO.	4223-96
ACTION	PW
FEE	695.00

LOCATION (PLEASE PRINT)

18 12 10 40 401

TOWNSHIP RANGE SECTION 1/4 SECTION TAX LOT SUBDIVISION / PARTITION LOT / PARCEL BLOCK

RA|U|BD|FLO| 097-18-10-40 A+T+PW+UGR 30 acres

ZONED TAX CODE PLOT # ACERAGE

NA

LOCATION ADDRESS

NONE

STRUCTURES NOW ON PROPERTY

APPLICANT / AGENT

GENE BENEDICK C/O HARRY A. TAYLOR

12|30|96

NAME (PLEASE PRINT) DATE

P.O. BOX 1420

(541) 935-6202

ADDRESS PHONE

VENETA, OR 97487

CITY ZIP

OWNER

GENE BENEDICK

12|30|96

NAME (PLEASE PRINT) DATE

27962 WARD LANE

688-6402

ADDRESS PHONE

Eugene, OR 97402

CITY ZIP

DO YOU OWN ADJACENT PROPERTY? Yes ☒ No ☐  
MAP, PARCEL NUMBER

18 12 10 34 801

Township Range Section 1/4 Section Tax Lot

18 12 10 40 400

Township Range Section 1/4 Section Tax Lot

18 12 10 40 400

Township Range Section 1/4 Section Tax Lot

WATER

PUBLIC ☒ ON-SITE WELL ☐

COMMUNITY SYSTEM HECETA

SEWAGE

PUBLIC ☐ ON-SITE SEPTIC ☒

COMMUNITY SYSTEM

ROAD

STATE ☐ COUNTY ☒

PUBLIC ☐ EASEMENT ☐

FIRE DISTRICT Siuslaw # 1

SCHOOL DISTRICT Siuslaw 97J

POWER COMPANY Central Lincoln

PHONE COMPANY U.S. West

I (We) have completed all the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) so authorized to submit this application as evidenced by the signature of the owner below.

OWNER Signature

Date

APPLICANT Signature

Date

**An accurate Plot Plan must be attached. Ask for a sample Plot Plan**

SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION

RELATED PERMIT #

STAFF COMMENTS: SEE PRELIMINARY INVESTIGATION

PA 3629-96

FILE # PA

EXHIBIT # 1A

**Exhibit K58-H**



# CANCELLATION REFUND AUTHORIZATION

Name: GENE BENEDICK Permit #: PA 4223-96  
 Address: P.O. Box 1420 UENETA, OR. 97487 TRS/TL # 18-12-10.4 #400+401  
☒ APPLICANT ☒ CONTRACTOR ☒ OWNER

Reason for refund/cancellation: CANCELLED BY APPLICANT AFTER CHANGE IN PLANS.  
14 STAFF HOURS SPENT (1K ALONE). RECOMMEND ZERO REFUND CANCELLED  
ONE WEEK AFTER FINAL DRAFT.

Signature: J. Kendall Date: 4-21-97

—The following will be completed by county staff—

Fees paid for waste disposal systems (site inspections and/or applications to install septic tank and drainfield) are ordinarily non refundable. Refund may be on building, plumbing, or planning portions according to the amount of the permit/application processed.

Account	Program	Fees Paid	Description	Refund
<b>Building Official</b>				
(Signature Waived)				
24-06740/42120	020	\$	Building Permit	\$
24-06740/42124	020	\$	Mechanical Permit	\$
24-06740/42135	020	\$	Plumbing Permit	\$
24-06740/46204	020	\$	Plan Check Fee	\$
24-06740/42123	020	\$	State Surcharge	\$
24-06740/42136	020	\$	Mobile Home Fee	\$
24-06740/42137	020	\$	MH State Surcharge	\$
24-06740/42128	020	\$	MH Electrical Feeder	\$
24-06740/42133	020	\$	Rural Addressing	\$
<b>LMD Division Manager</b>				
(Signature Waived)				
24-06740/42151	040	\$ <u>5.00</u>	New Technology Fee	\$ <u>0</u>
24-06740/42152	040	\$ <u>90.00</u>	Administrative Fee	\$ <u>0</u>
<b>Planning Program Manager</b> <i>no refund due to 14 hrs staff time @ \$50.00 per hr = 700.00</i>				
(Signature Waived)				
24-0674/42125	010	\$	Planning Sign-off	\$
24-0674/42150	010	\$ <u>600</u>	Planning Director	\$ <u>0</u>
24-0674/46202	010	\$	Partitions	\$
24-0674/46211	110	\$	Recording Fee	\$
<b>Environmental Health Manager</b>				
(Signature Waived)				
86-0427/42133	810	\$	Sewage Disposal Fees	\$
86-0427/42123	810	\$	DEQ Surcharge	\$
86-0427/42134	810	\$	Site Inspection	\$
86-0427/42132	810	\$	Water Testing	\$

Total Fees Paid: \$ 695 Less Processing Fee: \$ 0

Receipt # \_\_\_\_\_ TOTAL AMOUNT TO BE REFUNDED: \$ 0

Authorizing Signature: Kent Hove Date: 4-24-97

PLEASE MAKE CHECKS PAYABLE TO:

NAME: \_\_\_\_\_

ADDR: \_\_\_\_\_



HARRY A. TAYLOR  
LAND USE CONSULTANT

88275 TERRITORIAL ROAD  
P.O. BOX 1420  
VENETA, OR 97487  
541-935-6202  
541-935-4918 (FAX)

March 21, 1997

Mr. Jerry Kendall, Associate Planner  
Lane County Land Management Division  
125 East 8th Avenue  
Eugene, OR 97401

RE: Benedick Waiver PA 4223-96

Dear Jerry,

This letter, on behalf of the applicant Gene Benedick, constitutes the applicant's waiver of any county and state statutory time frames required for the processing of land use applications. The project engineer is evaluating an alternative on-site location for the outfall of storm water which would not require use of the seasonal lake, thus eliminating the need for this /PW application.

Please hold issuance of any county decision on the above referenced application for 30 days. Should 30 days elapse without further direction from the applicant or myself, please contact me for an extension to this request. Thank you.

Sincerely,



Harry A. Taylor  
Land Use Consultant

cc: Gene Benedick

RECEIVED BY  
LAND MANAGEMENT

MAR 21 1997

7,8,9,10,11,12,1,2,3,4,5,6 PM

PA 4223-96

Exhibit #40

HARRY A. TAYLOR  
LAND USE CONSULTANT  
P.O. BOX 1420  
VENETA, OR 97487  
(541) 935-6202  
(541) 935-4918 FAX

December 30, 1996

Mr. Jerry Kendall, Associate Planner  
Lane County Land Management Division  
125 East 8th Avenue  
Eugene, OR 97401

Re: Benedick Storm Water Drainage Plan

Dear Jerry,

Attached please find a Special Use Permit application for a storm water drainage plan to serve a portion of the Idylewood subdivision located north of Florence. A complete copy of this application has been forwarded to Doug Cottam, ODFW Wildlife Biologist, for his review and comment.

Given the current high-water condition that is again affecting part of the subdivision, your immediate attention to this matter is appreciated. Do not hesitate to contact me if you require additional information.

Sincerely,



Harry A. Taylor  
Land Use Consultant

cc: Gene Benedick

FILE #	PA
EXHIBIT #	13

COPY

HARRY A. TAYLOR  
LAND USE CONSULTANT  
P.O. BOX 1420  
VENETA, OR 97487  
(541) 935-6202  
(541) 935-4918 FAX

December 30, 1996

Mr. Doug Cottam, Wildlife Biologist  
Oregon Department of Fish and Wildlife  
7118 NE Vandenberg Avenue  
Corvallis, OR 97330-9446

**Re: Benedick Storm Water Drainage Plan, Florence, Oregon**

Dear Doug,

Regarding the proposed storm water drainage plan for the Idylewood subdivision that we discussed on December 9, 1996, I am enclosing a set of the engineered plans prepared by Branch Engineering and a copy of the /PW Prime Wildlife Special Use Permit filed today with Lane County.

The plans incorporate your suggestion of adding an oil separator within the storage tank, on the off-chance of any road oil being discharged into the seasonal lake. I believe your other comments regarding sedimentation, erosion and lake side vegetation have also been addressed. On page 2 of my report, I attempted to summarize your initial comments. Let me know if I did not properly state your position.

Please review these materials and forward any comments or questions as soon as possible, as the affected part of the subdivision has started to experience some minor ponding. At this time it is not serious; however, with the apparent "unending" rains recently, it has the owner, Gene Benedick, and subdivision residents concerned. They hope to avoid a second flood in the same year.

Mr. Benedick is desirous of constructing the drainage system as soon as possible, thus your review and sign-off is necessary to expedite and satisfy county application requirements. If you find the proposed system is acceptable, please forward your response directly to Jerry Kendall, Associate Planner, Lane County Land Management Division, 125 East 8th Avenue, Eugene, OR 97401. Jerry can be reached at 541-687-4057. Please copy your response to me.

Given my discussions with Will Bidler and George Westfall at the Florence ODFW office, I did not forward these materials to

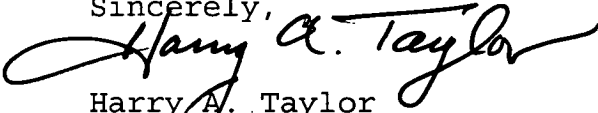
FILE # PA \_\_\_\_\_

EXHIBIT # 16-288

Page 2  
Cottam letter  
December 30, 1996

them. Please do not hesitate to contact me if I can be of further assistance. Thanks for your comments and help.

Sincerely,

A handwritten signature in cursive script that reads "Harry A. Taylor". The signature is written in dark ink and is positioned above the printed name and title.

Harry A. Taylor  
Land Use Consultant.

Enclosure

cc: Gene Benedick (w/enc)  
✓ Jerry Kendall (w/enc)



**APPLICANT'S STATEMENT**

**SPECIFIC APPLICATION FOR APPROVAL OF A  
SPECIAL USE PERMIT BY THE DIRECTOR TO ALLOW A DRAINAGE  
PIPELINE IN A /PW PRIME WILDLIFE SHORELANDS COMBINING DISTRICT**

**DATE:** December 28, 1996

**I. PROPOSAL DESCRIPTION**

- A. APPLICANT/OWNER:** Gene Benedick  
27962 Ward Lane  
Eugene, OR 97402  
541-688-6402
- B. AGENT:** Harry A. Taylor  
Land Use Consultant  
P.O. Box 1420  
Veneta, OR 97487  
541-935-6202
- C. ENGINEER:** Branch Engineering  
c/o Jay Bozievich, P.E.  
310 5th Street  
Springfield, OR 97477  
541-746-0637

**D. PROPOSAL:** Approval of a Special Use Permit to allow installation of a storm water drainage pipeline in a /PW Prime Wildlife Shorelands Combining District to serve a portion of an adjacent residential subdivision, pursuant to the provisions of Lane Code 10.245-15(4)(a). See Exhibit "B", Idylewood Subdivision Storm Drainage Pump/Storm Pipe Plan and Profile, dated December 13, 1996.

**II. GENERAL INFORMATION**

**A. LOCATION AND SITE DESCRIPTION:**

The proposed storm drainage pump and pipeline encompasses the following contiguous parcels:

Assessor's Map No.: 18-12-10-34 tax lot 801 and  
18-12-10-40 tax lots 400 and 401  
Zoning: RA/U/BD/PW  
Area: 45.97 acres (\*all parcels)

The /PW parcel subject to this request, the subject property, (tax lot 401) is located approximately three fourths of a mile north of the corporate limits of Florence, 2300 feet east of Rhododendron Drive and 105 feet east of Sandrift Street. The subject property is located within the Florence Urban Growth Boundary.

FILE # PA \_\_\_\_\_  
EXHIBIT # 1D--2288

The subject property is an unimproved 30 acre parcel. It consists of an older stabilized sand dune formation with generally level to gradual sloping topography with dense coastal vegetation that includes shorepine, native rhododendron, salal, huckleberry, wax myrtle and kinnikinnic, typical to the area. Portions of three small shallow coastal lakes, known as the South Heceta Junction Seasonal Lakes, occupy the eastern 20+- acres of the property. Each lake is separated by a narrow sand dune that effectively dams and separates each lake. See Plot Plan attached as Exhibit "A".

**Wetlands:** The National Wetlands Inventory, Mercer Lake 3, attached as Exhibit "C", identifies the seasonal lakes as a jurisdictional wetland classified as a PUBF (Palustrine/Unconsolidated Bottom/Sempermentently Flooded) wetland.

**Wildlife:** The Lane County Wildlife Inventory, attached as Exhibit "D", indicates the subject property is within an Impacted Big Game Range.

The Lane County Coastal Resources Management Plan, attached as Exhibit "E", identifies a 50 foot strip of vegetation surrounding the South Heceta Junction Seasonal Lakes as a Prime Wildlife Area. The general inventory is supplemented by a 1: 400 scale aerial photograph of the area, Exhibit "F", that identifies a significant wildlife area approximately 150 feet west of the shoreline.

The Applicant has contacted the Oregon Department of Fish Wildlife (ODFW) offices in Florence and Corvallis to explain the proposed use and solicit comments. ODFW specialists, Will Bidler and George Westfall (Florence) indicated the proposed use will have no affect on fish habitat. ODFW biologist, Doug Cottam, (Corvallis) indicated the seasonal lakes and surrounding area is a limited resource that supports a diverse wildlife habitat. The area is inhabited and/or used by numerous species including: amphibians, some reptiles, shorebirds, waterfowl, Great Blue Herons, osprey, hawks, bear and various small mammals. The isolated location and heavy vegetative cover of the area make it highly suited for foraging. Mr. Cottam identified possible concerns with: water quality, disruption of vegetation and erosion control. Provided these concerns are adequately addressed, Mr. Cottam suggested occasional use of the proposed drainage system use would not appear to impact the wildlife area.

#### **B. SURROUNDING AREA AND ZONING:**

The subject property is bounded to the north by Heceta South Subdivision, a developed residential subdivision zoned RA. To the east are a series of small residentially improved parcels zoned RA. To the west is the Idylewood Subdivision, a residentially developed

subdivision and the First and Second Additions to Idylewood, improved for residential development with asphalt streets and utilities, and zoned RA. To the south is a vacant 40 acre Lane County parcel that contains other seasonal lakes, zoned RA.

**C. SERVICES:**

Fire:	Siuslaw Rural Fire Protection District #1
Police:	Lane County Sheriff
School:	Siuslaw School District #97J
Sewer:	Individual sewage disposal systems
Water:	Heceta Public Water District
Access:	Sandrift Street (public)
Electricity:	Central Lincoln Peoples Utility District
Telephone:	U.S. West Communications

**III. BACKGROUND**

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 a 800 foot section of Sandrift Street, and portions of Sandrift Court and Gullsettle Court. It is anticipated the drainage system will operate, at most, only once or twice a year.

Prior to filing this application the Applicant, Gene Benedick, met April 17, 1996, on-site with representatives from the Oregon Division of State Lands, U.S. Army Corps of Engineers, Oregon Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, City of Florence, Oregon Department of Water Resources and Lane County, and local residents. In summary, the group concluded: 1) there was little evidence suggesting the lakes are causing flooding, 2) an extremely complex wetland/drainage environment is present around the seasonal lakes, and 3) before lowering lake levels by control channels between lakes, other measures should be considered.

The proposed storm drainage pump and pipeline system was given conceptual approval by the various agencies subject to further evaluation. Subsequently, county staff conducted a Preliminary Investigation and concluded further analysis was necessary regarding possible affects on water quality and temperature, wildlife habitat area and destabilization of the shoreline surrounding the seasonal lake. This application addresses those issues.

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. Ponded 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 each individual lake basin retains run-off and precipitation which contributes to a higher groundwater table in the immediate area. During periods of normal rainfall, sandy soils and clean roadside ditches allow rapid water percolation and minimal ponding occurs. This proposal seeks to alleviate only occasional high-water events created by extreme amounts of rainfall combined with a high water table.

#### IV. PROPOSAL

The Applicant proposes to construct a storm pump and pipe system that will collect excess surface water from the affected area and pump it 850 feet east to outfall into a seasonal lake located on the subject property and partially on the county parcel to the south. The pipeline will follow the south property boundary of the subject property across relatively level terrain, except for the last 120 +/- feet that slopes at 3 to 5 percent.

Water will be collected at a grated infiltration inlet basin located at a low point in the roadside ditch at the southwest corner of the intersection of Sandrift Street and Gullsettle Court. The inlet will be connected to 110 feet of 12 inch PVC inlet pipe connected to a buried 3000 gallon concrete two chambered storm tank. Storm water will accumulate in the first chamber where silt is allowed to settle out and any oil or fluids are trapped. Preset mercury water level sensors in the second tank activate a 5 horsepower 200 gallon a minute pump. Storm water is then pumped 820 feet east through a 4 inch PVC pressure main that discharges at a 24 square foot (3 feet wide by 8 feet in length) rip-rapped area approximately one foot above a 86.2 foot lake elevation.

The storm storage tank will be buried except for a locked access and pump enclosure hatch. Manholes will be locked for security. All piping and mechanicals are proposed to be buried approximately



two feet below grade (except for an air release valve located near the outlet) for aesthetic and security purposes. An existing electrical vault within Sandrift Street will supply electrical power to the storm pump. An electrical meter pedestal will be located next to the storm tank. Only an air release valve, outfall pipe end and the rip-rapped area will be exposed within the wildlife area.

#### **V. APPROVAL CRITERIA AND ANALYSIS**

Uses and improvements allowed as permitted uses in the respective District or Districts with which the /PW is combined are subject to the following criteria of Lane Code 10.245-15(4) (b):

- (i) Maintain the natural quality of surface and subsurface waters.**

The storm water drainage system is designed to function only during high-volume storms that pond the affected area. The system will not operate during periods of normal rainfall. During these periods run-off flows into roadside ditches and percolates through sandy soils with rapid permeability characteristics. Lane County Public Works recently cleaned the roadside ditches in the area which removed an accumulated "mat" of debris that contributed to reduced percolation.

During high-water periods it is expected potential contaminates (fertilizer, oil and fluids) will not be present or will be significantly diluted by large water volumes associated with major events. It is estimated over 90 percent of any surface contaminates are absorbed into the soil or flushed into roadside ditches during the first rains of the season. This "first flush" affect is credited with removing most surface oils prior to late season ponding caused by a combination of a high groundwater table and extended periods of high rainfall.

The infiltration basin or inlet is surrounded by sand and will provide a pre-treatment to the first storm water to enter the system. An oil separator has been designed into the first tank chamber to trap any oil. Water that flows into the second chamber will be drawn through a vertical siphon "T" 18 inches below the liquid surface level, trapping any oil on the surface of the first chamber.

The storage tank will be serviced yearly or as required to skim and remove oils and clean-out any sediment. All residue will be disposed of at the local sewage treatment plant or at an appropriate facility. After cleaning the first chamber will be

filled with clean water to provide oil separation at the next event.

These measures are expected to maintain the water quality of the seasonal lake. The system is expected to pump essentially clean storm water. The amount of oil that may escape the system is considered virtually inconsequential given the significant dilution provided by the volume of water pumped and lake surface size.

**(ii) Maintain bank stability.**

The outlet end of the 4 inch pipe will be back filled with clay to prevent erosion of the trench during high lake levels. Twenty-four (24) square feet of Class 100 rip-rap (3 feet wide by 8 feet long) approximately 2 feet in depth will be placed at the pipe outlet to dissipate water velocity and also act like a dry well. Rip-rap will be delivered by a backhoe bucket and set by hand for minimal disruption to the shoreline. As engineered, the proposed pipeline will maintain stability of the lake bank.

**(iii) Avoid sedimentation of coastal waters.**

As previously described, any sediment picked up at the inlet basin will settle out in the storage tank. Storm water will outlet across rip-rap to reduce water velocity and prevent erosion and sedimentation. The proposed storm drainage system is not expected to cause any sedimentation or affect water quality of the seasonal lake.

**(iv) Maintain a shorefront zone of riparian vegetation at least comparable to that required in LC 10.245-30, -35, and -40 below or greater if necessary to provide flood control and preserve important riparian wildlife habitat.**

The above Lane Code provisions are primarily oriented to residential uses, specifically, LC 10.245-35(1) which requires a 50 foot setback from coastal lakes for structures. The Preliminary Investigation did not identify maintenance of shoreline vegetation, as a condition or prohibit same; however, the Applicant intends to minimize any disruption of vegetation in wildlife zone near the lake. The amount of vegetation that will be disturbed is minimal and is not expected to have any significant impact on the wildlife habitat. The pipeline will be installed by a tractor mounted backhoe within an approximate 10 foot wide construction path. Native vegetation will be replanted in the disturbed area within 50 feet of the shoreline.

- (v) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

As previously indicated, only vegetation necessary to allow construction will be disturbed. The minimal amount of disruption required to construct the storm drainage system is not expected to be detrimental or significantly impact the wildlife area.

- (vi) Any other applicable criteria provided within the respective District within which the /PW District is combined.

Any other applicable criteria have been identified and are addressed herein.

- (vii) All requirements set forth in LC 10.245-30, -35, and -40 below are met.

The above referenced requirements are addressed below.

#### **LC 10.245-30: SITE AND DEVELOPMENT REQUIREMENTS**

If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by LC 10.245-45 below, the below-specified development requirements shall be in addition to those provided by the respective District or Districts with which the /PW District is combined.

The Preliminary Investigation did not identify any requirements of the parent RA Suburban Residential zone district or the /BD beaches and Dunes or /U Interim Urbanizing combining districts that are applicable to this request.

Staff letter by Thom Lanfear, dated September 17, 1996, and attached as Exhibit "G", states the proposed drainage pipeline to remove water from an existing subdivision represents an accessory use with minimal development and is a use permitted by the respective parent and combining zones.

A majority of the following criteria are oriented to above ground development (i.e: dwellings), thus the Applicant finds those criterion are not applicable to this request.

- (1) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

Installation of the proposed pipeline will require clearing a strip of vegetation approximately 10 feet in width by 850 feet in length from the infiltration basin to outlet. Only vegetation necessary to install the storage tank and pipeline will be removed.

- (2) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

Not applicable. This application proposes no structures or building sites. The proposed pipeline alignment is the shortest most direct route to the outfall location.

- (3) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 10.245-30(1) above. Where vegetation removal beyond that allowed in LC 10.245-30(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. the vegetation shall be of indigenous species in order to maintain there natural character of the area.

As indicated by the Storm Drainage Plan Cross-Section Detail, the proposed pipeline will be trenched and buried an average of three feet below the surface. The plan indicates the amount of disruption necessary to accommodate this installation is minimal and will not substantially alter the surrounding topography or vegetation community. As previously identified, vegetation within 50 feet of the shoreline will be replanted with indigenous species.

- (4) The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /PW District is combined.

Not applicable. No parking is proposed or required by this application.

- (5) No topographic modification is permitted within the 50-foot setback area specified by LC 10.245-35 below.



LC 10.245-35 requires special setbacks for structures. This application neither proposes or requires any structures and is therefore not applicable to this request. Except for construction necessary to trench and bury the 4 inch PVC line, install an air release valve and rip-rap the outlet, there will be minimal topographic modification of the site. Small depressions and hummocks will require crossing. Only the pipeline trench will affect these features.

- (6) The shoreward half of the setback area specified by LC 10.245-35 below must be left in indigenous vegetation, except where unsurfaced trails are provided.

As previously indicated, this application neither proposes nor requires any above ground structures. Replanting the 50 foot zone near the shoreline and will maintain the natural values of the area.

- (7) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 10.245-35 below.

Not applicable. This application proposes no structures.

- (8) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 10.245-35 below.

Not applicable. This application proposes no structures.

- (9) All trees must be retained within the setback area specified by LC 10.245-35 below, except where removal is subject to requirements of the Oregon Forest Practices Act.

The drainage pipeline will be constructed within a 20 foot wide easement across the subject property. Any trees within the 50 foot shoreline area will be maintained.

- (10) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

Not applicable. This application proposes no structures.

- (11) The exterior building materials shall blend in color, hue, and texture to the maximum amount feasible with the surrounding vegetation and landscape.

Not applicable. This application proposes no structures.

**LC 10.245-35: ADDITIONAL SETBACK REQUIREMENTS**

This provision applies to the setback of structures from coastal lakes, estuary and ocean front parcels. The subject application does not propose any structure located near a coastal lake, estuary or ocean front parcel.

**LC 10.245-40: SPECIAL LAND DIVISION REQUIREMENTS**

This provision requires special standards for the division of land within an urbanizable area. The subject application neither proposes nor requires any land division, and is therefore not applicable to this request.

**VI. OTHER FACTORS**

The Preliminary Investigation identified the following factors that would impact the Prime Wildlife area: 1) Increased water flows will affect shoreline stability and drainage patterns of the seasonal lakes; 2) Run-off associated with residential development and infrastructure will have a significant impact on water quality and temperature of the seasonal lake; 3) Alteration of the drainage patterns could cause flooding on adjacent properties; 4) The size and seasonal duration of the lake would likely increase with significant water inputs; 5) Destabilization of the shoreline is likely from significant increases of water; 6) A decreased area for ranging wildlife and possible increase of human-wildlife conflicts would result, and 7) Residential/storm water run-off is likely to have a negative impact on habitat for wildlife.

Any proposed land use within a /PW Prime Wildlife Shorelands Combining District requires a Preliminary Investigation by staff to determine if specific requirements of the /PW are applicable and specifically which factors may require additional evaluation. When the PI was submitted the Applicant did not know if additional information would be required. Conversely, without these details, the Applicant believes some of the staff findings are premature and unsupported to support the conclusions reached.

The Applicant submits the following response to each of the above referenced impacts:

- 1) The amount of water pumped to the seasonal lake will vary with events. Shoreline stability has been identified and addressed by placement of rip-rap at the outlet. The seasonal lake is surrounded by vegetated banks approximately 3 to 5 feet higher than adjacent lands. The engineer indicates a major event, similar to February 1996, may increase the lake elevation approximately one foot. This increased volume is expected to be retained within the lake basin, similar to the existing topography that prevents drainage between lakes. Sandy soils allow lake water to naturally migrate southerly into adjacent lake basins. The proposed system will not change the drainage pattern of the area.
- 2) Water quality has been previously addressed. No increase or change of water temperature is expected. The ambient water temperature at the subdivision inlet will be the same at discharge.
- 3) As indicated in #1 above, water is expected to be retained within the seasonal lake basin. Any overflow will be dispersed throughout a large area containing other seasonal lakes and depressions located over 800 feet from the closest improved lots or parcels.
- 4) The attached topographic map indicates additional storm water can be retained in the seasonal lake basin. The lake is expected to increase in elevation and not spread out or flood adjacent lands.
- 5) Bank destabilization has been previously addressed.
- 6) For the reasons previously cited, the storm drainage system would appear to cause only a minimal decrease of wildlife habitat. The system is expected to be used sparingly and for relatively short periods. Any loss of wildlife range will be temporary.
- 7) As proposed, the storm drainage system is not expected to have any significant or substantial adverse impact to the wildlife area.

## VII. CONCLUSION

The proposed storm water drainage system is proposed to alleviate flooding of a small portion of an existing subdivision. The system will operate only during major events when lots and streets are ponded. Storm water will be pumped 820 from a buried tank to a seasonal lake located on the subject property. The lake is surrounded by topography that will retain the increased volume. No significant change to the drainage pattern of the area is anticipated. The lake is located in a remote area, a considerable

distance from the closest development. The storm drainage system is not expected to adversely impact any residentially developed lots or parcels.

The system will employ an oil separator and will allow sediment to be collected before discharge to protect water quality. Rip-rap will be placed at the outlet to provide bank stabilization, reduce water velocity and prevent erosion or sedimentation of the lake. Vegetation will be replanted within 50 feet of the shoreline.

Any disruption to the wildlife area caused by construction of the outlet pipeline will be minimal. No significant conditions or natural features have been identified which would be adversely impacted by the proposed storm water drainage system.

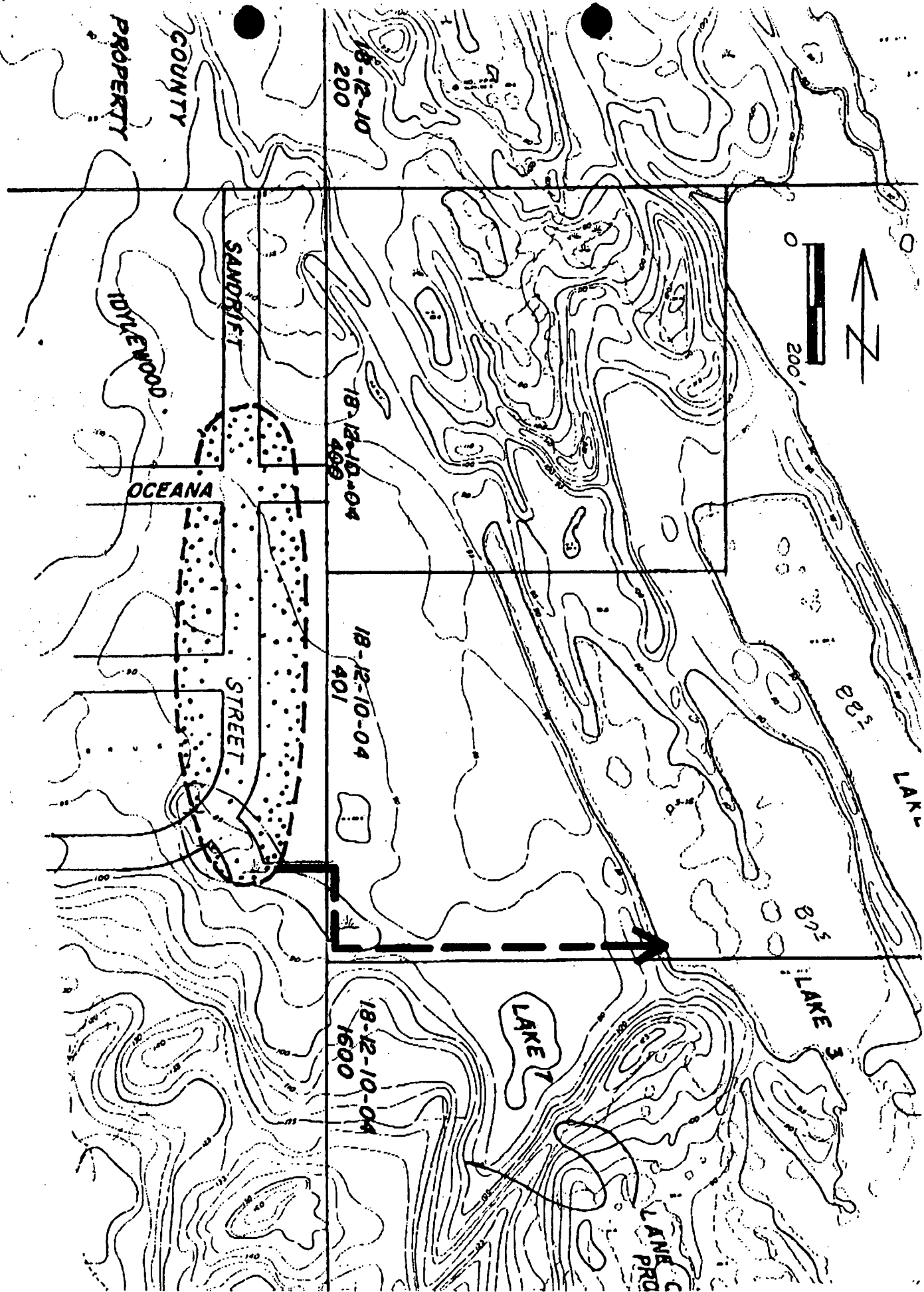
The Building Official, Roger McGuckin, indicates the proposed system does not require any building permits. The Applicant will make application for a Facility Permit for any construction located within the public road right-of-way.

#### **VIII. ATTACHMENTS**

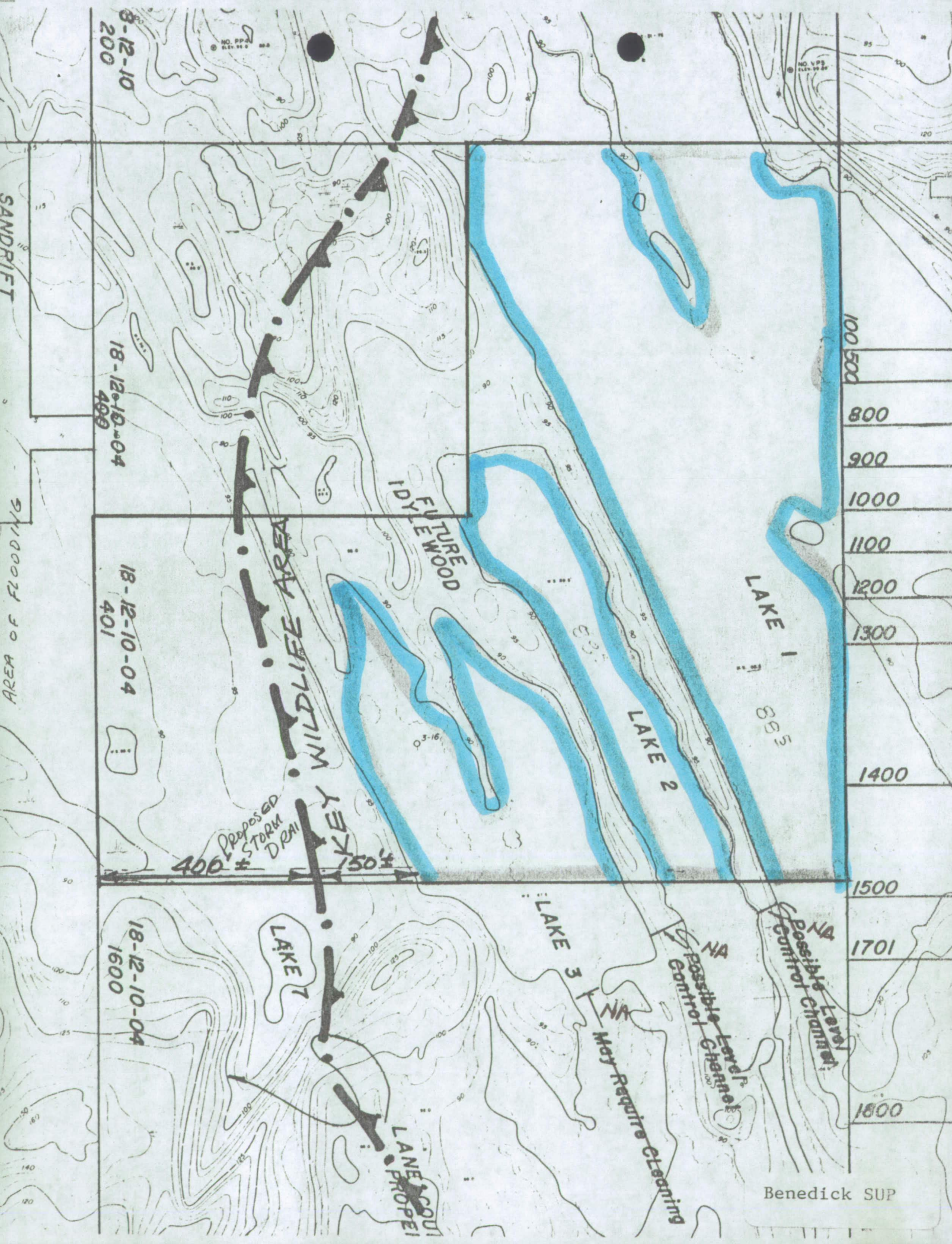
Exhibit "A" Plot Plan  
Exhibit "B" Engineer's Storm Drainage Plan  
Exhibit "C" Wetlands Inventory, Mercer Lake 3  
Exhibit "D" Wildlife Inventory, Heceta Head  
Exhibit "E" Coastal Resource Management Plan Map and Text  
Exhibit "F" Supplemental Coastal Inventory  
Exhibit "G" Staff letter











3-12-10  
200

18-12-10-04  
400

18-12-10-04  
401

18-12-10-04  
1600

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500  
800  
900  
1000  
1100  
1200  
1300  
1400  
1500  
1701  
1800

SANDRIET  
AREA OF FLOODING

LAKE 7

FUTURE WOOD  
IDLE WOOD

LAKE 2

LAKE 3

LANE PROPEI

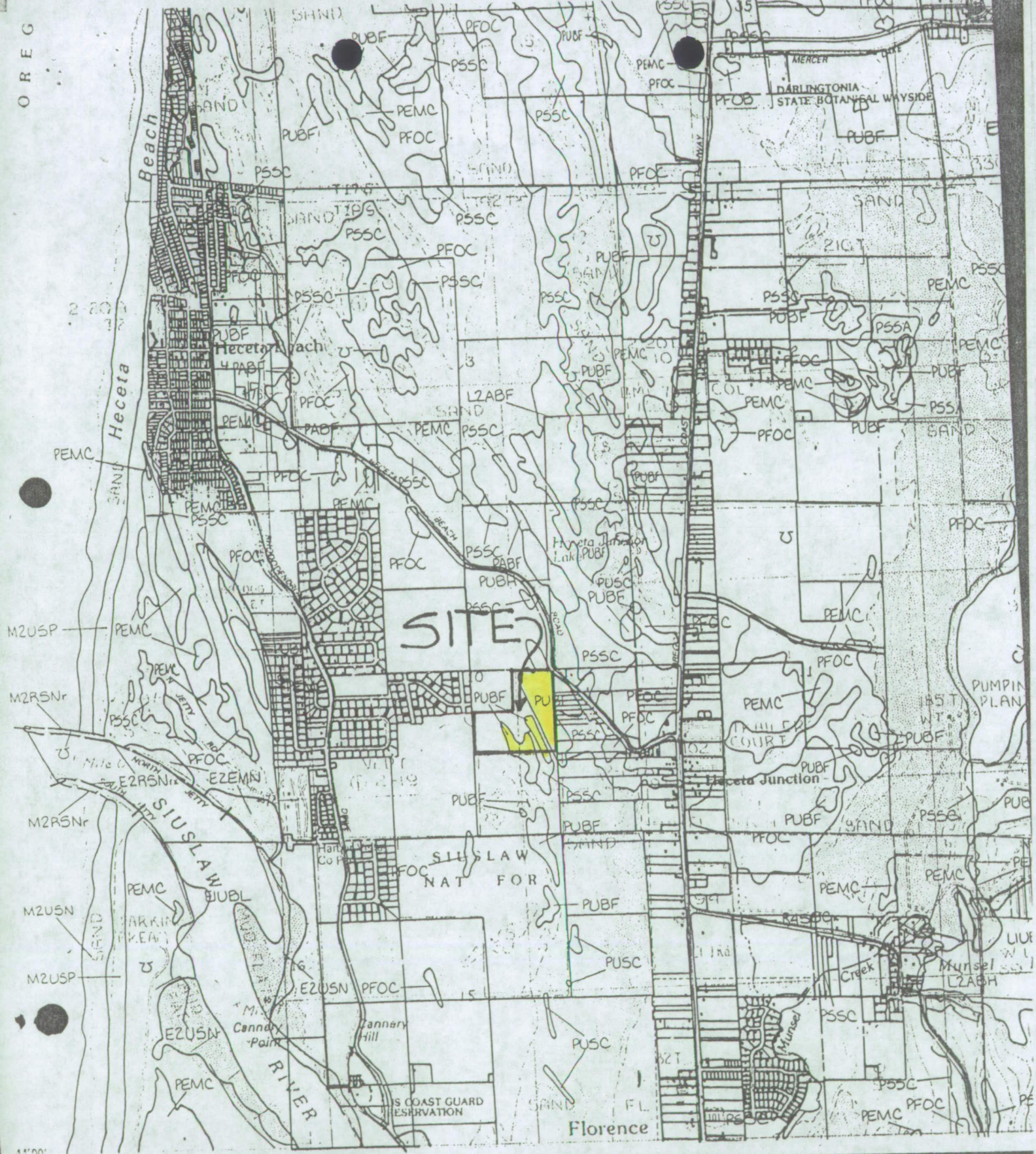
400# PROPOSED STORM DRAIN  
150#

WILDLIFE AREA

Possible Level Control Channel  
May Require Cleaning  
Benedick SUP



OREG





**National Wetlands Inventory**

**PARCEL BASE MAPS**  
(Base with National Wetlands Inventory)

Scale 1" = 1000 Feet

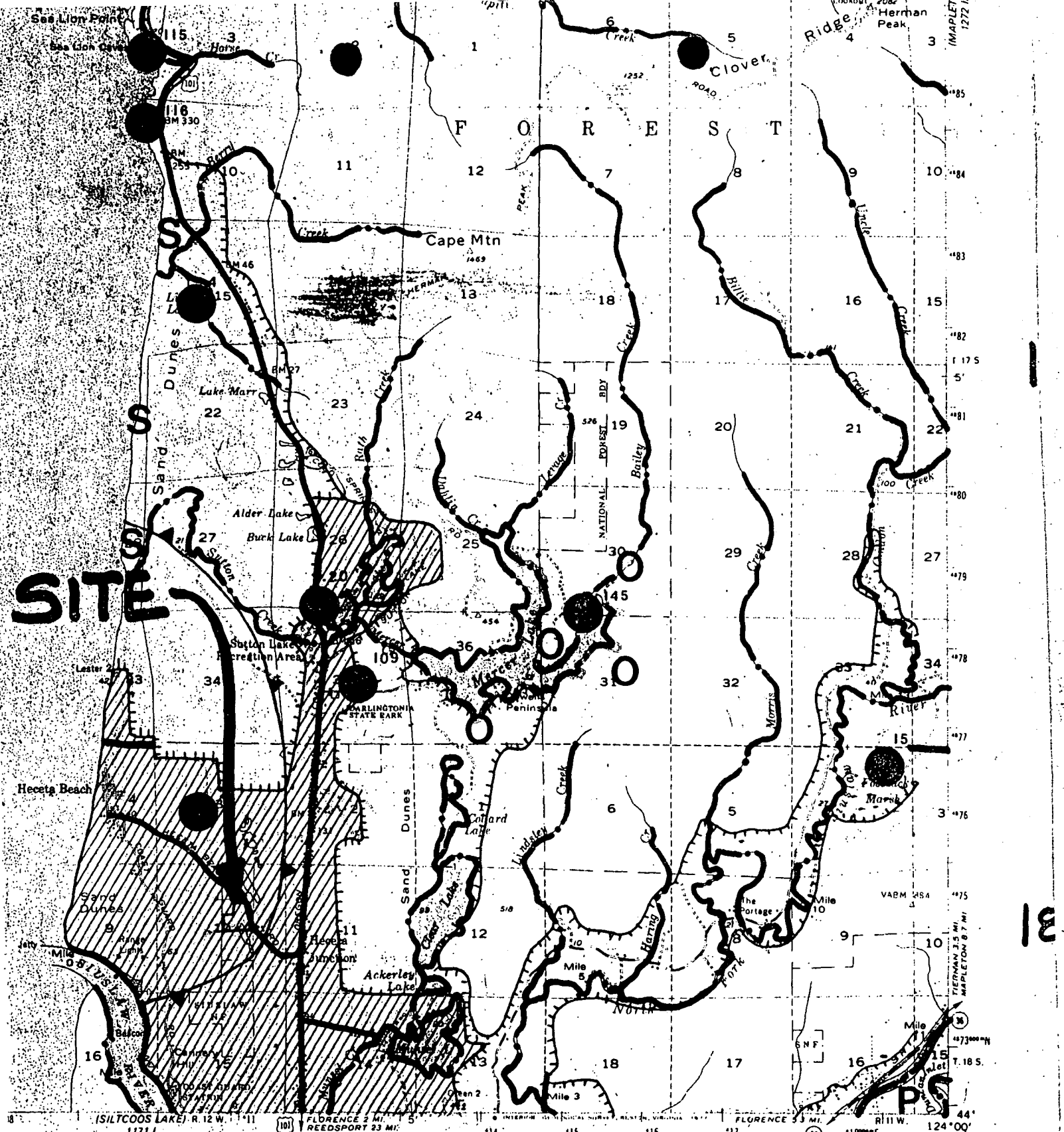
0 1000 2000 3000 4000 Feet

Benedick SUP Exhibit 'C'

Wetlands, Mercer Lake 3

**Mercer Lake 3**



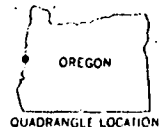


SCALE 1:62500

0 1 2 3 4 MILES

0 5 10 15 20 KILOMETERS

CONTOUR INTERVAL 80 FEET  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929  
 SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER  
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 5 FEET  
 AP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
 GICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092  
 RIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION

Medium duty Light duty

Unimproved dirt

U.S. Route State Route

HECETA HEAD, OREG.

N4400-W12400/15

Benedick SUP  
 Exhibit 'D'  
 Wildlife, Heceta Head

~~A. Rationale:~~

- ~~1. Flood hazard;~~
- ~~2. Landslide hazard;~~
- ~~3. Riparian vegetation;~~
- ~~4. Designated significant natural area (Oregon Natural Heritage Program).~~

~~C. Discussion: Relative isolation, unique site and riparian vegetation are critical reasons for preservation.~~

Heceta Junction Lake (Hidden Lake, Heceta Lake)

(1) Natural Resources Conservation:

A. Extent: A band measured horizontally from the high water line of the lake 100 feet in width but extending only to Heceta Beach Road on the southwest.

B. Rationale:

1. Significant biological areas;
2. Recently stabilized dunes;
3. Occasionally Wet Interdune area.

C. Discussion: The Coastal Resource Inventory designates this as a key wildlife area and as it is developed in the future care must be taken to protect wildlife habitat.

→ South Heceta Junction Seasonal Lakes

(1) Prime Wildlife Area:

A. Extent: The exact location is shown on the 1,000 scale map. This management unit includes the area covered by seasonal standing water identified on soil conservation service maps or, if available, photogrammetric maps and a fifty (50) foot strip of surrounding vegetation.

B. Rationale:

1. Area is subject to considerable standing water in winter months;
2. Brush thickets, blueberry bushes, snags and seasonal water provide natural habitat.

C. Discussion: This area is identified in the Lane County Coastal Inventory as an area of brush thickets, blueberry bushes and snags. According to the Soil Conservation Service, this is an area which

floods during the winter. The majority of this management unit is on public land and is contained within a large open area. The northern portion is private property. In addition to the natural values present, the lack of adequate drainage in the area would pose problems for development. Any fill or other alteration of drainage patterns could cause flooding on adjacent properties.

#### North Jetty Lake

##### (1) Prime Wildlife Area:

- A. Extent: A band measured horizontally from the high water line of the lake 500 feet in width on the north, west and south shoreland areas but extending to the western boundary of the platted area of 18-12-9 on the east which corresponds to the ridge of a stabilized dune.
- B. Rationale:
  - 1. Resting area for waterfowl;
  - 2. Frequent wildlife use including beaver, otter, mink and muskrat;
  - 3. Extensive freshwater bog area;
  - 4. Tule bog at north end;
  - 5. Recently stabilized dunes with dense shoreland vegetation;
  - 6. Old Siuslaw River channel;
  - 7. Traditional low intensity recreational use.
- C. Discussion: The nature of the surrounding shorelands (wet deflation plain to large extent) renders this land unsuitable for development. The traditional low-intensity recreational use of the area, and the value as wildlife habitat makes this land a valuable natural asset within the Florence Urban Growth Boundary.

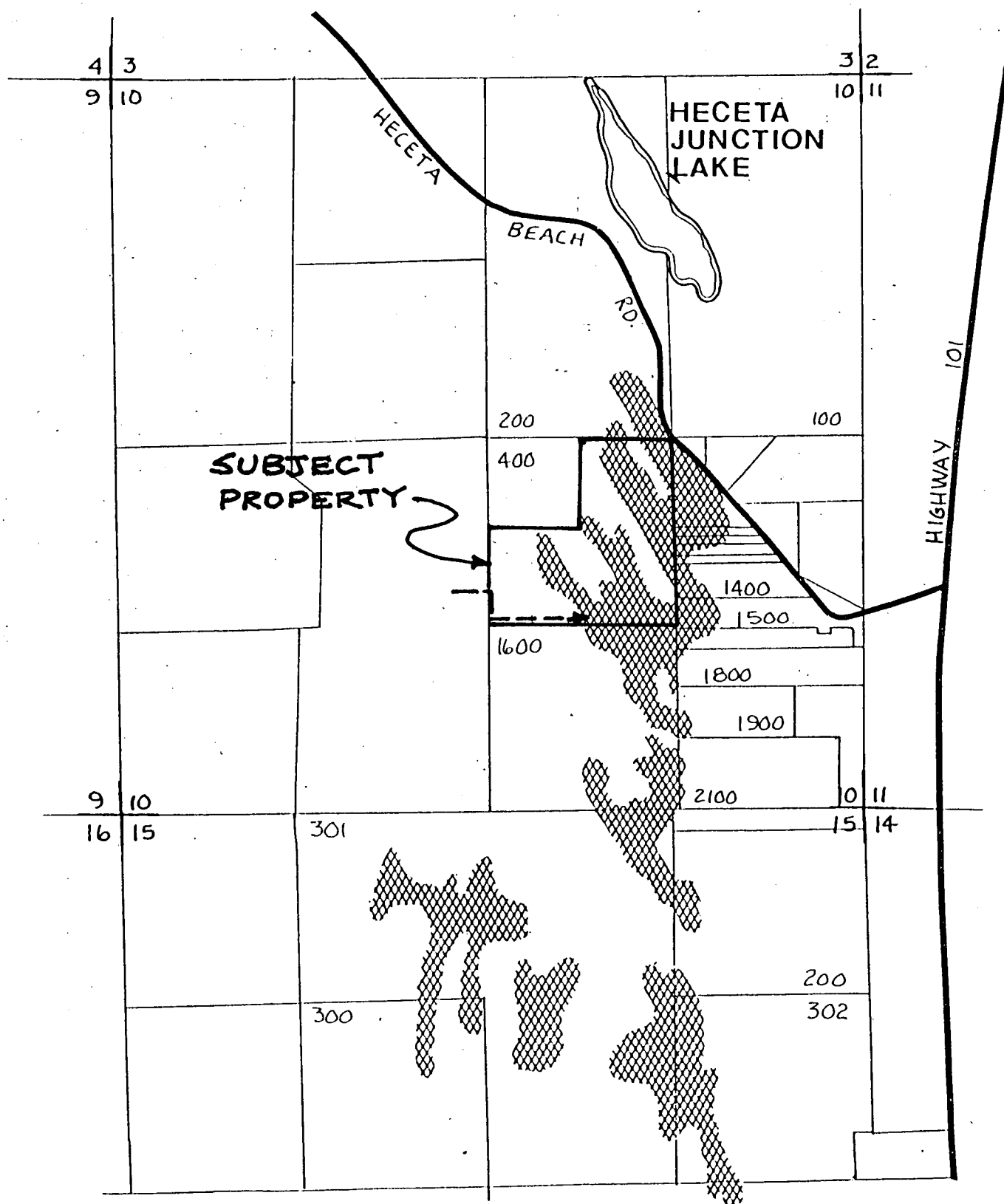
#### Bear Lake

##### (1) Natural Resources Conservation:

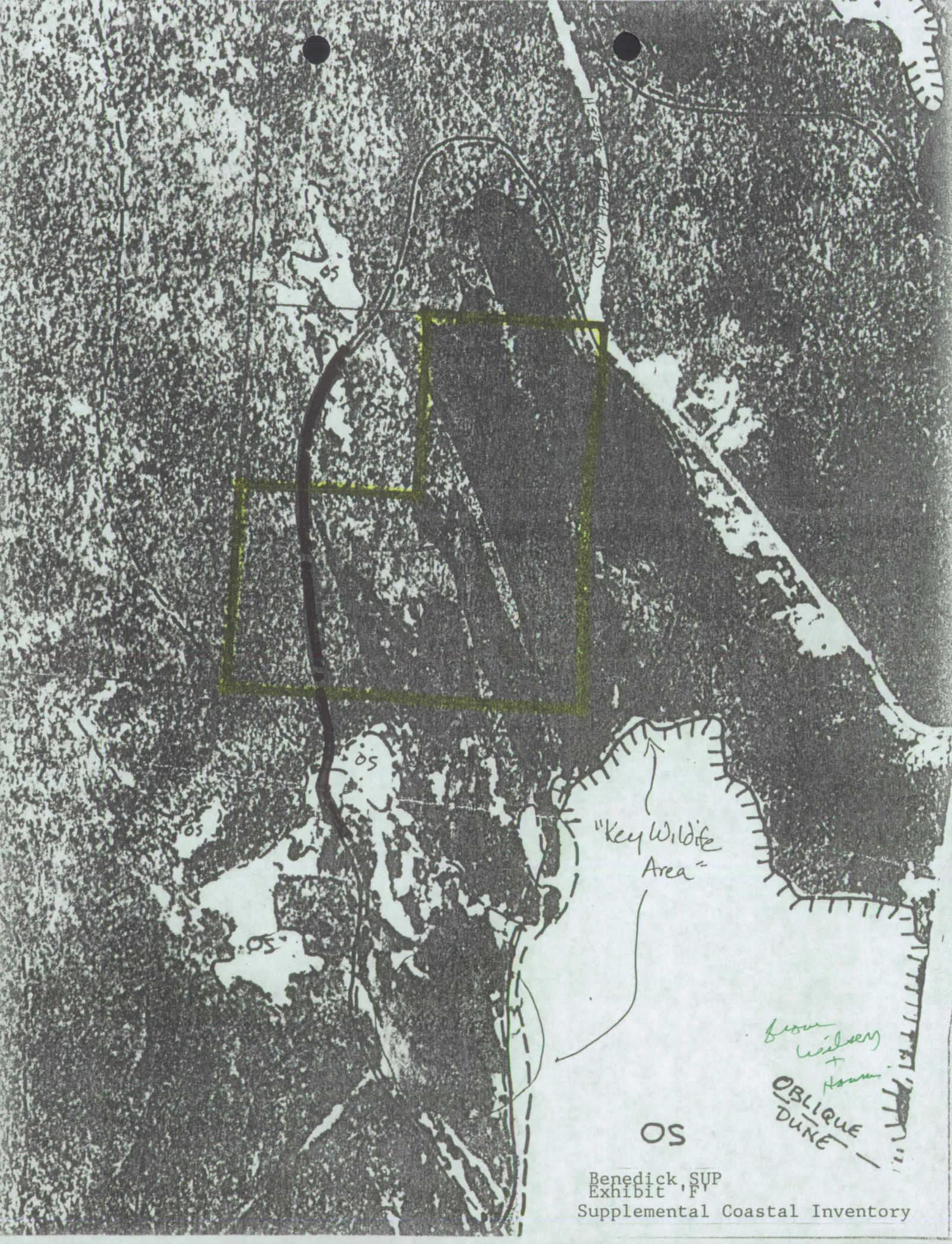
- A. Extent: A band measured horizontally 500 feet from the high water shoreline of the lake except on the east side where the management unit abuts Cleawox MU 1.
- B. Rationale:
  - 1. Site Class III timber soils (Bullards-Fellero series) on eastern shorelands.
  - 2. Older stabilized dunes, recently stabilized dunes and active dune forms surround the lake, with associated erosion hazards.
  - 3. Within DNRA.

# SOUTH HECETA JUNCTION SEASONAL LAKES

17







Hwy 100

"Key Wildlife Area"

from Wilcox + Asun

OBLIQUE DUNE

OS

Benedick, SUP  
Exhibit 'F'  
Supplemental Coastal Inventory





September 17, 1996

Gene Benedict  
27962 Ward Lane  
Eugene, Oregon 97402

Re: Idylewood Subdivision

I have reviewed the pipeline proposal (dated July 24, 1996) to drain excess surface water from Idylewood Subdivision to the nearby South Heceta Junction Seasonal Lakes. The subject properties are identified as Map 18-12-10-34 Taxlot 801 and Map 18-12-10-40 Taxlot 401. These properties are zoned RA/BD and RA/BD/PW respectively. The requirements for each applicable zone are as follows:

1. **RA - Suburban Residential Zone** - The installation of a drainage pipe to remove water from the existing subdivision is an accessory use permitted under Lane Code 10.135-10(3).
2. **/BD - Beaches and Dunes Combining District** - The Beaches and Dunes requirements do not apply to Minimal Development as defined under Lane Code 10.020. This use falls within the parameters of that definition as a use similar to a septic drainfield.
3. **/PW - Prime Wildlife Shorelands Combining District** - A Preliminary Investigation is required by Lane Code 10.245-45. The fee for this Investigation is \$189. An application form is enclosed for your convenience. It is likely that the Preliminary Investigation will require a Special Use Permit under Lane Code 10.245-15(4)(a). This permit is subject to Director Approval.
4. A facility permit is required for that part of the project that falls within the right-of-way of the public road.

I believe that a copy of the applicable zoning ordinances were provided to you in March of this year. If you did not receive them, or need additional copies, please let me know.

Sincerely,

*Thom Lanfear*

Thom Lanfear  
Associate Planner  
(503) 687-4054

cc. John Cole

Benedick SUP  
Exhibit 'G'  
Staff Letter

W: 3 LANE COUNTY DEPT ENV MGT RECEIPT # 422396 DATE 123096  
APPLICANT BENEDICK, GENE ADDR P/O BOX 1420, VENETA, OREGON  
TL# 1812104000401 SUBDIV LOT BLK  
NEW BLDG TYPE USE X BDRMS 0 UNITS 000 STORIES #BLDGS 001 PHONE 688 6402  
OWNER NME BENEDICK, GENE ADDR P/O BOX 1420, VENETA, OREGON  
CODE APPL NO ACTION DESCRIPTION SQ FT UNIT COST VALUATION FEE DAYS  
BP  
BP  
BP  
BP  
BP  
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EAD LC 422396 PADU SPEC USE PERMT 600.00  
PL #FIX/BATH: SWR: FT. WTR: FT. RAIN: FT.  
MECH MECHANICAL FEE  
SUR STATE SURCHARGE 5%  
PCK PLAN CHECK FEE 0%  
TECH FEE 5.00  
ADM FEE 90.00

CATG: PLN RA SDS ELE PCK ISS / SI  
SEQU:  
TAKEN BY RLH EST. COMPLETION DATE DEPOSIT \*\*\* 695.00 CK

FILE # PA  
EXHIBIT # LE

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W: 3 LANE COUNTY DEPT ENV MGT RECEIPT # 422396 DATE 123096  
APPLICANT BENEDICK, GENE ADDR P/O BOX 1420, VENETA, OREGON  
TL# 1812104000401 SUBDIV LOT BLK  
NEW BLDG TYPE USE X BDRMS 0 UNITS 000 STORIES #BLDGS 001 PHONE 688 6402  
OWNER NME BENEDICK, GENE ADDR P/O BOX 1420, VENETA, OREGON  
CODE APPL NO ACTION DESCRIPTION SQ FT UNIT COST VALUATION FEE DAYS

BP  
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PAD LC 422396 PADU SPEC USE PERMT 600.00  
#FIX/BATH: SWR: FT. WTR: FT. RAIN: FT  
MECH MECHANICAL FEE  
SUR STATE SURCHARGE 5%  
PCK PLAN CHECK FEE 0%  
TECH FEE  
ADM FEE

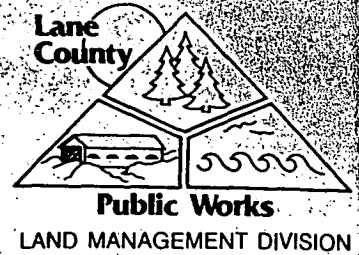
CATG: PLN RA SDS ELE PCK ISS / SI OTR  
SEQU: P  
TAKEN BY RLH EST. COMPLETION DATE DEPOSIT \*\* 695.00 CK

5.00  
90.00  
1E

MOORE 408  
Printed on RESENEISIS Post Consumer Recycled Paper  
MOORE 408  
Printed on RESENEISIS Post Consumer Recycled Paper



# DEVELOPMENT PLAN CHECKLIST



TRS: 18 12 10.4/401 BP#: SUP

Your Plot Plan has been reviewed and found to lack the following items of information. This information is **REQUIRED** to process your permit application. Please revise your plot plan within one week and return it to our office. Your attention to these details will keep your permit moving through the processing steps.

REQUIRED RECEIVED  
OR N/A

## INFORMATION

### GENERAL INFORMATION

- |    |                          |                                     |  |
|----|--------------------------|-------------------------------------|--|
| 1. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Owner's name, address and phone number                             |
| 2. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Assessor's map and taxlot number                                   |
| 3. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | North arrow  |
| 4. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Scale  |
| 5. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Accurate shape and dimensions of parcel or development site        |
| 6. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Lengths of all property lines                                      |
| 7. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Natural features: creeks, rivers, cliffs,...                       |
| 8. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Label public roads   |
| 9. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Parking areas, driveway location and intersection to a public road |

### PROPOSED STRUCTURE

- |     |                          |                                     |  |
|-----|--------------------------|-------------------------------------|--|
| 10. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance of the proposed structure from two property lines |
| 11. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance of the proposed structure from the septic system  |
| 12. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance of the proposed structure from nearby structures  |
| 13. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance of the proposed structure from natural features   |
| 14. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Utility access to new development (such as power lines)    |

### EXISTING STRUCTURES

- |     |                          |                                     |   |
|-----|--------------------------|-------------------------------------|---|
| 15. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Label all existing structures   |
| 16. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and dimensions of all structures and distances of each to property lines |
| 17. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Label any structures to be removed, replaced, or demolished                       |

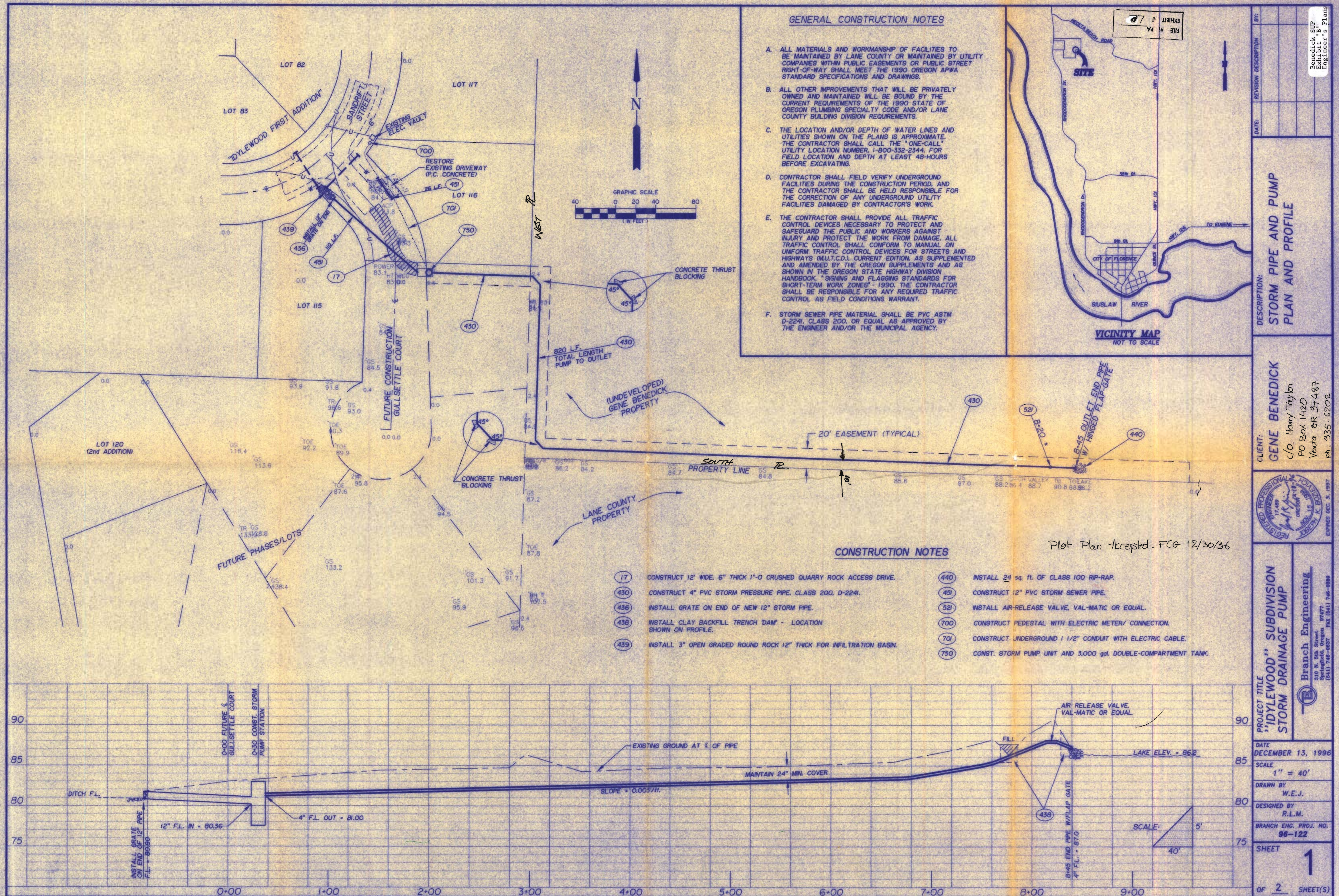
### SEPTIC SYSTEM

- |     |                          |                                     |  |
|-----|--------------------------|-------------------------------------|--|
| 18. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of septic tank, drainfield and replacement drainfield                                     |
| 19. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distances of septic tank, drainfield and replacement drainfield from structures and property lines |
| 20. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of wells and distances to drainfield and dwellings  |

Reviewed by: Frédérique Date: 12-30-96

**This Checklist is not a permit application and represents no express or implied approval for any anticipated development activity.**



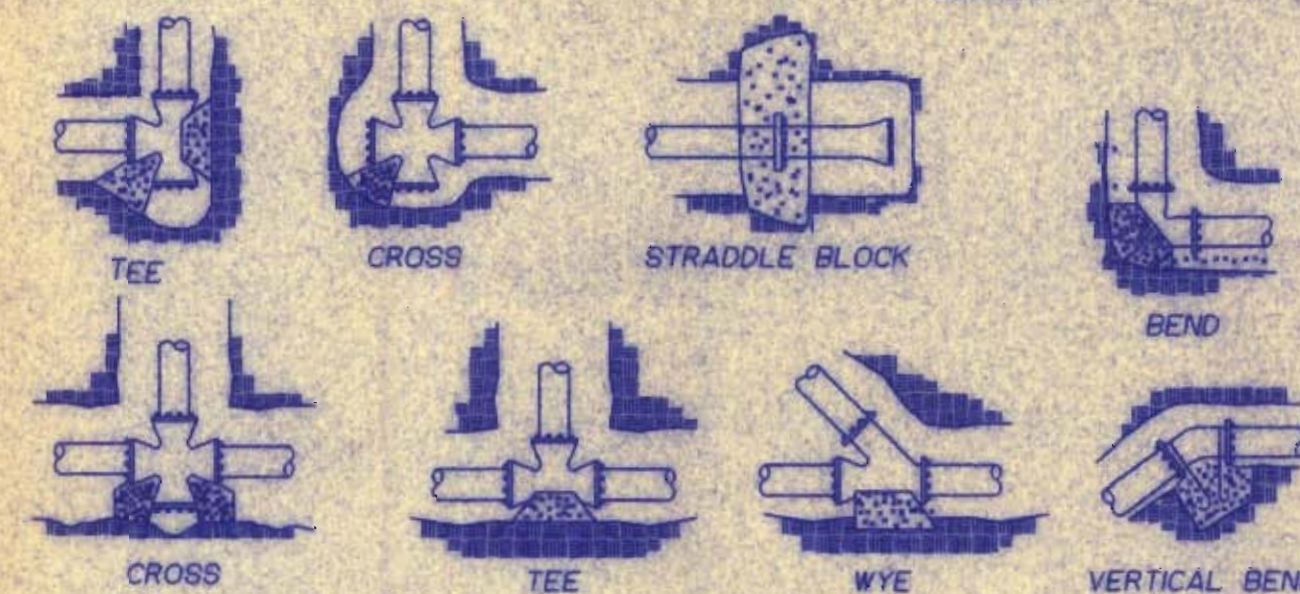




BEARING AREA OF THRUST BLOCKS IN SQ. FT.						
FITTING SIZE	TEE W/ HYDRANT	STRADDLE BLOCK	90° BEND PLUGGED CROSS, TEE ALIGNED ON RUN	45° BEND	22 1/2° BEND	1 1/4" BEND
4	1.3	1.6	1.3	1.0		
6	2.8	3.7	4.0	2.3	1.1	
8	5.0	6.5	7.1	3.8	2.0	1.0
10	7.9	10.2	11.1	6.0	3.1	1.5

VOLUME OF THRUST BLOCK IN CU. YDS. (VERTICAL)			
FITTING SIZE	45°	22.5°	1 1/4"
4	1.1	0.4	0.2
6	2.7	1.0	0.4
8	4.0	1.9	0.6
10	6.0	2.3	0.9

VALUES BASED ON 100 PSI WATER PRESSURE AND 1000 PSF SOIL BEARING CAPACITY.



#### NOTES:

- 1) CONCRETE BLOCKING TO BE RAISED AGAINST UNDISTURBED EARTH.
- 2) ALL CONCRETE TO BE F<sub>ty</sub> 2500 PSI.
- 3) INSTALL ISOLATION MATERIAL BETWEEN PIPE AND/OR FITTINGS BEFORE POURING BLOCKING.
- 4) CONCRETE SHALL BE KEPT CLEAR OF ALL JOINTS AND ACCESSORIES.

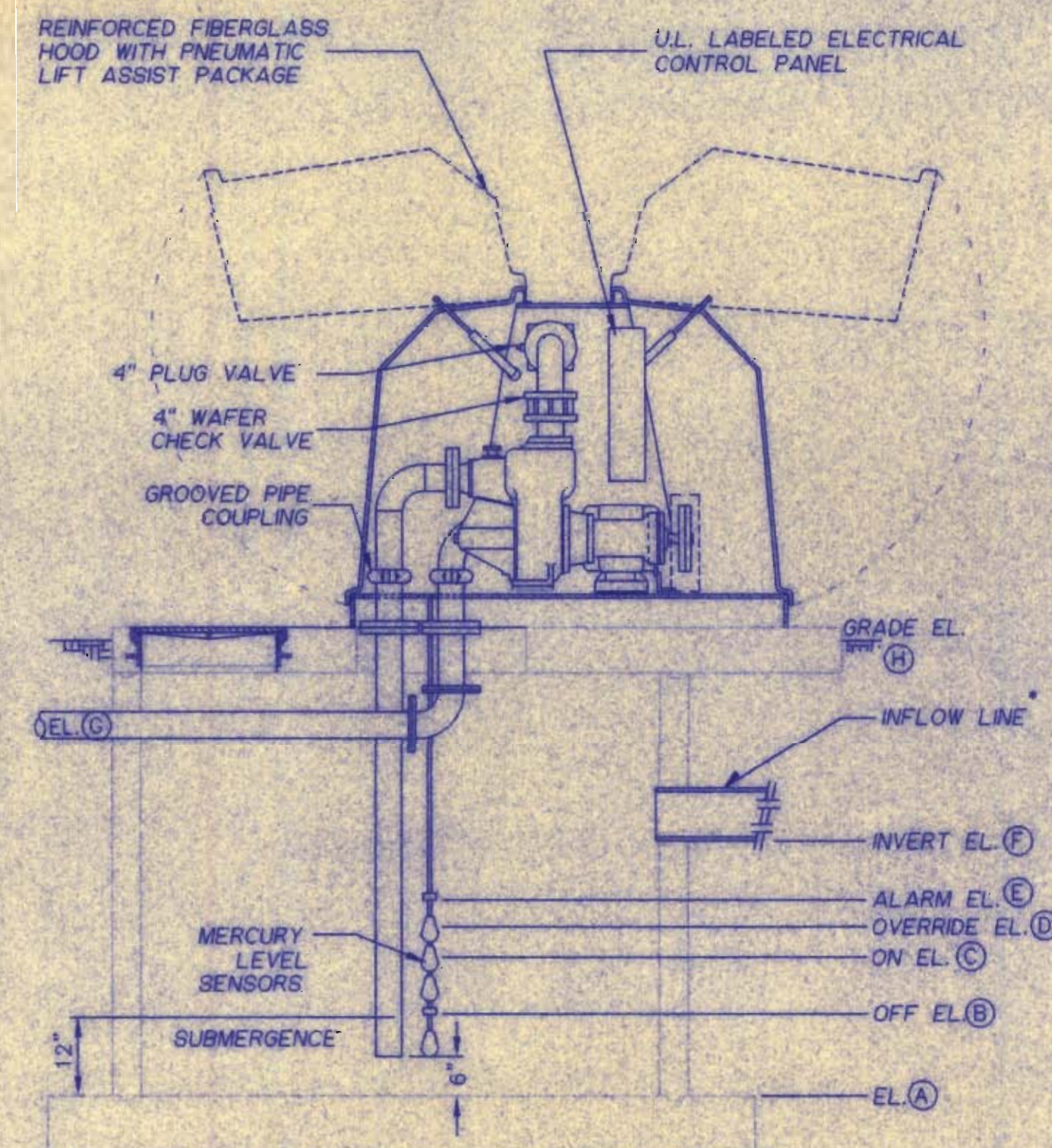
FITTING SIZE	ROD SIZE	EMBEDMENT
12" AND LESS	#6	30"

### THRUST BLOCKING DETAILS

NOT TO SCALE

#### ACCESSORIES NOT SHOWN FOR CLARITY

- \* KVA TRANSFORMER
- \* 4 CIRCUIT LIGHTING PANEL
- \* CONVENIENCE OUTLET
- \* 60 WATT DROP LIGHT
- \* 1300 WATT HEATER WITH THERMOSTAT
- \* BLOWER WITH THERMOSTAT



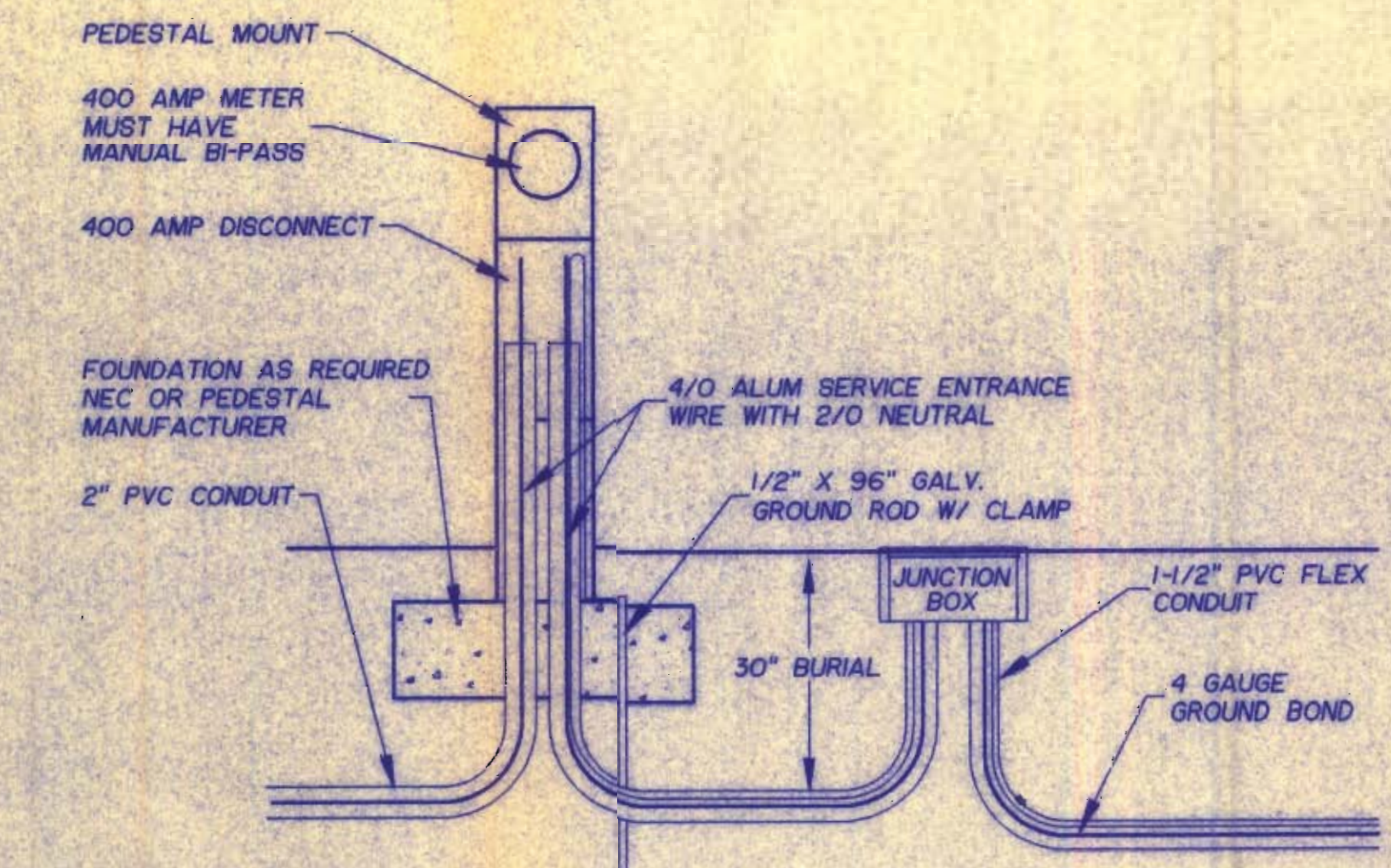
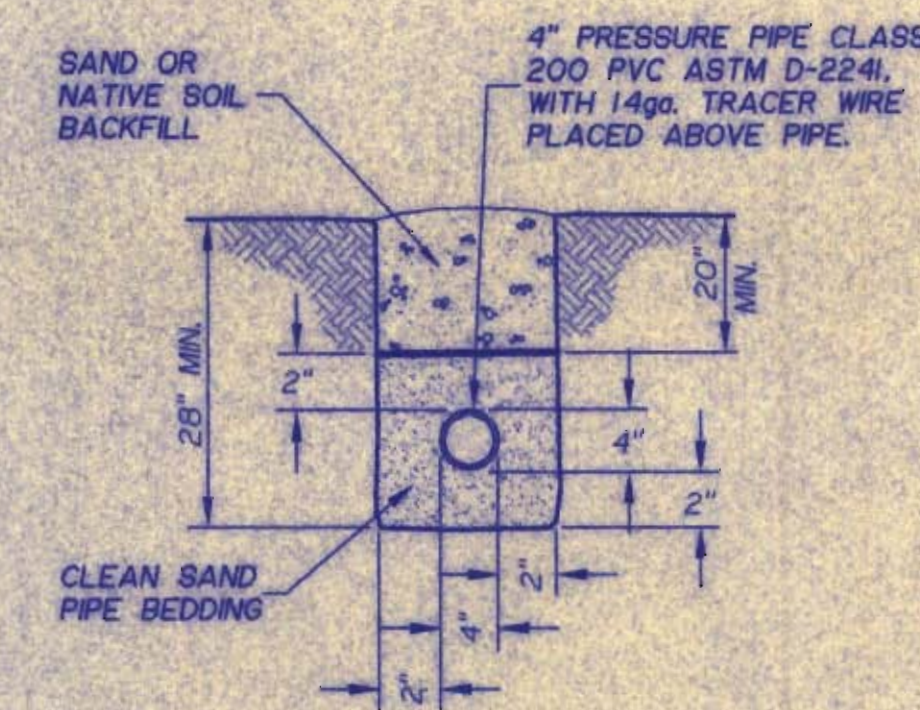
STATION							ELEVATIONS							
LOT	G.P.M.	T.D.H.	H.P.	R.P.M.	PHASE	VOLTS	A	B	C	D	E	F	G	H
LOT-116	200	30	5	1000	1	220	77.5	78.5	79.5	79.85	80.5	80.36	81.0	83.0

### STORM DRAIN PUMP STATION DETAIL

NOT TO SCALE

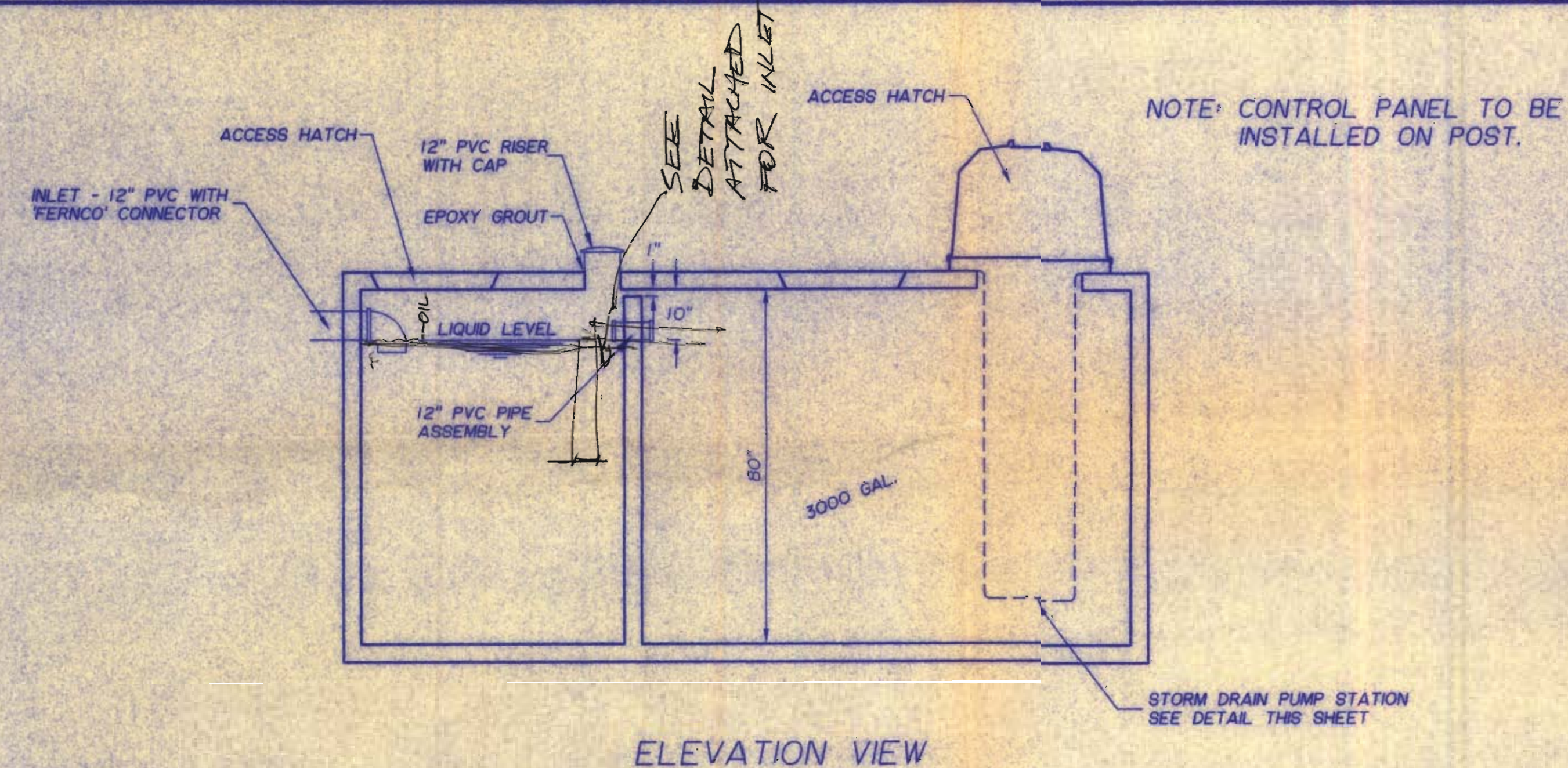
### PRESSURE PIPE TRENCH CROSS SECTION

NOT TO SCALE

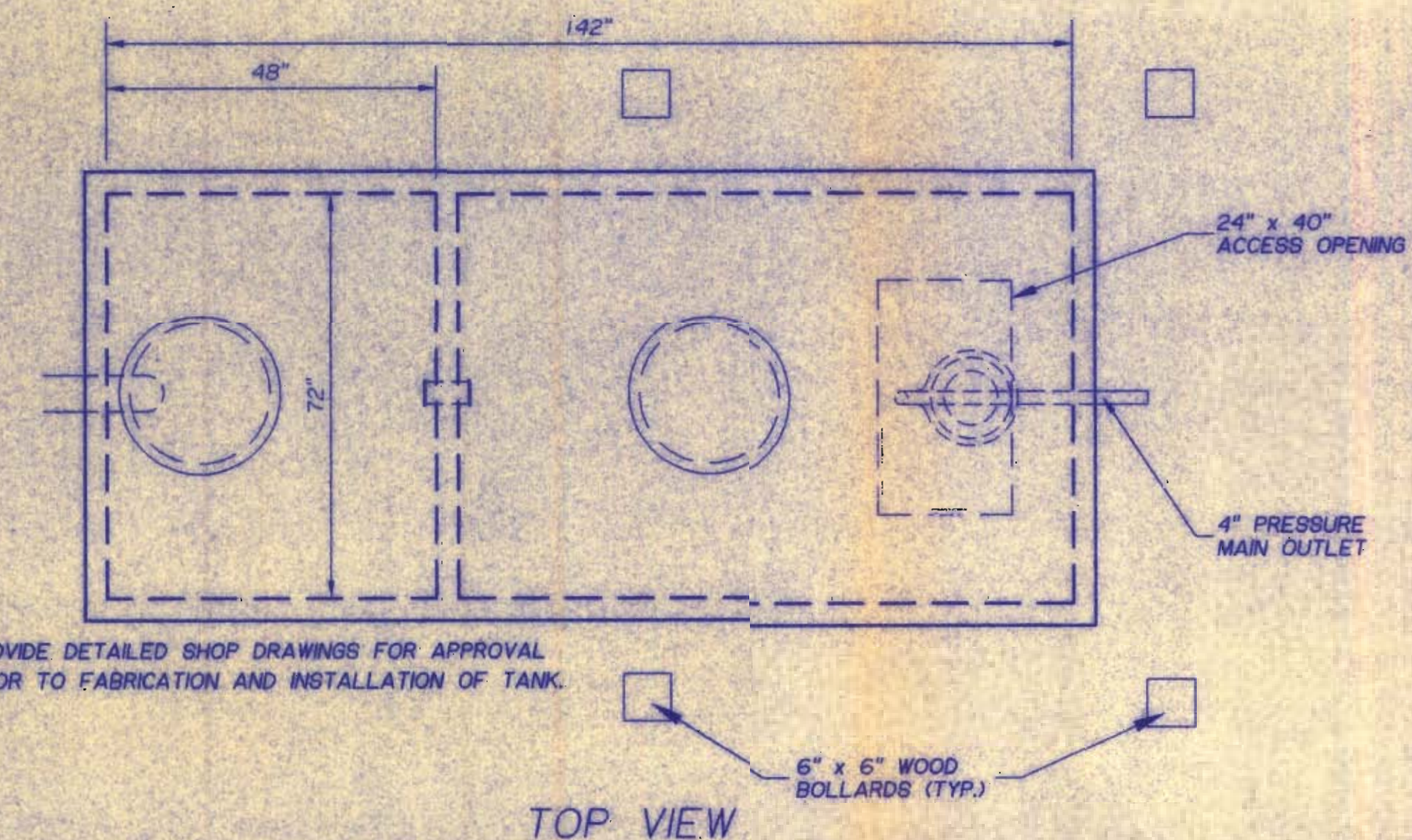


### METER DISCONNECT

NOT TO SCALE



### ELEVATION VIEW



### TOP VIEW

### 3000 GALLON STORM TANK DETAIL

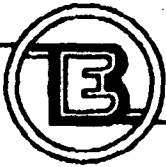
NOT TO SCALE

BY:				
REVISION DESCRIPTION				
DATE:				
DESCRIPTION:	STORM PIPE AND PUMP DETAIL SHEET			
CLIENT:	GENE BENEDICK			
PROJECT TITLE	"IDYLLWOOD" SUBDIVISION STORM DRAINAGE PUMP			
DATE	DECEMBER 13, 1996			
SCALE	N/A			
DRAWN BY	W.E.J.			
DESIGNED BY	R.L.M.			
BRANCH ENG. PROJ. NO.	96-122			
SHEET	2			
OF	2 SHEET(S)			



Branch Engineering  
310 S. 28th Street  
Springfield, Oregon  
(503) 746-0607 FAX (503) 746-0889





# Branch Engineering

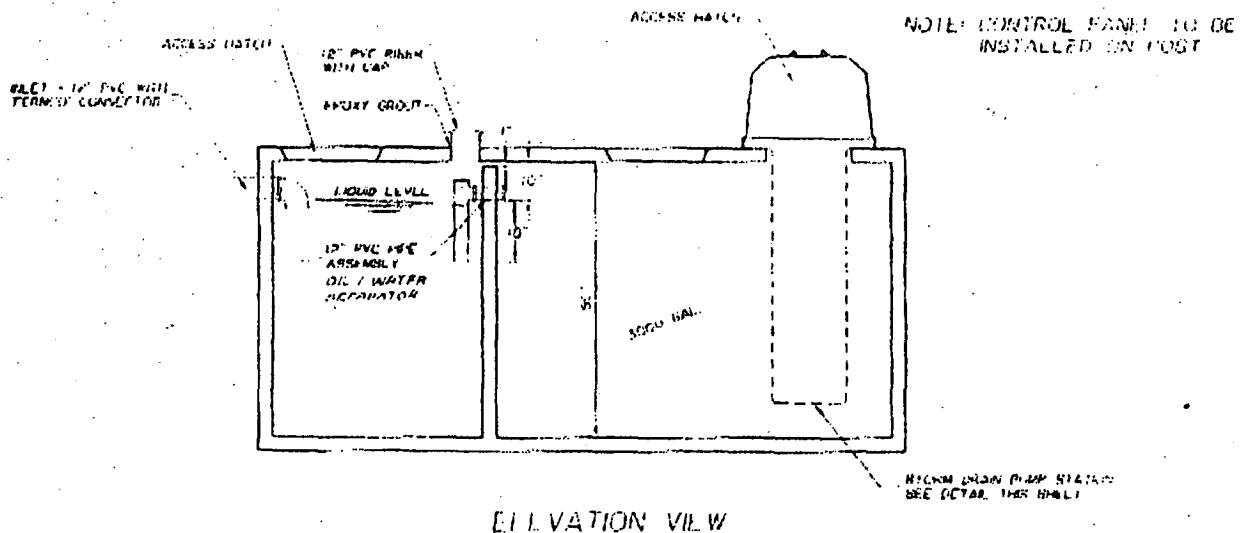
310 5th Street  
Springfield, Oregon 97477  
(541) 746-0637  
Fax (541) 746-0389

December 17, 1996

## Rip Rap Specification and Oil/Water Separator (in Pump Vault) Amendment to Plans for Gene Benedick Storm Drain Pump:

### Class 100 Rip Rap

Size of Rock (Pounds)	Percent (By Weight)	Approximate Size. (Diameter Equivalent in inches)
100 60	20	12"-10"
60 25	30	10"-8"
25 2	40	8"-4"
2 0	10	4" 0"



TRANSPORTATION

CIVIL

SURVEYING

INLET DETAIL



# FILE RECORD CONTENT INDEX FOR PA 4223-96

(i:\forms\record\422396.doc)

(all exhibits 1p. unless stated otherwise.)

Date submitted	Exhibit # & Description
12-30-96	1. Applicant's submittal A. Gen. Land Use Application B. Cover letter C. Letter to ODFW--2pp. D. Main submittal, w/attach.--22pp. E. Receipt
1-8-97	2. Completeness letter
1-14-97	3. Staff memo to DSL
1-15-97	4. ODF& W response/D. Cottam
1-17-97	5. Letter to Taylor by JK--2pp.
1-23-97	6. Staff memo Re: ownership list
1-24-97	7. Letter/J. Burgess to 4 neighbors
1-24-97	8. Copy of letter to DSL by H. Taylor/2pp.
1-27-97	9. Letter, JK to H. Taylor on ownership list
2-3-97	10. File generated materials (notice lise/map, etc.)/9pp.
2-3-97	11. Referral Notice/3pp.
2-3-97	12. Flood response (not within)
2-6-97	13. Letter in favor/Borges
2-6-97	14. DSL response
2-10-97	15. Letter in favor/Silva
2-10-97	16. Letter opposed/Reinhard/2pp.
2-10-97	17. Staff letter to DSL
2-10-97	18. Letter in favor/L. Hix
2-11-97	19. Letter in favor/Bush
2-11-97	20. Letter in favor/McCreesh
2-11-97	21. Letter in favor/Pilcher
2-11-97	22. Letter in favor/Pearce
2-11-97	23. Letter in favor/Pishioneri
2-11-97	24. Letter in favor/Boutry
2-12-97	25. Letter in favor/Toro
2-12-97	26. Letter from Army Corps, t. Monical/2pp.

2-12-97	27. Letter in favor/Leger-Jeffrey
2-12-97	28. Letter in favor/Malagamba/2pp.
2-13-97	29. Letter opposed/Jeremiah
2-13-97	30. (FAX) Letter opposed/N.Hill
2-14-97	31. Exhibit #30, hard copy
2-14-97	32. Letter in favor/Ishii
2-14-97	33. Wetland referral (note: DSL responded per Exhibit #14 & #17)
2-18-97	34. Transportation Planning response
2-20-97	35. Staff FAX to N.Hill/3pp.
2-24-97	36. Letter in favor/Duke
3-1-97	37. Letter in favor/L.Hix
3-10-97	38. Letter in favor/Ishii/2pp.
3-21-97	39. <i>cancellation letter by H. Taylor.</i>

HARRY A. TAYLOR  
LAND USE CONSULTANT

88275 TERRITORIAL ROAD  
P.O. BOX 1420  
VENETA, OR 97487  
541-935-6202  
541-935-4918 (FAX)

March 21, 1997

Mr. Jerry Kendall, Associate Planner  
Lane County Land Management Division  
125 East 8th Avenue  
Eugene, OR 97401

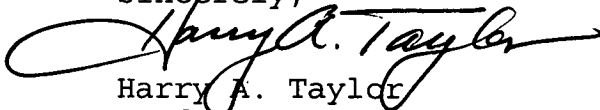
RE: Benedick Waiver PA 4223-96

Dear Jerry,

This letter, on behalf of the applicant Gene Benedick, constitutes the applicant's waiver of any county and state statutory time frames required for the processing of land use applications. The project engineer is evaluating an alternative on-site location for the outfall of storm water which would not require use of the seasonal lake, thus eliminating the need for this /PW application.

Please hold issuance of any county decision on the above referenced application for 30 days. Should 30 days elapse without further direction from the applicant or myself, please contact me for an extension to this request. Thank you.

Sincerely,

  
Harry A. Taylor  
Land Use Consultant

cc: Gene Benedick

RECEIVED BY  
LAND MANAGEMENT

MAR 21 1997  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM  
A

PA 4223-96  
Exhibit #4039

March 7, 1997

Dear Mr. Kendall,

We are anxiously awaiting the outcome of Permit #PA 4223-96 concerning the storm-water drainage in Idylwood Subdivision. It is so badly needed on the street where we live, Sandrift St. It has been necessary to pump water from the street and drainage ditches with small pumps all winter in order to keep us from flooding again as we did last year.

We hope you will give this permit issuance your immediate attention so our water problems can be relieved.

We returned our letter of comments to your office.

3-10-97/edd/LMO

3-10/38

FILE #	PA
EXHIBIT #	32-288



on Feb. 11<sup>th</sup> and are  
hoping we will have an  
affirmative answer on  
this permit soon.

Thank you,

Mr & Mrs Richard Shie

P.O. Box 2383

Florence, Ore. 97439

RECEIVED BY  
LAND MANAGEMENT

MAR 10 1997

1M  
8,9,10,11,12,1,2,3,4,5,6 PM

A

sc'd

3-1-97

2/27/97

Land Management Bureau  
Dear Sir

You asked for my comments  
to an asking for funds, concerning  
the drainage problem in Idlawood,  
my address corner of acauna  
& Sandanger a disgrace to  
the neighborhood. and  
I may add real detriment to  
Benedict's housing projects  
he will be all of us who  
reside in Idlawood &  
are sick & tired of the  
mess.

Why has not something  
been done about this  
drainage problem

Please, answer my  
correspondence with some  
positive information

Laura J. P. 9H14.  
87797 Sandanger  
Idlawood or

3-1/97

FILE #	PA
EXHIBIT #	38

Date: 2-8-97

From: KENT DUKE

RECEIVED BY  
LAND MANAGEMENT

FEB 24 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

87827 SANDRIFT ST.

FLORENCE, ORE. 99439

Regarding Department File No.: PA 4223-96

Comments:

THIS PROJECT IS CRITICALLY NEEDED NOW!

APPROXIMATELY 20 HOMES IN IDYLEWOOD DEVELOPMENT

ARE IN IMMINENT DANGER OF BEING FLOODED DURING

THE WINTER RAIN PERIODS. THE OWNERS OF PROPERTY

AFFECTED HAVE BEEN PUMPING WATER FROM OUR

FLOODED STREET FOR THE PAST 2 MONTHS, 7 DAYS

A WEEK. MR. BENEDICT, THE DEVELOPER HAS RENTED

THE PUMPS AND PAID THE GASOLINE BILL FOR THIS

2 MONTHS AND LAST WINTER'S FLOOD PROBLEM.

WITHOUT THIS PUMPING ACTIVITY OVER 2 MILLION DOLLARS

IN PRIVATE PROPERTY WOULD HAVE BEEN SERIOUSLY

DAMAGED OR LOST! THIS INSTALLATION IS ONLY A TEMPORARY

MITIGATION TO OUR PROBLEM AS WELL AS SEVERAL OTHERS

THE SOLUTION TO THIS MAJOR FLOODING PROBLEM LIES

IN DEVELOPING A DRAINAGE SYSTEM TO LOWER THE

THE ADJACENT WETLAND LAKE LEVEL DURING WINTER

MONTHS OF HEAVY RAINFALL. WHEN THE WETLAND AREA

LEVEL RISES ABOVE OUR LEVEL IN THE DEVELOPMENT WE

GET FLOODED!

2

Kent Duke

FILE # PA

EXHIBIT # 37



# Land Management Division

Lane County Courthouse  
125 East 8th Avenue  
Eugene, OR 97401

**FAX #: (503) 687-3947**

**FAX**

**Message To:**

NORMAN HILL

**Work**

**Location:**

**Telephone**

**Number:**

**Message**

**Sent By:**

JEARY KENDALL

**Location:**

Lane County PSB

**Telephone**

**Number:**

541-682-4057

**Number**

**of Pages:**

— 14 —

(including this  
cover sheet)

**Return**

**Originals To:**

**Special**

**Instructions/**

**Message:**

per our phone  
conversation.

written comments due

Friday.

**Date:**

2-20-97

**Time:**

AM

PM

**Sent By:**

JK

FILE # PA

EXHIBIT # 36-3A1





DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946  
February 11, 1997

REPLY TO  
ATTENTION OF:

Operations, Construction,  
and Readiness Division

RECEIVED BY  
LAND MANAGEMENT

SUBJECT: Permit Application ID No: 97-163

Lane County - Land Management Division  
Attn: Jerry Kendall  
125 East 8th Avenue  
Eugene, Oregon 97401-2926

FEB 12 1997  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Dear Jerry:

I have reviewed the land-use application submitted by Gene Benedict. Mr. Benedict is proposing to pipe storm water from the Idylewood subdivision into one of a series of lakes within this watershed. Based on the preliminary design it appears that there will be a discharge of material into a water of the United States, therefore a Corps of Engineers permit will be required. My concerns regarding the proposal are as follows:

1. Of primary concern are impacts to downstream developments. Although the applicant believes that there is no surface discharge from the lake there may be substantial movement of water through the porous, sandy soils. At least one residential development downstream, the Sandpines development, has experienced problems with flooding during storm events similar to those described in the application. The proposed scenario would place additional water into the system at this critical time.

2. Similarly, has the applicant evaluated how raising the elevation of the lake, even for a brief period, will effect water levels within the development?

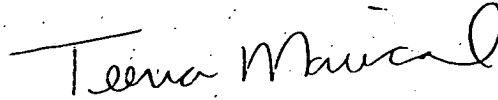
3. It is unclear how flows from typical storms will be prevented from entering the new collection system. Are they relying totally on infiltration? What is the maximum intensity storm that can be expected to generate no runoff into the collection system?

4. Although I did visit the site last spring, I do not recall if there was a wetland fringe surrounding the lake. If there is, the applicant would need to provide an assessment of the impacts of elevating the water levels on those wetlands. The assessment should include an estimate of the increase in the elevation of the water surface and its duration.

The Corps of Engineers' regulatory jurisdiction extends to the ordinary high water mark of the lake, and to any wetlands either around the lake fringe or along the route of the pipeline. We do not have a 50 cubic yard threshold for jurisdiction, therefore, as I indicated earlier it appears the work will require a Corps permit. Although we recognize the seriousness of the of the problem, we could not authorize a project which could exacerbate downstream flooding.

Thank you for the opportunity to comment on this proposal. Please feel free to contact me at the address shown above, or by telephone at (503) 326-6103.

Sincerely,

A handwritten signature in cursive script that reads "Teena Monical". The signature is written in dark ink and is positioned above the printed name and title.

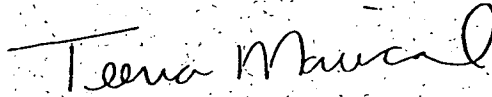
Teena Monical  
Project Manager  
Regulatory Branch

Copies Furnished:

ODSL (Leibowitz)  
Harry Taylor

Thank you for the opportunity to comment on this proposal. Please feel free to contact me at the address shown above, or by telephone at (503) 326-6103.

Sincerely,

A handwritten signature in cursive script that reads "Teena Monical".

Teena Monical  
Project Manager  
Regulatory Branch

Copies Furnished:

ODSL (Leibowitz)  
Harry Taylor

**KENDALL Jerry**

2-18-97

**From:** STEERS Jim  
**To:** KENDALL Jerry  
**Subject:** Heceta Beach Rd (4223-96)  
**Date:** Tuesday, February 18, 1997 9:57AM

**File No:** PA 4223-96  
**Applicant:** Gene Benedick  
**Location:** West of Heceta Beach Rd  
**TRS:** 18-12-10.34  
18-12-10.40  
**Tax Lot:** 801  
400, 401

**Proposal:** Planning Director Review for stormwater drainage system within PWC Zone.

**Comments:** The proposed project will drain an area of the Idylewood Subdivision and an area adjacent to this subdivision. Specifically: (1) Sandrift St from a few hundred feet east of Saltaire St to just south of Oceanea Dr., (2) Gullsettle, and (3) an undeveloped area to the SE of the current end of Gullsettle. The stormwater will dump into a small lake which is identified as a Prime Wildlife Area.

The Prime Wildlife Area impacts several property owners which have property adjacent and within the wildlife area. These owners may have concern about the proposed drainage system.

Lane County is impacted in two ways:

1. A portion of the wildlife area is within a parcel of land owned by Lane County, 18-12-10.40-TL 1600. Jeff Turk should be contacted regarding this proposal.
2. A portion of the wildlife area borders Heceta Beach Road. This is a County road that is classified as a Major Collector. The elevation of the small lake is approximately 6 feet below Heceta Beach Rd. There will not be any impacts to Heceta Beach Rd.

done on 2-18. Review until 2-21.

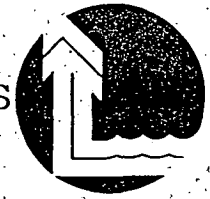
NO comments rec'd

orig 3-13-97/2K.

2-18/97

FILE #	PA
EXHIBIT #	35



NOTIFICATION OF MAPPED NATIONAL WETLANDS  
INVENTORY REFERRALAPPLICANT: HARRY TAYLOR  
P.O. BOX 1420  
VENETA OR 97487OWNER: GENE BENEDICTOREGON DIVISION OF STATE LANDS (DSL)  
775 SUMMER STREET NE,  
SALEM OREGON 97310  
(503) 378-3805DATE: 2/14/97APPLICATION NUMBER PA# 4223-96NWI MAP MERCER LAKE 3TRS 18-12-10-40 TRACOT 401  
18-12-10-34 TL 801

This parcel contains mapped wetlands or waterways as indicated on the NATIONAL WETLANDS INVENTORY maps. The Oregon Revised Statutes (ORS) Chapter 215 requires the Land Management Division (LMD) to send notice of the application to the Division of State Lands (DSL). Issuance of the permit can not occur until we receive a response from the DSL or 30 days (whichever is less).

Enclosed is a copy of the notice sent to the DSL. DSL will contact you if any permits are required or further information is necessary.

D.G. NICKELL P.L.S.O.  
ENGINEERING ASSOCIATE  
LANE COUNTY PUBLIC WORKS  
LMD/PLANNING  
125 EAST 8th AVENUE  
EUGENE, OREGON 97401-1337

This parcel has wetlands.  
This permit will not be  
issued until 30 days from  
today March 24, 1997  
or until DSL responds.

2-14/97

FILE #	PA
EXHIBIT #	<u>34-348</u>

JK

**WETLAND LAND USE NOTIFICATION FORM**  
**DIVISION OF STATE LANDS WETLANDS PROGRAM**  
775 Summer Street NE, Salem, Oregon 97310 (503/378-3805)

1. County: LANE Local Case File No.: PA# 4223-94  
City: \_\_\_\_\_ DSL File No.: \_\_\_\_\_  
Responsible Jurisdiction: ☐ City ☒ County
2. APPLICANT: HARRY TAYLOR LANDOWNER: GENE BENEDICT  
name name  
P.O. BOX 1420 \_\_\_\_\_  
mailing address mailing address  
VENETA OR 97487 \_\_\_\_\_  
city state zip city state zip  
(9A1) 935 6202 (9A1) 488 6402  
phone phone
3. LOCATION: 34 - - - - 801  
T 139 R 12W S 10. 1/4 40 Tax Lot(s) 400 + 401  
NWI quad map name MERCER LAKE 3 (attach copy with site indicated)  
Attached: ☒ NWI map ☒ Parcel map ☒ Site plan \_\_\_\_\_ Other \_\_\_\_\_
4. SITE INFORMATION:  
NWI Wetland Classification Code(s) PUBF + PSSC  
Adjacent Waterway (if any) \_\_\_\_\_ In Floodplain? Y ☐ N ☐  
Current Land Use VACATE Zoning RA/U
5. PROPOSED ACTIVITY:  
\_\_\_\_\_ site plan approval \_\_\_\_\_ subdivision  
\_\_\_\_\_ grading permit \_\_\_\_\_ planned unit development  
\_\_\_\_\_ conditional use permit \_\_\_\_\_ building permit (new structures)  
☒ other STORM WATER DRAINAGE SYSTEM  
Project Description: \_\_\_\_\_

Completed by/Contact: D.C. NICKELL Date 2/14/97  
Address 127 E. BYRNE EUCENE OR 97401 Phone 541 682 3989  
(This form is to be completed only by planning department staff for mapped wetlands)

**DSL RESPONSE**

- ☐ A removal-fill permit is required from the Division of State Lands.  
☐ A removal-fill permit will be required when the development project proceeds.  
☐ A removal-fill permit may be required.  
☐ A permit may be required by the Corps of Engineers (326-6995)  
☐ Information needed includes:  
☐ A wetland determination/delineation report. (Consultant list available from DSL)  
☐ \_\_\_\_\_  
☐ State permit \_\_\_\_\_ ☐ was issued ☐ has been applied for.  
☐ No removal-fill permit is required for the described project if/because: \_\_\_\_\_ \*

Comments: \_\_\_\_\_

Response completed by: \_\_\_\_\_ Date \_\_\_\_\_

\* If the project is changed to involve fill or removal from the wetlands area, a state removal-fill permit will be required.



Date: 2/11/97

From: Richard + Rosemary Shiu

87757 Sandrift (mailing address: P.O. Box 2383)  
Florence, Ore., 97439

RECEIVED BY  
LAND MANAGEMENT

Regarding Department File No.: PA 4223-96

FEB 14 1997  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Comments:

We are very much in favor  
of the proposed stormwater drainage  
system for Idylwood subdivision. We  
live on Sandrift Street where lack of  
drainage and high water is an  
ongoing problem and must be  
corrected. We hope you will give  
Mr. Benedict the necessary permits to  
implement this stormdrainage system.

It is imperative that we are given  
relief from this situation as our property  
is worthless until we do see relief.

(We just received your letter on Febr. 11<sup>th</sup>  
and replied immediately to try to meet the  
Febr. 13<sup>th</sup> deadline.)

Mr. + Mrs. Richard Shiu

FILE #	PA
EXHIBIT #	33

2-14/32



*Webb & Martinis*

ATTORNEYS AT LAW

1114 TWELFTH ST. SE

SALEM, OREGON 97302-2897

NORMAN F. WEBB  
MICHAEL J. MARTINIS

RECEIVED BY  
LAND MANAGEMENT

NORMAN R. HILL  
ASSOCIATE

February 13, 1997

SENT BY FACSIMILE TRANSMISSION  
AND REGULAR MAIL (541) 682-3947

FEB 14 1997  
AM 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6 PM

Mr. Jerry Kendall  
Lane County Public Works  
Land Management Division  
125 E. 8th Avenue  
Eugene, OR 97401

Re: Dept. File No. PA 4223-96

Referral Notice and Opportunity to Comment  
on a Proposed Development

Dear Mr. Kendall:

This office represents Susan Petrone, a homeowner in the vicinity of the above-referenced proposed development. I just recently received the Referral Notice. It is my understanding that the deadline for comments is 5:00 p.m. on February 13, 1997. I am currently in trial in Linn County and will not be able to fully evaluate the proposed development before the deadline.

My client is currently experiencing severe flooding problems on her property. It is unclear at this time whether the proposed drainage system will help or hinder her property. Accordingly, we respectfully request that you hold off making any decision until we have had an opportunity to review this matter and make a public comment.

I have spoken with your staff and informed them that I anticipate being in a position to make a more definitive comment by Friday, February 21, 1997. If that is not possible, please consider this our objection to the proposed development for the purposes of any appeal rights we may need to sustain.

I appreciate your courtesies and assistance in this matter.

Very truly yours,

WEBB & MARTINIS

*Norman R. Hill*  
Norman R. Hill  
NRH/dla

cc: Susan Petrone  
(Dictated but not read)

TELEPHONE (503) 363-9264  
FAX (503) 363-2250

2-14/31

FILE #	PA
EXHIBIT #	32

*Webb & Martinis*

ATTORNEYS AT LAW

1114 TWELFTH ST. SE

SALEM, OREGON 97302-2897

NORMAN F. WEBB  
MICHAEL J. MARTINISNORMAN R. HILL  
ASSOCIATE

February 13, 1997

**SENT BY FACSIMILE TRANSMISSION  
AND REGULAR MAIL (541) 682-3947**

Mr. Jerry Kendall  
Lane County Public Works  
Land Management Division  
125 E. 8th Avenue  
Eugene, OR 97401

Re: Dept. File No. PA 4223-96

**Referral Notice and Opportunity to Comment  
on a Proposed Development**

Dear Mr. Kendall:

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I have spoken with your staff and informed them that I anticipate being in a position to make a more definitive comment by Friday, February 21, 1997. If that is not possible, please consider this our objection to the proposed development for the purposes of any appeal rights we may need to sustain.

I appreciate your courtesies and assistance in this matter.

Very truly yours,

WEBB &amp; MARTINIS

*Norman R. Hill*  
Norman R. Hill

NRH/dla

cc: Susan Petrone

(Dictated but not read)

2-13/30

FILE #	PA
EXHIBIT #	31

TELEPHONE (503) 363-9264

FAX (503) 363-2250

Date: 2-6-97

From: Robert L Jeremiah

PO Box 543

College Grove, OR 97424

RECEIVED BY  
LAND MANAGEMENT

FEB 13 1997

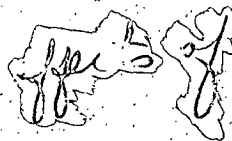
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Regarding Department File No.: PA 4223-96

Comments:

We have concerns over the potential change in ground water levels that may affect the septic systems and therefore the water quality in the surrounding areas.

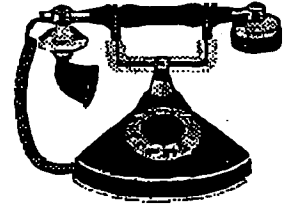
Without having the answers to the ~~contamination~~ question we oppose the storm water drainage system change proposed in this development.



2-13/29

FILE #	PA
EXHIBIT #	30

(541)997-2242 FAX 997-9019

4465 Highway 101  
Florence, Oregon, 97439**FAX Transmission Cover Sheet**TO: Jerry Kendall PHONE #: 541-682-4057COMPANY: Lane Cty. Land Mgt. DEPT: \_\_\_\_\_FAX #: 541-682-3947FROM: Don Malagamba DATE: Feb. 12, 1997

\*\*\*

NUMBER OF PAGES (including this one): 2

DESCRIPTION / REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IF THIS TRANSMISSION IS INCOMPLETE OR ILLEGIBLE,  
PLEASE CONTACT THE SENDER AT (541)997-2242.

2-12/98

FILE #	PA
EXHIBIT #	29-288



DATE: February 12, 1997

FROM: Don & Pat Malagamba  
87836 Sandrift Street  
Florence, Or 97439

Regarding Department File No.: PA 4223-96

COMMENTS:

We would like to strongly urge the Lane County Planning Director's approval of the planned stormwater drainage system for the Idylewood Subdivision. This subdivision (along with several other Lane County developments), has had severe water drainage problems that have impacted a large number of homeowners. The livability of homes are at stake as well as the homeowner's real estate investments, which in turn can adversely affect County real estate tax revenues. The high water levels on County roads in Idylewood also present serious access problems in the event of an emergency situation.

Lane County has failed to carry out their governmental responsibilities regarding the issuance of building permits for land development in this area. By issuance of the original construction permits it is implied that no dangerous or seriously damaging conditions would occur, when in fact County records and files indicate that the County was aware of geologic hazards prior to homes being constructed.

Land use planning did not adequately provide for stormwater drainage in this area of the County. As a minimum, the County should be doing everything possible to help expedite a solution. Mr. Benedick's proposed solution represents a simple approach that can be implemented without cost to either the homeowner or governmental agencies.

Date: 2/9/97

From: Annette & David Leger-Jeffrey

RECEIVED BY  
LAND MANAGEMENT

FEB 12 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

87760 Saltaire

Florence, OR, 97439

Regarding Department File No.: PA 4223-96

Comments:

Mr. Kendall,

We're writing in support of the above proposed  
drainage system.

Although we do not live on Sandrift, we  
feel that this system may <sup>help to</sup> alleviate our  
drainage problem on Saltaire. Our drainage  
problem is a result of the water being  
allowed to collect on Sandrift.

Thank you,

Annette Leger-Jeffrey

DAVID LEGER-JEFFREY

2-12/27

FILE #	PA
EXHIBIT #	28



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946  
February 11, 1997

REPLY TO  
ATTENTION OF:

Operations, Construction,  
and Readiness Division

SUBJECT: Permit Application ID No: 97-163

Lane County - Land Management Division  
Attn: Jerry Kendall  
125 East 8th Avenue  
Eugene, Oregon 97401-2926

RECEIVED BY  
LAND MANAGEMENT

FEB 12 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Dear Jerry:

I have reviewed the land-use application submitted by Gene Benedict. Mr. Benedict is proposing to pipe storm water from the Idylewood subdivision into one of a series of lakes within this watershed. Based on the preliminary design it appears that there will be a discharge of material into a water of the United States, therefore a Corps of Engineers permit will be required. My concerns regarding the proposal are as follows:

1. Of primary concern are impacts to downstream developments. Although the applicant believes that there is no surface discharge from the lake there may be substantial movement of water through the porous, sandy soils. At least one residential development downstream, the Sandpines development, has experienced problems with flooding during storm events similar to those described in the application. The proposed scenario would place additional water into the system at this critical time.
2. Similarly, has the applicant evaluated how raising the elevation of the lake, even for a brief period, will effect water levels within the development?
3. It is unclear how flows from typical storms will be prevented from entering the new collection system. Are they relying totally on infiltration? What is the maximum intensity storm that can be expected to generate no runoff into the collection system?
4. Although I did visit the site last spring, I do not recall if there was a wetland fringe surrounding the lake. If there is, the applicant would need to provide an assessment of the impacts of elevating the water levels on those wetlands. The assessment should include an estimate of the increase in the elevation of the water surface and its duration.


The Corps of Engineers' regulatory jurisdiction extends to the ordinary high water mark of the lake, and to any wetlands either around the lake fringe or along the route of the pipeline. We do not have a 50 cubic yard threshold for jurisdiction, therefore, as I indicated earlier it appears the work will require a Corps permit. Although we recognize the seriousness of the of the problem, we could not authorize a project which could exacerbate downstream flooding.

2-12-97

FILE #	PA
EXHIBIT #	27-2pp.

Thank you for the opportunity to comment on this proposal. Please feel free to contact me at the address shown above, or by telephone at (503) 326-6103.

Sincerely,

A handwritten signature in cursive script that reads "Teena Monical".

Teena Monical  
Project Manager  
Regulatory Branch

Copies Furnished:

ODSL (Leibowitz)  
Harry Taylor



Date: February 10, 1997

From: Julio L. Tono

87751 Sauvaine

Florence OR. 97439

Regarding Department File No.: PA 4223-96

Comments:

Mr. Jerry Kendau, AS A Neighbor  
of All those families affected by last  
Years Flooding & this Years Heavy Rain fall  
I hope you find positive for this  
Project - Since it's needed for  
their Relief and All others who  
build or move into our neighborhood,  
into the future. Thank You

Sincerely  
Julio L. Tono  
(541) 997-3454

RECEIVED BY  
LAND MANAGEMENT

FEB 12 1997

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



2-12/25

FILE #	PA
EXHIBIT #	25

2-11-97/umD

Date: FEBRUARY 9, 1997

From: NORMAN BOUTRY

8775B SALTAIRE ST.

FLORENCE OR, 97439

Regarding Department File No.: PA 4223-96

Comments:

OUR WHOLE SUBDIVISION IS IN FAVOR  
OF THIS PROJECT.

WE REALLY NEED THIS. THIS WOULD RELIEVE  
THE TREMENDOUS WATER PRESSURE WHICH  
CAUSES OUR HOME TO FLOOD. AS THE WATER  
IS REMOVED, THE GROUND WATER GOES  
DOWN RIGHT AWAY AT OUR HOUSE

"PLEASE APPROVE THIS PERMIT"

2-K/24

FILE #	PA
EXHIBIT #	24

Date: Feb. 11, 1997

From: MR. EARL F. PISHONERI

87740 SALTAIRE ST.

FLORENCE, OR. 97439

Regarding Department File No.: \_\_\_\_\_

Comments: CONCERNING PROPOSED DEVELOPEMENT —  
IF AND WHEN DRAINAGE PROBLEMS EXPERIENCED  
BY US AT ABOVE ADDRESS AND OTHERS, CLOSE BY  
SAID ADDRESS, ARE ALLEVIATED BY A PUMP INSTALLATION  
AT SPOT INDICATED ON ~~MAP~~ <sup>MAP</sup> ~~AND~~ ~~ALLEVIATED~~, THEN  
AND ONLY THEN COULD I POSSIBLY APPROVE OF  
FURTHER DEVELOPEMENT!

2-11/23

FILE #	PA
EXHIBIT #	26



RECEIVED BY  
LAND MANAGEMENT

Date: February 9, 1997

From: John K. & Celia E. Pearce

FEB 11 1997

AM  
7,8,9,10,11,12,1,2,3,4,5,6 PM

87746 Saltaire Street

Florence, OR 97439

Regarding Department File No.: PA 4223-96

Comments:

Our property is located on the west side of the Idylewood  
development--it is not shown on your maps. We and our  
neighbors do have a problem with rising ground water after  
heavy rain. It is necessary to have a sump pump running  
to prevent the water from flooding our lot.

Any steps that can be taken to drain the water away from  
this development will be greatly appreciated.

2-11/122

FILE #	PA
EXHIBIT #	23

Date: 9 Feb 97

From: RANDY & SUSAN PILCHER

RECEIVED BY  
LAND MANAGEMENT

FEB 11 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

87842 SANORIFT ST.

FLORENCE, OR 97439

Regarding Department File No.: PA 4223-96

Comments:

AS OUR HOME IS AFFECTED BY STORM WATER,  
WE FEEL THAT THE COUNTY SHOULD APPROVE  
GENE BENEDICT'S APPLICATION FOR THE DRAINAGE  
SYSTEM WITHIN THE PRIME WILDLIFE COMBINING  
ZONE.

WE HOPE THAT THE COUNTY WILL APPROVE  
THE REQUEST IN A TIMELY MANNER SO WE WON'T  
HAVE CONTINUAL DRAINAGE PROBLEMS.

2-11/97

FILE #	PA
EXHIBIT #	<u>22</u>

Date: 2.9.97

From: THOMAS + PATRICIA MCCREESH

87762 Saffaire Ex.

Florence, OR 97438

RECEIVED BY  
LAND MANAGEMENT

FEB 11 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Regarding Department File No.: PA 4223-96

Comments:

We have serious flooding in our cul-de-sac. Ground water is exposed on the surface in many areas. This kind of flooding seriously compromises the integrity of the grading on which our homes stand. We understood this area to be free of flooding when we purchased our home. Our home is our security. Please help us!

2-11/20

FILE #	PA
EXHIBIT #	21



Date: FEBRUARY 9, 1997

From: LOUIS P. BUSH

87686 SALTIRE ST. (IN IDYLWOOD)

FLUENCE, OR

RECEIVED BY  
LAND MANAGEMENT

FEB 11 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Regarding Department File No.: PA 4223-96

Comments: TO: JERRY KENDALL

I HAVE BEEN ACTIVELY INVOLVED WITH OUR DRAINAGE  
PROBLEM DURING THE LAST YEAR. THERE ARE BASICALLY TWO  
PROBLEMS: 1 - EAST SIDE DESCRIBED IN THE PAPER AND  
2 - WEST SIDE OF IDYLWOOD (WHERE I RESIDE). MR. BENEDICT  
HAS JUST COMPLETED THE INSTALLATION OF A 12" DRAIN OR  
STORM PIPE TO THE WEST ALMOST TO RHODODENDRONS. FIVE  
OF US HAVE CONSTRUCTED A DRAINAGE DITCH WITH 6 MIL  
LINER ALONG THE BOUNDRIES OF OUR PROPERTIES. THIS  
DITCH RUNS CONSTANTLY FROM WATER SIPPING THRU THE  
GROUND FROM THE EAST SIDE (AREA DEFINED IN THE PAPER).  
WE CAN ASSURE YOU THAT A PUMP STATION IN THE  
DESIGNATED AREA WILL BENEFIT MANY MORE PROPERTIES THAN  
INDICATED WITHIN ENCLOSED MAP. WE SIMPLY ASK THAT  
HIGH WATER TABLES FROM LARGE AMOUNTS OF RAINFALL BE  
CONTROLLED WHEN THEY RISE ABOVE THE SURFACE OF OUR  
LOTS AND UNDER OR INTO OUR HOUSES. WE TRUST THAT  
YOU WILL ACTIVELY PURSUE THE PERMIT TO CONSTRUCT THIS  
PUMPING STATION. Joe Bush

2-11/19

FILE # PA  
EXHIBIT # 20

Date: 2/10/97

From: Laurie Duf

87797 Sandridge

Flanagan, Ga

RECEIVED BY  
LAND MANAGEMENT

FEB 11 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Regarding Department File No.: PA 4223-96

Comments:

I, Laurie Duf, am an angry  
home owner/homeowner residing  
at the corner of Sandridge & Acacia  
where the pumps have been working  
off and on all day & prior day & night.  
When the ditches over flow, due to rain,  
the street is flooded & leaves debris on my  
driveway and in addition I have water  
under my house, & soggy back yard w/  
well as lot of black mold.

The developer should take full responsibility  
for this problem & correct the situation as this  
has been going on for a year & at the  
present time I was told my house is  
unsalable.

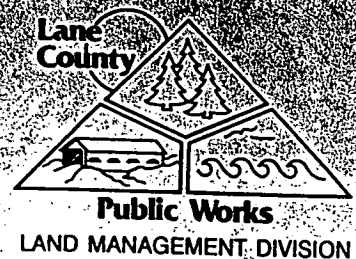
Laurie Duf  
2 (HIX)

2-11/97

FILE #	PA
EXHIBIT #	19

February 10, 1997

Nancy Leibowitz  
Natural Resource Coordinator  
Oregon Division of State Lands  
775 Summer St. NE  
Salem, Or. 97310-1337



Re: PA 4223-96 (Idylewood Subdivision pipeline drainage proposal)

Dear Nancy:

I am in receipt of your letter dated 2-5-97. I note the cited ecological concerns, that is, timing and duration of inundation and potential downstream flooding impacts, but am uncertain as to exactly what type of response your agency is requiring of the applicant. Please clarify.

For your information, I have sent a full copy of the proposal to Teena Monical of the Army Corps for review.

Sincerely,

*J. Kendall*

Jerry Kendall/Associate Planner (541-682-4057)

c: Harry Taylor  
P.O. Box 1420  
Veneta, Or. 97487

*V.L. Callahan*  
2-14-97. DSL has no  
jurisdiction.

-2K

2-14-97

2-10-17

FILE #	PA
EXHIBIT #	18



Feb 7 1997  
RECEIVED BY  
LAND MANAGEMENT

FEB 10 1997

2, 3, 4, 5, 6 PM

Mr Roy Burns  
County Planner  
Lane County Court House

Dear Sir,

The residents of Ocean Woodlands are having a water problem, primarily caused by the residents of Idlewood pumping water out of their area.

It is my understanding that the Idlewood developer was told that there would be problems with water after construction had progressed to a certain extent.

I have talked to people who have been in this area years longer than I have lived here and they cannot remember any high water problems previously, not even during the storms last winter (95-96).

I drove by the pumping operation and they were pumping water to the east,

2-10/16  
FILE # PA  
EXHIBIT # 17-2pp

toward the sand dunes. This has caused a raising of the water levels in Ocean Woodlands and as far north as Neceta Rd. There was water over the road in several places.

Is there any way that the developer of Idlewood can be forced to set up a system whereby the water can be pumped to the west where it could find its way to the ocean?

Sincerely

Walter F. Reinhard

WALTER F. REINHARD

04824 GLORIA GAYLE WAY

FLORENCE, OR 97439

*THE SILVAS, CLAUDE & STELLA*

*87740 SANDRIFT STREET  
FLORENCE, OREGON 97439*

*February 06, 1996*

RECEIVED BY  
LAND MANAGEMENT

FEB 10 1997

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Jerry Kendall  
Lane County Land Management Division  
Public Service Building  
125 E 8th Ave.  
Eugene, OR. 97401

Refer: Department File No.: PA4223-96

Dear Planning Director:

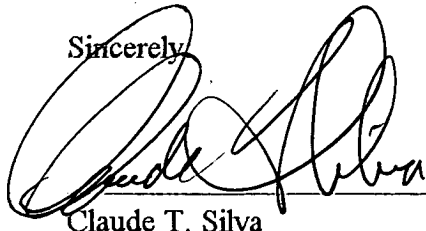
As a resident of the subdivision that will be effected by this "storm water drainage system" I urge you to expedite approval of this proposal so that we may have, at least this much of a solution to our problem before next winter. This flooding that we have experienced these last two winters has cause considerable hardship to the residents of this area. Some have suffered physical damage to their homes and vehicles (because they had to drive in and out of there property through water). Property values have declined. Because of this many of us have filed for relief on our tax bills.

Those of us that live here were not aware of this flooding when we bought. You in Land Management knew. I have documents from county employees dated in the early 80s that even name the affected lots.

This proposal will only "bandaid" the problem. We (you the county , me the citizen) have a much larger and potentially more serious problem. As we grow and develop in Florence drainage in the whole area is becoming a very serious problem. It is going to have to be addressed!

I have one other concern; the term "Prime Wildlife" is used. The area east of us (between Idlewood & 101) is a great green belt. I spend time hiking there. But we have more "wildlife" in the subdivision.

Sincerely

  
Claude T. Silva

2/10/15  
FILE # PA

EXHIBIT # 16

P.S. Why were not all of the home owners notified of this procedure so they could comment?



RECEIVED BY  
LAND MANAGEMENT

Oregon

February 5, 1997

FEB 6 1997  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM



JERRY KENDALL  
ASSOCIATE PLANNER  
LANE COUNTY LAND MANAGEMENT DIVISION  
125 EAST 8TH AVENUE  
EUGENE OR 97401

DIVISION OF  
STATE LANDS

RE: PA 4223-96

STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

Dear Jerry:

The Division of State Lands recently reviewed Gene Benedict's proposal to install a storm water drainage pipeline and drain storm water up to two times a year into a natural lake/wetland system in Lane County (Section 10 (3/4) and (4/0), Township 18S, Range 12W.

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

According to the proposal, the additional storm water would raise the elevation of the seasonal lake by one foot. Ecological concerns to the Division and to the U.S. Army Corps of Engineers include the a) duration and timing of inundation and effects on the wetland b) potential downstream flooding impacts to other subdivisions and the Sand Pines Golf Course. In addition, the U.S. Army Corps of Engineers would require a permit for installation of this pipe outfall and riprap into the seasonal lake.

Feel free to call me with questions at (503) 378-3805, extension 235.

Sincerely,

*Nancy C. Leibowitz*  
Nancy C. Leibowitz  
Natural Resource Coordinator  
Field Operations - Western Region

c: Harry Taylor, Land Use Consultant  
Teena Monical, Corps of Engineers  
Gene Benedict, Owner

NCL/djc  
\\salem\fol\counties\lane\violat1\pa422396.doc

-2-6/14

FILE #	PA
EXHIBIT #	15

Date:

Feb 4, 1997

From:

June Borges TE

P.O. Box 3186

Lorence, O.P. 97439

RECEIVED BY  
LAND MANAGEMENT

FEB 6 1997

2,3,4,5,6

Regarding Department File No.:

PA 4223-96

Comments:

My lot # 130 Woodmere East.  
I high lighted the lot on the two  
maps I am returning to you. On #1  
my lot is not included in the drainage  
plan. On #2 it is included.

If the drainage plan will correct  
the problem of too much water, I agree  
that it should be installed.

2-4/13

FILE #	PA
EXHIBIT #	14

Date: 2/3/97

From: JOHN PETSCH

Regarding Department File No.: PA 4223-96

Comments:

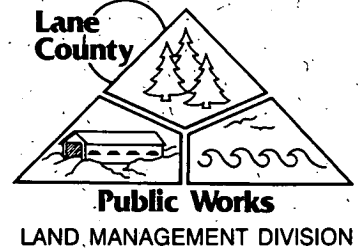
PROPOSED PROJECT IS NOT LOCATED WITHIN 100 YEAR  
FLOOD HAZARD AREA. NO FP SUP REQUIRED

2-3/12

FILE #	PA
EXHIBIT #	13



Mailed 2-3-97



## Referral Notice and Opportunity to Comment on a Proposed Development

**Date:** January 23, 1997

**Department File No.:** PA 4223-96

**Property Owner:** Gene Benedict

**Applicant:** Gene Benedict; c/o Harry Taylor

**Agent:** Harry Taylor

**Location (Address):** (None) Located east of Idylewood Subdivision

**Tax Assessment Map:** 18-12-10.4, lots 400 & 401; 18-12-10.3.4, lot 801

**Nature of the pending development application:** Planning Director Review for a stormwater drainage system within the Prime Wildlife Combining Zone per LC 10.245-15(4).

Lane County has received an application for the proposed development. This notice includes copies of relevant materials from the application file and has been mailed to nearby property owners and to service providers. If you are a nearby property owner, the proposed development may have some impacts on the use of your property. If you are a service provider, the proposed development is in your service area and may place demands on you for the services your agency provides.

The purpose of this notice is to provide you with an opportunity to review, ask questions and to comment on the proposed development and to submit your comments to Lane County prior to the Planning Director's decision to approve or deny the proposed development.

The application and related materials are available for inspection at the Lane County Land Management Division at no cost and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact concerning this application is **Jerry Kendall** at **682-4057**.

You may write your comments in the spaces provided on the other side of this page and return this document to the attention of **Jerry Kendall**, Lane County Land Management Division, Public Service Building, 125 East 8th Ave., Eugene, OR. 97401. ... Fax 682-3947 ... Please submit any written comments regarding the proposed development by 5 P.M. on ~~January 13~~, 1997.

February

2-3-97

FILE #	PA
EXHIBIT #	2-3-97



Administrative Approval

Applicant: Gene Benedick

Location: West of Heceta Beach Rd., Florence

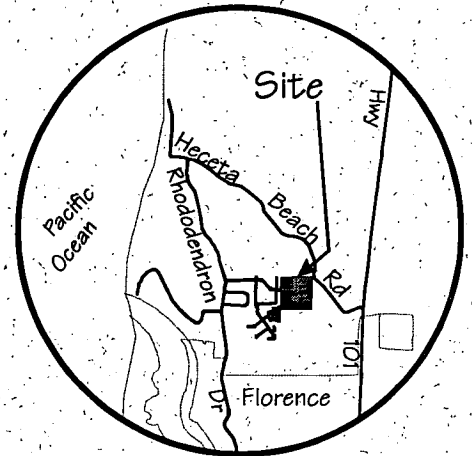
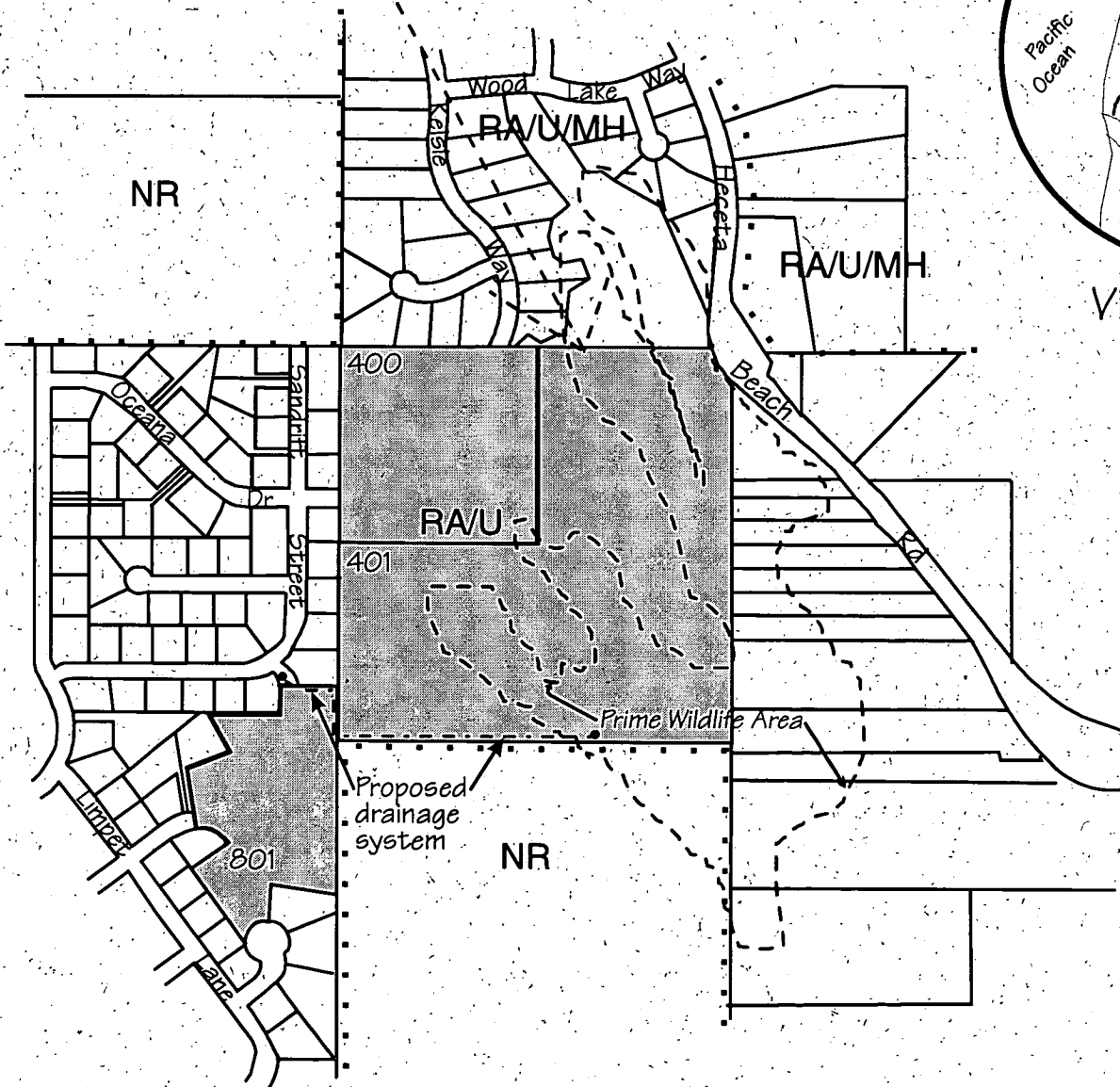
Map No: 18 12 10 3 4 #801/ 18 12 10 4 #400, 401

Proposal: Planning Director review for a Stormwater Drainage System within the Prime Wildlife  
Combining zone per LC10.245.15(4)

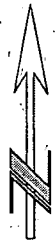
File No. PA4223-96

Plot No. UGB/Flo

Site of Request



Vicinity Map  
No Scale



"NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

FOR INFORMATION ON THE PROPOSAL CONTACT LAND MGT. DIVISION / COURTHOUSE PUBLIC SERVICE BUILDING / 125 E 8TH AVENUE EUGENE, OR 97401 / PHONE (541) 687-3807



mailed 2-3-97 KKK

MAP NO. 18 12 10 3 4 #801  
18 12 10 4 #400, 401

PLOT NO. UGB - Flo

TAX CODE 97-18/97-19

1. GRAPHIC ARTIST: CHECK THE BOXES AND IDENTIFY THE AGENCIES IN WHOSE SERVICE AREA THE SUBJECT PROPERTY IS LOCATED.

2. PLANNER: HIGH-LIGHT THE AGENCIES TO WHOM YOU WANT REFERRALS SENT. IDENTIFY IN THE SPACES AT THE BOTTOM OF THIS FORM THE INFORMATION IN THE FILE WHICH YOU WOULD LIKE COPIED AND SENT WITH THE REFERRAL NOTICE. COMPLETE THE REFERRAL NOTICE AND ATTACH IT TO THIS FORM.

3. CLERICAL: SEND A COPY OF THE REFERRAL NOTICE AND MATERIALS TO THE AGENCIES AS INSTRUCTED BELOW.

REFERRAL AGENCIES

- ☒ BUILDING
- ☒ WATER QUANTITY/QUALITY
- ☒ TRANSPORTATION
- ☒ ENVIRONMENTAL HEALTH
- ☒ RURAL ADDRESSING
- ☒ FLOOD MANAGEMENT
- ☒ COASTAL OVERLAY
- ☒ FIRE DISTRICT Siuslaw RFPD#1
- ☒ POWER CO. Central Lincoln PUD
- ☐ NEIGHBORHOOD GROUP
- ☒ WETLANDS
- ☐ WATER MASTER
- ☐ METRO PLAN BOUNDARY
- ☒ URBAN GROWTH BOUNDARY Florence
- ☐ OTHER

- ☒ STATE FISH & WILDLIFE West
- ☐ STATE HIGHWAY
- ☒ STATE FORESTRY West
- ☐ STATE FORESTRY SALEM
- ☐ DLCD
- ☒ LRAPA
- ☒ BOUNDARY COMMISSION
- ☒ PORT OF SIUSLAW
- ☐ N.W. NATURAL GAS
- ☒ PLAN. DEPT. Florence
- ☒ SCHOOL DIST. #97j-Siuslaw
- ☒ U.S. WEST
- ☐ SURVEYORS
- ☒ OTHER Heceta Water District
- ☐ OTHER

to KEN LANFEAR  
PUBLIC WORKS  
CITY OF FLO.

INSTRUCTIONS FOR ATTACHED MATERIALS

COPY AND ATTACH TO ALL REFERRAL NOTICES:

- ☐ NOTICE MAP
- ☐ PLOT PLAN
- ☐ FLAGGED APPLICANT'S MATERIALS

COPY AND ATTACH MATERIALS TO REFERRAL NOTICES AS INSTRUCTED ABOVE AND ESPECIALLY INSTRUCTED BELOW:

SEND COPY TO HARRY TAYLOR.

2-3-10-918

FILE #	PA
EXHIBIT #	8-878

# Administrative Approval

Applicant: Gene Benedick

Location: West of Heceta Beach Rd., Florence

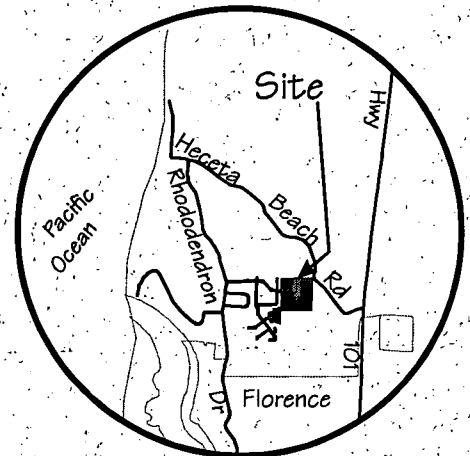
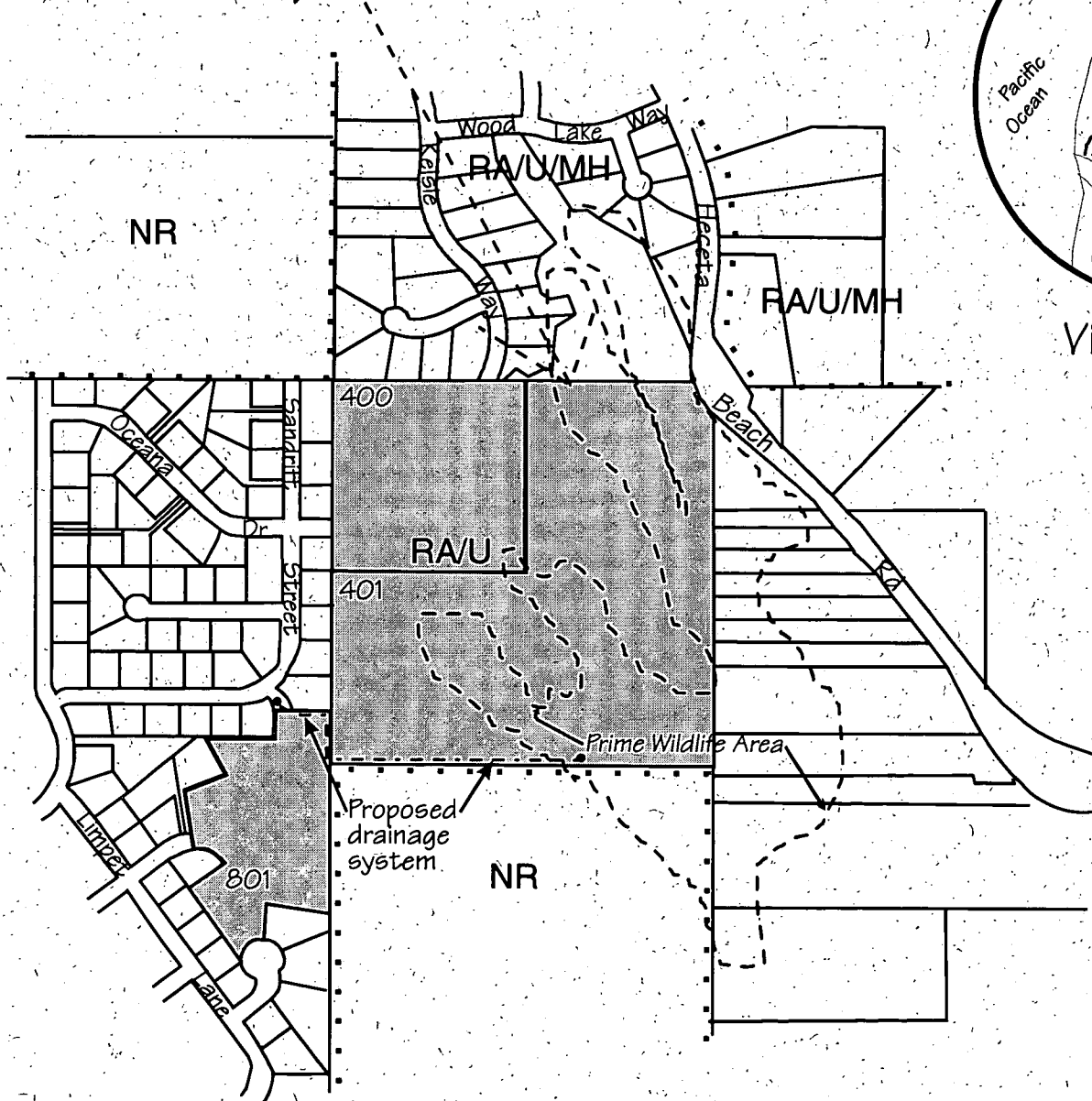
Map No: 18 12 10 3 4 #801/ 18 12 10 4 #400, 401

Proposal: Planning Director review for a Stormwater Drainage System within the Prime Wildlife  
Combining zone per LC10.245.15(4)

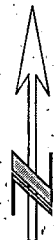
File No. PA4223-96

Plot No. UGB/Flo

## Site of Request



Vicinity Map  
No Scale



"NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

FOR INFORMATION ON THE PROPOSAL CONTACT LAND MGT. DIVISION / COURTHOUSE PUBLIC SERVICE BUILDING / 125 E 8TH AVENUE EUGENE, OR 97401 / PHONE (541) 687-3807

SLM'S DATE

REQUEST FORM FOR MAP, NOTIFICATION & REFERRALS

☒ PD      ☐ LDRC      TIME  
☐ HO      ☐ LCPC      DATE  
☐ BCC      ☐ WLPC      PLACE

PLOT NO. UGB

FILE NO. PA 4223-96

TAX CODE 97-18 (map);  
97-19 (TAIMS)

APPLICANT: Gene Benedick

AGENT: Harry Taylor

OWNER: Gene Bendick

SITE ADDRESS: (None)

MAP NO. 18-12-10.4

TAX LOT 401

MAP NO. 18-12-10.3.4

TAX LOT 801

MAP NO. 18-12-10.4

TAX LOT 400

PROPOSAL: Planning Director Review for a Stormwater Drainage System within the Prime Wildlife Combining Zone per LC 10.245-15(4).

STAFF: JK

SPECIAL INSTRUCTIONS See plot plan for layout of facility (Exhibit "A") on tax maps.



PA 4223-96  
Benedick

Harry Taylor  
P.O. Box 1420  
Veneta OR 97487

Gene Benedick  
27962 Ward Lane  
Eugene OR 97402

Clark James M.  
5180 Heceta Beach Rd  
Florence OR 97439

Cox Oscar R  
05176 Heceta Beach Rd  
Florence Or 97439

Derrickson Thelma May TE  
Ball May I TE  
PO Box 1018  
Florence OR 97439

Duke Kent & Carol  
87827 Sandrift  
Florence OR 97439

Ewing Robert & Jennifer  
05143 Heceta Beach Rd  
Florence OR 97439

Hawkins Frank & Rose  
PO Box 2186  
Florence OR 97439

Hix Lawrence TE ETAL  
87797 Sandrift St  
Florence OR 97439

Lane County Owned Lands  
125 East 8th Ave  
Eugene OR 97401

Shrader Peter & Sandra  
PO Box 2324  
Florence OR 97439

Smith Nancy J.  
330 Crest Drive  
Eugene OR 97405

Thompson Wayne & Betty  
4354 Spruce Street  
Florence OR 97439

Wilson Michell & Lucille  
05190 Heceta Beach Road  
Florence OR 97439

Head James F & Eileen  
5139 Heceta Beach Rd  
Florence Or 97439

Smith Gerald & Koto  
PO Box 306  
Phoenix OR 97535

Jeremiah Robert & Sandra  
P.O. Box 543  
Cottage Grove OR 97424

Heceta Inc.  
PO Box 1180  
Waldport OR 97394

Beckman Marvin & Darlene  
PO Box 3516  
Florence OR 97439

Burleson Robert & Janet  
5043 Kelsie Ct  
Florence OR 97439

Benson Bruce & Sheryll  
1187 Sanborn Ave  
Eugene OR 97404

Grainger Donald TE  
Donald L Grainger Trust  
1102 Pasadena Ave  
Fillmore CA 93015

King Charles & Betty  
5009 Kelsie Ct  
Florence OR 97439

Willoughby Wayne Jr & L.A.  
5011 Kelsie Ct  
Florence OR 97439

Stoker C Robert TE ETAL  
87849 Sandrift Street  
Florence OR 97439

Larsen Richard & Doris  
87791 Sandrift Street  
Florence OR 97439

PA 4223-96  
Benedick  
Page 2

Geiss Lee & Diane  
87767 Sandrift Street  
Florence OR 97439

Ishii Richard & Rosemary  
P.O Box 2383  
Florence OR 97439

Linda Clark  
87723 Saltaire Street  
Florence OR 97439

Borges June TE  
June Borges Trust  
P O Box 3126  
Florence Or 97439

Kinslow Cecil & Janice  
PO Box 842  
Florence OR 97439

Silva Calude TE ETAL  
87740 Sandrift Street  
Florence OR 97439

Takeyama Margery  
Margery Takeyama Trust  
87623 Sandrift Street  
Florence OR 97439

Michael Keith & Teresa  
Attn: OR Pacific Banking  
PO Box 22000  
Florence OR 97439

Clark Linda  
87723 Saltaire Street  
Florence OR 97439

Almquist Oscar & Amy  
87719 Saltaire Street  
Florence OR 97439

Lane County  
County Owned Lands Dept  
Lane County Court House  
Eugene OR 97401

Weber George Glenn  
087729 Sandrift St  
Florence OR 97439

Hollinhurst John Wilfrid Te  
Etal  
87698 Saltaire St  
Florence OR 97439

Lee Jack A Te  
Etal  
87591 Sandrift St  
Florence OR 97439

Watkins William M & S A  
87701 Sandrift St  
Florence OR 97439

Takeyama Margery P Te  
Margery P Takeyama Trust  
87623 Sandrift St  
Florence OR 97439

Spivey William F Iii & J A  
87733 Sandrift St  
Florence OR 97439

White John M Te  
Etal  
87764 Saltaire St  
Florence OR 97439

IN RE MATTER OF:

E NO.

PA4223-96

GENE BENEDICK

PLOT NO.

## ASSESSOR'S MAP &amp; TAX LOT NUMBERS

18.12.10.3.1	
#5300	Kinslow Cecil & Janice
5200	
<del>18.12.10.</del>	
1200	
18.12.10.3.4	
#5700	Benedict
5600	Benedict
6100	↓
7100	↓
3300	Benedict
3200	
3100	
1500	
8000	
8100	↓
300	Michael
100	Clark
200	Almgvist
18.12.13	
#1700	Lane County
18.12.10.3.4	
#1400	benedick
400	Weber
1200	Hollin Hurst
1300	Benedick
	1



FILE NO. PA 4223-96

PLOT NO. \_\_\_\_\_

[illegible]

BENEDICK JULIUS E & E J  
BENEDICK E JUSTINE 1-2  
27962 WARD LN  
EUGENE OR 97402

Taxlot: 1812104000401  
Taxlot: 1812104000400

CLARK JAMES M  
5180 HECETA BEACH RD  
FLORENCE OR 97439

Taxlot: 1812104001000

COX OSCAR R  
05176 HECETA BEACH RD  
FLORENCE OR 97439

Taxlot: 1812104000800  
Taxlot: 1812104000900

DERRICKSON THELMA MAY TE  
BALL MAY I TE  
P O BOX 1018  
FLORENCE OR 97439

Taxlot: 1812104001300

DUKE KENT F & CAROL G  
87827 SANDRIFT  
FLORENCE OR 97439

Taxlot: 1812103100200

EWING ROBERT J & JENNIFER L  
05143 HECETA BEACH RD  
FLORENCE OR 97439

Taxlot: 1812104000300

HAWKINS FRANK L & ROSE E  
P O BOX 2186  
FLORENCE OR 97439

Taxlot: 1812104001400

HIX LAWRENCE TE ETAL  
87797 SANDRIFT ST  
FLORENCE OR 97439

Taxlot: 1812103100400

LANE COUNTY  
COUNTY OWNED LANDS DEPT  
LANE COUNTY COURT HOUSE  
EUGENE OR 97401

Taxlot: 1812102000400  
Taxlot: 1812104001600

SHRADER PETER F & SANDRA D  
P O BOX 2324  
FLORENCE OR 97439

Taxlot: 1812103100300

SMITH NANCY J  
330 CREST DR  
EUGENE OR 97405

Taxlot: 1812104000500

THOMPSON WAYNE R & BETTY A  
4354 SPRUCE ST  
FLORENCE OR 97439

Taxlot: 1812104001500

Taxlot: 1812104001701

WILSON MITCHELL & LUCILLE  
05190 HECETA BEACH RD  
FLORENCE OR 97439

Taxlot: 1812104001100

Additional taxlots:

Taxlot: 1812100000101

1812104000100

1812104001800

1812101301400

1812101302200

1812101302300

1812101302400

1812101302500

1812101302600

1812101302700

1812103100101

1812103100500

1812103100600

1812103100700

1812103100800

1812103400100

1812103405800

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1812103406000

1812103407200

1812103407300

1812103407400

1812103407500

1812103407600

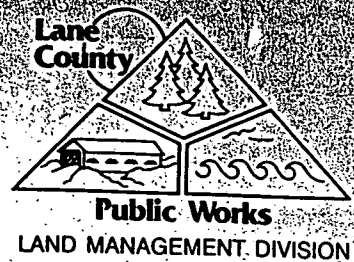
1812103407700

1812103407800

1812103407900

*Add Harry Taylor  
to notice list  
- J K  
1-17-97.*





January 27, 1997

Harry Taylor  
P.O. Box 1420  
Veneta, Or. 97487

Re: PA 4223-96 Need for ownership listing

Dear Mr. Taylor:

As discussed by phone today, please provide a list, by Map number, of all contiguous (as defined in LC 13.010) holdings of Mr. Benedick in relation to the subject property on which the project occurs. This information is required in order to give proper referral and decision notice per LC 14.050(3)(c) & 14.100(4).

The adjacent property list provided on the "Land Use Application" was in error. While that error would normally warrant an "incomplete" per LC 14.050(3)(b), it was not possible to detect that error until the office staff began compiling the notice list.

PA 4223-96 cannot proceed until the list is provided. This omission will further delay the expected processing timelines mentioned in my letter dated 1-17-97.

Both the County and your client are obligated to meet the requirements of LC 14. I appreciate your efforts in resolving these unforeseen items.

Sincerely,

A handwritten signature in cursive script that reads "J. Kendall".

Jerry Kendall/Associate Planner (541-682-4057)

c: Gene Benedick  
27962 Ward Ln.  
Eugene, Or. 97402

1-27-97

FILE #	PA
EXHIBIT #	7

HARRY A. TAYLOR  
LAND USE CONSULTANT  
P.O. BOX 1420  
VENETA, OR 97487  
(541) 935-6202  
(541) 935-4918 FAX

COPY  
RECEIVED BY  
LAND MANAGEMENT

JAN 24 1997  
AM 7,9,10,11,12,1,2,3,4,5,6 PM

January 22, 1997

Ms. Nancy Liebowitz  
Division of State Lands  
775 Summer Street NE  
Salem, OR 97310-1337

Re: Benedick Storm Water Drainage Plan, Florence, Oregon

Dear Nancy,

The purpose of this letter is to request a response from DSL regarding a proposed storm water drainage plan to serve a portion of the Idylewood subdivision. Enclosed is a copy of a Special Use Permit recently filed with Lane County regarding Prime Wildlife Overlay Zone requirements, engineered plans, application narrative and a letter of response from Doug Cottam, ODFW Wildlife Biologist.

The Applicant, Gene Benedick is desirous of constructing a drainage system to alleviate occasional seasonal ponding that impacts up to 13 lots and local streets in the subdivision. It is important to note the system is expected to operate at most once or twice a year. The February 1996 floods caused the most damage and inconvenience; however, the November 1996 rainy period did not cause any appreciable flooding. Based on past events there are years the system may never be used.

In summary, storm water would be collected in a 3000 gallon storage tank and pumped about 850 feet to discharge in a seasonal lake on the Applicant's property. The system incorporates a siltation chamber, oil separator, and clay backfill and rip-rap at the discharge point to maintain water quality and prevent erosion, sedimentation.

It is my understanding that Mr. Benedick met on-site with DSL and a number of other agencies to consider alternatives that would correct this situation. Opening channels between the seasonal lakes was not allowed, but the proposed method was apparently given a conceptual approval, subject to preparing a specific plan. We believe the attached information provides that plan.

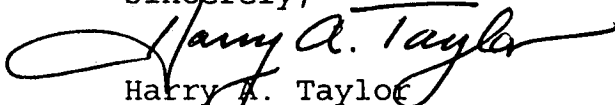
1-24/8

FILE #	PA
EXHIBIT #	12 -288

Page 2  
Liebowitz letter  
January 22, 1997

Jerry Kendall, Lane County Planner, (541-687-4057) has been assigned the prime wildlife review of this application. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Harry A. Taylor". The signature is written in dark ink and is positioned above the printed name and title.

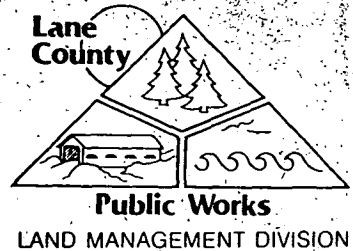
Harry A. Taylor  
Land Use Consultant

Enclosure

cc: Gene Benedick (w/o enc)

✓ Jerry Kendall, Lane County Land Management Division (w/o enc)





January 24, 1997

Mrs. Richard Ishii  
P.O. Box 2383  
Florence, OR 97439

Jack and Barbara Evans  
87810 Sandrift Street  
Florence, OR 97439

Lee and Diane Geiss  
87767 Sandrift Street  
Florence, OR 97439

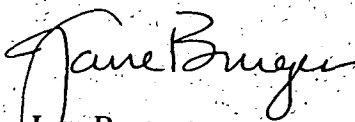
Mr. Claude T. Silva  
87740 Sandrift Street  
Florence, OR 97439

Concerning: PA 4223-96 Stormwater Drainage System for Idlywood Subdivision

The Lane County Land Management Division received this application from Mr. Benedick and Harry Taylor on December 30, 1996. After the internal processing is completed, referrals to affected property owners and other agencies ( i.e. Division of State Lands, Fish and Wildlife, City of Florence Public Works) as required by Lane Code will be sent. That mailing should take place next week. There is a 14-day comment period; and after that time, consideration will be given to any information received and a decision will be made by the Planner, Jerry Kendall.

Mr. Kendall is available by telephone at (800) 826-8978 extension 4057 or at the Florence Annex on Wednesdays, 997-3462 if you would like further information regarding this application.

Sincerely,

  
Jane Burgess  
Land Management Division

cc: Commissioner Dumdi  
Gene Benedick

1-24/7

FILE #	PA
EXHIBIT #	11

PA 4223-96  
file copy

**KENDALL Jerry**

---

From: KLINE Katherine  
To: KENDALL Jerry  
Subject: RE: PA 4223-96/.Benedict  
Date: Thursday, January 23, 1997 10:43AM

There was a problem with the mailing list on benedict. I had to give it back to Sandy. They owned a lot more property than what was listed on the application

-----  
From: CENTRAL Jerry  
To: KLINE Katherine  
Subject: PA 4223-96/.Benedict  
Date: Thursday, January 23, 1997 9:20AM

Please see if you can get the pending referrals out for this one soon.

Its for the flooding in Idlewood in Florence, and folks are pressuring for a quick turn around.

1-27/97

FILE #	PA
EXHIBIT #	10

January 17, 1997

Harry Taylor  
P.O. Box 1420  
Veneta, Or. 97487



Re: PA 4223-96 Stormwater drainage system for Idylewood Subdivision

Dear Mr. Taylor:

This letter is to acknowledge your call requesting a status check on the above cited application. Here is a brief chronology:

- 12-30-96 Application submitted
- 1-7-97 Met with you for project background. Application deemed complete for processing per LC 14.
- 1-7-97 Application sent interoffice for graphics, compilation of notice list.
- 1-17-97 Graphics completed. Sent to Office Aide for referral mailings.

After the referrals are sent out early next week, LC 14 requires a 10 day wait period for responses.

I am aware of the flooding that occurred last February, and of the need for expedited handling of this request. I am also aware of 15 applications which are in my possession that were submitted earlier then the subject application. Normally, the write-up on the subject application would begin about February 17th. I have discussed this matter with the Planning Director. If your client wishes to have this application expedited, the expedited rate stated in Lane Manual will need to be paid. This equates to \$75/hour times # of hours + 15% + \$5. The total expedite fee is, of course dependent on the number of hours the assigned planner (myself) works on the project. I estimate 3-5 hours work required. With the 10 day waiting time for referral responses, I could begin the write-up on the application the week of February 1st. The expedite fee pays for my voluntary overtime spent on this application, so that the other 15 project applicants are not delayed.

1-17/5

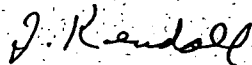
FILE #	PA
EXHIBIT #	2



If your client desires expedited processing time, please submit a fee for three hours, or \$263.75, payable to Lane County. You will be notified if additional hours are compiled. Since your client will want to know a ceiling limit, I will commit to a maximum of 6 hours at the overtime rate, the remainder will be covered under the already paid fee. If the process takes less than 3 hours, a proportionate amount will be refunded.

It is important to stress that the expedite fee simply pays for County planner staff time giving this application priority. I cannot ask referral agencies, such as the Division of State Lands, the City of Florence, etc. to expedite their review timelines. Although I am in receipt of a response from Mr. Cottom of ODF&W, DSL will play an important role in this project. It is timely here to note LC 10.245-70(2). From our meeting last week it is my understanding that no response has been solicited by you or your client from DSL. Such an action would have compressed the processing time.

Sincerely,



Jerry Kendall/Associate Planner

c: Gene Benedict  
27962 Ward Lane  
Eugene, Or. 97402

Jane Burgess/LMD

RECEIVED BY  
LAND MANAGEMENT

TR3

1000 2/10 1/11 JK ✓

WETLAND LAND USE NOTIFICATION FORM

DIVISION OF STATE LANDS WETLANDS PROGRAM

Summer Street NE, Salem, Oregon 97310 (503/378-3805)

MAR 20 1997  
7:23 AM  
1997 County: 23, 4, 5, 6  
City: 189

Responsible Jurisdiction: ☐ City ☒ County

Local Case File No.: PA # 4223-96  
DSL File No.: PWN 97-0063

2. APPLICANT: HARRY TAYLOR  
name  
P.O. BOX 1420  
mailing address  
VENETA OR 97487  
city state zip  
(941) 935 6202  
phone

LANDOWNER: GENE BENEDICT  
name  
mailing address  
city state zip  
(941) 688 6402  
phone

3. LOCATION: 34 - - - - 801  
T. 13S R. 12W S. 10 1/4 40 Tax Lot(s) 400 + 401  
NWI quad map name MERCER LAKE 3 (attach copy with site indicated)  
Attached: ☒ NWI map ☒ Parcel map ☒ Site plan ☐ Other

4. SITE INFORMATION:  
NWI Wetland Classification Code(s) PUBF + PSSC  
Adjacent Waterway (if any) VACATE In Floodplain? Y ☐ N ☐  
Current Land Use VACATE Zoning EA/U

5. PROPOSED ACTIVITY:  
☐ site plan approval ☐ subdivision  
☐ grading permit ☐ planned unit development  
☐ conditional use permit ☐ building permit (new structures)  
☒ other STORM WATER DRAINAGE SYSTEM  
Project Description: \_\_\_\_\_

Completed by/Contact: DCA. NICKELL Date 2/14/97  
Address 127 E. 8TH AVE EUGENE OR 97401 Phone 541 682 3989  
(This form is to be completed only by planning department staff for mapped wetlands)

DSL RESPONSE

cc: Nancy Leibowitz, DSL

- ☒ A removal-fill permit is <sup>likely</sup> required from the Division of State Lands.
- ☐ A removal-fill permit will be required when the development project proceeds.
- ☐ A removal-fill permit may be required.
- ☒ A permit may be required by the Corps of Engineers (326-6995)
- ☒ Information needed includes:
  - ☒ A wetland determination/delineation report. (Consultant list ~~available from DSL~~ <sup>enclosed</sup>)
  - ☒ or site visit by DSL to verify western extent of wetlands on site.
- ☐ State permit ☐ was issued ☐ has been applied for.
- ☐ No removal-fill permit is required for the described project if/because: \_\_\_\_\_

Comments: Proposed drainage system appears to encroach into local wetlands. Inventory mapped wetland (Site ID 9235A, map enclosed). A permit is required for 50 cubic yards or more of fill and/or removal within the wetland area. Site should not be altered prior to an on-site review of potential wetlands within project area.  
Please call me at x246 if you have any questions.

Response completed by: Mary Finkenauer-Watsh Date March 13, 1997

\* If the project is changed to involve fill or removal from the wetlands area, a state removal-fill permit will be required.

Exhibit K58-I

