

LAND MANAGEMENT DIVISION



LAND USE APPLICATION
Preliminary Investigation
Prime Wildlife Combining Zone

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

For Office Use Only. FILE # PA105825

CODE: API

FEE: \$1048.00

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

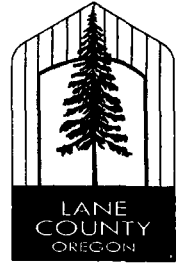
This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.

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/

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

Dear Mr. Beecroft:

The Preliminary Investigation report for the pending Idylewood 4th 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 4th 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

Preliminary Investigation in the Prime Wildlife zone *Staff Report*

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

I. PROPOSAL

Preliminary Investigation for a proposed 4th 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 A¹.

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 3rd 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;*

¹ 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 4th 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 4th 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 4th 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 5th 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:
SHELBY 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. ROADS 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 FLOOD ZONE)
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 1"=10' ROAD AT INTERSECTION OF OCEANA DRIVE AND SANDSPY STREET. ELEVATION 84.37
CONTOUR SOURCE: 2009 OCEANA LIDAR, OREGON NORTH COAST

OWNER/APPLICANT:
HINSDICK HOLDINGS LLC
77022 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

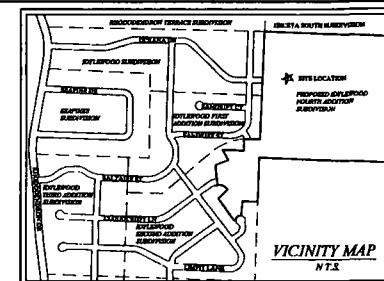
TAX LOT NUMBER:
MAP 18-12-10-34 TAX LOT 801
MAP 18-12-10-40 TAX LOTS 400 & 401

ZONING:
LOTS 400 & 401
RA (RESIDENTIAL)
180 (GRACHES AND DUNES)
U (UTTERMAN URBAN COMMERCE DISTRICT)

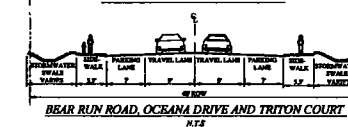
LOT 401:
RA (RESIDENTIAL)
180 (GRACHES AND DUNES)
U (UTTERMAN URBAN COMMERCE DISTRICT)

AREA:
40.00 ± GROSS ACRES

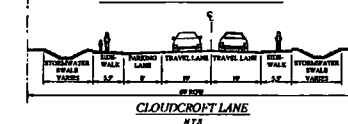
NUMBER OF LOTS:
55



TYPICAL ROAD SECTION



TYPICAL ROAD SECTION



LEGEND

- EXISTING EDGE OF COASTAL LAKE
- 30' COASTAL LAKE SETBACK
- PROPOSED EDGE OF PAVEMENT
- PROPOSED BACK OF SIDEWALK
- PROPOSED RIGHT OF WAY
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- EXISTING CONTROLS
- PROPOSED PRICELINE LINES
- EXISTING ADJACENT TAX LOTS
- 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 WITH 0.4947)
- PROPOSED STORMWATER SWALES

EGR & Associates, Inc.
Engineers, Planners, and Surveyors

20255 Prairie Road
Eugene, Oregon 97402

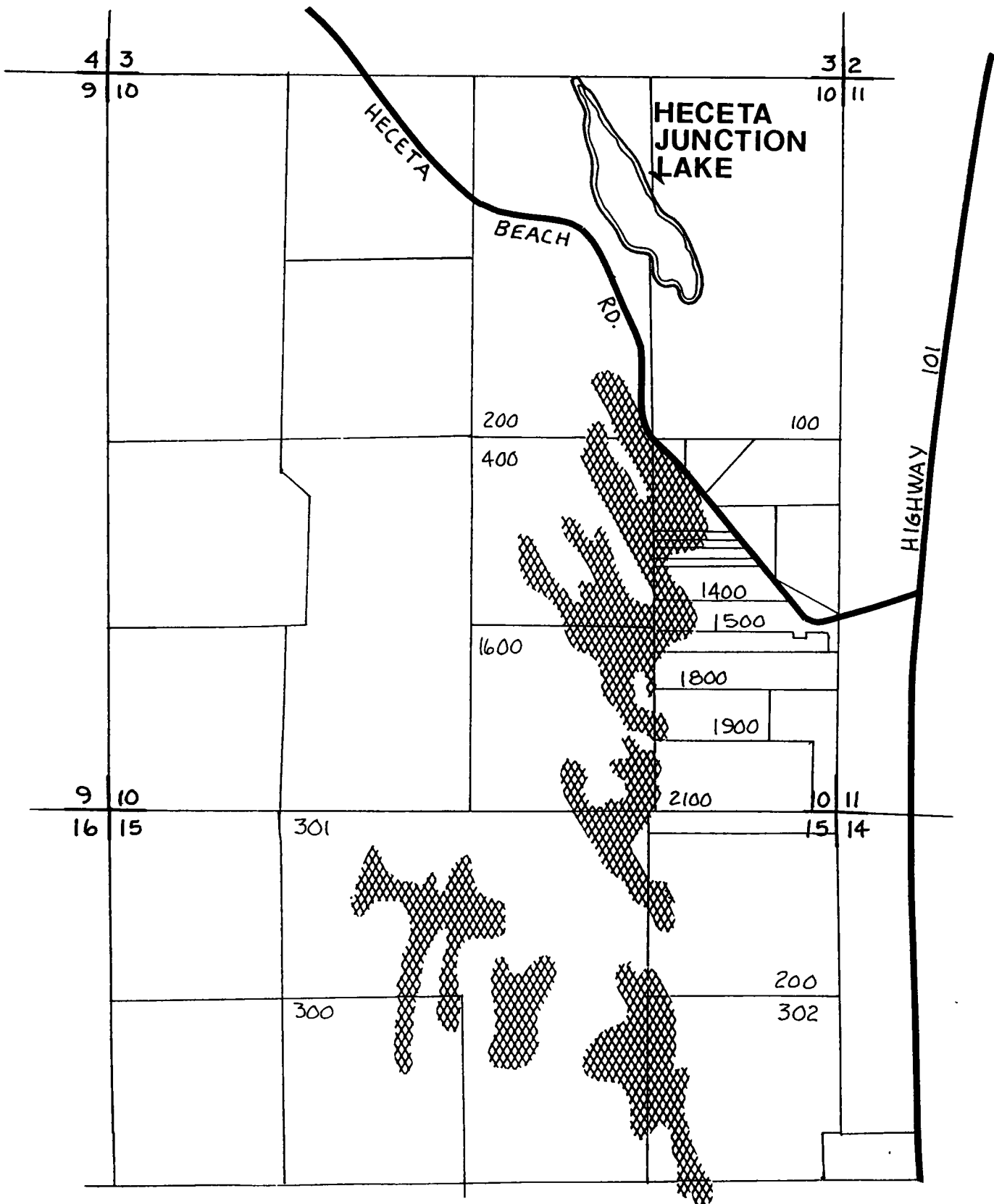
(541) 688-8322
Fax (541) 688-8327

B

17

SOUTH HECETA JUNCTION SEASONAL LAKES

SCALE 1:1,000



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. Smith

WOBBE & ASSOCIATES, INC.
510 KINGWOOD STREET
P.O. BOX 1136
FLORENCE, OR 97439

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

Eugene M. Holt
Subscribed and sworn to before me this 29th day of
April 1993

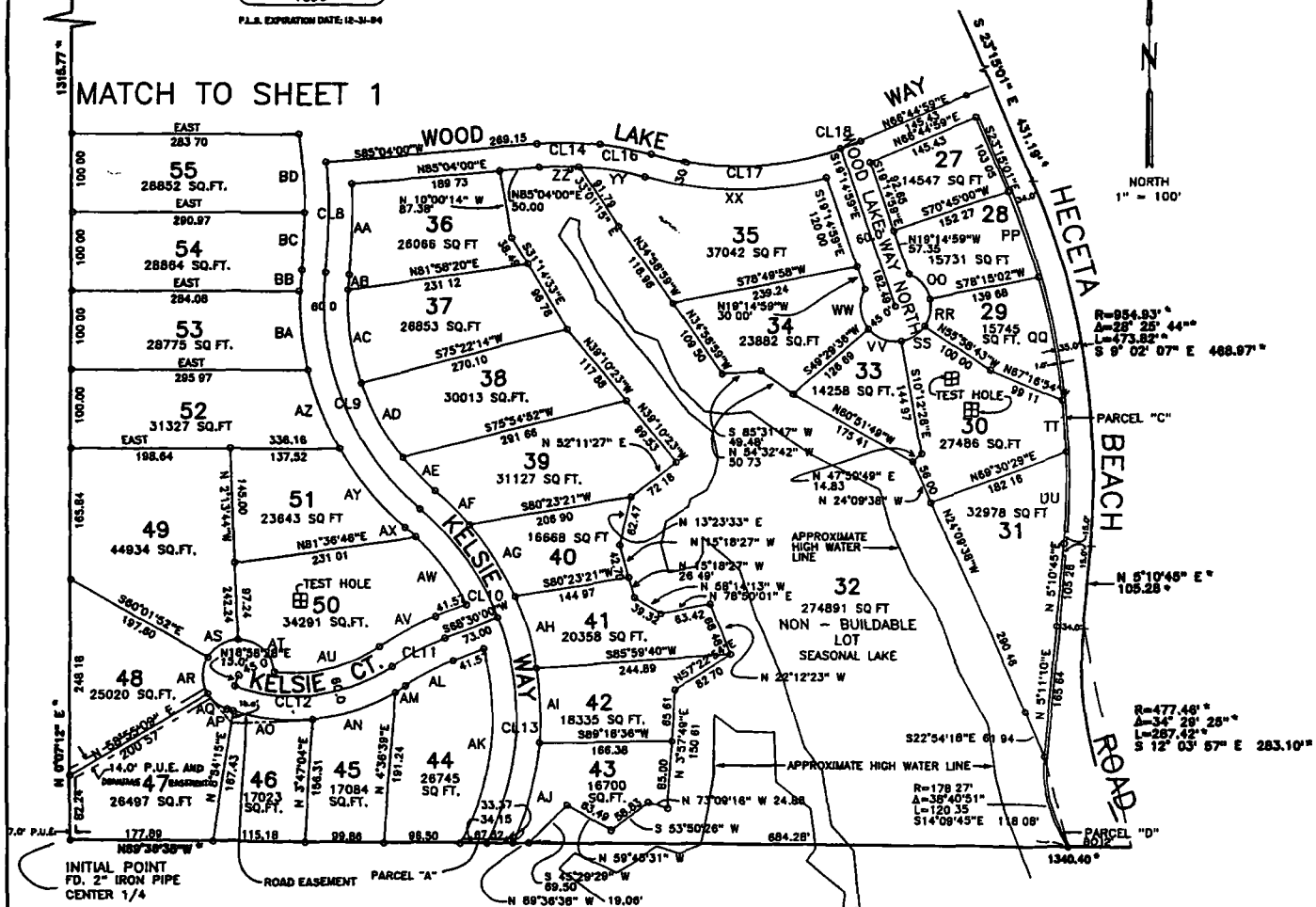
REGISTERED
PROFESSIONAL
LAND SURVEYOR

EUGENE M. WOBBE
OREGON
JULY 26, 1979
EUGENE M WOBBE
1093

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

C N1/16

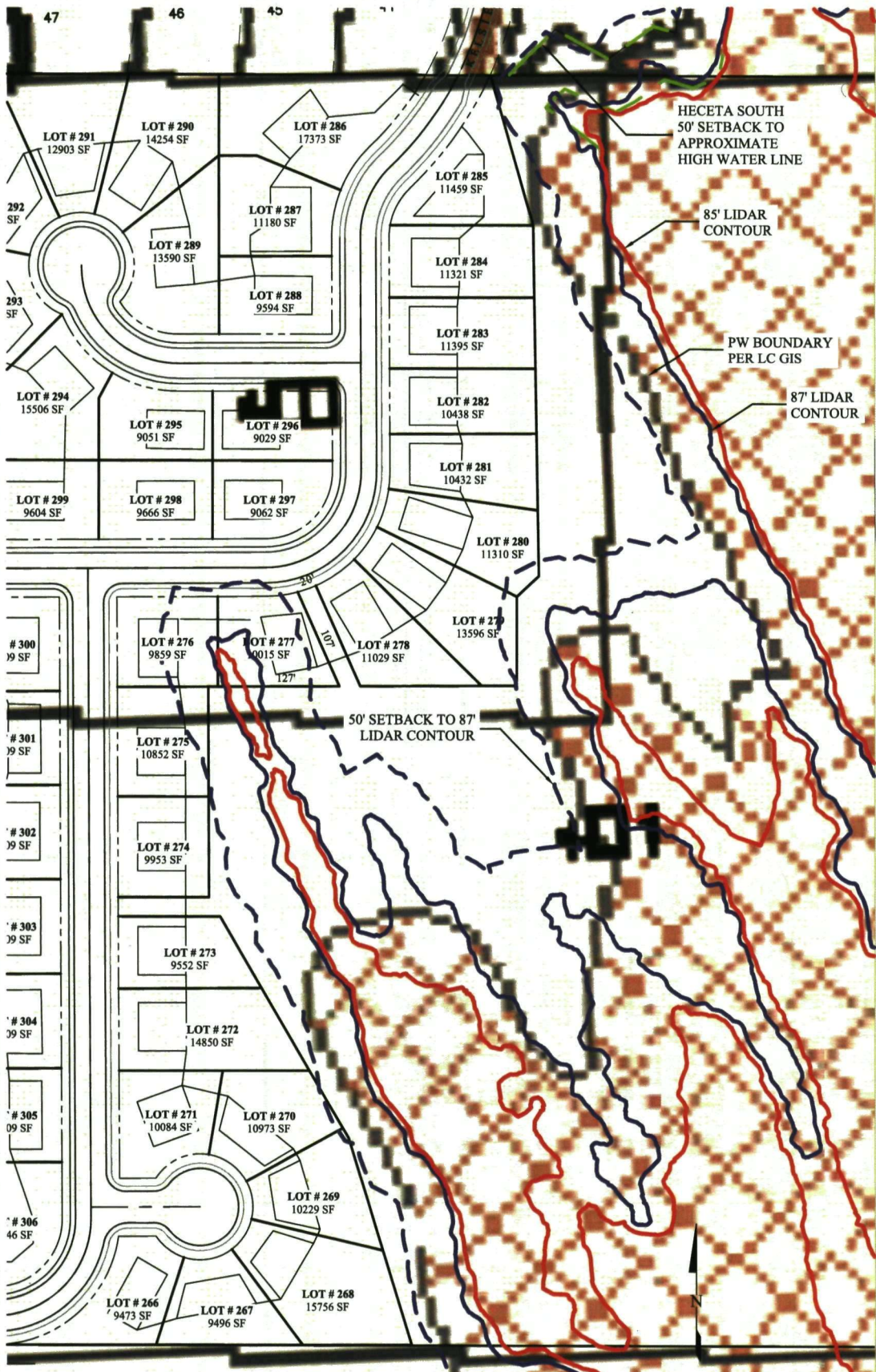
MATCH TO SHEET 1



PT	CHORD	RADIUS	LENGTH	DELTA
OO	S39°35'40"E	42 04	45 00	43 74
PP	S19°39'58"E	115 00	919 93	115 08
QQ	S11°05'37"E	160 00	919 93	160 20
RR	S11°08'10"W	35 00	45 00	35 95
SS	S55°54'24"W	35 00	45 00	35 95
TT	S 4°04'48"E	65 00	919 93	65 01
UU	S 1°33'43"W	116 08	919 93	116 05
VV	N70°21'26"W	44 80	45 00	46 89
WW	N 5°47'00"W	51 27	45 00	54 54
XX	N89°42'10"W	230 49	430 00	233 35
YY	N80°40'24"W	83 99	370 00	84 17
ZZ	S88°56'17"W	49 96	370 00	50 00
AA	S 1°37'20"W	116 07	770 00	116 18
AB	S 4°13'15"W	18 95	315 00	18 95
AC	S 8°29'01"E	120 00	315 00	120 74
AD	S29°20'06"E	108 00	315 00	108 54
AE	S44°34'11"E	58 89	315 00	58 98
AF	S45°15'34"E	81 11	375 00	81 18
AG	S32°16'40"E	108 37	375 00	108 75
AH	S16°44'56"E	94 27	375 00	94 52
AI	S 2°15'04"E	95 00	375 00	95 26
AJ	S15°07'14"W	131 46	375 00	132 24
AK	N 7°10'19"E	248 25	315 00	255 17
AL	S62°20'58"W	68 57	320 00	68 70
AM	S57°53'03"W	15 00	255 00	15 00
AN	S72°03'25"W	110 28	255 00	111 15
AO	N84°08'10"W	100 10	255 00	100 76
AP	N71°55'16"W	7 97	255 00	7 97
AQ	N51°47'41"W	30 89	45 00	31 53
AR	N 0°05'55"W	43 93	45 00	48 20
AS	N58°52'12"E	45 50	45 00	45 40
AT	S49°18'57"E	61 28	45 00	67 41
AV	N76°34'09"E	135 75	195 00	138 66
AW	N82°20'58"E	81 43	380 00	81 59
AX	N36°48'43"W	107 74	315 00	108 27
AY	N48°17'48"W	18 00	315 00	18 00
AZ	N59°59'25"W	129 50	375 00	130 16
BA	N21°47'29"W	107 70	375 00	108 07
BB	N 6°39'39"W	100 68	375 00	100 98
BB	N 7°01'34"E	26 81	375 00	26 81
BC	N 2°58'40"W	73 49	710 00	73 33
BD	N 4°02'14"W	100 25	710 00	100 33
CLB	S 0°30'20"W	140 28	740 00	140 49
CLD	S21°59'40"E	323 28	345 00	336 48
CL10	S35°43'00"E	169 46	345 00	171 21
CL11	S62°20'58"W	75 00	350 00	75 14
CL12	S82°35'11"W	200 00	225 00	207 25
CL13	S 2°58'34"W	285 51	345 00	294 36
CL14	N89°15'12"W	79 18	400 00	79 31
CL16	N78°51'54"W	65 67	400 00	65 74
CL17	N88°17'49"E	241 18	400 00	245 00
CL18	N68°45'00"E	27 92	400 00	27 93

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.

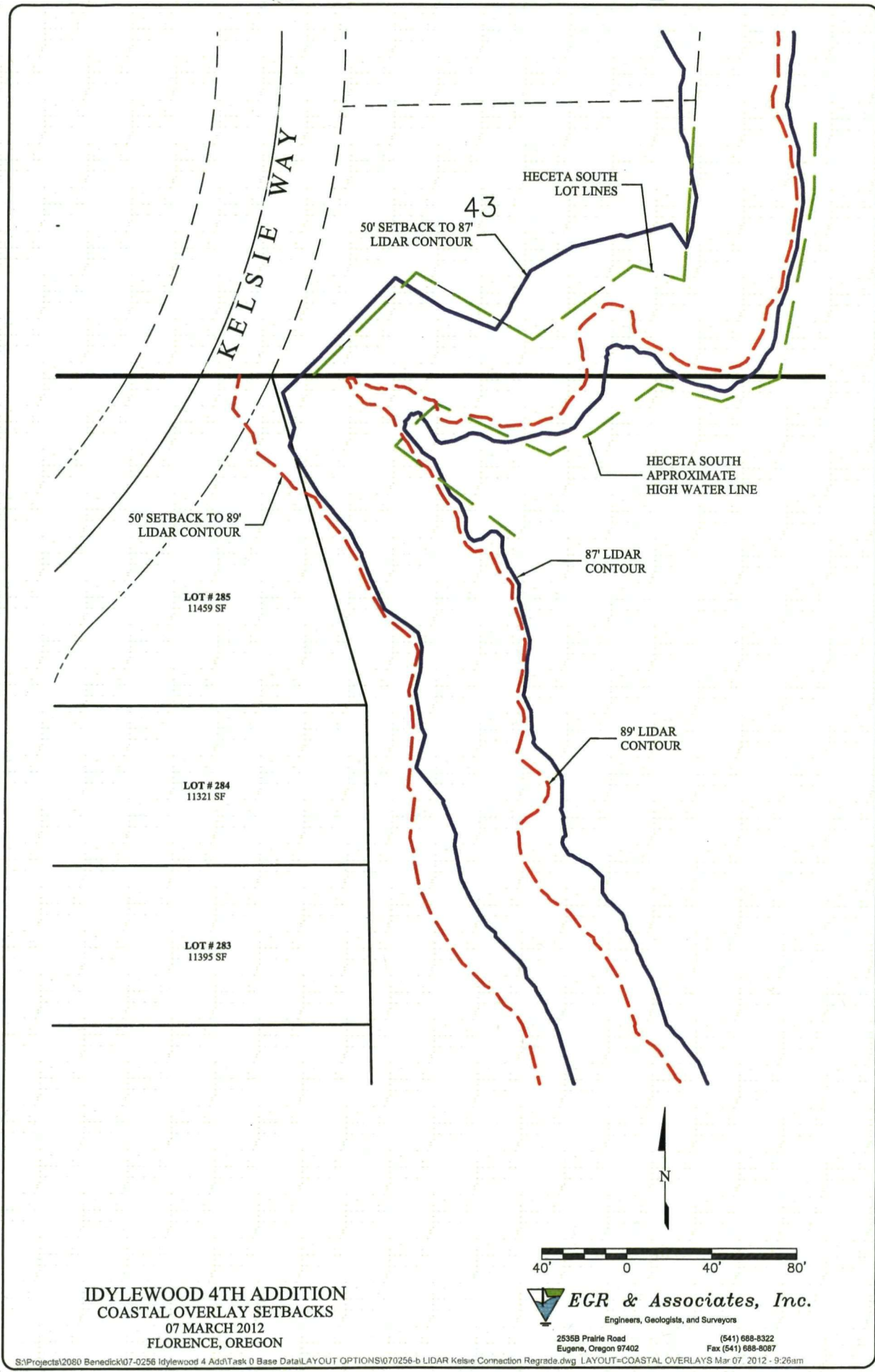
The second wettest March for Salem with 9.98" of rain. The record for wettest March for the state capital is 10.13" a record set in 1894.

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>

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

(H)



LAND MANAGEMENT DIVISION

APPEAL OF A DIRECTOR'S DECISION

PUBLIC WORKS DEPARTMENT 125 E 8th 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.