

From: [Michael Pearson](#)
To: [Wendy Farley-Campbell](#)
Cc: [Nancy Pearson](#); [John Pearson](#); [Brandt Melick](#); [Jed Truett](#)
Subject: Fwd: Photos of Phase II Fairway Estates Current foliage
Date: Wednesday, May 10, 2023 12:56:25 PM

Hi Wendy,

I read your AIS provided earlier today, and I noticed a few items that are incorrect. I'll talk about those below.

The first item is on page 3, 4th paragraph. You stated as follows:

"The property was mostly cleared in 2020, and so none of the open space areas are in their natural condition". It is true we had a contractor mow/grind a major portion of the site in order for Gene Wobbe to create a topographic map. Since 2020, there has been substantial growth in the entire area (see photos from 4/25/23) I took on April 25 from several directions showing each boundary to illustrate its immense growth. As I mentioned some time ago, none of the root systems of the foliage were removed. The photos make it clear the entire 10 acres are very much in their "natural condition," including salal, rhododendrons, and many other species. Thus, all phases in this plat do consist of *native vegetation*.

Open Space along 6th Fairway: The five feet designated in our most recent preliminary plan was mistakenly labeled as "nature trail" and should be labeled as "open space/buffer." Per the City's PUD code relating to Open Space, paragraph E.1. the 5 ft strip along the eastern boundary qualifies as "Common Open Space", (outside the required 25% of Recreation use area) as it contains natural features worthy of preservation and will be left unimproved. It is our intention it will remain in its natural, "Native vegetation" condition. Accordingly, this five ft. area is outside the 25% recreation rule as tract "A" makes up the entire square footage for this requirement.

Please let all parties, including the Planning Commission, know that we do not want this as a Nature trail, never intended it as one, and we apologize for confusing this issue by mistakenly labeling it as a nature path on our previous plat.

All responses to the testimonies sent from the public to the City will be emailed to you and Clare in another email.

I do hope my comments and photos will be helpful.

We have responses to all the letters of testimony except one and are working on that right now. I will have those responses to you before the end of the day. Is that 5:00 pm?

I have also had overhead drone shots taken of the Phases that may be helpful and will email those in a separate email because the files are large.

Best regards,
Michael















Exhibit W

Fairway Estates Overhead Views

Michael Pearson Fairway Estates PUD Phases 2-3-4 Site Photos,
(Site Photos 4/25/2023)
Resolutions PC 21 39 SUB 03 and PC 21 40 PUD 02 & AR 21 21 SIR 14 (Site
Investigation Report)
18-12-15-00 Tax Lot 01500

**North Westerly
View 1**



**North Westerly
View 2**



**Northeasterly
View 1**



**Northeasterly
View 2**



Northly View



**Southerly
View 1**



**Southerly
View 2**



**Westerly
View 1**



**Westerly
View 2**



**Westerly
View 3**



MAY 10 2023

By: 

Response to Public Testimony sent May 2, 2023 via email from
Clare Kurth, City of Florence Assistant Planner
to Pacific Golf Communities, LLC (Michael Pearson, managing member)

Responses from the developer are indicated in **BLUE**.

Sylvia Duran, May 2, 2023

Fencing and Gates:

Location: **Agreed.**

Description of Material: **Agreed.**

Description of gates: **Agreed.**

Gate Design: **Agreed.**

Note/Fencing: **Agreed.**

Note: Permits issued for grading, nature trail vegetation removal will be required approved prior for any work being performed on the entire property. Electricity for vehicular and pedestrian gates will not be available until Phase IV has received final approval, and the infrastructure has been completed (utilities, sewer, water, cable and electricity). As a result, we cannot provide fencing and gates until utilities are accessible. The timing of the nature trail leading from Phase I to Phase II is to be determined, once the permits listed above are complete.

Notes/Gates:

- **Disagree.** The emergency exits for fire have been decided by the Fire Chief and the City Inspector.
- **Disagree.** This cannot be accomplished as we do not own any of the land north of the property, and there is no accessible/built road available. This was addressed in our response to other owners – An electronic gate will be provided by the developer when the City and adjoining property owners provide an access road to the secondary exit. Until this road is provided, in case of an emergency, we suggest the following alternatives: 1) Fairway No. 6 has a golf cart path and road for the agronomy workers for the maintenance of the golf course, which leads to Oak Street; 2) a cart path is accessible from the east end of Tournament Drive, in which vehicles could access the golf cart path at Hole No. 5 which leads to 35th Street; and 3) Royal St. Georges gate and road.

Access Easement mention, 2005 Master Plan:

To the best of my knowledge, an easement has not been recorded for the one to the east along the northern property line. We have no intention of providing an easement to the property owner to the east, as they will be able to acquire access through the future road leading to Rhododendron Drive.

Clarification – Open Space/Nature Trails/Swales

Swales: **Disagreed.** What you are referring to as a swale is actually a nature path. There is no “...natural movement of land and the sand base in the area.” I have walked the property

myself during the past two weeks and have not noticed any sinking/erosion. If you would like to meet me at the site I will be happy to do that. When these lots were prepared for construction, they were compacted to 95-100% compaction.

I would like to take a walk with you on the nature trail so we can both better understand what you are referring to.

Referring the nature trails to swales is incorrect. As noted in our response to Tom Faber's letter, this may better help you understand the difference. "I am convinced if the homeowners in Mariner's village, as well as Mr. Faber, who voiced their concerns over this trail system understood the huge advantage this nature trail serves as a back-up to storm drainage issues, and also how it can alleviate some of the impact from winter storm run-off, they would quickly realize the huge benefit of the nature trail behind their homes. In other words, without this nature trail back-up system availability, and the catch basin provided by us in the Phase I, homes could possibly be compromised. The approval of Phases II, III, IV of Fairway Estates as designed is something you may want to take under serious consideration for the Planning Commission to approve. The nature trails around the project are a great amenity to all three developments – Fairway Estates, Mariner's Village and Sandpines West for their ability to enjoy a beautiful walking trail and gain access to the existing and future parks to the north."

In regards to our advertising nature trails, this is also mentioned in the prior responses. I will include it here. "The Planning Department and the Public Works Department has confirmed the above-mentioned information is correct. This was another consideration when the nature trail concept was planned and adopted by the City staff and our planners for this project. It was with the City's previous Phase 1 approval and the continuance of the system through Phase 2 that confirmed our intentions to advertise nature trails in our marketing materials, and is totally consistent with the mutual goals of the City and our project. We had no reason to doubt this trail system would not continue in Phase II."

Sandow Engineering Traffic Impact Analysis

On April 25, 2023 Sandow Engineering supplied to the City an updated response to the recorded public testimony that answers all questions regarding the traffic impact analysis.

Tract A

We are willing to partner with the HOA to determine what type of design will be mutually beneficial to both of us.

Response to Public Testimony sent May 2, 2023 via email from
Clare Kurth, City of Florence Assistant Planner
to Pacific Golf Communities, LLC (Michael Pearson, managing member)

Overview

As outlined in the City’s PUD (Planned Unit Development) requirements and purpose for a PUD:

- Encourage innovative land utilization through a flexible application of zoning requirements.
- Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of building and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

The developer was required to apply for a PUD by the City rather than a traditional subdivision due to the property being a part of a prior City-approved Master Plan. Accordingly, the property could not be developed as a standard residential subdivision.

Fencing and Gates:

Permits issued for grading, nature trail vegetation removal will be required approved prior for any work being performed on the entire property. Electricity for vehicular and pedestrian gates will not be available until Phase IV has received final approval, and the infrastructure has been completed (utilities, sewer, water, cable and electricity). As a result, we cannot provide fencing and gates until utilities are accessible. The timing of the nature trail leading from Phase I to Phase II is to be determined, once the permits listed above are complete.

We have received several questions, concerns and comments regarding Phase II of Fairway Estates. Responses to each are indicated in **blue**. We recommend reviewing each response.

Nancy Rhodes, April 29, 2023

1. “What is the exact location of the proposed Fire Access path or road. Is this intended strictly for emergency fire access?”

The exact location is on the plat we have submitted to the Planning Department. In regards to “for emergency fire access only,” the path will be accessible for all residents at Fairway Estates in the future, when the City’s road along their property connects to Rhododendron Drive. This gated entry will be located approximately 800 feet east of Mariner’s Village.

2. “Will it be paved?”

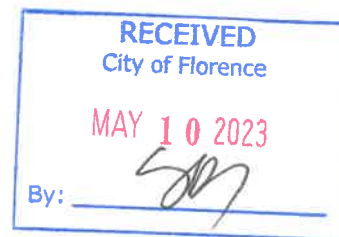
We will meet City requirements for this path/road.

3. Will there be a gate with a lock?

See “Fencing and Gates” reference on page 1.

4. Concerns of vegetation removal

In regards to removal of vegetation or trees on the nature path, an application for the work to be performed will be submitted to the City for approval prior to any work.



Cynthia Lloyd-tuft, April 30, 2023

- **Second gated exit** – An electronic gate will be provided by the developer when the City and adjoining property owners provide an access road to the secondary exit. Until this road is provided, in case of an emergency, we suggest the following alternatives: 1) Fairway No. 6 has a golf cart path and road for the agronomy workers for the maintenance of the golf course, which leads to Oak Street; 2) a cart path is accessible from the east end of Tournament Drive, in which vehicles could access the golf cart path at Hole No. 5; and 3) Royal St. Georges gate and road.
- **Traffic Impact Study** – An update to the report has been completed by Sandow Engineering and was sent to the City on April 25, 2023, which should address your concerns.
- **Temporary construction road** – A road on the northerly boundary of Fairway Estates is not a viable option or a requirement for approval of our application, and it won't be until the City acquires access from an adjoining property owner on Rhododendron Drive.
- **Open space** – We, as developers of Phase II, have been following the guidelines of the City code with regard to open space. We have created open space within the development that may be used by all residents, such as the nature paths along the western and northern boundaries of the property. Additionally, we have relinquished two residential lots (aka Tract A) in order to meet the open space requirement by the City. In regards to the “nature path” that runs along Fairway No. 6, this section was accidentally mislabeled by our engineers. It is now labeled correctly to “open space buffer,” and is comprised of natural vegetation. The 5-foot open space buffer is not intended for a nature path or recreational use. It is an open space containing natural vegetation (worthy of preservation and may be left unimproved), as referenced in Title 10, chapter 23 of the code. This 5-foot strip is not a part of the 25% recreational use required of the 20% open space. Also, we will be paying the City an additional \$80,000-\$100,000 as an In-Lieu Fee to meet the requirement.

Cynthia, you've written “nothing makes sense anymore.” Yes, this has been an arduous path for all concerned. As may be the case of other city planning departments, this may happen from time to time – both with the developer (me), as well as the planning department not receiving critical materials from outside sources in a timely manner for review prior to planning meetings. Accordingly, the meetings are moved to a later date, and certainly not done to delay the progress with both the planning department and the planning commission.

Bill Tuft, April 30, 2023

- **Second exit** – An electronic vehicular gate will be provided by the developer when the City and adjoining property owners provide an access road to the secondary exit. Until this road is provided, in case of an emergency, we suggest the following alternatives: 1) Fairway No. 6 has a golf cart path and road for the agronomy workers for the maintenance of the golf course, which leads to Oak Street; 2) a cart path is accessible from the east end of Tournament Drive, in which vehicles could access the golf cart path at Hole No. 5; and 3) Royal St. Georges gate and road.
- **Pedestrian gate** –A chain link fencing will be placed along the entire northerly boundary of the property, as well as a pedestrian gate with a lock. We are unable to provide an electronic gate as there will be no electricity available until construction of Phase IV.

- **Road damage** – The roads in Phase I were installed according to City requirements, and they are built to the same standards as streets in neighboring subdivisions (Sandpines West, Mariner’s Village, built thirty years ago). Bill, the roads in Phase I were built are only four years old and are in excellent condition. The city roads are enduring the same (or more) construction traffic of which you are referring. As for the maintenance of the road, Fairway Estates at Sandpines Homeowners Association is responsible.
- **Walking path/trail** – An electronic vehicular gate will be provided by the developer when the City and adjoining property owners provide an access road to the secondary exit. Until this road is provided, in case of an emergency, we suggest the following alternatives: 1) Fairway No. 6 has a golf cart path and road for the agronomy workers for the maintenance of the golf course, which leads to Oak Street; 2) a cart path is accessible from the east end of Tournament Drive, in which vehicles could access the golf cart path at Hole No. 5; and 3) Royal St. Georges gate and road.

Renee LoPilato, May 1, 2023

1) "...various city codes have been either disregarded or argued about as not applicable."

Let me know the City codes you say I have totally disregarded. It seems you may have gotten the wrong impression about me “arguing” about them. I would appreciate your letting me know which codes so I may clearly understand what you are trying to convey.

"...Deadlines have consistently not been met, with the developer submitting responses to the city on the day of the meetings..."

Maybe you haven’t been involved much with planning departments and/or developers, so this may be why you think deadlines have not been met. Many delays occur with both developers and planning departments not acquiring critical materials from outside sources in a timely manner for review prior to meetings. Hence, the reason for extending deadlines of planning commission meetings.

2) "...insert clear conditions with deadlines that if not met, halt the progress of development. Also, site visits by city staff would be appropriate..."

If I am understanding your words correctly, you are asking the Planning Commission to insert “clear conditions with deadlines.” The Planning Commission is a very committed and engaged group of individuals, and I am confident they will do their part to achieve their goals.

3) "Please consider denying the current application...requiring the developer to resubmit new plans that include the necessary roads, access and exits, open space, connecting trails, Infrastructure and ask that these be built before Phase 4 begins..."

You have an opinion as to why you think the Planning Commission should consider denying our application. Thus far, the Planning Department and the Planning Commission have worked very diligently to review many, many documents, reports, letters and memorandums from us and their subcontractors. To be sure, all City requirements will be met by Pacific Golf Communities, LLC in order to expedite the Preliminary Plat being approved.

Thomas Faber, May 2, 2023

Open Space

Page one, third paragraph "...Based on the latest information available to me, the condition for open space has not been met..."

The above statement is incorrect. We have taken a great deal of time with our planners and the Planning Department to satisfy the open space requirement. Any open space that can be created on site reduces the cost of the In-Lieu Fee. Additionally, it should come as no surprise that when the City quoted a fee of \$171,000 for that open space (based upon over \$5 per square foot), we were taken aback. This is especially true since the initial conversation with the Planning Department mentioned this fee would probably be in the \$25,000-\$30,000 range. There has been much discussion about starting over and redesigning the entire PUD. And this, in my opinion, makes no sense, as that would delay the approval process even further.

Nature trails along the northern and westerly boundaries

It is important for the 20% Open Space requirement be met, and we are doing so according to the calculation and City code.

Page two, first paragraph

We considered this idea for our planners to consider a redesign in order to include an "insignificant" wetland area in the northeast portion of the property (less than 1-1/2 inches after the recent storms), in an area of about 100 square feet. After a thorough analysis in plan design, it was determined by our planners the re-design would not satisfy an effective overall design to meet the 20% criteria. See more on this below. Hence, we are keeping the current configuration.

Page two, second paragraph

The concept of a nature trail along the western and northern boundary of the development was presented to the City Planning Department and Planning Commission over eight years ago. It was welcomed and encouraged by the planning Director, staff and the Commission to be an excellent way to utilize this "buffer area" between Fairway Estates and Mariner's Village, northerly between the City's 40 acres, and the second phases of our project as a natural pathway (trail) to Three Mile Prairie Wilderness Park. We have not revised our goal to make the connection to the park. We thought it an excellent idea, and now it will be an extraordinary opportunity and great amenity for the residents of this community to have such an access to the beautiful park. Furthermore, these paths Mr. Faber characterizes as a "Cattle Chute," not only serve as a place for residents to walk and enjoy nature, it also will be utilized when necessary for storm runoff, as could have been beneficial during the storms of 2017 when rainfall reached 87.67". In the past 24 years there has only been one year when there was more rainfall than 2017, which was 2012 according the City of Florence records. It is important to be prepared for storms such as these, and the nature trail was and is intended to be there for us when it does.

The Planning Department and the Public Works Department has confirmed the above-mentioned information is correct. This was another consideration when the nature trail concept was planned and adopted by the City staff and our planners for this project. It was with the City's previous Phase 1 approval and the continuance of the system through Phase 2 that confirmed our intentions to advertise nature trails in our marketing materials, and is totally consistent with the mutual goals of the City and our project. We had no reason to doubt this trail system would not continue in Phase II. Although a few residents are opposed to a trail and an additional buffer between Fairway Estates and Mariner's Village because they suggest it may pose some privacy issues, here are two responses:

1. The natural vegetation on Mariners Village's 10-foot buffer behind their homes is extensive, and in most places makes it difficult to even know there are homes beyond this buffer zone. A nice walk through the area will confirm this. It is our plan to submit a Vegetation Removal Permit for our property upon approval of the current application, which will greatly improve the walking path for all to enjoy. I am happy to take residents, City staff and Commissioners for a walk though this area (and Phase I nature trail) in order to get a better feel for this area and the multiple benefits this trail provides to both of our developments.

2. I am convinced if the homeowners in Mariner's village, as well as Mr. Faber, who voiced their concerns over this trail system understood the huge advantage this nature trail serves as a back-up to storm drainage issues, and also how it can alleviate some of the impact from winter storm run-off, they would quickly realize the huge benefit of the nature trail behind their homes. In other words, without this nature trail back-up system availability, and the catch basin provided by us in the Phase I, homes could possibly be compromised. The approval of Phases II, III, IV of Fairway Estates as designed is something you may want to take under serious consideration for the Planning Commission to approve. The nature trails around the project are a great amenity to all three developments – Fairway Estates, Mariner's Village and Sandpines West for their ability to enjoy a beautiful walking trail and gain access to the existing and future parks to the north.

Page two, third paragraph

This was covered previously, and I will respond again. This wetland is approximately 8,700 square feet, and has been determined by the Corp. of Engineers that it is NOT "Waters of the US," and have further determined this wetland area "is an isolated water." Despite substantial rainfall over the past two years, (123 inches) this "beautiful area," as described by Mr. Faber, contains approximately 1-1/2" of water covering an area within the designated wetland of about 200 square feet. There are many beautiful wetlands in and around Florence, and this is not in the same category. Perhaps Mr. Faber might walk the City's path, just north of our property's boundary, to the six seasonal lakes a half mile from our property, and he will see hundreds of acres of beautiful wetlands. This subject wetland in my opinion and others as well, has been mislabeled. A short walk through this low area would leave you wondering of how little significance this low depressed area is, and why it would be considered a wetland at all. Besides, removing this small, isolated wetland allows the project to meet the City and State Code and requirements for fire and safety, proper street connectivity, secondary access in the future to the north, as well as utility connectivity,

including water, sewer, storm and electric. We and our planners did consider revising the design and designed a preliminary plan to incorporate this area into the project. It just didn't make logical, efficient or design sense.

We have contacted a local wetlands mitigation bank and will contribute monies to this bank, which will utilize those funds to enhance other existing wetlands in the Florence area. This is a standard and accepted way to resolve these small wetland areas and ensure needed housing continues to be built.

Page two, fourth paragraph

This suggestion does not require a response.

Pacific Golf Communities, LLC

P O Box 3094
Florence, OR 97439

Exhibit W

May 2, 2023

Sylvia Duran
President
Fairway Estates at Sandpines HOA
4000 Rhododendron Dr.
Florence, OR 97439

Regarding: **Pedestrian & Vehicular Ingress/Egress Fencing**

Dear Sylvia,

In accordance with your recent request and our phone discussion last week, I am providing information for the questions asked about the installation of gates at the northerly boundary of Fairway Estates.

We agree to install chain-link fencing at the northerly boundary with an electronic pedestrian gate, as well as an electronic vehicular gate in the future when the northern road is constructed. The fencing and pedestrian gate will be installed prior to the commence of Phase II construction. The electronic vehicular gate will be provided by us prior to the commence of Phase IV construction, provided it meets with City Planning approval.

Please let me know if you need any other information.

Best regards,



Michael Pearson
Managing Member
Pacific Golf Communities, LLC