



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

ODOT District 5

644 'A' Street

Springfield, OR 97477

(541) 744-8080

Fax: (541) 726-2509

April.C.JONES@odot.state.or.us

File Code: PMT 4-38

April 16, 2013

Teresa Bishow
Arlie & Company
2911 Tennyson Avenue
Eugene, OR 97401

Subject: Time Extension Agreement for Generating Revised Plans
Highway Number 009, (Oregon Coast),
at Mile Point 187.94
Application Number 7905

Oregon Administrative Rule 734-051-0070(16) states:

Division 51 timelines may be extended if the applicant and the Department agree in writing before the applicable deadline, as specified in these rules. Any agreement to extend a timeline shall include a new deadline date and shall state the reason for the extension. Applications for which an extension of time has been issued will expire on the deadline date specified in the extension letter if no new extension has been agreed to and the activities for which the deadline was extended have not been completed.¹

I, Teresa Bishow, and ODOT agree to extend the timeline. The current deadline date, April 30, 2013, will be extended until August 28, 2013.

The reason for the extension is funding difficulties.

ODOT will complete its review by no later than 5:00 PM on the new date of August 28, 2013.

Applicant

ODOT Representative

Teresa Bishow

April Jones, Permit Specialist

Print Name

Print Name



Signature

Signature of Authorized ODOT Representative

¹ If you would like a complete copy of the Chapter 734 Division 51 Rules, you may obtain them by either visiting our website at: <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/> or by contacting ODOT's Rules Coordinator at (503) 986-3171.

Please return this agreement within 14 days from the date of this letter to:

April Jones, Permit Specialist
ODOT District 5
644 'A' Street
Springfield, OR 97477

A copy of this agreement with authorized ODOT signature will be returned to you.

AFFIDAVIT OF SERVICES

I, Eugene M. Wobbe, a register professional land surveyor in the State of Oregon, have been hired to prepare the tentative subdivision plan for "Cannery Station PUD".


Eugene M. Wobbe


Date

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 08 09 PUD 01

A REQUEST FOR APPROVAL OF A PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT FOR A 17-ACRE MIXED USE DEVELOPMENT LOCATED AT 87344 MUNSEL LAKE ROAD AT THE SOUTH EAST CORNER OF HIGHWAY 101 AND MUNSEL LAKE ROAD, MAP #18-12-14-20, TAX LOT 700 (CANNERY HILL).

WHEREAS, application for Preliminary Planned Unit Development (PUD) was made by Cannery Hill, LLC, who was represented by Arlie & Company, as required by FCC 10-1-1-4 and FCC 10-23; and

WHEREAS, the Planning Commission/Design Review Board met in a duly advertised public hearing on August 26, 2008 to consider the application, evidence in the record and testimony received as per FCC 10-1-1-5; and

WHEREAS, the Planning Commission/Design Review Board continued the public hearing to September 9, 2008, closed the record to oral testimony and left the written record open;

WHEREAS, the Planning Commission/Design Review Board received a request from the applicant on September 23, 2008 to extend the 120-day decision-making deadline by 60 days;

WHEREAS, in response to the applicant's request, the Planning Commission/Design Review Board left the written record open to October 14, 2008 on September 23, 2008;

WHEREAS, the Planning Commission/Design Review Board deliberated on the matter October 28, 2008 and November 5, 2008;

WHEREAS, the Planning Commission/Design Review Board accepted comments from Lane County Transportation Planning Division on November 5, 2008 and rebuttal comments from the applicant on November 12, 2008;

WHEREAS, the Planning Commission/Design Review Board made a final decision on November 12, 2008;

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-23, after review of the application, testimony and evidence in the record, that the application meets the applicable criteria, or can meet the criteria through compliance with certain Conditions of Approval;

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in

record that the requested Preliminary PUD is approved with modifications and conditions described as follows:

APPROVAL INCLUDES:

1. Development within the Cannery Hill PUD shall not exceed the following maximum land use intensities (see Exhibit 45, Sheet A1.0 Site Plan):

Cannery Hill PUD Maximum Land Use Intensity

<u>Development Type</u>	<u>Maximum Intensity</u>
Commercial*	75,900 square feet
Senior Housing	82 units
Mid-Rise Apartments	90 units
Duets & Townhouses	20 units

* Includes all non-residential uses, such as restaurant, medical office, general office, retail, bank, senior center, and hotel.

Open Space: The Preliminary PUD includes 20 percent of the net developable area as open space with Tracts A through D meeting 18.4 percent of the open space and the remaining 1.6 percent of open space designated within blocks at the time of Final PUD (see Exhibit 45, Sheet A1.1). In the event that a pedestrian connection is requested by the Florentine Estates Homeowners Association, it will not subtract from the 20% of open space.

2. All streets include sidewalk and planting areas as shown on Exhibit 45, Sheets C6.0, C6.1, C6.2 and LA-2.
3. One transit stop is provided. However due to route scheduling, until a traffic light is installed, the Rhody Express is unable to service this location.

MODIFICATIONS:

The Preliminary PUD is approved with the following modifications described below and illustrated in Exhibit 45, Sheet A1.2 Code Standards and Modifications:

1. The minimum setback requirement from highways and other arterials as specified in FCC 10-30-5-A is modified to allow portions of the parking area on lots 6 and 7 to be within the landscape setback along Highway 101 as illustrated on Exhibit 45, Sheet A1.2, provided the width of the Highway 101 planting and sidewalk area is at least thirty feet (30'). The width of the planting and sidewalk area shall be measured from the eastern edge of the pavement (eastern edge of bicycle lane) on Highway 101 as shown on Exhibit 45, Sheet LA-5.
2. The minimum setback requirement from side streets as specified in FCC 10-30-5-B is modified to allow:
 - a. Portions of the building façades to be a minimum of 1 foot from the property line/Redwood Street right-of-way, as illustrated on Exhibit 45, Sheet A1.2, with

- the condition that within the planting and sidewalk area along Redwood Street, an 8-foot sidewalk is provided (the 8-foot sidewalk clear walkway is illustrated on diagram 2 and 3 on Sheet A1.2 of Exhibit 45);
- b. Portions of the building facades to be a minimum of 8 feet from the property line along the Spruce Street and 47th Street right-of-way, as illustrated on Exhibit 45, Sheet A1.2, with the condition that within the 10.5-foot planting and sidewalk area along Spruce Street and 47th Street, a 6-foot sidewalk is provided (the 10.5-foot planting and sidewalk area is illustrated on Exhibit 45, Sheets C6.0, C6.1 and C6.2); and
 - c. Residential porches to be a minimum of 4 feet from the property line/Spruce Street right-of-way as illustrated on Exhibit 45, Sheet A1.2.
3. The minimum lot size and dimensions as specified in FCC 10-30-5-G & -H are modified to allow:
- a. Lot dimensions to be a minimum of 30-feet wide and 55 feet deep for residential lots 13 thru 32; and
 - b. Lot areas to be a minimum of:
 - i. 14,500 square feet for commercial lots 7 – 10; and
 - ii. 2,500 square feet for residential lots 13 – 32 (residential lots 29 – 32 on Exhibit 45, Sheet A1.2 shall be changed to meet the 2,500 square foot minimum lot size).
4. The subdivision platting and mapping standards for street width as specified in FCC 11-5-1-B is modified (as illustrated in Exhibit 45, Sheets C6.0, C6.1 and C6.2) to allow:
- a. Portions of Redwood Street to be less than the minimum standard of 60 feet of right-of-way and 36 feet of pavement, by allowing portions of Redwood Street to be minimum of 57 feet of right-of-way and 32 feet of pavement; and
 - b. Spruce Street to be less than the minimum standard of 34 feet of pavement, by allowing a minimum of 28 feet of pavement.

CONDITIONS:

The application, as presented, meets or can meet the applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval shall be shown on:

- Exhibit 1: Findings of Fact
- Exhibit 3: Land Use Application -- Exhibit D *Draft CC&Rs*, Dated March 26, 2008 (to be amended to meet Condition 13)
- Exhibit 3: Land Use Application -- Exhibit H *Traffic Impact Analysis (TIA)*, Dated Aug. 8, 2008
- Exhibit 30: Revised TIA Figure 1C, *RIRO Access from Hwy. 101*; and Figure 1D, *North Entry (Redwood Street) from Munsel Lake Road* of Applicant Response Letter from JRH
- Exhibit 44: Applicant Response -- Letter from JRH Regarding: *Cannery Hill Off-site Improvements*, Dated Oct. 14, 2008
- Exhibit 45: Land Use Application Drawings, Revised and Submitted Oct. 14, 2008 (with amendments to residential lots 29 – 32 from 1,900 s.f. to 2,500 s.f., and to the location of the wall on the eastern property line from the south end of the property to a point parallel to the north end of Lot 451 in Florentine Estates)

Findings of Fact attached as Exhibit "1" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior regulated by Building Codes or those needed to comply with conditions of approval, will require approval by the Community Development Director or Planning Commission/Design Review Board. All required site improvements shall be made prior to final inspection and occupancy unless the City agrees to a performance agreement and financial security.

2. Regardless of the content of material presented for this Planning Commission decision, including application text and exhibits, staff reports, testimony and/or discussions; the Applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on the date the application was submitted (March 28, 2008), EXCEPT where modification or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and the associated Conditions of Approval. In the event that modifications to the approved plans or change of use are approved by the Community Development Director or Planning Commission/Design Review Board, the codes in place at the time the application for a modification is submitted will apply.

3. Off-site roadway improvements shall include the following, as illustrated in Exhibit 30: Revised TIA Figure 1C, *RIRO Access from Hwy. 101*, and Figure 1D, *North Entry (Redwood Street) from Munsel Lake Road*, Exhibit 45 Sheet C6.0 *Street Plan*, and Exhibit 49 *Munsel Lake Road Improvements* (lane widths shall meet County requirements).

- a. A new public all-way access street connection to Munsel Lake Road (Redwood Street) approximately 400 feet east of Highway 101 and 290 feet west of Spruce Street.

- b. Dedication of right-of-way and roadway widening of Munsel Lake Road in order to provide a three-lane section between Highway 101 and the eastern property line of the subject property to accommodate separate westbound left turn lanes on Munsel Lake Road at Redwood Street and at Highway 101. Road-widening will also include a bicycle lane, landscape planting strip and sidewalk on the south side of Munsel Lake Road. Dedication and roadway width on Munsel Lake Road shall meet county TSP and Lane Code Chapter 15 requirements and provide for a minimum right-of-way width of 70 feet, and a building setback a minimum of 30 feet from the right-of-way.
 - c. A new public right-in-right-out street connection to Highway 101 (47th Street) approximately 992 feet south of Munsel Lake Road. Note: This condition does not limit the developer from seeking ODOT approval for a street connection that provides greater access.
 - d. Roadway widening to Highway 101 in order to provide a second northbound through-lane from the southern end of the property to the Munsel Lake Road intersection; the second northbound through-lane will act as a de-facto right turn lane at 47th and at Munsel Lake Road because there is currently only one north-bound lane on Highway 101 north and south of the project site. A striping and traffic control plan for interim conditions will be necessary until widening occurs north and south of the project site with ODOT coordination.
 - e. Urban style improvements with bike lanes, sidewalk, planter strips, curbs and gutters that extends the entire length of the property frontage on Highway 101 and on Munsel Lake Road.
4. Maintenance of the Highway 101 right-of-way must be coordinated between the applicant and ODOT as the City will not be responsible for maintaining the Highway 101 right-of-way.
5. Final PUD is authorized to be processed in phases along with each subdivision application (per FCC 10-23-10 last paragraph), with the following conditions:
- a. Within twelve (12) months following this approval of the Preliminary PUD, the applicant shall file with the Planning Commission a Final PUD and Design Review application for Phase 1. Within three (3) years following the approval of the Final PUD for Phase 1, the applicant shall file with the Planning Commission a Final PUD and Design Review application for Phase 2. Subsequent phases shall continue to be submitted within eighteen (18) months of the prior approved phase. The Final PUD and Design Review application for the last remaining phase shall be submitted within ten (10) years following this approval of the Preliminary PUD.
 - b. Phasing is not bound by the sequence or time-frame anticipated for each phase, as presented in Exhibit 45, Sheet A1.3 of the Preliminary PUD application, with the condition that the Final PUD and Design Review application for the last remaining phase shall be submitted within ten (10) years following the approval of the Preliminary PUD.
 - c. At each phase of the Final PUD, the applicant shall demonstrate substantial compliance with the approved Preliminary PUD and all applicable conditions.

- d. At each phase of the Final PUD, the applicant shall demonstrate that all public services can be provided.
- e. At each phase of the Final PUD, the applicant shall provide monitoring information and traffic data in order to assess needed mitigation of traffic impacts for that development phase, and propose appropriate mitigation for that development phase.
- f. At each phase of the Final PUD, the applicant shall provide a supplemental analysis assuring operational safety and adequate geometric design of intersections shall be provided for on-site circulation and delivery truck as well as any proposed transit vehicle access.
- g. At each phase of the Final PUD, the applicant shall provide a calculation of the square footage proposed for each of the land uses within the current phase, as well as the cumulative calculation of the square footage that has been achieved in any previously approved and/or developed phases. Any increases to the maximum land use intensities described above require approval from the Planning Commission and the applicant to submit new traffic calculations showing, as a result of the proposed changes that projected p.m. peak hour trips from the combination of the proposed uses will be less than or equal to 589 trips, based on the Institute of Transportation Engineer's Trip Generation Manual.
- h. At each phase of the Final PUD, the applicant shall demonstrate that a minimum of 20 percent of the net developable area within the current phase combined with any previously approved phases will be dedicated as common open space to be owned in accordance with FCC 10-23-5-G and maintained in accordance with FCC 10-23-6.
- i. Before installation of public improvements for the "South 47th" or the "Spruce" Phase of the PUD (as illustrated in Exhibit 45, Sheet A1.3) has begun, the wall between Florentine Estates and the project site shall be constructed.

6. The pavement on Redwood Street shall be designed to handle the size and weight of any proposed transit vehicle expected to be used with consideration to the annual number of trips to be made by the service.

7. A minimum of one covered parking space per single-family home on lots 13 through 32 (per FCC 10-23-5-E) is allowed with the condition that: 1) the driveway is a minimum of 19 feet in depth to allow a second car to park on-site, and 2) the required covered parking space shall not be converted into a living space.

8. If the cottage-style units on the assisted living campus (lot 2) include a garage or carport, the following driveway standards, measured from the property line shall apply:

- Garage: 19-foot minimum driveway length; and
- Carport: 3-foot maximum or 19-foot minimum driveway length, and where carports are located 3 feet from the property line, the carport shall not have walls or doors forward of the building setback line. (A carport is an open-sided automobile shelter.)

9. **Prior to application for Phase I Final PUD**, the applicant will present to the Community Development Department a signed "Acceptance Agreement" of all conditions of approval.

10. **Prior to application for Phase I Final PUD**, the applicant shall have applied for all necessary removal-fill permits and/or drainage into wetlands from the Department of State Lands and from the US Army Corps of Engineers.

11. **Prior to Phase I Final PUD approval**, the applicant shall change the project name from Cannery Hill to Munsel Crossing or another more appropriate project name in order to avoid duplication of place names within the City.

12. **Prior to Phase I Final PUD approval**, the applicant shall submit plans for the entire 17-acre site to the City and receive approval from Public Works and Community Development for the following:

- a. An alternate solution to having a sewer pump station at the north end of project and examine the feasibility of providing gravity sewer service to the entire project site;
- b. Grading and Erosion Control Plan;
- c. Vegetation Clearing and Re-vegetation Plan;
- d. Stormwater Management Plan;
- e. Utility Plan for Sewer within the public way, which includes field verification of the sanitary sewer rim and invert elevations on Highway 101; and
- f. Utility Plan for Water within the public way, which includes an extension of an 8-inch water line southerly along Hwy 101 frontage and terminate at the south property line with standard 2-inch blow-off assembly (if feasible, given site constraints, a fire hydrant is preferred).

These plans shall include a development schedule to address the phasing of the project.

13. **Prior to Phase I Final PUD approval**, the CC&Rs will need to be revised to include the following amendments:

- a. Buildings as defined by FCC 10-1-4 are prohibited within the 35-foot setback from the eastern property boundary next to Florentine Estates;
- b. The required covered parking shall not be converting to living space; and
- c. Dedication and maintenance of open space shall be in accordance with FCC 10-23-5-G and FCC 10-23-6.

14. **As part of Final PUD and Preliminary Subdivision Plan application for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall obtain an access permit to Munsel Lake Road from Lane County and provide for additional right-of-way on Munsel Lake Road to meet a minimum of 70-foot wide right-of-way, and building setback a minimum of 30 feet from the right-of-way line, consistent with Lane Code Chapter 15 as shown on Exhibit 49.

15. **As part of the Final Subdivision Plat application for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall dedicate the necessary right-of-way to meet the minimum 70-foot wide right of way for Munsel Lake Road.
16. **Prior to Final Subdivision Plat Approval for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall have secured a facility permit for the Munsel Lake Road improvements, and the related construction drawings shall be approved by Lane County.
17. **Prior to Phase I Final Subdivision Plat Approval**, applicant shall have secured all approach permits deemed necessary by the Oregon Department of Transportation (ODOT).
18. **Prior to issuance of a Certificate of Occupancy for each development phase**, applicant shall have mitigated associated traffic impacts as determined and approved by ODOT. The design and construction of the proposed improvements to mitigate the traffic impacts must be approved by ODOT and be consistent with the requirements of the approved permits.
19. **Prior to Final Subdivision Plat Approval for any phase abutting 47th Street (unless ODOT determines it is needed sooner)**, applicant shall construct a new public street connection to Highway 101 (47th Street) approximately 992 feet south of Munsel Lake Road.
20. **Prior to issuance of a Certificate of Occupancy for any phase abutting or requiring access to Munsel Lake Road**, all Munsel Lake Road improvements, including pedestrian and landscaping improvements, shall be completed. Applicant shall provide a statement of completion of off-site improvements from Lane County to the City to show that this requirement has been met.
21. **As part of the Final PUD application for the applicable phase**, the south ends of Spruce and Redwood Streets shall be designed to address vehicular turn-around provisions such as a cul-de-sac or other acceptable standard dead-end treatment.
22. **As part of the Final PUD application for the applicable phase**, a pedestrian refuge shall be incorporated into the design of the median at the intersection of the 47th Street and Highway 101.
23. **Prior to Final Subdivision Plat approval of those areas affected by a wetland**, the applicant shall 1) have acquired all required permits, such as removal-fill permit and/or drainage into wetlands from the Department of State Lands (DSL), and from US Army Corps of Engineers (USACOE), and 2) record a deed restriction to prevent current and future impacts to wetland areas with Lane County Deeds and Records and provide a copy to the City.
24. **Prior to Final PUD approval of each phase**, the applicant shall meet the

following requirements of the Florence Public Works Department:

- a. Streets shall meet requirements of Public Works in order to be dedicated to the City and for any street proposed to be private, the developer is to provide a means through an owners association, to ensure maintenance of the street and other private infrastructure is provided.
- b. Construction drawings shall include:
 - i. Profiles of all utilities (sanitary sewer, stormwater and water);
 - ii. All service lateral locations, including water meters, Fire Department Connection (FDC) and Double Detector Check Valve (DDCV) assembly locations;
 - iii. Street light design and locations; and
 - iv. Standards for all utilities (sewer, water, stormwater, street lighting).

25. Prior to Final PUD approval, a zoning variance application shall be submitted by the applicant to the Community Development Department if a variance is requested from the parking aisle width of FCC 10-3 Off-Street Parking and Loading standards in effect on March 28, 2008.

26. As part of the Spruce Phase Preliminary and Final Subdivision applications, the applicant shall include the 35-foot setback line from the eastern property line on the plan/plat.

27. As part of the Design Review application, a lighting plan shall be submitted to the Community Development Department, which includes pedestrian scale, lower intensity, downward directed lighting, with lighting levels measured in foot-candles.

28. As part of the Design Review application, building elevations shall be submitted to the Community Development Department and the design and materials will be evaluated for consistency with the coastal village character of Florence.

29. Prior to issuance of a building permit, a soils report and verification of soils bearing capacity and a grading plan, including storm-water design is required. The plan must be prepared by a registered engineer.

30. Prior to initiating site development, the applicant shall submit a permit application to DEQ for a 1200-C construction stormwater permit with Erosion and Sediment Control Plan, and provide a copy of the approved plan and permit to the Community Development Department.

31. Prior to initiating site development, the applicant shall contact the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians at a least 72 hours notice prior to any ground disturbing activities, so a tribal representative can be present during these activities; and if any known or suspected cultural resources are encountered during any phase of the project, contact the Tribes immediately.

Further Requirements:

Oregon Department of Transportation:

1. ODOT's bike/ped specialist requested that the sidewalk along Highway 101 be straightened out to lessen the meandering. The District Manager has requested that the sidewalk either be constructed roadside per ODOT standard drawings or if the sidewalk is desired to be placed a considerable distance from the roadway that the Developer will be required to assume maintenance of it.
2. A signal request will need to be submitted for Munsel Lake Road. The TIA shows a signal is warranted at Munsel Lake Rd and Hwy 101. Therefore a signal application request form will need to be submitted. The mitigation determined from the subsequent analysis will be a requirement of the approach application whether it be a signal, additional lane(s) or alternate solutions.

Lane County

Lane County facility permits are required to review the new roadway approach and storm drainage works. The following requirements must be met as part of the facility permit process.

1. All requirements of the facility permits shall be met, constructed, inspected, and approved as specified in the issued facility permit. Facility permit requirements are in LC 15.200-210.
2. Per LC 15.138(6), the facility permit application shall include a copy of site plans for new development showing the location and width of access serving the property at the intersection of the property and road right-of-way, including all driveway and road approaches to be retained, relocated, added or closed on the subject property, and adjacent properties as necessary to assure conformance with spacing standards.
3. Standards for private approaches on County Roads, as specified in LC 15.139, must be met in the issued facility permit.
4. The application shall include a complete set of design plan and specifications.

In addition, Redwood Street as proposed, meets the County's roadway spacing standards. However, Lane County has noted that the limited 400 feet storage at the intersection approach may not be adequate to serve the peak traffic of 2020. The applicant should review the plan to accommodate the future queue length requirement.

City of Florence Transportation Engineer

Public street intersections shall be designed to avoid placing pedestrians crossing between or behind queued vehicles, and do not require the pedestrian to walk significantly out of direction of travel to cross the street. These intersections should be conventional curb return type approaches with crosswalks in front of the queued vehicles for the purpose of pedestrian safety.

City of Florence Building Official

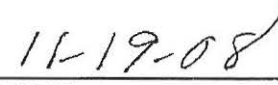
Building permit requirements will include submittal of detailed construction plans showing compliance with Oregon "Specialty" (Building, Plumbing, Electrical, and

Mechanical) Codes as appropriate to the use, including the Oregon Fire Code requirements for access and water supply for "Fire Flow" (OFC Appendices B & D, etc.). All "R" (residential) and R/mixed use occupancies require automatic fire suppression systems per Chapter 9 of the OSSC. Commercial use buildings require seismic detailing provisions of OSSC 1613 or ASCE-7 with appropriate criteria for the site class and location. The Siuslaw Valley Fire District and Building Department must approve access, fire department connections, and installed fire sprinkler systems. The buildings and site shall meet Americans with Disabilities Act and Oregon accessibility requirements.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 12th day of November, 2008.



DONNA LEE, Chairperson
Florence Planning Commission



DATE

CANNERY STATION PUD PARKING DATA

Tentative PUD	Final PUD	Anticipated Lot Area	Commercial SF	Residential Units			Examples of Maximum SF per Use				Parking Required	Parking Provided
				Senior Hsg	Mid-Rise Apt	Duets & Townhouses	Restaurant*	Medical Office	General Office	Retail		
				1 / 8 brms	1 / 1 bdrm 1.5 / 2 bdrm	1 / unit	1/125	1/200	1/400	1/333		
LOT 10	LOT 1	18,690	4,325 - 5,000	- - -	- - -	- - -	2,250	3,600	7,200	5,994	18	32
LOT 2	LOT 2	83,049	- - -	75 - 82	- - -	- - -	-	-	-	-	33**	33
LOTS 23-24	LOT 3-4	6,636	- - -	- - -	- - -	- 2 -	-	-	-	-	4	15
LOT 12 All Res	LOT 5 All Res	47,735	- - -	- - -	40 - 50	- - -	-	-	-	-	42-58	27 - <i>reduce</i>
LOT 9	LOT 6	14,979	4,000 - 4,600	- - -	- - -	- - -	2,000	3,200	6,400	5,328	16	32 <i>16</i>
LOT 8	LOT 7	19,270	4,500 - 5,250	- - -	- - -	- - -	2,375	3,800	7,600	6,327	19	21
LOT 7	LOT 8	17,269	4,000 - 4,800	- - -	- - -	- - -	1,875	3,000	6,000	4,995	15	15
LOT 6	LOT 9	23,126	3,500 - 7,000	- - -	- - -	- - -	2,625	4,200	8,400	6,993	21	19
LOT 5	LOT 10	31,610	7,450 - 12,350	- - -	- - -	- - -	4,000	6,400	12,800	10,656	32	16
LOT 4	LOT 11	39,578	6,500 - 8,000	- - -	- - -	- - -	3,375	5,400	10,800	8,991	27	18
LOT 3	LOT 12	23,705	1,800 - 2,500	- - -	- - -	- - -	1,875	3,000	6,000	4,995	15	51
LOT 1	LOT 13	35,070	3,500 - 6,400	- - -	- - -	- - -	4,000	6,400	12,800	10,560	32	61
LOTS 13-22	LOT 14-23	29,267	- - -	- - -	- - -	- 10 -	-	-	-	-	20	20
LOTS 25-32	LOT 24-31	20,409	- - -	- - -	- - -	- 8 -	-	-	-	-	16	4
LOT 11 All Res	LOT 32 All Res	59,495	- - -	- - -	30 - 40	- - -	-	-	-	-	32-48	16
TOTAL		469,888	39,575 - 55,900	75 - 82	70 - 90	- 20 -	-	-	-	-	342-374	380

** 1 parking space / 8 beds + employee parking

Options for Residential and Retail Mixture at LOTS 11 & 12:

Tentative PUD	Final PUD	Anticipated Commercial SF	Residential Units			Maximum Square Feet per Use SF				Parking Required	Parking Provided
			Senior Hsg	Mid-Rise Apt	Duets & Townhouses	Restaurant	Medical Office	General Office	Retail		
			1 / 8 brms	1 / 1 bdrm 1.5 / 2 bdrm	1 / unit	1/125	1/200	1/400	1/333		
LOT 11 Alt 1	LOT 32 Alt 1	2,000 - 12,000	- - -	20 - 24	- - -	-	-	-	12,000	58-66	51
LOT 11 Alt 2	LOT 32 Alt 2	2,000 - 12,000	- - -	20 - 24	- - -	2,000	-	-	6,000	52-60	51
LOT 12 Alt 1	LOT 5 Alt 1	2,000 - 8,000	- - -	30 - 34	- - -	-	-	-	8,000	56-64	61
LOT 12 Alt 2	LOT 5 Alt 2	2,000 - 8,000	- - -	32 - 34	- - -	2,000	-	-	6,000	66-74	61

1651 CENTENNIAL BLVD. • SPRINGFIELD, OR 97477
P.O. BOX 931 • SPRINGFIELD, OR 97477
PHONE: 541.741.1981
FAX: 541.741.0619



625 COUNTRY CLUB RD. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

TITLE INSURANCE SERVICES • ESCROW CLOSINGS

May 16, 2012

Our Order No.: ELT-54016

4th SUPPLEMENTAL TITLE REPORT

Arlie & Company	Estimated Premium for:	
2911 Tennyson Avenue, Suite 400	PARTIAL BILLING	\$200.00
Eugene, Oregon 97408		
Attn: Teresa Bishow	TOTAL	\$200.00

Dear Teresa:

We are prepared to issue on request and on recording of the appropriate documents, a policy or policies as applied for, with coverages as indicated, based on this preliminary report.

LEGAL DESCRIPTION:

SEE ATTACHED EXHIBIT A

Showing fee simple title as of May 10, 2012, at 8:00 a.m., vested in:

CANNERY STATION, LLC,
an Oregon limited liability company

Subject only to the exceptions shown herein and to the terms, conditions and exceptions contained in the policy form. No liability is assumed until a full premium has been paid.

CONTINUED

"IN OUR BUSINESS, YOU MATTER MOST"
www.evergreenlandtitle.com



Exhibit 42

SCHEDULE B

GENERAL EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

CURRENT EXCEPTIONS

6. City Lien for the City of Florence in the Principal Balance Amount of \$179,391.67 for Local Improvement District Lien No. 5 302781953.
7. Limited Access Provisions as contained in Deed Recorded August 2, 1985, Reception No. 85-27329, and modified by Indenture to Access dated October 7, 2009, Recorded October 14, 2009, Lane County Oregon Records.
8. Deed Restriction, including the terms and provisions thereof, by instrument Recorded January 12, 1998, Reception No. 98-01947, Lane County Oregon Records.

CONTINUED

9. Deed of Trust, including the terms and provisions thereof, executed by Veronica Alfero Trust, as Grantor(s), to Evergreen Land Title Co., as Trustee, for the benefit of Siuslaw Bank, as Beneficiary, Dated May 14, 2007, Recorded May 16, 2007, Reception No. 2007-033176, Official Records of Lane County, Oregon, given to secure payment of a Note for \$3,150,000.00. Said Deed of Trust was Modified by instrument Recorded September 8, 2009, Reception No. 2009-051385, Official Records of Lane County, Oregon.

NOTE: Taxes, Map No. 18-12-14-20-00700, Code 97-00, Account No. 0781953, 2011-2012, \$4,031.34, paid in full.

NOTE: The address of the property to be insured herein is: 87344 MUNSEL LAKE ROAD, FLORENCE, OREGON 97439.

NOTE: A JUDGEMENT/LIEN/BANKRUPTCY SEARCH was done for the name(s) CANNERY STATION, LLC, and as of May 10, 2012, none were found.

INFORMATIONAL NOTE: The vesting deed and changes within the last 24 months are as follows:

WARRANTY DEED RECORDED March 16, 2009, FROM CANNERY HILL, LLC, AN OREGON LIMITED LIABILITY COMPANY, TO CANNERY STATION, LLC, AN OREGON LIMITED LIABILITY COMPANY, RECEPTION NO. 2009-013144.

NOTE: SUPPLEMENTED TO UPDATE REPORT, SHOW CITY LIEN, NEW ACCESS PROVISION AND LOAN MODIFICATION.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:

A handwritten signature in black ink, appearing to read "Joseph M. Silence". The signature is fluid and cursive, with the first name "Joseph" being more prominent.

Joseph M. Silence
Title Officer

NO LIABILITY IS ASSUMED HEREUNDER UNTIL POLICY IS ISSUED AND PREMIUM PAID. IF FOR ANY REASON THE REPORT IS CANCELLED, A MINIMUM CANCELLATION FEE OF \$200.00 WILL BE CHARGED.

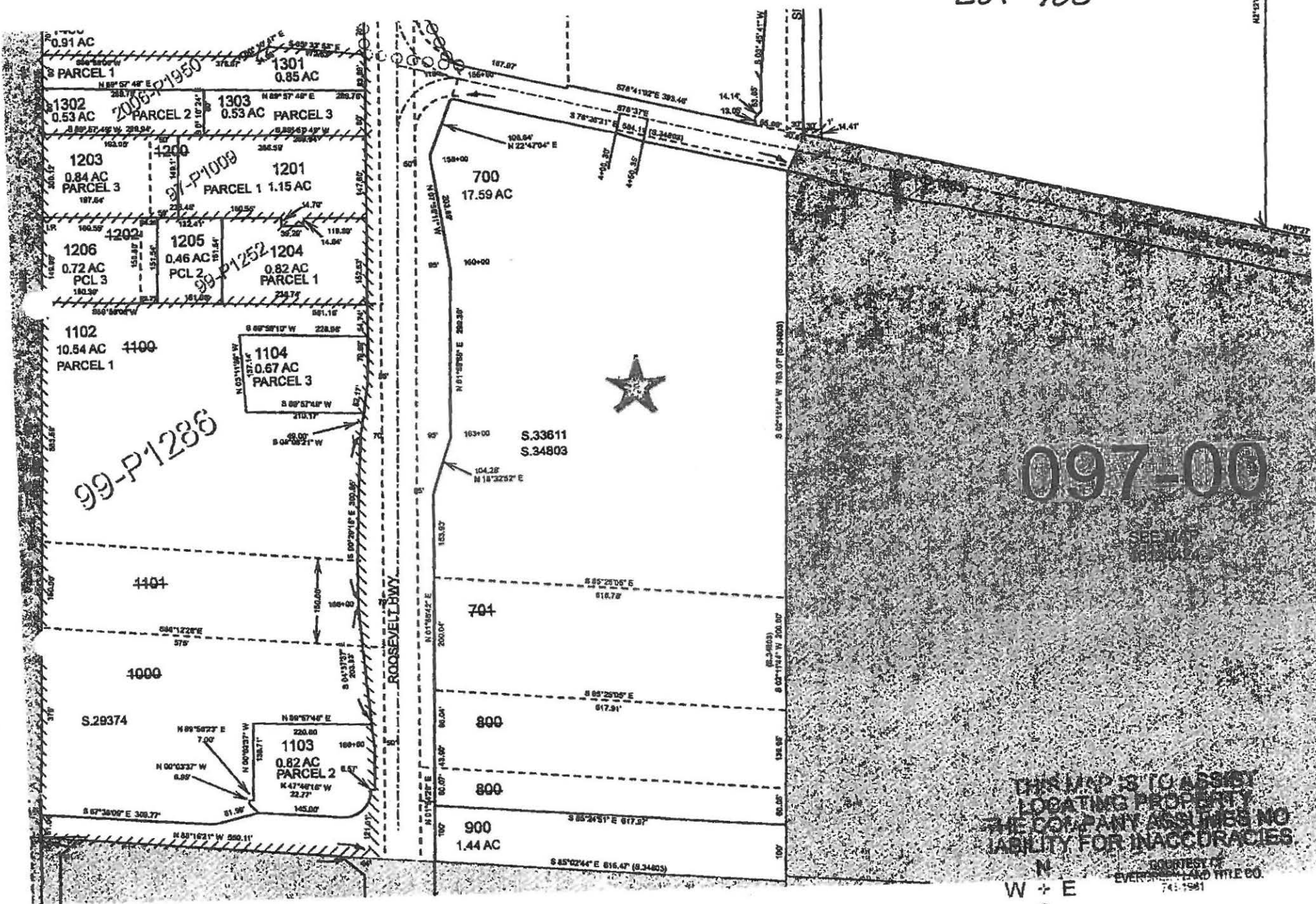
EXHIBIT A

Beginning at a point on the Easterly right-of-way line of the Roosevelt Highway 100.0 feet North 0° 17' West of a point on the East-West centerline through Section 14, Township 18 South, Range 12 West of the Willamette Meridian; and running thence North 0° 17' West along the Easterly right-of-way of said Highway to a point opposite and 40.0 feet distant from Engineer's Centerline Station 162+00 (said centerline point being 1900.0 feet South 0° 17' East of a point on the North line of said Section 14, 629.0 feet South 89° 38' East of the Northwest corner of said Section 14); thence North 89° 43' East 10.0 feet; thence North 0° 17' West 300.0 feet; thence South 89° 43' West 20.0 feet; thence North 0° 17' West 217.51 feet; thence on a 70.32 foot radius curve to the right (the chord of which bears North 50° 33' East 109.04 feet), a distance of 124.78 feet to the Southerly right-of-way of County Road No. 1083 as is presently constructed and traveled; thence South 78° 37' East along the Southerly right-of-way of said County Road to its intersection with the East line of the West one-half of the Northwest one-quarter of said Section 14; thence South along the East line of the West one-half of the Northwest one-quarter of said Section 14 to a point 100.0 feet North of the East-West centerline through said Section 14; thence Westerly to the Place of Beginning, in Lane County, Oregon.

EXCEPT that portion conveyed to the State of Oregon Department of Transportation, Highway Division, by Deed Recorded August 2, 1985, Reception No. 85-27329, Lane County Oregon Records.

ALSO EXCEPT that portion conveyed to Lane County, a political subdivision of the State of Oregon, by Deed Recorded February 12, 1996, Reception No. 96-09583, Lane County Oregon Records.

MAP 18-12-14-20
LOT 700



INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 7th day of October, 2009, by and between the
STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and
CANNERY STATION, LLC, AN OREGON LIMITED LIABILITY COMPANY, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded August 2, 1985, on Reel 1360R, Instrument No. 8527329, Lane
County Deed Records, acquired certain property; which Warranty Deed, in part, reserved access rights, for the service of the
grantor's remaining property, to and from the East side of the Oregon Coast Highway, opposite Engineer's Station 158+70,
164+20 and 168+50, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded March 16, 2009, in Document No. 2009-013144, Lane County Deed
Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner has requested that Owner's Reserved Access Rights set out above be terminated, and that
access rights be substituted; therefore to and from the East side of said highway opposite Engineer's Station 166+45, in a
width of 70 feet, (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Division of Chief Deputy Clerk
Lane County Deeds and Records

2009-058344



\$47.00

01108607200900563440040042

10/14/2009 02:36:25 PM

RPR-IND Cnt=1 Stn=8 CASHIER 02
\$20.00 \$11.00 \$16.00

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, OWNER does convey unto State, its successors and assigns, Owner's Reserved Access Rights as set forth above, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

The other remaining provisions in the above-mentioned Warranty Deed to State shall remain in full force and effect, and the access rights herein granted shall be subject to all the provisions of said Warranty Deed, as fully as if set forth herein.

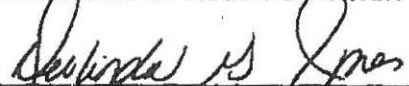
Owner represents and warrants that no one, other than Owner, is using or entitled to use the Reserved Access Rights herein relinquished.

The New Access Rights granted herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

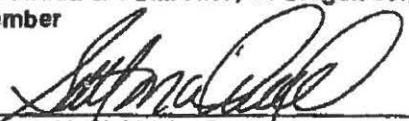
IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

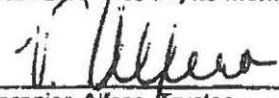
By 
Deolinda G. Jones, State Right of Way Manager

CANNERY STATION, LLC, an Oregon limited liability
company

By: ARLIE & COMPANY, an Oregon corporation, its
member

By 
Scott M. Diehl, Vice President

By: ALFERO TRUST, its member

By 
Veronica Alfero, Trustee

STATE OF OREGON, County of Marion

Dated October 7, 2009. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



D. L. R. Shaper
Notary Public for Oregon
My Commission expires 11/01/2011

STATE OF OREGON, County of Lane

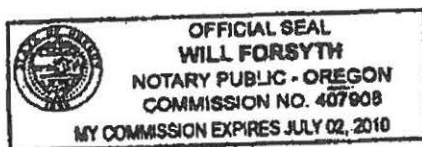
Dated September 11, 2009. Personally appeared Scott Dickl, who, being sworn, stated that he is the Vice President of Arlie & Company, an Oregon corporation, member of Cannery Station, LLC, an Oregon limited liability company, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



C. R. Chatman
Notary Public for Oregon
My Commission expires 4-17-2012

STATE OF OREGON, County of Lane

Dated September 15, 2009. Personally appeared the above named Veronica Alfero as Trustee of Alfero Trust, member of Cannery Station, LLC, a limited liability company, and acknowledged the foregoing instrument to be his/her voluntary act. Before me:



Will Forsyth
Notary Public for Oregon
My Commission expires 7/2/2010

9801947

RETURN TO CASCADE TITLE CO.

CT 213791 (2)

DEED RESTRICTION

Florentine Enterprises, Inc. ("Florentine") is the fee title owner of the property described in Exhibit A attached hereto and by this reference incorporated herein ("Property"). In consideration of approval of a Comprehensive Plan amendment and zone change for the Property by the City of Florence, Florentine, on behalf of itself and its successors and assigns, does hereby covenant and promise to the City of Florence to faithfully perform the following conditions, to-wit:

1. The Property shall be developed, if at all, in a unified, comprehensive manner for commercial uses of a regional scale that are intended to serve the traveling public and the needs of residents for major retail shopping opportunities. The Property shall not be subdivided or developed except in accordance with an approved design plan. Florentine or its successors or assigns shall submit to the Florence Design Review Board a site plan and other documentation that conforms to the Florence City Code, Title 10, chapter 6, Design Review, and chapter 16, Highway District, and such further standards and criteria as may be applicable to the Property and the development proposal under the Florence City Code and Comprehensive Plan.

3144JAN.12'98ND2REC

15.00

3144JAN.12'98ND2PFUND

10.00

2. The following uses shall not be allowed on the Property:
 - a) permitted or conditionally permitted uses of the Limited Industrial District (chapter 20), except the following uses which shall be allowed only as components of the larger unified development: offices for engineers, architects, surveyors, draftsmen, graphic artists; restaurants; service stations; public buildings and government offices; and
 - b) the following permitted or conditionally permitted uses of the Commercial District (chapter 15): building material yards, auto and boat upholstery, automobile or truck repair facilities and services, mobile home/manufactured home sales and service, woodworking and cabinet shops, and other uses with outdoor display and storage greater than as an ancillary function to a permitted indoor use.
3. Development on the Property shall provide for vehicular access to the development from Munsel Lake Road, with limited access (right-in/right-out) from a single entry/exit point on Highway 101. If, as a result of subsequent development proposals on adjoining properties, the Oregon Department of Transportation (ODOT) approves a second signalized intersection improvement at or near the Property that would allow any additional entry/exit movement onto Highway 101 that would be available for use by the developer of the Property, then this restriction requiring right-

AFTER RECORDING RETURN TO:

Michael E. Farthing
Gleaver Swearingen et al.
975 Oak Street, Suite 800, Eugene, OR 97401

9801947

in/right-out entry may be eliminated by Florentine securing the necessary ODOT and City of Florence approvals to utilize that intersection. Florentine or its successors or assigns shall pay the full cost of all access and transportation improvements required by ODOT, Lane County and/or City of Florence for development of the Property.

4. Development on the Property shall not cause an increase in stormwater runoff from the Property, except according to a stormwater management plan approved by the City of Florence. Florentine, or its successors or assigns, shall pay for the City of Florence's independent engineering analysis of the Property's proposed stormwater management plan at the time of design review, the amount to be determined through a professional engineer's proposal for services for such analysis.

Florentine acknowledges that the City has not provided assurance that it will issue a permit to Florentine, its successors or assigns for any particular plan of development; that development of the Property is subject to the City's design review process, Code Title 10, chapters 6 and 16; and that any approval of a development plan will most likely include additional conditions relating to landscaping, building design, setbacks, vehicular and pedestrian traffic, environmental issues and other matters that the City is authorized to address under its Code.

This Deed Restriction shall run with the land, shall bind Florentine's successors and assigns, and shall be enforceable by the City of Florence.

This Deed Restriction shall terminate automatically upon the City of Florence adopting a zoning ordinance for the Property that accomplishes the above-described restrictions. This Deed Restriction may also be terminated or modified by formal action of the Florence City Council.

Florentine Enterprises, Inc., an Oregon corporation

By: Delbert L. Phelps

Delbert L. Phelps, Vice-President

STATE OF OREGON)
) ss.
County of Lane)

The foregoing instrument was acknowledged before me this January 9th, 1998, by Delbert L. Phelps, Vice-President of Florentine Enterprises, Inc., an Oregon corporation, on behalf of the corporation.



Irene F. Fleming
Notary Public for Oregon
My commission expires: 10/1/2000

DEED RESTRICTION - 2

NEW TAX LOT 700

9801947

ex. A

CT 213791 (2)

Deed
Restr.

Beginning at the Center West one-sixteenth corner of Section 14, Township 18 South, Range 12 West, W.M., thence along the southerly boundary of the West one-half of the North West one-quarter of said Section 14, North 85°24'44" West, 618.47 feet to a point on the easterly right-of-way margin of Hwy 101; thence following said easterly right-of-way margin North 1°54'28" East, 100.07 feet to the TRUE POINT OF BEGINNING; thence continuing along said easterly right-of-way margin, North 1°54'28" East, 43.90 feet; thence North 1°50'42" East, 460.00 feet; thence North 15°32'52" East, 104.28 feet; thence North 1°56'58" East, 289.36 feet; thence North 7°55'11" West, 203.89 feet; thence North 22°47'04" East, 106.84 feet to its intersection with the southerly right-of-way margin of Munsel Lake Road; thence following said Munsel Lake Road right-of-way along a 70.32 foot radius curve to the right (chord bears South 63°12'46" East, 15.55 feet) 16.02 feet; thence South 76°28'31" East, 584.11 feet to a point on the east boundary of said West one-half of the North West one-quarter; thence following said east boundary South 2°11'44" West, 1103.03 feet to a point that bears North 2°11'44" East, 100.05 feet from said Center West one-sixteenth corner; thence North 85°24'51" West, 617.27 feet to the TRUE POINT OF BEGINNING, all in the City of Florence, Lane County, Oregon.

EXCEPTING THEREFROM certain property deeded to Lane County, Oregon by a Warranty Deed, recorded on Reel 2148R, Reception Number 0009883, for the purpose of providing additional road right-of-way to Munsel Lake Road.

ALSO EXCEPTING THEREFROM, Beginning at the Center West one-sixteenth corner of Section 14, Township 18 South, Range 12 West, W.M., thence along the southerly boundary of the West one-half of the North West one-quarter of said Section 14, North 85°24'44" West, 618.47 feet to a point on the easterly right-of-way margin of Hwy 101; thence following said easterly right-of-way margin North 1°54'28" East, 100.07 feet to the TRUE POINT OF BEGINNING; thence continuing along said easterly right-of-way margin, North 1°54'28" East, 43.90 feet; thence North 1°56'42" East, 86.03 feet; thence leaving said easterly right-of-way, South 85°25'05" East, 817.91 feet to a point on the east boundary of said West one-half of the North West one-quarter; thence following said east boundary, South 2°11'44" West, 139.85 feet to a point which bears North 2°11'44" East, 100.05 feet from said Center West one-sixteenth corner; thence North 85°24'51" West, 617.27 feet to the TRUE POINT OF BEGINNING, all in the City of Florence, Lane County, Oregon.

Basis of Bearing for Description - 1927 Oregon State Coordinate System, South Zone

NEW TAX LOT 600

Beginning at the Center West one-sixteenth corner of Section 14, Township 18 South, Range 12 West, W.M., thence along the southerly boundary of the West one-half of the North West one-quarter of said Section 14, North 85°24'44" West, 618.47 feet to a point on the easterly right-of-way margin of Hwy 101; thence following said easterly right-of-way margin North 1°54'28" East, 100.00 feet to the TRUE POINT OF BEGINNING; thence continuing along said easterly right-of-way margin, North 1°54'28" East, 80.07 feet; thence South 85°24'51" East, 817.27 feet to a point on the east boundary of said West one-half of the North West one-quarter; thence following said east boundary South 2°11'44" West, 80.05 feet to a point that bears North 2°11'44" East, 100.00 feet from said Center West one-sixteenth corner; thence North 85°24'51" West, 618.57 feet to the TRUE POINT OF BEGINNING, all in the City of Florence, Lane County, Oregon.

ALSO Beginning at the Center West one-sixteenth corner of Section 14, Township 18 South, Range 12 West, W.M., thence along the southerly boundary of the West one-half of the North West one-quarter of said Section 14, North 85°24'44" West, 618.47 feet to a point on the easterly right-of-way margin of Hwy 101; thence following said easterly right-of-way margin North 1°54'28" East, 100.07 feet to the TRUE POINT OF BEGINNING; thence continuing along said easterly right-of-way margin, North 1°54'28" East, 43.90 feet; thence North 1°50'42" East, 86.03 feet; thence leaving said easterly right-of-way, South 85°25'05" East, 817.91 feet to a point on the east boundary of said West one-half of the North West one-quarter; thence following said east boundary, South 2°11'44" West, 139.85 feet to a point which bears North 2°11'44" East, 100.05 feet from said Center West one-sixteenth corner; thence North 85°24'51" West, 617.27 feet to the TRUE POINT OF BEGINNING, all in the City of Florence, Lane County, Oregon.

Basis of Bearing for Description - 1927 Oregon State Coordinate System, South Zone

9801947

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

198 JAN 12 PM 3:44

Repl **2374 R**
Lane County OFFICIAL Records
Lane County Clerk

By: David S. Suckey
County Clerk

2009-09

RECORDATION REQUESTED BY:

Sluslaw Bank
Eugene Commercial Banking
260 Country Club Road
Suite 100
Eugene, OR 97401

WHEN RECORDED MAIL TO:

Sluslaw Bank
Loan Servicing
260 Country Club, ste 230
Eugene, OR 97401

SEND TAX NOTICES TO:

VERONICA ALFERO TRUST
4055 SPRING BLVD
EUGENE, OR 97405

Division of Chief Deputy Clerk
Lane County Deeds and Records

2009-051385



\$51.00

01100819200900513850020029

09/08/2009 11:03:29 AM

RPR-MOD Cnt=1 Sln=1 CASHIER 05
\$10.00 \$10.00 \$11.00 \$20.00

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated August 14, 2009, is made and executed between VERONICA ALFERO TRUST, whose address is 4055 SPRING BLVD, EUGENE, OR 97405 ("Grantor") and Sluslaw Bank, whose address is Eugene Commercial Banking, 260 Country Club Road, Suite 100, Eugene, OR 97401 ("Lender").
DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated May 14, 2007 (the "Deed of Trust") which has been recorded in LANE County, State of Oregon, as follows:

Deed of Trust recorded 5/16/2007: 2007-033175.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in LANE County, State of Oregon:

See EXHIBIT A, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 87344 MUNSEL LAKE ROAD, FLORENCE, OR 97439.

MODIFICATION. Lender and Grantor hereby modify the Deed of Trust as follows:

To extend the maturity date to 2/14/2011.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Content by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorser to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED AUGUST 14, 2009.

GRANTOR:

VERONICA ALFERO TRUST

By 
VERONICA ALFERO, Trustee of VERONICA ALFERO TRUST

LENDER:

SLUSLAW BANK


Authorized Officer

RETURN TO EVERGREEN (AND TITLE CO

MODIFICATION OF DEED OF TRUST
(Continued)

TRUST ACKNOWLEDGMENT

STATE OF OregonCOUNTY OF Lane

On this 3rd day of September, 2009, before me, the undersigned Notary Public, personally appeared VERONICA ALFARO, Trustee of VERONICA ALFARO TRUST, and known to me to be an authorized trustee or agent of the trust that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the trust, by authority set forth in the trust documents or, by authority of statute, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the trust.

By [Signature]Residing at 3774 Shasta ViewNotary Public in and for the State of OregonMy commission expires 11/22/11

OFFICIAL SEAL
JEFF GUSINOW
NOTARY PUBLIC - OREGON
COMMISSION NO. 422518
MY COMMISSION EXPIRES NOVEMBER 22, 2011

LENDER ACKNOWLEDGMENT

STATE OF OregonCOUNTY OF Lane

On this 4th day of September, 2009, before me, the undersigned Notary Public, personally appeared Jeff Gusinow and known to me to be the Senior V.P. authorized agent for Sluslaw Bank that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of Sluslaw Bank, duly authorized by Sluslaw Bank through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of Sluslaw Bank.

By [Signature]Residing at Eugene, ORNotary Public in and for the State of OregonMy commission expires 11/26/10

OFFICIAL SEAL
J WILLIAMS
NOTARY PUBLIC - OREGON
COMMISSION NO. 412185
MY COMMISSION EXPIRES NOVEMBER 26, 2010

Lane County Property Taxes Due Report

Tax Account # 0781953
Alternate Property # (maplot) 18-12-14-20-00700
Tax Code Area (TCA) 09700
Location
Taxpayer CANNERY STATION LLC
 2911 TENNYSON AVE STE 400
 EUGENE, OR 97408

Property Values & Taxes

Real Market Value (RMV)			Total	Total Assessed Value	Tax
Year	Land	Improvement			
2011	4,340,831	0	4,340,831	326,495	4,031.34
2010	4,340,831	0	4,340,831	316,985	4,091.36

Current Year Assessed Value 326,495.00

Less Exemption Amount (0.00)

Taxable Value 326,495.00

Frozen Assessed Value 0.00

Exemption Type

Account Status

Account Status

Account Status Notes

- Active Account Current Tax Year

Remarks none

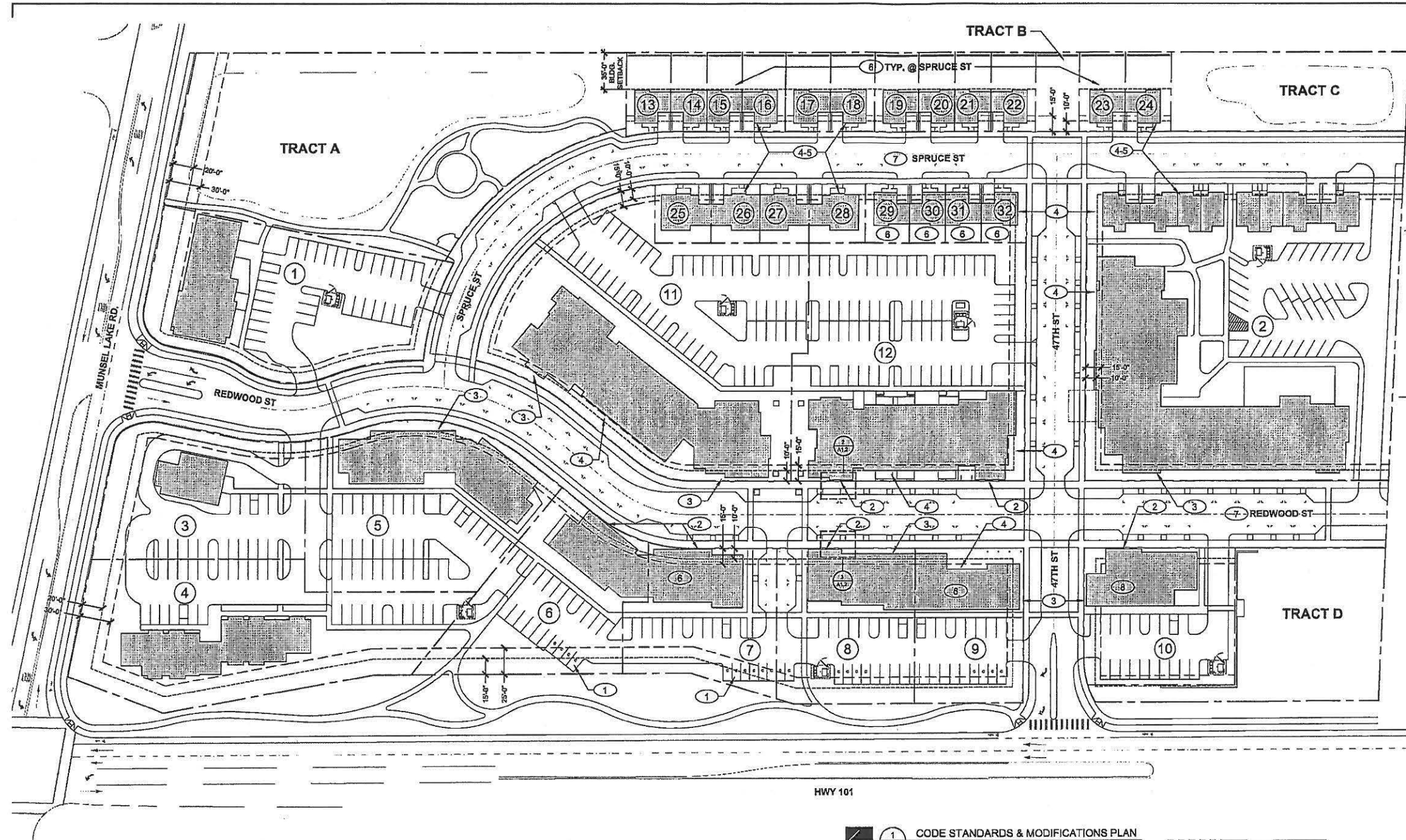
Taxes Due for Account # 0781953

Delinquent Interest (if applicable) Computed Through: 5/16/2012

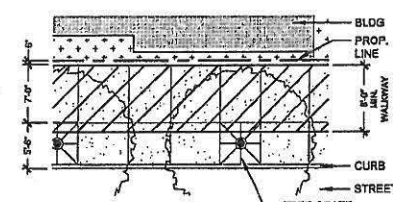
The tax shown is the amount certified in October unless a value change has been processed on the property, resulting in a tax correction. Value changes typically occur as a result of appeals, clerical errors and omitted property.

Year	Description	Tax	Minimum	Due Date
2011	Property Tax Principal	3,965.09	0.00	11/15/2011
2011	Fire Patrol District Principal	18.75	0.00	11/15/2011
2011	Fire Patrol District Surcharge	47.50	0.00	11/15/2011

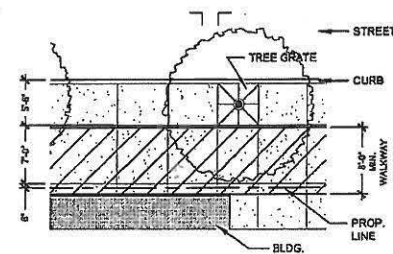
Taxes & Assessments due for Account Number 0781953: \$0.00



- PLANTER AREA
- SIDEWALK - CONCRETE
- 8'-0" WIDE WALKWAY @ SIDEWALK - REDWOOD ST



2 SIDEWALK - 8' WALKWAY
Scale: 1"=10'-0"



3 SIDEWALK - 8' WALKWAY
Scale: 1"=10'-0"

NOTE: 8'-0" MIN CLEAR WALKWAY AT SIDEWALKS ON REDWOOD STREET FROM THE SOUTH PROPERTY LINE UP TO SPRUCE STREET.

1 CODE STANDARDS & MODIFICATIONS PLAN
Scale: 1"=50'-0"

- LEGEND**
- PROPERTY LINE
 - REQUIRED LANDSCAPING
 - BUILDING SETBACK LINE
 - 1 LOT NUMBER

KEY NOTES / MODIFICATIONS

- BUILDING SETBACK @ HIGHWAY
REQUIRED - 25' MINIMUM, THE FRONT 15' TO BE LANDSCAPED
- 1 NON VERTICAL ELEMENTS SUCH AS PARKING ENCOACHES INTO THE REQUIRED LANDSCAPE SETBACK
- BUILDING SETBACK @ SIDE STREET
REQUIRED - 15' MINIMUM, THE FRONT 10' TO BE LANDSCAPED
- 2 PROPOSED SETBACK - 1'
- 3 PROPOSED SETBACK - 1' - 8'
- 4 PROPOSED SETBACK - 8' - 15'
- 5 LOTS 13 - 32
PROPOSED PORCH SETBACK - 4'-0"
WIDTH OF PORCH TO BE NO MORE THAN 50% OF FACADE
- LOT SIZE
REQUIRED - MINIMUM LOT AREA TO BE 20,000 SF
REQUIRED - MINIMUM LOT DIMENSIONS TO BE 100 FT IN WIDTH AND DEPTH
- 6 PROPOSED LOT IS LESS THAN REQUIRED MINIMUM DIMENSIONS AND AREA
LOTS 7-10 - MINIMUM LOT SIZE OF 14,500 SF
LOTS 13-28 - MINIMUM LOT SIZE OF 2,600 SF
LOTS 29-32 - MINIMUM LOT SIZE OF 1,900 SF
- LOTS 13 THRU 32 - MINIMUM
LOT WIDTHS AND DEPTHS 30 FT AND 65 FT RESPECTIVELY
- STREET DESIGN
- 7 PROPOSED MODIFICATION TO TITLE 11, CHAPTER 5 STREET STANDARDS.
SEE CIVIL FOR STREET DIMENSIONS.
- BUILDING HEIGHT
MAXIMUM HEIGHT IMMEDIATELY ADJACENT TO PROPERTY
ZONED RESIDENTIAL IS 28 FT - NO MODIFICATION REQUESTED
MAXIMUM HEIGHT FOR REMAINDER OF PROPERTY IS 38 FT - NO MODIFICATION REQUESTED
- PARKING LOT DIMENSIONAL STANDARDS (IN EFFECT AS OF MARCH 27, 2008)
REQUIRED AISLE WIDTH - 25 FT
PROPOSED AISLE WIDTH - 24 FT

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PROJECT: CANNERY HILL
FLORENCE, OR

CONSTRUCTION REVISIONS

CLIENT:



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- ISSUED:
- 03/20/2008 - PUD SUBMITTAL
 - 06/11/2008 - PUD REVISIONS
 - 08/11/2008 - PUD REVISIONS
 - 09/19/2008 - PUD REVISIONS
 - 10/14/2008 - PUD REVISIONS



PROJECT #: 723
DRAWN BY: L.A.R.
CHECKED BY: GB
FILE NAME: 723-A1.2 Code Std.dwg
DATE: 10/14/2008

CANNERY HILL

DRAWING: CODE STANDARDS & MODIFICATIONS

A1.2

CALLISTER Jacob (LCOG)

From: Mike Miller <mike.miller@ci.florence.or.us>
Sent: Wednesday, May 15, 2013 8:58 AM
To: CALLISTER Jacob (LCOG)
Cc: WEESE KELLI (LCOG List)
Subject: RE: Streets question: Cannery Station

Good morning,

We do not have any objections to providing the developer flexibility in regards to street trees, sidewalks and landscaping. I totally understand the reasons and constructability of projects like this. Nothing worse than having brand new landscaping and sidewalks simply to remove/damage/tear them out when it comes time to actually construct the building.

Unlike a residential subdivision where it is harder to get 'off-site' improvements completed, I'm not too worried about this project not completing the improvements. With that said, we should require some sort of improvement bond to ensure that the improvements are completed in the future. What is your experience with this type of request?

Mike

From: CALLISTER Jacob (LCOG) [<mailto:jcallister@lco.org>]
Sent: Wednesday, May 15, 2013 7:43 AM
To: Mike Miller
Subject: RE: Streets question: Cannery Station

Hi Mike,

I will try to call this morning. Based on my conversation with Teresa Bishcow of Arlie and Co. I think the request is related to the ability to have some flexibility with improvements like street trees, sidewalks and landscaping.

Jake

From: Mike Miller [<mailto:mike.miller@ci.florence.or.us>]
Sent: Tuesday, May 14, 2013 5:17 PM
To: CALLISTER Jacob (LCOG)
Cc: WEESE KELLI (LCOG List)
Subject: RE: Streets question: Cannery Station

Hi Jake,

So, I didn't see it detailed how they are proposing to develop the project. If I understand the question, are they proposing to just complete enough to build the first building (is that Lot 1)? Would that mean just extending 47th to Redwood and completing the intersection to allow for emergency vehicle turnarounds? Or are we talking about completing the streets and infrastructure for Phase 1, but not all of the improvements, such as the street trees, sidewalks, landscaping, etc beyond the limits of Lot 1?

We have some options, for instance bonding for the improvements. We could also look at a sub-phasing approach (Phase 1A, Phase 1B, etc). Give me a call to discuss. My direct line is 541-997-5822.

Thank you,

Mike

From: CALLISTER Jacob (LCOG) [<mailto:jcallister@lcog.org>]

Sent: Tuesday, May 14, 2013 11:26 AM

To: Mike Miller

Subject: Streets question: Cannery Station

Hi Mike,

Can you speak specifically to this request from the Cannery Station developer?

To contain costs and enable the first building in the project to be economically viable, the developer requests that some of the streets be partially completed with final improvements done as the project is built-out.

I am just looking for Public Work's thoughts (OK) on this. The developer has proposed necessary turnarounds, etc. The developer asserts (reasonably) that some improvements (street trees for example) may not make sense until more certain development processes are completed.

Jake

Jacob L. Callister
Associate Planner
Lane Council of Governments
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