

# TYPE II APPLICATION (LAND USE) -- 2015

File #: \_\_\_\_\_

**TYPES – PLEASE CHECK ONE:**

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision
- Type II Major Modification
- Variance
- Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Newberg Area Habitat for Humanity  
 ADDRESS: PO Box 118, Newberg, OR 97132  
 EMAIL ADDRESS: office@newberghabitat.org  
 PHONE: 503 537 9938 MOBILE: 503 997 6094 FAX: 503 554 1999  
 OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: Leonard Rydell PHONE: 503 538 5700  
 ADDRESS: 601 Pinehurst Drive, Newberg OR 97132

**GENERAL INFORMATION:**

PROJECT NAME: Newberg Habitat ReStore PROJECT LOCATION: 801 N Meridian, Newberg  
 PROJECT DESCRIPTION/USE: Construct new store  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3218DD 00100 ZONE: M-2 SITE SIZE: 27,635 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: Industrial (IND) TOPOGRAPHY: Flat  
 CURRENT USE: Parking  
 SURROUNDING USES:  
 NORTH: Commercial/ Railroad SOUTH: Residential  
 EAST: Residential WEST: Commercial

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Review .....p. 12  
 Partition Tentative Plat .....p. 14  
 Subdivision Tentative Plat .....p. 17  
 Variance Checklist .....p. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 9/18/15  
 Applicant Signature Date  
RICK ROGERS  
 Print Name

\_\_\_\_\_  
 Owner Signature Date  
 \_\_\_\_\_  
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists





**First American**

**First American Title Company of Oregon**  
825 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (866)800-7294

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Clayton Carter, Title Officer**

Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Habitat for Humanity  
P.O. Box 118  
Newberg, OR 97132

Order No.: 1039-2523389  
October 05, 2015

Attn: Rick Rogers  
Phone No.:

**Preliminary Title Report**

**County Tax Roll Situs Address:** 801 N Meridian Street, Newberg, OR 97132

**Proposed Insured Lender:**

2006 ALTA Owners Standard Coverage	Liability \$	Premium \$	
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement 9, 22 & 8.1		Premium \$	100.00
Govt Service Charge		Cost \$	20.00
Other		Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of September 18, 2015 at 8:00 a.m., title to the fee simple estate is vested in:

Newberg Area Habitat for Humanity

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

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.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

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.

**The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.**

**In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:**

- A. Survey or alternative acceptable to the company
  - B. Affidavit regarding possession
  - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
    - i. Satisfactory evidence that no construction liens will be filed; or
    - ii. Adequate security to protect against actual or potential construction liens;
    - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
  7. Taxes for the fiscal year 2015-2016 a lien due, but not yet payable.
  8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
  9. Easements for utilities over and across the premises formerly included within the boundaries of College Street, Edwards Street, and Pine Street now vacated, if any such exists, as set forth in Ordinance No. 96, a copy of which was recorded April 9, 1894 now vacated, if any such exists.
  10. An easement reserved in a deed, including the terms and provisions thereof;  
Recorded: May 16, 1980 as Volume 150, Page 1736  
From: Chevron U.S.A., Inc., a California corporation  
To: Metro-West Energy Co., a partnership

- 11. Easement and Equitable Servitude Agreement and the terms and conditions thereof:
  - Between: Helen A. Alexander and Robert W. Alexander, Co-Trustees of  
The George Alexander Family Trust under Agreement dated  
June 24, 1994
  - And: Oregon Department of Environmental Quality
  - Recording Information: March 7, 2005 as Instrument No. 200504448

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no matters of public record against Rick Rogers that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$24.82  
 Map No.: R3218DD 00100  
 Property ID: 45150  
 Tax Code No.: 29.0

Situs Address as disclosed on Yamhill County Tax Roll:

801 N Meridian Street, Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!  
WE KNOW YOU HAVE A CHOICE!**

<b>RECORDING INFORMATION</b>	
Filing Address:	<b>Yamhill County</b> 535 NE Fifth Street McMinnville, OR 97128
Recording Fees:	\$ <b>41.00</b> for the first page \$ <b>5.00</b> for each additional page

cc: Rick Rogers  
 cc: Newberg Area Habitat for Humanity



## First American Title Insurance Company

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

#### ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

#### SCHEDULE OF STANDARD 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.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



*First American Title*

#### Privacy Information

##### We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

#### Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

#### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

#### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

#### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

#### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

#### Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

#### Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

#### Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

#### Fair Information Values

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

**Exhibit "A"**

Real property in the County of Yamhill, State of Oregon, described as follows:

Lots 1, 2, 3 and 4, Block 1, DESKINS THIRD ADDITION to the City of Newberg, County of Yamhill and State of Oregon.

TOGETHER WITH that portion of vacated Pine and Edwards Streets in City of Newberg, ordinance #96, 4/9/1894, described as follows:

Beginning at a point where what was formerly the center line of Pine Street (now vacated) intersected the West line of Meridian Street; running thence West along said center line of Pine Street to its intersection with what was formerly the center line of Edwards Street (now vacated); running thence North along said center line of Edwards Street to its intersection with the Southerly line of the right of way of Oregon and California Railroad Company; running thence in an Easterly direction along the Southerly boundary line of said right of way, to the Northwest corner of Lot numbered four (4) in Block numbered one (1) in DESKINS THIRD ADDITION to said City of Newberg; running thence South along the West line of said Lot 4, to the Southwest corner thereof; running thence East along the South line of said Block 1 to the Southeast corner of said Block; running thence South to the point of beginning, the parcel of land hereby described being all of the North half of what was formerly Pine Street, and all of the East half of what was formerly Edwards Street, which attached to and became a part of said Block 1 of DESKINS THIRD ADDITION to the City of Newberg by reason of the vacation of said Pine Street and Edwards Street.

TOGETHER WITH a portion of that certain tract of land described in Statutory Warranty Deed to Micah Olson and Christine Olson as recorded in Instrument 201413763, Yamhill County Records, more particularly described as follows:

Commencing at a found 5/8" iron rod at the intersection of the center lines of vacated Edwards Street and vacated Pine Street as depicted on CS-11557 and CSP-9698, Yamhill County Survey Records; thence along the centerline of said vacated Edwards Street, North 00°07'52" East, 20.95 feet to the POINT OF BEGINNING of this description; thence continuing, North 00°07'52" East, 24.96 feet to the southeasterly right of way line of the Southern Pacific Railroad, lying 30 feet from center line; thence along said railroad right of way, South 56°59'19" West, 13.65 feet to a 5/8" iron rod with yellow plastic cap marked "Baseline Surveying PLS 2718"; thence, South 33°00'41" East, 20.90 feet to the Point of Beginning.

EXCEPTING a portion of that tract of land described in Statutory Warranty Deed to Newberg Area Habitat for Humanity as recorded in Instrument 201412931, Yamhill County Records, more particularly described as follows:

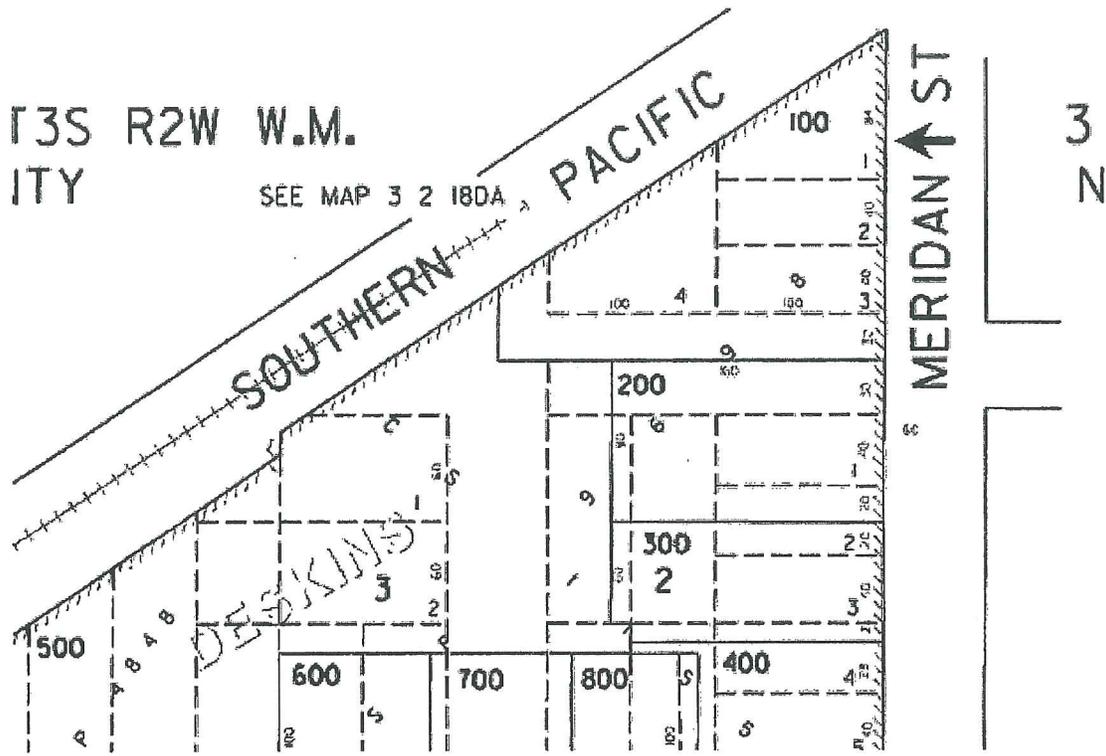
Beginning at a found 5/8" iron rod at the intersection of the center lines of vacated Edwards Street and vacated Pine Street as depicted on CS-11557 and CSP-9698, Yamhill County Survey Records; thence along the centerline of said vacated Pine Street, North 89°45'31" East, 13.62 feet to a 5/8" iron rod with yellow plastic cap marked "Baseline Surveying PLS 2718"; thence North 33°00'41" West, 24.92 feet to a point on the center line of vacated Edwards street; thence along said centerline, South 00°07'52" West, 20.95 feet to the Point of Beginning.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey





FIRST AMERICAN TITLE 2456576

After recording return and tax statements mailed to:

**Micah Olson and Christine Olson  
P.O. Box 907  
Newberg, OR 97132**

Date: September 18, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records		<b>201514972</b>
DMR-DDMR		09/21/2015 11:53:11 AM
Stn=4 MILLSA		3Pgs \$15.00 \$11.00 \$5.00 \$20.00
		<b>\$51.00</b>
<small>I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Brian Van Bergen - County Clerk		

### STATUTORY BARGAIN AND SALE DEED

**Newberg Area Habitat for Humanity**, Grantor, conveys to, **Micah Olson and Christine Olson** Grantee, the following described real property:

A portion of that tract of land described in Statutory Warranty Deed to Newberg Area Habitat for Humanity as recorded in Instrument 201412931, Yamhill County Records, more particularly described as follows:

Beginning at a found 5/8" iron rod at the intersection of the center lines of vacated Edwards Street and vacated Pine Street as depicted on CS-11557 and CSP-9698, Yamhill County Survey Records;

Thence along the centerline of said vacated Pine Street, North 89°45'31" East, 13.62 feet to a 5/8" iron rod with yellow plastic cap marked "Baseline Surveying PLS 2718";

Thence North 33°00'41" West, 24.92 feet to a point on the center line of vacated Edwards Street;

Thence along said centerline, South 00°07'52" West, 20.95 feet to the Point of Beginning.

The true consideration for this conveyance is \$. Lot Line adjustment as approved by City of Newberg Planning & Development, file No. ADJP-15-004 This conveyance is made solely as an adjustment of common boundary between adjoining properties and does not create a separate parcel that can be conveyed independently of adjacent land.



FIRST AMERICAN TITLE 2/15/16

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return and tax statements mailed to:

**Micah Olson and Christine Olson  
P.O. Box 907  
Newberg, OR 97132**

Date: September 18, 2015

**STATUTORY BARGAIN AND SALE DEED**

**Newberg Area Habitat for Humanity**, Grantor, conveys to, **Micah Olson and Christine Olson** Grantee, the following described real property:

A portion of that tract of land described in Statutory Warranty Deed to Newberg Area Habitat for Humanity as recorded in Instrument 201412931, Yamhill County Records, more particularly described as follows:

Beginning at a found 5/8" iron rod at the intersection of the center lines of vacated Edwards Street and vacated Pine Street as depicted on CS-11557 and CSP-9698, Yamhill County Survey Records;  
Thence along the centerline of said vacated Pine Street, North 89°45'31" East, 13.62 feet to a 5/8" iron rod with yellow plastic cap marked "Baseline Surveying PLS 2718";  
Thence North 33°00'41" West, 24.92 feet to a point on the center line of vacated Edwards Street;  
Thence along said centerline, South 00°07'52" West, 20.95 feet to the Point of Beginning.

The true consideration for this conveyance is \$. **Lot Line adjustment as approved by City of Newberg Planning & Development, file No. ADJP-15-004** This conveyance is made solely as an adjustment of common boundary between adjoining properties and does not create a separate parcel that can be conveyed independently of adjacent land.



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 18 day of September, 2015

**Newberg Area Habitat for Humanity**

By:

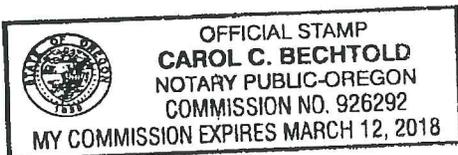
*[Handwritten signature of Rick Rogers]*

**Rick Rogers**

STATE OF Oregon )  
County of Yamhill )ss.

This instrument was acknowledged before me on this 18<sup>th</sup> day of September, 2015  
By **Rick Rogers as Executive Director of Newberg Area Habitat for Humanity**

*[Handwritten signature of Carol C. Bechtold]*



Notary Public for Oregon  
My commission expires: 3/12/18



# Exhibit B

for Property Line Adjustment  
 in the Plat of "Deskins Third Addition"  
 located in the S.E. 1/4 Sec. 18  
 T. 3 S., R. 2 W., W.M.  
 City of Newberg  
 Yamhill County, OR

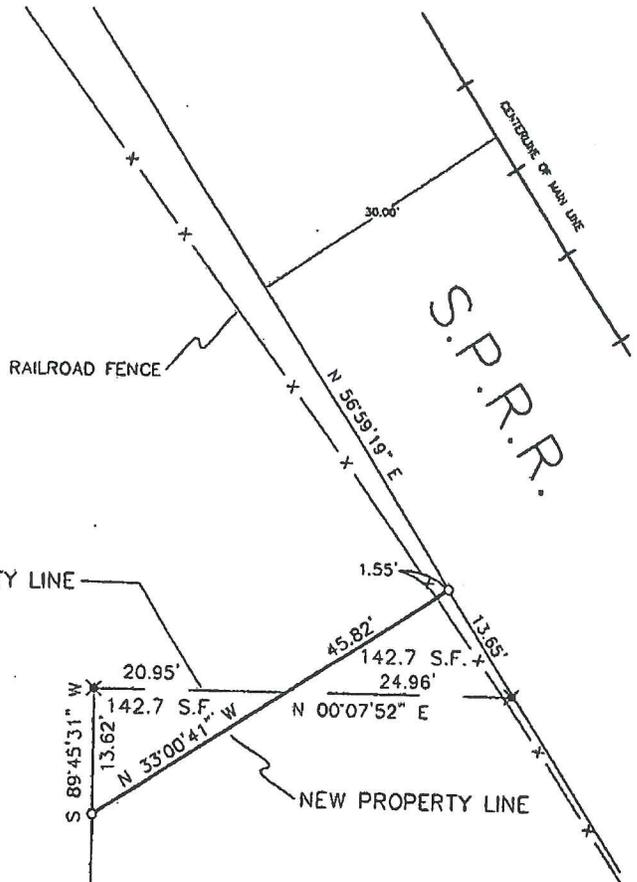
Bik. 3

(EDWARDS ST.)

(VACATED)



OLD PROPERTY LINE



NEW PROPERTY LINE

(PINE ST.)

(VACATED)

Bik. 2

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR 10

*Michael Rennick*

OREGON  
 JULY 25, 1995  
 MICHAEL D. RENNICK  
 2718

RENEWAL DATE: 01-01-17

Prepared by

Baseline Surveying LLC  
 300 E. First Street  
 Newberg, OR 97132

Scale: 1"=20'	Date: 05/18/15	LT:
Drawn:	Checked:	Job: 1556



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return and tax statements mailed to:

**Habitat for Humanity  
P.O. Box 118  
Newberg, OR 97132**

**Date: September 18, 2015**

Yamhill County Official Records	<b>201514973</b>
DMR-DDMR	09/21/2015 11:53:11 AM
Stn=4 MILLSA	
3Pgs \$15.00 \$11.00 \$5.00 \$20.00	<b>\$51.00</b>

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

### STATUTORY BARGAIN AND SALE DEED

**Micah Olson and Christine Olson**, Grantor, conveys to, Grantee, **Newberg Area Habitat for Humanity**, the following described real property:

A portion of that certain tract of land described in Statutory Warranty Deed to Micah Olson and Christine Olson as recorded in Instrument 201413763, Yamhill County Records, more particularly described as follows:

Commencing at a found 5/8" iron rod at the intersection of the center lines of vacated Edwards Street and vacated Pine Street as depicted on CS-11557 and CSP-9698, Yamhill County Survey Records;

Thence along the centerline of said vacated Edwards Street, North 00°07'52" East, 20.95 feet to the POINT OF BEGINNING of this description;

Thence continuing, North 00°07'52" East, 24.96 feet to the southeasterly right of way line of the Southern Pacific Railroad, lying 30 feet from center line;

Thence along said railroad right of way, South 56°59'19" West, 13.65 feet to a 5/8" iron rod with yellow plastic cap marked "Baseline Surveying PLS 2718";

Thence, South 33°00'41" East, 20.90 feet to the Point of Beginning.

The true consideration for this conveyance is \$. Lot Line adjustment as approved by City of Newberg Planning & Development, file No. ADJP-15-004

This conveyance is made solely as an adjustment of common boundary between adjoining properties and does not create a separate parcel that can be conveyed independently of adjacent land.

FIRST AMERICAN TITLE 2456576



FIRST AMERICAN TITLE 24565 16

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return and tax statements mailed to:

**Habitat for Humanity  
P.O. Box 118  
Newberg, OR 97132**

**Date: September 18, 2015**

**STATUTORY BARGAIN AND SALE DEED**

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This conveyance is made solely as an adjustment of common boundary between adjoining properties and does not create a separate parcel that can be conveyed independently of adjacent land.



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 18<sup>th</sup> day of September, 2015



Micah Olson



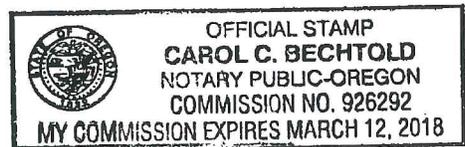
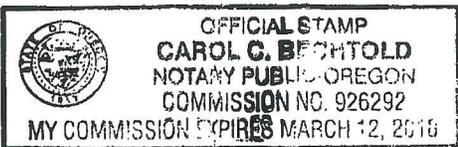
Christine Olson

STATE OF Oregon )  
County of Yamhill )ss.

This instrument was acknowledged before me on this 18<sup>th</sup> day of September, 2012  
by **Micah Olson and Christine Olson**



Notary Public for Oregon  
My commission expires: 3/12/18





# Exhibit A: Property Line Adjustment Map

## Exhibit B

for Property Line Adjustment  
 in the Plat of "Deskins Third Addition"  
 located in the S.E. 1/4 Sec. 18  
 T. 3 S., R. 2 W., W.M.  
 City of Newberg  
 Yamhill County, OR

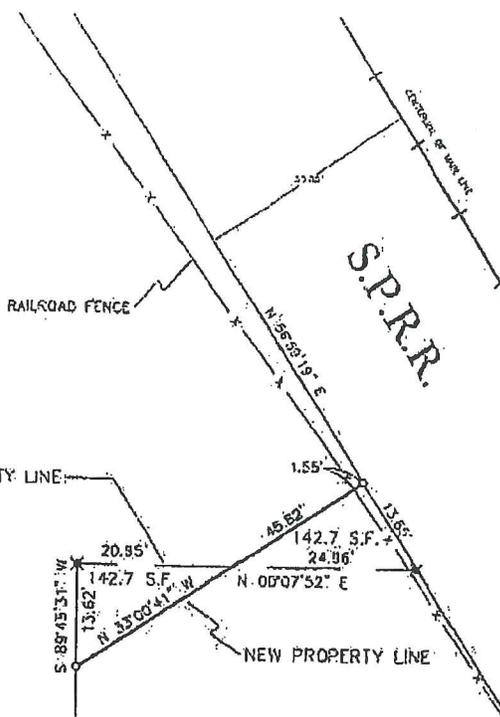
Blk. 3

(EDWARDS ST.)

(VACATED)



OLD PROPERTY LINE



S.P.R.R.

(PINE ST.)

(VACATED)

Blk. 2

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR 10

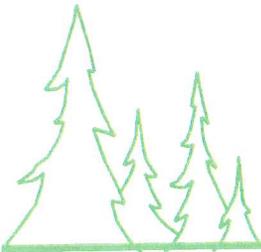
*Michael Rennick*

OREGON  
 JULY 25, 1993  
 MICHAEL D. RENNICK  
 2718'

RENEWAL DATE: 01-01-17

Prepared by Baseline Surveying LLC 300 E. First Street Newberg, OR 97132		
Scale: 1" = 20'	Date: 05/18/15	LT:
Drawn:	Checked:	Job: 1556





**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625  
(503) 538-5700 FAX 538-9167  
larydell@teleport.com

## **SITE DESIGN REVIEW APPLICATION**

# HABITAT RESTORE

A Site Design Review Application for a New ReStore

City of Newberg

Yamhill County, Oregon

**18 September 2015**

### **PREPARED FOR:**

Newberg Habitat for Humanity  
P. O. Box 118  
Newberg, Oregon 97132



Phone: (503) 537-9938

RENEWAL DATE 12/31/2016

E-Mail: [NewbergHabitatforHumanity@frontier.com](mailto:NewbergHabitatforHumanity@frontier.com)

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS  
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS  
LAND SURVEYS • WATER RIGHTS

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Design Review Criteria.. ..... 12

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**EXHIBITS**

- Tax Map 3 - 2 - 18DD, Tax Lot 100
- Newberg Comprehensive Plan Map
- Newberg Zoning Map
- Building Rendering
- Building Floor Plan
- Building Elevations
- Building Lighting Plan
- Site Design Review Plan- Sheet 1 of 3 - Surrounding Area with Google Earth Image
- Site Design Review Plan - Sheet 2 of 3 Detail Site Design Review Plan
- Site Design Review Plan -Sheet 3 of 3 - Grading Plan
- Landscape Plan - L101

**SUPPLEMENTAL DOCUMENTS**

- Traffic Study
- Title Report - Tax Lot 100, Tax Map 3-2-18DD
- Lighting Fixture Details

## **APPLICANT AND SITE INFORMATION**

**APPLICANT/OWNER:** Newberg Habitat for Humanity  
P. O. Box 118  
Newberg, Oregon 97132  
Phone: (503) 537-9938  
Fax: (503) 554-1558  
Cell: (503) 997-6094  
E-Mail: [NewbergHabitatforHumanity@frontier.com](mailto:NewbergHabitatforHumanity@frontier.com)

**ARCHITECT:** SCOTT | EDWARDS ARCHITECTURE LLP  
2525 East Burnside Street  
Portland, Oregon 97214  
Phone: 503.226.3617  
FAX: 503.226.3715  
E-Mail: [sarah@seallp.com](mailto:sarah@seallp.com)

**LANDSCAPE ARCHITECT:** Shapiro Didway Landscape Architects  
1204 SE Water Avenue  
Portland, Oregon 97214  
Phone: 503.232.0520  
Cell: 503.522.1521  
E-Mail: [blair@shapiro-la.com](mailto:blair@shapiro-la.com)

**ENGINEER/SURVEYOR:** Leonard Rydell, P.E., P. L. S., W. R. E.  
601 Pinehurst Drive  
Newberg, OR 97132-1625  
Phone: 503-538-5700  
Fax: 503-538-5700  
E-Mail: [larydell@teleport.com](mailto:larydell@teleport.com)

**REQUEST:** A Site Design Review Application for a New Restore

**TAX LOT** Tax Lot 100, Map No. 3-2-18DD

**COMPREHENSIVE PLAN:** Industrial (IND)

**ZONING:** M-2 Industrial (M-2)

**SIZE:** 27,635 sq. ft., 0.6344 acres

**LOCATION:** On the West Side of North Meridian Street and South of the Railroad Tracks

## INTRODUCTION & BACKGROUND

Newberg Habitat for Humanity has acquired title to a parcel of property on the West side of North Meridian Street and on the South side of the railroad tracks for construction of a new ReStore and would like to develop the property to provide a permanent home for sales of new but unwanted, nearly new or reusable building supplies, furniture, tools and other materials that are unneeded and are donated to be repurposed or sold to benefit Habitat for Humanity's home building program. Newberg has an existing Restore in Newberg, but have been given notice that the property will soon longer be available in 2016..

The property is covered with gravel and has little vegetation. It is currently being used as a parking lot, but in the past, it has been used by the petroleum industry. A DEQ cleanup process was implemented on the property, and the required mitigation has been completed.

The property to the North is the railroad tracks and property North of the railroad tracks is zoned M-2. Property across North Meridian Street and a portion of the property along the South line adjoining North Meridian Street is zoned R-3 Residential. The West and Southwest properties are zoned M-2 Industrial.

## ZONING STANDARDS

### **Chapter 15.220 SITE DESIGN REVIEW**

A. *Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.*

2. *Type II.*

a. *Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.*

**Finding:** This application is for a building that exceeds 1,000 square feet, so a Type II application is required.

B. *Type II. The following information is required to be submitted with all Type II applications for site design review:*

1. *Site Development Plan. A site development plan shall be to scale and shall*

*indicate the following as appropriate to the nature of the use:*

- a. Access to site from adjacent right-of-way, streets and arterials;*
- b. Parking and circulation areas;*
- c. Location and design of buildings and signs;*
- d. Orientation of windows and doors;*
- e. Entrances and exits;*
- f. Private and shared outdoor recreation spaces;*
- g. Pedestrian circulation;*
- h. Outdoor play areas;*
- i. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;*
- j. Areas to be landscaped;*
- k. Exterior lighting;*
- l. Special provisions for handicapped persons;*
- m. Other site elements and spaces which will assist in the evaluation of site development;*
- n. Proposed grading, slopes, and proposed drainage;*
- o. Location and access to utilities including hydrant locations; and*
- p. Streets, driveways, and sidewalks.*

**Finding:** A Site Development Plan has been prepared as part of this application. Sheet 2 of 3 shows the development of the site including the items listed above.

- 2. *Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:*
  - a. Relationship of adjacent lands;*
  - b. Location of species of trees greater than four inches in diameter at four feet*

- above ground level;*
- c. *Existing and proposed topography;*
- d. *Natural drainage and proposed drainage and grading;*
- e. *Natural features and structures having a visual or other significant relationship with the site.*

**Finding:** A Site Development Plan has been prepared as part of this application. Sheet 1 of 3 shows the existing and proposed development in the surrounding area.

3. *Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.*
4. *Landscape Plan. The landscape plan shall indicate:*
  - a. *The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;*
  - b. *Proposed site contouring; and*
  - c. *A calculation of the percentage of the site to be landscaped.*
5. *Special Needs for Handicapped. Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.*
6. *Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.*
7. *Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.*
8. *Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.*
9. *Buffering and Screening. Buffering and screening of areas, structures and facilities*

*for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.*

10. *Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.*

**Finding:** A sign will be located on the building as shown by the architectural plans submitted. A free standing sign will be proposed later under application for a sign permit..

11. *Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.*

**Finding:** A lighting plan is included as part of this application.

12. *Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.*

**Finding:** Little garbage is anticipated to be generated, and will be handled with one garbage container that is rolled out to the curb on garbage day..

13. *Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.*

**Finding:** Sheets 2 and 3 of 3 of the Site Design Review Plans address the existing and proposed improvements.

14. *Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.*

**Finding:** A traffic Study is included as part of this application.

## **HABITAT RESTORE ZONING - M-2, Industrial**

### **15.302.032 Purposes of each zoning district.**

- K. *M-2 Light Industrial District. The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.*

**Finding:** The site has good access off of Meridian Street which is designated as a Minor Collector on the City of Newberg Functional Classification Map. Meridian Street is a major North-South Street in Newberg and Fulton Street provides access to the East to Villa Road.

### **15.410.020 Front yard setback.**

- C. *Industrial. All lots or development sites in the M-1, M-2 or M-3 districts shall have a front yard of 20 feet. Lots or development sites in the AI district shall have a front yard of 10 feet. Lots or development sites in the M-4 district shall have a front yard of 20 feet where abutting Highway 219, arterials, and collectors, and a front yard of 10 feet along other streets.*

**Finding:** The railroad right-of-way is not a public street as the land was platted up to the right-of-way and did not create a public street. Therefore, there is no required setback to the railroad and the M-2 property to the West and Southwest. A 20-foot setback is provided from Meridian Street.

### **15.410.030 Interior yard setback.**

- C. *Industrial. All lots or development sites in the AI, M-1, M-2, M-3, and M-4 districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.*

**Finding:** A 10-foot building setback is provided from the R-2 property that borders the site to the South.

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**  
*The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:*

E. *Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).*

1. *In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.*
3. *In any commercial or industrial district, except C-1, C-4 and M-1, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district are described in NMC 15.352.040(H).*

**Finding:** Since the property is zoned M-2, parking is allowed in required setbacks unless otherwise prohibited. A parking setback of 6.4 feet is proposed along the South line that borders the R-2 property. This area will be used for bumper overhang and a water quality swale and landscaping with a purpose.

**15.440.010 Required off-street parking.**

- A. *Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones.*

**15.440.020 Parking area and service drive design.**

- A. *All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.*
- B. *Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.*

**15.440.030 Parking spaces required.**

**Retail stores** handling bulky  
merchandise, household  
furniture, or appliance repair

1 for each 600 sq. ft. of gross floor area

**Retail establishments,** except as

1 for each 300 sq. ft. of gross floor area

otherwise specified herein

**Industrial Types**

Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, and M-4

1 for each 500 sq. ft. of gross floor area

**Finding:** The area of the building, dropoff and outside storage is 10,766 square feet. Since the project will be a Retail Store selling bulky merchandise and household furniture, the parking standard is one space per 600 square feet. 17.9 spaces are required, and 19 spaces are provided.

**15.440.040 Parking requirements for uses not specified.**

*The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein.*

**Finding:** This clause is not applicable to this application. The parking standard of one space per 600 square feet of floor area was agreed upon during the pre-application meetings.

**15.440.060 Parking area and service drive improvements.**

*All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:*

- A. *All parking areas and service drives shall have surfacing of asphaltic concrete or portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.*

**Finding:** All driveways, sidewalks and parking spaces will be concrete pavers. All drainage will percolate into the base rock or sheet flow into rain gardens for water quality treatment and infiltration.

- B. *All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.*

**Finding:** All driveways, sidewalks and parking spaces will conform to these requirements. The only improvements in the right-of-ways will be the two driveway approaches.

C. *All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.*

**Finding:** All parking spaces are set back from street right-of-ways or adjoining private property, so no bumpers are required or proposed so that sheet flow drainage is not interrupted and the paver surface can be easily swept of debris.

D. *All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall be screened in accordance with NMC 15.420.010(B).*

**Finding:** All parking spaces and service drives will be screened by the landscaping in the rain gardens that buffer the property along Meridian Street. The R-2 property to the South will be screened by adding slats to the existing chain link fence..

E. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.*

**Finding:** Lighting is designed to illuminate the site only and to avoid lighting of adjoining properties as shown by the lighting plan and supplemental information.

F. *All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.*

**Finding:** Parking spaces are proposed to be designated by pavers of different colors. Painted lines on the pavers will be used to make individual spaces unless it is practical to use pavers with colors of permanent consistent contract to mark the spaces.

**15.440.100 Facility requirements.**

*Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.*

*New commercial, industrial, office and institutional developments, including additions that total 4,000 square feet or more*

*One bicycle parking space for every 10,000 square feet of gross floor area In C-4 districts, two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater*

**Finding:** Since the total building area is 10,766 square feet, two bicycle parking spaces are being provided.

## DESIGN REVIEW CRITERIA

- (1) *Design compatibility.* The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

**Finding:** The proposed Newberg Area Habitat for Humanity Restore at 801 N Meridian in Newberg will develop a now vacant lot into a useful and inviting space. The former site of a heating oil distributor, the site has been monitored and cleared for use by the Oregon Department of Environmental Quality. Interestingly, one of the main benefits of a building materials resale store is to reuse product rather than adding to the waste stream. Given the history of the site, this seems a fitting reuse.

The plans enclosed here seek to blend into this multi-use neighborhood that includes commercial, residential and railroad users. The building will be set back from the street and thus neighbors to the East. Border landscaping will be used to shield the residential property to the south. The building will be oriented to abut the commercial property to the west and railroad to the north. A recently completed lot line adjustment with the commercial neighbor to the west will allow for better coordination of future building on his site.

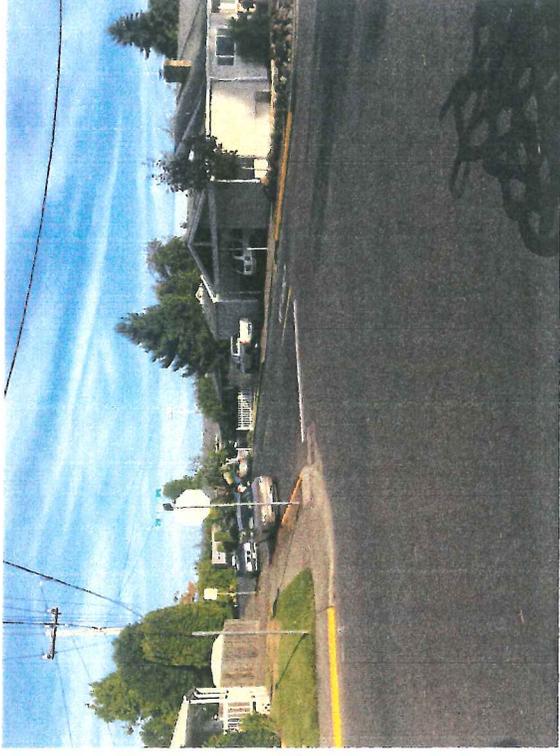
The stick built building will be compatible in height, materials, colors, roof design, landscaping and signage with the neighborhood. The store will be designed to be inviting to neighbors, customers and donors alike. A simple example of this is in our planned use of rain gardens and parking pavers to encourage on-site storm water retention while making a more inviting and 'people-friendly' location.

Pictures taken of and around the site are below. Wood construction is common in the area, both for residential and commercial uses. The proposed building is similar in shape and structure to the new George Fox Athletic Center down Fulton Street.

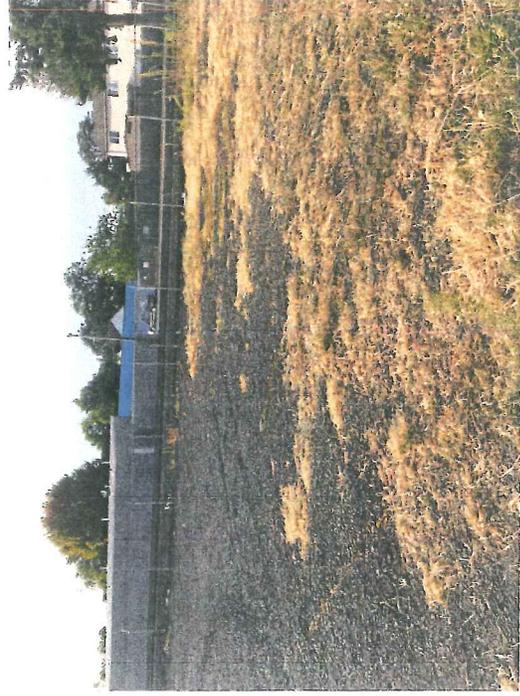




**Across the Street to the Northeast**



**Looking East Down Fulton to George Fox**



**Looking North Across Railroad**



**Looking Southwest Across Railroad to Site**

- (2) **Parking and on-site circulation.** *Parking areas shall meet the requirements of § 15.440.010: Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in § 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.*

**15.440.010 Required off-street parking.**

- A. *Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones.*

**Finding:** This project is in a M-2 Zone, and off-street parking is proposed as required. The parking access is designed to accommodate fire truck access, an unloading zone for reusable donations and the required parking spaces for the development.

- (3) **Setbacks and general requirements.** *The proposal shall comply with §§ 15.415.010 through 15.415.060 dealing with height restrictions and public access; and §§ 15.410.010 through 15.405.040 dealing with setbacks, coverage, vision clearance, and yard requirements.*

**15.415.010 Main buildings and uses as accessory buildings.**

- A. Hereinafter, any building which is the only building on a lot is a main building.
- B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
- C. In any residential district, there shall be no more than two accessory buildings on any lot or development site. [Ord. 2451, 12-2-96. Code 2001 § 151.535.]

**15.415.020 Building height limitation.**

- B. **Commercial and Industrial.**
2. *In the AI, C-2, C-3, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the*

*maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.*

**Finding:** The site abuts a R-2 Residential District that has a maximum height of 30 feet. The proposed Restore does not exceed 30 feet in height.

(4) **Landscaping requirements.** *The proposal shall comply with § 15.420.010 dealing with landscape requirements and landscape screening.*

**Finding:** A landscape plan has been prepared by Shapiro Didway Landscape Architects and is attached as part of this application. Comments regarding the code requirements are as follows:

**Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS**

**15.420.010 Required minimum standards.**

B. **Required Landscaped Area.** *The following landscape requirements are established for all developments except single-family dwellings:*

1. *A minimum of 15 percent of the lot area shall be landscaped;*
2. *All areas subject to the final design review plan and not otherwise improved shall be landscaped.*

**Finding:** 21.95% of the site will be landscaped, primarily in rain gardens. 2.33% of the site is in areas with minimum setbacks, i.e. near zero lot line setbacks along the South line and 2.5 feet along the rail road right-of-way, leaving a net visible landscape area of 22.6%. Therefore, the minimum landscape area of 15% is met..

3. *The following landscape requirements shall apply to the parking and loading areas:*
  - a. *A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.*

**Finding:** 19 parking spaces are proposed which requires 475 square feet of landscaping. This amount is 1.7% of the site, and since the proposed landscape area of the site is 21.95%, the requirement is met.

- b. *A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by*

*a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.*

**Finding:** Parking along North Meridian Street meets the 20-foot setback. Parking spaces along the South line of the property do not border “any lot line adjacent to a street”. A five foot width is required along the interior yard, and 8.66 feet is proposed.

- c. *A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.*

**Finding:** Five street trees are proposed along the planter strip along North Meridian Street as shown by Sheet 2 of 3 of the Site Design Review Map and landscaping on the site is shown on the landscape plan.

- d. *A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).*

**Finding:** The Landscaping Plan submitted as part of this application conforms to this requirement.

- e. *Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.*

**Finding:** Since the predominate landscaping is for the rain gardens, the landscaping is uniformly distributed throughout the rain gardens as shown by the Landscaping Plan submitted as part of this application.

- f. *Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.*

**Finding:** As shown by the Landscaping Plan submitted as part of this application, all landscape areas exceed five feet in width.

- g. *All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.*

**Finding:** There is an existing chain link fence along the South line of the development site. There will be rain garden plants along this line, and slats will be placed in the existing chain link fence to provide 75 percent opaque screening to conform to this requirement.

- h. *An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:*

- i. *Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).*

**Finding:** Landscape strips exceeding five feet wide are located along all parking spaces except those fronting the building. There not more than seven spaces in a row, and shade trees are shown on the lands

- ii. *Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).*

**Finding:** This section does not apply.

- 4. *Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.*

- a. *Arterial and minor arterial street trees shall have spacing of*



<i>4" containers</i>	<i>2 feet on center</i>
<i>2-1/4" containers</i>	<i>18" on center</i>
<i>Rooted cuttings</i>	<i>12" on center</i>

**Finding:** It is the intent of the applicant to comply with this requirement, but as English Ivy is a non-native plant and the subject of eradication efforts in the Northwest, it will not be used.

- Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.*

**Finding:** Areas to be planted are rain gardens, and drought tolerant plants are proposed. Hand sprinklering will be utilized during the establishment period. It is Habitat for Humanity's goal to demonstrate that rain gardens not only retain and treat storm water, but also demonstrate that native vegetation plants are attractive and low maintenance.

- Required landscaping shall be continuously maintained.*

**Finding:** The applicant will comply with this requirement.

- Maximum height of tree species shall be considered when planting under overhead utility lines.*

**Finding:** As there are high tension wires fronting the property on the West side of North Meridian Street, the applicant will comply with this requirement.

- Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.*

**Finding:** It is the intent of this application to provide the information necessary for final approval, but additional clarification can be provided as needed during the building permit stage.

- In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50*

*feet of a residential district.*

**Finding:** The project is located in a M-2 zone, so this requirement does not apply.

C. *Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.*

**Finding:** The applicant will conform to this requirement.

(5) *Signs. Signs shall comply with § 15.435.010 et seq. dealing with signs.*

**Finding:** Details of the proposed signs along North Meridian will be submitted as part of obtaining a sign permit. Proposed signs include a monument sign, direction signs directing traffic for drop off, hours of operation, etc. Signage approval requested by this application is the proposed signage on the building that is shown on the architectural elevations.

(6) *Manufactured home, mobile home and RV parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in §§ 15.445.050 et seq., in addition to the other criteria listed in this section.*

**Finding:** This section does not apply to a Retail Store.

(7) *Zoning district compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in §§ 15.304.010 through 15.328:040. Through this site review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*

**Finding:** The site is zoned M-2, and the proposed use is retail sales of a variety of reusable donated items ranging from appliances to furniture to tools to building supplies and is a permitted use under Item 421, Retail Sales-General. Sales are limited to

"Secondhand stores" under Item No. 23. "Retail sales-Bulk outdoor" are also a permitted use. In conclusion, a Restore is an outright conforming use.

- (8) *Sub-district compliance. Properties located within sub-districts shall comply with the provisions of those sub-districts located in §§ 15.340.010 through 15.348.060.*

Finding: This project is not located in a sub-district so this section does not apply.

- (9) *Alternative circulation, roadway frontage improvements and utility improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.*

**Finding:** Due to the rail road, configuration of the property and the Owner to the West's request for a zero lot line development, access to that property is not an issue. The property to the South already has an access, and City Staff has already requested that the development of the Habitat Restore project include the replacement of its driveway approach.

The Restore site has full public street improvements along the Meridian Street frontage including 36-feet of pavement, curbs, gutters and sidewalks. A public 8-inch cast iron water main is located on the East side of Meridian Street, and a public 8-inch gravity sewer line is located on the West side of Meridian Street.

There is an existing water meter serving the site, and it will be used to serve the bathrooms in the new building. A new 4-inch sewer lateral with property line cleanout will be installed to serve the bathrooms in the proposed building. A 4-inch tap will also connect to the 8-inch main across the street for the fire sprinkler system to be installed in the Restore.

There are two concrete driveways and part of a third that front the Restore site along with existing curbs and sidewalks, all in poor condition. Proposed improvements include removing the existing curbs and replacing them with curb and gutter, and installing 5-foot wide property line sidewalk. The improvements will connect to the existing railroad pedestrian crossing on the North, and will include a new residential driveway on the South.

- (10) *Traffic study improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Director.*

**Finding:** A traffic study by Associated Transportation Engineering & Planning, Inc. was

prepared and under the Findings and Summary, it states, “Additional traffic will not cause the studied intersections to perform at levels below the standards the City of Newberg has adopted. There are no apparent significant safety problems at the studied intersections indicated by the crash data from ODOT.” Therefore, no improvements to existing streets are required.

## **Conclusion**

The Habitat ReStore project meets the goals of Newberg’s Development Code for an infill M-2 development site. Construction of a new restore in the center of Newberg allows for a better and expanded opportunity for Habitat for Humanity to support local affordable housing for local families. Newberg is currently encouraging affordable housing.

Approval of the Site Design Review Application for the construction of a new Habitat for Humanity ReStore under a Type II review is hereby requested.

3 2 18DD  
NEWBERG

**SITE**

CANCELLED  
500 A1  
1000 A1  
1000 A2  
1000 A3  
1000  
1200  
1300  
1400  
1500  
1600  
1700  
1800  
3201  
8100

SE 1/4 SE 1/4 SEC 18 T3S R2W W.M.  
YAMHILL COUNTY  
SEE MAP 3 2 18DA

1" = 100'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SEE MAP 3 2 18DB

SEE MAP 3 2 18DC



3 2 18DD

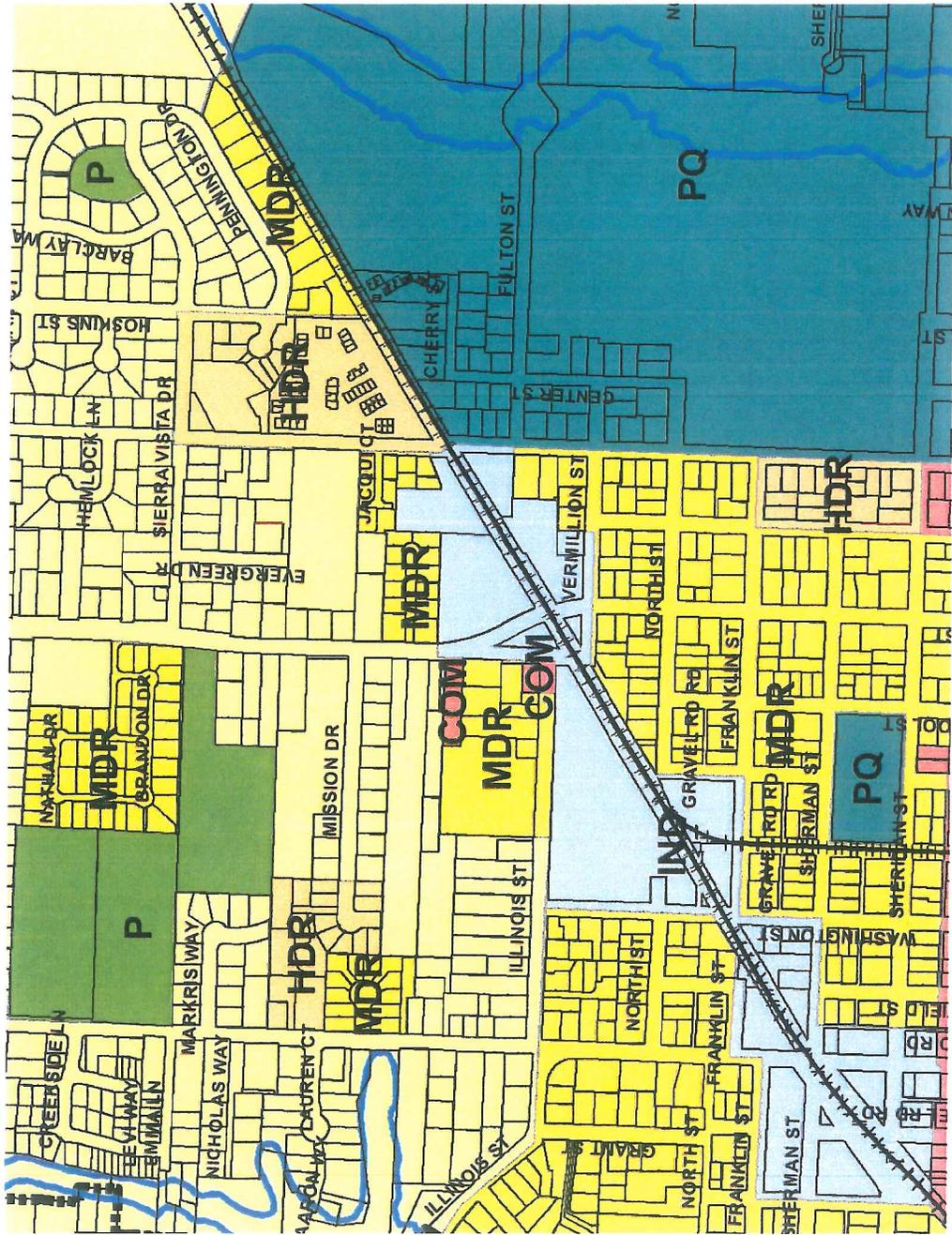
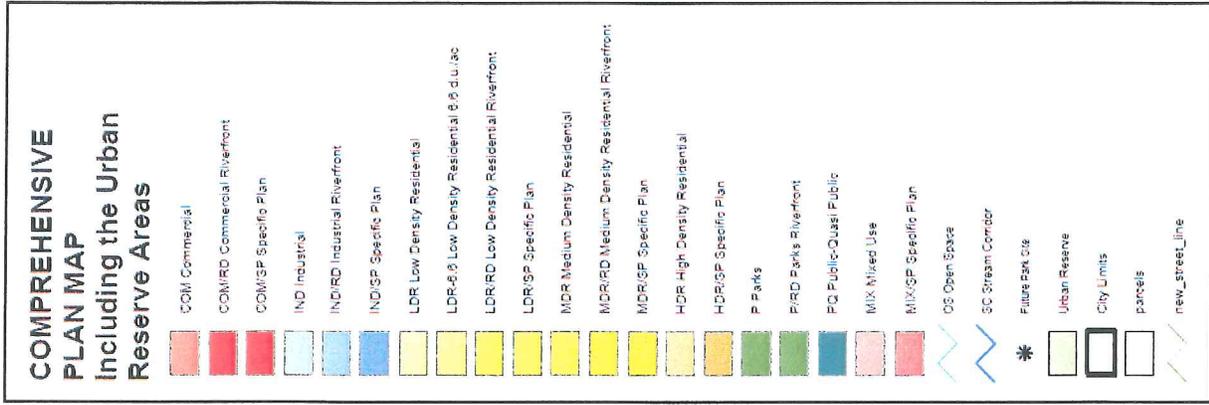
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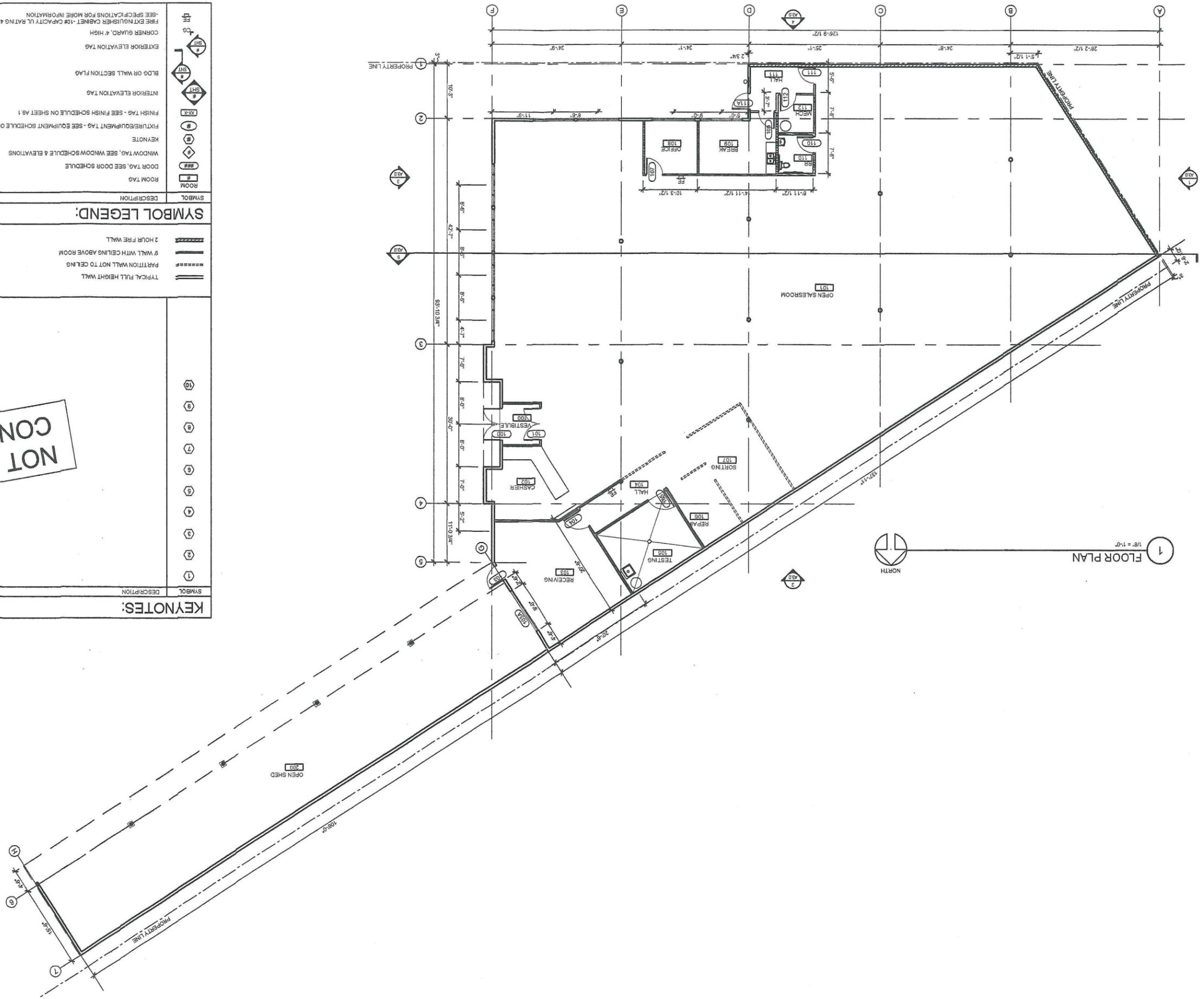
# HABITAT RESTORE COMPREHENSIVE PLAN





S/E A





SYMBOL	DESCRIPTION
(1)	KEYNOTES
(2)	SYMBOL
(3)	DESCRIPTION

SYMBOL	DESCRIPTION
(4)	TYPICAL FULL HEIGHT WALL
(5)	PARTITION WALL NOT TO CEILING
(6)	9 WALL WITH CEILING ABOVE ROOM
(7)	2 HOUR FIRE WALL

SYMBOL	DESCRIPTION
(8)	ROOM TAG
(9)	ROOM TAG, SEE DOOR SCHEDULE
(10)	WINDOW TAG, SEE WINDOW SCHEDULE & ELEVATIONS
(11)	KEYNOTE
(12)	FINISH TAG - SEE FINISH SCHEDULE ON SHEET A9.1
(13)	FIXTURE/EQUIPMENT TAG - SEE EQUIPMENT SCHEDULE ON SHEET A9.0
(14)	INTERIOR ELEVATION TAG
(15)	BLDG OR WALL SECTION FLAG
(16)	EXTERIOR ELEVATION TAG
(17)	CORNER GUARD, 4' HIGH
(18)	FIRE EXTINGUISHER CABINET - 10# CAPACITY UL RATING 4A-BBC
(19)	-SEE SPECIFICATIONS FOR MORE INFORMATION

**SYMBOL LEGEND:**

**KEYNOTES:**

**NOT FOR CONSTRUCTION**

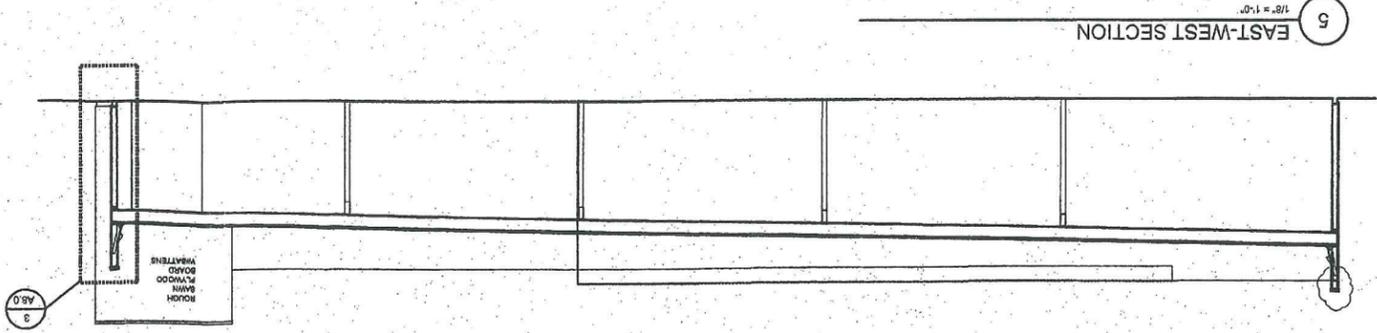
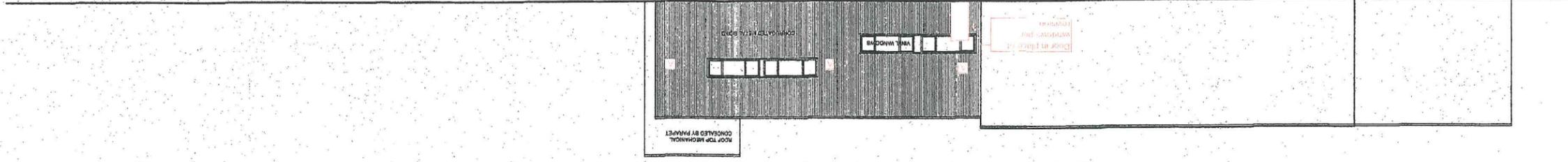
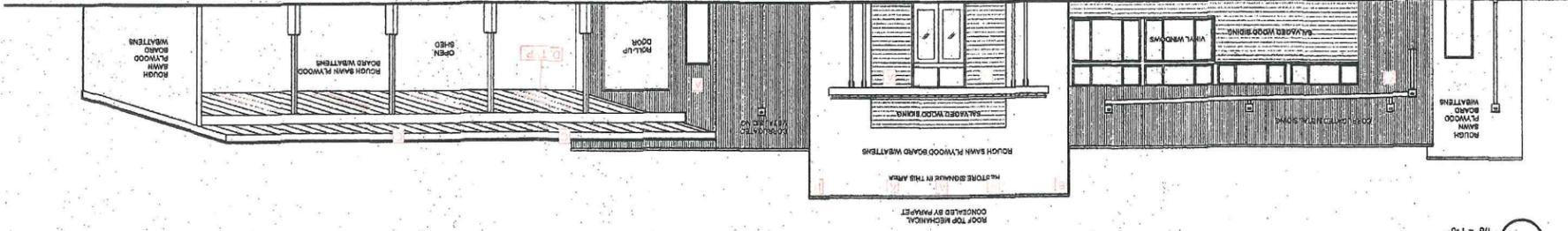
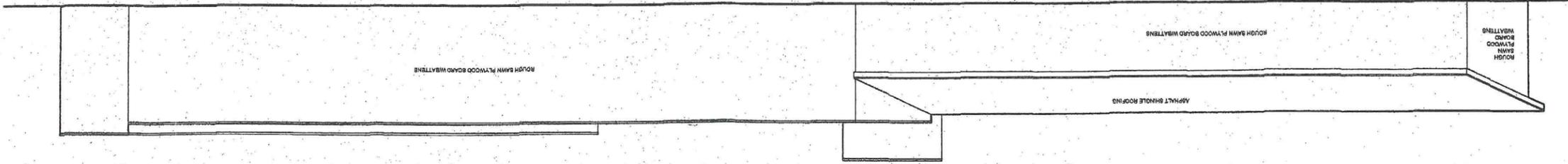
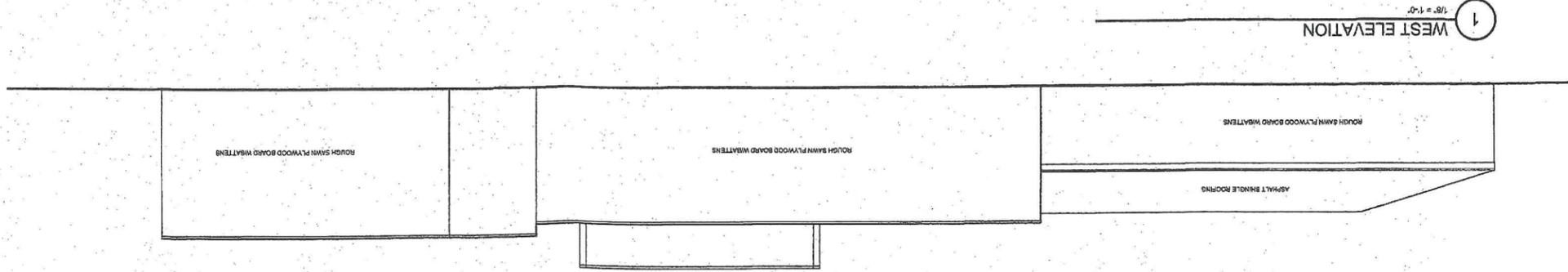
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 Checked By: \_\_\_\_\_  
 Sheet No: \_\_\_\_\_

**S|EA**  
 SCOTT EDWARDS ARCHITECTURE LLP  
 2525 E Burnside St., Portland, OR 97214  
 phone: (503) 226.9617 www.seajlp.com

HABITAT FOR HUMANITY  
 RESTORE  
 801 N. MERIDIAN STREET  
 NEWBERG, OREGON

**A2.0**





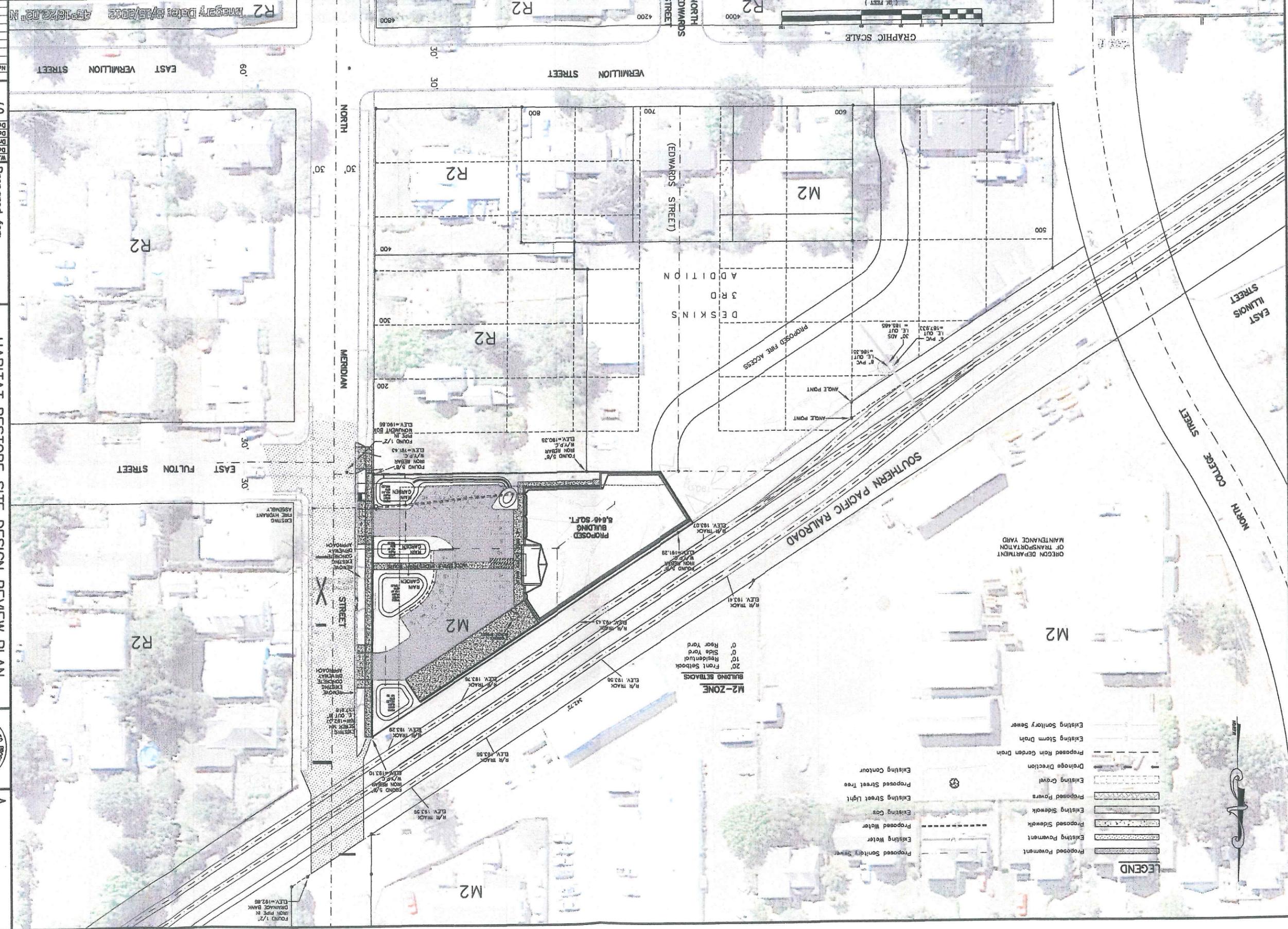
LIGHTING SCHEDULE  
 A - Crosscut XTOR1A - Timer dusk to dawn operation  
 B - Crosscut XTOR3A - Timer dusk to dawn operation  
 C - Lutrona OLW14 - Timer dusk to dawn operation  
 D - Lutrona C Series Tandem B, 4L, TR Strip with Occupancy Sensor. Manual switch override in receiving area.

NOT FOR CONSTRUCTION

W.O. No. 1421  
 Design by *[Signature]*  
 Date 18 September 2019  
 Dwg 1421-SM1.DWG  
**Sheet 1 of 3**  
 REVISIONS  
 No. Description/Date By

**HABITAT RESTORE SITE DESIGN REVIEW PLAN**  
**NEWBERG HABITAT FOR HUMANITY**  
 Located in the Daniel D. Deskins Donation Land Claim No. 54  
 East Half of the Southwest Quarter of Section 17  
 Township 3 South, Range 2 West of the Willamette Meridian  
 City of Newberg, Yamhill County, Oregon

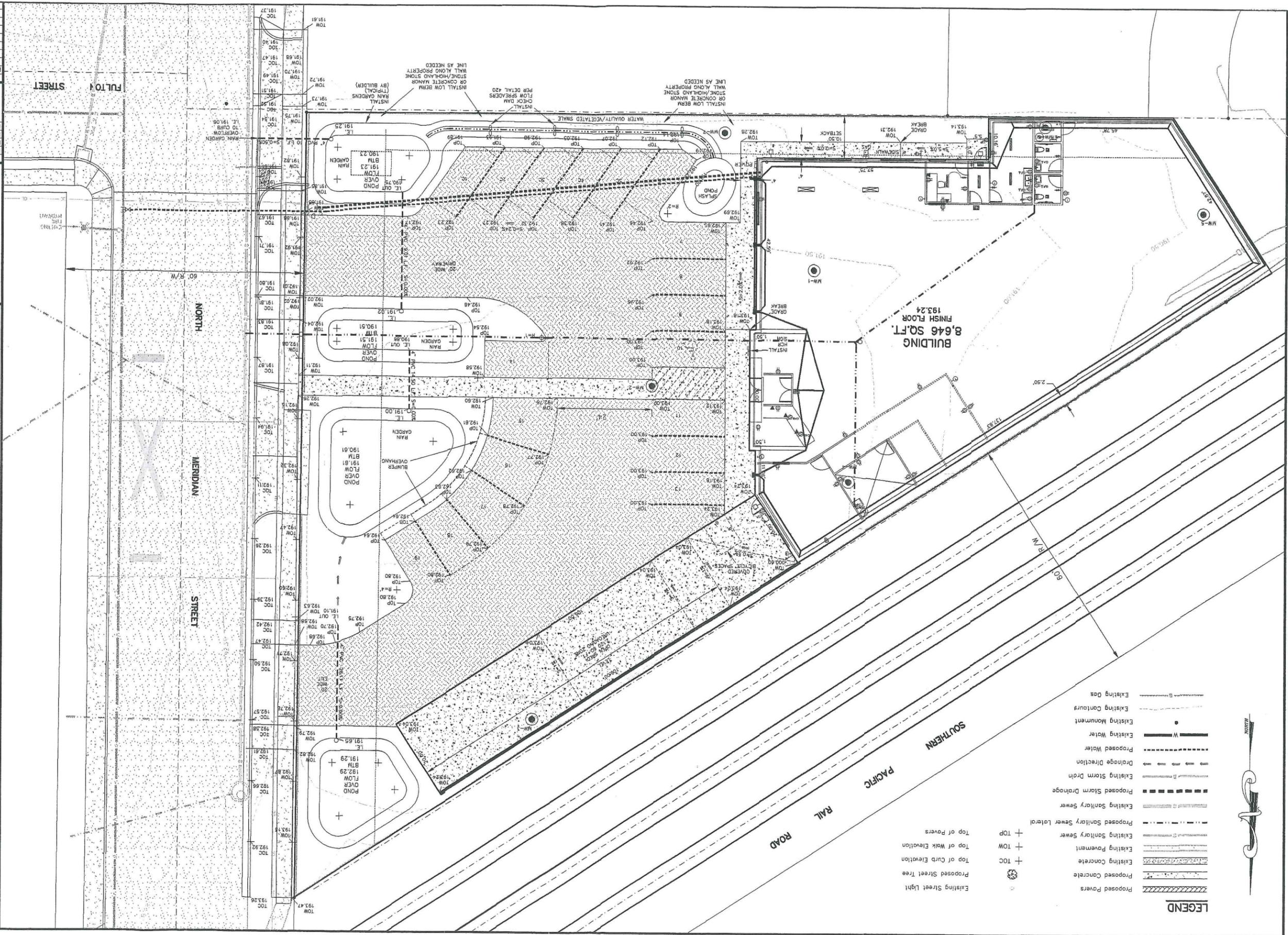
PREPARED FOR:  
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 Phone: (503) 537-9938  
 rick@newberghabitat.org



CONSULTING CIVIL ENGINEER - LAND SURVEYOR - WFLC  
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 Mobile (503) 538-5700  
 Home (503) 538-3010  
 larry@leonardrydill.com







**LEGEND**

- Proposed Pavers
- Existing Pavers
- Existing Pavement
- Existing Sanitary Sewer
- Proposed Sanitary Sewer
- Proposed Sanitary Sewer Lateral
- Existing Sanitary Sewer
- Proposed Storm Drainage
- Existing Storm Drain
- Drainage Direction
- Proposed Water
- Existing Water
- Existing Monument
- Existing Contours
- Existing Gas

- Existing Street Light
- Proposed Street Tree
- Top of Curb Elevation
- Top of Walk Elevation
- Top of Pavers

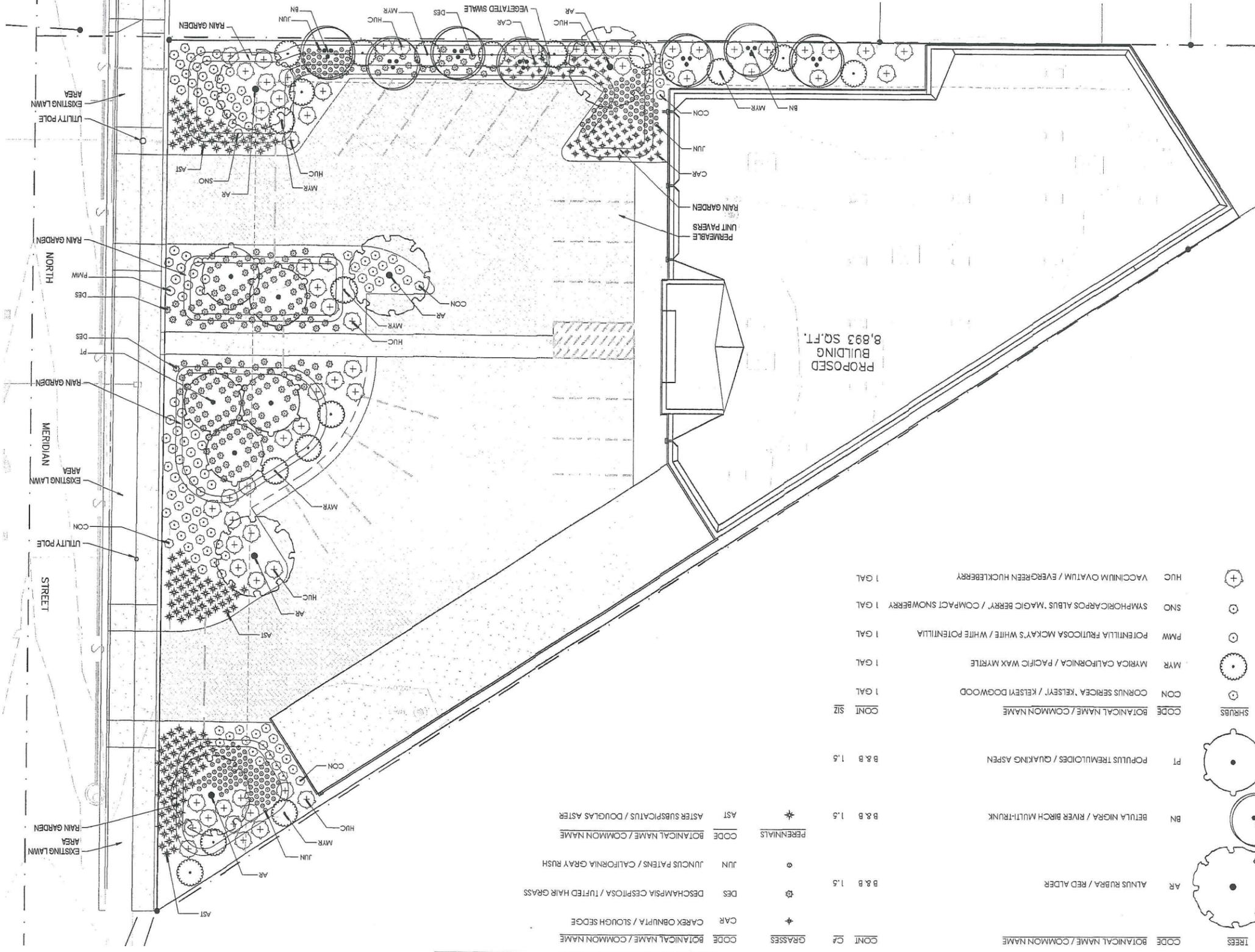
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 Sheet  
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 Date 18 September 2015  
 Drawn  
 Design  
 W.D. No. 1421

Prepared for:  
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 P. O. Box 118  
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 Phone: (503) 537-9938  
 Email: rick@newberghabitat.org

**NEWBERG HABITAT RESTORE GRADING PLAN**  
**NEWBERG HABITAT FOR HUMANITY**  
 Located in the East Half of the Southwest Quarter of Section 17  
 Township 3 South, Range 2 West of the W. M.  
 City of Newberg, Yamhill County, Oregon



**LEONARD A. ROBELL, P.E., P.L.S.**  
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 FAX: (503) 538-9167  
 larp@leardrobell.com  
 Consulting Civil Engineer - Land Surveyor - W.R.E.



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CF	GRASSES
	AR	ALNUS RUBRA / RED ALDER	B & B	1.5	DES
	BN	BETULA NIGRA / RIVER BIRCH MULTITRUNK	B & B	1.5	AST
	PT	POPULUS TREMULOIDES / QUAKING ASPEN	B & B	1.5	JUN
	AR	ALNUS RUBRA / RED ALDER	CONT	CF	CAR
	CON	CORNUS SERICEA 'KEISEYI' / KEISEYI DOGWOOD	1 GAL		DES
	MYR	MYRICA CALIFORNICA / PACIFIC WAX MYRTLE	1 GAL		JUN
	PMW	POTENTILLA FRUTICOSA MCKAY'S WHITE / WHITE POTENTILLA	1 GAL		AST
	SNO	SYMPHORICARPOS ALBUS 'MAGIC BERRY' / COMPACT SNOWBERRY	1 GAL		HUC
	HUC	VACCINIUM OVATUM / EVERGREEN HUCKLEBERRY	1 GAL		CON
	PERENNIALS				PT
	GRASSES				DES
	GRASSES				AST
	GRASSES				JUN
	GRASSES				CAR
	GRASSES				DES
	GRASSES				AST