



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 18, 2012  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 12-173161 AD**

#### **GENERAL INFORMATION**

**Applicant:** Nancy Merryman  
1231 NW Hoyt #403  
Portland, OR 97209

**Owner:** German American Society  
5626 NE Alameda St  
Portland, OR 97213-3422

**Site Address:** 5626 NE ALAMEDA ST

**Legal Description:** BLOCK 76 LOT 1 EXC PT IN ST, ROSE CITY PK; BLOCK 92 LOT 9&10, ROSE CITY PK

**Tax Account No.:** R723104530, R723106890

**State ID No.:** 1N2E30AC 12300, 1N2E30AC 11000

**Quarter Section:** 2736

**Neighborhood:** Rose City Park, contact Tamara DeRidder at 503-249-6977.

**Business District:** Portland International District Business Association, contact Thomas Wright at 503-249-3926.

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

**Zoning:** R1 (R1,000, Medium Density Multi-dwelling Residential), R5 (R5,000, High Density Single-dwelling Residential)

**Case Type:** Adjustment Review

**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:** The applicants are proposing renovations on this site that trigger a requirement in the Portland Zoning Code for upgrading existing nonconforming development. A portion of the nonconforming upgrade requirements include landscaping standards which require landscaping between the building and the property lines, as well as perimeter and interior landscaping for the parking lot. The applicants are requesting exceptions to some of these requirements, due to circumstances of the existing development that are not consistent with

fully meeting the current standards. When exceptions to Code standards are requested through Adjustment Review, they are approved, if the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore the applicants are requesting the following Adjustments for exceptions to the landscaping standards:

- Waive the requirement for planting trees to meet the L3 landscaping standard for the trash and recycling area in the northwest corner of the portion of the site where the building is located (Code Section 33.120.250).
- Waive the L1 landscaping requirement along the west side property line of the portion of the site where the building is located (Code Section ~~33.120.275~~ -- *This citation was incorrectly quoted in the notice of the proposal and it should be 33.120.235*).
- Reduce the required minimum amount of interior parking lot landscaping from 1,485 square feet, to 1,090 square feet. An additional 395 square feet of landscaped area in the parking lot, which does not qualify as either perimeter or interior landscaping, due to its location is being offered as mitigation. (Code Section 33.266.130 G).

The purposes for landscaping requirements may be found in the respective Code Sections where the regulations are stated in the Code. Generally, the requirements are intended to provide buffering and screening for pedestrians and for any adjacent properties and also to provide shading, to reduce air borne pollution and to aid in the management of storm water runoff.

**Relevant Approval Criteria:** To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

## ANALYSIS

**Site and Vicinity:** The applicant's site consists of two properties, one of 27,500 square feet and the other of 13,600 square feet of land area. The larger parcel, which contains the building that is proposed to serve as the new location for the German American Society, is a roughly triangular property that is located on the west side of the angled axis intersection of NE Alameda Street and Sandy Boulevard. The smaller parcel, which serves as the parking lot for the facility is due north, but across the street, at the northeast corner of the intersection of NE 56<sup>th</sup> Avenue and NE Alameda Street. The property that has the building on it has three sides, with street frontage on the north and the south and the Vietnamese Vicariate abutting the west side. The parking lot would be rectangular in shape, but has the southwest corner cut away, so that the southeast corner forms a point. This property has street frontage on the west and south sides, with single-dwelling residences to the north and northeast. In the area adjacent to the southeast portion of the parking lot there is a duplex and commercial buildings, including a dental clinic in the area next to Sandy Boulevard.

**Zoning:** The main part of the site, where the building is located, is zoned R1 or R1,000, Medium Density Multi-Dwelling Residential. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area, or 1 unit per 2,000 square feet of site area for sites that are smaller than 10,000 square feet. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the lower density multi-dwelling zones. The major type of new housing will be condominiums and apartments, duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets.

The parking lot, which is located across the street from the building, on the north side of NE Alameda Street is zoned R5 or R5,000, High Density Single-Dwelling Residential. This zone is intended to accommodate single-dwelling development, with an average of one unit per 5,000 square feet of site area.

**Land Use History:** City records include the following prior land use review for this site:

**PC 4714** - A 1965 Ordinance (No. 121212) changed the zoning designation, from R5 to C2 for Lot 1, Blk 76, and from R5 to Zone R5P for Lots 9 & 10, Blk 92, all in Rose City Park Addition and located at NE Alameda St & NE 56th Ave. The approval was granted upon the following conditions:

- “1. That the C2 Zone is used for a lodge only.
2. That the parking area is screened in accordance with Article 35 of the Planning and Zoning Code of The City of Portland.”

**LU 12-148822 NU AD** – 2012 approval of a Nonconforming Situation Review and Adjustments to allow an expansion of the facility for the use of the new tenant, the German American Society. This tenant is allowed to occupy this site in a residential zone because it is in the same use category, Retail Sales and Service, as the previous occupants, the Friendship Masonic Lodge.

The approved expansion of the Nonconforming Use allowed the proposed remodeling of the facility, including the plans for:

- addition of an elevator and new stairs, to the outside of the building, to allow accessible access to all levels;
- modifications to provide new entry and plaza at existing brick archway;
- replacements of some existing windows and addition of skylights;
- addition of new door with roofed cover and stairs;
- addition of new windows on the south facade.

Approval was also given for an additional alternate project that includes rebuilding the second floor roof of the 1933 banquet hall wing to make more useable space for meeting rooms and approval of an Adjustment to Code Section 33.120.220 B, to allow the northeast corner of the building to be raised by about 7 feet to allow this extension of the roof over the attic area.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 18, 2012**. The following Bureaus have responded with no issues or concerns:

- Environmental Services first responded to express concerns regarding the storm water plan for the parking lot area, but then submitted an addendum to note that the applicant had submitted additional information and there were now no concerns with approval of the requested Adjustments. Requirements for building permit review were also noted (Exhibit E-1).
- Water Bureau provided information on the water services available to the site (Exhibit E-2).
- Life Safety Plan Review Section of BDS noted that building permits are under review and provided information on accessible parking space requirements (Exhibit E-3).
- Transportation Engineering, Fire Bureau, Site Development Section of BDS and Parks-Forestry Division all provided electronic responses of “no concerns.”

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 18, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

**33.805.010 Purpose of Adjustments** The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**33.805.040 Adjustment Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** Adjustment 1. Waive the requirement for planting trees to meet the L3 landscaping standard for the trash and recycling area in the northwest corner of the portion of the site where the building is located (Code Section 33.120.250).

*The purpose of the screening standards is to address specific unsightly features which detract from the appearance of multi-dwelling residential areas.*

The trash and recycling area is located in a sort of on-site alleyway on the west side of the property. The alley effect is created by the nonconforming setback of the building wall on the east side of this area and the perimeter landscaping along the common property line of the abutting property to the west. The northwest corner of the site also is the location of several utility boxes and vaults that service infrastructure needs of the surrounding neighborhood. This situation makes it difficult, if not impossible, to add trees that are required to meet the L3 landscaping standard. Further, the existing L3 landscaping on the abutting property creates a buffer and reduces planting opportunities, so that it precludes the need and the ability for further screening in this area. The purpose of this regulation is met and, therefore, for this Adjustment, this criterion is met.

Adjustment 2. Waive the L1 landscaping requirement along the west side property line of the portion of the site where the building is located (Code Section 33.120.235).

*The standards for landscaped areas are intended to enhance the overall appearance of residential and other developments in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.*

The building either extends to the property line or, in portions, to within a foot or two from the property line along almost all of the western edge of the property. The requirement for nonconforming upgrades does not require removal of buildings to meet standards. The landscaping requirements are met in other portions of the property and the adjacent property has a row of shrubs that are planted next to the fence on the common property line. Therefore, the purpose of this regulation is met and for this adjustment, this criterion is met.

Adjustment 3. Reduce the required minimum amount of interior parking lot landscaping from 1,485 square feet, to 1,090 square feet. An additional 395 square feet of landscaped area in the parking lot, which does not qualify as either perimeter or interior landscaping, due to its location is being offered as mitigation. (Code Section 33.266.130 G).

*The landscaping requirements for parking lots are intended to*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

This is a relatively small parking lot, with 33 spaces. All of the spaces are needed to serve the functions that are proposed for the site. The proposed landscaping meets the standards for size and planting requirements for interior landscaping, but due to the topography of the site and the need for placing a storm water facility at the southwest corner of the parking lot, the majority of the landscaping is proposed for that location and not all of it counts as interior landscaping, under the specifications of Code Section 33.266.130 G. The applicant's plan will still offer an improvement that will soften the appearance of the parking area and reduce the visual impact from the perspective of the street edge. It will also provide adequate shading and cooling and reduce the amount, rate and temperature of stormwater runoff and reduce both airborne and waterborne pollution. Therefore, the purposes of the regulation are equally fulfilled and for this adjustment, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** The requested Adjustments will allow the property with the historic lodge building to be retained in its present condition as a neighborhood gateway and nondesignated landmark. The minor requests to waive or modify landscaping requirements in the north west corner and along the western edge, generally, provide a logical solution to maintaining the heritage of the site. The request to modify the landscaping requirements for the parking lot is also a logical response to addressing the needs for parking for the use while still providing an attractive presence and meeting storm water management requirements. Far from detracting from the livability or the appearance of the residential area, the proposal will enhance the overall appearance of the site while protecting livability for the residential area. This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Three Adjustments have been requested, two for the parcel in the R1 zone and one for the parking lot in the R5 zone. Staff finds that the impacts from approval of the Adjustments will not be cumulative, due to the modest nature of the exceptions from the standards. Further, the proposal will be generally consistent with the purposes of the zones. The purpose of the R1 zone is to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The purpose of the R5 zone is to preserve land for single-dwelling housing and to provide housing opportunities for individual households. Nonconforming uses, those that were allowed when established and have continued over time, but are no longer allowed in the zones, are permitted to remain. This is because these uses have become a part of the neighborhood fabric, over time, and if they are not expanding in some way that alters that established balance, they can be seen to be consistent with the character of a specific area. Therefore, this criterion is met.

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** There are no scenic or historic resources on the site. Therefore, this criterion does not apply.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

**Findings:** As described in the findings above, no mitigation is needed for the requested Adjustments to the requirement for screening of the trash and recycling area or for the landscaping requirement along the west property line. The proposed landscaping for the parking lot includes mitigation through the inclusion of a swale, which will function in the storm water management plan and help to meet the purpose of the interior landscaping regulation. Therefore, any impacts that may result are mitigated to the extent practical and this criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** The site is not located in an environmental zone. Therefore, this criterion does not apply.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

All of the relative approval criteria have been met for the requested Adjustments. The area where the garbage and recycling would be located is already screened by the building and the existing vegetation on the applicant's property and that of the abutting neighbor, leaving no workable area to increase the planting. Similarly, the western edge of the property is either adequately served by the existing landscaping or else it is occupied by the building. The parking lot landscaping plan equally serves the intended purposes, buffering and creating a positive visual presence while helping to manage storm water and reduce pollution. No impacts are expected to occur that would detract from the appearance or the livability of the residential area. No additional mitigation, beyond the proposed landscaping in the stormwater swale for the parking lot will be needed. The requests can be approved, in general compliance with the proposed plans.

## ADMINISTRATIVE DECISION

Approval of Adjustments for exceptions to the landscaping standards to:

- Waive the requirement for planting trees to meet the L3 landscaping standard for the trash and recycling area in the northwest corner of the portion of the site where the building is located (Code Section 33.120.250).
- Waive the L1 landscaping requirement along the west side property line of the portion of the site where the building is located (Code Section 33.120.235).
- Reduce the required minimum amount of interior parking lot landscaping from 1,485 square feet, to 1,090 square feet. An additional 395 square feet of landscaped area in the parking lot, which does not qualify as either perimeter or interior landscaping, due to its location is being offered as mitigation. (Code Section 33.266.130 G).

Approvals are subject to general compliance with the approved site plan and landscaping plans, Exhibits C-1 through C-5, signed and dated October 15, 2012, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-173161 AD."

**Staff Planner: Kathleen Stokes**

**Decision rendered by:**  **on October 15, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 18, 2012**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on August 17, 2012, and was determined to be complete on September 14, 2012.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 17, 2012.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 12, 2012.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 1, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **November 2, 2012 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

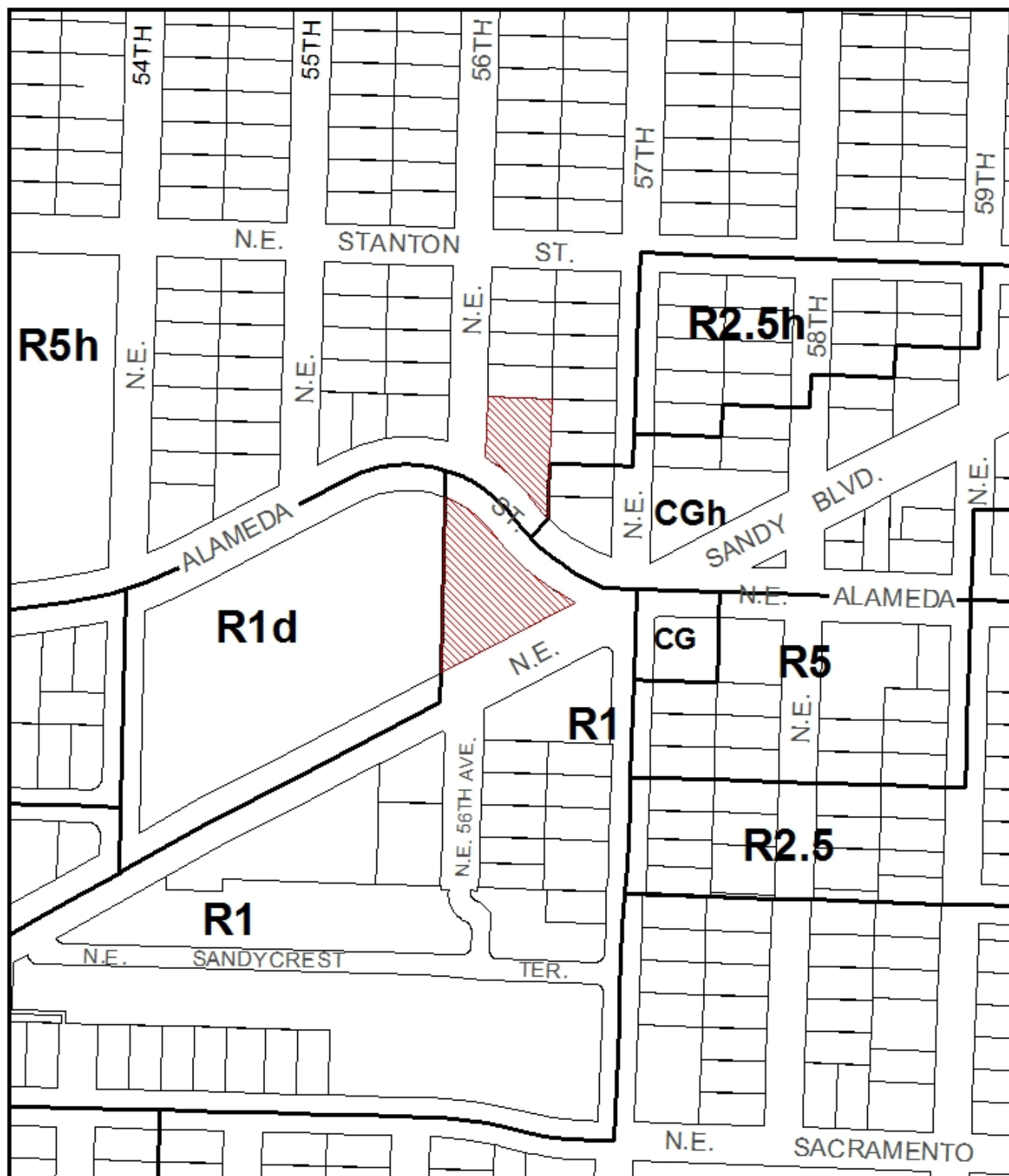


**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Application and original narrative and plans
  - 2. Supplemental information and revisions, September 13, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Planting Plan, detail of northwest corner of lot with building (attached)
  - 3. Planting Plan, detail of south end of lot with building (attached)
  - 4. Planting Plan, detail of parking lot (attached)
  - 5. Planting Plan legend (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services (parts a and b)
  - 2. Water Bureau
  - 3. Life Safety Plan Review Section of BDS
  - 4. Summary of electronic responses from service agencies
- F. Correspondence: (none received)
- G. Other:
  - 1. Letter from Kathleen Stokes to Nancy Merryman, August 28, 2012

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

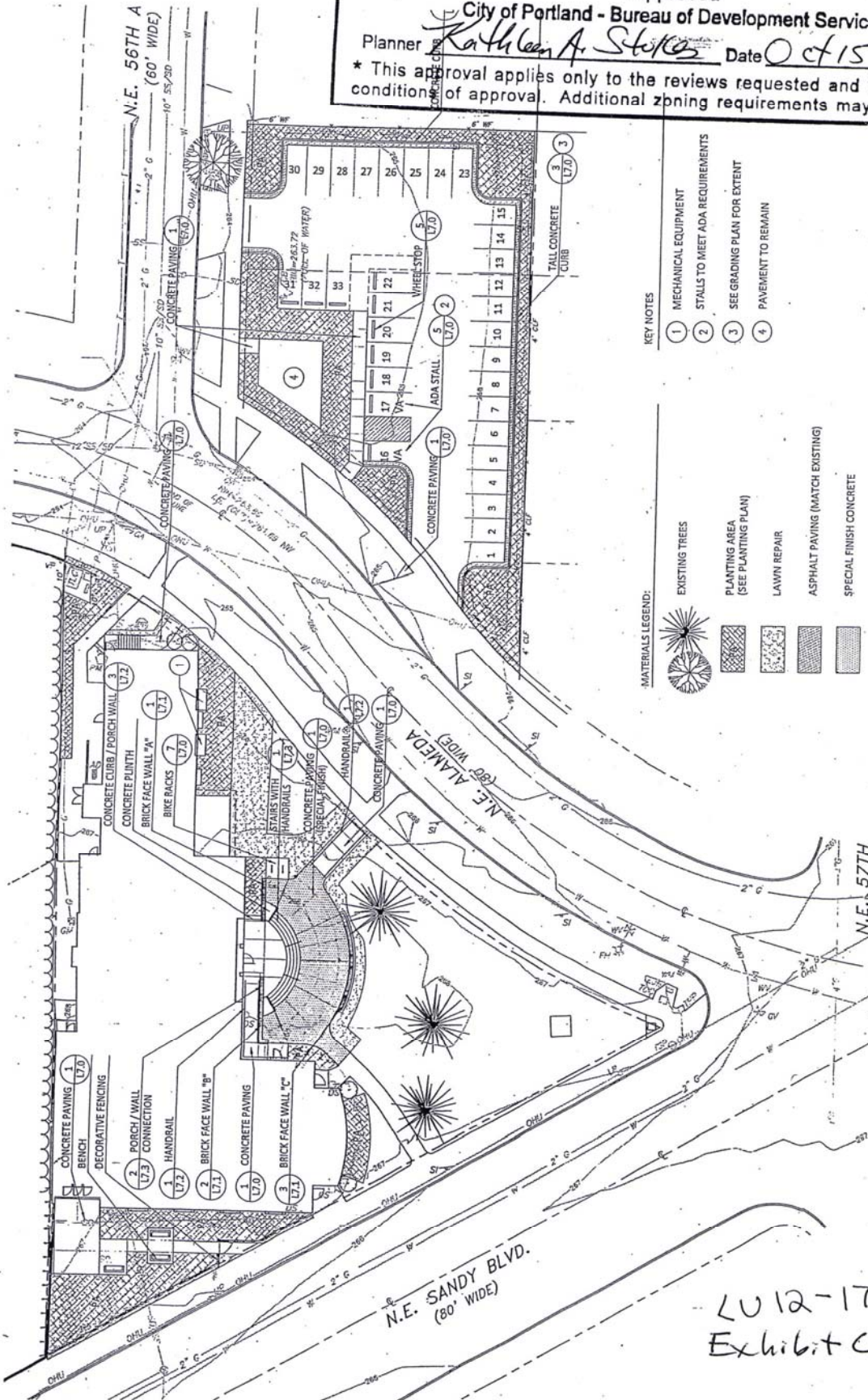


NORTH

File No.	<u>LU 12-173161 AD</u>
1/4 Section	<u>2736</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E30AC 12300</u>
Exhibit	<u>B</u> (Aug 22, 2012)

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

**NBA**







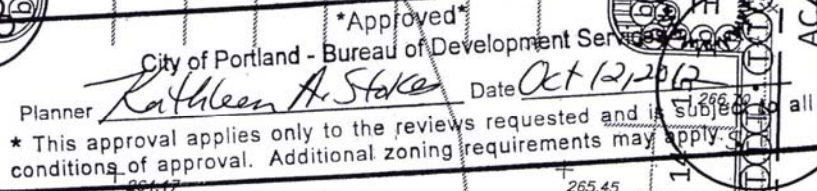




**MERRYMAN BARNES ARCHITECTS INC.**, 1291 NW Hoyt, Suite 403 / Portland, OR 97209 / p 503-222-3753 / f 503-295-6718 / [www.MerrymanBarnesArchitects.com](http://www.MerrymanBarnesArchitects.com)



(19)



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mitigation

173161  
 AD  
 Exhibit  
 C-4



\*Approved\*

City of Portland - Bureau of Development Services

Planner Kathleen A. Stokes Date Oct 12, 2012

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 12-173161  
AD

Exhibit C-5



## German American Society Plant Legend

SYMBOL:	BOTANICAL NAME:	COMMON NAME:	SIZE/ CONDITION	SPACING:
<b>TREES:</b>				
AC	ACER SACCHARUM 'COMMEMORATION'	COMMEMORATION MAPLE	2" CAL/ CONTAINER	AS SHOWN
AG	ACER GRISEUM	PAPERBARK MAPLE	1.5" CAL/ CONTAINER	AS SHOWN
NY	NYSSA SYLVATICA	TUPELO	2" CAL/ CONTAINER	AS SHOWN
TH	THUJA PLICATA 'FASTIGIATA'	HOGAN CEDAR	4'-6" HGT/ CONTAINER	AS SHOWN
<b>SHRUBS:</b>				
V	ACER CIRCINATUM	VINE MAPLE	4'-5" HGT/ CONTAINER	AS SHOWN
b	BERBERIS THUNBERGII 'CRIMSON PYGMY'	CRIMSON PYGMY BARBERRY	1 GAL. CONTAINER	3' O.C.
C	CORNUS ALBA 'PRAIRIE FIRE'	PRAIRIE FIRE DOGWOOD	2 GAL. CONTAINER	AS SHOWN
Y	HYDRANGEA QUERCIFOLIA 'PEE WEE'	OAKLEAF HYDRANGEA	2 GAL. CONTAINER	AS SHOWN
H	HYDRANGEA QUERCIFOLIA 'SNOW QUEEN'	OAKLEAF HYDRANGEA	3 GAL. CONTAINER	AS SHOWN
I	ILEX CRENATA 'GREEN ISLAND'	BEARBERRY COTONEASTER	1 GAL. CONTAINER	3' O.C.
m	MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	1 GAL. CONTAINER	3' O.C.
F	PEIRIS 'FOREST FLAME'	FOREST FLAME PIERIS	2 GAL. CONTAINER	4' O.C.
P	PRUNUS LAUROCEASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	2 GAL. CONTAINER	3.5' O.C.
R	RHODODENDRON 'UNIQUE'	UNIQUE RHODODENDRON	2 GAL. CONTAINER	5' O.C.
s	SARCOCOA HOOKERANA HUMILIS	SWEET BOX	1 GAL. CONTAINER	3' O.C.
T	THUJA OCCIDENTALIS 'EMERALD'	ARBORVITAE	3 GAL. CONTAINER	4' O.C.
<b>PERENNIALS/ GRASSES:</b>				
e	ACORUS GRAMINEUS 'OGON'	GOLDEN SWEET FLAG	1 GAL. CONTAINER	18" O.C.
	ECHINACEA 'TOMATO SOUP'	RED CONEFLOWER	1 GAL. CONTAINER	24" O.C.
h	FESTUCA GLAUCA	BLUE FESCUE	1 GAL. CONTAINER	12" O.C.
	HEBE 'BLUE MIST'	HEBE	1 GAL. CONTAINER	30" O.C.
g	HEBE GLAUCOPHYLLA	HEBE	1 GAL. CONTAINER	24" O.C.
o	HELIOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GAL. CONTAINER	30" O.C.
p	HEMEROCALLIS 'STELLA D'ORO'	STELLA D'ORO DAYLILLY	1 GAL. CONTAINER	24" O.C.
f	PENSTEMON 'DARK TOWERS'	DARK TOWERS PENSTEMON	1 GAL. CONTAINER	30" O.C.
	POLYSTICHUM MUNITUM	SWORDFERN	1 GAL. CONTAINER	36" O.C.
<b>GROUNDCOVERS:</b>				
	ARCTOSTAPHYLOS UVA-URSI	KINNICKINICK	1 GAL. CONTAINER	3' O.C.
	OPHIOPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	1 GAL. CONTAINER	3' O.C.
<b>BIOSWALE PLANTINGS:</b>				
	CAREX OBNUPTA	SLOUGH SEDGE	PLUG	2' O.C.
	CAREX STIPATA	SAWBEAK SEDGE	PLUG	2' O.C.
	CORNUS SERICEA	RED-OSIER DOGWOOD	1 GAL. CONTAINER	6' O.C.
	DESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	PLUG	2' O.C.
	JUNCUS PATENS	SPREADING RUSH	PLUG	2' O.C.
	MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	1 GAL. CONTAINER	3' O.C.
	ROSA PISOCARPA	CLUSTERED ROSE	1 GAL. CONTAINER	5' O.C.
	SCIRPUS MICROCARPUS	SMALL-FRUITED BULRUSH	PLUG	3' O.C.
	SYMPHORICARPOS ALBUS	SNOWBERRY	1 GAL. CONTAINER	4' O.C.