

**PLANNING COMMISSION MINUTES**  
**Newberg Public Library - Newberg, Oregon**  
**THURSDAY, DECEMBER 14, 1995 AT 7:00 P.M.**

**Approved at the February 8, 1996 Meeting**

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**I. PLANNING COMMISSION ROLL CALL**

**Planning Commission Members Present:**

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| Jim Harney       | Matson Haug | Rick Mills      |
| Jim Morrison     | Mary Post   | Richard Waldren |
| Jack Kriz, Chair |             |                 |

**Staff Present:**

John Knight, Planning Manager  
Barbara Mingay, Planning Technician  
Darla Baldoni, Recording Secretary

**II. OPEN MEETING**

Chair Jack Kriz opened the meeting at 7:04 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

**III. CONSENT CALENDAR**

1. Approval of November 9, 1995 Planning Commission Minutes.

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| <b>Motion #1:</b> | Commissioners Harney/Mills to approve the consent calendar items, including approval of the November 9, 1995 Planning Commission Meeting minutes. |
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| <b>Vote on Motion #1:</b> | The Motion carried unanimously. |
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**IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)**

none

**V. PUBLIC HEARING**

**PUBLIC HEARING (#1)**

**APPLICANT:** City of Newberg Stream Corridor Study (continued from 11/9/95 meeting)  
**REQUEST:** Consideration of amendments to the Zoning and Comprehensive Plan documents and maps for the purpose of adopting regulations relating to stream corridor delineation, exceptions and standards.  
**FILE NO.:** CPA-1-95 / Resolution: 95-31  
**CRITERIA:** Ordinance 1967, Section 4; NZO 10-3.600

**OPEN FOR PUBLIC HEARING.**

Chair Kriz entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

**Abstentions/ex-parte contact:** none

**Objections:** none

**Staff Report:** **John Knight, Planning Division Manager**, stated that it was a continued hearing, and that written testimony had been received since the last meeting.

**Preliminary Staff Recommendation:** Staff recommended approval of Resolution 95-31 which recommended adoption of the Stream Setback Ordinance to the City Council.

**Commissioner Waldren** requested clarification on information being sent to the City Council. **John Knight** responded that staff recommended adoption of the ordinance as prepared by the Open Space Committee, and include a copy of the letter that was received from Stoel Rives.

**Chair Kriz** announced that testimony will be limited to five (5) minutes per person, unless motioned to change by the Planning Commission.

**Proponent:** **Steve Roberts**, 814 E Hancock Street, Newberg, OR 97132. He encouraged the Commission to adopt the ordinance as recommended by the Open Space Sub-Committee.

**Proponent:** **Sid Friedman**, 31909 N.E. Corral Creek Road, Newberg, OR 97132. He was on the sub-committee that proposed the ordinance and felt the proposal represented many hours of thought and preparation. He believed the Stoel Rives proposal went far beyond legitimate concerns of property rights.

**Proponent:** **Torrey Lindbo**, 32850 Kramiem Road, Newberg, OR 97132. Open Space should be protected. He supported the sub-committee ordinance.

**Opponent:** **Donald Millage & Sam Farmer**, George Fox College, 414 N. Meridian, Newberg, OR 97132. They deferred comment until after Mr. Abel had given testimony.

**Opponent:** **Steven Abel, Stoel Rives**, 900 S.W. 5th Avenue #2300, Portland, OR 97204. Mr. Abel noted he was a Portland Planning Commissioner and on the DLCD Goal Five Committee. He believed that the ordinance failed to provide clear and objective standards. Areas to be addressed are: Invested rights, fair density transfers, and clear and objective standards. He suggested that the Planning Commission send staff back to review the draft along with Stoel Rives recommendations and come back with a new proposed ordinance.

**Opponent:** **Don Millage**, George Fox College, 414 N. Meridian Street, Newberg, OR 97132. George Fox owns a large portion of Hess Creek Canyon, where the canyon serves as a barrier between the campus and the college housing. The college needs the ability to provide such things as stairs and lighting in the canyon to be a cohesive campus. Under the new ordinance they would have a difficult time keeping the campus cohesive without having to obtain approval from city staff or the Planning Commission for everything they want to do. They wanted to protect the canyon and also continue to operate the college on both sides of the canyon.

**Opponent:** **Sam Farmer**, George Fox College, 414 N. Meridian, Newberg, OR 97132. No further comments.

**Proponent:** **Johann May**, 312 N. Edwards, Newberg, OR 97132. Abstained.

**Opponent:** **Keith Hay**, 15775 Ribbon Ridge Road, Newberg, OR 97132. Mr. Hay was a member of the Open Space Sub-Committee, and noted that half of the committee was developers and that a George Fox member was present at the majority of the meetings. He believed that nobody got everything they wanted, but the ordinance is fair, does not take away private property, and will provide access yet

protection of the stream corridors. He didn't believe the ordinance would meet all of the Goal 5 standards. He recommended approval of the ordinance.

**Opponent: Mart Storm**, 560 Parks Road, Dundee, OR 97115. Mr. Storm was a member of the Open Space sub-committee during the last year. He supported the committee contingent upon the maps. He believed that the dotted lines, placed on the maps by the biologist, would be removed. The lines ventured outside the area of open space and the general hazard area, and were merely drainage ditches. He believed in protecting stream corridors, not drainage ditches. He recommended that the Planning Commission not include the dotted line areas on the maps in the ordinance, draw upon Stoel Rives knowledge, and send the ordinance back to staff.

#### **Questions to Proponent & Opponents:**

**John Knight** responded to questions from various proponents and opponents: 1. Being site specific: the City hired a planning consultant that completed an extensive site specific study and removed several of the "drainage ditches." 2. Goal 5: The committee had responded as required by Goal 5. 3. Regarding existing uses, also discussed in the report: the committee allowed for expansions and conditions for property on the line from existing development. 4. Security and trespass: no different today, so the committee did not spend a lot of time on this. 5. Clear objectives and standards: they are clear and objective where the existing ordinance did not have objectives. 6. Density Transfer: The proposed ordinance provided for dealing with utilities, and an allowance for the density transfer. 7. Lack of knowledge of meetings: the meetings were public hearings and were advertised. Regarding George Fox College and representation: John Lyda attended some of the meetings, and the City's consultant, Clay Moorhead, met with George Fox College.

**Commissioner Harney** asked for clarification on the dotted lines on the map.

**Commissioner Haug** commented on the dotted lines and the 50 foot standard on each side of the corridor for habitat. Commissioners and staff discussed the dotted lines, and viewed the maps.

**John Knight** noted that this ordinance is also a zone change and comprehensive plan amendment.

**Commissioner Haug** asked staff if there were areas on the map that were not included in the survey.

**John Knight** responded that all areas were covered by the survey. The survey work that was completed covered: erosion, wildlife, flood plain protection, natural condition, and ecology, and that each was given a rating that was included on the maps.

**Commission Haug** asked Mr. Millage about the recommendations of George Fox College.

**Mr. Millage** noted that a Conditional Use Permit (CUP) would be required to do a lot of things near the creek area. A house could be built along Hess Creek, but due to the City sewer line running through there, one would have to go through the Conditional Use Process (CUP) to hook up to the sewer. **John Knight** responded that the existing ordinance required approval to do anything along the creek area with approval sometimes administratively and sometimes by the Planning Commission. The new ordinance requires approval by the Planning Commission.

**Commissioner Waldren** asked staff if George Fox College could be exempt from this ordinance. **John Knight** responded that concerns could be addressed in an overlay zone.

**Commissioner Haug** asked Mr. Abel about the existing proposal on security. **Mr. Abel** responded that in the draft ordinance there was no absolute prohibition on pathways being used along the corridors, and this could create security problems.

**Public Agency reports:** none

**Letters:** One letter was received from Steven L. Pfeiffer, Stoel Rives after the staff report was completed. The letter proposed revisions to the ordinance.

**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommended approval of Resolution 95-31 and to work out tying into the public sewer (John Knight pointed out an error on the agenda: where noted resolution 95-29, it should be resolution 95-31).

**Hearing Closed.**

**Commission Deliberation:**

**Commissioner Waldren** suggested that the commission not put any extra burdens on George Fox College. **John Knight** responded that some of their concerns were noted in the Stoel Rives letter and that would be passed along to City Council for consideration.

**Commissioner Haug** recommended to forward the ordinance to City Council and suggested that they form a sub-committee to review the information.

**Commissioner Morrison** stated concern about density transfer and believed that John Knight was to provide more information. John Knight responded that he did not have further information and recommended forwarding the ordinance to City Council to review the density transfer area.

Commissioners discussed how a sub-committee might be structured, and suggested that the ordinance be discussed at the January 16, Planning Commission/City Council joint meeting as an agenda item.

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| <b>Motion #2:</b> | Commissioners Waldren/Morrison to adopt resolution 95-31 as it is written for adoption of the Stream Setback Ordinance to the City Council, and to include the recommendation to discuss density transfer, college overlay zone, review public utilities along the corridors, meet with the Austins on their concerns, and to review the dotted lines on the maps. |
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| <b>Vote on Motion #2:</b> | The motion carried (6-0). |
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**John Knight** noted that the item would be scheduled as a public hearing at City Council.

## **PUBLIC HEARING (#2)**

**APPELLANT:** PDG Planning Design Group (continued from 11/9/95 meeting)

### **APPLICANT REQUESTED THAT THE ITEM BE TABLED**

**REQUEST:** Stein Oil appeal of design review decision to deny construction of a 2,000 square foot convenience store and retail gas station; and partition of a 3.36 acre parcel into two parcels of 1.46 acres and 1.91 acres.

**LOCATION:** NW Corner of Springbrook Road & Wilsonville Road

**TAX LOT:** 3221-2101

**ZONE:** M-2 Light Industrial

**FILE NO.:** DR-32-95 / P-17-95, Resolution: 95-27  
**CRITERIA:** NZO 10-3.620 and 10-3.622; Subdivision Ordinance 1950, Section 24

**Abstentions/ex-parte contact:** none

**Objections:** none

**Staff Report:** No staff report. The applicant submitted a letter that requested the item be tabled due to difficulty obtaining a completed traffic study for the site.

**Preliminary Staff Recommendation:** Staff recommended that the Planning Commission motion to table the item at this time and direct staff to bring the item back before the Commission in six months, June 13, 1996, for a status review.

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| <b>Motion #3:</b> | Commissioners Harney/Post to table the item and bring back to the Planning Commission in six (6) months - June 13, 1996. |
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| <b>Vote on Motion #3:</b> | The motion carried (6-0). |
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#### **PUBLIC HEARING (#3)**

**APPLICANT:** Home Industries Inc. (continued from 11/9/95 meeting)  
**REQUEST:** Subdivision of a 12,800 square foot parcel into four lots; together with a Modification of Provisions to Subdivision Ordinance 10-2.47 relating to lot sizes to allow construction of 4 single family zero lot line townhouses, averaging 3,200 square feet per lot.  
**LOCATION:** SW corner of Springbrook Road and Hancock Street  
**TAX LOT:** 3221-1101  
**ZONE:** R-2  
**FILE NO.:** S-4-95 / Resolution: 95-28  
**CRITERIA:** Subdivision Ordinance 1950 Sections 24 & 66

**THIS ITEM IS CONTINUED FROM THE NOVEMBER 9, 1995 PLANNING COMMISSION MEETING.**

**Abstentions/ex-parte contact:** none

**Objections:** none

**Staff Report:** **Barb Mingay, Planning Technician**, highlighted the staff report. The application was to be processed as a subdivision with a modification of provisions. A map from the surveyor was distributed to the commissioners.

**Preliminary Staff Recommendation:** Staff recommended that the Planning Commission adopt Resolution 95-28 which approves the subdivision and modification of provisions as requested by the applicant.

**Proponent:** **George Koertzen**, P.O. Box 3280, Newberg, OR 97132. Mr. Koertzen noted that discussion was held at the last hearing, and stated he was open for questions.

### Questions to Proponent:

**Commissioner Harney** asked how wide the sidewalk would be. **Barb Mingay** responded that there is a five (5) foot minimum width required.

**Public Agency reports:** none

**Letters:** none

**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommended that the Planning Commission adopt resolution 95-28 which would approve the subdivision and modification of provisions as requested by the applicant.

**Hearing Closed.**

### Commission Deliberation:

**Commissioner Harney** expressed concern on streets as noted by the fire department. **Barb Mingay** responded that the street would eventually be developed, and DCI would be required to improve their section within two years. In the meantime, the driveway can act as a turnaround.

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| <b>Motion #4:</b> | Commissioners Haug/Waldren to adopt resolution 95-28 subject to the revision, which approves the subdivision and modification of provisions. |
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| <b>Vote on Motion #4:</b> | The motion carried: Yes: 5 No: 1 ( Harney). |
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**Barb Mingay** noted that this was a final decision at the Planning Commission level. There would be a 10 day appeal period.

### PUBLIC HEARING (#4)

**APPLICANT:** NSP Development (continued from the 11/9/95 meeting)  
**REQUEST:** Subdivision of 1.45 acre parcel into 7 lots to be known as Emery Orchards, Phase IV.  
**LOCATION:** Between East Second and Third Streets, east of Emery Orchards, Phase III.  
**TAX LOT:** 3220-1700  
**ZONE:** R-2 Medium Density Residential  
**FILE NO.:** S-7-94 / Resolution: 95-30  
**CRITERIA:** Subdivision Ordinance 1950 Section 24

**Abstentions/ex-parte contact:** none

**Objections:** none

**Staff Report:** **John Knight** summarized the staff report.

**Preliminary Staff Recommendation:** In the absence of Public Testimony at the Public Hearing, staff recommended that the Planning Commission approve Resolution 95-30, which would allow for development of a seven (7) lot subdivision to be known as "Emery, Phase IV."

**Proponent:** **Arthur Brownrigg**, 308 S. Airpark Way, Newberg, OR 97132. Mr. Brownridge stated concern regarding traffic on Third Street added to the present traffic on Second Street.

**Proponent:** **Mart Storm**, 560 Parks Road, Dundee, OR 97115. Mr. Storm asked the Commission to be consistent and fair. The request had allowance of a five (5) foot curbside sidewalk, deviating from the development standard to conform to the Second and Third Street LID's. He believed Second Street should be a 3/4 street improvement, not a full street improvement. He noted when the other three phases of the Emery Developments were done they were required to do a 50 foot street with a 25 foot half street. On this application staff required a 30 foot half street dedication, and he asked for consistency as in the previous three phases.

**Questions to Proponent:** none

**Public Agency reports:** none

**Letters:** One (1) letter received from Gerry Pappe, Senior Engineering Specialist, Yamhill County. The letter outlined the Engineering review of Preliminary Subdivision Plat and areas of concern.

**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommended that the Planning Commission approve Resolution 95-30, which would allow for development of a seven (7) lot subdivision to be known as "Emery, Phase IV."

**John Knight** noted a condition on page 1, on item #6 regarding the flood zone; the engineer noted that the proper height was not indicated properly. He also noted the following changes: the sub floor area should be located one (1) foot above, and change the 167' contour to 169'. He stated that Mr. Storm brought up a legitimate concern of consistency on the streets, and John Knight felt it would be good to use the curbside sidewalk for consistency, or change the conditions for curbside.

**Hearing Closed.**

**Commission Deliberation:**

**Commissioner Haug** asked for clarification that the LID is being used on phase I, II, and III, but not on phase IV. **John Knight** responded yes (phase IV was not part of the LID).

**Commissioner Haug** asked about the proposal regarding the traffic concern on Second Street, with an alternative of a 28 foot paved street with a gravel edge. **Mr. Storm** responded that was his suggestion.

**Commissioner Waldren** suggested a condition that the purchaser of all lots within the subdivision be advised that this is a viable airport and that crop dusters may be taking off early in the morning.

**Commissioner Haug** asked for elaboration on the streets. **John Knight** responded that the paved width for the LID is 34 feet. Mr. Storm requested continuance of the 24 foot paved width. Staff recommended room for on street parking, requiring the 34 foot width.

**Commissioner Harney** expressed concern of opening Third Street to Hwy 219, and if staff considered the increased traffic, or checked with the state regarding a stop light. **John Knight** noted that the state would not allow a stop light due to the airport location, but suggested a median for Hwy 219.

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| <b>Motion #5A:</b> | Commissioners Waldren/Haug to add condition #16 that potential residents be notified of early morning airport traffic/crop dusting activities. |
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| <b>Vote on Motion #5A:</b> | The motion carried: YES: 4 NO: 2 (Harney & Kriz) |
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**John Knight** noted on street widths that there was a five (5) foot additional dedication on each side when comparing 50' to 60' dedications. Conditions require 30 feet, but were not consistent with the last phase.

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| <b>Motion #5B:</b> | Commissioners Haug/Waldren to change condition #12 to be a 50 foot right of way instead of 60 foot; condition #13 to be 25 foot from the center line rather than 30 foot; and add condition #15 that the curbside sidewalk is used to be consistent with phases I, II, and III. |
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| <b>Vote on Motion #5B:</b> | The motion carried: YES: 4 NO: 2 (Harney & Kriz) |
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| <b>Final Motion #5:</b> | Commissioners Haug/Waldren to adopt resolution 95-30 with conditions as amended in above motions (5A & 5B). |
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| <b>Vote on Final Motion #5:</b> | The motion carried: YES: 4 NO: 2 (Harney & Kriz) |
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**John Knight** noted that the appeal period to the City Council would be 31 days.

#### **PUBLIC HEARING (#5)**

**APPELLANT:** PDG Planning Design Group **(APPLICATION WITHDRAWN)**  
**APPLICANT:** Cain Chevron Appeal  
**REQUEST:** Cain Petroleum Appeal of design review decision to deny construction of a 6,580 square foot Chevron Station.  
**LOCATION:** Southeast Corner of 99W (1st Street) and Center Street  
**TAX LOT:** 3220BB-7000  
**FILE NO.:** DR-25-95  
**CRITERIA:** NZO 10-3.620 and 10-3.622

A LETTER WAS RECEIVED BY THE APPLICANT THAT REQUESTED THE APPLICATION BE WITHDRAWN.

**VI. OLD BUSINESS** (none)

**VII. NEW BUSINESS** (none)

1. Joint Planning Commission/City Council Study Session Meeting, Tuesday, January 16, 1996, at Newberg Providence Hospital.

2. Public Hearing Order: a handout was distributed in the agenda packet with proposed changes. If the commission is satisfied with this, John Knight recommended to take this to the joint meeting to discuss.

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| <b>Motion #6:</b> | Commissioners Harney/Post to add the Public Hearing Order and Stream Corridor information to the joint Planning Commissioner/City Council Meeting on January 16, 1996. |
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| <b>Vote on Motion #6:</b> | The motion carried unanimously. |
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3. Public Registration Card revisions. A handout was distributed. One item was added: "If you don't raise the issue, either orally or in writing, you may be precluded from appealing." Discussion was held to change "may be precluded" to "are precluded."
4. How to Testify Procedures: a handout was distributed in the agenda packet for comment. **Commissioner Haug** felt the real arguments pertain to criteria. **John Knight** noted he would look at the criteria.

**John Knight** noted that our two new Planning Commissioners were present and introduced them; **Steve Hannum**, a professor at George Fox College; and **Myrna Miller**, business owner of Ribbon Masters. They will be seated at the next Planning Commission Meeting.

#### VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items: ANX-3-95 RDF Site (Schneider) - the City Council approved the annexation and continued the Conditional Use Permit (CUP) portion to the next meeting.

The development code was approved. It is anticipated to have it finalized and ready to distribute in early January.

**John Knight** presented a certificate of appreciation to Mary Post and Jim Morrison for their contributions to the Planning Commission.

2. Other reports, letters, or correspondence.

-A letter was received from Jan & Bob Irish that addressed the Commission regarding a drainage problem caused by development of Westlake Estates.

-A handout was given to Commissioners on Metro's Affect on Newberg.

3. Next Planning Commission Meeting:

January 16, 1996 joint Planning Commission/City Council Meeting at the hospital at 7 p.m. The only items on the January agenda are the election of the chair and vice chair. Staff recommend that rather than adjourn to the regular meeting, to adjourn the December meeting to the January 16, 1996, special joint meeting.

**Motion #7:**

Commissioners Harney/Morrison motioned to adjourn the meeting to the Special Joint Planning Commission/City Council meeting on January 16, 1996.

**Vote on Motion #7:**

The motion carried unanimously.

**VIII. ADJOURNMENT**

The meeting was adjourned at approximately 10:20 p.m.

Passed by the Planning Commission of the City of Newberg this 8th day of February, 1996.

AYES: 6

NO: 0

ABSTAIN:  
(list names)

ABSENT: 1 (Harney)

ATTEST:

Darla Baldoni  
Darla Baldoni, Planning Commission Recording Secretary

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**INFORMATION RECEIVED INTO THE RECORD OR DISTRIBUTED TO  
COMMISSIONER  
AT THE DECEMBER 14, 1995 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE  
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT  
PERTAINS TO.**

PROJECT FILE #S-7-94 EMERY ORCHARDS IV - Distributed at the meeting to  
Commissioners

Letter from Larry Anderson , engineer, regarding the sewer system for Phase IV.

GENERAL INFORMATION DISTRIBUTED TO COMMISSIONERS AT THE MEETING  
"Land Use Law Update in Oregon"

PROJECT FILE #S-4-95 - Distributed at the meeting  
Subdivision/Modification Map was distributed at the meeting.

George Koertzen S-4-95  
P.O. Box 3280  
Newberg, OR 97132

Arthur Brownridge S-7-94  
308 S. Airpark Way  
Newberg, OR 97132

Mart Storm S-7-94  
560 Parks Road  
Dundee, OR 97115

Stoel, Rives CPA-1-95  
Steven Abel  
900 S.W. 5th Avenue #2300  
Portland, OR 97204

Sam Farmer CPA-1-95  
George Fox College  
414 N. Meridian  
Newberg, OR 97132

Sid Friedman CPA-1-95  
31909 N.E. Corral Creek Road  
Newberg, OR 97132

Keith Hay CPA-1-95  
15775 Ribbon Ridge Road  
Newberg, OR 97132

Torrey Lindbo CPA-1-95  
32850 Kramien Road  
Newberg, OR 97132

Johann May CPA-1-95  
312 N. Edwards  
Newberg, OR 97132

Donald Millage CPA-1-95  
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S.M. Roberts CPA-1-95  
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