

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, APRIL 11, 1996

Approved at the May 9, 1996 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney	Matson Haug	Steve Hannum
Myrna Miller	Richard Waldren	Jack Kriz, Chair

ABSENT: Rick Mills

Staff Present:

Terrence Mahr, City Attorney
Greg Scoles, Community Development Director
John Knight, Planning Manager
Barbara Mingay, Planning Technician
Janet Yarbrough, Recording Secretary

II. OPEN MEETING

Chair Jack Kriz opened the meeting at 7:05 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting. He noted that no new public hearing would begin after 10 p.m.

III. CONSENT CALENDAR

1. Approval of the March 14, 1996 Planning Commission Minutes.

Motion #1:	Commissioners Harney/Waldren to approve the consent calendar items, approving the minutes of the March 14, 1996, Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously (6-0; Absent -1: Mills).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None

V. PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPLICANT: George K. Austin, Jr. & Joan D. Austin

REQUEST: Annexation of 21 parcels totalling approximately 250 acres, zone change from county to city zoning, and withdrawal from the Newberg Rural Fire Protection District

LOCATION: N. Newberg area (see map)

TAX LOT: 3208-3601, -3600, -3700, -3800, 3900, -4000, -4100, 4200, -4101, -4300, -4400, -4500, -4600, -4700, -4800; 3208AD-1600, -1700; 3209CD-100, -101, 3209-2900;

3217BA-1200
FILE NO.: ANX-9-96
CRITERIA: Newberg Development Code Section 10.36.050
ZONE: AF10, VLDR1, VLDR2.5 to City R-1, R-1/GH, R-2, R-2/GH, M-2, M-1
RESOLUTION NO.: 96-37

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: **Commissioner Harney** stepped down at this time. **Commissioner Haug** noted he had walked by the area. **Commissioner Hannum** said he has driven by several times.

Objections to Jurisdiction: None.

Staff Report: **John Knight, Planning Manager**, reviewed the staff report. He noted there was a mistake in the findings on page VI-8. The last full sentence should list the population as 1200 units, not people.

Preliminary Staff Recommendation: In the absence of public hearing testimony, staff recommended approval of Resolution 96-37.

Proponent: Steve Pfeiffer
900 S.W. First Street
Portland, OR 97204

Mr. Pfeiffer explained the map of the area and the proposed designations. He noted the area would be subject to planning exercises, and that the annexation was necessary to make the land available for urban development, and that such development would be a master-plan approach.

Proponent: Alan Steiger
5185 S.W. 91st Avenue
Portland, OR 97225

Mr. Steiger supported the plan because it would allow for development with the certainty of rules and regulations.

Proponent: Curtis Walker
29500 NE Benjamin Road
Newberg, OR 97132

Mr. Walker said he supported the annexation because it allowed for a master plan and proper development.

Proponent: Larry Hartman
2313 N. Alice Way
Newberg, OR 97132

Mr. Hartman said he supported the annexation but wanted to see the Alice Way area included in the plan.

Proponent: George Alexander
P.O. Box 370
Newberg, OR 97132

Mr. Alexander said he has been a long standing acquaintance of the applicants, and felt they would run a tasteful industrial park. He asked the city to welcome them, and said doing so would advance the cause of the city.

Undecided: Don Wright
500 Foothills Drive
Newberg, OR 97132

Mr. Wright said the annexation of the available property would not allow for an orderly transition of development and could eventually lead to expansion of the urban growth boundary. He said no plan had been submitted for the burial of power lines. He voiced concern with the efficiency of the land use because he felt the units currently available met the needs of the city. He asserted this was only a move to carry out the development as quickly as possible. Mr. Wright asked City Attorney Terry Mahr if problems with or the rejection of one area would cause the whole annexation to fail. Mr. Mahr said it was possible to pass a new resolution without a portion of the property that was included originally. Mr. Wright stated the procedure and resolution were legally flawed because it should be impossible to make a decision without information specific to each of the parcels.

Opponent: Sid Friedman
31909 N.E. Corral Creek Rd.
Newberg, OR 97132

Mr. Friedman said the public needed more information, and requested that the record remain open for seven days for the submission of additional evidence. He said the parcel was too large, and that the applicants were only trying to beat the May 21 election. Mr. Friedman felt staff should prepare an independent report to evaluate the annexation according to the criteria for development. He was concerned with the lack of a master plan and possible consequences without such a plan. He asked the commission to consider possible implications such as congestion and school overcrowding. He suggested each parcel apply individually for annexation.

Opponent: Pati Seitz
31909 N.E. Corral Creek Road
Newberg, OR 97132

Ms. Seitz felt that the applicants only wanted to beat the election on May 21, 1996. She also thought each parcel should apply separately. She expressed concern with the completion of the application because affidavits in support of the annexation were only recently submitted, and noted that the missing information needed to be addressed.

Opponent: Keith Hay
15775 Ribbon Ridge Road
Newberg, OR 97132

Mr. Hay represented the Citizens' Watch Group. He said there were substantial questions and potential impacts that needed to be addressed, such as how future development would deal with parks and wooded areas. He was also concerned with increased water usage which could total seven million gallons per day. He concluded the annexation would not be in the best interest of the city.

Opponent: Alanna Vernam
1765 North Valley Road
Newberg, OR 97132

Ms. Vernam opposed the annexation because she wanted the people to vote on this. Her main concern was with the possibility of rapid unplanned growth that could destroy the city.

Questions to Proponent:

Commissioner Hannum asked how the assurance of annexation would provide value to planning that wouldn't come if the area were annexed in portions. **Mr. Pfeiffer** responded that the planning would come in the report, and that it would come as a whole because the property is under a single ownership. The value was in serving the whole area with one master plan that would consider the surrounding areas together. He also said portioning would reduce value and require infrastructure several times instead of once or twice.

Questions to Staff:

Commissioner Miller asked if the water usage statistics given by the public were fact? Staff responded that city plans did anticipate an increase to 7.5 million and then incremental increases to 9.5 million. Staff said the current daily use peak was 5.5 or 5.6, and while there have been some high days, the city usage had never been at 7 million.

Commissioner Hannum asked if annexation would increase city revenue. Staff said the tax base would remain the same.

Commissioner Haug asked if there was a requirement for a master plan or specifications of development. Staff said it was typical to have a master plan, but no such requirement existed.

Commissioner Haug asked if subdivision proposals could be processed without a public hearing. Staff responded yes.

Public Agency reports: None.

Letters: Four letters were received: 1) dated 4/4/96 from Austin Industries stating that they were in the process of obtaining written consent from registered voters who reside on the properties included in the annexation application; 2) dated 4/10/96 from Gary Brock stating he owns property abutting the property requested to be annexed. He would like to be included in the annexation and felt the current well system is not sufficient to support homes in that area; 3) dated 4/11/96 from Kelley A. Rustrum stating opposition to the annexation due to increased traffic and the 2.5 acre minimum size; 4) dated 4/11/96 from Jim Ludwick stating opposition to the request as an attempt to beat the May 21 election on annexations.

Proponent Rebuttal:

Mr. Pfeiffer said development plans were not included because such plans could not be made without information on zoning and services. He pointed out that this type of planning would be included in the comprehensive planning process and a future public hearing would address those issues. He said the plan would deal with the protection of lands. He commented that he and the applicant did not write the staff report; the Planning Commission staff wrote it independently.

Staff Recommendation: **John Knight, Planning Manager**, clarified that staff did ask for affidavits from all residents indicating consent. He said there are nine on file, but this was not a criteria for completion of the application. He explained the procedure for writing the findings. Staff indicated their support of the project, but asked that the record remain open.

Hearing Closed.

Commission Deliberation:

Commissioner Haug asked staff to elaborate on the dedications of the land. Staff said that would come in the master plan, but the commission could request its inclusion. **Commissioner Haug** said he was concerned that the annexation did not meet the criteria of excessive cost and impacts, because there was not specific information on several of the parcels included in the plan. He suggested that an impacts study and analysis be done, and that the commission give staff the time to do such an analysis. **Commissioner Haug** voiced his concern that the housing did not fit in with the housing goals of the Planning Commission.

Commissioner Miller noted growth should be viewed in an organized manner. She said a master plan would give Newberg a new opportunity, a well-planned community. She questioned whether the housing concerns of Commissioner Haug dealt specifically with annexation or housing policy, and suggested that Commissioner Haug was asking for a development plan right away. There was discussion of when a plan is usually submitted.

Commissioner Waldren said development would be determined at a later time. At such time, the proposal would go to staff, and would be relevant to that time period. He said he saw the advantages of a comprehensive development plan, but felt the plan could not be made until after the annexation.

Commissioner Waldren voiced his support for the annexation.

Chair Kriz recommended that the commission make a list of things they would like addressed by the staff and applicant.

Commissioner Hannum asked how long the Springbrook area had been in the city without development. He said this was relevant because the impact of annexation is a function of the time at which the development will occur. Staff pointed out that the proposal was for development in five to seven years, and that the area would be zoned for a certain density.

Commissioner Haug said transportation impacts, water supply, septic and sanitary systems, and park and recreation plans should be included in the list of issues to be addressed. **Commissioner Waldren** said park and recreation areas would be dealt with at the time of development.

Commissioner Miller said she felt **Commissioner Haug** was asking for something more specific than was necessary for annexation.

Staff reviewed the options for continuation of the hearing. The agenda for the next scheduled meeting of the Planning Commission was reviewed. Staff reminded the commission that they needed to determine a date of continuation.

Commissioner Waldren suggested leaving the record open for seven (7) days, with a three (3) day period for rebuttal by the applicants. **Commissioner Haug** suggested a seven (7) day rebuttal period instead. Staff pointed out that they need time to hand deliver a staff report, which should be available seven (7) days before the meeting. **Commissioner Haug** said he felt the commission was hurrying to get through the issue before the election and should consider continuing until the next regularly scheduled meeting. **Commissioner Miller** reminded the Planning Commission that the next agenda was very full

and time consuming and a special meeting would not inhibit their ability to make a sound decision. **Chair Kriz** said it was not unusual for the Planning Commission to schedule a special meeting.

Motion #2:	Commissioners Miller/Waldren to leave the written comment period open for seven (7) days, to allow three (3) more days for participants to rebut new information, and for the commission to hold a special meeting in two weeks on April 25, 1996.
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The audience was asked for objections to the procedure. There were none. **Commissioner Haug** motioned to amend the motion to meet in three (3) weeks. This motion died without a second.

Vote on Motion #2:	The motion carried 5-0. (Abstain -1: Harney; Absent -1: Mills).
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Chair Kriz specified that the seventh day would be April 18, 1996, at 5 p.m.; the third day would be April 23, 1996, at 5 p.m.; and the meeting would be April 25, 1996, at 7 p.m.; location to be announced.

There was a brief recess at 9:05 p.m. The meeting was called back into order at 9:11 p.m.

PUBLIC HEARING (#2)

APPLICANT: Harris Thermal
REQUEST: Annexation of a 3.8 acre site, zone change from county AF-10 to City R-2, and withdrawal from the Newberg Rural Fire Protection District.
LOCATION: 505 S. Springbrook Road
TAX LOT: 3221-1500
FILE NO.: ANX-7-96
CRITERIA: Newberg Development Code 10.36.050
RESOLUTION NO.: 96-35
ZONE: AF-10

Abstentions/ex-parte contact: **Commissioner Hannum** thought he had driven by the area.

Commissioner Harney drove by and looked at the area but had no comments on what he saw.

Commissioner Waldren said he drove by also.

Objections to Jurisdiction: None.

Staff Report: **Barb Mingay, Planning Technician,** reviewed the staff report.

Preliminary Staff Recommendation: In the absence of public testimony, staff recommended approval of resolution 96-35.

Proponent: Arnold Fuchs
615 S. Springbrook Road.
Newberg, OR 97132

Mr. Fuchs, president of Harris Thermal, asked for approval of his request for annexation. He explained the location of the plant and that the annexation was necessary for expansion and development. He said the area can be served by city services and the area met the requirements for annexation. He said he

agreed to provide a ten foot roadway dedication. Mr. Fuchs explained that after the annexation was approved, he would submit an application to change the zoning from residential to light industrial. He pointed out that the annexation would relocate workers from Portland to Newberg, and that he hoped to eventually hire twenty more workers.

Proponent: Phillip Rose
502 St. Paul Highway
Newberg, OR 97132

Mr. Rose said he was the pastor of the Assembly of God church adjacent to the property. He said Harris Thermal had been good neighbors and had discussed their plans with the church.

Proponent: Bill Heinzman
2151 N. Alice Way
Newberg, OR 97132

Mr. Heinzman said he was a neighbor to the industrial park, and believed the annexation and development should be approved.

Questions to Proponent:

Commissioner Haug asked why the application was submitted with a different zoning than was intended for the proposed use. **John Knight** responded that for cost and strategy, this was the best way to separate the processes.

Public Agency reports: None.

Letters: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: Staff recommended adoption of Resolution 96-35.

Hearing Closed.

Commission Deliberation:

The commissioners pointed out that other industrial developments were in the area. **Chair Kriz** reminded the commission that the request was for R-2 zoning, so that would be the criteria, not light industrial. **Staff** pointed out that renotification would be necessary to switch the zoning to light industrial.

Motion #3:	Commissioners Haug/Harney to adopt Resolution 96-35, approving the annexation.
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Vote on Motion #3:	The motion carried unanimously (6-0; Absent -1: Mills).
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Barb Mingay, Planning Technician, pointed out that this would to the City Council for hearing in May.

PUBLIC HEARING (#3)

APPLICANT: Lawrence & Christie Anderson
REQUEST: Annexation of a 3.9 acre site, zone change from county VLDR-1 to City R-2 and withdrawal from the Newberg Rural Fire Protection District
LOCATION: 112 N. Springbrook Road
TAX LOT: 3221-00700
FILE NO.: ANX-8-96
CRITERIA: Newberg Development code Section 10.36.050
RESOLUTION NO.: 96-36
ZONE: VLDR-1

Abstentions/ex-parte contact: None.

Objections to Jurisdiction: None.

Staff Report: **John Knight, Planning Manager**, reviewed the staff report.

Preliminary Staff Recommendation: In the absence of public hearing testimony, staff recommended approval of resolution 96-36.

Proponent: Larry Anderson
112 N. Springbrook Road
Newberg, OR 97132

Mr. Anderson said the purpose of annexation was to connect to city utilities because the well on the property was decreasing.

Questions to Proponent:

Commissioner Miller asked if the intention of the applicant would be to connect to sewer as well. The applicant responded affirmatively.

Public Agency reports: None.

Letters: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: Staff recommended approval of Resolution 96-36.

Hearing Closed.

Commission Deliberation:

The commissioners agreed that the applicant needed the water. **Chair Kriz** pointed out that the comprehensive plan would require the applicant to hook up to sewer and water.

Motion #4:	Commissioners Harney-Waldren to adopt Resolution 96-36, approving the annexation.
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Vote on Motion #4:

The motion carried unanimously (6-0; Absent -1: Mills).

Staff reminded the public that this would go to the City Council meeting in May.

PUBLIC HEARING (#4)

APPLICANT: Carlos Orellana
REQUEST: Exterior remodel of a historic commercial building to be known as the Cancun Restaurant (previously Darby's)
LOCATION: 714 E. First Street
TAX LOT: 3219AA-8800
FILE NO.: DR-60-96 (historic review)
CRITERIA: Newberg Development Code 10.44.157
RESOLUTION NO.: 96-38
ZONE: C-3

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Barb Mingay, Planning Technician, reviewed the staff report. She pointed out that the criteria was printed in a different order than normal.

Preliminary Staff Recommendation: In the absence of public testimony, staff recommend approval of Resolution 96-38 which approves the request but limits the approval to those items which can be easily restored.

Proponent: Wayne Danforth
714 E. First Street
Newberg, OR 97132

Mr. Danforth handed out a copy of the business proposal to the commissioners. The proposal included an executive summary and photos of other restaurants owned by the applicant. He reviewed the plans for design. He told the commissioners that he had been trying to make changes to the design because he recently learned the building was designated as historic. Mr. Danforth said he did not want to alter the historic quality of the building, but that redesign was necessary to make the building profitable.

Proponent: Carlos Orellana
714 E. First Street
Newberg, OR 97132

Mr. Orellana made himself available to answer questions from the commissioners.

Questions to Proponent:

Commissioner Hannum asked about the geographical location of Cancun. **Mr. Orellana** said it was a port in Mexico. **Commissioner Hannum** asked what buildings looked like in that area in the 1920s. **Mr. Danforth** said he was not sure of the design specific to that area, but similar buildings in California had logs sticking out, and were not constructed with brick. **Mr. Orellana** said he took the design for the building from Mexico and combined it with American material. He said he had made six restaurants from this design. He said the purpose was to bring historical value to the restaurant.

Commissioner Harney asked what the age of the brick was. Staff responded that the exact date was unknown, but the building was altered sometime after World War II, and possibly even in the 1960s. **Commissioner Harney** asked for the length of the frontage. **Mr. Danforth** did not have the exact length. He said there were three (3) windows currently, but the proposed four (4) were smaller in size. **Commissioner Harney** asked what the plans were for the canopy and the location of the name. **Mr. Danforth** said the name would go where the old Darby's sign was.

Commissioner Waldren asked for staff input regarding the neon lights on top of the building. **Barb Mingay, Planning Technician**, said the old Darby's sign, which included neon, was historic, but there could have been characteristics besides the neon that made it historic. She said neon lighting would not affect the ability to restore the building to its historic condition at a later time. She told the commission this was addressed in the staff recommendation.

Chair Kriz asked for the applicant's intentions for the old Darby's sign. **Mr. Danforth** said a person had talked to him about purchasing the sign.

Commissioner Hannum asked for clarification of the applicants intentions for the brick. **Mr. Danforth** said he would like to change the color of the brick by paint. He pointed out the brick had been painted previously.

Public Agency reports: None.

Letters: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: Staff recommended approval of Resolution 96-38 which approved the request but limited the approval to those items which could be easily restored.

Hearing Closed.

Commission Deliberation:

Commissioner Waldren said he supported the resolution, but in good consciences did not want to see neon or a reader board. **Commissioner Miller** agreed.

Chair Kriz asked for clarification on design changes. The staff said the Planning Commission did have the ability to suggest and recommend changes.

There was discussion on the tastefulness of a reader board, and whether this was in the authority of the commission to address.

Motion #5:	Commissioners Haug/Miller to change condition one to delete "lighted" and to not allow a reader board.
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Vote on Motion #5:	The motion carried unanimously (6-0; Absent -1: Mills).
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Commissioner Waldren said neon was not necessary for the restaurant. The staff pointed out that the only precedent was Domino's Pizza which included a condition that if the occupant left, the signs must be removed. Staff also said consideration could be given to different varieties of neon lighting. **Chair Kriz** said he felt that the Domino's Pizza sign was a bad precedent. He also said item H of the criteria makes the Spanish design

incompatible with the historic district. **Commissioner Waldren** said the design could be compatible. **Commissioner Haug** said that the bottom half wasn't compatible with the top half which was historical, so the design did not work. **Commissioner Waldren** said he was willing to go with the arched windows, but he would not accept neon. **Commissioner Hannum** said the neon would not be seen in the daylight, and at night the lighting would accent the architecture.

Motion #6:	Commissioners Waldren/Harney to disallow neon on the top and sides of the building.
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Vote on Motion #6:	The motion carried (4-1). (Dissenting: Hannum; Absent -1: Mills).
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Commissioner Haug motioned to deny the design by disallowing arch stucco windows. The motion died for lack of second.

Commissioner Hannum said restoring the building back to its original character is not an option. He suggested the Planning Commission accept changes made by the owners to use the buildings to meet their needs and desires.

Motion #7:	Commissioners Haug/Hannum to adopt Resolution 96-38 as amended to delete the word "lighted" from condition one, to not allow a reader board and to disallow neon lighting on the top and sides of the building.
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Motion #8:	Commissioners Kriz/Miller to amend the motion to require that the applicant endeavor to find a willing party to preserve the Darby's coffee sign and if necessary provide the means for removal.
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Vote on Motion #8:	The motion carried unanimously (6-0; Absent -1: Mills), approving the annexation with the amendments as stated.
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Vote on Amended Motion #7:	The motion carried (5-1). (Dissenting -1: Kriz; Absent-1: Mills).
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Barb Mingay, Planning Technician, reminded the applicant and Planning Commission of the historic rules regarding building design and permits.

VI. **OLD BUSINESS** None.

VII. **NEW BUSINESS**

1. **John Knight, Planning Manager**, noted that the draft minutes from the January 16, 1996 Joint City Council/Planning Commission Meeting were distributed in the packets to the planning commissioners. These will be on the May 6, 1996, City Council Agenda for approval. He also noted that the meeting minutes needed to be approved by the Planning Commissioners.

Motion #9:	Commissioners Haug/ Harney to adopt the minutes from the January 16, 1996, Joint City Council/Planning Commission Meeting.
Vote on Motion #9:	The motion carried unanimously (6-0; Absent -1: Mills).

2. **Chair Kriz** reminded commissioners about the upcoming volunteer dessert on April 19, 1996, and asked the commissioners to R.S.V.P.

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items: Schneider RDF site, annexation failed because of 90 day expiration, and the applicant will be at the May Planning Commission meeting for review.
2. Other reports, letters, or correspondence:
 - a) A handout was distributed to commissioners on a land use workshop in Salem on May 18. If a commissioner is interested in the workshop, they need to complete the registration form and return it to Darla at Community Development no later than Friday, May 3, 1996.
3. Next Planning Commission Meeting, April 25, 1996 (location TBA).

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:45 p.m.

Passed by the Planning Commission of the City of Newberg this 9th day of May, 1996.

AYES: NO: ABSTAIN: ABSENT: *waldren*

(list names) (list names)

ATTEST:

Janet C. Yarbrough
 Planning Commission Recording Secretary Signature

Janet C. Yarbrough *5/10/96*
 Print Name Date

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**INFORMATION RECEIVED INTO THE RECORD
AT THE APRIL 11, 1996 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 #

DR-60-96 Proponent Wayne Danforth distributed a business profile of the proposed Cancun's restaurant which included photos of other restaurants owned by the applicant, Carlos Orellana.

MAILING LABELS FROM THE 4/11/96
PLANNING COMMISSION MEETING
FOR THOSE WHO GAVE PUBLIC
TESTIMONY

Curtis Walker
P.O. Box 489
Newberg, OR 97132

ANX-9-96

Steve Pfeiffer
900 SW First
Portland, OR 97204

ANX- 9-96

Alan Steiger
5185 SW 91st
Portland, OR 97225

ANX-9-96

Larry G. Hartman
2313 N. Alice Way
Newberg, OR 97132

ANX-9-96

George C. Alexander
P.O. Box 370
Newberg, OR 97132

ANX-9-96

Don Wright
500 Foothills Drive
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ANX-9-96

Sid Friedman
31909 NE Corral Creek
Newberg, OR 97132

ANX-9-96

Pati Seitz
31909 NE Corral Creek Rd.
Newberg, OR 97132

ANX-9-96

Keith Hay
15775 Ribbon Ridge Rd.
Newberg, OR 97132

ANX-9-96

Alanna Vernam
17675 North Valley Rd.
Newberg, OR 97132

ANX-9-96

Arnold Fuchs
615 Springbrook Rd.
Newberg, OR 97132

ANX-7-96

Phillip G. Rose
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ANX-7-96

Bill Heinzman
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ANX-7-96

Larry Anderson
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ANX-8-96

Layne Danforth
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DR-60-96

Carlos Orellana
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DR-60-96