

**PLANNING COMMISSION MINUTES
NEWBERG PUBLIC LIBRARY - NEWBERG, OREGON
THURSDAY, FEBRUARY 13, 1997 AT 7 P.M.**

Approved at the March 13, 1997 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby	Steve Hannum	Matson Haug, Chair
Jack Kriz	Myrna Miller	Richard Waldren
Lon Wall		

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Janet Yarbrough, Recording Secretary

II. OPEN MEETING

Chair Matson Haug opened the meeting at 7 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of January 9, 1997 Planning Commission Minutes.

Motion #1:	Commissioners Miller-Hannum to approve the consent calendar items, approving the minutes of the January 9, 1997, Planning Commission Meeting, with the corrected spelling of Commissioner Hannum's name.
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Vote on Motion #1:	The Motion carried unanimously (7-0).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None

V. PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPLICANT:	Ron Manning	ITEM TABLED AT APPLICANT REQUEST
REQUEST:	Comprehensive Plan amendment from LDR and LDR/SC to MDR and MDR/SC, and zone change from R-1 and R-1/SC to R-2 and R-2/SC	
LOCATION:	west of Main Street, south of Pinehurst Court	
TAX LOT:	3218AC-1700, -1800, -1900, - 2000	
FILE NO:	CPA-4/Z-5-96	RESOLUTION NO.: 97-58
CRITERIA:	Newberg Development Code section 10.20.030	

Staff Report: At the request of the applicant, the public hearing has been postponed and may be withdrawn.

Preliminary Staff Recommendation: Staff recommended to table CPA-4-96 to a future undesignated Planning Commission meeting.

Motion #2:	Commissioners Hannum-Miller to table CPA-4-96 to a future Planning Commission meeting.
Vote on Motion #2:	The motion carried unanimously (7-0).

OPEN FOR PUBLIC HEARING.

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

PUBLIC HEARING (#2)

APPLICANT: David Abbott
REQUEST: Repeal of Newberg Ordinance 2165 and 2207 which established and amended a Planned Development (PD) zoning sub-district overlay on a 4.83 acre site within the C-2 zone
LOCATION: 3777 Portland Road
TAX LOT: 3216-CA-2190
FILE NO: PUD-2-97
CRITERIA: Newberg Development Code section 10.20.030
ZONE: C-2
RESOLUTION NO.: 97-59

Abstentions/ex-parte contact: None

Objections: None

Staff Report: **John Knight, City of Newberg Planning Manager**, reviewed the staff report. He gave a brief history of the project.

Preliminary Staff Recommendation: Recommendation to approve the resolution was made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing.

Proponent:

Jeff Reed
1304 Newall Road
Newberg, Or 97132

Mr. Reed was representing the Newall Neighborhood Association. He said that for the past 12 years the homeowners and the applicant have conflicted over the applicant's property. Mr. Reed said all homeowners are in agreement with the plan to develop the land. He asked for support of the Planning Commission.

Proponent:

David Abbott
333 State Street #117
Lake Oswego, OR 97034

Mr. Abbott said he felt the problems had been worked out in the neighborhood agreement. He wanted to place restrictions on the agreement so it would be binding.

Questions to Proponent: **Chair Haug** asked Mr. Abbott what would happen if the covenants and restrictions were not filed. Mr. Abbott said that they needed to find out how to make them binding, and this was difficult. Still, the agreement would stand with or without the covenants and restrictions.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: Staff recommended that the Planning Commission adopt Resolution 97-59.

Hearing Closed.

Commission Deliberation: **Commissioner Waldren** referred to page five (5) of the staff report where it read April of 1997, and asked if this should read April of 1987. Staff agreed. **Commissioner Wall** said that he would be uncomfortable voting for a plan that might fall through (without the covenants and restrictions). **Commissioner Miller** said commissioners could make a suggestion that the covenants and restrictions be on file before final approval.

Motion #3:	Commissioners Wall-Waldren to amend the resolution to recommend approval be conditional upon the acceptance of the covenant and restrictions when presented to the Newberg City Council.
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Vote on Motion #3:	The motion carried unanimously (7-0).
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Motion #4:	Commissioners Waldren-Miller to approve the resolution 97-59 as amended, repealing Newberg Ordinance 2165 and 2207.
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Vote on Motion #4:	The motion carried unanimously (7-0).
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John Knight, Planning Manager, said this item was tentatively scheduled for the Newberg City Council meeting in March 1997.

The commissioners took a break at approximately 7:25 p.m. to set up for the next hearing.

Chair Haug called the meeting back to order at 7:30 p.m.

PUBLIC HEARING (#3)

APPLICANT: City of Newberg in cooperation with George Fox University, Friendsview Manor and Providence Newberg Hospital
REQUEST: Comprehensive plan amendment and zone change to create an I (Institutional) and IO (Institutional Overlay) zoning district
LOCATION: Generally north of Highway 99W, east of Meridian, south of Southern Pacific railroad tracks, west of Villa Road
TAX LOT: Various
FILE NO: CPA-3-96
CRITERIA: Newberg Development Code section 10.20.030
ZONE: various

RESOLUTION NO.: 97-60

Abstentions/ex-parte contact: **Commissioner Hannum** said that as an employee of George Fox University he would not participate in this discussion and stepped down.

Objections: None

Staff Report: **John Knight, Planning Manager,** reviewed the staff report. He also gave a brief history of the project. He reviewed the area on overhead maps for the Planning Commission. He explained that the zoning and the comprehensive plan were different for different areas of the property, which was the reason for the proposal. **Commissioner Kriz** asked if this only applied to this area, not other areas that may be purchased by the institutions in the future. Staff replied that right now this only applied to this

area. It would be possible to do this for other areas in the future. **Commissioner Ashby** asked if the conversion to Institutional Zone was automatic. **John Knight, Planning Manager**, said no, the conversion is a process, and converting to institutional zoning has more restrictions. He referred to page eight (8), exhibit A in the staff report. He reviewed the new standards that would be effective if the resolution were approved. He mentioned that there had been several workshops with the public on the issue. He said the residents had been concerned about selling their property. Parking was also an issue. George Fox University had developed a parking management plan. They were also concerned that the institutions would have right of imminent domain. Staff said that because they were not a public agency, they would not have this right. **Chair Haug** asked staff to review the changes that would take place in the zoning process if the plan was approved. Staff said that currently the process was very complex. This would be simplified and clarified with the new designation. **Commissioner Kriz** asked if the height restrictions would include radio towers. Staff said that you could have a radio tower as high as 100 feet. **Commissioner Kriz** said he was concerned because radio towers haven't been clearly identified as being structures. **Commissioner Kriz** referred to page 11, exhibit A, of the staff report and asked if the addition of a fence would require the zoning change to zone I. Staff said fencing and enclosures should have been listed under exemptions. **Commissioner Kriz** asked for clarification of the requirements and exemptions for setbacks.

Preliminary Staff Recommendation: Staff recommended approval at this time. The recommendation was made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing.

Questions of staff from the Commission: **Commissioner Waldren** asked for clarification of the height restrictions. **Commissioner Wall** asked how many non-institutional residents were in this area. Staff responded that it was around thirty or forty.

Proponent:

Al Benkendorf, Planner representing George Fox University and Friendsview Manor
522 SW 5th Street
Portland, OR 97204

Mr. Benkendorf said a technical advisory board was formed a year ago to discuss the issue. He believed the resulting resolution represented a good balance of the needs and concerns of the involved parties. He said it was important to note that all areas in white on the maps would be zoned institutional (all of the areas owned by the three institutions). Mr. Benkendorf feels the overlay is consistent with the city's comprehensive plan. He said the parking issue had been most important to the neighbors and they had dealt with this in the parking management plan.

Proponent:

Donald Millage, Financial Vice-President for George Fox University
2126 Thorne Street
Newberg, OR 97132

Mr. Millage said this was an issue the city and involved parties had been working on for a long time. He said the present gap between the city comprehensive plan and the development code were incompatible, making George Fox University subject to the same restrictions as homebuilders. This resolution would make this code complete and more compatible. Mr. Millage referred to the neighbors' parking concern, reiterating that they had conducted parking studies. He said they found that the university had adequate lot parking--the problem is that students park on the streets instead of in the lots. Mr. Millage said the university will initiate a new parking policy to prevent students from parking on the streets.

Proponent:

Beverly Bookin, Planner representing Providence Newberg Hospital
621 S.W. Morrison Street, Suite 200

Portland, OR 97205

Ms. Bookin said approval was important for three reasons. First, the university makes an important contribution to the community through services, activities, etc. Second, institutions are unique land uses. They could be the most complex land use in Newberg, and the institutional zoning would be a match for their zoning needs. Third, this was a formal opportunity for three institutions to cooperate with the city. She said this plan does not give any benefits to the applicants at the expense of neighbors. She said there would be no spillover of hospital parking into the neighborhoods, but the hospital would still increase parking to match the increase in demand. Ms. Bookin said the hospital will pay for its share of off-site impacts.

Opponent:

Jim Morrison
717 E. Sheridan Street
Newberg, OR 97132

Mr. Morrison said he hoped the Planning Commission and the City Council would learn to communicate better with each other. He wanted to make sure the public would be involved in this application, because he had never received notice of any workshop, and he lives a few blocks from the college. He felt that the 100 foot notification rule was not wide enough. He asked if staff had a list of the residents who had been involved in the workshops. He was concerned that wooded areas would not be protected and open space would not be retained. Mr. Morrison didn't feel the proposal dealt well with the issues of the comprehensive plan. He recommended that a subcommittee be developed to facilitate a community consensus on the application.

Opponent:

Bonnie Newman
517 Villa Road
Newberg, OR 97132

Ms. Newman said she respected the value of the university, hospital and manor, but as a homeowner, she felt the needs of the institutions might override the rights of the homeowners. She felt that the current design code would protect the homeowners better than the new plan.

Opponent:

Pat Haight
501 E. Illinois Street #12
Newberg, OR 97132

Ms. Haight felt the neighborhoods are what make the college unique. She questioned the consistency of the application with the comprehensive plan. She said there were problems with each of the criteria for acceptance. She noted that the City of Newberg was the applicant, and said this was at a high cost to taxpayers. Ms. Haight asked staff to reveal the amount paid in consulting fees. She would also like the city to review the compatibility of the new zoning with the surrounding community.

The commission adjourned for a short break at 8:30p.m.

Chair Haug called the meeting to order at 8:40 p.m.

Opponent:

John Newman
517 Villa Road
Newberg, OR 97132

Mr. Newman wanted the community to know the exact borders of the overlay and zone change. He also wanted the institutional zone maps to be updated to reflect the recent purchase of land by the hospital. Ms. Bookin, Planner representing Providence Newberg Hospital, said the hospital asked that the new purchases not be included in the institutional zone and the map did not need to be changed.

Questions to Proponent: **Commissioner Waldren** asked staff if approval of the application would affect the stream corridor. Staff responded no. **John Knight, Planning Manager**, read a question from the audience asking if the homeowners could be forced to sell their homes. He replied no, because the institutions would have no right of imminent domain. **Commissioner Waldren** asked if the existing houses could be turned into student housing. Staff said that this could be done, with a limit of ten residents. **Commissioner Waldren** wanted to be sure the converted homes would have smoke detectors. **Mr. Millage** said the fire code required smoke detectors in each bedroom and they were subject to stringent requirements. **Commissioner Wall** understood the reason for the application, but he wanted to know why there should be a compelling interest for the community at large to support it. **John Knight, Planning Manager**, said the community should be interested because this would allow for the continued growth and expansion of the institutions which provide for the community, and the current zoning doesn't really work with institutions. **Mr. Benkendorf** said the community was lucky to have these three institutions and that they needed to treat them as institutions. **Ms. Bookin** said these institutions were job generators, and did so without a large impact on city services. **Ms. Haight** said the water rates of Friendsview Manor were cheaper, and George Fox University doesn't pay taxes on their houses, and this takes away from city revenue. **Commissioner Kriz** asked what the rationale was for taking away an area limitation on signage, referring to page 22 of the staff report. Staff said this could be addressed if problems arose. **Chair Haug** asked if this was intended to deal with street signs. **John Knight, Planning Manager** said this was intended to simplify the review process. **Commissioner Kriz** referred to page 26 of the staff report regarding the definition of "Continuing Care." Staff said this could include other care centers, and referred to page five (5) of the staff report which included eight items on "Continuing Care." **Chair Haug** asked if an appeal of a design review would go to a hearings officer or go to the Planning Commission. Staff said this would go to the Planning Commission. **Chair Haug** asked Mr. Benkendorf what compromises the surrounding neighbors would have to make regarding the proposal. **Mr. Benkendorf** said he felt they hadn't made any compromises. Their rights would not be changed. He noted that only one property owner was present this evening. **Chair Haug** asked the same question of Mr. Morrison. **Mr. Morrison** said he felt that the neighbors were not adequately notified. **Ms. Newman** said that the activities of the institutions around their homes could make their neighborhoods 'unnatural,' and that the homeowners were intimidated by the institutions. **Chair Haug** asked about the recent land purchases by the hospital. **Ms. Bookin** said that the hospital made the decision to exclude the property because they wouldn't benefit from the zoning. **Commissioner Kriz** asked if there was a rush to do this. Staff replied no, but they would like a resolution. There was some discussion among the opponents as to the limited notification of area residents.

Public Agency reports: None

Letters: One letter was received; dated February 10, 1997, from Stephen M. Roberts. He listed multiple items for the Planning Commission to consider.

Proponent Rebuttal: **Mr. Millage** said that Mr. Morrison's concerns were not specific to this application. He said that Ms. Haight's comments regarding the city's involvement did not reflect that this plan could prevent several future problems. **Mr. Benkendorf** said that Ms. Newman's concern regarding homeowners rights was not valid because the zoning change would not affect homeowners unless they sold their property to the institution. **Ms. Bookin** said that homeowners would benefit from a new zone because the hospital would have limitations on what it could do. **John Knight, Planning Manager**, said there was no list of residents outside the 100 feet notification area. He said the point regarding public notification was well-taken and that staff would consider more public exposure on the issue. He said they had sent out over a hundred notices prior to this meeting. Regarding the comprehensive plan concerns, he said these issues would either be dealt with in other measures or would be unaffected by this resolution. He said the recommendation for a subcommittee does have merit, and it would be up to the

commission to weigh the value of this process. He clarified criteria for approval. He said the costs to the city were primarily in time, but this was a good investment for avoiding future problems and allowing for growth. He noted that the city did not pay for the consultants, they were paid for and hired by the institutions.

Staff Recommendation: Staff recommended that the Planning Commission adopt Resolution 97-60, amending the comprehensive plan text and map, and development code text and map to create a new comprehensive plan and zoning designation entitled "Institutional Zone and Institutional Overlay Zone."

Hearing Closed.

Commission Deliberation: **Chair Haug** considers the campus as open space. He stated that the institutions have a reputation as being good neighbors. He feels the plan would allow for cost savings and increased efficiency. **Commissioner Miller** said she felt that this was a unique group of institutions, and that the community was fortunate to have them so close together. She felt that the plan was long overdue. **Commissioner Waldren** indicated his agreement. **Commissioner Ashby** said he felt that the plan would not affect Ms. Newman's concerns because they could continue to use the property in the same way. He sees a benefit from the concentration of the institutions. **Commissioner Wall** said he felt that they were doing something that they otherwise wouldn't do simply because of the outstanding nature of the institutions. He asked if exemplary citizens really have a right to have the rules changed for them. He was concerned for property owners because of the potential that the whole area would become an institutional area. The effect of this would be unknown. He was concerned that the whole community had not been involved. **Chair Haug** shared that concern. He asked if the notification procedure should be changed. **Commissioner Waldren** asked how this notification would be carried out. He suggested that the commission buy space in the newspaper to avoid the expense and the hassle of notification by letter. **Chair Kriz** said that this issue hadn't received very much press. He also said that this would affect the whole community, not just the area, so something needed to be done. Different ideas for public notice were discussed.

Motion #5:	Commissioners Wall-Waldren to open the floor to give each side two minutes to address the issue of notification.
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Vote on Motion #5:	The motion carried (3-2); (NAY: Kriz, Miller); (ABSTAIN: Hannum).
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Proponents:

Mr. Benkendorf said he felt the rules for public notice had been followed and the public had participated adequately. **John Knight, Planning Manager**, referred to the overhead maps. He was reluctant to extend the 100 foot notification boundary because it wouldn't add many residents. He recommended instead that they post signs and do a press release. He also stated concern that the noticing would cost a lot of money.

Opponents:

Mr. Morrison said that he didn't think an extension of 50 feet to the 100 foot notification rule would be adequate. He wanted the whole community to be notified. **Ms. Newman** said the meetings had been focused on dividing and conquering, not informing. She wanted to see a group meeting where everyone could attend.

Chair Haug closed the hearing.

Chair Haug asked if staff could take on the responsibility to put up the signs. **Commissioner Wall** said the institutions were changing as the hospital had merged with a corporate health care provider and the college merged with a university. Staff indicated that the time was nearing 10:00 p.m. and the commissioners needed to decide if they wanted to continue the hearing .

Motion #6:	Commissioner Kriz-Miller to continue the hearing to the next Planning Commission meeting, reopen the public testimony, and direct staff to provide additional measures of public notification.
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Vote on Motion #6:	The motion carried (6-1); (NAY: Wall); (ABSTAIN: Hannum).
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PUBLIC HEARING (#4)

APPLICANT: Newberg Area Habitat for Humanity
REQUEST: Comprehensive plan amendment and zone change from M-2 Light Industrial to R-2 Medium Density Residential
LOCATION: 905 N. Meridian
TAX LOT: 3218DA-2800
FILE NO: CPA-10/Z-10-97
CRITERIA: Newberg Development Code section 10.20.030 **RESOLUTION NO.:** 97-57
ZONE: M-2

Commissioner Hannum rejoined the commission at this time.

Abstentions/ex-parte contact: None

Objections: None

Staff Report: **Barb Mingay, Planning Technician**, reviewed the staff report. She also gave a summary of the late correspondence received.

Questions to Staff: **Commissioner Kriz** asked for clarification of the comprehensive plan criteria. **Barb Mingay, Planning Technician**, said the criteria changed on January 2, 1997, and the new criteria were listed in the new code.

Preliminary Staff Recommendation: The recommendation to approve the resolution was made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing.

Undecided:

Johann May
 312 N. Edwards
 Newberg, OR 97132

Mr. May said this is an example of how the city ignores the comprehensive plan and does not include citizens in the decision making process. He said while he supports Habitat for Humanity, he didn't think it was a good land site for housing.

Proponent:

May Wallace
 1100 N. Meridian #24
 Newberg, OR 97132

Ms. Wallace said she is the on-site facilitator for Habitat for Humanity. Habitat for Humanity already has a tenant for the house and the group has gone a long way in looking for land, gathering materials and raising labor. They just need the approval of this application to proceed.

Questions to Proponent: None

Public Agency reports: None

Letters: One letter was received; dated February 7, 1997, from Jim Fisher, stating his support for the zone change.

Proponent/Opponent Rebuttal: None

Staff Recommendation: Staff recommended approval of Resolution 97-57. Staff said the property was surrounded by residential and industrial property.

Hearing Closed.

Commission Deliberation: **Commissioner Kriz** said he was concerned that the site to the west would be useless for future industrial use. **Chair Haug** said this area was unlikely to be a healthy industrial area.

Commissioner Miller said this land had not been used industrially, and that originally there was a house on this property. The commissioners thought the idea behind Habitat for Humanity was good.

Motion #7:	Commissioners Waldren-Miller to adopt Resolution 97-57 as written, approving the comprehensive plan amendment and zone change from M-2 Light Industrial to R-2 Medium Density Residential.
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Vote on Motion #7:	The motion carried (6-1);(NAY: Wall).
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VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. Bay Creek Green Landscape Plan

Staff distributed a copy of the new plan to the commissioners. **John Knight, Planning Manager**, reviewed the history of the plan, noting that a condition for approval was that the developers present the landscape plan to the commissioners. The plan had been adjusted to address the concerns of the Fire Department. There was some discussion as to the desirability of common landscape maintenance.

Motion #8:	Commissioners Miller-Waldren to approve the landscaping design with the addition that the entire development be under common landscaping maintenance.
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Motion #9:	Commissioners Miller-Waldren to amend the motion to read that the commission encouraged that the entire development be under common landscaping maintenance.
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Vote on Motion #9:	The motion carried unanimously (7-0).
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Vote on Motion #8:	The motion carried unanimously (7-0).
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VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items
2. Other reports, letters, or correspondence
 - a. Presentation: "Creskide Development"

Staff distributed the subdivision plan to the commissioners. **John Knight, Planning Manager**, reviewed the project history. Paul Sedorick, the project planner, said they were trying to create a package that would allow multiple uses on one single piece of land. He reviewed the plan dimensions.

b. ODOT 99W

The commissioners discussed the goal of these meetings and the role of the Planning Commission in those meetings. Staff indicated that they needed a representative to

attend the meetings. The commission agreed that Commissioner Miller would be that representative.

c. Staff asked for three members to meet next week to discuss upcoming issues.

Commissioners Miller and Hannum committed to the meeting; **Commissioners Waldren and Kriz** said they might be able to attend the meeting.

3. Other handouts given to Planning Commissioners at the meeting:

a. Updated Planning Commissioner list.

b. Draft "Goals and Objectives" Newberg Planning Commission, date January 14, 1997.

c. A handout was distributed to commissioners "Newberg-Dundee Transportation Improvement Project - Alternative Development Process."

4. Next Planning Commission Meeting, March 13, 1997.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 11:15 p.m.

Passed by the Planning Commission of the City of Newberg this 13 day of March, 1997.

AYES:

6

NO:

0

ABSTAIN:

(list names)

0

ABSENT:

1

(Haugh)

ATTEST:

Janet C. Yarbrough
Planning Commission Recording Secretary Signature

Janet C. Yarbrough 3/13/97
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE FEBRUARY 13, 1997 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 # CPA 3-96

A draft parking policy for George Fox University.

PROJECT FILE # CPA 3-96

A revised map of the proposed institutional zone area and overlay was distributed to the commissioners.

PROJECT FILE # CPA 3-96

A letter from Stephen Roberts indicating his concerns about this project was distributed to the commissioners.

PROJECT FILE # CPA 3-96

A letter from Jim Morrison indicating his concerns about this project was distributed to the commissioners.

PROJECT FILE # CPA 10-97

A letter from Jim Fisher indicating his support of the zone change was given to the commissioners.

PROJECT FILE # CPA-4/Z-5-96

A map of the proposed subdivision was distributed to the commissioners.

LABELS FROM THE 2/13/97
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY
AUGUST 213.MIN

Beverly Bookin
621 S.W. Morrison Street
Portland, OR 97205

CPA 3-96

Donald Millage
2126 Thorne Street
Newberg, OR 97132

CPA 3-96

John Newman
517 Villa Road
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CPA 3-96

May Wallace
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CPA 10-97

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PUD-2-97

Pat Haight
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CPA 3-96

Jim Morrison
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CPA 3-96

Dale Parrish
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CPA 3-96

Al Benkendorf
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CPA 3-96

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CPA 3-96/ CPA 10-97

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PUD 2-97