



Community Development Department

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**PLANNING COMMISSION STAFF REPORT
OLCC REGULATED ADULT USE MARIJUANA PROCESSING FACILITY
CONDITIONAL USE PERMIT
1015 N Springbrook Road**

HEARING DATE: October 14, 2020

FILE NO: CUP21-0006

REQUEST: Conditional use permit approval for an Oregon Liquor Control Commission regulated adult use marijuana processing facility

LOCATION: 1015 N Springbrook Road

TAX LOT: R3216CB 00900

APPLICANT: Anthony Stuart

OWNER: Ralston & Ralston LLC

ZONE: C-2 (General Commercial)

PLAN DISTRICT: COM (Commercial)

OVERLAYS: Airport Conical Surface

ATTACHMENTS:

Order 2021-09 with

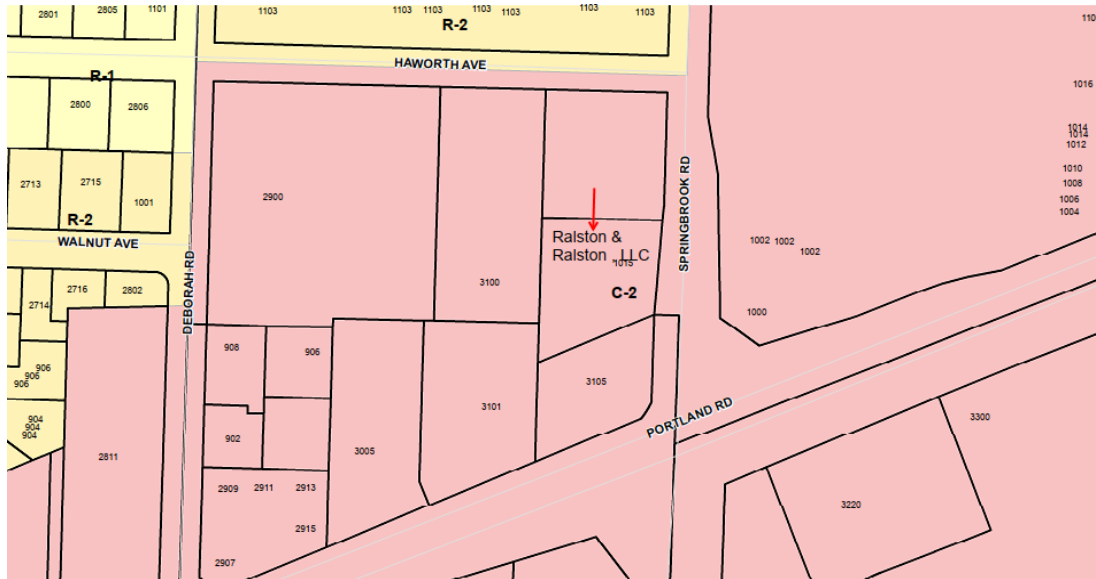
Exhibit "A": Findings

Exhibit "B": Conditions

1. Aerial Photo
2. Zoning
3. Application Materials

A. DESCRIPTION OF APPLICATION: The applicant has requested approval to use an existing commercial building to operate a licensed adult-use marijuana processing facility to produce exclusively edible products for sale in the Oregon Liquor Control Commission (OLCC) regulated adult use marijuana retail market. This use was previously approved by Order 2018-14 (CUP18-0006) and Order 2020-02 (CUP20-0001). The new application is due to delays in obtaining OLCC approval.

B. LOCATION:



C. SITE INFORMATION:

1. Location: 1015 N Springbrook Road
2. Size: ~32, 280sq. ft. (.741 acres)
3. Topography: flat
4. Current Land Uses: Vacant commercial building (formerly a bank)
5. Natural Features: Improved site with parking and landscaping. There are two buildings on the site. The occupied second building is Western Oregon Dispensary
6. Adjacent Land Uses: North – vacant, East – Springbrook Plaza, South – Chipotle, West – Newberg Professional Plaza
7. Access and Transportation: Access to the site is provided from a driveway on the west side of N Springbrook Road just north of the OR 99W/N Springbrook Road intersection. N Springbrook Road is classified as a minor arterial and is owned and maintained by the City of Newberg.
8. Utilities:
 - a. Water: The City’s GIS system shows a 12-inch water line along N Springbrook

Road, and the existing parcel appears to be served by a ¾” meter.

- b. Wastewater: The City’s GIS system shows a 15-inch wastewater line along the east side of N Springbrook Road. The City’s GIS system does not currently show a service lateral to the property, however the applicant has indicated that one exists.
- c. Stormwater: The City’s GIS system shows a private stormwater line running diagonally from NE to SW through the property. There is an existing catch basin at the northern end of the property that connects into a 12-inch public stormwater line.
- d. Overhead Lines: There are no overhead utilities adjacent to the property. Any new connection to the property will need to be undergrounded (all existing utilities are undergrounded). See NMC 15.430.010 for exception provisions.

D. PROCESS: The conditional use permit request is a Type III application and follows the procedures of Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission is to make a decision on the application based on the criteria listed in the attached findings. The Planning Commission’s decision is final unless appealed. Important dates related to this application are as follows:

- 8/27/21: The Community Development Director deemed the application complete.
- 9/10/21: The applicant mailed notice to the property owners within 500 feet of the site.
- 9/16/21: The applicant posted notice on the site.
- 9/29/21: The *Newberg Graphic* published notice of the Planning Commission hearing.
- 10/14/21: The Planning Commission will hold a quasi-judicial hearing to consider the application.

E. AGENCY COMMENTS: The application was routed to several public agencies and city departments for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following comments:

Zipty: Reviewed, no conflict.

Public Works Water Treatment Plant: They are aware of grease removal devise requirement.

Public Works Direct, Reviewed, no conflict.

Police Chief: I do not support any marijuana sales licensing.

Finance: Reviewed, no conflict.

Building Official: Reviewed, no conflict.

F. PUBLIC COMMENTS: As of the writing of this report, the city has received no written

comments on the application. If the city receives written comments by the comment deadline, planning staff will forward them to the commissioners.

- G. ANALYSIS:** The proposed OLCC regulated adult use marijuana processing facility is required to comply with Conditional Use approval criteria of NMC 15.225.060. The site previously received approval for a marijuana processing facility by Order No. 2018-14 and Order No. 2020-02. That first Order was extended by six months by MISC119-0070 on October 17, 2019. The second Order was extended by six months by MISC121-0049. The applicant notes that with the OLCC processing backlog approval will likely occur after the November 14, 2021 extension date deadline for Order No. 2020-02 and has submitted this Conditional Use Permit application to keep the proposal active.

OLCC has endorsements for four types of processing: Edibles, Concentrates, Extracts and Topicals. There is an additional endorsement/certificate for the processing of industrial hemp products. All of the above endorsements or certifications are contemplated as part of the proposed marijuana processing facility.

The proposal is compatible with the surrounding commercial uses due to its size and scope, and the characteristics of the site are not dissimilar to other commercial businesses in the area. The location of the proposed OLCC regulated adult use marijuana processing facility is convenient and attractive for visitors to downtown and area attractions.

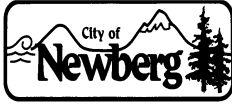
The use is permitted by NMC 15.305.020 as a medical marijuana processor and as a conditional use for recreational marijuana processor. There are footnotes for the use on proximity to parks and schools which state “(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.” The facility is outside the 1,000 foot requirement.

The facility will require compliance with OLCC and Oregon Department of Agriculture by the nature of the business operation and the products that will be produced.

Daily vehicle trips are estimated as 10 during a 24-hour period.

PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Order 2021-09, which approves the requested conditional use permit with the attached conditions.



PLANNING COMMISSION ORDER 2021-09

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP21-0006 FOR A
OLCC REGULATED ADULT USE MARIJUANA PROCESSING FACILITY AT 1015 N
SPRINGBROOK ROAD, YAMHILL COUNTY TAX LOT R3216CB 00900**

RECITALS

1. Ralston & Ralston LLC submitted an application for a conditional use permit for an OLCC regulated adult use marijuana processing facility at 1015 N Springbrook Road, Yamhill County tax lot R3216CB 00900.
2. After proper notice, the Newberg Planning Commission held a hearing on October 14, 2021, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP21-0006 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective on October 28, 2021, unless appealed prior to that date.
4. This order shall expire one year after the effective date above if the applicant does not commence use of the OLCC regulated adult use marijuana processing facility, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 14th day of October, 2021.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2021-09
Findings –File CUP21-0006
OLCC Regulated Adult Use Marijuana Processing Facility at 1015 N
Springbrook Road**

A. Conditional Use Permit Criteria That Apply - Newberg Development Code 15.225.060.

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

Finding: The proposed marijuana processing facility is located on N Springbrook Road north of the E Portland Road/N Springbrook Road intersection. Surrounding uses are commercial with Springbrook Plaza located to the east across N Springbrook Road, an undeveloped commercial lot to the north, Newberg Professional Plaza office building to the west and Chipotle and Union 76 gas station to the south and southwest. The proposed marijuana processing facility building is located more than 1,000 feet from a school as required by NMC 15.305.020 footnote (38).

The site size is .741 acres.

The site has two existing buildings. Western Oregon Dispensary occupies one of the buildings while the second building is unoccupied. The unoccupied building is the proposed location of the marijuana processing facility. It is an existing one story building with parking and landscaping. No modification to the parking and landscaping is proposed.

Staff concurs with the findings provided by the applicant in Attachment 3 on harmony, scale, bulk, coverage and density related to NMC 15.225.060A.

In regards to traffic and public facilities staff provides the following findings and conditions.

15.220.030 Site design review requirements.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

Finding: The applicant has indicated that the proposed land use of a marijuana processing facility

will result in no more than ten total vehicle trips per 24-hour period. Ten vehicle trips is below the City's 40 trips per p.m. peak hour threshold and therefore a traffic study is not required. This requirement is met.

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

Finding: The applicant has indicated they will work with the City of Newberg to meet City requirements to install any necessary utilities. There are no overhead utilities adjacent to the property frontage. It is not anticipated that any new utilities will be needed to serve the site. Because design plans have not yet been submitted, it's unclear if any new utilities or utility modifications will be needed, the applicant will be required to underground any new utility service connection to the site.

The criterion will be met if the aforementioned condition of approval is adhered to.

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

Finding: The applicant's plans and narrative indicate that frontage improvements along the property frontage on N Springbrook Road are existing. No new frontage improvements are anticipated. This requirement is met. This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

Finding: The applicant's plans and narrative indicate that the existing property is already being served by a metered water service. No new improvements are anticipated in regards to the existing water supply. This requirement is met. This criterion will be met if all improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(D).

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

Finding: The applicant's narrative indicates they are connected to the existing wastewater system and they acknowledge that the City of Newberg may require a grease/fat trap as part of the marijuana processing facility's activities. This criterion will be met if all wastewater improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(E).

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

Finding: The applicant's plans and narrative indicate that the new facility does not increase the impervious area at the site, therefore stormwater treatment is not required. This criterion will be met if all stormwater improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.050.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

Finding: The applicant's plans and narrative do not indicate any need for required utility easements. This criterion will be met if all easements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(F).

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: It's anticipated that the applicant's proposed marijuana process facility will disturb less than 500 square feet of land when the grease interceptor is installed as part of the sewer system. Because construction plans have not been provided for this project, the applicant may be required to obtain an erosion and sedimentation control permit from the City at the time of Building Permit if more than 500 square feet of land is disturbed during the installation of the grease interceptor.

15.505.030 Street standards.

A. Purpose. The purpose of this section is to:

1. Provide for safe, efficient, and convenient multi-modal transportation within the [City of Newberg](#).

2. Provide adequate [access](#) to all proposed and anticipated developments in the [City of Newberg](#). For purposes of this section, "adequate [access](#)" means direct routes of travel between destinations; such destinations may include residential neighborhoods, [parks](#), schools, shopping areas, and employment centers.

3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.

B. Applicability. The provisions of this section apply to:

1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.

2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.

3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.

4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.

5. Developments outside the city that tie into or take access from city streets.

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and

2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.

2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of <u>Street</u>	<u>Right-of-Way</u> Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	<u>Striped Bike Lane</u> (Both Sides)	On-Street Parking
<u>Arterial Streets</u>						
<i>Expressway**</i>	<u>ODOT</u>	<u>ODOT</u>	<u>ODOT</u>	<u>ODOT</u>	<u>ODOT</u>	<u>ODOT</u>
<u>Major arterial</u>	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
<u>Minor arterial</u>	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
<u>Collectors</u>						
<i>Major</i>	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
<i>Minor</i>	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<u>Local Streets</u>						
<i>Local residential</i>	54 – 60 feet	32 feet	2 lanes	None	No	Yes
<i>Limited residential, parking both sides</i>	44 – 50 feet	28 feet	2 lanes	None	No	Yes
<i>Limited residential, parking one side</i>	40 – 46 feet	26 feet	2 lanes	None	No	One side
<i>Local commercial/ industrial</i>	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

* May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.

** All standards shall be per ODOT expressway standards.

2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.

3. **Bike Lanes**. Striped **bike lanes** shall be a minimum of six feet wide. **Bike lanes** shall be provided where shown in the Newberg transportation system plan.

4. **Parking Lanes**. Where on-street parking is allowed on **collector** and **arterial** streets, the parking lane shall be a minimum of eight feet wide.

5. **Center Turn Lanes**. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.

6. **Limited Residential Streets**. Limited residential **streets** shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:

a. The requirements of the fire chief shall be followed.

b. The estimated traffic volume on the **street** is low, and in no case more than 600 average daily trips.

c. **Use** for through **streets** or looped **streets** is preferred over **cul-de-sac** streets.

d. **Use** for short **blocks** (under 400 feet) is preferred over longer **blocks**.

e. The total number of residences or other **uses** accessing the **street** in that **block** is small, and in no case more than 30 residences.

f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering **driveways** so there are few areas where parking is allowable on both sides.

7. **Sidewalks**. **Sidewalks** shall be provided on both sides of all public **streets**. Minimum width is five feet.

8. **Planter Strips**. Except where infeasible, a planter strip shall be provided between the **sidewalk** and the **curb line**, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC **15.420.020**. Curb-side **sidewalks** may be allowed on limited residential **streets**. Where curb-side **sidewalks** are allowed, the following shall be provided:

a. Additional reinforcement is done to the **sidewalk** section at corners.

b. **Sidewalk** width is six feet.

9. **Slope Easements**. Slope **easements** shall be provided adjacent to the **street** where required to maintain the stability of the **street**.

10. **Intersections and Street Design**. The **street** design standards in the Newberg public works design and construction standards shall apply to all public **streets**, alleys, bike facilities, and **sidewalks** in the **city**.

11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

1. The modification is necessary to provide design flexibility in instances where:

a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or

b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or

c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or

d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.

2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be “to and through”: through the development and to the edges of the project site to serve adjacent properties for future development.

L. Cul-de-Sacs.

1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

N. Platting Standards for Alleys.

1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.

2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.

3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.

4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.

5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

O. Platting Standards for Blocks.

1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.

2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

<i>Zone(s)</i>	<i>Maximum <u>Block Length</u></i>	<i>Maximum <u>Block Perimeter</u></i>
<i>R-1</i>	<i>800 feet</i>	<i>2,000 feet</i>
<i>R-2, R-3, RP, I</i>	<i>1,200 feet</i>	<i>3,000 feet</i>

3. Exceptions.

a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.

b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.

c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.

e. Where a [block](#) is in more than one zone, the standards of the majority of land in the proposed [block](#) shall apply.

f. Where a local [street](#) plan, [concept master site development plan](#), or specific plan has been approved for an area, the [block](#) standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the [block](#) standards listed above to the extent appropriate for the plan area.

P. [Private Streets](#). New [private streets](#), as defined in NMC [15.05.030](#), shall not be created, except as allowed by NMC [15.240.020\(L\)\(2\)](#).

Q. [Traffic Calming](#).

1. The following roadway design features may be required in new [street](#) construction where traffic calming needs are anticipated:

a. Serpentine alignment.

b. Curb extensions.

c. Traffic diverters/circles.

d. Raised medians and landscaping.

e. Other methods shown effective through engineering studies.

2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing [streets](#). They should not be applied with new [street](#) constructions.

R. [Vehicular Access](#) Standards.

1. Purpose. The purpose of these standards is to manage vehicle [access](#) to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the [functional classification](#) of the [street](#). Major roadways, including [arterials](#) and [collectors](#), serve as the primary system for moving people and goods within and through the [city](#). [Access](#) is limited and managed on these roads to promote efficient through movement. Local [streets](#) and alleys provide [access](#) to individual properties. [Access](#) is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular [access](#) and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

<u>Roadway Functional Classification</u>	<u>Area</u> ¹	<u>Minimum Public Street Intersection Spacing (Feet)</u> ²	<u>Driveway Setback from Intersecting Street</u> ³
<u>Expressway</u>	All	Refer to <u>ODOT</u> Access Spacing Standards	NA
<u>Major arterial</u>	Urban CBD	Refer to <u>ODOT</u> Access Spacing Standards	
<u>Minor arterial</u>	Urban CBD	500 200	150 100
<u>Major collector</u>	All	400	150
<u>Minor collector</u>	All	300	100

¹ “Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

“CBD” refers to intersections within the central business district (C-3 zone).

“All” refers to all intersections within the Newberg urban growth boundary.

² Measured centerline to centerline.

³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each

driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

a. The review body finds that creating a public street frontage is not feasible.

b. The alley access is for no more than six dwellings and no more than six lots.

c. The alley has through access to streets on both ends.

d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

8. *Frontage Streets and Alleys.* The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

10. *Exceptions.* The director may allow exceptions to the access standards above in any of the following circumstances:

a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.

b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.

5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

7. Lighting may be required for public walkways in excess of 250 feet in length.

8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.

2. A transit passenger landing pad accessible to disabled persons.

3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.

4. Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]

Finding: The applicant's plans and narrative indicate that frontage improvements along the property

frontage on N Springbrook Road are existing. No new improvements are anticipated in regards to the street improvements and therefore the requirements in 15.505.030 are not applicable for the applicant's proposed facility. This requirement is met.

15.505.040 Public utility standards.

A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.

4. Design, construction and material standards shall be as specified by the director for the

construction of such public water facilities in the city.

Finding: The applicant's plans and narrative indicate that the existing property is already being served by a metered water service. No new improvements are anticipated in regards to the existing water supply, and requirements in 15.505.040(D0 are not applicable for the applicant's proposed facility. This requirement is met.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the [city](#) and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.

Finding: The applicant's subject property is being served by the public wastewater system. This criteria does not apply.

2. All properties shall be provided with gravity service to the [city](#) wastewater system, except for [lots](#) that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the [director](#). Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the [director](#).

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary [easements](#) required for the construction of these facilities shall be obtained by the developer and granted to the [city](#) pursuant to the requirements of the [city](#).

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the [director](#) with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the [director](#) approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the [city](#), cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the [director](#) for the construction of such wastewater facilities in the [city](#).

Finding: The applicant's proposal for a marijuana processing facility changes the existing use of one building on the subject property. Activities related to the marijuana processing facility warrant a grease removal device. Because the applicant has not submitted plans that show a grease removal device, the applicant shall install a grease removal device per the Oregon Plumbing Specialty Code 1014.0. Fats, oils, and grease (FOG), solid or viscous substances, or anything that can clog the sewer system are not allowed to be discharged into the sewer system per Newberg Municipal Code, 13.10.080 General Prohibitions B.3 & B17.

This criterion will be met if the aforementioned conditions of approval are adhered to.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: The applicant's proposed marijuana processing facility does not require utility easements, requirements in 15.505.040(F) are not applicable for the applicant's proposed facility. This criterion does not apply.

15.505.050 Stormwater system standards.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

Finding: The applicant's proposed marijuana processing facility does not increase the impervious area at the site, and therefore requirements in 15.505.050(C) and 15.505.050(E) are not applicable for the applicant's proposed marijuana processing facility.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer

registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.

2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

Finding: It is anticipated that the applicant's proposed marijuana process facility will disturb less than 500 square feet of land when the grease interceptor is installed as part of the wastewater system modifications. Because construction plans have not been provided for this project, the applicant may be required to obtain an erosion and sedimentation control permit from the City at the time of Building Permit if more than 500 square feet of land is disturbed during the installation of the grease interceptor.

The criteria will be met if the aforementioned condition of approval is adhered to.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Finding: The location of the proposed use is on N Springbrook Road surrounded by existing commercial development except to the north where an undeveloped commercially zoned lot is located. The use will be located in an existing building formerly used as a bank. Minimal exterior improvements are proposed. The applicant has identified where exterior lighting is proposed. NMC 15.425.040 has requirements for outdoor lighting. The applicant indicates new lighting will be installed at two locations. No information has been submitted indicating compliance with NMC 15.425.040. Because no information has been submitted, the applicant shall provide information showing compliance with NMC 15.425.040 for exterior lighting.

The Building Official provided comments that the marijuana processing facility will require permits for a change of use, mechanical equipment, and plumbing. The applicant is required to obtain the necessary building permits for the marijuana processing facility.

Overall the proposed use given its location, design, and site planning will provide a convenient and functional working and shopping environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. The proposed development will be consistent with this code.

Finding: The proposed marijuana processing facility with the conditions of approval will be

consistent with the Newberg Development code and meets the criterion.

B. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions.

**Exhibit “B” to Planning Commission Order 2021-09
Conditions of Approval –File CUP21-0006
OLCC Regulated Adult Use Marijuana Processing Facility at 1015 N
Springbrook Road**

THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO USE AS A MARIJUANA PROCESSING FACILITY:

1. The applicant will be required to underground any new utility service connection to the site.
2. The applicant may be required to obtain an erosion and sedimentation control permit from the City at the time of Building Permit if more than 500 square feet of land is disturbed during the installation of the grease interceptor.
3. The applicant shall install a grease removal device per the Oregon Plumbing Specialty Code 1014.0. Fats, oils, and grease (FOG), solid or viscous substances, or anything that can clog the sewer system are not allowed to be discharged into the sewer system per Newberg Municipal Code, 13.10.080 General Prohibitions B.3 & B17.
4. The applicant shall provide information showing compliance with NMC 15.425.040 for exterior lighting.
5. The applicant is required to obtain the necessary building permits for the marijuana processing facility.

Attachment 1: Aerial Photo



“Working Together For A Better Community-Serious About Service”

Attachment 2: Zoning



Attachment 3: Application Materials



A.W. STUART LAW
11450 NE KUEHNE RD CARLTON OR 97111
BAR: OREGON #151888 • FLORIDA #104822 (Inactive)

DATE: August 16, 2021

TO: Doug Rux, Community Development Director
414 E. First Street
Newberg, OR 97132

FROM: Anthony W. Stuart, Attorney for Ralston & Ralston LLC

RE: Type III Application – Application for Conditional Use 1015 N Springbrook Road

Mr. Rux,

I hope this letter finds you well. As you know, I represent Ralston & Ralston LLC for legal and land use matters. The existing conditional use permit (CUP20-0001) for the 1015 N Springbrook Road premises will expire in November 2021 pursuant to a previously authorized six-month extension. Due to the present OLCC application processing backlog and construction delays, Ralston & Ralston LLC does not anticipate timely commencing conditional use activities pursuant to CUP20-0001.

Per our correspondence of August 6, you graciously confirmed that a pre-application conference will not be required given our prior experience with this same, revisited land use action.

The Application Fee of \$1,939.00 and 5% Technology fee of \$96.95 have been paid upon submission of the two copies of the following:

1. Type III Conditional Use Application
2. Public Notice Information
 - a. Draft of Mailed Notice
 - b. Draft of Notice Sign to be Posted at 1015 N Springbrook Road
 - c. Copy of Mailing List of all Addresses with 500 Feet of 1015 N Springbrook Road
3. Lot Book Title Report from First American Title, Dated August 13, 2021
4. Project Statement
5. Site Development Plan confirming Existing Site Features; Drainage and Grading; Utilities; Public Improvements; Access, Parking and Circulation; Site Features; Exterior Lighting Plan; Landscape Plan; ADA Plan Compliance; Architectural Drawings; Signs and Graphics

A traffic study will not be submitted for this project as the total of generated trips per p.m. peak hour will not exceed 40 vehicles, as described in the Project Statement.

Your prompt review and consideration of this matter is greatly appreciated. Please don't hesitate to contact me if you have any questions.

Kindest regards,

Anthony Stuart



Written Criteria Response

(A) The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

Location. The proposed location at 1015 N Springbrook Road is a trapezoidal lot with two primary buildings, the first a larger retail facility presently operating a licensed OLCC adult-use marijuana retail business. The second building is a presently vacant former credit union/bank building that sits immediately to the north of the retail building. The proposed conditional use will not impede any present use. Further, by collocating next to an existing OLCC licensee, there are compounded security benefits associated with the existing infrastructure on the proposed lot.

Size. The size of the proposed location is fixed and all activity associated with the proposed conditional use will occur inside the building, with no impact on the size or footprint of the proposed facility. The size is ample to support the proposed conditional use.

Design. The design of the facility for the proposed conditional use is coherent with the limited proposed development. There are no major proposed modifications to the building design, maintenance or other feature which would impede or affect neighbors.

Operating Characteristics. The Applicant intends to use the facility as a secure access adult-use marijuana processing facility as outlined in the project statement. Such product are for sale exclusively into the regulated OLCC adult-use marijuana retail market, either directly to licensed retailers or to other licensed wholesalers, processors, or research certificates.

Harmony in Scale, Bulk, Coverage and Density. The proposed location is in harmony with the neighboring adult-use marijuana retail facility. There will be no additional building, so the bulk, coverage and density concerns are not applicable for this conditional use application.

Public Facilities and Utilities. Public facilities and utilities will be used in the proposed conditional use. As required, Applicant will work with City of Newberg Public Works and any applicable parties to ensure that the limited modification to the internal portions of the facility are in line with the City's requirements, including for any sewage or grease/fat trap requirements.

Generation of Traffic and Street Capacity Impact. The proposed use will result in no more than ten total vehicle trips per day, and often only one or two per 24-hour period. This will be a de minimis impact on city traffic or street capacity.

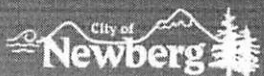


(B) The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants. The proposed development will be consistent with this code.

The location is suitable for the proposed use as it will result in no noticeable changes to the exterior of the facility or the character of the neighborhood. The building has been previously home to a working banking institution and there are no reports of any impact on the ability for the community to maintain functional living, working, shopping or civic environments. The proposed use is as attractive as the current use is as of the time of writing. The proposed development is consistent with the Newberg Code, which requires conditional use approval for an adult-use marijuana processor in the zone.

(C) The proposed development will be consistent with this code.

The proposed development is consistent with the Newberg Code, which requires conditional use approval for an adult-use marijuana processor in the zone.



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration
- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Ralston & Ralston LLC
 ADDRESS: 1015 N. Springbrook Road, Newberg OR 97132
 EMAIL ADDRESS: awstuartlaw@gmail.com
 PHONE: 503-852-1427 MOBILE: _____ FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: _____ PHONE: _____
 ADDRESS: _____

GENERAL INFORMATION:

PROJECT NAME: WOG - Newberg Processor PROJECT LOCATION: 1015 N Springbrook Rd
 PROJECT DESCRIPTION/USE: Conditional Use - OLCC Marijuana Processor License
 MAP/TAX LOT NO. (i.e.3200AB-400): R3216CB 0900 ZONE: _____ SITE SIZE: _____ SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
 CURRENT USE: Vacant Former Bank Building
 SURROUNDING USES:
 NORTH: _____ SOUTH: _____
 EAST: _____ WEST: _____

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.26

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

Sheri Ralston 8/14/2021
 Applicant Signature Date

Sheri Ralston 8/14/2021
 Owner Signature Date

SHERI RALSTON
 Print Name

Sheri Ralston, for Ralston & Ralston LLC
 Print Name



Community Development Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

**NOTICE OF CITY COUNCIL HEARING
ON A COMPREHENSIVE PLAN AND ZONE CHANGE**

A property owner in your neighborhood submitted an application to the City of Newberg for approval of a conditional use to operate a licensed OLCC adult-use marijuana processing facility. The Newberg Planning Commission will hold a hearing on October 14, 2021, at 7pm via Zoom to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would: allow for the approval of a conditional use to process adult-use marijuana inside an existing building located at 1015 N. Springbrook Road.

APPLICANT: Ralston & Ralston LLC
TELEPHONE: All inquiries to A.W. Stuart Law LLC 503-852-1427
PROPERTY OWNER: Chris Ralston and Sheri Ralston
LOCATION: 1015 N. Springbrook Road, Newberg, OR 97132
TAX LOT NUMBER: R3216CB-00900

Please see enclosed site map with the project location highlighted by the dark arrow.

We are mailing you information about this project because you own land within 500 feet of the proposed comprehensive plan zone change. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. CUP21-0006
City of Newberg Community Development Department
PO Box 970
Newberg, OR 97132

The Planning Commission asks written testimony be submitted to the Community Development Department before 12:00am on the preceding Monday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a conditional use are found in Newberg Development Code Section 15.225.050.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision on the application at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: *Date notice is mailed*

LAND USE NOTICE

FILE # CUP21-0006

PROPOSAL:

Conditional Use Application – OLCC Marijuana Processor

FOR FURTHER INFORMATION CONTACT:

City of Newberg

Community Development Department

414 E First Street

Phone: 503-537-1240

***Final Notice to be 2’x3’**

TAXID	Owner Name	Mailing Address	Mail City	Mail State	Mail Zip	Site Address	Site City	Site State	Site Zip
R3216CB 00600	Azalea Gardens Mobile Manor Llc	Po Box 17	Guerneville	CA	95446	1103 N Springbrook Rd UNIT 39	Newberg	OR	97132
R3216CC 00800	Joseph Brugato	10764 W Beaubien Dr	Sun City	AZ	85373	2911 E Portland Rd	Newberg	OR	97132
R3216CC 00200	Michael Raddie	300 Montgomery St STE 1050	San Francisco	CA	94104	3101 E Portland Rd	Newberg	OR	97132
R3216CB 00500	Azalea Gardens Mobile Manor Llc	Po Box 17	Guerneville	CA	95446	1103 N Springbrook Rd UNIT 45	Newberg	OR	97132
R3216CC 00500	Fry Family Limited Partnership	908 N Deborah Rd	Newberg	OR	97132	908 N Deborah Rd	Newberg	OR	97132
R3216CB 01000	Bi-Mart Corporation	Po Box 2310	Eugene	OR	97402	2900 E Haworth Ave	Newberg	OR	97132
R3216CC 00700	Springbrook Dental Llc	906 N Deborah Rd	Newberg	OR	97132	904 N Deborah Rd	Newberg	OR	97132
R3216CC 00100	Delso D Llc	3950 Via Dolce APT 519	Marina Del Rey	CA	90292	3105 E Portland Rd	Newberg	OR	97132
R3216CB 00900	Ralston & Ralston Llc	21029 SW Lebeau Rd	Sherwood	OR	97140	1015 N Springbrook Rd	Newberg	OR	97132
R3216CB 01001	Newberg Professional Building Llc	3275 Dogwood Dr S	Salem	OR	97302	2950 E Haworth Ave	Newberg	OR	97132
R3216CC 00400	Springbrook Dental Llc	906 N Deborah Rd	Newberg	OR	97132	906 N Deborah Rd	Newberg	OR	97132
R3216CC 01100	Francis Enterprises Inc	2950 N Crater Ln	Newberg	OR	97132	E Portland Rd	Newberg	OR	97132
R3216CC 01400	Crossroads Plaza Llc	Po Box 8880	Ketchum	ID	83340	705 N Springbrook Rd	Newberg	OR	97132
R3216CC 00300	Mcdonalds Corporation	8255 SW Hunziker Rd STE 101	Portland	OR	97223	3005 E Portland Rd	Newberg	OR	97132
R3216CB 00800	Patrick & Elaine Maveety	4604 Coopers Hawk Rd	Klamath Falls	OR	97601	No Site Address	Newberg	OR	97132
R3216CC 00600	Barnard Mark & Karen Barnard Mark Trust	27505 NE Bell Rd	Newberg	OR	97132	902 N Deborah Rd	Newberg	OR	97132
R3216CB 00700	Springbrook Plaza Llc	19300 Merridy St	Northridge	CA	91324	1100 N Springbrook Rd	Newberg	OR	97132
R3216 02004	Fred Meyer Stores Inc	1014 Vine St	Cincinnati	OH	45202	3300 E Portland Rd STE 400	Newberg	OR	97132
R3216 02005	United States National Bank Of Oregon	2800 E Lake St # LAKE00	Minneapolis	MN	55406	3220 E Portland Rd	Newberg	OR	97132



First American

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: Larry Ball

(503)376-7363

lball@firstam.com

LOT BOOK SERVICE

Anthony Stuart
11450 NE Kuehne Road
Carlton, OR 97111

Order No.: 1039-3799904
August 13, 2021

Attn:

Phone No.: (503)852-1427 - Fax No.:

Email: awstuartlaw@gmail.com

Re:

Fee: \$500.00

We have searched our Tract Indices as to the following described property:

Parcel 2 of Partition Plat 97-5, recorded January 22, 1997 in Film 4, Page 378, Plat Records, in Yamhill County, State of Oregon.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation in Warranty Deed recorded March 19, 2001 as Instrument No. 200103862.

and as of August 05, 2021 at 8:00 a.m.

We find that the last deed of record runs to

Ralston & Ralston LLC, an Oregon limited liability company

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Easement as shown on the recorded plat/partition
For: 15 foot Public Storm Sewer Partition 97-05

3. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded March 19, 2001, Instrument No. 200103862, Deed and Mortgage Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
4. Deed of Trust and Assignment of Rents.
 Grantor/Trustor: Ralston & Ralston LLC, a Oregon limited liability company
 Grantee/Beneficiary: Oregon 42, L.L.C.
 Trustee: Eric J. TenBrook of Black Helterline LLP
 Amount: \$700,000.00
 Recorded: August 23, 2019
 Recording Information: Instrument No. 201911825, Deed and Mortgage Records
5. Any conveyance or encumbrance by Ralston & Ralston LLC should be executed pursuant to their Operating Agreement , a copy of which should be submitted to this office for inspection.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens:

1. Taxes for the fiscal year 2021-2022 a lien due, but not yet payable
2. Taxes for the year 2020-2021

Tax Amount	\$	792.80
Unpaid Balance:	\$	10.69, plus interest and penalties, if any.
Code No.:		29.0
Map & Tax Lot No.:		P27316
Property ID No.:		709363

 (Affects personal property)
3. City liens, if any, of the City of Newberg.

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$7,734.91
Map No.:	R3216CB 00900
Property ID:	507547
Tax Code No.:	29.0

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



First American

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Newberg CUP Project Statement

Ralston & Ralston LLC (and affiliated entities) plan to operate a OLCC-licensed adult-use marijuana processing facility at 1015 N. Springbrook Road in Newberg, Oregon. OLCC has endorsements for four types of processing: Edibles, Concentrates, Extracts and Topicals. There is also an additional endorsement/certification for the processing of industrial hemp products which enter into the OLCC-regulated market. *See generally* OAR 845-025-3210. All of the foregoing endorsements or certifications are contemplated as part of the proposed use for the facility. The prior (same) conditional use permit was approved on May 14, 2020 (CUP20-0001).

Edibles

The processor license will produce edible products for sale in the OLCC-regulated adult-use marijuana retail market. Edibles are defined as “food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.” OAR 845-025-1015(9).

This facility will be producing products for human consumption, so certain elements of its business will require certification and regulation by the Oregon Department of Agriculture. Midori LLC previously holds such certifications at its other location and will maintain the same for the proposed Newberg facility.

Concentrates

The processor license will produce cannabinoid concentrates, defined as “a substance obtained by separating cannabinoids from marijuana by: (a) A mechanical extraction process; (b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or (c) A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or (d) Any other process identified by the Commission, in consultation with the Authority, by rule.” OAR 845-025-1015(8).

Such extracts are the primary active ingredient in many of the edibles and topicals which will be produced in the facility pursuant to the topicals or edibles endorsement. These extracts are also sold at wholesale to other OLCC-licensed producers, retailers, wholesalers and research certificates.

Extracts

The processor license will produce cannabinoid extracts, defined as “a substance obtained by separating cannabinoids from marijuana by: (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (b) A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or (c) Any other process identified by the Commission, in consultation with the authority, by rule.” OAR 845-025-1015(10).

Such extracts are the primary active ingredient in many of the edibles and topicals which will be produced in the facility pursuant to the topicals or edibles endorsement. These extracts

are also sold at wholesale to other OLCC-licensed producers, retailers, wholesalers and research certificates.

During operation, limited high-temperature and high-pressure components may make up a portion of the extract production process. Such operations have been conducted safely and without incident by licensed OLCC processors in Oregon since the introduction of adult-use cannabis rules and regulations in 2015. The applicant will adhere to all conditions proposed by the City of Newberg and will work with TVF&R to ensure adequate first responder notifications are posted on site and the facility is appropriately designated in that's agency's systems to alert all potential responders of the nature of the processor operations.

Topicals

The processor license will produce cannabinoid topicals, defined as “a cannabinoid product intended to be applied to skin or hair.” OAR 845-025-3200(1). These products traditionally incorporate a pre-processed input ingredient (e.g. a cannabinoid extract) into lotions, oils, and other products which are not intended for human consumption, but instead designed for use on the exterior of the body for personal or other therapeutic purposes.

Industrial Hemp

The processor license will also have a hemp endorsement, allowing the OLCC processing facility to be used to process industrial hemp. *See generally* OAR 845-025-3210(2). Industrial hemp is produced pursuant to Oregon Department of Agriculture (or United States Department of Agriculture, as applicable) authority under the Agriculture Improvement Act of 2018 (also known as the federal Farm Bill 2018).

General

All activities will be subject to the comprehensive OLCC product requirements and must have all activity timely logged in METRc, the cannabis tracking system managed by OLCC. All persons who will have access to the site will maintain OLCC worker permits reflecting their authority to work in the facility. The total number of employees will be no more than five, but for the indefinite future it is only planned to have 2-3 persons using the proposed facility. There are no defined hours of operation, but the Applicant does not anticipate substantial activities to occur outside of normal business hours (8am-6pm).

There will be a de minimis impact on traffic to the city and to the proposed location itself, with no more than 10 total trips in any one 24 hour period. The building will likely only be used for 10-25 hours per week, further limiting any impact on the traffic in the area.

There are expected to be no odor or other noise impacts associated with the fully-contained production process. All conditions for use proposed by the City of Newberg will be followed.

Site Development Plan

Existing Site Features



Located outside the building is a parking lot and a small number of trees and shrubs. There will be no removal or alteration of these features.

Drainage & Grading, Utilities



Our facility will have plumbing and drainage connected directly to the city's lines. As shown in the map above (taken from Newborn Engineering Department), we will get our water from the blue line, and dispose of our waste water through the green line.

Public Improvements

There will be no public improvements.

Access, Parking, and Circulation



The yellow boxes show the parking spots belonging to Western Oregon Dispensary. The red box shows the parking spot belonging to our building (approximately 500 sq ft). The blue box shows the pedestrian path.

We won't have many vehicles constantly leaving and entering the lot. Most of the traffic will be coming from Western Oregon Dispensary; ours will be minimal.

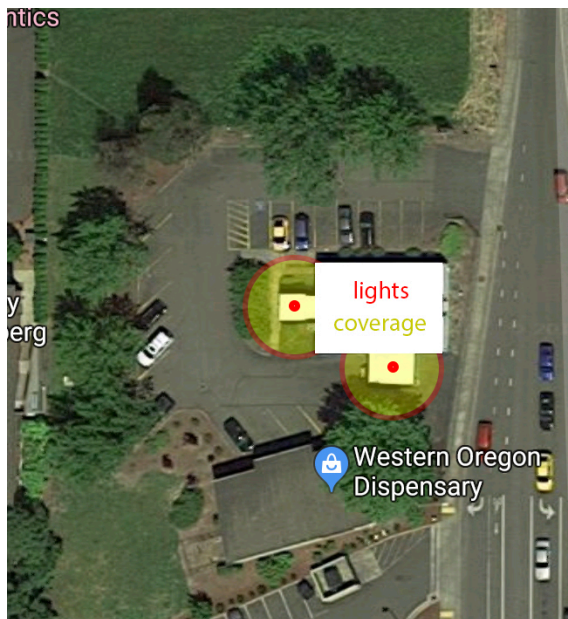
We don't have anyone biking to work, but bikes can be brought inside the building for safekeeping.

Site Features

The yellow box shows where mail delivery will take place. The red box shows the loading zone. The orange box shows where the trash bins go. The blue box shows an above ground natural gas meter.



Exterior Lighting Plan



The red dots show where the outside lights will be installed (right underneath the two extended coverings). Bulbs used will be regular sized (A26) LEDs. Each bulb will emit approximately 100 foot candles. See the yellow areas above for an idea of how the lights will spread outside.

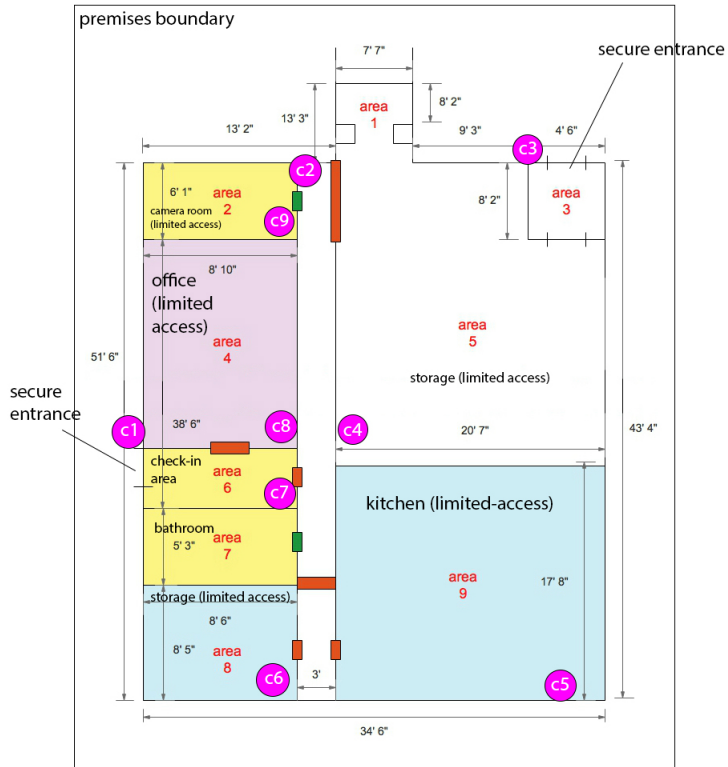
Landscape Plan

There will be no modifications to existing landscaping.

ADA Plan Compliance

The building is currently handicap accessible. There will be no additional ADA installation.

Architectural Drawings



The interior of this building has a total of: one floor, two entrances, and 9 separate areas.

Areas 1, 3, 5 are currently open space.

Areas 2, 6, 7 are common-access for all tenants.

Areas 4, 8, 9 are limited-access space.

C1-C9 are designated spots where security cameras will be installed.

Signs and Graphics

There will be no signs and graphics.

Other

None.