



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

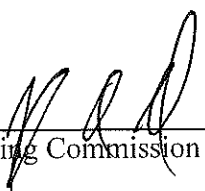
1. Ralston & Ralston LLC submitted an application for a conditional use permit for an OLCC regulated adult use marijuana processing facility at 1015 N Springbrook Road, Yamhill County tax lot R3216CB 00900.
2. After proper notice, the Newberg Planning Commission held a hearing on October 14, 2021, to 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>						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<u>Local Streets</u>						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ industrial	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.

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

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 devise. Because the applicant has not submitted plans that show a grease removal devise, 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.