

**MEETING NOTICE FOR THE
CITY OF HUBBARD**

TUESDAY

DECEMBER 15, 2015

.....
PLANNING COMMISSIONERS: HOLUM, ANDERSON, NICHOLS, ESTES, NELSON
.....

The Hubbard Planning Commission will meet for a planning meeting at the Hubbard City Hall at 6:30 p.m.

The City will, upon request, endeavor to arrange for the following services to be provided. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 4:00 p.m. on the Monday of the week preceding the meeting date.

- X **Qualified sign language interpreters for persons with speech or hearing impairments; and**

- X **Qualified bilingual interpreters; and**

- X **Assisting listening devices for persons with impaired hearing.**

Additional agenda items may be accepted until 4:00 p.m. on the Monday of the week prior to the meeting. Please contact the Director of Administration/City Recorder, Vickie L. Nogle, MMC, at 981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

**Posted 12/09/2015
4:00 p.m.**

**Vickie L. Nogle, MMC
Director of Admin/City Recorder**

**CITY OF HUBBARD
PLANNING COMMISSION
MEETING AGENDA**

**TUESDAY, DECEMBER 15, 2015 - 6:30 PM
LOCATION: HUBBARD CITY HALL
3720 2ND STREET, HUBBARD**

- 1) **CALL TO ORDER.**
 - a) **Flag Salute.**

- 2) **APPROVAL OF THE COMBINED CITY COUNCIL AND PLANNING COMMISSION MEETING MINUTES OF OCTOBER 20, 2015.**

- 3) **PUBLIC HEARINGS.**
 - a) **West Fork Holdings, Inc., – SIM #2015-01 determination the proposed cannabis and cannabinoids manufacturing, processing, research and development use is authorized in the Industrial District as a Similar Use. (2880 J Street - 041W33DB02600).**

- 4) **WORK SHOP.**
 - a) **DISCUSSION REGARDING REGULATED MARIJUANA ACTIVITIES.**

- 5) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting January 19, 2016)

**CITY OF HUBBARD
CITY COUNCIL AND PLANNING COMMISSION MEETING MINUTES
OCTOBER 20, 2015**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 6:31 p.m. at the Hubbard City Hall, 3720 2nd Street, Hubbard.

FLAG SALUTE: Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

City Council Present: Jim Yonally, Shannon Schmidt, Angie Wheatcroft, Barbara Ruiz.

Excused Absence: Matt Kennedy.

Planning Commission Present: Glenn Holum, Dan Estes, Byron Nichols, Kevin Nelson.

Excused Absence: Harold Anderson.

Staff Present: Director of Administration/City Recorder Vickie Nogle, MMC; Police Chief Dave Dryden; Public Works Superintendent Jaime Estrada; Senior Accounting Specialist Kari Kurtz, City Planner Joseph Shearer, MWVCOG; Administrative Assistant Lucy Astorga.

Mayor Jim Yonally turned the meeting over to Planning Commission Chairman Glenn Holum.

APPROVAL OF THE SEPTEMBER 15, 2015, PLANNING COMMISSION MINUTES.

MSA/Planning Commissioner Dan Estes/Planning Commissioner Kevin Nelson moved to approve the minutes as presented. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

Planning Commission Chairman Glenn Holum turned the meeting back over to Mayor Jim Yonally.

DISCUSSION REGARDING REGULATED MARIJUANA ACTIVITIES. City Planner Joseph Shearer said to remember there are seven different marijuana uses up for discussion, and the different uses may be more applicable to different zones.

Planning Commissioner Dan Estes asked how much of an influence potential revenue is for the City Council and Planning Commission when it comes to making a decision on the matter at hand.

Mayor Jim Yonally replied that revenue doesn't really play a part in his opinion or decision. He added the City of Aurora is going to allow them, but with restrictions.

Planning Commissioner Kevin Nelson asked for Police Chief Dave Dryden's opinion.

Police Chief Dave Dryden said after seeing the impact marijuana has, he has never been an advocate of it, and probably never will be. He recommended putting the facilities in the industrial area to keep it away from families, if the City allows it. He has heard the argument

that type of business is not meant for that area, but said there are smaller storefronts within the larger industrial buildings.

Planning Commissioner Byron Nichols said he believes Woodburn will allow the facilities in their industrial area.

City Councilor Angie Wheatcroft asked D. Dryden if he agreed the all-cash business of the marijuana facilities may increase illegal activity.

D. Dryden responded it absolutely could increase illegal activity, and added some facilities are having difficulty dealing with the cash flow because banks are federally insured and won't take their money. Because of this, marijuana facilities are keeping the cash on-hand. He said it will become the new "stop and rob," creating a magnet for criminal activity.

K. Nelson asked if there was any documentation showing the revenue versus the cost of increased police call loads.

D. Dryden replied it is still too early to tell, and states are still gathering information from Colorado.

D. Estes reported there was a situation in Colorado where a hotel was losing business because of the marijuana facility located next door. The hotel sued the facility and their attorney, the bank who had loaned them money, and the City who approved it because of the loss of revenue it was costing them.

D. Dryden said security could also be an issue, as a security officer cannot be armed and certified if working in a marijuana facility.

Public Works Superintendent Jaime Estrada commented the water and discharge laws they currently deal with may change as well, due to additional chemicals they may use to process the marijuana and products.

D. Estes asked D. Dryden's opinion of Butane Hash Oil (BHO).

D. Dryden responded that it can be very dangerous and there are a lot of risks involved. He said he assumes if it's done within the business, there would be additional regulations they have to follow.

J. Yonally asked if there was a deadline to come to a decision.

J. Shearer said there are not necessarily time limitations, and there is a more restrictive time line if the City chooses to opt-out. He said most cities allowing it are putting time, place, and manner restrictions on it. He recommended doing each of the seven uses separately.

J. Yonally suggested putting a square footage regulation on it.

A. Wheatcroft suggested restricting to 1,000 feet from parks, putting square footage restrictions on it, defining the hours of operation, and a \$5,000 business license fee.

D. Estes reminded everyone the revenues from fees/taxes are based on licenses issued, not sales.

Planning Commission Chairman Glenn Holum asked if the marijuana facilities can be contained to a certain zone.

J. Shearer replied they can, within reason.

D. Estes asked if the City's development code is changed, can something also be done to make the code enforcement more robust, as it's just complaint-driven now.

D. Dryden responded the police just don't have enough personnel to have a code enforcement officer.

J. Shearer mentioned it may already be outside the timeline to amend the development code at the November meeting, as the notice has to be done a certain number of days in advance.

J. Yonally said aside from retail, the chart provided by J. Shearer on page four (4) of his staff report looks good regarding the other marijuana uses.

J. Shearer said from a land use perspective, locating marijuana retail facilities may not be the best use of industrial buildings.

B. Nichols also commented that the commercial zone is sporadic throughout the city and it may be more difficult to allow it in a commercial zone while still keeping it away from residences.

J. Shearer said he will put together a map, showing what would be off-limits for location of marijuana facilities, in regards to required distance from each other, etc.

ADJOURNMENT - (NEXT REGULAR PLANNING COMMISSION MEETING IS TUESDAY, NOVEMBER 17, 2015, AT 6:30 P.M.) MSA/City Councilor Angie Wheatcroft/City Councilor Shannon Schmidt moved to adjourn the meeting. Planning Commissioners Glenn Holum, Dan Estes, Byron Nichols, Kevin Nelson, and City Councilors Angie Wheatcroft, Barbara Ruiz, Shannon Schmidt and Mayor Jim Yonally were in favor. Motion passed. Meeting adjourned at 7:47 p.m.

Glenn Holum, Planning Commission Chair

Mayor Jim Yonally

ATTEST:

Vickie L. Nogle, MMC,
Director of Administration/City Recorder

Lucy T. Astorga, Administrative Assistant
Recording & Transcribing

**CITY OF HUBBARD PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: December 7, 2015

FILE NUMBER(S): SIM 2015-01

HEARING DATE: December 15, 2015

APPLICANT: West Fork Holdings, Inc., 101 SW Main St, Ste 950, Portland, OR 97204

OWNER: NORCO Inc, 3741 SE 21st, Portland, OR 97202

REQUEST: Determination that the proposed cannabis and cannabinoids manufacturing, processing, and research and development use is authorized in the Industrial (I) District as a Similar Use. Determination that the proposed operation is exempt from Site Development Review.

PROPERTY: The subject property is a single taxlot directly south of the intersection of J Street and the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DB02600	R11598	4.5	Industrial (I)

2860/2880 J Street, Hubbard, OR 97032

CRITERIA: **Hubbard Development Code (HDC)**
Section 2.107 Industrial District (I)
Section 2.200 General Development Standards
Section 3.105 Site Development Review
Section 3.109 Similar Uses

Ordinance No. 345-2015

ATTACHMENTS: Exhibit A: Similar Use Application & Supplemental Narrative
Exhibit B: Public Works Superintendent Comments (November 23, 2015)
Exhibit C: AKS Engineering Comments (November 23, 2015)
Exhibit D: Ordinance No. 345-2015

I. BACKGROUND

HDC Section 3.109 outlines the review procedures and criteria for review of Similar Uses. Review of Similar Uses is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in Section 3.201.02. As such, written notice of the initial public hearing was mailed on November 20, 2015 (at least 20 days prior to the hearing) to the applicant and owners of property within 100' of the subject property.

The subject taxlot is comprised of a parcel (Parcel 2 of Partition Plat 90-74) and another unit of land created by deed. The subject property is relatively flat and has been largely

developed with existing warehouses, a small shop building, parking, and landscaping. The property was previously occupied by a textile manufacturer.

Applicant plans to occupy the existing warehouses and shop building, and states that no new development is proposed for the subject property. The use is described by Applicant as manufacturing and processing of cannabis and cannabinoid, and consists of a highly mechanized operation within a controlled environment utilizing a state-of-the-art heating, ventilating, and HVAC system. The operation is described as involving the chemical transformation via hydroponics and photosynthesis of cannabis into usable marijuana, as well as the mechanical and chemical extraction of cannabinoids from cannabis. Usable marijuana and cannabinoids will be stored and aggregated for wholesale distribution. An index of the operations standard operating procedures and task specific procedures are included with the application.



(Taxlot lines are off-set against aerial imagery and are not precise)

To minimize confusion regarding directions, “plan north” (for purposes of this review) is considered to be parallel with Hwy 99E. The zoning and current uses surrounding the subject property are as follows:

- NORTH: Developed property zoned Residential Commercial and Public
- SOUTH: Developed property zoned Industrial Commercial and Public

EAST: Developed property zoned Industrial Commercial and Public
WEST: Union Pacific Railroad, 3rd Street, and developed residential property zoned R-1

II. REVIEW CRITERIA

SECTION 3.109 SIMILAR USES

3.109.04 Review Criteria

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. *The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.*

FINDING: First, Section 2.107.01 states the purpose of the Industrial (I) District, in relevant part: *The purpose of the Industrial District is to provide areas for general industrial activities which do not produce excessive smoke, dust, noise, vibration, smell or harmful substance to meet the economic needs of the City of Hubbard.*

The Hubbard Development Code does not define “industrial activities,” but Staff interprets this term to include manufacturing and processing, which are both permitted uses in the I District, defined in Section 1.200, and discussed below.

Manufacturing: *Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.*

Processing: *The storage of materials in a warehouse or terminal and where such materials may be combined, broken down, or aggregated for transshipment or storage and where the original material is not chemically or physically changed.*

As stated above, the proposed use involves the chemical transformation via hydroponics and photosynthesis of cannabis into usable marijuana, as well as the mechanical and chemical extraction of cannabinoids from cannabis. Usable marijuana and cannabinoids will be stored and aggregated for wholesale distribution.

Airflow within the buildings will be controlled mechanically, and intake and exhaust air from the building will be filtered using a combination of UV light, charcoal filtration, and High Efficiency Particulate Air (HEPA) filtration. Marketing materials for a Sanuvox ultraviolet air purification system, similar to the proposed air filtration system, are included with the application. HVAC equipment will be similar to those found in other industrial buildings, and there will be no other unique pieces of machinery that produce excessive noise or vibration. Nothing will be burned or combusted on site, which should prevent excessive smoke, and any harmful substances would need to comply with existing State and Federal regulations, and

therefore should not be excessive.

Consequently, Staff finds that the proposed use, as described, complies with the definitions of manufacturing and processing, is consistent with the concept of “general industrial activities”, and will not produce excessive smoke, dust, noise, vibration, smell or harmful substance.

The second part of criterion (A) relates to character, scale and performance of other uses permitted in the underlying zoning district. The broad types of industrial activities permitted in the I District are listed in Section 2.107(A): *Establishments engaged in manufacturing, processing, packing, assembly, distribution, repair, finishing or refinishing, testing, fabrication, research and development, warehousing and servicing activities. Examples of uses that would be appropriate include: aircraft or auto parts, bottling plants, bakery products, communication equipment, drugs, fabricated textile products, office machines, building materials, recycling centers, and motor freight terminals; and*

While an element of the proposed use is agricultural in nature, Staff does not understand the purpose of list of permitted uses in the I District to preclude agricultural components or activities. Generally, indoor growing and processing at an industrial scale would seem to meet the definitions of manufacturing and processing, as discussed above. At a basic level, the proposed operation will produce a product through chemical transformation and some processing, and then prepare it and store for wholesale distribution. Based on the characteristics of the proposed use, Staff finds the use is consistent with the purpose of the Industrial District and is similar in character, scale and performance to permitted uses listed in the Industrial District.

B. The use conforms with the applicable standards and limitations of the underlying zoning district.

FINDING: Applicant proposes occupying existing warehouse buildings which Staff assumes conform to applicable standards and limitations in effect at the time the site was originally developed. No past land use decisions or development permits were identified for the subject property, but that is not unusual for existing development built prior to the current Development Code and Public Works Design & Construction Standards. The Public Works Superintendent and City Engineer submitted comments and recommendations for conditions to ensure that the use conforms with current standards and limitations for industrial properties. Those comments are included as Exhibits B and C. Section 3.109.05 provides that the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. If the Planning Commission votes to approve the application, Staff recommends that the requirements listed in Exhibits B and C be adopted as conditions of approval.

3.109.06 Site Development

Prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to the Site Development Review procedures of Section 3.105.

FINDING: Site Development Review is addressed in Section 3.105, below.

3.105 SITE DEVELOPMENT REVIEW

3.105.03 Applicability of Provisions

A. *Site Development Review shall be applicable to all new developments, major remodeling of existing developments, and change of occupancy, as defined by the Uniform Building Code, and/or change of use for commercial and industrial developments except:*

1. *single-family detached dwellings;*
2. *a duplex;*
3. *any commercial or industrial remodel, (including reconstruction), or expansion that does not exceed 25% of the total square footage of the existing or pre-existing structure; or*
4. *any new development, change of occupancy, or commercial or industrial remodel or reconstruction, that does not intensify the use of the property by increasing the number of customers, vehicle and pedestrian traffic to the site, parking requirements, etc.*

FINDING: The Development Code provides four specific exemptions from Site Development Review. Applicant contends that the subject application qualifies under exemption (4). Consequently, Staff understands that an exemption is warranted if the proposed change of occupancy does not intensify the use of the property (i.e. increase the number of vehicle and pedestrian traffic, parking requirements, etc.).

Since Staff was not able to locate a previous land use approval related to the existing development on the subject property, Staff cannot ascertain the specific operational characteristics of the previous occupant and use. However, because no new development is proposed and parking ratios and trip generation are based on gross floor area which is not changing, Staff finds the change of occupancy will not intensify the use of the property based on the listed standards.

ORDINANCE NO. 345-2015 (Exhibit D)

FINDING: On November 10, 2015, pursuant to its home rule authority and the authority granted to the City by HB 3400 (2015), the City enacted Ordinance No. 345-2015, which prohibits the establishment, maintenance or operation of a marijuana facility within City limits. For the purposes of Ordinance No. 345-2015, a marijuana facility includes a marijuana processor such as the applicant. The ordinance took effect on November 10, 2015, pursuant to an emergency clause.

There are two exceptions to this prohibition. First, Ordinance No. 345-2015 expressly provides that the prohibition does not apply to any legally operating business within the City at the time of enactment of the Ordinance. Second, under HB 3400, the prohibition may not apply to a marijuana processor that has completed its registration process with the state or was in

operation as of July 1, 2015 and has successfully completed the City's land use application process. (See HB 3400, sections 134 and 136.) Applicant is not currently operating legally within the City so the first exception does not apply. Likewise, Applicant has not successfully completed the City's land use process, and thus, the second exception does not apply.

Because Applicant desires to operate as a marijuana processor, and because such actions are currently prohibited within City limits pursuant to Ordinance No. 345-2015, Applicant's requested use of the property is prohibited.

III. SUMMARY AND RECOMMENDATION

Based on the findings contained in this report, Staff concludes that the application (File SIM 2015-01) fails to comply with all of the applicable criteria. Specifically, Ordinance No. 345-2015 prohibits the requested use. Consequently, Staff recommends denial of the application.

VII. PLANNING COMMISSION OPTIONS

- A. Deny the request and adopt the findings contained in the Staff Report.
- B. Deny the request with findings amended by the Planning Commission.
- C. Approve the request with amended findings (and applicable conditions) that the request meets the applicable approval criteria.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed (considering the 120 day limit on applications).

EXHIBIT A

SIMILAR USE APPLICATION

CITY OF HUBBARD

3720 2nd Street (P.O. Box 380)

Hubbard, OR 97032

Phone: (503) 981-9633; Fax: (503) 981-8743

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: _____

DATE: _____

FEE: _____

RECEIPT NO: _____

APPLICANT: West Fork Holdings, Inc.

PHONE: 1-604-862-9809 EMAIL ADDRESS: westforkholdings@gmail.com

ADDRESS: 101 SW Main St., Ste. 950 Portland Oregon 97204

OWNER(S): Norco Inc.

(If different from above)

PHONE: (503) 238-0726

EMAIL ADDRESS: _____

ADDRESS: 3741 SE 21st, Portland, Oregon 97202

REQUEST: _____

PROPERTY DESCRIPTION:

ADDRESS: 2890 J St., Hubbard, Oregon

MAP PAGE AND TAX LOT NO: _____

ZONE: _____

CURRENT USE/STRUCTURES: _____

SQUARE FOOTAGE OF SITE: _____

IS THE SITE OF HISTORIC SIGNIFICANCE? _____

FINDINGS:

The Planning Commission may authorize a similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

1. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.

See attached.

2. The use conforms with the applicable standards and limitations of the underlying zoning district.

See attached.

DATE: 9/19/08

EXHIBIT A

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

as of 10/14/2008 (attachment to Resolution No. 470-2008)

Resolution No. 398-2005 requires a deposit for land use applications as required in section 3.206.03 in the Hubbard Development Code. Staff collects the deposit at the time of application.

Costs and time are paid out of the deposit. If it appears the costs exceed the initial deposit, the City Recorder / Planning Secretary may require an additional deposit for cost that may be incurred to complete the project. At the end of the project a final bill will be prepared and either request additional funds or issue a refund check.

The following are types of charges and amounts per hour. *The Contracted Service provider fees are subject to change, and may also include their hired staff time.*

City Planner **\$74.00**
(The City Planner prepares staff reports, final actions, and makes presentations at Planning Commission and Council meetings.)

City Engineer **\$70.00**
(The City Engineer may be requested to investigate or review plans submitted by the applicant, and may make presentations at required meetings)

Planning Secretary **\$57.00** **Admin Assistant** **\$26**
(The Planning Secretary prepares applicants files, prepares comments for other departments, prepares public hearing notices, posts and mails notices, answers applicants questions and attends all meetings)

Public Works Director/Superintendent **\$68.00** **Admin Assistant** **\$39**
Utility Worker I **\$36.00**
Utility Worker II **\$48.00**
(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)

Police Chief **\$65.00**
(The Police Chief reviews plans and looks into safety concerns such as lighting and addressing issues)

City Attorney **\$240.00**
(Review of documents, negotiation of conflicts, litigation and enforcement issues)

Office Copies (Black & White 8 1/2 X 11) **.25 per page** **Color** **.35 per page**
(Black & White 11X 17) **.50 per page** **Color** **.70 per page**
Long Distance Phone Calls **3.00 per call**
Fax **2.00 per fax + .50 per page**

I have read this information and understand that the land use fee is a deposit and the application may cost more or less.



Applicants Signature

October 3, 2015
Date

ATTACHMENTS:

Please submit one paper copy and one (1) electronic copy (PDF format preferred of the following application materials:

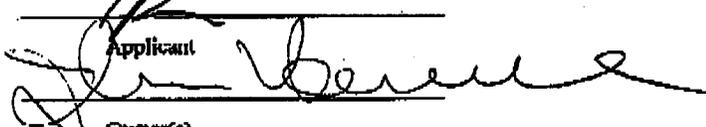
- 1. A legible site plan drawn to scale on 8 1/2 x 11 or 11 x 17 inch paper, or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
 - existing and proposed structures,
 - driveways and vehicular circulation,
 - parking,
 - landscaping, and
 - significant natural features.

I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)

October 3, 2015

 Date
4 Oct. 2015

 Date

 Applicant


 Owner(s)

 Owner(s)

SIMILAR USE INFORMATION SHEET

A similar use is a use which is not specifically listed in a particular zoning district but which is similar in character, scale, and performance to the permitted uses specified in the district.

SIMILAR USE REGULATION

Prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to the Site Development Review procedures set forth in Section 3.105 of the Hubbard Development Code.

APPLICATION PROCESSING

Once an application is submitted, along with all pertinent filing information, City staff will review it for completeness, and if additional material is necessary, you will be contacted. Once the application is determined to be complete, staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

CIRCUMSTANCES FOR AUTHORIZING SIMILAR USES

The Planning Commission may impose limitations or conditions on the similar use. Any reduction or change of the requirements of the ordinance will be considered as varying the ordinance and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems appropriate to fulfill the intent of the ordinance.

EFFECTIVE DATE OF APPROVAL

The similar use authorization shall be effective ten (10) days after the date of the notice of the decision.

ADDITIONAL INFORMATION

For additional information on similar uses, call Hubbard City Hall at (503) 981-9633.

SIMILAR USE APPLICATION NARRATIVE

On behalf of West Fork Holdings Inc. (the "Applicant"), we request a determination that the Applicant's manufacturing, processing, and research and development use is authorized as a similar use in the Industrial (I) zone, and we request a determination that such business is exempt from Site Development Review.

I. Description of the Property and Surrounding Area:

The subject property is located at 2880 "J" Street (the "Property"), as shown on the City's Zoning/Address Map, attached as Exhibit A. The Property is generally located at the intersection of "J" Street and the Union Pacific Railroad, between 2nd Street and 3rd Street. A tax map of the Property and surrounding area is attached as Exhibit B. The Property is approximately 4.5 acres in size and is zoned Industrial (I) with an Industrial (I) Comprehensive Plan designation.

The Property is developed with existing warehouses, a small shop building, parking and landscaping. The Property was previously used for textile manufacturing. The Applicant plans to occupy the existing warehouses and shop building, and no new development is proposed on the Property.

II. Similar Use Review Criteria:

Hubbard Development Code ("HDC" or "Code") Section 3.109.01 authorizes uses to be allowed in a zone, which are not specifically listed in a particular zoning district, but which are similar in character, scale and performance to the permitted uses specified in such zone. HDC Section 3.109.04 sets forth the approval criteria for a similar use determination. Each approval criterion and the Applicant's responses to such criterion are presented below:

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.

Response:

1. Use is consistent with the Industrial Zone:

Pursuant to HDC 2.107.01, the purpose of the Industrial District is to:

"provide areas for general industrial activities which do not produce excessive smoke, dust, noise, vibration, smell or harmful substance to meet the economic needs of the City of Hubbard."

The proposal is to occupy the existing warehouses on the Property with a business for the manufacturing and processing of cannabis and cannabinoids (the "Operation"). The Operation is highly mechanized within a controlled environment utilizing a state-of-the-art heating,

ventilating, and air conditioning (HVAC) system. Consistent with the definition of “Manufacturing” in the Hubbard Development Code (“HDC”) Section 1.200, the Operation involves the chemical transformation via hydroponics and photosynthesis of cannabis into usable marijuana, as well as the mechanical and chemical extraction of cannabinoids (such as oil) from cannabis. Consistent with the definition of “Processing” in HDC Section 1.200, the Operation also involves the storage of usable marijuana and cannabinoids to be aggregated for wholesale transshipment and further storage. All operations conducted at the facility will be done in accordance with Good Manufacturing Practices (GMP), to ensure consistency, safety, security and quality control standards. An index of the Standard Operating Procedures (SOPs) and Task Specific Procedures (TSPs), which will be utilized at the Property, is attached as Exhibit C. Consistent with the definitions of Manufacturing and Processing in the Code, the proposal constitutes general industrial activities.

Furthermore, the proposal will not produce excessive smoke because nothing will be burned or combusted at the site. Additionally, the proposal will not produce excessive dust or smell because the Operation will include a sophisticated air filtration system. The design and build of the facility will be engineered such that the flow of air throughout the buildings, and air pressures within specific rooms, will be controlled mechanically using computer-controlled software. All intake and exhaust air from the building will be filtered using a combination of UV light, charcoal filtration and High Efficiency Particulate Air (HEPA) filtration, ensuring that any dust, pollens, and smells are not emitted from the buildings. Attached as Exhibit D is information from the Sanuvox Ultraviolet Air and Object Disinfection Systems, which explains how odors and particulates are destroyed by such air filter systems. The Sanuvox system is similar to the air filtration system proposed to be used in the Operation.

Moreover, the proposal will not produce excessive noise or vibration. All HVAC equipment proposed to be used in the Operation will be similar to that found on other air-conditioned/climate-controlled industrial buildings, including but not limited to: produce packing/storage facilities, food warehouses, processing plants and distribution centers. There are no unique pieces of machinery proposed to be used that will produce excessively loud noise or vibrations. There are also no pieces of machinery or activities conducted inside the buildings that would produce excessive noise or vibration. Attached as Exhibit E is information from the Clima Cool Packaged Air Cooled Modular Chiller, which explains that its variable speed condenser fans provide low operating sound levels and that its low vibration levels avoid the application of spring isolators or pads. The Clima Cool chiller is similar to the machinery proposed to be used in the Operation.

Lastly, any harmful substances used and disposed of will be conducted in accordance with all applicable State and Federal regulations, including the regulations of the Occupational Safety and Health Administration (OSHA).

For the reasons stated above, the proposed use is consistent with the purpose of the underlying zoning district.

2. Use is similar to other permitted uses:

The Applicant's business activities shall include: the manufacture of raw cannabis, the extraction of cannabis into its constituent components, the production of derivative cannabis products, and the purchase and distribution of wholesale cannabis and cannabis related products. There shall be no retail component to the Applicant's business activities at the Property. Business shall generally be conducted during normal working hours, between 7am-7pm, Monday to Friday, with limited work being conducted outside of these hours. Shipments to and from the property will be conducted via registered courier and privately owned delivery vehicles. It is anticipated that there will be no more than 40 deliveries per day. Within the first year of operations, it is projected that the Applicant will employ 40-50 full-time employees, many of whom will be highly paid, skilled workers from various disciplines including: business professionals, scientists/researchers, manufacturing personnel and tradespeople.

The previous tenant of the warehouse on the Property was Fjord Ltd., which manufactured various types of garments for wholesale distribution. Its hours of operation were generally 7am to 4:30pm, Monday through Friday, and it employed approximately 75-100 employees. More information about the previous business is available on its website at fjordltd.com.

For the reasons stated above, the proposed use is similar in character, scale and performance to the prior allowed use, as well as similar to permitted manufacturing and processing uses allowed outright in the Industrial zone. Therefore, the Planning Commission can find that the first review criterion is met.

B. The use conforms with the applicable standards and limitations of the underlying zoning district.

Response: The proposal is to occupy the existing warehouse buildings on the Property, and no new development is proposed on the Property. As shown on the Site Plans, attached as Exhibit F, the site is already improved with the existing warehouse buildings, parking, accessways, and landscaping. It should be noted that there is a third driveway along J Street on the northern edge of the Property. The Applicant is willing to keep this driveway for emergency access or to place a barrier to remove the driveway at the City's preference. As the Site Plans demonstrate, the use conforms with the applicable standards and limitations of the Industrial zone.

Therefore, the Planning Commission can find that the second review criterion is met.

III. The Business is Exempt from Site Development Review.

For the reasons discussed above, the Applicant's Operation will not result in a significant change in use of the Property nor will the Applicant's Operation intensify the use of the Property; therefore, the Planning Commission can find that the Applicant's business is exempt from Site Development Review.

IV. Conclusion:

Based on the above analysis, the Planning Commission can find that the Applicant's use is authorized as a similar use in the Industrial zone pursuant to HDC 3.109. Additionally, the Planning Commission can find that the Applicant's business is exempt from Site Development Review.

1/2
PARTION

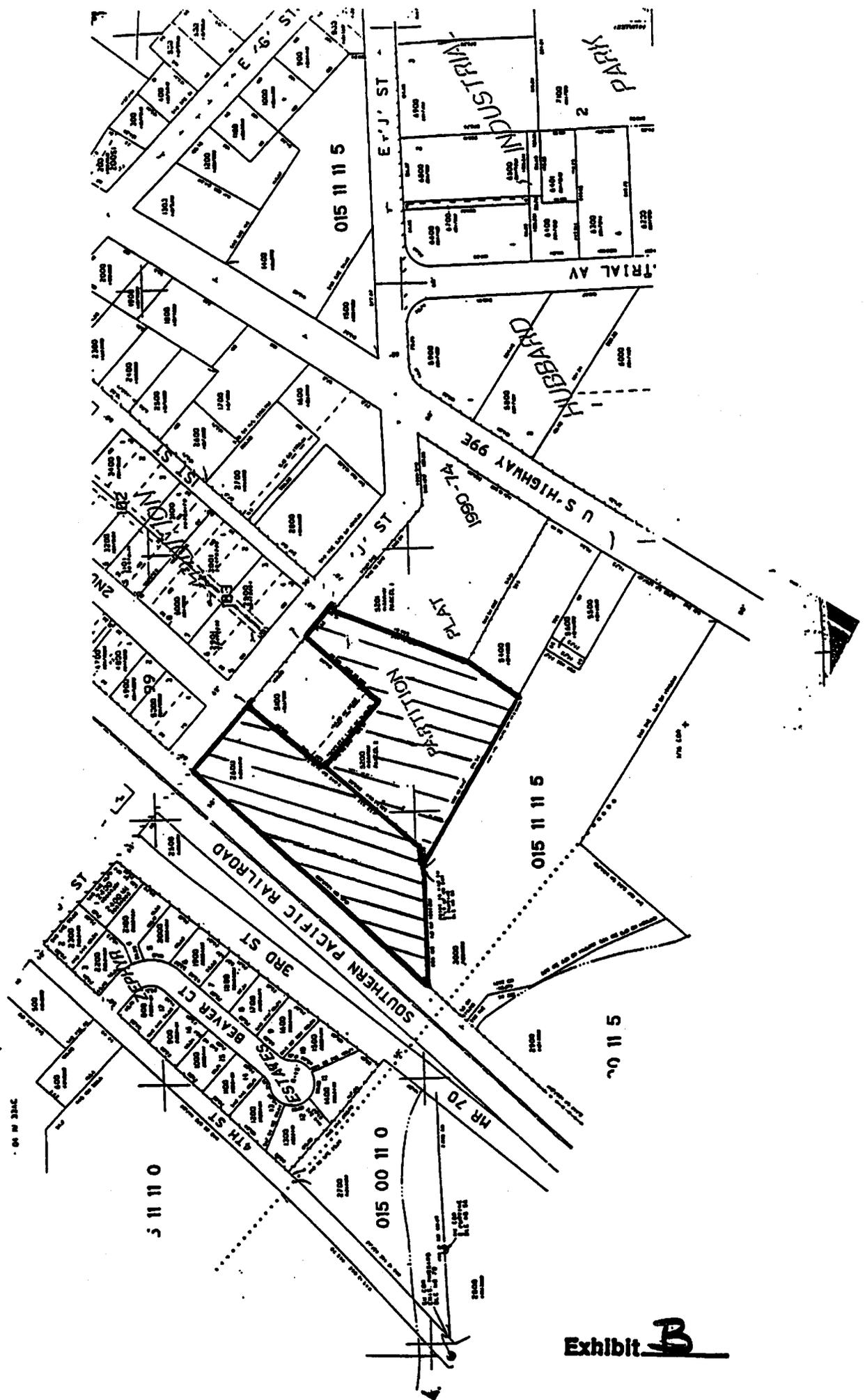


Exhibit **B**



Production Document Index

Document #	Document Name
000	Production Document Index
000	SOP/TSP Index
001	Emergency Contacts
002	Floor Plan Panic Button Locations
003	Daily Room Checklist
004	End of Crop Checklist
005	Flower Nutrient Reading Sheet
006	Inventory List
007	Weekly & Monthly Maintenance Checklist
008	Quarterly Maintenance Checklist
009	Building Maintenance Checklist
010	Daily Facility Checklist
011	Weekly Cleaning Checklist
012	Weekly Room Cleaning and Pruning Checklist
013	Visual Plant Pests and Deficiencies Checklist
014	Clipping Record
015	Harvest Record
016	Live Plant Count Record
017	Packaging Reconciliation
018	Bullying & Harassment Complaint Form
019	Bullying & Harassment Investigation Form
020	Request for Change (RFC) Form
021	What-To-Do Procedures
022	Change Process Flowchart
023	HC Loss/Theft Report
024	Accident & Incident Report Form
025	Purchased Stock Checklist
026	Client Complaint Form
027	Inventory Count for the Minister
028	Ready For Sale (RFS) Inventory Count
029	Equipment Failure Report
030	Product Recall Report
031	Adverse Reaction Case Report
032	HC Adverse Reaction Case Report
033	Internal Position Application
034	Intrusion Detection Report
035	Guest Sign-In

EXHIBIT C



Production Document Index

036	-----	New Employee Checklist
037	-----	SOP Acknowledgement of Receipt
038	-----	Record of Cannabis Received
039	-----	Record of Cannabis Imported or Exported
040	-----	Record Classification & Retention Period Index
041	-----	Product Return Form
042	-----	Destroyed Cannabis Record and Witness Statement
043	-----	Cannabis Transferred Form
044	-----	Shipping Checklist
045	-----	Training Checklist
046	-----	Self-Inspection Checklist
047	-----	Self-Inspection Checklist Index
048	-----	Deviation Request Form
049	-----	Deviation Report
050	-----	Good Manufacturing Practices
051	-----	SOP Template
052	-----	Batch Approval Form
053	-----	Quality Agreement
054	-----	Staff Phone List
055	-----	Transport of Dangerous Goods
056	-----	Product MSDS List
057	-----	Confidentiality & Non-Disclosure Agreement
058	-----	Recognizing Workplace Harassment
059	-----	Employee Conduct Agreement
060	-----	Annual Confidentiality & Non-Disclosure Agreement
061	-----	Annual Employee Conduct Agreement
062	-----	Offer of Employment & Employment Contract
063	-----	Employee Handbook
064	-----	Microbial & Chemical Contaminants Limits



Standard Operating Procedures

Before Processing

Contents

<u>SOP #</u>	<u>Revision</u>	<u>Title</u>
BP-01	2.0	Taking Cuts & Making Clones
BP-02	2.0	Transferring Plants – Table to Bucket
BP-03	2.0	Transferring Plants – Veg Room to Flower Room
BP-04	2.0	Pruning Plants
BP-05	2.0	Applying Foliar Sprays
BP-06	2.0	Harvesting & Drying Plants
BP-07	2.0	Pest Control



After Processing

Contents

<u>SOP #</u>	<u>Revision</u>	<u>Title</u>
AP-01	2.0	Loss Prevention – Weekly Product Reconciliation
AP-02	2.0	Long-Term Packaging
AP-03	2.0	Inventory Control
AP-04	2.0	Handling & Transferring Cannabis
AP-05	2.0	Product Sampling, Testing and Release for Sale
AP-06	2.0	Label Control
AP-07	2.0	Immediate Container Packaging & Labeling
AP-08	2.0	New Client Setup
AP-09	2.0	Order Processing
AP-10	2.0	Order Shipping and Transportation
AP-11	2.0	Destruction of Expired, Returned and Waste Cannabis
AP-12	2.0	Transportation of Dangerous Goods



Cleaning & Maintenance

Contents

<u>SOP #</u>	<u>Revision</u>	<u>Title</u>
CM-01	2.0	Cleaning Procedure – Veg Room Bucket System
CM-02	2.0	Nutrient Reservoir Changeouts
CM-03	2.0	Cleaning Procedure – End of Crop
CM-04	2.0	Cleaning Procedure – Processing Rooms
CM-05	2.0	General Facility Cleaning
CM-06	2.0	Production Facility Daily Check
CM-07	2.0	Measuring System PPM & pH
CM-08	2.0	Cleaning Procedure - Flower Room Bucket System
CM-09	2.0	Cleaning Procedure - Table System 1 & 2
CM-10	2.0	Cleaning Procedure - Table System 3 & 4
CM-11	2.0	Cleaning Procedure - Table System 5
CM-12	2.0	Environmental Monitoring
CM-13	2.0	HVAC & Building Maintenance
CM-14	2.0	Personnel Hygiene
CM-15	2.0	Cleaning Personnel Hygiene & Production Equipment
CM-16	2.0	Quality Assurance



Safety & Security

Contents

<u>SOP #</u>	<u>Revision</u>	<u>Title</u>
SS-01	2.0	Facility Security
SS-02	2.0	Addressing Workplace Harassment
SS-03	2.0	Using Personal Protective Equipment (PPE)
SS-04	2.0	Intrusion Detection & Site Monitoring
SS-05	2.0	Loss Reporting
SS-06	2.0	Responsibilities of SPIC, RPIC & ARPIC
SS-07	2.0	Hiring Staff
SS-08	2.0	Incident First-Aid & Reporting
SS-09	2.0	Evacuation & Emergency Response
SS-10	2.0	Secure Areas Procedure (where cannabis is present)



Quality Control

Contents

<u>SOP #</u>	<u>Revision</u>	<u>Title</u>
QC-01	2.0	Review & Approval of Standard Operating Procedures (SOPs)
QC-02	2.0	Change Control
QC-03	2.0	Employee Training
QC-04	2.0	Quality Assurance – Scope & Responsibilities
QC-05	2.0	Self-Inspection Program
QC-06	2.0	Quality Agreements
QC-07	2.0	Deviations & Investigations
QC-08	2.0	Product Recall
QC-09	2.0	Record Retention & Destruction
QC-10	2.0	Product Complaints & Returns
QC-11	2.0	Adverse Event Reporting
QC-12	2.0	Purchased Stock Control
QC-13	2.0	Sample Retention
QC-14	2.0	Presence of a Communicable Disease
QC-15	1.0	Cannabis Inventory Management System



Task Specific Procedures Index

Before Processing

Contents

<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
BP-01	2.0	Harvesting Procedures
BP-02	2.0	Transport from Flower to Processing
BP-03	2.0	Clipping Mature Plants
BP-04	2.0	Transport from Processing to Drying Room
BP-05	2.0	Drying Trimmed Buds
BP-06	2.0	Drying Trimmings
BP-07	2.0	Curing Dried Buds
BP-08	2.0	Labeling New Mothers
BP-09	2.0	Labeling new Crop
BP-10	2.0	Labeling Tissue Cultures
BP-11	2.0	Labeling Experimental Plants



After Processing

Contents

<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
AP-01	2.0	Sampling Procedure - Buds
AP-02	2.0	Sampling Procedure - Shake
AP-03	2.0	Batch Limits and Product Release
AP-04	2.0	Rejecting and Destroying a Batch
AP-05	2.0	Destroying Batch Sample
AP-06	2.0	Product Treatment



Cleaning & Maintenance

Contents

<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
CM-01	2.0	Isopropyl Alcohol Sterilization Procedure
CM-02	2.0	Bleach Sterilization Procedure
CM-03	2.0	KleenGrow Cleaning Procedure
CM-04	2.0	Ducasol Cleaning Procedure
CM-05	2.0	Cleaning Drying Rooms
CM-06	2.0	Footbath Procedure



Safety & Security

Contents

<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
SS-01	2.0	Disposal of Broken/Expired Bulbs
SS-02	2.0	Health and Safety Officer
SS-03	2.0	Monthly Check of Safety Equipment
SS-04	2.0	Cleaning Up Chemical Spill



Laboratory

Contents

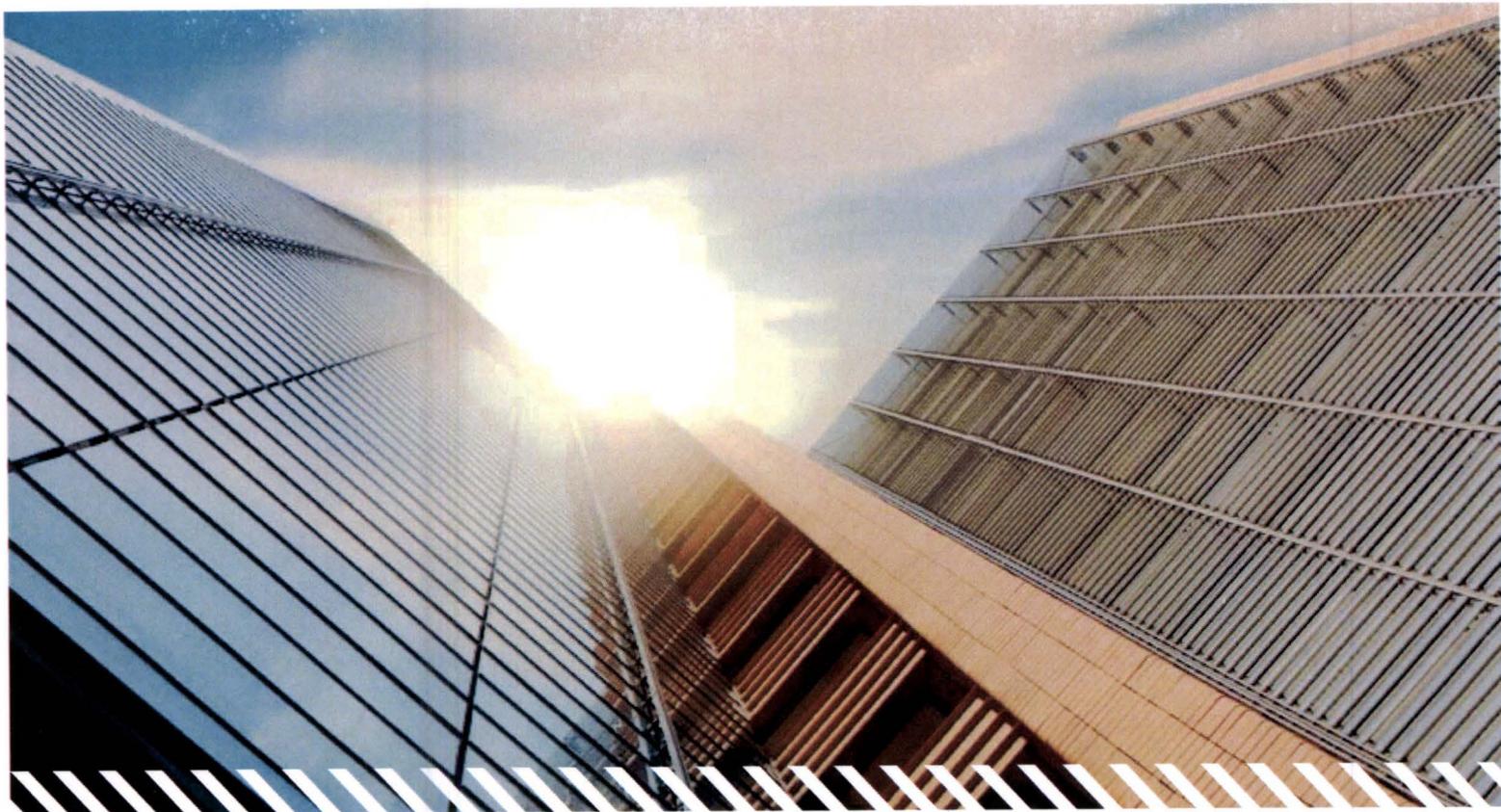
<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
LB-01	2.0	Autoclave Operation
LB-02	2.0	Autoclave Maintenance



Inventory Management

Contents

<u>TSP #</u>	<u>Revision</u>	<u>Title</u>
IM-01	2.0	Ordering for the Production Facility
IM -02	2.0	Adding Plants into MMDS Inventory Management System
IM -03	2.0	Labeling New Genetic Stock Plants
IM -04	2.0	Labeling New Batch
IM -05	2.0	Labeling Tissue Culture Plants
IM -06	2.0	Labeling Experimental Plants
IM -07	2.0	Adding Genetic Stock Plants into MMDS Inventory Management



SANUVOX

Ultraviolet Air & Object Disinfection Systems

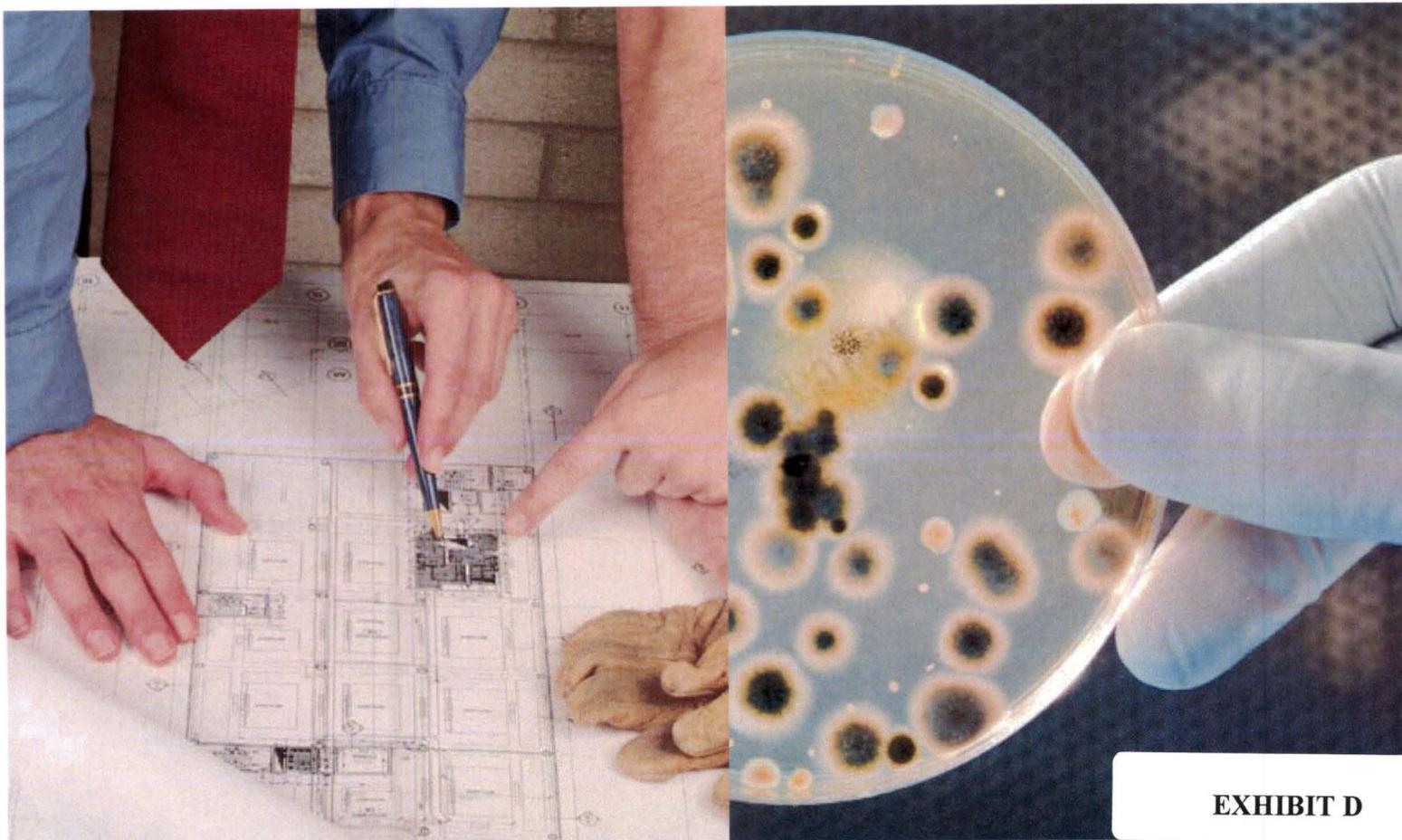


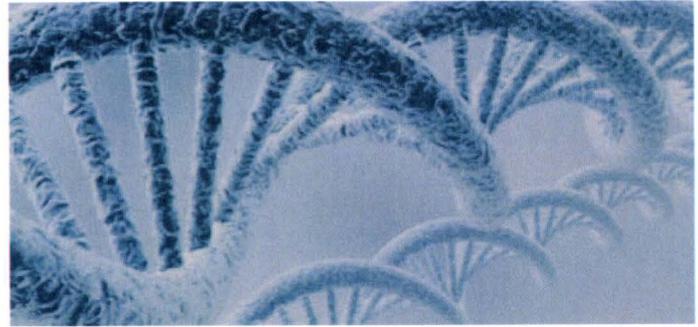
EXHIBIT D

WHY SANUVOX?

Sanuvox is the leading manufacturer in Ultraviolet Air and Object Purification holding domestic and international patents, bringing to markets around the world, products and solutions for virtually any indoor air quality issue.

THE SCIENCE OF ULTRAVIOLET

The Sun delivers specific UV wavelengths that destroy and deactivate biological and chemical contaminants that are introduced into the atmosphere. Sanuvox proprietary Mercury Vapor Ultraviolet Lamps produce the same UV wavelengths the Sun produces. UVC (Germicidal 254 nm) and UVV (Oxidizing 187 nm) produced using pure fused quartz glass are combined into one single UV Lamp/Emitter.



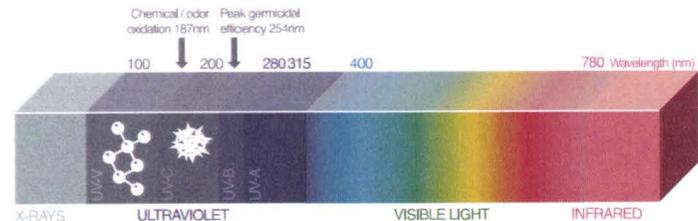
UVC energy attacks the DNA of a living cell, penetrating the cell membrane, breaking the DNA structure of the microorganism, inhibiting reproduction. UVC is effective in destroying biological contaminants and odors such as mold, bacteria and viruses. The Centers for Disease Control (CDC) recommends this method for destroying viruses such as tuberculosis.

UVV (Vacuum UV) is used for Oxidization; this is the portion of the Lamp that destroys chemicals and odors, such as cigarette smoke, VOC's, diesel fumes, formaldehyde, amongst others. Both UV wavelengths work together to destroy thousands of biological and chemical contaminants that continually circulate within the building's envelope.

Depending on the application, Sanuvox will use UVC, UVV, or a combination of both wavelengths to achieve the desired results.

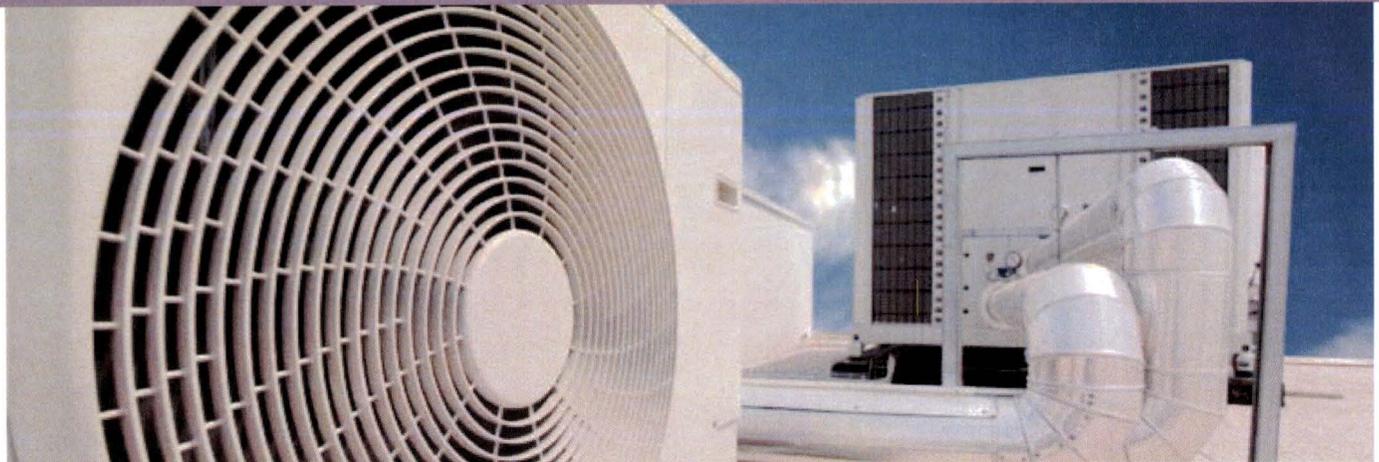
ASHRAE Chapter: UV Light Systems

Sanuvox is a proud on-going contributor to the standards and practices applied to Ultraviolet Air and Object Purification that have been adopted into the 2012 ASHRAE Handbook on HVAC Systems and Equipment. Ultraviolet Air and Object Purification is recognized as a proactive measure to protect and improve IAQ while significantly improving energy efficiency and reducing maintenance costs.



YOUR BENEFITS

- Alleviate Sick Building Syndrome & Building Related Illness
- Reduce Absenteeism
- Improve Productivity
- Reduce Costs, Maximize Energy Efficiencies
- A Green Building Technology
- Destroy Odors and Chemicals
- Bio-Protection
- Dramatically reduce HVAC Maintenance Costs
- Extend Food Shelf Life
- A Healthier Indoor Environment



UV BIO-WALL QUATTRO

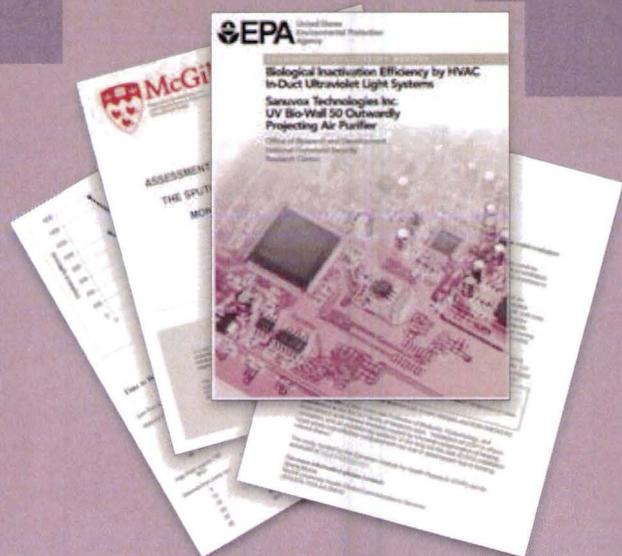


FEATURES

- Drastically improves Indoor Air Quality
- Continuously treats the entire duct
- Destroys up to 99.99% of biological and chemical contaminants on one pass
- 18" Lamp lengths
- 4 High-Intensity Pure Fused 19 mm Quartz UVC Lamps
- 4 Anodized Aluminum Parabolic Reflectors maximizes 360° of UV Energy
- LED indicators for ballasts and lamps

ACCESSORIES

- Bio-Film Aluminum Foil for increased reflectivity



PROVEN RESULTS

Tested by the Environment Protection Agency (EPA) and National Homeland Security Research Center (NHSRC) on Biological Warfare Agents (BWAs).

A Single UV Bio-Wall 50" showed greater than 99.97% destruction on one pass on airborne bacteria, 99% on viral and 93% on spore.

Sanuvox was the only manufacturer that contributed a single UV system and did not require any reduction in air-flow or duct modifications to achieve greater than 90% destruction on all three cross-sections of biological contaminants.

Detailed technical specifications available at www.sanuvox.com

UV BIO-WALL

The patented UV Bio-Wall provides a “barrier wall” of UV Energy, destroying biological and chemical contaminants passing through it.

Each Bio-Wall uses 5 High Intensity 19 mm Pure Fused UVC Quartz Lamps, which are mounted to Anodized Aluminum Parabolic Reflectors that reflect the full 360° of Germicidal Radiation. The Bio-Wall is mounted parallel to the airstream in order to maximize the contaminant’s contact time with the UV Energy.

The Bio-Wall is equipped with a monitoring display built into the ballast box which includes a digital visual hour accumulator, monitoring LED’s and “Lamp Out” alarms. Dry contacts allow for building automation integration.

The number and length (lamps up to 60” long) of Bio-Wall’s will depend on the size of the duct, the velocity of the air moving within the duct, the specific contaminants to be treated and the desired % kill of the contaminants.



UV Bio-wall unit shown with access door opened and kill switch by-passed (for illustration purposes only)

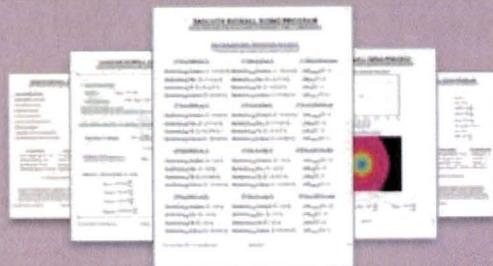
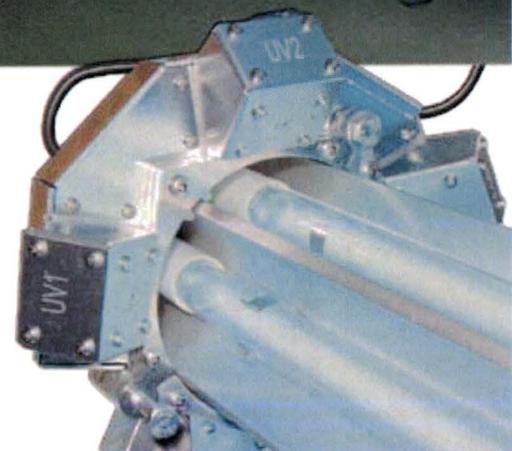
UV BIO-WALL SENSOR ACCESSORY

Sanuvox continues to innovate with a patent pending UV sensor which is capable of monitoring UV output for each individual UV Lamp in real-time, guaranteeing the UV output of any lamp will never fall below a predetermined level.

The UV sensor is ideal for those sensitive applications that must guarantee a specific UV dosage and takes into account: ballast failure, lamp failure, lamp aging, lamp cooling and lamp fouling in real time operating conditions.

FEATURES

- Designed to work with the Sanuvox UV Bio-Wall
- Easy cuff-style installation
- Individual Sensors (5 per UV fixture) are shielded from the airstream
- Specifically designed sensors to filter out all but UVC (254 nm) wavelength
- Control LCD Panel monitors each individual UV Lamp in real-time
- Dry contacts allows for building automation integration
- Audible alarm sounds should the UV output of any lamp fall below the predetermined setting
- Aluminum construction and UV resistant cable set
- The only UV monitoring system of its kind. A must for those applications that require a specific UV dosage guarantee.



Sanuvox offers at no-charge a Bio-Wall Real-time sizing and Kill Rate Report. Provide Sanuvox with the duct size and CFM, and Sanuvox will provide a detailed report, including calculations and actual Kill Rates for a cross-section of bacteria, viruses and spores. If there is a particular bio-contaminant specified, our engineers will provide the Report using those bio-contaminants. This service is available for the UV Bio-Wall and Quattro Systems.

Detailed technical specifications available at www.sanuvox.com

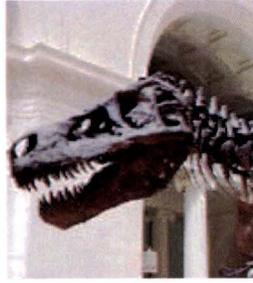
APPLICATIONS AND SOLUTIONS



PUBLIC AREAS



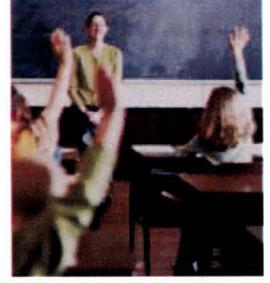
MEDICAL APPLICATIONS



MUSEUMS



GARBAGE ROOMS



EDUCATIONAL FACILITIES



PRODUCE STORAGE



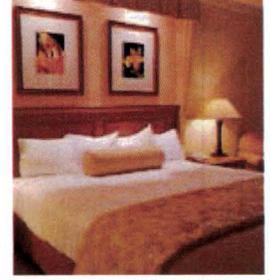
FOOD PROCESSING



OFFICES



CORRECTIONAL FACILITIES



HOSPITALITY INDUSTRY

MORE APPLICATIONS AND SOLUTIONS

The solution for:

- Reduce absenteeism
- Reduce airborne viral and bacterial transmission
- **Destroy thousands of troublesome odors**

- Reduce HVAC maintenance costs
- **Improve energy efficiencies**
- Benefit from quick return on investment

Typical Sanuvox installations:

- Commercial applications
- Municipal and Federal buildings
- Medical and Educational facilities
- Correctional facilities
- Deep sea offshore oil platforms
- Military bases
- Industrial applications
- Food production facilities
- Oceanic research vessels
- Clean rooms
- Hotels
- Airports
- Cruise ships
- Medical research

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Visit our website:

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Energy Savings

Compact

Environmentally
Friendly

Quiet

Reliable

Truly
Redundant

Serviceable

Flexible

Simultaneous
Heating & Cooling



PACKAGED AIR COOLED MODULAR CHILLER

UCA Series

20, 30, 50 and 70 tons

Configurable up to 420 tons

Available in 208, 230, 460 and 575 Volts



CLIMA  COOL[®]
THE ULTIMATE CHILLER SOLUTION[®]

EXHIBIT E





50 ton UCA,
Cooling Only



Available in 20, 30, 50 and 70 tons, modules can be configured to provide project turndown and capacity requirements from 20 - 420 tons. By simply adding modules, the UCA can satisfy future incremental growth needs. This model was designed to provide a quiet, serviceable and extremely efficient system that will offer years of reliable operation.

Compact Modules have a low center of gravity and base cutouts for forklifts or pallet jacks for ease of transport and rigging. The compact design allows significant space savings and easy installation in severely limited areas.

Durable Heavy gauge G90 galvanized steel cabinet with 3 mil powder coat paint finish cabinet construction provides superior protection from weather. Schedule 40 carbon steel pipe water headers are designed to connect to adjacent modules through the use of 300 psi rated grooved couplings.

Energy Efficient High efficiency design offers a minimum of 10.0 EER at full-load, exceeding ASHRAE 90.1 minimum efficiency requirements.

Environmentally Friendly Micro charge of non-ozone depleting R-410A offers better efficiency, higher capacity and utilizes superior synthetic lubricants for longer compressor life.

Flexible Back-to-back, end-to-end and combination configurations provide ultimate design flexibility. The UCA offers a standard ambient operating range of 0 to 115°F. 20, 30, 50 and 70 ton modules can be mixed and matched for required bank capacity.

Flexible, Simple, Reliable

Integrated CoolLogic Control System

Each module has an independent control panel and simple two-conductor shielded daisy chain connection from the Master Panel to the modules ensuring ultimate performance with minimal field wiring. BAS interface with native BACnet, Modbus, Lonworks, and N2 communications.

Quiet Variable speed EC condenser fans with integral head pressure control and distinctive airfoil blade design providing low operating sound levels and optimal energy efficiency.

Reliable Dual scroll compressors with independent refrigerant circuits provide reliable, efficient, quiet and redundant operation. Use of highly efficient, dual circuit brazed plate heat exchangers offer maximum performance at both full and part-load conditions.

Service Friendly Design allows easy access to all major components. Unique design is fully serviceable and maintainable without removal of module from the chiller bank or disassembly of headers.

True Redundancy Separate module electrical feeds and integral water isolation valves permits maintenance of one module while the remaining system continues operation.



Photo shows two 30 ton UCA modules, totaling 60 tons capacity, in an end-to-end configuration.

Options for Every Application

Free Cooling Modules Directly couples to chiller bank. Includes: glycol free cooling coils, high efficiency, variable speed EC condenser fans with integral head pressure control with acoustical airfoil blade design providing low operating sound levels, two position motorized water isolation valve, 3-way bypass valves and fully integrated controls.



Photo shows UCFO30, Free Cooling

Hail Guards Factory or field installed 18 gauge galvanized steel louver panels with powdered coat paint finish for outdoor element protection.

Harsh Environment Factory installed coil coating for outdoor element protection.

Heat Pump Factory installed reverse cycle heat pump for heating and cooling operation.

Heat Recovery Factory installed desuperheater provides hot water.

Hot Gas Bypass Factory installed on both circuits allowing unit operation below the minimum step of unloading.

Low Ambient to -20°F Factory installed variable speed fan control for all condenser fans provides optimum head pressure control. Liquid receivers, refrigerant relief valves and flood-back head pressure control valves are provided for all refrigerant circuits.

Manual Strainers Field installed to increase efficiency and ensure long life of the equipment with Y-style and basket strainers of cast iron 200 psi or carbon 275 psi with 60 mesh stainless steel screens. All strainers are field installed external to the chiller bank for ease of service.

Pressure Differential Flow Sensor Field installed to prevent operation of chiller without sufficient water flow to the evaporator.

Pump Module Module includes primary and standby centrifugal pumps in a lead/lag configuration coupled to the common chiller header and controlled through the *CoolLogic* Control System.

Simultaneous Heating and Cooling See next page for Exclusive SHC onDemand information.

Variable Speed Compressor Factory installed variable frequency drives provide more precise water temperature control and optimum part load energy efficiency.

Water Header Bypass A field installed water header bypass may be utilized to prevent deadheading the pump.

Water Isolation Valves Factory installed manual or motorized valves to provide isolation to the module for maintenance and cleaning of evaporator heat exchanger.

Weatherproof Enclosure Nema 4 enclosure for *CoolLogic* Master Panel.

LEED categories satisfied by the UCA system:

Enhanced Commissioning and Measurement and Verification *CoolLogic* Control System provides maximum flexibility with BAS interface.

Optimized Energy Performance Exceeds ASHRAE 90.1 minimum efficiency requirements.

Thermal Comfort Precise required heating and cooling ensures the highest comfort for building occupants.

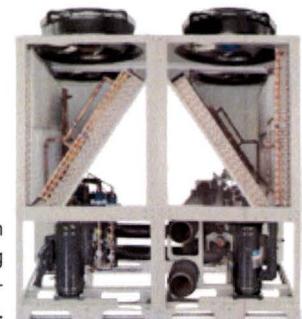


Photo shows two 30 ton UCA modules, totaling 60 tons capacity, in a back-to-back configuration.

Exclusive SHConDEMAND

Simultaneous Heating and Cooling Heat Pump SHC onDemand modular chiller helps reduce energy consumption and the environmental impact of heating and cooling equipment by harnessing energy that is already being produced but not used. The simultaneous modular system eliminates the need to have separate equipment for heating and cooling while saving installation cost, overall operating cost and reducing the physical footprint. The SHC onDemand allows dramatic energy savings to be achieved, by more than 50%, when compared to conventional systems.

onDemand Operation Allows any module to be indexed for heating or cooling regardless of its position in the bank, providing optimum module/compressor run time equalization. Integral motorized isolation valves and dual independent refrigeration circuits per module provide true mechanical redundancy.

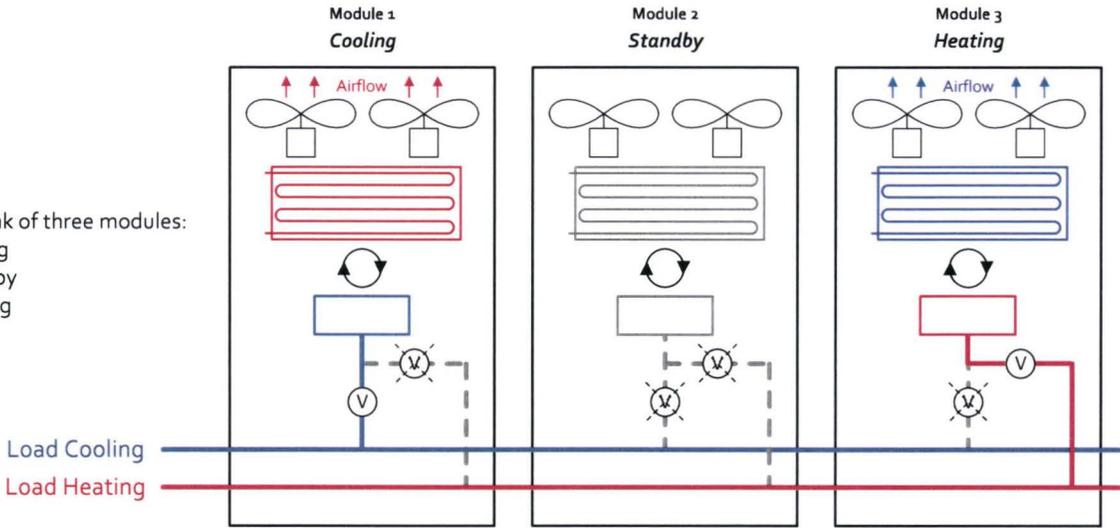
Simplicity Patent pending, four (4) header design simplifies installation, design and controls. Simultaneously, the SHC satisfies required heating and cooling demands without the use of inter-module/external header isolation valves, controls, associated logic, piping or wiring. Innovative engineering simplifies the simultaneous heating and cooling process, taking multitasking to a whole new level.

Ultimate Efficiency The *CoolLogic* Control System provides advanced algorithms for maintaining precise leaving chilled and hot water temperatures. Integral motorized valves allow for variable pumping on heating and cooling water loops. High efficiency design offers a minimum of 10 EER cooling efficiencies with typical heating efficiencies around 3.0 COP.

- Provides hot water, as high as 135° F, utilizing R-410A refrigerant
- Built in modulating head pressure control

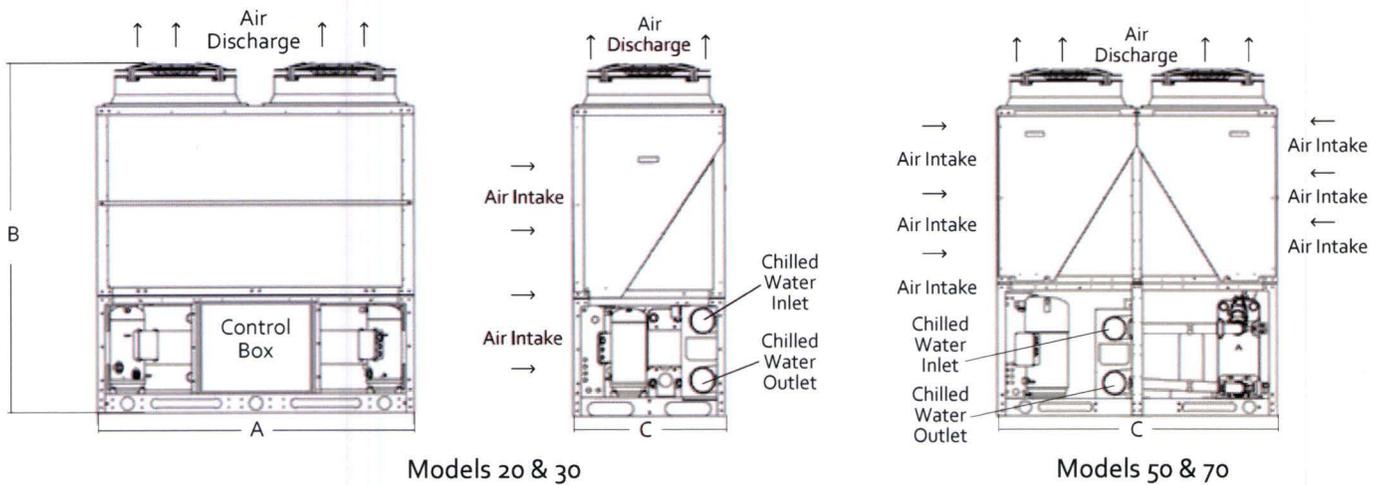


Figure shows a bank of three modules:
Module 1 in Cooling
Module 2 in Standby
Module 3 in Heating



* Simplified single line water circuit shown; V= motorized isolation and control valve

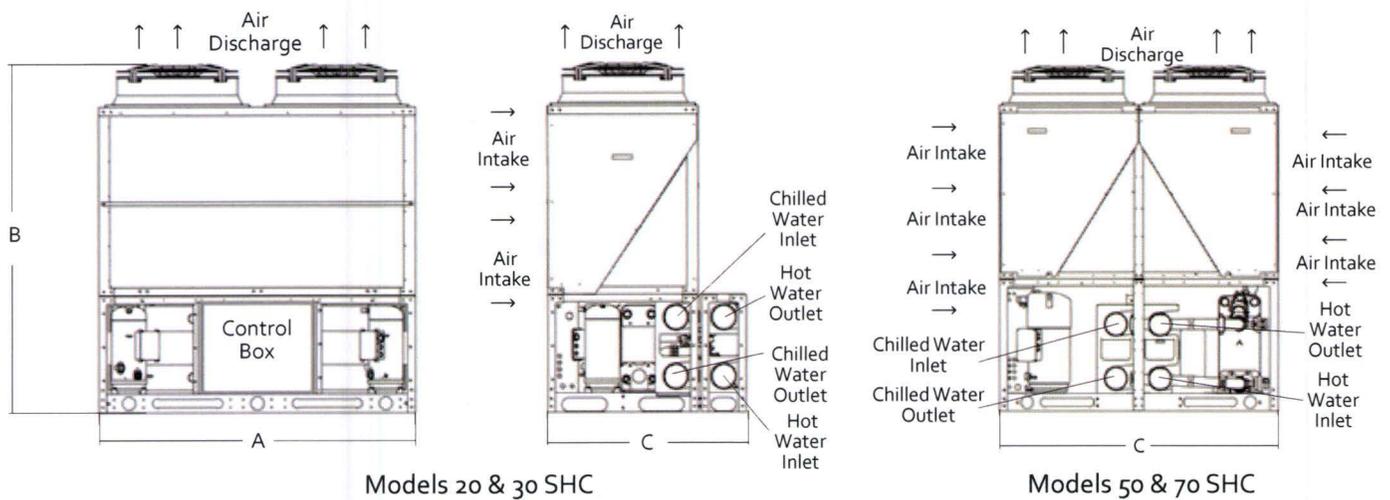
Dimensional Drawings



Models 20 & 30

Models 50 & 70

Model UCA	Voltage	A Unit Width (in.)	B Unit Height (in.)	C Unit Depth (in.)	Unit Weight ¹ (lb.)	Operating Weight ² (lb.)	Header Connection (in.)
020	208/230/460/575/3/60	83 3/4	92	39 3/4	2,035	2,250	6
030	208/230/460/575/3/60	83 3/4	92	39 3/4	2,195	2,410	6
050 ³	208/230/460/575/3/60	83 3/4	99 1/8	80 1/2	3,855	4,125	6
070 ³	208/230/460/575/3/60	83 3/4	99 1/8	80 1/2	4,005	4,275	6



Models 20 & 30 SHC

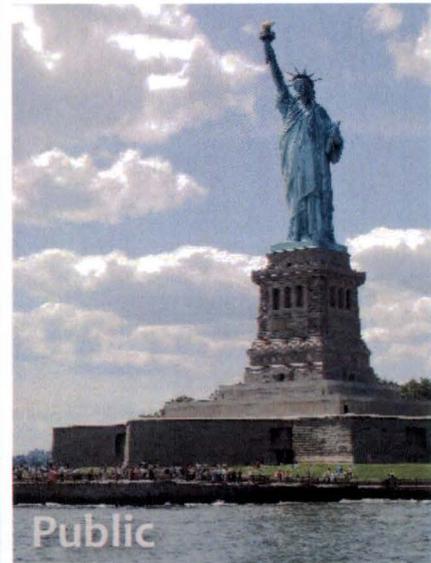
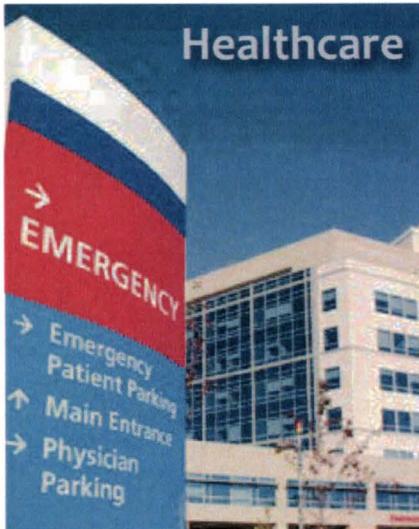
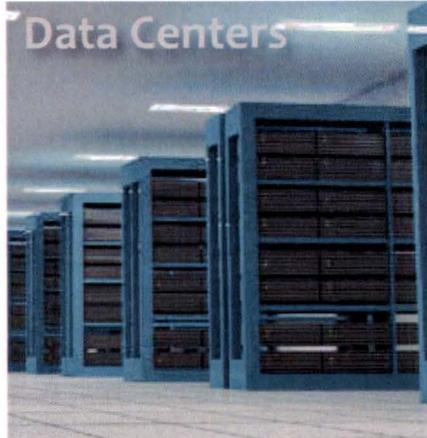
Models 50 & 70 SHC

Model UCA SHC ⁴	Voltage	A Unit Width (in.)	B Unit Height (in.)	C Unit Depth (in.)	Unit Weight ¹ (lb.)	Operating Weight ² (lb.)	Header Connection (in.)
020 SHC	208/230/460/575/3/60	83 3/4	92	52 3/4	2,735	3,115	6
030 SHC	208/230/460/575/3/60	83 3/4	92	52 3/4	2,895	3,275	6
050 SHC	208/230/460/575/3/60	83 3/4	99 1/8	80 1/2	4,255	4,730	6
070 SHC	208/230/460/575/3/60	83 3/4	99 1/8	80 1/2	4,405	4,880	6

Notes:

- Shipping weight includes refrigerant charge, compressor oil and packaging.
- Operating weight includes refrigerant charge, compressor oil and water.
- The models UCA 050 & 070 cannot be coupled back-to-back.
- SHC models cannot be coupled back-to-back.

Market Applications



Contact your local ClimaCool representative or visit our web site at www.climacoolcorp.com to find out more about the UCA and other heating and cooling solutions that may fit your application needs.



15 S. Virginia Avenue
 Oklahoma City, OK 73106
 Phone: 405.815.3000
 Fax: 405.815.3052
www.climacoolcorp.com



ClimaCool works continually to improve its products. As a result, the design and specifications of each product at the time for order may be changed without notice and may not be as described herein. Please contact ClimaCool's Customer Service Department at 405.815.3000 for specific information on the current design and specifications. Statements and other information contained herein are not express warranties and do not form the basis of any bargain between the parties, but are merely ClimaCool's opinion or commendation of its products.

AHRI Certified® is a trademark of the Air Conditioning, Heating, and Refrigeration Institute. 'USGBC®' and related logo is a trademark owned by the U.S. Green Building Council and is used with permission. ClimaCool is a subsidiary of LSB Industries, Inc. - NYSE symbol: LXU

Packaged Air Cooled Modular Chiller Water Cooled, Heat Pump, Heat Recovery and Simultaneous Heating and Cooling Heat Pump

Model UCA 20, 30, 50 & 70

Installation, Operation & Maintenance Manual



CLIMA  **COOL**®
THE ULTIMATE CHILLER SOLUTION®



Mounting Rail and Vibration Isolation

ClimaCool recommends locking down the chiller to a concrete base or to two (2) 4" base mounting rails using the six bolt holes provided in each base pan (see Figure 10). **Due to the low vibration of the modules, ClimaCool does not require the application of spring isolators or pads.** Should isolators or pads be desired, install in accordance with Figures 11 and 12.

Figure 10 - Support Rails and Anchor Locations

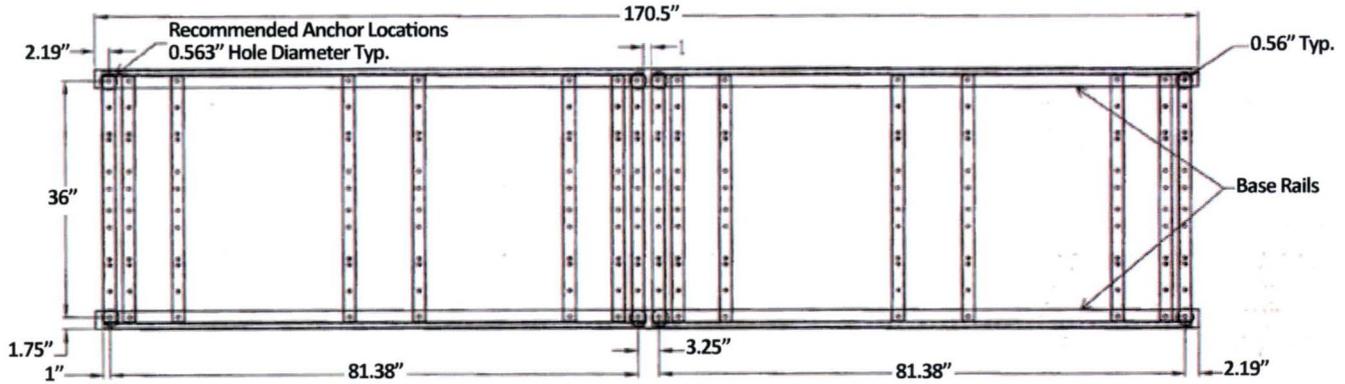


Figure 11 - Spring Vibration Isolators Option

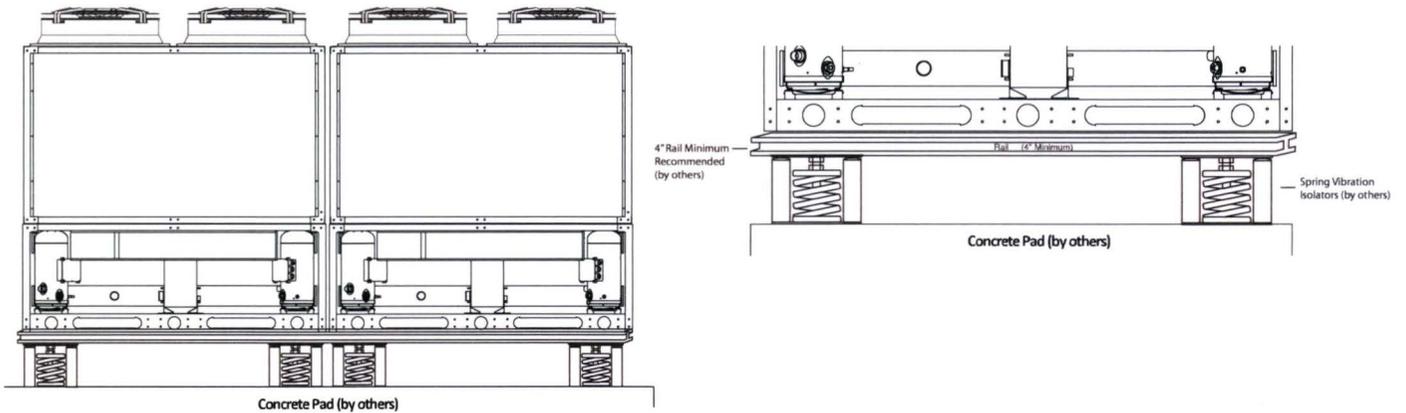
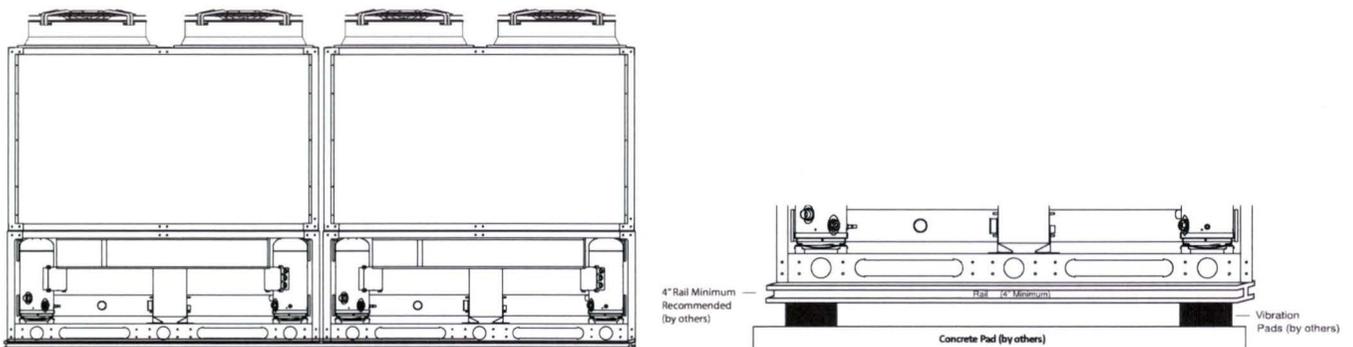
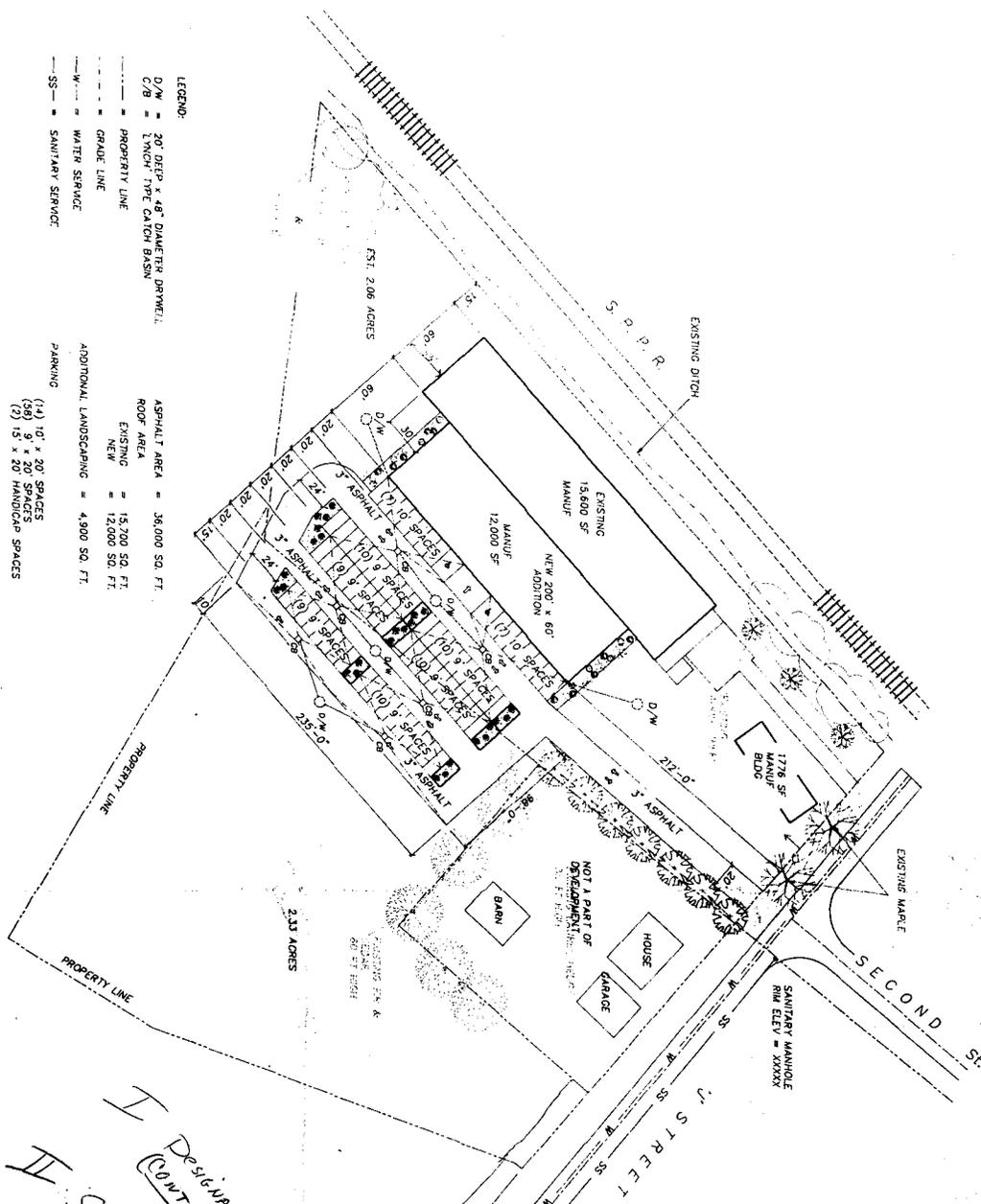


Figure 12 - Vibration Isolation Pads Option



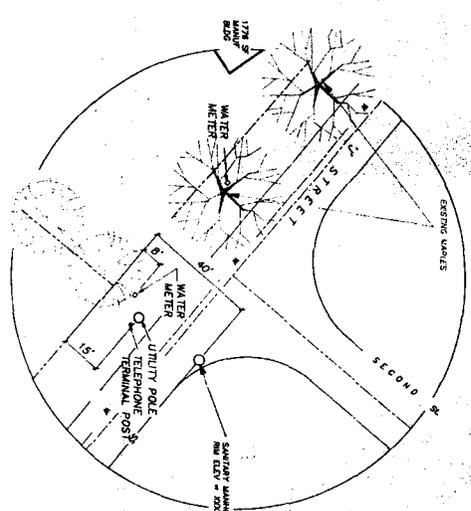
Note: Size and weight distribution is to be determined by a qualified structural engineer per individual job requirements.



- LEGEND:**
- D/W = 20" DEEP x 48" DIAMETER DRYWELL
 - C/B = TRENCH TYPE CATCH BASIN
 - PROPERTY LINE
 - GRADE LINE
 - WATER SERVICE
 - SS --- SANITARY SERVICE
 - ASPHALT AREA = 36,000 SQ. FT.
 - ROOF AREA
 - EXISTING = 15,700 SQ. FT.
 - NEW = 12,000 SQ. FT.
 - ADDITIONAL LANDSCAPING = 4,900 SQ. FT.
 - PARKING
 - (1) 15' x 20' SPACES
 - (8) 9' x 20' SPACES
 - (2) 15' x 20' HANDICAP SPACES

I. Designate Landscaping Areas (CONTRACTOR) BY (ENR)

II. Storm Drain BY (ENR)



SITE PLAN

1" = 40'

INTERSECTION LAYOUT

1" = 20'

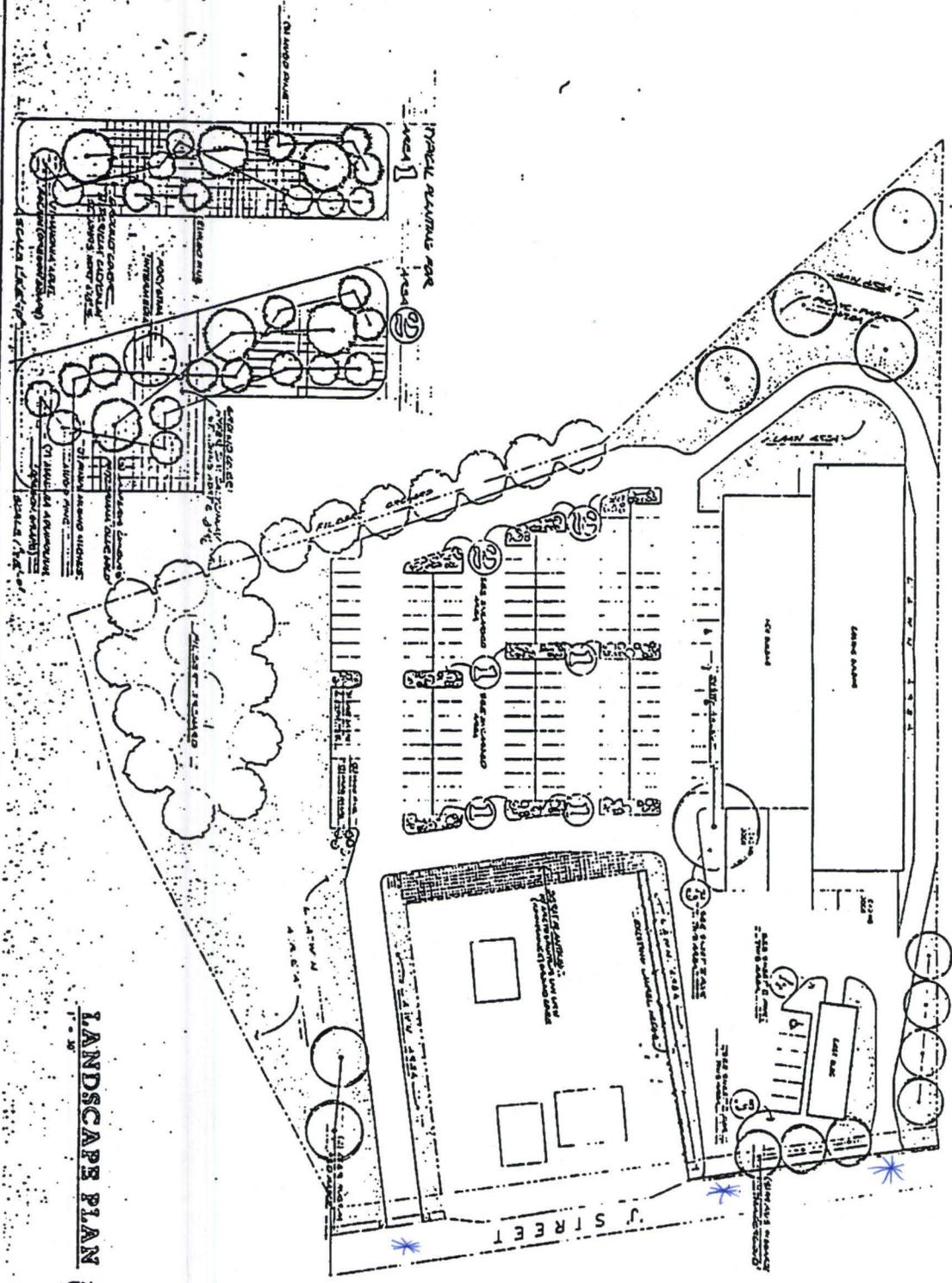
DATE	3/23/93
DRAWN BY	MARK RICH
CHECKED	
SHEET NUMBER	1

ENGINEERED CONCEPTS, INC.
CONSULTING ENGINEERS

9301 S.E. STANLEY AVE.
PORTLAND, OREGON 97222
(503) 778-6775

NORDIC ENTERPRISES, INC.
SITE PLAN
HUBBARD OREGON

EXHIBIT F



* = driveway

LANDSCAPE PLAN

DATE	04-2-78
SCALE	1/2"
PROJECT	711
DESIGNER	J.E.S.
CHECKED	
APPROVED	

ENGINEERED CONCEPTS, INC.
CONSULTING ENGINEERS
3001 S.E. STANLEY AVE
PORTLAND, OREGON 97227
(503) 274-8122

NORDIC ENTERPRISES, INC.
LANDSCAPE PLAN
HUBBARD OREGON



U.S. Bancorp Tower, 111 SW 5th Avenue, Suite 2080, Portland, OR 97204

CORINNE S. CELKO
Admitted in Oregon
(503) 227-4525
Corinne@emergelawgroup.com

December 3, 2015

Glenn Holum, Chair
Planning Commission
City of Hubbard
3720 Second Street
Hubbard, OR 97302

Re: Similar Use Determination, SIM-2015-01

Dear Chair Holum and Fellow Members of the Planning Commission:

This office represents West Fork Holdings, Inc. (the "Applicant"), the Applicant in the above-referenced application for a similar use determination (the "Application") to approve marijuana production and processing at property generally located at 2880 J Street in the City of Hubbard (the "Site"). This letter will constitute written testimony on behalf of the Applicant prior to the hearing and is timely submitted on December 3, 2015.

Please include this letter in the record of this review proceeding and place it before the Planning Commission.

1. This Application is not subject to the City's opt-out ordinance.

HB 3400, Section 134 allows cities and counties to "opt out" of the state's recreational marijuana program by adopting ordinances to be referred to the electors of such cities or counties that prohibit or allow marijuana-related uses. On November 5, 2015, the Applicant submitted the above-referenced Application to Vickie Nogle, the Director of Administration, and to Joey Shearer, the City's Land Use Planner. The City did not request additional information, and the Application was deemed complete when first submitted. At the time the Application was submitted, the City had not taken any action with regard to the state's recreational marijuana program. Subsequently, on November 10, 2015, the City passed Ordinance No. 345-2015, which temporarily prohibits recreational marijuana-related uses. The ordinance will expire on August 1, 2016 or when the City adopts regulations regarding marijuana-related uses, whichever comes first. As discussed more fully below, since the subject Application was submitted and deemed complete *before* the City adopted its ordinance prohibiting marijuana-related uses, the Application is not subject to such ordinance and is entitled to be reviewed under the standards in effect on November 5, 2015.

Under Oregon law, if an application was complete when first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted. ORS 227.178(3) (related to cities); ORS 215.428(3) (related to counties). These statutes are known as the “goal-post statute” because they operate to freeze the standards that apply to an application as those that were in effect when the application was filed. The Oregon Court of Appeals has held that under the “goal-post statute,” persons who file applications before more restrictive legislation is adopted are entitled to have the earlier law applied to their applications. Otherwise, their rights under the pre-existing standards would be permanently nullified. *See Kirpal Light Satsang v. Douglas County*, 96 Or App 207, 772 P2d 944 (1989).

The Oregon Court of Appeals has also stated that the protective purpose of the “goal-post statute” is:

“[t]o assure both the proponents and opponents of an application that the substantive factors that are actually applied and that have a meaningful impact on the decision permitting or denying an application will remain constant throughout the proceedings.”

Davenport v. Tigard, 121 Or App 135, 854 P2d 483 (1993).

Furthermore, the court in *Davenport* stated that the “goal-post statute” does not refer only to the local provisions that the local government must apply in acting on an application; but rather, it also includes provisions that the government does apply and that have a meaningful impact on its decision. *See also, Sunburst II Homeowners Assn. v. City of West Linn*, 101 Or App 458, 790 P2d 1213 (1990) (finding that the objective of the “goal-post statute” would not be attained if amendments to state regulations had the effect of changing the criteria affecting an application during the proceedings).

As applied to the present matter, although HB 3400 allows the City to adopt an ordinance prohibiting marijuana-related uses and referring such ordinance to its electors, it does not allow such ordinance to apply retroactively to previously-initiated land use proceedings or to otherwise run afoul of the well-settled “goal-post statute.” Therefore, the Planning Commission can and should process this Application under the standards in effect before the City adopted its “opt-out” ordinance. For the reasons stated above, this Application is not subject to Ordinance No. 345-2015, and such ordinance is not an appropriate basis for denial of this Application.

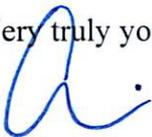
2. The Applicant operates a professional and well-respected business.

The Applicant operates a similar marijuana production and processing facility in Canada under the business name of Agrima Botanicals. Attached are letters of recommendation from various stakeholders, including from the City Planner from Maple Ridge, British Columbia, where the Applicant's Canadian facility is located. As these letters attest, the Applicant operates a respected, high-quality business that has remained in good standing with the local community, as well as with federal health requirements. The Applicant would be a good business citizen in the City of Hubbard.

3. Conclusion.

For the reasons discussed above, the subject Application is not subject to the City's opt-out ordinance and such ordinance is not an appropriate basis for denial. Therefore, the Planning Commission can and should review this Application in accordance with the standards in effect before the City adopted such ordinance. As demonstrated by the attached letters of reference, the Applicant is an upstanding business and would add value to the City of Hubbard. Based on the Application submittal and all of the above, the Planning Commission should approve this Application.

Very truly yours,



Corinne S. Celko

cc: Client (via email)



Deep Roots
Greater Heights

July 22, 2014

Health Canada
Healthy Environments and Consumer Safety Branch
Address Locator: 0300B
Ottawa, ON K1A 0K9

I am writing to express my support for Agrima Botanicals in their application process. This company has been of tremendous assistance for local governments and senior agencies in clarifying the implications of the authorized commercial production of medical marihuana in our communities.

They have welcomed professionals in the agricultural, legal, and planning fields to tour their facilities in organized groups. Those attending have included municipal staff from the greater Vancouver area, the Ministry of Agriculture, and the Agricultural Land Commission. In addition, municipal councillors, and Agricultural Advisory Committee members viewed the facility. A tour held in May 2014 included municipal staff from all over British Columbia who were attending the annual Planning Institute of British Columbia Conference.

Participants noted that their concerns about this use were alleviated. They were impressed with the highly educated and qualified Agrima staff, and recognized the economic benefits of encouraging this high value employment in their communities. It should be noted that Agrima's Quality Assurance Professional resides in the District of Maple Ridge and is a member of the District's Agricultural Advisory Committee. Her knowledge and commitment to the community is clear.

Agrima has taken an extra step in the development of their facility in their building design, appropriate for the agricultural context in which they are situated. This initiative was taken to alleviate neighbourhood concerns and to be unobtrusive. As the Planner responsible for drafting the Zoning Bylaw amendment to direct this use, I found Agrima's input valuable, and their attendance at the Maple Ridge Public Hearing assisted in putting this use into perspective. Although our amended bylaw imposes onerous setback requirements on this use, Agrima has been extremely supportive of our bylaw. This collaborative approach with all stakeholders, embraced by Agrima, will help contribute towards the success of the MMPR.

Sincerely,

Diana Hall, MA, MCIP, RPP

Planner II

SIMON FRASER UNIVERSITY

DEPARTMENT OF BIOLOGICAL SCIENCES
<http://www.sfu.ca/biology/punja>



8888 UNIVERSITY DRIVE
BURNABY, BRITISH COLUMBIA
CANADA V5A 1S6
Telephone: (778) 782-4471
Fax: (778) 782-3496
E-mail : punja@sfu.ca

July 16, 2014

Health Canada
Healthy Environments and Consumer Safety Branch
Address Locator: 0300B
Ottawa, ON K1A 0K9

Dear Sir/Madam,

I am pleased to provide my professional perspective on Agrima Botanicals' recently constructed, proposed medical marihuana growing facility, located in Maple Ridge, British Columbia. I have visited the facility on several occasions to provide advice on the conditions that may prevent or encourage the development of molds and bacteria on the plants and eventually on the harvested product.

As per my advice, air samples were collected through Burkhard spore samplers as well as on Petri dishes containing agar media conducive to the development of mold. These devices were placed strategically under incoming air ducts, by entrances to the facility, and in proposed growing and processing areas. In instances where mold was observed to be present, the area was thoroughly cleaned with appropriate disinfectants and standard operating procedures were implemented to ensure continued cleanliness. During a series of recent tests conducted on site, the mold levels have been reduced to almost undetectable within all areas of the facility.

The Agrima facility has been designed to reduce the risk of contamination in all areas where Cannabis is proposed to be handled, processed or stored. U.V. lamps were installed within the facility air intake ducts, in grow room air handlers, and in the storage vault. Separate drying rooms were constructed to minimize the risk of cross-contamination between batches. All areas where Cannabis is proposed to be present allow for monitoring of temperature and relative humidity conditions; this includes the storage vault, which is refrigerated to 4° Celsius to ensure product stability and minimize mold development.

The eagerness of Mr. Justin Martin, Production Manager of the facility, and his team to comply with Health Canada regulations to ensure product can be produced that meets the highest standards of quality for Canadian consumers is unparalleled. On their team, Agrima Botanicals has a full-time Quality Assurance person who is conducting regular testing for mold levels. This individual, Mrs. Gina Rodriguez, is a former

student from Simon Fraser University, having obtained an MSc degree from my laboratory. Working together with Mr. Martin's team, quality assurance has become a stringently maintained principle for operation and the facility remains unrivalled with regard to reaching the highest levels of sanitation.

Once the application submitted by Agrima Botanicals for a commercial license to produce medical marihuana under the MMPR is approved by Health Canada, my research laboratory at Simon Fraser University is poised to undertake a research project on tissue culture propagation and DNA fingerprinting of genetic strains. The purpose of this project is to continue to ensure that the highest quality of planting material that is free of mold and viruses is used commercially, and that the planting material stays true to type (i.e. there is no genetic deviation caused by repeated vegetative propagation of planting stock which can potentially affect the quality of product). This project will provide benefits to the university in terms of training of personnel that can assume positions within the industry, as well as provide a method for large-scale propagation of planting stock.

I urge due consideration of the application submitted by Agrima Botanicals following their considerable efforts to meet the stringent Health Canada requirements for growing medical marihuana under the MMPR. I must admit it is one of the most impressive facilities that I have ever had the opportunity to review. It surpasses the intensive greenhouse operations used for growing high-quality greenhouse vegetables for Canadian consumers that I am accustomed to visiting. I remain assured that this is a first class operation that deserves the highest consideration from Health Canada – it reflects the end-point of a dedicated team of qualified individuals who are eager to establish a presence in the marketplace.

Sincerely,

A handwritten signature in blue ink that reads "Zamir K. Punja". The signature is written in a cursive, flowing style.

Zamir K. Punja, PhD
Professor
Plant Pathology/Biotechnology



July 14, 2014

To Whom It May Concern:

In December 2013, I had the opportunity to host members of the Agrima Botanicals team at the Tweed facility. We have been in contact numerous times since then, and have developed a strong professional relationship with them.

To reciprocate our hospitality, Agrima hosted myself and other members of our Management team to tour their facility in Maple Ridge several months ago to collaborate on technologies and techniques. As the Master Grower for Tweed, it was great to be able to share ideas and insights with their team. Given my experience in the industry, I would consider their production techniques to meet the highest standards set forth by Health Canada, and on par with other leading licensed producers of marijuana. Their attention to detail throughout the design and construction of their facility was readily apparent.

After speaking with their team several times, over the last 8 months, I have always been impressed with their competence and professionalism and am confident that they will be able to operate effectively in the industry and produce medicine that exceeds Health Canada's requirements.

I look forward to continuing to build our relationship with Agrima, as I feel they will be a strong partner in this emerging industry, and help contribute to the ongoing success of the MMPR as a whole.

Please feel free to contact me, should you have any questions or concerns.

Sincerely,


Ryan Douglas

July 14, 2014

To Whom It May Concern:

Elgin Centre
#30-3033 King George Boulevard
Surrey, British Columbia
V4P 1B8
(604) 542-5330
Fax: (604) 542-5335

I have had the pleasure of working with the Agrima Botanicals' team for several years and have had a thoroughly positive experience. We worked together in the design and installation of the security equipment and features of their proposed site, in Maple Ridge, and are currently providing the security monitoring for their site.

Our company, Sonitrol, provides a verified response which allows our monitoring staff to watch and listen to the facility real-time to assess the situation and respond accordingly - either by calling the responsible people in charge, or by dispatching the police, or both.

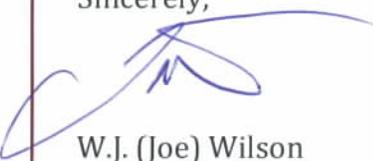
The exterior Sonavision system was designed in such a way as to provide complete building perimeter coverage. Unlike conventional CCTV, that simply records an event, Sonavision detects persons as they approach the facility. Our monitoring staff will be watching them before they can even attempt entry and dispatch Police.

The interior of the facility is protected with Sonitrol Active Audio which when tripped allows our monitoring staff to listen into the facility. We have also strategically installed a number of panic buttons throughout the facility; in the event of an unauthorized access, or hold up, personnel at the site can push a panic button and our monitoring staff will be watching and listening to the facility. This verified intelligence will immediately be passed through to responding Police so that they are able to respond promptly with proper resources and force.

In my Professional Security Consultant opinion, I am confident that the Layered/Verified security systems in place at Agrima, that receives a priority 1 Police response, will provide industry-leading security at their site, mitigating any chance of intrusion or diversion. Further, I am also confident that the Agrima team will be able to effectively operate under the MMPR and fully comply with all aspects of Division 3 of the Regulations, similar to any highly secured business in other industries.

Should you have any questions or concerns, please do not hesitate to contact me at the contact noted above.

Sincerely,



W.J. (Joe) Wilson
President & CEO

If it's not VERIFIED, it's simply guessing!

Audio Intrusion Detection | Access Control | Video Surveillance | Fire Detection

Growing Strategies Inc.
4720 Tamarack Place
Sechelt BC V0N 3A2

July 15 2014

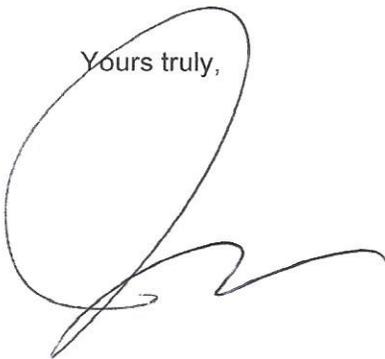
RE: Agrima Botanicals MMPR License

Application To whom it may concern,

I have been involved and working with Agrima Botanicals for over eight months in developmental project management for both process and product development. As a seasoned microbiologist and compliance manager within the food, natural product, pharmacy, and botanical industry, Agrima Botanical's new facility, professional employees, and continual drive to improve product and service would be a great asset within the MMPR federal program.

Having reviewed their business model, product compliance to international pharmacopeia standards, and financials, I would recommend expediting their MMPR license inspection. They are well positioned financially, socially responsible, with competent employees and compliant high quality product.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small flourish at the end.

Jarrett Malnarick B.Sc,
Growing Strategies Inc.



11909 224th St.
Maple Ridge, B.C.
V2X 6B2

July 10, 2014

To whom it may concern:

**Re: Agrima Botanicals Corp.
Accounts: 03
030**

This letter is to confirm that the above accounts are held at CIBC in good standing. The accounts have been opened for since May 2013 and there have not been any issues or concerns during this time. Both accounts have positive cash balances and have never had a cheque or payment returned. If you need anything further please feel free to contact me at the number below. Thank you very much

Sincerely,

Lesli Coard
Senior Financial Services Rep, Small Business
Ph: 604-466-2500 ext 231
Fax: 604-463-1423
Email: lesli.coard@cibc.com



Lesli Coard
Senior Financial Services
Representative

*CIBC provides banking services;
CIBC Securities Inc. provides
investment services.*

CIBC Securities Inc.
11909 - 224th Street
Maple Ridge BC V2X 6B2
Tel: 604 466-2500 ext. 231
Fax: 604 463-1423

EXHIBIT B

SUBMITTED BY: Jaime Estrada
DATE: November 23, 2015
RE: Similar Use #2015-01
West Fork Holdings-2880 “J” Street
Manufacturing & Processing of Cannabis &
Cannabinoids

1. The developer must confirm the site has a backflow device on the water line;
2. A sewer monitoring manhole is required on all Industrial properties;
3. The developer must confirm there is an oil and water separator, and if not, one should be installed;
4. The main driveway that lines up with 2nd Street needs some attention in order to meet the clear vision requirements of the S.E. corner;
5. Must obtain permits from Marion County;
6. The developer is responsible for all costs associated with the improvements; and
7. Must provide an easement for the existing fire hydrants.

pc: Bill Peterson, AKS Engineering & Forestry wip@wip2010.com
Michael Poissant, AKS Engineering & Forestry michaelp@aks-eng.com
Melinda Olinger, Public Works molinger@cityofhubbard.org
Jaime Estrada, Public Works jestrada@cityofhubbard.org
Vickie Nogle, City Recorder vnogle@cityofhubbard.org
Joey Shearer, COG JShearer@mwvcog.org
Lance Lighty, Fire Chief l.lighty@hubbardfire.com

EXHIBIT C

November 23, 2015

Vickie Nogle, City Recorder/Planning Secretary
City of Hubbard
P.O. Box 380
Hubbard, OR 97032

**RE: Similar Use #2015-01 – West Fork Holdings, 2880 'J' Street
Manufacturing & Processing of Cannabis & Cannabinoids**

Sent by Email Attachment

Dear Vickie:

We have reviewed the Similar Use Application and Public Works comments dated November 23, 2015. We have the following additional comments:

1. Provide minimum 15-ft wide easement for all onsite fire hydrant(s) and waterlines serving them;
2. Provide a site distance analysis and ensure all driveways meet clear vision requirements;
3. Provide the anticipated water usage / fixture count;
4. Provide an existing conditions plan that clearly illustrates how the existing storm drainage system functions;
5. Provide evidence of DEQ registration for any onsite drywells;
6. Provide documentation of adequate site illumination;
7. Provide the anticipated Standard Operating Procedures for onsite waste water disposal;
8. We recommend the applicant obtain confirmation from PGE that the existing power system is adequate to serve the proposed use.

Please contact me if you have any question regarding this review.

Sincerely,

AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC



William I. Peterson, P.E.
City Engineer

cc: Jaime Estrada, Public Works Superintendent, by email attachment

EXHIBIT D

ORDINANCE NO. 345-2015

AN ORDINANCE OF THE CITY HUBBARD, OREGON TEMPORARILY PROHIBITING THE ESTABLISHMENT OF MARIJUANA FACILITIES WITHIN THE CITY AND DECLARING AN EMERGENCY.

Findings

- A. House Bill 3460 (2013) requires medical marijuana dispensaries to register with the Oregon Health Authority and establishes rules for the State of Oregon's regulation of medical marijuana dispensaries.
- B. Senate Bill 1531 (2014) placed additional restrictions on medical marijuana dispensaries and expressly permitted cities to impose a temporary moratorium on the operation of registered medical marijuana facilities within city limits.
- C. Ballot Measure 91, which Oregon voters approved in November 2014, permits the manufacturing, distribution, sale, possession and use of recreational marijuana in Oregon.
- D. House Bill 3400 (2015) expressly permits local jurisdictions to prohibit the establishment of marijuana facilities within their jurisdictional limits and the City of Hubbard desires to impose such limits pursuant to this authority.
- E. House Bill 3400 (2015) expressly permits local jurisdictions to adopt reasonable zoning and other regulations on all marijuana facilities, including medical marijuana grow sites.
- F. The city believes House Bill 3400 is not the only source of authority for the city to prohibit the establishment of marijuana facilities.
- G. The city desires to temporarily prohibit marijuana facilities while the city considers and adopts proper zoning and other regulations for marijuana facilities.
- H. The city finds the public health, safety and general welfare of the city, its residents and its visitors necessitates and requires the adoption of this ordinance prohibiting the establishment and operation of marijuana facilities within city limits and for it to take effect immediately upon its adoption.

Based on these findings, the City of Hubbard ordains as follows:

Section 1. The City of Hubbard, Oregon here adopts a temporary prohibition on marijuana facilities as follows:

Prohibition on Marijuana Facilities.

- A. Prohibition. No person, business or entity may establish a marijuana facility within city limits. The establishment, maintenance, or operation of a marijuana facility by a person, business or any other entity within the city in violation of this chapter is declared to be a public nuisance.

B. Definitions. For the purposes of this chapter and in accordance with HB 3400, a “marijuana facility” includes:

1. Marijuana processing sites registered with the Oregon Health Authority;
2. Medical marijuana dispensaries registered with the Oregon Health Authority;
3. Marijuana producers licensed by the Oregon Liquor Control Commission;
4. Marijuana processors licensed by the Oregon Liquor Control Commission;
5. Marijuana wholesalers licensed by the Oregon Liquor Control Commission; and
6. Marijuana retailers licensed by the Oregon Liquor Control Commission.

C. Violations and Enforcement.

1. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter is declared to be a nuisance and will be subject to any and all enforcement remedies available to the city under law and/or the City of Hubbard Municipal Code including but not limited to enforcement pursuant to Chapter 1.20 of the City of Hubbard Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction. This prohibition shall not apply to a business operating legally within the City at the time this Ordinance is enacted.
2. The city may abate a nuisance under Chapter 8.15 of the City of Hubbard Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.
3. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its Municipal Court for the enforcement of this Chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party.

Section 2. In accordance with HB 3400, staff is directed to provide a copy of this ordinance to the Oregon Health Authority and to the Oregon Liquor Control Commission in a form and manner that those entities may require.

Section 3. This ordinance being necessary for the immediate preservation of public peace, health, and safety is effective immediately and will expire on August 1, 2016, or when the city adopts zoning and other regulations for marijuana facilities, whichever comes first.

WHEREUPON, the Mayor declared the motion to be carried and the ordinance adopted. The foregoing ordinance was passed by the Hubbard City Council this 10th day of November

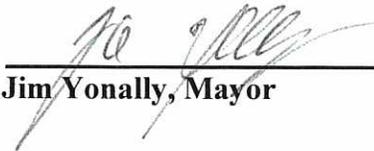
AYES:

NAYES:

ABSENT:

4

CITY OF CITY OF HUBBARD, OREGON

By: 
Jim Yonally, Mayor

ATTEST:

By: 
Vickie L. Nogle, MMC
Director of Administration/City Recorder

APPROVED BY CITY ATTORNEY:


Beery Elsner and Hammond LLP

**STRIKE AND UNDERLINE AMENDMENTS TO THE
HUBBARD DEVELOPMENT CODE
12/15/2015 PLANNING COMMISSION WORK SESSION**

PROPOSED AMENDMENTS

The following shows language to be added in underline and language to be deleted with ~~strikeout~~.

1.200 DEFINITIONS

Marijuana Grow: Location for planting, cultivating, growing, or harvesting marijuana as registered by OHA or licensed by the OLCC.

Marijuana Processing: Location for processing, compounding, or converting marijuana into products, concentrates, or extracts as registered by OHA or licensed by the OLCC.

Marijuana Wholesaler: Location for resale of marijuana items to a person other than a consumer as licensed by the OLCC.

Marijuana Retail: Location for sale of marijuana items to a consumer as licensed by OLCC. Also, location of a medical marijuana dispensary registered by OHA.

2.106 COMMERCIAL DISTRICT (C)

2.106.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C District:

L. Marijuana retail, subject to Section 2.306.

2.107 INDUSTRIAL DISTRICT (I)

2.107.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial District:

F. Marijuana grow, marijuana processing, marijuana wholesaler, subject to Section 2.306.

2.108 INDUSTRIAL-COMMERCIAL DISTRICT (IC)

2.108.01 Purpose

The purpose of the IC (Industrial-Commercial) District is to provide areas suitable for light industrial uses, light industrial uses with related commercial sales, commercial retail uses and wholesale commercial sales. The IC District is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to a collector street, arterial street or highway, and permitted uses will not adversely impact local streets or residential districts.

2.108.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial-Commercial District:

- A. all uses permitted in the Industrial (I) District;
- B. building material, hardware and garden supply sales;
- C. retail sales accessory to a permitted industrial use;
- D. other retail uses which are permitted in the Commercial District; and
- E. wholesale commercial sales.

2.300 SUPPLEMENTAL DEVELOPMENT STANDARDS FOR SPECIAL USES

2.301 GENERAL PROVISIONS

2.301.01 Applicability of Special Use Standards

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.306 MARIJUANA-RELATED USES

2.306.02 Standards

- A. Application for a Medical Marijuana Facility (MMF) shall be made by a person responsible for a medical marijuana facility (PRF) as defined in OAR 333-008-1010, and include evidence that the MMF is registered with the Oregon Health Authority pursuant to ORS 475.314.

B. Conflicting Uses. No marijuana retail use shall be permitted within 1,000 feet of real property comprising any of the following uses:

1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
2. Private or parochial elementary or secondary school, teaching children as described ORS 339.030
3. Public parks
4. Other marijuana retail

The 1,000 feet shall be measured by a straight line extending in every direction from any point on the boundary line of the real property comprising the uses listed above.

C. If a conflicting use described in (B), above is established within 1,000 feet of an approved marijuana-related use, the marijuana-related use may remain at that location.

D. Marijuana retail shall not operate except between the hours of 10:00am and 5:00pm.

E. Marijuana-related uses shall be located in a permanent building and shall not include drive-through facilities. Outdoor storage of marijuana or marijuana-derived products is prohibited.

F. Marijuana-related uses shall be registered in good standing with the Oregon Health Authority (OHA) or licensed in good standing with the Oregon Liquor Control Commission (OLCC).

G. A resident grower cultivating marijuana for personal consumption is exempt from the provisions of this section.

Legend

-  Urban Growth Boundary
-  City Limits
-  Outside City Limits/UGB
-  Low Density Residential (R1)
-  Medium Density Residential (R2)
-  High Density Residential (R3)
-  Manufactured Home District
-  Commercial
-  Industrial
-  Industrial Commercial
-  Highway 99E Overlay Zone
-  Residential Commercial
-  Commercial General
-  Public Use
-  Parks/Open Space
-  Urban Transition Farm
-  Urban Transition
-  1000' Park Buffer

CITY OF HUBBARD - 1000' Park Buffer - Population 3220

CREATED BY: M. OLINGER
Hubbard Public Works
Last Revised: October 2015



* PLEASE NOTE: Zoning designations outside the City Limits are maintained by Marion County and are provided as a courtesy only.

* PLEASE NOTE: 4253 & 4215 3rd Street are currently part of Barendse Park.

* PLEASE NOTE: 3522-3572 Hoodview Dr. on-site addresses are backwards.

* PLEASE NOTE: New/Revised addresses are shown in red font.

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