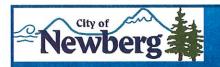


TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: CUP 21 - 0006

TYPES – PLEASE CHECK ONE: Annexation Comprehensive Plan Amendment (site specific) Zoning Amendment (site specific) Historic Landmark Modification/alteration	Conditional Use Permit Type III Major Modification Planned Unit Development Other: (Explain)
APPLICANT INFORMATION:	
APPLICANT: Ralston & Ralston LLC	
ADDRESS: 1015 N. Springbrook Road, Newbe	rg OR 97132
aata.tla@aa.tlaa	
	FAX:
	PHONE:
ADDRESS:	
ENGINEER/SURVEYOR:	PHONE:
ADDRESS:	
GENERAL INFORMATION:	
PROJECT NAME: WOG - Newberg Processor PROJECT DESCRIPTION/USE: Conditional Use - OL MAP/TAX LOT NO. (i.e.3200AB-400): R3216CB 0900 COMP PLAN DESIGNATION: CURRENT USE: Vacant Former Bank Building	PROJECT LOCATION: 1015 N Springbrook Rd CC Marijuana Processor License ZONE: SITE SIZE: SQ. FT. □ ACRE □ TOPOGRAPHY:
SURROUNDING USES:	
NORTH:	SOUTH:
EAST:	WEST:
SPECIFIC PROJECT CRITERIA AND REQUIREMENT	S ARE ATTACHED
General Checklist: Fees Public Notice Information Curren	nt Title Report Written Criteria Response Dwner Signature
For detailed checklists, applicable criteria for the written crite	ria response, and number of copies per application type, turn to:
Comprehensive Plan / Zoning Map Amendme Conditional Use Permit Historic Landmark Modification/Alteration	
The above statements and information herein contained are in all I plans must substantially conform to all standards, regulations, and application or submit letters of consent. Incomplete or missing info	respects true, complete, and correct to the best of my knowledge and belief. Tentative procedures officially adopted by the City of Newberg. All owners must sign the mation may delay the approval process.
Shuzakotu 8/14/2021	Shu Palitu 3/14/2021
Applicant Signature Date	Owner Signature Date
SHERI RAISTON	Sheri Ralston, for Ralston & Ralston LLC
Print Name	Print Name



Cash Register Receipt City of Newberg

Receipt Number R10056

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$2,035.95
CUP21-0006 Address: 1015 N SPRINGBROO	OK RD APN: R3216CB 0	0900	\$2,035.95
TECHNOLOGY FEE			\$96.95
TECHNOLOGY FEE	01-0000-341006	0	\$96.95
TYPE III			\$1,939.00
CONDITIONAL USE PERMIT	01-0000-341003	0	\$1,939.00
TOTAL FEES PAID BY RECEIPT: R10056			\$2,035.95

Date Paid: Monday, August 16, 2021 Paid By: RALSTON & RALSTON LLC

Cashier: BMGN

Pay Method: OTC CARD 199-05



DATE: August 16, 2021

TO: Doug Rux, Community Development Director

414 É. First Street Newberg, OR 97132

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

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

Mr. Rux,

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

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

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

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

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

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

Kindest regards,

Anthony Stuart



Written Criteria Response

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

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

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

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

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

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

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

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



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

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

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

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



Community Development Department

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

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

A property owner in your neighborhood submitted an application to the City of Newberg for approval of a conditional use to operate a licensed OLCC adult-use marijuana processing facility. The Newberg City Council will hold a hearing on *Date of Hearing* at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the City Council. For more details about giving comments, please see the back of this sheet.

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

APPLICANT:

Ralston & Ralston LLC

TELEPHONE:

All inquiries to A.W. Stuart Law LLC 503-852-1427

PROPERTY OWNER:

Chris Ralston and Sheri Ralston

LOCATION:

1015 N. Springbrook Road, Newberg, OR 97132

TAX LOT NUMBER:

R3216CB-00900

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

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

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

Written Comments: File No.XX

City of Newberg Community Development Department

PO Box 970

Newberg, OR 97132

The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

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

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

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

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

Date Mailed: Date notice is mailed

LAND USE NOTICE

FILE # **********

PROPOSAL:

Conditional Use Application - OLCC Marijuana Processor

FOR FURTHER INFORMATION CONTACT:

City of Newberg

Community Development Department

414 E First Street

Phone: 503-537-1240

*Final Notice to be 2'x3'

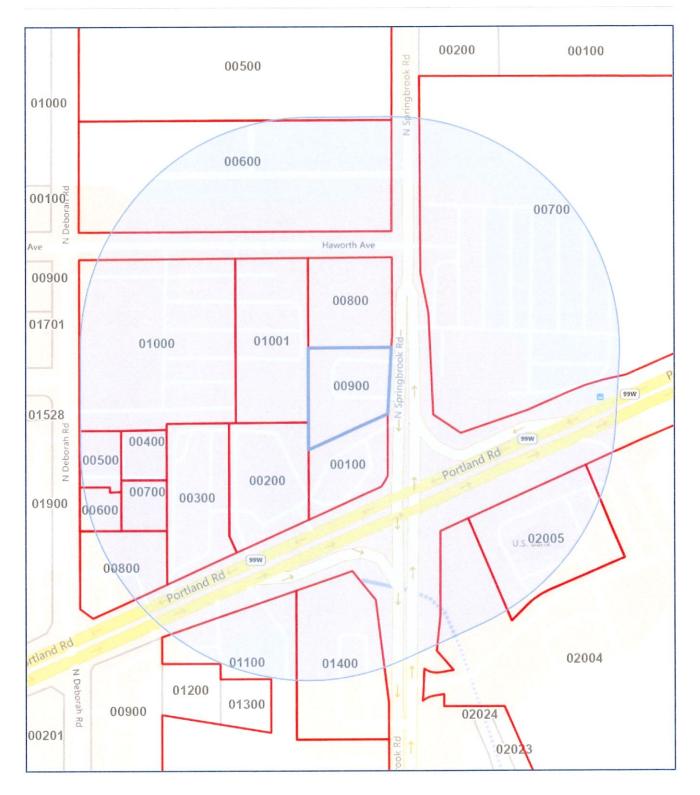
TAXID	Owner Name	Mailing Address	Mail City	Mail State	Mail Zip	Site Address	Site City	Site State	Site Zip
R3216CB 00600	R3216CB 00600 Azalea Gardens Mobile Manor Llc	Po Box 17	Guerneville	CA	95446	1103 N Springbrook Rd UNIT 39	Newberg	OR	97132
R3216CC 00800 Joseph Brugato	Joseph Brugato	10764 W Beaubien Dr	Sun City	AZ	85373	2911 E Portland Rd	Newberg	OR	97132
R3216CC 00200 Michael Raddie	Michael Raddie	300 Montgomery St STE 1050	San Francisco	CA	94104	3101 E Portland Rd	Newberg	OR	97132
R3216CB 00500	R3216CB 00500 Azalea Gardens Mobile Manor Llc	Po Box 17	Guerneville	CA	95446	1103 N Springbrook Rd UNIT 45	Newberg	OR	97132
R3216CC 00500	R3216CC 00500 Fry Family Limited Partnership	908 N Deborah Rd	Newberg	OR	97132	908 N Deborah Rd	Newberg	OR	97132
R3216CB01000	R3216CB 01000 Bi-Mart Corporation	Po Box 2310	Eugene	OR	97402	2900 E Haworth Ave	Newberg	OR	97132
R3216CC00700	R3216CC 00700 Springbrook Dental Llc	906 N Deborah Rd	Newberg	OR	97132	904 N Deborah Rd	Newberg	OR	97132
R3216CC 00100 Delsol D Llc	Delsol D Llc	3950 Via Dolce APT 519	Marina Del Rey	CA	90292	3105 E Portland Rd	Newberg	OR	97132
R3216CB 00900	R3216CB 00900 Ralston & Ralston Llc	21029 SW Lebeau Rd	Sherwood	OR	97140	1015 N Springbrook Rd	Newberg	OR	97132
R3216CB01001	R3216CB 01001 Newberg Professional Building Llc	3275 Dogwood Dr S	Salem	OR	97302	2950 E Haworth Ave	Newberg	OR	97132
R3216CC 00400	R3216CC 00400 Springbrook Dental Llc	906 N Deborah Rd	Newberg	OR	97132	906 N Deborah Rd	Newberg	OR	97132
R3216CC 01100	R3216CC 01100 Francis Enterprises Inc	2950 N Crater Ln	Newberg	OR	97132	E Portland Rd	Newberg	OR	97132
R3216CC 01400	R3216CC 01400 Crossroads Plaza Llc	Po Box 8880	Ketchum	ID	83340	705 N Springbrook Rd	Newberg	OR	97132
R3216CC 00300	R3216CC 00300 Mcdonalds Corporation	8255 SW Hunziker Rd STE 101	Portland	OR	97223	3005 E Portland Rd	Newberg	OR	97132
R3216CB 00800	R3216CB 00800 Patrick & Elaine Maveety	4604 Coopers Hawk Rd	Klamath Falls	OR	97601	No Site Address	Newberg	OR	97132
R3216CC 00600	R3216CC 00600 Barnard Mark & Karen Barnard Mark Trust	27505 NE Bell Rd	Newberg	OR	97132	902 N Deborah Rd	Newberg	OR	97132
R3216CB 00700	R3216CB 00700 Springbrook Plaza Llc	19300 Merridy St	Northridge	CA	91324	1100 N Springbrook Rd	Newberg	OR	97132
R3216 02004	Fred Meyer Stores Inc	1014 Vine St	Cincinnati	НО	45202	3300 E Portland Rd STE 400	Newberg	OR	97132
R3216 02005	United States National Bank Of Oregon	2800 E Lake St # LAKE00	Minneapolis	MN	55406	3220 E Portland Rd	Newberg	OR	97132



500 ft Buffer

1015 N Springbrook Rd, Newberg, OR 97132

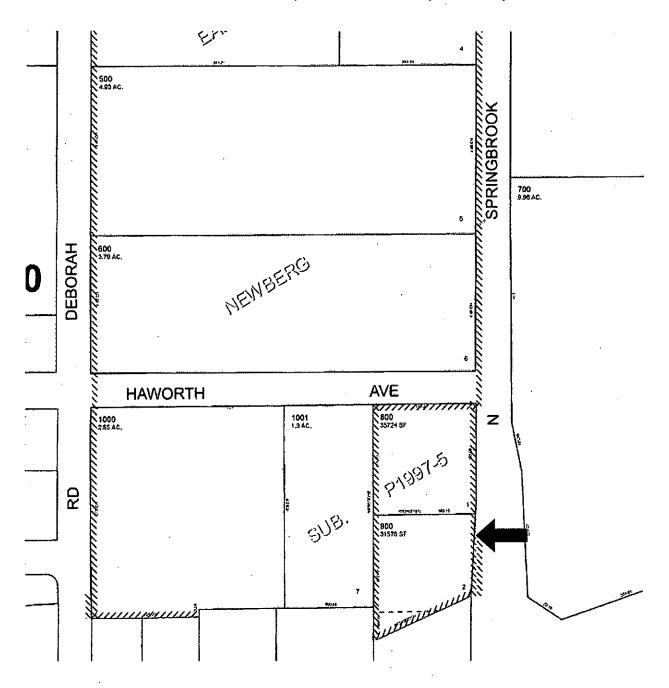
Report Generated: 8/6/2021







This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey.



Order No.: 1039-3799904

August 13, 2021



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

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: Larry Ball (503)376-7363 |ball@firstam.com

LOT BOOK SERVICE

Anthony Stuart 11450 NE Kuehne Road Carlton, OR 97111

Attn:

Phone No.: (503)852-1427 - Fax No.: Email: awstuartlaw@gmail.com

Re:

Fee: \$500.00

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

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

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

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

We find that the last deed of record runs to

Ralston & Ralston LLC, an Oregon limited liability company

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

- 1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 2. Easement as shown on the recorded plat/partition

For:

15 foot Public Storm Sewer Partition 97-05

Guarantee No.: **1039-3799904** Page 2 of 3

3. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded March 19, 2001, Instrument No. 200103862, Deed and Mortgage Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

4. Deed of Trust and Assignment of Rents.

Grantor/Trustor:

Ralston & Ralston LLC, a Oregon limited liability company

Grantee/Beneficiary:

Oregon 42, L.L.C.

Trustee:

Eric J. TenBrook of Black Helterline LLP

Amount: Recorded: \$700,000.00 August 23, 2019

Recording Information:

Instrument No. 201911825, Deed and Mortgage Records

5. Any conveyance or encumbrance by Ralston & Ralston LLC should be executed pursuant to their Operating Agreement, a copy of which should be submitted to this office for inspection.

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

NONE

We find the following unpaid taxes and city liens:

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

2. Taxes for the year 2020-2021

Tax Amount

792.80

Unpaid Balance:

\$ 10.69, plus interest and penalties, if any.

Code No.: Map & Tax Lot No.: 29.0 P27316

\$

Property ID No.:

709363

(Affects personal property)

3. City liens, if any, of the City of Newberg.

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

Tax Amount:

\$7,734.91

Map No.:

R3216CB 00900

Property ID:

507547

Tax Code No.:

29.0

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



Illegal Restrictive Covenants

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

Newberg CUP Project Statement

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

Edibles

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

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

Concentrates

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

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

Extracts

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

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

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

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

Topicals

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

Industrial Hemp

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

General

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

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

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

Site Development Plan

Existing Site Features



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

Drainage & Grading, Utilities



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

Public Improvements

There will be no public improvements.

Access, Parking, and Circulation



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

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

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

Site Features

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



Exterior Lighting Plan



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

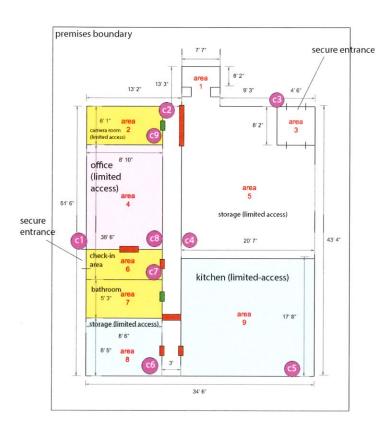
Landscape Plan

There will be no modifications to existing landscaping.

ADA Plan Compliance

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

Architectural Drawings



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

Areas 1, 3, 5 are currently open space.

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

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

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

Signs and Graphics

There will be no signs and graphics.

Other

None.