



City of Ontario
Community Development Director
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Exhibit 1

Procedure for Submission for a Conditional Use Permit Application by a Marijuana Retailer Date: November 9, 2018

The City Council of the City of Ontario has approved Ordinance 2747-2018, effective as of January 1, 2019, which establishes zoning regulations in the event that the voters overturned the City's 2015 ban on marijuana businesses as a result of the November 6, 2018, election. Ordinance 2747-2018 set a buffer distance of 1,000 feet between marijuana retailers, both medical and recreational, and established that any conditional use permit application required by the Ordinance would be processed with a date and time stamp to establish setting of the 1,000 foot separation.

On October 30, 2018, potential marijuana retail applicants began lining up in front of the City Community Development Department office hoping to establish the order of acceptance of an application as set by Ordinance 2747-2018. To preserve order and safety of the citizens of Ontario, the Community Development Director marked areas numbered to regulate the order of the persons standing in line based on when they showed up.

On November 6, 2018, the voters overturned the City's ban on marijuana retail sales. On November 8, 2018, the Ontario City Council by Resolution No. 2018-140 approved the procedure set forth in this letter to review and process conditional use applications for marijuana retailers, as a supplement to, and not as an amendment of, Ordinance 2747-2018. In the event of any conflict between the procedure in this letter and Ordinance 2747-2018, the Ordinance shall control. The procedure is as follows:

1. The procedure set forth herein creates a priority position for the processing of applications from applicants who desire to follow this procedure. For those applicants, the application process for conditional use permits for marijuana retailers will consist of two separate applications, consisting of a preliminary application and a final conditional use permit application.
 - a. The preliminary application shall 1) establish the location of an applicant's proposed marijuana retail site for the purpose of setting the required 1,000 foot buffer; 2) provide proof of the applicant's legal control of the site; and 3) include a sworn statement by the applicant that to the best of the applicant's knowledge the applicant is not disqualified from receiving an OLCC marijuana retailer's license for that site. If the preliminary applicant is not the owner of the site, written proof of authority to act on behalf of the owner must be provided. If the owner is not a person but is a corporation or limited liability company of which the applicant is an officer or member, proof of the applicant's authority to act on behalf of the corporation or limited liability company must be provided. The City will not accept multiple preliminary applications for the same site, nor will the City accept preliminary applications in which the same owner purports to give different applicants the authority to act on the owner's behalf for the same site.
 - b. Prior to December 26, 2018 at 5 p.m., preliminary applications will be processed based on the order in which persons are standing in line outside of the Planning Department office. The Planning Department will assign each person in line a number, and will

process preliminary applications based on that same order. Once a person has received a number, that person will not be required to remain in line.

- c. Any person who is in line on November 9, 2018 before 5 p.m. shall have until 5 p.m. on November 13, 2018, to submit the preliminary application information required above in order to maintain their priority position. The Community Development Director or his designee will give each person in line a copy of this letter, along with a processing number.
 - d. Any person who lines up after 5 p.m. on the date of this letter will be assigned the next number available and will be told that the person no longer has to remain in line to preserve that person's priority. Those persons will be given a copy of this letter when they receive a processing number and will have until 5 p.m. on the next business day to submit the required preliminary application information in order to preserve their processing number.
 - e. At 5 p.m. on December 26, 2018, the Community Development Department will stop assigning processing numbers to persons waiting in line. The Community Development Department will not accept preliminary applications from any persons standing in line after December 26, 2018, at 5 p.m. who have not received a processing number. Those persons instead must submit final conditional use applications, which will not be accepted for processing until January 2, 2019. Those final applications will be processed without receiving any processing priority other than based on the application's date and time stamp.
 - f. As preliminary applications are processed by the Community Development Department and the City determines where each site is located in relation to the 1,000 foot buffer for earlier site applications, the Community Development Department may suspend processing preliminary applications for sites that are inside a buffer preliminarily established by an earlier application. If the City rejects an earlier application, causing that application's buffer to be eliminated, the City will resume processing applications for sites that were previously inside that buffer based on the application's priority.
 - g. One applicant may submit multiple preliminary applications as long as each one is for a different site. The same proof set forth above must be provided for each application. The applicant shall inform the Community Development Director of the order in which the applicant wants each application processed, recognizing that the first application processed will set a buffer that may cause the suspension of processing of other applications submitted by the same applicant.
 - h. Preliminary applicants who control more than one site DO NOT have to submit all their sites at one time, but preliminary applications submitted later will not receive the same priority assigned to the applicant for the first preliminary application submitted. Any applicant wishing to submit later applications for other sites must stand in line to obtain a new processing priority for those applications.
2. For preliminary applications that have passed the City's initial review (i.e. applications that have not be rejected or suspended), those applicants who wish to maintain their priority position established herein shall return to line in front of the Community Development Department Building to deliver the final conditional use applications by no later than 9 a.m. on January 2, 2019, on forms supplied by the City, containing all the information required by Ordinance 2747-2018 and the City's Zoning Title to obtain a conditional use permit, along with the required fees. On January 2, 2019, the City will begin processing those final applications in the order of the applicant's priority position established herein, and they will be date and time stamped accordingly.
 3. Any final application identifying a site that is within the buffer of an earlier application will be

date and time stamped by the City when processed, but the City will refund the fees paid with the application if the application is denied because it is within the site buffer of another final application that the City ultimately approves and grants a conditional use permit for.

4. If an applicant submits a final application identifying a different person or entity than was identified in the preliminary application by the applicant for a site, that application will lose any processing priority established for the applicant submitting the preliminary application. The processing priority established in this letter is intended to benefit only those applicants whose preliminary applications contain the same ownership and site control information as the final conditional use permit application.
5. Applicants who submit preliminary applications for sites in the City's urban growth area shall not be entitled a site buffer that gives them a priority position over sites within the City limits unless those applicants' sites are annexed into the City prior to the City's receipt of any other final conditional use applications for sites inside the City limits within that buffer.
6. The procedure established herein is intended to create an orderly procedure for processing final conditional use applications submitted to the City for processing, by establishing a processing priority for persons in line before January 2, 2019. Any applicant who chooses to submit only a final conditional use permit application rather than a preliminary application will not be disqualified from receiving a conditional use permit. However, that application will not receive any priority processing date earlier than the date on which the application is processed by the Planning Department on or after January 2, 2019, which will be after the processing date and time of a final application submitted by an applicant with a processing priority.
7. Up until the time that the City gives final approval to a conditional use permit application, the Community Development Director retains the right to eliminate the processing priority set forth herein for any applicant who engages in illegal, dishonest or bad faith activities or tactics to obtain a processing priority ahead of those with earlier priority dates or times. The City will investigate and respond to any written complaints received against an applicant allegedly engaging in such activities or tactics. Any decision by the Community Development Director to eliminate a particular applicant's processing priority may be appealed to the City Council for a final decision by submitting a written appeal to the Community Development Director within seven days.

Dan K. Cummings, Community Development Director

Priority Number

I acknowledge receipt of this letter on the date and time set forth below:

Printed Name

Date: _____ Time: _____

Signature

