1 2 3 4 5 6	Steven G. Churchwell (SBN 110346) Douglas L. White (SBN 206705) Nubia I. Goldstein (SBN 272305) J. Scott Miller (SBN 256476) CHURCHWELL WHITE LLP 1414 K Street, 3rd Floor Sacramento, CA 95814 (916) 468-0950 Phone (916) 468-0951 Fax steve@churchwellwhite.com	Filing Fee Exempt (Gov. Code § 6103) E-FILED 5/13/2020 10:54 AM Superior Court of California County of Fresno By: Louana Peterson, Deputy						
7 8 9	Todd Noonan (SBN 172962) NOONAN LAW GROUP 980 9th Street, 16th Floor Sacramento, California 95814 (916) 449-9541 Phone Todd@noonanlawgroup.com							
11 12	Attorneys for Plaintiffs COUNTY OF SANTA CRUZ, et al							
13	SUPERIOR COURT OF THE STATE OF CALIFORNIA							
14	COUNTY OF FRESNO							
15 16 17 18 19	COUNTY OF SANTA CRUZ; CITY OF AGOURA HILLS; CITY OF ANGELS CAMP; CITY OF ARCADIA; CITY OF ATWATER; CITY OF BEVERLY HILLS; CITY OF CERES; CITY OF CLOVIS; CITY OF COVINA; CITY OF DIXON; CITY OF DOWNEY; CITY OF MCFARLAND; CITY OF NEWMAN; CITY OF OAKDALE; CITY OF PALMDALE; CITY OF PATTERSON; CITY OF RIVERBANK; CITY OF RIVERSIDE; CITY OF SAN PABLO; CITY	Case No.: 19CECG01224 REQUEST FOR JUDICIAL NOTICE, EXHIBITS VOLUME 5 (EXHIBITS 26-30) Complaint filed: April 4, 2019						
20	OF SONORA; CITY OF TEHACHAPI; CITY OF TEMECULA; CITY OF TRACY; CITY OF TURLOCK; and CITY OF VACAVILLE,	Trial Date: July 16, 2020 Assigned for all purposes to Judge Rosemary						
21								
22	Plaintiffs,	McGuire, Department 403.						
	Plaintiffs, v.	McGuire, Department 403.						
22	v. BUREAU OF CANNABIS CONTROL; LORI	McGuire, Department 403.						
22 23 24 25	v.	McGuire, Department 403.						
22 23 24 25 26	v. BUREAU OF CANNABIS CONTROL; LORI AJAX, in her official capacity as Chief of the Bureau of Cannabis Control; and DOES 1	McGuire, Department 403.						
22 23 24 25	v. BUREAU OF CANNABIS CONTROL; LORI AJAX, in her official capacity as Chief of the Bureau of Cannabis Control; and DOES 1 through 10, inclusive,	McGuire, Department 403.						

EXHIBIT 26

ORDINANCE NO. 7431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING VARIOUS CHAPTERS OF TITLE 19 OF THE RIVERSIDE MUNICIPAL CODE PROHIBITING ALL MARIJUANA USES AND ACTIVITIES.

WHEREAS, in September of 2015, the Governor signed into law the Medical Cannabis Regulations and Safety Act ("MCRSA") which established regulations of medical cannabis cultivation, manufacturing and transportation, as well as created local and State-level licensing systems in California; and

WHEREAS, MCRSA allows a city to prohibit, through land use regulation or ordinances, the cultivating, delivering, distributing, selling or processing of medical marijuana; and

WHEREAS, on November 8, 2016, the voters of the State of California ("State") enacted Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"); and

WHEREAS, subject to certain exceptions, AUMA generally establishes a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of recreational marijuana, including marijuana products, for use by adults twenty-one (21) years and older, and to tax the commercial growth and retail sale of marijuana; and

WHEREAS, AUMA also allows local governments to adopt and enforce local ordinances regulating marijuana related land uses, as well as the possession, planting, cultivation, harvesting, testing, drying, and processing of marijuana, including the complete prohibition of such activities; and

WHEREAS, on June 27, 2017, the Governor signed SB 94 into law, creating the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which effectively repealed MCRSA and incorporated certain provisions of MCRSA in the licensing provisions of AUMA, thus integrating the rules for both medicinal cannabis (MCRSA) and adult use of marijuana (AUMA); and

WHEREAS, under MAUCRSA, the City continues to be able to regulate marijuana related land uses, as well as the possession, planting, cultivation, harvesting, testing, drying, and processing of marijuana, including the complete prohibition of such activities; and

WHEREAS, significant concerns have been raised regarding the impacts that possessing, planting, cultivating, harvesting, drying, processing, distributing, transporting, storing, manufacturing, and selling of marijuana (hereinafter "marijuana activities") will have on the public health, safety, and welfare in the City, including the protection of environmental resources and neighborhood quality; and

WHEREAS, the cultivation of marijuana poses an environmental health risk to the public and creates a public nuisance, including without limitation: offensive and irritating odor, degradation of air quality, excessive noise, risk of criminal activity, improper and/or dangerous electrical alterations, and impairment of the general quality of life of property owners and occupants adjoining marijuana cultivation sites; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods within the City; and

WHEREAS, the City Council now desires to prohibit all marijuana uses and activities in the City as it relates to personal and medical.

The City Council of the City of Riverside does ordain as follows:

Section 1. Incorporation of Recitals.

The above recitals are hereby declared to be true and correct and represent the findings of the City Council, made in the exercise of its independent judgment and that based on the above recitals, there is an immediate threat to the public health, safety and welfare. The adoption of this ordinance is necessary for the immediate protection of the public health, safety and welfare. Said findings are hereby incorporated by reference and made a part of this ordinance.

Section 2. Section 19.147.025 of the Riverside Municipal Code is hereby amended to read as follows:

"19.147.025 Prohibited Uses.

Any use which is listed as prohibited in the adopted Downtown Specific Plan or prohibited by state and/or federal law is strictly prohibited. Commercial marijuana cultivation, manufacturing, distribution, or sale is also strictly prohibited."

Section 3. Section 19.150.020(A) of the Riverside Municipal Code is hereby amended as shown on Exhibit "A," attached hereto and incorporated by reference.

Section 19.220 of the Riverside Municipal Code is hereby amended to read as follows:

"19.220.020 Permitted Land Uses and Development Standards.

For those properties where the Specific Plan Overlay Zone is applied, all permitted use restrictions, development standards, and other applicable standards or regulations governing development as contained within the adopted specific plan shall apply. To the extent that the specific plan does not enumerate use restrictions, development standards, or other applicable regulations, the standards associated with the underlying base zone shall apply. In the event that provisions of the adopted specific plan conflict with or do not correspond with the provisions of the underlying base zone, the provisions as contained in the adopted specific plan shall apply and supersede the underlying base zone requirements, with the exception of marijuana-related uses which shall be exclusively regulated by the underlying zone and are specifically prohibited. Specific Plans shall be prepared and processed to Chapter 19.820 (Specific Plan/Specific Plan Amendments)."

<u>Section 5.</u> Chapter 19.342 of the Riverside Municipal Code is hereby repealed in its entirety and replaced with the following:

"Chapter 19.342

MARIJUANA USES AND ACTIVITIES

19.342.010	Purpose
19.342.020	Prohibition
19.342.030	Cultivation
19.342.040	Personal Use
19.342.050	Medical Use
19.342.060	Public Nuisance
19.342.070	Penalties
19.342.080	Severability

19.342.010 Purpose

The City Council finds that prohibitions on all commercial and non-commercial marijuana processing, delivery, cultivation, sale and distribution are necessary for the preservation and protection of the public health, safety and welfare for the City and its residents.

19.342.020 Prohibition

- A. All marijuana cultivation, processing, delivery, sales and dispensaries, or any similar use, shall be prohibited activities in all zones and all specific plan areas in the City. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, processing, delivery, sales, the establishment or operation of a marijuana dispensary or retail store, or any similar use, in the City, and no person shall otherwise establish or conduct such activities in the City.
- B. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license, except for testing laboratories, or other entitlement for any activity for which a State license is required under the Medicinal and Adult Use Cannabis Regulation and Safety Act.
- C. Except as set forth in section 19.342.040 below, cultivation of marijuana for medical purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City. No person, including a qualified patient or primary caregiver, shall cultivate any amount of marijuana in the City, even for medical purposes.

19.342.030 Cultivation

- A. <u>Outdoor</u>. No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zone or specific plan area of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- B. <u>Indoor</u>. No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, in excess of the limitations imposed by California Health and Safety Code section 11362.2. No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zone or specific plan area of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

19.342.040 Personal Use

Pursuant to California Health and Safety Code sections 11362.1 and 11362.2, an individual may cultivate marijuana for personal use only within a residential structure or other fully enclosed and locked accessory structure located entirely on residential property owned or legally possessed by him or her, pursuant to the following regulations:

- A. The cultivation of marijuana may take place only inside a lawfully existing and fully enclosed and secure private residence, or inside a lawfully existing and fully enclosed and secure accessory structure to a private residence that is located on the same parcel as the private residence. No cultivation shall occur outside of a fully enclosed structure.
- B. The primary use of the property shall be for a residence and cultivation is to be considered an incidental use.
- C. All areas used for cultivation of marijuana shall comply with all Buildings Codes and Regulations of the Riverside Municipal Code and the State of California, as well as all other applicable laws.
- D. Indoor grow lights are not allowed in any structure used for human habitation. Indoor grow lights in any other structure shall not exceed 1,000 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
- E. The use of gas products or volatile solvents, or dangerous poisons, toxins or carcinogens (including but not limited to CO₂, butane, propane, natural gas, xylene, styrene, gasoline, kerosene, O2 H2, methanol, iso-propyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloro-ethylene,) or generators for cultivation of marijuana is prohibited.
- F. Any structure used for the cultivation of marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This ventilation shall at a minimum consist of a system meeting the requirements of the current, adopted edition of the California Building Code section 1203.4 (Natural Ventilation) or section 402.3 (Mechanical Ventilation), or their equivalent(s).
- G. Any accessory structure used for the cultivation of marijuana shall be located in the rear yard area of the parcel or premises and must maintain a minimum setback equal to the greater of

(1) the setback imposed pursuant to the applicable zoning provisions of this Code, or (2) ten-feet from any property line. The yard where the structure is maintained must be enclosed by a solid fence at least six feet in height.

- H. Adequate mechanical locking or electronic security systems must be installed as part of the structure prior to the commencement of cultivation.
- I. Marijuana cultivation shall be limited to six (6) marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or in an accessory structure. The limit of six (6) plants per private residence shall apply regardless of how many individuals reside at the private residence.
- J. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. No room used for cooking of meals, sleeping or bathing shall be used for cultivation.
 - K. Cultivation of marijuana shall take place only on impervious surfaces.
 - L. There shall be no exterior evidence of marijuana cultivation occurring on the parcel.
 - M. No more than one room in any structure may be used for cultivation.
- N. The marijuana cultivation area shall not exceed thirty-two square feet and not exceed ten feet in height per residence. This limit applies regardless of the number of individuals residing in the residence.
- O. No room or area in a structure that is used for cultivation shall be accessible to persons under twenty-one (21) years of age.
- P. Written consent of the property owner to cultivate marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by agents of the City.
- Q. A portable fire extinguisher, that complies with the regulations and standards adopted by the State Fire Marshal and applicable law, shall be kept in any room used for cultivation of marijuana.
- R. No one other than a full-time resident of the residence shall be involved or take part in the cultivation and said full-time resident may not participate in cultivation in any other location within

the City.

- S. No chemical fertilizers, pesticides, or other chemical agents shall be used for marijuana cultivation.
- T. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts; and shall not be conducted in a manner that is hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
- U. For the protection of local groundwater resources and indoor air quality, and to avoid disposal of harmful substances into sewers or septic systems, no chemical shall be used for marijuana cultivation that contains any substance on the list prepared pursuant to California Health and Safety Code section 25249.8; provided, that any chemical specifically approved by the California Department of Pesticide Regulation for indoor use on marijuana may be used in amounts prescribed by the Department. No chemical used for marijuana cultivation shall be stored in a manner visible from neighboring residences or to individuals located outside the property line or in the public right-of-way.
- V. Cultivation shall be limited exclusively for the personal use of lawful residents of the property on which the cultivation is occurring.

19.342.050 Medical Use

The outdoor cultivation of medical marijuana, the establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zones and specific plan areas of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the cultivation of medical marijuana or the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zone or specific plan area of the City, and no person shall otherwise establish such businesses or operations in any zone or specific plan area of the City.

19.342.060 Public Nuisance

Any use or condition caused, or permitted to exist in violation of this Chapter, and each and every violation of the provisions of this Chapter shall be and are hereby declared to be deemed

unlawful and a public nuisance and may be summarily abated by the City.

19.342.070 Penalties

In addition to any other enforcement permitted by State law, a civil action for injunctive relief and civil penalties pursuant to Chapter 1.17 of this Code may be brought against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

19.342.080 **Severability**

If any provision of this ordinance or Chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance or Chapter which can be implemented without the invalid provision or application and to this end the provisions of this ordinance and Chapter are declared to be severable."

Section 6. Section 19.485.30, paragraph O of the Riverside Municipal Code is hereby amended to read as follows:

"Section 19.485.30 Permitted Home Occupations.

. . .

O. The cultivation, manufacturing, distribution, transport, or sale of marijuana or marijuana products is not a permitted home occupation."

[] .

Section 7. Section 19.910.020 "A" Definitions of the Riverside Municipal Code is amended in part as follows:

"Section 19.910.020 "A" Definitions.

` II . . .

Agricultural stand

In the RA-5 Zone, a stand for the sale of agricultural products produced or raised on the same premises, excluding marijuana and hemp.

Agricultural use

The use of land for the commercial or non-commercial purpose of planting, growing, raising, and harvesting of crops, livestock, or poultry; all of which shall be subject to any applicable state license, to a conditional use permit where required under this Code, and to the limitations and exclusions presented in this

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1 2		definition or as set forth for specific zones created under this Code. For the purpose of this definition, crops shall not include marijuana or hemp."
3		manjuana or nemp.
4		••••••••••••••••••••••••••••••••••••••
5		910.040 "C" Definitions of the Riverside Municipal Code is
	amended in part as follows:	
6	"Section 19.910.040 "C"	Definitions.
7	•••	
8	Cannabis	See Marijuana."
9	•••	
10	Section 9. Section 19.	910.090 "H" Definitions of the Riverside Municipal Code is
11	amended in part as follows:	
12	"Section 19.910.090 "H"	Definitions.
13		
14	Home occupation	Any use of a dwelling unit and related property for employment
15	nome occupation	or occupational purposes that is incidental to the residential use of the dwelling unit. The cultivation, manufacturing,
16		distribution, transport, or sale of marijuana or marijuana products is not a permitted home occupation."
17	•••	
18	Section 10. Section 19.9	10.140 "M" Definitions is hereby amended to read as follows:
19	"Section 19.910.090 "M"	Definitions.
20	•••	
21	Marijuana	The term "marijuana" shall mean all items included in the
22		California Health and Safety Code sections 11018 and 11018.1.
23	•••	
24	Marijuana Cultivation	Marijuana Cultivation inside a lawfully existing and fully enclosed and secure private residence, or inside a lawfully
25	Personal	existing and fully enclosed and secure accessory structure to a
26		private residence that is located on the same parcel as the private residence for the exclusive personal use of a resident of the residence who is twenty-one (21) years of age or older, as
27		permitted by California Health and Safety Code sections 11362.1 and 11362.2."
28	•••	
TTORNEY'S Q	 FFICE	

Attest:

Section 11. California Environmental Quality Act.

The City hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the City Council further finds that this ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment),

CEQA Guidelines section 15308.

ADOPTED by the City Council this 24th day of July, 2018.

WILLIAM R. BAILEY, IM

Mayor of the City of Riverside

COLLEEN J. NICOL

City Clerk of the City of Riverside

City Attorney's Office 3750 University Ave., STE 250 Riverside, CA 92501 (951) 826-5567

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 10th day of July, 2018, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 24th day of July, 2018, by the following vote, to wit:

Ayes:

Councilmembers Conder, Mac Arthur, Perry, and Mayor Bailey

Noes:

Councilmembers Gardner, Melendrez, and Soubirous

Absent:

Councilmember Adams

Disqualified: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 25th day of July, 2018.

City Clerk of the City of Riverside

CA 18-0591; 07/11/18

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EXHIBIT A

Article V – PERMITTED USES TABLE

19.150.020 (A)

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USB	(RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))						Commercial Regional Center)				Olbaily		General Industrial, Airport Industrial, Airport)			Commercial Overlay)			Standards in the Municipal Code			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	0	CR	CG	CRC*	MU-N	MÚ-A.	MU-U*	ВМР	1	AJ	AIR	PF	RWY	NC Overlay	
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Adult-Oriented Businesses	x	x	x	х	х	×	x	x	x	x	×	×	x	х	x	Р	×	x	x	x	х	9.40 - Adult-Oriented Businesses 19.240 - Adult-Oriented Businesses
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Agricultural Stand	SECTION .	\$666575696	36060646	Section of the sectio	Secretions.	909033203	\$25,500,000	SECTION .	REFERE	****	KONTHEE.	GROSS SES	Resident St	26.05.05.050	BIR NO	SHEWER.	BREEF	CHANGE !	Secretary N	2000	Second Second	See Incidental Uses Table
Agriculture, Horticulture and Growing of Nursery Plants (Farms, Field Crops, Flower & Truck Gardening, Orchards, Ranches & Tree Crops)	Р	Р	Р	P	Р	x	x	x	x	x	х	x	x	x	x	x	x	P	x	x	x	
Aircraft Charter Services	х	×	x	x	x	x	x	х	х	х	x	х	х	×	Р	Р	Р	P	x	х	х	For parking see Offices – Business and Professional under 19.580
Aircraft Parts, Supplies, Merchandise and Equipment Shops	х	x	x	х	×	x	х	x	х	x	х	×	×	х	P	Р	Р	P	х	х	х	For parking see Vehicle Sale under 19,580
Aircraft Sales, Rental, Service, Repair and Storage	х	х	х	х	х	х	х	х	х	х	х	х	х	х	х	х	Р	Р	х	х	x	For parking see Vehicle Sale under 19.580
Airports - Private	Х	Х	X	Х	X	X	Х	X	Х	Х	Х	Х	Х	Х	X	Х	X	C	X	X	X	
Airports – Public	Х	Х	X	X	X	Х	Х	_X	X	Х	Х	X	Х	X	X	Х	X	P	X	X	X	
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Without Vehicle Storage	X	Х	Х	X	Х	Х	Х	Р	Р	Р	X	X	X	Х	P	P	Р	P	X	X	X	5.66 - Ambulances
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Arcades and Internet/Cyber Cafés	х	Х	X	х	х	х	х	X	МС	МС	МС	МС	MC	MC	X	X	х	X	x	X	МС	19.245 – Arcades and Internet/Cyber Cafés
Artist Studio (Including Photo)	х	х	х	x	×	х	х	Р	Р	Р	Р	Р	Ρ	Р	Р	x	х	х	x	x	Р	For parking see Offices – Business, and Professional under 19.580
Assemblies of People – Entertainment – Not Including Adult-Oriented Businesses (e.g., Theater – Live Performance, Motion Picture, Auditoriums, Banquet Halls, Nightchubs, etc.)	x	×	×	×	x	x	x	×	С	С	С	С	С	С	x	×	×	x	x	x	x	19.250 – Assemblies of People – Entertainment 5.24 – Dance Halls & Public Dances See 19.149 – Airport Land Use Compatibility***

^{* =} For CRC, MU-U and MU-V Zonera a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**** For a more detailed listing of the permitted land uses in the RA-S and RC Zones, refer to Sections 19.100.030 A (RA-S Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply the service production of the greating of a Conditional Use Permit (CUP), Chapter 19.760

CP = Subject to the greating of a Conditional Use Permit (CUP), Chapter 19.760

RCP = Recycling Center Permit, Chapter 19.870

MCP = Subject to the greating of Minor Conditional Use Permit (MCUP), Chapter 19.770

MC = Subject to the greating of Minor Conditional Use Permit (MCUP), Chapter 19.770

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EXHIBIT 27

EXHIBIT 28

EXHIBIT 29

EXHIBIT 30