



**SPECIAL MEETING AGENDA
OF THE
ARVIN PLANNING COMMISSION
(VIA TELECONFERENCE)**

WEDNESDAY NOVEMBER 04, 2020 6:00pm

**CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

This meeting is compliant with the Governor’s Executive Order N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, allowing for a deviation of teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff and the public to conduct city business, while allowing for public participation. The meeting will be held by teleconference only. **The public may participate by calling:**

1-669-900-9128

Meeting ID: 814 7122 3031#

To join the meeting from your computer, tablet or smartphone click on the following link:

<https://us02web.zoom.us/j/81471223031>

The meeting agendas are available at: <https://www.arvin.org/government/clerk/meeting-agendas-minutes/planning-commission/>

The Planning Commission will accept comments on any items on the agenda, inclusive of closed session items, in writing, and in advance of the meeting, **up until Tuesday, November 03, 2020 at 3:00pm.** Comments may be mailed to City of Arvin, City Clerk’s Office, PO Box 548, Arvin, CA 93203 or emailed to cvela@arvin.org. In the subject line, please provide “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM”. All public comments will be provided to the Arvin Planning Commission and may be read into the record or compiled as part of the record.

CALL TO ORDER

Chair Gerardo Tinoco

PLEDGE OF ALLEGIANCE

ROLL CALL:

- | | |
|------------------|-----------------------------------|
| Gerardo Tinoco | Chairperson |
| Miguel Rivera | Vice Chairperson |
| Arturo Hinojosa | Planning Commissioner |
| Yesenia Martinez | Planning Commissioner |
| Cesar Moreno | Planning Commissioner |
| Sergio Hernandez | Planning Commissioner (Alternate) |



I pledge allegiance to the flag of the United States of America
and to the Republic for which it stands, one nation, under
God, indivisible, with liberty and justice for all.

PUBLIC COMMENTS:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

AGENDA STAFF REPORTS AND HANDOUTS:

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

AMERICANS with DISABILITIES ACT:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____

Roll Call: PC Martinez _____ PC Hinojosa / Alt. PC Hernandez _____ PC Moreno _____ VC Rivera _____
Chair Tinoco _____

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of September 03, 2020.

Staff recommends approval of the Minutes of the Special Meeting of September 03, 2020.

Motion _____ Second _____ Vote _____

Roll Call: PC Martinez _____ PC Hinojosa / Alt. PC Hernandez _____ PC Moreno _____ VC Rivera _____
Chair Tinoco _____

4. PUBLIC HEARING(S)

A. A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council to Adopt An Ordinance of the City Council of the City of Arvin Amending Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 (“Zoning”) of the Arvin Municipal Code to Establish Consistency with State Laws Governing Sensitive Locations and Associated CEQA Determination.

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and I) approve the resolution, and II) adopt an exemption pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3).

Motion _____ Second _____ Vote _____

Roll Call: PC Martinez _____ PC Hinojosa / Alt. PC Hernandez _____ PC Moreno _____ VC Rivera _____
Chair Tinoco _____

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: October 30, 2020.

A handwritten signature in blue ink, appearing to read "Cecilia Vela", written over a horizontal line.

Cecilia Vela, Secretary

**SPECIAL MEETING MINUTES
ARVIN PLANNING COMMISSION**

SEPTEMBER 03, 2020

CALL TO ORDER @ 6:12PM

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Hinojosa, PC Martinez and PC Moreno absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion VC Rivera

Second PC Hernandez

Vote 3-0

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

NONE

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of August 18, 2020.

Staff recommends approval of the Minutes of the Regular Meeting of August 18, 2020.

Motion to approve the Minutes of the Regular Meeting of August 18, 2020.

Motion VC Rivera

Second PC Hernandez

Vote 3-0

4. PUBLIC HEARING(S)

A. A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to Add Standards for the Bear Mountain Central Business District, and Update Notice and Use Permit Findings; and III) Making CEQA Findings for the same.

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the resolution.

Hearing opened.

No public testimony.

Hearing closed.

Motion to approve the Resolution recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to Add Standards for the Bear Mountain Central Business District, and Update Notice and Use Permit Findings; and III) Making CEQA Findings for the same.

Motion VC Rivera

Second PC Hernandez

Vote 3-0



Resolution No. APC 2020-07

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNED @ 6:41PM

Respectfully submitted,

Cecilia Vela, Secretary

DRAFT



**CITY OF ARVIN
Planning Commission**

Meeting Date: November 04, 2020

TO:	Arvin Planning Commission Members
FROM:	Mitzy Cuxum, Senior Planner R. Jerry Breckinridge, City Manager
SUBJECT:	Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending the City Council: (I) Adopt the Ordinance amending Chapter 17.64, of Title 17 of the Arvin Municipal Code establishing consistency with state laws governing distances between cannabis businesses and sensitive uses; and (II) adopt an exemption pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3).

RECOMMENDATION:

Staff recommends that the Planning Commission of the City of Arvin adopt a Resolution Recommending the City Council Adopt the Ordinance amending Chapter 17.64, of Title 17 of the Arvin Municipal Code establishing consistency with state laws governing distances between cannabis businesses and sensitive uses and adopt an exemption under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3).

BACKGROUND:

The City adopted Chapter 17.64 Commercial Cannabis Activity on June 19, 2018, permitting specific commercial cannabis activities by conditional use permit, including within the M-2 zoned district. The ordinance includes protections for the community, including restricting uses near homes, schools, parks and libraries. At the time the City established a distance requirement for all cannabis business and any sensitive uses within the city limits. No cannabis business can be located within 1000 feet of any schools, day care centers, youth centers, public parks, or public libraries. The proposed ordinance amendment would remove the 1000 foot distance and replace it with the distance established by the State of California, which is currently 600 feet.

ENVIRONMENTAL CONSIDERATIONS:

The City has performed a preliminary assessment of this project and, pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), proposes to determine with certainty that there is no possibility this project will have a significant effect on the environment. Further, none of the exceptions to categorical exemptions set forth in CEQA

Guidelines, section 15300.2, apply to this project.

PUBLIC NOTIFICATION:

The City properly noticed the November 4, 2020 hearing before the Planning Commission for the purpose of considering the recommendation to adopt the Ordinance amending Chapter 17.64, of Title 17 of the Arvin Municipal Code establishing consistency with state laws governing distances between cannabis businesses and sensitive uses by publication in the newspaper on October 24, 2020. A copy of the notice is attached to this Staff report.

ATTACHMENTS:

1. A Resolution of the Planning Commission of the City of Arvin Recommending the City Council: (I) Adopt the Ordinance amending Chapter 17.64, of Title 17 of the Arvin Municipal Code establishing consistency with state laws governing distances between cannabis businesses and sensitive uses; and (II) adopt an exemption pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3).
2. Public Hearing Notice.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN AMENDING CHAPTER 17.64 (“COMMERCIAL CANNABIS ACTIVITY”) TO TITLE 17 (“ZONING”) OF THE ARVIN MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH STATE LAWS GOVERNING SENSITIVE USE LOCATIONS

WHEREAS, on October 24, 2020, notice of a public hearing to take place on November 04, 2020 at 6:00 p.m. or as soon thereafter as the agenda permits, in the City Council Chambers of the Arvin City Hall, identifying the Planning Commission of the City of Arvin (“Planning Commission”) as the hearing body, and containing a general explanation of the matter to be considered (this resolution and the proposed ordinance attached hereto), was published in the Bakersfield Californian, a newspaper of general circulation in the City; and

WHEREAS, on November 04, 2020, at the time and place specified in the notice of public hearing, the Planning Commission opened and conducted the public hearing, and received testimony and other evidence during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the City of Arvin Planning Commission as follows:

1. The foregoing recitals are true and correct and are incorporated herein.
2. The Planning Commission hereby makes and adopts the following findings:
 - a. Notice of the public hearing has been given in the time and in the manner required by State Law, including Government Code Section 65090 and 65854.
 - b. The proposed ordinance, a copy of which is attached hereto as Exhibit “A,” (the “Proposed Ordinance”) would amend Chapter 17.64 (“Commercial Cannabis Activity”) of Title 17 (“Zoning”) of the Arvin Municipal Code which comprehensively regulates all types of commercial cannabis activity within the City of Arvin. The Arvin Municipal Code includes protections for the community, including restricting cannabis businesses from being located within 1000 feet of any schools, day care centers, youth centers, public parks, or public libraries. Under the proposed Ordinance amendment of sections 17.64.110 and 17.64.210 shall remove the 1000 foot distance restriction and replace it with the distance restriction as established and amended by the State of California, which is currently 600 feet.
 - c. The Proposed Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment, as the Ordinance merely amends the Arvin Municipal Code to

establish new and amended procedures and requirements for the permitting and regulation of certain commercial cannabis activities, the environmental impacts of which will be assessed on a use-specific basis. Furthermore, the Proposed Ordinance would also be subject to Categorical Exemptions under CEQA Guidelines sections 15307 and 15308, as it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. Finally, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to the Proposed Ordinance. Therefore, Categorical Exemptions are also to be adopted for the Proposed Ordinance, pursuant to CEQA Guidelines sections 15307 and 15308. The Proposed Ordinance contains findings in accordance with this paragraph.

- d. The proposed Ordinance amendment is consistent with the Arvin General Plan and the purpose and standards of the City’s M-1, M-2, M-3, A-1 and A-2 zones.
 - e. The Ordinance will not adversely affect property values or be detrimental to any area or neighborhood of the City.
 - f. The Proposed Ordinance is consistent with State law.
 - g. The Proposed Ordinance will protect and promote public health, safety, and welfare.
3. Based on the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt the Proposed Ordinance, including the findings contained within the Proposed Ordinance that the Proposed Ordinance is exempt from CEQA review pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Arvin at a special meeting thereof held on the 04th day of November 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
GERARDO TINOCO, Chairperson, Planning Commission

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

EXHIBIT “A”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN AMENDING CHAPTER 17.64 (“COMMERCIAL CANNABIS ACTIVITY”) TO TITLE 17 (“ZONING”) OF THE ARVIN MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH STATE LAWS GOVERNING SENSITIVE USE LOCATIONS

WHEREAS, the City of Arvin (“the City”) has the authority under Article XI, Section 7 of the California Constitution, to enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420, the Medical Marijuana Program Act (Health and Safety Code § 11362.7 *et seq.*), clarifying the scope of the Compassionate Use Act, providing additional statutory guidance regarding medical cannabis use, and allowing cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, the Governor signed the Medical Marijuana Regulation and Safety Act (“MMRSA”), comprised of California legislative bills AB 243, AB 266, and SB 643, creating a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medicinal marijuana, all subject to local control; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, changing the title of MMRSA to the Medical Cannabis Regulation and Safety Act (“MCRSA”), changing the terminology therein from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis,” and making other technical changes thereto. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, at the November 8, 2016, general election, the California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), establishing a comprehensive regulatory and licensing scheme for commercial recreational (adult-use) cannabis operations, and legalizing limited personal adult-use cannabis use, possession, and cultivation; and

WHEREAS, on June 27, 2017, Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, MAUCRSA, at Business & Professions Code § 26050, establishes 20

different types of state licenses, including permit types pertaining to cannabis cultivation, manufacturing, testing, retailing, and distribution, which medicinal and adult-use cannabis businesses must obtain, depending on the nature of the cannabis business, in order to operate legally in the State; and

WHEREAS, MAUCRSA, at Business & Professions Code § 26200(a)(1), provides that local jurisdictions may adopt and enforce local ordinances to regulate or prohibit any or all types of medicinal and adult-use business operations licensed by the state under Business & Professions Code §26050, including, but not limited to, by imposing local zoning and land use requirements; and

WHEREAS, MAUCRSA, at Business & Professions Code § 26055(d), provides that a State commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

WHEREAS, MAUCRSA, at Business & Professions Code § 26201, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the various types of medicinal and adult-use commercial cannabis operations licensed by the state under Business & Professions Code §26050 shall be the minimum standards, and that a local jurisdiction may establish additional or more stringent standards, requirements, and regulations; and

WHEREAS, pursuant to MAUCRSA, the California Bureau of Cannabis Control (“BCC”), Department of Food and Agriculture (“CDFA”), and Department of Public Health (“CDPH”) adopted emergency regulations which establish additional State license types and specify the process and requirements for obtaining state licenses to engage in all types of commercial medicinal and adult-use cannabis activities in the State of California (“Regulations”); and

WHEREAS, the Regulations were approved by the State Office of Administrative Law on December 7, 2017; and

WHEREAS, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating commercial cannabis activities; and

WHEREAS, in 2010, the City adopted Sections 17.02.435 and 17.07.01 of Title 17 of the Arvin Municipal Code pertaining to Medical Marijuana Dispensaries, placing a complete ban on dispensaries in the City based upon various health, safety and welfare and land use findings relating to marijuana cultivation, dispensing, and consumption; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance No. 443, which added Chapter 17.62 “Commercial Cannabis Activity” to Title 17 of the Arvin Municipal Code, and which repealed Sections 17.02.435 and 17.07.01 of Title 17 of the Arvin Municipal Code pertaining to Medical Marijuana Dispensaries; and

WHEREAS, the Arvin Municipal Code already contained a Chapter 17.62 (“Sign Regulations [Private Property]”) prior to adoption of Ordinance No. 443, and said chapter remains in full force and effect;

WHEREAS, the City Council renumber and relocate the duplicative Chapter 17.62 “Commercial Cannabis Activity” to Chapter 17.64 of Title 17, of the Arvin Municipal Code, and to amend and supplement the regulations imposed by said chapter on commercial cannabis businesses and applicants in the City; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW THEREFORE, the City Council of the City of Arvin does hereby ordain as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The City Council finds and determines that the Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment, as this Ordinance merely amends the Arvin Municipal Code to establish new and amended procedures and requirements for the permitting and regulation of certain commercial cannabis activities, the environmental impacts of which will be assessed on a use-specific basis. (CEQA Guidelines § 15061(b)(3)). Furthermore, the City Council finds and determines the Ordinance would also be subject to Categorical Exemptions under CEQA Guidelines sections 15307 and 15308, as it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.) Finally, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines section 15300.2 apply to this Ordinance. Therefore, the City Council also adopts Categorical Exemptions for this Ordinance, pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 3. Chapter 17.64, of Title 17 is hereby amended to read in its entirety as follows:

Chapter 17.64

COMMERCIAL CANNABIS ACTIVITY

Section 17.64.110 Location of Commercial Cannabis Business - Proximity to Sensitive Uses.

- (b) All commercial cannabis business shall comply with the distance requirements established for sensitive locations (including but not limited to schools, day care centers, youth centers, public parks, or public libraries) as defined and established by the State of California.

Section 17.64.210 Conditional Use Permits.

- (b) Applications. In addition to the application requirements pursuant to Section 17.56.020, as amended, applications for conditional use permits for commercial cannabis businesses pursuant to this Chapter shall contain the following information:
 - (4) A statement of whether the subject property meets the State of California requirements for placement of a cannabis business near or adjacent to a sensitive location (including but not limited to schools, day care centers, youth centers, parks or libraries).

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, in that the invalid provision shall be deemed severed from the ordinance and the balance shall remain in effect. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall take effect thirty (30) calendar days after its adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council of the City of Arvin after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2020, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2021, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

CITY OF ARVIN

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF THE

An Ordinance of the City Council of the City of Arvin Amending Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 (“Zoning”) of the Arvin Municipal Code to Establish Consistency with State Laws Governing Sensitive Locations and Associated CEQA Determination.

NOTICE IS HEREBY GIVEN that the City Planning Commission will conduct a public hearing regarding the following matter:

- **An Ordinance of the City Council of the City of Arvin Amending Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 (“Zoning”) of the Arvin Municipal Code to Establish Consistency with State Laws Governing Sensitive Locations and Associated CEQA Determination.**

These meetings will be compliant with the Governor’s Executive Order N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, allowing for a deviation of teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff and the public to conduct city business, while allowing for public participation. These meetings will be held by teleconference only.

Arvin Special Planning Commission Public Hearing Information

Date: November 4, 2020

Time: 6:00 PM

Place: City of Arvin Council Chambers (by telephone or video streaming)
200 Campus Drive, Arvin, CA 93203

Call In Number: 1-669-900-9128; **Meeting ID** 814 7122 3031#

Join on-line: <https://us02web.zoom.us/j/81471223031>

The meeting agendas are available at: <https://www.arvin.org/government/clerk/meeting-agendas-minutes/documents-page/>

Applicant: City of Arvin

Location: The regulatory ordinance would apply to all zones within the City limits.

Project Description: An amendment to chapter 17.64 (“Commercial Cannabis Activity”) to title 17 (“Zoning”) of the Arvin Municipal Code to establish consistency with state laws governing sensitive locations. The ordinance will amend the Arvin Municipal Code governing the distance between a commercial cannabis business and sensitive use locations, such as a school, daycare or youth center, to be consistent with the State of California requirement. The State of California currently requires cannabis businesses to be at least 600 feet from a sensitive location and the Arvin Municipal Code requires cannabis businesses to be at least 1000 feet from a sensitive location.

The Planning Commission hearing will be to assess these items for a recommendation to the City Council. The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, the city will accept comments on this

item in writing, and in advance of the meetings. Comments may be mailed to City of Arvin, City Clerk's Office, PO Box 548, Arvin, CA 93203 or emailed to cvela@arvin.org . In the subject line, please provide "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment). All public comments will be provided to the Planning Commission and/or City Council and may be read into the record or compiled as part of the record.

Note: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described in this notice, or in written correspondence delivered to the City at, or prior to, the Public Hearing (Govt. Code Sec. 65009).

/s/

Cecilia Vela, City Clerk
City of Arvin, California

Published: Bakersfield Californian, October 24, 2020