



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

MONDAY APRIL 27, 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:**

1-877-568-4106

Access Code 180-327-837#

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

<https://global.gotomeeting.com/join/180327837>

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 Monday, April 27, 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.

PLANNING COMMISSIONERS:	Gerardo Tinoco	Chairperson
	Miguel Rivera	Vice Chairperson
	Arturo Hinojosa	Planning Commissioner
	Yesenia Martinez	Planning Commissioner
	Cesar Moreno	Planning Commissioner
	Sergio Hernandez	Planning Commissioner (Alternate)

STAFF:	Mitzy Cuxum	Senior Planner
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	Cecilia Vela	Secretary

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 Regular Meeting of October 15, 2019.

Staff recommends approval of the Minutes of the Regular Meeting of October 15, 2019.

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 A Resolution of the Planning Commission of the City of Arvin, County of Kern, State of California, Recommending to the City Council the Approval of An Ordinance of the City Council of the City of Arvin Adopting Chapter 17.65 of Title 17 of the Arvin Municipal Code Pertaining to Hemp Activity and Related CEQA Determination.

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

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: April 23, 2020.



Cecilia Vela, Secretary

**REGULAR MEETING MINUTES
ARVIN PLANNING COMMISSION**

OCTOBER 15, 2019

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Moreno absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion VC Rivera Second Chair Tinoco Vote 4-0

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.

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of July 16, 2019.

Staff recommends approval of the Minutes of the Regular Meeting of July 16, 2019.

Motion to approve the Minutes of the Regular Meeting of July 16, 2019.

Motion PC Martinez Second VC Rivera Vote 4-0

4. PUBLIC HEARING(S)

A. A Public Hearing to Consider Referral from the Arvin City Council for Report and Recommendations, and Adoption of the Following:

Resolution Recommending the City Council of the City of Arvin approve General Plan Amendment 2013-01-Ariston Project by approving the change of Land Use Designation on 62+/- Acres from Light Industrial and Heavy Industrial to Light Industrial, General Commercial, Medium-Density Residential, and High Density Residential;

Resolution No. APC 2019-06

Resolution Recommending the City Council Adopt An Ordinance Of The City Of Arvin, California, Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance Of

The City Of Arvin, for Zone Change 2013-01 (Ariston). The Ordinance proposes a Zone Change from A-1, Light Agricultural and A-2 General Agricultural to M-2 Light Manufacturing, C-2 General Commercial, R-2 Two Family, and R-3 Limited Multiple Family for the Project, Uncodified Ordinance and

Resolution No. APC 2019-07

Resolution Recommending the City Council Adopt A Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Program for GPA 2013-01 and ZC 2013-01 for the Ariston Project.

Resolution No. APC 2019-08

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the resolutions and the modified General Plan Amendment and modified Rezoning proposal. Staff further recommends the Planning Commission approve a resolution recommending adoption of the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Hearing opened.

Public Testimony: Comments in favor of the project provided by Matt VoVilla, Civil Engineer from Pinnacle Engineering.

Hearing closed.

Motion to approve the resolutions and the modified General Plan Amendment and modified Rezoning proposal and approve the resolution recommending adoption of the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Motion VC Rivera

Second Chair Tinoco

Vote 4-0

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNED @ 6:16PM

Respectfully submitted,

Cecilia Vela, Secretary



**CITY OF ARVIN
Planning Commission**

Special Meeting Date: April 27, 2020

TO: Arvin City Planning Commission

FROM: Jerry Breckinridge, City Manager

SUBJECT: Public Hearing – To consider an ordinance establishing Chapter 17.65, of Title 17 of the Arvin Municipal Code pertaining to hemp and the regulation of hemp activities in the City of Arvin.

RECOMMENDATION:

Approve a Resolution recommending the City Council approve a regulatory ordinance establishing Chapter 17.65, of Title 17 Hemp, which regulates hemp activities in the City of Arvin, including authorizing cultivation and manufacturing of hemp and/or hemp products for commercial and/or scientific/educational purposes and the recommendation to adopt an exemption pursuant to the California Environmental Quality Act.

BACKGROUND:

Pursuant to Article XI, Section 7, of the California Constitution, the City of Arvin (“City”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. Consistent with this, in November 1, 2016, the City of Arvin adopted Ordinance No. 436, amending Title 8 of the Arvin Municipal Code and adopting Chapter 8.29 pertaining to marijuana. The cannabis ordinance took effect thirty (30) days after its final passage and adoption and contingent upon passage of California Proposition 64. On or about November 8, 2016, California voters passed Proposition 64, to become law immediately; and on June 19, 2018, the City Council Adopted Ordinance No. 447, amending and renumbering Chapter 17.62 (“Commercial Cannabis Activity”) of Title 17 of the Arvin Municipal Code and thereby adding Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 of the Arvin Municipal Code, to establish certain regulations pertaining to commercial cannabis activity.

In December of 2018, the President of the United States signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorized the U.S. Department of Agriculture to create quality control standards for hemp production, further giving states that desire to have primary regulatory authority over the production of hemp the ability to adopt their own state plans. A plan may include a reference to a law of the state regulating the production of hemp, to the extent consistent with federal law; and under California Food and Agriculture Code, section 81006, subdivisions (d)(3) and (5), the California Department of Food and Agriculture (“CDFA”) is required to establish regulations for sampling procedures and approved laboratories for sample testing of all hemp crops (except when grown by an established agricultural research institution) no more than thirty (30) days before harvest.

In September 2018, SB 1409 was enacted, in which the definition of industrial hemp in Health and Safety Code, section 11018.5(a) was amended to delete the reference to its being a crop for fiber or oilseed production, and the Industrial Hemp Farming Act was also amended to its current form, including revising Food and Agriculture Code section 81006 to remove requirement for dense planting and restrictions against pruning, tending, or culling, in order to “remov[e] limitations on the manner in which industrial hemp may be grown and the uses for which it may be grown,” thereby “remov[ing] barriers to the growth of industrial hemp as an agricultural product, and for agricultural or academic research”.

Further, in June of 2019, the CDFA adopted emergency regulations, and in October of 2019 the CDFA revised those regulations, to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction for industrial hemp cultivation and in June of 2019, the CDFA adopted emergency regulations, and in October of 2019 the CDFA revised those regulations, to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction for industrial hemp cultivation; and CDFA found a pressing need for the swift establishment of regulations to prevent delay of the first industrial hemp harvest, and calculated that the absence of regulation could result in a potential direct loss of over \$43,000,000.00 to California farmers.

Additionally, industrial hemp, the extracts and derivatives from processing industrial hemp, and products manufactured with industrial hemp or its extracts and derivatives, may be useful and valuable to both producers and consumers, and therefore may serve as a source of economic development. Also, researching strains of industrial hemp plants, the methods for cultivating and processing industrial hemp, and the methods for manufacturing products using industrial hemp and its extracts and derivatives, is important for identifying and optimizing the beneficial uses and value of industrial hemp.

Industrial hemp strains grown for its cannabidiol oil properties (CBD oil) may be indistinguishable from the high THC cannabis strains used for medicinal and recreational purposes, and permitting industrial hemp cultivation without regulation of the acreage and location of industrial hemp plants may lead to the same type of odor and public safety issues facing cannabis operations in the City; and industrial hemp may serve as a host to mites and other insects, and currently registered pesticides may not always be effective in either addressing such mites and insects or preventing them from moving into other nearby crops, thus threatening the safety of those nearby crops. These concerns are address and regulated in the proposed hemp pronate.

Lastly, Industrial hemp is itself a useful and productive economic activity; and research and commercial activity relating to industrial hemp and its cultivation, processing, and manufacturing are not mutually exclusive activities, but can be and should be mutually supporting and reinforcing.

ENVIRONMENTAL REVIEW:

The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines (“CEQA Guidelines”), and the environment regulations of the City. The City Council finds and determines that the proposed ordinance is not a “project” for the purposes of CEQA and consistent with CEQA Guidelines section 15378, as it merely

updates existing administrative processes and will not result in direct or indirect physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purpose of CEQA, there is no possibility that the project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

DISCUSSION:

The proposed ordinance establishes Chapter 17.65, of Title 17 and would regulate all hemp activities within the City, including authorizing cultivation and manufacturing of hemp and/or hemp products for commercial and/or scientific/educational purposes. Currently the City has no regulations in place to govern the cultivation or manufacturing of hemp products; and as such, potential cultivators and manufactures would only be subject to state regulations without any local control or enforcement mechanisms.

Specifically, the ordinance prohibits the cultivation or manufacturing of hemp and/or hemp products without first receiving a city issued permit or entering into a development agreement with the City. It puts in place regulations to provide clarity and encourage research and development projects and collaborations with both private corporations and public educational institutions. The ordinance also establishes regulations to govern the destruction of hemp being cultivated by research and development project such as an Established Agricultural Research Institution “EARI” or EARI affiliate. Lastly, the proposed ordinance establishes regulations governing the odor’s created during the manufacturing process; distances to residential zones; compliance with federal and state regulations; public nuisance abatement requirements; limitations on City liability; and enforcement options for the City, including a \$1,000.00 per violation administrative fine.

OPTIONS:

1. Approve the resolution as presented;
2. Approved the resolution with amendments from the commission;
3. Direct staff to prepare a resolution recommending the proposed Hemp ordinance be rejected by the City Council;
4. Give staff other direction.

PowerPoint Presentations: The PowerPoint Presentations were provided by interested parties and not City staff, and are being provided as part of the Agenda packet to increase access in response to the constraints caused by COVID-19.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN ADOPTING CHAPTER 17.65 OF TITLE 17 OF THE ARVIN MUNICIPAL CODE PERTAINING TO HEMP ACTIVITY AND RELATED CEQA DETERMINATION

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of Arvin (“City”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on or about November 1, 2016, the City of Arvin adopted Ordinance No. 436, amending Title 8 of the Arvin Municipal Code and adopting Chapter 8.29 pertaining to marijuana, to take effect after thirty (30) days after its final passage and adoption and contingent upon passage of California Proposition 64; and

WHEREAS, on or about November 8, 2016, California voters passed Proposition 64, to become law immediately; and

WHEREAS, on or about January 1, 2017, The California Industrial Hemp Farming Act became effective, California Food and Agriculture Code sections 81000 et seq., authorizing certain activities of industrial hemp growers and established agricultural research institutions; and

WHEREAS, on or about 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

WHEREAS, on June 19, 2018, the City Council Adopted Ordinance No. 447, amending and renumbering Chapter 17.62 (“Commercial Cannabis Activity”) of Title 17 of the Arvin Municipal Code and thereby adding Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 of the Arvin Municipal Code, to establish certain regulations pertaining to commercial cannabis activity; and

WHEREAS, in December of 2018, the President of the United States signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorized the U.S. Department of Agriculture to create quality control standards for hemp production, further giving states that desire to have primary regulatory authority over the production of hemp the ability to adopt their own state plans, which plan may include a reference to a law of the state regulating the production of hemp, to the extent consistent with federal law; and

WHEREAS, under California Food and Agriculture Code, section 81006, subdivisions (d)(3) and (5), the California Department of Food and Agriculture (“CDFA”) is required to establish regulations for sampling procedures and approved laboratories for sample testing of all

hemp crops (except when grown by an established agricultural research institution) no more than thirty (30) days before harvest; and

WHEREAS, in September 2018, SB 1409 was enacted, in which the definition of industrial hemp in Health and Safety Code, section 11018.5(a) was amended to delete the reference to its being a crop for fiber or oilseed production, and the Industrial Hemp Farming Act was also amended to its current form, including revising Food and Agriculture Code section 81006 to remove requirement for dense planting and restrictions against pruning, tending, or culling, in order to “remov[e] limitations on the manner in which industrial hemp may be grown and the uses for which it may be grown,” thereby “remov[ing] barriers to the growth of industrial hemp as an agricultural product, and for agricultural or academic research”; and

WHEREAS, in June of 2019, the CDFA adopted emergency regulations, and in October of 2019 the CDFA revised those regulations, to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction for industrial hemp cultivation; and

WHEREAS, CDFA found a pressing need for the swift establishment of regulations to prevent delay of the first industrial hemp harvest, and calculated that the absence of regulation could result in a potential direct loss of over \$43,000,000.00 to California farmers; and

WHEREAS, industrial hemp, the extracts and derivatives from processing industrial hemp, and products manufactured with industrial hemp or its extracts and derivatives, may be useful and valuable to both producers and consumers, and therefore may serve as a source of economic development; and

WHEREAS, researching strains of industrial hemp plants, the methods for cultivating and processing industrial hemp, and the methods for manufacturing products using industrial hemp and its extracts and derivatives, is important for identifying and optimizing the beneficial uses and value of industrial hemp, and is itself a useful and productive economic activity; and

WHEREAS, research and commercial activity relating to industrial hemp and its cultivation, processing, and manufacturing are not mutually exclusive activities, but can be and should be mutually supporting and reinforcing; and

WHEREAS, industrial hemp strains grown for its cannabidiol oil properties (CBD oil) may be indistinguishable from the high THC cannabis strains used for medicinal and recreational purposes, and permitting industrial hemp cultivation without regulation of the acreage and location of industrial hemp plants may lead to the same type of odor and public safety issues facing cannabis operations in the City; and

WHEREAS, industrial hemp may serve as a host to mites and other insects, and currently registered pesticides may not always be effective in either addressing such mites and insects or preventing them from moving into other nearby crops, thus threatening the safety of those nearby crops; and

WHEREAS, on April 27, 2020 the City of Arvin Planning Commission (“Commission”) conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the

Commission recommended the City Council (“Council”) [approve/deny] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, new Chapter 17.65 establishes hemp regulations within the City of Arvin; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), and pursuant to CEQA Guideline, sections 15378 and 15061(b)(3), this activity is not a “project” subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

WHEREAS, on April 27, 2020, the Planning Commission held a public hearing to receive oral and written testimony relative to the proposed amendments; and,

WHEREAS, the Planning Commission desires to recommend approval of the ordinances and associated findings under the California Environmental Quality Act (“CEQA”) to the City Council.

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

Section 1: The Planning Commission has reviewed the project and recommends that the City Council adopt a finding that the attached ordinances will not create potentially significant environmental impacts pursuant to 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. (CEQA Guidelines § 15061(b)(3).) It is also exempt because 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 hemp cultivation and related hemp activities. (CEQA Guidelines §§ 15307 and 15308.) Finally, no exceptions to the Categorical Exemptions are applicable under CEQA Guidelines section 15300.2.

Section 2. After reviewing the proposed zoning and specific plan amendments and considering all oral and written information regarding the text amendments, that the Planning Commission does recommend the City Council approve “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN ADOPTING CHAPTER 17.65 OF TITLE 17 OF THE ARVIN MUNICIPAL CODE PERTAINING TO COMMERCIAL HEMP ACTIVITIES” (*attached hereto as Attachment 1*).

Section 3. The Planning Commission Chairman of the City of Arvin is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission. The Community Development Director is directed to forward this Resolution to the City Council with the recommendations of the Planning Commission.

//////

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 27th day of April 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
GERARDO TINOCO, Chairperson

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.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN
ADDING CHAPTER 17.65, OF TITLE 17 HEMP TO THE ARVIN
MUNICIPAL CODE**

WHEREAS, Pursuant to Article XI, Section 7, of the California Constitution, the City of Arvin (“City”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on or about November 1, 2016, the City of Arvin adopted Ordinance No. 436, amending Title 8 of the Arvin Municipal Code and adopting Chapter 8.29 pertaining to marijuana, to take effect after thirty (30) days after its final passage and adoption and contingent upon passage of California Proposition 64; and

WHEREAS, on or about November 8, 2016, California voters passed Proposition 64, to become law immediately; and

WHEREAS, on or about January 1, 2017, The California Industrial Hemp Farming Act became effective, California Food and Agriculture Code sections 81000 et seq., authorizing certain activities of industrial hemp growers and established agricultural research institutions; and

WHEREAS, on or about 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

WHEREAS, on June 19, 2018, the City Council Adopted Ordinance No. 447, amending and renumbering Chapter 17.62 (“Commercial Cannabis Activity”) of Title 17 of the Arvin Municipal Code and thereby adding Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 of the Arvin Municipal Code, to establish certain regulations pertaining to commercial cannabis activity; and

WHEREAS, in December of 2018, the President of the United States signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorized the U.S. Department of Agriculture to create quality control standards for hemp production, further giving states that desire to have primary regulatory authority over the production of hemp the ability to adopt their own state plans, which plan may include a reference to a law of the state regulating the production of hemp, to the extent consistent with federal law; and

WHEREAS, under California Food and Agriculture Code, section 81006, subdivisions (d)(3) and (5), the California Department of Food and Agriculture (“CDFA”) is required to establish regulations for sampling procedures and approved laboratories for sample testing of all hemp crops (except when grown by an established agricultural research institution) no more than thirty (30) days before harvest; and

WHEREAS, in September 2018, SB 1409 was enacted, in which the definition of industrial hemp in Health and Safety Code, section 11018.5(a) was amended to delete the reference to its being a crop for fiber or oilseed production, and the Industrial Hemp Farming Act was also amended to its current form, including revising Food and Agriculture Code section 81006 to remove requirement for dense planting and restrictions against pruning, tending, or culling, in order to “remov[e] limitations on the manner in which industrial hemp may be grown and the uses for which it may be grown,” thereby “remov[ing] barriers to the growth of industrial hemp as an agricultural product, and for agricultural or academic research”; and

WHEREAS, in June of 2019, the CDFA adopted emergency regulations, and in October of 2019 the CDFA revised those regulations, to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction for industrial hemp cultivation; and

WHEREAS, CDFA found a pressing need for the swift establishment of regulations to prevent delay of the first industrial hemp harvest, and calculated that the absence of regulation could result in a potential direct loss of over \$43,000,000.00 to California farmers; and

WHEREAS, industrial hemp, the extracts and derivatives from processing industrial hemp, and products manufactured with industrial hemp or its extracts and derivatives, may be useful and valuable to both producers and consumers, and therefore may serve as a source of economic development; and

WHEREAS, researching strains of industrial hemp plants, the methods for cultivating and processing industrial hemp, and the methods for manufacturing products using industrial hemp and its extracts and derivatives, is important for identifying and optimizing the beneficial uses and value of industrial hemp, and is itself a useful and productive economic activity; and

WHEREAS, research and commercial activity relating to industrial hemp and its cultivation, processing, and manufacturing are not mutually exclusive activities, but can be and should be mutually supporting and reinforcing; and

WHEREAS, industrial hemp strains grown for its cannabidiol oil properties (CBD oil) may be indistinguishable from the high THC cannabis strains used for medicinal and recreational purposes, and permitting industrial hemp cultivation without regulation of the acreage and location of industrial hemp plants may lead to the same type of odor and public safety issues facing cannabis operations in the City; and

WHEREAS, industrial hemp may serve as a host to mites and other insects, and currently registered pesticides may not always be effective in either addressing such mites and insects or preventing them from moving into other nearby crops, thus threatening the safety of those nearby crops; and

WHEREAS, on April 27, 2020 the City of Arvin Planning Commission (“Commission”) conducted a public hearing to consider the proposed ordinance, and after considering public

testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the City Council (“Council”) [approve/deny] the proposed ordinance; and

WHEREAS, the City Council finds this ordinance is reasonable and necessary for the preservation of the public peace, health and safety; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, new Chapter 17.65 establishes hemp regulations within the City of Arvin; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), and pursuant to CEQA Guideline, sections 15378 and 15061(b)(3), this activity is not a “project” subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

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

SECTION 1. The above recitals are incorporated hereby by reference.

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of Arvin residents, including promoting affordable housing and economic development.

SECTION 4. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines (“CEQA Guidelines”), and the environment regulations of the City. The City Council finds and determines that the proposed ordinance is not a “project” for the purposes of CEQA and consistent with CEQA Guidelines section 15378, as it merely updates existing administrative processes and will not result in direct or indirect physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purpose of CEQA, there is no possibility that the project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

SECTION 5. Newly added Chapter 17.65, of Title 17, of the Arvin Municipal Code is added to read as follows:

**Chapter 17.65
Hemp**

Section 17.65.010 Policy.

It is the policy of the City to encourage responsible industrial hemp cultivation, processing, and manufacturing and to regulate such cultivation, processing, and manufacturing in a responsible

manner to promote economic development, protect the health, safety, and welfare of the residents of the City of Arvin and to enforce rules and regulations consistent with state law.

Section 17.65.020 Definitions.

When used in this chapter, the following words shall have the meaning ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regular provision.

- A. "City" means the City of Arvin, a municipal corporation.
- B. "City Council" means the governing body of the City.
- C. "City Manager" means the city manager of the City of Arvin, or the city manager's authorized deputy, agent or representative.
- D. "Established agricultural research institution" or "EARI" has the same meaning as in section 81000 of the California Food and Agricultural Code.
- E. "EARI affiliate" means any person carrying out research pursuant to or for a research program of an EARI.
- F. "Hemp cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of hemp, including activities carried out by seed breeders which is authorized pursuant to state, federal or local statute.
- G. "Hemp processing" means any baling, bundling, or milling of industrial hemp, or the extraction or separation of any oils, fibers, or other derivatives of industrial hemp after harvesting.
- H. "Industrial Hemp" shall have the same meaning as in section 11018.5 of the California Health and Safety Code.
- I. "Person" means any individual, firm, partnership, joint venture, association corporation, limited liability company, estate, trust, activity trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- J. "Seed breeder" has the same meaning as in section 81000 of the California Food and Agricultural Code.

Section 17.65.030 Hemp Cultivation.

- A. Hemp cultivation shall be prohibited within all zones of the City of Arvin, whether conducted indoors or outdoors, unless you have first received a permit issued by the City or enter into a development agreement with the City authorizing the cultivation of hemp.
- B. Hemp cultivation by an EARI or EARI affiliate, including cultivation of Cannabis sativa L. plants as part of an EARI's hemp research program, shall be permitted within the City of Arvin, provided that the EARI or EARI affiliate shall register with the City Manager the locations and nature of operations within the City of Arvin where such cultivation shall be conducted in advance of any such activity.
- C. An EARI or EARI affiliate may sell industrial hemp commercially, but only to the extent that the biomass so used is derived from crops that were sampled and tested consistent with the standards and procedures established pursuant to California

Food and Agriculture Code section 81006(d) and for which test results show THC levels equal to or less than three-tenths of 1 percent. The City Manager may establish rules and regulations relating to documenting and reporting the tests of any such biomass used by an EARI or EARI affiliate for commercial transactions.

- D. Except to the extent used or maintained by an EARI or EARI affiliate for research purposes, any *Cannabis sativa L.* plant cultivated with the intent of being industrial hemp that are tested and determined to have THC content in excess of three-tenths of 1 percent within 30 days of intended harvest shall be destroyed. For purposes of this requirement, transferring such a plant to a person authorized to conduct commercial cannabis activities under Chapter 17.64, for treatment and handling in accordance with the provisions of that Chapter 17.64, shall be deemed the destruction of the plant as industrial hemp provided the transfer is conducted in compliance with applicable state statutes and the Arvin Municipal Code. The City Manager may establish further rules and regulations relating to the process of destroying such plants, whether by means of transfer to permissible cannabis activities or otherwise, and documentation relating thereto.

Section 17.65.040 Hemp Processing.

- A. Hemp processing shall be prohibited within all zones of the City of Arvin, whether conducted indoors or outdoors, except to the extent such processing either is (i) conducted pursuant to a permit issued by the City of Arvin authorizing the processing of Hemp, or (ii) conducted pursuant to a development agreement with the City of Arvin.
- B. Hemp processing by an EARI or EARI affiliate, including processing of *Cannabis sativa L.* plants as part of an EARI's hemp research program, shall be permitted within the City of Arvin, provided that the EARI or EARI affiliate shall register with the City Manager the locations and nature of operations within the City of Arvin where such processing shall be conducted in advance of any such activity. Nothing in this subsection shall authorize an EARI or EARI affiliate to processing hemp without first receiving a permit or entering into a development agreement with the City of Arvin.
- C. An EARI or EARI affiliate may sell industrial hemp or extracts or derivatives of industrial hemp commercially, but only to the extent that the biomass so used is derived from crops that were sampled and tested consistent with the standards and procedures established pursuant to California Food and Agriculture Code section 81006(d) and for which test results show THC levels equal to or less than three-tenths of 1 percent. The City Manager may establish rules and regulations relating to documenting and reporting the tests of any such biomass used by an EARI or EARI affiliate for commercial transactions.

Section 17.65.050 Manufacturing of Hemp Products.

- A. The manufacturing of products using industrial hemp or extracts or derivatives of industrial hemp shall be prohibited, unless you have first received a permit issued by the City of Arvin authorizing hemp manufacturing or entered into a development agreement with the City of Arvin authorizing hemp manufacturing. Upon receiving a City of Arvin permit or entering into a development agreement, hemp manufacturing shall be authorized solely within the M-1, M-2, M-3, A-1, and A-2 zoning districts. Further, a conditional use permit shall be required prior to engaging in the manufacturing of industrial hemp products.
- B. Manufacturing of industrial hemp products by an EARI or EARI affiliate shall be permitted within the City of Arvin as part of an EARI research program, provided that the EARI or EARI affiliate shall register with the City Manager the locations and nature of operations within the City of Arvin where such manufacturing shall be conducted in advance of any such activity.
- C. An EARI or EARI affiliate may sell industrial hemp products commercially, but only to the extent that the biomass so used is derived from crops that were sampled and tested consistent with the standards and procedures established pursuant to California Food and Agriculture Code section 81006(d) and for which test results show THC levels equal to or less than three-tenths of 1 percent. The City Manager may establish rules and regulations relating to documenting and reporting the tests of any such biomass used by an EARI or EARI affiliate for commercial transactions.

Section 17.65.060 Hemp Regulations.

- A. Hemp cultivation, hemp processing, and manufacturing of hemp products within the City of Arvin shall comply with all applicable state, federal and City of Arvin regulations.
- B. Any hemp manufacturing facility shall not be located within 200' feet of a residential zoning districts.
- C. Odor Control.
 - (1) Odor control devices and techniques shall be incorporated in all industrial hemp manufacturing facilities to ensure that odors from hemp are not detectable off site. Industrial hemp manufacturing facility shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside is not detected outside of the facility, anywhere on an adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or

within any other unit located inside the same building as the industrial hemp business.

- (2) In order to determine the existence of a violation of this chapter, the city may measure for hemp odor at the industrial hemp business with an approved field olfactometer device, including, but not limited to, a Nasal Ranger Field Olfactometer® or Scentometer®, according to the manufacturer's specifications and operating instructions. The threshold of detection (Dilutions to Threshold or D/T) will be determined in a sample of the ambient air after it is diluted with three equally sized samples of odor-free air. Two (2) samples or observations will be taken not less than fifteen minutes apart within a one (1) hour period. The two (2) samples will be taken at the building site of the industrial hemp business. If the threshold of detection is four (4) or greater, the industrial hemp business owner and/or the property owner will be issued a notice to abate public nuisance.
- (3) Any notice to abate public nuisance pursuant to this Section shall include the following:
 - (i) The Arvin Municipal Code violation which constitutes the public nuisance;
 - (ii) The required remedy for abating the public nuisance; and
 - (iii) Provide a reasonable time period to abate the public nuisance, unless the public nuisance constitutes an immediate threat to public health, safety and welfare.

Failure to timely abate the public nuisance may result in the revocation of the conditional use permit, pursuant to the Arvin Municipal Code. An appeal of the notice to abate public nuisance shall be filed with the city clerk within ten (10) calendar days from the date upon the notice and shall provide the specific basis for granting the appeal. An untimely filed appeal shall constitute a waiver of the appeal of the notice. Further, the ten (10) day time period for filing an appeal shall be jurisdictional, and as such, an untimely appeal shall not be considered by the city.

- (4) Every person or entity owning, possessing, or having charge or control of real property within the city shall manage that property and control the environment thereon in a manner so as not to violate the provisions of this chapter, and the owner shall be liable for violations of the provisions of this chapter, regardless of any contract or agreement with any third party regarding the property.
- (5) Every occupant, lessee, or holder of any possessory interest in real property shall maintain the property in a manner so as not to violate the provisions of this chapter.
- (6) In addition to any regulations adopted by the City of Arvin, the city manager, or his/her designee, shall be authorized to establish any necessary

rules, regulations or standards governing the issuance or denial of an industrial hemp conditional use permit, the ongoing operation of an industrial hemp manufacturing facility, and the City's oversight, if the city manager determines the rule, regulation or standard to be necessary to carry out this chapter.

(i) Regulations issued by the city manager shall be published on the city's website. A copy of the regulations established by the city manager shall be filed with the city clerk.

(ii) Regulations promulgated by the city manager shall become effective upon the date of publication. Industrial hemp manufacturing shall follow all state and local laws and regulations, including, but not limited to, any rules, regulations or standards adopted by the city manager.

Section 17.65.070 Limitations on City's Liability.

To the fullest extent permitted by the law, any industrial hemp manufacturing facility shall execute an agreement indemnifying and holding harmless the City of Arvin, its employees, agents and contractors from any liability or claims arising from issuance of a conditional use permit, pursuant to this chapter, the Arvin Municipal Code or otherwise approving a conditional use permit for an industrial hemp manufacturing facility.

Section 17.65.080 Public Nuisance.

Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance.

Section 17.65.090 Violation and Enforcement.

- A. Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized pursuant to this chapter and/or the provisions of the Arvin Municipal Code.
- B. Each and every violation of this chapter shall constitute a separate violation and shall be penalized pursuant to this chapter and/or the provisions of the Arvin Municipal Code.
- C. Any person who violates, causes, continues or permits another to violate the provisions of this chapter commits a misdemeanor and shall be punishable in accordance with the Arvin Municipal Code. The city may also pursue all applicable civil and administrative remedies, including, but not limited to, injunctive relief and administrative citations. Should a court of competent jurisdiction subsequently determine that the misdemeanor criminal penalty provision renders the provisions of this chapter, or the provisions of any chapter adopted by reference within the Arvin Municipal Code unlawful, the city intends that the misdemeanor provision be severable from the remaining penalty provisions and the city will only pursue criminal infraction penalties and/or non-criminal remedies for violations of this chapter.

- D. Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance which may be abated by the city pursuant to the Arvin Municipal Code.
- E. The administrative citation penalty for all violations of this chapter, within a rolling twelve (12) month period shall be as follows: one thousand dollars (\$1,000.00) per violation.
- F. In addition to any other remedy or enforcement mechanism provided within this chapter or any other provision of the Arvin Municipal Code, the city may commence a civil action seeking any other relief or remedy available at law or in equity.
- G. The provisions of this chapter are complimentary, cumulative, supplementary, and additional to any other legal remedies available, whether found in the Arvin Municipal Code, state or federal laws, regulations, or case law.

Section 17.65.100 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and 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.

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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 28th day of April 2020, and adopted the Ordinance after the second reading at a regular meeting held on the _____ day of _____ 2020, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

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.

Industrial Hemp in Arvin

Hemp is *Misunderstood*

- ▶ People think that the hemp is all about flowers, and CBD oil. It isn't.
- ▶ There are over 100 cannabinoids in the hemp plant.
- ▶ The aromas are called terpenes, which are a natural pesticide.
- ▶ Hemp doesn't naturally look like what has been seen in Kern County.
 - ▶ Auto-flower - genetically modified to flower quickly
 - ▶ Feminized - genetically modified to produce only females
 - ▶ Dioecious- males + female plants
 - ▶ Genetic diversity = terpene diversity = resilience + efficacy

Hemp Requires Less Inputs

- ▶ It's a weed, and it isn't a very thirsty one.
- ▶ Hemp does not need pesticides or herbicides
- ▶ Cotton uses the most pesticides out of any crop in the world
 - ▶ Nine of the most commonly used pesticides are highly toxic

Hemp is good for soil health

- ▶ Hemp drops all of its leaves and pollen prior to flowering, leaving a layer of organic material to cover the soil and allow microorganisms to thrive
- ▶ You do not need to till the soil
 - ▶ Higher carbon storage
 - ▶ Higher microbial activity
 - ▶ Better water absorption
 - ▶ Less soil erosion

Hemp is a bio-accumulator

- ▶ Removes heavy metals, pesticides, herbicides, and salts
- ▶ High promise for application in phytoremediation projects
- ▶ Apothio seed bank + IP dedicated to cleaning marginal lands
- ▶ Multiple research partners committed to researching strains of bacillus and other micro-organisms that are capable of healing the microbiome

Hemp is good for bees

- ▶ Hemp is an excellent source of late season protein
- ▶ Hemp fields act as a “remediation” zone for bees



Hemp sequesters carbon better than any other plant

- ▶ One ton of cellulose = 1.5 units of carbon sequestered
- ▶ 63.2% cellulose (according to my data from long season crop in Arvin)
- ▶ With the right seeds, one acre sequesters about 16.6 tons of carbon dioxide



This 40 acre farm sequestered 663 tons of carbon. Apothio sequestered 8,494 tons of CO₂ in spring 2019

There is an emerging market for carbon

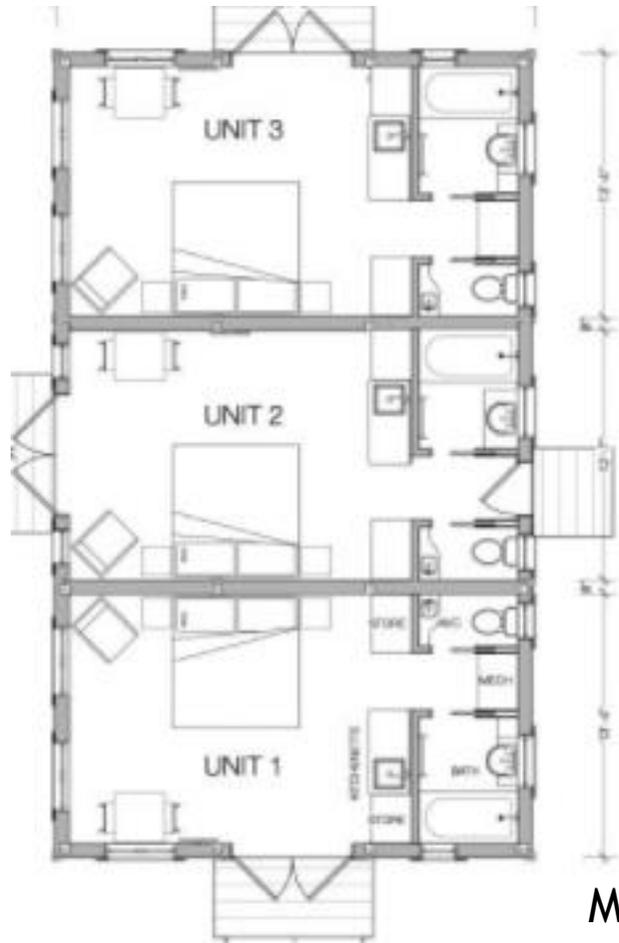
- ▶ Apothio is approved to get paid for sequestering carbon
- ▶ \$17 tax / ton in CA
- ▶ \$35 carbon credit / ton via industrial co-location
- ▶ LA just formally committed to reduce carbon in construction materials



Carbon credits will fuel the Hempcrete market



Hemp shows strong promise for a lot of sustainable building materials



DRAFT

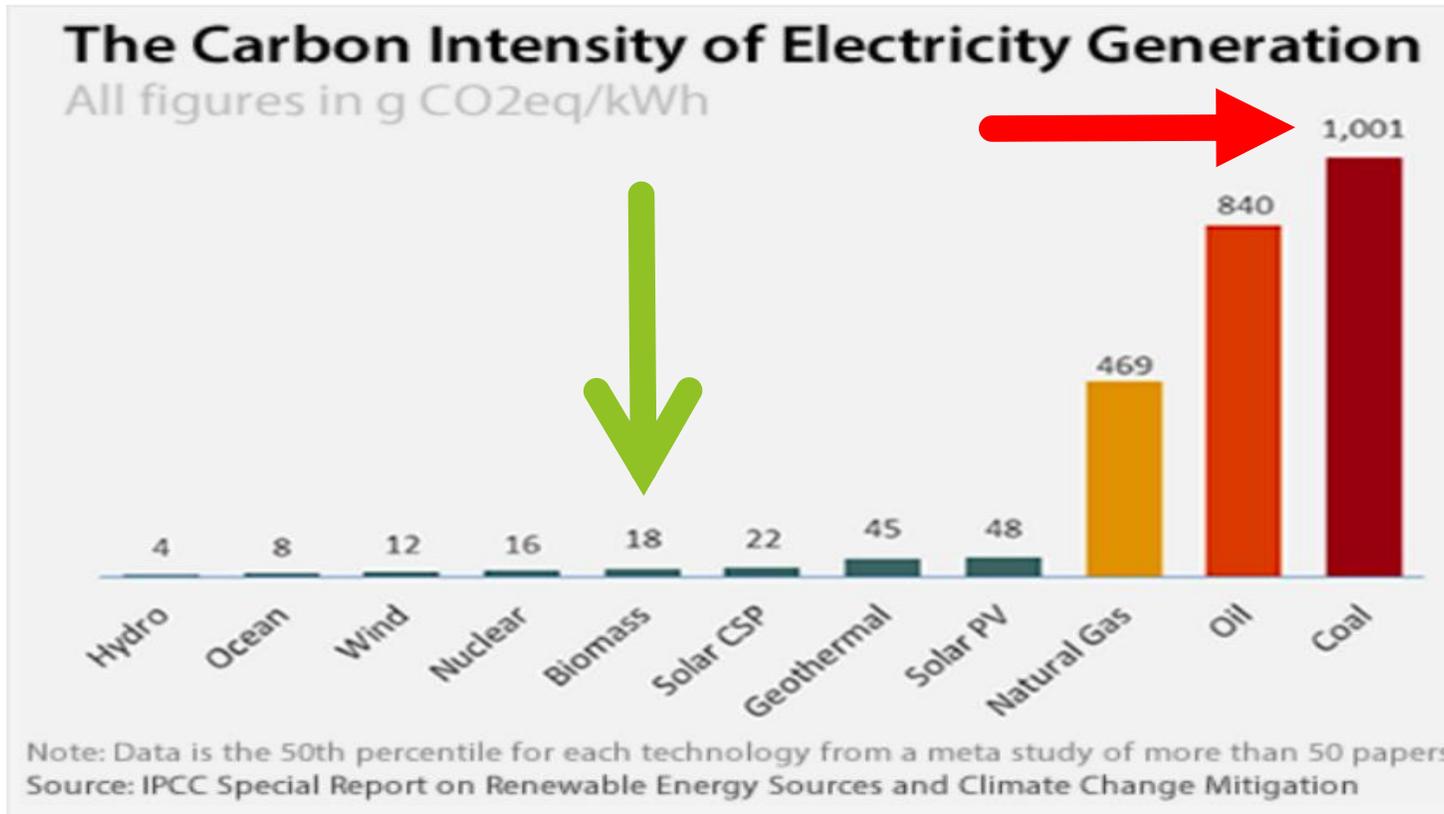
MODEL 4.3

ROW HOUSE

3 x 366 sq.ft. (1098)

Modular, durable, fireproof buildings

Hemp is a strong contender for production of renewable energy



Biomass is nearly carbon neutral

Hemp is about half as energy dense as coal



- High yielding pine are 38.7% as efficient
- 30x shorter investment horizon



BioCoal

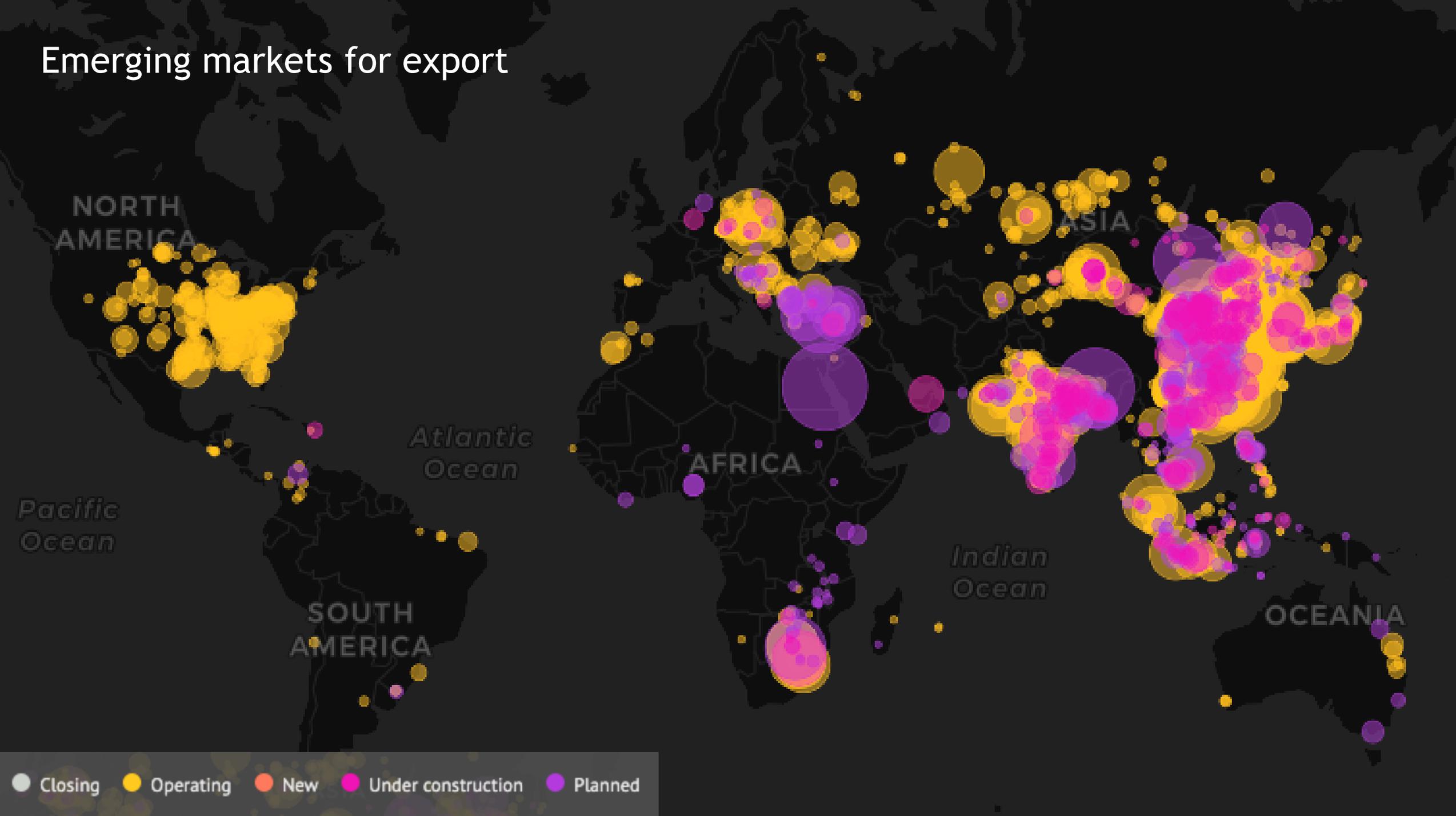
Biomass + heat + pressure + no O₂



1.18 acres of hemp = one ton of BioCoal

Plugs into 38% of global energy supply

Emerging markets for export



Hemp can make the fashion industry more sustainable

- ▶ Big brands are using hemp as a way to future proof their supply chains and transition out of cotton
- ▶ Water<Less Program at Levis
- ▶ Apothio is working with a research partner to develop a proprietary cellulosic fiber similar to viscose



Hemp makes sustainable & high quality paper

- ▶ The declaration of independence was written on hemp paper
- ▶ 1 acre of Hemp can produce as much paper as 4-10 acres of trees over a 20 year cycle
- ▶ Higher concentration (2-3 times more) cellulose than wood, the principal ingredient in paper.
- ▶ Hemp has lower lignin content than wood. This is advantageous as lignin must be removed from the pulp before it can be processed as paper.

Hemp can replace or supplement petroleum based plastics with biopolymers



Injection moldings for
PLA, ABS, HDPE, Polypropylene, and more

Hemp plastic isn't a new discovery



Hemp is food



Hemp grows really well in Arvin

- ▶ Unique climate
- ▶ Outperformed national averages by 10x
- ▶ Access to international markets
- ▶ Carbon credits in CA
- ▶ Exceptional human talent and infrastructure
 - ▶ Agriculture
 - ▶ Oil
 - ▶ Workforce



Arvin Community Initiatives Overview

An Opportunity for Arvin in Developing a
Community Centric Public Private Partnership

THE FLAGSHIP

INDUSTRIAL SYMBIOSIS

WORKFORCE DEVELOPMENT



A “SUSTAINABILITY FLAGSHIP” VIA INDUSTRIAL HEMP

A model location to showcase, educate, and research solutions
to existentially threatening sustainability challenges in the central valley

- Showcasing and researching novel sustainability concepts
- Completion of sustainability related grants
- Foster commercial adoption of sustainable farming practices
- Student hands on learning
- Showcase concepts to impact oriented investors

INDUSTRIAL HEMP FLAGSHIP CONCEPTS

- Integrated Pest Management and Terpenes – using hemp to reduce our reliance on pesticides & why diversity matters
- Seeds for Change – education on dioecious (male / female) plants and why they are so important
- Remediation – the role of plants & bacteria in removing heavy metals, pesticides, salts from water & soil
- Carbon Farming – showcasing how farmers can monetize creation of “carbon sinks” by utilizing sustainable cultivation techniques
- Green Energy – turning hemp biomass into carbon neutral combustible energy (replacement for coal)
- Bee Refuge – seasonal area for beekeepers to bring their bees to feast upon the male hemp pollen
- Aquaponic Farming – An Arvin-based joint venture with Canada

INTEGRATED PEST MANAGEMENT W/ TERPENES

- Terpenes are a profound “learned” defense system that are particularly strong in the hemp plant
- They were learned over thousands of years by being exposed to different environments / pests around the world
- Hemp doesn’t need pesticides. Terpenes provide the defense that pesticides would provide.
- Synthetic Pesticides are devastating to the environment. They kill our bees, are in our water, and our food.
- Co-planting or intercropping with hemp can not only improve farmer revenues, but decrease their reliance on harmful synthetic pesticides.

SEEDS FOR CHANGE

- Non-homogenized seeds express a massive array of unique terpenes. Thus, they provide the most resilient defense systems at scale.
- Dioecious seeds (yields both male & female plants) also create more resilient, healthy, and vigorous plantations. They prevent the need to till the soil, which creates long term storage systems for carbon, and creates an environment where soil biomes can be restored, which prevents soil erosion.
- Dioecious seeds prevent farmers from needing to buy seeds each year, or to re-plant their fields. Less GHG emissions, more profit.
- This natural, non-GMO way of farming is the cultural equivalent to traditional Mexican maize. It must be protected from the market forces of big ag. Feminized and homogenized seeds (what every other farmer in Kern uses) are the equivalent to Monsanto corn varieties.

CARBON FARMING

- An Arvin Hemp Company (Apothio, LLC) is approved to sell the carbon that is stored in the soil to the state of California.
 - This Company's last hemp production removed enough CO₂ from the air for a year of 1,100 homes' CO₂ emissions.
- It is an emerging economy that can benefit farmers and the environment, and we plan to lead that path by converting farmers to carbon friendly, profitable, and sustainable land use.
- Hemp is known to be 50% more effective at sequestering carbon than any other plant.

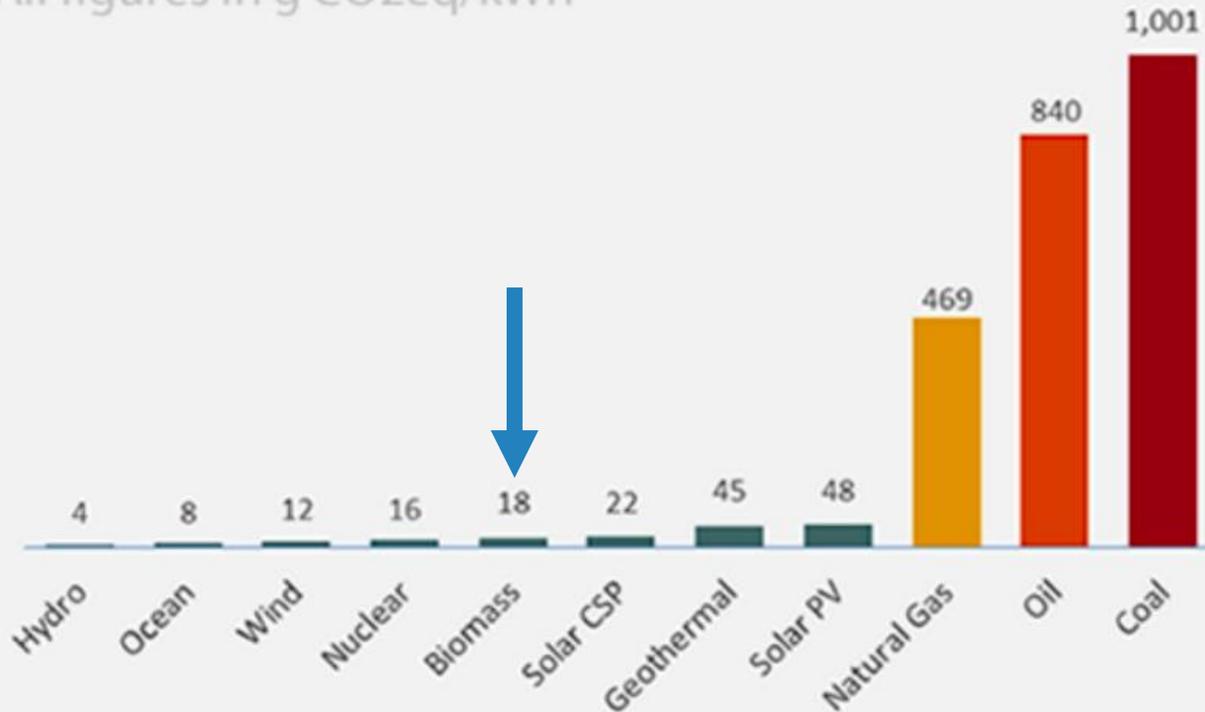
SOIL & WATER REMEDIATION

- Intensive inputs in our modern farming methods have left us with dead soil whose top layers are slowly degrading, salinized, and contaminated. Over time, any of these risks can render farms unfarmable.
- Hemp drops its leaves upon maturity, leaving up to 0.5” of organic material on the ground.
- Groundwater in Kern County is contaminated with heavy metals and pesticides.
- Hemp is a wonderfully powerful phytoremediator. It pulls heavy metals and pesticides out of water and soil and stores it in the plant. One of Arvin's Hemp Company's (Apothio, LLC) has a U.S. patent pending surrounding water remediation and hemp. That technology will be developed here in Arvin.
- The same Arvin-based Hemp Company also is developing its U.S. patents surrounding aquaponics designs that can be used for water remediation, food, nutraceutical and pharmaceutical production in Arvin and around the globe.

GREEN ENERGY

The Carbon Intensity of Electricity Generation

All figures in g CO₂eq/kWh



Note: Data is the 50th percentile for each technology from a meta study of more than 50 papers
Source: IPCC Special Report on Renewable Energy Sources and Climate Change Mitigation

- Hemp is a perfect crop to make BioCoal
- Carbon taxes have made coal very expensive
- BioCoal is "carbon neutral" (no carbon tax)
- Coal based infrastructure = 40% of energy supply globally
- Arvin is the perfect place to create this market and the jobs that come with it due to unique climate, existing infrastructure, and access to intl. markets in Asia via LA

BEE REFUGE

- Bees lack access to a protein source in the late season
- Hemp is able to provide bees access to this protein source through the entire winter-time.
- We would like to provide bee-keepers with a “refuge” to co-locate their hungry bees to feast upon our abundant supply of pollen.
- This location will allow us to raise awareness about the destruction of bee populations due to harmful uses of pesticides such as neo-nicotinoids and herbicides like Round Up.

ARVIN, CA

A dedicated area of the flagship to engage and educate the local community

- A community earned / owned vehicle to foster food sovereignty & wellness entrepreneurship
- Aquaponic wellness garden - students and residents can grow/access culturally sacred medicinal or culinary plants – cilantro, jalapeno, hibiscus, tomatoes, traditional corn, etc
- Prep station – local residents share access to cooking and cleaning supplies to host their own community dinners of 10 or more people
- Cultural showcase teaching about the three sisters & aquaponics (K-12+ students)
 - The history of the three sisters & aquaponics in Mexico (where it originated)
 - Interconnectedness of all plant and human life (how to achieve harmony amongst diversity)
 - The benefits of co-planting
 - Introduction to food sovereignty

INDUSTRIAL SYMBIOSIS

Concepts Overview (not at flagship)

ARVIN MUNICIPAL WATER TREATMENT

- Co-located industrial scale aquaponics systems with Arvin to help remove “hard to get” contaminants from municipal water supply (Arsenic, Boron, TCP, etc)
- This may include Green Members of the Gas & Oil Industry
- Development of genetics & biological strains to remove these contaminants

ENERGY COMPANIES LOCATED IN ARVIN

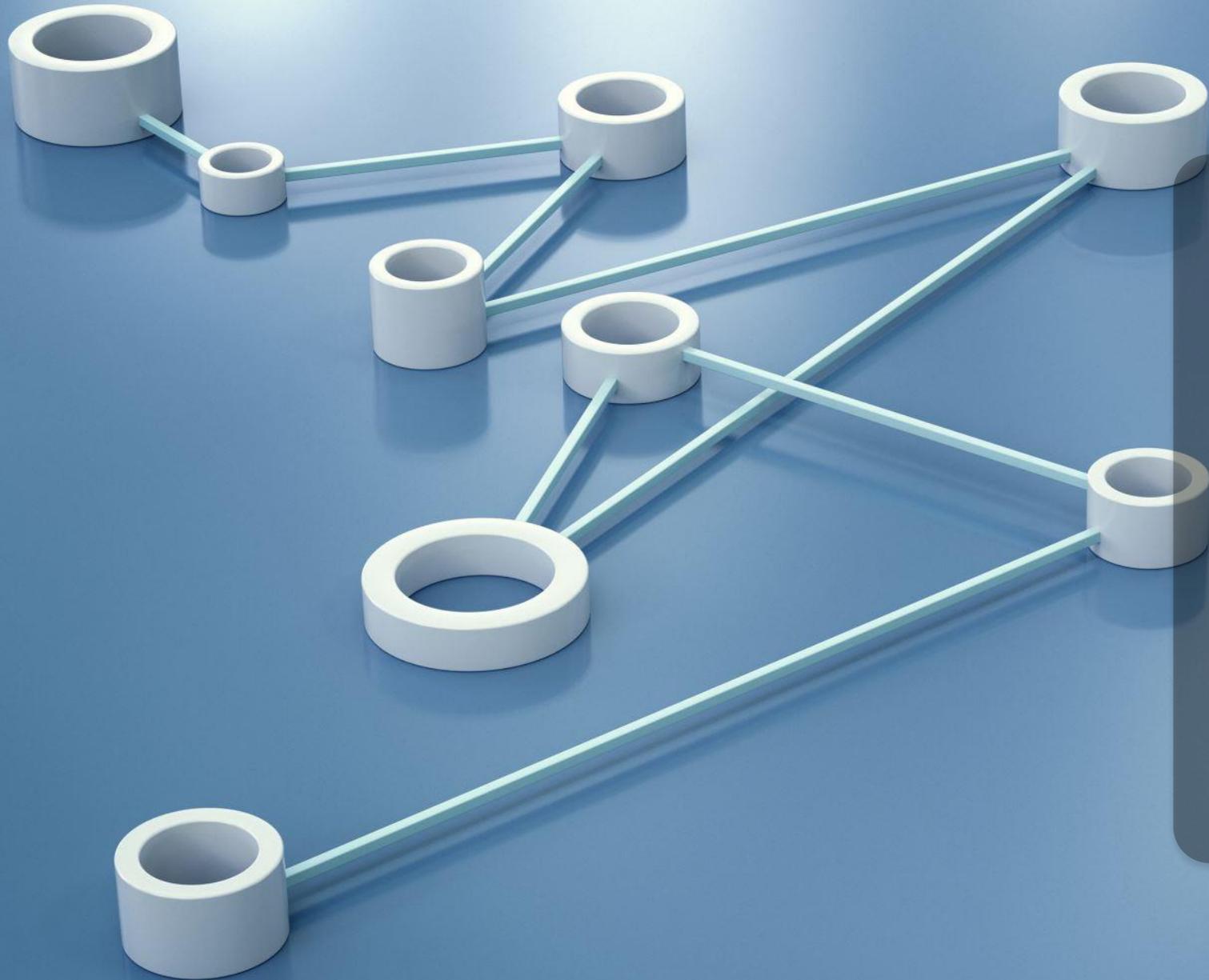
- Co-located industrial scale aquaponics systems with local energy industry partners to develop specific genetics that are particularly good at removing specific contaminants related to produced water (Arsenic, Boron, Chloride, Sodium)
- Energy partners utilize low intensity pyrolysis on hemp biomass (from remediation projects) to develop BioCoal – a carbon neutral drop-in replacement for coal derived from hemp
- Using Hemp Bio-Coal and/or Pyrolysis for the production of heat energy supporting annually sustainable food production in the colder climates.



THANK YOU

We appreciate your consideration to not only pioneer the cannabis industry with the Leadership and City of Arvin, but to work towards developing new models by which we can protect our planet, connect our community, and create meaningful, sustainable jobs for a green future.





Hemp Research, Development & Marketing

An “EARI” Strategic
Alliance

Summary of Key Industrial Categories for Hemp



The Hemp
“EARI” IS the
Hub
for Arvin
Partnerships:
Key JV
Partners

- ◆ Multiple Partnership Categories, for example:
 - ◆ Ag Real Estate and Production JV,
 - ◆ Extraction and Manufacturing JV,
 - ◆ BioPharma JV,
 - ◆ Genetics & Production JV,
 - ◆ Sustainable Energy JV,
 - ◆ Clean Water JV, and
 - ◆ Fiber & Industrial Materials JV

Examples of Revenue Streams for the City of Arvin

- ◆ City of Arvin Hemp Revenue Streams:
 - ◆ Arvin Owned Ag Land Lease: Revenue Sharing
 - ◆ Taxable Hemp Categories:
 - ◆ Commercial Hemp Growers
 - ◆ Extraction and Manufacturing
 - ◆ Movement of “hot hemp” into the Cannabis System