



Board of Adjustment Staff Report Building Permit Appeal Hearing Date: May 20, 2021

ITEM 1 Taylor Shaw requests an Appeal of an Alleged Error to the Board of Adjustment for property located at 2813 S Sierra Vista Way in the Planned Industrial Commercial zone. Spring Creek Neighborhood. Robert Mills (801) 852-6407 rmills@provo.org PLABA20210081

Applicant: Taylor Shaw

Staff Coordinators: Robert Mills

Property Owners: Champion Holdings LC

Parcel ID#: 468250001

Current Zone: Planned Industrial Commercial (PIC) Zone

Acreage: 7.4 acres

Number of Properties: 1

Alternative Actions:

Section 14.05.040(8) of the Provo City Code states:

In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order requirement, decisions, or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or agency or to decide in favor of the appellant on any matter upon which it is required to pass under any such section of the Provo City Code, or to affect any variation in such section of the Provo City Code.

Current Legal Use: Warehouse building.

Relevant History:

- A Business License (LCB201900525) was approved July 12, 2019 to engage in the business of "cannabinoid oil processing and extraction."
- Ordinance 2019-49 (PLOT20190365) was approved October 29, 2019 which, in part, provided a definition for "Cannabis Production Establishment" and removed cannabis production establishments as a permitted use in the PIC Zone.

Summary of Key Issues:

- Has the applicant established the existence on a nonconforming use by the preponderance of the evidence?

OVERVIEW

On July 12, 2019, Blanc Holdings LLC (“Blanc Holdings”) applied for and, subsequently, received approval of a business license (LCB201900525) to engage in the business of “cannabinoid oil processing and extraction” at its location in Mountain Vista Business Park, which is in the Planned Industrial Commercial (“PIC”) zone. Blanc Holdings described its business as “taking industrial hemp biomass that has been extracted off site and further refining it.” At the time Blanc Holdings applied for a business license cannabinoid oil processing and extraction was an approved use in the PIC Zone under the Standard Land Use “SLU” Code Number 2830 “Drugs.”

Additionally, on September 23, 2019, Blanc Holdings received an Industrial Hemp Processor License from the State of Utah, pursuant to Title 4, Chapter 41 of the State Code and has engaged in that use continuously since that date. Under the version of Utah Code Section 4-41a-102 in effect at the time, “cannabis processing facility” was defined as “a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 341, Hemp and Cannabinoid Act; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.”

During October 2019, the City initiated proceedings to amend the PIC Zone to exclude “cannabis production establishment” as it applies to SLU Code Number 2830. The City Council approved the amendment on October 29, 2019 which no longer allowed “cannabis production establishments” as permitted uses in the PIC Zone. The City Council also adopted the state definition of “cannabis production establishment” as part of the same amendment.

On January 6, 2021, the attorney for Blanc Holdings, Brent Bateman, met with Provo City staff to discuss a request for recognition of a nonconforming use of Blanc Holdings to operate a cannabis processing facility at 2813 Sierra Vista Way. After reviewing several emails and documentation in support of the request, as well as applicable code, City staff determined that, pursuant to Utah Code Section 10-9a-511 and Provo City Code Section 14.36.100, Blanc Holdings failed to meet its burden of establishing the existence of a nonconforming use by the preponderance of the evidence. City staff notified Blanc Holdings of its decision via a letter dated March 2, 2021.

On March 16, 2021, Mr. Bateman filed an appeal of the March 2, 2021 decision on behalf of his client, Blanc Holdings, wherein he stated the following:

“There was clear error when [staff] denied Blanc Holdings['] nonconforming use application because (1) Blanc Holdings was engaging or intended to engage, in the acquisition, possession, manufacturing, and selling of cannabis and cannabis

related products as defined in Utah Code Section 4-41a-102 which rendered it a cannabis processing facility, thus granting it nonconforming use status under Utah Code Section 10-9a-511; and (2) Blanc Holdings held a valid industrial hemp processor license which, under Utah Code Section 4-41a-102, qualified it as a cannabis processing facility and, thus, granted Blanc Holdings nonconforming use status under Utah Code Section 10-9a-511."

Mr. Bateman concludes by requesting the Board of Adjustment grant an appeal and legal nonconforming status to Blanc Holdings for its facility at the subject property.

ISSUES

The central issue of this appeal application, and what the Board of Adjustment will need to determine, is whether City staff erred in not granting legal nonconforming status to Blanc Holdings' cannabis processing facility at 2813 Sierra Vista Way. This section will provide a summation of the justification used by City staff in arriving at the determination to not grant legally nonconforming use status (Section "A"), as well as a summation of the errors Mr. Bateman ("Appellant") alleges staff made in making their decision (Section "B"). Attachment 1 contains the "Notice of Determination of Nonconforming Use" letter written by City staff and mailed on March 2, 2021. Attachment 2 contains the appellant's appeal request received on March 16, 2021.

- A. Notice of Determination of Nonconforming Use:** City Staff cited the following reasons for not granting recognition of the establishment of a nonconforming use of a cannabis processing facility for the subject property.

Blanc Holdings has not processed any medical cannabis at 2813 Sierra Vista Way at any time.

The staff letter notes that, while Blanc Holdings indicated that it received an Industrial Hemp Processor License from the State of Utah in September 2019 and has engaged in that use continuously since that time, Blanc Holdings has not received any license from the State to operate as a cannabis processing facility. Blanc Holdings has stated that it always intended to enter the medical cannabis market but initially took a "wait and see" approach and only became aware of the change in the permitted use when it was in the process of entering the medical cannabis market by applying for a cannabis processing facility license.

Blanc Holdings' claim that its operations as an industrial hemp processing facility meets the definition of "cannabis processing facility," as it was defined by the version of Utah Code Section 4-41a-102 in effect at the time, lacks merit.

Staff contends that other sections of the Utah Code make it clear that the legislature did not intend to include industrial hemp processing facilities within the definition of “cannabis processing facilities.” The letter notes that the State grants industrial hemp processor licenses pursuant to Title 4, Chapter 41; however, licenses for cannabis processing facilities are granted pursuant to Title 4, Chapter 41a. City staff conclude that the legislature did not intend for industrial hemp processor licenses to fall within the definition of “cannabis processing facility.”

Since Blanc Holdings does not possess the proper license from the State, it could not have legally operated as a cannabis processing facility prior to the zone change—thus, the claim for legal nonconforming status fails.

Staff notes in the letter that it is the responsibility of the applicant to demonstrate by a preponderance of the evidence that it was lawfully engaging in the use prior to the code change, and it does not do that.

- B. Appeal:** Mr. Bateman has the burden of proof to show that his client, Blanc Holdings, is a nonconforming use through a preponderance of evidence that the use was legally established prior to the code change and that staff issued the determination in error.

Blanc Holdings was engaging or intended to engage, in the acquisition, possession, manufacturing, and selling of cannabis and cannabis related products which rendered it a cannabis processing facility, thus granting it nonconforming use status.

The appellant notes that a business license was granted in July 2019 to allow Blanc Holdings to engage in the business of acquiring, possessing, manufacturing, and selling cannabis or cannabis related products, including cannabinoid oil processing, extraction, and refinement and that the company has continued those operations.

The appellant further contends that Mr. Jared Huish, owner of Blanc Holdings, communicated to staff that, since both city and state licensure and prior to the ordinance change, production continued for cannabis and cannabis related products. Blanc Holdings had acquired biomass for cannabis and cannabis related products, extracted it, diluted it, and had it stored in the subject facility.

Blanc Holdings must be categorized as a cannabis processing facility under the definition provided in Utah Code 4-41a-102, in effect at the time of licensure.

The appellant argues that Utah Code 4-41a-102 establishes that a holder of an industrial hemp processor license is considered a cannabis processing facility. The

appeal document notes that City staff tried to use legislative intent as a rebuttal to this argument; however, the appellant concludes the language of the statute is clear.

Blanc Holdings state licensure as an industrial hemp processor is valid because it was granted under Chapter 41 of the Utah Code, of which 4-41a-201 is a part.

The appeal documents note that City staff contend that Blanc Holdings state licensure is invalid because it was not received under subsection a. The appellant contends that is a misinterpretation of the statute because subsection a is a part of Chapter 41.

Again, the above statements are a summation of the justification statements provided in the Notice of Determination of Nonconforming Use authored by City staff and the appeal letter submitted by Mr. Bateman on behalf of Blanc Holdings. The full documents are provided in Attachments 1 and 2.

Conclusions

In making a decision, the Board of Adjustment must consider whether City staff erred in the determination to not grant nonconforming status to Blanc Holdings and whether the applicant has established the existence on a nonconforming use by the preponderance of the evidence.

Section 14.05.040(8) of the Provo City Code states:

In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order requirement, decisions, or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or agency or to decide in favor of the appellant on any matter upon which it is required to pass under any such section of the Provo City Code, or to affect any variation in such section of the Provo City Code.

Regardless of the decision, the Board of Adjustment should state the facts upon which its decision is based as part of any motion.

ATTACHMENTS

1. Notice of Determination of Nonconforming Use Issued by City Staff
2. Appeal Letter
3. Email Correspondence

1. Attachment 1: Notice of Determination of Nonconforming Use Issued by City Staff



DEVELOPMENT
SERVICES
TEL 801 852 6400
330 W 100 S
PROVO, UT, 84603

Notice of Determination of Nonconforming Use

March 2, 2021

Blanc Holdings, LLC
100 W Canyon Crest Rd, Ste 204
Alpine, UT 84004

Location: 2813 S SIERRA VISTA WY, PROVO, UT

Parcel: 468250001

Status: Recognition of the establishment of a nonconforming use of a cannabis processing facility for the subject property is *not* granted.

Dear Mr. Huish:

On December 30, 2020, Brent Bateman, attorney for Jared Huish and Blanc Holdings LLC, requested a meeting with Provo City Staff regarding a request for recognition of a nonconforming use. On January 6, 2021, the parties met to discuss the issue and Blanc Holdings submitted a request with Provo City for a land use decision recognizing the existence of a nonconforming use to operate a cannabis processing facility at 2813 Sierra Vista Way ("Request"). After that discussion, Blanc Holdings and Provo City Staff exchanged several emails and documentation in support of the request. Provo City Staff has reviewed the emails and other documentation that Blanc Holdings has provided to the City, as well as applicable law. Pursuant to Utah Code Section 10-9a-511 and Provo City Code Section 14.36.100, Blanc Holdings bears the burden of establishing the existence of a nonconforming use by the preponderance of the evidence. Having considered Blanc Holdings arguments in favor of the claim of the existence of a nonconforming use, the documentation that it submitted in support of its position, and the relevant law, the City determines that Blanc Holdings has failed to meet its burden in establishing the existence of a nonconforming use to operate a cannabis processing facility.

Blanc Holdings has made its claim for nonconforming use status on the basis that it applied for and received a business license and a building permit for cannabinoid oil processing and extraction prior to the City's initiation of proceedings to amend the City Code to exclude cannabis production establishments as a permitted use in the Planned Industrial Commercial ("PIC") Zone. 2813 Sierra Vista Way is located in the PIC Zone. The City initiated proceedings to amend the PIC Zone to exclude "cannabis production establishment" as a permitted use on



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October 13, 2019. The City Council approved the amendment on October 29, 2019 and cannabis production establishments remain a non-permitted use in the PIC Zone. During those proceedings, the City Council adopted the state definition of “cannabis production establishment,” which includes “cannabis processing facilities.”

Prior to these changes, Blanc Holdings began engaging in the business of industrial hemp processing. On July 12, 2019, Blanc Holdings applied for and received a Provo City Business License to engage in the business of “cannabinoid oil processing and extraction.” In September 2019, Blanc Holdings described its business during the process of a building permit application. In that application, it described the business as “processing industrial hemp . . . [by] taking industrial hemp biomass that has been extracted off site and further refining it.” In connection with the Request, Blanc Holdings indicated by email that it received an Industrial Hemp Processor License from the State of Utah in September 2019 and has engaged in that use continuously since that date.

Blanc Holdings has not processed any medical cannabis at 2813 Sierra Vista Way at any time. It acknowledges that it has not received any license from the State to operate as a cannabis processing facility because it initially wanted to take a wait and see approach in relation to the medical cannabis market before determining how to proceed. Blanc Holdings has maintained that it always intended to enter the medical cannabis market at some point and was in the process of doing so when it became aware of the change in zoning.

Since Blanc Holdings readily acknowledges that it did not engage in the processing of medical cannabis prior to the zone change, it has rested its claim to nonconforming status on the argument that an industrial hemp processing facility is a cannabis processing facility within the meaning of the State and City Code. Under the version of Utah Code Section 4-41a-102 in effect at the time, “cannabis processing facility” was defined as “a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and Cannabinoid Act; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.” Blanc Holdings contends that its operations as an industrial hemp processing facility meets this definition. Because the evidence establishes that it started its industrial hemp operations prior to October 2019, Blanc Holdings contends that it lawfully established its use as a cannabis processing facility prior to the zone change.

Blanc Holdings’ contention lacks merit because it fails to take into account other related sections of the Utah Code that make it clear that the legislature did not intend to include industrial hemp processing facilities within the definition of cannabis processing facilities. Specifically, Utah Code Section 4-41a-201 states, “a person may not operate a cannabis production establishment without a license that the department issues under this chapter.” The State does not issue industrial hemp processor licenses pursuant to Title 4, Chapter 41a. Rather,



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it issues those licenses pursuant to Title 4, Chapter 41. Since cannabis processing facilities are a type of cannabis production establishment and require a license issued pursuant to Title 4, Chapter 41a, this indicates that the legislature did not intend that industrial hemp processor licensees fall within the definition of “cannabis processing facility.” Furthermore, Title 4, Chapter 41a also codifies many other requirements of cannabis production establishments, generally, and cannabis processing facilities, specifically, that do not necessarily apply to holders of industrial hemp processing licenses. This further indicates a legislative intent that industrial hemp processing licensees are not cannabis processing facilities within the meaning of the Utah Code.

Because Blanc Holdings did not hold a license issued pursuant to Utah Code, Title 4, Chapter 41a prior to the zone change, it fails to establish the existence of a nonconforming use. To establish the existence of a nonconforming use, a party must demonstrate by a preponderance of the evidence that it was lawfully engaging in the use prior to the change in law. Since Blanc Holdings does not possess the proper license from the state, it could not have legally operated as a cannabis processing facility prior to the zone change. Thus, its claim for a nonconforming use fails.

Amended Determinations:

If within ten (10) days after the Notice of Determination of Nonconforming Use is mailed, information is received by the Zoning Administrator which may affect the validity of the Determination, the Administrator may make an amended determination. Notice of an amended Determination shall be given as set forth in Subsection 14.36.100(b) of the Provo City Code.

Appeals:

Any person aggrieved by a decision of the Zoning Administrator, or other official enforcing the provisions of this Chapter 14.36 of the Provo City Code, may appeal for relief therefrom to the Board of Adjustment as provided in Title 14 of the Provo City Code. Any person aggrieved by a decision of the Board of Adjustment enforcing the provisions of Chapter 14.36 of the Provo City Code may appeal to the District Court as provided in Section 14.05.050 of Title 14 of the Provo City Code. For information on how to file an appeal, please call 801-852-6400.

Sincerely,

Brandon Larsen
Digitally signed by Brandon Larsen
DN: cn=Brandon Larsen, o=Provo City, ou=Development
Services, email=Brandon.Larsen@provo.gov, c=US
Reason: I am the author of this document
Date: 2021.05.20 09:10:10 -0700

Brandon Larsen
Planner

Attachment 2: Appeal



Brent N. Bateman
Shareholder
brent.bateman@dentons.com
D 1+ (801) 415-3000

Dentons Durham Jones Pinegar P.C.
111 South Main Street, Suite 2400
Salt Lake City, Utah 84111
United States
dentons.com

March 16, 2021

Provo Board of Adjustment
City Center Building (North Entrance)
351 W Center St
Provo, UT 84601

Dear Board:

Pursuant to Provo City Code 14.05.030 and 14.05.040, our client, Blanc Holdings LLC, DBA Blanc Labs ("Blanc Holdings"), appeals the Notice of Determination of Nonconforming Use ("Notice") issued by Provo City planner Brandon Larsen ("Mr. Larsen") on March 2, 2021. There was clear error when Mr. Larsen denied Blanc Holdings nonconforming use application because (1) Blanc Holdings was engaging or intended to engage, in the acquisition, possession, manufacturing, and selling of cannabis and cannabis related products as defined in Utah Code Section 4-41a-102 which rendered it a cannabis processing facility, thus granting it nonconforming use status under Utah Code Section 10-9a-511; and (2) Blanc Holdings held a valid industrial hemp processor license which, under Utah Code Section 4-41a-102, qualified it as a cannabis processing facility and, thus, granted Blanc Holdings nonconforming use status under Utah Code Section 10-9a-511.

Utah Code Section 10-9a-511 states that a "nonconforming use or noncomplying structure may be continued by the present or a future property owner." Utah Code 10-9a-103(43) defines a noncomplying use as "a use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use ordinance governing the land changed; and (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land." Blanc Holdings squarely fits within the nonconforming use status as it legally existed before the current land use designation as referenced by its licensure by Provo City in July of 2019, it continuously maintained its operations and status since the time the land use ordinance changed, and the subsequent land use ordinance change made Blanc Holdings not compliant with the current land use regulations.

On July 12, 2019, Blanc Holdings applied for and received a Provo City Business License to engage in the business of acquiring, possessing, manufacturing, and selling cannabis or cannabis related products, including cannabinoid oil processing, extraction, and refinement. From that day forward, Blanc Holdings was engaging, or intending to engage, in the acquisition, possession, manufacturing, and selling of cannabis and cannabis related products. On September 23, 2019, Blanc Holdings received its Industrial Hemp Processor License pursuant to Title 4, Chapter 41, Hemp and Cannabinoid Act. Both of these acts under Utah Code Section 4-41a-102 defined Blanc Holdings as a cannabis processing facility, and thus, granted it rights to nonconforming use status.

After receiving the business license from Provo city and upon reliance of the same, Blanc Holdings entered into a 5 year lease agreement for the property located at 2813 Sierra Vista Way in Provo, Utah (the

Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► Larrain Rencoret ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

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"Property"). At the time of receiving the business license and the signing of the lease, the Property was in the Planned Industrial Commercial ("PIC") zone which permitted cannabis production establishments. On October 29, 2019, the Provo City Council approved an amendment which made cannabis production establishments a non-permitted use in the PIC zone. From the time Blanc Holdings had its processing license from the State and business license from the City, it received, stored, staged, prepared, and aggregated raw ingredients and processes for cannabis and cannabis related products with the intention to sell these products to other distributors.

Under the version of Utah Code Section 4-41a-102 in effect at the time, "cannabis processing facility" was defined as: "a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and Cannabinoid Act; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee."

It is clear that Blanc Holding squarely fits into the plain language of the statute as it did or had intent to acquire, possess, manufacture, and sell cannabis and cannabis related products. In the Notice, Mr. Larsen claimed that Blanc Holdings "readily acknowledge[d]" that it did not engage in the processing of medical cannabis, however, this is not the case. Jared Huish ("Mr. Huish"), owner of Blanc Holdings, communicated via email numerous times that the company was currently or intending to acquire, possess, manufacture, and sell cannabis and cannabis related products. In one such email sent February 10, 2021, Mr. Huish, responding to Mr. Larsen's question of if Blanc Holdings had been performing cannabis related work prior to the ordinance change, replied that since licensure (both city and state) and prior to the ordinance change, "our production continued in our facility in Provo as we received, stored, staged, prepared, and aggregated raw ingredients and processes" for cannabis and cannabis related products. Prior to the ordinance change and subsequent to licensure, Blanc Holdings had acquired biomass for cannabis and cannabis related products, extracted it, diluted it, and had it stored in the Provo facility. This is the textbook definition of actually, or having the intent to, acquire, possess, manufacture, and sell cannabis and cannabis related products as stated in Utah Code 4-41a-102. As such, Mr. Larsen erred in not granting nonconforming use status to Blanc Holdings.

Assuming, *arguendo*, that Mr. Larsen did not find that Blanc Holdings did or intended to acquire, possess, manufacture, and sell cannabis and cannabis related products pursuant to 4-41a-102, Blanc Holdings still must be categorized as a cannabis processing facility under the definition provided in Utah Code 4-41a-102. Under the version of 4-41a-102 in effect at the time, a cannabis processing facility is "a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license..." (emphasis added). As is clearly shown in the statute above, the holder of an industrial hemp processor license must be categorized as a cannabis processing facility. So even if Mr. Larsen found that there wasn't enough evidence to show that Blanc Holdings did or intended to acquire, possess, manufacture, and sell cannabis and cannabis related products, Blanc Holdings would still be a cannabis processing facility by virtue of the industrial hemp processor license it held and currently holds. Mr. Larsen attempted to use legislative intent as a rebuttal to this claim, however, legislative intent is only resorted to when the plain language of the statute is not clear. *See, Lexington Ins. Co. v. Precision Drilling Co., L.P.*, 830 F.3d 1219, 1222 (10th Cir. 2016) ("[G]uesses about legislative intentions are, as we've seen, never a proper basis for overruling plain statutory language.").

Furthermore, Mr. Larsen claimed that because Utah Code 4-41a-201 requires that a cannabis production establishment must be licensed under this chapter, that Blanc Holdings state licensure is invalid because it was not received under subsection a. However, Mr. Larsen misinterpreted the statute. Blanc Holdings received their industrial hemp processor license under Chapter 41 of the Utah Code. 4-41a-201 is a part of Chapter 41. Mr. Larsen's argument may have merit if the statute had said only facilities licensed under subsection a of Chapter 41 were valid. However, that is not what the statute said.



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As such, Mr. Larsen should have granted nonconforming use status to Blanc Holdings as required by Utah Code Section 10-9a-511 and 4-41a-102 and should not have attempted to divine the intent of the legislators when the statutory language was clear.

Accordingly, we respectfully request that the Board of Adjustment grant this appeal and confer legal nonconforming use status on Blanc Holdings at the Property.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent N. Bateman".

Brent N. Bateman

DDJP

Attachment 3: Email Correspondence

Effective 3/2/2020

4-41-102. Definitions.

As used in this chapter:

- (1) "Cannabinoid product" means a chemical compound extracted from a hemp product that:
 - (a) is processed into a medicinal dosage form; and
 - (b) contains less than 0.3% tetrahydrocannabinol by dry weight.
- (2) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- (3) "Industrial hemp certificate" means a certificate that the department issues to a higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).
- (4) "Industrial hemp certificate holder" means a person possessing an industrial hemp certificate that the department issues under this chapter.
- (5) "Industrial hemp laboratory permit" means a permit that the department issues to a laboratory qualified to test industrial hemp under the state hemp production plan.
- (6) "Industrial hemp producer license" means a license that the department issues to a person for the purpose of cultivating or processing industrial hemp or an industrial hemp product.
- (7) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells any industrial hemp product.
- (8) "Industrial hemp product" means a product derived from, or made by, processing industrial hemp plants or industrial hemp parts.
- (9) "Laboratory permittee" means a person possessing an industrial hemp laboratory permit that the department issues under this chapter.
- (10) "Licensee" means a person possessing an industrial hemp producer license that the department issues under this chapter.
- (11) "Medicinal dosage form" means:
 - (a) a tablet;
 - (b) a capsule;
 - (c) a concentrated oil;
 - (d) a liquid suspension;
 - (e) a sublingual preparation;
 - (f) a topical preparation;
 - (g) a transdermal preparation;
 - (h) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape; or
 - (i) other preparations that the department approves.



PROVO CITY LICENSING

A FUNCTION OF PROVO311



(801) 852-6000 || PROVO.ORG/LICENSING

351 WEST CENTER ST | PROVO, UT 84601

NOT TRANSFERABLE

KIND BUSINESS LICENSE		NUMBER LCB201900525
BUSINESS NAME BLANC HOLDINGS LLC	BUSINESS ADDRESS 2813 S SIERRA VISTA WAY, PROVO, UT 84606	
START DATE JULY 12, 2019	EXPIRATION DATE AUGUST 31, 2020	
ATTN JARED HUIH 100 W Canyon Crest Rd STE 204 Suite 204 Alpine, UT 84004		

AUGUST

2020

ATTEST

POST IN A CONSPICUOUS PLACE

NOT TRANSFERABLE

LLC
Certificate of Organization
OF
Blanc Holdings LLC

The undersigned person(s) do hereby adopt the following Certificate of Organization for the purpose of forming a Utah Limited Liability Company.

Article I

The name of the limited liability company is to be Blanc Holdings LLC

Article II

The purpose or purposes for which the company is organized is to engage in:
manufacturing related to hemp.

The Company shall further have unlimited power to engage in or to perform any and all lawful acts pertaining to the management of any lawful business as well as to engage in and to do any lawful act concerning any and all lawful business for which a Limited Liability Company may be organized under the Utah Limited Liability Company Act and any amendments thereto.

Article III

The Company shall continuously maintain an agent in the State of Utah for service of process who is an individual residing in said state. The name and address of the initial registered agent shall be:

(Registered Agent Name & Address)
Jared Huish
100 W Canyon Crest Suite 204
Alpine, UT, 84004



State of Utah
Department of Commerce
Division of Corporations & Commercial Code

This certifies that this registration has been filed and approved on 24, June 2019 in the office of the Division and hereby issues this Certification thereof.

A handwritten signature in black ink, appearing to read "Jason Sterzer".

JASON STERZER
Division Director

Article IV

Name, Street address & Signature of all members/managers

Member #1

BFC, LLC

100 W Canyon Crest Suite 204

Alpine, UT 84004

Signature

Manager #1

Jared Huish

100 W Canyon Crest Suite 204

Alpine, UT 84004

Jared Huish

Signature

DATED 24 June, 2019.

Article V

Management statement

This limited liability company will be managed by its Managers

Article VI

Records required to be kept at the principal office include, but are not limited to the following:

Article VI.1

A current list in alphabetical order of the full name
and address of each member and each manager.

Article VI.2

A copy of the stamped certificate of Organization
and all *certificates of amendments thereto*.

Article VI.3

Copies of all tax returns and financial statements
of the company for the three most recent years.

Article VI.4

A copy of the company's operating agreement and minutes of each meeting of members.

Article VII

The street address of the principal place of business is:

100 W Canyon Crest Suite 204

Alpine, UT 84004

Article VIII

The duration of the company shall be

Under GRAMA {63-2-201}, all registration information maintained by the Division is classified as public record. For confidentiality purposes, the business entity physical address may be provided rather than the residential or private address of any individual affiliated with the entity.

Insurance Information

Liability Policy Co./#

n/a

Liability Expires



Workers' Comp Policy Co./#

n/a

Workers' Comp Expires



Spatial Property Information

Neighborhood

Spring Creek

Spatial Query Zone

PIC: Planned Industrial Commer



Hazardous Material Details

Hazardous Material Details

Ethanol liquid. (He might need a local consent)

Cayenta Account Number

Cayenta Account Number

Standard Land Use

SLU Code

2830

Location

Add Related Parcels and Addresses

Add a Location

To link a location to this Licensee, enter location information below. CityView will suggest possible matches as you type:

46:825:0001

Link	Description	Type	Property Alert	Primary?	Status
.....	2813 S Sierra Vista Way, Provo, UT 84606	Address		☒	Active
.....	46:825:0001	Property		☐	Active
.....	# 8809654, CHAMPION SAFE	Structure		☐	Active

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Jared Huish, Address:100 W Canyon Crest Rd

Robert Mills

From: Jared Huish <jared@b7capital.com>
Sent: Wednesday, September 25, 2019 4:50 PM
To: Ellen Karren
Subject: Description of business

Categories: CityView Permitting Attachment

Hi Ellen,

Thanks for clarifying what you were looking for in the building permit application.

At our facility we will be processing industrial hemp. This entails taking industrial hemp biomass that has been extracted off site and further refining it at our location. This refinement is done with a German-made distillation machine that further refines the hemp oil to distillate or isolate, which is the final product. The Utah Dept of Agriculture requires all industrial hemp processors to have a clean room that is food-grade compliant, since the distillate or isolate is a product that can eventually be put into products that are consumed or applied to the body.

Hope this helps.

Let me know if you need anything else.

Thanks,
Jared

Robert Mills

From: Jared Huish <jared@blanc-labs.com>
Sent: Wednesday, February 10, 2021 5:28 PM
To: Brandon Larsen
Cc: Bill Peperone; Bateman, Brent N.; Marcus Draper; DiGiacomo, David M (71178)
Subject: Re: Provo city follow up

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Hi Brandon,

Thank you for your help with this request. I wanted to make sure that we were answering both the land use zoning questions as well as all cannabis specific rules (hemp & marijuana) adequately, which is why I wanted to involve our counsel on both sides of the issue here.

In early 2019, as medical and hemp programs were being developed with the Department of Agriculture and Health Department, we knew that Utah was the only state in the country that was going to allow for hemp-derived cannabinoids to supply medical marijuana products. We recognized this as an opportunity to be involved in both hemp and medical elements of the marijuana industry. This opportunity has formed part of our business plan since early-2019. We did not apply for a medical pharmacy or cultivation license at that time, but we knew that the processing industry was open to companies such as ours and that we could use the same equipment for processing both hemp and medical marijuana.

As we have discussed, our city business license was approved in August 2019. In September 2019, we were given an Industrial Hemp Producer License from the State. In addition, Title 4, Chapter 41a, Section 102 of the Utah Code that was current at the time of the City's rezoning in October 2019 defined a cannabis production establishment as "a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory. In turn, a "Cannabis processing facility" meant a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and Cannabinoid Act; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

Prior to the City's rezoning in October 2019, we intended to acquire cannabis and hemp from a cannabis production establishment. Our intent was to acquire cannabis from a cultivator and use it to manufacture cannabis products. We would then sell the products to medical cannabis pharmacies and licensees. As such, we believe that our company fell under the definition of a cannabis processing facility. We have been providing hemp-derived cannabinoids to Zions Cultivars since we began production after our buildout was completed in December 2019, and we believe that this is in compliance with Title 4, Chapter 41, Section 102.

Since we could not know prior to October 2019 that the City would change its zoning laws, we assumed that our City and State licensing would be adequate to proceed with our business and that we would be grandfathered into any new laws as they developed. Based on our status as a cannabis processing facility at the time, and the absence of any preclusive zoning issues, we entered into a lease agreement and conducted a buildout of our facility. Had we known that upcoming zone changes might hamper our future efforts to execute on our business plans, we certainly would not have moved forward with our lease (months prior), buildout, etc. The PIC zone where our facility is located, as of August 2019 (City License) and September 2019 (State license), did not have zoning restrictions against industrial hemp or cannabis processing. In response to a question in your prior email, business operations were only conducted in areas of our

facility that were not subject to the building permit of October 24, 2019 – that is, the part of our facility that was not under construction during the buildout was used for our operations until our buildout was complete in December 2019. Additionally, in response to your question about production, production of our hemp extract began well before our buildout. This question of production is more nuanced than a specific date, bc the process of growing, harvesting, drying, extracting, diluting, shipping, refining, storing, final formulating, etc. is all part of production. As soon as we had our processing license from the State (Sept 23, 2019) and before City zoning was changed (Oct 29, 2019) our production continued in our facility in Provo as we received, stored, staged, prepared, and aggregated raw ingredients and processes for final last steps of production when the buildout was completed.

As I mentioned previously, one of our biggest frustrations to date has been a clear regulatory framework, from federal, to state, to local and we continue to see this with the FDA and other regulatory agencies. We have tried diligently to be compliant, thorough, and we've appreciated the efforts of the City and State to help us as we've been navigating these issues as they arise. We are very cautious to protect our shareholders and to be productive and respectful members of the community. Ultimately, we are in this business because it has helped so many people with debilitating health problems, and we want to continue to provide the consumers and patients of Utah with these medical benefits, particularly in light of Utah's product shortage.

Again, thank you for your consideration on this matter. I hope that I have been able to adequately answer your questions, but please feel free to reach out with any questions.

Kind regards,
Jared

From: Brandon Larsen <jblarsen@provo.org>

Date: Thursday, February 4, 2021 at 13:16

To: Jared Huish <jared@blanc-labs.com>

Cc: Bill Peperone <BPeperone@provo.utah.gov>, "Bateman, Brent N." <brent.bateman@dentons.com>, Marcus Draper <MDraper@provo.org>

Subject: Re: Provo city follow up

Jared,

I appreciate your concerns in this matter and a desire to obtain timely feedback from Development Services. Please know we are taking care to make sure we have sufficient, pertinent information to evaluate your request. We feel the questions set before you--in my prior email--are relevant to the question of whether you have established a nonconforming cannabis production facility, including questions related to time frames for when you engaged in cannabis production activities. Possessing as much relevant information will help us to best evaluate your request.

The following questions are those we previously forward to you, but which appear to have not been adequately addressed in your previous communication:

- Please provide a clearer and more accurate idea of when production began at the facility, including cannabis products
- Who were you selling your products, or had the intent to sell your products, to after you received a business license (Aug 2019) from the City and prior to the City's enactment of cannabis related legislation?
- To which medical cannabis pharmacies or medical cannabis research licensees did you sell, or intend to sell, your cannabis products after you received a business license (Aug 2019) from the City and prior to

the City's enactment of cannabis related legislation? The Planning Commission met on October 23, 2019, to discuss pending cannabis-related legislation. This pending legislation considered limiting the location of cannabis production establishments to the Freeway Industrial and Agricultural (A11.0) zones (this legislation was passed by the Provo City Council on October 29, 2019). The subject property lies in the PIC Zone

- You received a building permit to remodel a portion of the facility located at 2813 Sierra Vista Way on October 24, 2019 (the final inspection was not passed until December 16, 2019).
 - Were your business operations, prior to December 16, 2019, conducted in areas of the facility that were not the subject of the building permit issued on October 24, 2019?
- Please provide any other information you think would be helpful to support your request to recognize your operation as a grandfathered cannabis production facility

Additionally:

- Please explain why your business operations--between when you received a business license (Aug 2019) from the City and prior to the City's enactment of cannabis related legislation--should be considered according to the provisions of Title 4, Chapter 41a of the Utah Code (Cannabis Production Establishments), as opposed to Title 4, Chapter 41 of the Code (Hemp and Cannabinoid Act).

You are not obligated to answer these questions, but providing reasonable responses to them will better help use to evaluate your request to be grandfathered as a cannabis production facility.

Regards,



BRANDON LARSEN
DEVELOPMENT SERVICES
PLANNER
TEL (801) 852-6408
FAX (801) 852-7411

From: Jared Huish <jared@blanc-labs.com>

Sent: Wednesday, February 3, 2021 12:53 PM

To: Brandon Larsen <jblarsen@provo.org>

Cc: Bill Peperone <BPeperone@provo.utah.gov>; Bateman, Brent N. <brent.bateman@dentons.com>; Marcus Draper <MDraper@provo.org>

Subject: Re: Provo city follow up

CAUTION: This email originated from outside of Provo's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brandon,

Thanks for your email. I think there might be some confusion from our previous communication, so I'm glad we can clear this up and get it resolved.

And as a side note, one of the biggest challenges we've faced in the hemp industry is changing regulation. There has been a lot of grey in the industry because the FDA has not set clear guidelines as well as other topics that have been tricky to navigate for many operators. We've had to make the internal decision to always err on the side of caution even when it cost more and was not the easiest path, which we have done over and over again to ensure compliance. This is

why we have taken such great lengths to ensure compliance from our site location, business license, supply chain logistics, processing, and selling our products as well.

We've been encouraged by the State's proactive nature to protect industrial hemp operators (and also the medical side of it) and we've also been encouraged by the City as we went through our business license and buildout. I knew that the State had recommended cities be proactive and set parameters for locations, but of course once we had the green light to operate our business we've never considered our business to fall outside of compliance as the city approved our business operations. We have a great relationship with the State's Department of Agriculture, and we've had to be extremely proactive with our licenses, compliance, audits, etc. Since our operation is backed by investors, we've approached this venture and our operations with the greatest caution and continue to operate our business this way.

So the first confusion that I wanted to clear up is that we are not currently doing anything with medical marijuana. Blanc has only worked with hemp, and we follow all rules and regulations related to that hemp processor license. From our understanding, however, our industrial hemp license that we received in September 2019 would then place our operation within the definition of a 'cannabis production facility', because that designation is for those that hold the industrial hemp license. Our current license # is 8002-20252. You can see the status of the license at the following Dept of Agriculture website: <https://webapp.ag.utah.gov/LicenseLookup/licenseList.jsp>. You will find Blanc Holdings (dba Blanc Labs) on the list and the license active.

Between receiving our license with the City and finishing our buildout we received our hemp processor license with the State on September 23, 2019. After we received our license we stored hemp on site, and before, during and after this time we were engaged in meetings, sales calls, engaged our hemp/cannabis-specific law firm, recruited employees, and attended multiple conferences to ensure we had sales and pre sales for our products. We've invested millions into the business and we've been as careful as possible to ensure our compliance every step of the way. Once we received our business license from the City that gave us the confidence to sign a 5 year lease and build out our facility, which we paid for ourselves. Once permission to operate the business was given by the City of Provo, the investment was made and we had no reason to think that any potential changes to the zoning would impact our operation since our facility was cleared as a hemp/cbd processing facility. So because we had received express permission from the City, it would be quite logical that our operations/facility would be grandfathered as the City approved our operations before they changed the zoning.

Your list of specific questions appears to focus on when we actually began production and sales of our product. Our attorney advises us that the actual production and sale date is not relevant to the question of whether our facility qualifies for a legal nonconforming use. A nonconforming use is not dependent on a parcel of property being used in commerce, any more than the existence of a business does not depend on whether the business has ever made money. A nonconforming use is a function of when a parcel of property is being put to a particular use. Utah Code 10-9a-103(43). Blanc began to put the property to the use as soon as it had been granted its business license by the City, as explained above. Blanc has continuously maintained that use ever since, fully licensed and permitted, and in strict compliance with the law. If you would like to examine this further, feel free to discuss with Brent Bateman.

Please let me know any further questions or clarifications you have. Look forward to working together to get this taken care of.

Kind regards,
Jared

Oh, also, can you give me more information on the ethanol extraction unit that you said is currently waiting revisions? To my knowledge we have not submitted anything to the city, so I was surprised to hear you have something waiting revisions. And I can get into the specifics of our process if that's something you'd like clarification on.

From: Brandon Larsen <jblarsen@provo.org>

Date: Tuesday, February 2, 2021 at 17:24

To: Jared Huish <jared@blanc-labs.com>

Cc: Bill Peperone <BPeperone@provo.utah.gov>, "Bateman, Brent N." <brent.bateman@dentons.com>, Marcus Draper <MDraper@provo.org>

Subject: Re: Provo city follow up

Jared,

My apologies...my response should read as follows:

After reviewing the information you provided regarding your request--as well as other available information, such as building permit and business licensing information, the Utah Code, etc.--with our legal counsel, it appears there is insufficient information for us to determine that your operation should be grandfathered as a cannabis production facility. You are welcome to provide additional information to support your request.

You are welcome to address the following questions and concerns:

- Please provide a clearer and more accurate idea of when production began at the facility, including cannabis products
- Who were you selling your products, or had the intent to sell your products, to after you received a business license (Aug 2019) from the City and prior to the City's enactment of cannabis related legislation?
- To which medical cannabis pharmacies or medical cannabis research licensees did you sell, or intend to sell, your cannabis products after you received a business license (Aug 2019) from the City and prior to the City's enactment of cannabis related legislation? The Planning Commission met on October 23, 2019, to discuss pending cannabis-related legislation. This pending legislation considered limiting the location of cannabis production establishments to the Freeway Industrial and Agricultural (A11.0) zones (this legislation was passed by the Provo City Council on October 29, 2019). The subject property lies in the PIC Zone.
- You received a building permit to remodel a portion of the facility located at 2813 Sierra Vista Way on October 24, 2019 (the final inspection was not passed until December 16, 2019).
 - Were your business operations, prior to December 16, 2019, conducted in areas of the facility that were not the subject of the building permit issued on October 24, 2019?
- You have another building permit application--for an ethanol extraction unit--currently waiting for revisions. Is this unit necessary for the production facility?
- Can you provide to the City a copy of your license from the State to produce industrial hemp oil?
- Please provide any other information you think would be helpful to support your request to recognize your operation as a grandfathered cannabis production facility

Regards,



BRANDON LARSEN
DEVELOPMENT SERVICES
PLANNER
TEL (801) 852-6408
FAX (801) 852-7411

From: Brandon Larsen <jblarsen@provo.org>

Sent: Tuesday, February 2, 2021 5:06 PM

To: Jared Huish <jared@blanc-labs.com>

Cc: Bill Peperone <BPeperone@provo.utah.gov>; Bateman, Brent N. <brent.bateman@dentons.com>; Marcus Draper <MDraper@provo.org>

Subject: Re: Provo city follow up

Jared,

Are reviewing the information you provided regarding your request--as well as other available information, such as building permit and business licensing information, the Utah Code, etc.--with our legal counsel, it appears there is insufficient information for us to determine that your operation should be grandfathered as a cannabis production facility. You are welcome to provide additional information to support your request.

You are welcome to address the following questions and concerns:

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- To which medical cannabis pharmacies or medical cannabis research licensees did you sell, or intend to sell, your cannabis products after you received a business license (Aug 2019) from the City and prior to the City's enactment of cannabis related legislation? The Planning Commission met on October 23, 2019, to discuss pending cannabis-related legislation. This pending legislation considered limiting the location of cannabis production establishments to the Freeway Industrial and Agricultural (A11.0) zones (this legislation was passed by the Provo City Council on October 29, 2019). The subject property lies in the PIC Zone.
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- You have another building permit application--for an ethanol extraction unit--currently waiting for revisions. Is this unit necessary for production facility?
- Can you provide to the City a copy of your license from the State to produce industrial hemp oil?
- Please provide any other information you think would be helpful to support your request to recognize your operation as a grandfathered cannabis production facility

Regards,



BRANDON LARSEN
DEVELOPMENT SERVICES
PLANNER
TEL (801) 852-6408
FAX (801) 852-7411

From: Brandon Larsen <jblarsen@provo.org>
Sent: Monday, February 1, 2021 3:30 PM
To: Bateman, Brent N. <brent.bateman@dentons.com>; Marcus Draper <MDraper@provo.org>
Cc: Bill Peperone <BPeperone@provo.utah.gov>; Jared Huish <jared@blanc-labs.com>
Subject: Re: Provo city follow up

Brent,

Thank you for following up with us on this matter. We are continuing to evaluate your client's request and hope to be able to provide you an update tomorrow.

Regards,



BRANDON LARSEN
DEVELOPMENT SERVICES
PLANNER
TEL (801) 852-6408
FAX (801) 852-7411

From: Bateman, Brent N. <brent.bateman@dentons.com>
Sent: Monday, February 1, 2021 12:15 PM
To: Marcus Draper <MDraper@provo.org>; Brandon Larsen <jblarsen@provo.org>
Cc: Bill Peperone <BPeperone@provo.utah.gov>; Jared Huish <jared@blanc-labs.com>
Subject: FW: Provo city follow up

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Gentlemen. Rather than restating them, I am forwarding to you my client's exact responses to the questions I discussed with Marcus last Thursday, in supplement to the information we provided earlier. As you know, my client is requesting recognition of legal nonconforming use status for Blanc Labs, so that he can fulfil some state requirements. As you know, Blanc Labs was approved by the City prior to any rule change. The need for quick action is urgent to my client's business, so we would appreciate if we could get an answer soon.

On Jan 28, 2021, at 20:01, Bateman, Brent N. <brent.bateman@dentons.com> wrote:

Jared: The City attorney (Marcus Draper) called me earlier today. I have not had a chance to report that call to you until now.

He says that they are definitely working on it but they have questions. I said "what questions?" He said that we should get a list of questions soon from Brandon Larsen. I pressed him and said that if he tells us the questions now, then we can have the answers quicker, because this is an urgent matter for my client. So he gave me a couple of the most important ones:

1. Are we producing industrial hemp oil now?

Yes, we have been producing hemp oil since our license was approved in 2019.

2. When was construction completed in the building?

I don't know the exact date, but it was in the Fall of 2019, probably October or November 2019.

3. What steps have been taken to actually engage in business at the site.

I'm not sure I follow this question. We work every day at our site, so we are engaged in running our business on a daily basis.



Brent N. Bateman

Shareholder

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O +1 801 375 6600 | US Internal 804751

brent.bateman@dentons.com

[Bio](#) | [Website](#)

Dentons Durham Jones Pinegar P.C.

3301 North Thanksgiving Way, Suite 400, Lehi, UT 84043

Durham Jones & Pinegar > LEAD Advogados > Rattagan Macchiavello Arocena > Jiménez de Aréchaga, Viana & Brause > Lee International > Kensington Swan > Bingham Greenebaum > Cohen & Grigsby > Sayarh & Menjra > Larraín Rencoret > For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

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From: Jared Huish <jared@b7capital.com>

Sent: Thursday, January 28, 2021 2:46 PM

To: Bateman, Brent N. <brent.bateman@dentons.com>

Subject: Provo city follow up

Hi Brent,

Could you follow up with the City Attorney before the end of the day to remind him he owes us an update.

Thanks

--

Jared Huish
Managing Partner
jared@b7capital.com
(435) 659-8713

**INDUSTRIAL WASTEWATER
PRETREATMENT QUESTIONNAIRE**

Business Name Blanc Holdings LLC phone (435) 659-8713
Business Address 2813 S. Sierra Vista Way Provo, UT 84606
Mailing Address 11946 S. Meander Way Parker, CO 80138

SIGNING OFFICER'S INFORMATION (COMPANY OWNER OR OFFICER)

Type or Print Name Jared Huish
Type or Print Title President
Phone (435) 659-8713 Standard Industrial Classification Code (SIC#): _____
Briefly describe manufacturing or service activities Extract and Refine
industrial hemp oil.

List types of chemicals used (include all cleaning solvents, soaps, etc.) _____
Ethanol, Pentane, Isopropyl Alcohol. These chemicals are
not used and discharged, they are used as part of our process, but they are
recaptured and not released as waste.

Type of discharge: ☐ Batch ☐ Continuous If Batch, average in 24 hours _____
Are there scheduled shut downs? ☐ Yes ☒ No If Yes, when _____

Raw Water Sources: Private Wells _____ Gpd (gallons per day)

Provo Culinary _____ Gpd
Other (specify) _____ Gpd
*Only water used on our premise will be
toilet and hand sink water. our facility will
have zero water waste from our processing.

RESPONSIBLE PARTY'S CONTACT INFORMATION (COMPANY OWNER OR OFFICER)

Type or Print Name Jared Huish
Type or Print Title President
Phone (435) 659-8713

NOTE: Material Safety Data Sheets (MSDS) shall be filed with the City before business operations begin.

List principal raw materials used _____

List the principal products or services of the business _____
Industrial hemp oil (refined) as well as pure hemp isolate.

Is production seasonal? ☐ Yes ☒ No If Yes, explain _____

Describe water treatment processes in use or proposed _____

We don't plan on having any water treatment process in our facility as we do not anticipate using water apart from the bathrooms

Water Consumption in facility in Gpd. Cooling N/A Boiler Feed N/A Process N/A

* Normal sanitary amount for 3-5 employees, for 40 hours/week Sanitary * In Product N/A Other N/A

Average Volume in Gpd of Discharge of water loss to _____ City Sewer * Evaporation N/A

Natural Outlet N/A Waste Haulers N/A In Product N/A Other N/A

Is Discharge to Provo City Sewer System: ☐ Yes ☒ No

If Yes is discharge: ☐ Intermittent ☐ Steady

Is there a spill prevention counter-measure plan in effect for this facility? ☐ Yes ☒ No

If Yes, please attach a copy.

I am familiar with the information contained in this questionnaire and swear that the information is true, complete and accurate. If any of the answers to questions contained in this questionnaire change, the business will notify the City of Provo of the proposed change(s). Notification does not constitute approval of the proposed change(s).

Industrial Pretreatment

1685 S East Bay Blvd.

Phone: 801 852 6793

Signature of Authorized Representative JRAid Date 8/5/19