

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 24-022

Record Number: PLN-12705-CUP

Assessor's Parcel Numbers: 217-251-003, 217-244-004, 217-244-007 & 217-225-007

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Stephen Earley Conditional Use Permit request.

WHEREAS, Stephen Earley submitted an application and evidence in support of approving a Conditional Use Permit for authorizing the continued operation of 47,560 square feet of pre-existing outdoor cultivation; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 4, 2024, and continued consideration of the Conditional Use Permit at the request of the applicant and staff; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 2, 2024, during which they reviewed, considered, and discussed the application for a Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing; and

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all of the following findings:

- 1. FINDING:** **Project Description:** A Conditional Use Permit for authorizing the continued operation of pre-existing commercial cannabis cultivation on a parcel where approximately 68,000 square feet of area was historically used for outdoor cultivation and approximately 4,400 square feet of area was used for mixed light cultivation operated from the property since prior to 2016. Under the Use Permit, one (1) acre of the prior outdoor cultivation is proposed to be continued and the 4,400 square feet of Mixed-Light Cultivation will instead be operated in an Outdoor fashion, for a combined total of approximately 47,560 square feet of outdoor cultivation. Cultivation

activities are proposed to be removed and relocated from three existing sites and consolidated within two distinct areas on the property. The three former sites are proposed to be fully remediated following removal of all cultivation infrastructure. Cultivation will continue to occur primarily in pots, within a series of approximately 22 greenhouses, each approximately 20 feet in width and of varying lengths. Light deprivation techniques will be used to induce early flowering and allow for a total of 2 harvests per year in each of the greenhouses. Juvenile cannabis plants will be supplied to the property twice a year delivered from an off-site licensed nursery. Two (2) greenhouses (each approximately 2,000 square feet in size) are proposed to be constructed and will primarily be used as propagation areas to help mature juvenile plants used during the second cultivation cycle. No supplemental lighting or generators are used as part of the cultivation and propagation activities. Annual estimated water usage for cultivation is 687,000 gallons and all water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage. Initial processing and drying of the harvest occurs within two existing barns and further processing occurs off-site. All cultivation operations are conducted by the property owner and their family.

EVIDENCE: a) Project File: PLN-12705-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016, and the project specific Addendum to the MND.

EVIDENCE: a) Addendum prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Water Resource Protection Plan (WRPP; WDID - 1B170595CHUM) was prepared by Timberland Resource Consultants for the subject site on November 24, 2018 and revised on May 1, 2018 in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, and a Notice of Applicability (WDID 1_12CC419187; issued 7/15/20) was submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge.

Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan, and maintain enrollment in the Cannabis General Order for the life of the project.

- d) Per review of CDFW's California Natural Diversity Database (CNDDDB) in March 2022, the site is mapped within potential Northern Spotted Owl (NSO) habitat. NSO surveys were conducted as part of a Timber Harvest Plan prepared for a neighboring property and no known Activity Centers have been discovered near the existing and proposed cultivation sites. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.5 miles away from the parcel. The applicant is electing to discontinue use of supplemental lighting within greenhouses which will eliminate the need for use of generators to supply power.
- e) On April 27, 2023, a Biological Reconnaissance Report (Biological Report) was prepared by Biologist Corrina Kamoroff of Hohman and Associates. The report assess the suitability of the site to support special-status plant and animal species and evaluate potential impacts on sensitive biological resources associated with commercial cannabis cultivation. As noted in the Report, portions of the current cultivation sites are located in areas impacting sensitive riparian habitat and removal and relocation to a environmentally superior location is appropriate.
- f) On August 23, 2023, a Botanical survey was conducted by Caitlyn Allchin on behalf of Hohman and Associates. The survey revealed that a small portion of the area targeted for relocation is home to Tracy's tarweed, a limited distribution plant which occurs abundantly in the adjacent grasslands. The footprint of the area targeted for relocation has been adjusted to enable avoidance of portions of this population of a limited distribution plant, including the area labeled as "Protected Area" adjacent to Cultivation Area #1 (Relocation Area) shown on the site plan package provided by Clearwater Ag Services dated 12/22/23.

The report notes that this plant occurs abundantly in the adjacent grasslands, and that the population will likely not be negatively impacted by cultivation activities. The location of populations of this plant are shown in Figure 4 on page 32 of the report by Hohman and Associates. A Condition of Approval has been included requiring that development of Cultivation Area #1 be excluded from the "Protected Area" shown on the site plan, unless explicitly

authorized by representatives of the California Department of Fish & Wildlife, following consultation.

- g) Additionally, significant impacts on special-status wildlife species are not anticipated, since the project is outside of their known ranges, suitable habitat is lacking, and the project does not involve habitat modification, significant noise disturbance, or unnatural lighting.
- h) If the project is modified or expanded in the future, it is recommended that seasonally appropriate surveys be conducted prior to any new construction, ground-disturbance, or vegetation removal, which has been included as an ongoing condition of approval.

Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

Additional conditions of approval require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife.

As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

- i) The cultivation of cannabis will not result in the net conversion of timberland. Review of historical satellite imagery shows that the all areas of prior and proposed cultivation have been unforested grassland since at least 2004.

No tree removal is proposed or authorized by this permit.

- j) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in May 2023 (on file and confidential), which concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. Two archaeological sites were discovered on the property and documented in the report, which recommends establishing a 25-foot buffer around the site boundaries and that a tribal and/or archaeological monitor be present during future ground disturbing activities. These recommendations have been incorporated within the Conditions of Approval.

On April 16, 2024 planning staff visited the project site along with the property owner/applicant, their consultant, and Edwin Smith of the Bear River Band of the Rohnerville Rancheria. During the site visit the westernmost of the two recorded sites was visited and

inspected and it was agreed that monitoring of future ground disturbance and application of a 100-foot setback from the site boundary were sufficient to ensure impacts to Tribal Cultural Resources would be prevented.

Additionally, the project also includes the requirement that all future ground disturbance be subject to the Inadvertent Discoveries Protocol, which will ensure that all work is stopped and appropriate county and tribal representatives are contacted in the event that tribal cultural resources are inadvertently encountered.

- k) A Road Evaluation Report for the privately maintained road, from Church Road to the subject property, was prepared in September 2023. The report indicates that the roadway is developed to the functional equivalent of the Category 4 road standard and is appropriate for the volume of expected traffic. The project is conditioned to require the applicant improve the first 50 feet of the private portion of Church Street, approximately 0.17 miles from its intersection with Alderpoint Road. An encroachment through the Land Use Division of Public Works will be required to complete this work.

312-1.1.2 Legal Lot Requirement

3. FINDING: The parcels were created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) A review of historic land records reveals that APN 217-251-003 and 217-244-004 constitute one legal parcel. The parcel represents an intact patent and was first described in Patent Certificate No. 2370 for 160-acres to Frederick Slatterie, dated June 30, 1875. Additionally, review of historic land records reveals that APN 217-225-006 and 217-244-006 constitute one legal parcel. The parcel represents an intact patent and was first described in Patent Certificate No. 5539 for 160-acres to Benjamin Plummer, dated February 5, 1884. Review of the legal descriptions and vesting in current deeds confirms that these patents remain intact. This serves to confirm that the parcels can be recognized as lawfully predating the advent of state and local subdivision regulations.

FINDINGS FOR CONDITIONAL USE PERMIT

4. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE: a) General agriculture is a use type permitted in the Agriculture Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of the parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

5. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE: a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

b) All general agricultural uses are principally permitted in the AE zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on parcels zoned Agriculture Exclusive (AE) and a determination that the cultivation was in existence prior to January 1, 2016. The application for 43,560 square feet of Outdoor cultivation and 4,400 square feet of Mixed-Light Cultivation to be operated in an Outdoor fashion on 160 acres of AE zoned lands is consistent with this and with the cultivation area verification prepared by the County. Approximately 68,000 square feet of pre-existing cultivation has been independently verified by County staff using historic satellite imagery and information supplied by the applicant.

6. FINDING: The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).

b) The parcels were created through patents in 1875 and 1884, prior to the advent of ordinarily applicable state and local subdivision regulations. Review of the legal descriptions and vesting in current deeds confirms that these patents remain intact.

c) Water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage capacity. Estimated annual water usage is 687,000 gallons.

Conditions of approval require that the applicant secure building permits for all structures related to cannabis cultivation, including ponds. Conditions of the permit and water board enrollment require metering of all irrigation-related water use and furnishing those records upon request.

- d) A Road Evaluation Report for the privately maintained road, from Church Road to the subject property, was prepared in September 2023, which indicates that the roadway is developed to the functional equivalent of the Category 4 road standard and is appropriate for the volume of expected traffic.
- e) According to the Water Resource Protection Plan prepared for the site by Timberland Resource Consultants in November 2017 and revised in May of 2018, the legacy cultivation area(s) are situated in mature oak woodland with slopes of approximately 20%. The new environmentally superior area targeted for consolidating relocated portions of the cultivation sites is located on a natural flat characterized by slopes of less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of historical satellite imagery shows that the all areas of prior and proposed cultivation have been unforested grassland since at least 2004.

No tree removal is proposed or authorized by this permit.

- g) The location of the proposed cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park. The proposed relocation area lies within 600 feet of a Tribal Cultural Resource but will avoid impacts through use of a cultural monitor during ground disturbance and through maintenance of a 100-foot setback. All remaining areas of existing cultivation are located over 600 feet from the nearest Tribal Cultural Resource.

7. FINDING:

The ongoing outdoor cultivation of 47,560 square feet of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) The site is located on a road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The project is conditioned to require the applicant improve the first 50 feet of the private portion of Church Street, approximately 0.17 miles from its intersection with Alderpoint Road. An encroachment through the Land Use Division

of Public Works will be required to complete this work.

- b) The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage capacity. Estimated annual water usage is 687,000 gallons. Conditions of approval require that the applicant secure building permits for all structures related to cannabis cultivation, including ponds. Conditions of the permit and water board enrollment require metering of all irrigation-related water use and furnishing those records upon request.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

8. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but is currently developed with an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residential structures to continue to be utilized on this parcel.

9. FINDING: Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE: a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 36 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Steven Earley subject to the conditions of approval attached hereto as Attachment 1A, the Cultivation Operations Plan attached hereto as Attachment 1B, the Site Plan attached hereto as Attachment 1C, and the Relocation and Restoration Plan attached hereto as Attachment 1D.

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote.

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane


NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Peggy O'Neill

DECISION: Motion carried 6/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall provide a copy of the Site Management Plan filed with the State Water Resources Control Board.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #17 #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, grading, ponds, water tanks over 5,000 gallons, existing and proposed structures

associated with drying, storage, or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall remove all historic cultivation materials and restore all non-permitted areas of historical cultivation and submit documentation and allow for inspection and verification of the remediation areas by Planning Division staff. Remediation shall be performed to satisfaction of the Planning Division and in compliance with the standards outlined in 314-55.4.14.3 of the Zoning Code.
9. The applicant shall improve the surface of Church Road (for a minimum width of 20 feet and a length of 50 feet) after it stops being county-maintained (approximately 0.17 miles from its intersection with Alderpoint Road). An encroachment permit must be obtained from the Department of Public Works prior to work within the county right-of-way. Confirmation from the Department of Public Works that the work has either been waived or been inspected and done to their satisfaction will satisfy this requirement.
10. The applicant shall finalize the Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW), date stamped received by CDFW (1-9-2020), and adhere to the Final Streambed Alteration Agreement issued by CDFW and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Division and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
11. A float valve or similar means to prevent overflow shall be installed on the spring being used as a water source for domestic use and livestock.
12. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP; WDID 1B171059CHUM) prepared by Timberland Resource Consultants for the subject site on November 24, 2018 and revised on May 1, 2018). The applicant shall submit a letter or similar communication (Implementation Report with photographs) from a qualified professional stating the recommendations are completed as described by the WRPP. Final sign-off from the Planning Division will satisfy this condition.
13. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
14. The applicant shall install and utilize water meters to track irrigation water use as well as domestic use of the spring. Metering devices must be capable of measuring the instantaneous

and cumulative rate of diversion/use. Water used for cultivation is limited to the water stored in the ponds and any associated storage tanks. Water use logs shall be provided annually prior to or during the annual inspection. Separate logs shall be kept for domestic and irrigation related water use. The applicant is also responsible for submitting all required water monitoring reports to CDFW.

15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
16. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
17. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The combination of background, greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. A 100-foot setback shall be maintained from the boundary of the recorded site identified as "BE-S01" in the report prepared by *Archaeological Research And Supply Company*, dated May 2023. No ground disturbance or development shall occur within this setback. A 600-foot setback shall be maintained from the boundary of recorded site identified as "BE-S02" in the report. New development and ground disturbance within this setback is limited to remediation and restoration of the two former cultivation sites in the vicinity. Monitoring for potential discovery or disturbance of tribal cultural resources shall occur during all ground disturbance within this buffer.
3. *Tribal Cultural Resources (Monitoring of New Ground Disturbance)*: A tribal and/or archaeological monitor must be present during all project-related ground disturbing activities, including but not limited to remediation and restoration of former cultivation sites requiring

grading or other similar ground disturbance or construction activities requiring ground disturbance at Cultivation Area #1.

Native American monitoring should be provided by the Bear River Band of the Rohnerville Rancheria (BRB) or their designee. The monitor(s) shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the find shall be evaluated for listing in the CRHR and National Register of Historical Places. The Tribe may request that archaeological monitoring be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983).

The monitoring schedule shall be established by the Bear River Band of the Rohnerville Rancheria and may be adjusted based on the scale of disturbance and sensitivity of the location where ground disturbance will occur. Monitoring may be decreased to spot-checking at the discretion of the monitors, as warranted by conditions such as encountering bedrock. If monitoring is decreased to spot-checking, spot-checking should occur when ground-disturbance moves to a new location in the project site and when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

4. *Tribal Cultural Resources (Inadvertent Discovery)*: If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

5. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in item B.1., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
6. No generator use is authorized for cultivation activities conducted under this permit.
7. In compliance with the recommendations included in the Botanical Survey Report, by Caitlyn Allchin in August 2023, if the project is modified or expanded in the future, seasonally

appropriate surveys for the California oatgrass – Idaho fescue herbaceous Alliance grassland Sensitive Natural Community shall be conducted prior to any new construction, ground-disturbance, or vegetation removal.

8. **Invasive Species Control Measure #1:** The tires of trucks and equipment shall be washed before entering the property and after use on the property to minimize transport of invasive non-native species into and off the property.
9. **Invasive Species Control Measure #2:** The perimeter of the project area shall be monitored during and after harvest activities take place. To minimize the spread of the invasive species on the parcel, monitoring shall occur for at least 5 years following permit approval.
10. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. Should pesticides be used, they must be limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. Insecticide use shall not occur in the presence of pollinators and shall be applied in a manner that prevents drift to flowering plants near the cultivation area.
15. Any spent soils containing inorganic materials that cannot be amended or reused shall be removed from the property and disposed of properly at an authorized waste management facility. The applicant shall retain records demonstrating proper disposal of soils to be furnished during annual inspections upon request.
16. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled “Cannabis Palm Card” and “Cannabis Rack Card.” This information shall also be provided to all employees as part of the employee orientation.
17. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite

processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

18. All components of the project shall be developed, operated, and maintained in conformance with the approved site plan package prepared by Clearwater Ag Services dated 12/22/23. The botanical survey and report prepared by Caitlyn Allchin for Hohman and Associates states that the property contains a small population of Tracy's tarplant (*Hemizonia congesta ssp. Tracyi*), a "limited distribution plant" (California Rare Plant Rank: 4.3), including the area labeled as "Protected Area" adjacent to Cultivation Area #1 (Relocation Area). The report notes that this plant occurs abundantly in the adjacent grasslands, and that the population will likely not be negatively impacted by cultivation activities. The location of populations of this plant are shown in Figure 4 on page 32 of the report. Development of Cultivation Area #1 shall be excluded from the "Protected Area" shown on the site plan, unless explicitly authorized by representatives of the California Department of Fish & Wildlife, following consultation. A minor deviation to the Site Plan can be approved should this occur.
19. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
20. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
21. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
22. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
23. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

24. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
25. Comply with the terms of the Final Lake and Streambed Alteration Agreement (1600-2019-0335-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
26. Where applicable, comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal-FIRE), if applicable.
27. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
28. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
29. Pay all applicable application, review for conformance with conditions and annual inspection fees.
30. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
31. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
32. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

33. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
34. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

35. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.

36. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

37. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any

38. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

39. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
40. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
41. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
42. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary

to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 31 of the Ongoing Requirements/Development Restrictions, above.

Cultivation/Operation Plan



Project Description

Earley Farms LLC is seeking a Conditional Use Permit for the cultivation of 47,580 Sq Ft of existing Outdoor Commercial Cannabis. This is a reduction from a total of 89,310 of legacy cultivation.

The property is located in the Blocksburg area of Southern Humboldt County.

The existing cultivation utilizes a combination of light deprivation and full term outdoor. The light deprivation technique in greenhouses, gives 2 harvests per year.

Cultivation irrigation water is supplied by a permitted rain catchment pond.

No School, Place of Worship, Public Park, Tribal Resources or any other sensitive receptor is within 600 feet of the cultivation area.

To meet the required setbacks from water courses, this plan will include an area for relocation of some of the existing cultivation.

All drying and processing is done off site at a permitted facility. No needs for electricity or generators.

Cultivation Plan

The outdoor cultivation will take place in a series of garden pots in a high quality, recycled commercial garden soil. The light deprivation greenhouses utilize garden pots as well. Black out tarps are used to induce flowering early in the season giving 2 harvest per year in the greenhouses.

Cannabis plants are sourced from an off- site licensed nursery. They will be delivered to the site and will then be planted directly into the soil. The plants will be entered into Metric as required by the State Guidelines. This delivery will take place approximately 2 times per year. The soil is tested each harvest and if needed, natural and organic nutrients are mixed into the soil for optimum plant health.

There were 5 historic cultivation areas with a total of 89,310 sq ft of cultivation on this parcel. To best protect the environment and by using best practices, we are now proposing to reduce these 5 sites to 2. This will include a reduction in cultivation area on the eastern side of the property to 17,600 sq ft of greenhouses with proper setbacks and a total of 30,400 sq ft of greenhouses to be relocated at a proposed relocation site. The total cultivation now would be approximately 48,000 sq ft.. This relocation site has had extensive biological, botanical and archeological studies completed and is well suited for this use. The relocation site also has proper setbacks from SMA and has slopes of under 5%. No trees or vegetation will be removed. Also an existing road will access this site.

Processing

Drying and processing occurs off site at a permitted facility.

Soil Management

Earley Farms LLC will utilize high quality commercial garden soil for cultivation. This soil will be reused each season. Organic and natural nutrients will be added as needed for optimum plant health. All the soil is contained either in garden pots or in wood lined garden beds.

Employee Plan

Early Farms LLC will not have any employees and is run and managed by Steven Early and his son. Steven's daughter handles the bookkeeping in an off site office.

Water Source, Storage and Usage

Cannabis irrigation water is sourced from an off stream pond. The pond capacity is 2,000,000 gallons and exceeds all the water demands for the cultivation. Early Farms LLC utilizes drip irrigation and closely monitors the water usage. Annual estimated water usage for cultivation is 687,000 gallons. Domestic water source is from a permitted spring. The water is collected in a concrete cistern and fed to a 2500 gallon water tank.

Security

Security is provided by remote location as well as several locked gates on access roads. Owners provide all the necessary fertilizers and nutrients as well as other growing supplies. This reduces the need for vendors or any other people accessing the property.

Security cameras provide additional security through out the property at strategic locations.

Noise Source and Mitigation

This cultivation project produces minimal noise as it uses no machinery or generators.

Parking and Roads

This cultivation site is located off the county maintained Alderpoint Road. A well maintained gravel ranch road accesses the parcels. CDFW has conducted site visits and has approved the work to replace undersized culverts as well as any other environmental concerns for a rural road system. The WRPP provided by Timberland Resource Consultants addresses the roads effectively. Each cultivation area has an adequate parking area.

Light Pollution and Control

No light pollution will come from this site.

Hazardous Materials Statement

No Hazardous Materials are used on this cultivation site. Only natural and organic nutrients and fertilizers are used when needed. Only approved pesticides are used when needed. No rodenticides or any other illegal products are used on this project. No other hazardous materials are used or stored on the parcel in any reportable quantities. The use of all the fertilizers and nutrients will be done according to manufacture specifications.

Sewage Disposal and Waste Management

A local vendor will provide and maintain a porta potti. All cannabis waste will be done in approved manner. This will include a secured area of compost. Other non cannabis waste such as containers and garbage will be stored in separate area from the cannabis waste and be transported weekly to approved facility such as Recology in Fortuna or Eureka. No other by products will be produced from this cultivation operation.

Relocation Plan

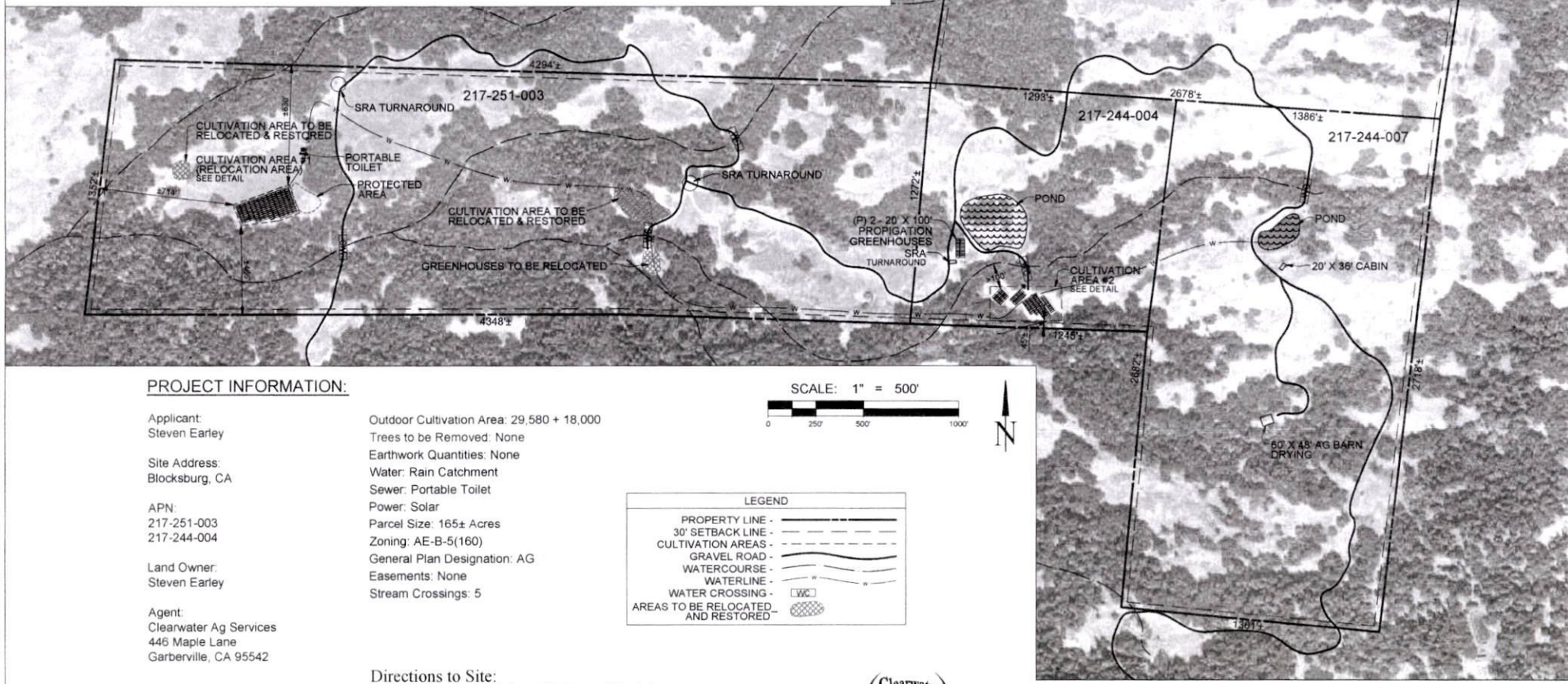
As there are historic sites that will need to be relocated to the relocation site, this will provide a summary of the relocation plan. The historic sites will be cleaned up of all cultivation materials. All fencing and waterlines will be removed and either reused or hauled to a recycling center. Any soil will be removed and reused.



SITE PLAN

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. APPLICANT HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.



PROJECT INFORMATION:

Applicant:
Steven Earley

Site Address:
Blocksburg, CA

APN:
217-251-003
217-244-004

Land Owner:
Steven Earley

Agent:
Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542

Outdoor Cultivation Area: 29,580 ± 18,000

Trees to be Removed: None

Earthwork Quantities: None

Water: Rain Catchment

Sewer: Portable Toilet

Power: Solar

Parcel Size: 165± Acres

Zoning: AE-B-5(160)

General Plan Designation: AG

Easements: None

Stream Crossings: 5



LEGEND	
PROPERTY LINE	- - - - -
30' SETBACK LINE	- · - · - · -
CULTIVATION AREAS	▨
GRAVEL ROAD	▤
WATERCOURSE	~ ~ ~ ~ ~
WATERLINE	— W —
WATER CROSSING	— W —
AREAS TO BE RELOCATED AND RESTORED	▩

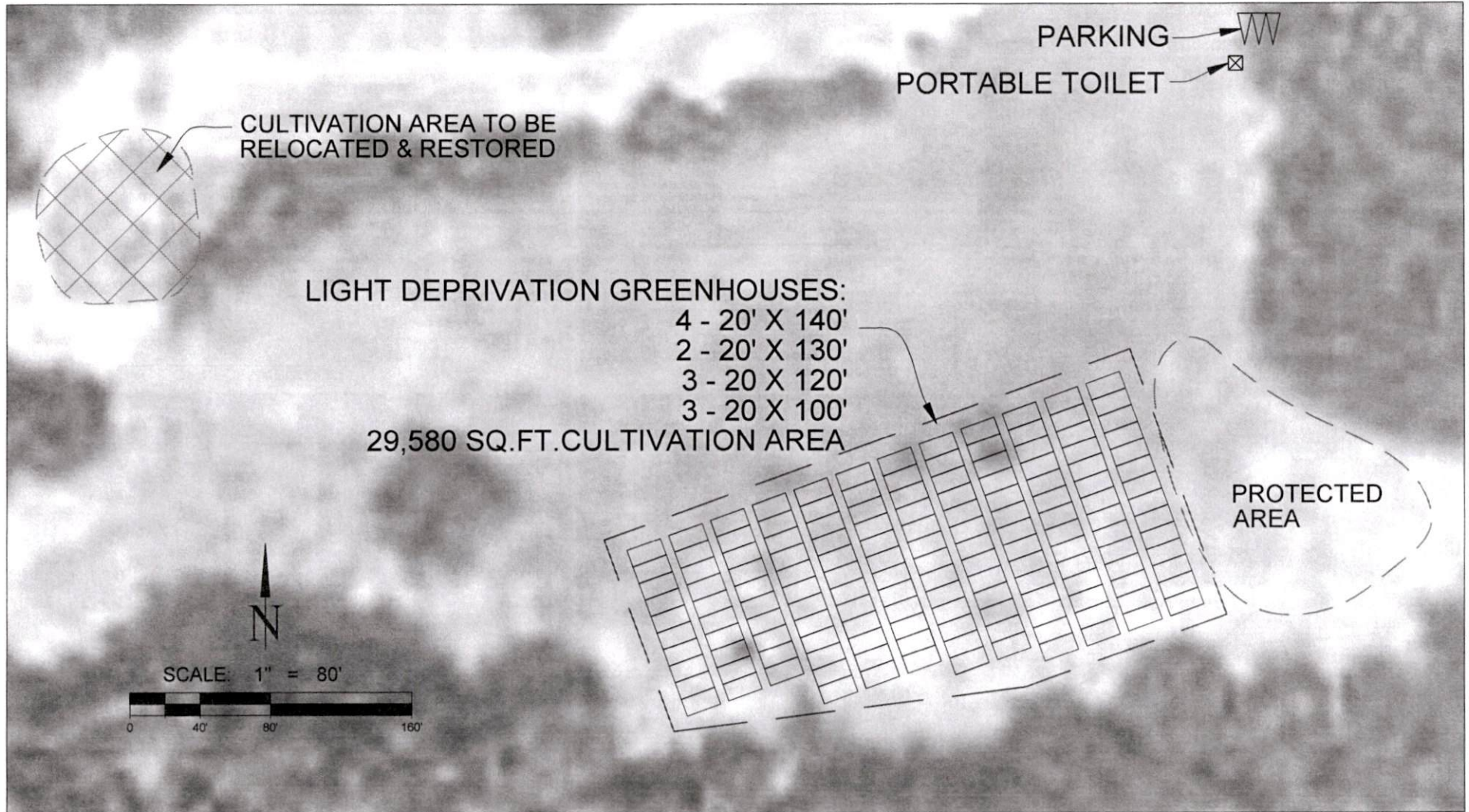
Directions to Site:
Alderpoint Road to Blocksburg. North out of Blocksburg on Church Road for 1.6 miles - veer off of Church Road to the left onto private road - continue approximately 1.5 miles to gate



707-923-2767

This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.

SITE PLAN DETAIL



Applicant:
Steven Earley

Site Address:
Blocksburg, CA

APN:
217-251-003

CULTIVATION AREA #1
(RELOCATION AREA)

LIGHT DEPRIVATION GREENHOUSES:

4 - 20' X 140' = 11,200 SQ.FT.

2 - 20' X 130' = 5,200 SQ.FT.

3 - 20 X 120' = 7,200 SQ.FT.

3 - 20 X 100' = 6,000 SQ.FT.

29,580 SQ.FT.CULTIVATION AREA

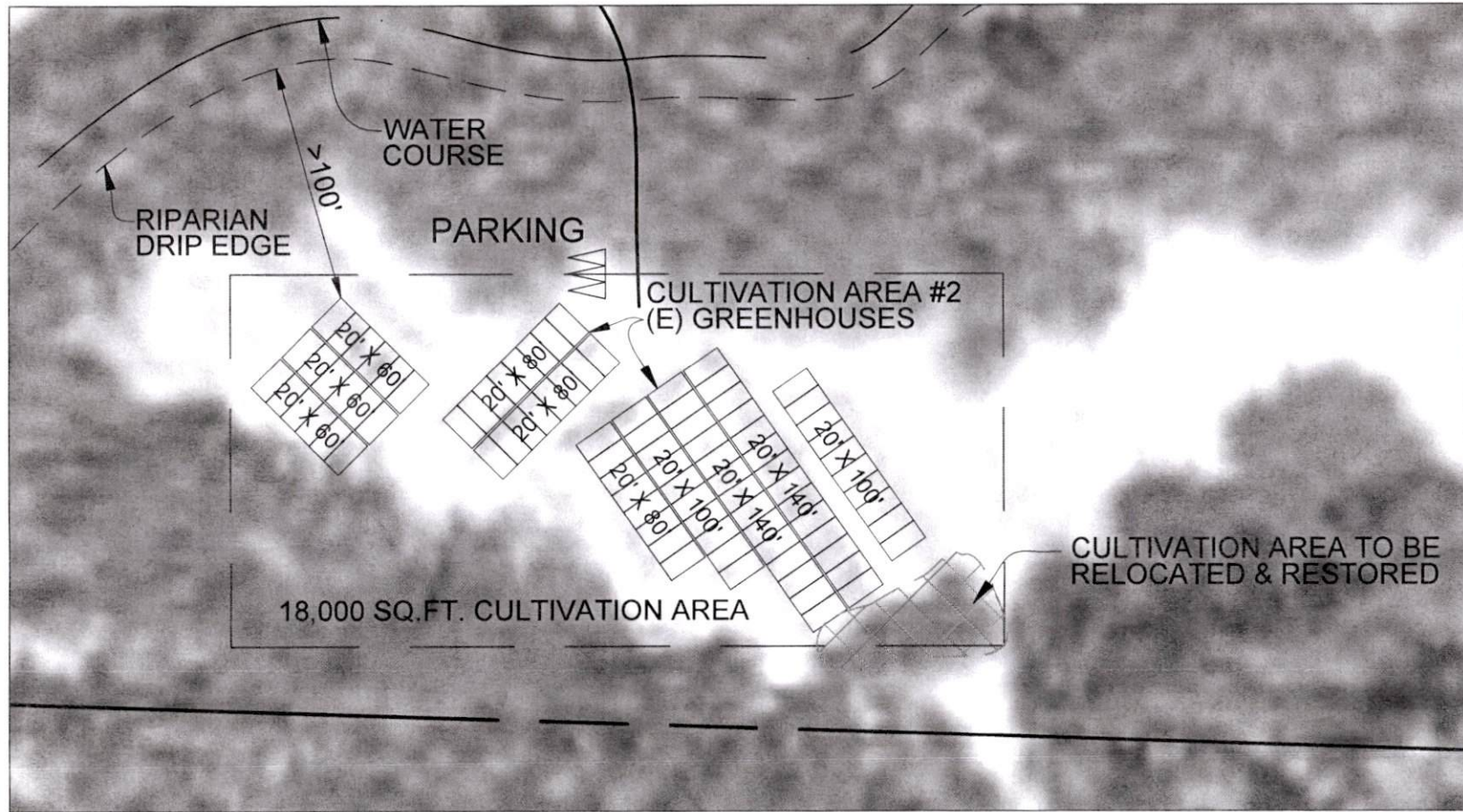


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12/22/23

SITE PLAN DETAIL



Applicant:
Steven Earley

Site Address:
Blocksburg, CA

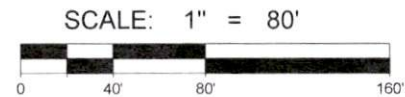
APN:
217-244-004

CULTIVATION AREA #2

LIGHT DEPRIVATION GREENHOUSES:

- 2 - 20' X 140' = 5,600 SQ.FT.
- 2 - 20' X 100' = 4,000 SQ.FT.
- 3 - 20' X 80' = 4,800 SQ.FT.
- 3 - 20' X 100' = 3,600 SQ.FT.

18,000 SQ.FT. CULTIVATION AREA



707-923-2767

12/22/23

Early Farms LLC
APN 217-251-003/217-244-044
APPS 12705



PLAN FOR RELOCATION AND RESTORATION OF CULTIVATION AREAS

In meeting with the intent and environmental objective of the 1.0 CCLUO for existing cultivation, some existing cultivation areas will need to be relocated to environmentally superior areas of the parcels. Several existing cultivation areas are within the Streamside Management Area. Working with the Google map that was created from a meeting for path forward by Steve Lazar, we will address each area shown regarding relocation and restoration needed. The Relocation site shown as Relocation Site #1 will be the area used for Relocation of existing cultivation. This Relocation area is approximately 5 acres of natural flat. The area is open meadow with no trees to be removed. The area has proper setbacks from water courses as well as any other sensitive receptors. A botanical study was conducted with no endangered or threatened plants.

SITE LOCATIONS

A1. Relocation Plan:

This area of approx. 20,000 sq ft. outdoor cultivation is near a class 2 water course and would have to be reduced in size to meet setbacks of 100'. This entire site will be relocated to the area known as Relocation Site #1.

A1. Restoration Plan:

This area of outdoor cultivation will be relocated to environmentally superior area. The grow pots will be removed and the soil in them will be recycled and amended to be used in the restoration area. The fence will be removed to be used at relocation site. All the wire cages will also be used at relocation site. There was no grading in this area and therefore no exposed soil or any other restoration needed for this area to return to natural habitat before cultivation took place.

A2. Relocation Plan:

This area consists of approx. 4,020 sq ft of greenhouses. These greenhouses are within 100' of 2 separate class 2 water courses. The area of the greenhouses will be moved to the Relocation Site #1.

A2. Restoration Plan:

The 3 existing greenhouses will be decommissioned and the cultivation moved to the relocation site. The area will be used for vegetable gardens in the future. There has been no grading and no exposed soil. With proximity to the little cabin this will provide a garden area. All cannabis cultivation materials will be removed.

A3. Relocation Plan:

This area has approximately 8,000 sq ft of outdoor cultivation. The cultivation area will be moved to the Relocation Site.

A3. Restoration Plan;

The cultivation in this area consists of a fenced garden area with 5 gallon plastic grow pots within the SMA. The pots will be removed and the soil in them repurposed in the area of relocation. The fencing will be removed and again reused to the relocation area. There is no grading at the site, so once the cultivation materials are removed the site will be allowed to go back to original conditions. Any bare soil will be seeded and strawed if needed for erosion control.

B. Relocation Plan:

This area is partially located in the SMA and therefore 3 of the 10 greenhouses will be removed that are within the SMA. The greenhouses are made from PVC hoops with garden beds for the cultivation. These greenhouses will be dismantled and the material reused at the Relocation Site on adjacent parcel. The garden beds and soil will be also removed and reused at the Relocation Site. The other 7 existing greenhouses will stay and light deprivation cultivation will continue. There are approximately 100 garden pots with outdoor cultivation around the parameter of the cultivation area. These pots and the soil in them will be removed. The soil will be recycled to be reused at the Relocation Site on adjacent parcel.

B. Restoration Plan:

The greenhouses will be removed as well as the beds and soil that were used in the beds. The materials will be used at the relocation site. The soil will also be removed and once amended will be reused at the Relocation Site. The area of the 3 greenhouses that are to be removed will be restored to original contours. This will require very minor grading of approximately 10 cu. Yds. Of soil. Once all the materials are removed the area will be seeded and strawed to eliminate erosion. The area of outdoor scattered around the cultivation site is small garden pots which will be removed. No grading will be needed in these areas.

