

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 25-033

Record Number PLN-12277-SP

Assessor's Parcel Number: 208-201-017-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Cherrytree, LLC Special Permit.

WHEREAS, Cherrytree, LLC submitted an application and evidence in support of approving a Special Permit for 9,850 square feet of existing outdoor commercial cannabis 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 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 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 3, 2025, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** Special Permit for 9,850 square foot existing outdoor medical cannabis cultivation. Water is sourced from an onsite permitted well. The estimated annual irrigation water need is 172,800 gallons. Water storage onsite is 20,400 gallons. Processing is performed off-site at a licensed third-party facility. Power is sourced from a solar array.

EVIDENCE: a) Project File: PLN-12277-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning

Administrator 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 addendum to the MND prepared for the project.

- 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) The applicant will source water from rain groundwater well. The well is utilized for both domestic use and irrigation needs. The project is conditioned for the applicant to monitor irrigation water separately from domestic and have these meter readings available when requested. Per a report from a licensed geologist, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
 - d) The applicant has submitted a copy of a Lake or Streambed Alteration Agreement (LSAA) (No. 1600-2017-0703-R1) (Attachment 4B) that describes one Point of Diversion (POD) for domestic and irrigation use, to upgrade and maintain six (6) stream crossings, and to remove and remediate an on-stream pond. According to CDFW, not all required work was completed and the LSAA expired on May 8, 2023. On October 1, 2024, CDFW commented on the project. Maintenance is required for Crossing-1, Crossing-2, Crossing-3, Crossing-4 and on the On-stream Pond Removal and Remediation. The applicant does not have a final LSAA. The project is conditioned such that the applicant acquires a LSAA prior to the initiation of cannabis cultivation. Several other corrective actions are listed as conditions of approval. These conditions are included in Attachment 1A and can be referenced in Attachment 5.

- e) A Site Management Plan (SMP) was prepared for the project by Green Road Consulting (WDID 1_12CC40290) and the applicant shall implement all corrective actions and recommendations described in Attachment 1A.
- f) According to the California Natural Diversity Database (CNDDB), there is no mapped potential habitat for any special status species nearby or on the parcel. CDFW stated the proposed project may have a potentially significant adverse effect on biological resources, specifically the Northern Spotted Owl (*Strix occidentalis caurina*; NSO). At least two known NSO Activity Centers occurs within 1.3 miles of the cultivation sites and designated Final Critical Habitat occurs for the NSO occur within 0.5 miles of the cultivation sites (CDFW2024). CDFW requests that the applicant assume presence of NSO and avoid impacts as determined by a qualified biologist, in consultation with CDFW. CDFW recommends that cannabis cultivation at this location be limited to full sun outdoor methods with no mixed light. Additionally, CDFW requests several other preventative and corrective measures, as conditions of approval (Attachment 1A).
- g) The project is located within the Bear River Band of the Rohnerville Rancheria aboriginal ancestral territory. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. On August 7, 2019, the Bear River Band THPO recommended inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval.
- h) The project site is located in southeastern Humboldt County, approximately five (5) miles northwest of the unincorporated community of Dinsmore. The project is located off State Highway 36, on the west side of Bear Creek Road, approximately 1.8 miles Northwest from the intersection of Bear Creek Road and Coyote Flat Road. Using forms provided by the Humboldt County Department of Public Works (DPW), the applicant submitted an evaluation of a 4.1-mile road segment providing access to the site and found it to be developed to the equivalent of a road category 4 standards. The Department of Transportation was referred on February 5, 2019, however, provided no comment. The seasonally

accessible roads will be utilized May through October during cultivation season. The Site Management Plan specifies measure to be completed for seven (7) watercourse crossings and several other corrective actions (**Attachment 4E**). Additionally, CDFW corrective actions above supersede the outdated corrective actions listed in the SMP (**Attachment 4B**).

FINDINGS FOR SPECIAL PERMITS

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

EVIDENCE: a) The property has land use designations of Residential Agriculture (RA40). The RA designation is not designated as an open space designation and is not part of the Open Space Action Program. Cannabis cultivation is an agricultural product and is consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,850 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located.

EVIDENCE: a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

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

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application is for 9,850 square feet of pre-existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

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

EVIDENCE: a) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing mixed light cannabis on a parcel zoned FR over 1 acre in size subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,850 sf of existing outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verifications prepared by the County.

b) The subject parcel has been determined to be one legal parcel as shown on Parcel Map 62 recorded in Book 26 of Parcel Maps page 135-143.

c) The applicant will source water from rain groundwater well. The well is utilized for both domestic use and irrigation needs. The project is conditioned for the applicant to monitor irrigation water separately from domestic and have these meter readings available when requested. Per a report from a licensed geologist, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

A Lake and Streambed Alteration Agreement (LSAA) was filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2017-0571-R1). The LSAA (**Attachment 4B**) permitted one Point of Diversion (POD) for domestic and irrigation use, to upgrade and

maintain six (6) stream crossings, and to remove and remediate an on-stream pond. According to CDFW, not all required work was completed and the LSAA expired on May 8, 2023. On September 11, 2024, CDFW accompanied County Staff to conduct a site inspection and provided comment on the project October 1, 2024. CDFW stated that maintenance is required for Crossing-1, Crossing-2, Crossing-3, Crossing-4 and on the On-stream Pond Removal and Remediation. The applicant does not have a final LSAA. The applicant shall acquire a Final LSAA prior to the initiation of cannabis cultivation. The applicant shall complete the following items listed below by the specified dates.

A Site Management Plan (**Attachment 4E**) was prepared by Green Road Consulting in October 2018 to comply with State Water Resources Control Board (SWRCB) General Order WQ 2017-0023-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1_12CC402290). The SMP identifies the following requirements and recommendations: upgrade culverts and dirt fords, remove a bridge, use water meters, contain any fuel canisters or generators, confirm the permitting of the septic system, service portable toilets as needed. The project has been conditioned to comply with all requirements and recommendations contained within the SMP (**Condition 19**).

- d) Access to the site is via Highway 36, which is a State-maintained road. The project site is located in southeastern Humboldt County, approximately five (5) miles northwest of the unincorporated community of Dinsmore. The project is located off State Highway 36, on the west side of Bear Creek Road, approximately 1.8 miles Northwest from the intersection of Bear Creek Road and Coyote Flat Road. Using forms provided by the Humboldt County Department of Public Works (DPW), the applicant submitted an evaluation of a 4.1-mile road segment providing access to the site and found it to be developed to the equivalent of a road category 4 standards. The Department of Transportation was referred on February 5, 2019, however, provided no comment. The seasonally accessible roads will be utilized May through October during cultivation season. The Site Management Plan specifies measure to be completed for seven (7) watercourse crossings and several other corrective actions (**Attachment 4E**). Additionally, CDFW

corrective actions above supersede the outdated corrective actions listed in the SMP (**Attachment 4B**).

- e) The project is conditioned to remove a shed currently within the SRA setback to comply with section 314-55.4.11.d. The proposed cultivation, post shed removal, is more than 30 feet from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.
- f) The primary source of electrical power for outdoor cultivation is a DC solar trailer. The project is conditioned that noise from any back-up generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer.

6. FINDING: The cultivation of 9,850 square feet of cannabis cultivation 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 not 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 will not change the existing character of the area due to the numerous other permitted cultivation operations nearby.
 - b) The applicant will source water from rain groundwater well. The well is utilized for both domestic use and irrigation needs. The project is conditioned for the applicant to monitor irrigation water separately from domestic and have these meter readings available when requested. Per a report from a licensed geologist, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

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all work to be done within the waterways (Notification No. 1600-2017-0571-R1). The LSAA (**Attachment 4B**) permitted one Point of Diversion (POD) for domestic and irrigation use, to upgrade and maintain six (6) stream crossings, and to remove and remediate an on-stream pond. According to CDFW, not all required work was completed and the LSAA expired on May 8, 2023. On September 11, 2024, CDFW accompanied County Staff to conduct a site inspection and provided comment on the project October 1, 2024. CDFW stated that maintenance is required for Crossing-1, Crossing-2, Crossing-3, Crossing-4 and on the On-stream Pond Removal and Remediation. The applicant does not have a final LSAA. The applicant shall acquire a Final LSAA prior to the initiation of cannabis cultivation. The applicant shall complete the following items listed below by the specified dates.

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- c) The project is located in an area mapped as high geologic instability. Development is existing and project conditions will require the applicant to obtain building and grading permits for all existing structures with a nexus to the cannabis operation, including but not limited to storage buildings greater than 120 SF, any structure used to attenuate generator noise, and all hoops or greenhouses for cultivation or ancillary nursery space (**Condition 1A.8**). Any concerns pertaining to the high geologic instability of the area will be addressed and corrected via this permitting requirement. Also, grading permits will be required for areas that have been graded (**Condition 1A.8**).

The subject parcel is not located within any flood zone or is susceptible to dam failure inundation. The subject parcel is located within a very high fire hazard severity zone within the State Responsibility Area for fire protection. The parcel is also within the Ruth Lake Community Services District (RLCSD) response area. The project is conditioned to complete several improvements to comply with SRA requirements including management of vegetation around existing structures to meet the 100-foot defensible space requirement, adding a designated emergency vehicle turn-around, and pull off area along the access road for emergency vehicles, and making sure all existing structures meet the 30-foot setback from property lines requirement. The project is conditioned to install a 2,500 gallon water storage tank specifically for fire suppression (**Condition of Approval 1A.26**). No new structures are proposed. No increased threats to hazards are anticipated as a result of the project.

- d) Access to the site is via Highway 36, which is a State-maintained road. The project site is located in southeastern Humboldt County, approximately five (5) miles northwest of the unincorporated community of Dinsmore. The project is located off State Highway 36, on the west side of Bear Creek Road, approximately 1.8 miles Northwest from the intersection of Bear Creek Road and Coyote Flat Road. Using forms provided by the Humboldt County Department of Public Works (DPW), the applicant submitted an evaluation of a 4.1-mile road segment providing access to the site and found it to be developed to the equivalent of a road category 4 standards. The Department of Transportation was referred on February 5, 2019, however, provided no comment. The seasonally accessible roads will be utilized May through October during cultivation season. The Site Management Plan specifies measure to be completed for seven (7) watercourse crossings and several other corrective actions (**Attachment 4E**). Additionally, CDFW corrective actions above supersede the outdated corrective actions listed in the SMP (**Attachment 4B**).

7. 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.

8. 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 Humboldt County Board of Supervisors Resolution No. 18-43 established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is within the Mad River Planning watershed. The cap on this watershed is 334 permits and 115 acres. Currently, 88 approved permits for commercial cannabis exist in this watershed, and the approved acreage not including this project is 32.86 acres. If this project gains approval, the number of issued permits will be 89, and the approved acreage will be 33.09 acres.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Cherrytree, LLC subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **April 3, 2025**.

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.



John H. Ford, Zoning Administrator,
Planning and Building Department

**CONDITIONS OF APPROVAL
PLN-12277-SP**

APPROVAL OF THE SPECIAL PERMITS ARE 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 execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #24. 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.

6. The applicant shall removed the shed from the State Responsibility Area (SRA) setback prior to the 2025 cultivation season start.
7. Within 60 days of project approval, the applicant shall revise the Site Plan and Operations Plan to cohere and reflect the accurate greenhouse dimensions, water storage total, estimate water budget, and accurate infrastructure and other details of the project that are specified within the approved staff report.
8. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including the cannabis cultivation greenhouses and associated grading, the 160 square-foot fuel storage shed, the two solar panels, and the residence. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
9. By November 30, 2024, the applicant shall notify for a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife.
10. By October 15, 2025, the applicant shall complete all required work specified in the LSAA referenced in COA #9.
11. The applicant shall remove all cultivation, cultivation related infrastructure, and refuse outside of the SMA within two (2) weeks of project approval. Photographic evidence shall be submitted to the Planning Department directly with time-certain photographic evidence.
12. The applicant shall maintain at least 25,000 gallons of water on site to be used if the well does not produce for a full cultivation season prior to the start of the 2025 cultivation season
13. The applicant shall contain uncontained fertilizer and pesticides observed on site that pose a threat to wildlife within and store all fertilizers, pesticides, and chemicals on site within two (2) weeks of project approval.
14. Within two (2) weeks of project approval, the applicant shall remove all cannabis

cultivation related refuse located in the headwaters of a Class III drainage. Additionally, the applicant shall removal all cultivation related waste from the stream channel and the Streamside Management Area (SMA)

15. The applicant shall implement/follow through with a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery.
16. The applicant shall forgo all ground-disturbing activities should be limited to occur outside of the breeding season for the NSO (February 1 through July 9)
17. The applicant shall construct noise containment/dampening structures for all operation related generators, water pumps, and fans. Additionally, CDFW requests that the use of generators is phased out after 2024 and only used as a backup energy source.
18. The applicant shall ensure all artificial light used for cannabis cultivation operations (i.e., ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests a light attenuation monitoring and management plan for this activity within thirty days, following execution of the final permit.
19. The applicant shall implement all corrective actions and recommendations described in the Site Management Plan (WDID# 1_12CC412048) prepared by Green Road Consulting in October 2018, pursuant to the State Water Board Cannabis General Order for Waste Discharge. The applicant shall submit a letter or similar communication from a qualified professional (e.g., civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the SMP.

20. 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.
21. The applicant shall install water use meter(s) to measure the amount of water used for the cultivation separate from domestic uses and annual metering reports shall be available during yearly compliance inspections.
22. All unused water line, infrastructure, and debris from the historic grow sites shall be removed and properly disposed of at a waste management facility.
23. 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.
24. 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.
25. The applicant shall complete the following per the Timber Conversion Report recommendations:
 1. Roads, Soil Stabilization and Erosion Control
 - a. Follow immediate interim and permanent measures for addressing erosion issues at Observation Points 2(a) and 2(b):

Interim measures to stabilize the water concentration point on the flat (Observation Point 2(b) by utilizing straw wattles or equivalent installed at the edge of the flat where it meets the fillslope and every 10 ft on the fillslope. Rock armor gully forming on fillslope for entire length of fillslope and erosion channel leading into the natural swale of the Class III watercourse just past existing treeline.

Permanent measures involving reshaping/regrading (high-center and inslope) graded flat along Observation Point 2(b) to shed water toward an unconcentrated area away from Observation Point 2(a) and other fillslope areas.

2. Watercourse and Water Resources

- a. Restore the area that trees were cut within 50' of the Class III watercourse WLPZ to "timberland" as defined by PRC 4526. Immediately mulch and/or seed area to prevent erosion if present. Replant area with seedlings to comply with minimum stocking standards of 14CCR 912.7 (300 trees per acre or 1 tree every 145 square feet or minimum tree spacing of 12 feet). Due to the unstable nature of the fillslope and erosion gully at Observation Point 2(a), trees should be planted on any exposed fillslope within 30' of this gully.

26. The applicant shall comply with SRA requirements including management of vegetation around existing structures to meet the 100-foot defensible space requirement, adding a designated emergency vehicle turn-around and pull off area along the access road for emergency vehicles, and making sure all existing structures meet the 30-foot setback from property lines requirement. The applicant shall install a 2,500 gallon water storage tank specifically for fire suppression

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

1. The combination of background, generator and 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. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/.v> Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum

Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the noise or lighting is not complying with the standards listed above in items B.1. and B.2., 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.
4. Prohibition of use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any cultivation or erosion control 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The applicant shall provide portable toilets and handwashing stations for employees. The applicant shall furnish receipts or other documentation during annual inspections for the continual use of portable toilets for employees.
9. The applicant shall maintain all ditch relief culverts on the parcel, including rocking all ditches as necessary to minimize erosion.
10. The applicant shall adhere to and implement the recommendations in the Road Evaluation Report prepared by Six Rivers Construction & Consulting May 1, 2018, and listed below to meet Category 4 Road Standards:

-Processed, rocked, and compacted to ensure that sediment delivery will not affect the unnamed class III stream.

-Rolling dips and outsloped shall be installed to guarantee no sediment delivery.

11. The applicant shall maintain water use meter(s) to measure the amount of water used for the cultivation and annual metering reports shall be available during yearly compliance inspections. If the metered use indicates that the yearly water demands are not being met, the applicant shall install the appropriate amount of catchment storage to accommodate the yearly demand.
12. 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.
13. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Operations Plan, 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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).
19. Maintain enrollment in Tier 1, or 2 certifications with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of the Final Lake and Streambed Alteration Agreement, as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.
26. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.

27. 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

28. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."
29. 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).
30. 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.
31. 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; and
 - (2) Employee accident reporting and investigation policies; and
 - (3) Fire prevention; and
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS); and
 - (5) Materials handling policies; and
 - (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; and
 - (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.
32. 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
33. Term of Commercial Cannabis Activity Special Permits. 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.
34. 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 Permits, 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.

35. 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.
36. 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.
37. 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; and
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application; and
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. 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 pursuant to the agreement 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 the Ongoing Requirements/Development Restrictions, above.
3. 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

Standard Operating Procedure (SOP) for Outdoor Cannabis Cultivation

Company: Cherry Tree LLC

Address: 777 Bear Creek, Bridgeville, California

Effective Date: 10/8/2024



1. Objective

To establish a standardized process for the outdoor cultivation of cannabis, ensuring compliance with regulatory requirements and maintaining product quality.

2. Scope

This SOP applies to all employees involved in the outdoor cultivation of cannabis at Cherry Tree LLC.

3. Responsibilities

- **Cultivation Manager:** Oversee daily operations, ensure compliance with SOP, and report any deviations.
- **Employees:** Follow SOP guidelines, maintain accurate records, and report any issues to the Cultivation Manager.
- **Employee Manager:** Majdi Rahman
- **Contact Information:** 951-265-7470
- **Mailing Address:** 280 N. State, Hemet, CA 92543
- **Email:** MajdiRahman45@gmail.com, FatimaRahman67@gmail.com

4. Cultivation Mix and Light Requirements

- **Total Square Footage:** 9,850 sq. ft.
- **Light Requirements:** 9,850 sq. ft. of cultivation mix with appropriate lighting setup to ensure optimal growth.

5. Cultivation Sites

- **Site 1:** northern portion of site map is a total of 5100 Sq ft
50x80ft 3500sq.

20x 80ft 1600 sq

- **Site 2:** southern portion of site map near cabin is a total of 4500 sqft

50x75 ft 3750

25x30 sq 750

- **Site 3 which is north west** of cabin portion of site map is 250sq

250 sq ft for clones

Total cultivation area is 9850 sq

- **Dry Room:** (existing) near cabin

Approximately 1,000 sq. ft.

6. Hours of Operation

- **Monday to Friday:** 8:00 AM to 5:00 PM
- **Weekends:** Closed

7. Distribution and Track and Trace System

- All products will be distributed through the Track and Trace system as required by the Department of Cannabis Control.
- **Employee and Site Manager:** One employee and one site manager will be responsible for managing the Track and Trace system. The site manager will be present on-site two times a month.

8. Record Keeping

- Maintain accurate records of all cultivation activities, including planting, maintenance, harvesting, and distribution.
- Records should be kept for a minimum of three years and be readily available for inspection by regulatory authorities.

9. Training

- All employees involved in the cultivation process must undergo training on this SOP and any updates to it.
- Training records should be maintained and updated as needed.

10. Compliance

- Ensure all activities comply with local, state, and federal regulations.
- Report any non-compliance issues immediately to the Cultivation Manager.

11. Review and Update

- This SOP will be reviewed annually and updated as necessary to reflect any changes in regulations or operational practices.
-

Addendum to the Cultivation and Operations Plan

Cherrytree, LLC

01/24/2025



- Estimated water use:

14400 gallons per month

172,800 Gallons per year

- Water storage

(2)3k = 6k gallons

(1) 1.1k = 1.1.k gallons

500 gallon residential tank

(1)6k = 6k gallons

(2)3k = 6k gallons

(1)1.3k=1.3k gallons

20,400.00 gallon tanks

Plus 500 gallon tank residential

- Power Source:

DC solar trailer.

APPROVED
APR -3 2025
Humboldt County
PLANNING

CHERRY TREE LLC

APN: 208-201-017

VICINITY MAP

1:10,000

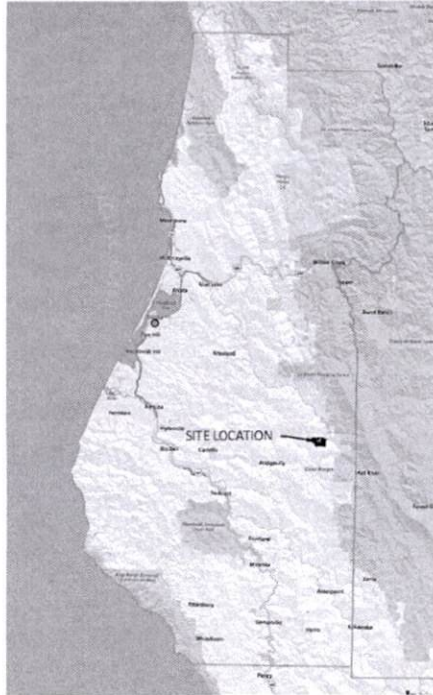


IMAGE SOURCE: Bing 2020

PROJECT DIRECTIONS

FROM:
EUREKA, CA
HEAD SOUTH ONTO US -101 (19.9
MILES) TAKE EXIT 685 & TURN LEFT
ONTO CA-36 (41.6MILES)
TURN LEFT ONTO DINSMORE RD. (0.3 MILE)
TURN RIGHT TO STAY ON DINSMORE RD (0.3
MILE) CONTINUE ONTO BEAR CREEK RD. (2.0
MILES) TURN LEFT TO STAY ON BEAR CREEK RD
& FOLLOW INTO PROPERTY (1.4 MILE)

TRAVELTIME
APPROXIMATELY: 1H 17 MIN (61.8 MI)
SHEET INDEX
CP-COVER PAGE
C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.5219, -123.6525

APN: 208-201-017

APPLICANT: CHERRY TREE, LLC

PARCEL SIZE: 39.46 ACRES

ZONING: FR-B-5(40)

APPLICATION TYP: ETYPE 2 OUTDOOR

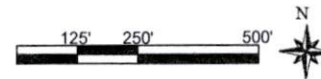
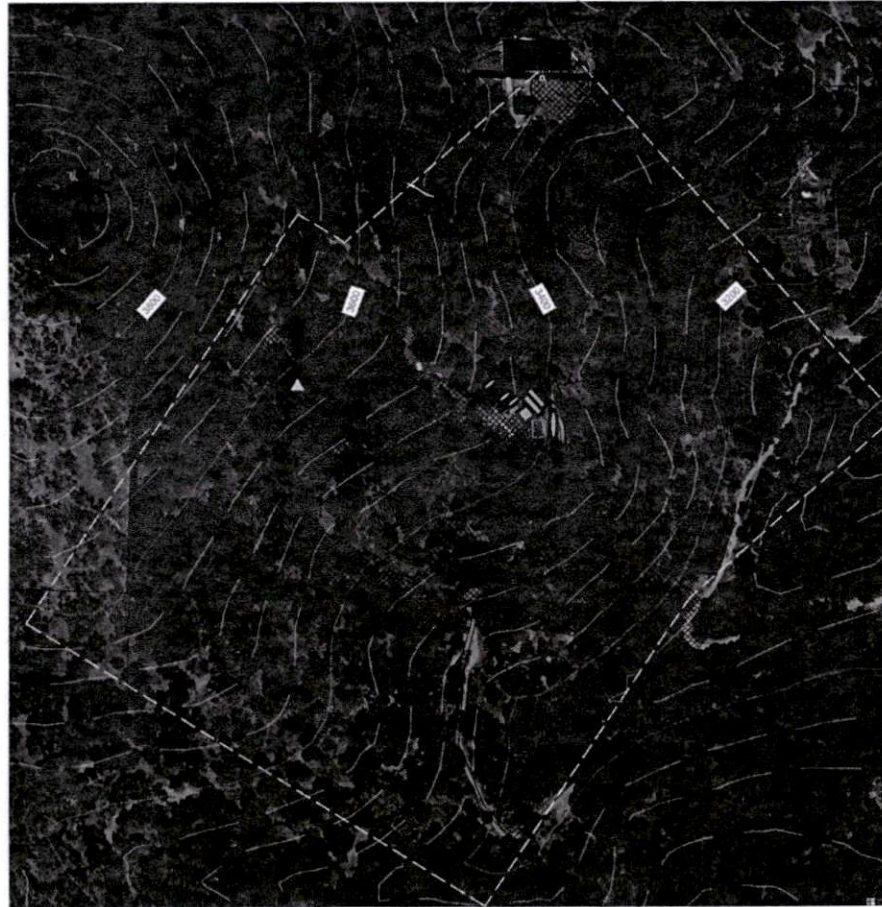
COASTAL ZONE: NO

100 YEAR

FLOOD: NO

PROPERTY LINES, DISTANCES, AND
BUILDING LOCATIONS ARE APPROXIMATE
AND BASED ON AERIAL MAPS AND GPS
DATA TAKEN IN THE FIELD.

AERIAL MAP



PROJECT INFORMATION

OWNER

CHERRY TREE, LLC
APN: 217-201-017

COVER PAGE

REVISIONS

NO.	NOTES	DATE
1	NOTES ADDED	05-08-24
2	REVISIONS	05-08-24
3	NOTES ADDED	05-08-24
4	NOTES ADDED	05-08-24
5	NOTES ADDED	05-08-24
6	NOTES ADDED	05-08-24
7	NOTES ADDED	05-08-24
8	NOTES ADDED	05-08-24

DATE 10/3/2024

DRAFTER

SCALE AS SHOWN

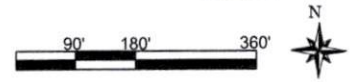
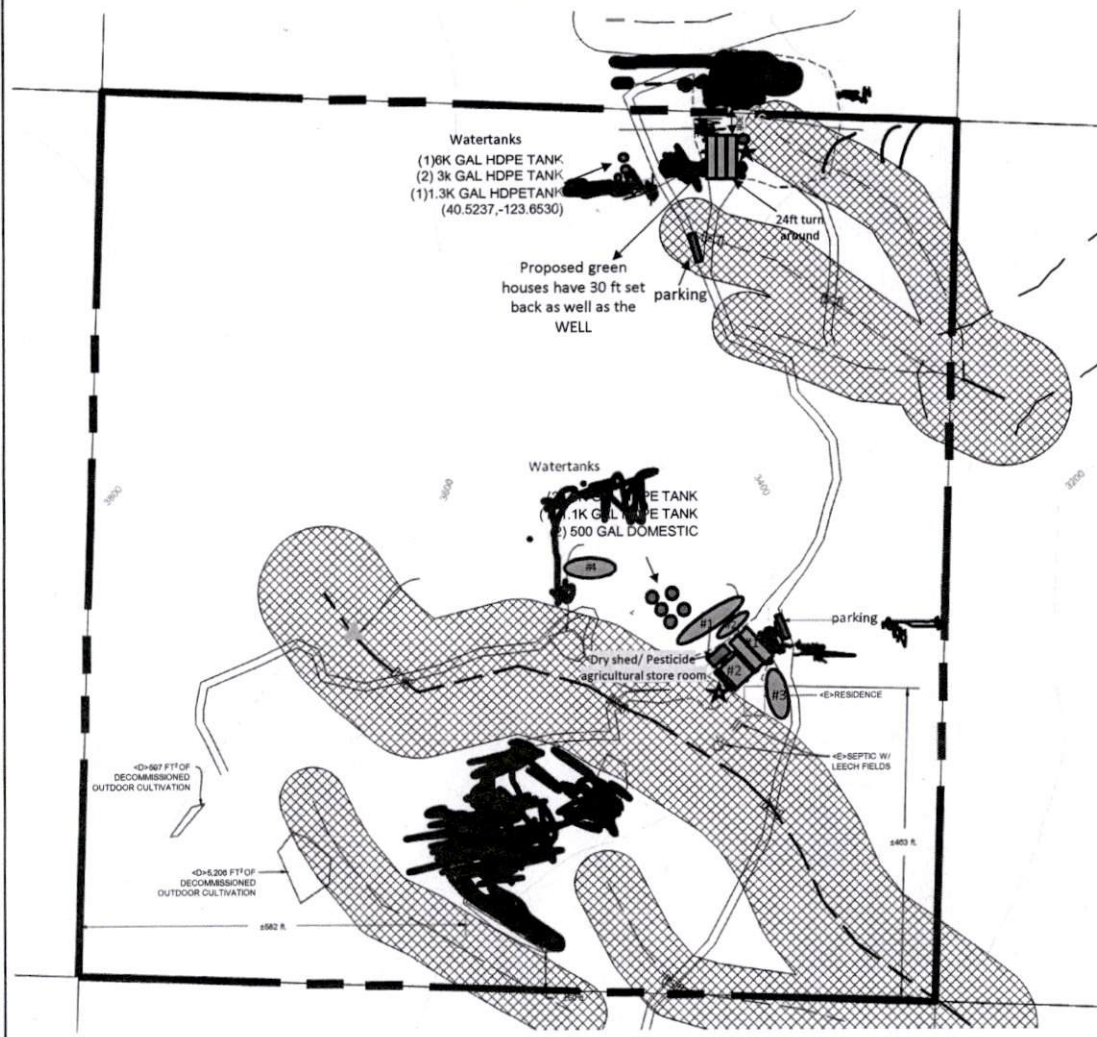
SHEET

CP



PARCEL OVERVIEW

APN: 208-201-017



CULTIVATION INFORMATION

LIGHT DEPRIVATION (OUTDOOR)

CULTIVATION AREA ALL PROPOSED 9,872

Site 1: Southern portion of site map (nearest to residence)

- canopy/dry area #1 (2) 28ft x 56ft (3136sqft)
- canopy/dry#2 (1) 26ft x 33ft (858sqft)
- Outdoor area #1 (1) 11ft x 81ft (891sqft)
- Outdoor area #2 (1) 5ft x 12.5ft (65 sqft)
- Outdoor area #3 (1) 14ft x 48ft (672 sqft)
- Outdoor area #4 VEG (1) 20ft X 25ft (500sqft)
- Site 2: Northern portion of site map (near well)
- canopy/dry area (3) 25 ft x 50 ft 3750 sqft

TOTAL AREA GROW AREA = 9872

DOMESTIC BUILDINGS AND USE

BUILDINGS	SIZE	YEAR
RESIDENCE	1,500 FT ²	1999
DRY SHED / Pesticide/Agriculture storage	30'x15'	1999

WATER STORAGE AND USE

- Southern WATER TANKS NEAR
 - (2) 3K GAL HDPE TANK
 - (1) 1.1K GAL HDPE TANK
 - (2) 500 GAL DOMESTIC
- Northern water tank
 - (1) 6K GAL HDPE TANK
 - (2) 3K GAL HDPE TANK
 - (1) 1.3K GAL HDPE TANK

- WATER SOURCE
 - WELL
- BENEFICIAL USE
 - DOMESTIC
 - CANNABIS IRRIGATION
- POWER SOURCE
 - DC Solar panel trailer
 - 1 BACK UP gas generator

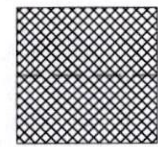
SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 800 FEET OF THE CULTIVATION SITE.

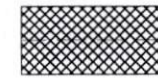
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

2 parking

LEGEND



CLASS I WATERCOURSE WITH REQUIRED 100 FT BUFFER



CLASS II WATERCOURSE WITH REQUIRED 90 FT BUFFER

STREAM CROSSING

PARCEL LINE

ADJACENT PARCEL LINE

PROJECT INFORMATION

PROPERTY OWNER
CHERRY TREE, LLC
ADDRESS
APN: 217-201-017
SHEET INFO
PARCELOVERVIEW