



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

3015 H STREET, EUREKA, CA 95501  
FAX: (707) 268-3792 PHONE (707) 445-7541

2/9/2017

**Heaven Scent Farms, LLC**

**Donald Miller**

**3105 Miller Ln.**

**Arcata, CA 95521**

RE: Permit Application No. 13369 APN 507-271-001-000

Dear Heaven Scent Farms, LLC,

Thank you for your Commercial Cannabis Permit Application. After an initial review, the submittal did not contain all of the required information and has been deemed incomplete. The items below must be provided before we can begin processing your application. For a complete version of the application checklist please visit: <http://humboldt.gov/DocumentCenter/View/53497>

✓ **Additional Payments**

Check(s) in the amount of \$30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the following tribes: \$30 to Bear River Band THPO. \$30 to Blue Lake Rancheria THPO. \$30 to Wiyot Tribe Cultural Dept. The application deposit balance indicated on your Notice of Incomplete Payment is due.

✓ **Application Materials**

Indemnification and Hold Harmless Agreement; Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form; Signed Affidavit - Commercial Cannabis Activity; Documentation of cultivation activities occurring prior to January 1, 2016 (not required for new cultivation).

✓ **Evidence of Ownership or Authorization**

Evidence of ownership is needed including, but not limited to: Copy of current deed for the property; Copy of lease or similar instrument authorizing application for permits; Copy of ownership instrument, showing all owner names (if more than one owner); Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization.

✓ **Site Plan of Entire Parcel Showing**

A site plan is needed including, but not limited to: Owner's name and assessor's parcel number; Easements; Natural waterways including streams, springs, ponds, culverts, and any other water features; Location and area of cultivation or commercial activity; Setbacks of cultivation area from property lines; Access roads; Graded flats; Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity; Water storage structures labeled as to type, capacity, and date of construction; Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion; Dimensions showing 600 square feet around the cultivation site, including distances from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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3015 H Street Eureka CA 95501  
Fax: (707) 268-3792 Phone: (707) 445-7541

September 19, 2019

Miller Donald R Tr  
Po Bx 2145  
Mckinleyville, CA 95519

RE: Application # 13369 APN(s): 507-271-001-000

Dear Applicant:

**This is an important notice that your cannabis permit and/or application is currently in violation of County ordinance and that immediate action from you is required to prevent permit cancellation.**

The County's Commercial Cannabis Land Use Ordinance (Ordinance 2.0) applied specific retroactive permitting requirements for Zoning Clearance Certificates submitted under the Commercial Medical Marijuana Land Use Ordinance (Ordinance 1.0) in designated community planning areas. The ordinance provided four options for achieving compliance with these provisions and set specific deadlines for compliance. On June 26, 2018 the County sent you a letter (attached) notifying you that you were required under this ordinance to provide written notice to the Department declaring which option you were choosing to follow to achieve compliance with the Ordinance. This notice was required to be submitted no later than Monday September 24, 2018. You were notified in this letter that failure to provide this notice is a violation of County code and would render your permit subject to permit cancellation.

Our records show that we have not received this required notice from you and your permit is therefore subject to cancellation. This letter is the last notification that the County will provide to you regarding this violation of County code. Please read the attached letter carefully and provide a written response immediately. If written notification of your decision is not received by **October 21, 2019**, your permit will be considered cancelled. If you have any questions regarding this letter or the attached June 26, 2018 letter, please contact me at (707) 268-3721 or at [cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us).

Sincerely,

Cliff Johnson, Supervising Planner  
Planning Division

Enc.: June 26, 2018 Correspondence

CC: Agent, Property Owner



October 1, 2019

County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
RE: Application #13369 APN: 507-271-001-000

Dear Cliff Johnson, Supervising Planner,

Thank you for the letter sent September 19, 2019. My name is Donald Miller, the application on my APN has been a creation of my youngest son Troy Miller. I have been aware of the permit request but have not been actively involved nor have I personally seen the letter's or communications in the past. My son used the same 3105 Miller Lane, Arcata address as I do. My son is no longer involved with any of my properties.

I will take full responsibility from now on. This is my written notification regarding this permit # 13369. I will be calling you soon to understand option A as my property is in an agriculture exclusive zone. I have no neighbors within a half mile. After speaking with you I realized I may need a staff meeting for an initial fee of \$150.00.

Sincerely,

A handwritten signature in black ink that reads "Donald Miller". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Donald Miller

3105 Miller Lane  
Arcata, CA 95521



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792  
<http://www.humboldt.gov/156>

September 11, 2020

Heaven Scent Farms  
Donald Miller  
3105 Miller Lane  
Arcata, CA 95521

RE: Record No. SP-16-878, APN No. 507-271-001.

Dear Mr. Miller,

Thank you for your application submittal for a Special Permit for 10,000 square feet of new mixed-light and 5,000 square feet of new indoor cannabis cultivation. Unfortunately, after review of the submitted materials, the application is incomplete and additional information is required to continue processing the permit. The following is a list of the required items:

**Complete Site Plan of Entire Parcel Showing (as applicable):**

1. Assessor's parcel number, applicant's and owner's name.
2. Detailed written directions or a vicinity map from the nearest public road to the parcel (on or attached to the plot plan).
3. Show the entire parcel with dimensions and the location of survey monuments.
4. Date, north arrow and scale (or state "Not to Scale")
5. Name, County road numbers, and width of all existing and proposed access roadways adjacent to or within the subject parcel (indicate width of traveled way, percent of gradient, and type of roadway surface).
6. Location, width, and type of all existing and proposed easements of record (if applicable; if not, include a note as such).
7. Direction of surface runoff and percent of gradient for all slopes.
8. Existing and proposed improvements (label as "existing" and/or "proposed" with dimensions and setback distance from property lines):
  - a. Location, type, and area of cultivation or commercial activity.
  - b. Setbacks of cultivation area from property lines.
  - c. All perennial & intermittent water courses (rivers, creeks, etc.), engineered or natural ponds, and/or wetland areas. Include setback distances from structures and property lines.
  - d. Structures and buildings (including floor area, height, proposed use, and year constructed). Label if buildings would or would not be used for cannabis cultivation or commercial activity, and if the structures are currently permitted or unpermitted.
  - e. Driveway, turnouts, and turnaround areas (indicate width, steepness, and type of roadway surface, include any required SRA turnouts; label as existing or proposed).
  - f. Utility lines (electric, gas, telephone, sewer, water, and cable TV).
  - g. Location of water source(s) (on-site and off-site) serving the site (label public or private).
    1. Well(s).
    2. Water diversions including springs, ponds, dams, and other ground disturbance from water diversion.

- h. Water storage structures, such as water tanks and ponds including type, capacity, date of construction, and if used for any cannabis cultivation activity.
  - i. Water infrastructure dedicated to fire suppression per CalFIRE requirements (e.g. tanks, hydrants, etc).
  - j. Parking and loading areas (show individual parking spaces, including handicapped parking and ramps).
  - k. Septic tanks and leach fields (label primary and reserve areas, show distance to structures and property lines).
  - l. Restroom facilities.
  - m. Location of signs for address, road names, and building numbers per Chapter 3 of the County Fire Safe Ordinance (indicate size, illuminated, and design);
9. Hazardous areas (indicate on map if the project site has the following, or is located within four hundred feet (400') of the following):
    - a. Areas subject to inundation or flooding.
    - b. Steep or unstable slopes.
    - c. Expansive (clay) soils.
    - d. Earthquake faults.
    - e. Hazardous waste or other substance sites (per Government Code §65962.5(f)).
    - f. Hazardous materials storage.
      1. Propane or kerosene storage tanks.
      2. Generator and fuel storage location.
      3. Regulated substances (fertilizers, pesticides, and herbicides) storage location.
  10. Sensitive habitat areas (indicate on map if the project site has the following, or is located within four hundred feet (400') of the following):
    - a. Rivers, creeks, sloughs, and other drainage courses (identify perennial & intermittent streams).
    - b. Lakes, ponds, marshes, or "wet" meadows (identify whether engineered or natural feature).
  11. Historical buildings or known archaeological or paleontological resources within six hundred feet (600').
  12. Land use and buildings on adjacent parcels, and approximate distances to closest property line.
    - a. Identify schools, school bus stops, places of worship, and public parks within six hundred feet (600') of the cultivation site and processing area.
    - b. Identify off-site residences within three hundred feet (300') of the cultivation site.

**Cultivation and Operations Plan:**

1. Description of cultivation activities (e.g. indoor, mixed light by quantity and type).
2. Description of water source.
3. Description of storage infrastructure (type, number, and capacity in gallons).
4. Description of Irrigation method(s).
5. A water budget showing monthly past or projected Irrigation demands, including periods of peak usage, broken out by each discrete Cultivation Site.
6. A description of on-site water conservation measures including but not limited to: rainwater catchment systems, drip irrigation, timers, mulching, irrigation water recycling, and methods for insuring Irrigation occurs at agronomic rates.
7. Schedule of activities during each month of the growing and harvesting season, including projected generator use.
8. Summary of Specific Measures for Compliance with SWRCB Order (New and Pre-Existing Unpermitted Sites)
9. Stormwater Management Plan including:

- o Location, capacity, and operation of all existing and proposed drainage facilities and features.
  - o Current drainage conditions.
  - o Analysis of any proposed alteration of on-site and off-site drainage flows.
  - o Prescribed measures to ensure that the project will retain pre-project drainage conditions and result in no net increase in the volume of stormwater runoff from the property, and
  - o Maintenance intervals for all drainage improvements.
10. Invasive Species Control Plan including:
- o An evaluation of the existence of invasive species on the project parcel, including the type(s) of invasive plant species, where they are located, and a plan to control their spread.
  - o If invasive species are found, provide a plan for removal from the cultivation site and associated infrastructure using measures appropriate to the species.
11. Materials Management Plan including:
- o Protocols for proper storage and use of fertilizers, pesticides, or other regulated products utilized, as well as a list of each product used, and quantity utilized per year.
  - o Methods of disposal for project-related waste, including: solid waste such as: plant material, greenhouse framing, plastics and tarpaulin used in greenhouse sheathing and coverings, household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, lighting, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment, and fencing. Other forms of waste include effluent and byproducts from commercial activities (eg. water or wastewater rich in plant chlorophyll or salts, spent fuels or solvents, etc.)
  - o Where project-related activities involve storage and use of hazardous materials at a reportable quantity, provide detail on operating procedures and processes, associated equipment and cleaning procedures, chemical requirements and reactions, waste volumes, storage areas, chemical handling procedures, and emergency equipment
12. Sewage disposal plan including existing and/or proposed septic facilities, portables, or other restroom improvements.
13. Description of soil management and/or permaculture methods used, detailing the use of imported and native soil on the parcel(s) or premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.
14. Processing Plan including:
- o Summary of Processing Practices.
  - o Description of location where processing will occur.
  - o Number of individuals required for operations, both full time and seasonally (employees and non-employees).
  - o Summary of Employee Safety Practices.
  - o Description of toilet and handwashing facilities.
  - o Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - o Description of source of drinking water for employees.
  - o Description of increased road use resulting from processing and a plan to minimize that impact.
  - o Description of on-site housing, if any.
15. Parking Plan that complies with the Humboldt County Zoning Regulations section 314-109.1.

16. Energy Plan – specify which of the following three sources is used:
  - o grid power supplied from 100% renewable source,
  - o on-site renewable energy system with twenty percent net non-renewable energy use, or
  - o grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.
17. Security Plan.
18. Noise Source Assessments and Mitigation Plan that includes:
  - o Detail of all noise sources.
  - o Existing ambient noise levels at the property line using current noise measurements (excluding cultivation related noise).
  - o Details on the design of any structure(s) or equipment used to attenuate noise.
  - o Details on the location and characteristics of any landscaping, natural features, or other measures which serve to attenuate noise levels at nearby property lines or habitat.
19. Light Pollution Control Plan that includes:
  - o Methods of shielding mixed light cultivation and nurseries so that no light escapes between sunset and sunrise.
  - o If located on a parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, include methods of shielding any security lighting to prevent light from spilling outside the boundaries of the parcel(s) or premises or directly focusing on any surrounding uses.

**Water Related Documents (as applicable):**

1. Copy of riparian or appropriative water right documentation.
2. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights.
3. Copy of Notification of Lake or Streambed Alteration or Streambed Alteration Permit obtained from the California Department of Fish and Wildlife.
4. Copy of County of Humboldt well permit and the well log.

**Services (as applicable):**

1. Onsite Wastewater Treatment System Information and Documentation.
2. Will Serve Letter from Water/Wastewater Service Provider.

**Biological (as applicable):**

1. Biological Reconnaissance Survey prepared by a qualified biologist for existing and proposed development that includes at a minimum:
  - a. A review of relevant databases, literature, etc. regarding possible present species,
  - b. A review of the site-specific conditions as to the likelihood of hosting habitat for species, and
  - c. If habitat is present, completion of protocol level surveys.

**Other (as applicable):**

1. \$30 Check(S) Or Money Order(S) To Bear River Band THPO, Wiyot Tribe, Blue Lake Rancheria.
2. DHHS - Division of Environmental Health Worksheet (attached).
3. Wetland Delineation Plan. The County's Geographical Information Systems indicate that the northern and eastern portions of your parcel are in what are considered to be wetland areas. A delineation plan is required as a result of this finding.

Please accumulate all requested material and submit as **one complete package** and submit these items to the Planning Department during regular business hours. When submitting these items

please include the Application Number, Assessor's Parcel Number (APN). Once the required information is received processing your application will promptly resume.

If you have any questions regarding this letter, please call us at 707-445-7541.

Sincerely,



***Cade McNamara***

Planner -Cannabis Services Division

[Planning and Building Department](#)

3015 H Street | Eureka, CA 95501

Phone: 707-268-3777 | Fax: 707-445-7446

Email: [cmcnamara@co.humboldt.ca.us](mailto:cmcnamara@co.humboldt.ca.us)





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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3015 H Street Eureka CA 95501  
Fax: (707) 268-3792 Phone: (707) 445-7541

January 18, 2023

Heaven Scent Farms, LLC  
3105 Miller Ln.  
Arcata CA 95521

RE: Permit Application PLN-13369 on APN: 507-271-001

Dear Applicant:

This letter provides an important update on your Special Permit application referenced above. To date, we have not received the required information to adequately review the application to determine consistency with the Humboldt County Code, specifically Section 312-17.1 (Required Findings for All Permits).

**This letter is to inform you that if you do not take one of the following actions within 60 days, your project will be processed with a recommendation of denial.**

The options available to you include the following:

**Option 1:** Withdraw your application; or

**Option 2:** Provide all of the items requested in the September 11, 2020 deficiency letter and provide owner consent and provide documentation that Heaven Scent Farms LLC is no longer suspended by the State of California.

If we do not receive a response, you will be charged for the staff time required to process the denial of your application. Applicants who choose Option 2 will be responsible for any costs associated with reviewing and processing the application.

For questions about this letter, please contact me via email at [santos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us) or at (707) 268-3749.

Sincerely,

Senior Planner



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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3015 H Street Eureka CA 95501  
Fax: (707) 268-3792 Phone: (707) 445-7541

Sent Via US Mail

May 15, 2023

Heaven Scent Farms, LLC  
3105 Miller Ln.  
Arcata CA 95521

RE: Permit Application PLN-13369 on APN: 507-271-001

Dear Applicant,

This letter follows our January 18, 2023, correspondence. Notice is given that this project has been scheduled for a decision before the Zoning Administrator on June 8, 2023. Due to the lack of evidence to support the proposal, the staff recommendation is for denial of the permit.

If you wish to request withdrawal of this application, you may do so in writing, including email.

I am available at 707-268-3749 or [santos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us) if you have questions about this letter.

Sincerely,

Steven A. Santos  
Senior Planner