



# COUNTY OF HUMBOLDT

For the meeting of: 6/8/2023

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File #: 23-798

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**To:** Zoning Administrator  
**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Heaven Scent Farms, LLC Special Permit  
Assessor Parcel Number 507-271-001-000  
Record No.: PLN-13369-SP

Denial of a Special Permit for 10,000 square feet of new mixed light and 5,000 square feet of indoor commercial cannabis cultivation.

**RECOMMENDATION(S):**

That the Zoning Administrator:

Adopt the resolution (Attachment 1) which does the following:

- a. Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270; and
- b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
- c. Deny the Special Permit.

**DISCUSSION:**

**Project Location:**

The project is in Humboldt County in the Arcata area, approximately 2,100 feet from the intersection of Highway 101 and Janes Road on the property known as 3105 Miller Lane.

**Present General Plan Land Use Designation:**

Agriculture Exclusive (AE), Slope Stability: Relatively Stable (0).

**Present Zoning:**

Agriculture Exclusive (AE), Minimum building site area is 600 acres.

**Environmental Review:**

Exempt from environmental review pursuant to State CEQA Guidelines Section 15270

**State Appeal:**

Project is NOT appealable to the California Coastal Commission.

**Major concerns:**

Lack of evidence to support required findings for approval.

**Executive Summary:**

Denial of a Special Permit for 10,000 square feet of new mixed light and 5,000 square feet of indoor commercial cannabis cultivation.

Project site is within the coastal zone. Application proposes building new structures not in existence prior to January 1, 2016 which is inconsistent with the requirements of the Coastal Commercial Cannabis Land Use Ordinance. Site plan does not depict the proposed project. The application does not include an operations plan. Project has not been placed in referrals due to the lack of information regarding the application. Staff have made multiple attempts to correspond with the applicant to obtain information necessary to adequately review the application and recommend approval but has not received the requested items.

**Summary Timeline of Project Processing:**

On December 30, 2016, the Department received an incomplete application for a Special Permit. The application lacked an operations plan, and the provided site plan did not depict the proposed project. Additionally, the project is located within the coastal zone. The Department accepted the initial incomplete application because of the application deadline for the CMMLUO. The project was never placed in referrals due to the lack of information and the ineligibility at the time of being within the coastal zone. Once the CCLUO was adopted in the coastal zone, the application was never supplemented to comply with applicable regulations.

February 9, 2017, the Department sent correspondence notifying applicant that the application was incomplete.

On September 19, 2019, the Department sent a letter informing applicant of retroactive application requirements under the CCLUO.

On October 1, 2019, the applicant contacted the Department and was told he need to schedule an application assistance meeting to provide items consistent with the CCLUO. No further contact with the applicant occurred.

On September 11, 2020, the Department sent a deficiency letter describing specific items needed. There was no response.

On January 18, 2023, the Department sent a letter stating the applicant had 60 days to make applicant complete or the project would be scheduled for denial.

On May 15, 2023, the Department sent a letter notifying applicant the project was scheduled for denial.

The correspondences from the Department listed above is assembled in Attachment 3.

**Lack of Sufficient Evidence:**

Staff is unable to determine if adequate or eligible water is available to serve the proposed project due to the lack of an operations plan. The site plan provided in 2016 does not depict the project as proposed in the original application so it is unclear what ground disturbance will occur, if any. The project proposes to construct structures for cannabis cultivation that were not in existence prior to January 1, 2016 which is not an eligible activity in the coastal zone under the CCLUO. The lack of agency and tribal consultation prevents staff from proposing appropriate conditions. The applicant has had six years to provide additional information. For all the reasons described above, staff is unable to recommend approval.

**OTHER AGENCY INVOLVEMENT:**

The project was not referred to other agencies for comment because the project lacks sufficient information to write a complete project description.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

1. The Zoning Administrator could elect to direct staff to continue to work with the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, due to the extended amount of time that the deficiencies have remained unresolved and the lack of responsiveness from the applicant, staff do not recommend this alternative.

**ATTACHMENTS:**

1. Draft Resolution
2. Location Map
3. Correspondence Chronology

**Applicant**

Heaven Scent Farms  
3105 Miller Lane  
Arcata CA 95521

**Owner**

S and R Miller LLC  
PO Box 2145  
McKinleyville CA 95519

Please contact Steven A. Santos, Senior Planner, at [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us) or 707-268-3749 if you have any questions about the scheduled item.