

Saad Abdelmegid
PLN-11955-SP
APN: 216-392-021

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to do the following:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and deny the Saad Abdelmegid project.

Executive Summary: For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Special Permit for 10,000 square feet of existing outdoor and mixed light commercial cannabis cultivation. The Saad Abdelmegid application was submitted on December 16, 2016.

Staff is recommending denial of the project because the applicant has been unresponsive to County requests for information and has violated county ordinance. The submitted application does not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits). This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. By initiating cultivation without the required County permit and State License, the applicant has violated the Humboldt County Code, as well as violated various provisions of state law as described below.

On February 2, 2017, the applicant received an *Incomplete Letter* outlining the documents that were required to be submitted to advance the application. No response was received by the applicant, so a Withdrawal Notice was sent to the applicant on August 9, 2017. The applicant promptly responded to the Withdrawal Notice by submitting some of the requested documentation. No further progress was made on the application and the permit was transferred to the current applicant on June 3, 2020. The current applicant has been unresponsive.

On June 3, 2020, the applicant received a *Violation Letter* for the unauthorized cultivation of 9,600 square feet of mixed light cultivation during the 2019 cultivation season. The letter directed the applicant to pay the penalty amount of \$38,400 to resolve the violation or provide evidence to the Planning Department that unauthorized cultivation did not occur. The Planning Department did not receive a response to the *Violation Letter*. No further progress was made on the application on behalf of the Planning Department due to the existing violation.

On October 12, 2021, the violation had not been resolved so planning staff resubmitted the *Violation Letter* to the applicant via email and sent a copy to through the U.S. Postal Service. This letter directed the applicant to pay the penalty amount of \$38,400 to resolve the violation and submit the required information to complete the application. Alternatively, the applicant could withdraw the application and remove all cultivation related infrastructure and improvements. The assigned planner attempted to call and email the applicant with the contact information on file. No response was received; therefore, the Planning Department scheduled the project for the November 4, 2021, Planning Commission hearing with a recommendation of denial.

On October 20, 2021, the applicant emailed the assigned planner from the same email that had previously been used to contact the applicant. The applicant stated they had attempted to reach County staff previously, although the Planning Department has no record of these attempts.

On October 21, 2021, the assigned planner attempted to call the applicant. The applicant could not be reached. The assigned planner notified the applicant to contact them immediately and provided their direct contact information, no response was received.

On October 26, 2021, the assigned planner emailed the applicant once more to notify them of the hearing date and again attempted to call the applicant; no response was received.

This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. By initiating cultivation without the required County permit and State License, the applicant has violated the Humboldt County Code, as well as violated various provisions of state law as described below.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because cultivation was initiated without a permit, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue to attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, given that staff has made multiple attempts to contact the applicant and they have been unresponsive, staff does not recommend this alternative.