

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT
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PLANNER: Kim Hunter, Director of Building and Planning

APPLICANT/APPELLANT: Sergey Sarkisyan

REQUEST: An appeal of Planning Director's Decision to deny Commercial Cannabis Cultivation Application CCL-2020-649.

LOCATION: 800 Mountain View Drive, Lewiston (APN: 025-200-19-00)

APPROX. ACREAGE: 13.01 acres

ZONING DISTRICT: Rural Residential 5 acre minimum (RR5)

GENERAL PLAN DESIGNATION: Rural Residential

STAFF RECOMMENDATION: Uphold the Planning Director's denial of the commercial Cannabis cultivation application license

ADJACENT LAND USE AND ZONING INFORMATION:

Direction	Land Use	Zoning	General Plan Designation
North	Residential	RR	RR5
South	Federal	AF160	RE
East	Residential	RR5	RR
West	Residential	AF20	RE

SUMMARY: The application for CCL-2020-649 submitted January 24, 2020 was denied by Planning Director's decision on June 4, 2020 for violating subsections ii. and iii. of Section 7 of Trinity County Ordinance 315-843 and Section 6(a) by cultivating without a county and state license.

Mr. Sarkisyan filed an appeal arguing that the County did not provide sufficient evidence that violations exist. Mr. Sarkisyan's appeal stated that "...any violation of County Code on which the application denial was based on was cured within the time periods provided in the Notice for which to cure and prevent a denial of the application."

Mr. Sarkisyan requests that the application be approved and also stated the "Responding Party contests the violations enumerated in the Notice of Denial exist on the property." and "Responding Party further contests that the violations enumerated are sufficient to warrant the denial of said license application, or that in fact are a violation of Trinity County Code."

ATTACHMENTS:

- A. Copy of Cultivation License Denial dated June 17, 2020
- B. Copy of Appeal Application dated June 24, 2020
- C. Copy of Attachment to Appeal dated June 24, 2020
- D. Satellite View of Vicinity
- E. Government Code Section 65920 (Permit Streamlining Act)

COUNTY OF TRINITY
COMMERCIAL CANNABIS

CULTIVATION LICENSE DENIAL

APPLICATION NUMBER:	CCL-2019-649
PARCEL NUMBER:	025-200-19-00
APPLICANT:	Sergey Sarkisyan

Sergey Sarkisyan
Livadia, Inc.
800 Mountain View Drive
Lewistwon, CA 96052

Re: 800 Mountain View Drive, Lewiston

June 17, 2020

The Trinity County Planning Department has determined that there is a violation of Trinity County Ordinance 315-843 associated with Trinity County Commercial Cannabis License CCL-2020-649. The violation(s) are listed below:

7) Denial/Revocation of License

- (a) Applicant shall be denied a license or the approval of a license shall be revoked if the County becomes aware that:
- i. The applicant has provided materially false documents or testimony; or
 - ii. The applicant has not complied fully with the provisions of this Ordinance, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
 - iii. The operation as proposed by the applicant, if permitted, would not have complied with all applicable County and State laws, including, but not limited to; the Building, Planning, Housing, Fire and Health Codes of the County, including the provisions of this Ordinance and with all applicable laws including Zoning and County Ordinances.

Specifically, the County finds that you are in violation of the following:

6) Performance Standards for Commercial Cultivation of Cannabis

- (a) It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated

area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of Cannabis plants in excess of the limitations imposed by this section or personal grow section (Zoning Ordinance No. 315-797) and/or AUMA.

The County has determined that your license will be revoked immediately, June 4, 2020 due to violations of subsections ii. and iii. of Section 7, as outlined above, by cultivating in an unlawful manner as restricted by Section 6(a) without a County and State license on parcel 025-200-19-00 at 800 Mountain View Drive, Lewiston, California.

You have the right to appeal this decision, any time within ten (10) working days from the date of this notice as prescribed in Chapter 8.90-130 of Trinity County Code.

If any questions, comments or concerns arise please contact the Trinity County Planning Department at (530) 623-1351 ext. 6 or by email at mbrinkley@trinitycounty.org.



Kim Hunter, Director of Building & Planning
Trinity County Planning Department

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark
Redding
JUN 17 2020

Sent To
Sergey Sarkisyan
Street and Apt. No.
1998 Brecher Wood Drive
City, State, ZIP+4®
Redding, CA 96002

PS Form 3800, April 2010 PSN 7530-02-000-9001 See Reverse for Instructions

6-17-20
Certified Mail
File copy

20-00524



P-20-25



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S DECISION TO PLANNING COMMISSION



Received Stamp

Name: Sergey Sarkisyan / Livadia, Inc. Phone: _____

Email: yanazilberman@yahoo.com; sergey.sarkisyan@mc.com

Physical Address or APN: 800 Mountain View Drive, Lewinston, CA 96052 025-200-19-00

Mailing Address: 11805 Laurelwood Dr 105, Studio City, CA 91604

Decision of Planning Director rendered on (date): June 17, 2020

Planning Director's Decision was to: Approve Deny Continue

Request for: Reversing the decision of the Planning Director denying appellant's application for commercial cannabis cultivation license (CCL-2019-649) based on the enumerated violations specified in the attached notice of denial. Appellant has an interest as tenant/lessor, owner, or occupant of the above described property that is the subject of the action by the planning director.

Reason for Appeal:

Please see the attachment

Signature: [Handwritten Signature] Date: 6/23/2020

Clerk's Use Only

Date Filed: _____

Fee Collected: _____

Hearing Date: _____

Receipt No.: _____

Notice Published: _____

Notice Mailed: _____

Clear

RECEIVED

ATTACHMENT TO APPEAL FOR DENIAL OF COMMERCIAL CANNABIS APPLICATION NO. CCL-2019-649

BUS 24 2020
TRINITY COUNTY
BUILDING DEPARTMENT

Petitioner has failed to sufficiently set forth with specificity the alleged violations of Trinity County Code for which the denial of the application is based on.

The Notice fails to provide pictures or descriptions of the buildings or locations purportedly in violation of said Code Sections to adequately assess whether a violation had occurred, rendering it impossible to respond or timely abate any purported violation of Trinity County Code for which the denial of the license is based on.

Responding Party contests the denial based on the fact that any violation of County Code on which the application denial was based on was cured within the time periods provided in the Notice for which to cure and prevent a denial of the application.

Responding Party contests the violations enumerated in the Notice of Denial exist on the property.

Responding Party further contests that the violations enumerated are sufficient to warrant the denial of said license application, or that in fact are a violation of Trinity County Code.

Responding party reserves the right to challenge the legality of the action taken against said license application for in the notice and code as excessive.

Responding Party further reserves the right to challenge any claimed responsibility for causing the condition once the condition is set forth with specificity and reserves the right to demonstrate that reasonable steps to abate the claimed violation have been taken, once said violations have been specified, and that such steps have occurred or will occur within the appropriate time frame.

Responding party further reserves the right to challenge the denial of license application on the basis that such license application is, or should be, deemed approve based on the failure of the County of Trinity to comply with the requirements of California Government Code 65920 et. seq.

Agenda Item 7 Attachment D

Satellite Image – Location of APN 025-200-19-00



Agenda Item 7
Attachment E



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4.5. Review and Approval of Development Projects [65920 - 65964.1] (*Chapter 4.5 added by Stats. 1977, Ch. 1200.)*

ARTICLE 1. General Provisions [65920 - 65923.8] (*Article 1 added by Stats. 1977, Ch. 1200.)*

(a) This chapter shall be known and may be cited as the Permit Streamlining Act.

65920. (b) Notwithstanding any other provision of law, the provisions of this chapter shall apply to all public agencies to the extent specified in this chapter, except that the time limits specified in Division 2 (commencing with Section 66410) of Title 7 shall not be extended by operation of this chapter.

(c) Any action brought in the superior court relating to this chapter may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030).

(Amended by Stats. 2010, Ch. 699, Sec. 22. (SB 894) Effective January 1, 2011.)

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AUG 04 2020

TRINITY COUNTY
PLANNING DEPARTMENT



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Request to View Cannabis File

Requestor Name: James M. Underwood Request Date: 8/4/20
Agency/Company: Underwood Law Office *Phone No.: (530) 623-2200
Address: P.O. Box 2478, Weaverville CA
Email: jmu@jmulawoffice.com

Description of Cannabis File(s) Requested to View (Please be as specific as possible): Appeal of
Mannix Director's Decision - 7-20-25;
and related file documents (re: Laurel
Edwards et al.)

Received by:	Date: Deadline for Meeting(2 business days)
Meeting Date:	Meeting Time:
Confirmation sent by/date:	Confirmed by Requestor:
Staff attending Meeting:	Individuals attending Meeting:
Emails:	
Copies made/NOTES:	

UNDERWOOD LAW OFFICES, P.C.

Weaverville Office:
PO Box 2428
121 Forest Ave., Ste. A
Weaverville, CA 96093
Telephone: 530-623-2200

James M. Underwood

Redding Office:
1274 Court Street
Redding, CA 96001
Telephone: 530-276-8246

VIA E-MAIL & HAND-DELIVERY

Wednesday, August 5, 2020

Trinity County Planning Commission
C/o Kim Hunter
Trinity County Planning Director
61 Airport Road
Weaverville, California 96093

RECEIVED

AUG 05 2020

TRINITY COUNTY
PLANNING DEPARTMENT

Re: Appeal of Planning Director's Decision (P-20-25) – 800 Mountain View Drive, Lewiston (APN 025-200-19)

Dear Commissioners:

My office represents Steve and Laurel Edwards. The Edwards are neighbors adjoining the above referenced property, in the Mountain View Subdivision in Lewiston.

My clients, following a review of the Planning Director's letter notifying the appellant of her decision to deny the subject license application, whole heartedly agree with that determination. In this case, and based on my clients' observations and those of their non-cultivating neighbors, it is evident that the appellant has intentionally disregarded the County's Commercial Cannabis Ordinance in the ways documented by the Planning Department. Nor has any required California Environmental Quality Act (CEQA) review been completed for the applicant proposed commercial operation.

For these reasons, the Edwards request that the Planning Commission uphold the Planning Director's decision to deny the application, and deny the appeal.

Respectfully submitted,


James M. Underwood

Cc: Steve & Laurel Edwards