



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

Kim Hunter, Director

MEMORANDUM

DATE: September 4, 2020
TO: Planning Commissioners and members of the public
FROM: Kim Hunter, Director of Planning *KH*
SUBJECT: Agenda Item 2 – Appeal of Planning Director’s Decision (P-20-25)

This item was continued from the August 13, 2020 Planning Commission.

The appellant, Sargey Sarkisyan, has appealed the decision of Planning Director to deny his commercial cannabis cultivation license application (CCL #649) due to cultivation occurring onsite prior to the issuance of a County cultivation license.

The staff recommendation is that the Planning Commission deny the appeal and uphold the Director’s decision to deny this CCL application.

Attachments:

1. Application Denial Letter dated June 17, 2020
2. Code Enforcement Citation Narrative and Photos
3. Correspondence from Underwood Law Offices, P.C. dated August 5, 2020
4. Correspondence Supporting the Director’s Decision received on September 3, 2020

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
Lewistwaon, 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

20-00524



Narratives

Original Narrative

06/11/2020 15:16:14

TRINITY COUNTY SHERIFF'S OFFICE

NARRATIVE

On or about 6/1/2020 Code Enforcement received several complaints of illegal cannabis cultivation at 800 Mountain View Road in Lewiston. I was advised the parcel was attempting to get a commercial cannabis permit through the County, however it was not issued at this time.

I then contacted the Trinity County Cannabis Department and confirmed the property located at 800 Mountain View Road, APN 025-200-19, had an application pending for a permit, but no permit was issued at this time. The applicant name is Sergey Sarkiysan. The property owners are Robert and Laura Johnson, placed in a Trust as RW and L Johnson TSTES. They leased the property to Sarkiysan for the purpose of cultivation of commercial cannabis.

On 6/3/2020 I went to an adjacent property and took photographs of a large green house located on that property and I observed approximately fifty (50) growing cannabis plants inside the green house. The sides on the green house were raised and the ends were also open. There was not a fence around the cultivation site. I could also see on the upper terrace of the property, several other large green houses, however I was only able to see the tops of them and could not determine if they also contained growing cannabis.

This property is a 13.01 acre parcel that would be allowed to cultivate a maximum of eight (8) cannabis plants per County Code.

I then went to the entrance of the property (800 Mountain View), where there was a closed gate. I took more photographs of the property and I issued and posted NOV 0759 Case # 20-00524 to Sergey Sarkiysan and RW and L Johnson TSTES for the following violations of County Code:

17.42.060(E) Fence required

17.42.070(E) Excessive Cultivation

On 6/4/2020 I received a phone call from Ilya Makarov. He stated he was the consultant for the property located at 800 Mountain View. He requested a re-inspection of the property for 6/5/2020 and stated all cannabis had been removed.

On 6/5/2020 at approximately 0815hrs, Corporal Whitman and I went to the property and met with Makarov. He provided me with a map of the proposed cultivation sites and green houses. One of them was the one I had seen with the growing cannabis on 6/3/20, the other location was on the upper section of the property where I could only see the tops of them.

Makarov allowed us to walk around the property and I observed that all growing cannabis had been removed from the property. He asked if this would stop the progress of the cultivation license. I advised him that I would forward my report to the commercial cannabis department and it would be their decision as we do not work for that department.

DISPOSITION
Case Closed

ROUTING
County Counsel
Trinity County Cannabis Department

20-00524



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

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

September 2, 2020

Steve and Laurel Edwards
PO Box 625
Lewiston, CA. 96052

(530)778-3627
clearh2o@gmail.com

Trinity County Planning Department
61 Airport Rd.
PO Box 2819
Weaverville, CA. 96093

ATTN: Planning Commission

Dear Commission Members,

We are asking you to uphold the Planning Director's decision to deny a Commercial Cannabis License to the tenants of 800 Mountain View Drive, in Lewiston (APN 025-200-19-00). The application number is CCL-649. This grower has shown little respect for the permit process and has been cited by the Code Enforcement officer already. In addition, the appellant, S. Sarkisyan, did not even show up to the public hearing on August 13, 2020. These facts should have been enough to rule in favor of the Planning Director's decision.

Although we are a rural residential neighborhood, a majority of the lots are under two acres. This puts the homes in close proximity to the single road that goes through the subdivision that everyone must use to go in and out of the subdivision. The amount of traffic that this business has produced, even without their permit, is enough of a concern. Added to the unprecedented amount and type of traffic we are already experiencing from an existing permitted grow in our neighborhood, including trucks (18-wheelers!), trailers, u-hauls, delivery vans, etc., we fear this new grow would have a cumulative and detrimental effect on our road and water systems, as well as our sense of safety and well-being.

At the August 13, 2020 public hearing, it seemed that there was some ridicule over the photograph submitted with the Planning Director's report. When we found out about this application, published in the Trinity Journal, we set out to prove that excessive plants were already being grown on the site. Again, the amount and type of traffic led us to this conclusion. The photographs we submitted were undeniable evidence of these people's disregard for the permit process. Unfortunately, they were not included in the Planning Director's report. I am including them with this letter.

The other comment we've heard from the "public comments" portion of the meetings, numerous times, is that "They [growers] just want to make a living." The truth is, everyone in this neighborhood has "made a living" in a way that does not infringe on the rights of the other neighbors. We are increasingly being forced to defend this basic right.

Please consider these concerns and uphold Director Hunter's decision to deny this permit.

Sincerely,



Steve and Laurel Edwards



These pictures were taken on June 1, 2020, They show one of the hoop houses on 800 Mountain View Drive, in Lewiston. (APN 025-200-19-00)



August 28, 2020

Trinity County Planning Department

61 Airport Rd.

PO Box 2819


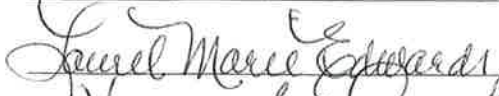
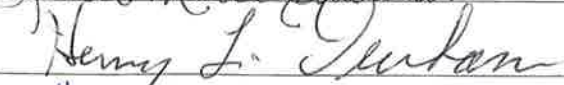
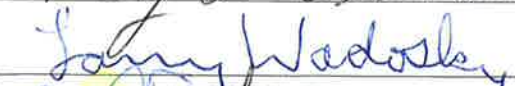

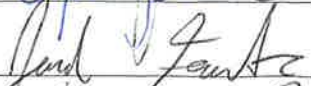
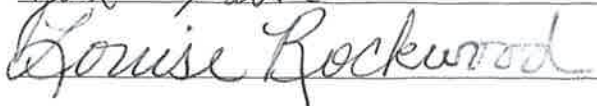
Weaverville, CA 96093

ATTN: Planning Commission

Dear Commission Members,

We, the residents of the Mountain View Estates Subdivision, in Lewiston, urge you to uphold the Planning Director's decision (P-20-25) to deny a Commercial Cannabis License application (CCL-649) for 800 Mountain View Drive in Lewiston. Among our many concerns is the cumulative effective that another business of this type will have on our water supply, our private road systems, and the safety and well-being of the residents. The appellant has already disregarded the rules for obtaining a permit and has been cited by Code Enforcement. Please consider our plea and vote to stand by the Planning Director's decision.

Sincerely yours,

	025-490-04-00;05-00;-06-00
	025-490-04-00;-05-00;-06-00
	025-480-09-00
	025-480-09-00
	025-480-09-00
	025-480-09-00
	025-480-17-00

(uphold Planning Director's decision to deny application CCL-649, page 2)

DeAnn M. Ouellet

025-480-13-00

Matthew Roman

025-480-12-00

August 28, 2020

Trinity County Planning Department

61 Airport Rd.

PO Box 2819

Weaverville, CA 96093

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Sincerely yours,

Randy & Patricia E Nichols
Randy P. & Patricia E. Nichols 095-490-18-00
51 Pleasant Drive
Lewiston, Ca 96052

Sept 1, 2020

Trinity County Planning Department
61 Airport Rd.
PO Box 2819
Weaverville, CA 96093
ATTN: Planning Commission

Dear Commission Members,

We, the residents of the Mountain View Estates Subdivision, in Lewiston, urge you to uphold the Planning Director's decision (P-20-25) to deny a Commercial Cannabis License application (CCL-649) for 800 Mountain View Drive in Lewiston. Among our many concerns is the cumulative effective that another business of this type will have on our water supply, our private road systems, and the safety and well-being of the residents. The appellant has already disregarded the rules for obtaining a permit and has been cited by Code Enforcement. Please consider our plea and vote to stand by the Planning Director's Decision.

Sincerely yours,

I agree with the above,

Bill Lally, owner lot
40 Clearwater Dr.
Lewiston, CA 96052



035-480-05-00
035-490-01-00

Mailing address: po box u.u., Carmel, CA 93921

August 28, 2020

Trinity County Planning Department

61 Airport Rd.

PO Box 2819

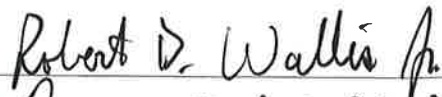
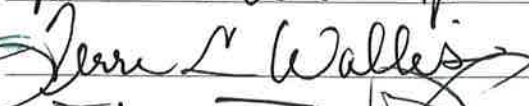

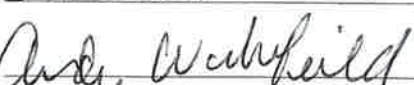
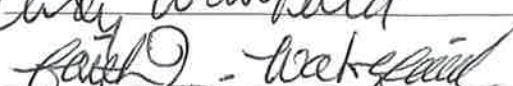
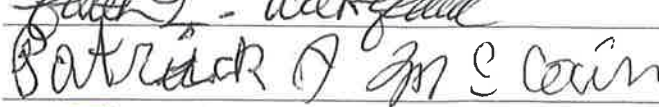

Weaverville, CA 96093

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Sincerely yours,

	025-490-11-00
	025-490-11-00
	025-490-09-00
	025-490-10-00
	025-490-10-00
	025-490-15-00
	025-490-16-00

(uphold Planning Director's decision to deny application CCL-649, page 2)

Wesley A. Rhodes

025-490-16-00

John C. Vetri

025-200-16-00

Thom Penn

025-480-10-00

Tim Penn

025-480-10-00

August 28, 2020

Trinity County Planning Department

61 Airport Rd.

PO Box 2819

Weaverville, CA 96093

ATTN: Planning Commission

Dear Commission Members,

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Sincerely yours,

<i>Sandra Ann McDonald</i>	APN-025-490-013-000
<i>Jerome K McDonald</i>	APN-025-490-013-000
<i>Stanley Rabate</i>	APN-025-200-06-00
<i>John D. Cullana</i>	APN 025-200-07-00 APN-025-490-14-00
<i>John A. Gannon</i>	APN 025-490-14-00
<i>Alicia Vincent</i>	APN 025-490-14-00
<i>Karen J. Orellana</i>	APN 025-200-07-00

(uphold Planning Director's decision to deny application CCL-649, page 2)

Henry Hardin

le 025-490-02-00
~~090~~ - 025-490-03-00

Paul Garwood
PAUL GARWOOD

025-480-011-000
025-480-008-000
025-480-07-00
SAME AS ABOVE

Trinity Co. Planning Dept

Sept. 2nd 2021
Jerry & Sandy
McDonald

Attn: Planning Commission

Members,

We strongly support the planning Director's decision to deny the CCL at 800 Mt. View Drive in Lewiston, Ca. (APN 025-200-19-00), application number CCL-649, applicant S. Sarkisyan. The grower was cited by code enforcement for numerous violations prior to his CCL being approved by the Planning Department. To me, this indicates a total lack of respect for Trinity Co. Codes and regulations. This should be enough to deny the permit, but I guess not.

A major concern for almost all of the residents is the water system, we are all on wells, no city water, and with one legal grow in our area, any additional grows would have a major impact on the system.

The road system is private and single lane to all properties. The amount of traffic associated with these grows is beyond the capacity the roads are designed

to handle. Numerous pick-ups with box trailers, 10 wheelers, loads of fertilizer, and many other vehicles, including heavy equipment. The increase was a pattern that caused many of us to suspect a grow. This amount of traffic is not normal for this quiet neighborhood. Several illegal grows have caused the same traffic pattern in our area, both were busted, so we are aware of the increase in traffic and become concerned.

We understand these people are, as stated in last month's meeting, just trying to "make a living." We also feel residents have the right to live without having our rights infringed on by the grows. The quality of life is impacted in a negative way and we will not let this happen.

Please up hold the directors decision to deny CCH #649.

Thank you
Jerry McDonald
Landy McDonald

APN 025-490-013-00
Mt. View

4/31/2020

Just a side note, Both illegal growers are absentee owners, one a L.L.C. in Las Vegas the other from Lake County. Both growers were here to make a profit and move back to their residence for the winter. They were not here to live, just to grow and move on. Both prop are now vacant.

JERRY McDONALD
Jerry McDonald

778-3727