

December 27, 2022

Bundle  
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Trinity County Board of Supervisors  
Attention: Clerk of the Board  
P.O. Box 1613  
Weaverville, CA 96093

Back up

RE: Appeal of Planning Commission Action – P-22-19: Lot Line Adjustment  
Project Chronology and Supporting Materials

Attached you will find a chronology of important events associated with this project. Supporting materials are included and referred to as follows "Exhibit #: date, # pages". The exception is the two exhibits labeled "SEPTIC-1 and SEPTIC-2", which are included in the appropriate place chronologically but not numerically.

In broad terms, the chronology points to several key events prior to August 9, then focuses on major events that occurred after agreement to "reset" applicant/County efforts on August 9. **Exhibit 4: 11/17 Presentation, 15 pgs** is particularly important as it sets forth County and State Codes involved in the determination of "complete" and explains how the apply. It is the improper action in this regard by county staff that lead to the flawed Planning Commission motion/action that are the cause for appeal.

Requested Action:

1. Set-aside/void Planning Commission action of November 17, 2022.
2. Adopt findings of fact and conditions of approval for P-22-19.
3. Direct staff to promptly process the "Notice of Lot Line Adjustment" upon applicant meeting conditions of approval.

The proposed "Findings of Fact and Conditions of Approval" were originally provided on December 22 and also immediately follow.

Sincerely,



Scott White  
530-778-3833  
[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)

**Lot Line Adjustment: P-22-19 (Option 2)**  
**Findings of Fact and Conditions of Approval**  
**Trinity County Board of Supervisors**

Findings of Fact:

1. The project application was deemed complete by action of county ordinance, with no action by the Planning Commission necessary for this determination.  
*Trinity County Code Section 17.30E.020.C*
2. The 15-day time limit for agencies to submit comments on the project after the application was deemed complete has occurred by action of county ordinance.  
*Trinity County Code Section 16.32.040*
3. No further information is necessary or relevant to the decision to be made.  
*Trinity County Code Section 17.30E.030.E*
4. Upon Removal of Parcel C, the project is a Lot Line Adjustment, Minor, which is a ministerial act, exempt from CEQA.  
*Trinity County Code Section 16.08.102*
5. The lot line adjustment is consistent with and conforms to the local general plan, applicable specific plan and zoning and building ordinances as required by County and State Codes.  
*Trinity County Code Section 16.32.010, Government Code Section 66412(d)*

Conditions of Approval:

- a. Individual parcels A and B resulting from the lot line adjustment shall have financing which has the same legal description of the redesigned lots.
- b. All real property taxes which are a lien on the property shall be paid, as provided by law, prior to recordation of the deed(s). A certificate from the Tax Collector's Office, valid for a maximum of sixty (60) days, shall be provided to the Planning Director prior to recording the "Notice of Lot Line Adjustment".
- c. Environmental Health shall verify that adequate space for wastewater disposal (considering potential setbacks) is available on parcel B prior to recording the "Notice of Lot Line Adjustment".

## White Lot Line Adjustment Project Chronology:

Summer 2021 – Purchased adjoining parcel (1401 Lewiston Road)

Summer 2021 - Spring 2022 – Substantial work on property. Survey work done.

March 2022 – Met with Lisa Lozier to review project application. Minor revisions. Well received. Made commitment to working with staff to make effort easy. Expressed desire and intent to follow all regulations. Lisa suggested visit to Environmental Health.

March 2022 – June 2022 – Multiple attempts to work with Environmental Health unsuccessful, including being denied opportunity to follow regulations. Two California Public Records Act requests submitted. Prentiss/Long denied first. Multiple violations of Act and non-responsive on second.

July 2022 – Obtained counsel.

Aug 9 – Meeting at Planning for official “reset” on project. All parties agreed on set of actions and a process to move forward. Agreed to follow applicable regulations.

Aug – 12 – E-mail from Kristy Anderson to Jim Underwood, copy to Ed Prestley. Verification of perc test to support application with evaluation of existing septic system deferred to future.  
***Exhibit SEPTIC-1: August 12 e-mail, 4 pgs***

Sept 7 – Met with Skylar to review Lot Line Application (LLA) – “most complete LLA she has seen”.

**Sept 8 – Submitted LLA application and paid fees, 30-day period begins (County Code 17.30E.020.C).**

Sept 8 – Submitted DG Permit Application (Trinity DOT noted not likely required – no fee).

Sept 20 – Submitted Building Permit Applications and paid fees (retaining wall, barn).

**Oct 7 – 30-day limit for decision on complete/not complete (County Code 17.30E.020.C). No communication from Prestley to White so application automatically deemed complete.**

Oct 7- 15-day limit for agencies to submit comments begins (County Code 16.32.040).

Oct 11- E-mail to Skylar – Since application is complete, when schedule site review?

Oct 13 – E-mail Skylar again – Forward Oct 11 e-mail and request response.

Oct 13 – Return e-mail from Skylar with County Surveyor e-mail to Kolstad Surveying. Inference is that this e-mail was sufficient to determine application to be not complete.

Oct 13 – E-mail to Ed Prestley – Provided him with Section 17.30E.020.C. Noted that application is complete as a matter of County Code. **Exhibit 1: 10/13 e-mail, 4 pgs**

Oct 13 – E-mail from Ed – If complete, must go to Planning Commission. **Exhibit 1: 10/13 e-mail, 4 pgs**

Oct 13 – E-mail exchange White/Garza requesting assistance. CAO Garza indicated she has no further time to meet due to limited time in office and other county projects (the first time we met, she listened to our concerns but took no action). Indicated she “hopes” county staff will work with us.

Oct 21 – 15-day period for agencies to submit comments ended (County Code 16.32.040).

Oct 21 – Letter to Ed explaining County Code requirements and the application being deemed complete automatically. Noted that this requires staff to treat application as complete. Noted we are still available to work with staff. Reminder of action by December 19, 2022. **Exhibit 2: 10/21 letter, 2 pgs**

Oct 24 – Visited Planning. Sent summary e-mail of meeting at counter afterward to Ed and Skylar. Was informed 15-day route required by County Code 16.32.040, NOT DONE. Reminded staff why contact from County Surveyor to our former surveyor did not meet requirements of County Code regarding complete/incomplete determination. **Exhibit 3: 10/24 e-mail, 1 pg**

Nov 1 – Expressed concerns to Board of Supervisors during Public Comment about Planning Department and lack of leadership due to how Board appointed Ed as Interim Deputy.

November 10 – Planning Commission meeting rescheduled to Nov. 17.

Nov 17 – Planning Commission meeting. Made presentation concerning County Code and State Code requirements requiring application to be deemed complete. Was not allowed adequate time to complete comments to Commission despite assurances provided by staff and Commissioner prior to meeting. **Exhibit 4: 11/17 presentation, 15 pgs**

Nov 18 – Letter to Planning regarding lack of authority for Planning Commission action. Request for matter to be heard on December 8, 2022. **Exhibit 5: 11/18 letter, 2 pgs**

Nov 25 – Letter to Planning proposing three options for Planning Commission to consider (full project, revised project, denial) and reiterate request to be on December 8, 2022 agenda. **Exhibit 6: 11/25 e-mail and letter, 3 pgs**

Nov 28 – E-mail from Skylar “won’t have time for proper noticing for that date (Dec. 8). **Exhibit 7: 11/28 e-mail exchange, 3 pgs**

Nov 28 – Return e-mail to Skylar citing County Code 17.34.050 and failure to correctly notice any projects for December 8. Noted that County Code 17.34.040 might apply for incorrectly noticed projects but that it would need to be applied to all, including our project. **Exhibit 7: 11/28 e-mail exchange, 3 pgs**

Nov 29 – E-mail to Planning outlining proposal to allow completion of project as a minor LLA, approval by Planning Director, consistent with comments on project and applicable laws/code. **Exhibit 8: 11/29 e-mail, 2 pgs**

Dec 5 – Met with Skylar in afternoon to go over November 29 proposal. Proposal declined. Provided e-mail summary of meeting along with Kristy Anderson septic system note. **Exhibit SEPTIC-2: Dec 5 e-mail and transmittal of August 12 e-mail, 2 pgs**

Dec 5 – Appeal of 11/17 Planning Commission action filed along with fees.

Dec 6 – E-mail to Ed Prestley expressing disappointment in response to November 29 proposal. Noted that staff continues to not address County Code when asked to do so. Ignores mandatory requirements yet is more rigid than required in other areas. **Exhibit 9: 12/6 e-mail, pg**

Dec 8 – Address Planning Commission and expressed frustration that staff does not follow County Code (in regard to complete) and treats our project differently than others under the same code section (noticing). **Exhibit 10: 12/8 presentation, 3 pgs**

Dec 11 – E-mail to Planning with additional materials related to project options provided on November 25. Included letter request for matter to be on January 12, 2023 Planning Commission agenda. **Exhibit 11: 12/11 e-mail and letter, 7 pgs**

Dec 15 – E-mail from Skylar in response to November 25 proposal. **Acknowledges errors in the determination of complete and meeting notice requirements. Exhibit 12: 12/15 e-mail, 2 pgs**

Dec 15 – E-mail to Skylar responding to points raised in her prior e-mail. **Exhibit 13: 12-5 e-mail, 5 pgs**

Dec – 19 – E-mail exchange White/Skylar denying request to be on January 12, 2023 agenda. **Exhibit 14: 12-19 e-mail, 2 pgs**

Dec 15 – 20 – E-mail exchange Prestley/White. Continuing requests to address County Code and provide direction to staff. Refusal to do so. Ed made numerous errors in reference to what is needed and what was previously agreed to. **Exhibit 15: 12 -15 thru 20 e-mail, 5 pgs**

Dec 22 – Letter to Board of Supervisors providing additional material in support of appeal. Clerk indicated that appeal will be heard at January 3, 2023 meeting.

Dec 27 – Further materials provided to clerk for January 3<sup>rd</sup> Board meeting.

Jan 3, 2023 – Appeal hearing.

Lot Line Adjustment review and approval criteria.  
**Exhibit 16: Government Code 66412(d) – Lot Line Adjustment, pg**

SEPTIC-1: 8/12 e-mail



From: **James Underwood** jim@jmulawoffice.com  
Subject: Scott & Sheri White Property Matter (1401 & 1531 Lewiston Road, Lewiston) - Deferral of Existing Septic System Investigation, Etc.  
Date: August 12, 2022 at 11:00 AM  
To: Scott and Sheri White doublesw1998@gmail.com

Scott,

As you will see below, there will be no need to remove the existing tank/leach field in proceeding with the LLA based on a perc-test. In effect, the viability/capacity of the existing system can be deferred to a later time, when a residential building permit is sought, assuming that the property percs okay.

**Jim Underwood**

James M. Underwood  
**UNDERWOOD LAW OFFICES, P.C.**  
Courthouse Square  
121 Forest Avenue, Suite A  
P.O. Box 2428  
Weaverville, CA 96093  
(530) 623-2200 (Weaverville Office)  
(530) 276-8246 (Redding Office)  
(530) 739-9791 (Cell)

**E-mail: Jim@JMULawOffice.com**

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**From:** James Underwood <jim@jmulawoffice.com>  
**Sent:** Friday, August 12, 2022 10:57 AM  
**To:** Kristalynne Anderson <kanderson@trinitycounty.org>  
**Cc:** Edward O. Prestley <eoprestley@trinitycounty.org>  
**Subject:** Re: Scott & Sheri White Property Matter (1401 & 1531 Lewiston Road, Lewiston) - Pre-Application Review Meeting Request

Thanks much Kristy! This clarification is appreciated, in proceeding.

**Jim Underwood**

James M. Underwood  
**UNDERWOOD LAW OFFICES, P.C.**  
Courthouse Square  
121 Forest Avenue, Suite A  
P.O. Box 2428  
Weaverville, CA 96093  
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**E-mail: Jim@JMULawOffice.com**

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**From:** Kristalynne Anderson <kanderson@trinitycounty.org>  
**Sent:** Friday, August 12, 2022 10:55 AM  
**To:** James Underwood <jim@jmulawoffice.com>  
**Cc:** Edward O. Prestley <eoprestley@trinitycounty.org>  
**Subject:** Re: Scott & Sheri White Property Matter (1401 & 1531 Lewiston Road, Lewiston) - Pre-Application Review Meeting Request

Good morning,

Yes—that is exactly what we discussed. My mention of tank abandonment was to ease concerns of selling the property, without full disclosure of the next steps needed to build a residential structure on parcel. I, however, will note in our system, and really isn't a necessity for the LLA.

Kristy

Sent from my iPhone

On Aug 12, 2022, at 10:01 AM, James Underwood <jim@jmulawoffice.com> wrote:

Kristy,

I have confirmed that my clients' primary objective is to obtain the Lot Line Adjustment (LLA) as discussed when we met. Potential future use of the "undeveloped" parcel for residential uses is a secondary consideration, but not one of immediate interest.

In our phone call on Wednesday you indicated that if LLA approval was the primary objective that prerequisites to approval of such an application could be met by perc-test confirmation that the undeveloped parcel would have the ability to meet future septic system requirements. Implicit in that discussion, as I understood it and based on my experience in such matters, was that this would be a threshold test of site viability, with actual septic system requirements to be determined and approved by Environmental Health if and when a building permit for a new residence were to be submitted at some later date.

That leads me to the other expectation you indicated would be "required," removal of the existing septic tank and leach field, if the Whites were to pursue the perc-test approach to

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meeting LLA prerequisites. Unless there is some reason for this that I am unaware of, it would seem to me to make more sense to leave that system in place until a future building permit is submitted, at which time it would need to be uncovered and inspected for viability and capacity in light of the then known requirements.

The Whites have already commenced the process for completing per-testing, and otherwise proceeding consistent with the meeting discussions as summarized after you had to depart. But I want to make further inquiry particularly about regulatory barriers to leaving the existing septic system in a "status quo" condition until its possible usage is of actual concern.

I'll look forward to your thoughts on this, and any code or guidance that would assist me in understanding disagreement with the logic that I have above outlined.

Thanks again for your time and assistance on this matter.

Jim Underwood

James M. Underwood  
UNDERWOOD LAW OFFICES, P.C.  
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E-mail: [Jim@JMULawOffice.com](mailto:Jim@JMULawOffice.com)

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From: James Underwood <[jim@jmulawoffice.com](mailto:jim@jmulawoffice.com)>  
Sent: Wednesday, August 10, 2022 10:38 AM  
To: Kristalynne Anderson <[kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org)>  
Cc: Edward O. Prestley <[eoprestley@trinitycounty.org](mailto:eoprestley@trinitycounty.org)>  
Subject: Re: Scott & Sheri White Property Matter (1401 & 1531 Lewiston Road, Lewiston)  
- Pre-Application Review Meeting Request

Kristy,

Thanks for your time on the phone this morning, to discuss options depending on Mr. White's property objectives. Much appreciated!

S-1-3



write's property objectives. Much appreciated.

Jim Underwood

James M. Underwood  
UNDERWOOD LAW OFFICES, P.C.  
Courthouse Square  
121 Forest Avenue, Suite A  
P.O. Box 2428  
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Exhibit 1

10/13 e-mail chain



**From:** Edward O. Prestley eoprestley@trinitycounty.org  
**Subject:** RE: Site Review  
**Date:** October 13, 2022 at 2:57 PM  
**To:** Scott and Sheri White doublesw1998@gmail.com  
**Cc:** Skylar Fisher sfisher@trinitycounty.org

Scott,

If your application is complete, as asserted in your email, then it needs to go to the Planning Commission.

Respectfully,

Ed Prestley  
Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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**From:** Scott and Sheri White <doublesw1998@gmail.com>  
**Sent:** Thursday, October 13, 2022 2:30 PM  
**To:** Edward O. Prestley <eoprestley@trinitycounty.org>  
**Cc:** Skylar Fisher <sfisher@trinitycounty.org>  
**Subject:** Re: Site Review

What does this mean? The Planning Commission has nothing to do with whether my application is complete. How can it be referred to the Planning Commission when nothing has been done?

On Oct 13, 2022, at 2:25 PM, Edward O. Prestley <eoprestley@trinitycounty.org> wrote:

Scott,

This project is being referred to the Planning Commission. Staff will contact you with details as they become available.

Respectfully,

Ed Prestley

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Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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**From:** Scott and Sheri White <[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)>  
**Sent:** Thursday, October 13, 2022 1:59 PM  
**To:** Edward O. Prestley <[eoprestley@trinitycounty.org](mailto:eoprestley@trinitycounty.org)>  
**Cc:** Skylar Fisher <[sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)>  
**Subject:** Re: Site Review

Ed -

Section 30.5.B.3 of Trinity County Ordinance 315 reads as follows:

*"Within 30 days after the submittal of an application and payment of initial filing fees, the Planning Director shall determine if additional information is necessary and shall provide, or attempt to provide, written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete. Should the Planning Director not attempt to provide the applicant with notice of incompleteness or completeness of the application, then the application shall be deemed complete."*

This e-mail is to inform you that our application has been deemed complete as a matter of County Ordinance. Only the Planning Director is eligible to determine completeness and the only way to do so is via contact with the applicant.

Joan Carr contacting the surveyor who did work for us is moot, what she may do or not do in relation to anybody has no bearing on what the ordinance requires. My application gave no permission to anyone at the County to contact my surveyor. Furthermore, the surveyor is not under contract to do any additional work for us, hence he is no longer even our employee.

What you (Planning Director) may say or do to anybody other than me (applicant) has no bearing on whether the application is complete. The Planning Director has no authority to delegate the determination of completeness.

After so much stress and effort on my part, I am appalled that the County could possibly think that Joan sending multiple e-mail on day 29 is even reasonable, much less meet the requirements of the ordinance. I take this

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reasonable, much less meets the requirements of the ordinance. I take this as yet another intentional effort on the part of the County to prevent us proceeding with our project. I have asked the County repeatedly to follow the rules just as I am required to but no one there seems to care.

Scott White

On Oct 13, 2022, at 12:01 PM, Skylar Fisher  
<[sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)> wrote:

Hi Scott,

I will coordinate a site inspection with other relevant county departments.

In regards to application completeness, Joan Carr (the Trinity County Surveyor), had requested items from your surveyor for her review. I have attached the email thread as verification. This may have already been submitted as county and applicant surveyors will typically work directly to revise any issues in the exhibits which need to be resolved, but there is also currently a concern regarding proof of legal creation as well. If you can supply documentation to speak to this, that will be very helpful for County review.

Thank you!

Skylar Fisher  
Associate Planner  
Planning Department | Trinity County

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-----Original Message-----

From: Scott and Sheri White <[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)>

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Sent: Thursday, October 13, 2022 9:10 AM  
To: Skylar Fisher <[sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)>  
Subject: Re: Site Review

Good morning again Skylar -

I hope you are well. Please send me a progress update when you can.

Scott

On Oct 11, 2022, at 10:03 AM, Scott and Sheri White  
<[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)> wrote:

Good morning Skylar -

Now that the application is complete, when would you like to schedule the site review? The weather is supposed to stay nice through next week, at least.

The rest of this week is busy for me, but next week is wide open.

Do you have a sense yet as to when we might be ready to go to the Planning Commission?

Thanks.

Scott White

<County Surveyor Request 10.6.22.pdf>

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Exhibit 2  
10/21 Letter

RECEIVED

OCT 24 2022

TRINITY COUNTY  
PLANNING DEPARTMENT

Friday, October 21, 2022

Mr. Ed Prestley  
Interim Director  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, CA 96093

RE: P-22-19: Lot Line Adjustment  
Scott & Sheri White Property (APNs 025-520-015 & 022)  
Boeger Trust Property (APN 025-520-10)

Mr. Prestley:

This letter is in follow-up to our e-mail exchange on October 13, 2022 regarding our requested Lot Line Adjustment. As I stated when we met in August, my expectation is that County Departments and staff follow applicable ordinances and statutes, just like we must. At that time, you seemed to agree that this is what would be done as the project moved forward. I was therefore surprised when you did not contact us within the 30-day time limit established for review and determination of application completeness, as required. As included in my e-mail, the relevant section of the Trinity County Zoning Ordinance reads as follows:

*"Within 30 days after the submittal of an application and payment of initial filing fees, the Planning Director shall determine if additional information is necessary and shall provide, or attempt to provide, written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete. Should the Planning Director not attempt to provide the applicant with notice of incompleteness or completeness of the application, then the application shall be deemed complete."* [Trinity County Ordinance 315, Section 30.5.B.3]

This section is not ambiguous – it lays out exactly what process you, in your capacity as the Trinity County Planning Director, must follow, and the timing for doing so, in regard to our application. Specifically, as the Planning Director, you were required to notify me, the applicant, of incompleteness or completeness of the application within 30-days. If this does not happen, the application is automatically deemed complete.

The following are key dates associated with our application and the timing for the Planning Director's compliance with the requirements of the above cited County ordinance:

September 8, 2022 – Application and fees submitted. 30-day period begins.

September 26, 2022 – Project determined by County staff to be a Major Lot Line Adjustment.

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October 7, 2022 – 30-day period to determine application complete/incomplete ended.

October 7, 2022 - Application deemed complete by action of Zoning Ordinance Section 30.5.B.3

October 7, 2022 – 15-day period to receive agency comments begins [Trinity County Subdivision Ordinance Section 16.32.040].

October 21, 2022 – 15-day comment period ends [Section 16.32.040].

Based on Government Code Section 66412(d), addressing requirements for the County to approve or disapprove a Lot Line Adjustment in accordance with the Permit Streamlining Act, the County now has 60 days to act finally on our application, or by December 19th.

Based on the foregoing, all related Planning Department communications with other County departments, the Planning Commission and the Board of Supervisors, including staff reports, should note that all information needed to evaluate the merits of our pending Lot Line Adjustment project has been sufficiently obtained, since this is inherent in the determination of a “complete” application. And, in any event, given that the application is complete as a matter of law, timely final County action is now needed.

As always, my wife and I remain committed to a positive working relationship with you and your staff. If you have any questions or would like to meet to discuss any aspect of our project, please do not hesitate to contact us at:

Scott and Sheri White  
P.O. Box 291  
Lewiston, CA 96052  
[Doublesw1998@gmail.com](mailto:Doublesw1998@gmail.com)  
530-778-3833

Thank you.



Scott White

Cc: Skylar Fisher, Associate Planner  
James M. Underwood, Esq.

2-2



Exhibit 3

10/24 e-mail



From: **Scott and Sheri White** doublesw1998@gmail.com  
Subject: P-22-19 - Visit to Planning 10/24/22  
Date: October 24, 2022 at 3:04 PM  
To: Edward O. Prestley eoprestley@trinitycounty.org, Skylar Fisher sfisher@trinitycounty.org

Ed, Skylar -

Thank you for meeting with me today at the Planning window. Here is a summary of what occurred.

- Provided you with a copy of my letter dated October 21, 2022 to Ed, cc. Skylar. According to USPS, the original is waiting for pick-up at the Weaverville Post Office.
- Asked status of project and was informed it will be scheduled for the Planning Commission on November 10. Apparently your intent is to discuss application completeness. I asked Ed his understanding of Section 30.5 of the Zoning Ordinance and he stated he "will have to look it up". Please refer to my letter regarding these issues.
- A site visit is not scheduled.
- Staff reports for Planning Commission meetings are available on Wednesday (whether the week before or the week of the meeting was not clear to me).
- Requested list of agencies the project was routed to and responses. "Request for Comment" form dated 9/21/22 was provided to me. This appears to be the form used to collect comments during the initial 30-day period to determine whether an application is complete/incomplete.
- Returned to window and clarified that I was seeking comments received during the 15-day period set forth in Subdivision Ordinance Section 16.32.040. Was informed that this did not occur.
- Expressed disappointment, but reiterated my willingness and availability to work with staff.

I want to point out a couple of things on the "Request for Comment" form that may be causing confusion for those receiving the form:

1. "Please review and submit comments by October 5, 2022". This obviously important piece of information is in bold and centered at the middle of the form. Unfortunately, nowhere on the form does it specify to whom the comments must be submitted.

2. Near the bottom left side of the form is a box with the following in it (APN, Approx Lot Acres, Applicant, Owner, Agent/Consultant). This box does not allow a reviewer to ascertain who is responsible for the project. In fact, it can be misleading. In the case of our project, for example, the surveyor who did the work for us is neither our agent nor consultant. We did not fill out an agent's authorization form for our surveyor nor is he any longer under contract. The sole person authorized to act on behalf of our project is myself (for my wife and I as well as the Boeger Trust - agent's authorization form was included with application).

These two issues combined may explain why the County Surveyor assumed it was appropriate to send questions directly to the surveyor, without my knowledge, when in fact the only person authorized to interact on behalf of the project is myself. Irrespective of what is on the form, Zoning Ordinance Section 30.5.B.3 makes clear that only communication from the Planning Director to the applicant suffices for purpose of communicating the determination of complete/incomplete application.

It may be helpful for future applicants and reviewers to address the lack of clarity on the form.

I continue to look forward to working with both of you for a successful completion of our project.

Scott White

3-1



# Exhibit 5 11/18 letter

November 18, 2022

Mr. Ed Prestley  
Interim Director  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, CA 96093

This letter serves as notice that the action taken by the Planning Commission on November 17, 2022 was legally flawed. Regardless of that, the Commission was clear that our application is in fact complete. Commissioner Fall went so far as to comment that "staff messed up" in regard to what the County Code requires in making that determination.

As a reminder, the action that deemed our application complete occurred on October 7, 2022 per County Code Section 17.30E.020.C. The 15-day period for agency comments began on this date, and ended on October 21, 2022 per County Code Section 16.32.040. Nothing at the meeting affected the time period for final action on our application – that date being by December 19, 2022.

I have tried repeatedly to work with you and inform you of applicable regulations – I have the training and experience to do so but you won't let me. I was right about the process to determine complete, but you would not listen. If I had been allowed to finish my comments at the meeting, you would also now know that it was your responsibility to screen out the County Surveyor's request for access information to the Boeger parcel. Requests for information must be relevant to the decision to be made and within the parameters of applicable law. The County Surveyor's request is neither and it was your job to so inform the Commission. Here are the points in that regard I was not allowed to cover at the meeting:

- The lot line adjustment will not have any effect on the ability to continue to use the existing access to the Boeger parcel/home. Potential impact to existing access to any of the involved parcels is the only issue that falls within the scope of County review for a lot line adjustment.
- The access road/driveway has been there for over 20 years so it would meet the legal requirements of a prescriptive easement if for some reason the Boeger Trust found it necessary to take the matter to court. The existing driveway out to Lewiston Road would therefore be legal regardless of any question as to its origin.
- The e-mail from the County Surveyor is based on a flawed assumption - that legal access as a result of adjacency to a public road is automatic. Many parcels fronting onto public roads around California are subject to access control (or restriction) whereby the right to access an adjoining road does not exist. Legal access, therefore, would either be a question to be answered for all three parcels or none of the parcels.

5-1

- One requirement when the County issues a building permit is proof of legal access to the building site. This is usually accomplished via obtaining an encroachment permit. Unless the existing home was built without permit (extremely doubtful), the issue of legal access has already been resolved.

It is staff's duty to provide clear and accurate information regarding applicable laws and regulations to the Planning Commission, not to ask them to try and figure out what needs to be done. Furthermore, Planning cannot abdicate its responsibilities as lead agency to another entity – in this case the County Surveyor as described by Skylar. The decision by the Chair to cut off my presentation at the meeting deprived you, your staff and the Commission of vital information for which you as the head of Planning are responsible.

While disappointed with the meeting overall, it was clear to me that the Commission expects to see our project handled expeditiously from this point forward. To this end, I will provide the proof of "legal" access requested, even though such proof cannot be required of us. The vesting deeds will be needed upon approval of the lot line adjustment, so providing them at this time isn't a big deal.

In addition, with one day advance notice, I am available to work with you and your staff on any day and at any time during your regular business hours between now and the December 8 Planning Commission meeting. I will also be available at any time and on any day outside of your regular work hours with one day advance notice. Your staff are welcome to visit our property, so long as we agree in writing to the day and time and my wife and/or myself are present.

I have emphasized repeatedly since project inception that it is my desire to work with County staff. The knowledge and resources needed to have this project ready for decision on December 8 are still available to you – I encourage you to take advantage of them.

Scott White  
[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)  
530-778-3833

CC: Skylar Fisher, Associate Planner  
James M. Underwood, Esq.

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Exhibit 6 - 11/25 e-mail, letter



**From:** Scott and Sheri White doublesw1998@gmail.com  
**Subject:** Schedule for Action - December 8  
**Date:** November 25, 2022 at 9:52 AM  
**To:** Edward O. Prestley eoprestley@trinitycounty.org  
**Cc:** Skylar Fisher sfisher@trinitycounty.org

Ed -

Attached is a letter requesting that our project (P-22-19) be scheduled for action at the December 8 Planning Commission meeting. The letter lays out three options for us to meet and discuss as soon as possible. These options consider the Planning Commission discussion on November 17 in light of applicable local and State regulations. I realize that you and your staff may not agree with me on some of my statements regarding application of requirements, but I am confident that my evaluation of how they apply is correct. *The options are well within the authority of Planning staff to work with me on.*

My purpose in meeting is not to convince you I am correct. I simply want us to meet, refine as needed and move the items to the December 8 meeting. My goal is to have a final decision by the Planning Commission on December 8, regardless of what that decision may be.

Thank you for contacting me to arrange a time to meet.

Scott White



Ed\_Prestley\_Letter\_Nov25.pdf

6-1

November 25, 2022

Mr. Ed Prestley  
Interim Director  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, CA 96093

RE: P-22-19: Lot Line Adjustment - Request for Hearing, December 8, 2022

Mr. Prestley:

This letter is in follow-up to my prior letters of October 21 and November 18, 2022. As noted in the October 21, 2022 letter, the above application was “deemed complete” as a matter of ordinance on October 7, 2022. The Planning Commission recognized this fact during discussion at its November 17, 2022 meeting. At 1:03:35 of the November 17 meeting, the following observation was made by Commissioner Fall:

*“...uhm, and I understand the the technicality that uhm you know the staff did not uhm do what they needed to do within the timeframe’s...”*

Commissioner Fall’s comment demonstrates that she understands the requirements to determine “complete” as described in Zoning Ordinance Section 30.5.B.3 (County Code Section 17.30E.020.C). “Deemed complete” automatically occurs after 30 days. Unfortunately, I was prevented from completing my prepared comments, so the Commission missed its opportunity to review this section with me. Attachment “A” to this letter is my entire presentation. Upon review, you will see that my comments would have clearly informed the Commission about County and State requirements for our project, including how “complete” works. In addition, the Commission would have known that since it has no role by Ordinance in the determination of “complete”, it also has no authority to place conditions upon that determination. The responsibility for determination of “complete”, including any need for additional information to achieve it, rests entirely upon the Planning Director, or other staff in his office as designated. Rather than appeal this flawed action, I would like to propose some options that we can discuss to achieve final approval by the December 19 deadline.

### **Moving Forward**

I would like to arrange for us to meet as soon as possible the week of November 28 – December 2. I have some options for discussion that I think we can discuss, refine if needed, and then take to the Planning Commission for final action at its December 8 meeting. These options account for what the Commission discussed, in a way that is reasonable considering actual ordinance language. The basic concepts which I will have developed for when we meet are:

1. Existing Project – Findings of fact and conditions of approval addressing local and State requirements and the issues taken to the Commission on November 17.

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2. Revised Project – Findings of Fact and conditions of approval addressing local and State requirements having removed the Boeger Parcel from the project (which is the source of the issues taken to the Commission on November 17).
3. Deny Project

The content of each approach will vary based on the manner in which items discussed by the Commission are addressed.

My goal in this is to identify alternatives that we can agree are reasonable to take to the Commission for a final decision on December 8. If we can mutually agree on a preferred option, that would be great, but my primary goal is to agree on options that would allow final action. If you would like to involve the land use consultant the County has under contract when we meet, you are welcome to do so.

We would be in a different, and I believe much better position today, if you had been willing to reach out to me (as I requested) after I pointed out the requirements surrounding application processing, instead of immediately scheduling for the Commission. I walked away from the August 7, 2022 meeting believing we would all follow applicable ordinances. By Planning not doing so, it has made the whole matter much more difficult than it need be. From the outset, I have never asked for the County to bend the rules, merely that we all follow them.

My desire remains to work with staff to move our project forward to decision. I look forward to achieving this. Please contact me as early in the week as possible.

Thank you.

Scott and Sheri White  
P.O. Box 291  
Lewiston, CA 96052  
[Doublesw1998@gmail.com](mailto:Doublesw1998@gmail.com)  
530-778-3833

Cc: Skylar Fisher, Associate Planner

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# Exhibit 7: 11/28 e-mail and response

From: **Skylar Fisher** [sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)  
Subject: RE: Schedule for Action - December 8  
Date: November 28, 2022 at 3:34 PM  
To: Scott and Sheri White [doublesw1989@gmail.com](mailto:doublesw1989@gmail.com), Edward O. Prestley [eoprestley@trinitycounty.org](mailto:eoprestley@trinitycounty.org)

Hi Scott,

Ed is out of the office today. If you're interested in revising the project to be a two parcel lot line adjustment, I can discuss this internally with our land use consultants and county surveyor. I understand that your goal is to have this item be heard at the December 8, 2022 Planning Commission hearing, but we won't have time for the proper noticing for that date.

Skylar Fisher  
Associate Planner  
Planning Department | Trinity County

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E-mail to Skylar Fisher, November 28, 2002, 6:42 PM.

Skylar -

Please do not speak with the consultant or County Surveyor before I have a chance to meet with you and Ed. I have submitted no details in this regard so you have no idea what the proposal is. I have the right to meet with Planning staff to discuss and potentially refine the proposal before anything else happens. That concept has no life separate from the other two concepts I put forward. I renew my request to meet with you and Ed ASAP - consultant as well if appropriate. Please let me know when Ed will be back. Or you, the consultant and I can meet tomorrow at a time of your choosing - Ed did state I am to work with staff so please let me know what time.

I am extremely frustrated and disappointed - but not at you. I have been clear for months now that the County is required to decide this project on or before December 19. It was Planning's job to notice our project for action on December 8, irrespective of any other communication we have had.

Since you raised the issue of noticing, lets talk a bit about what is required by County Code. You are using County Code Section 17.34.050.C to tell me you can't meet noticing requirements. Lets see what that is:

**17.34.050. - Notice of Hearings.**

**Where a public hearing is required by this title, the notice of the hearing shall be as follows:**

**C - The planning director shall cause notice of the hearing to be given in a newspaper of general circulation at least ten days prior to the date of the hearing.**

I wonder if the Planning Department has been as rigid and diligent in complying with 17.34.050.A?

**17.34.050. - Notice of Hearings.**

**Where a public hearing is required by this title, the notice of the hearing shall be as follows:**

**A - The planning Director shall cause notice of the hearing to be posted in the nearest post office to the subject property, at least ten days prior to the date of the hearing.**

I saw no notice in the Lewiston Post Office when we our project was on the agenda for November 17. There are no notices in DC or Hyampom for the hearings for this meeting either - the post offices have been checked. Now that I think about it, I don't recall ever seeing any of the required notices in the Post Office.

This is a perfect illustration of my continued issue with Planning - you pick and choose what parts of code or ordinance you want to follow, other parts are just ignored. Both are "shall" requirements - you can't ignore either of them.

Lets look at another section = 17.34.040.

- **17.34.040 - Notice contents.**

7-2



**Notice of a hearing shall include the time and place of the hearing, a general description of the matter to be considered, a general description of the property involved in the proceedings, and shall state what environmental determination, if any, has been made on the application to be considered at the hearing.**

**Failure of any person to receive notice as required by the provisions of this title shall not affect the validity of the hearing held pursuant to the provisions of this section, nor prevent the architectural review board, planning commission, or board of supervisors from proceeding with any such hearing.**

I respectfully request the following:

Our project (P-22-19) be placed on the agenda for December 8 under 17.34.040 - which applies since lack of notice in the newspaper is effectively covered by the second sentence, in this instance lack of newspaper ad is simply many persons not receiving notice.

If Planning staff won't place our project on the agenda, then you cannot proceed with any of the others listed since it is unknown how many dozens, perhaps hundreds of persons are being deprived of their right to see the notice posted in their Post Office as required by code. Either all of the code applies to all projects or none of it applies to any projects - it can't be in the middle.

**I'm willing to compromise - I will place the required notice for our project in our post office tomorrow morning and since you have put the notice for the others in the paper - I'm willing to call it even: all projects will have met some, but not all, of the noticing requirements.**

**In order to be ready for the 8th, we need to meet as soon as possible, what time should I plan on being at your office on Tuesday?**

Thank you

Scott White



# Exhibit 8 11/29 e-mail



From: **Scott and Sheri White** doublesw1998@gmail.com  
Subject: Proposal to Finish Project  
Date: November 29, 2022 at 6:34 AM  
To: Skylar Fisher sfisher@trinitycounty.org  
Cc: Edward O. Prestley eoprestley@trinitycounty.org

Ed, Skylar -

We want to get our project finished. We have so many other things we need to be moving on. I have a compromise proposal that should allow everyone to address what it is their task to address.

I would like for us to agree before the end of Thursday, to a revised project and plan to get it approved quickly. Here are the basic parameters:

- Remove Boeger parcel. This is what has generated the issues of concern to the County Surveyor. If it is not a part, there are no outstanding issues. At a future point, the Boeger Trust may pursue the portion of the LLA of interest to them. They get the benefit of all the work that has been done to date, while addressing issues that only apply to their parcel. They will be the applicant and we will sign the agent's authorization form for them to act for us.
- The revised project with all of the accompanying information will be treated as "complete". For us this keeps what we have already achieved in place while needing little additional time from Planning staff. There is no reason to do otherwise since the issues of concern are gone. The need for the site inspection for adequate area for septic can still happen (comment from Environmental Health that came during prior circulation for comment).
- Find that, as revised, the project qualifies as a Minor Lot Line Adjustment. It will only involve two parcels under the same ownership so this determination is reasonable. The full project could have been deemed minor as well, since that is a staff decision to make. I didn't push on that point when the decision was made. Now it is certainly justifiable to determine the reduced scope project is minor.
- As a Minor LLA, the project is ministerial (County Code Section 16.08.102) and therefore exempt from CEQA (CA Resources Code - 21080(b)(1)). This saves time and money for us and the County. The full project would have been an initial study, negative declaration with no mitigation anyway. The revised project is even less.
- The Minor LLA will be approved by the Planning Director (Section 16.32.040). I think this can be made to happen by you and/or your consultant making that recommendation and providing it to Ed for approval.
- I can have a revised plot plan and legal descriptions to you very soon. The changes needed to both are limited and I can re-engage the surveyor we had for that purpose.

Attached is a concept for findings of fact and conditions of approval for us to discuss:



LLA\_Minor\_Findings\_Co...s.docx

There is no mandate within County Code that a revised project must be re-circulated for comment. Can it be, yes. In the case where the project scope becomes smaller, it makes no sense to do it. This is a choice Planning gets to make. This is the one item we won't bend on. Re-circulating for no purpose or value makes no sense and just adds time. We are willing to agree right now on the things specific to us and our parcels.

If we agree to this, I will agree to let the issue of improper noticing go. It can be just an FYI for you to consider for what you need to do in the future.

Please take a look and respond ASAP. This proposal limits any further work needed and we could literally be done and approved by Planning in a couple of weeks. We have or can get all of the items needed for us to record in a couple of weeks, and therefore record soon after approval. We all follow regulations which is what I have kept asking for.

There are no losers with this. It works well for all of us.

I look forward to hearing from you soon.

Scott

8-1

**Minor Lot Line Adjustment: P-22-19**  
**Findings of Fact and Conditions of Approval**

**Findings of Fact:**

1. The project application was deemed complete by action of county ordinance.  
*Trinity County Code Section 17.30E.020.C*
2. The 15-day time limit for agencies to submit comments on the project after the application was deemed complete has occurred by action of county ordinance.  
*Trinity County Code Section 16.32.040*
3. Approval of a minor lot line adjustment is considered a ministerial act.  
*Trinity County Code Section 16.08.102*
4. A ministerial act is exempt from CEQA.  
*California Public Resources Code Section 21080(b)(1)*
5. The lot line adjustment is consistent with and conforms to the local general plan, applicable specific plan and zoning and building ordinances as required by County and State Codes.  
*Trinity County Code Section 16.32.010, Government Code Section 66412(d)*

**Conditions of Approval:**

- a. Individual parcels resulting from the lot line adjustment shall have financing which has the same legal description of the redesigned lots.
- b. All real property taxes which are a lien on the property shall be paid, as provided by law, prior to recordation of the deed(s). A certificate from the Tax Collector's Office, valid for a maximum of sixty (60) days, shall be provided to the Planning Director prior to recording the "Notice of Lot Line Adjustment".
- c. Vesting Deeds of current owner's that show how title is held for existing parcels shall be provided to the County Surveyor prior to recording the "Notice of Lot Line Adjustment".
- d. Environmental Health shall verify that adequate space for wastewater disposal is available on parcel B prior to recording the "Notice of Lot Line Adjustment".

SEPTIC-2: 12-5 e-mail

From: **Scott and Sheri White** doublesw1998@gmail.com  
Subject: December 5 Meeting Outcome  
Date: December 5, 2022 at 4:47 PM  
To: Skylar Fisher sfisher@trinitycounty.org



Skylar -

Thank you for taking the time to meet with me this afternoon. It is disappointing to me that you would not entertain the possibility of even considering an approach that meets all requirements and is well within the authority of Planning staff to take.

After I went over the basic content of my November 29 e-mail, I asked what issues you might see in pursuing the approach I described. You stated your concern with Environmental Health's position regarding the existing septic system and need to remove it. I pointed out that we had done the perc tests as agreed to on August 7 and had included a proposed condition of approval with the November 29 e-mail to address the Environmental Health comment regarding ensuring adequate area on Parcel B for a septic system. I then pointed out that Environmental Health had agreed the existing septic is a separate issue and can be left in place. I stated that Planning had already received this verification from Kristy, but I would provide it again. Here it is:

**From:** Kristalynne Anderson <kanderson@trinitycounty.org>  
**Sent:** Friday, August 12, 2022 10:55 AM  
**To:** James Underwood <jim@jmulawoffice.com>  
**Cc:** Edward O. Prestley <eoprestley@trinitycounty.org>  
**Subject:** Re: Scott & Sheri White Property Matter (1401 & 1531 Lewiston Road, Lewiston) - Pre-Application Review Meeting Request

Good morning,

*Yes—that is exactly what we discussed. My mention of tank abandonment was to ease concerns of selling the property, without full disclosure of the next steps needed to build a residential structure on parcel. I, however, will note in our system, and really isn't a necessity for the LLA.*

Kristy

Sent from my iPhone

On Aug 12, 2022, at 10:01 AM, James Underwood <jim@jmulawoffice.com> wrote:

Kristy,

*I have confirmed that my clients' primary objective is to obtain the Lot Line Adjustment (LLA) as discussed when we met. Potential future use of the "undeveloped" parcel for residential uses is a secondary consideration, but not one of immediate interest.*

*In our phone call on Wednesday you indicated that if LLA approval was the primary objective that prerequisites to approval of such an application could be met by perc-test confirmation that the undeveloped parcel would have the ability to meet future septic system requirements. Implicit in that discussion, as I understood it and based on my experience in such matters, was that this would be a threshold test of site viability, with actual septic system requirements to be determined and approved by Environmental Health if and when a building permit for a new residence were to be submitted at some later date.*

*That leads me to the other expectation you indicated would be "required," removal of*

5-2-1

*the existing septic tank and leach field, if the Whites were to pursue the perc-test approach to meeting LLA prerequisites. Unless there is some reason for this that I am unaware of, it would seem to me to make more sense to leave that system in place until a future building permit is submitted, at which time it would need to be uncovered and inspected for viability and capacity in light of the then known requirements.*

*The Whites have already commenced the process for completing per-testing, and otherwise proceeding consistent with the meeting discussions as summarized after you had to depart. But I want to make further inquiry particularly about regulatory barriers to leaving the existing septic system in a "status quo" condition until its possible usage is of actual concern.*

*I'll look forward to your thoughts on this, and any code or guidance that would assist me in understanding disagreement with the logic that I have above outlined.*

*Thanks again for your time and assistance on this matter.*

It is concerning to me that you posed an objection to our current approach based on an issue that was addressed and resolved by the county months ago.

You also expressed a concern regarding zoning, and the parcel size of the one (to-be-smaller) parcel - Parcel B. I reminded you that neither parcel complied with minimum parcel size per zoning requirements at the time the Lewiston Community Plan and zoning was adopted - yet were found then to meet the requirements for "consistency". Our original (home) parcel being about five acres zoned AF-20, and the parcel we bought being about five acres (split zoned, with about two acres being AF-20 and 3 acres being RR-5). Revised Parcels A (8.5 acres) and B (1.8 acres) are no less consistent with zoning and in many ways are more consistent with the Lewiston Community Plan than as currently configured. The analysis I submitted with the application addressed this.

I noted that our current proposal addresses all issues identified. You seemed concerned that the County Surveyor has not seen a revised plot plan. I showed you a working copy prepared by the surveyor we had used last year that showed just the two parcels we own and that with only a couple of minor changes would match exactly what we submitted with our original application (absent the Boeger parcel). I noted that this could be updated and submitted with the updated legal description in a few days since we would need to provide it based upon the conditions of approval we proposed.

The most frustrating thing of all is that we have been excluded from the December 8 Planning Commission meeting where we had requested to submit three options for the Commission for final action on our project (these had been transmitted to you and Ed on November 25). The reason you gave for excluding our project was inability to meet noticing requirements, at which point I responded that noticing requirements had been violated for all projects scheduled for December 8 (see my e-mail from November 28). I also pointed out via e-mail on the 28th that we were adversely affected by the one-week reschedule of the meeting (from November 10 to 17), when it had been no fault of ours. We have been clear on multiple occasions in writing (including October 21, November 18 and November 25) that we expected final action by the Planning Commission on or before December 19, specifically the December 8 meeting. We are now in a position where the Planning Department has refused us access to all paths to a final decision - by refusing us access to the Planning Commission and refusing to consider the alternative proposal we provided.

I concluded our time together by noting that the Planning Commission at the November 17 meeting effectively confirmed that our position regarding the application being "complete" is correct and generally seemed supportive of our project. I also pointed out you have been provided my analysis of complete and subsequent processing requirements. I stated that I have not asked you to violate any rule or law and noted that I have been correct in my reading of the application of various ordinances. Despite this, Planning staff have continued to violate requirements in its treatment of us. I gave Planning viable options to move forward - via the Planning Commission or not - and you won't.

I just can't fathom why Planning refuses to follow the rules while expecting the public to do so.

Scott White

5-2-2



Exhibit 9 12/6 email

From: **Scott and Sheri White** doublesw1998@gmail.com  
Subject: 12/5 Meeting with Skylar per Your Suggestion  
Date: December 6, 2022 at 10:38 AM  
To: Edward O. Prestley eoprestley@trinitycounty.org



Ed -

In my ongoing efforts to engage staff in your office in dialogue concerning our lot line adjustment project (as you have requested we do) I met with Skylar Fisher yesterday to review a concept that would allow for completion of our project in the near term in full compliance with local and State regulations. I briefly reviewed the e-mail I sent to you and Skylar on November 29, along with the findings and conditions I suggested we discuss.

Unfortunately, rather than discuss the potential merit of our proposal, Skylar only noted why it would not be considered. One of the reasons she gave for not considering our proposal was an issue that was actually resolved by Environmental Health on August 12. It is unclear to me how an issue resolved by one office under you could still be an issue for another office under you months later.

I pointed out that my proposal resolves all identified issues and addresses all applicable regulations. I then asked if she saw any issue which would prevent classifying our project as a minor lot line adjustment, given that we propose to drop the Boeger parcel. She alluded to the language in the County Code that a minor lot line adjustment needs to easily fit the zoning. I pointed out that neither of our parcels complied with applicable zoning the moment the Lewiston Community Plan was adopted. This is an extremely important point for you to consider in how the County Code should be applied in our case.

What I want you to consider is how your office ignores or rigidly applies County Code as it sees fit.

#### Ignores:

1. I pointed out, and the Planning Commission verified, that our application is "complete" per matter of ordinance. Despite this, your office has NEVER treated our project as "complete" as the County Code requires you to do. My letter of October 21 correctly informed you of what was required yet you failed to do it.

2. We have also repeatedly stated that we wanted our project on the December 8 Planning Commission agenda for final decision. Despite this, your office did not place it on the agenda or place notice in the Trinity Journal. When I pointed out that the County Code also requires notices to be placed in specified Post Offices in advance of meetings, and your office has not done so for the December 8 meeting, your staff ignored my comment.

In both of these instances it is your office that failed to comply with County Code, not us. The second item pointed out above is especially troubling - you are treating applicants differently under the same section of County Code. All applicants except us are going to get their items heard on December 8, despite the fact that NONE of the projects were correctly noticed.

#### Rigidly Interpret:

As I pointed out earlier, Skylar alluded to County Code as the reason our project - even with removal of the Boeger parcel - cannot be considered a minor lot line adjustment. If zoning consistency did not exist as zoning was put in place by the County originally, how can a potential change within that existing inconsistency be cause for automatic denial of a designation as minor? All of the relevant code sections to consider now were also in place at that time. I noted to Skylar that staff has the authority to decide how to address this issue in our case. Instead, staff chose to take a very rigid position regarding County Code, despite the illogic of doing so.

The above points aren't speculative, they are fact. Your office applies or ignores County Code as it sees fit. Requirements in the County Code exist to provide guidance for staff in handling projects and for applicants to have some certainty as to what to expect. You deprive the people you are hired to serve of our rights as expressed in the County Code by our elected Board of Supervisors.

The letter I sent to you on November 25 with options we asked be taken to the Planning Commission on December 8 was not the original I had prepared. I set the original aside, thought about it, then crafted a second version that was more welcoming for you and your staff to engage in a dialog with us. I guess I should have just sent the original more blunt version to you, since the effort to develop the revised version made no difference. To that end, here is the original that I now wish I had sent to you.

Scott White



EdPrestley\_New  
\_Letter.pdf

9-1

Good Evening Commissioners, Chair

Scott White, Lewiston

At your November 17 meeting Commissioner Fall made a comment that was spot on QUOTE “staff did not do what they needed to do within the timeframes” END QUOTE.

And not only that – there is no provision in County Code that allows staff to bring the determination of “complete” to the Planning Commission.

Our application was automatically “complete” by action of Code on October 7 - staff can’t change that or bring it to you.

Staff has never treated our application as “complete” as they are required by County Code to do.

This is violation 1 of our rights.

Rather than give up, I presented two proposals to staff to finish our LLA:

One would allow to be finished by staff

The other would bring it back to you for final decision

We have been consistent for months in our request for a final decision at tonight’s meeting – December 8

Don't have time to go into reasons why

But we have been hurt again by staff's selective application of County Code – another example of how the rules are different for the White's

On November 28 staff informed me that our project had not been placed on the December 8 meeting agenda and that noticing requirements could not be met.

I pointed out that noticing requirements have not been met for ANY of the projects on tonight's agenda – but I received no response back

County Code 17.34.050 covers Notice of Hearings – all are SHALL requirements

B – Surrounding Property Owners

C - Newspaper

A – Placing notice at the closest Post Office to each project

None of the required Post Office notices were placed

The criteria used by staff to bring projects tonight is 2 out of 3 requirements is good enough.

So these nice folks get to be here tonight - but we don't

The issue is, the Code doesn't allow this choice. All 3 notices are mandatory

10-2

Their projects are on the agenda, ours is not.

Violation 2 of our rights.

We are 4 months along after everyone agreed to follow the rules – we have but the County has not.

Who is responsible for training and monitoring County staff?

Holding them accountable?

The Brown Act doesn't allow you to talk about our project tonight, but you can provide direction to staff.

I ask you to direct staff to bring our project back to you for action at your next meeting.

Please help us to get our project finished.

We aren't trying to stop others from action tonight

We just want the rules to be followed and applied equally to everyone.

Please direct your staff to put us on the next agenda so we can finally get this finished.

Thank you

10-3



Exhibit 11 - 12/11 & 12/12 e-mail/letter



From: **Scott and Sheri White** doublesw1998@gmail.com  
Subject: Materials for Discussion on Monday  
Date: December 11, 2022 at 11:03 AM  
To: Edward O. Prestley eoprestley@trinitycounty.org, Skylar Fisher sfisher@trinitycounty.org

Ed, Skylar -

Attached is a portion of the information I told Deborah I would provide to you on Monday for discussion. I will provide a hard copy of materials when I visit Planning on Monday afternoon.

The portions included here are those most relevant for our discussion tomorrow concerning the January 12, 2023 Planning Commission meeting agenda.

- December 12, 2022 cover letter (includes request to be on January 12, 2023 meeting agenda)
- November 25, 2022 letter (outlined three project options with draft findings and conditions, included our renewed request to be on December 8, 2022 meeting agenda).

As I noted in my response to Deborah on Friday, I had asked that the appeal from November 17 be held until we received a final decision on our project from the Planning Commission. County Code required it be filed within ten days and there was effectively no staff in Planning to talk with during that time due to holiday, vacation and illness.

Since your office took the issue of "complete" to the Planning Commission despite County Code requirements to the contrary, I see no valid reason why we cannot be given our chance for them to actually discuss and decide on the merits of our project itself. We are confident that both Option 1 and Option 2 comply with all local and State regulations. The three options certainly provide a wide range for discussion.

As noted in the cover letter, I am open to and will welcome discussion of our material with your staff.

Scott White



Ed\_Prestley\_Letter\_Dec...2.docx



Ed\_Prestley\_Letter\_Nov25.pdf



LLA\_Findings\_and\_Con...1.docx



LLA\_Findings\_and\_Con...2.docx



LLA\_Findings\_and\_Con...3.docx

11-1

December 12, 2022

Mr. Ed Prestley  
Interim Director  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, CA 96093

RE: P-22-19: Lot Line Adjustment - Request for Hearing, January 12, 2023

Mr. Prestley:

This letter is in follow-up to my prior letters of October 21, November 18, and November 25, 2022. As noted in all three letters and my comments during the Public Comment portion of the December 8, 2022 Planning Commission meeting, we expected our project to be scheduled for final action on December 8. Our project was not placed on the agenda contrary to our repeated requests, with the final reason being that your office “won’t have time for the proper noticing of that date” (see Attachment A - e-mail from Skylar Fisher: November 28, 2022 – 3:34 PM). I responded to Skylar, noting that no projects for that meeting would meet all of the noticing requirements contained in County Code 17.34.050 (see Attachment B – e-mail to Skylar Fisher: November 28, 2022 – 6:42 PM). Despite being given this information, five projects (not including ours) that had not been noticed properly were placed on the agenda by your office, and heard, on December 8 (my wife and I independently verified that no notices were placed in the relevant Post Offices as required).

### **Moving Forward**

Please schedule our lot line adjustment project for final decision at the January 12, 2023 Planning Commission meeting. We want to proceed based on the three options as described in our letter of November 25, 2022 (see Attachment C for a copy of that letter and our proposed findings of fact and conditions of approval for each option). We expect that letter, as well as this one, to be included with the staff report. We remain available to discuss matters with your staff, including possible revisions to the proposed findings and conditions of approval for inclusion with the staff report.

Our preferred option for approval is now Option 2, revised project (removal of Boeger parcel), since it eliminates the issues of concern raised by your office and the County Surveyor and meets all applicable local and State regulations. Furthermore, this option will not impact our application being “complete” (since the scope is less than previously) nor the level of effort required for the site review (since all three options can be assessed during a single site visit). Enclosed with this letter are materials associated with Option 2, including a revised project evaluation and Notice of Exemption. The Plot Plan and updated legal description for Parcel A will be provided shortly. I hope by getting all of this information to Skylar well in advance of the January meeting, it will give her ample time to prepare the qualitative evaluation of our project. She had noted time and workload issues in this regard when we met on December 5<sup>th</sup>.

11-2

I am confident that the Planning Commission will find Option 2 to be a minor lot line adjustment, given that we own both involved parcels and the fact that there are no outstanding issues to be resolved. The issues of general plan and zoning consistency as outlined in code should not be an obstacle to the determination of minor either, since Option 2 is neutral or improves the project status of the parcels on these criteria (the enclosed evaluation of our project explores this issue in greater detail). This and any other matters you feel require discussion can be addressed in person or via Zoom, whichever is more convenient.

It is my hope that we are all in agreement about Option 2 at the January 12 planning Commission meeting. I would like to leave past differences in the past. I have worked hard to find a place that addresses your needs as well as ours – I think Option 2 is that place. Option 2 also preserves the work and investment of funds we have made to date related to the Boeger parcel should the trustees decide to pursue a future application, which we would support.

Thank you.

Scott and Sheri White  
P.O. Box 291  
Lewiston, CA 96052  
[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)  
530-778-3833

Enclosures:

Attachment A - e-mail from Skylar Fisher: November 28, 2022 – 3:34 PM  
Attachment B – e-mail to Skylar Fisher: November 28, 2022 – 6:42 PM  
Attachment C – November 25, 2022 letter – outlines three options to proceed for December 8  
Notice of Exemption  
Option 2 – Project Evaluation

Cc: Skylar Fisher, Associate Planner

11-3

Option 1:  
Lot Line Adjustment: P-22-19  
Findings of Fact and Conditions of approval

Findings of Fact:

1. The project application was deemed complete by action of county ordinance.  
*Trinity County Code Section 17.30E.020.C*
2. The 15-day time limit for agencies to submit comments on the project after the application was deemed complete has occurred by action of county ordinance.  
*Trinity County Code Section 16.32.040*
3. No further information is necessary or relevant to the decision to be made.  
*Trinity County Code Section 17.30E.030.E*
4. The lot line adjustment does not affect existing access to the resultant parcels.
5. The lot line adjustment is consistent with and conforms to the local general plan, applicable specific plan and zoning and building ordinances as required by County and State Codes.  
*Trinity County Code Section 16.32.010, Government Code Section 66412(d)*

Conditions of Approval:

- a. Individual parcels A, B and C resulting from the lot line adjustment shall have financing which has the same legal description of the redesigned lots.
- b. All real property taxes which are a lien on the property shall be paid, as provided by law, prior to recordation of the deed(s). A certificate from the Tax Collector's Office, valid for a maximum of sixty (60) days, shall be provided to the Planning Director prior to recording the "Notice of Lot Line Adjustment".
- c. Vesting Deeds of current owner's that show how title is held for existing parcels shall be provided to the County Surveyor prior to recording the "Notice of Lot Line Adjustment".
- d. Environmental Health shall verify that adequate space for wastewater disposal (considering potential setbacks) is available on parcel B prior to recording the "Notice of Lot Line Adjustment".
- e. Building Permits BP 22-2450 and BP 22-451 for APN 025-250-22 (Parcel A) will be issued but shall not receive final approval until after recording of the "Notice of Lot Line Adjustment".

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Option 2:  
Lot Line Adjustment: P-22-19  
Findings of Fact and Conditions of approval

Findings of Fact:

1. The project application was deemed complete by action of county ordinance.  
*Trinity County Code Section 17.30E.020.C*
2. The 15-day time limit for agencies to submit comments on the project after the application was deemed complete has occurred by action of county ordinance.  
*Trinity County Code Section 16.32.040*
3. No further information is necessary or relevant to the decision to be made.  
*Trinity County Code Section 17.30E.030.E*
4. Upon Removal of Parcel C, the project is a Lot Line Adjustment, Minor, which is a ministerial act, exempt from CEQA.  
*Trinity County Code Section 16.08.102*
5. The lot line adjustment is consistent with and conforms to the local general plan, applicable specific plan and zoning and building ordinances as required by County and State Codes.  
*Trinity County Code Section 16.32.010, Government Code Section 66412(d)*

Conditions of Approval:

- a. The plot plan shall be revised to reflect elimination of Parcel C.
- b. The legal description for Parcel A shall be revised to reflect the elimination of Parcel C.
- c. Individual parcels A and B resulting from the lot line adjustment shall have financing which has the same legal description of the redesigned lots.
- d. All real property taxes which are a lien on the property shall be paid, as provided by law, prior to recordation of the deed(s). A certificate from the Tax Collector's Office, valid for a maximum of sixty (60) days, shall be provided to the Planning Director prior to recording the "Notice of Lot Line Adjustment".
- e. Vesting Deeds of current owner's that show how title is held for existing parcels shall be provided to the County Surveyor prior to recording the "Notice of Lot Line Adjustment".

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- f. Environmental Health shall verify that adequate space for wastewater disposal (considering potential setbacks) is available on parcel B prior to recording the "Notice of Lot Line Adjustment".
- g. Building Permits BP 22-2450 and BP 22-451 for APN 025-250-22 (Parcel A) will be issued but shall not receive final approval until after recording of the "Notice of Lot Line Adjustment".

Option 3  
Lot Line Adjustment: P-22-19  
Findings of Fact for Denial of Project

Findings of Fact:

1. The project application was deemed complete by the Trinity County Planning Commission on November 17, 2022.
2. The applicant failed to provide confirmation of legal access to parcel C and documentation of the vesting deeds to the County Surveyor as required by the Trinity County Planning Commission on November 17, 2022.

Findings for Denial:

- a. Lack of relevant information necessary to evaluate project.



Exhibit 12: 12/15 e-mail from Skylar

From: **Skylar Fisher** sfisher@trinitycounty.org

Subject: RE: Materials for Discussion on Monday

Date: December 15, 2022 at 10:03 AM

To: **Scott and Sheri White** doublesw1998@gmail.com

Cc: **Jim Santiago** jsantiago@trinitycounty.org, **Cody Smith** csmith@trinitycounty.org, **Kristalynne Anderson** kanderson@trinitycounty.org, **Edward O. Prestley** eoprestley@trinitycounty.org, **Letty Garza** lgarza@trinitycounty.org



Good Morning Scott,

I have received the lot line adjustment narrative and the requested pathways forward on this project. Thank you for your comments regarding postings at the post office, this concern is being addressed.

Are you interested in withdrawing the appeal of the Planning Commission's decision? Generally, if there is an application to appeal the decision of the Planning Commission, there cannot be action on the item until there has been a decision on the appeal.

It is my understanding that you would like to have the lot line adjustment heard at the January 12, 2022 meeting. I have the Option 2 attached with your proposed conditions on the project. The application was not found to be complete by Planning Department staff. There was an attempt to make you aware that additional materials were required. Unfortunately, a mistake was made by staff and the surveyor who prepared your LLA exhibit was notified, but not an authorized agent. In order to get clarity on whether or not the application was sufficient to process without the materials requested by the county surveyor for review, the Planning Department referred the project to the Planning Commission. The Planning Commission passed a motion stating that the project would be marked complete with confirmation of legal access and vesting deeds. You submitted an appeal of this decision.

I understand that you propose the revised LLA exhibit to be a condition of approval with the revised legal descriptions. My understanding is that you wish to change the project to be a two parcel lot line adjustment rather than a three parcel lot line adjustment. It would be very difficult to make any recommendation for the project without being able to review the LLA exhibit. Like I said in our last meeting, there will need to be review of any application resubmissions before the department can make a determination of completeness or approval.

I have also followed up with the county surveyor to ensure that I am not missing language from our local ordinance or the map act that would allow a revised plot plan and legal descriptions to be conditions of approval to the LLA. Based on this conversation and independent review, it is standard practice to review the LLA exhibit and legal descriptions prior to approval.

This does not clear up the concerns brought up by Environmental Health. In our last meeting, you referenced that Environmental Health is okay with the lot line adjustment as is. To my understanding, the Environmental Health Department still requests a site visit and verification that the existing septic system is adequate or for the system to be re-evaluated.

For the Building Department, I have been informed of a request to submit plot plans to show the accurate location of the as built retaining wall and slab for the proposed metal building with setbacks to the property lines, in addition a set of plans showing how the

12-1



retaining wall is constructed. The lot line adjustment, as currently proposed, looks to address the setback concern for the as built structures, they are waiting to issue the permit until the requested materials are submitted and until the LLA is complete so that the structures meet the yard requirements.

I have both departments cc'd to correct me if I am misquoting any information here.

For the minimum parcel size requirement for APN 025-520-15, I believe that as long as the newly configured boundaries are logical and don't impede future development, then there shouldn't be an issue with the parcel being smaller than the minimum allowed size permitted in the RR-5 district. As one of the conditions of approval described in the ordinance is that the lot line adjustment does not conflict with the county zoning ordinance, the interim deputy director made the major lot line adjustment determination for Planning Commission review – in addition to the concerns brought forth by Environmental Health and the previous Building Department concerns you've taken steps to resolve.

I've devoted time reviewing the letters, emails, and other materials you have submitted for this project. I wanted to conduct this review before responding to your most recent letter. There is no intention to stop this project progressing.

Please let me know how you would like to proceed on the project – whether it is appealing, submitting materials for a two-parcel lot line adjustment instead of three, following the direction of the planning commission, or if you would like to take another path.

Skylar Fisher  
Associate Planner  
*Planning Department / Trinity County*

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# Exhibit 14 - 12/19 e-mail exchange



From: **Scott and Sheri White** [doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)  
Subject: **Re: Materials for Discussion on Monday**  
Date: December 19, 2022 at 6:46 PM  
To: Skylar Fisher [sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)  
Cc: Edward O. Prestley [eoprestley@trinitycounty.org](mailto:eoprestley@trinitycounty.org), Letty Garza [lgarza@trinitycounty.org](mailto:lgarza@trinitycounty.org)

Skylar -

You had no problem scheduling the item for the Planning Commission when there was no provision in the County Code that allowed you to do so. I pointed out what the County Code requires and you made no effort to refute my position. You just went ahead and did what you wanted to do and made no attempt at identifying what allowed you to do it.

Now, when I have every right to go to the Planning Commission you refuse. Your opinion doesn't matter. My opinion doesn't matter. What matters is what County Code allows or does not allow. I have asserted that there is no provision in County Code that prevents what I am asking. Rather than provide any support or authority for your position, you just make statements of what you think ought to be.

I have repeatedly asked for you (all County staff for that matter) to cite the authority in County Code you are relying on to take the positions you do. You have not or will not. At this point, I am certain it is because you know it will not support your point of view.

It is disappointing that County staff will hammer on a citizen about following the rules, yet turn around and ignore the rules when they don't suit what you want.

My e-mail below, along with all of my communications, cite and rest on applicable regulations for my positions. It is so odd for an applicant to be citing the rules and asking to be allowed to follow them, with County staff being the party to refuse to follow the rules.

Scott White

On Dec 19, 2022, at 4:34 PM, Skylar Fisher [sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org) wrote:

Hi Scott,

The Planning Department is not going to schedule a project to the Planning Commission until we've had the ability to review it – this includes revisions to an application. Once you have resubmitted the materials and we've had the ability to perform a qualitative review with relevant responsible departments, then we can prepare for noticing. If you disagree and would like to go forward with the appeal to the Board of Supervisors, please let me know.

Skylar Fisher  
Associate Planner  
Planning Department | Trinity County

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**From:** Scott and Sheri White [doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)  
**Sent:** Friday, December 16, 2022 8:26 AM  
**To:** Skylar Fisher [sfisher@trinitycounty.org](mailto:sfisher@trinitycounty.org)  
**Cc:** Edward O. Prestley [eoprestley@trinitycounty.org](mailto:eoprestley@trinitycounty.org); Letty Garza [lgarza@trinitycounty.org](mailto:lgarza@trinitycounty.org)  
**Subject:** Re: Materials for Discussion on Monday

Skylar -

14-1

The stress and lack of sleep due to the County has to stop. It is affecting our marriage, finances and health. I continue to point at code to support my positions. You just make statements. The County Code isn't something you get to pick and choose from.

I added some material in the third response to your e-mail.

You are asserting an authority, please provide proof that it exists: "*The Planning Commission passed a motion stating that the project would be marked complete with confirmation of legal access and vesting deeds.*" Show me the County Code section that authorizes this action. I've given you why it can't be done. What County Code supports your assertion to the contrary? The County Code governs you, me and the Commission - none of us get to ignore it.

I contend - based on County Code - that you had no authority to take "complete" to the Planning Commission. It is your job as staff more than any other party in the land use process to make sure everything is done according to established requirements. In the present case, I just happen to have the background to call for you to prove the basis for your actions. The above statement I cited states what happened, not what is authorized to happen. It is your job to prove that the action is in line with County Code requirements. You must believe County Code requires something different than I do. Prove it.

We are not submitting a different project for consideration. We are proposing an alternative to include in the discussion. Our original submission is still on the table as is the option to deny.

Answer this: Commissioner Fall's comments on the 17th support my position on roles and determination of complete. Does this mean that Commissioner Fall is also wrong? That is very much implied since you won't provide any support for your position.

As requested in my note to Ed, my wife and I have next Tuesday afternoon, Wednesday or Thursday available to meet. Please let us know the day and time that works for Planning staff.

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Exhibit 15 e-mail 12/15 to 12/20



From: **Edward O. Prestley** eoprestley@trinitycounty.org  
Subject: Re: January 12 and Time to Meet Next Week  
Date: December 20, 2022 at 2:29 PM  
To: Scott and Sheri White doublesw1998@gmail.com  
Cc: Letty Garza lgarza@trinitycounty.org

Scott,

Please work with staff and meet the conditions needed to move your project forward.

Get Outlook for iOS<https://aka.ms/o0ukef>

From: Scott and Sheri White <doublesw1998@gmail.com>  
Sent: Tuesday, December 20, 2022 11:32:01 AM  
To: Edward O. Prestley <eoprestley@trinitycounty.org>  
Cc: Letty Garza <lgarza@trinitycounty.org>  
Subject: Re: January 12 and Time to Meet Next Week

I have explained to you in detail the applicable portions of County Code and how Planning staff have violated it. You refuse to address the issue of what authority you are using to do what you have done. You point to an act that was done in violation of County Code and say that I must comply. I have asked repeatedly for you to cite what authority you are relying on to refer the issue of complete to the Planning Commission. You have refused to have your staff address the issue. Just because something happened doesn't mean it was right. You continue to circle back to that without addressing the underlying issue that proves it was not right.

I pointed out how you violated County Code - and Skylar has admitted, in writing, that staff made an error. There are only three outcomes possible under the applicable County Code regarding determination of complete. Given that a mistake was made, and admitted by staff, only the third provision can possibly apply. You have repeatedly refused to address the matter. I put my position, with relevant County Code, in writing. You refuse to provide any basis or authority for your actions. County staff is no more and no less required to follow the direction of the County Board of Supervisors as set forth in County Code. You were obligated, by County Code, to treat our application as deemed complete, yet you went to the Planning Commission. If there is a provision in County Code that assigns a role to the Planning Commission in the determination of complete, provide it.

I cannot and will not do that which violates County Code, then I become complicit in what you have done. If you want me to comply with what you have done, describe in detail how your action is authorized under County Code. I make no attacks or distractions. You refuse to follow County Code.

I submitted options, in compliance with County Code, for discussion with you and your staff on the following dates:

- \* November 18, 2022
- \* November 25, 2022
- \* November 29, 2022

Your and your staff were unavailable until December 5, 2022, to discuss any of this. I have been more than timely in my communications with the County. You and your staff will not work with me, or provide an explanation for how you are doing what you are doing - based on County Code not supposition or conjecture.

You violated County Code a second time regarding notice for meetings. Skylar acknowledged, in writing, that your office is addressing the problems with meeting notice as I pointed out. Addressing the problems after-the-fact changes nothing in how you treated us. For a second time, you did not follow County Code, it was pointed out, your staff acknowledged the error, and you will do nothing to fix the wrong done to us.

You seem certain that you and staff are correct. If that is the case, you should have no problem describing how your actions from October 7 on comply with County Code.

I am trying to work with staff to move our project along - I have done this for months now. Your staff makes lots of statements with no support for them. I provide County Code, your staff admits mistakes, and then continue on as if there are no implications or repercussions from the mistakes.

I have, and will continue to express, my frustration with the lack of effective leadership at the management level at the County. It is the duty of County staff to follow the rules set forth by the Board of Supervisors. This is not happening and staff in management positions do nothing when it is pointed out. That is a failure of leadership.

There is nothing fun or good about this. You and your staff are drawing paychecks no matter how right or wrong you are. My wife and I are being directly harmed by you and your staff.

My wife and I requested to meet with you - you refused. We have provided a way to move forward, where we voluntarily will address the issues that seem so important to you. Due to the lack of experienced staff and management, you are unable to see that there is a very viable and simple path to be done with our project - with or without further Planning Commission involvement. I cannot begin to describe how frustrating it is that there is no one at the County that has the background to understand what is allowed and work with

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us.

Your staff has admitted in writing that two errors have occurred. I have provided ways to move forward that will provide an acceptable outcome for us - despite the errors. Your staff refuses to even consider. It is hard to work with people that don't have the experience to know what they don't know. This is not really Skylar's fault. The County has put her in an awful position with no support.

This e-mail is yet another effort on my part to work with staff as you ask. To date, your staff has not been willing to work with us. If I'm wrong about County Code, then staff should demonstrate how that is. If I'm right, then staff should work with me to agree on a viable path forward. I have been asking this for two months now. Will you direct your staff to work with us?

On Dec 20, 2022, at 8:24 AM, Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>> wrote:

Scott,

All you have to do is meet the conditions set forth to move the project along. Attacks and distractions do not work toward this end. Please work with staff to move your project along.

Respectfully,

Ed Prestley  
Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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From: Scott and Sheri White <doublesw1998@gmail.com<mailto:doublesw1998@gmail.com>>  
Sent: Monday, December 19, 2022 7:01 PM  
To: Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>>  
Cc: Letty Garza <lgarza@trinitycounty.org<mailto:lgarza@trinitycounty.org>>  
Subject: Re: January 12 and Time to Meet Next Week

Mr. Prestley -

Thank you for the reply. I have gone above and beyond in giving you and your staff an opportunity to work with me to get our project finished. You have chosen to ignore all of my good-faith efforts to do so.

On August 7, you and I both gave our word on how we would move forward. Despite the assertions in your note, the record will show that I have done everything as was agreed to. My word remains good.

When the time came for your office to do what you agreed to do and process our project in compliance with applicable rules - you failed to do so. Rather than attempt to fix mistakes when pointed out, you chose to ignore my requests and compound your errors. Your word is proven to have no value.

Scott White

On Dec 19, 2022, at 4:03 PM, Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>> wrote:

Scott,

You were given specific instructions months ago on what to do this move this project through. Engineering specs for the as-built concrete pad and retaining wall since they were built without permits. The septic will not be considered continuously in use when the house burned in 1999 and it hasn't used since then, provide time when environmental health can finish up their inspection if they haven't already. Submit the lot line adjustment application. Sounds like this has changed, so might need a bit of reworking. More recently you were given directions to follow the conditions the planning commission set out.

Respectfully,

Ed Prestley

15-2



ED PRESTLEY  
Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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From: Scott and Sheri White <doublesw1998@gmail.com<mailto:doublesw1998@gmail.com>>  
Sent: Monday, December 19, 2022 3:47 PM  
To: Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>>  
Subject: Re: January 12 and Time to Meet Next Week

We have been trying to do that. We want a commitment that we will be on the January 12 Planning Commission agenda. Your staff has largely been unavailable or unwilling to commit to actions. The ongoing delays have not been on us.

Your staff continues to disagree with our positions, yet provides no supporting documentation for this disagreement. Our position is based on County Code. If staff does not agree, then provide the basis for that disagreement.

You tell us to move forward and we try to do so. Your staff restates and rewords the same things repeatedly. I have asked for support for the position your staff takes, but receive none. How can we move forward when your staff just keeps saying things with no support?

Please confirm:

1. We will be on the January 12 agenda.
2. That you have directed your staff to respond with the basis for the positions taken.

Your Department's authority comes from County Code. If you cannot point to how you are authorized to do something, then you can't do it. This also holds true for the Planning Commission. They have authority only within the bounds set by the Board of Supervisors.

Please confirm both of the above.

Thank you.

Scott White

On Dec 19, 2022, at 2:18 PM, Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>> wrote:

Scott,

Please work with staff to get your project moved forward.

Respectfully,

Ed Prestley  
Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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From: Scott and Sheri White <doublesw1998@gmail.com<mailto:doublesw1998@gmail.com>>

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Sent: Monday, December 19, 2022 1:42 PM  
To: Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>>  
Subject: Re: January 12 and Time to Meet Next Week

Ed -

My wife cannot continue to keep her schedule open indefinitely. Please let us know the date and time this week when you are available to meet.

Thank you.

Scott

On Dec 17, 2022, at 5:15 PM, Scott and Sheri White <doublesw1998@gmail.com<mailto:doublesw1998@gmail.com>> wrote:

Ed -

I hope you read my note.

I would prefer to go to the Planning Commission on January 12 in agreement, but that is up to you. Planning has made two significant errors in handling our project since August 7. You may not realize how big the errors are, but I did this for a living and can assure you they are quite large. Despite that, I am keeping my word from August 7 and offering a way for all of us to be done without any additional friction.

I hope you will agree to meet with Sheri and I next week and hear what we have to say. Realistically, we will be out of time after that to agree.

Scott

On Dec 15, 2022, at 9:34 AM, Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>> wrote:

She is crafting a response and should be sending it soon.

Respectfully,

Ed Prestley  
Interim Deputy Director  
County of Trinity  
Building/Planning/Cannabis/Environmental Health  
530-623-1351 ext 2820

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From: Scott and Sheri White <doublesw1998@gmail.com<mailto:doublesw1998@gmail.com>>  
Sent: Thursday, December 15, 2022 9:33 AM  
To: Edward O. Prestley <eoprestley@trinitycounty.org<mailto:eoprestley@trinitycounty.org>>  
Subject: January 12 and Time to Meet Next Week

Ed -

I have not heard back from Skylar this week, so I am sending a note to you. We need confirmation that our project will be on the January 12 Planning Commission agenda for action.

From the beginning, the County has been in a very different position than we have:

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- \* The County has nothing invested, we have everything.
- \* The County stands to lose nothing, we to lose everything.
- \* The County hasn't been concerned with following the rules, we have.

First it was Environmental Health, then County Counsel, now Planning ignoring law and regulations.

When there was contention that we hadn't done things we needed to do, we immediately did them. When issues on the County's side were pointed out, they have been ignored.

Despite all that has been put upon us, we are still trying to find a way forward. We now have a proposal in your hands that complies with all local and State regulations. The proposal includes the mandatory conditions set out in County Code. We also propose to voluntarily address the issues of concern to the County Surveyor (by eliminating the source of the issues) and Environmental Health (by providing for a site visit). We are not required to do any of these given the application status of "deemed complete" but we want to *get finished so we have addressed them.*

Planning staff and ourselves have the opportunity to go the Planning Commission on January 12 in agreement regarding the recommended action - which has always been our hope to do. To this end, my wife and I would like to meet with you next week to reach agreement. Tuesday afternoon, Wednesday or Thursday would work for us - we just need to know today so the time can be set aside.

My wife thinks we will all meet and can reach agreement. I wish I had the same optimism. I hope you prove my wife right.

Scott White

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# Exhibit 16 Lot Line Adjustment

Government Code 66412(d)

*(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).*