RECEIVED
via email
FEB 16 2023
Trinity County
Board of Supervisors
By: A Piker

CITIZEN COMPLAINT FORM
REGARDING COUNTY DEPARTMENT/PROCEDURE

Date: 2/16/23

1. Name of the County Department in which you were conducting business:
   Planning is lead, Environmental Health support
2. Name of the County employee(s) assisting you:
   Kristy Anderson
3. Please describe your complaint:
   On 1/3/23 the Board of Supervisors approved our Lot Line Adjustment (P-22-19) and made Findings of Fact and Conditions of Approval. The Environmental Health Director is asking for items outside of the requirements of County Code and the Board's approval. I have provided substantial documentation (which is attached) that conclusively demonstrates we are correct. The Environmental Health Director will not change her position. By State law and County Code, Planning (specifcially the Planning Director) is the Department/position responsible for determining what is required by code, law and conditions. Unfortunately, the position is vacant and the interim deputy director is not qualified nor empowered to make planning decisions (per Board of Supervisors appointment - see Item Report 1.2, 4/29/22). The Associate Planner is in no position to over-rule the Environmental Health Director, even if correct.

   On 1/3/23 we provided a tremendous volume of documentation showing County staff is not following County Code. The Board of Supervisors overwhelmingly decided in our favor. Unfortunately, County staff's inability and/or unwillingness to follow applicable code continues. Even worse, there still isn't the staff (Planning Director) to fix this. We request immediate assistance, as we continue to face massive financial risk.

Please provide us with your name, address, and phone number so that we may contact you in an effort to resolve this problem

Name Scott and Sheri White
Address 1531 Lewistn Road (P.O. Box 291)
City, State Zip Lewiston, CA 96052 doublesw1998@gmail.com
Phone 530-778-3833

Please Return to: Trinity County Administrative Officer
PO Box 1613
Weaverville, CA 96093

P-22-19: Lot Line Adjustment
Approved by Board of Supervisors on January 3, 2023

Materials for Appeal of Environmental Health Determination
Regarding Condition of Approval c.

Exhibit "A"
2/15/23 e-mail from Kristy Anderson to Scott White. Contains determination that is cause for appeal.

Exhibit "B"
Comparison of onsite sewage disposal requirements for Lot Line Adjustment vs Tentative Map: Trinity County Subdivision Ordinance (same as County Code). Notes in red and highlighted sections in yellow most relevant.

Exhibit "C"
Lot Line Adjustment: P-22-19 (Option2) Findings of Fact and Conditions of Approval. Adopted by Board of Supervisors on January 3, 2023

Exhibit "D"
2/9/23 e-mail Scott White to Rikki Townzen. Discussion of errors in graphic brought to Site Inspection by Environmental Health on 2/9/23.

Exhibit "E"
2/9/23 e-mail Scott White to Rikki Townzen. Discussion of approach to plotting features based on USDA Forest Service mapping as base (includes graphic not able to provide via e-mail).

Exhibit "F"
2/9/23 e-mail Scott White to Rikki Townzen. Discussion of approach to plotting features based on Option 2 Plot Plan (survey data) as base (includes graphic not able to provide via e-mail).

Exhibit "G"
2/14/23 e-mail Scott White to Rikki Townzen (subsequently to Kristy Anderson). Provided alternative to Environmental Health position regarding eight-foot test hole. Alternative addresses applicable codes, laws, conditions of approval in manner that would not conflict with possible future application for septic permit at time of building permit.

Exhibit "H"
2/14/23 e-mail Scott White to Ashley Piker. Information to be provided to County Counsel when considering need and basis for appeal to Board.

Exhibit "I"
Graphic showing that area for potential septic system is the same with or without the Lot Line Adjustment.

Exhibit "J"
Proposed Determination for Condition of Approval c.

A

From: **Kristalynne Anderson** kanderson@trinitycounty.org
Subject: RE: P-22-19 Condition of Approval c.
Date: February 15, 2023 at 8:30 AM
To: Scott and Sheri White doublesw1998@gmail.com

Hello Scott,

We have to make sure that there are sewage disposal capabilities on the property you wish to decrease in size. We will need to do a joint inspection as the location you chose may not be suitable. Be prepared to have an 8' hole dug near the furthest spot where you took a percolation test from the creek. Our availability is limited for a joint inspection, but I may be able to make it over there tomorrow, if you are prepared.

Kristy Anderson, REHS
Director of Environmental Health
61 Airport RD/PO Box 476
Weaverville, CA 96093
(530) 623-1459 x 2831

From: Scott and Sheri White [mailto:doublesw1998@gmail.com]
Sent: Tuesday, February 14, 2023 2:21 PM
To: Kristalynne Anderson <kanderson@trinitycounty.org>
Subject: Re: P-22-19 Condition of Approval c.

Kristy -

I need an answer today please. I'm not sure if Rikki is out in the field.

What I am proposing is sufficient for the LLA and does not commit the County to any specific future action.

Thank you.

Scott

B

Comparison of Onsite Sewage Disposal Requirements
Lot Line Adjustment vs Tentative Map
Trinity County Subdivision Ordinance

Sec. 16.08.200 Usable Area Deleted per Ordinance No. 1094.
Observation: This term is used in the application checklist for a LLA yet its use/meaning has been removed.

Sec. 16.08.100 Lot Line Adjustment

Lot Line Adjustment means the relocation, modification, or an elimination of a property line(s) between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the County (Ord. 1195, Sec. 1, 1995).

Sec. 16.08.101 Lot Line Adjustment, Major

A Major Lot Line Adjustment means a lot line adjustment means a lot line adjustment which represents a substantial rearrangement of existing parcels, requires a certificate of compliance for one or more of the affected parcels, requires relocation of a utility or roadway, or which, in the judgment of the Planning Director, A Subdivision Review Committee Member, or Planning Commissioner, should be discussed in a public hearing.

Sec. 16.08.102 Lot Line Adjustment, Minor

A Minor Lot Line Adjustment means a lot line adjustment which readily conforms with the County Zoning Ordinance and Building Ordinance and which requires no discretionary review. Approval of a minor lot line adjustment is considered a ministerial act.

Chapter 16.32
LOT LINE ADJUSTMENTS AND MERGERS
(Ord. 1162, 1995)

Section

16.32.010 Purpose
16.32.020 Application Requirements
16.32.030 Fees
16.32.040 Authority to Approve
16.32.050 Hearing Requirements
16.32.060 Conditions of Approval
16.32.061 Notice of Approval
16.32.062 Termination of Proceedings
16.32.063 Time Extension

Sec. 16.32.010 Purpose

The purpose of this chapter is to establish procedures for approval of lot line adjustments, including mergers by lot line adjustment. Nothing stated herein shall be construed to prevent the filing of a tentative map, a final map, parcel map or record of survey for any lot line adjustment or merger. A Lot Line Adjustment is to be used to make adjustments in a lot line between adjacent parcels having a common boundary line, to create more logical boundaries, or to resolve existing ownership conflicts. All lot line adjustments must also be consistent with the provisions of Section 66412(d) of the California Government Code (State Subdivision Map Act).

Sec. 16.32.020 Application Requirements

An application for a minor or major lot line adjustment, including a merger, shall be in writing and shall be filed in the Planning Department office upon forms provided by the Planning Director. Each application shall include a preliminary title report, agent's
authorization (if applicable); a map drawn to scale of 1" = 100', unless a different size is approved by the County Surveyor, (number of copies to be determined by Planning Director), names and addresses of the affected owners, north arrow and scale, location and boundaries of the existing lots, the boundaries and dimensions of the proposed new lot configurations, and a legal description of the redesigned lots, which shall be prepared by a licensed land surveyor. The application shall also include sufficient information to adequately describe the property and improvements thereon including: existing buildings, structures, sewage disposal systems, utilities and roads; the present use and zoning of the property; location and extent of public improvements; and such additional information necessary to describe and evaluate the proposal. **Observation: No requirements to provide perc tests or address sewage disposal systems except if such already exist.**

Sec. 16.32.030 Fees

The application for a lot line adjustment shall be accompanied by a filing fee as established in the County Fee Resolution.

Sec. 16.32.040 Authority to Approve

The Planning Director shall have the authority to approve mergers and minor lot line adjustments, and the Advisory Agency shall have the authority to approve major lot line adjustments, each following review and comment by the Health Department, County Surveyor, Department of Transportation, Fire Chief's representative, Planning Commissioner representing the area affected by the lot line adjustment, and other agencies which the Planning Director determines may be affected by the action. After the application is deemed complete, each agency shall have a maximum of fifteen (15) days to submit their comments.

Sec. 16.32.050 Hearing Requirements

No hearing shall be required for a minor lot line adjustment. A public hearing shall be conducted by the Advisory Agency or other duly authorized authority for Major Lot Line Adjustments. Notice of the hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In addition, all persons owning property within three hundred (300) feet of the proposed lot line adjustment or merger shall be sent written notice of the hearing by mail or other means at least ten (10) days prior to the hearing.

Sec. 16.32.060 Conditions of Approval

The Advisory Agency, other duly authorized body or the Planning Director may approve or conditionally approve a lot line adjustment or merger or may disapprove the proposed lot line adjustment if it will conflict with the County Zoning Ordinance, Building Ordinance or State law. All lot line adjustment approvals shall include, but not be limited to, the following conditions of approval:

a. Individual parcels resulting from the lot line adjustment shall have financing which has the same legal description as the redesigned lots.
b. All real property taxes which area 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".

Sec. 16.32.061 Notice of Approval

Following approval of a lot line adjustment or merger by lot line adjustment, and compliance with the conditions of approval, the Planning Director shall prepare a "Notice of Lot Line Adjustment" or a "Notice of Merger by Lot Line Adjustment" for recordation with the County Recorder. The Notice shall include the following: owners of record; legal description(s) of reconfigured lot(s), prepared by a licensed land surveyor; notarized signatures of land owners for each affected parcel; date of approval; Planning Department file number, and Planning Director's signature. Recordation of the "Notice of Lot Line Adjustment" and recordation of the deeds will complete the lot line adjustment of the affected parcels. Deeds shall be reviewed and approved by the County Surveyor prior to recordation.

Sec. 16.32.062 Termination of Proceedings

Failure to meet all conditions of approval, and submit documentation to the Planning Department necessary to file the "Notice of Lot Line Adjustment" within twenty-four (24) months of the date of approval or conditional approval of a lot line adjustment shall terminate all proceedings, unless a time extension is granted.

Sec. 16.32.063 Time Extension

The Advisory Agency, or their designee, may grant one extension of time up to but not exceeding twelve (12) months beyond the twenty-four (24) months allowed for completing the Lot Line Adjustment. Request for time extension shall be made, in writing, to the Advisory Agency not less than thirty (30) days prior to the expiration of the Lot Line Adjustment.

Sec. 16.12.020 Application Requirements

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act.

A. A location map at a minimum scale of one (1) inch equals one (1) mile.
B. Names and addresses of owner, subdivider and person who prepared the map.
C. Date map was prepared.
D. North arrow and scale.
E. Proposed layout, approximate dimensions, and approximate area of all parcels. Sufficient data to define the Boundaries of the land to be subdivided.
F. Adjoining properties with names and assessor parcel numbers.
G. Approximate widths, locations and purposes of all existing and proposed easements.
H. Approximate locations, widths, names and indications of public or private status of all existing or proposed roads lying within or adjacent to the land to be subdivided.
I. Arrows or contours indicating direction of slope and percent of gradient. (If less than 20%, or greater than 30%, gradient may be approximated.)
J. Unless sewage systems already exist on all parcels, or unless both public water and public sewage systems are proposed to serve the parcels, the following features shall be shown to the extent necessary to determine the amount of "useable parcel area" (**as defined in Section 16.48.122**):

    1. Approximate boundaries of areas with slopes greater than thirty (30) percent.
    2. Approximate boundaries of areas subject to a 10-year flooding event, or landslide hazard.
    3. Approximate average yearly high water limits of lakes, ponds, reservoirs, rivers, streams, and swampy ground. Location of springs and wells.
    4. Approximate boundaries of gravel bars, dredge tailings, and rock outcrops.
    5. Indicate the amount of useable acreage under the acreage shown for each parcel.

K. Locations of soil percolation test holes, soil profile pits, and test wells. (Each shall be clearly marked on the site.)
L. The location of existing buildings, fences, wells, sewage disposal systems, culverts, drains, underground structures, overhead structures, major excavations, and mine shafts.
M. All proposed parcels numbered or lettered consecutively throughout the division.
N. The boundaries of the property to be subdivided shall be indicated with distinctive lines on the map, and proposed parcels shall be readily identifiable on the ground.
O. Existing use of the property.
P. Proposed use of the property.
Q. Proposed source of domestic water for each parcel.
R. Proposed method of sewage disposal for each parcel.
S. Proposed means of access to each parcel and proof of access.
T. The approximate boundaries of any areas within the proposed subdivision which are subject to overflow, inundation or flood hazard shall be shown. A 100-year storm shall be used for determining such areas and must be designated by the land surveyor or the engineer who prepared the map. A note shall be placed on the map which indicates how the boundaries were arrived at.

U. Any other such information as determined by the Planning Commission as being necessary to process the tentative map.

Sec. 16.48.122 Individual or On-site Sewage Disposal (Ref: Ordinance No. 1168)

A. If a subdivision of less than five (5) parcels is proposed for development on the basis of on-site sewage disposal systems, it is the responsibility of the subdivider to provide proof of the protection of water quality and the prevention of health hazards and nuisance conditions arising from the on-site discharge of wastes.

In general, the following site criteria for each parcel must be met:

1. Criteria for determining lot size shall include the following: (Ord. 1186)

Sewage Disposal	Water Supply	Required Minimum Usable Area (must be contiguous except as noted below)[2]	Minimum Lot Size[1]
On-Site	Community	10,000 sq. ft.	10,000 sq. ft.
Community	Individual	No Minimum Specified	10,000 sq. ft.
On-Site	Individual	One-half acre[2]	One acre[3]
Community	Community	No Minimum specified	No Minimum Specified

[1] Minimum lot size shown refers to health standards only. Applicants should also consult the County Zoning Ordinance.

[2] Minimum usable area in this case can be located in areas no less than 10,000 sq. ft. each as long as such areas are not separated by topographical barriers such as streams,

[3] The one acre minimum lot size may be reduced to not less than one-half (1/2) acre if recommended by the County Health Officer, but only if documented findings can be made that

both the site and the general area contain deep groundwater and that concentration of nitrates will not result from reduced lot sizes in the area. The applicant will be responsible for providing background information which shall include a study and recommendation by a civil engineer, registered geologist or registered hydrologist with documented education and experience in conducting such studies.

2. The following shall not be considered as usable acreage:

    a. Land that is swampy or has groundwater within 8 feet.[4]
    b. Gravel bars, rock piles, or pervious material.
    c. Land which has a slope greater than 30%
    d. Land necessary or used for roads, driveways, land easements

TABLE 1	
MINIMUM SETBACK REQUIREMENTS	
Well[1]	100 ft.
Perrenial Stream[2]	100 ft.
Ephemeral Stream[3]	50 ft.
Lake or Reservoir[4]	100 ft.
Cut Banks, Natural Bluffs, Sharp Changes in Slope and Fills	3 x h= setback in ft. (min. 25 ft., max. 50 ft.)
Unstable Land Forms	50 ft.
Spring[5]	200 ft. (500 ft. in

	granite soils)
Property Lines	10 ft.

3. Determination of a site's suitability for percolation of effluent shall be determined by the following methods:

    a. Percolation Testing: Percolation testing shall be in accordance with methods specified in Figure 1 and conducted or supervised by a registered: engineer, soil scientist, geologist, sanitarian, or licensed land surveyor.

Percolation testing of soils within Zone 3 and Zone 4 shall be conducted during wet weather conditions.[6]

---

[4] Use criteria in site evaluation.
[1] Includes off-site wells.
[2] As measured from the 10-year flood line. Setbacks must be increased to 500 feet of the high-water line for streams flowing to a domestic water reservoir within the closed zone.
[3] As measured from the edge of the water course. Setbacks must be increased to 500 feet of the high-water line for streams flowing to a domestic water reservoir within the closed zone.

[4] As measured from the high-water line. Leaching systems must be placed a minimum horizontal distance of 200 feet from the high-water line of domestic water reservoir and outside the "closed zone" at the water supply intake. The "closed zone" is defined as a minimum of 500 feet from the intake works.
[5] As measured uphill from spring.

Percolation testing of soils falling within Zone 1 and Zone 2 may be conducted in non-wet weather conditions provided presoaking of the test hole is accomplished with (a) continuous twenty-four (24) hour presoaking, or (b) a minimum of eight (8) complete refillings beginning during the day prior to that of the conduction of the test.

A minimum of 2 percolation tests per proposed parcel shall be performed with a minimum of 2 acceptable results. The test results shall not be less that 60 minutes per inch. The depths of each test hole are indicated in Table 2.

TABLE 2

Average Slope of Lot	Depth of Percolation Test Hole
0-10%	3 ft.
10-20%	4 ft.
20-30%	5 ft.

b. Soil Analysis: Soil from the limiting soil layer observed within an excavated soil profile shall be obtained and analyzed for texture and bulk density according to methods prescribed by the NCRWQCB. The results shall be plotted on the soil textural triangle of Figure 2, as per the indicated instructions.

- Soils within Zone 1 shall be considered to have minimal filtration capabilities, requiring increased depths to groundwater as per Table 3.
- Soils within Zone 2 shall be considered suitable for effluent disposal.
- Soils within Zone 3 and Zone 4 shall require percolation testing per1 above to verify suitability for effluent disposal.

---

[6] Wet weather testing periods shall be (a) between January and April 30; and (b) following ten (10) inches of rain in a thirty (30) day period or after half of the seasonal normal precipitation has fallen. Extension of wet weather testing beyond the limits of the above criteria may be made by agreement of both the NCRWQCB and the County Health Officer.

TABLE 3

Soil Texture[1] Percent of Silt and Clay	Depth to Groundwater
5% or less	40 ft.
6 to 10%	20 ft.
11 to 15%	10 ft.

Greater than 15%[2]	

4. Soil characteristics shall be evaluated by soil profile observations. One backhoe excavation in the primary disposal field and one in the replacement area shall be required for this purpose. A third profile shall be required if he initial two profiles show dissimilar conditions.

Augured test holes shall be an acceptable alternative, upon determination of the County Health Officer or NCRWQCB: (a) where use of a backhoe is impracticable because of access, (b) when necessary only to verify conditions expected on the basis of prior soils investigations, or (c) when
done in connection with geological investigations. Where this method is employed, three test holes in the primary disposal field and three in the replacement area shall be required. The following factors shall be observed by the County Health Officer and reported from ground surface
to a depth of at least five (5) feet below the proposed leachfield system (minimum overall depth is eight (8) feet.

a. Thickness and coloring of soil layers and apparent United States Department of Agriculture (USDA) classification.
b. Depth to and type of bedrock, hardpan or impermeable soil layer.
c. Depth to observed ground water.

---

[1] Must exist for a minimum of 3 continuous feet between the bottom of the leaching trench depth and groundwater.
[2] Or a percolation rate slower than 5 minutes per inch.

d. Depth to soil mottling.
e. Other prominent soil features such as structure, stoniness, roots and pores, dampness, etc.

5. The anticipated highest level of groundwater shall be estimated:

a. At the highest extent of soil mottling observed in the examination of soil profiles;
b. By direct observation of groundwater levels during wet weather conditions.[1]

Where a conflict in the above materials of examination exists, the direct observation shall govern.

In those areas which, because of parent materials, soils lack the necessary iron compounds to exhibit mottling, direct observation during wet weather conditions shall be required. Guidance in
defining such area shall be provided by the NCRWQCB.

6. A greater number of the described tests above may be required by the County Health Officer at his discretion.
7. The soil investigation report shall be submitted to the County Health Officer and shall include but not be limited to the following:

    a. Dates of test.
    b. Weather conditions at the time of tests.
    c. Location of percolation test holes on a copy of the tentative map.
    d. Depth of test holes.
    e. Percolation test results by test hole numbers (must be submitted on Figure 1 form).
    f. Signature on percolation test results.

---

[1] Wet weather testing periods shall be (a) between January 1 and April 30; and (b) following ten (1) inches of rain in a thirty (30) day period or after half of the seasonal normal precipitation has fallen. Extension of wet weather testing beyond the limits of the above criteria may be made by agreement by both the NCRWQCB and the County Health Officer.

8. The required soil investigation report shall be submitted to the County Health Officer at least fifteen (15) days prior to an on-site evaluation by the Health Department. All soils work must be completed and submitted for approval to the County Health Officer at least thirty (30) days prior to final map approval.

PERCOLATION TEST PROCEDURES FIGURE 1

NOTIFY THE HEALTH DEPARTION 48 HOURS IN ADVANCE OF CONDUCTING PERCOLATION TESTS

The object in conducting percolation tests of soil in which a drain field or seepage pit is to be installed, it is to determine the length of time required for the soil to absorb one inch of water when the ground has been saturated. The information obtained from these tests, together with a knowledge of the approximate amount and type of sewage to be discharged, makes it possible to determine the size of the drain field.

Holes 4 to 6 inches in diameter have been found to be the most convenient. However, this diameter is not critical, and, particularly in very loose soils, it may be easier to dig larger holes. Sides of the holes should be vertical and the depth should be approximately that of the proposed drain field. The holes (2 or more) should be approximately 30 feet apart and in the area where the drain field will be installed.

1. The sides should be roughed up to eliminate packing caused by the shovel or post hole digger, which would reduce the percolation rate. Two inches of fine gravel should be placed in the hole to prevent bottom scoring.
2. Fill the hole with clear water being careful to avoid washing down the sides of the hole. By refilling if necessary, keep at least 24 inches of water in the hole for at least 24 hours or a minimum of 8 complete refillings beginning during the day prior to the test.
3. After the above saturation, start with no more than 12 inches of water above the gravel (remove water, if necessary) and begin the measurements.
4. Select a reference point from which to measure (a board laid across the mouth of the hole is satisfactory) and measure the distance from the reference point to the level of the water. Enter the time and distance measured on the char below.
5. Repeat the measurement at the end of 30 minutes. Continue making measurements at 30-minute intervals for the complete 4 hours.
6. If the water level drops too low for further readings, refill to the 12-inch level at the end of a 30-minute period, measure, and proceed as before. Note time(s) of refill(s) on chart below.
7. If the hole consistently drains in less than 30 minutes, make readings at 10-minute intervals for the complete 4 hours.

C

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".

D

From: **Scott and Sheri White** doublesw1998@gmail.com
Subject: Developing Accurate Mapping
Date: February 9, 2023 at 5:29 PM
To: Rikki Townzen rtownzen@trinitycounty.org

Rikki -

The more I have thought about the graphics you brought, the more I've realized you started from the wrong base. This isn't your fault per se, but comes from errors in the county GIS parcel layer.

You took the plot plan prepared by our surveyor, then drew in where you thought the "waterway" was on it, referencing county parcel data. But your original point of orientation was where you thought the creek was based on the flawed parcel boundaries that lay over the top of it. I realize that is what you have to work with, but as you noted, survey data lets us get better.

The correct procedure is to lay the survey-based parcel boundaries over the base GIS data set. If the county parcel layer was accurate, what I am saying to do would coincide perfectly with it. To do this, we start with the county GIS base you have. But then we lay the survey parcel data over the top. We can't start by placing the "waterway" on top of good survey data on what was expected based on what the flawed parcel data shows. You saw how far up the hillside you drew the creek - at least 30 feet above the draw. No grading ever moved a creek that far up a hillside.

If we all had money (as you noted) we would have excellent data. What I would invite you to do with me, is bring the base map back, and lets locate the survey data on it. We can't start with the county parcel data because it induces expectation bias. The first time I looked at it, I flipped out because I thought our house was over the property line. Everything after that was skewed until I started looking at identifiable features based on where I knew survey monuments are.

I wish we could do today over, starting from the correct base - the county GIS base. Then ignore the county parcel line layer, since the county itself notes it isn't overly accurate, and use real world survey data. We would have had a very different day today.

I stand by my position that the "waterway" is at the base of the hill - which can be seen on the base layer.

Anyway, if you can avoid the trap I originally fell in and let the wrong starting point guide my perceptions, you should get measurements that correspond fairly well with my 130 foot estimate. I also have pictures of the property when we bought it, before any brush clearing was done.

I'll be around tomorrow and next week if you would like to talk.

Thanks for your effort.

Scott

E

From: **Scott and Sheri White** doublesw1998@gmail.com
Subject: Re: Developing Accurate Mapping
Date: February 10, 2023 at 9:27 AM
To: Rikki Townzen rtownzen@trinitycounty.org

Good morning Rikki -

I got up this morning and found a simple way to do this.

I took USDA Forest Service GIS Mapping and the scale provided and measured the distance from the Section Line between Sections 24 and 19 out to the "waterway" shown on the same map. At its maximum point, it appears to be around 150' east from the Section Line. I then took the unmodified base setback of 100' from the OWTS policy and traced it 100' to the east along the depicted "waterway". Both perc test locations fall out side of the area, plus there is ample room on both sides of the driveway where a system could be placed. This is the right way to approach this: I started with known GIS data that locates section line and water way, applied base OWTS setback and then looked at what is available based on actual surveyed property lines. No need to look at the known incorrect county parcel line layer.

Further, the Lot Line Adjustment makes no change (has no impact) to the areas available for septic, which means the LLA has no impact on capability to support septic - which is the relevant criteria for review and approval of the LLA. This confirms the original assessment I submitted with the application, that being that the LLA is neutral in regard to septic placement (makes the parcel no more nor any less viable for development).

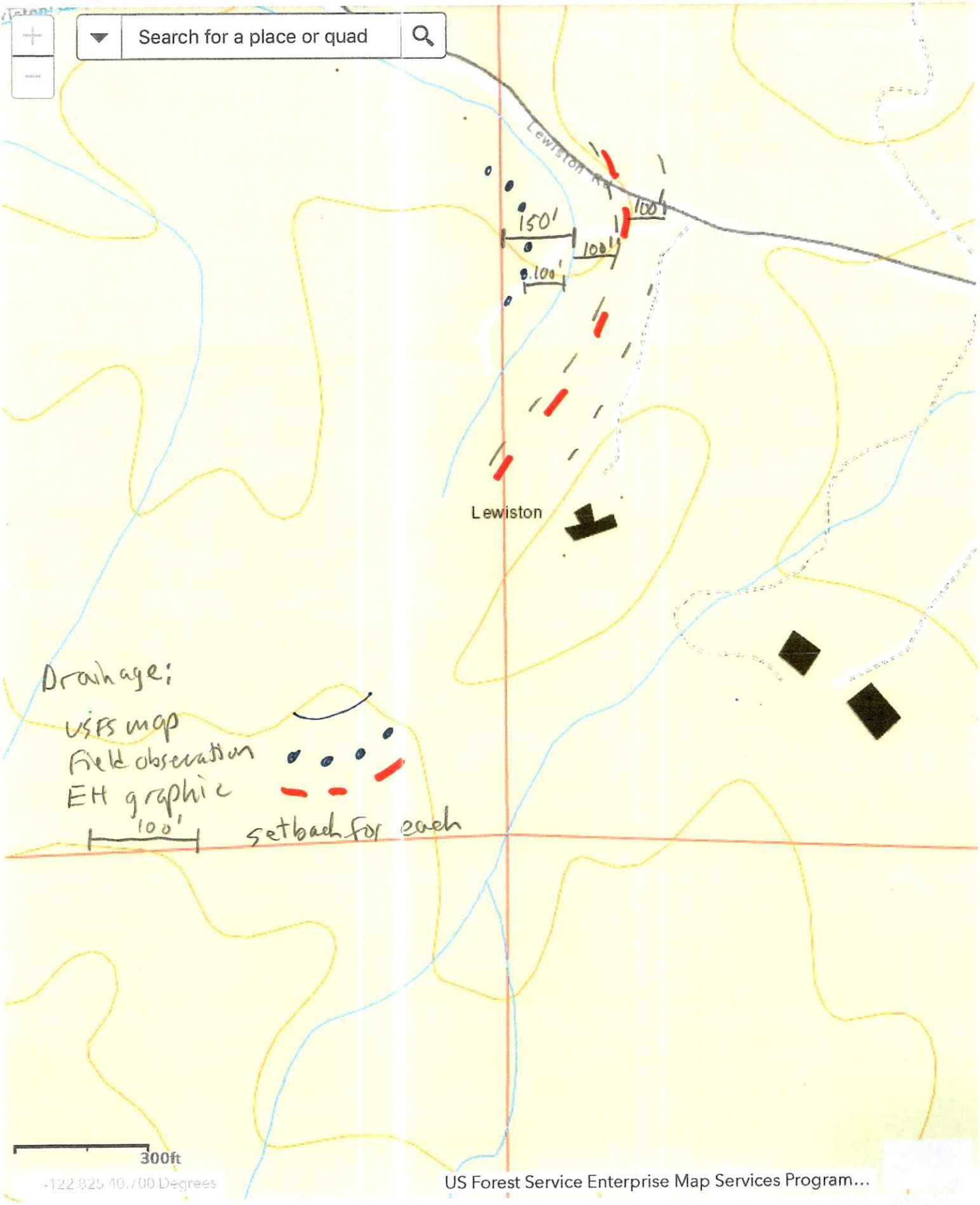
I look forward to seeing what you come up with.

Scott

> On Feb 9, 2023, at 5:29 PM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
>
> Rikki -
>
> The more I have thought about the graphics you brought, the more I've realized you started from the wrong base. This isn't your fault per se, but comes from errors in the county GIS parcel layer.
>
> You took the plot plan prepared by our surveyor, then drew in where you thought the "waterway" was on it, referencing county parcel data. But your original point of orientation was where you thought the creek was based on the flawed parcel boundaries that lay over the top of it. I realize that is what you have to work with, but as you noted, survey data lets us get better.
>
> The correct procedure is to lay the survey-based parcel boundaries over the base GIS data set. If the county parcel layer was accurate, what I am saying to do would coincide perfectly with it. To do this, we start with the county GIS base you have. But then we lay the survey parcel data over the top. We can't start by placing the "waterway" on top of good survey data on what was expected based on what the flawed parcel data shows. You saw how far up the hillside you drew the creek - at least 30 feet above the draw. No grading ever moved a creek that far up a hillside.
>
> If we all had money (as you noted) we would have excellent data. What I would invite you to do with me, is bring the base map back, and lets locate the survey data on it. We can't start with the county parcel data because it induces expectation bias. The first time I looked at it, I flipped out because I thought our house was over the property line. Everything after that was skewed until I started looking at identifiable features based on where I knew survey monuments are.
>
> I wish we could do today over, starting from the correct base - the county GIS base. Then ignore the county parcel line layer, since the county itself notes it isn't overly accurate, and use real world survey data. We would have had a very different day today.
>
> I stand by my position that the "waterway" is at the base of the hill - which can be seen on the base layer.
>
> Anyway, if you can avoid the trap I originally fell in and let the wrong starting point guide my perceptions, you should get measurements that correspond fairly well with my 130 foot estimate. I also have pictures of the property when we bought it, before any brush clearing was done.
>
> I'll be around tomorrow and next week if you would like to talk.
>
> Thanks for your effort.
>
> Scott

FSTopo Map Product Download

Search for a place or quad



-122.825 40.700 Degrees

US Forest Service Enterprise Map Services Program...

F

From: **Scott and Sheri White** doublesw1998@gmail.com
Subject: Re: Developing Accurate Mapping
Date: February 10, 2023 at 10:12 AM
To: Rikki Townzen rtownzen@trinitycounty.org

Just finished another way to get to the finish line (pun intended). Took the plot plan our surveyor prepared based on survey data, plotted the location of the "waterway" on it (based on the 150' maximum from Section Line per USFS), then added the 100' base setback. While this approach results in the least favorable outcome (from an area available for septic standpoint) it still shows ample area available for septic placement. While I disagree with the "waterway" location the USFS shows (and that it even should be classified as such) this is important from my perspective - under the least favorable approach that can be used based on "accurate" USFS data and survey data, sufficient area for septic cannot be eliminated.

I think I'm done with this. Sun is out - time to go outside!

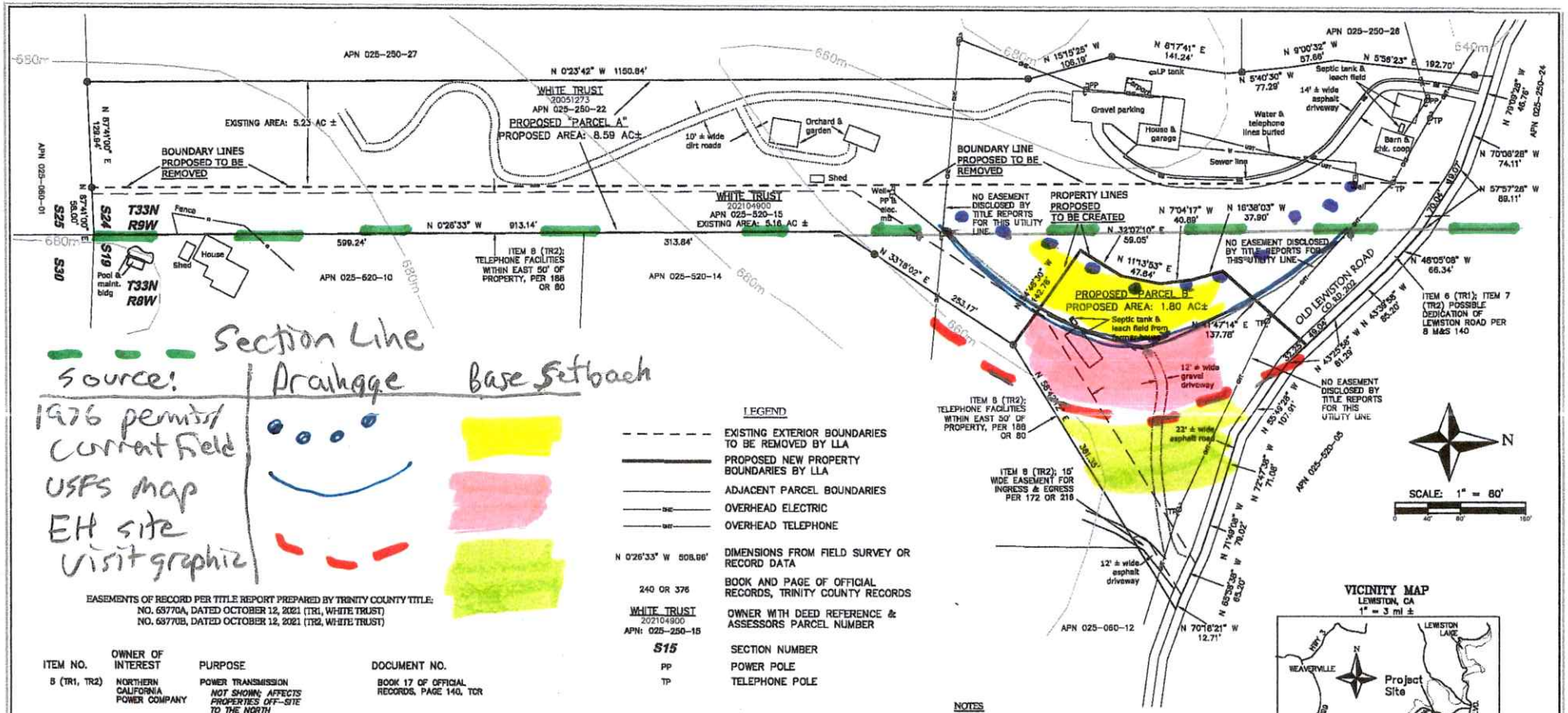
> On Feb 10, 2023, at 9:27 AM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
>
> Good morning Rikki -
>
> I got up this morning and found a simple way to do this.
>
> I took USDA Forest Service GIS Mapping and the scale provided and measured the distance from the Section Line between Sections 24 and 19 out to the "waterway" shown on the same map. At its maximum point, it appears to be around 150' east from the Section Line. I then took the unmodified base setback of 100' from the OWTS policy and traced it 100' to the east along the depicted "waterway". Both perc test locations fall out side of the area, plus there is ample room on both sides of the driveway where a system could be placed. This is the right way to approach this: I started with known GIS data that locates section line and water way, applied base OWTS setback and then looked at what is available based on actual surveyed property lines. No need to look at the known incorrect county parcel line layer.
>
> Further, the Lot Line Adjustment makes no change (has no impact) to the areas available for septic, which means the LLA has no impact on capability to support septic - which is the relevant criteria for review and approval of the LLA. This confirms the original assessment I submitted with the application, that being that the LLA is neutral in regard to septic placement (makes the parcel no more nor any less viable for development).
>
> I look forward to seeing what you come up with.
>
> Scott
>
>
>
> > On Feb 9, 2023, at 5:29 PM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
> >
> > Rikki -
> >
> > The more I have thought about the graphics you brought, the more I've realized you started from the wrong base. This isn't your fault per se, but comes from errors in the county GIS parcel layer.
> >
> > You took the plot plan prepared by our surveyor, then drew in where you thought the "waterway" was on it, referencing county parcel data. But your original point of orientation was where you thought the creek was based on the flawed parcel boundaries that lay over the top of it. I realize that is what you have to work with, but as you noted, survey data lets us get better.
> >
> > The correct procedure is to lay the survey-based parcel boundaries over the base GIS data set. If the county parcel layer was accurate, what I am saying to do would coincide perfectly with it. To do this, we start with the county GIS base you have. But then we lay the survey parcel data over the top. We can't start by placing the "waterway" on top of good survey data on what was expected based on what the flawed parcel data shows. You saw how far up the hillside you drew the creek - at least 30 feet above the draw. No grading ever moved a creek that far up a hillside.
> >
> > If we all had money (as you noted) we would have excellent data. What I would invite you to do with me, is bring the base map back, and lets locate the survey data on it. We can't start with the county parcel data because it induces expectation bias. The first time I looked at it, I flipped out because I thought our house was over the property line. Everything after that was skewed until I started looking at identifiable features based on where I knew survey monuments are.
> >
> > I wish we could do today over, starting from the correct base - the county GIS base. Then ignore the county parcel line layer, since the county itself notes it isn't overly accurate, and use real world survey data. We would have had a very different day today.
> >
> > I stand by my position that the "waterway" is at the base of the hill - which can be seen on the base layer.
> >
> > Anyway, if you can avoid the trap I originally fell in and let the wrong starting point guide my perceptions, you should get

Anyway, if you can avoid the trap I originally fell in and let the wrong starting point guide my perceptions, you should get measurements that correspond fairly well with my 130 foot estimate. I also have pictures of the property when we bought it, before any brush clearing was done.

I'll be around tomorrow and next week if you would like to talk.

Thanks for your effort.

Scott



Section Line
Drainage
Base Setback

Source:
1976 permits/
Current field
USFS map
EH site
visit graphic

EASEMENTS OF RECORD PER TITLE REPORT PREPARED BY TRINITY COUNTY TITLE:
NO. 63770A, DATED OCTOBER 12, 2021 (TR1, WHITE TRUST)
NO. 63770B, DATED OCTOBER 12, 2021 (TR2, WHITE TRUST)

ITEM NO.	OWNER OF INTEREST	PURPOSE	DOCUMENT NO.
5 (TR1, TR2)	NORTHERN CALIFORNIA POWER COMPANY	POWER TRANSMISSION *NOT SHOWN; AFFECTS PROPERTIES OFF-SITE TO THE NORTH*	BOOK 17 OF OFFICIAL RECORDS, PAGE 140, TCR
6 (TR2)	GRAY	INGRESS & EGRESS *SHOWN*	BOOK 172 OF OFFICIAL RECORDS, PAGE 216, TCR
6 (TR1); 7 (TR2)	COUNTY OF TRINITY	LEWISTON ROAD *NO APPARENT DEDICATION OFFERED OR ACCEPTED*	BOOK 8 OF MAPS & SURVEYS, PAGE 140
8 (TR2)	PT&T	COMMUNICATIONS POLE LINE *EXACT LOCATION NOT DEFINED. GENERAL AREA SHOWN*	BOOK 188 OF OFFICIAL RECORDS, PAGE 80, TCR

LEGEND

- EXISTING EXTERIOR BOUNDARIES TO BE REMOVED BY LLA
- PROPOSED NEW PROPERTY BOUNDARIES BY LLA
- ADJACENT PARCEL BOUNDARIES
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- N 0°26'33" W 508.86' — DIMENSIONS FROM FIELD SURVEY OR RECORD DATA
- 240 OR 376 — BOOK AND PAGE OF OFFICIAL RECORDS, TRINITY COUNTY RECORDS
- WHITE TRUST 202104900 APN: 025-250-15 — OWNER WITH DEED REFERENCE & ASSESSORS PARCEL NUMBER
- S15 — SECTION NUMBER
- PP — POWER POLE
- TP — TELEPHONE POLE

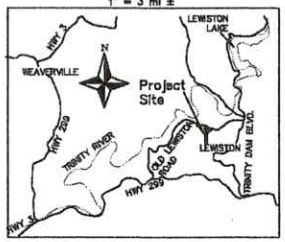
OWNER/APPLICANT
APN 025-250-22
SCOTT & SHERI WHITE
WHITE TRUST
PO BOX 291
LEWISTON, CA 96052
EX. AREA = 5.23 AC. ±
PROPOSED PARCEL A
PRO. AREA = 8.59 AC. ±

OWNER/APPLICANT
APN 025-520-15
SCOTT & SHERI WHITE
WHITE TRUST
PO BOX 291
LEWISTON, CA 96052
EX. AREA = 5.16 AC. ±
PROPOSED PARCEL B
PRO. AREA = 1.80 AC. ±

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW PARTICULARS OF A PROPOSED LOT LINE ADJUSTMENT ALONG WITH EXISTING SITE FEATURES FOR COUNTY REVIEW.
2. BOUNDARIES ARE SHOWN BASED ON A COMPILATION OF FIELD SURVEY AND RECORD DATA PER EXISTING SURVEYS AND DEEDS.
3. OWNERSHIP AND EASEMENTS SHOWN ARE PER PRELIMINARY TITLE REPORTS PREPARED BY TRINITY COUNTY TITLE COMPANY. SEE TABLE AT LEFT.
4. ALL FEATURES SHOWN ARE EXISTING UNLESS OTHERWISE NOTED.
5. CONTOURS SHOWN ARE SCALED FROM USGS TOPO QUAD "LEWISTON", 1982. CONTOUR LABELS ARE IN METERS.
6. UTILITIES ARE EXISTING: POWER BY TRINITY PUD. TELEPHONE BY AT&T. GAS BY LP DELIVERY. WATER BY WELL. WASTEWATER DISPOSAL BY SEPTIC SYSTEM.
7. NO HAZARDOUS OR SENSITIVE AREAS EXIST WITHIN THE PROJECT SITE NOR WITHIN 400 FEET OF THE PROJECT SITE
8. NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL RESOURCES EXIST WITHIN THE PROJECT SITE.
9. LAND USE OF ADJACENT AREAS: NORTH: UNDEVELOPED RESIDENTIAL; SOUTH: PRIVATE TIMBERLAND & BLM; EAST, WEST: RESIDENTIAL

VICINITY MAP
LEWISTON, CA
1" = 3 mi ±



LOT LINE ADJUSTMENT, MINOR PLOT PLAN - OPTION 2 TRINITY CO. #P-22-19

SHOWING IMPROVEMENTS, AND PROPOSED ADJUSTMENT OF BOUNDARY LINES, ON THE LANDS OF WHITE TRUST

UNINCORPORATED COMMUNITY OF LEWISTON

COUNTY OF TRINITY — STATE OF CALIFORNIA

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SCOTT WHITE IN DECEMBER, 2022.

DATED: 12/28/22 — Dylan L. Kolstad
DYLAN L. KOLSTAD — PLS 8152

LICENSED LAND SURVEYOR — DYLAN L. KOLSTAD — LS 8152 — STATE OF CALIFORNIA

LAND SURVEYOR
DYLAN KOLSTAD
KOLSTAD LAND SURVEYORS
PO BOX 594
BAYSIDE, CA 95524

KOLSTAD LAND SURVEYORS
PO BOX 594 BAYSIDE, CA 95524
VOICE (707) 822-2718 FAX (707) 822-5636
WWW.KOLSTADPLS.COM

APN 025-250-22; 025-520-15

NOV. 2021 JOB No. 2021-056 SHEET 1 OF 1

PLOT DATE: 12/28/22

G

From: **Scott and Sheri White** doublesw1998@gmail.com
Subject: Re: P-22-19 Condition of Approval c.
Date: February 14, 2023 at 10:50 AM
To: Rikki Townzen rtownzen@trinitycounty.org
Cc: Skylar Fisher sfisher@trinitycounty.org

To avoid starting an argument, I am going to propose an alternative. First, let me explain why:

The requirement for a lot line adjustment is to submit perc tests. There is no other information required - please look at the application checklist available from Planning. In our meeting back in August, we agreed to the use of perc tests exactly as required in the application submittal checklist.

Lets look at the Findings of Fact and Conditions of Approval adopted by the Board of Supervisors:

Finding of Fact #1: The application was deemed complete by action of county ordinance, with no action by the Planning Commission necessary for this determination. Finding of Fact #3: No further information is necessary or relevant to the decision to be made. Condition of Approval c: Environmental Health shall verify that adequate space for wastewater disposal (considering potential setbacks) is available on parcel B prior to recording of the "Notice of Lot Line Adjustment".

We merely need to show acceptable percs. We don't need to go beyond what the law allows for a LLA or the decision the Board made. They stated no additional information is needed, which neither EH or us have the authority to over-ride.

We are not designing a system here. We simply must show that there is sufficient area outside of required setbacks.

The law for approval of a LLA requires consistency with the General Plan, Zoning, and Building. The Board of Supervisors in place at the time the Lewiston Community Plan was adopted determined that the subject parcel was appropriate for residential use. The LLA does not change that. The parcel did not meet minimum parcel size per zoning at the time the LCP was adopted. The LLA does not change that. The area outside of potential required setbacks where a septic system could be located is exactly the same. The LLA did not change that. The Board of Supervisors approved our LLA because it complies with the applicable Government Code section. Environmental Health's role is to determine if there is area outside of potential setbacks. We aren't designing a system here, just area of potential.

According to Section 7.4 of the OWTS Regulation, acceptable perc rates are between 1MPI and 120 MPI. Our tests fell within this range. We could go back to the Board and argue we have done what the law and their approval requires us to do. But let me propose a way to avoid this.

ALTERNATIVE:

According to the U.S. EPA, a number of alternative systems are available to treat wastewater:

https://www.epa.gov/septic/types-septic-systems

Many of these types of systems have been approved and are in use throughout California.

So why don't we do this:

Issue a simple, brief determination:

- Given site conditions, the LLA did not change the area of potential use for OWTS.
- The perc tests provided with the LLA fall within the range potentially viable for use in conventional OWTS.
- The type of system (conventional v. alternative) and actual location will be determined upon application for a building permit for residential use.

This should be acceptable for all of us. It is stating exactly what the case will be for the parcel under prior and adjusted condition. We have a precedent for this: We agreed that evaluation of the existing septic system would be done in the future. In the current case, we would be stating that location and type of system will be determined in the future. Both statements are equally true under pre and post LLA conditions.

I'm not trying to shirk rules or do something bad, I just want to get the approval this week. We are agreeing to what will need to be done at the time of building permit, regardless of when its done. The perc stuff expires after a year anyway, so this proposal is what is going to happen in the future anyway.

The key here is that the LLA changes nothing. Whatever has to be done or will work does not change based on the LLA. It will be exactly the same under either condition. This is the issue we should all be focused on as set forth in the Government Code.

Despite frustration, I have proposed options throughout this matter. This is an easy solution that doesn't avoid any rules but does

avoid another trip to the Board of Supervisors. None of us should want that - we should all want to be finished.

Please respond today if possible.

Thank you.

Scott

On Feb 14, 2023, at 8:50 AM, Rikki Townzen <rtownzen@trinitycounty.org> wrote:

Good morning Scott,
I will need to bring the director out for a second site visit. Also, will you dig me an 8 foot hole near the top perc test spot. Let us know when this is ready and we can schedule the next appointment. Thank you.

Rikki Townzen
Environmental Health Specialist 1
Trinity County
(530) 623-1459 ext. 2814
61 Airport Rd. P.O. Box 476
Weaverville, CA 96093

The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited bases. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.

From: Scott and Sheri White <doublesw1998@gmail.com>
Sent: Monday, February 13, 2023 11:30 AM
To: Rikki Townzen <rtownzen@trinitycounty.org>
Cc: Skylar Fisher <sfisher@trinitycounty.org>
Subject: P-22-19 Condition of Approval c.

Good morning Rikki and Skylar -

The Condition of Approval relative to wastewater disposal reads as follows:

a. 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".

The original note from Kristy wanted to make sure that the parcel being made smaller still had adequate area for septic. This entire issue can be put to bed by answering the following three questions:

1. Were the submitted perc test results within the limits for standard OWTS?
2. Is there sufficient area available?

3. Did the LLA affect the area of potential for an OWTS?
Answers:
1. Yes. Well within limits.
2. Yes. There is 100' plus feet of additional area to the east of where the perc tests were done (considering property lines and driveway location). It is uphill, but that would just require locating the tank further east before running the lines.
3. No. The area available for potential OWTS is exactly the same before and after the LLA.

This is what the law requires when looking at consistency with the GP, zoning, and building ordinances for any/all issue for a LLA: Does the proposal make things better? Worse? Or Neutral?

Another way to put it: Does the LLA move toward the GP, zoning, building or away?

The Board of Supervisors already decided the answer in this case is "toward".

If you feel like preparing a big written report you can, but a simple "agree" response to this e-mail would suffice. This would avoid arguing over the exact location of the "waterway". We don't have to try and answer this, since all we need to do is determine if there is sufficient area. Under every approach I used, the area is ample.

I am trying to work with you on this. We aren't deciding on or designing a system. We just need to decide if there is area to do so. I'm not going to agree to anything that purports to show an exact location for the so-called "waterway". We don't have to have an exact location to make the required determination, so lets not create an issue where none needs to be. This might be an issue that needs to be debated/resolved in the future, but it does not need to be at this time.

Scott

H

From: **Scott and Sheri White** doublesw1998@gmail.com
Subject: Re: Deadline for Appeal
Date: February 14, 2023 at 5:48 PM
To: Ashley Piker apiker@trinitycounty.org
Cc: clerkoftheboard clerkoftheboard@trinitycounty.org, Suzie Hawkins shawkins@trinitycounty.org

---

Ashley -

One other key piece of information that County Counsel needs to include in the evaluation:

By County Code and State law, Planning is the lead agency for Lot Line Adjustments. Planning CANNOT delegate this responsibility set in code and law to another agency or entity. As I stated to the Board on January 3rd, it is the Planning Director's duty to evaluate and decide on all issues for a LLA. This includes the present case as to what is required regarding identification of "usable area" for septic. While Environmental Health is lead on the process for septic matters, they are not the lead in terms of deciding what is required by Trinity County Code Section 16.32.010 and Government Code Section 66412(d). If we had a Planning Director, I'm confident (based on 27 years of professional planning experience) that he or she would reach the same conclusion as I have presented here; the request by Environmental Health for a test pit is beyond the scope of what is allowed by the County or Government Code. It would be applicable if a permit was being requested, or for a different land use matter (like a subdivision) where different sections of the Government Code govern the process.

As I stated to the Planning Commission back in November, it is very frustrating to me as an applicant to have to explain how to apply relevant codes rather than spend my time speaking to the merits of our project. We desperately need a Planning Director to do the job of the Planning Director. This is true for every single applicant and every single resident in our county.

Please forward this to counsel.

Thank you.

Scott

> On Feb 14, 2023, at 4:21 PM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
>
> Ashley -
>
> Attached are the Findings of Fact and Conditions of Approval adopted by the Board of Supervisors when our project (P-22-19) was approved on January 3, 2023.
>
> <LLA_BOS_Findings_and_Conditions_Option2.docx>
>
> Of particular importance are the following:
>
> *Finding of Fact #1: The application was deemed complete by action of county ordinance, with no action by the Planning Commission necessary for this determination.*
>
> *Finding of Fact #3: No further information is necessary or relevant to the decision to be made.*
>
> *Finding of Fact #4: Upon removal of Parcel C, the project is a Lot Line Adjustment, Minor, which is a ministerial act, exempt from CEQA.*
>
> *Condition of Approval c: Environmental Health shall verify that adequate space for wastewater disposal (considering potential setbacks) is available on parcel B prior to recording of the "Notice of Lot Line Adjustment".*
>
> As agreed to in August and as required on the application checklist in use at the time of our application, **we showed/provided all of the required information**. This included all information required under the second checkbox, including all four bullets under item d. Bullet number four at that time read as follows: " location of soil percolation test holes and test wells". We included the perc test form as well. The version of the checklist now available online DOES NOT include a bullet #4.
>
> Based on the Board's approval, **we have now done all items**, including the revised legal descriptions and plot plan which we provided in the Board packet.
>
> Environmental Health visited the site for purposes of fulfilling condition c. They are now asking us to dig an 8' deep test pit and for another site visit. This is more time and money we are going to lose. Please note:
>
> - First, this is not required per the application checklist - we provided all items required under d.
> - Second, we are not designing a system. The requirements under item d. are to support identification of "usable area" in general. For a subdivision, greater detail may be needed, but that is not asked for nor needed for a LLA.
> - Third, the Board expressly found "no further information is necessary or relevant to the decision to be made". There is no legal basis for EH to ask what they are asking for.

There is a ton more that I have, but that is the basic issue.

When you meet with counsel, please also share the following:

I provided an acceptable to us compromise to Environmental Health in full compliance with applicable Government Code, County Code, and the Board's approval. As we have throughout this project, we offer alternatives and expect full compliance with regulations. We think we could say "no" to EH and just go back to the Board, but our proposal avoids that while not eliminating or committing to possible future options to either side. Win-Win. Our proposal:

Issue a simple, brief determination:

- ***Given site conditions, the LLA did not change the area of potential use for OWTS.***
- ***The perc tests provided with the LLA fall within the range potentially viable for use in conventional OWTS.***
- ***The type of system (conventional v. alternative) and actual location will be determined upon application for a building permit for residential use.***

Key is that the "usable area" as for purposes of onsite wastewater treatment is exactly the same before and after the LLA, considering topography, setbacks, property lines, etc. We stated with our application that this is the case and it still is. Consistency with the General Plan, Zoning and Building is the criteria set forth in the Government Code for evaluation of a LLA. We stated from the beginning, and the Board agreed, that our LLA is neutral or positive and the criteria set forth in law for a LLA. Put simply, whatever is possible/not possible when dealing with onsite wastewater is exactly the same with the LLA as if we never did it!

We aren't trying to cheat, avoid regulations, or do anything unethical. We have to get done, and we are doing what the law and Board require.

We believe the item should be put on the agenda as follows:

"Appeal of Environmental Health Director's decision regarding requirements to comply with approval of P-22-19:"

Possible, but less preferable to us, is:

"Request to modify condition of approval c. for P-22-19."

The second option is because the EH Director who wants something other than what was approved.

I would love to see County Counsel recommend to EH to accept what we propose. I'm going to fight like hell if we have to go back to the Board, but I would prefer to not have to do so. As I stated to Kristy, I'm offering a way out that does what needs to be done without an ugly fight. I hope by now folks at the county realize I say what I mean and do what I say. The Scott you get is the one earned based on how we are treated.

Thank you.

Scott White

On Feb 14, 2023, at 11:11 AM, Ashley Piker <apiker@trinitycounty.org> wrote:

Good Morning Scoot,

Put your concern in writing and email over to me and I will check with council on what the proper process is to get this moving forward. Let me know if you have any other questions or concerns. Also, I normally close the agenda Wednesday morning before the meeting. So if we could get something today or first thing in the morning that would be great. The meeting will be on the 22nd not the 21st due to a holiday on Monday.

Thank you,
Ashley Piker
Administrative Coordinator
Trinity County Administrative Office
(530) 623-1382
apiker@trinitycounty.org

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in

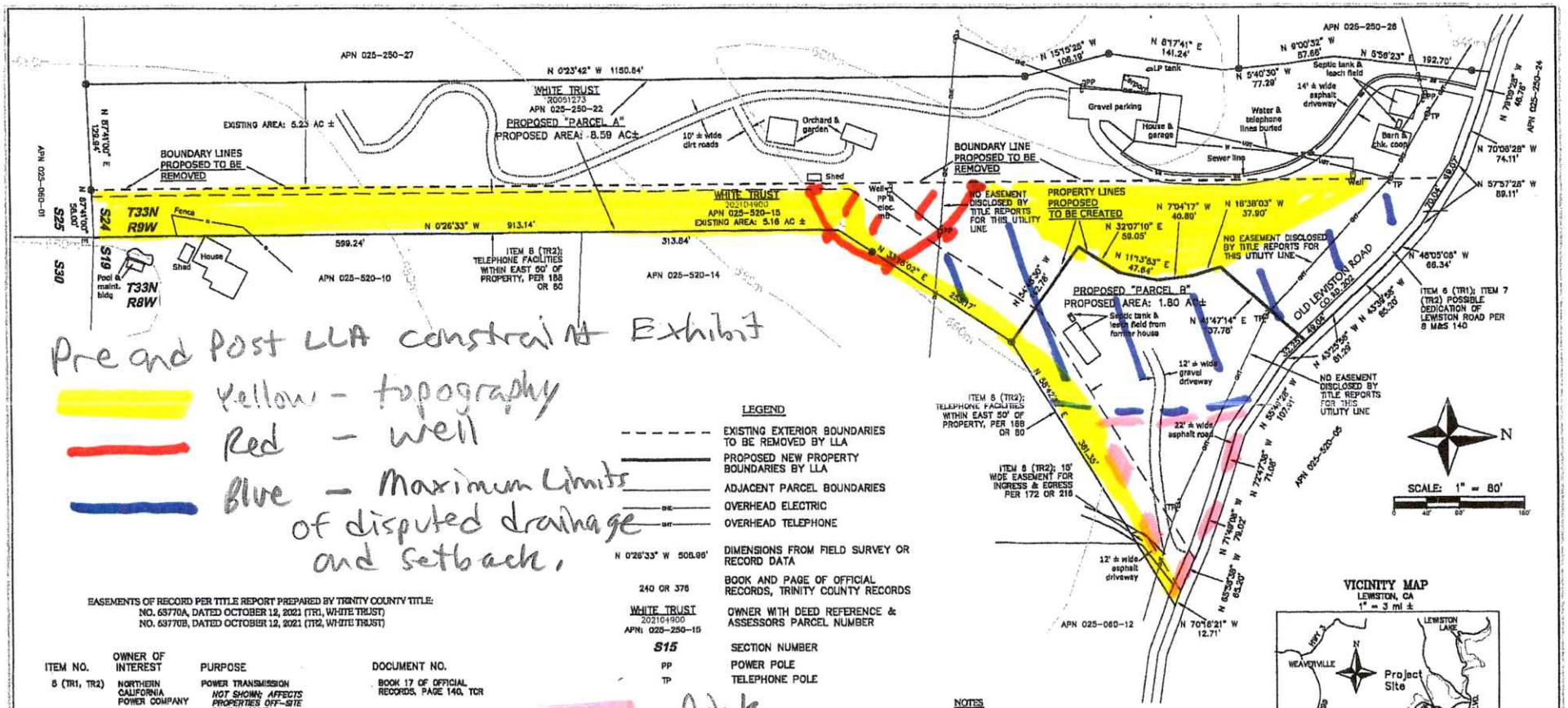
intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have received this transmission in error, please immediately notify me by replying to this e-mail or by telephone and destroy the original transmission and its attachments without reading them or saving them to disk .

-----Original Message-----
From: Scott and Sheri White <doublesw1998@gmail.com>
Sent: Tuesday, February 14, 2023 11:06 AM
To: clerkoftheboard <clerkoftheboard@trinitycounty.org>; Ashley Piker <apiker@trinitycounty.org>; Suzie Hawkins <shawkins@trinitycounty.org>
Subject: Re: Deadline for Appeal

I only found the form for appeal of a Planning Commission Decision to the Board. The appeal I need to make has no role for the Planning Commission to be involved. It is a Department Head's response to conditions approved by the Board.

> On Feb 14, 2023, at 11:01 AM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
>
> Also, where is the form to appeal a Director's Decision?
>
> > On Feb 14, 2023, at 10:57 AM, Scott and Sheri White <doublesw1998@gmail.com> wrote:
> >
> > Good morning Ashley -
> >
> > What is the deadline for an appeal to be submitted for the February 21, 2023, Board of Supervisors meeting?
> >
> > Thank you.
> >
> > Scott White

I



Pre and Post LLA constraint Exhibit

Yellow - topography

Red - well

Blue - Maximum Limits of disputed drainage and setback.

EASEMENTS OF RECORD PER TITLE REPORT PREPARED BY TRINITY COUNTY TITLE:
NO. 63770A, DATED OCTOBER 12, 2021 (TR1, WHITE TRUST)
NO. 63770B, DATED OCTOBER 12, 2021 (TR2, WHITE TRUST)

ITEM NO.	OWNER OF INTEREST	PURPOSE	DOCUMENT NO.
5 (TR1, TR2)	NORTHERN CALIFORNIA POWER COMPANY	POWER TRANSMISSION *NOT SHOWN; AFFECTS PROPERTIES OFF-SITE TO THE NORTH*	BOOK 17 OF OFFICIAL RECORDS, PAGE 140, TCR
6 (TR2)	GRAY	INGRESS & EGRESS *SHOWN*	BOOK 172 OF OFFICIAL RECORDS, PAGE 216, TCR
6 (TR1); 7 (TR2)	COUNTY OF TRINITY	LEWISTON ROAD *NO APPARENT DEDICATION OFFERED OR ACCEPTED*	BOOK 8 OF MAPS & SURVEYS, PAGE 140
8 (TR2)	PT&T	COMMUNICATIONS POLE LINE *EXACT LOCATION NOT DEFINED. GENERAL AREA SHOWN*	BOOK 188 OF OFFICIAL RECORDS, PAGE 80, TCR

Note: Blue area takes into account, all three potential locations of drainage.

LEGEND

- EXISTING EXTERIOR BOUNDARIES TO BE REMOVED BY LLA
- PROPOSED NEW PROPERTY BOUNDARIES BY LLA
- ADJACENT PARCEL BOUNDARIES
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- N 0°26'33" W 506.66' — DIMENSIONS FROM FIELD SURVEY OR RECORD DATA
- 240 OR 376 — BOOK AND PAGE OF OFFICIAL RECORDS, TRINITY COUNTY RECORDS
- WHITE TRUST 202104900 APN: 025-250-15 — OWNER WITH DEED REFERENCE & ASSESSORS PARCEL NUMBER
- S15 — SECTION NUMBER
- PP — POWER POLE
- TP — TELEPHONE POLE

Pink Limits outside of disputed area

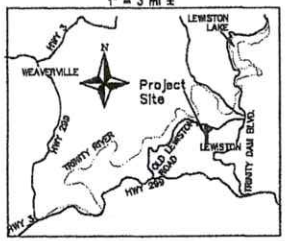
OWNER/APPLICANT
APN 025-250-22
SCOTT & SHERI WHITE
WHITE TRUST
PO BOX 291
LEWISTON, CA 96052
EX. AREA = 5.23 AC. ±
PROPOSED PARCEL A
PRO. AREA = 8.59 AC. ±

OWNER/APPLICANT
APN 025-520-15
SCOTT & SHERI WHITE
WHITE TRUST
PO BOX 291
LEWISTON, CA 96052
EX. AREA = 5.16 AC. ±
PROPOSED PARCEL B
PRO. AREA = 1.80 AC. ±

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW PARTICULARS OF A PROPOSED LOT LINE ADJUSTMENT ALONG WITH EXISTING SITE FEATURES FOR COUNTY REVIEW.
2. BOUNDARIES ARE SHOWN BASED ON A COMPILATION OF FIELD SURVEY AND RECORD DATA PER EXISTING SURVEYS AND DEEDS.
3. OWNERSHIP AND EASEMENTS SHOWN ARE PER PRELIMINARY TITLE REPORTS PREPARED BY TRINITY COUNTY TITLE COMPANY. SEE TABLE AT LEFT.
4. ALL FEATURES SHOWN ARE EXISTING UNLESS OTHERWISE NOTED.
5. CONTOURS SHOWN ARE SCALED FROM USGS TOPO QUAD "LEWISTON", 1982. CONTOUR LABELS ARE IN METERS.
6. UTILITIES ARE EXISTING: POWER BY TRINITY PUD. TELEPHONE BY AT&T. GAS BY LP DELIVERY. WATER BY WELL. WASTEWATER DISPOSAL BY SEPTIC SYSTEM.
7. NO HAZARDOUS OR SENSITIVE AREAS EXIST WITHIN THE PROJECT SITE NOR WITHIN 400 FEET OF THE PROJECT SITE
8. NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL RESOURCES EXIST WITHIN THE PROJECT SITE.
9. LAND USE OF ADJACENT AREAS: NORTH: UNDEVELOPED RESIDENTIAL; SOUTH: PRIVATE TIMBERLAND & BLM; EAST, WEST: RESIDENTIAL

VICINITY MAP
LEWISTON, CA
1" = 3 mi ±



LOT LINE ADJUSTMENT, MINOR PLOT PLAN - OPTION 2
TRINITY CO. #P-22-19

SHOWING IMPROVEMENTS, AND PROPOSED ADJUSTMENT OF BOUNDARY LINES, ON THE LANDS OF WHITE TRUST

UNINCORPORATED COMMUNITY OF LEWISTON

COUNTY OF TRINITY — STATE OF CALIFORNIA

KOLSTAD LAND SURVEYORS
PO BOX 594
BAYSIDE, CA 95524
VOICE (707) 822-2718
FAX (707) 822-5636
WWW.KOLSTADPLS.COM

APN 025-250-22; 025-520-15

NOV. 2021 JOB No. 2021-056 SHEET 1 OF 1

SCALE: 1" = 80'

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SCOTT WHITE IN DECEMBER, 2022.

DATED: 12/28/22 — Dylan L. Kolstad

DYLAN L. KOLSTAD PLS 8152

LICENSED LAND SURVEYOR — DYLAN L. KOLSTAD — LS 8152 — STATE OF CALIFORNIA

LAND SURVEYOR
DYLAN KOLSTAD
KOLSTAD LAND SURVEYORS
PO BOX 594
BAYSIDE, CA 95524

PLOT DATE: 12/28/22

Area for potential Septic System is the same with or without LLA.

J

Lot Line Adjustment: P-22-19 (Option 2)
Approved by Board of Supervisors: January 3, 2023
Trinity County Board of Supervisors

Determination for Condition of Approval c.

Condition of Approval 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".

Simple, brief determination as follows:

- Given site conditions, the Lot Line Adjustment did not change the area of potential use for an Onsite Wastewater Treatment System.
- The perc tests provided with the LLA fall within an area and percolation rate potentially viable for use in a conventional Onsite Wastewater Treatment System.
- The type of system (conventional v. alternative) and actual location will be determined upon application for a building permit for residential use.

TRINITY COUNTY

Office of the County Administrator

Elizabeth Hamilton, Interim County Administrative Officer
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1382 FAX (530) 623-8365

February 16, 2023

Scott White
PO Box 291
Lewiston, CA 96052

RE: Citizen Complaint

Dear Mr. White,

The Administrative Office is in receipt of your Citizen Complaint form dated 2/16/2023. Thank you for your time in submitting your concerns. Your complaint form will be forwarded to the County Administrative Officer and the Planning and Environmental Health Departments.

Thank you,

Ashley Piker
Administrative Coordinator