



TRINITY COUNTY
PLANNING – CANNABIS
530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

Edward Prestley, Interim Deputy Director

MEMORANDUM

DATE: Thursday, November 3, 2022
TO: Trinity County Planning Commission
FROM: Skylar Fisher, Associate Planner
SUBJECT: Item 3 - Major Lot Line Adjustment (P-22-19)

Planning staff is seeking Commission input and guidance regarding major lot line adjustment application P-22-19 which would result in the reconfiguration of three existing parcels in the Lewiston area. The existing and proposed parcel configurations are presented in an attached map. The application packet submitted to the Planning Department was reviewed by the County Surveyor and determined to lack sufficient evidence to show that the Parcel C was legally created or had legal access.

The application was submitted to the Planning Department on September 8, 2022. The County Surveyor contacted the surveyor who prepared the map about the legal access and creation concerns and requested vesting deeds for the project parcels on October 6, 2022. The surveyor did not respond until 30-days had passed from initial application intake. The surveyor who prepared the map was also not an authorized agent on the application. Due to not being directly contacted until after the 30-day window, the applicant states that the requested information is not required to process the lot line adjustment as the application should be deemed complete.

Recommendation:

Planning Staff recommends that the Planning Commission find application P-22-19 incomplete.

Attachments:

- A. Lot Line Adjustment Narrative
- B. Lot Line Adjustment Exhibit
- C. October 27, 2022 Applicant Email
- D. October 21, 2022, Applicant Letter
- E. October 6, 2022 County Surveyor Email
- F. Trinity County Code Section 17.30E – Application Processing Requirements
- G. Trinity County Code Section 16.32

White/Boeger Lot Line Adjustment:

Parcels Involved:

APN	ADDRESS	OWNER
025-250-22	1531 Lewiston Road	White Trust
025-520-15	1401 Lewiston Road	White Trust
025-520-10	1173 Lewiston Road	Boeger Trust

Project Description:

Lot line adjustment between three contiguous parcels to create more logical parcel boundaries based on topography and location of structures (see Lot Line Adjustment Plot Plan prepared by Kolstad Land Surveyors).

Background:

Parcels in the general area, including the subject parcels, were created by land divisions in the 1960's and 1970's. All three of the subject parcels were developed with single-family homes sometime prior to 2000. All three parcels were impacted by the July 2, 1999 Lowden Ranch Escaped Prescribed Burn (Lowden Fire). Homes on APN's 025-250-22 and 025-520-15 were destroyed while the home on APN 025-520-10 survived in a small unburned patch within the fire boundary. The current owners of all three parcels acquired them after the Lowden Fire.

Scott and Sheri White acquired APN 025-250-22 in 2001. A barn, well and septic system that survived the Lowden Fire were reutilized and a new home, orchard and garden built. APN 025-520-15 has been vacant since the Lowden Fire, with the exception of about five years when used for an illegal cannabis grow. Scott and Sheri White purchased this property in the summer of 2021. APN: 0250-520-10 was purchased by William and Meredith Boeger in 2016.

Project Objectives:

The White's purchased APN 025-520-15 and initiated this project with the following objectives:

1. Prevent possibility of future illegal cannabis grow.
2. Fuels reduction/fire protection.
3. Transfer unusable areas to APN 025-250-22 where they would become viable for agriculture and timber production.
4. Retain usable areas for future residential use.
5. Transfer area to APN 025-520-10 to address encroachment of existing home.

Accomplishment of Project Objectives for APN 025-520-15:

1. The area of the former illegal grow, including water well, is being transferred to APN 025-250-22 which the White's will continue to own. The (future) well agreement to allow adjusted APN 025-520-15 access to the existing well will specify domestic use only and expressly prohibit water use for cannabis. Figure A shows the approximate location of the former illegal grow.
2. Figure A shows fuels reduction/management activities conducted by the White's - both past and planned. Areas of hillside on APN 025-520-15 below the White's home will be transferred to APN 025-250-22 to allow access and management of fuels in perpetuity. This figure also shows the approximate boundary of the 1999 Lowden Fire.
3. As can be seen in figure A, APN 025-520-15 is a flag lot. The rear (southern) portion of the parcel is only 58 feet wide yet almost 1,000 feet deep with slopes in excess of three percent (3%). Transfer of this approximate one acre of area to APN 025-250-22 will reduce the need for future road construction by allowing the existing road to be used for timber management. An additional two acres suitable for timber management will also be transferred to APN 025-250-22.
4. The actual usable area on APN 025-520-15 will be virtually the same after the lot line adjustment as it is today – given parcel dimensions, terrain, drainage and applicable development standards. Figure B is a copy of the plot plan (existing and future parcel lines shown) with buildable areas depicted taking into account the aforementioned constraints. As can be seen, the area suitable for development is approximately 1.5 acres both before and after the lot line adjustment (parcel sizes of +/- 5.16 and +/- 1.80 acres respectively). While considering usable area, it is important to note that Lewiston Road is from 10 to 20 feet above the majority of the front portion of both parcels owned by the White's.

Figure B also shows the location of water tanks and water lines to provide water to adjusted 025-520-15 (installed fall of 2021). It also shows the location of the septic system and leach field associated with the former dwelling as well as the perc test holes used in support of the lot line adjustment application (location of ephemeral drainage also shown). Figure C is the completed Percolation Test Procedures form. Access to the building pad area will continue to be via existing driveway off Lewiston Road.

Note: Applicant and Planning Dept. staff agree that perc tests will be used to support the lot line adjustment and evaluation of existing septic system for re-use will be deferred to the future. The 1976 permit and final approval for the existing septic system were completed by the Building Department consistent with regulations in place at that time. Notes regarding future evaluation of the existing septic system have been placed in the Environmental Health Dept. tracking system.

5. Figure D is an enlarged portion of the plot plan showing the existing and proposed lot lines related to APN 025-520-10 (Boeger). As can be seen, the home sits on the property line, with the eve of the roof and fencing actually over the property line. The adjusted property line in this area will run from a point on the hill above the Boeger home to the existing corner between the two White parcels (APNs 025-250-22, 025-520-15). The Boeger home will be approximately 45 feet from the adjusted line, which will meet all applicable development standards – including the Fire Safe Ordinance. After the lot line adjustment, there will only be one White parcel in this area (APN 025-250-22).

Surrounding Parcel Sizes and Zoning:

The following are the existing parcel sizes and zoning designations in the area around the project site. Parcel size is given first, followed by zoning designation.

North:

(3.7, RR-10); (5.0, RR-10); (4.1, AF-20); (7.5, RR-5); (46.5, RR-10); (14.5, RR-10)

South:

(640 – TPZ); (292 – BLM)

East:

(4.6, RR-5); (5.0, RR-5); (5.9, RR-5); (20.8, RR-5); (2.3, RR-5); (2.0, RR-5); (1.9, RR-5); (1.0, RR-5); (1.0, RR-5); (1.0, RR-5); (0.8, RR-5)

West:

(4.5, AF-20); (2.5, AF-20); (2.0, AF-20); (15.1, AF-20); (21.0, AF-20); (20.0, AF-20)

Ten of the twenty-five parcels surrounding the project location comply with required minimum parcel sizes based on zoning while 15 do not (40% comply/60% do not comply).

General Plan Designation, Zoning and Size of Subject Parcels:

Figures E, F and G are from the 1986 Lewiston Community Plan as pulled from the Trinity County Planning Department website on December 18, 2021. Figure E, depicts the Lewiston Community Plan Area. The project location has been added to the exhibit as a dashed circle near the middle of the page (subject parcel area highlighted pink). The area with General Plan Land Use Designation of Resource (RE) at the bottom center of the exhibit was not labeled in the document available on the county website, so the label has been added. The three parcels involved in this lot line adjustment are adjacent to, or straddle, the RE/RR boundary.

Figure F is the Section 24 Zoning Quad and includes all of APN 025-250-22 and a portion of APN 025-520-15 (lower right, highlighted yellow). Figure G is the Section 19 Zoning Quad and

includes a portion of APN 025-520-15 and all of APN 025-520-10 (lower left, highlighted yellow. Note the dashed line on a portion of APN 025-520-15 which is the drainage shown on Figure B.

The existing size and zoning of the parcels is as follows:

APN	SIZE (acres)	ZONING
025-250-22	5.23	AF-20
025-520-15	5.16	AF-20/RR-5
025-520-10	5.12	RR-5
Note: two of three involved parcels do not currently comply with minimum parcel size per zoning.		

Applicable Requirements for Review and Approval:

Government Code Section 66412 (d) sets forth the standards applicable to the review and approval of the subject lot line adjustment. This section reads as follows:

(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).

Evaluation:

The statute limits local agency review and approval of the subject lot line adjustment to a determination of whether or not the resulting parcels will conform to the local general plan, applicable specific plan, and local zoning and building ordinances. In the present case, this

determination must take into account that the subject parcels did not fully conform to the Lewiston Community Plan and zoning at the time of plan adoption. In fact, less than half of the parcels in the project vicinity conformed to the Lewiston Community Plan at the time it was adopted. For these reasons, the following evaluation focuses on whether the proposed lot line adjustment is reasonable in light of the goals, policies and intent of the plan.

Issue: Lewiston Community Plan/General Plan Consistency

The proposed lot line adjustment is consistent with and/or implements the following goals/policies of the Lewiston Community Plan:

Chapter 4 – Economic Development

Goal #4:

To ensure resource production lands continue to be utilized for such purposes.

- Protection of resource areas from encroachment by incompatible uses.

Chapter 7 – Natural Resources

Goal #2:

To protect areas of special habitat considerations within the Plan Area.

- Encourage rehabilitation efforts aimed at increasing winter forage opportunities throughout the Plan Area.
- Encourage the utilization of alternative land development techniques, such as clustering of units, so as to provide for both development and habitat protection.

Goal #5:

To encourage development which is consistent with the natural carrying capacity of the area's soils.

- Discourage development on highly erodable, unstable, or steep slopes.

Goal #6:

To encourage retention of productive forest lands and agricultural areas.

Chapter 8 - Hazards

Goal #3:

To deter development away from unstable slopes or soils.

Chapter 9 - Community Design

Goal #1:

To maintain the identity of existing neighborhood areas.

- Implement zoning map that does not incorporate radical departures from existing land uses or densities.

Chapter 10 - Land Use

Goal #1:

To develop a land use pattern which implements the other elements of the Community Plan.

Goal #2:

To provide a variety of land use types and densities within the Plan Area.

Goal #3:

To guide development in such a manner that an acceptable balance is achieved between the costs for public facilities and services and revenues or improvements required of new developments.

The Community Plan incorporates the following objectives designed to achieve this Goal:

- Encourage development within or adjacent to areas already served with public facilities or services.

- Discourage development which requires expensive facilities or long-range service costs unless an adequate funding source can be assured.

Goal #4:

To encourage development which is consistent with the natural carrying capacity of the area's soils.

To assist in achievement of this Goal the Plan incorporates the following objective:

- Discourage development on highly erodible, unstable, or steep slopes.

Goal #5:

To encourage the retention and utilization of resource land for timber production, agricultural uses, and mineral extraction.

- Encourage, as a primary use, forest management activities within important timber resource areas.

Issue: Zoning Ordinance Consistency

All three existing parcels and/or development are inconsistent with the following zoning requirements: minimum parcel size (APN:025-250-22 and APN 025-520-15) and Fire Safe setback (home on APN: 025-520-10). After the proposed lot line adjustment, parcels APN: 025-250-22 and 025-520-10 will continue to not meet the minimum parcel size requirement. It is important to note that there is no configuration possible which would allow these two parcels to meet minimum parcel size requirements. A second point to note is that the proposed lot line adjustment will not allow for greater development density than the current configuration allows.

Section 30.3 (Minimum Lot Size) of the Trinity County Zoning Ordinance provides some guidance that is useful in the present instance. Section E (Property Divided by Separate General Plan Land Use Designations) provides flexibility from meeting minimum parcel sizes required by zoning if certain findings can be made (in Section 30.3 B). Issues to consider include ability to meet water and sewage disposal requirements; efficiency of design considering issues such as topography, slopes, resource management, and usable area; and, not allowing for future subdivision potential which would allow a greater number of parcels than allowed by zoning. While the present case is somewhat different (reconfigure existing split designated lot vs. subdividing of same), the reasoning and issues outlined in this code section are relevant to the review.

Issue: Building Ordinance Consistency

Existing APN: 025-520-15 is approximately 5.16 acres. After the proposed lot line adjustment, it will be approximately 1.80 acres. As was shown in Figure B, the actual usable area for development is virtually identical under both conditions. There is sufficient room after adjustment to meet all county building standards.

Conclusion:

As they exist today, all three of the parcels involved in this lot line adjustment fail to meet at least one element of the Trinity County Zoning Ordinance. After the lot line adjustment, only two parcels will remain out of compliance. There is actually no action possible under applicable zoning standards to bring the two out-of-compliance parcels into compliance. Furthermore, there are more parcels in the project area out of compliance regarding minimum parcel size requirements than are in compliance. Given this, it seems that more relevant considerations are: 1. Does the project conform with the broader intent of the zoning ordinance, and; 2. Are the involved owners and surrounding owners better off before or after the project?

1. Does the project conform with the broader intent of the zoning ordinance?

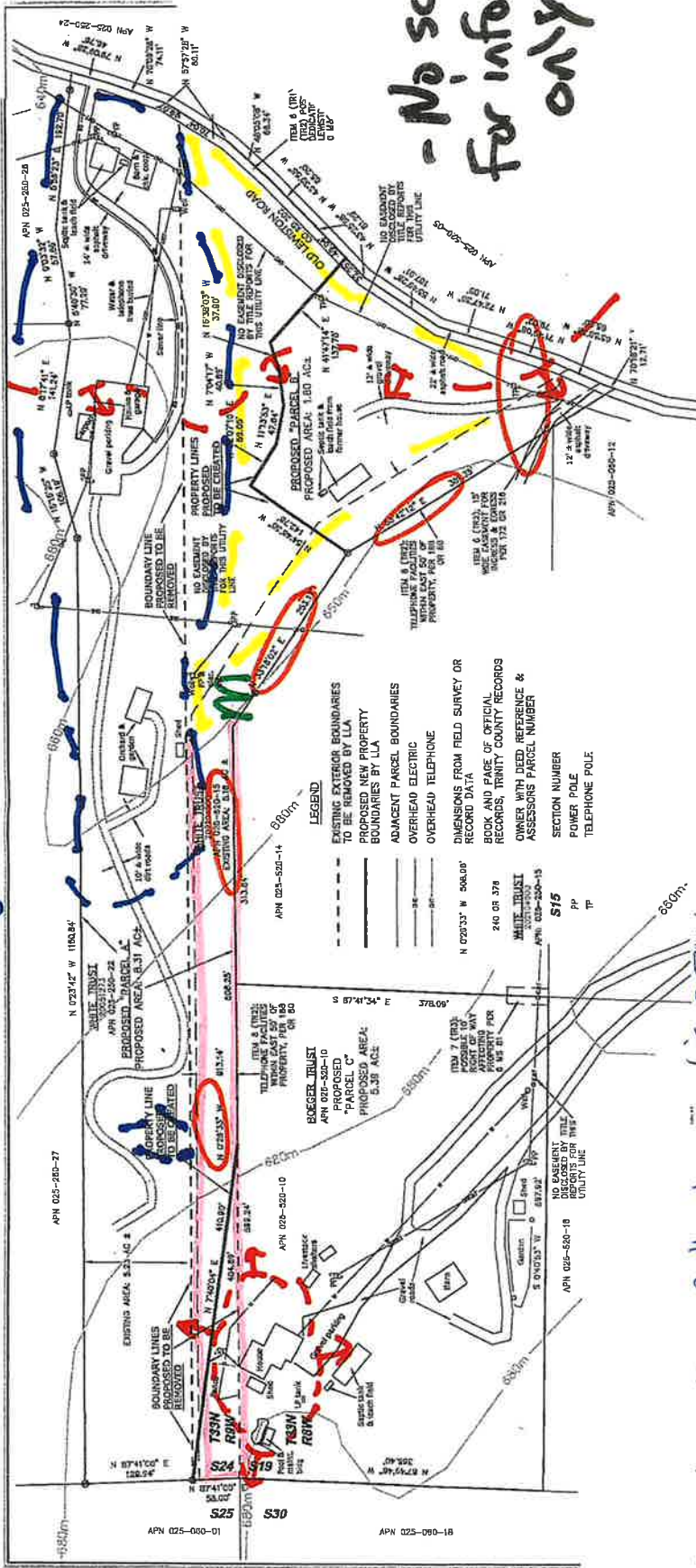
Yes. The potential density of development in the area will not increase as a result of the adjustment. In addition, the portion of the project area zoned for timber management will be more viable after the adjustment since all lands so designated will be on one, larger parcel.

2. Are the involved owners and surrounding owners better off before or after the project?

After. APN: 025-520-15 sat unmanaged for more than twenty years after the Lowden Fire. The only use to occur there (cannabis) was actually not permitted since the parcel is within the Lewiston Opt Out Area. The parcel had become overgrown with extensive brush fields and other dead material – a fire hazard for all surrounding properties. Since acquiring the parcel, the White's have undertaken extensive fuels reduction work and removed multiple loads of garbage and an abandoned vehicle from the property.

Adjusted APN: 025-520-15 is being made ready for straightforward residential development. Future need for earthwork on steep decomposed granite slopes has been reduced by combining all timber production areas into one parcel. The Boeger property will be in compliance with setback standards. The White's have lived in Lewiston for twenty-five years and are committed to the future of our community and county.

Figure "A"



- No scale
For information
only

M - Location of illegal cannabis grow. Arrows point toward burned area. Note: Home on 025-520-10

- - - - - Approximate boundary of Louden Fire. Arrows point toward burned area. Note: Home on 025-520-10

- - - - - Survived fire in small unburned pocket.

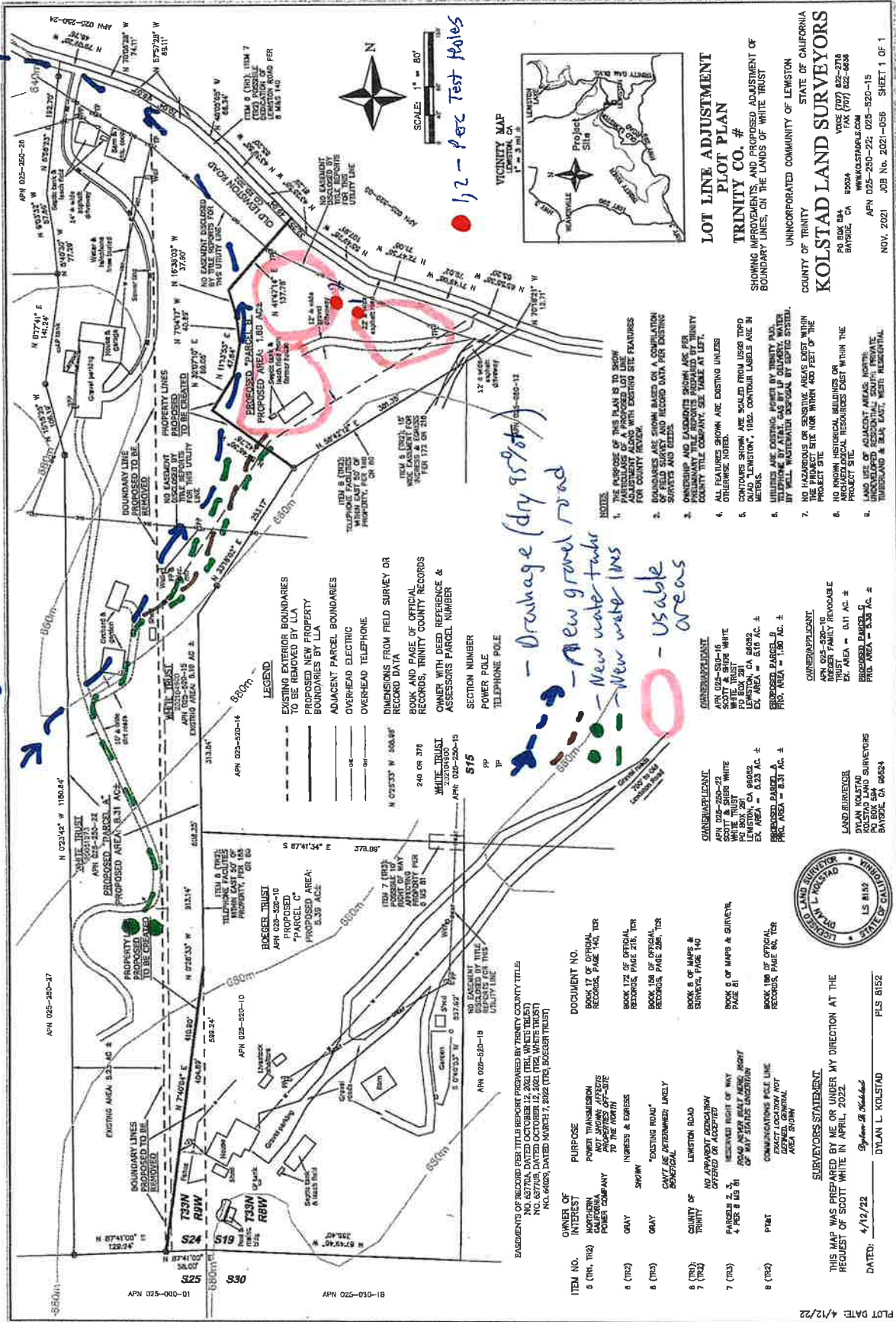
- - - - - Fuels management areas prior to purchase of 025-520-15

- - - - - Fuels management completed after purchase of 025-520-15

- - - - - Orange - Additional Fuels management planned.

- - - - - 50 foot wide portion of 025-520-15

Figure B



**LOT LINE ADJUSTMENT
PLOT PLAN**
TRINITY CO. #
SHOWING IMPROVEMENTS AND PROPOSED ADJUSTMENT OF
BOUNDARY LINES, ON THE LANDS OF WHITE TRUST

UNINCORPORATED COMMUNITY OF LEWISTON
STATE OF CALIFORNIA

KOLSTAD LAND SURVEYORS
COUNTY OF TRINITY
1000A
BARSBLE, CA 95004
PHONE (925) 522-2710
FAX (925) 522-4858
WWW.KOLSTADLANDSURVEYORS.COM

APN 025-250-22; 025-520-15
NOV. 2021 JOB No. 2021-056 SHEET 1 OF 1

- NOTES**
1. THE PURPOSE OF THIS PLAN IS TO SHOW PARTICULARS OF A PROPOSED LOT LINE ADJUSTMENT WITH EXISTING SITE FEATURES FOR COUNTY REVIEW.
 2. BOUNDARIES ARE SHOWN BASED ON A COMPARISON OF FIELD SURVEY AND RECORD DATA PER EXISTING SURVEYS AND DEEDS.
 3. OWNERSHIP AND EASEMENTS SHOWN ARE PER COUNTY TITLE COMPANY. SEE TABLE AT LEFT.
 4. ALL FEATURES SHOWN ARE EXISTING UNLESS OTHERWISE NOTED.
 5. CONTOURS SHOWN ARE SCALED FROM USGS TOPO MAPS OF LEWISTON, 1982. CONTOUR LABELS ARE IN METERS.
 6. UTILITIES ARE EXISTING UNLESS OTHERWISE NOTED. UTILITIES BY WHITE TRUST ARE SHOWN BY DOTTED SYMBOLS. IF FULL INFORMATION IS REQUIRED, CONTACT THE UTILITY COMPANY.
 7. NO IMPROVEMENTS OR UTILITIES ARE SHOWN WITHIN THE PROJECT SITE.
 8. NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL RESOURCES EXIST WITHIN THE PROJECT SITE.
 9. AND UNDEVELOPED ADJACENT SOUTHWEST, NORTHEAST, AND SOUTHWEST CORNERS OF THE TRACT, WEST OF THE TRACT, WEST OF THE TRACT, WEST OF THE TRACT.

LEGEND

- EXISTING EXTERIOR BOUNDARIES TO BE REMOVED BY LLA
- PROPOSED NEW PROPERTY BOUNDARIES BY LLA
- ADJACENT PARCEL BOUNDARIES
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- DIMENSIONS FROM FIELD SURVEY OR RECORD DATA
- BOOK AND PAGE OF OFFICIAL RECORDS, TRINITY COUNTY RECORDS
- OWNER WITH DEED REFERENCE & ASSESSORS PARCEL NUMBER
- SECTION NUMBER
- POWER POLE
- TELEPHONE POLE

1/2 - per Test Holes

Drainage (dry spot)

New gravel road

New water table

New water lines

Usable areas

ITEM NO.	INTEREST	PURPOSE	DOCUMENT NO.
5 (TR)	NORTHERN POWER COMPANY	POWER TRANSMISSION NOT SHOWN OFF-TO-TO THE NORTH	BOOK 17 OF OFFICIAL RECORDS, PAGE 140, TCR
6 (TR)	GRAY	INCREAS & EGRESS	BOOK 172 OF OFFICIAL RECORDS, PAGE 216, TCR
6 (TR)	GRAY	"CASTING ROAD" CAN'T BE DETERMINED, LACKS	BOOK 108 OF OFFICIAL RECORDS, PAGE 208, TCR
6 (TR)	TRINITY COUNTY	LEWISTON ROAD	BOOK 8 OF MAPS & SURVEYS, PAGE 140
7 (TR)	PARCELS 2, 3, 4 PER 8 AND 9	RESERVED RIGHT OF WAY ROAD WHEN BUILT HERE, RIGHT OF WAY STANDS UNDERMAN	BOOK 8 OF MAPS & SURVEYS, PAGE 81
8 (TR)	PIAT	CONTRASTATIONS BELL LINE EXACT LOCATION NOT AREA SHOWN	BOOK 108 OF OFFICIAL RECORDS, PAGE 208, TCR



SURVEYORS' STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SCOTT WHITE IN APRIL, 2021.

DATED: 4/10/22

DYLAN L. KOLSTAD PLS 8152

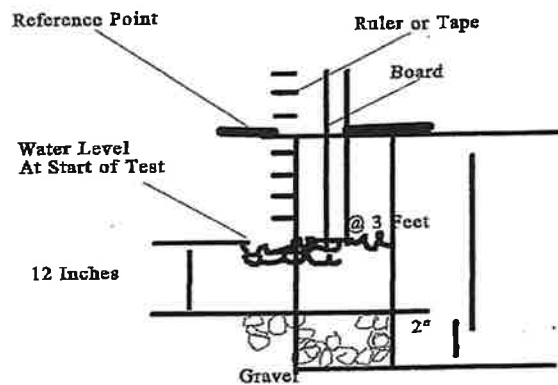
PERCOLATION TEST PROCEDURES

The object in conducting percolation tests of soil in which a drain field or seepage pit is to be installed, 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 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 (3 feet deep). 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 the fine gravel should be placed in the hold to prevent bottom scoring.
2. Fill the hold 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. After the above saturation, start with no more than 12 inches of water above the gravel (remove water if necessary) and begin the measurements.
3. 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 chart below.
4. Repeat the measurement at the end of 30 minutes. Continue making measurements at 30 minute intervals for 4 hours.
5. 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.
6. If the hole consistently drains in less than 30 minutes, make readings at 10 minute intervals.
7. Sketch plot plan on back of this form and/or on application form.

Percolation Test Results			
Hole 1		Hole 2	
Time	Depth to Water	Time	Depth To Water
11:00	24	Same	24
11:30	25		24½
12:00	25½	}	25
12:30	26½		25½
1:00	27½		26½
1:30	28		27
2:00	29		28
2:30	29½		29
3:00	30½		30



I hereby certify that the above percolation tests were done in accordance with the instructions and the results recorded here are true and correct.

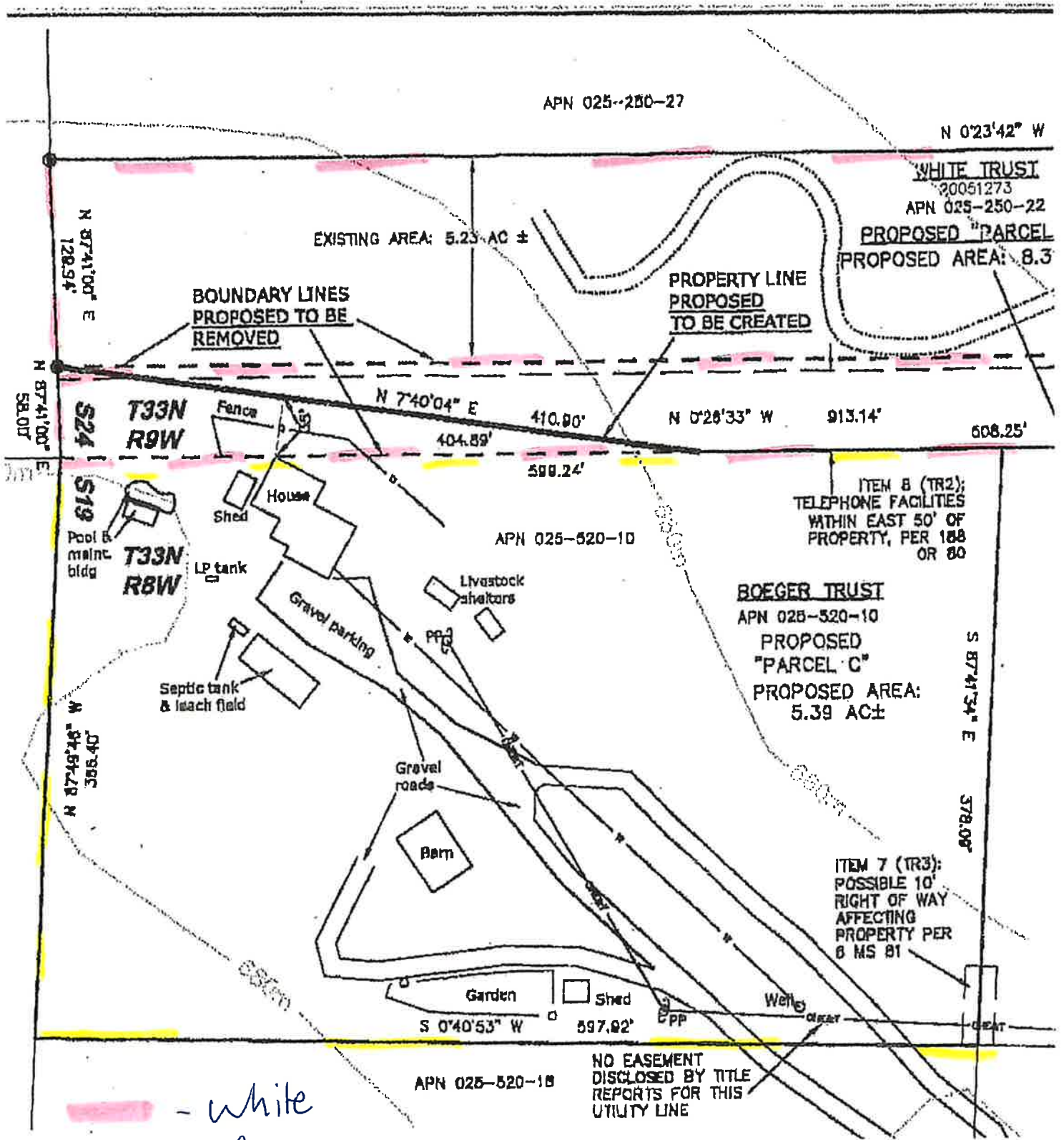
Date 8/13/22

AP Number 25/520/15

Trinity Pump & Supply
 Lic # 906821


 Signature _____ Certificate # _____
 Owner's Name Scott White

Figure "D"



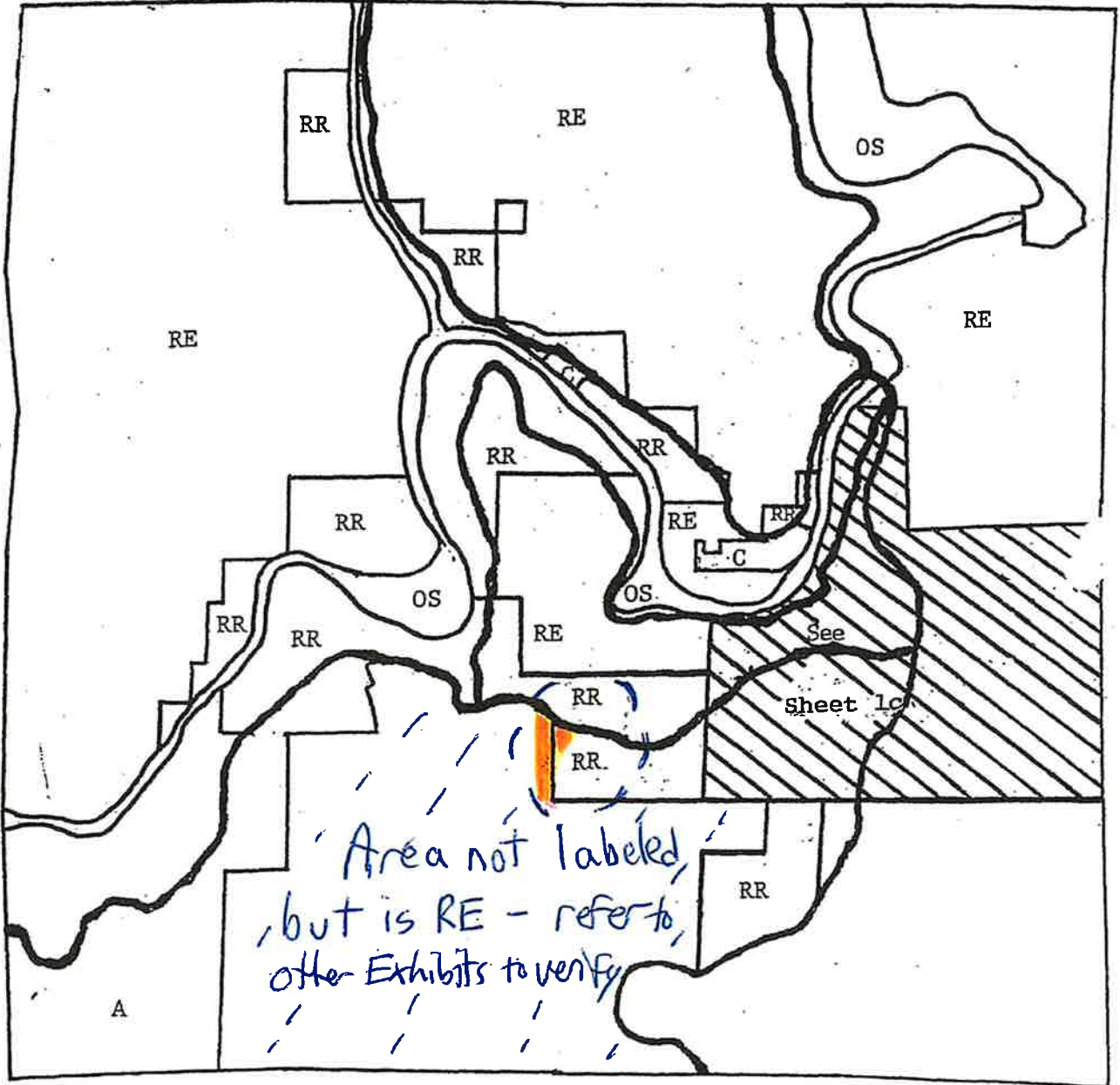
- white
- Boeger

Figure "E"

LEWISTON

COMMUNITY PLAN

AREA



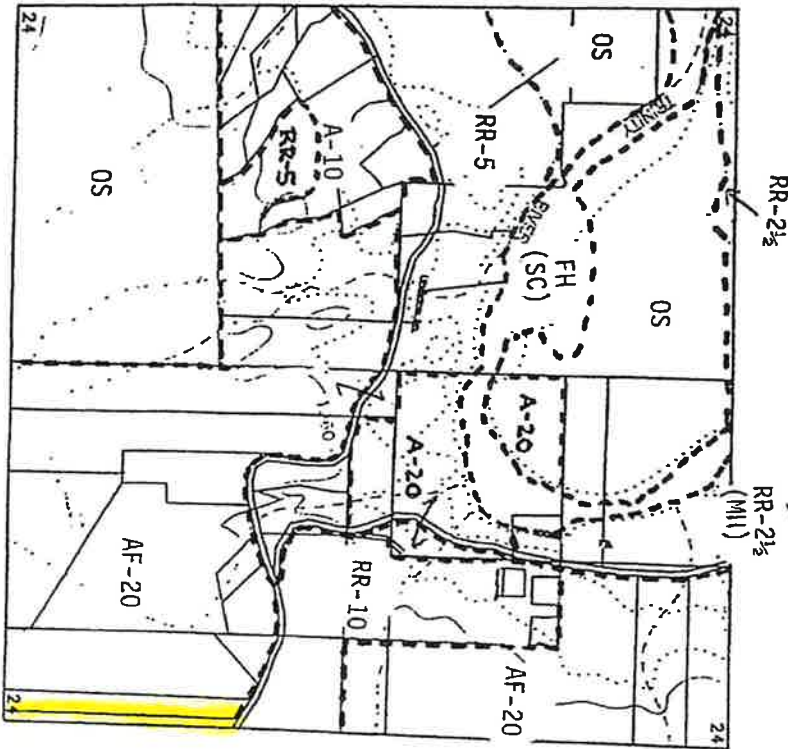
LEGEND

A - Agriculture
C - Commercial
OS--Open Space

RE - Resource
RR - Rural Residential

SHEET 1b

Figure "F"



ZONING QUADS

SECT. 24 R.33N 9W

COUNTY OF TRINITY
CALIFORNIA
April 15, 1986

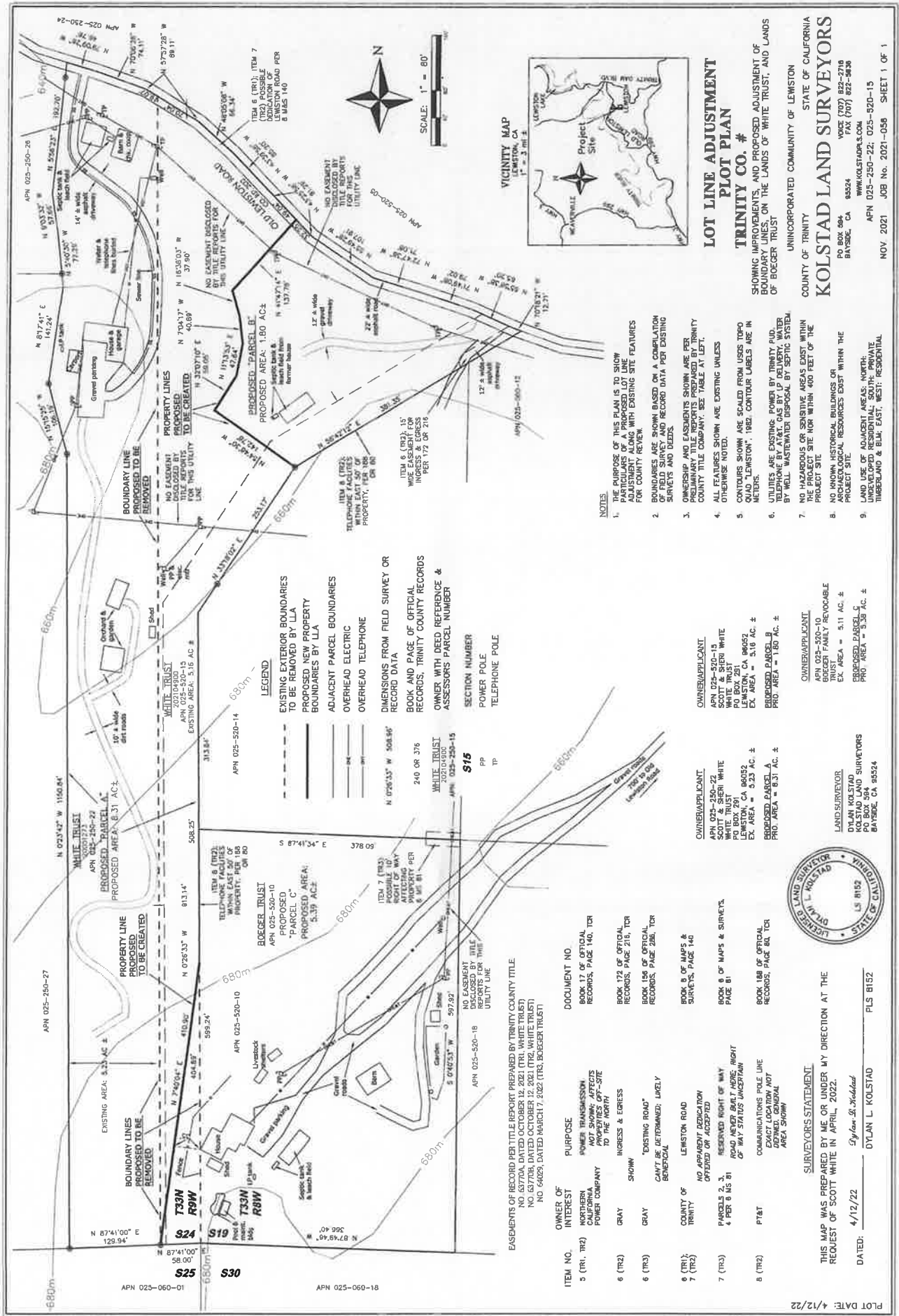
Prepared for :
Trinity County Planning Department
Prepared by :
Peckham, Inc.

11	12	7	8
14	13	18	17
23	24	19	20
26	25	30	29

1" = 800'



- Parcels
- Highways
- Improved Roads
- Unimproved Roads
- Waterways
- USGS Contours
- Intermediate Contours



**LOT LINE ADJUSTMENT
PLOT PLAN
TRINITY CO. #**

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

UNINCORPORATED COMMUNITY OF LEMSTON
COUNTY OF TRINITY
STATE OF CALIFORNIA

KOLSTAD LAND SURVEYORS
PO BOX 984
BAVISE, CA 95324
WWW.KOLSTADLANDS.COM
VOICE (707) 822-2710
FAX (707) 822-5630

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

- NOTES**
- THE PURPOSE OF THIS PLAN IS TO SHOW PARTICULARS CONCERNING THE PROPOSED LOT LINE ADJUSTMENTS, TOGETHER WITH EXISTING SITE FEATURES FOR COUNTY REVIEW.
 - BOUNDARIES ARE SHOWN BASED ON A CORRELATION OF FIELD SURVEY AND RECORD DATA PER EXISTING SURVEYS AND DEEDS.
 - OWNERSHIP AND EASEMENTS SHOWN ARE PER PRELIMINARY TITLE REPORTS PREPARED BY TRINITY COUNTY TITLE COMPANY. SEE TABLE AT LEFT.
 - ALL FEATURES SHOWN ARE EXISTING UNLESS OTHERWISE NOTED.
 - CONTOURS SHOWN ARE SCALED FROM USDS TOPO QUAD "LEMSTON", 1982. CONTOUR LABELS ARE IN METERS.
 - UTILITIES ARE EXISTING, POWER BY TRINITY P.U.D., TELEPHONE BY TRINITY P.U.D., SEWER BY TRINITY P.U.D., WASTE WATER DISPOSAL BY SEPTIC SYSTEM, BY WELL, WASTE WATER DISPOSAL BY SEPTIC SYSTEM.
 - NO UNDESIRABLE OR SENSITIVE AREAS EXIST WITHIN THE PROJECT SITE.
 - NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL RESOURCES EXIST WITHIN THE PROJECT SITE.
 - LAND USE OF ADJACENT AREAS: NORTH: UNDEVELOPED RESIDENTIAL SOUTH: PRIVATE TIMBERLAND & BLM, EAST: WEST: RESIDENTIAL

PROPERTY LINES PROPOSED TO BE CREATED
NO EASEMENT TO BE DISCLOSED BY THIS UTILITY LINE FOR THIS UTILITY LINE

PROPOSED "PARCEL B"
PROPOSED AREA: 1.80 AC ±

PROPOSED "PARCEL C"
PROPOSED AREA: 5.39 AC ±

PROPOSED "PARCEL A"
PROPOSED AREA: 8.31 AC ±

PROPOSED "PARCEL D"
PROPOSED AREA: 5.11 AC ±

PROPOSED "PARCEL E"
PROPOSED AREA: 8.39 AC ±

PROPOSED "PARCEL F"
PROPOSED AREA: 1.80 AC ±

EXISTING EXTERIOR BOUNDARIES TO BE REMOVED BY LLA

PROPOSED NEW PROPERTY BOUNDARIES BY LLA

ADJACENT PARCEL BOUNDARIES

OVERHEAD ELECTRIC

OVERHEAD TELEPHONE

DIMENSIONS FROM FIELD SURVEY OR RECORD DATA

BOOK AND PAGE OF OFFICIAL RECORDS, TRINITY COUNTY RECORDS

OWNER WITH DEED REFERENCE & ASSESSOR'S PARCEL NUMBER

SECTION NUMBER

POWER POLE

TELEPHONE POLE

ITEM NO.	INTEREST	PURPOSE	DOCUMENT NO.
5 (TR), (TR2)	NORTHERN CALIFORNIA POWER COMPANY	POWER TRANSMISSION NOT SHOWN; AFFECTS TO THE NORTH	BOOK 17 OF OFFICIAL RECORDS, PAGE 140, TOR
6 (TR2)	GRAY	INGRESS & EGRESS	BOOK 172 OF OFFICIAL RECORDS, PAGE 218, TOR
6 (TR3)	GRAY	CANT BE DETERMINED; LIKELY RESIDENTIAL	BOOK 156 OF OFFICIAL RECORDS, PAGE 288, TOR
6 (TR1); 7 (TR2)	COUNTY OF TRINITY	LEMSTON ROAD	BOOK 8 OF MAPS & SURVEYS, PAGE 140
7 (TR3)	PARCELS 2, 3, 4 PER S 15 91	NO HEREDITARY DEDICATION OFFERED OR ACCEPTED	BOOK 8 OF MAPS & SURVEYS, PAGE 81
8 (TR2)	P1&T	COMMUNICATIONS PALE LINE LOCATED; NOT DETECTED; BOUNDARY AREA SHOWN	BOOK 186 OF OFFICIAL RECORDS, PAGE 80, TOR

BOUNDARY LINES PROPOSED TO BE REMOVED

PROPERTY LINES PROPOSED TO BE CREATED

EXISTING EXTERIOR BOUNDARIES TO BE REMOVED BY LLA

PROPOSED NEW PROPERTY BOUNDARIES BY LLA

ADJACENT PARCEL BOUNDARIES

OVERHEAD ELECTRIC

OVERHEAD TELEPHONE

DIMENSIONS FROM FIELD SURVEY OR RECORD DATA

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OWNER WITH DEED REFERENCE & ASSESSOR'S PARCEL NUMBER

SECTION NUMBER

POWER POLE

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SECTION NUMBER

POWER POLE

TELEPHONE POLE



OWNER/APPLICANT:
APN 025-520-10
BOEGER FAMILY REVOCABLE EX. AREA = 5.11 AC ±
PROPOSED PARCEL C PRO. AREA = 8.39 AC ±

LAND SURVEYOR:
DYLAN KOLSTAD
PO BOX 984
BAVISE, CA 95324

SURVEYOR'S STATEMENT:
THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SCOTT WHITE IN APRIL, 2021.

DATED: 4/12/22 *Dylan L. Kolstad*
DYLAN L. KOLSTAD PLS 8152

OWNER/APPLICANT:
APN 025-520-10
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PROPOSED PARCEL C PRO. AREA = 8.39 AC ±

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DATED: 4/12/22 *Dylan L. Kolstad*
DYLAN L. KOLSTAD PLS 8152

Skylar Fisher

From: Scott and Sheri White <doublesw1998@gmail.com>
Sent: Thursday, October 27, 2022 7:15 PM
To: Skylar Fisher
Cc: Edward O. Prestley
Subject: Re: Just Checking In

Thank you for the update. As I have stated from the very inception of this project (different staff in Planning at the time) and to both you and Ed, I remain available to work with you.

Please take this e-mail as my official request to have the following information included with what you send to the Planning Commission:

- “White/Boeger Lot Line Adjustment”. This is my analysis of the project submitted with our application.
- Plot Plan prepared by Kolstad Land Surveyors. This was submitted with our application.
- Letter from myself to Ed Prestley dated October 21, 2022. This covers ordinances relevant to the determination of “complete”.

It is important that the Commission have this information so that they can act on our project, since I am confident that the Commissioners will understand the applicable ordinances and be able to do so.

Thank you.

Scott

On Oct 27, 2022, at 4:58 PM, Skylar Fisher <sfisher@trinitycounty.org> wrote:

Hi Scott,

The Planning Director referred the project to the Planning Commission for guidance on the application completeness concern and the ability to process the LLA without having confirmation of legal creation of Parcel C and without having confirmation of legal access to Parcel C nor the vesting deeds requested by the county surveyor. It is difficult for the county surveyor to review the exhibit and supporting documents without having that information.

Skylar Fisher
Associate Planner
Planning Department | Trinity County

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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: Wednesday, October 26, 2022 7:18 PM

To: Skylar Fisher <sfisher@trinitycounty.org>

Subject: Just Checking In

Hi Skylar -

Just wanted to see how things are going with our LLA and if you had any questions or items I could help with.

Thanks.

Scott White

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.

Mr. Ed Prestley

October, 21, 2022

Page 2 of 2

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
530-778-3833

Thank you.



Scott White

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

RECEIVED

OCT 24 2022

**TRINITY COUNTY
PLANNING DEPARTMENT**

Skylar Fisher

From: Joan Carr <carrlandcivil@gmail.com>
Sent: Thursday, October 6, 2022 3:57 PM
To: kolstad@kolstadpls.com
Cc: Andrew Pence; Craig Lindsey; Skylar Fisher; Edward O. Prestley
Subject: RE: TC-136 P-22-19 LLA KOLSTAD WHITE BOEGER
Attachments: 5 MS 186.pdf

Dylan,

Did you want to supply closure calcs to supply any of the legal descriptions?
I have also attached the map 5 MS 186 for your use. The recording date (6/8/1972) seems to suggest that further proof of legal creation may be necessary.
Please call if you need to discuss. I will suspend continued checking for now.

Thanks,
Joan

Joan E. Carr
PLS RCE QSD/QSP
530-778-0877/530-921-1775
carrlandcivil@gmail.com

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From: Joan Carr <carrlandcivil@gmail.com>
Sent: Thursday, October 6, 2022 3:36 PM
To: 'kolstad@kolstadpls.com' <kolstad@kolstadpls.com>
Cc: 'Andrew Pence' <apence@trinitycounty.org>; 'Craig Lindsey' <clindsey@trinitycounty.org>; 'Skylar Fisher' <sfisher@trinitycounty.org>; 'Edward O. Prestley' <eoprestley@trinitycounty.org>
Subject: RE: TC-136 P-22-19 LLA KOLSTAD WHITE BOEGER

Dylan,

I also need a copy of 219 OR 175 (the correction to 6 M&S 81). This may also help with your legal access question.

Thanks,
Joan

Joan E. Carr

Attachment E

PLS RCE QSD/QSP
530-778-0877/530-921-1775
carrlandcivil@gmail.com

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From: Joan Carr <carrlandcivil@gmail.com>
Sent: Thursday, October 6, 2022 3:09 PM
To: 'kolstad@kolstadpls.com' <kolstad@kolstadpls.com>
Cc: 'Andrew Pence' <apence@trinitycounty.org>; 'Craig Lindsey' <clindsey@trinitycounty.org>; 'Skylar Fisher' <sfisher@trinitycounty.org>; 'Edward O. Prestley' <eoprestley@trinitycounty.org>
Subject: TC-136 P-22-19 LLA KOLSTAD WHITE BOEGER

Mr. Kolstad,

Please supply vesting deeds for the 3 properties and, if necessary, proof of legal creation for the Boeger property. Please provide copies of all documents referenced in the title reports, I have the record maps. Please provide information on the legal access from Lewiston Road (public R/W) to the Boeger property. The other two properties are immediately adjacent to the public R/W of Old Lewiston Road.

Thank you,
Joan

County Surveyor
Trinity County

Joan E. Carr
PLS RCE QSD/QSP
530-778-0877/530-921-1775
carrlandcivil@gmail.com

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Chapter 17.30E APPLICATION PROCESSING REQUIREMENTSSections:**17.30E.010 General description.**

- A. All applications for entitlements described in this title shall be in writing and shall be filed in the planning department office upon forms provided by the planning director.
- B. Each application shall be accompanied by appropriate fees, plans, specifications, and other information required by the planning director. The commission or board of supervisors may, by resolution, specify information to be included with applications for particular types of projects.

17.30E.020 Acceptance of applications.

- A. An application shall be deemed to be accepted as complete when the planning director, or his designee, has determined that all required information has been provided and the application is certified as complete to initiate environmental review.
- B. Any application for any project for which the planning director has determined that there is a categorical exemption pursuant to the California Environmental Quality Act shall be deemed to be certified as complete if, within ten days after the submittal of an application and payment of fees, the planning director has not determined that additional information is necessary and unless the planning director has provided, or has attempted to provide, written notice to the applicant of the requirements for such additional information.
- C. Within thirty 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.
- D. An application shall not be certified as complete while an appeal of any decision by the commission or planning director related to the project is pending. The time limits established pursuant to subsection B and C of this section shall be suspended from the date upon which such an appeal is filed to the date eleven working days after a final decision is made on the appeal.

17.30E.030 Requests for additional information—Withdrawal of application.

- A. If the planning director determines that further information is required, he shall so inform the applicant specifying the information requested.
- B. An applicant shall provide requested information to the planning director within thirty days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the planning director. After an application has been certified as complete, the planning director shall not extend the period beyond the thirty-day period unless the applicant agrees to waive or extend the one-year time limit provided by Government Code Section 65950 for the number of days that the information period is extended beyond thirty days.

- C. Any application shall be deemed withdrawn and all filing fees forfeited if the information requested has not been provided within the time specified in subsection B above; provided, however, that within ten days of such action the applicant may appeal to the commission.
- D. The commission may grant an extension of time if it determines there are unusual circumstances, beyond the control of the applicant, which have precluded timely compliance with the request.
- E. The commission may relieve an applicant from providing information requested by the director if it determines that the information is not necessary or relevant to the decisions to be made and issues to be considered by the county with respect to the project.
- F. If an applicant has provided information responding to a request pursuant to this section and the planning director has not requested further information or determined that information to be unsatisfactory within twenty days after receipt of the information, the application shall be deemed to be certified as complete.
- G. At any time after an application has been certified as complete, the planning director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the commission, board of supervisors, or any other governmental body having jurisdiction by law over the project. The foregoing application withdrawal provisions shall also apply to requests for information pursuant to this section.

17.30E.040 Decisions—Denial for inadequate information.

- A. Notwithstanding any other provision of this title to the contrary, it shall be the responsibility of the applicant to insure that the decision-making authorities receive all information relevant to their decisions.

If a decision-making authority determines that it lacks sufficient information with respect to any aspect of a project over which it has jurisdiction, such project application shall be denied; provided, however, that the action may be continued if the applicant agrees in writing to provide such information within the specified time and to waive any time limit within which the project application must be acted upon by the county, and to waive any limitations on the county's authority to require additional information.

17.30E.050 Fees.

- A. Each applicant shall pay in advance an initial filing fee as established in the county fee resolution. The initial filing fee shall include a staff processing charge and, if applicable, planning commission fees. In the event that the actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the planning director specifying the additional amount due.
- B. An applicant shall have no right to file an appeal with either the planning commission or the board of supervisors on the issue of the amount or propriety of any fee.
- C. An application shall be deemed withdrawn when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon of the first planning commission or board of supervisors hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due.

Chapter 16.32 LOT LINE ADJUSTMENTS AND MERGERS

Sections:

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).

(Ord. 1195 §3(part), 1995)

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, agents authorization (if applicable); a map drawn to scale of one inch equals one hundred feet, unless a different size is approved by the county surveyor, (number of copies to be determined by planning director), names and addresses of 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.

(Ord. 1195 §3(part), 1995)

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.

(Ord. 1195 §3(part), 1995)

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 days to submit their comments.

(Ord. 1195 §3(part), 1995)

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 days prior to the hearing. In addition, all persons owning property within three hundred 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 days prior to the hearing.

(Ord. 1195 §3(part), 1995)

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 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 days, shall be provided to the planning director prior to recording the notice of lot line adjustment.

(Ord. 1195 §3(part), 1995)

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 the 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.

(Ord. 1195 §3(part), 1995)

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 months of the date of approval or conditional approval of a lot line adjustment shall terminate all proceedings, unless a time extension is granted.

(Ord. 1195 §3(part), 1995)

16.32.063 Time extension.

The advisory agency, or their designee, may grant one extension of time up to but not exceeding twelve months beyond the twenty-four months allowed for completing the lot line adjustment. Requests for time extension shall be made, in writing, to the advisory agency not less than thirty days prior to the expiration of the lot line adjustment.

(Ord. 1195 §3(part), 1995)