



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
 860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR  
 TELEPHONE: 707-234-6650  
 FAX: 707-463-5709  
 FB PHONE: 707-964-5379  
 FB FAX: 707-961-2427  
 pbs@mendocinocounty.org  
 www.mendocinocounty.org/pbs

December 13, 2022

Department of Transportation  
 Environmental Health - Ukiah  
 Assessor  
 Farm Advisor  
 Agriculture Commissioner

Forestry Advisor  
 Resource Lands Protection Committee  
 Department of Forestry/ CalFire  
 -Resource Management  
 Department of Fish and Wildlife

Regional Water Quality Control Board  
 Laytonville Municipal Advisory Council  
 Cloverdale Rancheria  
 Redwood Valley Rancheria  
 Sherwood Valley Band of Pomo Indians

**CASE#:** A\_2022-0007

**DATE FILED:** 11/21/2022

**OWNER:** ISLAND MOUNTAIN LP

**APPLICANT/AGENT:** TOM WAGNER

**REQUEST:** Request to re-establish an Agricultural Preserve and Williamson Act contract on a 156± parcel used as grazing land in the Island Mountain area.

**LOCATION:** On a private road 17± miles northwest of Covelo, 0.5± miles southwest of Island Mountain Road (private) and 1.5± miles southeast of its intersection with the Trinity County line, located at 73500 Island Mountain Road, Covelo; APN 011-670-20.

**SUPERVISORIAL DISTRICT:** 3

**STAFF PLANNER:** LIAM CROWLEY

**RESPONSE DUE DATE:** December 27, 2022

**PROJECT INFORMATION CAN BE FOUND AT:**

[www.mendocinocounty.org](http://www.mendocinocounty.org)

Select "Government" from the drop-down; then locate Planning and Building Services/Public Agency Referrals.

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to [pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org). Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

**REVIEWED BY:**

Signature \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

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**APN/S:** 011-670-20

**PARCEL SIZE:** 157± Acres

**GENERAL PLAN:** Rangeland 160-Acre Minimum (RL:160)

**ZONING:** Rangeland (RL)

**EXISTING USES:** Agricultural, residential

**DISTRICT:** 3 (Gjerde)

**RELATED CASES:** IC\_2022-0758

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	<u>ADJACENT GENERAL PLAN</u>	<u>ADJACENT ZONING</u>	<u>ADJACENT LOT SIZES</u>	<u>ADJACENT USES</u>
<b>NORTH:</b>	Rangeland (RL:160)	Rangeland (RL)	118± Acres	Agricultural
<b>EAST:</b>	RL:160	RL	158± Acres	Agricultural
<b>SOUTH:</b>	RL:160	RL	160± Acres	Agricultural
<b>WEST:</b>	RL:160	RL	32±, 76± Acres	Agricultural

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**REFERRAL AGENCIES**

**LOCAL**

- Agricultural Commissioner
- Assessor's Office
- Department of Transportation (DOT)
- Environmental Health (EH)
- Farm Advisor
- Forestry Advisor

- Laytonville MAC
- Resource Lands Protection Com.

**STATE**

- CALFIRE (Resource Management)
- California Dept. of Fish & Wildlife
- Regional Water Quality Control Board

**TRIBAL**

- Cloverdale Rancheria
  - Redwood Valley Rancheria
  - Sherwood Valley Band of Pomo Indians
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**ADDITIONAL INFORMATION:** According to the County Assessor's office, the previous contract non-renewed and expired in 2020.

**STAFF PLANNER:** LIAM CROWLEY

**DATE:** 12/9/2022

## ENVIRONMENTAL DATA

### **1. MAC:**

GIS

*Laytonville Municipal Advisory Council*

### **2. FIRE HAZARD SEVERITY ZONE:**

CALFIRE FRAP maps/GIS

*High*

### **3. FIRE RESPONSIBILITY AREA:**

CALFIRE FRAP maps/GIS

*State Responsibility Area (SRA)*

### **4. FARMLAND CLASSIFICATION:**

GIS

*Grazing Land*

### **5. FLOOD ZONE CLASSIFICATION:**

FEMA Flood Insurance Rate Maps (FIRM)

*None*

### **6. COASTAL GROUNDWATER RESOURCE AREA:**

Coastal Groundwater Study/GIS

*N/A*

### **7. SOIL CLASSIFICATION:**

Mendocino County Soils Study Eastern/Western Part

*Soil Map Unit No. 200, 205, 206, 228, and 107*

### **8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:**

LCP maps, Pygmy Soils Maps; GIS

*No*

### **9. WILLIAMSON ACT CONTRACT:**

GIS/Mendocino County Assessor's Office

*Yes, expired in 2020*

### **10. TIMBER PRODUCTION ZONE:**

GIS

*No*

### **11. WETLANDS CLASSIFICATION:**

GIS

*Riverine (near southeastern property boundary)*

### **12. EARTHQUAKE FAULT ZONE:**

Earthquake Fault Zone Maps; GIS

*No*

### **13. AIRPORT LAND USE PLANNING AREA:**

Airport Land Use Plan; GIS

*No*

### **14. SUPERFUND/BROWNFIELD/HAZMAT SITE:**

GIS; General Plan 3-11

*No*

### **15. NATURAL DIVERSITY DATABASE:**

CA Dept. of Fish & Wildlife Rarefind Database/GIS

*No*

### **16. STATE FOREST/PARK/RECREATION AREA ADJACENT:**

GIS; General Plan 3-10

*No*

### **17. LANDSLIDE HAZARD:**

Hazards and Landslides Map; GIS; Policy RM-61; General Plan 4-44

*No*

### **18. WATER EFFICIENT LANDSCAPE REQUIRED:**

Policy RM-7; General Plan 4-34

*No*

### **19. WILD AND SCENIC RIVER:**

[www.rivers.gov](http://www.rivers.gov) (Eel Only); GIS

*No*

### **20. SPECIFIC PLAN/SPECIAL PLAN AREA:**

Various Adopted Specific Plan Areas; GIS

*No*

### **21. STATE CLEARINGHOUSE REQUIRED:**

Policy

*No*

### **22. OAK WOODLAND AREA:**

USDA

*No*

### **23. HARBOR DISTRICT:**

Sec. 20.512

*N/A*



PLANNING & BUILDING SERVICES

CASE NO:	A 2022-0007
DATE FILED:	11/21/22
FEE:	\$4,657-
RECEIPT NO:	53249
RECEIVED BY:	ROF
Office Use Only	

APPLICATION FORM

APPLICANT: Appl: 011-670-20

Name: Tom Wagner Phone: 619-723-0333

Mailing Address: 1419 Franciscan Way

City: San Diego State/Zip: Ca. 92116 Email: tom1419@gmail.com

PROPERTY OWNER:

Name: Island Mountain LP Phone: 619-723-0333

Mailing Address: 1419 Franciscan Way

City: San Diego State/Zip: Ca 92116 Email: Tom1419@gmail.com

AGENT:

Name: Tom Wagner Phone: 619-723-0333

Mailing Address: 1419 Franciscan Way

City: San Diego State/Zip: Ca 92116 Email: Tom1419@gmail.com

ASSESSOR'S PARCEL NUMBER/S:

TYPE OF APPLICATION:

- Administrative Permit
- Agricultural Preserve: New Contract
- Agricultural Preserve: Cancellation
- Agricultural Preserve: Rescind & ReEnter
- Airport Land Use
- Development Review
- Exception
- Flood Hazard Development Permit
- General Plan Amendment
- Land Division - Minor
- Land Division - Major
- Land Division - Parcel
- Land Division - Re-Subdivision
- Modification of Conditions
- Reversion to Acreage
- Rezoning
- Use Permit - Cottage
- Use Permit - Minor
- Use Permit - Major
- Use Permit - Modification
- Variance
- Other

I certify that the information submitted with this application is true and accurate.

Signature of Applicant/Agent

Date

Signature of Owner

Date

**SITE AND PROJECT DESCRIPTION QUESTIONNAIRE**

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

**THE PROJECT**

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

Place parcel of land into the Williamson Act

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2. Structures/Lot Coverage	NO. OF UNITS		SQUARE FOOTAGE		
	EXISTING	PROPOSED	EXISTING	PROPOSED	TOTAL
<input type="checkbox"/> Single Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Duplex <input type="checkbox"/> Multifamily <input type="checkbox"/> Other: <input type="checkbox"/> Other:	None	None	- 0 -	- 0 -	- 0 -
<b>GRAND TOTAL (Equal to gross area of Parcel):</b>					

3. If the project is ~~commercial, industrial or institutional~~, complete the following:

Estimated No. of Employees per shift: \_\_\_\_\_

Estimated No. of shifts per day: \_\_\_\_\_

Type of loading facilities proposed: \_\_\_\_\_

**4. Will the project be phased?**

YES  NO If yes, explain your plans for phasing:

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**5. Will vegetation be removed on areas other than the building sites and roads?**

YES  NO If no, explain:

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**6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?**

YES  NO If yes, explain:

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**7. How much off-street parking will be provided?**

	Number	Size
No. of covered spaces:	0	_____
No. of uncovered spaces:		_____
No. of standard spaces:		_____
No. of accessible spaces:		_____
Existing no. of spaces:		_____
Proposed additional spaces:		_____
Total:	↓	_____

**8. Is any road construction or grading planned? If yes, grading and drainage plans may be required.**

YES  NO Also, please describe the terrain to be traversed. (e.g., steep, moderate slope, flat, etc.)

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**9. For grading or road construction, complete the following:**

Amount of cut: \_\_\_\_\_ cubic yards

Amount of fill: \_\_\_\_\_ cubic yards

Max. height of fill slope: \_\_\_\_\_ feet

Max. height of cut slope: \_\_\_\_\_ feet

Amount of import/export: \_\_\_\_\_ cubic yards

Location of borrow or disposal site: \_\_\_\_\_

10. Does the project involve sand removal, mining or gravel extraction? If yes, detailed extraction, reclamation and monitoring plans may be required.

YES  NO

11. Will the proposed development convert land currently or previously used for agriculture to another use?

YES  NO

12. Will the development provide public or private recreation opportunities?

YES  NO If yes, explain how:

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13. Is the proposed development visible from State Highway 1 or other scenic route?

YES  NO

14. Is the proposed development visible from a park, beach or other recreational area?

YES  NO

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?

Diking:  YES  NO

Filling:  YES  NO

Dredging:  YES  NO

Structures:  Open Coastal Waters  Wetlands  Estuaries  Lakes

If so, what is the amount of material to be dredged/filled?: \_\_\_\_\_ cubic yards

Location of dredged material disposal site?: \_\_\_\_\_

Has a U.S. Army Corps of Engineers permit been applied for?  YES  NO

16. Will there be any exterior lighting?

YES  NO If yes, describe below and identify the location of all exterior lighting on the plot and building plans.

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17. Utilities will be supplied to the site as follows:

Electricity:  Utility Company (service exists to parcel)

Utility Company (requires extension of service to site): \_\_\_\_\_ feet \_\_\_\_\_ miles

On Site Generation – Specify:

Gas:  Utility Company/Tank

On Site Generation – Specify:

None

Telephone:  YES  NO

18. What will be the method of sewage disposal?

- Community Sewage System (specify supplier): \_\_\_\_\_
- Septic Tank
- Other (specify): NO CONSTRUCTION PLANNED

19. What will be the domestic water source:

- Community Water System (specify supplier): \_\_\_\_\_
- Well
- Spring
- Other (specify): \_\_\_\_\_

20. Are there any associated projects and/or adjacent properties under your ownership?

- YES
  - NO
- If yes, explain: (e.g., Assessor's Parcel Number, address, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, State and Federal agencies:

None  
\_\_\_\_\_  
\_\_\_\_\_

22. Describe the location of the site in terms of readily identifiable landmarks: (e.g., mailboxes, mile posts, street intersections, etc.)

Island Mountain - located south end of south fork of Pel River.  
located at the end of Island Mountain Rd.  
\_\_\_\_\_  
\_\_\_\_\_

23. Are there existing structures on the property? If yes, describe below and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

- YES
- NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. Will any existing structure be demolished or removed? If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.

- YES
- NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



25. What is the maximum height of all structures?

Existing: 0 feet  
Proposed: 0 feet

26. What is the gross floor areas of all structures, including covered parking and accessory buildings?

Existing: 0 square feet  
Proposed: 0 square feet

27. What is the total lot area within property lines?

Total Lot Area: \_\_\_\_\_  acres  square feet

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful:

Subject property is open grazing land, gentle slopes used for grazing cattle by Island Mountain since 1979.  
~~1979~~

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.

Surrounding property has timber growth and open range land used for cattle grazing

30. Indicate the surrounding land uses:

	Vacant	Residential	Agriculture	Commercial	Industrial	Public Facility	Timberland	Other
North:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
East:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
West:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# California Farm Lease Agreement

This **Farm Lease Agreement** (hereinafter referred to as the "Agreement" or "Lease") is entered into as of October 1, 2022, by and between Island Mountain L P, with a mailing address of 1419 Franciscan Way, San Diego, CA 92116 (hereinafter referred to as the "Landlord") and Maiga Berzins, with a mailing address of 2801 B St., #178, San Diego, CA 92102 (hereinafter referred to as the "Tenant"), collectively referred to as the "Parties," both of whom agree to be bound by this Agreement.

**1. The Property.** The Landlord hereby leases to the Tenant, to use for agricultural purposes, property, located in Mendocino County, and is identified as APN/Parcel No: 011-670-20 consisting of 156 acres, and further described as follows:

See Exhibit "A" (attached). Tenant is to allow no more than 30 cows to graze on said property.

Tenant is to have two 2-year extensions, subject to a cost-of-living adjustment (COLA), to be adjusted annually, based on the 11th District Cost of Funds Index (COFI).

The property is hereinafter referred to as the "Property." The Landlord reserves the right to use the following land and buildings on the Property:

None

The Landlord warrants that they have the right to lease the land and buildings, and will defend the Tenant's possession against any and all persons whomsoever.

**2. Right of Entry.** The Landlord reserves the right of themselves, their agents, their employees, or their assigns to enter the Property at any reasonable time for the following purposes:

- Consultation with the Tenant;
- Making repairs, improvements, and inspections;
- Developing mineral resources;

- After notice of termination of the Lease is given, none of which is to interfere with the Tenant in carrying out regular farm operations.

**3. Rights to Sublet.** The Landlord does not convey to the Tenant the right to lease or sublet any part of the Property or to assign the Lease to any person or persons whomsoever.

**4. Sale of Property.** If the Landlord should sell or otherwise transfer title to the land and buildings, they will do so subject to the provisions of this Lease.

**5. Binding Agreement.** The terms of this Agreement shall be binding upon the heirs, executors, administrators, and successors of both the Landlords and Tenant in like manner as upon the original parties. However, in event the Agreement is for more than one year, the heirs or successors of the Tenant shall have the option to give written notice of termination effective at the end of the Lease year in which the death occurs.

**6. Improvements to the Land.** To improve the land, conserve its resources, and maintain it in a high state of cultivation, the Parties agree as follows:

- a. The Tenant will maintain the land during their tenancy in as good condition as at the beginning, normal wear and depreciation and damages from causes beyond Tenant's control excepted.
- b. The Tenant will operate the land in an efficient and husbandlike way.
- c. The Tenant will not, without oral consent of the Landlord, cut live trees for sale or personal use.
- d. The Landlord reserves the right to prevent the production of any crop on any or all land where the production of such crop would clearly damage the land due to excessive erosion or other causes.
- e. The Tenant will use fertilization practices which will prevent depletion of the essential plant food elements in the soil.

The Tenant will maintain the buildings and equipment during their- tenancy in as good condition as at the beginning, normal wear and depreciation beyond Tenant control excepted.

**7. Rent.** The Tenant agrees to pay to the Landlord as cash rent the amount of \$ 3000.00 , per year and such payment will be made as follows:

\$3000.00 due Oct 1, 2022

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**10. Term of Lease.** The term of this Agreement shall be two years from October 1, 2022, to September 30, 2024, and this Lease shall continue in effect from year to year thereafter until written notice of termination is given by either Party to the other at least three months before expiration of this Lease or any renewal.

The Tenant agrees that they or their agent will possess the land and facilities continuously during the term of the Lease. The Tenant agrees to surrender possession of the land, buildings and equipment peaceably at the termination of the Lease.


**11. Renewal.** A request for general review of the Lease may be at least 90 days prior to the final date for giving notice to terminate this Lease. Amendments and alterations to this Agreement shall be made in writing.

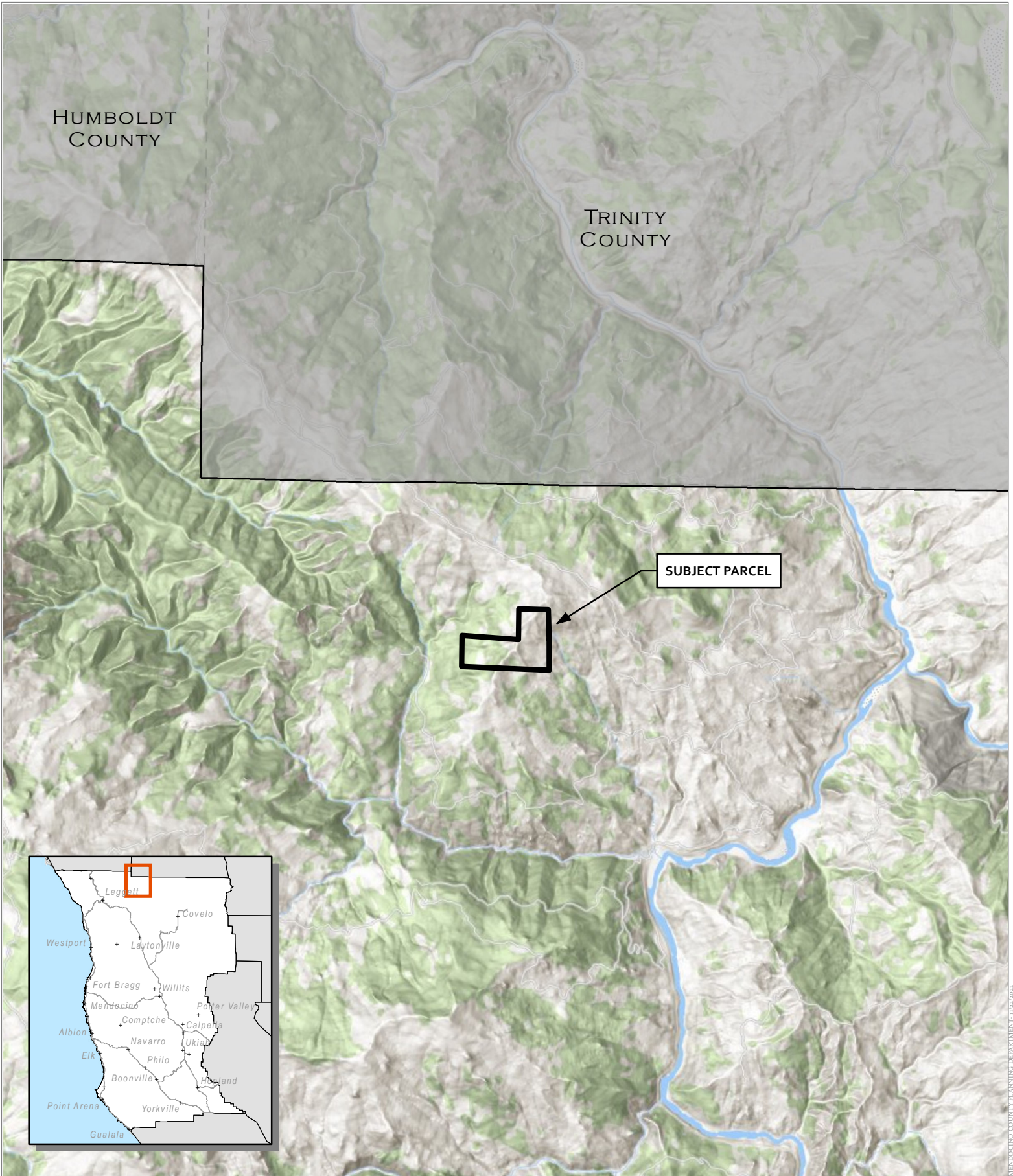
**12. Mitigation.** Any differences between the Parties as to their several rights and obligations under this lease that are not settled by mutual agreement after thorough discussion, shall be submitted for arbitration to a committee of three disinterested persons, one selected by each Party hereto and the third by the two thus selected, and the committee's decision shall be accepted by both Parties.

**13. Governing Law.** The Parties agree that this Agreement shall be governed by the laws of California.  
State

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

Island Mountain Limited Partnership  
Landlord's Printed Name  
  
Landlord's Signature  
10/3/2022  
Date

Maiga Berzins  
Tenant's Printed Name  
  
Tenant's Signature  
10-30-2022  
Date



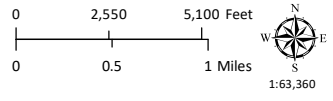
HUMBOLDT COUNTY

TRINITY COUNTY

SUBJECT PARCEL



**CASE: A 2022-0007**  
**OWNER: ISLAND MOUNTAIN, LP**  
**APN: 011-670-20**  
**APLCT: Tom Wagner**  
**AGENT: Tom Wagner**  
**ADDRESS: 73500 Island Mountain Rd., Covelo**



LOCATION

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
**DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

MENDOCINO COUNTY PLANNING DEPARTMENT - 11/27/2022

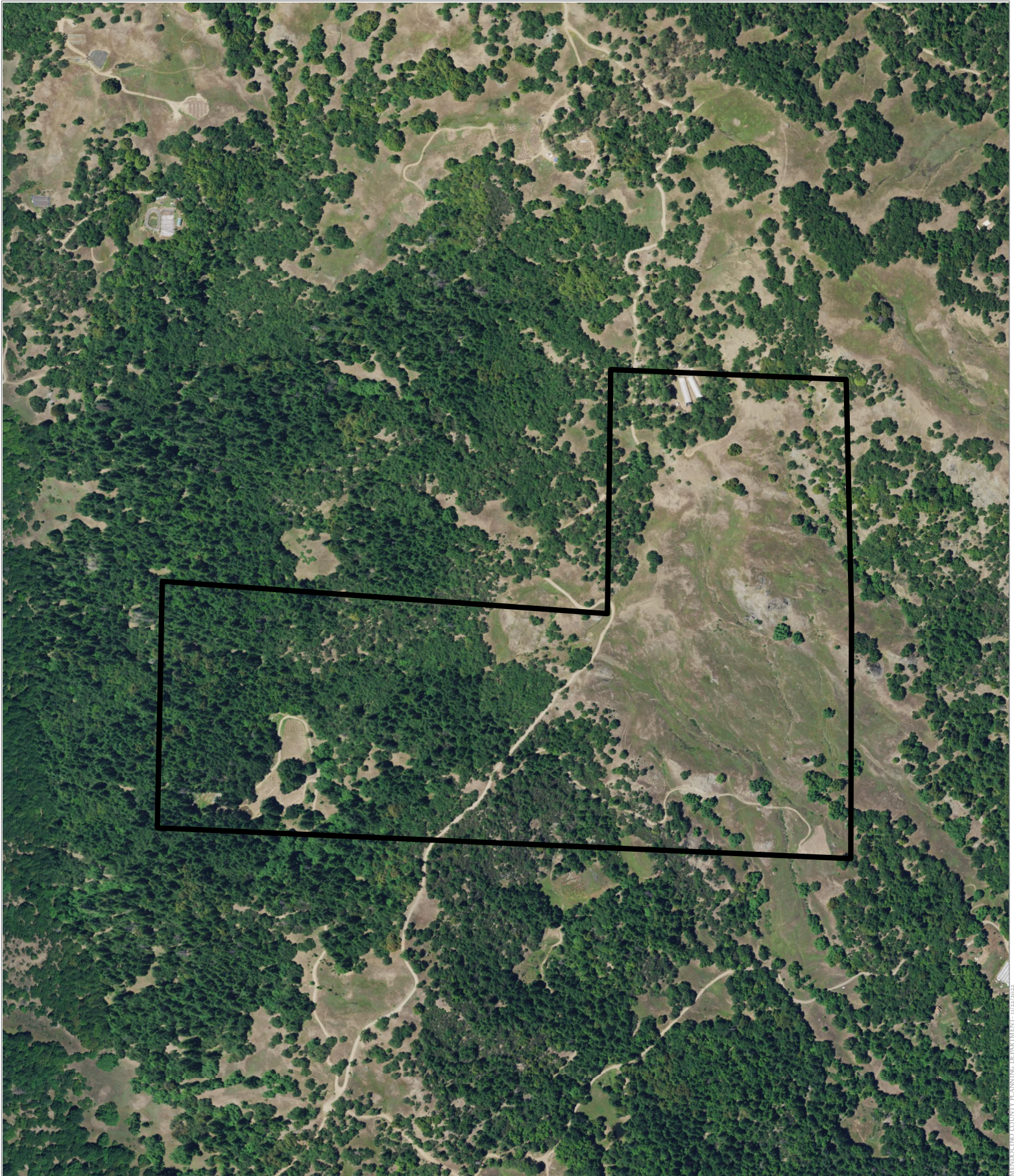
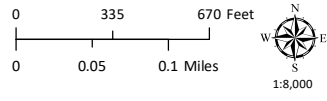


PHOTO COURTESY OF TARRANT COUNTY DEPARTMENT - 01-26-2022

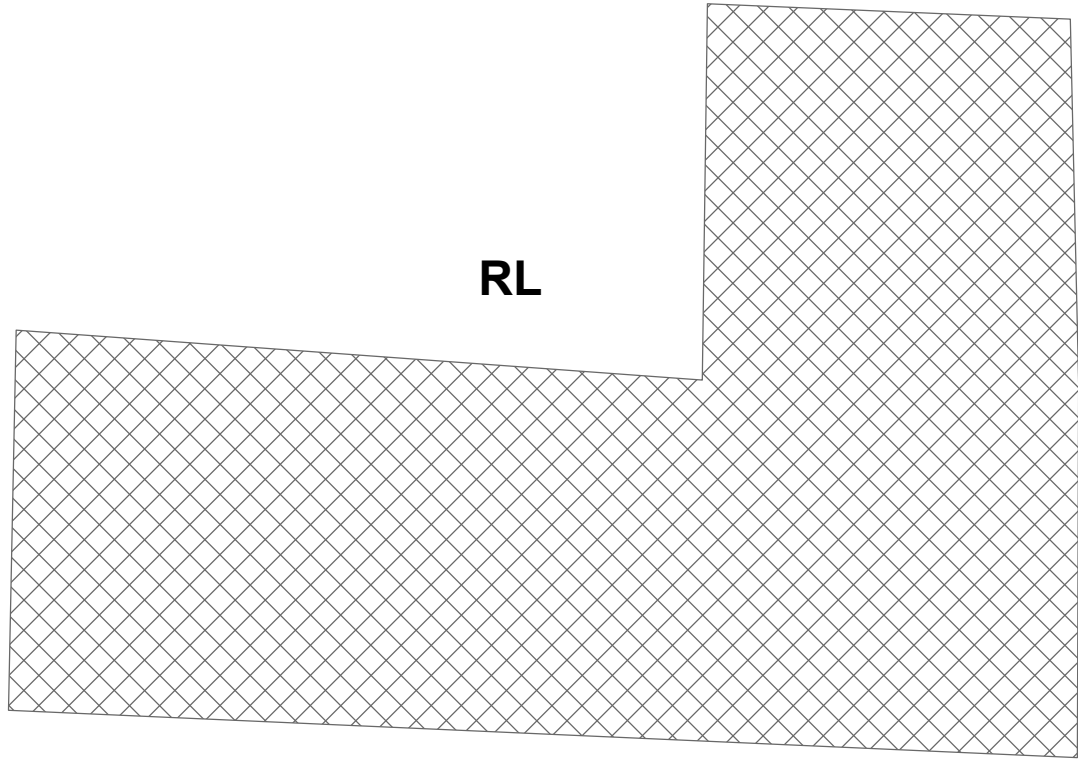
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**AERIAL IMAGERY**

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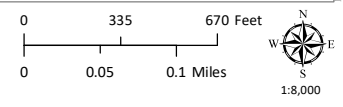
ISLAND  
MOUNTAIN ROAD



MEMPHIS COUNTY PLANNING DEPARTMENT - 11/27/2023

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 Zoning Districts

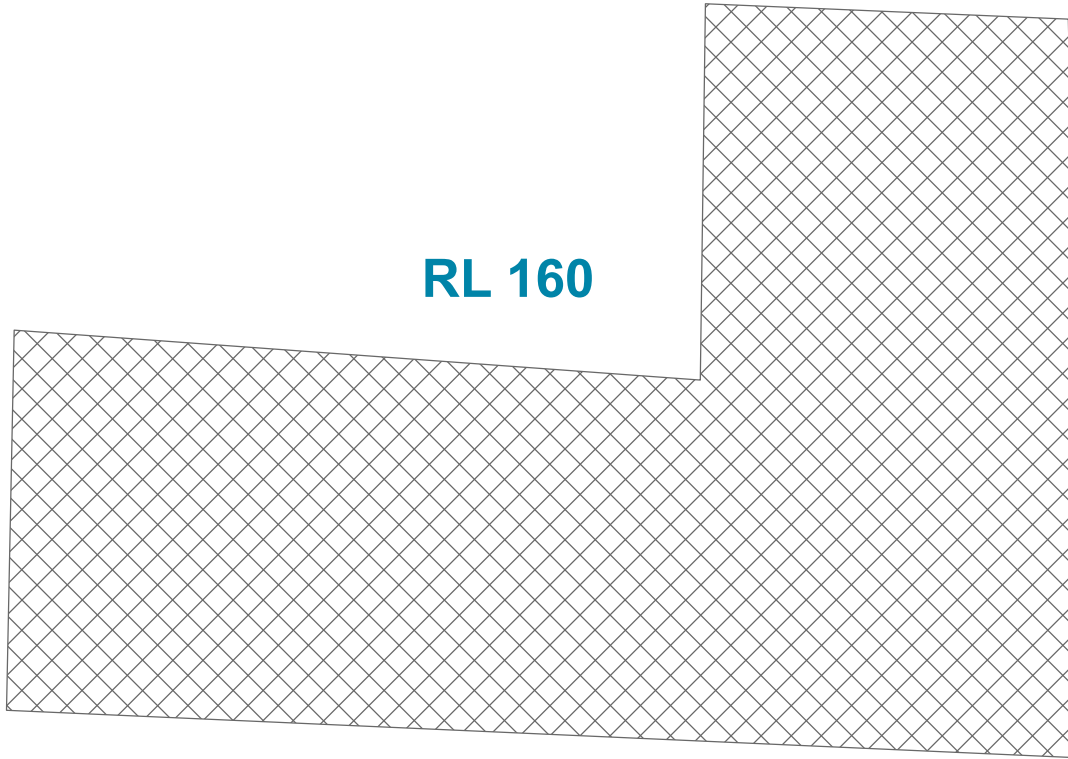



**ZONING**

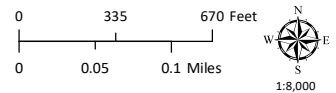
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ISLAND  
MOUNTAIN ROAD

RL 160



 General Plan Classes

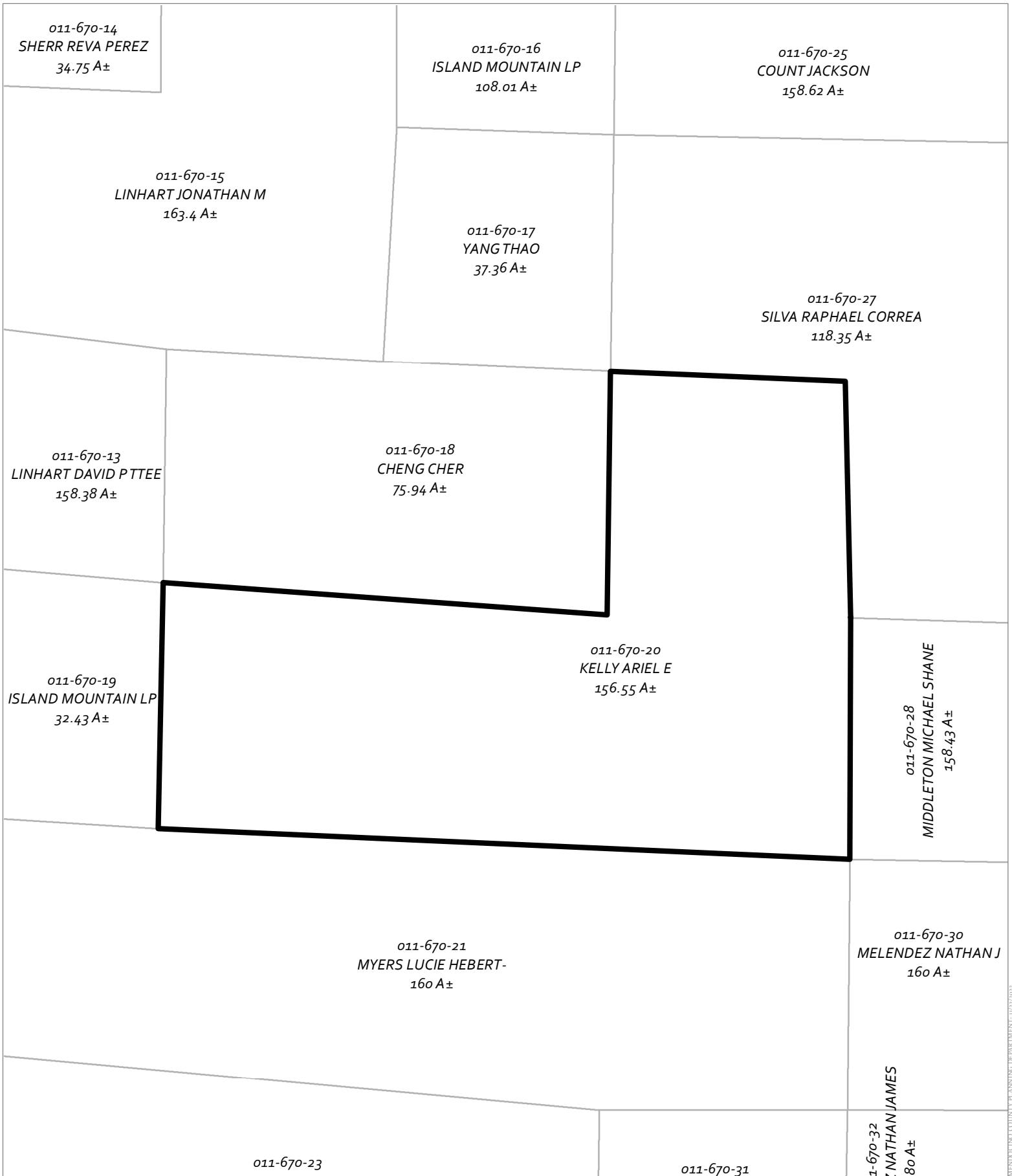


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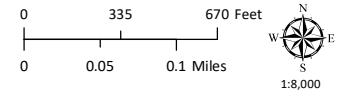
GENERAL PLAN

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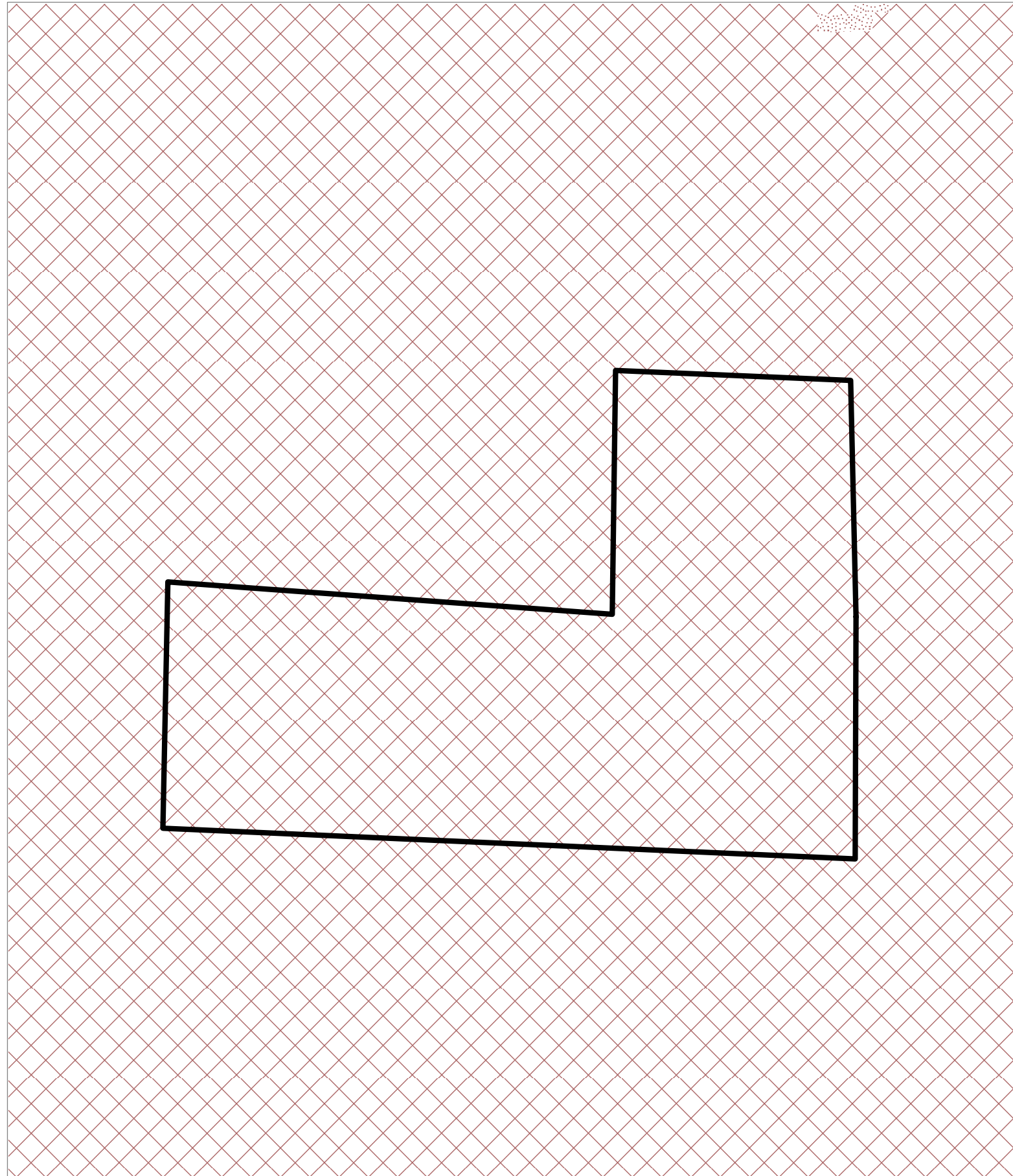
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**ADJACENT PARCELS**

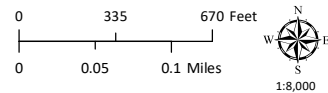
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MENDOCINO COUNTY PLANNING DEPARTMENT - 11/23/2022



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 Very High Fire Hazard  
 High Fire Hazard

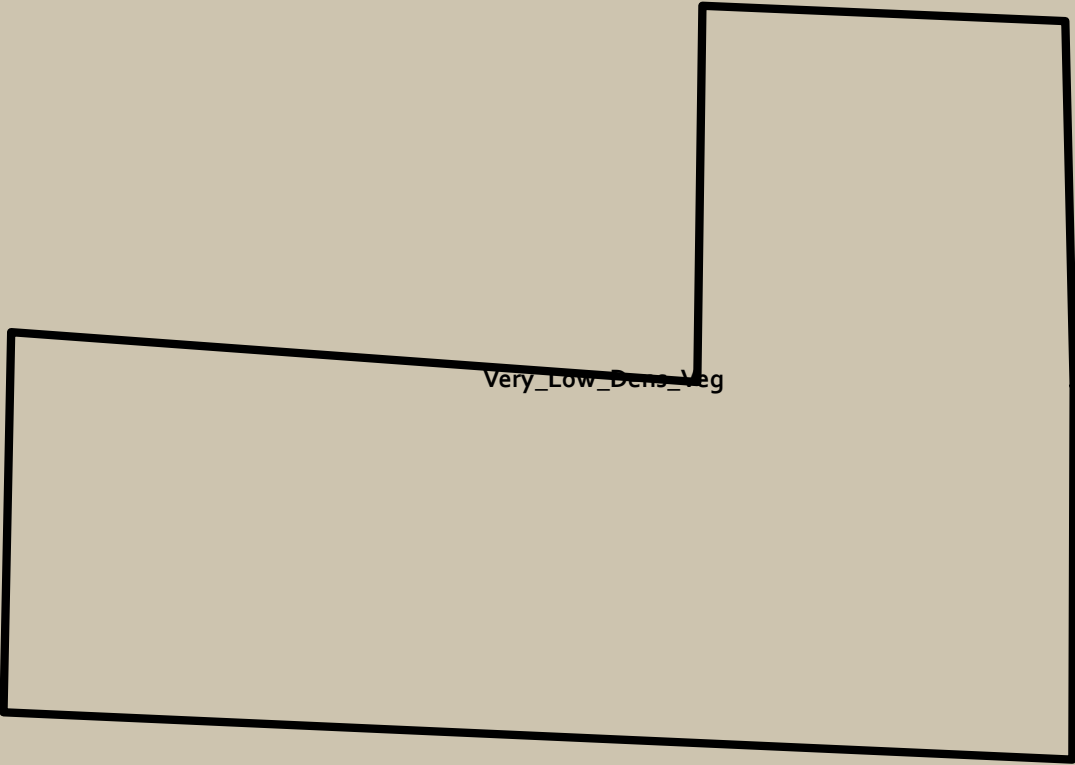


**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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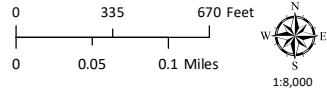
YREBUTICK COUNTY PLANNING DEPARTMENT - 11/29/2022

Uninhabited\_Veg



Very\_Low\_Dens\_Veg

**CASE: A 2022-0007**  
**OWNER: ISLAND MOUNTAIN, LP**  
**APN: 011-670-20**  
**APLCT: Tom Wagner**  
**AGENT: Tom Wagner**  
**ADDRESS: 73500 Island Mountain Rd., Covelo**

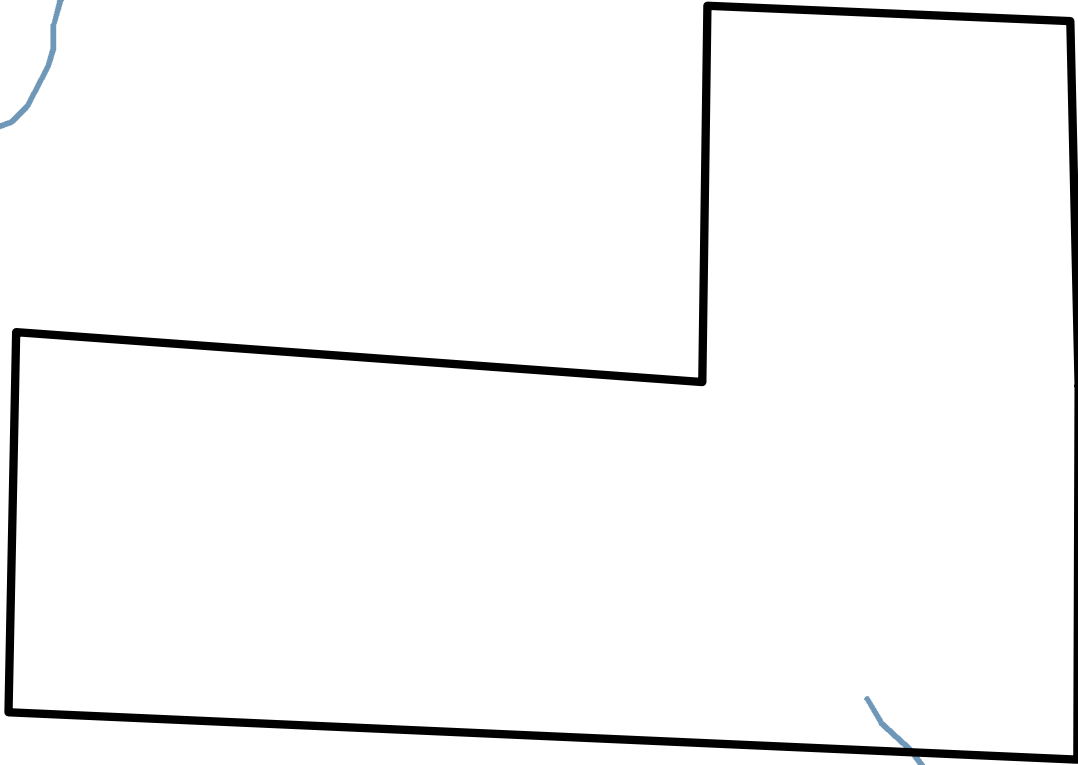


WILDLAND-URBAN INTERFACE

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MENDOCINO COUNTY PLANNING DEPARTMENT - 11/27/2023

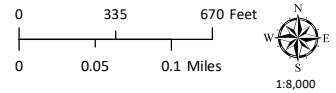
Riverine



**NATIONAL WETLANDS INVENTORY**

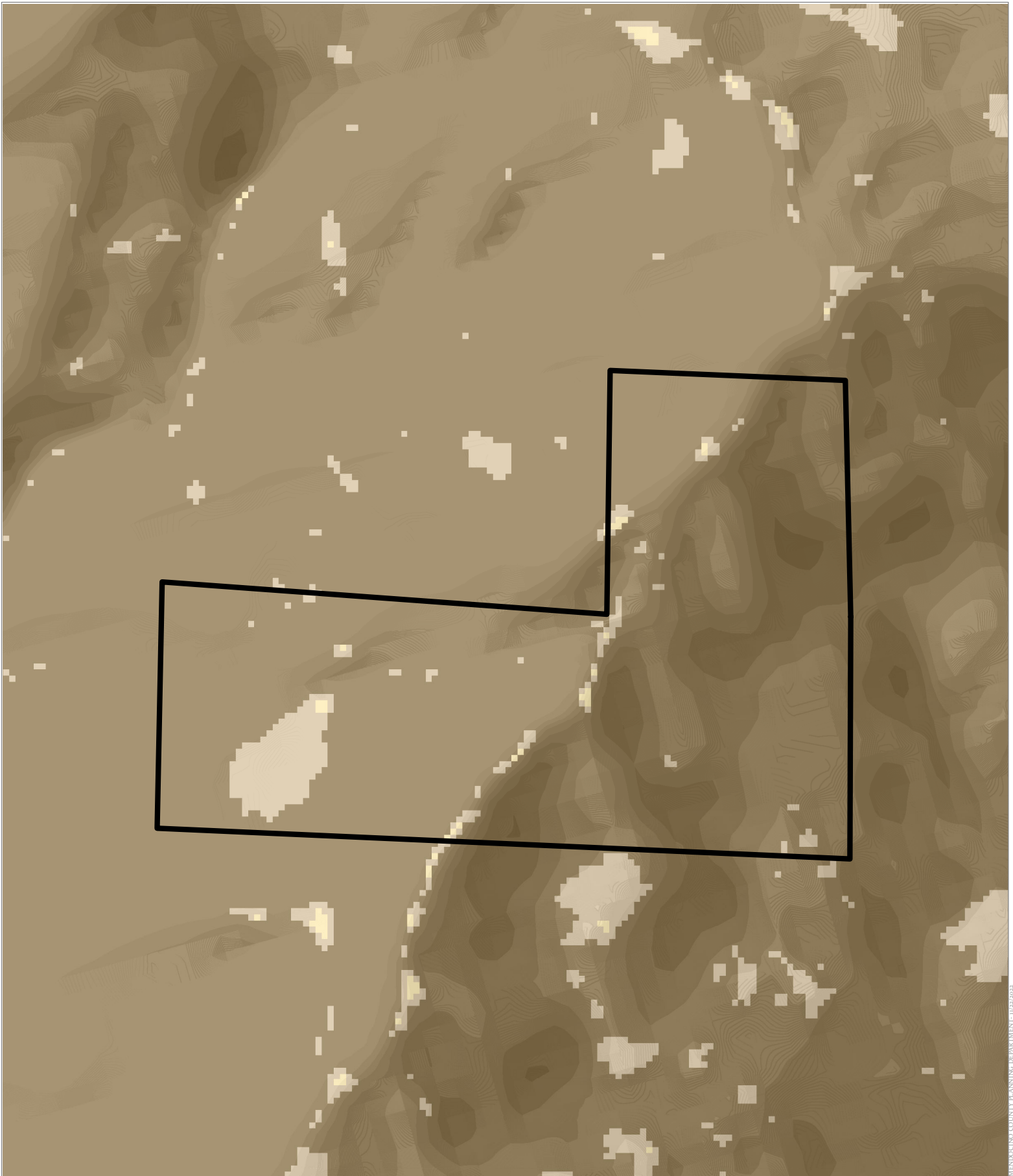
 Riverine

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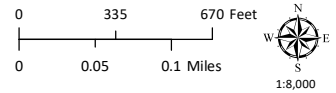
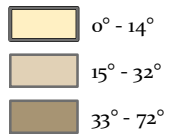


**WETLANDS**

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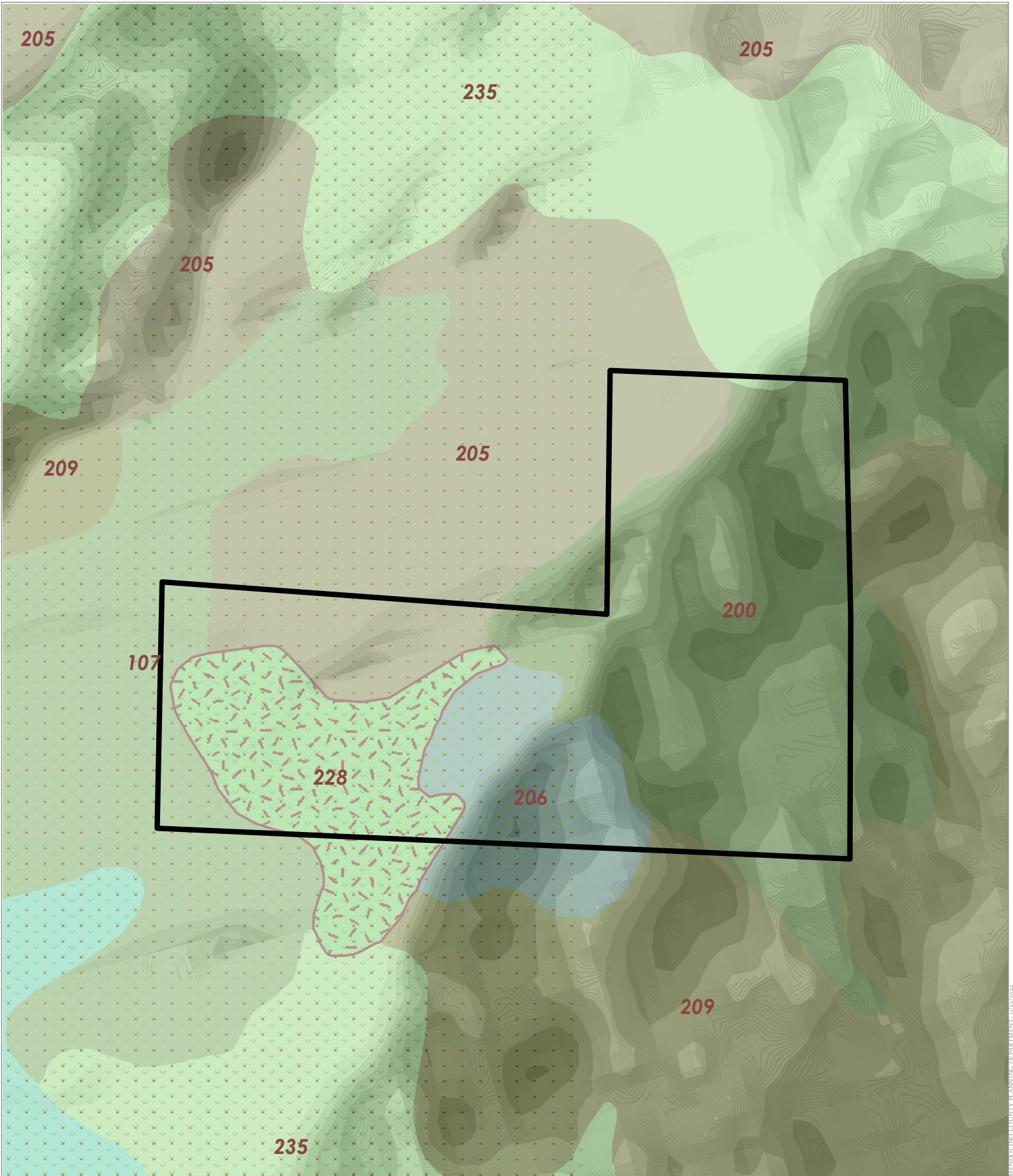


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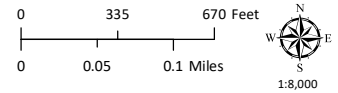
**ESTIMATED SLOPE**

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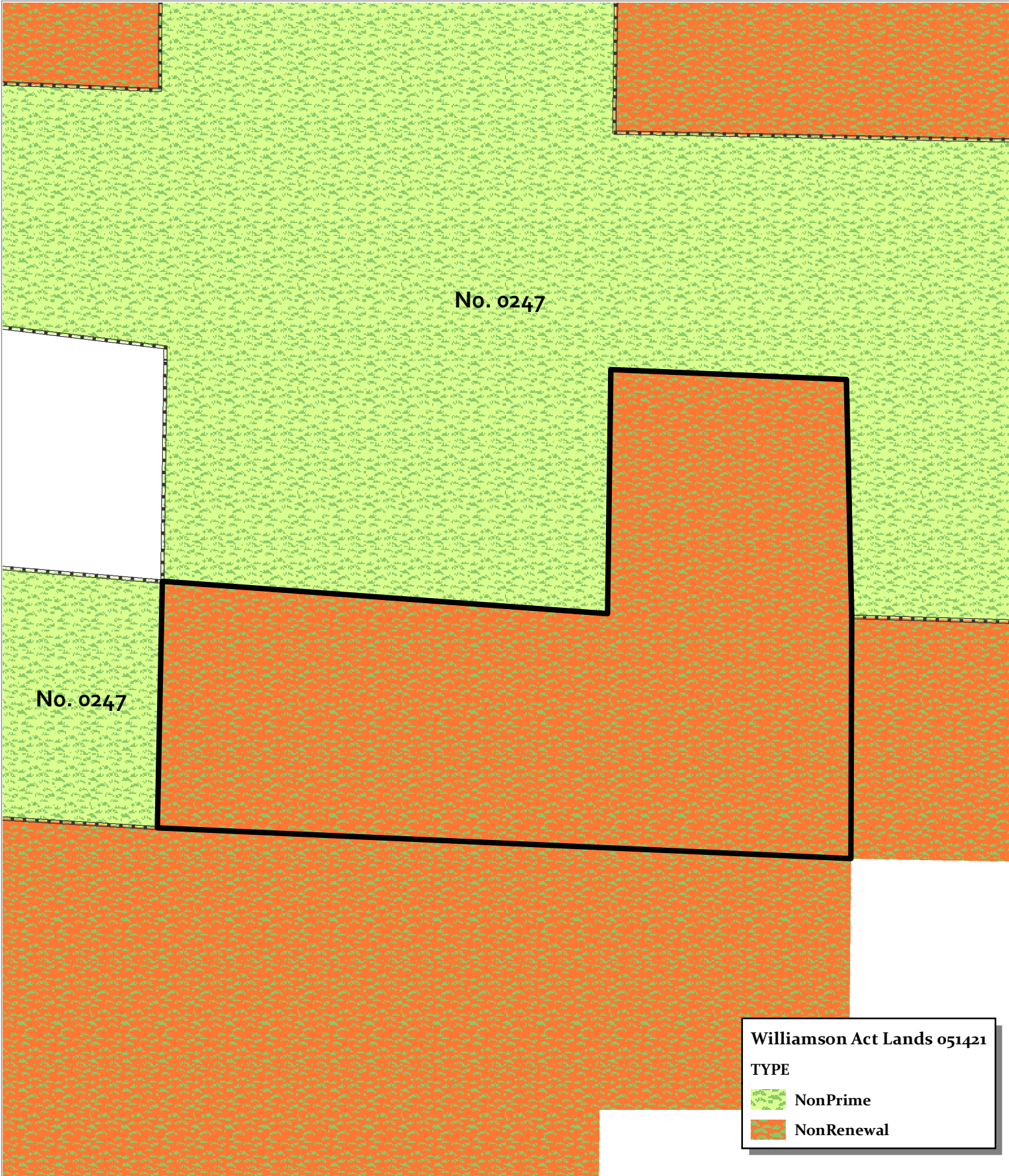
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-  Eastern Serpentine Inclusions
-  Naturally Occurring Asbestos



**EASTERN SOIL CLASSIFICATION**

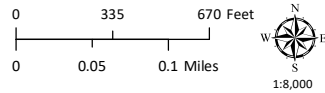
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MENDOCINO COUNTY PLANNING DEPARTMENT - 11/27/2022

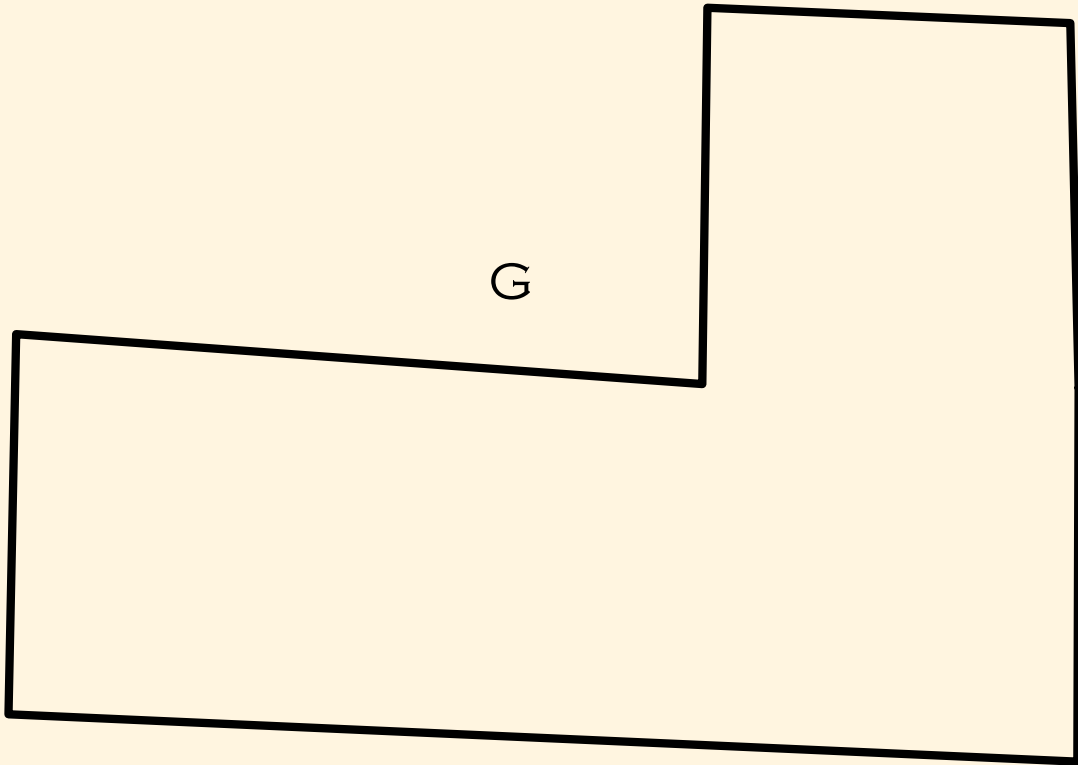
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 Contract Boundaries



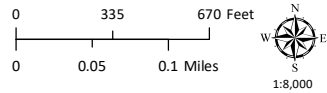
**WILLIAMSON ACT**

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 **Grazing Land (G)**

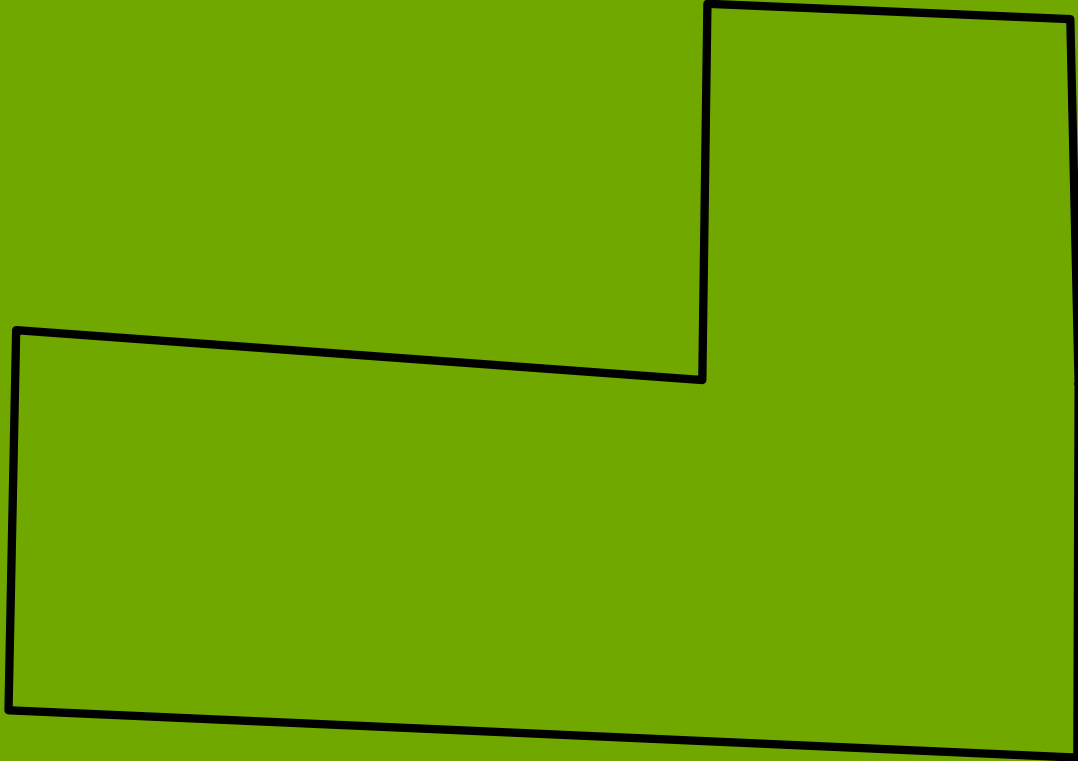
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**IMPORTANT FARMLANDS**

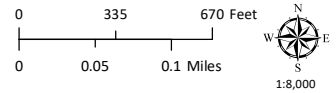
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 Laytonville MAC



MUNICIPAL ADVISORY COUNCIL

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