COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

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FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

October 30, 2023

Department of Transportation Environmental Health - Ukiah Building Inspection - Ukiah Cannabis Assessor Forestry Advisor Agriculture Commissioner
Air Quality Management
Sonoma State University
Department of Forestry/ CalFire
-Land Use
Department of Fish and Wildlife

Regional Water Quality Control Board Cloverdale Rancheria Redwood Valley Rancheria Sherwood Valley Band of Pomo Indians Potter Valley Tribe Little Lake Fire Protection District

CASE#: AP_2021-0008 **DATE FILED:** 4/5/2021

OWNER: IGNACIO & MARTHA PENA

APPLICANT: Ignacio Peña

AGENT: JULIA CARRERA & ASSOCIATES

REQUEST: Administrative Permit for a 10,000 square foot mixed light cannabis cultivation operation (Permit

Type 2B) within the Timberland Production zoning district.

LOCATION: 4.0± miles east of Willits city center, on a private drive off the north side of Ridgewood Rd, 2.7±

miles east of where it becomes East Side Rd (CR 304); located at 5730 Ridgewood Rd, Willits.

SUPERVISORIAL DISTRICT: 3

STAFF PLANNER: ROB FITZSIMMONS **RESPONSE DUE DATE:** November 13, 2023

PROJECT INFORMATION CAN BE FOUND AT:

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. 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		

CASE: AP 2021-0008

OWNER: Ignacio and Martha Peña

APPLICANT: Ignacio Peña

AGENT: Aldo Hernandez and Tai Hake, Countervail; Julia Carrera and Associates

REQUEST: Administrative Permit for a 10,000 square foot mixed light cannabis cultivation operation (Permit Type 2B) within

the Timberland Production zoning district.

LOCATION: 4.0± miles east of Willits city center, on a private drive off the north side of Ridgewood Rd, 2.7± miles east of

where it becomes East Side Rd (CR 304); located at 5730 Ridgewood Rd, Willits.

APN: 108-182-17, -23

PARCEL SIZE: 230± acres

GENERAL PLAN: Forest Lands (FL), Range Lands (RL)

ZONING: Timberland Production (T-P), Rangeland (R-L)

EXISTING USES: Commercial Cannabis Cultivation

DISTRICT: 3, Haschak

RELATED CASES: AG_2018-0413, BU_2021-0299 (Grading Permit - Expired)

	ADJACENT GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH:	FL	TP/FL	280±	Woodlands
EAST:	FL	FL	120±	Woodlands
SOUTH:	RMR	UR	10±	Residential
WEST:	RL	RL	160±	Woodlands

REFERRAL AGENCIES

LOCAL

 $\ oxtimes$ Air Quality Management District

□ Archaeological Commission

■ Building Division Ukiah
 ■ Consolid Personal Personal
 ■ Consolid Personal
 ■ Cons

☑ Cannabis Department

oxtimes Department of Transportation (DOT)

☑ Environmental Health (EH)

□ Forestry Advisor

☐ Little Lake Fire Protection District

Sonoma State University

STATE

☑ CALFIRE (Land Use)

☑ California Dept. of Fish & Wildlife

☑ Regional Water Quality Control Board

TRIBAL

☑ Cloverdale Rancheria

☑ Redwood Valley Rancheria

oxtimes Potter Valley Tribe

 ${\ f \boxtimes }$ Sherwood Valley Band of Pomo Indians

ADDITIONAL INFORMATION:

The request is to authorize a cannabis cultivation site within TPZ-zoning, but the subject parcel is actually split-zoned TPZ and RL (Rangeland). Although all cultivation now takes place on the portion of the subject parcel zoned RL and thus outside of TPZ-zoning, "cultivation site" as defined in MCC 10A.17.020 (and by extension 20.242.030) is inclusive of "where cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or processed, or that does all or any combination of those activities". As the current Site Plan identifies *processing* within TPZ-zoning, the requested Administrative Permit is still necessary. Moreover, previous site configurations, which operated under the assumption that this permit would retroactively authorize them, included several additional cultivation locations within TPZ-zoning, in areas recently cleared of trees. These locations are identified on the Site Plan as "Retired Cultivation Area(s)".

Tree removal occurred on the parcel after 5/4/2017, in the vicinity of the "retired cultivation area(s)". The applicant has submitted a Tree Removal Affidavit and a letter from an arborist, asserting that all removed trees were dead or otherwise hazardous and the removal was not done to allow cannabis cultivation. One of these clearings has an associated grading permit, BU_2021-0299, but it was never finaled and has since expired.

STAFF PLANNER: ROB FITZSIMMONS DATE: 10/30/2023

ENVIRONMENTAL DATA

1. MAC:

NO

2. FIRE HAZARD SEVERITY ZONE:

CALFIRE FRAP maps/GIS

High/Very High

3. FIRE RESPONSIBILITY AREA:

CALFIRE FRAP maps/GIS

SRA (State Responsibility Area)

4. FARMLAND CLASSIFICATION:

GIS

Grazing Land (G)

5. FLOOD ZONE CLASSIFICATION:

FEMA Flood Insurance Rate Maps (FIRM) ${\it NO}$

6. COASTAL GROUNDWATER RESOURCE AREA:

Coastal Groundwater Study/GIS

N/A

7. SOIL CLASSIFICATION:

Mendocino County Soils Study Eastern/Western Part

200 - Shortyork-Yorkville-Witherell complex, 30 to 50% slopes

146 - Hopland-Sanhedrin-Kekawaka complex, 30 to 50% slopes

109 - Casabonne-Wohly loams, 9 to 30% slopes

211 - Witherell-Hopland-Squawrock complex, 50 to 75% slopes

110 - Casabonne-Wohly loams, 30 to 50% slopes

207 - Updegraff-Sanhedrin complex, 15 to 50% slopes

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 (Nonrenewal)

10. TIMBER PRODUCTION ZONE:

GIS

YES

11. WETLANDS CLASSIFICATION:

GIS

Riverine

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 (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

YES

23. HARBOR DISTRICT:

Sec. 20.51

NO



Department of Planning and Building Services

Case No: HP- 2021-0008
CalFire No:
Cultivation No: AG-2018-0413
Fee: # 1632.00
Receipt No: 040945
Received By: Wark Clise
Date Filed: 4-5-2021
Office use only

Application for Cannabis Administrative Permit

☐ ADMINISTRATIVE PERM	IIT (AP)		-therefore the real and the common a	
☐ Type C-A Cottage Indoor (500 ft²) ☐ Setback Reduction Request				
☐ Waive RR:10 Housing Requirement				
☐ Acreage (3.5 Acres-4.9 Acres: Type 1 Allowance) ☐ RR5 (3.5-4.9 Acres) Waive Sunset				
	-9.9 Acres: Type 2 Allowance)		Carloot	
☐ Acreage (1.0 Acres	-9.9 Acres. Type 2 Allowance)			
APPLICANT(S)				
Name: Tancio les	k	Phone: 408-394-	4342	
Mailing Address: 3442 Kank	ur Vd.			
City: San Joe	State/Zip: CA 1514 &	email:		
PROPERTY OWNER				
Name: Some		Phone:		
Mailing				
Address: City:	State/Zip:	email:		
Oity	Otate/Zip.	Giriali.		
AGENT LAC	· A	- / \	2001	
Name: Jaka (avera	Assolution	Phone: (707) 489 - (0996	
Address: 9725 Main !	5+			
City: Upper Cale	State/Zip: 04-95485	email: cecomplian	ce @ grail.com	
Parcel Size:	acres	0 1		
		July . A		
Address of Property: 573	30 Kidgwood Kd.	Willits CA		
Assessor Parcel Number(s):	108-192-23 ; 108-	187-117		
		TIVATION PERMIT:		
Size ✓ Type of Permit →	OUTDOOR	INDOOR	MIXED LIGHT	
Small: (≤2500 ft²)	С	☐ C-A (≤500 ft ²) ☐ C-A (501 – 2500 ft ²)	□ С-В	
Medium: (2501 – 5000 ft ²)	□ 1	☐ 1-A	☐ 1-B	
Large: (5001 – 10,000 ft ²)	_ 2	☐ 2-A	2 -B	
Nursery: (≤12,000 ft²)	□ 4	□ 4	□ 4	
()				

I certify that the information submitted with this application is true and accurate. I have attached the Consent of Landowner form because I am not the property owner of the parcel on which the cultivation site is located.

Signature of Applicant/Agent Date Signature of Owner Date

CULTIVATION SITE & PROJECT DESCRIPTION QUESTIONNAIRE

1. Does the proposed cultivation site meet the following setbacks?
 1,000 feet from all youth-oriented facilities, schools, parks, churches, or residential treatment facilities.
 FOR OUTDOOR AND MIXED LIGHT CULTIVATION SITES 100 feet from any legal residential structure located on a separate legal parcel. 50 feet from any adjoining legal parcel under separate ownership. If in mobile home park, 100 feet from an occupied mobile home under separate ownership.
☐ FOR INDOOR CULTIVATION SITES • Any building property line setbacks.
2. Is the cultivation site visible from any public right of way or publically traveled private road? ☐ YES ▮ NO
3. Please describe the project site. Include improvements such as structures, wells, septic systems, grading, vegetation removal, roads, etc. (Siching Imphrises, residence, confiners, well, fond, ceptic
4. Will the development of the proposed cultivation site be phased? If YES, please describe the phases briefly. The product only auris; processing as well as unfreezed.
5. How will you dispose of hazardous, natural (trimmings), or other (plastics) materials from the cultivation site?
compositing for training break dump for other materials
6. Have you constructed in the past, are constructing, or plan to construct any roads? Grading? YES

7. In order to develop the proposed	cultivation site, w	ill it be neces	sary to:		
A. Remove oak species or cor B. Make substantial changes in C. Connect to existing water d D. Connect to existing sewer d E. Install a septic system? F. Connect to existing septic s G. Install an individual well?	n terrain? istrict? istrict? ystem?		YES NO		
H. OTHER (Explain)?					
8. Please provide an inventory of the separate sheet. Please note improve					
					lures.
1 Su allud 2.					-
2 3					
					_
					_
					-
					-
					_
10					
					_
9. Are there any contiguous properti	es and/or projects	s (unrelated to	cannabis) under you	ır ownership? ☐ YES	 NO
10. Will the proposed cultivation site					NO NO
If YES, how much land is being			,	lure: Lites i	<u>NO</u>
			Emphasia and a superior and a superi		
11. Will the proposed cultivation site	require the const	ruction of a p	ond OR will it involve	diking, filling, or areagi	ng?
NO☐ YES, the project will involve:	□ Construction (of a nond - a to	atal of	cubic varde will h	no moved
	Diking			cubic yards will b	
	☐ Filling			cubic yards will b	
	☐ Dredging			cubic yards will b	
12. Briefly describe the surrounding	Appeteration and acceptance of the second	ESSENCE SO SE GENERAL SERVICIO DE SECURIO DE			
natural forest					
- Indiana Janya					-
13. Please indicate the surrounding I	and upon				
	RTH	EAST	SOUTH	WEST	
Vacant	*				
Residential/Agricultural Commercial/Industrial			X	X	
Institutional/Timberland					
Other					

14. Utilities will be supplied to the site as follows: A. Electricity ☐ Utility Company (existing) ☐ Utility Company (planned) ☐ On-Site Generation – Specify
B. Gas Utility Company (existing) Utility Company (planned) On-Site Generation – Specify None
C. Water ☐ Community water system – Specify supplier ☑ Well ☐ Spring ☐ Pond ☐ Other – Specify
D. Sewage ☐ Community sewage system – Specify supplier ☑ Septic Tank ☐ Other – Specify
15. Will there be any security lighting? ☐ YES
16. Will you have employees? ☐ YES ☐ NO If YES, how many employees will you have? If employees are residing onsite, please indicate the structure they will be residing.
17. Will there be any processing of cannabis on site (trimming, leaf removal, curing, drying, etc)? 📋 YES 🔃 NO
18. If you answered YES to the previous question (17), please describe the activities. own product only curry: processing as well as teaf removed.
19. Have you discussed this proposal with adjacent property owners and other concerned parties?
20. Please describe how you intend to mitigate potential nusiances related to the proposed cultivation activities.

21. Provide an overview of your pa please describe past activities applicable:	within Mendocino County,	, as well as past cultivat	tion on this subject pa	
	Instrict carreling as	lativature i brestock	gracen	
			107	
22. Describe why the proposed loc property.	cation and operation is the		superior location on th	
23. Are you aware of any Archeolog	gical or Paleontological re	sources on the subject	property? YES	NO
24. Have you recieved the requisite	approvals from CALFIRE	or your Local Respons	se Agency? WYES	□NO
If NO, do you intend to submit t	this information alongside ne	eded building permits? _		
25. Have you recieved site inspection	ons from any of the followi	ng agencies with regard	d to this proposed acti	vity?
□ NO		2.70		
Tyes, following		ture Date: 7870		
	□SWRCB □CDFW	Date:		
	□CDFA	Date:		
I certify that the information submitt		Date:		
I Certify that the information submitted	led with this application is	True and accurate.	1 4/22	-1
Signature of Applicant/Agent	Date	Signature of Owner	er Date	4
	FOR STAFF PU	RPOSES ONLY		
Zoning District:				
Subject to Sunset Provision [MCC	10A.17.080(B)(2)(b)]?	☐ YES ☐ NO		
Compliant with Mendocino County	Code Chapter 20.242:] YES □ NO		

PHONE: 707-234-6680

cannabisprogram@mendocinocounty.org https://www.mendocinocountv.org/departments/cannabis-department

Affidavit For Tree Removal For Cannabis Cultivation

Mendocino County Cannabis Permit Application No. AG_2018-0413

State of California County of Mendocino

This affidavit concerns the removal of certain commercial tree species, as defined by Title 14 California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District (see attached) ("Commercial Tree Species") and certain oak species, defined as any true oak species (Quercus sp.) and any Tan Oak species (Notholithocarpus sp.) ("Oak Tree Species")(collectively the Oak Tree Species and Commercial Tree Species are referred to as the "Covered Tree Species") pursuant to Section 10A.17.040, subdivision (K), of the Mendocino Cannabis Cultivation Ordinance. I do hereby swear, certify and affirm the following:

Affirmation of knowledge and authority to make these representations as to all relevant facts: 🔀 I am the applicant, or an officer, director, trustee, general partner, or LLC manager of the applicant, of the above-referenced Mendocino County Cannabis Permit Application Number (the "Application") and have personal knowledge of all relevant facts attested to in this affidavit regarding the Application. Were any trees removed from the property identified in the Application (the "Property"): □ No trees were removed within 150 feet of my existing or proposed cannabis cultivation site identified in the Application or any related irrigation source used for the cultivation of cannabis. X Trees were removed within 150 feet of my existing or proposed cannabis cultivation site identified in the Application or any related irrigation source used for the cultivation of cannabis. If you checked the second box in Section 2, check the appropriate box below, and provide an explanation: The trees were removed on or after May 4, 2017. ☐ The trees were removed prior to May 4, 2017. ☐ The trees were removed prior to May 4, 2017, and on or after May 4, 2017. Please provide the approximate dates when the trees were removed, and provide any documentation in support of those approximate dates. If additional space is needed, please add additional page(s) as needed: Trees were removed in October of 2018 due to them being dead/dried out

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4. If you checked the second box in Section 2, check the appropriate box below and provide an explanation:
One or more of the trees removed from the Property were Covered Tree Species. The trees removed from the Property were not Covered Tree Species. Please explain how it was determined the trees removed were not Covered Tree Species, and provide any documentation in support of the determination that the trees removed were not Covered Tree Species. If additional space is needed, please add additional page(s) as needed:
Some of the trees removed were Douglas Fir, Pacific Madrone due to thembeing dead and dried out.
5. If you checked the first box in Section 4, check one or more of the boxes below, as appropriate, and provide an explanation:
The removal of one or more Covered Tree Species was <u>not</u> for the purpose of developing the cannabis cultivation site identified in the application, as that term is defined in Section 10A.17.040, subdivision (K), of the Mendocino Cannabis Cultivation Ordinance. Please explain the purpose of removing the Covered Tree Species, and provide any documentation in support. If additional space is needed, please add additional page(s) as needed:
Some of the trees removed were to address possible hazards
The removal of one or more Covered Tree Species was for the purpose of developing the cannabis cultivation site identified in the application, as that term is defined in Section 10A.17.040, subdivision (K), of the Mendocino Cannabis Cultivation Ordinance. One or more Covered Tree Species were removed for the purpose of addressing safety or disease concerns. Please explain what safety or disease issues were addressed and provide any documentation in support. If additional space is needed, please add additional page(s) as needed:
Per Arborist report, there were alot of dead trees on the property

[Signature Page to Follow]

Revised 2023 Page 2 of 5

I declare under penalty of perjury, under the	e laws of the State of California th	at the foregoing is
true and correct. Executed this 28 day of August	, 2023 in Mendocino County	(City or
County), California (State)		
Ignacio Pena	<u></u>	
Print Name		
Lynicis Pava		
Signature		
[Tree Species	s Lists Page to Follow]	

[Signature Page to Tree Removal Affidavit]

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Coast Forest District Commercial Trees

coast redwood (Sequoia sempervirens) Douglas-fir (Pseudotsuga menziesii) grand fir (Abies grandis) western hemlock (Tsuga heterophylla) western redcedar (Thuja plicata) bishop pine (Pinus muricata) Sitka spruce (Picea sitchensis) incense cedar (Calocedrus decurrens) Port Orford cedar (Chamaecyparis lawsoniana) California red fir (Abies magnifica) white fir (Abies concolor) Jeffrey pine (Pinus jeffreyi) ponderosa pine (Pinus ponderosa) sugar pine (Pinus lambertiana) western white pine (Pinus monticola) tan oak (Notholithocarpus densiflorus) red alder (Alnus rubra) white alder (Alnus rhombilfolia) Pacific madrone (Arbutus menziesii) golden chinkapin (Chrysolepis chrysophylla) California bay laurel (Umbellularia californica) Oregon white oak (Quercus garryana) California black oak (Quercus kelloggii)

Monterey pine (Pinus radiata)

Northern Forest District Commercial Trees

sugar pine (Pinus lambertiana) ponderosa pine (Pinus ponderosa) Jeffrey pine (Pinus jeffreyi) western white pine (Pinus monticola) lodgepole pine (Pinus contorta) coast redwood (Sequoia sempervirens) white fir (Abies concolor) California red fir (Abies magnifica) noble fir (Abies procera) Douglas-fir (Pseudotsuga menziesii) incense-cedar (Calocedrus decurrens) Port Orford cedar (Chamaecyparis lawsoniana) Group Bknobcone pine (Pinus attenuata) gray pine (Pinus sabiniana) California black oak (Quercus kelloggii) Oregon white oak (Quercus garryana) tan oak (Notholithocarpus densiflorus) mountain hemlock (Tsuga mertensiana) Brewer spruce (Picea breweriana) Englemann spruce (Picea englemanii) giant sequoia (Sequoiadendron giganteum) golden chinkapin (Chrysolepis chrysophylla) foxtail pine (Pinus balfouriana) white alder (Alnus rhombifolia) Monterey pine (Pinus radiata) Pacific madrone (Arbutus menziesii) California bay laurel (Umbellularia californica)

Western juniper (Juniperus occidentalis)

[Guidance to Complete Affidavit Page to Follow]

[Tree Species Lists to Tree Removal Affidavit]

Revised 2023 Page 4 of 5

Guidance to Complete the Affidavit for Tree Removal for Cannabis Cultivators

Personal Knowledge

In Section 1 of the Affidavit for Tree Removal for Cannabis Cultivators (the "**Affidavit**"), it requires that the affiant "have personal knowledge of all relevant facts attested" to in the Affidavit. In cases where the affiant is relying on information or facts that are outside their direct personal knowledge, the affiant shall provide an explanation of how they came to the conclusions attested to in the Affidavit. The affiant shall provide all information, and sources of information, used to make the assertions in the Affidavit.

If the affiant does not have knowledge of any information or sources of information used to make the assertions in the Affidavit, the affiant should explain why there is a lack of information and how they came to the conclusions attested to in the Affidavit.

Revised 2023 Page 5 of 5

To whom it may concern,

I, R. Chandler Seward, ISA certified arborist # WE-9292au, am writing this letter in regards to trees located at 5730 Ridgewood Rd, Willits, CA..

On 10/16/2018, I visited the address listed above and identified multiple hazard trees that are in need of mitigation. The trees I assessed are located along the perimeter of the garden area of the property, in the yard near a dwelling, along the driveway and in close proximity to large storage sheds. The site is a mix of Douglas fir (Pseudotsuga menziesii), Black Oak (Quercus kelloggii), White Oak (Quercus garryana), Pacific Madrone (Arbutus menziesii), and Ponderosa Pine (Pinus ponderosa). Many of the trees have poor architecture, storm damage, or other various major defects. There are also multiple dead Douglas fir and Ponderosa Pine's located on the property which I would classify as hazard trees due to their proximity to targets.

The hazard trees are only one of the vegetation issues on this property. What is of concern is the amount of fuels located on the property in general. The forest is dense and fuels are heavy. The dwelling and garden are uphill. The surrounding land sloped. Without mitigation, the property is at an increased risk for wild land fire. I recommend the surrounding forest be assessed and a fuel mitigation plan be implemented.

Should you have any questions, please feel free to contact me.

Regards,

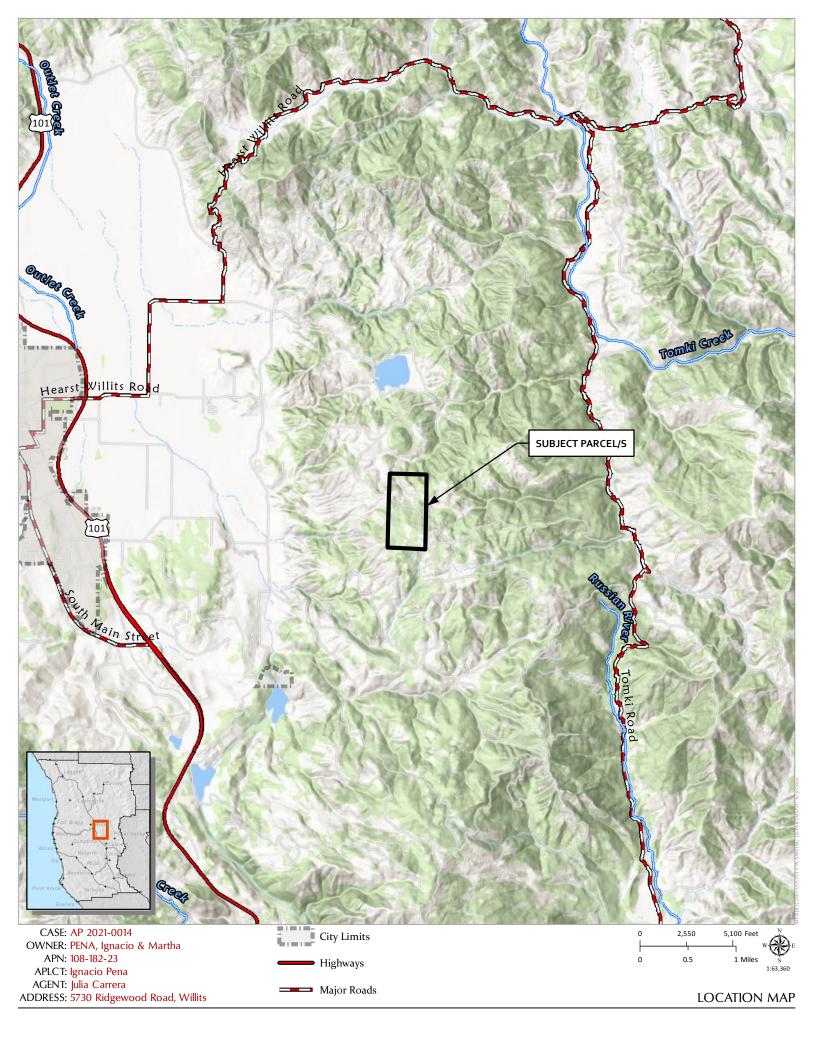
R. Chandler Seward

ISA Certified Arborist, Utility Specialist WE-9292au

TCIA Certified Tree Care Safety Professional

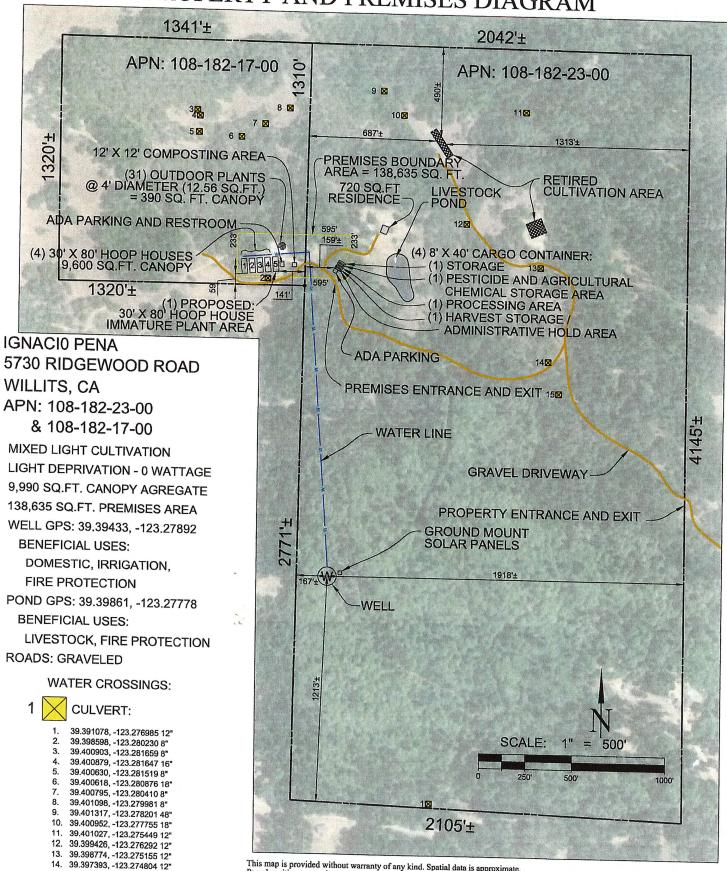
Chansea 1234@gmail.com

707-572-8687





PROPERTY AND PREMISES DIAGRAM



This map is provided without warranty of any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.

39.396882, -123.274792 12"

Julia Carrera & Associates 707-489-0996

