



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

JULIA KROG, DIRECTOR
TELEPHONE: 707-234-6650
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pbs@mendocinocounty.gov
www.mendocinocounty.gov/pbs

June 19, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their special meeting to be held on Thursday, July 3, 2024, at 9:30 a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will take place in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California**, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas>.

CASE#: A_2022-0006

DATE FILED: 10/21/2022

OWNER: Raymond & Tina Lunardi & Ronald & Cathi Lunardi & Jolene & Patrick Corcoran

APPLICANT: Ray Lunardi

REQUEST: Agricultural Preserve application to establish a Williamson Act contract over eleven (11) parcels of 1,950± total acres. The land is within an existing Agricultural Preserve.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 5.5± miles south of Covelo, on the east side of Covelo Road (SR 162) 1.52± miles south of its intersection with Fairbanks Road (CR 327A), located at 56811, 58401, & 72501 Covelo Road, Covelo; (APNs: 033-180-42, -44, -73, 034-130-34, -35, -36, -37, -55, 035-060-23, 035-080-44, -45).

SUPERVISORIAL DISTRICT: 3 (Haschak)

STAFF PLANNER: Liam Crowley

The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings in lieu of personal attendance by sending comments to pbscommissions@mendocinocounty.gov by July 2, 2024, or orally via telecomment. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors, and the Board's action shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling 707-234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- AGRICULTURAL PRESERVE**

**JULY 3, 2024
A_2022-0006**

PROJECT PLANNER CONTACT

Liam Crowley
860 N Bush St
Ukiah, CA 95482
Phone: 707-234-6650
Fax: 707-961-2427
crowleyl@mendocinocounty.gov

PROJECT SUMMARY

OWNER: Raymond & Tina Lunardi and Ronald & Cathie Lunardi and Jolene & Patrick Corcoran
PO Box 337
Sebastopol, CA 95465

APPLICANT: Ray Lunardi
PO Box 441
Occidental, CA 95465

REQUEST: Agricultural Preserve application to establish a Williamson Act contract over eleven (11) parcels of 1,950± total acres. The land is within an existing Agricultural Preserve.

LOCATION: 5.5± miles south of Covelo, on the east side of Covelo Road (SR 162) 1.52± miles south of its intersection with Fairbanks Road (CR 327A), located at 56811, 58401, & 72501 Covelo Road, Covelo; (APNs: 033-180-42, -44, -73, 034-130-34, -35, -36, -37, -55, 035-060-23, 035-080-44, -45).

TOTAL ACREAGE: 1,950± Acres

GENERAL PLAN: Agricultural- 40 Acre Minimum (AG:40) and Rangeland-160 Acre Minimum (RL:160)
General Plan (Chapter 3 – Development Element)

ZONING: Agricultural (A-G) and Rangeland (R-L)
Mendocino County Code Title 20, Division I

CODE REFERENCE: Agricultural Preserves and Williamson Act Contracts
Mendocino County Code Chapter 22.08

SUPERVISORIAL DISTRICT: 3 (Haschak)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: Recommend Approval to the Board of Supervisors

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The project would establish a Williamson Act contract over eleven (11) parcels of 1,950± total acres. All of the land that would be placed into contract is within an existing Agricultural Preserve. The existing Agricultural Preserve No. 925 was established by the Board of Supervisors under Resolution No. 96-042 on March 11, 1996. The existing Agricultural Preserve consists of 2,560± acres of Type I and 21,660± acres of Type II preserve. The existing preserve includes adjacent property. No modifications to the underlying preserve would occur. Rather, the project would place a portion of land within the existing preserve into a Williamson Act contract.

SITE CHARACTERISTICS: The site consists of eleven (11) contiguous parcels east of State Route 162 and north of the Middle Fork Eel River. The property is located among the hills that create the southern border of Round Valley. Contracted land exists directly north, east, and west of the property. Much of the property contains steep slopes. The property is associated with three addresses: 56811, 72501, & 58401 Covelo Road. Amid the parcels is APN 034-130-09, whose ownership is currently listed as “vacant” and is within the Public Facilities (P-F) zoning district. The history of this parcel is unknown to staff. APN 034-130-09 is not included in the current request, nor is it part of the existing Agricultural Preserve.

Public Services:

Access: State Route 162/Covelo Road
 Fire District: None
 Water District: None
 Sewer District: None
 School District: Round Valley Unified

RELATED APPLICATIONS:

- **A 3-95:** Agricultural Preserve application to establish a 2,560± acre Type I Preserve and 21,660± acre Type II Preserve. Approved by the Board of Supervisors under Resolution No. 96-042 on March 11, 1996. This is known as Preserve No. 925.

AGENCY COMMENTS: On December 19, 2022, project referrals were sent to the following agencies with jurisdiction over the project. Any comment that would trigger a project modification, denial, conditions of approval, or required permits are discussed in full in the following section. A summary of agency comments is listed below.

REFERRAL AGENCIES	COMMENT
Farm Advisor	No Comment
Forestry Advisor	No Response
Resource Lands Protection Committee	Comments
CAL FIRE	No Response
U.S. Department of Fish & Wildlife	No Response
California State Clearinghouse	No Response
Sierra Club	No Response
Round Valley Municipal Advisory Council	No Response
Round Valley Indian Tribes THPO	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Covelo Fire District	No Response

PROJECT ANALYSIS

GENERAL PLAN CONSISTENCY: The land proposed to be restricted by contract is classified as either Rangeland 160-Acre Minimum (RL:160) or Agricultural 40-Acre Minimum (AG:40) per the Mendocino County General Plan (see attached *General Plan*). The RL:160 classification is intended,

“to be applied to lands which are suited for and are appropriately retained for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.”

The AG:40 classification is intended,

“to be applied to lands which are suited for and area appropriately retained for production of crops. The classification should include lands presently under Type I agricultural preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Permitted non-agricultural uses, to the greatest extent possible, should not occur on lands that might otherwise be devoted to crop production. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.”

The property is used for grazing and a Williamson Act contract would be established, thereby restricting use of the property to agricultural and other compatible activities in accordance with the RL:160 and AG:40 classifications. The proposal is consistent with other applicable goals and policies of the General Plan as follows:

Goal RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

Policy RM-100: Maintain extensive agriculture land areas and limit incompatible uses.

Policy RM-101: The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.

Policy RM-110: Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible lands.

Staff therefore finds that the proposal is in conformance with the General Plan.

ZONING CONSISTENCY: The land proposed to be restricted by contract is classified as either Rangeland (R-L) or Agricultural (A-G) zoning district as described in Mendocino County Code Chapter 20.060 and 20.052, respectively. The R-L zoning district is intended,

“to create and preserve areas for (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type H Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands.”

The A-G zoning district is intended,

“to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the A-G District would be applied to lands subject to Type I Agricultural Preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which noncompatible uses could jeopardize the agricultural use of surrounding lands.”

The proposal would restrict use of the property to agricultural and limited compatible uses. This includes cattle grazing, which is a permitted use in the R-L and A-G districts under the Animal Raising – General Agriculture use type. Staff therefore finds that use of the property for grazing purposes within contracted land is consistent with Chapter 20.060 and 20.052 of the Mendocino County Code.

Resource Lands Protection Committee (RLPC): On January 11, 2023, RLPC met to discuss the project. RLPC determined that the application did not contain sufficient information to provide comments. More information regarding income and the proposed qualifying agricultural use was requested. On March 22, 2023, RLPC met again to discuss the project. RLPC noted that the income statements provided were not clear enough to show that the income threshold had been met. For example, certain expenses such as animal feed were included, which were determined not to contribute toward meeting the income requirement. RLPC also noted that the lease agreement states that new improvements can be “written off” against the lessee’s rent costs for the grazing season. According to the submitted lease agreement, \$7,000 would be paid over a 4-year period between 2022 and 2025. According to the submitted road and fencing improvement invoices, a total of \$4,665 was spent for improvements in 2022, while \$1,380 was spent for improvements in 2021. If all capital improvement costs for 2021 and 2022 were substituted for lease payments, a balance of \$965 would remain. Further discussion between the applicant, staff, and an RLPC representative then occurred. Subsequently, the applicant provided additional information which confirmed that the income requirement had been met, as discussed below. No other comments were received from RLPC.

Policies and Procedures for Agricultural Preserves and Williamson Act Contracts: Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code Section 22.08.010, which provide that no property shall be incorporated into a Williamson Act contract unless the Board of Supervisors finds that the property meets the eligibility qualifications established by such Policies and Procedures. The Project’s consistency with applicable policies includes the following:

Per Section 5.3(A), the land proposed to be restricted by contract is located within Agricultural Preserve No. 925. This Preserve was established by the Board of Supervisors under Resolution No. 96-042 on March 11, 1996.

Per Section 5.3(B), the land proposed to be restricted by contract has been used for cattle grazing since at least 2022 according to the submitted grazing lease, while associated fencing has been constructed since at least 2020 according to the submitted applicant statement. Grazing is considered Animal Raising – General Agriculture as defined in Mendocino County Code Section 20.032.025 and enumerated as a qualifying agricultural use under Section 8.3(A) of the Policies and Procedures. Based on the submitted invoices which describe the location of improvements, at least 975 acres of the ownership is devoted to grazing use.

Per Section 5.3(C), each parcel to be restricted by contract is at least 40 acres in size.

Per Section 5.3(D), the annual income requirement for the proposed land to be restricted by contract is \$6,875. The submitted grazing lease indicates that \$7,000 would be paid between January 2022 and December 2025, or \$1,750 per year. The applicant also provided invoices for road and fence improvements carried out in 2021 and 2022. These capital improvements totaled \$6,045. In accordance with Section

5.3(D), capitalized improvement costs may be substituted for annual income. Therefore, the combination of remaining lease income (\$965) and capital improvement costs (\$6,045) exceed the annual income requirements for the proposed land to be restricted by contract.

Per Section 5.3(E), the property contains an existing single-family residence, which is considered a compatible use under section 9.0.

Per Section 6.2(A), the proposed contracted area is comprised of contiguous parcels under the same ownership.

ENVIRONMENTAL DETERMINATION: The California Natural Resources Secretary has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. Staff finds that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) per 14 CCR §15317 Class 17, *Open Space Contracts or Easements*. The proposal consists of the establishment of a Williamson Act contract within an existing agricultural preserve, which aligns with the language of the Class 17 exemption.

RECOMMENDATION

By resolution, that the Planning Commission recommends approval of A_2022-0006 to the Board of Supervisors subject to the findings contained in the attached Resolution.

06/05/24

DATE



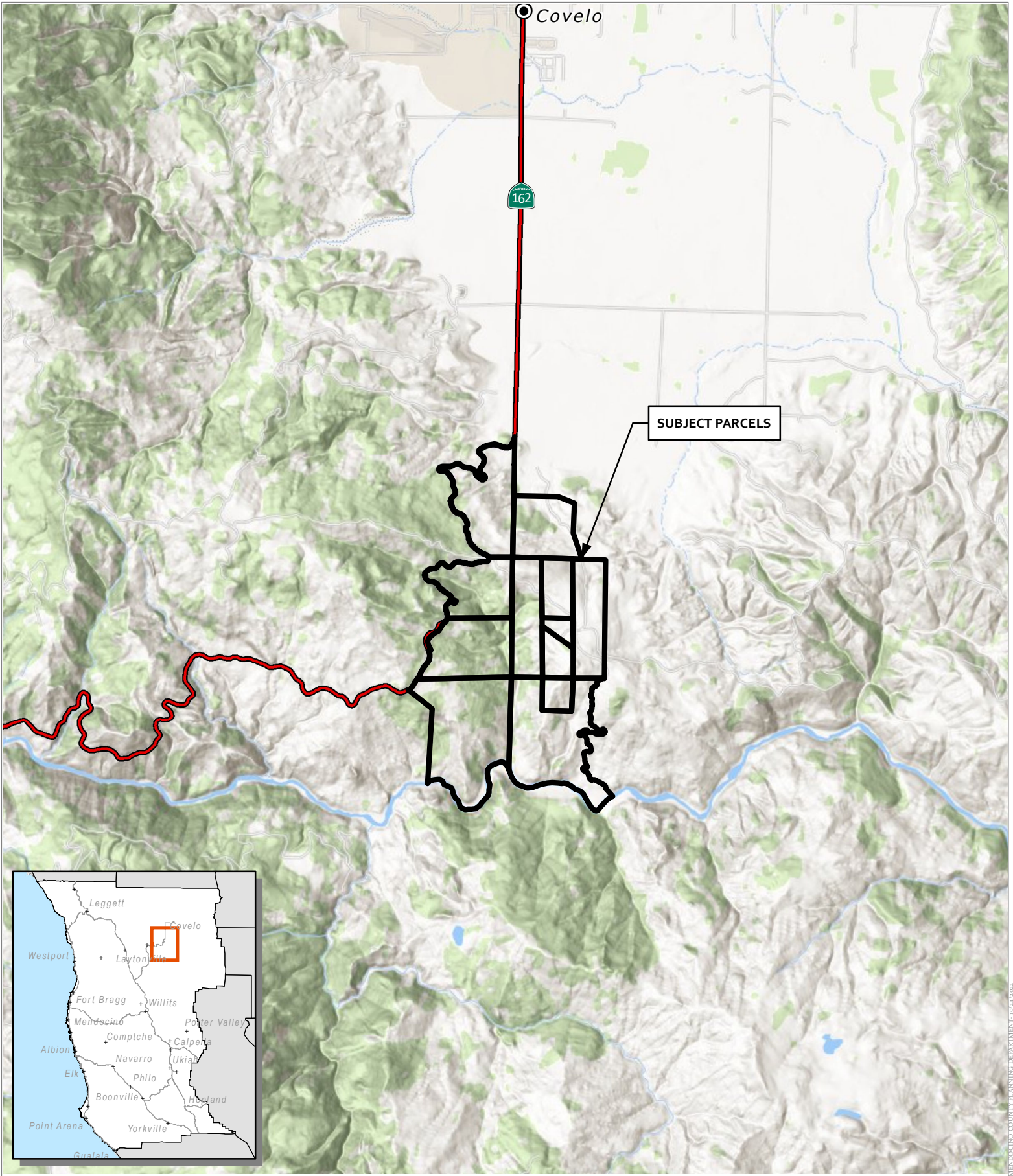
LIAM CROWLEY
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00



ATTACHMENTS:

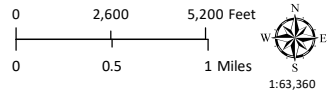
- A. Location
- B. Aerial Map
- C. Zoning
- D. General Plan
- E. Adjacent Parcels
- F. Fire Hazard Zones & Responsibility Areas
- G. Wetlands
- H. Estimated Slope
- I. Eastern Soil
- J. Williamson Act
- K. Important Farmland
- L. Topographic Map
- M. Grazing Lease
- N. Fencing Improvements Invoice
- O. Road Improvements Invoice
- P. Applicant Statement

RESOLUTION AND LEGAL DESCRIPTION (Exhibit A):

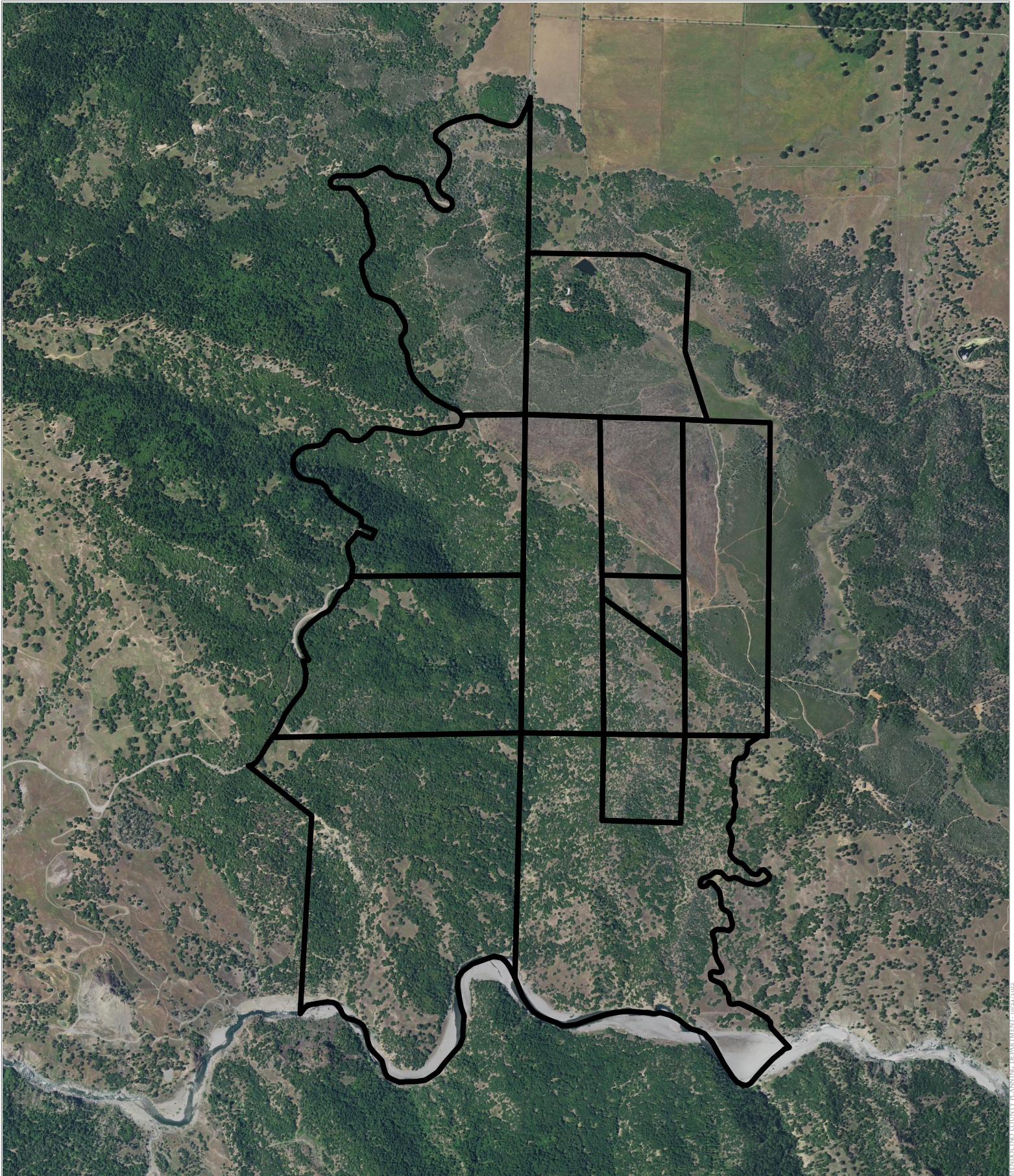


CASE: A 2022-0006
OWNER: LUNARDI, Ray
APN: Various
APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo

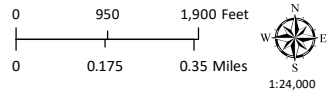
-  Major Towns & Places
-  Highways



LOCATION

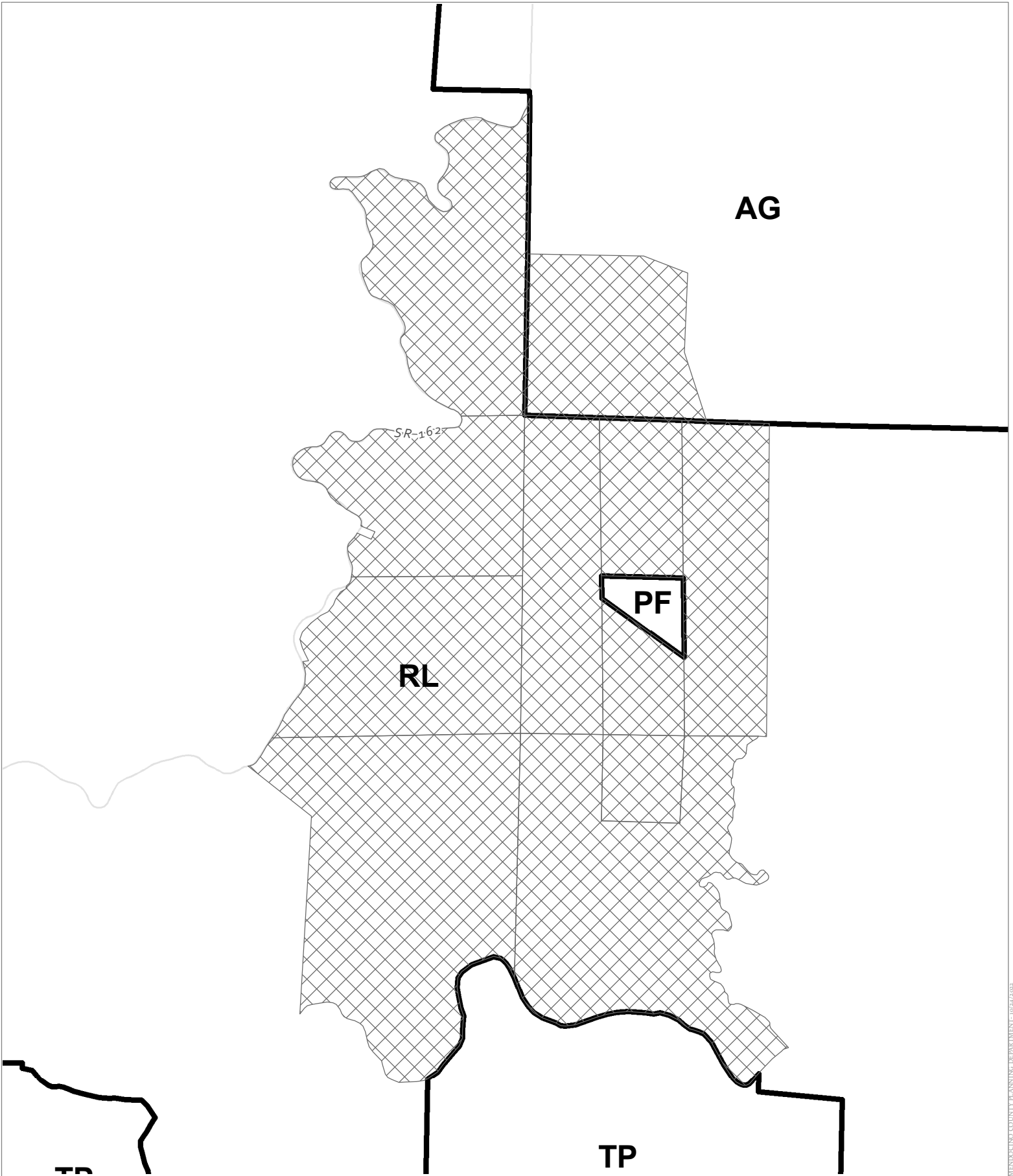


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APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo



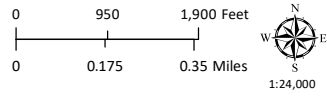
AERIAL MAP

HERNDON COUNTY PLANNING DEPARTMENT 4/17/2022

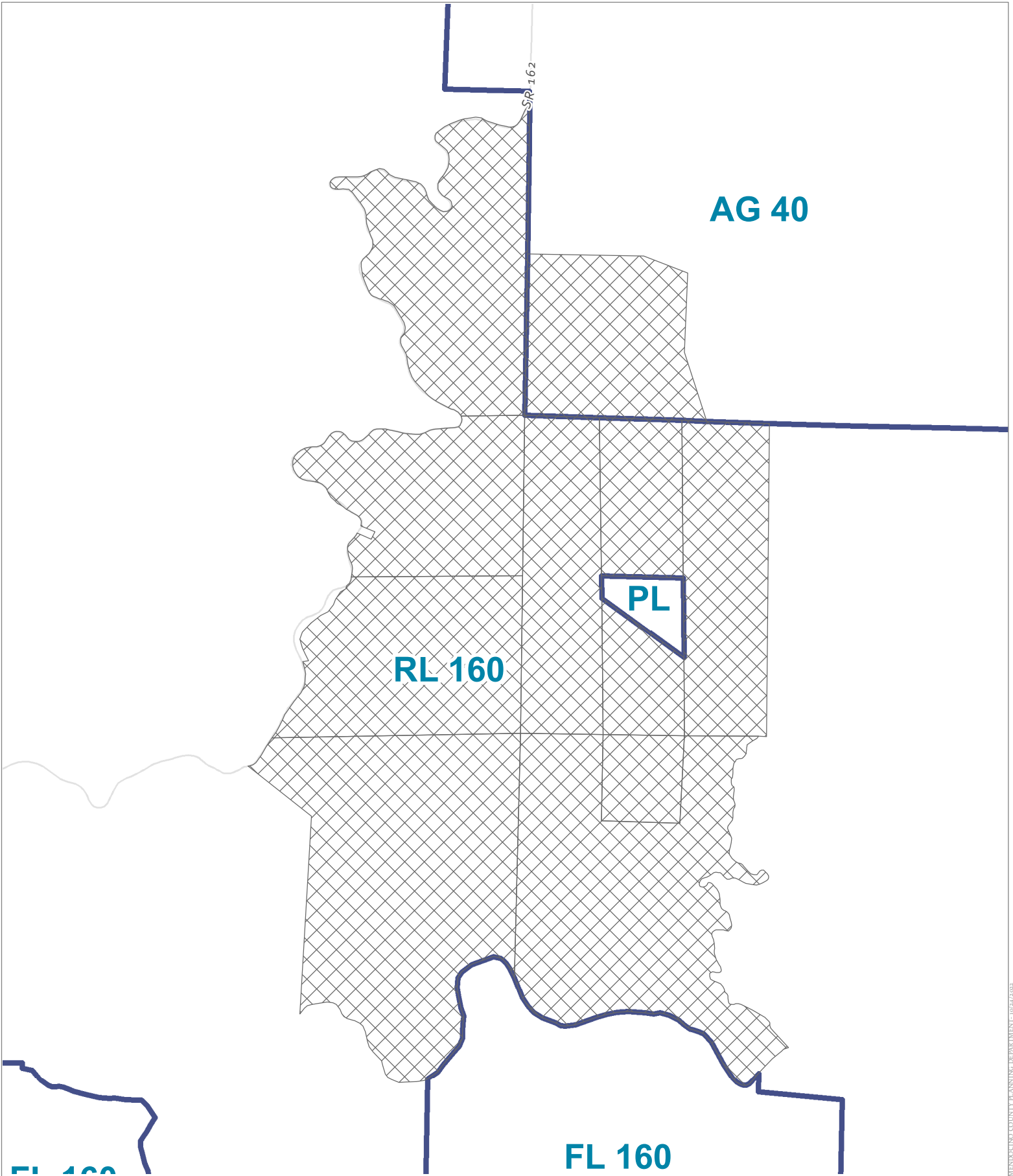


CASE: A 2022-0006
OWNER: LUNARDI, Ray
APN: Various
APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo



 Zoning Districts
 Public Roads

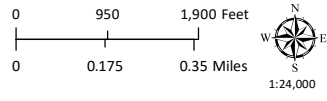


ZONING

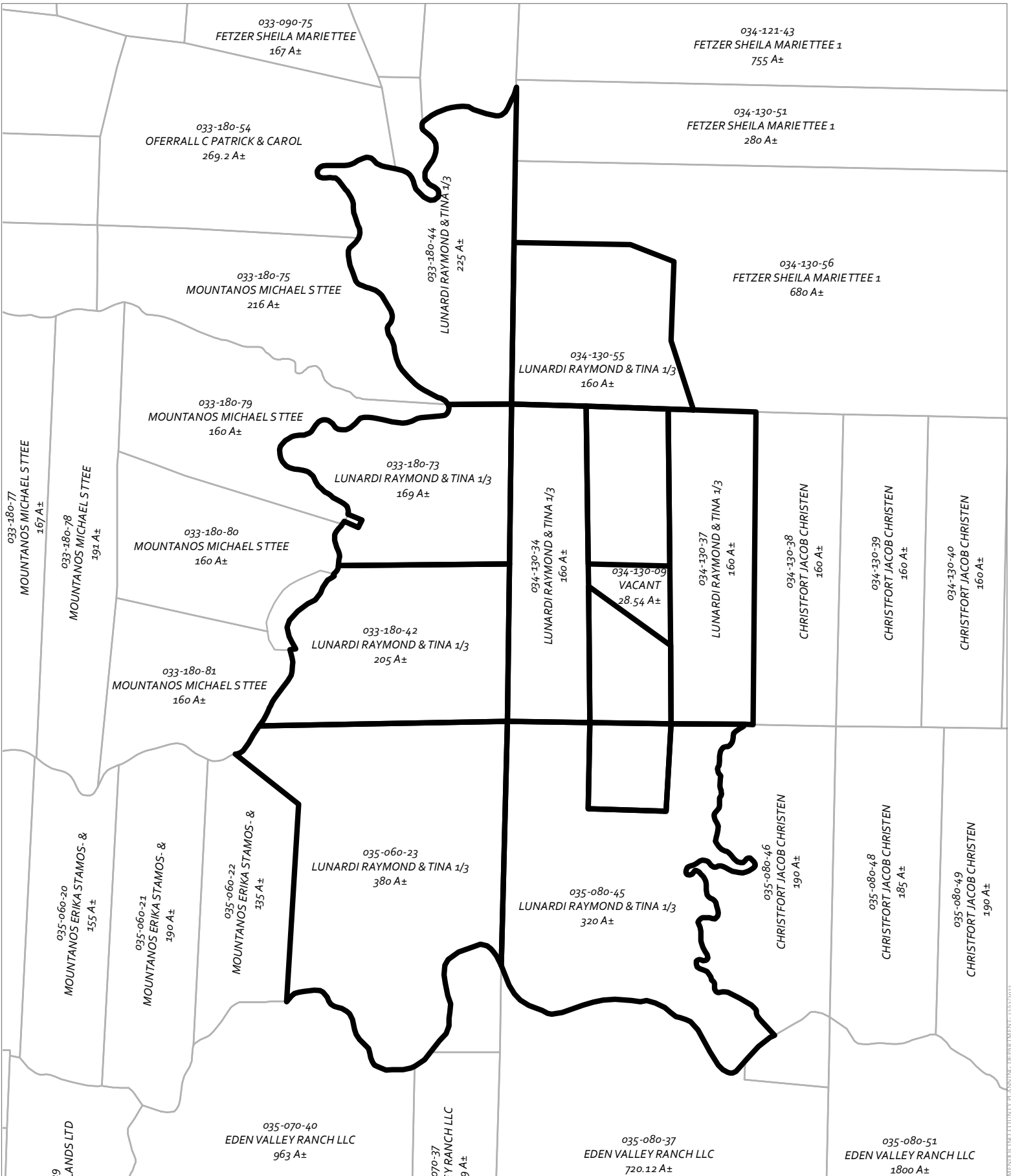


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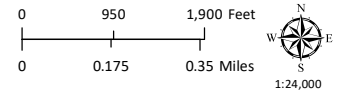
 General Plan Classes
 Public Roads



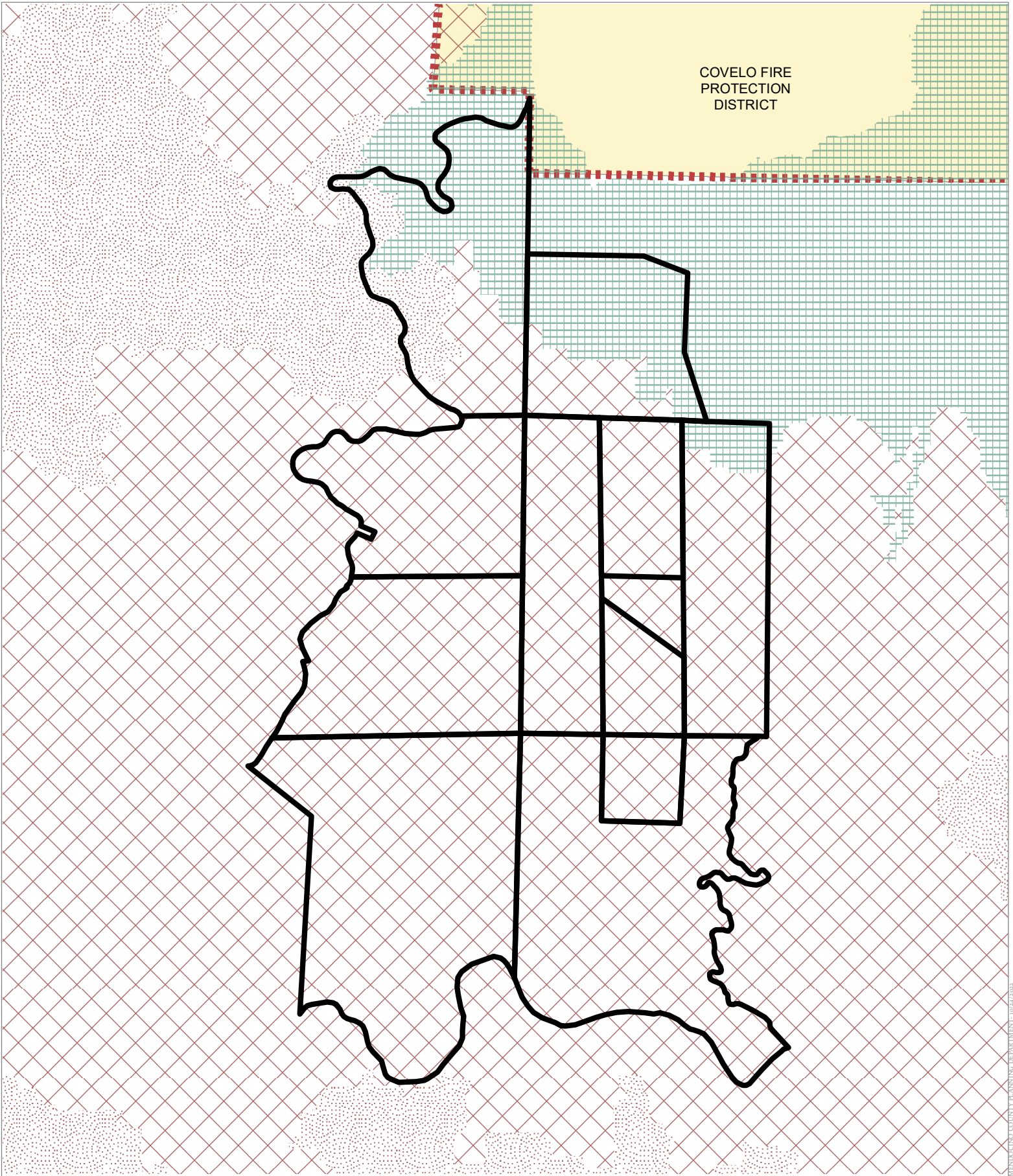
GENERAL PLAN



CASE: A 2022-0006
OWNER: LUNDARDI, Ray
APN: Various
APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo



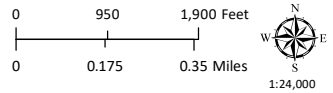
ADJACENT PARCELS



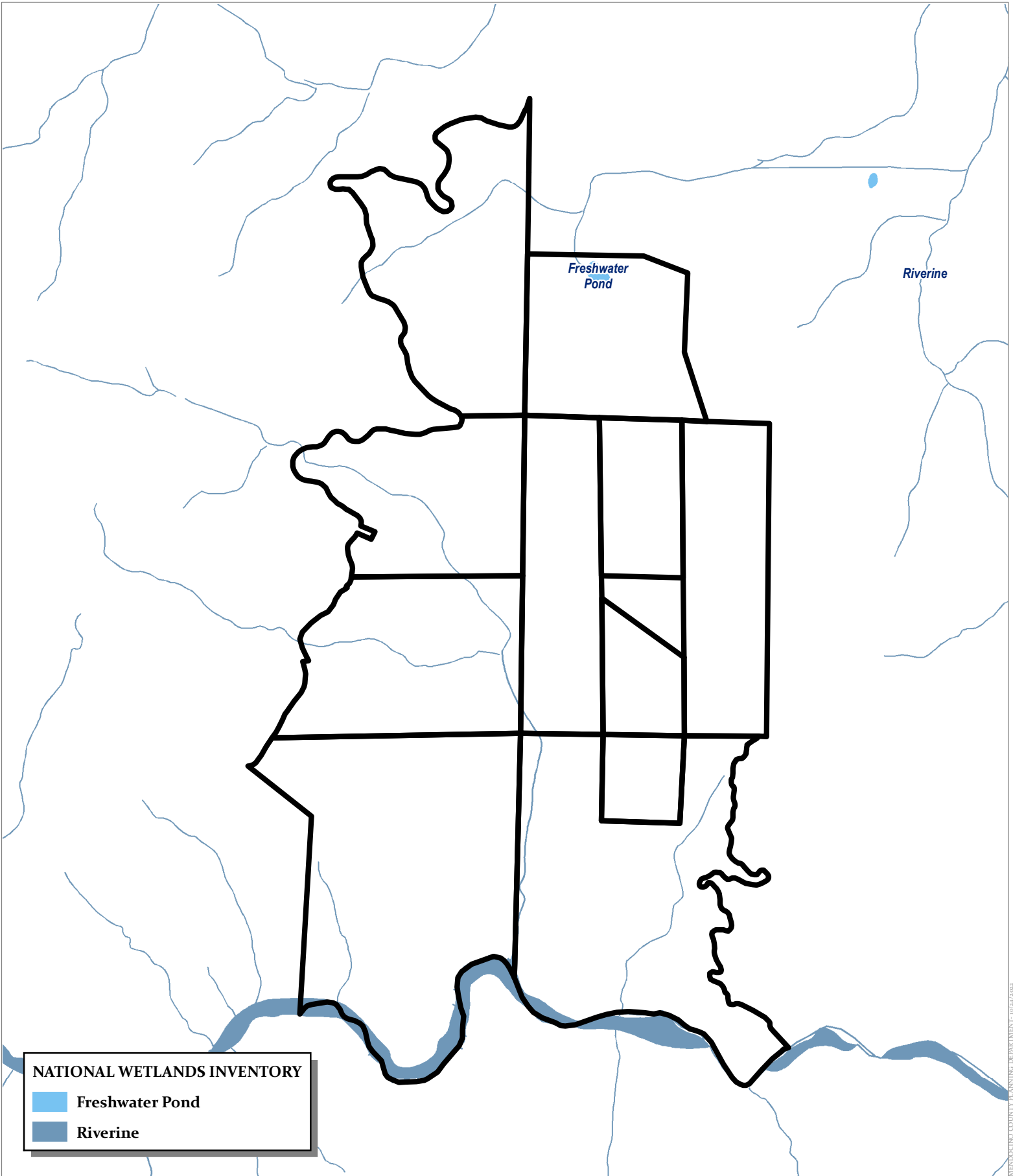
COVELO FIRE
PROTECTION
DISTRICT

CASE: A 2022-0006
OWNER: LUNARDI, Ray
APN: Various
APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo

-  Very High Fire Hazard
-  Moderate Fire Hazard
-  High Fire Hazard
-  County Fire Districts



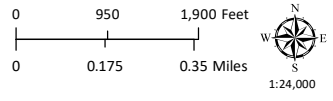
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA



NATIONAL WETLANDS INVENTORY

- Freshwater Pond
- Riverine

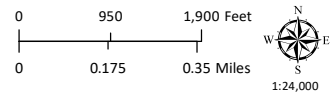
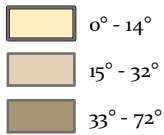
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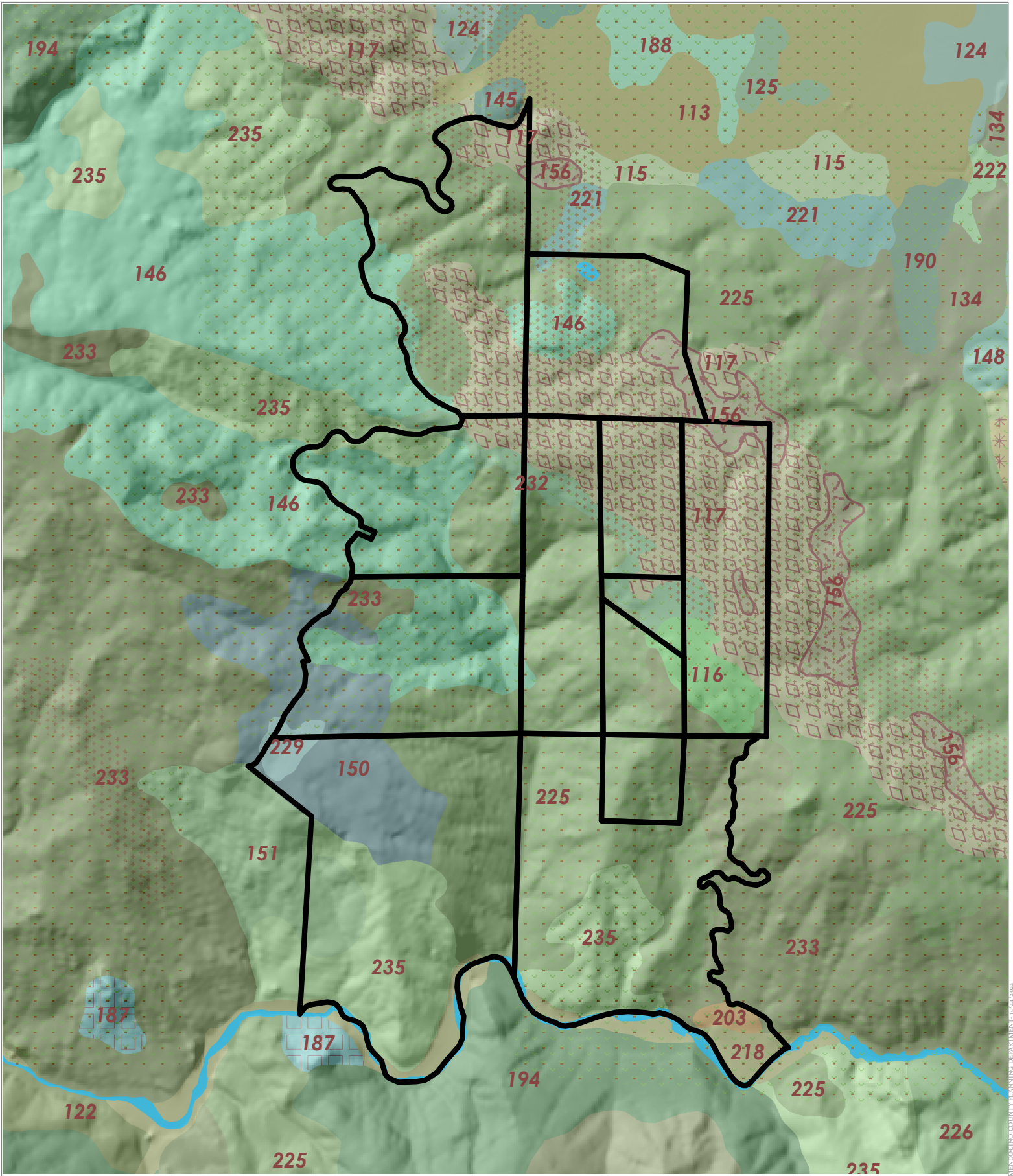
WETLANDS









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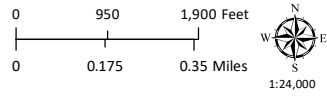


ESTIMATED SLOPE

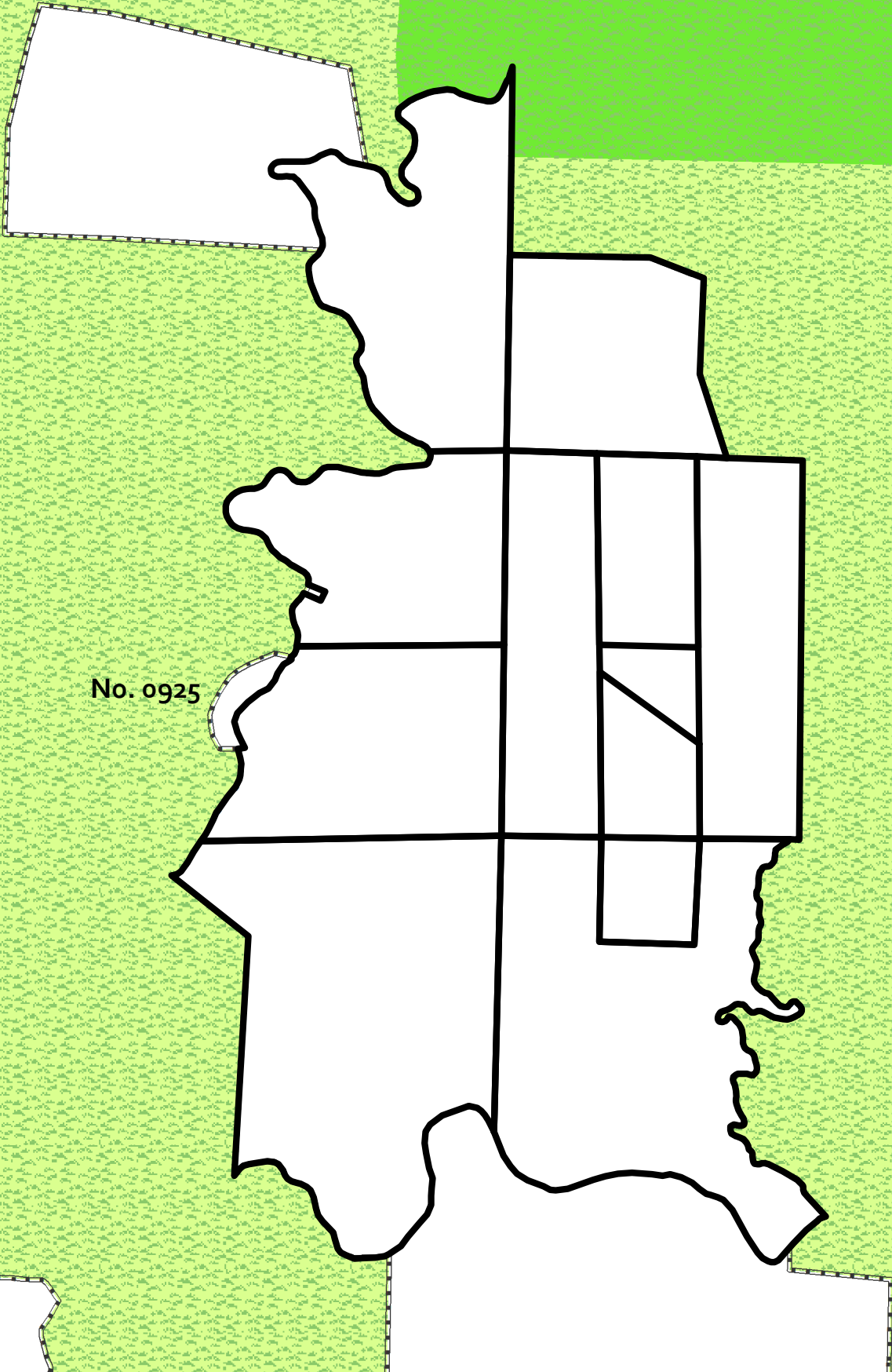


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- | | | | |
|---|-------------------------------|---|------------------------------|
|  | Ultramafic Rock |  | Eastern Rock Inclusions |
|  | Eastern Serpentine Soils |  | Eastern Rock Outcrops |
|  | Eastern Serpentine Inclusions |  | Naturally Occurring Asbestos |

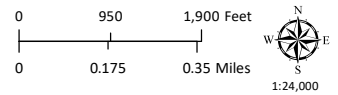


EASTERN SOIL

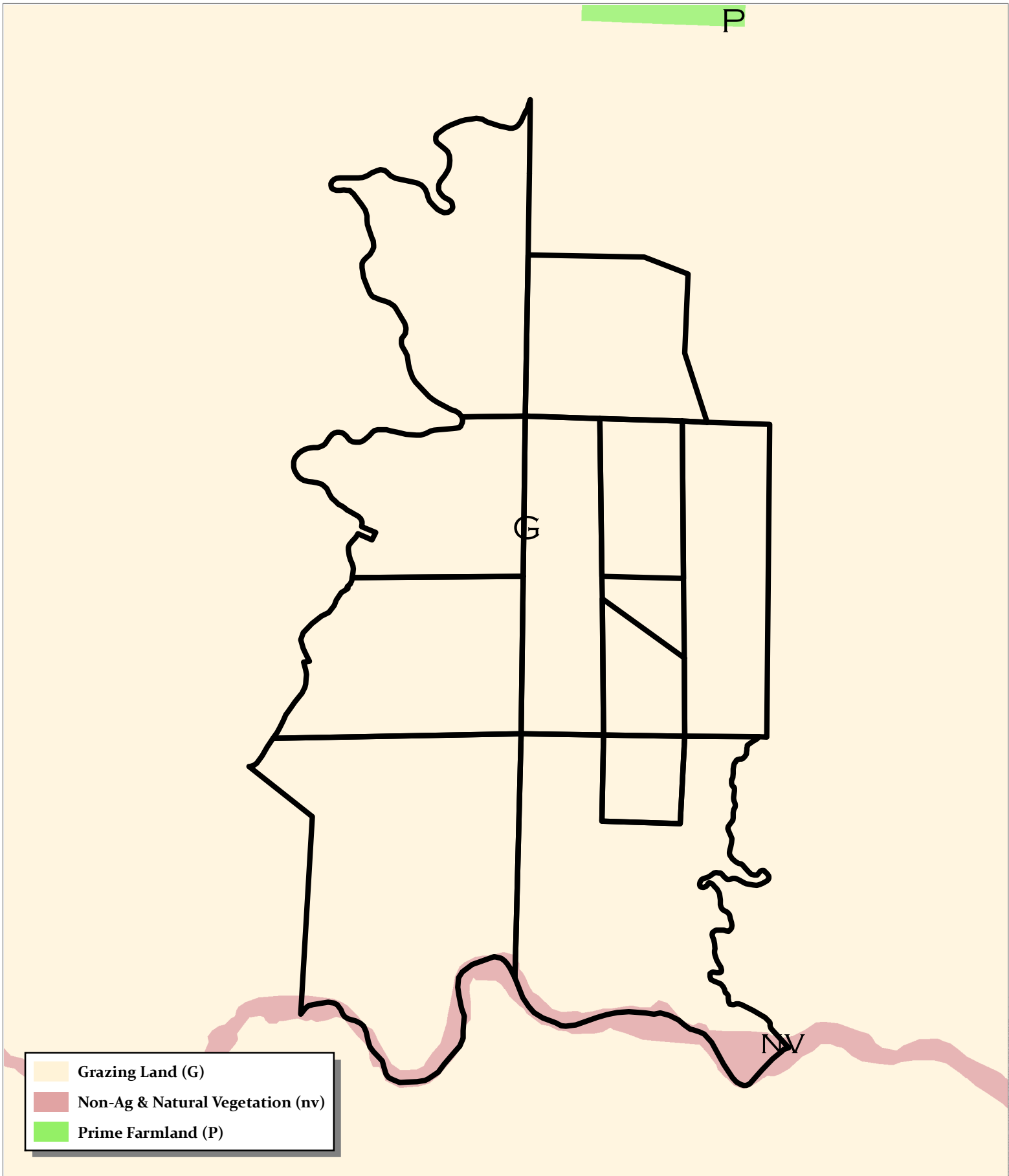


CASE: **A 2022-0006**
OWNER: **LUNARDI, Ray**
APN: **Various**
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AGENT: **Ray Lunardi**
ADDRESS: **Covelo**

 Contract Boundaries

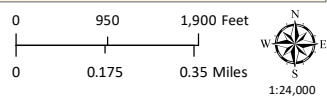


WILLIAMSON ACT

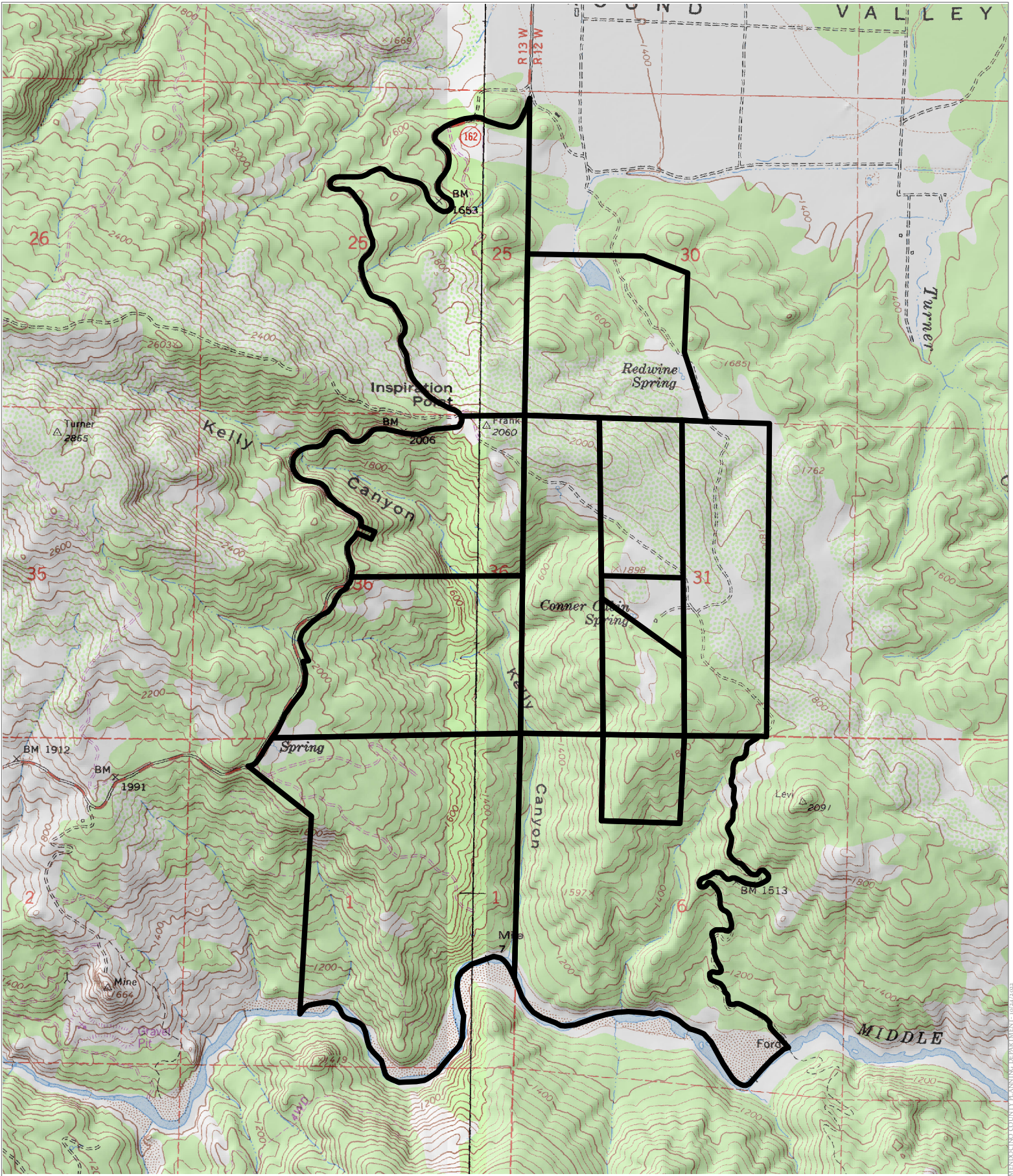


- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Prime Farmland (P)

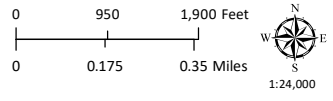
CASE: A 2022-0006
OWNER: LUNARDI, Ray
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AGENT: Ray Lunardi
ADDRESS: Covelo



IMPORTANT FARMLAND



CASE: A 2022-0006
OWNER: LUNARDI, Ray
APN: Various
APLCT: Ray Lunardi
AGENT: Ray Lunardi
ADDRESS: Covelo



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

TENDOCINO COUNTY PLANNING DEPARTMENT - 10/24/2022

Lunardi Ranch Grazing Lease

This lease is for livestock grazing on property located at 72501 Covelo Road, Covelo, CA. This lease is made and between the Lunardi Covelo Ranch Partnership, Lesser, and Peter Bauer, Lessee. The lease is made at Covelo, CA this day /1/2022 with terms as follows.

1. The agreed upon consideration of this lease is \$ 7,000.00 for the term based on 65 animal unit months at a rate of \$ 15 per AUM.
2. In consideration of the payment of the rental installment when due and the performance of the terms and conditions of this agreement by lessee, lesser grants the lessee the right to not more than 65 head of cattle owned by the lessee and upon designated areas of the
3. The lessee shall be responsible for maintaining improvements.
4. Lessee, at lessee's cost, shall at all times during this lease, or any extension thereof, maintain in full force and effect a comprehensive liability policy for the protection of the lessee and lesser.
5. No Hunting or fishing rights are granted under this lease.
6. Nothing in this lease shall be construed as conveying the lessee any right, title or interest in the said leased land except as a tenant and for the specified use only.
7. Assumes all responsibility for livestock care and control while on the leased property.
8. Lessee shall maintain current liability insurance on personnel, vehicles, and livestock at all times during this contract. (Property owner will receive a statement, via postal service from insurance carrier.
9. The Term of this lease shall commence on January 1, 2022 and shall continue in effect to the end of the grazing season December 31, 2025.

In Witness Whereof, the parties have executed this lease this 10-12-22

Lesser:



Lunardi Covelo Ranch Partnership
Ray Lunardi
P.O Box 441
Occidental, CA 95465
Tel: (707)249-0002

Lessee:



Peter Bauer
Bauer Ranch
26802 East Lane
Covelo, CA 95429
Tel: (707) 354-4541

Bauer Brush Removal and Land Clearing

26802 East Lane

Covelo, CA 95428

707-354-4541

Bill To: Lunardi Ranch

Invoice #:

Fax:

Invoice Date:

Address:

Email:

***Fence Renovation along 162 from
Inspiration point to Johnson***

Invoice For: ***Meadows***

Dates	Description	Hours	Rate	Square Footage	Price
9/21/2021	Fence repair from Inspiration pt to Kelly Canyon	4.00	\$ 30.00		\$ 120.00
9/22/2021	Fence repair from Inspiration pt to Kelly Canyon	3.50	\$ 30.00		\$ 105.00
9/23/2021	Fence repair from Inspiration pt to Kelly Canyon	5.00	\$ 30.00		\$ 150.00
9/24/2021	Brush removal (Saw work) Johnson Meadows North	4.00	\$ 65.00		\$ 260.00
9/28/2021	Saw Work	2.00	\$ 65.00		\$ 130.00
9/28/2021	Fence Repair from Kelly Canyon South	3.00	\$ 30.00		\$ 90.00
9/29/2021	Fence Repair from Kelly Canyon South	2.00	\$ 30.00		\$ 60.00
10/4/2021	Fence Repair from Kelly Canyon South	6.50	\$ 30.00		\$ 195.00
10/5/2021	Fence Repair from Kelly Canyon South	5.00	\$ 30.00		\$ 150.00
11/3/2021	Fence Repair from Kelly Canyon South	4.00	\$ 30.00		\$ 120.00
1/6/2022	Fence Repair at Johnson Meadows	5.00	\$ 30.00		\$ 150.00
1/6/2022	Saw Work at Johnson Meadows	3.00	\$ 65.00		\$ 195.00
1/7/2022	Materials for Fence	1.00	\$2,000		\$ 2,000.00
1/7/2022	Fence Repair at Johnson Meadows	5.00	\$ 30.00		\$ 150.00
3/25/2022	Fence Repair along 162	7.00	\$ 30.00		\$ 210.00
Make all checks payable to Peter Bauer				Invoice Total	\$ 4,085.00

January 25, 2023

To: Mark Cliser

Item 1: What type of use are you applying for

We are applying for Agriculture.

The use is for animal raising – general agriculture per Mendocino Agriculture code 20.032.025

Item 2: A financial statement

We don't have accounting per parcel. We have it for total number of acres. The number of acres is 1980. There are a total of 11 parcels. The tenant has spent 2020 through 2022 working on the fence in lieu of paying rent. He has spent \$6,000.00 per year to feed the cows. As owners, we have installed livestock ponds, cleared brush, and opened up road for fire access and grazing land. Cal Fire Covelo uses the property for training. They have cleared and burnt 175 acres in the past couple of years.

The following breakdown year by year:

In 2018 we spent \$5,800.00 on fencing

In 2019 we spent \$6,200.00 on fencing

In 2020 we spent \$3,500.00 on fencing

In 2021/2022 we spent \$6,035.00 (invoices included)

Material for 2021/2022: \$2,000.00

Resolution Number _____

County of Mendocino
Ukiah, California

JULY 3, 2024

**A_2022-0006 – RAYMOND & TINA LUNARDI AND RONALD & CATHIE LUNARDI
AND JOLENE & PATRICK CORCORAN**

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO APPROVE A WILLIAMSON ACT CONTRACT OVER THE LANDS OF RAYMOND & TINA LUNARDI AND RONALD & CATHIE LUNARDI AND JOLENE & PATRICK CORCORAN (A_2022-0006).

WHEREAS, the applicant, RAY LUNARDI, filed an application with the Mendocino County Department of Planning and Building Services to establish a Williamson Act contract over eleven (11) parcels of 1,950± total acres. The land is within an existing Agricultural Preserve, 5.5± miles south of Covelo, on the east side of Covelo Road (SR 162) 1.52± miles south of its intersection with Fairbanks Road (CR 327A), located at 56811, 58401, & 72501 Covelo Road, Covelo; (APNs: 033-180-42, -44, -73, 034-130-34, -35, -36, -37, -55, 035-060-23, 035-080-44, -45); General Plan Rangeland (RL:160) and Agricultural (AG:40); Zoning Rangeland (R-L) and Agricultural (A-G); Supervisorial District 3; (the "Project"); and

WHEREAS, Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by such Policies and Procedures; and

WHEREAS, the Project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per 14 CCR §15317 Class 17 and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, July 3, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and all interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Planning Commission, based on the evidence in the record before it, makes the following report and recommendations to the Mendocino County Board of Supervisors regarding Agricultural Preserve A_2022-0006:

1. The Planning Commission recommends that the Project is consistent with the property's General Plan land use classification of Rangeland (RL:160) and with applicable goals and policies of the General Plan. The property is used for grazing and a Williamson Act contract would be established, thereby restricting use of the property to agricultural and other compatible activities in accordance with the RL:160 and AG:40 classifications. The proposal is supported by General Plan Policies RM-10, RM-100, RM-101, and RM-110; and

2. The Planning Commission recommends that the Project is consistent with the property's zoning districts of Rangeland (R-L) and Agricultural (A-G) and is in conformance with Mendocino County Code Chapter 20.060. The proposal would restrict use of the property to agricultural and limited compatible uses. This includes cattle grazing, which is a permitted use in the R-L and A-G districts under the Animal Raising – General Agriculture use type; and
3. The Planning Commission recommends that the Project satisfies the eligibility requirement criteria set forth in Section 5.3 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts. The land is within an existing agricultural preserve, the submitted materials show that the land has been used for cattle grazing since at least 2022 and that the annual income requirements can be met, each parcel to be restricted is greater than 40 acres, all other existing uses of the land are considered compatible uses, and the land is comprised of contiguous parcels under the same ownership; and
4. The Planning Commission recommends to the Board of Supervisors that the lands described in Exhibit "A" attached hereto and incorporated herein by this reference, be entered into a new contract in a form approved by the Mendocino County Counsel, and that the owner shall cause to be recorded with the County Recorder's Office a map, written legal description and contract for the preserve in accordance with the established procedures of the County Recorder's Office; and
5. The Planning Commission recommends that the Board of Supervisors find the project Categorically Exempt from CEQA and establish a new Williamson Act contract over the described lands.

BE IT FURTHER RESOLVED that the Planning Commission designates the Commission Services Supervisor as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

BY JULIA KROG
 Director, Planning & Building Services

 CLIFFORD PAULIN, Chair
 Mendocino County Planning Commission

EXHIBIT A

(as described in Document No. 2021-06431, Mendocino County Records)

The land referred to herein is situated in the State of California, County of Mendocino, and is described as follows:

Tract 1:

Parcel One:

The North 1/2 of Section 36, Township 22 North, Range 13 West, Mount Diablo Meridian, lying easterly of State Highway 162.

Excepting therefrom so much of said land as conveyed in the deed to the State of California, in that certain deed recorded November 9, 1995, Book 2290, Official Records, Page 156, Mendocino County Records.

A.P.No.: 33-180-73

Parcel Two:

The South 1/2 of Section 36, Township 22 North, Range 13 West, Mount Diablo Meridian, lying Easterly of State Highway 162.

Excepting therefrom so much of said land as conveyed to the State of California, recorded November 28, 1989, Book 1792, Official Records, Page 283, Mendocino County Records.

A.P.No.: 33-180-42

Parcel Three:

All that real property situated in Section 1 and 12, Township 21 North, Range 13 West, Mount Diablo Meridian, lying Northerly of the Middle Fork of the Eel River; Easterly of State Highway 162 and Easterly of the following described line:

Beginning at a point in the centerline of State Highway 162; from which the Southwest corner of Section 34, Township 22 North, Range 13 West, Mount Diablo Meridian, bears North 86° 42' 27" West, 11,560.10 feet distant; thence leaving said Highway, South 50° 00' 00" East, 1200 feet; thence South 00° 00' 00" East, 3300 feet, more or less, to a point in the center of the Middle Fork of the Eel River.

A.P.No.: 35-060-23

Parcel Four:

The Southwest 1/4 of Section 30, Township 22 North, Range 12 West, Mount Diablo Meridian.

A.P.No.: 34-130-33

Parcel Five:

The West 1/2 of the Northwest 1/4 and Lots 1 & 2 of Section 31, Township 22 North, Range 12 West, Mount Diablo Meridian.

A.P.No.: 34-130-34

Parcel Six:

The East 1/2 of the Northwest 1/4 and Lot 3 of Section 31, Township 22 North, Range 12 North, Mount Diablo Meridian, and the Northeast 1/4 of the Northwest 1/4 of Section 6, Township 21 North, Range 12 West, Mount Diablo Meridian, excepting Lot 8.

A.P.No.: 34-130-34, 36; 35-080-44

Parcel Seven:

The West 1/2 of the East 1/2 of Section 31, Township 22 North, Range 12 West, Mount Diablo Meridian.

A.P.No.: 34-130-37

Parcel Eight:

Section 25, Township 22 North, Range 13 West, Mount Diablo Meridian, lying Easterly of State Highway 162.

APN: 33-180-44

Parcel Nine:

Section 6, Township 21 North, Range 12 West, Mount Diablo Meridian.

Excepting therefrom the Northeast 1/4 of the Northwest 1/4 of said Section 6.

Also excepting all of the lands lying Southerly of the Middle Fork of the Eel River.

Also excepting all of the lands lying Easterly of the existing road, which extends from the North line of said section to the ford on the Middle Fork of the Eel River.

A.P.No.: 35-080-45

Parcel Ten:

Any portion of the West 3/4 of Section 30, Township 22 North, Range 12 West, Mount Diablo Meridian lying South and West of the following described line:

Beginning at a point from which the Northeast corner of Section 29, Township 22 North, Range 12 West, Mount Diablo Meridian as shown on that certain Record of Survey filed in Map Case 2, Drawer 21, page 90, Mendocino County Records, California bears North 14° 09' 34" East, 5,421.99 feet distant; thence from said point of beginning North 88° 59' 31" West, 6,357.03 feet; then North 18° 07' 25" West, 782.05 feet; then North 00° 01' 38" West, 1,035.39 feet; then North 00° 00' 47" East, 634.55 feet; then North 54° 48' 00" West, 861.54 feet; then North 89° 59' 46" West, 1,936.03 feet; then North 00° 00' 19" East, 2,640.14 feet to the Section corner common to Sections 24 and 25, Township 22 North, Range 12 West, Mount Diablo Meridian.

Excepting therefrom the above described Parcels One through 10, any portion thereof lying North and East of the following described line:

Beginning at a point from which the Northeast corner of Section 29, Township 22 North, Range 12 West, Mount Diablo Meridian as shown on that certain Record of Survey filed in Map Case 2, Drawer 21, page 90, Mendocino County Records, California bears North 14° 09' 34" East, 5,421.99 feet distant; thence from

said potin of beginning North 88° 59' 31" West, 6,357.03 feet; then North 18° 07' 25" West, 782.05 feet; then North 00° 01' 38" West, 1,035.39 feet; then North 00° 00' 47" East, 634.55 feet; then North 54° 48' 00" West, 861.54 feet; then North 89° 59' 46" West, 1,936.03 feet; then North 00° 00' 19" East, 2,640.14 feet to the Section corner common to Sections 24 and 25, Township 22 North, Range 12 West, Mount Diablo Meridian.

Reserving therefrom, a non-exclusive appurtenant perpetual right of way and utility easement 60 feet in width for ingress, egress, and public utility purposes, lying over, under and across 30 feet on either side of the existing road, the approximate location of which is depicted on the map attached hereto as Exhibit "B" as "Reserved Easement #1."

Also reserving therefrom a non-exclusive perpetual right of way and utility appurtenant easement 50 feet in width lying over, under and across 25 feet on either side of the centerline of the existing road, for ingress and egress and public utility purposes the approximate location of which is depicted on the map attached hereto as Exhibit "B", as "Reserved Easement #2."

At Grantor's election, grantor may survey the course of the easements herein reserved or any portion thereof and may record in the Official Records of the County of Mendocino one or more records of survey of the same. However, before Grantor records such record of survey, Grantor shall submit the proposed record of survey to Grantee for Grantee's review, and Grantor shall obtain Grantee's written approval thereto. Upon the recordation of any such record of survey by the Grantor, the description of the easements contained shall be deemed to be the description contained in said record of survey.

The easements herein reserved shall also include the following rights:

1. The easements herein reserved shall be appurtenant to Parcels 46, 47, 58, 59, 50, 52, 53, 54, 55 of the Deed to BT Holdings recorded December 31, 1996 in Book 2385 of Official Records at page 146, Mendocino County Records, or any portion thereof and regardless of the number of divisions thereof and without limit to burden and shall not be diminished, restricted or otherwise affected by this division, redivision or change in use of any dominant tenement.
2. The right to use said easements for ingress, egress and public utility purposes, including without limitation, the right to use said easements for hauling timber and all forest products, as well as the right to use said easements for any commercial use and/or highway use. The easements reserved herein also include the right to make and construct all reasonably necessary and convenient poles, wires, cables, pipes, conduits, laterals, mains, guys, anchors and other fixtures and appurtenances, roadways, embankments, excavations, causeways, bridges, and other structures for road purposes and the right to construct, inspect, alter, repair, improve, replace and maintain the same; and with the further right to cut down and trim all trees, shrubs, limbs and undergrowth.
3. In the event the use and enjoyment of any portion of the easements herein contained is substantially obstructed or curtailed, regardless of the cause of said obstruction or curtailment, and provided said obstruction or curtailment of the use and enjoyment of said portion of said easements cannot be removed in the exercise of reasonable diligence, good faith efforts, and at reasonable cost to any person having ownership interest therein, said portion of said easements may be relocated subject to the following:
 - a. In the opinion of a licensed civil engineer, knowledgeable and experienced in the construction of roads in the coastal range of Mendocino County, relocation would substantially enhance the use and enjoyment of said easements; and
 - b. Said relocation is to a site recommended by said licensed civil engineer, which site shall be the site most proximate to the previous site of said easements consistent with sound engineering practices.

4. Maintenance of these reserved accesses shall be governed by the provisions of Civil Code Section 845, however, no holder of these easements shall be obligated to pay for upgrades or improvements beyond normal maintenance without mutual prior agreement between Grantor and Grantee.
5. The easements herein reserved shall also include the right to install a sign within or adjacent to Reserved Easement #2 near Highway 162 indicating that these easements may be used for access to the appurtenant lands. Grantor and Grantor's guests and invitees shall have the right to utilize Reserved Easement #1 and Reserved Easement #2 at all times without any involvement of Grantee.
6. The right to hunt on these easements is not being reserved and is prohibited on these easements by the grantor's herein and their heirs, successors and assigns.
7. In addition to the right of relocation contained in Paragraph 3 above, the Grantee herein and their heirs, successors and assigns shall have the right, at Grantee's sole cost and expense, to move said existing road (comprising Reserved Easement #2) in a Northeasterly direction to the ridge which runs from the Northerly beginning of said road Southeasterly to the center of Section 31, Township 21 North, Range 12 West, Mount Diablo Meridian. Upon completion of a road in the new location as described above, the parties hereto and their heirs, successors and assigns shall be obligated to execute such documents as are necessary to change the record location of Reserved Easement #2 to conform to the location of the new road.

Tract 2:

A non-exclusive perpetual right of way and utility appurtenant easement for the benefit of Grantee and its successors and assigns 60 feet in width lying over, under and across 30 feet on either side of the centerline of the existing road, the approximate location of which is depicted on the map attached hereto as Exhibit "C", "ACCESS EASEMENT."

At Grantor's election, Grantor may survey the course of the easement herein reserved or any portion thereof and may record in the Official Records of the County of Mendocino one or more Records of Survey of the same. Upon the recordation of any such records of survey by the Grantors, the description of the easement contained shall be deemed to be the description contained in said record of survey.

The appurtenant easement herein granted shall also include the following rights, powers and interest in the property conveyed above:

1. The easement herein granted shall be appurtenant to Tract 1 above, and regardless of the number of divisions thereof and without limit to burden and shall not be diminished, restricted or otherwise affected by the division, redivision or change in use of any dominant tenement.
2. The easement herein granted includes the right to use said easement for ingress, egress and public utility purposes; the right to use said easement for hauling timber and all forest products, as well as the right to use said easement for any commercial use and/or highway use. The easement granted herein also includes the right to make and construct all reasonably necessary and convenient roadways, embankments, excavations, causeways, bridges, and other structures for road purposes and the right to repair, improve, replace and maintain the same.
3. In the event the use and enjoyment of any portion of the easement herein contained is substantially obstructed or curtailed, regardless of the cause of said obstruction or curtailment, and provided said obstruction or curtailment of the use and enjoyment of said portion of said easement cannot be removed in the exercise of reasonable diligence, good faith efforts, and at reasonable cost to

any person having ownership interest therein, said portion of said easement may be relocated subject to the following:

- a. In the opinion of a licensed civil engineer, knowledgeable and experienced in the construction of road in the coastal range of Mendocino County, relocation would substantially enhance the use and enjoyment of said easement; and
 - b. Said relocation is to a site recommended by said licensed civil engineer, which site shall be the site most proximate to the previous site of said easement consistent with sound engineering practices.
4. Maintenance of this granted easement shall be governed by the provisions of Civil Code Section 845, however, no holder of this easement shall be obligated to pay for upgrades or improvements beyond normal maintenance without mutual prior agreement between Grantor and Grantee.
 5. The right to hunt on this easement is not being granted and is prohibited on these easement by the owners of the appurtenant lands or their guests.