

Resolution Number PC 2023-0020

County of Mendocino
Ukiah, California

SEPTEMBER 21, 2023

A_2022-0003 HEIDI WORDHOUSE-DYKEMA

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING ESTABLISHMENT OF AN AGRICULTURAL PRESERVE FOR THE LAND OF THE WORDHOUSE-DYKEMA FAMILY TRUST AND APPROVING A WILLIAMSON ACT CONTRACT OVER SAID LANDS (A_2022-0003)

WHEREAS, the applicant, Heidi Wordhouse, Trustee of the Wordhouse-Dykema Family Trust, filed an application with the Mendocino County Department of Planning and Building Services to establish an Agricultural Preserve of 590± acres and establish a Williamson Act contract over said land, lying 9.3± miles north of Laytonville, on the east side of Simmerly Ranch Road (private), 1.4± miles northeast of its intersection with Simmerly Road (private), located at 6969 Simmerly Ranch Road, Laytonville. (APN's: 032-221-22, 032-222-17, 032-222-18, 032-222-27, 032-222-29, 032-222-30, 032-223-17; 032-223-27); General Plan Rangeland (RL160); Zoning (RL), 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 September 21, 2023 at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. 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 for 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_2022-0003:

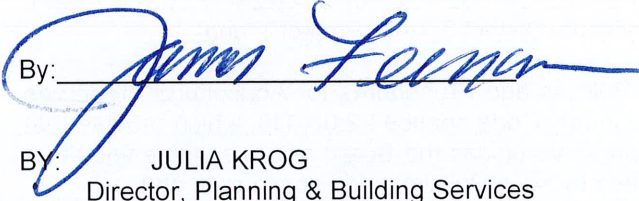
1. The Planning Commission recommends that the Project is consistent with the property's General Plan land use classification of Rangeland (RL:160) and with applicable goals and policies of the General Plan; and
2. The Planning Commission recommends that the Project is consistent with the property's zoning district of Rangeland (RL) and is in conformance with Mendocino County Code Chapter 20.060; and
3. The Planning Commission recommends that the Project satisfies the eligibility requirement criteria set forth in Section 5.2 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; and

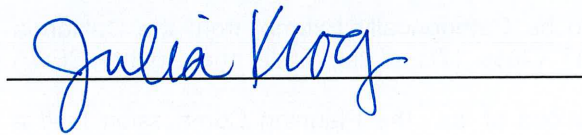
4. The Planning Commission recommends to the Board of Supervisors that the lands described in Exhibit "A" attached hereto and incorporated herein by this reference, be entered into a new preserve and contract in a form approved by the Mendocino County Counsel, and that the owner shall cause to be recorded 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 approve a Categorical Exemption and establish a new Agricultural Preserve over the lands of Woodhouse-Dykema Family Trust and approve a Williamson Act contract over said lands.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary 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

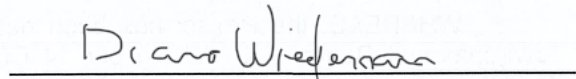
I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: 
JULIA KROG
Director, Planning & Building Services



DIANA WIEDEMANN, Chair
Mendocino County Planning Commission



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LEAMS
FOR
32-221-22
32-222-18
32-223-17, 27

**EXHIBIT A
LEGAL DESCRIPTION**

Real property in the unincorporated area of the County of Mendocino, State of California, described as follows:

TRACT ONE:

The South half of the Northeast quarter and the North half of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 30, Township 23 North, Range 14 West, Mount Diablo Meridian,

APN: 32-221-22

Reserving therefrom, a non-exclusive appurtenant easement 70 feet in width, lying 35 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 "B", "Reserved Easement".

At grantors election, grantors 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 reserved shall also include the following rights, powers and interest in the property conveyed above:

1. The easement herein reserved shall be appurtenant to the remaining lands of the grantors in Section 29 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, reddivision or change in use of any dominant tenement.
2. The easement herein reserved 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 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 roads 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

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practices.

Also reserving therefrom that certain horizontal well and all water flowing from said well, the approximate location of which is depicted "Horizontal Well" on the map attached hereto as Exhibit "B".

Also reserving the exclusive right for the use of a circular area for the purposes of water development with a 15 foot radius, the center being the center of the horizontal well-head. Grantor, or his successors may fence off this circular area at his option.

Also reserving an easement for the installation, maintenance and use of a water pipeline extending in an Easterly direction within 200 feet of the North line of the South half of the Northeast quarter of Section 30, Township 23 North, Range 14 West, Mount Diablo Meridian to the East line thereof. Also reserving an easement for the installation, maintenance and use of a pump and tank at any point along said pipeline.

TRACT TWO:

A non-exclusive easement 70 feet in width appurtenant to Tract One above for ingress, egress, and public utility purposes, the approximate location of which is depicted on the map attached as Exhibit "B" as "access easement" in the deed to Wayne Wendle, et ux, recorded September 8, 1989 in Book 1775, Page 415, Mendocino County Records.

TRACT THREE:

A non-exclusive easement for ingress, egress and public utilities over the 70' strip of land designated "Slimberry Road" on the Parcel Map recorded January 5, 1973 in Map Case 2, Drawer 20, Page 19, Mendocino County Records and on the Parcel Map recorded July 27, 1978 in Map Case 2, Drawer 32, Page 97, Mendocino County Records.

TRACT FOUR:

North half of Southeast quarter of Section 29, Township 23 North, Range 14 West, Mount Diablo Meridian, the Northwest quarter of the Southwest quarter; the North half of the Northeast quarter of the Southwest quarter; the Southwest quarter of the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of the Southwest quarter of Section 28, Township 23 North, Range 14 West, Mount Diablo Meridian.

APN: 32-222-x14; 32-223-14, 15, 16 & 17

TRACT FIVE:

A non-exclusive easement 70 feet in width appurtenant to Tract One above for ingress, egress, and public utility purposes, the approximate location of which is depicted on the map attached hereto as Exhibit "B" as "access easement" in the Deed to Wayne Wendle recorded September 8, 1989 in Book 1775 of Official Records at Page 415, Mendocino County Records. Excepting therefrom that portion located in the North half of the Southwest quarter and the South half of the Northwest quarter of Section 29.

At grantors election, grantors may survey the course of the easement herein granted 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 record 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 easement herein granted shall also include the following rights:

1. The easement herein granted shall be appurtenant to Tract Four above 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 the division, redivision or change in use of any dominant tenement.

2. The right to use said easement for ingress, egress and public utility purposes, including without limitation, 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 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 roads 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.

TRACT SIX:

A non-exclusive easement for ingress, egress and public utilities over the 70' strip of land designated "Simmerly Road" on the Parcel Map recorded January 5, 1973 in Map Case 2, Drawer 20, page 19, Mendocino County Records and on the Parcel Map recorded July 27, 1978 in Map Case 2, Drawer 32, page 97, Mendocino County Records.

TRACT SEVEN:

The easement reserved by Harwood Investment Company in the Deed to Robert A. Linde, et al, recorded September 19, 1986 in Book 1580 of Official Records at Page 574.

TRACT EIGHT:

A non-exclusive easement for ingress, egress and public utilities, 70 feet in width, lying 35 feet on either side of the centerline of the existing road, the approximate location of which is depicted as "Granted Easement" on the map attached hereto as Exhibit "B".

At grantors election, grantors 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

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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, subject however, to paragraphs 2 and 4 below.

The easement herein granted shall also include the following rights:

1. The easement herein granted shall be appurtenant to the land described as Tract One above 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 the division, redivision or change in use of any dominant tenement.
2. The easement herein granted includes the right to move that portion of the existing road lying within 150 feet of the West line of the North half of the Southeast quarter of Section 29 in a Southerly direction if necessary to reach said West line.
3. The right to use said easement for ingress, egress and public utility purposes, including without limitation, 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 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.
4. 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 roads 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.

TRACT NINE:

That certain spring and all water flowing from said spring, the approximate location of which is depicted "Spring" on the map attached hereto as Exhibit B. Together with a non-exclusive easement for the installation, maintenance and use of a water pipeline extending Easterly from said spring to the West line of the North half of the Southeast quarter of Section 29.

First American Title

EXHIBIT A

TRACT ONE:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 23 NORTH, RANGE 14 WEST, MOUNT DIABLO MERIDIAN.

TRACT TWO:

A NON-EXCLUSIVE EASEMENT 70 FEET IN WIDTH APPURTENANT TO TRACT ONE ABOVE FOR INGRESS, EGRESS, AND PUBLIC UTILITY PURPOSES, THE APPROXIMATE LOCATION OF WHICH IS DEPICTED ON THE MAP ATTACHED AS EXHIBIT "B" AS "ACCESS EASEMENT" IN THE DEEDS TO WAYNE WINDLE ET UX RECORDED SEPTEMBER 8, 1989 IN BOOK 1773, PAGES 415 & 420 MENDOCINO COUNTY RECORDS.

TRACT THREE:

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES OVER THE 70' STRIP OF LAND DESIGNATED "SIMMERLY ROAD" ON THE PARCEL MAP RECORDED JANUARY 5, 1973 IN MAP CASE 2, DRAWER 20, PAGE 19, MENDOCINO COUNTY RECORDS AND ON THE PARCEL MAP RECORDED JULY 27, 1978 IN MAP CASE 2, DRAWER 32, PAGE 97, MENDOCINO COUNTY RECORDS.

TRACT FOUR:

THE EASEMENT RESERVED BY HARWOOD INVESTMENT COMPANY IN THE DEED TO ROBERT A. LINDE, ET AL, RECORDED SEPTEMBER 19, 1986 IN BOOK 1580 AT PAGE 574, MENDOCINO COUNTY RECORDS.

TRACT FIVE:

A NON-EXCLUSIVE, 70 FEET IN WIDTH, APPURTENANT TO TRACT ONE ABOVE FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES, LYING 35 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 "B", "GRANTED EASEMENT."

AT GRANTORS ELECTION, GRANTORS 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:



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1. THE EASEMENT HEREIN GRANTED SHALL BE APPURTENANT TO THE LAND DESCRIBED AS TRACT ONE ABOVE 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 THE DIVISION, REDIVISION OR CHANGE IN USE OF ANY DOMINANT TENEMENT.

2. THE RIGHT TO USE SAID EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES, INCLUDING WITHOUT LIMITATION, 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 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 ROADS 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.

APN: 032-222-27, 032-222-29 and 032-222-30

EXHIBIT "A"

TRACT ONE:

Parcel One:

The Southwest quarter of the Southeast quarter of the Northeast quarter of Section 29, Township 23, North, Range 14 West, Mount Diablo Meridian.

APN: 032-222-27

Pursuant to Certificate of Compliance recorded April 22, 2016 as 2016-04819 of Official Records.

Parcel Two:

A non-exclusive easement 70 feet in width appurtenant to Parcel One above for ingress, egress and public utility purposes, described in that Grant Deed from Harwood Investment Company, a limited partnership, to Robert A. Linde, et al, recorded September 19, 1986, in Book 1580, Official Records, Page 674, Mendocino County Records.

Parcel Three:

A non-exclusive easement for ingress, egress and public utilities over the 70 foot strip of and designated "Simmerly Road" on the Parcel Map recorded January 6, 1973, in Map Case 2, Drawer 20, Page 19, Mendocino County Records and on the Parcel Map recorded July 27, 1978, in Map Case 2, Drawer 32, Page 97, Mendocino County Records.

TRACT TWO:

The Southeast quarter of the Southwest quarter of the Northeast quarter of Section 29, Township 23 North, Range 14 West, Mount Diablo Meridian.

APN: 032-222-29

Pursuant to Certificate of Compliance recorded December 15, 2016 as 2016-16940 of Official Records.

TRACT THREE:

The Southwest quarter of the Southwest quarter of the Northeast quarter of Section 29, Township 23 North, Range 14 West, Mount Diablo Meridian.

APN: 032-222-30

Pursuant to Certificate of Compliance recorded December 15, 2016 as 2016-16941 of Official Records.