



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

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September 6, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, September 21, 2023, 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.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: A_2022-0003

DATE FILED: 4/25/2022

OWNER/APPLICANT: HEIDI WORDHOUSE-DYKEMA

REQUEST: Agricultural Preserve to establish a Williamson Act contract over 590± acres in the Laytonville area.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 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; 032-222-18; 032-222-27; 032-222-29; 032-222-30; 032-223-17; 032-223-27)

SUPERVISORIAL DISTRICT: 3 (Haschak)

STAFF PLANNER: DIRK LARSON

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.org/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.org by September 20, 2023, 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.org/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**

**SEPTEMBER 21, 2023
A_2022-0003**

SUMMARY

OWNER/APPLICANT: HEIDI WORDHOUSE
WORDHOUSE-DYKEMA FAMILY TRUST
PO BOX 2046
LAYTONVILLE, CA 95454

REQUEST: Creation of a 590± acre Agricultural Preserve under a Williamson Act contract for a group of eight (8) parcels under a single ownership.

LOCATION: 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; 032-222-18; 032-222-27; 032-222-29; 032-222-30; 032-223-17; 032-223-27).

TOTAL ACREAGE: 590± Acres

GENERAL PLAN: Rangeland-160 Acre minimum (RL160)

ZONING: Rangeland-160 Acre minimum (RL:160)

SUPERVISORIAL DISTRICT: 3rd (Haschak)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 17

RECOMMENDATION: APPROVAL TO THE BOARD OF SUPERVISORS

STAFF PLANNER: DIRK LARSON

BACKGROUND

PROJECT DESCRIPTION: The applicant requests to place 590± acres consisting of a total of eight (8) parcels all zoned RL (Rangeland) and under one common ownership into at. Livestock grazing has occurred across the entire ownership for the last twelve (12) years, per owner's statement, and the grazing land is fenced and cross-fenced with a few "free-grazed" areas monitored by cattle dogs and a ranch hand when in use. Improvements on the ranch consist of two storage containers, three (3) small barns, a shop, a well and septic system that serve one (1) 800± square foot residence. A Cannabis Cultivation site is also in operation on the ranch and the current permit is still under review. The site consists of six (6) hoop houses and a yurt for tools and storage. The current permit is presumed to be active as it is still under review by the Cannabis Division. The homesite area and Cannabis cultivation site encompass less than five (5) acres of the overall ownership. No new structures are being proposed at this time.

APPLICANT'S STATEMENT: "The ranch contains extant roads, two storage containers, one woodshed, three small ag exempt barns, a shop, some hoop houses, one residence and gardens. The structures are used for agricultural and domestic purposes. All extant structures are permitted or in the permitting process."

"The project site as it exists before applying as an Agricultural Preserve under the Williamson Act, is a ranch of 590 acres of over 8 apns, running a closed herd of grass fed Highland cattle (x Jersey) and American Guinea hog for private clientele. Cattle graze each of the 8 parcels. Cattle have run on this land for the past 12 years, even though we are only now seeking an Agricultural Preserve designation."

RELATED APPLICATIONS:

- Certificate of Compliance CC 24-82 recognizing existing lots for this property and adjacent parcels as part of the 'Blue Rock Ranches' subdivision
- Boundary Line Adjustment B 55-02 to merge some of the previous certificates into four parcels and then reconfiguring the four parcels into the current configurations.
- Certificate of Compliance CC 2016-0008 recognizing 13 legal parcels within and adjacent to the subject property.
- Certificate of Compliance CC 2016-0025 recognizing 2 legal parcels that are part of this ownership.
- AG_2019-0191 Type 4-Nursery/Seed, Cannabis Cultivation 'Relocation' to subject ranch. The property owner was not the applicant in this matter and records show the permit is still 'Under Review'.

SITE CHARACTERISTICS: Located north of Laytonville in the mountainous area of Spyrock, the ranch lies just east of Iron Peak and close to the the main stem of the Eel River. Made up of mostly moderate to steep slopes and surrounded by agricultural and timberlands on all sides, the ranch is comprised primarily of open grasses, rocky outcroppings and studded with oaks. Per the Soil Survey of Mendocino County, Eastern Part, the site soils are made up of mostly Gravelly and Yorkville loams, presenting slopes of 30 to 50 % primarily. Part of the Yorkville-Yorktree-Squawrock Complex, these soils are best for livestock grazing, recreational use, watershed and wildlife management. Livestock grazing and timber production have been occurring along these slopes and in this area for more than a century.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Forestland (FL160)	Timber Preserve (TP:160)	96± Acres	Rangeland; Timber
EAST	Rangeland (RL160)	Rangeland (RL:160)	37±A , 57±A	Rangeland
SOUTH	Rangeland (RL160)	Rangeland (RL:160)	47±A, 130±A	Rangeland, Res
WEST	Rangeland (RL160)	Rangeland (RL:160)	10±A , 150±As	Rangeland

PUBLIC SERVICES:

Access: US 101 to Spyrock Rd (CR 323) to Private road.
Fire District: CAL FIRE
Water District: NONE
Sewer District: NONE
School District: Laytonville Unified

AGENCY COMMENTS: On June 16th, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Agricultural Commissioner	No Comment
Assessor's Office	No Response
Farm Advisor	No Comment
Forestry Advisor	No Comment
Resource Land Protection Committee	No Comment

CalFire	No Response
US Dept of Fish & Wildlife	No Response
US Natural Resource Conservation	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Round Valley Indian Tribes	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The land subject to the request is classified as Rangeland 160-Acre Minimum (RL:160) per the Mendocino County General Plan (see attached General Plan Classifications). 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.

General Uses: Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installations."

The property is used for grazing and an agricultural preserve would be established, thereby restricting use of the property to agricultural and other compatible activities in accord with the RL:160 classification. 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 substantially in conformance with the General Plan.

2. Zoning Consistency: The land subject to the request is within the Rangeland (RL) zoning district. The RL 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 RL 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 proposal would restrict use of the property to agricultural and limited compatible uses. Staff therefore finds that use of the property for grazing purposes within an agricultural preserve is consistent with the intent of the RL district.

3. Policies and Procedures for Agricultural Preserves and Williamson Act Contracts: The Policies and Procedures document became effective in 2016 and has since been updated in 2017 and 2018 via Resolution Numbers 17-041 and 18-050. The project's consistency with these policies and procedures is summarized below:

Per Section 4.2(a), only lands zoned AG (Agricultural), RL (Rangeland), or FL (Forestland) are eligible to qualify as Agricultural Preserves. As there is currently no process in place to establish an Agricultural Preserve as a separate and distinct restriction from that of a Williamson Act contract, all lands zoned AG and RL are considered de facto Agricultural Preserves and thus eligible for contract.

Per Section 4.3(B), An agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous. The land under consideration is comprised of eight (8) contiguous parcels totaling 590± acres in size and under one common ownership.

Per Section 5.3(B), the land proposed to be restricted by contract has been devoted to agricultural purposes prior to application as evidenced by the applicant's statement and the historical use of livestock grazing occurring throughout this region in the past.

Per Section 5.3(D), the land must generate an annual income not less than \$2,000.00 plus \$2.50 per acre, or a total of approximately \$3,317.50 for the proposed land to be restricted by contract. Per the application, historical income was approximately \$9500 pre-Covid. For three years following 2020, income has exceeded \$3500 and continues to increase as the impacts of the Pandemic dissipate.

The Agricultural Commissioner responded with no comments for this project but did include the following statement, "If the proposed uses and monetary gains are defined and acceptable in the application, I have no objections." The project was also referred to the Resource Lands Program Committee (RLPC) for review on July 13, 2022 at which time no issues were raised and the Committee recommended approval.

4. Environmental Protection: This project has been found to be exempt from the California Environmental Quality Act (CEQA) per Section 15317 of the CEQA guidelines (Class 17), which exempts "the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act..." Therefore, no further environmental consideration is necessary.

RECOMMENDATION

By resolution, that the Planning Commission recommends approval of A_2022-0003 to the Board of Supervisors subject to the findings contained in the Resolution and attached Exhibit A.

7/18/23

DATE



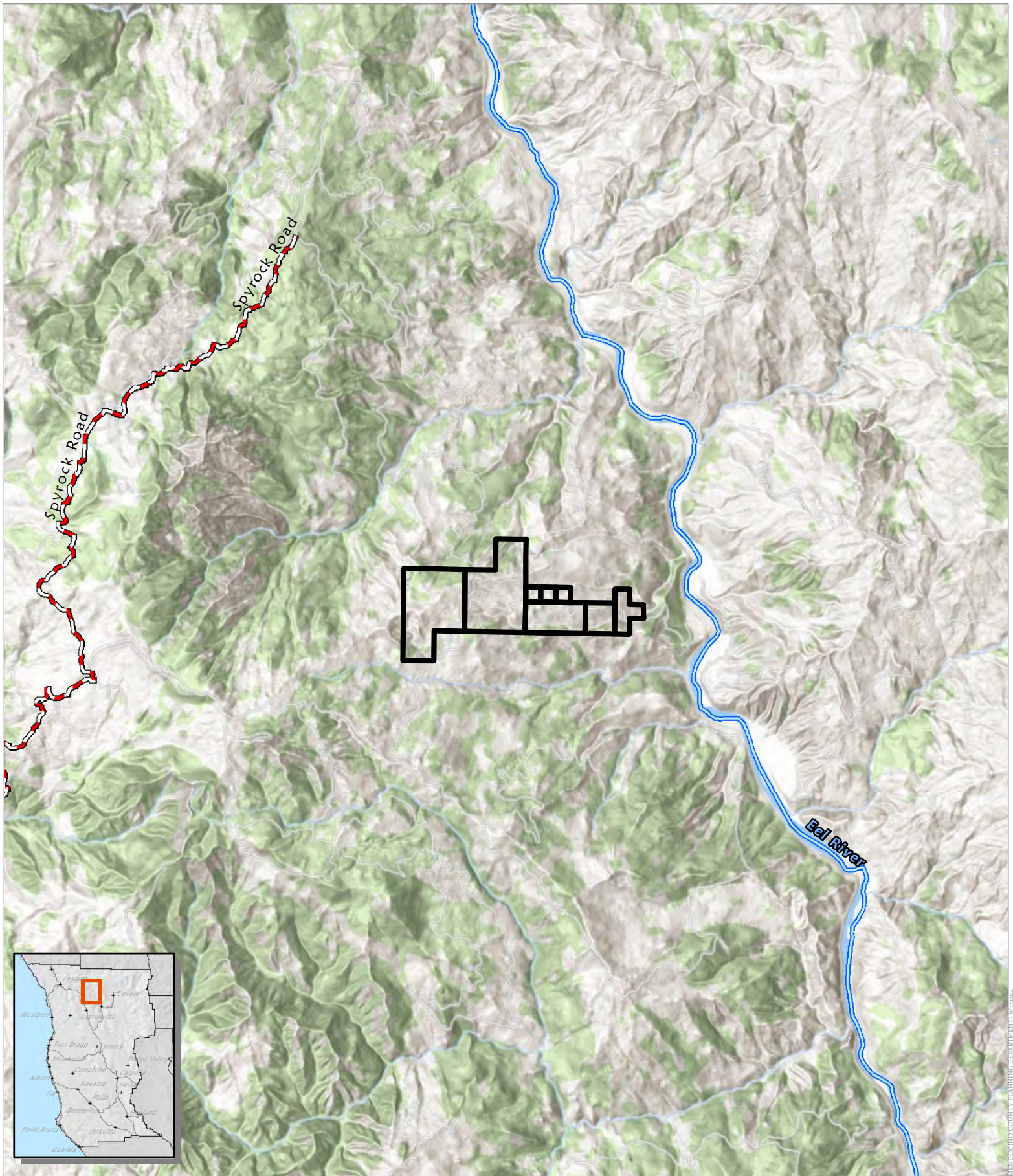
DIRK LARSON
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2674.00

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Zoning Map
- E. General Plan Map
- F. Adjacent Parcels Map
- G. Fire Hazards Map
- H. Farmland Classifications
- I. Estimated Soils Map
- J. Eastern Soils Classification
- K. Wildland-Urban Interface Zone Map

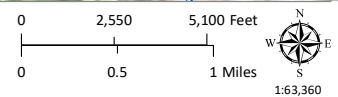
RESOLUTION AND EXHIBIT A



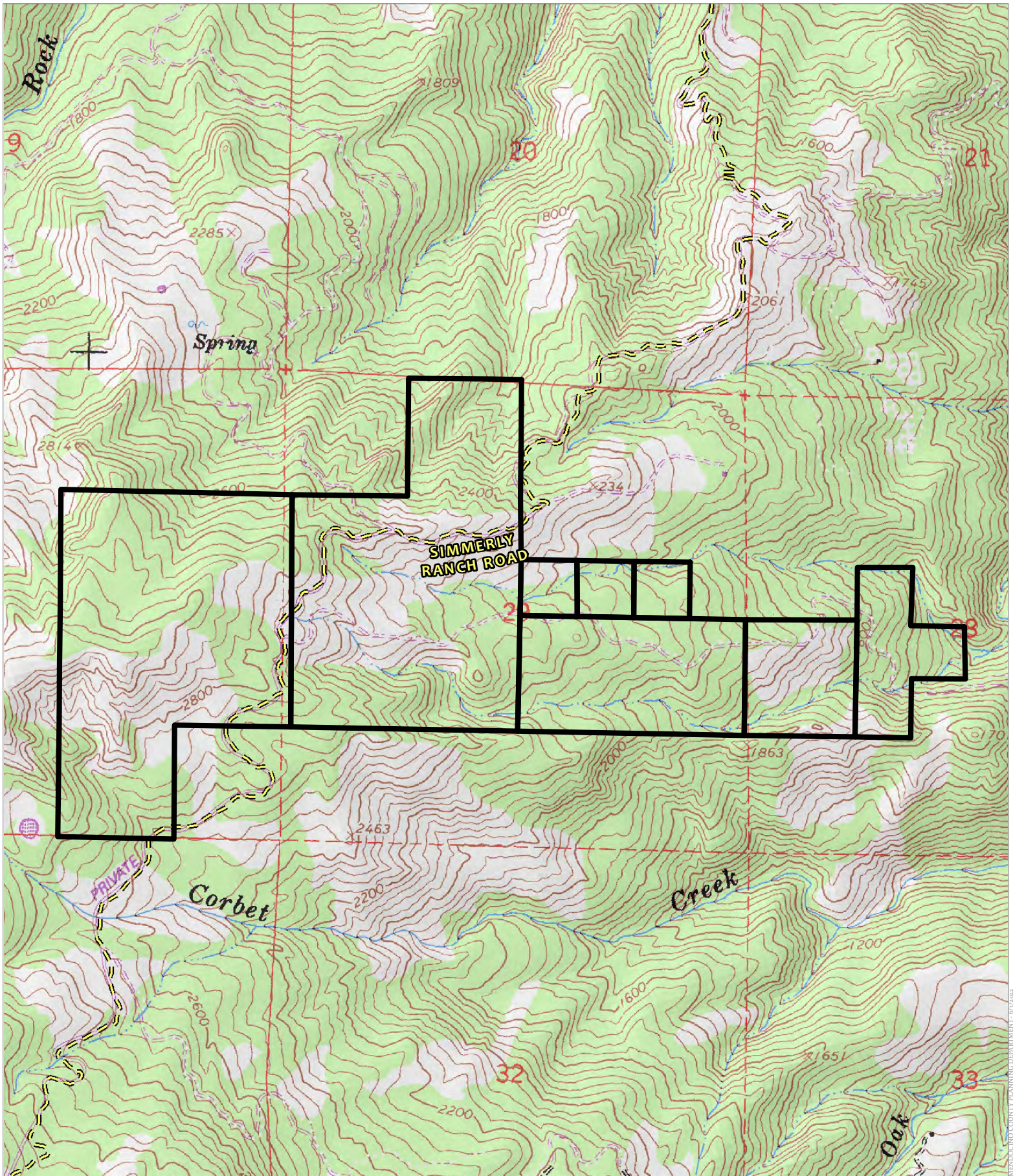
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/3/2023

CASE: A 2022-0003
 OWNER: WORDHOUSE, Heidi
 APN: 032-221-22, et. al.
 APLCT: Heidi Wordhouse
 AGENT:
 ADDRESS: 6942 Simmerly Ranch Road, Laytonville

 Major Roads

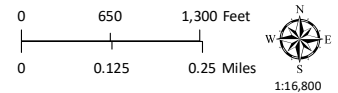


LOCATION MAP

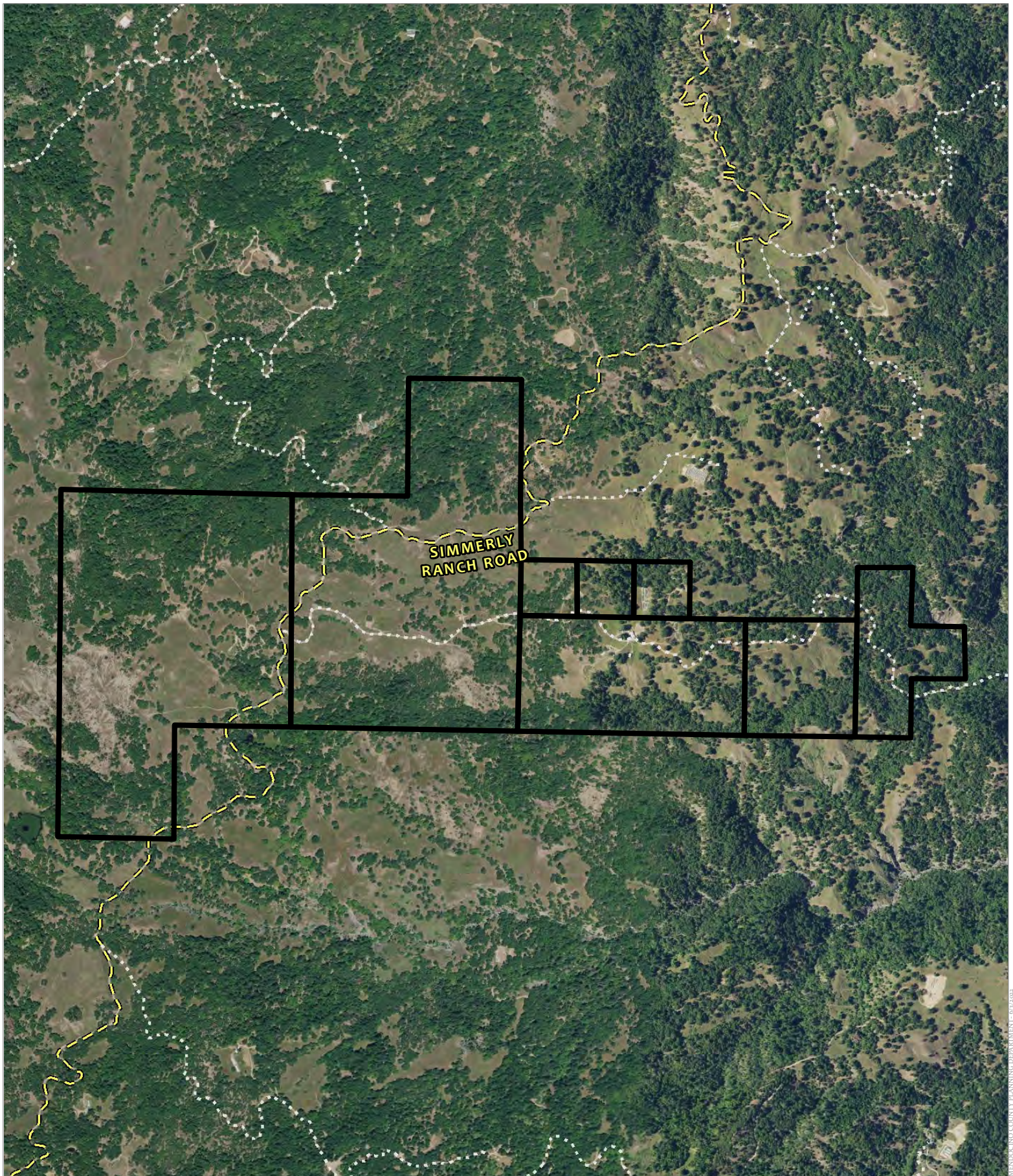


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== Private Roads

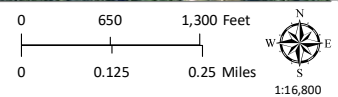


TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

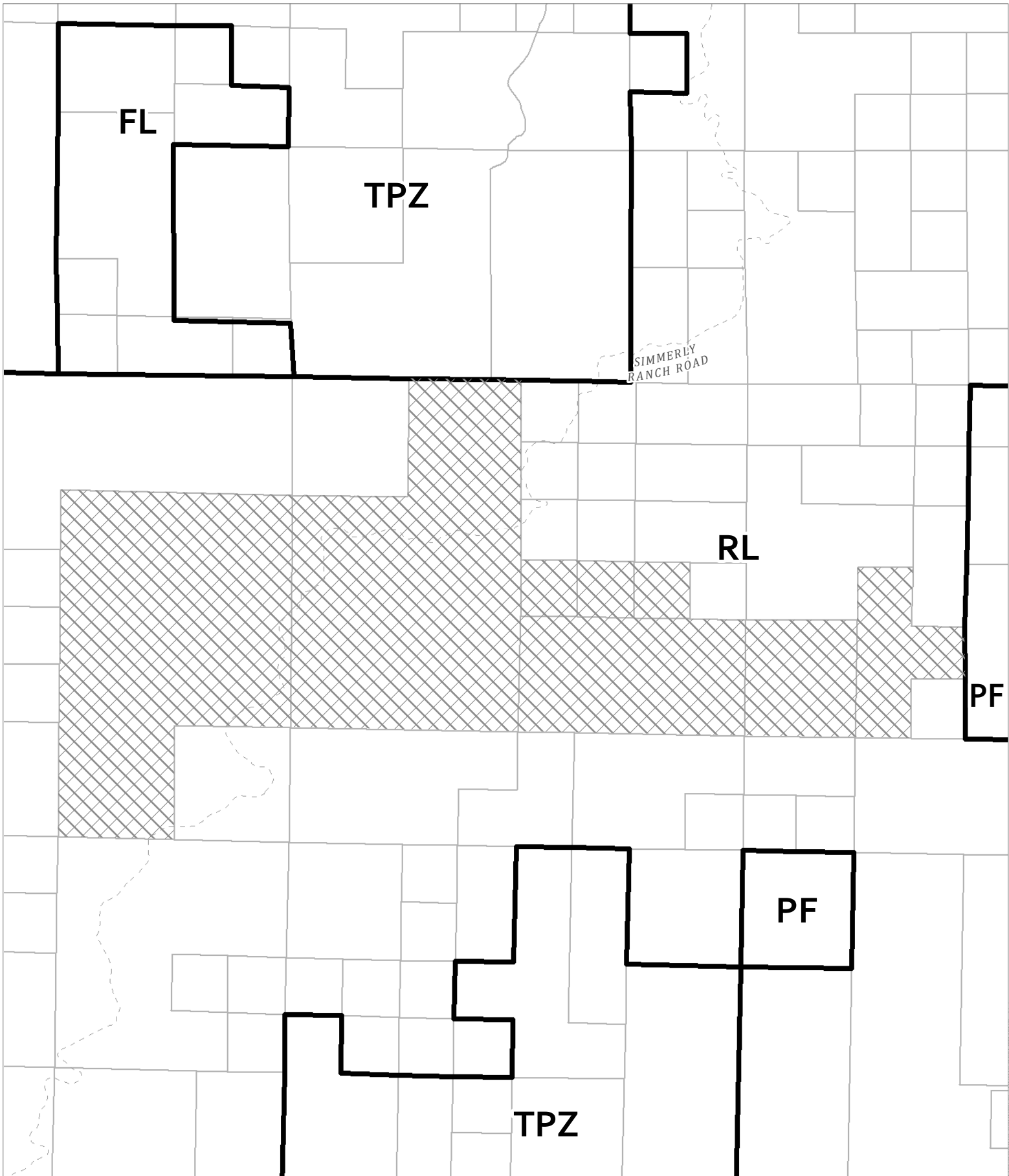


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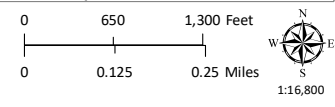
AERIAL IMAGERY



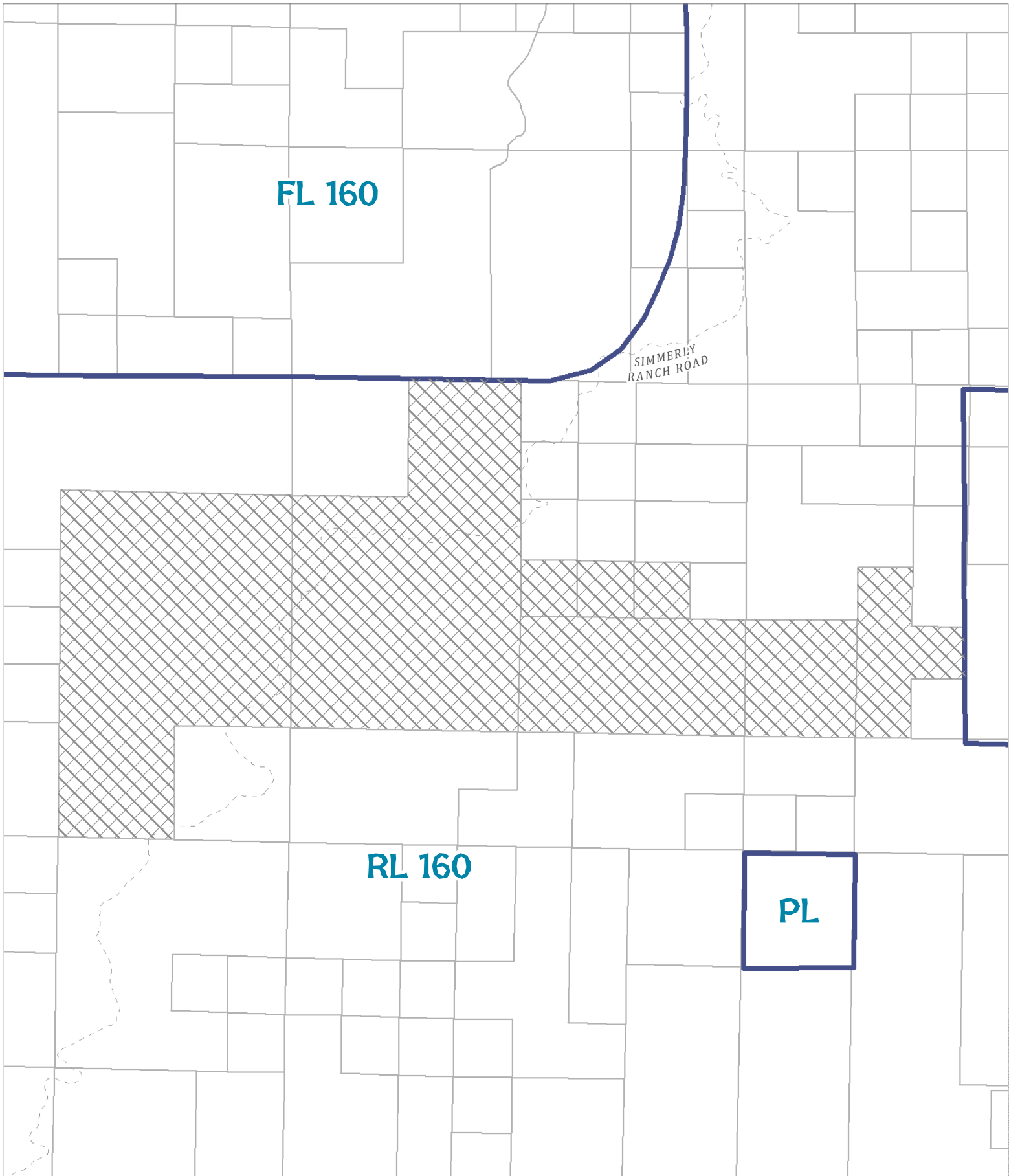
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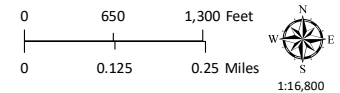
 Zoning Districts



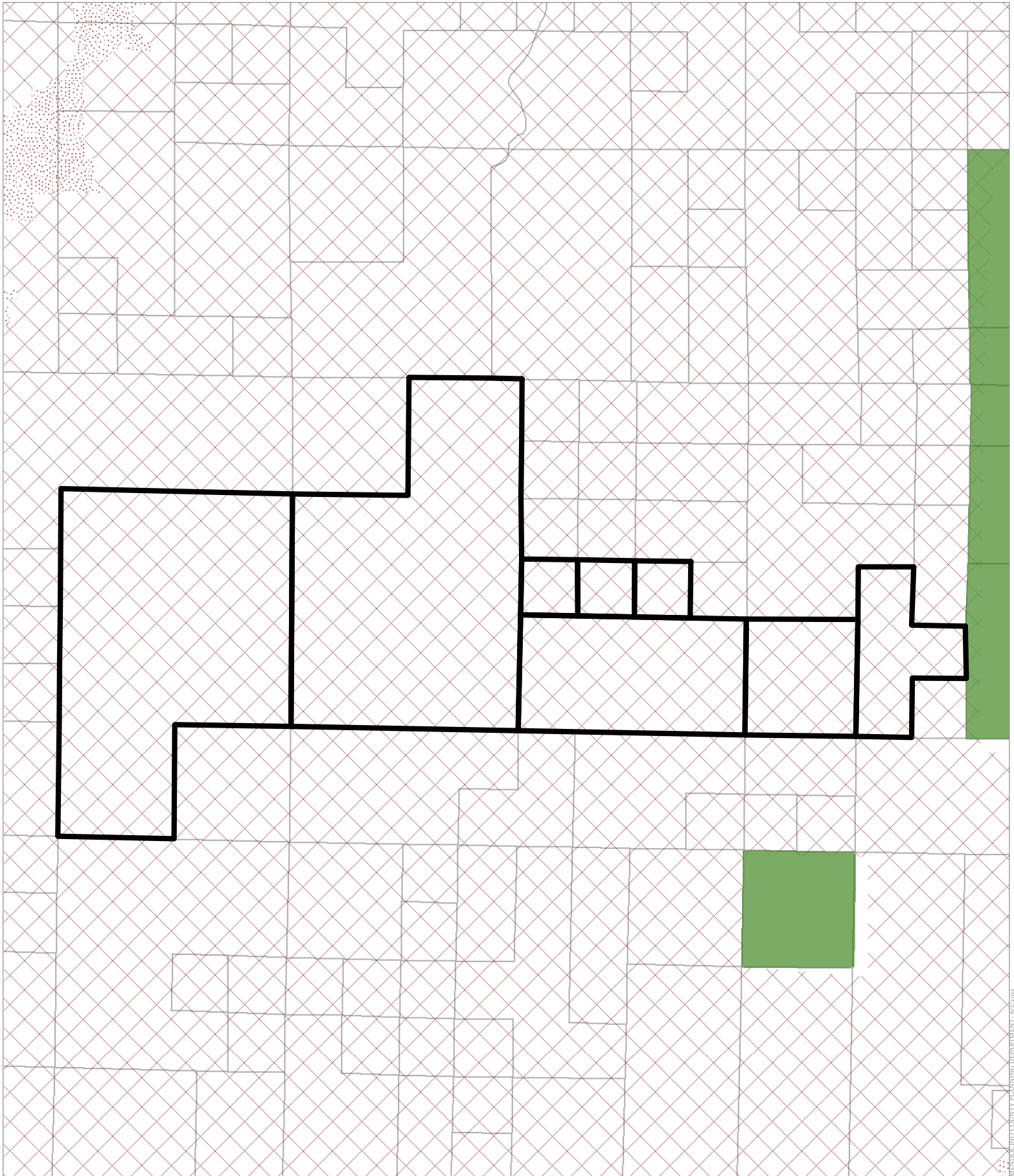
ZONING DISPLAY MAP

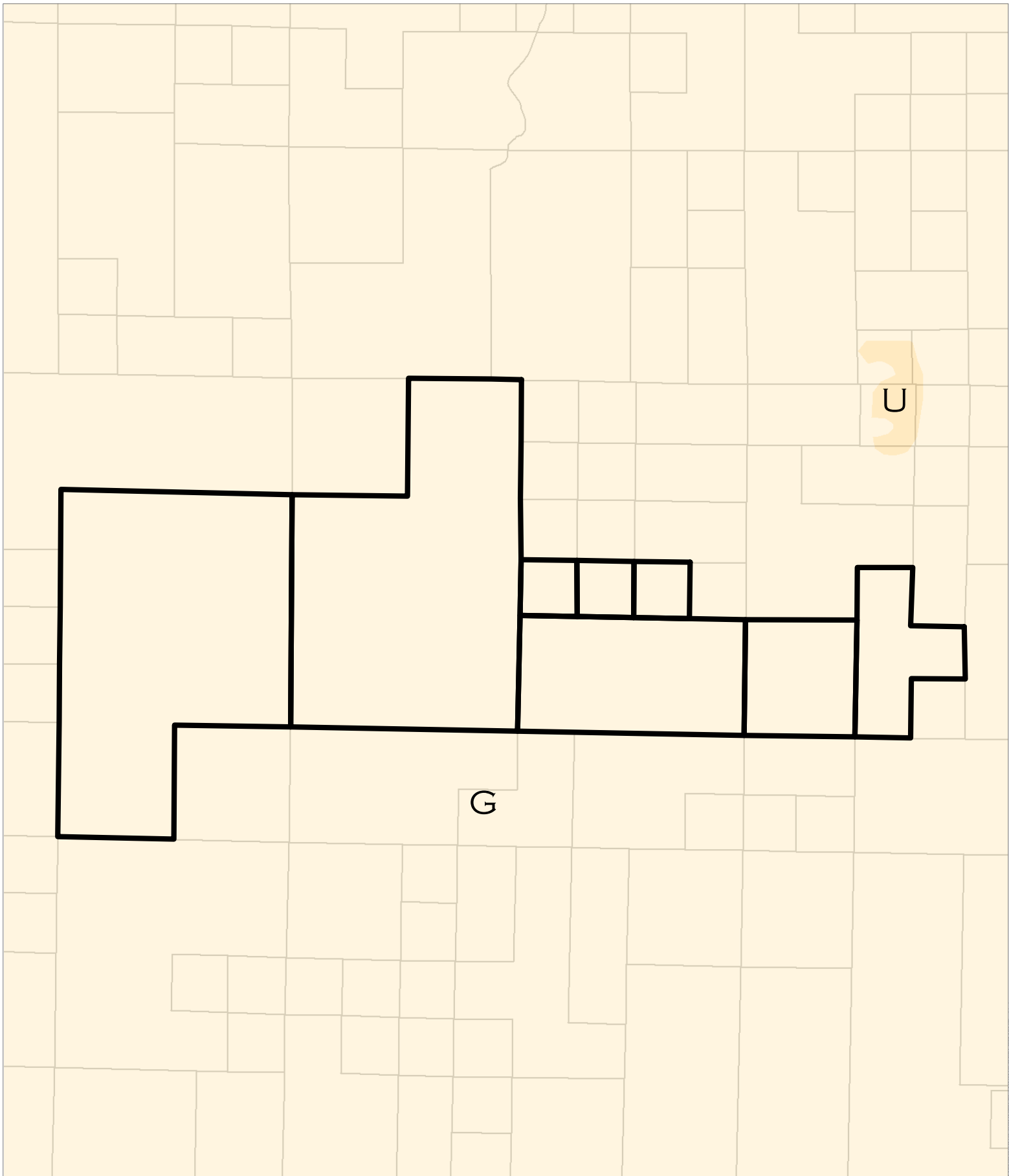


ADDRESS: 6942 Simmerly Ranch Road, Laytonville



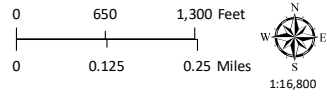
ADJACENT PARCELS



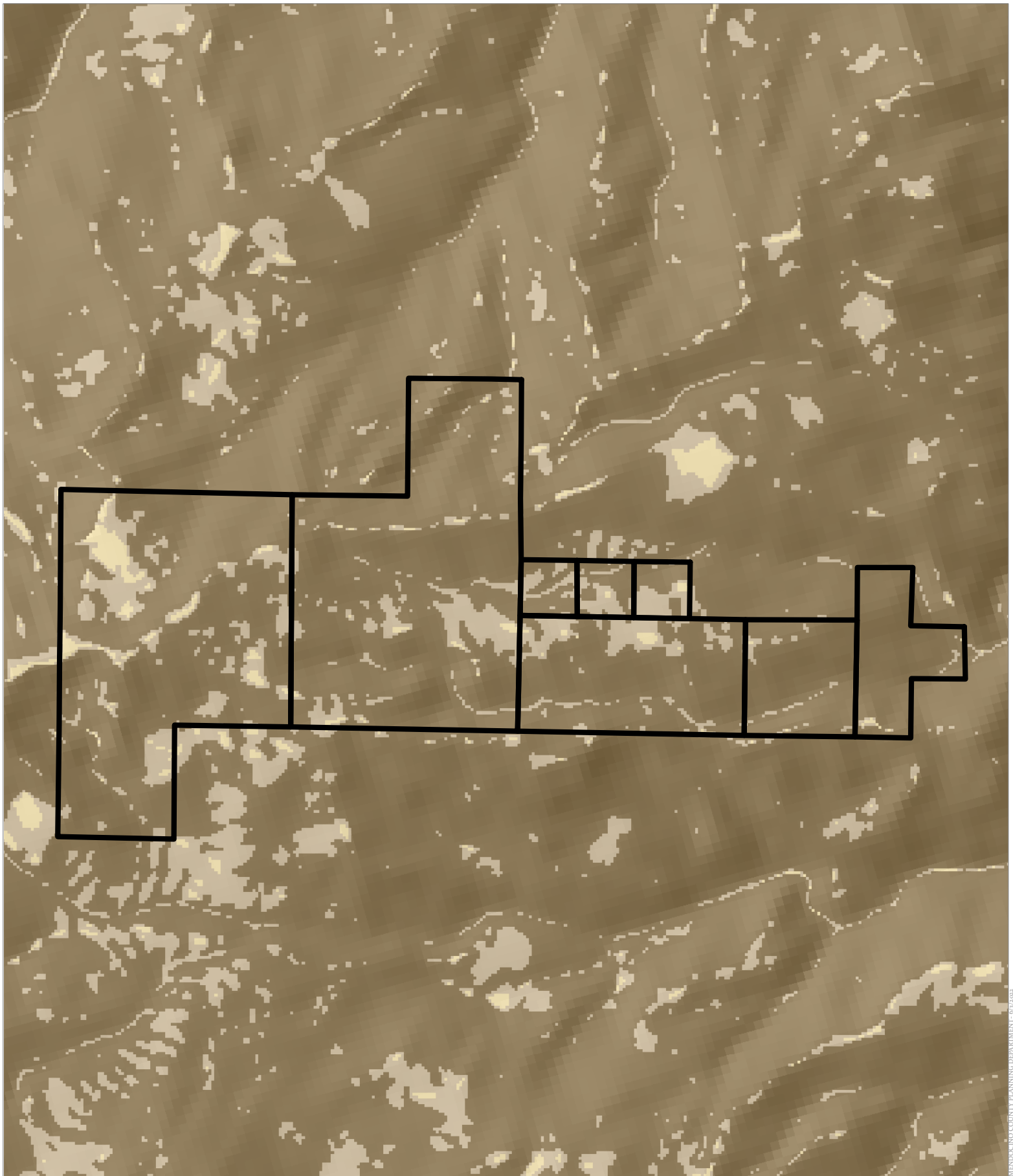


MENDOCINO COUNTY PLANNING DEPARTMENT - 6/3/2023

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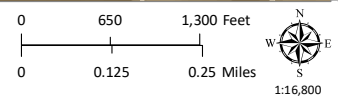
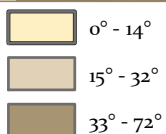


FARMLAND CLASSIFICATIONS

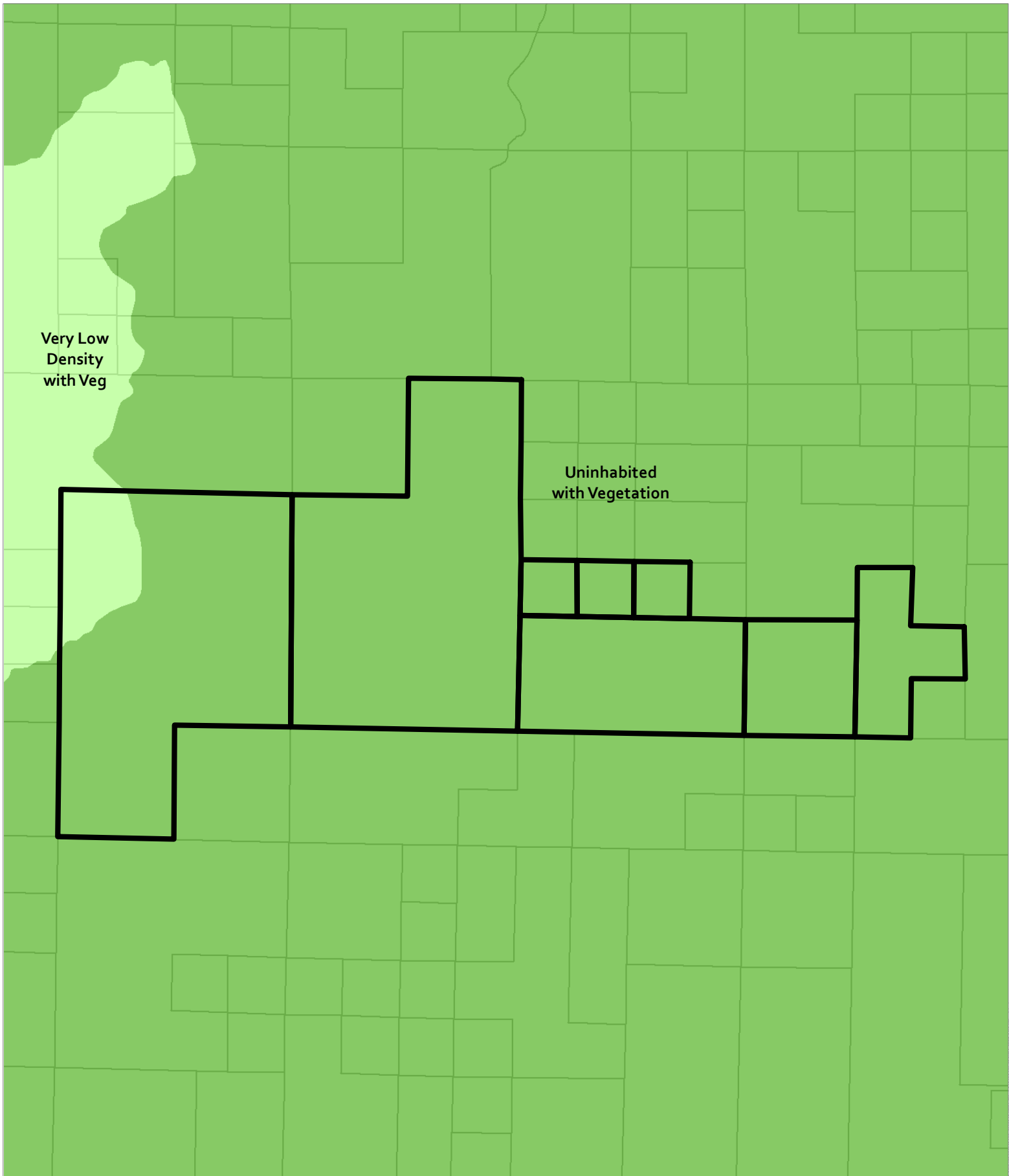


MENDOCINO COUNTY PLANNING DEPARTMENT - 6/3/2022

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APN: 032-221-22, et. al.
APLCT: Heidi Wordhouse
AGENT:
ADDRESS: 6942 Simmerly Ranch Road, Laytonville



ESTIMATED SLOPE



Resolution Number _____

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: _____

BY: JULIA KROG
Director, Planning & Building Services

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

Order Number: 224688men
Page Number: 6

LEGALS
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, redivision 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



Order Number: 2246800000
Page Number: 7

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 "Simmerty 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 "Simmery 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.

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TRACT TEN:

A non-exclusive easement for the installation, maintenance and use of a water pipeline extending across the North half of the Southwest quarter and the South half of the Northwest quarter of Section 29 along either the easement described in Tract Three above or within the South 200 feet of said North half of the Southwest quarter.

The purpose of this pipeline is to transport water from a source in Section 30 to other lands of the Grantees in Sections 28 and 29. Upon the installation of a pipeline in either location as described above, the easement granted herein will be fixed in that position and the alternate pipeline easement location will be null and void and of no further force or effect.

TRACT ELEVEN:

That certain easement for access to and from the Eel River created in the document entitled "Grant of Easements" conveyed by Jean Crabtree, et al, to Wayne Wendle, et ux, recorded August 15, 2000 as Document #2000-13379, Mendocino County Records.

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 WENDLE ET UX RECORDED SEPTEMBER 8, 1989 IN BOOK 1778, 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 574, 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 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 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.