



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR

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March 19, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, April 11, 2019, at 10:00 a.m., to be held in the Planning and Building Services Public Conference Room, 860 N. Bush St., Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: AP_2018-0061

DATE FILED: 7/20/2018

OWNER: THATCHER BUTTE LLC

APPLICANT: TOLABUS STEIN

REQUEST: Administrative Permit request for a large mixed light cannabis cultivation site (Type 2B (10000 ft²); AG_2017-0779) of no more than 10,000 ft² of canopy.

LOCATION: Within the Mendocino National Forest, 14.6 ± miles southeast of Covelo town center, lying on the east side of Forest Rte. 21 No8, 6.7 miles west of its intersection Forest Road No. M1. Addressed at 34450 Etsel Ridge Road, Covelo, CA (APNs: 035-400-03 & 035-400-04).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: JESSE DAVIS

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than April 10, 2019. Oral comments may be presented to the Zoning Administrator during the public hearing.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. 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 appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Zoning Administrator'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.

BRENT SCHULTZ, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT- ADMINISTRATIVE**

**APRIL 11, 2019
AP_2018-0061**

SUMMARY

OWNER: THATCHER BUTTE LLC
2464 FLETCHER DR
LOS ANGELES, CA 90039

APPLICANT: TOLABUS STEIN
305 N. WESTMORELAND AVE.
LOS ANGELES, CA 90004

AGENT: JACOB HILLIARD
JACOBSZON & ASSOCIATES
416 WEST PERKINS STREET
UKIAH, CA 95482

REQUEST: Administrative Permit request for a large mixed light cannabis cultivation site (Type 2B (10000 ft²); AG_2017-0779) of no more than 10,000 ft² of canopy.

LOCATION: Within the Mendocino National Forest, 14.6± miles southeast of Covelo town center, lying on the east side of Forest Rte. 21 No8, 6.7 miles west of its intersection Forest Road No. M1. Addressed at 34450 Etsel Ridge Road, Covelo, CA (APNs: 035-400-03 & 035-400-04).

TOTAL ACREAGE: 120± Acres

GENERAL PLAN: Forest Lands, 160 acres minimum parcel size (FL160)

ZONING: Timber Production, 160 acres minimum parcel size (TPZ160)

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures)

RECOMMENDATION: DENIAL

STAFF PLANNER: JESSE DAVIS

BACKGROUND

PROJECT DESCRIPTION: An Administrative Permit request for a large mixed-light cannabis cultivation site (Type 2B (10,000 ft²); AG_2017-0779), of no more than 10,000 ft² of canopy on an unimproved property within unincorporated Mendocino County. The application indicates a single cultivation site within a previously disturbed area towards the center of the subject property. A review of recent aerial imagery, as well as a staff site visit, however, indicates that there are at least five (5) previously established cultivation sites scattered across the subject property connected via a 'Trail Road'.¹ These previously

¹ Google Earth Image Dated 08/12/2017. 39°39'04.36 N, 123°02'11.97 W. (PDF) [Attachment L]

established cultivation sites are not indicated on the required site plan, nor are they discussed in application materials with regard to required remediation of previous cultivation areas. Additionally, the applicant indicates that limited processing, including drying and bucking, is to occur before being transported off-site for final trimming.

SITE CHARACTERISTICS: The 120± acre subject property is comprised of two (2) privately held Assessor's Parcels (APNs 035-400-03 & 035-400-04) within the Mendocino National Forest, 14.6 ± miles southeast of Covelo town center, lying on the east side of Forest Rte. 21 No8, 6.7 miles west of its intersection Forest Road No. M1. As described within the application, the cultivation site is located in the "...middle of Mendocino National Forest (All Four Sides)." The cultivation site is addressed at 34450 Etsel Ridge Road, Covelo, CA, but is not located at the corresponding physical site address. A review of Google Maps indicates that the subject property is located along Forest Rte 21 No 8,² while the United States Forest Service (USFS) locates the subject property located along Forest Rte 21 N69 (Road Closed).³ The subject property is heavily forested with some clearings along the internal roadway that traverses the subject property; that road is described on the provided site plan as a 'Trail Road'. The site plan indicates a single, fenced cultivation site located at the center of the subject property. A review of aerial imagery, however, indicates at least five (5) previously established garden sites scattered across the subject property connected via a 'Trail Road'. Additionally, there appear to be similar privately held parcels, also within the National Forest, along the utilized access road undertaking similar activities. During a site inspection conducted on December 7, 2018, staff identified at least seven (7) previously utilized cultivation sites, inspected at least five (5) Points of Diversions, as well as six (6) water storage areas. During the site inspection, staff observed a substantial amount of agricultural detritus and equipment, multiple abandoned vehicles, and empty poison containers scattered across the subject property. Copies of the site inspection reports conducted by the State Water Resources Control Board (Division of Water Rights), as well as the Department of Agriculture, are included as attachments to this report. Additionally, photographs taken during this site inspection are also included as an attachment to this report.

Based on the information provided to the North Coast Regional Water Quality Control Board (NCRWQCB), the applicant's cultivation activities were classified as Tier 2. The applicant has filed for water rights with the State Water Resources Control Board for springs that do not flow off property in the winter. The average slope (percent slope) of the identified cultivation area was 26%, which surpasses the allowed fifteen (15) percent identified within Mendocino County Code Section 20.242.070(C)(2). Water is stored in three (3) water tanks with capacities of 3,000, 2,600, and 1,200 gallons. Anticipated yearly water usage is 270,000 gallons. Documents submitted to the State Water Board suggest that cultivation will be within 107 feet of surface water, although it is unclear as to what body of water body is referenced. The proximity to surface water is a concern for chemicals entering water ways and being transported into National Forest streams. The nearest watercourse, Thatcher Creek, is within an anadromous habitat watershed that contains listed fish species under the Endangered Species Act. Thatcher Creek is immediately downhill from the identified cultivation site. Application materials indicate that the subject property has three (3) springs within the vicinity of the project site.

Per the Department of Environmental Health, there is no record of a septic system on the project site, and the applicant indicates that sanitation on-site consists of a "Hole in ground covered w/lime". During the site inspection, staff did not find sufficient sanitation provisions, given that multiple individuals are present throughout cultivation activities. The site is not served by electricity or gas service. Energy is provided via a 2,000 watt gas generator (Honda 2000W) with a five (5) gallon tank. The applicant indicates that no mixed-light facilities have been constructed on the subject property, however, the license type under consideration allows for such activities. During the site inspection, staff did identify materials previously utilized for mixed-light operations, but they were found to be in a state of disrepair. Other improvements listed within the application materials include a non-permitted '50' Trailer' and an 'Employee Tent'. As indicated in their referral response, the Mendocino County Building Department does not authorize extended use of a tent, or tent like structure (i.e. Yurt) for such purposes or ventures.

² Google Maps. Covelo, CA to (39°39'04.36 N, 123°02'11.97 W) Driving Directions. (PDF).[Attachment M]

³ United States Forest Service. Yuki Wilderness. Recreation Map-Satellite.(39°39'04.36 N, 123°02'11.97 W). (PDF) <https://www.fs.usda.gov/recarea/mendocino/recarea/?recid=25232> . [Attachment N]

The entirety of the site is located within a mapped "Very High Fire Hazard" zone, and is with a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. No local fire agency serves or is associated with the project site. The applicant provided a completed, but non-submitted, State Fire Safe Regulations Application Form, informing staff that CALFIRE did not require the document, due to the lack of existing structures or proposed development on the subject property. The site, however, is surrounded by a Federal Response Area, due to the subject property location within the Mendocino National Forest.

The California Natural Diversity Database reveals no occurrences of sensitive species on the subject property. However, there are occurrences of spotted owl (*Strix occidentalis*) within the immediate area, including on adjacent parcels. Additionally, there may be species which have not yet been surveyed and/or mapped. Staff observed multiples signs of wildlife interaction with the site, including footprints, feces, and animal pathways.

SITE VISIT: On December 7, 2018, Staff from the Department of Planning & Building Services, Department of Agriculture, California Department of Fish & Wildlife, and the California State Water Resources Control Board conducted a site inspection of the subject property. Staff determined that the application materials submitted to requisite agencies differed significantly with regard to the number of proposed cultivation sites, water storage and distribution, waste management, and best practices. Copies of the site inspection reports conducted by the State Water Resources Control Board (Division of Water Rights), as well as the Department of Agriculture, are included as attachments to this report. Additionally, photographs taken during this site inspection are also included as an attachment to this report.

RELATED APPLICATIONS: AG_2017-0779 (Agricultural Permit); PP_2018-0182 (Property Profile)

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	PL	PF	640 A±	Forest Land
EAST	PL	PF	520 A±	Forest Land
SOUTH	PL	PF	520 A±	Forest Land
WEST	PL	PF	600 A±	Forest Land

PUBLIC SERVICES:

Access: Forest Road No. M1 (US FOREST SERVICE)
Fire District: STATE RESPONSIBILITY AREA (CALFIRE)
Water District: NONE
Sewer District: NONE
School District: NONE

ENVIRONMENTAL REVIEW: The project has been deemed categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures).

AGENCY COMMENTS: On June 29, 2018 project referrals were sent to thirteen (13) responsible or trustee agencies with jurisdiction over the Project. That project referral included Mendocino County Forestry Advisor, the California Department of Fish & Wildlife, the California Department of Forestry and Fire Protection, and other required entities. Upon closer review, it was determined that given the limited access to the subject parcel that the US Forest Service be provided an opportunity to provide comment, as well as the Resource Lands Protection Committee. Project referrals were sent to these entities on September 12, 2018. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Building Inspection	Comment
Forestry Advisor	No Comment
Air Quality Management District	No Response
Department of Transportation	No Comment
CALFIRE	No Response
Redwood Valley Pomo Band	Comment
Archaeological Commission	Comment
Cloverdale Rancheria Pomo	No Response
Environmental Health	Comment
Department of Fish & Game	Comment
Sherwood Valley Pomo Band	No Response
United States Forest Service (Region 5)	No Response
United States Forest Service (Mendocino National Forest)	Denial
Resource Lands Protection Committee (Mendocino County)	No Comment
Sonoma State University	Comment
Little Lake Fire District	Other Comment

KEY ISSUES

Transportation and Tribal Issues: As indicated by the United States Forest Service, Cannabis remains a controlled substance and is illegal to possess or transport on Federal Lands (Title 21 USC 844(a)). It is illegal for processed or unprocessed cannabis to be transported on National Forest roads or across National Forest lands. The applicant has not indicated how they would be able to address this concern.

Additionally, the Forest Service notes that the parcel is located within the Yuki Wilderness, stating that "... land and/or cultivation site seen from within the Wilderness would be a negative impact to character thereby impacting its users." The area has been described as a rugged land containing steep canyons with long, gentle ridges in between. It was named in honor of the Yuki Tribe, who once called this area home.

Based on an evaluation of the environmental setting by Sonoma State University, the proposed project is located on mid-slope terraces east of Camp Meeting Ridge, and has moderate potential for unrecorded Native American resources. While the Redwood Valley Pomo Band deferred to other tribes, after consulting records they noted concern regarding water usage, pollution and the environmental security of the subject property.

Environmental Suitability: Given the indicated location of the proposed garden reviewed by Jacobszoon & Associates, the slope of the proposed cultivation site exceeds fifteen (15) percent. Per Mendocino County Code Section 20.242.070 (C) (2):

"(2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources."

Additionally, concerns presented by the US Forest Service, substantiate the environmental sensitivity of this location, especially as it pertains to wildlife fragmentation of the existing Yuki Wilderness Area. The 53,887 acre Yuki Wilderness was established in 2006 by Public Law 109-362, the Northern California Coastal Wild Heritage Wilderness Act. The Yuki includes a diverse array of vegetation, including grasslands, chaparral thickets, oak groves and forests of Shasta red fir, white fir, Jeffrey pine, sugar pine,

ponderosa pine, Douglas-fir and incense cedar. Six of California's fifteen species of oaks are found within the Yuki Wilderness.

Building and Environmental Health: Per the Department of Environmental Health, there is no record of a septic system on the project site, and the applicant indicates that sanitation on-site consists of a "Hole in ground covered w/lime". During the site visit, staff was unable to determine the location of this area or the extent to which it is utilized. The site is not served by electricity or gas service. Energy is provided via a 2,000 watt gas generator (Honda 2000W) with a five (5) gallon tank. The applicant indicates that no mixed-light facilities have been constructed on the subject property, even though the license type allows for such activities. Staff did locate discarded framing materials for a plastic 'Hoop-House', but the state of disrepair made it unusable. Other improvements listed include a non-permitted '50' Trailer' and an 'Employee Tent'. As indicated in their referral response, the Mendocino County Building Department does not authorize extended use of a tent, or tent like structure (i.e. Yurt) for the proposed purpose or venture, and maintains no records for the indicated trailer.

Air Quality & Noise: The site is not served by electricity or gas service. Energy is provided via a 2,000 watt gas generator (Honda 2000W). Under CDFA's regulations, cultivation would be required to comply with environmental protection measures related to air quality. These measures would potentially reduce criteria air pollutant emissions associated with cannabis cultivation compared to the baseline by placing limits on the use of generators, and by requiring that mixed-light and indoor cultivators achieve GHG emissions reduction targets. Sustained use of a generator would not allow for compliance with the requirements of CDFA for commercial cannabis cultivation. During the site visit, there was no indication of generator housing, spill containment materials, or appropriate fuel storage areas. Staff could not confirm generator usage or sound measurements, as it is not stored on-site during non-cultivation. Additionally, the presence of sensitive species adjacent to the subject property present concerns with regard to noise levels.

PROJECT FINDINGS:

- 1. The cannabis cultivation will be provided with adequate utilities (water and sewer), access roads, drainage, and other necessary facilities.**

Based on information provided within the application and from referral agencies, this finding cannot be made. It has been determined that the cannabis cultivation site is not provided with adequate facilities. Per Mendocino County Code Section 10A.17.040 (D), "The mixed-light cultivation cannabis shall not rely on a generator as a primary source of power." The applicant indicates that only a generator provides required electricity for cultivation operations. While 'Solar' is indicated in the application, no mention of this utility is made in the submitted materials.

Additionally, the applicant indicates no noise or spill prevention plan for the identified generator, which is also required by Mendocino County per Mendocino County Code Section 10A.17.090 (F). Nor does the applicant indicate any housing or hospital-grade muffler and/or a structure to enclose the generator designed for sound suppression, which is also required. The storage of fuel and other chemicals occurs within personal vehicles used to access the property, which are not considered proper storage locations. Use of a generator in the manner described by the applicant could create a substantial temporary or permanent increase in ambient noise levels.

As indicated in the staff report, adequate sanitation is also not addressed, as the applicant indicates that sanitation consist of a "Hole in ground covered w/lime". All cultivation sites are required to comply with applicable County health standards, local agency management plans and shall not present a threat to water or groundwater.

- 2. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the cannabis cultivation.**

Based on information provided within the application and from referral agencies, this finding

cannot be made. Given the site location within the Mendocino National Forest, it has been determined that the applicant lacks appropriate transportation access due to fact that cannabis remains a controlled substance and is illegal to possess or transport on Federal Lands (Title 21 USC 844(a)). During the site inspection, staff inquired as to the issue of access, and how cannabis products were transferred on or off site. No clarification was provided as to demonstrate a transportation methodology in compliance with Federal regulations.

3. The cannabis cultivation is compatible with the long-term protection of resource lands.

Based on information provided within the application and from referral agencies, this finding cannot be made. Staff cannot make the finding given proximity of the cultivation site to surface water, previously identified habitats of sensitive species, lack of identified noise & pollution controls, as well as the project site location within the Yuki Wilderness. During the site inspection, staff observed numerous causes for concern, including poor waste management, inadequate pesticide and poison application practices, and water-supply management. For example, during the site inspection, it was observed that water diversion continued to occur and multiple water tanks were overflowing, even though no on-site managers present and no cultivation activities were taking place.

4. There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding 15 percent, prime soil, oak woodland, and timber resources.

Based on information provided within the application and from referral agencies, this finding cannot be made. The applicant has filed for water rights with the State Water Resources Control Board for a spring that does not flow off property in the winter. In these materials, the average slope (percent slope) of the identified cultivation area was 26%. Additionally, it is unclear if cultivation sites not identified on the site plan remain in operation, or were remediated previously. As mentioned earlier, six of California's fifteen species of oaks are found within the Yuki Wilderness.

Sediment from erosion is the number one pollutant impairing North Coast streams. Excess sediment is defined as soil, rock, sand, silt, or clay that is delivered to waters in an amount that could negatively affect aquatic life and water quality. Soil particles have nutrients attached that can add to the nutrient load and contribute to algae blooms. In addition, roads, land development, and site maintenance are all potential contributors to erosion. Given the location of the cultivation site(s) on mid-slope terraces east of Camp Meeting Ridge and the downhill proximity of Thatcher Creek, the cultivation site presents concerns with regard to environmental suitability.

5. The cannabis cultivation site will avoid or minimize odor and light impact on residential uses.

Based on a review of the application and supplemental materials, Staff finds that the project would avoid or minimize odor and light impact on residential uses, since there are no nearby residential dwellings, and the applicant includes no indication that lights or structures are used as part the operation. The cannabis cultivation site, however, does present potential light, odor and noise concerns with regard to environmental quality. As indicated in the Final Program Environmental Impact Report for the State of California, increased noise levels reduce the distance and area over which acoustic signals could be perceived by animals. Adverse effects on wildlife from noise could include changes in foraging and anti-predator behavior, reproductive success, population density, and community structure. Increased human presence, which is often coupled with increased noise, is also known to cause disturbance to wildlife.

6. The application for the permit cannot reasonably be modified to conform to the applicable requirements (Mendocino County Code 20.192.025).

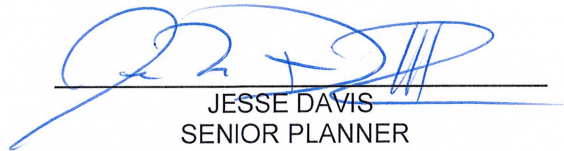
Based on a review of the application and supplemental materials, Staff finds that the project cannot be reasonably modified to conform to the applicable requirements necessary to obtain the required County and State permit(s) for cannabis cultivation. Furthermore, the applicant cannot reasonably demonstrate how they would demonstrate conformance with the possession and transportation of a controlled substance on Federal lands per Title 21 USC 844(a).

RECOMMENDATION

Deny the Administrative Permit for the Project, as proposed by the Applicant, based on the facts and findings presented above.

03-18-2019

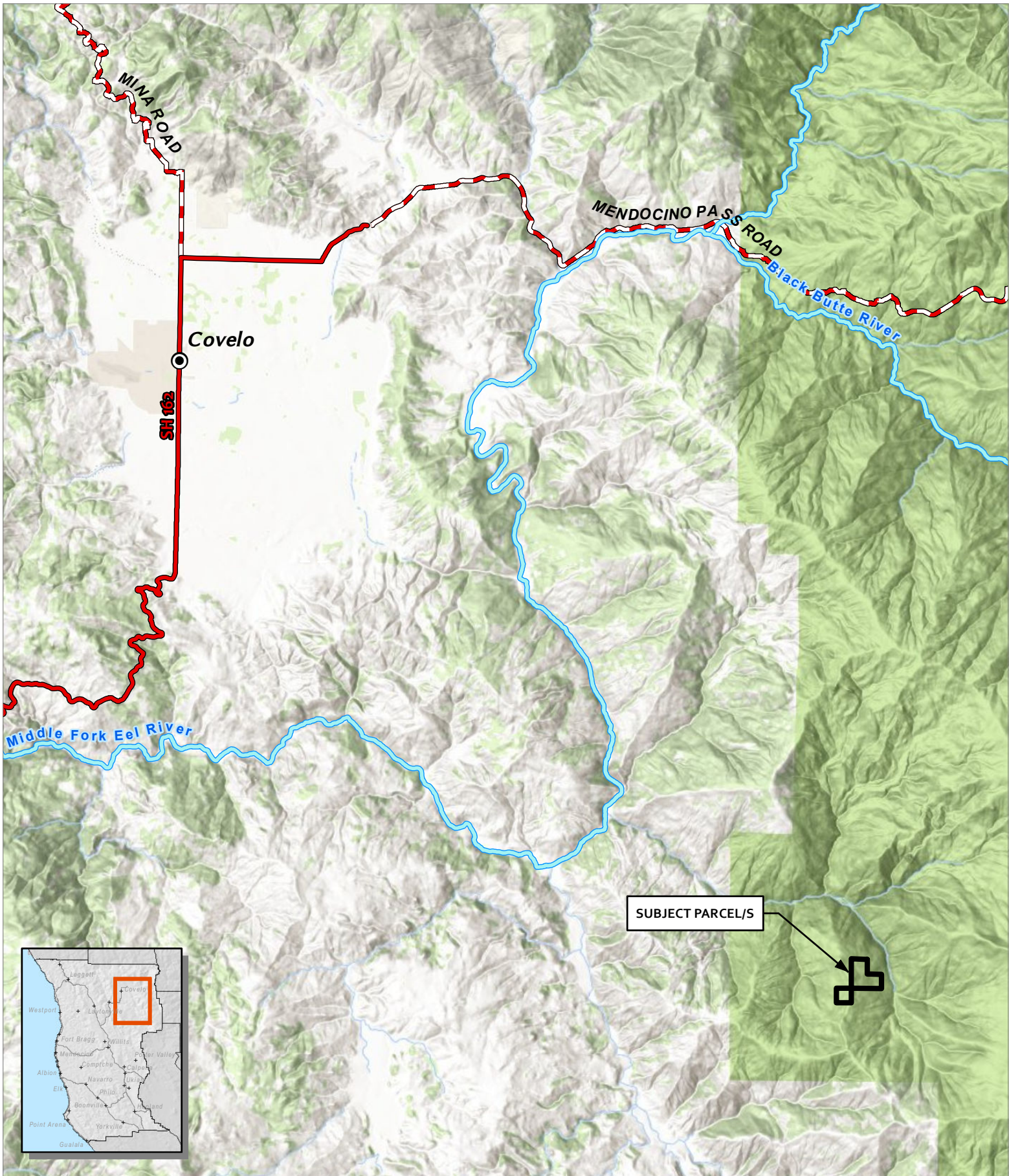
DATE


JESSE DAVIS
SENIOR PLANNER

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan/LCP Map
- H. Fire Hazards Map
- I. Timber Production Map
- J. Wetlands Map
- K. National Forest Map
- L. Google Earth Image of Project Site (08/12/2017)
- M. Google Maps Driving Directions (Covelo to Project Site- 2 Pages)
- N. United States Forest Service Map (Subject Property-2 Pages)
- O. State Water Resources Control Board (Division of Water Rights)-Report of Compliance Inspection
- P. Mendocino County Department of Agriculture-Pre-Site Evaluation
- Q. Photographs From Site Visit-16 Images (12/07/2018)-2 Pages



CASE: **AP 2018-0061**
OWNER: **Thatcher Butte, LLC**
APN: **035-400-04**
APLCT: **Tolabus Stein**
AGENT:
ADDRESS: **34450 Etsel Ridge Road, Covelo**

Major Towns & Places
Major Roads
Major Rivers
Highways

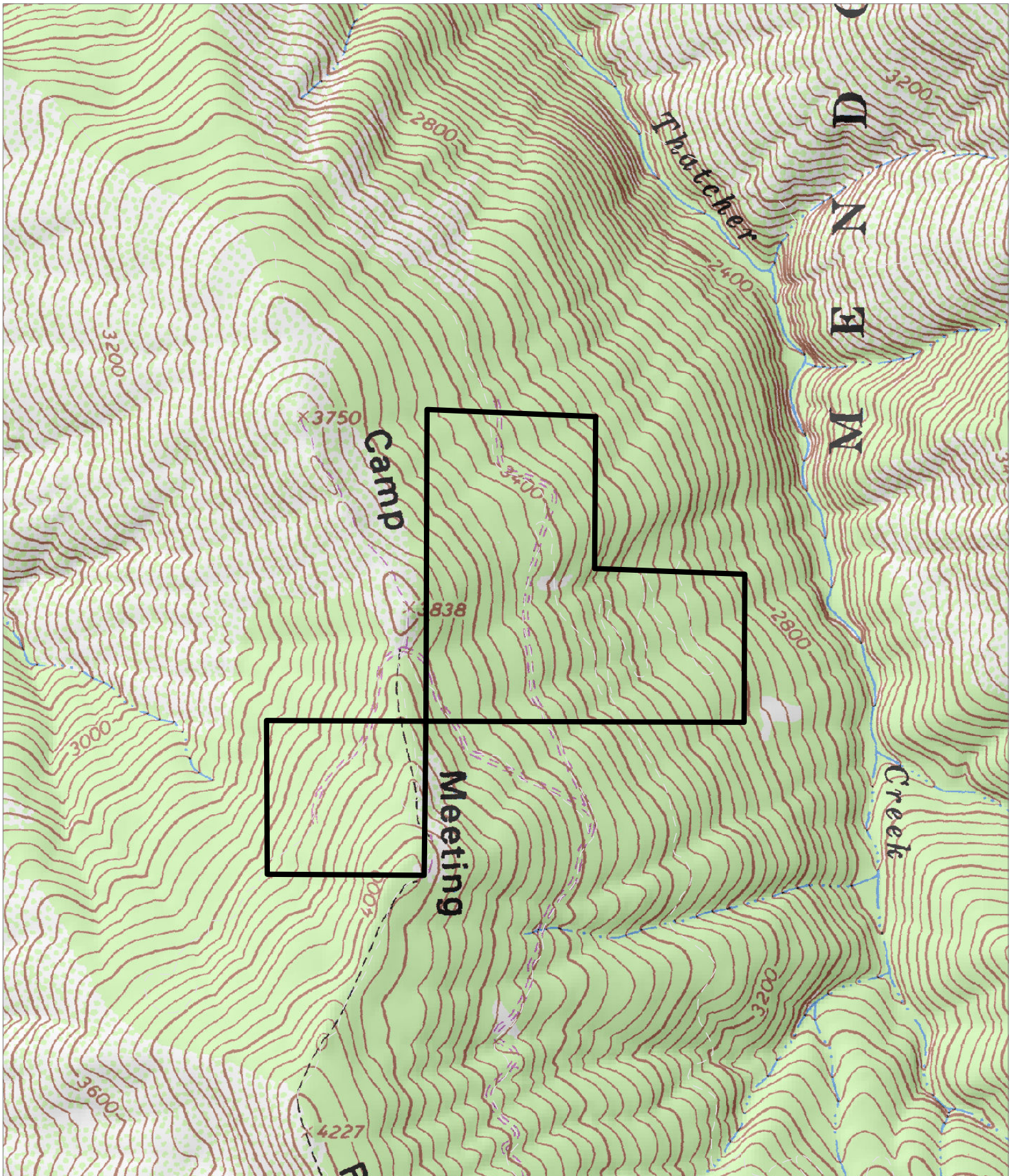
0 5,000 10,000 Feet
0 0.75 1.5 Miles
1:126,720

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W
E
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LOCATION MAP
ATTACHMENT A

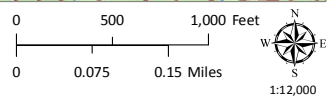
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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/15/2018



CASE: AP 2018-0061
OWNER: Thatcher Butte, LLC
APN: 035-400-04
APLCT: Tolabus Stein
AGENT:
ADDRESS: 34450 Etsel Ridge Road, Covelo

 Named Rivers
 Driveways/Unnamed Roads



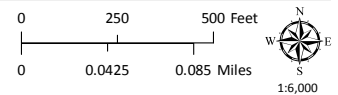
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET
ATTACHMENT B

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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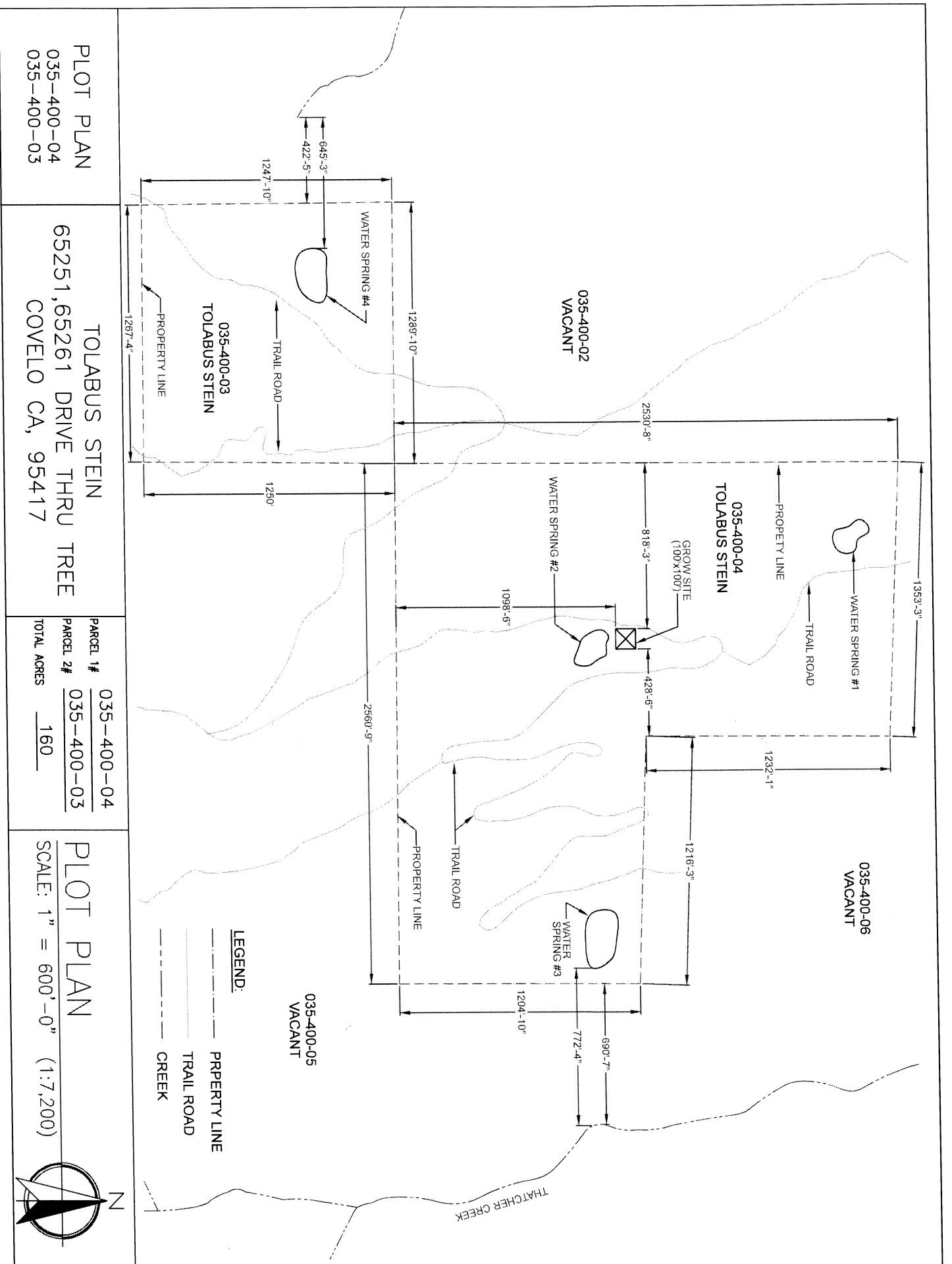
CASE: AP 2018-0061
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— — — Driveways/Unnamed Roads



AERIAL IMAGERY
ATTACHMENT C

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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035-250-05
VACANT
PF 0 640 A±

035-250-06
VACANT
PF 0 640 A±

035-400-04
TOLABUS STEIN
TP 160 120 A±

035-400-02
VACANT
PF 0 600 A±

035-400-03
TOLABUS STEIN
TP 160 40 A±

035-400-05
VACANT
PF 0 520 A±

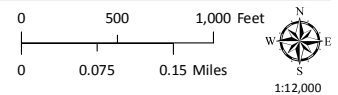
035-400-07
VACANT
PF 0 640 A±

035-400-15
SEPH PEINADO
TP 160 320 A±

035-400-14
STEVE OLVERA
TP 160 200 A±

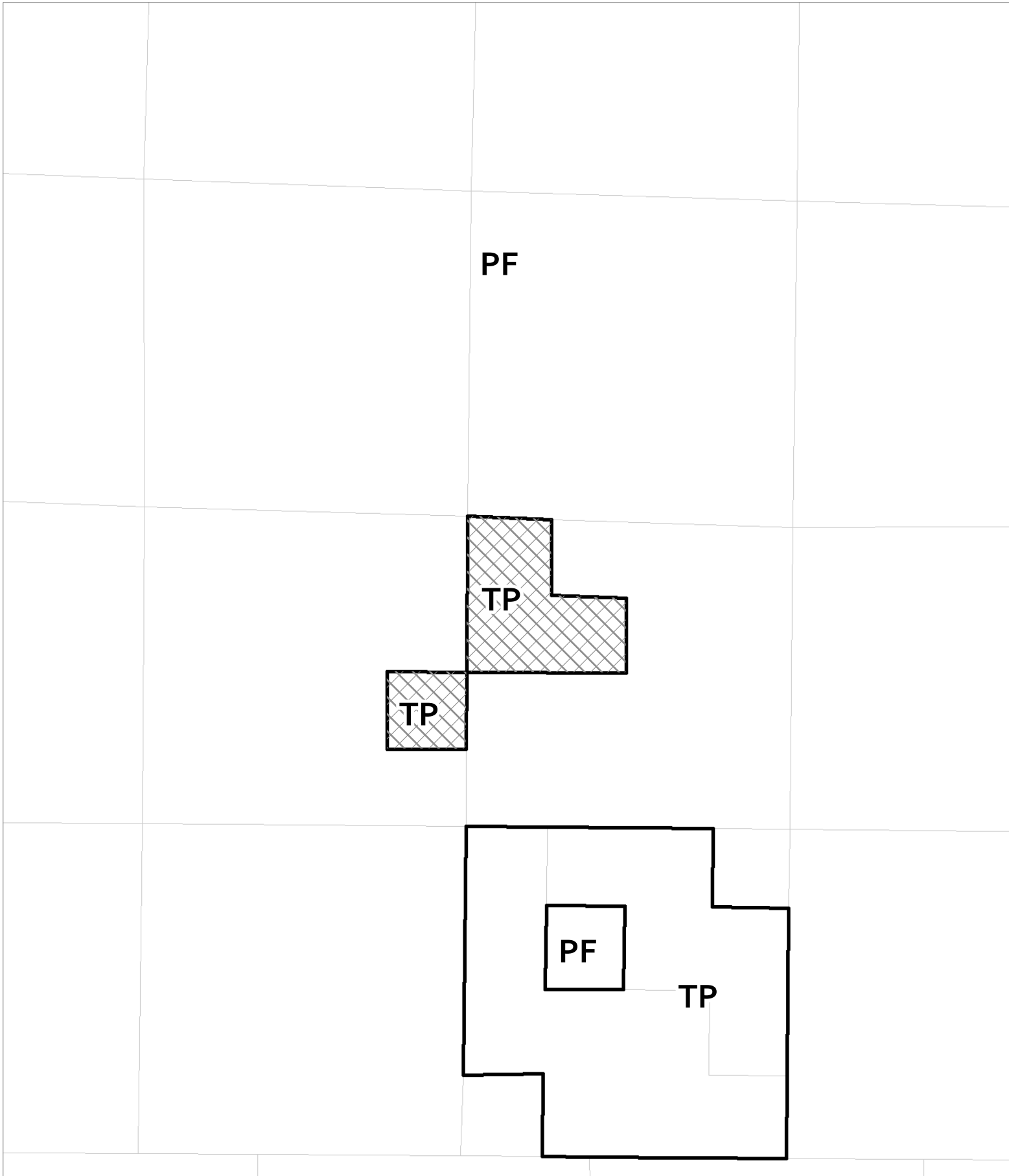
035-400-11
VACANT
PF 0 40 A±

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APLCT: Tolabus Stein
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ADDRESS: 34450 Etsel Ridge Road, Covelo




ADJACENT PARCELS
ATTACHMENT E

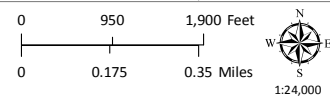
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/15/2018

CASE: AP 2018-0061
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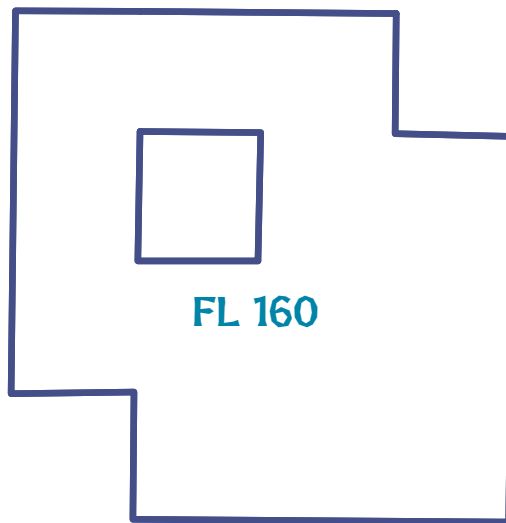
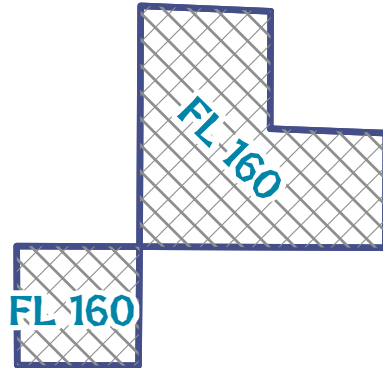
 Zoning Districts




ZONING DISPLAY MAP
ATTACHMENT F

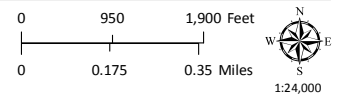
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PL



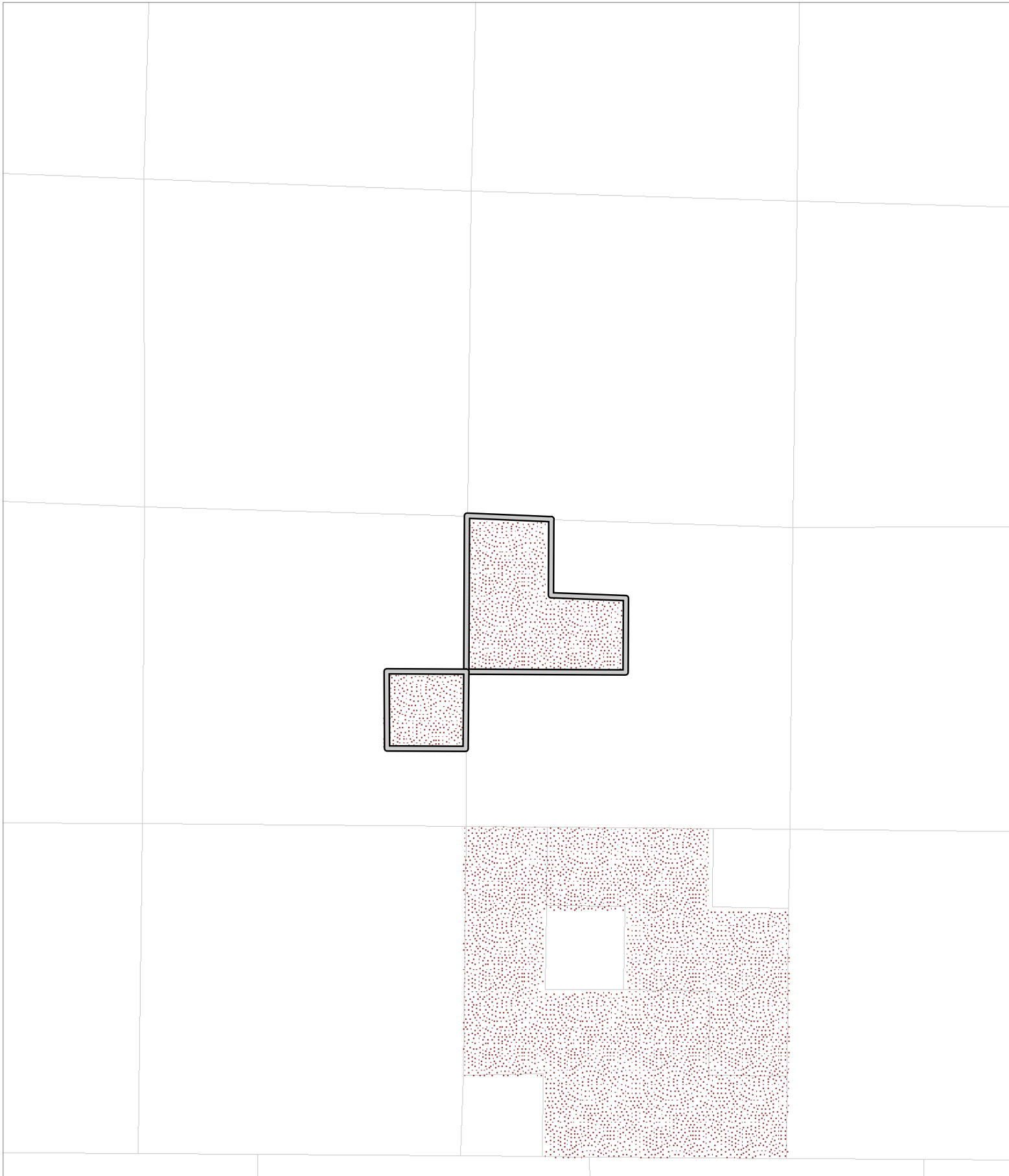
CASE: AP 2018-0061
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 General Plan Classes



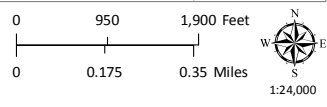
GENERAL PLAN CLASSIFICATIONS
ATTACHMENT G

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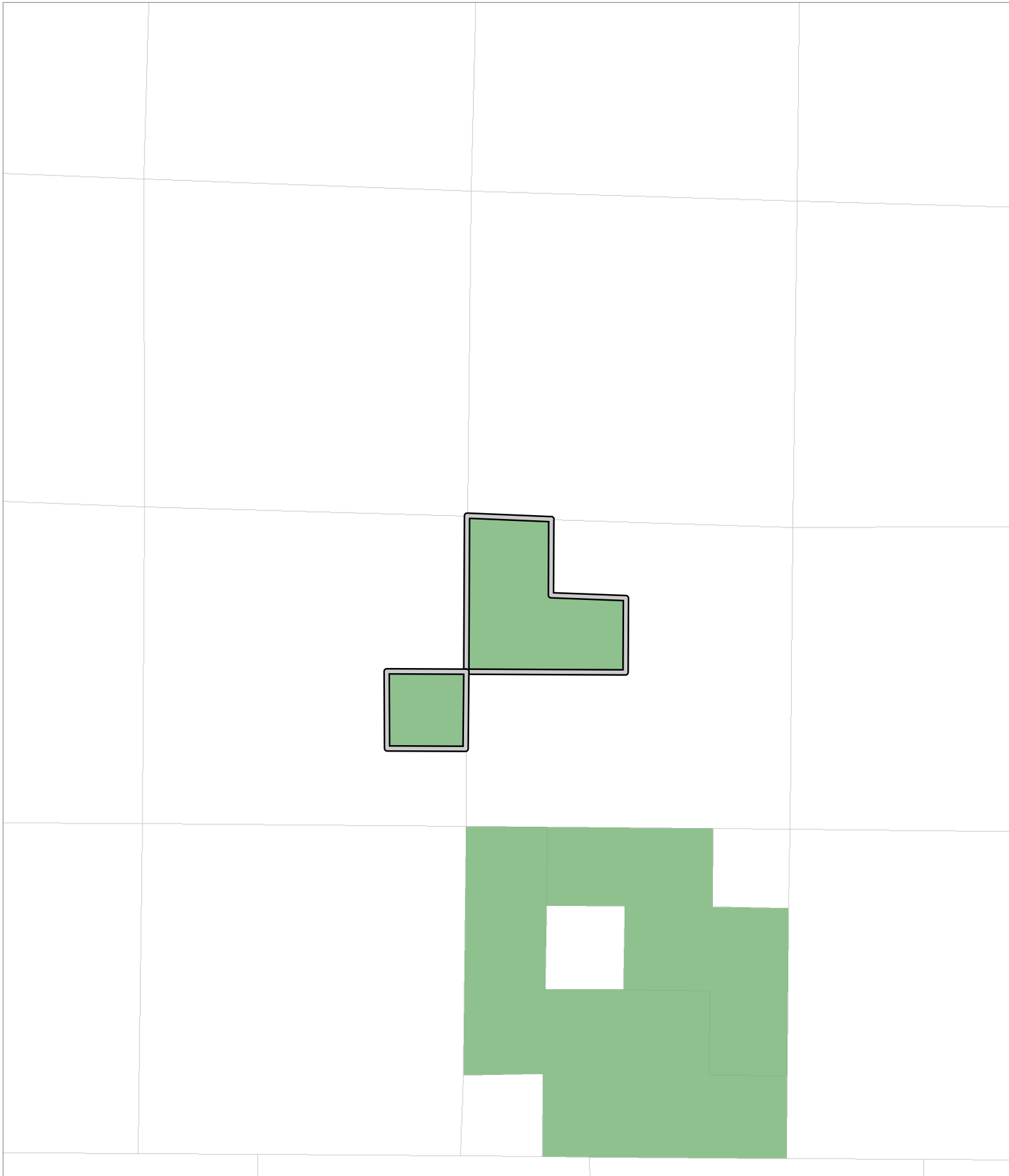


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APLCT: Tolabus Stein
AGENT:
ADDRESS: 34450 Etsel Ridge Road, Covelo

 Very High Fire Hazard



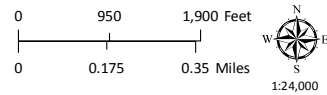
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/15/2018

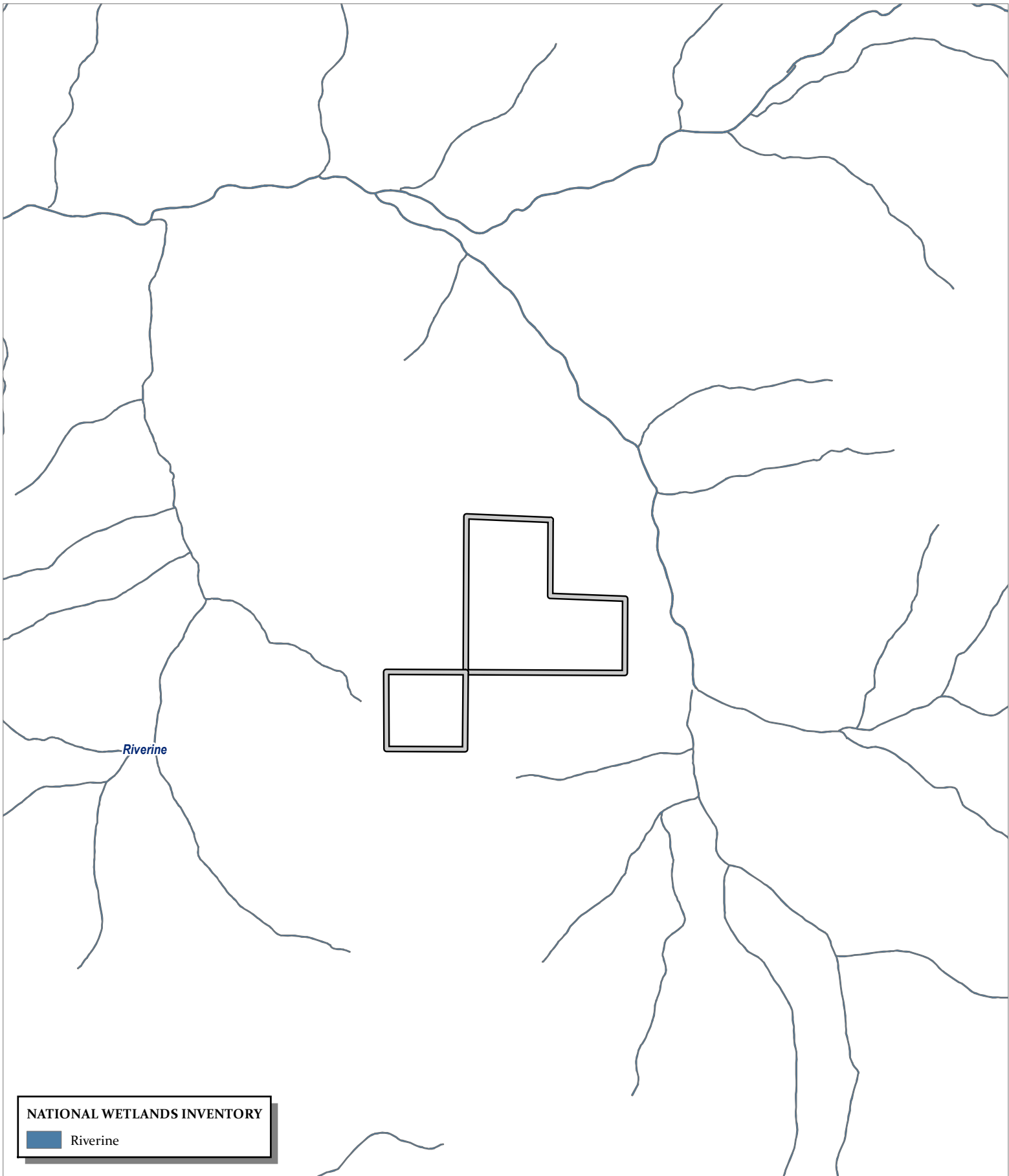
CASE: AP 2018-0061
OWNER: Thatcher Butte, LLC
APN: 035-400-04
APLCT: Tolabus Stein
AGENT:
ADDRESS: 34450 Etsel Ridge Road, Covelo

TPZ 2017



TIMBER PRODUCTION ZONES
ATTACHMENT I

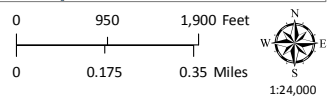
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



NATIONAL WETLANDS INVENTORY

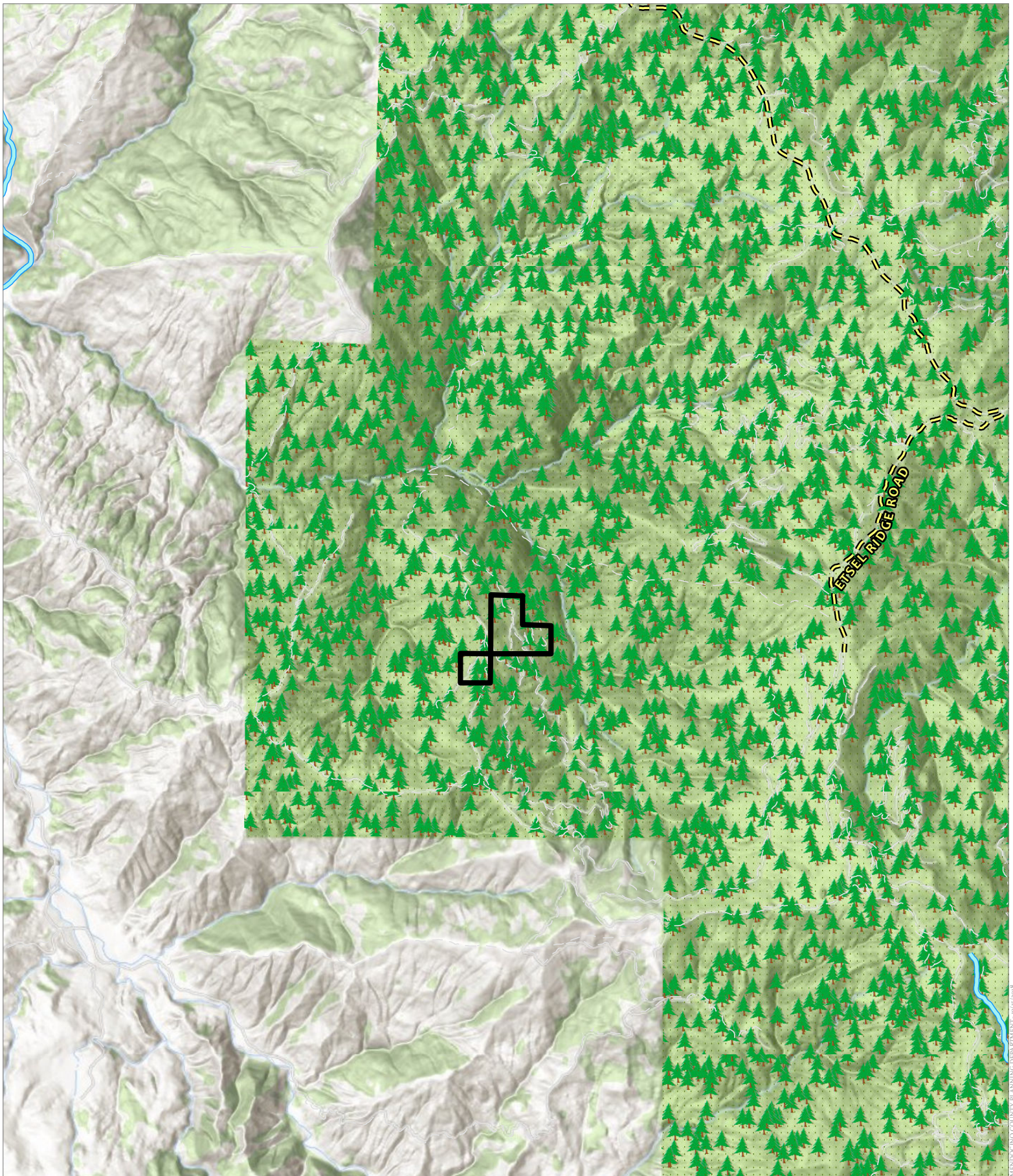
 Riverine

CASE: AP 2018-0061
OWNER: Thatcher Butte, LLC
APN: 035-400-04
APLCT: Tolabus Stein
AGENT:
ADDRESS: 34450 Etsel Ridge Road, Covelo





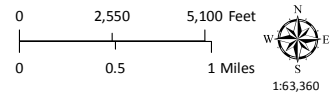
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/5/2018



CASE: AP 2018-0061
 OWNER: Thatcher Butte, LLC
 APN: 035-400-04
 APLCT: Tolabus Stein
 AGENT:
 ADDRESS: 34450 Etsel Ridge Road, Covelo

 Major Rivers
 Private Roads



NATIONAL FOREST
 ATTACHMENT K

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



Forest Route 2 / No 8

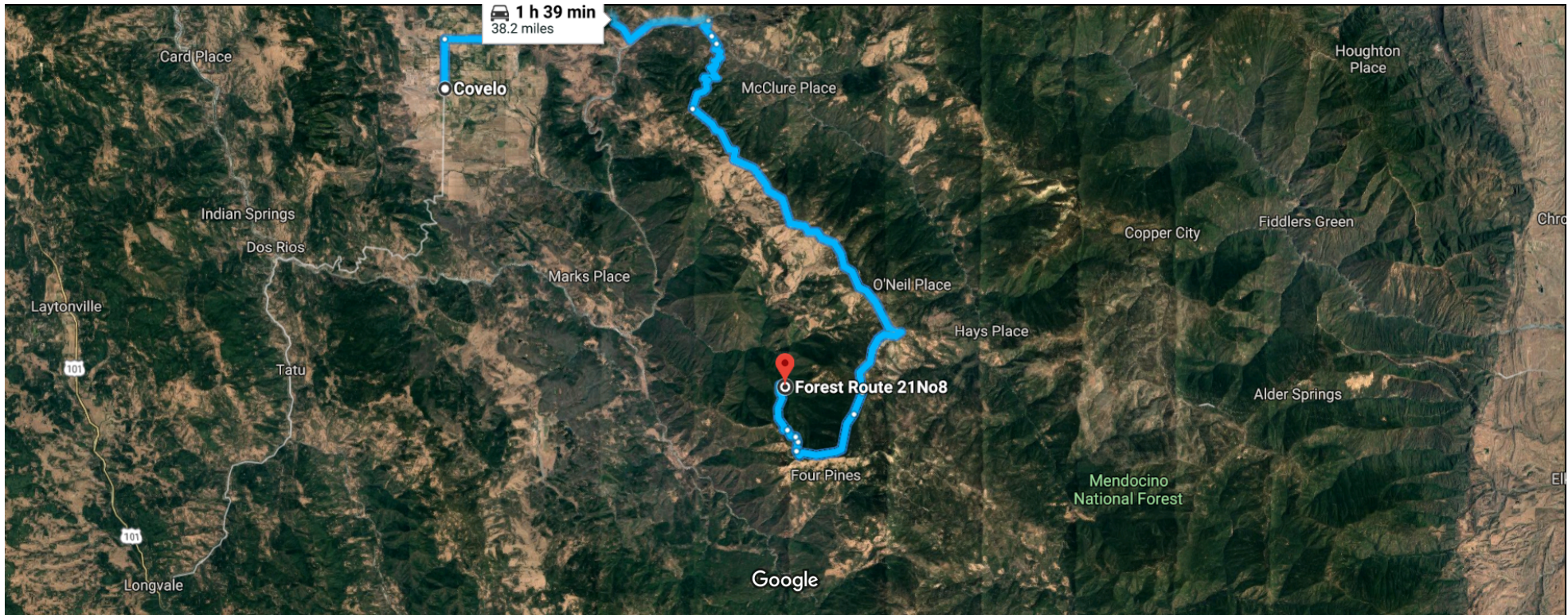
© 2018 Google

Google Earth

ATTACHMENT L

Imagery Date: 8/12/2017 39°39'04.36" N 123°02'11.97" W elev 3171 ft eye alt 5366 ft

1993



Covelo
California 95428

Take Mendocino Pass Rd to Etsel Ridge Rd

- 1. Head north on Commercial St/Covelo Rd toward Greely St
19 min (12.2 mi)
- 2. Turn right onto CA-162 E
1.7 mi
- 3. Continue onto Mendocino Pass Rd
2.3 mi
8.3 mi

Take Mexico Ridge Rd, Forest Rte 1N02 and Forest Rte 21N08 to Forest Rte 21No8

- 4. Turn right onto Etsel Ridge Rd
1 h 20 min (26.0 mi)
0.8 mi
- 5. Keep left to continue on Forest Rte 1N02
0.3 mi

- ↑

6. Continue onto Mexico Ridge Rd

4.3 mi
- ↩

7. Turn left onto Bentley Ridge Rd/Forest Rte 1N02

📍

Continue to follow Forest Rte 1N02

13.9 mi
- ↷

8. Turn right onto Dingman Creek

0.8 mi
- ↑

9. Continue onto Forest Rte 21N08

3.0 mi
- ↷

10. Slight right

0.4 mi
- ↩

11. Turn left

0.2 mi
- ↷

12. Keep right

0.4 mi
- ↩

13. Turn left onto Forest Rte 21No8

1.9 mi

Forest Rte 21No8

Covelo, CA 95428

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



+

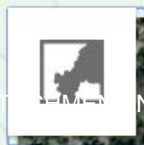
-

3400 ft

Mendocino National Forest

NF-21N08

21N08 - Road Ctr



ATTN

State Water Resources Control Board

DIVISION OF WATER RIGHTS REPORT OF COMPLIANCE INSPECTION B4 FORM

Date of Inspection:	12/7/2018	
Inspection Performed by:	Akiko Masuda	SWCRB ES
Compliance Number	B4 submitted on	9/22/2017
Attendee 1	Angela Liebenberg	CDFW Sr. ES
Attendee 2	John Herrera	CDFW ES
Attendee 3	Adam Hutchins	CDFW Timber ES
Attendee 4	Chevon Holmes	Program Administrator (Cannabis), Mendocino Dept. of Agriculture
Attendee 5	Jesse Davis	Planner III, Mendocino Planning & Building Services

Facility Owner Information

Facility Owner:	Tolabus Stein	Statement: B4 Submitted on 9/22/2017
Mailing Address:	2464 Fletcher Drive	Registration: No
City and State:	Los Angeles, CA	Application: No
Zip:	90039	Permit: No
Phone:	213-925-3158	
Email:	tolabus@gmail.com	
County:	Los Angeles	

Cultivator	Dwayne Mcoon	Joined for inspection
Cultivator Phone	N/A	directtech@sbcglobal.net

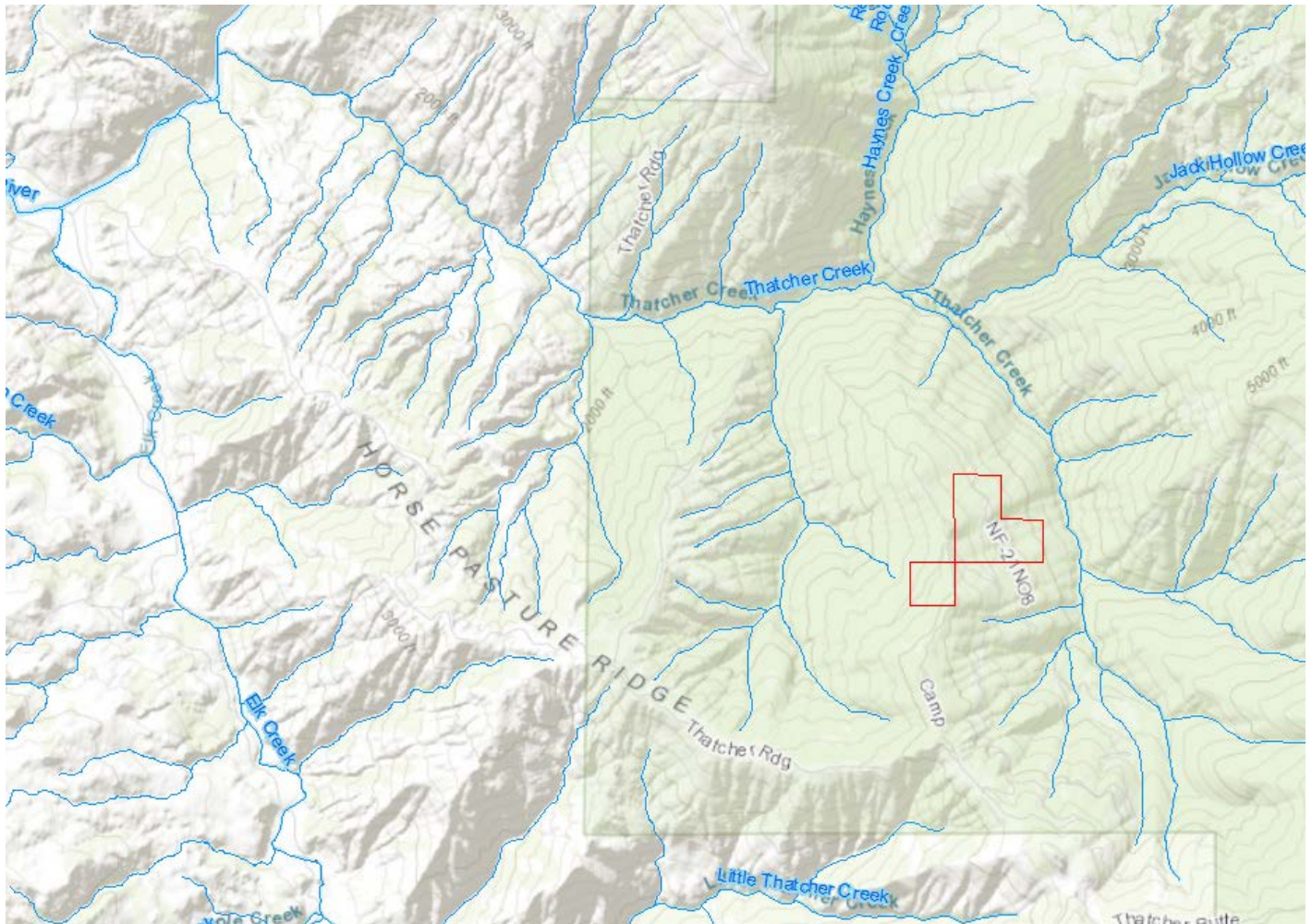
Water Rights Information

Additional Information:	No water rights hold on this APN.
Parcel Number:	• 035-400-03 • 035-400-04
Site Address:	34450 Etsel Ridge Road
Site City:	Covelo
Site Zip:	95417

Field Observations

Sunny, snow in higher elevation. Total 88 acre property surrounded by Mendocino National Forest. Dwayne Mcoon lives onsite for 6 months to cultivate commercial cannabis
Inspection focused on APN 035-400-04 due to time restriction and previously submitted fully contained spring form (B4).

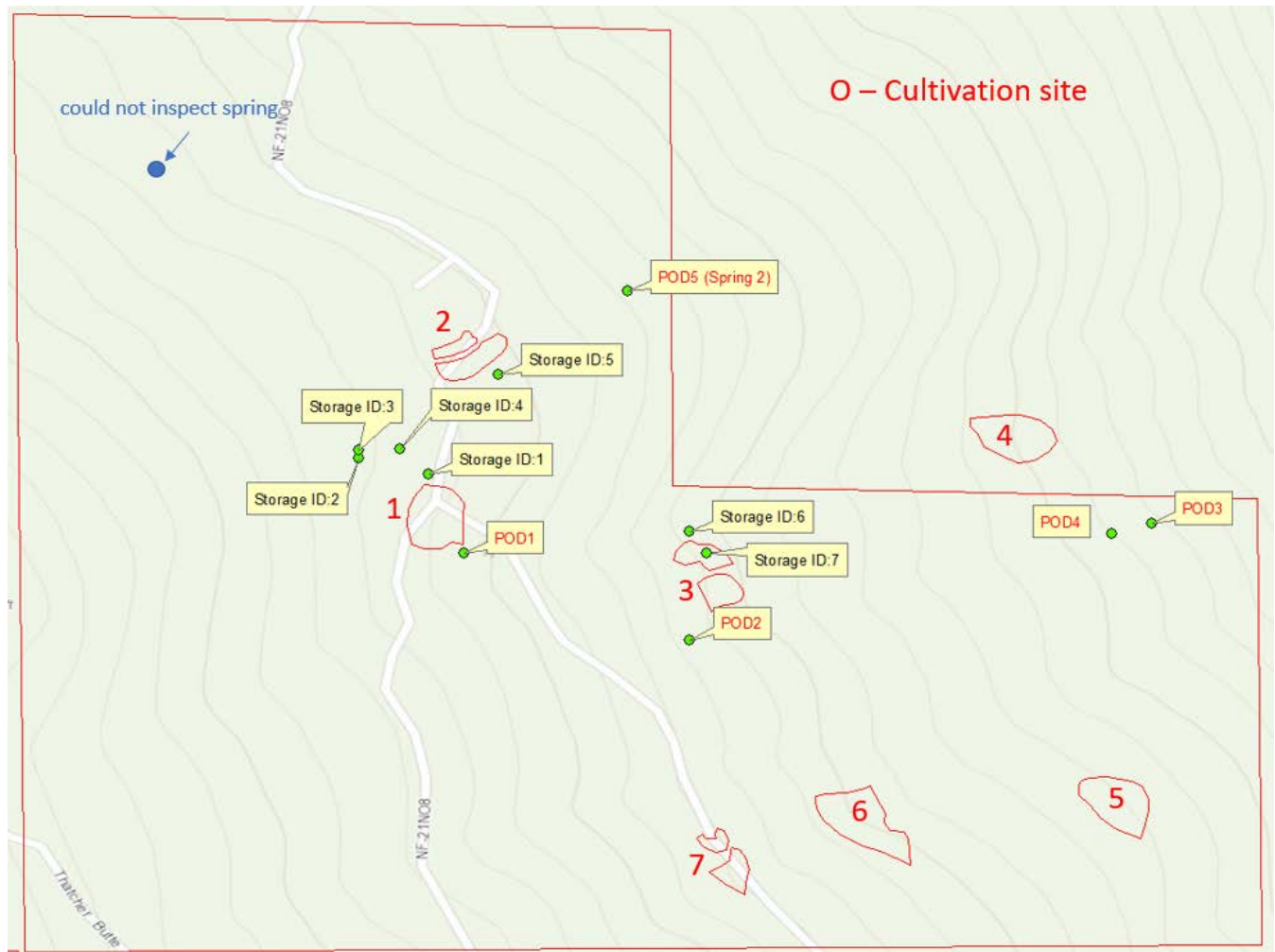
General Site Location (indicated in red) – 035-400-03 and 035-400-04 surrounded by Mendocino National Forest (shaded green)



Site Details – Ariel Image



Site Details – Topo Image



Point of Diversion (POD) Information

Total Number of PODs: 5 observed PODs on 12/7/2018 inside of APN: 035-400-04

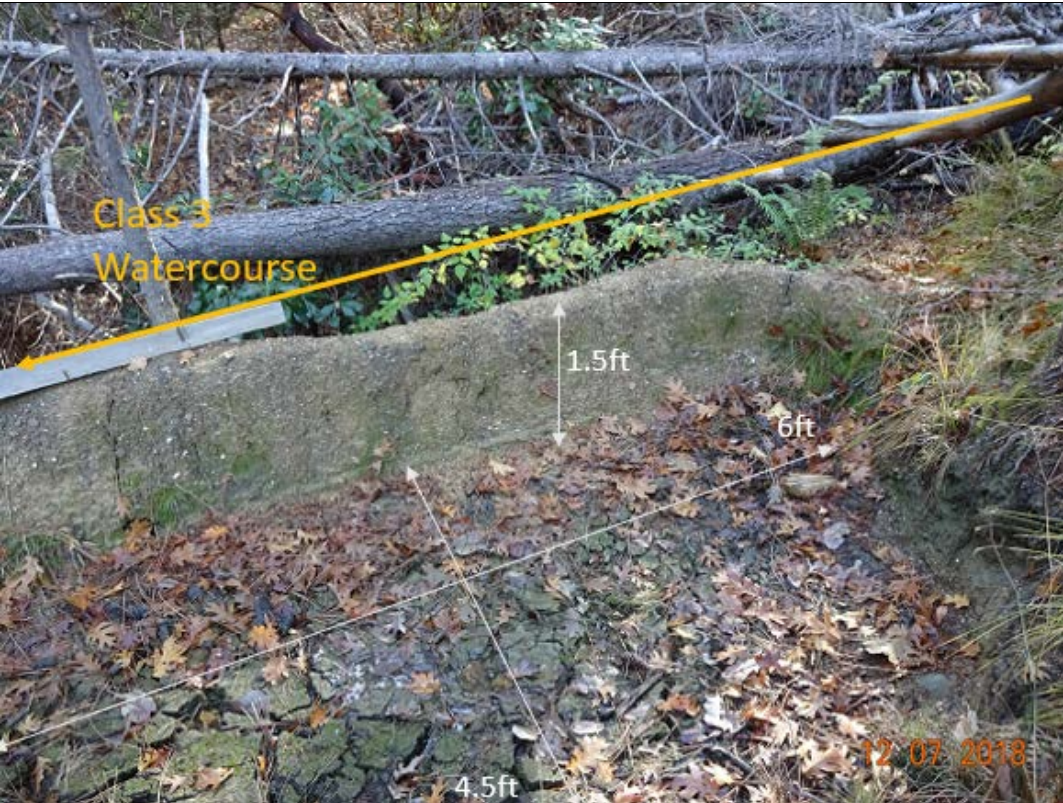
POD ID: 1

Source Water: Surface Water

Diversion Type: Point of Diversion to Storage

POD Lat/Long: 39.651442°, -123.039454°

POD Description: Spring located adjacent to class 3 watercourse. Natural water flow was blocked by sandy clay berm. 6 feet x 4.5 feet, depth 1.5 feet. Bottom of the spring was wet.



POD ID: 2
Source Water: Surface Water
Diversion Type: Point of Diversion Storage
POD Lat/Long: 39.653362°, -123.038254°
POD Description: Build June 2018 by cultivator. Spring was located at westside of sandy clay berm dammed by . The spring size was 4.5 feet x 3.5 feet, and water accumulated about 2 ~ 3 inches depth. This spring is not listed as a source of water on B4 form.



POD ID: 3
Source Water: Surface Water
Diversion Type: Point of Diversion Storage
POD Lat/Long: 39.650803°, -123.037800°
POD Description: The spring is located on class 3 watercourse and appears to be hand dug.
The spring size was 2 feet x 2 feet with approximately 1-inch of accumulated water at the bottom.
This spring is not listed as a source of water on B4 form.



POD ID: 4
Source Water: Surface Water
Diversion Type: Point of Diversion Storage
POD Lat/Long: 39.651659°, -123.034398°
POD Description: Spring was located upstream of POD 3 on class 3 watercourse, looks hand dug Spring. The spring size was 3 feet x 3.5 feet with approximately 5-inches of accumulated water at the bottom. This spring is not listed as a source of water on B4 form.



POD ID: 5 (Spring 2)
Source Water: Surface Water
Diversion Type: Point of Diversion Storage
POD Lat/Long: 39.650803°, -123.037800°
POD Description: Spring was located at steep hill with an approximate 35-degree slope.
The spring size was 6 feet x 8 feet with approximately 3-feet of accumulated water at the base.
This spring is listed as a source of water
"Spring 2" on B4 form.



Storage Information

Total Number of Storage: Total 6 (4 tanks and 2 ponds)
POD ID: 5 and Spring could not visit on 12/7/2018
Storage ID: 1
Storage Type: 2500 Gallon Tank
Storage Lat/Long: 39.652018°, -123.039711°
Storage Capacity (Gal): 2500 gallons
Storage Description: Fullstorage tank for POU1.



POD ID: 5 and Spring could not visited on 12/7/2018
Storage ID: 2
Storage Type: 2500 Gallon Tank
Storage Lat/Long: 39.651995°, -123.039948°
Storage Capacity (Gal): 2500 gallons
Storage Description: Fullstorage tank for POU1 and domestic use



POD ID: 5 and Spring could not visit on 12/7/2018
Storage ID: 3
Storage Type: 3000 Gallon Tank
Storage Lat/Long: 39.652199°, -123.040228°
Storage Capacity (Gal): 3000 gallons
Storage Description: Full storage tank for POU1 and domestic use



POD ID: Rainwater
Storage ID: 4
Storage Type: Pond/Broken Bladder
Storage Lat/Long: 39.652207°, -123.039921°
Storage Capacity (Gal): Unknown
Storage Description: Hand dug pond using broken bladder as liner. Approximately 15 feet x 15 feet





Close -up broken bladder

POD ID:	Rainwater
Storage ID:	5
Storage Type:	Pond/Broken Bladder
Storage Lat/Long:	39.652747°, -123.039204°
Storage Capacity (Gal):	Unknown
Storage Description:	Lumber structure with broken bladder as liner to catch rainwater. Used for POU2



POD ID: 5
Storage ID: 6
Storage Type: 500-gallon tank
Storage Lat/Long: 39.651595°, -123.037796°
Storage Capacity (Gal): 500 gallons
Storage Description: Full storage tank for POU3



POD ID: 5
Storage ID: 7
Storage Type: Plastic Tub
Storage Lat/Long: 39.651442°, -123.037671°
Storage Capacity (Gal): 300 gallons
Storage Description: Overflow. Water was coming from Storage ID 6.



Place of Use (POU) Information:

POD ID: 1
POU ID: Spring shows as blue dot on the detail map
POU Lat/Long: 39.652018°, -123.039711°
POU Type: Cannabis Grow,
POU Description: Counted approximately 90 holes from previous cultivation. Observed multiple fertilizer containers, trash, and 3 hoop houses
Number of Cannabis Plants 0
Grow Area 8640 sqft



POD ID: 1
POU ID: 2
POU Lat/Long: 39.652865°, -123.039663°
POU Type: Cannabis grow site
POU Description: Counted approximately 15 holes from previous cultivation
Number of Cannabis Plants 0
Grow Area 8080 sqft (both sides of road)



POD ID: 5
POU ID: 3
POU Lat/Long: 39.651425°, -123.037673°
POU Type: Cannabis grow site
POU Description: Counted approximately 90 holes from previous cultivation. Google Earth imagery date 8/12/2017 shows active cultivation.
Number of Cannabis Plants 0
Grow Area 4000 sqft (both sides of road)



POD ID: 5
POU ID: 4
POU Lat/Long: 39.652338°, -123.035571°
POU Type: Cannabis grow site
POU Description: Counted about 39 holes from previous cultivation. Google Earth imagery date 8/12/2017 shows cultivation. This is not on his property. Site is on Mendocino National Forest
Number of Cannabis Plants 0
Grow Area 8300 sqft



POD ID: 5
POU ID: 5
POU Lat/Long: 39.649662°, -123.034722°
POU Type: Cannabis grow site
POU Description: Old abundant truck remained. Counted about 49 holes from previous cultivation. Google Earth imagery date 8/12/2017 shows cultivation.
Number of Cannabis Plants 0
Grow Area 7800 sqft (both sides of road)



POD ID: UNK
POU ID: 6
POU Lat/Long: 39.649529°, -123.036656°
POU Type: Cannabis grow site
POU Description: Hoop house structure remained. Counted about 76 holes from previous cultivation. Google Earth imagery date 8/12/2017 shows cultivation.
Number of Cannabis Plants 1
Grow Area 10118 sqft



POD ID: Unknown
POU ID: 7
POU Lat/Long: 39.649180°, -123.037437°
POU Type: Cannabis grow site
Google
POU Description: Counted about 30 holes from previous cultivation. Earth imagery date 8/12/2017 shows cultivation.
Number of Cannabis Plants 0
Grow Area 7200 sqft



Summary

Both of properties are surrounded by Mendocino National Forest with one access road, NF-21NO8. My goal of this site inspection was to determine “fully contained” springs (4) water right claimed via B4 on September 22nd 2017.

- POD1: was not fully contained spring. It was a surface water diversion which capturing run off water before entering class 3 watercourse adjacent to the pool.
- POD2: was not fully contained spring. It was a surface water diversion which capturing run off water flows down a side of road.
- POD3: was not fully contained spring. Hand dug hole was located on the class 3 watercourse.
- POD4: was not fully contained spring. Hand dug hole was located on the class 3 watercourse.
- POD5: was not fully contained spring. It was a headwater coming out from a steep hill joining a class 3 watercourse
- Spring located at NW corner of APN 035-400-04, (listed as SP1 on B4 form) could not be observed on 12/7/18 due to time restriction and inclement weather. According to Dwayne Mcoon, SP1 was used for POU1 and POU2, storage ID 1, 2, and 3. Staff needs to revisit these site features.

All observed PODs water run off to Thatcher Creek thence Middle Fork Eel River.

The following actions are required:

- For all unauthorized diversions, you must obtain Small Irrigation Use Registration (SIUR) certificate to divert/store water for commercial cannabis cultivation. In order to get a SIUR certificate, you must install enough off-stream storage to irrigate through forbearance period (April 1st to October 31st).

- SIUR certificate is not a license to cultivate cannabis., It is a water right that allows you to divert/store water on your property. You must comply with all state, county, city, and local laws and conditions. To access to SIUR information:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html
- Remove all garbage from site according to Mendocino County Office direction.
- Construct BPTC (site stabilization) measures in according with Section 2 of Attachment in the Waterboard Cannabis Cultivation Policy.
- POU4 located on Mendocino National Forest property cannot be used to irrigate commercial cannabis.



REPORT OF CANNABIS PRE-PERMIT SITE INSPECTION

Applicant Name Tolabus Stein					Site Address 34450 Etzel Ridge Road Covelo CA APN: 035-400-04						
Date December 7, 2018			Application # AG-2017-0779								
Permit Type 2B 10,000 Mixed			Zoning FL:160 / 120 Acres		Contact Phone 213. 925. 3158						
Employees: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			IF YES, Number: 1		Estimated Number of Plants/Canopy size: Harvested						
#	Item	Code	Y	N	N/A	#	Item	Code	Y	N	N/A
General						Water Resources					
1	Site Plan/Location	10A.17.110(A)				14	Well Permit	10A.17.090(K)			
2	Employee Age Verified	10A.17.090(C)				15	Streambed Alteration Permit	10A.17.090(J)			
3	Dwelling unit	10A.17.070(E)				a	In-stream culverts				
4	Fence	10A.17.040(G)				b	In-stream dams				
5	Buildings Secure	10A.17.040(H)				c	Grading				
6	Lights Shielded	10A.17.040(D)				16	SWRCB Diversion Statement	10A.17.110 (D)			
7	Animals Restrained	10A.17.110(L)				a	Source of diversion				
8	Generator Use	10A.17.110(E)				17	NCRWQB Enrollment	10A.17.110 (F)			
Setbacks						Other					
9	Public/Youth	10A.17.040 (A)(1)				a	Standard conditions met				
10	Residential Structure	10A.17.040 (A)(2)				18	NCRWQB Monitoring	10A.17.110 (G)			
11	Occupied Mobile Unit	10A.17.040 (A)(3)				19	Defensible Space (CalFire)	10A.17.110 (H)			
12	Adjoining Parcel	10A.17.040 (A)(5)				20	Tree Removal/Conversion	10A.17.040 (I)/090 (T)			
Cultivation and Operations Plan						Indoor/Mixed Light					
13	Cultivation/Operations Plan	10A.17.090(F)				21	Security Measures	10A.17.090(N)			
a	Fertilizer Storage					22	Inspected by Building Official	10A.17.070(I)(1)			
b	Pesticide Use/ Storage					23	Waste Discharge	10A.17.090(S)			
c	Soil/Media					24	Building Ventilation	10A.17.110(M)			
d	Pest Management					SITE APPROVED FOR PERMIT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO FOLLOW -UP NEEDED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
e	Irrigation Plan										

Conditions to be met:

- ① All trash @ main camp removed by Dec 14, 2018 : photos submitting
 - ② Complete H2O required docs. TBD
 - ③ Complete CDFW requirements TBD
 - ④ Submit an updated base plan: have approved TBD
 - ⑤ Apply & receive state temp license.
- ***extension for trash removal Dec. 17, 2018 cut

NON-COMPLIANCE ISSUED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		CORRECT NON-COMPLIANCES BY: See Above	
INSPECTOR (Print Name) Cheron Holmes		Signature <i>[Signature]</i>	
INSPECTION ACKNOWLEDGED BY (Print Name) <i>[Signature]</i>		Signature <i>[Signature]</i>	

*Signed by agent

EXHIBIT Q: AP_2018-0061-Site Inspection Photographs _

PHOTO 1



Non-Secure Garbage Storage

PHOTO 2



Exposed Batteries and Cleaning Materials

PHOTO 3



Garbage (Including Oil, Chemicals, Containers)

PHOTO 4



Abandoned Trailer

PHOTO 5



Non-Secure Garbage

PHOTO 6



Animal Poison W/ Puncture Marks

PHOTO 7



Animal Poison

PHOTO 8



Non-Secure Chemical Sprayer

EXHIBIT Q: AP_2018-0061-Site Inspection Photographs

PHOTO 9



Damaged Water Tank

PHOTO 10



Exposed Irrigation Line

PHOTO 11



Water Bladder for Cultivation & Cut Trees

PHOTO 12



Empty Metal Barrel

PHOTO 13



Exposed Irrigation Line and Trash

PHOTO 14



Empty Storage Container

PHOTO 15



Abandoned Vehicles and Exposed Irrigation

PHOTO 16



Overflowing Water Tank