July 10, 2020

Department of Transportation
Environmental Health - Ukiah
Building Inspection - Ukiah
Assessor
Air Quality Management

Archaeological Commission
Sonoma State University
CalFire - Prevention
Department of Fish and Wildlife
Covelo Fire District

Cloverdale Rancheria
Redwood Valley Rancheria
Sherwood Valley Band of Pomo Indians

CASE#: AP_2020-0021
DATE FILED: 5/19/2020
OWNER: BEATRICE MARIE DIGGS
APPLICANT: KEITH PERRY
AGENT: JOHN PHILLIPS

REQUEST: Administrative Permit for expansion to a large mixed light (Type 2B-10,000 sq. ft.; AG_2018-0164) permit for cannabis cultivation of no more than 10,000 sq. ft.

LOCATION: 2.6± miles northeast of Covelo town center, lying on the corner of Mendocino Pass Road (SR 162), and County Road 343 (CR 343), located at 25926 Mendocino Pass Rd., Covelo (APN: 032-360-39).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

SUPERVISORIAL DISTRICT: 3
STAFF PLANNER: MATT GOINES
RESPONSE DUE DATE: July 24, 2020

PROJECT INFORMATION CAN BE FOUND AT:
https://www.mendocinocounty.org/government/planning-building-services/public-agency-referrals

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

☐ No comment at this time.

☐ Recommend conditional approval (attached).

☐ Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)

☐ Recommend denial (Attach reasons for recommending denial).

☐ Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).

☐ Other comments (attach as necessary).

We recommend:

☐ No comment at this time.

☐ Recommend approval (attached).

☐ Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)

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☐ Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).

☐ Other comments (attach as necessary).

REVIEWED BY:

Signature ___________________ Department ___________________ Date ___________________
CASE: AP_2020-0021

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APPLICANT: KEITH PERRY

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APN/S: 032-360-39

PARCEL SIZE: 9.62± Acres

GENERAL PLAN: Industrial

ZONING: Industrial (I2-12K)

EXISTING USES: Residential/Cannabis

DISTRICT: 3 Haschak


<table>
<thead>
<tr>
<th>NORTH:</th>
<th>ADJACENT GENERAL PLAN</th>
<th>ADJACENT ZONING</th>
<th>ADJACENT LOT SIZES</th>
<th>ADJACENT USES</th>
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</thead>
<tbody>
<tr>
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<td>Industrial (I2)</td>
<td>9.62 Acres</td>
<td>Institutional</td>
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<td>Industrial</td>
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<td>9.63 Acres</td>
<td>Institutional</td>
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<tr>
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<td>10 Acres</td>
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<td>Rural Residential</td>
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REFERRAL AGENCIES

LOCAL
- Air Quality Management District
- Archaeological Commission
- Assessor’s Office
- Building Division - Ukiah
- Department of Transportation (DOT)

STATE
- Environmental Health (EH)
- Covelo Fire District
- Sonoma State University
- CALFIRE (Land Use)
- California Dept. of Fish & Wildlife

TRIBAL
- Cloverdale Rancheria
- Redwood Valley Rancheria
- Sherwood Valley Band of Pomo Indians

ADDITIONAL INFORMATION:

STAFF PLANNER: MATT GOINES  DATE: 6/29/2020
## ENVIRONMENTAL DATA

<table>
<thead>
<tr>
<th>1. MAC:</th>
<th>GIS</th>
<th>NO</th>
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<tbody>
<tr>
<td>2. FIRE HAZARD SEVERITY ZONE:</td>
<td>CALFIRE FRAP maps/GIS</td>
<td>Moderate</td>
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<td>3. FIRE RESPONSIBILITY AREA:</td>
<td>CALFIRE FRAP maps/GIS</td>
<td>Covelo Fire and Cal Fire</td>
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<tr>
<td>4. FARMLAND CLASSIFICATION:</td>
<td>GIS</td>
<td>Semi-AG and Rural Commercial</td>
</tr>
<tr>
<td>5. FLOOD ZONE CLASSIFICATION:</td>
<td>FEMA Flood Insurance Rate Maps (FIRM)</td>
<td>NO</td>
</tr>
<tr>
<td>6. COASTAL GROUNDWATER RESOURCE AREA:</td>
<td>Coastal Groundwater Study/GIS</td>
<td>NO</td>
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<tr>
<td>7. SOIL CLASSIFICATION:</td>
<td>Mendocino County Soils Study Eastern/Western Part</td>
<td>113 - Branscomb-Usal Complex and 125 - Cleone Loomy Sand</td>
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<tr>
<td>8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:</td>
<td>LCP maps, Pygmy Soils Maps; GIS</td>
<td>NO</td>
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<tr>
<td>9. WILLIAMSON ACT CONTRACT:</td>
<td>Mendocino County Assessor’s Office</td>
<td>NO</td>
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<td>10. TIMBER PRODUCTION ZONE:</td>
<td>GIS</td>
<td>NO</td>
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<tr>
<td>11. WETLANDS CLASSIFICATION:</td>
<td>GIS</td>
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<td>12. EARTHQUAKE FAULT ZONE:</td>
<td>Hazards and Landslides Map; GIS; Policy RM-61; General Plan 4-44</td>
<td>NO</td>
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<td>13. AIRPORT LAND USE PLANNING AREA:</td>
<td>NO</td>
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### FOR PROJECTS WITHIN THE COASTAL ZONE ONLY

| 24. LCP LAND USE CLASSIFICATION: | LCP Land Use maps/GIS | NO |
| 25. LCP LAND CAPABILITIES & NATURAL HAZARDS: | LCP Land Capabilities maps/GIS; 20.504 | NO |
| 26. LCP HABITATS & RESOURCES: | LCP Habitat maps/GIS; 20.496 | NO |
| 27. COASTAL COMMISSION APPEALABLE AREA: | NO |

| 28. CDP EXCLUSION ZONE: | CDP Exclusion Zone maps/GIS | NO |
| 29. HIGHLY SCENIC AREA: | Highly Scenic & Tree Removal Area Maps/GIS; Secs. 20.504.015, 20.504.020 | NO |
| 30. BIOLOGICAL RESOURCES & NATURAL AREAS: | Biological Resources & Natural Area Map; GIS; General Plan 4-9 | NO |
| 31. BLUFFTOP GEOLOGY: | GIS | NO |
Application for Cannabis Administrative Permit

[Check box selected] ADMINISTRATIVE PERMIT (AP)

☐ Type C-A Cottage Indoor (500 ft²)
☐ Setback Reduction Request
☐ Waive RR:10 Housing Requirement
☐ TPZ or FL (Type 1 or Type 2)
☐ Acreage (3.5 Acres-4.9 Acres: Type 1 Allowance)
☐ RR5 (3.5-4.9 Acres) Waive Sunset
☐ Acreage (7.0 Acres-9.9 Acres: Type 2 Allowance)

APPLICANT(S)

Name: Keith Perry
Phone: (707) 533-3742
Mailing Address: 1007 B West College Ave Suite 438
City: Santa Rosa
State/Zip: Ca/95401
email: perry@johnphillipsjr.com

PROPERTY OWNER

Name: Beatrice Marie Diggs
Phone: (707) 349-2126
Mailing Address: 5051 N State St
City: Ukiah
State/Zip: Ca/95482
email: bdiggs@johnphillipsjr.com

AGENT

Name: John Phillips
Phone: (707) 380-6809
Mailing Address: 759 S State St #10
City: Ukiah
State/Zip: Ca/95482
email: johnphillipsjr.com

Parcel Size: 9.62 acres
Address of Property: 25926 Mendocino Pass Rd. Covelo, Ca 95428
Assessor Parcel Number(s): 032-360-39

TYPE OF CULTIVATION PERMIT:

<table>
<thead>
<tr>
<th>Size</th>
<th>Type of Permit</th>
<th>OUTDOOR</th>
<th>INDOOR</th>
<th>MIXED LIGHT</th>
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<tr>
<td>Small: (≤2500 ft²)</td>
<td>☐ C</td>
<td>☐</td>
<td>☐ C-A (≤500 ft²)</td>
<td>☐ C-B</td>
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<tr>
<td>Medium: (2501 – 5000 ft²)</td>
<td>☐ 1</td>
<td>☐ 1-A</td>
<td>☐ 1-B</td>
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<td>Large: (5001 – 10,000 ft²)</td>
<td>☐ 2</td>
<td>☐ 2-A</td>
<td>☑ 2-B</td>
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<tr>
<td>Nursery: (≤12,000 ft²)</td>
<td>☐ 4</td>
<td>☐ 4</td>
<td>☐ 4</td>
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</tr>
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</table>

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

Signature of Applicant/Agent
Date: 05-5-2020

Signature of Owner
Date: 05-5-2020
## CULTIVATION SITE & PROJECT DESCRIPTION QUESTIONNAIRE

1. Does the proposed cultivation site meet the following setbacks?  
   - YES  □ NO
   - 1,000 feet from all youth-oriented facilities, schools, parks, churches, or residential treatment facilities.
   - **FOR OUTDOOR AND MIXED LIGHT CULTIVATION SITES**
     - YES 100 feet from any legal residential structure located on a separate legal parcel.
     - YES 50 feet from any adjoining legal parcel under separate ownership.
     - **N/A** If in mobile home park, 100 feet from an occupied mobile home under separate ownership.
   - □ **FOR INDOOR CULTIVATION SITES**
     - Any building property line setbacks.

2. Is the cultivation site visible from any public right of way or publically traveled private road?  
   - □ YES  □ NO

3. Please describe the project site. Include improvements such as structures, wells, septic systems, grading, vegetation removal, roads, etc.
   - The project site is located on 9.62 acres of industrial zoned land in the town of Covelo. The property is privately owned and with electrical service provided by PG&E. Currently, there are two residences (mobile homes) on the property, and several small structures which are used for residential/utility storage. Each residence has septic & leach systems, and sources water from a private groundwater well located on the property. No portion of the property has a slope or grade of more than 1%. Current vegetation is scarce, with very few, if any trees; although a variety of Lupin does exist on the southwest corner of the property, which is a species of special concern.

4. Will the development of the proposed cultivation site be phased?  
   - □ YES  □ NO
   - If YES, please describe the phases briefly.
   - **Currently, the cannabis cultivation site is limited to 5,000 square feet of mixed light deprivation, utilizing 8 structures for “hoop houses”. Phase 1 will consist of obtaining eight demolition permits to deconstruct said structures, and general reorganization of fences, water storage tanks, and other property assets may take place. Phase 2 will consist of submitting various permit applications as-to obtain authorization to construct multiple structures used for the cannabis cultivation business.**

5. How will you dispose of hazardous, natural (trimmings), or other (plastics) materials from the cultivation site?  
   - **A Construction Waste Management Plan will be completed for all construction permits of 1,000 sf or more and all demolition permits. Any hazardous, natural, or other waste that results from implementation of the proposed projects will be disposed of properly and taken to a manned fully permitted transfer/processing facility or manned transfer/processing operation.**

6. Have you constructed in the past, are constructing, or plan to construct any roads? Grading?  
   - □ YES  □ NO
   - If YES, please complete the following:  
     - A. Amount of cut: ___________ cubic yards
     - B. Amount of fill: ___________ cubic yards
     - C. Maximum height of cut slope: ___________ feet
     - D. Maximum height of fill slope: ___________ feet
     - E. Amount being imported/exported: ___________ cubic yards
     - F. Location of borrow/disposal: □ ON-SITE  □ OFF-SITE
7. In order to develop the proposed cultivation site, will it be necessary to:

A. Remove oak species or commercial tree species? ☐ YES ☐ NO
B. Make substantial changes in terrain? ☐ YES ☐ NO
C. Connect to existing water district? ☐ YES ☐ NO
D. Connect to existing sewer district? ☐ YES ☐ NO
E. Install a septic system? ☐ YES ☐ NO
F. Connect to existing septic system? ☐ YES ☐ NO
G. Install an individual well? ☐ YES ☐ NO

H. OTHER (Explain)?

8. Please provide an inventory of the structures on the property. If additional space is needed, please provide a separate sheet. Please note improvements may be subject to permit requirements. Please include size of structures.

1. (8) 15' x 35' (525 sf) Hoop Houses - to be demolished/removed
2. 55' x 60' & 15' x 42' (3,930 sf) Residence
3. 15' x 50' (750 sf) Residence
4. 12' x 15' (180 sf) Utility Shed/Wall-Pump House
5. 10' x 12' (120 sf) Residential Use Utility Shed
6. One Garage Measuring 25' x 33' (825 sf) & Another Measuring 25' x 25' (625 sf)
7. One Residential Garage Measuring 25' x 40' (1,000 sf) & Two more Measuring 18' x 20' (360 sf) each
8. (14) 20' x 50' (1,000 sf) Hoop Houses/Greenhouses
9. (2) 20' x 30' (600sf) Harvest Storage Areas
10. One Cargo Container Used as Administrative Hold Area Measuring 8' x 40' (320 sf), and Another Used for Pesticide/Agricultural Chemical Storage Measuring 8' x 20' (160 sf)
11. (1) 45' x 100' (4,500 sqFt) Metal Storage Shed BU 2019-1675

9. Are there any contiguous properties and/or projects (unrelated to cannabis) under your ownership? ☐ YES ☐ NO

10. Will the proposed cultivation site convert land currently or previously used for agriculture? ☐ YES ☐ NO
   If YES, how much land is being converted? ________________ ( R² / acres )

11. Will the proposed cultivation site require the construction of a pond OR will it involve diking, filling, or dredging?
   ☑ NO
   ☐ YES, the project will involve:
   ☐ Construction of a pond - a total of ________________ cubic yards will be moved
   ☐ Diking - a total of ________________ cubic yards will be moved
   ☐ Filling - a total of ________________ cubic yards will be moved
   ☐ Dredging - a total of ________________ cubic yards will be moved

12. Briefly describe the surrounding properties including vegetation, animals, structures, and/or cultural/historic assets.

   The southern portion of the property has a 20' easement for public access onto CA-162 E/Mendocino Pass Rd. Vegetation on the surrounding properties is limited and is nearly absent, with the exception of a plant species located directly southwest, and is of special concern to CDFW. Nearby residences are scarce and local land use is primarily focused on cannabis production. The nearest cultural/historic asset, Nome Lackee Cemetery is over 2,000 feet away.

13. Please indicate the surrounding land uses.

   Vacant
   Residential/Agricultural
   Commercial/Industrial
   Institutional/Timberland
   Other

   NORTH   EAST   SOUTH   WEST
   YES      YES      YES      NO
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

   Vacant
   Residential/Agricultural
   Commercial/Industrial
   Institutional/Timberland
   Other

   NORTH   EAST   SOUTH   WEST
   NO      YES      YES      NO
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
14. Utilities will be supplied to the site as follows:
   A. Electricity
      ☑ Utility Company (existing)
      □ Utility Company (planned)
      □ On-Site Generation – Specify 
      ________________________________

   B. Gas
      ☑ Utility Company (existing)
      □ Utility Company (planned)
      □ On-Site Generation – Specify 
      □ None 
      ________________________________

   C. Water
      □ Community water system – Specify supplier 
      ________________________________
      ☑ Well
      □ Spring
      □ Pond
      □ Other – Specify 
      ________________________________

   D. Sewage
      □ Community sewage system – Specify supplier 
      ________________________________
      ☑ Septic Tank
      □ Other – Specify 
      ________________________________

15. Will there be any security lighting?  ☑ YES  □ NO
   If YES, will the light be cast downward?  ☑ YES  □ NO

16. Will you have employees?  ☑ YES  □ NO
   If YES, how many employees will you have?  Unknown at this time.
   If employees are residing onsite, please indicate the structure they will be residing.
   No employees will reside at the property.

17. Will there be any processing of cannabis on site (trimming, leaf removal, curing, drying, etc)?  ☑ YES  □ NO

18. If you answered YES to the previous question (17), please describe the activities.
   Processing – Limited to harvesting, drying and storage. No packaging or labeling will occur at the property.

19. Have you discussed this proposal with adjacent property owners and other concerned parties?
   Yes, Consent has been obtained from all adjacent property owners.

20. Please describe how you intend to mitigate potential nuisances related to the proposed cultivation activities.
   Nuisances, such as night-time light pollution will be abated using large tarps or curtains designed to mitigate any light escaping from the hoop houses or greenhouses. Efforts to improve the aesthetics of the property are currently being considered, and may consist of improving the vegetation by planting regionally appropriate trees and/or plants. Overall maintenance will continue and any potential nuisances will be mitigated to the best of our ability.
21. Provide an overview of your past cultivation, as well as ancillary activities on this subject property. If 'Relocating' please describe past activities within Mendocino County, as well as past cultivation on this subject parcel, if applicable:

Past experience includes extensive knowledge of cannabis and plant cultivation within Mendocino County. The culmination of having been a local farmer for over 20 years, will provide the necessary skills to cultivate proficiently and in an environmentally safe and effective manor.

22. Describe why the proposed location and operation is the most environmentally superior location on the subject property.

The consideration of a species of special concern, which is a Lupin variety of plant, has been delineated on all maps and will dictate any current or future plans. The cultivation site is 225' from the observed location of the Lupin plant. A composting area will be located 70' from this area; however, careful management will ensure the compost does not affect the Lupin.

23. Are you aware of any Archeological or Paleontological resources on the subject property?  
   □ YES  □ NO

24. Have you recieved the requisite approvals from CALFIRE or your Local Response Agency?  
   □ YES  □ NO

   If NO, do you intend to submit this information alongside needed building permits?  YES

25. Have you recieved site inspections from any of the following agencies with regard to this proposed activity?

   □ NO

   □ YES, following

   Department of Agriculture Date: ____________________________

   SWRCB Date: ____________________________

   CDFW Date: ____________________________

   CDFA Date: ____________________________

I certify that the information submitted with this application is true and accurate:

Signature of Applicant/Agent  Date  5-5-2020

Signature of Owner  Date  5-5-2020

FOR STAFF PURPOSES ONLY

Zoning District: ____________________________

Subject to Sunset Provision (MCC 10A:17.080(B)(2)(b))?  □ YES  □ NO

Compliant with Mendocino County Code Chapter 20.242:  □ YES  □ NO
AUTHORIZATION OF AGENT

1. I hereby authorize ___________________________ to act as my representative and to bind me in all matters concerning this application.

[Signature]
Owner

05-05-2020
Date

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the county.

[Signature]
Owner/Authorized Agent

5-5-2020
Date

INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to Sign this agreement will result in the application being considered incomplete and withheld from further processing.

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

1. I, ___________________________, hereby agree to the above Indemnification Agreement.

[Signature]
Owner/Authorized Agent

5-5-2020
Date

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence mailed to if different from those identified on the Application for Cannabis Cultivation page.

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>John D. Phillips Jr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing Address</td>
<td>Mailing Address</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>759 S State St. #10 Ukiah, Ca 95482</td>
<td></td>
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</table>
ACKNOWLEDGMENT OF DEPOSIT/HOURLY FEE

By signing below, the applicant acknowledges that the staff at Planning and Building Services has discussed the potential for collection of a deposit fee for the projects listed below (as adopted by the Board of Supervisors in Resolution No.'s 11-072, 16-150, 18-122 and 19-170):

1. Division of Land Project
2. General Plan Project
3. Coastal Project
4. Zoning Project
5. Administrative Project
6. Cannabis Project
7. Private Road Naming

Once an application has been submitted and the processing costs approach 80% of the application fee, additional staff processing time will be billed at $90.00/hour. Staff will notify the applicant/owner that a deposit equal to 50% of the initial filing fee is required for further processing, and more than one deposit may be required depending on the complexity of the project and the staff time necessary to complete application processing.

I acknowledge that I was advised of the deposit fee for continued processing after the initial application fee has been expended

[Signature]

05.11.2020

Applicant Signature

Date

OFFICE USE ONLY:

Project or Permit Number
CASE: AP 2020-0021
OWNER: DIGGS, Beatrice
APN: 032-360-39
APLCT: Keith Perry
AGENT: John Phillips
ADDRESS: 25926 Mendocino Pass Road, Covelo

Naturally Occurring Asbestos

EASTERN SOIL CLASSIFICATIONS