



**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  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

January 16, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator at its regular meeting on Thursday, February 14, 2019, at 9:00 a.m., to be held in Planning and Building Services Conference Room, 860 North Bush Street, 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#:** U\_2018-0021

**DATE FILED:** 9/10/2018

**OWNER:** ARVIN & BETH REED

**APPLICANT:** SMITHWOOD MERCANTILE, LLC

**REQUEST:** Coastal Development Minor Use Permit to allow for a beer and wine tasting room, the retail sales of picnic and outdoor merchandise, and interior improvements.

**LOCATION:** In the Coastal Zone, in the Town of Mendocino, on the northwest block at the intersection of Main Street (CR 407E) and Lansing Street (CR 500), located at 45000 Main St., Mendocino (APN: 119-238-16).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**STAFF PLANNER:** SAM "VANDY" VANDEWATER

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 February 13, 2019. Oral comments may be presented to the Coastal Permit Administrator during the public hearing.

This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. 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. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

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 Coastal Permit 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



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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT – USE PERMIT**

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**FEBRUARY 14, 2019  
U\_2018-0021**

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**SUMMARY**

**OWNER:** ARVIN & BETH REED  
PO BOX 1001  
MENDOCINO, CA 95460

**APPLICANT:** SMITHWOOD MERCANTILE, LLC  
PO BOX 856  
MENDOCINO, CA 95460

**REQUEST:** Coastal Development Minor Use Permit to allow for a beer and wine tasting room, the retail sales of picnic and outdoor merchandise, and interior improvements.

**LOCATION:** In the coastal zone, in the Town of Mendocino, on the northwest block at the intersection of Main Street (CR 407E) and Lansing Street (CR 500), located at 45000 Main St., Mendocino (APN: 119-238-16).

**TOTAL ACREAGE:** 0.5± acres

**GENERAL PLAN:** Commercial (C)

**ZONING:** Mendocino Commercial (MC:12K)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt; Section 15301, Class 1

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Sam “Vandy” Vandewater

**BACKGROUND**

**PROJECT DESCRIPTION:** Coastal Development Minor Use Permit to allow for a beer and wine tasting room, the retail sales of picnic and outdoor merchandise, and interior improvements.

**SITE CHARACTERISTICS:** The subject parcel is located in the Coastal Zone, in the historic Town of Mendocino on the north-west corner of Main Street and Lansing Street. The parcel is serviced by the Mendocino City Community Services District and the Mendocino Fire Protection District. The southeastern portion of the parcel has an existing structure, which includes the applicant’s business, while the northern portion of the parcel is vegetated and includes some shrubs, grasses, and a few trees. The western portion is mainly grasses.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES (ACRES)</b>	<b>USES</b>
<b>NORTH</b>	Commercial (C)	Mendocino Commercial (MC)	0.3±, 0.3±	Commercial
<b>EAST</b>	Commercial (C)	Mendocino Commercial (MC)	0.5±	Recreational
<b>SOUTH</b>	Commercial (C)	Mendocino Commercial (MC)	8.5±, 11±	Recreational
<b>WEST</b>	Public Facilities (PF)	Mendocino Public Facilities (MPF)	0.75±	Recreational

**PUBLIC SERVICES:**

Access: Main Street; Lansing Street; Albion Street  
 Fire District: Mendocino Fire Protection District  
 Water District: Mendocino City Community Services District  
 Sewer District: Mendocino City Community Services District  
 School District: Mendocino Unified School District

**AGENCY COMMENTS:** On October 4, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Planning (Fort Bragg)	Comment
Environmental Health (Fort Bragg) – Land Use	Comment
Building Inspection (Fort Bragg)	Comment
Department of Transportation	Comment
Coastal Commission	No Response
Mendocino Historical Review Board	No Response
Department of Fish and Wildlife	No Comment
Mendocino Fire Protection District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response
State Water Resources Control Board	Comment

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** The subject parcel has a General Plan Land Use Designation of Commercial (C) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Commercial classification is intended,

*“to be applied to lands appropriate for a variety of commercial uses. Lands classified Commercial should be within or contiguous to developed areas, such as near the boundaries of cities and in Community Planning Areas, and should be served by the publicly-maintained circulation network and should be situated in locations where future growth is anticipated...”*

The Project is consistent with the General Plan designation as it is located within the historical center of Mendocino along with many other commercial businesses. While the existing use is commercial, the expansion of food and beverage sales to this location helps to promote a more diverse commercial center and local economy. This consistency can also be made for the Commercial Mendocino Town Land Use Classification which helps to establish the Division III zoning districts of the Mendocino County Code.

The proposed project is also subject to the Mendocino Town Plan section of the Coastal Element of the General Plan. As stated above, the project is consistent with the Commercial Land Use Classification as described in Section 5 of the Mendocino Town Plan. Additionally, the proposed project helps to promote a number of policies identified in Section 4 of the Town Plan (Town Plan Policies) including Town Growth Management Policies #2, #6, #17, and #25, most of which entail retaining community character while promoting compatible development. Thus the project is consistent with the Mendocino Town Plan.

The proposed project is also consistent with the Mendocino Commercial (MC) zoning district, as defined by the MCC. Chapter 20.664.005 of the MCC defines General Commercial as a district,

*“intended to provide an area within the Town suitable for commercial development compatible with existing commercial uses”*

Similar to the General Plan consistency, the proposed project adheres to the intentions of the Mendocino Commercial zoning district by expanding on an existing commercial use. This allows for commercial development within the Town of Mendocino without expanding structural and utility footprints and thus retaining the community character of the town.

The project is also subject to MCC Section 20.760 which regulates the historical preservation of the Town of Mendocino through the Mendocino Historical Review Board (MHRB). While the intended use is not subject to review by the MHRB, a condition requested by the Mendocino County Department of Transportation entails the establishment of a planter box which would be subject to a review by the MHRB. During the January 7, 2019, meeting, the MHRB noted support for the land use and use permit for the project, but did not support the planter though understood that it could potentially be a requirement of the use permit. Thus, with regards to the use permit, the project remains consistent with the Mendocino County Code, and Section 20.760 specifically.

**2. Local Coastal Program Consistency Recommendation:** The proposed project is consistent with applicable goals and policies of the Local Coastal Program which includes the Mendocino Town Plan, Mendocino Town Plan Map, Mendocino Town Zoning Code, and the Mendocino Town Zoning Map. Consistency with the Mendocino Zoning Code is discussed in the aforementioned; consistency with other Local Coastal Program components is discussed below.

**Design Guidelines:** The Mendocino Town Plan supports and continues the requirements of the Historical Preservation District Zoning Ordinance and the design review criteria used to maintain the historic appearance and character of the Town. As the project is located in Historic Zone A of the Mendocino Historic Preservation District, MHRB approval is required for any exterior alternatives to the building.

**Natural Resources:** The change in use will not have any effect on natural resources. The wine tasting and retail sales would take place in an existing structure and no exterior changes to the building or grounds are proposed other than signage.

**Hazards:** There are no known geologic or other hazards on or in the vicinity of the project site.

**Visual Resources:** The change in use will not have any effect on visual resources other than exterior signage. No exterior alterations are proposed, other than signage that has already been approved.

**Public Access:** The project site is located west of State Route 1, but is not a bluff top parcel and is not designated as a potential public access trail location.

**Archaeological/Cultural Resources:** No ground disturbing development is proposed, thus it is unlikely that any archaeological/cultural resources would be affected by the project.

**Groundwater Resources:** The Town of Mendocino has a centralized sanitary sewer system, but does not have a centralized water system. Businesses and residents, including those on the subject parcel, rely on individual wells for most water. Wells are regulated by the Mendocino County Department of Environmental Health, which reviews alterations to existing wells.

**3. Environmental Protection:** The project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15301, Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption applies to “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA.

**PROJECT FINDINGS AND CONDITIONS**

**RECOMMENDED MOTION:** The Coastal Permit Administrator approves Coastal Development Minor Use Permit U\_2018-0021 for the Project, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

Pursuant to the provisions of Chapter 20.720 and Chapter 20.724 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

**FINDINGS:**

1. The proposed project is in conformity with the certified Mendocino Town Local Coastal; and
2. The proposed project will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed project is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of this Division, and preserves the integrity of the zoning district; and
4. The proposed project, in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed project will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed project; and
7. The proposed project is in conformance with the design standards of Section 20.760.050; and
8. The proposed project ensures the protection of public health, safety and welfare.

**STANDARD CONDITIONS:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.728.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
4. The applicant shall secure all required permits from the Building Inspection Division of the

Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.

5. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited, or the operation of one or more such conditions.
6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
7. The applicant shall submit to the Department of Planning and Building Services documentation showing compliance with the Mendocino City Community Services District.
8. The applicant shall secure all required permits from the Department of Environmental Health Consumer Protection Division. A letter from the Consumer Protection Division shall be submitted to the Department of Planning & Building Services that this condition has been met.
9. Within 6 months of the approval of this use permit, a planter shall be constructed at the edge of the sidewalk ramp located on the corner of Lansing Street (CR) and Main Street (CR 407E). This planter shall not exceed two (2) feet in height including vegetation, as to not obscure sight distance per Mendocino County Road Development Standards No. A53. The planter will be the responsibility of the Applicant/Permittee/Property Owner to maintain. Applicant/Permittee/Property Owner shall apply for a separate Encroachment Permit, at no expense, for the maintenance of the landscaping. This condition may be substituted by an alternative as approved by both the Mendocino County Department of Transportation and Mendocino County Department of Planning and Building Services.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County rights-of-way.
11. The applicant shall obtain all necessary permits required by the State Water Resources Control Board Division of Drinking Water.
12. It is the applicant's responsibility to ensure that all necessary permits have been obtained for the purpose of completing the conditions of this use permit.
13. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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DATE

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SAM VANDEWATER  
PLANNER II

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

**ATTACHMENTS:**

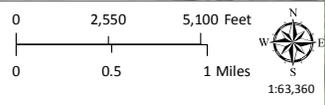
- A. Location Map
- B. Aerial Vicinity Map
- C. Aerial Project Map
- D. Topographical Map
- E. Site Map
- F. Floor Plan
- G. Elevations
- H. Storefront and Signage
- I. Zoning Map
- J. General Plan Map
- K. Land Capabilities Map
- L. Habitats Map
- M. Appealable Areas Map
- N. Adjacent Map
- O. Fire Hazards Map
- P. Ground Water Resource Map



SUBJECT PARCEL/S

CASE: U 2018-0021  
 OWNER: REED, Arvin & Beth  
 APN: 119-238-16  
 APLCT: Smithwood Mercantile, LLC  
 AGENT:  
 ADDRESS: 45000 Main Street, Mendocino

- Major Towns & Places
- Major Roads
- Major Rivers
- Highways



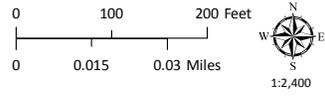
LOCATION MAP  
 ATTACHMENT A

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



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-  Major Towns & Places
-  Public Roads



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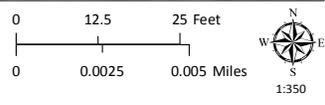
AERIAL IMAGERY  
 ATTACHMENT B



ALBION STREET 407D

LANSING STREET 500

MAIN STREET 407E

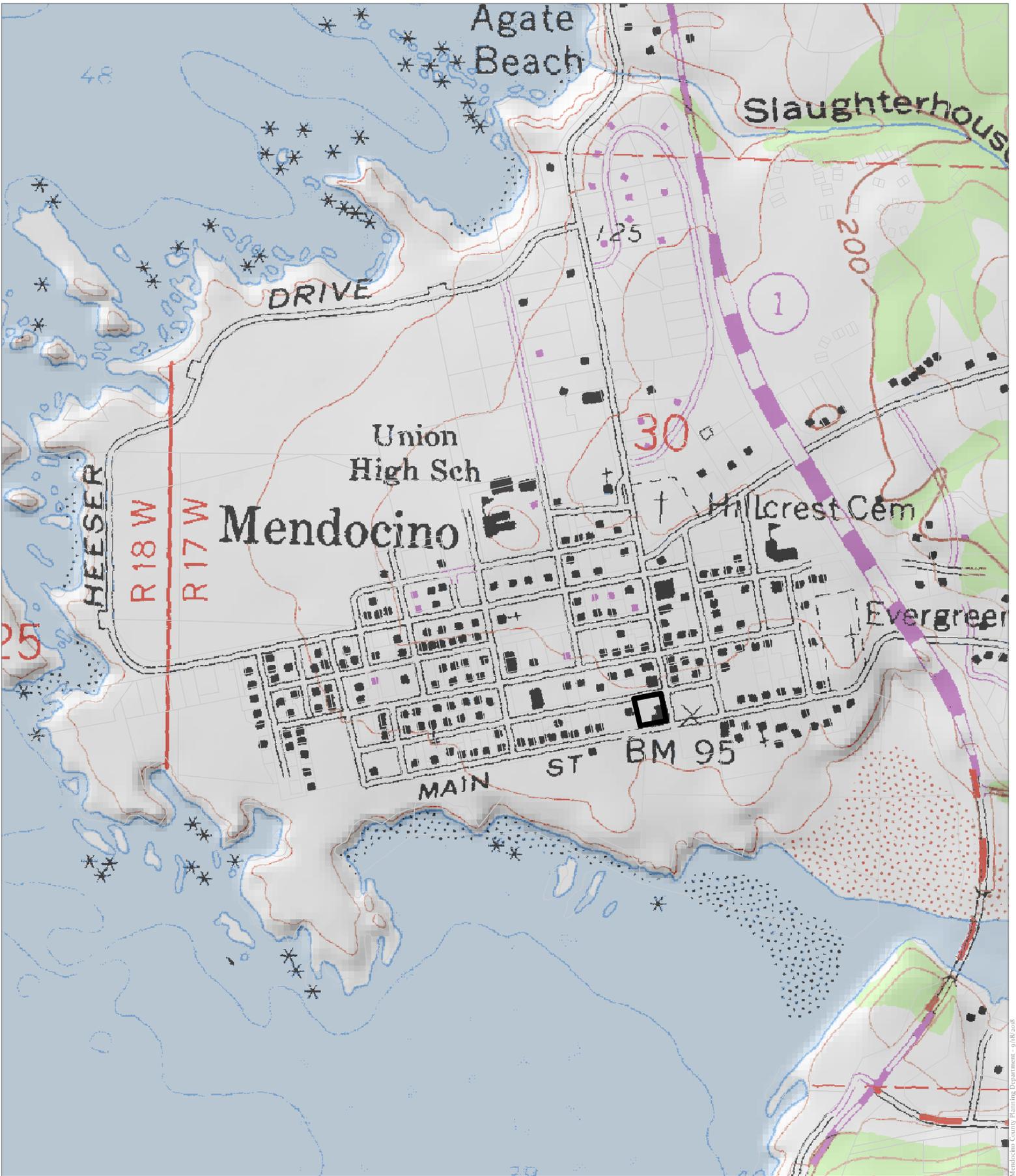


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APLCT: Smithwood Mercantile, LLC  
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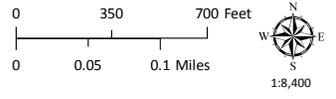
Public Roads

AERIAL IMAGERY  
ATTACHMENT C

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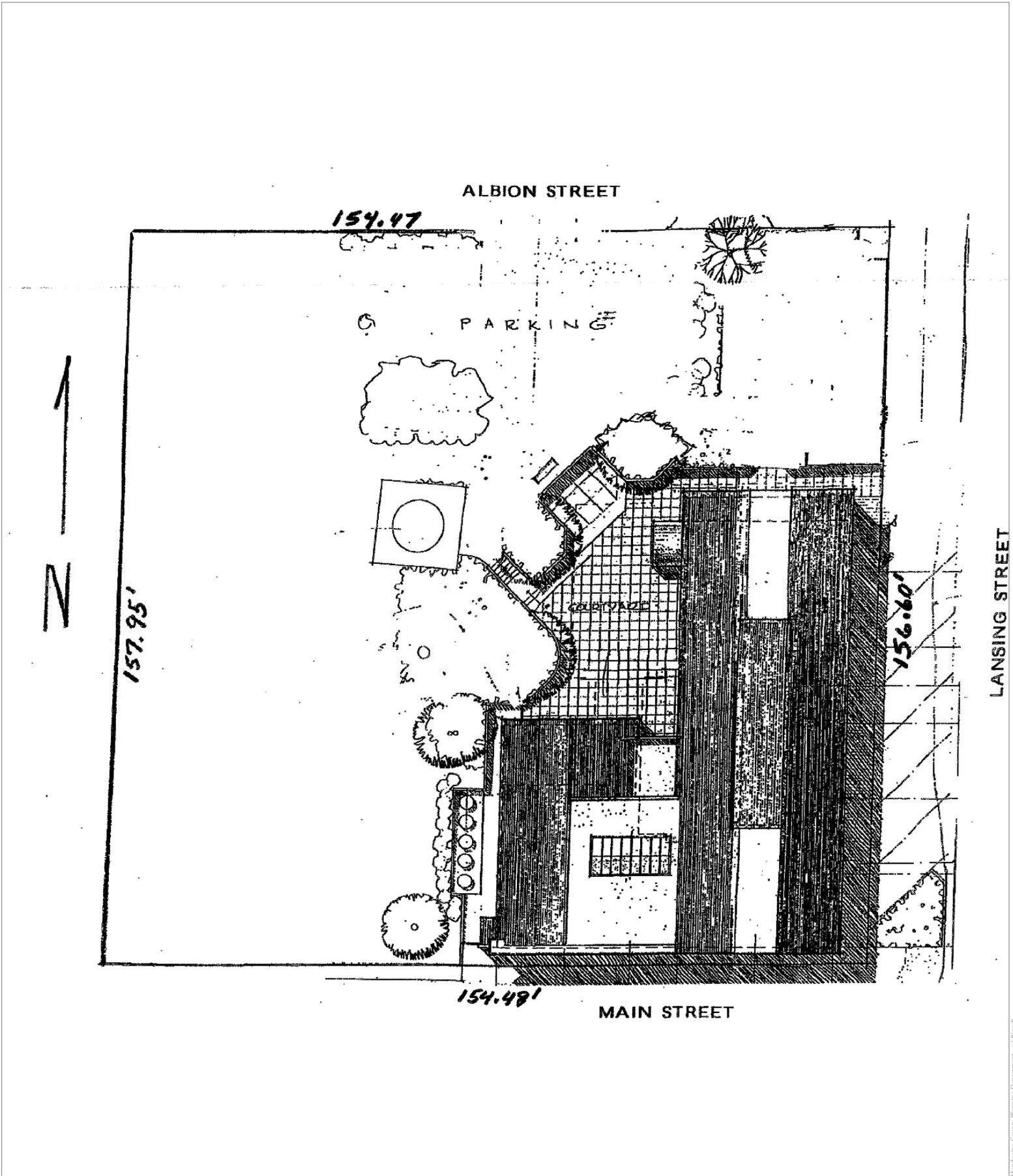


TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

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**ATTACHMENT D**

Mendocino County Planning Department - 9/16/2018



Mendocino County Planning Department - 9/18/2018

CASE: U 2018-0021  
 OWNER: REED, Arvin & Beth  
 APN: 119-238-16  
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 AGENT:  
 ADDRESS: 45000 Main Street, Mendocino

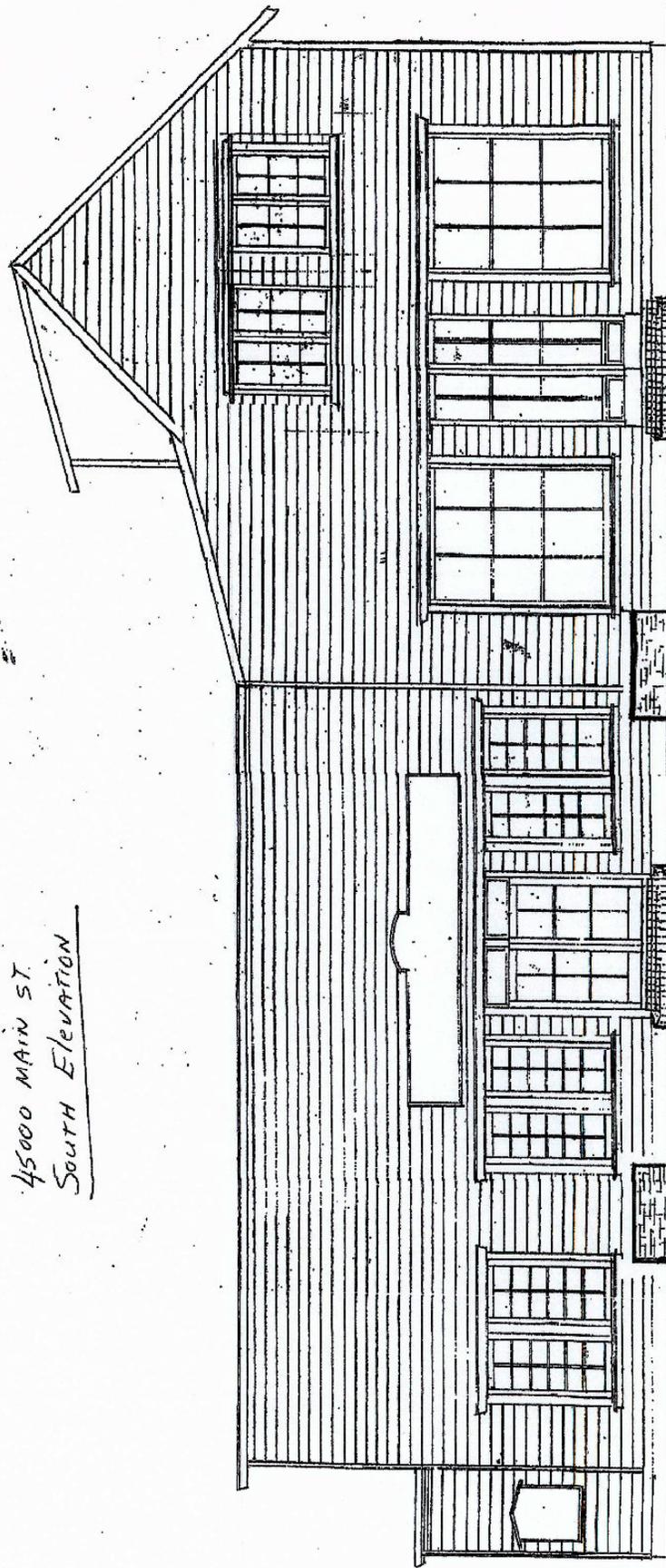
NO SCALE

SITE PLAN  
 ATTACHMENT E

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45000 MAIN ST.  
South Elevation

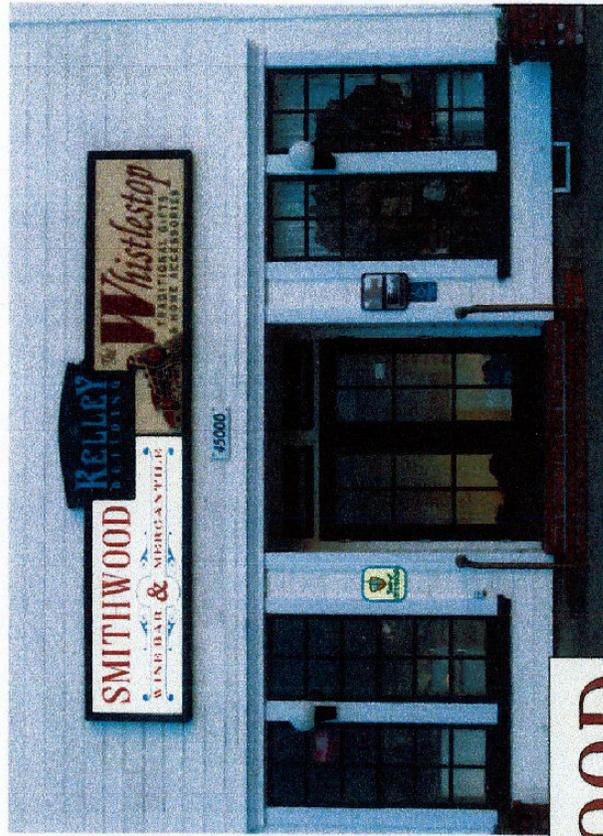


CASE: U 2018-0021  
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APLCT: Smithwood Mercantile, LLC  
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ADDRESS: 45000 Main Street, Mendocino

NO SCALE

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ELEVATIONS  
ATTACHMENT G

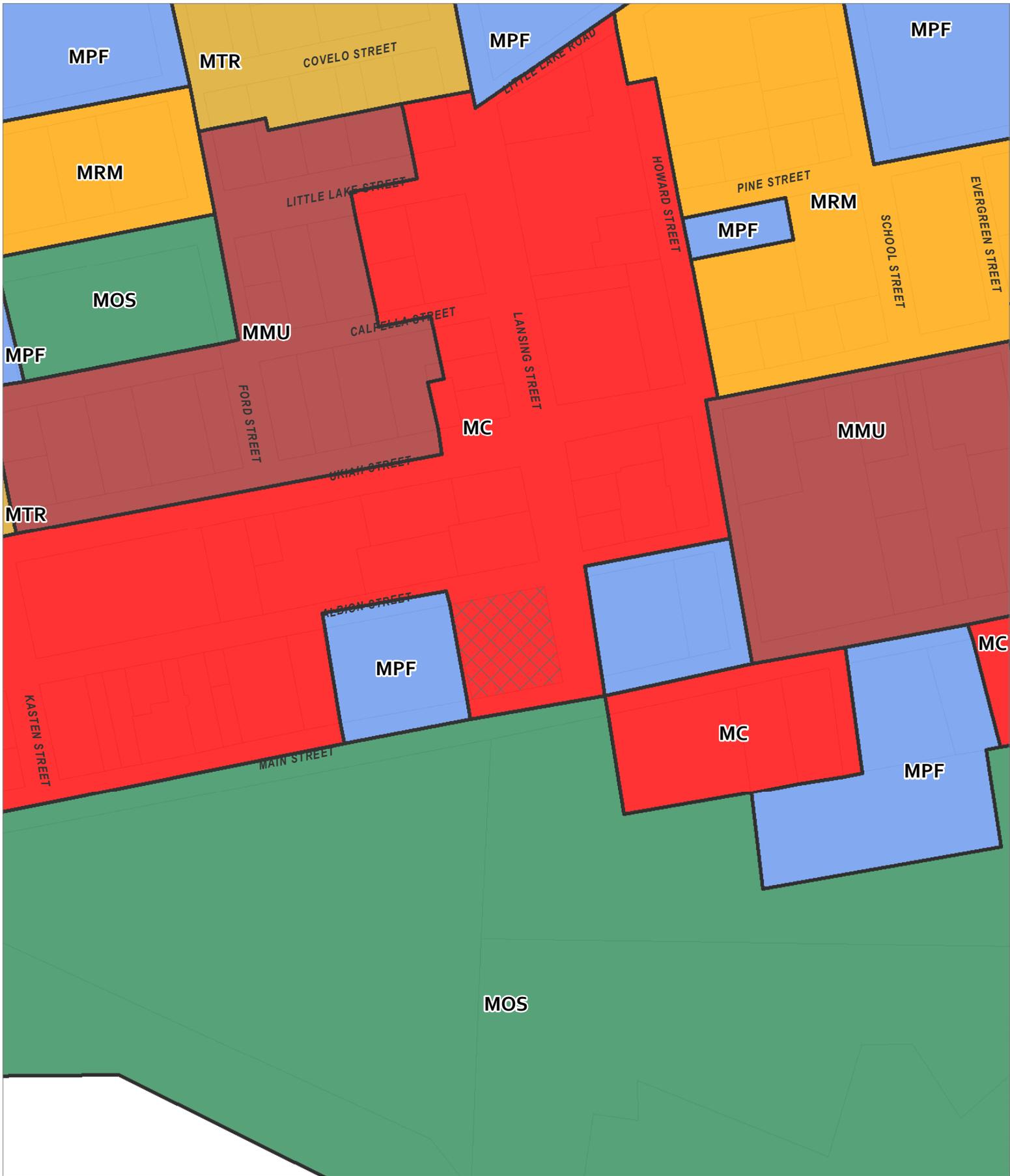


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NO SCALE

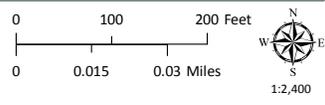
STORE FRONT & SIGNAGE  
 ATTACHMENT H

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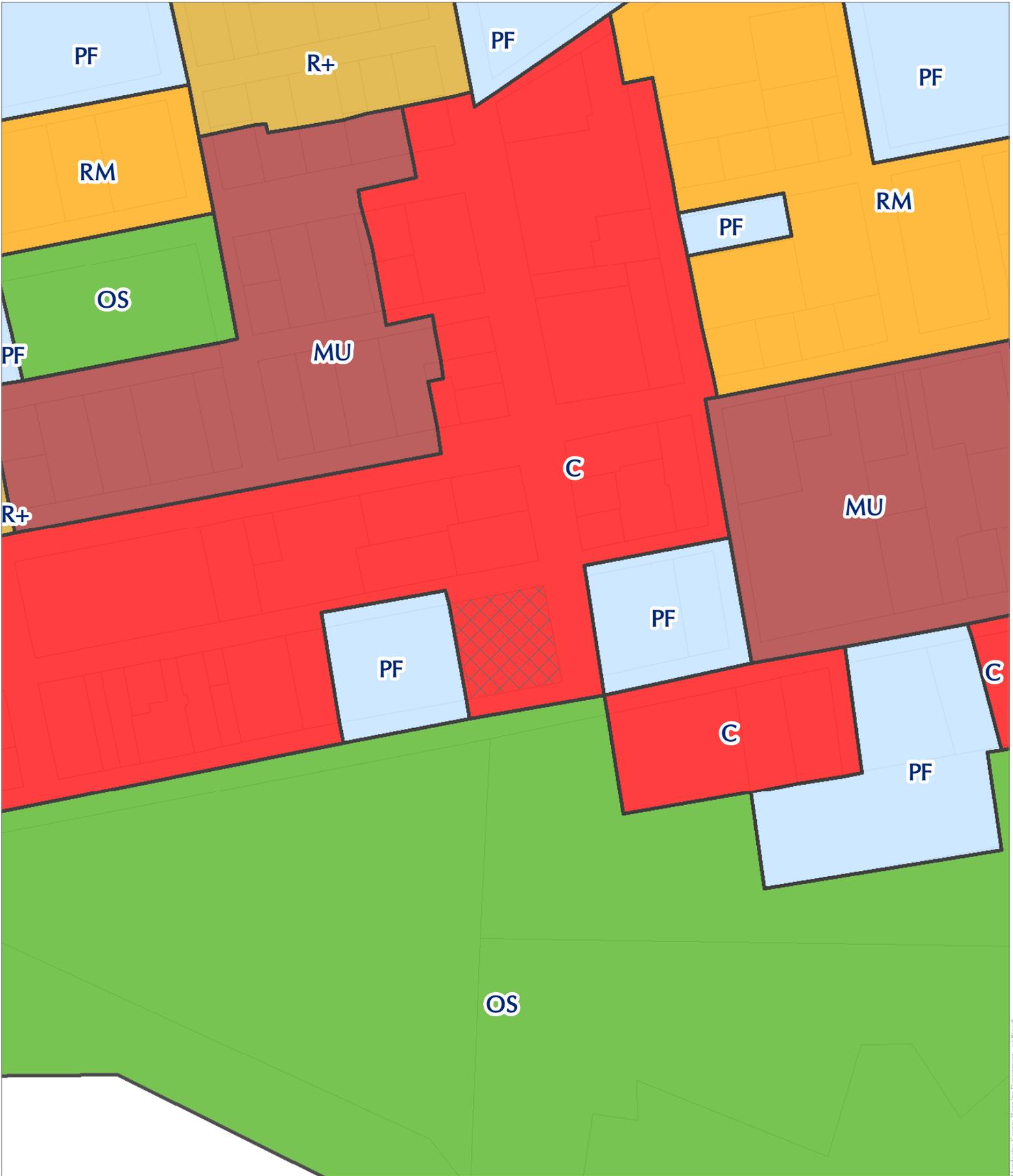


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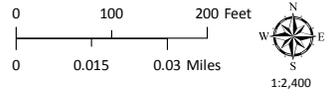
Public Roads



Mendocino County Planning Department - 9/18/2018

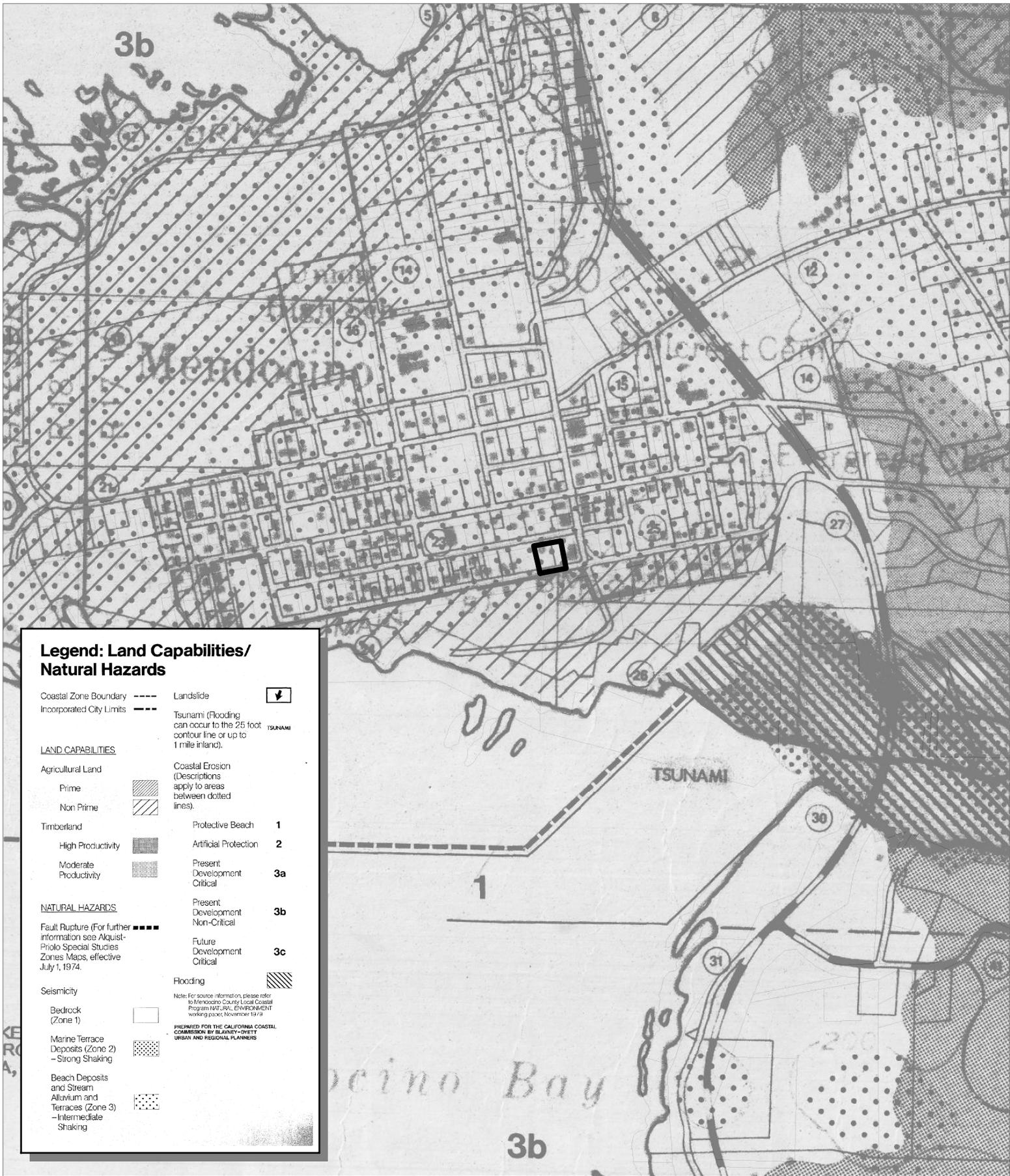


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Mendocino County Planning Department - 9/18/2018

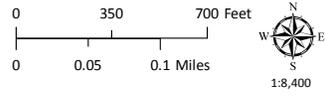


**Legend: Land Capabilities/  
Natural Hazards**

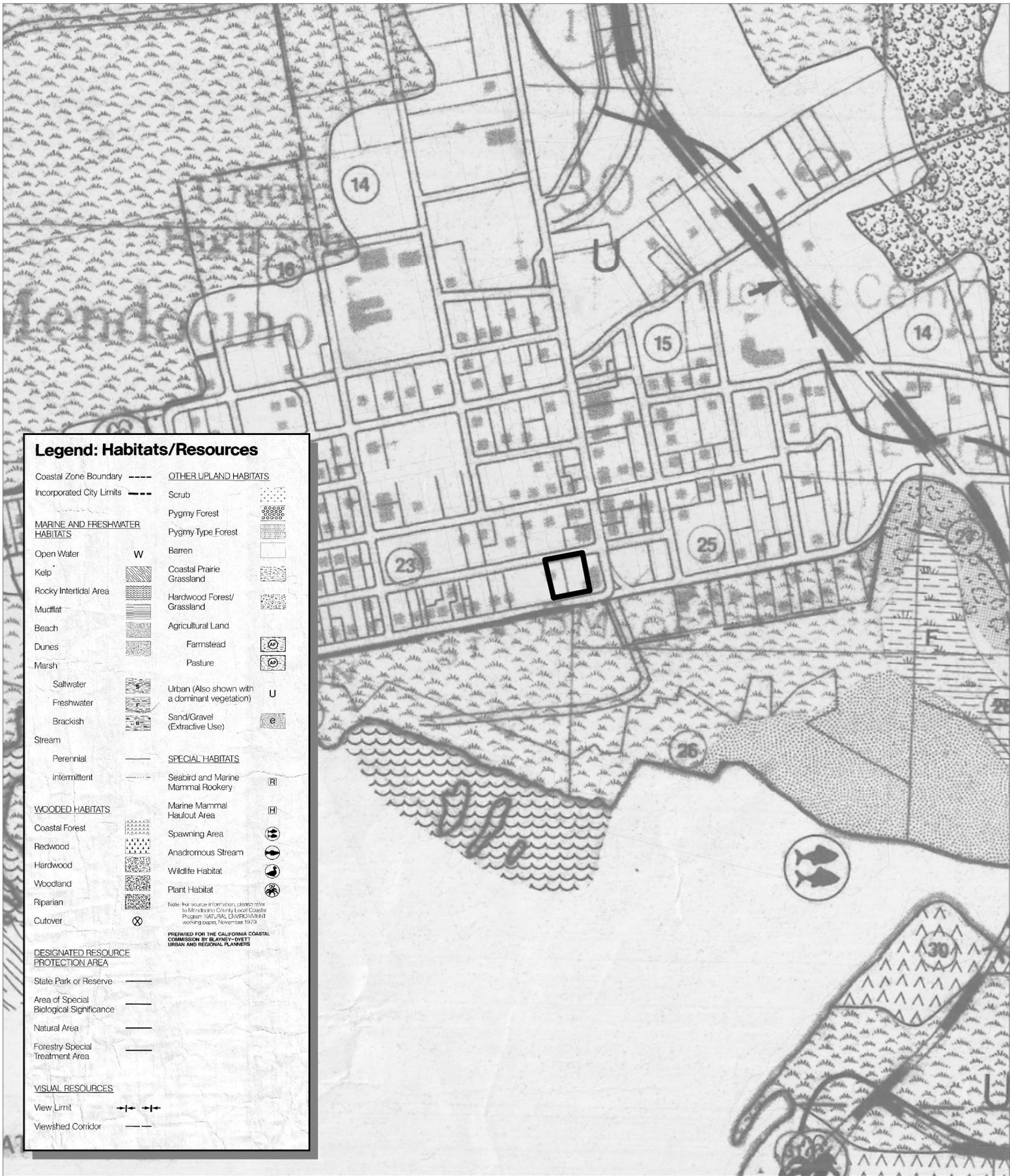
- Coastal Zone Boundary ---
- Incorporated City Limits - - -
  
- LAND CAPABILITIES**
- Agricultural Land
  - Prime [diagonal lines]
  - Non Prime [cross-hatch]
- Timberland
  - High Productivity [horizontal lines]
  - Moderate Productivity [vertical lines]
  
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974) - - - - -
- Seismicity
  - Bedrock (Zone 1) [white box]
  - Marine Terrace Deposits (Zone 2) - Strong Shaking [dotted box]
  - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted box]
- Landslide [arrow pointing down]
- Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy lines]
- Coastal Erosion (Descriptions apply to areas between dotted lines).
  - Protective Beach 1 [diagonal lines]
  - Artificial Protection 2 [cross-hatch]
  - Present Development Critical 3a [horizontal lines]
  - Present Development Non-Critical 3b [vertical lines]
  - Future Development Critical 3c [dotted box]
- Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1974.  
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAWNEY-DYETT URBAN AND REGIONAL PLANNERS

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Mendocino County Planning Department 09/20/2018

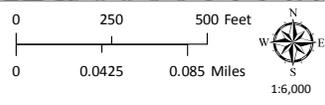


**Legend: Habitats/Resources**

Coastal Zone Boundary	---	OTHER UPLAND HABITATS
Incorporated City Limits	---	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		
Open Water	W	Pygmy Forest
Kelp	[Symbol]	Pygmy Type Forest
Rocky Intertidal Area	[Symbol]	Barren
Mudflat	[Symbol]	Coastal Prairie Grassland
Beach	[Symbol]	Hardwood Forest/Grassland
Dunes	[Symbol]	Agricultural Land
Marsh	[Symbol]	Farmstead
Saltwater	[Symbol]	Pasture
Freshwater	[Symbol]	Urban (Also shown with a dominant vegetation)
Brackish	[Symbol]	Sand/Gravel (Extractive Use)
Stream	[Symbol]	
Perennial	---	<b>SPECIAL HABITATS</b>
Intermittent	---	Seabird and Marine Mammal Rookery
<b>WOODED HABITATS</b>		
Coastal Forest	[Symbol]	Marine Mammal Haulout Area
Redwood	[Symbol]	Spawning Area
Hardwood	[Symbol]	Anadromous Stream
Woodland	[Symbol]	Wildlife Habitat
Riparian	[Symbol]	Plant Habitat
Cutover	[Symbol]	
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	---	
Area of Special Biological Significance	---	
Natural Area	---	
Forestry Special Treatment Area	---	
<b>VISUAL RESOURCES</b>		
View Limit	---+---+---	
Viewshed Corridor	---	

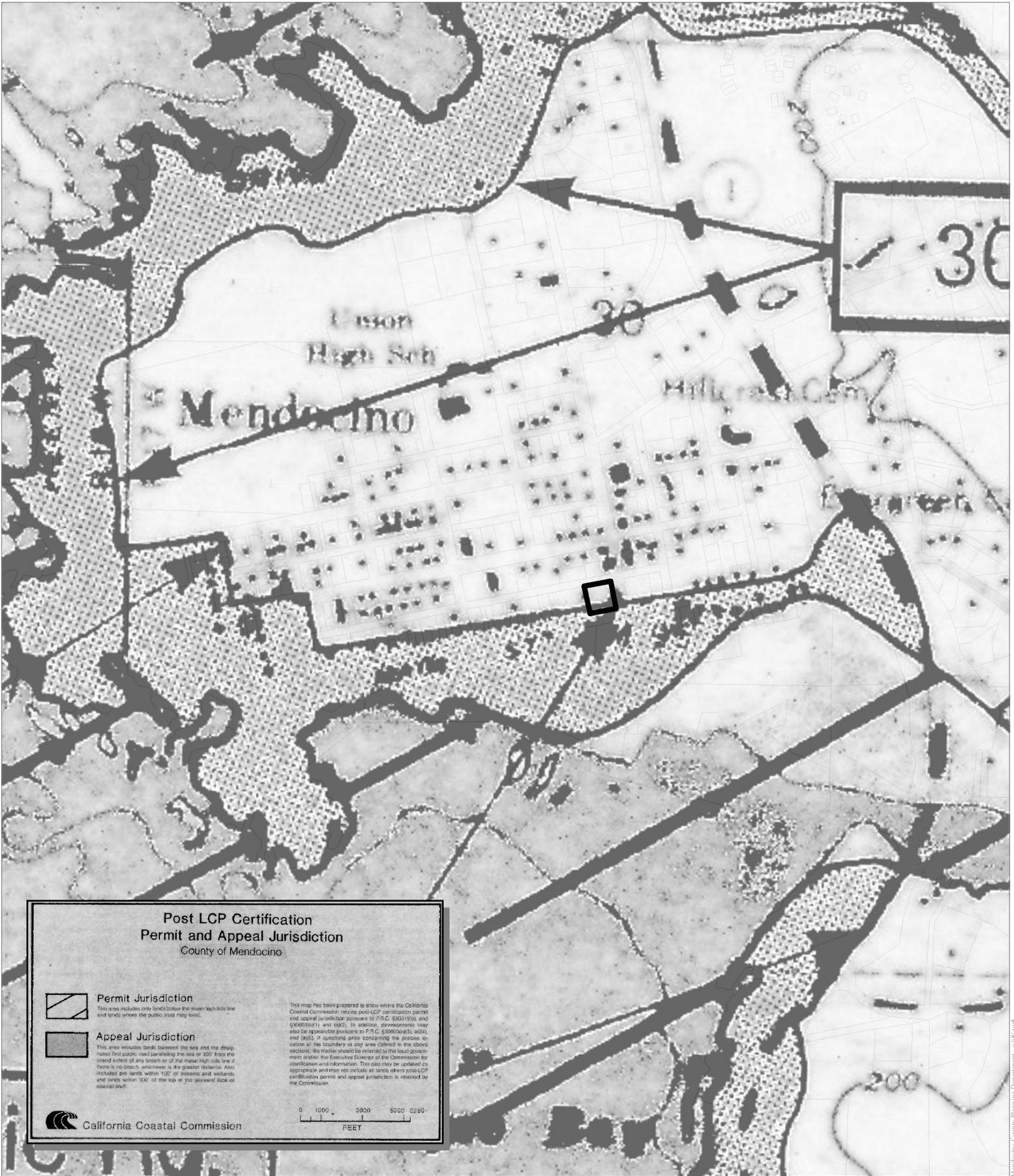
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CASE: U 2018-0021  
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 APN: 119-238-16  
 APLCT: Smithwood Mercantile, LLC  
 AGENT:  
 ADDRESS: 45000 Main Street, Mendocino



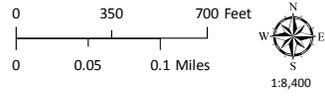
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

Mendocino County Planning Department - 9/18/2018



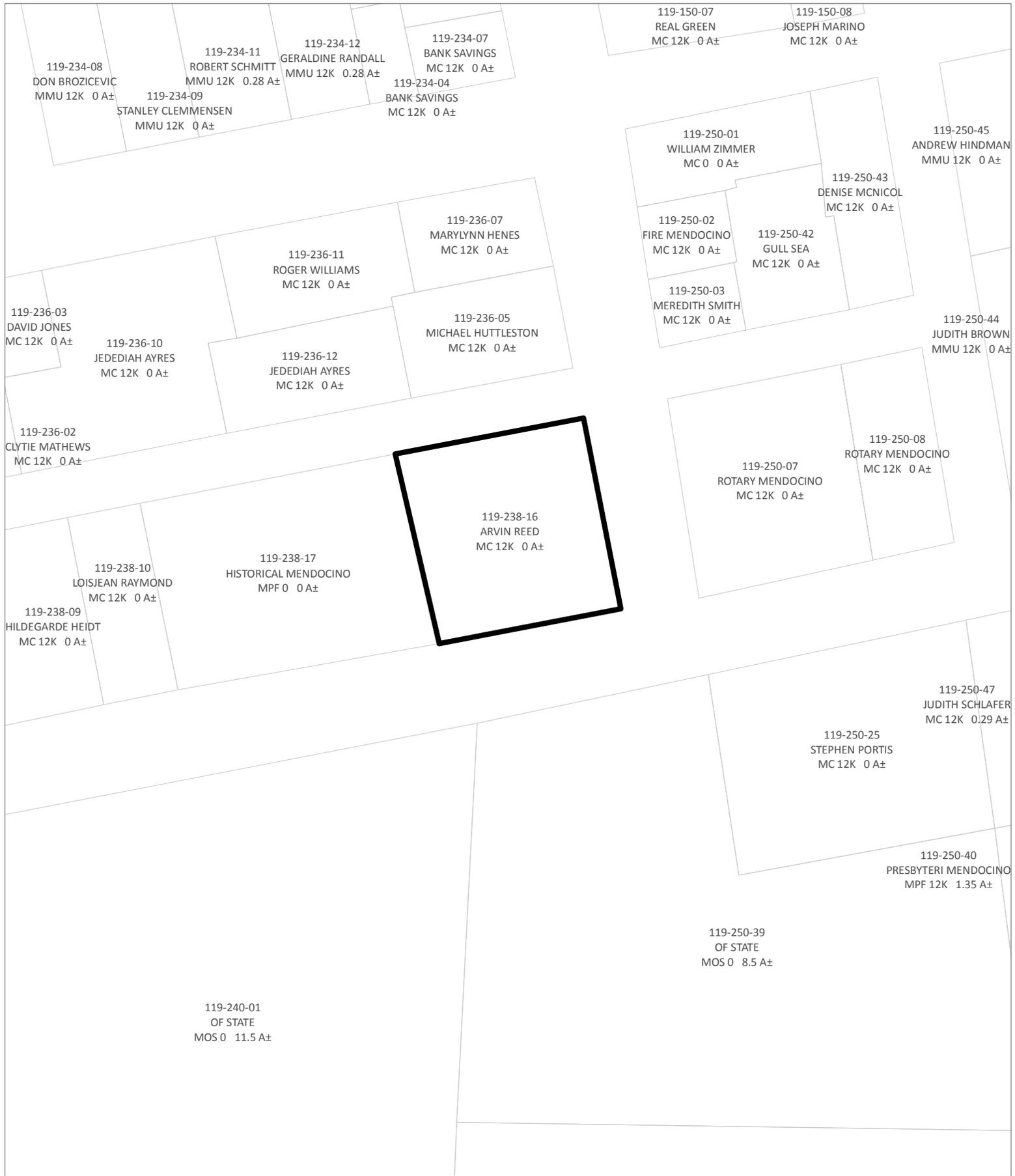
Mendocino County Planning Department - 9/18/2018

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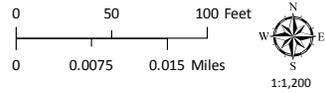


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**APPEALABLE AREAS  
 ATTACHMENT M**

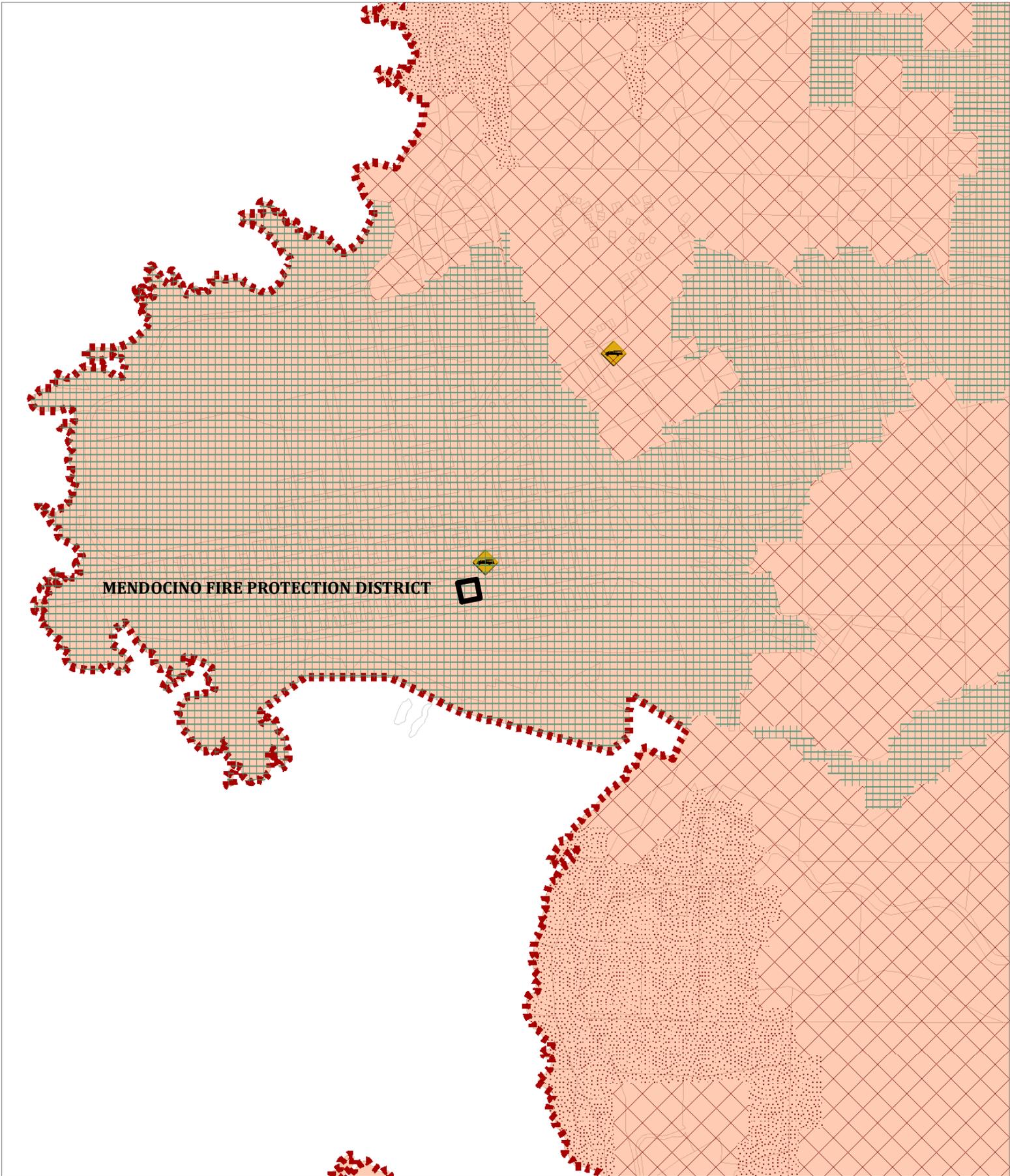


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 AGENT:  
 ADDRESS: 45000 Main Street, Mendocino



ADJACENT PARCELS  
 ATTACHMENT N

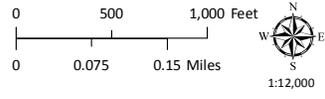
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**MENDOCINO FIRE PROTECTION DISTRICT**

CASE: U 2018-0021  
 OWNER: REED, Arvin & Beth  
 APN: 119-238-16  
 APLCT: Smithwood Mercantile, LLC  
 AGENT:  
 ADDRESS: 45000 Main Street, Mendocino

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

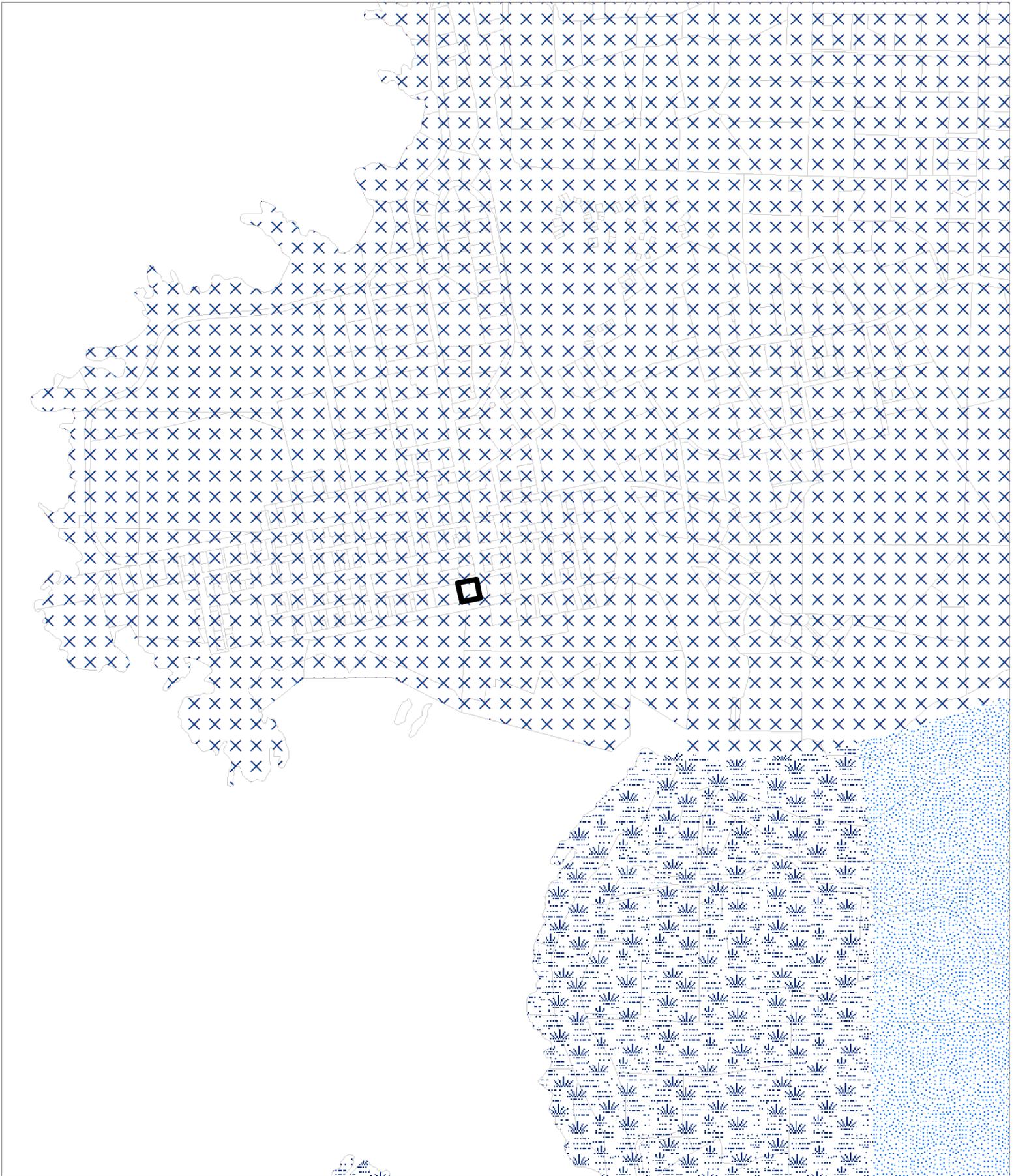


**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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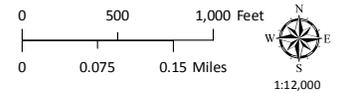
**ATTACHMENT O**

MENDOCINO COUNTY PLANNING DEPT. 6/18/2018



CASE: U 2018-0021  
 OWNER: REED, Arvin & Beth  
 APN: 119-238-16  
 APLCT: Smithwood Mercantile, LLC  
 AGENT:  
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-  Critical Water Areas
-  Sufficient Water Resources
-  Marginal Water Resources



**GROUND WATER RESOURCES**  
**ATTACHMENT P**

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 MENDOCINO COUNTY PLANNING DEPT, 9/18/2018