



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
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pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

December 17, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, January 9, 2020, at 10:00 a.m., to be held at Planning & Building Services, 860 N. Bush Street, in the Public Conference Room, 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_2019-0026

DATE FILED: 10/18/2019

OWNER/APPLICANT: NADIEM HANNA & AMAL KHOURY

REQUEST: Minor Use Permit for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

ENVIRONMENTAL DETERMINATION: Categorically Exempt. Class 1, Section 15301 (Existing Facilities): (a) Interior alterations involving the installation of an apparatus used to distill liquid mixtures by heating to selectively boil and then cooling to condense the vapor. No exterior modifications are required.

LOCATION: 8.1± miles east of Calpella town center, lying on the south side of State Highway 20 (SH 20), 2 miles southeast of its intersection with RD 260 (CR 260), located at 7801 Hwy 20, Potter Valley (APN: 177-250-13).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: JESSE DAVIS

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>

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 January 8, 2020. 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



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December 16, 2019

TO: UKIAH DAILY JOURNAL
FROM: JAMES F. FEENAN, COMMISSION SERVICES SUPERVISOR
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on December 22, 2019 in the Legal Notices Section of the UKIAH DAILY JOURNAL.

NOTICE OF PUBLIC HEARING

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SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: JESSE DAVIS

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at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>

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BRENT SCHULTZ, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**JANUARY 9, 2020
U_2019-0026**

SUMMARY

OWNER/APPLICANT: NADIEM HANNA & AMAL KHOURY
1951 MOSSWOOD RD
UKIAH, CA 95482

REQUEST: Minor Use Permit for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

LOCATION: 8.1± miles east of Calpella town center, lying on the south side of State Highway 20 (SH 20), 2 miles southeast of its intersection with RD 260 (CR 260), located at 7801 Hwy 20, Potter Valley (APN: 177-250-13).

TOTAL ACREAGE: 34.1± Acres

GENERAL PLAN: Rangeland, minimum parcel size one-hundred and sixty acres, (RL 160)

ZONING: Rangeland, minimum parcel size one-hundred and sixty acres, (RL: 160)

SUPERVISORIAL DISTRICT: District 1 (Brown)

ENVIRONMENTAL DETERMINATION: Categorical Exemption: Class 1, Section 15301 (Existing Facilities): (a) Interior alterations involving the installation of an apparatus used to distill liquid mixtures by heating to selectively boil and then cooling to condense the vapor. No exterior modifications are required.

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSE DAVIS

BACKGROUND

PROJECT DESCRIPTION: A Minor Use Permit request for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

RELATED APPLICATIONS: BU_2014-0324: 200AMP ELECT ON BARN; BU_2014-0273: CONVERT AG EXEMPT BARN -> CLASS-K

SITE CHARACTERISTICS: The subject property is a 34± acre site fronting State Route 20 (SR 20) near the Mendocino-Lake County line. The existing site features an active viticulture operation with two (2) existing encroachments onto the adjacent State Route 20. A seasonal watercourse, Cold Creek, runs across the south eastern portion of the property. As shown on Attachment H: FEMA Flood Hazard Areas, the subject property contains a Zone "A" Flood Hazard Area. The remainder of the property, including the subject structure, is considered an area of minimal flood hazard. While areas near the roadway are relatively flat and presently utilized for viticulture, the eastern portion of the property is partially forested and undeveloped featuring a moderate slope. A review of aerial imagery indicates an array of small storage structures presumably related to the agricultural undertakings on-site.

The property is in an area of both 'Moderate' & 'High Fire Hazard' severity rating, as shown on *Attachment G: Fire Hazard Zones & Responsibility Areas*. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire), although the Potter Valley Fire Department is the closest Local Response entity. A previous State Fire Safe Regulations Application Form (198-12) was submitted by the Applicant for this project, as no new structures would be developed on the parcel and the requested use does not substantially differ from existing allowances. The property was within the vicinity of both the Burris Fire (2019), as well as the Ranch Fire (2018), but not otherwise damaged as a result of those events.

It is not expected that the project would not contribute new significant sources of traffic on local and regional roadways. On November 1, 2019 comments were requested from CALTRANS. While no response has been received, staff recommends a condition notifying the property owner that the driveway approach may require subsequent review from CALTRANS.

The structure in which the 50 gallon distillery is to be located was originally permitted as Agriculturally Exempt (BU_2014-0324). The structure was then converted to Class K (BU_2014-0273) to allow for a 200 AMP electrical service. Historically and presently, the subject structure has maintained a Utility (U) occupancy classification. The Building Inspection Division requires that the structure maintain an occupancy classification of a "S-1" per the 2016 California Building Code (Section 311.3).

SURROUNDING LAND USE AND ZONING: As indicated on the table below, the surrounding lands are classified and zoned similarly to the project site, with the exception of the property immediately to the East, which is also developed with a residential structure approximately 350± feet from the subject structure. In general, the surrounding properties appear oriented towards similar agricultural undertakings, primarily viticulture. The hillsides of these surrounding properties appear forested and relatively undisturbed.

TABLE 1: SURROUNDING LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rangeland (RL 160)	Rangeland (RL:160)	20± Acres	Agricultural
EAST	Rangeland (RL 160)	Rangeland (RL:160)	73± Acres	Agricultural
SOUTH	Rangeland (RL 160)	Rangeland (RL:160)	69± Acres	Rangeland
WEST	Remote Residential (RMR 40)	Upland Residential (UR:40)	48± Acres	Residential

PUBLIC SERVICES:

Access: State Route 20 (CA-20)
 Fire District: CALFIRE
 Water District: None
 Sewer District: None

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities).

AGENCY COMMENTS: On April 8, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Response
Environmental Health	No Response
Building Inspection	Comment
CALFIRE	No Comment

Air Quality Management District	No Response
CALTRANS	No Response
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Potter Valley Tribe	No Response
CAL ABC	No Response
RWQCB	No Response
County Addresser	Comment

KEY ISSUES

1. General Plan and Zoning Consistency: The proposed project would facilitate installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits. The described use is related to and compatible with the processing of agriculture products. Brandy is typically distilled from grapes or other fruit products aligning it with the requested use type. Within the Mendocino County Zoning Code, 'Packing & Processing-General' is considered an Agricultural Use type, as it involves the processing of crops, mineral water, animals or their byproducts regardless of where they were grown or found. The majority of the subject property is maintained and will continue to be utilized for extensive viticulture activities, which could serve as a nearby input for the proposed distillation activity. The use of an existing structure limits the development of additional improvements on valuable prime soils, ensuring the retention of agricultural land while supporting the County policy of maintaining and enhancing the viability of existing agricultural operations. An operation, such as the proposed project, would serve to diversify the products associated with this vineyard and enhance its economic resiliency.

The limited production capacity of the proposed distillation system, which is presently includes a 50 gallon still, further aligns the project with the agricultural aspects of 'Packing & Processing', rather than a more concentrated industrial activity, which could result from a larger operation and more intense use of the structure. Historically, while no use type particular to distilleries exist, staff has utilized 'Packing and Processing-General', which is allowed within the RL zoning district, subject to a minor use permit. For the reasons indicated above, the project is found to be compatible with the following Goals and Policies of the Mendocino County General Plan:

Goal RM-10: *"Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses."*

Policy RM-101: *"The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land."*

Policy RM-104: *"Support the diversification and expansion of the agricultural economic base."*

2. Use Permit Findings: The Project is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

- a. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

The project would facilitate the permitting of a Packing and Processing – General Distillery, which is an allowed use per the Range Land zoning district. The project is aligned with multiple Goals and Policies of the General Plan, which are further described above. With the inclusion of the recommended conditions of approval, the project is found to be consistent with the Mendocino County General Plan, this finding can be made.

- b. *That adequate utilities, access roads, drainage and other necessary facilities have been and are being provided;*

The project site is accessed via a private internal gravel roadway network directly from State Route 20. The Mendocino County Department of Transportation (MCDOT) and CalTrans were provided with an opportunity to comment, but no response was received. Staff has reviewed the project and provided conditions to ensure appropriate site improvements or processes are continued. The subject property is served by Pacific Gas & Electric, and is otherwise provided with water sufficient to support the associated agricultural operations via a permitted well with electrical service. Therefore, the finding can be made.

- c. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary of the public health, safety or general welfare, the finding shall be to that effect;*

The project is in addition to an existing vineyard operation. The project site is located in a rural area between the Potter Valley and the Mendocino – Lake County border. The area sparsely developed and primarily consists of large parcels undertaking agricultural activities such as viticulture or ranching. An adjacent property, however, does feature a residential structure, but it is located approximately 350 ± feet from the subject structure.

As no new development or construction is required the project is not expected to contribute light, sound, or visual impacts beyond what currently exists. This project will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through. With the application of protective and operational conditions through this Use Permit, it is not anticipated that the project would create a public nuisance, and therefore, this finding can be made.

- d. *That such use preserves the integrity of the zoning district.*

Through granting a Minor Use Permit to authorize a Packing and Processing – General Distillery, per section 20.032.040 (C) of the Mendocino County Code, and as conditioned, the project would be in conformance with the Range Land (RL) zoning designation and would not undermine the integrity of the zoning district. Therefore, the finding can be made.

3. Cultural Resources: The project was not referred to the Northwest Information Center (NWIC) at Sonoma State University for review and comment given that no new development was proposed, nor were any improvements required to facilitate the project itself.

The project was also referred to local tribes for review and comment, including the Potter Valley Tribe, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of December 2, 2019, no response has been received from local representatives of the before-mentioned entities.

Staff recommends only that a standard condition advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

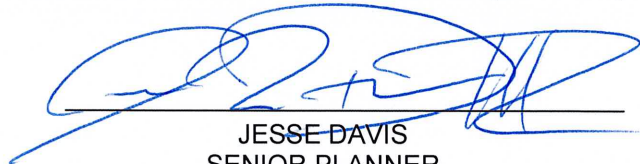
4. Environmental Protection: The project has been determined to be categorically exempt from CEQA via a Categorical Exemption, specifically a Class 1, Section 15301 (Existing Facilities) exemption that allows for interior alterations involving the installation of an apparatus used to distill liquid mixtures by heating to selectively boil and then cooling to condense the vapor. No exterior modifications are required.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Categorical Exemption, and grant the Use Permit U_2019-0026 for the Project, as proposed by the Applicant, based on the facts and findings and subject to the Conditions of Approval.

12-16-2019

DATE



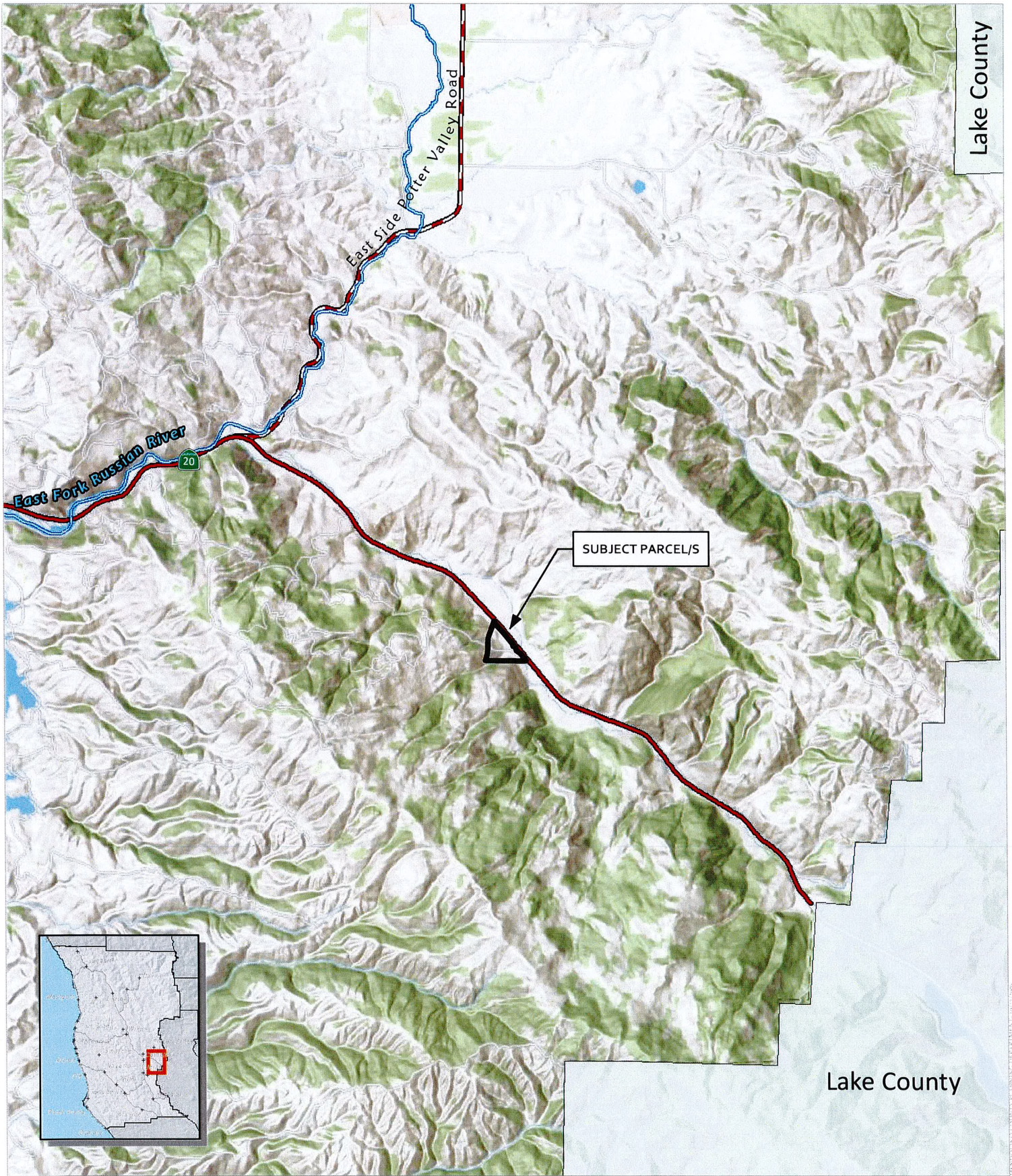
JESSE DAVIS
SENIOR PLANNER

Appeal Period: 10 Days
Appeal Fee: \$1616.00





ATTACHMENTS:

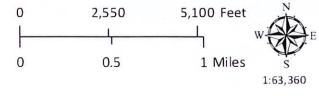
- A. Location Map
- B. Aerial Map
- C. Site/Tentative Map
- D. Zoning Map
- E. General Plan/LCP Map
- F. Adjacent Owner Map
- G. Fire Hazards Map
- H. Flood Zone
- I. Tribal Ancestral Map
- J. Still Photograph

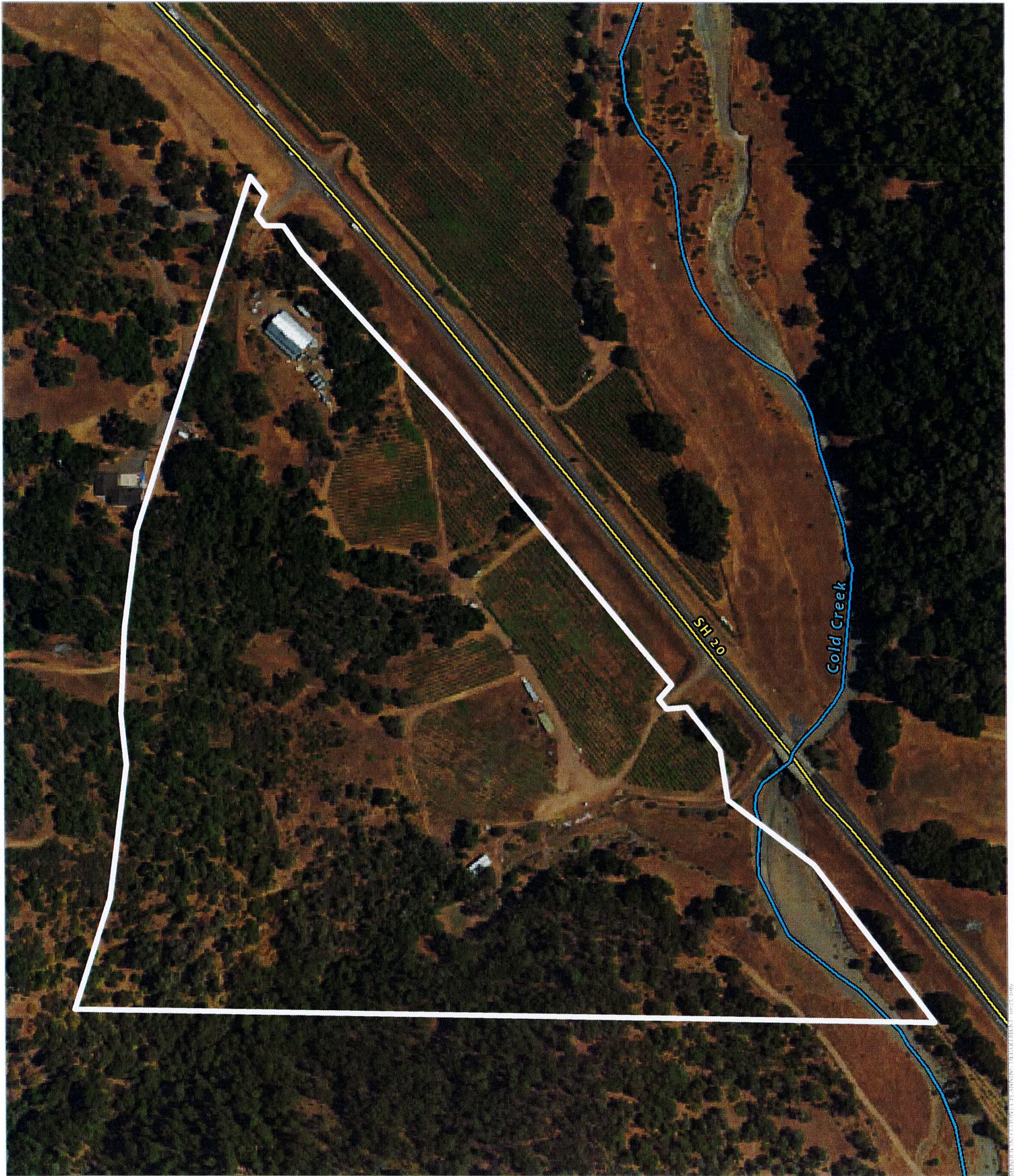
RESOLUTION AND CONDITIONS OF APPROVAL ARE ATTACHED.





CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley

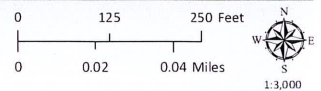
-  California Counties
-  Major Roads
-  Major Rivers
-  Highways





CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley

-  Named Rivers
-  Public Roads



AERIAL IMAGERY
 ATTACHMENT B



COUNTY OF MENDOCINO

PLOT PLAN
BUILDING INSPECTION DIVISION

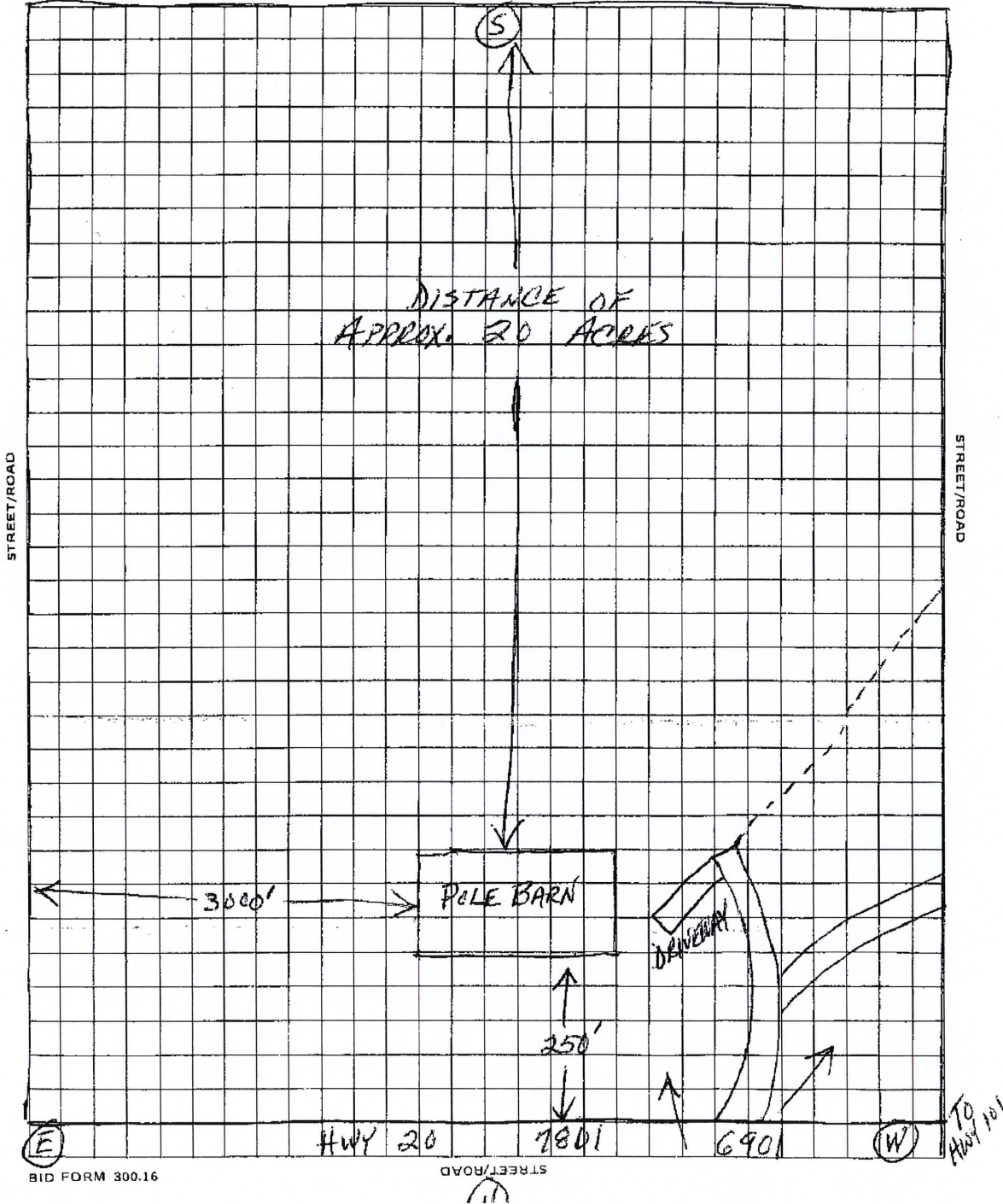
JOB ADDRESS 7801 HWY 20

ASSESSOR'S PARCEL NO. 177-250-13 APPLICATION NO.

TOWN or COMMUNITY UKIAH

OWNER'S (LEGAL) NAME NADIEM KHOURY

Show all buildings, structures, mobile homes, septic tanks and leach fields, wells, streams, lakes, roads, streets, alleys, retaining walls, fences, easements, electrical power poles, and any other improvements and indicate all distances between. Specify whether existing or proposed. Draw to and show scale. Indicate orientation with a North Arrow.



CASE: U 2019-0026

OWNER: KHOURY, Nadiem & Amal

NO SCALE

APN: 177-250-13

APLCT: Nadiem Khoury

AGENT:

ADDRESS: 7201 Highway 20, Potter Valley

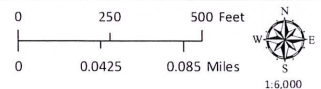
SITE PLAN

ATTACHMENT C

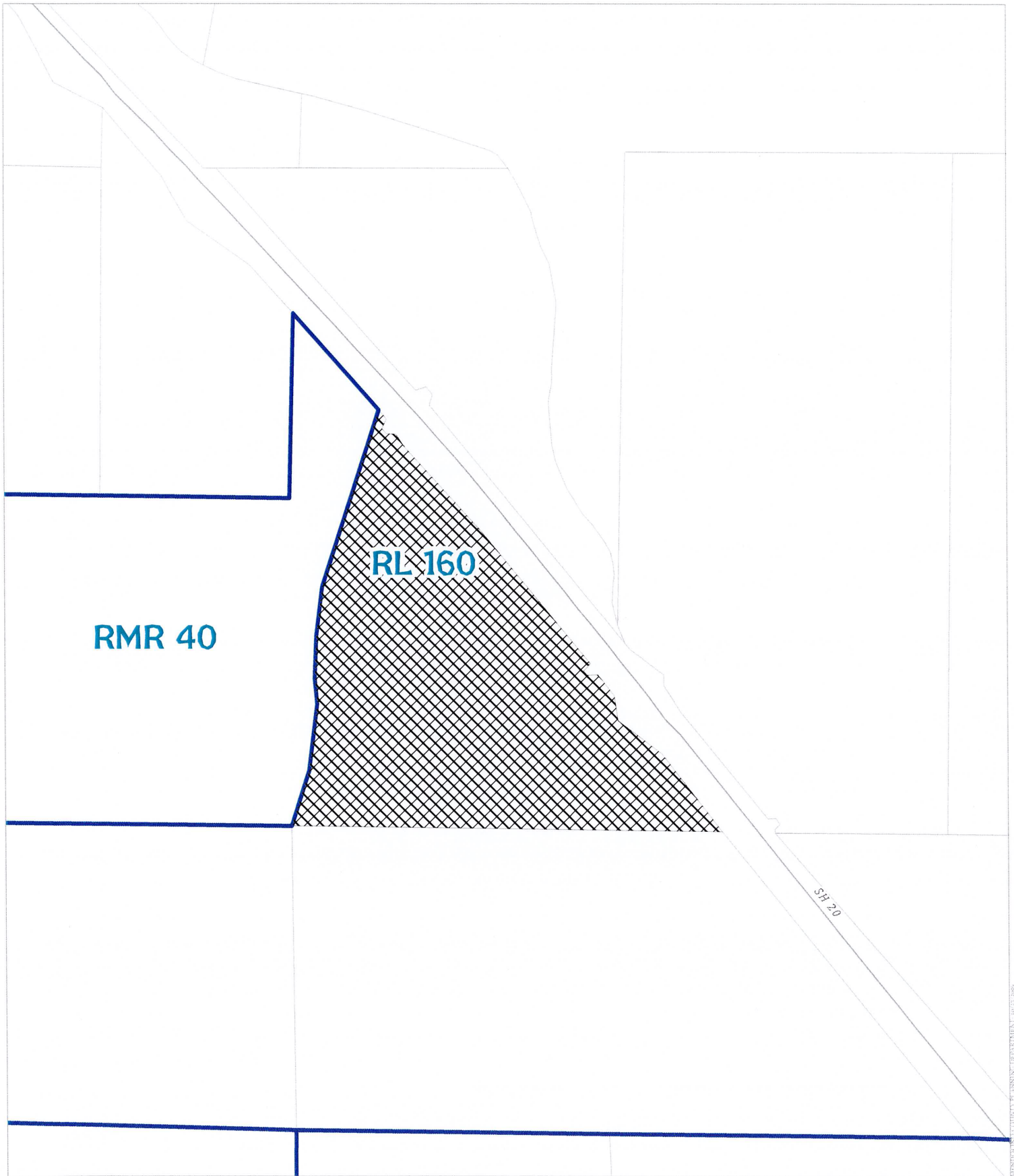


CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley



 Zoning Districts
 Public Roads

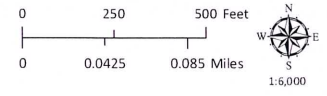


ZONING DISPLAY MAP
 ATTACHMENT D



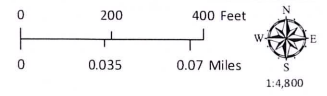
CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley

 General Plan Classes
 Public Roads

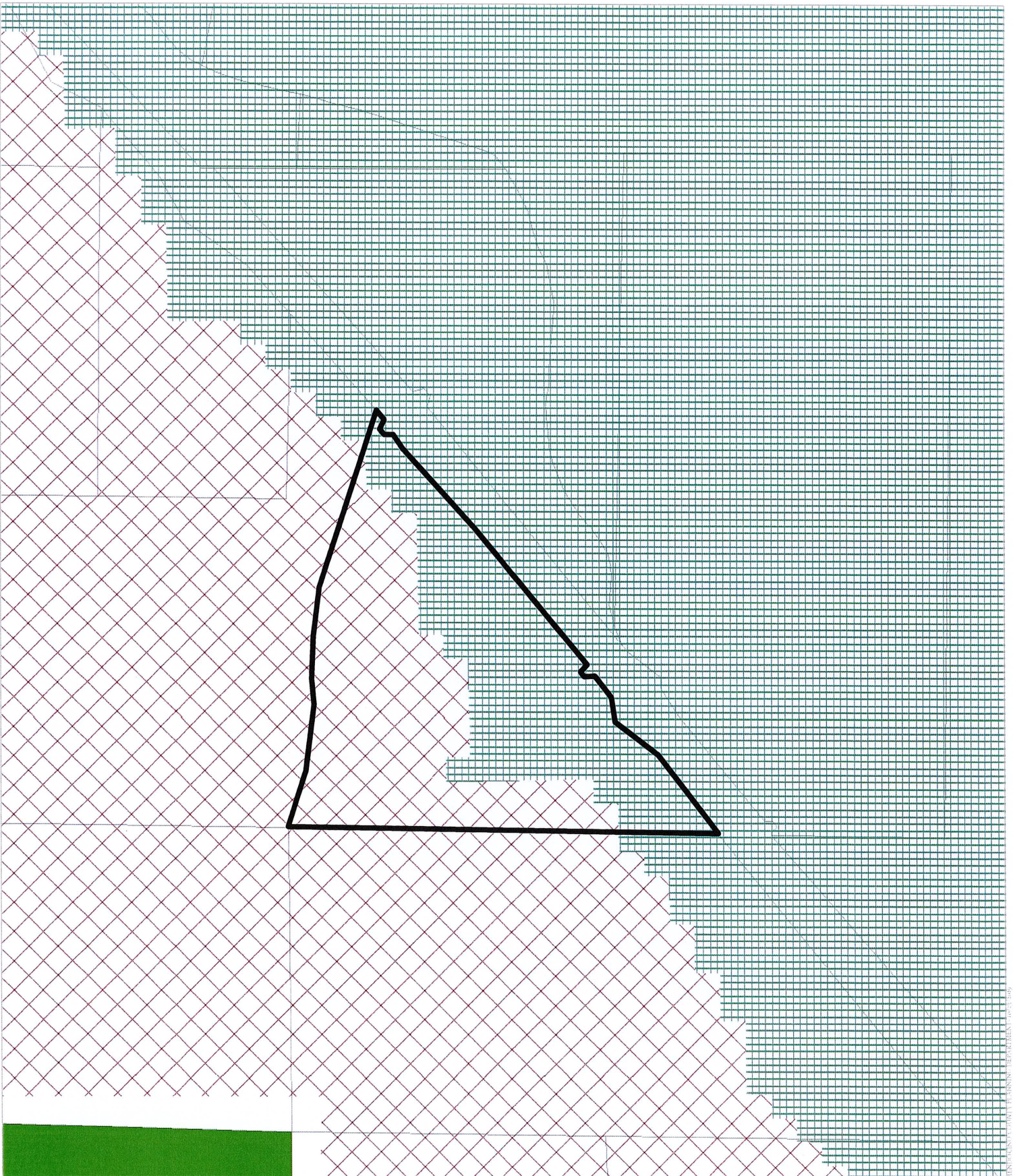






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 APN: 177-250-13
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 AGENT:
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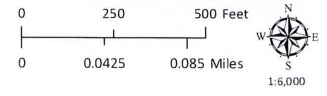


ADJACENT PARCELS
 ATTACHMENT F

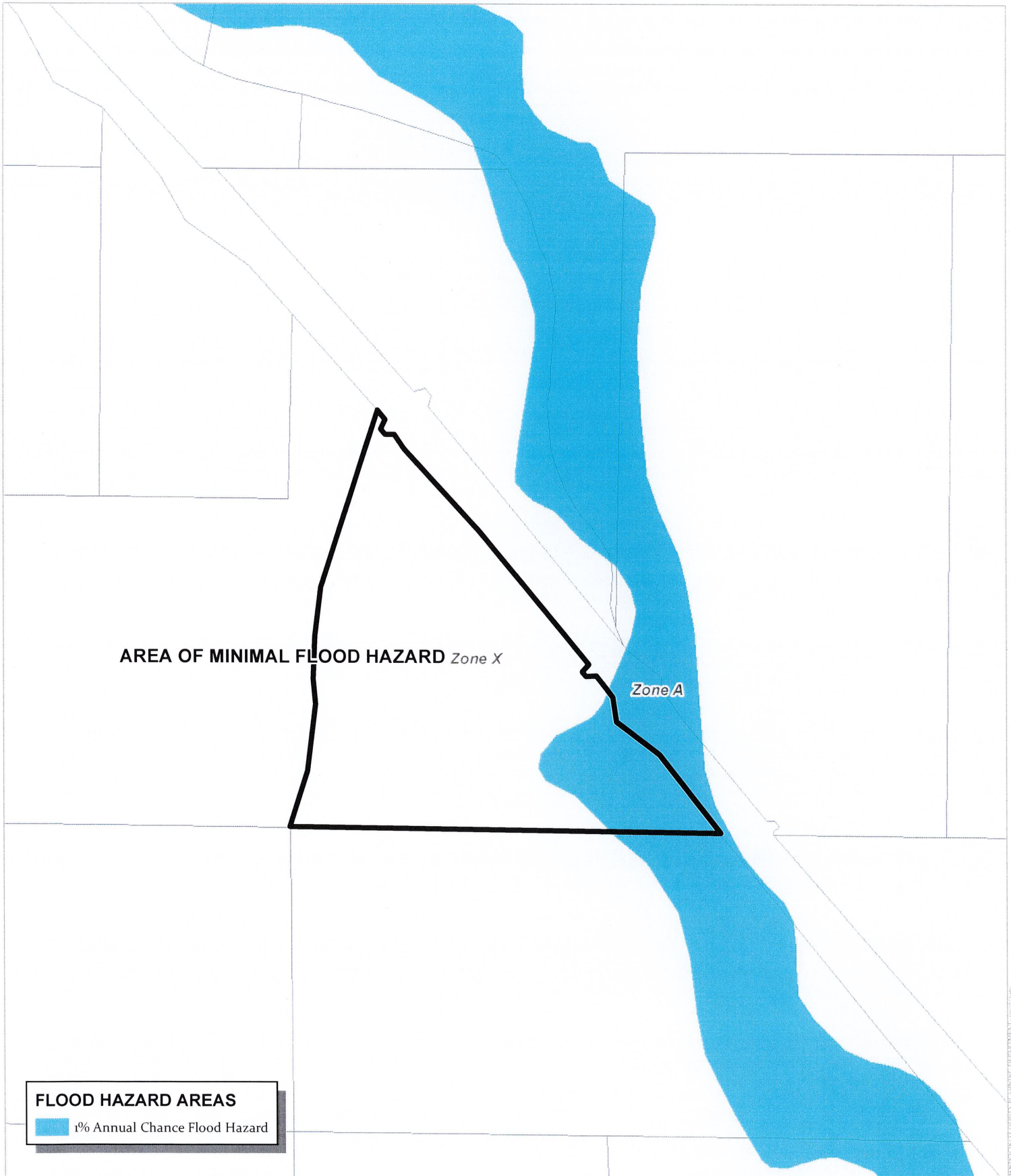


CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley

 High Fire Hazard
 Moderate Fire Hazard

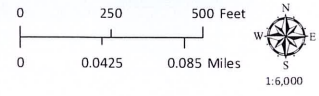


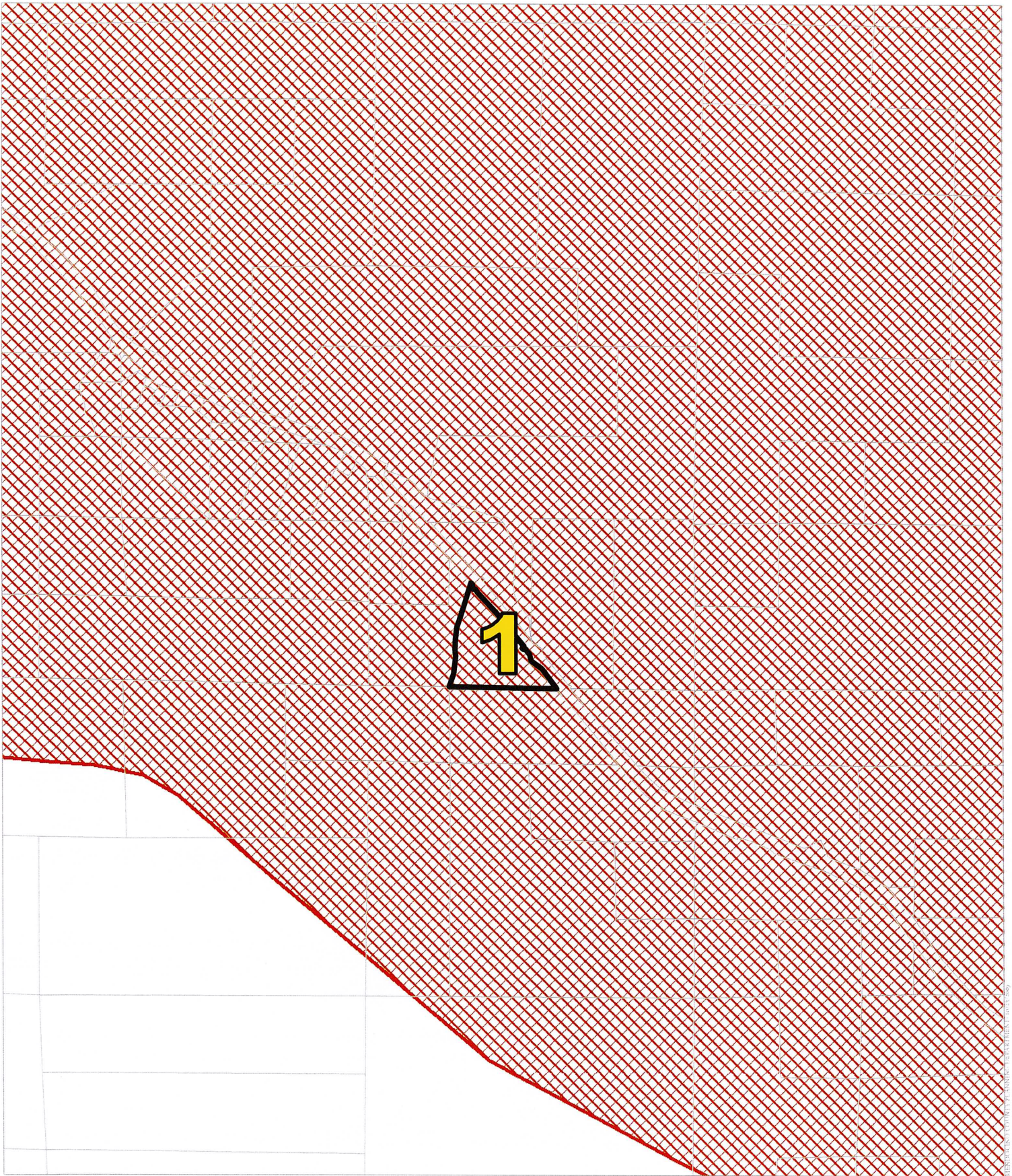
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA





FLOOD HAZARD AREAS
 1% Annual Chance Flood Hazard

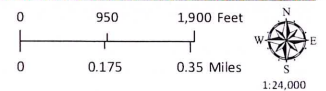
CASE: U 2019-0026
 OWNER: KHOURY, Nadiem & Amal
 APN: 177-250-13
 APLCT: Nadiem Khoury
 AGENT:
 ADDRESS: 7201 Highway 20, Potter Valley





CASE: U 2019-0026
OWNER: KHOURY, Nadiem & Amal
APN: 177-250-13
APLCT: Nadiem Khoury
AGENT:
ADDRESS: 7201 Highway 20, Potter Valley

-  Supervisorial Districts 2010
-  PV Tribe Ancestral Areas



MISC



CASE: U 2019-0026
OWNER: KHOURY, Nadiem & Amal
APN: 177-250-13
APLCT: Nadiem Khoury
AGENT:
ADDRESS: 7201 Highway 20, Potter Valley

NO SCALE

STILL PHOTO
ATTACHMENT J

Resolution Number _____

County of Mendocino
Ukiah, California
1/9/20

U_2019-0026 NADIEM HANNA & AMAL KHOURY

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CLASS 1, SECTION 15301 (EXISTING FACILITITES) CATEGORICAL EXEMPTION AND GRANTING A MINOR USE PERMIT TO ALLOW A DISTILLERY.

WHEREAS, the applicant, NADIEM HANNA KHOURY, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C), 8.1± miles east of Calpella town center, lying on the south side of State Highway 20 (SH 20), 2 miles southeast of its intersection with RD 260 (CR 260), located at 7801 Hwy 20, Potter Valley (APN: 177-250-13); General Plan (RL 160); Zoning (RL:160[FP]); Supervisorial District 1; (the "Project"); and

WHEREAS, a Categorical Exemption was prepared for the Project and noticed and made available for agency and public review on December 22, 2019 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, January 9, 2020, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 1, Section 15301 (Existing Facilities): Categorical Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the regarding the Class 1, Section 15301 (Existing Facilities): Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject properties are classified Range Lands (RL) under the Mendocino County General Plan. The proposed use related to packing and processing is consistent with the General Plan.
2. Zoning Findings: The subject property is zoned Rangeland, 160-Acre Minimum (RL:160/[FP]). The project, which comprises Packing & Processing General, is consistent with the uses subject to a Minor Use Permit per Section 20.032.040(C), of the Mendocino County Code.
3. Use Permit Findings: The Zoning Administrator approves U_2019-0026 subject to the conditions of approval recommended by staff, and further finding:
 - A. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided.

B. That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

C. That such use preserves the integrity of the zoning district.

4. Environmental Protection Findings: The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A

**CONDITIONS OF APPROVAL
U_2019-0026 - NADIEM HANNA & AMAL KHOURY**

JANUARY 9, 2020

Minor Use Permit for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

APPROVED PROJECT DESCRIPTION: Minor Use Permit for installation and operation of a 50 gallon batch distillation still within an existing winery structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors.
2. The Applicant shall submit to Planning and Building Services **within 30 days**, a signed letter of acknowledgment stating that they have read all Conditions of Approval for this permit and that this project will be consistent with all conditions.
3. This **Use Permit shall expire on January 9, 2030**. The applicant has the sole responsibility for submitting a renewal request prior to the expiration date. The County will not provide a notice prior to the expiration date.
4. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
5. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Zoning Administrator.
6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. The applicant is advised that CALTRANS is the agency having jurisdiction with regard to transportation access to the subject property. Furthermore, per the Building Inspection Division, the Applicant will need to secure a building permit for an occupancy classification change to S-1. The plans will need to be prepared to reflect the S-1 occupancy and the equipment within, including the Mechanical, Electrical and Plumbing changes from the existing Utility occupancy classification.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.

- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 8. 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.
- 9. It shall be the responsibility of the Applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
- 10. The Applicant shall adhere to the previously submitted and approved Cal Fire 198-12 – Fire Safe Regulations provided to the Mendocino County Department of Planning and Building Services. The applicant shall comply with those recommendations and conditions identified by the California Department of Forestry or alternatives acceptable to Cal Fire.
- 11. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensor activation).
- 12. The discharge of domestic waste water originating from the distillery shall be discharged to an existing waste-water system serving the subject property which is overseen and regulated by the County of Mendocino, Environmental Health.
- 13. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2019-0026
- 14. Best Management Practices regarding the proper storage and handling of hazardous materials and hazardous wastes should be employed. A Hazardous Materials Management Plan (HMMP) is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity.
- 15. A modification to the use permit shall be required if the Applicant intends to utilize a distillation system larger than 50 gallons. Any modification to the use permit would be processed subject to Mendocino County Code Section 20.196.045.