



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

IGNACIO 'NASH' GONZALEZ, INTERIM DIRECTOR  
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[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

April 29, 2021

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, May 13, 2021, at 1:30 pm will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending written comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org), or via telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

**CASE#:** U\_2020-0011

**DATE FILED:** 11/19/2020

**OWNER:** NEBULA HOLDINGS RV LLC

**APPLICANT:** TAMAR DISTILLERY, INC.

**REQUEST:** Minor Use Permit to allow for on-site whiskey distillery within an existing structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 3± miles west of Redwood Valley center, on the north side of Bel Arbres Road (CR 238B), 1± miles west of its intersection with Uva Road (CR 239); located at 1110 Bel Arbres Road, Redwood Valley; APN: 162-240-56.

**SUPERVISORIAL DISTRICT:** 1

**STAFF PLANNER:** MARK CLISER

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

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) by May 12, 2021, or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

To submit public comments via telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

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 present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 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.

IGNACIO "NASH" GONZALEZ, Interim Director of Planning and Building Services



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

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**MAY 13, 2021  
U\_2020-0011**

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**SUMMARY**

**OWNER:** NEBULA HOLDINGS RV LLC  
1150 BEL ARBRES ROAD  
REDWOOD VALLEY, CA 95470

**APPLICANT:** TAMAR DISTILLERY, INC.  
PO BOX 148  
REDWOOD VALLEY, CA 95470

**REQUEST:** Minor Use Permit to allow for on-site whiskey distillery within an existing structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

**LOCATION:** 3± mi. west of Redwood Valley center, on the north side of Bel Arbres Road (CR 238B), 1± mi. west of its intersection with Uva Road (CR 239), located at 1150 Bel Arbres Road, Redwood Valley; APN: 162-240-56.

**TOTAL ACREAGE:** 29.77± 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:** 1 (McGourty)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** MARK CLISER

**BACKGROUND**

**PROJECT DESCRIPTION:** Minor Use Permit to allow for on-site whiskey distillery within an existing structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

**RELATED APPLICATIONS:**

- **UM\_2018-0002** (FLOW KANA EXPANSION – CANNABIS PROCESSING)
- **CFBL\_2019-0031** (Cannabis Manufacturing)
- **BU\_2018-2027** (REMODEL DEMO OF INTERIOR WALLS)
- **BU\_2018-2144** (DEMO OF SHED, GRADING, CONCRETE, EROSION CONTROL)
- **BU\_2019-0213** (FLOW KANA TENANT IMPROVE BLDG 2 BAY 1)
- **BU\_2019-1234** (NEW FIRE PUMPHOUSE/EMERGENCY WATER SUPPLY SYSTEM)
- **BU\_2019-1428** (NEW 140,000 GALLON WATER TANK)
- **BU\_2019-1531** (TEMP PRIMARY POWER GENERATOR'S BLDG 2)

**SITE CHARACTERISTICS:** The subject property is a 29.7± acre site which is part of the Flow Kana Institute campus. The 59,500± square foot facility is leased by Alambic, which in turn subleases to the Applicant. The project is an existing small distillery which has been operating in the same location for 10 years and is the former site of the Germain-Robin distillery. No additional equipment, development, or

tasting room is proposed at this time. The site is accessed via Bel Arbes Road (CR 238B). On-site activities include distilling, aging of product in barrels, bottling, and shipping of finished product.

Distilling takes place in a 420 gallon still that is located in the Still Room (See Attachment: Site Plan). Propane, stored outside in two (2) 500 gallon tanks, is used to heat a mixture of grain syrups and water. Approximately 15 – 18 gallons of propane is used to heat the mixture, which takes approximately 12 hours. Cold water is used to cool the mixture and results in approximately 240 gallons of water and 140 gallons of ethanol, which is aged in barrels. This process is referred to as a “run” and the Applicant completes approximately 14 runs per year.

At any time there are 16,690± proof gallons of product aging on-site. A proof gallon is one gallon of liquid, half of which is ethanol and half of which is water. The bottling of finished product occurs on-site and utilizes compressed nitrogen which is stored on-site in two (2) tanks. One tank is typically empty while the other is full, and each are capable of storing 125 cubic feet of uncompressed nitrogen. The tanks are secured to a wooden frame which is bolted to the floor for safety. Finished product is stored on-site in cases, in Suite D - Alternating Space, and shipping activities occur in an area adjacent to the barrel storage room (see Attachment: Site Plan).

A seasonal watercourse, Seward Creek, bisects the parcel from east to west and is located approximately 330 feet north of the facility. Attachment: Wetlands identifies this watercourse as a Freshwater Forested/Shrub Wetland. As shown on Attachment: Flood Hazard Areas, the subject property is within a Zone “X” which is considered an area of minimal flood hazard. The remainder of the property, including the distillery facility, is considered an area of minimal flood hazard. The area directly surrounding the facility is primarily used for parking, while the area to the north of Seward Creek remains undeveloped with a moderate slope and is sparsely forested. The area south of the facility and access road is densely forested with an approximately 3 acre cleared area to the east. The subject parcel is in Williamson Act and identified as Non-Prime Ag as shown on Attachment: Lands in Williamson Act Contracts. Farmland classifications for the subject parcel include Urban & Built-Up Lands and Unique Farmland. A small northeast portion of the parcel is classified as Prime Farmland as shown in Attachment: Farmland Classifications.

The property is in an area classified as both a ‘Moderate’ & ‘High’ Fire Hazard severity ratings, as shown on Attachment: Fire Hazard Zones & Responsibility Areas. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire), although the Redwood Valley / Calpella Fire Protection District is the nearest local responsible entity. A previous State Fire Safe Regulations Application Form (198-12) was submitted for this project. As no new structures would be developed on the parcel and the requested use does not substantially differ from existing allowances, a new form is not required.

It is expected that two (2) to three (3) deliveries of raw ingredients (grain syrups) would be made to the facility per year and will not contribute new significant sources of traffic on local and regional roadways. On December 31, 2020 comments were requested from the Department of Transportation. A “no comments” response was received.

Noise is not expected to be an issue as the facility is fully enclosed and the nearest residence is 0.3± miles to the east. The Applicant expects no more than three (3) employees on-site at any given time during the operating hours of 9-5, Monday through Friday. Staff visited the facility on January 28, 2021 and found it to be well maintained.

**SURROUNDING LAND USE AND ZONING:** As indicated on the table below, the surrounding lands are classified and zoned similarly to the project site. As previously indicated, the nearest residential structures staff is aware of are located 0.3± miles east of the facility. With the exception of the parcel directly west, which is used by Flow Kana for cannabis processing, the surrounding parcels are either undeveloped or used for agricultural activities, such as 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
<b>NORTH</b>	Rangeland (RL)	Rangeland (RL:160)	80±, 20±, 20±, 14± Acres	Vacant / Agricultural
<b>EAST</b>	Rangeland (RL); Agricultural (AG)	Rangeland (RL); Rural Residential (RR)	2±, 2±, 11±, 35±, 8±, 2±, 2± Acres	Agricultural / Residential
<b>SOUTH</b>	Rangeland (RL); Rural Residential (RR)	Rangeland (RL); Rural Residential (RR)	40±, 40± Acres	Vacant
<b>WEST</b>	Rangeland (RL)	Rangeland (RL:160)	60±, 35±, 258± Acres	Agricultural

**PUBLIC SERVICES:**

Access: BEL ARBRES ROAD (CR 238B)  
 Fire District: CALFIRE  
 Water District: REDWOOD VALLEY – CALPELLA WATER DISTRICT  
 Sewer District: NONE  
 School District: UKIAH UNIFIED SCHOOL DISTRICT

**AGENCY COMMENTS:** On December 31, 2020 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 Comments
Environmental Health	Comments
Building Division Ukiah	No Comments
CALFIRE	Comments
Air Quality Management District	No Comments
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
CAL ABC Licensing Board	No Response
Redwood Valley – Calpella Fire District	No Comments

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** The proposed project would facilitate installation and operation of a 420 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. Whiskey is typically distilled from grain 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 as an extensive cannabis facility. 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 agricultural operations. An operation, such as the proposed project, would serve to diversify the products associated with the larger facility and enhance its economic resiliency.

The limited production capacity of the proposed distillation system 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. 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, as 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 roadway network directly from Bel Arbres Road. The Mendocino County Department of Transportation (MCDOT) was provided with an opportunity to comment. A 'no comments' 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 operations via Redwood Valley Water District. 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 cannabis facilities operation and is located in a fairly remote area. The nearest residences are located approximately 0.3 miles east of the facility. Land south, west, and north are sparsely developed.

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 has been in operation for 10 years. Staff is unaware of any complaints from adjacent property owners. Continued use is not expected to 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 project area. 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.*

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

Through granting a Minor Use Permit to authorize a Packing and Processing – General, 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 as no new development was proposed, nor were any improvements required to facilitate the project itself.

The project was referred to local tribes for review and comment, including Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of February 8, 2021, no response has been received from local representatives of the aforementioned entities.

Staff recommends 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 continued use 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 grant Use Permit Renewal U\_2020-0011 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

4/28/2021

DATE



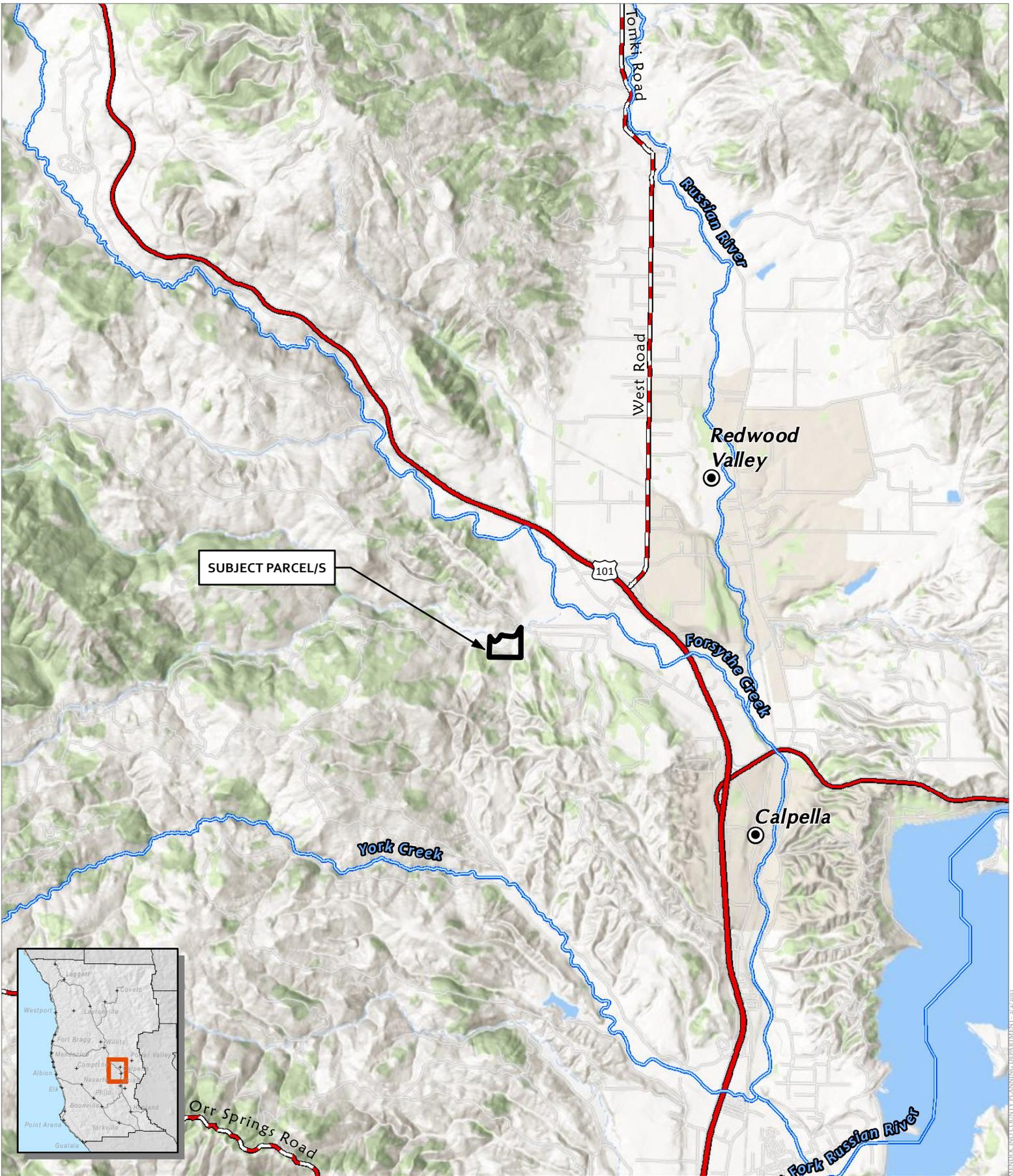
MARK CLISER  
PLANNER II

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

#### ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Site Map
- D. General Plan Classifications
- E. Adjacent Parcels
- F. Fire Hazard Zones & Responsibility Areas
- G. Earthquake Zones
- H. Flood Hazard Areas
- I. Wetlands
- J. Lands In Williamson Act Contracts
- K. Farmland Classifications
- L. Applicant Statement

#### RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

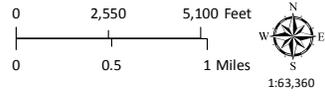


SUBJECT PARCEL/S



CASE: U 2020-0011  
 OWNER: Quasar Holdings, LLC  
 APN: 162-240-56  
 APLCT: Tamar Distillery, Inc.  
 AGENT: Jack Crispin Cain  
 ADDRESS: 1110 Bel Arbres Road, Redwood Valley

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

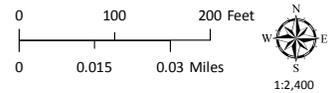


MENDOCINO COUNTY PLANNING DEPARTMENT - 2/17/2021



CASE: U 2020-0011  
OWNER: Quasar Holdings, LLC  
APN: 162-240-56  
APLCT: Tamar Distillery, Inc.  
AGENT: Jack Crispin Cain  
ADDRESS: 1110 Bel Arbres Road, Redwood Valley

- Named Rivers
- - - Private Roads



TAMAR DISTILLERY, INC

110 BELARBRES RD.

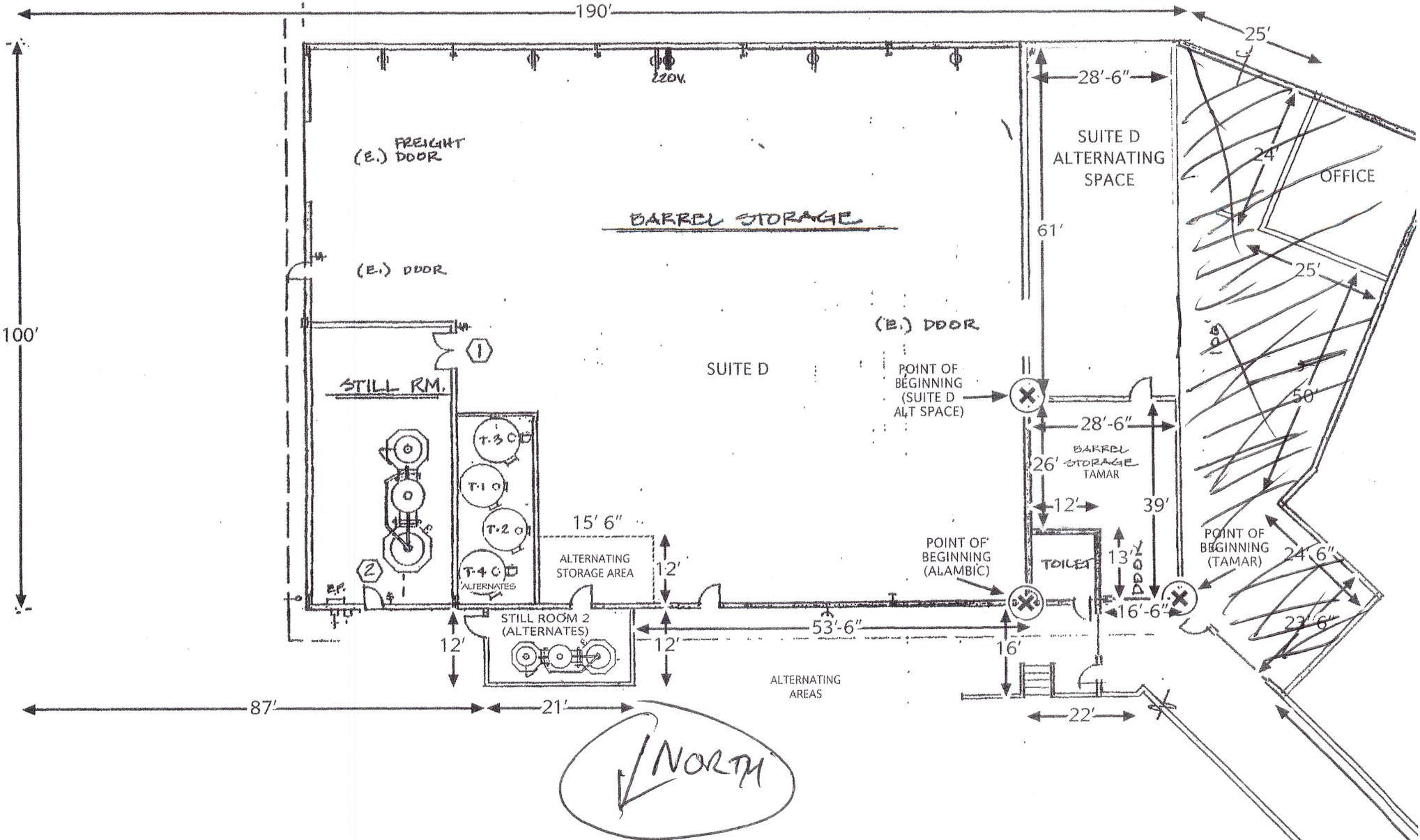
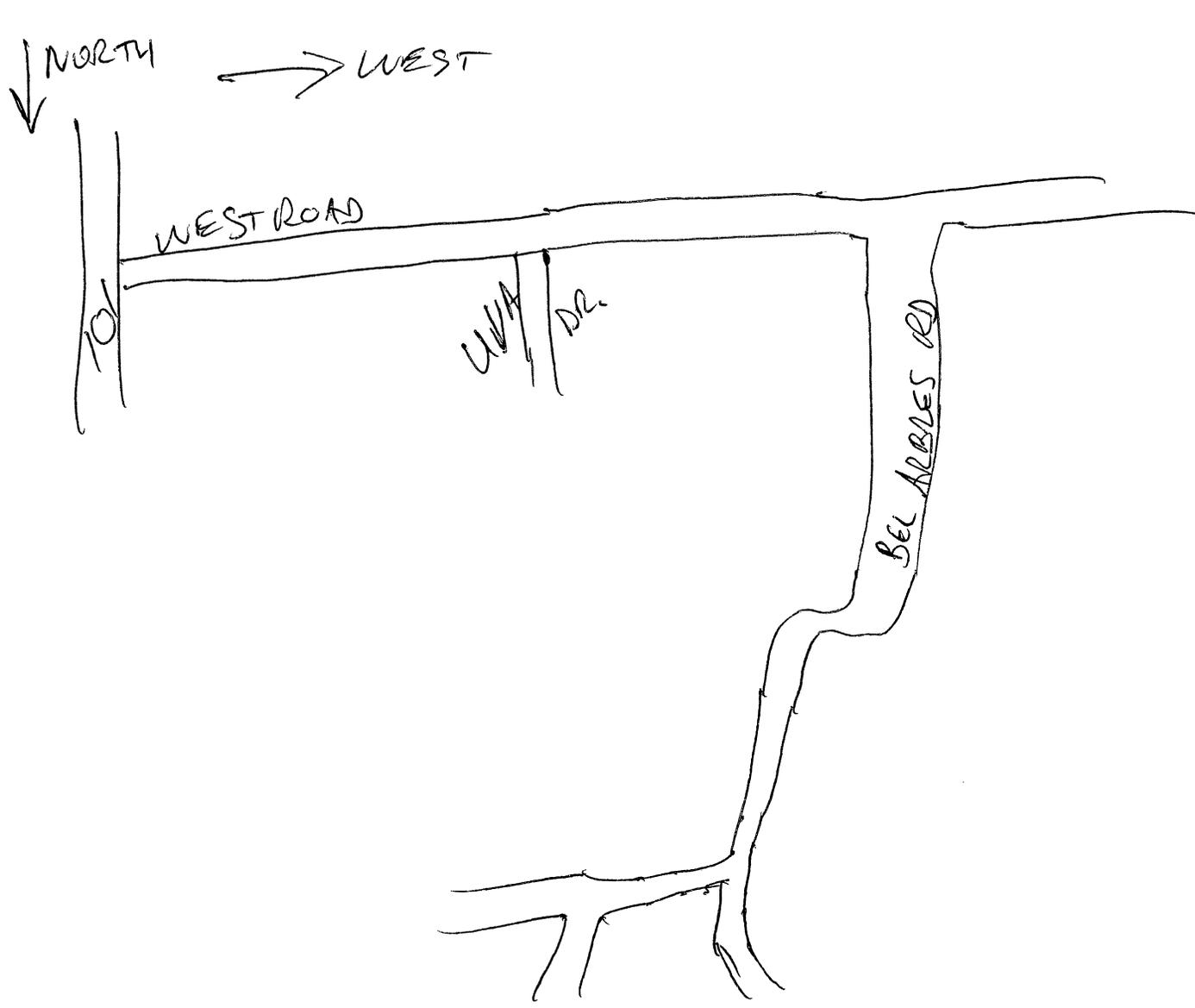
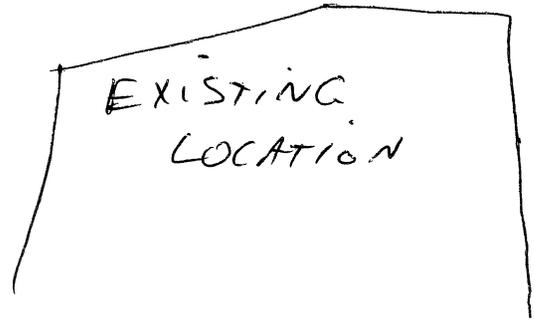


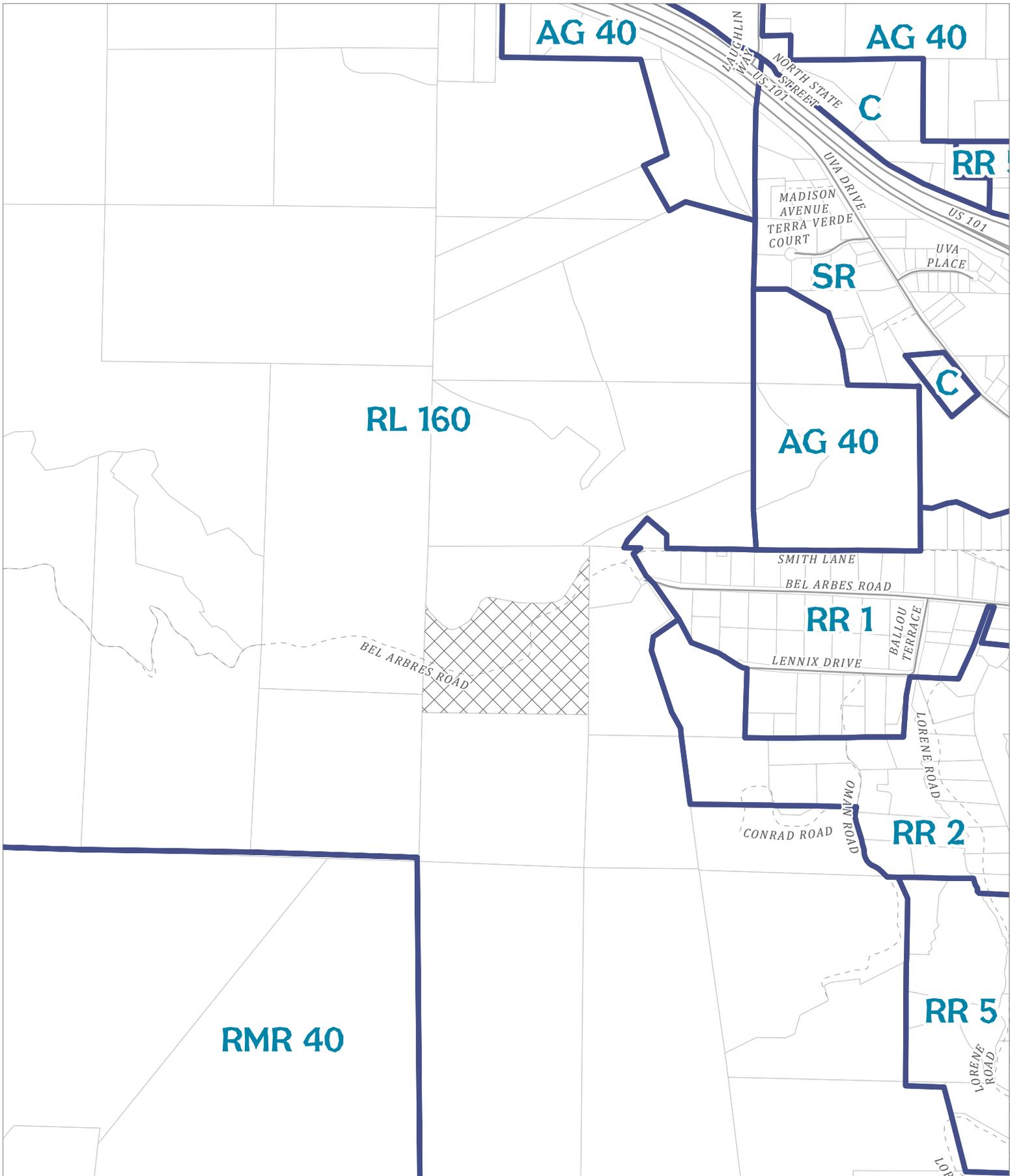
DIAGRAM FOR LICENSE, ABC, TTR

ATTACHMENT C



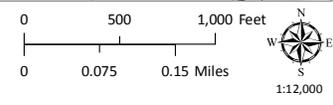
1110 BEL ARBRES ROAD

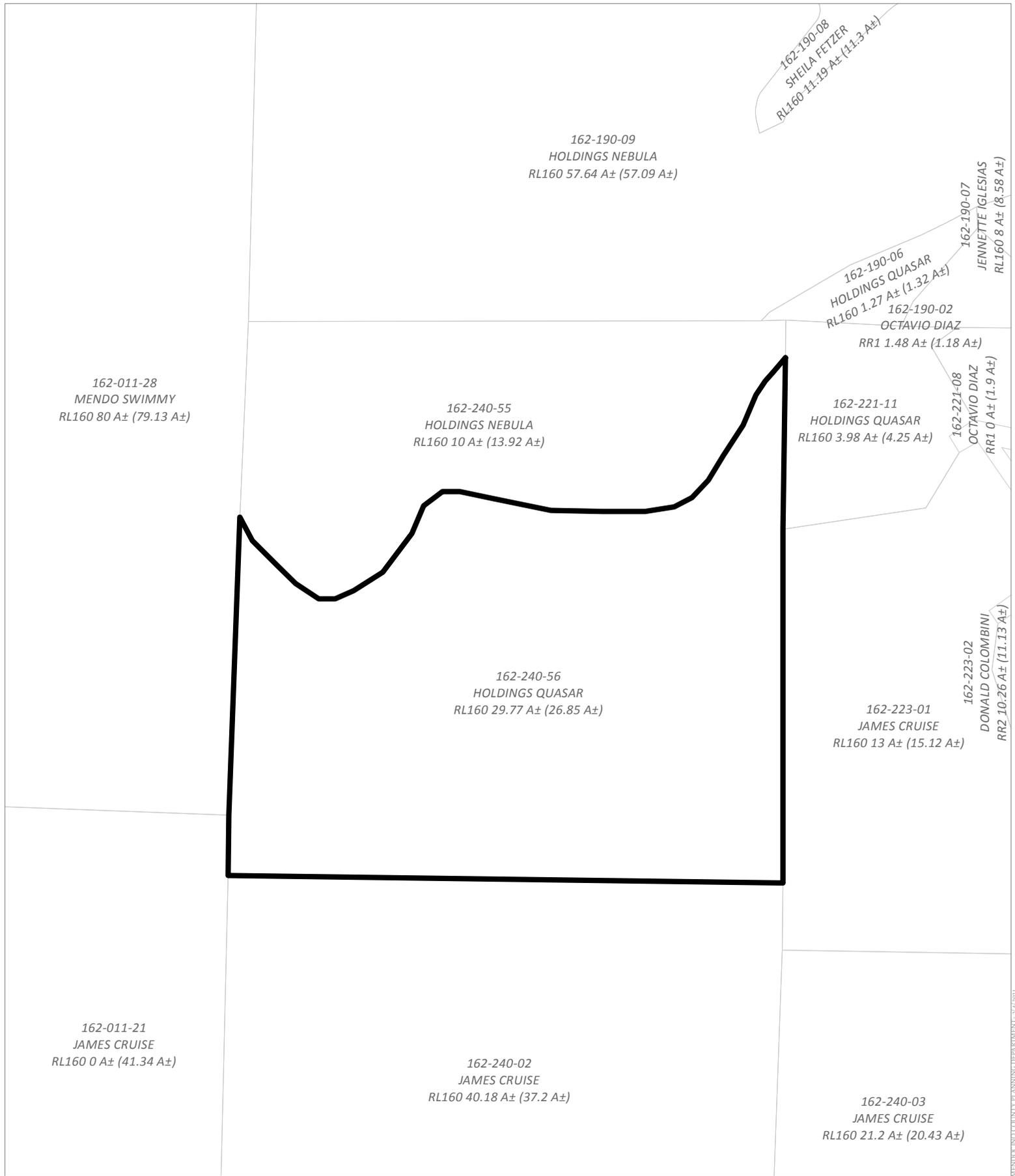




CASE: U 2020-0011  
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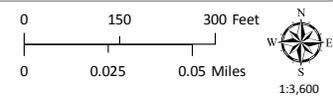
 General Plan Classes  
 Public Roads



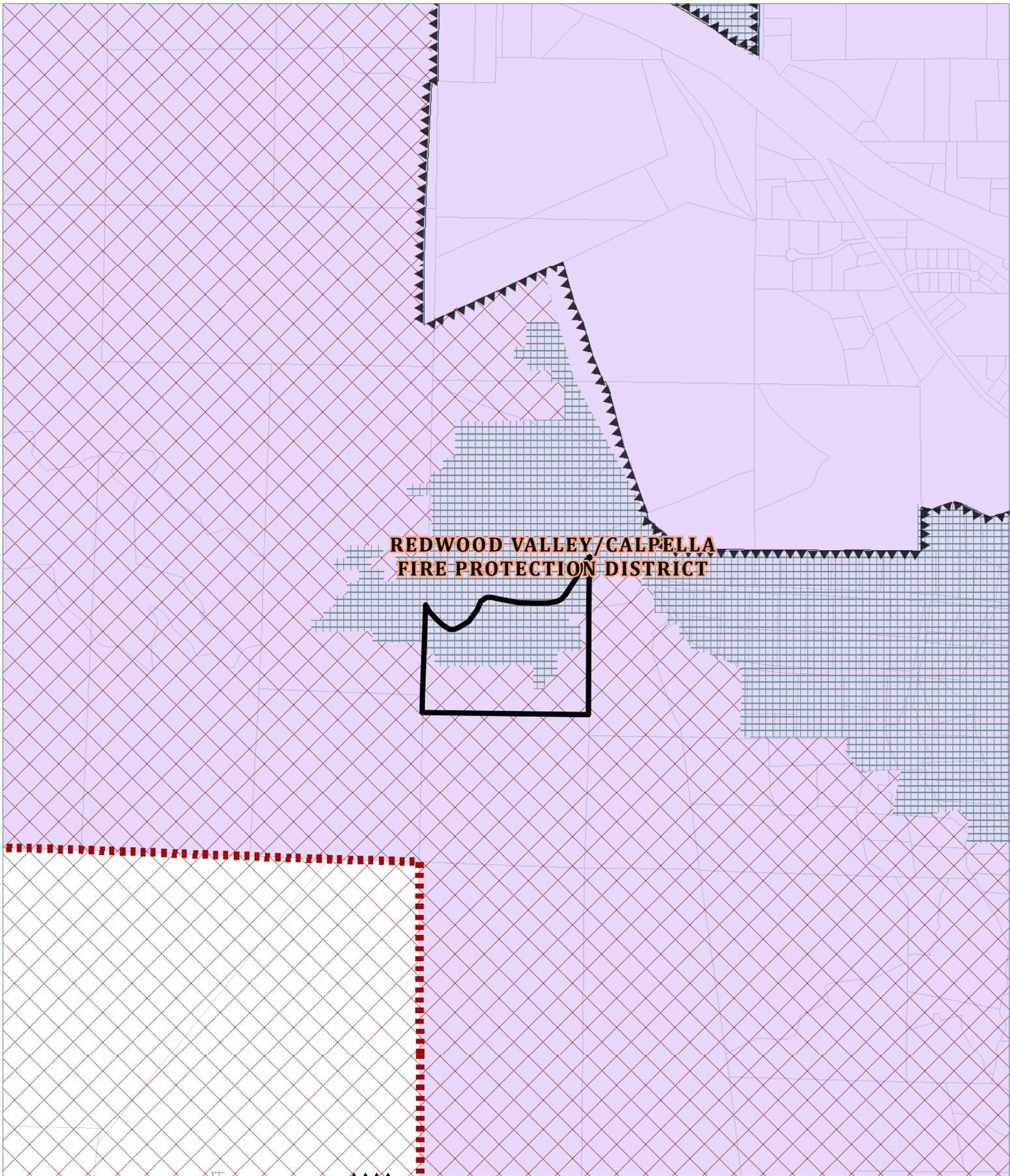


MENDOCINO COUNTY PLANNING DEPARTMENT - 2/7/2021

CASE: U 2020-0011  
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 APN: 162-240-56  
 APLCT: Tamar Distillery, Inc.  
 AGENT: Jack Crispin Cain  
 ADDRESS: 1110 Bel Arbres Road, Redwood Valley



ADJACENT PARCELS  
 ATTACHMENT E

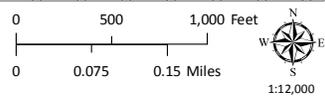


**REDWOOD VALLEY/CALPELLA  
FIRE PROTECTION DISTRICT**

CASE: U 2020-0011  
 OWNER: Quasar Holdings, LLC  
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 APLCT: Tamar Distillery, Inc.  
 AGENT: Jack Crispin Cain  
 ADDRESS: 1110 Bel Arbres Road, Redwood Valley

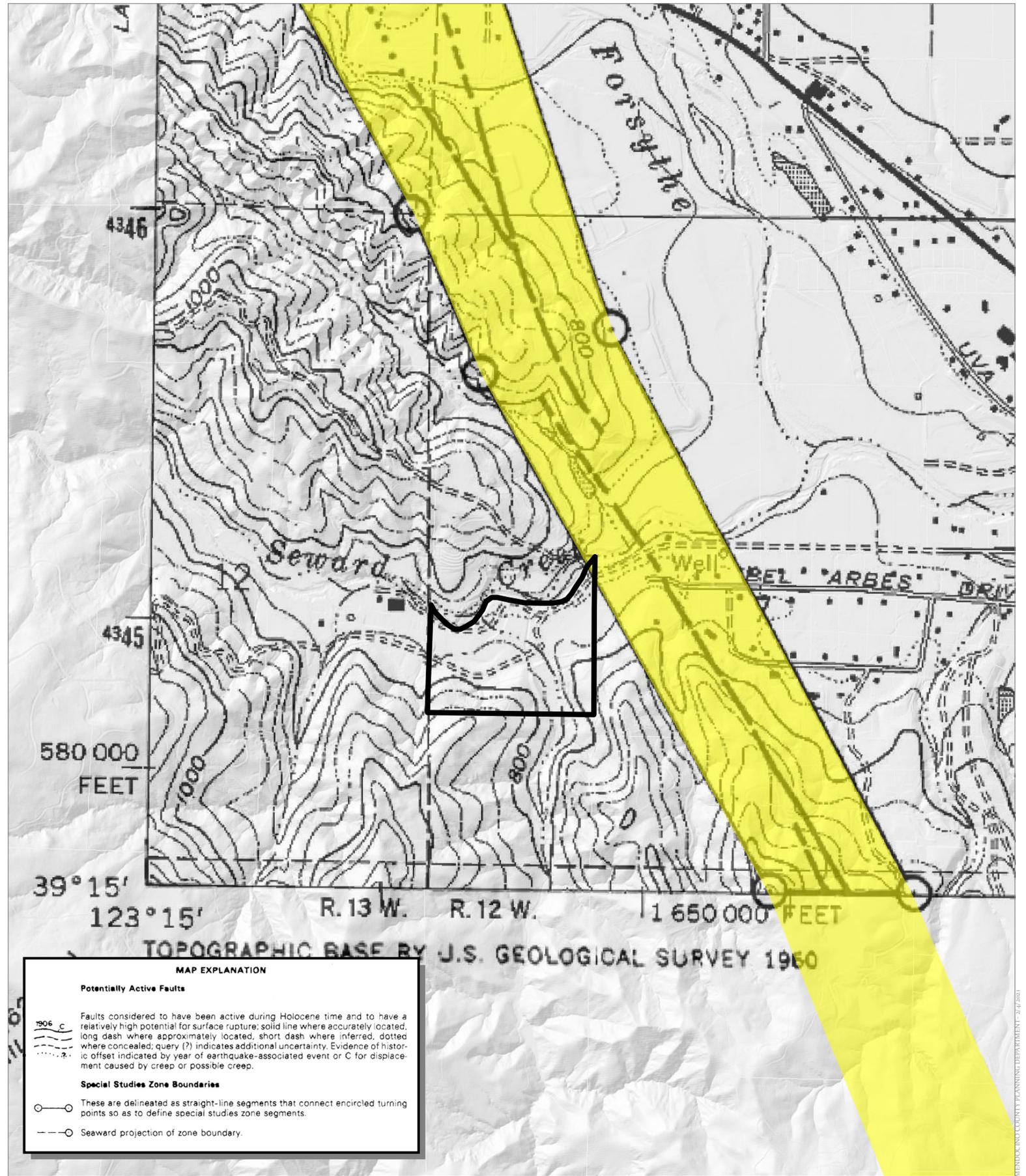
-  LRA
-  High Fire Hazard
-  Moderate Fire Hazard

 County Fire Districts



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

TULARE COUNTY PLANNING DEPARTMENT - 9/7/2021



**MAP EXPLANATION**

**Potentially Active Faults**

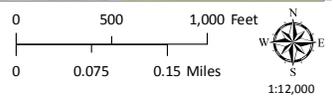
Faults considered to have been active during Holocene time and to have a relatively high potential for surface rupture; solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

**Special Studies Zone Boundaries**

These are delineated as straight-line segments that connect encircled turning points so as to define special studies zone segments.

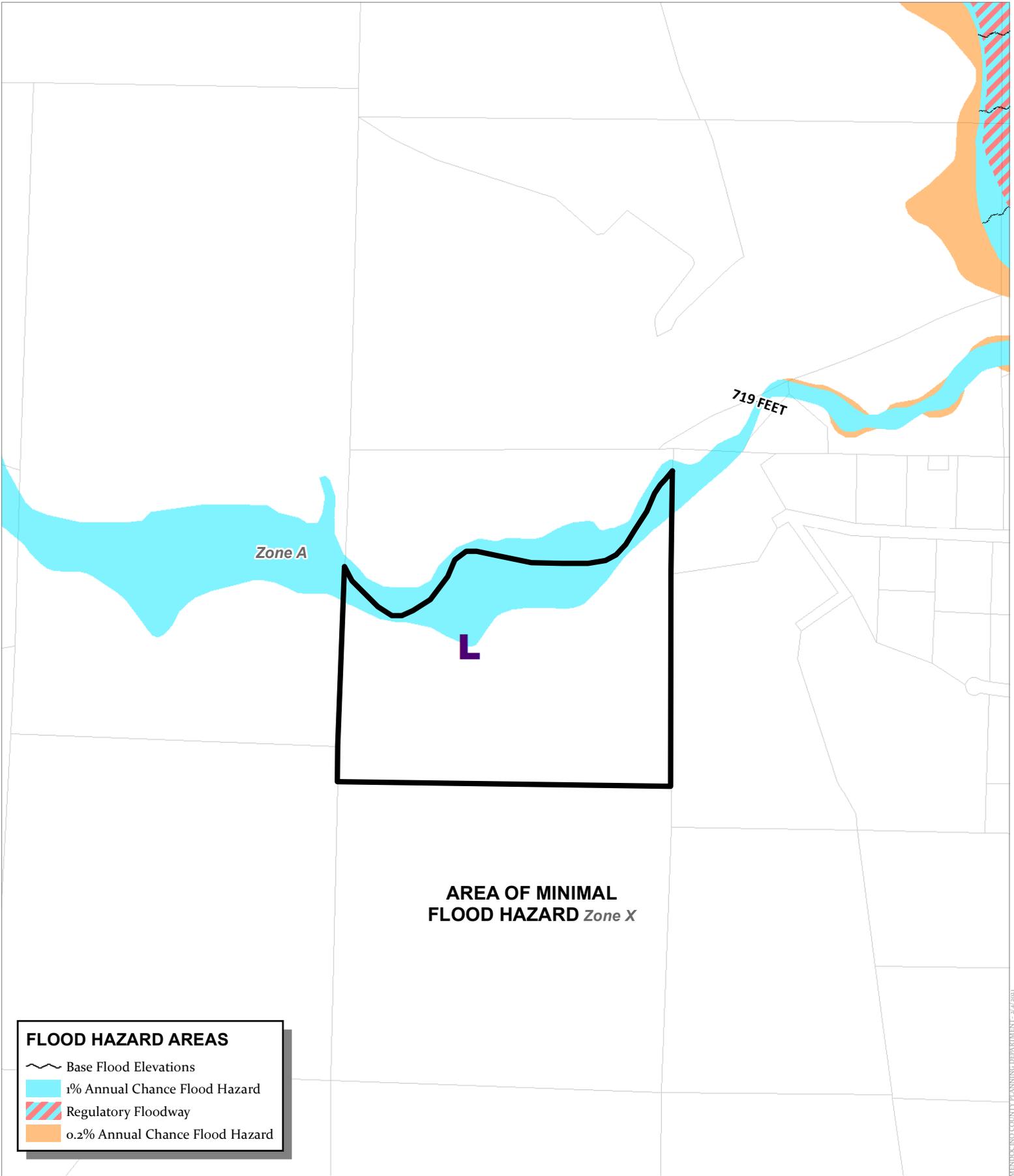
Seaward projection of zone boundary.

Maacama Fault Zone



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REDFORD COUNTY PLANNING DEPARTMENT - 2/1/2021

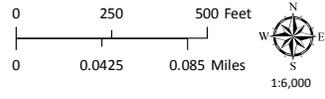


**FLOOD HAZARD AREAS**

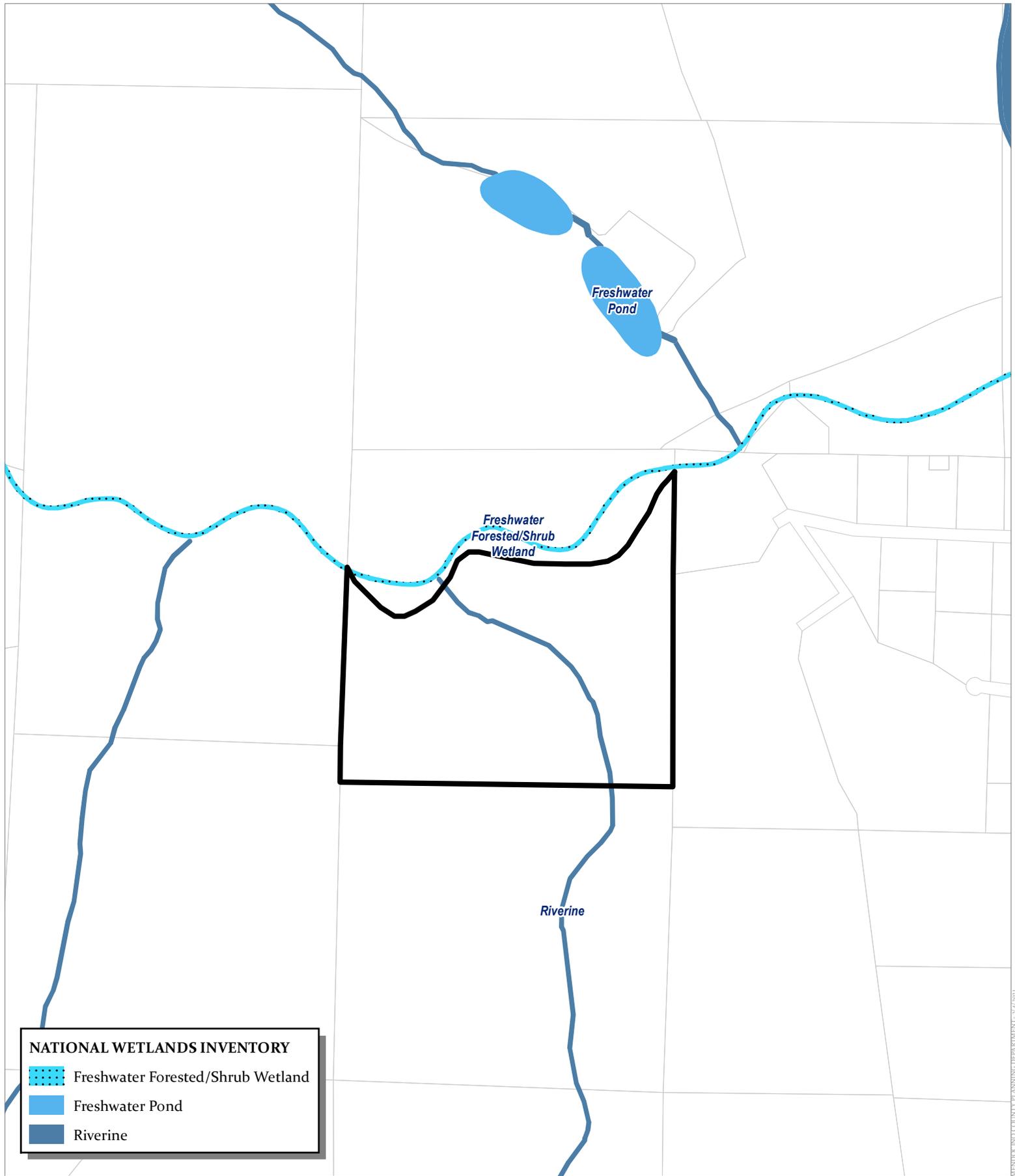
-  Base Flood Elevations
-  1% Annual Chance Flood Hazard
-  Regulatory Floodway
-  0.2% Annual Chance Flood Hazard

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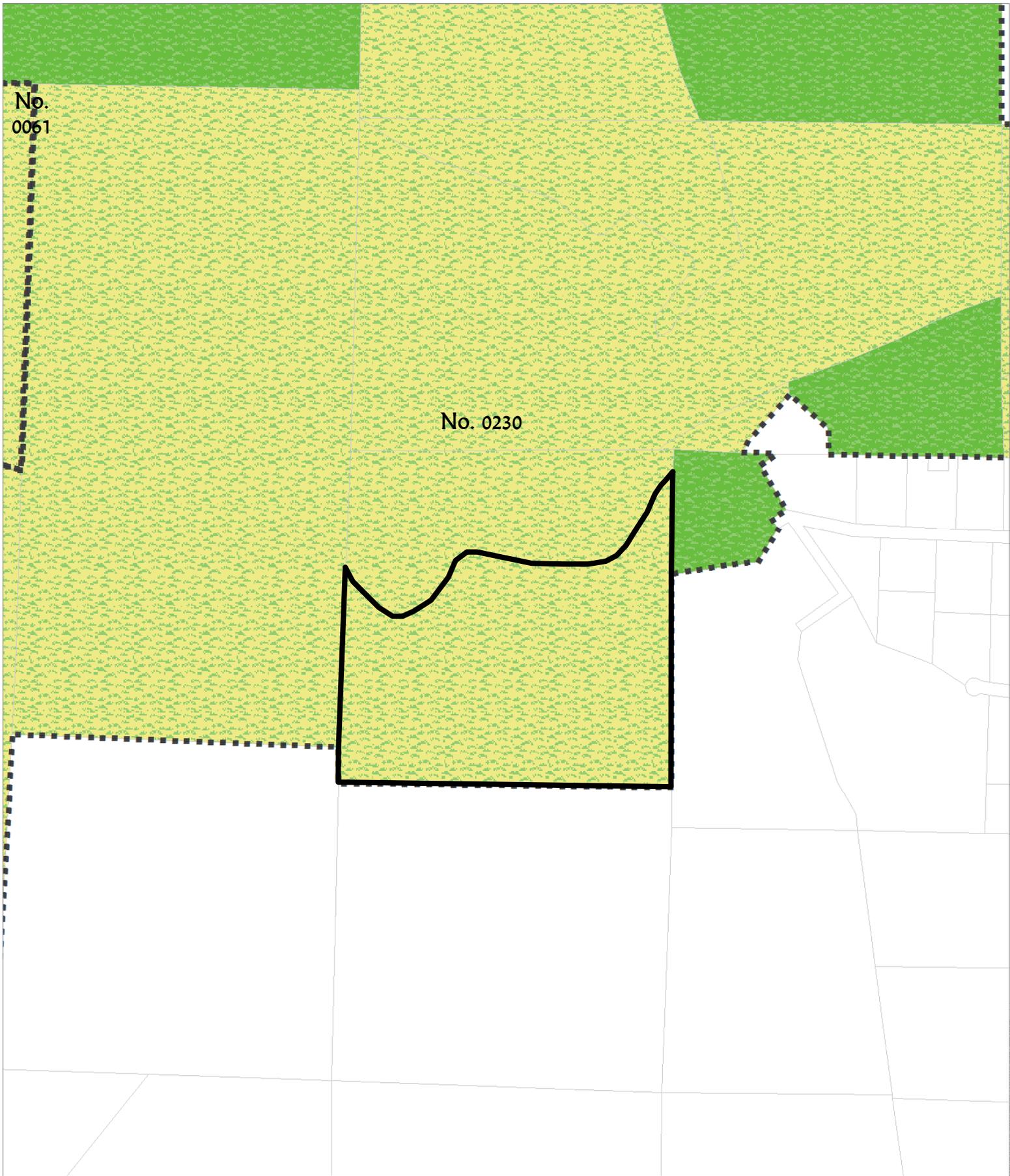
 LOMA Letters



MENDOCINO COUNTY PLANNING DEPARTMENT - 2/7/2021



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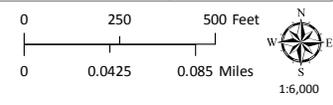


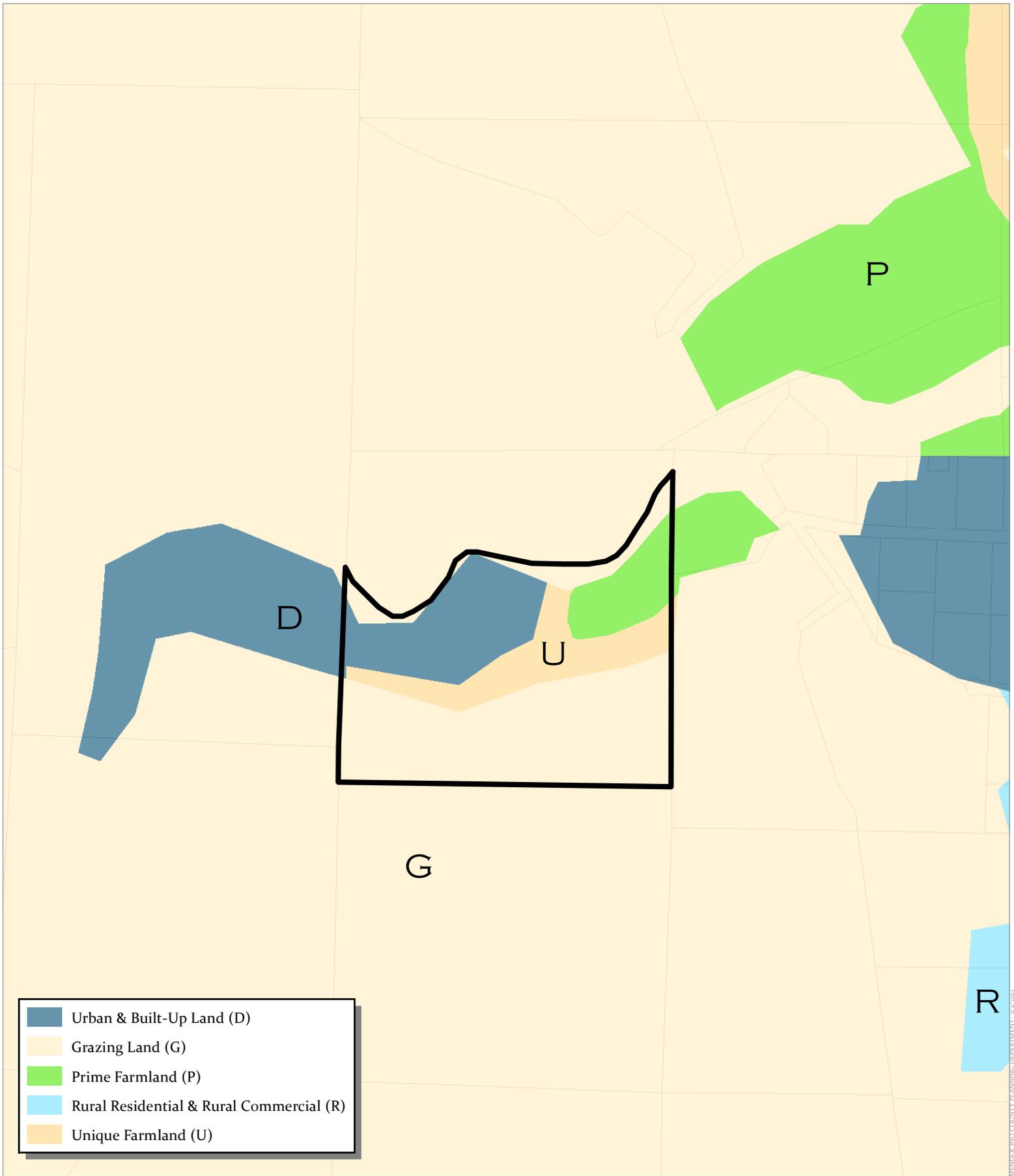
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0061

No. 0230

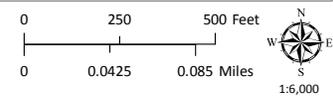
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-  Contract Boundaries
-  Williamson Act 2018
-  Prime Ag 062920
-  Non-Prime Ag 062920





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MENDOCINO COUNTY PLANNING DEPARTMENT - 2/7/2021

Tamar Distillery, Inc.  
American Craft Whiskey Distillery  
Mendocino Spirits  
PO Box 148  
1110 Bel Arbres Rd #D  
Redwood Valley, CA  
95470

November 18, 2020

RE Minor Use Permit Application: The Project Description

We are a family business, a small distillery which has been licensed and operating at the same location for 10 years. We sublease the facility on property that was once the Fetzner home ranch, and now generally referred to as Flow Cana. When we moved in all the equipment was already in place, we have made no changes. All installations were done by Alambic, Inc.

Most recently we found a need to respond to COVID-19. We applied for a new license from California Alcohol Beverage Control to respond to the crisis.

Since we first licensed ten years ago, California Alcohol Beverage Control has created a new license for distilleries, Type 74 Craft Distiller. This is key, because the only change we are making in how we operate is the new license allows us to sell and ship up to 3 bottles per California customer, per day. This allows our consumers who are staying isolated, to order from home, for delivery by UPS or FedEx.

Other distilleries in California are taking advantage of this new license, seeing 40% to 60% of their revenue coming from these direct to consumer sales.

We are not adding any new equipment, we are not building any new structures, everything will stay just as it has been.

We create 1,000 to 3,000 cases annually, mostly Bourbon and Rye whiskey. We handle, make, and sell spirits only. I have worked in wine and spirits since 1983. I first went to work at the Germain-Robin Distillery in August 1989.

To produce whiskey, I purchase malt extracts, heavy syrups made from malted grains at a malting house in the Midwest, or in Oregon. These syrups are purchased and transported to the distillery usually in 275 gallon containers. I purchase 15 to 25 of these containers annually. Two truck loads.

I dilute the syrups in hot water, I add enzymes and yeast to start fermentation. This fermentation takes place in 2500 gallon wine tanks. When fermentation is complete, the malt wine is transferred to the still.

Once distillation is complete, the product is stored in barrels for up to 10 years. Bottling and packaging are next, the whiskey is transferred from the barrels to a tank. Bottling is done by hand using a gravity fed, 6 head filler, my son puts in the corks and caps, I apply the labels.

Periodically distributor's trucks come to pick up the product which is sold to them. In the future we would like to have tasting on site as well.

ATTACHMENT L

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California

MAY 13, 2021

U\_2020-0011 NEBULA HOLDINGS RV LLC

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA AND GRANTING A MINOR USE PERMIT TO ALLOW A DISTILLERY.

WHEREAS, the applicant, NEBULA HOLDINGS RV LLC, filed an application for a USE PERMIT with the Mendocino County Department of Planning and Building Services for installation and operation of a 420 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), 3± mi. west of Redwood Valley center, on the north side of Bel Arbres Dr. (CR 238B), 1± mi. west of its intersection with Uva Dr. (CR 239); located at 1150 Bel Arbres Dr., Redwood Valley; APN: 162-240-56; General Plan (RL 160); Zoning (RL:160[FP]); Supervisorial District 1; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on May 13, 2021, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

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 which allows for agricultural uses and processing; and
2. **Zoning Findings:** The subject property is zoned Rangeland, 160 Acre Minimum (RL:160). 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, and allows for processing of crops or their byproducts regardless of where they were grown; and
3. **Use Permit Findings:** The Zoning Administrator approves U\_2020-0011 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. The subject parcel is accessed via Bel Arbres Road and is provided water through Redwood Valley – Calpella Water District. On-site septic is permitted. The proposed use will not modify any watercourses, increase storm water flows, or remove vegetation. As such, drainage was not considered to be an issue as the natural drainage is not expected to be highly impacted as a result of the proposed use; and

- B. The proposed use will not constitute a nuisance or be detrimental to health, safety, peace, morals, comfort or general welfare of persons residing or working or passing through the neighborhood of the proposed facility, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. The proposed project was referred to a number of responsible agencies for comment and was made available for the general public to provide input regarding any nuisance or safety concerns; no such comments were received. Additionally, the facility has been in operation for over ten (10) years and has not received any comments of concern from the public. The distillery use is located approximately 1,475 feet from the nearest residence and is within an enclosed structure. Staff visited the facility on January 28, 2021 and found it to be well maintained; and
- C. That such use preserves the integrity of the zoning district. The parcel is located in the Rangeland (RL) zoning district. The proposed project adheres to all applicable requirement of the district and is consistent with all other sections of the Mendocino County Code, including section 20.032.040(C), which allows for processing of crops or their byproducts regardless of where they were grown or found; and

- 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: ANGIE LANE  
Administrative Assistant

\_\_\_\_\_

BY: IGNACIO 'NASH' GONZALEZ  
Zoning Administrator

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**EXHIBIT A**

**CONDITIONS OF APPROVAL**

**MAY 13, 2021**

**U\_2020-0011 – NEBULA HOLDINGS RV LLC**

Minor Use Permit to allow for on-site whiskey distillery within an existing structure to facilitate the production of alcoholic spirits per Mendocino County Code Section 20.032.040(C).

**APPROVED PROJECT DESCRIPTION:** Minor Use Permit to allow for on-site whiskey distillery within an existing 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 May 13 2031**. 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.
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. 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).
11. 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.
12. 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\_2020-0011.
13. The Applicant shall employ Best Management Practices (BMPs) regarding the proper storage and handling of hazardous materials and hazardous wastes.
14. A Hazardous Materials Business Plan (HMBP) is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity. The Applicant shall submit a HMBP via the California Environmental Reporting System (CERS) and obtain a permit to operate through Mendocino County Division of Environmental Health.
15. A modification to the use permit shall be required if the Applicant intends to utilize a distillation system larger than 420 gallons. Any modification to the use permit would be processed subject to Mendocino County Code Section 20.196.045.