COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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Building Use Requirements

Frequently Asked Questions

1. Can you explain the following permit types?

Agricultural Permit: This permit is issued by the Department of Agriculture to commercially cultivate cannabis. You are required to obtain this permit before applying for a state license.

Administrative Permit: This permit is issued by the Department of Planning and Building Service for certain cultivation styles and particular zoning designations. For example, most 'Indoor' cultivation sites will require an Administrative Permit, as will cultivation sites located in Forest Land (FL) or Timber Production Zone (TPZ) districts. An Administrative Permit, if required, needs to be approved prior to the Agricultural Permit being issued. The depth of application review for an Administrative Permit is greater than a Zoning Clearance but less than a 'Use Permit'. Staff can advise applicants on what elements can be addressed to avoid delay and improve their application quality. Complete applications can be processed within 2-3 months; Administrative Permits cost approximately $566, and there may be an additional charge if an archeological survey is required. A Public Hearing is NOT required but in some instances, neighbors will be notified of the project.

Building Permit: This permit is for permission to build, construct, enlarge, or modify any improvement on the property. This includes activities like grading for a pond, installing a Hoop-House, or changing the occupancy of a structure.

Use Permit: This permit is issued by the Department of Planning and Building Service for 'Indoor' cultivation (500 ft^2 -2500 ft2) on Non-Industrially Zoned Parcels. Complete applications can be processed within 6-8 months; Use Permits cost approximately $3951 and there may be an additional charge if an archeological survey is required. Referrals to outside agencies such as CDFW, Calfire, Environmental Health, etc., are made. A Public Hearing is required and neighbors will be notified of the project.

2. What are the types of building permits I might need for structures used in my cannabis business?

A) Ag Exempt for Hoop House: IF qualified under Ag Exempt and IF structure is Hoop House.

B) Ag Exempt for other structures: IF qualified under Ag Exempt (different from Ag Exempt Hoop House rules in that these structures may also receive an Electrical Permit up to 100 amps).

C) Commercial Building Permit/FI Occupancy: For all structures that are not designated Ag Exempt due to employees or public being present.

D) Change of Occupancy

3. Where can I access the requirements for an Ag Exempt building permit to understand whether my structure qualifies?

The Ag Exempt application can be found on the Mendocino County Planning and Building website under Building Department Forms and Handouts. https://www.mendocinocounty.org/government/planning-building-services/forms-and-handouts

4. How long is an Agricultural Exempt permit valid for?

Once the Ag Exempt permit is issued you have one year to complete construction and call for a final inspection. After the permit is finalized the Ag Exempt status of the building does not expire unless it is changed to a non-Ag Exempt use.

5. Are there other structures that an Ag Exempt building permit can be obtained for?

Yes, Ag Exempt structures include hay barns, livestock barns, chicken coops, etc.

6. What kind of building permit is needed to process {trim and package) cannabis?

Fl Occupancy (Commercial Building Permit)

Permitted Accessory Structure (for Home Occupation or Cottage Industry Use (This is not the same as cottage level cultivation).

7. Are structures used for cannabis treated differently than other buildings that must have a building permit?

They are not treated differently.

8. Can I dry cannabis in a shipping container?

Yes. You can dry cannabis in a shipping container as an Ag Exempt structure. See Agricultural Exempt Policy https://www.mendocinocounty.org/government/planning-building-services/forms-and-handouts. If a shipping container does not meet the criteria of the Ag Exempt Policy, it can be permitted as a residential storage building providing it is not altered in any way. If altered plan by an architect or engineer will be required. See the Building Department Shipping Container permit policy at https://www.mendocinocounty.org/government/planning-building-services/forms-and-handouts.

9. Can a structure, such as a garage tent qualify as a non-temporary Ag Exempt structure for drying of cannabis?

It may be possible to obtain an Ag Exempt permit for this type of structure if it is secured/anchored appropriately and no employees or public are present.

10. Can a class K structure be used for drying of cannabis if the person has no employees?

No, with exceptions. You may apply for an Ag Exempt permit for the structure to dry (not process) if there are no employees/members of public present. The Class K Ordinance is for rural residential dwellings and appurtenant structures such as garages and storage sheds. You cannot grow, trim or dry cannabis that will be sold in a Class K structure. If you, as the state allows, are growing only six plants for personal use, you can do so in a Class K structure.

11. Can I bring product from a cultivation site on a different parcel to an Ag exempt dry shed?

Only if the parcels are contiguous, under the same ownership, and a Cultivation Permit exists on the property covering both parcels.

12. Do pre-manufactured structures (Tuff-Sheds, etc.} with engineered plans qualify for an Fl occupancy structure to be allowed for use as a processing facility?

Possibly. The permit for application for premanufactured buildings must be accompanied with a current set of plans prepared by a California licensed architect or engineer stating the proposed structure is classified as an F-1 Occupancy. If employees/public will be accessing the structure it must be accessible to persons with disabilities.

13. Is there a difference between a hoop house and a greenhouse?

The definitions of hoop house and greenhouse are found in the Mendocino County Medical Cannabis Cultivation Ordinance section l0A-17.020 and are as follows:

"Hoop House means a structure with structural members that are made of flexible and somewhat rigid construction materials, typically PVC pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently."

"Greenhouse means a completely enclosed structure whose structural members are made of pre-formed, rigid construction materials. The walls, roof, and ends are typically covered with a transparent material, often glass, that is fixed in place and which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside."

A metal-framed structure with soft walls may qualify as an Ag Exempt structure (if no employees or public is present) and might be eligible for a separate electrical permit (up to 100 amps) since it has a metal frame instead of a plastic frame.

14. What building permits do I need for a greenhouse?

If you do not have employees a greenhouse can be permitted as Ag Exempt. If the greenhouse is over 1000 sq. foot in area you are required to have plans prepared by a California licensed architect or engineer.

If you have employees or members of the public present, you cannot receive an Ag Exempt permit and you must submit California Building Code compliant plans prepared by a California licensed architect or engineer regardless of size of greenhouse. This greenhouse use would be a commercial building permit.

15. What building permits do I need for a hoop house?

Hoop houses can be permitted as Ag Exempt if you do not have employees and the maximum size does not exceed 1000 sq. feet with a maximum width of 20 ft. and a maximum height of 12 ft. If you have employees or members of public present, you cannot be permitted as Ag Exempt and must submit California Building Code compliant plans prepared by a California licensed architect or engineer regardless of size of the hoop house.

16. How much is a hoop house permit?

The flat fee for an Ag Exempt hoop house permit is $340.92.

17. Can I use a hoop house year round?

Yes

18. What is the difference between an Ag Permit to Commercially Cultivate and an Administrative Permit or Use Permit that is needed in addition to the Ag Permit to Commercially Cultivate? Are these in addition to the need for building permits?

A permit to commercially cultivate cannabis in Mendocino County is obtained from the Agriculture Department. The first step is to check the ordinances (10A17, and 20.242,) to confirm you are eligible to commercially cultivate. The next step is to take your application and materials to Planning & Building Services (PBS) where they will determine if there is a need for a Zoning Clearance, Administrative Permit or Use permit. Even if it is determined you only need the Zoning Clearance (a very easy review), in addition to obtaining the permit to commercially cultivate from the Ag Department, you will need to get the appropriate building permits for your building(s). Ultimately, you will need;

A) Zoning Clearance and an Administrative Permit or a Use Permit from the Planning side of Planning & Building Services.
B) Commercial Cultivation Permit from the Department of Agriculture; and
C) All applicable building permits from the Building side of Planning & Building Services.

19. If I have unpermitted structures on my property that will not be used in my cannabis business must they be permitted in order to proceed with my cannabis business?

The Compliance plan allows applicants one year to meet requirements. All unpermitted structures on property do need an appropriate building permit - but the presence of unpermitted non cannabis structures won't delay cannabis permits.

20. What is a Compliance Plan?

A compliance plan is an agreement stating that you the owner/applicant agree to submit and obtain building permits for all of the unpermitted structures on your property within one year of signing the compliance plan agreement. This allows the owner/applicant to proceed through the cannabis license permitting process.

21. How does Home Occupation and Cottage Industry affect my business and permitting?

Home Occupations and Cottage Industries are two paths that allow certain types of businesses to be conducted from a residence. The July 2018 revisions allow a microbusiness or other accessory uses such as distribution and manufacturing as an accessory to a permitted cultivation site, subject to either Home Occupation regulations (MCC 20.156) or Cottage Industry regulations (MCC 20.160). The determination will be based on information provided, however two key factors include the space (square footage) dedicated to the microbusiness and/or the number of employees. To qualify for a Home Occupation, the space must be 640 sq. ft. or less and no more than 1 non-family employee.

Should a microbusiness surpass these factors, it will need to comply with Cottage Industry regulations. A Cottage Industry microbusiness requires a Use Permit be applied for and approved before the Cannabis Facilities Business License (CFBL) can be approved. Under a Cottage Industry (Limited or General), microbusinesses can operate in a space of up to 2,000 sq. ft. and up to 3 non-family employees. Please be advised that Use Permits can take 6-8 months to process. Applications can be found on the website at mendocinocounty.org/pbs, labeled as "Cannabis Facilities Application" under the Forms and Handouts section.

Please note that all home manufacturing businesses (cannabis) must have a permitted cultivation site on the property and will be subject to the Cottage Industry regulations.