



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING & BUILDING SVCS.

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DEPARTMENT POLICY STATEMENT NO. 1

CANNABIS PROCESSING IN RESIDENTIAL STRUCTURES

PURPOSE

Allow processing¹ of cannabis within a residential or residential accessory structure for cannabis permits that comply with the respective standards of Mendocino County Code Chapter 20.156–Home Occupations and/or Chapter 20.160–Cottage Industries.

AUTHORITY

California Building Code, Chapter 1, Division II, Section 104.1–Duties and Powers of Building Official, provides that the building official shall have the authority to render interpretations of the code and adopt policies and procedures in order to clarify the application of its provisions. **Mendocino County Code (MCC), Title 20, Division I, Section 20.243.040–Use Classifications**, allows for processing facilities for cannabis grown on-site as an accessory use in all zones with a permitted cultivation operation pursuant to MCC Chapter 10A.17. Further, **MCC, Title 20, Division I, Section 20.243.050–General Limitations on Cannabis Facilities**, provides an exception for the processing of cannabis within a residential or residential accessory structure pursuant to the limitations of MCC Chapter 20.156–Home Occupations and/or Chapter 20.16 –Cottage Industries.

STAFF ANALYSIS

Title 20, Division I, Chapter 20.156 and Chapter 20.160 of MCC provides standards for permitted uses that do not alter or disturb the residential or rural nature of their premises or its surroundings, including limiting the number of employees and customers, as well as prohibiting the use of equipment or process used that creates noise, vibration, glare, fumes, dust, odors, smoke, electrical interference, or other impacts in excess of those customarily generated by single-family residential uses.

On-site drying, curing, grading, trimming, and/or packaging of cannabis, defined as processing by Title 10A, within a permitted residential or residential accessory structure by a permit applicant who resides on the premise closely aligns with the specific standards contained in MCC Chapter 20.156 and Chapter 20.160. The CA Building Code does not require that these uses, Home Occupations and Cottage Industries, be conducted within commercial structures.

The Chief Building Official has determined that cannabis processing by a permit holder within a permitted on-site residential or residential accessory structure would be allowed and not require the use of a commercial structure, provided that said use complies with the Planning standards for Home Occupations and/or Cottage Industries.

POLICY

For the duration of this policy, the Department will determine on-site processing of cannabis within a permitted residential or residential accessory structure be allowed for cannabis permits provided that the following conditions apply:

- 1) All required discretionary permits and Cannabis Facilities Business Licenses (CFBLs) have been obtained by the applicant.

¹ "Process," "processing," and "processes" means all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products as defined in MCC, Title 10A, Sec. 10A.17.020.

- 2) All required building permits have been issued and finalized for the residential or residential accessory structure where the processing will occur.
- 3) For permitted Home Occupations the space utilized for Residential Cannabis Processing shall not exceed six hundred forty (640) square feet.
- 4) For permitted Cottage Industries—Limited the space utilized for Residential Cannabis Processing shall not exceed one thousand (1,000) square feet.
- 5) For permitted Cottage Industries—General the space utilized for Residential Cannabis Processing shall not exceed two thousand (2,000) square feet.
- 6) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference, or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
- 7) On-site cannabis processing shall only be conducted by residents on-site who are permit holders and the following individuals:
 - a. Home Occupations shall be permitted one (1) employee when the property on which the home occupation is located is a minimum of forty thousand (40,000) square feet.
 - b. Cottage Industries—Limited shall be permitted Not more than two (2) employees working on the premises in addition to the members of the family residing on the premises.
 - c. Cottage Industries—General shall be permitted Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises.
- 8) When an employee is on staff, accessibility standards as per CA State regulations and the CA Building Code Chapter 11B shall be required.
- 9) When an employee is on staff, there will need to be an existing bathroom onsite that is accessible, or a Temporary Chemical Accessible toilet will be allowed in lieu of the permanent existing bathroom.

NOTE: *The information above is not guaranteed. The Director of the Department of Planning and Building Services and/or the Chief Building Official shall have the final determination in the event that there are ambiguities that cannot be readily determined related to a particular structure and cannabis activity within said structure. This policy is subject to change without prior written notice, as deemed appropriate by the Chief Building Official and/or Director of Planning and Building Services.*

Policy Prepared By: Michael Oliphant, Chief Building Official
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Policy Approved By: Julia Krog
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Planning and Building Services Department

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