

**Mendocino County Cannabis Working Group**  
**Building Requirements**  
**Phone Conference 9/14/17**

Participant:	Question/Talking Point:
Jenn Procacci	Discuss potential revision of sunset on hoop houses for cottage cultivators
Monique Ramirez	<ol style="list-style-type: none"> <li>1. How can the county adopt an ag-exempt space that can be used so cultivators can trim their product on site and effectively this SEASON 2017. Perhaps the county could offer some sort of emergency temporary permit for this year, that way cultivators can process their product and get it to market.</li> <li>2. HOOP HOUSES absolutely need to be allowed and not be replaced with expensive greenhouses. Many cultivators such as myself, use a hoop house to start plants from seed. When the plants are approximately 3 months old they are transferred out of the hoop house, into their permanent home, the dirt outside. The hoop house is then taken down at this time and stored until the following year. It is only used for 3 months in the very beginning of the cycle. Why does it make any sense to require small farmers to abandon this method and instead replace it with a structure that is not necessary at all?   Hoop houses are a great way to reduce impacts to environment and use of resources. They are very temporary structures and require nothing more than pvc pipe and plastic tarps which can be reused year after year if stored properly.</li> <li>3. NO farm should be required to construct an ADA bathroom, ramp and parking lot when they have fewer than 5 employees and are not open to the public. There must be a reconsideration of this very important issue. Also those in sunset zones SHOULD NOT have to comply with building these structures etc if they are just going to be shut down only a few short years from now. That is a waste of money, resources and time... not to mention that then these parcels will later have all of this infrastructure sitting vacant in years to come.</li> <li>4. Cultivators with many unpermitted structures should have several years to get these structures into compliance as long as they are in the process. It took me personally several months just to get drawings made, engineering calculations and the review process of the county to take place. Not to mention that to permit my modest</li> </ol>

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	<p>1600sq foot house, that permit is approx. \$3600, my drawing plans for the home cost \$2700 and the engineering calculations cost \$1000. This process is not fast nor is it inexpensive. Could there be some more flexibility to help people with multiple structures and allowance of more time to get finances together and all the necessary drawings made etc.</p>
Julia Carrera	<ol style="list-style-type: none"> <li>1. What is/are the goals of this working group? Do we have a Board member and staff in the Group? What is the timeline for accomplishing the goal and what are the standards of participation?</li> <li>2. Group U Bldgs: <ol style="list-style-type: none"> <li>a. State Standards and Guidelines (attached)- all other agricultural cultivation counties have adopted this standard as their county building code and policy.</li> <li>b. Existing exempt group u bldgs. on farm sites already used for agricultural purposes. Many are transferring the commodity to cannabis. Specifically, why can't they?</li> </ol> </li> <li>3. Hoop Houses: <ol style="list-style-type: none"> <li>a. Should be exempt from building permit, as it always has been in Mendocino County and according to State Building code standards..</li> <li>b. Standard farming practice size at an average cost of \$250. By removing hoop houses as a viable option for cultivation, you are stopping cultivation for the majority of farmers in the county - cultivation of anything.</li> <li>c. Why not make the farmer remove in winter and put back up in February, so it's down for several months?</li> <li>D. The Mendocino County Farm Bureau's position on this?</li> </ol> </li> <li>4. Greenhouses: <ol style="list-style-type: none"> <li>a. Should be exempt like in most cultivation counties and according to State Building code standards.</li> <li>b. Costs 10s and sometimes 100s of thousands of dollars - Small Farmers cannot afford.</li> <li>c. Neighborhoods discourage them and several neighborhood fights have arisen from greenhouse installations. This is common throughout the nation where recreational has been approved.</li> </ol> </li> <li>5. Storage containers now needing building permits: <ol style="list-style-type: none"> <li>a. The building code requires only one modification to storage containers. A man door is a modification. What happens to the storage containers that have a roll up door at one end?</li> </ol> </li> </ol>

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	<p>That roll up door required a modification and if only one allowed, what happens with the man door requirement? Or can the roll up door be the man door requirements?</p> <p>b. What kind of foundation is building looking for when on the ground on a flat surface?.</p> <p>6. Drying Sheds:</p> <p>a. If the drying shed is 120 square feet, what are the limitations to that structure? Can they only get an electrical permit or a plumbing permit?</p> <p>7. Rave/trailer as residence:</p> <p>a. I am being told by Planning that an RV with a minimum size of 100 ft. long and 40 feet wide will suffice as a home. Is this true? If so, is this what we want Mendocino County to look like, many RV's as homes? Wouldn't a 300 square foot tiny home be more appealing?</p>
Paul Hans bury/Susan Gibbon	<ol style="list-style-type: none"> <li>1. Class K Permitting</li> <li>2. Home Occupations/Cottage Industry</li> <li>3. Shipping Containers</li> <li>4. Setbacks</li> </ol>
Roger Wheeler/Brandon Wheeler	<ol style="list-style-type: none"> <li>1. Business with less than 5 employees who are not open to the public should not be required to install ADA bathrooms and parking. An ADA bathroom and parking should not be an automatic requirement for cultivators with greenhouses. This is consistent with state law and OSHA guidelines.</li> <li>2. Existing buildings and especially greenhouses that were permitted under the 9.31 program and signed off by Building and Planning need to be grandfathered in. Class K buildings that were already approved also need a path to compliance. It is unjust and illegal for Building and Planning to attempt to prevent cultivators from using buildings after they have already been approved.</li> <li>3. Agriculture exemptions need to be extended to drying buildings and greenhouses. These are both very obviously agriculture structures and should be treated as such. Neither of these types of structures should be required to have commercial permits.</li> <li>4. Hoop houses must be allowed. They are a critical tool for all farmers. Banning the use of these buildings will severely impact all agriculture industries in the county, especially food production.</li> <li>5. Code violations that do not pose a danger to</li> </ol>

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Jude Thilman	<p>property or safety should not be grounds to hold up a cannabis permit.</p> <p>1. In keeping with the vertical integration licensing of sole entities, will the County allow the licensed premise to exist on the same parcel along with another licensed premise owned by the same entity? (Assuming both licenses is permitted similarly for zoning and land use.)</p> <p>The BCC has written initial language (to be added to the MAUCRSA under the emergency ordinance) that the two entities may share a building as long as they have separate exits and entrances.</p> <p>Here is the bare bones language from the MAUCRSA as it stands without additions:</p> <p><b>26053 Business and Professions Code</b>  (c) Except as provided in subdivision (b), a person may apply for and be issued more than one license under this division, provided the licensed premises are separate and distinct</p>
Corinne Powell	<p>1. Why an hour and a half for most but not the State rigs. conference?</p> <p>2. What is the time line for working groups to report back to the Supervisors?</p> <p>3. Who will write the report?</p> <p>4. How will differing opinions be addressed?</p> <p>5. How will the Supervisors respond to the working groups? Will there be opportunity to have dialogue with the Supervisors once the working groups have produced a report?</p> <p>6. How can Class K building be brought into an approved use scenario or be included in Ag exempt buildings?</p> <p>7. What other buildings can be granted an Ag exemption?</p> <p>8. Why discontinue hoop houses of small or modest size? They are temporary, inexpensive, easy to assemble and easy to take down. They serve season extension functions for many crops as will as cannabis and do not require power to be</p>

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	<p>supportive of plant development. Hoop houses can also be used for Light Dep.</p> <ol style="list-style-type: none"> <li>9. Why require engineered green houses (overkill and expensive) when many sunshine growers prefer full sun, not plastic, plexy of glass interference. Again, hoop houses allow for easy removal of cover in the a.m. and cover for warmth in the p.m. to allow full sun exposure.</li> <li>10. What can the county do to solicit exemption from State ADA requirement for small farmers who will never be able to hire the handicapped as gardens are in hilly terrain and often require hiking to gardens. If some loop hole exists for small businesses with fewer than 5 employees to be exempt (please clarify validity as it's rumored in the community) will the county go to bat for cultivators with the state?</li> <li>11. As the 2018 state law is not yet in effect and as 2017 state law still allows for non-profit/collective transactions, is ADA therefore not required until cultivators are commercial next year? This may allow some negotiating time with the state.</li> <li>12. Has staff reviewed the "premises" use in state law that will perhaps be helpful in developing building uses as separate premises for multiple uses.</li> <li>13. Staff needs to prepare language that consolidates what they believe is current direction from the Supervisors re: building uses and permits required.</li> <li>14. Please have staff prepare information the working group can download that contains all current building language as suggested by staff to the Supervisors, ie. what staff considers current regulations. We need a place to start our discussion.</li> <li>15. How much additional time can cultivators have to comply, ie.amnesty? I suggest 3 years.</li> <li>16. Why has PBS denied electrical permits to cultivators when the current Ordinance specifically says the Supervisors want all generators phased out in one year as the primary power source. Because TPZ, RL (and the other zone escapes me) do not require dwelling units to continue cultivation withholding power will prevent many cultivators from complying. If County Counsel has caused the delay, why? What are the concerns</li> </ol>

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	<p>and how can they be avoided? PBS personnel mentioned the county needed an "electrical ordinance". Is any department working on such an ordinance?</p> <p>17. What was the tally from the survey re: which four working groups you selected for the first calls? "Transferability" is a huge concern at all Supervisors' meetings and needs to be addressed immediately.</p> <p><b>Sample Language for County to Adopt:</b></p> <p><b>26053 Business and Professions Code</b>  (c) Except as provided in subdivision (b), a person may apply for and be issued more than one license under this division, provided the licensed premises are separate and distinct.</p> <p><b>Proposed addition to the above language for the county ordinance:</b>  "Licensed premises may exist in separate but contiguous premises if the exits and entrances are separate and distinct."</p> <p><b>Rationale:</b> The state has taken significant public testimony from businesses that share premises in industrial parks, shopping malls, and other single, contiguous structures. The state has indicated that it will allow separate, and different, licenses reflecting completely different activities in such contiguous structures. This is as opposed to side-by-side dispensaries or manufacturing facilities, which would not be allowed.</p>