

MONTEREY COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director




HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831)755-5025
www.co.monterey.ca.us

ADMINISTRATIVE POLICY MEMORANDUM

Date Issued: June 28, 2022

From: Erik V. Lundquist, Director 
cc: Ric Encarnacion, Bureau Chief, Environmental Health
Joann Iwamoto, Program Manager

Subject: Fixed Restrooms on Properties established with Commercial Cannabis Activities

PURPOSE

The purpose of this memorandum is to clarify the permitting requirements for proper handling of domestic waste related to various types of cannabis activities and the proximity of fixed restrooms to structures containing cannabis activities. For all cannabis activities, some form of waste storage and/or treatment is required. This policy distinguishes between standalone, portable toilets and fixed restrooms, the latter being connected to either an existing on-site septic system or to a sanitary sewer.

TECHNICAL DETAILS

- A. The California Building Code Volume I, Chapter 3 (Building Occupancy) defines a structure's occupancy and delineates categories of occupancies.
- B. The California Plumbing Code Chapter 4 (Plumbing Fixtures) requires a specific number of water closets, toilets, urinals and other fixtures through a matrix of occupancy and occupant load. However, the fixture count for Utility and Miscellaneous Group U occupancies is not codified and is left to the discretion of the jurisdiction having authority.
- C. The Monterey County Code Sections 21.67.010, 21.69.010 and 20.69.010 (definitions) provide the definitions of terms related to cannabis activity.
- D. The California Building Code Volume I, Chapter 3 (Building Occupancy) does not specifically include cannabis activities within any of the categories of occupancy but does include hemp products within the Factory Group F. When occupancies or uses are not listed in the building code, Building Officials are directed to find and use the most comparable occupancy group listed in the building code.
- E. The two pertinent occupancy groups are Utility and Miscellaneous Group U, and Factory Group F-1. Utility and Miscellaneous Group U includes structures such as agricultural buildings, barns, greenhouses and sheds. Factory Group F-1 includes the use of a building or structure for assembling, disassembling, fabricating, finishing, manufacturing, packaging,

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repair or processing operations for tobacco and hemp products, as well as other unrelated products.

PROCEDURE

- A. Utilizing all sources of available information including verbal disclosures, aerial photography, permit history, apparent age of construction, etc., Housing and Community Development staff shall make a determination as to the type of cannabis activity and the type of group occupancy and structure being utilized. Based on these factors, the type of restroom is outlined below.
- B. Outdoor cannabis cultivation shall use portable toilets as the minimum subject to the County of Monterey Environmental Health Bureau's Cannabis Field Toilet Program. Where a structure exists ancillary to the outdoor cannabis operation the Building Official shall determine the requirements for fixed restrooms based upon the occupancy type and load.
- C. When exclusively cannabis cultivation or propagation is conducted outdoors or within a U occupancy structure, portable toilets may be installed.
- D. When cannabis cultivation is conducted within any structure not detailed in item B or C above, that structure(s) will be considered a Factory Group F-1 occupancy and structure. Fixed restrooms shall be used to serve that structure and be located within 500 feet.
- E. Structures used as cannabis processing, manufacturing, distribution, or transportation facilities shall be served by fixed restrooms.
- F. The following are general provisions that apply to all cannabis operations:
 1. Where a portable toilet is allowed, fixed restrooms are generally an acceptable alternative.
 2. Existing permitted septic systems may be utilized provided the septic system has the capacity to properly treat and dispose of the proposed domestic waste flow.
 3. Existing permitted restrooms are acceptable provided they are sized for the occupant load of the structure and are connected to an on-site septic system or to a sanitary sewer. Existing private restrooms may not be utilized to serve commercial restroom requirements without an approved change of use (from private to commercial) of the structure within which they are contained.
 4. Restroom whether portable or fixed shall be located within the 500 feet of the entrance of the structure. The proximity requirement for the fixed restroom may be extended by the Building Official provided portable toilets are within 500 feet of the entrance of a structure and that fixed restrooms meeting the Building and Plumbing Code requirements are located elsewhere on the subject property.
 5. The minimum number of accessible restrooms shall comply with the California Building Code, Chapter 11B and shall be served by an accessible route.
 6. The limited allowance to utilizing portable restrooms as defined above only applies to the circumstances described herein. All other occupancy classifications are required to have fixed restrooms connected to an on-site septic system or connected to a sanitary sewer in accordance with the California Building and Plumbing Codes.

REFERENCES

2019 California Building Code Volume I, Chapter 3, Occupancy Classification and Use

2019 California Plumbing Code Chapter 4, Plumbing Fixtures and Fixture Fittings