

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 4367, passed June 7, 2016.**

See the Code Comparative Table and Disposition List for further information.

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## PREFACE

The Mendocino County Code, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 22, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance No. 4367, passed June 7, 2016.**

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4270	1- 4-2011	Included	29
4271	1-25-2011	Included	29
4272	1-25-2011	Included	29
4274	5- 3-2011	Included	29
4275	5-17-2011	Included	29
4276	5-17-2011	Included	29
4277	6- 7-2011	Included	30
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4279	7-12-2011	Included	31
4286	12- 6-2011	Included	31
4288	1-24-2012	Included	31
4289	1-31-2012	Included	31
4291	2-14-2012	Included	32
4292	4-10-2012	Included	32
4293	4-10-2012	Included	32
4294	4-10-2012	Included	32
4295	4-10-2012	Included	32
4296	4-10-2012	Omitted	32
4297	6-12-2012	Included	32
4298	7-10-2012	Included	32
4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
4303	1-22-2013	Included	34
4304	1-22-2013	Included	34
4305	2-12-2013	Included	34
4306	3-26-2013	Included	35
4307	5- 7-2013	Included	35
4308	7-30-2013	Included	35
4309	7-30-2013	Included	35

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
4310	7-30-2013	Included	35
4312	8-13-2013	Included	36
4313	8-27-2013	Included	36
4316	12-10-2013	Included	37
4318	12-16-2013	Omitted	37
4319	1- 7-2014	Included	37
4320	1- 7-2014	Included	37
4206	10-28-2008	Included	38
4321	1-21-2014	Included	38
4323	1-21-2014	Included	38
4324	2-11-2014	Omitted	38
4325	2-25-2014	Included	38
4326	2-25-2014	Omitted	38
4329	7-22-2014	Included	39
4328	7-22-2014	Included	40
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4330	1-20-2015	Included	41
4331	1-20-2015	Included	41
4333	3-17-2015	Included	41
4336	5-19-2015	Included	42
4337	6-16-2015	Omitted	42
4338	6-16-2015	Included	42
4339	6-16-2015	Included	42
4340	7- 7-2015	Included	42
4341	8- 4-2015	Included	42
4342	8-18-2015	Included	43
4344	10- 6-2015	Included	43
4345	10- 6-2015	Included	43
4348	12- 8-2015	Included	44
4349	2- 2-2016	Included	44
4350	2- 2-2016	Included	44
4351	3- 1-2016	Included	45
4352	3- 1-2016	Included	45
4353	4- 5-2016	Included	45
4356	5-17-2016	Included	45
4363	9-13-2016	Omitted	46
4364	9-13-2016	Included	46
4365	9-13-2016	Included	46
4366	10- 4-2016	Included	46
4367	6- 7-2016	Included	46

**CHAPTER 7.04**  
**EMERGENCY ORGANIZATION AND**  
**FUNCTIONS\***

**Sec. 7.04.010 Purpose.**

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency; establish the Mendocino County Operational Area; define the emergency organization; and coordinate the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons. Furthermore, this Chapter establishes the State's Standardized Emergency Management System (SEMS) and the Federal Government's National Incident Management System (NIMS) as the means of effectively preparing for and responding to emergencies in Mendocino County.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.020 Definitions.**

(A) "Emergency" includes a "state of war emergency," "state of emergency" and "local emergency."

(1) "State of war emergency" means the condition, which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or nation is attacked by an enemy of the United States, or upon receipt by the State of a warning from the Federal Government indicating that such an enemy attack is probable or imminent;

(2) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a County, city and County, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought,

\***Editor's note**—Ord. No. 4366, adopted October 4, 2016, repealed ch. 7.04, §§ 7.04.010—7.04.180, in its entirety; and enacted a new ch. 7.04, to read as set out herein. Former ch. 7.04 pertained to similar subject matter and was derived from Ord. No. 4168, adopted 2006.

sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission;

(3) "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a County, city and County, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(B) "Operational area" means an intermediate level of the State Emergency Services Organization, consisting of a County and all political subdivisions within the County area.

(C) "Director" means the Director of Emergency Services for the County of Mendocino.

(D) "Emergency organization" means all officers and employees of the County, together with those disaster service volunteers registered and enrolled to aid them during an emergency, and all groups, organizations, and persons who, by agree-

ment or operational support by law, may be impressed into service under provisions of California law.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.030 Operational Area Created.**

The Mendocino County Operational Area is hereby created and shall consist of the County and all political subdivisions within the County area, to include cities, special districts and school districts. All jurisdictions within the operational area shall provide the Director or designee with current emergency contact information at least annually, or when there are changes, whichever is more frequent.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.040 Director, Assistant Director and Emergency Services Coordinator.**

(A) There is hereby created the Office of Director of Emergency Services. The Chief Executive Officer is hereby designated the Director of Emergency Services for the Mendocino County Operational Area.

(B) There is hereby created the Office of Assistant Director of Emergency Services. The Mendocino County Sheriff is hereby designated the Assistant Director of Emergency Services for the Mendocino County Operational Area.

(C) There is hereby created the position of Emergency Services Coordinator for the County of Mendocino and the Mendocino County Operational Area. The Emergency Services Coordinator shall be an employee of the Mendocino County Executive Office selected by and under the direction and control of the Chief Executive Officer.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.050 Powers and Duties of Director and Assistant Director of Emergency Services.**

(A) The Director is hereby empowered to do the following:

(1) Request the Board of Supervisors to proclaim the existence or threatened existence of a

"local emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board is not in session. Whenever the Director proclaims a local emergency, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

(3) Control and direct the efforts of the emergency organization of the County for the accomplishment of the purposes of this Chapter;

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this County; and resolve questions of authority and responsibility that may arise between them;

(5) Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

(6) Provide representation on the Disaster Councils for the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits;

(7) In the event of the proclamation of a "local emergency" as herein provided, a "state of emergency" or a "state of war emergency," the Director is hereby empowered to do the following:

(a) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practical time by the Board of Supervisors,

(b) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use,

(c) Require emergency services of any County officer or employee and, in the event of the proclamation of a "state emergency," to command the aid of as many citizens of this County as the



Director deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers,

(d) Requisition necessary personnel or material of any County department or agency,

(e) Order mandatory evacuations and/or order and execute quarantine operations for the purposes of saving and protecting life,

(f) Execute all ordinary powers of County Executive Officer conferred by statute, ordinance, the Board of Supervisors or other lawful authority.

(B) The Assistant Director shall serve as the Director in the event the Director is unavailable to perform his or her duties.

(C) The Director and Assistant Director shall jointly develop an order of succession to the Director's office to take effect in the event that both the Director and Assistant Director are unavailable.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.060 Powers and Duties of the  
Emergency Services Coordinator.**

(A) Develop and maintain required emergency plans and annexes and submit such plans to the Director.

(B) Coordinate or provide required training in the Standardized Emergency Management System (SEMS), National Incident Management System (NIMS), Incident Command System (ICS), Emergency Operation Center (EOC), and such other training as may be required pursuant to State or Federal statute, rule or regulation.

(C) During an emergency or potential emergency, activate the County's Emergency Operations Center (EOC) after consultation with the Director, if possible. Notify the Director and Assistant Director immediately of any activation.

(D) Coordinate emergency preparation, response and recovery efforts with the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willets.

(E) Research, apply for and administer emergency services and homeland security grants.

(F) Review and recommend updates or modifications to emergency ordinances, plans, annexes, policies, procedures or training curricula pursuant to changes in State or Federal laws, rules or regulations.

Research, apply for and administer emergency services and homeland security grants.

(G) Prepare and present educational programs, or coordinate delivery of same, to members of the emergency organization and the community.

(H) Gather and disseminate information on training related to emergency planning, preparation, response and recovery.

(I) Serve as advisor, respond to questions, and give expertise on emergency preparedness matters, respond to questions and give expertise on emergency preparedness matters from public agencies and the public.

(J) Assist in the collection of data on public and private resources within the area that could be used in the event of a disaster. Assist the public agencies in applying for and coordinating disaster assistance, which may be provided by Federal and/or State agencies.

(K) When requested, make recommendations concerning the coordination of communication needs of the agencies and/or emergency service providers.

(L) Assist in the coordination of volunteer efforts in regard to disaster planning, preparation and recovery that are not administered by another organization. Provide liaison services to volunteer organizations countywide.

(M) Coordinate and assist in the design, execution and evaluation of emergency preparedness exercises.

(N) Maintain, or cause to be maintained, and regularly test emergency management and emergency communications systems that may be used to communicate between the operational area and the State of California.

(O) Provide copies of plans, annexes, ordinances, policies and procedures as they are adopted or amended to each of the cities within the operational area.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.070 Disaster Council Membership.**

The Mendocino County Disaster Council is hereby created and shall consist of the following:

(A) The Director of Emergency Services, who shall serve as chair.

(B) The Assistant Director of Emergency Services, who shall serve as vice-chair.

(C) The Emergency Services Coordinator, who shall serve as secretary.

(D) Police Chiefs of the incorporated cities of Fort Bragg, Ukiah and Willits.

(E) City Managers of the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits (or their designee).

(F) The County Operational Area Mutual Aid Coordinator.

(G) One (1) Fire Chief selected by the Mendocino County Fire Chief's Association.

(H) The County Public Health Director.

(I) A member of the Mendocino County Office of Education.

(J) The County Board of Supervisors may appoint such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.080 Disaster Council Powers and Duties.**

It shall be the duty of the Mendocino County Disaster Council, and it is hereby empowered, to recommend for adoption by the County Board of Supervisors, emergency and mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet at least once per year.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.090 Local Proclamation of Emergency.**

(A) Whenever an official designated by this Chapter proclaims a local emergency, the local emergency shall not remain in effect for a period in excess of seven (7) days unless the Board of Supervisors has ratified it.

(B) The Board of Supervisors shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However in no event shall a review take place more than thirty (30) days after the previous review.

(C) The Board of Supervisors shall proclaim the termination of the local emergency at the earliest possible date the conditions warrant.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.100 Legality of Initial Emergency Measures.**

All emergency measures taken by the Director of Emergency Services prior to the issuance of an official proclamation of emergency, or prior to any decision of the Board of Supervisors not to issue such proclamation, shall be legal and binding upon the County.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.110 Emergency Operations Plan.**

The Director of Emergency Services shall be responsible for the development of the County of Mendocino emergency operation plan.

(A) All emergency plans and procedures shall utilize the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).

(B) The goal of the emergency operations plan is to provide a framework for the effective coordination and mobilization of County resources, both public and private, to meet any condition constituting a local emergency, state of emergency, state of war emergency, or national emergency.

(C) The emergency operations plan shall address the following:

(1) Continuity of government;

- (2) Mobilization of resources;
- (3) Mutual aid;
- (4) Public information;
- (5) The principles and methods to be applied in carrying out emergency operations for rendering mutual aid during emergencies;

(6) The organization, powers and duties, services, and staff of the emergency organization.

(D) Said plan shall take effect upon adoption by the Board of Supervisors.

(E) Said plan may be revised from time to time as deemed necessary by the Director.  
(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.120 Continuity of Government.**

(A) In the event of a proclamation of local emergency, state of emergency, state of war emergency, or national emergency, when fewer than a quorum of the County Board of Supervisors is available, the Board of Supervisors shall proceed to reconstitute itself by filling vacancies until there are sufficient members to form a quorum as required by law, pursuant to Government Code Section 8635 et seq.

(B) In the event a Board member becomes available after a period of being unavailable, that Board member shall resume his/her office.

(C) Emergency appointments to the Mendocino County Board of Supervisors as authorized herein shall be temporary, and shall last only until such time as either an elected Board member becomes available, or a special election may be held.

(D) In the event the Chief Executive Officer is or becomes unavailable, or if the office is vacant, the ordinary duties of Chief Executive Officer shall be temporarily discharged by the Assistant Chief Executive Officer or by a designated Deputy Chief Executive Officer.

(1) This shall not affect the succession to the office of Director of Emergency Services, as specified in Section 7.04.050 of this Chapter;

(2) If the Chief Executive Officer becomes available, he/she shall resume the office of Chief Executive Officer and Director of Emergency Services.

(E) In the event the Sheriff is or becomes unavailable, the duties of the office shall be discharged by the Undersheriff, or if that position is vacant or the incumbent is unavailable, by the senior ranking officer next in line of authority.  
(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.130 Expenditures.**

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Mendocino.  
(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.140 Emergency Services Joint Powers Agreement Participation.**

The Mendocino County Board of Supervisors may participate in an emergency services joint powers agreement with any other jurisdiction(s) in Mendocino County, to include cities, special districts, or other public agencies.  
(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.150 Punishment of Violations/Acts Prohibited During Emergencies.**

(A) Any person who violates any of the provisions of this Chapter or who refuses or wilfully neglects to obey any lawful order or regulation promulgated or issued as provided in this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed six (6) months or by such fine and imprisonment.

(B) This Section is not intended to conflict with any State or Federal laws or penalties governing the same or similar conduct. To the extent such a conflict does occur, the State or Federal provisions shall prevail.

(C) Beginning on the date the existence of a major emergency or disaster is declared by the Director of Emergency Services, and/or the Board of Supervisors, and ending one hundred eighty (180) days after that date, and within the area to

which the declaration applies, no person, contractor, business or other entity during an emergency shall:

(1) Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter or in the performance of any duty imposed upon him/her by virtue of this Chapter;

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if the act is of such a nature as to give or be likely to give assistance to the enemy, during a state of war emergency, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;

(3) Wear, carry, or display, without authority, any means of identification specified by any emergency service agency of the State of California, the County of Mendocino, any special district, or any city in the County of Mendocino;

(4) Sell or offer to sell, any consumer food items, repair or reconstruction service, emergency or medical supplies or gasoline for an amount which is ten (10) or more percent greater than the price charged by a person, contractor, business or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, business, contractor or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;

(5) Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag or placard posted by a member of the County emergency organization on a building or structure damaged by a disaster;

(6) Post any sign, tag or placard not authorized by the County organization on a building or structure damaged by a disaster;

(7) For purposes of this subsection, the following definitions shall apply:

(a) A consumer food item is any article, which is used or intended for use for food, drink, confection or condiment by humans or animals except for alcoholic beverages,

(b) Repair or reconstruction services are those contractor services for repairs to residential and commercial property of any type, which are damaged as a result of the disaster. This includes the removal of debris (including a damaged tree) and garbage,

(c) Emergency supplies shall include, but are not limited to, water, flashlights, radios, batteries, blankets, soaps and diapers,

(d) Medical supplies shall include, but are not limited to, prescription and nonprescription drugs, bandages, gauzes and disinfectants.

(Ord. No. 4366, 10-4-2016)

**Sec. 7.04.160 Effective Date.**

The effective date of the ordinance codified in this Chapter shall be November 3, 2016.

(Ord. No. 4366, 10-4-2016)

## Chapter 7.10

### EMERGENCY WATER CONSERVATION

#### Sec. 7.10.010 Purpose.

The declared purpose of this Chapter is to adopt the necessary rules and regulations on matters related to the local drought emergency adopted by the Board of Supervisors on January 7, 2014 and continuing to date. Such rules are designed to protect life and property affected by the emergency. Cooperation of all Lake Mendocino water users is necessary to achieve necessary water conservation goals for the Mendocino County portion of the Russian River drainage. Immediate action is necessary to avoid depleting Lake Mendocino storage and to, in turn, avoid significant health and safety risks, and catastrophic economic losses to Mendocino County's residents. Based on the findings set forth below, this ordinance is passed as an urgency ordinance for the immediate preservation of the public peace, health, and safety.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010; Ord. No. 4323, 1-21-2014)

#### Sec. 7.10.020 Findings.

1. Mendocino County is now in its second year of receiving less than average rain fall.

2. Lake Mendocino storage remains at unprecedentedly low levels and water delivery limitations have become worse, creating emergency conditions in Mendocino County.

3. The State of California declared a Water Emergency on January 17, 2014.

4. Governor Brown is "calling on Californians to reduce their water usage by 20 percent.

5. The Governor is also directing the State Water Board to put water right holders on notice that they may be directed to cease or reduce water diversion.

6. The Governor's declaration of emergency urges local water suppliers to implement their local water shortage contingency plans immediately

7. The City of Willits declared a Water Emergency on January 8, 2014.

8. The City of Willits has a 90 day supply of water in its reservoirs.

9. The Township of Brooktrails has approximately an 80 day supply of water in its reservoirs.

10. On January 7, 2014, the Mendocino County Board of Supervisors adopted Resolution Number 14-007 declaring a local emergency in Mendocino County due to drought conditions. The Declaration will continue until such time as the Board of Supervisors declares otherwise.

11. Pursuant to Government Code § 8630 et seq., and Mendocino County Code Chapter 7.04, the Director of Emergency Services and the Board of Supervisors may promulgate orders and regulations necessary to preserve the public order and safety.

12. The adverse environmental, economic, and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread harm to people, businesses, property, communities, wildlife, and recreation in Mendocino County.

13. The Mendocino County Board of Supervisors has requested assistance from the State of California, from all relevant State agencies, including but not limited to, the Office of Emergency Services, the Department of Water Resources, the State Water Resources Control Board, the Department of General Services, the Department of Public Health, and the Department of Food and Agriculture, with such assistance to include, but not be limited to, the provision of technical and financial assistance, surplus equipment, and regulatory relief to assist in mitigating or averting the impacts of the drought emergency by increasing water supply and availability, reducing mandated water releases, facilitating water transfers and emergency intertie connections, and all other necessary and appropriate actions to mitigate or relieve the drought emergency.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010; Ord. No. 4323, 1-21-2014)



**Sec. 7.10.030 Conservation Requirement.**

a) All water users in the County of Mendocino are urged to reduce their use of water by twenty (20) percent.

b) All local water suppliers are requested to implement their local water shortage contingency plans immediately.  
(Ord. No. 4224, 7-14-2009; Ord. No. 4230, 11-10-2009; Ord. No. 4323, 1-21-2014)

tional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this ordinance, or the validity of its application to other persons or circumstances.  
(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010; Ord. No. 4323, 1-21-2014)

**Sec. 7.10.040 Reporting Requirements.**

All water agencies, cities, and districts who divert water subject to this chapter shall, on a monthly basis, provide written documentation to the Mendocino County Water Agency that the above requirement is being met.  
(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010; Ord. No. 4323, 1-21-2014)

**Sec. 7.10.050 Penalty.**

The violation of any provisions of any section of this Ordinance, including, but not limited to, the reporting requirements set forth in Section 7.10.040, shall be treated as a misdemeanor.  
(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

**Sec. 7.10.060 Application of Ordinance.**

The immediate application of this Ordinance shall be terminated upon a Resolution by the Board of Supervisors that the current drought conditions no longer exist and shall be reinstated upon a new declaration of a drought emergency.  
(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010; Ord. No. 4323, 1-21-2014)

**Editor's note**—Ord. No. 4323, adopted January 21, 2014, amended the title of § 7.10.060 to read as set out herein. Previously § 7.10.060 was titled review.

**Sec. 7.10.070 Severability.**

The provisions of this ordinance are separate and severable. If any provision of this ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this ordinance irrespective of the invalidity of the provision held to be unconstitu-

## **Title 8**

### **PUBLIC HEALTH, SAFETY AND WELFARE**

- Chapter 8.04 Firearms—Shooting**
- Division I Dumps and Fires**
- Division II Specific Geographical Areas**
- Division III Proximity to Occupied Buildings**
- Chapter 8.05 Community Bill of Rights (Measure S)**
- Chapter 8.08 Curfew—Minors**
- Chapter 8.16 Juvenile Detention Home**
- Chapter 8.20 Juvenile Justice and Delinquency  
Prevention Commission**
- Chapter 8.24 Lost and Unclaimed Property**
- Chapter 8.28 County Library System**
- Chapter 8.32 Law Library**
- Chapter 8.40 Fireworks**
- Chapter 8.44 Trespass**
- Chapter 8.48 Work/Education Furlough Program**
- Chapter 8.52 Bingo Games**
- Chapter 8.56 Reward**
- Chapter 8.60 Response Alarm Systems**
- Chapter 8.64 Airport Rules and Regulations**
- Chapter 8.68 Commission on the Status of Women**
- Chapter 8.69 County Commission on Medical Care**
- Chapter 8.70 Hazardous Materials Releases**
- Chapter 8.72 Unlawful Panhandling**
- Chapter 8.75 Uniform Nuisance Abatement Procedure**
- Chapter 8.80 Emergency Response Services**
- Chapter 8.85 Service of Alcohol to Minors at Events on  
Private Property**
- Chapter 8.86 Consumption of Alcohol in Public Areas  
Within the Town of Mendocino**
- Chapter 8.95 Coroner's Fees**
- Chapter 8.200 Graffiti Suppression**
- Chapter 8.300 Smartmeter Moratorium**
- Chapter 8.400 Declare Intentionally Killed and Left  
Standing Trees a Public Nuisance**





18. Based on the foregoing it is in the best interest of public health, safety and welfare to allow adequate study of the impacts resulting from the SmartMeter technology; therefore it is appropriate to adopt a moratorium that would remain in effect from the date of its adoption until it sunsets in accordance with the provisions set forth in Section 8.300.080 unless your Board acts to repeal it prior to that date.  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.030 Moratorium.**

From and after the effective date of this Ordinance, no SmartMeter may be installed in or on any home, apartment, condominium or business of any type within the unincorporated area of the County of Mendocino, and no equipment related to SmartMeters may be installed in, on, under, or above any public street or public right-of-way within the unincorporated area of the County of Mendocino.  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.040 Violation.**

Violations of the Moratorium may be charged as infractions or misdemeanors as set forth in Chapter 1.04.110 of the Mendocino County Code. In addition, violations shall be deemed public nuisances, with enforcement by injunction or any other remedy authorized by law.  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.050 Severability.**

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter, including the application of such party or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sec-

tions, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.060 Compliance With CEQA.**

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.070 Effective Date.**

The Clerk of the Board will publish the Ordinance codified in this Chapter as required by law. The Ordinance codified in this Chapter shall take effect immediately.  
(Ord. No. 4272, 1-25-2011)

**Sec. 8.300.080 Sunset Date.**

This ordinance shall sunset within thirty (30) days after both of the following conditions are met:

1. At the time PG&E offers to its customers an alternative to wireless advanced metering infrastructure devices; and
  2. Information about the technology and risks associated with the specific model of advanced metering infrastructure device being proposed for installation is provided to customers residing in the unincorporated areas of the County.
- (Ord. No. 4272, 1-25-2011)

**CHAPTER 8.400**

**DECLARE INTENTIONALLY KILLED AND LEFT STANDING TREES A PUBLIC NUISANCE**

**Sec. 8.400.010 Findings.**

Title 8 of the Mendocino County Code entitled PUBLIC HEALTH, SAFETY AND WELFARE grants Mendocino County the authority to protect the health, safety, and welfare of the county's residents. The citizens of Mendocino County find as follows:

A. The County has over 1 million (1,000,000) acres of forest lands with much of it in private industrial ownership; and

B. Some industrial owners manage their forest lands by intentionally killing but not downing unwanted trees; and

C. Intentionally killed and left standing trees present an extreme fire hazard; and

D. Intentionally killed and left standing trees can impede rapid suppression of fires; and

E. Intentionally killed and left standing trees pose a life safety risk to firefighters; and

F. Intentionally killed and left standing trees endanger the public health and safety of rural residents.

(Ord. No. 4367, 6-7-2016)

**Sec. 8.400.020 Prohibition.**

The citizens of Mendocino County, by their authority to adopt ordinances by initiative add a new chapter to Title 8 of the Mendocino County Code to read as follows:

Trees greater in height than five (5) meters, intentionally killed and left standing for more than ninety (90) days (except those created for the benefit of wildlife habitat) are a public nuisance and the party responsible shall be liable for any resulting damage when the tree is:

(1) Within one thousand (1,000) meters or more critical infrastructures:

(a) Roads including public roads, private roads and driveways, fire lanes

(b) Telecommunication infrastructure including poles, wire, fiber, terminals, towers

(c) Electrical infrastructure including poles, wire, substations, transformers

(d) Significant water sources, including rivers, creeks, ponds, lakes

(2) Within one thousand (1,000) meters of a structure

(3) Within CAL FIRE State Responsibility Area

The County shall not enter residential property to verify compliance.

(Ord. No. 4367, 6-7-2016)

**Sec. 8.400.030 Severability.**

If any section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The citizens of Mendocino County hereby declare that they would have adopted the Ordinance and each section despite the fact that one (1) or more section, subsection, phrases or clauses be declared invalid.

(Ord. No. 4367, 6-7-2016)

- Sec. 20.102.015 Uses Subject to a Minor Use Permit.
- Sec. 20.102.020 Uses Subject to a Major Use Permit.
- Sec. 20.102.025 Minimum Lot Area.
- Sec. 20.102.030 Maximum Dwelling Density.
- Sec. 20.102.035 Minimum Front Yard.
- Sec. 20.102.040 Minimum Side and Rear Yards.
- Sec. 20.102.045 Building Height Limit.
- Sec. 20.102.050 Findings.

**CHAPTER 20.104 O-S OPEN SPACE DISTRICT**

- Sec. 20.104.005 Intent.
- Sec. 20.104.010 Permitted Uses.
- Sec. 20.104.015 Uses Subject to a Minor Use Permit.
- Sec. 20.104.020 Uses Subject to a Major Use Permit.
- Sec. 20.104.025 Minimum Lot Area.
- Sec. 20.104.030 Minimum Front and Rear Yards.
- Sec. 20.104.035 Minimum Side Yards.
- Sec. 20.104.040 Building Height Limit.

**CHAPTER 20.108 P-F PUBLIC FACILITIES DISTRICT**

- Sec. 20.108.005 Intent.
- Sec. 20.108.010 Permitted Uses.
- Sec. 20.108.015 Uses Subject to a Minor Use Permit.
- Sec. 20.108.020 Uses Subject to a Major Use Permit.
- Sec. 20.108.025 Minimum Lot Area.
- Sec. 20.108.030 Minimum Front Yard.
- Sec. 20.108.035 Minimum Side and Rear Yards.
- Sec. 20.108.040 Building Height Limit.

**CHAPTER 20.112 "A-H" AIRPORT HEIGHT COMBINING DISTRICTS**

- Sec. 20.112.005 Intent.
- Sec. 20.112.010 Regulations for "A-H" Airport Height Combining Districts.
- Sec. 20.112.015 Definitions.
- Sec. 20.112.020 Zones.
- Sec. 20.112.025 Airport Zoning Maps.
- Sec. 20.112.030 Height Limits.
- Sec. 20.112.035 Use Restrictions.
- Sec. 20.112.040 Nonconforming Uses.
- Sec. 20.112.045 Administrative Agency.
- Sec. 20.112.050 Abatement.

**CHAPTER 20.114 "AZ" AIRPORT ZONE COMBINING DISTRICT**

- Sec. 20.114.005 Intent.
- Sec. 20.114.010 Regulations.

**CHAPTER 20.116 "C" CLUSTER COMBINING DISTRICT**

- Sec. 20.116.005 Intent.
- Sec. 20.116.010 Regulations for "C" Cluster Combining District.

**CHAPTER 20.120 "FP" FLOOD PLAIN COMBINING DISTRICT**

- Sec. 20.120.005 Intent.
- Sec. 20.120.010 General Provisions.
- Sec. 20.120.015 Administration.
- Sec. 20.120.020 Provisions for Flood Hazard Reduction.
- Sec. 20.120.025 Variance Procedure.
- Sec. 20.120.030 Definitions.

**CHAPTER 20.124 "IS" ISOLATED SERVICE COMBINING DISTRICT**

- Sec. 20.124.005 Intent.

**Sec. 20.124.010 Regulations for "IS"  
Isolated Service Combining  
District.**

**CHAPTER 20.128 "AV" AIRPORT  
DISTRICTS**

**Sec. 20.128.005 Intent.**  
**Sec. 20.128.010 Permitted Uses for "AV"  
Districts.**  
**Sec. 20.128.015 Uses Subject to a Minor  
Use Permit for "AV" Districts.**  
**Sec. 20.128.020 Maximum Height Limit  
for "AV" Districts.**

**CHAPTER 20.132 "L" SPECIAL MINIMUM  
LOT SIZE COMBINING DISTRICT**

**Sec. 20.132.005 Intent.**  
**Sec. 20.132.010 Regulations for "L"  
Special Minimum Lot Size  
Combining District.**

**CHAPTER 20.134 "MP" MINERAL  
PROCESSING COMBINING DISTRICT**

**Sec. 20.134.005 Intent.**  
**Sec. 20.134.010 Regulations for "MP"  
Mineral Processing Combining  
District.**  
**Sec. 20.134.015 Uses Subject to a Use  
Permit.**

**CHAPTER 20.136 P-D PLANNED  
DEVELOPMENT COMBINING DISTRICT**

**Sec. 20.136.005 Intent.**  
**Sec. 20.136.010 General Development  
Criteria.**  
**Sec. 20.136.015 Maximum Density.**  
**Sec. 20.136.020 Lot Size.**

**CHAPTER 20.138 "P" PLAN COMBINING  
DISTRICT**

**Sec. 20.138.005 Intent.**  
**Sec. 20.138.010 Regulations.**

**Sec. 20.138.015 Plan Identification.**  
**Sec. 20.138.020 "P-1": Brooktrails Specific  
Plan.**

**CHAPTER 20.140 "SH" SPECIAL  
HAZARDS COMBINING DISTRICT**

**Sec. 20.140.005 Intent.**  
**Sec. 20.140.010 Regulations for "SH"  
Special Hazards Combining  
District.**

**CHAPTER 20.144 "SS" SEISMIC STUDY  
COMBINING DISTRICT**

**Sec. 20.144.005 Purpose.**  
**Sec. 20.144.010 Regulations.**

**CHAPTER 20.146 "R" COMMERCIAL  
RESORT COMBINING DISTRICT**

**Sec. 20.146.005 Intent.**  
**Sec. 20.146.010 Permitted Uses.**  
**Sec. 20.146.015 Uses Subject to a Minor  
Use Permit.**  
**Sec. 20.146.017 Uses Subject to a Major  
Use Permit.**  
**Sec. 20.146.020 Special Limitations.**

**CHAPTER 20.148 SUPPLEMENTAL  
LIMITATIONS ON USES**

**Sec. 20.148.005 Limitation on Uses.**

**CHAPTER 20.152 GENERAL PROVISIONS  
AND EXCEPTIONS DISTRICTS**

**Sec. 20.152.005 Purpose.**  
**Sec. 20.152.010 Lot Area.**  
**Sec. 20.152.015 Yards.**  
**Sec. 20.152.020 Corridor Preservation  
Setback.**  
**Sec. 20.152.025 Height Exceptions.**  
**Sec. 20.152.030 Density Bonus.**  
**Sec. 20.152.035 Density Transfer.**

**Sec. 20.152.040 Supportive and Transitional Housing.**

**CHAPTER 20.156 HOME OCCUPATIONS**

**Sec. 20.156.005 Declaration.**  
**Sec. 20.156.010 General Standards.**  
**Sec. 20.156.015 Specific Standards.**  
**Sec. 20.156.020 Examples of Uses That Frequently Qualify as Home Occupations.**

**CHAPTER 20.160 COTTAGE INDUSTRIES**

**Sec. 20.160.005 Declaration.**  
**Sec. 20.160.010 Permit.**  
**Sec. 20.160.015 General Standard.**  
**Sec. 20.160.020 Specific Standards for Cottage Industries—Limited.**  
**Sec. 20.160.025 Specific Standards for Cottage Industries—General.**  
**Sec. 20.160.030 Examples of Uses Permitted Upon Securing a Minor Use Permit.**  
**Sec. 20.160.035 Conflict Resolution.**

**CHAPTER 20.164 ACCESSORY USE REGULATIONS**

**Sec. 20.164.005 Declaration.**  
**Sec. 20.164.010 Accessory Uses Encompassed by Principal Use.**  
**Sec. 20.164.015 Residential and Agricultural Use Types.**  
**Sec. 20.164.020 Civil, Commercial, Industrial or Extractive Use Types.**

**CHAPTER 20.168 TEMPORARY USE REGULATIONS**

**Sec. 20.168.005 Declaration.**  
**Sec. 20.168.010 Identification of Permitted Temporary Uses.**

**Sec. 20.168.015 Temporary Uses Subject to Controls.**

**Sec. 20.168.020 Entertainment Events or Religious Assembly.**  
**Sec. 20.168.025 Construction Support.**  
**Sec. 20.168.030 Uses in New Subdivisions.**  
**Sec. 20.168.035 Camping.**  
**Sec. 20.168.040 Use of a Trailer Coach.**  
**Sec. 20.168.045 Family Care Unit.**  
**Sec. 20.168.050 Portable Sawmill.**

**CHAPTER 20.172 MOBILE HOMES AND MOBILE HOME PARKS**

**Sec. 20.172.005 Declaration.**  
**Sec. 20.172.010 Development Standards—Mobile Home Parks.**  
**Sec. 20.172.015 Development Standards Individual Mobile Homes.**

**CHAPTER 20.176 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

**Sec. 20.176.005 Declaration.**  
**Sec. 20.176.010 Principles.**  
**Sec. 20.176.015 Development Standards.**

**CHAPTER 20.180 OFF-STREET PARKING**

**Sec. 20.180.005 Declaration.**  
**Sec. 20.180.010 General.**  
**Sec. 20.180.015 Residential.**  
**Sec. 20.180.020 Retail, Commercial and Service Uses.**  
**Sec. 20.180.025 Health Uses.**  
**Sec. 20.180.030 Places of Public Assembly—Educational, Religious or Recreational.**  
**Sec. 20.180.035 Manufacturing, Industrial and Warehousing.**

**CHAPTER 20.184 SIGN REGULATIONS**

**Sec. 20.184.005 Intent.**

**Sec. 20.184.010 Off-Site Signs—  
Standards.**

**Sec. 20.184.015 Temporary Off-Site Signs.**

**Sec. 20.184.020 On-Site Signs—Standards.**

**Sec. 20.184.025 General Regulations.**

**Sec. 20.184.030 Nonconforming Signs.**

**Sec. 20.184.035 Nonconforming Sign—  
Continuation.**

**Sec. 20.184.040 Illegal Signs.**

**Sec. 20.184.045 Variances.**

**CHAPTER 20.188 DEVELOPMENT  
REVIEW**

**Sec. 20.188.005 Intent.**

**Sec. 20.188.010 Improvements Subject to  
Development Review.**

**Sec. 20.188.015 Development Review  
Package and Application Form.**



(K) Converted Mobile Home. See Mobile Home, Converted.

(L) Corner Lot. See Lot, Corner.

(M) "Cottage industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.160.

(N) "Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4341, § 2, 8-4-2015)

**Sec. 20.008.026 Definitions (D).**

(A) "Day Care Home - Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care

(B) "Day Care Home - Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(C) "Density" means the number of dwelling units per acre or square feet.

(D) "Detached bedrooms" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred Fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.164 Accessory Use Regulations.

(E) "Development agreement" means an agreement between the County and an applicant entered into pursuant to Government Code Sections 65864 through 65869.5.

(F) "Dwelling" means a building or portion thereof used exclusively for residential purposes,

including one-family, two-family and multiple dwellings, but not including hotels or boarding houses.

(G) "Dwelling, single-family" means a building containing not more than one (1) dwelling unit. Included is a converted mobile home.

(H) "Dwelling, two family (duplex)" means a building containing two (2) dwelling units. Included is a converted mobile home.

(I) "Dwelling, multifamily (apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(J) "Dwelling group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

(K) "Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. (Ord. No. 3639 (part), adopted 1987; Ord. No. 4206, 10-28-2008)

**Sec. 20.008.027 Definitions (E).**

(A) "Emergency shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.

(B) "Equity Sharing" means an agreement by which appreciation on the value of an affordable unit from the time of original purchase at an affordable price to the time of resale shall be shared between the owner and the County or its designated agency. Such an agreement will be a condition of financial assistance for income qualified households to purchase Affordable Housing Units. (Ord. No. 4218, § 2, 3-23-2009; Ord. No. 4225, 7-20-2009; Ord. No. 4364, § 3, 9-13-2016)

**Sec. 20.008.028 Definitions (F).**

(A) "Family" means one (1) or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a

group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. "Family" does not include a fraternal, religious, social or business group. "Family" shall be deemed to include domestic servants employed by a family.

(B) "Family care home" means a state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

(C) "Family care institution" means a state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.

(D) "Family care unit" means the temporary use of a building, structure or trailer coach to provide housing for:

(1) Not more than two (2) adult persons who are sixty (60) years of age or older; or

(2) An immediate family member or members who require daily supervision and care; or

(3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(E) "Farm employee" means any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. "Farm Employee" does not include persons solely engaged in construction, alteration, painting, or repair of a structure, logging, brush

or timber clearing, land grading or leveling or land surveying, unless they are providing substantial improvements to the property and enhancing resource production.

(F) "Flood plain" means an area subject to temporary inundation of normally dry land lying outside the normal stream channel as a result of one (1) or more of the following occurrences or conditions: the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(G) "Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the roof or floor above.

(H) "Floor area, gross" means the total floor area including public areas such as hallways, lobbies, wash rooms, related storage areas and service rooms or areas, plus work areas, office space and sales floor.

(I) Freestanding sign. See Sign, Freestanding.

(J) "Frontage" means that portion of a property line which abuts a legally accessible street right-of-way.

(K) Front Yard. See Yard, Front. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4364, § 3, 9-13-2016)

#### **Sec. 20.008.030 Definitions (G).**

(A) "Garage, private" means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

(B) "Garage, public" means a building other than a private garage in which spaces or stalls are rented to the public for the shelter or storage of private automobiles and other forms of private transportation or recreational vehicles, and which



may include as a use incidental thereto, the storage of personal effects and personal household articles.

(C) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

(D) Gross Floor Area. See Floor Area, Gross.

(E) "Guest cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without wet bar or kitchen or any provision for appliances for the storage and preparation of food, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.032 Definitions (H).**

(A) "Home occupation" means an occupation which is accessory and incidental to a residential use and conducted entirely within the dwelling unit or accessory building(s) located on the premises. See Chapter 20.156, Home Occupations.

(B) "Hospital" means an institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.

(C) "Hotel" means any building or portion thereof containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation.

(D) "Household" means all the persons related, or unrelated, who occupy a single dwelling unit. Persons not living in households are classified as living in group quarters.

1. "Extremely Low-income Household" means a household with an annual income less than 30

percent of County mean income, adjusted by household size, as determined by the California State Department of Housing and Community Development.

2. "Very Low-income Household" means a household with an annual income no greater than 50% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.

3. "Low-income Household" means a household with an annual income of at least 50% of the County median income, but less than 80% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.

4. "Moderate-income Household" means a household with an annual income of at least 80% of the County median income but less than 120% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.

(E) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit such as dogs, cats, and birds but not including a sufficient number of animals to constitute a kennel. (Ord. No. 3639 (part), adopted 1987; Ord. No. 4017 (part), adopted 1998) (Ord. No. 4218, § 3, 3-23-2009)

**Sec. 20.008.034 Definitions (I).**

(A) "Incidental camping area" means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes and where one (1) or more campsites used for camping are rented or leased or held out for rent or lease.

(B) "Inclusionary Unit" means an affordable housing unit required to be provided by the developer of a residential housing project pursuant to the requirements of Section 20.238 of this code.

(C) "Inn" means any building or portion thereof or group of buildings containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals are provided for compensation or profit. (Ord. No. 3639 (part), adopted 1987)  
(Ord. No. 4218, § 4, 3-23-2009)

**Sec. 20.008.036 Definitions (J).**

(A) "Junkyard" means any land, lot or portion thereof where there is more than: (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet; or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.038 Definitions (K).**

(A) "Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein are kept seven (7) or more dogs, cats or similar small animals over eight (8) weeks of age, in any combination, for more than ten (10) days, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

(B) "Kitchen" means any room or portion of a building used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over

pying a site of at least two (2) acres. A group of contiguous retail stores, service facilities and related uses utilizing common facilities such as parking, landscaping, signing and loading areas. This group does not necessarily have to be in one (1) ownership.

(9) "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of a window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or other thing whatsoever in such manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol device, light, illuminated device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. "Sign" shall include any portable sign.

(10) "Sign area" means the entire area within the smallest parallelogram, triangle, circle, or combination thereof, which can be delineated so as to encompass the extreme limits of all elements comprising an integral part of a sign display, including any frame or border, but not including essential structural elements, unless it is determined that such structural elements are an integral part of the total sign display; provided, however, that where the surface or face of a sign is curved, spherical, cylindrical or any other similar form, the area of such sign shall be computed on the basis of the projected configuration of that surface or face. The area of any double-faced sign shall be the area of the single face, unless otherwise provided. All other multiple-faced signs shall be the total area of all faces or panels. Sign area as it pertains to sign copy shall mean and be computed as the entire area within the smallest continuous perimeter of

not more than eight (8) straight lines encompassing the extreme limit of all of the sign copy of a sign. In the case of a sign composed of individual letters or other devices mounted on a building wall, the copy area of such sign shall be the sum of the areas of the smallest rectangles encompassing each of the individual letters or other devices which comprise the sign copy.

(11) "Sign face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(12) "Sign, freestanding" means any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building; provided, however, that any such sign which projects over the roof of a building shall be considered to be a freestanding sign.

(13) "Sign height" means the highest point of any sign face or structural support members, whichever is the greater.

(14) "Sign, nonconforming" means a sign lawfully erected, established, and maintained prior to the effective date of the code codified in this Division, which because of the application of this Division, does not conform to applicable regulations.

(15) "Sign, off-site" means any sign as herein defined other than an on-site sign.

(16) "Sign, on-site" means any sign which pertains and is accessory to a business or industrial use located on the same lot or which offers a lot or portion thereof for sale or lease.

(17) "Sign, portable" means a sign and its supporting structure not permanently affixed to the ground or any structure, or a sign located upon a vehicle or trailer placed or parked so as to be visible from the public right-of-way, for the basic purpose of providing advertisement of products or directing people to a business or activity. Portable signs shall not include business identification signs on vehicles, the primary purpose of which is identifying the business owning or operating the vehicle.

(18) "Sign, projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.

(19) "Sign, roof" means any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building, shall be considered a roof sign where such sign projects over the roof of a building.

Any roof, the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.

(20) "Sign, wall" means any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.

(21) Single-Family Residence. See Dwelling, Single-Family.

(22) "Stable" means a stable used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.

(23) "Stable, public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.

(24) Standard Mobile Home Park. See Mobile Home Park, Standard.

(25) "Storage of nonoperating vehicles." The storage of "nonoperating motor vehicles" shall not include automobile wrecking. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles.

(26) "Street" means a County road, State highway, public road, street or alley, or private thoroughfare or easement not less than ten (10) feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.

(27) "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

(28) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; excepting tents, recreational vehicles and fences less than six (6) feet in height.

(29) "Structure, nonconforming" means a building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

(30) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, as defined in California Government Code Section 65582, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(31) "Swap lot" means a building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise.

(32) "Swimming pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading or

swimming. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4364, § 3, 9-13-2016)

**Sec. 20.008.054 Definitions (T).**

(A) "Tasting room" means an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited, however, the incidental provision of food without compensation is allowed.

(B) "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen (15) cubic feet per acre.

(C) "Trailer coach" means any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile home and recreational vehicle.

(D) "Transitional housing" means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, and in no case more than two (2) years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(E) Travel Trailer. See Recreational Vehicle. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4225, 7-20-2009; Ord. No. 4364, § 3, 9-13-2016)

**Sec. 20.008.056 Definitions (U).**

(A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.

(B) "Usable open space" means one (1) or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor recreation.

(C) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(D) Use, Accessory. See Accessory Use.

(E) "Use classification" means a system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.

(F) Use Group. See Use Classification.

(G) "Use, nonconforming" means the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located: Eligibility shall include one (1) of the following permits issued prior to March 24, 1982:

- (1) Prior Use Permit;
- (2) County Business License;
- (3) State Resale Permit.

(H) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted by right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

(I) "Use Permit, Major" means use permit under the original jurisdiction of the Planning Commission.

(J) "Use Permit, Minor" means use permit under the original jurisdiction of the Zoning Administrator.

(K) Use Type. See Use Classification. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.058 Definitions (V).**

(A) "Variance" means a departure from the specific requirements, excluding uses, of the Zon-



ing Code which may be granted by the appropriate Mendocino County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Division. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.060 Definitions (W).**

(A) Wall Sign. See Sign, Wall.

(B) "Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications. (Ord. No. 3639 (part), adopted 1987)

(Ord. No. 4341, § 3, 8-4-2015)

**Sec. 20.008.062 Definitions (Y).**

(A) "Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this Division, on the lot on which a building is situated.

(B) "Yard, front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.

(C) "Yard, rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.

(D) "Yard, side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.

(E) "Yard, side, exterior" means a side yard abutting a street.

(F) "Yard, side, interior" means any side yard other than an exterior side yard. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.064 Definitions (Z).**

(A) "Zone" means an area to which a uniform set of regulations relating to use of the land

and the size of and location of buildings on the land, in order to assure the health, safety and general welfare of the County applies.

(B) "Zoning Administrator" means the Planning and Building Services Director or designated representative who shall have authority to render decisions on minor use permits, variances and administrative permits.

(C) "Zoning Map" means a map displaying zone district boundaries which is kept and maintained by the Planning and Building Services Department. (Ord. No. 3639 (part), adopted 1987)

empted by the California Health and Safety Code, e.g. Day Care Homes -Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an Administrative Permit in all zoning districts that permit the Family Residential use types. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools. (Ord. No. 3639 (part), adopted 1987; Ord. No. 4206, 10-28-2008)

**Sec. 20.020.045 Educational Facilities.**

"Educational facilities" means public and private schools providing education for more than twenty-five (25) persons. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.020.050 Essential Services.**

"Essential services" means services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.020.055 Fire and Police Protection Services.**

"Fire and police protection services" means facilities for conduct of public safety services, including police and fire protection services. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.020.060 Group Care.**

"Group care" means services provided in facilities authorized, certified or licensed by the State to provide board, room and personal care to seven (7) or more, but not to exceed twenty-five (25) elderly, or mentally impaired or otherwise handicapped persons or dependent and neglected children but excluding those uses classified under major impact services and utilities. Typical uses include emergency shelters, intermediate care facilities and rest homes. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4225, 7-20-2009; Ord. No. 4364, § 3, 9-13-2016)

**Sec. 20.020.065 Lodge, Fraternal and Civic Assembly.**

"Lodge, fraternal and civic assembly" means meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as group care, or transient habitation (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.020.070 Major Impact Facilities.**

"Major impact facilities" means services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.020.075 Major Impact Services and Utilities.**

"Major impact services and utilities" means services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants, and radio, telephone and other commercial communication transmission towers and antennas. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3953 (part), adopted 1996)

**Sec. 20.020.080 Minor Impact Utilities.**

"Minor impact utilities" means public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations and transmission distribution lines. Radio, telephone and other commercial commu-

nication transmission towers and antennas are not included. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3953 (part), adopted 1996).

**Sec. 20.020.085 Religious Assembly.**

"Religious assembly" means religious services involving public assembly such as customarily occurs in synagogues, temples, and churches. (Ord. No. 3639 (part), adopted 1987)



subject to its purview unless, on the basis of the application and the evidence submitted, the Commission makes written findings of fact establishing either of the following:

a. The concession or incentive is not required in order for the prices for the targeted units to be affordable, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.

b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety, the physical environment or any real property that is listed in the California Register of Historical Resources; for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to targeted households.

v. The Planning Commission shall have the authority, as part of its review and decision process, to waive or modify development and Zoning Ordinance standards that would otherwise inhibit the utilization of the density bonus on specific sites, including but not limited to such items as minimum lot size and side yard setbacks.

vi. In the case of a density bonus application which requests a concession or incentive involving the expenditure of County or community redevelopment funds, the provision of publicly-owned land, the approval of modifications to development standards or requirements, the Planning Commission shall make recommendations to the Board of Supervisors as to whether such concessions or incentives should be approved as requested, modified in a manner consistent with this section and applicable State law, or denied.

(2) Board of Supervisors Review.

i. Following a recommendation by the Planning Commission, the Board of Supervisors shall hold a public hearing on a density bonus application that requests a concession or incentive involving the expenditure of city or community redevelopment funds, the provision of publicly-owned land, the approval of modifications to County

development standards or requirements. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require Board of Supervisors approval.

ii. The Board of Supervisors may approve, conditionally approve, or deny such an application by resolution, provided that a resolution denying the application shall include one or both of the findings required by section (E)(1)(iv). (Ord. No. 3639 (part), adopted 1987; Ord. 3953 (part), adopted 1996) (Ord. No. 4225, 7-20-2009)

**Sec. 20.152.035 Density Transfer.**

Density Transfer on one ownership shall only be allowed as follows:

<b>From</b>	<b>To</b>
Agriculture . . . . .	Rangeland, Forestland (not in TPZ) Remote Residential
Rangeland . . . . .	Forestland (not in TPZ), Remote Residential
Forestland . . . . .	Rangeland, Remote Residential

(Ord. No. 3639 (part), adopted 1987)

**Sec. 20.152.040 Supportive and Transitional Housing.**

Upon issuance of an Administrative Permit, in accordance with Chapter 20.192, Supportive and Transitional housing shall be permitted and held to the same development standards as any other like-type residential use in the same zoning district provided:

1) Supportive housing is linked to on or off site services to assist the occupant(s) in retaining housing, improving his/ her health status and maximizing his/ her ability to live and work in the community, as defined in Section 50675.14 of the California Health and Safety Code, without limits on length of stay.

2) Transitional housing is rental housing operated under program requirements that call for

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the termination of assistance and recirculation of the assisted-living unit to another eligible occupant at some predetermined future point in time, which shall be no less than six (6) months and no more than twenty four (24) months, as defined in Section 50675.2 of the California Health and Safety Code.

(Ord. No. 4364, § 3, 9-13-2016)

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thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

(E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.

(F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.

(G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.

(H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(I) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

(J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.308.040 Definitions (E).**

(A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.

(B) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

(C) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.

(D) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.

(E) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.

(F) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

(G) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands,

riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

(H) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land. (Ord. No. 3785 (part), adopted 1991) (Ord. No. 4365, § 3, 9-13-2016)

**Sec. 20.308.045 Definitions (F).**

(A) "Family[]" means one (1) or more persons occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. "Family" does not include a fraternal, religious, social or business group. "Family" shall be deemed to include domestic servants employed by a family.

(B) "Family Care Home" means a state-authorized, certified, or licensed family care home, foster home, alcoholism recovery facility, or group home serving six (6) or fewer mentally impaired or otherwise handicapped persons or dependent and neglected children and providing such care and service on a twenty-four (24) hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

(C) "Family Care Institution" means a state authorized, certified or licensed family care home, foster home, or group home which does not qualify as a family care home.

(D) "Family Care Unit" means the temporary use of a building, structure or trailer coach to provide housing for:

(1) Not more than two (2) adult persons who are sixty (60) years of age or older; or

(2) An immediate family member or members who require daily supervision and care; or

(3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(E) "Farm Employee" means any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. "Farm Employee" does not include persons solely engaged in construction, alteration, painting, or repair of a structure, land grading or leveling or land surveying, unless they are providing substantial improvements to the property and enhancing resource production.

(F) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(G) "Fill" means a deposit of earth or any other substance or material by artificial means, including piers placed in a submerged area for the purpose of erecting structures thereon.

(H) "Finding" means a legally relevant sub conclusion which indicates the mode of analysis of facts, regulations, and policies which bridge the analytical gap between raw data and ultimate decision.

(I) "Fisheries Byproducts" means that portion of the fish catch remaining after the primary processing has been completed.

(J) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

(K) "Flood Boundary Floodway Map" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

(L) Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(M) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(N) "Floodplain" means an area subject to temporary inundation of normally dry land lying outside the normal stream channel as a result of one (1) or more of the following occurrences or conditions: the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(O) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

(P) "Floor Area, Gross" means the total of the gross horizontal areas of all floors, including usable attics and basements, below the roof and within the exterior surfaces of surrounding exterior walls of a building.

(Q) Free-Standing Sign. See Sign, Free-Standing.

(R) "Frontage" means that portion of a property line which abuts a legally accessible street right-of-way.

(S) "Front Yard" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines. (Ord. No. 3785 (part), adopted 1991) (Ord. No. 4365, § 3, 9-13-2016)

#### **Sec. 20.308.050 Definitions (G).**

(A) "Garage, Private" means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

(B) "Garage, Public" means a building other than a private garage in which spaces or stalls are rented to the public for the shelter or storage of private automobiles and other forms of private transportation or recreational vehicles, and which may include as a use incidental thereto, the storage of personal effects and personal household articles.

(C) "General Agriculture" means the raising of livestock as identified in Section 20.336.032.

(D) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

(E) "Grade, Finished" means the finished surface of the ground after grading for development.

(F) "Grade, Natural" means the surface of the ground prior to grading for development.

(G) "Grading" means any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material.

(H) Gross Floor Area. See Floor Area, Gross.

(I) "Guest Cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.308.055 Definitions (H).**

(A) "Habitable Floor" means any floor usable for living purposes which includes working,

sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

(B) Height of Building. See Building, Height of.

(C) "Highly Scenic Areas" means areas such as landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan; (#60, California State Department of Parks and Recreation); and open areas of particular value for preserving natural landforms and significant vegetation, or for providing attractive transitions between natural and urbanized areas; and highly scenic areas as described in Section 30251 of the Coastal Act, in which development shall be subordinate to the character of its setting. Highly scenic areas are designated on the land use maps.

(D) "Home Occupation" means an occupation which is clearly accessory and incidental to a residential use located on the premises, which is conducted solely by occupants of the dwelling unit, and which is conducted entirely within the dwelling unit or accessory building(s) in a manner which does not change or disturb the residential appearance and character of the site as described in Chapter 20.448 of this Title.

(E) "Hospital" means an institution which specializes in giving clinical and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients.

(F) "Hostel" means any building or portion thereof or group of buildings containing five (5) or more guest rooms or suites, or providing house-keeping accommodations for five (5) or more transient guests for the purpose of providing low cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen and sanitary facilities for use by transient guests.

(G) "Hotel" means any building or portion thereof containing five (5) but no more than twenty (20) guest rooms or suites, each used, designed or

intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit to guests occupying the overnight accommodations. Provision of regular meals to other than transient occupants of the facility shall require a coastal development use permit.

(H) "Household Pets" means animals or fowl ordinarily permitted in the dwelling area and kept for company or pleasure and not for profit such as dogs, cats, birds and similar small animals, but not including a sufficient number of animals to constitute a kennel. (Ord. No. 3785 (part), adopted 1991; Ord. No. 4149 (part), adopted 2005)

#### **Sec. 20.308.060 Definitions (I).**

(A) "Implementing Ordinance" means the ordinances, regulations, or programs which implement either the provisions or the policies of the certified local coastal program.

(B) "Inn" means any building or portion thereof or group of buildings containing five (5) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit to guests occupying the overnight accommodations. Provisions of regular meals to other than transient occupants of the facility shall require a coastal development use permit. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.308.065 Definitions (J).**

(A) "Junk Yard" means any land, lot or portion thereof where there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a com-



pletely enclosed structure. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.070 Definitions (K).**

(A) "Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein are kept seven (7) or more dogs, cats or similar small animals over eight (8) weeks of age, in any combination, for more than ten (10) days, whether such keeping is for pleasure, profit, breeding or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

(B) "Kitchen" or "Kitchenette" means any room or portion of a building used or intended or designed to be used for cooking or the preparation of food, whether the cooking unit be permanent or temporary and portable, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over flames or coils. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.075 Definitions (L).**

(1) "Land Use Plan" means the relevant portions of a local government's general plan, or coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

(2) Lateral Access. See Access, Lateral.

(3) "Living Area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

(4) "Living Unit" means any building or vehicle designed or used for human habitation, including but not limited to a dwelling, accessory living unit, farm employee housing, farm labor camp, or mobile home.

(5) Living Unit, Accessory. See Accessory Living Unit.



(24) "Sign, Projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.

(25) "Sign, Roof" means; any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any roof the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.

(26) "Sign, Wall" means any sign, painted or mounted on a wall or of solid construction, located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.

(27) "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

(28) "Special Treatment Area" means an identifiable and geographically bounded forested area within the coastal zone that constitutes a significant habitat area, area of special scenic significance, and any land where logging activities could adversely effect a public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem. Such a designation identifies timberlands where stringent Timber Harvest Plan requirements and harvesting rules are applied in order to protect the area's special scenic and natural qualities. Special Treatment Area also includes a designated scenic corridor along both sides and parallel to Highway 1 from Ten Mile River south to the Sonoma County line, a minimum of two hundred (200) feet or inland to the

first line of trees nearest the road. In no case does the corridor extend more than three hundred fifty (350) feet from the road shoulder. Special Treatment Area buffer zones are also located adjacent to all publicly owned preserves and recreation areas, including national, state, regional, county and municipal parks. These buffer zones include those forested areas within the Coastal zone within 200 feet of all such publicly owned preserves and recreation areas. In addition, a watercourse and lake protection zone has been established by the Board of Forestry within Special Treatment Areas. The width of this zone varies generally from fifty (50) feet to two hundred (200) feet from the edge of the watercourse depending on the steepness of slope and the "Clarification of the Watercourse" (i.e., I, II, III, and IV).

(29) "Stable" means a structure or paddock used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.

(30) "Stable, Public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.

(31) "Storage of Nonoperating Vehicles" means the presence on any lot or parcel of land of three (3) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles. The storage of nonoperating motor vehicles shall not include automobile wrecking.

(32) "Street" means a County road, State highway, public road, street or alley, or private thoroughfare or easement not less than ten (10) feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.

(33) "Structural Alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

(34) "Structure" means anything constructed or erected, the use of which requires location on the ground, including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, antenna and satellite dish.

(35) Structure, Nonconforming. See Nonconforming Structure.

(36) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places, a State Inventory of Historic Places or any structure over one hundred (100) years old.

(37) "Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(38) "Swimming Pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading, swimming, bathing, soaking or therapeutic purposes. (Ord. No. 3785 (part), adopted 1991)

(Ord. No. 4365, § 3, 9-13-2016)

#### **Sec. 20.308.115 Definitions (T).**

(A) "Tasting Room" means an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

(B) "Tidal Zones" are water regime areas affected by oceanic tides between the subtidal area which is permanently flooded with tidal waters to the irregularly flooded area where the land surface is flooded by tidal waters less often than daily.

(C) "Tidelands" means lands which are located between the lines of mean high tide and mean low tide.

(D) "Timber Processing and Related Facilities" means facilities including sawmills, pulp mills, veneer mills, other timber processing plants, log decks, by-product storage sites, and related operating areas required for product processing.

(E) "Trailer Coach" means any vehicle, with or without motor power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile homes and recreational vehicles.

(F) "Transient Guest" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

(G) "Transitional Housing" means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months,

and in no case more than two (2) years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional Housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. No. 3785 (part), adopted 1991)  
(Ord. No. 4365, § 3, 9-13-2016)

**Sec. 20.308.120 Definitions (U).**

(A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.

(B) "Urban/Rural Boundary" means the areas to which the Coastal Act's rural land division policy would apply as defined by Section 30250(a) of the Act and the Coastal Element of the Mendocino County General Plan.

(C) "Usable Open Space" means one (1) or more open areas adjacent to any use, the purpose of which is to provide an outdoor area designed for outdoor recreation, landscaping, viewing or sitting.

(D) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(E) Use, Nonconforming. See Nonconforming Use.

(F) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted by right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.125 Definitions (V).**

(A) "Vacation Home Rental" means a single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for

compensation or profit; not a Visitor Accommodation and Service Facility as defined in this Division. Where a site contains a single-family residence and a visitor accommodation and service facility, the conversion of a single-family residence to a vacation home rental shall be considered an addition or expansion of unit(s) to the visitor accommodation and service facility. The conversion may be allowed with a coastal development permit, provided that the conversion meets the allowable density of the visitor accommodation and service facility and all other provisions of this Division.

(B) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this Division deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. See Chapter 20.540.

(C) "Visitor Accommodations and Services" means uses oriented to the needs of the touring public which may include overnight accommodations such as inns, hotels, motels, resorts and accessory uses such as visitor oriented retail sales, equipment rentals or eating and drinking establishments. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.130 Definitions (W).**

(A) Wall Sign. See Sign, Wall.

(B) "Water District" means a geographical area within the jurisdiction of a private or governmental entity providing water for domestic use in conformance with the California Domestic Water Quality and Monitoring Regulations, Title 22, California Administrative Code.

(C) "Water Service Area" means a geographical area served by a public water system providing water for domestic use in conformance with the California Domestic Water Quality and Monitoring Regulations, Title 22, California Administrative Code.

(D) "Well, Water" means a shaft or hole sunk to obtain water.

(E) "Wetlands" means lands covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands are extremely fertile and productive environments. Tidal flushing from the ocean and/or nutrient-rich freshwater runoff mix to form a delicate balance responsible for their productivity. They function as nurseries for many aquatic species and serve as feeding and nesting areas for water fowl, shore birds and wading birds, as well as a few rare and endangered species such as the peregrine falcon.

(F) Wrecking Yard. See Automobile Wrecking. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.135 Definitions (X).**

(Reserved) (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.140 Definitions (Y).**

(A) "Yard" means an open area on the same site as a structure, unoccupied and unobstructed by a building, except as otherwise provided by this Division.

(B) "Yard, Front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.

(C) "Yard, Rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.

(D) "Yard, Side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.

(E) "Yard, Side, Exterior" means a side yard abutting a street.

(F) "Yard, Side, Interior" means any side yard other than an exterior side yard. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.308.145 Definitions (Z).**

(A) "Zone" means an area to which a uniform set of regulations relating to use of the land and the size of and location of buildings on the land, in order to assure the health, safety and general welfare of the County applies.

(B) "Zoning Code" means a zoning code adopted by the County of Mendocino.

(C) Zoning District, Combining. See Combining District.

(D) "Zoning Map" means a map displaying zone district boundaries which is kept and maintained by the Planning and Building Services Department. (Ord. No. 3785 (part), adopted 1991)



**Sec. 20.316.025 Farm Labor Housing.**

Occupancy on a parcel in one (1) or more dwelling units, trailer coaches, or bunkhouses by more than one (1) farm employee and his/her families which occurs exclusively in association with the performance of agricultural labor. In no case shall farm labor housing be located on any contiguous ownerships less than ten (10) acres. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.316.030 Employee Caretaker Housing.**

One (1) single-family dwelling or a single trailer coach may be permitted by conditional use permit on a lot or building site when Open Space or Visitor Accommodations and Services or Industrial use is existing on the premises or a permit has been issued for the Open Space or Visitor Accommodations and Services or Industrial use when occupied exclusively by a caretaker or manager or superintendent of such Open Space or Visitor Accommodations and Services or Industrial use and his/her family. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.316.035 Mobile Home Park.**

The Mobile Home Park use type refers to the residential occupancy of mobile homes by families on a monthly or longer basis. Typical uses include mobile home parks. (Ord. No. 3785 (part), adopted 1991)

## CHAPTER 20.320

### COASTAL CIVIC USE TYPES

#### **Sec. 20.320.005 General Description of Civic Use Types.**

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations). (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.010 Administrative Services: Government.**

Consulting, recordkeeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, city or special district offices. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.015 Alternative Energy Facilities: On-site.**

This use type includes alternate energy facilities related to solar, wind, waves, biomass, and cogeneration sources for on-site use shall be permitted as a conditional use in all districts. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.020 Alternative Energy Facilities: Off-site.**

This use type includes alternate energy facilities related to solar, wind, waves, biomass, and cogeneration sources for off-site use shall be permitted as a conditional use in AG, RL, FL, TP and I Districts. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.025 Ambulance Services.**

Transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.030 Cemetery Services.**

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.035 Clinic Services.**

Providing nonprofit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.037 Community Recreation.**

Recreational, social or multipurpose uses owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.040 Cultural Exhibits and Library Services.**

Nonprofit, museum-like preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.045 Day Care Facilities/Small Schools.**

Care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day nurseries for children, day care facilities for the elderly, and small schools. (Ord. No. 3785 (part), adopted 1991)

#### **Sec. 20.320.050 Educational Facilities.**

Public and private schools providing education for more than twenty-five (25) persons. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.055 Fire and Police Protection Services.**

Facilities for conduct of public safety services, including police and fire protection services. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.060 Group Care.**

Services provided in facilities authorized, certified or licensed by the state to provide board, room and personal care to seven (7) or more, but not to exceed twenty-five (25) elderly, or mentally impaired or otherwise handicapped persons or dependent and neglected children but excluding those uses classified under Major Impact Services and Utilities. Typical uses include intermediate care facilities and rest homes. (Ord. No. 3785 (part), adopted 1991)  
(Ord. No. 4365, § 3, 9-13-2016)

**Sec. 20.320.065 Lodge, Fraternal and Civic Assembly.**

Meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as Group Care, or Visitor Accommodations and Services (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.070 Major Impact Facilities.**

Services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.075 Major Impact Services and Utilities.**

Services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supercedes the usual limitations placed on land use and tran-

sends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, sewage disposal facilities, sewage disposal facilities and sites, sanitary landfills (including recycling operations), water treatment plants and natural gas pipelines. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.080 Minor Impact Utilities.**

Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, transmission distribution lines, microwave transmitting/receiving stations and relay stations. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.320.085 Religious Assembly.**

Religious services involving public assembly such as customarily occurs in synagogues, temples, and churches. (Ord. No. 3785 (part), adopted 1991)

## CHAPTER 20.324

### COASTAL COMMERCIAL USE TYPES

#### Sec. 20.324.005 General Description of Coastal Commercial Use Types.

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as civic uses. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations). (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.324.010 Administrative and Business Offices.

Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, and services including real estate insurance, property management, investment, travel, secretarial services, telephone answering, photocopy and reproduction, and other activities when the service rendered is that customarily associated with administrative office services. Excluded are banks. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.324.015 Agricultural Sales and Services.

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, crop dusting, or tree service firms. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.324.020 Animal Sales and Services.

Establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

**(A) Animal Sales and Services: Auctioning.** Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced

off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.

**(B) Animal Sales and Services: Horse Stables.** Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their paying or non-paying guests. Typical uses include boarding stables, riding academy or public stables.

**(C) Animal Sales and Services: Household Pets.** Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.

**(D) Animal Sales and Services: Kennels.** Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels or dog training centers.

**(E) Animal Sales and Services: Veterinary (Large Animals).** Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.

**(F) Animal Sales and Services: Veterinary (Small Animals).** Veterinary services for small animals provided that overnight care shall be within a fully enclosed building or structure. Typical uses include pet clinics, dog and cat hospitals or animal hospitals treating small animals. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.324.025 Automotive and Equipment.

"Automotive and Equipment" means establishments or places of business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

**(A) Automotive and Equipment: Cleaning.** Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

**(B) Automotive and Equipment: Fleet Storage.** Storage or parking of two (2) or more vehicles used regularly in business operations. Excluded from this





## CHAPTER 20.444

### GENERAL PROVISIONS AND EXCEPTIONS DISTRICTS

#### Sec. 20.444.005 Purpose.

The regulations specified in this Division shall be subject to the following general provisions and exceptions. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.444.010 Lot Area.

When any ownership is comprised of a single lot which has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel, said lot shall not be subject to requirements for variance to minimum lot size. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.444.015 Yards.

(A) No yard or other open space provided about any building for the purpose of complying with the regulations of this Division shall be considered as providing a yard or open space for any other building or structure.

(B) In any case where a setback line and plan line has been established, the required yards on the street frontage of lots shall be measured in accordance with such lines, and in no case shall the provisions of this Division be construed as permitting any structure to extend beyond such lines.

(C) If a roadway easement or access easement serves, or has the potential to serve, more than four (4) lots or parcels, said easement shall be considered a street for the purpose of establishing a front-yard setback or corridor preservation setback.

(D) Eaves, canopies, and similar roof features may overhang into any required yard setback a distance not exceeding two (2) feet.

(E) Fences in rear or side yards not having street frontage may not exceed eight (8) feet (Fences over six feet require building permits). Fences and hedges in front yards and any rear or side yards having street frontage, where vehicle access is maintained, may not exceed three and one-half (3½)

feet. The above fence height limitations shall apply to view obstructing fences such as board fences and picket fences. Fences for the containment of animals, such as barbed wire, chicken wire, hog wire, and similar loose-meshed wire fences or non-view-obscuring fences such as cyclone fences shall not be subject to the above fence height restrictions.

(F) A detached garage, detached storage shed, or similar detached accessory building not exceeding fifteen (15) feet in height at the ridge and five hundred (500) square feet of floor area or uncovered decks or porches shall observe a five (5) foot setback from rear property lines that do not have street frontage. Setbacks from property lines having street frontage shall be as otherwise required by this Division.

(G) Barns, stables, chicken houses and similar accessory buildings shall be not less than fifty (50) feet from any property line, and not less than forty (40) feet from any dwelling, except as otherwise provided under Section 20.336.030 (Light Agriculture).

(H) In the case of a corner lot in any district, front yard setbacks shall be maintained from all lot lines having street frontage. Side yard setbacks shall be maintained from all other lot lines not having street frontage. (Ord. No. 3785 (part), adopted 1991)

#### Sec. 20.444.020 Corridor Preservation Setback.

There is hereby established a corridor preservation setback. A corridor preservation setback shall apply to all lots or parcels that abut a publicly maintained street or highway. A corridor preservation setback shall be in addition to front yard setbacks prescribed elsewhere in this Division and shall apply in districts that prescribe no front-yard setback. Corridor preservation setbacks shall be measured perpendicular from the center line of the existing right-of-way of record or, where no recorded right-of-way exists, from the center of the physical road. Corridor preservation setbacks shall be as follows:

General Plan Road Classification	Corridor Preservation Setback:	
	Urban	Rural
Principal Arterial	60'	60'
Minor Arterial	45'	40'
Connector	45'	35'
Major Collector	45'	35'
Minor Collector	35'	30'
Local Connector	30'	30'
Local Road	25'	25'

(Ord. No. 3785 (part), adopted 1991)

**Sec. 20.444.025 Height Exceptions.**

(A) Radio and television aerials and antennae, and similar utility structures and necessary mechanical appurtenances may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the structures are located, provided, however, that no such structure in excess of the allowable building height shall be used for any commercial or advertising purposes. Wind generators and their associated towers, air emission towers and smoke stacks may be built and used to a height of one hundred (100) feet as measured from the ground to the highest point of the system consistent with environmental constraints and in conformance with all applicable regulations of this Division.

(B) Additional heights for public utility structures may be permitted upon approval by the Planning Commission. Height limitations provided herein shall not apply to electric transmission lines and towers designed and installed by a public utility under the regulations of the California Public Utilities Commission.

(C) The above height limitations shall be subject to laws and regulations of the State and Federal Governments. And in no case may the height of any of the above structures exceed the airport height restrictions set forth in the AH Combining District. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.444.035 Density Transfer.**

Density transfers within a land use designation on an ownership may be allowed provided

that the proposed development satisfies all requirements of the Coastal Element and this Division, but density transfers between land use designations on an adjacent parcel under the same ownership shall be allowed only as follows: Once the density rights are used, there shall be no further development or division. A deed restriction extinguishing the transfer development potential on the donor parcel shall be recorded on the title to the donor parcel prior to and as a condition to the issuance of a use permit to transfer any development rights.

Density transfers shall be allowed only as follows:

From:	To:
Agriculture	Rangeland, Forestland (not in TPZ), Remote Residential, Rural Residential-10
Rangeland	Forestland (not in TPZ), Remote Residential, Rural Residential-10
Forestland	Rangeland, Remote Residential, Rural Residential-10.

The transfers authorized by this section are limited to use types authorized for the zone in which the receiving parcel is located. (Ord. No. 3785 (part), adopted 1991)

**Sec. 20.444.040 Supportive and Transitional Housing.**

Upon issuance of a Coastal Development Permit, in accordance with Chapter 20.532, Supportive and Transitional Housing shall be permitted and held to the same development standards as any other like-type residential use in the same zoning district provided:

- 1) Supportive Housing is linked to on or off site services to assist the occupant(s) in retaining housing, improving his/ her health status and maximizing his/ her ability to live and work in the community, as defined in Section 50675.14 of the California Health and Safety Code, without limits on length of stay.

2) Transitional Housing is rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted-living unit to another eligible occupant at some predetermined future point in time, which shall be no less than six (6) months and no more than twenty four (24) months, as defined in Section 50675.2 of the California Health and Safety Code.

(Ord. No. 4365, § 3, 9-13-2016)



CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section		Section this Code
4329	7-22-2014	MU-2 general mixed use district		Added	Ch. 20.085, §§ 20.085.005— 20.085.060
Ord. of	11- 4- 2014(1)	Community Bill of Rights (Measure S)	1—9	Added	Ch. 8.05, §§ 8.05.010—8.05.090
4330	1-20-2015	Fees for probation reports			2.65.010
4331	1-20-2015	Delegating authority to invest to county treasure for calendar year 2015			5.130.010
4333	3-17-2015	Building regulations	1	Rpld	Ch. 18.04, §§ 18.04.010— 18.04.095
				Added	Ch. 18.04, §§ 18.04.005— 18.04.085
			2		18.08.010
			3		10.08.030
			4	Added	Ch. 18.14, §§ 18.14.010— 18.14.090
			5	Added	Ch. 18.70, §§ 18.70.010— 18.70.150
4336	5-19-2015	Mendocino County lodging business improvements district			Ch. 5.140, §§ 5.140.010— 5.140.270
4338	6-16-2015	Purchasing agent			Ch. 2.32, §§ 2.32.010—2.32.120
4339	6-16-2015	Speed zoning on county roads		Added	15.04.030(B)(37), (38)
4340	7- 7-2015	Personnel and salary			Ch. 3.04, §§ 3.04.010—3.04.220
		Civil service			Ch. 3.16, §§ 3.16.010—3.16.220
4341	8- 4-2015	Wireless communications	1	Added	20.008.020(O)—(R)
			2	Added	20.008.024(N)
			3	Added	20.008.060(B)
			4		20.236.015
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			6	Rnbd	20.236.025
				as	20.236.040
			7	Added	20.236.025
			8	Added	20.236.030
			9	Added	20.236.035
4342	8-18-2015	Personnel and salary		Rpld	Ch. 3.04, §§ 3.04.010—3.04.220

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				Rpld Ch. 3.16, §§ 3.16.010—3.16.220
				Added Ch. 3.16, §§ 3.16.010—3.16.220
4344	10- 6-2015	Small residential rooftop solar energy system review process	3	Added Ch. 18.40, §§ 18.40.010—18.40.035
4345	10- 6-2015	Resource preserves	1	Rpld Ch. 22.08, §§ 22.08.010—22.08.132
		Agricultural preserves and Williamson Act contracts		Added Ch. 22.08, § 22.08.010
4348	12- 8-2015	County commission on medical care		8.69.030, 8.69.040
4349	2- 2-2016	County vehicle policy		3.12.010—3.12.100
4350	2- 2-2016	Delegation of authority to invest for calendar year 2016		5.130.010
4351	3- 1-2016	Speed zoning on county roads		Added 15.04.030(B)(39)
4352	3- 1-2016	Personnel and salary		Added 3.04.062
4353	4- 5-2016	Parking of vehicles, house cars, campers and trailer coaches for human habitation	I	Rpld Ch. 15.14, §§ 15.14.010—15.14.030
		Use of county parks and camping prohibition on public and private property	II	14.28.050
4356	5-17-2016	Medical marijuana cultivation regulation		Rpld Ch. 9.31, §§ 9.31.010—9.31.150
				Added Ch. 9.31, §§ 9.31.010—9.31.190
4364	9-13-2016	Zoning	3	20.008.027(A) 20.008.028(A) Added 20.008.052(30) Rnbd 20.008.052(30), (31) as 20.008.052(31), (32) 20.008.054(D) 20.020.060
				Added 20.152.040
4365	9-13-2016	Zoning	3	20.308.040(C)—(G) Added 20.308.040(H) 20.308.045(A) Added 20.308.110(37) Rnbd 20.308.110(37)



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			Added	Ch. 7.04, §§ 7.04.010—7.04.160
4367	6- 7-2016	Public health, safety and welfare	Added	Ch. 8.400, §§ 8.400.010— 8.400.030



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### ENCROACHMENTS, COUNTY HIGHWAYS

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- Two-family dwelling
  - C district 20.396.015
  - classification 20.316.010
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SR district 20.384.015

Uniform building code defined 20.308.120

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Urban/rural boundary defined 20.308.120

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FP district 20.420.015

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#### Utility, public

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##### major impact

AG district 20.356.015

C district 20.396.015

classification 20.320.075

FL district 20.360.015

FV district 20.392.015

I district 20.400.015

PF district 20.404.015

RL district 20.368.015

RMR district 20.380.015

RR district 20.376.015

RV district 20.388.015

SR district 20.384.015

TP district 20.364.015

##### minor impact

AG district 20.356.015

C district 20.396.015

classification 20.320.080

FL district 20.360.015

FV district 20.392.015

I district 20.400.015

### ZONING, COASTAL, UNINCORPORATED AREAS (Cont'd.)

#### Utility, public (Cont'd.)

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OS district 20.372.015

PF district 20.404.015

RL district 20.368.015

RMR district 20.380.015

RR district 20.376.015

RV district 20.388.015

SR district 20.384.015

TP district 20.364.015

off-street parking 20.472.035

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AG district 20.356.010

classification 20.316.015

defined 20.308.125

FL district 20.360.010

RL district 20.368.010

RMR district 20.380.010

RR district 20.376.010

RV district 20.388.010

SR district 20.384.010

TP district 20.364.010

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  - RL district 20.368.015
  - RV district 20.388.015
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  - designated 20.312.010
  - generally 20.332.005
- Wall sign
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- Warehouse
  - C district 20.396.015
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  - I district 20.400.015
  - off-street parking 20.472.035
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- Water
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  - well defined 20.308.130
- Watershed management
  - AG district 20.356.015
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  - FL district 20.360.015
  - OS district 20.372.010
  - RL district 20.368.015
  - RMR district 20.380.015
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  - RL district 20.368.015
  - RMR district 20.380.015
  - RR district 20.376.015
  - TP district 20.364.015
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  - front
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    - C district 20.396.030
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### ZONING, COASTAL, UNINCORPORATED AREAS (Cont'd.)

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I district 20.400.025

OS district 20.372.030

PF district 20.404.025

RL district 20.368.030

RMR district 20.380.030

RR district 20.376.030

RV district 20.388.030

SR district 20.384.030

TP district 20.364.030

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AG district 20.356.030

C district 20.396.030

defined 20.308.140

FL district 20.360.030

FV district 20.392.027

I district 20.400.030

OS district 20.372.030

PF district 20.404.025

RL district 20.368.030

RMR district 20.380.030

RR district 20.376.030

RV district 20.388.030

SR district 20.384.030

TP district 20.364.030

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AG district 20.356.030

C district 20.396.030

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FL district 20.360.030

FV district 20.392.030

I district 20.400.030

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OS district 20.372.035

PF district 20.404.030

RL district 20.368.030

RMR district 20.380.035

RR district 20.376.035

RV district 20.388.035

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##### ZONING, COASTAL

##### ZONING, COASTAL,

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