

## MENDOCINO COUNTY CODE

### Looseleaf Supplement

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

#### **Ordinance No. 4299, adopted August 28, 2012.**

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

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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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. 4299, passed August 28, 2012.**

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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- 4-11	Included	Supp. No. 29
4271	1-25-11	Included	Supp. No. 29
4272	1-25-11	Included	Supp. No. 29
4274	5- 3-11	Included	Supp. No. 29
4275	5-17-11	Included	Supp. No. 29
4276	5-17-11	Included	Supp. No. 29
4277	6- 7-11	Included	Supp. No. 30
4279	7-12-11	Included	Supp. No. 31
4283	9-13-11	Included	Supp. No. 30
4284	10- 4-11	Included	Supp. No. 30
4285	10- 4-11	Included	Supp. No. 30
4286	12- 6-11	Included	Supp. No. 31
4288	1-24-12	Included	Supp. No. 31
4289	1-31-12	Included	Supp. No. 31
4291	2-14-12	Included	Supp. No. 32
4292	4-10-12	Included	Supp. No. 32
4293	4-10-12	Included	Supp. No. 32
4294	4-10-12	Included	Supp. No. 32
4295	4-10-12	Included	Supp. No. 32
4296	4-10-12	Omitted	Supp. No. 32
4297	6-12-12	Included	Supp. No. 32
4298	7-10-12	Included	Supp. No. 32
4299	8-28-12	Included	Supp. No. 32



**CHAPTER 8.95**

**CORONER'S FEES**

**Sec. 8.95.010 Authority to Charge Fees.**

Except as provided elsewhere in this Chapter, the Sheriff-Coroner is hereby authorized to charge fees to defray the cost of the issuance of any documents, and to defray the cost of providing any service to the public.

The Board of Supervisors shall establish the fees by resolution. (Ord. No. 3911 (part), adopted 1995.)

**Sec. 8.95.020 Coroner's Charge for Taking Custody of a Dead Body.**

(A) Pursuant to Government Code Section 27472, the Sheriff-Coroner, whenever taking custody of a dead body pursuant to law, may charge and collect from the person entitled to control the disposition of the remains the actual expense incurred by the Sheriff-Coroner in removing the body from the place of death and keeping the body until its release to the person responsible for its interment. The charge shall not include expenses of keeping the body during the time necessary for the Coroner to perform his or her duties in connection with it. The charge, if not paid, may be considered a part of the funeral expenses and paid as a preferred charge against the estate of the decedent.

(B) The charge shall not exceed the maximum amount established by Government Code Section 27472 and shall not be imposed upon: (1) a person who claims and proves to be indigent, or (2) in cases in which the body is that of a child not more than fourteen (14) years of age, or (3) in cases in which the Coroner ascribes the death to the criminal act of another, unless the Coroner has reasonable grounds to believe that the deceased was involved in any criminal activity which contributed to his or her own death. (Ord. No. 3911 (part), adopted 1995.)

**Sec. 8.95.030 Amount of Fee.**

The amount of the fee for body removal and storage services shall be established pursuant to a

resolution adopted by the Board of Supervisors subsequent to a public fee hearing, except that the fee shall not exceed the amount specified in Government Code Section 27472, or any successor statute. (Ord. No. 3911 (part), adopted 1995.)

**Sec. 8.95.040 Exceptions to Coroner's Fees.**

All cases handled by the Sheriff-Coroner shall be billed for transportation, personnel handling, and storage costs, except for the following categories of cases:

- (A) Decedents under fourteen (14) years of age;
- (B) Homicides;
- (C) In custody or police-involved cases;
- (D) Indigents (County disposition);
- (E) Cases in which private charitable funds available to pay funeral costs would thereby be reduced so as to preclude payment;
- (6) Cases specifically exempted by the Sheriff-Coroner or his designee. (Ord. No. 3911 (part), adopted 1995.)

**CHAPTER 8.200**

**GRAFFITI SUPPRESSION\***

**Sec. 8.200.010 Purpose of Chapter.**

The Board of Supervisors finds that graffiti on public and private property has a direct negative impact on a neighborhood and the value of property, and presents an imminent danger to the public safety and welfare as it encourages gang activity and other acts of malicious activity, and is a public nuisance. The presence of graffiti which is not abated immediately encourages the creation of additional graffiti, resulting in neighborhood blight and increased costs of abatement. The purpose of this Chapter is to provide a program for rapid removal of graffiti from walls and structures on both public and private property in the unincorporated area of Mendocino County and to provide regulation designed to prevent and control the further spread of graffiti in the unincorporated area of Mendocino County.  
(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.020 Definitions.**

"Graffiti" means any defacing of public or private buildings, structures or places, unauthorized by the owner or other person in control of the property, through any inscription, word, figure or design that is marked, etched, scratched, drawn or painted using application of paint, ink, dye or any other similar substance.

"Graffiti implement" means any pressurized container, broad-tipped marker of one-quarter inch or more, paint stick, or graffiti stick.  
(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.030 Graffiti Prohibited.**

(A) No person shall place or cause to be placed graffiti upon any publicly or privately owned permanent building, structure or place within unincorporated area of Mendocino County.

\*Editor's note—Ord. No. 4298, § 1, adopted July 10, 2012, amended Ch. 8.200, §§ 8.200.010—8.200.100 in their entirety. Former Ch. 8.200 pertained to similar subject matter and was derived from Ord. No. 4176 § 1 (part), adopted 2006.

(B) No person owning or otherwise in control of any real property within the unincorporated area of Mendocino County, shall allow or permit any graffiti to remain on any permanent structure located on such property when the graffiti is visible from the street or other public or private property.  
(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.040 Summary Abatement of Graffiti.**

The Sheriff or his/her designee, or the Director of Planning and Building or his/her designee, or the Solid Waste Director or his/her designee, or other persons authorized by the Chief Executive Officer, are hereby authorized to summarily abate graffiti by painting over it, notwithstanding any requirements in this Code for prior notice before abatement.  
(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.050 Alternative Notice and Consent for Removal of Graffiti.**

(A) Whenever the Director of Planning and Building or his/her designee, determines that graffiti exists on any permanent structure in the unincorporated area of Mendocino County which is visible from the street or other public or private property, the Director may as an alternative to summary abatement cause a notice to be served on the property owner demanding abatement of the graffiti as provided by this section.

(B) The notice shall be served on the owner(s) of the affected property, as such owner's name and address appear on the last equalized property tax assessment rolls of the County of Mendocino. The notice shall be served by either personal delivery or certified or first class mail. In addition, where the property is known to be occupied by other than the record owner, a copy of the notice shall be sent by certified or first class mail to the occupant at the property address or posted on the affected property.

(C) The notice shall inform the property owner that the graffiti exists and must be immediately abated. The notice shall request that, within ten



(10) days of personal delivery or mailing of the notice, the owner either abate the graffiti or sign and return a consent form authorizing the County to enter the property and abate the graffiti, at the property owner's expense, by cleaning, painting or otherwise removing the graffiti. The consent form to be signed by the owner shall be prepared by the County and served with the Notice to Abate. (Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.060 Graffiti Declared Public Nuisance.**

Graffiti which is visible from a street or other public or private property, is hereby declared to be a public nuisance. (Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.070 Failure to Remove Graffiti or Provide Consent for Removal by County.**

(A) In the event the property owner receiving notice under Section 8.200.050 fails to either abate the graffiti or consent to abatement by the County, within the 10-day period, The County may proceed to abate the graffiti under any applicable nuisance abatement procedure including, but not limited to, the nuisance abatement procedures provided in Chapter 8.75 of this Code, to include assessment of the costs of abatement against the owner and placement of an abatement lien. If The County anticipates that these abatement procedures will be used, any notice required by Chapter 8.75 of this Code may be included in the notice specified by Section 8.200.050 so that only one (1) 10-day notice period is required prior to abatement by The County. County employees, agents, volunteers and other work crews supervised by The County, and private contractors of The County, are expressly authorized to enter private property for purposes of abating graffiti under any nuisance abatement procedure.

(B) Where graffiti has been abated by The County due to the refusal or failure of the property owner to either remove the graffiti or to allow The County to remove the graffiti, the owner shall

reimburse The County for the actual cost of the removal of the graffiti. If the statute or ordinance under which The County proceeds with abatement does not specify the costs to be included, such costs shall include labor, material, inspection and reasonable administrative costs. (Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.080 Penalty for Violation.**

(A) Any person found guilty of applying graffiti in violation of Section 8.200.030, shall reimburse The County or the property owner for any and all costs the owner or The County may incur in removing graffiti under this Chapter. If the violator is a minor, the parent or guardian shall be responsible for such reimbursement. Such reimbursement shall be in addition to any other civil or criminal penalties authorized by law to be imposed.

(B) Any person who fails to comply with any Order of Abatement or who violates any other provision of this Chapter, is guilty of an infraction, punishable as set forth in Section 1.04.110 of this Code.

(C) Any person who obstructs, impedes or interferes with any representative of The County or any property owner when engaged in proceedings involving abatement of graffiti under this Chapter, is guilty of an infraction, punishable as set forth in Section 1.04.110 of this Code. (Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.090 Possession of Graffiti Implements by Minors.**

It shall be unlawful for any person under the age of eighteen (18) years to have in his or her possession any graffiti implement capable of defacing property with a permanent, indelible or waterproof substance while on private property without the consent of the Owner, or while on public property, unless the minor is using the graffiti implement under the supervision of a parent, teacher or legal guardian. (Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.100 Display, Storage, Sale and Conveyance of Graffiti Implements to Minors.**

(A) It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or to permit to be exchanged, given, loaned or otherwise furnished, any graffiti implement to anyone under the age of eighteen (18) years in the absence of and without the written consent of the parent or legal guardian.

(B) Before selling any graffiti implement capable of defacing property with a permanent, indelible or waterproof substance, a retailer must first obtain bona fide evidence of age and identity. As used herein, the phrase "bona fide evidence of age and identity" shall mean any document evidencing the age and identity of any individual that has been issued by a federal, state, or local governmental entity, and includes, but is not limited to, a motor vehicle operator's license, a registration certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces.

(C) Any person, organization, company, firm or association engaged in the retail sale of graffiti implements capable of defacing property with a permanent, indelible or waterproof substance must place a sign at the location of retail sale that is clearly visible and legible to employees and customers and which states as follows:

**GRAFFITI IMPLEMENTS: IT IS UNLAWFUL FOR ANY PERSON TO SELL OR GIVE TO ANY INDIVIDUAL UNDER THE AGE OF EIGHTEEN YEARS ANY GRAFFITI IMPLEMENT CAPABLE OF BEING USED TO DEFACE PROPERTY. ANY PERSON WHO MALICIOUSLY DEFACES REAL PROPERTY IS GUILTY OF VANDALISM WHICH IS PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.**

(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.110 Civil Responsibility for Damages for Wrongful Sale, Display and Storage.**

Any person, organization, company, firm, or association who sells, displays or stores any graffiti implements in violation of the provisions of this Article shall, to the extent permitted by law, be personally liable for any and all costs incurred by any party in connection with the removal of graffiti, or the repair of any property containing graffiti, caused by any person who used such graffiti implement in violation of the provisions of California Penal Code Section 594, and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages.

(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.120 Remedies Cumulative.**

Nothing in this Chapter shall be deemed to prevent County Counsel or District Attorney from commencing a civil or criminal proceeding or action to abate a public nuisance under any other applicable law. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. No. 4298, § 1, 7-10-2012)

**Sec. 8.200.130 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 unconstitutional 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. 4298, § 1, 7-10-2012)

## **Title 9**

### **HEALTH AND SANITATION**

- Chapter 9.05 Emergency Medical Response**
- Chapter 9.08 Restaurants**
- Chapter 9.12 Regulation of Sewage and Septage Pumpers**
- Chapter 9.16 Fees Pertaining to Health or Sanitation**
- Chapter 9.20 Smoking in County Buildings**
- Chapter 9.24 Mendocino County Water Haulers' Ordinance**
- Chapter 9.28 Regulation of Hazardous Substances Stored in Underground Storage Tanks**
- Chapter 9.31 Medical Marijuana Cultivation Regulation**
- Chapter 9.32 Smoking Pollution Control and Health Protection Ordinance**
- Chapter 9.33 Outdoor Burning**
- Chapter 9.34 FIRST 5 Mendocino County Ordinance**
- Chapter 9.35 IHSS Public Authority Ordinance**
- Chapter 9.36 Reserved**
- Chapter 9.37 The Repeal of (Measure G) Mendocino County Code Chapter 9.36 Cannabis Personal Use Ordinance for Mendocino County/and Adoption of New Guidelines for Maintenance and Possession of Medical Marijuana That Do Not Exceed the Minimum State Limits**
- Chapter 9.40 Disease Prevention Demonstration Project**
- Chapter 9.41 Single-use Carryout Bags by Retail Establishments**



**CHAPTER 9.28****REGULATION OF HAZARDOUS  
SUBSTANCES STORED IN  
UNDERGROUND STORAGE TANKS****Sec. 9.28.010 Title.**

This Chapter shall be known and cited as the Regulation of Hazardous Substances Stored in Underground Storage Tanks. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.020 Intent.**

It is the intent of the Mendocino County Board of Supervisors to adopt this Ordinance pursuant to State law as authorized by 1983 Statutes Chapter 1046 in order to retain local control and remain exempt from its preemptive provisions for failing to adopt a local ordinance prior to January 1, 1984. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.030 State Law Incorporated.**

Mendocino County hereby incorporates by reference the minimum standards for the ownership and operation of underground storage tanks as specified by Health and Safety Code Section 25291 and 25292 providing for double containment of certain underground storage tanks, and issuing permits therefore, as those laws may be amended from time to time. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3586, Sec. 1, adopted 1985.)

**Sec. 9.28.040 Permits Required.**

No person shall own or operate an underground storage tank, unless a permit for such ownership or operation is issued by the Mendocino County Department of Public Health as specified herein. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.050 Local Agency.**

For purposes of this Chapter, the "local agency" means the Mendocino County Department of Public Health which is the local agency responsible for administering and enforcing the provisions of this

Chapter. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.060 Permits Issued by Mendocino  
County Department of Public  
Health.**

The Mendocino County Department of Public Health shall be responsible for issuing a permit or permits for each underground storage tank as that term is defined in Health and Safety Code Section 25281(r) that is owned or operated within Mendocino County. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3586, Sec. 2, adopted 1985.)

**Sec. 9.28.070 Fees.**

The fee for a permit or permits issued under this Chapter shall be established by Ordinance. The County may waive the fees imposed by this Chapter for a public agency. (Ord. No. 3347, adopted 1983.)

**Sec. 9.28.080 Permit Forms Required.**

Permits to own, operate or transfer ownership or operation of underground storage tanks shall be applied for on forms specified by the State Water Resources Control Board and provided by the Mendocino County Department of Public Health. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.090 Minimum Standards for  
Underground Storage Tanks.**

Unless established otherwise by Ordinance setting stricter standards, the minimum standards for the ownership and operation of the underground storage tank shall be those specified in Health and Safety Code Sections 25291 and 25292 as those sections may be amended from time to time. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3586, Sec. 3, adopted 1985.)

**Sec. 9.28.100 Inspection.**

The Mendocino County Department of Public Health may inspect every underground storage tank within Mendocino County at least once every three years to determine whether or not the

underground storage tank complies with the design and construction standards specified in Health and Safety Code Sections 25291 and 25292 which ever is applicable, whether the operator has monitored and tested the underground storage tanks as required by its permit and whether or not the tank is in safe operating conditions. After such inspection, the Mendocino County Department of Public Health may prepare a compliance report detailing the results of the inspection and may send a copy of it to the permit holder. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3586, Sec. 4, adopted 1985.)

**Sec. 9.28.110 Additional Inspections.**

In addition to the inspections specified in Section 9.28.100, the Mendocino County Department of Public Health may require the permit holder to employ, periodically, special inspectors, as that term is defined in Health and Safety Code Section 25281(n), to conduct an audit or assessment of the permit holder's facility as that term is defined in Health and Safety Code Section 25281(c) to determine whether or not the facility complies with the factors specified in Section 9.28.100 and to prepare a special investigation report with recommendations concerning the safe storage of hazardous materials at the facility. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3497, adopted 1984, as amended by Ord. No. 3586, Sec. 5, adopted 1985.)

**Sec. 9.28.130 Overfill Protection.**

The Mendocino County Department of Public Health may require a means of overfill protection of any primary tank including an overfill prevention device or an attention-getting higher level alarm or both. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.140 Penalties.**

(A) Any operator of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for any of the following:

- (1) Operates an underground storage tank which has not been issued a permit.

- (2) Fails to monitor the underground storage tank, as required by the permit.

- (3) Fails to maintain records as required by the Mendocino County Department of Public Health.

- (4) Fails to report an unauthorized release as required by Health and Safety Code Sections 25294 and 25295.

- (5) Fails to properly close an underground storage tank, as required by Health and Safety Code Section 25298.

(B) Any owner of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for any of the following:

- (1) Failure to obtain a permit as specified in this Chapter.

- (2) Failure to repair an underground tank in accordance with the provisions of this Chapter.

- (3) Abandonment or improper closure of any underground tank subject to the provisions of this Chapter.

- (4) Knowing failure to take reasonable and necessary steps to assure compliance with this Chapter by the operator of an underground tank. (Ord. No. 3477, adopted 1983, as amended by Ord. No. 3586, Sec. 6, adopted 1985.)

**Sec. 9.28.150 Penalties Are Cumulative.**

Penalties under Section 9.28.140 are in addition to, and do not supersede or limit, any and all other legal remedies and penalties, civil or criminal, which may be applicable under other laws. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.160 Future Amendments.**

The County may amend this Ordinance from time to time as authorized by State law. (Ord. No. 3477, adopted 1983.)

**Sec. 9.28.170 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, which is reasonably separable from the remaining portion

of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, it being herein expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 3477, adopted 1983.)

## CHAPTER 9.31

### MEDICAL MARIJUANA CULTIVATION REGULATION\*

#### Sec. 9.31.010 Purpose and Intent.

It is the purpose and intent of this Chapter to regulate medical marijuana in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Mendocino by balancing:

- (1) The needs of medical patients and their caregivers for enhanced access to medical marijuana;
- (2) The needs of neighbors and communities to be protected from public safety and nuisance impacts; and
- (3) The need to limit harmful environmental impacts that are sometimes associated with marijuana cultivation.

Nothing in this Chapter shall be construed to:

- (1) Allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein;
- (2) Allow the use or diversion of marijuana for nonmedical purposes; or
- (3) Allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under California State law. (Ord. No. 4291, 2-14-2012)

#### Sec. 9.31.020 Findings.

(A) The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and entitled "The Compassionate Use Act of 1996").

(B) The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to

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\*Editor's note—Ord. No. 4291, adopted Feb. 14, 2012, amended Ch. 9.31, §§ 9.31.010—9.31.350 in their entirety. Former Ch. 9.31 pertained to similar subject matter and was derived from Ord. No. 4275, adopted May 17, 2011.

ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."

(C) The State enacted SB 420 in 2004 (codified as Health and Safety Code Section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.

(D) Marijuana plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.

(E) Each year since 2004, the Mendocino County Air Quality Management District has received a significant number of formal complaints of odor related to the cultivation of marijuana in residential neighborhoods.

(F) Marijuana, whether grown for medicinal purposes, or diverted to the black market, may be sold for thousands of dollars per pound.

(G) The strong smell of marijuana may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

(H) There have been several marijuana related incidents of burglary, robbery and armed robbery, some including acts of violence resulting in injury or death.



(I) Marijuana that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.

(J) The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance. By permitting no more than twenty-five (25) marijuana plants on any one (1) parcel, the County anticipates a significant reduction in the complaints of odor and the risks of fire, crime and pollution described herein.

(K) The County finds that the indoor or outdoor cultivation of more than twenty-five (25) marijuana plants on any one (1) parcel within the unincorporated area of the County for medicinal purposes will likely result in an unreasonable risk of crime and will likely create odors offensive to persons living nearby notwithstanding the limitations on cultivation that are imposed within this Chapter. The County further finds that the indoor cultivation of more than twenty-five (25) marijuana plants on any one (1) parcel may create an unreasonable risk of fire and/or pollution. (Ord. No. 4291, 2-14-2012)

### **Sec. 9.31.030 Definitions.**

As used herein the following definitions shall apply:

"Attorney General's Guidelines" means guidelines for the security and non-diversion of marijuana grown for medical use issued by the Attorney General in August 2008.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

"Identification card" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.

"Indoors" means within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Medical Marijuana Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by written agreement, or form a cooperative in accordance with Section 12300 of the Corporations Code within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense marijuana for medical purposes, as provided in Health and Safety Code Section 11362.775. The term collective shall include "cooperative" unless the context clearly indicates otherwise.

"Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

"Parcel" means a parcel as determined by the Assessor for assessment purposes only.

"Primary Caregiver" means a "Primary Caregiver" as defined in Health and Safety Code Section 11362.7(d).

"Qualified Patient" means a "Qualified Patient" as defined in Health and Safety Code Section 11362.7(f).

"Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.

"Sheriff" or "Sheriff's Office" means the Sheriff's Office of the County of Mendocino or the authorized representatives thereof.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Youth-oriented Facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility.

"Zip-ties" means plastic ties with individualized numbers stamped on them, issued by the County Sheriff's Office for the purpose of identifying a legal marijuana plant.  
(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.040 Limitation on Number of Plants.**

The cultivation of more than twenty-five (25) marijuana plants on one (1) parcel, either indoors or outdoors, within the unincorporated area of the County, regardless of whether the person(s) growing the marijuana is/are a "qualified patient", "primary caregiver", or "collective", is hereby prohibited. Any qualified patient, person with an identification card, or primary caregiver may not cultivate marijuana in excess of the amount reasonably related to the current medical needs of the patients or persons with identification cards for whom the marijuana is being cultivated, either individually or collectively, but in no case more than twenty-five (25) total plants on one (1) parcel.  
(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.050 Limitation on Location to Cultivate Marijuana.**

(A) The cultivation of marijuana, whether grown collectively or individually, in any amount or quantity, shall not be allowed in the following areas:

(1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any "church" or residential treatment facility as defined herein.

(2) Outdoors within one hundred (100) feet of any occupied legal residential structure located on a separate parcel.

(3) Outdoors in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.

(4) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.

(5) Outdoors within fifty (50) feet of a parcel under separate ownership.

(B) The distance between the above-listed uses in Subsection (A)(1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in Section 9.31.060, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in Subsections (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in Section 9.31.060 to the nearest exterior wall of the residential structure.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.060 Cultivation of Marijuana.**

(A) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the out-

door or indoor cultivation of marijuana plants for medicinal purposes in excess of the limitations imposed within Section 9.31.040 or in violation of the limitations on location imposed within Section 9.31.050.

(B) The indoor cultivation of marijuana plants shall be limited to no more than one hundred (100) contiguous square feet per parcel.

(C) The indoor or outdoor cultivation of marijuana shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.

(D) The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.

(E) All lights used for the cultivation of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

(F) The indoor or outdoor cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.

(G) The indoor or outdoor cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.

(H) The indoor or outdoor cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

(I) All marijuana grown outdoors must be within a secure fence at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

(J) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

(K) Nothing in this Section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building. (Ord. No. 4291, 2-14-2012)

#### **Sec. 9.31.070 "Zip-Tie" Provision.**

(A) For the convenience of the property owner and to assist in the enforcement of this Ordinance, and to avoid unnecessary confiscation and destruction of medicinal marijuana plants, marijuana grown for medicinal purposes in unincorporated Mendocino County may have "zip-ties" issued by the Mendocino County Sheriff's Department. For proper identification, such "zip-ties" should be securely attached to the base of individual flowering marijuana plants.

(B) "Zip-Ties" can be obtained through the Mendocino County Sheriff's Department. All applicants for "zip-ties" must present a State-issued medical marijuana identification card or a valid medical recommendation. The fee for the "zip-ties" shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the Master Fee Policy. Any zip-tie fees may be discounted by fifty (50) percent for Medi-Cal, SSI, and CMSP recipients, and equivalent income-qualified veterans. (Ord. No. 4291, 2-14-2012)

#### **Sec. 9.31.080 Medical Marijuana Collectives.**

Medical marijuana collectives engaged in cultivation shall comply with all of the following:

(1) Operate on a non-profit basis as set forth in Section IV B.1. of the Attorney General's Guidelines;

(2) Employ only persons who are at least eighteen (18) years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and

state income taxes and/or contributions for unemployment insurance, state workers' compensation and liability laws;

(3) Follow the membership and verification guidelines as set forth in Section IV B.3. of the Attorney General's Guidelines, except that wherever "should" appears it shall be replaced with "shall";

(4) Require all prospective members to complete and sign a written membership application acknowledging and agreeing to abide by all the rules of the collective and all applicable requirements of this Section;

(5) Prohibit sales to non-members as set forth in Section IV B.5. of the Attorney General's Guidelines;

(6) Allow reimbursements and allocations of medical marijuana as set forth in Section IV B.6. of the Attorney General's Guidelines;

(7) Possess marijuana only in amounts consistent with the medical needs of the members of the collective; and only cultivate marijuana consistent with the limits set forth in this Ordinance;

(8) Exterior signage shall not indicate or advertise the presence or availability of medical marijuana.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.090 Public Nuisance.**

A violation of any provision of this Ordinance shall be deemed to be a public nuisance and subject to the enforcement process as set forth in Section 9.31.100.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.100 Enforcement.**

(A) The County may abate the violation of this Chapter in accordance with the provisions of County Code Section 8.75 or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Chapter or requiring compliance with other terms.

(B) The County may also abate the violation of this Chapter through the abatement process established by Government Code Section 25845.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.110 Attorneys' Fees.**

Pursuant to Government Code Section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this Section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under this Section exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.120 Use of Money Collected Under This Chapter.**

All money collected for penalties for violations of this Chapter and all money collected for recovery of costs of enforcement of this Chapter shall be made available to the Department responsible for the enforcement action for training and further code enforcement actions.

(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.130 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. 4291, 2-14-2012)

**Sec. 9.31.140 Severability.**

If any provision, word, phrase, section or subsection of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision, word, phrase, section or subsection to other persons or circumstances shall not be affected thereby. To this end, provisions of this ordinance are severable.  
(Ord. No. 4291, 2-14-2012)

**Sec. 9.31.150 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 thirty (30) days after passage.  
(Ord. No. 4291, 2-14-2012)

**CHAPTER 9.32**

**SMOKING POLLUTION CONTROL AND HEALTH PROTECTION ORDINANCE**

**Sec. 9.32.010 Title.**

This Chapter shall be known as the "Smoking Pollution Control and Health Protection Ordinance." (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.020 Findings and Purpose.**

(A) The Mendocino County Board of Supervisors does hereby find that:

(1) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing environmental tobacco smoke is a cause of disease, including lung cancer in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

(2) Health hazards induced by breathing environmental tobacco smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction and bronchospasm.

(3) The American Medical Association, former U.S. Surgeon Generals C. Everett Koop, M.D. and Antonia Novello, M.D. and former Secretary of the U.S. Department of Health and Human Services, Dr. Louis Sullivan, have publicly denounced the tobacco industry for targeting children, teens, women and members of racial and ethnic minority groups in its advertising and promotions and have called for local, State and Federal action to prevent the tobacco industry from targeting these individuals, especially youth.

(4) Based on weight of available scientific evidence, the U.S. Environmental Protection Agency (EPA) has concluded that the widespread exposure to environmental tobacco smoke in the United States presents a serious and substantial public health impact.

(B) Accordingly, the Mendocino County Board of Supervisors finds and declares that the purposes of this Chapter are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke, and (3) to reduce addiction to tobacco products by children and teenagers. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.030 Definitions.**

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

(1) "Bar" means an area which is devoted to the serving of alcohol beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area. A "bar" for the purpose of this definition does not include any establishment where tobacco smoke can filter into a restaurant through a passageway, ventilation system or any other means.

(2) "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments, service and professional offices.

(3) "Employee" means any person who is employed by any employer for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity or business.

(4) "Employer" means any person, partnership, corporation, including a municipal corporation, special district, local public agency or nonprofit entity, employing the services of one or more individual persons or utilizing the services of volunteers.

(5) "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by

solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by parti-





## CHAPTER 9.41

### SINGLE-USE CARRYOUT BAGS BY RETAIL ESTABLISHMENTS

#### Sec. 9.41.010 Findings.

(A) The use of all single-use shopping bags (plastic, paper, biodegradable) has severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, water consumption and solid waste generation.

(B) There are retail establishments in the County of Mendocino ("County") which provide single-use, disposable carryout bags to their Customers.

(C) Many of these single-use carryout bags are made from plastic or other material that does not readily decompose.

(D) Billions of single-use plastic bags are used annually in California but only a small percentage are recycled.

(E) Studies have documented the prevalence of single-use plastic carryout bags littering the environment, blocking storm drains and fouling beaches.

(F) The County's taxpayers must incur clean-up costs of this litter.

(G) Plastic bags are a source of marine debris and are hazardous to marine animals and birds which confuse plastic fragments for a source of food resulting in injury and death to birds and marine animals.

(H) Of all single-use bags, single-use plastic bags have the greatest litter impacts.

(I) The use of single-use paper bags result in greenhouse gas emissions, atmospheric acidification, water consumption, and ozone production.

(J) From an overall environmental and economic perspective, the best alternative to single-use plastic and paper carryout bags is a shift to reusable bags.

(K) There are alternatives to single-use carryout bags which are readily available.

(L) An important goal of the County is to procure and use sustainable products and services.

(M) The County recognizes carryout bag regulation is a matter of statewide interest and concern that is best applied uniformly throughout the state; however in the absence of statewide regulation, the County finds that it is in the best interest of the County and its residents to regulate carryout bags as described herein.

(N) It is the desire of County to conserve resources, reduce the amount of waste, litter and marine pollution that are attributable to the use of single-use bags, and to protect the public health and welfare as well as to protect wildlife, all of which activities increase the quality of life for the County residents and visitors.

(O) Studies document that banning plastic bags and placing fees on paper bags will dramatically reduce the use of both types of bags.

(P) The Board of Supervisors finds that it will discourage the use of single-use paper bags and encourage the use of reusable carryout bags if a store is required to charge Customer who uses the single-use paper bag for the cost of the bag rather than spreading that cost among all of its Customers by including the cost in the prices charged for its merchandise. This Ordinance provides for such a charge solely for this reason and not to raise revenue for a general or special purpose of the County.

(Ord. No. 4297, 6-12-2012)

#### Sec. 9.41.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

"Customer" means any person obtaining goods from a store.

"Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

"Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives ninety (90) percent or more of its revenue from the sale of prepared food, including alcoholic beverages, to be eaten on or off its premises.

"Post Consumer Recycled Content" means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

"Recycled-Content Paper Bag" means a paper carryout bag provided by a store to a Customer at the point of purchase that meets all of the following requirements:

(1) Contains a minimum of forty (40) percent post consumer recycled content, except a three-hundred fifty (350) cubic inch or smaller recycled-content paper bag shall contain a minimum of twenty (20) percent post consumer recycled content.

(2) Is accepted for recycling in the curbside program of the County.

(3) Has printed on the bag the name of the manufacturer and the minimum percentage of post consumer content.

"Reusable Carryout Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse, does not contain lead, cadmium, or any other heavy metal in toxic amounts as established by the United States Pharmacopeia Convention (USP), and is either:

(1) Made of cloth or other machine washable fabric, or

(2) Made of durable plastic that is at least two and one-quarter (2.25) mils thick and is specifically designed for multiple reuse, meaning manufactured to carry a minimum of twenty-two (22) pounds for at least one hundred twenty-five (125) times over a distance of at least one-hundred seventy-five (175) feet.

"Single-Use Carryout Bag" means a bag made of plastic, paper, or other material, that is provided by a store to a Customer at the point of purchase and that is not a Reusable Carryout Bag. A Single-Use Carryout Bag does not include:

(1) A bag provided by a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Cal. Business and Professions Code to a Customer purchasing a prescription medication;

(2) A bag used by Customers before the point of purchase to:

a. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;

b. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;

c. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;

d. Contain unwrapped prepared foods or bakery goods; or

e. Separate or protect individual items prior to placing them in a carryout bag; or

(3) A newspaper bag, door-hanger bag, laundry-cleaning bag, or bag sold in a multiple package of bags intended for use as garbage, pet waste, or yard waste bags.

"Store" means a retail establishment, other than a Certified Farmer's Market, that sells perishable or nonperishable goods, licensed to do business in the County, except Public Eating Establishments.

(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.030 Carryout Bag Regulations.**

(A) A Store shall not provide a Single-Use Carryout Bag to a Customer at the point of purchase, except as provided in this section.

(B) Plastic Single-Use Carryout Bags are prohibited.

(C) A Store may provide Reusable Carryout Bags to Customers at no cost, until eighteen (18) months after the Effective Date of this Ordinance, only when combined with a time-limited store promotional program to promote the use of Reusable Carryout Bags.

(D) A Store may provide to a Customer a Recycled-Content Paper Bag or a Reusable Carryout Bag upon request but shall charge the Customer, except as provided in Subsection (F), not less than ten (10) cents per bag.

(E) A Store will not be required to charge a Customer for a Recycled-Content Paper Bag of less than two hundred fifty (250) cubic inches capacity.

(F) For any Recycled-Content Paper Bag or a Reusable Carryout Bag sold to a Customer, the amount of the sale of the bag shall be separately itemized on the sales receipt. No store shall rebate or otherwise reimburse a Customer any portion of the charge required for a Recycled-Content Paper Bag.

(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.040 Application to Different Classes of Stores.**

This Ordinance shall be and the same is hereby declared to be in full force and effect for different classes of Stores as follows:

(A) From and after one hundred eighty (180) days from the Effective Date for:

(1) A full-line, self-service retail Store with gross annual sales of three million (\$3,000,000.00) dollars or more and which sells a line of dry grocery, canned goods, nonfood items and some perishable items; and

(2) A Store with over ten thousand (10,000) square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and use Tax Law (Part 1.5 commencing with Section 7200 of Division 2 of the Revenue and Tax Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(B) From and after five hundred forty-five (545) days from the Effective Date for all other Stores.

(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.050 Violations and Penalties.**

(A) Any action to enforce this Ordinance must be preceded by delivery of a written warning to the

Store where a violation has occurred. The warning shall be personally delivered to the Store manager or mailed by registered or certified U.S. Mail to the Store. No further enforcement action may be taken against the Store for that violation, if the Store cures the violation within thirty (30) days after receipt of the written warning and does not commit another violation within six (6) months after receipt of the written warning.

(B) Any person, firm or corporation who violates this Ordinance shall be guilty of an infraction, and upon conviction thereof, shall be punished by fine not exceeding:

(1) \$100.00 for a first violation,

(2) \$200.00 for a second violation within the same year, and

(3) \$500.00 for each additional violation within the same year.

(C) Any violation of this Chapter may be enforced through any applicable administrative enforcement procedures contained in the Mendocino County Code. The Chief Executive Officer, or his or her designee, is authorized to take any and all other actions authorized by law which are reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, and imposing administrative fines in amounts as may be established from time to time by ordinance.

(D) In addition to the administrative enforcement procedures described above, the County Counsel is authorized to pursue judicial enforcement of this Chapter through a civil action.

(E) A violation of any provision of this Ordinance by any person, firm or corporation shall be subject to a civil action in any court of competent jurisdiction, including the small claims court, by a Customer, public interest organization, or the County to recover any damages caused by the violation and a civil penalty of one thousand (\$1,000) dollars or ten (10) percent of actual damages, whichever is higher, for every such violation. For any willful violation, the Customer, public interest organization or County may recover treble damages. Nothing in this subsection shall pro-

hibit the filing of an action as authorized herein as a class action. The prevailing party in any action filed pursuant to this subsection shall be entitled to recover its reasonable attorneys' fees to be determined by the court.

(F) No remedy contained in this section is intended to be exclusive of any other remedy contained herein and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise.  
(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.060 Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Mendocino hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one (1) or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.  
(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.070 Publication.**

The Clerk of the Board will publish the Ordinance codified in this Chapter as required by law.  
(Ord. No. 4297, 6-12-2012)

**Sec. 9.41.080 Effective Date.**

The Ordinance codified in this Chapter shall take effect thirty (30) days after passage.  
(Ord. No. 4297, 6-12-2012)

## CHAPTER 15.12

### PARKING REGULATIONS

#### Sec. 15.12.010 Angle Parking on County Roads.

In accordance with the provisions of Motor Vehicle Code Section 22503 of the State of California, angle parking is hereby permitted on the County roadways known as follows:

##### (A) Calpella Area.

(1) On the south side of Moore Street (CR 229B) beginning at North State Street (CR 104) and extending one hundred fifty (150) feet east.

(2) On the east side of North State Street (CR 104) beginning at Moore Street (CR 229B) and extending seven hundred fifty (750) feet south.

(3) On the west side of North State Street (CR 104) between mile post 4.53 and mile post 4.60.

##### (B) Covelo Area.

(1) On Howard Street (CR 334D) between Dingman Street (CR 335E) and Perry Street (CR 335C).

(2) On Main Street (CR 335D) between Grange Street (CR 334B) and Howard Street (CR 334D).

##### (C) Forks Area.

(1) On the west side of North State Street (CR 104) between mile post 1.78 and mile post 1.82.

##### (D) Redwood Valley Area.

(1) On both sides of School Way (CR 236) between mile post 1.03 and mile post 1.08.

(2) On the south side of Uva Drive (CR 239) between mile post 1.46 and mile post 1.54.

(3) On the west side of East Road (CR 230) beginning at the south line of School Way (CR 236) and extending two hundred (200) feet south.

##### (E) Town of Mendocino.

(1) On both sides of Lansing Street (CR 500) between Little Lake Street (CR 407A) and Albion Street (CR 407D).

(2) On the west side of Lansing Street (CR 500) between Albion Street (CR 407D) and Main Street (CR 407E).

(3) On the north side of Main Street (CR 407E) between Lansing Street (CR 500) and Woodward Street (CR 407J).

(4) On both sides of Ukiah Street (CR 407C) between Lansing Street (CR 500) and William Street (CR 407K).

##### (F) Ukiah Area.

(1) The west side of Laws Avenue (CR 253B) beginning at the south line of Tedford Avenue (CR 253) and extending three hundred (300) feet south. (Ord. No. 3680 § 2 (part), adopted 1988)

(Ord. No. 4299, § 1, 8-28-2012)

#### Sec. 15.12.020 "No Parking Zone" in Front of the Post Office.

It shall be unlawful for the operator of a vehicle to stop or park such vehicle on the U.S. Highway 101 (commonly known as the Redwood Highway) adjacent, near, parallel or diagonally to the curb of said highway located west of the building known as the Hopland Post Office; said curb is officially designated as being that portion of the curb extending along the said highway from Station 16+38.67 northerly to Station 16+50.17. (Ord. No. 3680 § 2 (part), adopted 1988.)

#### Sec. 15.12.030 Duty of Sheriff.

The Sheriff of the County of Mendocino shall mark such curbing and the space reserved therefor by red paint upon the entire curb surface extending between the stations hereinabove referred to. (Ord. No. 3680 § 2 (part), adopted 1988.)

#### Sec. 15.12.040 Parking.

(A) **Prohibited Parking on County Roads.** The Road Commissioner of the County of Mendocino shall implement provisions prohibiting the parking or stopping of vehicles under this Chapter by placing appropriate signs or markings at the following locations:

(1) Any place where the stopping or parking of vehicles is determined by the Road Commissioner to constitute a hazard to traffic, life or property, or any obstruction to vehicular or pedestrian traffic.

(2) On the east side of South State Street (CR 104-A) between mile post 0.82 and mile post 0.86 and on the west side of CR 104-A between mile post 0.83 and mile post 0.86.

(3) On the south side of Simpson Lane (CR 414) between mile post 0.443 and mile post 0.546.

(4) On both sides of North State Street (CR 104) between Orr Springs Road and Ackerman Creek Bridge, a distance of 0.19 miles.

(5) On both sides of Low Gap Road (CR 212), between the Ukiah City Limits on the east and a point 0.15 miles westerly thereof.

(6) On the east side of Basin Street (CR 417) between mile post 0.07 and mile post 0.32.

(7) On the west side of Basin Street between mile post 0.09 and mile post 0.32, between the hours of 10:00 p.m. and 4:00 a.m., for periods longer than two (2) hours.

(8) On the west side of Ward Avenue (CR 425B) mile post 0.90 between the hours of 10:00 p.m. and 6:00 a.m.

(9) On that portion of Holquist Lane (CR 412) between the Gibney Lane intersection and a point 0.142 miles easterly thereof.

(10) On East Side Potter Valley Road (CR 240) between mile post 0.87 and mile post 0.98.

(11) On the south side of Main Street in the Town of Mendocino (CR 407E) between mile post 0.300 and mile post 0.311(60 feet) for the purpose of a bus stop.

(12) On the south side of Main Street in the Town of Mendocino (CR 407E) between mile post 0.257 to mile post 0.254 (20 feet) for the purpose of emergency access and attended vehicle loading.

**(B) Prohibited Parking on State Highway.** The parking of vehicles on the State Highway is prohibited at any of the following locations, at any time:

(1) On State Highway 01-MEN-101 from mile post 69.49 to mile post 69.58 (a section of curbs and driveways on the west side of said highway commencing one hundred fifty (150) feet north of the centerline of Branscomb Road and extending for four hundred sixty (460) feet north from that point) in the community of Laytonville.

(2) On U.S. Highway 101 from the Sandelin Memorial Bridge to mile post 7.26 on both sides of said highway between the hours of 10:00 p.m. and 6:00 a.m.

**(C) Parking on Private Property—Prohibited.** No person shall park a vehicle in a private driveway or private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

**(D) Angle Parking.** The Road Commissioner is hereby authorized to determine and, upon approval of the Board of Supervisors, designate those streets and portions of streets along which angle parking of vehicles will reduce parking congestion to the benefit of the public and where the surrounding conditions are such that the free movement of traffic will not be interfered with by that method of parking. The Road Commissioner is hereby directed to mark all places so designated by white lines upon the surface of the roadway, indicating the angle at which parking is permitted; provided, however, that angle parking shall not be permitted:

(1) At any place where passing traffic would thereby be caused or required to drive upon the left side of the highway.

(2) Upon any street where that method or parking is prohibited by the Vehicle Code.

**(E) Prohibited Parking on County Operated Off-Street Parking Facilities.** No person shall park, stop, or leave standing a vehicle on any County-owned or County-operated off-street parking facility except upon compliance with each of the following conditions:

(1) Such person has been issued a valid vehicle parking permit by the County Executive Officer, said permit to bear the number of a particular parking space which has been properly marked.

(2) Such person has affixed to his vehicle parking permit so as to be clearly visible from the outside, preferably at the lower left-hand corner of the rear window.

(3) Said vehicle utilizes only the particular parking space or spaces whose number corresponds with the number on the permit.

(F) **Numbering Spaces and Posting Notice.** The County Executive Officer is hereby authorized and directed to post all County-owned or County-operated off-street parking facilities with the appropriate signs giving notice (1) that the facility is an official County parking lot, (2) that parking in the lot is by permit only, (3) vehicles parked in violation of this Chapter are subject to removal, (4) that the regulations governing parking in the lot are set forth in this Chapter and (5) other information the County Executive Officer deems appropriate. The County Executive Officer is hereby further authorized and directed to properly mark, delineate, and individually number all parking spaces in each such facility.

(G) **Removal of Illegally Parked Vehicles.** Any vehicle parked or left standing in violation of this Section 15.12.040 and where signs are posted giving notice of vehicle removal, may be removed upon order of any regularly employed and salaried deputy of the Mendocino County Sheriff or a member of the California Highway Patrol. Such removal may be in addition to whatever other penalties may result. The costs of removal and storing of such vehicle shall be a lien against such vehicle and a personal obligation against its owner. (Ord. No. 3680 § 2 (part), adopted 1988; Ord. No. 4114 § 1, adopted 2003; Ord. No. 4165 § 1, adopted 2006; Ord. No. 4201 § 1, adopted 2008.) (Ord. No. 4333, § 1, 2-23-2010)

**Sec. 15.12.041 Limited Time Parking.**

(A) The parking of vehicles shall be limited to the total time indicated at the following locations:

(1) On the south side of Ukiah Street (CR 407C) between Lansing Street (CR 500) and Howard Street (CR 407N), one parking space shall be designated and marked by the County Department of Transportation for short-term parking limited to twenty minutes between the hours of 8:00 a.m. and 6:00 p.m. except on Sundays. (Ord. No. 4138, adopted 2005.)

**Sec. 15.12.042. Americans With Disabilities Act (ADA) Parking.**

(A) One parallel on-street parking space shall be limited to ADA parking at the following location:

(1) On the east side of Highway 128, at mile post 28.78 adjacent to 14125 Highway 128, one parking space shall be designated and marked by the County Department of Transportation. (Ord. No. 4234, 2-23-2010)

**Sec. 15.12.050 Repealed by Ord. No. 4002, adopted 1998.**

**Sec. 15.12.060 Repealed by Ord. No. 4002, adopted 1998.**

**Sec. 15.12.070 "No Parking" Zones in Front of Schools.**

No person shall stop, park or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer in any of the following places at any of the following specified times:

(A) **River School.** On East Side Road (CR 201), between paddle markers 14.18 and 14.28 on the easterly side and paddle markers 14.23 and 14.28 on the westerly side, between the hours of 7:30 a.m. and 3:30 p.m. (Ord. No. 3680 § 2 (part), adopted 1988.)

**Sec. 15.12.080 Markings.**

The Road Commissioner shall place or erect and maintain such signs and pavement and curb markings on County maintained roads as he deems necessary to adequately designate the areas of parking restrictions. (Ord. No. 3680 § 2 (part), adopted 1988.)

**Sec. 15.12.090 Prohibition of Parking of Commercial Vehicles.**

No person shall stop, park or leave standing during the hours of 8:00 p.m. through 6:00 a.m. any commercial vehicle, whether attended or un-

attended, except when necessary to avoid conflict with other traffic, in a designated residential area if such commercial vehicle has or exceeds an unladen weight rating of ten thousand (10,000) pounds or more. Such prohibition shall not apply to any commercial vehicle making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on the restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets for which a building permit has previously been obtained. Such parking described above shall be prohibited in the following residential areas:

(A) In the Hopland area, on County Road 114-B also known as MacMillan Drive, and on County Road 114-C, also known as St. Mary's Avenue;

(B) In the Meadowbrook area, south of Ukiah on County Road 252-E, also known as Meadowbrook Drive. (Ord. No. 3680 § 2 (part), adopted 1988.)

**Sec. 15.12.091 Seventy-two (72) Hour Parking Limitation.**

No person shall park or leave standing a vehicle upon a street or highway within the unincorporated territory of the County for seventy-two (72) or more consecutive hours. Exempted from this Section are passenger vehicles and pickup trucks which are not recreational vehicles parked upon a street or highway in front of the site location appearing on the registration of these vehicles.

Any member of the State Highway Patrol or any regularly employed and salaried deputy of the Sheriff's Office of the County is hereby authorized to remove to the nearest garage or other place of safety, or to a garage designated or maintained by this County, any vehicle which has been parked or left standing upon a street or highway within the unincorporated area in the County for seventy-two (72) or more consecutive hours. (Ord. No. 3779, adopted 1991.)

**Sec. 15.12.100 Penalties.**

Violation of any parking regulation contained in this Chapter is an infraction punishable pursuant to Vehicle Code Section 42001(a). (Ord. No. 3680 § 2 (part), adopted 1988; Ord. No. 4114 § 2, adopted 2003; Ord. No. 4165 § 2, adopted 2006; Ord. No. 4201 § 2, adopted 2008.) (Ord. No. 4333, § 2, 2-23-2010)



**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 PROCESS-  
ING 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 DEVELOP-  
MENT 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 RE-  
SORT 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 LIMITA-  
TIONS ON USES**

- Sec. 20.148.005 Limitation on Uses.

**CHAPTER 20.152 GENERAL PROVISIONS  
AND EXCEPTIONS DISTRICT**

- 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.

**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. Family Care Unit.

**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.

- Sec. 20.188.020 Development Projects Subject to Further Review.
- Sec. 20.188.025 Development Review Process.
- Sec. 20.188.030 Final Plans and Certification.
- Sec. 20.188.035 Appeals.
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- Sec. 20.188.045 Nuisances.
- Sec. 20.188.050 Effect on Other Laws.
- Sec. 20.188.060 Exceptions.

**CHAPTER 20.192 ADMINISTRATIVE PERMITS**

- Sec. 20.192.005 Declaration.
- Sec. 20.192.010 Original Jurisdiction.
- Sec. 20.192.015 Application and Fee.
- Sec. 20.192.020 Review and Evaluation.
- Sec. 20.192.025 Decision and Notice.
- Sec. 20.192.030 Conditional Administrative Permits.
- Sec. 20.192.035 Appeal.
- Sec. 20.192.040 Discontinuance.
- Sec. 20.192.045 Expiration.
- Sec. 20.192.050 Application for Extension.
- Sec. 20.192.055 Application for Modification.
- Sec. 20.192.060 Revocation or Modification.
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**CHAPTER 20.196 USE PERMITS**

- Sec. 20.196.005 Declaration.
- Sec. 20.196.010 Original Jurisdiction.
- Sec. 20.196.015 Application and Fee.
- Sec. 20.196.020 Findings.
- Sec. 20.196.025 Decision and Notice.
- Sec. 20.196.030 Conditional Use Permit.
- Sec. 20.196.035 Effective Date.
- Sec. 20.196.040 Expiration.
- Sec. 20.196.045 Application for Modification.
- Sec. 20.196.050 Renewal.
- Sec. 20.196.055 Revocation or Modification.

- Sec. 20.196.060 Automatic Revocation.
- Sec. 20.196.065 Reapplication.
- Sec. 20.196.070 Nuisance.
- Sec. 20.196.075 Notice to Assessor.

**CHAPTER 20.200 VARIANCES**

- Sec. 20.200.005 Declaration.
- Sec. 20.200.010 Original Jurisdiction.
- Sec. 20.200.015 Application and Fee.
- Sec. 20.200.020 Findings.
- Sec. 20.200.025 Decision and Notice.
- Sec. 20.200.030 Conditional Variance.
- Sec. 20.200.035 Effective Date.
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- Sec. 20.200.045 Application for Modification.
- Sec. 20.200.050 Revocation or Modification.
- Sec. 20.200.055 Automatic Revocation.
- Sec. 20.200.060 Reapplication.
- Sec. 20.200.065 Nuisance.

**CHAPTER 20.204 NONCONFORMING USES AND STRUCTURES**

- Sec. 20.204.005 Declaration.
- Sec. 20.204.010 Continuation and Maintenance.
- Sec. 20.204.015 Restoration of Damaged Structures.
- Sec. 20.204.020 Alterations and Additions to Nonconforming Uses and Structures.
- Sec. 20.204.025 Expansion of Nonconforming Uses and Structures.
- Sec. 20.204.030 Previous Use Permits in Effects.
- Sec. 20.204.035 Abandonment or Conversion of Nonconforming Uses.
- Sec. 20.204.040 Nuisances.

**CHAPTER 20.206 EXTENSION OF TIME FOR QUALIFYING CLEAN SLATE/BLUR II APPLICANTS**

- Sec. 20.206.005 Declaration.
- Sec. 20.206.010 Standards.
- Sec. 20.206.015 Repealer.

**CHAPTER 20.208 APPEALS**

- Sec. 20.208.005 Declaration.
- Sec. 20.208.010 Administrative Appeals.
- Sec. 20.208.015 Zoning Administrator and Planning Commission Appeal.

**CHAPTER 20.212 AMENDMENTS, ALTERATIONS, AND CHANGES IN DISTRICTS**

- Sec. 20.212.005 Declaration.
- Sec. 20.212.010 Conditions to Rezoning.
- Sec. 20.212.015 Initiation.
- Sec. 20.212.020 Planning Commission Hearing.
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**CHAPTER 20.216 ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES**

- Sec. 20.216.005 Officials, Duties.
- Sec. 20.216.010 Penalties.
- Sec. 20.216.015 Permit Conditions as Violations.
- Sec. 20.216.020 Cumulative Remedies.
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**CHAPTER 20.220 GENERAL PLAN—ZONING ORDINANCE COMPATIBILITY**

- Sec. 20.220.005 General Plan—Zoning Compatibility Chart.

**CHAPTER 20.224 INTERIM URGENCY ORDINANCE PROHIBITING NEW OR EXPANDED INDUSTRIAL USES ON PINOLEVILLE RANCHERIA**

- Sec. 20.224.005 Pinoleville Rancheria—New Industrial Uses Prohibited.

**CHAPTER 20.228 INTERIM URGENCY ORDINANCE PROHIBITING SUBDIVISION OF LAND WITHIN THE NORTH FORT BRAGG/PUDDING CREEK PLANNED DEVELOPMENT AREA**

- Sec. 20.228.005 North Fort Bragg/Pudding Creek Planned Development Area Division of Land Prohibited.

**CHAPTER 20.232 DEVELOPMENT REVIEW FOR BROOKTRAILS**

- Sec. 20.232.010 Purpose.
- Sec. 20.232.015 Designation of Area.
- Sec. 20.232.020 Definitions.
- Sec. 20.232.025 Establishment of Development Review Board.
- Sec. 20.232.030 Work in District Requiring Approval.
- Sec. 20.232.035 Procedure for Submission to Development Review Board.
- Sec. 20.232.040 Standards.
- Sec. 20.232.045 Approvals.
- Sec. 20.232.050 Appeals.
- Sec. 20.232.055 Conduct of Appeal.
- Sec. 20.232.060 Conduct of Hearings.
- Sec. 20.232.065 Violations.
- Sec. 20.232.070 Severability.

**CHAPTER 20.236 TOWERS AND ANTENNAS**

- Sec. 20.236.005 Declaration.
- Sec. 20.236.010 Superseding Effect, Exceptions.
- Sec. 20.236.015 Prior Applications.
- Sec. 20.236.020 Private Antennas.
- Sec. 20.236.025 Validity.

**CHAPTER 20.238 INCLUSIONARY HOUSING**

- Sec. 20.238.005 Purpose.
- Sec. 20.238.010 Applicability.
- Sec. 20.238.015 Inclusionary Housing Unit Requirement.
- Sec. 20.238.020 Affordable Housing Standards.

- Sec. 20.238.025 Inclusionary Housing Credit.
- Sec. 20.238.030 Alternatives.
- Sec. 20.238.035 Affordable Housing In-Lieu Fees.
- Sec. 20.238.040 Incentives.
- Sec. 20.238.045 Density Bonus and Other Incentives.
- Sec. 20.238.050 Inclusionary Housing Plan Compliance.
- Sec. 20.238.055 Eligibility to Occupy Inclusionary Housing Units.
- Sec. 20.238.060 Equity Sharing.
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- Sec. 20.238.080 Adjustments, Modifications, or Waivers.
- Sec. 20.238.090 Ordinance Review.
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**CHAPTER 20.239 REQUESTS FOR REASONABLE ACCOMODATIONS UNDER THE FAIR HOUSING ACTS**

- Sec. 20.239.010 Purpose and Intent.
- Sec. 20.239.015 Definitions.
- Sec. 20.239.020 Applicability.
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- Sec. 20.239.030 Review Authority.
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**CHAPTER 20.240 DEVELOPMENT REVIEW WITHIN THE BRUSH STREET TRIANGLE**

- Sec. 20.240.003 Declaration.
- Sec. 20.240.005 Intent.
- Sec. 20.240.010 Designation of Area.
- Sec. 20.240.015 CEQA.
- Sec. 20.240.020 Site Development Permits.
- Sec. 20.240.025 Site Development Permit Processing.

- Sec. 20.240.030 Site Development Permit Findings.
- Sec. 20.240.035 Conditions of Approval.
- Sec. 20.240.040 Effective Date.
- Sec. 20.240.045 Expiration, Revocation and Renewal.
- Sec. 20.240.050 Sunset of Ordinance.
- APPENDIX A Industrial Uses Which Normally Will Not Require Development Review
- APPENDIX B Industrial Uses Which Require Environmental Review

**DIVISION I**

**Sec. 20-0 Repealed by Ord. No. 3787, adopted 1991.**

amendments to the Zoning Code shall only be made in conformity with the General Plan and adopted area plans. (Ord. No. 3639 (part), adopted 1987)

**CHAPTER 20.004**

**GENERAL**

**Sec. 20.004.005 Title.**

This Division shall be known and cited as the "Mendocino County Zoning Code—Division I." (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.010 Adoption of Zoning Enabling Plan—Declaration.**

There is adopted a Zoning Enabling Plan for the County of Mendocino, exclusive of those areas within the Coastal Zone. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3787 (part), adopted 1991)

**Sec. 20.004.015 Purpose.**

This Division is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare; and further, the purpose of this Division is to prescribe land use regulations and a zoning plan for the County of Mendocino deemed necessary to promote forestry and agriculture; to provide open space for light and air and to prevent and fight fires and other hazards; to prevent undue dispersion or concentration of population; to promote orderly community development; to lessen congestion of streets and highways; and to facilitate adequate provisions for community utilities such as transportation, schools, parks and other public requirements. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.020 Intent.**

This Division is intended to be in harmony with the Mendocino County General Plan and any area plans adopted pursuant thereto. Future amendments of these plans shall be reflected in amendments of the Zoning Code, and future

(A) **Packing and Processing—Limited.** Packing or processing of crops grown on the premises;

(B) **Packing and Processing—Winery.** Crushing of grapes and fermentation, storage, and bottling of wine from grapes grown on or off the premises. Said use type also includes tasting rooms in conjunction with a winery and breweries provided said tasting room occupies less than twenty-five percent (25%) of the floor space of the winery;

(C) **Packing and Processing—General.** Packing or processing of crops, mineral water, animals or their byproducts regardless of where they were grown or found. Includes mineral water bottling plants;

(D) **Packing and Processing—Commercial Cooperage.** Manufacture of wood vessels, such as barrels for storing and maturing wine, beer or other beverages, regardless whether the agricultural products stored are grown on or off the premises if it is established in connection with a winery operation on the premises. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3972 (part), adopted 1997)

#### **Sec. 20.032.045 Forest Production and Processing.**

"Forest production and processing" refers to the production and byproduct process from growing to milling to sales of forest products. The following are forest production and processing use types:

(A) **Forest Production and Processing—Limited.** Refers to the growing, harvesting, curing, milling, packaging, packing, shipping and selling of forest products, produced on the premises.

(B) **Forest Production and Processing—General.** Refers to the growing, harvesting, curing, milling, packaging, packing, shipping, and selling of forest products regardless of where they are grown.

(C) **Forest Production and Processing—Commercial Woodlots.** Refers to open or closed storage of firewood for wholesale or retail sales, regardless of where the firewood products are produced.

(D) **Forest Production and Processing—Portable Sawmills.** Refers to the operation of small portable milling machines for production of rough-sawed lumber subject to the following limitations:

(1) Logs or other material to be sawed may come from timber produced on the premises or imported from off-site sources;

(2) Combined horsepower of all engines or motors used in the milling process shall not exceed seventy-five (75);

(3) Planing or other remanufacturing of lumber shall not be allowed.

(4) A maximum of three (3) workers/employees including the owner/operator;

(5) Production shall not exceed three thousand (3,000) board feet in any day or thirty thousand (30,000) board feet in any month;

(6) Milling machinery shall not be located closer than two hundred (200) feet from the nearest property line;

(7) Log/lumber storage and similar uses accessory to the milling operation shall not be located closer than fifty (50) feet from the nearest property line;

(8) All equipment and materials associated with the milling operation shall not be located closer than one hundred (100) feet from any Class I or Class II stream, and shall not be located within a one hundred-year (100-year) flood plain;

(9) Minimum parcel size shall be ten (10) acres;

(10) Maximum area encompassed by operation shall not exceed one (1) acre;

(11) Maximum building area shall not exceed 5,000 square feet if the structure is pre-existing, and that any new building area shall be limited to 2,000 square feet as per cottage industries. Pre-existing (legal) facilities must pre-date July 1, 1999;

(12) Noise created by the operation shall not exceed the levels specified in Appendix C. (Ord. No. 3639 (part), adopted 1987; Ord. No. 4038 (part), adopted 1999)

**CHAPTER 20.036**

**EXTRACTIVE USE TYPES**

**Sec. 20.036.005 General Description of  
Extractive Use Types.**

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.036.010 Mining and Processing.**

The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with essential processing of only nonmetallic mineral products. Except where conducted within a Mineral Processing Combining District, and subject to the requirement for a major use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may be allowed for other off-site uses where such materials do not exceed ten (10) percent of that volume specified for the primary construction project. Typical places or uses include borrow pits, gravel bars, rock quarries, oil and gas drilling rigs, or portable crushing, screening, washing, and mixing plants. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4293, 4-10-2012)



**CHAPTER 20.040**

**ESTABLISHMENT OF DISTRICTS**

**Sec. 20.040.005 Districts Established.**

The several classes of districts, and into which the County may be divided, are designated as follows:

- S-R Suburban Residential;
- R-R Rural Residential;
- A-G Agricultural;
- U-R Upland Residential;
- R-L Rangeland;
- F-L Forest Land;
- T-P Timberland Production;
- R-1 Single-family Residential;
- R-2 Two-family Residential;
- R-3 Multiple-family Residential;
- R-C Rural Community;
- C-1 Limited Commercial;
- C-2 General Commercial;
- I-1 Limited Industrial;
- I-2 General Industrial;
- P-I Pinoleville Industrial;
- O-S Open Space;
- P-F Public Facilities. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3804 (part), adopted 1992)

**Sec. 20.040.010 Combining Districts.**

In addition to the districts enumerated in Section 20.040.005 combining districts may be established and designated as follows:

- "AH" Special Airport Height Combining District;
- "C" Cluster Combining District;
- "FP" Special Flood Plain Combining District;
- "IS" Isolated Service Combining District;
- "L" Special Minimum Lot Size Combining District;
- "MP" Mineral Processing Combining District;
- "PD" Planned Development Combining District;
- "P" Plan Combining District;
- "SH" Special Hazards Combining District;

"SS" Seismic Study Combining District.  
 (Ord. No. 3639 (part), adopted 1987; Ord. No. 3804 (part), adopted 1992; Ord. No. 3986 (part), adopted 1997)  
 (Ord. No. 4292, 4-10-2012)

**Sec. 20.040.015 Location and Boundaries of Districts.**

The designation, location and boundaries of the aforesaid districts shall be by written description, assessors parcel or by delineation on zoning maps which may be hereafter be adopted as provided in Chapter 20.212, Amendments and Alterations. Said maps and all notations, references, data and other information shown thereon shall become a part of this Division and subject thereto, and all such written descriptions and maps shall constitute Section 20.040.020 (next section) hereof. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.040.020 Zoning Maps of the County of Mendocino.**

This Section consists of the document entitled "Computer Print Out of Zoning Designation by Assessors Parcel Number." Said document is hereby adopted and incorporated herein by reference. Copies of said document shall be maintained by the Clerk of the Board and by the Department of Planning and Building Services. Said document shall not be codified. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.040.025 Determining Uncertain Boundaries.**

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

(A) **Streets or Alleys.** Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such street or alley shall be construed to be the boundaries of such zone.

(B) **Lot Lines.** Where the zoning boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into

blocks, lots, or assessors parcels, the zoning boundaries shall be construed to be lot lines or assessors parcels; and where the indicated boundaries are approximately lot lines or assessors parcels, said lot lines or assessors parcels shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.

**(C) Scale of Map; Determination by Commission.** Where the property is indicated on a zoning map or maps as acreage and not divided into lots, blocks, or assessors parcels or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary line shall be determined by use of the scale on the map unless dimensions are shown thereof by figures. In the event property shown as acreage on the zoning map or maps has been or is subsequently subdivided into lots or blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established or property is resubdivided into a different arrangement of lots and blocks than shown on the zone map, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the zone maps and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the copies of the zoning maps in the Planning and Building Services Department shall be changed to conform thereto.

**(D) Vacated Street or Alley.** In the event a dedicated street or alley shown on the zoning map or maps is vacated by resolution or amendment of any section of this Code, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

**(E)** In the event further uncertainty exists the Planning Commission upon written application or upon its own motion, shall determine the location of such boundaries. (Ord. No. 3639 (part), adopted 1987)

**CHAPTER 20.132****"L" SPECIAL MINIMUM LOT SIZE  
COMBINING DISTRICT****Sec. 20.132.005 Intent.**

This district is intended to allow the density in the zoning to be compatible with the General Plan density and to allow for decreased density in the zoning expressed in multiples of the density allowed in the corresponding General Plan designation (i.e., General Plan AG-40; zoning AG, AG:L-80, AG:L-120, etc.). Where such decreased density is desirable for the protection of existing land uses or environmental values, or for the recognition of constraints upon development, the "L" combining district shall be applied. (Ord. No. 3639 (part), adopted 1987)

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

In any district with which the "L" district is combined, the minimum lot size specified by the "L" district shall apply in lieu of the lot size requirements specified for such district. (Ord. No. 3639 (part), adopted 1987)

**CHAPTER 20.134**

**"MP" MINERAL PROCESSING  
COMBINING DISTRICT**

**Sec. 20.134.005 Intent.**

This combining district is intended to allow, in limited circumstances, the processing of mineral resources near the site of extraction. Processing includes, and is limited to, operation of asphalt and/or concrete batch plants. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Processing Combining District functions as an "overlay district" to be applied to the area where mineral processing activities will take place. (Ord. No. 4294, 4-10-2012)

**Sec. 20.134.010 Regulations for "MP" Mineral Processing Combining District.**

(A) **Objectives.** The operation of asphalt and concrete batch plants shall be allowed on properties within the Mineral Processing Combining District, subject to the issuance of a major use permit. "Asphalt and concrete batch plants" are defined as machinery used to process raw gravel, sand, and other materials into either hot asphalt or ready-mix concrete.

(B) **Locational Requirements.** The Mineral Processing Combining District shall only be applied to areas with an R-L zoning designation (See Chapter 20.060) within one-half mile of a legally established and active mining or mineral extraction operation. The Mineral Processing Combining District shall not be applied to:

- (1) Land within any area of special flood hazard established in Section 20.120.010(A),
- (2) Land incorporated into Agricultural Preserves under Williamson Act contract.

(C) **Designation.** The Mineral Processing Combining District shall be designated by the symbol (MP) on the County Land Use Plan.

**(D) Development Standards.**

(1) The operation of asphalt and concrete batch plants shall be limited to areas within one-half mile of surface mining activities that have vested rights or a permit to mine from the County.

(2) The general building height limitations for R-L districts shall not apply to mineral processing equipment located within a Mineral Processing Combining District. Instead, asphalt silos and other mineral processing equipment are subject to the seventy-five (75) foot height limitation provided in Section 20.152.025(C).

(3) When mining activity ceases, the mineral processing use must cease within one (1) year.

(4) The batch plant site shall be reclaimed subject to a Reclamation Plan approved as part of the Use Permit approval provided for in Section 20.134.015.

(E) **Required Information.** A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a Mineral Processing Combining District. When approving an MP use permit the County may include a condition of approval requiring the permittee to remove the MP zoning overlay upon expiration of the mining use permit.

(Ord. No. 4294, 4-10-2012)

**Sec. 20.134.015 Uses Subject to a Use Permit.**

In addition to the use types specified as uses subject to a use permit by the zoning district with which the "MP" combining district is combined, the onsite use of asphalt and concrete batch plants shall also be permitted upon issuance of a major use permit.

(Ord. No. 4294, 4-10-2012)

**CHAPTER 20.136**

**P-D PLANNED DEVELOPMENT  
COMBINING DISTRICT**

**Sec. 20.136.005 Intent.**

This district is intended to be applied on:

(A) Parcels in a single ownership, which are suitable for and of sufficient acreage to contain a planned community or development;

(B) Parcels in multiple ownerships, which are determined to have development limitations, and require that improvement plans be prepared before divisions of land occur, or use permits are approved. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.136.010 General Development Criteria.**

The following development standards shall be met by a planned development before they are granted a use permit in accordance with Chapter 20.196.

(A) **Compatibility with Adjacent Land Uses.** A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential, commercial or agricultural development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.

(B) **Relation to Natural Features.** A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.136.015 Maximum Density.**

The maximum allowable density shall be as designated by the Mendocino County General Plan. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.136.020 Lot Size.**

The lot size regulations within the zoning district shall not apply in a planned development, provided however, that minimum lot size on a site designated Suburban Residential or Rural Community by the General Plan shall observe a minimum of four thousand (4,000) square feet. Property within all other designations shall observe a six thousand (6,000) square feet minimum lot size. (Ord. No. 3639 (part), adopted 1987)

**CHAPTER 20.138**

**"P" PLAN COMBINING DISTRICT**

**Sec. 20.138.005 Intent.**

This district is intended to be applied to parcels which are subject to the provisions of a plan such as a specific plan, area plan, master plan, or other type of community plan. (Ord. No. 3986 (part), adopted 1997)

**Sec. 20.138.010 Regulations.**

Development of parcels within the "P" Plan Combining District shall be subject to the regulations set forth within the adopted subsidiary plan, or as stipulated in this Chapter. (Ord. No. 3986 (part), adopted 1997)

**Sec. 20.138.015 Plan Identification.**

As additional plans are adopted throughout the County, each Plan will be numbered, listed within this Chapter, and shown on the appropriate land use and zoning maps. (Ord. No. 3986 (part), adopted 1997)

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

(A) The P-I Brooktrails Specific Plan Combining District shall apply to all parcels within the territory of the Brooktrails Township Community Services District, excepting and excluding those lands located within that portion of the District generally referred to as "Spring Creek" (all territory shown on Parcel Map 1-76 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 29, Page 87), and "Sylvandale" (all territory shown on Parcel Map 1-73 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 22, Page 15). (Ord. No. 3986 (part), adopted 1997)

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. 3639 (part), adopted 1987)

**Sec. 20.152.025 Height Exceptions.**

(A) Radio and television aerials and antennae, and similar utility structures and necessary mechanical appurtenances for private reception, 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 or any communication transmissions. Wind generators and their associated towers 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.

(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.

(C) Asphalt silos, and other mineral processing equipment located within Mineral Processing Combining Districts may be built and used to a height not more than seventy-five (75) feet as measured from the ground to the highest point of the equipment.

(D) 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 "A-H" zoning district.

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

(Ord. No. 4295, 4-10-2012)

**Sec. 20.152.030 Density Bonus.**

The purpose of this section is to implement State law regarding the granting of density bonuses and other incentives for certain residential projects and to promote the construction of affordable housing within the County to meet the targets for moderate, low and very low income households in the Housing Element of the County of Mendocino General Plan.

(A) Applicability.

Pursuant to Government Code Section 65915, when a developer proposes to construct a housing development of at least five (5) dwelling units, of which a certain percentage (excluding any bonus units) will be limited to occupants meeting specified criteria set forth in Government Code subsection 65915(b); and/or when the proposed project meets other specified criteria in Government Code subsections 65915(h) or (i), the project shall be eligible for a density bonus and at least one concession or incentive.

(B) Regulatory Concessions and Incentives.

(1) When a project meets any of the criteria described above, the County shall grant a density bonus and one or more concessions or incentives, as defined in Government Code Section 65915 and subject to the requirements of Government Code Section 65915, provided that such concessions or incentives are required to make the proposed housing units economically feasible.

(2) Neither this subsection nor State law limits or requires the provision of direct financial incentives from the County for a qualifying project, including the provision of publicly-owned land by the County or the waiver of County fees or dedication requirements.

(C) Contractual Agreements and Reservation of Units.

The developer of a housing development for which a density bonus is granted under section (a) shall enter into either a development agreement pursuant to California Government Code Section 65865 et seq. or other recorded contractual agreement satisfactory to the County which guarantees that the targeted units will be provided by the developer and will remain available to the targeted persons or households for the applicable period deemed appropriate by the Board of Supervisors in conformance with State law. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions, not inconsistent with Government Code Section 65915, that the County may require.

(D) Application for Density Bonus.

(1) The developer of a proposed residential development seeking a density bonus shall file an application with the Planning and Building Services Department for approval of such on a form specified by the Planning Director, and shall be accompanied by all maps, plans and other information deemed necessary by the Planning Director.

(2) An application shall be accompanied by a fee established by the Board of Supervisors.

(3) An application for a density bonus and any additional concession or incentive shall include the following information:

i. The provisions of Government Code Section 65915 under which the density bonus is sought and the size of the density bonus requested, expressed as a percentage of the maximum number of units allowed by the zoning district and General Plan designation within which the project is located.

ii. Identification of the requested regulatory concession or incentive.

iii. Specific information and data concerning the proposed development which establishes that

the regulatory concession or incentive sought by the applicant is necessary to make the housing units economically feasible.

iv. Evidence of consultation with the appropriate decision-making body regarding any proposed concession or incentive requiring expenditure of County or Redevelopment Agency funds, or provision of publicly-owned land.

v. Such other pertinent information as the Planning Director may require to enable the County to adequately analyze the economic feasibility of the project with respect to the requested concession or incentives.

vi. An offer to enter into the contractual agreement required by subsection (c) to guarantee the reservation of the targeted units.

(E) Review Process for Density Bonus Applications.

(1) Planning Commission Review.

i. The Planning Commission shall hold a public hearing on an application for a density bonus. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require County approval.

ii. At the public hearing, the Planning Commission shall review the application, statements and plans submitted therewith and shall receive pertinent evidence concerning the application for a density bonus, particularly with respect to any required findings.

iii. The Planning Commission shall act on an application for a density bonus or for a density bonus and additional concessions or incentives when such concessions or incentives do not require the expenditure of County or Community Redevelopment funds, the provision of publicly-owned land, the approval of modifications to development standards or requirements. The Commission may approve, conditionally approve or deny the application by resolution. A resolution that denies the application shall include one or both of the findings of fact contained in subsection (E)(1)(iv).

iv. The Planning Commission shall approve or conditionally approve an application that is



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)



<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
4263	7-13-10	Disease prevention project		9.04.010—9.04.070
4264	7-13-10	Garden's Gate Dev. Agreement		21.04.020
4265	7-13-10	Speed limits		15.04.030
4270	1- 4-11	Stormwater runoff		16.30.010—16.30.430
4271	1-25-11	2011 investment authority		5.130.010
4272	1-25-11	SmartMeter moratorium		8.300.010—8.30.080
4274	5- 3-11	Commission on medical care		8.69.000—8.69.080
4275	5-17-11	Medical marijuana	Rpld	9.31.010—9.31.340
			Added	9.31.010—9.31.350
4276	5-17-11	Speed limit		15.40.030
4277	6- 7-11	Library sales tax		5.170.000
4279	6-12-11	Jail booking fees	Rpld	5.120.010—5.120.090
4283	9-13-11	Alternative redevelopment program		11.10.010—11.10.090
4284	10- 4-11	Supervisorial districts	1	2.08.010, 2.08.020
4285	10- 4-11	Stormwater runoff	Rpld	16.30.010—16.30.430
			Added	16.30.010—16.30.170
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4298	7-10-12	Graffiti suppression	1	8.200.010—8.200.100
				Added 8.200.110—8.200.130
4299	8-28-12	Angle parking on County roads	1	15.12.01



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   R-R district 20.048.025  
   S-R district 20.044.025  
   TPZ district 20.068.035  
   U-R district 20.056.025  
   variance exception 20.152.010  
 Lot line  
   front, defined 20.008.040  
   rear, defined 20.008.040

## ZONING

### ZONING (Cont'd.)

- side, defined 20.008.040
- Lot size
  - P-D district 20.136.020
- Lot size combining district
  - See L district
- Mail order businesses
  - C-2 district 20.092.010
  - defined 20.024.092
  - I-1 district 20.096.010
  - I-2 district 20.100.010
  - R-C district 20.084.015
- Major impact facility
  - See Impact facility, major
- Major use permit
  - See also Use permit
  - A-G district 20.052.025
  - C-1 district 20.088.020
  - C-2 district 20.092.020
  - defined 20.008.056
  - F-L district 20.064.025
  - I-1 district 20.096.020
  - I-2 district 20.100.020
  - O-S district 20.104.020
  - P-F district 20.108.020
  - P-I district 20.102.020
  - R-1 district 20.072.020
  - R-2 district 20.076.020
  - R-3 district 20.080.020
  - R district 20.146.017
  - R-C district 20.084.020
  - R-L district 20.060.025
  - R-R district 20.048.020
  - S-R district 20.044.020
  - TPZ district 20.068.025
  - U-R district 20.056.020
- Manufacturing
  - off-street parking 20.180.035
- Manufacturing, custom
  - C-2 district 20.092.015
  - classification 20.012.010
  - defined 20.028.010
  - I-1 district 20.096.010
  - I-2 district 20.100.010
  - P-I district 20.102.020
  - R-C district 20.084.020
- Map
  - See also Districts
  - defined 20.008.064

### ZONING (Cont'd.)

- Market
  - off-street parking 20.180.020
- Medical services
  - C-1 district 20.088.010
  - C-2 district 20.092.010
  - classification 20.012.010
  - defined 20.024.095
  - off-street parking 20.180.025
  - R-3 district 20.080.010
  - R district 20.146.010
  - R-C district 20.084.015
  - S-R district 20.044.015
- Mineral processing combining district
  - MP district 20.134.005
- Mining, processing
  - A-G district 20.052.025
  - C-1 district 20.088.020
  - C-2 district 20.092.020
  - classification 20.012.010
  - defined, designated 20.036.010
  - F-L district 20.064.025
  - I-1 district 20.096.020
  - I-2 district 20.100.020
  - O-S district 20.104.020
  - P-F district 20.108.020
  - P-I district 20.102.020
  - R-1 district 20.072.020
  - R-2 district 20.076.020
  - R-3 district 20.080.020
  - R-C district 20.084.020
  - R-L district 20.060.025
  - R-R district 20.048.020
  - S-R district 20.044.020
  - TPZ district 20.068.025
  - U-R district 20.056.020
  - use combinations 20.012.015
- Mini-warehouse
  - classification 20.012.010
  - I-1 district 20.096.010
  - I-2 district 20.100.010
- Minor use permit
  - See also Use permit
  - A-G district 20.052.020
  - AV district 20.128.015
  - C-1 district 20.088.015
  - C-2 district 20.092.015
  - defined 20.008.056
  - F-L district 20.064.020

## ZONING (Cont'd.)

## Minor use permit (Cont'd.)

I-1 district 20.096.015  
 I-2 district 20.100.015  
 O-S district 20.104.015  
 P-F district 20.108.015  
 P-I district 20.102.020  
 R-1 district 20.072.015  
 R-2 district 20.076.015  
 R-3 district 20.080.015  
 R district 20.146.015  
 R-C district 20.084.015  
 R-L district 20.060.020  
 R-R district 20.048.015  
 S-R district 20.044.015  
 TPZ district 20.068.020  
 U-R district 20.056.015

Mixing plant defined 20.008.042

## Mobile home

C-1 district 20.088.020  
 C-2 district 20.092.020  
 classification 20.012.010  
 converted, defined 20.008.042  
 defined 20.008.042  
 development standards 20.172.015  
 lot defined 20.008.042  
 R-C district 20.084.020  
 R-3 district 20.080.020  
 R district 20.146.017  
 S-R district 20.044.020  
 Mobile home park  
 defined 20.008.042  
 designated 20.016.035  
 development standards 20.172.010  
 off-street parking 20.180.015  
 purpose of provisions 20.172.005  
 standard, defined 20.008.042

## Model home

defined 20.008.042  
 temporary use 20.168.030

## Mortuary

See also Funeral, interment services  
 off-street parking 20.180.030

## Motel

defined 20.008.042  
 off-street parking 20.180.015

## Movie theater

off-street parking 20.180.030

## ZONING (Cont'd.)

## MP district

intent 20.134.005  
 regulations 20.134.010  
 uses subject to a use permit 20.134.015

## Multifamily dwelling

C-1 district 20.088.015  
 C-2 district 20.092.015  
 classification 20.012.010  
 defined 20.008.026  
 off-street parking 20.180.015  
 R-3 district 20.080.010  
 R district 20.146.015  
 R-C district 20.084.015  
 S-R district 20.044.015

## Multiple-family residential district

See R-3 district

## Museum

off-street parking 20.180.030

## Nonconforming use

abandoned, reestablishment prohibited  
 20.204.035  
 alteration, limitation 20.204.020  
 continuation, maintenance 20.204.010  
 damaged, restoration, limitation 20.204.015  
 defined 20.008.056  
 designated 20.204.005  
 expansion, limitation 20.204.025  
 nuisance when 20.204.040  
 previous permit validity 20.204.030

## North Fort Bragg/Pudding Creek Planned

Development Area, land division prohibited  
 20.228.005

## Nuisance abatement 20.216.025

## Nursery, child

See also Day care facility/small school  
 off-street parking 20.180.030

## Nursery, plant

off-street parking 20.180.020

## Office

See also Administrative, business office  
 off-street parking 20.180.020

## Off-site service providers defined 20.008.046

## Off-street parking

See also Parking  
 commercial requirements 20.180.020  
 health use requirements 20.180.025  
 industrial requirements 20.180.035  
 public assembly facilities 20.180.030

## ZONING

### ZONING (Cont'd.)

- Off-street parking (Cont'd.)
  - purpose of provisions 20.180.005
  - regulations generally 20.180.010
  - residential requirements 20.180.015
  - temporary use 20.168.030
- Open space district
  - See O-S district
- Open space easement defined 20.008.046
- O-S district
  - designated 20.040.005
  - height 20.104.040
  - lot area 20.104.025
  - major use permit 20.104.020
  - minor use permit 20.104.015
  - permitted uses 20.104.010
  - purpose 20.104.005
  - yards
    - front, rear 20.104.030
    - side 20.104.035
- Packing, processing
  - A-G district 20.052.010, 20.052.020
  - C-1 district 20.088.010
  - C-2 district 20.092.010
  - classification 20.012.010
  - defined 20.032.040
  - F-L district 20.064.010, 20.064.020
  - I-1 district 20.096.010
  - I-2 district 20.100.010
  - O-S district 20.104.010
  - P-F district 20.108.010
  - P-I district 20.102.110, 20.102.115
  - R-1 district 20.072.010
  - R-2 district 20.076.010
  - R-3 district 20.080.010
  - R-C district 20.084.010, 20.084.020
  - R-L district 20.060.010, 20.060.020
  - R-R district 20.048.010
  - S-R district 20.044.010
  - TPZ district 20.068.010
  - U-R district 20.056.010
- Parcel
  - defined 20.008.048
  - group defined 20.008.048
- Parking
  - See also Off-street parking
  - accessory use 20.164.015
  - C-1 district 20.088.010
  - C-2 district 20.092.010

### ZONING (Cont'd.)

- Parking (Cont'd.)
  - classification 20.012.010
  - P-F district 20.108.010
  - R-3 district 20.080.015
  - R district 20.146.010
  - space defined 20.008.048
- Passenger, freight terminal
  - AV district 20.128.010
- Patio
  - accessory use 20.164.015
- P-D district
  - density 20.136.015
  - designated 20.040.010
  - development standards 20.136.010
  - lot size 20.136.020
  - purpose 20.136.005
- Penalty
  - See Violation, penalty
- Permitted use
  - A-G district 20.052.010
  - AV district 20.128.010
  - C-1 district 20.088.010
  - C-2 district 20.092.010
  - defined 20.008.048
  - F-L district 20.064.010