

**HUMBOLDT COUNTY PLANNING COMMISSION
GENERAL PLAN UPDATE**

MEETING OF NOVEMBER 12, 2009

Recommended Commission Agenda

At the October 22 meeting, completed its initial review of the Section 4.3 – Urban Lands, focusing on the Plan Alternatives Comparison Chart and began the review and straw voting for Section 4.4 – Rural Lands. For tonight’s meeting staff recommends that the Commission:

1. Review and confirm proposed two month Planning Commission General Plan Update hearings schedule for Chapter 4.
2. Resolve outstanding issues for Chapter 4, Section 4.3 –Urban Lands.
3. Continue review and straw vote on Chapter 4, Sections 4.4 – Rural Lands, 4.5 – Agricultural Resources, and 4.6 – Forest Resources.
4. Continue the hearing to November 19th or other suitable date.

Outstanding Issues for Sections 4.3 – Urban Lands and 4.4 – Rural Lands

Commissioner Requests	Staff Response
Section 4.3 – Urban Lands	
Rework UL-S6 per Commissioner direction	Alternative wording to allow flexibility in the preparation and improvements of landscaping plans while addressing the need for prescriptive standards has been provided.
Add marijuana policy	Staff to bring back a new policy/implementation measure to address marijuana cultivation in residential areas with a menu of options for the Commission to review.
Section 4.4 – Rural Lands	
Rework RL-G1 per Commissioner direction	New wording to address commissioner concerns regarding the supply and development of rural lands has been provided.
Rural Lands Inventory	Staff to provide a brief presentation at the meeting of the vacant and developed lands planned for “Rural Lands” designation.

Supplementals:

Supplemental 1: PC mark-up of Urban Lands, Section 4.3 of Plan Alternatives Chart dated 10-22-09

Supplemental 2: Memo on suggested wording for a marijuana policy

Supplemental 3: PC mark-up of Rural Lands, Section 4.4 of Plan Alternatives Chart dated 10-22-09 regarding G1

Supplemental 4: Public Comments


Supplemental 1

**PC mark-up of Section 4.3, Urban Lands
of the Plan Alternatives Chart dated 10-22-09**

Plan Alternatives Comparison Chart


Section 4.3 Urban Lands – PC Markup 10-22-09


Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				Note: Alternative D (Existing Plan) does not address these issues except at community plan level. See Growth Planning Section 4.1 for Alt D policies on urban development areas.		
				4.3.3. Goals		
A	B	C		UL-G1. Urban Development Areas. Urban Development Areas serving as centers of business expansion, residential growth and public investments in infrastructure and service.		R
				COMMENTS:		
A	B			UL-G2. Design and Function. Aesthetically appealing Urban Development Areas designed and planned for convenient access to work, shopping, recreation and neighborhoods.		R
				COMMENTS: See Alt. wording below		
		C		UL-G2. Design and Function. Urban Development Areas planned for convenient access to work, shopping, recreation and neighborhoods.		D
A	B			UL-G3. Unique Identity of Towns. Communities with mixed use neighborhoods and town centers, serving as the community focal point and center for commerce, recreation and social interaction.	corrected typo	R



Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS:		
A	B			UL-G4. Community Character. Development design and density within Urban Development Areas that preserves and enhances existing community character and identity.		R
				COMMENTS:		
				4.3.3. Policies		
A	B	C		UL-P1. Urban Development Areas. The County shall plan Urban Development Areas and implement land use regulations to support business expansion, housing opportunities and investments in infrastructure.	Leg 	
				COMMENTS:		
	B	C		UL-P2. Streamlined Subdivision Approval. The County shall streamline the approval process for subdivisions located in designated Housing Opportunity Zones within Urban Development Areas.	Prog, QJ, H-S8, UL-IM1, H-IM1	R
				COMMENTS:		
	B	C		UL-P3. Streamlined Approval of Business Expansion. The County shall streamline the approval process for business development in designated Neighborhood Centers, Town Centers and Business Opportunity Zones. Home based businesses and cottage industries meeting performance standards shall be principally permitted in all residential zones.	Prog, QJ, Min, S-3, IM-2, IM-3	M

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS: P4 – language more appropriate.		
A	B	C		UL-P4. Support for Micro and Small Business Development. The County shall review and update standards for home based businesses and cottage industries to increase the scale and range of principally permitted development within Urban Development Areas.	Leg, Prog. QJ, Min, IM-4	R
				COMMENTS:		
A	B			UL-P5. Community Identity. Preserve community features that residents value and create development that compliments or adds to community identity and character.	QJ, Min, S-2, S-4, S-5, IM-12, IM-13	R
				COMMENTS:		
A	B	C		UL-P6. Mixed-Use Zoning. Utilize mixed-use zoning to help create town centers that are community focal points. The mixed-use zone shall promote higher density urban housing in concert with retail commercial uses, day care centers, and shopfronts, and shall include an abundance and variety of open spaces.	Leg, QJ, Min, S-2, IM-2	R
				COMMENTS:		
A	B			UL-P7. Neighborhood and Town Centers. Within designated neighborhood and town centers, the County shall: <ul style="list-style-type: none"> A. Allow buildings with commercial uses on the ground or lower floors and residential uses on upper floors, and in other designated areas, as long as residential use is subordinate to commercial uses. B. Reduce the County’s off-street parking requirements to encourage new business development and to reflect multi-modal access options. 	Leg, QJ, Min, S-2, IM-2	M


Plan Alternative	Section 4.3 Urban Lands			Staff Remarks/ Implementation	Position R,M,D
			<p>C. Allow ministerial approval of development that conforms to performance standards adopted by ordinance.</p> <p>D. Encourage and provide incentives for the following design characteristics:</p> <ol style="list-style-type: none"> 1) Pedestrian-oriented scale and character. 2) Orientation of buildings toward the street or central open space areas rather than parking lots. 3) Parking areas to the side or rear rather than between buildings and the street edge. 4) Placement of buildings that create a central open space, or plaza, where passive activity can occur. 5) Transparent ground-level façades designed for pedestrian-oriented sidewalks. 6) Landscaped pedestrian walkways. 		
			<p>COMMENTS: See Alt. wording below</p>		
		<p>C</p>	<p>UL-P7. Neighborhood and Town Centers. Within designated neighborhood and town centers, the County shall:</p> <ol style="list-style-type: none"> A. Allow buildings with commercial uses on the ground or lower floors and residential uses on upper floors. B. Reduce the County's off-street parking requirements to encourage new business development and to reflect multi-modal access options. C. Allow ministerial approval of development that conforms to performance standards adopted by ordinance. D. Encourage and provide incentives for the following design characteristics: <ol style="list-style-type: none"> 1) Pedestrian oriented scale and character. 		<p>D</p>

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				2) Orientation of buildings toward the street or central open space areas rather than parking lots. 3) Parking areas to the side or rear rather than between buildings and the street edge. 4) Placement of buildings that create a central open space, or plaza, where passive activity can occur. 5) Transparent ground level façades designed for pedestrian-oriented sidewalks.		
				COMMENTS:		
A	B			UL-P8. Neighborhood Connectivity. Subdivisions shall be designed to promote road and trail circulation between neighborhoods, schools, parks, and open space areas. The subdivision ordinance shall specify standards and limitations for cul-de-sacs, dead end roads, and block sizes.	Leg, QJ, IM-7, C-P25, C-P26, C-S7, C-IM12 	M
				COMMENTS:		
	B			UL-P9. Historic Structures. Encourage historic structures resources to be retained and restored to serve as focal points of neighborhoods and communities.	QJ, Min, S, IM	M
				COMMENTS: See Alt. wording below		
A				UL-P9. Historic Structures. Historic structures assets listed in, or determined to be eligible, for listing in the California Register of Historical Resources shall be retained to serve as focal points of neighborhoods and communities. Rehabilitations, alterations and re-location shall be conducted to avoid substantial adverse change in the historical significance of the	Protection of historic resources more fully addressed	D

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				structure.	in Chap. 10.6	
				COMMENTS:		
A	B			UL-P10. Siting of Garages. Encourage the placement and design of garages to make them subordinate to the house from a streetscape view.	QJ, Min	D?
				COMMENTS: 8-20-09: Merge P10 with P15 and P16 into one policy.		
A	B			UL-P11. Natural Amenities. Encourage new development projects to incorporate natural amenities (i.e. landmark trees and rock outcroppings) into their design.	QJ, Min	R
				COMMENTS:		
	B			UL-P12. Design Review. Development within designated Design Review overlay zones shall undergo design review consistent with an adopted Design Review Ordinance.	QJ, Min, IM-8 	R
				COMMENTS: See Alt. wording below		
A				UL-P12. Design Review. Development within designated Design Review overlay zones, Town Centers and all major subdivisions within Urban Development Areas shall undergo design review consistent with an adopted Design Review Ordinance.		D
				COMMENTS:		

Plan Alternative		Section 4.3 Urban Lands		Staff Remarks/ Implementation	Position R,M,D
A	B		<p>UL-P13. Big Box Design. Large format (“Big Box”) establishments shall be subject to a Design Review process to ensure the design is aesthetic and compatible with the surrounding area. The appearance of a large monolithic block shall be avoided by dividing the space into separate rooms or buildings, or breaking the mass of the façade.</p>	<p>Leg, QJ, Min, S-4, IM-13</p> 	M
			<p>COMMENTS:</p>		
A	B		<p>UL-P14. Adult Entertainment Establishments. Adult entertainment establishments shall be limited to areas where they will not conflict with schools or other areas where children congregate, and identify standards to ensure they will be compatible with neighboring uses. Adult entertainment establishments shall be subject to a Design Review process to ensure the design is aesthetic and compatible with the surrounding area.</p>	<p>QJ, Min, S-5, IM S, IM-14</p> 	M
			<p>COMMENTS: Need PC to confirm language.</p>		
A	B		<p>UL-P15. Pedestrian-Friendly Streetscape. Encourage streetscape and pedestrian oriented residential design with front porches, front gardens, and windows overlooking front yards and sidewalks.</p>	<p>QJ, Min, S-6</p>	M
			<p>COMMENTS:</p> <p>8-20-09: Merge P10 with P15 and P16 into one policy:</p> <p>UL-P15. Pedestrian-Friendly Streetscape. Encourage streetscape and pedestrian oriented residential design by using techniques such as:</p> <ol style="list-style-type: none"> 1. Windows <u>and front porches</u> overlooking front yards and sidewalks. 2. Using alley systems or courtyards to minimize driveways facing the street. 3. Make the placement and design of garages subordinate to the house from a streetscape view. 		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
A	B			UL-P16. Alleys. Encourage the use of an alley system and courtyards to minimize driveways facing the street.	QJ, Min	D?
				COMMENTS: 8-20-09: Merge P10 with P15 and P16 into one policy. See P-15 above. Need PC to confirm language.		
A	B			UL-P17. High Density Uses Near Parks. The County shall consider planning higher density mixed-uses and/or commercial uses adjacent to parks to promote park use and safety.	Leg	R
				COMMENTS:		
A	B	C		UL-P18. On-Street Parking Areas as Traffic Calming. On-street parking should be allowed on local roads and minor collectors to reduce the need for off-street parking and to assist in traffic calming where appropriate.	QJ, Min, IM	M
				COMMENTS: 8-20-09: UL-P18. On-Street Parking Areas as Traffic Calming. On-street parking should be allowed on local roads and minor collectors to reduce the need for off-street parking and to assist in traffic calming where appropriate. UL-P18. Traffic Calming. Traffic calming measures which emphasize pedestrian safety and convenience should be considered for all urban roadway designs. Traffic calming measures include chicanes, curb extensions,, traffic circles,		<u>M</u>

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				<u>9-17-09</u> UL-P18. Traffic Calming. Traffic calming measures which emphasize pedestrian safety and convenience should be considered for all urban roadway designs. Possible traffic calming measures include chicanes, curb extensions, <u>street trees</u> , <u>traffic circles</u> .		
A	B			UL-P19. Underground Utilities. Encourage and assist in undergrounding existing utilities.	Prog, QJ, Min	R
				COMMENTS:		
	B			UL-P20. Landscaping. All designs shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.	QJ, Min, S, IM 	M
				COMMENTS: See Alt. wording		
A				UL-P20. Landscaping. All designs shall screen or soften the visual impact of new development through the use of landscaping that incorporate native species, other plants common to the area, known fire resistant plants, and drought tolerant plants.		D
				COMMENTS:		
				UL-P21. Marijuana Cultivation. Commercial marijuana cultivation shall not be an acceptable use in residential areas. (This wording rejected 9-17-09)		M
				COMMENTS: <u>8-20-09</u> <u>10-22-09</u> : Added to address Commission concerns, in a manner that is consistent with Prop 215. May warrant additional discussion. Directed to prepared a policy option with a menu of issues to be addressed. SEE attached supplemental.		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				<p><u>Proposed Alternative Policy:</u></p> <p><u>UL-P21. Cultivation of medical marijuana shall be regulated by ordinance to provide for the health, safety, and welfare of the community but shall not interfere with a patient’s right to medical marijuana.</u></p>		
R				4.3.4. Standards		
	B	C		UL-S1. Allowed Uses in Mixed-Use Areas. Mixed-Use zoned areas should offer a range of commercial, office, housing and civic activities. Conflicts between uses should be minimized through adoption of standards to guide approval of principally permitted uses and findings to guide the approval of discretionary uses.		R
				COMMENTS: See Alt. wording below		
A				UL-S1. Allowed Uses in Mixed-Use Areas. Mixed Use zoned areas shall offer a range of commercial, office, housing and civic activities. Conflicts between uses should be minimized through adoption of standards to guide approval of principally permitted uses and findings to guide the approval of discretionary uses. <u>New development shall strive to achieve a balance between employment and housing.</u>		D
				COMMENTS:		
A	B			UL-S2. Central Open Space Standards in Commercial and Mixed-Use Areas. A plaza should be bounded by streets on at least three sides and shall front on a main street. Where new commercial and/or mixed-use developments are proposed on lots greater than 5 acres, central open space shall have a minimum area of 20,000 sq ft.		D

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS:		
	B	C		UL-S3. Business Opportunity Zones. Commercial and industrial activities proposed within designated Business Opportunity Zones shall be principally permitted if they conform to applicable performance standards.		R
				COMMENTS:		
A	B			UL-S4. Definition of a "Big-Box" Retail Store. A large commercial structure in excess of 50,000 square feet of floor area where, under one proprietor or a set of discrete franchises, retail sales and services are offered in a centralized, warehouse-like setting intended to serve a regional area.		
				COMMENTS:		
A	B			UL-S5. Standards for Adult Entertainment Establishments. Adult entertainment establishments shall be conditionally permitted and required to operate in conformance with explicit standards adopted by ordinance regarding; location, hours of operation, security, signage, screening, noise and lighting.	M?	R
				COMMENTS: 8-20-09 Here is an example of lawful language that limits the location of such uses from Shasta County's adult entertainment business ordinance: E. Regulation of Location. 1. In those land use districts where the "adult entertainment" businesses regulated by this section would otherwise be permitted uses, it shall be unlawful to establish any such "adult entertainment"		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				<p>business if the location is:</p> <p>a. Within five hundred feet of any area zoned for residential use, or</p> <p>b. Within one thousand feet of any other "adult entertainment" business, or</p> <p>c. Within one thousand feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a bona fide religious organization or any establishment likely to be used by minors;</p> <p>2. The "establishment" of any "adult entertainment" business shall include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business location to any "adult entertainment" business use.</p> <p>Regarding signage, an example from Monterey County of legally acceptable language addressing inappropriate content:</p> <p>E. Public Display of Certain Matter Prohibited.</p> <p>Adult entertainment facilities shall not display or exhibit any material depicting specified anatomical areas or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said facility is located.</p> <p>Staff suggests these details be left to the ordinance phase called for in UL-IM14. Alternately, these examples could be added to the implementation measure description with the wording "such as..."</p>		
A	B			<p>UL-S6. Landscaping Standards. Landscaping shall be required for new development which creates five (5) or more new parking spaces. The landscaping policies shall be accomplished by the submittal of a landscaping plan, which shall include the information described below.</p>		M

Plan Alternative	Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
	<p>A. The landscape plan shall show all existing trees on the property, and indicate those planned to be removed, and those that are to be preserved. It shall show the location of lawn areas, ground cover areas, shrub masses, and new trees to be planted. The plan shall include the use of native and fire resistant species where feasible.</p> <p>Not more than 25% of the landscaped area shall be covered by areas which do not include plants (e.g., rock, pavers, bark, etc.)</p> <p>B. The landscape plan shall include measures for protection of topsoil when developing a property for construction.</p> <p>C. The landscape plan shall include a maintenance plan which specifies the person or agency responsible for maintenance. The maintenance plan shall address pruning, weeding, cleaning, fertilization and watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with the landscaping requirements. All screening shall be in sound functional condition, and whenever necessary, repaired and replaced.</p>		
	<p>COMMENTS:</p> <p><u>8-20-09;10-22-09:</u> Commissioner Gearheart's provided the following suggested language was modified as follows:</p> <p><u>Landscaping shall be required for new development which creates five (5) or more new offstreet parking spaces. The landscaping policies shall be accomplished by the submittal of a landscaping plan, which shall include the information described below.</u></p> <p><u>Landscaping shall be</u></p> <p><u>A. —A.—</u>The landscape plan shall be drawn to scale and show all existing trees on the property and indicate the size and location of those being removed. The plan shall indicate the exact location, number; scientific name, common name, and container size</p>		

Plan Alternative	Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
	<p>of all proposed planting.</p> <p><u>B. The landscape plan shall include measures for protection of existing topsoil when developing a property for construction.</u></p> <p><u>C. All landscaped areas for commercial, industrial and multi-family projects shall include an automatic irrigation system.</u></p> <p><u>D. Plantings shall be replaced as needed to ensure compliance with initially approved landscape requirements. Required plantings may be augmented with additional plantings as desired.</u></p> <p><u>E. The use of native and fire resistant species is encouraged where appropriate.</u></p> <p><u>F. —B. Landscape design should minimize the area of impervious surfaces to reduce runoff.</u></p> <p><u>G. —C. The area of crushed rock, redwood chips, pebbles and similar materials shall be allowed up to 15 percent of the total required landscape area and not dominate the required landscaped area.</u></p> <p>D. The landscape plan shall include measures for protection of existing topsoil when developing a property for construction.</p> <p>E. All landscaped areas for commercial, industrial and multi-family projects shall include an automatic irrigation system.</p> <p>F. Plant materials shall be replaced as needed to ensure compliance with approved landscape requirements, and may be augmented with additional plantings as</p>		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				desired.		
				4.3.5 Implementation Measures		
A	B	C		UL-IM1. Streamlined Subdivision Approval. Designate Housing Opportunity Zones within Urban Development Areas following Housing Element guidelines and apply streamlined subdivision approval processes consistent with Housing Element policies.		D
				COMMENTS:		
A	B			UL-IM2. Neighborhood and Town Centers. Prepare a Neighborhood and Town Center ordinance and establish Neighborhood and Town Center areas by zoning overlay during General Plan Updates and Community Planning processes. Develop figures in the implementing ordinance to demonstrate design principles; for example, how to orient commercial and mixed-use buildings toward the street or the central open space areas.		R
				COMMENTS: <u>9-17-09</u> <u>PC requested incorporating UL-IM9 into UL-IM2.</u> UL-IM2. Neighborhood and Town Centers. Prepare a Neighborhood and Town Center ordinance and establish Neighborhood and Town Center areas by zoning overlay during General Plan Updates and Community Planning processes. Promote a more uniform commercial streetscape by establishing build-to lines rather than setback lines, or a combination of the two. Develop figures in the implementing ordinance to demonstrate design principles; for example, how to orient commercial and mixed-use buildings toward the street or the central open space areas.		
	B	C		UL-IM3. Business Opportunity Zones. Create a Business Opportunity Zone Overlay		R

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
				designation with associated performance standards and apply the zoning overlay to specific areas or properties within Community Planning Areas to stimulate commercial and industrial development and job growth. Candidate areas shall include business and industrial parks, underutilized or vacant industrial and commercial land.		
				COMMENTS:		
A	B	C		UL-IM4. Micro and Small Business Development Standards. Review and update standards for home based businesses and cottage industries to increase the scale and range of principally permitted development in residential zones.	Need to identify standards	R
				COMMENTS:		
A	B	C		UL-IM5. Sites for Commercial Development. Maintain an adequate inventory of sites to accommodate commercial development in Neighborhood and Town Centers.		R
				COMMENTS:		
A	B	C		UL-IM6. Revisions to the Non-Conforming Use and Structures Standards. Revise the Non-Conforming Use and Non-Conforming Structure sections of the zoning ordinance to grant more flexibility for continuing compatible mixed uses in Urban Development Areas.		M
				COMMENTS: 8-20-09 staff to provide alternative wording: UL-IM6. Revisions to the Non-Conforming Use and Structures Standards. Revise the Non-Conforming Use and Non-Conforming Structure sections of the zoning ordinance to provide flexibility for continuing buildings and uses in Urban Development Areas where they are found to be compatible with the neighborhood.		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
A	B			UL-IM7. Review and Update the Subdivision Ordinance. Comprehensively review and update the Subdivision Ordinance and incorporate circulation and design standards consistent with the policies of this Plan.		R
				COMMENTS:		
A	B			UL-IM8. Review and Update Design Review Ordinance and Areas. Comprehensively review and update the Design Review standards of the zoning ordinance and maps of areas subject to design review.		R
				COMMENTS:		
A	B			UL-IM9. Establish Build-To Lines. Promote a more uniform commercial streetscape by establishing build to lines rather than setback lines, or a combination of the two.		D
				COMMENTS: Incorporated in IM2 Town Center		
A	B			UL-IM10. Establish Maximum Parking Standards. In the zoning ordinance, develop standards that limit the maximum number of off-street parking spaces that can be developed in commercial and/or mixed use areas.		D
				COMMENTS:		
A	B			UL-IM11. Review and Update the Sign Ordinance. Comprehensively review and update the standards for signs in the zoning ordinance.		R
				COMMENTS:		

Plan Alternative				Section 4.3 Urban Lands	Staff Remarks/ Implementation	Position R,M,D
A	B	C		UL-IM12. Simplify the Zoning Ordinance with Illustrations and Matrices. Modify the zoning ordinance to incorporate the use of illustrations and matrices to simplify communicating allowed uses, design principals and development standards.		R
				COMMENTS:		
A	B			UL-IM13. Revisions to the Zoning Ordinance to Regulate Big Box Commercial Uses. Revise the zoning ordinance to incorporate standards for “big box” commercial uses.		R
				COMMENTS:		
A	B			UL-IM14. Adult Entertainment Ordinance. Develop an ordinance for adult entertainment establishments to ensure they will be compatible with neighboring uses.		R
				COMMENTS:		
<u>A</u>	<u>B</u>	<u>C</u>		<u>UL-IM15. Marijuana Cultivation and Dispensary Ordinance.</u> <u>Develop an ordinance for medicinal marijuana cultivation and dispensing to ensure the protection of health, safety and welfare and compatible with neighboring uses.</u>		
A				UL-IMx. Form-Based Code. Adopt a form based zoning code for voluntary use in Neighborhood and Town Center areas to promote consistent streetscapes.		D
				COMMENTS:		

Supplemental 2

Memo on suggested wording for a marijuana policy

Personal Residential Grows

The following is a list of issues for possible inclusion in a policy. The subheadings i and ii provide possible alternatives for the main headings or may be used as more specific standards to address the issue.

Residential cultivation of medical marijuana by a qualified patient or caregiver:

- a. Shall be regulated to provide for the health, safety, and welfare of the community but shall not interfere with a patient's right to medical marijuana
- b. Shall be an incidental and subordinate activity in the residence
 - i. Shall not interfere with the primary use of the home as a residence
 - ii. Shall not comprise more than 10 percent of the total living area of the residence
- c. Shall be grown only for the personal use of the qualified patient(s) living in the residence
 - i. Shall be grown only for the personal use of the qualified patients living in the residence, up to a maximum of 2 qualified patients.
 - ii. Shall be grown only for the personal use of the qualified patient(s) living in the residence. In the event the qualified patient has more than one residence, the patient or their caregiver may only grow their medical marijuana in one of the residences.
- d. Shall not be a visible or otherwise detectable activity from the exterior of the home
- e. Shall be secured from members of the public
 - i. Shall be fully enclosed and secured from members of the public by a locking entrance
- f. May occur outdoors or in a greenhouse, as long as this cultivation is completely secured and not visible or otherwise detectable beyond the property boundary
- g. Shall comply with current state and local laws
 - i. Shall comply with current state and local laws regulating the possession and cultivation of medical marijuana in a residence
 - ii. Shall comply with all current state and local laws, including those regulating habitability in the California Building Code and the Uniform Housing Code
- h. Shall occur in a residence only if it can be accomplished without structural, electrical or plumbing alterations that are not customarily found in dwellings
 - i. Shall occur in a residence only if any necessary structural, electrical and plumbing alterations to accommodate the personal, residential grow are completed. Any needed alteration must be permitted and approved by the Building Official.
- i. Shall not be accomplished with the use of butane, CO₂, or any other gas
 - i. Shall not increase the household's emissions of Greenhouse Gases
 - ii. Shall not be accomplished with the use of butane, CO₂, or any other gas or any pesticide or fertilizer not approved for household use.





**Supplemental 2:
PC mark-up of Section 4.4, Rural Lands
of the Plan Alternatives Chart dated 10-22-09**


Plan Alternatives Comparison Chart




Section 4.4 Rural Lands – PC Markup 10-22-09

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				4.4.3 Goals		
	B	C		RL-G1. Rural Residential Land Inventory. An adequate supply of vacant land suitable for large lot rural residential development as the primary principally permitted use with access to Rural Community Centers and Community Planning Areas.		
				<p>COMMENTS:</p> <p><u>10-22-09</u></p> <p>The Commission discussed various alternatives to the phrasing “adequate supply”. One suggestion included the blending of RL-G1 with the Framework Goal 2552 to read:</p> <p>RL-G1. Rural Residential Land Inventory. An adequate supply of vacant <u>The orderly development of</u> land suitable for large lot rural residential development as the primary principally permitted use with access to Rural Community Centers and Community Planning Areas.</p> <p>There was not consensus among the Commissioners for the removal of the wording “adequate supply” and staff was directed to provide alternative wording. Staff suggest the following alternatives for consideration:</p> <p>RL-G1. Rural Residential Development. An adequate supply of vacant Land suitable <u>to meet projected demand during the General Plan planning period</u> for large lot rural residential development as the primary principally permitted use with access to Rural Community Centers and Community Planning Areas.</p>		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				<p>RL-G1. Rural Residential Land Inventory. Adequate supply of vacant opportunities for the orderly development of supply of vacant land suitable for large lot rural residential development as the primary principally permitted use with access to Rural Community Centers and Community Planning Areas.</p> <p>RL-G1. Rural Residential Opportunities. An adequate supply of vacant Continued opportunities for traditional homestead style development of lands suitable for large lot rural residential development as the primary principally permitted use with access to revitalized Rural Community Centers and Community Planning Areas.</p> <p>For Alternative A, staff suggests the following goal statement:</p> <p>RL-G1. Rural Residential Development To provide for orderly development of Rural residential land development consistent with the need to encourage sustained resource production without land degradation; reduce public exposure to safety hazards; minimize costs of providing services; conserve energy; encourage recreational development on appropriate lands; and encourage development along existing public corridors.</p>		
A	B			<p>RL-G2. Rural Land Development. Homestead style independent living on rural residential lands with minimum fire risks, impacts to water resources, public serviced demands and conflicts with resource production.</p>		
				<p>COMMENTS:</p>		
			D	<p>2552. To provide for orderly development of Rural residential land consistent with the need to encourage sustained resource production without land degradation; reduce public exposure to safety hazards; minimize costs of providing services; conserve energy; encourage recreational development on appropriate lands; and encourage development along existing public corridors.</p>		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				4.4.3 Policies		
A	B			RL-P1. Compatible with Resource Production. Development on rural residential lands adjacent to designated agricultural and timberlands shall be planned to be compatible with agriculture and timber production.	QJ, Leg, Prog RL-S1  	
				COMMENTS:		
			D	2553.1. Lands adjacent to areas designated as agricultural and timberlands in the General Plan should be planned for uses compatible with agriculture and timber wherever possible.		
			D	2553.2. Parcels in areas of Timber Site Quality III or higher should be retained for timber production or compatible uses wherever possible.		
	B			RL-P2. Water Withdrawal. Cumulative impacts of water withdrawal from surface and groundwater sources and <u>cumulative impacts from</u> on-site sewage disposal systems shall be assessed during the zoning and subdivision of all areas designated for rural residential development.	Modified for clarity. QJ, Leg, Prog RL-S4  	
				COMMENTS: See Alt. wording below		
A				RL-P2. Water Withdrawal. Cumulative impacts of water withdrawal from surface and groundwater sources and cumulative impacts from on-site sewage disposal systems shall be assessed during the zoning, subdivision and <u>discretionary review of development</u> in all areas designated for rural residential development.		
				COMMENTS:		
		C	D	2553.7. Cumulative impacts of water withdrawal from surface and groundwater sources		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				and sewage disposal should be assessed during the zoning of all areas designated for Rural Development.		
			D	2553.3. Lands containing sensitive habitats should be developed consistent with the maintenance requirements of the habitat.		
			D	5-2550.7. Actively coordinate with the California Regional Water Quality Control Board and County Health Department to develop standards to assess cumulative impacts and appropriate density standards for septic tank use in Humboldt County.		
A	B			RL-P3. Rural Commercial Uses. New tourist, commercial, and retail outlets shall be located within the Rural Community Center land use designation or designated Community Planning Areas or other existing developed areas with development of a similar nature, unless the use meets rural cottage industry standards or is characteristic of and compatible with a rural setting.	QJ, Leg, 	
				COMMENTS:		
			D	2554.6. New tourist, commercial and retail outlets should be located within the Rural Community Center Land Use Designation or designated Community Planning Areas or other existing developed areas with development of a similar nature.		
			D	2553.8. Community plans shall address the needs and standards for Cottage Industries within the urban development areas; in addition, standards for rural areas will be refined.		
A	B	C		RL-P4. Fire Safety Hazards. Support implementation of State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development.	QJ, RL-S4	
				COMMENTS:		
			D	2553.4. Lands which contain identified hazards shall be developed consistent with the objective to reduce public exposure to the hazards.		
A	B			RL-P5. Road Constraints and Rural Development. Rural zoning densities and subdivision approvals shall reflect road constraints identified by the County Public Works Department.	QJ, Leg, Prog RL-S4, RL-IM2	

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				Subdivisions may be allowed where roads can be feasibly improved to minimum County standards at the time of subdivision or incrementally, through road improvements from future development.		
				COMMENTS:		
		C	D	2554.8. Densities should reflect road constraints, identified by the County Public Work Department.		
			D	2554.9. Subdivision of land D. Recorded access or other acceptable access to a publicly maintained road that is: (Res. 85-55, 5/7/85) 1) Adequate for ultimate development at planned densities; and 2) Adequate for use by emergency vehicles. 3) Not subject to adverse impacts caused by: a) geologic instability, steep slopes and erosion; b) seismic activity; or c) flooding.		
A	B		D	RL-P6. Rural Development in the King Range. All development within the boundaries of the King Range National Conservation Area shall be consistent with the Bureau of Land Management's Management Plan.	FRWK 2554.4 QJ, RL-S3 and S4, 	
				COMMENTS:		
A	B	C		RL-P7. Clustered Rural Residential Development. Clustered rural residential development is encouraged on rural lands suitable for development consistent with planned densities. Density bonuses may be provided where significant permanent land dedications are secured.	QJ, Leg, Prog RL-S1, S4 	

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS:		
			C	<u>RL-PX. Density Transfers for Rural Residential Development.</u> Transfer of development rights from lands designated as resource production land to lands planned for rural residential may be permitted to allow for clustered rural residential development beyond planned densities consistent with development standards.		
				COMMENTS:		
			D	2553.6. Any development plan or concept should be given consideration, provided that the intent of the General Plan is carried out.		
				4.4.4 Standards		
A	B			RL-S1. Compatibility with Timber and Agricultural Production. Rural Residential subdivision adjacent to lands planned for timber or agricultural production shall be evaluated for compatibility with continued resource production. Subdivisions shall be conditioned to minimize constraints on resource production due to access limitations and water supply impacts. Right-to-Harvest or Right-to-Farm agreements shall be required on newly created Rural Residential subdivision lots adjacent to lands planned for timber or agricultural production.		
				COMMENTS:		
A	B		D	RL-S2. Subdivisions Near Identified Resource Lands. Land divisions within the following four areas (as designated on the Biological Resources Map) are restricted to 40 acre minimum parcel sizes to preserve the areas' natural values: A. Horse Mountain B. Kings Range National Conservation Area C. Scotia Bluffs D. Luffenholtz Creek Bishop Pine Stand	FRWK 2554.3	

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS:		
A	B	C		<p>RL-S3. Cottage Industry Standards. Cottage industry is a principally permitted use in all rural land use designations provided they meet the following standards:</p> <ul style="list-style-type: none"> A. Are conducted by occupants on the premises and not more than 5 non-resident employees in a manner which does not substantially affect the primary use of the parcel; and B. Does not require use of buildings or structures occupying more than 2 acres; and C. Involves no sales of merchandise other than that grown, manufactured or processed on the premises or merchandise directly related to and incidental to the industry; and D. Would increase or maintain the viability of the existing principle use of the land, and shall not create noise, odors, smoke, or other nuisances which would adversely affect the surrounding area. E. Cottage industries in Timber Production Zone (TPZ) lands must be consistent with the TPZ list of compatible uses. F. Cottage industries which do not comply with these standards may be conditionally approved in all rural land use designations. 		
				COMMENTS:		
			D	<p>2554.11. Cottage industries are conditionally allowed in all rural land use designations.</p> <p>2554.12. Cottage Industries are considered a secondary use on a parcel involving the manufacture, provision of, or sale of goods and/or services, including Bed and Breakfast establishments, which:</p> <ul style="list-style-type: none"> a. Are conducted by occupants on the premises and not more than 3 non-resident employees in a manner which does not substantially affect the primary use of the parcel; and 		

Plan Alternative	Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
	<ul style="list-style-type: none"> b. Does not require use of buildings or structures occupying more than 2 acres; and c. Involves no sales of merchandise other than that grown or processed on the premises or merchandise directly related to and incidental to the industry; and d. Would increase or maintain the viability of the existing principle use of the land, and shall not create noise, odors, smoke, or other nuisances which would adversely affect the surrounding area. 		
	<p>D 5-2550.6. A discretionary permit shall be required for the establishment of a cottage industry use consistent with planned densities.</p>		
<p>B</p>	<p>RL-S4. Subdivision Standards. Subdivision of land designated rural residential may be approved if it can be found that:</p> <ul style="list-style-type: none"> A. There is proof of adequate water for domestic use as determined by current standards of the Division of Environmental Health provided through either: <ul style="list-style-type: none"> 1) Certified dry weather tests of individually developed water supply systems on each parcel using wells, creeks, or springs; or 2) Four or fewer connections to a developed private water system, including certified dry weather testing of source, storage, and transmission facilities, with recorded easements and legal agreements; or 3) Evidence of connection to a public water system. B. Water demands do not individually or cumulatively create a significant impact on Critical Water Supply or Watershed Areas or water bodies designated as critical habitat under the Endangered Species Act or temperature impaired under the Clean Water Act. C. There is proof that adequate sewage disposal capability will be provided through either: <ul style="list-style-type: none"> 1) Individual on-site systems approved by the Division of Environmental Health; or 2) Evidence of connection to a public wastewater disposal system. D. Building site locations are identified that meet county streamside management setback requirements and that are not subject to the following 		

Plan Alternative	Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
	<p>hazards:</p> <ol style="list-style-type: none"> 1) Geologic instability, steep slopes, and erosion; 2) Seismic activity; or 3) Flooding. <p>E. Recorded access to a publicly maintained road that is:</p> <ol style="list-style-type: none"> 1) Adequate for ultimate development at planned densities; and 2) Adequate for use by emergency vehicles per State Responsibility Area Standards. 3) Not subject to adverse impacts caused by: <ol style="list-style-type: none"> (a) Geologic instability, steep slopes and erosion; (b) Seismic activity; or (c) Flooding. <p>F. Findings A, C, and D may be replaced by the following:</p> <ol style="list-style-type: none"> 1) All parcels created and any remainder are each in excess of 160 acres; and 2) The purpose of the parcels is resource production; and 3) A transfer of development rights for residential purposes is executed and recorded in favor of the County of Humboldt. Residential development rights may be reclaimed by meeting the standards in A, C, and D. <p>G. Other findings specific to the area, zone, and land use designation can be made.</p>		
	<p>COMMENTS: See Alternative. wording below</p>		

Plan Alternative	Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
A	<p>RL-S4. Subdivision Standards. Subdivision of land designated rural residential may be approved if it can be found that:</p> <ul style="list-style-type: none"> E. There is proof of adequate water for domestic use as determined by current standards of the Division of Environmental Health provided through either: <ul style="list-style-type: none"> 4) Certified dry weather tests of individually developed water supply systems on each parcel using wells, creeks, or springs; or 5) Four or fewer connections to a developed private water system, including certified dry weather testing of source, storage, and transmission facilities, with recorded easements and legal agreements; or 6) Evidence of connection to a public water system. F. Water demands do not individually or cumulatively create a significant impact on Critical Water Supply or Watershed Areas or water bodies designated as critical habitat under the Endangered Species Act or temperature impaired under the Clean Water Act on water bodies, aquatic habitat or beneficial uses identified in the Regional Water Quality Control Board Basin Plan. G. There is proof that adequate sewage disposal capability will be provided through either: <ul style="list-style-type: none"> 3) Individual on-site systems approved by the Division of Environmental Health; or 4) Evidence of connection to a public wastewater disposal system. H. Building site locations are identified that meet county streamside management setback requirements and that are not subject to the following hazards: <ul style="list-style-type: none"> 4) Geologic instability, steep slopes, and erosion; 5) Seismic activity; or 6) Flooding. E. Recorded access to a publicly maintained road that is: <ul style="list-style-type: none"> 4) Adequate for ultimate development at planned densities; and 5) Adequate for use by emergency vehicles per State Responsibility Area Standards. 		

Plan Alternative	Section 4.4 Rural Lands			Staff Remarks/ Implementation	Position R,M,D
			<p>6) Not subject to adverse impacts caused by:</p> <ul style="list-style-type: none"> (a) Geologic instability, steep slopes and erosion; (b) Seismic activity; or (c) Flooding. <p>F. Findings A, C, and D may be replaced by the following:</p> <ul style="list-style-type: none"> 4) All parcels created and any remainder are each in excess of 160 acres; and 5) The purpose of the parcels is resource production; and 6) A transfer of development rights for residential purposes is executed and recorded in favor of the County of Humboldt. Residential development rights may be reclaimed by meeting the standards in A, C, and D. <p>G. Other findings specific to the area, zone, and land use designation can be made.</p>		
			COMMENTS:		
		C D	<p>2554.9. Subdivision of land may be approved for residential purposes, if it can be found that:</p> <p>A. There is proof of adequate water for domestic use (400 gallons per day minimum) and fire suppression (See 3291.4) provided through either:</p> <ul style="list-style-type: none"> 1) Certified dry weather tests of individual developed water supply systems on each parcel using wells, creeks, or springs (Res. 85-55, 5/7/85); or 2) Four or fewer connections to a developed private water system including certified dry weather testing of source, storage and transmission facilities, with recorded easements and legal agreements; or 3) Evidence of connection to a public water supply meeting the water works standards of the State of California. 		

Plan Alternative	Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
	<p>B. There is proof that adequate sewage disposal capability will be provided through either:</p> <ol style="list-style-type: none"> 1) Individual on-site systems approved by the Humboldt-Del Norte Health Department; or 2) Evidence of connection to a public waste disposal system. <p>C. Identification of building sites that are not subject to adverse impacts caused by: (Res. 85-55, 5/7/85)</p> <ol style="list-style-type: none"> 1) geologic instability, steep slopes and erosion; 2) seismic activity; or 3) flooding. <p>D. Recorded access or other acceptable access to a publicly maintained road that is: (Res. 85-55, 5/7/85)</p> <ol style="list-style-type: none"> 1) Adequate for ultimate development at planned densities; and 2) Adequate for use by emergency vehicles. 3) Not subject to adverse impacts caused by: <ol style="list-style-type: none"> a) geologic instability, steep slopes and erosion; b) seismic activity; or c) flooding. <p>10. Findings a, b, and c of Section 9 may be replaced by the following:</p> <ol style="list-style-type: none"> a. All parcels created and any remainder are each in excess of 160 acres; and b. The purpose of the parcels is resource production; and c. A transfer of development rights for residential purposes executed in favor of the County of Humboldt. Note: Residential development rights may be reclaimed by meeting the standards in 9 a, b, and c. (Res. 85-55, 5/7/85) 		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
			D	5-2550.2. Require geological reports and erosion control plans for all subdivisions in areas of high slope instability consistent with the Framework Plan Geologic Map and Land Use Hazards Matrix.		
				4.4.5 Implementation Measures		
A	B	C		RL-IM1. Inventory of Rural Residential Lands. Maintain searchable GIS inventory of lands planned Rural Residential (RR) and review during Housing Element Updates for adequacy to meet homestead development demands during the Housing Element planning period.		
				COMMENTS:		
			D	5-2550.3. Update rural land use maps regularly. Maintain records of approved subdivisions, including number of parcels, number of acres, previous use and proposed uses.		
A				RL-IMx. Decrease Inventory of Rural Residential Lands. Initiate a plan designation and zoning program to decrease the inventory of lands planned Rural Residential (RR) to meet homestead development demands.		
		C		RL-IMx. Increase Inventory of Rural Residential Lands. Initiate a plan designation and zoning program to expand the inventory of lands planned Rural Residential (RR) to meet homestead development demands.		
				COMMENTS:		

Plan Alternative			Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
		C	<p>RL-IMx. Rural Residential Development Incentives. Residential development within Rural Residential (RR) areas shall be provided with one or more of the following incentives as detailed in the land use ordinance:</p> <ul style="list-style-type: none"> 1) Deferral of improvements for minor subdivisions 2) Deferral of subdivision fees until issuance of building permits 3) Eligible for fast-track and streamlined permit process 4) Allowance for lot-splits for qualified second units 5) Reduced minimum parcel sizes 		
			<p>COMMENTS:</p>		
		C	<p>RL-IMx. Establishment of a Transfer of Development Rights (TDR) Program. Support the creation of a Transfer of Development Rights (TDR) Program for lands outside of Community Planning Areas that supports the transfer of development rights from lands designated as resource production to lands designated as rural residential in order to maximize conservation and production values of the resource lands and allows flexibility in the development of rural residential properties above planned densities.</p>		
			<p>COMMENTS:</p>		
A	B		<p>RL-IM2. Identification of Substandard Roads. Coordinate with the County Department of Public Works and area emergency service providers to inventory and map road segments that do not meet subdivision road standards or State Responsibility Area Fire Safe standards, and thereby would limit development of future residential subdivisions in the area. Identify the deficiency and assess the feasibility of achieving minimum standards through the Public Works Capital improvement program or through incremental road improvements provided by future development. Where adequate access cannot be</p>		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
				achieved by these methods, place an overlay zone over the affected area restricting further residential subdivision.		
				COMMENTS: See Alt. wording below		
		C		RL-IM2. Identification of Substandard Roads. Coordinate with the County Department of Public Works and area emergency service providers to inventory and map road segments that do not meet subdivision road standards or State Responsibility Area Fire Safe standards, and thereby would limit development of future residential subdivisions in the area. Identify the deficiency and assess the feasibility of achieving minimum standards through the Public Works Capital improvement program or through incremental road improvements provided by future development. Where adequate access cannot be achieved by these methods, place an overlay zone over the affected area restricting further residential subdivision.		
				COMMENTS:		
			D	5-2550.4. Maintain community profiles on Rural Community Centers and review and report on new development in the data base.		
			D	5-2550.9. Develop and utilize a system of notifying state and federal registration agencies of complaints received and problems encountered with individuals and organizations providing certifications for new developments.		

Supplemental 3
Public Comments