

## ATTACHMENT 2

### Draft Board of Supervisors Ordinance

Ordinance No. \_\_\_\_ amending Title III of Humboldt County Code (Zoning Code) to be consistent with the General Plan by adding Section 314-7.5 “TE – Timberland Exclusive” Principal Zone, adding Section 314-9.1 (MU1 – Mixed Use (Urban)) Principal Zone, adding Section 314-9.2 (MU2 – Mixed Use (Rural)) Principal Zone, and adding Section 314-31.2 (PRD – Planned Rural Development Combining Zone); and by amending Section 314-7.1 (AE - Agriculture Exclusive Zone); and amending Section 314-7.4 (TPZ - Timberland Production Zone), and amending Section 314-17.1 (B-1– Special Building Site) Combining Zone.

Exhibit A: Text to be added to and amended in Chapter 4 of the Zoning Regulations

Notes:

Additions to the text are shown in underline and ~~strikeout~~.

Additions made in response to the Board’s direction at the June 18, 2019 meeting are shown in **bold yellow highlight text**.

Alternatives for the Board’s consideration are presented in underlined italic text within boxes as shown below:

*Alternative 1: Minimize impacts of new residential development on agricultural soils:*

*Development on Agriculture Exclusive or AE Zone land shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.*

Ordinance No. \_\_\_\_\_

AMENDING TITLE III OF HUMBOLDT COUNTY CODE (ZONING CODE) TO BE CONSISTENT WITH THE GENERAL PLAN BY ADDING SECTION 314-7.5 “TE – TIMBERLAND EXCLUSIVE” PRINCIPAL ZONE, ADDING SECTION 314-9.1 (MU1 – MIXED USE (URBAN)) PRINCIPAL ZONE, SECTION 314-9.2 (MU2 – MIXED USE (RURAL)), AND SECTION 314-31.2 (PRD – PLANNED RURAL DEVELOPMENT COMBING ZONE); AND BY AMENDING SECTION 314-7.1 (AE - AGRICULTURE EXCLUSIVE ZONE); AND SECTION 314-7.4 (TPZ - TIMBERLAND PRODUCTION ZONE).

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Chapter 4 of the Zoning Regulations (Title III of Humboldt County Code) is hereby amended to be consistent with the General Plan by adding Section 314-7.5 “TE – Timberland Exclusive” Principal Zone, adding Section 314-9.1 (MU1 – Mixed Use (Urban)) Principal Zone, adding Section 314-9.2 (MU2 – Mixed Use (Rural)) Principal Zone, and adding Section 314-31.2 (PRD – Planned Rural Development Combining Zone); and by amending Section 314-7.1 (AE - Agriculture Exclusive Zone); and amending Section 314-7.4 (TPZ - Timberland Production Zone) as shown in Exhibit A, and amending Section 314-17.1 (B-1– Special Building Site) Combining Zone.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Chairperson of the Board of Supervisors of the  
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes  
Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

---

Deputy

Exhibit A: Text to be added to and amended in Chapter 4 and Chapter 2 of the Zoning Code

**Proposed New Zones: Mixed Use Urban Principal Zone (added text)**

314-9 MIXED USE ZONE DISTRICTS

314-9.1 MU1: MIXED USE (URBAN)

The purpose of the Mixed Use (Urban) or MU1 Zone is to provide for pedestrian-oriented, mixed use development (commercial, office, and higher density residential). The permitted uses and other regulations may be modified through community specific planning by the application of the appropriate Special Area Combining Zone, such as a D - Design Control or Q – Qualified Combining Zone.

<b>314-9.1 MU1: MIXED USE (URBAN)</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
<u>Residential Use Types</u>	Two family dwellings and multiple dwellings and dwelling groups <u>Single Family Residential</u> <u>Accessory Dwelling Unit</u> <u>Guest House</u>
<u>Commercial Use Types</u>	<u>Neighborhood Commercial</u> <u>Retail Sales and Retail Services</u> <u>Transient Habitation</u> <u>Office and Professional Service</u> <u>Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations</u> <u>Commercial and Private Recreation</u>
<u>Civic Use Types</u>	<u>Minor Utilities</u> <u>Essential Services conducted entirely within an enclosed building</u> <u>Community Assembly</u> <u>Public and parochial parks, playgrounds and playing fields</u> <u>Non-Commercial Recreation</u>
<u>Industrial Use Types</u>	<u>Cottage Industry; subject to the Cottage Industry Regulations</u>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Minor Generation and Distribution Facilities</u>
<u>Natural Resource Use Types</u>	<u>Fish and Wildlife Management</u> <u>Watershed Management</u> <u>Wetland Restoration</u> <u>Coastal Access Facilities</u>
<u>Use Types Not Listed in This Table</u>	<u>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MU zone.</u>

<b>314-9.1</b>	<b>MU1: MIXED USE (URBAN)</b>
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	2,000 square feet.
<b>Minimum Lot Width</b>	Twenty-five feet (25').
<b>Minimum Yard Setbacks*</b>	
<u>Front</u>	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
<u>Rear</u>	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
<u>Side</u>	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
<b>Maximum Ground Coverage</b>	One hundred percent (100%)
<b>Maximum Structure Height</b>	Seventy-five (75) feet.

\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

### 9.1.1 Other MU1 - Mixed Use (Urban) Regulations

9.1.1.1 Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.

9.1.1.1.1 Landscaping shall be required for new development which creates five (5) or more new parking spaces.

9.1.1.1.2 The landscaping policies shall be accomplished by the submittal of a landscaping plan.

9.1.1.2 Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:

9.1.1.2.1 All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises.

9.1.1.2.2 A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.

9.1.1.2.3 No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.

9.1.1.3, Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply when mixed

residential and non-residential uses are proposed within a single parcel. **A mixed use project may reduce the required vehicle parking by up to 50 percent of the spaces for the residential use, and (o)ff-street parking facilities for one mixed use may provide parking facilities for other proposed uses within the same development site when the demand for the parking spaces does not result in conflicts as determined by the Planning Commission at a noticed public hearing. Approval of a Special Permit may be granted for additional reductions in required parking and sharing of parking shall be based on substantial evidence provided by the applicant documenting the adequacy of fewer spaces. Documentation may include but is not limited to customer traffic, location within one-half mile of a transit stop and connection with appropriate pedestrian and bicycle facilities, available public parking, surrounding land use mix, or peak parking demand of adjacent uses.**

9.1.1.4 Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.

9.1.1.5 On-site Performance Standards. On-site performance standards are as follows:

9.1.1.5.1 Odors. No use shall create objectionable odors readily detectable beyond the property line.

9.1.1.5.2 Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).

9.1.1.5.3 Vibration. No use shall create vibration detectable without instruments at the property line.

9.1.1.5.4 Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.

9.1.1.5.5 Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.

9.1.1.6 Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

**Proposed New Zones: Mixed Use Rural Principal Zone (added text)**

314-9.2 MU2: MIXED USE (RURAL)

The purpose of the Mixed Use (Rural) or MU2 Zone is to provide for small-scale mixed use development (commercial, office, and residential) for smaller population bases. The permitted uses and other regulations may be modified through community specific planning by the application of the appropriate Special Area Combining Zone, such as a D - Design Control or Q – Qualified Combining Zone.

<b>314-9.2 MU2: MIXED USE (RURAL)</b>	
<b><u>Use Type</u></b>	<b><u>Principal Permitted Use</u></b>
<u>Residential Use Types</u>	<u>Two Family dwellings</u> <u>Single Family Residential</u> <u>Accessory Dwelling Unit</u> <u>Guest House</u>
<u>Commercial Use Types</u>	<u>Neighborhood Commercial</u> <u>Retail Sales and Retail Services</u> <u>Office and Professional Service</u> <u>Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations</u> <u>Commercial and Private Recreation</u>
<u>Civic Use Types</u>	<u>Minor Utilities</u> <u>Essential Services conducted entirely within an enclosed building</u> <u>Community Assembly</u> <u>Public and parochial parks, playgrounds and playing fields</u> <u>Non-Commercial Recreation</u>
<u>Industrial Use Types</u>	<u>Cottage Industry; subject to the Cottage Industry Regulations</u>
<u>Agricultural Use Types</u>	<u>General Agriculture</u>
<b><u>Use Type</u></b>	<b><u>Conditionally Permitted Use</u></b>
<u>Residential Use Types</u>	<u>Multiple dwellings containing four or fewer units per building</u> <u>Manufactured Home Parks</u>
<u>Commercial Use Types</u>	<u>Heavy Commercial</u> <u>Transient Habitation</u>
<u>Civic Use Types</u>	<u>Public Recreation and Open Space</u> <u>Minor Generation and Distribution Facilities</u>
<u>Natural Resource Use Types</u>	<u>Fish and Wildlife Management</u> <u>Watershed Management</u> <u>Wetland Restoration</u> <u>Coastal Access Facilities</u>
<u>Use Types Not Listed in This Table</u>	<u>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MU zone.</u>

<b>314-9.2</b>	<b>MU2: MIXED USE (RURAL)</b>
<b>Development Standards</b>	
<b>Minimum Lot Area</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Minimum Yard Setbacks*</b>	
<u>Front</u>	Fifteen (15) feet.
<u>Rear</u>	Ten (10) feet.
<u>Interior Side</u>	Five (5) feet.
<u>Exterior Side</u>	Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
<b>Maximum Ground Coverage</b>	Fifty percent (50%)
<b>Maximum Structure Height</b>	Fifty (50) feet.

\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

### **9.2.1 Other MU2: Mixed Use (Rural) Regulations**

9.2.1.1 Landscaping. All new residential and commercial projects shall use landscaping to enhance the appearance of neighborhoods, control erosion, conserve water, improve air quality and improve pedestrian and vehicular safety.

9.2.1.1.1 Landscaping shall be required for new development which creates five (5) or more new parking spaces.

9.2.1.1.2 The landscaping policies shall be accomplished by the submittal of a landscaping plan.

9.2.1.2 Outdoor Lighting. New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. New development and projects that would make significant parking lot improvements or add new exterior lighting to submit a lighting plan consistent with these regulations. Lighting designs should address:

9.2.1.2.1 All lighting shall be designed and located so as to confine direct lighting to the premises and.

9.2.1.2.2 A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted.

9.2.1.2.3 No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.

9.2.1.3 Parking. Parking requirements are as specified in Section 314-109.1 Off-Street Parking, except that Section 314-109.1.2.6, Multiple Uses, shall not apply when mixed residential and non-residential uses are proposed within a single parcel. Off-street



parking facilities for one mixed use may provide parking facilities for other proposed uses within the same development site when the demand for the parking spaces does not conflict as determined by the Planning Commission at a noticed public hearing.

9.2.1.4 Outdoor Trash Storage (nonresidential only). All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.

9.2.1.5 On-site Performance Standards. On-site performance standards are as follows:

9.2.1.5.1 Odors. No use shall create objectionable odors readily detectable beyond the property line.

9.2.1.5.2 Dust and Smoke. No use shall create dust or smoke that is readily detectable beyond the property line (in addition to meeting all air pollution requirements).

9.2.1.5.3 Vibration. No use shall create vibration detectable without instruments at the property line.

9.2.1.5.4 Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television service beyond the property line.

9.2.1.5.5 Glare. No use shall create intense light or glare that causes a nuisance or hazard beyond the property line.

9.2.1.6 Applicable Standards. Noise, atmospheric emissions, toxic or noxious matter, radiation, heat and humidity, fire and explosive hazards, or liquid and solid wastes shall be regulated by applicable county, state or federal standards.

**Proposed New Zone: “PRD – Planned Rural Development” Combining Zone (added text)**

314-31 “P” COMBINING ZONE DESIGNATIONS

314-31.2 PRD - PLANNED RURAL DEVELOPMENT

31.2.1 Purpose. The purpose of these provisions is to allow for the voluntary clustering of homesites on land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map at a density above what would otherwise be allowed when lands most suitable for agricultural or timber production are retained for permanent continued resource production

31.2.2 Applicability.

31.2.2.1 These regulations shall apply to areas designated "PRD" on the Zoning Maps.

31.2.2.2 These regulations may be applied to land designated Agricultural Grazing (AG) and Timberland (T) on the General Plan Land Use Map.

31.2.3 Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Rural Development permit applications:

31.2.3.1 Residential Density Standards.

31.2.3.1.1 The maximum allowable residential density specified in the General Plan may be increased by as much as fifty percent (50%) if:

31.2.3.1.1.1 Development is clustered to minimize conflicts with agricultural production or timber harvesting as well as impacts to water resources, biological resources, and minimizes wildland fire potential; and

31.2.3.1.1.2 95% of subject lands are protected though a conservation easement or equivalent protection.

31.2.3.2 Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Rural Development Regulations provided all other development standards set forth herein are met.

31.2.3.3 Lot Coverage Standards. The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development.

31.2.3.4 Setback Standards. The applicable setback standards may be modified provided:

31.2.5.4.1 Lot coverage requirements herein are met; and

31.2.5.4.2 Setbacks for lots located in the perimeter of the development shall conform with the setback requirements for the zone

31.2.4 Other Requirements. The following design criteria shall be used in the design and evaluation of projects within a Planned Rural Development:

31.2.4.1 Natural Considerations. The site design must maintain the prominent natural features of the site.

31.2.4.1.1 Major trees should be retained to the maximum extent possible, consistent with fuel modification standards contained in the SRA Fire Safe Regulations and should become the basis of the design of lots, roads, and other open spaces in the PRD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately.

31.2.4.1.2 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours,

31.2.4.1.3 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette

31.2.4.1.4 Natural slopes in excess of twenty-five percent should remain undisturbed

31.2.4.1.5 Disturbed areas not proposed for development shall be revegetated as quickly as feasible.

31.2.4.2.2 Requirements for Water Storage. New development not served by a public water system that seeks to rely upon surface water shall install water storage capable of providing 100 percent of the necessary water storage volume for the summer low-flow season (e.g. July-August-September). A forbearance agreement prohibiting water withdrawals during low-flow season shall be included as a performance standard for the project.

**31.2.5 Roads and Driveways.**

31.2.5.1 Access. Planned Rural Developments shall be designed to minimize traffic safety hazards to pedestrians, bicyclists and vehicles.

31.2.5.21 Emergency Access. Planned Rural Developments shall not require the approval of exceptions to Fire Safe Regulations, Chapter 2, Emergency Access.

**31.2.6 Conservation Easement or Equivalent Protection.** A conservation easement or equivalent protection, in a form acceptable to County Counsel, shall be required to permanently protect resource production on the site consistent with applicable policies in the Agricultural and Forest Resources Sections of the Land Use Element of the General Plan.

## Proposed Amendment to “AE – Agriculture Exclusive Zone” (modified text)

### 314-7.1 AE: AGRICULTURE EXCLUSIVE ZONE

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive or AE Zones.

<b>314-7.1 AE: AGRICULTURE EXCLUSIVE</b>	
<b>Principal Permitted Uses</b>	
All general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the following subsection, Uses Permitted with a Use Permit. (Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)	
<u>Timber Production</u>	
<u>Single Family Residence</u>	
<u>Second Residential Unit Farm dwellings.</u> On lots 40 acres or larger in size, <u>two single detached dwellings are permitted within the same contiguous two (2) acre building envelope containing the primary residence</u>	
<u>Manufactured homes used as farm dwellings.</u>	
<b>Uses Permitted with a Use Permit</b>	
Hog farms, turkey farms, frog farms and fur farms.	
<u>Aquaculture (Table 4-G)</u>	
Animal feed yards and sales yards.	
<u>Agricultural and timber products processing plants.</u>	
<u>Agriculture-Related Recreation, Resource-Related Recreation</u>	
<u>Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc., which do not change the character of the principal use.</u>	
<u>Public Recreation and Public Access Facilities</u>	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals.	
<u>Stables and Kennels</u>	
<u>Farm Employee Housing, Labor camps and labor supply camps. (Table 4-G)</u>	
<u>Fish and Wildlife Habitat Management, Watershed Management, Wetland Restoration</u>	
<u>Utilities &amp; Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.</u>	
<u>Metallic Mining, Surface Mining</u>	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.	
<b>Other Regulations</b>	
<b>No Subdivisions</b>	<del>No s</del> Subdivisions or residential developments, whether by <u>may only be approved by official map, record of survey or recorded subdivision, for the managed production of resources, where parcels are subject to a binding and recorded restriction prohibiting the development of a residential structures or residential accessory structures shall be permitted in Agriculture Exclusive or AE Zones.</u>

**Agricultural Land Conversion**

Conditionally Permitted Uses that would convert zoned Agriculture Exclusive or AE Zone land to non-agricultural uses shall not be approved unless the Planning Commission makes the following findings:

A. There are no feasible alternatives that would prevent or minimize conversion;

B. The facts support an overriding public interest in the conversion; and

C. For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigation has been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the “No Net Loss” agricultural lands policy. “No Net Loss” mitigation is limited to one or more of the following:

1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or
2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or
3. Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in subsections a and b. The operational details of the land fund, including the process for setting the amount of the financial contribution, shall be established by ordinance.

**Conversion of Prime Agricultural Land**

Development on Agriculture Exclusive or AE Zone land shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.

Except for the construction of the primary single family residence or a second residence within the same contiguous two (2) acres building envelope containing the existing primary residence, Prime Agricultural Land lands shall not be converted without provisions for mitigation offsets, as specified in the No Net Loss” agricultural lands policy above. **Exception for single family residences and accessory dwelling units: Mitigation offsets shall not be required for a single family residence nor shall mitigation offsets be required for second units provided they are located within the same building envelope as the primary residence according to the following criteria:**

<b>Maximum Building Envelope</b>	<b>Parcel Size</b>
<b>Two Acres</b>	<b>10 acres or larger</b>
<b>Twenty percent of the parcel size</b>	<b>Less than 10 acres</b>

*Alternative 1: Minimize impacts of new residential development on agricultural soils: In addition to paragraphs 1 – 3 above, the following paragraphs would be modified as shown below in italics*

<p><b><u>Agricultural Land Conversion</u></b></p>	<p>Development on Agriculture Exclusive or AE Zone land shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.</p> <p>Except for <i>development within the Residential Building Envelope as specified below</i> <del>the construction of the primary single family residence or a second residence within the same contiguous two (2) acres building envelope containing the existing primary residence,</del> Prime Agricultural Land lands shall not be converted without provisions for mitigation offsets, as specified in the "No Net Loss" agricultural lands criteria above.</p> <p><b><i>Residential Building Envelope.</i></b> <i>The primary residence and accessory dwelling units, residential accessory structures and uses such as: detached garages or hobby shops, and gardening sheds/greenhouses (that would not otherwise qualify as an agricultural exempt structure per Section 331-1(s)(4) of the County Building Regulations), parking areas, pools, decorative landscaping, domestic water systems (where new wells are to be developed), onsite wastewater systems including primary and reserve septic drain field, and driveways that primarily serve the residential uses shall be contained within the Residential Building Envelope.</i></p> <p><i>The Residential Building Envelope shall be sited as close as possible to the primary access road and the front of the property to minimize the conversion of land to non-agricultural uses to maximum extent feasible. The maximum separation distance between the primary and accessory dwelling units within the Residential Building Envelope shall be 150 feet, as measured from the nearest part of the primary dwelling.</i></p> <p><i>On land defined as prime agricultural lands, the Residential Building Envelope shall not exceed one (1) acre within parcels greater than ten (10) acres; and for parcels less than ten (10) acres the Residential Building Envelope shall not exceed ten (10) percent of the parcel area.</i></p> <p><i>Within non-prime agricultural lands, the Residential Building Envelope shall not exceed two (2) acres within parcels greater than ten (10) acres; and for parcels less than ten (10) acres the Residential Building Envelope shall not exceed twenty (20) percent of the parcel area.</i></p>
---	--

<b>Minimum Lot Area</b>	Sixty <del>Twenty</del> (620) acres.  <u>Exceptions to the minimum parcel size for the purpose of historic preservation, may be approved, where the following findings are made:</u> A. <u>The site or structure qualifies and is included on a local, state or federal historic registry; and,</u> B. <u>The viability of continued agricultural operations is not inhibited, and;</u> C. <u>No additional density beyond what would be permitted as part of the existing agricultural operations is created.</u>
<b>Minimum Lot Width</b>	One hundred feet (100').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks*</b>	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<b>Maximum Ground Coverage</b>	<del>Thirty five percent (35 %).</del> <u>Two acres maximum</u>
<b>Maximum Building Height</b>	(None specified.)

*Alternative 3: Protect ridgelines in other natural resource zones as proposed in the Planned Rural Development District*

<b><u>Natural Hillslopes and Ridgeline Standards within the Arcata, Jacoby Creek, and Freshwater Community Plan Areas</u></b>	<u>To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes within the Arcata, Jacoby Creek, Freshwater, Mckinleyville, Fieldbrook-Glendale, and Tinidad-Westhaven Community Plan Areas shall to the maximum extent feasible be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines shall to the maximum extent feasible not affect the ridgeline silhouette.</u>
---	---



## Proposed Amendment to “TPZ – Timberland Production Zone” (modified text)

### 2.1 314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

<b>314-7.4</b>	<b>TPZ: TIMBERLAND PRODUCTION</b>
<b>Principal Permitted Uses</b>	
Growing and harvesting of timber and accessory uses compatible thereto.	
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)	
<b>Principal Permitted Uses Compatible with Timber Production</b>	
The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)	
<u>Management for watershed and wetland restoration.</u>	
<u>Management for fish and wildlife habitat.</u>	
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of “processing”).	
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.	
Grazing and other agricultural uses.	
One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.	
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.	
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)	
<b>Uses Permitted with a Use Permit</b>	
Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)	
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.	
<u>Utilities &amp; Energy Facilities: The erection, construction, alteration, or maintenance of wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.</u>	
<u>Oil &amp; Gas Drilling &amp; Processing, Metallic Mining, Surface Mining.</u>	
<u>Public Recreation and Public Access Facilities.</u>	
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)	
<u>Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.</u>	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.	

## 7.4.1 Other TPZ Regulations.

7.4.1.1 Provisions of Article 1 "General Provisions" (Section 51100); Article 2 "Establishment of Timberland Production Zone" (Subsections 51110 and 51119.5); Article 3 "Rezoning" (Subsection 51120 and 51121); Article 4 "Immediate Rezoning" (Subsection 51130-51134); and Article 5 "Removal from Zone" (Subsection 51140-51146) of the Government Code of the State of California as it now reads, or may be hereafter amended, shall apply. (Former Section INL#314-12(a); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2 An owner of real property may petition the Board of Supervisors to zone land as Timberland Production or TPZ Zone. The Board, by ordinance, after the recommendation of the Planning Commission pursuant to Section 51110.2 of the Government Code, and after public hearing, shall zone as a Timberland Production or TPZ Zone all parcels submitted to it by petition pursuant to Section 51113 which meet all of the following criteria: (Former Section INL#314-12(b))

7.4.1.2.1 A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(1))

7.4.1.2.2 A plan (or a timber management guide) for forest management of the property must be prepared or approved as to content by a registered forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the prepared of the plan. (Former Section INL#314-12(b)(2))

7.4.1.2.3 The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the state Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. The agreement shall provide that if the parcel is subsequently zoned as Timberland Production or TPZ and fails to meet the stocking standards and forest practice rules within the time period, the Board of Supervisors shall rezone the parcel to another zone pursuant to Section 51113(c)(3) or 51121 of the Government Code. (Former Section INL#314-12(b)(3))

7.4.1.2.4 The land to be rezoned Timberland Production or TPZ shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single parcel or a unit of contiguous parcels as defined in Section 51104 of the Government Code, which is eighty (80) acres or one-half of one-quarter section in size or larger. (Former Section INL#314-12(b)(4))

7.4.1.2.5 The land to be included in the Timberland Production or TPZ Zone

shall be timberland as defined by Section 51104(f) of the Government Code. (Former Section INL#314-12(b)(5); Ord. 1126, Sec. 1, 3/12/77; Amended by Ord. 1907, Sec. 3, 8/21/90)

7.4.1.2.6 The land shall be in compliance with the land use standards of the Timberland Production or TPZ Zone. (Former Section INL#314-12(b)(6))

7.4.1.3 Minimum parcel size:

7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

7.4.1.4 Special Subdivision Provisions For Mixed Zone Parcels. Parcels containing Timberland Production or TPZ zoned land may be subdivided below the minimum parcel size allowed pursuant to subsection 314-7.4.1.3 where TPZ zoned land of a smaller size already exists and all of the following requirements are satisfied: (Former Section INL#314-12(d))

7.4.1.4.1 TPZ zoned land within the parcel is not being divided or separated by the subdivision; and (Former Section INL#314-12(d)(1))

7.4.1.4.2 Adequate access is available for timber management for the TPZ zoned land; and (Former Section INL#314-12(d)(2))

7.4.1.4.3 A timber management guide for the TPZ zoned land approved by the County Forestry Review Committee has been submitted for the subdivision; provided, however, that such a timber management guide shall not be required if the subdivision is restricted to prohibit residential or other development from the TPZ portion of the parcel; and (Former Section INL#314-12(d)(3))

7.4.1.4.4 The subdivision meets all other regulatory requirements applicable to subdivisions; and (Former Section INL#314-12(d)(4))

7.4.1.4.5 The parcel in which the TPZ zoned land will be contained is no smaller than the minimum parcel size for the adjacent non-TPZ portion of the parcel. (Former Section INL#314-12(d)(5))

7.4.1.5 Minimum yard setbacks\*: (Former Section INL#314-12(e)(1-4))

7.4.1.5.1 Front: Twenty (20) feet;

7.4.1.5.2 Side: Thirty (30) feet;

7.4.1.5.3 Rear: Thirty (30) feet;

*Alternative 2: Minimize impacts of new residential development on timber production in the “TPZ - Timber Production” and “TE - Timberland Exclusive” Zones:*

7.4.1.5 *Minimum yard setbacks\*:* (Former Section INL#314-12(e)(1-4))

7.4.1.5.1 *Front:* One Hundred (100) ~~Twenty (20)~~ feet;

7.4.1.5.2 *Side:* Two Hundred (200) ~~Thirty (30)~~ feet;

7.4.1.5.3 *Rear:* Two Hundred (200) ~~Thirty (30)~~ feet;

7.4.1.5.4 For Flag Lots, the Director, in consultation with the Public Works Department, shall establish, in addition to a required minimum front yard setback, the minimum yard that is required for a vehicular turn around on the parcel.

\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1: “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11.

#### 7.4.1.6 Special Restrictions Regarding Residences.

7.4.1.6.1 The total residential density shall not exceed one (1) dwelling unit per forty ~~twenty~~ (40) acres. (Former Section INL#314-12(f)(1))

7.4.1.6.2 Second Residential Units may be permitted on parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands.

*Alternative 2: Minimize impacts of new residential development on timber production in the “TPZ - Timber Production” and “TE - Timberland Exclusive” Zones:*

7.4.1.6.2 *Second Residential Units may be permitted on parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands within the Residential Building Envelope.*

*7.4.1.6.3 Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel. Residential Building Envelope. The primary residence and secondary or accessory dwelling units, residential accessory structures and uses such as: detached garages or hobby shops and gardening sheds/greenhouses (that would not otherwise qualify as an agricultural exempt structure per Section 331-1(s)(4) of the County Building Regulations), parking areas, pools, decorative landscaping, domestic water systems (where new wells are to be developed), onsite wastewater systems including primary and reserve septic drain field, and driveways that primarily serve the residential uses shall be contained within the Residential Building Envelope.*

The Residential Building Envelope shall be within the area already converted, intended to be converted, or that does not meet the definition of timberlands and be sited as close as possible to the primary access road and the front of the property to minimize the conversion of timberland to the maximum extent feasible. The maximum separation distance between the primary and accessory dwelling units within the Residential Building Envelope shall be 150 feet, as measured from the nearest part of the primary dwelling.

*Alternative 3: Protect ridgelines in other natural resource zones as proposed in the Planned Rural Development District.*

7.4.1.6.7 Natural Hillslopes and Ridgeline Standards within the Arcata, Jacoby Creek, and Freshwater Community Plan Areas

To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes within the Arcata, Jacoby Creek, Freshwater, McKinleyville, Fieldbrook-Glendale, and Trinidad-Westhaven Community Plan Areas shall to the maximum extent feasible be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines shall to the maximum extent feasible not affect the ridgeline silhouette

**Proposed New Zones: Timberland Exclusive Principal Zone (added text)**

314-7 RESOURCE USE REGULATIONS

314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE

The Timberland Exclusive or TE Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber where land planned Timberland on the General Plan Land Use Map that is not zoned TPZ pursuant to Section 314-7.4 of these Regulations and the California Timberland Productivity Act of 1982, Government Code Section 51100, et seq.

<b>314-7.5</b>	<b>TE: TIMBERLAND EXCLUSIVE ZONE</b>
<b>Principal Permitted Uses</b>	
<u>Growing and harvesting of timber and accessory uses compatible thereto.</u>	
<u>Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).</u>	
<u>One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences in Section 314-7.4.1.6</u>	
<u>Management for watershed and wetland restoration . (Table 4-G).</u>	
<u>Management for fish and wildlife habitat.</u>	
<u>A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").</u>	
<u>The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.</u>	
<u>Grazing and other agricultural uses.</u>	
<u>Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.</u>	
<u>Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.</u>	
<u>Cottage Industry, subject to Cottage Industry Regulations</u>	
<b>Uses Permitted with a Use Permit</b>	
<u>Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.</u>	
<u>Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses.</u>	
<u>Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use. . (Table 4-G)</u>	
<u>Public Recreation and Public Access Facilities. (Table 4-G)</u>	
<u>Utilities &amp; Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. . (Table 4-G)</u>	
<u>Oil &amp; Gas Drilling &amp; Processing, Metallic Mining, Surface Mining . (Table 4-G)</u>	
<u>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.</u>	

**Other Regulations**

*Alternative 2: Minimize impacts of new residential development on timber production in the “TPZ - Timber Production” and “TE - Timberland Exclusive” Zones:*

<p><u>Conversion of Timberlands</u></p>	<p><u>Residential Building Envelope. The primary residence and accessory dwelling units, residential accessory structures and uses such as: detached garages or hobby shops, and gardening sheds/greenhouses (that would not otherwise qualify as an agricultural exempt structure per Section 331-1(s)(4) of the County Building Regulations), parking areas, pools, decorative landscaping, domestic water systems (where new wells are to be developed), onsite wastewater systems including primary and reserve septic drain field, and driveways that primarily serve the residential uses shall be contained within the Residential Building Envelope.</u></p> <p><u>The Residential Building Envelope shall be sited as close as possible to the primary access road and the front of the property to minimize the conversion of timberland to the maximum extent feasible. The maximum separation distance between the primary and accessory dwelling units within the Residential Building Envelope shall be 150 feet, as measured from the nearest part of the primary dwelling.</u></p> <p><u>The Residential Building Envelope shall not exceed two (2) acres per parcel.</u></p>
---	---

<b><u>Minimum Lot Area</u></b>	<u>Forty (40) Sixty (60) acres.</u>
<b><u>Minimum Lot Width</u></b>	<u>One hundred feet (100').</u>
<b><u>Maximum Lot Depth</u></b>	<u>(None specified.)</u>
<b><u>Minimum Yard Setbacks</u></b>	
<u>Front</u>	<u>Thirty feet (30');</u>
<u>Rear</u>	<u>Twenty feet (20');</u>
<u>Side</u>	<u>Ten percent (10%) of the lot width on each side but not more than</u>
	<u>twenty feet (20') shall be required.</u>
<u>Outbuildings</u>	<u>Outbuildings shall not be less than twenty feet (20') from any</u>
	<u>dwelling on the premises.</u>

*Alternative 2: Minimize impacts of new residential development on timber production in the “TPZ - Timber Production” and “TE - Timberland Exclusive” Zones:*

<u>Minimum Yard Setbacks</u>	
<u>Front</u>	<u>One Hundred (100) <del>Thirty (30)</del> feet</u>
<u>Rear</u>	<u>Two Hundred (200) <del>Twenty (20)</del> feet);</u>
<u>Side</u>	<u>Two Hundred (200) feet <del>Ten percent (10%) of the lot width on each side but not more than</del> <u>twenty feet (20') shall be required.</u></u>

<b>Maximum Ground Coverage</b>	<b><u>Thirty-five percent (35 %).</u></b>
<b>Maximum Building Height</b>	<u>(None specified.)</u>

\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11

*Alternative 3: Protect ridgelines in other natural resource zones as proposed in the Planned Rural Development District*

<u>Natural Hillslopes and Ridgeline Standards</u>	<u>To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes within the Arcata, Jacoby Creek, Freshwater, Mckinleyville, Fieldbrook-Glendale, and Tinidad-Westhaven Community Plan Areas shall to the maximum extent feasible be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines shall to the maximum extent feasible not affect the ridgeline silhouette</u>
---	--



**Proposed Amendment to “B-1 Special Building Site Combining Zone”  
(modified text)**

**2.1 314-17 “B” COMBINING ZONE DESIGNATIONS.**

**314-17.1 B - SPECIAL BUILDING SITE.**

The Special Building Site Combining or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.

<b>314-17.1 SPECIAL BUILDING SITE COMBINING ZONE</b>	
<b>DESIGNATION</b>	<b>BUILDING SITE AREA</b>
B-1	<b>6,000 square feet</b> <del>8,000 square feet</del>
B-2	10,000 square feet
B-3	20,000 square feet
B-4	One (1) acre
B-5	As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.
B-6	Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.
B-7	Minimum lot size specified by B-7(x) on the zoning maps, where "x" indicates the minimum lot size, and where the subdivision of any parcel results in a density consistent with the General Plan. As part of the subdivision action, a rezone to the appropriate B-7 parcel size designation shall be required, and, as necessary, other enforceable restrictions where necessary to maintain consistency with the General Plan shall also be required. See the following examples of the application of this section.