

Summary of Key Issues and Review of Alternatives

Section 4.4 Rural Lands

This Element provides policy guidance for development proposals outside community planning areas on rural residential lands.

Section 4.4 Rural Lands				
Key Topics and Issues	Plan Update Approach (Alternative B)	Existing Framework Plan (Alternative D)	Alternative A	Alternative C
<p>Adequate supply of lands planned Rural Residential An adequate supply of land for rural living is critical to support rural lifestyles and culture, provide opportunities for growth for successive generations and people moving into the County, and to support the County's economy and rural town centers.</p> <p>Is the current inventory of vacant rural residential lands adequate for future rural development?</p> <p>Should the County re-zone lower quality agricultural and timber production lands to increase the inventory of lands planned</p>	<p>Establishes an implementation program to review the inventory of rural residential lots during the Housing Element update (every five years) to make sure the inventory is adequate for future growth (RL-IM1).</p> <p>Would inventory and map substandard rural roads to determine areas where development is constrained by substandard roads. Would establish overlay zones to reflect identified constraints (RL-IM2).</p>	<p>The Framework Plan does not contain a requirement for review of rural residential lots as a part of the Housing Element update.</p> <p>Standards for subdivision of rural lands are similar to those found in Alt. B (2554.9).</p>	<p>Inventory and road mapping policies equivalent to Alt. B. A plan and zoning program would decrease the availability of rural residential lands for homestead development (RL-IMx).</p>	<p>Rural residential lots would be mapped and inventoried as in Alt. B (RL-IM1). A plan and zoning program would increase the availability of rural residential lands for homestead development (RL-IMx). Incentives for residential development of rural residential lands would be developed (RL-IMxx). A Capital Improvement Program would be initiated to expand and improve the rural road system.</p>





Section 4.4 Rural Lands				
Key Topics and Issues	Plan Update Approach (Alternative B)	Existing Framework Plan (Alternative D)	Alternative A	Alternative C
for rural residential uses?				
<p>Compatibility of rural residential uses and commercial resource production. Conflicts can occur between lands planned for commercial resource extractive uses and rural residential uses that can impact the profitability and viability of agriculture and timber production.</p> <p>Which policies are effective in maintaining profitable agricultural and timber production adjacent to lands planned primarily for rural homesteads?</p>	<p>Development on rural residential lands must be planned to be compatible with agriculture and timber production (RL-S1).</p> <p>Clustered development would be promoted to protect resource lands (RL-P7) and all rural subdivisions would need to be evaluated for compatibility with continued resource productivity (RL-S1), requiring a Right to Harvest or Farm agreement.</p> <p>Requires commercial development to be located in developed areas such as rural community centers unless the development is rural in nature, e.g., retreat or camp, or meets rural cottage industry standards (RL-P3).</p>	<p>The Framework Plan does not contain policies that advocate clustering houses.</p> <p>Encourages commercial development to be located in developed areas (RL-P3 -2554.6)</p>	<p>The same policies as Alt. B.</p>	<p>Alt. C does not require that development on rural residential lands be planned to be compatible with agriculture and timber production (RL-S1).</p> <p>Does not restrict the location of commercial development.</p>



Section 4.4 Rural Lands				
Key Topics and Issues	Plan Update Approach (Alternative B)	Existing Framework Plan (Alternative D)	Alternative A	Alternative C
<p>Carrying capacity of rural lands, wild land fire risks and public service costs. Water withdrawal, habitat fragmentation, sediment discharge to waterways, introduction of ignition sources and deficiencies in road maintenance can accompany rural residential development. Traditional regulatory approaches to protect public health and safety and minimize environmental impacts are often viewed as inappropriate infringement on rural property owner’s rights and property values.</p> <p>Is there a need for local land use regulation and permitting systems in rural residential areas?</p> <p>What practices or programs would increase the sustainability of rural development given anticipated increased in rural populations?</p>	<p>Policies and standards guide the division of rural residential lands so that future development will not be subject to adverse impacts from geologic instability, flooding or fire and would require adequate access, water, and sewage disposal for future development (RL-P4, RL-P5 and RL-S4). The Plan would allow for clustered rural development that provides a density bonus when significant permanent land dedications are secured (RL-P7). Future subdivisions and zone changes in rural residential areas must evaluate the cumulative impacts of water withdrawals and on-site septic systems (RL-P2). Changes in zoning density and subdivision approvals require road improvements to minimum County standards at time of subdivision or incrementally as future development occurs. (RL-P5).</p>	<p>Cumulative impacts of water withdrawals and sewage disposal evaluated for zone changes only. (RL-P2 – 2553.7) Changes in zoning should reflect road constraints (RL-P5 – 2554.8). Requirements for subdivisions to meet minimum county road standards contained in FRMK 2554.9 and the subdivision ordinance.</p>	<p>Cumulative impacts of water withdrawals and on-site septic systems evaluated for subdivisions, zone changes and discretionary development (RL-P2). Same as Alt. B for road improvements.</p>	<p>Rural commercial uses would be expanded to areas outside of Rural Community Centers and Community Planning Areas (RL-P3), and subdivision requirements would be less restrictive, similar to the existing Framework Plan (2554.9).</p> <p>Same as Alt. D for analysis of cumulative impacts of water withdrawals and sewage disposal. Same as Alt. D for evaluation of rural road constraints.</p>



Plan Alternatives Comparison Chart

Section 4.4 Rural Lands

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.		
				COMMENTS:		
A	B			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.		
				COMMENTS:		
			D	2552. To provide for orderly development of rural lands consistent with the needs 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.		
				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	

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
					 	
				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 on-site sewage disposal systems</u> 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 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.		

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			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. 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.	QJ, Leg, Prog RL-S4, RL-IM2 	

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				COMMENTS:		
		C	D	2554.8. Densities should reflect road constraints, identified by the County Public Work Department.		
			D	<p>2554.9. Subdivision of land</p> <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. 		
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 	
				COMMENTS:		

Plan Alternative				Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
			C	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.</u>		
				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	
				COMMENTS:		

Plan Alternative			Section 4.4 Rural Lands	Staff Remarks/ Implementation	Position R,M,D
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 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 		

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	<p>the premises or merchandise directly related to and incidental to the industry; and</p> <p>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>		
	<p>D 5-2550.6. A discretionary permit shall be required for the establishment of a cottage industry use consistent with planned densities.</p>		
B	<p>RL-S4. Subdivision Standards. Subdivision of land designated rural residential may be approved if it can be found that:</p> <p>A. There is proof of adequate water for domestic use as determined by current standards of the Division of Environmental Health provided through either:</p> <ol 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. <p>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.</p> <p>C. 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 Division of Environmental Health; or 2) Evidence of connection to a public wastewater disposal system. <p>D. Building site locations are identified that meet county streamside management setback requirements and that are not subject to the following hazards:</p> <ol style="list-style-type: none"> 1) Geologic instability, steep slopes, and erosion; 2) Seismic activity; or 		

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	<ul style="list-style-type: none"> 3) Flooding. E. Recorded access to a publicly maintained road that is: <ul 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: <ul style="list-style-type: none"> (a) Geologic instability, steep slopes and erosion; (b) Seismic activity; or (c) Flooding. F. Findings A, C, and D may be replaced by the following: <ul 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. G. Other findings specific to the area, zone, and land use designation can be made. 		
	<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. 		

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	<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) 		

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			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.		