

**HUMBOLDT COUNTY PLANNING COMMISSION  
GENERAL PLAN UPDATE**

**MEETING OF SEPTEMBER 22, 2011**

## **Recommended Commission Agenda**

At the September 15<sup>th</sup> meeting, the Commission continued initiated review of Chapter 12, the Energy Element. For tonight's meeting staff recommends that the Commission:

1. Review the outstanding policy decisions for Chapter 12, Energy Element.
2. Review outstanding issues of Chapter 11, Water Resources.
3. Allow time for public comments.
4. As time may allow, introduce Chapter 15, Air Quality.
5. Continue the hearing to October 13<sup>th</sup>, or other suitable date.

## **Outstanding Issues for Chapter 12 Energy Element**

### **E-P4. Transportation Energy Conservation**

The Commission discussed changes suggested by Jim Zoellick to add Electric Vehicle (EV) charging stations to E-P4.

The original policy language of E-P4 is as follows:

**E-P4. Transportation Energy Conservation ~~Revitalization and Reinvestment in Existing Resources.~~**

Support revitalization and infilling of Urban Development Areas to reduce long-term vehicle miles traveled as an energy conservation strategy. ~~Favor rehabilitation and revitalization of older existing buildings over replacement when doing so would conserve energy resources.~~

Based on the Commission's discussion **staff recommends** the following revision of E-P4 and IM-9:

**E-P4. Transportation Energy Conservation and Alternative Fuels Substitution. ~~Revitalization and Reinvestment in Existing Resources.~~**

Support revitalization and infilling of Urban Development Areas to reduce long-term vehicle miles traveled as an energy conservation strategy. Support the development and implementation of Electric Vehicle (EV) charging stations to encourage substitution of alternative fuels for plug in electrical sources. ~~Favor rehabilitation and revitalization of older existing buildings over replacement when doing so would conserve energy resources.~~

**E-IM9. Develop Incentives for Private Sector.**

Develop incentives to encourage the installation of cost-effective energy efficiency measures, distributed generation, and solar electric and solar heating systems in all new construction and building retrofits. Develop incentives that support the development and implementation of Electric Vehicle (EV) charging stations in new commercial developments and retrofits. Incentives may include: density bonuses, fast-track permitting, fee reductions, expedited low-cost approval of standardized designs, property tax exemptions, sales tax rebates, and award programs that recognize builders and developers for well-designed systems.

### **E-P9. Electrical Transmission**

The Commission discussed the fair use of electrical distribution lines and requested a revision that promotes the production and buy back of excess power by individuals to PG & E.

The original policy language of is as follows:

**E-P9. Electrical Transmission.** Promote capacity upgrades to main electric distribution lines to facilitate distributed renewable energy production and electricity export from the county.

Based on the Commission's discussion **staff recommends** the following revision of E-P9 and new policy E-P9x:

**E-P9. Electrical Transmission.** Promote **PG&E funded** capacity upgrades to **main** electric distribution lines to facilitate distributed renewable energy production and electricity export from the county.

**E-P9x. Electricity Buyback.** **Support revisions to the electricity buyback program that encourages more distributed local generation and more equitably compensates such generation.**

## **E-P2. Oil and Gas Development (in reference to “fracking”)**

### **E-S2. Application and Initial Study Information Requirements for Oil and Gas Energy Exploration or Extraction Projects.**

The Commission discussed adding a prohibition on “fracking” (hydraulic fracturing as a method to release hydrocarbons), and possible financial assurances to ensure restoration. The Commission also noted some language problems with “CEQA applications”, and that some items were informational requests and some were standards.

The original policy language is as follows:

#### **E-S2. Application and Initial Study Information Requirements for Oil and Gas Energy Exploration or Extraction Projects.**

California Environmental Quality Act (CEQA) applications for oil and gas exploration or extraction projects shall include the following:

- A. A plot plan for the entire area under lease or ownership, showing the relationship of the proposed facilities to ultimate potential development, and a map showing the relationship of contours, buildings, structures, and/or natural features.
- B. A description of the relationship of the proposed facilities to existing facilities.
- C. Procedures for the transport and disposal of all solid and liquid wastes to meet discharge requirements of the North Coast Regional Water Quality Control Board (NCRWQCB).
- D. Grading plans and procedures for minimizing erosion.
- E. Where public views are affected by production facilities, landscaping plans and measures for minimizing visual impacts.
- F. Fire prevention procedures.
- G. Air emission control measures.
- H. Oil spill contingency procedures.
- I. For production facilities, a phasing plan for the staging of development, indicating an approximate anticipated timetable and production levels for the project.
- J. Procedures for the abandonment and restoration of the site, which provide for removal of all equipment; disposal of wastes; and re-contouring, reseeded, and planting to conform to surrounding topography and vegetation.
- K. Drill sites should generally not be established at a density greater than one per 80 acres.
- L. All solid and liquid wastes shall meet the discharge requirements of the NCRWQCB.
- M. Projects shall meet all applicable air quality regulations.

- N. All earthen sumps or other depressions shall be regraded to restore the area to its original condition.

Based on the Commission's discussion **staff recommends** the following revision of E-P2 and standard E-S2:

**E-P2. Oil and Gas Development.** Oil and gas development shall be permitted consistent with the following:

- A. The development is performed safely and consistent with the geologic conditions of the well site.
- B. New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- C. Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

**D. Hydraulic fracturing for release and recovery of hydrocarbons is prohibited.**

**E-S2. Application and Initial Study Information Requirements and Standards for Oil and Gas Energy Exploration or Extraction Projects.** California Environmental Quality Act (CEQA) applications for oil and gas exploration or extraction projects shall include the following:

**1. Applications for oil and gas energy exploration or extraction projects shall include :**

- A. A plot plan for the entire area under lease or ownership, showing the relationship of the proposed facilities to ultimate potential development, and a map showing the relationship of contours, buildings, structures, and/or natural features.
  - B. A description of the relationship of the proposed facilities to existing facilities.
  - C. Procedures for the transport and disposal of all solid and liquid wastes to meet discharge requirements of the North Coast Regional Water Quality Control Board (NCRWQCB).
  - D. Grading plans and procedures for minimizing erosion.
  - E. Where public views are affected by production facilities, landscaping plans and measures for minimizing visual impacts.
  - F. Fire prevention procedures.
  - G. Air emission control measures.
  - H. Oil spill contingency procedures.
  - I. For production facilities, a phasing plan for the staging of development, indicating an approximate anticipated timetable and production levels for the project.
  - J. Procedures for the abandonment and restoration of the site, which provide for removal of all equipment; disposal of wastes; and re-contouring, reseeding, and planting to conform to surrounding topography and vegetation.
- 2. Drill sites should generally not be established at a density greater than one per 80 acres.
  - 3. All solid and liquid wastes shall meet the discharge requirements of the NCRWQCB.
  - 4. Projects shall meet all applicable air quality regulations.
  - 5. All earthen sumps or other depressions shall be regraded to restore the area to its original condition.

6. Hydraulic fracturing for release and recovery of hydrocarbons is prohibited.
7. Financial assurance requirements may be imposed on the property owner at the discretion of the Planning Commission to ensure site restoration consistent with 1.J. above.

### **E-S3. Wind Generating Facilities**

The Commission discussed whether wind projects considered and avoided bird mortality. Staff noted subsection C3 does address this; however, additional discussion noted this language may prevent a CEQA overriding consideration finding being used and result in project denial. The Commission suggested a wording change to remedy this, but directed staff to return with a revised recommendation. Your Commission also was interested in a standard dealing with wind generating facilities in areas that would be identified as Coastal Scenic. Staff recommends addressing this issue at the time Coastal Scenic areas are defined and identified by ordinance.

The original policy language of is as follows:

#### **E-S3. Wind Generating Facilities.**

- A. Unless allowed by right pursuant to California Government Code, Section 65892.13(f) as amended, wind generating facilities shall be a conditionally permitted use in all land use designations except "resource dependent" (MR).
- B. The following shall be considered in reviewing proposed wind generating facilities: parcel size, relationship to other structures, effect on potential down-wind sites, compliance with Uniform Building Code and national Electrical Code, rotor and tower safety, noise, electromagnetic interference, utility notification, height, liability insurance, and appearance and design.
- C. Findings necessary for project approval shall be:
  - 1) The proposed use is not detrimental to the public health, convenience, safety, and welfare.
  - 2) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity.
  - 3) The project will not have a significant adverse effect on coastal resources, including wildlife qualities.

Based on the Commission's discussion **staff recommends** the following revision of E-S3:

#### **E-S3. Wind Generating Facilities.**

- A. Unless allowed by right pursuant to California Government Code, Section 65892.13(f) as amended, wind generating facilities shall be a conditionally permitted use in all land use designations except "resource dependent" (MR).
- B. The following shall be considered in reviewing proposed wind generating facilities: parcel size, relationship to other structures, effect on potential down-wind sites, compliance with Uniform Building Code and national Electrical Code, rotor and tower safety, noise, electromagnetic interference, utility notification, height, liability insurance, and appearance and design.
- C. Findings necessary for project approval shall be:
  - 1) The proposed use is not detrimental to the public health, convenience, safety, and welfare.
  - 2) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity.

- 3) The project will not have a significant **avoidable adverse** effect on coastal resources, including wildlife **qualities**.

### **E-S7. Solar Access Protection**

The Commission discussed the effect of E-S7 on development, and why it was limited to PUD's and subdivisions. Staff indicated they would research the matter and return. Attachment 1 is the current solar design ordinance, which is based on provisions of the Subdivision Map Act, and Attachment 2 is the solar design code as found in Gov. Code 66473.1. Attachment 3 is the Solar Shade Control Act that prevent trees from being planted that block solar devices, but allows counties to opt out. Humboldt opted out as indicated in Attachment 4, but your Commission could recommend opting back in. In addition, there does not appear to be a limitation on the County's authority to propose provisions more protective of solar access than that provided under Gov. Code 66473.1, but such provisions would fall outside the subdivision ordinance if the intent was to apply it to individual buildings.

The original policy language of is as follows:

**E-S7. Solar Access Protection.** – Proposed structures and landscaping associated with planned unit developments and/or subdivisions that create five (5) or more new parcels shall be designed and located to avoid blocking views and solar access from other properties to the maximum extent feasible. The lot size, configuration, and proposed building envelope in a subdivision or planned development shall be oriented to ensure that no additional shadows will be cast on the south side ~~or roof~~ of an existing building between the hours of 10:00 a.m. and 2:00 p.m. on December 21. A shade projection map shadow analysis shall be required showing the identifying proposed height and orientation of existing and proposed buildings and the slope of land ~~to determine and that identifies~~ the length of shadows projected.

Based on the Commission's discussion **staff recommends** the current language **be retained**.

### **E-IM11. County Facility Efficiency Fund**

The Commission discussed that E-IM11 appeared to lack a direction on how the fund would be used. The measure states that the fund is to be established "to support implementation of this Energy Element".

The original language of E-IM11 is as follows:

**E-IM11. County Facility Efficiency Fund.** Establish a "County facility efficiency fund" to support implementation of this Energy Element. The fund would receive up to 50% of the County's monetary savings from improved municipal energy efficiency and conservation practices. The estimate of monetary savings will be based on the likely energy costs that would have been incurred had the energy efficiency measures and/or conservation practices not been implemented.

Based on the Commission's discussion **staff recommends** the following revision of E-IM11:

**E-IM11. County Facility Efficiency and Alternative Energy Fund.** Establish a "County facility efficiency and alternative energy fund" to support implementation of County energy efficiency and alternative energy investments in County owned or operated facilities ~~this Energy Element~~. The fund would receive up to 75%50% of the County's monetary savings from improved municipal County energy efficiency and conservation practices. The estimate of monetary savings will be based on the likely energy costs that would have been incurred had the energy efficiency measures and/or

conservation practices not been implemented.

### **E-IM13. Fair Regulations**

The Commission objected to the use of the word “fair” in the title for E-IM13 and requested that staff return with new language.

The original language of E-IM13 is as follows:

**E-IM13. Fair Regulations.** Develop a clear permit process to provide for the installation of renewable energy and distributed energy generation systems. Identify zones where renewable energy and distributed energy generation facilities will be allowed as a permitted use. Identify small-scale systems that meet annual onsite energy needs, and that would not require a use permit. Zoning regulations should address the following types of renewable energy and distributed energy generation facilities: commercial wind farms, wave and tidal energy facilities, biomass energy facilities, biogas energy facilities, small-scale hydroelectric facilities, cogeneration and distributed generation facilities, and solar electric and solar heating facilities.

Based on the Commission’s discussion **staff recommends** the following revision of E-IM13:

**E-IM13. Renewable Energy Permitting Process.** Develop a clear permit process to provide for the installation of renewable energy and distributed energy generation systems....

## **Outstanding Issues for Chapter 11 Water Resources Element**

### **WR-P2 and NEW POLICY Re: Un-Permitted Development (held over from the 9-8-11 meeting)**

In discussing changes to WR-P2, Commissioner Faust expressed the desire to have a policy that stated it was unlawful to have un-permitted diversions serving un-permitted development, and the Commission directed staff to return with such a policy.

Staff drafted a policy as requested, but is concerned that it may run counter to water rights law which provides certain entitlements for riparian and overlying lands. During the Commissioner hearing on September 8<sup>th</sup>, when this new policy was first introduced, Assistant County Counsel Ruth stated that she believed that the County did not have the authority to enforce the proposed policy. The Commission continued the discussion on this item until Commissioner Faust could be present.

**Staff recommends** that this issue be addressed through **WR-IMx2 (new)**, as shown below. **Staff does not recommend** the inclusion of WR-P2x1 as originally proposed for the August 25<sup>th</sup> meeting.

**WR-IMx2. (new)** Prepare an ordinance to provide increased enforcement capabilities for un-permitted development within critical watershed areas if the development impacts water resources. Work with the State Departments of Water Resources and Fish and Game to address illegal water diversions and over-subscribed water right allocations.

~~**WR-P2x1. Water Withdrawals Serving Un-permitted Development.** It shall be unlawful to draw water to serve un-permitted development. Compliance measures for un-permitted development not served by municipal water supplies shall include mitigations for surface or groundwater resource impacts.~~

### **WR-S5. Surface Water Withdrawal Permitting**

The Commission discussed the recommendation from the Healthy Watersheds Working Group (HWWG) regarding water storage during low flow periods and the need for forbearance agreements on impacted watersheds. The HWWG made suggested revisions to WR-S5 of which the Commission was generally in support of; however there was concern that this language may conflict with the previously approved WR-P2 or be duplicative with WR-Px1 and therefore, unnecessary.

The Commission revised policy language of **WR-P2** and original policy language of **WR-Px1 and WR-S5** is as follows:

**WR-P2 Protection for ~~Existing~~ Basin Plan Surface and Groundwater Uses**

Impacts on ~~Basin Plan existing~~ beneficial water uses shall be considered and mitigated during discretionary review of land use permits that are not served by municipal water supplies. Compliance measures for un-permitted development not served by municipal water supplies shall include mitigations for surface or groundwater resource impacts.

**WR-Px1. Requirements for Water Storage in Temperature Impaired Watersheds.** Require new development proposed within in temperature-impaired watersheds that are not served by public water to install water storage tanks capable of providing 100 percent of the Department of Fish and Game recommended water storage volume. Require the installation of rain catchment systems to support domestic and outdoor water needs during low-flow summer months.

**WR-S5. Surface Water Withdrawal Permitting.** Ministerial and discretionary permits for land use development that include development of new in-stream water sources or other streambed alterations subject to California Fish and Game Code Section 1602 shall provide evidence of, or be conditioned to obtain a Streambed Alteration Agreement from the Department of Fish and Game.

The HWWG suggested revisions to **WR-S5** is as follows:

**WR-S5. ~~Surface~~ Water Withdrawal Permitting.** Ministerial and discretionary permits for land use development that include development of new in-stream water sources or other streambed alterations subject to California Fish and Game Code Section 1602 shall provide evidence of, or be conditioned to obtain a Streambed Alteration Agreement from the Department of Fish and Game ~~as well as a Water Right Permit or a small scale domestic use registration from the State Water Board. Proposed development that seeks to rely upon surface water or groundwater withdrawals from temperature impaired watersheds shall provide evidence of, or be conditioned to obtain a forbearance agreement eliminating water withdrawals during low-flow conditions.~~

After review of this suite of policies, staff believes the last sentence of the HWWG addition to WR-S5 as duplicative and **does not recommend inclusion.**

**WR-S12. Water Export Projects on Humboldt County Rivers**

The Commission discussed the possible addition of subsections A through J from the current Framework Plan Policy 3362.6 regarding water export to WR-S12 and requested that staff review and revise as necessary.

The proposed language of WR-S12 (with Commissioner Nelson's accepted revision) and original Framework Policy 3362.6 is as follows:

**WR-S12. Water Export Projects on Humboldt County Rivers.** The Humboldt County Board of Supervisors, ~~prior to giving its approval and support~~ **will not object** to export projects on county rivers, ~~will require if the~~ following information to demonstrate the export project's adherence to the requirements of California Water Code Section 10505 protecting development rights and Section 11460 protecting beneficial needs of the watersheds. The analysis of the export project shall include:

- A. Effects on in-stream flows including flood events.
- B. Assessment of the environmental impact of the proposed project using appropriate ecological studies by a team of independent experts, qualified to conduct such studies, funded by the project sponsor and completed before project authorization.
- C. Effects on fisheries and native wildlife habitat and restoration efforts. Analysis of the sustainability of any proposed fisheries and wildlife habitat mitigations.
- D. Impacts to Native American communities, including cultural and archaeological resources, economies, fisheries, and water supplies.
- E. Water supplies necessary to meet the ultimate future development needs of residential, agricultural, municipal, industrial, and recreational users and to promote environmental protection and fisheries habitat restoration.
- F. Cost and benefits to recreation.
- G. Water quality impacts and provisions for enhancement of any impaired water bodies (Section 303(d) of the federal Clean Water Act).
- H. Property tax and other fiscal or economic losses to local entities.
- I. Public infrastructure and service demands and costs including roads and recreation facilities.
- J. Public cost and benefits on statewide, regional, county, and local scales including the monetized value of impacted ecological services.

**3362.6. Water Export Projects on Humboldt County Streams.** The Humboldt County Board of Supervisors, prior to giving its approval and support to large export projects on County streams, will require the following:

- A. Assurances must be given that each project constructed on any stream tributary to Humboldt County be designed and operated in a manner that provides maximum practical flood protection from the water flowing from the project consistent with the project purposes.
- B. Full recognition shall be given to the ecological impact of any proposed project. Appropriate ecological studies by a team of independent experts, qualified to conduct such studies, should be funded by the project sponsor and completed before project authorization.
- C. Absolute assurance must be given that funding will be made available for development and improvement of suitable fisheries above, and maintenance and improvement of native fisheries below, any project. Absolute assurance must also be given that funding will be made available for the effort to replace, restore, and maintain the native wildlife



habitat destroyed or altered by any of the contemplated projects. The funding requirement for such development, improvement and maintenance of the fisheries and native wildlife habitat set forth herein above, shall be a funding requirement of the project and shall be identified as a commitment of the state, federal or local entity sponsoring the project. Recognition must also be given to the difficulty in accurately predicting long range financial requirements to meet the fisheries and wildlife policies set forth herein. Consequently, reappraisal and adjustments should be considered on five to ten year schedules throughout the projected project life in order to meet all of the funding requirements which may occur during the project life. Funding shall be provided for post project evaluation. Wildlife mitigation should be accomplished insofar as possible on existing public lands with prime consideration given to the wildlife resources involved and to its habitat requirements.

- D. Inasmuch as Native Americans comprise a large segment of Humboldt County's population with environmental and historical ties to some of the river valleys, assurances must be given prior to the construction of any water project that no Indian tribal lands, including burial, or ceremonial grounds in Humboldt County will be inundated without specific prior consultation with the Indian people concerned.
- E. Water supplies must be planned and financed as part of any project in sufficient quantity to provide ultimate future supplies of agricultural, municipal, industrial, recreational, and environmental water, and water for fisheries and wildlife habitat development. Recreational, and environmental water requirements (i.e., non-consumptive water requirements for the general public enjoyment including non-resident populations of tourists to north-western California) may well exceed consumptive uses in many hydrographic areas. Thus, the project sponsor must take an active role in providing such water and must absorb the burden of expenses for such water. Greater consideration of the values of non-consumptive water uses should be given when assessing the economic feasibility of water projects.
- F. Recreation land acquisition should be included in the project development, consistent with the project's purpose.
- G. Land acquisition should include provisions for exchange.
- H. Water quality control must be included as a specific purpose of the project.
- I. Projects which result in property tax loss to local entities shall have in-lieu taxes as a part of the project costs.
- J. The state must assume the non-federal recreational costs of a federal project. These costs must include the improvement of existing roads and development of roads required for the recreational development.

After review, staff has determined that the language of WR-S12 addresses everything originally documented in 3362.2 except subsection G which provides for the exchange of property when land is being acquired for water export projects. Because this language is permissive (and therefore unnecessary), staff does not support the inclusion of subsection G. The current Framework Plan policy language is more prescriptive. The revisions included in WR-S12 provide more flexibility in issues to be addressed when reviewing water exports. All the same issues are addressed. This is really a preference on specificity of policy language.

Based on this review **staff recommends** the current language included in WR-S2 **be retained**.

## **WR-IMx2. TMDL Controllable Sediment Discharge Inventory**

The Commission was concerned that WR-IMx2 was currently being done by another state of federal agency and was duplicative with the issues addressed in WR-IM10.

The original policy language of IMx2 and IM10 is as follows:

**WR-IMx2. TMDL Controllable Sediment Discharge Inventory.** Seek funding to inventory impaired watersheds to identify controllable sediment discharge sites and establish a program to prioritize, treat, monitor, and subsequently reevaluate such sites.

**WR-IM10. Total Maximum Daily Loads (TMDLs).** Map impaired water bodies as defined under Section 303(d) of the federal Clean Water Act with associated impairment parameters, water quality objectives, and pollution budgets contained in TMDL implementation plans.

After review, staff concurs that there is some duplication in these two Implementation Measures; however, IMx2 goes further and **directs** the County to go beyond mapping and establish a program that reduces sediment loads. If the Commission wishes to recommend a greater involvement by the County in the reduction of sediment in impaired watersheds, this Alternative A policy could be folded into WR-IM10 to read as follows:

**WR-IM10. ~~Total Maximum Daily Loads (TMDLs).~~ TMDL Controllable Sediment Discharge Inventory and Reduction Program.** Map impaired water bodies as defined under Section 303(d) of the federal Clean Water Act with associated impairment parameters, water quality objectives, and pollution budgets contained in TMDL implementation plans. Seek funding to ~~inventory impaired watersheds to~~ identify controllable sediment discharge sites and establish a program to prioritize, treat, monitor, and subsequently reevaluate such sites.

## **Chapter 13, Noise Element and Chapter 14, Safety Element**

Following review of the Air Quality Element, the next sections up for Commission review are Chapters 13 and 14, the Noise and Safety Elements. Staff originally prepared these chart in 2010 and after an initial review, identified policy language that needed updating. The recommended revisions to the Plan Alternatives Comparison Charts are included in your staff report as Attachment 5 with proposed changes highlighted in yellow. Staff did not provide any identified “key issues” as was directed by the Chair during the September 8<sup>th</sup> meeting. Staff is requesting that the Commission provide their identified “short list” prior to the meeting that the Chapters are schedule for review by the Commission.

**Please Note:** Additional copies of any previously-distributed Key Issues and Plan Alternatives Chart or support materials for the Water Resources and/or Energy Elements are available by contacting Tom Hofweber (268-3738) or Martha Spencer (268-3704), or are available on the GPU website at [www.planupdate.org](http://www.planupdate.org).

Attachment 1: Solar Design Ordinance

Attachment 2: Solar Design Code, Government Code 66473.1

Attachment 3: Solar Shade Control Act

Attachment 4: HCC Section 382-1, Solar Shade Exemption

Attachment 5: Chapters 13 and 14, Noise and Safety Elements Plan Alternative Comparison Charts

**Attachment 1**  
**Solar Design Ordinance**

**CHAPTER 2.5**

**DESIGN FOR SOLAR ACCESS**

**322.5-1. FINDINGS.**

(a) The use of natural heating opportunities present on a new building site is a cost effective method of reducing consumption of nonrenewable energy sources for heating over the lifetime of a structure.

(b) Proper orientation of buildings is required to fully use available solar energy.

(c) These measures will benefit the citizens of Humboldt County by reducing dependence on nonrenewable energy sources. (Ord. 1552, § 1, 9/21/82)

**322.5-2. ENABLING LEGISLATION.**

The Subdivision Map Act (Government Code § 66473.1) requires that the design of a subdivision provide, to the extent feasible for future passive or natural heating and cooling. (Ord. 1552, § 1, 9/21/82)

**322.5-3. PURPOSE AND INTENT.**

It is the purpose and intent of this chapter that, for developments to which this chapter applies, natural heating and cooling opportunities be included with all other design considerations and be pursued whenever the benefits in terms of energy conservation and the potential for solar energy development are greater than the associated negative impacts. It is not intended that the requirements of this chapter reduce the densities or the percentage of buildable lot area allowed at the time a tentative map or use permit is filed, or cause the unnecessary destruction of trees. (Ord. 1552, § 1, 9/21/82)

**322.5-4. DEFINITIONS.**

For purposes of this section:

(a) "Adequate solar access" means that sunlight reaches 80 percent (80%) of the south side of the primary building, measured from the highest roof ridge to the ground, between the hours of 10:00 a.m. and 2:00 p.m. on December 21.

(b) "Feasible" means capable of being accomplished in a successful manner in a reasonable amount of time taking into account economic, environmental, social and technological factors and views. (Source: Government Code § 66473.1).

(c) "Primary Building" means the dwelling house on a lot or a dwelling unit in a planned unit development. A dwelling has cooking, bathing and sanitary facilities.

(d) "View" means a scenic vista which is a unique asset to a building site and which has aesthetically significant value. (Ord. 1552, § 1, 9/21/82)

**322.5-5. DESIGN FOR SOLAR ACCESS REQUIRED.**

The design and layout of a planned unit development or a subdivision which proposes to create five (5) or more new parcels shall provide, to the extent feasible, for adequate solar access. This chapter does not apply to a condominium project which divides the airspace in an existing building when no new structure is added. (Government Code § 66475.3) (Ord. 1552, § 1, 9/21/82)

**322.5-6. ADEQUATE SOLAR ACCESS.**

A development described in § 322.5-5 has adequate solar access when:

(a) The lot size and configuration allows at least 80 percent (80%) of the primary buildings to have their short axes aligned between 15 degrees (15°) east of south and 30 degrees (30°) west of south.

(b) The south side of the primary building has adequate solar access.

(c) A lot for which adequate solar access is not feasible provides as much solar access as possible.

(d) The lot size and configuration insures that no additional shadows will be case on the south side of an existing building between the hours of 10:00 a.m. and 2:00 p.m. on December 21.

(e) To the extent feasible the streets are oriented within fifteen degrees (15°) east - west. (Ord. 1552, § 1, 9/21/82)

**322.5-7. APPLICATION.**

(a) Preliminary Data. For a development described in § 322.5-5, the Planning Department may require an appropriate shade projection map which shows, for the purposed development and abutting property, shadows cast by existing buildings and plants more than ten feet (10') high and by proposed buildings between the hours of 10:00 a.m. and 2:00 p.m. on December 21.

(b) Additional Data. If the shade projection map indicates that a shadow is cast on a primary building, specific detailed elevations of the south side of the building shall be submitted to show compliance with this chapter. (Ord. 1552, § 1, 9/21/82)

**322.5-8. EXEMPTION PROCEDURE.**

(a) An applicant may apply to the Planning Director for an exemption from this chapter. The application for an exemption shall be accompanied by such information as the Planning Department requires and by a fee established by the Board of Supervisors.

(b) The Planning Director shall give written notice of his decision to the applicant and shall give public notice of his decision by publishing it once in a newspaper of general circulation.

(c) Any person aggrieved by the decision of the Planning Director may appeal to the Environmental Appeals Board. The appeal shall be filed with the Planning Department within ten (10) days of the day the notice is published and shall be accompanied by a written statement of the reasons why the decision was in error and by a fee established by the Board of Supervisors.

(d) The Environmental Appeals Board shall convene and decide the appeals at the earliest possible date. The decision of the Environmental Appeals Board is final and binding. (Ord. 1552, § 1, 9/21/82)

**322.5-9. CAUSE FOR EXEMPTION.**

An exemption from the requirements of this chapter may be granted upon a finding that:

(a) Compliance would reduce densities below those allowed by the zoning at the time the application is submitted; or

(b) Compliance is not feasible; or

(c) Compliance would preclude orienting the primary building to the best available view; or

(d) All lots in the proposed development are one (1) acre or larger in size and lot configuration does not constrain solar access. (Ord. 1552, § 1, 9/21/82)

**Attachment 2**  
**Solar Design Code, Government Code 66473.1**

## Attachment 2 Solar Design Code

CALIFORNIA CODES  
**GOVERNMENT CODE**  
SECTION **66473**-66474.10

**66473.** A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto; provided that a final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map; and provided further that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. Such local ordinance shall include, but need not be limited to, a procedure for waiver of the provisions of this section when the failure of the map is the result of a technical and inadvertent error which, in the determination of the local agency, does not materially affect the validity of the map.

**66473.1.** (a) The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

(b) (1) Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

(2) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

(c) In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed.

(d) The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

(e) For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.



**Attachment 3**  
**Solar Shade Control Act**

**Attachment 3**  
**Solar Shade Control Act**

CALIFORNIA CODES  
PUBLIC **RESOURCES CODE**  
SECTION 25980-25986

25980. This chapter shall be known and may be cited as the **Solar** Shade Control Act. It is the policy of the state to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources. In particular, the state encourages the planting and maintenance of trees and shrubs to create shading, moderate outdoor temperatures, and provide various economic and aesthetic benefits. However, there are certain situations in which the need for widespread use of alternative energy devices, such as **solar** collectors, requires specific and limited controls on trees and shrubs.

25981. (a) As used in this chapter, "**solar** collector" means a fixed device, structure, or part of a device or structure, on the roof of a building, that is used primarily to transform **solar** energy into thermal, chemical, or electrical energy. The **solar** collector shall be used as part of a system that makes use of **solar** energy for any or all of the following purposes:

- (1) Water heating.
- (2) Space heating or cooling.
- (3) Power generation.

(b) Notwithstanding subdivision (a), for the purpose of this chapter, "**solar** collector" includes a fixed device, structure, or part of a device or structure that is used primarily to transform **solar** energy into thermal, chemical, or electrical energy and that is installed on the ground because a **solar** collector cannot be installed on the roof of the building receiving the energy due to inappropriate roofing material, slope of the roof, structural shading, or orientation of the building.

(c) For the purposes of this chapter, "**solar** collector" does not include a **solar** collector that is designed and intended to offset more than the building's electricity demand.

(d) For purposes of this chapter, the location of a **solar** collector is required to comply with the local building and setback regulations, and to be set back not less than five feet from the property line, and not less than 10 feet above the ground. A **solar** collector may be less than 10 feet in height only if, in addition to the five-foot setback, the **solar** collector is set back three times the amount lowered.

25982. After the installation of a **solar** collector, a person owning or in control of another property shall not allow a tree or shrub to be placed or, if placed, to grow on that property so as to cast a shadow greater than 10 percent of the collector absorption area upon that **solar** collector surface at any one time between the hours of 10 a.m. and 2 p.m., local standard time.

25982.1. (a) An owner of a building where a **solar** collector is proposed to be installed may provide written notice by certified mail

**Attachment 3**  
**Solar Shade Control Act**

to a person owning property that may be affected by the requirements of this chapter prior to the installation of the **solar** collector. If a notice is mailed, the notice shall be mailed no more than 60 days prior to installation of the **solar** collector and shall read as follows:

**SOLAR SHADE CONTROL NOTICE**

Under the **Solar** Shade  
Control Act (California

Public **Resources Code** Sec. 25980 et seq.) a tree or shrub cannot cast a shadow greater than 10 percent of a **solar** collector absorption area upon that **solar** collector surface at any one time between the hours of 10 a.m. and 2 p.m. local standard time if the tree or shrub is placed after installation of a **solar** collector. The owner of the building where a **solar** collector is proposed to be installed is providing this written notice to persons owning property that may be affected by the requirements of the act no more than 60 days prior to the installation of a **solar** collector. The building owner is providing the following information:

Name and address of building owner:

Telephone number of building owner:

Address of building and specific location where a **solar** collector will be installed (including street number and name, city/county, ZIP **Code**, and assessor's book, page, and parcel number):

Installation date of **solar** collector:

---

Building Owner, Date

(b) If the owner of the building where a **solar** collector is proposed to be installed provided the notice pursuant to subdivision

(a), and the installation date is later than the date specified in that notice, the later date shall be specified in a subsequent notice to persons receiving the initial notice.

(c) (1) A transferor of the building where the **solar** collector is installed may provide a record of persons receiving the notice pursuant to subdivision (a) to a transferee of the building.

(2) A transferor receiving a notice pursuant to subdivision (a) may provide the notice to a transferee of the property.

25983. A tree or shrub that is maintained in violation of Section 25982 is a private nuisance, as defined in Section 3481 of the Civil **Code**, if the person who maintains or permits the tree or shrub to be maintained fails to remove or alter the tree or shrub after receiving a written notice from the owner or agent of the affected **solar** collector requesting compliance with the requirements of Section 25982.

25984. This chapter does not apply to any of the following:

(a) A tree or shrub planted prior to the installation of a **solar** collector.

(b) A tree planted, grown, or harvested on timberland as defined in Section 4526 or on land devoted to the production of commercial agricultural crops.

(c) The replacement of a tree or shrub that had been growing prior to the installation of a **solar** collector and that, subsequent to the installation of the **solar** collector, dies, or is removed for the protection of public health, safety, or the environment.

**Attachment 3**  
**Solar Shade Control Act**

(d) A tree or shrub that is subject to a city or county ordinance.

25985. (a) A city, or for unincorporated areas, a county, may adopt, by majority vote of the governing body, an ordinance exempting their jurisdiction from the provisions of this chapter. The adoption of the ordinance shall not be subject to the California Environmental Quality Act (commencing with Section 21000).

(b) Notwithstanding the requirements of this chapter, a city or a county ordinance specifying requirements for tree preservation or **solar** shade control shall govern within the jurisdiction of the city or county that adopted the ordinance.

25986. Any person who plans a passive or natural **solar** heating system or cooling system or heating and cooling system which would impact on an adjacent active **solar** system may seek equitable relief in a court of competent jurisdiction to exempt such system from the provisions of this chapter. The court may grant such an exemption based on a finding that the passive or natural system would provide a demonstrably greater net energy savings than the active system which would be impacted.

**Attachment 4**  
**HCC Section 382-1, Solar Shade Exemption**

CHAPTER 2

SOLAR SHADE CONTROL EXEMPTION

382-1. EXEMPTION.

Pursuant to the provisions of Section 25985 of the Public Resources Code of California, the County of Humboldt is hereby exempted from the provisions of Chapter 12 (commencing with Section 25980) of Division 15 of the Public Resources Code of California. (Ord. 1312, § 1, 1/30/79)

**Attachment 5**  
**Chapters 13 and 14**  
**Noise and Safety Elements**  
**Key Issues and Plan Alternative Comparison Charts**

## Summary of Key Issues and Review of Alternatives

### Chapter 13 Noise Element

This Element covers managing noise levels to minimize the exposure of community residents to excessive noise.

Chapter 13 Noise Element				
Key Topics and Issues	Plan Update Approach (Alternative B)	Existing Framework Plan (Alternative D)	Alternative A	Alternative C
<p><b>Inventory of Noise Sources and Constructive Notice.</b>                      General Plan guidelines require an inventory so noise sources can be considered during planning processes.</p> <p>Should significant noise sources and surrounding properties also be identified by zoning overlay?</p>	<p>Noise characteristics and sources are generally described. The most significant sources are specifically listed in tables within the Element. The Element includes the use of noise impact combining zones to identify areas where noise mitigation and recorded notice and acknowledgement is required (N-S2, N-IM1).</p>	<p>Includes an inventory of sources but does not include the use of noise impact combining zones.</p>	<p>Adds quarries and industrial operations to the inventory.</p>	<p>Does not use zone overlay or recorded notices for inventoried sources and surrounding properties beyond those already in place (McKCP).</p>
<p><b>Noise Compatibility.</b> This is an issue for general plan and zone mapping and project application review to avoid noise conflicts.</p> <p>Are the maximum noise levels appropriate?</p> <p>Should the County regulate</p>	<p>Acceptable short-term noise levels are defined by zone for day and night time (N-S9). Acceptable exterior and interior average noise levels for residential areas are specified (N-S6,7,8). The Element includes approaches to avoid conflicts through zoning overlays, project review and</p>	<p>Noise limits were not described by zone type and did not include limits on short-term noise. Less attention given to steps that should be taken to avoid conflicts.</p>	<p>Has lower maximum sound level limits.</p>	<p>Increased maximum limits and does not regulate short-term noise levels.</p>





Chapter 13 Noise Element				
Key Topics and Issues	Plan Update Approach (Alternative B)	Existing Framework Plan (Alternative D)	Alternative A	Alternative C
short-term noise levels?	compliance measures(NP-1,2 and NS-2, 3,4,5)			
<p><b>Nuisance Abatement.</b> Abatement issues include resolving noise complaints and reducing noise along Highway 101 and 299.</p> <p>Should nuisance be judged on sound levels alone or should allowances be made for mitigating factors?</p>	The Element approaches noise complaints with precise allowable noise levels and a compliance program (N-IM3). Highway noise reduction is included as an implementation measure (NM-IM4).	A general reference is made on the need for code enforcement and interagency attention to noise reduction.	Judges nuisance on sound levels alone with no allowance for mitigating circumstances.	Allows nuisance complaints to be resolved through civil channels with minimum county enforcement. Does not pursue noise reductions on Highway 101 and 299.

## Plan Alternatives Comparison Chart

### Chapter 13 Noise Element **updated 9-20-11**

**NOTE: changes from draft document are highlighted in yellow with corresponding staff comments.**

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
				<b>13.4 Goals</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>N-G1. Excessive Noise.</b> A quiet and healthful environment with limited disagreeable noise.	No specific goals in existing plan.	
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<b>N-G2. Incompatible Land Uses.</b> Land uses arranged and managed to reduce annoyance and complaints and minimize the exposure of community residents to excessive noise.	See alternative wording	
				<b>COMMENTS:</b>		
		<b>C</b>		<b>N-G2. Incompatible Land Uses.</b> Land uses arranged to reduce annoyance and complaints and minimize the exposure of community residents to excessive noise.	Alt. C wording	
				<b>COMMENTS:</b>		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
				<b>13.4 Policies</b>		
<b>A</b>	<b>B</b>			<b>N-P1. Minimize Noise from Stationary and Mobile Sources.</b> Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average and short-term noise levels during permit review and subsequent monitoring.	<b>QJ, IM1,IM3, S3-9</b> 	
				<b>COMMENTS:</b>		
		<b>C</b>		<b>N-P1. Minimize Noise from Stationary and Mobile Sources.</b> Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average noise levels during permit review and subsequent monitoring.	No standards for short-term noise.	
				<b>COMMENTS:</b>		
			<b>D</b>	<b>3291(5)(B)</b> Existing and potential incompatible noise levels in problem areas should be reduced through land use planning, subdivision review, building code enforcement, and other administrative means.	Closest related policy.	
<b>A</b>	<b>B</b>			<b>N-P2. Guide to Land Use Planning.</b> Evaluate current noise levels and mitigate projected noise levels when making community planning and zoning decisions to minimize the exposure of community residents to nuisance noise levels. Minimize vehicular noise exposure by planning land uses compatible with transportation corridors and applying noise attenuation designs and construction standards. Avoid zoning patterns that permit people to "move to the nuisance" unless mitigated through project conditions or recorded notice.	<b>Leg, IM1,IM2 S1-2, S8</b> 	
				<b>COMMENTS:</b>		

Plan Alternative			Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R, M, D
		C	<b>N-P2. Guide to Land Use Planning.</b> Evaluate current noise levels and mitigate projected noise levels when making community planning and zoning decisions to minimize the exposure of community residents to nuisance noise levels. Minimize vehicular noise exposure by planning land uses compatible with transportation corridors and applying noise attenuation designs and construction standards.		
			<b>COMMENTS:</b>		
A	B		<b>N-P3. Noise from U.S. 101 and 299.</b> The County shall support efforts to reduce noise levels on Highway 101 and 299 along sections in proximity to concentrated residential development through prioritized roadway surface maintenance, use of noise-reducing surface treatments, traffic safe tree or shrub plantings or, in cases of significant noise exposure; use of lower speed limits and construction of sound walls.	<b>Pol, IM4</b>	
			<b>COMMENTS:</b>		
		D	<b>3291(5)(D)</b> Provide for periodic review and revision of the Noise Element.		
		D	<b>3291(5)(E)</b> A local interagency program should be developed for the general public in the nature, extent, and solutions to noise problems in Humboldt County.		
		D	<b>3291(5)(F)</b> Coordinate noise control activities with those of other responsible jurisdictions.		
		D	<b>3291(5)(G)</b> Identify and evaluate potential noise problem areas on a continuing basis.		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
				<b>13.5 Standards</b>		
<b>A</b>	<b>B</b>			<b>N-S1. Land Use/Noise Compatibility Matrix.</b> The Land Use/Noise Compatibility Standards(Table 13-D) shall be used as a guide to ensure compatibility of land uses. Development may occur in areas identified as “normally unacceptable” if mitigation measures can reduce indoor noise levels to “Maximum Interior Noise Levels” and outdoor noise levels to the maximum “Normally Acceptable” value for the given Land Use Category.		
				<b>COMMENTS:</b>		
		<b>C</b>		<b>N- Sx. Modification or Waiver of Noise Insulation Requirements.</b> Where full mitigation in accordance with the policies and standards of this Noise Element is not feasible, the Planning Commission may modify or waive such policies or standards to enable reasonable use of the property, provided that noise levels are mitigated to the maximum extent feasible.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<b>N-S2. Noise Impact Combining Zones.</b> The 20-year projected noise contours in the Map Book Appendix and the most current Airport Land Use Compatibility Plans shall be used to identify noise impact combining zone areas to indicate where special sound insulation measures may apply.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>N-S3. Environmental Review Process.</b> For noise sensitive locations where noise contours do not exist, the environmental review process required by the California Environmental Quality Act shall be utilized to generate the required analysis and determine the		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
				appropriate mitigation per Plan and state standards. Future noise levels shall be predicted for a period of at least 10 years from the time of permit application.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<b>N-S4. Noise Study Requirements.</b> When a discretionary project has the potential to generate noise levels in excess of Plan standards, a noise study together with acceptable plans to assure compliance with the standards shall be required. The noise study shall measure or model as appropriate, CNEL and Maximum Noise Level (Lmax) levels at property lines and if feasible, receptor locations. Noise studies shall be prepared by qualified individuals using calibrated equipment under currently accepted professional standards and include an analysis of the characteristics of the project in relation to noise levels, all feasible mitigations and projected noise impacts. <i>The Noise Guidebook</i> published by the U.S. Department of Housing and Urban Development, or its equivalent, shall be used to guide analysis and mitigation recommendations.		
				<b>COMMENTS:</b>		
			<b>D</b>	<b>3291(5)(A)</b> Existing and potential incompatible noise levels in problem areas should be reduced through operational or source controls where the County has responsibility for such controls.		
<b>A</b>	<b>B</b>	<b>C</b>		<b>N-S5. Uniform Building Code.</b> Use the Uniform Building Code as adopted for California (California Code of Regulations, Title 24, Appendix Chapter 12) for determining required noise separation requirements for buildings.		
				<b>COMMENTS:</b>		

Plan Alternative			Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D															
A	B	C	<p><b>N-S6. Noise Standards for Habitable Rooms.</b> Noise reduction shall be required as necessary to achieve a maximum of 45 CNEL (Community Noise Equivalent Level) interior noise levels in all habitable rooms per California building standards.</p>																	
			<p><b>COMMENTS:</b></p>																	
A	B		<p><b>N-S7. Noise Reduction Requirements for Exterior Areas in Residential Zones.</b> On new single family residential lots of 5,000 square feet or more, a usable outdoor living area at least 200 square feet in size per dwelling unit that meets the 60 CNEL (Community Noise Equivalent Level) standard shall be maintained somewhere on the property.</p>																	
			<p><b>COMMENTS:</b></p>																	
	B		<p><b>N-S8. Short-term Noise Performance Standards (Lmax).</b> The following noise standards, unless otherwise specifically indicated, shall apply to all property within their assigned noise zones and such standards shall constitute the maximum permissible noise level within the respective zones.</p> <p style="text-align: center;"><b>SHORT-TERM NOISE STANDARDS (Lmax)</b></p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Zoning Designation</u></th> <th style="text-align: center;">Day (maximum) 6:00 a.m. to 10:00 p.m. <u>dBA</u></th> <th style="text-align: center;">Night (maximum) 10:00 p.m. to 6:00 a.m. <u>dBA</u></th> </tr> </thead> <tbody> <tr> <td>CG, MG, MC, AE, TPZ,TC</td> <td style="text-align: center;">85</td> <td style="text-align: center;">75</td> </tr> <tr> <td>CN, MB, ML</td> <td style="text-align: center;">80</td> <td style="text-align: center;">70</td> </tr> <tr> <td>RM</td> <td style="text-align: center;">70</td> <td style="text-align: center;">60</td> </tr> <tr> <td>RS, <b>R1</b>, R2, RA</td> <td style="text-align: center;">65</td> <td style="text-align: center;">60</td> </tr> </tbody> </table> <p>Decibel measurement made shall be based on a reference sound pressure of 0.0002</p>	<u>Zoning Designation</u>	Day (maximum) 6:00 a.m. to 10:00 p.m. <u>dBA</u>	Night (maximum) 10:00 p.m. to 6:00 a.m. <u>dBA</u>	CG, MG, MC, AE, TPZ,TC	85	75	CN, MB, ML	80	70	RM	70	60	RS, <b>R1</b> , R2, RA	65	60	<p>Inadvertent omission.</p>	
<u>Zoning Designation</u>	Day (maximum) 6:00 a.m. to 10:00 p.m. <u>dBA</u>	Night (maximum) 10:00 p.m. to 6:00 a.m. <u>dBA</u>																		
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RS, <b>R1</b> , R2, RA	65	60																		

Plan Alternative	Chapter 13. Noise Element		Staff Remarks/ Implementation	Position R, M, D																		
	<p>microbars as measured with a sound level meter using the "A" weighted network. Ambient noise without the noise source in operation shall be observed at 15 second intervals for a period of 15 minutes. The lowest reading is interpreted as the ambient noise level of that sampling point. If this reading is above the standard set for the noise zone, steps must be taken to determine the source or sources of the intruding high-level noise followed by appropriate control action before continuing the survey. If the reading is equal to or below the standard, the survey can proceed. With the noise source in operation, record the instantaneous response at 15 second intervals for a 15 minute period. Or, for a noise source of less than 15 minutes, record the instantaneous response at 15 second intervals for the time the noise source is in operation. The lowest response level recorded while the noise source is in operation is interpreted as the intruding noise level. Compare the intruding noise levels with the standard. If the noise level generated from the noise source exceeds the standard, the noise source is generating noise levels in excess of the allowable standards set for the noise zone.</p>																					
	<p><b>COMMENTS:</b></p>																					
<p><b>A</b></p>	<p><b>N-S9 Short-term Noise Performance Standards (Lmax).</b></p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;">Day (maximum) 6:00 a.m. to 10:00 p.m.</th> <th style="width: 35%; text-align: center;">Night (maximum) 10:00 p.m. to 6:00 a.m.</th> </tr> <tr> <th style="text-align: left;"><u>Zoning Designation</u></th> <th style="text-align: center;"><u>dBA</u></th> <th style="text-align: center;"><u>dBA</u></th> </tr> </thead> <tbody> <tr> <td>CG, MG, MC, AE, TPZ, TC</td> <td style="text-align: center;">80</td> <td style="text-align: center;">70</td> </tr> <tr> <td>CN, MB, ML</td> <td style="text-align: center;">75</td> <td style="text-align: center;">65</td> </tr> <tr> <td>RM</td> <td style="text-align: center;">65</td> <td style="text-align: center;">60</td> </tr> <tr> <td>RS, R1, R2, RA</td> <td style="text-align: center;">65</td> <td style="text-align: center;">60</td> </tr> </tbody> </table>			Day (maximum) 6:00 a.m. to 10:00 p.m.	Night (maximum) 10:00 p.m. to 6:00 a.m.	<u>Zoning Designation</u>	<u>dBA</u>	<u>dBA</u>	CG, MG, MC, AE, TPZ, TC	80	70	CN, MB, ML	75	65	RM	65	60	RS, R1, R2, RA	65	60		
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RM	65	60																				
RS, R1, R2, RA	65	60																				



Plan Alternative	Chapter 13. Noise Element			Staff Remarks/ Implementation	Position R,M,D
			Decibel measurement .... set for the noise zone. (Note: Includes same text as Alt. B)		
			<b>COMMENTS:</b>		
	C		<b>N- S10. Modification or Waiver of Noise Insulation Requirements.</b> Where full mitigation in accordance with the policies and standards of this Noise Element is not feasible, the Planning Commission may modify or waive such policies or standards to enable reasonable use of the property, provided that noise levels are mitigated to the maximum extent feasible.		
			<b>COMMENTS:</b>		
A			<b>N-S11. Industrial Performance Standards.</b> Add the Industrial Performance Standards currently contained in the County Coastal Zoning Code to the Inland Zoning Code as well.		
			<b>COMMENTS:</b>		
A			<b>N-S12. Helicopter Logging.</b> For timber operations conducted under a Timber Harvest Plan, request that Cal Fire restrict helicopter logging to the hours from 8 A.M. to 5 P.M. on weekdays only, with no helicopter logging permitted at any time on weekends, within 500 feet of a paved roadway, or within 1,000 feet of a residence. Additionally, request Cal Fire to require special advance notice to any and all neighbors within a half-mile radius of any helicopter logging, stating the specific days that the logging will occur.		
			<b>COMMENTS:</b>		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
			D	3292(4)(A) Noise Compatibility Matrix General Plan Figure 3.2	Figure 3.2 is attached at the end of this chart.	
				<b>13.6 Implementation Measures</b>		
A	B			<b>N-IM1 Noise Impact Combining Zone.</b> Utilize Noise Impact Combining Zone designations to identify areas where noise impact mitigations are required.		
				<b>COMMENTS:</b>		
A	B			<b>N-IM2 Periodic Review of Combining Zones.</b> Periodically identify and evaluate potential noise problem areas for mitigation or as candidates for noise impact combining zones, particularly during Airport Land Use Compatibility Plan updates.		
				<b>COMMENTS:</b>		
A	B			<b>N-IM3 Compliance Program.</b> The County shall investigate complaints of excessive noise and control noise sources consistent with the standards established by the Plan. Nuisance determinations shall be based on noise levels, duration and number of noise events.		
				<b>COMMENTS:</b>		
A	B			<b>N-IM4 Noise from U.S. Highway 101 (U.S. 101) and State Highway 299.</b> Working through its representation on Humboldt County Association of Governments (HCAOG), the County shall work with other affected jurisdictions and request California Department of Transportation (Caltrans) to consider implementing noise reduction measures on U.S. 101 and State Highway 299 along sections in proximity to concentrated residential development.		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
				<b>COMMENTS:</b>		
<b>A</b>				<b>N-IM5 Adoption of Performance Standards.</b> Adopt Industrial Performance Standards Countywide.		
				<b>COMMENTS:</b>		
<b>A</b>				<b>N-IM6 Noise Ordinance.</b> Adopt a noise ordinance based on current zoning districts, tailored to community noise standards that address construction noise and other non-transportation noise sources.		
				<b>COMMENTS:</b>		
<b>A</b>				<b>N-IM7 Exterior Noise Reduction Standards.</b> Adopt standards specifying appropriate measures to reduce exterior noise levels in noise impact areas. Standards shall consider the portion of a lot where noise level reduction measures would apply, acceptable sound wall designs, and standards for achieving noise level reductions through effective site planning techniques.		
				<b>COMMENTS:</b>		
			<b>D</b>	<b>5-3200(4)(A)</b> Request CalTrans to update current and projected noise contours for highways.		
			<b>D</b>	<b>5-3200(4)(B)</b> Incorporate new noise contour data for airports from Airport Master Plan.		

Plan Alternative				Chapter 13. Noise Element	Staff Remarks/ Implementation	Position R,M,D
			D	5-3200(4)(C) Revise CEQA and subdivision review processes as necessary.		

**Figure 3-2** (Noise Compatibility Matrix From Existing General Plan)

CLEARLY ACCEPTABLE		NORMALLY ACCEPTABLE		NORMALLY UNACCEPTABLE			CLEARLY UNACCEPTABLE				
				LAND USE INTERPRETATION FOR Ldn VALUE							
LAND USE CATEGORY		Maximum interior exposure, Ldn*	55	65	75	85					
Residential-Single Family, Duplex, Mobile Homes		45									
Residential-Multiple Family, Dormitories, etc.		45									
Transient Lodging		45									
School Classrooms, Libraries, Churches		45									
Hospitals, Nursing Homes		45									

Auditoriums, Concert Halls, Music Shells	35											
Sports Arenas, Outdoor Spectator Sports												
Playgrounds, Neighborhood Parks												
Golf Courses, Riding Stables, Water Rec., Cemeteries												
Office Buildings, Personal, Business and Professional	50											
Commercial-Retail, Movie Theaters, Restaurants	50											
Commercial-Wholesale, Some Retail, Ind., Mfg., Util.												
Manufacturing, Communications (Noise Sensitive)												
Livestock Farming, Animal Breeding												
Agriculture (except Livestock), Mining, Fishing												
Public Right-of-Way												
Extensive Natural Recreation Areas												

\*Due to exterior sources (Source: Bolt, Beranek, and Newman, Inc., 1974)

