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PLANNING COMMISSION MEETING  
August 3, 2021

FILE NUMBER: 700.01.03 and IS #2021-003  
PROJECT PROPONENT: Lassen County  
TYPE OF APPLICATION: General Plan Amendment and Initial Study

Memorandum to Planning Commission .....001

Draft 2019-2024 Noise Element .....003

Draft Noise Ordinance .....030

Correspondence.....035



County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

July 28, 2021

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

TO: Lassen County Planning Commission  
Agenda Date: August 3, 2021

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: Draft Noise Element Update and Draft Noise Ordinance

As set forth by Government Code Section 65302(f), the Lassen County Department of Planning and Building Services, along with consultants from Dudek, Inc., has prepared a draft noise element update and related noise ordinance. Staff has incorporated comments from three community meetings conducted from November 19, 2019, to November 21, 2019, (in Susanville, Bieber, and Doyle) into the draft. In addition, the comment period for the proposed negative declaration and initial study (File Number 2021-003) for this project was from July 1, 2021, to August 2, 2021. No comments have yet been received on the environmental documents for this project.

As the advisory body to the Board of Supervisors, the Planning Commission will hold a public hearing to consider the draft noise element update and noise ordinance. The Board of Supervisors will consider adoption of the draft noise element, ordinance, and their related negative declaration at a future date, taking into account any recommendation that the Planning Commission may make at this hearing.

BACKGROUND:

The Noise Element is one of the seven mandated elements of the local General Plan.<sup>1</sup> The noise element identifies and appraises noise problems in a community, analyzes and quantifies current and projected noise levels for transportation infrastructure (including roads, highways, rail lines, and airports) and stationary noise sources, and posits implementation measures to address existing and foreseeable noise problems, if any.

The current noise element was adopted in 1989 and is outdated. Among other issues, some of the standards found in the 1989 noise element are difficult to apply to development projects. For instance, Table III of the 1989 noise element allows a certain noise threshold for only one minute in a one-hour period, or for five minutes within a one-hour period. This approach does not adequately capture a person's experience of (and annoyance related to) noise. The difficulty in using the 1989 element has resulted in both increased costs and slower processing times for project applicants.

<sup>1</sup> According to Government Code Section 65302, the seven mandatory elements are: land use, circulation, housing, conservation, open space, noise, and safety. An environmental justice element "or related goals, policies, and objectives integrated in other elements" would be necessary if the County were found to have "disadvantaged communities" as defined in Government Code Section 65302(h)(4)(A). The timeframe for this is "upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018." Staff is currently looking into the requirements related to the environmental justice element.

Furthermore, to this date, Lassen County has not adopted a noise ordinance to enforce and/or implement the County's noise standards. The draft ordinance would be useful both for review of proposed development projects and in the case of noise complaints.

This packet includes both the Draft Noise Element Update and Draft Noise Ordinance for your review. As stated above, Lassen County has contracted with Dudek, Inc., to prepare the draft documents. The Background Technical Report and environmental documents for this project may be accessed at the following link:

<http://www.lassencounty.org/dept/planning-and-building-services/environmental-documents-noticing-and-attachments>.

The summary found in the initial study for this project at the above link also provides pertinent information. Lastly, also attached are letters and an email submitted as public comment for this project.

MLA:smr

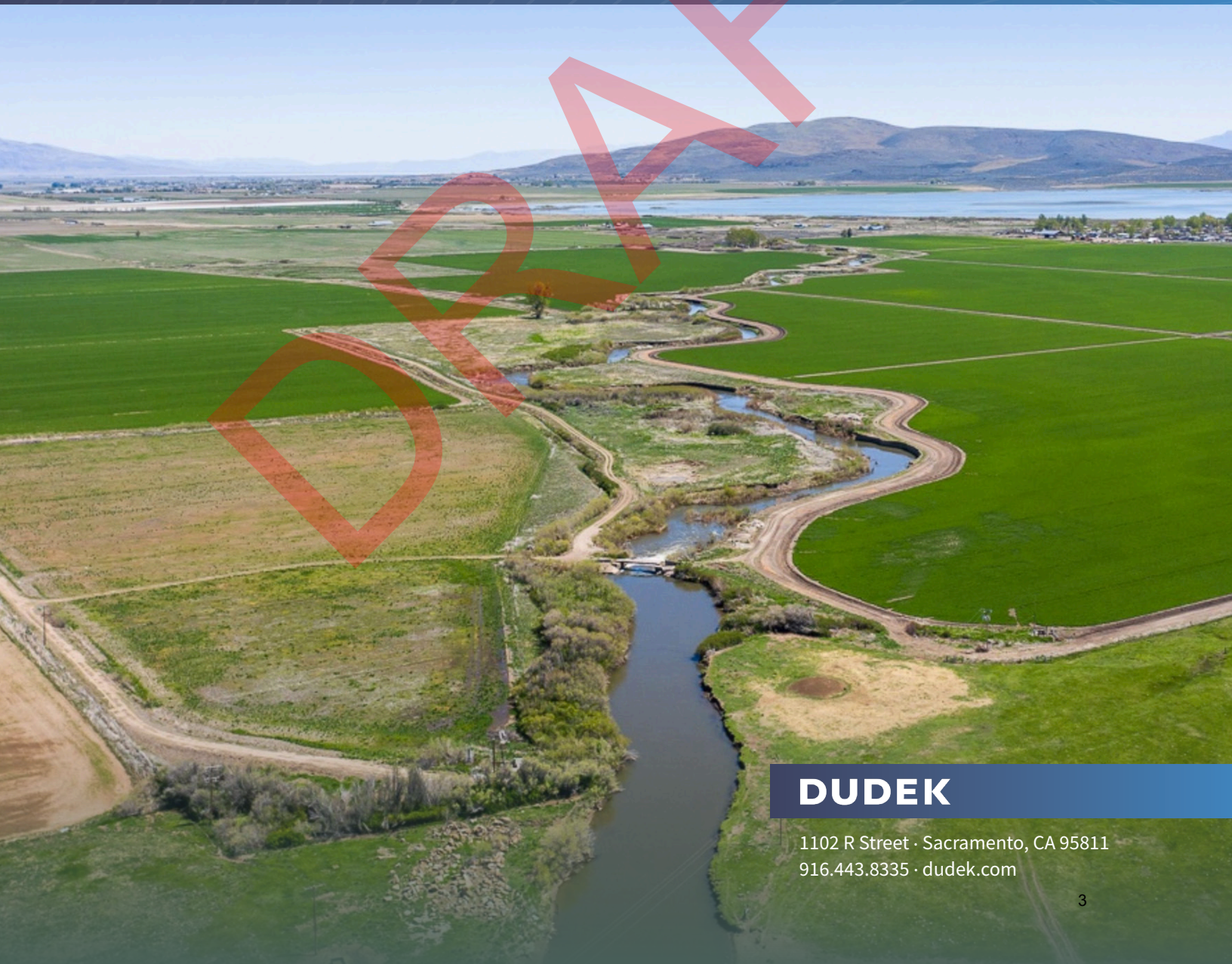
Enclosures: Draft Noise Element Update  
Draft Noise Ordinance  
Letter from Diane Fuller date-stamped April 6, 2020  
Letter from Mary Morgan date-stamped May 19, 2020  
Email from Phil Finkel dated November 20, 2019

S:/PLA/Admin/FILES/700.01.03/PC Memo



# Lassen County Noise Element

JULY 2021



**DUDEK**

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# INTRODUCTION

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### PURPOSE

This Noise Element identifies the County of Lassen's (County) approach to controlling environmental noise and limiting community exposure to excessive noise levels. The fundamental goals of a Noise Element are as follows (OPR 2017):

- Identify and analyze the major noise sources in the community.
- Provide data and guidance to inform a pattern of land uses that minimizes exposure of community residents to excessive noise.
- Protect quiet areas of a community from noise.
- Develop implementation measures and strategies to address existing and foreseeable noise problems.

### RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

Noise levels are addressed in the Lassen County Land Use Element to avoid direct conflicts between neighboring uses and to establish patterns of land uses that minimize noise exposure for noise-sensitive uses such as residences, lodging facilities, and hospitals. Policies in the Circulation Element of the Lassen County General Plan related to road location and design, and non-motorized transportation can affect traffic noise levels. Development and implementation of policies in the Noise Element are also closely related to the topics of housing, open space, and environmental justice.

### UNDERSTANDING NOISE

Noise is commonly understood as annoying or unwanted sound. Sound can be described by scientists and engineers in two characteristics: amplitude and pitch. Amplitude is driven by the energy content in sound waves and results in the loudness of sounds, which are described as "sound pressure level" or simply "sound level." Amplitude is measured in decibels (dB), which use a logarithmic scale. Pitch is the frequency of sound waves and results in how "high" or "low" a sound is. Pitch is measured in hertz. The most common weighting that is used in noise measurements is an A-weighted decibel (dBA), which is a composite representation of sounds at pitches that can be heard by the human ear.

Because sound is measured on a logarithmic scale, a doubling of sound energy results in a 3 dB increase in the noise level. Changes in a community noise level of less than 3 dB are not typically noticed by the human ear. Changes from 3 to 5 dB may be noticed by some individuals who are extremely sensitive to changes in noise. A 5 dB increase is readily noticeable (EPA 1973). The human ear perceives a 10 dB increase in sound level as a doubling of the sound level (e.g., 65 dBA sounds twice as loud as 55 dBA to a human ear).



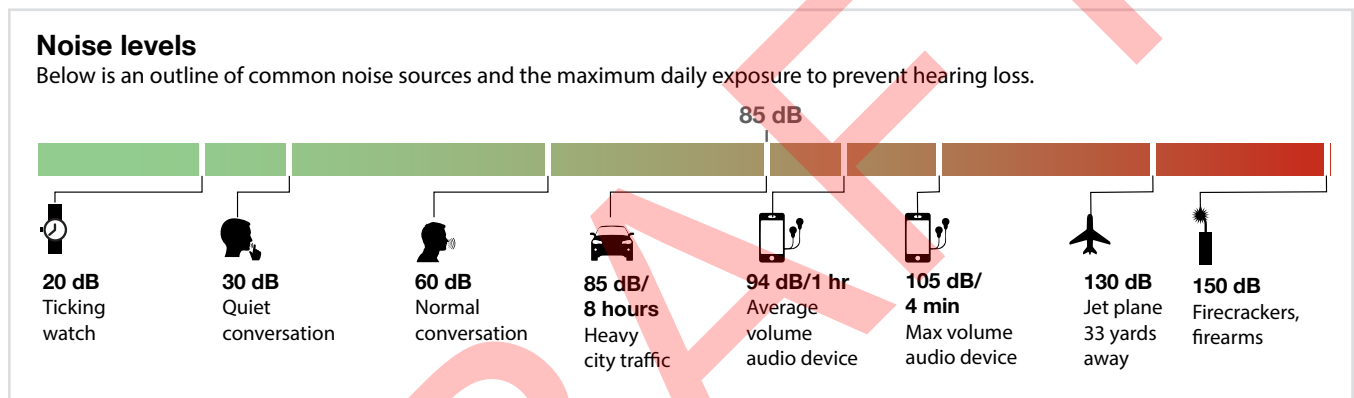
Bieber



Community noise is generated by many sources that change throughout the day. Two metrics are commonly used to describe average noise levels in a community: Day/Night Noise Level ( $L_{dn}$ ) and Community Noise Equivalent Level (CNEL).  $L_{dn}$  and CNEL are 24-hour averages that add a penalty to night time noises because communities are most sensitive to noise at night. CNEL, unlike  $L_{dn}$ , also penalizes evening noises (see Table 1).

Noise levels that occur over short periods of time, such as construction noise or concerts, are not well-measured by CNEL. For these temporary events, an Equivalent Continuous Sound Level ( $L_{eq}$ ) is established to address appropriate noise limits for avoidance of noise nuisance for nearby noise-sensitive land uses. An  $L_{eq}$  measures the average sound pressure over the duration of the event and is appropriate for application to noise sources that are scheduled, temporary, and louder than the community noise standards allow. In addition to  $L_{eq}$ , the maximum instantaneous sound level ( $L_{max}$ ) can be employed to prevent excessive sound levels that could be particularly disruptive, or even harmful.

**Figure 1 Common Noise Sources**



Westwood

## DEFINITIONS

**Table 1 Definitions of Acoustical Terminology**

Term	Definition
<b>Ambient Noise Level</b>	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
<b>A-Weighted Sound Level (dBA)</b>	A-weighted decibels, referring to decibels weighted to the “A scale.” A-weighted decibels represent the sound level containing a range of frequencies weighted in a manner representative of the ear’s response.
<b>Community Noise Equivalent Level (CNEL)</b>	The average A-weighted sound level during a 24-hour day, obtained after addition of 5 decibels (dB) to the average hourly sound levels in the evening from 7 p.m. to 10 p.m., and after addition of 10 dB to the average hourly sound levels during the night between 10 p.m. and 7 a.m.
<b>Day/Night Noise Level (<math>L_{dn}</math>)</b>	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 dB to the hourly average noise levels measured during the night between 10 p.m. and 7 a.m.
<b>Decibel (dB)</b>	A unit of measurement (dB) on a logarithmic scale that describes the magnitude of a particular quantity of sound pressure or power with respect to a standard reference sound pressure of 20 $\mu$ Pascals.
<b>Equivalent Sound Level (<math>L_{eq}</math>)</b>	Energy equivalent level, which is the equivalent steady-state sound level that, in a stated period of time, contains the same acoustical energy as a time-varying sound during the same time period. An $L_{eq}$ level is computed by summing the noise energy over the stated time period using mathematical integration. It is commonly also referred to as the “average sound level.”
<b>Frequency (hertz)</b>	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 and 20,000 hertz.
<b>Maximum or Minimum Sound Level (<math>L_{max}</math>, <math>L_{min}</math>)</b>	The maximum and minimum A-weighted sound level during the measurement period.
<b>Noise</b>	Unwanted sound.
<b>Noise Contour</b>	A line on a map that represents equal levels of noise exposure, and also the boundary or limit for sound exposure of that level. Noise contours are generally provided in 5 dBA CNEL increments, which means the area between a 60 dBA CNEL contour and a 65 dBA CNEL contour has noise exposure ranging between 60 and 65 dBA CNEL.
<b>Noise Impacted Areas</b>	Areas with existing or projected exterior noise levels exceeding 65 dBA $L_{dn}$ /CNEL.
<b>Noise-Sensitive Land Uses</b>	Any property where frequent exterior human use occurs and where a lowered noise level would be beneficial. In Lassen County these are land uses that are designated for residential, recreation, religious worship, schools, libraries, and short-term lodging.
<b>Noise-Generating Land Uses</b>	Any property where noise may be generated at such a level that noise beyond its property boundary could exceed established CNEL levels.
<b>Yard Area</b>	A 50-foot-radius around a residential structure when the lot size exceeds the boundary of such radius.



# EXISTING CONDITIONS

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## NOISE IN LASSEN COUNTY

Lassen County has a rural, outdoor character consisting of large tracts of open space land separating well-established small communities, offering year-round recreational opportunities and agriculture. Many of Lassen County's most important places, including outdoor recreation areas and homes, are unique in part because of the lack of urban noise, while many of Lassen County's economic drivers, such as agriculture and natural resource management (e.g., logging and surface mining), are noise generators. Balancing the needs of quiet places in Lassen County while supporting the growth and development of industry is the primary goal of this Noise Element and the Lassen County Noise Ordinance (Lassen County Code, Chapter 9.65). A list of **noise-sensitive land uses** that are protected by standards of the Noise Element and the Noise Ordinance, as well as **noise-generating land uses** regulated by standards of the Noise Element and the Noise Ordinance, are presented below.

### NOISE-SENSITIVE LAND USES

*Land uses, such as homes, school, and parks that should be protected from loud noises to preserve quality of life.*

### NOISE-GENERATING LAND USES

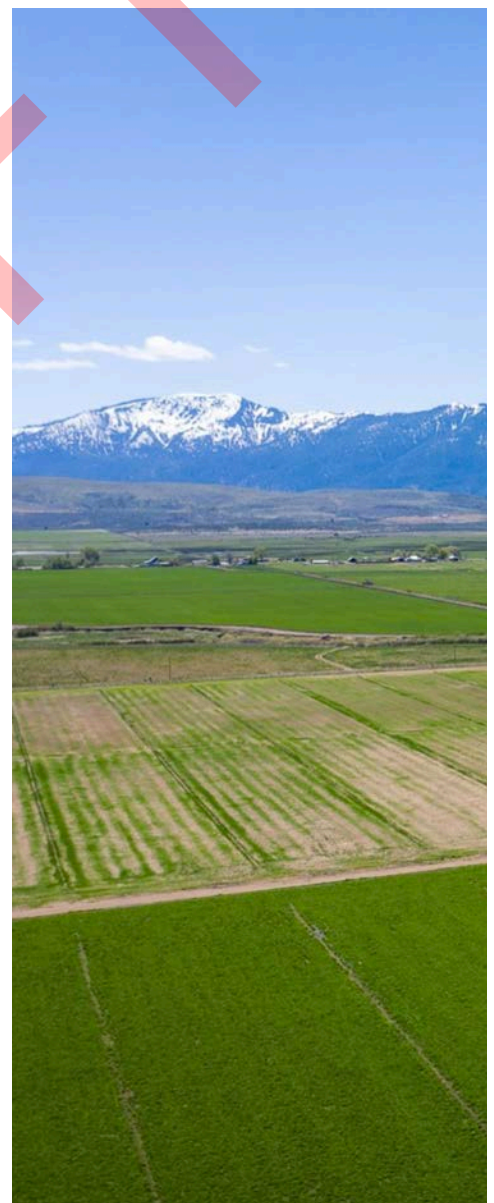
*Land uses such as mining or freeways that cause loud noises.*

### Noise-Sensitive Land Uses

- Residential
- Visitor lodging
- Schools
- Libraries
- Places of religious worship
- Hospitals
- Assisted living facilities
- Formal recreation areas

### Noise-Generating Land Uses

- Public roads and highways
- Airports
- Railroads
- Agriculture
- Surface mining
- Logging
- Materials recovery (recycling)



Lassen County

## NOISE REGULATIONS

The following provides the federal, state, and local framework for regulating noise in Lassen County.

### Federal

#### AIRPORT NOISE COMPATIBILITY PLANNING (CODE OF FEDERAL REGULATIONS PART 150)

Part 150 of the Code of Federal Regulations identifies the compatibility of various land uses with airport-related noise exposure levels. These regulations serve as a guideline for local jurisdictions because the federal government does not have local land use control.

#### AIR INSTALLATION COMPATIBLE USE ZONES STUDY (U.S. DEPARTMENT OF DEFENSE)

Air Installation Compatible Use Zone studies are U.S. Department of Defense documents that establish land use strategies and noise and safety recommendations to prevent the encroachment of incompatible land uses from degrading the operational capability of military air installations. Although Amadee Army Airfield would meet the definition of a military air installation, as of 2020, an Air Installation Compatible Use Zone had not been adopted for this facility.

### State

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) considers generation of excessive noise an environmental impact. Implementation of CEQA ensures that during the decision-making stage of development review, County officials and the public will be informed of any potentially excessive noise levels and available mitigation measures to reduce these to acceptable levels for any proposal subject to discretionary action in Lassen County. CEQA applies to discretionary projects (such as use permits or parcel maps) and does not apply to ministerial permits (such as building permits).

#### AIRPORT LAND USE PLANS/LAND USE COMPATIBILITY PLANS (CALIFORNIA PUBLIC UTILITIES CODE, SECTION 21670 ET SEQ.)

Originally identified as Airport Land Use Plans (ALUPs) and more recently renamed Airport Land Use Compatibility Plans, these plans help maintain the nation's air transportation infrastructure by protecting airports from encroachment by incompatible land uses that could restrict their operation or cause a hazard to the public. With regard to noise, ALUPs and Airport Land Use Compatibility Plans regulate development within airport planning boundaries to minimize exposure of receptors to airport noise. As of 2020, the Amadee Army Airfield is the only airport facility within Lassen County that has an adopted Airport Land Use Compatibility Plan. However, Herlong, Spalding, Bieber, and Ravendale Airports are included in a combined ALUP from 1988 (County of Lassen 1988), and Susanville Municipal Airport is addressed by an adopted ALUP from 1987 (County of Lassen 1987).

#### CALIFORNIA AIRPORT NOISE STANDARDS (CALIFORNIA CODE OF REGULATIONS, TITLE 21)

Title 21 of the California Code of Regulations establishes that 65 dBA CNEL is the maximum acceptable level of aircraft noise exposure for residents affected by airport operations. A noise contour map addressing aircraft operations at each public airport is generally the basis of determining whether residences exist within the boundary of the 65 dBA CNEL noise level associated with an airport.

### CALIFORNIA NOISE INSULATION STANDARDS (CALIFORNIA CODE OF REGULATIONS, TITLE 24)

Title 24 of the California Code of Regulations (California Building Standards Code) establishes residential insulation standards to be implemented during the building permit and construction processes. Title 24 establishes an interior noise standard of 45 dBA for multiple-unit residential structures and hotel/motel structures.

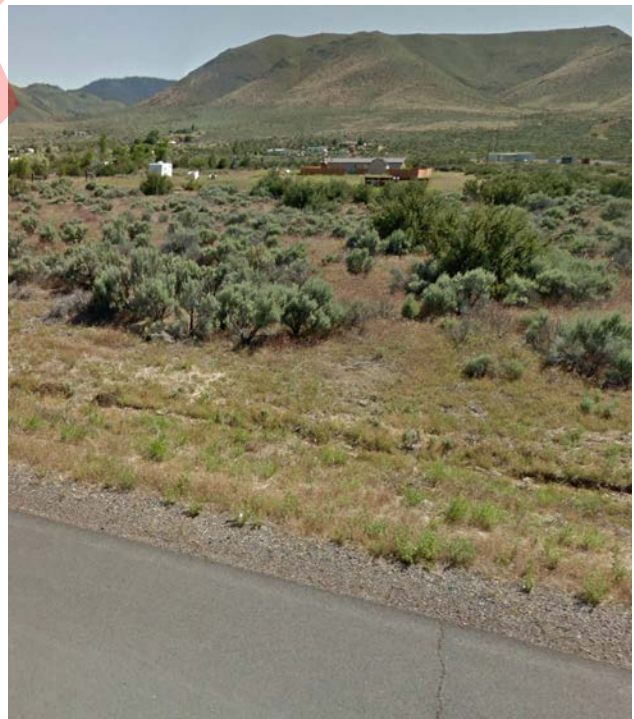
### Local

### NOISE ORDINANCE (LASSEN COUNTY CODE, CHAPTER 9.65)

The Lassen County Noise Ordinance defines limits for excessive noise and sets noise-level limits to protect noise-sensitive land uses. In general, noise levels within commercial and industrial areas are given a higher allowance, but noise from all sources is limited to no greater than 65 dBA CNEL at noise-sensitive land use receiver sites.

### PRINCIPAL NOISE SOURCES

**Table 2** lists communities within Lassen County and their principle noise sources, including roads, airports, railroads, and stationary sources. To characterize the noise levels associated with these sources, various methods were used. For road noise, the approach consisted of sound-level measurements and the use of a standard traffic noise model. For airports, the approach involved evaluating any physical alterations to each airport facility and then determining whether intensification of airport operations could result in higher noise levels (compared to current operations and mapped noise contours represented in Airport Land Use Plans and Airport Land Use Compatibility Plans). Railroad noise was assessed based on the analysis presented in the 1989 Lassen Noise Element, adjusted for changes in rail operations frequency (as confirmed with the rail operators). Information for stationary sources identified in the 1989 Noise Element (and still operational) was carried forward from the 1989 Noise Element, and more recently introduced stationary sources were addressed with sound level measurements. Please refer to the Noise Element background technical report for a detailed discussion of the various methods employed, and for field data and modeling results (Dudek 2020). **Tables 3 through 7** summarize the results of community noise measurements conducted in spring 2019 for selected transportation-related and stationary noise sources in the incorporated, unincorporated, and rural areas of Lassen County. Not included in the inventory were noises from persons, pets and livestock, industrial equipment, and construction sites. The Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) contains noise level contours for state highways, selected County roads, County airports, and other prominent stationary sources.



Doyle



## EXISTING CONDITIONS

**Table 2 Principal Noise Sources in Lassen County**

Community	Roads	Airports	Railroads	Stationary Sources
Bieber	<b>Highway 299</b> <b>Susanville Road</b>	Bieber Airport CAL FIRE Helipad	Burlington Northern Santa Fe	Big Valley Lumber
Doyle	<b>Highway 395</b>	None	Union Pacific Railroad	None
Eagle Lake	<b>Eagle Lake Road</b> <b>Mahogany Way</b>	Spalding Airport	None	None
Hallelujah Junction	<b>Highway 70</b>	None	Union Pacific Railroad	None
Herlong	<b>Herlong Access Road</b> <b>Garnier Road</b>	Herlong Airport Amadee Army Airfield	Union Pacific Railroad	
Janesville	<b>Highway 395</b> <b>Main Street</b>	None	None	None
Johnstonville	<b>Highway 395</b> <b>Johnstonville Road</b> <b>Center Road</b>	Susanville Municipal Airport	None	Industrial Area (Johnstonville Road)
Leavitt Lake	<b>Center Road</b>	None	None	High Desert State Prison California Correction Center Ward Lake Pit
Litchfield	<b>Highway 395</b>	None	None	None
Little Valley	<b>Little Valley Road</b>	None	Burlington Northern Santa Fe	None
Madeline	<b>Highway 395</b>	None	None	None
Milford	<b>Highway 395</b>	None	None	Honey Lake Motocross
Nubieber	<b>Highway 299</b>	None	Burlington Northern Santa Fe	None
Ravendale	<b>Highway 395</b>	Ravendale Airport	None	None
Standish	<b>Highway 395</b> <b>Standish-Buntingville Road</b>	None	None	Standish Gravel Pit
Susanville	<b>Eagle Lake Road</b> <b>Highway 36</b> <b>Highway 44</b> <b>Highway 139</b> <b>Highway 395</b> <b>Johnstonville Road</b> <b>Richmond Road</b> <b>Skyline Road</b> <b>Gold Run Road</b> <b>Wingfield Road</b>	Lassen Community Hospital Heliport	None	Diamond Mountain Speedway  Banner Lassen Hospital Heliport  Sierra Pacific Mills
Wendel	<b>Highway 395</b>		Union Pacific Railroad	HL Power Plant
Westwood	<b>Highway 36</b> <b>Mooney Road</b>	None	Burlington Northern Santa Fe	Ultra Power

**Note:** Bold text indicates noise measurement locations  
CAL FIRE = California Department of Forestry and Fire Protection

## TRANSPORTATION-RELATED NOISE

### Highway Noise

Highways are a major noise source in many jurisdictions, and they are the primary means of circulation throughout Lassen County. Lassen County is primarily subject to noise impacts from State Routes 395, 139, 299, 44, 36, and 70. As explained in more detail in the Noise Element Background Technical Report (Dudek 2020), short-term sound-level measurements and manual traffic counts were performed for highway segments in representative areas of Lassen County to allow the prediction of existing and Year 2040 traffic noise levels (expressed as CNEL). **Table 3** presents the results of the traffic noise modeling and identifies the distance from the center of the highway to the boundary of the 65 dBA CNEL contour. The distance to the 65 dBA CNEL contour is of interest because it represents the setback distance that should be considered when siting any new noise-sensitive use to avoid exposure in excess of the recommended maximum level of 65 dBA CNEL. The Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) provides noise contour maps for highways within representative communities throughout Lassen County. The traffic noise modeling assumes flat ground adjacent to the highway, with no terrain or obstructions. Elevation can amplify or dampen noise levels; for example, noise from a lower-elevation highway, such as in a valley, will be reflected upward, while noise from an elevated highway may dissipate. On flat ground, buffers such as sound walls or dense vegetation can be implemented to limit noise from escaping to surrounding areas. To address freeway noise along state roads, the California Department of Transportation (Caltrans) sometimes installs sound walls when new construction or widening is proposed to lessen noise impacts on proximate receptors. Sound walls can be costly and aesthetically unappealing, and they are only recommended when appropriate distance setbacks to noise-sensitive receivers, dense landscaping, landscaped berms, or other attenuation techniques cannot mitigate the noise exposure below levels required by the Lassen County Noise Ordinance (Section 9.65.040). In Lassen County, Caltrans has not pursued sound wall construction along existing highways.

**Table 3 Highway Noise Levels**

Location	Highways	Measured CNEL	Existing Distance to 65 dBA CNEL (feet)	Year 2040 Distance to 65 dBA CNEL (feet)
Bieber	Highway 299	65 dBA	35	30
Doyle	Highway 395	71 dBA	70	120
Hallelujah Junction	Highway 70	67 dBA	35	50
Janesville	Highway 395	70 dBA	55	70
Johnstonville	Highway 395	77 dBA	120	200
Madeline	Highway 395	67 dBA	30	35
Nubieber	Highway 299	65 dBA	35	30
Ravendale	Highway 395	68 dBA	50	70
Susanville	Highway 36	75 dBA	70	100
	Highway 44	70 dBA	70	85
	Highway 139	61 dBA	25	50
	Highway 395	67 dBA	50	70
Wendel	Highway 395	67 dBA	50	70
Westwood	Highway 36	70 dBA	21	28

**CNEL** = Community Noise Equivalent Level; dBA = A-weighted decibel

## Local Roadway Traffic Noise

The total number of vehicles, traffic speed, and the percentage of semi-truck traffic primarily dictates the level of traffic noise along a given segment of roadway. The primary source of noise from automobiles is high-frequency tire noise, which increases with vehicle speed. Trucks, motorcycles, and older automobiles also generate increased engine and exhaust noise, and semi-trucks generate increased wind noise. Generally, during peak hours, traffic along roadways causes higher noise levels compared to noise levels during non-peak hours, unless congestion is present (which reduces the average vehicle speed). As explained in more detail in the Noise Element Background Technical Report (Dudek 2020), short-term sound-level measurements and manual traffic counts were performed for roadway segments in representative areas of Lassen County to allow the prediction of existing and Year 2040 traffic noise levels (expressed as CNEL).

**Table 4** presents the results of the traffic noise modeling, and identifies the distance from the center of the roadway to the boundary of the 65 dBA CNEL contour. The distance to the 65 dBA CNEL contour is of interest because it represents the setback distance that should be considered when siting any new noise-sensitive use to avoid exposure above the recommended maximum level of 65 dBA CNEL. The Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) provides noise contour maps for roadways within representative communities throughout Lassen County.

**Table 4 Local and Regional Roadway Noise Levels**

General Location <sup>1</sup>	Road	Measured CNEL <sup>1</sup>	Existing Distance to 65 dBA CNEL (feet)	Year 2040 Distance to 65 dBA CNEL (feet)
Bieber	Susanville Road	65 dBA	35	30
Eagle Lake	Eagle Lake Road <sup>2</sup>	54 dBA	Within ROW	Within ROW
	Mahogany Way	47 dBA	Within ROW	Within ROW
Herlong	Herlong Access Road	67 dBA	27	27
	Garnier Road	64 dBA	Within ROW	Within ROW
Janesville	Main Street	70 dBA	23	23
	North Main Street	65 dBA	23	23
Johnstonville	Johnstonville Road	61 dBA	24	24
	Center Road	75 dBA	105	105
California Corrections Center	Rice Canyon Road	75 dBA	105	105
Standish	Standish-Buntingville Road	66 dBA	50	50
Susanville	Eagle Lake Road <sup>2</sup>	63 dBA	23	23
	Johnstonville Road	74 dBA	37	37
	Richmond Road	69 dBA	35	35
	Skyline Road	70 dBA	55	55
	Gold Run Road	61 dBA	Within ROW	Within ROW
	Wingfield Road	59 dBA	Within ROW	Within ROW
Westwood	Mooney Road	65 dBA	Within ROW	Within ROW

**CNEL** = Community Noise Equivalent Level; dBA = A-weighted decibel; ROW = right of way

<sup>1</sup> The exact location where measurement was taken can be found in Noise Element Background Technical Report (Dudek 2020).

<sup>2</sup> Eagle Lake Road is also identified as William McIntosh Highway or Route A-1 on some maps.



## Railroad Noise

Union Pacific Railroad (UPRR) and Burlington Northern Santa Fe (BNSF) railroad operate rail lines that traverse Lassen County, each carrying freight trains. The UPRR line extends from the Herlong vicinity, southwest through Doyle, and Hallelujah Junction before exiting Lassen County. The BNSF railroad line is a north/south corridor from Westwood through Nubieber to Modoc County. Table 2, Principal Noise Sources in Lassen County, provides a list of all communities that are affected by the above-mentioned railways.

Although train noise is intermittent, it is a significant source of noise due to its magnitude and associated vibration effects. Train noise is composed of the sounds of the locomotive engine, wheel-on-rail noise, and train whistles near at-grade roadway crossings. Federal law, which can be found in Title 49 Part 222 of the Code of Federal Regulations, requires locomotive engines to sound the train's horn 0.25 miles in advance of crossings, and to continue to sound the horn until the train arrives at the crossing. For train horns to be an effective warning device for motorists, they must provide a sound level capable of initiating a response from



*Susanville Railroad Depot*

the driver as the train approaches the crossing. Therefore, train horns create a significant and bothersome noise level due to the sound level required to achieve this response.

The 1989 Lassen County Noise Element determined that, with the low frequency of rail operations on each line (averaging two to three rail operations per week), the boundary of the 60 dBA CNEL contour would remain within the rail right-of-way. Officials with UPRR did not respond to requests for information regarding current rail operations on its lines within Lassen County, but a Caltrans assessment of abandoned rail corridors indicates that only approximately 25 miles of the UPRR rail corridor in Lassen County remains (Caltrans 2005). As such, UPRR operations are assumed to remain at two to three operations per week, and the 60 dBA CNEL contour should remain within the UPRR right-of-way. Officials at BNSF confirmed that rail operations on its lines run approximately six to eight trains per day. With the worst-case frequency of eight train operations per day, the boundary of the 65 dBA contour extends approximately 100 feet from the center of the tracks. Therefore, a 100-foot setback from the BNSF rail lines is reasonable for planning purposes to avoid elevated noise exposure levels for noise-sensitive land uses. The Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) provides figures illustrating the location of rail lines in Lassen County communities. Noise contours have not been developed for the UPRR lines because the 60 dBA CNEL contour would be contained within the rail right-of-way; the extent of the 65 dBA CNEL contour is mapped along the BNSF rail lines.

## Airport Noise

As shown in **Table 5**, there are five public use airports, one army airfield, and two heliports located in Lassen County. The five public use airports are Susanville Municipal, Herlong, Spalding, Bieber, and Ravendale Airports. The City of Susanville is the operator of the Susanville Municipal Airport, and the remainder are operated by the County. Airport Land Use Plans have been adopted by the Lassen County Airport Land Use Commission for each of the airports listed above. As part of the Airport Land Use Plan preparation, noise exposure contours (on a CNEL basis) were prepared for the Susanville Municipal Airport and County-owned airports, as required by the California Administrative Code, Title 21. Airport noise depends on the type of aircraft and the frequency and direction of flights. As explained in more detail in the Noise Element Background Technical Report (Dudek 2020), current and future predicted operations at each airport were compared against levels used for preparation of the Airport Land Use Plan noise contours to determine if adjustments needed to be made to noise contour boundaries.

In 2016, the Amedee Army Airfield Airport Land Use Compatibility Plan was adopted by the County (County of Lassen 2015). Noise contour maps were also prepared for the plan, and because of the recent date of adoption, these noise contour maps are considered current and appropriate for planning purposes. For the California Department of Forestry and Fire Protection (CAL FIRE) helipad in Bieber and for the Banner Lassen Hospital heliport in Susanville, noise exposure contours were not previously developed.

**Table 5 Airport and Heliport Noise Levels in Lassen County**

Location	Facility Name	Existing Distance to 65 dBA CNEL (feet)	Year 2040 Distance to 65 dBA CNEL (feet)
Bieber	Bieber Airport	60	50
Herlong	Herlong Airport	30	25
Ravendale	Ravendale Airport	30	25
Spalding	Spalding Airport	60	50
Susanville	Susanville Municipal Airport	100–400	180
Wendel	Amedee Army Airfield	500	280
Susanville	Banner Lassen Hospital Heliport	250	250
Bieber	CAL FIRE Helipad	250	250

**CNEL** = Community Noise Equivalent Level; **dBA** = A-weighted decibel; **CAL FIRE** = California Department of Forestry and Fire Protection



*Susanville Municipal Airport*

For this Noise Element, published noise levels from similar helipad and heliport facilities were used to develop noise contours, as further explained in the Noise Element Background Technical Report (Dudek 2020). The Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) provides noise contour maps for each of the airport and heliport facilities in Lassen County.

## Stationary Source Noise

Noise from industrial businesses and large stationary sources varies, but can contribute significant impacts on adjacent uses depending on the nature of industrial operations. Industrial operations often involve the use of mechanical equipment, generators, and vehicles that contribute to noise levels at industrial sites, particularly if operations occur outdoors. Historically, many communities in Lassen County have been in proximity to industrial uses, such as those associated with the production and storage of lumber products or aggregate materials. Diamond Mountain Speedway and local prisons are also stationary noise sources in Lassen County. **Table 6** provides a summary of the distance from each identified stationary source to the boundary of the 65 dBA CNEL boundary. Major stationary sources identified in the 1989 Noise Element were analyzed in 2019 and compared with the 1989 noise data. More recent stationary noise sources were addressed with sound-level measurements. The Noise Element Background Technical Report (Dudek 2020) provides a description of the methodology used and supporting data.

**Table 6 Stationary Noise Levels in Lassen County**

Location	Stationary Source	Distance to 65 dBA CNEL (feet)
Bieber	Big Valley Lumber	Within facility property
Herlong	Sierra Army Depot	At facility property boundary
	Federal Corrections Institution	Within facility property
Johnstonville	Industrial Area Johnstonville Road (Recyclers/Auto Dismantlers)	75 to 150 feet
Leavitt Lake	High Desert State Prison/California Correction Center	At facility property boundary
	Ward Lake Pit	700 feet (primarily within facility boundary)
Milford	Honey Lake Motocross Track	1,200 feet
Standish	Standish Gravel Pit	At facility property boundary
Susanville	Diamond Mountain Speedway	225 feet
	Banner Lassen Hospital (Helipad)	250 feet
	Sierra Pacific Mills	Within facility property
Wendel	HL Power Plant	900 feet
Westwood	Ultra Power	Within facility property

## Construction Noise

Construction noise typically involves the loudest common urban noise events, including noise associated with building demolition, grading, construction, large diesel engines, and truck deliveries and hauling. Construction activity can create a substantial increase in noise volumes to adjacent receptors, but it is temporary (i.e., does not result in permanent changes to the ambient noise environment). As such, daytime construction noise is exempt from regulation under the Lassen County Noise Ordinance (Lassen County Code, Chapter 9.65).



## NOISE COMPATIBILITY

### Land Use

New development projects should be evaluated for noise impacts based on a comparison of the noise compatibility standards in provided in **Figure 2**. Generally, new noise-generating sources should not be placed in locations where the additional noise would raise noise levels above those presented in Figure 2, and new noise-sensitive uses should not be located in areas where exterior noise levels currently exceed the standards presented in Figure 2. New development can achieve these standards by either avoiding locating near incompatible land uses, or abating noise impacts through typical noise mitigation techniques, such as barriers or sound walls between noise-generating sources and exterior use areas, dense vegetation placed between noise generating-sources and adjacent exterior use areas, and/or increased building shell sound insulation to prevent elevated exterior noise levels from intruding into interior living areas.

A standard construction wood frame house reduces noise transmission by 15 dBA with windows open and 20 dBA with windows closed. Because interior noise levels for residences are not to exceed 45 dBA CNEL, the maximum exterior noise level for residences is 65 dBA CNEL without requiring additional insulation. If a proposed new noise-generating use will cause external noise levels at the property line of residential uses

**Figure 2 Land Use Noise Compatibility Standards**

		Land Use Interpretation for CNEL (or Ldn) value				
		50 - 60	61 - 70	71 - 80	81 - 90	91+
Land Use Category	Maximum Interior Noise Levels	Land Use Interpretation for CNEL (or Ldn) value				
		50 - 60	61 - 70	71 - 80	81 - 90	91+
Residential	45	Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Recreational/Open Space		Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Institutional*	45	Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Commercial/Retail	50	Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Industrial		Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Agriculture		Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Resource Extraction		Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable
Public Right-of-Way		Clearly Acceptable	Normally Acceptable	Normally Unacceptable	Clearly Unacceptable	Clearly Unacceptable

\*This includes uses such as: schools, libraries, nursing homes, etc.

to exceed 65 dBA CNEL, buffers or other noise mitigation techniques are required to be implemented by the sponsor of the new noise-generating use. If new unplanned residential or other noise-sensitive development is proposed to be located in an area with noise levels exceeding 65 dBA CNEL, it is incumbent upon the new noise-sensitive development to reduce interior noise levels to 45 dBA CNEL.

### Temporary Uses and Nuisances

Appropriate standards for short-term noise levels intended to be regulated by the  $L_{eq}$  or  $L_{max}$  metrics vary with the type of land use and time of day. Acceptable daytime levels in industrial areas are typically based on a combination of health and nuisance considerations, and typically are restricted not to exceed 85 dBA  $L_{eq}$ . In residential areas, standards are typically established to avoid annoyance or nuisance, such as noise levels that could interfere with normal conversation. Noise levels above 65 dBA  $L_{eq}$  require raised voices in order for participants in a conversation to be heard at a distance of 3 feet. Indoor noise levels between 50 and 60 dBA  $L_{eq}$  can disturb sleep.

The perception of nuisance and annoyance varies depending on loudness, duration, and pitch. The perception of nuisance and annoyance also depends on the character of the sound, familiarity and predictability, and the attitude of the listener. In simpler terms, a person moving into a residence on a busy street may be initially annoyed at the elevated traffic noise, but once they become acclimated to the traffic noise level, recognize daily patterns, and understand that the roadway is a necessity for transportation within the community, their annoyance is likely to lessen over time. CNEL and  $L_{eq}$  are typically the basis for making nuisance determinations, but other factors may be considered. For example, an annual community event or parade may exceed residential noise levels but might not be deemed a nuisance given the celebratory nature of the event, community traditions and feelings surrounding these community-oriented activities, and the one-day nature of the event.



Milford



# GOALS, POLICIES, AND IMPLEMENTATION ACTIONS

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This chapter presents the goals, policies, and implementation measures of the Noise Element. A goal is an end statement of what the County's noise environment will be like once the Noise Element is implemented. A **policy** is how the County will achieve these goals. An **action** is a specific implementation measure that the County will take to implement the policy.

### **Goal 1: A quiet and healthful environment with minimal noise intrusion.**

#### **Policy 1.1: Noise Generation Standards: Minimize the impact of noise generators by applying clear and appropriate standards during permit review and subsequent monitoring.**

**Action 1.1a:** Enforce Stationary Noise Source Levels. Enforce maximum and average noise level limits on permitted stationary sources based on their impact on the property line of the nearest noise-sensitive receptor as outlined in the Lassen County Noise Ordinance (Lassen County Code, Section 9.65.040). Where the noise-sensitive receptor involves a residence on a parcel with zoning or land use designation of "agriculture," the noise impact shall be evaluated at the boundary of the yard area or property line of the residence, whichever is closer to the residence.

**Action 1.1b:** Enforce Temporary Event Permit Noise Standards. In accordance with the Lassen County Noise Ordinance (Lassen County Code, Section 9.65.070[a][3]), review event permits (use permit or license) on a case-by-case basis and provide appropriate attenuation guidance that is clear to follow and implement without the need for noise monitoring, such as the following:

- Placement of noise sources or amplifiers, such as mechanical equipment or speakers
- Orientation of sound system speakers
- Hours of operation

**Action 1.1c:** Noise monitoring may be required if determined to be necessary by the Director of Lassen County Department of Planning and Building Services or his/her designee, or if determined to be necessary by the Planning Commission or Board of Supervisors through the use permit process.

**Action 1.1d:** Ensure Construction Occurs During Accepted Times of Day. Ensure that noise-generating construction work occurs during the accepted times of day, not between the hours of 7 p.m. and 7 a.m., pursuant to Standard N-4. Lassen County Noise Ordinance Section 9.65.070(a)(9) exempts construction work from noise regulation between 7 a.m. and 7 p.m.

#### **Policy 1.2: Noise Mitigation and Attenuation Mitigate the effect of noise from new industrial or commercial uses, project-generated traffic, and short-term/ temporary events on residential and other noise-sensitive land uses by applying feasible noise mitigation measures.**

**Action 1.2a:** Attenuate Project-Related Stationary Source Noise Impacts. As part of the environmental review process, the County shall work with project applicants to attenuate stationary-source noise impacts. Projects shall be designed to avoid long-term noise impacts or reduce those impacts to meet the applicable CNEL limits presented in Standard N-1.1 Noise impacts can be reduced using the following methods, or similar methods, as appropriate:

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1 Standard N-1, Table 7, presents allowable noise generation limits in terms of CNEL. These noise generation limits are translated into hourly average ( $L_{eq}$ ) limits in Lassen County Code, Section 9.65.040. Proposed new stationary noise sources must comply with both Standard N-1 and Section 9.65.040.

- Create a distance buffer between stationary mechanical equipment and noise-sensitive receivers by placing parking lots, storm drain facilities, and landscaping between major stationary equipment and adjacent receivers.
- Provide sound barriers or enclosures for equipment with significant sound-generation.
- Where possible, place on-site buildings between major noise-generating equipment and the location of the closest adjacent noise-sensitive land use.
- Where possible, locate/orient/direct/face/position noise-generating uses in such a way that minimizes noise for noise-sensitive receivers.
- Use facility perimeter sound barriers (e.g., solid walls) or landscaped berms to reduce noise levels at immediately adjacent noise-sensitive uses.

**Action 1.2b:** Require Noise Studies for Discretionary Projects. When a discretionary project has the potential to generate noise levels that exceed the standards presented in Standard N-11 (as identified through the California Environmental Quality Act [CEQA] process), a noise study and acceptable noise attenuation techniques to ensure compliance with Standard N-1 shall be required. For such discretionary projects, the environmental review process required by CEQA shall be employed to identify the required analysis and determine appropriate mitigation, as described in Standard N-2. The noise study shall be prepared in accordance with the requirements set forth in Standard N-3.

**Action 1.2c:** Attenuate Project-Related Traffic Noise Impacts Near Sensitive Uses. Proposed discretionary developments that may result in an increase in traffic on roadways near existing noise-sensitive uses above levels allowed in the General Plan should include, as appropriate and feasible, traffic-calming design, low-noise pavement surfaces, sound barriers, or vegetated berms to minimize motor vehicle traffic noise.

**Action 1.2d:** Traffic-calming design could include the following:

- Narrowing lane widths
- Digital speed monitors
- Flashing crosswalk beacons
- Curb bulb-outs
- Reduced speed limits

**Policy 1.3: Existing Land Use Incompatibilities.** Help mitigate noise levels among existing incompatible land uses, as feasible, to enhance quality of life for noise-impacted residents and other sensitive receptors.

**Action 1.3a:** Mitigate Stationary-Source Noise Impacts on Existing Residential and Other Sensitive Uses as Feasible. Upon receiving noise complaints, County Planning staff shall, in accordance with Departmental policy, investigate the noise source associated with the complaint to determine if a violation of Ordinance-specified noise limits is occurring. Such investigation may include the direct measurement of sound levels using a sound-level meter or requiring the operator of the sound source to retain an acoustical professional to complete such measurements and analysis, as dictated in Standard N-4. Where sound levels exceed Noise Ordinance limits for stationary sound sources (Lassen County Code Section 9.65.040), the operator shall be required to install controls or alter operations in order to achieve compliance with the Noise Ordinance limits. Where sound levels investigated as the result of a complaint are in compliance, County Planning staff or the retained acoustical consultant may provide recommendations for reducing sound-level annoyance in exterior or interior areas of the property for which the complaint has been submitted. The recommendations may be followed on a voluntary basis, but cannot be used to compel the noise generator into reducing sound levels to less than those required in the Noise Ordinance.

**Action 1.3b:** Support Attenuation of Highway Noise The County should support efforts to reduce traffic noise levels on Highway 395, Highway 299, Highway 139, Highway 70, Highway 44, and Highway 36, 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. The County should also encourage enforcement of California Vehicle Code sections relating to adequate mufflers and modified exhaust systems.

**Goal 2: A pattern of land uses that protects residents and other sensitive receptors from excessive noise.**

**Policy 2.1: Land Use Planning. Create General Plan land use and zoning patterns that prevent or buffer community residents and other sensitive receptors from incompatible land uses.**

**Action 2.1a:** Consider Noise Compatibility in Land Use Planning. The County shall consider the compatibility of proposed land uses and the noise environment when preparing or revising General Plan, Community Plan, and zoning documents, and when reviewing development proposals. Noise levels for proposed land uses shall be consistent with the noise levels presented in Noise Standard N-1. These standards regarding noise exposure for noise-sensitive receivers (e.g., residences) do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

**Action 2.1b:** Prohibit or Attenuate New Sensitive Uses in Noise-Impacted Areas. Prohibit new development of residential or other sensitive land uses in noise-impacted areas (as generally depicted by the limit of the 65 dBA CNEL contours illustrated in the Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) unless the project design includes effective noise-attenuation measures that reduce exterior noise to 65 dBA Ldn/CNEL or less in exterior activity areas, and 45 dBA Ldn/CNEL or less in interior spaces with windows and doors closed by using the best available noise-reduction technology, which may include the following techniques:

- Increase the distance between noise generators and noise-sensitive uses through the use of increased building setbacks and/or the dedication of noise easements.
- Place noise-tolerant land elements of the site plan, such as parking lots, maintenance facilities, and utility areas, between vicinity noise generators and on-site receivers.
- Use noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas.
- Orient buildings so that the noise-sensitive portions of a project, including outdoor areas, are shielded from noise sources.
- Use berms and heavy landscaping to reduce noise levels.
- Use sound-attenuating architectural design and building features, such as the following:
  - Courtyards
  - Oriented openings and windows away from roadways
  - Double- and triple-paned windows
  - Additional layers of plywood and drywall in the exterior building shell construction

With regard to building construction to achieve adequate noise attenuation, the County shall enforce the State Noise Insulation Standards (California Code of Regulations, Title 24).



**Action 2.1c:** Enforce Right to Farm Ordinance. Continue to enforce the Right to Farm Ordinance as codified in the Lassen County Municipal Code Chapter 6.02. For new residential development proposed adjacent to agricultural uses, support educational opportunities to inform potential property owners and residents on the implications of the Right to Farm Ordinance.

**Policy 2.2: Airport Noise and Highway Noise. Minimize vehicular and aircraft noise exposure for residents and occupants of noise-sensitive uses by planning land uses compatible with transportation corridors and airports, and applying noise attenuation designs and construction standards.**

**Action 2.2a:** Consult Airport Noise Contours. Noise contour lines illustrate the boundary or extent of an area subject to a given CNEL noise exposure and are generally provided in 5 dBA increments. For example, a receiver located between a 60 dBA CNEL and 65 dBA CNEL contour could be exposed to noise levels in the 60–65 dBA CNEL range. The 20-year projected airport noise contours in the Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) (or any Airport Land Use Compatibility Plan adopted more recently than this Noise Element) shall be used to indicate where special sound insulation measures may apply, consistent with Standard N-1. To avoid noise-related land use incompatibility, proposed noise-sensitive land uses should not be located within the 65 dBA CNEL contour associated with any of the airports in Lassen County.

**Action 2.2b:** Consult Highway Noise Contours. The 20-year projected highway noise contours in the Master Noise Exhibit (LassenCountyCommunityNoiseLevels.kmz, link) shall be used to identify the location of the 65 dBA CNEL contour relative to a given highway segment. To avoid noise-related land use incompatibility, proposed noise-sensitive land uses should not be located within the 65 dBA CNEL contour associated with any highway within Lassen County. For new noise-sensitive uses proposed within the 65 dBA contour (where noise levels up to 70 dBA CNEL could exist), site design may need to include placement of exterior use areas behind proposed structures or the construction of a sound wall along the perimeter of the exterior use area.

## STANDARDS

Standards are the effective noise regulations that enforce this Noise Element consistent with the Lassen County Noise Ordinance (Lassen County Code, Chapter 9.65).

### Standard N-1. CNEL Standards by Land Use Category

New noise-generating land uses may not exceed the following standards (as presented in **Table 7**) at the property line for the parcel containing said noise-generating use. For noise-sensitive uses in a project's vicinity, exterior noise standards shall be measured at the property line of the receiving noise-sensitive use (or at the yard boundary for residences on agriculture land), and interior noise standards shall be measured with all doors and windows closed.

**Table 7 Community Noise Equivalent Level Standards for Receiving Land Uses**

Land Use Category	Interior Noise Standard (dBA)	Exterior Noise Standard (dBA)*
Residential	45	65
Recreational/Open Space	N/A	65
	45	65
Commercial/Retail	50	75 <sup>b</sup>
Industrial	N/A	90 <sup>b</sup>
Agriculture	N/A	90
Resource Extraction	N/A	90 <sup>b</sup>
Public Right-of-Way	N/A	90

<sup>a</sup> These noise generation limits are translated into hourly average ( $L_{eq}$ ) limits in Lassen County Code, Section 9.65.040. Proposed new stationary noise sources must comply with both Standard N-1 and Section 9.65.040

<sup>b</sup> Noise levels generated from these sources are also subject to the land use noise standard of the receiving properties, where such a standard imposes a lower noise limit. For instance, while commercial noise levels of up to 75 dBA CNEL are allowed within a commercially zoned property, this commercial noise source must not exceed 65 dBA CNEL at any residential property boundary in the vicinity. The limit is applied at the receiving land use property line or (for residences in agriculture zones) at the boundary of the yard area.

## Standard N-2. Environmental/Development Review Process

When noise-sensitive or noise-generating land uses, as defined in the Noise Ordinance (Lassen County Code, Chapter 9.65), are proposed and require a discretionary permit, the environmental review process required by CEQA shall be used to generate the required analysis and determine the appropriate mitigation per General Plan and state standards. For the purpose of completing CEQA review, future noise levels shall be predicted for a period of at least 10 years from the beginning of the environmental document review process. Adherence to mitigation required to address significant noise impacts (as identified in the CEQA review document) shall be ensured via incorporation of mitigation measures in a required Mitigation Monitoring and Reporting Program (MMRP), to be adopted concurrent with approval of discretionary permits for the project. Adherence to mitigation shall also be ensured through conditions of approval.

## Standard N-3. Noise Study Requirements

When a discretionary project has the potential to generate noise levels in excess of N-1 standards, a noise study and acceptable plans to ensure compliance with the standards shall be required. The noise study shall measure or model the following, as appropriate: CNEL,  $L_{eq}$ , and  $L_{max}$  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. Noise studies shall do the following:

- Be the responsibility of the applicant, but accepted by the Department of Planning and Building Services.
- Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
- Estimate existing and projected (10 years) noise levels in terms of CNEL standards in Table 7 or the standards found in Lassen County Noise Ordinance Section 96.040, and compare predicted noise levels against such standards.
- Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element and Noise Ordinance.

- Predict noise exposure at the property line after the prescribed mitigation measures have been implemented (quantify the noise reduction achieved by the mitigations). If the project does not comply with the adopted standards of the Noise Element and Noise Ordinance, the analysis must provide acoustical information for a statement of overriding considerations for the project.

### Standard N-4. Noise Complaint Investigation

When a noise complaint is submitted, authorized County personnel shall investigate the noise source associated with the complaint to determine if a violation of Noise Ordinance limits is occurring. If the noise level from the offending source is clearly audible over the background noise levels at the property line of the complainant, an investigation would assume to be warranted. Such investigation may include the direct measurement of sound levels by County staff using a sound-level meter or requiring the operator of the sound source to retain an acoustical professional to complete such measurements and analysis. The investigation shall include the following:

- Completion of sound level measurements using a sound-level meter meeting American National Standards Institute (ANSI) Type 1 or Type 2 specifications.
- A measurement location at the property line of the receiving property located closest to the noise source associated with the complaint.
- For residences located on agriculture parcels (agriculture zoning or land use designation), the measurement shall be located at the boundary of the yard area (presumed to extend not more than 50 feet from the residence) or the parcel boundary, whichever is closest to the noise source.
- Measurements for an appropriate duration to assess compliance with the applicable standard (for Leq based standard, the measurement shall be no less than 1 hour while the noise source is operating; for the CNEL standard, the sound measurement shall be not less than 24 hours in duration). Periodic measurements for temporary events or non-standard operating circumstances may be warranted to ensure compliance.
- Reporting that includes Leq and Lmax values, as well as calculated CNEL levels (where appropriate) associated with the noise measurements, and comparison of these noise levels with the Noise Element Policy and Noise Ordinance Standards.
- Recommendations for the operator of the noise source to achieve compliance (if a violation is occurring), or guidance for the receiving property to reduce noise exposure (if the noise is within allowable limits). The County can provide good neighbor policies to the noise-generating properties, but if the noise is within allowable limits, these suggestions shall not be enforceable.



# REFERENCES

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## REFERENCES

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## Chapter 9.65 NOISE ABATEMENT AND CONTROL

### 9.65.010 Purpose

Disturbing, excessive or offensive noise interferes with a person's right to enjoy life and property and is detrimental to the public health and safety. Every person is entitled to an environment free of annoying and harmful noise. The purpose of this chapter is to regulate noise in the unincorporated area of the County to promote the public health, comfort and convenience of the County's inhabitants and its visitors.

### 9.65.020 Definitions

The following definitions shall apply to this chapter:

- (1) "Ambient noise level" means the composite of existing noise from all sources at a given location and time. Ambient noise is sometimes referred to as background noise.
- (2) "Average sound level" means the level in decibels of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. The "average sound level" is equivalent to the industry standard  $L_{EQ}$  (also referred to as the equivalent sound level).
- (3) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.
- (4) "Community Noise Equivalent Level" (CNEL) means the average A-weighted sound level during a 24-hour day, obtained after addition of 5 decibels to the average hourly sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to the average hourly sound levels during the night between 10 p.m. and 7 a.m.
- (5) "Construction equipment" means tools, machinery or equipment including "special construction equipment" defined in the Vehicle Code, used in a construction operation on any construction site.
- (6) "Constant noise" means noise that continues without pause or interruption, the opposite of intermittent noise.
- (7) "Day/Night Noise Level" ( $L_{dn}$ ) means the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to the hourly average noise levels measured during the night between 10 p.m. and 7 a.m.
- (8) "Decibel" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.
- (9) "Disturbing, excessive or offensive noise" means sounds that could annoy a person with normal sensitivity to noise due to the time of occurrence (i.e., nighttime), the level of the sound compared to ambient noise levels (i.e., 10 dBA greater than ambient), the characteristics of the sound (i.e., barking dog, screaming child, air horn, etc.), that could endanger the health or safety of any person (i.e., sustained noise levels exceeding 90 dB), or a combination of such characteristics.
- (10) "Emergency work" means work: (1) necessary to restore property to a safe condition following a public calamity, (2) required to protect a person or property from injury or damage or (3) by a public or private utility to restore utility service and (4) meets the definition of "emergency work" pursuant to the California Building Standards Code (Title 24 of the California Code of Regulations)
- (11) "Frequency" (Hz) means the number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz.
- (12) "Intermittent noise" means a noise that is not steady, but starts and stops in a random pattern, the opposite of constant noise.
- (13) "Maximum sound level" means the highest sound level reached when measuring noise with a sound level meter using the A-weighted network and slow time weighting. The "maximum sound level" is equivalent to the industry standard known as  $L_{MAX}$ .



## Lassen County Noise Ordinance DRAFT

- (14) "Motor vehicle" means any self-propelled vehicle as defined in the Vehicle Code and includes a mini-bike and a go-cart.
- (15) "Noise" means any unwanted sound.
- (16) "Noise Contour" means a line on a map that represents equal levels of noise exposure, and also the boundary or limit for sound exposure of that level. Noise contours are generally provided in 5 dBA CNEL increments, which means the area between a 60 dBA CNEL contour and a 65 dBA CNEL contour has noise exposure ranging between 60 and 65 dBA CNEL.
- (17) "Noise control officer" means the Director of Lassen County Department of Planning and Building Services or a person appointed or retained by the Director to perform this function.
- (18) "Noise Generating Land Uses" means any property where noise may be generated and at such a level that noise beyond its property boundary could exceed established CNEL levels.
- (19) "Noise Impacted Area" means areas with existing or projected exterior noise levels exceeding either 65 dB Ldn/CNEL.
- (20) "Noise Sensitive Land Uses" means any property where frequent exterior human use occurs and where a lowered noise level would be beneficial. In Lassen County these are land uses which are designated for residential, recreation, religious worship, schools, libraries, or short-term lodging.
- (21) "Occupied property" means property on which there is a building which has been legally established for the use, and is occupied in accordance with Title 24 of the California Code of Regulations.
- (22) "Off-road recreational vehicle" means a motor vehicle that is being operated other than on a public or private roadway, whether or not the vehicle was designed or intended for off-road use and may include but is not limited to a motorcycle, go-cart, camper, dune buggy, ATV, racecar, automobile, SUV, pick-up truck or truck. A piece of farm equipment or a motor vehicle being used for an agricultural, military, fire, emergency or law enforcement use or by a public or private utility for work on utilities is not an "off-road recreational vehicle."
- (23) "Person with normal sensitivity to noise" means an individual representing the average population with respect to their reaction to various noise sources and levels, who does not possess any medical condition that would increase their sensitivity to noise.
- (24) "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties.
- (25) "Recurrent noise" means a noise that occurs repeatedly over time, as opposed to a single occurrence noise event.
- (26) "Sound amplifying equipment" means any machine or device used to amplify music, the human voice or any sound and does not include a standard automobile radio when used and heard only by the occupants of the vehicle in which it is installed.
- (27) "Sound level" means the weighted sound pressure level obtained using a sound level meter and frequency weighting network as provided in the American National Standards Institute (ANSI) specifications for sound level meters. As used in this chapter, "sound level" means the same as "noise level."
- (28) "Sound level meter" means an instrument for the measurement of sound levels, which meets or exceeds the requirements pertinent for a type 1 or type 2 meter in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision.
- (29) "Yard" or "Residential Yard" means a 50 foot radius around a residential structure when the lot size exceeds the boundary of such radius.

### 9.65.030 Sound Level Measurement

- (a) A sound level measurement made pursuant to this chapter shall be measured with a sound level meter using A-weighting and a "slow" response time, as these terms are used in ANSI S1.1-2013 or its latest revision.

## Lassen County Noise Ordinance DRAFT

- (b) Each measurement shall be conducted at the boundary line of the property on which the noise source is located or any place on the affected property receiving such noise, but no closer than five feet from the noise source; if a noise source is located closer than 5 feet from the boundary line of the property, the measurement shall be made at the boundary line.
- (c) The sound level meter shall be calibrated and adjusted by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision. The sound level meter shall be used as provided in the manufacturer's instructions.
- (d) Metrics recorded for the measurement shall include, at a minimum, Leq, Lmax, duration, time, date.

### 9.65.040 General Sound Level Limits

- (a) Except as provided in sections 050, 060 and 070 of this chapter, it shall be deemed a Public Nuisance (Lassen County Code Chapter 1.18) for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 1, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise. Any person violating any provision of the Lassen County Code, including the generation of noise in excess of the following sound level limits, may be issued an administrative citation by an enforcement officer as provided in this chapter, pursuant to Lassen County Code Chapter 1.20.

**TABLE 1**  
**SOUND LEVEL LIMITS IN DECIBELS (dBA)**

ZONE	TIME	ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)
(1) R-1, R-2, R-3, PUD, R-S, M-R, F-R, I-1, O-C-B, O-D, E-A, O-S, A-1, A-2, A-3, U-C, U-C-2, A-F. <sup>1,2</sup>	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
Also any future established residential or agricultural zones.	10 p.m. to 7 a.m.	55
(2) B-P, C-H, C-L, C-G, C-R, C-T, C-1, C-2, P-C, Y-C. <sup>2</sup>	7 a.m. to 7 p.m.	75
	7 p.m. to 10 p.m.	70
Also any future established commercial zones.	10 p.m. to 7 a.m.	65
(3) M-L, M-1, M-2, M, H-R, T-P-Z.	7 a.m. to 7 p.m.	90
Also any future established industrial zones	7 p.m. to 7 a.m.	80

<sup>1</sup> Within agriculture zones, noise exposure limit is applicable only to residences, at the residential yard boundary.

<sup>2</sup> These limits also govern the noise exposure level for a legal residence in any zone, applied at the residential yard boundary.

- (b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.

## Lassen County Noise Ordinance DRAFT

- (c) If the measured ambient noise level exceeds the applicable limit in Table 1, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.
- (d) The sound level limit at a location on a boundary between two zones is the lower of the respective limits for the two zones.
- (e) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section measured at or beyond six feet from the boundary of the easement upon which the facility is located, subject to the jurisdictional authority of the County.

### 9.65.050 General Noise Prohibitions

In addition to the general limitations on sound levels in section 040, the following additional prohibitions shall apply:

- (a) It shall be deemed a Public Nuisance (Lassen County Code Chapter 1.18) for a person to make, continue or cause to be made or continued a disturbing, excessive or offensive noise.
- (b) The following acts, among others as determined by the noise officer or sheriff, are declared to be disturbing, excessive and offensive noises that violate this chapter and are a Public Nuisance (Lassen County Code Chapter 1.18)
  - (1) Unnecessarily using or operating or allowing another person to use or operate a vehicle horn, signaling device or other similar device, other than as regulated by the Vehicle Code.
  - (2) Using, operating, playing or allowing another person to use, operate or play a radio, musical instrument, stereo equipment, television set or other device for the production or reproduction of sound:
    - (A) That disturbs the peace, quiet and comfort of persons of normal sensitivity residing in the area.
    - (B) That exceeds the levels in section 040 when measured at a distance of 25 feet from a device operating in a public right-of-way. OR
    - (C) That exceeds the levels in section 040 when measured at a distance of 25 feet from a device for the production or reproduction of sound operated in a County park unless a permit has been obtained from the County Public Works Department specifying the time, location and other conditions under which amplified sound may be allowed within a County park. A person using, operating or playing a device for the production or reproduction of sound in a County park, however, shall not exceed a level of 90 decibels when measured 50 feet from the source or exceed the levels in section 040 when measured at the park boundary. Subsection 050(b)(2)(C) shall be enforced by the Public Works Department.
  - (3) In a residential zoning district, it shall be deemed a violation of section 050(b)(2)(A) if a device for the production or reproduction of sound that is being operated, used or played that is causing or allowing unreasonably loud or disturbing verbal noise that is offensive or annoying to a person with normal sensitivity to noise at a distance of 50 feet or more from the building or structure in which it is located, or if outdoors on private property is audible within 50 feet of the boundary of the property on which it is located.
  - (4) Playing, using, operating or allowing to be played, used or operated any sound production or reproduction device or machine including but not limited to music stereo equipment, musical instruments, loudspeakers and sound amplifiers, for commercial or business advertising purposes in, on, over or across any street, alley, sidewalk, park or public property in a manner as to violate the provisions of this ordinance is prohibited.
  - (5) Owning, possessing or harboring an animal which by any frequent or long continued noise causes annoyance or discomfort to a person of normal sensitivity to noise in the vicinity. The written affirmation by three persons as described by Section 8.08.030(b) of the Lassen County Code shall be deemed prima facie evidence of a violation of this section. This subsection does not apply to animal noise emanating from a legally operated animal hospital, humane society, County Department of Animal Services facility, farm or other agricultural facility where keeping animals is allowed.



#### **9.65.060 Noise from Off-Road Recreational Vehicles**

Notwithstanding the general limitations on sound levels in section 040, and unless otherwise allowed by an approved Use Permit, no person shall operate or allow the operation of an off-road recreational vehicle on private property that produces a noise when measured at the boundary line of any residentially zoned property, or at the residential yard of any occupied property where the noise is received, that at any time exceeds the following maximum sound levels: 82 decibels between the hours of 7 a.m. and 7 p.m., 77 decibels between the hours of 7 p.m. and 10 p.m. and 55 decibels between the hours of 10 p.m. and 7 a.m.

#### **9.65.070 Exemptions**

- (a) This chapter shall not apply to:
- (1) Emergency work, as defined in this chapter, provided that (A) the person performing the work notifies noise control officer in advance, or as soon as practicable after the emergency and (B) any vehicle, device, apparatus or equipment used, related to or connected with the emergency work is designed, modified or equipped to reduce noise produced to the lowest possible level consistent with effective operation of the vehicle, device, apparatus or equipment.
  - (2) Noise reasonably related to authorized school: (A) bands, (B) athletic activities and (C) routine ceremonies.
  - (3) Sporting, entertainment and public events which are conducted pursuant to a license or permit issued by the County, within the scope of the license or permit. This section is not intended to excuse the act of an individual not participating in the event who violates this chapter.
  - (4) The operation of an emergency generator after a power failure until electrical service by the utility has been restored,
  - (5) The reasonable testing of an emergency generator by any person provided that the testing is conducted between the hours of 7 a.m. and 7 p.m.
  - (6) Any activity preempted by State or federal law.
  - (7) Any noise-producing work done for agricultural purposes.
  - (8) Construction work conducted with a valid building permit between the hours of 7:00 a.m. to 7:00 p.m.
  - (9) Use Permits approved prior to the date of adoption for Chapter 9.65, which authorize the noise-generating use or activity and the decision-making body approving the Use Permit provided specific requirements and standards regarding noise level limits.

#### **9.65.080 Responsibility for Enforcement**

The Sheriff shall have primary responsibility for enforcing sections 050 and 060. When this chapter requires measurements to enforce these sections, the noise control officer shall assist the Sheriff. The noise control officer shall have primary responsibility for enforcing all other sections of this chapter.

#### **9.65.090 Additional Remedies.**

The noise control officer is specified for this chapter to be the Planning and Building Services Director or designee; these individuals are also granted authority as an enforcement officer under Lassen County Code, Chapter 1.20 (Administrative Citations). The noise control officer or their designee may order a person to cease violating any section of this chapter that the noise control officer enforces. Any person violating any provision of Chapter 9.65 of the Lassen County Code may be issued an administrative citation by an enforcement officer (Lassen County Code, Chapter 1.20). Any act that violates this chapter is also deemed a Public Nuisance (Lassen County Code [LCC] Chapter 1.18), and the noise control officer may alternatively issue a "Notice of Administrative Order to Show Cause" (LCC 1.18.060) or to summarily abate such a public nuisance (LCC 1.18.200). The resolution of the identified public nuisance relating to a violation of this chapter shall be in accordance with LCC Chapter 1.18.

APR 06 2020

Lassen County Department of Planning and Building  
Maurice Anderson  
707 Nevada Street Suite 5  
Susanville, CA 96120

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

Scen MLA  
orig GFN

I am concerned about possible changes to Lassen County Noise Element in the November 2019 Draft Document.

Background:

For years our ranch had unpleasant experiences of noise bombardment by the Honey Lake Motocross Park and its events.

The shared property boundary was about a quarter of a mile from our home but the noise was not. For 7 years we often experienced noises so loud that a television could not be heard in our living room. While re-fencing a right-away fence a few yards off HW 395 traffic sounds were completely drowned out by racing motorcycles 1/3 mile away at Honey Lake Motocross Park. When bikes weren't racing the PA system blared loudly with announcements between racing heats. Events were days long from early morning to sundown and often involved a hundred plus motorcycles.

The noise wasn't only a factor during races but also when people were working on the motocross course itself. Loud music would penetrate our home from early morning until after sunset. While recovering from cancer surgery I once call Larry Wosick and ask him to please turn off his PA system so I could rest.

Noise Problems:

Noise pollution has become a problem in our society. Most males, and a growing number of females, suffer from permanent hearing loss resulting from loud noises. Once hearing is damaged it is not repairable. Hearing aides for hearing are not as corrective as glasses for sight. One should be able to protect their bodies, homes and "yards" from excess and/or unending noise pollution.

A certain amount of noise comes with living in the modern world. Our homes are filled with humming and buzzing of appliances. One may use noisy machines to maintain ones properties. But we can choose to not use noisy equipment or pull the plug.

Noise from sources beyond ones control should be taken into consideration when the Lassen County thinks about revising its noise element. Noise cannot be contained like water. Noise flows with the air and therefore is not predictable when and where it might impact ones body.

#### Concern with 2019 Document:

These are some concerns I have with the Lassen County Noise Element draft document of November 2019.

This draft does not include Table III contained in the current Lassen County

Noise Element 1989 document (page 20). Table III is connected to the Use Permit and Court Order so it needs to included the 2019 document.

Page 19 has ambiguous wording; measurement at the property line "receiving noise sensitive use". This doesn't state whether a nearest property line or a property line where the most noise impact is to be measured. This needs to be clarified.

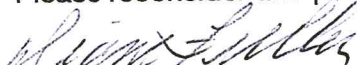
Page 19 the terms "yard boundary" is not clearly defined. What is a "yard"?

Page 20, Standard N-4 Noise Complaint Investigation: "A measurement location at the property line of the receiving property located closes to the noise source associated with the complaints." Please clarify what this means.

"For residences located on agriculture parcels (agriculture zoning or land use designation), the measurement shall be located at the boundary of the yardage (presumed to extend not more that 50 feet from the residence) or the parcel boundary, whichever is closest to the noise source."

The judge, of the Superior Court of California in and for Lassen County Case No. 36349 filed on May 12, 2008, tied Table III to the use permit and the Court Order. Thus Table III needs to be retained in the 2019 Lassen County Noise Element revision to the General Plan. Damaging effects of excessive noise levels on human health has not changed. The recognized Impacts have not changed since EPA Public Health and Welfare Criteria for Noise on July, 27, 1973.

Please reconsider and please do not raise the acceptable noise levels in Lassen County.



Diane Fuller  
446-600 Flux Rd  
Milford, CA 96121



Mary A. Morgan  
P.O. Box 98  
Milford, CA 96121

May 18, 2020

Lassen County Department of  
Planning and Building Services  
ATTN: Planning Commissioners  
707 Nevada Street, Suite 5  
Susanville, CA 96130

SUBJECT: Lassen County Noise Element November 2019 Draft

Maurice L. Anderson, Planning Commission Secretary:

I would like to share with you some background of my personal experiences with noise and noise nuisances associated with Use Permit Number 2001-27 for a Commercial Moto-Cross track located in Milford, Lassen County, which was adopted without any conditions of approval dealing with noise and the Noise Element of the General Plan.

Anyone who has been subjected to noise from dirt bikes would be compelled to ask themselves "How did this Happen?" The noise was so loud that we could not enjoy our back yard and property; the noise entered our home while the big hill was being used and the dirt bikes were racing off the designated track and closer to our property. The PA system blasted loud noise whenever they the owners chose to do so, any day any time. I could go on and on with examples. Not very many Lassen County citizens would accept the fact that the county would bypass their own adopted Noise Element in favor of an applicant's Use Permit without some form of scrutiny and to consider the California Environmental Quality Act (CEQA) laws and policies. I stated this in my appeal letter to the Board on July 9, 2002. "I saw another Use Permit that involved noise where Table III was cited, it was a mining related one." I certainly would not want someone else in Lassen County to experience what we did with a noise related Use Permit. Well things can get overlooked and they did.

The county proceeded to amend the original Use Permit #2001-27, however they did not have a provision to do so. It took a lot of work to convince the County to have the applicant apply for a new Use Permit. The new Use Permit 2002-17 was adopted and we appealed the Planning Commission's decision on May 1, 2002, to adopt a Mitigated Negative Declaration and approve Use Permit #2002-17. The two main reasons for the appeal was the lack of adequate environmental analysis for the proposed project and the project's potential conflict with the Lassen County General Plan and Zoning Ordinance. The project was in violation of the original permit as we provided substantial evidence from our noise consultant's monitoring that the project exceeded the noise levels (Table III) of the Noise Element, and there were several other conditions of operations that was in violation. The sound studies that we provided that were measured during the races exceeded the limit for all of the descriptors given in Table

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MAY 19 2020

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

Original: General Plan  
amendment file  
CC: MCA, GFV

III of the Noise Element. The impact was significant and completely out of conformance with the requirement of the General Plan. The applicant provided inadequate sound studies from an individual that was lacking the proper certifications and not using the correct metering system. Then he hired a noise consultant that wrote the current Noise Element.

To sum it up the Board of Supervisors has the ability to be a powerful political force.

Our only option was the legal route due to the noise nuisance and that was to take the applicant and the county to court because they did not follow CEQA laws in preparing an Environmental Impact Report (EIR). This court battle went on for several years from June 5, 2003, as we were in and out of the court room numerous times until the last court date of May 12, 2008 when the judge determined that the owners of the Park were charged with hundreds of violations of an injunction. The injunction was modified to here in after adopt "paragraph 13 of Use Permit #2002-017, as its noise standard."

The following is in reference to the existing Noise Element 1989, and the Noise Element draft document 2019. The Lassen County Noise Element November 2019 Draft document, that I have listed below are some of the areas of concern.

Reference is made to page 1. of the November 2019 Draft document; **Understanding Noise:** "Since sound is measured on a logarithmic scale, a doubling of sound energy results in a 3 dBA increase in the noise level." "A 5 dBA increase is readily noticeable." "This statement refers to the EPA Public Health and Welfare Criteria for Noise. July 27, 1973."

The current Lassen County Noise Element dated December 12, 1989 states on page 20. Paragraph 3.

"Areas within Lassen County shall be defined as noise-impacted if exposed to existing or projected exterior noise levels exceeding either 60dB Ldn/CNEL or the performance standards of Table III."

Reference page 19 of the November 2019 Draft document; Table 7 shows receiving land uses for residential, Recreational/Open Space, and Industrial set at 65dBA. Table III has been omitted from the Draft document. This equates to a 5dBA increase which is more than doubling the sound energy not to mention the performance standards of Table III being omitted.

Reference page 19 of the November 2019 Draft document; Table 7 depicts the land use category of Agriculture with a maximum exterior noise standard 90dBA for residences in agriculture zones at the boundary of the yard area. This statement would apply to my residence and many others located throughout the County in zoned A-1 land uses. It would not allow for noise protection from new projects.

I disagree with the above statement due to the fact that Lassen County's Right-to-farm ordinance applies to farming. The State Legislature passed California's Right-to-Farm law in 1981, which allowed counties to establish their own ordinances reference (Civil Code 3482.5). It is designed to provide relief from nuisance complaints for agricultural operations. Not the Noise Element of the General Plan and not existing use permits or future use permits on agricultural land.



Reference page 19, top of page states "exterior noise standards shall be measured at the property line of the receiving noise-sensitive use (or at the yard boundary for residences on agriculture land)."

This is not very clear because tests at the property line of the receiving noise-sensitive use or yard boundary may not represent the loudest sound from the noise source to which the residence is subjected to. Also a property owner should be able to enjoy their property not just a yard boundary determined by the County.

Perhaps it should be measured at the property line along a line connecting the source to the receiver if that is possible. I really think it depends on the situation. It definitely needs clarification.

Reference page 20, **Standard N-4. Noise Complaint Investigation:** "A measurement location at the property line of the receiving property located closest to the noise source associated with the complaint." **This needs to be revised.**

"For residences located on agriculture parcels (agriculture zoning or land use designation), the measurement shall be located at the boundary of the yard are (presumed to extend not more than 50 feet from the residence) or the parcel boundary, whichever is closest to the noise source." **This needs to be revised.**

Reference page 12, of the November 2019 Draft document; Table 6 lists the Honey Lake Motocross Track as a Stationary Source with a Distance to 65 CNEL (feet). The CNEL term as stated in the Draft document is on page 3 and it states: "The average A-weighted sound level during a 24-hour day, obtained after addition of 5 decibels to the average hourly sound levels in the evening from 7 pm. To 10 pm. And after addition of 10 decibels to the average hourly sound levels during the night between 10pm. And 7am." This is for community noise, not the noise standard to use when preparing a noise study on a use-permit process. Again, this is another weakening of the Noise Element.

It is not a stationary source and it is not zoned commercial or industrial. The Use Permit #2002-17 was granted based on a negative declaration not an Environmental Impact Report (EIR) with operational conditions specifically condition 13. States: "The facility shall operate in compliance with the Lassen County Noise Element, specifically, noise generated by the facility shall comply with Implementation Standard #1 (Table III)."

Superior Court of the State of California in and for the County of Lassen Case No. 36349 Filing date May 12, 2008; through a contempt proceeding to enforce the terms of an injunction which was obtained on June 5, 2003. The Judge determined the Honey Lake Motocross Park is on land adjacent to Highway 395 and has been designated as agricultural in the Lassen County zoning laws. The owners of the Park were charged with hundreds of violations of an injunction . The injunction was modified to here in after adopt "paragraph 13 of Use Permit #2002-017, as its noise standard."

Table III is tied to the Use Permit and the Court Order; therefore it needs to remain in the Lassen County Noise Element to the General Plan. The current Noise Element to the General Plan meets the requirements of the California Environmental Quality Act (CEQA), by approving this proposed Noise

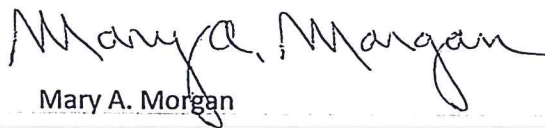


Element Draft, the County is allowing higher decibel levels for noise generated now and for projects that may be approved in the future. This clearly has the potential to negatively affect the Environment County wide. The detrimental impacts on human health from excessive noise levels have not changed and this is contradictory to the Draft reference of the EPA Public Health and Welfare Criteria for Noise. July 27, 1973.

Pursuant to CEQA Guidelines 15065, , a lead agency "must make a finding of a significant impact if the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

Weakening the noise standards thus allowing more projects capable of producing louder noises than the current standards in the General Plan, meets CEQA's fair argument test. The purpose of an Environmental Impact Report (EIR) is a document prepared to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. It is to protect the environment and to inform self-government. The County must prepare an EIR before going any further. Property rights and civil liberties should be a factor in the government's decision making.

Respectfully,



Mary A. Morgan

## Stefano Richichi

---

**From:** Phil Finkel <pfinkel1@yahoo.com>  
**Sent:** Wednesday, November 20, 2019 9:46 AM  
**To:** Stefano Richichi  
**Subject:** Re: Noise Element  
**Attachments:** Noise Element Meeting Handout.pdf; Noise Element Flyer.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This message comes from an external sender. EXTERNAL SENDER WARNING!

Hope you had a productive meeting last night. Please include my concerns of excessive target shooting noise within your noise ordinance process.

Thanks,  
Phil

On Tuesday, November 19, 2019, 02:08:41 PM PST, Stefano Richichi <srichichi@co.lassen.ca.us> wrote:

Hi Phil,

Lassen County does not currently have an ordinance that directly regulates noise, as you describe in your email below (shooting guns, motorbikes, dogs barking, etc.). However, staff is planning to prepare a noise ordinance after the noise element process is complete (or at least, more complete) for the Board of Supervisors' consideration. You're welcome to attend tonight's meeting regarding the noise element. I've attached some handouts for you with this email for more information.

Best regards,

Stefano M. Richichi

Associate Planner

Lassen County Planning & Building Services

707 Nevada St, Suite 5

Susanville CA 96130

(530) 251-8269

(530) 251-8373 (FAX)



**From:** Phil Finkel <pfinkel1@yahoo.com>  
**Sent:** Tuesday, November 19, 2019 9:49 AM  
**To:** Stefano Richichi <SRichichi@co.lassen.ca.us>  
**Subject:** Noise Element

This message comes from an external sender. EXTERNAL SENDER WARNING!

Hi Stefano,

Living in Lassen County for thirty years, I've had issues with neighbors' dogs barking and modified motor bikes running like chainsaws on wheels. I suspect that there already are policies on the books for those nuisances, but enforcement is the key.

About ten years ago I talked to Morrie at the county office, and he made me a copy of the Lassen County Noise Element. It stated that it needed to be updated, and when I spoke to then-District 1 county supervisor Bob Pyle about noise regulations, he stated that he was concerned about ranching activities being curtailed if there were noise restrictions. Seeing how important agriculture is to Lassen County, those activities could be exempt from noise statutes. A call to the Lassen County Sheriff's office got me no where. When I expressed my concern of listening to hours of excessive exhaust noise from neighbors' modified dirt bikes circling a track on their property, the deputy replied that he would be violating their civil rights if he asked them to stop riding. I guess my right to a peaceful existence at home didn't matter to him.

Which leads me now to target shooting with high-caliber handguns and long guns. My neighbor periodically invites friends over for tactical shooting practice. Recently I had to endure 3 1/2 hours of constant shooting of over 1,000 rounds of ammunition 200 yards from my home. Imagine being at home and comparing it to living in a war zone. No one in a residential area should have to experience the awful shock to continuous gunfire for hours while in their home. The Lassen County Sheriff's office stated that they could do nothing for me. It is everyone's Second Amendment right to shoot on your property as long as you're 150 feet away from a residence.

This is NOT a Second Amendment issue, it's a NOISE issue! Sure, there's plenty of Lassen County residents who pop off a few rounds to target shoot once in a while, and there's the shooting areas on BLM land off Highway 139 north of town, and the shooting range up Rice Canyon Road for those who want an extended target shooting session.

Should there be a time and round limit for target shooting in a residential area? What defines a residential area; acres, distance to another dwelling? So what would be a reasonable limit to target shoot in a residential area: 100 rounds in a half an hour? Skeptics would bring up the Second Amendment, but again, noise is the issue, not the amount of arms and



ammunition that one possess. It's ironic that law enforcement could cite a passing motorcycle or vehicle for excessive exhaust noise of over 100 decibels that would annoy someone for thirty seconds, but can't cite gunfire noise of over 150 decibels that could go on for hours.

Sincerely,

Phil Finkel

700-590 Wingfield Rd.

Susanville, CA 96130