



## Legislation Text

File #: PC 17-018, Version: 1

..title

Public hearing to consider a proposed ordinance to add Chapter 28.1 (Noise Regulations) to regulate noise in the unincorporated area of Solano County; recommend that the Board of Supervisors find the project exempt from further environmental review under the General Rule Exemption; and recommend that the Board of Supervisors include the cost of three (3) noise meters and staff training for three (3) amounting to approximately \$9,000 in the Fiscal Year 2017/18 budget. (Project Planner: Michael Yankovich)

Published Notice Required? Yes X No \_\_\_\_  
Public Hearing Required? Yes X No \_\_\_\_

### RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider a proposed ordinance to add Chapter 28.1 (Noise Regulations) to regulate noise in the unincorporated area of Solano County;
2. Recommend that the Board of Supervisors find the project exempt from further environmental review under the General Rule Exemption; and
3. Recommend that the Board of Supervisors include the cost of three (3) noise meters and staff training for three (3) amounting to approximately \$9,000 in the Fiscal Year 2017/18 budget.

### BACKGROUND:

The Solano County General Plan was updated in 2008 and included in the Public Health and Safety Chapter is a section devoted to noise. The section identifies the County's strategy for dealing with unwanted noise as "reducing excessive noise exposure through cost-effective measures and appropriate zoning that avoids placing incompatible land uses in proximity of each other." The section includes Land Use Noise Compatibility Guidelines (Table HS-2) for various land use categories as well as Noise Standards for New Uses (Tables HS-3 and HS-4). As part of the Implementation Program for the Public Health and Safety Chapter measure, HS.I-60 states that a county noise ordinance should be developed, adopted, and implemented.

The Department of Resource Management ("Department"), in conjunction with Michael Baker International, began development of a noise ordinance by assessing the Public Health and Safety Chapter of the Solano County General Plan, including its requirements and any potential conflicts with the creation and adoption of the noise ordinance. Following this assessment, the project team conducted a noise survey of key locations throughout the unincorporated county to serve as a baseline of ambient noise and to guide the specific regulations of the ordinance. Finally, the team created a draft ordinance, which has undergone preliminary revisions by the Department.

## **DISCUSSION:**

### Draft Noise Ordinance

The primary goal of the Solano County Noise Ordinance (Attachment A) is to provide for the protection of residents from unwanted and excessive noise levels, while allowing for the continuation of agricultural, industrial, and commercial uses. The draft noise ordinance establishes a baseline for noise levels for the noise-sensitive land uses in the unincorporated county, and provides a method of regulating intrusive noise. The baseline has been determined through a countywide noise survey conducted in May and July of 2016. Additionally, the draft noise ordinance includes specific provisions for enforcement to ensure that the county personnel charged with enforcing these regulations are properly trained and equipped to use a sound meter and able to take consistent on-site measurements. Finally, the noise ordinance lists appropriate penalties for noise violations.

The ordinance has the following headings and purpose:

28.1-10, Definitions - Defines words and terms used in the ordinance;

28.1-20, General Noise Restrictions - Statement that sound and noise cannot exceed allowed decibel level and that agriculture operations are exempt;

28.1-30, Interior Noise Standards - Interior noise standard for residential dwelling units (45 dBA between 7 p.m. and 7 a.m. and 55 dBA between 7 a.m. and 7 p.m.);

28.1-40, Exterior Noise Standards - Exterior noise standard for residential and agriculture zones (55 dBA between 7 a.m. and 7 p.m. and 50 dBA between 7 p.m. and 7 a.m.);

28.1-50, Specific Noise Regulations - Additional standards for Construction or Demolition activities including Allowances for activities outside of prescribed operating times; Home repair and maintenance; amplified sound; special events; motorized off-highway vehicles operating off public right-of-way.

21.1-60, Exemptions - Noise sources exempt from ordinance

28.1-70, Measurement Procedures - Noise measurement procedures

28.1-80, Waiver Procedure - Waiver for preexisting uses; Permit revocation

28.1-90, Enforcement - Authority of Noise Control Officer; Enforcement by Noise Control Officer and Sheriff; Enforcement procedures; Infraction

On January 5, 2017, the Planning Commission held a study session to consider the draft noise ordinance. Commissioner Walker inquired as to how the hours of 10 a.m. to 3 p.m. were derived for the limitation of construction noise (Section 28.1-50(a)). It was pointed out that there is a difference between the time limitations for construction which is Monday through Friday from 7 a.m. to 6 p.m. and the time within which the peak noise can occur which is 10 a.m. to 3 p.m. The Commission commented that the time limitations for peak noise caused by construction were too restrictive and should be changed to 9 am to 4 pm.

## **PUBLIC OUTREACH**

### Kick-Off Meeting

On May 4, 2016, staff held a stakeholder meeting which included community members, business owners, and representatives of the sheriff's department. The purpose of the meeting was to inform attendees of the intention and direction of the forthcoming noise ordinance, and to allow a venue for voicing questions and concerns regarding the development of the ordinance. The stakeholders' concerns were centered on controlling private event noise, and ensuring that the rural nature of most residential uses result in quieter ambient noise levels.

### Agriculture Advisory Committee

The development of the noise ordinance was an item of discussion at the Agriculture Advisory

Committee meeting of August 10, 2016. The primary concern expressed by the committee was that the ordinance acknowledges Chapter 2.2 of the Solano County Code addressing agricultural lands and operations (Previously Distributed). The purpose and intent of Chapter 2.2 is to “reduce loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance” since agriculture operations may generate dust, smoke, noise and odor.

The draft ordinance includes language stating that agriculture operations conducted in accordance with proper and accepted customs and standards are not subject to the noise limits established in the ordinance. The committee suggested that this section appear early in the ordinance, so it appears in Section 28.1-20, General Noise Restrictions as subsection (3).

#### Sheriff

The Sheriff Department has been reviewing the ordinance particularly since the Sheriff will be involved in the enforcement of the ordinance. They along with the Code Compliance Officer will be responsible for responding to complaints. Upon adoption of the ordinance personnel from the Sheriff's Department and the Code Compliance Officer will undergo training in the proper procedure in obtaining noise readings.

#### Land Use and Transportation Committee

The Land Use and Transportation Committee, which is comprised of two Board of Supervisors, has met two times to discuss the nature of the noise ordinance. The committee members suggested a cautious approach with the ordinance addressing the most compelling sources of intrusive noise.

#### Attachments:

- A - Draft Noise Ordinance
- B - Short-Term Noise Survey Results
- C - Measurement Locations