

ORDINANCE NO. _____

ORDINANCE ADDING CHAPTER 13.15 NOISE PLANNING TO THE COUNTY CODE

The Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

Title 13 of the Santa Cruz County Code is hereby amended by adding Chapter 13.15 thereto, said new Chapter to read:

Chapter 13.15

NOISE PLANNING

Sections:

13.15.010 Purpose and Intent

13.15.020 Definitions

13.15.030 Sound Level Assessment or Measurement

13.15.040 Exemptions

13.15.050 General Noise Regulations and Unlawful Noise

13.15.060 Special Requirements for Air Conditioning/Mechanical Units in or near Residential Uses

13.15.070 Noise Generating Land Use

13.15.080 Exterior Noise Standards

13.15.090 Interior Noise Standards

13.15.100 Acknowledgement of Potential Vibration from Rail

13.15.110 Administration and enforcement

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13.15.010 Purpose and Intent

The purpose of this chapter is to recognize the relationship between noise and noise-sensitive land uses and the public health concerns associated with noise. The intent of the County is to reasonably regulate noise generation and noise exposures by applying standards through land use planning and permitting, incorporating mitigation into project design to prevent unhealthful conditions, and enforcement to address violation of permit conditions.

13.15.020 Definitions

The words and phrases defined in this chapter shall have the meanings respectively ascribed to them by this section.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding an alleged offensive noise, at the location and approximate time at which the comparison with the offensive noise is to be made. The ambient noise level constitutes the normal or existing level of environmental noise at a given location

"Construction" means any site preparation including grading, building, fabricating, assembly, substantial repair or similar action.

"Decibel (dB)" means a unit for measuring amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency generator" means a stationary combustion device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the owner or operator of a facility. An emergency generator operates only during emergency situations, for training of personnel under simulated emergency conditions, as part of emergency demand response procedures, or for standard performance testing procedures as required by law or by the generator's manufacturer. A generator that serves as a back-up power source under conditions of load shedding, peak shaving, or power interruptions pursuant to an interruptible power service agreement, or scheduled facility maintenance shall not be considered an emergency generator.

"Emergency work" means work made necessary to restore property to a safe condition following a physical trauma or property damage caused by an emergency or work necessary to prevent or minimize damage from a potential emergency.

"Grading" means any excavating and/or filling of earth material to carry out any grading activities that require a permit under Chapter 16.20 of the County Code.

"Minor maintenance and repair" means work required to keep property in good condition, with structures continuing to exist at the location, size and configuration as originally permitted and constructed.

"Noise" means any sound which unacceptably exceeds the appropriate actual or presumed ambient noise level, or which causes or tends to cause an adverse psychological or physiological effect on humans. Some noises may also be defined as intrusive noise, offensive noise and/or a noise disturbance.

"Noise source" means a disturbance-causing operation which originates from a noise-generating mechanism. An example of a noise source is the combination of a motor, pump and compressor.

"Noise sphere" (also known as a "noisiness zone") means a geographic area within a community where ambient noise levels are generally similar, within a range of five dB, such that sites within the sphere are of comparable proximity to major noise sources. Noise contours generally define different noise spheres or noisiness zones.

"Sound" means an oscillation in air pressure. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

"Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meter ANSI/ASA S1.4-2014 or the latest approved revision thereof. If the frequency weighing method used is not stated, the A-weighting shall apply.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels which satisfies the requirements for

Class I or Class II meters in American National Standards Institute specifications for sound level meters, ANSI/ASA S1.4-2014, or the most recent revision thereof, or an instrument that provides equivalent data.

"Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

"Sound pressure level" in decibels means twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Definitions of technical terms not defined herein shall be obtained from the American National Standard, "Acoustical Terminology" S1.1-2013 or the latest revision thereof.

13.15.030 Sound Level Assessment or Measurement

(A) Sound or noise level assessments or measurements made to administer and enforce this chapter shall be conducted at the position or positions along the property line of the receiving land use closest to the noise source or where the noise level is highest. If practical, the ambient noise level shall be assessed or measured at the same location along the property line with the project noise source inoperative, or the ambient noise may be estimated by performing an assessment or measurement in the same noise sphere or general area of the source but at a sufficient distance that the project noise is inaudible.

(B) When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of the noise barriers or other property line noise mitigation measures.

13.15.040 Exemptions

(A) Noise sources normally and reasonably associated with construction, repair, remodeling, or grading of any real property, provided a permit has been obtained from the County as required, and provided said activities take place between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 5:00 p.m. on Saturday. Such activities shall not take place on Sunday or a federal holiday unless the Building Official has in advance authorized such work on a Sunday or federal holiday, or during earlier morning or later evening hours of a weekday or Saturday.

(B) Emergency Work. The provisions of this Chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

(C) Entertainment or Special Events. The provisions of this Chapter shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, community events, public dances, shows, bands, sporting and entertainment events conducted between the hours of 8:00 a.m. and 10:00 p.m. or the applicable permitted timeframe, as long as any applicable requirements for special event permits or temporary use permits are met.

(D) Federal or State Preempted Activities. The provisions of this chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

(E) Minor Maintenance and Repairs to Residential Property. The provisions of this chapter shall not apply to noise sources associated with minor maintenance and repairs to property used for residential purposes, provided the activities take place between 7:00 a.m. and 7:00 p.m.

(F) Right-Of-Way Construction. The provisions of this chapter shall not apply to any work performed in right-of-ways when, in the opinion of the Public Works Director or their designee, such work will address traffic congestion and/or hazardous or unsafe conditions.

(G) Public Health, Welfare and Safety Activities. The provisions of this chapter shall not apply to construction, maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

(H) Agricultural and Farming Activities. Noise caused by normal and customary farming operations that are carried out on lands designated by the General Plan and zoned for commercial agricultural (CA) use.

(I) Special Noise Regulations for Specific Types of Activities. The provisions of this chapter shall not apply to any noise from any specific type of activity for which special noise regulations are provided by any other provision of the County Code.

13.15.050 General Noise Regulations and Unlawful Noise

(A) No use, except a temporary construction operation, shall be permitted which creates noise which is found by the Planning Commission not to conform to the noise parameters established by Table 9-2 and Table 9-3 of the Santa Cruz County General Plan beyond the boundaries of the project site at standard atmospheric pressure.

(B) Backup emergency generators shall only be operated during power outages and for other temporary purposes. If the generator is located within 100 feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to a maximum exterior noise level of 60 dB Ldn at the property line and a maximum interior noise level of 45 dB Ldn within nearby residences.

(C) The Santa Cruz County Code in general provides protections from the impacts of noise exposure. Specific noise standards are found in the following sections:

- 13.10.637(B)(5) Wineries.
- 13.10.658(A)(2)(i) Recycling facilities
- 13.10.663(B)(11) Wireless communication facilities
- 13.10.694(H) Vacation rentals
- 16.54.050(C)(1) Mining operations
- Chapter 9.52 Off-road motor vehicles

13.15.060 Special Requirements for Air Conditioning/Mechanical Units in or near Residential Uses

Where the intruding noise source is a residential air-conditioning unit, or a commercial air-conditioning or other mechanical unit located within 100 feet of any building or place regularly used for sleeping purposes, that operates more or less continually and/or during most hours, the A-weighted exterior noise level when measured at any neighboring property line shall not exceed sixty dB for units installed before, and fifty-five dB for units installed after the effective date of this Chapter.

13.15.070 Noise Generating Land Use

(A) New commercial and industrial development that would increase noise levels above the normally acceptable range in Table 9-2 or the levels in Table 9-3 of the Santa Cruz County General Plan Noise Element shall require acoustic studies to determine the noise reduction requirements to be included as conditions of approval. Noise levels shall not exceed the standards in Table 9-3, and require, as conditions of approval, site design and sound reducing measures if the project would:

(1) Increase the noise level at existing noise-sensitive receptors or areas by 5 dB Ldn or more, where the post-project Ldn would remain equal to or below 60 dB

(2) Increase the noise level at existing noise-sensitive receptors or areas by 3 dB Ldn or more, where the post-project Ldn would exceed 60 dB

(B) The standards in this section shall not limit the ability of the County to impose conditions of approval on projects that increase noise levels at existing noise-sensitive receptors or areas by any amount.

13.15.080 Exterior Noise Standards

New development shall not be exposed to noise levels that exceed the normally acceptable levels in Table 9-2 of the Santa Cruz County General Plan Noise Element, which establishes acceptable through unacceptable ranges of noise exposure by land use.

13.15.090 Interior Noise Standards

(A) Noise insulation of new structures developed within the County of Santa Cruz shall comply with applicable requirements of Title 24 of the California Health and Safety Code, as may be amended from time to time and as adopted by the County of Santa Cruz within Chapter 12.10 Building Regulations of the Santa Cruz County Code. Interior noise levels shall not exceed 45 dB Ldn in any habitable room in a residential structure or 50 dB Ldn in any nonresidential structure. To meet this standard, special sound insulating construction is required for the following types of projects:

(1) New development activities located within the highway and local roadway future noise contour of 60-65 dB Ldn or higher in Figures 9-2a and 9-2b of the General Plan Noise Element.

(2) New development activities located within the future noise contour band of 60-65 dB Ldn or higher for the Watsonville Municipal Airport in Figure 9-4 of the General Plan Noise Element.

(3) As a condition of approval for all discretionary applications for new development in other areas where noise exposures are known to, or are determined to, exceed the standards in Table 9-2 and 9-3 of the General Plan Noise Element. Acoustical studies may be required to determine existing exterior noise levels and the level of sound insulation required.

13.15.100 Acknowledgement of Potential Vibration from Rail

Prior to the issuance of any building permit for the expansion of any structure or the creation of any new structures within 200 feet of the Santa Cruz Branch Rail Line corridor or the Santa Cruz Big Trees & Pacific Rail corridor, the owner shall record a statement on the deed for the parcel acknowledging the property is located within an area subject to vibrations and noise from railway operations and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the vibrations and noise of such operations.

13.15.110 Administration and enforcement

(A) This chapter shall be administered by the Planning Department and land use decisionmakers as related to land use planning and issuance of development permits. Enforcement related to violations of land use development permits shall be primarily the responsibility of the Planning Department, with assistance from the County of Santa Cruz Sheriff's Office, particularly during non-standard office hours.

(B) It shall be unlawful for any person to exercise a development permit which authorized noise generating land use without complying with all of the conditions of such permit.

(C) A violation related to noise generation that is not allowed by a land use permit issued for a use or development may be grounds for the County to review, amend or revoke such permit as provided by the Zoning Ordinance in Chapter 13.10 and by Titles 18 and 19 of the County Code.

13.15.120 Severability

If any section, subsection, sentence, clause or phrase in this title is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have passed this title and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION II

This Ordinance shall take effect on the 31st day following adoption.

PASSED AND ADOPTED this _____ day of _____, 2019 by the Board of Supervisors and the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



Office of the County Counsel

DISTRIBUTION: County Counsel
Planning Department