



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339
■ from S. Whidbey (360) 321-5111, Ext. 7339 ■ FAX: (360) 679-7306
■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000
■ Internet Home Page: <http://www.islandcounty.net/planning/>

~ MEMORANDUM ~

TO: Board of Island County Commissioners & Planning Commission

FROM: Island County Planning & Community Development

DATE: May 30, 2018

SUBJECT: Event Regulations – Noise Management

Events and Noise Management

Public input and discussions related to the range of uses permitted in rural areas has often centered on noise management. Current restrictions on noise are limited to the provisions identified in ICC 9.60.030 which provides the following standard.

Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so that it unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors.

Noise is further addressed for non-residential uses in R, RR, RF, RA, and CA under ICC 17.03.180.A.12, which references WAC 173-60 (see below for explanation on that WAC).

To date, the application of existing regulatory provisions addressing noise have not proven to be the most effective way to address impacts of events to surrounding property owners. In drafting the event code, staff has come to understand this to be the most significant concern expressed by surrounding property owners. Consequently, staff anticipates integrating noise management requirements into new event regulations. Today, staff would like to provide some basic background information about how other jurisdictions have managed event noise and to propose a strategy for regulating event noise in Island County.

Decibel Standards

Staff has started research into how other jurisdictions have managed outdoor amplification and noise management as it relates to events. Most jurisdictions address this issue by providing a maximum decibel level (relative loudness of sound as perceived by the human ear) for events. In Washington, many jurisdictions, including Island County, reference state law (WAC 173-60) when addressing noise projecting off site.

WAC 173-60-040 - Maximum permissible environmental noise levels.

- (1) *No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.*
- (2)
 - (a) *The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.*

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

- (b) *Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.*
- (c) *At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:*
- (i) *5 dBA for a total of 15 minutes in any one-hour period; or*
 - (ii) *10 dBA for a total of 5 minutes in any one-hour period; or*
 - (iii) *15 dBA for a total of 1.5 minutes in any one-hour period.*

Class A environmental designation for noise abatement (EDNA) uses are primarily residential, Class B EDNA uses are primarily commercial, and Class C EDNA uses are primarily industrial (and resource production lands).

Below are examples of jurisdictional requirements, some in Washington State and others from out of state, that address amplification, some of which are specific to wineries.

- **Skagit County, WA** – References WAC 173-60, and references which zones applies to which EDNA
- **Snohomish County, WA** – Adopts more stringent standards than WAC 173-60 setting limitations for Commercial adjacent to Rural at 55dBA and Rural adjacent to Rural at 49 dBA
- **Whatcom County, WA** – Adopts WAC 173-60 standards
- **Kitsap County, WA** – Adopts WAC 173-60 standards
- **San Luis Obispo County, CA** –Establishes 65dBA maximum at the exterior boundaries of the property line of the event location.
- **Santa Barbara County, CA** – Calls for amplified music associated with special events to not exceed 65 dBA at the exterior boundary of the winery premises for special events
- **Fauquier County, VA** – During events with outdoor music or amplified sound, the maximum permitted sound pressure noise levels may not exceed 60 decibels at the property line(s)

Noise Management Plans

Some jurisdictions have adopted regulations requiring a noise management plan or have incorporated requirements for noise management in their event permitting process. When required, such plans typically require applicants to submit the following information:

- Site plans showing position and orientation of speakers;
- Proposed distance to sensitive areas (residential);
- Proposed number of events;
- Intensity including such conditions as size and number of participants;
- Landscaping, screening, fencing with respect to protecting surrounding properties from anticipated noise, loss of privacy, and glare; preserving of important natural features; or mitigation of impacts to surrounding properties; and
- Neighbor notification plan.

Some jurisdictions do have some minimum standards for outdoor amplification to protect surrounding properties, such as:

- Restricting amplification to certain hours of the day or levels; or

- Minimum separation between events and residential areas.
 - *The site of a special event shall be located a minimum of 1,000 feet from a residential one-family zone that has a minimum lot area requirement of one acre or less (Santa Barbara County §35.42.280.(d)(8))*
 - *Where a winery has public tours, tasting, retail sales, or special events (in compliance with Subsection D.2.i.), the setback shall be increased to 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant. §22.30.070 (D) (2)*

Some management plans have suggested mitigation options that provide flexibility for property owners, including:

- Adjustments to building location, orientation and design;
- Building insulations, acoustic baffles, and other barriers to control or reduce indoor noise;
- Distance;
- Noise barrier/shields, including walls or earth berms; or
- Plantings/Buffer Strip.

Staff Proposed Strategy

Providing a single standard for all events would not provide the needed flexibility to address all the unique lot configurations and the individual proposals that each applicant may present as part of their application. For that reason, staff is recommending that any applicant proposing outdoor amplification provide a noise management plan that will provide a basic strategy for ensuring that noise levels do not exceed a particular decibel level at the property line. It would be the responsibility of the applicant to demonstrate that this standard is met based on the following criteria.

- Frequency of events
- Unique topography
- Proximity of residential property
- Screening and Buffering
- Type of amplification and maximum decibels at the source
- Location of amplification and orientation of speakers

Any application proposing outdoor amplification would be processed as a Type II or Type III permit depending on the zoning designation of surrounding property owners. Additionally, it would be very likely that a condition of outdoor amplification may include posting of scheduled events on business websites as part of a neighborhood notification process.