

MARCH 5, 2024

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Consider Authorization of Public Outreach Regarding Noise Related Issues

☒ Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

AUTHORIZE Department of Conservation and Development (DCD) staff to evaluate whether additional regulation of noise is necessary and practical and report back to the Board of Supervisors with its findings and recommendations.

FISCAL IMPACT:

Staff costs associated with this work are expected to be modest (\$15,000 to \$30,000) and may be accomplished utilizing existing staff and budget.

BACKGROUND:

Noise concerns are frequently raised with the County by members of the public. Specific noise complaints are reported to Board of Supervisors offices, DCD Code Enforcement, the Sherriff's Office and other departments. These complaints often relate to large events, loud parties and construction, but other noise concerns are also raised. Community noise concerns have been discussed repeatedly at some Municipal Advisory Committee (MAC) meetings. DCD and Sherriff's Office staff have been invited to attend these meetings to make presentations and hear community concerns. Concern with noise issues and calls for a "noise ordinance" were expressed at community meetings convened by Supervisors and DCD as part of the Envision Contra Costa Process to gather input for the ongoing update to the County's General Plan and subsequent update to the County's Zoning Code.

The County has existing regulations to address noise, and in fact has recently expanded regulation to address the emerging problem of loud commercial events. But the County's regulations are not comprehensive. Expanding regulation of noise and effectively enforcing would be challenging but is worthy of further evaluation.

Existing Regulation, Gaps in Regulation and Challenges

The current County General Plan has noise standards appropriate for various land use designations. Land use permits and other discretionary permits issued by the County must be consistent with these standards. In addition, the County's Temporary Events Ordinance, first adopted in 2005, addresses noise for gatherings large enough to qualify as "events" under the Ordinance (e.g. 75 or 150 or more persons, depending upon the zoning district), establishes specific noise limitations by time of day and prohibits amplified sound at certain periods of the night and morning. The Board tightened these regulations on June 7, 2022, when it adopted Ordinance No. 2022-23, an urgency interim ordinance that was intended to address a proliferation of loud commercial events, particularly in rural areas of the County, by clarifying definitions and reducing exceptions. On April 26, 2022 the Board also increased the fines

associated with violation of the Temporary Events Ordinance to match the recently-increased state limits. DCD staff and Sheriff's Office staff collaborated to increase enforcement efforts of the expanded regulations.

With respect to construction noise and hours, DCD imposes such limitations in discretionary permits. The standard construction window imposed is 8:00 A.M. to 5:00 P.M., Monday through Friday, and prohibited on State and Federal holidays. The County's Grading Ordinance limits the work hours for grading activity. However, for construction projects that do not require a discretionary permit or do not involve grading, there are no limitations on construction hours.

The County's Draft General Plan released on October 17, 2023 (and currently open for public comment through April 8, 2024) includes the following proposed Action related to noise:

HS-A14.1 Study the feasibility of adopting a noise ordinance establishing maximum exterior noise levels at sensitive receptors for noise generated by permanent and temporary stationary, non-transportation sources and construction sources.

The feasibility of a noise ordinance relates primarily to challenges with enforcement. Concerns raised regarding noise can be related to sounds or vibrations occurring outside of typical working hours when DCD staff may not be available to respond and investigate (or when Sheriff staff resources may be limited). Additionally, some noise and vibrations occur intermittently and irregularly which could complicate enforcement. Further, establishing and upholding the threshold for an unreasonable level of noise can also pose challenges regarding measurements of such noise for duration of the activity. Finally, the cost of enforcing such an ordinance, primarily with respect to increased demand for staff time, are not currently known but could be significant.

Proposed Process For Collecting Community Input and Assessing Options

DCD staff will write a letter to each Municipal Advisory Committee (MAC) providing background and explaining the County's desire to better understand community concerns. A follow-up survey with noise-related questions will be sent to the MACs with a request for a response.

DCD staff will attend a meeting with each MAC, if requested, to provide additional opportunities for public input regarding specific community-related noise issues that may not have been addressed in the initial survey.

DCD staff will consult other jurisdictions that have adopted noise ordinances to understand common issues, responses and enforcement. Staff will also coordinate with the Sheriff's Office and County Counsel to evaluate options for additional regulations, including enforcement capabilities.

DCD staff will work through the MACs to invite interested people to join a countywide work group to dive deeper into the issues, including identifying which noise concerns are of highest priority and discussing enforcement challenges, as well as provide additional input.

Staff will collect the findings and concerns expressed from MAC members, stakeholders and other interested persons within the County and draft a report on the noise related issues raised to be presented to the Board at a later date. Staff currently estimates this could occur in the second half of 2024. Staff will also make recommendations on options for follow-up actions to the Board based on the information presented.

CONSEQUENCE OF NEGATIVE ACTION:

DCD would not reach out to the community for input on noise issues and would not analyze and report back on regulatory options.