

# **Solano County**

*675 Texas Street  
Fairfield, California 94533  
[www.solanocounty.com](http://www.solanocounty.com)*



## **Agenda - Final**

**Thursday, April 6, 2017**

**7:00 PM**

**Board of Supervisors Chambers**

**Planning Commission**

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at [www.solanocounty.com](http://www.solanocounty.com) under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Kristine Sowards, Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

## **AGENDA**

### **CALL TO ORDER**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF THE MINUTES**

[PC 17-017](#) Minutes of March 16, 2017

Attachments: [draft minutes](#)

### **ITEMS FROM THE PUBLIC:**

*This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five*

*minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.*

## REGULAR CALENDAR

- 1      [PC 17-016](#)      Public hearing to consider an Amendment to Use Permit No. U-82-52 (Skaggs Trucking) to a previously approved use permit for an Agricultural Trucking Repair Shop which would permit the addition of a Farm and Ranch Supply Store and an Agricultural Trucking business. The project is located on 8.18 acres located at 5164 Fry Road, Vacaville, in an "A-40" Exclusive Agricultural District, APN-0137-020-130. This consideration is exempt from the California Environmental Quality Act. (Project Planner: Jim Leland)
  
- 2      [PC 17-019](#)      Public hearing to consider an ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a "tourist house" and to authorize such land use, subject to a minor use permit, within the exclusive agricultural and Suisun Valley agricultural zoning districts. (Project Planner: Michael Yankovich)
  
- 3      [PC 17-018](#)      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)

**Attachments:**    [A - Draft Final Noise Ordinance 2.28.17](#)  
                              [B - Short-Term Noise Survey Results](#)  
                              [C - Measurement Locations Final](#)

## ANNOUNCEMENTS AND REPORTS

### ADJOURN

*To the Planning Commission meeting of April 20, 2017 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA*



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## Agenda Submittal

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**Agenda #:** **Status:** PC Minutes  
**Type:** PC-Document **Department:** Planning Commission  
**File #:** PC 17-017 **Contact:**  
**Agenda date:** 4/6/2017 **Final action:**  
**Title:** Minutes of March 16, 2017

**Governing body:**

**District:**

**Attachments:** [draft minutes](#)

Date	Ver.	Action By	Action	Result
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# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

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## **Meeting of March 16, 2017**

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1<sup>st</sup> floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Karen Avery, Senior Planner; Davina Smith, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Chairperson Cayler welcomed Paula Bauer to the commission as its newest member. Commissioner Bauer is representing District 2.

### Approval of the Agenda

The Agenda was approved with no additions or deletions.

### Approval of the Minutes

The minutes of the regular meetings of January 5, January 19, and February 16, 2017 were approved as prepared.

### Items from the Public

There was no one from the public wishing to speak.

### Regular Calendar

Item No 1-

**PUBLIC HEARING** to consider a proposed ordinance to amend Chapter 28 (Zoning Regulations) to regulate non-commercial cultivation of marijuana and cannabis for personal and caregiver use in all zones that allow a residence as a primary use and determine whether to recommend that the Board of Supervisors adopt such an ordinance. The purpose of the proposed ordinance is to bring the County's zoning regulations for personal cultivation in conformance with the Medical Cannabis Regulation and Safety Act (MCRSA), and the Adult Use of Marijuana Act (AUMA).

The Planning Commission will also consider whether to recommend to the Board of Supervisors that the project (zoning ordinance) is exempt from further environmental review under the General Rule Exemption of Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment.

Karen Avery gave a brief summary of staff's written report. She indicated that based on input from the public and discussion by the Planning Commission during the hearings held November 17, 2016, January 19, 2017, and a Community meeting held February 8, 2017, staff has prepared a draft ordinance addressing indoor and outdoor cultivation of cannabis for personal and caregiver cultivation.

Ms. Avery continued by stating that the purpose of regulating personal cultivation and medical cannabis cultivation is to alleviate or minimize possible negative impacts that arise from this activity. Staff presented a list of possible regulatory options to the Commission on January 19<sup>th</sup> for consideration. These options were discussed one-by-one by the Commission and the proposed draft regulations reflect that discussion. The draft regulations separate personal cannabis cultivation standards from caregiver cultivation standards due to the size of the grow sites. Ms. Avery briefly described the key areas addressed in the updated draft ordinance based on Commission and public input received.

The staff report also noted that the current interim urgency ordinance does address personal cultivation as defined by MCRSA and AUMA; however, staff believes separating personal cultivation from the possibly of regulating commercial cannabis businesses as the most appropriate way for the County to consider regulating cannabis under the new state laws. Staff is continuing to conduct research in regards to drafting commercial cannabis regulations for the review of the Planning Commission.

Staff asked the Planning Commission to review and recommend adoption to the Board of the Personal Cannabis Cultivation Ordinance addressing personal cultivation specific to MCRSA and AUMA.

Commissioner Rhoads-Poston spoke with regard to the requirement restricting artificial light from being visible from outside. She felt the language should be clarified since it would depend upon the window dressing as to how much light would be visible. Ms. Rhoads-Poston suggested alternate phrasing such as drapes shall remain closed.

Commissioner Bauer inquired about necessary permits and associated fees. Ms. Avery responded that a caregiver permit is an annual requisite and would cost \$589. She said there is no permit required for recreational use, only for the larger caregiver cultivation. Commissioner Bauer asked about the tours that staff had mentioned. Ms. Avery noted that the plan is to visit an indoor nursery, an edible manufacturer and a testing lab facility.

Commissioner Hollingsworth asked staff to define what the presentation on track and trace will entail. Ms. Avery explained that Track and Trace is a system that the California Department of Food and Agriculture is looking at for tracing plants from nursery stock to delivery to retail sales. She noted that each plant will have an identifier tag and that tag will follow the plant throughout the entire process.

Davina Smith elaborated further about the Track and Trace program. She said the State put this requirement into the MCRSA and the AUMA with the idea being to prevent diversion into the black market or out of state, and also to track for taxation purposes, as well as making sure that the marijuana being purchased is the exact product being paid for. Ms. Smith commented that Humboldt County is the first out of the gate with a pilot program, with Yolo County recently

starting up as well. They are looking at revenue and at trying to insure the non-diversion and the safety of the product. The hope has always been that if a city or county engages in a track and trace program that it will be fully integrated with the system the State decides to adopt.

Since there were no further questions of staff, Chairperson Cayler opened the public hearing.

William Hampton, 1702 Ventura Way, Suisun, stated that he objected to there being any setbacks from property lines because it would put severe limits on small residential lots. He commented that it is required the plants be out of sight and secured anyway. He objected to mandatory light restrictions, noting that quality lighting is needed in order to develop a healthy plant. He objected in advance to any mandatory exclusion that is imposed that prevents cannabis plants from being grown outside. Mr. Hampton did not agree with the requirement of a county issued medical card and believed a qualified medical physician should be able to issue the card. He also voiced his objection to county inspections of residences, sheds or alternate buildings for building or electrical code compliance because those requirements would have already been met. Mr. Hampton stated that he is also against any track and trace methodology or testing of personal use marijuana, saying that it is an unnecessary burden put upon the citizens of California and of Solano County.

Jerome Dawson, 8039 N. Meridian Road, Dixon, spoke with regard to the Compassionate Use Act of 1996. He stated that the Act's intent is to provide affordable medication to patients that need it. He noted that he received his county medical card 15 years ago at a price of \$200. He said he is a member of a cooperative and he is the sole provider of marijuana for that group. He stated that every plant he grows is tested and he has done testing every year for the past 10 years. Mr. Dawson explained the reason for bar coding of the plants is because in Colorado there was a significant amount of marijuana found in dispensaries that were identified as containing pesticides. He noted that the product then had to go back to the grower and the grower was responsible for destroying the product. Mr. Dawson said that the proposed restriction placed on the growing area is not an acceptable one because it is inadequate.

Mike Yankovich noted for the record that the discussion tonight with regard to personal cultivation does not include testing of the product. He said testing would be a topic of discussion under the consideration of commercial cultivation.

Toni Tucker, 742 Laurel Way, Rio Vista, stated that she is the prevention coordinator for the Rio Vista ATOD Alliance which is a group of stakeholders focused on limiting access of marijuana to youth in the community. She is concerned about the youth and wanted to talk about some of the dangers of indoor personal grows such as health issues due to mold and the use of harmful pesticides and fertilizers, potential property damage, and poor air quality. Ms. Tucker encouraged the commission to include in the ordinance the requirement for an air filtration system. She said research shows that it is difficult to control chemical contamination and urged the county to err on the side of caution and safety.

Darrell Ogden, 960 Rolling Green Drive, Rio Vista, spoke of his concern for the safety of the youth in his community and suggested that the commission put a height requirement on the fence for an outdoor grow site so that it would be screened.

Since there were no further speakers, Chairperson Cayler closed the public hearing.

Commissioner Walker referred to the regulations listed on page 5 of the ordinance. He said he felt the issue of screening was adequately addressed and did not believe there needed to be a specific height requirement for the fence.

Commissioner Bauer stated that some of what the speakers have said resonated with her such as how setbacks can be restricting; the issue of acquiring a medical card from the county vs. a primary care physician; county inspections of outdoor buildings when there is already a planning department that regulates this activity; and the cost of necessary permits. Ms. Bauer stated that given there is an upcoming tour, she voiced her desire to hold off on voting tonight to allow the commission further opportunity to gather additional information. Commissioner Bauer recognized that she has not been involved in this matter to the extent as the other commissioners, but she believed there is some value in doing a comprehensive scheme that includes both commercial and recreational as opposed to a piecemeal approach.

Mr. Yankovich explained that the Board of Supervisors had indicated that they wanted the personal cultivation piece of this matter concluded before moving on to the commercial aspect. Mr. Yankovich stated that with this direction, staff has spent a number of meetings trying to refine the standards that are before the commission tonight.

Commissioner Walker said that he wanted to acknowledge the large volume of information the commission has digested. He commented that there have been various presentations and numerous public speakers. He said that in his mind the commission has taken this in a very different direction than where it initially started, especially in the last meeting when the commission examined the standards item by item to finalize the minimum requirements. Commissioner Walker said that he was pleased with the ordinance as proposed and was ready to move it forward to the Board.

Commissioner Hollingsworth stated that the commission has had numerous versions of this ordinance to review and he believed the commission's questions and concerns have been addressed. Mr. Hollingsworth pointed out that the commission is only making recommendations and that the Board has the final approval. Commissioner Hollingsworth suggested to the audience that anyone who is interested in this subject matter should attend those Board meetings and provide input if they so desire.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Hollingsworth to recommend that the Board of Supervisors adopt the proposed amendments to the zoning code and enact the revisions to Chapter 28, and find this project is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment. The motion passed 4-1 with Commissioner Bauer dissenting. (Resolution No. 4643)

## **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.





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## Agenda Submittal

<b>Agenda #:</b>	1	<b>Status:</b>	PC-Regular
<b>Type:</b>	PC-Document	<b>Department:</b>	Planning Commission
<b>File #:</b>	PC 17-016	<b>Contact:</b>	
<b>Agenda date:</b>	4/6/2017	<b>Final action:</b>	

**Title:** Public hearing to consider an Amendment to Use Permit No. U-82-52 (Skaggs Trucking) to a previously approved use permit for an Agricultural Trucking Repair Shop which would permit the addition of a Farm and Ranch Supply Store and an Agricultural Trucking business. The project is located on 8.18 acres located at 5164 Fry Road, Vacaville, in an "A-40" Exclusive Agricultural District, APN-0137-020-130. This consideration is exempt from the California Environmental Quality Act. (Project Planner: Jim Leland)

**Governing body:**

**District:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes   X   No       
 Public Hearing Required? Yes   X   No     

### **DEPARTMENT RECOMMENDATION:**

Staff is requesting a continuance of this item to the next Regular Meeting of the Planning Commission in order to meet with the City of Vacaville and the applicants to resolve questions pertaining to the proposed development.



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## Agenda Submittal

**Agenda #:** 2    **Status:** PC-Regular  
**Type:** PC-Document                                **Department:** Planning Commission  
**File #:** PC 17-019                                    **Contact:**  
**Agenda date:** 4/6/2017                           **Final action:**

**Title:** Public hearing to consider an ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a “tourist house” and to authorize such land use, subject to a minor use permit, within the exclusive agricultural and Suisun Valley agricultural zoning districts. (Project Planner: Michael Yankovich)

**Governing body:**

**District:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Published Notice Required?    Yes  X  No      
Public Hearing Required?        Yes  X  No    

**DEPARTMENT RECOMMENDATION:**

Due to the number of comments received, staff is recommending that the Tourist House Ordinance be continued to the May 4, 2017 Planning Commission meeting for further review.



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## Agenda Submittal

**Agenda #:** 3  
**Type:** PC-Document  
**File #:** PC 17-018  
**Agenda date:** 4/6/2017  
**Status:** PC-Regular  
**Department:** Planning Commission  
**Contact:**  
**Final action:**

**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)

**Governing body:**

**District:**

**Attachments:** [A - Draft Final Noise Ordinance 2.28.17](#)  
[B - Short-Term Noise Survey Results](#)  
[C - Measurement Locations Final](#)

Date	Ver.	Action By	Action	Result
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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

Draft Final  
Solano County Noise Ordinance

County Code

Chapter 28.1



## Chapter 28.1 Noise Ordinance

### Article I. General Provisions

Section 28.1-10 Definitions

### Article II. Noise Restrictions

Section 28.1-20 General Noise Restrictions

Section 28.1-30 Interior Noise Standards

Section 28.1-40 Exterior Noise Standards

Section 28.1-50 Specific Noise Regulations

Section 28.1-60 Exemptions

### Article III. Administration

Section 28.1-70 Measurement Procedures

Section 28.1-80 Waiver Procedure

Section 28.1-90 Enforcement

## Article I. General Provisions

### Section 28.1-10 Definitions

**Agricultural operation.** Any use defined as agriculture, agricultural education, agricultural homestay, agricultural processing, agricultural recycling or composting, agricultural research, agricultural trucking, agricultural warehousing or winery in Chapter 28, Zoning Regulations, of this code.

**Agricultural zone or area.** The A-40, A-80, A-20, A-160, A-SM-80, A-SM-160, A-SV-20, W, or MP zoning district or any area or parcel within such zoning district.

**Ambient sound level.** The sound level of the all-encompassing sound associated with a given environment, being usually a composite of sound from many sources and excluding the specific sound under investigation. For measurement purposes, the ambient sound level is equal to the A-weighted sound pressure level exceeded 90 percent of the time for 60 minutes ( $L_{90}$ ).

**A-weighted sound level ( $L_a$ , dB(A), dBA).** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network as specified in American National Standards Institute documents for sound level meters. The level so read is postscripted dB(A) or dBA.



**Commercial zone or area.** The C-H, C-N, C-R, C-R-L, C-S, ATC, or ATC-NC zoning district or any area or parcel within such zoning district.

**Construction.** Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or within private rights-of-way, structures, utilities, or similar property.

**Cumulative period.** An additive period of time composed of individual time segments which are either continuous or interrupted.

**Decibel.** A unit measure of sound (noise) level used to express the relative intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average pain level; also a unit for expressing the ratio of two amounts of electric or acoustic signal power equal to 10 times the common logarithm of this ratio.

**Development.** The uses to which the land shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

**Domestic animals.** Includes dogs, cats, birds excepting fowl, and other animals kept primarily for the purpose of personal enjoyment.

**Industrial zone or area.** The M-G-1/2, M-G-3, M-L, I-WD, or I-AS zoning district or any area or parcel within such zoning district.

**Intrusive noise.** A sound which has a variance in character such as audibility, dissonance, duration, loudness, tonality, pitch, or timbre and is perceived adversely compared to the character of the environment in the absence of that sound.

**Noise control officer.** The Director of the Department of Resource Management or his or her designee.

**Noise-sensitive uses.** Receiving premises used for nonresidential purposes that are sensitive to noise, such as hospitals, hotels, churches, community care facilities, and schools.

**Off-road vehicle.** Any motorized track or wheeled vehicle such as, but not limited to, racing motorcycles, trail bikes, minibikes, dune buggies, or all-terrain vehicles, designed or used for ground travel over private or public natural terrain.

**Residential zone or area.** The RR-2-1/2, RR-5, RR-10, R-TC-1AC, R-TC-20, R-TC-15, R-TC-10, R-TC-6, R-TC-5, R-TC-D-4, R-TC-D-6, R-TC-MF, or R-TC-MU zoning district or any area or parcel within such zoning district.

**Sound-amplifying equipment.** Any machine or device used for the amplification of the human voice, music, or any other sound. Shall not include standard automobile radios when used and

heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall also not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

**Supplementary definitions of technical terms.** Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute's Acoustical Terminology S1-1-1971, or any revision thereof.

## Article II. Noise Restrictions

### Section 28.1-20 General Noise Restrictions

- (a) It is unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any noise or sound which exceeds the allowed decibel level identified in this chapter or which is offensive to persons of normal sensitivities.
- (1) Noise shall be deemed to be offensive to persons of normal sensitivities if it does any of the following:
- a. Causes, or tends to cause, an adverse effect on the public health and welfare.
  - b. Endangers or injures people.
  - c. Endangers or injures personal or real property.
- (2) Noise may be determined to be offensive to persons of normal sensitivities based on a consideration of the following factors:
- a. Sound level of noise.
  - b. Sound level of ambient noise.
  - c. Whether the nature of the noise is usual or unusual.
  - d. Proximity and timing in relation to any noise-sensitive uses or sleeping areas within occupied dwellings.
  - e. Nature, use, and zoning of the land from which the noise emanates, and the nature, use, and zoning of the land affected.
  - f. Number of persons affected by the noise source.
  - g. Time of day or night.
  - h. Duration and tonal content.
  - i. Whether noise is continuous, recurrent, or intermittent.
- (3) Notwithstanding subsection (a) and as established in Section 2.2-30 of this code, noise caused by agricultural operations conducted or maintained for commercial purposes in

agricultural zones or areas and in a manner consistent with proper and accepted customs and standards shall not be subject to the noise limits established in this section.

### Section 28.1-30 Interior Noise Standards

- (a) The interior noise standards for residential dwelling units within residential zones or areas for noise generated by sources outside the dwelling unit are presented in Table 28.1-30.

**Table 28.1-30: Interior Noise Standards**

Land Use	Time Interval	Allowable Interior Noise Level (dBA)
Residential	7 p.m. – 7 a.m.	45
	7 a.m. – 7 p.m.	55

- (b) Noise from any source on a property within a residential zone or area shall not cause the noise level measured inside a dwelling unit on a neighboring property to exceed the noise standard specified in Table 28.1-30 for a cumulative period of more than 5 minutes in any hour.

### Section 28.1-40 Exterior Noise Standards

- (a) The maximum permissible sound levels by receiving land use shall apply:

- (1) The exterior noise standards for residential and agricultural zones or areas are presented in Table 28.1-40.

**Table 28.1-40: Noise Level Permissible by Receiving Land Use**

Zone	Noise Level (dBA)	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
Agricultural	55	50
Residential	55	50

- (2) If the measured ambient noise level at the time of a complaint investigation exceeds the identified permissible noise level for that zone, the allowable noise standard shall be the ambient noise level.
- (3) Except as provided in subsection (b) of Section 28.1-30, noise from any source shall not cause the noise level measured on a property in an agricultural or residential zone or area to exceed the exterior noise levels specified in Table 28.1-40 or in subsection (2), whichever is greater, for a period of more than 5 minutes in any hour.

## Section 28.1-50 Specific Noise Regulations

In addition to the standards established in Sections 28.1-30 and 28.1-40, noise created by specific activities shall be subject to the following additional regulations.

### (a) Construction or Demolition

- (1) Construction and demolition activities within a residential district or within a radius of 500 feet are allowed only during the times specified in Table 28.1-50.
- (2) Except as set forth in subsection (4) of this section, the noise created by construction activity shall not cause:
  - a. The noise level to exceed the noise standards specified in Table 28.1-40 of this chapter, for the land use where the measurement is taken, plus 20 dBA, for a period of more than 2 minutes; or
  - b. A maximum noise at the receiving property line of more than 90 dBA at any time.
- (3) Any construction that exceeds noise levels established in Sections 28.1-30 or 28.1-40 shall occur between the hours of 9 a.m. and 4 p.m., Monday through Friday.
- (4) Construction or demolition activity during the times otherwise prohibited by this section may be allowed as described in this subsection if it is found to be in the public interest.
  - a. A request for such allowance shall be in writing and shall set forth in detail facts showing that the public interest will be served by the grant of such allowance.
  - b. If the allowance is being requested in connection with construction or demolition activities to be undertaken in connection with a land division, use permit, or other discretionary entitlement, the request shall be submitted as part of the application for such entitlement and shall be acted upon by the official or decision-making body taking action on such application, after considering the recommendation of the noise control officer.
  - c. If the allowance is being requested in connection with a building permit, demolition permit, or grading permit and is not in connection with a discretionary entitlement, the request shall be considered and acted on by the noise control officer before the construction or demolition permit has been issued.

**Table 28.1-50:** Time Limits for Noise Associated with Commercial Construction Activities

Day of Week	Time Frame
Monday–Friday	7 a.m. – 6 p.m.
Saturday	8 a.m. – 5 p.m.
Sunday	Not allowed
Federal Holidays	Not allowed

(b) Home Repair and Maintenance

Time restrictions on construction and demolition activities do not include the use of home power tools or yard maintenance equipment used by the owner or a resident of the premises if used between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 8:00 a.m. and 6:00 p.m. Saturday and Sunday.

(c) Loudspeakers, Amplified Sound

- (1) Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device, such that the sound creates a noise disturbance, or at any time violates the provisions of Sections 28.1-30 and 28.1-40, is prohibited.
- (2) Special event facilities authorized pursuant to Chapter 28 of this code shall comply with the provisions of Section 28.1-40 unless a higher noise standard is approved as part of the use permit for the facility, provided the maximum noise limit on a receiving property line shall not exceed 70 dB [daytime] and 60 dB [nighttime].
- (3) Private gatherings shall meet the provisions of Section 28.1-40.

(d) Motorized Off-Highway Vehicles Operating Off Public Right-of-Way

Operating or causing to be operated any motorized off-highway vehicle outside of a public right-of-way in a manner such that the sound levels emitted will violate the provisions specified in Sections 28.1-30 and 28.1-40 is prohibited. This section will apply to all motorized off-highway vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft, campers, dune buggies, and motorboats.

(e) Radios, Television Sets, Musical Instruments, Etc.

Operating, playing, or permitting the operation or playing of any radio, television set, music-playing device or instrument, or similar device which produces or reproduces sound in such a manner as to at any time violate the provisions of Sections 28.1-30 or 28.1-40, is prohibited.

## Section 28.1-60 Exemptions

- (a) The following activities and noise sources are exempt from the provisions of this chapter:
- (1) Emergency sirens.
  - (2) Any operation or action required to respond to an emergency.
  - (3) Emergency construction or maintenance work conducted by public agencies or their contractors which is necessary to maintain the health and safety of the public.
  - (4) Agricultural activities.
  - (5) Those commercial and industrial operations in existence prior to the date of adoption of the ordinance codified in this chapter, if in compliance with local zoning statutes, shall be granted a five-year period from the date of adoption within which to comply with the provisions of this chapter. If, at the end of the five-year period, it can be shown that compliance with the provisions in this chapter constitutes a hardship in terms of technical and economic feasibility, a waiver may be requested following procedures established in Section 28.1-80 of this code until such time as compliance may be effected.
  - (6) Any activity which regulation thereof has been preempted by state or federal law.

## Article III. Administration

### Section 28.1-70 Measurement Procedures

- (a) Upon receipt of a complaint, the noise control officer or the sheriff may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. The investigation may consist of a measurement and the gathering of data required to comply with such code section, and a deadline date for such compliance, and shall warn that if a subsequent inspection or sound level measurement discloses the continued existence of such violation, further action will be taken to adequately define the noise problem, and shall include the following:
- (1) Type of noise source.
  - (2) Location of noise source.
  - (3) Time period during which the noise source was reported as being in violation of County standards.
  - (4) Duration of noise produced by noise source.
  - (5) Date, time, and precise location of the noise measurement survey.
- (b) Utilizing the A-weighting scale of the sound level meter and the "slow" meter response, the noise control officer shall measure the noise level at a position(s) at the complainant's

property line. In general, the microphone shall be located 4 to 5 feet above the ground and 10 feet or more from the nearest reflective surface, where possible. However, in cases where another elevation is appropriate, the latter shall be utilized.

- (c) Interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least 4 feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration.

## Section 28.1-80 Waiver Procedure

- (a) The noise control officer is authorized to grant a waiver for a period of not more than five years from any provision of this chapter for any activity or noise source in existence and lawfully operating on (**ordinance effective date**), subject to limitations as to area, noise levels, time limits, and other terms and conditions as the noise control officer determines are appropriate to protect the public health, safety, and welfare from the noise disturbance. A waiver shall not be issued for a period exceeding five years.
- (b) Any person seeking a waiver pursuant to this chapter shall file an application with the noise control officer.
- (c) An application for waiver shall include all of the following:
  - (1) Information which demonstrates that bringing the source of the sound or activity for which the waiver is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, the community, or other persons.
  - (2) Payment of the application fee established by resolution of the Board of Supervisors.
  - (3) Such additional information as the noise control officer may require.
  - (4) In addition to the required information and fee, the applicant may support the application with an assessment of the technical and financial feasibility of reducing the noise source to the standards of otherwise required by this chapter. The assessment shall be prepared by an acoustical engineer.
- (d) A separate application shall be filed for each parcel on which a fixed noise source(s) is in existence.
- (e) The noise control officer may summarily deny an application for a waiver that is not supported with a technical and financial feasibility assessment. If the noise control officer does not summarily deny the application, the application shall be set for public hearing.
  - (1) Notice of a public hearing on an application for waiver shall be mailed to the owners of all real property located within 300 feet of the parcel on which the noise source is located at least 15 days prior to the hearing.

- (2) The public hearing shall be conducted by the noise control officer. At the hearing, any person who would be adversely affected by the granting of the requested waiver may object orally or in writing and provide any information to support said objection.
- (f) In determining whether to grant or deny the application, the noise control officer shall balance the hardship on the applicant, the community, and other persons of not granting the waiver against the adverse impact on the health, safety, and welfare of persons affected by the noise disturbance, as well as any other adverse impacts that may result if the waiver is granted. If a technical and financial feasibility assessment has not been submitted by the applicant, the noise control officer may continue the hearing to allow the applicant to submit such an assessment prior to the noise control officer rendering a decision.
- (g) If the waiver is granted, it shall be conditioned in such a way as to protect the public health, safety, and welfare from the noise source. In determining the conditions to be imposed, the noise control officer shall, at a minimum, consider the magnitude of the nuisance that is or will be caused by the offensive noise; the uses of the property within the area that will be affected by the noise; operations carried on under existing nonconforming rights or previously approved conditional use permits or zoning variances; and the economic factors related to the age and useful life of the equipment that is creating the noise or will create the noise.
- (h) A waiver shall not be granted unless all conditions proposed by the noise control officer are agreed to by the applicant. All waivers granted shall provide that noncompliance with any condition of the waiver shall be grounds for permit revocation in accordance with Section 28.1-90.
- (i) In any case where the conditions of a waiver have not been or are not being substantially complied with, or where the noise source has been abandoned, the noise compliance officer may initiate proceedings to revoke the waiver.
- (1) Notice of noise control officer's intention to revoke the waiver shall be given to the owner or the noise source or the property at least 15 days prior to the noise control officer's revocation hearing.
- (2) Formal rules of evidence shall not apply to revocation proceedings.
- (3) After conclusion of the hearing, the noise control officer may revoke the waiver if it is found that the terms and conditions of the waiver have not been substantially complied with or that the noise source has been abandoned, or may modify the waiver by imposing new or modified conditions to address the previous noncompliance.
- (j) The applicant shall be notified by certified mail within 10 working days of the action taken on the application for waiver and of any conditions imposed.
- (k) Any appeal of a decision of the noise control officer shall be made to the Planning Commission pursuant to Section 28.112(B) of this code.



## Section 28.1-90 Enforcement

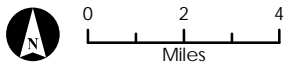
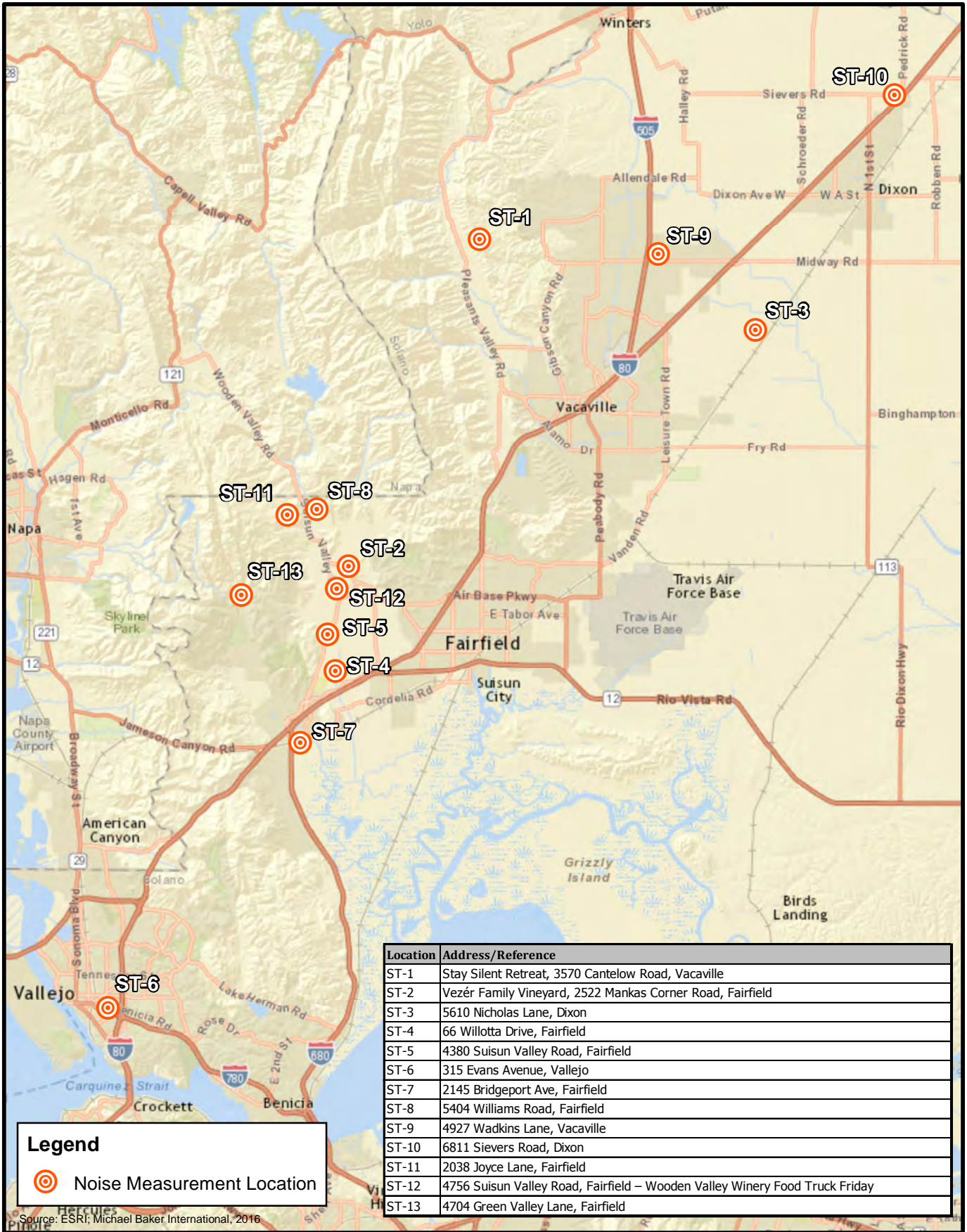
- (a) The provisions of this chapter shall be enforced by the noise control officer and/or the sheriff or his or her designee unless otherwise expressly provided.
- (b) For the purpose of administering and enforcing this chapter, the noise control officer shall have, in addition to any other authority, the power to:
  - (1) Conduct or cause to be conducted studies, monitoring, and inspections related to noise, including cooperative investigation with private or public agencies, and the application for and acceptance of grants.
  - (2) Conduct programs of public education regarding the cause, effect, and methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations.
  - (3) Train field inspectors and other technical personnel concerned with noise abatement.
  - (4) Coordinate and cooperate with other local, state, and federal departments and agencies regarding noise-control activities.
  - (5) Conduct public and private project review and sound analysis on projects which are likely to cause noise in violation of this chapter and which are subject to mandatory review or approval by other departments.
  - (6) Inspect private property or place upon presentation of proper credentials and at any time when granted permission by the owner, or by some person with apparent authority to act for the owner. When permission is refused or cannot be obtained, an inspection warrant may be obtained from a court of competent jurisdiction upon showing of reasonable belief to believe that a violation of this chapter may exist. Such inspection authority may include the conduct of any necessary tests.
  - (7) Prior to any zoning change, review the potential noise impact of the zoning change by identifying existing and projected noise sources and the associated noise levels, and recommend the imposition of adequate control measures on noise sources identified.
- (c) Violations of this chapter are deemed to be a public nuisance and may be enforced administratively, civilly or criminally at the sole option of the noise control officer or sheriff.
- (d) If the noise control officer or the sheriff has reason to believe that any provision of this chapter has been violated, the noise control officer or sheriff may cause written notice to be served upon the alleged violator, if known, as well as the property owner by U.S. postal mail or personal service. Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings, and may include a corrective action to be taken within a specified time.
  - (1) Penalties for any such violation will be a fine of \$250 for the first violation, with an additional \$250 for each additional day the violation continues. Each day such violation

is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

- (e) Notwithstanding any other provision of this code, any person creating or causing to create such a disturbance so as to be in violation of this code shall be guilty of an infraction upon conviction thereof in a criminal court of law. A person who violates the provisions of this subsection shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues or is repeated.

### Short-Term Noise Survey Results

	Location	Run Date	Run Time	Primary Noise Sources	Noise Level Statistics		
					L <sub>eq</sub> (dBA)	L <sub>min</sub> (dBA)	L <sub>max</sub> (dBA)
ST-1	3570 Cantelow Road	May 19, 2016	11:08 AM-11:23 AM (15 minutes)	Airplane overflight, single vehicle along roadway	35.9	24.5	59.0
ST-2	2522 Mankas Corner Road	May 19, 2016	11:58 AM-12:13 PM (15 minutes)	Traffic, music from commercial establishments	62.1	47.4	78.3
ST-3	5610 Nicholas Lane	May 19, 2016	2:10 PM-2:25 PM (15 minutes)	Amtrak train	62.3	37.8	91.2
ST-4	66 Willotta Drive	May 19, 2016	2:57 PM-3:12 PM (15 minutes)	Traffic on I-80, local traffic	50.0	44.4	66.8
ST-5	4380 Suisun Valley Road	May 19, 2016	3:30 PM-3:45 PM (15 minutes)	Traffic on Susain Valley Road	67.4	39.7	87.7
ST-6	315 Evans Avenue	May 19, 2016	4:13 PM-4:28 PM (15 minutes)	Rooster, traffic, and construction	62.6	54.6	81.1
ST-7	2145 Bridgeport Avenue	May 25, 2016	10:21 AM-10:38 AM (15 minutes)	Wind and traffic on I-680	49.2	42.6	57.7
ST-8	5404 Williams Road	May 25, 2016	11:01 AM-11:16 AM (15 minutes)	Machinery and trucks in vineyard	58.7	51.6	74.1
ST-9	4927 Wadkins Lane	May 25, 2016	11:35 AM-11:50 AM (15 minutes)	Airplane fly-over, barking dogs, neighbor playing music	50.2	35.4	67.4
ST-10	6811 Sievers Road	July 22, 2016	4:49 PM-5:04 PM (15 minutes)	Traffic	67.3	45.8	88.7
ST-11	2038 Joyce Lane	July 22, 2016	6:19 PM-6:34 PM (15 minutes)	Wind (very little)	40.9	29.7	58.8
ST-12	4756 Suisun Valley Road	July 22, 2016	6:53 PM-7:08 PM (15 minutes)	Traffic, music, people at event	61.3	46.0	75.3
ST-13	4704 Green Valley Lane	July 22, 2016	7:37 PM-7:52 PM (15 minutes)	Wind (very little)	30.5	23.1	48.8



**FIGURE X**  
Noise Measurement Locations in Solano County