

MOTION NO. 02956

1  
2 A MOTION setting forth the King County  
3 Council's findings that special conditions  
4 exist within King County which justify  
5 differences between the King County Noise  
6 Control Ordinance and the Washington State  
7 Noise Control Act of 1974 and the  
8 administrative regulations prepared by the  
9 Washington State Department of Ecology  
10 pursuant to that Act.

11 WHEREAS, the first King County Citizen Committee on Noise  
12 Control was established in 1969 to prepare a comprehensive study  
13 of noise control problems in King County and to recommend  
14 appropriate noise control legislation, and

15 WHEREAS, in February, 1973, the Citizen Committee  
16 transmitted a proposed noise ordinance to the County Council, and

17 WHEREAS, the Council held a public hearing on the citizen  
18 proposal and in September, 1973, referred the matter to the  
19 Policy Development Commission for its review and recommendations,  
20 and

21 WHEREAS, the Policy Development Commission transmitted its  
22 report to the County Council in October of 1974, and

23 WHEREAS, the Washington State Legislature, finding that  
24 inadequately controlled noise adversely affects the health,  
25 safety and welfare of the people, and diminishes the value of  
26 property and the quality of the environment, enacted the  
27 Washington State Noise Control Act of 1974, authorizing the  
28 Department of Ecology to promulgate administrative regulations  
29 pursuant to the Act, and requiring the Department of Ecology to  
30 review and approve local ordinances controlling noise  
31 pollution, and

32 WHEREAS, Section 70.107.060(4) of the Revised Code of  
33 Washington authorizes local governments to enact noise control  
limits different from the Washington State Noise Control Act of  
1974 and the Administrative Regulations promulgated by the  
Department of Ecology pursuant to the Act, "upon a finding that  
such requirements are necessitated by special conditions" and

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1 that such noise limiting requirements of local governments must  
2 first be approved by the Department of Ecology; and

3 WHEREAS, on May 29, 1975, the Seattle-King County  
4 Department of Public Health circulated a Draft Environmental  
5 Impact Statement of the proposed Seattle and King County Noise  
6 Control Ordinances; and

7 WHEREAS, on September 15, 1977, the Seattle-King County  
8 Department of Public Health circulated a Final Environmental  
9 Impact Statement of the proposed Seattle and King County Noise  
10 Control Ordinances; and

11 WHEREAS, from May, 1975 until September, 1976, numerous  
12 public hearings and discussions were held before the Seattle City  
13 Council's Public Safety and Justice Committee and the King County  
14 Council's Health and Human Services Committee; and

15 WHEREAS, on October 25, 1976, the King County Council  
16 unanimously (9 to 0) adopted Motion No. 2753, authorizing and  
17 requesting the County Executive to transmit the proposed King  
18 County Noise Control Ordinance to the Department of Ecology for  
19 review and approval, and expressing the intent of the County  
20 Council to enact the Ordinance upon approval by the Department;  
21 and

22 WHEREAS, on November 29, 1976, the Department of Ecology  
23 requested documentation on special conditions in King County  
24 justifying differences between the King County Noise Control  
25 Ordinance and the Washington State Noise Control Act of 1974 and  
26 the administrative regulations promulgated by the Department of  
27 Ecology pursuant to the Act; and

28 WHEREAS, on December 23, 1976, and March 14, 1977, the  
29 County transmitted statements of special conditions to the  
30 Department of Ecology, and

31 WHEREAS, on March 22, 1977, after a thorough consideration  
32 of the special conditions existing in King County, Wes Hunter,  
33 Acting Director of the Department of Ecology, officially approved

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1 the proposed King County Noise Control Ordinance, subject to  
2 conditions set forth in the Department's letter of approval, and

3 WHEREAS, the changes requested by the Department have been  
4 incorporated in the proposed ordinance;

5 NOW THEREFORE, BE IT MOVED by the Council of King County:

6 The County Council finds that the following special  
7 conditions exist in King County and justify the designated  
8 differences between the King County Noise Control Ordinance and  
9 the Washington State Noise Control Act of 1974 and the  
10 administrative regulations promulgated by the Department of  
11 Ecology pursuant to the Act.

12 I. RURAL DISTRICTS

13 A. Difference Between State Law and County Ordinance

14 Section 302 of the Proposed Noise Control Ordinance  
15 includes a "rural district" environmental designation,  
16 while Section 173-60-040(2)(a) of the Washington  
17 Administrative Code (WAC), does not include a rural  
18 district environmental designation. The maximum noise  
19 levels allowed by the ordinance in rural districts are  
20 lower than those allowed by the state in Class A  
21 (residential) Environmental Designation for Noise  
22 Abatement (as defined in WAC 173-60-020).

23 B. Finding of Special Conditions

24 King County finds that the Rural District is consistent  
25 with and supportive of the County's emerging agricultural  
26 and subcounty service area policy.

27 II. WEEKEND AND HOLIDAY RESTRICTIONS

28 A. Difference Between State Law and King County Ordinance

29 The King County Noise Control Ordinance establishes more  
30 stringent noise level standards between the hours of  
31 7:00 A.M. and 9:00 A.M. on weekends and holidays than the  
32 standards established by WAC 173-60-040(2)(b).  
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1 B. Finding of Special Conditions

2 The King County Council finds that the frequency of  
3 complaints about noise on weekends and the recommendation  
4 of the County's Citizen Committee create a special  
5 condition justifying the more stringent application of  
6 noise standards on weekends.

7 III PERIODIC, PURE TONE, AND IMPULSIVE SOUNDS

8 A. Difference Between State Law and King County Ordinance

9 Section 303(b) of the Noise Control Ordinance reduced by  
10 5dB(A) the maximum sound levels for noises that are  
11 periodic, have a pure tone component, or which are  
12 impulsive and are not measured with an impulse sound  
13 level meter. Neither the State Noise Control Act nor the  
14 State Noise Regulations penalize periodic, pure tone, and  
15 impulsive sounds.

16 B. Finding of Special Conditions

17 Based upon recommendations of the Citizen Committee, the  
18 King County Council finds that these three technical  
19 corrections are necessary because of the failure of the  
20 A-weighted scale and commonly used noise meters to  
21 accurately reflect the annoyance caused by certain noises  
22 or to give an accurate measurement of the noise.

23 IV. BELLS, CHIMES AND CARILLONS

24 A. Difference Between State Law and King County Ordinance

25 Section 602(a)(1) and (3) of the King County Noise Control  
26 Ordinance exempts bells, chimes, and carillons operating  
27 less than five minutes in each hour, as well as sounds  
28 from parades and other public events, from the provisions  
29 of the Ordinance during the daytime only, rather than at  
30 all times as in WAC 173-60-050(4).

31 B. Finding of Special Conditions

32 The King County Council finds that the citizens of the  
33 County would be better served by restricting these sounds

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1 to the daytime hours, especially in light of the  
 2 relatively high concentration of bells, chimes, and  
 3 carillons near densely populated residential areas.  
 4 Moreover, because King County has densely populated  
 5 residential areas and encourages parades and other public  
 6 events, the County Council finds that the late night  
 7 noise impact of these events on the residents of the  
 8 County should be minimized by requiring promoters of  
 9 public events to apply for variances from the maximum  
 10 permissible noise limits under the proposed ordinance.

11 V. WARNING DEVICES

12 A. Difference Between State Law and King County Ordinance

13 Section 602(a)(2) permits warning devices to operate for  
 14 30 minutes, rather than the five minutes specified in  
 15 WAC 173-60-050(4)(d).

16 B. Finding of Special Conditions

17 The County Council finds that extra time is needed to  
 18 locate and shut off the devices because of the congestion  
 19 inherent in a highly urbanized area.

20 VI. DAY AND NIGHT

21 A. Difference Between State Law and King County Ordinance

22 Section 603(b) of the Noise Control Ordinance provides  
 23 a five-year exemption for sources of noise in industrial  
 24 districts which, over the previous three years have been  
 25 consistently operating in excess of 15 hours per day,  
 26 while WAC 173-60-050(a)(b) unconditionally exempts  
 27 nighttime operating industries from noise control  
 28 regulation.

29 B. Finding of Special Conditions

30 Based upon recommendations of the Citizens Committee,  
 31 the King County Council finds that to allow certain  
 32 industries to operate permanently in excess of the  
 33 maximum permissible sound levels would be unfair to other

1 industries and would subvert the purpose of the proposed  
 2 ordinance. Because the County has been working on noise  
 3 control since 1969 and because the exemption would run  
 4 until 1982, the King County Council finds that the  
 5 industries which operate day and night have been given  
 6 sufficient notice of impending noise regulations and  
 7 will have adequate time to initiate a cost-effective  
 8 compliance program.

9 PASSED this 4<sup>th</sup> day of April, 1977.

11 KING COUNTY COUNCIL  
 12 KING COUNTY, WASHINGTON

13 Mike Lowry  
 14 Chairman

15 ATTEST:

16 Dorothy M. Owens  
 17 Clerk of the Council

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