

Comprehensive Plan Suggested Community Locations

Kisker, District 1- Duke World of Energy Center, New Hope Baptist Church

Richards, District 2- Walhalla Depot, Mountain Rest Community Center

Ownbey, District 3- Shaver Complex, City Hall, Gignillial Center

Childress, District 4- Westminster Baptist Church, Westminster Depot, Blue Ridge Electric Co-Op

Honea, District 5- Fair Play School House, South Union Baptist Church

McPhail, At-Large- West Oak High School

Lyle, At-Large- Tamassee Salem School

Response - NOISE REGULATION OF THE COUNTY – Ordinance 2015-18

There are lots of subjective and objective considerations in formulating noise ordinances. With good advice and research, the subjectivity can be greatly reduced leading to greater understanding of expectations by all parties, and greater ease of enforcement should it become necessary.

"A" weighting is the more accepted norm when making SPL (Sound Pressure Level) measurements for noise exposure or compliance. The "A" weighting originated in the 1930's as an observation of the response of human hearing at low to moderate levels.

For concerts, the 75 dB rating is on the low side if you want to have any kind of contemporary performance, including amplified classical or jazz. Two people speaking at conversational level would easily measure 70 dB (A or C weighted).

Most good quality SPL meters will also have a setting for "slow" or "fast" response. Either is fine, but you need to know that the slower response has a longer "sample window" thereby allowing for higher actual peaks than reflected by the shown measurement.

90 dBA, slow response would be a good starting point for MOST purposes bearing in mind that is the maximum SPL the county will allow at the property lines adjacent to the performance space. This however might be only part of the considerations they want to make.

The Inverse Square Law states that any doubling of the distance from a sound source and any measured point from the sound source results in a 6dB loss in SPL. The opposite is also true. Therefore, allowing 90 dBA where the closest property line is 200' from the PA system would mean (without further definition) that the SPL legally allowed would be 114 dBA. For some of the concerts I mix (especially BikeFest), peak levels approaching 120 dBA are not uncommon.

I only point that out because the county may want to look at placing limits on audience exposure as well.

The 8:00 PM limitation is probably not realistic, especially during the summer months. Perhaps 9:00 PM Sunday through Thursday, and 10:00 or 11:00 PM Friday & Saturday?

The annual duration limit is something I have never seen. Looking at some other nearby county's ordinances might give some insight on the necessity and implementation of an annual restriction. Unless there is a local HOA demanding such language or it becomes an issue for a residential or business interest, it may not be needed at all.

Bringing music events is a great way to invigorate the economy and arts. Most professional sound engineers respect the need for these ordinances and will work cooperatively to abide by the wishes of the promoter, venue, and municipality. Very few will cause a problem. For those few, it is beneficial for the municipality to understand the reasons for, and terminology of the restrictions. 110 dBA looks loud on paper. For a concert with an accurate SPL meter, 110 dBA is pretty loud. If you are in the front row however, that's about what you may expect for contemporary music.

It may be helpful to arrange for interested parties to meet at a concert occurring in the area with someone who has an SPL meter. I could send you mine also. Seeing SPL readings under a variety of circumstances is very helpful. Traffic noise can easily reach 100 dB. If a meeting is held to observe SPL

meter readings at a concert, try to invite a local or regional booking agent or concert promoter that is interested in doing business (shows) within the county. They may shed light on the artist/promoter side of the equation. A well written, easily enforced ordinance will be both realistic, and easily defined by objective measurement.

The chart below is OSHA's industrial noise exposure chart, just for reference. Hope this helps!

Duration per Day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.75	107
0.5	110
0.25 or less	115

Compiled By: John W Adams II – 06-22-15
On Site Sound, Orlando, FL

John W Adams II is an audio/video and sound professional based in the Orlando area, and son of John W Adams locally. John earned his initial training at The Art Institute in Ft Lauderdale, becoming the contract professional he is today with more than 35 years of hands-on experience. John worked many years on contract for Disney, and later employed by Disney for 12 years before returning to his contract business. John ran light and sound for the ESPN Club and Boardwalk Dance Club, and video broadcast Hall of Fame events while at Disney. John has run sound for a number of concerts in the southeast, both indoor and outdoor. If you heard the band names you would know most of them. John has also run sound for political events in Washington DC and Detroit, MI. John, through contract with others, also installs and trains all Orange County (Greater Orlando) School District facilities with audio/video/sound, and directly for a number of large churches. John is also a musician in his own right, performing live with others, playing trombone, drums, guitar and occasionally piano.





Long Creek
Community Club



Neighbors enhancing their
rural river community

June 22, 2015

Dear Oconee County Planning Commission,

On behalf of the Long Creek Community Club, please consider Long Creek as a location for one of the proposed community meetings. Long Creek residents often feel out of touch with the rest of the County, and we believe hosting a community meeting at the Long Creek Community Center will benefit everyone.

Long Creek has a small population, but the area is vital to the County as a tourism and recreation destination. Thousands of out-of-towners come to Long Creek for rafting, kayaking, zip lines, hiking, mountain biking, weddings, meetings, orchards and more. Should Long Creek consider requiring architectural standards or guidelines for future development along Hwy. 76 to ensure we are able to maintain our rural character?

Our Club would like the chance to invite the community to hear what the Planning Commission has to say about Long Creek and plan for the future.

Sincerely,

Chanda Morrison
Long Creek Community Club, President

chanda@moresunnyscene.com

Goal #5: Expand appreciation for the arts, cultural heritage, significant natural features, and historic treasures in a manner that both enhances our lifestyle and promotes sustainable economic prosperity.

Objective 1: Promote a countywide arts and *cultural heritage* program to facilitate an appreciation for the arts and other cultural *or historical* facilities *and sites* found within Oconee.

Strategies for Success	Agencies Responsible	Timeframe for Completion	Action To Date	Comments
1. Seek partnerships and other forms of assistance for the School District of Oconee County in supporting the arts.	PRT Comm.; CC	Ongoing		
2. Support local festivals and entertainment events that promote the heritage of the region; this may include, but not be limited to, grants and other appropriate forms of financial assistance.	PRT Comm.; CC	Ongoing		
3. Seek to expand role of the Oconee County Heritage Museum <i>Center and Museum of the Cherokee</i> in documentation and preservation of local cultural and historical treasures; this may include, but not be limited to, funding of facility upgrades, establishment of various programs and partnerships aimed at promoting specific resources, and addition of staff positions.	PRT Comm.; CC	Ongoing		
4. Support high quality library facilities, programs, and services that enhance, enrich, entertain, and educate our diverse	Library Board CC	Ongoing		

and growing population and present opportunities for life-long learning and the exchange of culture.	School District			
5.) Accomplish an increased awareness of all aforementioned activities listed in Objective 1 by providing a County coordinated source of communication (i.e. calendar, webpage).		Ongoing		

Objective 2: Conserve and protect features of significant local, regional and national interest, such as scenic highways, state parks, and historic sites and expand efforts to promote them for tourism.

Strategies for Success	Agencies Responsible	Timeframe for Completion	Action To Date	Comments
1. Seek to ensure the preservation and protection of sites and facilities currently listed on historic registers in Oconee County; this may include, but is not limited to, the development of partnerships to assist in the purchase of development rights, and adoption of standards governing future alterations. Other strategies include additional sources of funding through incentives, hospitality taxes, zoning and land use regulations, etc. to encourage preservation of land and structures (i.e. Historic or conservation overlay	PRT Comm.; PC; CC	Ongoing		

districts).				
2. Study and identify any additional cultural and historic properties worthy of consideration on historic registers.	PRT Comm.; PC; CC	2012		
3. Provide assistance to local historical and cultural groups in efforts to obtain funding to study, maintain and manage Oconee County historical sites.	CC	Ongoing		
4. Update and maintain GIS data and maps that can be printed and/or displayed on the county website, to provide the public with information on the location of historical and cultural sites. Continued communication and cooperation between stakeholders and agencies to maintain up-to-date and accurate data.	PRT Comm.; PC; CC	Ongoing		
5. Provide appropriate financial and technical support to the development of the Southern Appalachian Farmstead Project currently underway in conjunction with the U.S. Forest Service and other governmental entities.	PRT Comm.; CC	2014		
7. Review and adopt appropriate standards aimed at maintaining the state 'Scenic Highway' designation for SC Highway 11 and other routes; such standards may be based on adopted Scenic Hwy Corridor Plans or best practices, and may include the designation of the route as a County Scenic Highway. Some standards may include but are not limited to the following: Lot size,	County Scenic Highway Committee; PRT Comm.; PC; CC	2013		Planning Commission believes looking at standards, etc. for Hwy 11 be a high priority

<p>density, cluster developments, agricultural uses, tourism-based uses, <i>Appalachian Rustic Elegance</i>, improved signage aesthetic on highways entering the County, major corridors, and gateways to cities within the County.</p>				
<p>8. Review and update adopted regulations as needed to ensure all cultural, historical, and natural resources receive the protection necessary to remain a viable component of our lifestyle, as well as playing a role in an expanding tourism economic sector.</p>	<p>PRT Comm.; PC; CC</p>	<p>Ongoing</p>		

DRAFT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2015-18

**AN ORDINANCE AMENDING SECTION 12-34 OF
ARTICLE II OF CHAPTER 12 OF THE OCONEE COUNTY
CODE OF ORDINANCES, IN CERTAIN LIMITED
REGARDS AND PARTICULARS ONLY, REGARDING
NOISE REGULATIONS OF THE COUNTY; AND OTHER
MATTERS RELATED THERETO.**

WHEREAS, Oconee County, South Carolina (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina (the “State”), acting by and through its governing body, the Oconee County Council (the “County Council”), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the “Code of Ordinances”), as amended, from time to time; and

WHEREAS, the County, acting by and through the County Council, is authorized by Section 4-9-30(16.2) of the South Carolina Code, 1976, as amended, among other sources, to establish noise regulations in the unincorporated areas of the County; and,

WHEREAS, Article II of Chapter 12 of the Code of Ordinances contains terms, provisions and procedures applicable to noise regulations in the County; and

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, certain sections of Article II of Chapter 12 of the Code of Ordinances to revise the County’s noise regulations, and, specifically, but without limitation, to clarify the application and scope of the exceptions to such regulations to ensure that the County balances the quality of life for the residents and vistors of Oconee County; and

WHEREAS, County Council has therefore determined to modify Article II of Chapter 12 of the Code of Ordinances in certain limited regards and particulars, only, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Section 12-34 of Article II of Chapter 12 of the Code of Ordinances, entitled *Exceptions*, is hereby revised, rewritten, and amended to read as set forth in Attachment A, hereto, which is attached hereto and hereby incorporated by reference as fully as if set forth verbatim herein.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. However, nothing contained herein, or in the Attachment hereto, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking in any regard any prior acts, actions, or decisions of the County or County Council, in any regard.

5. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force and effect.

6. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2015.

ATTEST:

Elizabeth Hulse,
Clerk to Oconee County Council

Wayne McCall,
Chairman, Oconee County Council

First Reading: May 19, 2015 [title only]
Second Reading: June 16, 2015
Third Reading: _____
Public Hearing: _____

Attachment A

Sec. 12-34. – Exceptions.

(a) This article does not apply to noise emanating from industrial, warehouse, distribution and manufacturing activities and facilities and operations related thereto, governmental activities, airports and aircraft, railways, emergency signal devices, firearms discharges as a result of lawful game hunting, agricultural activities, parades, carnivals, school band practice or performances, and school or government sponsored athletic events.

(b) Additionally, this article does not apply to noise between the hours of 7:00 a.m. and 10:00 p.m. which emanates from lawn and yard maintenance activities, tree harvesting or clearing, or explosives for construction and land clearing.

(c) Additionally, this article does not apply to any racing automobile equipped with and using a certified automotive racing muffler system, or to any automobile racing facility, at which all participating automobiles are using such a certified automotive racing muffler system, all between the hours of 10:00 a.m. and 11:30 p.m. local time, Monday through Saturday only.

(d) Additionally, this article does not apply to trucking and railroad operations related to or arising out of industrial, warehouse, distribution or manufacturing activities and facilities, which are lawfully established and operated in the County, in the normal course of business of such activities and facilities, regardless of whether the trucks and rail operations are owned or operated by the industrial, warehouse, distribution or manufacturing entities, activities, and facilities, or by independent third party trucking or rail firms serving such entities, activities and facilities, as long as such trucking and rail operations are otherwise conducted in accordance with the laws and regulations of the State of South Carolina and the federal government .

(e) The county may regulate the holding of open-air concerts in the unincorporated portion of the County, which, by their nature, circumstance or location will introduce extra or unusual noise. Any person or entity desiring an exception from the provisions of sections 12-33 (1), (2), (3) of this article in order to hold an open-air concert shall apply for a special permit to cause or create noise which would otherwise be in violation of sections 12-33 (1), (2), (3) at least thirty (30) days prior to the date of the open-air concert. The application shall designate an individual person or persons who shall be in control of, and responsible for, the sound amplification equipment of such concert. Applications for a special permit for open-air concerts shall be made in writing to the county, on forms provided by the county for that purpose. Payment of a fee of \$100.00 (to be used for costs associated with application and enforcement of this article) shall accompany the application. Upon tentative approval by the county, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one-thousand-foot (1,000') radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the open-air concert. The notice shall be delivered at least seventy-two (72) hours in advance of the open-air concert. The permit shall not be actually granted and issued until the applicant submits an affidavit to the

county that such notices have actually been mailed or otherwise delivered. Permits shall only be granted to and for open air concerts operating between 10:00 a.m. and 8:00 p.m.. In no event shall the operation of any sound amplification equipment for any outdoor purpose in the county, including open-air concerts, create sounds registering more than seventy-five (75) db(C), as measured by sound measuring device anywhere within the boundary line of the nearest residentially occupied property to the open-air concert site. No permits shall be issued by the County which shall have the cumulative effect of allowing more than twenty (20) hours of excess amplification per calendar year at any one location. Permits shall be tentatively approved and subsequently granted by the county in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one-thousand-foot (1,000') radius of the location in the same calendar year, in which case the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location. Any permit granted pursuant to this section shall contain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time(s) of day, location, and decibel limitation. Any open air concert permitted and conducted in full material accordance with the terms of this subsection (e) will be deemed to be in compliance with this article.

(f) Any lawful business or activity operating as of the date of this article that is not in compliance with this article and does not fall under exceptions set out in this article will nevertheless be considered to be in compliance with this article if such lawful business or activity has existed or occurred on or at its present location and made noise that is not in compliance with this article prior to the complaining party moving to an area that is affected by the noise. This exception shall not apply to the nuisances described in sections 12-33 (1), (2), (3) and (10), which have their own exceptions, herein. Any lawful business operating as of the date of this article that is not in compliance with this article and does not fall under exceptions set out in this article, including in this subsection (f) shall have six months from the date of the ordinance from which this article derives to come into compliance with this article.