



FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES *DAVID HAMMOND*

REQUEST: ONE-YEAR VARIANCE FOR A SEWER REPAIR PROJECT USING OPEN TRENCH CONSTRUCTION AT SE 82ND AVE AND 234 FEET WEST ALONG MILL STREET, FOR A TOTAL OF UP TO TEN DAYS BETWEEN JANUARY 1, 2018 AND FEBRUARY 28, 2019

VARIANCE NUMBER: 17-211017-000-00-NV

DECIDED: AUGUST 9, 2017

DECISION: APPROVED WITH CONDITIONS

BACKGROUND:

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

REQUEST:

David Hammond, representing Bureau of Environmental Services, is requesting up to ten nights of sewer repair work, using open the trench work method between the dates of January 1, 2018 and February 28, 2019, on se 82nd Ave, and 234 feet west along Mill Street. Night time work is required to due traffic impact and human safety. Times requested are 8:00 pm through 6:00 am, Monday through Friday.

FINDINGS:

- A. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.

- B. The sound source does not predate receivers.
- C. The last criterion in reviewing Noise Variances speaks to a sort of “balancing test”, in which compliance/non-compliance is measured against the “public good.” Will the denying of this application produce hardship without equal or greater benefit to the public? Based on the potential traffic disruptions that would occur without this variance, the Noise Review Board finds that denying this request will not benefit the public good.

DECISION:

Motion was made by Kerrie Standlee to grant a variance with the conditions below. Ryan Hyke seconded the motion. The motion passed 4 - 0. Board members voting: Kerrie Standlee, Ryan Hyke, Melissa Stewart, and Michael Wallace. Jamie Hurd was not in attendance.

The Variance is approved with the following conditions:

- A. A noise variance shall be issued for 10 nights of work between Monday and Saturday within a 2-week period between January 1, 2018 and February 28, 2019.
- B. From 6 p.m. until 10 p.m. the applicant will be required to use “smart alarm” back up beepers instead of a standard reverse alarm for all equipment activity.
- C. From 10 p.m. until 7 a.m., the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles.
- D. Saw cutting shall be performed during daytime allowable work hours. If saw cutting is required during night work it shall be done prior to midnight. Saw cutting taking place between 10 p.m. and midnight shall include portable sound barriers being utilized to decrease the noise level to a level of no more than 75 dBA at any point immediately outside a residential structure.
- E. The applicant is required to use direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be placed away from residential neighbors when possible, and at all times isolated from any residential neighbors with the safe use of an enclosure designed to reduce noise levels immediately outside all residential structures to a level no higher than 70 dBA.
- F. Notice to be mailed and emailed two weeks prior to start of work to a 2- block radius of the work site. Notice shall include nature of work, anticipated noise sources and a contact phone number for a person on site to explain the work and possibly mitigate the issue.
- G. Noise office must be notified of proposed staging areas related to night work and approve the location before the area can be used for night work.
- H. BES inspector to be on site during all work hours with a sound level meter to be able to confirm noise limits are met if complaints are received.