



## **CITY OF TUKWILA**

### **Department of Community Development**

6300 Southcenter Boulevard, Tukwila, WA 98188

Telephone: (206) 431-3670

## **NOISE VARIANCE REQUEST**

### **INFORMATION**

A noise variance is required to exceed the maximum permissible sound levels established in Tukwila Municipal Code [Chapter 8.22](#). Variance types, procedures and appeals are pursuant to [Title 18](#) of the Tukwila Municipal Code.

**REQUIREMENTS:** A noise variance is required for any sound that exceeds the following maximum permissible sound levels when measured at or within the boundary of a receiving property:

<b>District of Sound Producing Source</b>	<b>District of Receiving Property</b>			
	<b>Residential, Daytime</b> 7am-10pm M-F & 8am- 10pm S-S & Holidays	<b>Residential, Nighttime</b> 10pm-7am M-F & 10pm- 8am S-S & Holidays	<b>Commercial</b>	<b>Industrial</b>
Residential	55 dB(A)	45 dB(A)	57 dB(A)	60 dB(A)
Commercial	57 dB(A)	47 dB(A)	60 dB(A)	65 dB(A)
Industrial	60 dB(A)	50 dB(A)	65 dB(A)	70 dB(A)

At any hour of the day or night, the applicable noise limitations above may be exceeded for any receiving property by no more than:

1. 5 dB(A) for a total of 15 minutes in any one-hour period;
2. 10 dB(A) for a total of 5 minutes in any one-hour period; or
3. 15dB(A) for a total of 1.5 minutes in any one-hour period.

Also, in all districts of the City, a variance is required for any sound that is:

1. plainly audible from a motor vehicle sound system at a distance of at least 50 feet from the vehicle itself; or
2. plainly audible commercial music at a distance of at least 50 feet from the property line of the commercial establishment; or
3. plainly audible during nighttime hours from within a noise-sensitive unit of the receiving property; and
4. when the receiving property is in a residential district, no sound from a sound-producing source is permitted that is plainly audible at a distance of at least 50 feet from the exterior of a sound-producing source, including sounds created by any motor vehicle operated off public highways.

#### **Sounds Exempt at all Times:**

The following sound-producing sources are exempt from variance requirements at all times:

1. Aircraft in flight and sounds that originate at airports that are directly related to flight operations.
2. Safety and protective devices, such as relief valves and fire alarms, where noise suppression would defeat the intent of the device.
3. Systems used to warn the community of an imminent public danger or attack, such as flooding, explosion or hurricane.
4. Emergency equipment activated in the interest of law enforcement, activated to perform emergency work as defined in TMC Section 8.22.020, or activated in response to a power outage where it is necessary to activate such equipment to preserve the health and safety of persons or to prevent harm to property.
5. Warning devices not operated continuously for more than five minutes per incident.
6. The operation of equipment or facilities of surface carriers engaged in commerce by railroad.
7. Natural phenomena.
8. City-sanctioned parades, sporting events and other City-sanctioned public events.

9. Sounds created by equipment used for public highway maintenance and construction, provided the receiving property is located in a commercial or industrial district of the City and provided that the applicant shall provide written notice to all residents within 500 feet of the project including all residents of multi-family complexes. Notice shall be provided between ten and thirty days of the onset of construction activity and shall enumerate the anticipated construction schedule for the length of the project. An affidavit of distribution shall be provided to the City.
10. Sounds created by existing or new electrical substations and existing or new stationary equipment used in the conveyance of water, waste water and natural gas by a utility are exempt from the nighttime reduction of TMC Section 8.22.050(B) only.

Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.05.

### **Sounds Exempt During Daytime Hours.**

The following sound-producing sources are exempt from variance requirements during daytime hours:

1. Aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible.
2. Bells, chimes or carillons operating for not more than five minutes in any one hour.
3. Sounds created by construction or the movement of construction-related materials, including but not limited to, striking or cutting sounds from hammers, saws or equipment with electrical or internal combustion engines emanating from temporary construction sites.
4. Sounds created by hand or powered equipment used in temporary or periodic maintenance or repair of property, uses or structures, including but not limited to, lawnmowers, powered hand tools, snow removal equipment, and composters.
5. Sounds created by the installation or repair of essential utility services.
6. Sounds created by equipment used for public highway maintenance and construction.
7. The testing of emergency back-up generators or other emergency equipment.
8. Sounds originating from the discharge of firearms on shooting ranges authorized under State and local law are exempt from the provisions of this chapter between 7AM and 9PM, Monday through Friday and 8AM and 6PM, Saturday, Sunday and State-recognized holidays.

Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.04.

### **Special Permission decisions and Permit Types by the Director or Hearing Examiner are summarized below:**

<b>Number of days/nights maximum permissible sound level may be exceeded within a 12-month period</b>	<b>Variance Permit Type</b>	<b>Notice of Application Requirements</b>	<b>Public Hearing Requirements</b>
30 days or less	Type 1 Administrative Variance	No notice <sup>(2,3)</sup>	No Hearing
31-60 days	Type 2 Administrative Variance	Mailed notice <sup>(1,2)</sup>	No Hearing
More than 60 days	Type 3 Variance	Mailed notice <sup>(1,2)</sup>	Public Hearing

<sup>(1)</sup> Mailed notice shall be provided per TMC Section 18.104.120 excepting that tenants that are not affected tenants per TMC Section 8.22.020 are not required to be sent notice.

<sup>(2)</sup> The administrator shall have the discretion in unusual circumstances (i.e., unusual type or intensity of noise or length of request) to require (additional) public notification procedures, such as causing notice to be published on the City's website, mailed notice provided to a wider geographic area, and/or notice posted at the site.

<sup>(3)</sup> In the case of residential parties and prior to granting the variance, the applicant shall provide written notice to all residents within 500 feet of where the event is being held. When the 500 foot radius includes multi-family complexes, all residents of the complex shall be notified.

**PROCEDURES:** At the time you submit your application you must have all of the items listed on the attached “Complete Application Checklist.” You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff prior to or at the time of application submittal.

Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City’s request for additional information the City may cancel your application. Once the application is complete it will be reviewed by the Director or Hearing Examiner who will issue a decision to approve, modify or deny the application based on the review criteria. Type 2 and 3 decisions are subject to a 14 day appeal period following a decision.

If your application requires public notice, anticipate an additional three weeks to process your application.

# COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing by the Department of Community Development. Please contact the Department if you feel that certain items are not applicable to your project and should be waived. Application review will not begin until it is determined to be complete. **ADDITIONAL MATERIALS MAY BE REQUIRED.**

The initial application materials allow project review to begin and vest the applicant's rights. However, the City may require additional information as needed to establish consistency with development standards. City Staff are available to answer questions about application materials at 206-431-3670 (Department of Community Development).

Check items submitted with application	<b>Information Required.</b> <i>May be waived in unusual cases, upon approval of Planning</i>
<b>APPLICATION MATERIALS:</b>	
	1. Application Checklist, indicating items submitted with application.
	2. Permit Type: <input type="checkbox"/> Type 1 <input type="checkbox"/> Type 2 <input type="checkbox"/> Type 3*
	3. Permit Fee: See <a href="#">Land Use Fee Schedule</a> for standard application fee.
<b>PROJECT DESCRIPTION AND ANALYSIS:</b>	
	4. Written description of the project, the deviation being requested including: (form follows) a) The nature, source, intensity and location of the sound; b) The hours during the day and/or night the noise will occur; c) The number of days and/or nights the noise will occur; d) The ambient sound level during the time of day or night for which the variance is being sought; e) The time period for which the variance is requested; f) The reason for which the noise violation cannot be avoided; g) Mitigating conditions the applicant will implement to minimize the sound level violations; h) The name, address and means of contacting a responsible party during the hours of operation for which the variance is requested; and i) Any additional information or studies regarding any aspect of the requested variance that is deemed necessary to complete the review of the variance request.
	5. A written discussion of project consistency with decision criteria, see Review Criteria. This is your opportunity to describe the merits of your request. Form follows.
<b>PUBLIC NOTICE MATERIALS (for Type 2 and Type 3 variance applications and Type 1 applications if required by the Director):</b>	
	6. Provide one hard copy of mailing labels for all <i>property owners</i> and <i>tenants</i> (residents or businesses) within 500 feet of the subject property. Each unit in multiple family buildings e.g. apartments, condos, trailer parks--must be included. Once your project is assigned to a planner, you will be required to provide an excel spreadsheet of the mailing labels in a useable format according to the Public Notice Mailing Label Handout. See <a href="#">Public Notice Mailing Label Handout</a> for sample of the required format. <b>OR</b> you may pay the City to generate the mailing labels. See <a href="#">Land Use Fee Schedule</a> under "Public Notice Mailing labels" for the fee amount.

Check items submitted with application	<b>Information Required.</b> <i>May be waived in unusual cases, upon approval of Planning</i>
	7. If providing own labels, include a King County Assessor's map(s) which shows the location of each property within 500 ft. of the subject lot.
	8. Mailing Fee: Prior to issuing permit, the mailing fee shall be paid according to the <a href="#">Land Use Fee Schedule</a> for Public Notice Mailing Fee.



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## NOISE VARIANCE REQUEST

### APPLICATION

*FOR STAFF USE ONLY Permits Plus Type: P-ADMIN  
Sub-Type: Noise: Type 1, Type 2, Type 3*

<b>Planner:</b>	<b>File Number:</b>
<b>Application Complete Date:</b>	<b>Project File Number:</b>
<b>Application Incomplete Date:</b>	<b>Other File Numbers:</b>

**NAME OF PROJECT/DEVELOPMENT:** \_\_\_\_\_

**BRIEF DESCRIPTION OF PROJECT:** \_\_\_\_\_

CIRCLE TYPE - **TYPE 1** - 30 DAYS OR LESS

**TYPE 2** - 31 – 60 DAYS  
REQUIRES NOTICE

**TYPE 3** - MORE THAN 60 DAYS  
REQUIRES NOTICE

**LOCATION OF PROJECT/DEVELOPMENT:** *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

\_\_\_\_\_  
\_\_\_\_\_

*LIST ALL TAX LOT NUMBERS (this information may be found on your tax statement).*

\_\_\_\_\_

### DEVELOPMENT COORDINATOR :

The individual who:

- has decision making authority on behalf of the owner/applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City to whom all notices and reports will be sent.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## PROJECT DESCRIPTION

Please respond to these criteria; use a separate sheet if needed.

- 1) The nature, source, intensity and location of the sound.
- 2) The hours during the day and/or night the noise will occur.
- 3) The number of days and/or nights the noise will occur.
- 4) The ambient sound level during the time of day or night for which the variance is being sought.
- 5) The time period for which the variance is requested.
- 6) The reason for which the noise violation cannot be avoided.
- 7) Mitigating conditions the applicant will implement to minimize the sound level violations.

- 8) The name, address and means of contacting a responsible party during the hours of operation for which the variance is requested.
- 9) Any additional information or studies regarding any aspect of the requested variance that is deemed necessary to complete the review of the variance request.



# REVIEW CRITERIA

The Administrator or Hearing Examiner will base a decision on the specific Zoning Code variance criteria shown below. Please respond to these criteria; use a separate sheet if needed.

## CRITERIA FOR A NOISE VARIANCE ([TMC 8.22.120](#))

1. There are exceptional or extraordinary circumstances or conditions applying to the appellant's property or as to the intended use thereof that do not apply generally to other properties in the same noise control district;
2. Such variance is necessary for the preservation and enjoyment of a substantial personal or property right of the appellant, such right being possessed by the owners of other properties in the same noise control district;
3. The authorization of such variance does not endanger public health or safety of named persons in the same or adjacent noise control districts;
4. The granting of such variance will not adversely affect the general policy and purpose of this act as set forth in TMC Section 8.22.010.