



CITY OF BLACK DIAMOND

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Meeting Date: February 17, 2022
To: City Council
Staff Contact: Mona Davis, Community Development Director
Subject: Tamarack Noise Variance – PLN22-0003

Findings of Fact

C.C. Edwards Construction, Inc. submitted the required materials for a noise variance, including a master planning application form and a narrative of their request, on January 20, 2022. The applicant's request is to allow for work between 8:00 PM and 7:00 AM on weekdays (outside of standard working hours) to install the sewer main to the plat. The construction is planned as of now to occur during the day, the noise variance request is to have an option "B" in place in case the daytime construction causes negative impacts to traffic and/or the project. This will allow the project to quickly convert to night construction if needed.

A noise variance "may only be granted if it is necessary to further a public purpose, no reasonable alternatives are available, and it is for the shortest time duration possible in order to accomplish the public purpose" per Black Diamond Municipal Code (BDMC) 8.12.030.A.

The narrative provided meets these criteria as follows:

- *Public purpose*
The project will further the public purpose of installing the sewer main and doing so in a way that will increase safety and have less impact on surrounding uses (i.e., Lake Sawyer Market) and traffic.
- *No reasonable alternatives*
Night construction will be used in the case that no reasonable alternatives are available that wouldn't create more traffic impacts on the surrounding street system (as otherwise this would occur during normal daytime hours) or the surrounding uses as parking and access would be impacted.
- *Time duration*
Granting the noise variance allows night work, which will allow the work to be accomplished in a shorter time duration.

Staff Recommendation

Having analyzed the approval criterion of the BDMC, staff recommends approval of the noise variance.

Process

Noise variances are permitted per BDMC 8.12.030 which states that the application shall be "granted by the city council, after conducting a public hearing." The public hearing was noticed as required, including published in the newspaper, on the City website, mailed out, and posted on site.