



City of Mukilteo, Washington  
**Notice of Approval**  
for a  
**Noise Variance**  
**Washington State Ferries**

The City of Mukilteo has **APPROVED** a *Noise Variance*, VAR-ADMIN-2016-001 for nighttime work by the Washington State Ferries (WSF) under MMC 8.18, Noise Control, and WAC 173-60-050, exemptions. The purpose of the Noise Variance is to allow nighttime construction by WSF to remove concrete and wood debris from the shoreline during low tide for approximately two (2) hours during the time period of six (6) p.m. to ten (10) p.m. on February 4<sup>th</sup> and 5<sup>th</sup>, 2016.

**APPLICANT:**

Olivier Richer, Chief Inspector  
Washington State Ferries  
2901 3rd Ave, Ste 500  
Seattle, WA 98121

**DESCRIPTION OF PROJECT:**

WSF has applied for a noise variance to conduct work on the removal of debris from the shoreline for the new Mukilteo Ferry Terminal outside of the approved construction hours of seven (7) a.m. to six (6) p.m. WSF has requested this variance for nighttime work to allow the projects to be completed in less time and with minimal community impacts. The work involves the use a single excavator on the beach at low tide in which the lighting (from the excavator) would be directed toward the beach and/or the bottom of the bulkhead. The noise should be limited to the single use of an excavator and workers talking. The removal of the debris will benefit shoreline protection during the time between the completion of Phase 1 and start of Phase 2 construction. The removal of the debris should take approximately an hour once the equipment is in place. Only the debris that would exacerbate erosion is being removed. The rest will provide shoreline protection and be removed during the Phase 2 construction.

The Mukilteo Community Development Director may grant a variance to the construction noise regulations under Mukilteo Municipal Code (MMC) 9.46.080(B) Public Nuisances and finds the improvements to the Mukilteo Ferry Terminal to be essential to the operation of the overall ferry system.

**LOCATION OF PROPOSAL:**

798 Front Street

**PROJECT DECISION**

The project was reviewed for consistency with the standards and regulations of the City of Mukilteo and State of Washington Administrative Code and is hereby **APPROVED**, based on the following Findings of Fact:

## **FINDINGS OF FACT**

1. WSF submitted a Noise Variance request on January 21, 2016.
2. WSF plans to conduct work for approximately two (2) days February 4<sup>th</sup> and 5<sup>th</sup>, 2016. Work needs to occur during nighttime hours for the removal of debris from the shoreline during low tide for the new Mukilteo Ferry Terminal.
3. This request has been reviewed and approved under MMC 9.46.080(B), which allows the Planning Director to consider variances to the City's construction noise regulations in accordance with the requirements of WAC 173-60-080.
4. In accordance with WAC 173-60-080, the City finds that:
  - a) WSF has requested the construction noise variance and has submitted the information necessary to review the request.
  - b) Construction activities that exceed the maximum allowable evening (10:00 p.m.-7:00 a.m. quiet period) noise level of 45 dBA include:
    - Excavator on the beach;
  - c) WSF has requested this variance as night work will allow the project to be completed in less time and with minimal community impacts.
  - d) The noise variance is being granted for February 4<sup>th</sup> and 5<sup>th</sup>, 2016.
5. WSF has proposed and will be implementing the following mitigation measures during construction:
  - a) The contractor shall use ambient sensitive backup warning devices. The Contractor may use back-up observers in lieu of back-up warning devices for all equipment except dump trucks in compliance with WAC Chapter 296-155-610 and 296-155-615. The Contractor shall use back-up observers and back-up warning devices for dump trucks in compliance with WAC Chapter 296-155-610.
  - b) All trucks performing export hauling shall be equipped with well maintained bed liners as inspected and approved by the Engineer, or new rubber or aluminum bed liners.
  - c) A copy of each noise variance or exemption shall be kept on the project site at all times.
  - d) All residents adjacent to projects portions in which nighttime activity will occur shall be notified of nighttime construction activities at least seven (7) days in advance of the start of proposed nighttime work.
  - e) All trucks performing export hauling shall have rubber bed liners and all tailgate banging is prohibited.

Any person aggrieved by the granting of this variance may appeal the decision to the Pollution Control Hearings Board, pursuant to RCW 43.21B under the procedures of WAC 371-08.

**CONTACT PERSON:** Linda Ritter  
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**RESPONSIBLE OFFICIAL:** Patricia Love  
Director of Community Development  
City of Mukilteo  
11930 Cyrus Way  
Mukilteo, WA 98275  
(425) 263-8041

**DATE OF ISSUANCE:** Thursday, January 28, 2016

Signature:  \_\_\_\_\_ Date: 1/26/16  
Patricia Love  
Director of Community Development

PC:      Applicant                      Community Development Director      Permit Services Supervisor      File Copy (2)  
         Parties of Record              Fire Chief                              Permit Services Assistant.              Police Chief