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LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

## NOISE PERMIT

PURSUANT TO DESCHUTES COUNTY CODE (DCC) CHAPTER 8.08

LOCATION: Tumalo Road and Deschutes Market Road from 19<sup>th</sup> Street to Tumalo Place.

FILE NUMBER: 247-22-000243-V

OWNER: Deschutes County Road Department

OPERATOR: Cody Smith

PHONE: (541) 322-7113

PROJECT DESCRIPTION: The applicant requests approval of a noise permit to allow nighttime construction to construct bridge approach repairs and pavement rehabilitation on Tumalo Road and Deschutes Market Road between Tumalo Place and 19<sup>th</sup> Street.

DATES AND TIMES OF PROJECT: Nighttime construction activities are anticipated to begin no sooner than June 1, 2022, and are anticipated to be completed no later than August 31, 2022. Nighttime construction will occur Sunday night through Friday morning, between 10:00 p.m. and 6:00 a.m.

FINDINGS: The Board of County Commissioners (“Board”) finds that a public necessity exists for granting this permit for construction hours between 10:00 p.m. and 6:00 a.m. The Board bases the findings on evidence in the record and testimony at the hearing. These findings include:

1. A need to construct bridge approach repairs and pavement rehabilitation on Tumalo Road and Deschutes Market Road between Tumalo Place and 19<sup>th</sup> Street;
2. A desire to conduct construction from 10:00 p.m. to 6:00 a.m. to minimize traffic delays, decrease the risk of construction related accidents on Tumalo Road and Deschutes Market Road, and reduce potential traffic queues affecting US 97 and County roads.

CONDITIONS OF APPROVAL:

1. Construction activities may be conducted beginning June 1, 2022.
2. Fifteen days prior to commencing any construction activities, the Owner shall notify all property owners who testified at the public hearing for this permit of the dates and times the construction activities will occur.
3. This permit expires August 31, 2022.
4. THE APPROVED PERMIT SHALL BE RETAINED ON-SITE UNTIL THE PROJECT IS COMPLETE.
5. BY ACCEPTANCE OF THIS PERMIT, OWNER/OPERATOR CONSENT TO ALLOW BOTH COUNTY CODE ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL TO COME ON THE PREMISES FOR WHICH THE PERMIT HAD BEEN GRANTED FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT OF THE TERMS AND CONDITIONS OF THE PERMIT AND DCC 8.08, AND ANY OTHER APPLICABLE LAWS OR ORDINANCES.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2022

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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PATTI ADAIR, Chair

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ANTHONY DEBONE, Vice Chair

ATTEST:

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Recording Secretary

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PHIL CHANG, Commissioner