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**NOTICE OF DECISION  
NOISE VARIANCE**  
Steven R. Wilcox  
Development Services Department  
December 21, 2023

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**Summary of Decision:** Approved, subject to conditions.

**PART 1 – GENERAL INFORMATION:**

DECISION TYPE: Type 2, Administrative Noise Variance

APPLICATION: P-23-043

LOCATION: SR 520 Milepost 1.18 to Milepost 3.98

TAX PARCEL: N/A

PROPERTY OWNER: Washington State Department of Transportation (WSDOT)

APPLICANT AGENT: Kelsey Donahue, WSDOT  
TPS3 Air Quality Noise and Energy Specialist

LEGAL DESCRIPTION: None. Work area as defined by the Location within WSDOT property, and by the Exhibit 1 map.

PROPOSAL: Maintenance of the SR 520 floating bridge through sealing of the deck, and soffits near the expansion joints. This variance provides relief allowing WSDOT to work outside of regular work hours as defined within Medina Municipal Code Chapter 8.06. This variance will allow for up to 10-nights of maintenance work between March 1, 2024 and December 31, 2024.

ZONING: Properties Adjacent are R-20 Single-Family Residential

COMPREHENSIVE PLAN DESIGNATION: SR 520 Corridor Special Planning Area

CRITICAL AREAS: None. All maintenance work is on the existing SR 520.

ENVIRONMENTAL (SEPA) REVIEW: Exempt pursuant to WAC 197-11-800(1)(b)(i)

**PART 2 – SITE CHARACTERISTICS:**

EXISTING CONDITIONS: SR 520 WSDOT Right of Way

ACCESS: East and West directions on SR 520

## **PART 3 – STAFF ANALYSIS:**

### **GENERAL:**

1. SR 520 is within WSDOT right of way. Portions of SR 520 and this (concrete sealing) maintenance work are within the City of Medina limits.
2. The maintenance work will occur during a maximum of 10-nights between March 1, 2024. The applicant would like for the work to be allowed under this variance through December 31, 2024, or as determined by WSDOT and their contractor. The Medina Municipal Code adds conditions to the work period under the variance approval.

Due to the requirement of MMC 8.06.500.C.5, this variance approval will expire one-year from the date of the decision.

3. The maintenance work is throughout the entirety of SR 520. Work within Medina will be relatively brief with primary noise coming from street sweepers.
4. WSDOT performed a noise study which shows a 600' buffer from the maintenance work. The noise study buffer and narrative is in Exhibit 2. A comparative noise level table was provided and is included as Exhibit 3. The noise study concludes within "Justification for nighttime work & traffic limitations" with Exhibit 4, that the brief noises created by the maintenance work will be comparable to existing nighttime traffic.
5. Ingress and egress to the maintenance work is via SR 520 in a manner similar to traffic.

## **PART 4 – CONCLUSIONS:**

### **A. Pursuant to Medina Municipal Code Chapter 8.06.500.C Administrative noise variance.**

#### **1. Procedures, MMC 8.06.500.C.2**

Administrative noise variance applications are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC. The director is appointed as the decision authority to decide request for administrative noise variances.

#### **2. Limitations, MMC 8.06.500.C.2**

- a. The exemption is limited to a period not to exceed 14 days during any 12-month period; and
- b. A project may not have more than one administrative noise variance granted for the entire project. A site containing multiple projects during any five-year consecutive period shall be deemed a single project for purposes of qualifying for an administrative noise variance.

#### **Conclusion.**

The administrative noise variance application complies with the Limitations outlined in MMC 8.06.500.C.2.

3. 8.06.500.C.3 Criteria for approval.

- a. The exemption is limited to a period not to exceed 14 days during any 12-month consecutive period; and
- b. A project may not have more than one administrative noise variance granted for the entire project. A site containing multiple projects occurring during any five-year consecutive period shall be deemed a single project for the purposes of qualifying for an administrative noise variance.

Conclusion.

The administrative noise variance complies with the Criteria for approval outlined in MMC 8.06.500.C.3.a.

Compliance with 8.06.500.3.b will be required.

4. Conditions of approval, MMC 8.06.500.C.4

The director may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

Conclusion.

Reasonable conditions in the interest of the Medina public are being applied. Refer to Part 5 – Decision.

5. Lapse of approval, MMC 8.06.500.C.5

An administrative noise variance shall expire after one year from the later date of the decision being issued or an appeal becoming final.

Conclusion.

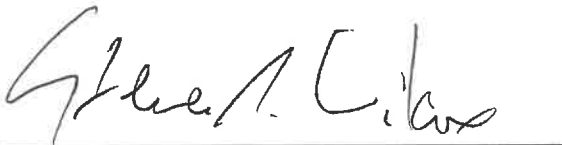
The applicant will be required to schedule the work completion within this time period.

**PART 5 – DECISION:**

The request for a noise variance is approved, subject to the following:

- 1. The general contractor will apply a Silane, or similar product, which is a concrete sealant. Application of the Silane sealant is to be in accordance with all WSDOT, Department of Ecology, product application rules, and any other requirements in the interest of protecting general health, safety, and the environment specific to include the protection of Medina residents and Lake Washington.
- 2. The applicant will ensure that emergency services access to Medina are not affected.
  - a. Any effect on emergency services response times or facilities are to be prior approved by those agencies involved.
  - b. The City of Medina Police Chief and the Development Services Department Director are to be prior notified of any proposed changes to City access or facilities.

3. The applicant will respond to, and attempt to mitigate Medina resident concerns in a timely manner.
  - a. The Development Services Department director will be notified via email or phone of resident concerns and response results as they occur.
4. WSDOT agreed to provide additional noticing of work start dates at least 2-weeks ahead of each maintenance work period.
  - a. At a minimum, additional mailed noticing will be sent to the Medina residents within the 600' buffer as defined in Exhibit 2.
  - b. A copy of each additional mailed notice will be provided to the Development Services Director.
5. Maintenance project associated vehicles, including worker vehicles will not park in the City of Medina.
  - a. There will be no parking allowed anywhere within the Medina right of way.
  - b. Worker vehicle parking will not occur on SR 520 in locations where any associated noise can be heard by Medina residents.
6. The maintenance project will not stage on SR 520 within the City of Medina.
7. Portable toilets, or other facilities which will cause frequency, or congregation of maintenance project workers, will not be located on SR 520 within Medina.
8. Vehicle back-up alarms will not be used during night hours.
9. The applicant will notify the Development Services director prior to work starts, and to the final completion of the maintenance project.



Steven R. Wilcox  
Development Services Director

Date: 12-21-23

### **Part 8 – APPEAL:**

Pursuant to MMC 16.80.220(A) Type 2 decisions may be appealed to the Medina Hearing Examiner. Appeals shall be in writing and submitted within 14 days of the issuance of this decision. Appeals are due by 4:00pm, Friday, January 5, 2024. Appeals shall be submitted along with a \$750 fee to the City Clerk at the following address: Medina City Hall, 8398 N.E. 12<sup>th</sup> Street, Medina, WA 98039