



## King County

### Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

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Seattle, WA 98104-3855

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TTY Relay: 711

April 5, 2023

TO: Felisha Meusey, Project/Program Manager, King County Department of Local Services  
Permitting Division

FM: Jo Wilhelm, Environmental Scientist, King County Water and Land Resources Division

RE: **Construction Hours Noise Variance Request** - Fall City Floodplain Restoration  
Project (GRDE21-0078), Snoqualmie River, King County, WA

The King County Water and Land Resources Division is requesting a Construction Hours Noise Variance to work outside of normal hours of operation per King County Code (KCC) 12.86.520 and in accordance with the requirements of KCC 16.82.105.B. The following information is provided in support of this request.

DLS PD FILE: GRDE21-0078

APPLICANT: Jo Wilhelm  
Ecologist, Environmental Scientist III,  
Ecological Restoration and Engineering Services Unit  
King County Water and Land Resources Division  
201 S. Jackson St., Suite 5600  
Seattle, WA 98104

PROJECT: **Project Location:** The project is located on the Snoqualmie River just downstream of Fall City, Washington. Summer 2023 work will primarily be on the right bank Snoqualmie River between the river and Neal Road SE in north central unincorporated King County. The project area occurs in the NW, SW, and SE quarters of Section 10 in Township 24N and Range 07E. See attached maps. Variance hour work will take place exclusively on the right bank of the Snoqualmie River on three parcels:

1. 1024079036; owned by King County Parks, no residences
2. 1024079037; owned by King County Parks, no residences
3. 1024079026; owned by Fall City Farms, one unoccupied residence associated with 3636 Neal Road SE.

**Project Narrative:** King County Water and Land Resources Division’s Fall City Floodplain Restoration Project (hereafter the project) will restore approximately 145 acres of in-stream and riparian habitat within the Snoqualmie River floodplain, reduce flood and erosion risk, and provide benefits to agriculture. The project will accomplish this and restore natural river processes that create critical salmon habitat and reduce flood and erosion impacts to homes, roads and farms (Figure 1) with the following actions:

- Right bank: removing the Haffner revetment, creating a 0.55 mile side channel, realigning Neal Road SE further from the river, and constructing a buried setback revetment;
- Left bank: removing the Barfuse levee, removing 2 culverts and excavating pilot channels to reconnect and enhance 0.3 miles of degraded side channel;
- Both banks: planting close to 100 acres of riparian corridor and floodplain forests with native tree and shrub species and installing over 700 pieces of large wood.

This is a multi-year project. Most of the left bank work and the Neal Road realignment was completed in 2022. The start date for work on the right bank is anticipated to be around May 8, 2023 and will require working 6-days a week through most of September. The work will be completed by a contractor. The work likely to be completed during the variance hours includes side channel excavation, embankment, log jam installation, in-water work including turbidity curtain set up & maintenance, revetment removal, and construction of the new buried set-back revetment. No pile driving will be done outside of typical construction hours. Standard equipment will be needed to complete the project, see the attached equipment table as a reference.

**Variance Requested:** To expedite project work and maximize efficiency and to ensure the project can be completed within in-water work window and flood season constraints, King County Water and Land Resources Division is requesting a Construction Hours Noise Variance for up to fourteen (14) non-consecutive days within the construction period, from approximately June 10 to September 30. The variance work is likely to be concentrated on Saturday mornings beginning at 7 am (versus 9 am).

**Justification for Variance:**

- Water and Land Resources Division anticipates that allowing work outside of normal construction hours will help ensure 2023 project completion while complying with in-water and flood season timing constraints. The duration of construction is constrained by:
  - the WDFW-issued fish window for in-water work (July 1-Sept 15)

- contract language that requires the contractor complete work by October 1, the beginning of the flood season.
- Allowing early morning Saturday work is anticipated to have less impact on the public because it reduces the likelihood of a 3<sup>rd</sup> construction year in 2024 and it avoids conflicts with afternoon and evening weddings scheduled on Fall City Farms property most Saturdays between May and October.

**Mitigation Measures:** Per KCC 16.82.105.B.6, proposed measures are provided to minimize noise impacts to avoid health and safety hazards outside of normal hours of operation. The forested conditions surrounding the downstream half of the project are anticipated to provide some sound attenuation. To further reduce noise impacts, the following mitigation measures will be implemented:

- Equipment-specific mitigation measures listed in the attached noise table will be implemented to the extent feasible.
- Limiting the type of equipment used. Pile drivers, mechanical breakers or jackhammers will not be used prior to 9 am on weekends.
- No pavement breaking, saw cutting, or pile driving will occur prior to 9 am on weekends.
- Minimizing the amount of early morning work close to occupied residences as much as possible. Only the southeast corner of the project is within 500' of a residence. When possible, early morning work within 500' of the residence will be restricted to access only and heavy equipment work will happen further north or west.
- Avoiding heavy equipment work on the left bank until 9 am on Saturdays. This minimizes the number of affected residences.
- Truck tailgate banging is prohibited. All truck tailgates shall be secured to prevent excessive noise from banging.
- Contractor shall avoid parking and idling vehicles next to residences
- Music, loud voices, radios, and other such amplifying equipment shall not be used in a manner that is heard outside the immediate work area.
- A copy of the Construction Hours Noise Variance shall be kept on the project site at all times and will be presented to the King County Department of Public Safety or the Department of Local Services-Permitting Division upon request as evidence of a legal noise variance.
- Maintain an accurate record of the day's work on this project during variance hours.
- An on-the-job complaint number (listed below), and a list of designated contact persons, shall be provided for the purpose of forwarding complaints.
- Water and Land Resources Division will provide verbal and/or written notice to parcel owners within approximately 500 feet that

might be potentially affected by noise prior to the start date of the work.

- Additional information for the public will be available on the project website.
- Permitting Division will be notified prior to the actual start date of the work per the conditions of the Construction Hours Noise Variance.
- Contact information during construction is as follows:
  - Colby Miller, KLB, Construction Superintendent, 425-582-1085, [colby@klbconstruction.com](mailto:colby@klbconstruction.com)
  - Omar Ortiz, KLB, Construction Project Manager, 425-977-5077, [omaro@klbconstruction.com](mailto:omaro@klbconstruction.com)
  - Mike Roberts, Anchor QEA, Construction Manager, 425-420-0533, [mroberts@anchorqea.com](mailto:mroberts@anchorqea.com)

**KING COUNTY NOISE CODE SECTIONS ITEMIZED:**

This construction hours variance authorizes construction activities to occur outside of normal construction hours as provided in KCC 12.86.520 and in accordance with the requirements of KCC 16.82.105.B.

**PUBLIC DISTURBANCE OR PUBLIC NUISANCE NOISE NOT AUTHORIZED:**

This temporary variance does not authorize the creation of public disturbance or public nuisance noise and does not waive or rescind the authority of the King County Department of Public Safety to enforce prohibitions of public disturbance noise in accordance with the provisions of Chapter 12.86 of the King County Code.

**DURATION:**

This construction variance is for work that is anticipated to begin June 10, 2023 and be completed by September 30, 2023. This variance is effective for the 2023 construction season.

**ADDITIONAL REQUIREMENTS:**

The Department of Local Services – Permitting Division must be notified a minimum of three (3) days prior to the actual start date of the work impacting property in unincorporated King County at the location described above. Additionally, the permittee must maintain an accurate record of the day's work on this project during nighttime hours.

A copy of this construction hours variance and the application must be kept on the project site for the duration of the project or the duration of the variance, whichever occurs first. A copy of this variance should be presented to any member of the King County Department of Public Safety or the Department of Local Services – Permitting Division that requests to be presented with evidence of a legal noise variance.

Meusey – April 4, 2023

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Thank you for your assistance with this project. If there are any questions, please call me at 206-477-4849 or email me at [jo.wilhelm@kingcounty.gov](mailto:jo.wilhelm@kingcounty.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Opdyke Wilhelm". The signature is fluid and cursive, with the first name "Jo" being the most prominent.

Jo Opdyke Wilhelm  
Senior Ecologist, King County Ecological Restoration and Engineering Services Unit

Enclosures: Maps (3), Equipment Table

cc: Fauna Nopp, Capital Project Manager, King County Water and Land Resources Division

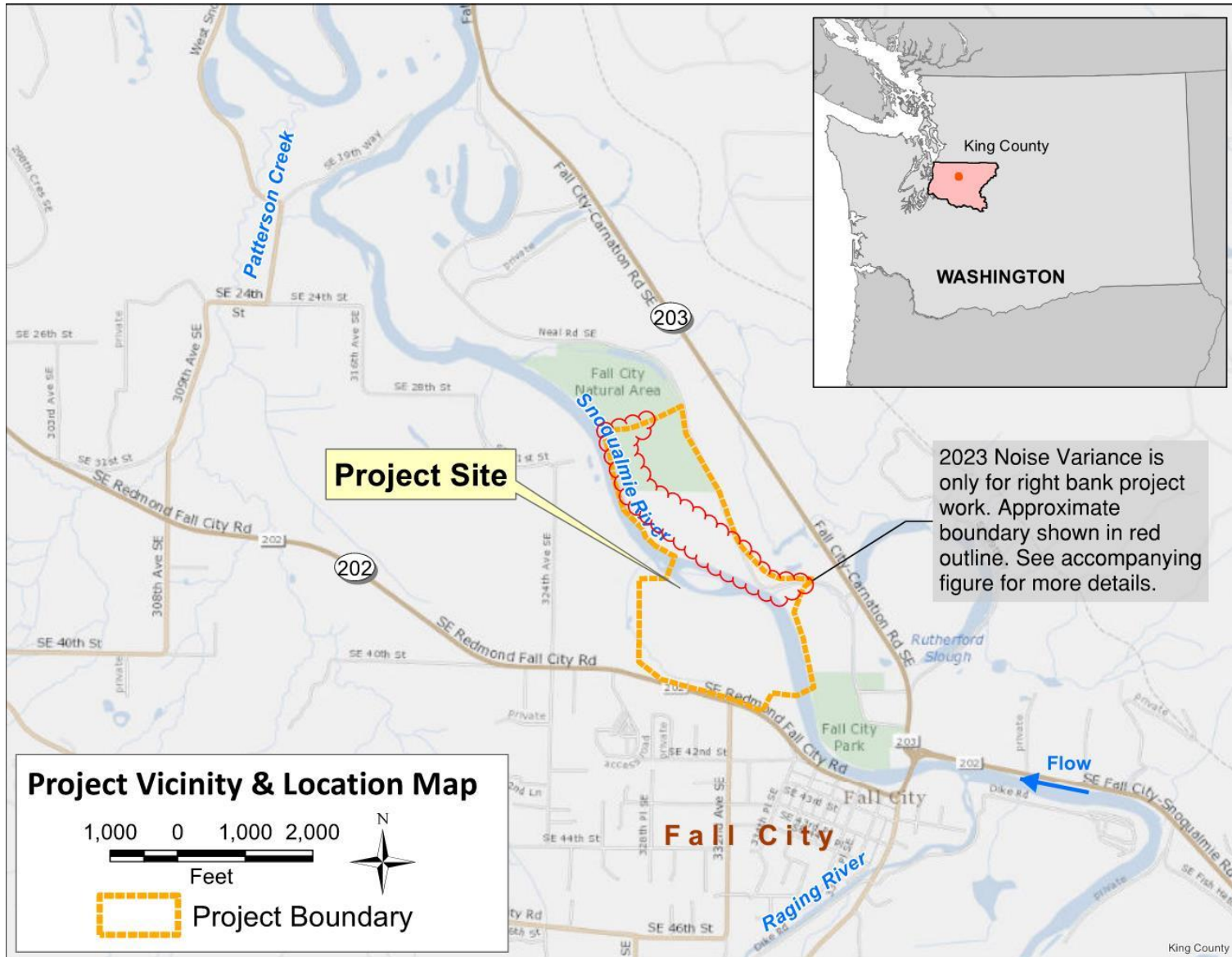


Figure 1. Vicinity Map.

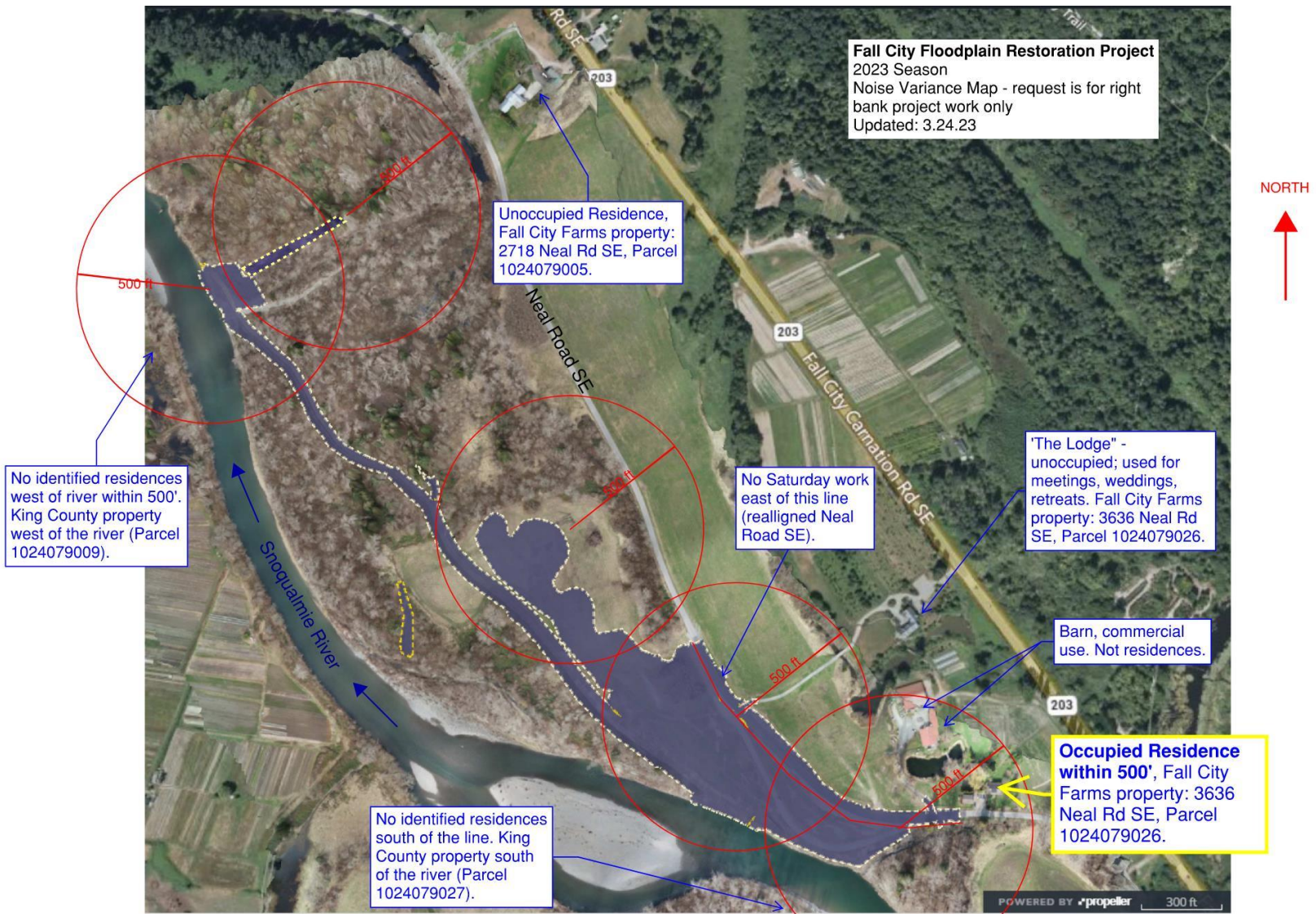


Figure 2. Right bank project footprint, 500' buffer, and residences.

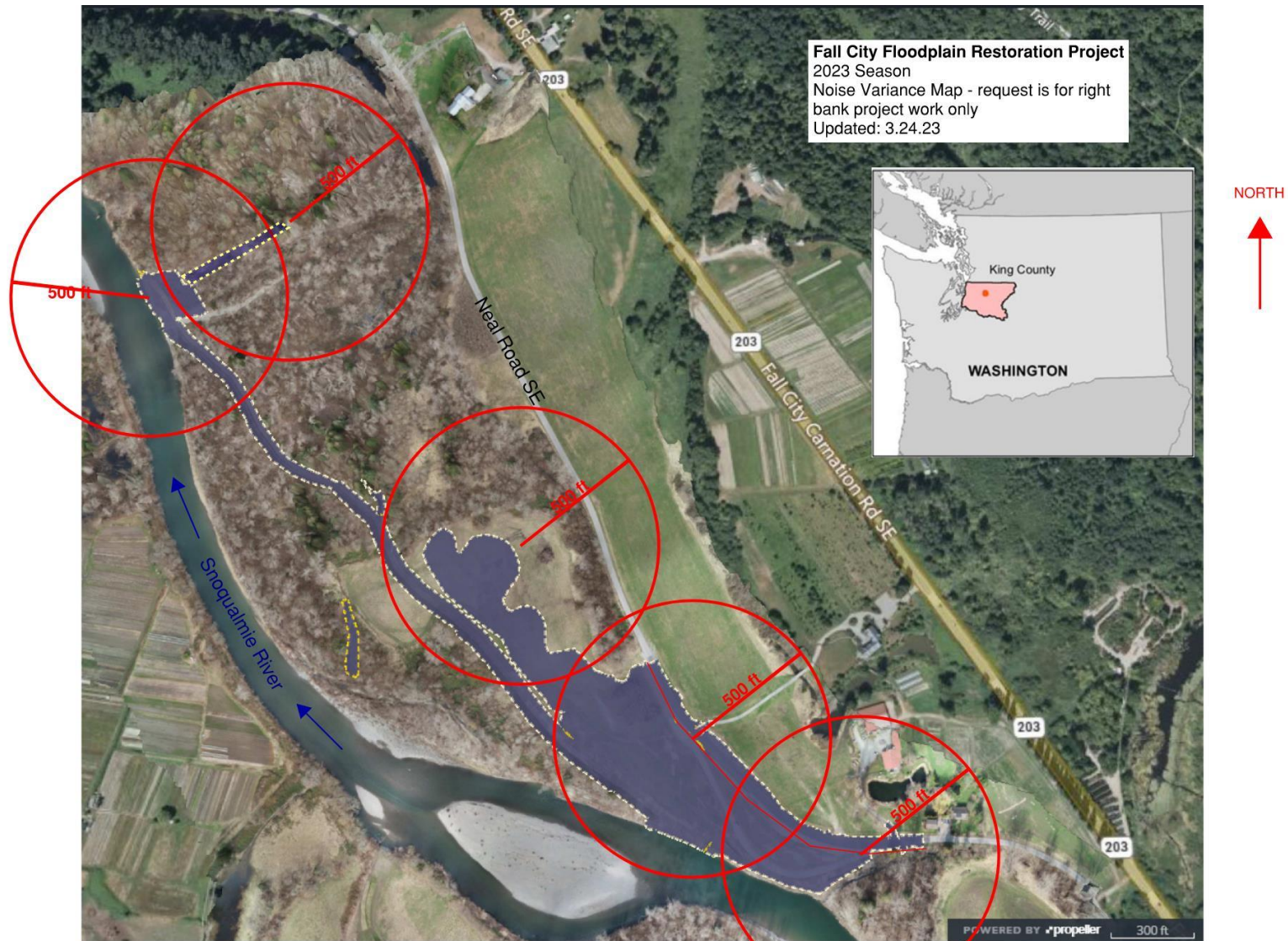


Figure 3. Right bank project footprint and 500' buffers.



### Equipment Table

Equipment Type	Sound Level (dBA) <sup>1</sup>		Mitigation Measures
	at 50 ft	at 200 ft	
Excavator	85.0	73.0	Excavators will only be used during daylight hours.
Loader	80.0	68.0	Loaders will only be used during daylight hours.
On and Off-Road Trucks and Trailers	84.0	72.0	Trucks will only be used during daylight hours; truck tailgate banging is not allowed; no parking and idling adjacent to residences.
Roller	85.0	73.0	Rollers will only be used during daylight hours.
Small Generator	70.0	58.0	Generators will only be used during daylight hours; when possible, generators will be located in areas shielded from direct line of sight from residences.
Medium to Large Dozer	< 85.0	<73.0	Dozers will only be used during daylight hours.

<sup>1</sup>dBA values per Spec. 721.560 Table 9.1 RCNM Default Noise Emission Reference Levels and Usage Factors – FHWA DOT