

NOISE VARIANCE

Permit Type: Noise Variance
Permit Subtypes: - Type 1 (up to 30 days)
- Type 3 (over 30 days)

City of Tukwila - Permit Center
6300 Southcenter Blvd, Suite 100,
Tukwila, WA 98188
www.tukwilawa.gov/departments/permit-center/



ABOUT NOISE REGULATIONS

It is a violation to produce sound exceeding the permissible sound levels established by Tukwila Municipal Code 8.22. No person may produce or allow sound that exceeds the following maximum permissible sound levels when measured at or within the boundary of a receiving property:

District of Sound Producing Source	District of Receiving Property			
	Residential Daytime	Residential, Nighttime	Commercial	Industrial
Residential	55 dB(A)	45 dB(A)	57 dB(A)	60 dB(A)
Commercial	57 dB(A)	47 dB(A)	60 dB(A)	65 dB(A)
Industrial	60 dB(A)	50 dB(A)	65 dB(A)	70 dB(A)

These noise limitations may be exceeded by no more than:

- 5 dB(A) for a total of 15 minutes in any one-hour period;
- 10 dB(A) for a total of 5 minutes in any one-hour period;
- 15 dB(A) for a total of 1.5 minutes in any one-hour period.

The following sporadic noise also exceeds the maximum permissible sound levels and is prohibited:

- In all districts of the City, no sound from a sound-producing source is permitted that is:
 - plainly audible from a motor vehicle sound system at a distance of at least 50 feet from the vehicle itself; or
 - Commercial music that is plainly audible at a distance of at least 50 feet from the property line of the commercial establishment.
- When the receiving property is in a residential district, no sound from a sound-producing source is permitted that is plainly audible at a distance of at least 50 feet from the exterior of a sound-producing source, including sounds created by any motor vehicle operated off public highways.

No sound from a sound-producing source is permitted if it is plainly audible at a distance of at least 50 feet from the exterior of the source, including sounds created by any motor vehicle operated off public highways.

ABOUT NOISE VARIANCES

A Noise Variance is a request to deviate from the requirements of Tukwila Municipal Code 8.22.

- Applications for Noise Variances for 30 days or less shall be processed as Type 1 decisions.
- Applications for Noise Variances exceeding 30 days shall be processed as Type 3 decisions.

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SUBMITTAL CHECKLIST – REQUIRED FOR ALL PERMITS

A PDF of each document is required at time of submittal. Please label files as listed below:

CHECKLIST	FILE NAME	DESCRIPTION
<i>DOCUMENTS</i>		
	Criteria Response	Detailed demonstration that the application meets all applicable criteria outlined in the code for the proposed use, below.
<i>NOTICE</i>		
	Notice Board (for Type 3 permits)	Confirmation (photographs or affidavit) that the required notice board has been placed on the property.

REVIEW CRITERIA

No variance in the provisions or requirements of this chapter shall be authorized by the administrator unless the administrator finds that all of the following facts and conditions exist:

1. There are exceptional or extraordinary circumstances or conditions applying to the appellant's property or as to the intended use thereof that do not apply generally to other properties in the same noise control district;
2. Such variance is necessary for the preservation and enjoyment of a substantial personal or property right of the appellant, such right being possessed by the owners of other properties in the same noise control district;
3. The authorization of such variance does not endanger public health or safety of named persons in the same or adjacent noise control districts;
4. The granting of such variance will not adversely affect the general policy and purpose of this act as set forth in TMC Section 8.22.010.

CONDITIONS

When authorizing a variance, the administrator may impose conditions regarding noise level, duration, type, and other factors necessary to fulfill the policy and purpose of this chapter. The variance permit will outline these conditions, which may include, but are not limited to:

1. Specific dates and times the variance is valid.
2. Additional mitigation measures or public notice requirements as determined by the administrator.
3. If the sound-generating event does not begin within 30 days of the notice, the applicant must notify all residents within 500 feet of the project, including those in multi-family complexes. Written notice should be provided 10 to 30 days before the activity begins, detailing the anticipated work schedule for the project. An affidavit of distribution must be submitted to the City.

In setting these conditions, the administrator will consider:

1. Potential impacts on public health, safety, or welfare.
2. The social and economic value of the activity for which the variance is requested.

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3. The applicant's ability to apply the best practical noise control measures.
4. Physical conditions that cause significant financial hardship in complying with the provisions of this chapter.
5. Comments received during public notice or public meetings, and feedback from previous similar noise-generating events.

The variance permit may be revoked by the administrator, and future permits may be withheld if:

1. There is a violation of one or more conditions of the variance permit.
2. There is a material misrepresentation of facts in the variance application.
3. There is a material change in the circumstances the administrator relied upon to grant the variance.

EXTENSIONS

- A. Variances granted under this chapter may be extended under terms and conditions similar to those applied to the initial variance.
- B. If the variance was granted for a shorter timeframe than the permit type allows, the permit holder may request one or more extensions.
- C. Before granting an extension, the administrator will consider any comments or lack of comments received during the initial variance period.
- D. The administrator may request any necessary information to evaluate the extension, including, but not limited to, noise monitoring reports and an updated assessment demonstrating that no practical means are available to adequately abate or control the noise.
- E. Extension requests must be submitted in writing and received by the administrator at least 15 days before the expiration of a Type 1 or Type 2 variance, or at least 30 days before the expiration of a Type 3 variance.
- F. A request for an extension does not require re-noticing or a public hearing, though the administrator may require one.

For more detailed guidance, please consult Tukwila Municipal Code Chapter 8.22.