



Deschutes County Board of Commissioners
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AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of May 11, 2016

DATE: April 5, 2016

FROM: Anthony Raguine CDD 617-4739

TITLE OF AGENDA ITEM:

Consideration of Board signature of Deschutes County Document No. 2016-218, a Noise Permit to allow the Oregon Department of Transportation (ODOT) to complete nighttime construction along Highway 97.

PUBLIC HEARING ON THIS DATE? Yes.

BACKGROUND AND POLICY IMPLICATIONS:

The applicant requests approval of a noise permit to allow nighttime construction associated with a modernization and pavement preservation project. ODOT developed this project to address the high fatality crash rate on Highway 97 from milepost (MP) 144.04 and MP 147.56. The project will include: 1) Widening of the western side of Highway 97 by seven (7) feet to install a median barrier from milepost (MP) 144.04 to MP 147.56; 2) Pavement preservation in the form of grinding old pavement and inlaying new pavement on Highway 97, both north and south of the median installation, from MP 141.86 to MP 149.22; and 3) Up to four (4) disposal sites located along Highway 97 to temporarily store waste materials, asphalt grindings, and woody debris.

ODOT is requesting the nighttime noise permit to minimize traffic delays, decrease the risk of construction-related accidents, and to comply with freight mobility agreements. Construction is expected to begin in mid-June. Noise associated with the project will include equipment operation and backup signals. Although the ODOT project includes portions of Highway 97 both within City of Bend and Deschutes County jurisdiction, the requested noise permit only covers ODOT work within county jurisdiction.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

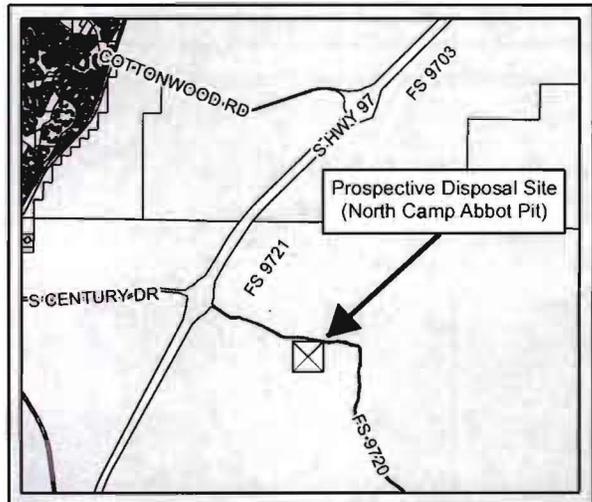
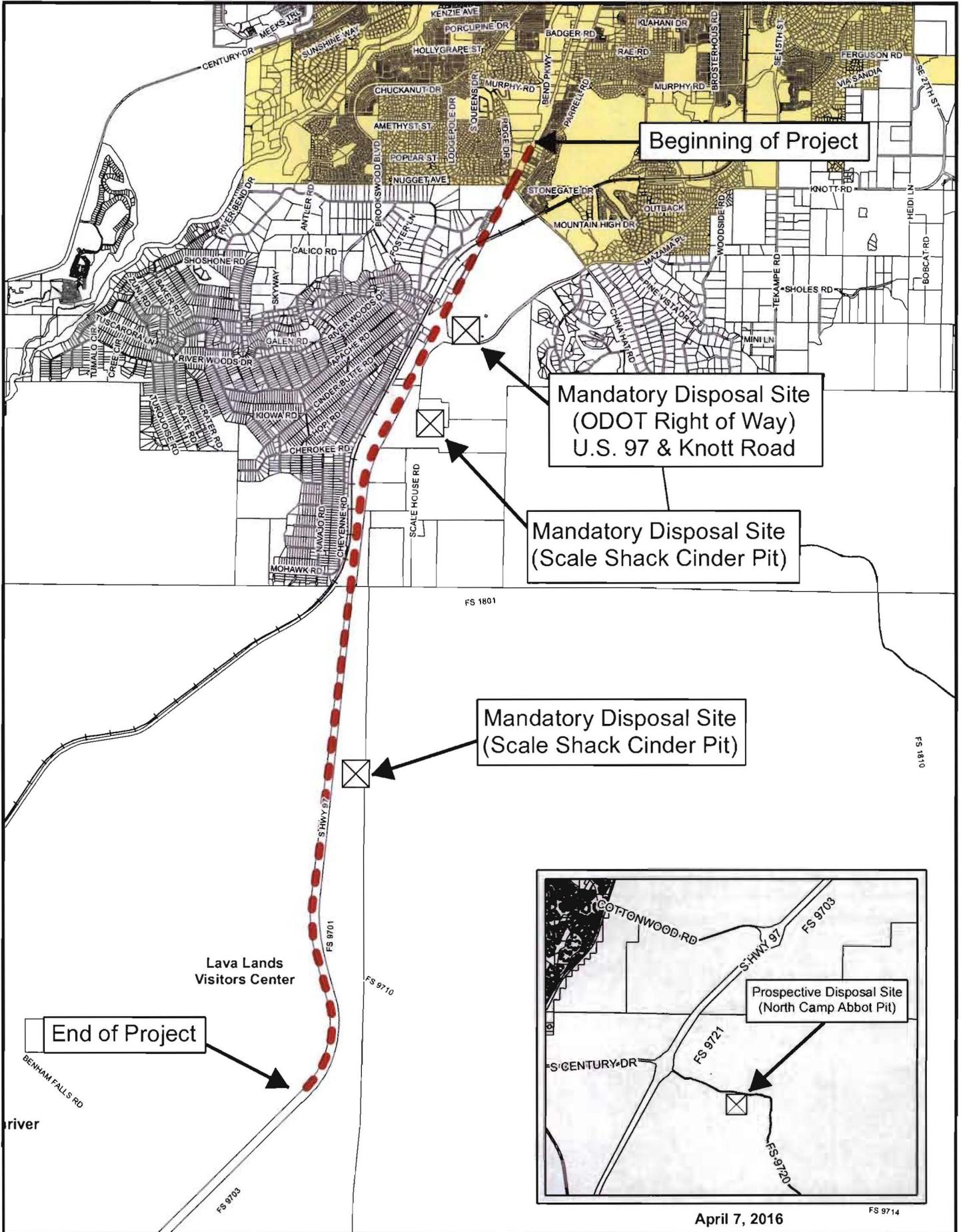
Open the public hearing, receive testimony, and determine whether, and under what conditions, the Noise Permit should be approved. Staff recommends signature of Document No. 2016-218.

ATTENDANCE: Anthony Raguine

DISTRIBUTION OF DOCUMENTS: Anthony Raguine



Location Map: 247-16-000104-V



April 7, 2016

FS 9714

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

NOISE PERMIT

PURSUANT TO DESCHUTES COUNTY CODE (DCC) CHAPTER 8.08

LOCATION: Highway 97 from milepost (MP) 142.24 to MP 149.22, including up to four (4) disposal sites (see attached Location Map). A portion of the project will be conducted within City of Bend jurisdiction, from MP 141.86 to MP 142.24. This noise permit only addresses construction within county jurisdiction and does not concern the portion of the project occurring within the City of Bend.

FILE NUMBER: 247-16-000104-V

OWNER: Oregon Department of Transportation (ODOT)

OPERATOR: Robert Townsend

PHONE: (541) 388-6252

PROJECT DESCRIPTION: The applicant requests approval of a noise permit to allow nighttime construction associated with a modernization and pavement preservation project on Highway 97. The project will include:

1. Widening of the western side of Highway 97 by seven (7) feet to install a median barrier from MP 144.04 to MP 147.56;
2. Pavement preservation in the form of grinding old pavement and inlaying new pavement on Highway 97, both north and south of the median installation, from MP 142.24 to MP 149.22; and
3. Up to four (4) disposal sites located along Highway 97 to temporarily store waste materials, asphalt grindings, and woody debris.

DATES AND TIMES OF PROJECT: Construction activities are expected to begin mid-June, with a completion date of end of September. Nighttime construction will occur from 10:00 p.m. to 7:00 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 7:00 a.m. The Board bases the findings on evidence in the record and testimony at the hearing. These findings include:

1. A need to install a median barrier on Highway 97 from MP 144.04 to MP 147.56 to address the high fatality crash rate on this section of Highway 97.
2. A need to widen the western side of Highway 97 by seven (7) feet from MP 144.04 to MP 147.56 to allow installation of the median barrier.
3. A need to complete pavement preservation in the form of pavement grinding and subsequent inlay of new pavement both north and south of the widening project from MP 142.24 to 149.22, to address roadway deterioration.
4. A need to establish up to four (4) disposal sites in support of construction activities.
5. A desire to conduct construction from 10:00 p.m. to 7:00 a.m. to minimize traffic delays, decrease the risk of construction related accidents on Highway 97, and comply with freight mobility agreements.

CONDITIONS OF APPROVAL:

1. Trucks delivering to or loading from the approved disposal sites will follow a generally circular route to reduce backing up alarm noise on vehicles.
2. Construction activities may be conducted beginning June 1, 2016.
3. If residences exist on properties adjacent to the disposal sites, stockpiling of material at the disposal sites shall be limited to the hours of 7:00 a.m. to 10:00 p.m. to reduce construction vehicle and disposal noise.
4. 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.
5. This permit expires October 31, 2016.
6. THE APPROVED PERMIT SHALL BE RETAINED ON-SITE UNTIL THE PROJECT IS COMPLETE.
7. 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 _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ATTEST:

Recording Secretary

ANTHONY DEBONE, Commissioner