



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

**Minutes
Noise Review Board
12/9/15**

Present: David Sweet, Melissa Stewart, Julie Greb, Carol Gossett, Kerrie Standlee, Paul van Orden

Minutes: Kathy Couch

Call to order: 6:00 pm

Review of a noise variance application from Ivan Ratcliff, representing the Oregon Zoo.

They are requesting a three year noise variance for the Summer Concert Series. The noise variance request is for up to 19 concerts to be held from mid-June and mid-November 2016 through 2018. The requested time of permit is between the hours of 3:00 pm and 10:00 pm, at a decibel level not to exceed 70 dBA.

Former limit was 65 dBA, but they are requesting an increase to 70 dBA, due to Elephant Lands exhibit changing the footprint of the event space. The new exhibit increased the capacity to 4000 people, as opposed to the former 2500 person capacity. The Zoo is expecting a handful of the shows using a more bass intensive sound. They are now using Carlson Sound, who has been able to focus the sound with more specificity. In response to a question from Kerrie Standlee on low frequencies, Paul van Orden states that low frequencies were measured 2 years ago. In the data collection on bass frequencies, he did not see a record of complaints or the applicant exceeding bass levels. He feels that the complaint history is the best bet to see a pattern developing. He sees no problem with 70 dBA for the 1st year, for a limited number of shows and then come back to reassess.

Public Testimony

Ann Marie Lamb – strongly objects to zoo levels. She feels that Moda Center or Edgefield are better venues, barring building an amphitheatre at the zoo

Lisa Caballero - Wants variance denied. She also says that only measuring dBA levels are not acceptable. She believes that C weight is much better.

John DeFrance – He would like lower sound levels and fewer concerts

Unnamed man - Reads the Oregon Zoo mission statement.

Travis Labbe, event manager, responds that they have over 50 people in the field measuring sound and communicating to the person at the sound board to immediately bring the sound levels down when/if they exceed the allowed dBA level, and when they receive a complaint, they go to that residence and measure levels from there.

Steve Reishman , event promoter, says that everyone booked at the zoo signs a contract regarding variance sound level limit. They are obligated to follow it.

Kerrie Standlee recommends measuring at 80 dBC, and 65 dBA

David Sweet suggests a 3 year variance with a 1 year review

Motion was made by Julie Greb to grant a variance for Ivan Ratcliff, representing the Oregon Zoo, for a 3 year noise variance for the Summer Zoo Concert series to take place between mid-June – mid-September 2016 – 2018 between the hours of 3:00 pm & 10:00 pm (6:30 pm – 10:00 pm actual concert) with the conditions below:

- A. The variance shall run for three summer concert season at the Metro Oregon Zoo in the summers of 2016, 2017, and 2018. The permitted hours of operation shall be 3 pm to 10 pm. Sound checks may begin at 3:00 pm and the concerts will be between the hours of 6:30 pm and 10 pm under the permit.
- B. The Zoo shall be permitted no more than 19 summer concerts each of the three summer seasons that exceed Title 18 Land Use Zone standards under this decision.
- C. The permitted sound level will be 65 dBA and 80 dBC (Lmax Fast), as measured at any residential property line.
- D. The Oregon Zoo will work with the Noise Control Officer to designate several monitoring sites that will be monitored at each event.
- E. The final schedule of concerts will be mailed to the neighbors, using the applicant's current notification addresses.
- F. A hotline phone line to call in with concerns will be established and will be included in the concert schedule notification announcement to the neighbors. The phone line will be answered by a live person during events.
- G. Sound levels will be monitored in response to complaints received at the source of the complaints where possible.
- H. The Oregon Zoo will maintain a log of complaints received and the actions taken to mitigate the community concerns. The log will include the sound level measurement taken in

response to complaints. The complete log will be forwarded to the Noise Control Officer within one week after each show.

- I. The results of the routine noise monitoring for each show will also be forwarded to the Noise Control Officer within one week after each show.

Melissa Stewart seconded the motion. The motion passed 4 - 1 with Kerrie Standlee voting "no".

Matt Freitag, representing Oregon Department of Transportation is requesting a noise variance for 2 major freeway corridors in the Portland area: US26 from OR 217 to I-405, and I-84 from I-5 to I-205.

The noise variance is to allow nighttime construction for the Regional Active Traffic Management (ATM) project taking place for up to 66 nights between August 31, 2016 and December 31, 2017. Removal and replacement of signs will require closure of travel lanes at night to allow placement of boom trucks to remove and replace signs. These activities will be short duration and could be performed in progression at various locations within traffic control areas. Construction of new sign bridges or new cantilever sign supports will require extended night work activities for placement of new sign bases and installation of signs and supports over travel lanes. These activities will require extended lane closures at night and, in the case of a cantilever sign or sign bridge span replacement over all travel lanes, intermittent closures of all travel lanes will be required, due to safety concerns.

Motion was made by Julie Greb to grant a variance for Matt Freitag, representing ODOT, for 66 nights to take place between August 31, 2016 and December 31, 2017 with the conditions below:

Nighttime construction activities will comply with ORS 467, OAR 340-035, all other applicable laws and regulations, and to the extent feasible, the following construction noise abatement measures:

- A. Any concrete cutting shall take place when the shift starts, prior to midnight. Between the hours of 10:00 pm and 12:00 am, all concrete cutting shall include sound barriers.
- B. Noise levels shall be no louder than a 75dBA Leq as measured for 15 minutes, with a Fast meter response.
- C. The contractor will have portable noise monitoring equipment available on site during nighttime work and have staff knowledgeable on maintaining and using the equipment.
- D. Noise Control Officer shall be notified when a staging area has been determined
- E. No construction will be performed within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days.

- F. Equipment will use sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- G. Equipment will comply with pertinent equipment noise standards of the EPA.
- H. If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be employed:
 - I. Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
 - J. Idling equipment shall be shut off
 - K. Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
 - L. Nearby residents will be notified whenever extremely noisy work will be occurring.
 - M. Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
 - N. Electric-powered equipment will be operated using line voltage power or solar power.
 - O. The contractor will provide a 24-hour hotline, staffed by a live person, available to nearby residents to record and respond to nighttime construction noise complaints. A site representative will respond to all complaints within 24-hours of the complaint.
 - P. Complaint reports shall be made available to the Noise Control Office within 7 days of the complaint, and shall include a report of how the complaint was dealt with.
 - Q. In the event of nighttime construction noise complaints, the contractor will be required to construct or erect temporary noise barriers or shields to limit construction noise from stationary or slow-moving noise sources
 - R. The project manager will insure compliance with any and all noise variance conditions including the management and application of any and all mitigation measures

Melissa Stewart seconded the motion. The motion passed unanimously, 5 – 0.

Paul Wirfs, representing Oregon Department of Transportation is requesting a noise variance for the OR43/Ross Island Interchange NB Connection Deck Overlay Project, which will construct improvements to the bridge structure connecting NB OR43 traffic to NB OR99W (Naito Parkway) as it passes under the Ross Island Bridge.

The noise variance is to allow nighttime construction for the Project between August 7, 2016 and September 3, 2016.

The new structural overlay will be constructed and manhole lids modified to minimize water and debris. Project improvements will repair deck joints, replace joint seals, and pave roadway approaching bridge deck (that crosses over I-405) will be paved in both directions of travel with guard rail replacement where needed and the impact attenuator relocated. The nighttime work will limit daytime traffic anticipated along this heavily traveled highway connection and bridge

Motion was made by Kerrie Standlee to grant a variance for Paul Wirfs, representing ODOT, for nightwork to take place between August 7, 2015 and September 3, 2016 with the conditions below:

Nighttime construction activities will comply with ORS 467, OAR 340-035, all other applicable laws and regulations, and to the extent feasible, the following construction noise abatement measures:

- A. No construction will be performed within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days.
- B. Sound levels at any residential structure may not exceed a 75dBA Leq as measured for 15 minutes, with a Fast meter response.
- C. Equipment will use sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- D. Equipment will comply with pertinent equipment noise standards of the EPA.
- E. Saw cutting, grinding and jackhammer activity to occur before midnight (12:00 a.m.) and may not begin again until 6:00 a.m.
- F. In addition to the mitigation measures listed above, per requirements from the City of Portland Noise Review Board and the City of Portland Noise Control Officer, the contractor shall use "smart alarms" instead of standard reverse signal alarms between 6:00 p.m. and 7:00 a.m.
- G. There will be a 24-hour telephone response line (Hot Line) available. The Project Manager shall investigate complaints and develop information necessary to address complaints within 24 hours or before the next scheduled night work. Noise Control Officer must be notified of any complaints within 7 days of the complaint, including a report describing how the complaint was resolved

- H. If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be employed:
 - I. Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
 - J. Idling equipment will be shut off.
 - K. Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
 - L. Nearby residents will be notified whenever extremely noisy work will be occurring.
 - M. Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
 - N. Electric-powered equipment will be operated using line voltage power or solar power.

Julie Greb seconded the motion. The motion passed unanimously, 5 – 0

Paul Wirfs, representing Oregon Department of Transportation, is requesting a noise variance for the US30B (Sandy Blvd) NE 105th Avenue Project, which will upgrade the traffic signal at NE 105th Avenue with left turn phasing, add a left turn lane from westbound Sandy Blvd. to southbound NE 105th Avenue, and remove the treed center median to enhance visibility.

The project will also update the existing ADA ramps at this intersection. The noise variance is to allow nighttime construction between May 15, 2016 and July 31, 2016. The noise variance request is to limit daytime traffic construction anticipated along this heavily traveled intersection.

Motion was made by Julie Greb to grant a variance for Paul Wirfs, representing ODOT, for night work to take place between May 15, 2016 and July 31, 2015 with the conditions below:

Nighttime construction activities will comply with ORS 467, OAR 340-035, all other applicable laws and regulations, and to the extent feasible, the following construction noise abatement measures:

- A. No construction will be performed within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days.
- B. Sound levels at any residential structure may not exceed a 75dBA Leq as measured for 15 minutes, with a Fast meter response.
- C. There will be a portable noise monitor onsite at all times.

- D. Equipment will use sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- E. Equipment will comply with pertinent equipment noise standards of the EPA.
- F. Saw cutting, grinding and jackhammer activity to occur before midnight (12:00 a.m.) and may not begin again until 6:00 a.m.
- G. When the staging location is chosen, applicant will inform the Noise Control Officer, and, if necessary, make requested adjustments.
- H. In addition to the mitigation measures listed above, per requirements from the City of Portland Noise Review Board and the City of Portland Noise Control Officer, the contractor shall use "smart alarms" instead of standard reverse signal alarms between 6:00 p.m. and 7:00 a.m.
- I. There will be a 24-hour telephone response line (Hot Line) available. The Project Manager shall investigate complaints and develop information necessary to address complaints within 24 hours or before the next scheduled night work. Noise Control Officer must be notified of any complaints within 7 days of the complaint, including a report describing how the complaint was resolved
- J. If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be employed:
 - K. Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
 - L. Idling equipment will be shut off.
 - M. Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
 - N. Nearby residents will be notified whenever extremely noisy work will be occurring.
 - O. Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
 - P. Electric-powered equipment will be operated using line voltage power or solar power.

Kerrie Standlee seconded the motion. The motion passed unanimously, 5 - 0.

General Open Public Testimony - no public here

Approve minutes from November 12, 2015 NRB meeting

A motion was made by Kerrie Standlee to approve the November 12, 2015 meeting with one correction on page 2:

“% plywood corrected to ¾ inch”.

Carol Gossett seconds the motion. Motion passes unanimously, 5 - 0

David Sweet adjourns the meeting – 9:15 p.m.