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**Noise Review Board
January 9, 2019
Minutes**

Present: Jamie Hurd, Kerrie Standlee, Ernest Harris, Destiny Wright, Michael Wallace, Paul van Orden

Minutes: Katherine Couch

Meeting is called to order by Jamie Hurd at 6:01 pm

Review conditions for the three-year variance approved at the December 2018 meeting for the Oregon Zoo Summer Concert Series

Noise Control Officer Paul van Orden reports on details from a separate meeting with Oregon Zoo. Present were Ivan Ratcliff and Travis Labbe from the Oregon Zoo, Paul van Orden, and board members Kerrie Standlee and Michael Wallace.

At the December board meeting, the Board had approved the Zoo's variance with some elements for the board members and the zoo to iron out and bring back for review.

Element one- In looking at the data from the last three years, was there a better descriptor that would allow concerts to occur but also add protections for the public for levels that peaked over the baseline level permitted by the variance, to bring back for final board approval?

After a discussion those at the meeting developed an idea to keep the decibel level to 65 dBA, while recognizing that expecting a static level for music was not realistic. They came to the agreement that a reasonable standard would be that no more than 10% of the concert sound would exceed 65 dBA. They agreed that since there were times with no music, the zoo would do spot checks for compliance of two minutes in duration. If the measurement results exceeded L10 65 dBA, then they would need to call the sound board immediately to get the sound level reduced, and then take another set of measurements.

They discussed a possibility for the zoo to come back in a year for review.

Additionally, in recent years measurements were taken at three locations. They wanted to still focus on those same locations, but as time will allow, go to locations where they

receive noise complaints to measure and ground truth the conditions at those specific locations.

Element two - Exploring how to address the request from the zoo for moving from 19 concerts to 24 concerts, with an issue raised by the public for impacts on students on school nights.

This discussion centered on minimizing the student impacts from sound from concerts. When the meeting began, the perception was that there were a handful of concerts each year occurring on school nights. With no recent information, they did not feel comfortable in reporting back to the board. As part of the data gathering, those present tasked the zoo with finding out within a week how many zoo concerts in the last three years overlapped with school nights. The numbers below reflect the zoo's findings:

1st year – 1

2nd year – 0

3rd year - 1

With the verbal report given, the Board was now better able to craft some more specific conditions.

The Oregon Zoo has requested that the Board allow potentially two concerts to occur on a school night.

- Ivan Ratcliff asks for a clarification from the notes he made at the earlier meeting about the relationship between 10% and L10 and Kerrie Standlee confirms they are the same. 10% = L10.
- Ivan asks if 80 dBC included and is told that it is. (C rating measures bass frequencies)
- Jamie Hurd asks if there was a resolution on the number of nights at the meeting. She is told that they arrived at no conclusion at the meeting, as they were getting the data related to concerts and school nights first from the zoo. Ivan says that the numbers in relation to school nights were from previous years, as he couldn't get the dates for this year. The numbers were based on Sun-Thursday nights.
- Michael Wallace says he will not vote for having more than one concert on a school night.

Public Testimony

Lisa Caballero

She would like to know if the monitoring will be continuous.

Kerrie Standlee explains:

- Monitoring requires a two- minute measurement of sounds caused by music from the zoo concerts.
- Within the two-minute period the sound level may not exceed the 65dBA for over twelve separate seconds or more.
- A determination is then made if the sound is compliant, and if not, they communicate with the sound board to reduce the sound.

Lisa Caballero says that she is dissatisfied with anything over 65 dBA.

In terms of concerts on school nights impacting school children, she says that she solicited at least nine of the letters submitted to the board at the previous meeting and doesn't believe that any of the nine she read have children in school. She believes it was more a general comment and a psychological comment having to do with her feeling that people assume summer is over when school begins.

Kerrie Standlee asked the zoo if there is a cutoff date where they expect not to have any concerts and is told by Ivan that they usually go until mid- September, due to possible weather issues.

Jamie Hurd says she is a little uncomfortable with the increase in the number of concerts and wonders if it's the right thing to do, considering there is no resolution with neighbors.

Travis Labbe shares that musicians are now making inquiries about availabilities as they schedule their dates. The competitive marketplace in the Metro area also makes time periods fluctuate more. The zoo is asking for the ability of up to five more concerts, but they won't necessarily be using them. As things come up they would like the option to book an artist if they are well-known and of the nature to provide a successful concert experience. In current times with most people streaming music, artists rely more on touring for revenue, than in the past, when people bought albums and CDs. This is a main driver of the request for more dates.

John DeFrance (individual did not sign in, so spelling may be incorrect) has lived in the same house for many years. He feels that noise in general has increased, including the zoo concerts, pile driving, helicopters, and traffic. He feels the combined sound-producing sources are making it unbearable.

Kerrie Standlee makes a motion to approve 22 concerts for 3- year period to be reviewed in one year.

- Concerts can occur between mid-June & mid-September. Measurements shall be made for two minutes during songs at the three measurement locations with any additional locations identified by complaints.
- Concert music shall not cause the L10 level to exceed 65 dBA/80 dBC. If the metered sound is caused by the zoo performance, the sound board will be notified to turn the

level down. An additional 2 -minute measurement is then required at that location to determine if the 65 dBA/80 dBC levels were met and if not, they will continue communicating with the sound board to get the music turned down.

- Measurements will be monitored continuously by moving around to the 3 identified locations. Specifically, they will not stop at any time during the concert and have a large break time between measurements.
- A report with findings of any given concert and reported sound levels measured throughout the concert shall be supplied to the Noise Control Officer within a week. It is not to be an extensive document, but a summary what was observed and the steps that were taken to ensure it was within compliance.
- The style of the meter used for these measurements shall have the ability to determine statistical noise levels without having to have calculations made by the operator.
- Concerts shall be scheduled to have no more than 1 concert during a school period between Sunday and Thursday when school is in session.
- Oregon Zoo will be required to come back to the Noise Review Board after the 2019 concert series is over, with an opportunity for public input and to present findings to consider continuing with the conditions given. This will occur at the October 2019 meeting.

Destiny Wright seconds the motion.

Kerrie asks if there any friendly amendment to increase concerts on school nights to 2.

Destiny Wright proposes a friendly amendment to raise the number of concerts to 2 during the school year. Portland is a place she sees artists skip and go directly past to another city. She thinks it would be good to allow for some flexibility. **Kerrie Standlee accepts the friendly amendment and will change his motion to accept that.**

Jamie Hurd calls the question to vote on the motion made for up to 22 nights scheduled concerts, along with the friendly amendment to allow concerts to occur on 2 school nights, if needed.

Yes -Kerrie Standlee, Destiny Wright, Ernest Harris, and Jamie Hurd. Jamie does have reservations about allowing 2 additional concerts to take place during the school year.

Michael Wallace votes no

Motion passes, 4 – 1.

ODOT

Request from Robert DeVassie, representing Oregon Department of Transportation for installation of variable speed signs on I-5, between Marine Drive and the Fremont Bridge. The project is will take 12-15 months to complete and the total request is for up to 50 nights of construction work, at various locations along the route.

Other representatives from ODOT: Steve Boice, Lili Boicourt, Michael Minor, and Daniel Burgin

Robert DeVassie:

The project is an expansion of ODOT's Real Time Know as You Go program. The signs being installed provide real time traffic flow, traveler information, and advisory speed signs. ODOT has seen a reduction in crashes since the program began implementation in 2015. This variance is an expansion of this program.

Steve Boice

ODOT is currently in the design phase of the project, and they are expecting to finalize in April, with construction beginning in May 2019 and ending in September 2020. There is a total of eight sites on I-5. Signs will be installed on two new sign bridges to be built, the remaining six structures will be installed on existing structures. All the signs will be installed in a travel lane. If there are anticipated lane closures, the work is required to be done at night. There will be various detours and ramp closures in place, and when the two new sign bridges are installed, it will require full closure of I-5 in both directions. They will require drilled shafts for foundation support, and they are anticipating the drilling to occur, with the use of a crane during daytime.

Lili Boicourt

Outreach for the project has been robust. (A newsletter was sent out to residences within ¼ mile of the project)

ODOT received no comments after the notification. They have had a paving project for the past nine months in the same area. That project has had no noise complaints to date either. She will continue to do outreach as the project moves along. This will include the 24- hour noise hotline number, along with a website with details.

Michael Minor

Walks the board through the packet. Each site contains an aerial view along with one or two photos from the roadway.

- Site A – close to Hwy. 99 – Two hotels are the only sensitive receivers in this area, and the nearest one is located 675 feet away, and a berm to shield for noise is also located there. They are requesting two nights at 54 dBA, and seven nights at 66 dBA.
- Site B – This location is close to Portland International Raceway, and at 625 feet there is a Best Western Hotel. They are requesting six nights at 62 dBA
- Site C – There is no one located within 1000 feet. The request is for six nights, 55 dBA
- Site D – There is an existing pedestrian crossing bridge, along with noise walls on both sides of the freeway. The request is for six nights at 66 dBA. Residences are located within 125 feet, but the freeway is down in a bowl, and they are not concerned about sound drifting up. There will be installation work from the ground, but handheld tools will be used on the top.
- Site E – This will include installing a new sign bridge. – noise walls 2 days 59 up to 70 a few times – this one people will be able to hear it at night. (ambient in the 62) 250 on other side of street.
- Site F – southbound lanes. Partial noise wall. One house 125 and partly hidden by noise wall 66 dba
- Site G – up in air, ramps all over, 700-800 feet closest houses

- Site H – 2 nights, 64 decibels

Kerrie Standlee makes a motion to approve ODOT’s request for installation of variable speed signs on I-5, between Marine Drive and the Fremont Bridge for up to 50 nights of construction work, at various locations along the route. This variance is valid between May 1, 2019 and October 31, 2020. Hours shall be between 6:00 pm – 7:00 am.

- Number of nights and decibel level at each location are as follows:
 - Site A – 9 nights 2 at 54 dBA, 7 at 66 dBA at any noise sensitive receiver
 - Site B – 6 nights, 62 dBA at any noise sensitive receiver
 - Site C – 6 nights, 55 dBA at any noise sensitive receiver
 - Site D – 6 nights, 66 dBA at any noise sensitive receiver
 - Site E – 7 nights, 72 dBA at any noise sensitive receiver
 - Site F - 6 nights, 66 dBA at any noise sensitive receiver
 - Site G – 6 nights, 60 dBA at any noise sensitive receiver
 - Site H – 2 nights, 54 dBA at any noise sensitive receiver
- Conditions may be reviewed if complaints are received.
- No work on Sundays or holidays without the approval of an engineer
- Equipment shall be used with sound control devices no less effective than those provided on the original equipment. Equipment with unmuffled exhausts is prohibited
- Equipment used shall comply with pertinent equipment noise standards of the EPA
- Stationary equipment shall be located as far from nearby noise sensitive properties as feasible
- Idling equipment shall be shut off
- Nearby residents shall be notified about any extremely noisy work within five days of work.
- The applicant will notify the Noise Control Office of any complaints received and how they were resolved within one week, sent to noise@portlandoregon.gov.
- The notification given to neighborhood residents shall include a contact person for construction issues. Notices shall include the nature of the work, anticipated work noise, and noise sources.
- A mitigation plan will be formulated with the Noise Office. The Noise Control Officer will review complaints and modify if needed.
- The applicant shall establish a 24-hour hotline to be available to record and respond to resident complaints during night time construction hours.

Destiny Wright seconds the motion

The motion passes unanimously, 5-0.

Kerrie Standlee has three corrections to the December minutes, which were given to the minute-taker to incorporate into the document.

Kerrie Standlee moves to accept the December minutes with the three changes. Destiny Wright seconds the motion. The motion passes unanimously 5-0.

Kerrie Standlee makes a motion to adjourn the meeting. Destiny Wright seconds the motion. Motion carries, 5 – 0.

Jamie Hurd adjourns the meeting at 7:52pm