The Villages MPD
Noise Review Committee

2013 ANNUAL REPORT

City of Black Diamond, Washington

Prepared by:

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1 EXECUTIVE SUMMARY

The Villages Noise Review Committee is responsible for reviewing and evaluating the Master Developer’s compliance with the noise conditions imposed upon the Villages MPD. Pursuant to The Villages MPD Condition of Approval No. 45, the Villages Noise Review Committee is required to file an annual report with the Black Diamond City Council that summarizes the Committee’s findings regarding compliance with the noise-related MPD Conditions of Approval.

Since construction activities on The Villages MPD site had not yet begun as of the date of the final noise committee meeting for 2013, the applicable noise-related conditions that could be reviewed for compliance in the 2013 Annual Report are The Villages MPD Conditions of Approval Nos. 35, 41, 44 and 45. Now that construction on The Villages MPD Phase 1A site has commenced, the Noise Review Committee can begin assessing the Master Developer’s compliance with the remaining MPD Conditions of Approval (Nos. 36, 37, 38, 39, 40, 42, and 43) at our next yet to be scheduled Noise Review Committee meeting. A draft of the 2013 Annual Report was prepared by the Master Developer and circulated for review to the Villages Noise Review Committee on December 10, 2013, and a revised draft was circulated for review on December 27, 2013. The Villages Noise Review Committee has reached consensus on the contents of this 2013 Annual Report. Specifically, the Noise Review Committee members mutually agree that the Master Developer is in compliance with The Villages MPD Conditions of Approval Nos. 35, 41, 44 and 45.
2 MPD CONDITION of APPROVAL 35

The Villages MPD Condition of Approval No. 35 provides:

"Each implementing development shall include a plan for reducing short term construction noise by employing the best management practices such as minimizing construction noise with properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off equipment when not in use."

In accordance with The Villages MPD Condition of Approval No. 35, the Master Developer prepared The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan to ensure that contractors working on The Villages MPD Site would use industry standard best practices to mitigate the adverse effects of construction noise. The Master Developer shared the draft Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan ("draft Plan") with the Committee members at the first Villages MPD Noise Review Committee formation meeting on June 11, 2013. On June 12, 2013, the Master Developer circulated the draft Plan to the Noise Review Committee members by email and asked that they review and provide comments on the draft Plan during a two-week comment period (June 12-26). On June 28, 2013, the Master Developer submitted the updated Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated June 28, 2013, along with a packet of all comments that the Master Developer reviewed during the comment period, to the City for their review and consideration. On July 18, 2013, the City provided a copy of the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 to the Committee members (attached hereto as Appendix A).

Therefore, since the Master Developer prepared a Short-Term Construction Noise Mitigation Plan in accordance with The Villages MPD Condition of Approval No. 35 that was subsequently reviewed by the Committee and approved by the City, the Master Developer is in compliance with this condition.
3 MPD CONDITION OF APPROVAL 36

The Villages MPD Condition of Approval No. 36 provides:

"Stationary construction equipment shall be located distant from sensitive receiving properties whenever possible. Where this is infeasible, or where noise impacts would still be likely to occur, portable noise barriers shall be placed around the equipment (pumps, compressors, welding machines, etc.) with the opening directed away from the sensitive receiving property."

The Villages MPD Condition No. 36 is incorporated into the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

"Stationary construction equipment shall be located distant from sensitive receiving properties, whenever possible. Where this is infeasible, or where noise impacts would still be likely to occur, portable noise barriers shall be placed around the equipment (pumps, compressors, welding machines) with the opening directed away from the sensitive receiving property."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 36 could not be evaluated at that time.
4 MPD Condition of Approval No. 37

The Villages MPD Condition of Approval No. 37 provides:

"Ensure that all equipment required to use backup alarms utilizes ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. Alternatively, use broadband backup alarms instead of typical pure tone alarms."

The Villages MPD Condition No. 37 is incorporated into the approved Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

"Contractors shall ensure that all equipment required to use backup alarms utilizes ambient-sensing broadband alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. The Applicant has elected to require its contractors to use ambient-sensing broadband backup alarms rather than simply ambient-sensing pure-tone backup alarms because broadband alarms produce a sound that includes a range of frequencies, which makes it easier to determine directionality (i.e., provides adequate safety for workers) and eliminates the pure-tone noise produced by standard alarms that can be a source of annoyance at more distant locations."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 37 could not be evaluated at that time.
5 MPD Condition of Approval No. 38

The Villages MPD Condition of Approval No. 38 provides:

"Require operators to lift, rather than drag materials wherever feasible."

The Villages MPD Condition No. 38 is incorporated into the approved Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 3 as follows:

"Contractors shall be required to lift, rather than drag materials wherever feasible."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 38 could not be evaluated at that time.
6 MPD Condition of Approval No. 39

The Villages MPD Condition of Approval No. 39 provides:

"Substitute hydraulic or electric models for impact tools such as jackhammers, rock drills and pavement breakers, wherever feasible."

The Villages MPD Condition No. 39 is incorporated into the approved Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

"Contractors shall be required to substitute hydraulic or electric models for impact tools such as jackhammers, rock drills and pavement breakers, wherever feasible."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 39 could not be evaluated at that time.
7 MPD Condition of Approval No. 40

The Villages MPD Condition of Approval No. 40 provides:

"Electric pumps shall be specified whenever pumps are required."

The Villages MPD Condition No. 40 is incorporated into the approved Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

"Contractors shall be required to use electric pumps whenever pumps are required."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer's compliance with The Villages MPD Condition of Approval No. 40 could not be evaluated at that time.
8 MPD Condition of Approval No. 41

The Villages MPD Condition of Approval No. 41 provides:

"The developer shall establish a noise control "hotline" to allow neighbors affected by noise to contact the City and the construction contractor to ask questions or to complain about violations of the noise reduction program. The noise reduction program is established by conditions 35 through 40 and 42-43. Whether the noise reduction program has been violated shall be determined by the City in its reasonable discretion. Failure to comply with the noise reduction program shall result first in a warning and one or more continuing failures may result in cessation of construction activities until the developer provides an acceptable solution to the City that will reasonably achieve the intent of the noise reduction program and allow construction to continue. Nothing in this condition shall be construed as limiting or altering the City’s authority to enforce its noise regulations.”

The Villages MPD Condition No. 41 is incorporated into the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 3 as follows:

"The Applicant shall establish a noise control "hotline" to allow neighbors affected by noise to contact the City and the designated construction manager to ask questions or to report violations of this Short-Term Construction Noise Mitigation Plan per Condition of Approval No. 41 of The Villages MPD Permit Approval and Condition of Approval No. 10 of The Villages MPD Preliminary Plat 1A. The Applicant shall establish the noise control "hotline" prior to commencement of any development activity on the Preliminary Plat 1A site per Condition of Approval No. 14 of The Villages MPD Preliminary Plat 1A. Whether this Short-Term Construction Noise Mitigation Plan has been violated shall be determined by the City in its reasonable discretion. Failure to comply with this Short-Term Construction Noise Mitigation Plan shall result first in a warning and one or more continuing failures may result in cessation of construction activities until the Applicant provides an acceptable solution to the City that will reasonably achieve the intent of this Short-Term Construction Noise Mitigation Plan and allow construction to continue. This Short-Term Construction Noise Mitigation Plan shall not be construed as limiting or altering the City’s authority to enforce its noise regulations.”

As summarized in a status update letter that the Master Developer submitted to Mayor Olness on August 20, 2013 (attached hereto as Appendix B), the Master Developer activated the
Noise Control Hotline for The Villages MPD on August 5, 2013. The Noise Control Hotline number is (425) 898-2107. All messages that are left at this number will be automatically received by both the City of Black Diamond and the Master Developer. Specifically, messages will be received by Andy Williamson and Stacey Welsh (City representatives). The City representatives confirmed receipt of a test message left on the Noise Control Hotline on August 5, 2013, thereby assuring proper activation of the hotline. Therefore, since the Master Developer has established a noise control “hotline” in accordance with The Villages MPD Condition of Approval No. 41, the Master Developer is in compliance with this condition.
9 MPD Condition of Approval No. 42

The Villages MPD Condition of Approval No. 42 provides:

“If pile driving becomes necessary, impact pile-driving shall be minimized in favor of less noisy pile installation methods. If impact pile driving is required, the potential for noise impacts shall be minimized by strict adherence to daytime only.”

The Villages MPD Condition No. 42 is incorporated into the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

“Contractors shall be required to minimize impact pile-driving in favor of less noisy pile installation methods. If impact pile driving is necessary, the potential for noise impacts shall be minimized by strict adherence to daytime only. Contractors shall also be required to minimize metal to metal impact with wood spacers as much as possible.”

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, because construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 42 could not be evaluated at that time.
10 MPD Condition of Approval No. 43

The Villages MPD Condition of Approval No. 43 provides:

"Work hours of operation shall be established and made part of the Development Agreement."

Section 12.8.13 of The Villages MPD Development Agreement provides that work hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturday, and shall be prohibited on Sundays and City holidays, subject to emergency construction and repair needs as set forth in BDMC 8.12.040.C. In addition, The Villages MPD Condition No. 43 is incorporated into the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 2 as follows:

"Contractors shall adhere to the work hours of operation established in The Villages MPD Phase 1A Preliminary Plat Condition of Approval No. 12 and The Villages MPD Development Agreement Section 12.8.13, which provide that work hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturday, and shall be prohibited on Sundays and City holidays, subject to emergency construction and repair needs as set forth in BDMC 8.12.040.C. In addition, trucks larger than Single Unit (SU) trucks will be restricted to entering and leaving the site before 3:30 pm, Monday – Friday. In addition, rock crushing and wood grinding and shredding shall only occur between the hours of 9:00 a.m. and 5:00 p.m., Monday – Friday and is prohibited on weekends and City holidays."

The Master Developer and its contractors working on the Villages MPD site are required to comply with all provisions set forth in the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013. However, since construction activities on the Villages MPD site had not yet begun as of the date of the last noise committee meeting in 2013, the Master Developer’s compliance with The Villages MPD Condition of Approval No. 43 could not be evaluated at that time.
11 MPD Condition of Approval No. 44

The Villages MPD Condition of Approval No. 44 provides:

"To provide construction noise attenuation for existing residents adjoining the Villages development, the following condition shall apply to Villages development parcels V1, V2, V10, V13, V15, V20, V49, V57, V60, and V71. For each of the designated parcels, the Applicant shall: (a) offer to meet with the affected existing resident(s) to seek mutual agreement amount mitigation to be provided, or if mutual agreement cannot be reached, then, (b) the Applicant shall have the choice to provide either (i) mitigation consisting of a buffer, trail easement or other separator between the edge of the development parcel and the property boundary that is 100-feet wide, provided that trails, recreational facilities, stormwater facilities and similar uses otherwise permitted for the MPD are allowed inside the 100-foot area, or (ii) mitigation consisting of all of the following: (A) a construction noise attenuation barrier (i.e. berm, wall, or combination of the two) on the development parcel, provided that if a buffer or trail easement less than 100-feet wide adjoins the development parcel, the barrier may be placed within that area; (B) design, sizing, and placement of the noise attenuation barrier in a manner intended to reduce noise from long-term construction activities (i.e. activities lasting 6 months or longer, such as construction hauling and including loading/unloading of dump trucks); (C) payment to the City for its costs in commissioning and obtaining a study to evaluate the noise barrier design and placement shall be prepared by the Applicant, at its expense, and submitted for review and approval by the City; (D) the noise study shall evaluate whether noise from long-term construction activities will comply with the environmental noise limits in WAC 173-060-040, and if the noise study concludes that an on-site noise barrier cannot effectively control long-term construction noise to the degree that it complies with WAC noise limits outside the adjoining existing homes, additional mitigation measures intended to reduce interior sound levels will be evaluated; (E) any additional noise mitigation measures determined to be effective at reducing interior sound levels (i.e., providing a reduction of exterior-to-interior noise transmission at least 7 dBa more than provided by the existing building envelope) shall be implemented so long as the adjoining owner provides permission if the mitigation requires work on their property, and (F) at the Applicant's discretion, the noise barrier may be temporary (i.e., removed after construction on one of the designated parcels is complete) or permanent. Mitigation under section (b)(ii) shall be installed before construction activities begin on the designated development parcel. In the event that lands adjacent to any of the designated development parcels are acquired by the developer of the MPD, this condition shall not apply as to the acquired lands."
The Villages MPD Condition of Approval No. 44 is incorporated into the approved The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013 on page 3 as follows:

"To provide construction noise attenuation for existing residents adjoining The Villages MPD Phase 1A, the Applicant shall comply with the mitigation conditions set forth in Condition of Approval No. 44 of The Villages MPD Permit Approval, Section 13.7 of The Villages MPD Development Agreement, and Condition of Approval No. 11 of the Phase 1A Preliminary Plat."

As summarized in a status update letter that the Master Developer provided to Mayor Olness on October 24, 2013 (attached hereto as Appendix C), the Master Developer sent a letter to the three property owners of King County parcel nos. 152106-9075, 152106-9076, and 152106-9079 adjacent to The Villages MPD Development Parcel V13, offering to meet to discuss ideas for mitigating potential noise issues that could arise as a result of The Villages MPD Preliminary Plat 1A construction activities. On July 10, 2013, YarrowBay met with these three property owners consistent with The Villages MPD Condition No. 44 and Development Agreement Section 13.7. During this meeting, YarrowBay provided a draft Noise Attenuation Mitigation agreement for their consideration, which included noise attenuation mitigation measures. As of October 24, 2013, the Master Developer and the three property owners had not yet reached mutual agreement about noise mitigation to be provided. Since such noise mitigation would have been required to be installed before construction activity could commence on The Villages Development Parcel V13, the Master Developer elected to provide mitigation as outlined in The Villages MPD Condition No. 44(b)(i) and Development Agreement Section 13.7. Specifically, the Master Developer chose to provide noise mitigation consisting of a 100-foot wide buffer along the east property line of The Villages MPD Development Parcel V13. In addition, the Master Developer noted its intent to voluntarily provide additional noise mitigation to further reduce potential noise impacts at these residences, such as commencing construction activities generally from the southwest corner of the Division 1 Preliminary Plat 1A site and moving northeast. Therefore, since the Master Developer met with the three existing property owners in an effort to reach mutual agreement on noise mitigation and subsequently elected to provide noise mitigation
consisting of a 100-foot wide buffer along the east property line of The Villages MPD Development Parcel V13, the Master Developer is in compliance with The Villages MPD Condition of Approval No. 44.
12 MPD Condition of Approval No. 45

The Villages MPD Condition of Approval No. 45 provides:

"A Noise Review Committee shall be formed. The committee shall consist of two representatives of the Applicant, one representative of the City, and two representatives of the community. If additional community members desire to participate, they may do so, but only two members shall have a vote on the committee regarding the annual report. The Committee shall meet at least once a year, and no more than six times per year. The Noise Review committee shall review and evaluate compliance with the noise conditions imposed upon the Villages MPD. The Committee shall endeavor to reach mutual agreement (i.e., a 5-0 vote) on the contents of an annual report to be filed with the City Council. The Applicant shall be responsible, at its expense, for drafting the annual report. The annual report will summarize the Committee’s findings regarding compliance, and shall include recommendations, if any, for improved performance. If the Committee is unable to reach mutual agreement, then the Applicant shall prepare the annual report summarizing the matters for which agreement is reached, as well as the matters still under debate, and shall allow the other members of the community to provide comments on the report prior to submittal to the City Council. The City Council shall review the report and respond as appropriate under applicable City Codes, or the provisions of the Development Agreement."

In accordance with The Villages MPD Condition of Approval No. 45, the Noise Review Committee was formed on June 11, 2013, consisting of two representatives of the Master Developer (Colin Lund and Scott Buttsle), one representative of the City (Stacey Welsh), and two representatives of the Black Diamond community (Andrew Stocking and Dennis Bercherimer). The Noise Review Committee met twice in 2013 – on June 11, 2013 and on November 25, 2013. The agendas for these two meetings are attached hereto as Appendix D. Therefore, since the Noise Review Committee is formed, the Committee has held meetings, and the Committee has prepared the 2013 Annual Report in accordance with The Villages MPD Condition of Approval No. 45, the Master Developer is in compliance with this condition.
13 Next Steps

A. Continue to evaluate the Master Developer’s compliance with the Villages MPD Noise Conditions.

The Villages Noise Review Committee will continue to evaluate the Master Developer’s compliance with the Villages MPD noise-related conditions that are outlined in this 2013 Annual Report. Now that construction has commenced on The Villages MPD Phase 1A site, the Committee can begin evaluating the Master Developer’s compliance with The Villages MPD Conditions of Approval Nos. 36, 37, 38, 39, 40, 42, and 43 at our next yet to be scheduled Noise Review Committee meeting.
LIST OF APPENDICES

APPENDIX A – The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013.

APPENDIX B – Status update letter on the Noise Control Hotline for The Villages MPD dated August 20, 2013.


APPENDIX A

The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan dated July 18, 2013.
The Villages MPD
Phase 1A Preliminary Plat
(PLN11-0001)
Short-Term Construction Noise Mitigation Plan

Applicant: BD Village Partners, LP
Date: July 18, 2013

Pursuant to Condition of Approval No. 35 of The Villages MPD Permit Approval (Black Diamond Ordinance No. 10-946) and Conditions of Approval Nos. 13 and 86 of the Hearing Examiner’s Phase 1A Preliminary Plat decision, the Applicant and its contractors working on The Villages MPD site shall use industry standard best practices to mitigate the adverse effects of construction noise by utilizing the following methods, whenever feasible:

DESIGN CONSIDERATIONS AND PROJECT LAYOUT

Processing Facility: If feasible, the processing facility will be located in a remote location to minimize the noise that is generated from this area. This facility will process and store topsoil, rocks, trees and brush debris, and other project items. Trucks hauling these materials shall remain on internal roadways instead of the surrounding surface streets. Debris shall be "recycled" onsite for alternative uses and re-incorporated back into the project, to the greatest extent possible. This will alleviate numerous construction truck trips to and from the site as well as the associated noise these trips would generate. Site development within The Villages MPD is subject to The Villages MPD Development Agreement and requires approval by the City of Black Diamond. Permit applications and review of the processing facility by City staff is required.

Employee Parking and Construction Staging Area: The employee parking and construction staging area shall initially be located in a remote portion of the site to minimize the noise from vehicles when they are present. This area will move over time, even within Phase 1A, as development progresses. Maintenance vehicles will typically perform maintenance operations at the start and end of work hours, and the siting of the employee parking and construction staging area in a remote location on-site will ensure the least amount of noise and disturbance to the surrounding public. Construction vehicles and equipment shall not start up prior to established work hours. Initially, access to this site will be off of Roberts Drive via the main construction entrance.

50’ Buffer Along East Property Line: The 50’ wide buffer along the east property line located outside of The Villages MPD Phase 1A Preliminary Plat shall remain undisturbed (i.e., no clearing or grading shall occur in this area) throughout the development of the Phase 1A Preliminary Plat. This 50’ wide area will serve as a noise buffer for property owners adjacent to Villages Development Parcel V13.
SEQUENCE OF OPERATIONS

**Work Hours of Operation:** Contractors shall adhere to the work hours of operation established in The Villages MPD Phase 1A Preliminary Plat Condition of Approval No. 12 and The Villages MPD Development Agreement Section 12.8.13, which provide that work hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturday, and shall be prohibited on Sundays and City holidays, subject to emergency construction and repair needs as set forth in BDMC 8.12.040.C. In addition, trucks larger than Single Unit (SU) trucks will be restricted to entering and leaving the site before 3:30 pm, Monday – Friday.

In addition, rock crushing and wood grinding and shredding shall only occur between the hours of 9:00 a.m. and 5:00 p.m., Monday – Friday and is prohibited on weekends and City holidays.

**Combine Operations:** Contractors shall be required to combine particularly noisy operations in the same time period, and within the work hours of operation set forth above. The total noise level produced shall not be significantly greater than the level produced if the operations were performed separately.

CONSTRUCTION NOISE BEST MANAGEMENT PRACTICES

**Stationary Construction Equipment:** Stationary construction equipment shall be located distant from sensitive receiving properties, whenever possible. Where this is infeasible, or where noise impacts would still be likely to occur, portable noise barriers shall be placed around the equipment (pumps, compressors, welding machines) with the opening directed away from the sensitive receiving property.

**Equipment Maintenance and Muffling:** Contractors shall be required to employ construction noise BMPs such as minimizing construction noise with properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off equipment when not in use.

**Avoid Impact Pile Driving:** Contractors shall be required to minimize impact pile-driving in favor of less noisy pile installation methods. If impact pile driving is necessary, the potential for noise impacts shall be minimized by strict adherence to daytime only. Contractors shall also be required to minimize metal to metal impact with wood spacers as much as possible.

**Hydraulic or Electric Models:** Contractors shall be required to substitute hydraulic or electric models for impact tools such as jackhammers, rock drills and pavement breakers, wherever feasible.

**Electric Pumps:** Contractors shall be required to use electric pumps whenever pumps are required.

**Ambient-Sensing Broadband Backup Alarms:** Contractors shall ensure that all equipment required to use backup alarms utilizes ambient-sensing broadband alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. The Applicant has elected to require its contractors to use ambient-
sensing broadband backup alarms rather than simply ambient-sensing pure-tone backup alarms because broadband alarms produce a sound that includes a range of frequencies, which makes it easier to determine directionality (i.e., provides adequate safety for workers) and eliminates the pure-tone noise produced by standard alarms that can be a source of annoyance at more distant locations.

**Lift Materials:** Contractors shall be required to lift, rather than drag materials wherever feasible.

**Haul Truck Bed Liners:** If feasible, haul trucks shall use bed liners or soft material (e.g., dirt) as bedding when loading rocky material to reduce the level of noise that will be generated from this activity.

**Limited Music Volume:** Music played by contractors shall not be played at an unreasonable level if audible at residential locations outside of The Villages MPD.

**RESIDENT INVOLVEMENT**

**Noise Control Hotline:** The Applicant shall establish a noise control "hotline" to allow neighbors affected by noise to contact the City and the designated construction manager to ask questions or to report violations of this Short-Term Construction Noise Mitigation Plan per Condition of Approval No. 41 of The Villages MPD Permit Approval and Condition of Approval No. 10 of The Villages MPD Phase 1A Preliminary Plat.

The Applicant shall establish the noise control "hotline" prior to commencement of any development activity on the Preliminary Plat 1A site per Condition of Approval No. 14 of The Villages MPD Phase 1A Preliminary Plat.

Whether this Short-Term Construction Noise Mitigation Plan has been violated shall be determined by the City in its reasonable discretion. Failure to comply with this Short-Term Construction Noise Mitigation Plan shall result first in a warning and one or more continuing failures may result in cessation of construction activities until the Applicant provides an acceptable solution to the City that will reasonably achieve the intent of this Short-Term Construction Noise Mitigation Plan and allow construction to continue. This Short-Term Construction Noise Mitigation Plan shall not be construed as limiting or altering the City’s authority to enforce its noise regulations.

**Noise Attenuation for Existing Residents:** To provide construction noise attenuation for existing residents adjoining The Villages MPD Phase 1A Preliminary Plat, the Applicant shall comply with the mitigation conditions set forth in Condition of Approval No. 44 of The Villages MPD Permit Approval, Section 13.7 of The Villages MPD Development Agreement, and Condition of Approval No. 11 of the Phase 1A Preliminary Plat.
Approved this 18th day of July 2013:

Andrew Williamson
Executive Director Econ Dev & Eng Svcs/Designated Official

Stacey Welsh, AICP
Community Development Director/Designated Official
APPENDIX B

Status update letter on the Noise Control Hotline for The Villages MPD dated August 20, 2013.
August 20, 2013

Mayor Rebecca Olness
City of Black Diamond
P.O. Box 599
Black Diamond, WA 98010

RE: Status Update on the Noise Control Hotline for The Villages MPD

Dear Mayor Olness:

As you know, the Master Developer is required to establish a noise control “hotline” to allow neighbors affected by noise to contact both the City and the designated construction manager to ask questions or to report violations of the approved Short-Term Construction Noise Mitigation Plan dated July 18, 2013 per Condition #41 of The Villages MPD Permit Approval and Condition #10 of The Villages MPD Preliminary Plat 1A. In addition, Condition #14 of The Villages MPD Preliminary Plat 1A requires that the Master Developer establish a noise control hotline prior to commencement of any development activity on the Preliminary Plat 1A site. BD Village Partners, LP (“YarrowBay”) respectfully submits the following update on the status of The Villages MPD Noise Control Hotline.

Noise Control Hotline Activated

On August 5, 2013, the Master Developer activated the Noise Control Hotline for The Villages MPD. The Noise Control Hotline number is (425) 898-2107. All messages that are left at this number will be automatically received by both the City of Black Diamond and the Master Developer. Specifically, messages will be received by Andy Williamson and Stacey Welsh (City representatives). The City representatives confirmed receipt of a test message left on the Noise Control Hotline on August 5, 2013, thereby assuring proper activation of the hotline.

We appreciate the opportunity to update the City on the status of The Villages MPD Noise Control Hotline. If you have any questions or would like additional information about the Noise Control Hotline, please do not hesitate to give me a call at (425) 898-2120.

Sincerely,

Colin Lund
Chief Entitlement Officer
YarrowBay

cc:
Andrew Williamson, Economic Development Director
Stacey Welsh, Community Development Director
Mark Hoppen, City Administrator
APPENDIX C

Status update letter on Noise Attenuation Mitigation for Existing Residents dated October 24, 2013.
October 24, 2013

Mayor Rebecca Olness  
City of Black Diamond  
P.O. Box 599  
Black Diamond, WA 98010

RE: Status Update on Noise Attenuation Mitigation for Existing Residents

Dear Mayor Olness:

As you know, the Black Diamond City Council passed Ordinance No. 10-946 approving the Master Planned Development ("MPD") Permit Application for The Villages on September 20, 2010. This MPD Permit Approval Ordinance contained Conditions of Approval, including Condition No. 44 that required the Master Developer to provide noise attenuation for existing residents adjoining certain Villages development parcels prior to commencing construction activity on those development parcels. Condition of Approval No. 44 was incorporated into The Villages Development Agreement at Section 13.7. BD Village Partners, LP ("YarrowBay") respectfully submits the following update on the status of its compliance with The Villages MPD Condition No. 44 and Development Agreement Section 13.7 at this time.

On May 21, 2013, YarrowBay sent a letter to the three property owners of King County parcel nos. 152106-9075, 152106-9076, and 152106-9079 adjacent to The Villages MPD Development Parcel V13, offering to meet to discuss ideas for mitigating potential noise issues that could arise as a result of The Villages MPD Preliminary Plat 1A construction activities. On July 10, 2013, YarrowBay met with these three property owners consistent with The Villages MPD Condition No. 44 and Development Agreement Section 13.7. During this meeting, YarrowBay provided a draft Noise Attenuation Mitigation agreement for their consideration, which included noise attenuation mitigation measures.

As of the date of this letter, YarrowBay and these three property owners have not yet reached mutual agreement about noise mitigation to be provided. Since such noise mitigation must be installed before construction activity commences on The Villages Development Parcel V13, YarrowBay elects to provide mitigation as outlined in The Villages MPD Condition No. 44(b)(i) and Development Agreement Section 13.7. Specifically, YarrowBay will provide noise mitigation consisting of a 100-foot wide buffer along the east property line of The Villages MPD Development Parcel V13. In addition, YarrowBay intends to voluntarily provide additional noise mitigation measures to further reduce potential noise impacts at these residences, such as commencing construction activities generally from the southwest corner of the Division 1 Preliminary Plat 1A site and moving northeast.
We appreciate the opportunity to update the City on the status of YarrowBay’s compliance with The Villages MPD Condition No. 44 and Section 13.7 of The Villages MPD Development Agreement. If you have any questions, please do not hesitate to give me a call at (425) 898-2120.

Sincerely,

[Signature]

Colin Lund
Chief Entitlement Officer
YarrowBay

cc:
City Councilmembers Goodwin, Taylor, Deady, Benson and Edelman
Mark Hoppen, City Administrator
Master Development Review Team
APPENDIX D

Agenda

The Villages MPD Noise Review Committee Meeting
Black Diamond Elementary School Gym
June 11, 2013
6:00 – 8:00 pm

1. Opening Remarks
   - Overview of The Villages MPD Noise Review Committee

2. The Villages MPD Noise Review Committee Formation
   - Select two voting community representatives for the Committee
   - Overview of the Phase 1A Short-Term Construction Noise Mitigation Plan

*The Villages MPD Condition of Approval # 45

A Noise Review Committee shall be formed. The Committee shall consist of two representatives of the Applicant, one representative of the City, and two representatives of the community. If additional community members desire to participate, they may do so, but only two members shall have a vote on the committee regarding the annual report.

Committee Scope: The Committee shall meet at least once a year, and no more than six times per year. The Noise Review Committee shall review and evaluate compliance with the noise conditions imposed upon the Villages MPD.

Annual Report. The Committee shall endeavor to reach mutual agreement (i.e., a 5-0 vote) on the contents of an annual report to be filed with the City Council. The Applicant shall be responsible, at its expense, for drafting the annual report. The annual report will summarize the Committee’s findings regarding compliance, and shall include recommendations, if any, for improved performance. If the Committee is unable to reach mutual agreement, then the Applicant shall prepare the annual report summarizing the matters for which agreement is reached, as well as the matters still under debate, and shall allow the other members of the community to provide comments on the report prior to submittal to the City Council. The City Council shall review the report and respond as appropriate under applicable City Codes, or the provisions of the Development Agreement.
Agenda

The Villages MPD Noise Review Committee Meeting
Black Diamond Elementary School Gym
November 25, 2013
7:00 – 8:00 pm

1. Overview of the Approved Short-term Construction Noise Mitigation Plan

2. Discuss the Requirement for a 2013 Annual Report*
   - Discuss scope of 2013 Annual Report (review and evaluate compliance with the noise conditions imposed upon The Villages MPD).
   - Discuss timeline for preparing, reviewing and submitting the 2013 Annual Report.

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