The Villages MPD Noise Review Committee

Comments from the Noise Committee Members

on the 2013 Noise Committee Annual Report
I just wanted to ensure that my comments at last week’s noise committee meeting be included on the record.

If (as it appears) the material processing facility will be located within the initial Phase 1A area, given the amount of noise this processing will cause, I would recommend that a degree of noise mitigation could be obtained by installing airport-style jet blast deflectors to either side of it, in the direction of the neighborhoods adjacent to Phase 1A. Jet blast deflectors are the curved steel or fiberglass barriers installed at airports and designed to direct 100+ db noise up into the air instead of outward. Examples can be seen adjacent to Airport Blvd. in Renton.

Regards,
Mike Irrgang
22505 SE 329th St., BD 98010
206-384-5531

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From: Angela Hill [mailto:ahill@oakpointe.com]
Sent: Monday, November 18, 2013 4:02 PM
To: AndrewS2124@yahoo.com; dinoberk@comcast.net; Andy Williamson; Colin Lund - Yarrow Bay Holdings; Scott Buttiles - Yarrow Bay Holdings; Michael E Irrgang <michael.e.irrgang@boeing.com>; CliffordCoomes@comcast.net; BGrant3406@verizon.net; Stephencoomes@yahoo.com; Mira Hoke - Yarrow Bay Holdings; papa@mamapassarelli.com; wildrose360@msn.com; globaminberk@yahoo.com; CindySizemore@hotmail.com; VernGPre.Paid@Comcast.net; dave@gordon.comcastbiz.net; bobedelman@comcast.net; Janieedelman@comcast.net; Angela Hill - Yarrow Bay Holdings; Stacey Welsh; Andy Williamson
Subject: Noise Review Committee Meeting - Monday, November 25th

Dear Noise Review Committee members and Interested Citizens,

The next Noise Review Committee meeting has been scheduled for Monday, November 25th at the Black Diamond Elementary School Gym from 7:00-8:00pm.

At this meeting we will review the approved Villages MPD Phase 1A Short-term Construction Noise Mitigation Plan and discuss the plan for meeting the annual report requirement.

We look forward to seeing you there!
I think this is an excellent idea. I would like to second the motion for this to be adopted. It would go a long way in mitigating the noise problem from having so much noise from so much equipment close to the existing homes. We were initially told that the chipping and shredding would be done farther south away from the homes. This as we now know is not to be the case. I can safely say that the chipping and shredding process will be the main source of irritating constant noise. Anything that can be done to help mitigate this noise will be helpful and appreciated. The deflectors could be kept on the construction sites and moved as needed from one phase to another for the life of the projects and may prove to be useful in any future projects Yarrow Bay will do.

Thank You,
Dennis Berkheimer
22710 S.E. 329th St.
Black Diamond WA. 98010
360-886-1162

From: Irgang, Michael E [mailto:michael.e.igang@boeing.com]
Sent: Tuesday, December 03, 2013 12:06 PM
To: Angela Hill; AndrewS2124@yahoo.com; dinoberk@comcast.net; Andy Williamson; Colin Lund - Yarrow Bay Holdings; Scott Butiples - Yarrow Bay Holdings; ‘Peter Rimbos’; jacksperry@comcast.net; Stacey Welsh; CliffordCoomes@comcast.net; BGrant3406@verizon.net; Stephencoones@yahoo.com; Mira Hoke - Yarrow Bay Holdings; papa@mamapassarelli.com; wildrose360@msn.com; glotamisinberk@yahoo.com; CindySizemore@hotmail.com; ‘VernGPre.Paid@Comcast.net’; dave@gordon.comcastbiz.net; bobedelman@comcast.net; Janieedelman@comcast.net; Angela Hill -Yarrow Bay Holdings; Stacey Welsh; Andy Williamson
Subject: RE: Noise Review Committee Meeting - Monday, November 25th

I just wanted to ensure that my comments at last week’s noise committee meeting be included on the record.

If (as it appears) the material processing facility will be located within the initial Phase 1A area, given the amount of noise this processing will cause, I would recommend that a degree of noise mitigation could be obtained by installing airport-style jet blast deflectors to either side of it, in the direction of the neighborhoods adjacent to Phase 1A. Jet blast deflectors are the curved steel or fiberglass barriers installed at airports and designed to direct 100+ db noise up into the air instead of outward. Examples can be seen adjacent to Airport Blvd. in Renton.

Regards,
Mike Irgang
22505 SE 329th St., BD 98010
Thanks Angela, this looks good.

Scott Buttles
Development Manager

YARROWBAY HOLDINGS
10220 NE Points Drive, Suite 310
Kirkland, WA 98033
(425) 898-2122 direct
(206) 660-0722 cell
(425) 898-2139 fax
www.yarrowbayholdings.com

From: Angela Hill
Sent: Tuesday, December 10, 2013 4:36 PM
To: Stacey Welsh; Dennis Berkheimer; Colin Lund; Scott Buttles - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson
Subject: Draft 2013 Annual Report

Dear Noise Review Committee members,

Attached is the draft 2013 Noise Review Committee Annual Report dated December 9, 2013 for your review. Please call or email me with any questions and / or comments that you may have by 5pm on Tuesday, December 17th. If you agree with the contents of this draft report, please confirm this by email. As soon as there is mutual agreement on the contents of this annual report, I will finalize it and forward it on to the public for their comments as well.

Also, I wanted to let you all know that we officially started construction activities associated with The Villages MPD Phase 1A this afternoon. As a reminder, the Villages MPD Noise Control Hotline number is: (425) 898-2107.

Thank you,
Angela

Angela Hill
Project Coordinator

YARROWBAY HOLDINGS
10220 NE Points Drive, Suite 310
Kirkland, WA 98033
(425) 898-2121 direct
(425) 898-2139 fax
www.yarrowbayholdings.com
Dear Noise Review Committee members,

Attached is the draft 2013 Noise Review Committee Annual Report dated December 9, 2013 for your review. Please call or email me with any questions and / or comments that you may have by 5pm on Tuesday, December 17th. If you agree with the contents of this draft report, please confirm this by email. As soon as there is mutual agreement on the contents of this annual report, I will finalize it and forward it on to the public for their comments as well.

Also, I wanted to let you all know that we officially started construction activities associated with The Villages MPD Phase 1A this afternoon. As a reminder, the Villages MPD Noise Control Hotline number is: (425) 898-2107.

Thank you,
Angela

Angela Hill
Project Coordinator

10220 NE Points Drive, Suite 310
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. 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. 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. After construction on the Villages MPD site begins, the Villages Noise Review Committee will be able to better assess the Master Developer's compliance with the remaining MPD Conditions of Approval (Nos. 36, 37, 38, 39, 40, 42, and 43).
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 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 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 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 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 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.

p. 3
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 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 Villages MPD Phase IA 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 IA. The Applicant shall establish the noise control "hotline" prior to commencement of any development activity on the Preliminary Plat IA 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 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 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 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 p.m. 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 are 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 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 in part:

“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, V29, 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...”

The Villages MPD Condition of Approval No. 44 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:

“...”

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 Plan-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 Land and Scott Buttes), one representative of the City (Stacey Welsh); and two representatives of the Black Diamond community (Andrew Stocking and Dennis Berkheim). 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 and the Committee has held meetings 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. Following the commencement of construction activities on the Villages MPD site, the Committee will be able to evaluate the Master Developer’s compliance with the noise conditions that are not triggered until construction activities begin (i.e., MPD Conditions of Approval Nos. 36, 37, 38, 39, 40, 42, and 43). Construction has begun, need to speak to this now.
To All:
My Comments: I agree that construction has begun since last week. The noise throughout the days have been unpleasant but as it is winter and the doors and windows are close it hasn’t been completely intolerable as of yet. But as more heavy equipment is brought in to move and grade the earth, it will become much worse. As the days become longer and warmer and windows and doors will be opened it will become quite unpleasant. Judging from what I experience so far this week standing outside on my back deck. Thank You very much for ruining our quality of life. Phase two will be even worse for us.

On Condition #43 : The start work time on the draft is at 7:00 am. As of the two Noise Committee Meetings I was told both times that the start work times would be at 7:30 am. Or that the construction crews were not allowed to start work and run their equipment engines until after 7:30 am. As I read the draft report, this is not stated in writing for all concerned (mostly the construction crews) to read and abide by. As of now, the crews cutting down the trees seem to be working an eight hour shift from 7:30 am to 4:00 pm. Except for the very first day of their start of work last week, they have been starting their equipment well after 7:30 am. At least as of today. I feel it is important to get this down in writing and that all future construction crews abide by the condition.

On Condition #37 : I would appreciate any more effort to lessen and muffle the backup alarms or beepers. I am not sure what can be done other than dismantling them. But please try to reduce the volume of them as much as possible. They are still very loud and the sound carries a far distance into our homes even with doors and windows closed. This will only get worse as all the trees are cut down and cleared away and more trucks and earth moving equipment are brought in to work on the project. The constant beeping all day long from multiple trucks and equipment will be intolerable to listen to. Please try your best to address this problem.

On Condition #36 : I read that Mike Irrgangs recommendation to use portable sound barriers has been written into this condition. Thank you for that and I very much hope that they will be utilized as much as possible now and in the future.

But for the reasons stated above (save #36) I am going to have to officially as a member of The Noise Committee vote against this 2013 Draft Annual Report.

I am also wondering what the work policy or condition is about dust control in the summer time or when it has not rained for a few days. As this is not a noise related issue it has not been discussed very much. But it is going to be as much of a problem as noise is when all the trees are cut down and grading equipment is working and summer approaches. As all of you may have observed, so far this has been a pretty dry winter.

Sincerely, Dennis Berkheimer
Hi Dennis,

Thank you for your comments on the draft 2013 Noise Review Committee Annual Report. I would like to provide some clarification regarding each of your comments in your email below.

**The Villages MPD Condition # 43**
Condition # 43 provides, “Work hours of operation shall be established and made part of the Development Agreement.” The Villages MPD Development Agreement (Section 12.8.13) provides that work hours of operation shall be limited to **7:00am to 7:00pm on weekdays**, 9:00am to 5:00pm 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.

These work hours are also incorporated into the City’s approved Villages MPD Phase 1A Preliminary Plat Short-term Construction Noise Mitigation Plan dated July 18, 2013 as follows: “Contractors shall adhere to the work hours of operation established in The Villages MPD Development Agreement Section 12.8.13, which provide that work hours of operation shall be limited to **7:00am to 7:00pm on weekdays**, 9:00am to 5:00pm on Saturday, and 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 3:30pm, Monday – Friday. In addition, rock crushing and wood grinding and shredding shall only occur between the hours of 9:00 am and 5:00pm, Monday – Friday and is prohibited on weekends and City holidays.”

In accordance with Condition # 43, we have reiterated at the Noise Committee meetings that construction crews will **not** be allowed to start work before 7:00am (including warming up their equipment).

**The Villages MPD Condition # 37**
Condition # 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 present, maximum volume. Alternatively, use broadband backup alarms instead of typical pure tone alarms.”

This condition was incorporated into the City’s approved Villages MPD Phase 1A Preliminary Plat Short-term Construction Noise Mitigation Plan dated July 18, 2013 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.”

Please note that we require our contractors to use ambient-sensing broadband backup alarms, and will continue to evaluate other methods that could help to lessen or muffle the noise that these alarms generate.

**The Villages MPD Condition # 36**
Condition # 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.”

This condition was incorporated into the City’s approved Villages MPD Phase 1A Preliminary Plat Short-term Construction Noise Mitigation Plan dated July 18, 2013 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.”

However, this condition and the approved Villages MPD Phase 1A Preliminary Plat Short-term Construction Noise Mitigation Plan already included references to portable noise barriers prior to the November 25th Noise Committee meeting. The “portable noise barriers” referred to in Condition # 36 may or may not rise to the level of “airport-style jet blast deflectors” as discussed by Mike Irrgang during the November 25th meeting.

I hope that this has helped to clarify your concerns/comments about the above noise-related MPD Conditions. We do appreciate your comments, and will include them, along with a copy of this responsive email, with the annual report when it is delivered to the Black Diamond City Council.

Please feel free to let me know if you have any follow up questions or concerns.

Thank you,
Angela

Angela Hill
Project Coordinator

Yarrow Bay Holdings
10220 NE Points Drive, Suite 310
Kirkland, WA 98033
(425) 898-2121 direct
(425) 898-2139 fax
www.yarrowbayholdings.com

From: Dennis Berkheimer [mailto:dinoberk@comcast.net]
Sent: Tuesday, December 17, 2013 4:51 PM
To: Stacey Welsh; Angela Hill; Colin Lund; Scott Buttles - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson; Erika Morgan; mike@irrgang.net
Subject: RE: Draft 2013 Annual Report

To All :
My Comments: I agree that construction has begun since last week. The noise throughout the days have been unpleasant but as it is winter and the doors and windows are close it hasn’t been completely intolerable as of yet. But as more heavy equipment is brought in to move and grade the earth, it will become much worse. As the days become longer and warmer and windows and doors will be opened it will become quite unpleasant. Judging from what I experience so far this week standing outside on my back deck. Thank You very much for ruining our quality of life. Phase two will be even worse for us.

On Condition #43 : The start work time on the draft is at 7:00 am. As of the two Noise Committee Meetings I was told both times that the start work times would be at 7:30 am. Or that the construction crews were not allowed to start work and run their equipment engines until after 7:30 am. As I read the draft report, this is not stated in writing for all concerned(mostly the construction crews) to read and abide by. As of now, the crews cutting down the trees seem to
be working an eight hour shift from 7:30 am to 4:00 pm. Except for the very first day of their start of work last week, they have been starting their equipment well after 7:30 am. At least as of today, I feel it is important to get this down in writing and that all future construction crews abide by the condition.

On Condition #37 : I would appreciate any more effort to lessen and muffle the backup alarms or beepers. I am not sure what can be done other than dismantling them. But please try to reduce the volume of them as much as possible. They are still very loud and the sound carries a far distance into our homes even with doors and windows closed. This will only get worse as all the trees are cut down and cleared away and more trucks and earth moving equipment are brought in to work on the project. The constant beeping all day long from multiple trucks and equipment will be intolerable to listen to. Please try your best to address this problem.

On Condition #36 : I read that Mike Irsgangs recommendation to use portable sound barriers has been written into this condition. Thank you for that and I very much hope that they will be utilized as much as possible now and in the future.

But for the reasons stated above (save #36) I am going to have to officially as a member of The Noise Committee vote against this 2013 Draft Annual Report.

I am also wondering what the work policy or condition is about dust control in the summer time or when it has not rained for a few days. As this is not a noise related issue it has not been discussed very much. But it is going to be as much of a problem as noise is when all the trees are cut down and grading equipment is working and summer approaches. As all of you may have observed, so far this has been a pretty dry winter.

Sincerely, Dennis Berkheimer

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From: Stacey Welsh
Sent: Tuesday, December 17, 2013 11:34 AM
To: Angela Hill; Dennis Berkheimer; Colin Lund; Scott Buttle - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson
Subject: RE: Draft 2013 Annual Report

Please see the attached scan for my comments on the Draft 2013 Noise Review Committee Annual Report. If there are any questions let me know, sorry if my writing is hard to read!

Stacey Welsh, AICP
Community Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010
360-886-5700
swelsh@ci.blackdiamond.wa.us

---

From: Angela Hill
Sent: Tuesday, December 10, 2013 4:36 PM
To: Stacey Welsh; Dennis Berkheimer; Colin Lund; Scott Buttle - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson
Subject: Draft 2013 Annual Report

Dear Noise Review Committee members,

Attached is the draft 2013 Noise Review Committee Annual Report dated December 9, 2013 for your review. Please call or email me with any questions and / or comments that you may have by 5pm on Tuesday, December 17th. If you
Angela Hill

From: Colin Lund
Sent: Friday, December 27, 2013 1:28 PM
To: Angela Hill; Stacey Welsh; Dennis Berkheimer; Scott Buttiles - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson

Follow Up Flag: Follow up
Flag Status: Completed

Angela, I have reviewed and I agree with the contents of the 2013 Annual Report. Thank you for preparing this on behalf of the committee members.

Colin Lund
Chief Entitlement Officer

YARROWBAY HOLDINGS
10220 NE Points Drive
Suite 310
Kirkland, WA 98033
(425) 898-2120
(425) 898-2139 fax

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From: Angela Hill
Sent: Friday, December 27, 2013 1:03 PM
To: Stacey Welsh; Dennis Berkheimer; Colin Lund; Scott Buttiles - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson
Subject: Revised Draft 2013 Annual Report dated 12/27/13

Dear Noise Review Committee members,

Thank you for your comments on the first draft of the 2013 Annual Report. I have incorporated your suggested edits in the Revised Draft 2013 Annual Report dated December 27, 2013 (attached to this email in track changes for your ease of review). Please review this latest draft and provide any final comments by Monday, January 6th.

If you agree that the Master Developer is in compliance with Conditions 35, 41, 44 and 45 (which is the scope of the 2013 Annual Report), please “reply all” stating that you agree with the contents of the 2013 Annual Report. However, if you do not agree that the Master Developer is in compliance with Conditions 35, 41, 44 and 45, please “reply all” with your reasons why you believe the Master Developer is not in compliance with these specific conditions so that we can submit your email to the Black Diamond City Council along with the 2013 Annual Report.

Please give me a call if you have any follow-up questions.

Thank you,
I agree with the contents of the 2013 Annual Report. I would like to note that the Committee can review and comment on all noise conditions imposed upon the Villages MPD and are not limited to just commenting on just Conditions 35, 41, 44 and 45.

Stacey Welsh, AICP
Community Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010
360-886-5700
swelsh@ci.blackdiamond.wa.us

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Please give me a call if you have any follow-up questions.

Thank you,

Angela

Angela Hill
Project Coordinator
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On December 17 we were surprised to find a large piece of equipment on the 100’ buffer cutting a boarder of roughly 20’ wide cutting everything in its path. My understanding from Colin Lund is the equipment would start "south east and work its way towards your houses." leaving a nice sound buffer of trees. It was a nice thought, I’m not sure what happened to the plan.

Before construction begins and multiple contractors are working at the same time I would like to make a suggestion that I see on job sites. A designated start time for all trades and contractors. This would truly help in "Sequence of Operations." "Combine Operations" to help concentrate noise.

With that said I agree with the contents of the 2013 annual report.

On Tuesday, December 31, 2013 1:18 PM, Stacey Welsh <SWelsh@ci.blackdiamond.wa.us> wrote:
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Stacey Welsh, AICP
Community Development Director
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PO Box 599
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Dear Noise Review Committee members,

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Andrew makes excellent suggestions. I remember Colin Lund making the same statement regarding the 100 foot buffer as well. It was written into the Draft Agreement also. Colin Lund also made the comment that work times would not start until 7:30 am. That has not happened either and is not going to happen per the Draft agreement and a phone conversation with Angela Hill last Friday. I also heard chain saws starting at 6:30 am on Tuesday morning. They seemed to stop as far as I could tell after a couple of minutes. I was also told on Friday that my vote on the agreement would not change the final outcome of the draft agreement one way or the other as it has been agreed to by the Black Diamond City council. Not a surprise to me at all.

From: Andrew Stocking [mailto:andrew2124@yahoo.com]
Sent: Wednesday, January 01, 2014 6:55 PM
To: Stacey Welsh; Angela Hill; Dennis Berkheimer; Colin Lund; Scott Buttlles - Yarrow Bay Holdings
Subject: Re: Revised Draft 2013 Annual Report dated 12/27/13

I noticed in early December the back up alarms were pure tone not the pre set alarms promised in "Construction Noise Best Management Practices". After a week or so the alarms lessened in decibel's.

On December 17 we were surprised to find a large piece of equipment on the 100' buffer cutting a boarder of roughly 20' wide cutting everything in its path. My understanding from Colin Lund is the equipment would start "south east and work its way towards your houses." leaving a nice sound buffer of trees. It was a nice thought, I'm not sure what happened to the plan.

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Stacey Welsh, AICP
Community Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010
360-886-5700
swelsh@ci.blackdiamond.wa.us
Good Morning Dennis. I want to clarify a few of your comments in your January 1st e-mail to the Noise Review Committee Members.

The City of Black Diamond directed the logger to cut the 20-foot swath adjacent to the westerly side of the 100-foot buffer near the Stocking’s property early in the tree cutting process to ensure the 100-foot buffer line was clearly established. This was a decision made by the City in the field while the tree cutting activity was occurring. Even though we had provided a continuous ribbon to delineate the tree cutting limits, the City directed this initial activity to occur.

The hours of operation per The Villages MPD Development Agreement Section 12.8.13 are from 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturdays. We are checking in to the issue you noted of a chain saw operating outside of those hours. I note that according to King 5 Weather, the calculated sunrise time in late December 2013 was approximately 7:50 AM. It would be quite dark at 6:30 AM so not sure why any equipment would be running before it is light out. Again, we are discussing the 6:30 AM chain saw issue with both our contractor and their sub-consultant logger to determine if they were the source of the equipment running before 7:00 AM. We have had some limited poaching of wood by unauthorized persons on site and this may have been the source of the noise. Also, the property owner to the west of Horseshoe Lake (Anderson Acres property) has been logging their site. They are obviously not limited to the same work hours as their property is in King County and not part of the The Villages MPD. It is possible the chain saw noise could have been from the property to the west.

Finally, to clarify your discussion with Angela on Friday, the MPD conditions of approval are final and cannot be changed based on committee comments/feedback on the draft annual report. The purpose of the committee reviewing the draft annual report is to evaluate compliance with the MPD conditions.

I hope this helps to clarify a few issues. We will remain diligent on our end to ensure continued compliance with the noise related conditions of approval. Your can call or e-mail me anytime you have issues or questions regarding activities on The Villages property.

Thanks

Colin Lund
Chief Entitlement Officer

YARROWBAY HOLDINGS

10220 NE Points Drive
Suite 310
Kirkland, WA 98033
(425) 898-2120
(425) 898-2139 fax
Dennis and Andrew,

Thanks for your comments, I appreciate both of you putting issues on the table for the dissemination of the Noise Review Committee. I wanted to take a few moments to clarify some of the items in your correspondence:

1) Work Hours – per Section 12.8.13 of the Development Agreement, the construction work hours on this project have previously been established between the City of Black Diamond and BD Village Partners and signed on December 12, 2011. They are:

   Monday – Friday 7am to 7pm
   Saturday 9am to 5pm
   Sunday no work
   City Holidays no work

   Additionally: All times are subject to emergency construction and repair needs as set forth in BDMC 18.08
   On a case by case basis, work may be permitted on Sundays if authorized by the Noise Review Committee (but, even then, only between 9am and 5pm)

   Please note that these above stated work hours are more restrictive than the work hours allowed in the City of Black Diamond Municipal Code BDMC 8.12.040C. These work hours cannot be changed without an amendment to the Development Agreement.

   I do not recall Colin Lund mentioning any work hours in our Noise Review Committee meetings that did not comply with the above hours listed in the Development Agreement. However, I do personally recall stating the project work hours when I got up to speak regarding the actual construction means and methods of the initial Phase 1A Clearing and Grading work.

2) Chain Saw noise at 6:30am on Tuesday, Dec. 31, 2013 - I spoke directly to our logger regarding this noise and he mentioned they “do not even carry chain saws” in the field and do all of their work with the large logging equipment (the feller/buncher and skinner), so the noise did not come from his workers. The logger also added that they are very aware that no work will begin on site until at least 7:00 am each morning. He also mentioned that it would be almost impossible to walk, let alone use a chain saw, because it would be totally dark at 6:30 in the morning. The contractor likewise confirmed that none of his crews were working at 6:30 in the morning and was “surprised” that anyone could physically operate a chain saw in pitch darkness.

3) Back Up Alarms – our contractor uses ambient noise back up alarms on their on-site heavy equipment. This means that the alarms are not set at a pure tone “pre-set” volume level. The alarms are ambient and adjust
to the surrounding noise to determine their relative annunciation level. I want to stress that the safety of all people near and around the heavy equipment is of paramount importance and that the back-up alarm noise is important and necessary to help prevent injury or death.

4) “equipment on the 100’ buffer cutting a boarder (sic) of roughly 20’ wide…” – the City of Black Diamond requested that the tree clearing operations begin with reviewing the clearing limits (as flagged by our surveyors) and then cutting the trees along the (western) border of these limits to insure that the area was cleared as intended. This was done. However, the 100’ border of sound buffering trees was never infringed upon and, once the adjacent areas were cleared, we immediately went back to the original plan of tree removal starting in the south and working northeastward. When the City of Black Diamond issued the permit for this work, they went to extra efforts to insure the integrity of the tree clearing operation adjacent to neighboring properties and sensitive areas. Their actions worked as intended, as is evidenced in the field. This was an added benefit to the neighbors and community and we were happy to comply with the City’s additional requirements and commend them for their diligence.

I hope this helps clarify the work that was performed on the Villages project in the past couple of weeks. Please feel free to call me (on my cell phone is best) whenever you have questions or concerns about the construction activities on the Villages site, I’m happy to help as much as possible.

Scott Buttles
Development Manager

YARBORHBAY HOLDINGS
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(206) 660-0722 cell
(425) 896-2139 fax
www.yarrowbayholdings.com

From: Dennis Berkheimer [mailto:dinoberk@comcast.net]
Sent: Wednesday, January 01, 2014 8:02 PM
To: ‘Andrew Stocking’; Stacey Welsh; Angela Hill; Colin Lund; Scott Buttles - Yarrow Bay Holdings

Andrew makes excellent suggestions. I remember Colin Lund making the same statement regarding the 100 foot buffer as well. It was written into the Draft Agreement also. Colin Lund also made the comment that work times would not start until 7:30 am. That has not happened either and is not going to happen per the Draft agreement and a phone conversation with Angela Hill last Friday. I also heard chain saws starting at 6:30 am on Tuesday morning. They seemed to stop as far as I could tell after a couple of minutes. I was also told on Friday that my vote on the agreement would not change the final outcome of the draft agreement one way or the other as it has been agreed to by the Black Diamond City council. Not a surprise to me at all.

From: Andrew Stocking [mailto:andrews2124@yahoo.com]
Sent: Wednesday, January 01, 2014 6:55 PM
To: Stacey Welsh; Angela Hill; Dennis Berkheimer; Colin Lund; Scott Buttles - Yarrow Bay Holdings
Subject: Re: Revised Draft 2013 Annual Report dated 12/27/13

I noticed in early December the back up alarms were pure tone not the pre set alarms promised in “Construction Noise Best Management Practices”. After a week or so the alarms lessened in decibel's.

On December 17 we were surprised to find a large piece of equipment on the 100’ buffer cutting a boarder of roughly 20’ wide cutting everything in its path. My understanding from Colin Lund is the equipment would start “south east and work its way towards your houses.” leaving a nice sound buffer of trees. It was a nice thought, I’m not sure what happened to the plan.
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Stacey Welsh, AICP
Community Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010
360-886-5700
swelsh@ci.blackdiamond.wa.us

From: Angela Hill [mailto:ahill@oakpointe.com]
Sent: Friday, December 27, 2013 1:03 PM
To: Stacey Welsh; Dennis Berkheimer, Colin Lund; Scott Buttiles - Yarrow Bay Holdings; AndrewS2124@yahoo.com
Cc: Andy Williamson
Subject: Revised Draft 2013 Annual Report dated 12/27/13

Dear Noise Review Committee members,

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Please give me a call if you have any follow-up questions.

Thank you,
Angela

Angela Hill
Project Coordinator

10220 NE Points Drive, Suite 310
Kirkland, WA 98033
(425) 896-2121 direct
Good Afternoon Scott and Colin,

Thanks for your replies and inquiries. I appreciate you guys looking into the chain saw noise. My bedroom faces what is now your construction property job site. I did distinctly heard a chain saw at 6:30 in the morning last Tuesday. It sounded like it was coming from the direction of the job site. I am very well aware that it is dark at that time of the morning at this time of year. I worked for many years in the dark both in the evening and early in the morning. There is such a thing as electric man made lighting that is used by many of us when we need to see in the dark. The tree cutting to the west of us has been ongoing for at least three to four years and is too far away for me to hear. It is possible that it was a poacher? But as you stated, it was at 6:30 in the morning and it was dark. If you and your contractor said it wasn’t them with the chain saw then that is good enough for me. It didn’t last very long. It may well have been someone in the neighborhood or more likely one of the homes across the highway from Horse Shoe Lake. They will cut wood there from time to time for their wood stoves.

As for the work hours. I have read the Draft Report Agreement and am well aware of the work hours. My point was that I distinctly remember Scott addressing the work hours (as you stated) at the first meeting back in June. I also distinctly remember either Scott or I think it was Colin at the same time saying that you would ask the contractors not to start their equipment engines and idle them in the staging area until 7:30 am. You address this more toward me as I was complaining that the staging area was too close to our neighborhood and more precisely to my house and my bedroom! At the first meeting in June, I recall you saying it at least twice. I am not making this up or imagining this. If you changed you mind or it is not to be, then just say so for whatever reason. It is not written into the Draft Agreement. It would be a nice consideration if engine warm up idling in the staging area come this summer could be held to a minimum and as late as possible. There are other retired, cranky, elderly people that live in homes bordering your construction property that enjoy not having to be woken up early in the morning. Not just me.

Any concerns, suggestions, observations or complaints from or by Andrew Stocking will always be backed up by me. I am and will remain in solidarity with Andy. Just as all of you, Yarrow Bay and the City of Black Diamond are in solidarity with each other. Andy and I are but two against all of you. We hold no illusions otherwise. I am sure you understand.

The backup alarms have not been as bad as it was initially. It is my thought that the backup alarm on the large tree cutting saw was the major culprit. Now that it has finished and is gone, the noise from the backup alarms is not as bad for me on this side of the work area. But I am farther away from the work noise than Andy and his family are. It was louder and it carried for a long distance. The equipment working now is not near as bad. At least for now. We hope it will stay that way. We are also aware that backup alarms are required for worker safety by OSHA.


"(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

(i) The vehicle has a reverse signal alarm audible above surrounding noise level or;"
(ii) The vehicle is backed up only when an observer signals that it is safe to do so."

As you can see, the alarm is only required when vision to the rear of the operator is obstructed and the operator lacks an observer to signal him.

**It would be the employer's obligation to determine the noise level in his particular worksite and select an appropriate alarm if he chooses to use it.**

A second regulation, 29 CFR Part 1926.602(a)(9), reads as follows:

"(9) Audible alarms

(i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn has to be maintained in operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employer signals that it is safe to do so."

The second requirement may more closely relate to your inquiry in that it requires the alarm to be distinguishable from the surrounding noise level.

**The regulations allow a 90 decibel (dba), 8-hour exposure for employees.**

Thank You, Dennis Berkheimer

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Dennis and Andrew,

Thanks for your comments. I appreciate both of you putting issues on the table for the dissemination of the Noise Review Committee. I wanted to take a few moments to clarify some of the items in your correspondence:

1) **Work Hours** – per Section 12.8.13 of the Development Agreement, the construction work hours on this project have previously been established between the City of Black Diamond and BD Village Partners and signed on December 12, 2011. They are:

   - **Monday – Friday:** 7am to 7pm
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   Additionally: All times are subject to emergency construction and repair needs as set forth in BDMC 18.08. On a case by case basis, work may be permitted on Sundays if authorized by the Noise Review Committee (but, even then, only between 9am and 5pm)
Hi Dennis,

I wanted to remind you that the deadline for the Noise Committee members to review the second draft of the 2013 Annual Report was yesterday. If you haven’t done so already, please take the time to review the second draft dated December 27, 2013 (attached to this email) and let us know if you agree that the Master Developer is in compliance with Conditions 35, 41, 44 and 45. I will wait until tomorrow morning to finalize the report so that you will have a chance to review it and respond. I will then email a copy of the Final 2013 Annual Report to interested citizens for their review and comments (and I will copy the Committee members on that email).

Thank you,
Angela

---

Angela Hill
Project Coordinator

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