

RESOLUTION NO. 21-50

A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE OREGON DEPARTMENT OF TRANSPORTATION I-205 IMPROVEMENTS PHASE 1A (OR 43 TO OR 213) PROJECT

WHEREAS, Oregon City Municipal Code (OCMC) 9.12.020 declares the unreasonable making of any unreasonable loud, boisterous or unusual noise, disturbance, commotion, or vibration in a boarding facility dwelling, place of business or other structure, or upon any public street, park, or building to be in violation of the City's ordinances; and

WHEREAS, OCMC 9.12.020(E) specifically addressed construction noise and prohibits "the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday;" and

WHEREAS, OCMC 2.52.020 defines "emergencies" to include "utility or transportation emergencies"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency, to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, The Oregon Department of Transportation (ODOT), as part of the I-205 Improvements Phase 1A (OR 43 to OR 213) Project, will be widening and seismically retrofitting the Abernethy Bridge, repaving, and restriping I-205 north of the bridge, seismically retrofitting the I-205 Bridge over Main Street, and installing a sound barrier wall near the Edgewater at the Cove apartments complex as outlined in the request package attached to this resolution as Exhibit A (collectively, the "Project"); and

WHEREAS, The City would be acting in the best public interest by facilitating the completion of construction of the Project during the night hours to minimize the impact on the traveling public; and

WHEREAS, Transportation in the vicinity of the Project is vital to the community, and completing the needed work at night is vital to the economic and mobility interests of the City; and

WHEREAS, ODOT can take certain measures to lessen the impacts of the noise of the Project on nearby residential uses, including proper notification and use of other sound mitigation techniques, as outlined in the conditions in Appendix A and the staff report.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission declares an emergency, limited to the construction within Oregon City, for the ODOT I-205 Improvements Project Phase 1A (OR 43 to OR 213) as outlined in the request packet attached to this resolution. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from May 1, 2022, to December 31, 2025.

Section 2. Based on the emergency identified above, the City Commission grants an exemption from the requirements of OCMC 9.12.020 for the construction of ODOT I-205 Improvements Phase 1A (OR43 to OR 213) Project, as outlined in the request packet attached to this resolution during the period identified above in Section 1, subject to conditions outlined in Appendix A and the staff report.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Section 4. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 5. The City Commission adopts these procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of November 2021.




Rachel Lyles Smith, Mayor

Attested to this 3rd Day of November 2021



Jakob Wiley, Assistant City Recorder

Approved as to legal sufficiency:



City Attorney

Exhibit A – ODOT Noise Request



9/9/2021

Mr. Dante Posadas
625 Center Street
Oregon City, OR 97405

Mr. Posadas

The Oregon Department of Transportation is requesting a noise variance from Oregon City for construction related to the I-205 Improvements 1A – OR 43 to OR 213 project. The portion of the project within Oregon City's jurisdiction would widen and seismically retrofit the Abernethy Bridge, repave and restripe portions of I-205 north of the bridge, seismically retrofit the I-205 bridge over Main Street, and install a sound wall near the Edgewater at the Cove apartment complex.

This variance request covers the portion of the project located within the City jurisdiction, specifically the Abernethy Bridge, on/offramps between I-205 and OR 99E, and along the portion of OR 99E at the interchange with I-205. The location of the project and land use zoning designations with 300 feet of the project can be seen in Figure 1 and Figure 2. To ensure safety of the traveling public and the construction workers and ensure the bridge shafts can be constructed, it is expected that some of this work will need to occur during nighttime hours, outside of typical Oregon City construction work hours.

Nighttime construction expected to produce the highest noise levels including demolition work, shaft installation, transverse slide, joint seal replacements and concrete work along the Abernethy Bridge as well as substructure work and exit ramp reconstruction. Additionally, asphalt and concrete paving will occur along I-205, OR 99E, and associated ramps.

Major equipment expected to be used to complete the work include excavators, hoe rams, dump trucks, cranes, generators, welders, concrete mixer/pump trucks, asphalt paver, concrete paver, oscillators for shaft construction and vibratory rollers. The loudest equipment includes the oscillators, dump trucks while dumping their loads (i.e., not just driving by), and paving machines, each of which have maximum noise levels (L_{max}) of 101 dBA, 92 dBA, and 88 dBA at 50 feet, respectively.

Construction noise levels for each activity were predicted at various distances and at the nearest noise sensitive properties. Land use with Oregon City located along the project corridor consists of mixed used development and recreation. The nearest land uses that would be considered sensitive to noise during nighttime hours includes residences within the Edgewater at the Cove community and a floating home south of the Abernethy Bridge. Noise levels experienced at nearby properties are dependent on the distance and the amount of shielding from the work, such as intervening buildings. The table below summarizes construction noise levels at distances between 50 and 300 feet and at the nearest noise sensitive properties.

Predicted Construction Noise Levels

Activity	Receiver	Distance, ft	Noise Level Range, dBA	Noise Level Range, dBA	Overall Leq Noise Level, dBA	
			Lmax	Leq	Lmax	Leq
Permanent Sign Bridges	--	50	74-76	68-70	76	79
	--	100	68-70	62-64	70	73
	--	200	62-64	56-58	64	67
	--	300	59-60	52-55	60	64
	Floating Home South of Bridge	340	58-59	51-54	59	63
	Edgewater at the Cove	900	49-51	43-45	51	54
Temp Sign Bridge	--	50	74-76	68-70	76	79
	--	100	68-70	62-64	70	73
	--	200	62-64	56-58	64	67
	--	300	59-60	52-55	60	64
	Floating Home South of Bridge	340	58-59	51-54	59	63
	Edgewater at the Cove	900	49-51	43-45	51	54
I-205 Sign Bridges Between O43 and OR213	--	50	74-76	68-70	76	79
	--	100	68-70	62-64	70	73
	--	200	62-64	56-58	64	67
	--	300	59-60	52-55	60	64
	Next closest home	1000	48-50	42-44	50	53
	Edgewater at the Cove	520	54-56	48-50	56	59
OR99E @ Abernethy Bridge	--	50	74-76	68-70	76	83
	--	100	68-70	62-64	70	77
	--	200	62-64	56-58	64	71
	--	300	59-60	52-55	60	67
	Floating Home South of Bridge	760	51-52	44-47	52	59
	Edgewater at the Cove	1040	48-50	42-44	50	56
I-205 At Abernethy Bridge (Directional Closures)	--	50	72-95	69-92	95	97
	--	100	66-89	63-86	89	91
	--	200	60-83	57-80	83	85
	--	300	57-80	54-77	80	81
	Floating Home South of Bridge	340	56-79	53-76	79	80
	Edgewater at the Cove	900	47-70	44-67	70	72
Remove Joint seals and install temp plates on Abernethy bridge at Pier 3 and Pier 6 ALL Within ROW	--	50	72-87	68-83	87	83
	--	100	66-81	62-77	81	77
	--	200	60-75	56-71	75	71
	--	300	57-71	53-67	71	68

	Floating Home South of Bridge	340	55-70	51-66	70	67
	Edgewater at the Cove	900	47-62	43-58	62	58
Casing Oscillation	--	50	67-76	63-70	76	74
	--	100	61-70	57-64	70	68
	--	200	55-64	51-58	64	62
	--	300	51-60	47-54	60	58
	Floating Home South of Bridge	340	50-59	46-53	59	57
	Edgewater at the Cove	900	42-51	38-45	51	49
I-205 Paving	--	50	73-92	69-88	92	93
	--	100	67-86	63-82	86	87
	--	200	61-80	57-76	80	81
	--	300	58-76	54-72	76	77
	Floating Home South of Bridge	340	56-75	52-71	75	76
	Edgewater at the Cove	170	62-81	58-77	81	82
Sound Wall	--	50	76-101	68-94	101	95
	--	100	70-95	62-88	95	89
	--	200	64-89	56-82	89	83
	--	300	60-85	52-78	85	79
	Edgewater at the Cove	170	65-90	57-83	90	84

*Overall L_{max} noise levels represent loudest piece of equipment.

Public Outreach

Prior to construction, ODOT will send a mailer to everyone within a wide radius (wider than would hear construction noise) with more details about what they may hear during the nighttime work and a 24-hour noise hotline number to call with questions/concerns. ODOT will address any noise complaints promptly and work with our contractor to mitigate the offending noise as much as possible. Mailing will be sent out to residents within a 750-foot radius of project activities. A project website has also been created to inform residents of project activities and will be active for the duration of the project to keep people informed.

Noise Mitigation

To avoid, minimize, and abate temporary adverse noise impacts, ODOT includes standard project specifications (290.32) for all projects to abate construction noise impacts. The following construction measures reflect current ODOT standard specifications:

00290.32 Noise Control - Comply with ORS 467, OAR 340-035, all other applicable Laws, and the following construction noise abatement measures:

- Do not perform construction within 1,000 feet of an occupied dwelling on Sundays or legal holidays, or between the hours of 10:00 p.m. and 6:00 a.m. on other days, without the approval of the Engineer.
- Use Equipment with sound control devices no less effective than those provided on the original Equipment. Equipment with un-muffled exhausts is prohibited.

- Use Equipment complying with pertinent equipment noise standards of the Environmental Protection Agency (EPA).
- Do not drive piling or perform blasting operations within 3,000 feet of an occupied dwelling on Sundays or legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days, without the approval of the Engineer.
- Mitigate the noise from rock crushing or screening operations performed within 3,000 feet of all occupied dwellings by placing material stockpiles between the operation and the affected dwellings, or by other means approved by the Engineer.

If a specific noise impact complaint occurs during the construction of the project, one or more of the following noise mitigation measures may be required, at no additional cost to the Agency, as directed by the Engineer:

- Locate stationary construction equipment as far from nearby noise sensitive properties as feasible.
- Shut off idling equipment.
- Reschedule construction operations to avoid periods of noise annoyance identified in the complaint.
- Notify nearby residents whenever extremely noisy work will be occurring.
- Install temporary or portable acoustic barriers around stationary construction noise sources.
- Operate electric-powered equipment using line voltage power or solar power.

Although efforts will be made to perform work during regular construction hours, some activities may continue outside of these hours on a periodic basis over the course of the project to maintain project schedule. The below table summarizes the period when work is anticipated to occur and the estimated duration for each construction activity.

Zoning

Properties near the project area are zoned as mixed-use downtown, general industrial, and parks. There are some residential uses near the construction effort including a floating home on the Willamette River south of the Abernethy Bridge and the Edgewater at the Cove apartment complex. Figures 1 and 2 are zoning map and a highlighted project study area within approximately 300 feet.

Figure 1---Oregon City Zoning Map

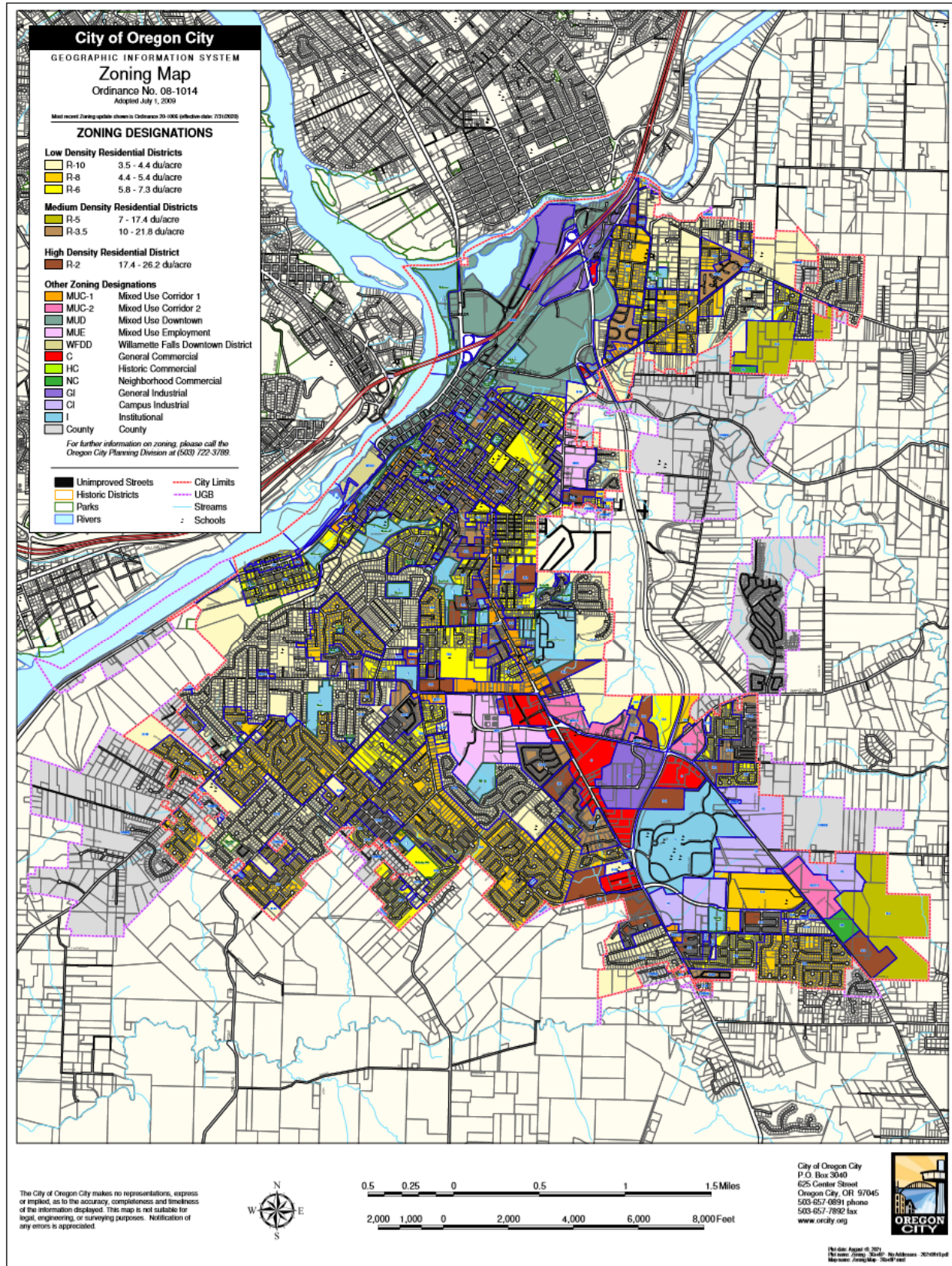
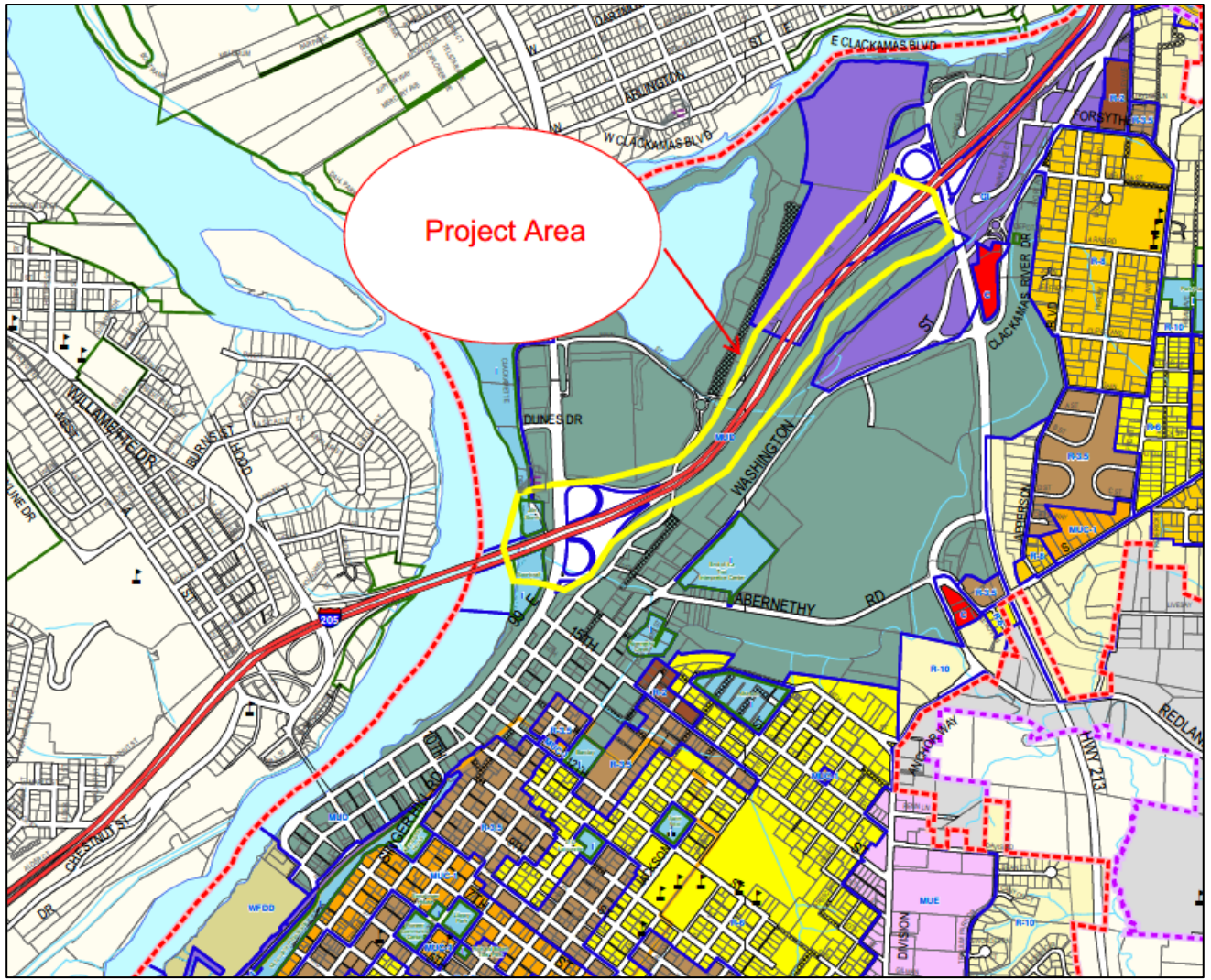


Figure 2--- Project Area with Zoning



Anticipated Construction Schedule

Activity	Period
Permanent Sign Bridges	First quarter of 2025
Temp Sign Bridge	First quarter of 2023
I-205 Sign Bridges Between OR43 and OR213	First quarter 2025
OR99E@ Abernethy Bridge	Fall/winter 2023 & Summer 2024
I-205 @ Abernethy Bridge (Directional Closures)	November/December 2024
Remove Joint seals and install temp plates on Abernethy Bridge at Pier 3 and Pier 6	Fourth quarter 2024 to removal and install in first quarter 2025
Casing Oscillation	Summer 2022 & Summer 2023
I-205 Paving	Late Summer/Fall of 2023, 2024, and 2025
Sound Wall	Summer of 2024

The Oregon Department of Transportation Region 1 requests approval from Oregon City to perform the construction activities discussed within 250 feet of residences during the hours where the City restricts construction in its ordinance. Specifically, the construction effort will be within 250 feet of the Edgewater at the Cove apartments for the I-205 Paving and Sound Walls construction activities listed in the schedule above. All other construction activities will be further than 250 feet from residences. The requested nighttime periods would include weekdays between the hours of 6 PM and 7 AM and Saturdays between 6 PM and 9 AM for the I-205 Paving and Sound Wall construction activities.

Sincerely,

Allen Hendy

Allen Hendy

Oregon Department of Transportation, Urban Mobility Unit