

Sandra Freund

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**From:** Carla E. Muss-Jacobs <CarlaHomes@msn.com>  
**Sent:** Tuesday, May 22, 2018 5:28 PM  
**To:** Carlos Arias  
**Cc:** 'Michael Towle'; Sandra Freund; Carla E. Muss-Jacobs  
**Subject:** Re: Cedar Hills // Chick-fil-A Noise Concern

RECEIVED  
City of Beaverton

MAY 22 2018

Planning Division

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for the follow-up Carlos. Please allow my response to become part of the public record as well.

I totally understand that you'd like to get this resolved by the May 30th hearing. I don't wish to delay anything at all . . . but this entire process is new to me -- as is having hundreds of cars per day drive-thru the neighbor's backyard. I probably won't decide until we fine tune this.

I am concerned over this: "Our hope is that we can use one of the products below, *or an alternative product once we have had a chance to work with suppliers and installers, that provides **similar** levels of noise reduction to those noted below.*"

And you wrote in closing: "Again, we would appreciate the opportunity to further discuss *designs that achieve **similar noise reduction levels*** to these products. Please let me know if there is a good time to discuss."

Well, we are discussing further 😊

But you wrote "similar" twice and that's something that concerns me.

Similar . . . is a little too vague and ambiguous at this juncture. I worked in engineering many, many years ago. When a project was signed off on, there was never any type of ambiguity in projects once the design was approved. If there was any changes in the specs, change orders had to be circulated and approved. "Similar" wasn't going to cut it.

Similar, by definition is "resembling without being identical."

I want to talk to the company in Option #1 tomorrow, and let them tell me about their product.

Are you going to put this out to bid? Is that where the "similar" is coming from? I'd also like to know what your definition of "similar" is . . . because, again, it all seems a little too vague and ambiguous at this point.

I'm not opposed to the Oreo cookie concept and this might be the way to go.

Is there going to be a written formal agreement, with the name of company/companies used, the product used, etc. is clearly specified? Maybe this is required by the City of Beaverton, I don't know.

I won't have relief until this is all done with and the proof will be in the pudding, as they say. I will be talking to my tenants about what's going on this coming Sunday. I will ask them if they would like to go to the public hearing.

Thank you for your email. I hope this response makes sense.

Carla

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**From:** Carlos Arias <carias@4gdev.com>  
**Sent:** Tuesday, May 22, 2018 11:19 AM  
**To:** 'Carla E. Muss-Jacobs'  
**Cc:** 'Michael Towle'; 'Sandra Freund'  
**Subject:** RE: Cedar Hills // Chick-fil-A Noise Concern

Sandra,

Can you please include this email correspondence and attachments as public record for the Public Hearing on May 30<sup>th</sup>?

Carla,

You are correct. The purpose of my email was not to summarize our entire phone conversation but rather to continue the dialogue specifically on potential designs for fencing. At the end of my email you will notice my attempt to set up a time to further discuss. Please accept my apologies for not being clear.

We would like to continue to work with you prior to the hearing on the 30th to find a fence design that both parties are agreeable to. Below are two options that we have researched with supporting data for noise reduction and we hope you are willing to further discuss these products with us. We propose to provide a fencing product that provides some level of noise reduction and works with the existing trees that are on the property line. Our hope is that we can use one of the products below, or an alternative product once we have had a chance to work with suppliers and installers, that provides similar levels of noise reduction to those noted below. As you saw in your previous research, there are a lot of different environmental factors that play into the actual level of reduction, however, we hope that the use of a material similar to those shown below will provide some level of relief for you.

**Option 1: Acoustifence:**

- This product can be installed between the double sided fence we originally indicated.
- The material itself is lab tested STC value of 28, which represents over an 80% reduction in sound to the human ear.
- See attached specs

**Option 2: Tuf-Barrier (Reflective)**

- This product commonly achieves a 5db-10db decrease. This equates to roughly 50% of the noise heard being mitigated.

- See attached brochure

Again, we would appreciate the opportunity to further discuss designs that achieve similar noise reduction levels to these products. Please let me know if there is a good time to discuss.

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**From:** Carla E. Muss-Jacobs <CarlaHomes@msn.com>  
**Sent:** Monday, May 14, 2018 12:25 PM  
**To:** Carlos Arias <carias@4gdev.com>  
**Cc:** 'Michael Towle' <mtowle@dowl.com>; Carla E. Muss-Jacobs <carlahomes@msn.com>; Sandra Freund <sfreund@beavertonoregon.gov>  
**Subject:** Re: Cedar Hills // Chick-fil-A Noise Concern

Hi Carlos & Mike,

**NOTE:** I am sending this to Sandra Freund at the City of Beaverton. I was going to prepare a statement to be included in the recommendations for the May 30, 2018 Public Hearing. **Please let this serve as my statement to be included.** I can't say it any better and feel my concerns are adequately addressed.

In reading the email you sent this morning, I'm very disconcerted. This is not the direction this conversation should be going. I will not have any time to discuss this matter with you if you are insisting that a wood fence is what you're proposing. If this gets to be more overwhelming, I will ask that my son, Carlson Muss, be given Power of Attorney to discuss this further. He has taken over on matters when I can no longer deal with them. I can not help my anxiety, or bi-polar depression. He doesn't suffer as I, so I may be directing further contact to him.

Ironically, the "Subject" in the email you sent does a better job of addressing the issue. You are exactly correct "**Chick-fil-A Noise Concern**".

Unfortunately, the email doesn't even come close to what we discussed over the phone last week. It doesn't serve the nature of the conversation I had with you both. My memory, and notes, recall me stating that a wood fence would not be appropriate. I made several suggestions of sound barrier walls, stating there out in the construction world, and my understanding was that you both would be looking in to it. I see from this bright and early Monday AM communication that you've probably not spent any time on it at all. Thanks for taking this "Chick-fil-A Noise Concern" so seriously {rolling eyes}

I am linking to some recent articles about Chick-fil-A's future growth, current venues, etc. These articles evidence one thing: there are going to be a heck of a lot of cars behind my property. The nature of the new commercial enterprise drastically changes the activity, namely . . . the volume of vehicles behind my house.

This will alter the "bundle of rights" I, as a home owner, am entitled. I have the legal right of enjoyment of my property. Having a drive-thru with two order boxes and hundreds of cars per day in the back of my property will infringe on my right to enjoy my property, as I have done since 2000. Within my [Bundle of Rights](#), includes that of [Quiet Enjoyment](#). These are valid, legal sets of rights afforded the property owner.

I bought that property in 2000. In that time, the current commercial property was there. Chick-fil-A is planning to alter the current use 100%, and this alteration will infringe on my rights. As the Subject of this email suggests: Chick-fil-Noise Concern.

In last week's phone conversation, I asked how many customers would be using the drive-thru (as opposed to walk-in orders), you both seemed to stumble on my inquiry. I find it disingenuous that a company/business would not have a "projection" of patrons, and in particular the number of orders from the drive-thru, which would equate to the numbers of projected vehicle volume. The number of cars, equates to the number of orders, which equate to the number of product being cooked, available, staffing, etc. in order to meet the lunch rush, breakfast, etc.

But, since I wasn't provided with an answer, I'm left to fill in the blanks -- because I want to know how many cars are going to be in my backyard! Without an answer . . . I am left to draw upon the two articles, of which I am relying on for STATS.

1.) [https://www.buzzfeed.com/venessawong/chick-fil-a-third-largest-fast-food-chain?utm\\_term=.sbKLeXl6dW#.pvEdjY7qKZ](https://www.buzzfeed.com/venessawong/chick-fil-a-third-largest-fast-food-chain?utm_term=.sbKLeXl6dW#.pvEdjY7qKZ) -- "With about \$9 billion in sales in 2017 . . . [Chick-fil-A] today ranks seventh nationwide among fast-food chains in terms of sales, but it's on track to become the third-largest in the next two years, behind McDonald's and Starbucks, according to restaurant consultancy [Technomic](#). "The trajectory we're on would support that," said a Chick-fil-A spokesperson when asked about the possibility of rising to the top three by 2020."

"The average Chick-fil-A restaurant rings up more than \$4 million in annual sales, according to [QSR magazine](#), millions more than virtually any other restaurant chain's locations, including giants like McDonald's, Burger King, and Wendy's — despite Chick-fil-A being open just six days a week. (All restaurants close on Sundays.) The average McDonald's, for instance, makes about \$2.5 million per year."

2.) <https://www.msn.com/en-us/foodanddrink/foodnews/chick-fil-a-is-about-to-overtake-taco-bell-wendys-and-burger-king/ar-AAvnM6Y?li=BBnb7Kz&ocid=mailsignout>

"They've also doubled down on convenience by streamlining the drive-thru experience -- one location in Oklahoma City recently served 216 cars in under one hour, per the [report](#). That's a rate of 3.6 customers per *minute* just at the drive-thru. "

I will not continue to reiterate my concerns of the NOISE all this means . . . because my very valid concerns seem to be falling on deaf ears.

And if you two, and the entire Chick-fil-A enterprise can't figure out that a private home owner who has 150' of back yard bordering an "improvement project" that would CREATE x-number(hundreds) of vehicles being driven and parked behind the property 6 days a weeks from 7:00 a.m. until 10:00 pm . . . PLUS . . . you want your deliveries to extend beyond that time -- is a cause of concerns for me . . . and all you have is a wood fence -- make it a double -- **I feel that this anxiety is overwhelming to me at the moment.**

I will save my energy to present my concerns to the City of Beaverton and the May 30th public meeting.

This is my property which I've owned for nearly 20 years. It is my retirement income . . . and any loss of income due to Chick-fil-A's "job creation program" {rolling eyes} is not very Christian. My mother was a Sunday School teacher when I was a little girl. Valley Lutheran Church in Sun Valley, California. I sang in the child's choir until her death. She died when I was 15-years old. But she left me with the memory of her Sunday School lessons, which allowed me to survive. And when the doctor butchered me, and I nearly lost everything I owned and had to file for bankruptcy protection, and in May 2010 I had \$75 CASH to my name, and was behind on two mortgage payments . . . I continued to have my faith. And I continued to open the gifts my Mother left me . . . the FAITH in Jesus, and his ministry. Knowing how he was tortured and suffered . . . I kept my FAITH. When I was over-prescribed medications by the filthy medical community . . . oxycontin/oxycodone, anti-anxiety pills, sleeping pills, anti-depression pills. The pain meds came from the orthobutcher. The other prescriptions came from the psychiatrist. And since no one really cared about me, or my health -- and since no one in the medical community who was "treating" me seemed to talk to each other about my care and treatment . . . and how the medicines interactive and caused suicidal ideations -- I got even sicker. My mind went to a very dark place, and then I snapped and I attempted suicide . . . twice -- the City of Beaverton Police placed me on police holds. And when I went through those things, and no one was there to help me, I realized that the pills were doing these things to me, and the medical community was full of shit. So, I stopped taking medicines in 2009. In 2010, I almost lost everything I owned, but I was not taking those pills anymore. I built myself back up, and my real estate business -- [real estate article I wrote about my retirement](#), which I had to say good-bye to a couple of weeks ago. And I was able to keep my FAITH, and focus. And in that time I worked, and worked . . . and saved money. But it has taken a toll on me -- mentally and physically -- and I had to retire. My rental property is my only income at this point. If I lose tenants, and/or can't rent it because of the hundreds of cars, and the noise . . . I will be affected financially.

And doing the RIGHT THING shouldn't have to make me fight for a sound absorbing fence, when a business is going to be having hundreds, and hundreds of cars a day behind the property I fought so hard to keep.

So while you don't understand what my property means to me . . . and how this change affects me . . . I find these negotiations extremely difficult for me and upsetting. I asked you to "be fair" and your email is so far off the mark it's insulting. There shouldn't even be any negotiations. I should have gotten a letter from Chick-fil-A telling me they were building the best sound absorption fence available, and to thank me for understanding. Rather, I get tossed a wood fence. WOW . . .

How much money is Chick-fil-A projecting to net on that restaurant per day? Per week? Per month? Per year? That equates to TRAFFIC! And that TRAFFIC is going to be directly behind my house. And with my life and everything I have had to deal with, now I get this?!? Back and forth nonsense. DO THE RIGHT THING. This is beyond anxiety producing for me.

I had to spend the better part of this morning researching things . . . so that when I send this off to the City of Beaverton, my position and points are made, and clear.

1.) "A barrier fence might also be an effective way to reduce road noise, but only if the structure is solid enough and thick enough to shut out the sound waves" <https://www.thisoldhouse.com/ideas/yard-noise-reduction>

2.) "Maybe you just moved into a new home next to a busy road or the state has just put in a new road a little too close to your house for comfort. Either way, you might not like the constant noise that's coming from the cars and trucks passing by. If this is the case, Acoustiblok may have a couple of solutions **if the variables are right.**" <https://www.acoustiblok.com/portfolio-items/traffic-noise/>

Gee, a home owner not liking the constant noise that's coming from the hundreds and hundreds of cars and trucks behind their house?!? Who would have thought?

How many cars is Chick-fil-A projecting?

300 per day?

600 per day?

900 . . . ???

Someone has got to have the numbers . . . and the VARIABLES of noise are a science in and of itself.

Chick-fil-A shouldn't be trying to go the CHEAPEST method, which is also the LEAST LIKELY to affect the sound/noise which will be generated by their business. They should have figured this out already, and not have me doing this, and going through this to try to protect my rights.

The noise that WILL COME FROM a CHICK-FIL-A DRIVE-THRU -- needs to be taken seriously.

"Noise-Barrier Fences: Factors to Consider

A fence intended to serve as a noise barrier or "sound barrier" will typically use thick tongue-and-groove boards, in order to form an impervious barrier. These boards are nailed to heavy rails, which in turn are supported by heavy posts. **The operative word for noise barriers is obviously "heavy."**

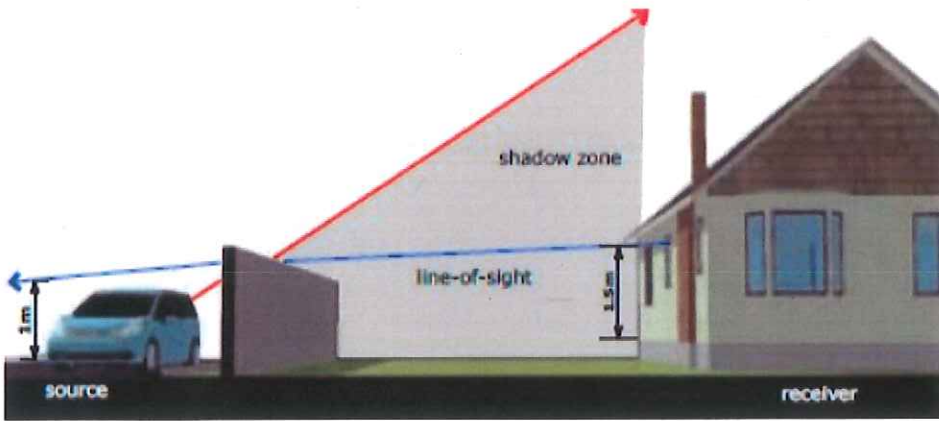
That is because, as a rule of thumb, **mass dampens sounds best** -- so fencing serving the purpose of blocking road sounds needs to be heavier than most other fencing.

**For the same reason, masonry walls are more effective at blocking road sounds than even the best wooden fences."**

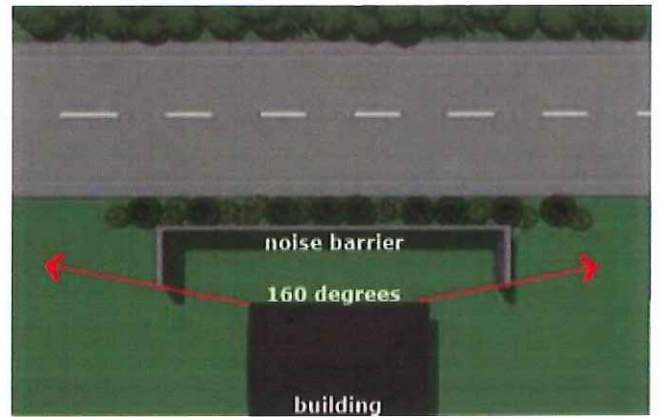
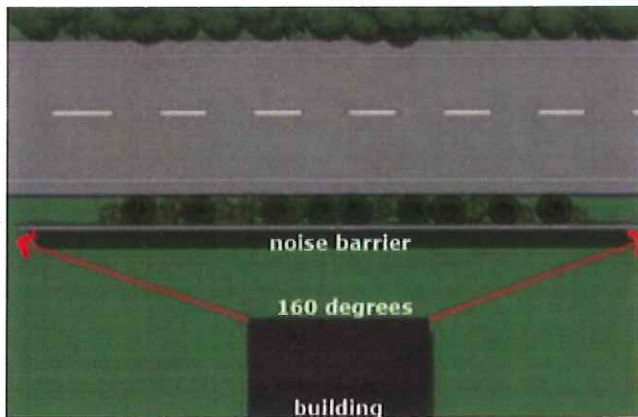
This is the BEST ARTICLE I have found on the subject: [https://gabion1.com/gabion\\_noise\\_barriers.htm](https://gabion1.com/gabion_noise_barriers.htm)

I would suggest you watch his video found on this page: <https://www.gabion1.com/phone-us/> -- the guy who wrote these articles seems to be an expert.

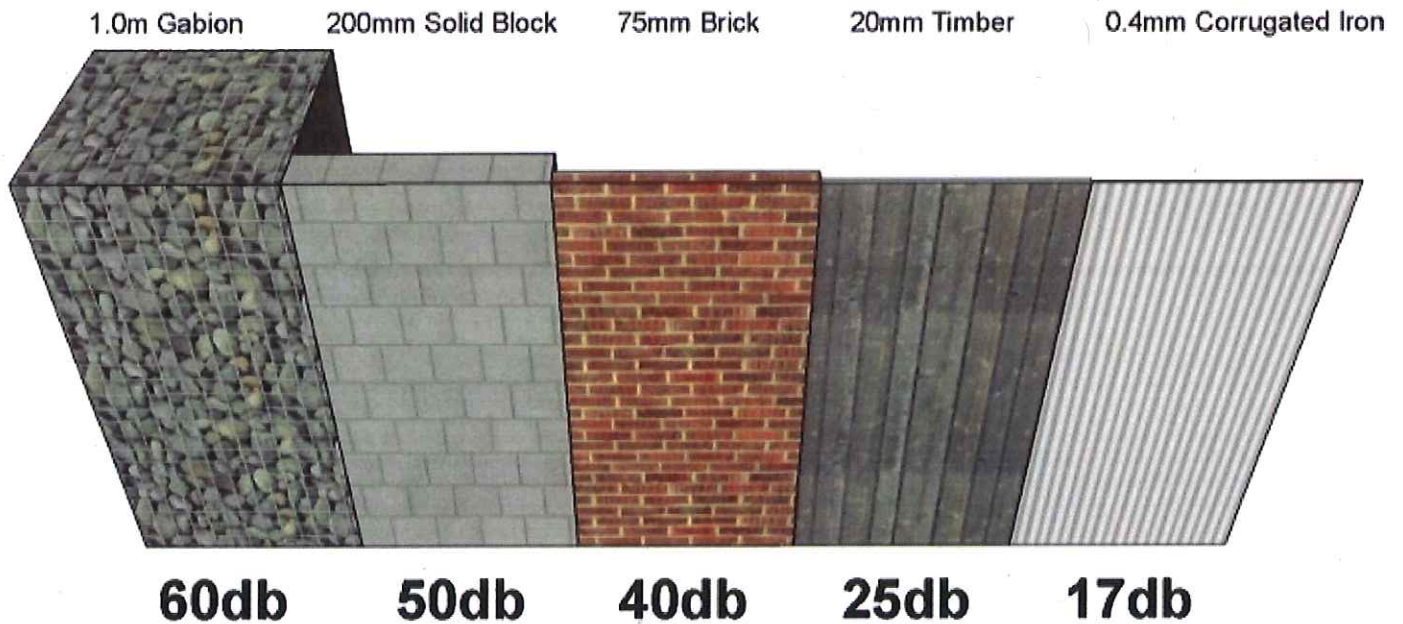
"When constructing an acoustic wall to eliminate car noise. The height, width and location of the noise barrier wall, dictates the size and shape of your noise shadow."



"Noise from heavy trucks is around 85db. The denser the wall the more noise it stops, "



When constructing an acoustic wall to eliminate highway noise. The height, width and location of the noise barrier wall, dictates the size and shape of your noise shadow.



Please don't contact me again, unless there is something less insulting. I'm tired of having to fight each and every step of the way. This is unfair to me, and am getting overwhelmed.

Carla Muss-Jacobs

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**From:** Carlos Arias <[carias@4gdev.com](mailto:carias@4gdev.com)>  
**Sent:** Monday, May 14, 2018 9:37 AM  
**To:** [CarlaHomes@msn.com](mailto:CarlaHomes@msn.com)  
**Cc:** 'Michael Towle'  
**Subject:** Cedar Hills // Chick-fil-A Noise Concern

Good morning Carla,

It was a pleasure speaking with you last week. As discussed, we have researched more options to address your noise concern and Chick-fil-A is agreeable to the following:

- Replace the existing chain link fence with a new 8' tall wood fence (instead of a 7' tall fence discussed on our call)
- The new fence to be a double sided fence (instead of a fence with wood plans on one side)

Are you available to discuss this later this afternoon?

Carlos Arias – Project Engineer  
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