



Bureau of Planning and Sustainability

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## MEMO

**DATE:** February 11, 2013

**TO:** Planning and Sustainability Commission

**FROM:** Eric Engstrom, BPS

**CC:** Susan Anderson and Joe Zehnder, BPS; Mike Rosen, BES

**SUBJECT:** Review of City Codes and Regulations related to construction impacts

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### Background

The Community requested that the City document what existing codes and regulations are in place to protect the community against future construction impacts. The goal of this research is to share information on existing City regulations, as well as on some best management practices and tools used to reduce construction impacts. This information may be useful as part of the Port's performance standards document or future construction management discussions with the WHI Advisory Committee.

### What we know now

Based on the concept planning work that the project has done to date we can identify some infrastructure and site preparation elements of a future project that will happen regardless of the type of terminal. For example, we know the following:

- Site preparation: There will be fill requirements that will most likely be barged in as opposed to trucked into the site. There will also be some clearing and excavation within the 300 acres footprint.
- Rail improvements: There will be improvements to connect the mainline to WHI, and to construct the interior loop tracks on WHI.
- North Hayden Island Drive (NHID) improvements and utility extensions (water and sewer): In addition to the extension of NHID drive to the site and associated utility improvements, NHID drive will be improved from the WHI site entrance to link up with CRC improvements to the east. A new road bed will be installed to meet industrial specifications with sidewalks and a multiuse path.



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There are existing codes and regulations that the Port and future contractors will need to abide by during the permitting process for the above activities as well as during actual construction of a new facility. Below is a list of some of the existing regulations that will apply at the time of permitting as well as a short list of best management practices.

Currently the Intergovernmental Agreement requires the formation of an advisory committee who will work with the Port during the design, construction and operations of a terminal facility. The IGA indicates that a good neighbor agreement will be developed. This is a tool that can be developed by the Port, contractor(s) and local community to help minimize disturbance that construction and other phases of the project may cause to the local community.

### **Existing City codes and regulations**

Contractors are required to submit detailed plans with their permit applications. Several bureaus review the plans to make sure that they meet current code requirements. Below is a list of some of the titles and requirements that would apply in the permitting of an industrial facility.

#### **Title 17**

The requirement of public works permits for work done in the private or public right of way contains provisions that require contractors to detail length of time of improvements and hours of construction. The permit application also contains construction management, demolition, or installation of facilities plans for the public or private property. PBOT can also restrict vehicular use of a street during construction to protect the public from construction nuisance. Title 17 Public Improvements section provides more information related to permit requirements: <http://www.portlandonline.com/auditor/index.cfm?c=28853>

#### **Title 18**

The Bureau of Development Services' Noise Control Office is responsible for enforcing the provisions in the City of Portland's noise code ([Title 18](#) ). Operation of equipment during construction activities cannot exceed 85 dBA, when measured at 50 ft. from the source. This standard does not apply to trucks, pile drivers, pavement breakers, scrapers, concrete saws and rocks drills (Section 18.10.020). Construction times allowed by the City of Portland's noise code, including noise generated by equipment warm-up and maintenance from 7 am - 6 pm Monday through Saturday. The construction decibel level is greater than the allowed base level. Outside of these hours, noise levels must conform to the lower base day and night levels. More information on the City's Title 18-Noise Code can be found on Bureau of Development Services web site: <http://www.portlandonline.com/bds/index.cfm?c=42438&a=118522>

#### **Title 10 – Erosion and Sediment Control Regulations**

The Erosion Control Manual provides guidance to contractors for temporary and permanent erosion controls measures during construction process and operations. There are minimum requirements that including no sediment or pollutant leaving the site, entering the public street or a water body. An Erosion, Sediment, and Pollutant Control Plan (ESPCP) is required for sites that exceed 500 square feet and require a City building, public works, or



development permit (PCC 10.40). The ESPCP details where and how activities will be implemented to control erosion, sediment, and pollutants on a development site and usually is submitted with the State Department of Environmental Quality's 1200-C construction site permit. Chapters 4 and 5 of the Erosion Control Manual detail BMPs for construction and permanent erosion control  
<http://www.portlandonline.com/shared/cfm/image.cfm?id=94539>.

### Source Control Requirements

A source control plan review will be triggered by a new development. The source control program through BES pollution prevention services helps prevent stormwater pollution and protect soil, groundwater and surface water. More information on these requirements can be found at [www.portlandonline.com/bes/swmm](http://www.portlandonline.com/bes/swmm).

### Best Management Practices (BMP)

Many of the different titles, codes and regulations detail BMPs. Some of the measures that may be relevant to this project either as part of the proposed performance standards in the IGA or part of a future construction management discussion with the WHI Advisory Committee include:

- Additional erosion control measures to keep streets clean and dust down for neighboring homes and businesses.
- Minimizing dust by sweeping, cleaning regularly or sprinkling with water.
- Developing access management plans to protect the local community during construction
- Covering stockpiles
- Stabilizing soils as soon as grading is complete
- Minimizing idling of diesel trucks ; restrict idle time for gasoline vehicles making frequent stops
- Delineating hours for use of construction equipment that generates noise at levels greater than noise code allows. Equipment that cannot meet these levels can be quieted with exhaust mufflers if applicable.
- Using ultra low sulfur fuel for construction equipment and generators

### Good Neighbor agreements

Good neighbor agreements can be a tool for communities to use with contractors during the permitting process. A wide range of permits from construction, filling, excavating and right of way improvements can be reviewed with a local community to determine if additional measures can be taken to minimize disturbance and protect a local community.

Currently the IGA states that the formation of the WHI Advisory Committee will happen within one year of the annexation being approved. This committee will consider a good neighbor agreement as a tool to identify specific construction and terminal operation issues that the community may want the contractor(s) to address in addition to meeting city regulations. These measures may go above and beyond the best management practices identified during the permitting process.

