

IMPACT STATEMENT

Legislation title: Revise Noise Regulations for pile driving (Ordinance; amend Code Title 18)

Contact name: Theresa Marchetti
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Presenter name: Paul van Orden

Purpose of proposed legislation and background information:

Proposed changes to Title 18, pile driving. These proposed amendments to Title 18 will reduce the allowed hours of pile driving, and ensure notification is given to nearby residences when a construction project will require driven piles..

Financial and budgetary impacts:

This is proposed changes to Title 18. There are no financial or budgetary impacts.

Community impacts and community involvement:

On May 14, 2014, a score of residents of the Pearl District testified to the Noise Review Board about the severe impact that noise from pile driving was having on their lives. At that time the Board committed to study the subject and to recommend to the City Council any needed Code changes. The Noise Review Board has heard testimony from developers, geotechnical engineers, construction contractors, pile driving contractors, construction workers, and many affected residents.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



CITY OF
PORTLAND, OREGON

Amanda Fritz, Commissioner

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July 28, 2015

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Commissioner Amanda Fritz

SUBJECT: Substitute Ordinance on Pile Driving (803) for July 29, 10:45 a.m.

Dear Colleagues:

We are submitting a substitute ordinance on Pile Driving to be heard at 10:45 a.m. (Time Certain) on Wednesday, July 29. The proposed changes to Title 18, Noise Control will be focused solely on Pile Driving.

The original ordinance heard by Council on July 9 included proposed code changes on the noise variance appeals process and Central Employment (EX) zones. Both of these items are being pulled back by our office for further exploration with ONI staff, the Noise Review Board and community stakeholders.

Please find the substitute ordinance attached.

Thank you.

- Shows Findings strikeout sections.
- Shows 18.14.020 I. current code unchanged.
- Shows 18.04.040 FF current code unchanged.

(Modified original)
ORDINANCE No.

Revise Noise Regulations for pile driving (Ordinance; amend Code Title 18)

187272

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland is becoming a more densely inhabited city and larger developments in the City are being built in close proximity to many residential neighbors. Pile drivers operated in the City are one of the loudest pieces of construction equipment and single projects have the ability to impact large numbers of neighbors.
2. The Noise Review Board and City Council have heard from concerned citizens that pile driving regulations should be reviewed to better meet the changing needs of a growing, denser city. The Noise Review Board responded by taking testimony from stakeholders in the community including residential neighbors and parties in the development industry at multiple public hearings. The Board also reviewed the best practices of other cities to see what lessons might be incorporated into Title 18.
3. City Code should be amended to limit the start time for pile driving to establish a later start time at 8 AM, and by placing a limit on pile driving on Saturdays in excess of existing land use zone based decibel levels found in Title 18.10.010. This will limit all but the quietest forms of driving piles on Saturdays.
4. ~~The time it takes for a citizen or other stakeholder to move an appeal through City Council on a decision of given noise variance is not as timely as relocating the venue for the appeals process for noise variances before the Code Hearing Office. The Noise Review Board of the City recommends unanimously that appeals of noise variances should be brought before the Code Hearings Officer.~~
5. ~~EX zoning in the City of Portland has evolved over the years into a more commercially and residentially focused set of land uses than was originally conceived. Currently, EX zoning operates under the noise code as an Industrial land use zone for the purposes of establishing the permitted decibel levels. This higher industrial decibel level is becoming incompatible with the health needs of citizens to get a restful nights' sleep and enjoy the use of their residence, dwelling, hotel room, or other place citizens might legally inhabit.~~
6. ~~The Noise Review Board recommends that EX zoning in the City be amended from an industrial land use zone classification to a commercial land use zone for purposes of determining permitted decibel levels under Title 18.10.010.~~

NOW, THEREFORE, the Council directs:

- a. City Code Section 18.10.060 Construction Activities and Equipment is amended by adding Subsection F. as follows:

F. Pile Drivers:

1. Notwithstanding Subsection B above, the permissible sound levels of Section 18.10.010 shall apply to pile drivers from 6 p.m. to 8 a.m. the following morning, and 6 p.m. Friday to 8 a.m. the following Monday, and on legal holidays.
2. The owner of a site on which pile driving will occur shall cause a notice to be mailed to all residences within 500 feet of the site. Mailing will occur no fewer than 30 days prior to the commencement of pile driving. The notice shall list the expected starting and ending dates for pile driving and give a telephone number for further information.

- b. City Code Subsection 18.14.020 I. is unchanged and retains original text as written:

I. Appeals to City Council. A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:

1. Eligibility to appeal. A variance decision may be appealed by the applicant, his legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.
2. Appeal acceptance criteria. Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision. The notice shall identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.
3. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council.
4. At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision.

- c. City Code Subsection 18.04.040 FF. is unchanged and retains original text as written:

FF. Zone: A classification of area of the City of Portland as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this title, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

<u>Category</u>	<u>Zones</u>
Open Space	Open Space
Residential	Residential Farm/Forest Residential 20,000 Residential 10,000 Residential 7,000 Residential 5,000 Residential 2,500 Residential 3,000 Residential 2,000 Residential 1,000 High Density Residential Central Residential Institutional Residential
Commercial	Neighborhood Commercial 1 Neighborhood Commercial 2 Office Commercial 1 Office Commercial 2 Mixed Commercial Residential Storefront Commercial General Commercial Central Commercial

Industrial

General Employment 1
General Employment 2
Central Employment
General Industrial 1
General Industrial 2
Heavy Industrial

Passed by the Council:

Mayor Charlie Hales
Prepared by: Paul van Orden
Date Prepared: June 25, 2015

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy