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**PORTLAND, OREGON**

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OFFICE OF NEIGHBORHOOD INVOLVEMENT

**CHARLIE HALES, MAYOR**

Amalia Alarcón de Morris, Bureau Director

**Noise Control Program**

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

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*Promoting a culture of civic engagement*

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**Noise Review Board**

**Minutes**

**11/12/14**

**Present:**

Elki Lahav, Carol Gossett, David Sweet, Julie Greb, Melissa Stewart, Paul van Orden

**Minutes:** Kathy Couch

**Call to order:** 6:04

**Minutes reviewed for May, September & October:**

Carol Gossett moves to approve minutes as written, with an amendment to replace typo in Elki Lahav's name in October minutes. Melissa Stewart seconds the motion. Minutes approved. 5 ayes, 0 nays, 0 abstentions

**Further consideration & testimony regarding noise code related to pile driving**

Paul van Orden gives a staff report on pile driving regulations in other cities. He asked ONI staffer, Mary Schneider, to gather information – Mary called all of the cities requested and had to work hard for many hours to get information not only about regulations and enforcement, but to even get an appropriate contact to speak with. Her overarching challenge was that for every call made, she encountered a massive amount of runaround. Most cities, with the exceptions of Seattle and New York City, were confused about why we were even calling.

A number of City Codes refer back to the Building Department or the police. Both Seattle and NYC do have a staff person who is able to answer questions. Paul has been in contact with both of them, and is hoping to make a site visit to Seattle in the near future.

The most common restriction seemed to be limiting work on Saturdays, or starting later in the morning. Paul then reported on his conversation with the noise staff person from NYC. In reading their code, much of the language seemed to be aspirational in nature, rather than anything else. There is a complexity about what they're asking for in construction. They refer to "quietest available", and then refer to the standard used in Europe. After a lengthy conversation, Paul did not get a sense of how they processed mitigation plans. There doesn't seem to be a staffer to process them. There doesn't seem to have a level of review for staff to look at. He will double-check with them to make sure he has an accurate understanding. There doesn't appear to be a protocol of impacts to community. They seem to be putting a great deal of time into barriers. This would make sense in New York, as so many projects they are going deep into ground. They generally use a 12 foot barrier with an 8 foot wall, and 4 feet of plywood tilted toward the site. Our pile drivers in Portland are way up into the air, so barriers wouldn't help with noise mitigation. Paul was unable to get any statistics on how many pile driver complaints they have. They are not going out & taking noise readings. If there

are extreme examples they'll get involved but don't have a giant body of enforcement protocols. They depend on the company to have a good mitigation plan, and rely on barriers

Paul printed the NYC noise code and shared the required noise mitigation

E – reference to vehicle engine idling shall be prevented

F – back-up alarms

G – perimeter barriers – pathway controls

I – If work is planned near sensitive receptors (schools, hospitals, nursing homes) – responsible party shall coordinate with receiver to work with impacted parties.

K – permittee shall obtain after-hours authorization

N – Do not create unreasonable noise (aspirational language)

Pile driver language – quietest method that allows work to be done based on geotechnical considerations.

(This theme repeats all through equipment section; the responsible party selects according to structural and geotechnical quietest piles)

Noise pathways of control – each time they delineate every single separate piece of different equipment.

Dump trucks – US standards lag behind Europe and they call upon the industry to emulate Europe. They point out that there are dump trucks made in the US and they are quieter (10 dBA)

Same work hours as we have in Portland – exemption possibility (variance) looks like there is no entity like NRB for review.

They do more of their work around egregious outright violating. There appears to be no notable staff to oversee noise mitigation, putting them more in a responsive mode. They don't seem to have a robust staff to deal with things at the front end.

Most telling is that most cities don't have this on their radar.

Elki asks if Paul has found any dBA limits on construction noise. Paul replies that he doesn't see anything except for Miami, which lists levels in a confusing, poorly written way. There might be a trigger level in NYC.

Carol asks about the timeframe. DeWitt reps say that decision gets back to the geotechnical engineer. It depends on soil conditions. David asks about soil conditions, but Paul says it didn't seem like the forte of the NYC staffer.

Elki asks if other cities have building reviews. Paul says that he saw no language about notifications. He didn't ask about that as a primary question, but didn't see anything in the code. He needs to get clarification as to whether Saturdays are allowed, but there is a lot of other work that is allowed for 12 hours a day. Enforcements are centered around egregious construction noise. Mitigation is a de-facto requirement, but it's less of an enforcement plan. It doesn't seem set up to be enforced. The focus for enforcement seemed to be more music and entertainment type things.

David clarifies that there didn't appear to be a city that dealt with pile driver noise. We are on our own.

Paul wants good governance as far as noise impacts. We need to solve the question of what's good governance and how are we going to do it with a small staff. There seems to be some confusion among some members of the public as to what triggers a notification. Julie clarifies that the only thing that triggers notification is a variance. It is outside the scope of the NRB to notify individuals for projects that don't require a variance. Paul says if the board has recommendations on notifications, it would be good to go back to the City Commissioners.

### **Questions and comments from the public**

Carole Newvine from ODOT asks what the driver is for us to look at pile driving. David replies that it's necessary to drive piles in the Pearl and we have a high density and a lot of construction, so there is some concern amongst citizens. Paul says that anywhere there is pile driving there are concerns.

Brooks Hickerson - Pearl District resident – is opposed to driven piles

Rory Schaeffer – Lents resident – came to discuss car noise, entertainment noise, and other noise in his neighborhood and would like advise as to where to go with his complaints

David tells him that moving vehicles and sound from a moving vehicle isn't something our staff can address. Police can.

Maura Jess – Pearl resident – has notification issues- she struggles to get at information for variances and feels there should be more effective notification with construction.

Paul shares that improvements the Noise Office is working on include:

Staff developing an email notification of variances received every week, as well as posting on ONI's website.

Projects lasting a week or longer have a requirement to post variance information onsite.

A brief discussion ensued having to do with types and duration of pile driving, and questions regarding whether there is oversight on the decisions of geotechnical engineers. Participants include:

Brooks Hickerson – Pearl resident

David Sjogren – DeWitt Construction

Rory Martindale – DeWitt Construction

Chase DeWitt – DeWitt Construction

Maura Jess – Pearl resident

Gwenn Seemel – Pearl resident

David Vanadia – Pearl resident

Most everyone leaves, with the exception of Rory Shaffer, David Vanadia and Gwenn Seemel.

Mr. Shaffer gets more detailed information about some help for his noise issues, including his neighborhood association, the Police Neighborhood Response Team, and the neighborhood coalition.