



NOISE TASK FORCE AGENDA

Thursday, November 5, 2015

3:30 – 5:30 pm

***Pettygrove Room, Portland City Hall
1221 SW 4th Avenue, Portland, OR 97204***

Schedule	Topic	Lead/Presenter	Notes/Outcomes
3:30 p.m.	Introductions and review of minutes from October 29	Claire Adamsick, Commissioner Fritz's office; Sandy Bacharach and Theresa Logan, Resolutions Northwest	Resolutions Northwest facilitate
3:40 p.m.	Task Force Summary	Claire Adamsick	Summary of the task force's work to date and next steps
3:55 p.m.	Pile Driving Discussion – continuation from October 29	City Staff and Task Force members	See discussion outline below
4:50 p.m.	Public Comment	Members of the public present	
5:05 p.m.	Unanswered Questions	Theresa Logan, Sandy Bacharach and Claire Adamsick	Opportunity for Task Force and public to share what other Noise-related issues could be addressed by future policy changes
5:25 p.m.	Wrap up/Next Steps	Claire Adamsick	
5:30 p.m.	Adjourn	All	

Commissioner Fritz Proposal for Task Force discussion on Pile Driving

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1. Eliminate automatic exemption of pile driving in Noise Code per 18.10.060 A. All pile driving activities generating noise above 85 dBA require a variance.
2. Variances for pile driving are decided after a public hearing at the Noise Review Board, with appeal to the City's Code Hearings Officer.
3. Review Process *[Based on BDS Adjustment Review for Land Use cases]*
 - A. Application: Noise Office Staff notifies applicant of any missing information or materials within 14 days of submittal.
 - B. Public notice: Once Complete Application is received, public notice is mailed to all property owners within 500 feet and to neighborhood organizations within 500 feet of the site. At least 21 days are allowed for public comment.
 - C. Decision: Made by the Noise Review Board in a public hearing within 45 days after the application is determined to be complete.
 - D. Notice of Decision: Must be mailed to the applicant and all stakeholders who have provided comment and who have indicated they would like to be on the list of notified parties.
4. Appeals Process *[per City Code 22.10 – Appeals to the Code Hearings Officer]*
 - A. An appeal on a variance decision must be filed within 10 business days of the date of the decision.
 - B. Appeal fee (nominal fee of \$10) must be paid directly to the Code Hearings Office.
 - C. Upon receipt of a request for hearing, the Code Hearings Officer shall schedule and hold an appeal hearing within 30 days after the receipt of such request.
 - D. Notice of the time, date, and place of hearing shall be given to the person requesting the hearing and to the Noise Office. Notice shall also be given to any person who reasonably appears may be adversely affected should the decision or determination not be sustained after hearing. The Code Hearings Officer may provide by rule for the manner of providing notice to such

persons.

E. The time for hearing may be extended by the Code Hearings Officer for good cause shown, upon such terms and conditions as the Code Hearings Officer shall deem just and appropriate.

5. Proposed Approval Criteria for variances on pile driving exceeding 85dBA:

A. A State-licensed geotechnical engineer certifies that no quieter construction method is practicable on the site; and

B. Specified duration of noise exceeding the standard is the minimum necessary for project construction; and

C. Mitigation is provided to the extent practicable or an explanation by the engineer as to why no mitigation can occur. Types of mitigation may include: consideration of further restrictions on hours and days beyond baseline standards, noise monitoring and mitigation devices, and other mechanisms to reduce impacts on neighboring residents and businesses.

D. Others?

6. When a project is underway using pile driving methods under 85db, and unforeseen conditions require use of impact pile drivers exceeding 85db, the Noise Officer may grant an emergency variance so the project can continue on schedule. The Noise Review Board will hold a hearing on the variance at the next scheduled meeting. Notice of the emergency variance will be mailed to all residents and businesses entitled to notice under 3, above, informing recipients of the reason for the emergency variance and the opportunity to testify at the public hearing and the opportunity to appeal any decision.

7. Conditions of any approval may be established by the Noise Review Board or Noise Control Officer.