



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

Chloe Eudaly, Commissioner
Suk Rhee, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

**Noise Review Board
Minutes
October 11, 2017**

Present: Melissa Stewart, Kerrie Standlee, Michael Wallace, Jamie Hurd, Paul van Orden

Absent: Ryan Hyke

Minutes: Katherine Couch

Call to order

6:02 pm - Melissa Stewart

Barry Manning from Bureau of Planning and Sustainability joined us to discuss the proposed Amendments to Title 18, as part of the Code Reconciliation Project BPS is proposing amendments to apply the current noise code regulations to a new array of Commercial/Mixed Use zones that were adopted as part of the 2035 Comprehensive Plan. The newly adopted Commercial/Mixed Use zones will generally replace the existing Commercial and Central Employment (EX) zones outside of Portland's Central City. The proposal generally aims to replace the existing Commercial and EX zone references in Title 18 with the most equivalent new Commercial/Mixed Use zone. See attached documents for an overview of the proposed changes, along with a more detailed explanation.

Noise Review Board members had questions after the presentation was over.

Jamie Hurd- Will there be a change in overlay zones? Is told The Design overlay has been expanded and there is a Main Street Overlay Zone is new, and will be used as a focused area for growth
There will be a requirement for non-residential uses in ground floors. There will be a decreasing amount of auto orientation.

Remove the buffer overlay commercial to residential. Remove the buffers built into base zones and instead provide a little more buffer in all zones. This would include a small setback with landscape, probably to 25 feet.

Kerrie Standlee – What is the difference between CM1 and CR? CM1 allows bulkier buildings and CR will not require Commercial. There is not a lot of difference in the new zone, in terms of allowable sound.

Pearl District is not being re-zoned because this neighborhood is a part of the Central City, and noise is a more inherent part of the neighborhood.

Noise Review Board will use the November 8 hearing to take public testimony before weighing in on their response.

Public Comment

Susan Pearce (Hosford Abernethy Chair)

wanted to pass along the information that Hosford Abernethy supports the zone changes.

She does have 2 issues –CR1 restrictions added to in terms of timing of operations. She is concerned that multifamily units aren't as well protected.

Vertical transmission of sound is another concern. (Noise moving up and down from downstairs commercial)

Mary Sipe (Pearl District)

Disappointed because she thought that the 2015 Noise Task Force was supposed to look at zoning restrictions, but didn't. She was disappointed that when Paul made recommendations to City Council, there was no action taken. She was hoping that there would be a Pearl District amendment to the Noise Code for purposes for code enforcement either be treated as commercial or residential.

Paul van Orden says there is a planning component and the Noise Office doesn't have ability to change it hoping it would be addressed on Central City Plan. The band aid approach would not be the best approach and time-consuming. It is far easier to work with the Comp Plan process.

Mary Sipe asks "What are the layers holding up the pile driving proposal?" Paul says the office needs buy-in from the Commissioner's office on what they would like to see to come forward.

Central City Plan has moved to council. Testimony for 3 council sessions and then closed it. It may be an idea to request a briefing from Central City Planning committee.

Approve Minutes June, July, August, September 2017.

Kerrie Standlee gives copies of June and July minutes with corrections to Katherine.

Melissa Stewart moves to approve June minutes as amended. Michael Wallace seconds the motion. The motion passes, 4- yes, 0- opposed. Ryan Hyke was not in attendance at this meeting.

Kerrie Standlee moves to approve the July minutes as amended, after checking the recording for details. Jamie Hurd seconds the motion. The motion passes, 3- yes, 1- abstention, 0- opposed. Michael Wallace abstained, due to not being in attendance in July. Ryan Hyke was not in attendance at this meeting

Kerrie Standlee moves to approve August minutes as written. Michael seconds the motion. Jamie Hurd abstains, due to not being at this meeting. The motion passes, 3- yes, 1-abstention, 0- opposed. Ryan Hyke was not in attendance at this meeting.

Melissa Stewart moves to approve the September minutes as written. Jamie Hurd seconds. The motion passes, 4- yes, 0- opposed. Ryan Hyke was not in attendance at this meeting

Kerrie Standlee announces he will not be in attendance on the November 8 meeting.

Melissa Stewart adjourned the meeting at 7:31pm

Commentary

TITLE 18 NOISE CONTROL

18.04.040 Definitions.

The amendments to this title change the reference to existing Commercial zones that are being deleted to new Commercial/Mixed Use zones adopted in the 2035 Comprehensive Plan that are the closest fit to existing in terms of scale and use allowances. This generally follows the approach in the table below, however there are exceptions:

Old Zone	New Zone
CN1, CN2, CO1	CM1,
CS, CM, CO2	CM2
EX, CX	CM3
CG	CE
Non-conforming C uses in R5, R2.5	CR (in limited cases)

The Commercial Residential (CR) zone is proposed to be included with the Residential group, as the zone is applied in limited areas within residential neighborhoods and is replacing R5 and R2.5 zones with nonconforming commercial uses.

Adding references to Commercial/Mixed Use (C), Campus Institutional (CI) and Institutional Residential (IR) zones where appropriate.

The Campus Institutional 1 (CI1) zone is more residential in character, and is proposed to be included with the Residential zones in 18.04.040.FF.

The Campus Institutional 2 (CI2) zone is more commercial/mixed-use in character, and is proposed to be included with the Commercial zones in 18.04.040.FF.

**TITLE 18
NOISE CONTROL**

18.04.040 Definitions.

(Amended by Ordinance Nos. 159276, 164010, 175772 and 184101, effective October 8, 2010.) The following words shall have the meanings ascribed to them in this Section:

A.-EE. [No Changes]

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:

Category	Zones
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 <u>Commercial Residential</u> Institutional Residential <u>Campus Institutional 1</u>

Commentary

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Proposed Code Amendments

Commercial/Mixed Use

~~Neighborhood Commercial 1~~
~~Neighborhood Commercial 2~~
~~Office Commercial 1~~
~~Office Commercial 2~~
~~Mixed Commercial Residential~~
~~Storefront Commercial~~
~~General Commercial~~
Commercial/Mixed Use 1
Commercial/Mixed Use 2
Commercial/Mixed Use 3
Commercial Employment
Central Commercial
Campus Institutional 2

Industrial

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

Commentary

18.10.010 Land Use Zones.

The text and Figure 1 are amended to add references to Commercial/Mixed Use zones where appropriate.

Proposed Code Amendments

18.10.010 Land Use Zones.

(Amended by Ordinance Nos. 159276, 163608, 164010, 175775 and 184101, effective October 8, 2010.) Except as specifically provided for elsewhere in this Title, no person shall cause or permit sound to intrude into the property of another person which exceeds the limits set forth below in this Section. For purposes of this Section, “day hours” shall be between 7 a.m. and 10 p.m., and “night hours” shall be between 10 p.m. and 7 a.m.

- A. The sound levels established are as set forth in Figure 1 before any adjustments are applied:

FIGURE 1
PERMISSIBLE SOUND LEVELS
(7 am-10 pm, otherwise minus 5 dBA)

Zone Categories of Source	Zone Categories of Receiver (measured at property line)			
	Residential	Open Space	Commercial/ <u>Mixed Use</u>	Industrial
Residential	55	55	60	65
Open Space	55	55	60	65
Commercial/ <u>Mixed Use</u>	60	60	70	70
Industrial	65	65	70	75

- B. [No Changes]
- C. If a dwelling unit or noise sensitive receiver is in a nonresidential zone of the City, the nonresidential standard shall normally apply, unless:
 - 1. a complaint is received, and
 - 2. the dwelling unit or noise sensitive receiver type use predates that of the noise source. In that case, the permissible sound level, as measured at the lot line of the dwelling unit or other noise sensitive receiver, shall be 65 dBA in a commercial/mixed use zone, and 70 dBA in an employment or industrial zone, each subject to the adjustments of Section 18.10.010 B., F., and G.

D.-H. [No Changes]

Commentary

18.10.035 Leaf Blowers.

Amended to add references to Commercial/Mixed Use (C) zones where appropriate.

Proposed Code Amendments

18.10.035 Leaf Blowers.

(Replaced by Ordinance No. 177767, effective September 1, 2003.)

- A. For purposes of Section 18.10.035, “leaf blower” means any portable device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. “Leaf blower” shall include any devices or machines that accept vacuum attachments.
- B. General operating restrictions.
 - 1. Commercial/Mixed Use and other zones. No person shall operate a leaf blower in commercial/mixed use, industrial, and open space zones, or in the adjoining public right-of-way, between the hours of 9:00 pm and 7:00 am the following morning, seven days a week, unless the leaf blower meets the requirements of Section 18.10.010 A. - F. and H.
 - 2. Residential zones. No person shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 pm to 7:00 am the following morning, seven days a week.
 - 3. For purposes of Section 18.10.035 B., right-of-way adjoining residential zones and any other zone shall be considered as being within residential zones.
- C.-D. [No Changes]



Bureau of Planning and Sustainability
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MEMO

DATE: October 11, 2017
TO: Noise Review Board
FROM: Barry Manning, project manager
CC: Eric Engstrom, Joe Zehnder, Susan Anderson
SUBJECT: Code Reconciliation Project - Title 18 Amendments

At the October 11, 2017 Noise Review Board (NRB) meeting, Bureau of Planning and Sustainability (BPS) staff will provide a briefing on the *Code Reconciliation Project - Proposed Draft*. The proposed draft contains proposed amendments to Title 18, Noise Control. The proposed draft report is posted online at: <https://www.portlandoregon.gov/bps/72600>. Hard copies will be provided at the meeting. The NRB is scheduled to hold public hearings on the proposal on November 8, 2017.

Background

The 2035 Comprehensive Plan Early Implementation Zoning Code Amendments was adopted by Portland City Council in 2016 and included major changes to the Portland Zoning Code, Title 33. Portland City Council also adopted changes to the Zoning Code in December 2016 as part of the Inclusionary Housing Zoning Code Project. Both of these code amendment efforts resulted in changes that affect other chapters and sections of the zoning code and other city titles that reference zoning. The 2035 Comprehensive Plan Code Reconciliation Project amends the zoning code and other city titles to provide greater consistency with the newly adopted regulations and correct code references. In general, the project amendments are intended to be technical, and not represent significant changes in policy or development allowances.

Proposed Changes

This Code Reconciliation Project - Proposed Draft contains proposed amendments to Title 18, Noise Control. The amendments propose to substitute a new array of Commercial/Mixed Use Zones for existing Commercial zones, and to include new Campus Institutional zones in the Title 18 framework. These new zones were adopted in December 2016 as part of the 2035



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Comprehensive Plan. Generally, the new Commercial/Mixed Use zones are intended to replace existing zones in Title 18 by, as closely as possible, matching the scale, use, and intensity of the new zones to the existing zones that they replace. Some exceptions to this include:

1. CM3 zone - the Commercial/Mixed-Use 3 (CM3) zone replaces the Central Employment (EX) zone for areas outside of Portland's Central City. The new CM3 zone is proposed to be placed in the Commercial/Mixed Use category for noise standards rather than the Industrial category where the EX zone is currently placed.
2. CR and CI1 zones - the Commercial Residential (CR) and Campus Institutional 1 (CI1) zones are small scale commercial/mixed use and campus Institutional zones that are applied in the context of lower-intensity residential areas. These zones are proposed to be placed in the Residential category for noise standards.

More Information and Questions

A summary of some of the most significant or substantive changes proposed in the project, including changes to Title 18, are located on pages 6-9 of the Proposed Draft document. Please contact me at 503-823-7965 (barry.manning@portlandoregon.gov) prior to the meeting if you have any questions or wish to have more details on specific changes proposed.

