



CITY OF

**PORTLAND, OREGON**

OFFICE OF NEIGHBORHOOD INVOLVEMENT

**Chloe Eudaly, Commissioner**  
Dave Austin, Interim, Bureau Director  
**Noise Control Program**  
1221 SW 4th Avenue, Room 110  
Portland, Oregon 97204

*Promoting a culture of civic engagement*

**NOISE REVIEW BOARD  
MARCH 8, 2017**

**Call to Order** 6:02 pm by Melissa Stewart

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

**Absent:** Carol Gossett, Ryan Hyke

**Minutes:** Katherine Couch

**Welcome and Information**

- Paul speaks to upcoming workload for the season.
- Travel time has been a barrier, but we are hoping to move back together.
- Construction work group is meeting, and planning ahead for balancing density, proper neighbor notification, traffic concerns, and construction work that needs to occur.
- We are advocating for more help, but at this time, it's improbable
- We are trying a new system of tracking complaints, to help with consistency documenting complaints and other issues.
- Changes in ONI will take some time to filter to Noise Control Office

**Church Bells Discussion**

Jamie only had the chance to hear St Stephen's bells and hopes we can get to a good place of living in community. Kerrie feels that the bells were not as loud as he anticipated at that location. St Mary's was a bit louder at night.

Paul shows a data set of readings.

At St Stephen's, the normal cycles are a minute to 2 minutes, and once a week a more vibrant set is played. The vibrant set was notably louder than the usual tolling of bells. Paul did find one instance of 73 dBA across the street. He has experienced most of the bells in the low 60s, with ambient levels 48 to 52.

At St Mary's, the ambient levels are up to 62, and bells tolling reaches 80 dBA for 30 to 45 seconds. These are real metal bells, so there is not much variability there. The two situations are a bit different but they do show consistency.

From a legal perspective, the question is, is there an issue? There is not as much bass tonal quality. A block or 2 away they diminish rapidly. Should we be looking at this?

Next question is— what advice does the Board want to offer staff on this issue?

The construct of code is the 3<sup>rd</sup> issue, which is enforcement, he could have to go higher up the chain. Regardless of the enforcement issue, one has right to apply for a variance. Staff could do a year's variance at a time. They could ask for a multi- year, and then it would have to come to the NRB. Decision on conditions is dependent on all components. Once we issue a permit, citizens have a right to appeal the decision. Council would decide if that route were to be taken. Applicant can also appeal to City Council. There are enough checks and balances in place to offer any correction if we make a bad decision.

Kerrie would like to bring the source into the variance process instead of enforcement. The sound has a purpose, but not all feel the importance. All church bells in the city will need to apply for a variance. Brought to board by what staff finds in review. Jamie is leaning toward variance approach. Reading of a car driving by was louder than the bells when she was there and that helped her put it in context. What are noises we can expect in the city and how do we live together in community? Data persuaded her by decibel and frequency and duration.

The bell programmer clarifies the bells last 4 minutes. Utilize variance approach and learn to live together side by side



## **Public Testimony**

Brian Hull would like to know when members and staff were there, and Paul tells him that the most recent time was yesterday, but he had been out before. Mr. Hull would like a neighbor to join in again when readings are taken. He feels anxious that the readings are incorrect. Paul feels confident in the noise readings, but says annoyance factor is in the more musical sounds, as opposed to the bell bonging sound. Mr. Hull says that the only chance to give input are these meetings and he doesn't feel neighbors have been involved. Jamie asks for his recommendation. Frequency is his concern. Throughout the week it makes less sense to ring the bells. Kerrie asks his opinion of the variance approach. He says anything that moves to negotiation is good.

Father Boyle says that church bells are citywide, not just in specific churches.

He likes the thought of living together with the noises of the city. He's happy there is a board to come help to come to resolution. He is fine with the variance approach. 1925 was when the church was built. Bells came in 2014. He understands the impact. No expansion of the bells will be made as they try to appease the neighbors, but bells are meant to be heard.

Eric Ferris is wondering if there are other churches or religious groups that don't have problems. How does one determine what the acceptable levels are? Paul does not see the likelihood of administering variances to all churches. Kerrie want to find out how many churches have bells.

Peter Barrett says there were no bells for most of 100 years. It isn't the intensity, but the frequency that bothers him. He has to hear the noise 5 -6 days a week, which he feels is too often.

Ann Masters lives on 39<sup>th</sup> and Hawthorne. In the beginning the bells were very loud. They have toned down the level since then. Masters wants to make sure something is put in to place where they can't turn the level up.

Masters is bothered by the musical variations. They don't seem to go together.

Father Boyle seeks clarity on how the variance process works. He says that playing of hymns during the bells is very normal, and is done in several places worldwide. Churches are religious buildings and express adherence to congregants, but also have an impact on the community. Church and society can be intertwined. Father Boyle says it's not surprising that a church would celebrate secular celebrations.

Mary Sipe, who lives in the Pear District finds it ironic that we are talking about church bells and pile driving. We live in a noisy world, and Sipe says she's not being facetious but wonders what would Jesus do? Sipe thinks the variance is the right approach. Sipe suggests that the Board get input from neighbors about what kind of conditions they would like included in the variance. Sipe thinks it should be shorter duration.

## **Board Decision**

Jamie feels it isn't about a religion. We have data and a way to measure and not speak to religious feelings or lack of them.

**Jamie Hurd would like to make a motion to have the approach be to obtain a variance.**

**Kerrie Standlee seconds it. Kerrie makes an amendment to the motion that staff would administer the process and bring it up to the board as necessary.**

**Motion passes unanimously, 3-0**

## **Pile Driver Code Changes**

The Noise Review Board is ready to put something together and send to the City Council.

They would like to examine removing pile driving from the exempted classification. Pile driving is finished on Finished Hoyt's block 20 project, with successful abatement for the children in the temporary school location. Concurrently, while addressing the issue of school children, DeWitt Construction installed a shroud to their pile driver. The noise, although better for the children, was still impacting neighbors. They made a modification and installed material that Kerrie had suggested. That material made a notable difference. Paul wants to be clear in dialogue with City Council, that we will need a check and balance system, and ensure that we're meeting on an annual basis with the union, industry, and neighbors.

We do not want to require something that would put the safety of workers at risk. He thinks this code change may make more jobs but be safety is the first and most important priority. He does not want to see us rush through this. We need to make sure we are realistic in expectations for something so new and realize that we will have challenges. He emphasizes again that we do not want to put workers at risk. Kerrie is even more excited about the idea of bringing the source into the picture. He feels that the variance is the right process, where we are able to look at all conditions.

## **Public Testimony**

Mary Sipe says that she borrowed a meter from the Noise Office. Sipe has a large email list and has heard that the shroud made a difference. Sipe gives kudos to DeWitt, Kerrie, and Paul for their work. Neighbors are feeling heard. Desi Wright is the Pile Driver Representative for the State of Oregon. Wright wants to know what kind of delay in work this would mean. Paul says they would need to work with Bureau of Development Services to get in front of it and avoid delays. Wright says that more red tape may discourage projects from driving pile. The Pile Drivers are a Brotherhood, and there are so many things that could go wrong. With drilling there are other issues. There are contaminated soils in many areas. With drove pile, it would not be transporting to somewhere else. Wright would like them to look at the bigger picture. There are so many other factors to consider. Paul doesn't think we can succeed without looking at all factors. Your voices will be heard by City Council. We are malleable enough that we can do it in a way that supports the process. Paul understands the safety issues. We need to keep in mind the safety of workers and then build from there.

Will Barnes, Pile Driver – Wants the Board to be aware of exposure to contaminants, which is multiplied with drilled pile. During this process, a Pile Buck can have contaminated soil blowing back in their faces. In fact, they are regularly tested for contaminants using a baseline blood test and readings are taken throughout job. Pile Drivers work very close to the hammer and it's essential to be able to see the hammer drop unimpeded, with a clear line of site. There is someone on every job whose main duty is to stand close to the hammer and mark off every time it hits. The work is inherently dangerous.

Brooks Hickerson, Pearl District resident wants to know what is the proposal being put forth, and Kerrie explains that we are talking about pile driving be a part of the noise variance process.

**Kerrie Standlee moves to approve requesting a code change to Title 18, removing the exemption of pile driving from the dBA levels.**

**Jamie Hurd seconds.**

**Motion passes 3 - 0**

#### **Public Testimony – Issues not on Agenda**

No other public testimony

#### **Approve Minutes:**

**October 19, 2016**

**November 9, 2016**

**Kerrie Standlee moved to approve minutes from both October 19, 2016 and November 9, 2016.**

**Jamie Hurd seconds.**

**Minutes are approved unanimously, 3 - 0**

**Adjourn 7:46 pm**