



ZONING CODE INFORMATION GUIDE

Portland International Airport Noise Impact Overlay Zone Informational Packet for Residential Projects

The purpose of this packet is to provide information and instructions for residential building permit applicants with property in the Portland International Airport Noise Impact Zone (City of Portland Zoning Code Chapter 33.470). Properties within this overlay zone are identified with an “x” on the City’s Official Zoning Maps.

This packet includes the following information:

- Purpose and Background
- Noise overlay map
- Permit Instructions
- Aircraft Noise Easement form
- Aircraft Noise Disclosure Statement form
- Resources and Contacts



Purpose and Background

The Portland International Airport (PDX) Noise Impact Overlay Zone (“x” overlay zone) is intended to reduce the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. It also promotes general economic welfare by protecting air transportation and aviation commerce.

The “x” overlay zone was officially adopted by the City of Portland (City) in 1980. Recent updates were completed as part of the 2011 PDX Airport Futures Comprehensive Plan and Zoning Code Amendments. The “x” overlay zone covers an area encircling PDX where noise exposure associated with PDX aircraft operations (based on the federal standard; “Day-Night Level” or DNL) is highest. The boundaries were first defined based on the DNL noise contours established with the 1977 PDX Master Plan. They have since been updated to reflect the changing noise environment and in an effort to discourage non-compatible development.

Three noise contours are identified within the “x” overlay zone (see map on following page).

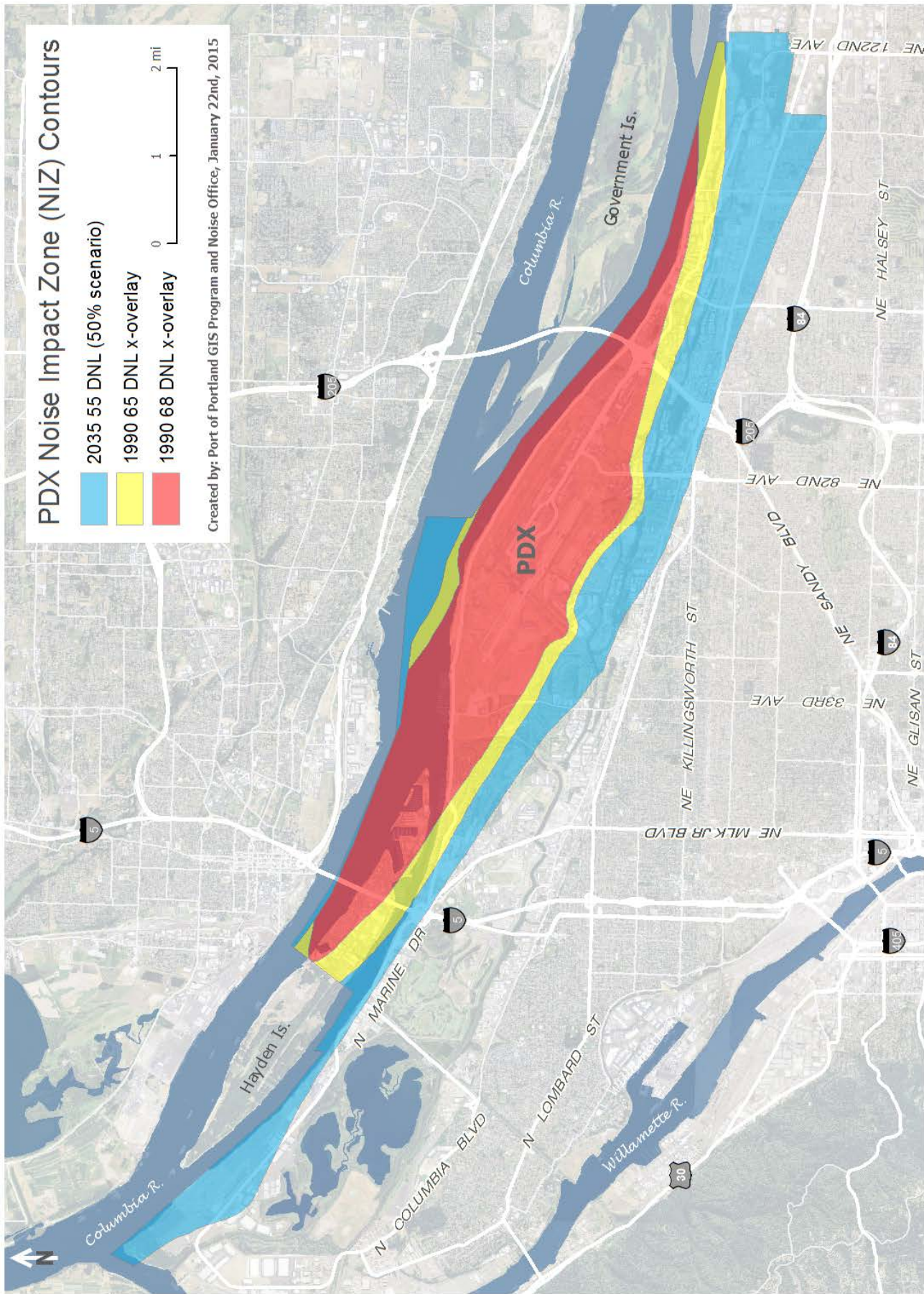
Red contour represents the 68 DNL, and is based on the 1990 68 dBA DNL noise exposure contour map from a PDX Noise Compatibility Study update. Development within this noise contour is more strictly regulated than the other contours

Yellow contour represents the 65 DNL, and is based on the 65 dBA DNL noise exposure from the same study.

Blue contour represents the 55 DNL, and is the 55 dBA noise exposure contour based on the 2035 50th Percentile Forecast Noise Exposure Map in the 2010 PDX Master Plan Update. The NIZ is designated on the City of Portland Zoning map as the “x” overlay.

PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT OVERLAY ZONE

PDX Noise Impact Zone Contour Map



PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT OVERLAY ZONE

CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

Permit Instructions

In order to obtain a building permit for new or “significantly reconstructed” residential units within the “x” overlay zone, specific criteria must be met. Significantly reconstructed is defined in the Zoning Code as: “Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site”. For permit approval within the 68 and 65 DNL contours the construction plans must be reviewed and certified by an acoustical engineer licensed in the State of Oregon certifying that once built, the structure will be at or below a day/night average interior noise level of 45 dBA DNL, and a noise easement must be dedicated to the Port of Portland and recorded with Multnomah County Assessment, Recording and Taxation. A noise disclosure statement must also be recorded for any permit approvals within all three contours. Note that new residential development within the 68 DNL contour is prohibited with some exceptions. Refer to Zoning Code Section 33.470.040 for these regulations.

Policy Contour Name	Origin	Development	Requirements
68 DNL	1990 DNL 68 dBA Contour	New residential uses prohibited unless exemptions met	Zoning code exemption required, then Acoustic Engineer’s Certification, Noise Disclosure Statement and Noise Easement
65 DNL	1990 DNL 65 dBA Contour	New residential development with density limits	Acoustic Engineer’s Certification, Noise Disclosure Statement and Noise Easement
55 DNL	2035 DNL 55 dBA Contour (Based on 50th Percentile Operations Forecast from 2011 Airport Futures/Master Plan Update	New residential development or major remodels	Noise Disclosure Statement

The property owner/developer may be eligible for reimbursement by the Port of Portland (Port) for some or all of the costs associated with the acoustical certification and recording fees associated with the noise easement and noise disclosure statement. To qualify for reimbursement from the Port, the engineer must be selected from the Port’s Approved Acoustical Engineer List.

Instructions for meeting the requirements of the City of Portland building code Chapter 33.470 and obtaining reimbursement for certain costs by the Port of Portland.

PRIOR TO BUILDING PERMIT APPLICATION

STEP 1: Review Information Packet

Once it has been determined that your property is located within the PDX Noise Impact Zone (NIZ), City Planning and Zoning staff at the Development Services Center (DSC) will provide the following information:

- This Information Packet which includes information on how to meet the requirements.
- The contour in which the property is located (68, 65, or 55 DNL) within the “x” overlay zone.

PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT OVERLAY ZONE

CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

STEP 2: Acoustical Certification

If the property is within 68 or 65 DNL contours, the building plans must be reviewed by an acoustical engineer. The Port of Portland (Port) will reimburse the property owner for the cost of the certification if requested. To be eligible for the reimbursement you must choose an acoustical engineer from the list included with this packet (subject to updates by the Port). If you do not wish to pursue reimbursement, you may choose any acoustical engineer registered in Oregon. The engineer must certify that once built, the structure will be at or below a day/night average interior noise level of 45 dBA DNL

STEP 3: Noise Disclosure and Noise Easement

The property owner must sign and record an Aircraft Noise Disclosure Statement and, if in the 68 or 65 DNL contours, an Aircraft Noise Easement. These documents are included in this packet.

- Fill out both forms completely, including:
 - o Date
 - o Name and signature of property owner
 - o DNL value within the NIZ
 - o Street address of property (For new construction an address will be assigned once the permit is submitted for review with BDS.)
 - o Legal description of property
- Send both forms to the Port Noise Office at the address listed the last page of this packet. A Port representative will review the forms for completeness and legal sufficiency then send them back to you.
- All property owners must sign the forms and have the forms notarized
- Record the forms on the property with Multnomah County Assessor, Recording and Taxation

SUBMIT BUILDING PERMIT APPLICATION

STEP 4: Submit copies of the following with your building permit application.

- Acoustical engineer's report or certification (68 or 65 DNL only)
- Recorded Aircraft Noise Easement (68 or 65 DNL only)
- Recorded Aircraft Noise Disclosure Statement (68, 65, and 55 DNL)

STEP 5: Reimbursement by the Port of Portland

The Port will reimburse the property owner for the cost of the acoustical certification and recording fees. The Port does not reimburse for additional services including, but not limited to consultations, field work, or expediency charges.

In order to qualify for reimbursement you must meet the requirements of the Port. Contact information is located on the last page of this packet.

CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

Resources and Contacts

CITY OF PORTLAND

Development Services Center
1900 SW 4th Ave
Portland OR 97202
www.PortlandOregon.gov/BDS
503-823-7526

Verify zoning regulations on your property include "x" overlay zone noise contours and regulations.

MULTNOMAH COUNTY Department of County Management

Assessment, Recording and Taxation
501 SE Hawthorne St
Portland OR 97214
www.multco.us/assessment-taxation
503-988-3034

Records documents on property such as the Airport Noise Easement and Disclosure Statement

PORT OF PORTLAND

Noise Management Office
7200 NE Airport Way
Portland OR 97218
503-460-4100
www2.portofportland.com/Inside/NoiseManagement

Information about acoustical engineers and reimbursements for "x" overlay

ACOUSTICAL ENGINEERS LIST

The following is contact information for State of Oregon licensed acoustical engineers operating in the Portland Metro area. Listing does not imply recommendation or endorsement by the Noise Control Office or the City of Portland, but is offered only for informational purposes. The collection of names is not exhaustive and changes will be made as they become known. Under Portland City Code 33.470.040, the Port of Portland will reimburse the costs incurred obtaining certification of acoustical engineering insulation as meeting standards for the Portland Airport Impact Zone. Use of the approved firms listed below will qualify for reimbursement by the Port. Other licensed engineers may complete the work required by the code, but a developer or architect will not be eligible to have the code-required acoustical certification costs reimbursed by the Port of Portland.

A Acoustics

Elki Lahav
9324 SW Camille Terrace
Portland, OR 97223-7043
Tel/Fax: (503) 977-2690
elki@aacoustics.com

Acoustics Sciences Corporation

Arthur Noxon
P.O. Box 1189
Eugene, OR 97440
(541) 343-9727
art.n@acousticsscience.com

Altermatt Associates Inc.

Russell Altermatt
6745 SW 13th Ave.
Portland, OR 97219
(503) 221-1044
raltermatt@altermatt.com

CS Acoustical Engineering

Elki Lahav
833 SW 11th Ave, Suite 808
Portland, OR 97205
(503) 227-6233
elki@aacoustics.com

PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT OVERLAY ZONE

CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

Todd A. Matthais, P.E.

Acoustic Design Studio
519 SW Park Ave., Ste. 305
Portland OR 97205
(503) 735-5961
todd@acousticdesignstudio.com

Daly-Standlee & Associates, Inc.

Kerrie Standlee
4900 SW Griffith Dr., Suite 205
Beaverton, OR 97005
(503) 646-4420
dsa@acoustechgroup.com

Michael Minor & Associates

4923 SE 36th Ave
Portland, OR 97202
(503) 220-0495
mminor@drnoise.com

PDX Noise Impact Overlay Zone Port of Portland Reimbursement Checklist

A builder requesting reimbursement of acoustical certification costs or recording fees under the PDX Noise Impact Overlay Zone (NIZ) must provide the following documentation to the Port of Portland Noise Management Office (see contact information above):

For all projects in the NIZ:

- Copy of signed, notarized, and recorded Noise Disclosure Statement
- Copy of itemized receipt for recording fees

For projects in the 65 and 68 DNL contours of the NIZ:

- Copy of the engineers certification report
- Copy of engineer's itemized invoice to builder
- Copy of cancelled check or other proof of payment to engineer
- Copy of signed, notarized, and recorded Noise Easement
- Copy of itemized receipt for recording fees

For more information visit or call the Planning and Zoning Staff in the
Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526
Current Zoning Code is available at www.portlandoregon.gov/zoningcode

PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT OVERLAY ZONE

Aircraft Noise Easement

(Adopted by Ordinance No. 158055, December 12, 1985)

This Easement, made this _____ day of _____, 20_____, between

Property Owner or Legal Representative (Print name)

hereinafter referred to as "Grantor," and THE PORT OF PORTLAND, a port district of the State of Oregon, hereinafter referred to as "Grantee,"

1. For the consideration listed in Paragraph 2 of this Easement, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, to have and to hold a perpetual easement for aircraft noise impact at the _____ DNL noise level as established by the official Noise Impact Zone boundaries (PDX 1990 DNL contour map) on file with the City of Portland, and as set forth in the Portland International Airport Noise Abatement Plan, until Portland International Airport shall be abandoned or shall cease to be used for public airport purposes, over the following described parcel of land situated in the County of Multnomah, State of Oregon, as follows:

Property location (street address): _____

City _____ State _____ Zip Code _____

and is more particularly described below:

Legal description: _____

_____ (attach additional sheets if needed)

2. Consideration for the mutual promises contained herein includes but is not limited to the following:

- (a) The right to construct or reconstruct (as defined in Chapter 33.470 of the Portland City Code) the subject property for residential use.
- (b) Grantee promises to be responsible for the costs of acoustical inspection and certification of building plans as set forth in Chapter 33.470 of the Portland City Code.
- (c) Grantee promises to pay the recording fees of this document.

3. This Easement shall encompass the right, in the airspace above the surface of the Grantor's property having the same boundaries as the above described property and extending from the surface upwards to the limits of the atmosphere of the earth, to cause in said airspace a maximum of the DNL noise level as set forth in Paragraph 1 of this Easement and as established by the 1990 DNL contour map as set forth in the Portland International Airport Noise Abatement Plan. An official DNL contour map is on file in the City Permit Center.

4. Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantee, its successors and assigns, due to noise, and all other effects of any noise impacts at or below the annual average DNL level set forth in Paragraph 1 of this Easement that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Portland International Airport. If the permitted annual average DNL level can be shown to have exceeded that specified in this instrument, this Easement shall remain valid and effective for that DNL level set forth in Paragraph 1 of this Easement, but the exceeded DNL level shall not be protected by this Easement.

5. The granting of this Easement shall establish the Grantor's right to construct or reconstruct (as defined in Chapter 33.470 of the Portland City Code) for residential use in accordance with all applicable laws. The Grantor's execution and offering of this Easement is sufficient to fulfill the requirements for the issuing of a building permit if all zoning and other legal requirements have been met.

6. In the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of such covenant, condition or provision shall in no way affect any other covenant, condition or provision herein contained.

7. It is understood and agreed that these covenant and agreements shall run with Grantor's land and shall be recorded, and the covenants and agreements shall be binding upon, heirs, administrators, executors, successors and assigns of the Grantor.

8. If the subject property is a houseboat, the easement and waiver granted herein shall also apply to the houseboat at any location to which the houseboat is moved within the 65 DNL area and all references to "65 DNL" shall mean 65 DNL and any higher DNL established for any location to which the subject property is moved.

IN WITNESS WHEREOF, the Grantor has acknowledged this instrument this

_____ day of _____, 20_____.

Property Owner (Print Name): _____

Property Owner Signature: _____

State of Oregon)

)

County of Multnomah)

On this _____ day of _____, 20____, before me personally appeared

_____ who being duly sworn, did say that they have read the Easement, fully understands the content of the Easement, and that the signing of this instrument is a voluntary act and deed.

INTESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this Easement written.

Notary Public for Oregon

My Commission Expires: _____

ACKNOWLEDGED FOR THE PORT OF PORTLAND BY

Name (Signature): _____ Date: _____

Printed Name: _____ Title: _____

Noise Disclosure Statement

(Adopted by Ordinance No. 158055, December 12, 1985)

Chapter 33.470 of the Portland City Code states that, as a condition for issuance of a building permit for new residential construction or significant reconstruction within the 55 DNL noise contour of the 2035 50th Percentile Forecast Noise Exposure Map (from the 2010 Portland International Airport Master Plan) or greater, the applicant shall sign and record a Noise Disclosure Statement in the following form:

Disclosure Statement

Property location (street address): _____

City _____ State _____ Zip Code _____

and is more particularly described below:

Legal description: _____

_____ (attach additional sheets if needed)

The property lies within the Portland International Airport Noise Impact Zone as depicted on the official zoning map for the City of Portland. The owner of such land and any potential purchase are hereby notified that this land may be subject to noise impact resulting from aircraft on the approach and departure routes to and from Portland International Airport and is subject to noise levels that may be considered objectionable. By recording this document with Multnomah County Records, all future purchasers are hereby notified that this above described parcel is within the Portland International Airport Noise Impact Zone. This noise disclosure in no way inhibits the property owner from developing their property in a manner consistent with the City of Portland Comprehensive Plan, and specifically for residential use where such use is permitted by the Comprehensive Plan and implementing ordinances.

The undersigned owner(s) of said land hereby certify (ies) that they have read and understand(s) the above disclosure statement and acknowledge(s) the pre existence of the above named airport and the potential for noise impact.

IN WITNESS WHEREOF, the Grantor has acknowledged this instrument this

_____ day of _____, 20_____.

Property Owner (Print name): _____

Property Owner Signature: _____

State of Oregon)

)

County of Multnomah)

On this _____ day of _____, 20_____, before

me personally appeared _____ who being duly sworn, did say that they have read the Easement, fully understands the content of the Easement, and that the signing of this instrument is a voluntary act and deed.

INTESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this Easement written.

Notary Public for Oregon

My Commission Expires: _____

ACKNOWLEDGED FOR THE PORT OF PORTLAND BY

Name (Signature): _____ Date: _____

Printed Name: _____ Title: _____