

## 33.470 Portland International Airport Noise Impact Zone

# 470

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### 33.470.010 Purpose

The Portland International Airport Noise Impact Overlay Zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

### 33.470.020 Short Name and Map Symbol

The Portland International Airport Noise Impact Overlay Zone is also referred to as the PDX Noise zone, and is shown on the Official Zoning Maps with a letter "x" map symbol (for PDX).

### 33.470.030 Where These Regulations Apply

The regulations of the chapter apply within the Portland International Airport Noise Impact Overlay Zone. There are several contours within the zone. The boundaries of the 65 DNL and 68 DNL noise contours are based on the 1990 Portland International Airport Noise Abatement Plan. The 55 DNL noise contour is based on the 2035 50th Percentile Forecast Noise Exposure Map in the 2010 Portland International Airport Master Plan Update.

A set of quarter-section maps, known as the PDX Noise Zone Maps, is available for viewing at the Development Services Center. The maps are the official reference maps for the PDX Noise Zone regulations. The maps show the 55 DNL noise contour and each successively higher noise contour in one DNL increments.

### 33.470.035 Corrections

An owner may request that the Planning and Sustainability Director initiate a correction to the location of the noise contours shown on the PDX Noise Zone Maps for their property. The owner must show, and the Director must find, that the noise contours do not conform with the location shown in the 1990 Portland International Airport Noise Abatement Plan Update for the location of the 65 and 68 DNL contours, or the 2010 Portland International Airport Master Plan Update for the location of the 55 DNL contour. Corrections are processed as stated in Section 1.01.037 of the Portland City Code.

### 33.470.040 Regulations for Residential Uses

- A. Noise disclosure statement in the 55, 65, and 68 DNL.** The regulations of this subsection apply to sites in the 55, 65, and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75

percent or more of the total assessed improvement value of the site, the owner must sign the City's noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the 55, 65, or 68 DNL noise contour and signifies the owner's awareness of the associated noise levels. The noise disclosure statement must be recorded in the County records by the owner. A packet containing the noise disclosure statement is available at the Development Services Center.

- B. Noise easement in the 65 and 68 DNL.** The regulations of this subsection apply to sites in the 65 and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must dedicate a noise easement to the Port of Portland. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the DNL noise contour. Any increase of the DNL noise level above that stated on the easement will not void nor be protected by the easement. The easement forms are available at the Development Services Center.
- C. Noise insulation required in 65 and 68 DNL.** The regulations of this subsection apply to sites in the 65 and 68 DNL contours. New dwelling units allowed by this chapter within the 65 and 68 DNL contours must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living area are not subject to this requirement.
1. Certified by acoustical engineer. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.
  2. City provides list. The City, in consultation with the Port of Portland, will provide a list of at least three registered engineers licensed in acoustical engineering.
  3. Port of Portland pays for sound insulation certification. At an owner's request, the Port of Portland is responsible for the costs of the noise insulation certification of dwelling units submitted by an engineer on the City list. The Port of Portland will pay for the cost of the certification required by this section, but not design, materials, or labor costs associated with installing the sound insulation. The owner has the option to retain any registered engineer licensed in acoustical engineering not on the list, at the owner's expense.
- D. Residential use and density.**
1. Within the 68 DNL noise contour. Where any part of a site is within the 68 DNL noise contour, it is subject to the following:
    - a. New residential uses.
      - (1) New residential uses prohibited. New residential uses are prohibited within the 68 DNL or higher noise contour except as allowed specifically by this subsection. If a site is divided by a 68 DNL noise contour all dwelling units must be located entirely outside the 68 DNL noise contour.

- (2) Exemption. Sites that had a Farm and Forest, Limited Single Family, Low Density Single Family, or Medium Density Single Family Comprehensive Plan Map designation on January 1, 1981 or a County Residential Comprehensive Plan designation or zoning on that date are exempt from this prohibition. Dwelling units added to these sites must meet the requirements of this chapter for residential development within the 65 DNL contour.
- b. Replacement housing.
    - (1) Existing housing within the 68 DNL noise contour may be replaced within 5 years if it is damaged or destroyed by fire or other causes beyond the control of the owner. A houseboat that is intentionally removed from its slip by the owner may be replaced within 5 years. A manufactured dwelling that is intentionally removed from a manufactured dwelling park may be replaced within 5 years.
    - (2) Natural disasters. The replacement time of 5 years is extended to 15 years for manufactured dwelling parks if:
      - Manufactured dwelling units are damaged or destroyed by a natural disaster such as a flood, earthquake, fire or other causes beyond the control of the manufactured dwelling park owner; and
      - At least 30 percent of the manufactured dwelling units in the manufactured dwelling park are either destroyed or significantly damaged. A unit is significantly damaged if the repair cost is 75 percent of the value of the unit.
2. Within the 65 DNL noise contour. Where a site is within the 65 DNL noise contour, it is subject to the following:
    - a. Sites that have a residential Comprehensive Plan Map designation are prohibited from developing to a residential density higher than that of the R10 zone.
    - b. Except as provided in paragraph D.3, sites that have a commercial Comprehensive Plan Map designation are prohibited from developing to a residential density higher than that of the RM2 zone.
  3. In the Hayden Island plan district, residential density may be transferred as specified in 33.532.240.

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*(Amended by: Ord. No. 164244, effective 7/1/91; Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183124, effective 9/18/09; Ord. No. 184521, effective 5/13/11; Ord. No. 189805, effective 3/1/20.)*

