



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
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Noise Control Program
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Portland, Oregon 97204

Promoting a culture of civic engagement

**FINDINGS AND DECISION OF
THE NOISE REVIEW BOARD**

APPLICANT: MULTNOMAH COUNTY: DIVISION OF TRANSPORTATION-BRIDGES *MEGAN NEILL*

REQUEST: THREE-YEAR VARIANCE FOR CONSTRUCTION PROJECT: BURNSIDE STREET: WILLAMETTE RIVER BRIDGE PAINT AND REHABILITATION PROJECT TO MAINTAIN AND REPAIR BRIDGE AREAS THAT EXHIBIT DETERIORATION TO ENSURE ITS CONTINUED SERVICE LIFE.

VARIANCE NUMBER: 16-217621-000-00-NV

DECIDED: OCTOBER 19, 2016

DECISION: APPROVED WITH CONDITIONS

BACKGROUND:

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

REQUEST:

Requested from Megan Neill, Multnomah County; Division of Transportation – Bridges, for a three-year duration construction project, in order to maintain and repair the Burnside Bridge over the Willamette River to ensure its continued service life. There are specific bridge areas that exhibit deterioration that could impact river traffic, which includes deteriorated paint on the steel truss fixed and movable spans over the river. Further, concrete spalling due to reinforcement corrosion is occurring throughout the bridge and includes areas over the river, public spaces, local businesses, local streets, and interstate highways. In addition, existing damage to the west river pier adjacent to Waterfront Park's seawall (Pier 1) would also be addressed by this project. Finally, portions of the bascule lift span machinery, computer systems, and span locks will be replaced or rehabilitated. The requested time is between March 1, 2017 intermittently through November 30, 2019, and times are as follows: 6:00 pm – 7:00 am.

FINDINGS:

- A. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.
- B. The sound source does not predate receivers.
- C. The last criterion in reviewing Noise Variances speaks to a sort of "balancing test", in which compliance/non-compliance is measured against the "public good." Will the denying of this application produce hardship without equal or greater benefit to the public? Although "benefit" usually refers to economic gain, the Board also includes the pleasure obtained from the viewing of an event, the fostering of interest in an activity, or the pride in one's city, which occurs via national exposure. In the present case the event is not only a well recognized community event, per se, but it also contributes to the national exposure of the City of Portland. The Noise Review Board finds that denying this event will not benefit the public good.

DECISION:

Motion was made by Ryan Hyke to grant a variance, which included a friendly amendment from Kerrie Standlee, with the conditions below. Melissa Stewart seconded the motion. The motion passed unanimously 4 – 0. Jamie Hurd was absent.

The Variance is approved with the following conditions:

Locations with timing:

1. Burnside Bridge closure: Occur for up to 9 weekends, from 11:00 p.m. to 5:00 a.m., starting Friday night and ending Monday morning. These would occur after October 1, 2017 in the fall and/or winter of 2017, 2018, and early summer of 2019.
2. TriMet work window: April 30 to May 20, 2017.
3. TriMet outside of work window: From 1:00 to 4:00 a.m., occurring in the fall/winter of 2017 and 2018.
4. I-5/I-84 closures: from 9:00 p.m. to 4:30 a.m. during the following dates:
 - April 14 to April 17, 2017
 - April 21 to April 24, 2017
 - May 5 to May 8, 2017
 - May 12 to May 15, 2017
5. I-5 southbound off-ramp closure: From 11:00 p.m. to 4:30 a.m. on weekdays in April and May of 2017.

Unless otherwise specified above, it is anticipated the nighttime work will predominantly occur Sunday through Thursday; however, there may be times when the contractor will also need to work on Friday and Saturday nights.