



OFFICE OF
Community
& Civic Life

Promote the common good

Chloe Eudaly, *Commissioner*
Suk Rhee, *Director*
1221 SW 4th Avenue, Room 110
Portland, OR 97204
Noise Control Program
Phone: 503-823-7350
portlandoregon.gov/civic



FINDINGS AND DECISION OF THE NOISE REVIEW BOARD-Revised

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES *SUSAN HJORTEN*

VARIANCE NUMBER: 17-122777-000-01-NV

DECIDED: April 12, 2017

FILE COPY

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:

A variance was requested by Susan Hjorten, representing Bureau of Environmental Services. The requested variance is requested for several areas throughout Portland for the repair and installation of sewers for the Citywide 2107 Sewer Rehabilitation Project. The work will increase sewer system capacity, reduce basement backups, and protect water quality and the environment. Dates and times are as follows:

August 29, 2017 through **December 31, 2018**, between the hours of 6:00 pm and 7:00 am (Original request was through October 1, 2018)

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:

Kerrie Standlee moves to approve Request from Susan Hjorten, representing Bureau of Environmental Services, for a variance for sewer repair and installation for the Citywide Sewer Repair Project between August 29, 2107 and October 1, 2018, with conditions to be refined by April 26, 2017. (These conditions are to be refined by Kerrie Standlee and Paul van Orden.) Ryan Hyke seconds the motion. The motion passes 3 – 0 (Former Chair Carol Gossett resigned before this meeting, and the position had not yet been filled. Member Jamie Hurd was absent.

The Variance is approved with the following conditions:

- A. Noise variance shall run from August 29, 2017 through ~~October 1, 2018~~. December 31, 2018
- B. From 6 pm until 9:30 pm the contractor will be required to use "smart alarm" back up beepers instead of a standard reverse alarm for all equipment activity. From 9:30 pm until 6 am the following morning back up alarms will be disconnected and spotters will be used to safely back up vehicles.
- C. The applicant shall work to utilize direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a ¾ inch plywood enclosure that is designed to ensure the noise radiating from the equipment does not exceed the maximum allowable limits specified in each work area specified in each work area discussed below.
- D. All saw cutting shall be performed during daytime allowable work hours. All saw cutting shall include portable sound barriers being utilized to decrease the noise level to nearby buildings.