



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

FINDINGS AND DECISION OF
THE NOISE REVIEW BOARD – REVISED ON OCTOBER 6, 2015

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES *SUSAN HJORTEN*

VARIANCE NUMBER: 15-208705-000-01-NV

DECIDED: August 12, 2015

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:

Susan Hjorten, representing Bureau of Environmental Services. They are requesting a noise variance for the SE Powell Sewer Project. The noise variance is for sewer repair work taking place over 28 days between December 1, 2015 and July 31, 2017 between the hours of 6:00 pm and 7:00 am in the area of SE Powell from SE 47th to SE 52nd and SE Foster between SE Boise & SE Cora. The work will consist of trench cutting and open trench repair work to replace aging sewers.

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.

- D. The decision was initially rendered after the August 12th public hearing with the locations of the work zones not described in accurate terms. The variance is being reissued with a new date of October 6th 2015 with "Revised on October 6th, 2015" added in the top document title. The new variance shall describe the work areas exactly as was offered by the applicant in their application top page.

DECISION:

Motion was made by Julie Greb to grant a variance for Bureau of Environmental Services with the conditions below. Kerrie Standlee seconded the motion. The motion passed 4- 0. David Sweet was not present at the meeting.

The Variance is approved with the following conditions:

- A. From 6:00p.m. until 10:00 p.m., the applicant will be required to use "smart alarm" back up beepers instead of a standard reverse alarm for all equipment activity.
- B. From 10:00 p.m. until 7:00a.m., the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles.
- C. Saw cutting shall be performed during daytime allowable work hours. If saw cutting is required during night work it shall be done prior to midnight. Saw cutting taking place between 10:00 p.m. and midnight shall include portable sound barriers being utilized to decrease the noise level to nearby buildings.
- D. The applicant is required to use direct connection to power whenever possible. Use of bypass pumps, gasoline or diesel generators or other stationary equipment will be placed away from residential neighbors when possible, and at all times isolated from any residential neighbors with the safe use of 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- E. Notice to be mailed and emailed two weeks prior to start of work to a two block radius of the work site. Notice shall include nature of work, anticipated noise sources and a contact phone number for a person on site to explain the work and possibly mitigate the issue.
- F. Noise office to be notified once a staging area has been chosen for the project.
- G. BES inspector to be on site during all work hours.
- H. The applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be emailed to noise@portlandoregon.gov.
- I. The applicant shall prepare to develop a noise mitigation plan with the Noise Control Office should complaints arise.