



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 (Revised October 6, 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 at SE 47<sup>th</sup> Ave, SE 49<sup>th</sup> south of Powell Blvd for 150 feet, SE 52<sup>nd</sup> just north of Lafayette St, and SE Foster Rd west of SE Cora St. 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