



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

APPLICANT: BES *KURT ROBINSON*

REQUEST: ONE-YEAR CONSTRUCTION VARIANCE FROM APRIL 28, 2017 TO MAY 4, 2018

VARIANCE NUMBER: 16-189147-000-00-NV

SIGNED BY NCO: AUGUST 24, 2016

***DECISION: DELEGATED TO THE NOISE CONTROL OFFICER, 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:

Request from Kurt Robinson, Bureau of Environmental Services, to repair sewers on the Northbound lane of NE MLK Blvd at NE Killingsworth, and along NE Killingsworth, for 385 feet east of MLK for 36 nights within the time period of April 28, 2017 to May 4, 2018 for the hours between 6:00 pm and 7:00 am

Environmental Services is designing two projects in the Woodlawn and King neighborhoods which will replace or repair public sewer pipes that are on average 90 years old and deteriorating due to age. This project will improve public infrastructure, increase sewer capacity and protect public health, water quality and the environment.

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:

Lacking a quorum, the Noise Review Board Chair delegated the decision to the Noise Control Officer to approve with conditions. Board members present were Carol Gossett and Kerrie Standlee.

Variance conditions set by the Noise Control Officer on behalf of the Noise Review Board:

- From 6:00 p.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.
- From 10:00 p.m. until 7:00 a.m., the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles.
- The applicant is required to use direct connection to power whenever possible. Use of 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 a ¾ inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- 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 is to take place before 10:00 p.m.
- 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.
- Noise office to be notified once a staging area has been chosen for the project.
- BES inspector to be on site during all work hours.
- 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