



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR  
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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 – SCOPE OF WORK REVISION**

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES \*BRANDON WILSON\*

VARIANCE NUMBER: 15-166165-000-01-NV

DECISION: AUGUST 24, 2016

***DECISION: APPROVED WITH CONDITIONS, SCOPE OF WORK REVISION  
DELEGATED TO THE NOISE CONTROL OFFICER BY THE NOISE REVIEW BOARD  
CHAIR***

### **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 Bureau of Environmental Services for the Lower Powell Green Street and Sewer Project.

The noise variance is for sewer repair work taking place between October 3, 2015 and December 31, 2016, between the hours of 6:00 pm and 7:00 am. The work will consist of open trench repair work to replace aging sewers and will, in addition, add 22 green street planters. Dates and times are as follows:

From October 3, 2015 through December 31, 2016 between the hours of 6:00 pm and 7:00 am with additional location approved on August 5, 2016, work to cover sewer repair at SE McLoughlin Blvd at the Powell St off-ramp.

## **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 Julie Greb to grant a variance for Brandon Wilson, representing Bureau of Environmental Services, with the conditions below. Carol Gossett seconded the motion. The motion passed unanimously, 4 to 0. Member Melissa Stewart was not present.**

## **The Variance is approved with the following conditions:**

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- 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](mailto:noise@portlandoregon.gov)