



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: ENVIRONMENTAL SERVICES, CITY OF PORTLAND *MARGARET RUSSELL*

VARIANCE NUMBER: 16-253778-000-00-NV

DECIDED: NOVEMBER 9, 2016

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:

Margaret Russell, representing Bureau of Environmental Services, requested a noise variance for the Richmond-South Tabor Sewer Repair Project. The noise variance is for sewer repair work taking place between April 1, 2017 and June 30, 2018 between the hours of 6:00 pm and 7:00 am. The work is intended to replace aging sewers and increase sewer capacity and will consist of locations and times:

- Cesar Chavez, between SE Kelly and Brooklyn streets: 7 nights – 3 spot repairs, 4 laterals constructed, partial reconstruction of 3 manholes, and lining 234 feet of main line sewer
- Cesar Chavez, between SE Powell and Kelly streets: 14 nights – Partial reconstruction of 2 manholes, construction of 2 new manholes, 3 laterals constructed, and 569 feet of trench work
- SE Division at 60th Avenue: 2 nights and 1 Sunday – Install a cleanout, partial reconstruction of 1 manhole, and drill 21 feet of pipe
- SE Franklin between 54th and 55th avenues— 1 night – CIPP on 270 feet of 30' diameter pipe

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 non-economic benefit obtained from allowing an event. In the present case, the event will provide a benefit to many in the City beyond those located in the immediate vicinity of the pipeline to be replaced. A better performing sewer system will, as a result of the project, save costs for all citizens of the city. The Noise Review Board finds that denying this event will not benefit the public good.

DECISION:

Motion was made by Melissa Stewart to grant a variance with Paul van Orden and Kerrie Standlee working out the technical details of the noise criteria for the conditions below. Jamie Hurd seconded the motion. The motion passed unanimously, 5 - 0.

The Variance is approved with the following conditions:

- A. Noise variance permit shall run from April 1, 2017 through June 30, 2018.
- B. 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 on all equipment or vehicles requiring an activated alarm when moving.
- C. From 10:00 p.m. until 7:00 a.m., the applicant is required to disconnect the backup alarms on equipment or vehicles requiring an activated alarm when moving and spotters will be used to safely move the equipment or vehicles.
- D. The 15-minute Leq noise level at the nearest noise sensitive receiver caused by any operations associated with the construction work other than saw cutting shall not exceed 70 dBA - Fast meter response.
- E. Saw cutting shall be performed during daytime allowable work hours. If saw cutting is required during night work it shall be done prior to 10:00 pm. Saw cutting between 6:00 pm p.m. and 10:00 pm shall include the use of portable sound barriers to decrease the amount of noise