



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**

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES *DAVID HAMMOND*

VARIANCE NUMBER: 16-280166-000-01-NV

DECISION: APPROVED WITH CONDITIONS, DELEGATED FOR AUTHORITY BY NOISE CONTROL OFFICER, PER BOARD CHAIR, CAROL GOSSETT

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 David Hammond, representing Bureau of Environmental Services, is requesting a noise variance to rehabilitate Southeast Interceptor, running parallel along the eastside of the Willamette River, under inner SE neighborhoods. The approximately 18,000-foot long sewer interceptor, which combines sewerage from the intersection of SE 18th and SE McLoughlin to Sullivan Pump Station, located northwest of the intersection of NE Grand and Davis, is deteriorating due to age. The repairs will extend the life of the sewer and protect public health, water quality, and the environment. Requested dates are May 1, 2017 through May 30, 2018. Requested times are 8:00 pm – 6:00 am, Monday through Saturday.

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:

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The Variance is approved with the following conditions:

- A. From 6:00 p.m. until 10:00 p.m. during any variance period, 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. during any variance period, the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles
- C. Vactor style construction truck equipment shall be permitted to operate from 7 Am until 10 PM with no mitigation efforts. If the applicant, or a selected contractor, wishes to use a vactor truck after 10 PM, a noise mitigation plan needs to be worked out with and signed off by the Noise Control Officer for the City of Portland.
- D. Saw cutting shall be performed during daytime allowable work hours. If saw cutting is required during a variance period, it shall be done prior to midnight. Saw cutting taking place between 10:00 p.m. and midnight shall include the use of portable sound barriers placed to decrease the noise radiating to any nearby residential, motel or hotel buildings.
- E. The applicant is required to use direct connection to power whenever possible. Gasoline or diesel generators or other stationary equipment will be placed away from residential neighbors when possible if equipment is required, and at all times the equipment will be isolated from any residential neighbors with the safe use of a ¾ inch plywood enclosure that does not impact the proper ventilation of the unit.
- F. 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.
- G. BES inspector to be on site during all work hours.