



CITY OF
PORTLAND, OREGON
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER
David Austin, Interim 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

FILE COPY

APPLICANT: BUREAU OF ENVIRONMENTAL SERVICES *SUSAN HJORTEN*

VARIANCE NUMBER: 17-122777-000-00-NV

DECIDED: April 12, 2017

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:

A variance was requested by Susan Hjorten, representing Bureau of Environmental Services. The requested variance is requested for several areas throughout Portland for the repair and installation of sewers for the Citywide 2107 Sewer Rehabilitation Project. The work will increase sewer system capacity, reduce basement backups, and protect water quality and the environment. Dates and times are as follows:

August 29, 2017 through October 1, 2018, between the hours of 6:00 pm and 7:00 am

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:

Kerrie Standlee moves to approve Request from Susan Hjorten, representing Bureau of Environmental Services, for a variance for sewer repair and installation for the Citywide Sewer Repair Project between August 29, 2107 and October 1, 2018, with conditions to be refined by April 26, 2017. (These conditions are to be refined by Kerrie Standlee and Paul van Orden.) Ryan Hyke seconds the motion. The motion passes 3 – 0 (Former Chair Carol Gossett resigned before this meeting, and the position had not yet been filled. Member Jamie Hurd was absent.

The Variance is approved with the following conditions:

- A. Noise variance shall run from August 29, 2017 through October 1, 2018.
- B. From 6 pm until 9:30 pm the contractor will be required to use "smart alarm" back up beepers instead of a standard reverse alarm for all equipment activity. From 9:30 pm until 6 am the following morning back up alarms will be disconnected and spotters will be used to safely back up vehicles.
- C. The applicant shall work to utilize direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a ¾ inch plywood enclosure that is designed to ensure the noise radiating from the equipment does not exceed the maximum allowable limits specified in each work area specified in each work area discussed below.
- D. All saw cutting shall be performed during daytime allowable work hours. All saw cutting 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. Staging areas will be carefully selected in consultation with the Noise Control Office before they have been put into operation.
- 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 by the following day to the City of Portland Noise Control Officer. These logs can be emailed to noise@portlandoregon.gov.
- I. The applicant shall prepare to develop a noise mitigation plan with the Noise Control Office should complaints arise.
- J. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance as needed to resolve community noise disturbances.
- K. The applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the permitted construction hours. The applicant will keep a running tally of variance days used. This log shall be made available to the Noise Control Office upon request.
- L. Noise limitations are based on work zone. Specific night work hours are as follows:
 - a. NW Nicolai Street and NE Sherlock Avenue (plan sheet C01)
 - Allowable night work areas from 7:00 p.m. to 5:00 a.m., Monday through Saturday for up to ten nights.
 - Saw cutting shall be performed no more than 2 days and occur during day time allowable work hours as a first preference. If required, saw cutting during night work hours can only be performed until midnight Monday through Thursday, however it should occur before 10:00 p.m., if possible. All saw cutting and sewer bypass pumping equipment shall include portable sound barriers where required that decrease the noise level to a maximum level of 70 dBA at all residential use property.