



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*

# **FILE COPY**

## **FINDINGS AND DECISION OF THE NOISE REVIEW BOARD**

APPLICANT: OREGON DEPARTMENT OF TRANSPORTATION \*KYLE CRATE\*

REQUEST: ONE YEAR VARIANCE FOR INTERMITTENT PERIODS BETWEEN MAY 1, 2018  
THROUGH OCTOBER 31, 2019

VARIANCE NUMBER: 17-196893-000-00-NV

DECIDED: JULY 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:**

Request from Kyle Crate, Oregon Department of Transportation to perform nighttime work to pave most of the I-5 roadways and ramps between North Multnomah Street and the Interstate Bridge. Some Americans with Disabilities Act (ADA)-compliant sidewalk ramps, attenuators, and median barriers will be installed or replaced. Nighttime work is requested to limit daytime traffic disruption anticipated along this heavily traveled section of I-5 and its on-and-off ramps.

### **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? Based on the potential traffic disruptions that would occur without this variance, the Noise Review Board finds that denying this request will not benefit the public good.

**DECISION:**

**Ryan Hyke moved to approve the variance application as written. Jamie Hurd seconded the motion.**

**The motion passes unanimously, 3 – 0 (Kerrie Standlee, Ryan Hyke, Jamie Hurd) (absent members were Melissa Stewart, Michael Wallace.)**

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

- A. No construction will be performed within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days, without the approval of the Engineer.
- B. Equipment will use sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- C. Equipment will comply with pertinent equipment noise standards of the EPA

If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be required, as directed by the Engineer:

- D. Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
- E. Idling equipment will be shut off.
- F. Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
- G. Nearby residents will be notified whenever extremely noisy work will be occurring.
- H. Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
- I. Electric-powered equipment will be operated using line voltage power or solar power.