



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 \*DAVID HAMMOND\*

VARIANCE NUMBER: 17-211047-000-00-NV

DECIDED: AUGUST 9, 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:**

David Hammond, representing Bureau of Environmental Services, is requesting a variance for sewer repair at 3 locations (NE Halsey at NE 71<sup>st</sup> Avenue), (East Burnside Street between NE Gilham and 69<sup>th</sup> Avenues), (between NE Broadway/Schuyler Streets between NE 35<sup>th</sup> and NE 36<sup>th</sup> Avenues). Work will be using open trench construction, CIPP lining, and constructing manhole covers, depending on location.

Dates and times are April 1, 2018 and April 30, 2019, between the hours of 8:00 pm and 6:00 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? 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:**

**Motion was made by Kerrie Standlee to grant a variance with the conditions below. Ryan Hyke seconded the motion. The motion passed, 4 - 0 Board members voting: Kerrie Standlee, Ryan Hyke, Melissa Stewart, and Michael Wallace. Jamie Hurd was not in attendance.**

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

- A. A noise variance shall be issued for nighttime hour construction work at three locations as specified below on the Montavilla North Sewer Repair project:
1. NE Halsey Street and NE 71<sup>st</sup> Ave work site – 3 nights for open trench evacuation work
  2. NE Broadway / Schuyler work site between NE 35<sup>th</sup> and NE 36<sup>th</sup> Avenues – 1 night for cured-in-place pipe lining.
  3. East Burnside Street / Gilham Street work site – 5 nights for open trench excavation and cured-in-place pipe lining.
- B. The approved noise variance shall be valid between April 1, 2018 and April 30, 2019.
- C. From 6 p.m. until 10 p.m. the applicant will be required to use “smart alarm” back up beepers instead of a standard reverse alarm for all equipment activity.
- D. From 10 p.m. until 7 a.m., the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles.
- 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 midnight. Saw cutting taking place between 10 p.m. and midnight shall include portable sound barriers being utilized to decrease the noise level to a level of no more than 75 dBA at any point immediately outside a residential structure.
- F. 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 an enclosure designed to reduce noise levels immediately outside all residential structures to a level no higher than 70 dBA.
- G. Notice to be mailed and emailed two weeks prior to start of work to a 2- 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.