



**City of Portland  
State, Regional, and Local Planning and Policy Memo**

**ADDENDUM No. 2**

**Chapter 33.262 Off-Site Impacts**

A question was raised how this chapter in the Portland Zoning Code applies to the airport. The regulations of this chapter “are designed to protect all uses in the R [residential], C [commercial], and OS [open space] zones from certain objectionable off-site impacts associated with nonresidential uses” (PCC 33.262.010). The regulations of this chapter address vibration, odor, and glare and specifically refer noise impacts to City Title 18, Noise Control (see description below of Title 18).

**New section in memo: Section 3.5.1 – Title 18, Noise Control**

The intent of Title 18 is “to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare.” (PCC 18.02.020).

Title 18 establishes maximum noise levels for residential, commercial, open space and industrial areas. The Title states that no person shall cause or permit sound to intrude into the property of another person which exceeds these limits. The code also provides definitions of terms and standards for measurement. Special regulations apply to motor vehicles, home equipment and powered tools, leaf blowers, watercraft, motor vehicle racing events, construction activities and equipment, and parking lot sweepers.

Specifically exempted from the provisions of this Title are “sounds caused by sources regulated as to sound production by federal law.” (PCC 18.14.010.B). Airplanes and trains are examples of noise sources engaged in interstate commerce and therefore regulated as to sound production by federal law.<sup>1</sup>

Title 18 also establishes an appointed Noise Review Board composed of five members (one professional in acoustics, one representative of the construction

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<sup>1</sup> As noted by Erwin Bergman, aircraft are federally regulated only while in flight. Flight is defined as the time when doors of an aircraft are closed at departure until opened again upon arrival and the aircraft is being operated by an air crew. Relocations of aircraft on an airfield, maintenance run-ups, and operations of an APU (Aircraft Power Unit) are not considered flight operations and are under the control of the airport proprietor (Citations are referenced in the following: Erwin Bergman’s memo to Mike Cheston, Airport Manager, January 1996; and Erwin Bergman’s memo to the Citizen’s Noise Advisory Committee titled *CNAC Legal Roadmap “The Airport Proprietor,”* May 1999).

industry, and three citizens at large). The responsibilities of the Noise Review Board include:

- 1) Instituting a public education program regarding sound and noise, including the collection, publication and dissemination of appropriate literature and information, and the enlisting of cooperation by public, civic, scientific, and educational groups.
- 2) Reviewing applications for variances and rendering decisions.
- 3) Evaluating the effectiveness of Title 18, and the developing of recommendations for amendments, additions, or deletions.
- 4) Developing long-term objectives for achieving reduction of sound levels in the community, and developing a means for implementing these objectives into the long-range planning process.
- 5) Developing rules relative to the conduct of its meetings and to other matters the Board considers appropriate to noise control.