

**Noise Task Force Preliminary Recommendations on Variance/Notification/Appeals
10.8.15**

Draft Recommendation – Task Force	Comments/Questions
<p>1. Define “low impact” events in the Noise Code as _____</p> <p>(Staff recommendation: “Events or activities which are attended by less than 250 people, and which are reasonably assumed to cause less than a 15dBA increase in the ambient noise level of a residential or commercial use area.”)</p>	<ul style="list-style-type: none"> • Currently, “high impact events” in the Noise Code does not address high impact construction – additional definition needed to distinguish between types of “high impact” variance requests?
<p>2. For “low impact” permit and noise variance requests for events occurring in Portland Parks, transfer decision-making authority to Portland Parks & Recreation staff.</p>	<ul style="list-style-type: none"> • Would shift approx. 180 variances/year to Parks • Need to consider Parks staff training and additional staff time needed to process applications • Noise-related conflicts that arise from these events handled by Parks (permitting entity)
<p>3. Require public notification for “high impact” variance requests, allowing the public a minimum of ___ days to comment on a variance application rather than appealing a variance approval.</p>	<p>The following requirements must be explicitly stated on a noise variance application:</p> <ul style="list-style-type: none"> • Who must receive notification? • What methods must be used to notify (email, mail, physical posting)? • What reporting requirement does the applicant have to the City to demonstrate that they have properly notified the public? • How much time does the public have to respond, and to whom?

	<ul style="list-style-type: none"> • Who informs members of the public that their comments have been taken into consideration, and at what point in the review process?
<p>Proposed Recommendation – Commissioner Fritz</p>	
<p>4. Applications for “high impact” Noise Variances must be submitted directly by the applicant the City’s Code Hearings Officer for review</p>	<ul style="list-style-type: none"> • Application must allow applicant to differentiate between “high impact” and “low impact” – does Noise Office provide check/balance and make ultimate referral to Code Hearings Officer? • Code Hearings Officer needs set of criteria through which to review a high-impact variance application • Applicant is responsible for proper public notification • Public can comment on variance application and can appeal a decision on a variance (though the new process intends to reduce appeals) • Clarity needed for public on how and at what point in the process their input is considered

Additional Unanswered Questions/Considerations:

- Need to determine which types of variances are routed through:
 - Parks
 - Noise Office/Noise Review Board
 - Code Hearings Officer
- Cost recovery model appropriately balancing fees with staff time/support required