



Promote the common good

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FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

FILE COPY

APPLICANT: OREGON ZOO *IVAN RATCLIFF*

REQUEST: THREE-YEAR VARIANCE FOR OREGON ZOO SUMMER CONCERT SERIES FOR
SUMMER 2019 - 2021

VARIANCE NUMBER: 18-264296-000-00-NV

DECIDED: DECEMBER 14, 2018, WITH ADDITIONAL CONDITIONS ON JANUARY 9, 2019,
AND FEBRUARY 13, 2019

REQUEST:

Ivan Ratcliff, Director of Guest Services, representing the Oregon Zoo, is requesting a three -year noise variance for the Summer Concert Series. The noise variance request is for up to 24 concerts to be held from June and September 2019 through 2021. The requested time of permit is between the hours of 10:00 am and 10:00 pm, at a decibel level not to exceed 65 dBA and 80 dBC at residences.

DECISION:

KERRIE STANDLEE MOVES TO APPROVE VARIANCE REQUEST IN PRINCIPLE, WITH STIPULATIONS LISTED. ERNEST HARRIS SECONDS THE MOTION. THE MOTION PASSES 3- 1, WITH MICHAEL WALLACE AS THE DISSENTING MEMBER, AND DESTINY WRIGHT NOT IN ATTENDANCE FOR THE VOTE

APPROVED WITH CONDITIONS FOR 19 CONCERTS. CONSIDERATION FOR UP TO 5 MORE CONCERTS TO COME BEFORE THE NOISE REVIEW BOARD MEETING AT THEIR JANUARY 9, 2019 MEETING. DETAILS ON ADDITIONAL CONCERTS AND POSSIBLE CHANGES TO MEASUREMENT TYPES AND LOCATIONS WILL BE DEFINED AT THE JANUARY MEETING. HOURS OF SELECTED SOUND CHECKS WILL ALSO BE DEFINED AT THE JANUARY 2019 MEETING.

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.

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 zoo has been holding concerts at their location for 39 years. In the last twenty years the current Noise Control Officer has had a limited number of complaints filed with the Noise Office relative to the number of concerts that occur each summer. It has been noted by the Noise Officer that many of the other less bass intensive concerts annually are clearly audible at residences but fully comply with the 55 dBA City Code standard that is the predominate permitted decibel level in the neighborhood, up to 10 PM each day.
- D. 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, 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.

The Variance was initially approved on December 14, 2018, 2018 with the following conditions:

- 1) The variance shall run for three summer concert seasons at the Oregon Zoo in the summers of 2019, 2020, and 2021. The permitted hours of operation shall be 3 pm to 10 pm. Sound checks may begin at 3:00 pm and the concerts will be between the hours of 6:30 pm and 10 pm under the permit. Exceptions for the symphony sound checks are defined in condition 2)