



OFFICE OF
Community
& Civic Life

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Noise Variance / Permit

Application #: 4358876

Applicant: PORTLAND ROSE FESTIVAL FOUNDATION *JEFF CURTIS*
1020 SW NAITO PARKWAY
PORTLAND OR 97204

Organization: PORTLAND ROSE FESTIVAL FOUNDATION

Activity: CITY FAIR

Event Location: TOM MCCALL WATERFRONT PARK

Date(s): May 24, 2019 through Jun 9, 2019

Hours: 11:00 a.m. - 12:00 a.m. (midnight)

Application for the above has been reviewed by the Noise Control Officer, City of Portland, and is hereby:

REQUEST:

The 2019 Waterfront Park Rose festival event request came from Jeff Curtis, CEO of the Portland Rose Festival Association/ Foundation. The programming, called the City Fair, is in the section of Waterfront Park between SW Yamhill and SW Taylor. This year continues slightly larger concert events in Waterfront Park that are an addition to the existing activities historically taking place in the park during the festival. The dates of larger concerts (2019 RoZone Concert Series) for consideration are Friday, May 24; Saturday, May 25; Friday, May 31; Saturday, June 1; Sunday, June 2; Friday, June 7; and Saturday, June 8.

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.

Past Board Chair, Vance Yoakum, along with guidance of the 4 other members of the Board present at the April 13th, 2011 board meeting moved to delegate the authority to the Noise Control Officer, Paul van Orden, to adapt to the changes to the Rose Festival Waterfront event.

FINDINGS:

- A. The Rose Festival is contracting with Horne Audio, a local and experienced audio firm at working in Waterfront Park, to do the sound for a series of new and hopefully larger concerts. Peter Horne, owner of Horne Audio was present to answer any acoustical and sound system concerns.
- B. The emitted sound consists of live music, being played primarily from a main stage as well as other smaller stages; music and/or sounds emanating from carnival rides and games located in various areas of Waterfront Park; and fireworks displays.
- C. The affected area includes: The immediate areas of Waterfront Park; several high-rise apartment units to the SW; the Marriott and Riverplace Hotels; the Four Points Sheraton; and a number of offices and commercial spaces within 1-2 blocks of the park. In past years, complaints have been received from offices up to a 3-block distance, and from residential property near the site.
- D. 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.
- E. The sound source does not predate receivers.
- F. The last criterion in reviewing noise variances speaks to a sort of "balancing test," in which compliance/noncompliance 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, per se, 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 is approved by the Noise Control Officer with the following conditions:

1. The variance is for the 2019 Rose Festival Association's Waterfront Park events. The dates and times of activity will include the following:
are Friday, May 24, 2019 through Sunday, June 9, 2019.
2. Operation times for the variance dates are noted above between May 24, 2019 and June 9, 2019. The majority of the nights the Rose Festival Association will be working to close the event center by 11 p.m. An extra hour will be available for use by the organizers and the Portland Police Bureau to help control crowd issues if