

NEW NOISE VARIANCE FEE PROJECT 2016

COMMISSIONER FRITZ GOAL IS MOVING FROM:
64% FUNDED FROM GENERAL FUND CURRENTLY
TO 75% COST RECOVERY IN FY 2016/2017
ADDITIONAL COST RECOVERY IN FUTURE YEARS

COMMISSIONER FRITZ GOAL FOR NOISE PERMITTING

- COMMISSIONER FRITZ AT THE FEBRUARY 2016 MEETING HAD IDENTIFIED THE GOAL TO THE NOISE REVIEW BOARD OF MOVING THE NOISE OFFICE AWAY FROM GENERAL FUNDS STARTING IN FY 2016 / 2017
- FIRST YEAR GOAL WAS TO REACH FOR 75% PROGRAM FUNDING FROM PERMITS
- LONGER TERM GOAL IS FOR NOISE OFFICE TO ACHIEVE 100% COST RECOVERY
- CURRENT ONI/ NOISE GENERAL FUNDS REQUESTED REPRESENT 64 % OR \$269,555 OF A \$419,555 BUDGET

CONSTRUCTION VARIANCES

DIVIDING UP THE LESS IMPACTFUL OPERATIONS FROM THE LONGER TERM
AND MORE IMPACTFUL CONSTRUCTION NOISE VARIANCE REQUESTS

CONSTRUCTION (NON ACCELERATED APPLICATIONS)

NEW FEE PROPOSAL 2016

- CRANE ERECTIONS/ DEMOBILIZATIONS
 - UP TO 5 DAYS \$1000
 - ADDITIONAL DAYS \$250
- CONCRETE POURS
 - UPTO 10 DAYS \$1500
 - ADDITIONAL DAYS \$250
- CONSTRUCTION LOW IMPACT
 - UPTO 3 DAYS \$575

CURRENT VARIANCE FEES

- CONSTRUCTION
- STAFF REVIEWED
 - UP TO ONE WEEK \$510
 - EACH ADDITIONAL WEEK \$170
 - MAXIMUM ANNUALLY IS: \$850

CONSTRUCTION (NON ACCELERATED APPLICATIONS)

NEW FEE PROPOSAL 2016

- CONSTRUCTION MAJOR PROJECT

STAFF REVIEWED

UP TO 3 MONTHS (CALENDAR) \$5000

EACH ADDITIONAL 3 MONTHS WITH NO
SIGNIFICANT COMPLAINTS CONFIRMED

\$1500

SIGNIFICANT COMPLAINTS WILL TRIGGER
RESUBMITTAL FOR A FULL VARIANCE REVIEW AT
A COST OF: \$5000

CURRENT VARIANCE FEES

- CONSTRUCTION MAJOR PROJECT

STAFF REVIEWED

UP TO ONE WEEK \$510

EACH ADDITIONAL WEEK \$170

MAXIMUM ANNUALLY IS: \$850

CONSTRUCTION NOISE BOARD REVIEW (NON ACCELERATED APPLICATIONS)

NEW FEE PROPOSAL

- HEARING TO APPEAR BEFORE THE BOARD

HEARING FEE \$3500

EACH ADDITIONAL 3 MONTHS WITH NO SIGNIFICANT
COMPLAINTS CONFIRMED

\$1500

3 MONTHS = \$8,500

6 MONTH = \$10,000

9 MONTHS = \$11,500

MAX NRB ANNUAL WITH LIMITED COMPLAINTS

THESE INCLUDE HEARING FEE \$13,000

SIGNIFICANT COMPLAINTS WILL TRIGGER RETURN TO NRB FOR
REVIEW AT A HEARING \$3500

CURRENT VARIANCE FEES

HEARING AND PERMIT FEES ALL ROLLED INTO
ONE FEE

FIRST YEAR REQUESTED \$2,613

ADDITIONAL YEARS ARE EACH \$850

EVENTS AND CONCERTS

NEW FEE STRUCTURE FOR THE BASIC PERMITS AND THE HIGH IMPACT PERMITS

EVENTS AND CONCERTS

(BASIC ALL OTHER APPLICATIONS AND HIGH IMPACT EVENTS)

NEW FEE PROPOSAL

STAFF REVIEWED CATEGORIES

- BASIC "ALL OTHER APPLICATIONS"
VARIANCE REQUEST CATEGORY
 - UP TO 3 DAYS \$100
 - EACH ADDITIONAL DAY \$25
- HIGH IMPACT EVENTS AND CONCERTS
 - UP TO 3 DAYS \$500
 - EACH ADDITIONAL DAY \$75

CURRENT VARIANCE FEES

STAFF REVIEWED CATEGORIES

- BASIC "ALL OTHER APPLICATIONS"
FLAT RATE OF \$83
- HIGH IMPACT EVENTS AND CONCERTS
RATE SET AT \$366

EVENTS AND CONCERTS (NOISE BOARD HIGH IMPACT EVENTS)

NEW FEE PROPOSAL

NOISE BOARD REVIEWED CATEGORIES

- HEARING TO APPEAR BEFORE THE BOARD

| | |
|-------------|--------|
| HEARING FEE | \$3500 |
|-------------|--------|

- HIGH IMPACT EVENTS AND CONCERTS

| | |
|--|---------------|
| UP TO 3 DAYS IN A GIVEN CALENDAR YEAR | \$500 |
| ADDITIONAL DAYS IN A GIVEN CALENDAR YEAR | EACH DAY \$75 |

- SIGNIFICANT COMPLAINTS WILL TRIGGER RETURN TO NRB FOR REVIEW AT A HEARING

| | |
|--|--------|
| | \$3500 |
|--|--------|

CURRENT VARIANCE FEES

NOISE BOARD REVIEWED CATEGORIES

- HEARING AND PERMIT FEES ALL ROLLED INTO ONE FEE
- | | |
|---------------------------|---------|
| FIRST YEAR REQUESTED | \$2,613 |
| ADDITIONAL YEARS ARE EACH | \$850 |

MOTOR VEHICLE RACING (NOISE BOARD REVIEW)

NEW FEE PROPOSAL

NOISE BOARD REVIEWED CATEGORIES

- HEARING TO APPEAR BEFORE THE BOARD

| | |
|-------------|--------|
| HEARING FEE | \$3500 |
|-------------|--------|

- MOTOR VEHICLE RACING EVENT

| | |
|---------------------------------------|--------|
| UP TO 3 DAYS IN A GIVEN CALENDAR YEAR | \$5000 |
|---------------------------------------|--------|

- SIGNIFICANT COMPLAINTS WILL TRIGGER RETURN TO NRB FOR REVIEW AT A HEARING

| | |
|--|--------|
| | \$3500 |
|--|--------|

CURRENT VARIANCE FEES

NOISE BOARD REVIEWED CATEGORIES

- HEARING AND PERMIT FEES ALL ROLLED INTO ONE FEE
- | | |
|---------------------------|---------|
| FIRST YEAR REQUESTED | \$2,613 |
| ADDITIONAL YEARS ARE EACH | \$850 |

ACCELERATED NOISE VARIANCE

NEW FEE STRUCTURE WHEN APPLICATIONS ARE RECEIVED WITH LESS TIME TO PROCESS AND TO ENGAGE THE COMMUNITY THROUGH PUBLIC NOTIFICATION

CONSTRUCTION / ACCELERATED REVIEW

NEW FEE PROPOSAL

STAFF REVIEWED CATEGORIES

- CRANE ERECTIONS/ DEMOBILIZATIONS
 - UP TO 5 DAYS \$2500
 - ADDITIONAL DAYS \$250
- CONCRETE POURS
 - UP TO 10 DAYS \$2500
 - ADDITIONAL DAYS \$250
- CONSTRUCTION LOW IMPACT
 - UP TO 3 DAYS \$1150

CURRENT VARIANCE FEES

STAFF REVIEWED CATEGORIES

- UP TO ONE WEEK \$681
- EACH ADDITIONAL WEEK \$339
- MAXIMUM ANNUALLY IS: \$1,701

CONSTRUCTION / ACCELERATED REVIEW

NEW FEE PROPOSAL

NOISE BOARD REVIEWED CATEGORIES

- HEARING TO APPEAR BEFORE THE BOARD

| | |
|-------------|--------|
| HEARING FEE | \$7500 |
|-------------|--------|

CURRENT VARIANCE FEES

NOISE BOARD REVIEWED CATEGORIES

HEARING AND PERMIT FEES ALL ROLLED INTO ONE FEE

| | |
|----------------------|---------|
| FIRST YEAR REQUESTED | \$2,613 |
|----------------------|---------|

| | |
|---------------------------|-------|
| ADDITIONAL YEARS ARE EACH | \$850 |
|---------------------------|-------|

MOTOR VEHICLE RACING (NOISE BOARD REVIEW/ ACCELERATED)

NEW FEE PROPOSAL

NOISE BOARD REVIEWED CATEGORIES

- HEARING TO APPEAR BEFORE THE BOARD

| | |
|-------------|--------|
| HEARING FEE | \$7500 |
|-------------|--------|

- MOTOR VEHICLE RACING EVENT

| | |
|---------------------------------------|--------|
| UP TO 3 DAYS IN A GIVEN CALENDAR YEAR | \$7500 |
|---------------------------------------|--------|

CURRENT VARIANCE FEES

NOISE BOARD REVIEWED CATEGORIES

HEARING AND PERMIT FEES ALL ROLLED INTO ONE FEE

| | |
|----------------------|---------|
| FIRST YEAR REQUESTED | \$2,613 |
|----------------------|---------|

| | |
|---------------------------|-------|
| ADDITIONAL YEARS ARE EACH | \$850 |
|---------------------------|-------|

SIGNIFICANT COMPLAINTS WILL TRIGGER RETURN TO NRB FOR REVIEW AT A HEARING ON MULTI-YEAR REQUESTS \$3500

EVENTS AND CONCERTS/ ACCELERATED
(BASIC ALL OTHER APPLICATIONS AND HIGH IMPACT EVENTS)

NEW FEE PROPOSAL

STAFF REVIEWED CATEGORIES

- BASIC "ALL OTHER APPLICATIONS"
VARIANCE REQUEST CATEGORY
 - UP TO 3 DAYS \$200
 - EACH ADDITIONAL DAY \$250
- HIGH IMPACT EVENTS AND CONCERTS
 - UP TO 3 DAYS \$1500
 - EACH ADDITIONAL DAY \$150

CURRENT VARIANCE FEES

STAFF REVIEWED CATEGORIES

- BASIC "ALL OTHER APPLICATIONS"
FLAT RATE OF \$166
- HIGH IMPACT EVENTS AND CONCERTS
RATE SET AT \$733

EVENTS AND CONCERTS/ ACCELERATED
(NOISE BOARD HIGH IMPACT EVENTS)

NEW FEE PROPOSAL

NOISE BOARD REVIEWED CATEGORIES

- HEARING TO APPEAR BEFORE THE BOARD
HEARING FEE \$7500
- HIGH IMPACT EVENTS AND CONCERTS
 - UP TO 3 DAYS IN A GIVEN CALENDAR YEAR \$1500
 - ADDITIONAL DAYS IN A GIVEN CALENDAR YEAR
EACH DAY \$150
- SIGNIFICANT COMPLAINTS WILL TRIGGER RETURN TO
NRB FOR REVIEW AT A HEARING \$3500

CURRENT VARIANCE FEES

NOISE BOARD REVIEWED CATEGORIES

- HEARING AND PERMIT FEES ALL ROLLED INTO ONE FEE
- FIRST YEAR REQUESTED \$2,613
 - ADDITIONAL YEARS ARE EACH \$850

OUTREACH IN MOVING FORWARD WITH COMMISSIONER FRITZ'S NEW FEES

- OUTREACH TO ALL VARIANCE APPLICANTS OVER THE LAST TWO YEARS VIA DIRECT MAILING
- DISCUSSION OPEN PUBLIC COMMENTS WITH GENERAL PUBLIC AT THE NEXT NRB HEARING
 - POTENTIALLY A SPECIFIC ONI PUBLIC MEETING TO TAKE IN PUBLIC TESTIMONY
- A PUBLIC HEARING AT PORTLAND CITY COUNCIL TO DISCUSS THE FINAL FEE INCREASES AFTER TAKING IN PUBLIC TESTIMONY AND BEFORE A COUNCIL VOTE

ADDITIONAL NOTES ON REASONING FOR FEE INCREASES

- COMPLAINT RESPONSE ON NOISE VARIANCES:

WE WILL BE CREATING NEW ADMINISTRATIVE RULE LANGUAGE THAT DEFINES THE LEVEL OR TYPES OF NOISE COMPLAINTS THAT TRIGGER AN APPLICANT'S NEED TO REAPPLY INSTEAD OF GETTING A LESS EXPENSIVE CONTINUATION ON A GIVEN CONSTRUCTION NOISE PERMIT.

ADDITIONAL FUNDING WILL HELP:

- REACH A MORE ROBUST FUNDING LEVEL TO ADD ADDITIONAL FIELD STAFF IN ORDER TO:
 - CHECK ON MORE VARIANCES AND THEIR CONDITIONS AS THEY ARE OCCURRING
 - RESPOND TO COMPLAINTS MORE FREQUENTLY DURING OFF HOURS
 - ENGAGE THE PUBLIC IN EDUCATION AND OUTREACH ON THE DELETERIOUS EFFECTS OF URBAN NOISE
 - SPEND MORE TIME ON INDIVIDUAL NOISE CASES TO GET A HIGHER LEVEL OF CASES TO RESOLUTION
 - HELP THE CITY FUND THE NOISE OFFICE AT GREATER STAFFING LEVELS THAN THE FTE LEVELS AT ITS INCEPTION IN 1976.
 - RESPOND BETTER TO UNDERSERVED POPULATIONS WHO MIGHT BE LESS VOCAL ABOUT NOISE AS AN ENVIRONMENTAL HEALTH IS

Fee Schedule Revision Ideas:

Establish new categories of Noise Variance Permits

Eliminate the distinction between "High Impact" and "All Other" categories

Establish new categories more in line with the nature of the activity such as:

- **Park Events**
- **Construction**
- **Motor Vehicle Racing**
- **Noise Review Board**

Park Events

- **Charge "per day" fees**

Currently there is no difference in fees paid for events lasting 1 day vs. up to 4 days.

- **Charge a fee for each event.**

Currently variances are issued charging a single fee for multiple events, such as weekly Farmer's Markets, Summer Concerts, movies etc.

The Portland Parks & Recreation Summer Free For All events have large corporate sponsors and a single variance with a single fee is issued for all events over the course of the summer. A Single Noise Variance Permit was issued in 2015 for 152 events with a single \$83.00 low impact fee charged.

The 2014 SFFA & 2015 SFFA Final Reports show

If a Wedding Planner happens to have 10 weddings over the course of the summer, a single variance would not be issued for all 10 events taking place at different dates in different locations. A separate variance would be required for each wedding with a fee charged for each event. This does not seem equitable.

Construction

- **Discontinue the practice of issuing a single Noise Variance Permit for multiple construction activities such as crane erection, crane dismantling, and early morning concrete pours.**
 - Separate variances will allow for better oversight.
 - Three different activities should generate three separate fees.

It appears that the current practice for construction companies is to submit a single Noise Variance for multiple activities spanning a 12 month period. The maximum fee is \$850.

The nature of crane erection and dismantle vs. concrete pours is very different. Crane erection and Crane dismantle usually take place on weekends due to the need to close streets and usually takes no more than a couple of days to complete.

Concrete Pours

- **Consider a Construction “sub-category” for early morning concrete pours.**

Concrete pours vary based on the height of the building and can span many months.

Noise Variance Applications for early morning concrete pours request start times of 3 am, 4 am, 5 am and 6 am. The main reason for starting concrete pours before 7 am is disruption of traffic. They want to get the concrete trucks in and out before rush hour traffic begins.

Currently a single variance can be issued for up to a 12-month period to include as many as 48+ pours.

Consider issuing Concrete Pour permits for one-month periods or for a maximum number of pours such as 5-10. This would allow better over-sight. If conditions of the Noise Variance Permit are violated (such as more trucks on site than the permit allows) the Noise Control Office has the opportunity to modify conditions.

Consider structuring fees on a per-day basis and based on start time...the earlier the start time, the higher the fee.

3 am fee:

4 am fee:

5 am fee:

6 am fee:

Increase or remove the \$850 maximum fee per 12 month period for Construction activities.

Current Fees:

\$510 for the first week

Plus \$170 for each additional week up to a total maximum of \$850 per 12 month period.

The current fee schedule appears to greatly favor construction.

Under this schedule, Construction activities are granted a 12 month variance for the price of a 3 week variance. The 12 month fee for Motor Vehicle Racing is \$2613.

- **Discontinue "revised" and "date change only" variances.**
 - Consider variances currently classified as "revised" as new variances and apply fees accordingly.
 - It does not appear that issuing "revised permits" allows for an appeal.

**City of Portland
Office of Neighborhood Involvement**

Noise Variance and Other Fees Schedule

Effective Date: July 1, 2014

| REVIEW FEES - 10 or more business days prior to date of event | |
|--|---|
| High Noise Impact Events | \$366 |
| Construction | |
| One week in duration | \$510 |
| More than one week in duration | \$510 for the first week, plus \$170 for each additional week up to a total maximum of \$850 per 12 month period. |
| Motor Vehicle Racing | \$2,613 for the first year, plus \$850 per additional year of request. |
| Noise Review Board Variances | \$2,613 plus \$850 per additional year of request |
| All Other Applications | \$83 |
| ACCELERATED REVIEW FEES - Less than 10 business days prior to the date of the event* | |
| High Noise Impact Events | \$733 |
| Construction | |
| One week in duration | \$681 |
| More than one week in duration | \$681 for the first week, plus \$339 for each additional week up to a total maximum of \$1,701 per 12 month period. |
| Motor Vehicle Racing | \$5, 227 for the first year, plus \$1,701 per additional year of request. |
| Noise Review Board Variances | \$5,227 plus \$1,701 per additional year of request |
| All Other Applications | \$166 |
| *Variance applications submitted less than four business days prior to the date of the noise variance event, shall be charged a review fee equal to one and a half times the accelerated review fees listed above. | |
| ADDITIONAL FEES AFTER INITIAL APPROVAL | |
| Scope of Work Revision | |
| All Other Applications | \$41 |
| High Noise Impact Events | \$80 |
| Construction, Motor Vehicle Racing | \$166 |
| Noise Review Board Variances | \$414 |
| Date Change Only | |
| All Other Applications, High Noise Impact Events | \$41 |
| Construction, Motor Vehicle Racing | \$83 |
| Noise Review Board Variances | \$166 |
| ADDITIONAL FEES | |
| Administrative Review Fee | \$110 |
| Administrative Review Appeal Fee | \$500 |
| County Recording Fee | Equal to the cost of recording charges |

EXHIBIT A

Noise Variance Permit #15-253615-000-00-NB

What was the fee charged for this Noise Variance Permit that was approved by the Noise Review Board?

This is a three-year permit.

Was one NRB fee charged?

Should the fee charged be for three permits?

The permit approves no more than 19 summer concerts each of the three summer seasons for a total of 57 events.

Should a fee be charged for each event?



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

Promoting a culture of civic engagement

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

FILE COPY

**FINDINGS AND DECISION OF
THE NOISE REVIEW BOARD**

APPLICANT: OREGON ZOO *IVAN RATCLIFF*

SPONSOR?

REQUEST: THREE-YEAR VARIANCE FOR OREGON ZOO SUMMER CONCERT SERIES FOR
SUMMER 2016- 2018

3 YEARS - 3 PERMIT FEES?

VARIANCE NUMBER: 15-253615-000-00-NV

19 EVENTS X 3 YEARS = 57
EVENTS

DECIDED: DECEMBER 9, 2015

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:

Ivan Ratcliff, representing Oregon Zoo, is requesting a noise variance for the Oregon Zoo Summer Concert series for summer, 2016 - 2018. The Oregon Zoo is requesting a noise variance for the Oregon Zoo Summer Concert series for up to 19 concerts from mid-June to mid-September, with sound levels not to exceed 65 dBA at residences, between the hours of 3:00 p.m. until 10:00 p.m.

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 35 or more years. In the last twenty years the current Noise Control Officer has had a limited number of complaints filed with Noise Office relative to the number of concerts that occur each summer. On average, the Noise Control Officer reports that 3 concerts a year have a tendency, based on the booking pattern of the selected musical genres, to be of a higher concern for potential community noise impacts. It has been noted by the Noise Officer that many of the other less bass intensive concerts annually are clearly audible at residences but actually 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, 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.

DECISION:

Motion was made by Julie Greb to grant a variance for Ivan Ratcliff, representing the Oregon Zoo, for a 3 year noise variance for the Summer Zoo Concert series to take place between mid-June – mid-September 2016 – 2018 between the hours of 3:00 pm & 10:00 pm (6:30 pm – 10:00 pm actual concert) with the conditions below. Melissa Stewart seconded the motion. The motion passed 4 - 1 with Kerrie Standlee voting "no".

The Variance is approved with the following conditions:

- 1) The variance shall run for three summer concert season at the Metro Oregon Zoo in the summers of 2016, 2017, and 2018. 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.
- 2) The Zoo shall be permitted no more than 19 summer concerts each of the three summer seasons that exceed Title 18 Land Use Zone standards under this decision.
- 3) The permitted sound level will be 65 dBA and 80 dBC (Lmax Fast), as measured at any residential property line.
- 4) The Oregon Zoo will work with the Noise Control Officer to designate several monitoring sites that will be monitored at each event.
- 5) The final schedule of concerts will be mailed to the neighbors, using the applicant's current notification addresses.

- 6) A hotline phone line to call in with concerns will be established and will be included in the concert schedule notification announcement to the neighbors. The phone line will be answered by a live person during events.
- 7) Sound levels will be monitored in response to complaints received at the source of the complaints where possible.
- 8) The Oregon Zoo will maintain a log of complaints received and the actions taken to mitigate the community concerns. The log will include the sound level measurement taken in response to complaints. The complete log will be forwarded to the Noise Control Officer within one week after each show.
- 9) The results of the routine noise monitoring for each show will also be forwarded to the Noise Control Officer within one week after each show.

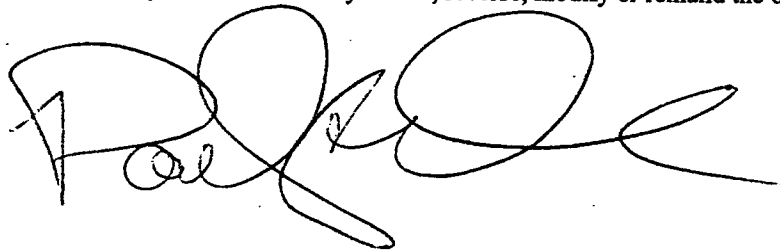
The applicant understands that this variance is subject to review upon complaint.

This decision becomes effective on December 9, 2015.

APPEAL PROCEDURES: PCC Section 18.14.020 (i) states that "A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows: (1) A variance decision may be appealed by the applicant, his legal representative, or by any person who has submitted oral or written testimony on the application. (2) Notice of intent to appeal shall be submitted in writing to the City Auditor's Office within 10 day of the effective date of the decision. The notice shall identify the decision that is being appealed, and shall include the appellant's name, address and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including alleged misapplication of City Codes.

(3) Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the time of hearing, the City Council may consider such new matters as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision".

Paul van Orden,
for the Noise Review Board,
City of Portland



Signed on January 6, 2016

Examples of Noise Variance Permits for multiple-day events.

What were the fees charged for these permits?

Should an event lasting 4-5 days be charged the same fee as an event lasting only 1 day?



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3768664

Applicant: PORTLAND PARKS AND RECREATION / DIRECTOR PARK *ALICIA HAMMOCK*
2909 SW 2ND AVE
PORTLAND OR 97201

Organization:

Activity: FRIDAY EVENING MUSIC

Event Location: 825 SW PARK AVE

Date(s): Fridays, Jun 3, 2016 through Jun 24, 2016

Hours: 5:00 pm - 7:15 pm

FILE COPY

? HIGH IMPACT / "ALL OTHER"

4 EVENTS

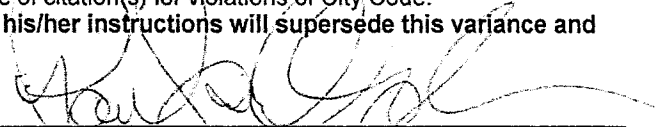
Application for the above has been reviewed by the Noise Control Officer, City of Portland, and is hereby:

Approved, with the following conditions:

- A. Speakers are to face away from the closest residential locations.
- B. Amplification shall not be audible further than a half block outside the park.
- C. Amplification is to cease at 7:15 p.m. SHARP.
- D. Sound levels will be reduced upon request.
- E. Applicant will supply notification of the event all neighbors within a one block radius at least one week prior to the event. Notification will include a phone number that neighbors can call to reach the Applicant to discuss questions before the event and to report concerns of excessive noise during the event.
- F. Applicant will notify the Noise Office at (503) 823-7350 of any complaints they receive. The Applicant will keep a record of how they responded to concerns raised by the community in order to report their actions back to the Noise Control Office.

To the Applicant:

1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
3. If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.

Date: January 16, 2016 
Paul van Orden, Noise Control Officer





CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3770981

Applicant: AMUSEMENT PRODUCTIONS SERVICES INC/PORTLAND
GUADALAJARA SISTER CITY *THAC-BURBADA-UNOZ*
3407 SE 108TH
PORTLAND, OR 97266

FILE COPY

Organization:

Activity: CINCO DE MAYO FESTIVAL

Event Location: WATERFRONT PARK SECTION C & D

Date(s): May 5, 2016 through May 8, 2016

4-DAY EVENT

Hours: 11:00 am -11:00 pm

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

Approved, with the following conditions:

Operation times for the variance dates are as follows: May 5, 2016 through May 8, 2016, from 11:00 a.m. to 11:00 p.m.

- A. Sound levels from 11:00 a.m. up to 10:00 p.m. may not exceed 70 dBA (peaks to 75 dBA), as measured on the west side of Naito Parkway. After 10:00 p.m. and up to 11:00 p.m. the level reduces by 5 dBA; therefore the event will not exceed 65 dBA with limited peaks to 70 dBA. Sound will be measured with an A meter weighting and a FAST meter response.
- B. B.. Sound level monitoring on the west side of Naito Parkway is to be performed by the applicant, or an appointed party, twice during each afternoon, and twice during each evening of the Festival. A set of sound level measurements shall include: a reading on the west side of SW Naito Parkway between SW Taylor and SW Salmon; a reading on the west side of SW Naito Parkway between SW Pine and SW Stark; a reading on the east side of SW Naito Parkway and Ash and Ankeny. Measurements at the soundboard are to be correlated via walkie-talkie and will be included for the entire set of readings. For example, a sound level reading at Naito Parkway at 10:30 PM will have a correlating measurement at X feet from the stage for the exact same time period. Neglect to properly monitor the event can result in multiple citations.
- C. The recorded measurements are to be submitted, as a summary and legible report, to the Noise Control Office, by May 27, 2016. The person(s) monitoring sound shall also do general screening for compliance of the remaining areas along SW Naito Parkway. No sound level measurements

will be required for the general monitoring. The recorded logs should be immediately available during the event for the Noise Control Officer and City staff to review.

- D. The Applicant also needs to be sensitive of the sound levels from any radio stations that are using speakers as part of their corporate promotions or live broadcasts. Sound levels from radio station amplification and promotions shall not exceed 64 dBA on the west side of Naito Parkway during the duration of the event.

To the Applicant:

1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
3. **If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.**

Date:

Jeffrey [Signature]
17/2016

[Signature]

Paul van Orden, Noise Control Officer



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3663968

Applicant: MUSICFEST NW *MATT MANZA*
2220 NW QUIMBY ST
PORTLAND OR 97210

Organization:

Activity: MUSICFEST NW- CONCERT

Event Location: SECTION D- WATERFRONT PARK

Date(s): Aug 20, 2015 through Aug 23, 2015 **4-DAY EVENT**

Hours: 9:00 am - 10:00 pm

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

Approved, with the following conditions:

- A. Sound checks for systems will be 5:00 pm – 8:00 pm Thursday, August 20, 2015.
- B. On Friday, August 21, 2015, sound checks will begin no earlier than 10:00 am. Doors open at 4:00 pm, and first band to begin at 5:30 pm. Music will end at 10:00 pm
- C. On Saturday, August 22, 2015, music will start at 9:00 a.m. Music will end at 10:00 p.m.
- D. On Sunday, August 23, 2015, music will start at 9:00 a.m. Music will end at 10:00 p.m.
- E. There are no grace periods on start or end times.
- E. The applicant will notify the Noise Control Office of any complaints. A mitigation plan will be formulated with the Noise Office.
- F. In terms of collecting noise data for the Noise Office: The applicant or a representative will be required to measure the following parameters and work to save the files once per act: Two minute measurement periods for compliance. Capture the following noise descriptors, Lmax and Lmin; the L1, L10, and L50; and the Leq.

Phone: 503-823-7350 • Fax: 503-823-3050 • www.portlandoregon.gov/oni



- G. Sound levels may not exceed 75dBA, with peaks to 80 dBA. These measurements are based on an instantaneous one second maximum measurement. Sound will be measured with an A meter rating and a FAST meter response.
- H. Measurements shall be completed on the West side of Naito Parkway in front of the Hotel Rose. Make sure to make notes of the general period of time when the traffic was and influence. There will be periods of time where traffic is not an impact along Naito. Please make sure to have the meter operator keep good notes.
- I. Applicant must supply the nearest receivers (Marriot and Hotel Rose) with a telephone number of a live person (Matt's cell phone number).
- J. The sound level measurements will be supplied to the Noise Control Office within 2 weeks, 14 calendar days, following the event, and include any complaints, any actions taken and response to complaints. Readings will also be made available upon request of the Noise Office during the event.

To the Applicant:

1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
3. If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.

Date:

[Handwritten signature]
23, 2015

[Handwritten signature]
Paul van Orden, Noise Control Officer

Examples of Noise Variance Permits for multiple events

What were the fees charged for these permits?

Should the fee for a permit with as many as 21 events be the same as for a single event?



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3768680

Applicant: PORTLAND PARKS AND RECREATION / DIRECTOR PARK *ALICIA HAMMOCK*
2909 SW 2ND AVE
PORTLAND OR 97201

Organization:

Activity: CONCERTS IN THE PARK

Event Location: 825 SW PARK AVE

Date(s): Jul 19, 2016 and Aug 16, 2016

Hours: 4:45 pm - 8:15 pm

FILE COPY

? HIGH IMPACT / "ALL OTHER"

5 EVENTS

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

Approved, with the following conditions:

- A. Speakers are to face away from the closest residential locations.
- B. Amplification shall not be audible further than a half block outside the park.
- C. Amplification is to cease at 8:15 p.m. SHARP.
- D. Sound levels will be reduced upon request.
- E. Applicant will supply notification of the event all neighbors within a one block radius at least one week prior to the event. Notification will include a phone number that neighbors can call to reach the Applicant to discuss questions before the event and to report concerns of excessive noise during the event.
- F. Applicant will notify the Noise Office at (503) 823-7350 of any complaints they receive. The Applicant will keep a record of how they responded to concerns raised by the community in order to report their actions back to the Noise Control Office.

To the Applicant:

1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
3. If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.

Date:

February 16, 2016

[Signature]

Paul van Orden, Noise Control Officer





CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3768673

Applicant: PORTLAND PARKS AND RECREATION / DIRECTOR PARK *ALICIA HAMMOCK*
2909 SW 2ND AVE
PORTLAND OR 97201

FILE COPY

Organization:

Activity: MONDAY SOUNDSCAPES

Event Location: 825 SW PARK AVE

Date(s): Mondays, Jun 6, 2016 through Aug 29, 2016

13 "EVENTS"

Hours: 6:00 pm - 7:00 pm

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

Approved, with the following conditions:

- Speakers are to face away from the closest residential locations.
- Amplification shall not be audible further than a half block outside the park.
- Amplification is to cease at 7:00 p.m. SHARP.
- Sound levels will be reduced upon request.
- Applicant will supply notification of the event all neighbors within a one block radius at least one week prior to the event. Notification will include a phone number that neighbors can call to reach the Applicant to discuss questions before the event and to report concerns of excessive noise during the event.
- Applicant will notify the Noise Office at (503) 823-7350 of any complaints they receive. The Applicant will keep a record of how they responded to concerns raised by the community in order to report their actions back to the Noise Control Office.

To the Applicant:

- Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
- Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
- If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.

Date:

February 16, 2016

Paul van Orden
Paul van Orden, Noise Control Officer