



---

CITY OF  
**PORTLAND, OREGON**  
OFFICE OF NEIGHBORHOOD INVOLVEMENT

---

CHLOE EUDALY, COMMISSIONER  
David Austin, Interim Bureau Director  
Noise Control Program  
1221 SW 4th Avenue, Room 110  
Portland, Oregon 97204

---

*Promoting a culture of civic engagement*

---

## **FINDINGS AND DECISION OF THE NOISE CONTROL OFFICER**

APPLICANT: OUR LADY OF LAVANG CHURCH \*SISTER MARY JOSEPHINE DOAN\*

REQUEST: SEVEN DATES OF OUTDOOR MASSES, CULTURAL EVENTS, AND AN ANNUAL FREEDOM CELEBRATION BETWEEN MAY 27<sup>TH</sup> AND OCTOBER 1, 2017

VARIANCE NUMBER: 17-134944-001-NV

DECIDED: MAY 26, 2017

***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.

### **APPLICANT'S REQUEST:**

Sister Mary Josephine Doan, representing Our Lady of La Vang Church, is requesting a noise variance to cover the use of outdoor amplification seven outdoor events at the church in the 2017 summer season. Our Lady of La Vang is requesting the following dates and time for use of amplification: May 27 2017 from 4 PM to 6 PM; June 11, 2017 from 8:30 AM to 11 AM; June 30, 2017 from 6 PM to 9 PM; July 1, 2017 4PM to 11 PM Freedom celebration; August 13, 2017 8:30 Am to 2 PM; September 10, 2017 8:30 AM to 11 AM; and October 1, 2017 2 PM to 7:30 PM

### **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. This event is not generally reported to be a bass intensive event for its use of amplifications
- D. The church has been holding events at this location for many years. In recent years neighbors have raised concerns about the volume and frequency of amplified events. In the last year the Noise Office observed a few events at the location and offered guidance for controlling the sound to Jacques Nguyen. He is a layperson who coordinates their use of the sound system for events. At more modest, shorter time frame events and for marching events around the church area, excessive sound was not produced during observations from the City.

This corresponds with the majority of concerns from the community, in which we understand the primary impacts to be for longer time frame events and the events running later into the night. The longest requested day in this application being the Freedom celebration that is tied in with the US July 4<sup>th</sup> annual holiday. This year they are holding that Freedom celebration on July 1, 2017.

A concerned community member has stated that it would be helpful to end their July 4<sup>th</sup> holiday related event earlier than the requested 11 PM end time., so kids can get to sleep. While the Noise Office will expect the dates surrounding and including July 4<sup>th</sup> to be vibrant nights with loud fireworks keeping many community members awake, we are respectfully making a hour change to the application this year and ending one hour earlier on July 1, 2017.

- E. 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.
- F. This application was initially issued on April 11, 2017. The Noise Control Officer learned at 7 AM on Friday April 21<sup>st</sup> that the notification that was to go out before the permit was finalized did not actually go out in the prescribed manner. The Noise Control Officer revoked the initial permit determination to await the completion of required community notification to neighbors for this multi-date request. The public record was left open to May 8<sup>th</sup> 2017 for additional public comment. The LA Vang church completed notification by hand to all of the residences with in the radius of notification required by the Noise Office.
- G. There has been a great deal of misinformation that has come back to the Noise Office in regards to the review criteria, misinformation on required public notification, and comparisons of this application to Land Use decisions or land use based orders or decisions from a Code Hearings Officer. The Noise Office will be sending a letter out this year to the surrounding community members within 750 feet of the location with a copy of Our Lady of LA Vang Church’s permit. The letter will include: easy contact phone numbers to our office and a clarification on why this is not the same type of decision as a land use decision that may permanently alter the land use and development patterns for surrounding neighbors. A noise variance of this nature is temporal and has checks and balances not included in many land use decisions. \